

BROOK HOUSE INQUIRY

First Witness Statement of Anthony Lennon

I provide this statement in response to a request under Rule 9 of the Inquiry Rules 2006 dated 11 November 2021.

I, Anthony Lennon, of the Professional Standards Unit (PSU), Internal Investigations, Home Office Security, Harmondsworth Immigration Removal Centre (IRC), Colnbrook By Pass, West Drayton, Middlesex UB6 0HB will say as follows:

Introduction

1. I am currently employed as a Senior Executive Officer (SEO) within PSU. My current role since April 2018 is as a lead on specialist investigations such as leak inquiries and the more complex and sensitive external complaints, disciplinary cases and management reviews. Prior to April 2018 and during the relevant period I was a team leader for four Higher Executive Office grade investigators and, as now, I also conducted investigations.

Process

2. The process for the PSU investigating complaints from Brook House IRC is set out in Detention Service Order (DSO) 3/2015.
3. I understand that the Home Office provided the Inquiry with a detailed written explanation of the complaints process dated 24 July 2020, which covered and linked to Detention Service Order 03/2015 – handling complaints¹ and its annexes. The annexes

¹ <https://www.gov.uk/government/publications/handling-complaints-in-immigration-removal-centres>

include a flowchart of the process and timescales². I set out below my own understanding of the process.

4. Complaints are received by PSU from Detention and Escorting Services (DES) Complaints Team via email. They are usually sent during normal office hours, Monday to Friday.
5. Anyone can submit a complaint, normally it will be the detainee themselves. However, it is not uncommon for a third party to raise a complaint on behalf of a detainee, for example, legal representatives or family and friends of the detainee.
6. On receipt of a complaint an Executive Officer - Assistant Investigating Officer (AIO) completes an Investigation Referral Document (IRD) template. On the IRD the AIO details the alleged complaint, including aggravating factors, their assessment and recommendation as to whether PSU should investigate or whether the complaint should be returned to the business area to be investigated locally. The completed form and supporting documents such as the copy of the complaint is forwarded to the duty Senior Investigating Officer (SIO) who is a SEO, who will make the final decision as to whether the complaint should be investigated by PSU, returned for local investigation whether the AIO should be directed to collate further information before making a final decision.
7. The PSU will normally only look at complaints of serious misconduct (as defined in Annex A to DSO 03/2015) such as allegations of assault and theft and serious unprofessional misconduct, such as inappropriate relationships.
8. If a case is deemed appropriate for investigation by the PSU, it will usually be allocated to an investigator who has the capacity to take on the case. They would be identified either by the duty SIO contacting the team leaders to check the capacity of their team or at the weekly SIO meeting where resources and capabilities are discussed.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/589149/DSO_03_2015_Annex_C_complaints_flowchart.pdf

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9. On receipt of a complaint, an investigator will produce an investigation plan and arrange with his allocated AIO to request from the IRC or Escorting Contractor the evidence that is likely to be relevant to the complaint. For example, if the complaint was about the Use of Force (UoF), requests would be made for: the UoF reports completed by Detainee Custody officers (DCOs), CCTV and Body Worn Camera footage (BWC), Security Incident Reports, any medical evidence in relation to the incident, and confirmation that the officers are still accredited as DCOs with the Accreditation Team in DES.
10. At the same time the complainant will be contacted, firstly to acknowledge their complaint and secondly to arrange to conduct an interview with them in respect of their complaint, and also to give them the opportunity to provide further evidence relevant to their complaint.
11. After interviewing the complainant, the investigating officer will if appropriate interview any witnesses identified by the complainant before arranging to interview the respondent(s) to the complaint.
12. In the course of the investigation, the investigating officer also have access to subject matter experts, for example, Prison Service Use of Force Instructors, to help inform their findings.
13. Once the investigator has completed the evidence gathering stage of the investigation officers will draft an investigation report and a response letter to the respondent.
14. If the complainant or witness is no longer in the United Kingdom, the investigator will firstly check whether the Home Office has any contact details for them, either an email address, phone number or an address abroad, and will then contact them to make arrangements to obtain their accounts.
15. If a complainant expresses a wish to retract or withdraw their complaint(s), they will be spoken to, to explore why they wish to retract their complaint. If they wish to do so a written statement will be taken from them, confirming that they wish to withdraw or

retract their complaint. This would not preclude the PSU from continuing to investigate the complaint if the alleged incident was deemed serious enough.

