

## BROOK HOUSE INQUIRY

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### FIRST WITNESS STATEMENT OF MARY BRIDGET MOLYNEUX

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I provide this statement in response to a request under Rule 9 of the Inquiry Rules 2006 dated 20 January 2022.

I, Mary Bridget Molyneux, of DPA, will say as follows:

#### **Introduction**

1. I was appointed to the Independent Monitoring Board ("IMB") at Brook House on 9 January 2015 and commenced my duties there later that month. I was first appointed Chair of the Brook House IMB on 1 January 2018. I was reappointed as Chair in 2019 and 2020. On 1 January 2021 the Brook House and Tinsley House IMBs merged to create the Gatwick IRC IMB. My term as Chair ended on 31 December 2021 although I remain a member of the Gatwick IRC IMB. The current Chair is Neil Beer. Having held these positions, I have first-hand knowledge of the work of the IMB at Brook House during the Relevant Period and at the present time. In addition, I have been appointed to the Derwentside IRC IMB for a one year period ending on 4 November 2022 to assist in the establishment of the IMB there.
2. Prior to joining the IMB I qualified and practised as a solicitor or attorney in Sydney, Los Angeles, and London before moving to in-house roles where I held Legal Director and General Counsel positions. From May 2016 to September 2021, I was a Non-Executive Director for Sussex Housing Care, a not-for-profit provider of care homes and housing for older people. I hold a Bachelor of Laws from the University of Sydney and a Bachelor of Civil Law from the University of Oxford.
3. I have watched all of the oral evidence during phase one of this Inquiry. While I was at Brook House during the Relevant Period, and although I have watched the *Panorama* programme several times, I felt a sense of being overwhelmed when seeing the extended film footage of incidents and hearing the evidence of detained men who had been there. I found watching phase one of the inquiry to be a

powerful, concentrated, and very disturbing presentation. No one should be subject to the abuse the detained men suffered there.

## **Background**

### **Involvement with the IMB**

4. After a professional career entirely in private practice, I joined the IMB because I wanted to do something in the public sector. I chose to apply to join the Brook House IMB in part because I am interested in the immigration system. Although my experiences are in no way comparable to those living in detention, as an Australian who had come to the UK to live, I had personal dealings with the Home Office which made me wonder how the system worked for people coming from other countries. I thought that my previous experience in dealings with private corporations and experience of governance would be useful and I liked the idea of a role which required actively engaging with detained persons.
5. The positions of Chair and Vice-Chair come up for election each year and the appointments run for a year from 1 January. The election process is usually held at the September board meeting. Board members will nominate a person for the role and, if they agree to stand, the board will make a recommendation to the Minister who is responsible for making the appointment. The Chair usually serves for a maximum of three years, though this has been extended in situations where there is no other member who is experienced enough or willing and able to perform the role. I served a fourth year for this reason.
6. The Brook House IMB is independent with a statutory basis. The national structures provide overarching guidance, policies, and training for all detention centre and prison IMBs. Although each board is independent, in ordinary times, the local Chair would have at least quarterly contact with regional representatives at the quarterly forums held for all IMB Chairs within the Immigration Detention Estate ("IDE"). Senior Home Office officials also attended for part of that forum to hear directly about any concerns of IMB members. There may also be occasional visits from the regional representative for the IRCs and, in the last few years, the Chair has had almost weekly contact with the regional representative when participating in the weekly Zoom sessions organised for all of the Chairs of IRC IMBs to share

experiences and deal with issues. Non-Chair local IMB members have little direct contact with the national level and it is mostly indirect through undertaking training set by the Management Board or through bi-monthly update bulletins on points of interest.

### Training

7. On joining the IMB, I undertook a probationary year which I completed on 22 February 2016. During this probationary period, I attended a two-day New Members' Course which was run by national trainers in a format agreed with the IMB National Council on 28 and 29 January 2016. I cannot now locate the actual documents provided during this course; however I have seen a version of the 'National Induction Programme for New IMB Members' (dated December 2016) [IMB000194], which is consistent with my recollection of what was covered during the new members' course. This explained the duties and responsibilities of an IMB member including in relation to rota visits and recording, serious incidents, segregation, and applications (the term 'application' is used by the IMB to include both complaints and requests made to the IMB). My initial training also included training on Rules 35, 40, and 42 of the Detention Centre Rules 2001. A core part of my training during my probationary year was gaining practical insight into the role by shadowing established IMB members making visits to Brook House.
8. I believe the induction course and the shadowing prepared me well for performing my role. We also held ongoing training through the training and information sessions held before each board meeting. In 2016 we received presentations from the Gatwick Detainee Welfare Group ("GDWG") and RAPt (later the Forward Trust), as well as sessions on Rule 35, new national monitoring guidance, mental health and deaths in custody. Sessions in 2017 included presentations from the Samaritans (see the notes of the monthly meeting in February 2017 [IMB000062]) a legal aid solicitor (see the notes of the monthly meeting in October 2017 [IMB000031]), and about adults at risk (see the notes of the monthly meeting in May 2017 [IMB000030]).
9. I had available to me, and used for guidance and reference, the IMB Handbook for IMB Members in Immigration Removal Centres [IMB000183] and the IMB Toolkit

for Immigration Detention Estate [IMB000184]. Both are useful reference tools and have provided ideas on monitoring, particularly during Annual Team Performance Reviews ("ATPR").

10. In November 2017, I also attended a two-day board leaders' course. I have seen **IMB000195** which is a document setting out the programme for a board leaders' course. I cannot recall if this is the exact programme which was used at the course I attended, however it would have been similar. I recall that quite a bit of it felt familiar in that it was about leading and managing teams, something I had experience of from my private sector work. It was helpful to learn about the application in the IMB context, and I had never worked with a group of volunteers before. Looking at it now, a question might be whether it would benefit from having more on dealings with non-IMB relationships in the Centre itself. I recall the training tended to be inward looking or board focussed.

#### **The role and responsibilities of the IMB**

11. The fundamental role of the IMB is to see to it that detained persons are treated fairly and humanely, and to report if they are not. There are two basic sources of our roles and responsibilities: the Detention Centre Rules and 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").
12. Both place responsibilities on IMB members to monitor and report on the treatment of detained persons. This monitoring and reporting takes place through visits and the production of reports: rota reports are produced for each visit and an annual report is produced each year setting out the core findings and recommendations.

#### **Visits to Brook House**

13. Members of the IMB are unpaid volunteers. To share the workload, the Brook House IMB (and, I understand, all IMBs) operate on a weekly rota system. How often you are on rota duty depends on how many non-probationary members are on the board at that time. I would typically be on-site twice during any given rota

week during the Relevant Period. Guidance on rota visits is set out within the IMB Handbook at section 6 [IMB000183\_0015].

14. During a visit, IMB members have access to all parts of the Centre. The only parts I would not enter without invitation were the rooms where GPs or nurses were dealing with patients or the personal offices of the Home Office or senior management. Our visits were unannounced, we carried keys, and other than those areas I have just mentioned, there were no restrictions on the areas of the Centre we could visit.
15. From the data supplied by the Centre which tracks when members take and return their keys [IMB000029], I can see that I visited Brook House 13 times during the Relevant Period on 11, 13, 15, and 19 April; 17 May; 19 and 21 June; 11 and 19 July; 16, 21, 23, and 24 August. I can see that I completed rota reports corresponding to my visits to the Centre on 11, 13 and 15 April [IMB000055], 19 and 21 June [IMB000046], and 21 and 23 August [IMB000032].
16. There is no prescribed duration for a visit. Individual board members make judgements as to what they need to see in order to satisfy their overall duties. From the tracking data which is available (but which is incomplete), I can see that my rota visits would typically last for around 7-8 hours (though some were shorter), while my attendance for board meetings (when I was not otherwise on rota for that week) would typically last around 3-4 (though, again, some were shorter).
17. In addition to undertaking rota visits, members attend the Centre for the monthly IMB board meetings and the training sessions which formed part of these. I attended all five of the board meetings which took place during the Relevant Period. These meetings took place on 19 April; 17 May; 21 June; 19 July; and 16 August.
18. In addition, members would undertake one-off visits when we were notified that serious incidents were taking or had taken place.
19. In my rota visits I would aim where possible to arrive at the Centre in time to attend the Rule 40 reviews conducted for men in the CSU or on E-wing. These would

usually take place around 9:30-10:00am. After that, the principal activity would be dealing with any applications (either made formally in writing or verbally to me as I walked around the Centre) and checking the treatment and conditions in the Centre. One of my first jobs would be to empty the IMB application boxes on the wings as these would be key in shaping my priorities while on site: for example, by requiring you to locate and talk to the detained person making the application then to take any follow up action on the issues raised by the application. That follow up action might involve speaking with the G4S officers and administration staff, the Home Office, Healthcare, or the Welfare Office. My approach was and is to try to resolve issues while on site during my visit. My goal was to always get back to the application-maker on that day, if possible. If I could not complete an application during my rota week I would brief my incoming colleague on what remained to be done, but my recollection is that this was not usual.

20. The majority of the time during a rota visit would be spent on the wings or in free association areas such as the yards and activities areas talking to detained persons. As noted above, alongside the formal written applications we would receive a much greater number of what we describe as 'ad hoc' or 'on-the-hoof' applications. These were requests or complaints made verbally to us by detained persons we met while moving around the Centre.
21. Other time would be spent checking things such as cleanliness, whether there was adequate equipment in the gym and other areas, what activities there were in places such as the education and art rooms, the waiting times for access to a legal aid lawyer, visiting the kitchen to see the conditions and food preparation, and visiting Healthcare to ask about any difficulties they might be seeing.
22. The IMB also had an open invitation to non-IMB meetings and committees such as the Safer Community and Security meetings. I recall that they were usually run by a member of the G4S Senior Management Team ("SMT"). Home Office and Healthcare staff would sometimes attend. The IMB attended in a monitoring and observing capacity. We did not attend all of these monthly meetings for two reasons. First, it was not possible for IMB members to physically attend the Centre with such frequency that they could become regular attendees of such meetings.

Second, the general guidance to IMB members under the National Monitoring Framework was and is to be cautious about attending such meetings too regularly lest we become too reliant on management's own assessments or we be seen as part of the Centre's decision making process. The second point is less of an issue now as so many meetings are conducted remotely.

23. Contrary to what is said in paragraph 10.9 of Professor Mary Bosworth's report [INQ000064\_0046], although there was an open invitation for the IMB to attend committees in order to monitor the administration of the Centre (a topic we are required to report on under the Detention Centre Rules), IMB members do not sit on Centre committees. We attend only in a monitoring capacity and as observers. However, that does not mean we are mute. When I attend meetings or committees within the Centre, I ask questions, give observations, and raise issues relevant to the treatment of detained men.

The monthly IMB board meetings

24. The monthly IMB board meetings enabled us to share experiences, receive ongoing training, and discuss issues both amongst ourselves and with G4S and Home Office senior management. Prior to each meeting, attendees would receive a pack of documents comprising an agenda (set by the IMB Chair), the combined monthly report (which I explain below), rota reports for all visits since the last meeting, the minutes of the last meeting, and a Chair's letter to IMB members. Although this was not the case during the Relevant Period, in October 2018, during the time I was Chair, I also introduced the use of a separate list of actions from the previous board meeting and issues raised in the rota reports from the previous month. Having these make the board meetings more efficient and, by circulating them shortly before the meetings, ensure everyone is aware of what actions are pending. With Serco, we now also get a copy of the Centre Manager's report for the month. This is not prepared for the IMB, but for Serco corporate management. It includes information on their performance under the contract with the Home Office, information on staff retention and recruitment, and information on the population of the Centre and things such as the take-up of activities by detained men.

25. Each monthly meeting proceeded in stages. For the first hour or hour and a half, the IMB members would meet alone except for anyone we had invited to speak at the training portion of our meeting. We would have a training session of about an hour then we would discuss any issues which had been identified through our monitoring and rota reports. After this, we would be joined by representatives from the Home Office and G4S for a further hour or so, during which they would give oral presentations on issues in the Centre over the last month and their views of the outlook ahead. We would raise concerns with them from these presentations or our monitoring and reports and elicit their responses. During this portion of the meeting, the minutes would be kept by a Home Office IMB Clerk or note-taker but the final sign-off on them is for the Chair. I understand that the Inquiry has been provided with the minutes for all of the monthly meetings which took place during the Relevant Period. After this discussion, the representatives of the Home Office and G4S would leave and the IMB members would again discuss any issues which had arisen without their presence. There are no separate formal minutes produced to record the parts of the meetings which the note-taker did not attend, i.e. when IMB members were discussing issues without the Home Office or G4S present, though members may make their own notes in their notebooks.

26. I have referred above to 'combined monthly reports' (an example of which is **IMB000021**). The combined monthly report is produced by G4S and the Home Office and is provided to IMBs in accordance with the Memorandum of Understanding [**VER000029\_0007**]. They are very important sources of information for IMBs and the data in them is used for some key items we report on in our annual reports, such as the number of Assessment Care in Detention and Teamwork plans ("ACDTs"), the use of Rule 40, the length of time detained persons spend in detention, and release/removals rates. Each month we analyse them for trends such as increases in the number of ACDTs or uses of force. These reports complement what we see on our rota visits and are a very useful source of information.



