

BROOK HOUSE INQUIRY

FIRST WITNESS STATEMENT OF PAUL KEMPSTER

I, **Paul Kempster**, will say as follows:

INTRODUCTION

1. My date of birth is DPA and I make this statement following the Inquiry's Rule 9 request dated 10 February 2022.

BACKGROUND AND ROLE

2. I confirm that the summary of my career set out at paragraphs 14 – 16 of document VER000271 ("the Lampard Transcript") is accurate. I joined G4S in May 2017 as the Chief Operating Officer for Custodial and Detention Services covering custodial contracts including five prisons and two immigration centres. This was the only role I held with G4S.
3. Prior to joining G4S, I worked for Her Majesty's Prison and Probation Service ('HMPPS') as Head of Custodial Contracted Services (April 2015 – May 2017) responsible for the management and performance for all private prison contracts in England and prisoner escort contracts in England and Wales. I also worked as Head of Contract Management Improvement, Prison Outsourcing Programme Director and as a Strategy Consultant for the Ministry of Justice. Between January 1996 to October 2009, I worked for HM Prison Service in various different operational roles including as a Governor of HMP & IRC Lindholme and HMP Bedford.
4. I have been asked to comment on the view expressed by Sarah Newland that people, including myself and Jerry Petherick, were brought into positions because of who I

know. I did not know anybody in the Home Office and I believe that I was recruited on the basis of my experience and competencies relevant to the role. I believe I went through a fair and open recruitment process that included, three interviews and psychometric testing for the role. I was not asked at any point about any relationships I might have with people in the Home Office, or anywhere else.

5. I left G4S in September 2019 when I was made redundant. The events shown on the Panorama programme happened before I joined G4S and Panorama was never mentioned to me as a reason for the reorganisation leading to my position being made redundant. I joined South Central Ambulance Service NHS Foundation Trust as Chief Operating Officer in August 2019 and continue in that role to the current day.

STAFF RETENTION

6. In my Lampard transcript at paragraph 53, I mention that Brook House had significant staff turnover. I think there were many reasons for that level of staff turnover. It was a difficult job and a very demanding environment to work in. We had identified issues with the induction period and ability to bring in new starters into the centre to acclimatise them to the environment they would be working in, as the Home Office stopped them from going into the centre during training. We had quite a young cohort of trainees coming through the recruitment pipeline at the time, and they were much more mobile in terms of work. We were operating a contract in an area of high employment, in close proximity to London and the airport so there were many employment opportunities. Our staff also worked a long week of 45 hours a week, they essentially did a 6-day week. The shifts were all 13 hours and whilst this suited many staff, I was sure it was a factor in the high levels of attrition. The combination of all of those things made it difficult to retain staff. In addition, I understood that the population in the centre had changed over the years, so the detainees were less compliant with the rules and levels of violence increased. Pay for the DCOs was an issue, which was addressed by the business and the Home Office. The fact was that the pay bracket was at a level where someone could earn the same amount of money in a job that was a lot less dangerous and stressful. The team at Brook House used to compare it to what baggage handlers were being paid at the airport.

STAFFING LEVELS

7. In document VER000271 at paragraphs 60 to 64, I have stated that I probably needed more support in my job but that nothing would be done about that. I was aware that it had been difficult to get funding for the COO role. I was aware the size of the central support team had been reduced over the years prior to my joining the business. I did not see any appetite to deliver any additional investment into the central team and I did not receive any additional support in my role. There were discussions following Panorama about an audit and assurance team but this wasn't progressed at all during my time with the business.
8. In document VER000271 at paragraph 91, I have mentioned that there was a 'significant gap' in the staffing data. I think this was at a trading review just before the Panorama news broke, and that this was around the time that Tinsley House was reopening. The issue to the best of my recollection, was that whilst Tinsley House was closed those staff were redeployed at Brook House for some time, so staffing levels at Brook House were inflated. At the point, they then started to reopen and re-staff Tinsley House that exposed a gap in staffing numbers at Brook House. They had also increased the capacity of the centre by 60 extra beds. I remember being really quite surprised about this, it was the first time it had come up, but Ben Saunders the centre director confirmed that he felt it was all manageable, he knew about it and could cover it with overtime. At that stage, I was reliant on Ben, and it was an area I was going to seek further assurance about. If Panorama hadn't happened that was something we would have been reviewing.
9. In document VER000271 at paragraph 130, I have provided an account of how a vicious circle can develop with regards to being understaffed. The only thing I would add to that is that is not unique to the private sector. This applies to public and private sector businesses as well and not just custodial operations.

