

BROOK HOUSE INQUIRY

First Witness Statement of Charlie Taylor

I provide this statement in response to a request under Rule 9 of the Inquiry Rules 2006 dated 5th July 2021. I am making this statement in my capacity as Her Majesty's Chief Inspector of Prisons.

Introduction

1. I was appointed to the role of Her Majesty's Chief Inspector of Prisons ('HMCIP') on 1 November 2020, this followed a pre-appointment hearing conducted by the Justice Select Committee into my suitability for the role on 15 September 2020 and a report by the Committee on the same published 17 September 2020. The role is a Crown appointment and the recruitment process was regulated by the Commissioner for Public Appointments. Information about the role and the person specification was published as part of the recruitment process, a copy of which is Exhibited marked Exhibit 'CT1'. I took up the post of HMCIP because I wanted to contribute to independent and impartial scrutiny of places of detention.
2. I exhibit a copy of my CV, marked Exhibit 'CT2'. My background is in education, where I gained over 25 years' experience. I was a teacher and then head teacher between 1989 and 2011, following which I was appointed as an expert advisor on children's behaviour to the government. More recently, I worked in roles in youth justice. I was commissioned to carry out a review into the youth justice system in England and Wales in 2015 and became Chair of the Youth Justice Board in 2017, a post I held until 2020. In 2019, I carried out an independent review into the use of pain inducing techniques in the youth secure estate.

3. I was not in post at the time of the broadcast of the Panorama documentary on Brook House, or during the inspections of Brook House that took place in 2016 and 2019. However, I have watched the documentary on several occasions and read and familiarised myself with the inspection reports. I also received a handover from my predecessor Peter Clarke, who was HMCIP between February 2016 and October 2020. Since taking up my post, I have been involved in organisational discussions about the response of Her Majesty's Inspectorate of Prisons ('HMIP') following the treatment and behaviour shown in the Panorama documentary, including about the inspection methodology for immigration removal centres, and it is my responsibility to make sure the Inspectorate provides this inquiry with the assistance it requires.
4. The leader of HMIP's immigration inspection team, Hindpal Singh Bhui, is making a statement to assist the inquiry as he has been the lead for all previous Brook House inspections carried out by HMIP and is therefore best placed to assist with the detail about those. I am making this statement to assist the inquiry by explaining my own role as HMCIP, the process of inspection and its purpose, and the approach that HMIP takes to carrying out its role as an Inspectorate.

Responsibilities of HMCIP and Purpose of Inspectorate

5. The current role of HMCIP was created by the Criminal Justice Act 1982 and the responsibilities of HMCIP are set out in s. 5A(5A) and 5A(5B) and sch. A1 of the Prisons Act 1952 (as amended). Those provisions set out the responsibilities of HMCIP relating to the inspection of immigration removal centres and other types of immigration detention, which became part of the remit of HMCIP as a result of and following the Immigration and Asylum Act 1999. In particular, I am required to report on the treatment of detainees and conditions in detention in immigration removal centres. I report to Ministers on treatment and conditions but I am not directed by Ministers and operate independently of government.

6. I am aided in carrying out my role by a team of inspectors, researchers and secretariat staff, who together form HMIP. HMIP is an independent arms-length-body sponsored by the Ministry of Justice. HMIP's budget is primarily provided by the Ministry of Justice with the Home Office funding inspections of immigration detention. There are six teams of inspectors, one of which is responsible for the inspection of immigration detention. In the fourteen months I have been in post, I have been impressed by the breadth and depth of expertise of HMIP's staff and their commitment to carrying out their work and fulfilling the purpose of the Inspectorate.
7. Previous Chief Inspectors have summarised the Inspectorate's purpose as being to "ensure independent inspection of places of detention, report on conditions and treatment and promote positive outcomes for those detained and the public." When I began in post, I reviewed this statement of purpose and decided to retain it because it succinctly captures what the Inspectorate sets out to achieve. It is currently set out at Paragraph 2.1 of the current Inspection Framework, a copy of which is exhibited marked Exhibit 'CT3'.
8. The importance of independent inspection is recognised in the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment ('OPCAT'), to which the UK is a party. OPCAT is an international human rights treaty designed to strengthen the protection against torture and other ill-treatment of persons deprived of their liberty. OPCAT recognises the important role that regular independent visits to places of detention play as part of a wider system designed to prevent torture and other ill-treatment. OPCAT requires that state parties set up a National Preventative Mechanism ('NPM') comprising visiting bodies. HMIP is one of the 21 members of the UK's NPM. HMIP is designated as the coordinating member of the NPM.
9. The Inspectorate continuously seeks to improve upon its own inspection methodology and contribute to improvements in treatment and conditions both through its inspection programme, and also through regular engagement with

government, and by using our inspection findings to comment on policy. An example of continuous development in our immigration remit is the revision of the Expectations for immigration detention, published in 2018. The Expectations set out the criteria against which immigration detention is inspected. The 2018 version was the fourth version published and the revision aimed to incorporate the Inspectorate's own learning from previous inspections and insight from a range of stakeholders. Revising the Expectations both strengthens HMIP's own approach and aims to drive improvements in treatment and conditions. More detail about the process that was undertaken is set out in Hindpal Singh Bhui's statement.