### Report production

27. Following each visit, the visiting member will produce a rota report. These are sent to the IMB clerk who then circulates them to the Brook House IMB board, the G4S Centre Director, and the Home Office. Currently, these reports are sent to both the Serco Centre Manager and the Assistant Director, however, I cannot recall if they were circulated to other senior managers during the Relevant Period. Our reports are now sent to Healthcare. My recollection is that the G4S Centre Director sent them to Healthcare during the Relevant Period.
28. I recall a key message from my new members' training in 2016 was the importance of keeping a record from our visits. I am familiar with section 6.7 of the IMB Handbook which gives guidance on the subject [IMB000183\_0017]. Learning how to produce complete and useful reports was part of what one learned while shadowing other members during the probationary year. Later on in my time as Chair (in February 2021), I introduced a series of "bite size" training sessions on monitoring issues. Two of the topics are what makes an effective rota visit and what should go into a rota report and our IMB had sessions on them in April and May 2021.
29. In my opinion, the quality of reports produced during the Relevant Period was sufficient to assist the IMB in carrying out its role. The reports were a record of facts observed by members about the state of the Centre and the treatment of the men detained there – two of our principal monitoring obligations. They were a report for the Home Office and G4S of incidents and issues we had observed in our monitoring and also formed the basis for discussion of issues with them at the monthly board meetings. The reports were also the main source of evidence for our annual reports.
30. I have been asked to consider the proposals made by Professor Bosworth at paragraph 10.17 of her report [INQ000064\_0048] that the IMB should adopt a more thematic, human-rights based framework for their rota reports. In early to mid 2020, we in fact introduced a new template for our rota reports which was based on the new format introduced for our annual reports by the IMB Management Board. The rota report template is now centred on themes such as safety, fair and humane

treatment, health and wellbeing, and preparation for return or release. The experience of using this new template in 2020 was positive. I do feel that it has led to a sharper focus on human rights and helps create stronger evidence based annual reports. The current template used by the Gatwick IRC IMB during our rota visits is at **IMB000200**.

31. Depending on the action required, the responsibility to deal with any issues identified in the rota reports would lie with the IMB members (for example, to follow up on applications) or on those to whom the reports were circulated. I think it is important to note that the inclusion of an issue in a rota report itself represents an escalation of any given concern. The IMB's role is to monitor and report and it is not within our power to directly compel either G4S or the Home Office to make changes. However, by raising issues with management in rota visit reports and at our monthly board meetings or escalating them further to be raised by the Chair at the quarterly meetings attended by more senior Home Office representatives (see paragraph 6 above) or even the Minister, we can put considerable pressure on those responsible to make changes.

#### **Relationship to G4S and the Home Office**

##### G4S

32. As part of my role as an IMB member I would interact with G4S staff on every visit. This interaction often focused on trying to solve issues that detained persons had raised through formal or informal applications. I would also ask general questions such as how the men on ACDTs or Supported Living Plans ("SLPs") were doing and sometimes I would just speak to staff about their own issues such as workload.
33. In terms of staff, there was no formal introduction to the IMB. During my probationary year, IMB members I was shadowing with introduced me to members of staff on an ad hoc basis as we met them while conducting our rota duties. For incoming staff, the IMB has a one-hour slot to talk at each new staff training course (referred to as an 'ITC' which I believe stands for initial training course). The talk is usually given by the Chair or another experienced IMB member. Since becoming Chair, I have spoken at quite a few for both G4S and Serco ITCs. When I do so, I talk about the IMB's role, who we are, what monitoring is, and its statutory basis

and independence. I aim to stress the common interest of the IMB and G4S or Serco staff in ensuring the proper care and treatment of detained men. I encourage them to see us as working in parallel to resolve the issues raised by detained persons while also recognising that there may be differences in our perspectives and the outcomes we want. I also explain that we may be critical as part of our role but that we are interested in hearing any concerns officers have about their own conditions (while stressing that line managers or unions are likely to be their first port of call for grievances), particularly as, if an officer is dissatisfied with his or her conditions, that could affect their interactions with detained men. There is no formal process through which staff can raise concerns with the IMB but they could raise issues informally with us as we conducted our visits.

34. I am aware that Callum Tulley has referred to attending an introductory talk by the IMB at paragraph 21 of his witness statement [INQ000052\_0006]. I do not recall speaking at an ITC from the time when Mr Tulley would have done his training and I do not wish to speculate on why he formed the view which he expresses in his statement. As set out above, when I gave induction talks, that was not the message I intended or aimed to convey.
35. During the Relevant Period, I would speak to members of the SMT on almost every visit to Brook House. Sometimes the issues raised by detained persons on a visit would require me to speak to a member of the SMT in order to resolve it. Members of the SMT act as Duty Directors and would attend Rule 40 reviews and some ACDT reviews, which I would also attend when I could. Individual SMT members usually also run (or are present at) the monthly oversight meetings such as the Use of Force and Safer Community meetings which IMB members also sometimes attended. Members of the SMT are also present at the 8:30am weekday operations information meetings which I now regularly attend (by dial-in) when I am on rota duty, alongside others from healthcare, religious affairs, the kitchen, and facilities and the Home Office. In paragraph 316 of his witness statement [DL0000141], the Reverend Nathan Ward said that IMB members did not attend these morning meetings while he was at Brook House. I understand Reverend Ward left Brook House before I started, however, my rota reports show that I attended morning meetings on three of my five rota weeks during the Relevant Period.

36. During my time as Chair (1 January 2018 to 31 December 2021), I would have a 30-minute meeting once a month with the Centre Director. This would usually be done around the time of a board meeting so that I could raise any issues identified by the board with the Director and ask that they be addressed at the board meeting. In the past, these have included issues around retention and recruitment, plans for charter flights, and possible changes to the incoming detained population (for example, whether the intake of Time Served Foreign National Offenders is increasing; the shift in late 2020 to Brook House becoming a base for charter flights to remove men who had crossed the Channel; and the shift in 2021 to using Tinsley House as short-term accommodation for men who are largely asylum seekers after crossing the Channel). Aside from that, it would be unusual for me to have a set meeting with an individual member of the SMT and I have never attended any of the SMT meetings run by either G4S or Serco.
37. I understand that Reverend Ward said at paragraph 317 of his witness statement that the then Director Ben Saunders would regularly take IMB members out to lunch. As I explain above, Reverend Ward had left Brook House before my arrival and so I cannot comment on what was the case before 2015, but I have never been out to lunch with Mr Saunders and, to the best of my knowledge, neither have any of the board members in place during the Relevant Period. We would eat a working sandwich lunch in the board room during our monthly meetings (parts of which, as above, were attended by G4S and Home Office staff and we would offer them to take anything that was left when they joined us). However, due to a recognition of the need to remain independent, IMB members would each pay £5 to the Centre's kitchen to cover the cost of this. In contrast, I would sometimes sit and eat lunch with the detained men on their residential wings.
38. In my experience, I generally found staff and officers on the wings to be cooperative in my attempts to resolve issues raised by the detained men. My dealings with members of the SMT were more limited but my perception was that the IMB generally had a positive relationship with them also. I had no sense that members of senior management tried to restrict the role of the IMB or discouraged frontline staff from raising matters with the IMB.

### The Home Office

39. During the Relevant Period, I recall that there was a small Home Office team at Brook House. I would say we had a professional and productive working relationship with them. Most of my contact with them was when I went to ask questions arising from applications I had received from men about their immigration cases. This usually involved the Home Office person looking at their database and relaying what information they could to me to pass on to the detained person.

40. The Home Office presence has grown over the years and there are now two teams on location at Brook House: one being the Detention and Escorting Services ("DES") Compliance Team mainly dealing with the contract with Serco and the other being the Detention Engagement Team ("DET"), which was set up as a link between detained men and their caseworkers. There are no caseworkers based at Brook House which can be source of frustration for detained men. In general, I would say that IMB members (and new members in particular) have found the relationship with DET to be more challenging than what we had known before the split into two teams. Even though dealing with the IMB is also part of their role, there can sometimes be a sense that DET eyes go down when the IMB approaches and a reluctance to be taken away from what they are doing. But there are two sides and I discussed recently with a senior DET member the point that they sometimes see IMB members come to them with open questions, rather than on specific named individuals and that can be harder for DET to deal with. My view is that while it can sometimes feel like a rite of passage for newer members, we still get the information we require to help us deal with the applications we receive.

41. I have been asked to describe the role of the Home Office Compliance team and their relationship with G4S before and after the Relevant Period. My recollection of their work during the Relevant Period is limited as my contact with them was centred around seeing them during rota visits or at Rule 40 reviews and requesting information from them to assist detained persons.

42. My main contact with them at the present time is still grounded in similar interactions, though I see members of the DES team during some meetings run by

Serco (for example, the 8.30 morning briefings, calls on Covid planning, Vulnerable Residents meetings, or Use of Force meetings). Speaking generally, there is a significantly larger team than there was with the G4S contract and I see regular meetings listed in the Centre's weekly bulletin between them and Serco about the contract. In the monthly Centre Manager's report that we receive from Serco there are details of key performance indicator failures under the contract. There is also more of an awareness on the part of frontline staff about the contract, albeit probably more on the commercial impact of the penalties associated with non-compliance. I do not recall forming that impression with G4S.

43. The DES team includes an audit function which tracks whether Serco has completed recommendations made by the IMB in its annual reports and I have had calls with the Home Office team seeking my input on that as IMB Chair.

**The relationship between the IMB and detained persons**

44. As set out above, applications to the IMB could be made by detained persons either in writing or informally, by approaching us as we walked around the Centre. In ensuring that detained persons understood what the IMB's role was and how we could assist them, there was and is a lot of reliance placed on information being made available via noticeboards in the centre (for example, we had posters explaining the role of the IMB with the photographs and names of each IMB member), along with the information given to detained men by G4S during their initial induction to the Centre.
45. There were application forms (a blank version of which can see at **IMB000081**) and a box marked 'IMB' in which to place applications on every wing. However, with G4S we had ongoing problems with ensuring that notices about the IMB stayed up on wings and in ensuring that there were always sufficient stocks of IMB application forms available on each wing. This was an issue which I raised in my rota report for the week commencing 19 June 2017 [**IMB000046**] and addressing this issue was listed as a priority for 2018 in our ATPR for 2017. Although we raised this issue on many occasions, ensuring there were enough application forms depended on G4S staff restocking them and having the time to do so. It seemed that the IMB posters would be taken down for different reasons, usually when G4S reorganised

noticeboards on the wings or redecorated, and sometimes they may have just been taken by detained men. While this problem of getting G4S to keep posters up and a supply of application forms on the wings was the cause of much frustration, I was never of the view that this was something deliberate on G4S part or an attempt to restrict detained men having contact with the IMB.

46. Brook House typically houses a high percentage of Time Served Foreign National Offenders and these men will usually be familiar with IMBs from their time in prison. For others, I have found that the best way to get the message over about what the IMB is and how we can help is to be regularly present on wings when in the Centre so that detained men can see us more and hopefully be confident about coming forward from seeing the experience of others being helped. Most of our applications come informally from men seeing us around the Centre. However, it is not the nature of the monitoring role to be ever-present. We are only there once or twice a week and even then we move between the five wings and other areas at Brook House. Given the Centre's closed-off architecture and the fact that men are not able to go onto wings other than their own, it is possible that some men on shorter stays within the Centre might never see us in person.
47. Having listened to the evidence adduced by the Inquiry during the first phase of its hearing, it is clear that some of the formerly detained men were not aware of the IMB or were not aware of what we did whilst at the Centre. Communicating the IMB's role to the detained men is an important and necessary part of our function. It is a topic in some of our ATPRs, but I think that is an area which needs regular work and is one which we can improve on.
48. I think for those detained persons who did engage with the IMB at Brook House, the IMB worked effectively for them. This is evidenced by the number of formal and informal applications referred to within our rota reports and records of applications received. For example, in 2017 we received 123 applications requiring follow up (see page 25 of the 2017 Annual Report [IMB000135\_0025]). In 2018 the board received 142 applications (see page 23 of the 2018 Annual Report [IMB000156\_0023]). However, I recognise there were and still are barriers to reaching detained men. Language can be a barrier, although the use of Big Word

and translation tablets assist with this (though Wi-Fi issues do prevent them from operating at times).

49. I think it is highly likely that there were detained men who might not approach us about mistreatment even if they were happy to seek help on things such as lost property, access to healthcare, or the IT facilities. When men express concerns about complaining about the Home Office, I always try to reassure them that it will not have a prejudicial effect on their immigration status, although I can understand why some detained persons may be reluctant to report mistreatment due to a perception that doing so could negatively impact on their immigration status. In fact, I did during the Relevant Period and still do actively encourage men to put in formal complaints to G4S/Serco, the Home Office, or Healthcare if they have an issue that I cannot resolve for them. It is part of holding those organisations to account.

50. However, I also recognise that many men do not have confidence in the G4S/Serco or Home Office complaints process. In our annual report for 2021 the IMB will review how the complaints process is working in practice at the Centre and make a recommendation that the Home Office review it too. Among other things, it can take a month to receive a response from G4S/Serco (in which time the detained person may have left the Centre or been transferred) and the burden is on the detained person to make their case, even though they may not have strong English and may not know (or have access to) all of the details. I explain to men that the IMB (through the Chair) sees copies of the complaints against G4S/Serco and the Home Office and the responses by G4S/Serco which shows how they have investigated the complaint. We do not see responses to complaints made against the Home Office. Nor do we see complaints made against Healthcare or responses to these due to data protection legislation and patient confidentiality. While it is possible for a detained man to give us a copy of the complaint and response himself, I cannot recall this happening in my time on the IMB.

51. I am aware that in paragraph 12 of his witness statement [INQ000027], Mr Macpherson of GDWG says that, for those detained at Brook House, the IMB were perceived as being “a branch of G4S.” I do not recall ever hearing this view about the IMB and G4S from the detained men I spoke to, but I accept that the IMB have



always needed to work to reach detained men and ensure that they understand that this is not the case. This is particularly true of men who have not had experience of the prison system or other detention centres. While we do not wear uniforms, we do carry notebooks and keys to get around the Centre and, in this sense, we could well look like another 'official.' We cannot do without the keys, but on a number of times over the years the board has had discussions about whether we should carry radios (for safety reasons rather than for communication). The collective decision has always been that we should not as it would make us look even more like staff. So, it is not surprising that those detained men without experience of UK detention institutions might be distrustful of the IMB and believe that we are part of G4S or the Home Office. Because of this, one of my first remarks whenever a man asks who I am or what I do is to explain that we are not related to either G4S (now Serco) or the Home Office, and that we are independent. However, this is something that we are conscious will always require ongoing work.

