

## **BROOK HOUSE INQUIRY**

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### **First Witness Statement of Rukshana RAFIQUE**

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I provide this statement in response to a request under Rule 9 of the Inquiry Rules 2006 dated 17 January 2022.

I, Rukshana Rafique, formerly of the Professional Standards Unit, Home Office, Ordsall Lane, Salford, Manchester, M5 3LZ, will say as follows:

#### **Introduction**

1. I worked in the Civil Service for over 15 years and joined the Home Office in June 2007. I subsequently moved to the Professional Standards Unit (PSU) in April 2012 as an Investigating Officer. I undertook all relevant training for the role including the Certificate in Investigative Practice.
2. In August 2018 I left the Home Office and moved to a role in a secondary school. Given the passage of time and the move to a completely different role, my recollection of some of the matters has reduced. I have answered the questions put to me to the best of my ability, in order to assist the Inquiry.
3. During the Relevant Period, 1 April – 31 August 2017, my role was to investigate misconduct complaints which were allocated to me.

#### **Process**

4. The PSU investigated human resources disciplinary and grievance cases for the Home Office; a function which was later extended across government departments. In addition, the PSU investigated internal and external complaints (i.e. from members of the public, including detainees at IRCs). Finally, the PSU undertook reviews which were

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commissioned from the PSU by other parts of the Home Office. I dealt with all three types of cases during my time with the unit.

5. The applicable Detention Services Order was DSO/03/2015 "Handling of Complaints", dated February 2017 ('the DSO')<sup>1</sup>. This gives useful context to the way in which complaints arising from the detention estate are dealt with, including by the PSU.
6. Whether the complaint or HR matter would be taken on for investigation was dependant on whether the serious misconduct threshold was met. In the context of complaints arising in the detention estate, the threshold is set out in Annex A of the DSO, which says that serious misconduct is:

*"Defined as any unprofessional behaviour which, if substantiated, would demonstrate a fundamental breakdown in trust and could lead to disciplinary proceedings. Such complaints could undermine the reputation of Immigration Enforcement or Ministers. Investigations into these types of allegation are conducted by the Home Office Professional Standards Unit (PSU)."*

7. Annex A goes on to list examples. The decisions as to which cases met the criteria for investigation by the PSU were made by the Senior Investigators.
8. Cases which were taken on by the PSU were allocated to Investigating Officers according to their capacity, experience and availability.
9. Upon being allocated a case, an Assistant Investigating Officer would request all the relevant evidence (and see paragraph 49 of the DSO which addresses how the PSU investigates and also addresses referrals to the police). Where the police did investigate, the PSU would take into account any representations made by the police as to whether it was appropriate for both investigations to continue and any other issues that might impact upon the way in which the PSU investigation is carried out.
10. The Investigating Officer would ensure that all lines of enquiry were followed up, that relevant evidence was obtained and reviewed, and that relevant witnesses were interviewed. A careful assessment would be undertaken and, based on the available evidence, an

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

informed judgement would be reached as to whether there was any substance to the allegation(s) or not.

11. If a complainant or witness was no longer in the UK reasonable attempts would be made to try and establish contact via post or email. I am unable to recall the exact process that was followed where an individual wished to withdraw their complaint.
12. The PSU worked to a 12 week timeframe to investigate all serious misconduct complaints (see table on page 12, and also paragraph 49 of the DSO).
13. The final product of a serious misconduct complaint would be an investigation report also known as a 'full report', and a response to the complainant. The DSO says that the PSU will:

*"Respond to complainant and copy response to DS CSU and the lessons learned co-ordinator at Detainee Escorting and Population Management Unit (DEPMU) who is responsible for monitoring all recommendations made by PSU. DEPMU will copy the response more widely as requested by PSU (this will include the IMB, unless the detainee has indicated that it must not be shared).*

*Submit full report to the Head of Detention Operations on conclusion of the investigation setting out whether the complaint has been found to be substantiated, partially substantiated or unsubstantiated."*

14. Supervision for each investigation would be provided by a Senior Investigating Officer.
15. As part of any investigation it was open to an Investigating Officer to identify any gaps or further improvements that could be made to processes or procedures. Investigating Officers could make recommendations to this effect.
16. The monitoring of these recommendations within the PSU was a separate process and one in which I was not directly involved. The DSO also refers to lessons learned, at paragraphs 52 and 53 – this refers to the process outside the PSU. It says that action points are *"collated in a dedicated action log and progress towards implementation monitored on behalf of DS CSU by the lessons learned lead for DEPMU"*. I had no involvement in this process.

