

## **Brook House IRC Independent Monitoring Board**

**MEETING Wednesday 20<sup>th</sup> September 2017**

**Pre-board session dedicated to a) nominations for board officers 2018 b) preliminary discussion on Panorama programme. Hugh Ind, Director General of Immigration, attended this discussion for 25 minutes to talk about the detection of abusive officers and steps being taken by the HO in conjunction with G4S**

### **IMB**

Mary Molyneux(**MM**)  
Gareth Jones (**GJ**)  
Jackie Colbran (**JC**)  
Elisabeth Markwick (**EM**)  
Dick Weber (**DW**)  
Louise Gledhill (**LG**)  
Lui Hui (**LH**)  
Jane Leech (**JL**)

### **Home Office**

Paul Gasson (**PG**)  
Simon Levett (**SL**)

### **G4S**

Steve Skitt (**SS**)

**Item 1 Apologies for absence / introductions** Ben Saunders (**BS**) Joyce Turner (**JT**) Gilly Gajdatsy (**GG**) – Jane Leech (**JL**) (National Council) was welcomed to the meeting.

**JC** distributed an article regarding the Panorama investigation from “Criminal Law & Justice Weekly” for members’ information.

**Item 2 Review Statutory Visit Reports** Prior to minute taker’s arrival.

**Item 3 Review of minutes of the 16 August 2017 meeting.**

Rule 35 Reports As decided at the last meeting **JC** had taken up the two cases of concern with Alan Gibson at the July Chairs’ Forum who had passed this back to **PG** to investigate. **PG** advised that it was the Pre Departure Team who would have access to the details to be able to answer. He updated the board that following investigation the R35s should have been escalated to a higher level more promptly. He explained that the immigration team should chase a response if not received at the 48hour point (2 working days after receipt of R35) - **CLOSED**

F213 (report of injury to detainees) forms are not being completed. **ACTION SS to raise with the relevant teams.** **SS** advised that this issue has been raised with healthcare / DCMs and that in future the Oscar should raise with **SS** if Healthcare are not completing the required form – **CLOSED**

Rule 40 Paperwork – Item 7 previous minutes. It was raised and discussed whether IMB required / received all paperwork for R40 / 42. **DW** said all info is a/v in Security, where he accesses it for the AR. He prefers to use this source as numbers provided to the IMB do not correspond. It was decided to leave the current process in place for the present and monitor. **MM** raised whether UoF paperwork should be received in each case. It was agreed all U of F paperwork should be received but again it appeared this was not always the case.

**LG** – Suggested that there should be a section for U of F on the report template. It was agreed by the board therefore Lui to send out a draft.

**ACTION (LH) To send out a draft report with a box for Use of Force incidents.**

The board also discussed the possibility of sample checking UoF incidents on CCTV on their rota visits. The rota member would alert the incoming rota person of incidents which might be checked. **MM** suggested it might be the apparently more minor incidents that need reviewing. **ACTION – BOARD TO FOLLOW UP**

#### **Item 4 Monthly Reports from Home Office and G4S**

##### **SS for G4S**

**SS** discussed the recent BBC Panorama programme and advised on a number of points listed below:

1. Prior to the programme airing, pre emptive work had taken place within the centre to ensure there were no issues within Brook. Staff and detainees had been spoken to and letters distributed.
2. An investigation has been commissioned by G4S headed by Peter Small (HMP Rye Hill)
3. 10 staff were suspended with disciplinary meetings ongoing. 3 staff have been dismissed.
4. An action plan has been formulated in close conjunction with the Home Office. This was seen by the minister recently and is awaiting sign off. The plan includes short term and longer term goals.
5. Wing forums have been taking place on each wing weekly with G4S / HO present.
6. **SS / DW** (Debby Weston - HO) have been conducting walk rounds daily within the centre to receive detainees concerns and act upon them if required.

**GJ** enquired what the major concerns were. **SS** advised they appeared to be food and immigration casework, nothing out of the ordinary.

**MM** asked about the mixing of TSFNO's and immigration offenders with no criminal history. **SS** explained that due to operational capacity it was the only way Brook could operate as HO required Brook to be running at capacity the majority of the time. This results in the mix of detainees. **PG** explained the room sharing risk assessment carried out in Reception which is based on a number of factors, not only on if a detainee has a criminal history. Behaviour in custody was part of the wider picture as to where detainees were situated. **JC** had been told that Michelle Brown (G4S) had completed some work on behaviour in custody of ex-FNOs and non ex-FNOs and the breakdown of non-compliance was approximately 50 / 50.