### **Staffing**

52. My recollection of Brook House during the Relevant Period is that it was a hectic and often frantic place for staff. As a newer member of the IMB, that was my only experience of Brook House or any other detention centre and I felt that there was a sense that this was "how it was" and perhaps the norm, particularly as I understood that G4S were meeting the staffing level requirements of their contract with the Home Office.
53. On this, I do not recall the IMB being officially informed of staffing levels by either G4S or the Home Office and I am not aware of any statutory requirement that this kind of information be provided to the IMB. However, Jackie Colbran's Chair's letter for July 2016 refers to conversations she had with the then Director Ben Saunders about staffing levels being "quite rocky" and the new intake of staff being totally inexperienced. My recollection is that she would sometimes discuss staffing levels in her monthly meetings with the G4S Centre Director.
54. I have been asked to comment on my rota report from the week commencing 19 June 2017 [IMB000048], in which I recorded a conversation with an officer who said that morale was at "rock bottom" and who reported low staffing levels on the

wings and high turnover of staff. Although I do not recall this particular conversation, I am not surprised by my note of it. I recall staff expressing unhappiness about their conditions and work levels generally and it was an issue I highlighted in my Verita interview (see page 15 of **VER000237**) where I expressed the view that the Home Office had set the staffing levels too low in the contract. While it was recorded in my rota report which would have gone to the Home Office, I did not personally report this to the Home Office but it was an inference from what I was seeing. Although the IMB did not have sight of the contract and so were not aware of its precise terms, my recollection is that we were had been informally assured that the contractual arrangements were being met. As such, if there were difficulties in staffing (as there seemed to be) despite G4S complying with the contract, this suggests that the contractual levels had been set too low.

55. I have been referred to Elisabeth Markwick's rota report for the week commencing 24 April 2017 [**IMB000051\_0002**] in which she notes that, due to only one officer being on the wing, servery workers had to wait 15-20 minutes to be let out and could not be searched. I note that she goes on to say that she opened an ACDT.

56. I do recall times when only one officer was on a wing, but I do not recall anything like a 15-20 minute wait for detained men to be let in or out of the servery or for other access to the wing. However, problems with needing an officer to open wing doors could be a source of major frustration for detained men. While we had keys, the IMB could not, for security reasons, let detained men into or out of wings. If I saw men waiting, I would try to explain this and then look for an officer to come to open the door.

57. It continues to be a source of problems in Brook House and there seems to have been planning for years to introduce some kind of fingerprint or similar access, but there is still nothing like this on the residential wings. Particularly with the low staffing levels required under the G4S contract, it could be a real problem and take significant amounts of time away from officers, which could be better spent assisting men on the wings. This does not appear to me to be a situation in which an ACDT should be opened and I think from looking at Ms Markwick's report that the events are unconnected.

### **Documentation**

58. I have been asked about my visit of 28 August 2017 in which I refer at page three to two detained men listed as being Adults at Risk [IMB000032\_0003]. I had noted that the Detainee of Interest list said that there were SLPs open but this did not appear to be the case. The IMB would only know who was on an ACDT or an SLP from information provided by G4S. I do not recall this particular case, but we would typically look for and review ACDTs and SLPs when in the wing offices, as they concerned vulnerable men (I see from page two of the same report that I attended the CSU that day, reviewed the open ACDTs, and spoke to some of the men concerned). From my report, it seems that I was aware from the Detainee of Interest list that there was an open SLP, so I would have looked for the SLP on the wing. Within the same report I noted that I would ask the next IMB member on rota to follow it up on her visit the week after by checking on both men.

59. I have been referred to the IMB board minutes for September 2017 [IMB000026] and to comments relating to the provision of documents within this. The IMB should be given access to all use of force documentation and Rule 40 or 42 reports. However, the receipt of use of force paperwork from G4S and then Serco has been an issue almost the entire time I have been an IMB member (either not being copied in or not getting it in a timely manner). The IMB rota person for that week receives calls from the G4S day or night operational duty manager (known as the "Oscar") to advise of any use of force. The combined monthly report gave data on uses of force so it was obvious if we were not being copied in on the related paperwork. The reference in this rota report relates to paperwork not being placed in the IMB pigeonhole in the Oscar's office.

60. In 2018, I recall we made repeated efforts with G4S to be copied and I had conversations with Steve Skitt (then the Head of Security, if I remember correctly) to ensure that we were. This is reflected in the June and July 2018 board meeting minutes, where I highlighted that we were still not receiving reports notwithstanding that Mr Skitt had asked the Oscars to include the IMB using the new scanner system that they had introduced. I recall going so far as to put a yellow sticker reminder on the scanner in the Oscar's office.

61. Since then, there have continued to be issues with being copied in by Serco. Serco have explained the reasons for this: they include that the Oscars were not initially on the secure CJSM email used by the IMB, then it was due to a change of the IMB email addresses (when the Brook House IMB became the Gatwick IMB), then there was Serco office staff turnover which led to delays and then receiving large batches of reports all at once. However, the current situation is significantly better. We are now receiving reports in a timely manner, with only occasional hiccoughs due to staff absence which are usually quickly rectified by a request to the relevant SMT member.

### **Healthcare**

62. In accordance with our general duty under Rule 61 to satisfy ourselves as to the treatment and conditions of detained persons, we considered issues raised in relation to healthcare provision. We would follow up any such applications made to the IMB in the same way as any other application: by speaking to the detained person to understand the problem and then by following it up with whoever could help obtain a resolution.

63. Although doctor-patient confidentiality could sometimes prove a barrier in dealing with healthcare complaints, it was generally possible to get answers at least about whether the processes were working for the particular person. For example, we could ask the man if he understood how to make an appointment and if he had been seen, we could check with healthcare as to whether they had seen him or were aware of his problem, whether he was getting hospital referrals or medication requested, etc. This enabled us to get answers to questions without getting into the detail of the particular man's health condition.

64. The attitude of some members of healthcare staff did prove a barrier at times, particularly before and during the Relevant Period. You could sometimes be met with an unhelpful attitude when going to ask questions of healthcare staff and how you fared might depend on who was in the office. At page 26 of my interview with Verita [VER000237\_0026], I described this in terms of healthcare staff sometimes being "defensive" about their own position. Amongst ourselves, IMB members

shared experiences and suggestions of who to approach and how to best deal with this. I recall it being a well-known fact amongst IMB members that there could be problems getting information from some people in healthcare.

65. We also raised these concerns at the time in our ATPR for 2016 (held on 3 February 2017), in our Annual Report for 2016 (at paragraph 5.4.4) [IMB000121\_0012], and in our 2017 Annual Report for 2017 (at paragraph 8.7) [IMB000135\_0018]. Over time I have built relationships with different members of healthcare staff, especially the practice or office managers, which helped.

### **The Rule 35 process**

66. I have been asked to set out my knowledge and understanding of the Rule 35 process. My understanding is that Rule 35 requires a report from a GP to go to the Home Office in the case of any detained person whose health might be adversely affected by continued detention (Rule 35(1)), or who has suicidal ideation (Rule 35(2)) or who might be a victim of torture (Rule 35(3)). DSO 09/2016 sets out the mechanics and timelines for getting the Rule 35 assessment from the GP and its content. It then sets out steps that DET and the Home Office caseworkers need to take. What comes through to me from the DSO is a sense about the priority of the process and a sense of urgency, which is not surprising, given that these are some of the most vulnerable people in detention. What happens to a detained person who does have a Rule 35 assessment is for the Home Office, not the GP. Although there is a presumption that highly vulnerable people such as torture victims should not be in detention, Home Office decisionmakers can use “immigration factors” to override the presumption. There is no transparency on this decision making process and the board has concerns about the relatively high number of men who continue to be detained even after the Home Office has accepted their Rule 35 claim. Another significant problem with the Rule 35 process is that Rule 35(1) and Rule 35(2) reports are very rare. The board has reported on concerns we have with the Rule 35 process and made recommendations for the Home Office to review it. See our 2019 Annual Report (at pages 4 and 5) and repeated in our 2020 Annual Report (page 6). As there has been no action on these issues, we will need to repeat the recommendations in our 2021 Annual Report. I recall receiving a training session on the Rule 35 process before our monthly meeting in February 2016 from

Sandra Calver, the Head of Healthcare and I led a training session for IMB members on Rule 35 on 18 January 2017.

67. Rule 35 was an interest of mine and I looked into the question of how best to monitor it (see the board meeting minutes for January 2017 at **IMB000049**). I do not recall precisely what led me to look into the issue, but it was probably in response to the new DSO 09/2016 and the need for the IMB to understand and monitor this. In board minutes starting from August 2016, there are references to me doing some work on looking at the Rule 35 process and exploring how the IMB could monitor it in practice, especially given the difficulties created by doctor-patient confidentiality.
68. At that time, there were even difficulties in identifying those who might be subject to a Rule 35 report and we would only be able to get a copy of a report from the detained man due to the confidentiality of health records. Given those barriers, I looked at whether we might instead monitor how the process was working and what data we could get on outcomes such as the number of Rule 35 reports and their outcomes, and the waiting times for a report with healthcare. Part of the work I did is recorded in my report for the week of 19 December 2016, where I reported on my conversations with the Home Office (Zakia Bassou) and Healthcare. The 18 January 2017 board minutes contain reference to that. My recollection is that this work culminated in the presentation I did to fellow board members in our training session during the January 2017 board meeting which is referenced as my "Rule 35 Project" on the agenda (see **IMB000159**).
69. As a result of this, the IMB did succeed in obtaining details of numbers and outcomes of the Rule 35 reports as is shown within the combined monthly reports (for example, see paragraph 2.4 of the combined monthly report for April 2017 [**IMB000021\_0003**]). My recollection is that the data was gathered by the local Home Office staff but at some point later in time, a different part of the Home Office became concerned it might not be consistent with their "quality assured" data which was eventually published publicly and can be found on the internet. I recall that for a period of time we were then left without any data except the outdated public data,

but eventually a new arrangement was put in place where all IRC IMBs get monthly data from a central Home Office point.

70. I have been referred to my rota report for the week commencing 10 April 2017 [IMB000055], where I refer at page 4 to conducting checks on the progression of some of the outstanding Rule 35 cases listed on the whiteboard for that week. The whiteboard I referred to was in the Home Office room at Brook House. As mentioned above, my 19 December 2016 report records a meeting with Zakia Bassou from the Home Office about how they were complying with the new DSO 09/2016 and she told me about or showed me the whiteboard in their office, which they used as a reminder tool for chasing (in addition to the entries in their internal CID system). I cannot speak for other IMB members as regards whether they carried out checks on the Rule 35 process, but I did share the information I obtained when learning about the process with the other board members.
71. Another part of this monitoring involved checking with healthcare to see what the wait times were for Rule 35 appointments and there certainly have been times where the wait times seemed unacceptable. I do not specifically recall the occasion mentioned by Dick Weber in his rota report for the week commencing 17 July 2017 [IMB000039] and about which I am asked to comment, but I have no reason to doubt the veracity of what he says there. This report would have been circulated to G4S and the Home Office so they had notice of the issue if they were not already aware of it.
72. Along with monitoring Rule 35 outcomes through the use of data as described above, IMB members could also assist individuals where there were specific issues raised in relation to Rule 35 or where we members identified issues ourselves by reviewing the information on the whiteboard in the Home Office. An example of this is given in Gareth Jones' rota report for the week commencing 17 April 2017 [IMB000040] where he notes that I had asked him to see D2462 after his Rule 35 application was returned due to typing errors and bad grammar. This was an issue I asked Mr Jones to follow up after I had noticed what appeared to be serious delays in his case after checking the Home Office whiteboard. I assume that I had been unable to follow it up during my visit and had asked Mr Jones (who was on

duty the week after me) if he could try to obtain a copy of the rule 35 report from the detained man.

73. As I have mentioned, it was difficult to see Rule 35 reports or know if individual men had issues with them but, having been alerted to this one, I thought it was something we should follow up because, if accurate, it seemed unacceptable to me that a Home Office caseworker could reject a report because of typing errors and bad grammar when what was at issue was the safety of a very vulnerable man. I wanted to see the report for myself and have the issue raised at a senior level in the Home Office when an opportunity to do this was coming up with the next quarterly forum for Chairs of IMBs in the IDE (as above, a senior Home Office official (usually Alan Gibson) would be there to address any particular questions that IMB Chairs had). There is a standing agenda item and the IMB Forum is an appropriate place to discuss concerns with the Home Office about flaws in its processes generally and, in this case, the Rule 35 processes (though of course individual names and details would be kept confidential). With potentially thematic issues like this, it was also an opportunity to hear if Chairs from other IMBs were having similar experiences.

74. I can see from page one of Mr Jones' rota report for the week commencing 17 April 2017 [IMB000040\_0001], he obtained a copy of the D2462's Rule 35 application which he then gave to Dick Weber to raise at the IMB Forum.

75. I have been asked to consider the IMB board meeting minutes for April 2017 [IMB000005], and the entry at item 4 that:

"MM [i.e. me] asked if concerns about Rule 35 processes could be added to the BH report. She was concerned by the caseworker response to a recent case at BH. She agreed to brief DW [Dick Weber] after the meeting so that he could draft an addendum to the BH report."