16. Under Home Office Published targets, PSU investigators have 12 weeks to conclude the complaint from the day the Home Office receives the complaint.³

17. With regard to producing an investigation report, the PSU investigators use an investigation template report which is structured as follows:-

- Introduction
- Terms of Reference
- Policy and Guidance
- Officers subject to investigation
- Summary/Chronology of the investigation
- Summary of evidence from complainant, witnesses and respondents
- Summary of other evidence for example CCTV footage
- Consideration of evidence and conclusions
- Recommendations
- Annexing of evidence.

18. During the course of the investigation, the investigator and their senior officer have weekly meetings regarding their allocated cases (although it may be that, because of the complexity or seriousness of the incident, more regular meetings may be held). Once the investigator has completed the report, the SIO will review the report to satisfy themselves that all reasonable lines of enquiry have been followed, and that the findings made are reasonable, before the report is signed off.

19. Once the report is completed the investigator will draft a letter to the complainant. This letter will also advise of any right of appeal the complainant may have, for example to the PPO.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/873789/complaints-management-guidance.pdf

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20. At this stage the AIO who is allocated to the case will forward the report and a copy of the letter is sent to the complainant and to the DES Complaints Team. At the same time the PSU's support team (the allocated AIO) will take any recommendations made and these are entered onto a spreadsheet to allow PSU to monitor what recommendations have been accepted and what ones have not by the relevant business area. The business areas are under no obligation to accept recommendations made by the PSU.
21. In addition, the PSU's support team completes a Lesson Learned update which is an overview document of recommendations made, and risks identified for the business areas. These reports are published every quarter.
22. In regard to my role as the SIO in the following cases, my direct involvement started at the end of January 2018, prior to this date this role was carried out by another SIO who left the Home Office in January 2018.

Complaint by D668

23. In reference to the investigation into the allegations made by D668, and the PSU report [HOM002748], I had no concerns with how the investigation was conducted. There was no pressure to reach certain conclusions in the PSU report.
24. D668's allegations relating to healthcare were addressed in [HOM002748] at pages 34-38. The PSU are not ordinarily tasked to investigate complaints about healthcare provision. From my recollection, DES made the decision to include the healthcare complaints made by D668 when they commissioned the PSU to conduct a number of investigation of complaints that they had received about treatment of detainees at Brook House following the airing of the Panorama Programme. I do not know the reason why the PSU were asked to look into this particular complaint relating to Healthcare staff.
25. The normal process for complaints in relation to healthcare provision and or mistreatment by healthcare staff for England are detailed in DSO 3/2015 Handling of Complaints, in particular sections 9 to 18 of the DSO. Healthcare complaints are dealt with under the NHS complaints procedures for England. Complaints about Healthcare in Scotland and Northern Ireland are detailed in Section 19 & 20 and in respect of Short

Term Holding Facilities at Section 21 of DSO 3/2015. I have received no training on how to investigate or supervise complaints in relation to healthcare.

26. The complaints made by D668 were that: the Home Office had told the doctor (who he saw) not to complete Rule 35 Assessment forms fully, that a nurse had been rude to him and had not let him into the clinic waiting room when it was not full and asked him to reveal medical details in front of other detainees (allegations 5 and 6).
27. I do not know the reason why in this case the PSU was asked to investigate this matter, as highlighted in paragraph 25 these matters are normally dealt with under the NHS complaints procedures. However, they do appear to ultimately be issues concerning credibility and professionalism rather than necessarily requiring specific medical knowledge.