**JL** suggested that apart from the suspended staff there could be other staff that agreed with the behaviour of suspended officers. How would G4S change this culture / ethos? **SS** advised that within the action plan there were points to address this issue. These include building more trust in the whistleblower system and also the use of bodyworn cameras by all officers that recorded continually, the info being downloaded at the end of each shift. **LH** asked how staff would be encouraged to whistle blow. **SS** advised that all staff would be receiving letters about speaking out and explaining the system is anonymous and run by a third party. **DW** asked if other stakeholders could / would use these bodyworn cameras. **SS** advised it was for each organisation to consider. The cameras have already been ordered.

**SS** also updated the board on the attempted escape of the three Albanian detainees across the kitchen roof and down into the inner perimeter area, where they were apprehended. **PG** updated that the PID system on the inner walls had activated which alerted officers to the attempt and led to a quick apprehension. This had been an improvement in Security following the previous escape. An investigation is underway as to further security measures.

## **PG for HO**

**PG** ran through the combined report. He highlighted a Rule 35 that had been delayed (received 31<sup>st</sup> Aug, response received in mid Sept) He also highlighted the number of R35s where detention had been maintained. **DW** asked who was responsible for the decision to release or maintain detention **PG** advised that it would be a senior caseworker.

**PG** explained the Pre Departure Team (Immigration) and Contract Compliance team split and that Simon Levett (**SL**) had been appointed as the HO HEO Manager for this team, date TBC. The board congratulated Simon on his appointment.

**JC** advised G4S/HO that Hugh Ind had attended the early part of the BM and talked of the action plan. She also updated the board that she had been made aware of 27 litigation cases currently surrounding the Panorama programme. **JC** asked if **PG** was aware. **PG** advised he was not aware of how many but had seen a number sent to the Brook House IRC Inbox. **PG** then explained that all litigation was dealt with by a specific team in Detention Operations. **GJ** asked if these were dealt with as complaints. **PG** explained that they were dealt generally as representations / litigation but in some cases they could be returned to G4S and they would be dealt with as complaints, dependent on the content of the letter. **JL** raised whether potential litigation cases could be noted on the monthly report. **PG** advised this would be a decision at a senior level. **ACTION JC TO RAISE AT FORUM**

**PG** discussed the new R40 / R42 DSO and the introduction of new processes / paperwork due to a number of R40 / R42 litigation cases. **JC** advised she had attended the course which was very informative and she hoped to cascade it to the rest of the board shortly. **ACTION JC**

**LG** explained that legal aid contracts are currently for renewal by August 2018, with what appears to be a tightening of standards for staff visiting immigration centres. Staff it appears will / may need to be qualified with the potential for them to be listed on the Law Society Immigration Panel.

## **Item 5 IMB Issues (Statutory Visits)**

**Mary w/c 21/08** – Asked if all courtyards were now open post-escape attempt. **SS** advised all open but not all at once as an officer needs to be present. **MM** asked whether the internet issue had been resolved. **SS** updated that the new line was in place and had resulted in an improved service. **MM** asked if there was still a shortage of mobile phones **SS** advised a large number were on delivery from China, hence the delay. **MM** commented that the centre appeared cleaner on her rota visit.

**Gilly w/c 28/08** – Articulated by **DW** in **GG** absence. It was requested whether the tannoy announcements close to the IMB office could be lowered in volume. **SS** will look into this issue. **ACTION – JC to remind SS to look into this issue.**

**Dick w/c 04/09** – **DW** raised the case of a detainee on constant observations and R40 following a UoF and whether this was acceptable procedure. **SS** explained that in certain instances if the detainee was still refractory and there was also a risk of self harm he could be on constant observation and R40. **PG** agreed that this could be the case. **JL** asked if constant observation rooms were separate. **SS** advised they were and there were 2 rooms situated in Eden wing.

**DW** made the board aware that an officer had approached him and told him she had been racially abused by a detainee. What action could an officer take? **SS** advised that if raised the detainee could be moved to Eden wing or R40 or if severe it could be reported to the police for further action as it is a criminal offence.

He also enquired how PS (Spice) usage was within the centre. **SS** advised not too bad currently but there had been spikes when it appears to enter the centre. **HC** reported 38 call outs in 13 days in the first 13 days of September.

**Louise w/c 11/09** – Highlighted that welfare appeared very busy with long queues and asked if there were enough staff. **SS** advised that staffing was adequate and that over the previous weekend welfare had appeared quiet. It was also mentioned that **Owen** had returned to welfare from sick leave. **LG** had observed an induction. The officer had asked if a detainee knew about employment possibilities, but when the detainee said he did not the **DCO** had just carried on with the questions. **SS** advised that **Debby Weston** was looking at the induction process with a view to improvements eg a move to the Visits Hall for all new arrivals each morning. **LG** had observed that the tables on certain wings were dirty - when should they be cleaned? **SS** commented that they should be cleaned after every meal and also when it is noted they are dirty.