Overview of inspection process

10. Pursuant to sch. A1(2) of the Prison Act 1952, HMCIP publishes a document which sets out the manner in which he will carry out his inspecting and reporting responsibilities, known as the Inspection Framework. The Inspection Framework sets out the inspection methodology. HMCIP also publishes an inspection programme. Both of these documents must be consulted on in accordance with sch. A1(2) and comments received are reviewed and may result in amendments being made. However, ultimately, it is for HMCIP to determine the inspection methodology and programme. The programme that is consulted on does not prevent unannounced inspections taking place – instead it will indicate the number of inspections that will take place in the year and the types of establishments to be inspected. Individual establishments will not be named in the programme that is consulted on and published, unless a decision has been made to undertake an announced inspection. HMIP inspections are almost always unannounced.

11. The inspection programme is determined ahead of time for each financial year. However, the Inspectorate monitors intelligence received about establishments in between inspections, which may include issues that individuals alert us to, and if any intelligence received indicates the risk at an establishment is raised we can adjust our inspection schedule accordingly in order to undertake an inspection. If

the issues we are alerted to between inspections raise safeguarding issues, then these will be reported at the time in line with our safeguarding protocols. Safeguarding takes place regardless of whether a decision is made that the risk warrants an inspection taking place.

12. As set out in the Inspection Framework, the Inspectorate sets its own inspection criteria, known as Expectations. Expectations set out the outcomes for detainees that inspectors look for. It is a key part of the HMIP methodology that inspections are focussed on detainee outcomes, rather than focussed on achievement against policy criteria or process. Expectations are developed following a process of public consultation and are informed by relevant human rights standards. There is a separate set of Expectations for each detention setting that HMIP inspects, including for immigration removal centres. For immigration removal centres there are two sets of Expectations: one for centres holding men; and the other for centres holding women. The present immigration centre Expectations were published in January 2018, replacing the previous Expectations which were in place from 2012.
13. Expectations are developed around the concept of a healthy establishment, which HMIP considers consists of four aspects: detainees, particularly the most vulnerable are held safely; they are treated with respect for their dignity; they engage in activity that is purposeful and likely to benefit them; and they are helped to maintain contact with family and friends and prepared for their removal or release. These four concepts are referred to as the four healthy establishment tests. The four concepts are utilised across all the detention settings inspected by HMIP, although they are adapted to suit the specific context, for example, the fourth test considers rehabilitation in a prison setting but this does not apply to immigration settings. For immigration removal centres the four healthy establishment tests are summarised as: safety; respect; activities; and preparation for removal and release.
14. In addition to expectations covering the four healthy establishment tests, in mid-March we will be piloting a change to the Expectations for immigration detention to add a section about leadership, following a consultation which closed at the end

of February 2022. This change was introduced in July 2021 in prison inspections and we aim to introduce it in immigration settings from the start of the new inspecting year (which begins on 1 April 2022). The change reflects the importance of good leadership to improving outcomes for detained persons and aims to strengthen our inspections of this area. Although inspections already considered whether there was sufficient staff capability and capacity to meet the needs of detainees (as discussed in Hindpal Singh Bhui's statement), we expect that the introduction of the leadership expectations will lead to more focussed reporting on staffing. Indicators about staffing levels, expertise and support are contained in expectation three of the draft leadership expectations, a copy of which is exhibited and marked Exhibit 'CT 4'. The draft expectations also aim to increase the focus of inspections on understanding the culture of an establishment, as it set out at draft expectation two. The inspection of leadership will be reported as a separate section in inspection reports.