76. I believe this is a reference to the report being prepared for the next IDE quarterly Chairs' Forum which Mr Weber would be attending as Vice-Chair because Ms Colbran was not able to attend. The concerns I had were those discussed above about Home Office delays and whether reports were being returned due to typos



rather than matters of substance. I did meet with Mr Weber about drafting this addendum and I believe the issue was raised at the next Forum. My recollection is that the Home Office asked us to provide further details (such as the name of the individual) and I believe we received a response though I cannot now recall the specifics of this.

77. I can see that at page 4 of my rota report for the week commencing 19 June 2017 [IMB000046\_0004] I have recorded another instance of problems in the Home Office processes which I picked up from looking at their whiteboard. In this case – which concerned D812 – it looked like it had taken over seven weeks for a decision to be made. The board meeting minutes for July [IMB000014\_0002 (see item 5)] and August 2017 [IMB000026\_0001 (see item 3)] record: firstly, that I had raised D812's case at the July board meeting; secondly, that Ms Colbran undertook to raise the issue at the July IDE Forum with Alan Gibson; thirdly, that by the time of the August board meeting, Ms Colbran had raised the issue with Mr Gibson; and fourthly, Mr Gibson had tasked Paul Gasson to investigate.

78. At the September board meeting, Mr Gasson reported back on the two cases which Ms Colbran had raised [IMB000026\_0001 (see item 3)]. He accepted that the Rule 35s should have been escalated to a higher level more promptly and that the immigration team should chase a response if not received at the 48 hour point.

79. The Inquiry has asked me about these September board meeting minutes and whether there was a policy for escalating Rule 35 concerns. I am not aware of a separate policy or procedure for escalating rule 35 concerns to a higher level. However, if I had questions about particular aspects of Rule 35 they would be dealt with in the usual way: that is by attempting to resolve any issues by speaking to Healthcare or the Home Office while on site and, if these issues could not be resolved or if there were signs of more systemic issues, to raise them at board meetings and, potentially, the IDE Quarterly Forum. Such issues might also be raised in our annual reports, as they were in the 2017 Annual Report [IMB000135\_0020].

80. To the best of my knowledge G4S staff did not undertake any kind of selection process regarding who should get a Rule 35 appointment. Within Healthcare, I was aware that nurses and non-GP staff were not meant to perform a triage or select those who would receive appointments. Whether or not a report was required was a decision for the GP (as is stated within Rule 35). At page 3 of my rota report for the week commencing 27 August 2017 [IMB000032], I note that I had asked whether, in a case where a person had indicators of PTSD, a nurse might volunteer to him that he should seek a Rule 35 assessment. I was told not, because it was not considered "a right." I made a note that a more open approach to the issue might be in the best interests of potentially vulnerable detained persons.

81. In preparing this statement I have refreshed my memory by looking at my notebook for my visit in August 2017. I have noted details of conversations with [D1318] on B Wing (on crutches) and [D750] with a note of PTSD and my comments "even if not torture wouldn't auto be picked up in Reception – torture?". A later note from after my meeting about it with Healthcare is: "2 weeks not told about r35/PTSD medication". I do not recall which individual in healthcare told me that Rule 35 was not "a right" and cannot find anything more in my notebook. I do not recall encountering this view from anyone else at any other time. I reported the issue in my rota report (see IMB000032) which, as explained above, went to senior management at G4S and the local Home Office. I do not know what, if any, action they took on the issue.

#### **Rule 40**

82. The rota member for each week should be notified by telephone by the Oscar whenever a man is placed on Rule 40 and the Detention Centre Rules state that the IMB should be given notice of the removal from association (Rule 40(5)) and that the IMB should visit any such person within 24 hours. Wherever possible, I would set my visit start times around the Rule 40 reviews and if someone was placed on Rule 40 while I was visiting the Centre I could visit them at the time. However, given the number of instances of Rule 40 being used, the number of IMB volunteers, and the fact that these notifications came several times a week at all hours of the day and night, it was not possible to visit every man placed on Rule

40 within 24 hours. This issue was noted in the minutes of our board meeting for May 2017 [IMB000030\_0001].

83. I am asked about training which I received on the use of Rule 40. I recall attending a session in July 2018 run by Jenny van den Berg of the Home Office relating to the new Rule 40 paperwork which was being introduced. More recently, there was IMB national training on Rule 40 and on vulnerable adults in the CSU which I attended remotely in September 2020. How to monitor Rule 40 is one topic in our "bite size" monitoring courses introduced by myself in February 2021 and our local IMB did a training session on this recently on 15 December 2021.

84. I have been referred to section 1 of Ms Colbran's rota report for the week commencing 2 October 2017 [IMB000105] in which she notes "[t]he new paperwork on R40 puts an emphasis on R40 as a last resort" and notes that officers should attempt mediation first. My recollection is that Rule 40 was to be used as a last resort and officers were expected to try and resolve issues by discussion if the circumstances permitted. I do not recall this being described as "mediation" but it may have meant the same thing in practice. I do not recall any particular changes to this approach as a result of *Panorama*, however, if staff are stretched or not supported, there may in practice be less prospect of some kind of resolution like this which would avoid the use of Rule 40.

85. I am asked to consider section 7 of Elisabeth Markwick's rota report for the week commencing 14 August 2017 [IMB000052], in which she refers to "ACDT sheets" and Rule 40 sheets with four pages. My recollection is that these were high-level details of when an ACDT was opened or closed on a particular detained man or if there had been a use of Rule 40. I believe they might provide the man's name and basic information about why the reports had been opened on him. They were not the actual ACDT forms or use of force reports.

86. In terms of monitoring Rule 40 documents, I had been told during my probationary year to look for these information sheets in the Oscar's office. I would do so, then bring them back to the IMB office for filing. We did monitor Rule 40 and ACDTs, although I would not rely solely on the paperwork which was (or sometimes was

not) left in the Oscar's office. I recall they did not have much detail, and in some cases, the ACDT or Rule 40 would be closed by the time you collected that paperwork (many uses of Rule 40 were of short duration and collecting the paperwork required us to be in the Centre). Instead, I would rely on calls from the Oscar when there was a use of Rule 40 and the information on both Rule 40 and ACDTs which was available on a large whiteboard in the Oscar's office. I would usually go there at the start of my visit to get that up-to-date information. We could then we look at the actual ACDT reports on the wings and visit any men on Rule 40.

### **Use of force**

#### **Scrutiny meetings**

87. I do not know when the use of force scrutiny meetings began at Brook House but I am aware from a review of entries in the IMB office diary that IMB members were attending such meetings from May 2016. At this time, use of force scrutiny occurred within the context of the monthly Security meetings (although these meetings were calendared to occur on a monthly basis, this did not always happen). Separate use of force scrutiny meetings were introduced in November 2017. The IMB diary entries show that members attended four such meetings in each of 2016 and 2017, and three in each of 2018 and 2019 (when again, there were gaps in running these meetings). The diary entries also show an IMB member going to Brook House for the meeting in November 2017 and January 2019, only to find it cancelled at short notice. The diary shows that I attended these meetings on 11 April and 15 December 2017 and 14 August 2018. My recollection is that non-IMB attendees would include at least one senior G4S person (usually the Head of Security) and there might be attendees from Healthcare and the Home Office, as well as other G4S staff.

88. I recall receiving training on use of force although I do not recall when it was or who from G4S conducted it. I do recall that it was over the course of a day and that the first part was classroom based, including explanations of what was permitted use of force. The second part was practical and held on the mats in the dojo and focussed on personal protection training for our own safety when in the Centre. I recall that we were given some demonstrations by the G4S trainers of uses of force

that would be permitted, as well as some that would not be permitted. This training has assisted me in evaluating a use of force.

89. My recollection is that the purpose of the use of force scrutiny meetings was to review data on the use of force from the previous month and review reports and footage of some incidents for lessons learned. As with all meetings run by G4S, the Home Office or Healthcare, the IMB attends as an observer as part of our monitoring duties, but we would ask questions and may be asked, for example, for our impressions of footage reviewed. Our primary focus was on governance: seeing how the meeting was run and what kinds of issues were covered.
90. These meetings were a place where the IMB could raise concerns, either about particular uses of force or general questions such as how lessons learned are fed back, what training there is for staff, and what the internal Home Office and G4S review processes involve. Most of this is my understanding of how things are now but I do recall the introduction (I think by G4S in 2018) of a next-day review of any use of force by the G4S duty director (a member of the SMT) and, I believe, a use of force instructor. This scrutiny also involves considering factors such as whether any particular officers are involved in multiple incidents that might require further learning. I am aware also that the Home Office does its own review of uses of force now.
91. Outside of the context of these meetings, the IMB were able to view CCTV footage of uses of force. Under the Detention Centre Rules, the IMB has access to all records in the Centre and this includes CCTV footage. We did not need to ask or obtain permission in order to view these. However, as a practical matter, the footage could be only accessed in the Security Office and I recall that there was perhaps only one monitor where CCTV footage could be viewed. My recollection is that it was simply a matter of asking to see the footage and there was no formal process, it was just a matter of logistics, bearing in mind the practicalities described. I have been asked about the meaning of a comment recorded in the October board meeting minutes [IMB000031] that it may take two weeks to review incidents as "it takes time [for Security] to do the analysis." I do not recall what the reference to "doing analysis" means.

92. In my Verita interview at [VER000237\_0006], I referenced attending a scrutiny meeting and reviewing what I described as “a very problematic Use of Force.” This relates to a use of force on D356. My rota report for the week commencing 11 December 2017 records that I attended the Use of Force Scrutiny meeting that week and saw the camera footage for the use of force then [IMB000084\_0001]. My report notes (at page one) that it was “clearly difficult for everyone. To my inexperienced eye, D356 resisted mightily and the force used did not seem unreasonable in the circumstances. However the move seemed very protracted to me and with this possibly due to the inexperience of the first C&R team, thus making a more extended experience for D356 and others involved. A second C&R team came in and he was eventually walked down on rule 40, but placed in E Wing rather than CSU. His RDs eventually failed – he had a ligature around his neck, tin can lid at his throat and blades in his mouth. After he came off r40, he remained on restricted association. See under E Wing below for an App he made to me later on Friday.”

93. At page three of my report I recorded:

“I spoke with D356 on Friday afternoon after he handed me an App about why he was continuing to be denied free association, although he is off rule 40. He also said he had not been getting fresh air. I spoke with Home Office/Heena later on Friday and called Alec on Saturday morning. As he is to go to Somalia, it seems unlikely there will be a removal in the current window, so he should come off restrictions -but the official word needs to come from elsewhere in Home Office. Again, hopefully on Monday. In any event, he should be getting fresh air and I asked Alec to raise this with the Oscar when they met later on Saturday morning.”

94. As this was in my rota report, it would have gone to G4S and the Home Office in the usual way. In addition, as noted elsewhere, when IMB members attended meetings we could raise issues and are asked to give our observations in Use of Force meetings now. While I do not recall if I raised this in the Use of Force Scrutiny meeting I attended on my rota visit earlier in December, I can see that I did raise this incident at the December 2017 board meeting where it is noted [IMB000010\_0003]:

**“MM w/c 11/12 ...**

- UoF on Mr D3322 seems to have been an issue with inexperienced officers.

**LH** has asked for a full review. He explained that kitted officers can't wear body cameras due to safety. **DW** – Asked whether teams are being picked and if some UoF are better than others.”

95. For reasons that I am not clear, the Inquiry has applied different ciphers but I can confirm that D356 (as referred to in my rota report) and D3322 (as referred to in the board meeting minutes) are the same detained person.

96. As the board minutes show, I raised my concerns about the use of force on D356 / D3322 with Lee Hanford (Paul Gasson from the Home Office was also in attendance). Mr Hanford is recorded as saying he has asked for a review of this use of force.

Use of force incidents and documentation

97. I am asked to consider pages 2 and 3 of my rota report from the week commencing 10 April 2017 [IMB000055], which referred to a use of force incident involving D1255 which I witnessed. I noted that the force used was minor but that I was later surprised that there did not appear to be a use of force report relating to this incident as we received many relating to minor uses of force. I have since reviewed my notebooks from this time but I cannot be sure of the identity of the officers involved. My recollection is that the force used was in the nature of a “shove” when intercepting D1255 who was trying to run past his room. I do not recall D1255 saying or doing anything which suggested that he had been hurt but the force used was more than what would be described as “guiding hands” and my experience was that even the most minor instances of use of force should be reported. Hence my surprise when I did not subsequently see a use of force report. As I explain above, I had received training which assisted me in assessing use of force incidents and my judgement that the force was reasonable would have been based on that training and my shadowing experiences in my probationary year and what I had learned subsequently in my role.

98. I do recall discussing the lack of documentation in this case with the then IMB Chair and, after that, I made the decision to record it in my rota report which went to senior managers at G4S and the Home Office. That way, there was a written record about the lack of documentation and they were aware of my concerns. With hindsight and given the level of vulnerability of the man involved, I now feel that it would have been better practice to follow this up directly with a member of G4S senior management in addition to recording it in my rota report. My report also records that D1255 told me that "detention had caused his current problems". I do not have a note of what I did with this information, but I have some recollection of speaking with an officer or officers in the wing office afterwards – because of the fact that the detained man had told me his name. He had been known to everyone as D1255 because he gave no details of his name at reception. I cannot recall what else I may have said, although it was my usual practice to talk with staff after getting that kind of information and the fact that he thought he could care for himself. If he was on an ACDT, I may have written in the ACDT book.

99. I am also referred to an item in the IMB board meeting minutes for September 2017 [IMB000026] in which reference is made at page 1 to F213 forms (reports of injury to detained persons) not being completed. I believe the issue of these forms arose a few months earlier when the item 'F213' appeared as a new item on the combined monthly reports and we sought clarification as to what it referred to (see the July board meeting minutes at IMB000014). My recollection is it subsequently transpired that the person who gathered F213 data had had trouble getting it from Healthcare, so thought that she might improve her chances by adding it as an item on the combined monthly report. The reference in the September minutes is a carryover of this action. As set out in the minutes, Steve Skitt informed us that he had raised the issue with Healthcare and the Detainee Custody Managers to ensure they were completing and returning the forms correctly. My recollection is that it was not that Healthcare were not recording incidents of self-harm, but that they were not sending the information to G4S in a timely manner.



