



An investigation into alleged misconduct by Vanessa Smith

Decision Manager:

Simon Levett

Investigation Manager:

Gary Norton

	Page No.
1. Introduction	3
2. Terms of Reference	3
3. Home Office Policy/Guidance	3
4. Officer subject to investigation	4
5. Summary/Chronology of Investigation	4
6. Summary of Evidence	4-7
7. Consideration of Evidence	8
8. Conclusions	9
9. Appendices	10

1. INTRODUCTION

These are the findings of an investigation relating to alleged misconduct by Vanessa Smith (a Home Office employee) during a personal protection training course at Brook House Immigration Removals Centre.

Vanessa, along with G4S HealthCare staff and Hibiscus project workers, attended the course on 22 February 2018. It is alleged by the Hibiscus staff that Vanessa's behaviour and comments during the course were inappropriate.

These allegations were made in an e mail to the Home Office from [Name Irrelevant] [Name Irrelevant] Head of Hibiscus International Resettlement and Services to those Detained sent on 26 February 2018.

2. TERMS OF REFERENCE

By 29 March 2018, to collect and record the facts necessary to establish whether, or not, there is a discipline case to answer on the grounds of Misconduct. To provide an investigation report to the Decision Manager in line with the Home Office's Discipline policy and procedure.

There are two allegations under investigation:

1. In reference to an incident on Monday night where an officer had punched a detainee in the face (several detainees had barricaded themselves in their room and had weapons and had made the floor wet and soapy. An officer was apparently the last one standing and punched one of them), Vanessa from the Home Office said he deserved it and "had it coming". [Name Irrelevant] then said "We don't say that Vanessa".
2. Vanessa from the Home Office seemed to have a very negative attitude towards detainees. This was shown through laughter at comments made, comments she made herself and her general attitude to violence e.g. "I'd go to town on them".

3. HOME OFFICE POLICY AND GUIDANCE

Personal Conduct Policy (appendix D)

This Policy states that employees are expected to carry out their role with dedication and commitment to the Civil Service and its core values: integrity, honesty, objectivity and impartiality. It further states that employees must ensure that they are familiar with and adhere to the standards of behaviour set out in the Civil Service Code and in the Home Office values.

4. OFFICER SUBJECT TO INVESTIGATION

Employee: Vanessa Smith, Administrative Officer
Location: Brook House Immigration Removals Centre

5. SUMMARY/CHRONOLOGY OF INVESTIGATION

On 1 March 2018 I was formally commissioned to investigate by Simon Levett (the Decision Manager). I established who was present on the personal protection course and sought to interview all as witnesses. Present were two Group 4 Security (G4S) trainers, 4 G4S Healthcare Assistants, 3 Hibiscus project workers and Vanessa.

It was not possible to interview the following witnesses:

- The G4S trainers who had both been dismissed following a G4S investigation into the incident.
- Two of the G4S Healthcare staff who are currently suspended pending a G4S investigation into the incident.
- One of the Hibiscus project workers who left Hibiscus for reasons unrelated to the incident before an interview could be arranged.

I was, however, able to interview the remaining G4S Healthcare staff, the remaining Hibiscus project workers and Vanessa. I was also provided with a redacted copy of the G4S investigation so that I could confirm whether or not it contained information pertinent to my investigation. The chronology was as follows:

- 7 March 2018 – Receipt of the G4S investigation report.
- 14 March 2018 – Interview with [Name Irrelevant] (G4S Healthcare Assistant)
- 22 March 2018 – Adjourned interview with Vanessa Smith
- 22 March 2018 - Interview with [Name Irrelevant] (G4S Healthcare Assistant)
- 27 March 2018 – Interviews with [Name Irrelevant] (Hibiscus project workers)
- 6 April 2018 – Interview with Vanessa Smith

6. SUMMARY OF EVIDENCE

G4S Investigation Report

The G4S investigation substantiates both allegations against Vanessa and advises that the accounts of her behaviour provided by the Hibiscus project workers were clear and concise. However it is noteworthy that the investigating manager had not interviewed Vanessa before the report was produced. Therefore it is questionable whether the report represents a balanced view of Vanessa's behaviour.

Interview with [Name Irrelevant] (G4S Healthcare Assistant)

I confirmed that the purpose of the meeting was to investigate the 2 allegations made by Hibiscus staff against Vanessa and I explained what those allegations were.

Name Irrelevant advised that a large part of the training was provided in small groups and that she was on the opposite side of the training room to Vanessa. **Name Irrelevant** confirmed that, with a number of course delegates talking, it was difficult to hear what was being said by anyone. Whilst she did observe Vanessa laughing, she didn't know what had caused her to and she advised that she did not hear Vanessa make the comments alleged by Hibiscus staff. **Name Irrelevant** couldn't recall anything further that would be pertinent to the investigation.