STAFF PERFORMANCE

10. At paragraph 292 of my Lampard Transcript, I confirm that I repeatedly asked for the centre to be cleaned up to no avail. My recollection is that I went around the centre with

the deputy director, Steve Skitt and with the Head of Residence, Juls and found the centre quite dirty; it was not well looked after. I had to point out things that were unacceptable. From memory, it did not improve until Lee Hanford was there, when it started to really improve. I think Lee put someone else in charge of keeping the place clean, rather than Juls, but I can't remember that person's name. I do not think Juls really knew how to deliver a cleaner environment. I recognised that it is difficult, unlike in a prison you do not have a ready and willing workforce. You cannot make detainees work, and as a population they are not invested in the environment they are living in. The detainees were a transient population and didn't always care about their environment, as it was not a place they were going to be staying for very long.

11. In terms of how to improve the cleanliness of the centre, I think that better management focus and engagement with the detainees by way of some form of reward system for clean wings would help. In addition, making sure the staff understand the importance of good hygiene and the professional image it creates when you walk into a clean and decent environment. It needed management grip and leadership. My impression was that Ben was not very visible. If a centre is not clean then I am not satisfied the director is sufficiently visible in the centre.
12. I have no recollection now of seeing detainees openly smoking in the centre, although it is recorded at paragraph 298 in document VER000271. My view of why staff overlooked this issue comes down to there being a lack of leadership. The director and management team needed to demonstrate to relatively inexperienced staff the right way to challenge that behaviour and to do that in a way that promotes a good relationship with the detainee. If I walk onto a wing as COO and people continue smoking that indicates to me that the relationship and levels of control are not where they should be. I think staff had withdrawn a bit; they were not building relationships with the detainees and it had become transactional.

EQUIPMENT

13. In document VER000271 at paragraph 261, I mention that staff were suspicious of being made to wear body cameras. The only point I would make in addition to the information that is already in my Lampard Transcript is that I think staff feared the

cameras being on all of the time and being used for disciplinary procedures. We tried to improve the communications via Directors. I introduced a policy on it that applied across the business that set out the benefits of body worn cameras and that they were an item of personal protective equipment. If staff didn't wear them it could lead to formal warnings. My intention was to improve engagement and make sure that staff understood why they are an important piece of equipment to wear which would improve their safety.

THE ROLE OF PROFIT-MAKING

14. I have been referred to VER000271 paragraph 120 where I confirm that the Director has a number of responsibilities including to deliver the budget including margin for G4S. At paragraph 122 that G4S would say 'if they have a contract, we deliver it, and if they have expectations of x margin, that that contract produces that margin, even if there have been problems with how the bid has been constructed'. When I became responsible for the Trading Reviews, I reviewed the structure with the central team that supported me at Trading Reviews. As a result, we moved the HR (staffing) and safety sections higher up the agenda so that they came before the finance section. During my time at G4S, most establishments were struggling to recruit and retain staff, in challenging job markets and our focus in the central team was to understand the challenges the establishments had in maintaining staffing levels that would support the delivery of safe regimes, assuring that they had sufficiently robust plans to recruit to the required staffing levels. I did not pressure Directors to maximise profits. There was a very clear focus on finance in G4S, who expected the business to deliver its targets.
15. I think the requirement to deliver a profit adds another layer of pressure and complexity to an already challenging role. However, any senior position whether in the public or private sector also has a duty to deliver challenging performance targets within an agreed budget.
16. In my dealings with Brook House, other than my concerns about the numbers of vacancies during the summer of 2017, I never came across any evidence that profit had been put before staff or detainee safety.