Organisational deficiencies identified in PSU reports

28. The PSU reports for D668 [HOM002748] at page 44 and for D687 [HOM002725] at page 46 state that there were organisational deficiencies across the Home Office that were either raised to Alan Gibson or raised in the recommendations in the reports. It states that these include learning for individual Home Office staff members and organisational learning for the Home Office, including a change in Home Office policy to help prevent a recurrence of the incidents investigated.
29. I have been asked to comment on these. Firstly, in regard to the PSU report for D668 [HOM002748], the investigation found that DCOs were not following internal guidance on the completion of Incident Reports, Control Room Logs of viewing CCTV or following the Violence Reduction Strategy when D668 raised concerns about the behaviour of other detainees. This had the effect of making him feel vulnerable and unsafe in the IRC as there was little evidence of the concerns raised by D668 or that DCOs on D Wing during the period August to September 2017 followed internal guidance.
30. The effect on the individuals was that concerns that were raised about their welfare and safety were not being addressed by the IRC, and that these individuals would continue

to feel vulnerable. The effect on the PSU investigation was that there was limited documentary evidence to assist the investigator who was reliant on the testimonies of the parties involved and testing this against the relevant policies and guidance.

31. With regard to the Rule 35 assessment report, the PSU investigation in this instance found that the allegation that the doctor was told not to complete the Rule 35 form fully was unsubstantiated, as per para 7.5.13 of the report concluding “*It was Dr Chaudhary who decided not to complete a body map and not to comment on the impact of continued detention and not Brook House officers or the HO as implied*” [HOM002748_0036].
32. However, the investigator did identify concerns that areas of the assessment were not completed, and this was assessed by checking whether the doctor had completed the assessment form correctly against the requirements of DSO 9/2016 Rule 35. The consequences if medical practitioners are not clear as to what should be recorded on the assessment, notably regarding injuries and the impact on the individual’s detention, this could have a detrimental impact on the detainee both on their health and in terms of whether a full and correct Rule 35 assessment has been made, which could mean they remained detained when they should have been released.
33. The investigation into D668’s complaint also highlighted that there was some confusion about which boxes within the IRC the completed complaint forms should be placed in, as it was found as there were a number of boxes for different purposes throughout the centre. The investigator therefore found that the complaints boxes needed to be more clearly sign posted for detainees, and also recommended that Home Office staff who have regular contact with detainees such as Contract Monitors and Detainee Engagement staff should encourage and advise detainees on the complaints process and how to raise a complaint which would encourage confidence in the Detention and Escorting Services complaints process.
34. Regarding the PSU report for D687 [HOM002775], the majority of recommendations made were for individual officers employed by G4S and the Home Office.
35. The first one related to a Home Office employee who did not open an Assessment Care in Detention and Teamwork (ACDT) when she became aware that D687 had threatened

to self-harm. All staff who have contact with detainees are able to and have a responsibility to raise an ACDT when appropriate, and she did not do so. In not doing so, an opportunity was missed for an early intervention to support D687 and therefore it was correct for the investigator to recommend that the officer be reminded of her responsibilities in this area.

36. More widely, the investigator was concerned that the training offered in respect of DSO 06/2008 (ACDT) to staff working in the IRCs needed to be consistent and needed to cover all staff that work in the IRCs and have contact with detainees including DCOs, Home Office staff, IMB, etc as all have a duty to identify detainees at risk so that they receive suitable care and support.
37. This investigation also highlighted that a G4S manager had not completed the DCF 2 – Use of Force form correctly. The investigator was correct in highlighting these inadequacies and recommending that he was reminded of the need for accuracy, and the need to for G4S to consider amending the sign off process if the instigator of the DCF2 is also the person signing it off.
38. Similarly, the investigator identified that there were two DCOs present who witnessed the UoF, and neither completed Incident Reports. The recommendation was that G4S should consider if their policy should be widened so that staff witnessing a UoF incident complete a statement. This would ensure that there were potentially further easily identified witnesses to the incident.
39. With regard to the two Detainee Custody Managers (DCMs) being reminded that they need to activate their BWCs, the investigator was correct in raising this as a recommendation as video footage of an incident is crucial in reviewing an incident to assess what has happened.
40. The investigator also raised a recommendation about the retention of ACDT records, as retaining incomplete records could potentially be detrimental for the welfare of the detainee.