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### **Investigation into complaint by D2953**

17. I was the allocated Investigating Officer for the investigation into the complaint made by D2953, which resulted in my report dated 15 February 2018 [CJS001506\_0020-0037]. The investigation and report deal specifically with allegations that he was assaulted by Derek Murphy on 10, 11 and 16 June 2017 at Brook House IRC.
18. At the end of the investigation, I concluded that the allegations were substantiated on the balance of probabilities. I made a number of recommendations, all of which relate to the way that D2953's complaint was first dealt with by G4S.
19. I did not have any concerns about the way in which my own / PSU's investigation was carried out. However, as set out in more detail in my report, I did have concerns about how G4S had dealt with the complaint.
20. On 22 September 2017, D2953 submitted a complaint about an incident at IRC Harmondsworth, and this was investigated by the PSU. During his interview on 6 October 2017 he stated he had been assaulted by 'Officer Derek' at Brook House IRC on three separate occasions. This led to this PSU investigation being opened on 9 October 2017.
21. As my report sets out, a letter before action dated 28 September (I do not know the date of receipt) was sent by Duncan Lewis, the representatives for D2953, to the Home Office [CJS001506\_0006]. That letter included allegations of assault at Brook House IRC by a "person called Derrick".
22. However, during my investigation it became apparent that the Letter Before Claim was not the first time that D2953 had made his complaint.
23. A telephone interview with an interpreter was completed on 18 October 2017. Information was sought from G4S, and on 31 October 2017 they advised that there were no recorded reports for the incident dates, and they sent further information about Derek Murphy between 6 and 8 November 2017 (as set out in my report).
24. It was not until 10 November 2017 that I was informed by G4S (Stephen Cotter) by email that they had been investigating the same incidents [HOM005049\_0002]. The email said as follows:

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*“It would appear we have been working in parallel on this. Internally within G4S I have been investigating [D2953] alleged assault and I could not find any evidence to substantiate it. My final action was to speak to him and so I saw him at Morton Hall IRC this Monday, obtained from him the 3 dates of the alleged assaults, the name of the officer "Derek" and a description of the officer, who I believed to be Derek Murphy. I checked with the roster manager at Brook House and Derek Murphy was working on the 3 dates.*

*My report was updated and we had a conference call this morning at 09:30 to decide on the way forward, which was expected to be to inform the Police and the Home Office. Prior to the call Lee Hanford, Director Brook House informed us of your letter to Derek Murphy about the same incidents and that you had already informed the Police.*

*I have my report ready to share with you, I am confident it will assist you.”*

25. I was surprised to receive this email, as the complaint by D2953 should have been referred by G4S to the Home Office. I highlighted this issue within the PSU and discussed this with Mr Cotter. My email of 13 November 2017 [HOM005049\_0001] sets out the further information I obtained about what had happened:

*“As briefly discussed I spoke to Stephen Cotter about how he ended up investigating Mr [D2953's] complaint when we also received a complaint from him about the same incident. He told me G4S operate an Equalities Advisory Support Service helpline based in Rotherham which is independent of their IRCs in Gatwick.*

*Somehow, possibly from an Officer, Mr [D2953] managed to get hold of the number of the Equalities line, and made a call to it on 10 June (the date of the first incident). He made further calls, the most prominent one is on 16 June in which he stated he had been assaulted three times which is what I am examining. Thereafter he continued to call the Equalities line. The helpline staff did not know at the time of the calls that G4S ran the Brook House facility? Whilst Mr [D2953] mentioned he was at Brook House he never mentioned G4S in his calls. During one of the calls the Operator asked Mr [D2953] if he wanted her to notify somebody in Brook House about what was happening to him to which Mr [D2953] said yes but this was never followed through.*

