

BROOK HOUSE INQUIRY

First Witness Statement of Clare Checksfield

I provide this statement in response to a request under Rule 9 of the Inquiry Rules 2006 dated 14 July 2021.

I, Clare Checksfield, date of birth DPA, will say as follows:

Introduction

1. In so far as the contents of this statement are within my own personal knowledge, they are true, otherwise they are true to the best of my knowledge, information and belief.
2. The answers provided below are to the best of my knowledge and recollection, with reference to the documents noted in the Rule 9 request and to a limited set of documents drawn to my attention by those advising me in the period provided for drafting this statement. Should the Inquiry wish me to consult any other documents, I would of course be able to do so if given sufficient time. Further in some places, I have confined my answer to the relevant period of the inquiry, to ensure the accuracy of my answers.
3. I would like to note at the outset that in my statement I use the terms 'detained persons' or 'detainees' to refer to the men and women who are detained in immigration removal centres (IRCs). That was the language used at the Home Office at the time and it is the language used by the Inquiry in its Rule 9 request to me. I am aware that the Home Office now tends to refer to 'residents'.

Background

4. I joined the Home Office in 1987 as a graduate entrant. I worked in immigration casework, charity legislation, domestic and international policing, and extradition (details at Annex A) before my first role as a senior civil servant in 1999 as chief of staff to the then Director General of the Prison Service. I then held senior roles, including prison estate strategy and prisons capacity in the National Offending Management Service, which moved to the Ministry of Justice from the Home Office in 2007. I left the civil service later in 2007 and worked in the third sector as chief executive of Crime Concern, and Head of Corporate Affairs at Barnardos. I joined the Prime Minister's Delivery Unit, based in the Treasury, in 2009. I returned to the Home Office in January 2014 and was Head of Detention and Escorting Services until July 2018, when I moved to run the project planning a new immigration removal centre near Heathrow airport.
5. During the relevant period for this Inquiry, I was based at Apollo House, 36 Wellesley Rd, Croydon CR0 9YA.
6. I have a BA in German and Politics from Bristol University and an MSc in West African Politics at the School of Oriental and African Studies. I completed an MSc in Criminal Justice Policy at the London School of Economics in 2001. In 2002, I spent 6 weeks on the United States Government leadership programme and completed the Windsor Trust Strategic Leadership Course in 2007/2008.
7. When I joined Immigration Enforcement in January 2014, I was briefed by my predecessor, line manager, and my deputy. I visited all removal centres and met all stakeholders as part of an induction period.
8. I left the Home Office in June 2020, because I was able to retire after my 60th birthday in November 2019.

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Attendance at Brook House

9. I did not visit Brook House during the relevant period. My calendar shows that I was at Brook House on 2nd November 2016 for an open day to the industry as a part of the procurement for a new contract for the running of Brook House.
10. During the relevant period, I was responsible for the oversight of nine removal centres: Harmondsworth, Colnbrook, Brook House, Tinsley House, The Verne, Campsfield, Morton Hall and Yarls Wood in England, and Dungavel in Scotland. A delivery manager was responsible for day to day leadership. This was Michelle Smith at Brook House and Tinsley House during the relevant period. I would generally have visited a removal centre at least once a month, but it would depend on the purpose of my visit. I might be accompanying a Minister, visitor, or senior official. I could have been holding a meeting or workshop at the centre. I might have been visiting to see work in progress, such as the new accommodation for families at Tinsley House. Generally, I would have seen the centre manager or deputy, and the local Home Office team. I might have walked round the centre with either a member of the Home Office or the local contracted team. If a member of the Immigration Monitoring Board (IMB) was at the centre, I would have talked to them.
11. My responsibilities are set out at Annex B to this statement, and I confirm that this is an accurate description of my role. I was responsible for the financial management of an annual budget for 2017/18 of [Commercially sensitive] and around 220 Home Office staff, based in Apollo House in Croydon, in Manchester and at nine removal centres. I had oversight of commercial contracts for provision of services at seven removal centres and a service level agreement with the Prison Service to manage The Verne and Morton Hall removal centres. I was also responsible for working with NHS England and PHE for the provision of healthcare and public health service at all nine removal centres under a Partnership Agreement. I was responsible for the contract for escorting detainees and staffing around 35 short term hold centres. I worked with commercial colleagues to manage the specification and

procurement of new contracts, and with colleagues in Immigration Enforcement to support removals and deportations.