15. During an inspection, inspectors seek to obtain evidence about the outcomes for detainees as set out in the Expectations. They seek to triangulate all evidence from five main sources: (i) observation while in the immigration removal centre, (ii) review of relevant documents, (iii) speaking to detainees and (iv) staff (including considering the results of the detainee and staff surveys), and (v) speaking to relevant third parties. Using all of the evidence obtained, judgements will be made by the inspection team against each of the four healthy establishment tests. Judgements are against a four-point scale:

- a) Good outcomes for detainees, where there is no evidence that outcomes for detainees are being adversely affected in any significant areas;
- b) Reasonably good outcomes for detainees, where there is evidence of adverse outcomes for detainees in only a small number of areas, and for the majority there are no significant concerns;
- c) Not sufficiently good outcomes, where there is evidence that outcomes for detainees are being adversely affected in many areas, or particularly in those

areas of greatest importance to the well-being of detainees. Problems or concerns, if left unattended, are likely to become areas of serious concern;

- d) Poor outcomes for detainees, when there is evidence that the outcomes for detainees are seriously affected by current practice and there is a failure to ensure even adequate treatment of and/or conditions for detainees. Immediate remedial action is required.

16. Although inspectors do not investigate individual cases, the treatment of individual detainees will inform the judgement made against the outcome. In addition, where inspectors have safeguarding concerns about an individual detainee, they will report these in line with our safeguarding protocols.

Role of HMCIP in the inspection process

17. Either me, as HMCIP, or the Deputy Chief Inspector ('DCI') oversee every inspection and report, offering robust challenge to the inspection team during and after the inspection, and closely reviewing the content of the inspection report ahead of publication.

18. Hindpal Singh Bhui's statement gives an overview of the inspection process for immigration removal centres and the documents that set out that process. Every inspection of an immigration removal centre is attended by me or the DCI. The 2016 Guide for Inspectors, marked Exhibit 'CT5', provides information about the role of the CI / DCI in inspections at paragraphs 2.89 – 2.98. The CI / DCI usually attend the establishment on the penultimate and final days of inspection to undertake a tour of the establishment, meet with the Inspection Team Leader to debrief on the findings of the inspection and generally immerse ourselves in the environment and feel of the establishment, including speaking with detainees and staff. The CI / DCI participate in the deliberation meetings with the inspection team. These meetings are described in detail in Hindpal Singh Bhui's statement but essentially involve rigorously testing the evidence that has been found and

challenging the provisional judgements of the inspectors arising from that evidence. HMIP encourages a culture of respectful professional challenge. Inspectors present their findings and the rest of the team comments and asks questions to explore those findings and challenge the conclusions drawn. Discussions of any particularly difficult issues can be lengthy and involve all of the team providing input. If any evidence requires further clarification or a conclusion requires more evidence to support it, inspectors will then conduct further research and gather further evidence around points raised. The process is collaborative but also very robust, with everyone aiming to ensure evidence is properly triangulated and judgements are sound and defensible. The CI / DCI play a direct role, offering senior oversight and challenge.

19. The CI / DCI also contributes to the debrief given to the establishment by the Inspection Team Leader on the final day of the inspection. The CI / DCI will see the first draft written of the feedback and be involved in the formulation of the final version. The CI / DCI may also provide some of the feedback during the debrief and will contribute to the discussion that takes place. Following the inspection, the CI / DCI will have an open discussion with the Inspection Team Leader about the findings and conclusions as part of the preparation of the report. The draft report will be prepared and sent to the CI / DCI for review and comment. The CI / DCI will send queries to the Team Leader and discuss the report until they are satisfied that the evidence and conclusions are robust. The CI / DCI will then write the introduction to the report and set out some of the key concerns as well as any good practice found at the establishment. The final version of the report, following the Home Office fact checking process, is signed off by the CI / DCI. As HMCIP, I ultimately clear all reports for publication, even those where the DCI has been responsible.

2016 Inspection and Panorama

20. The 2016 inspection of Brook House was carried out by a very experienced HMIP team and a significant amount of information was gathered as part of the inspection.
21. HMIP reviewed the inspection methodology for immigration removal centres following the release of the Panorama documentary. I exhibit a copy of HMIP's 2017/18 Annual Report, marked Exhibit 'CT6'. In his introduction to that report, my predecessor, Peter Clarke, referred to the Panorama programme and noted that *'We had inspected Brook House in November 2016, and it was important to establish if our inspection methodology had been robust enough to identify signs of misconduct. We could not be sure that the alleged abuse had been going on at the time of the inspection, but wanted to be certain that at future inspections, we would be in the best possible position to detect such behaviour. To that end we used what we have termed an 'enhanced methodology' at the two IRC inspections during the year.'* The changes which comprise the enhanced methodology are explained in detail in Hindpal Singh Bhui's statement. I agree with Peter Clarke that it was important for HMIP to review its methodology in light of Panorama to make sure that it is as robust as it can be to detect mistreatment. I am confident in our current methodology but, as I explain below, no inspection methodology can ever be guaranteed to detect mistreatment.