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*The helpline company Manager got in touch with a 'Government Customer' and sought advice on what to do with the calls, they said 'do what you need to do?' The matter ended up being recorded as a whistle blowing matter on 24 September and was allocated to Stephen to investigate.*

*I asked Stephen why the matter was not referred to Detention Services Complaints Team. He stated because they had no evidence that an assault had taken place. It was only when he spoke to Mr [D2953] last Monday and was given Officer Derek's name that G4S decided to refer to the Home Office and the Police not realising that we were already dealing with the matter.*

*The above developments will need careful handling in light of Mr [D2953's] complaint via his Solicitor which PSU are investigating. It raises some real questions including; how and why this matter was not referred to Detention Services and in turn PSU back in June 2017."*

26. To be clear, I did not regard "*because they had no evidence that an assault had taken place*" as an acceptable reason not to refer the complaint to Detention Services.
27. My report sets out details of the calls made by D2953 to the G4S Equalities Advisory Support Service Helpline, at paragraph 6.6. In summary, he made 40 calls between 10 June and 17 July 2017. The content of his calls included clear allegations of assault by a guard. It appeared that the helpline operator was not aware that G4S ran Brook House IRC. (I do not know why). The operator did not call Brook House IRC. On 29 June 2017 he was advised to call the police if he had been abused.
28. My report also sets out that D2953 raised his complaint at Brook House IRC on more than one occasion between 20 June and 3 July 2017: see paragraphs 6.7.2-4. His medical records also record that he made the allegation on 29 June 2017, see paragraph 6.9.6.
29. I refer again to the various occasions on which D2953 made his complaint, see paragraphs 7.1.5-7. I described as troubling the fact that there was nothing to indicate any comprehensive follow up action on these complaints, and say that "*Whether there was any substance to the allegations is irrelevant, the point being Senior Officers. Including DCM Dix and DCM Page had an obligation to flag up and follow through on the information*

*they had been told”, paragraphs 7.1.10-11. At paragraph 7.2.2 I concluded that “D2953 also appears to have been let down by processes inside Brook House in June 2017 when he mentioned he had been assaulted. The allegations should have been flagged to e.g. the Home Office Immigration Team and Detention Services. At the very least, D2953 should have been handed a complaint form and assistance should have been given to him via e.g. the Centre Welfare Officer given the fact that English is not D2953’s first language for him to provide full details of the assault”.*

30. Returning to the emails at [HOM005049], I note that further up the email chain (I was not cc’d into the discussion which followed my report of the conversation with Stephen Cotter) Mark Hartley-King said that the “*way things are being mishandled at Brook is not great*”. I cannot speak for Mark, but I assume he meant in relation to the subject of the email chain (the failure to refer the complaint). As the Assistant Director of PSU he would have had an overarching view of the detention estate and related complaints PSU were investigating.

31. My own view was as I set out in my report. Other than what is written in my investigation report, I am unable to add any further explanation as to why the matter was not referred by G4S to Detention Services to PSU in June/July 2017.

32. In my report I made one Recommendation containing five action points related to the Policy and Procedure for complaints as follows:

Action Point 1: For G4S to review their complaints handling process to prevent a repeat of a similar situation from arising. Linked with the latter, to give consideration to the involvement of the Centre Welfare Officer to enable vulnerable or those individuals for whom English is not their first language every opportunity to give relevant details.

Action Point 2: For G4S to remind centre staff of what steps to take when an individual informed an Officer directly of mistreatment.

Action Point 3: For G4S Officers to be reminded that where an individual states they do not wish to pursue a serious misconduct matter for this to be documented in detail.

Action Point 4: For Home Office Detention Services to review the G4S complaints handling process to ensure it is robust.

