

## BROOK HOUSE INQUIRY

---

### FIRST WITNESS STATEMENT OF DAME ANNE ELIZABETH OWERS, DBE

---

I provide this statement in response to a request by the Chair of the Brook House Inquiry under rule 9 of the Inquiry Rules 2006 dated 21<sup>st</sup> June 2021.

I, Anne Owers, of DPA, will say as follows:

#### **Introduction**

1. In November 2017 I was appointed the National Chair of the Independent Monitoring Boards ("IMBs"). This is a public appointment, initially on a two day a week basis (more recently extended to three days a week). Prior to this appointment I was Chair of the Independent Police Complaints Commission (from 2012 to 2017) and Her Majesty's Chief Inspector of Prisons (from 2001 to 2010). I chaired a review of prisons in Northern Ireland in 2010 to 2011. Between 1992 and 2001 I was the director of JUSTICE, a human rights and law reform organisation.
2. As explained in more detail below, since late 2018 the National Chair and Management Board of the IMBs have been responsible for setting strategies and procedures for the work of the 127 individual IMBs, working with unpaid regional representatives, including one for immigration removal centres. The national structure does not have a statutory basis, but is set out in a Protocol with the Ministry of Justice, the sponsor department. Each individual board is a statutory body with statutory duties and powers and all members are individual public appointees.
3. As the National Chair, I am not directly involved in the work of the Brook House IMB, but am very conversant with its role and the major issues arising from its work subsequent to the broadcast of the *Panorama* programme in September 2017.

Witness Name: Anne Owers  
Statement No. 1  
Exhibits: AO/1 to AO/15

4. As I was appointed after the 1 April – 31 August 2017 period with which the Inquiry is directly concerned (which I understand the Inquiry describes as “the relevant period”), I have no direct knowledge of the work of the Brook House IMB between those dates. However, in preparing this statement I have reviewed and considered a substantial amount of documentation from the Brook House IMB, and consulted its current Chair and members who were present at the time. I have also re-watched the *Panorama* programme, and the shocking and inexcusable mistreatment of detained individuals that it revealed. I have also refamiliarised myself with the Lampard Review report.

### **The Independent Monitoring Boards**

#### **Independent Monitoring Boards**

5. IMBs for immigration removal centres were established under the Immigration and Asylum Act 1999 and their duties are defined in the Detention Centre Rules 2001. The legislation refers to ‘Visiting Committees’, though in 2003 the name was changed to Independent Monitoring Boards. In summary:
- a. Members are appointed by the Secretary of State.
  - b. They have free access to speak privately to all detained individuals and see all documents (except for healthcare records, staff personnel records and certain classified information) held in the detention centre.
  - c. They must satisfy themselves as to the state of the detention centre premises, the administration of the detention centre and the treatment of the detained persons.
  - d. They must report to the Secretary of State annually, and immediately if they find abuse.
  - e. They should, within 24 hours, visit detained individuals who are removed from association, subject to temporary confinement or special control or restraint.
  - f. They must hear complaints or requests from detained persons.

6. IMBs in the immigration detention estate ("IDE") also have a Memorandum of Understanding with Home Office immigration Enforcement, signed by me and the Director General of Immigration Enforcement within the Home Office. I exhibit to this statement a copy of that Memorandum of Understanding as **AO/1**. The most recent version was signed in June 2020. This agreement "sets out the roles and shared responsibilities of both the Independent Monitoring Boards and Home Office (Immigration Enforcement). It "respects the independence and autonomy of both organisations whilst allowing both parties to function as effectively as possible". The previous Memorandum of Understanding, in operation in 2017, was attached to Detention Services Order 04/2014 [VER000029].
7. IMBs are also members of the UK's National Preventive Mechanism under the United Nations' Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("OPCAT").
8. Boards do not have a regulatory role: they can alert managers to problems and can offer advice and recommendations to the Centre, the Home Office or the Minister. However, they are not responsible for the running of the Centre or the oversight of contractual responsibilities (which is the role of the Home Office contract monitor on-site); they can only alert those who are responsible, and the Minister and department, to any concerns.
9. Each individual Board member is an unpaid public appointee, and each Board is a separate statutory entity with statutory duties. Each Board elects a Chair and Vice Chair, who are approved by the Secretary of State. The Home Office provides each Board with a part-time clerk, as well as an office and IT facilities in the establishment. Boards are supported centrally by a small paid Secretariat, who are Ministry of Justice civil servants (see paragraph 30 below).
10. Boards meet collectively, usually every month and at least eight times a year. Those meetings are minuted. The Director of the IRC (or their representative), the Home Office Manager, and in some cases other managers, attend part of the meeting to exchange information and hear any concerns Board members may have. I am aware that before those meetings the Brook House IMB often organised training and development sessions, including from external organisations. During 2016, this included presentations from the Gatwick

Detainee Welfare Group and RAPt (later the Forward Trust) which provided substance abuse services, as well as sessions on health and safety, mental health and deaths in custody. Sessions in 2017 included presentations from the Samaritans and a legal aid solicitor, and presentations about adults at risk and the new IMB monitoring guidelines and national monitoring framework.

11. Board members are required to visit the IRC “frequently” and at least once a week (rule 63(1) of the Detention Centre Rules 2001). These are known as ‘rota visits’. Members make reports (called “rota reports”) outlining where they have been and what they have found at each visit. These reports will form the basis for discussions at Board meetings and will also be used when preparing the Board’s annual report. Rota reports are also submitted to the Centre management and the Home Office contract manager. Boards also receive ‘applications’ (requests and complaints) from detained individuals. These might be written or made more informally by approaching a member during the course of their visit. As per the Memorandum of Understanding (paragraphs 27-31 ‘Special notifications’), Boards must be informed of certain events or actions either ‘without delay’ (for example, in the case of use of force under Rule 41, removal from association or temporary confinement (Rules 40 and 42), or a serious incident), or within certain timescales.

