

<p>1 Monday, 4 April 2022</p> <p>2 (10.00 am)</p> <p>3 THE CHAIR: Good morning. Thank you. Take a seat,</p> <p>4 Mr Riley.</p> <p>5 MR PHILIP JAMES RILEY (sworn)</p> <p>6 Examination by MR ALTMAN</p> <p>7 THE CHAIR: Mr Altman.</p> <p>8 MR ALTMAN: Give us your full name, if you would, please,</p> <p>9 Mr Riley.</p> <p>10 A. Sorry, yes, my full name is Philip James Riley.</p> <p>11 Q. Mr Riley, can you confirm, please, that you have</p> <p>12 provided two witness statements to the inquiry, the</p> <p>13 first dated 12 November last year, and your more recent</p> <p>14 statement, 3 February of this year?</p> <p>15 A. Yes, Mr Altman, I can confirm that I have submitted</p> <p>16 those witness statements.</p> <p>17 I would also like to take the chance, in addition to</p> <p>18 the witness statements, to apologise to the people at</p> <p>19 Brook House in 2017 who suffered the distressing</p> <p>20 incidents we saw in Panorama.</p> <p>21 You know, I have reflected over the period and, you</p> <p>22 know, the failures in the contract, in the level of</p> <p>23 Home Office supervision, you know, are deeply</p> <p>24 distressing for everybody and I would like to open today</p> <p>25 just to apologise about that.</p> <p>Page 1</p>	<p>1 front of you which will be on green the whole time, but</p> <p>2 if you can raise your voice a little bit?</p> <p>3 A. Sorry, is that clearer, Mr Altman?</p> <p>4 Q. At the moment, yes. I will remind you if it isn't.</p> <p>5 How long have you been in your current position?</p> <p>6 A. I took up my post just over three and a half years ago</p> <p>7 now, so from September 2018.</p> <p>8 Q. Yes, and did you take over that position from</p> <p>9 Clare Checksfield?</p> <p>10 A. There was a short period where Alan Gibson was the</p> <p>11 acting director between Clare moving into a new role and</p> <p>12 myself taking up post, but pretty much so, yes.</p> <p>13 Q. Yes. In your paragraph 5 of your first witness</p> <p>14 statement, you talk about, having rewatched the Panorama</p> <p>15 documentary, you shared the shock felt by your</p> <p>16 Home Office colleagues, predecessors and ministers at</p> <p>17 the treatment of people detained at Brook House by some</p> <p>18 G4S staff. How many times, in fact, did you watch</p> <p>19 Panorama?</p> <p>20 A. I have watched it in full three times now, so I watched</p> <p>21 it, you know, in preparation of the statement, I watched</p> <p>22 it this weekend just gone, and I watched it before</p> <p>23 I applied for the job of Director of Detention and</p> <p>24 Escorting Services.</p> <p>25 Q. So you will remember, Mr Riley, by way of example, on</p> <p>Page 3</p>
<p>1 Q. Thank you for that.</p> <p>2 Just coming back to the formalities --</p> <p>3 A. Sorry, sir.</p> <p>4 Q. Did you annex to your second witness statement</p> <p>5 a document which sets out the Home Office's response to</p> <p>6 various recommendations by various reports?</p> <p>7 A. Yes.</p> <p>8 Q. Chair, those are respectively <HOM0332005>, that is the</p> <p>9 first statement; <HOM0332051>, that is the second witness</p> <p>10 statement; and <HOM0332050>, which is the annex which</p> <p>11 I just made mention of.</p> <p>12 THE CHAIR: Thank you.</p> <p>13 MR ALTMAN: Mr Riley, tell us something about yourself to</p> <p>14 begin with, please, what position do you occupy within</p> <p>15 the Home Office?</p> <p>16 A. I am the Director of Detention and Escorting Services,</p> <p>17 so I am responsible for the operation of immigration</p> <p>18 removal centres in-country and overseas escorting, the</p> <p>19 procurement of new operating contracts and, at the</p> <p>20 moment, for the next couple of weeks, the six secure</p> <p>21 processing hotels.</p> <p>22 Q. Now, it may just be me, Mr Riley, I am struggling to</p> <p>23 hear you. Can you move a little forward in your seat?</p> <p>24 A. Of course, of course.</p> <p>25 Q. And, obviously, you have got those two microphones in</p> <p>Page 2</p>	<p>1 25 April 2017, Yan Paschali, with his hands around the</p> <p>2 throat of a detainee ciphered as D1527, a vulnerable</p> <p>3 man, verbally abusing him and threatening to put him to</p> <p>4 sleep. And the same man being called a "idiot" and</p> <p>5 a "tool" and suchlike by another G4S staff member, or,</p> <p>6 for example, on 13 May 2017, D687, also a mentally</p> <p>7 fragile man, threatening to kill himself to avoid</p> <p>8 a transfer, while securing his neck by a ligature to</p> <p>9 a bracket over a lavatory before force was used on him,</p> <p>10 and he was one of those who should never have been there</p> <p>11 because he should have been released under rule 35(1) --</p> <p>12 in other words, continued detention was injurious to his</p> <p>13 health, and under rule 35(2), because he held ideas of</p> <p>14 suicide.</p> <p>15 But you will appreciate he was not released and the</p> <p>16 use of force that was used on him ought not to have been</p> <p>17 used in the way it was because, according to the expert,</p> <p>18 matters should have been de-escalated by talking to him</p> <p>19 more.</p> <p>20 That is another example that you will have been</p> <p>21 familiar with by watching the programme, presumably?</p> <p>22 A. I remember the incidents from the programme, Mr Altman.</p> <p>23 I am not sure I have seen the detail of the rule 35(1)</p> <p>24 and rule 35(2) reports on the witness, so I couldn't</p> <p>25 judge whether or not he should have been released or</p> <p>Page 4</p>

<p>1 not.</p> <p>2 Q. On 17 May, a C&R instructor advising that a man</p> <p>3 protesting on the netting -- being advised by the</p> <p>4 instructor, the junior officer being advised by the</p> <p>5 instructor, to call him "nigger" and how they would</p> <p>6 assault him; do you remember that?</p> <p>7 A. Again, I remember the clip from the documentary, yes.</p> <p>8 Q. Finally, just an example from the documentary on 14 June</p> <p>9 a man, stupefied by taking spice that had been clearly</p> <p>10 smuggled into the IRC, being called a "div" and</p> <p>11 a "scrotum" by the DCM?</p> <p>12 A. I remember the clips yes.</p> <p>13 Q. Do you agree, therefore, just by those examples and</p> <p>14 clearly by the apology you made at the beginning of your</p> <p>15 evidence, Mr Riley, that we all need reminders of the</p> <p>16 awfulness of that place during the relevant period?</p> <p>17 A. I say, Mr Altman, I apologise for what was happening and</p> <p>18 the distress those individuals suffered at the time.</p> <p>19 You know, there were failings, as I say, in our</p> <p>20 supervision of the contract and in the way the contract</p> <p>21 itself was written.</p> <p>22 Q. Yes, we will come back to that in due course.</p> <p>23 Do you agree, in the position you now occupy,</p> <p>24 Mr Riley, that it is necessary to avoid the risk that</p> <p>25 focus on the management and oversight processes relevant</p> <p style="text-align: center;">Page 5</p>	<p>1 undercover reporter -- is expressing concern about that</p> <p>2 man, D1914, returning, Dan Lake saying "Give him a right</p> <p>3 hook, mate". Does that shock you?</p> <p>4 A. Yes.</p> <p>5 Q. On 14 June, Dan Small, another officer at G4S -- a G4S</p> <p>6 officer at Brook House, saying that he didn't like</p> <p>7 London and, when asked why not, saying "Spot the white</p> <p>8 person when you go to London". Racism.</p> <p>9 A. Yes.</p> <p>10 Q. The same man, on the same day, reportedly saying, in</p> <p>11 response to hearing about the Grenfell Tower fire, "Oh</p> <p>12 well, that is less -- a few less foreigners in England",</p> <p>13 and then saying that he thought the country would be</p> <p>14 better off without foreigners and that the job -- in</p> <p>15 other words, the job of working at Brook House -- had</p> <p>16 made him racist. Were you familiar with that?</p> <p>17 A. No.</p> <p>18 Q. On the next day, 15 June -- I am just giving you some</p> <p>19 examples, all of which have come out in the evidence,</p> <p>20 Mr Riley --</p> <p>21 A. Hmm.</p> <p>22 Q. -- Sean Sayers, talking to staff members about</p> <p>23 an incident earlier that day with another detained man,</p> <p>24 D313, during which he is alleged to have assaulted him,</p> <p>25 saying, "Literally, picked him up off his feet, took him</p> <p style="text-align: center;">Page 7</p>
<p>1 to the running of Brook House shouldn't mask the human</p> <p>2 suffering and distress that we have witnessed when we</p> <p>3 view all of the underlying footage?</p> <p>4 A. Yes, I do. If I understand your question correctly,</p> <p>5 yes, I do. I think we cannot forget the underlying</p> <p>6 human suffering that was exposed in Panorama, but we</p> <p>7 can't ignore the underlying individuals in detention at</p> <p>8 any stage, I think is your question.</p> <p>9 Q. Have you, yourself, watched any of the disclosed but</p> <p>10 unbroadcast footage or have you limited yourself to the</p> <p>11 Panorama documentary?</p> <p>12 A. I have limited myself to the documentary, sir.</p> <p>13 Q. We have lots of examples, all of which have come out in</p> <p>14 the course of the evidence, and hopefully some of this</p> <p>15 is familiar to you. On 27 May, Dan Lake saying of</p> <p>16 D1914, "If he dies, he dies" -- were you familiar with</p> <p>17 that? --</p> <p>18 A. No, no.</p> <p>19 Q. -- following a discussion about this man being removed,</p> <p>20 he already having had three triple heart bypasses and</p> <p>21 a heart attack, and he wasn't the only one to use the</p> <p>22 phrase, "If he dies, he dies". Were you familiar with</p> <p>23 that phrase at all?</p> <p>24 A. I remember the individual in the documentary, yes.</p> <p>25 Q. The next day, when Callum Tulley -- he is the BBC</p> <p style="text-align: center;">Page 6</p>	<p>1 to his room, threw him onto his bed, I slipped,</p> <p>2 accidentally landed on him and then accidentally helped</p> <p>3 myself up off his face"; were you familiar with that?</p> <p>4 A. No, I wasn't, Mr Altman.</p> <p>5 Q. These are all instances which were not screened on</p> <p>6 Panorama but they have filled our time -- not all of it,</p> <p>7 but some of our time during the course of these</p> <p>8 hearings. Were you unfamiliar with these?</p> <p>9 A. I haven't got the exact phrases and words. So my team</p> <p>10 provide me with a daily summary of the hearing, but, you</p> <p>11 know, that is all -- I intend to watch more of the</p> <p>12 evidence when I get the chance. It is a particularly</p> <p>13 busy operational time at the moment, as we prepare for</p> <p>14 this year's small boat arrivals, put our contingencies</p> <p>15 in place and look to procure the operating contracts</p> <p>16 for Derwentside and Heathrow, so I have to prioritise my</p> <p>17 time between business-as-usual activity and keeping in</p> <p>18 touch with the inquiry.</p> <p>19 This week alone, despite being here today and in</p> <p>20 Derwentside, actually, on Thursday, I still have 40-odd</p> <p>21 other meetings this week to undertake, so I rely on</p> <p>22 Richard O'Connor and the team to provide me with the</p> <p>23 summary, and that summary doesn't always include every</p> <p>24 bit of detail of the evidence, I am afraid.</p> <p>25 Q. Well, let me give another example from the evidence.</p> <p style="text-align: center;">Page 8</p>

<p>1 On 19 June, Sean Sayers, another employee of G4S, 2 calling D720 a "cunt" and a "fucking dick" and saying 3 "I am going to skull fuck you" -- saying to this man, 4 "I am going to skull fuck you like the little bitch you 5 are", in the presence of other staff members and 6 detained people. None of it's acceptable, is it? 7 A. No. And you know, as I have already said, Mr Altman, 8 I apologise for the distress that the people at 9 Brook House suffered at that time. 10 What you are saying, you know, are more and more 11 examples of the behaviours we saw in the documentary 12 that are unacceptable, and I accept that. 13 Q. Moving slightly away from footage that you haven't had 14 the capacity to watch and were unfamiliar with, are you 15 aware of -- and this has also come out of the evidence, 16 but this isn't footage -- are you also aware of a man 17 who was a DCO but acted up as a DCM by around 31 July of 18 2017 by the name of Derek Murphy? Does that name ring 19 any bells with you? 20 A. It doesn't, no. 21 Q. He punched a detained person, D2953, on three occasions 22 in June 2017 -- on the 10th, 11th and 16th -- to various 23 parts of his body. D2953 made various complaints about 24 these matters in that month, including a formal 25 complaint on 23 June. But these matters were not</p> <p style="text-align: center;">Page 9</p>	<p>1 capability, capacity, to absorb that much hits a buffer 2 at some stage, and if I needed to prioritise a different 3 order, then I apologise, but it wasn't through lack of 4 effort on my behalf. 5 Q. One could question why you left it until Saturday? 6 A. I have been reading -- 7 MR BLAKE: Sorry, chair, that document was only notified to 8 the Home Office on Saturday, so that is an unfair 9 complaint. If Mr Altman would like this witness to look 10 at that document, we can take five minutes and we can 11 look at that document. We have the whole day, there is 12 no rush, and I don't see why he can be criticised for 13 a document that was notified to him on Saturday. 14 MR ALTMAN: Yes, when we were asked if there were any 15 further documents only on Friday. 16 I am not going to take the time to ask Mr Riley to 17 look at it. I am simply questioning what he has looked 18 at, and why, when we were asked if there were extra 19 documents, and a table of extra documents of which there 20 were about half a dozen were sent on Saturday morning, 21 Mr Riley didn't look at one of the documents which was 22 put in that list. It is as simple as that. 23 THE CHAIR: Thank you. 24 MR ALTMAN: Did you listen, Mr Riley, to the evidence of 25 Gordon Brockington on Thursday last, on 31 March -- have</p> <p style="text-align: center;">Page 11</p>
<p>1 invested by the PSU until October 2017. 2 You should have seen some documentation to this 3 effect over the weekend, Mr Riley. Did you look at it? 4 A. There was a complaint by -- 5 Q. This man. 6 A. Yes. 7 Q. By this man and there was a PSU report. Did you read 8 that? 9 A. I haven't read the PSU report. 10 Q. Well, why didn't you? Because we were asked on Friday 11 evening, by people on your behalf, whether there were 12 any extra documents which you ought to be aware of which 13 were not in the evidence proposal, and that process was 14 completed on Saturday morning, it was emailed to the 15 Home Office. 16 A. Hmm. 17 Q. And two of the documents which were included for your 18 reading were D2953's formal complaint, <CJS001616> and 19 the PSU report into that complaint <CJS001506>. Why 20 didn't you read it? 21 A. I spent the weekend reading, Mr Altman, but there was 22 a limit to my capacity to read documents. I spent 23 approximately 16 hours, on Sunday and Saturday together, 24 reading documents and refreshing myself of the files, 25 but there was an awful lot in the bundle and my</p> <p style="text-align: center;">Page 10</p>	<p>1 you had an opportunity for that? 2 A. No, I have looked through the transcript of his 3 evidence, though. 4 Q. In the course of his evidence -- you know who he is -- 5 A. Yes. 6 Q. -- clearly. In the course of his evidence, on 31 March, 7 Mr Brockington insisted, reflecting G4S's view, on his 8 understanding that the incidents shown on Panorama were 9 isolated incidents. 10 In effect, he was telling the inquiry that his 11 understanding was that that was the limit of the abuse. 12 Do you agree or disagree with him? 13 A. I wasn't at Brook House at the time. However, my view 14 is that it is dangerous to conclude at any stage that 15 things are isolated until they have been properly 16 investigated and, if warning flags are raised, then 17 a full investigation needs to take place to understand 18 the extent. And, you know, we have seen this recently, 19 there have been issues with other operation contracts, 20 not in the custodial area, where we have not relied on 21 the fact that they are isolated and have taken a more 22 root and branch approach to the review, in partnership 23 with the supplier. 24 So I heard what Mr Brockington -- well, I read what 25 Mr Brockington said. I can't comment on his view of</p> <p style="text-align: center;">Page 12</p>

<p>1 Brook House at the time or his personal view, but</p> <p>2 I would take a different view if I were faced with such</p> <p>3 an allegation.</p> <p>4 Q. If you look at your paragraph 7 of your first witness</p> <p>5 statement, at page 3, you say:</p> <p>6 "Even with the benefit of hindsight, I do not</p> <p>7 consider that there had been any indication that the</p> <p>8 abuses in question were in any way inevitable."</p> <p>9 What do you mean by that?</p> <p>10 A. What I mean was that, you know, I don't think that they</p> <p>11 were bound to have happened and that we could have</p> <p>12 predicted they were going to happen and taken -- taking</p> <p>13 corrective action at the time. So, as I go on to say</p> <p>14 here, you know, I am reminded of the Brook House report,</p> <p>15 that the board has seen and heard nothing. There were</p> <p>16 no obvious visible warning signs that may account for</p> <p>17 the Home Office actions. So we hadn't seen, at that</p> <p>18 stage, Mr Altman, you know, to the absolute benefit of</p> <p>19 my knowledge, and I have spoken to staff who were there</p> <p>20 at the time, we hadn't seen the warning indicators that</p> <p>21 might have instigated a further, more in-depth review by</p> <p>22 Home Office staff at the time.</p> <p>23 Q. The report that you are referring to is the IMB report</p> <p>24 for 2017.</p> <p>25 A. Hmm.</p> <p style="text-align: center;">Page 13</p>	<p>1 going on, certainly G4S knew about it in 2014 and, if</p> <p>2 they did, should they have brought it to the</p> <p>3 Home Office's attention?</p> <p>4 A. I would expect a supplier to bring a concern like that</p> <p>5 to the Home Office, and I think, as Mr Hewer made clear</p> <p>6 on Friday, you know, culturally, Serco feel that they</p> <p>7 would do that if that were to occur now.</p> <p>8 Q. In that same paragraph of your witness statement, do you</p> <p>9 see where you say:</p> <p>10 "The absence of obvious, visible warning signs may</p> <p>11 also account for Home Office staff not reporting any</p> <p>12 apparent abuses during the relevant period."</p> <p>13 Presumably, you mean the front line Home Office</p> <p>14 staff in Brook House at the time?</p> <p>15 A. That's correct, yes.</p> <p>16 Q. You add:</p> <p>17 "I believe that had any Home Office staff seen</p> <p>18 anything of concern during the relevant period, they</p> <p>19 would have reported it. As a senior leader in the</p> <p>20 organisation for three years, who spends much of his</p> <p>21 time inside our IRCs, I am very confident that, were</p> <p>22 Home Office officials to become aware of any</p> <p>23 reoccurrence of this kind of treatment, it would not go</p> <p>24 unchallenged."</p> <p>25 Out of interest, how much time have you spent in</p> <p style="text-align: center;">Page 15</p>
<p>1 Q. <VER000138> at page 4, and perhaps we can put it up,</p> <p>2 Zaynab.</p> <p>3 The passage I suspect you had in mind is that which</p> <p>4 begins right at the bottom. Zaynab, if you could scroll</p> <p>5 up:</p> <p>6 "The IMB was horrified at the completely</p> <p>7 unacceptable behaviour of the small group of staff shown</p> <p>8 in the footage. We have never witnessed instances of</p> <p>9 ill-treatment of this kind, nor have we had any</p> <p>10 indications that it might be happening. If we had, we</p> <p>11 feel confident that we could have taken our concerns</p> <p>12 immediately to the top management of G4S and the</p> <p>13 Home Office at the Centre."</p> <p>14 Is it that paragraph in particular that you had in</p> <p>15 mind?</p> <p>16 A. That's correct, yes.</p> <p>17 Q. I don't know, Mr Riley, you make clear -- and, of</p> <p>18 course, you were not there in 2017, let alone in 2014,</p> <p>19 but had you become aware that, as long ago as 2014 and</p> <p>20 2015, concerns about the treatment by staff of detainees</p> <p>21 at Brook House were being brought to the attention of</p> <p>22 the senior management team at Brook House?</p> <p>23 A. No, I wasn't aware at that ...</p> <p>24 Q. So, although, perhaps, the Home Office takes comfort</p> <p>25 from the IMB's apparent ignorance of what was in truth</p> <p style="text-align: center;">Page 14</p>	<p>1 Brook House since you have been in post, Mr Riley?</p> <p>2 A. I visited Brook House a number of times and</p> <p>3 Tinsley House next to it as well. I was last in</p> <p>4 Tinsley House in November and I have visited Brook House</p> <p>5 on at least three occasions last year, so I go to IRCs</p> <p>6 on a regular basis. It is not just Brook House, it is</p> <p>7 not just Tinsley House, you know, I have seven sites,</p> <p>8 short-term holding facilities and other sites, holding</p> <p>9 rooms in ports, to visit as well, so I spread my time.</p> <p>10 It has also been difficult, over the last two years,</p> <p>11 with Covid, to visit as often as I have wanted to,</p> <p>12 because I didn't want to become a super-spreader and,</p> <p>13 you know, spread Covid from centre to centre, so my</p> <p>14 visits were reduced somewhat in the last year or so, but</p> <p>15 I still make regular visits to IRCs and, when I visit,</p> <p>16 I make sure that I, you know, I speak to everybody.</p> <p>17 I speak to the health staff, I speak to the supply</p> <p>18 teams, I speak to the Home Office (inaudible), I draw</p> <p>19 keys and speak to residents.</p> <p>20 Q. You came on post a year to the month after the Panorama</p> <p>21 programme was first broadcast?</p> <p>22 A. Indeed.</p> <p>23 Q. Did you make a conscious effort to make sure that your</p> <p>24 visits to IRCs -- of course, we are dealing with</p> <p>25 Brook House in particular -- were more frequent,</p> <p style="text-align: center;">Page 16</p>

1 perhaps, than your predecessor's? Do you know if they
 2 were more frequent than your predecessor's?
 3 **A. I think they were more frequent than my predecessor, for**
 4 **various reasons. You know, Clare had some mobility**
 5 **problems and she, you know, when she went out to the**
 6 **centres, she perhaps didn't, you know, go out and about**
 7 **as much as I do. I have a different leadership style to**
 8 **Clare. It is not to say mine is better or her's is**
 9 **better but we have different styles.**
 10 **I -- you know, I spent 20-something years in the**
 11 **Prison Service, and I am used to operating in a closed**
 12 **institution. I feel comfortable going out on my own and**
 13 **speaking to residents, and there is a degree of**
 14 **usefulness on being on my own, without supply or**
 15 **Home Office staff, and just sitting there sometimes and**
 16 **talking to residents and having a cup of tea with them**
 17 **and listening to their experiences. Not just of**
 18 **detention, but of their experiences in general.**
 19 **Q. When you go, as you seem to be -- forgive me -- as you**
 20 **seem to be implying, do you go around the whole**
 21 **building, for example, do you go on the residential**
 22 **wings, all of them, the E wing, CSU or are your visits**
 23 **limited?**
 24 **A. They vary depending on the time I've got, what is**
 25 **happening. Over the last couple of years, on Covid, you**

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1 know, in the units, the outbreak, I have had to take
 2 a decision whether or not I have gone on it. Sometimes
 3 I see specific units, sometimes I take the whole tour,
 4 sometimes I just go where it takes me, at times.
 5 They are not particularly pre-planned when I visit
 6 on my own. If I visit with an official or I visit, for
 7 example, with ministers, the Permanent Secretary or
 8 others, then there is quite often a pre-planned agenda
 9 and tour route. So it is a mixed economy, Mr Altman.
 10 **Q. Yes. Paragraph 8 of your first witness statement:**
 11 **"Whilst the ill-treatment of detainees was**
 12 **perpetrated by G4S (and not Home Office) staff, I accept**
 13 **that there may be legitimate questions asked of the**
 14 **system that allows individuals like these to have been**
 15 **allowed to pass through the Home Office's certification**
 16 **process and commence work in an IRC."**
 17 **A. Yes.**
 18 **Q. What legitimate questions do you have in mind?**
 19 **A. That -- I look at the assurance processes that we have**
 20 **now, and the monthly meetings to review complaints**
 21 **against supplier staff, our 100 per cent audit of use of**
 22 **force and the safeguards we have now, which have, you**
 23 **know, been properly resourced and I wonder that, if we**
 24 **had them then, would it have made a difference, and, you**
 25 **know, why didn't we have those in place then? And could**

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1 **we have reasonably have predicted that this would have**
 2 **happened? And, you know, not as I say, but, with**
 3 **hindsight, perhaps our assurance measures should have**
 4 **been better.**
 5 **Q. You continue:**
 6 **"There were clearly organisational failings on the**
 7 **part of the Home Office, mostly in the areas of**
 8 **performance management and assurance which subsequent**
 9 **reports into our oversight at Brook House have rightly**
 10 **highlighted. I imagine that the inquiry is likely to**
 11 **hear evidence of a combination of factors that created**
 12 **the very challenging operational environment of**
 13 **Brook House at that time (including a high proportion of**
 14 **particularly challenging time-served foreign national**
 15 **offenders, and the proliferation of dangerous**
 16 **psychoactive substances). Nonetheless, whilst I accept**
 17 **that the environment at this time was a very challenging**
 18 **one for staff, I do not accept that there was any excuse**
 19 **for some of the appalling behaviour perpetrated by**
 20 **certain individuals in the documentary."**
 21 **That is your position, Mr Riley, and one assumes you**
 22 **have not changed your mind?**
 23 **A. No.**
 24 **Q. Paragraph 6, if you just go back, of your first witness**
 25 **statement.**

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1 **A. Yes.**
 2 **Q. I may have a wrong reference -- I just thought it was**
 3 **paragraph 6, I may be wrong. Somewhere, you say -- you**
 4 **may remember this -- that you remain clear in your**
 5 **opinion that the misconduct in question was perpetrated**
 6 **by a small minority of staff who were not reflective of**
 7 **the whole work force of the culture -- do you remember**
 8 **saying that of --**
 9 **A. That is paragraph 6, Mr Altman, yes.**
 10 **Q. Yes, I have obviously taken my eye off it, yes, thank**
 11 **you.**
 12 **As you said at paragraph 7, you were very confident**
 13 **that, were Home Office officials to become aware of any**
 14 **recurrence, it wouldn't go unchallenged. At paragraph 8**
 15 **you say, as we saw -- it is the ill-treatment of**
 16 **detainees:**
 17 **"... the ill-treatment of detainees was perpetrated**
 18 **by G4S (and not Home Office) ..."**
 19 **If we go to paragraph 16, if you would, towards the**
 20 **bottom of that paragraph:**
 21 **"I am confident that, had any Home Office officials**
 22 **on site become aware of serious misconduct on the part**
 23 **of G4S colleagues, they would have reported it. I must**
 24 **infer, given that no such abuse was reported, that**
 25 **individual staff at Brook House were oblivious to the**

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5 (Pages 17 to 20)

<p>1 conduct of certain G4S employees."</p> <p>2 You may be aware that the inquiry has heard a good</p> <p>3 deal about lack of leadership, failures of oversight,</p> <p>4 about what that means for institutional practice, and</p> <p>5 culture on the ground, and about how behaviour and</p> <p>6 attitude cascades downwards.</p> <p>7 Are you aware of those themes which have littered</p> <p>8 through the hearings?</p> <p>9 A. Broadly, Mr Altman, broadly.</p> <p>10 Q. Paul Gasson, is that a name that is familiar to you?</p> <p>11 A. Yes.</p> <p>12 Q. The Home Office compliance manager, he was a little</p> <p>13 reluctant to accept that, as the Home Office and the</p> <p>14 detaining body with responsibility for detention, he set</p> <p>15 the standards and tone.</p> <p>16 What do you think about that?</p> <p>17 A. Well, I cannot comment on Mr Gasson's personal view, but</p> <p>18 I do know that the current head of operations,</p> <p>19 Michelle Smith, who, I think, submitted a witness</p> <p>20 statement, and the current service delivery manager at</p> <p>21 Gatwick, Simon Murrell, are very clear about role</p> <p>22 modelling behaviours.</p> <p>23 It is something I believe strongly in, that the</p> <p>24 senior leaders should role model the correct behaviours.</p> <p>25 And give that leadership to the staff and that is not</p> <p style="text-align: center;">Page 21</p>	<p>1 Q. She attended C&R training, on 22 February 2018, with G4S</p> <p>2 and other staff. Perhaps unknown to her, she was also</p> <p>3 attending with charity workers from an organisation</p> <p>4 known as Hibiscus. This was five months after Panorama,</p> <p>5 when, I am sure you will agree, it might reasonably be</p> <p>6 expected that greater care would have been shown</p> <p>7 especially around issues of use of force.</p> <p>8 Can we just look at a document which is in your</p> <p>9 bundle, Mr Riley -- whether or not you looked at it,</p> <p>10 maybe you will tell us when we put it up on the screen.</p> <p>11 A. Is it in the first bundle?</p> <p>12 Q. Don't worry about the bundle, I am going to put it up on</p> <p>13 the screen. <HOM005908> page 9, please, and perhaps the</p> <p>14 first page first, Zaynab. You will see it is</p> <p>15 an immigration enforcement document:</p> <p>16 "An investigation into alleged misconduct by</p> <p>17 Vanessa Smith, and if we go to page 9, please, these</p> <p>18 summarise what the allegations were:</p> <p>19 "Allegation 1: in reference to an incident on Monday</p> <p>20 night where an officer had punched a detainee in the</p> <p>21 face (several detainees had barricaded themselves in</p> <p>22 their room and had weapons and had made the floor wet</p> <p>23 and soapy. An officer was apparently the last one</p> <p>24 standing and punched one of them), Vanessa from the</p> <p>25 Home Office said he deserved it and 'had it coming'.</p> <p style="text-align: center;">Page 23</p>
<p>1 just at that level, it is at my level as well. And</p> <p>2 I have been very clear, since taking up post, to send</p> <p>3 out weekly messages to staff, setting out important</p> <p>4 messages from myself, which I think are key, I have</p> <p>5 staff, staff calls, I have done a lot of work on staff</p> <p>6 culture with my oversight team, both operational and</p> <p>7 non-operational staff, to make sure that, you know, that</p> <p>8 messaging is there and the expectations of senior</p> <p>9 leaders are clear to staff at all grades, both</p> <p>10 operational and non-operational, in Detention Services.</p> <p>11 Q. He did concede that he was at least part of the culture,</p> <p>12 but are you agreeing that the onsite Home Office</p> <p>13 official contributes to the institutional tone and</p> <p>14 culture, and helps set it?</p> <p>15 A. I think it is far easier now to do so, that we have</p> <p>16 a stronger team and a better delineation of</p> <p>17 responsibility but, equally, yes, I think all leaders</p> <p>18 have a responsibility to set the tone, but, you know,</p> <p>19 I refer later in my statement, I know, to the increase</p> <p>20 of staff we put in there, at Brook House and other IRCs</p> <p>21 and to have a team dedicated to the compliance and the</p> <p>22 relationship with the supplier. I think that also goes</p> <p>23 to set the tone of what is expected as well.</p> <p>24 Q. Are you aware of the Vanessa Smith case?</p> <p>25 A. No, sir.</p> <p style="text-align: center;">Page 22</p>	<p>1 [Someone] then said 'We don't say that, Vanessa'.</p> <p>2 "For the reasons given above, I find that on the</p> <p>3 balance of probabilities, there is a case to answer."</p> <p>4 There was a second allegation, which Mr Norton, the</p> <p>5 investigation manager, investigated:</p> <p>6 "Allegation 2: Vanessa from the Home Office seemed</p> <p>7 to have a very negative attitude towards detainees.</p> <p>8 This was shown through laughter at comments made,</p> <p>9 comments she made herself and her general attitude to</p> <p>10 violence, eg 'I'd go to town on them'.</p> <p>11 "For the reasons [which are given throughout the</p> <p>12 report], I find on the balance of probabilities, there</p> <p>13 is no case to answer."</p> <p>14 So did you manage to see that document when you did</p> <p>15 your reading?</p> <p>16 A. No, I didn't see this one, Mr Altman.</p> <p>17 Q. In relation to that second allegation, it was</p> <p>18 substantiated by G4S in an investigation they had</p> <p>19 conducted previously, albeit, as we see, not by the</p> <p>20 Home Office, if we go, please, to a different document,</p> <p>21 <HOM005901> first of all at page 1, "Investigation into</p> <p>22 the inappropriate behaviour and language used by C&R</p> <p>23 instructors during ITC training at Brook House IRC".</p> <p>24 If we go, please, to page 8, we will see allegation</p> <p>25 12 -- there were several allegations against several</p> <p style="text-align: center;">Page 24</p>