The nature of inspection

22. The nature of inspection is that it provides a snapshot of an establishment for the short period over which it takes place. HMIP is one part of a wider system of checks on places of detention, and our inspections alone are not guaranteed to uncover issues of the type seen in the Panorama documentary. We do, however, try to mitigate that risk as best as we can by having a thorough and robust inspection methodology. We spend a lot of time examining documents, footage, and gathering evidence from detainees and staff; this helps us to understand both current concerns and, to some extent, capture events and concerns that preceded the inspection. However, ultimately, the nature of an Inspectorate's role is that something may not

come to light during the window of the inspection. This is both because inspections provide a picture over a short period of time and because it is difficult to uncover behaviour that is being deliberately concealed.

23. The role of independent inspection is a preventive one and inspections should, and do, raise issues for improvement. However, as is recognised in OPCAT, inspection cannot and should not replace day-to-day oversight by those responsible for places of detention. The Inspectorate does not play any part in the day-to-day management of places of detention and is careful to avoid doing so. The reason for this is that the Inspectorate must remain independent of the places that it inspects, which is also an important aspect of what is required under OPCAT.

24. Inspections and inspection reports alone cannot generate improvements or prevent mistreatment, this occurs through the consideration and actioning by the Home Office of our inspection findings. Hindpal Singh Bhui describes the process of reporting inspection findings, including through making recommendations, that was in use during the 2016 and 2019 inspections of Brook House in detail in his statement. I believe that recommendations process did provide establishments with the information and direction they need to identify and address safety and welfare concerns. The onus is on the Home Office and its contractors to achieve those recommendations and it is a source of frustration that our recommendations are not always achieved, particularly when they relate to matters which impact upon the safety of detainees. In response to this, and in line with our aim to improve outcomes for those detained, HMIP is currently consulting on a change to the way it reports its inspection findings.

25. This proposed change is being consulted on and piloted into March and April and will be introduced shortly thereafter. The details of this proposed change are Exhibited and marked Exhibit 'CT7'. In summary, the approach that HMIP is consulting on is to move away from making recommendations and instead report fifteen 'concerns' at the outset of inspection reports. Three to six of these concerns will be noted as 'priority concerns'. The aim of this work is to aid establishments to

focus on the issues that are most significant to outcomes for detainees, including issues around safety and welfare for detainees. In an immigration removal centre where inspectors found detainees being subject to ill-treatment, this would be reported as a priority concern in the inspection report (in addition to immediate safeguarding taking place).

26. Under the new proposals, the onus will remain on the Home Office to prepare an action plan in response to our findings, as they did in response to recommendations, and for the Home Office and the contractor to take forward those actions accordingly. As an Inspectorate body, we play no role in the implementation of that action plan and have no enforcement powers, but we do revisit previous recommendations made and work done in accordance with those, when we undertake the next inspection of an establishment. Under our proposed new approach, we will revisit concerns reported and assess progress against those when we undertake the next inspection of an establishment.
27. We publish the action plans provided to us by the Home Office alongside our own inspection reports, as part of the Inspectorate's role is to provide transparency about places of detention, which are otherwise largely closed and out of sight to the public. This transparency allows others to comment on the findings in our reports and the response of the Home Office, and in this way contributes to accountability for the treatment of detainees and conditions of detention.
28. The Inspectorate does not seek regulatory powers for the same reason it seeks to maintain a clear line between inspection and management; we need to remain independent of the system which we inspect. Inspection is also distinct from investigation of specific issues and complaints. Although we will consider the adequacy of the response to complaints by detainees as part of an inspection, the Inspectorate itself does not investigate complaints or individual cases (although we do pass on safeguarding concerns as mentioned above). The Home Office is responsible for investigating and responding to specific issues and complaints.

29. I believe that our inspection methodology is a robust and competent system of inspection. However, as noted above, we also keep our methodology under frequent review and seek to improve it where we can to try to ensure that it captures as much evidence as possible and that it fulfils our preventive mandate. We are open to feedback about how we could improve our inspection methodology. Our purpose is always to use our inspection role to try to promote good outcomes for detainees.

<u>Statement of Truth</u>	
I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.	
I am content for this witness statement to form part of the evidence before the Brook House Inquiry and to be published on the Inquiry's website.	
Name	CHARLIE TAYLOR
Signature	<div style="border: 1px dashed black; padding: 5px; display: inline-block;">Signature</div>
Date	11 March 2022