## **Facilities, services, welfare, and the physical environment at Brook House**

### **The built environment and facilities for exercise**

100. As the Inquiry has heard in other evidence, the environment at Brook House (being modelled on a category B prison) tended to be closed-in and concrete. It could be a very noisy place, particularly with the clanging of doors. It was not as calm and light as Tinsley House which was more open architecturally and had fewer locked doors.
101. In my view, Brook House did not and does not have adequate space or facilities for exercise given the large number of men it can hold and the extended length of time many men are detained there. The only outside spaces are four courtyard areas which are closed off on three sides and have high, barbed wire topped fencing on the fourth side. One of these (Dove Wing) has tables and seating areas and is the main socialising and smoking area. It also has artificial turf although I cannot recall if it did in 2017. The other three yards had hard tarmac surfaces (though another one has since been covered with artificial turf). Access to the yards became even more restricted after some escape attempts which resulted in the Home Office requiring G4S to only open the yards with an officer in attendance. Of course, staffing numbers were so low that priority was given to officers being on wings and so yards were open even less in that time. The IMB raised this issue with the Home Office and G4S in our board meetings of September 2017 (see item 5 of the minutes [IMB000026\_0003]) and December 2017 (see item 5 of the minutes [IMB000010\_0003]). In our 2017 Annual Report the board reported the issue of yard closures (see section 9.6 [IMB000135\_0022]). I believe that the gym can only accommodate around 15 men and there are no other indoor sports facilities.

### **Temperature**

102. In the July 2017 IMB board meeting [IMB000014], I raised the problem of overheating on C Wing during the recent hot weather which had been reported from my rota visit in June. Some rooms on a top floor were considered to be too hot and the men from those rooms were taken to sleep in an adjoining wing. From looking at the meetings of the July board meeting, I see that we were advised by Ben Saunders that the issue had been resolved by the Facilities team. I do recall other occasions when parts of the top levels of some wings became very hot in summer.

I do not recall it being a regular problem during the Relevant Period, but we would not be in the Centre every day.

103. If I got a report from the detained men about the temperature I would go to their room or the place where it was said to be too hot to observe it myself. I would then raise it with the wing staff so that they could contact Facilities and have it checked. I remember other occasions over the years when I met with facilities staff and also a session that the IMB had with facilities about the system at Brook House which included us going up into the roof above some of the wings to see how the system worked. The roof opens on some of the wings and staff did sometimes open it. I am not sure that it actually made things cooler and, in fact, Facilities said that it could upset the balance of the system and was a mechanism meant to be used in the event of fire, rather than for cooling. However, having seen the roof opened before, detained men would often ask for it to be open over the summer and at times it could be cause of frustration if this was not done.

Access to Welfare and legal advice

104. I am asked to consider page 5 of my rota report for the week commencing 10 April 2017 [IMB000055], in which I noted that the waiting time for legal aid appointments was 14 days and the emergency appointment slots were full for the next 13 days (note that references to days are to calendar days, not business days). This was an unusually long wait, which is why I noted it in my rota report and raised my concerns at that month's board meeting [IMB000005\_0003]. Note that while my report item is headed "Welfare/Legal Aid", the delay I am referring to was for legal aid appointments only, and not for Welfare. It was an issue which the board had raised with the Home Office previously: see, for example, the board meeting minutes from January 2017 [IMB000049\_0003] where I raised a general question about the availability of legal aid appointments. There were further follow-ups required from the Home Office, as mentioned in the board meetings from February to June 2017. In the end, and I anticipate because of this focus, G4S started more actively managing the meeting schedule for appointments. In particular, they introduced a reserve list to put men into meeting slots that would otherwise have sat empty due to cancellations or departures. In the June 2017 board meeting, this particular action was closed when the wait-list had come down to seven days.

105. Access to publicly funded legal services by detained persons is something that we monitor. The waiting times for appointments have been raised in our annual reports. At paragraph 5.12.1 of the 2016 Annual Report [IMB000121\_0019-0020] we stated:
- “5.12.1 A recent survey showed that 30% of detainees at Brook House needing a lawyer did not have one. Publicly funded Legal Aid Agency surgeries are provided by two law firms on a rotating basis. The surgeries continue to run on an alternating four days one week and three the next. There are now up to 10 thirty minute sessions a day, an increase since our last report. While the increases are welcome, at January 2017 the wait time for an appointment was about 13 days, three days longer than for the same period last year. The Board considers this too long to wait for a routine appointment. The speed of detainee turnover at Brook House, coupled with the length of time taken by the legal aid assessment process, means that many detainees will have been removed before the decision can be communicated to them or, where legal aid is approved, before any meaningful assistance can be provided.”
106. In our 2017 Annual Report (at paragraph 5.6) we noted a slight improvement to waiting times [IMB000135\_0012].
107. The reports show typical waits of seven to ten days in 2017, six to nine days in 2018 and three to five days in 2019. In 2020, we noted that wait times were generally shorter than in previous years. Appointments were often available within 72 hours and sometimes the next day, although at one point in late November 2020 there was an 11 day wait. There would have been increased demand for legal aid solicitors in late 2020 given the profile of the men then detained in Brook House: most were asylum seekers who had crossed the Channel and were being held prior to removal to EU countries. A fifth day a week for appointments was added in 2020 to meet this demand. Also in 2020, with the advent of the pandemic, most appointments moved to being held remotely. The underlying information for this annual report data is picked up on rota visits, usually by checking the appointments list in the library. In my case, I recorded it in my rota report, which then went to the Home Office and G4S. The Home Office had the relationship with the Legal Aid Agency, so it would have been for Home Office to follow up with them if there were

issues. We were not aware of the details of the Home Office arrangement with Legal Aid Agency.

The Detainees' Forum / Residents' Committee meeting

108. Where possible alongside their other commitments, IMB members would attend what was known as the Detainees' Forum or Detainee Consultative Committee meeting (now the Residents' Committee). I am unable to recall how often these meetings ran in 2017 and 2018. I recall that they were meant to be held once a month, but, as was the case with other G4S meetings, they could be cancelled due to "operational reasons." When held, these meetings represented a chance to hear issues raised by detained men to (senior, in my recollection) G4S staff. It was also an opportunity to make the IMB more visible amongst detained persons and raise awareness of what we did. This monthly meeting is now called the Residents' Committee meeting, though there is not actually a residents' committee. I recall that it got that name from a detained man who had a business or management background and who did a good job of soliciting issues from detained men before the meeting and had tried to set the forum up in a more structured way.

Detainee of Interest meetings and Adults at Risk

109. I am not sure when Detainee of Interest meetings were phased out, but these meetings no longer run. My recollection is that they involved discussing security issues around detained men who were considered to be high risk individuals for safety reasons. For example, they may have a history of dealing in drugs, violence, or escape. From an IMB perspective, I did not find the Detainee of Interest meetings to be very useful. The focus was mainly on a man's record and criminal history. My view was, and remains, that this is irrelevant to the IMB, except to the extent it might involve a risk to personal safety when we visit a detained man. However, that is information that we can get from the wing officers before we go to see them. Otherwise, a man with a criminal record is no different to any other detained man in the Centre in terms of the support and attention which an IMB member should give him. I cannot recall the sequence of events but, at some point, Detainee of Interest meetings expanded to include highly vulnerable men and then these became Adults at Risk meetings. I believe security concerns are now covered in Security meetings.

110. Although I cannot now recall when the weekly Adults at Risk meetings were introduced, a review of my rota reports shows that the first time I attended one was on 30 April 2018. Prior to the introduction of this formal multidisciplinary team, the IMB had expressed concerns that there was sometimes poor collaboration between the Home Office, G4S, and Healthcare in the cases of some very vulnerable detained men. For example, my rota report for the week of 10 April 2017 [IMB000055\_0001] highlights the “need for clarity on accountabilities and multidisciplinary approach” under the Adults at Risk DSO. This was a reference to D1255 and D2159. That report also mentions that there might be lessons learned from those experiences and possible plans to hold regular scheduled multidisciplinary meetings on the more complex adults and risk cases, but I do not recall this happening prior to the introduction of the Adults at Risk meetings, or at least not on a regular scheduled basis.

111. In October 2017, I wrote to Lee Hanford (then G4S Centre Director) and Paul Gasson (Home Office) with concerns I had for a very vulnerable man, [D3454]. In my rota report for the week commencing 16 October 2017 (which has previously been disclosed to the Inquiry), I recorded:

“There is significant concern from all involved about [D3454] a Romanian man on E Wing. He was brought in on Tuesday evening and has had two hospital trips since. Healthcare says that there has not been an official diagnosis yet, but most seem to be working on the assumption that he has cerebral palsy. He has not had a r35 assessment yet, but Healthcare have submitted Part Cs saying he is not fit for detention. All seem clearly agreed with this, but the question is what is the best care for him in the interim, as he cannot just be released back into the community. See below under E Wing.

...

[D3454] - I first saw him on E Wing on Wednesday morning and I've not seen so many G4S, Home Office and Healthcare people tending to or involved with a single detainee before. Such was the level of concern for him. He wasn't eating and I was told had started banging his head against the wall. He was clearly distressed. He was taken to hospital for assessment, but later returned to the Centre. I understand that he had been brought in the previous night from Golders Green after picked up by police (?) sleeping rough. I saw him again on

Thursday morning and spoke with him very briefly (it was not easy to understand). He told me - and others - that he wanted to go back to Romania and by bus (he had come by bus).

On Friday I had a call that minimal force was used to help him calm down as he was again banging his head against the wall. He lost some teeth and was taken to A&E. There was another call for use of force on Saturday, again for his own safety. As being confined to his room seemed to be the trigger, it was decided to leave his door unlocked and he is on constant watch. This helped **D3454** but the Oscar was concerned about possible risk for him if, for example, another detainee had to be brought through E Wing to CSU and urgent lock-up was needed or just given the mix on E Wing.

Everyone who had contact with him was clearly moved by **D3454**'s plight and working to get the right outcome (release) for him. E Wing staff were doing all they could to help him. But, rightly I think, the Oscars and others had a sense that the police and NHS had too readily just left **D3454** to be 'someone else's problem', rather than find right solution for him. Detention isn't the right place for him, but the problem continues to be his care from now to implementing a plan to be agreed for his removal to Romania, as he cannot just be released into the community without the right support."

112. I wrote to Lee Hanford and Paul Gasson as I saw no evidence of a joined-up care plan between the Home Office, G4S and Healthcare (my recollection is I got different stories from each of them about what the plan was; or, if there was a plan, it had not been communicated to those who needed to know). On the basis of these examples in particular, but also from a general concern, our annual report for the year 2017 identified as a main area of improvement that the Home Office should work with G4S and Healthcare to sharpen the operation of multidisciplinary decisions on adults at risk **[IMB000135\_0005]**.

113. In our June 2018 mid-year review of outcomes from our ATPR for 2017, which had taken place in February 2018, the board also took time to look at some anonymous comments from IMB members that had been made in the surveys for that ATPR. In connection with one of those about our purpose in attending the various meetings, it is recorded as noting that the Adults at Risk meetings were important to attend as

“it isn’t working properly yet” [IMB000066\_0011]. I would agree with this assessment both for February 2018 and June 2018. My recollection of earlier meetings was that there was too much time spent going through and updating details of those on the Adults at Risk list, with very little sharing of meaningful information or planning into how to care for the men on the list. I felt this was a wasted opportunity. There was also the issue that the caseworkers did not dial in, with DET being conduits. In my Verita interview at line 72, I commented that “the wrong people” may have been there and I was unsure of what had been decided [VER000237 \_0006]. I cannot be sure, but I think “the wrong people” was a reference to the absence of caseworkers as described above and perhaps that there was not consistent attendance by G4S senior management. My comments about being unsure what the meeting had decided might have been a reflection on the various purposes of the meeting and the lack of meaningful exchange. I and the board had been concerned, and had raised those concerns, that there had not been a multidisciplinary group looking at adults at risk. I thought that the Adults and Risk meetings had not fully achieved a multidisciplinary approach. I recall that there was not enough input and sharing of information and expertise on matters directly relevant to the care of the men who were “adults at risk” on the list, and too much focus on the mechanics of the list itself.

114. I attended a meeting in the week commencing 3 December 2018 and it seemed more developed and to be working much better than some of the earlier meetings. There seemed to be regular attendance and the exchange of information seemed more purposeful than before. Our 2018 Annual Report records that we welcomed the establishment of weekly meetings of a multidisciplinary team to look at Adults at Risk [IMB000156\_0008]. However, while there were positives, we noted that there still appeared to be inconsistency in attendance and caseworkers did not dial in so there was no direct involvement of those key decision-makers. At paragraph 4.4 of 2018 Annual Report we stated:

“Once again, there have been cases this year of extremely vulnerable detainees classified as Level 3 Adults at Risk and who have either been transferred to secure mental health units (five men) or eventually released.

After concerns in last year’s report about the need for smoother working between Healthcare, the Home Office and G4S in connection with some

vulnerable adults, the IMB welcomes the establishment of weekly meetings of a multi-disciplinary team to look at Adults at Risk. There were teething problems, but in meetings attended by IMB members in the last months of the year each new arrival assessed as at risk was considered by the team, and updates made to the log for those already in the Centre. However, there still appears to be some inconsistency in attendance and, while the Home Office Detainee Engagement Team members attend and act as conduits for the caseworkers, caseworkers do not dial in, so there is not direct involvement of these key decision-makers.