The Contract

12. The Home Office contract with G4S to run Brook House had been in place since 2009, and the Home Office was working on a replacement contract during the relevant period. By the time I left this role in July 2018, The Home Office had decided to extend the contract with G4S until 2020, and to revisit the procurement.
13. The contract relied heavily on self-reporting, and on the monitoring of around 30 performance measures. The contract's financial sanctions placed visible weight on preventing any deaths in custody or escapes. Staffing levels were also a significant indicator. The contract provided a framework for using financial penalties, as a component of oversight. These were managed by the Home Office commercial team, with contributions from the locally based Home Office team.
14. A formal Executive Oversight Board was held at senior level every 3 months to discuss contractors' performance and the general relationship with the Department across all Home Office contracts. These were chaired by a senior civil servant from the Home Office Commercial directorate, and I, or my deputy, attended for Immigration Enforcement. The agenda was not restricted to the consideration of financial penalties.
15. The contract was supplemented by external oversight by Her Majesty's Inspectorate of Prisons (HMIP) and an Independent Monitoring Board (IMB) at each centre. Although these reports were formally made to the Secretary of State, they were also a means of accountability on welfare for the Home Office, as many of the actions were for the relevant centre manager.
16. HMIP inspections are unannounced and always consider the overall care and welfare of detained persons against a set of public Expectations. My directorate was responsible for carrying out a factual check on their reports, advising Ministers and asking them to agree a response to HMIP's recommendations. The Service

Improvement Plan (SIP) summarised the response and was nearly always published on the same day as the HMIP report. HMIP would always review progress against all their recommendations (including any the Home Office had rejected) on their next inspection. A small internal Home Office audit team worked with contractors to drive implementation of recommendations.

17. IMB members have a broad remit relating to the welfare and safety of detainees. Board annual reports were sent to the Minister for Immigration, usually during the first few months of the following calendar year.
18. At a more operational level, I convened the centre managers from all removal centres and the escorting contractors every 6-8 weeks. The agenda was open, and included discussion of detainee welfare.
19. I also chaired a meeting of the Home Office delivery managers in each removal centre and commercial colleagues to use management information to keep an overview of risk and welfare at all the centres.
20. Regular meetings of the IRC Assurance Board were also held between the Home Office and NHS England and Public Health England (PHE), at which healthcare in immigration removal centres was considered. No private contractors attended these meetings.
21. I have described the main processes for reviewing performance indicators in the contract alongside considerations of the welfare of detainees. Individual events, representations by an MP, lobbying organisation or a media report could also lead to action taken to improve the welfare of an individual or group of detained persons.
22. If anything gave us concern about the overall care and welfare of detainees at Brook House, whether these had come to light during contract monitoring or otherwise (in an individual interview, from an IMB member etc), it would have been discussed at the meetings I have referred to above. On a day to day level more minor care and welfare issues would be routinely dealt with by G4S and the Home Office, and I would have expected G4S and Home Office staff to have passed on any concerns

that they had and which could not be resolved locally. This complemented the more formal processes of HMIP and the IMB which would consider the care and welfare of detained people at Brook House.

Adults at Risk policy and Rule 35 Process

23. I have reviewed the Adults at Risk (AAR) policy [CJS000731 and CJS000540]. I would have expected the most effective impact of the new policy to have been a reduction in the number of vulnerable detainees being held in detention, and my impression was that it did achieve this, although I am not sure whether there is recorded evidence to confirm my impression. Decisions to detain were taken by the case working functions in Immigration Enforcement, and by Border Force and Immigration Enforcement officers. I cannot comment with any direct evidence or experience during the relevant period, as I did not oversee those decisions.
24. However, I was responsible, alongside others (other Home Office staff, G4S, etc), for raising any concerns or changes that might affect the appropriateness of the continued detention of an adult at risk with case working colleagues who made decisions about detention. This might be because a detainee's condition had deteriorated, or because new information had come to light. There was therefore also a general responsibility for Immigration Enforcement staff at Brook House, and G4S staff (including healthcare) to draw attention to those who were showing vulnerabilities after detention had been initiated, or whose vulnerabilities had worsened. The decision to detain and proceed with removal or release would still have been for the case working command.
25. The Inquiry's relevant period covers a relatively early stage in the implementation of the AAR policy. Although it almost certainly prevented the detention of a number of vulnerable men and women during the relevant period, it is extremely difficult to make an evidence-based judgment on the impact of individual safeguards that could compare "before and after" implementation. I base my judgement above on impact on conversations with colleagues around the new detention gatekeeper team, including time spent observing how they worked. It was clear that they were able

to discuss, consider and challenge decisions to detain in a way that had not been possible before.