<p>1 people during the course of this investigation, 2 Mr Riley, but allegation 12: 3 "Vanessa from the Home Office seemed to have a very 4 negative attitude towards detainees. This was shown 5 through laughter at comments made, comments she made 6 herself and her general attitude to violence ..." 7 As we saw in the Home Office document "I'd go to 8 town on them": 9 "All three of the Hibiscus staff reported 10 a significant level of concern around the behaviour of 11 Vanessa which will be raised by the investigating 12 officer with her immediate line management at the 13 Home Office on the 1st of March 2018 (substantiated: 14 yes)." 15 Presumably, Mr Riley, none of that is anything that 16 you would expect of a Home Office officer? 17 A. No, it isn't. 18 Q. Do you think that undermines your confidence in 19 Home Office attitudes or a willingness to report things 20 or do you think this is just a one-off? 21 A. I would hope that that is a one-off. As I say, I am 22 confident in the teams that we have in the IRCs, the 23 numbers of the teams and the fact that, you know, there 24 are multiple levels of cover, including, you know -- 25 excuse me -- first-line and second-line assurance now</p> <p style="text-align: center;">Page 25</p>	<p>1 Q. -- because there were 17 other allegations, 13 of which 2 were upheld. Many were against the C&R trainers who 3 were involved in this course. But, if you went through 4 them, you could see the seriousness and scale of them, 5 yet Vanessa Smith didn't report any of the language or 6 attitudes that she was clearly privy to, which, again, 7 would surely be contrary to your expectations? 8 A. As I say, Mr Altman, I am disappointed in that, because 9 my judgment, from what I know of Paul Gasson, who 10 I think is, you know, an incredibly valued member of 11 staff, and the team that were there then and the team 12 that are there now, in particular, who I know and 13 I speak to regularly, it is my judgment that if they saw 14 something like that, they would report it, and I am 15 disappointed by this. 16 Q. If we go back to the other document, the Home Office 17 document, investigation report, I previously put up 18 <HOM005908>, page 7, and the second paragraph, with 19 regards to the first allegation. This is an interview 20 with Ms Smith which look place on 6 April -- again, 21 accepting, Mr Riley, you were not in post at the time, 22 but with regard to that first allegation, four lines 23 down: 24 "Vanessa confirmed that she made the comment alleged 25 by Hibiscus staff but, by way of context, advised that</p> <p style="text-align: center;">Page 27</p>
<p>1 that Home Office teams raises. 2 As I have said, Mr Altman, we have done an awful lot 3 of work over the last four years -- three years, four 4 years -- in learning from the Wendy Williams report, 5 from what has happened at Brook House, and generally 6 about our cultural attitude to how we treat people. 7 Only last year, we were doing cultural awareness 8 workshops where we looked at our own culture and our 9 beliefs and our ethical boundaries, and staff of all 10 grades were invited on that and worked in groups, both 11 operational and non-operational, to share experiences 12 from each other. 13 I cannot -- I can't be complacent and, as my team 14 will tell you, I believe that learning and development 15 is a continual process and, once you stop trying to 16 improve, then you are at risk of going backwards. So, 17 you know, I am trying to instigate a learning culture 18 where we keep developing and keep learning in new ways, 19 but that is not the kind of comment I would expect from 20 a Home Office member of staff and I am disappointed by 21 it. 22 Q. I mean, we won't go through the report, in the interests 23 of time, Mr Riley, but it might be worth you looking at 24 it when you get a moment -- 25 A. Yes.</p> <p style="text-align: center;">Page 26</p>	<p>1 she was responding in kind to the language used by 2 trainers and some delegates throughout the day." 3 So whereas you would expect a Home Office official, 4 in whichever post that person -- whichever post or role, 5 or grade that person occupied, you would expect that 6 person, rather than to be influenced and encouraged, and 7 to play along, to do the opposite and report? 8 A. Yes, I accept that, Mr Altman. 9 Q. It must be clear, Mr Riley, that before you wrote either 10 of your witness statements, you were completely unaware 11 of this? 12 A. I was unaware of this, yes. 13 Q. And you are still unaware of it today? 14 A. Yes. And as I say, it is incredibly disappointing that 15 a Home Office member of staff behaved in this way, but 16 I make the point that, you know, I do feel that the work 17 we have done over the last four years, and continue to 18 do, and have planned over future years, all of the time 19 mitigates the risk of this reoccurring, because we 20 continually stress to the staff what is appropriate and 21 role model those behaviours. 22 So I am disappointed, but I would hope that this 23 wouldn't happen now because staff are far more aware and 24 are, as I say, our training is such and our cultural 25 awareness is such that we are working all the time on</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 these kind of issues.</p> <p>2 Q. The worry, and you will understand why I bring it to</p> <p>3 your attention, Mr Riley, again emphasising you were not</p> <p>4 in post at the time, but this is several months after</p> <p>5 Panorama and, although this might be just an example,</p> <p>6 and maybe it is a one-off, but it rather suggests people</p> <p>7 are not listening or learning lessons.</p> <p>8 A. I think it suggests that this individual behaved</p> <p>9 inappropriately here. I am not sure whether it is</p> <p>10 an indication of something systemic, but, as you rightly</p> <p>11 suggest, I need to review this evidence when I have the</p> <p>12 time and, as I said before, if there was a flag that</p> <p>13 there is an issue, then it is right that we follow that</p> <p>14 up, you know, and reassure ourselves that it is not</p> <p>15 something wider or systemic. But, you know, I know the</p> <p>16 staff that work at Brook House, I have seen the work</p> <p>17 that they did, especially during the difficult times in</p> <p>18 the second half of 2020 with the small boat cases and,</p> <p>19 you know, the empathy and compassion and professionalism</p> <p>20 they showed is completely out of line with the comments</p> <p>21 I see here.</p> <p>22 Q. Let's move away from that then, please, Mr Riley, and</p> <p>23 give some consideration to the original contract. You</p> <p>24 deal with this in your first witness statement and there</p> <p>25 is a section which begins at paragraph 21, but can</p> <p style="text-align: center;">Page 29</p>	<p>1 2007/2008 and G4S took over from GSL, they acquired them</p> <p>2 and the contract was novated to G4S.</p> <p>3 So:</p> <p>4 "The Home Office went into the Brook House contract</p> <p>5 with their eyes wide open about the poor quality of GSL</p> <p>6 provisions and the potential effects this could have on</p> <p>7 detainees, including for their safety and welfare.</p> <p>8 I have had sight of the Home Office's internal</p> <p>9 evaluation of contractor proposals for schedule D of</p> <p>10 Brook House, which my solicitors have provided to the</p> <p>11 inquiry. The regime proposed by GSL with a lengthy</p> <p>12 lockdown time was recognised by senior Home Office civil</p> <p>13 servants, John Thomson, Phil Schoenenberger, and</p> <p>14 Marina Enwright ..."</p> <p>15 They were assessors for the bid at the time?</p> <p>16 A. I believe so, yes.</p> <p>17 Q. "... as a 'desperate attempt to reduce costs at the</p> <p>18 expense of welfare'; as 'excessive and not in keeping</p> <p>19 with the ethos of the rest of the estate: 21 hours -</p> <p>20 08 hours ... the proposals give no justification for</p> <p>21 such a lengthy period of non-association' ..."</p> <p>22 I think that should read "21 hours to" -- in other</p> <p>23 words, 9.00 in the evening until 8.00 in the morning:</p> <p>24 "... a ... period of non-association' and were</p> <p>25 'rather harsh'. GSL proposals for activities during</p> <p style="text-align: center;">Page 31</p>
<p>1 I invite your attention to paragraph 24, where, at the</p> <p>2 foot of the page, if your print version is the same as</p> <p>3 mine, you say:</p> <p>4 "I would submit that a principal failing of the</p> <p>5 contract was its inflexibility in not allowing the</p> <p>6 Home Office to categorise the abuse perpetrated by G4S</p> <p>7 staff in Panorama as a contract failure."</p> <p>8 You call it a "principal failing"; what were the</p> <p>9 others that you had in mind?</p> <p>10 A. That we had no real escalation issues for minor</p> <p>11 infringements, and that the way we operated the</p> <p>12 contract, we were focusing on outputs, you know, the</p> <p>13 number of table tennis tables, rather than the impacts</p> <p>14 of the contract on residents and the whole-centre</p> <p>15 approach which we are trying to adopt now.</p> <p>16 Q. Can we put up on screen, please a statement of</p> <p>17 Nathan Ward <DL0000141>. You know who Reverend</p> <p>18 Nathan Ward is, I assume, yes?</p> <p>19 A. Yes.</p> <p>20 Q. If we go, please, to page 28, and look at paragraph 86</p> <p>21 at the foot of the page:</p> <p>22 "The Home Office [he says] went into the Brook House</p> <p>23 contract with their eyes wide open about the poor</p> <p>24 quality of GSL ..."</p> <p>25 Because, as we know, GSL won the bid back in</p> <p style="text-align: center;">Page 30</p>	<p>1 association were also described as 'extremely poor,</p> <p>2 there was no programme, the incentive scheme lacked</p> <p>3 imagination ..."</p> <p>4 Then paragraph 87:</p> <p>5 "The Home Office had significant concerns about</p> <p>6 staffing levels, noting that 'We are seriously concerned</p> <p>7 at the GSL proposal to reduce DCO levels at [9.00 pm</p> <p>8 through to 8.00 am] which has clearly been done in order</p> <p>9 to accommodate the lock down hours which are at the same</p> <p>10 time. The Centre after [9.00 pm] will be staffed by</p> <p>11 [redacted] DCO trained officers and this includes</p> <p>12 [something again redacted] duty managers. We do not</p> <p>13 consider this to be an adequate number of staff as the</p> <p>14 centre is still likely to be receiving detainees into</p> <p>15 the early hours of the morning and discharging a good</p> <p>16 number of detainees throughout the night. Their ability</p> <p>17 to address standard operational functions such as</p> <p>18 constant watches and RFA/TC has not been addressed</p> <p>19 during the night hours'. GSL's staffing levels</p> <p>20 overnight were deemed to 'border on the unsafe'. The</p> <p>21 Home Office described the proposals by GSL (and others</p> <p>22 that had provided similar bids) as follows: 'An ethos</p> <p>23 of cutting corners and meeting basic standards was</p> <p>24 evident from much of what we read and we are especially</p> <p>25 disappointed at the extended lock down hours proposed by</p> <p style="text-align: center;">Page 32</p>

<p>1 these four bidders. This appears to be a desperate 2 attempt to reduce cost at the expense of welfare'."</p> <p>3 Then paragraph 88:</p> <p>4 "The Home Office's concerns about GSL's bid are 5 self-evidently stark but were not enough to dissuade 6 them from agreeing the contract given the extremely low 7 cost of the bid and it is clear the bid was won on the 8 basis of 50 per cent of the evaluation being based on 9 commercial interests. It is all the more concerning 10 that the Home Office's concerns about the bid all came 11 to pass with the HMCIP from 2010 repeatedly criticising 12 the unsafe, harsh regime and poor conditions. These 13 same basic problems were evident when I was working 14 there in 2011-2014 to a greater or lesser extent and 15 were the same concerns repeated by HMCIP in 2016, 16 Stephen Shaw in his report in 2016 and 2018 and by 17 Kate Lampard in 2018. Lampard documented significant 18 concerns about the dangerously low staffing levels and 19 inadequate activity provision in breach of rule 17 of 20 the Detention Centre Rules 2001. This led her to 21 conclude that the physical constraints, lack of 22 facilities and environment made it 'unsuitable to hold 23 the number of detainees it does' and 'unsuitable to hold 24 any detainee for more than a few weeks'."</p> <p>25 Any disagreements there, Mr Riley?</p> <p style="text-align: center;">Page 33</p>	<p>1 which have a greater scope for amendment during the life 2 of the contract.</p> <p>3 Finally, I am not sure the comments here from 4 Mr Thomson and Mr Schoenenberger and from Ms Enwright, 5 I am not sure at what stage of the review of the bids 6 that it was, because it goes through certain iterations 7 and, again, at the moment, we have a -- we have the 8 negotiation during the contracts where, if there are 9 areas we are concerned about, which we think barely meet 10 the specification, we can go back and challenge it 11 before the final bids are put together. So it would be 12 helpful, for context, to understand at what stage of the 13 procurement process these comments were made.</p> <p>14 But, you know, more widely, I accept the comments in 15 terms of the 50 per cent costs, the 50 per cent value, 16 the quality on there and, again, we have moved away from 17 that in our new generation of contracts now and the 18 costs are only 35 per cent of the assessment process, 19 and quality and social and value are the other 20 65 per cent.</p> <p>21 Q. So it was too heavily weighted?</p> <p>22 A. At the time, yes, if I was asked for my opinion, but 23 I don't know how and why the contract was designed and 24 what the Cabinet Office rules were at the time. And it 25 could well be, if we investigated, that the Cabinet</p> <p style="text-align: center;">Page 35</p>
<p>1 A. Sorry, in what way, Mr Altman?</p> <p>2 Q. Any of what he says, about the flaws in the original 3 contract?</p> <p>4 A. I think there is probably context, you know, that is 5 worth adding to this, you know, but at the end of -- you 6 know, government procurement rules are very clear that 7 we need to score the contract and, if a contract is 8 compliant with the specification, then we need to award 9 the contract to, you know, the top-scoring, compliant 10 bid, and that is Treasury Cabinet Office rules, which we 11 need to follow, and we do so transparently.</p> <p>12 Is it possible to go back up a little bit?</p> <p>13 Q. Yes, of course. Let's go back to the previous --</p> <p>14 A. And again, a couple of contextual comments. This 15 contract was awarded in 2008 with mobilisation to go 16 live in 2009, so the procurement would have started two 17 years before that and the contract would have been 18 designed before that, so, you know, it could quite 19 conceivably be 2004, 2005 when this contract was 20 designed, that was a completely different position.</p> <p>21 One of the things we need to get to grips with, 22 I think, is that there was a lag between contract 23 design, procurement and operation, so it can be 10, 12, 24 14 years since a contract was designed before the end of 25 it. And we tried to grasp that with our new contracts</p> <p style="text-align: center;">Page 34</p>	<p>1 Office rules may have said at the time, for contracts of 2 this size, they had to be 50 per cent on cost. So it 3 will probably need some further reading on that.</p> <p>4 Q. We can look at the document from which, certainly, the 5 quotation at the bottom of paragraph 87 is taken, 6 because that is the -- a document entitled "Brook House 7 operating contract commercial evaluation". It is dated 8 7 December of 2007. If we put up on screen <DL0000140>, 9 page 1, to begin with, please.</p> <p>10 These were exhibits and there were several of them 11 that Reverend Ward exhibited to the witness statement we 12 have just looked at. If we go to page 40, and you can 13 see that that is a document, or a kind of document, that 14 may be familiar to you, Mr Riley?</p> <p>15 A. It is. We have a different process now, in terms of -- 16 we try and operate -- the Cabinet Office have revised 17 their "play book", as it is described, for procuring 18 contracts of this type. We have different stages now. 19 So it is difficult to align this to which stage of the 20 process it was, but we do have documents that are 21 similar to that now. If it is helpful, Mr Altman, we 22 could -- I can send you a copy of the Cabinet Office 23 play book, which sets out our process as we use it now.</p> <p>24 Q. That would be useful, so thank you for that.</p> <p>25 If we go, please, to page 69 now.</p> <p style="text-align: center;">Page 36</p>

<p>1 Can we turn it on its side, please, Zaynab -- thank</p> <p>2 you. You see the paragraph beginning "At this</p> <p>3 stage ..."</p> <p>4 The last three lines:</p> <p>5 "An ethos of cutting corners and meeting basic</p> <p>6 standards was evident from much of what we read and we</p> <p>7 are especially disappointed at the extended lock down</p> <p>8 hours proposed by these four bidders. This appears to</p> <p>9 be a desperate attempt to reduce costs at the expense of</p> <p>10 welfare."</p> <p>11 That is where this comes from. Why I ask you about</p> <p>12 it is because Philip Schoenenberger gave evidence to the</p> <p>13 inquiry, as I am sure you appreciate, on 23 March, and</p> <p>14 he was, as is clear from Reverend Ward's statement, one</p> <p>15 of the three officials who analysed the bids for the</p> <p>16 contract to run Brook House, as we see, in 2007, before</p> <p>17 the contract was awarded to GSL in 2008.</p> <p>18 What we know is G4S also bid for the contract, I am</p> <p>19 sure you are aware of that. I have already indicated</p> <p>20 it, GSL1, G4S buys GSL and the contract is novated to</p> <p>21 them.</p> <p>22 What do you think about that? G4S was one of the</p> <p>23 bidders, they don't win the bid, GSL does and then G4S</p> <p>24 come in and buy the successful bidder.</p> <p>25 What process goes on to ensure that the unsuccessful</p> <p style="text-align: center;">Page 37</p>	<p>1 Q. Yes.</p> <p>2 A. What we wouldn't want to do then, I would speculate,</p> <p>3 I guess, Mr Altman, is repocure it for two further</p> <p>4 years at significant cost. There is a contract in</p> <p>5 place, that we were satisfied met the specification at</p> <p>6 a price we were satisfied with, with the parameters at</p> <p>7 the time, and we awarded it against that and GSL and</p> <p>8 G4S, you know, deliver that.</p> <p>9 You know, there would obviously need to be -- if</p> <p>10 I were to speculate further, I would need commercial</p> <p>11 advice on the novation of contracts and contract exit.</p> <p>12 Q. Can we just go back in the document, please, to page 62.</p> <p>13 You will see at the top:</p> <p>14 "Initial assessment.</p> <p>15 "The initial assessment of the six responses to the</p> <p>16 Brook House ITT, schedule D, was assessed by</p> <p>17 John Thomson, Phil Schoenenberger and Marina Enwright</p> <p>18 between 20 August and [it says here] 7 September 07.</p> <p>19 The bids were assessed in the following order: Serco,</p> <p>20 GSL, Reliance, GEO, Kalyx, and G4S. Twenty-two aspects</p> <p>21 of performance were examined by the team with four</p> <p>22 specialist areas namely being marked by catering ...</p> <p>23 healthcare ... health and safety ... and fire prevention</p> <p>24 measures ..."</p> <p>25 That was the way that the bid was initially</p> <p style="text-align: center;">Page 39</p>
<p>1 bidder who takes over the successful bidder, can run the</p> <p>2 contract in the way that the government was happy GSL</p> <p>3 was able to?</p> <p>4 A. I was -- these bid processes are extremely confidential</p> <p>5 and commercially sensitive. However, I am aware that</p> <p>6 the takeover of GSL by G4S was referred to the Office</p> <p>7 for Fair Trading who reviewed it and decided it wasn't</p> <p>8 restrictive commercially and didn't refer it any</p> <p>9 further.</p> <p>10 So there was external scrutiny of the G4S takeover</p> <p>11 of GSL, but any further detail or any Cabinet Office</p> <p>12 involvement, I am not aware of.</p> <p>13 Q. So, what, the process is, other than it went to the</p> <p>14 Office of Fair Trading at the time -- but that was about</p> <p>15 the acquisition of GSL. What I have in mind is how the</p> <p>16 Home Office looks at the contract which, having gone</p> <p>17 through a bid process, it is awarded to GSL, only for</p> <p>18 G4S to come in and take GSL out of the market.</p> <p>19 So I am just wondering if you are able to help us</p> <p>20 with what kind of process goes on there at the contract</p> <p>21 level?</p> <p>22 A. At a contract level, we have a contract with GSL to</p> <p>23 supply. If that contract is novated to a new supplier,</p> <p>24 then we would expect them to deliver against the</p> <p>25 existing contract.</p> <p style="text-align: center;">Page 38</p>	<p>1 assessed. If you go to the final assessment on page 70</p> <p>2 please, at the top:</p> <p>3 "The bids were remarked in the light of the</p> <p>4 clarification responses from the bidders between</p> <p>5 20-25 September ..."</p> <p>6 And the document provides comments included in the</p> <p>7 summary of each bidder's response. Then they made</p> <p>8 a series of points about staffing, post clarification,</p> <p>9 and then on to page 71, "Conclusions":</p> <p>10 "In the main, clarification improved the quality of</p> <p>11 each bid and it was especially worthy of note that Serco</p> <p>12 offered two additional DCO posts during the night-time</p> <p>13 hours at no additional expense. On the other hand, the</p> <p>14 G4S explanations did not greatly improve the clarity of</p> <p>15 their responses and in particular the staffing proposals</p> <p>16 are still shrouded in mystery. Some bidders have sought</p> <p>17 to provide reassurance about the time that lock down</p> <p>18 commences but this is not borne out in their original</p> <p>19 staffing tables.</p> <p>20 "To reflect the decision by the Project Board not to</p> <p>21 pursue the option of a contact management service and to</p> <p>22 withdraw a mark for staffing levels from the operational</p> <p>23 response it has been necessary to take out those</p> <p>24 sections from the table ..."</p> <p>25 Which is produced on the next page and which,</p> <p style="text-align: center;">Page 40</p>

<p>1 perhaps, we don't need to look at. It is this sort of</p> <p>2 thing really which I had in mind, Mr Riley, because, you</p> <p>3 know, at the time of the original bid, staffing levels,</p> <p>4 or staffing proposals, which is a serious issue in terms</p> <p>5 of running an IRC, as far as G4S's bid is concerned, it</p> <p>6 was still shrouded in mystery.</p> <p>7 A. Mmm-hmm.</p> <p>8 Q. Would that mystery have been interrogated at all, once</p> <p>9 G4S took the contract over from GSL? Can you help us?</p> <p>10 A. My understanding -- and, again, this is my knowledge of</p> <p>11 commercial management, as someone who manages a number</p> <p>12 of contracts -- is that G4S took over the GSL bid. They</p> <p>13 didn't impose their own bid and their own staffing</p> <p>14 levels, so the bid they took over would not have been</p> <p>15 the one that's described here as "shrouded in mystery",</p> <p>16 but they would have taken on the winning GSL bid, which</p> <p>17 was judged, by ourselves and our Home Office procurement</p> <p>18 teams, to be the best bid in terms of cost and value</p> <p>19 when scored against the Cabinet Office markers.</p> <p>20 I am not sure -- I seem to recognise, is it possible</p> <p>21 to move that up one page? I think there was a comment</p> <p>22 in there about staffing.</p> <p>23 That is the one there, "Post clarification</p> <p>24 comments."</p> <p>25 Q. Yes. Well, under the heading "Staffing":</p> <p style="text-align: center;">Page 41</p>	<p>1 as not compliant.</p> <p>2 So, you know, it -- I am working through this now</p> <p>3 and there are some, you know -- I am surmising some</p> <p>4 parts, but understanding how this process works, then</p> <p>5 the bid must have been compliant from GSL and it was</p> <p>6 that compliant GSL bid that G4S adopted.</p> <p>7 Q. If we go back to 69 just to remind ourselves about what</p> <p>8 the assessor said in general terms about the ethos of</p> <p>9 cutting corners, and so on. Philip Schoenenberger,</p> <p>10 during the course of his evidence to the inquiry, agreed</p> <p>11 that that was at odds with the requirement in the</p> <p>12 Detention Centre Rules, rule 3, which says:</p> <p>13 "The purpose of an IRC is to provide for the secure</p> <p>14 but humane accommodation of detained persons in</p> <p>15 a relaxed regime, with as much freedom of movement and</p> <p>16 association as possible, consistent with maintaining</p> <p>17 a safe and secure environment and to encourage and</p> <p>18 assist detained persons to make the most productive use</p> <p>19 of their time, whilst respecting in particular their</p> <p>20 dignity and the right to individual expression."</p> <p>21 So his view, and he was one of the initial</p> <p>22 assessors, was that there was a tension, if not</p> <p>23 a conflict between their findings of these general terms</p> <p>24 about the bids back in 2007, and the fundamental rule of</p> <p>25 the Detention Centre Rules, rule 3. Do you agree with</p> <p style="text-align: center;">Page 43</p>
<p>1 "In assessing the bidders' staffing levels, the</p> <p>2 assessors have had to make a judgment about the staffing</p> <p>3 levels. We are satisfied that all the bidders have</p> <p>4 proposed adequate staffing levels during the unlock</p> <p>5 hours taking account of the potential workload and the</p> <p>6 regime they intend to operate. The major concern</p> <p>7 relates to the lock down hours and, as indicated earlier</p> <p>8 in the report, these vary considerably from bidder to</p> <p>9 bidder. The assessors looked at the workloads at</p> <p>10 Colnbrook, Campsfield and Oakington IRCs during the</p> <p>11 night hours and have assessed on a workload of</p> <p>12 approximately 20 admissions and 10 discharges during the</p> <p>13 lock down hours with attendance required on each</p> <p>14 accommodation unit, in RFA and/or TC, a constant watch</p> <p>15 and/or bed watch. In making a judgment, the assessors</p> <p>16 have concluded that DCO staff should be allocated as</p> <p>17 a minimum to the following duties ..."</p> <p>18 Is that what you wanted to look at?</p> <p>19 A. Thank you, Mr Altman, yes. It is clear from this that</p> <p>20 the procurement team went for clarification to all of</p> <p>21 five bidders and did some benchmarking of two other IRCs</p> <p>22 as well to do so, and they must have been satisfied, at</p> <p>23 the end of this, that the GSL bid, which was the one</p> <p>24 that G4S adopted, you know, was satisfactory to provide</p> <p>25 both day and night cover, otherwise it would be marked</p> <p style="text-align: center;">Page 42</p>	<p>1 that?</p> <p>2 A. As I say, Mr Altman, we -- there was a very clear</p> <p>3 framework toward contracts at this level which we must</p> <p>4 abide by as a department, and that is set by the Cabinet</p> <p>5 Office and Treasury and that sets out how bids are</p> <p>6 scored and judged.</p> <p>7 Our role is to set a specification that the bidders</p> <p>8 bid against. You know, I can only surmise that the bids</p> <p>9 met that specification, or else they would be not</p> <p>10 compliant, in the bidding process.</p> <p>11 Hopefully, we can get the chance to discuss, at some</p> <p>12 stage during today, what the steps we have taken under</p> <p>13 the new contract that is reoccurring --</p> <p>14 Q. We are going to look at the new contract towards the</p> <p>15 end?</p> <p>16 A. So it is not as if we are not aware of it ourselves. As</p> <p>17 I said in my apology at the start, the contract itself</p> <p>18 was -- by 2017, wasn't suitable for what we were asking</p> <p>19 the centre to deliver, so I have already acknowledged</p> <p>20 that.</p> <p>21 What I am saying is, at the start of 2007, we hadn't</p> <p>22 got the full freedom to award the contract as we saw fit</p> <p>23 because there are very clear government procurement</p> <p>24 rules we have to abide by.</p> <p>25 Q. One understands all of that, Mr Riley, but this inquiry</p> <p style="text-align: center;">Page 44</p>

<p>1 is examining what went wrong at Brook House.</p> <p>2 A. Yes, and as I said, Mr Altman, by 2017, you know, there</p> <p>3 were insufficient staff within the centre to operate</p> <p>4 this and, you know, we have recognised that and we have</p> <p>5 hopefully moved on from it.</p> <p>6 Q. He also accepted, did Mr Schoenenberger, that the bid</p> <p>7 was assessed on the basis of short-term accommodation</p> <p>8 only and that this contradiction between the welfare</p> <p>9 levels in the bids and rule 3 would be even starker,</p> <p>10 were people to be held for long periods.</p> <p>11 Do you understand what he is saying?</p> <p>12 A. Yes, I am -- there is a question that seems to keep</p> <p>13 reappearing here about what Brook House was designed for</p> <p>14 and the length of stay that -- I have not, myself, been</p> <p>15 able to nail down this view that it was only ever</p> <p>16 designed for a 72-hour stay, which is patently incorrect</p> <p>17 and that IRCs have always had people for longer than</p> <p>18 that.</p> <p>19 Mr Tulley, I think, mentioned it during the Panorama</p> <p>20 documentary and I don't understand where this has sprung</p> <p>21 from, but, you know, it is incorrect and, you know,</p> <p>22 I would like to put that on the record.</p> <p>23 Q. So every time the inquiry has been told that these are</p> <p>24 short-term holding facilities, that is, what, a sort of</p> <p>25 fiction which has just snowballed out of control?</p> <p style="text-align: center;">Page 45</p>	<p>1 A. It was clearly an issue in the bidding process, yes,</p> <p>2 and, you know, the way the bid was put together.</p> <p>3 I don't -- how that demonstrates to action on the</p> <p>4 landings, I couldn't comment on, because it predates me</p> <p>5 by a long way, but it is very clear, from the documents</p> <p>6 you have shown me, that the staff assessing the various</p> <p>7 bids were concerned about it and, as we will no doubt</p> <p>8 discuss later, that has been one of my major priorities</p> <p>9 since taking up post, to make sure that we respond to</p> <p>10 that and make sure that we have fit-for-purpose welfare</p> <p>11 seven days a week at Brook House.</p> <p>12 Q. Let's just go back to page 44 in this document, please,</p> <p>13 because here we see the weighting split, which you say</p> <p>14 has changed:</p> <p>15 "The evaluation was weighted and split in the</p> <p>16 following areas:</p> <p>17 "Quality ..."</p> <p>18 And we can see operational delivery is 25 per cent,</p> <p>19 staff 15 per cent, maintenance 10 per cent, which adds</p> <p>20 up to 50 per cent, and commercial -- which, what, means</p> <p>21 price? --</p> <p>22 A. I assume so, yes.</p> <p>23 Q. -- 50 per cent, making up the 100 per cent:</p> <p>24 "This split was agreed with the Procurement Board</p> <p>25 and ensures a balance between the costs and quality</p> <p style="text-align: center;">Page 47</p>
<p>1 A. It seems to be some sort of an urban myth, Mr Altman.</p> <p>2 Short-term holding facilities are completely different</p> <p>3 environments, governed by the Short-term Holding</p> <p>4 Facilities Rules, and the length of stay there is</p> <p>5 limited not to 72 hours, but to seven days.</p> <p>6 There are non-residential, short-term holding</p> <p>7 facilities which have a different set of rules and they</p> <p>8 are staying up to 24 hours.</p> <p>9 There is nothing in the immigration enforcement</p> <p>10 portfolio that has a 72-hour length of stay and it does</p> <p>11 seem to be an urban myth that has grown up over the</p> <p>12 years, that I can hopefully quash here.</p> <p>13 Q. If we go to page 73 of this document, first of all, we</p> <p>14 see, as I have already indicated, the marking of the</p> <p>15 final assessment, GEO, GSL, Serco, and G4S was fourth.</p> <p>16 And then, the two other bidders, fifth and sixth.</p> <p>17 Just below that table:</p> <p>18 "The assessors are satisfied that GEO offers the</p> <p>19 best all round response. However the long lockdown</p> <p>20 period which is shared with other bidders and tight</p> <p>21 staffing levels, remain a concern."</p> <p>22 So that appears to be the final sign-off and the</p> <p>23 final word on this bid at the time.</p> <p>24 So do you agree that welfare was an issue with this</p> <p>25 contract?</p> <p style="text-align: center;">Page 46</p>	<p>1 elements of the bids."</p> <p>2 If we move on to page 47, at the top:</p> <p>3 "The Brook House tender has delivered significant</p> <p>4 (35 per cent) cost savings compared to the original</p> <p>5 budget and is below the current average cost per bed</p> <p>6 when compared like for like on 2009 projections."</p> <p>7 So it appears, do you agree, Mr Riley, that these</p> <p>8 presentation documents show that Brook House -- the</p> <p>9 tender for Brook House delivered a 35 per cent cost</p> <p>10 saving compared to the original budget?</p> <p>11 A. That is what it says here, yes.</p> <p>12 Q. Mr Schoenenberger told us that he didn't know at the</p> <p>13 time how much the budget was or, when noting the</p> <p>14 cost cutting, that the Home Office had, in essence, more</p> <p>15 money available, but in the end, and I think you agree</p> <p>16 this, certainly looking at the presentation documents</p> <p>17 for the bid and for the contract which was finally</p> <p>18 awarded to GSL, all the bids cut corners -- that appears</p> <p>19 to be the assessment of Mr Schoenenberger and his</p> <p>20 colleagues; do you agree?</p> <p>21 A. The bids were -- the company's bid against the</p> <p>22 parameters we set them, and by the way we set the</p> <p>23 scoring for costs and quality, 50-50, are marked, those</p> <p>24 encouraged those behaviours. But, as I say, I am not</p> <p>25 sure whether that was a Home Office or wider decision,</p> <p style="text-align: center;">Page 48</p>

