

BROOK HOUSE INQUIRY

Witness Statement of Susannah Eagle

I provide this statement in response to a request under Rule 9 of the Inquiry Rules 2006 dated 30 September 2021. I have been authorised by the Prisons and Probation Ombudsman (3rd Floor, 10 South Colonnade, Canary Wharf, London E14 4PU) to provide this witness statement.

Introduction

1. I have worked for the Prisons and Probation Ombudsman (PPO) since July 2008. Until March 2017, I was a manager on the fatal incidents team. I became the acting Deputy Ombudsman (SCS Pay Band 1) responsible for complaints investigations in November 2018, on my return from maternity leave. In February 2022, I became the substantive Deputy Ombudsman for complaints.
2. The PPO carries out independent investigations into complaints and deaths in custody. The detailed roles and responsibilities of the PPO are set out in our office's [Terms of Reference](#). The PPO has three main duties:
 - to **investigate complaints** made by prisoners, young people in detention (prisons and secure training centres), offenders under probation supervision and individuals detained under immigration powers;
 - to **investigate deaths** of prisoners, young people in detention, approved premises' residents and detained individuals due to any cause, including any apparent suicides and natural causes;
 - to **investigate deaths of recently released prisoners**, using the PPO's discretionary powers.

Evidence

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3. During the relevant period (1 April to 31 August 2017), Elizabeth Moody was the Deputy Ombudsman with responsibility for complaints investigations until 31 July, when she became the acting Ombudsman. Elizabeth Moody retired from the PPO in January 2022. As Deputy Ombudsman she was responsible for a team of approximately 50 staff (the Complaints Team), of whom around 40 were investigators (HEOs) and around 10 were assessors (AOs).
4. The assessors formed a separate team which was headed by Helena Hanson (a SEO). Helena Hanson was line managed by a Grade 7, who also managed a team of investigators. The role of the Assessment Team was (and still is) to see complaints when they are received and decide whether they are eligible for investigation, that is, do they meet the PPO's criteria for investigation (for example: is the complaint within the PPO's remit; has the complaint been submitted within the relevant timescales; and has the complainant completed the organisation's internal complaint process before approaching the PPO?). If a complaint is eligible, the assessment team will write to inform the complainant and will allocate the complaint to a team of investigators. If it is not eligible, the assessment team will also write to inform the complainant.
5. During the relevant period, the PPO's criteria for the investigation of complaints were set out in paragraphs 10 to 28 of our Terms of Reference which were published in April 2017. A copy is attached. (For completeness I have also attached a copy of the PPO's previous Terms of Reference dated 2013. Although the paragraph numbers were different, these provisions were essentially the same.)
6. As set out in the Terms of Reference, complainants must first exhaust the relevant internal complaints process. If they remain dissatisfied, they can then refer their complaint to the PPO. They must submit copies of their

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complaint forms, the responses they received and a brief letter explaining why they remain dissatisfied within three months of the final response.

7. Complaints are received in writing. There is the potential to receive them over the phone in exceptional circumstances (eg, if the complainant cannot read or write) but that is a rare event.
8. If the complaint is submitted in a language other than English, we would send it to an external translation service to be translated and, where necessary, we would get our response translated as well.
9. We accept complaints from solicitors on behalf of their clients, provided they have written authority to do so. We do not normally accept complaints from third parties other than solicitors unless the complainant is a child or mentally incapacitated or otherwise unable to complain on their own behalf.
10. During the financial year 2017/18, the PPO received 4,790 complaints. Of these, 46 were about immigration removal centres, 310 were about probation services, and the remainder were about prisons. The Assessment Team made 4,824 eligibility assessments during the year. A total of 2,480 complaints were accepted for investigation, including 21 from immigration detainees.
11. If a complaint is eligible for investigation, it is allocated to one of the five complaint investigation teams, each led by an Assistant Ombudsman (Grade 7). At the relevant period, most complaints were allocated to the team that had most capacity, although certain teams specialised in certain types of complaints. Neil Mullane headed the team that specialised in complaints from immigration detainees. The Assistant Ombudsman would then allocate new complaints to one of the investigators in the team depending on capacity.