26. These are complex, and contested decisions. My experience of observing the impact of the AAR policy in 2017 was that it introduced considerations of vulnerability with a framework for consistency across immigration enforcement. I was responsible for co-ordinating the Home Office response to the recommendations made by Stephen Shaw in his review published in 2016, and we discussed the wide range of recommendations at all meetings of a steering group, which I co-ordinated until mid-2018. Stephen Shaw's two reviews took a joined-up approach to policy and detention conditions; his recommendations extended into the policy sphere and put much more information about immigration detention in the public domain.
27. At this time distance, and without reviewing individual cases, I do not feel able to comment on whether the new policy created an additional burden on individuals. Nor am I in a position to isolate the impact of the policy on people detained in Brook House during the relevant period.
28. Nor would I be able to say whether Rule 35 was operating "effectively" at Brook House during the relevant period. Stephen Shaw examined the use of Rule 35 in his July 2018 report 'Assessment of government progress in implementing the report on the welfare in detention of vulnerable persons. A follow-up report to the Home Office by Stephen Shaw'¹ (paragraphs 2.102 – 2.149), on pages 37 – 39, as did the Chief Inspector of Immigration in his first annual assessment of the adults at risk policy published on 4th May 2019.
29. The policy guidance for G4S and for Home Office staff stresses the responsibility of everyone with contact with detainees to consider it part of their responsibility to challenge detention if they thought that person should not be held in detention. I know from conversations with my teams that they did so, before and after the adults at risk policy was introduced. I believed that G4S would also have made

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728376/Shaw_report_2018_Final_web_accessible.pdf

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representations if they felt they could not care for some vulnerable individuals. I remember one instance of a member of Home Office staff intervening to prevent a disabled detainee at Brook House being left waiting in an escort van but cannot be certain that it took place during the relevant period. I cannot recall any other examples that were from the relevant period, and it would have been rare that such instances were escalated to me unless they required my direct intervention with a senior colleague, for example.

30. In respect of the G4S safeguarding policy [CJS000540], which refers to child safeguarding arrangements, I would like to point out that the policy seems to predate the opening of predeparture accommodation for families in Tinsley House, which opened after an 8 month period of refurbishment on 22nd May 2017, and was also managed by G4S. No families were held in Brook House, and anyone under the age of 18 should have been in the care of social services (though this may have happened in cases where an individual's age was disputed and they later were found to be a minor). Families of detained persons would have visited the centre in the visits hall.

Detainee Forum Meetings

31. During the relevant period I knew that there were detainee forum meetings at Brook House, and that attendance had been poor, but apart from in passing I would not have expected to have been told about their occurrence.

Complaints

32. I have reviewed the documents CJS000727, CJS000700 and CJS000707. These documents accord with my understanding of the complaints process in place during the relevant period. A complaint could be made orally, or in writing. The system separated out service delivery complaints, minor misconduct complaints and serious misconduct complaints, as categorised at Annex A to CJS000727. The most serious complaints were investigated by the Home Office Professional Standards Unit (PSU). The complaints system has a route of appeal to the Prisons and Probation Ombudsman (PPO). The PPO's annual report recorded that they had

investigated only 21 complaints from immigration detainees in 2017-18. Most were about property and a third were about staff behaviour.

33. The Independent Chief Inspector of Borders and Immigration published a reinspection of the Home Office complaints handling process in July 2017², covering service delivery and minor complaints, noting improvement in the management of complaints by Detention and Escorting Services.
34. Other people (e.g. family/friends, NGOS, members of the public) could write in to the Home Office or their MP, and it would be investigated as a complaint.
35. My role was mainly to do with serious misconduct complaints. My deputy took the lead, but we would have discussed decisions about whether an individual complaint about serious misconduct by staff should be referred to the PSU or how to take forward the recommendations with the contractor. I would have generally signed off any advice to Ministers or seen it in draft. I would have tried to keep abreast of any possible criminal charges against Home Office or contracted staff, although those decisions were for the police and CPS.
36. The PSU investigates serious misconduct complaints across the Home Office, and reports to a separate chain of command. Any disciplinary processes for staff if the PSU found a complaint to be partially or fully substantiated would have been for the employer, so in the case of Brook House staff either for G4S or the Home Office. My directorate was also responsible for management of the accreditation system for G4S staff working at Brook House and retained the option of refusing accreditation for a G4S employee even if G4S intended to retain them as a member of staff.
37. I do not recall any instances in which I personally received a complaint about Home Office or G4S staff at Brook House during the relevant period, or was involved in an investigation, either conducted by G4S or the PSU, in relation to a complaint made against G4S or Home Office staff during the relevant period – although it is

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/631634/A-re-inspection-of-the-complaints-handling-process.pdf

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difficult to recall at this point in time. In general, complaints would not come directly to me and I would not be involved in any investigations. I would be told about the initiation and/or the outcome of an investigation if my deputy thought I should know. After the Panorama programme I saw a number of PSU reports into the G4S staff identified in the programme. These were sent to Stephen Shaw on 17th April 2018 to assist him in identifying lessons learned as part of his second review.

