

## BROOK HOUSE INQUIRY

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### Third Witness Statement of Reverend Nathan Ward

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1. I provide this statement in response to an email from the Brook House Inquiry Team dated 1 February 2022, which requests the following information:
  - a. *Could you please confirm whether you were trained in control and restraint?*
    - i. *If yes, please confirm whether this was part of your MOJ training as a Use of Force instructor, or whether you received training at some other time / in some other capacity.*
    - ii. *If you did not receive control and restraint training, please provide details as to why this was not received / required as part of your role (1) as a Use of Force instructor and (2) as a Duty Director, where you would manage staff and observe / review Use of Force (C&R) incidents.*
  - b. *Please confirm your understanding of the difference between control and restraint training and Use of Force Instructor training.*
2. In order to answer these questions, it is important to highlight that 'Use of Force' is a term which describes a common framework which encompasses a set of overarching legal principles. These are that force must be: (i) necessary, (ii) reasonable in the circumstances, (iii) proportionate to the circumstances, and (iv) no more than necessary.
3. These principles derive from the fact that the use of force by one person on another without consent is unlawful unless it is carried out in accordance with the law

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governing the use of force applicable to the particular context in which that force is used.

4. In the detention context, this is reflected in Rule 41 of the Detention Centre Rules 2001 which states:

*(1) A detainee custody officer dealing with a detained person shall not use force unnecessarily and, when the application of force to a detained person is necessary, no more force than necessary shall be used.*

*(2) No officer shall act deliberately in a manner calculated to provoke a detained person.*

5. In the Secure Training Centre context, applicable to my employment at Medway IRC, Rule 37 of the Secure Training Centre Rules 1998 states in virtually identical terms:

*(1) An officer in dealing with a trainee shall not use force unnecessarily and, when the application of force to a trainee is necessary, no more force than is necessary shall be used.*

*(2) No officer shall act deliberately in a manner calculated to provoke a trainee.*

6. Control and Restraint (C&R) and Physical Control in Care (PCC) are Use of Force techniques that are utilised depending on the context in which they operate. Both PCC and C&R were developed by NOMS Trainers from the National Tactical Response Group (NTRG), however the difference between the two are the techniques themselves including the holds and negotiation strategies. PCC is a system of holds and strategies specifically designed to be used on young people.<sup>1</sup>

7. C&R is the technique that was taught and used in Brook House IRC (and prisons), whereas PCC was the technique that was taught and used in Medway STC.

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<sup>1</sup> See Physical Control in Care Training Manual, July 2010 at paragraph 1

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8. To become a Use of Force instructor, you can be trained as a C&R instructor or a PCC instructor. Both training courses are rooted in the overarching legal principles of Use of Force and teach specific techniques, including PCC or C&R, depending on which course you complete. As per paragraph 16 of my First Witness Statement (DL0000141), I can confirm that in 2007, I completed Physical Control in Care and Breakaway Techniques Instructor. This allowed me to train staff at Medway STC in PCC. I confirm that I have not formally been trained in C&R.
9. When I joined Gatwick IRCs, I was not formally trained in C&R as the contract did not require it. Most people who were in the Senior Management Team had completed C&R training, because they had risen through the ranks from DCO.
10. Within my first year of joining Gatwick IRCs I made sure, through my own volition, that I was familiar with C&R. I read the instructors' manual and PowerPoint presentations that were available on the Senior Management Team desktop and I asked instructors to demonstrate the various techniques used within C&R. I also refer you to paragraph 226 of my First Witness Statement (DL0000141) which sets out the numerous courses I have completed in conflict management / resolution and the Master's degree I completed in Security and Risk Management at the University of Leicester in 2012, which has resulted in me having a high level of knowledge and understanding of the legal principles involved in Use of Force and the different techniques used internationally.
11. I believe my particular knowledge, experience, qualifications and training did permit me to effectively observe and review incidents that involved use of force. I was familiar with the permitted techniques and the primary question for me was the overarching legal principles of Use of Force; whether it was necessary, reasonable and proportionate in the circumstances as honestly perceived by those involved at the time. It was these legal principles that I applied to my review of incidents whilst working for G4S and which I have applied when giving a view on specific incidents for the purposes of my evidence to the Inquiry.

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12. Despite this, I would recommend that all those in the Senior Management Team should be accredited as Detention Centre Officers, which would mean that they would have all the up-to-date training that staff have on Use of Force, which would improve oversight, monitoring and review of Use of Force incidents. I should note that it was not expected that Senior Managers would be involved in Use of Force incidents when I was employed by G4S.
13. I also refer you to paragraph 230 to 238 of my First Witness Statement which sets out my specific criticism of the C&R techniques employed in the context of an IRC. As per paragraph 237 and 238 specifically, I would like to reiterate that I do not believe that C&R as a training package designed for prisons is suitable for IRCs. I do not believe C&R methods are at all appropriate when used on victims of torture or trauma and those with serious mental illnesses including trauma-related symptoms. I believe that for these vulnerable groups, the priority should be to improve the safeguards to prevent or limit detention so that they are not subject to the use of force to manage their mental disorder and distress. However, it is necessary for investment to be made in developing a bespoke system which is better able to deal with challenging behaviour and conflict within residential settings, the focus of which is crisis communication, prevention, de-escalation and adapts models from healthcare rather than prison settings.

<b><u>Statement of Truth</u></b>	
<p>I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.</p> <p>I am content for this witness statement to form part of the evidence before the Brook House Inquiry and to be published on the Inquiry's website.</p>	

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Name	Reverend Nathan Ward
Signature	<div>Signature</div>
Date	9/2/2022   16:46:44 GMT

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