#### National governance

12. Prior to 2018, and therefore during the relevant period, the governance structure for both prison and IDE IMBs comprised a President and a National Council, composed of elected ‘area representatives’, of whom one was elected by IMBs in the IDE. Broadly speaking, the National Council had an advisory role, combining support for individual boards with guidance and advice to boards more generally. During the relevant period there was an Acting President, who was also the chair of an IMB, after the former President stood down in anticipation of the forthcoming changes. I was appointed National Chair in November 2017, with the task of determining and setting up a new structure; this was agreed and implemented over the following year.



13. In October 2018, following a process of open application and interview, a Management Board was set up, consisting of experienced IMB members and two independent external appointees. All are unpaid. Their role and the governance structure are set out in the Protocol with the Ministry of Justice. The Protocol, which was formally signed in July 2019 (a copy of which I exhibit as **AO/2**), provides (amongst other things):
- a. The National Chair is responsible for leading the work of the IMBs, and ensuring that there are systems, policies and guidance to assist IMBs and their members to perform their statutory responsibilities effectively and independently. The National Chair is the principal national media spokesperson and national liaison with Ministers, the Department, Parliament, HMPPS and partner organisations. The National Chair chairs the Management Board and task manages the Head of Secretariat. (paragraph 9.4).
  - b. The IMB Management Board is responsible for developing and agreeing national strategies and policies, and the processes and systems that underpin the work of IMBs. IMB Management Board members are predominantly drawn from the IMB membership, with some external appointees. (paragraph 9.6).
  - c. Regional representatives provide advice and support to Chairs and IMBs within their region (or in the case of the IDE, the immigration estate) to help them fulfil their statutory responsibilities. (paragraph 9.9).
14. However, the Protocol “does not confer any legal powers or responsibilities” (paragraph 1.6) and makes clear that “neither the National Chair nor the Management Board are statutory entities” (paragraph 2.1). By contrast, each individual IMB and its Chair and Vice Chair are creatures of statute, with their own statutory role and responsibilities, and all members are individually appointed public appointees.
15. The National Chair and Management Board have a more formal role than their predecessors, to provide leadership for IMBs, setting strategy and producing policies and guidance in the context of IMBs’ independence and statutory obligations. In addition, since November 2018 a number of regional representatives, including two for the IDE, provide more direct support for

boards in the regions (or the IDE) in implementing those strategies and policies and link directly to the National Chair. This governance structure provides IMBs with a greater degree of functional independence from government departments.

16. The Management Board has developed and reviewed policies, including the information and training provided to Board members, and overseen their implementation. It produces and oversees the delivery of an annual business plan, setting out priorities. These have included:
  - a. Further work on streamlining and supporting recruitment processes.
  - b. Developing and providing training on a new National Monitoring Framework and a new annual report template and guidance. I exhibit to this statement the 2021 National Monitoring Framework as **AO/3**. I exhibit the 2016 National Monitoring Framework (i.e. the Framework which was in effect during the relevant period) as **AO/4**.
  - c. Reviewing and revising conduct and performance documents and processes, including the induction of new members.
  - d. Developing and overseeing the implementation of a training and development strategy that builds on existing work.
  - e. Developing a knowledge and information base that brings together and makes accessible current sources of information for members.
  - f. Developing and issuing monitoring toolkits for specific areas of work
  - g. Developing processes and systems so that the findings of IMBs can have maximum impact on policy and procedures.
17. Since 2017 considerable work has been undertaken to provide increased guidance and support for individual Boards and their members (see paragraph 62 below). However, there is still no statutory basis for the national governance structure and all IMBs remain separate statutory bodies. The need for statutory underpinning has been raised with Ministers on many occasions. I understand that it is now their intention to legislate for this when parliamentary time is available. In addition, since 2018, the Home Office has declared its intention to amend the Detention Centre Rules, which are out of date and do not properly

reflect current best practice. The IMBs made representations on reform of the rules in March and July 2018, but new Rules have not yet been laid.

#### The recruitment and appointment of members, chairs and vice chairs of IMBs

18. Members are recruited through the public appointments procedure, as agreed with the Public Appointments Commissioner. This is through open competition and an interview process, chaired by trained independent interviewers from among IMB members, and in a format agreed by the Management Board which identifies key qualities. The interview panel then makes a recommendation to the relevant Minister or his / her delegate. Members are appointed for an initial three-year period, renewable up to five times. During an induction period, members must complete national mandatory training as well as on-site training and mentoring.
19. Members are bound by the public appointments code and also a code of conduct specific to IMBs agreed with ministers. Since 2019, there has been a requirement for new members to sign a compact, setting out their responsibilities and commitment of time. Breaches of the code or compact can be grounds for recommending termination of appointment to the minister, or lesser sanctions, following agreed procedures. I exhibit copies of the current code of conduct and compact as **AO/5** and **AO/6** respectively.
20. Chairs and Vice Chairs are appointed or re-appointed each year by the relevant minister, on a recommendation from the Board. They are subject to the same processes for termination as other members.
21. Boards also usually appoint a Board Development Officer. This is a non-statutory role, responsible for ensuring that IMB members complete all mandatory training and facilitate access to additional training.

#### Reports to the Secretary of State

22. The statutory responsibility for producing annual reports lies with each individual Board, and these reports are direct from the Board to the Minister. Prior to 2018, each Board's report was simply submitted via the Secretariat to the Home Office.