17. In document VER000271 at paragraph 124, I have stated 'if you're under pressure', spending on staff will be constrained. By this, I meant that you are limited as to what you can flex. I have not said that spending on staff will be constrained in order to maximise profits. In an operation where the majority of the spend is staff related then if you do have a budget pressure you can relieve that by either slowing down or stopping some recruitment and I'm sure that's happened in both the public and private sector. In the public sector we had a recruitment freeze almost every year to balance the budget.

MANAGEMENT

18. In document VER000271 at paragraph 134, I agreed that Ben [Saunders] was not good at managing operationally, was not visible or approachable, didn't know what was going on, and left a staffing style to his Deputy, which was punitive and disciplinary as opposed to supportive, engaging and developmental. I have given more detail around this in paragraphs 135 – 141 and have given the example of not having a Use of Force committee and self-audit was not operating at all. I cannot think of anything further to add to this.

19. In document VER000271 at paragraph 209, I agreed that the Home Office measured success by how many people passed through the detention centre and not how the custodial environment was run and managed. I do not have any additional comment to make on that point.

20. I have gone on to state that, while in prisons staff are motivated by helping prisoners reform themselves, there is no such motivation in detention centres because the job is just to hold them there. I have not worked in custodial environments for 4.5 years now and I do not feel that I am in a position to advise specific steps that could be taken to improve this. I would say that a way of working that encourages engagement and close working with detainees and DCOs, perhaps some form of casework akin to the key-worker scheme that operates in prisons might assist and could involve detention staff usefully helping to manage the detained persons' cases.

21. In document VER000271 at paragraph 212, I have agreed that staff were proud of work relating to the voluntary return scheme. I cannot now remember any details of what that work involved and why it was more meaningful to staff.
22. In document VER000271 at paragraph 242, I have stated that I did not believe senior management would not have had an idea of what was going on viz a viz the Panorama programme. I do not have any further comment to add to the information that is already in my Lampard Transcript.

DETAINED PERSON BEHAVIOUR

23. In document VER000271 at paragraph 188, I stated that creativity and innovation are needed to incentivise good behaviour among detained persons. Given the length of time that has passed since I have worked in a custodial environment, I do not feel able to provide any ideas for a potential scheme for this.
24. At paragraph 85 in my Lampard Transcript, I say that ‘prison issues’ started to appear in Brook House, such as ‘prisoner-like behaviour’ and drugs prevalence. I had worked in two IRCs prior to joining G4S, the most recent occasion being between 2007-2010. I had seen the nature of population change from people identified by Immigration as over stayers or failed asylum seekers where they would deal with their cases and remove them, and they would be held in low security conditions. Brook House was built to Category B prison construction standards. The population was different to what I had experienced elsewhere; there were many time served offenders who displayed behaviours we were seeing at that time in prisons. They were more prone to violence, their behaviour was more challenging and they were less compliant with rules and requests by staff. They knew the system was different and that unlike in prison, there were no consequences of misbehaving or breaking the rules in an IRC. I had seen these changes myself and heard about it from the management team at the centre. Ben and Steve in particular talked about the growth in numbers of ex-offenders at the centre. I am not able to provide any information about the prevalence of drugs in the centre in 2017.

25. I have said in document VER000271 at paragraph 202 that the Home Office decides whether detained persons remain in segregation. I do not know what the current rules are for segregation in an IRC, so am not able to assist with the detail of the process. I have given a full account of my view of the challenge this creates in the second part of paragraph 202, and paragraphs 203 to 207 of my Lampard Transcript. I think the situation I had in mind was an incident Lee Hanford had mentioned to me. There had been a serious assault, the person had gone to segregation and as they were polite the next morning, they were released back into the general population. I cannot recall any further detail about this, nor can I remember any other incidents. In my view, this does jeopardise the good order and safety of the establishment. This is dealt with differently in the prison service where it would be rare for a prisoner to be immediately let out of segregation; there would be a reintegration process in place first.

26. In document VER000263 at page 7, Jerry Petherick notes that we received reports during trading reviews and introduced a Chief Operating Officers Forum, with an objective to drive down violence. This was at a time where violence was increasing across the whole prison system. As a business, we were very concerned about the levels of violence and safety of staff, prisoners and detainees. We paid very close attention to incidents of violence, by monitoring the daily incident reports that came in about violence. We monitored violence levels at monthly trading reviews and at the COO forum, which was focused on working together as a team to share best practice and ways to improve safety for staff and those people in our care.