Interview with **Name Irrelevant** (G4S Healthcare Assistant)

I confirmed that the purpose of the meeting was to investigate the 2 allegations made by Hibiscus staff against Vanessa and I explained what those allegations were.

Name Irrelevant advised that he was sat next to Vanessa during the course and that he did not hear her make the comments alleged by Hibiscus staff. He further advised that, with a number of people on the course laughing throughout the day, he could not recall Vanessa laughing specifically. **Name Irrelevant** couldn't recall anything further that would be pertinent to the investigation.

Interviews with **Name Irrelevant** (Hibiscus project workers)

Name Irrelevant were interviewed separately and were accompanied by **Name Irrelevant**. **Name Irrelevant** Also present was an independent note taker (**Name Irrelevant** Immigration Enforcement). I confirmed to both that the purpose of the meeting was to investigate the 2 allegations made by them and their colleague against Vanessa and I confirmed what those allegations were.

Name Irrelevant confirmed that Vanessa had said detainees "had it coming", that she had said they deserved it and that she had laughed at inappropriate comments made by the trainers. She advised that Vanessa was quiet during the morning training session but became more engaged with the violent aspects of the course during the afternoon. She nodded her head in agreement when the trainer was talking about "going to town" on detainees and further agreed when he said that officers needed to use more force. **Name Irrelevant** advised that this attitude persisted throughout the afternoon and that Vanessa seemed centred on the violent aspects of the training.

Name Irrelevant also confirmed Vanessa's comments and inappropriate laughter. She further advised that Vanessa had laughed at comments other than the one detailed in the allegation and that her general demeanour presented a

negative view of detainees, [Name Irrelevant] also advised that, although there were a number of course delegates making inappropriate comments, Vanessa wasn't forced to say anything. [Name Irrelevant] stated that the negative attitude of Vanessa and some of the other delegates made her feel uncomfortable.

Interview with Vanessa Smith on 22 March 2018

The initial interview with Vanessa proved difficult to arrange. Vanessa expressed a preference for the interview to be held at Gatwick rather than Croydon. This proved problematic as Brook House was deemed unsuitable following Vanessa's suspension and there were no private facilities in Ashdown House where I am based. I was, however, able to secure the exceptional use of a Border Force training syndicate room in Ashdown on the 22 March 2018. This was confirmed with Vanessa by telephone on 9 March 2018 but other work prevented me from sending the HIN03 invite letter until 20 March 2018. HR advised that a copy of the invite should be available for Vanessa on 22 March 2018 and that this along with the telephone invitation would suffice.

On 22 March 2018 Vanessa was accompanied by [Name Irrelevant] a representative from the Immigration Service Union. Before discussing the allegations made against Vanessa on 22 March 2018, [Name Irrelevant] asked whether an independent note taker would be present. I advised that I had not arranged one but could do so if she and Vanessa preferred. Both advised they would. [Name Irrelevant] also sought to confirm whether an independent note taker had been present during the interviews with G4S Healthcare staff and I confirmed that one hadn't.

[Name Irrelevant] further sought to confirm the level of misconduct that was being alleged. I advised that, if misconduct had taken place, the level would be determined by the investigation although I agreed to speak with Vanessa's line manager (Simon Levett) to confirm. Simon agreed that it would be for the investigation to determine any misconduct and its level and I confirmed this to [Name Irrelevant] and Vanessa.

[Name Irrelevant] expressed her concern that Vanessa had been suspended without her managers first determining what level of misconduct was being alleged. She was further concerned about the lack of independent note takers during previous interviews and for this one. She advised that this along with the failure to send a timely interview invite letter to Vanessa cast doubt about the professionalism of the investigation. [Name Irrelevant] asked for the meeting to be adjourned so that she may consider how best to advise Vanessa going forward and to make Simon aware of these concerns.

HR advice was sought and it was confirmed that the investigation would determine any misconduct and its level and that I should re-arrange the interview providing 5 working days notice.

Interview with Vanessa Smith on 6 April 2018

Vanessa attended the interview with her union representative [Name Irrelevant] and a note taker for the union [Name Irrelevant]. Also present was an independent note taker [Name Irrelevant] Immigration Enforcement. I confirmed to everyone present that the purpose of the meeting was to investigate the 2 allegations made by Hibiscus staff against Vanessa and, with the agreement of Vanessa and [Name Irrelevant] I detailed both together rather than separately.