Witness Name: Anne Owers  
Statement No. 1  
Exhibits: AO/1 to AO/15

/

23. Since 2018, new processes have been put in place for drafting and reviewing annual reports. There is a new template and guidance, to provide consistency of approach and assist in making evidence-based judgements across four key areas: safety, fair and humane treatment, health and wellbeing, and preparation for release or removal. Following local factual accuracy checks, reports go through an editing process in the Secretariat, and are reviewed by the IDE lead on the Management Board, before going to the Home Office for any further factual accuracy queries. This provides an opportunity to raise any queries and to check for consistency. However, until there is statutory underpinning for the national governance structure, this can be only advice: in statute, the report is that of the individual Board and the content is therefore a matter for them. Every year, national annual reports are published, one for prisons and one for the IDE, which bring together the main themes and findings of the relevant Boards.
24. Boards have the right – and in some cases a duty – to go directly to the Secretary of State with any concerns. The IDE Board chairs also have a quarterly forum meeting where they can raise concerns directly with Home Office officials.
25. Since the establishment of the new governance structure, concerns also come through to the regional representatives and / or the IDE Management Board lead and, where sufficiently serious, to myself and the Head of Secretariat. I have quarterly meetings with the Deputy Directors of HOIE and of Border Force, as well as meetings with the Immigration Minister, where I can raise these issues directly. As an example, Boards' serious concerns about the treatment of those detained following small boat Channel crossings, and the resultant self-harm, were escalated through the national organisation to the Immigration Minister and the parliamentary Home Affairs Select Committee, which took written and oral evidence. Other concerns raised include the use of force during removals, the availability of prescription medication in short-term holding facilities, the length and timing of escorts, the operation of the adults at risk policy, and the impact on detained individuals of the indefinite nature of detention.
26. The Minister has the statutory power to require an IMB to inquire into any particular matter as set out in the Detention Centre Rules at Rule 62(2). To the best of my knowledge, this power has never been exercised.

o

Witness Name: Anne Owers  
Statement No. 1  
Exhibits: AO/1 to AO/15

27. At national level, individual IMBs can also be asked to focus on specific issues of concern in one-off reports, such as the Channel crossings report, referred to above and a study in 2016 that exposed over-long escort journey times, including late at night, particularly from one immigration removal centre, now closed. Boards can also be directed towards particularly important areas of monitoring through focused training or events / forums.

Management Board involvement in the day-to-day work of individual IMBs

28. I have been asked to comment on the national IMB's involvement, if any, in the day-to-day work of individual IMBs: for example, reviewing meeting minutes, checking visit reports, ensuring complaints and requests are adequately investigated and responded to, etc. I have also been asked how the national IMB ensures that individual IMBs are fulfilling their statutory duty and providing an adequate and consistent level of monitoring.
29. These questions need to be understood in the light of an organisation of volunteers, each separately publicly appointed, and each operating within a separate statutory entity, i.e. the local Board. The statutory duty therefore currently sits within each separate Board, which is also in statute responsible for its own operations. The national structure does not audit individual boards' operations in the sense referred to in the question. However, in practice Boards recognise and benefit from an increased amount of centrally provided training, information and guidance, agreed by the Management Board.
30. The work of IMBs across prisons and immigration detention is also supported by a small secretariat of Ministry of Justice civil servants, which also supports the work of the Lay Observers (who monitor those detained in courts and on escorts). It is estimated that approximately 90% of the work of the Secretariat supports the work of the IMBs. During the relevant period, there were 15 secretariat staff, consisting of a head of secretariat, two deputies, and staff providing administrative support for training, finance, recruitment and appointments and communications. Following the new governance structure and the recommendations of the Shaw report (see below), there are now 25 staff, with four senior managers reporting to the Head of Secretariat, heading up teams responsible for: member engagement and national training; policy and

internal and external communications; governance, assurance and immigration detention; member recruitment, appointments and systems transformation (including IT).

31. As the Shaw Report on the treatment of vulnerable persons in detention<sup>1</sup> noted (recommendation 39), the IMBs in the IDE were under-resourced during the relevant period. Since then, funding for the whole of the IDE, including the expanded role of monitoring short-term holding facilities, has been increased. This allows, among other things, for more central support.
32. The volunteer basis has many strengths, in that it brings in a variety of expertise and experience, providing valuable external insights. However, there are limitations, both in practice and principle, on the extent to which the national organisation can or should control the day to day operations of individual boards. As stated above, there is no statutory national body. In addition, insofar as this would rely on the paid secretariat, who are MOJ employees, this would compromise the necessary independence and perceived independence of members, as required under OPCAT. This necessarily limits the role of the secretariat and is one of the reasons for seeking statutory underpinning, so that a properly constituted national organisation can appoint its own staff.
33. However, in spite of its limitations, and with the support of the individual Boards and chairs, a great deal of national training and support has been provided under the new governance structure. As well as the training referred to below, the two IDE regional representatives now chair the quarterly Forum meetings, in which IDE IMB chairs share experiences and concerns and, in a separate session, question Home Office representatives. During the pandemic, there have been weekly Friday Zoom calls between IRC chairs and their regional representative to provide current updates and support. The two regional representatives are also able to provide ad hoc support and information.
34. In addition, under the new governance procedures there is now a robust procedure for dealing with and investigating complaints about members' conduct, and the revised procedures for reviewing annual reports mean that

---

<sup>1</sup> <https://www.gov.uk/government/publications/welfare-in-detention-of-vulnerable-persons-review-progress-report>

any gaps or shortcomings in monitoring, which are evident in the report, can be picked up or be prompts for additional training and guidance.