<p>1 but, yes, I accept it encourages people to put in</p> <p>2 a cost-efficient bid, because that drives down the cost</p> <p>3 and pushes up the score.</p> <p>4 Q. Whether it was Treasury led or Home Office led, you are</p> <p>5 speaking on behalf of the Home Office?</p> <p>6 A. I accept that, but I don't want to speculate, if it was</p> <p>7 out of the Home Office control and the Treasury --</p> <p>8 Q. I understand what you are saying, but Mr Schoenenberger</p> <p>9 was a Home Office official. I don't know about the</p> <p>10 other two, but he was one of the assessors of all of the</p> <p>11 bids, and this was going to be a contract run by the</p> <p>12 Home Office, even though Treasury Rules underlay the</p> <p>13 nature of the procurement process, I am sure we all</p> <p>14 understand and accept that, but there is no question --</p> <p>15 if you can just take off your Home Office hat for</p> <p>16 a moment, Mr Riley, there is no question that the bids</p> <p>17 cut corners; that is what the assessment says?</p> <p>18 A. I am not sure I would use the word "cut corners",</p> <p>19 Mr Altman, but I -- the bids have done all they can to</p> <p>20 minimise costs, including staffing costs overnight.</p> <p>21 I accept that. But I wouldn't use the word "cut</p> <p>22 corners" because I don't know what the specification was</p> <p>23 and, until I know what the specification was, I couldn't</p> <p>24 say whether it was corner cutting and -- it may sound</p> <p>25 semantics, but they are quite emotive words and that is</p> <p style="text-align: center;">Page 49</p>	<p>1 contract didn't provide the level of staff it needed by</p> <p>2 2017. I have already said that and apologised for it.</p> <p>3 It was just the terminology that I argue with, rather</p> <p>4 than the general thrust.</p> <p>5 Q. We hear what you say.</p> <p>6 Are you prepared to agree, as we have gone through</p> <p>7 these documents, that it compromised welfare?</p> <p>8 A. I -- I think it had the potential to compromise the</p> <p>9 operations. Whether that is welfare or whether that is</p> <p>10 other operational delivery, depends on how the staff</p> <p>11 were deployed. Again, the issue with this contract --</p> <p>12 and I have a personal issue with contracts -- is that it</p> <p>13 didn't mandate the staffing levels. What it mandated</p> <p>14 was a number of staff in the centre, and it was up for</p> <p>15 the supplier to deploy those staff.</p> <p>16 That could have impacted on welfare, it could have</p> <p>17 impacted on reception times or discharge times, or it</p> <p>18 could have impacted on catering or other things. How it</p> <p>19 impacted was not clear in what I have seen so far, and</p> <p>20 that is why, now, we mandate the staffing levels in</p> <p>21 certain areas of the site and in certain facilities,</p> <p>22 such as welfare, to make sure it cannot be impacted.</p> <p>23 But just because there are a -- the numbers of staff</p> <p>24 at night are low, that doesn't mean, necessarily, that</p> <p>25 it impacted welfare. You know, one does not necessarily</p> <p style="text-align: center;">Page 51</p>
<p>1 not what I would use.</p> <p>2 Q. Maybe not what you would use, but if we go back to</p> <p>3 page 69, these are the words the assessor used -- these</p> <p>4 are not my words.</p> <p>5 A. That is Mr Schoenenberger's view, but my view is that,</p> <p>6 if we set a specification for a bidder to bid against,</p> <p>7 then we encourage the behaviours, and they have bid on</p> <p>8 the basis that costs will be scored highly by reducing</p> <p>9 their night staffing. But they must have bid against</p> <p>10 a specification that we set them, and I do think that,</p> <p>11 you know, saying "cutting corners" is an emotive term in</p> <p>12 this, when we set the specification and they delivered</p> <p>13 it against it.</p> <p>14 Q. Well, emotive or not, they are the words, "and the ethos</p> <p>15 of cutting corners". Would you have expected the</p> <p>16 assessors to be aware of the specification when marking</p> <p>17 these bids?</p> <p>18 A. Yes, that is what they mark them against.</p> <p>19 Q. So if Mr Schoenenberger and his colleagues decided to</p> <p>20 use the words "cutting corners", being alive to and</p> <p>21 understanding the specification they were working</p> <p>22 towards, whether you find it emotive or not, that was</p> <p>23 how they viewed it?</p> <p>24 A. And I say that is what he says and, you know, I think,</p> <p>25 as I say, Mr Altman, I accept that, you know, the</p> <p style="text-align: center;">Page 50</p>	<p>1 follow the other.</p> <p>2 Q. Well, we saw on page 47, if we just go back to that,</p> <p>3 about the tender, the Brook House tender, delivering</p> <p>4 significant cost savings, 35 per cent. Whose budget was</p> <p>5 this money coming out of?</p> <p>6 A. It was coming out of the Home Office budget, which we</p> <p>7 bid for to Treasury every period in the spending review</p> <p>8 process.</p> <p>9 Q. And who would have had the decision, who made the</p> <p>10 decision, do you think, to weight the split, the</p> <p>11 evaluation between commercial and quality as to</p> <p>12 50 per cent each, who --</p> <p>13 A. I don't know whether that was a Home Office or Cabinet</p> <p>14 Office decision. I would assume it would have been</p> <p>15 a Cabinet Office decision because they set parameters</p> <p>16 for contracts of this type.</p> <p>17 Q. And when an assessment like this is finalised, who makes</p> <p>18 the ultimate decision to award the contract and to whom?</p> <p>19 A. The SRO of the project.</p> <p>20 Q. What does that mean?</p> <p>21 A. The senior responsible officer for the project, so the</p> <p>22 senior civil servant in charge of the project -- which,</p> <p>23 for the current procurement, is currently myself --</p> <p>24 would have made the decision. I don't know who it was</p> <p>25 in 2007/2008. Then there are internal approvals within</p> <p style="text-align: center;">Page 52</p>

<p>1 the Home Office and then external approvals within</p> <p>2 Cabinet Office and Treasury before the contract is</p> <p>3 awarded.</p> <p>4 Q. You have made mention more than once of the new</p> <p>5 contract, which has changed a number of things. We have</p> <p>6 had quite a bit of evidence about it so far.</p> <p>7 Do you think the Home Office understood or</p> <p>8 appreciated that the contract was flawed from the</p> <p>9 outset?</p> <p>10 A. There were patently concerns from those who were</p> <p>11 assessing the contract, that it was -- that it was</p> <p>12 cheap, whether or not that meant that they understood</p> <p>13 there were flaws in it, I don't know.</p> <p>14 Q. So it may not be a question of direct evidence but one</p> <p>15 of inference?</p> <p>16 A. I think so.</p> <p>17 MR ALTMAN: Yes. And, chair, if I may, just for a few more</p> <p>18 minutes, be permitted before we have our break to</p> <p>19 complete this topic?</p> <p>20 THE CHAIR: Thank you, Mr Altman.</p> <p>21 MR ALTMAN: We have heard evidence from witnesses that</p> <p>22 suggest that the contract, that previous contract, and</p> <p>23 the approach to its enforcement, emphasised immigration</p> <p>24 throughput, rather than welfare; and we have had</p> <p>25 witnesses say so. I can put it up on screen, for you,</p> <p style="text-align: center;">Page 53</p>	<p>1 "The former director [so that was Saunders] told us</p> <p>2 that Home Office managers he dealt with during his time</p> <p>3 running Brook House up to September 2017 had been</p> <p>4 primarily concerned with how G4S supported the</p> <p>5 immigration removal process."</p> <p>6 I just quoted from what he had to say. Then over</p> <p>7 the page, for example, at 14.41 at the bottom:</p> <p>8 "The Home Office service delivery manager (who has</p> <p>9 overall responsibility for contract compliance and</p> <p>10 performance at Gatwick IRCs) also acknowledged that the</p> <p>11 Home Office had been more focused on those aspects of</p> <p>12 the contract with G4S that supported the delivery of</p> <p>13 immigration objectives. She told us:</p> <p>14 "I think there is a real distinction between</p> <p>15 contact and doing contract and compliance activity and</p> <p>16 where we have a combined team, and there is so much</p> <p>17 drive on operational contact, we never got around to</p> <p>18 doing compliance work; that is the honest truth. It is</p> <p>19 always the kind of thing that ends up being left'."</p> <p>20 Do you agree that the effect of the contract was</p> <p>21 that it set a culture, as it were, where people</p> <p>22 believed, as clearly they told Verita they did, that</p> <p>23 immigration removal was the key priority, whereas</p> <p>24 welfare was not?</p> <p>25 A. I think that there are two things here, Mr Altman,</p> <p style="text-align: center;">Page 55</p>
<p>1 Mr Riley, but to save time -- you may have seen this.</p> <p>2 Ben Saunders, who was the centre director -- let me give</p> <p>3 the reference. It is <VER000226>, at page 11, and</p> <p>4 answer 129. He said:</p> <p>5 "... Their primary focus was all about the removal</p> <p>6 process. Absolutely right. Of course, they care about</p> <p>7 the welfare and at different degrees, but, yes, their</p> <p>8 primary focus was the removal process."</p> <p>9 And Lee Hanford, who came in as interim director, in</p> <p>10 his Verita interview -- <VER000239>, page 11, answer</p> <p>11 113 -- said:</p> <p>12 "What is an immigration removal centre, what is the</p> <p>13 vision? I remember when Mandie Campbell was Director</p> <p>14 General, it was fed back to me that she was quite</p> <p>15 critical of our staff empathising with detainees, the</p> <p>16 only engagement should be removal, removal, removal."</p> <p>17 You ought to be, I am sure you are, familiar with</p> <p>18 the Verita report, not word for word, obviously, but</p> <p>19 I am sure you have looked at it from time to time?</p> <p>20 A. Yes.</p> <p>21 Q. And these sentiments were confirmed in the Verita</p> <p>22 finding. I mean, if we look at paragraph 14.39 to</p> <p>23 14.41, and let's just put this up on screen, briefly,</p> <p>24 <CJS005923> at page 241, please.</p> <p>25 If we look at 14.39 in this section of the report:</p> <p style="text-align: center;">Page 54</p>	<p>1 becoming slightly conflated.</p> <p>2 Taking 14.41 first, because that is on the screen,</p> <p>3 and the service delivery manager, I think what she is</p> <p>4 saying, my understanding of what she is saying is that</p> <p>5 only having one Home Office team on site, and they</p> <p>6 having to prioritise the operational work, so inductions</p> <p>7 and the serving of papers against compliance, meant</p> <p>8 that, because the serving of papers was time critical</p> <p>9 and as is induction, for her and her team, there was</p> <p>10 a prioritisation of that over making sure the contract</p> <p>11 was operating.</p> <p>12 That is not to say that is what we were instructing</p> <p>13 G4S to do as a Home Office position, but for that</p> <p>14 specific comment, I think what she is saying is that</p> <p>15 they were being pulled two ways and, if they were being</p> <p>16 pulled two ways, it was the time-critical work, which</p> <p>17 is, you know, operational delivery removals that came</p> <p>18 first. So for that one, I think it is slightly</p> <p>19 different.</p> <p>20 I agree with you for the one from Ben Saunders, and</p> <p>21 indeed we have his comments, and if they picked up that</p> <p>22 message from the Home Office, then, you know, I can't</p> <p>23 argue with that, that is their perception of what we</p> <p>24 were saying to them.</p> <p>25 Q. Yes, if we just go to the next page, and again, please,</p> <p style="text-align: center;">Page 56</p>

<p>1 I think it is 14.46, at the top:</p> <p>2 "The Home Office on site team enter the centre</p> <p>3 regularly and have regular contact with detainees, staff</p> <p>4 and managers. We believe they should take greater</p> <p>5 responsibility than they appear to have done in the past</p> <p>6 for monitoring the overall experience of detainees at</p> <p>7 Brook House and whether G4S is providing detainees with</p> <p>8 enough to occupy their time and are adequately ensuring</p> <p>9 the overall welfare of detainees."</p> <p>10 So it certainly seems, from Verita's point of view,</p> <p>11 that there was a concern, even with the staff on the</p> <p>12 ground, that welfare was not being prioritised?</p> <p>13 A. I agree on that, that comment from Kate Lampard, that,</p> <p>14 you know, the Home Office team, as I have said myself,</p> <p>15 we were too focused on delivering, you know, serving of</p> <p>16 papers and doing the returns-focused work. We should</p> <p>17 have, as Kate puts it, taken more responsibility for</p> <p>18 monitoring the overall experience of detainees. That is</p> <p>19 what we are doing now, it is not just about the</p> <p>20 management of the contract, but it is the impact of the</p> <p>21 contract on the life of residents in centres that is</p> <p>22 more important now.</p> <p>23 So I do accept that.</p> <p>24 MR ALTMAN: Thank you. Chair, that would be a good moment</p> <p>25 to have our quarter of an hour break.</p> <p style="text-align: center;">Page 57</p>	<p>1 Dr Bhui, who is an inspection lead --</p> <p>2 A. Indeed.</p> <p>3 Q. -- at HMIP, do you know him?</p> <p>4 A. Yes, Dr Bhui and I go back many years.</p> <p>5 Q. He gave evidence to the inquiry on 24 March, and he was</p> <p>6 asked about this. And the question put on behalf of the</p> <p>7 inquiry to him was:</p> <p>8 "Question: We have heard this a number of times in</p> <p>9 this inquiry. Do you recall, thinking back to then [in</p> <p>10 other words to this report in 2010], of where that</p> <p>11 understanding came from, that it was designed to hold</p> <p>12 detainees for no more than 72 hours?"</p> <p>13 He said:</p> <p>14 "Answer: I assume that we would have been told by</p> <p>15 the Home Office and/or G4S, or the contractor at the</p> <p>16 time."</p> <p>17 Obviously you were a twinkle in the eye of Detention</p> <p>18 and Escorting Services at that time, Mr Riley, but, you</p> <p>19 call it an urban myth, HMIP stuck it in their 2010</p> <p>20 report?</p> <p>21 A. Yes, I see that, Mr Altman.</p> <p>22 I am really clear that we have not had a 72-hour</p> <p>23 facility for as long as I know, and, you know, prior to</p> <p>24 being a twinkle in the immigration enforcement eye,</p> <p>25 I was the head of foreign national offenders for the</p> <p style="text-align: center;">Page 59</p>
<p>1 THE CHAIR: Thank you.</p> <p>2 MR ALTMAN: Can I suggest back just a little after 11.45?</p> <p>3 THE CHAIR: Thank you. Thank you, Mr Riley.</p> <p>4 (11.32 am)</p> <p>5 (A short break)</p> <p>6 (11.49 am)</p> <p>7 THE CHAIR: Thank you, please take a seat.</p> <p>8 MR ALTMAN: Mr Riley, a few moments before the break, you</p> <p>9 characterised the 72-hour short-term holding as</p> <p>10 "an urban myth" --</p> <p>11 A. Indeed.</p> <p>12 Q. -- as far as detention centres are concerned. Can I put</p> <p>13 up a document for you to consider, please. You will not</p> <p>14 have seen this before. It is <DL0000167> at page 1, and</p> <p>15 you will see this is a Brook House inspection report by</p> <p>16 the HMIP for the period between 15 and 19 March 2010, so</p> <p>17 it is of some vintage. If we go to page 7, under</p> <p>18 "Brief history":</p> <p>19 "Brook House opened in March 2009 and is</p> <p>20 a purpose-built immigration removal centre with a prison</p> <p>21 design. The centre was designed to hold detainees for</p> <p>22 no more than 72 hours."</p> <p>23 If it is an urban myth, it is an urban myth of some</p> <p>24 vintage, long before you were at Detention and Escorting</p> <p>25 Services.</p> <p style="text-align: center;">Page 58</p>	<p>1 Prison Service for a number of years as well, so, you</p> <p>2 know, absolutely, to the extent of my knowledge, we have</p> <p>3 never designed a type of facility for a 72-hour length</p> <p>4 of stay. We have either got immigration removal centres</p> <p>5 or short-term holding facilities and nothing in between.</p> <p>6 Q. Let me ask you another question: if that's right, what</p> <p>7 is the Home Office's position on how long people should</p> <p>8 be detained in a facility designed as a category B</p> <p>9 prison but without the facilities which would accompany</p> <p>10 a category B prison? What is the Home Office's position</p> <p>11 on that?</p> <p>12 A. Well, you know, speaking on behalf of the Home Office,</p> <p>13 I don't agree that it is designed as a category B</p> <p>14 prison. You know, I note the evidence from Dr Bosworth,</p> <p>15 Mary, on that. The living accommodation is built to</p> <p>16 a standard that is category B, category C secure, there</p> <p>17 is very little difference, in practice.</p> <p>18 But the regime there, and the culture is anything</p> <p>19 but prison-like, it is designed on purpose to</p> <p>20 differentiate between an immigration removal centre and</p> <p>21 a prison. So, you know, the staff carry different PPE,</p> <p>22 they don't carry batons or PAVA spray, residents have</p> <p>23 free movement, they have mobile phones. The regime</p> <p>24 itself is set up differently, there is no enforced work</p> <p>25 as there would be in a category B prison. There is no</p> <p style="text-align: center;">Page 60</p>

<p>1 adjudication, so there is no additional days given by</p> <p>2 a visiting judge, there is no incentive for privileges</p> <p>3 where negative behaviour can have you on a basic level</p> <p>4 of regime.</p> <p>5 So, you know, yes, the rooms themselves are built to</p> <p>6 category B/C standard, but I don't believe it is</p> <p>7 a category B prison environment myself.</p> <p>8 Q. That is not an answer to the question, though. My</p> <p>9 question, Mr Riley, was, what is the Home Office's</p> <p>10 position on how long people should be held there? If it</p> <p>11 is not a 72-hour, short-term holding facility, what is</p> <p>12 the Home Office's position? Mary Bosworth -- you made</p> <p>13 mention of her -- talks about the "prisonisation" of the</p> <p>14 place?</p> <p>15 A. She does, indeed.</p> <p>16 Q. It was built to the specification of a category B</p> <p>17 prison, although, of course, it isn't a category B</p> <p>18 prison. As I say, we were told -- Jerry Petherick told</p> <p>19 us this, it doesn't have the extra facilities that you</p> <p>20 would expect, so my question is: what is the Home Office</p> <p>21 expectation of how long people should be held there?</p> <p>22 Because it seems indefinite.</p> <p>23 A. Well, it is not indefinite. And again, that is -- you</p> <p>24 know, I repeat my phrase -- that is another urban myth.</p> <p>25 We don't have indefinite detention.</p> <p style="text-align: center;">Page 61</p>	<p>1 A. It is difficult, actually, because it -- you know,</p> <p>2 almost arguing against myself here, Mr Altman,</p> <p>3 short-term prison sentences are time bound and some</p> <p>4 people's detention was ruled by a -- at times, it was</p> <p>5 prolonged.</p> <p>6 But yes, I accept that and I accept that in 2017,</p> <p>7 you know, the level of welfare education, activity and</p> <p>8 other things, wasn't as expansive as it is today. It</p> <p>9 must have felt more difficult.</p> <p>10 Q. Let's look at staffing levels, please. Can we put up</p> <p>11 the IMB 2016 report.</p> <p>12 <IMB000121>, at page 17, please. If we go, please,</p> <p>13 to -- in fact, 5.82. In the course of that paragraph,</p> <p>14 you will see the words "During the year", do you see,</p> <p>15 about six lines down, towards the end of the line:</p> <p>16 "During the year, there have been times,</p> <p>17 notably July and August ..."</p> <p>18 And this report relates to the 2016 period from</p> <p>19 1 January to end of December:</p> <p>20 "... where officer numbers have fallen, increasing</p> <p>21 pressure on those on duty and impacting adversely, not</p> <p>22 only on staff motivation but also on the operation of</p> <p>23 the centre. The board acknowledges the difficulties of</p> <p>24 planning staffing for temporary wing closures during the</p> <p>25 build upgrade and then the closure of Tinsley House.</p> <p style="text-align: center;">Page 63</p>
<p>1 So, you know, we detain people for the shortest</p> <p>2 period possible, and as you must know yourself,</p> <p>3 Mr Altman, under the Hardial Singh principle, people can</p> <p>4 only be detained when there is a reasonable prospect of</p> <p>5 removal and within a realistic timeframe, and that is</p> <p>6 what we aim to do.</p> <p>7 So in 2021, which is the last figures I have seen,</p> <p>8 to the end of '21, I think it is 86 per cent of people</p> <p>9 were detained for 28 days or less and 97 per cent of</p> <p>10 people for four months or less. And 95 per cent of</p> <p>11 cases being managed by immigration enforcement are</p> <p>12 managed in the community.</p> <p>13 So sorry, it is a slightly long answer to your</p> <p>14 question. The intention of the Home Office is to detain</p> <p>15 people for as short a period as possible at Brook House</p> <p>16 and any other immigration removal centre.</p> <p>17 Sorry if that was fast.</p> <p>18 Q. I suspect you are prepared to accept, though, there are</p> <p>19 exceptions?</p> <p>20 A. There are outliers, yes.</p> <p>21 Q. Yes. And for those outliers, are you prepared to agree</p> <p>22 that some of them end up spending time in Brook House,</p> <p>23 and did, during the course of 2017 -- and we can look at</p> <p>24 the figures, if needs be -- which must have felt very</p> <p>25 much as if they were short-term prison sentences?</p> <p style="text-align: center;">Page 62</p>	<p>1 Problems were increased by the knock-on effects of the</p> <p>2 escape ..."</p> <p>3 Which we were told happened in the early part of</p> <p>4 2016:</p> <p>5 "... courtyard closures and short-term loss of the</p> <p>6 director in the aftermath of the Medway scandal."</p> <p>7 That is when Ben Saunders was parachuted back into</p> <p>8 Medway for about six months from the beginning of the</p> <p>9 year to around June:</p> <p>10 "Nevertheless the board noted a period from August</p> <p>11 when officer numbers were a matter of concern."</p> <p>12 Do you accept the Home Office had to know about</p> <p>13 those problems?</p> <p>14 A. I would hope that the team locally recognised the</p> <p>15 staffing levels because they should have been monitoring</p> <p>16 them, yes.</p> <p>17 Q. Although we were told monitoring the contract was</p> <p>18 a problem.</p> <p>19 A. Although, my understanding -- again, it predates me,</p> <p>20 Mr Altman, so apologies. But my understanding, as well,</p> <p>21 is that there was self-reporting from G4S on staffing</p> <p>22 levels, as well, to complement the monitoring that our</p> <p>23 staff took -- undertook.</p> <p>24 Q. Insofar as the building itself is concerned, I have</p> <p>25 already touched on this, and so have you, she told us in</p> <p style="text-align: center;">Page 64</p>

<p>1 evidence, and you will have read this, on 29 March, that</p> <p>2 the prison-like nature of Brook House affected the</p> <p>3 treatment of detainees, so she took it further. It</p> <p>4 wasn't just a question of the 72-hour detention issue,</p> <p>5 which we have already been over. She said it is the</p> <p>6 symbolism of locking up people in a building that looks</p> <p>7 like a prison, together with other features. The</p> <p>8 training materials, which she said originated from the</p> <p>9 prison estate, the mixing of TSFNOs and what she called</p> <p>10 "prisonisation", which is a term you will have read.</p> <p>11 What is your response, that she -- when I asked her</p> <p>12 about the treatment of detainees, she was very clear</p> <p>13 that the nature of the environment, the physical</p> <p>14 environment, was causative or contributory.</p> <p>15 A. I have incredible respect for Dr Bosworth and her views</p> <p>16 and, you know, I have asked her to come in and look at</p> <p>17 the culture in certain areas since I have taken up post,</p> <p>18 and I know my predecessor did as well; because I think</p> <p>19 it is important to be challenged by alternative views.</p> <p>20 And my opinion on the prisonisation aspect is that we</p> <p>21 have to balance safety and security with the environment</p> <p>22 that Mary advocates.</p> <p>23 When you look at, you know, when Brook House was</p> <p>24 built for example, it was built on the back of what was</p> <p>25 happening in Yarl's Wood in 2002. We attempted there to</p> <p style="text-align: center;">Page 65</p>	<p>1 10 or 15 years after Brook House was designed, we looked</p> <p>2 at how we could design somewhere that was category B</p> <p>3 or C secure but had a softer environment, and it was</p> <p>4 difficult, and we looked at the communal areas and what</p> <p>5 we could do.</p> <p>6 So I am not agreeing -- disagreeing with Mary, and</p> <p>7 I really welcome her point of view on this, but at the</p> <p>8 same time, I am saying it has to be balanced against</p> <p>9 security and safety for everyone there, and that cannot</p> <p>10 necessarily be done in somewhere that is not secure to</p> <p>11 a prison specification.</p> <p>12 Q. Let me ask you about the bed situation, because</p> <p>13 Brook House was originally designed for 426 men and, as</p> <p>14 I am sure you know, in 2013, 22 extra beds were added to</p> <p>15 make it 448. And in or around the end of 2016, for</p> <p>16 roll-out some time in April 2017, another 60 beds were</p> <p>17 added to Brook House to make a total of 508.</p> <p>18 Do you think it is fair, or unfair, comment to</p> <p>19 suggest that the Home Office appears to have been</p> <p>20 squeezing value out of the estate in order to meet</p> <p>21 changes in policy?</p> <p>22 A. Again, I am not sure that "squeezing value" is the right</p> <p>23 term to use, Mr Altman.</p> <p>24 I am not aware of the operational environment at the</p> <p>25 time. You know, in massive detail, but if we needed</p> <p style="text-align: center;">Page 67</p>
<p>1 build a centre with a different environment, with</p> <p>2 a different physical structure, that wasn't a cat B or</p> <p>3 cat C-type, prison-built environment and, within three</p> <p>4 months of it opening, it had burnt down. The</p> <p>5 Home Office's favourite independent observer,</p> <p>6 Stephen Shaw, came in and completed the review of the</p> <p>7 Yarl's Wood fire and his view was clearly that, if you</p> <p>8 are going to detain people, you need a physical</p> <p>9 infrastructure that is capable of doing so.</p> <p>10 So there is a balance to be struck between listening</p> <p>11 to what Mary says and taking her views on board and</p> <p>12 making sure that we have an environment that is as soft</p> <p>13 as possible, but, at the same time, having somewhere</p> <p>14 that is safe for residents and staff and secure, if</p> <p>15 there is concerted action.</p> <p>16 So it is not a simple question or a simple picture,</p> <p>17 Mr Altman, I am afraid.</p> <p>18 Q. But you are not necessarily disagreeing with her, are</p> <p>19 you?</p> <p>20 A. I am saying it is a mixed economy. So extrapolating</p> <p>21 further, when it looked like there was going to be</p> <p>22 a third runway at Heathrow Airport, we looked at</p> <p>23 designing a new IRC in partnership with Heathrow Airport</p> <p>24 because the runway would have gone across Colnbrook and</p> <p>25 Harmondsworth. And, in designing that, whatever we are,</p> <p style="text-align: center;">Page 66</p>	<p>1 additional beds, then, you know, there are a number of</p> <p>2 ways of providing them and I am sure that would have</p> <p>3 been reviewed and risk assessed and considered and, you</p> <p>4 know, very much as we -- very much as the Prison Service</p> <p>5 and other closed environments have done, sometimes</p> <p>6 adding additional beds is the only answer to the</p> <p>7 question.</p> <p>8 Q. What was the question?</p> <p>9 A. Do we need -- if additional capacity is needed, how can</p> <p>10 we provide it?</p> <p>11 I don't think it is necessarily a case of "squeezing</p> <p>12 value", it is providing the required capacity.</p> <p>13 Q. The three-bed-to-a-room arrangement was reversed. Why</p> <p>14 was it reversed?</p> <p>15 A. In light of Stephen Shaw's second review, in 2018, we</p> <p>16 considered how we were using the estate and we made</p> <p>17 a number of changes. We took the third beds out of</p> <p>18 centres, Gatwick and Heathrow, we closed</p> <p>19 Campsfield House because the rooms there were crowded</p> <p>20 and I wasn't happy with them, and we put an operating</p> <p>21 cap of 80 per cent occupancy on a centre, except in</p> <p>22 exceptional circumstances. So we changed our approach</p> <p>23 to it, but we were able to do so.</p> <p>24 Q. If we can just put up, please, <CJS000761> at page 5,</p> <p>25 this is the HMIC report, you will see, for 31 October</p> <p style="text-align: center;">Page 68</p>