38. The process for detained persons who wished to make complaints about healthcare is set out in CJS000727. The IMB annual reports for 2016 and 2017³ reported on healthcare complaints at Brook House, noting that they could not see medically confidential material, but concluding that parity with primary care in the community was being met. The NHS was trialling the use of patient questionnaires to drive quality improvements and improve local feedback.

Contact with Detained Persons

39. I did not have contact with any detained persons at Brook House during the relevant period, nor did I attend any meetings of the detainee forum.

Culture

40. I did not think that the culture at Brook House during the relevant period was markedly different from other IRCs who had a reasonably high proportion of time served foreign national offenders in their populations. I comment more below about my views on the colocation of individuals who have served a sentence. It was difficult to compare different IRCs to each other, as the context differed for each individual IRC. Below, I set out a range of factors that I think would have impacted in one way or another on the culture of Brook House during the relevant period. I can say that I do not recall having any concerns about the culture of Brook House at the time.

³ All reports are published at <https://www.imb.org.uk/reports/>, the 2016 and 2017 reports can be accessed at the following links: <https://s3-eu-west-2.amazonaws.com/imb-prod-storage-1ocod6bqky0vo/uploads/2017/04/Brook-House-IRC-2016.pdf> and <https://s3-eu-west-2.amazonaws.com/imb-prod-storage-1ocod6bqky0vo/uploads/2018/04/Brook-House-2017.pdf>

41. I certainly knew, in general terms, that staff had experienced a great deal of change during 2016, and that the introduction of 60 new beds and the reopening of Tinsley House in May 2017 would need to be managed carefully. I knew that G4S had a recruitment plan in place to improve staffing levels. I was aware that the use of new psychoactive substances was worrying centre managers in general.
42. My deputy and I were working to strengthen the capacity we had in the Home Office to analyse and use the monthly security information we received, as part of longer term improvements to security after a small number of escapes in 2015 and 2016. This was also intended to support centre managers in violence reduction.
43. We had developed arrangements for one of the delivery managers to convene security managers at the centres to talk to each other regularly. Specifically, we wanted them to share information about detainees whose behaviours were difficult to manage, and to involve caseworkers if possible. Once a detainee had been transferred from prison, the presumption was that they would stay in the immigration removal estate. Moving them to another removal centre was an option that could have benefits: either because there were more experienced staff, or they could be nearer their family, or because there was a better Care and Separation Unit. The meetings provided an opportunity to agree, with as much information as possible, what the most effective solution could be. It also meant that the caseworker knew of the urgency of progressing a case if there was serious risk of harm. The meetings meant that more effective representations could be made to the Prison Service if the decision was a request to return an individual to prison.
44. I do not think this is specific to Brook House, and would apply it to Harmondsworth and Colnbrook, but I would say that constant vigilance is required on the questions of culture and values, covering G4S, Home Office staff and escorting staff. At the time, I had no specific grounds to believe that the culture or values within G4S or Home Office staff at Brook House risked the physical or verbal abuse seen in the Panorama programme.

The culture as shown on Panorama and described in the Lampard Report

45. I did not see any evidence of the G4S staff culture that was shown in the Panorama programme or reported on by Kate Lampard and Ed Marsden in their report for G4S. Certainly, I knew that working in Brook House needed a high degree of resilience. Brook House, Colnbrook and Harmondsworth generally reported greater use of force incidents, in part because they were often the last stay before removal or deportation at Gatwick or Heathrow airports. Preparation for charter flights could also be a flash point.

46. I was not aware of the culture of grievances among managers described in Kate Lampard and Ed Marsden's report, although I did know of an agreed departure of a senior manager (Duncan Partridge) in, I think, 2016.

The priorities of Detention and Escorting (DES) in 2017

47. There were several priorities for Detention and Escorting in 2017. We were procuring a new contract for escorting services and launching the competition for services at Brook and Tinsley House. Although I had separate teams working on the two projects, and the timescales were staggered, they still affected overall DES and commercial staff capacity. We were planning to close The Verne in the autumn and had agreed that new beds at Brook House and Tinsley House and predeparture accommodation would be brought on stream as soon as was safely possible.

48. The implementation of the recommendations from Stephen Shaw's 2016 review was a high priority. There were also concerns about the safety of detainees. Six men died between December 2016 and April 2017: four men died in hospital, one shortly after release, and one in a removal centre (The Verne). We were looking for lessons learned, before the PPO investigation and any inquest. We were following up work on security, fire safety (after discovering the need for urgent work at Tinsley House in late 2016) and violence reduction across the estate. We had closed predeparture accommodation at Cedars in September 2016. The Manchester residential short-term holding facility was also closed for relocation.