### Training

35. During the relevant period, the training and monitoring guidance available to members at Brook House was as follows:

- a. Each new member within the first year of appointment had to complete a formal mandatory training course as part of an induction programme. During 2016 this training was radically revised and consisted of initial e-learning (in order to impart the necessary information) and a two-day residential course, using scenarios to stimulate discussion and learning, first held in January 2017. This was a successor to the previous foundation course. Brook House members would have participated in one of those courses, depending on the year of their appointment. I exhibit to this statement as **AO/14** and **AO/15** respectively, the IMB Foundation Course Trainer Programme overview document from July 2015 and the Foundation Course Handbook from April 2015. Training was delivered by members of the IMB national training team, consisting of members with training and IMB experience. In addition, new members had to complete a period of induction, organised locally, to familiarise themselves with IMB procedures and the establishment. I exhibit to this statement as **AO/7** a copy of the delegates' workbook from the new members' course as at January 2017 and as **AO/8** the national induction programme for new IMB members.
- b. I am asked to provide further information about the experience or qualifications of the IMB national training team. All members of the IMB national training team are themselves experienced members of IMBs in prisons or the immigration detention estate. Like most IMB volunteers, the trainers had and/or continue to have experience of working in other sectors. In 2016 the IMB Training and Development Lead, who was an IMB member and later a member of the national Management Board, radically re-designed the training. He had previously been a senior civil servant in the DHSS responsible for training policy areas; Director of

Human Resources, Training and Development in a large special health authority; and the HR and Training Advisor to the NHS Improvement Foundation. Courses are delivered by the IMB National Training Team. During the relevant period this team included: a member with commercial training experience, now an assessor for the Metropolitan Police and a training and development supervisor for the CAB; a solicitor responsible for training in his firm; a previous HMI at Ofsted with training responsibilities; a former head teacher with experience of training staff and managers; and a former manager of an industry training centre.

- c. The current training lead on the management board, who was also a trainer during the relevant period, is a member of an IDE Board and since 2015 has been a full-time freelance trainer and consultant. This involves designing and delivering training for clients in public, corporate and not-for-profit sectors, including the Financial Services Compensation Scheme, the National Council of Voluntary Organisations, the Nursing and Midwifery Council, the Housing Ombudsman, local councils, Greenpeace, Cancer Research UK and the Terrence Higgins Trust, as well as some basic human rights training for police cadets and prisoners in Jamaica.
- d. Since January 2017, Chairs and Vice-Chairs have had to complete mandatory national training on first appointment. Like the new members' course, it consists of e-learning and a two-day residential scenario-based component. Prior to this, there was training for newly appointed chairs, though this was not mandatory. I exhibit to this statement as **AO/9** an outline of the 2017 course.
- e. Board Development Officers completed a training course developed in 2015.
- f. Board members would also have received local training on the content of the National Monitoring Framework and had available to them a handbook and toolkit. I exhibit to this statement a copy of the handbook (as **AO/10**) and toolkit (as **AO/11**).
- g. There were training sessions on the then annual report template.



- h. In addition to the formal training courses, there were nationally organised study days for the IDE and national conferences for all IMBs. I exhibit to this statement as **AO/12** a document showing the content of study days and national conferences in 2016/17 (the document also lists training up to 2021).
  - i. As summarised above, the Brook House Board itself organised learning and development sessions before many of its Board meetings, some with external contributors, some with input from Home Office or Centre managers, some delivered by IMB members.
36. At paragraph 63 below, I set out the training and development initiatives since 2017.
37. In addition to training, each Board carries out an annual team performance review (ATPR), which considers its monitoring during the past year and sets out monitoring priorities for the following year. Examples of ATPRs have been supplied to the inquiry as **IMB000066**.

### **The Brook House IMB**

38. I have previously caused to be supplied to the Inquiry a list of members of the Brook House IMB during the relevant period (i.e. April – August 2017) and as at April 2020 [**IMB000004\_0001**]. Included within that list are the dates when the member was appointed and, where applicable, the dates when they ceased to be a member. During the relevant period there were nine members, including Jacqueline Colbran, who was the Chair, Dick Weber, who was the Vice Chair, and Gareth Jones, who was the Board Development Officer. Other than the Chair, Vice Chair and Board Development Officer, there are no grades or specific roles.
39. All members of the Brook House IMB were required as part of their duties to visit the areas of the Centre in which individuals were accommodated or were present. Rule 63(1) of the Detention Centre Rules 2001 provides that members of the visiting committee shall (subject to rule 63(4)) visit the Centre “frequently, and the committee shall arrange a rota whereby at least one of its members visits the detention centre each week”.

40. Members completed a rota report every week, which detailed their findings while in the Centre, as well as any information provided to them during the week, for example about uses of force or removal from association. The Inquiry has been provided with the rota reports for the relevant period. They show that members were present in the Centre each week during the relevant period.
41. During their weekly visits, members would have met with Centre staff and detained individuals face-to-face. These meetings are reflected in the rota reports. Members will also have dealt with written and oral complaints and requests ('applications') made by detained individuals. The Inquiry has been provided with a list of all written applications, requests and complaints by detained individuals to the IMB in 2017 which relate or could potentially relate to mistreatment [IMB000001]. The Inquiry has also been provided with the relevant written applications and the IMB's applications logbook in which a summary of the application and the response provided is recorded [IMB000150]. A blank request to see IMB form can be seen at IMB000081.
42. I understand that the IMB was notified of uses of force, as per the Memorandum of Understanding. It is evident from Board meeting minutes that the IMB was not always proactively provided with use of force paperwork, as had been agreed, and this was something repeatedly raised with managers, both before and after the Panorama programme. However, Board members were able to, and did, access this paperwork and the relevant CCTV. They were also able to look at the daybook that the detainee custody managers kept on the units, although it should be noted that in the relevant period it is clear from the *Panorama* programme that not all uses of force were recorded or notified to management and therefore not available to be monitored.
43. If in the Centre, members were able to attend and witness planned uses of force, and, if they were aware of them, unplanned uses. Members should also have been immediately informed about serious incidents, of which there were three during the relevant period (by 'serious incident' I mean the events referred to in paragraph 24(f) of DSO 04/2014 [VER000029\_0015-0016] (see also paragraph 28 of AO/1)). On one occasion, they were not informed in time, on another the incident had in fact ended before the member could get to the Centre, and the third was the incident on the netting covered in the *Panorama* programme. Members were present throughout that incident, both on the wing

