

BROOK HOUSE INQUIRY

First Witness Statement of Paul Benson

I provide this statement in response to a request under Rule 9 of the Inquiry Rules 2006 dated 2 March 2022.

I, Paul Martin Benson of [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 that have been made available to me 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.
3. I retired on 31 July 2018. Unfortunately, I am therefore extremely limited in terms of i) what I can remember, and ii) cannot answer questions about matters after I retired.
4. My date of birth is [DPA] I started work, as a clerk, in July 1965, in the private sector, mostly insurance companies. In 2003, by then a departmental manager, I took early retirement, following the closure of the company's offices in Croydon.

5. In 2005 I joined the Home Office as an Administrative Assistant (AA). In 2008 I successfully applied to become an Executive Officer (EO) within the Criminal Casework Department and continued in the role until my retirement on 31 July 2018. I have no professional qualifications relevant to my Home Office role, but over the years received intensive training in the practices and procedures of Criminal Caseworking. I recall that such training included the practices and procedures for drafting deportation decisions, initial detention decisions and decisions about whether to maintain the detention of Foreign National Offenders (FNOs). This training included, but was not exclusive to, drafting deportation decisions, Adults at Risk, Rule 35, Appeals, ECHR Articles, Bail Summaries, Detention Reviews, Release Referrals, together with Diversity and Unconscious Bias training. In my view I had all the training necessary to diligently carry out my duties.
6. I do not have a copy of my then job description. However, from memory, I would say that my overall role and that of the other caseworkers, was the facilitation of the removal of FNOs who met the criteria for deportation, by following the practices and procedures laid down by the Home Office while taking into account the duty of care to the FNO whilst they were being detained pending removal.
7. There were and never have been any specific casework teams in relation to Brook House. Brook House was one of several Immigration Detention Centres and prisons where FNOs were held pending their deportation. Criminal Casework has never been part of Brook House or involved in the running of Brook House.
8. From memory, during the Relevant Period, there were approximately six Criminal Caseworking Teams in Croydon. Two teams dealt with EEA cases and four teams dealt with all other countries. Each team member would have cases of individuals detained all over the country and had no input as to where they were held. Brook House tended to be used when an FNO was about to be removed, being close to Gatwick Airport. Each team consisted of approximately fourteen or fifteen EOs, two or three Higher Executive Officers (HEO), one Senior Executive Officer (SEO), with an Assistant Director (AD) covering two or three teams.

Witness Name: Paul Benson
Statement No: 1
Exhibits: 0

9. In Team 4, where I worked, there were, I think, about fourteen EOs, three HEOs and one SEO and one AD. I reported to Team 4's HEOs, current at that time.

General

10. I have been asked to set out the details of the policies and procedures in place during the Relevant Period in relation to the undertaking of detention reviews at each stage that such reviews were required in relation to a detained person's detention. After five years since that period, and close to three years since I retired, I am not, from memory, in a position to provide these details. However, I do recall the existence of Rule 35, the Adults at Risk policy, and the procedure of bail summaries. Reviews were carried out every 28 days, drafted by the relevant caseworker to whom the case was allocated. Every review was authorised by a senior member staff depending upon how long the FNO had been detained. The authorising officer ranged from the HEO right up to that of Director. At no time did caseworkers make detention decisions themselves.
11. I have been asked to set out the factors to be considered when drafting detention decisions. I know that they were as per the policies and procedures applicable at that time, but I cannot now recall them after all this time.

Adults at Risk Policy and Rule 35

12. I have been asked to consider the Adults at Risk Policy [CJS000731] and the DSO in relation to Rule 35 [HOM002591]. I understood that these were in place to protect the welfare of the FNO, whilst being detained. As such when drafting a detention review or Rule 35 report I diligently adhered to these policies, procedures and guidance, as appropriate. There were procedures in place for the follow up of the General Practitioner authoring a Rule 35 report where the report was considered incomplete or inadequate, but I cannot, after all this time, provide details. Similarly, I recall that there was a central point through which Rule 35 reports were recorded and responses monitored and authorised. However, I cannot provide details.