Senior management teams

49. I was confident in the values of my senior management team, and of the Home Office staff based at Brook House. I knew that the delivery manager, Michelle Smith, had put a great deal of careful thought and energy into developing predeparture accommodation at Tinsley House to be as supportive an environment for families as possible. I knew that my senior management team supported the Shaw reform programme, and that they welcomed the opportunity to make improvements via new contracts.

50. Although I usually took part in the final interview for centre manager appointments at immigration removal centres, I had not done so for Ben Saunders, because he was appointed before I started. I can remember thinking that it was refreshing to have a centre manager with a social worker background rather than prisons. While Prison Service expertise was deeply relevant, especially because of Time Served Foreign National Offenders (TSFNOs) in the removal centres, it was also essential to follow the Detention Centre Rules. I knew that the Ministry of Justice had requested Ben Saunders' return because of his earlier success at running Medway secure training centre. I had also had recent dealing with G4S in relation to predeparture accommodation, where their bid had met the requirements of managing vulnerable families.

Whether I was aware of any particular concerns

51. To the best of my recollection, I had not become aware of any particular occasions during the relevant period when concerns had been raised about the treatment of detained persons at Brook House. I did not experience nor, to the best of my recollection, was I aware of any racist attitudes or behaviours, homophobic and/or misogynistic attitudes or behaviours, during the relevant period amongst G4S or Home Office staff at Brook House. To the best of my recollection, I was not aware of staff bringing drugs into Brook House for use by detained persons during the relevant period. I would have expected that to have been investigated as a hypothesis in managing down the use of new psychoactive substances, and do reconversations about police inquiries, but cannot remember when that was. I did not experience bullying by any other staff (either Home Office or G4S) during the

relevant period. To the best of my recollection, I was not involved with any complaint relating to bullying of G4S or Home Office staff at Brook House during the relevant period. In answering these questions, I am dependent on memories of events taking place some years ago, and it is very difficult to be confident enough to give a certain answer to these questions. There are of course incidents and complaints to be expected during the day to day in the running of IRCs including Brook House, but at this distance it is not always possible to recall the detail in a way which is useful to the Inquiry.

Oversight, Monitoring and Outside Involvement

52. I have reviewed the Service Improvement Plan (VER000116) in response to the unannounced inspection of Brook House in November 2016.

53. HMIP assessed implementation of all recommendations and published their assessment as part of their inspection of Brook House published on 24th September 2019⁴. According to their assessments, recommendation 5.11 (ACDT process should not be used for detainees refusing food) was partially achieved, 5.13 (training in adults at risk guidance) was partially achieved, 5.14 (multi agency case review of detainees found to be children) was not achieved, 5.18 (use of force should be necessary, proportionate and consistently applied) was partially achieved, 5.19 (first night induction) and 5.20 (management of violence and bullying should include challenging poor behaviour) were not achieved, 5.21 (supervision cells should be refurbished) was achieved, 5.22 (security procedures should be proportionate) was not achieved, 5.24 (the rewards scheme should not be punitive or based on sanctions) was achieved, 5.25 (detainees' conditions in the separation unit) was partially achieved, 5.27 (monthly records on welfare with each detainee) was not achieved. 5.35 (an alcohol strategy) was achieved, and 5.44 (detainees' access to welfare service) was achieved.

⁴ <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/brook-house-immigration-removal-centre-2/>

54. There are multiple factors involved in whether a recommendation is fully implemented, and the impact of the actions taken in response to recommendations, and those matters are assessed by independent inspection rather than by those responsible for responding to the recommendations. I comment below on the recommendations that were rejected but cannot comment on any reasons given as to why HMIP thought that recommendations 5.14, 5.19, 5.20, 5.22 and 5.27 had not been achieved. That judgement was taken during a later inspection after I had left this post. HMIP does not provide reasons in its reports.
55. The recommendations that were rejected were 5.12 (establishing a care suite for detainees at risk of self-harm), 5.23 (detainees should not be locked in cells and should be allowed free movement until later in the evening), and 5.24 (the rewards scheme should not be punitive or based on sanctions). I reviewed the response to the recommendations and applying contemporaneous policy, I was satisfied with these recommendations being rejected. While I cannot recollect the precise reasons why a care suite could not have been built at Brook House (5.12), I do not find it surprising, as Category B building requirements make physical changes to buildings more complicated and expensive. We planned to use a care suite (later called assisted living accommodation) at Tinsley House as an alternative. The length of time detained persons were in their rooms at Brook House (5.23) could have been changed, although it would have required negotiations with G4S, and a contract change with additional staffing costs. Home Office policy relating to paid work was linked to a sanction (5.24) if a detained person was not cooperating with the Home Office in relation to their immigration status. It was not intended as a sanction against behaviour in immigration removal centres, and although it could have been changed, would have required Ministerial agreement.
56. The recommendation from HMIP on a drugs strategy and improvements to training, monitoring, and investigating the use of force were absorbed into the G4S Action Plan agreed with the Home Office. That action plan was specifically tailored to responding to what was emerging shortly after the Panorama programme. If there was a conflict on resourcing any HMIP recommendations, the more recent G4S