and in the command suite. Following this incident a Board member interviewed the detained individual who was on the netting (see paragraph 54 below).

44. It should be noted that, though the Detention Centre Rules provide for those subject to Rule 40 (removal from association) and Rule 42 (temporary confinement) to be visited within 24 hours, it is accepted that this is not in practice possible for volunteers, and this is not replicated either in the Prison Rules for prison IMBs or in the more recent Rules setting out the responsibilities of IMBs monitoring immigration short-term holding facilities. Since 2018, the Home Office has been planning to amend the Rules for IRC IMBs accordingly (see paragraph 17 above). In the interim IMB members routinely visit care and separation units and other locations holding those under Rules 40 and 42 when they are in the Centre. (Rule 43 (special control and restraint) has never, to the IMB's knowledge, been used). Members also routinely attend reviews of those held under those Rules when they are in the Centre.
45. A list has been provided to the Inquiry of visits to Brook House IRC by members of the Brook House IMB during the relevant period [IMB000029\_0001 to 0003]. This list was compiled from the members' rota reports and data supplied by the IRC which tracks when members take and return their keys. I have not checked individually with each member that they did in fact attend on the dates listed, but given the nature of the data I have a high level of confidence that the information set out within the list is accurate. As stated above, it shows that Board members were in the Centre every week during the relevant period and dealt with applications from detained individuals.
46. In addition to rota visits to the Centre, IMB Board meetings are held every month. Members are expected to attend, and must attend at least nine meetings a year. From the minutes I have reviewed and which have been provided to the Inquiry, members generally did so. During the relevant period monthly meetings appear to have taken place on 19<sup>th</sup> April [IMB000005], 17<sup>th</sup> May [IMB000030], 21<sup>st</sup> June [IMB000043], 19<sup>th</sup> July [IMB000014] and 16<sup>th</sup> August [IMB000003].
47. Members attend a variety of other meetings. During the relevant period, rota reports show that Brook House members attended meetings of healthcare, security, the 'detainee consultative committee', diversity and safer community, religious affairs and so-called 'detainees of interest', as well as attending a

serious incident, a nurse induction session and a workshop on heroin addiction. Before the *Panorama* programme there were no separate use of force meetings, though this was sometimes covered in security meetings.

48. All members would contribute to the production of the annual report submitted to the Secretary of State, with the final edit being for the Chair. Each member would have a 'special interest', i.e. an aspect of detention that they would particularly focus on and write up for the annual report. For example, I note that at the October 2017 Board meeting the members confirmed their areas of contribution [IMB000031\_0003]. The Brook House IMB's Annual Report for 2017 was published in May 2018 [IMB000135].
49. I am asked how many times each of the members visited the Centre prior to the relevant period. It is not possible to disaggregate the visits that specific individuals would have carried out during the whole period of their appointment, which in some cases could stretch back over 10 years. As explained above, each week, one member would be on rota duty and would attend the centre once or twice during that week. In addition, members would attend the monthly Board meeting, and other meetings as above. The total number of visits carried out by Board members (including for meetings) in 2016 and 2017 was 401.

#### **The *Panorama* programme and post-*Panorama* appraisal**

50. I am asked what, in my view, were the cause or causes of the behaviour of the staff shown on *Panorama*. As I explained above, I did not have any direct involvement at the time, but in the time since the *Panorama* programme was broadcast and the subsequent reviews and proceedings, I have discussed the abuses at Brook House with local Board members as well as with the IDE representative and other members of the Management Board and training team. As the 2017 Annual Report records, the Board was determined to examine why and how it had not identified this serious abuse and therefore examined its own practices and procedures.
51. In my opinion, and drawing on the observations and reflections of the Brook House IMB, there were two fundamental causes: low staffing numbers, with a high number of inexperienced staff, and a failure of visible management, to instil and oversee an appropriate detention environment culture. These issues were

particularly important, given the changing and more challenging nature of the population. It is evident that, as a result, there was inexcusable and oppressive behaviour by some staff, not only in incidents of direct physical abuse but also in the contemptuous and derogatory way in which detained individuals were spoken to and about, and that this influenced other staff, at least to the extent of collusion or silence. It is accepted that the Board's 2016 annual report provided in general a positive picture of the running of the Centre and the treatment of those detained. It did, however, as the Lampard Review notes (paragraphs 14.3 to 14.6) refer to a number of underlying issues raised in the *Panorama* programme the following year: the increased proportion of ex-prisoners (time-served foreign nationals), which it associated with an increase in violence and drugs, mental health and healthcare concerns, the impact of lengthy detention on mental health, and some emerging problems of staffing. Indeed, staffing issues (numbers, retention, inexperience and management support) were regularly raised with Centre managers in Board meetings in 2016.