POST PANORAMA

27. In document VER000271 at paragraph 220, I have mentioned focus groups that were undertaken with staff and detained persons immediately following the Panorama programme, I do not know the content or purpose of those focus groups. My recollection is that the Deputy Director from HMP Parc, Lisette Saunders, did a full analysis, and I think there were other focus groups that would have involved some consultation with detainees and staff, but I do not have any detail about that.

28. Document CJS0073822 is the action plan Bryony Tedder, project manager, put together the week before Panorama aired. We had been informed about the Panorama

programme just before the August bank holiday weekend. I went down to the centre on bank holiday Monday and spent the week there. Bryony was populating the action plan and allocating the actions. This is a large document with many actions including:

- “PK to develop plan to investigate the reporting commercial allegations”
- “Action - ask the HO to help us get a place on the security analysis course”

I have no recollection of the processes that were in place to ensure that incident reporting was done in full and audited. Mike Gibson was the audit and assurance manager from the central team who was there with us and he may be better placed to assist with this.

29. I had no involvement in reporting staffing to Home Office controllers; this would be done by the director or someone in his commercial or HR team.
30. In terms of whether the number of staff available at the centre during the recent HMIP inspection was artificially inflated, I cannot comment on this, as to the best of my knowledge I wasn't employed by G4S when there was any HMIP inspection. Similarly, I cannot confirm whether HMIP were notified that staff from Tinsley House, which I believe was closed at the time of the Brook House inspection, were deployed at Brook House.
31. I am not able to comment on whether reporting reflected only a small proportion of the actual cases if staff were wilfully assaulting detained persons in their rooms to avoid detection, as I didn't know about this. The investigations reviewed all known incidents and I am not aware of any evidence being presented that there were more incidents.
32. I have been asked to comment in relation to whether there was cutting back on staff, including by the means of deliberately keeping vacancies open. The centre director would have dealt with staffing at the centre. As far as I am aware, the challenge was recruiting enough people, not holding back or keeping vacancies open.
33. I have no knowledge of the payment mechanism in the contract with the Home Office and am not able to comment in relation to whether there existed the practice of charging the Home Office for a 13-hour shift per worker while only paying those workers for 12. This would have been managed locally by the centre director.

34. I am not aware of how the Home Office provided annual pay increases and whether there was a practice of not passing on to staff the annual pay increases received from the Home Office. Usually in a contract, there would be an indexation clause not an annual pay increase, but I cannot comment on this.
35. In terms of steps being taken to quell the violence, I think Lee Hanford may be better placed to comment on this than me as he was running the centre. I do know that many of the actions contained in the Brook House action plan were designed to improve the safety of the centre.
36. The focus of all the steps that I have described above was to establish the facts and understand whether there was merit in the allegations made, and to gather any further evidence available to corroborate the allegations so we could then determine the best way forwards. In order to do this, we delegated the various tasks out to members of the Brook House team supported by Mike Gibson from the central team. The information that was then fed into the central report that Bryony worked on to populate. My memory is that many of the questions were going to Ben Saunders and Steve Skitt to provide us with the information we needed, but where possible the requests were directed to the most appropriate person or people.
37. In G4S's three-month action plan following Panorama, I am listed as being responsible for "Review Senior Management Team (SMT)" [document CJS000736 at page 10]. I've referenced this in my Lampard interview at paragraphs 160-172. I essentially spent a week at Brook House immediately before the Panorama programme aired and some more time afterwards. I didn't believe that Ben Saunders and Steve Skitt had gripped the detail and they had not made sure that some of the important lines of defence such as the use of force committee or audits were effective. Heather Noble and I did make recommendations to Jerry and indicated that we did not see Steve Skitt as somebody who we would want to continue in the role he was in. The other issue we identified was that Juls was out of his depth and not performing. When Lee Hanford went in as interim director I think he persuaded Jerry not to enact those two changes and to give him time to work with them. Lee was supportive of both of them and they remained in post for some time.