<p>1 to 11 November 2016 inspection and if we go to page 5,</p> <p>2 you will see the penultimate paragraph there reads:</p> <p>3 "This report makes a number of detailed</p> <p>4 recommendations about the treatment of detainees and the</p> <p>5 conditions in which they are held. I would add</p> <p>6 a cautionary note on an issue that is not the subject of</p> <p>7 a specific recommendation but has the potential to</p> <p>8 adversely affect the conditions in which some detainees</p> <p>9 are held: the proposal to bring into use the third bed,</p> <p>10 which has been installed in 60 of the two-person cells.</p> <p>11 Many staff and detainees were of the view that this</p> <p>12 would lead to a decline in living standards. This is</p> <p>13 a view shared by inspectors."</p> <p>14 And you will know that Peter Clarke, if you just</p> <p>15 scroll down, signed off this report in January 2017 but</p> <p>16 he wasn't the only one because, back in January 2016,</p> <p>17 which was the time of the first Shaw report, he was</p> <p>18 clearly dead against it.</p> <p>19 Why do you think the Home Office went ahead,</p> <p>20 regardless of Stephen Shaw's view expressed in his first</p> <p>21 report in January 2016 and in light of the comments made</p> <p>22 by Peter Clarke in the report dated January 2017?</p> <p>23 A. I don't know, Mr Altman, because I wasn't there at the</p> <p>24 time but, anyhow, I can speculate that, you know, extra</p> <p>25 capacity was needed and that options were reviewed.</p> <p style="text-align: center;">Page 69</p>	<p>1 other centres as well, and in previous -- I have</p> <p>2 attended inquests in the past and from historic cases</p> <p>3 and apologised for the same issue: we didn't have the</p> <p>4 right number of staff on site and the staff we did have</p> <p>5 were focused on two different competing jobs.</p> <p>6 So, you know, that is a clear failing and, you know,</p> <p>7 I put my hand up to that.</p> <p>8 Q. Why do you think it was that there were insufficient</p> <p>9 staff on site at Brook House during the relevant period?</p> <p>10 Was it about money, other resources, or just no vision?</p> <p>11 A. I don't think it was any of those, I don't think we had</p> <p>12 recognised at the time the potential impact of competing</p> <p>13 priorities.</p> <p>14 Q. Yes.</p> <p>15 A. And learning from the reports and from what has</p> <p>16 happened, then, we surged the staffing. But at the</p> <p>17 time, I guess I would characterise it as an unknown</p> <p>18 unknown.</p> <p>19 Q. Sorry, what was the word you used, "We [something] on</p> <p>20 staffing"?</p> <p>21 A. We surged the staffing.</p> <p>22 Q. "Surged"?</p> <p>23 A. "Surged", significantly increased the number of</p> <p>24 Home Office staff on site.</p> <p>25 Sorry, it is not clear.</p> <p style="text-align: center;">Page 71</p>
<p>1 Q. Did you regard it as a mistake to have added 60 beds to</p> <p>2 Brook House?</p> <p>3 A. I couldn't characterise it as a mistake, no, because</p> <p>4 I don't know what the options were at the time. If you</p> <p>5 were faced with a number of options, it may have been</p> <p>6 the best option, it may not have been. I simply don't</p> <p>7 know.</p> <p>8 Q. In terms of detainee welfare, Mr Riley, do you accept</p> <p>9 that any failure to focus on detainee welfare is</p> <p>10 a fundamental failure that the Home Office has to take</p> <p>11 responsibility for?</p> <p>12 A. Sorry, in what way? Sorry, it is a slightly large</p> <p>13 question. Sorry, Mr Altman, but I am not understanding</p> <p>14 it properly.</p> <p>15 Q. Any failure -- do you accept that any failure to focus</p> <p>16 on detainee welfare is a fundamental one, that the</p> <p>17 Home Office ultimately has to take responsibility for?</p> <p>18 A. Yes, I am clear that, you know, I am responsible for the</p> <p>19 welfare of those in detention, so, yes, I accept that.</p> <p>20 Q. Have you considered why it might be that the Home Office</p> <p>21 onsite staff were so oblivious to the ill-treatment and</p> <p>22 abuse that was going on there?</p> <p>23 A. I think, you know, I have touched on this in what I have</p> <p>24 said and my apology at the top. We didn't have enough</p> <p>25 staff on site. That is not just Brook House, that was</p> <p style="text-align: center;">Page 70</p>	<p>1 I think at the time it was an unknown unknown.</p> <p>2 I don't think that people realised what the impact of</p> <p>3 having that number of staff would be until it became</p> <p>4 clear, and it goes right through my statement, you know,</p> <p>5 the Home Office staff on site and the Home Office</p> <p>6 leadership did not realise what was happening.</p> <p>7 Q. And I am sure you are prepared to agree that they ought</p> <p>8 to have done?</p> <p>9 A. I think locally, we -- I don't hold the local staff to</p> <p>10 blame for that because I don't think we gave them</p> <p>11 sufficient resource and the job we gave them was, in</p> <p>12 hindsight -- and it's a lot easier to look at this in</p> <p>13 hindsight five years later -- the job was too demanding.</p> <p>14 Whether or not that could have reasonably been</p> <p>15 recognised at the time, I don't know, I wasn't in post.</p> <p>16 Q. No, but the Home Office leadership -- that is really</p> <p>17 what I am driving at, not the staff so much but the</p> <p>18 Home Office leadership -- they ought to have known what</p> <p>19 was going on; it was their job to, surely?</p> <p>20 A. I am not sure -- there are times, I think, Mr Altman,</p> <p>21 you know, is it reasonable to expect it and I am not</p> <p>22 sure it was.</p> <p>23 They thought that the staff were doing the job to</p> <p>24 the best of their abilities and they had the competing</p> <p>25 priorities. I think what we can expect from the</p> <p style="text-align: center;">Page 72</p>

<p>1 Home Office leadership is what we saw, that when the 2 problem became apparent they acted decisively in dealing 3 with it. 4 Q. Yes, but you will agree, won't you, Mr Riley, that 5 mistreatment of detainees was nothing novel in 2017? 6 There had been mistreatment in other centres, so the 7 Home Office must have alive to the fact that staff 8 members of private contractors, which is what we are 9 dealing with, were sometimes, I suggest, out of control 10 and mistreating detainees. It was nothing new, was it, 11 and is that why I am suggesting that the leadership 12 should have been alive to it? 13 A. I say -- my opinion now is that the leadership believed 14 that the staff at Brook House were doing the job to the 15 best of their ability and that if they had noticed abuse 16 taking place, they would have raised it. 17 Q. So it was as simple as that; but are you not prepared to 18 accept that those in leadership positions should have 19 been more alert to the possibility that abuse does take 20 place and can take place, and therefore it is reasonable 21 to suggest they ought to have been aware, they ought to 22 have made it their business? 23 A. I can't speak for my predecessor in what actions she 24 took at the time but I do know that she is, you know, 25 an incredibly principled and professional leader who</p> <p style="text-align: center;">Page 73</p>	<p>1 leadership, the culture, you know, we have moved things 2 on incredibly quickly in a small number of years and 3 I think we have taken every step we could take 4 proportionately to deliver a safe environment. 5 Q. Let me move on to another topic. You deal in your 6 witness statement, Mr Riley, don't you, with the use of 7 rule 40 and rule 42. 8 At paragraph 46 of your first witness statement, if 9 you want to look at that, at page 15, you refer to the 10 IMB's 2017 report, which you say was largely positive in 11 its commentary on the use of rule 40 and 42, finding: 12 "No evidence that this ..." 13 Your statement reads "sanction", I think it should 14 be "rule": 15 "... has been used indiscriminately or 16 inappropriately; in fact, just the reverse." 17 But did you appreciate that the report in 2017 18 expressed concerns that mentally unwell detainees were 19 being held in the CSU on rule 40? 20 A. I can't recall that, Mr Altman. 21 Q. Let us put up, please, on the screen <VER000138> at 22 page 14. 23 This is a report you refer to at length, isn't it, 24 in your annex to the second statement -- 25 A. It is.</p> <p style="text-align: center;">Page 75</p>
<p>1 visited the sites and was absolutely determined that 2 people in her care were treated properly as well, but 3 I am sure she reasonably expected that, if staff had 4 seen things locally, they would have reported it to her; 5 they didn't and therefore they didn't -- she didn't get 6 it reported to her. 7 It is a circle we have been round. Was it 8 a reasonable expectation? Well, at the end of the day, 9 you know, she would hope her staff would report things 10 back but, if they didn't see it, they couldn't report 11 it. 12 Q. Then the failure is systemic, isn't it? 13 A. I think the failure is, in a way, we had the site set up 14 and the number of staff and it didn't just fail here, it 15 failed at other sites you have alluded to, and we have 16 learnt from that now. 17 Q. How confident are you that you have learnt from that 18 now, Mr Riley? 19 A. I am very confident, Mr Altman. 20 Q. So we will not in five years' time be having another 21 statutory or non-statutory inquiry as to what went wrong 22 in another detention centre? 23 A. I can't see it happening again, Mr Altman. I think the 24 money we have put in the contracts, the assurance we 25 have, the training we have now, the visibility of</p> <p style="text-align: center;">Page 74</p>	<p>1 Q. -- because of its content? 2 If we look at paragraph 6.5: 3 "In last year's report we raised concerns about the 4 use of the CSU for detainees with mental health issues. 5 Those concerns remain and it is clear that some 6 detainees with mental health issues are held in the CSU 7 on rule 40 when the nature of their behaviour and its 8 impact on staff and fellow detainees makes it impossible 9 for them to remain on normal location. The CSU is not 10 an appropriate location for detainees with mental health 11 problems and, as we said last year in the Brook House 12 context, it simply represents the least worst available 13 option, providing a temporary place of last resort and 14 safety which helps to protect the individual and the 15 general detainee population." 16 Indeed it was also raised in 2016. Can we, Zaynab, 17 put up <IMB000121> at page 16. At 5.7.5, at the foot of 18 the page: 19 "In last year's report, we commented on the extent 20 to which Brook House is fortunate in that the CSU forms 21 a discrete unit within E wing. As a result, many 22 detainees with mental health issues can be relocated 23 from the CSU to normal location on relatively quiet 24 E wing, generally a far more suitable location where 25 they continue to receive appropriate support from the</p> <p style="text-align: center;">Page 76</p>

<p>1 same officers who had cared for them in the CSU. This</p> <p>2 arrangement continued to operate in 2016 and we are</p> <p>3 satisfied that the availability of 'sheltered</p> <p>4 accommodation' on E wing significantly reduced the</p> <p>5 amount of time that some detainees with mental health</p> <p>6 issues spent in the CSU."</p> <p>7 It is this I want to focus attention on:</p> <p>8 "Nevertheless, the use of the CSU for detainees with</p> <p>9 mental health issues continues to reflect a worrying</p> <p>10 lack of specialist accommodation within the detention</p> <p>11 estate and the wider NHS. The Shaw report has led to</p> <p>12 an increased focus on detainees with mental health</p> <p>13 issues, but we are not persuaded this has had an impact</p> <p>14 yet. The IMB remains clear in its view that the CSU is</p> <p>15 not an appropriate location for detainees with mental</p> <p>16 problems. It simply represents the least worst</p> <p>17 available option."</p> <p>18 So in both years the IMB was emphasising that the</p> <p>19 conditions of the CSU were poor and unsuitable for such</p> <p>20 vulnerable detainees. Do you accept those concerns must</p> <p>21 have been known to the Home Office?</p> <p>22 A. The concerns set out in the report were, yes, because,</p> <p>23 you know, we will have published an action plan based on</p> <p>24 the reports, yes.</p> <p>25 Q. Well, the Home Office was privy to these reports,</p> <p style="text-align: right;">Page 77</p>	<p>1 in some regards related. Let's put up on screen</p> <p>2 <CJS000676> please. Presumably you are intimate with</p> <p>3 these DSOs, Mr Riley?</p> <p>4 A. Yes.</p> <p>5 Q. Are you responsible for their authorship or not? Who</p> <p>6 authors these things?</p> <p>7 A. They are authored by a combination of operational and</p> <p>8 policy colleagues, but I sign them all off before they</p> <p>9 are published.</p> <p>10 Q. You have input, perhaps not at some form of committee</p> <p>11 stage, but do you have input into them?</p> <p>12 A. I do, if I am not happy with a revision to a DSO, then</p> <p>13 I will ask for further input.</p> <p>14 Q. You will ask for ...?</p> <p>15 A. Further input.</p> <p>16 Q. Further input?</p> <p>17 A. Further input, yes.</p> <p>18 Q. Yes, well, this one is 02/2017, and published</p> <p>19 date July 2017 and title "Removal from association,</p> <p>20 (Detention Centre Rule 40) and Temporary Confinement,</p> <p>21 (Detention Centre Rule 41)". Can we go to page 11 of</p> <p>22 this DSO, please.</p> <p>23 This whole section is about authorisation and we</p> <p>24 don't need to look at 28, because I am sure you</p> <p>25 understand the provisions, but if we scroll down, as</p> <p style="text-align: right;">Page 79</p>
<p>1 obviously.</p> <p>2 A. Indeed.</p> <p>3 Q. You say the Home Office must have published action plans</p> <p>4 but certainly from 2016 to 2017, the two reports we have</p> <p>5 just seen, nothing can have happened, can it?</p> <p>6 A. I can't comment because, as I say, I wasn't there.</p> <p>7 I don't know what we had attempted to do. Have we got</p> <p>8 the action plan that we can bring up?</p> <p>9 Q. Not that I know.</p> <p>10 A. Because they are all published.</p> <p>11 Q. Well, I am sure, Mr Riley, if there was one, maybe you</p> <p>12 can fish that out for us and send it to the inquiry</p> <p>13 after your evidence is completed?</p> <p>14 A. I am happy to go fishing.</p> <p>15 Q. Maybe there is one and I have not seen it, but if there</p> <p>16 isn't, perhaps you would help us with it.</p> <p>17 The point remains, I have just taken you to two IMB</p> <p>18 reports, separated by a year in effect. One is for 2016</p> <p>19 and one for 2017, and the IMB is complaining about the</p> <p>20 same thing in the second as it was in the first, which</p> <p>21 rather suggests that, even if there was an action plan,</p> <p>22 nothing changed. Can you not agree with that?</p> <p>23 A. Yes -- you know, the repeat comments are a concern.</p> <p>24 I accept that.</p> <p>25 Q. Let me then go to another issue, please. Separate but</p> <p style="text-align: right;">Page 78</p>	<p>1 Zaynab has for us, to paragraph 31, we have the</p> <p>2 provision:</p> <p>3 "In no circumstances must an [individual]</p> <p>4 authorisation be given for a period beyond 24 hours. In</p> <p>5 normal circumstances, any use of rule 40 or 42 for</p> <p>6 an initial 24-hour period must be authorised by</p> <p>7 a manager (executive officer or above) from the HOIE IRC</p> <p>8 team in a contracted-out centre."</p> <p>9 Then if we go to the next page, please,</p> <p>10 paragraph 32:</p> <p>11 "In cases of urgency ..."</p> <p>12 As you will know, that is footnoted 4. If we just</p> <p>13 scroll down to the bottom, urgency meaning:</p> <p>14 "For example to protect life and/or the security of</p> <p>15 the centre, for example a fight or an assault on another</p> <p>16 detainee or member of staff."</p> <p>17 Back up to the top:</p> <p>18 "... and if the circumstances are such that it is</p> <p>19 impracticable to seek the authority required in</p> <p>20 paragraph 31 in advance, the centre/duty manager (in</p> <p>21 a contracted-out or HMPPS-run centre) can make the</p> <p>22 emergency authorisation so that the authority is</p> <p>23 considered to begin at that point."</p> <p>24 Now, a letter was sent to the inquiry and it has</p> <p>25 a reference now, from the Home Office, on 28 March, in</p> <p style="text-align: right;">Page 80</p>

<p>1 relation to an inquiry on behalf of core participants.</p> <p>2 Can we put that up on screen, please, <HOM0332161>:</p> <p>3 "We write in response" -- you are familiar with this</p> <p>4 letter, Mr Riley, I assume?</p> <p>5 A. Yes.</p> <p>6 Q. "We write in response to your email dated 15 March ...</p> <p>7 pertaining to the delegation of certain powers.</p> <p>8 "The position is set out clearly in Detention</p> <p>9 Services Order 02/2017, namely: ..."</p> <p>10 What I just read out is quoted there. Then, at</p> <p>11 point 3:</p> <p>12 "The Home Office expects this DSO to be followed,</p> <p>13 (although as Duncan Lewis observes, it is possible to</p> <p>14 obtain a formal delegation of powers and duties under</p> <p>15 rule 65). It is, however, respectfully highlighted that</p> <p>16 the question of whether a failure to follow this or</p> <p>17 an absence of particular paperwork would result in</p> <p>18 an 'unlawful' decision 'for lack of appropriate</p> <p>19 authorisation' cannot be a matter for determination by</p> <p>20 this inquiry."</p> <p>21 So, do you agree, the effect of the letter is to say</p> <p>22 that the DSO, the particular detention sentence, the</p> <p>23 order, allows the centre or duty manager only to make</p> <p>24 an emergency authorisation?</p> <p>25 A. Yes.</p> <p style="text-align: right;">Page 81</p>	<p>1 Q. Who does the Home Office say, within G4S, was able to</p> <p>2 authorise the use of rule 40 and, specifically, what</p> <p>3 position did they need to occupy?</p> <p>4 A. As it says in the DSO, it is the centre manager or duty</p> <p>5 manager, and that depends -- the duty manager depends on</p> <p>6 the time of day and day of week.</p> <p>7 Q. Yes, so a duty director would have been sufficient for</p> <p>8 the purpose?</p> <p>9 A. If they were the duty manager at the time.</p> <p>10 Q. Yes. What about an Oscar 1?</p> <p>11 A. Yes, at certain times of the day, they are the duty</p> <p>12 manager; for example, in the early hours of the morning,</p> <p>13 they may be the most senior person on site as duty</p> <p>14 manager.</p> <p>15 Q. Yes, what about a DCM?</p> <p>16 A. If they are carrying out the role of duty manager, for</p> <p>17 example Oscar 1, then that is in line with a DSO.</p> <p>18 Q. And if they are not?</p> <p>19 A. Well, no, it needs to be the duty manager.</p> <p>20 Q. You see, we have heard that DCMs were providing</p> <p>21 authorisation in the majority of cases during the period</p> <p>22 that we are dealing with.</p> <p>23 That is the evidence we have heard. And I think we</p> <p>24 heard on Friday from Steve Hower, who is the centre</p> <p>25 manager now, but under the tenure of Serco, that the</p> <p style="text-align: right;">Page 83</p>
<p>1 Q. And the Home Office expects the DSO to be complied with;</p> <p>2 that is the second point.</p> <p>3 A. Yes, that's right.</p> <p>4 Q. Albeit the Home Office agrees that it is possible to</p> <p>5 obtain a formal delegation under rule 65?</p> <p>6 A. Hmm.</p> <p>7 Q. And the delegation under rule 65, which is found in the</p> <p>8 Detention Centre Rules of 2001, is:</p> <p>9 "The manager of a detention centre may, with the</p> <p>10 leave of the Secretary of State, delegate any of the</p> <p>11 powers and duties under these rules to another officer</p> <p>12 of that detention centre."</p> <p>13 That is what rule 65 provides.</p> <p>14 Finally, the final sentence in point, or paragraph,</p> <p>15 3 of the letter:</p> <p>16 "It is not the inquiry's role to decide upon the</p> <p>17 implications of failing to follow the process or</p> <p>18 an absence of ... paperwork."</p> <p>19 Fine so far, but can I ask you these questions,</p> <p>20 Mr Riley, please? Do you consider that rule 40 should</p> <p>21 only have been authorised by G4S in case of urgency, and</p> <p>22 where it was impracticable to seek Home Office</p> <p>23 authorisation?</p> <p>24 A. Yes, I do. That is -- you know, as you say, that is</p> <p>25 clearly set out in the DSO.</p> <p style="text-align: right;">Page 82</p>	<p>1 same is happening?</p> <p>2 A. I am aware that DCMs, if they are the duty manager, can</p> <p>3 authorise, and do authorise, now. I don't have</p> <p>4 a problem with that, if they are the senior manager on</p> <p>5 site.</p> <p>6 You know, things can happen in the early hours of</p> <p>7 the morning or late at night when they are the Oscar 1</p> <p>8 or duty manager. And I would expect it to be the</p> <p>9 Oscar 1 but, as a safeguard, every single time rule 40</p> <p>10 is authorised, in an emergency by a member of Serco</p> <p>11 staff, the whole context of it is reviewed by my team</p> <p>12 within 24 hours. Not just the actual use of rule 40,</p> <p>13 which obviously we had to do anyway under the DSO, but,</p> <p>14 in general, the paperwork and why the individual who</p> <p>15 gave authorisation did it at that time and in that way.</p> <p>16 Q. If, during the period that we are interested in, it was</p> <p>17 routinely being done by DCMs, who were not duty</p> <p>18 managers, then that was a failure in the system?</p> <p>19 A. I think -- it was certainly against the DSO and we</p> <p>20 should have -- sorry, it would certainly be outside of</p> <p>21 the DSO, and we should have noticed it, yes, I would</p> <p>22 accept that.</p> <p>23 Q. As far as you know, Mr Riley, during the relevant</p> <p>24 period, so the period April to end of August 2017, was</p> <p>25 any delegation sought under rule 65?</p> <p style="text-align: right;">Page 84</p>

<p>1 A. I am not aware of any. I don't know, sorry, Mr Altman.</p> <p>2 Q. Is that a "no" or just you don't know?</p> <p>3 A. It is just I don't know, sorry.</p> <p>4 Q. Can you find out for us, please? Thank you.</p> <p>5 Let me just ask you something on a discrete topic</p> <p>6 which I am asked to ask you on behalf of some of the</p> <p>7 core participants.</p> <p>8 A. Yes.</p> <p>9 Q. D643, is, or was, a detainee at Brook House. On</p> <p>10 22 February, he gave evidence to the effect that he had</p> <p>11 in his possession two mobile phones, one of which was</p> <p>12 operated on a 3G network and another was given to him by</p> <p>13 Brook House staff. He describes phone blackouts around</p> <p>14 the time of charter flights, where Brook House phones</p> <p>15 didn't work, but his 3G phone did.</p> <p>16 In fact, he wasn't the only one, we have heard</p> <p>17 evidence of that kind and maybe you are aware of it,</p> <p>18 that, somehow, coincidentally, the internet went down</p> <p>19 around the time of charter flights, so the question I am</p> <p>20 asked to ask you is this: does the Home Office or its</p> <p>21 contractors have the capacity to shut off phone</p> <p>22 connectivity and/or internet connectivity for detainees</p> <p>23 and, if it does, has it used it?</p> <p>24 A. I don't know about internet connectivity. We cannot</p> <p>25 shut off phone connectivity.</p> <p style="text-align: center;">Page 85</p>	<p>1 to prevent abuse and ill-treatment at Brook House, do</p> <p>2 you accept it is your responsibility, the Home Office's</p> <p>3 responsibility, to investigate and understand what</p> <p>4 happened and to learn lessons from it to avoid the same</p> <p>5 issues recurring?</p> <p>6 A. Yes, I do.</p> <p>7 Q. No question about that, is there, really?</p> <p>8 In your role, now, Mr Riley, do you make it your</p> <p>9 business to make yourself aware of past abuse, scandals</p> <p>10 and recommendations made to the Home Office?</p> <p>11 A. I do. I think there is a -- in some ways, almost</p> <p>12 a statute of limitations about how far I will go back,</p> <p>13 but, yes, I do.</p> <p>14 Q. How far do you go back?</p> <p>15 A. It depends on the issue, on whether there is still</p> <p>16 relevance today. So, for example, there was a couple of</p> <p>17 very difficult inquests I attended at -- you know,</p> <p>18 recently -- where they went back a number of years and,</p> <p>19 you know, I felt it was relevant to look into the</p> <p>20 circumstances. You know, it is not a hard and fast</p> <p>21 rule, I don't think, Mr Altman.</p> <p>22 Q. Whose job is it to ensure that recommendations are</p> <p>23 followed through?</p> <p>24 A. Ultimately, it is my responsibility.</p> <p>25 Q. Yes. And do you have a team under you to help you with</p> <p style="text-align: center;">Page 87</p>
<p>1 This has been raised on a number of occasions and</p> <p>2 including, you know, prior to a charter flight a couple</p> <p>3 of years ago. To safeguard that now, we test daily, or</p> <p>4 before charter flights, phone connectivity across the</p> <p>5 centres, because, you know, we need to be able to --</p> <p>6 sorry, residents need to be able to get in touch with</p> <p>7 their loved ones, their families and their legal</p> <p>8 representatives.</p> <p>9 So we test the systems ourselves now, and we produce</p> <p>10 a report. And, again, I could share examples of that</p> <p>11 report with you if that is helpful.</p> <p>12 So there is no evidence at all that people are doing</p> <p>13 it. We don't do it; we can't.</p> <p>14 Q. I am not really asking so much about now, because the</p> <p>15 complaints relate to the period that we are dealing</p> <p>16 with, but do you have any knowledge, whatever you are</p> <p>17 doing now, Mr Riley, was it done then?</p> <p>18 A. I have no knowledge at all -- I don't know how we could</p> <p>19 have switched off a phone signal from an external</p> <p>20 company.</p> <p>21 Q. Let me move on. As I said, that was just a discrete</p> <p>22 topic I have been asked to ask you about.</p> <p>23 I want to look at, really, what lessons are being</p> <p>24 learned on behalf of the inquiry. I am sure you will</p> <p>25 agree that, given it is the Home Office's responsibility</p> <p style="text-align: center;">Page 86</p>	<p>1 that?</p> <p>2 A. We have -- I have various teams to deliver our</p> <p>3 recommendations, so it varies. We have a first-line</p> <p>4 insurance team who look at recommendations in centres,</p> <p>5 the new operating contracts mean that the demonstrations</p> <p>6 from certain bodies, HMIP and others have to be</p> <p>7 implemented by the supplier. I have a second-line</p> <p>8 assurance team who look at thematic reviews and dip</p> <p>9 sample the performance locally.</p> <p>10 There is a second audit and insurance team within</p> <p>11 the returns command who look at returns-focused</p> <p>12 recommendations. I have a security audit and insurance</p> <p>13 team that looks at security and use of force</p> <p>14 recommendations, and I have a corporate oversight team</p> <p>15 that helps coordinate all this. So there are various</p> <p>16 teams that all report into me in some way that look at</p> <p>17 this.</p> <p>18 Q. And is the effect of it advisory, so do these teams</p> <p>19 advise you whether certain recommendations should be</p> <p>20 adopted or not, or part accepted and part rejected, how</p> <p>21 does that work?</p> <p>22 A. No, those teams, sorry if I was misleading there. Those</p> <p>23 teams are to look at the recommendations we have</p> <p>24 accepted, to make sure they are being delivered.</p> <p>25 Q. Let's go a stage backwards. How are recommendations</p> <p style="text-align: center;">Page 88</p>

<p>1 accepted or rejected? What is the process behind that?</p> <p>2 A. When a recommendation is made, my team, my corporate</p> <p>3 oversight team, my operational teams, will work with the</p> <p>4 policy teams who are responsible for the recommendation</p> <p>5 to review it and to see whether it is deliverable or</p> <p>6 not. Some recommendations, you know, we accept in</p> <p>7 delivering in full, some can only be partially accepted</p> <p>8 for various reasons and some we don't accept.</p> <p>9 Q. Yes, and all of that, as far as you are concerned, has</p> <p>10 been set out in the annex. So you have looked at</p> <p>11 various parts of reports, you have looked at the</p> <p>12 recommendations and explained which have been accepted</p> <p>13 and which have not and why not?</p> <p>14 A. Yes. And for certain types of reports, you know, for</p> <p>15 example, HM Inspectorate of Prisons or IMB reports we</p> <p>16 publish our findings and our action plans.</p> <p>17 Q. You say, going back in time, it is a question of</p> <p>18 relevance. Are you aware of a report which calls itself</p> <p>19 "Outsourcing Abuse" from July 2018 by Medical Justice?</p> <p>20 A. No, I am not, sorry.</p> <p>21 Q. This was in your documentation, Mr Riley.</p> <p>22 A. I accept that, Mr Altman. As I say, there was an awful</p> <p>23 lot in there and I have done my best to get through as</p> <p>24 much as possible.</p> <p>25 Q. I accept there was. Can we consider parts of it,</p> <p style="text-align: right;">Page 89</p>	<p>1 defensible, and 27 per cent took over one year.</p> <p>2 "28. The Home Office commissioned Baroness</p> <p>3 Nuala O'Loan DBE to conduct a review of the 'Outsourcing</p> <p>4 Abuse' report and to consider 29 of the cases referenced</p> <p>5 in which the UK Border Agency or HM Prison Service had</p> <p>6 already carried out an investigation. This review was</p> <p>7 published in March 2010. Baroness O'Loan did not find</p> <p>8 evidence of systemic abuse in the cases she was able to</p> <p>9 review. However, in the 29 cases in which complaints</p> <p>10 were made, she identified 18 cases in which 'the</p> <p>11 investigations were not adequate or there was no</p> <p>12 investigation'."</p> <p>13 She found that many of the use of force techniques</p> <p>14 were lawful, insofar as they were permitted, noting that</p> <p>15 they must, of course, also be necessary and</p> <p>16 proportionate. And so Emma Ginn goes on in</p> <p>17 paragraph 29, and, at 30, she adds this:</p> <p>18 "Baroness O'Loan also concluded that there was,</p> <p>19 'inadequate management of the use of force by the</p> <p>20 private sector companies' which resulted in 'failures</p> <p>21 properly to account for the use of force by recording</p> <p>22 fully the circumstances and justification for the use of</p> <p>23 force'."</p> <p>24 Then to paragraph 31:</p> <p>25 "In all [she] made 22 recommendations in respect of</p> <p style="text-align: right;">Page 91</p>
<p>1 because it was followed up by Baroness O'Loan, who did</p> <p>2 a report reviewing the Medical Justice Report</p> <p>3 in March 2010. And perhaps it is most usefully</p> <p>4 summarised and, if needs be, we can look at the reports</p> <p>5 themselves, by Emma Ginn of Medical Justice. She</p> <p>6 provided a witness statement to the inquiry, <BHM000041></p> <p>7 at page 9.</p> <p>8 Scroll down to the bottom. You will see the heading</p> <p>9 "Outsourcing abuse: State-sanctioned violence during the</p> <p>10 detention and removal of asylum seekers."</p> <p>11 As I say, dated 2008. If we go to the next page at</p> <p>12 the top:</p> <p>13 "This report [she says] was based on 48 case studies</p> <p>14 of alleged assault between January 2004 and June 2008</p> <p>15 within the IRC estate, primarily in the context of</p> <p>16 escorted removal to and from the airport."</p> <p>17 I am not going to read all of it in because there</p> <p>18 are several paragraphs. Paragraph 27:</p> <p>19 "In November 2008 the complaints audit committee</p> <p>20 reported there were 'endemic and enlarging problems' in</p> <p>21 misconduct investigations and 'indications of rising</p> <p>22 discontent and continuing failures'."</p> <p>23 The [Complaints Audit Committee] CAC stated that</p> <p>24 79 per cent of serious misconduct complaints were not</p> <p>25 interviewed, that 65 per cent of the responses were not</p> <p style="text-align: right;">Page 90</p>	<p>1 the management of removals and the complaints</p> <p>2 investigation processes, six of which related to the use</p> <p>3 of force and handcuffing, including 'a review of the</p> <p>4 control and restraint techniques and of the Guidance</p> <p>5 used to determine what improvements could be made. Such</p> <p>6 a review should encompass consideration of control and</p> <p>7 restraint training and the physical techniques used in</p> <p>8 mental health establishments'."</p> <p>9 She adds this:</p> <p>10 "The Home Office duly agreed to prepare a Service</p> <p>11 Improvement Plan, though it has not provided a copy to</p> <p>12 Medical Justice. Lin Homer, the chief executive of the</p> <p>13 UKBA at the time perceived, the 'Outsourcing Abuse'</p> <p>14 report 'as an attack on the reputation of our</p> <p>15 contractors', rather than an attempt to raise serious</p> <p>16 concerns and secure proper investigation into them.</p> <p>17 However, notwithstanding this, she pledged her</p> <p>18 commitment on behalf of the Home Office, in response to</p> <p>19 the O'Loan review 'to ensure we maintain robust systems</p> <p>20 of accountability to ensure that we root out any</p> <p>21 individual whose behaviour falls below the high</p> <p>22 standards we should rightly demand in this sensitive</p> <p>23 area. The public deserve nothing less'."</p> <p>24 And that ends her quote.</p> <p>25 In light of everything you know, particularly about</p> <p style="text-align: right;">Page 92</p>