41. Similarly, the investigator highlighted that there was a need for the Security Team within the IRC to confirm previous convictions of detainees, which should feed into ongoing risk assessments that may be required to protect vulnerable detainees and staff.
42. I cannot comment on the changes and improvements made following the reports and recommendations as I have not been made aware of them, but I would be happy to comment should this information be provided and the Inquiry would find it helpful. I have no comments on any learning that was required for individual Home Office staff and the organisational learning for the Home Office other than already detailed above.
43. As to whether there is any Home Office Policy that, in my opinion, should be changed to help prevent a recurrence of the incidents investigated, in my view:
- a. As well as Detention staff, there are other Home Office staff, NGO individuals and staff of legal firms who have regular contact with detainees. These individuals also need to be trained on how to raise and register concerns about detainees whom they believe may potentially be thinking of self-harming.
 - b. Though recognising this is not a policy change, in my opinion the Contract Monitoring Teams need to be more visible within the IRCs, challenging and checking what contractors are doing. For example, witnessing pre-planned UoF, arrival and departures in reception and the day to day regimes that detainees are involved in.
44. I have been asked to comment on any wider organisational considerations, specifically were there any organisational deficiencies which may have contributed to the detainee's treatment as referenced at page 25 of the PSU investigation report into the circumstances surrounding an allegation of assault made against DCOs by D1538 dated 30 January 2018 [CJS003348] and page 35 of the PSU Investigation Report on D1527 dated 22 February 2018 [CJS001107].

45. In respect of the suitability of the supervision of the officers and detainees, I cannot comment on the normal day to day supervision of officers and detainees at Brook House nor on the suitability of the training provided to DCO or managers.
46. I understand from an interview with Dan Houghton in February 2018 that G4S had recently reviewed all their custody training and it had been updated in line with HMPPS (POLETS), which led to some changes in the ITC including Interpersonal skills, Security and Acting inclusively (Equality).
47. At the time there was no oversight or external assessment /or verification of the quality of the training DCOs received on their ITC. I understood G4S self-audited.
48. At the time of the programme, G4S were considering implementing a more blended approach to the ITC, this included concluding the vetting process prior to starting the ITC so that the newly trained DCOs could be out in the centre earlier. G4S were also looking at putting all new appointed DCOs through a 12-month apprenticeship in Custodial Services, this would have been externally assessed. I do not know if this was implemented.
49. DCOs are contractually required to attend a yearly C&R refresher, and they also receive a day's refresher training, including safer detention, safeguarding and security.
50. Any personal development for staff was currently identified at the end of year Employee Performance Review. G4S conducted a Training Needs Analysis and identified that this was inadequate and had instigated a number of initiatives, for example, staff forums on identifying skill and training needs that was a standing item at the SMT monthly meeting.
51. Prior to the Panorama programme, G4S recognised that as well as the training of new staff, their mentoring and the identification and development of managers at all levels needed improving.
52. G4S identified that there was a need to support the development of their managers at all levels and managers were expected to study for a Chartered Management Institute

qualification, level 3 for DCMs and DCOs identified as potential DCMs, and level 5 for Senior Managers and DCMs identified as having the potential to reach a senior this level.