action plan would have been given priority, because it was tailored to answer the failings seen in the Panorama programme.

57. I do not recall receiving any complaints from detained persons about victimisation from staff during the relevant period.
58. Independent Monitoring Boards are composed of volunteers who visit prisons or immigration removal centres on a regular basis to check that detained persons are treated fairly and humanely. They have a formal reporting route to Ministers.
59. I held overall responsibility for the effective operation of IMBs at immigration removal centres and advised Ministers on their annual reports. These were generally sent to the Home Office during March or April the year after the calendar year of the report and published on the IMB website. For example, the IMB report for Brook House in 2016 was placed on the IMB website on 18th April 2017.
60. There was always a senior Home Office presence (me, my deputy, and/or a more senior Home Office Director) at the annual conference held for members of IMBs, but to the best of my recollection I do not recall personal contact with members of the Brook House IMB during the relevant period.
61. The Gatwick Detainees Welfare Group is a local third sector group, who visit persons detained at Brook House. Medical Justice is a third sector group, who specialise in health rights for detained persons. Bail for Immigration Detainees provide representation to help detainees secure release.
62. Medical Justice, Bail for Immigration Detainees (BID) and the Association of Visitors to Immigration Detainees (AVID, to which the Gatwick Detainees Welfare Group is affiliated) attended a regular meeting between the Home Office and third sector organisations, which I chaired until mid-2018. In my role, I tended to deal with the head of AVID rather than with the Gatwick Detainees Welfare Group. I also recall that the Red Cross had a role at IRCs, in terms of family liaison.

Training

63. When I took over the role of Director in 2014, I had good general experience of national prison policy and practice. I had managed the Prison Service Escorting contract and carried out small procurements. I was used to working in a role where I received advice and expertise from other professional groups, such as commercial and legal advisors. I had experience of working directly with Ministers for 20 years and had worked in the third sector and other Government Departments. Given the breadth of responsibilities, I believe I had enough professional support to carry out the role.

Relationship with G4S Staff

64. I saw Jerry Petherick, Managing Director for Custodial and Detention Services, and Peter Neden, Regional President for UK and Ireland, at quarterly Executive Oversight Board meetings. Typically, I would have talked with Jerry Petherick about major events at Brook House. For example, he rang me to discuss the Ministry of Justice's request for Ben Saunders to take over the management of Medway Secure Training Centre in January 2016. I had a good working relationship with Ben Saunders at my regular centre manager meetings over several years and knew Lee Hanford, who replaced Ben as centre manager for the first half of 2016. Though I did not know her in relation to any work at Brook House, I also knew Sarah Newland at G4S, in the context of predeparture accommodation for families, first at the Cedars and then at Tinsley House. She had worked effectively with Barnardos at Cedars for several years.

Staffing

65. The Home Office had outsourced staffing levels and working arrangements to G4S, having set out minimum hours of DCO time per day in the contract. These would be formally reviewed when a new contract was procured, although changes could also be made by agreement. I knew that staffing levels were important to the safe

and decent running of all immigration removal centres. The procurement model meant that, in general, the Home Office trusted the operator to make good operational judgements about staffing levels.

66. I knew from my regular co-ordination and assurance meetings with commercial colleagues and the delivery managers that there was concern over G4S staffing levels against the requirements of the contract in the first few months of 2017. I also knew that this had been raised with G4S and that they had a recruitment plan, which appeared to be on track. To some degree, staffing shortages at Brook House were offset by the fact that Tinsley House was closed for fire safety improvements, extensive refurbishment, and the completion of predeparture accommodation. The Home Office was also in the process of agreeing the funding changes which would allow for new staff for the introduction of 60 new beds at Brook House. We also knew that attendance at detainee forums in Brook House was poor. I also knew that recruitment to immigration removal centres was difficult near Gatwick and Heathrow, because of the local labour market, so I was not surprised that they needed a specific recruitment plan.
67. The management information for these assurance meetings was largely paper-based and difficult to compare. However, even if limited, it provided an opportunity to try and get an overview of stresses and stability at each removal centre. This supplemented more formal contract management. I cannot, at this time remove, say whether I thought the staffing levels were adequate at Brook House.
68. At the time, I had registered that staffing was of concern at Brook House, but not the extent of impact on daily activities for detainees that was set out in the 2017 IMB report. Staff shortages impact in a variety of ways on the care and treatment of detained persons including activities or services offered, but I cannot add any detail. If serious staffing issues at healthcare were drawn to my attention I would try to improve this by raising it with the NHS at our regular meetings.