<p>1 the use of force at Brook House during the relevant</p> <p>2 period, do you accept that her commitment hasn't been</p> <p>3 met?</p> <p>4 A. In terms of what was happening in Brook House in 2017,</p> <p>5 yes, I do.</p> <p>6 Q. As you accept, 2010, when Baroness O'Loan produced her</p> <p>7 review report, that was 7 years before Panorama exposed</p> <p>8 what was happening at Brook House.</p> <p>9 Does that suggest to you, Mr Riley -- before your</p> <p>10 time perhaps, but are you prepared to accept that there</p> <p>11 has been a failure by the Home Office to manage private</p> <p>12 sector companies in their treatment of detainees and the</p> <p>13 use of their detention powers?</p> <p>14 A. I think that is -- that is an incredibly wide statement,</p> <p>15 Mr Altman. What I do think is that --</p> <p>16 Q. It was actually a question, rather than a statement. It</p> <p>17 was whether you think --</p> <p>18 A. In that case, the answer is no. Sorry, it felt like</p> <p>19 a statement.</p> <p>20 I think that is incredibly wide-ranging. As we have</p> <p>21 seen in a number of the documents you have put on</p> <p>22 screen, and in the evidence packs, that independent</p> <p>23 bodies have complimented, at times, the quality of the</p> <p>24 work that private sector suppliers have carried out. It</p> <p>25 is not a "one size fits all". We cannot minimise what</p> <p style="text-align: center;">Page 93</p>	<p>1 the "Key facts" infographic we'll see on the right-hand</p> <p>2 side: "</p> <p>3 "35 per cent recommendations from the [HMIP] report</p> <p>4 that have not yet been implemented one year after the</p> <p>5 inspection."</p> <p>6 Do you have any explanation for that?</p> <p>7 A. No. It would be helpful to have more detail with</p> <p>8 that -- so whether they're the recommendations we have</p> <p>9 accepted or the total recommendations, including ones</p> <p>10 that we have not accepted or only partially accepted.</p> <p>11 Q. If we go to page 7, the next page, we will see at the</p> <p>12 top this is a summary, and if we go to paragraph 3,</p> <p>13 there is some helpful background in it:</p> <p>14 "In March 2015, a Channel 4 undercover documentary</p> <p>15 on Yarl's Wood made allegations about the way residents</p> <p>16 were treated by staff. The documentary coincided with</p> <p>17 the start of the new Serco contract. It was closely</p> <p>18 followed by an unannounced inspection of the centre by</p> <p>19 HMIP and the Care Quality Commission (CQC)</p> <p>20 in April 2015. Since then, there have been a further</p> <p>21 four independent reviews. These were led by</p> <p>22 Kate Lampard for Serco, Stephen Shaw for the</p> <p>23 Home Office, Bedford Borough Council's Adult Services</p> <p>24 and Health Overview and Scrutiny Committee and the CQC.</p> <p>25 The reviews covered different aspects of the performance</p> <p style="text-align: center;">Page 95</p>
<p>1 happened at Brook House in 2017; we have got to learn</p> <p>2 from it. But, equally, we cannot be throwing the baby</p> <p>3 out with the bathwater and ignoring the good work that</p> <p>4 took place as well, paraphrasing Shakespeare on that.</p> <p>5 It is, you know, the good is often interred in the</p> <p>6 bones, Mr Altman, in what our suppliers do, so I can't</p> <p>7 agree with the scope of your question.</p> <p>8 Q. So put another way, as a question, are you confident</p> <p>9 that, during the relevant period, the Home Office was</p> <p>10 adequately managing G4S?</p> <p>11 A. I don't think we were, no. Because if we had adequately</p> <p>12 resourced our management of the contract, then I don't</p> <p>13 think the abuse would have happened and I have already</p> <p>14 accepted that and that there were failures in that, so</p> <p>15 there were failings there, I accept.</p> <p>16 Q. You mentioned Yarl's Wood in another context. Can we</p> <p>17 put up on screen <INQ000186> please.</p> <p>18 This appears to be a summary report about</p> <p>19 Yarl's Wood, have you had an opportunity to look at</p> <p>20 this, Mr Riley?</p> <p>21 A. Sorry, Mr Altman, no, I haven't.</p> <p>22 Q. You haven't?</p> <p>23 A. No.</p> <p>24 Q. We can see the date of it at the foot of the page,</p> <p>25 7 July 2016. If we go, please, to page 6 to begin with,</p> <p style="text-align: center;">Page 94</p>	<p>1 of Serco and G4S. The Home Office, NHS England, Serco</p> <p>2 and G4S subsequently drew up plans to respond to the</p> <p>3 reviews, and are introducing changes."</p> <p>4 They set out -- we don't need to look at it -- the</p> <p>5 events at Yarl's Wood.</p> <p>6 If we go then, please, to page 10, under, "Key</p> <p>7 findings. Designing the service specification":</p> <p>8 "The Home Office did not reflect lessons from</p> <p>9 previous inspections when it agreed the service</p> <p>10 specification with Serco. Many of the concerns raised</p> <p>11 by HMIP in its 2015 inspection were raised in 2011 and</p> <p>12 2013 prior to the new contracts. For example, HMIP</p> <p>13 identified issues with the quality of rule 35 reporting</p> <p>14 (the process for identifying vulnerable residents) and</p> <p>15 the role of male staff in searching female residents'</p> <p>16 rooms. At the time of the 2015 report, 59 per cent of</p> <p>17 the 2013 report's recommendations had not been achieved,</p> <p>18 with little evidence that issues had been tackled until</p> <p>19 recently ..."</p> <p>20 Then at page 12, paragraph 14:</p> <p>21 "G4S has been slow to meet its contractual</p> <p>22 obligations for training. G4S was required to provide</p> <p>23 staff with appropriate training on IRCs. Rule 35</p> <p>24 assessments are specific to IRCs so people who had not</p> <p>25 worked in IRCs need training about them. The HMIP</p> <p style="text-align: center;">Page 96</p>

<p>1 repeatedly issued recommendations to address weaknesses 2 in the rule 35 process during inspections in 2011, 2013, 3 and again in 2015. However, neither Commissioners nor 4 contractors acknowledged the urgency of addressing these 5 main recommendations. NHS England eventually provided 6 training to GPs in July 2015, almost a year after the 7 G4S contract started. G4S was also required to provide 8 training to all staff at Yarl's Wood on mental health 9 issues. NHS England did not enquire in the first six 10 months of the contract whether G4S was providing mental 11 health training to Serco staff. G4S offered training to 12 Serco staff in April 2015, seven months after the start 13 of the contract, but Serco wasn't able to take it up 14 until October 2015. Training is now offered on 15 a monthly basis ..."</p> <p>16 And then, please, finally, if we go to page 13 and 17 paragraph 18 under the heading "Progress into the 18 reviews":</p> <p>19 "There has been some significant process since the 20 independent reviews, although 35 per cent of the 21 recommendations from HMIP's 2015 inspection have not yet 22 been implemented. In particular there have been 23 improvements to healthcare facilities, the gender 24 balance of operational staff, adult safeguarding and the 25 residential regime. CQC reinspected healthcare at</p> <p style="text-align: right;">Page 97</p>	<p>1 from 2015, but I do think that the Home Office has 2 learned from that and has brought in a new regime and 3 different levels of assurance to make sure that we do 4 better now.</p> <p>5 Q. It just seems to provide a picture of a persistent 6 failure to follow recommendations, doesn't it, Mr Riley, 7 it is not just about G4S and/or the private contractors, 8 I am focusing my attention on the Home Office. Are you 9 telling us that the issue is one of resource and there 10 is nothing else to see there?</p> <p>11 A. I am not saying that. I am saying that I wasn't there 12 at the time. I don't know what the recommendations 13 were, how easy or difficult they were to follow, but 14 I did agree, it is, on the face of these reports, 15 a quite sad picture in progress.</p> <p>16 That is why the Home Office, you know, has put the 17 resource we have now into improving the situation.</p> <p>18 MR ALTMAN: Chair, it is a little early but I want to take 19 Mr Riley to another report, but it will take me longer 20 than five minutes. Can I suggest 2.00?</p> <p>21 THE CHAIR: Thank you. Thank you, Mr Riley. 2.00. 22 (12.56 pm) 23 (The short adjournment) 24 (2.00 pm) 25 THE CHAIR: Thank you, Mr Altman.</p> <p style="text-align: right;">Page 99</p>
<p>1 Yarl's Wood in May 2016 and found that all the required 2 improvements had been made and there was only one area 3 requiring further work ..."</p> <p>4 And the relevant paragraphs are there set out. 5 Not very encouraging, is it, Mr Riley?</p> <p>6 A. No, as I say, you know, I accept that -- I have accepted 7 that, back in 2015, we didn't have sufficient 8 resource --</p> <p>9 Q. Can you speak up a bit, please?</p> <p>10 A. Sorry, yes, I have accepted that, back in 2015, 11 Mr Altman, we didn't have sufficient resource dedicated 12 in the centres to make sure that recommendations were 13 being delivered, and that the staff in the centres were 14 being torn between operational jobs, induction and the 15 issuing of papers and that -- you know, the review of 16 compliance with recommendations.</p> <p>17 Q. Yes.</p> <p>18 A. We have moved to change that. As I say, we have 19 an independent team now, and, as I set out to you 20 earlier, a number of independent second-line assurance 21 bodies. And finally, it is into the contract, as 22 I think Mr Hewer himself acknowledged, that the 23 suppliers have to deliver third party recommendations 24 now.</p> <p>25 So, yes, I accept that it is not a great picture</p> <p style="text-align: right;">Page 98</p>	<p>1 MR ALTMAN: Mr Riley, can we look at paragraph 51 of your 2 first witness statement, please.</p> <p>3 A. Excuse me?</p> <p>4 Q. Page 16. Have you got that?</p> <p>5 A. I have, yes, thank you.</p> <p>6 Q. You say you defer to the assessment of experts and their 7 assessment of the Adults at Risk policy's effectiveness 8 and this under the heading of "Vulnerability of 9 detainees":</p> <p>10 "Any assessment of its effectiveness at Brook House 11 during the relevant period will, to some degree, be 12 stymied by the benefit of hindsight and would need to be 13 cognisant that the policy was in its infancy during that 14 time."</p> <p>15 Then you refer to the second report on immigration 16 detention by Stephen Shaw, acknowledging the genuine 17 focus on vulnerability that the AAR policy had fostered 18 and commented that it would be folly to abandon it.</p> <p>19 You say:</p> <p>20 "Clearly there may be room for improvement in the 21 operation of the Adults at Risk policy, including at 22 Brook House. The operation of Adults at Risk is subject 23 to annual inspection by the Independent Chief Inspector 24 of Borders and Immigration, (ICIBI [for short])."</p> <p>25 And you say:</p> <p style="text-align: right;">Page 100</p>

25 (Pages 97 to 100)

<p>1 "In responding to the inspector's first review, the 2 then Director General of Immigration Enforcement 3 acknowledged concerns that existed in such areas as 4 clarity of roles, quality of discussion within case 5 progression panels and overall quality of decision 6 making. An action plan was put in place to address 7 those issues. I look forward to reading the ICIBI's 8 second review which has now been published." 9 Did you read it? 10 A. Yes, I have, and our published response as well. 11 Q. Sorry, I can't hear you. 12 A. Sorry, Mr Altman, I read it and our response as well, 13 which has been published. 14 Q. It was published in October '21 -- 15 A. Hmm. 16 Q. -- is that right? This statement was November '21, so 17 it had been published, roughly, a few weeks beforehand. 18 A. I haven't got the timings, but I rely on you for those, 19 yes. 20 Q. Let's just put it up on screen, please. <INQ000156>. 21 We see it covers the period July 2020 to March '21, and 22 if we go to the next page, at the foot, we see 23 October 2021 is when it was presented to parliament. 24 If we go, please, to page 12, there is a summary of 25 conclusions. At 3.3:</p> <p style="text-align: center;">Page 101</p>	<p>1 and reporting and offender management." 2 Obviously there is much more to this report than 3 that, Mr Riley, but do you think it made happy reading? 4 A. No. I don't think it did. I think it was difficult to 5 deliver during the pandemic and the landscape has been 6 further complicated by the Nationality and Asylum Bill 7 currently at the last stages of parliament and, you 8 know, our decision within the Home Office that there was 9 little point in producing reforms to Adults at Risk, and 10 indeed rule 35, when the landscape may change 11 considerably once the Bill becomes law. 12 But, you know, I accept that Mr Neal's view is 13 outside of that, and he reports against what he sees and 14 against his terms of reference, and that is what he has 15 reported. 16 Q. Yes, but it feels like the same old song, doesn't it, 17 about tardiness, and implementing recommendations? 18 I mean, 4.1, which I have just read to you, "Without 19 further delays"? 20 A. But Mr Neal has not taken into account here the wider 21 pressures of the Nationality and Asylum Bill and it 22 would seem nugatory to develop and further reform 23 a system until we are sure what landscape it sits 24 against in the very near future. 25 But of the 11 recommendations that Mr Neal made,</p> <p style="text-align: center;">Page 103</p>
<p>1 "More broadly, genuine concerns about vulnerability 2 were in tension with a widely-held view within the 3 Home Office that the safeguarding mechanisms used to 4 identify and protect vulnerable detainees were and are 5 being abused." 6 I am not going to read the whole paragraph. Then 7 3.4: 8 "Progress towards the implementation of the accepted 9 recommendations from the first inspection had been slow 10 and limited. Work to improve conditions for immigration 11 detainees held in prisons had not advanced beyond the 12 scoping stage, and the introduction of a pilot to test 13 an enhanced screening tool for vulnerability ... had 14 been suspended as a result of the Covid-19 pandemic." 15 Can we look at the recommendations on page 16: 16 "The Home Office should: 17 "4.1. Without further delays, implement the 18 recommendations from previous reviews and reports about 19 the 'Adults at Risk in immigration detention' policy (by 20 Stephen Shaw, ICIBI and other statutory bodies), 21 producing a revised timetable for this work and 22 resourcing it so that it is completed during 2021-22, or 23 if this is not possible, by a specified later date, and 24 including in this process related recommendations from 25 ICIBI reports concerning non-detained vulnerable adults,</p> <p style="text-align: center;">Page 102</p>	<p>1 work is progressing against, I think, nine of them and 2 we are due to update him in the next couple of weeks on 3 progress. There has some considerable progress been 4 made, you know, a review of part C, in particular, 5 I think is really important. 6 Q. Yes. Was it only the Bill which held up matters or were 7 there other issues outside of Covid-19? 8 A. I think the Bill is the main factor, Mr Altman, it will 9 have, as you have -- you may have seen from the clauses, 10 it will have a considerable effect on how we manage 11 inadmissibility and we need to make sure the safeguards 12 we have are fit for purpose under the new landscape. 13 Q. All right. Professor Bosworth, who gave evidence last 14 Tuesday, I asked her about the Oakington report, and 15 that is going all the way back to July 2005, and how 16 much of it had been implemented. She bemoaned the fact 17 that in the policy arena, as she put it "We tend to go 18 around in circles". 19 Did you read that in the transcript? 20 A. I read that in the transcript, yes. 21 Q. Why is that, why, in the policy arena, do -- as she put 22 it, "We tend to go round in circles"? 23 A. That was her phrase and it is up to her to say why she 24 used it. I assume she has a frustration in the length 25 of time it takes and the fact we do move backwards and</p> <p style="text-align: center;">Page 104</p>

1 forwards in policy at times, but it is an incredibly
 2 difficult and complex area and when, you know, we move
 3 policy in one place, it displaces it elsewhere. It is
 4 a big, complex machine, Mr Altman, and when, say, we
 5 squeeze one thing, something pops out elsewhere.
 6 Q. It all sounds rather cumbersome, doesn't it? I mean, if
 7 you are a lay person listening to this and wondering why
 8 the same things seem to be said year in, year out, about
 9 recommendation, reports going back years. Try and
 10 explain -- obviously, we don't want to go into the whole
 11 mechanism of Home Office and government, but can you
 12 explain in a sentence or two why it just appears to be
 13 so cumbersome?
 14 A. I think it is cumbersome at times. I won't try and
 15 explain that away, but as I say, it is a massively
 16 complicated machine that, you know, needs to be properly
 17 focused. Mixing my metaphors, sorry.
 18 Q. No, you are entitled to do that, Mr Riley. Of course,
 19 you know that this inquiry was established by the Home
 20 Secretary following a ruling in the High Court.
 21 A. Yes.
 22 Q. And there are a lot of people around me, including the
 23 chair and the inquiry more generally, who will want to
 24 know what confidence they can have that recommendations
 25 made by the chair in this inquiry in the course of her

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1 report will be looked at and followed by the Home Office
 2 which set the inquiry up in the first place.
 3 A. Hmm.
 4 Q. What confidence can anybody have?
 5 A. Well, I think, you know, I am committed, myself, and
 6 I am director of detention -- I think I am probably one
 7 of the key people in directing this -- in delivering the
 8 outcomes of the inquiry where they are deliverable.
 9 I do think that we are doing better, we are working
 10 hard to do better. We talked, before the break, about
 11 some of the assurance mechanisms we have put in place to
 12 try and make sure that recommendations are not lost and
 13 are driven forward and are not forgotten about,
 14 including making it part of the operating contract for
 15 suppliers that they have to deliver them and bringing in
 16 second-line assurance to do so.
 17 You know, it is not ideal and there are delays at
 18 times but it is a work in progress and I think we are
 19 improving.
 20 Q. Thank you. Let's move on then. I want to ask you some
 21 questions about rule 34 and rule 35.
 22 We have heard and you know, Mr Riley, that the
 23 evidence heard in this inquiry indicates rather strongly
 24 that the key safeguards under both those rules has been
 25 failing; are you prepared to agree with that?

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1 A. Yes and no, Mr Altman. I think they work in a lot of
 2 cases but, you know, there is room for improvement and
 3 that is why the Home Office has said we will review both
 4 Adults at Risk and rule 35.
 5 Q. Say that again?
 6 A. We have agreed, as the Home Office, that we will review,
 7 you know, rule 35 and Adults at Risk, so we accept there
 8 are some things we could do with improving. But other
 9 things work, and, you know, as of -- I think it
 10 was December, 36 per cent of all rule 35 submissions
 11 resulted in someone being released, so it is not all
 12 a blank picture and it is working in cases.
 13 Q. Of course, the chair is focusing on what went wrong back
 14 in 2017. In relation to rule 34, adequate assessments
 15 were not carried out within 24 hours of detainees'
 16 arriving, they didn't lead to rule 35 reports being
 17 completed where appropriate, and so the detention of
 18 vulnerable detainees wasn't being reviewed at the outset
 19 of detention -- you appreciated that?
 20 A. There were failings at the time and they have been
 21 highlighted and we have improved now. I accept that.
 22 Q. We heard from Sandra Calver, who was the head of
 23 healthcare then, and still, as I understand it, under
 24 Serco's tenure, and we heard from her on 1 March, so
 25 here we are, well over a month ago, telling us that it

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1 was a five-minute appointment that detainees had for
 2 rule 34 assessments.
 3 Dr Oozeerally, who is still there as well, ten days
 4 later, on 11 March, told the inquiry that he was in some
 5 agreement but said that the appointment times could be
 6 short depending on the circumstances, whatever that
 7 meant.
 8 A systemic issue, do you think?
 9 A. I think there seems to be a disagreement between
 10 Mr Oozeerally -- Dr Oozeerally and Sandra Calver there,
 11 but my understanding very much is, you know, a medical
 12 practitioner will take as much time as he or she needs
 13 to do the rule 34 appointment properly and that seems to
 14 be, from my understanding, what Mr Oozeerally was saying
 15 in his evidence.
 16 Q. Except Dr Chaudhary told us time, in effect, was the
 17 enemy. There was no time for it in the course of the
 18 day, no time for these appointments, no time for writing
 19 up reports, which was an issue as well wasn't it,
 20 Mr Riley?
 21 A. I accept that.
 22 Q. Insofar as rule 35 is concerned, reports under
 23 rule 35(1), where detention, or continued detention, is
 24 likely to injuriously affect a detainee's health; rarely
 25 completed, we were told. Rule 35(2) reports, where

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27 (Pages 105 to 108)

<p>1 there are suspicions of suicidal intention; never</p> <p>2 completed, despite high numbers of self-harm and suicide</p> <p>3 attempts.</p> <p>4 It was just plain wrong, wasn't it?</p> <p>5 A. Again, we have acknowledged that there have been issues</p> <p>6 with rule 35 and we rolled out training in 2015, 2016,</p> <p>7 we had refresher training with, you know, the changes to</p> <p>8 the definition of torture in 2018, and we have a further</p> <p>9 package now which we have just trialled, literally</p> <p>10 a couple of weeks ago, at Derwentside, so we are trying</p> <p>11 to improve the system. I would say that, just as a note</p> <p>12 and an aside, that a self-harm incident doesn't</p> <p>13 necessarily mean that a rule 35(2) report is necessary</p> <p>14 either.</p> <p>15 You know, it -- somebody may self-harm but not have</p> <p>16 suicidal intent, so there is not direct causation there.</p> <p>17 Q. What we have learned is that detainees were instead</p> <p>18 being managed on a ACDT, which you know is a custodial</p> <p>19 risk management tool with no therapeutic intervention?</p> <p>20 A. It may be appropriate in cases where there is somebody,</p> <p>21 for example, intends to self-harm at a protest against</p> <p>22 a decision by a caseworker or on their case, but has no</p> <p>23 suicidal intent, then a rule 35(2) may not be</p> <p>24 appropriate and ACDT might be the right mechanism.</p> <p>25 Although it doesn't have the therapeutic support</p> <p style="text-align: center;">Page 109</p>	<p>1 and there still does need to be improvement and it is</p> <p>2 an iterative process and we need to keep getting it</p> <p>3 right.</p> <p>4 Q. Sandra Calver, who, as I remind you, gave evidence on</p> <p>5 1 March, she accepted there were a number of cases,</p> <p>6 especially constant watch cases where it was obvious</p> <p>7 that rule 35(2) reports should have been completed. She</p> <p>8 accepted that there was a serious failing in the</p> <p>9 safeguarding of individuals, and she said that</p> <p>10 responsibility for this lies with her, as head of</p> <p>11 healthcare. So she accepted her responsibility but she,</p> <p>12 in effect, said that responsibility was shared with the</p> <p>13 Home Office. She appeared to say to us that she</p> <p>14 couldn't get the GPs to do it. Do you accept that</p> <p>15 shared responsibility?</p> <p>16 A. I definitely accept the shared responsibility,</p> <p>17 Mr Altman. I can't comment on whether or not she can</p> <p>18 get the GPs, but, you know, as I keep saying, I accept</p> <p>19 that there are failings and we need to keep improving</p> <p>20 the system and, you know, we have trained people, we are</p> <p>21 rolling out further training. As you alluded to earlier</p> <p>22 myself and Kate Davies, Director of Health and Justice</p> <p>23 wrote to healthcare providers and health commissioners</p> <p>24 just last week, in the face of emerging evidence. We</p> <p>25 acknowledge this and we are working on it.</p> <p style="text-align: center;">Page 111</p>
<p>1 that you set out, and was set out by a previous witness,</p> <p>2 what it does is it triggers a clinical review so that</p> <p>3 healthcare may look at what other interventions are</p> <p>4 appropriate in an individual's case.</p> <p>5 We continue to work and progress the ACDT team in</p> <p>6 partnership with colleagues in the Prison Service and</p> <p>7 I think it is really important that we work at it, and</p> <p>8 develop it. But I think it is a vast improvement to the</p> <p>9 F2052 SH that preceded it.</p> <p>10 Q. As for rule 35(3) reports, where, as you know, the</p> <p>11 medical practitioner is concerned that a detainee may be</p> <p>12 a victim of torture, where completed, they were often</p> <p>13 inadequate in failing to assess the impact of detention,</p> <p>14 as is required, or failing to address mental health</p> <p>15 issues leading to detention being maintained.</p> <p>16 You will appreciate we have no rule 35 (2) reports</p> <p>17 at all from during the period and very few rule 35(1)</p> <p>18 reports during the period. Dr Hard, the inquiry expert,</p> <p>19 he reviewed all of the rule 35 reports available for the</p> <p>20 period and -- let me summarise this, I hope not doing</p> <p>21 a disservice to two very lengthy reports -- he concluded</p> <p>22 that there was an inadequate system operating. You</p> <p>23 don't disagree with that, do you?</p> <p>24 A. No, I think we -- I think I have already acknowledged</p> <p>25 that we recognised at the time the need for improvement</p> <p style="text-align: center;">Page 110</p>	<p>1 Q. We will come back to that, Mr Riley, don't worry.</p> <p>2 Mr Gasson, he couldn't tell us why that was when he</p> <p>3 gave evidence on 15 March. Why it was that, as she</p> <p>4 said, Sandra Calver, she couldn't get GPs to do it and</p> <p>5 he was even unaware of it, he said, but he wasn't even</p> <p>6 sure whether it was anyone's job to question it and he</p> <p>7 thought there may be a team now. Is he right about</p> <p>8 that?</p> <p>9 A. There is indeed.</p> <p>10 Q. What does that team do?</p> <p>11 A. We have a team that, again, it kind of takes us back to</p> <p>12 the start of this afternoon's session about</p> <p>13 recommendations.</p> <p>14 Q. Yes.</p> <p>15 A. You know, in light of the ICIBI's report, we have</p> <p>16 developed a team, it used to be called the rule 35 team,</p> <p>17 that reviewed the reports independently of caseworkers.</p> <p>18 It is now called -- someone tell me if I get this wrong,</p> <p>19 it is the detained medical reports team that looks at</p> <p>20 rule 35 and medico-legal reports now, and they review</p> <p>21 all of the reports that come in and send them back to</p> <p>22 the establishment via the detainee engagement team if</p> <p>23 there are -- if they are not completed properly or there</p> <p>24 is not enough detail to take a decision.</p> <p>25 Q. You said in your witness statement at 53, your first</p> <p style="text-align: center;">Page 112</p>

<p>1 witness statement:</p> <p>2 "Reviewing the Panorama broadcast again, I do not</p> <p>3 find any evidence that the operation of rule 35 of the</p> <p>4 Detention Centre Rules was [systematically]" -- forgive</p> <p>5 me, you say "systemically ineffective ..."</p> <p>6 A. Sorry.</p> <p>7 Q. No, it is my fault, I misread it:</p> <p>8 "... during the relevant period at Brook House.</p> <p>9 However, there may have been individual applications of</p> <p>10 rule 35 that fell short of the required standards, as</p> <p>11 had previously been highlighted by HMIP in its 2017</p> <p>12 inspection report."</p> <p>13 In light of the evidence that you have read since</p> <p>14 making that statement, do you revise that sentence?</p> <p>15 That passage?</p> <p>16 A. I think that the -- you know, the operation was more</p> <p>17 widely flawed than I understood it when I made the</p> <p>18 statement, but I am still not convinced it was</p> <p>19 a systemic failure of the whole system. As I say,</p> <p>20 rule 35 reports were being made and people were being</p> <p>21 released on the basis of them.</p> <p>22 Q. Stephen Shaw, you will know, called for the whole</p> <p>23 process to be scrapped and replaced with an alternative,</p> <p>24 because, in his view, the safeguard wasn't functioning</p> <p>25 properly across the whole estate. You will know that</p> <p style="text-align: center;">Page 113</p>	<p>1 figures, are they, Mr Riley?</p> <p>2 A. No, but there are two comments to make here, I think</p> <p>3 Mr Altman.</p> <p>4 First of all, a rule 35 report does not necessarily</p> <p>5 result in a release, as you are aware. There is</p> <p>6 a balance against the release against the immigration</p> <p>7 considerations. As I say, since then, we have developed</p> <p>8 the specialist team. The caseworkers don't take the</p> <p>9 decision, the independent detained medical report team</p> <p>10 does, and they receive significant training in this and</p> <p>11 my understanding, and I will obviously write and confirm</p> <p>12 this, is that the release rate now is at 36 per cent.</p> <p>13 But ... yes.</p> <p>14 Q. Under both types or all types of report?</p> <p>15 A. All types.</p> <p>16 Q. Across the piece, (1), (2) and (3)?</p> <p>17 A. Yes, my understanding here, again, and I am sure -- it</p> <p>18 has been raised by witnesses -- is whether or not the</p> <p>19 rule 35(3) reports covered (1) and (2) as well, and</p> <p>20 there needs to be consideration of that and there is</p> <p>21 further training planned and being rolled out in coming</p> <p>22 weeks on that.</p> <p>23 Q. I think the point you are making is there may be</p> <p>24 overlap, is that what you are saying?</p> <p>25 A. Yes, overlap, or the way that GPs use the forms and used</p> <p style="text-align: center;">Page 115</p>
<p>1 from his first report.</p> <p>2 Home Office statistics also showed that, the high</p> <p>3 numbers of rule 35(3)s, virtually no rule 35(1)s and, as</p> <p>4 I have already said to you, no rule 35(2)s at all, and</p> <p>5 there were very low release rates, according to</p> <p>6 Theresa Schleicher, for example, who -- have you read</p> <p>7 her statement?</p> <p>8 A. I have seen parts of her statement, I haven't read the</p> <p>9 full statement.</p> <p>10 Q. We can put it up on screen. Perhaps just table 3 will</p> <p>11 do for our purpose, if we put up <BHM000032>. That is</p> <p>12 her statement, and if we can go, please, to page 50 to</p> <p>13 begin with, here she begins several paragraphs looking</p> <p>14 at the statistics, and I think what we probably need to</p> <p>15 do is move on to paragraph 151. There, at table 3, if</p> <p>16 I have understood it correctly, we have her breakdown of</p> <p>17 rule 35 reports of Brook House from 2016 to 2019, and</p> <p>18 she breaks the data down by 35(1), (2) and (3).</p> <p>19 Focusing on 2017, there were eight releases, as -- eight</p> <p>20 reports, forgive me, in 2017, under 35(1); 35(2), zero;</p> <p>21 35(3), 314, which was, of course, the vast majority, the</p> <p>22 total being 322.</p> <p>23 If we look down, the total releases by a percentage</p> <p>24 under rule 35(1) was 25 per cent, and in terms of</p> <p>25 rule 35(3), 26.8 per cent. Those are not exciting</p> <p style="text-align: center;">Page 114</p>	<p>1 that as the dominant form rather than the others,</p> <p>2 I don't know.</p> <p>3 Q. Rather than ...?</p> <p>4 A. Rather than use the (1), (2) and (3), use (3) to</p> <p>5 encapsulate them all, if that is what you mean by</p> <p>6 overlap, yes.</p> <p>7 Q. All right, we will take that answer into account.</p> <p>8 Last week, on Friday, we heard from</p> <p>9 Dr Sarah Bromley, who works with PPG and who are now the</p> <p>10 medical care provider at Brook House and they have been</p> <p>11 so since September of last year as you will know.</p> <p>12 She told us in the period between 1 September last</p> <p>13 year and January this, they have only issued one</p> <p>14 rule 35(1) report and no rule 35(2) reports at all.</p> <p>15 In that period, just to complete the picture, there</p> <p>16 were 73 open ACDTs with 45 of those on constant watch.</p> <p>17 Doesn't it suggest to you that the safeguards are</p> <p>18 still failing, Mr Riley?</p> <p>19 A. I would need to look at the figures further before</p> <p>20 I could come to a full conclusion, Mr Altman.</p> <p>21 It is a disappointingly low number but that doesn't</p> <p>22 necessarily mean the safeguards are failing.</p> <p>23 I think, as Mr Hewer said --</p> <p>24 Q. As who was saying?</p> <p>25 A. Mr Hewer said, Brook House is not an unsafe environment,</p> <p style="text-align: center;">Page 116</p>