53. In terms of the suitability of the complaints process for staff, my understanding at the time of the Panorama programme was for members of G4S staff that there was an internal whistleblowing process.
54. In regard to Home Office staff, a complaint should be raised with their line manager and if they are uncomfortable doing so, they can use the Home Office Raising a Concern Hotline which is managed by PSU. I am aware that staff from across the department have used it and from these calls a number of investigations have been conducted. Therefore, in my opinion the current process works.
55. I am also aware that DES have issued Detention Services Order 03/2020 Whistleblowing – The Public Interest Disclosure Act 1998 (c.23). This DSO sets out the process for contractors and Home Office staff to raise concerns they may have.
56. With reference to the suitability of the complaints process for detainees, I believe the current processes in respect of the complaints PSU undertakes (detailed in DSO 3/2015) work well. As detailed in Paragraph 32 of DSO 3/2015 it is imperative that the complaints process is visible to all detainees and it is appropriately sign posted so detainees know how to complain.
57. In my opinion as the nationalities of the population in the detention estate evolves the Home Office should ensure the complaints literature reflects these changes in the languages that complaints process and forms are printed.
58. In my opinion, consideration should also be given to allowing detainees to raise their complaints, whether relating to service issues or serious misconduct verbally with a DCO or a Home Office employee, where there is a barrier to the individual completing a complaints form. The officer should record the complaint and then place it in the complaints box and the complaint can then be processed in the normal way.

59. With respect to UoF complaints, the PSU will when necessary use National Tactical Response Group (NTRG) and the Home Office UoF monitors as subject matter experts to assist in the review incidents. In my opinion, the Home Office should identify other subject matter experts that an investigator can seek advice and opinion on from, for example on ACDT which would be from the Prison Service and security issues within IRCs and Short Term Holding Facilities (STHFs) which would be the DES Security Team.
60. I also believe that consideration should be given to the development of a database which holds details of contractors and Home Office staff that have been investigated, including details of the complaints and findings against individual officers, which can inform future investigations, and help to inform the making of recommendations and lessons learned.
61. Though PSU investigators will interview the vast majority of complainants, there can occasionally be issues around interviewing detainees whose removal directions are within a short timescale of them making their complaint. Historically most of our interviews have been face to face, however during the Covid pandemic we have been conducting interviews by phone or Microsoft Teams.
62. I have been asked about the application of Rule 40 by officers and its effectiveness. My knowledge is limited to when it is raised as part of a complaint, usually related to the UoF when an individual is relocated to Rule 40. As far as I can recall, the relocation has been justified due to the behaviour of the individual in cases that I have investigated.
63. From my recollection, G4S record keeping both in the justification for individuals being placed on Rule 40 and the ongoing observations whilst the individual has been held in Rule 40 has been of mixed quality.
64. With reference to the recommendation on pages 25 and 26 of [CJS003348] I do not know whether DES clarified with their staff and contractors as to where authority lies for implementing Rule 40 or whether any training or workshops were delivered to support staff in the IRCs and I would have not expected to have known or been informed.

65. I have been asked to comment on any separate reviews that took place and to describe my involvement in these reviews. I am aware of the Stephen Shaw review and the reviews instigated by G4S. I was not involved in these reviews.
66. As well as the investigations that the PSU were commissioned by DES to undertake in November 2017, the PSU decided to produce a report on the situation we found at the IRC at that time. The purpose of this exercise was to produce a preface document for the commissioned investigations, that if appropriate investigators could use in their commissioned investigation reports. I cannot now recall if anyone did so.
67. The preface report included details on accommodation, regimes in the IRC, healthcare, supported living plans, activities, staffing and training, whistleblowing, complaints ACDT, anti-bullying, drug and alcohol strategies. My involvement in this report was to look at recruitment, staff leavers, whistle blowing, learning and development and the regime in the centre.

Complaint relating to D1527

68. I have been asked to comment whether I had any concerns about how the investigation into the complaints raised by D1527 was carried out. I have none apart from that PSU should have been commissioned in early September 2017, after the airing of Panorama.
69. There was no pressure to reach certain conclusions.
70. I have been asked to comment on whether the outcome of the allegations in the PSU report would have been different, if the Panorama documentary had not filmed the activities in Brook House IRC and there was only the witness evidence and reports to review – as this is a hypothetical question I cannot answer it.
71. The reality is that if the incident had not been captured on camera by Mr Tully, *and* there was no complaint from D1527 (or any witness) then neither G4S nor the Home Office would have been made aware of the incident and it would and could have not been investigated.