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Action Point 5: G4S ensures mechanisms are put in place to ensure similar calls as to the ones made by complainant D2953 to G4S' Equalities Advisory Support Services (EASS) helpline are routed accurately and in a timely manner.

33. Regarding the extract at [CJS001506\_0026], G4S' advice on how allegations of mistreatment are handled, the extract shows a process for complaints handling did exist but as my report highlighted a review needed to be undertaken to ensure the process was 'robust.'
34. The initial investigation report carried out by G4S in November 2017 was received by the PSU following the email correspondence with Stephen Cotter as set out above [HOM032609]. As per [HOM005055] and the email exchange dated 14 November 2017 I did have access to the report and read the contents before I completed my investigation.
35. The complainant would have received a letter with the findings, as per the DSO [HOM004772]. It does not mention compensation. I also note that the DSO at paragraphs 54-57 deals with ex-gratia payments. Whether to offer such a payment for non-financial loss was a matter for Detention Services. Whether any offer would be made in response to the letter before claim would also have been a matter for Detention Services and their legal advisors. I would not have had any involvement in these matters.
36. With regards to the additional documentation that the Inquiry has referred to ([CJS001616], complaints from D2953 dated 24 June 2017 and a partial healthcare response), I do not believe these documents were available to me during the course of the investigation, had they been I would have referred to them as they would have been relevant. I am unsure as to why they were not provided; Healthcare related complaints were dealt with separately.
37. With regards to [CJS0073658], the interview with D2953 on 6 November 2017 by Stephen Cotter of G4S, regarding his complaint that he had been bitten or hit three times by a guard while at Brook House IRC; [CJS0073657], an email from Steve Dix, Residential Detention Custody Manager G4S to Stephen Cotter G4S; and [HOM0032609], Stephen Cotter's report dated 26 September 2017 and updated 8 November 2017, which concludes that it was highly likely that there was some sort of incident involving D2953 and the DCO, and that it is possible that there was an assault by the DCO, and that it was possible that he changed his allegation later to one that he had been bitten and wanted compensation, and

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finally that in interview D2953 gave a description of 'Derek' which fitted Derek Murphy, and the report recommended that he be interviewed together with any possible witnesses:[HOM005055] pages 1-2 indicate the G4S investigation report was made available to me during the course of my investigation. The actual contents of G4S' report were not included in my investigation report as G4S advised in an email dated 13 November 2017 sent at 17:33 hours that their report was 'an internal privileged and confidential document' and I needed G4S approval if I was to share or rely on the contents [HOM005055 page 2]. As there was sufficient evidence from other means I took the decision to conclude the investigation without explicit reference to G4S' investigation and findings.

38. In terms of what if any additional impact the aforementioned documentation would have had on the outcome of my investigation, while (as I concluded) the allegations should never have been investigated internally by G4S, the handwritten complaint by D2953 and the interview probably would have added further weight to his allegations that I was dealing with, which ended up being substantiated based on other available evidence. In addition, I would still have been of the view that the complaints ought to have been forwarded by G4S to Detention Services. As regards Stephen Cotter's report, it would not have had a bearing on my own report.

### **General issues**

39. I am unable to offer any further information as to barriers (actual or perceived) to detainees or staff giving evidence to the PSU, once a complaint was referred to the PSU.
40. With regards to whether I thought that there was pressure by Home Office Detention Services or G4S to reach a certain conclusion in a PSU investigation, I did not encounter nor experience anything of this nature.
41. Regarding the impact of the Panorama broadcast, and any changed to the PSU's procedure or policies after the broadcast, I am unable to offer any further detail owing to the lapse of time since I left, save to say that in my experience complaints which were referred to the unit were taken seriously, assessed carefully and were followed through accordingly. The

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unit provided complainants with factual findings to help them to understand matters. I cannot comment on the current position as I have not worked for the PSU since August 2018.

<b><u>Statement of Truth</u></b>	
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	R Rafique
Signature	R Rafique (via email)
Date	17 February 2022

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