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12. To investigate the complaint, the investigator will gather the relevant evidence. This varies according to the nature of the complaint but will always include the establishment's response to the complaint and will normally include relevant written records which will be requested from the establishment. A straightforward complaint (eg about lost property) will normally be investigated on the basis of paper evidence alone. A more complex complaint (eg about the use of force) will normally require interviews with staff and the complainant (and, where relevant, with other prisoners/detainees), and examination of any CCTV and other evidence such as medical records. Interviews are normally conducted in person.
13. Investigators' work is overseen by the Assistant Ombudsman who manages the team. Most responses to complaints are signed off by the Assistant Ombudsman (although the response to straightforward complaints may be signed off by the investigator). Responses to complex or serious complaints are normally signed off by the Deputy Ombudsman (SCS Pay Band 1) responsible for the PPO's complaints function.
14. If a complaint is upheld, we will normally make a recommendation or recommendations. Before we close the case, the establishment or service in remit is required to provide evidence that any recommendations have been implemented.
15. If the complainant is dissatisfied with the PPO investigation, they can ask an MP to refer the matter to the Parliamentary and Health Service Ombudsman.
16. Very occasionally, a complainant or witness is no longer living in the UK when we begin to investigate the complaint. If the relevant authority (eg Home Office or IRC) is able to provide the PPO with the complainant's address, we will attempt to make contact, no matter where in the world the complainant now is. If we cannot locate a current address, or make contact

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with the complainant, and it is crucial to our investigation that we do so, we may decide that we are unable to investigate and so withdraw the complaint. If we are able to continue the investigation without the complainant's input, and we consider the matter to be sufficiently serious, we can continue to investigate the complaint in their absence.

17. Essentially, the same applies to witnesses. If their evidence is crucial to the investigation, and we cannot contact them, we may conclude that we cannot uphold the complaint. If there is sufficient alternative evidence to proceed, we will continue to investigate and draw conclusions based on the evidence available to us. On occasions, the Home Office has asked us if certain detainees have crucial evidence to give and we understand they have delayed deportation until our investigation has been completed where appropriate.

18. A complainant may retract or withdraw their complaint at any point in the process and, normally, we would cease the investigation and log the complaint as withdrawn at the complainant's request. If we consider the nature of the complaint to be so serious as to warrant investigation, we might decide to continue the investigation.

19. If we receive information to suggest that the complainant is retracting or withdrawing their complaint because they feel threatened or under pressure to do so by staff, we would act in line with our joint sanctions protocol with HMI Prisons, Lay Observers and the IMB which protects prisoners and detainees from any negative treatment due to contact with any one of the three organisations. (The current version of this protocol, dated 2021, is available on our website under Operating Agreements. Very similar arrangements were in place in 2017.)

20. According to the PPO's electronic case management system (known as PPUD), the PPO received five complaints from detainees at Brook House IRC during the relevant period. While all five of the complaints were received during the relevant period, the incidents or events being complained about might not have occurred during the relevant period, and, on closer consideration, some were not about events that had occurred at Brook House.

21. Of the five complaints, two were about missing property; one was about the complainant's detention and immigration status (and therefore outside the PPO's remit); one was a complaint that staff had challenged the complainant's behaviour during a visit from his wife; and one was a complaint about staff behaviour. I submit **Exhibit SE1**, a table of the complaints received by the PPO about Brook House IRC where either the incident(s), initial complaint to the IRC, complaint to the PPO or PPO investigation took place during the relevant period, including what actions the PPO took in response. I also submit **Exhibit SE2**, copies of the complaint letters and PPO response for the five complaints detailed in this paragraph.

22. One complaint (PPO reference 65086) was received on 5 June 2017 and was from Birnberg Peirce Solicitors on behalf of an anonymous client who had been detained in Brook House between October 2016 and January 2017. The anonymous client alleged that he had seen a member of staff at Brook House bring drugs and a mobile phone into the IRC in return for payment by former detainees. He had reported this to senior staff and had been told that a member of staff had been suspended or dismissed. The anonymous client also said that he had been the victim of an assault by other detainees who accused him of 'snitching' and that he had to be transferred to another IRC for his own safety.