52. These were also issues that featured strongly in the Board's 2017 annual report. Staffing levels, recruitment and retention were among the main 'areas for improvement' identified in the report, because of the impact this had on outcomes for detained individuals. There were also particular issues around the impact of 'short notice charters' which did not give detained individuals time to prepare for removal and could therefore create understandable frustration and resistance. The Board considered that some staff had become disaffected, and it is now evident that there were also deeper cultural issues, so that staff who were unhappy with the actions of others did not report it. The Board notes that the current contract with Serco requires significantly higher staffing levels. There is also now a larger on-site Home Office presence to monitor contract compliance.
53. I am asked why in my view, the behaviour shown on *Panorama* was not identified by the IMB or Brook House IMB prior to the broadcast. It is entirely fair and understandable to question how the abuses uncovered during the *Panorama* programme were not identified by the local Board members themselves.
54. I think it important to note that the abuses shown on *Panorama* were not identified either internally, by managers, the chaplaincy team or the Home

Office contract compliance team, or by external organisations, including those based in the centre, such as healthcare professionals, or the Forward Trust, as well as by oversight bodies such as the IMB and Inspectorate. This indicates the difficulty and associated risks of identifying behaviour which is unlikely to be exhibited in front of external observers and where detained individuals themselves may lack the confidence or be afraid to report it. For example, I can see that on 17<sup>th</sup> May 2017 a Board member interviewed D275, who appeared in the *Panorama* programme, after force was used. The notes are at **IMB000111\_0016 to 0017**. According to those notes D275 did not raise any specific concerns (in his case, his frustration was the length of his detention and deferral of his planned removal). During the incidents themselves, it may be difficult or impossible for observers to get close enough to see exactly what is happening, for example, when pepper spray is being deployed. For example, I can see that during the events of 17<sup>th</sup> May 2017 one of the IMB members was asked to leave the wing because of the danger from PAVA spray (see **IMB000111\_0016**).

55. I have not seen anything within the material I have reviewed which suggests that a Board member witnessed abuse of the kind shown on *Panorama*. I understand that the Board members carried out a review prior to the *Panorama* programme being broadcast (I understand a list of allegations was provided by the BBC, inviting comment from the Board). The Board members reviewed each of the allegations and checked not only their rota reports but also their working notebooks (copies of which have been provided to the Inquiry). This analysis confirmed that there was nothing seen by the members that was not reported.
56. As stated above, in my view, it is unlikely that incidents of abuse would take place in the presence of IMB members. However, the Board did regularly discuss with management other issues which featured in the *Panorama* programme: the use and impact of psychoactive substances, the rise in assaults and violence, detained individuals' frustrations with the immigration process, and the length of time spent in detention.
57. At its Board meeting on 20<sup>th</sup> September 2017, the Brook House IMB was joined by the then IMB National Council IDE member to discuss the programme and to consider what changes it might make to its monitoring in light of *Panorama*. The Board was very aware that there were things it had not identified, and of

the need to adapt its monitoring and be more aware of cultural issues. Among the priorities identified at the subsequent annual team performance review (ATPR) were to attend use of force scrutiny meetings, review use of force paperwork and speak to detained individuals who had been subject to use of force. It is clear from the records that members continued to press for use of force paperwork, followed up the absence of scrutiny meetings in early 2018 and attended those meetings in October and December 2017 and in July, August and October 2018. At these, footage of use of force incidents was examined, where they were captured on CCTV. The records show that there was also further questioning about staffing issues, particularly the poor retention levels and the lack of management oversight.

58. The issue is therefore why in 2016-17 the Board was not more alert to the fact that matters that it had raised could be risk factors that could indicate the possibility of abuse. Neither the staff, when use of force incidents were discussed with them, nor the detained individuals who might have been interviewed immediately afterwards or on other occasions, gave any indication of the abuse that was happening. The reasons for this are complex, but it is understood that those who are in immigration detention, most of whom spent very short periods in the Centre, may be more reluctant than prisoners to complain or raise concerns, partly because they lack trust in any authoritative figure and partly because they may feel wrongly that this compromises their immigration case.
59. However, this means that oversight bodies need to adapt their practice to be aware of the possibility of unseen or hidden abuse. Subsequent to the programme, therefore, both at national and local level, there has been a greater focus within monitoring priorities, supported by training, focusing on outcomes for detained individuals, and how to monitor and identify the underlying cultures that may lead to abuse or lack of care, and the protection of those who are particularly vulnerable.
60. In 2018 the Brook House Board further reviewed its monitoring practices, in the light of the *Panorama* programme and the Lampard Review. Among the issues raised were the need for persistence in carrying on raising the same concerns, even if these were the result of longstanding, contractual or operational issues; a greater focus on use of force, including attending meetings, reviewing

paperwork and speaking to detained individuals afterwards; speaking to a range of detained individuals, including long-serving men; and paying more attention to officers' comments in the offices. This was reflected in the Board's monitoring priorities going forward.

61. I am asked about the extent to which the local Board was supported and 'supervised' by the national IMB. As explained above, each IMB is a separate statutory body. During the relevant period there was a very loose national structure, with a National Council (see above). That is why a new governance structure was established.
62. As stated above, the structure did not and does not allow for 'supervision' at a national level. However, advice, guidance and training were and are provided, and this has been further developed and strengthened under the new structure. Both the Brook House Board and the national organisation recognised that there were lessons to be learnt, following the *Panorama* programme. There has therefore been a robust review of the approach and practice of monitoring, both at local and national level. This has been a feature of guidance and presentations in training and at national conferences and IDE study days.
63. Since 2018 training and guidance has included:
  - a. The National Monitoring Framework has been revised and reissued (see exhibit **AO/3**), together with an online training session. It stresses that the focus and purpose of monitoring is the outcome for prisoners and detained individuals. It includes specific reference to the need for perceived independence, critical distance and careful observation, and to be aware that those in immigration detention in particular may not feel confident enough to raise serious concerns directly (see sections 3 and 5). In addition, a toolkit on monitoring the safety of establishments has been produced specifically for the IDE, as well as toolkits for equality and diversity and monitoring segregation, for all IMB members.