With regard to the first allegation, Vanessa advised that she was invited by the G4S trainers to consider whether the response to the incident in the barricaded room was justifiable. Vanessa considered that it was given the risks faced by the detainee custody officers. Vanessa confirmed that she made the comment alleged by Hibiscus staff but, by way of context, advised that she was responding in kind to the language used by trainers and some delegates throughout the day. Vanessa further advised that she simply meant the response to the incident was appropriate. Vanessa was corrected by the trainer and she took his comments on board.

Vanessa confirmed that she has been working in the Home Office for 13 years and, in that time, has not been the subject of a complaint or disciplinary action. She further advised that she goes above and beyond in her day to day work, that she always attempts to de-escalate situations involving detainees and that, given this, she feels very upset that these allegations have been made.

Regards the second allegation, Vanessa advised that she did not make the comment alleged by Hibiscus. Regards the allegation of laughter at inappropriate comments, Vanessa advised that she couldn't comment on allegations that weren't specific. She confirmed that she had laughed at some comments along with others present on the course. She advised that her general attitude to detainees is positive and that she ensures detainees are safeguarded.

I invited any additional comments from Vanessa and [Name Irrelevant] and Vanessa confirmed that, in future, she would be careful when making comments in case they are misinterpreted. She advised that those making the allegations didn't know her or her history in the Home Office. [Name Irrelevant] advised that she was surprised that the incident had resulted in Vanessa's suspension and this investigation and asked what level of misconduct was being considered.

I advised that HR advice is necessarily ambiguous and that, depending on the outcome of the investigation, it could be minor, serious or gross misconduct. I confirmed that I was commissioned to investigate whether or not there was a case to answer and that any disciplinary action would be considered by [Name Irrelevant] line management. I further advised that I would endeavour to complete my report by 9 April and that a copy of the notes from this interview would be made available to Vanessa and [Name Irrelevant].

7. CONSIDERATION OF EVIDENCE

It is clear from the interviews with Hibiscus staff and Vanessa that Vanessa did use the phrase “had it coming” to describe the treatment of detainees by detainee custody officers. Vanessa has contextualised the comment by describing the training environment on the day and the language that was being fostered by the trainers. However it represents an inappropriate and unprofessional choice of words particularly when used by a Home Office official.

It is less clear whether Vanessa used the phrase “I’d go to town on them” and whether she did laugh specifically at inappropriate comments made by others. Vanessa advised that she had laughed along with others during the course but denies using the aforementioned phrase. For their part the Hibiscus witnesses gave clear accounts about Vanessa’s use of the phrase and her laughter at inappropriate comments. The G4S Healthcare witnesses, one of whom was sat next to Vanessa, confirm that they did not hear Vanessa use the phrase and, although they heard laughter from Vanessa, they did not hear what was said to cause it.

I have noted that the G4S Healthcare staff did not hear or observe any negative behaviour from Vanessa despite Vanessa herself confirming her “had it coming” comment. I have also noted that both Hibiscus witnesses separately and clearly confirmed that the second inappropriate comment was made and that Vanessa had laughed at other inappropriate comments. However I must take account of the statements of the G4S Healthcare staff and, given that one was sat next to Vanessa, it casts doubt on whether the negative behaviour took place.

More generally the decision manager will want to give consideration to Vanessa’s previous conduct during her time with the Home Office. Vanessa has advised that this is the first time she has been the subject of such allegations, that she has never been the subject of disciplinary action before now and that she adopts a professional approach to detainees at Brook House.

8. Conclusion

Whilst there was clear evidence to support the first allegation made by Hibiscus, the evidence for the second allegation was less clear and the statements made by some witnesses cast doubt on the allegation.

In reference to the terms of this investigation set out at the start of this report:

1. Allegation 1: In reference to an incident on Monday night where an officer had punched a detainee in the face (several detainees had barricaded themselves in their room and had weapons and had made the floor wet and soapy. An officer was apparently the last one standing and punched one of them), Vanessa from the Home Office said he deserved it and "had it coming". Name Irrelevant then said "We don't say that Vanessa".

For the reasons given above, I find that on the balance of probabilities, **there is a case to answer.**

2. Allegation 2: Vanessa from the Home Office seemed to have a very negative attitude towards detainees. This was shown through laughter at comments made, comments she made herself and her general attitude to violence e.g. "I'd go to town on them".

For the reasons given above, I find that on the balance of probabilities, there is **no case to answer.**

Gary Norton
Investigation Manager
10 April 2018

9. APPENDICES

Appendix A: G4S Investigation Report

Appendix B: Interview with [Name Irrelevant] (G4S Healthcare Assistant)

Appendix C: Interview with [Name Irrelevant] (G4S Healthcare Assistant)

Appendix D: Interview with [Name Irrelevant] (Hibiscus project worker)

Appendix E: Interview with [Name Irrelevant] (Hibiscus project worker)

Appendix F: Interview with Vanessa Smith (Home Office employee)