72. I have been asked to comment whether the Home Office or G4S policies or practices that were in place were effective in preventing a recurrence of the incident involving D1527. I believe that the policies and practices were effective. However, because DCOs Francis and Tulley and Nurse Buss did not escalate the matter or complete UoF reports, neither the Home Office nor G4S were able to take any action at the time.
73. I have been asked to comment whether the Home Office or G4S policies or practices that were in place were effective in preventing officers from failing to carrying out the appropriate steps when carrying out their duties. Again, I believe that they were, but there is a limit to what policies and practices can achieve if officers decide to deliberately fail to follow correct policies, procedures and practices and this is compounded by other officers not reporting these failures and hopefully this is something that the Inquiry will be able to establish.

Complaint relating to D1538

74. I have been asked to comment whether I had any concerns about how the investigation into the complaints raised by D1538 was carried out. I have none.
75. However, on the 23 August 2017 DES incorrectly allocated D1538's complaint for investigation to G4S when it should have come to the PSU. Following the airing of the Panorama programme on 4 September 2017, G4S queried why they should be investigating the complaint. On 19 October 2017 the complaint was forwarded to PSU who queried with DES the delay in referring the case through [CJS001360_0007-0008]. A response was received on 25 October 2017 [CJS001360_0005] and on 8 November 2017 the investigation was accepted for investigation and was formally commissioned by DES on 17 November 2017. Having been provided with the reasons for the delay [CJS001360_5-6], I was concerned that some cases which ought to be investigated by the PSU, namely serious misconduct, were not being forwarded to PSU for consideration and investigation. In my email of 26 October 2017 [CJS001360_4-5] I said that I would be raising this case with Detention Operations in November. My recollection is that I did so, and although I cannot now recall the details I would have reminded them to ensure that Detention and Escorting Services were forwarding to PSU

all cases that potentially met our remit to investigate, namely serious misconduct complaints. I have no record or recollection of a response.

76. There was no pressure for the PSU to reach certain conclusions.

General Issues

77. In my experience as a Senior Investigating Officer in the PSU there were no barriers to detainees making complaints against G4S staff, and access was given for the PSU to interview detainees.

78. In my experience there were no barriers to detainees making complaints against TASCOR or the current escorting contractor or any other contractors used by DES.

79. The only barrier that I perceive for a detained person making a complaint is if the information on how to make a complaint was not in their own language, especially if they have little or no understanding of English. Steps taken to overcome this are that if they make a complaint in their own language the complaint will be translated by the Home Office.

80. In my experience, I am not aware of any perceived barriers to a detainee giving evidence to PSU as a witness. PSU officers will if required ensure an interpreter attends the interview if there are concerns about the complainant's understanding of English.

81. Though rare, on occasions a complainant could be removed within a day or so of making a complaint and therefore it could be difficult for a PSU investigator to have the opportunity to interview them. If this happens the PSU investigator will try and contact them via phone, email or post if we have that information to obtain their account.

82. In my experience I am not aware of any barriers to staff giving evidence to PSU as a witness which maybe unfavourable to other staff.

83. I was not aware of any pressure from Home Office DES or G4S to reach certain conclusions in any PSU investigation.

84. With reference to the footage broadcast in September 2017, I do not think that this had a particular impact on the way that PSU investigations were carried out following the broadcast.
85. I cannot say whether there was an increase in allegations being substantiated following the broadcast.
86. I am not aware of any investigations being re-opened after the broadcast for reconsideration.

<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	AD Lennon
Signature	<div style="border: 1px dashed black; padding: 10px; text-align: center;">Signature</div>
Date	12 January 2022

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