- b. The national new members and board leaders courses have continued. New members are now required to undertake the training within six months of appointment. This training has been further refined during Covid, using sessional and remote learning (see exhibit **AO/12**).
- c. Pre-pandemic, there was a national conference with workshops that included use of force and suicide prevention. IDE study days continued, with presentations from Stephen Shaw (on his update report on welfare in detention, taking into account the Brook House abuses), Professor Rachel Murray (Bristol University Human Rights Implementation Centre, on monitoring under OPCAT), Ali McGinley (Association of Visitors in Immigration Detention) and Freed Voices (those who have been in immigration detention) as well as from myself and representatives of the Home Office. In particular, Dr Hindpal Singh Bhui from HMI Prisons presented a session on monitoring staff culture, focusing on learning for inspection and monitoring bodies following Brook House. In addition, during 2020 there have been one-off training events, including mandatory remote training sessions for IDE members on mental health; segregation and vulnerable detained persons. I exhibit within **AO/12** a record of all nationally organised training and development sessions, exclusive of the new members and board leaders courses.
- d. Locally, the Brook House Board has carried on with training and development sessions, including presentations from the Forward Trust, Bail for Immigration Detainees, Rakuba (mental health support), as well as Home Office and Centre managers. In addition, the Board does 'bite-size' training on specific monitoring and has produced a monitoring guide and plan (exhibited to this statement as **AO/13**) specifically around monitoring staff culture.
- e. The Brook House Board has also arranged regular access to online information such as Serco daily operations reports (which include details of detained individuals who are vulnerable and at risk, and any use of force) and copies of use of force reports. The local Chair also continues to be copied on complaints made by detained individuals against Serco or the Home Office. All of these are tools which the Board uses to help in its monitoring.

64. As set out above, learning from Brook House has informed training and guidance for all IMB members, including those specifically monitoring immigration detention. It should be remembered that IMB members are unpaid volunteers, with no executive or regulatory authority, and that in a well-run institution they should not be the first line of defence against abuses. Nevertheless, the IMB needs to ensure that its monitoring practice is alert to the possibility of abuse and the hints and signs that it may exist.

### **The Lampard Review**

65. I am aware that part of the Lampard Review raised concerns about the Brook House IMB.
66. I note that the Review report stated (at paragraph 14.12): “We do not suggest that either the IMB or HMIP should have uncovered or predicted behaviours of the type shown in the *Panorama* film” but added “we think that more focused questioning of staff and frontline managers might have more clearly identified some of these issues.” This is rightly raised only as a hypothesis, as it is not possible to say whether behaviour that was successfully hidden from managers and others would have been revealed in questioning. However, this points to the importance of Boards rigorously obtaining and assessing evidence from all sources: as the National Monitoring Framework says, to “provide a sense-check on the things that managers hope and believe are happening” – or equally on things that they are not aware of. That involves a process of triangulation: checking and questioning staff against what Boards themselves observe and what detained individuals experience and say. This has guided the work and approach referred to above in our training and guidance, both in a heightened awareness of staff cultures and an awareness of risk factors.
67. I am also asked to comment on paragraphs 1.140 and 1.141 of the Lampard Review report in which the reviewers concluded:

“1.140 The most recent report published by the IMB at Brook House in May 2018 covers the year to the end of December 2017. The principle findings and recommendations in the latest IMB report largely coincide with our own. However, we are concerned that the report does not

mention the weaknesses in the administration and governance arrangements at Brook House particularly in relation to the use of force.

1.141 The tone of the report is more accepting and not as critical and challenging as it might be. This is in keeping with the tone and substance of the IMB meeting we attended and of some of our interviews with members of the IMB. We were struck during the IMB meeting by the tendency on the part of IMB members to over-empathise with the G4S management team and the Home Office, rather than to hold them vigorously to account and press them on their plans for action to address concerns and make improvements at Brook House.”

68. I note that members’ views on management, staffing and safety are quoted as evidence in parts of the report (paragraphs 7.34-5, 7.82 and 12.33). Management issues as such are not within the Board’s remit, except insofar as they contribute to outcomes for detained individuals; in that regard, the Brook House Board would accept that they were not sufficiently alert to the risks to those individuals due to the lack of governance and scrutiny of use of force.
69. The Board and the national IMB also took very seriously the suggestion in the Lampard Review report that the relationship between the IMB and G4S management and the Home Office was insufficiently challenging. Having reviewed the evidence presented to the Lampard Review, I can understand why the reviewers concluded that there was a tendency to over-empathise with Centre managers and Home Office staff. However, I note that there is evidence in the Board’s rota and meeting reports of challenges around the Board’s concerns, and that this is also referred to in the Lampard interviews.
70. It is important that IMBs are both independent, and perceived to be so, and that they maintain a critical distance from staff and managers. The National Monitoring Framework encapsulates the balance that must be struck in relation to the approach to staff, which has been a feature of the approach, training and guidance that we have developed since 2018: “Boards need to maintain good relationships with staff, so that their concerns are listened and acted on. They also need to understand the challenges that staff face. However, they must also maintain a critical distance, providing constructive challenge, for example when explanations are excuses rather than reasons” (page 10).