<p>1 despite other reports to the contrary.</p> <p>2 Q. "Well, he would say that, wouldn't he?", as somebody</p> <p>3 famously said.</p> <p>4 A. Indeed.</p> <p>5 Q. But the fact is, the suggestion is that there should be</p> <p>6 significantly more of both types of reports in such</p> <p>7 a period; that is really what the suggestion is.</p> <p>8 A. I accept that suggestion. As I say, we have committed</p> <p>9 to reviewing the rule 35 process, once the bill has</p> <p>10 passed through parliament.</p> <p>11 Q. Are you aware that PPG have said there is to be a review</p> <p>12 of the rule 35 process later this month, on the 20th,</p> <p>13 did you know that?</p> <p>14 A. No, I know there is training coming up. I didn't know</p> <p>15 there was a review.</p> <p>16 Q. If it is right that even PPG are still not reviewing</p> <p>17 these issues properly, and not completing the right</p> <p>18 reports, at the very least, it is disappointing that</p> <p>19 five years after Panorama, we are still in the same</p> <p>20 position?</p> <p>21 A. I would disagree, Mr Altman, that we are in the same</p> <p>22 position. I have set out a number of times the</p> <p>23 additional safeguards we have had --</p> <p>24 Q. I know it is probably more comfortable for you, Mr Riley</p> <p>25 but I am losing you?</p> <p style="text-align: center;">Page 117</p>	<p>1 who can complete a rule 35 assessment to include</p> <p>2 qualified psychiatrists."</p> <p>3 Now, I am not sure if you touched on this a little</p> <p>4 earlier when we were talking about the recommendations</p> <p>5 in this report and the impact of the Nationality and</p> <p>6 Asylum Bill. Just so that we are clear, where are we</p> <p>7 with this?</p> <p>8 A. It is not my area of expert knowledge because it is</p> <p>9 a different team who owns rule 35, it is the National</p> <p>10 Returns Command that own the policy for rule.</p> <p>11 Q. Did you say "National Returns Command"?</p> <p>12 A. Yes, NRC.</p> <p>13 Q. Okay.</p> <p>14 A. I do know, in reading the ICIBI report in our response,</p> <p>15 that the roll out of planned training is going to happen</p> <p>16 shortly and, as I say, we have trialled this in one</p> <p>17 centre, and other parts of this have been paused whilst</p> <p>18 we wait for the outcome of the Nationality and Asylum</p> <p>19 Bill to progress through parliament.</p> <p>20 Q. So:</p> <p>21 "iii. Review the effectiveness of rules 35(1) and</p> <p>22 (2) ..."</p> <p>23 That is on ice at the moment, is it?</p> <p>24 A. My understanding is that we have paused that work, yes.</p> <p>25 Q. Yes. When is the Bill likely to become an Act?</p> <p style="text-align: center;">Page 119</p>
<p>1 A. Sorry. No, I disagree, Mr Altman, that we are in the</p> <p>2 same position. I accept that the figures are</p> <p>3 disappointing, but, you know, as I have set out already,</p> <p>4 we have additional safeguards in place now, which</p> <p>5 I think are an improvement on where we were in 2017.</p> <p>6 Q. So your response is that you think the Home Office, at</p> <p>7 least, is in a better place and, although the figures</p> <p>8 are disappointing, nonetheless, there is better</p> <p>9 oversight than there was five years ago?</p> <p>10 A. I believe so and I believe we are moving in the right</p> <p>11 direction.</p> <p>12 Q. Can we just go back to the ICIBI report, please, Zaynab,</p> <p>13 <INQ000156> at 18.</p> <p>14 At 4.10, this is one of the series of</p> <p>15 recommendations which we were looking at earlier. In</p> <p>16 respect of rule 35:</p> <p>17 "i. As a priority roll out planned training to GPs</p> <p>18 regarding rule 35;</p> <p>19 "ii. Evaluate compliance with the two-day</p> <p>20 Home Office response time for rule 35 reports;</p> <p>21 "iii. Review the effectiveness of rule 35(1) and</p> <p>22 (2) as safeguarding mechanisms, with the aim of ensuring</p> <p>23 their scope and use are fully understood by anyone</p> <p>24 called upon to write or assess a rule 35 report; and</p> <p>25 "iv. Expand the list of the medical professionals</p> <p style="text-align: center;">Page 118</p>	<p>1 A. Very, very shortly. It is back to the Lords this week,</p> <p>2 under ping-pong, so it is imminent.</p> <p>3 Q. So if we were overly optimistic, Mr Riley, first of all,</p> <p>4 when do you think this review will start up again, and</p> <p>5 how long will it last?</p> <p>6 A. I cannot commit a different team to the work, but I know</p> <p>7 that the teams are absolutely behind getting this done</p> <p>8 as quickly as possible.</p> <p>9 Q. Who is the overarching lead, who is responsible for what</p> <p>10 that team does?</p> <p>11 A. It falls between the policy team in Home Office and</p> <p>12 other commands with immigration enforcement.</p> <p>13 Q. So this is not your baby?</p> <p>14 A. It is not my baby, I am afraid, no.</p> <p>15 Q. Right.</p> <p>16 A. Sorry, Mr Altman, hence that is why I cannot commit to</p> <p>17 a timetable.</p> <p>18 Q. I am not asking you to commit, I am just seeing actually</p> <p>19 if you have any idea at all what is happening with it?</p> <p>20 A. As I say, I know that the GP training, because my team</p> <p>21 are helping carry that out, is starting, and that the</p> <p>22 rest of it has been paused, as we have said, pending the</p> <p>23 Bill, but we are keen to get it going afterwards,</p> <p>24 I know.</p> <p>25 Q. You mentioned that letter that was received and you say</p> <p style="text-align: center;">Page 120</p>

<p>1 last week or at the end of last week; can we put it up 2 on screen, please, <HOM0332160>, dated Friday, actually. 3 The covering email, you may not know this, Mr Riley, 4 didn't come in until 6.12 on Friday evening, long after 5 the inquiry had risen, long after all the core 6 participants had gone on their way for the weekend. And 7 this is the letter that was received. 8 As we will see in a minute, it is cosigned by you 9 and K Davies. She is, what, the Director of Health and 10 Justice, Armed Forces and Sexual Assault Referral 11 Centres, NHS England and NHS Improvement? 12 A. Yes. 13 Q. And it was sent to the healthcare commissioners? 14 A. And healthcare providers as well. 15 Q. And healthcare providers. 16 The covering email that arrived attaching this 17 letter said as follows: 18 "Please find attached for the inquiry's 19 consideration a joint letter from the Home Office's 20 Mr Phil Riley and NHS England's Ms Kate Davies ..." 21 Then, in brackets, what she is responsible for: 22 "This letter was sent to all healthcare 23 commissioners and providers at immigration removal 24 centres in England this morning." 25 Let's just have a look at what it says. At the top,</p> <p style="text-align: center;">Page 121</p>	<p>1 Centre Rules 2001 relating to healthcare. It is with 2 this in mind that we are writing to you today." 3 I hope I can be forgiven for not going through all 4 of the detail, but there is set out what rule 34 is all 5 about: "Medical examination upon admission and 6 thereafter", and, at the top of the next page: 7 "For the avoidance of doubt, the rule 34 examination 8 is not the same as the initial screening by a nurse", 9 et cetera, et cetera. 10 Then rule 35 "Special illnesses and conditions 11 (including torture claims)": 12 "Recent evidence to the inquiry has included claims 13 that healthcare teams in IRCs give insufficient regard 14 to referrals under rules 35(1) and 35(2). 15 "We ask you to remember that each criterion ('limb') 16 of rule 35 is equally significant in safeguarding 17 vulnerable people." 18 This next sentence is underlined, as we can see: 19 "Where a detained person meets the criterion under 20 limb (1) or (2) of the rule, a report should be written 21 using the appropriate template." 22 There is some further advice: 23 "It is not acceptable, for example, to use the 35(3) 24 template to record those concerns or to look for some 25 other vehicle to do so, (such as the part C annex to the</p> <p style="text-align: center;">Page 123</p>
<p>1 first of all, we see the immigration enforcement logo 2 and the NHS logo, and if you could just scroll up, 3 please, Zaynab, are you able to? Thank you. 4 The date we see: 5 "Dear all. 6 "Referencing Brook House inquiry: 7 "Many of you will be aware of the ongoing public 8 inquiry into Brook House Immigration Removal Centre, 9 which was established in November 2019 to investigate 10 potential Article 3 abuses of men detained at 11 Brook House in 2017. 12 "Within the terms of reference of the inquiry, the 13 Chair is required to consider: 14 "Whether any clinical care issues caused or 15 contributed to any identified mistreatment; 16 "Whether any changes to clinical care would help to 17 prevent a recurrence of any identified mistreatment. 18 "In considering these, and other questions, the 19 inquiry has heard evidence from a range of witnesses 20 from across government, the third and private sectors 21 and of course healthcare providers themselves. Indeed, 22 some of you may have been asked to give evidence: 23 "Evidence given to the inquiry in the last couple of 24 weeks has highlighted a number of potentially concerning 25 trends in how we enact the provisions of the Detention</p> <p style="text-align: center;">Page 122</p>	<p>1 IS19RA form)", and so on and so forth. 2 Again, at the bottom: 3 "For the avoidance of doubt, the 3 'limbs' of 4 rule 35 are as follows (and no more restrictive a test 5 should be applied)." 6 They are there set out and, at the top of the next 7 page: 8 "There will, we are sure, be many lessons to be 9 learnt from this inquiry. We will write to you again 10 once we have given consideration to the chair's final 11 report. 12 "We appreciate your assistance in this matter." 13 You sign it, Mr Riley, as does Ms Davies. 14 A bit late, don't you think, given everything that 15 the Home Office has known about the problems with 16 rule 35 over years, as expressed in certain reports, IMB 17 reports, and so on. Why did this letter come on Friday? 18 A. Because the evidence, you know, in recent days and weeks 19 has become more and more apparent that there is 20 a shortfall in rule 35(1) and (2) reports. And, you 21 know, I thought better to write now than to wait for the 22 final report to be published. 23 Q. Was it a question of damned if you do, damned if you 24 don't, Mr Riley? Is that the way it was looked at: best 25 to do it now, rather than wait till the end?</p> <p style="text-align: center;">Page 124</p>

<p>1 A. Well, it feels, to use another phrase, we can't win.</p> <p>2 If we wait for things to progress or don't progress</p> <p>3 them fast enough, we are criticised as the Home Office.</p> <p>4 If we act agilely and try and head things off and make</p> <p>5 sure that people in our case get the best possible</p> <p>6 outcomes we are criticised cynically as well. It does</p> <p>7 feel we can't win on this one, Mr Altman.</p> <p>8 Q. Do you agree it has the unfortunate optics of feeling</p> <p>9 a little knee-jerk?</p> <p>10 A. It was written in the knowledge that that would be the</p> <p>11 accusation, yes. But better that than not write it at</p> <p>12 all.</p> <p>13 Q. Whose idea was it?</p> <p>14 A. It was -- my letter, Mr Altman. It is my letter.</p> <p>15 Q. It is your letter and Ms Davies's letter, but whose idea</p> <p>16 was it?</p> <p>17 A. It was mine -- I recommended it to Kate to write.</p> <p>18 Q. This has been an issue that has been bubbling and</p> <p>19 simmering, not just within this inquiry, has it?</p> <p>20 A. No.</p> <p>21 Q. What was it about the evidence that you heard or you</p> <p>22 were briefed on, in this inquiry, that made you,</p> <p>23 Phil Riley, say that, "The working evening or the</p> <p>24 working day before I give evidence to this inquiry,</p> <p>25 I had better send out a letter"?</p> <p style="text-align: center;">Page 125</p>	<p>1 the Home Office?</p> <p>2 A. For the last four years, I have been responsible on</p> <p>3 behalf of the Home Office.</p> <p>4 Q. And what about before that? During the relevant period</p> <p>5 at Brook House?</p> <p>6 A. As I say, I accept there were failings there, and I have</p> <p>7 apologised. What I can't say is whether people</p> <p>8 deliberately sat on it or whether they had other</p> <p>9 priorities and other pressures that meant they were</p> <p>10 unable to tackle it. I can't speak on behalf of</p> <p>11 Clare Checksfield in that way.</p> <p>12 Q. There are people behind me who will be thinking, when</p> <p>13 you talk of "priorities and pressures", there cannot be</p> <p>14 a higher priority than releasing a mentally unwell</p> <p>15 person held in detention, and you will agree with that?</p> <p>16 A. I do agree with that, Mr Altman.</p> <p>17 Q. Dr Bromley told us on Friday that the real issue, as she</p> <p>18 put it, is the need to address a culture of disbelief,</p> <p>19 in the culture and practice within IRC healthcare teams;</p> <p>20 do you think -- if you agree with what she says, do you</p> <p>21 think that such a culture has been able to flourish</p> <p>22 because the Home Office has persistently failed to</p> <p>23 follow recommendations and has failed to get a grip on</p> <p>24 rule 35?</p> <p>25 A. I think -- no, to be honest with you. I think it is</p> <p style="text-align: center;">Page 127</p>
<p>1 A. Speaking to the team who give me feedback, as I said,</p> <p>2 every day, the evidence was becoming clearer in recent</p> <p>3 days and weeks that this was becoming an issue and, as</p> <p>4 I say, I knew that I would be criticised for sending it</p> <p>5 out the day before I gave evidence, if I did, but, if</p> <p>6 I didn't, and I delayed it, then if, you know, I sent it</p> <p>7 after I had given evidence, it would look like a knee</p> <p>8 jerk, if I delayed it until the report came out, then</p> <p>9 people may be missed.</p> <p>10 It was one of those -- I couldn't really win with</p> <p>11 this one, Mr Altman.</p> <p>12 Q. The real criticism, don't you think, Mr Riley, is your</p> <p>13 employers, the Home Office, who have done next to</p> <p>14 nothing about this for years?</p> <p>15 A. At the end of the day, you know, I am in this seat now</p> <p>16 and it is my responsibility and I take it.</p> <p>17 Q. I know that's a difficult question for you. You are in</p> <p>18 the seat and I am afraid you have to be accountable for</p> <p>19 it.</p> <p>20 A. Indeed.</p> <p>21 Q. Do you not agree that, above your head and, as I put it</p> <p>22 earlier, before you were a twinkle in the eye of</p> <p>23 Detention and Escorting Services, despite your</p> <p>24 experience in the Prison Service, it is the Home Office</p> <p>25 who have sat on these problems, not you personally but</p> <p style="text-align: center;">Page 126</p>	<p>1 an incredibly complex question, you know, of whether</p> <p>2 there is an endemic culture of disbelief or whether</p> <p>3 there are pockets and why that is caused. We live in</p> <p>4 a society where the debate on migration and enforcement</p> <p>5 is polarised and entrenched and that doesn't help</p> <p>6 either. And it is a difficult operating environment.</p> <p>7 So there are a number of contributory factors but,</p> <p>8 as I say, I accept that there are things we haven't got</p> <p>9 right and we continue not to get right and I accept</p> <p>10 that, at times, we need to move faster on</p> <p>11 recommendations. We are doing our best on that and it</p> <p>12 is a work in progress, but we are keen to learn.</p> <p>13 Q. As you appreciate, part of the evidence the inquiry</p> <p>14 heard over the past couple of weeks, Dr Oozeerally,</p> <p>15 Dr Chaudhary, they told us that the reason they didn't</p> <p>16 use rule 35 reports is because they used other methods,</p> <p>17 other methods such as part C, and if we can just scroll</p> <p>18 back to the first page, Zaynab, while we have it back on</p> <p>19 the screen, and scroll down a little, please and some</p> <p>20 more -- it may be the top of the next page?</p> <p>21 Under the underlined passage:</p> <p>22 "It is not acceptable ... to use the 35(3) template</p> <p>23 to record those concerns or to look for some other</p> <p>24 vehicle to do so (such as the part C annex ...)."</p> <p>25 Therefore, you have taken on board that the evidence</p> <p style="text-align: center;">Page 128</p>

<p>1 has been that the doctors were typically using part C</p> <p>2 reports to notify the Home Office.</p> <p>3 A. Indeed and we need to be clear that that is not the</p> <p>4 right template and they should be using the rule 35</p> <p>5 reporting method.</p> <p>6 Q. Up to the point in time of receiving this letter, which</p> <p>7 I assume has gone to PPG as well, at Brook House and</p> <p>8 presumably elsewhere, those two doctors worked at</p> <p>9 Brook House, as you know, during the relevant period and</p> <p>10 are still working there now.</p> <p>11 A. Yes.</p> <p>12 Q. Their evidence to the inquiry was that part C was used</p> <p>13 as a method of notifying the Home Office of the fact, or</p> <p>14 the factors, or the impact, that detention was having,</p> <p>15 or was likely to have, an injurious effect on the</p> <p>16 patient and that they were suicidal, so they were using</p> <p>17 it, in effect, as a substitute for the rule 35 template.</p> <p>18 Sandra Calver, she said that part C was used even</p> <p>19 though the use of part C didn't trigger a review of</p> <p>20 detention.</p> <p>21 Perhaps more alarmingly, Mr Riley, if you picked up</p> <p>22 on this when you read her evidence, she also said that</p> <p>23 the Home Office advised them to do so. What do you</p> <p>24 think about that?</p> <p>25 A. I am surprised. You know, we are clear in the DSO and</p> <p style="text-align: center;">Page 129</p>	<p>1 A. No, I can't. No, I can't. As I say, we are carrying</p> <p>2 out a review of the whole part C process, anyway, at the</p> <p>3 moment.</p> <p>4 Q. Yes. So nobody ever raised a concern about it, the</p> <p>5 doctors carried on doing it and, according to</p> <p>6 Dr Chaudhary, who gave evidence on 11 March, just after</p> <p>7 Dr Oozeerally, he said there wasn't -- do you remember</p> <p>8 I said this a little earlier, there wasn't enough time</p> <p>9 to do rule 35s, so they did part Cs instead. And his</p> <p>10 evidence, in summary, was the Home Office knew and they</p> <p>11 never raised concerns. It is just inexplicable, isn't</p> <p>12 it?</p> <p>13 A. Yes. I can't offer an explanation for it, no.</p> <p>14 Q. And so that everybody understands, and I am sorry if it</p> <p>15 takes a little time, let's just use one example to put</p> <p>16 up on your screen what we are talking about.</p> <p>17 I am going to take the example of D801, because this</p> <p>18 was used during the course of evidence. Can we put up</p> <p>19 on screen, please, Zaynab, <HOM032190>This is part of</p> <p>20 the case record sheet, GCID.</p> <p>21 Can you put me out of my misery, Mr Riley? What</p> <p>22 does GCID stand for?</p> <p>23 A. Er ...</p> <p>24 Q. It sounds like you are as miserable as I am?</p> <p>25 A. No, I am trying to work out what the G stands for.</p> <p style="text-align: center;">Page 131</p>
<p>1 in the training that that is not the method they should</p> <p>2 use and it should be a rule 35 report, because they go</p> <p>3 to different places. The rule 35 reports, as I say, go</p> <p>4 to the rule 35 team -- the medical detained team --</p> <p>5 I keep forgetting its name now --</p> <p>6 Q. At the time?</p> <p>7 A. No, that is now.</p> <p>8 Q. Forget now, what about at the time. Where did they go</p> <p>9 at the time?</p> <p>10 A. I believe they went to the caseworkers at the time.</p> <p>11 Q. So the caseworkers were making decisions which were</p> <p>12 arguably for medics?</p> <p>13 A. No, the medics, even in the rule 35 documentation make</p> <p>14 the recommendation, but it is for either the caseworkers</p> <p>15 or the medical -- the old rule 35 team to make that</p> <p>16 decision on whether detention should be maintained,</p> <p>17 so ...</p> <p>18 Q. But the evidence was that they had never been informed</p> <p>19 by the Home Office, or anyone else, that it was</p> <p>20 inappropriate. So all of these part Cs were going to</p> <p>21 the caseworkers and nobody actually said, "Well, hold on</p> <p>22 a second, why are you sending us these, for us, or the</p> <p>23 Home Office, generally, to make decisions about the</p> <p>24 further detention of vulnerable detainees?"; can you</p> <p>25 explain that?</p> <p style="text-align: center;">Page 130</p>	<p>1 Q. "Government"?</p> <p>2 A. It is basically our database of -- immigration database.</p> <p>3 Q. "Case information database"? "Government Case</p> <p>4 Information Database"?</p> <p>5 A. I don't know what the G stands for, I'm sorry.</p> <p>6 Q. "Government" might not be a bad guess, but you don't</p> <p>7 look confident?</p> <p>8 A. No, I can't confirm what the G is for.</p> <p>9 Q. It is, I am afraid, a triviality of mine, but I don't</p> <p>10 know the answer to it, but I was hoping that you do?</p> <p>11 A. I am sorry.</p> <p>12 MR BLAKE: If it assists, Mr Altman, we think it is</p> <p>13 "General".</p> <p>14 MR ALTMAN: Thank you, Mr Blake, you have made a very</p> <p>15 valuable contribution to this inquiry. Thank you so</p> <p>16 much.</p> <p>17 Here we have the case notes for D801. He was</p> <p>18 detained at Brook House on 1 March. A part C was</p> <p>19 received by the DEPMU on that date, and his notes were</p> <p>20 updated to show that an ACDT had been opened with hourly</p> <p>21 observations due to the risk of harm to himself.</p> <p>22 There is no record of any action resulting from</p> <p>23 this.</p> <p>24 But if we look at the top -- you have to get your</p> <p>25 eye in on these things -- can you see the first dates,</p> <p style="text-align: center;">Page 132</p>

<p>1 1 March, at the top?</p> <p>2 A. Yes.</p> <p>3 Q. Just below that, beneath the name "Scholefield":</p> <p>4 "Part C [presumably 'received'] from D Killick at</p> <p>5 Brook House ADCT ..."</p> <p>6 The acronym is inverted, or part of it is:</p> <p>7 "... open at reception, hourly OBS, open due to risk</p> <p>8 to himself."</p> <p>9 Then a further part C was completed on 13 March,</p> <p>10 recording that he "remained under psychiatric care" and</p> <p>11 recording his status as "an Adult at Risk at level 2 or</p> <p>12 3". Can we put up a different document, please, Zaynab,</p> <p>13 <HOM028624> and page 35. These are D801's medical</p> <p>14 records, and it is not a great copy, but there is</p> <p>15 a part C, in all its glory, in relation to D801, and if</p> <p>16 we look at the next box down, D801 has had his mental</p> <p>17 health section revoked and is no longer under</p> <p>18 a section 48. He remains -- if my memory serves me,</p> <p>19 that is the Mental Health Act, and he remains under the</p> <p>20 psychiatrist care at Brook House or, if released, under</p> <p>21 the care of the community. He remains as an Adult at</p> <p>22 Risk, level 2/3."</p> <p>23 But this, peculiarly, did not result in any entry on</p> <p>24 the GCID.</p> <p>25 Going back to that document, <HOM032190>, page 3, if</p> <p style="text-align: center;">Page 133</p>	<p>1 there is no record of any consideration of any of the</p> <p>2 part Cs by his caseworker.</p> <p>3 Phil Schoenenberger, who, at the relevant time, was</p> <p>4 head of the DEPMU, was asked about the DEPMU's role in</p> <p>5 part Cs. Again, you have had, I hope, access to his</p> <p>6 transcripts and so you have been able to see what he had</p> <p>7 to say.</p> <p>8 So let me try and summarise it: he said that all</p> <p>9 DEPMU does, or did, on receipt of a part C is update the</p> <p>10 notes that we are looking at here, this kind of note,</p> <p>11 these case notes. Do you know whether that was right or</p> <p>12 not?</p> <p>13 A. I think it is slightly more involved than that, but,</p> <p>14 broadly, yes, it would be for the caseworker, who also</p> <p>15 has access to these notes, to draw a conclusion.</p> <p>16 Q. Yes, and he said the DEPMU had no role in assessing</p> <p>17 whether someone should be released, that was for the</p> <p>18 case owner. Is that right?</p> <p>19 A. That's correct, yes.</p> <p>20 Q. Is that still right?</p> <p>21 A. The rule 35 team also -- take a view independently of</p> <p>22 the case owner for the rule 35 reports.</p> <p>23 Q. Just so we understand, this new team, who is</p> <p>24 a constituent part of that team? What qualifications do</p> <p>25 they have?</p> <p style="text-align: center;">Page 135</p>
<p>1 we can just scroll up a little, please, we see a further</p> <p>2 part C on 19 March, and you can just make out the date,</p> <p>3 19 March, and just above that, under the name "Younas":</p> <p>4 "Part C received from Brook House.</p> <p>5 "ACDT reviewed and now ACDT Constant Supervision</p> <p>6 after act of self-harm by ligature."</p> <p>7 There is no apparent action other than entering the</p> <p>8 fact of the part C on to the GCID, and then there was</p> <p>9 a further part C, completed on 31 March, and we can see</p> <p>10 that in the entry below:</p> <p>11 "Part C received from Michael Wells, Healthcare</p> <p>12 Practice Manager at Brook House.</p> <p>13 "Entry by Dr Jose Belda, Consultant Psychiatrist.</p> <p>14 "D801 needs specific trauma therapy which cannot be</p> <p>15 provided within Brook House. I completed a section 48</p> <p>16 transfer to Langley Green Hospital but when he was</p> <p>17 assessed by Langley Green staff and deemed him to</p> <p>18 unsuitable for them. He is not fit to be at Brook House</p> <p>19 either as he cannot receive appropriate treatment."</p> <p>20 So not fit to be detained. Mr Riley, but no rule 35</p> <p>21 ever sent. This is all done on the back of the part Cs.</p> <p>22 And along with part Cs from Brook House to the DEPMU,</p> <p>23 the GCID shows that the Home Office was contacted by his</p> <p>24 solicitors, informing them that he was unfit for</p> <p>25 detention. He was finally released on 3 April 2017, but</p> <p style="text-align: center;">Page 134</p>	<p>1 A. They are a separate team to the case owners sitting in</p> <p>2 immigration enforcement, who have received training in</p> <p>3 assessing rule 35 reports, and have annual refreshers.</p> <p>4 Q. What kind of training?</p> <p>5 A. I haven't seen the training details.</p> <p>6 Q. Mental health training or what type?</p> <p>7 A. All staff working get mental health training at least</p> <p>8 once a year.</p> <p>9 Q. So you are saying they do have mental health training?</p> <p>10 A. I would assume they do, but I can confirm in writing, if</p> <p>11 that is easier, Mr Altman. It is probably better that</p> <p>12 I check with the team on their --</p> <p>13 Q. I think you should, because an assumption doesn't help</p> <p>14 us overmuch, if you don't mind me saying so.</p> <p>15 A. I accept that. Again, it is an independent team to both</p> <p>16 detention and caseworking to take the decisions which</p> <p>17 were thought appropriate.</p> <p>18 Q. But nobody who is medically trained?</p> <p>19 A. Not to my knowledge, no.</p> <p>20 Q. And, what, they make a recommendation and then pass it</p> <p>21 on to the case owner?</p> <p>22 A. They make a decision and pass to the case owner.</p> <p>23 Q. A decision?</p> <p>24 A. Yes.</p> <p>25 Q. Can the case owner overrule it or has to abide by it?</p> <p style="text-align: center;">Page 136</p>

<p>1 A. Again, my understanding is the case owner has to abide 2 by it, but I will send you a note on that. 3 Q. Thank you. Curiously, Mr Schoenenberger himself said he 4 was only presuming when he was asked whether the DEPMU 5 had any role in assessing whether someone should be 6 released, but that was for the case owner. He said he 7 was presuming, as he said he couldn't recall that the 8 case owner would be informed by the DEPMU when a part C 9 was received, but he didn't know for sure and he 10 couldn't give any information about how it would work. 11 To your knowledge, is a case owner, or was a case 12 owner, informed when a part C was received from an IRC? 13 A. To my knowledge, they were not informed by DEPMU but 14 they would see on CID that a part C had been raised. 15 Q. Yes. He added that, even in cases like this, where the 16 part C records the risk of self-harm, a suicide attempt 17 or an assessment that the patient is unfit for 18 detention, the DEPMU has to do nothing other than log 19 receipt and, he assumed, inform the case owner. 20 Obviously, he was not talking about the current 21 system, but was that your understanding? 22 A. Yes. The DEPMU is somebody's -- operates almost as 23 a postbox on that. 24 Q. He said he had no knowledge of whether or not part Cs 25 required a response from the Home Office?</p> <p style="text-align: center;">Page 137</p>	<p>1 idea why it was happening. Again, surprising, to use 2 your word? 3 A. Yes. 4 Q. Yes. So in sum, we have healthcare, we have GPs at 5 Brook House believing during the relevant period, and 6 still believing when giving evidence to this inquiry in 7 2022, that part C was not only being used in place of 8 rule 35 reports, but believing it was an appropriate way 9 to record issues which, in fact, should be reported and 10 processed by way of rule 35. What can you say about 11 that? 12 A. That is disappointing, Mr Altman. As I say, we took 13 steps, we had some fairly wide-ranging training in 2015, 14 2016, 2018, but repeating and updating the training for 15 this year, but obviously the message hasn't got through 16 to people in the way we would have expected it to, and, 17 you know, that is disappointing. 18 Q. Is it also disappointing that, according to 19 Sandra Calver, the Home Office seemed to have advised 20 that part Cs were an appropriate means by which these 21 issues could be communicated, never raised a concern, 22 never communicated until Friday, 2022, that it was the 23 wrong "vehicle" -- to use the word in the letter -- by 24 which vulnerabilities should be communicated? I mean, 25 you have got to accept that the Home Office has</p> <p style="text-align: center;">Page 139</p>
<p>1 A. My understanding is that, at the time, if a part C 2 highlighted the material change in an individual's 3 status, then it should have invoked a consideration of 4 detention. 5 Q. Then he said this, that he had no knowledge, while he 6 was head of DEPMU, that part Cs were being used, as we 7 now know they were, and indeed have been, presumably, up 8 to the receipt by healthcare providers of your letter 9 from Friday, instead of rule 35(1) and (2) reports. 10 Rather alarming, isn't it, the head of DEPMU didn't even 11 know that? 12 A. It is surprising, yes. 13 Q. Surprising? 14 We heard from Ian Cheeseman, a Home Office official, 15 policy adviser, whose principal responsibility had been 16 the framework for developing Home Office policy on 17 making operational decisions, on whether to detain 18 an individual or to continue to detain an individual 19 considered to be vulnerable. 20 In his evidence to the inquiry, he told us that he 21 was aware of part C and other less formal communications 22 being used to report vulnerabilities. 23 His evidence was that the Home Office knew about it 24 but he couldn't explain why part C was being used in 25 place of rule 35 reports. The policy adviser had no</p> <p style="text-align: center;">Page 138</p>	<p>1 an important part to play in this? 2 A. Of course. Of course. I don't know who in the 3 Home Office and what level advised that, Mr Altman, but 4 it is certainly not something I have done in the last 5 three and a half years when I have been in charge. 6 Q. Is the Home Office interested in investigating how this 7 has come about, so that it cannot recur? 8 A. I think the Home Office is committed to, you know, 9 revising the full part C process to make sure that it is 10 better and safer and delivers a consistent role. It is 11 not just about rule 35, it is about behaviour, security 12 concerns, and other things. And, actually, the majority 13 of concerns are not -- raised in part Cs are not about 14 vulnerability, they are about other issues, but we have 15 to get the part C process right and I accept that. 16 Q. You will agree there is nothing new about this because, 17 as long ago as 2017, there was a judgment in the 18 High Court in the case of Medical Justice v The 19 Secretary of State for The Home Department, where the 20 High Court judge made perfectly clear at ISI91RA, part C 21 is not a substitute for a rule 35(3) report; you are 22 aware of that? 23 A. I wasn't aware of that ruling, but it is right, it 24 isn't. 25 Q. Another systemic failure, don't you think, Mr Riley, and</p> <p style="text-align: center;">Page 140</p>

35 (Pages 137 to 140)