**Item 6 Annual Report** Minister's answer had been circulated to the board and would need to be looked at the next BM. **ACTION JC**

**Item 7 Chair's Letter** - Circulated prior to the meeting

**Item 8 Complaints**

As **JC** has had no further correspondence from Heathrow regarding **D1523** complaints, this issue is now considered closed. A further complaint of his relating to his treatment by a Tascor removal crew, investigated by the PSU was circulated for the board's information.

**Item 9 Training**

Oct – Lui Hui (Legal Aid – Lawrence Lupin) **LH** suggested perhaps the board could collate some questions for the visiting representative.

Nov – Louise Gledhill (MAPPA talk)

Dec – rescheduling of Mary Molyneux's review of Monitoring Guidelines

28/10/17 10:30-16:30 – IRE workshop for IMBs at MoJ - details have been circulated individually. All welcome if space allows; members to make their own reservations.

Heathrow IRCs board members (x6) visit to Brook is scheduled for Friday 22/9 with **EM, GJ** and **JC** in attendance

**Item 10 Membership**

**DW** has contacted **Debbie Goddard** in regard to the recruitment campaign to see if there was any indication of interest. The campaign closes 1<sup>st</sup> Oct.

Board Elections – The nominations / results of the board elections were conveyed to the board by the clerk. All positions were uncontested therefore no vote was required.

Chair - Mary Molyneux (nominated by Louise seconded by Gareth)

Vice – Gareth Jones (nominated by Elisabeth seconded by Louise)

BDO – Jackie Colbran (nominated by Mary seconded by Dick)

Results to be sent to the Secretariat in due course.

#### **Item 14 Duty Availability**

18/09/17	Lui Hui	
25/9/17	Gareth Jones	
2/10/17	Jackie Colbran	
9/10/17	Elisabeth Markwick	
16/10/17	Mary Molyneux	
23/10/17	Gilly Gajdatsy	
30/10/17	Joyce Turner	
6/11/17	Louise Gledhill	
13/11/17	Dick Weber	
20/11/17	Gareth Jones	

#### **Item 15 AOB**

**Discharge waiting room** – **EM** raised whether some art work could be displayed. **SS** agreed this would be possible.

**Cultural Kitchen** – **EM** raised whether it was going to be open in the near future as has been shut for a number of weeks. **SS** confirmed it would be and a specific member of staff was to be employed to run that kitchen.

**Sundries Budget** – **JC** made members aware of a budget that existed for sundries (stationery etc) but was rarely used.

**Action Points on Minutes** – **DW** raised that perhaps there should be an actions section in the minutes. **ACTION JC FOR OCTOBER MINUTES**

**Gatwick Detainee Welfare Group relationship** – The proposed meeting had been postponed due to the Panorama programme but is to be rescheduled once things have settled.

**IMB Forum** – **LH** suggested starting a forum to raise IMB awareness. This may assist in picking up signals of the current culture within the centre. It was agreed a good idea although this would add to the number of meetings / forums that currently exist. Perhaps these could be tied in to the BM day. **ACTION – Possible start in January to be looked into LH / GJ**

**Panorama Investigation** – A further discussion took place between all members in regard to the recent BBC programme, with particular regard to actions the board might take, based on what we are aware of so far. **JC** led the discussion and the following comments/suggestions were recorded:

**JC** considered that the incidents / behaviour broadcast in the programme were almost impossible for the IMB or any other monitoring body to spot as they would not have occurred in their presence. **GG** had been present in the [ D275 ] incident until she had to withdraw from the scene due to the use of pepper spray, and the abusive comments had taken place in the stairwell out of her hearing. **JC** had then monitored from the Control Room until the spray would have dispersed sufficiently for her to go and speak to [ D275 ]

**JL** asked whether there were concerns over the “culture” within Brook House and how could this be monitored. A number of members expressed that they had not ever witnessed any malpractice / abuse / or any type of sub culture within Brook and were

therefore unsure how this could be monitored. **DW** thought it not appropriate to use the term “culture” for the limited number of individuals shown in the programme. **LG** felt the actual footage was limited and the programme appeared to be “padded out”. In her experience in the past week officers had voiced disgust and surprise at what had been shown.

**MM** wondered if either the IMB or HO might be considered too “cosy” with G4S – **JC** said she was aware of situations where the HO had been properly prepared to fine G4S when contractual failures had been identified, including ones raised by the IMB. **JC** and members discussed whether the other side of the story should be presented to Select Committee / Minister etc. It was agreed that currently it would be unwise and that business would carry on as normal.

**MM** explained that she had broken down all the allegations / incidents from the BBC transcript and all reports / evidence held by the IMB would be kept in the IMB office in case it was required in the future.