71. As well as the national training and guidance referred to above, I am aware that since 2018 the Board and its Chair have reflected on their practice and the need to ensure that they are seen to hold management to account. As well as the local training already referred to, the Board has observed and discussed the practices of other IRC Boards, and the Regional Representative has observed a Board meeting. The Board has also introduced the practice of circulating a list to the Home Office and Serco before Board meetings of all still outstanding issues arising from rota reports, and this has proved to be a useful tool in ensuring focus and following through issues.

72. I am asked to comment on paragraphs 14.28 and 14.33 of the Lampard Review report in which the reviewers recorded:

“14.28 We asked why the IMB objected to being approached by GDWG about the welfare concerns of individual detainees. The former chair said:

*“We are monitors really rather than resolvers of problems”.*

[...]

14.33 The IMB may have been too quick to see ulterior political or campaigning motives in GDWG’s raising of welfare concerns about individual detainees. They may thus have missed opportunities to help detainees and to gain insights into their care and treatment and systemic issues at Brook House. Although the IMB have told us that their concern has been to protect their own independence, what we learned about the IMB’s response to approaches from GDWG reinforced our concern that the IMB have been over-empathetic to G4S and the Home Office.”

73. It is incorrect to assume from this comment that the IMB does not take up and deal with detained individuals’ concerns. On the contrary, as the annual reports show, during 2016 and 2017, the Board received and dealt with 210 written ‘applications’ (complaints or requests) from detained individuals and I am told that during rota visits they dealt with a much higher number of concerns raised with them orally<sup>2</sup>. This is part of IMBs’ statutory role. The IMB responds to each application, raises concerns with management or the Home Office and is

---

<sup>2</sup> The numbers for 2018 and 2019 (pre-pandemic) were 260.

informed of the outcome. It is therefore in regular contact with the welfare concerns of detained individuals.

74. However, the IMB does not carry out advocacy on behalf of individuals or provide advice on immigration problems and it needs to maintain its independence from any external group, however well-intentioned that group may be. Aside from the issue of independence, there are data protection and data sharing issues in relation to privileged information that the IMB receives in order to carry out its statutory role. Nevertheless, the information provided by GDWG and other NGOs can be very useful, both in ensuring that their concerns are followed up and in indicating themes and areas which require close monitoring. It is clear from the evidence that even before 2017 there were contacts between GDWG and the IMB. In 2015 and 2016 GDWG directors attended Board pre-meetings. In 2014, the Board visited GDWG and in 2015 Board members met a GDWG trustee developing a funding application, confirming that GDWG played 'a very important role for detainees'.
75. There was a further visit by Board members to GDWG late in 2017, which was instigated by the Board following an email exchange with the GDWG Director in which he said that he understood the issues and wanted to ensure they and the IMB were 'on the same page'. I am aware that as a result of that meeting, GDWG were invited to copy in the Brook House IMB to concerns that they were raising with G4S and latterly Serco management. This was to give GDWG support and some comfort that their issues were being addressed by management, and it also enabled the local Board to check on particular cases and identify any systemic issues.
76. Records show that Board members attended a meeting with GDWG in 2018, the GDWG director attended a Board pre-meeting in 2019, and more recently there have been ad hoc Zoom calls with GDWG about every seven weeks to discuss concerns, and these have now been diarised as quarterly meetings. The Board also uses this as an opportunity to hear from GDWG any reports it may have from detained individuals of staff behaviour and culture.

77. I understand that in October 2020 GDWG made direct contact with the local Board about alleged mistreatment of detained individuals by a member of Serco staff. The local Chair met with the complainant and also took up the allegations with Serco senior management.

### **Conclusions and reflections**

78. It is clear from the evidence provided that the Brook House Board was assiduously carrying out its statutory duties in 2017 and had identified and raised a number of matters of significant concern for detained individuals. However, Board members are very aware that despite this, they were not aware of the abuse that was taking place and was exposed in the *Panorama* programme. It should be said that the revised and improved training and guidance then available was of very recent origin, mostly having been developed in 2016, and, as this statement shows, there have been important and significant developments in governance, support, training and information since then.
79. I have listed above all the revised training and guidance provided to IMBs, both locally and nationally, since 2017. I also refer to the new governance structure which means that, as well as representation on the IMB's national management board, there are two IDE regional representatives whose role is to support boards. This provides a more direct link between the centre and individual boards. Both the regional representative for IRCs and the IDE member on the management board are in regular touch with the chair of Brook House.
80. All of the actions referred to above, from national training to regular forums, provide opportunities to strengthen individual boards and their ability to identify the attitudes and cultures that may lead to abuse.
81. I believe that IMBs in the IDE and elsewhere are now more alert both to the fact that mistreatment can occur and that it may not be immediately apparent or reported directly, and therefore to look for hints and clues and identify risks. I would cite the plan produced by the Brook House Board on monitoring culture, as well as the robust response of that Board to what it considered the 'inhumane' treatment of detained individuals during 2020, which indicates the

importance that the Board and national structure place on identifying and escalating concerns about mistreatment.

82. In summary, I consider the appalling mistreatment shown in the *Panorama* programme to have been a salutary reminder of what can happen in a closed detention environment, if an abusive culture is allowed to develop. IMBs and other oversight bodies have a particular responsibility, both in national and international law, to seek to prevent such abuses. Lessons learnt from Brook House have already significantly influenced our training, guidance and support for members carrying out this role, and we stand ready to implement any further changes as a result of this Inquiry that will assist in preventing any future abuse and improving the conditions and treatment of those held in detention.

#### **STATEMENT OF TRUTH**

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: Anne Owers

Signature: 

Date: 12<sup>th</sup> November 2021