<p>1 quite a serious one?</p> <p>2 A. It is a failing, yes.</p> <p>3 Q. And quite a serious one?</p> <p>4 A. Yes.</p> <p>5 Q. Let me ask you something about post-traumatic stress</p> <p>6 disorder issues, because you deal with this, again in</p> <p>7 similar terms, this time in your witness statement, your</p> <p>8 first witness statement at paragraph 54.</p> <p>9 You say:</p> <p>10 "With specific reference to post-traumatic stress</p> <p>11 disorder ... I have seen no evidence to suggest that the</p> <p>12 policy was not operating effectively in this area during</p> <p>13 the relevant period."</p> <p>14 Again, is that something you wish to revise?</p> <p>15 A. I mean, as I say, the -- I accept that the evidence has</p> <p>16 shown to the inquiry that part Cs were being used more</p> <p>17 frequently than I understood, and that was not</p> <p>18 appropriate. So yes, I accept that.</p> <p>19 Q. Let me just point out a couple of things to you. To put</p> <p>20 matters in context, first of all, the first Shaw</p> <p>21 report -- can we put up, please, Zaynab <INQ000060> at</p> <p>22 page 91.</p> <p>23 At 4.38, said Stephen Shaw:</p> <p>24 "In respect of people suffering from post-traumatic</p> <p>25 stress disorder (PTSD) the Helen Bamber Foundation</p> <p style="text-align: center;">Page 141</p>	<p>1 low", et cetera, et cetera.</p> <p>2 Then the last couple of lines:</p> <p>3 "The average length of cumulative detention was</p> <p>4 high. Rule 35 reports were helpful for some and a third</p> <p>5 had led to release, but protections for those with</p> <p>6 post-traumatic stress disorder ... were inadequate.</p> <p>7 Outcomes for detainees were reasonably good against this</p> <p>8 healthy establishment test."</p> <p>9 If we then go, please, to page 14, at the bottom,</p> <p>10 summary paragraph 12:</p> <p>11 "The average length of cumulative detention was</p> <p>12 three months, which was too long."</p> <p>13 That tells you something I alighted on earlier, this</p> <p>14 was a finding in this report about the average</p> <p>15 detention:</p> <p>16 "The length of detention had increased substantially</p> <p>17 and no work had been undertaken to understand this. Our</p> <p>18 Some detainees had been held for excessive periods. Our</p> <p>19 casework analysis revealed cases of detention being</p> <p>20 prolonged by unreasonable delays in immigration decision</p> <p>21 making. Only 19 per cent of detainees in our survey</p> <p>22 said it was easy to see centre immigration staff; a new</p> <p>23 pilot to improve contact was to be introduced. Not all</p> <p>24 bail summaries were served in time. Although very</p> <p>25 brief, rule 35 reports in our sample gave clear, helpful</p> <p style="text-align: center;">Page 143</p>
<p>1 pointed out that they often need treatment before they</p> <p>2 can tell their story. Those with PTSD do not respond</p> <p>3 well to direct questioning, especially if they perceive</p> <p>4 the questioning to be adversarial: these difficulties</p> <p>5 should not be seen as evidence of reduced credibility.</p> <p>6 The Foundation said that those whose PTSD arises in the</p> <p>7 context of sexual trauma have particular difficulty in</p> <p>8 disclosing fully and clearly what has occurred. I am</p> <p>9 not convinced that these are insights wholly appreciated</p> <p>10 by Home Office caseworkers."</p> <p>11 That was January 2016.</p> <p>12 Then, please, if we put up on screen, back to the</p> <p>13 HMIP report published in January 2017 in relation to the</p> <p>14 year 2016, or to the inspection in 2016, I should say,</p> <p>15 can we put up, please, <CJS000761>?</p> <p>16 So I remind you, Mr Riley, that the inspection was</p> <p>17 between 31 October and 11 November. Let me just clear</p> <p>18 the decks a little.</p> <p>19 Zaynab, if we can go to page 13, please, and here</p> <p>20 is -- I just want to take you to a couple of summary</p> <p>21 passages, summary 1, S1, on page 13:</p> <p>22 "Early days arrangements had improved but not all</p> <p>23 detainees received a consistent level of care during</p> <p>24 reception and early days in detention. Most detainees</p> <p>25 said they felt safe and levels of violence were fairly</p> <p style="text-align: center;">Page 142</p>	<p>1 findings on scarring, but did not provide an adequate</p> <p>2 safeguard for detainees with post-traumatic stress</p> <p>3 disorder [top of the next page, please]. Some rule 35</p> <p>4 responses were poor, but a third of reports had led to</p> <p>5 release of the detainee, more than we usually see."</p> <p>6 Then finally, from this report, page 28, and</p> <p>7 paragraph 1.71. This is part -- it comes under the</p> <p>8 heading "Casework: Expected outcomes":</p> <p>9 "We reviewed reports in 10 cases, four of which had</p> <p>10 led to the release of the detainee. All were written by</p> <p>11 a doctor, typed and contained body maps. Although very</p> <p>12 brief, most contained clear, helpful findings on</p> <p>13 scarring, but did not provide an adequate safeguard for</p> <p>14 detainees with post-traumatic stress disorder. No</p> <p>15 formal assessment of PTSD had been carried out in any</p> <p>16 case. In two cases, symptoms were described as</p> <p>17 suggestive of PTSD. In five others, symptoms such as</p> <p>18 poor sleep, anxiety and flashbacks were noted without</p> <p>19 reference to a possible diagnosis of PTSD."</p> <p>20 So looking at that and taking into account the</p> <p>21 chronology, Shaw 1, first report January 2016, this HMIP</p> <p>22 report in relation to an inspection at the end of 2016</p> <p>23 published in January 2017, so over the course of a year.</p> <p>24 Would you agree, Mr Riley, that the position appears to</p> <p>25 be that, at the relevant time at Brook House, there were</p> <p style="text-align: center;">Page 144</p>

<p>1 multiple failures in the system for protecting</p> <p>2 vulnerable detainees; are you prepared to accept that?</p> <p>3 A. I am. In particular, on the face of the evidence here</p> <p>4 especially those with PTSD or apparent PTSD, yes.</p> <p>5 Q. Yes. Second, the Home Office knew of it, because the</p> <p>6 Home Office accepted Shaw's findings and accepted the</p> <p>7 HMIP findings?</p> <p>8 A. Yes.</p> <p>9 Q. But did nothing, thirdly, to implement change?</p> <p>10 A. I don't know what we did to implement change. I know</p> <p>11 what we are doing now -- I can't comment on that, but</p> <p>12 I accept your first two points.</p> <p>13 MR ALTMAN: Yes. I am going to ask the chair to break now</p> <p>14 and give us our 15 minutes, and then I will come on to</p> <p>15 something else. Chair, it has just gone 3.10, shall we</p> <p>16 say 3.25-ish?</p> <p>17 THE CHAIR: Thank you.</p> <p>18 (3.12 pm)</p> <p>19 (a short break)</p> <p>20 (3.30 pm)</p> <p>21 THE CHAIR: Thank you.</p> <p>22 MR ALTMAN: Mr Riley, continuing, please, with questions of</p> <p>23 Home Office attitude and culture.</p> <p>24 Karen Churcher, a former mental health nurse at</p> <p>25 Brook House, she told us, on 10 March, that a lot of</p> <p style="text-align: center;">Page 145</p>	<p>1 out.</p> <p>2 A. That is not the Home Office that I see around me,</p> <p>3 Mr Altman, and it is not the Home Office that I would</p> <p>4 want to be a part of if I did see it. And I don't.</p> <p>5 As I say, it -- the cultural awareness workshops,</p> <p>6 the compassion that the team have shown, my team, the</p> <p>7 casework teams, the supplier teams have shown in the</p> <p>8 past three and a half years has been incredible and, you</p> <p>9 know, we talk about caseworkers just seeing the case,</p> <p>10 but there is a whole cultural view, the face behind the</p> <p>11 case, where we, you know, caseworkers are encouraged to</p> <p>12 consider the personal aspects and, for example, visiting</p> <p>13 an immigration removal centre to see what it is like to</p> <p>14 detain -- you know, to deprive someone of their liberty.</p> <p>15 We work incredibly hard to make sure that it is not</p> <p>16 just a case and it is a person.</p> <p>17 Q. I mean, in the same interview, Mr Hanford, at pages 13</p> <p>18 to 14, answer 139, said:</p> <p>19 "... the vision was, I think, G4S staff were showing</p> <p>20 too much empathy ..."</p> <p>21 Ben Saunders was asked about his view when</p> <p>22 Mr Saunders gave evidence to us on 22 March, and he said</p> <p>23 he, too, experienced elements of that. And the focus</p> <p>24 was on elements of delivery that was linked to the</p> <p>25 immigration process. He said G4S did the same, or took</p> <p style="text-align: center;">Page 147</p>
<p>1 mental health was not taken seriously by the</p> <p>2 Home Office, I think. Fair or not?</p> <p>3 A. No, from my experience, not fair. But, the Home Office</p> <p>4 is not a homogeneous identity, so I don't know who she</p> <p>5 refers to by "the Home Office".</p> <p>6 Q. Yes. Well, Lee Hanford -- do you remember I reminded</p> <p>7 you a little earlier of something he told Verita about</p> <p>8 the Home Office telling off G4S staff for showing too</p> <p>9 much empathy? So we had him saying to Verita, just for</p> <p>10 the record -- I am not going to put it up, Zaynab --</p> <p>11 <VER000266>, page 22, answer 288.</p> <p>12 He said:</p> <p>13 "When I was here nearly two years ago, there was</p> <p>14 some criticism aimed at those who empathised to that</p> <p>15 extent. The caseworkers will just see it as a case."</p> <p>16 Then there was that passage I told you about</p> <p>17 earlier, in <VER000239> in a further interview, page 11,</p> <p>18 at 113, "Mandie Campbell" -- do you remember I mentioned</p> <p>19 this earlier:</p> <p>20 "... it was fed back to me that she was quite</p> <p>21 critical of our staff empathising with detainees, the</p> <p>22 only engagement should be removal, removal, removal."</p> <p>23 If he is accurate about that, that is director</p> <p>24 general level feeding back to G4S staff that the focal</p> <p>25 point for Brook House and their staff is to get people</p> <p style="text-align: center;">Page 146</p>	<p>1 the same approach:</p> <p>2 "There was very little in the culture of G4S that</p> <p>3 was about people."</p> <p>4 And he said:</p> <p>5 "This was the approach the Home Office wanted."</p> <p>6 That was why he, Ben Saunders, focused that way.</p> <p>7 This may not be your Home Office today, Mr Riley,</p> <p>8 but that seems to be the culture that people understood</p> <p>9 at the time and if that is right, and if their</p> <p>10 perception of the culture is right, it was wrong; do you</p> <p>11 agree?</p> <p>12 A. There are a lot of ifs there to be fair, Mr Altman but,</p> <p>13 you know, all I can say is that it is not the</p> <p>14 Home Office I recognise. It is not the incredibly</p> <p>15 dedicated civil servants I see each day and many of the</p> <p>16 same people who were working in those days were -- work</p> <p>17 in the Home Office now, and work with professionalism,</p> <p>18 empathy and compassion.</p> <p>19 Q. Finally, in this regard, Nathan Ward, when he gave</p> <p>20 evidence to us during phase 1 on 7 December, recalled</p> <p>21 a comment from a local Home Office official by the name</p> <p>22 of Deborah Western -- does that mean anything to you? --</p> <p>23 A. Debbie Western, the name rings a bell, yes.</p> <p>24 Q. -- that he believed captured the tone of the Home Office</p> <p>25 there at the time, and he quoted to us in his evidence:</p> <p style="text-align: center;">Page 148</p>

<p>1 "It is all down to who breaks first, the Home Office 2 or the detainee." 3 That is a rather harsh comment, isn't it? 4 A. That is a harsh comment. It is, yes. But at the same 5 time, as I say, you know, the work I have witnessed for 6 the last three and a half years, is completely different 7 to those you have recognised. I have seen staff go out 8 and buy children meals from McDonald's to make visits 9 more empathetic, I have seen staff coming in on their 10 days off to help people who are distressed. The work 11 that I have seen people do has been fantastic and not 12 just from the Home Office staff but from supplier staff 13 as well. 14 Q. So this is Phil Riley's Home Office, if you like, this 15 is today. This is the last three and a half years. So 16 listening to you, Mr Riley, are you telling us that, if 17 the culture is as those witnesses said it was during 18 that period, it has completely changed? 19 A. I believe so, yes. 20 Q. Yes. Let me ask you then about judicial reviews. 21 Mr Cheeseman, who gave evidence on 16 March, and 22 Mr Petherick, on 21 March, they told us there was no 23 process for reporting where courts had found that 24 detention conditions breached article 3. 25 A. Right.</p> <p style="text-align: center;">Page 149</p>	<p>1 criticisms in judgments? 2 A. I think it is case specific, to be frank. In some 3 cases, you know, it is sending it out and learning from 4 it and, in other cases, you know, definition of torture 5 or something like that, then it is an immediate response 6 and a change in policy and followed on by refresher 7 training. 8 So I think it depends what -- exactly what the 9 judgment is. 10 Q. You will know that Mr Schoenenberger was asked about 11 three decisions at the High Court, when he was here, in 12 which article 3 breaches were found in relation to men 13 in immigration detention. 14 In two of them, there was a case in 2011, BA v The 15 Secretary of State for the Home Department, and there is 16 the 2012 case of HA (Nigeria) v The Secretary of State 17 for the Home Department, in which Mr Schoenenberger was 18 named. 19 The case of BA quoted an email he sent about plans 20 which should be made in the event of the death of a man 21 who had been refusing to eat or drink, whose release had 22 been refused and the judge described that as "chilling". 23 It is actually "chillingly", but it seems a fair summary 24 of what the judge said and intended. 25 Later in the judgment, he said that "On one</p> <p style="text-align: center;">Page 151</p>
<p>1 Q. I think the impression we got was reporting might happen 2 but there was no system for it, it was all rather 3 ad hoc. If that is right, has it changed? 4 A. The reporting of -- 5 Q. Judicial decisions in the High Court, going to the issue 6 of the conditions of detention of individual detainees 7 under article 3? 8 A. Yes. I believe it is different now. 9 So we have a strong relationship between 10 Frances Hardy's team, who works with the corporate 11 oversight team, policies teams and Home Office legal 12 advisers to allow for the dissemination of information. 13 Q. Yes. 14 A. There's various other ways of it coming through. You 15 know, senior civil servants receive global emails with 16 the updates on litigation, both detention-specific and 17 otherwise. There are a number of mechanisms for 18 disseminating information. 19 Q. But is it seen today as just a bit of learning that 20 people within the Home Office might be interested in, 21 there has been this case in the High Court, the 22 Home Department has lost -- this is what the judge had 23 to say -- read it in your own time ... or is it, if you 24 like, mandatory that decision makers and others are to 25 be aware of what High Court judges have said and the</p> <p style="text-align: center;">Page 150</p>	<p>1 occasion, it showed a callous indifference to the 2 detainee's plight". Chair, I have not referred to them 3 by reference to their unique relativity reference, but 4 they are <INQ000182> and <DL0000178> respectively. 5 The actions of the Home Office were said to have 6 been, in that case, a combination of bureaucratic 7 inertia and lack of communication and coordination 8 between those who were responsible for the man's 9 welfare, and in that case, detention was found to have 10 breached BA's article 3 rights. 11 In the decision in HA (Nigeria), Mr Justice Singh, 12 as he then was, named Mr Schoenenberger five times, no 13 less. He was involved in the detention and in the 14 removal from association of a man who should have been 15 treated in a psychiatric unit as soon as his rule 35 16 assessment was appreciated, but instead was detained and 17 in segregation for four months, and the failure to 18 secure transfer to hospital for his treatment, a failure 19 which lasted around five months, was held to be unlawful 20 and in breach of article 3. 21 Then, the third case which Mr Schoenenberger was 22 asked about was another 2012 case, this time of 23 a detainee known as "D", for the record <DL0000179> is 24 the judgment, in which he was not named directly, but 25 the case related to the care of a detainee at a centre</p> <p style="text-align: center;">Page 152</p>

<p>1 for which he was responsible. Again, the detained man</p> <p>2 was found to have been deprived of appropriate</p> <p>3 psychiatric care for many months, in breach of his</p> <p>4 article 3 rights.</p> <p>5 Now, Mr Schoenenberger, when asked about all of</p> <p>6 this, said he couldn't recall being made aware of any of</p> <p>7 them. He said he had no memory or awareness of any</p> <p>8 process the Home Office had of informing either</p> <p>9 individuals named in similar judgments or of informing</p> <p>10 departments responsible for the care of detainees, whose</p> <p>11 article 3 rights were found to have been breached by</p> <p>12 their actions. Nor could he recall, he said, whether</p> <p>13 IRCs were informed of article 3 breaches like those.</p> <p>14 If that is right, is there any explanation?</p> <p>15 A. Again, they are relatively historic cases.</p> <p>16 Q. Yes.</p> <p>17 A. I can't really explain the processes from 11 years ago.</p> <p>18 Q. But you know how the law works, Mr Riley, even a case of</p> <p>19 150 years old could still be a leading authority.</p> <p>20 So the fact that they may be 2011 and 2012 cases</p> <p>21 doesn't matter overly much because the judgments can</p> <p>22 still be relevant if they pronounce on points of law or</p> <p>23 other points of practice which are important for the</p> <p>24 Home Office to heed and understand and take forward in</p> <p>25 terms of best practice.</p> <p style="text-align: center;">Page 153</p>	<p>1 Q. And he accepted, which is, I am sure we can all agree,</p> <p>2 obvious, that if those judgments were not brought to the</p> <p>3 attention of people who mattered, then nobody learns</p> <p>4 anything?</p> <p>5 A. I agree, although, as I say, they are hopefully also</p> <p>6 captured in policy, either to do something differently</p> <p>7 or to stop doing something.</p> <p>8 Q. If he was right that those judgments were not brought to</p> <p>9 his attention, or to the attention of others, and if</p> <p>10 Nathan Ward is right that those judgments or key parts</p> <p>11 of the judgments were not brought to the attention of</p> <p>12 the IRCs, to which they related, most directly, then it</p> <p>13 could suggest, or lend itself to the suggestion, that</p> <p>14 the Home Office is indifferent to those sorts of</p> <p>15 criticisms.</p> <p>16 A. I am not sure, Mr Altman, that that necessarily follows,</p> <p>17 that whether or not somebody was informed in 2011 means</p> <p>18 that, as a department, we are indifferent. I think, you</p> <p>19 know, if -- and you know, there are lots of ifs here --</p> <p>20 Mr Schoenenberger wasn't informed and we didn't get the</p> <p>21 messaging right to G4S in 2017 or 2016, then we should</p> <p>22 have done better then, but that doesn't necessarily</p> <p>23 indicate an indifference to the rule of law.</p> <p>24 Q. It could lend itself to the suggestion that the</p> <p>25 Home Office is too focused on the removal of detainees</p> <p style="text-align: center;">Page 155</p>
<p>1 So coming back to Mr Schoenenberger, who claimed to</p> <p>2 have no memory or awareness of any of this, if he is</p> <p>3 right that he has no memory, which might suggest he was</p> <p>4 never told, even of cases in which he was named, it is</p> <p>5 a bit shocking, don't you think?</p> <p>6 A. He may not have been told about the cases because, you</p> <p>7 know, it is a number of years ago, but that doesn't mean</p> <p>8 that the learning from those cases hasn't been developed</p> <p>9 into policy and practice now.</p> <p>10 Q. He was invited to consider Reverend Ward's evidence that</p> <p>11 no one at Brook House was ever told of such judgments</p> <p>12 either. Mr Schoenenberger, for his part, accepted that</p> <p>13 it was obviously relevant for an individual or</p> <p>14 a department to be made aware of how a High Court judge</p> <p>15 had assessed their actions and that matters raised</p> <p>16 within the judgments would have also been relevant to</p> <p>17 those within the Home Office who were considering the</p> <p>18 detention of mentally ill people and the efficacy of</p> <p>19 rule 35, as he was when he said he attended stakeholder</p> <p>20 meetings on the subject.</p> <p>21 That is obviously correct, isn't it, that those</p> <p>22 individuals and departments should be aware?</p> <p>23 A. I agree with that. As I say, in my experience, when key</p> <p>24 judgments have come through, like the definition of</p> <p>25 torture, then we make sure that all parties are aware.</p> <p style="text-align: center;">Page 154</p>	<p>1 and cares less about the welfare of them?</p> <p>2 A. Or that we need to improve our communications.</p> <p>3 Q. Yes. Which do you think it is?</p> <p>4 A. I think -- at the time, I would suggest we needed to</p> <p>5 improve our communications but, as I say, it predates me</p> <p>6 by probably seven years.</p> <p>7 Q. Yes. All right, let's move on then, please, to the PSU.</p> <p>8 Who is in overall charge of the PSU in your department?</p> <p>9 A. It is -- I don't know who was in charge of the PSU, it</p> <p>10 is independent of the teams -- I think the PSU reports</p> <p>11 to the director of security for the Home Office.</p> <p>12 Home Office security.</p> <p>13 Q. Are you in a position to answer questions about the PSU?</p> <p>14 A. It depends what the questions are, sorry to seem vague</p> <p>15 but --</p> <p>16 Q. Let's give it a go, Mr Riley, and see how far we get?</p> <p>17 A. Please, yes.</p> <p>18 Q. We heard evidence from two individuals about PSU</p> <p>19 investigations, one of them Mohammed Khan, who is the</p> <p>20 current head of the PSU investigations or operations,</p> <p>21 and Helen Wilkinson, who is, or was, an investigator at</p> <p>22 the relevant time.</p> <p>23 What we heard is that there is currently no</p> <p>24 requirement for a PSU investigator to enquire or be</p> <p>25 provided with information about previous complaints or</p> <p style="text-align: center;">Page 156</p>

<p>1 allegations made against the subject of a complaint.</p> <p>2 So, for example, if an allegation of assault is made</p> <p>3 against a DCO, there is no requirement currently for the</p> <p>4 investigator to obtain information about whether there</p> <p>5 has been, for example, another ten complaints, perhaps</p> <p>6 some of them similar, factually, against that DCO over</p> <p>7 the past three years.</p> <p>8 Now, my question is, is that something which you</p> <p>9 think should be considered and changed?</p> <p>10 A. That is surprising because, in detention services, we</p> <p>11 keep a very clear log that is discussed monthly about</p> <p>12 patterns of complaints against DCOs, so if there are</p> <p>13 patterns of behaviour, that would actually prompt</p> <p>14 a referral to PSU. So I am surprised that PSU are not</p> <p>15 given that information.</p> <p>16 Q. Yes. Because you will agree, if that is right, and that</p> <p>17 is still current practice, then individual investigators</p> <p>18 could be looking at cases of an individual having no</p> <p>19 idea whatsoever about the character, or previous alleged</p> <p>20 character, substantiated, or unsubstantiated, about that</p> <p>21 individual officer, some of which could be what we call</p> <p>22 in crime similar fact evidence or bad character?</p> <p>23 A. It could. It could. Yes, and it is difficult, each</p> <p>24 case needs to be judged on its merits and the evidence</p> <p>25 there in the case as well.</p> <p style="text-align: center;">Page 157</p>	<p>1 disclose evidence they have obtained and reviewed as</p> <p>2 part of an investigation, for example, body-worn camera</p> <p>3 footage, CCTV footage or other records, to the</p> <p>4 complainant, the person who makes the allegation, for</p> <p>5 them to be able to comment on that evidence.</p> <p>6 Now, Mr Khan accepted that. Do you think there</p> <p>7 should be a requirement in every case to do so?</p> <p>8 A. Again, I would need advice on the legalities of that and</p> <p>9 the GDPR behind it before I came to a conclusion on</p> <p>10 that.</p> <p>11 Q. So you think it could be a GDPR issue, or that is just</p> <p>12 a sort of off-the-cuff --</p> <p>13 A. That is an off-the-cuff view, Mr Altman, as I say, but</p> <p>14 it is one of those -- as I say, I am more than happy to</p> <p>15 take these back and discuss them and, you know, at the</p> <p>16 risk of saying like I am trying to act quickly, as with</p> <p>17 the Kate Davies letter, I think it is important to get</p> <p>18 to the bottom of these and I am more than prepared to do</p> <p>19 it.</p> <p>20 Q. Here is another one, Mr Riley, for you to consider. We</p> <p>21 have heard of cases where officers, subject to</p> <p>22 allegations of mistreatment, who have left their</p> <p>23 employment with G4S and were not invited to interview by</p> <p>24 the investigating officer and allegations of</p> <p>25 mistreatment against them were found to be</p> <p style="text-align: center;">Page 159</p>
<p>1 Q. Yes.</p> <p>2 A. We wouldn't want to prejudice any investigation but, at</p> <p>3 the same time, these things should be taken into</p> <p>4 account.</p> <p>5 As I say, we keep our own records that, you know,</p> <p>6 all allegations against DCOs that are made locally are</p> <p>7 reported up to detention services and discussed monthly.</p> <p>8 Q. That may be right, but the question is, when a new</p> <p>9 allegation comes along and it is being investigated and</p> <p>10 the investigator is completely unsighted by five similar</p> <p>11 complaints over the last three years, then there is</p> <p>12 a problem, isn't there?</p> <p>13 A. I am prepared -- I am prepared to discuss that with PSU</p> <p>14 when I get back to the office to see if there are</p> <p>15 reasons behind that, whether it is about not wanting to</p> <p>16 prejudice the outcome of the independent investigation.</p> <p>17 Q. Well, it happens in the criminal environment, I can tell</p> <p>18 you --</p> <p>19 A. Hmm.</p> <p>20 Q. -- Mr Riley, so in one sense, there is no reason why it</p> <p>21 shouldn't during the course of a PSU investigation, but,</p> <p>22 by all means, please tell us what you discover.</p> <p>23 A. Yes.</p> <p>24 Q. We also heard evidence that there is currently no</p> <p>25 requirement in every case for a PSU investigator to</p> <p style="text-align: center;">Page 158</p>	<p>1 unsubstantiated without them ever being invited to</p> <p>2 interview.</p> <p>3 Do you think that is something that should change?</p> <p>4 A. I think it may be difficult to compel someone to attend</p> <p>5 an interview if they have left the employment.</p> <p>6 Q. I am not talking about compulsion, because, presumably,</p> <p>7 the one thing an investigator for the PSU doesn't have</p> <p>8 is any power of compulsion at all?</p> <p>9 A. Indeed.</p> <p>10 Q. You cannot summon someone, you cannot arrest them; but</p> <p>11 in a case where an individual is not invited -- this is</p> <p>12 the point, the PSU are not even inviting the person to</p> <p>13 interview, and then they consider a complaint and don't</p> <p>14 substantiate it, you can understand why complainants</p> <p>15 would feel a little hard done by in those circumstances.</p> <p>16 Is that something you can look at?</p> <p>17 A. I could. I need to start to tread carefully, Mr Altman,</p> <p>18 because the whole point of PSU is that it is completely</p> <p>19 independent of the business units.</p> <p>20 Q. Yes.</p> <p>21 A. And what I don't want to do is get to the stage where it</p> <p>22 looks like I am influencing the way that PSU carry out</p> <p>23 their investigations, because I just cannot do that. It</p> <p>24 has to be absolutely independent.</p> <p>25 Q. I am not asking to you influence, and nor would the</p> <p style="text-align: center;">Page 160</p>

<p>1 inquiry, Mr Riley. Can you just find out what the</p> <p>2 answer is, though, ask whoever is responsible, if needs</p> <p>3 be to let the inquiry know and we will see if we need to</p> <p>4 take it further?</p> <p>5 A. Yes.</p> <p>6 Q. There is one last thing in this regard I would like to</p> <p>7 bring to your attention.</p> <p>8 There has been evidence of one PSU investigation in</p> <p>9 respect of at least two potential witnesses to</p> <p>10 an alleged assault, the PSU investigator didn't</p> <p>11 interview the witnesses themselves, but instead</p> <p>12 requested that the contractor, in this case, G4S, took</p> <p>13 the witness statements and this led to the statements</p> <p>14 being written by G4S staff on behalf of two detainees,</p> <p>15 neither of which supported the allegations of assault</p> <p>16 made by the particular detainee D1747, against another</p> <p>17 G4S member of staff Derek Murphy -- do you remember he</p> <p>18 was the chap whose name you didn't recognise? While</p> <p>19 I am thinking of it, he was actually on the Panorama</p> <p>20 programme, although you may not have known his name. He</p> <p>21 was the one who said, "I have no sympathy for them. If</p> <p>22 he dies, he dies". Do you remember that?</p> <p>23 A. I remember the comment.</p> <p>24 Q. That is Derek Murphy. We can look at the documentation.</p> <p>25 Have you seen the documentation which has been in your</p> <p style="text-align: center;">Page 161</p>	<p>1 day and this is the statement of D71:</p> <p>2 "On the date and time I witnessed an officer push</p> <p>3 the above named detainee as he encroached into his</p> <p>4 personal space. I don't believe the officer did</p> <p>5 anything wrong, so the detainee got in his face</p> <p>6 unnecessarily. DCM Brackenridge has written this</p> <p>7 information for me at my request and is a true version</p> <p>8 of events."</p> <p>9 Now, given your position, Mr Riley, it may be</p> <p>10 a difficult one for you to answer but do you think</p> <p>11 officers from the contractor should be invited by the</p> <p>12 PSU to take statements for the purposes of its</p> <p>13 investigation?</p> <p>14 A. It is a difficult one to answer, Mr Altman. I am</p> <p>15 surprised but I can't comment on the conduct of the</p> <p>16 investigation and why PSU chose to conduct it in this</p> <p>17 way.</p> <p>18 Q. Because it rather feels like there is big potential for</p> <p>19 a conflict of interest.</p> <p>20 A. I accept that but, as I say, I can't comment on why PSU</p> <p>21 approached it in this manner.</p> <p>22 Q. Mr Khan himself conceded in principle that it ought not</p> <p>23 to happen -- that is what he told us in the case of his</p> <p>24 evidence -- but perhaps, again, if you pass this on to</p> <p>25 your colleague, this might be one for them to consider.</p> <p style="text-align: center;">Page 163</p>
<p>1 bundle?</p> <p>2 A. I have seen -- it was a -- was that the complaint in</p> <p>3 handwriting, quite large handwriting?</p> <p>4 Q. Yes, and there were also the two witness statements</p> <p>5 taken by G4S officers on behalf of the two witness</p> <p>6 detainees; they were in handwriting -- do you remember</p> <p>7 seeing those?</p> <p>8 A. No, no, I don't.</p> <p>9 Q. Let me put them up on screen. Let me just move files.</p> <p>10 <HOM003493> please, Zaynab.</p> <p>11 Here is one of them, a statement regarding the</p> <p>12 events surrounding an incident on 20 June in healthcare</p> <p>13 at around 8.20 with detainee D1747. Your name has been</p> <p>14 given, saying that you might have been witness to the</p> <p>15 incident between D1747 and an officer:</p> <p>16 "Please can you write below any information you can</p> <p>17 remember about the incident."</p> <p>18 And there is the statement of another detainee,</p> <p>19 D1686, dated 5 July, and we don't really need to look at</p> <p>20 the guts of the statement perhaps, after the second</p> <p>21 paragraph. He said if it goes to court he will testify</p> <p>22 or he will talk to police but he will not give</p> <p>23 a statement now. It was witnessed by DCM Donnelly and</p> <p>24 DCO Haque or Hoque -- H-A-Q-U-E, I think or H-O-Q-U-E.</p> <p>25 The other statement is <HOM002419>, dated the next</p> <p style="text-align: center;">Page 162</p>	<p>1 A. Yes.</p> <p>2 Q. Finally, insofar as the PSU is concerned, training.</p> <p>3 We heard evidence that PSU investigators didn't have</p> <p>4 any training or guidance on taking evidence from</p> <p>5 vulnerable witnesses or on the types of complaints and</p> <p>6 complainants they would be dealing with in IRCs.</p> <p>7 So, considering that for a moment, in light of the</p> <p>8 fact that where they were interviewing detained people</p> <p>9 about their complaints they would inevitably be dealing</p> <p>10 frequently with vulnerable people, any idea why they</p> <p>11 wouldn't be given such training?</p> <p>12 A. No, I don't, I'm afraid to say.</p> <p>13 Q. I will give you prime example, D687, who in fact is one</p> <p>14 of the two individuals who brought the High Court action</p> <p>15 back in 2018, with the judgment I think in 2019, he was</p> <p>16 said to have been inconsistent in the accounts he gave</p> <p>17 to the PSU investigator. The PSU investigator, in the</p> <p>18 final report which made that finding against him, may</p> <p>19 have been misled into arriving at that view about</p> <p>20 inconsistency because he/she may not have understood</p> <p>21 that a person who is vulnerable and mentally unwell may,</p> <p>22 as a matter of routine, give inconsistent accounts</p> <p>23 without necessarily been untruthful.</p> <p>24 So that is as an example why it is important for</p> <p>25 investigators to have vulnerable witness training and so</p> <p style="text-align: center;">Page 164</p>