38. I was not involved in the decision to remove Ben Saunders from the business and was not party to the negotiations around his departure.
39. In document CJS000736 at page 13, it is noted that I was responsible for exploring the possibility of introducing a “Detainee Speakout” line with an agency such as Crimestoppers”. I can't remember any detail around this and think this is something that Lee Hanford actually took on. I believe that Lee Hanford carried out the review along with Peter Corrigan and the Detainee Speakout line was the solution they came up with.
40. In document CJS0073998 at page 26, there is reference to a deep dive review of the action plan delivery. This was completed by Mike Gibson, the audit and assurance manager from the central team. Mike would go to the sites to monitor the action plans and ensure the work was being done and was effective. Mike is a very highly qualified auditor, he carried out that due diligence for us and I believe that was then discussed at the trading review.

DISCIPLINARY ACTIONS AND OTHER INVESTIGATIONS

41. In document VER000271 at paragraph 144, I have stated that there was no natural justice in the disciplinary procedures. I was referring to an individual investigation. I had not been in the business for very long when I attended a meeting with a member of the Legal team and Jerry Petherick to discuss some concerns he had about a grievance or a disciplinary relating to a specific employee case. I cannot remember any of the details about the grievance or disciplinary.
42. Subsequent to that the HR team also referred a disciplinary case to me, which is referred to in my Lampard Transcript where it appeared they were applying pressure to Sarah Newland to dismiss someone. I cannot remember the individual case at all or provide any details.
43. The example I have referred to above pre-dated Panorama. I had no evidence that there was a general pressure to dismiss individuals following any investigations, I am only aware of that one case.

44. In document VER000271 at paragraph 222, I have suggested that staff members would be reluctant to reflect openly on what went wrong because of the threat of disciplinary action. I was concerned at the time that Steve and Ben had been quick to use disciplinary procedures. I think the problem is that when you create that climate of fear, people become afraid of coming forwards and being truthful. There is always a place for appropriate use of disciplinary procedures but you have to get the balance right, between feeling confident in the fairness of the systems and that wherever possible mistakes will be used as opportunity to learn and develop people.
45. Page 12 of document CJS000818 confirms that Senior Legal Counsel set the Terms of Reference and commissioned several of the investigations of staff carried out following Panorama. Whilst Senior Counsel had commissioned the investigation, the investigation reported in to me and I was due to review the investigations carried out. Pete Small the Director of Rye Hill supported by a team of managers from across the business carried out the investigation. My role really was to support Pete and the team and to make sure they had the resources and access to any information they needed as part of their investigation. I received the report and agreed with the findings of the investigation. The disciplinary hearings were managed by the HR Team and Ben. I did not have any role in deciding the disciplinary outcomes.
46. I am listed as the potential appeal officer following the dismissal of John Connolly and Nathan Ring in September 2017 [documents HOM001428 and HOM001503]. I did not hear any appeals following any dismissals. Another G4S director heard the appeals.
47. I commissioned the investigation into allegations made by D1467 in September 2017 [document SXP000159]. I believe we had received some information from solicitors who were representing a detainee who had a series of allegations, which were linked to Panorama. From memory, I commissioned Pete Small to investigate those allegations so we could then respond to the solicitors. I don't have any comment to make about the process, findings or outcomes reached. I cannot remember this really at all as it was some years ago. Having been the commissioner I would have received the report and would then agree with the findings or not and make sure the actions were

implemented. I have no recollection of what I did with this particular complaint; I suspect this went to the site to complete any actions.

48. I was responsible for commissioning the investigation carried out into inappropriate behaviour and language used by C&R instructors David Webb and Jason Riggs during ITC training at Brook House in February 2018 and for drafting the terms of reference. As I have previously described, I would have commissioned the investigation and set the Terms of Reference. Once the investigation had been carried out the report would be referred back to me to consider and if I accepted the recommendations then the HR team would arrange for disciplinary hearings to be undertaken. I would not have had any further involvement in that process. I cannot comment on whether the action taken against Mr Webb following Panorama was sufficient, as I cannot remember anything about his particular case.

STATEMENT OF TRUTH

I believe that the facts stated herein are true.

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:

Signature

Dated: 10 March 2022