The IMB is concerned by the low number of detainees released after consideration of their rule 35 assessments by the Home Office (see section 8.10). One consequence is that vulnerable detainees who have had their assessments accepted remain in detention if the Home Office considers that immigration factors outweigh the risks to the individual. These men are managed as Level 2 Adults at Risk.

For detainees being monitored for food and fluid refusal - a daily meeting has been introduced between the Centre Director, the Home Office, Healthcare and staff from across G4S departments to plan and co-ordinate care."

115. Adults at Risk meetings continued to be held and evolved. Recently, they have been combined with the Vulnerable Residents meetings that Serco introduced. These meetings are held weekly and can be joined remotely. My view is that this new format is a significant improvement. More time is set aside for the meeting and there is detailed information sharing and actions resulting. Attendance is broader and, in particular, includes attendance by frontline staff and Detention Operations Managers ("DOMs") from the wings, along with welfare team members. These are the staff who have the most regular contact with the men concerned and so their views are valuable.
116. In the past, the IMB had concerns that information about Adults at Risk was not being passed through to officers on the frontline, thus hampering their ability to provide the best care. In addition, caseworkers for the men identified as most vulnerable (usually Adults at Risk level 3) now appear to dial in more regularly. This is important as it means the decision-makers get to hear from those directly dealing



with the men what their issues and concerns are. Given the newness of some of these changes, we will need to continue to monitor them to see that the improvements made continue.

The incident on D Wing on the evening of 14 April 2017

117. I am asked to consider page 3 of the IMB board meeting minutes for April 2017 [IMB000005] where I asked Ben Saunders for more information following a protest on D Wing which took place on 14 April 2017. The note of the meeting records:

“MM asked for feedback on the protest that had occurred on D Wing Courtyard on 14 April. BS gave a brief summary; the outcome of the protest was that 6 detainees were placed on R40 pending transfers out to other establishments. However, to date, no transfers had taken place.”

118. I have refreshed my memory by considering my rota report for the week commencing 10 April 2017 [IMB000055\_0001]. I can see that I attended the Centre three times that week: on Tuesday 11, Thursday 13 and Saturday 15 April. The incident referred to above occurred during the late evening of the Friday. I had not planned to attend the Centre on the Saturday, but in light of the events which were reported to me by telephone, I did so.

119. Within my rota report (at page one) [IMB000055\_0001], I have recorded:

“The Command Suite was opened late Friday night for a Serious Incident: c 40/50 detainees in a 'protest' on Dove Courtyard and refusing to come in. Eventually disbanded itself, after officers went in to the courtyard to help a detainee who had fallen ill. Some detainees charged at the staff, resulting in two assaults on staff. It seems that after this, the rest of the detainees wanted to go in voluntarily. It all resulted in six men on rule 40, with uses of force on three of them - two rule 40 for the assaults and four identified from cctv as inciting the protest. I had literally got as far as the front door at home [to get into a taxi which I had called to take me to the Centre] when Oscar called to say that the protest was over and all the men had gone in and the Command Suite was closed at 11pm. Communication from the Oscars was excellent throughout - numerous calls [to me at home] being updated from before Command Suite opened until it closed.”

120. I have no independent recollection of this incident other than what is recorded in my rota report and my notes which I made contemporaneously and which have previously been disclosed to the Inquiry. These records show that I went into the Centre the next morning (a Saturday) to attend the Rule 40 reviews of the detained persons involved. I heard a number of different responses ranging from these men being unhappy about immigration, protesting about food, or, in the case of one man, suggesting that he thought it would be "fun." A Serious Incident was declared at the time on Friday 14 July but, as my report notes, it was over before I could leave my house and so I did not attend it. However, as noted in my rota report, the Oscars were communicating regularly with me throughout. As I had not been able to attend, I requested further information at the board meeting and I received an update from Ben Saunders about it.
121. In relation to this rota report, I am aware that, in paragraph 10.13 of her report, Professor Bosworth commented on my use of quotation marks around the word 'protest,' which she took to be a dismissal of the man's claims. To clarify by way of background, as a general rule, I am cautious about the use of the word 'protest' at Brook House and particularly if it is used by G4S or Home Office staff to describe the behaviour by a detained person. I have used quotation marks as a flag for myself to not take something at face value and to note the need to check further, particularly in relation to whether there might be mental health issues involved. For example, as recently as the first week of December 2021, an IMB colleague reported that a note had been made in a file of a man with mental health issues that he had engaged in a "dirty protest," when in fact he appeared to have soiled himself from distress. I have reviewed my April 2017 report again and I see that I put the word 'protest' in quotation marks in the second paragraph because that is what I was told in a call from G4S, and I knew no more about it. I feel quite certain that I would not have used the word 'protest' to dismiss the man's claims, but more because I had not had a chance to understand his issues more fully.

## **Relationship with external organisations**

### **The Gatwick Detainees Welfare Group ("GDWG")**

122. Before I became Chair in 2018, my only interaction with GDWG was in a pre-board meeting training session on 17 August 2016 when their Director, James Wilson, spoke to the IMB about GDWG and its work. I also attended a meeting at their offices in Crawley on 14 November 2017. I discuss both meetings below. The G4S Welfare team had especially favourable views on GDWG's welfare work and this informed my view too. However, I did not have a clear understanding of the difference between their welfare and visiting work (which is what we usually knew of) and what they described as their casework.
123. I would say that the relationship between the IMB and GDWG in 2017 was uncertain in the sense that there was nothing established or regularised about it. In retrospect, I think both organisations were unclear of the work each other did and how they saw their roles. As a newer member, it seemed that with a new director at GDWG the IMB wanted them to come and meet with us because their work with detained men was recognised as valuable. We wanted to know more so that we would be better informed about them and could keep referring men to GDWG. In my view, the relationship in 2017 was also one-way in the sense that the IMB's focus was on helping GDWG with the problems they were experiencing with G4S and the Home Office, but with no real reflection on how the IMB (and, ultimately, detained men) might benefit from regular collaboration with GDWG.
124. I attended the meeting on 17 August 2016 discussed in paragraph 61 of Mr Wilson's statement [GDW000001], but I do not have a clear recollection of the details of it. I understood it to be an opportunity to learn more about the work of GDWG. I understood the meeting on 14 November 2017 to have been held in response to the problems that GDWG were having at that time with G4S and the Home Office. My recollection is that the IMB's intentions in the meeting with him were to see how we could help GDWG resolve these problems. Having said that, until hearing Mr Wilson's evidence to the Inquiry I did not realise just how bad the relationship between GDWG, G4S, and the Home Office was and I was shocked by the bullying he described.

125. At paragraph 62 of his statement, Mr Wilson characterised the approach of the IMB in this meeting as seeming to be too close to G4S. He reports that the IMB advised GDWG “not to overstep the mark with Brook House management” and repeated “a list of G4S complaints” about GDWG. As set out above, my recollection was that we were seeking to assist GDWG in improving their relationship with G4S and the Home Office so they could better assist detained persons. I do believe that the IMB intentions were genuine in trying to help GDWG with these problems. However, I now think that our dealings with GDWG were too affected by some of the repetitions by G4S and the Home Office about historical events involving individuals associated with GDWG and the perception that GDWG had a political campaigning approach with a view to ending immigration detention. The board was concerned to be independent and did not wish to be perceived as a “mouthpiece” for any organisation, particularly one which was perceived to have a political agenda (regardless of whether we agreed with its aims).
126. On reflection, I do accept that the IMB was too affected by managers’ criticisms of GDWG but I do not accept that this was in any way intentional, nor do I accept the suggestion that we sought to circumscribe their work as a result of this. The IMB’s intention in its dealings with GDWG were to try and help them build a better relationship with G4S and the Home Office. However, I accept that this influence of managers’ criticisms may have had the knock-on effect of the IMB failing to foster a broader complementary relationship with GDWG.
127. I attended a meeting with members of GDWG in November 2017. I cannot now recall the precise details of what we discussed but given the timing of the meeting, it is not surprising to me that *Panorama* came up. I have seen a document which appears to be a note of that meeting [VER000110]. I do not know when it was written or by whom. I do not recall the comments that Mr Wilson describes at paragraph 63 of his witness statement being made. I would not have agreed with these comments or the tone of them in 2017 and I do not agree with them now. From the first time I saw the *Panorama* programme, I felt that this was a very serious problem. Even one serious incident would be one too many and I was very concerned about what the IMB role was. This is reflected in my leading the drive to identify whether there

had been deficiencies in the IMB reporting around the incidents identified in the programme (see 'the Post-*Panorama* appraisal' below).

128. I have been referred to line 178 of Gareth Jones' Verita interview [VER000237] where it is noted there was "a sensitivity" towards GDWG in relation to the idea that they were campaigners and we had to resist the temptation to campaign. I do recall a perception within the IMB that GDWG had a political or campaigning arm aimed at ending immigration detention, which may be what Mr Jones was referring to here. As a board, we are against open ended detention: we can see first-hand the effect detention has on the mental and physical wellbeing of the detained men. As is shown in our recommendations to the Minister in our Annual Reports, we gather evidence in support of that when monitoring. Our 2018 Annual Report says that: "From our own observations on weekly visits and the number of applications and requests we get from detainees on immigration related matters, the Board sees the impact of open-ended detention on the mental health and emotional well-being of detainees. The Board considers that the indeterminate nature of detention can lead to inhumane treatment." [IMB000156\_0004]. It may also be the case that individual board members are opposed to detention in any form, whether open-ended or limited. However, as monitors, we leave any broader or political opposition at the door. Personally, I had only limited experience of GDWG during the Relevant Period but, from what I knew of their work, I had no concerns about the manner in which they operated. On the contrary, I and other IMB members would refer detained men to them for assistance. For example, I can see from the board's complaints or applications log book [IMB000150\_0011-0012], that in April 2017 Elisabeth Markwick was asked by D1199 why it was being suggested that he should be sent back to prison from Brook House. Ms Markwick has noted that she spoke with the Home Office to try to obtain more information. In response to that, Ms Markwick informed D1199 to contact GDWG for the name of a solicitor to see if an appeal could be lodged.
129. Ms Colbran is better placed to detail the written referrals between GDWG and the IMB throughout the Relevant Period but, informally, I would advise detained men to seek their assistance where I thought GDWG could assist.

130. I understand that, at paragraph 11 of his witness statement [INQ000027], Mr Macpherson of GDWG recalled GDWG being told not to make complaints to the IMB on behalf of detained persons. I do not recall anyone from the IMB saying this but, as discussed above, the relationship between the IMB and GDWG was complex and this may have been the message GDWG interpreted the IMB as sending.
131. After the Relevant Period and during my time as Chair, I have worked to build a stronger relationship with GDWG. Contact between the two organisations has continued in a number of forms:
- a. In November 2018, we discussed a difficulty which GDWG were having in getting responses from Healthcare. I recall speaking to Michael Wells, the Office Manager, about this and arranging for GDWG to copy in the Chair of the IMB in their dealings with Healthcare. In an email sent in December 2018, James Wilson described this as “hugely useful.” In November 2019 I noticed that the IMB had not been copied in on any emails from GDWG for some time. I checked with the G4S Head of Safer Community, who said they had received no emails from GDWG since 29 October 2018. When I checked with Healthcare they said that they had had no contact except Freedom of Information Requests “for months.”
  - b. On 16 October 2019 the new GDWG Director Anna Pincus was the invited speaker at a training session which took place before our October IMB board meeting. I was unable to attend this meeting because I was away, but I wanted to develop a better relationship with GDWG so I contacted Ms Pincus in November 2019 and we met on 21 January 2020.
  - c. In October 2020, Ms Pincus contacted me by email with concerns about a man who was being detained at Tinsley House where Ms Pincus was concerned that the circumstances of his detention were having an adverse impact on his mental health. In her email to me (on 14 October 2020) Ms Pincus wrote that she knew “individual cases in Brook House and Tinsley House are not your focus at the IMB and I am therefore writing about a systemic issue”. I was concerned by this, because it did not reflect my view of the IMB’s role. I therefore responded and explained that this appeared to be a misunderstanding of the IMB’s role; I suggested that Ms Pincus and I meet via

Zoom or Skype (this was during the Covid-19 restrictions). In my email of 15 October 2020 I said:

“One thing I wanted to pick up on was your comment that you know that individual cases in Brook House (and Tinsley House) are not our focus at the IMB, and that it is systemic issues. I was really surprised by this, as I would say that our dealings with individual detainees and their issues is the most important area of focus. We are concerned with all men who are detained at Brook House as individuals. As well, we cannot see systemic issues without dealing with the issues of individuals. The concerns you raised yesterday are issues we need to, and want to, hear about.

Perhaps it's just a misunderstanding or matter of words, but I think that it's something we should talk about when we next catch up together again. I recall that it was January when some of us from Brook IMB last met with you and your colleagues at Crawley. The way things are going with Covid, perhaps we should consider something like a Zoom or Skype catch up before year end?

Finally, I wasn't aware that you've had trouble reaching me for quite some time. I think a few years ago there were concerns about sharing healthcare related detainee personal information on non-secure emails (like this email of mine). But you could always give high level details and I or an IMB colleague could call you off the back of that. Or, you have my mobile [...] and can just give me a call.”

- d. As a result we did meet. We had Zoom meetings together on 24 February, 7 April, 26 May, 28 July, 10 November 2021, and 12 January 2022. To ensure that we met on a regular basis, in our 28 July 2021 meeting I proposed that we calendar quarterly meetings with the option to meet sooner if either of us wished. Future meetings are in diaries for April, July and October this year.
- e. In hindsight, this email exchange was the beginning of a shift in the IMB-GDWG relationship.
- f. A few days after the email exchange I refer to above, Ms Pincus sent a further email raising safeguarding concerns about bullying behaviour being displayed by a Serco officer based on a complaint GDWG had received from a man

detained at Brook House. With the consent of the man, I was given his name and went to speak with him. While he said he did not want to pursue it further, I explained to him that I felt I had an obligation to given its seriousness. He agreed and I took the issue up with Michelle Brown, then a Serco SMT member.