<p>1 this is something that perhaps you might want to</p> <p>2 consider with your colleague as well.</p> <p>3 A. Okay.</p> <p>4 Q. In principle, if I am right, does it sound like</p> <p>5 something that ought to be changed?</p> <p>6 A. It feels --</p> <p>7 Q. Or considered at least?</p> <p>8 A. Certainly considered, Mr Altman, yes.</p> <p>9 Q. Relatedly, can I ask you on a slightly different topic</p> <p>10 about criminal investigations, and, again, this may be</p> <p>11 outside your comfort zone, Mr Riley, and if it is please</p> <p>12 say so but we heard from a DCO by the name of</p> <p>13 Ryan Bromley, who was asked about an incident where</p> <p>14 a detainee had assaulted him, so it is not he assaulting</p> <p>15 a detainee but a detainee assaulting him. It had been</p> <p>16 referred to the police when it had been reported at</p> <p>17 Brook House and it was recorded by the police as "Victim</p> <p>18 declined to support". So the police record -- I could</p> <p>19 put it up on screen but you will not learn anything more</p> <p>20 about it than that, <SXP000102> -- but the suggestion</p> <p>21 from the police record is that Mr Bromley declined to</p> <p>22 support any prosecution.</p> <p>23 However, when Mr Bromley was asked about this during</p> <p>24 the course of his evidence, he said he didn't decline to</p> <p>25 support it, the police had told him that in these sorts</p> <p style="text-align: center;">Page 165</p>	<p>1 those with the local police at Gatwick, because I wasn't</p> <p>2 aware of it being an issue there but it was raised with</p> <p>3 me about Heathrow.</p> <p>4 Q. Yes.</p> <p>5 A. It is difficult, Mr Altman, because what we don't want</p> <p>6 to do is create a perverse incentive for, for example,</p> <p>7 someone facing removal to take part in an assault,</p> <p>8 knowing that it would provoke a police investigation and</p> <p>9 delay their removal. So we have to be careful on how we</p> <p>10 manage it but we do have to take the member of staff's</p> <p>11 views into account and so do the police when deciding</p> <p>12 whether or not to prosecute, just like any other victim</p> <p>13 of violent crime would expect.</p> <p>14 Q. Yes.</p> <p>15 So where is that MOU, that memorandum of</p> <p>16 understanding, now? Is it this final draft, being</p> <p>17 drafted, being considered?</p> <p>18 A. My understanding is it has been agreed and, if it has,</p> <p>19 I will share it with you. If it is in draft form, then</p> <p>20 I will share it.</p> <p>21 Q. Thank you.</p> <p>22 Moving on, Mr Riley, Steve Skitt, who you will know</p> <p>23 was the then deputy director of Brook House, he told the</p> <p>24 inquiry on 17 March that the Home Office or Detention</p> <p>25 and Escort Services, did some work around or produced</p> <p style="text-align: center;">Page 167</p>
<p>1 of cases where an individual is awaiting removal from</p> <p>2 the country, the case would not be pursued because it</p> <p>3 would interfere with that individual's removal</p> <p>4 directions.</p> <p>5 Are you aware of the police refusing to investigate</p> <p>6 a case against a detainee with pending removal</p> <p>7 directions?</p> <p>8 A. Yes, there have been cases. I wasn't aware of any at</p> <p>9 Brook House but I have been aware of cases at Heathrow</p> <p>10 and we have worked closely between the local police</p> <p>11 borough commander and Paul Rennie, who is director of</p> <p>12 Heathrow IRC, to put in place an MOU for the</p> <p>13 investigation of these incidents.</p> <p>14 Q. A memorandum of understanding, in other words what</p> <p>15 should happen in those instances?</p> <p>16 A. Yes, and the member of staff's views should be taken</p> <p>17 into account when the police make a decision on whether</p> <p>18 or not to investigate.</p> <p>19 Q. So in future cases, as a matter of course, the police</p> <p>20 should not be saying to an individual in the position</p> <p>21 that Ryan Bromley found himself, "I am sorry, chum, this</p> <p>22 guy's leaving the country, your interests are</p> <p>23 secondary"; in future the police will take account of</p> <p>24 the alleged victim's concerns?</p> <p>25 A. That is the intention but, as I say, we haven't got</p> <p style="text-align: center;">Page 166</p>	<p>1 data about the patterns of incidents by certain</p> <p>2 nationalities who presented certain risks. This arose</p> <p>3 from some questions the chair asked him at the end of</p> <p>4 his evidence, because he had said to Verita certain</p> <p>5 things during the course of his Verita interview about</p> <p>6 Albanians do this, Chinese do that, Vietnamese do this,</p> <p>7 and the other, and so he seemed to be stereotyping what</p> <p>8 certain nationalities do or how they behave inside the</p> <p>9 detention estate.</p> <p>10 So the question for you is was such work done and</p> <p>11 who produces it? In other words, patterns about --</p> <p>12 briefing patterns?</p> <p>13 A. So we do briefing for the head of operations SMT on</p> <p>14 a monthly basis about incidents and whether there are</p> <p>15 patterns of incidents.</p> <p>16 It was something I was keen on seeing myself because</p> <p>17 the Prison Service, when I worked there a number years</p> <p>18 ago, had something called "Smart Data" that helped</p> <p>19 indicate if there were patterns of behaviour that should</p> <p>20 raise concerns.</p> <p>21 It is not about stereotyping, it is about risk</p> <p>22 minimisation and, actually, making sure that certain</p> <p>23 groups are not disadvantaged as well; so, for example,</p> <p>24 if a certain nationality or religion is more likely to</p> <p>25 be in rule 40 or not in work. So it is a broader</p> <p style="text-align: center;">Page 168</p>

<p>1 concept than I think Mr Skitt described.</p> <p>2 Q. So it is not just about misbehaviours but it is about,</p> <p>3 as you are telling us, as I understand you, how we can</p> <p>4 look after certain nationalities as well?</p> <p>5 A. It is about ensuring fairness and safety within the</p> <p>6 centre.</p> <p>7 Q. Yes.</p> <p>8 Can we now look, please -- and we are almost at an</p> <p>9 end but not quite, Mr Riley, my promises are always</p> <p>10 qualified -- at the new contract.</p> <p>11 A. Yes.</p> <p>12 Q. All right, and we are not going to go into it in any</p> <p>13 great detail because that has been done on Friday with</p> <p>14 Mr Hewer but there are a few things I want to ask you</p> <p>15 about.</p> <p>16 You place a great deal of emphasis on what is said</p> <p>17 to be a stronger new contract. You deal with this at</p> <p>18 paragraph 26 of your first witness statement:</p> <p>19 "The new contract [you say] will provide greater</p> <p>20 clarity on Home Office priorities for the new supplier,</p> <p>21 with a reduction from 139 to 27 Key Performance</p> <p>22 Indicators more clearly focused on outcomes. More</p> <p>23 importantly, we now have performance measures that focus</p> <p>24 on staff culture, misconduct and the reporting of</p> <p>25 serious incidents alongside a means of addressing</p> <p style="text-align: center;">Page 169</p>	<p>1 Department and this one is Serco, for the Gatwick</p> <p>2 estate; is that correct?</p> <p>3 A. That's correct, yes.</p> <p>4 Q. There are these new performance measures, in particular</p> <p>5 in relation to maintaining healthy staff culture. We</p> <p>6 find that within schedule 2.1 at paragraph 16.4. If we</p> <p>7 go to page 176, please, there we have paragraph 16.4,</p> <p>8 under the heading "Maintaining a Healthy Staff Culture":</p> <p>9 "The supplier [and the supplier is Serco] shall put</p> <p>10 in place provisions to ensure that staff understand the</p> <p>11 behaviours and culture expected from staff working in</p> <p>12 an IRC, that this is effectively monitored, and that</p> <p>13 staff adhere to the these provisions."</p> <p>14 "These provisions", presumably, it should be, and</p> <p>15 then there are a series of lettered subparagraphs, "The</p> <p>16 supplier shall ...", indicating they are mandatory.</p> <p>17 Just listing them: "Publish a whistleblowing</p> <p>18 policy"; "Produce the staff with a code of conduct";</p> <p>19 "Produce and implement a staff engagement strategy</p> <p>20 focusing on culture and conduct"; "Hold staff engagement</p> <p>21 forums"; "Develop and implement a culture diagnosis</p> <p>22 tool"; "Review any instance where a member of staff is</p> <p>23 named in three complaints of three instances of use of</p> <p>24 force in a three-month period, informing the authority</p> <p>25 of instances identified", so three, three and three;</p> <p style="text-align: center;">Page 171</p>
<p>1 low-level failings which have not been resolved within a</p> <p>2 designated period."</p> <p>3 You say, going back in your statement, at</p> <p>4 paragraph -- I thought it was 22, I could be wrong, but</p> <p>5 you say somewhere the new contract -- it is in your</p> <p>6 second witness statement, forgive me, I was looking at</p> <p>7 the wrong witness statement.</p> <p>8 In your second one, if you have it, for the</p> <p>9 avoidance of doubt, it is the organisational failings,</p> <p>10 which you previously refer to within the contract</p> <p>11 itself, and the way in which the contractor's</p> <p>12 performance was overseen, managed and assured:</p> <p>13 "The new contract itself is intended to be the</p> <p>14 remedy for those failings".</p> <p>15 You say:</p> <p>16 "I include a list of its key features in</p> <p>17 paragraph 24 of my earlier statement."</p> <p>18 Which you do, so there were a series of bullet</p> <p>19 points in paragraph 24 of the earlier statement:</p> <p>20 "These are also [you say in paragraph 22 of your</p> <p>21 second witness statement] the features which underpin</p> <p>22 the new contract's greater focus on detainee welfare."</p> <p>23 We can put up on screen the new contract,</p> <p>24 <SER000226> please. There it is.</p> <p>25 It is between the Secretary of State for the Home</p> <p style="text-align: center;">Page 170</p>	<p>1 "Report all staff incidents/allegations that involve</p> <p>2 conduct to the authority immediately following</p> <p>3 identification/notification of the conduct issue";</p> <p>4 "Publish a staff culture and conduct policy"; "Complete</p> <p>5 exit interviews with staff"; [top of the next page]</p> <p>6 "A bi-annual survey"; "Staff consultations annually";</p> <p>7 "Create a staff culture/conduct action plan which</p> <p>8 captures all learning points from staff engagement and</p> <p>9 surveys~..." and so on.</p> <p>10 The date of this contract was 18 February 2020.</p> <p>11 A. Yes -- that was when it was signed. It came into</p> <p>12 operation in May, 21 May roughly.</p> <p>13 Q. Yes, I think, well, I have seen a date on it but perhaps</p> <p>14 it doesn't matter --</p> <p>15 A. Yes.</p> <p>16 Q. -- particularly much, but was this maintaining a healthy</p> <p>17 staff culture a direct response to the subject matter of</p> <p>18 this inquiry?</p> <p>19 A. It was -- yes, it was really. It was a view on that and</p> <p>20 I think a general direction of the Home Office.</p> <p>21 So I joined at the start of this contract being</p> <p>22 designed and we referred to Stephen Shaw's second report</p> <p>23 and Kate Lampard's report in developing the contract.</p> <p>24 Q. If we go over, please, to 199, here is schedule 2.2,</p> <p>25 performance levels. If we can go to 210, please, at the</p> <p style="text-align: center;">Page 172</p>

<p>1 top -- I don't want to go into all the fine detail but</p> <p>2 at the top of 210, we have a table which indicates</p> <p>3 performance failures, categorised as minor, serious,</p> <p>4 severe and critical, and for critical £50,000 is what,</p> <p>5 a penalty by another name?</p> <p>6 A. Yes.</p> <p>7 Q. What is a "service credit value"?</p> <p>8 A. That is the percentage of the profit that can be levied</p> <p>9 in a penalty or service credit for a failing.</p> <p>10 Q. So it is a percentage of profit, did you say?</p> <p>11 A. Yes, it is quite a complicated --</p> <p>12 Q. Calculation?</p> <p>13 A. Yes, it is -- it is a pre-determined calculation of</p> <p>14 profit.</p> <p>15 Q. Right. We don't perhaps need to go into over what</p> <p>16 period of time the profit is calculated, how it is</p> <p>17 calculated, because I can see that that could be</p> <p>18 horribly complicated, but we can see that the more</p> <p>19 serious the failure becomes, the higher the service</p> <p>20 credit value percentage.</p> <p>21 A. Yes.</p> <p>22 Q. So it is 5 per cent for a severe failure.</p> <p>23 If we go, please, to page 211, the next page, and we</p> <p>24 find annex 1 at the top, "Key performance indicators,</p> <p>25 part 1", and the key performance indicators table, and</p> <p style="text-align: center;">Page 173</p>	<p>1 Q. Yes. But we still have the old "resulting in death</p> <p>2 which involves any failure to follow laid down</p> <p>3 procedures", which is a broad church; under the old</p> <p>4 contract, it was by reference to "a failure to follow</p> <p>5 laid down procedures under schedule D".</p> <p>6 What was the failure to follow laid down procedures</p> <p>7 in this contract; do you know off hand? Is it another</p> <p>8 schedule which is involved?</p> <p>9 A. No, it can be any laid down procedures, is my</p> <p>10 understanding, Mr Altman.</p> <p>11 Q. Yes, and who was to make that decision?</p> <p>12 A. The Home Office will make it in reviewing the case.</p> <p>13 Q. With whom?</p> <p>14 A. Well, we will review the case and then we will declare</p> <p>15 it to the -- and impose the service credit on the</p> <p>16 supplier and they may or may not ask for mitigation</p> <p>17 against that.</p> <p>18 Q. Well, under the old contract, it was a system of</p> <p>19 self-reporting. Is it still a system of self-reporting?</p> <p>20 A. Not for something, you know, a critical KPI, no.</p> <p>21 Q. So critical ones would naturally be reported to the</p> <p>22 Home Office anyway but that isn't part of</p> <p>23 a self-reporting system but, so that we understand, is</p> <p>24 there still self-reporting under the new contract?</p> <p>25 A. There is some but, the more serious measures, there is</p> <p style="text-align: center;">Page 175</p>
<p>1 KPI:</p> <p>2 "Self-harm resulting in detainee death being any</p> <p>3 known incident of deliberate self-harm resulting in</p> <p>4 death which involves any failure to follow laid down</p> <p>5 procedures."</p> <p>6 That performance failure category is critical and</p> <p>7 therefore presumably proof of it results in a £50,000</p> <p>8 penalty?</p> <p>9 A. That's correct, yes.</p> <p>10 Q. As you will know, previously, under the old contract,</p> <p>11 the one that governed the running of Brook House in</p> <p>12 2017, it was £10,000 for death, with identical terms,</p> <p>13 but £30,000 in effect for an escape; whereas we see KP2,</p> <p>14 escape has been also characterised as critical, also</p> <p>15 with a £50,000 penalty.</p> <p>16 So death has, as it were, been promoted in the sense</p> <p>17 that it is not less critical as it was under the old</p> <p>18 contract than an escape.</p> <p>19 A. Yes.</p> <p>20 Q. You can see the optics under the old contract were</p> <p>21 terrible: escape was £30,000; death was £10,000.</p> <p>22 A. I agree, the optics were terrible under the old contract</p> <p>23 but I reiterate my point that it was an incredibly old</p> <p>24 contract that was probably designed in 2004, 2005 or</p> <p>25 2006.</p> <p style="text-align: center;">Page 174</p>	<p>1 100 per cent sampling by the Home Office as well. So</p> <p>2 there is different amounts for each KPI.</p> <p>3 Q. If we turn on to 216, please, within the same annex,</p> <p>4 KP15, which is referenced to schedule 2.1,</p> <p>5 paragraph 16.4, which we saw a little earlier, Mr Riley,</p> <p>6 the "failure to ensure staff adhere to the staff culture</p> <p>7 and conduct policy" is not critical but serious, and per</p> <p>8 occurrence attracts that 5 per cent credit value, which</p> <p>9 we saw and you explained to us.</p> <p>10 Let me ask you this from your understanding of the</p> <p>11 contract. When Steve Hewer gave evidence on Friday,</p> <p>12 there were two examples of former employees of G4S,</p> <p>13 current employees of Serco, Steve Loughton and Steve</p> <p>14 Dix, both of whom when they gave evidence to the inquiry</p> <p>15 did not accept, or they played down, their own past</p> <p>16 actions when giving evidence to the inquiry, therefore</p> <p>17 suggesting that they had learned little or nothing.</p> <p>18 How do you impose a healthy staff culture through</p> <p>19 a contract? Do you think this is a workable scheme?</p> <p>20 A. I do think it is a workable scheme and, you know, I need</p> <p>21 to discuss with Steve Hewer and Sarah Burnett, the</p> <p>22 operations director of Serco, what we do about some of</p> <p>23 the evidence that has been given. It is something we</p> <p>24 have considered already within the team, and whether or</p> <p>25 not we should have raised this already under this KPI or</p> <p style="text-align: center;">Page 176</p>

<p>1 others.</p> <p>2 My personal concern, and it was my personal</p> <p>3 judgment, is that if we were to pursue staff giving</p> <p>4 evidence under this KPI now, before all evidence was</p> <p>5 given, it may dis-encourage people to be as frank and</p> <p>6 honest as they could be; you know, if they knew that</p> <p>7 a fully honest and transparent evidence may lead to</p> <p>8 a penalty for the organisation to KPI15, then that might</p> <p>9 have been -- I used the term earlier -- a perverse</p> <p>10 incentive.</p> <p>11 So I intend to raise it with Steve and Sarah Burnett</p> <p>12 at some stage but wait until the evidence has been fully</p> <p>13 submitted first, and then consider whether it is</p> <p>14 a failing under KPI15 or not.</p> <p>15 Q. Because the problem always is, human nature being what</p> <p>16 it is, Mr Riley, people have little interest in</p> <p>17 admitting wrongdoing and senior staff in accepting there</p> <p>18 has been a failure of procedures.</p> <p>19 So it is all well and good having a series of</p> <p>20 provisions promoting a healthy staff culture, but in the</p> <p>21 end you are dealing with human beings and the big</p> <p>22 question is how you impose it?</p> <p>23 A. Some of it, I think, Mr Altman, will be clear. So you</p> <p>24 gave the example earlier today of the member of staff</p> <p>25 making inappropriate comments at an C&R refresher. That</p> <p style="text-align: center;">Page 177</p>	<p>1 this contract -- what steps has the Home Office taken to</p> <p>2 review other IRC contracts, not new ones but ones which</p> <p>3 may be of an old design, I think as you put it, to</p> <p>4 review other IRC contracts in light of all of these</p> <p>5 reviews and reports, Lampard, the Home Affairs Select</p> <p>6 Committee, HASC, Moore Stephens and the National Audit</p> <p>7 Office to ensure there are no other ticking time-bomb</p> <p>8 contracts where welfare is not sufficiently prioritised?</p> <p>9 What steps have been taken to review all the other</p> <p>10 contracts which may not be as modern and up to date as</p> <p>11 this one?</p> <p>12 A. Well, every time a contract comes up for renewal and</p> <p>13 there is a programme of that, this model contract with</p> <p>14 this intent is introduced. So for Derwentside, when it</p> <p>15 opened last year, the contract was introduced there; for</p> <p>16 Dungavel, when it was re-procured last year, this</p> <p>17 contract, the new model contract was introduced.</p> <p>18 Q. Sorry, what was that name again?</p> <p>19 A. Dungavel and Derwentside.</p> <p>20 Q. Dungavel?</p> <p>21 A. Dungavel, an IRC in Scotland; Derwentside is a new IRC</p> <p>22 we have just opened last year in County Durham. That</p> <p>23 has this new model contract.</p> <p>24 The two Heathrow IRCs are under an older contract,</p> <p>25 and we are aware of that, but we are re-procuring them</p> <p style="text-align: center;">Page 179</p>
<p>1 is clearly one that falls under KPI15.</p> <p>2 Q. Yes.</p> <p>3 A. Others may be less clear but, if it is not in there and</p> <p>4 we are not trying to enforce it via this, then we are</p> <p>5 not learning and we are not developing.</p> <p>6 You know, again, I take responsibility for this</p> <p>7 contract. I am the one as SRO, senior responsible who</p> <p>8 signed it off and helped design these KPIs and, you</p> <p>9 know, the intent is to have the tools in the locker to</p> <p>10 use, because if they are not in the locker, we can't use</p> <p>11 them.</p> <p>12 Q. So the leverage is really imposed on Serco, the</p> <p>13 supplier, because the more 5 per cent credit value</p> <p>14 penalties they have to pay, hopefully the more they will</p> <p>15 cascade down to their staff; the staff culture is</p> <p>16 important and has meaning and therefore the hope,</p> <p>17 I suspect from your position, is we don't see what we</p> <p>18 saw five years ago?</p> <p>19 A. Indeed, and we are not met with the frustrations that we</p> <p>20 have nothing in the contract to impose service credits</p> <p>21 when we see the behaviours that we saw in Panorama and,</p> <p>22 as the NAO said, you know, the contract was toothless to</p> <p>23 penalise G4S for those failings.</p> <p>24 Q. Talking about contracts, not this one in particular, but</p> <p>25 can you tell the inquiry, please, Mr Riley -- forget</p> <p style="text-align: center;">Page 178</p>	<p>1 at the moment and the procurement is in place and they</p> <p>2 are being tendered against this contract; and</p> <p>3 Yarl's Wood is the last IRC fully under the old contract</p> <p>4 but we took the opportunity of it moving from a female</p> <p>5 IRC to a male IRC and re-rolling to put in additional</p> <p>6 staffing measures. So we have put 170 additional DCOs</p> <p>7 in to the staffing complement to come towards this</p> <p>8 contract and, when it comes up for re-tender, it will be</p> <p>9 re-tendered under this measure of contract.</p> <p>10 Plus, I have to say, any learning we get from the</p> <p>11 first couple of years' operation of this. So if we</p> <p>12 find, as you raise, that there are problems in KPI15,</p> <p>13 for example, we have the opportunity to tweak that</p> <p>14 before re-procuring Yarl's Wood.</p> <p>15 Q. Thank you. A few more things and then I will be done,</p> <p>16 Mr Riley, you will be pleased to hear, I am sure.</p> <p>17 In the end, do you accept that the Home Office, and</p> <p>18 only the Home Office, has the ultimate responsibility</p> <p>19 for what happened in terms of ill-treatment of detainees</p> <p>20 at Brook House during the relevant period?</p> <p>21 A. The Home Office is responsible for the wellbeing of</p> <p>22 everybody in our care. The behaviours perpetrated in</p> <p>23 2017 were perpetrated by G4S staff but the Home Office,</p> <p>24 at the end of the day, is responsible for everyone in</p> <p>25 our care.</p> <p style="text-align: center;">Page 180</p>

<p>1 Q. So the answer is yes.</p> <p>2 A. (Witness nods).</p> <p>3 Q. Secondly, do you agree that external oversight, such as</p> <p>4 by HMIP, IMB, can highlight issues they find; HMIP, for</p> <p>5 example, during the course of unannounced inspections.</p> <p>6 They can make recommendations but, in the end, their</p> <p>7 work doesn't displace the Home Office's responsibility,</p> <p>8 nor can it transfer it on other shoulders?</p> <p>9 A. No, that I agree with completely. You know, my personal</p> <p>10 view is that the more sets of eyes in an IRC, the more</p> <p>11 opinions, the better. I may not always agree with</p> <p>12 them -- you know, we discussed Mary Bosworth's</p> <p>13 evidence -- but the more people who are in there and</p> <p>14 seeing what is going on and are contributing, the</p> <p>15 better, but at the end of the day the Home Office is</p> <p>16 ultimately responsible.</p> <p>17 Q. Finally this from me, Mr Riley.</p> <p>18 Really just at the start of your evidence it seemed</p> <p>19 you were very enthusiastic to apologise and, as I recall</p> <p>20 it, you apologised in respect of incidents during the</p> <p>21 course of the Panorama broadcast and in respect of the</p> <p>22 contractual failures. Do you know if there is any</p> <p>23 intention by the Secretary of State herself to apologise</p> <p>24 to the detainees who suffered ill-treatment, or will</p> <p>25 they have to await the outcome of the inquiry report?</p> <p style="text-align: center;">Page 181</p>	<p>1 Questions from THE CHAIR</p> <p>2 THE CHAIR: There is one question I have in relation to</p> <p>3 rule 35 and, as per a lot of Mr Altman's questions today</p> <p>4 and your responses, I think we have recognised that</p> <p>5 rule 35 has been an issue that we have had a lot of</p> <p>6 evidence about throughout the inquiry. I don't fully</p> <p>7 understand where responsibility for rule 35 sits.</p> <p>8 I am trying to make sure I don't misquote you but I</p> <p>9 think you told Mr Altman that it falls between policy</p> <p>10 teams within the Home Office and then other commands</p> <p>11 within immigration enforcement.</p> <p>12 A. Yes.</p> <p>13 THE CHAIR: Can you just try and explain so that we can</p> <p>14 fully understand where the responsibilities do lie for</p> <p>15 it?</p> <p>16 A. Yes. Yes. So -- and sorry if I was not clearer,</p> <p>17 chair -- there is a policy team -- red(?) policy within</p> <p>18 the Home Office that owns enforcement and detention</p> <p>19 policy; Ian Cheeseman worked for them at one stage,</p> <p>20 which is why he gave the evidence he did. They are the</p> <p>21 overall owners of detention policy. The</p> <p>22 operationalisation of that policy sits in one of the</p> <p>23 returns commands within immigration enforcement. So</p> <p>24 turning the policy into operation delivery is their</p> <p>25 responsibility; but to slightly complicate it further,</p> <p style="text-align: center;">Page 183</p>
<p>1 A. I couldn't say either way, Mr Altman. I can't speak for</p> <p>2 the Home Secretary, I am afraid.</p> <p>3 Q. You rather rushed, if you don't mind me saying so, that</p> <p>4 apology and perhaps we will understand why you were keen</p> <p>5 to get it out, but is there anything more you would like</p> <p>6 to say?</p> <p>7 A. Well, again, I reiterate the apology. It should never</p> <p>8 have happened and, you know, we cannot minimise the</p> <p>9 effect on the people and I just hope that the evidence</p> <p>10 that, you know, I have given and others demonstrates to</p> <p>11 the inquiry the steps we were taking to minimise</p> <p>12 anything like that ever happening again. It is a work</p> <p>13 in progress and it is an iterative process and we will</p> <p>14 keep improving throughout the years. I am convinced of</p> <p>15 it.</p> <p>16 But, you know, I am determined on my watch that that</p> <p>17 will not happen again, and I am sure for the future we</p> <p>18 are safeguarding people.</p> <p>19 MR ALTMAN: I am sure we can all join in that sentiment,</p> <p>20 Mr Riley, and, as I commented a little earlier, let's</p> <p>21 hope we are not doing this all over again in five years</p> <p>22 time.</p> <p>23 A. I agree wholeheartedly.</p> <p>24 MR ALTMAN: Chair.</p> <p>25 THE CHAIR: Thank you, Mr Altman. Thank you, Mr Riley.</p> <p style="text-align: center;">Page 182</p>	<p>1 in rule 35, particularly, the training of GPs falls</p> <p>2 within NHS England's commissioning. So it is</p> <p>3 a tripartite approach to it, I guess.</p> <p>4 THE CHAIR: Okay. So obviously you have explained to</p> <p>5 Mr Altman that the -- I don't want to misquote you again</p> <p>6 but I think the way that you put it was that it is</p> <p>7 currently paused, the work that has been underway for</p> <p>8 rule 35, and you obviously explained that that is</p> <p>9 because of the process, that currently the bill is going</p> <p>10 through.</p> <p>11 A. Yes.</p> <p>12 THE CHAIR: So, when the bill is passed into law, who has</p> <p>13 responsibility for picking that up again?</p> <p>14 A. The policy team to start with.</p> <p>15 THE CHAIR: Who is that? Who is the senior person?</p> <p>16 A. The senior SCS is Matt Bligh. B-L-I-G-H.</p> <p>17 THE CHAIR: That is very helpful, thank you.</p> <p>18 Then just one other -- I just want to ask you of any</p> <p>19 observations or reflections on this. So, again,</p> <p>20 Mr Altman asked you about something that Steve Skitt</p> <p>21 told the inquiry about information that he received and</p> <p>22 he characterised it as being about adverse incidents.</p> <p>23 You have obviously explained that, from your</p> <p>24 perspective, it is broader than that, and that the</p> <p>25 intention is perhaps more comprehensive than it was</p> <p style="text-align: center;">Page 184</p>

<p>1 maybe characterised.</p> <p>2 Do you have any reflections on the fact that</p> <p>3 a senior manager seems to have interpreted it as being</p> <p>4 about risk, potentially risk-profiling people by certain</p> <p>5 nationalities, as he described it to us, and in his</p> <p>6 Verita interview?</p> <p>7 A. No. I was surprised at the words that Mr Skitt used.</p> <p>8 I know Steve. You know, I have seen him at work.</p> <p>9 He doesn't strike me as someone who would necessarily</p> <p>10 stereotype in that way and I wonder whether it was</p> <p>11 a clunky form of words rather than an intent on there,</p> <p>12 but that is all I can say.</p> <p>13 THE CHAIR: Thank you.</p> <p>14 I have no other questions. I know you have been</p> <p>15 with us for a long day and I am very grateful for you</p> <p>16 coming to give your evidence. Thank you, Mr Riley.</p> <p>17 MR ALTMAN: Chair, before you rise tonight, we do have --</p> <p>18 I am told it is not going to take very long and if</p> <p>19 Mr Riley is happy just to sit there a few minutes</p> <p>20 longer -- Ms Wakeman just to adduce some statements and</p> <p>21 documents if you wouldn't mind?</p> <p>22 THE CHAIR: Absolutely.</p> <p>23 Thank you, Ms Wakeman. Thank you.</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 185</p>	<p>1 been adduced. However, it was not necessary to ask the</p> <p>2 witnesses about each of these documents, or every page</p> <p>3 of them when they came to give their evidence.</p> <p>4 We do now consider that it is necessary to adduce</p> <p>5 these particular documents in full. So with your</p> <p>6 permission, chair, the list of documents and URNs and</p> <p>7 the documents themselves will be adduced and published</p> <p>8 on the inquiry's website as soon as possible. Similar</p> <p>9 lists are being prepared for subsequent weeks and we</p> <p>10 will seek your permission to publish those lists in the</p> <p>11 same way and the documents behind them at the opportune</p> <p>12 moment.</p> <p>13 THE CHAIR: Thank you very much, Ms Wakeman, I am happy to</p> <p>14 agree to that, thank you.</p> <p>15 MR ALTMAN: Chair, 10.00 tomorrow, please, for closing</p> <p>16 statements.</p> <p>17 THE CHAIR: Thank you. See you tomorrow. Thank you.</p> <p>18 (4.32 pm)</p> <p>19 (The inquiry adjourned until 10.00 am the following day)</p> <p>20</p> <p>21</p> <p>22 I N D E X</p> <p>23</p> <p>24 MR PHILIP JAMES RILEY (sworn) 1</p> <p>25 Examination by MR ALTMAN 1</p> <p style="text-align: center;">Page 187</p>
<p>1 Housekeeping</p> <p>2 MS WAKEMAN: Thank you chair, the inquiry has heard a list</p> <p>3 of witness statements which we seek your permission to</p> <p>4 adduce. The list of statements and URNs and these</p> <p>5 statements themselves will be published on the inquiry</p> <p>6 website and these include statements from various DCOs</p> <p>7 and DCMs such as Kye Clarke, Slim Bassaoud,</p> <p>8 Andrew Lyden, Jordan Rowley, David Aldis,</p> <p>9 Dean Brackenridge, David Waldock and Graham Purnell;</p> <p>10 former managers such as Michelle Brown, Stacie Dean and</p> <p>11 Conway Edwards; healthcare staff such as June Watts,</p> <p>12 Donna Batchelor and Emily Parr; Home Office staff such</p> <p>13 as Simon Murrell, Alan Gibson, Shane Byrne,</p> <p>14 Clare Checksfield and Frances Hardy and, finally,</p> <p>15 statements from other organisations such as the Care</p> <p>16 Quality Commission, the National Preventative Mechanism,</p> <p>17 Bail for Immigration Detainees and NHS England.</p> <p>18 Chair, the inquiry has also prepared a list of</p> <p>19 documents relevant to the evidence of witnesses who gave</p> <p>20 oral evidence in week 3 of phase 2 of the inquiry, as</p> <p>21 well as documents relating to those formally detained</p> <p>22 people, whose evidence was read in during week 1 of</p> <p>23 phase 2, and some other documents to be adduced from</p> <p>24 weeks 1 and 2 of phase 2 of the inquiry.</p> <p>25 Extracts of some of these documents have already</p> <p style="text-align: center;">Page 186</p>	<p>1 Housekeeping186</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 188</p>

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