23. We replied to Birnberg Peirce on 10 June 2017, saying that the complaint was not within the PPO's remit and advising that they write instead to the Home Office and to the Director of Brook House IRC. We also said that we would copy the letter of complaint to HM Chief Inspector of Prisons (HMCIP) for their information.

24. The complaint was not considered to be within the PPO's remit because the detainee's complaint was not about the way he had been treated by IRC staff. The complaint was about the alleged behaviour of IRC staff in relation to smuggling drugs into the IRC and that he had been assaulted by other detainees. The IRC had responded to the alleged assault by transferring him to another establishment (which seemed a reasonable response to those considering the complaint at the time). If they had done nothing to safeguard him, that would have been a complaint within the PPO's remit.

25. We wrote to HMIP on 10 June 2017 copying the letter of complaint. We shared the information with HMCIP under the draft Protocol on Working Arrangements between HMCIP and the Prisons and Probation Ombudsman (available on our website under Operating Agreements). This provides that the PPO will share any intelligence relevant to HMCIP's duty to inspect the conditions and treatment of prisoners and detainees. I submit the PPO's letter to HMCIP as **Exhibit SE3**. There is no record on our case management system to record whether or not we received a reply.

26. If we receive information about alleged criminal activity in a prison or IRC, we inform the establishment and, if necessary, the police (if the establishment has not yet done so). In the case of complaint 65086, we took no action ourselves as we knew that the solicitors had already raised the matter with the IRC, but we advised them to contact the Home Office and we also copied the complaint to HMCIP.

27. If PPO staff are made aware of a current threat to an individual's safety, for example relating to suicide risk or self-harm, or a threat to safety from other detainees/prisoners, we contact the establishment's safer custody department and inform them. If the current risk appeared to relate to a threat from staff, this would normally be escalated to a PPO manager and might result in the matter being referred to the prison Governor/IRC Director, depending on the level of detail provided.
28. As far as I know, we were not made aware of the kind of issues at Brook House which the Inquiry is investigating. If we had been made aware of systemic or generic concerns about detainees' safety, I would have expected staff to have contacted the Director of the IRC and/or the Home Office. I would also have expected Elizabeth Moody, the then Deputy Ombudsman for complaints, to have been informed.
29. As the Deputy Ombudsman with responsibility for complaints Elizabeth Moody was not generally involved in assessment decisions, although she was sometimes consulted about particularly complex cases. There is no record of her having been consulted about any of the complaints received about Brook House during the relevant period.
30. Under our Terms of Reference, the PPO is obliged to produce an Annual Report in which we include information about the complaints received from individual establishments (see page 94 of the PPO's Annual Report for 2017/18 on our website under Publications).
31. More detailed information about emerging trends, etc is shared with the services in remit as appropriate. At the relevant period, we regularly shared data with HM Prisons and Probation Service senior leaders. We received very few complaints from Brook House or IRCs in general, although anything of significant concern would have been shared with the Home Office.

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32. Themes and lessons to be learned from our investigations are also set out in our Annual Reports and in our Learning Lessons Bulletins. Many of the themes and lessons from these Bulletins are relevant to IRCs and not only to prisons, but in March 2014 we also published a Bulletin specifically on Immigration Removal Centres (available on our website under Publications).

33. At the relevant time, our published timeliness targets were:

- a. Determine the eligibility of complaints within 10 working days of receipt in 80% of cases;
- b. Provide an initial response to 'serious complaints' (usually allegations of assault by staff) within 26 weeks of accepting the complaint as eligible in 70% of cases;
- c. Provide a final response to all new complaints not identified as 'serious complaints' within 12 weeks of accepting the complaint as eligible in 60% of cases.

<u>Statement of Truth</u>	
I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.	
I am content for this witness statement to form part of the evidence before the Brook House Inquiry and to be published on the Inquiry's website.	
Name	Susannah Eagle
Signature	Signature
Date	8 March 2022

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