- g. We discussed mutual referrals in our Zoom meetings and we received at least 16 referrals from GDWG in 2021. I am not clear as to whether we and GDWG use 'referrals' in the same sense. For example, sometimes I was copied on emails that had gone to other areas in Brook House and other times I was asked directly if we could look into this or see a particular man. Whichever form it takes though, my practice was to forward the email to the IMB member on rota duty and ask them to visit the man and see how he is and if he needs further help. In addition, there were a number of general queries from GDGW in 2021. Examples include on whether we were monitoring men resident in Tinsley House as bail accommodation after the Napier Barracks fire, whether the IMB had done training on people in segregation and questions on how Covid was impacting men at the Centre.

132. These referrals are an example of an area which I think we still need to work together on. At the meeting on 24 February 2021 I raised the point that Serco must be the first and primary point of contact for safeguarding concerns. This is because the IMB is comprised of volunteers, does not have the resources to be in the Centre as frequently as would be needed to deal with all safeguarding concerns, and we might not pick up urgent emails quickly so there are risks that issues could be missed at a cost to the man involved. Nevertheless, I still ask that we be copied in on safeguarding concerns sent to Serco as we can provide complementary support by seeing the man when we are in the Centre. It gives us a broader picture of issues (and possibly systemic issues) for our monitoring.

133. I have found that the more we meet and talk, the better the relationship gets. I think that there is still some way to go for both of us to sort out what the best way of working together is although I certainly would not want the relationship to be restricted to some prescribed form. I do feel that there is now a two-way exchange of information and that both sides are beginning to have a better understanding of



each other's work. As an example, I am not sure that GDWG had previously been aware of just how extensive the IMB's interaction with the detained men is when we are in the Centre, nor were they aware that we saw such things as use of force reports.

134. Generally, I would say that the relationship now has a good base to build on. Given the evidence we have seen from GDWG at the Inquiry, it is not surprising that considerable work needs to be done by us to build trust. However, it is absolutely clear to me that this is a relationship which the IMB must continue to invest in as we will be able to improve our own monitoring as a result. It is especially valuable as an opportunity for us to hear if GDWG are seeing particular concerns or themes emerging from their visits and dealings with men at Gatwick, including any relating to staff behaviour or staff culture.

#### Medical Justice

135. I do not recall having any contact with Medical Justice during the Relevant Period or otherwise, however, I subscribe to their newsletter and, from what I know from their evidence to government and the like, I consider them to be a valuable source of support to detained persons. I recommend them to men who I think they might be able to help.

#### Bail for Immigration Detainees ("BID")

136. The IMB did have a relationship with BID and I recall that this was the case in the Relevant Period. I had a particular interest in access to legal support for detained persons and had seen BID's posters in the Centre and I introduced myself to BID through the G4S welfare department staff who co-ordinated their visits to Brook House. I recall sitting in on one of their workshops with the detained men. I was impressed by their work and, as a result of that, continued contact with Ionel Dumitrascu (who was their representative at the time) stopping in occasionally to the workshops he led. I recall that I invited him to speak at one of our training sessions. I also arranged for their director, Celia Clarke, to deliver a special zoom training session for us in July 2020.

#### Freedom from Torture

137. The IMB did not have a relationship with Freedom from Torture as far as I am aware and I had no personal contact with them.

#### RAPT/The Forward Trust

138. Members of the IMB have had regular contact with members of RAPT/The Forward Trust in the course of our monitoring. In addition, when they first started at Brook House, the office was next to the IMB office and we might see them there. Caroline Hampshire spoke to the IMB at one of our training sessions in September 2016 and Abson Kamere did another session for us in August 2019.

#### The Prison and Probation Ombudsman ("PPO")

139. The IMB generally did not have contact with the PPO, but I was aware of their role as the next step in cases where a detained person was dissatisfied with the outcome of a complaint to G4S. I recall there being posters explaining the role of the PPO around the centre. I did have contact on one occasion in my role as Chair. Before it was converted to a statutory inquiry in November 2019, the post-Panorama investigation took the form of a special investigation to be done by the PPO. As part of their preparatory work, the PPO Ombudsman Sue McAllister and the Deputy Ombudsman for Complaints (Susannah Eagle) asked for a tour of Brook House and to meet with the G4S Centre Director, the Head of Healthcare and the IMB Chair. They visited on 18 February 2019 and Phil Wragg, Sandra Calver and I met with them and accompanied them on the tour of the Centre. I recall that the three of us had informal meetings together with the PPO visitors before and after the tour and the whole event took about two hours.

#### Her Majesty's Chief Inspector of Prisons ("HMIP")

140. I do not recall any contact with HMIP before I became Chair. However, since then, I recall three occasions when I have worked with them. First, I recall that in May 2018 I had an email from Dr Hindpal Singh Bhui alerting me to allegations made by an anonymous member of staff about conditions for staff, including that some were inexperienced and not properly supervised at Brook House. The second contact was indirect: I provided a written note of the issues which the IMB wanted to draw to HMIP's attention prior to a short scrutiny visit they did of Brook House and other

IRCs in May 2020 on the theme of coping with Covid-19. I recall that this went to HMIP via the IMB Secretariat and was collated with similar notes from other IRCs involved. The third contact was again with Dr Singh Bhui and was quite limited. Dame Anne Owers and myself (on behalf of the IMB) and Dr Singh Bhui (on behalf of HMIP) were on the same panel giving evidence to the Home Affairs Select Committee on Channel crossings on 25 November 2020.

141. In addition, in early June 2019, I had prepared for and was scheduled to meet with Dr Singh Bhui for what I understand is a typical informal exchange about the IMB perspective on issues in the Centre at the start of a formal inspection. However, I was taken ill the night before and briefed the then Vice-Chair Gareth Jones who did the meeting and subsequent briefing by HMIP at the end of the inspection. Finally, Dr Singh Bhui was a speaker at the IDE Study Day in November 2019. I attended this and his presentation was the basis for the work we developed in our monitoring priority on how to monitor staff culture, as described in paragraph 152 below. I recall sketching the outline on the train on the way home from the Study Day.

142. From these limited contacts, I would say that the IMB's relationship with HMIP is good and very productive.

#### The Professional Standards Unit

143. The only contact which the IMB would have had with PSU would be if the Chair was copied on any of their findings on complaints. I do not recall if we were copied on all PSU findings in my time as Chair and I recall that most were not substantiated. But, in those that are, there is sometimes valuable information for us. For example, I recall a finding in recent years that a particular officer may require further training or awareness in interactions with detained men. This can then inform our own monitoring on the topic.

#### Sussex Police

144. I do not recall the IMB having any contact with Sussex Police, but I was aware that they might be called by G4S if there had been a possible assault, be that by a detained man against another detained man or an assault involving an officer.

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

145. In August 2017, Jackie Colbran (being Chair) received a letter from Joe Plomin at the BBC which detailed the incidents and allegations which would be shown in the then-forthcoming *Panorama* broadcast. We began our appraisal by setting up an informal working group of Jackie Colbran (the Chair), Dick Weber (the Vice-Chair), Gareth Jones (the Board Development Officer) and myself to enable faster working and decision-making on our response and other issues.
146. In terms of what we needed to do, my immediate reaction was to recognise that they showed very serious problems being made by a respected source in the BBC and it was essential that the IMB address them. I framed and led our initial work to test our monitoring practices and check our own records and reporting to see if we had witnessed or reported any of the incidents alleged in the BBC's letter. This was done by breaking down the allegations we had received from the BBC and noting when they occurred and which IMB member was on rota duty at the time. We then requested members to review their rota reports and personal notebooks for any relevant references. This review showed awareness and monitoring of many issues raised (one example being spice use), but not of the incidents of abuse.
147. I watched the *Panorama* programme the evening it was broadcast and I recall that I had a physical sensation of nausea at seeing the footage of abuse of detained men. While we had had advance sight of the allegations, they were in writing and did not prepare me for what the camera footage revealed. Although I had a level of confidence from our initial review that we had seen and reported on other issues shown, such as the incidence of spice, my overriding feeling was a fear or guilt that we might have missed something and especially the abuse shown. I also recall a sense of shame at being associated with such a place. The reaction of the Brook House IMB board collectively is captured in the executive summary of our Annual Report for 2017, where we wrote:
- “The IMB was horrified at the completely unacceptable behaviour of the small group of staff shown in the footage. We have never witnessed instances of ill-treatment of this kind, nor have we had any indications that it might be happening. If we had, we feel confident that we could have taken our concerns immediately to the top management of G45 and the Home Office at the Centre.

The Board has regularly reported on, or discussed with management, the other issues focused on in the programme.”

148. I do not recall the reaction of staff and detained persons to the *Panorama* broadcast. My first rota visit to the centre after it was shown was not until the week commencing 16 October 2017.

149. At the IMB board meeting on 20 September 2017, following a meeting with the then IMB National Council Representative, Jane Leech, we discussed how to detect the kind of mistreatment shown in *Panorama* given this mistreatment would not be likely to occur in the presence of monitors (see **IMB000026**). In November 2017 (by which time we had seen *Panorama* and had more information, such as the names of the detained persons involved), I led a targeted follow-up review. Nothing emerged to change the finding from our August review that showed awareness and monitoring of many issues shown in the *Panorama* programme, but not of the incidents of abuse. The key themes to emerge after the September 2017 board meeting and subsequent discussions were:

- a. How to monitor staff culture and behaviour, particularly in respect of actions and behaviours which might not be performed in front of monitors;
- b. The issue of both the IMB’s independence and perceived independence from senior management;
- c. How better to monitor the impact of the policies and actions of the Home Office; and
- d. A greater focus on the monitoring of use of force and its governance.

150. We began to work on these issues immediately and I continued to build on this work when I became Chair on 1 January 2018. Among the priorities identified at our ATPR session held in February 2018 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. The minutes of subsequent Board meetings show that we continued to chase 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 those meetings, footage of use of force incidents was examined. The minutes also show that we questioned

about staffing issues, particularly the poor retention levels and the lack of management oversight.

151. At a meeting in December 2018, the board met for a further review of our monitoring practices following publication of the Lampard Review. The issues we discussed then included 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. Some of these topics were reinforcing themes from our September 2017 post-*Panorama* review and were reflected in our monitoring priorities going forward. For example, our focus areas for 2019 included continued work on use of force and trying to reach and talk with a broad range of detained men about their experience in the Centre. For 2020, we identified two particular focus areas: vulnerable detainees/Adults at Risk and staff culture and behaviour.

152. Our learning and work on how to monitor and identify staff cultures that might lead to abuse had been ongoing and evolved from the basic monitoring of more attention on comments that might be overheard from staff conversations in wing offices to devising a structured approach. This was implemented after our ATPR in February 2020, and we continued with it as a monitoring priority for 2021 [IMB000186].

#### Information sharing and comparison

153. The IMB Chair continues to attend the quarterly IDE Chairs' Forum for all Chairs within the immigration estate. The Chair also takes part in regular Friday afternoon Zoom calls with the regional representative for the IMB IRC Chairs. These started during the Covid-19 pandemic as a way to discuss how best to monitor effectively despite the challenges presented by the pandemic. I found them to be a very valuable opportunity to share experiences and learning on a wide range of common issues and not just those specific to the pandemic. Having got to know the other IRC Chairs better through these calls, I would have contact with some of them about particular issues outside of these meetings.

154. From my experience of board meetings before I joined the IMB I was accustomed to executives being held to account in a tougher way than I saw at IMB meetings. I wondered if this was because IMBs do not have the same kind of directive and management powers over executives that the board of a corporation does. Hence my question in September 2017 of whether the Home Office and the IMB might be seen as too cosy with G4S. To help understand how other IMBs operated, I have undertaken visits to other IRCs at Tinsley House and Heathrow, and have met IMB members from Dungavel and Yarl's Wood IMBs on their visits to Brook House. All of these were opportunities to compare how different IRCs and IMBs operate. Unfortunately the pandemic has meant a pause to such visits, but our plans are to restore them once possible. Before our two IMBs merged, I would meet the Chair of the Tinsley House IMB informally over a coffee from time to time to share experience and ideas. The regional representative for IRCs attended our Board meeting in July 2019 and I solicited his feedback and thoughts on how our meeting was run in comparison with other IMBs he had seen. When the Brook House IMB merged with Tinsley House IMB to form a single Gatwick IMB which monitored both sites, this was also a useful comparator to consider and learn from.

155. As I state in paragraph 173 below, the questioning of the independence of an 'independent' monitoring board are the most fundamental and deeply troubling that could be made of any IMB and I have remained conscious of them throughout my time as Chair. These different actions to meet with and compare and learn from the experience of other IMBs has informed the approach I have taken as Chair and for the Board in dealings with the Home Office and G4S/Serco, and in our reporting.

#### Training

156. To improve our ability to monitor issues including staff culture I introduced a series of "bite size" training sessions on monitoring issues, including a session on monitoring staff issues and culture. These training sessions place an emphasis on the board to continue learning by sharing experiences.

157. As a board, we have also continued our regular training and development pre-board meeting sessions. These have included presentations from the Forward

Trust, Bail for Immigration Detainees (BID), and Rakuba (mental health support), amongst others. In addition, Board members continue to do national training including mandatory training on mental health awareness, the monitoring of separation and adults at risk and raising concerns on preventing abuse.

The arrangements for, and management of, board meetings

158. There was not always consistency in who from G4S senior management attended our board meetings and I felt that not enough issues got resolved at the meetings because those attending might say they were not expecting to be attending and had not had a chance to talk with the original G4S 'owner' of the issue and would be reading through the rota reports in the meeting itself.