Treatment of detained persons

69. I did not witness any specific incidents involving the use of force/control techniques at Brook House immediately before or during the relevant period.
70. Alternatives to control and restraint techniques would depend very much on the situation. While patience, talking and de-escalation might be appropriate in some circumstances, it would not be so if there was an immediate threat of self-harm.
71. The use of control and restraint in escorting outside IRCs was more closely controlled, with standardised training that was safe for confined spaces in aeroplanes and escort vehicles. The Home Office Manual for Escorting Safely (HOMES) was introduced in 2014 in response to recommendations made by an independent advisory panel chaired by Stephen Shaw. All use of restraints or force during an enforced removal from the UK are reviewed by the Home Office Use of Force Monitor with support from the Prison and Probation Service and specialist medical professionals as required.
72. Although some immigration centres had found body worn cameras to be effective as a de-escalation device, this was not the universal operational view at the time under consideration. I believe that in early 2017, the use of body worn cameras was being trialled in some prisons. The Police Service had introduced body worn cameras, with a strong focus on use of footage in evidence, and the Border Force had not yet taken a view. There was not yet a settled view on how they could best be used, and concerns over protection of privacy of individuals and arrangements for proper data protection. The NHS was firmly against the use of body worn cameras in any medical setting. At the time my personal view, informed by wider discussion, reading and other opinions, was that body worn cameras could support oversight of the use of force and de-escalate tensions, but that it was important to have worked out the policy, technical risks and to implement their use alongside clear protocols and guidance.
73. We had ambitions to improve Home Office oversight of use of control and restraint in immigration removal centres (as opposed to being externally escorted), but this

was not in place during the relevant period. This could have included developing a system like HOMES in immigration removal centres, with more independent assurance. In early 2017 there were many competing budget pressures to work through the necessary policy considerations to develop, cost or implement such a system for all IRCs. Although I had, on the basis of complaints that control and restraint was being used too often in visits to hospital, instigated a review of use of control and restraints at another immigration removal centre, this was a “one-off” piece of work. Stephen Shaw recommended in July 2018 that the Home Office should roll out the use of body worn cameras to all IRCs and robustly monitor their use.⁵ As I left this post in July 2018 I cannot comment on action taken after that date.

74. I cannot say, at the time, that I thought Brook House was using control and restraint techniques excessively. Based on the information I had, it was not out of kilter with the Heathrow immigration centres.

Detained Persons as time served foreign national offenders (TSFNOs)

75. I believe that the colocation of TSFNOs caused some degree of additional difficulties in managing welfare and/or behaviour of detained persons at Brook House. G4S staff needed to protect the needs of vulnerable detained persons (who could well include TSFNOs) as well as managing a small number of detained persons who could be bullying the more vulnerable, volatile in their behaviour and/or manner, and actively trying to disrupt attempts to remove them. Because charter flights left from Brook House, I knew these needed to be managed carefully. The Category B physical security at Brook House contributed to the centre being able to manage more disruptive detainees than some of the other IRCs, and there could be “spikes” of disruption, violence and bullying at Brook House. I had also noticed that people who visited, or were learning about all immigration removal

⁵ Recommendation 40 of Assessment of government progress in implementing the report on the welfare in detention of vulnerable persons A follow-up report to the Home Office by Stephen Shaw Cm 9661

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centres, commented as a first impression that they had not necessarily expected TSFNOs to be co-located with other detained persons awaiting removal.

76. However, the underlying principle is that TSFNOs, who have served their sentence, should be detained while awaiting deportation in the more open conditions of immigration removal centres. A small number of TSFNOs do stay in prison before they are removed, based on a risk assessment carried out by Immigration Enforcement to identify those that would pose a security risk in removal centres. In terms of the overarching policy framework, and in its working relationship with the Ministry of Justice, the Home Office worked with the senior management of Brook House and caseworking colleagues to manage and minimise those risks. This also included avoiding keeping TSFNOs unnecessarily in prison conditions beyond the end of their sentence.