Regarding possible actions at this time, it was suggested that moving forward;

- Use of Force CCTV coverage to be sample monitored by members. When an incident occurs this should be highlighted to the next board member who will review the CCTV.
- More attention to officers’ comments when working in the wing offices.
- To suggest that the Security Meeting might re-introduce the review of filmed footage of UoF incidents as it was in previous meetings

**ACTION – JC to discuss whether this is viable with Michelle Brown / Steve Skitt**

- Michelle Smith (HO) Invite Michelle to discuss with the board how the IMB can monitor HO actions/inactions/impact of some policies as it is not the remit of boards to monitor HO in a general way.

**ACTION – JC to contact Michelle to discuss.**

- Email access for detainees to the IMB was discussed and how this could be facilitated and set up. Using a Hotmail account was discussed.
- The possibility of an IMB ‘forum’ above.
- Whether the board can have some reporting on potential litigation cases – as possible indicators of problem areas – above.

### **CHAIR’S LETTER September 2017**

Dear Board Members

What a lot has happened since I last did a Chair’s letter. Inevitably, the IMB has been caught up in the run-up to and fall-out from the Panorama broadcast and it’s allegations. It has been a horrible period for everyone connected to Brook House. There are so many questions that need an answer. My heartfelt thanks to the board for the way we worked as a team to pull together a preliminary response and prepare a somewhat more detailed one to keep for if it is needed; and for the work done by the rota members to monitor the reactions in the Centre and satisfy ourselves that all was being done to keep the Centre secure and steady for the detainees. The planned pre-board session was to have been Mary leading us on a discussion on the IMB Guidelines – how useful they are, whether we are applying them, etc. However, in view of recent events the board officers have decided the time should be used for us to look at the issues raised by the Panorama programme. To some extent this overlaps with the Guidelines and the effectiveness of our monitoring. Gilly and Joyce have sent their apologies. However, we are pleased to

welcome Jane Leech, our NC rep, joining us at her suggestion to assist our brainstorm.

Three investigations are underway. There is a Home Office team looking at the near escape of the three Albanians which occurred in Mary's rota week, as well as a G4S team currently using Ben's office and a Home Office team which has been using the Boardroom, both of which are investigating the Panorama allegations. Alan Gibson (HO) and Jerry Petherick (G4S) have been much in evidence and the Director General of Immigration will be in Brook House on Wednesday. Because of this, the boardroom is not available for our meeting and Loraine has booked us the HO meeting room. Apologies from Joyce and Gilly already received and Jane Leech is joining us, at her suggestion, to join our brainstorm.

### **Gatwick Detainees Welfare Group**

I think I shared with you all an approach from James Wilson to get together for a discussion on our different roles and how we might cooperate. We were thinking of it taking place at their offices in Horley so we could all get a feel of their operation. James was very positive about the idea. I suggested to him we put it on hold for the immediate time while the Panorama issues are worked through, which he understood. Those of you who took up Mary/Elisabeth's suggestion to watch the HO Select Committee will have seen James giving evidence. The visit is something we can pick up again when we think it appropriate.

### **IMB Annual Report 2016**

I have circulated the Minister's answers to our recommendations. On the face of it not much has been accepted but in my experience the attrition eventually and quietly produces the results for which we have hoped.

### **Visits**

The Heathrow IRCs (Harmondsworth and Colnbrook) visit is due to take place this Friday 22/ 9 with Elisabeth, Gareth and me as escorts. I had feared it might have to be cancelled, but checked today and both Steve Skitt and Debbie Weston are happy for it to proceed as planned by Gareth. Steve would be willing to speak a few words of welcome if Gareth can find a slot in the schedule convenient to him.

### **Recruitment**

Dick to update us on the latest.

### **IRE Workshop**

This is due on 13 October at the MoJ. Has everyone interested in attending booked?

### **Les Miserables at HMP High Down**

As agreed this has been booked for Friday 20 October and Roy has paid up front for the tickets, though they have not yet been sent out. At some stage he would like to be reimbursed to the tune of £55 per ticket. Either cash or bank transfer. We can work out precise and important details like where we eat afterwards nearer the time.

### **IMB Board Officers for 2018**

In their role as IMB clerk, Simon and Heena will be following through on the next and final stage of the election process by taking completed nominations. We might need

to spend a few minutes just finalising this among ourselves at the start of the meeting. Then providing there is only one candidate for each role the clerk will announce the result and the Secretariat will be informed of the team of officers elected to lead the board forward in 2018.

### **Triennial Reviews**

Thanks to everyone for cooperating with this process. Lui and Elisabeth are the last two and the whole team will be done and dusted by the end of Wednesday, with recommendations to re-appoint on their way to the Secretariat and thence to the Minister.

Looking forward to seeing you all.

Jackie