159. To address this, I started keeping my own list of 'persistent issues' for tracking open issues and in October 2018 I introduced the practice of circulating a list of open issues arising from rota reports to G4S senior management and the Home Office shortly before each board meeting. While it seems a simple thing, I found the open actions list meant that there could be no excuses for not being aware of open issues and following them up before board meetings. This has been a useful tool in ensuring accountability and action.

Monitoring the Home Office

160. The need to monitor the Home Office to a greater extent was discussed during our September and October 2017 board meetings, where we record it as a topic to raise with Michelle Smith. I do not recall the suggested meeting with her ever taking place though.

161. I am referred to the notes of the September 2017 board meeting which record that "it is not the remit of boards to monitor HO in a general way" [IMB000026\_0006]. I do not now recall this part of the discussion, but I think it may have been a reference to the fact that we did not have sight of the Home Office contract with G4S and therefore did not monitor that. I completely disagree with the notion that the IMB cannot monitor the work of Home Office staff. In fact, our rota reports from the Relevant Period show that we were engaging with the Home Office on issues relating to them. For example, as I have discussed above, it is clear from our rota



reports referred to that we were monitoring Home Office actions being taken or not taken in connection with matters such as Rule 35 assessments and the problems with access to legal aid appointments. There are also recommendations in our annual reports which clearly reflect our monitoring of issues related to Home Office actions and their impact on detained men. For example, our Annual Report for 2017 makes recommendations on new contract staffing levels, short notice charters and the need to improve multidisciplinary meetings. The only restriction on our dealings with the Home Office that I am aware of is in Rule 61(6) of the Detention Centre Rules, which says that the IMB shall not concern itself with any issue directly related to the immigration status of a detained man. However, I have never heard anyone from the Home Office use that as a reason not to give us information. Even if there had been an objection, Rule 61(6) does not preclude us from monitoring the effects our outcomes of Home Office actions and decisions on individual detained men and our questions go to that.

162. While we were already actively monitoring the work of Home Office staff in the sense described, I believe that our focus sharpened after *Panorama* and I think there has been a fundamental change in approach, as evidenced by the findings and recommendations in our 2019 and 2020 Annual Reports (**IMB000201** and **IMB000202** respectively). These included criticism of the pre-Brexit charter flights, failures in the Adults at Risk policy and Rule 35 policies and practices, Home Office DET staff not serving removal directions in person during the Covid-19 pandemic, and delays relating to providing bail accommodation.

163. Further, on 2 October 2020, the Chairs of the Brook House IMB and the Charter Flight Monitoring Team wrote to the Minister for Immigration Compliance and the Courts under Detention Centre Rules 61(3) and (5) to raise our serious concerns about the inhumane treatment of detained persons. We received a reply on 25 November 2020, the day on which Dame Anne Owers and myself gave evidence to the Home Affairs Select Committee on the Channel crossings. At the time, I felt that the response did not address any of the issues we raised in a meaningful way. I have reread the response as part of preparing for this statement, and my view remains the same.

### Monitoring the use of force

164. We continued the practice of having an IMB member act as a designated lead on use of force to aid focus and continuity. While copies of use of force reports were available in the Security office, we moved to having IMB members on a rota week review the reports and not have just the designated use of force lead do this. This ensured a more timely review done by the person who had been on duty in the week when the use of force occurred, although this was made more difficult if we did not receive the full paperwork (as discussed above).
165. The monthly use of force scrutiny meetings began in November 2017 which IMB members would attend where possible (bearing in mind that we are volunteers who have other roles and commitments). Attendance at these meetings was important in light of what we had seen in *Panorama*. The frequency of these meetings was inconsistent and we raised this with senior G4S management in the June 2018 board meeting.
166. On 16 August 2018, in response to a question about the gaps in meetings, I received an email from Lee Hanford who told me that G4S had a "lack of and inconsistent support of specialist staff." The use of force scrutiny meetings did resume. I cannot recall precisely when but the IMB office diary shows attendance in 2019. They are now regularly run each month at Brook House and a designated IMB member attends most months. It should be noted that attendance is easier now as meetings are also run on Microsoft Teams since the pandemic started.

### Other initiatives

167. The idea of an email address to which detained persons could make applications to the IMB was raised in our September 2017 board meeting and discussed at the October 2017 IDE Quarterly Forum and in ongoing discussions with the IMB Secretariat. In February 2018 the idea was rejected due to potential problems with confidentiality and data protection.
168. However, there is now an email address along with an 0800 voice message number for all IRC IMBs. Both were introduced nationally as part of the response to the Covid-19 pandemic and the difficulties it presented in having contact with

detained persons. The email address and 0800 number are both shown on the IMB posters in Brook House.

169. We have also continued our efforts to diversify the board and achieve a broader profile in terms of the people we recruit. This has involved placing notices in local mosques, supermarkets, and libraries, and also talking with the visiting Imam and other religious leaders coming into Brook House for their suggestions and help in how we might reach people in their particular communities near Gatwick. I am aware that Professor Bosworth has suggested in her report that the IMB widen its recruitment practices. I am open to this, as I am to her suggestion that we recruit from those who have a lived experience of detention. To help achieve this goal of diversifying the board, I think it would be worth amending the national recruiting materials to highlight that existing reimbursement rules may allow out of pocket costs such as those for the care of dependents and loss of earnings. Only reimbursement for travel expenses is highlighted. Awareness of reimbursement for more expenses might make the role more attractive to a wider group.

#### **The Lampard Review**

170. The Lampard Review considered the Brook House IMB's 2017 Annual Report as part of its review, stating (at paragraphs 1.140 and 14.16) that "[t]he principle [sic] findings and recommendations in the latest IMB report largely coincide with our own." However, the report's authors describe its tone as "more accepting and not as critical and challenging as it might be" and go on to discuss an IMB board meeting which the authors observed and about which it was felt that the IMB tended to over-empathise with G4S and the Home Office and could have held them more vigorously to account. The authors of the Review also felt the IMB's involvement with GDWG reflected a similar concern.

171. I was involved in the production of the 2017 Annual Report: as the incoming Chair, I led on coordinating the drafting. I stand by the conclusions of the report, though there are places where I would now adopt a different emphasis. As an example, the executive summary proceeds chronologically, whereas I would now lead with *Panorama* as it is the dominant event of that year. While I do stand by the conclusions, the tone in some parts of that report is more complimentary or forgiving

of the Home Office and its contractors than is the case in our more recent annual reports. For example, the lead in to section 4 of the 2017 Annual Report has too much emphasis on G4S and what it has done, rather than on outcomes for detained men; in section 7.1, our tone is too positive towards G4S in welcoming their admission that staffing levels were too low; and in the introduction to section 11 our comments about the co-operation of the Home Office staff are too empathetic, after all, they were just doing their job.

172. I also attended the IMB board meeting described above. It took place on 17 January 2018 and was my first board meeting as Chair. It may be a matter of individual style whether interactions with G4S or the Home Office are performed 'vigorously,' but what matters most is the outcome. I note that, as regards outcomes, the authors largely agreed with the board's findings and recommendations in our Annual report for 2017.

173. However, I believe that perception is important in ensuring that people are confident in the independence of the IMB. Even a perceived lack of independence would be an issue of great concern, hence my introducing it as a discussion topic in the meetings which followed *Panorama* (I am recorded as asking whether either the Home Office or the IMB could be considered "too cosy" with G4S). The criticisms made in the Lampard Review questioning the independence of an 'independent' monitoring board are the most fundamental and deeply troubling that could be made of any IMB. I have remained conscious of them throughout my time as Chair and they have motivated and informed the approach I have taken throughout my time leading the board.

174. The authors of the Lampard Review also felt that the IMB's involvement with GDWG was affected by what was felt to be an over-empathetic approach to G4S and the Home Office. I have addressed this in detail above. As a direct result of the criticisms, I determined that the IMB needed a fundamental change in approach in our dealings with GDWG. The work that I have led in developing a relationship between the IMB and GDWG is set out in paragraphs 131-134 above.

175. The report noted in paragraph 14.12: “[w]e 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.” For me, it is difficult to think what kinds of questions could have made a difference in 2017 given the extent to which the staff involved hid their behaviour in the presence of the IMB and other bodies. For those who were directly involved, I think it likely they would have continued to cover up their wrongdoing. For those who were aware but who may have felt unafraid or unable to speak up, I think it unlikely that further questioning would have encouraged them to ‘break rank.’ I, along with the Inquiry, have watched and reflected on the evidence given by Mr Tulley and Mr Syred on this issue.
176. However, looking at the position now with more awareness of the problems resulting from a poor staff culture and after seeing and hearing evidence of how ingrained and extensive this seems to have been, I agree that there are questions that should be asked regularly now which would more clearly identify some of the behaviours of the type shown in *Panorama*. This is why work we carried out to improve our monitoring of staff culture forms a central plank of the actions we took to build on our practices after *Panorama* as discussed above.
177. I have set out above the actions which the board took following the broadcast of *Panorama* and following the publication of the Lampard Review report. Each of these events had a fundamental impact on both the IMB and myself in my work as Chair from 2018. With *Panorama*, it raised serious questions about how we had failed to spot the abuse and mistreatment shown in *Panorama*, and how we needed to respond by developing a way to monitor staff culture and behaviour in particular, as well as sharpen our focus and develop further the work we were already doing in monitoring areas such as the actions of Home Office staff. For the board, the publication of the Lampard Review report reinforced the need for continued particular focus on some of the *Panorama* issues. Such as use of force and staff culture in particular.

178. With the Lampard Review, we were all troubled by the fundamental question of whether we as a board were sufficiently independent of the Home Office and G4S, and it raised questions about our approach to GDWG. After each of the *Panorama* broadcast and in the aftermath of the publication of the Lampard Review report both the board and I engaged in considerable review and reflection of our monitoring work and how we approach it, and also how we are seen to approach it. I was so troubled by the report and its criticism of the tone and approach in the board meeting the authors had observed and which I had chaired, that I considered resigning as Chair after its publication, and discussed this several times with the then Vice Chair Gareth Jones.

179. I would say that both *Panorama* and the Lampard Review have informed the board's monitoring work, with the Lampard Review in particular leading to the development of our work on monitoring staff culture and behaviour. For me personally, the implications of the Lampard Review's questioning of our independence informed and drove my behaviour in the time that I was Chair.

### **Reflections**

180. I am asked to provide my reflections on the events shown in *Panorama*.

181. In my view, the main causes of the behaviour shown in *Panorama* were short staffing under the contract between the Home Office and G4S and the failure on the part of G4S to instil a positive staff culture and working environment.

182. The kind of behaviour shown in *Panorama* is inherently difficult for oversight bodies to spot given that it is unlikely to be demonstrated in front of them. The difficulty is shown in the fact that, to the best of my knowledge, neither the IMB, HMIP, or groups such as GDWG or the Forward Trust were aware of the incidents of mistreatment which took place in Brook House. Nonetheless, I consider that a lack of awareness of the indicators of poor staff culture and behaviour on the part of the IMB may have factored into our failure to identify this mistreatment. For this reason, our work since *Panorama* has included a focus on improving this awareness.

183. I believe that the Gatwick IRC IMB is now far more alive to these issues and has since shown itself to be capable of providing robust challenges where inhumane

treatment is identified, as we did in challenging the conditions around charter flight removals to EU countries in 2020.

184. In the course of this Inquiry so far, the question of whether the IMB is fit for purpose has been posed by some.

185. I see the IMB as one part of a broad framework for the oversight of privately run immigration detention centres comprising HMIP, Home Office compliance teams, and the PPO, as well as the IMB. Our particular remit is to monitor and report on what we see. This involves frequent, systematic, and purposeful observation of events and conditions at Brook House. As I have set out above, I believe the board did monitor in this way and also regularly reported on what we had seen to both the Home Office and G4S senior management. However, I accept that we did not identify the abuses which were revealed by *Panorama*. On things that we did not see, we have recognised the need to learn and I believe we have both improved on existing areas of monitoring and developed new ways of monitoring the area of staff culture and behaviour.

186. My understanding is that under the Immigration and Asylum Act 1999, IRC IMB members (described as visiting committees) are to be appointed from the community. I have described above the training which we undertake in both our probationary years and then on an ongoing basis throughout our time as board members. While monitoring is a skill, we are not required to be – and do not believe we can reasonably be expected to be to – experts. Nevertheless, I believe that members of Brook House IMB have demonstrated a high level of commitment to continue to learn in the role.

187. As monitors, we do not have executive or regulatory authority over either the Home Office or its contractors such as G4S or Serco. We can escalate issues to them through our rota reports or at our meetings with them, but we cannot compel them to act. Having alerted and reported on issues to the senior management of G4S/Serco and the Home Office, decisions on actions to be taken are for the senior executives of those corporations and the Home Office. Then, contract performance and compliance to see that any executive decisions which might be taken are

actually carried through are the responsibility of the contractor itself and the Home Office compliance team. As are the questions of whether the contractor is complying with the law generally and fulfilling its duty of care to detained persons who it is responsible for.

188. I do not think it desirable to combine the work of monitoring with the work of ensuring contract compliance. They are different roles and require different skillsets.
189. On the question of whether the Brook House IMB was and is independent: I have addressed this in paragraphs 173-179 above. I believe we were independent, and we have recognised the need that we be seen to be independent. However, I also accept that this is not something which can be assumed or taken for granted. I have therefore outlined above the work which I undertook as Chair to address the concerns which have been raised about the IMB's relationships with G4S and the Home Office, as well as our relationship with GDWG.
190. Based on the evidence set out, I am of the view that the Brook House IMB (now Gatwick IMB) is fit for purpose.

#### **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:** Mary Molyneux

**Signature:**

**Signature**

**Date:** 13 February 2022