13. I have been asked to consider the Adults at Risk Policy in relation to Rule 35 [SER000270] and DSO 04/2020 Mental Vulnerability and Immigration Detention Non-clinical guidance July 2020 [PPG000101]. These are dated after I left the Home office on 31 July 2018.

D1914

14. I have reviewed the documents specified in relation to D1914 [DL0000230, HOM010965, HOM006287, HOM010907, HOM010961, HOM06872, HOM007159, HOM010920, HOM010926, HOM010932, HOM01071, HOM01072, CJS001024]. In relation to [DL0000230], I can confirm that I did not write the GCID note referred to. I should note that [HOM010926] is not, as the Inquiry refers to it, a detention review. It is a monthly progress report.

15. As a detention caseworker, I took over the case after the individual was detained. I drafted detention reviews including recommendations and these were signed off (or not) and the decision taken by a more senior officer.

16. An example of a detention review has been drawn to my attention by those assisting me with this statement [HOM006566]. The Inquiry has redacted as irrelevant D1914's offending history, sentencing remarks etc. However, both the risk of absconding and risk of reoffending was high. He was a persistent offender who posed a risk of harm. I note from the document that the authorising officer making the actual detention decision in [HOM006566] said he *"has shown scant regard for the law and for authority across the European mainland His presence in the UK is not deemed conducive to the public good taking into account the potential harm that he poses to UK society. Removal has already failed once due to his disruptive behaviour and he has now lodged a JR which is now a barrier to his removal. However, Litigation have requested that the claim is expedited. If this is allowed and the JR is refused, then removal remains a realistic prospect within a reasonable timescale. I am satisfied that detention is proportionate and complies with guidance laid down in Chapter 55 of the EIGs. The risks associated with his release outweigh the presumption to liberty and I authorise detention for a further 28 days"*.


17. Unfortunately, there is nothing I can add to that shown in the documents the Inquiry has referred me to [DL0000230, HOM010926, HOM002591, CJS000731, HOM010965, HOM010907, HOM010961, HOM010924, SER000270, PPG000101] as I do not recall anything given the passage of time. I can say that any decision I drafted would always have been based on the application of the policies, procedures and practices applicable at the time based on all the information available to me at any given point in time, and would always have been reviewed and the ultimate decision made by a more senior officer (who I presume would not have done so if I had misapplied any policy).
18. I have been asked to consider whether D1914 would have been treated any differently under the current Adults at Risk Policy [SER000270] and DSO 04/2020 Mental Vulnerability and Immigration Detention Non-clinical guidance [PPG000101]. I cannot comment or speculate on procedures or policy changes made after my retirement. I have been asked to provide any further comments on the documents provided to me. I have nothing further to add.

D2423

19. I have been asked to consider [HOM006339, HOM006842, HOM010423, and HOM006983]. I have reviewed the documents specified. I have been asked to set out the factors I considered when drafting detention recommendations in relation to D2423. I am afraid that I cannot recall anything to allow me to elaborate on the factors contained within the documents themselves.
20. I note that the authorising officers making the actual detention decisions refer specifically to the fact he was subject to a deportation decision, had committed serious offences abroad, was considered a high risk to the public and given the number of offences he had committed he had a propensity to offend. They all considered that detention was proportionate in order to enforce the deportation.
21. I have been asked to set out whether the Adults at Risk Policy [CJS000731] and the DSO in relation to Rule 35 [HOM002591] were applicable at any stage during D2423's detention. They were: D2423 was initially detained on 25 February 2017

and that version of the Adults at Risk policy is dated February 2017, and the DSO is dated in 2016. They would therefore have applied to all detainees at that time. As shown in the Detention Reviews for D2423, the Adults at Risk policy was considered at each review, and as indicated in Section 10 of each of the reviews he was not considered to be an Adult at Risk. This would have been based on the material available to me at the time. The reviews show no Rule 35 reports being issued by healthcare at the IRC.

22. I have been asked to provide any further comments on the documents provided to me. I have nothing further to add.

<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	Paul Benson
Signature	
Date	25/03/2022