77. The Home Office had been reducing the number of TSFNOs who spend time detained in prison after their sentence has ended, in response to criticism of that practice. 400 beds were available within the Prison Service for TSFNOs during the relevant period. It has proved extremely difficult to speed up the deportation of all TSFNOs, so that they are ready for deportation as close to the end of their sentence as possible.

78. While colocation places TSFNOs in the same conditions as those who have no criminal records and are detained for the purposes of immigration removal, there are a range of measures to try and de-escalate risk. These include a risk assessment before moving out of prison, and room sharing risk assessments. Short stays in Care and Separation Units and the deterrent value of the risk of return to prison conditions, as well as good communication and activities are all intended to support safe colocation.

Abuse of detained persons

79. I did not have specific concerns about the verbal or physical abuse of detained persons individually or collectively at Brook House by other detained persons or by staff. I was however concerned over the risk of violence linked to the use of

psychoactive substances. Pre-Panorama, as part of my preparation before I met Stephen Shaw in September 2017 to agree when he would start his assessment of the implementation of the recommendations from his 2016 review⁶, I checked to see whether there had been findings by a court since 2014 of a breach of Article 3 of the ECHR in respect of vulnerable immigration detainees, because I knew that court findings regarding Article 3 breaches (I think usually in unlawful detention cases) were not always reported to my team. There were none recorded since 2014.

The Panorama Programme

80. I did not work with Callum Tulley, nor do I appear in the footage shown on Panorama.
81. I cannot easily separate out distinct memories of individual conversations, but the immediate aftermath of a programme showing abuse is always extremely difficult for staff who carry out their work showing respect and care, but feel they are associated with abusive behaviours by working in the same institution. Jerry Petherick was very quick to apologise on behalf of G4S.
82. There was widespread shock and upset among Home Office staff based at Brook House and in my directorate, as well as more widely within the Home Office. I experienced openness among my staff, and deep concern from senior management to identify lessons learned for the Home Office's oversight role. I cannot comment on the awareness of detained persons of the programme.
83. There were many changes made at Brook House following the Panorama programme. The immediate response was the suspension, investigation, and in many cases, the dismissal of staff identified in the programme. A new centre manager was appointed in September 2017 and G4S implemented an action plan in September 2017, closely monitored by the Home Office. G4S brought in additional

⁶ <https://www.gov.uk/government/publications/review-into-the-welfare-in-detention-of-vulnerable-persons> - the discussions I had with Stephen Shaw happened before he formally started work. This assessment was published in July 2018; <https://www.gov.uk/government/publications/welfare-in-detention-of-vulnerable-persons-review-progress-report>

senior support for the new centre manager, and increased staffing levels, especially at Detainee Custody Manager level.

84. I changed roles in July 2018, so did not have any further direct experience of the change being made at Brook House, though I was still part of the senior management team so may have had conversations with colleagues. Probably the clearest indication of the effectiveness of the measures taken in response to the Panorama programme is the HMIP report of Brook House in 2019, which scored the centre as Reasonably Good against all expectations. Although that was the same conclusion as the inspection conducted in late 2016, the 2019 judgement used a methodology changed in the light of the Panorama programme.

Specific Individuals

85. I do not believe I have met any of the named individuals, other than possibly in passing on a visit prior to the relevant period. I did not witness any incidents of verbal or physical abuse of detainees.

Suggestions for Improvements

86. The suggestions below may well already have been considered since July 2018, and I offer suggestions without the benefit of this Inquiry's findings or the evidence that the Inquiry will see. All these suggestions rest on my belief that external scrutiny of the Adults At Risk policy will drive the detention of fewer vulnerable adults, and that the implementation of Stephen Shaw's review should also support further improvements.

87. I believe that the Home Office could reduce the number of men and women held in detention, and I would expect the experience of managing Covid to have supported a review of the numbers needed in detention. There is, however, no model of a requirement for the physical capacity of detention beds, married with a reliable assessment of demand. My observation has been that expanding capacity puts strain on resources providing oversight and reduces pressure on borderline decisions to detain.

88. Better resources and a workable IT infrastructure needs to feed into the initial screening of anyone for detention. It is a recurrent theme in external reports that information sharing within the Home Office, and between the Prison Service and immigration removal centres is working to different systems and is still too slow.
89. I would also hope that the Home Office now has full time access to operational expertise on staffing levels of closed institutions when negotiating new contracts and monitoring performance.
90. The oversight of control and restraint being used for escorting of removals and deportations should be extended to the use of control and restraint within immigration removal centres.

Any other concerns

91. At this stage I have no other concerns to raise.

<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	Clare Checksfield
Signature	Signature
Date	29 th October 2021

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