

“Detainees should not be locked in cells and should be allowed free movement around the centre until later in the evening.”²⁹⁴

Repeated Rejection of Recommendations or Failure to Implement

92. The Home Office would constantly reject or fail to fully implement these recommendations by the HMIP on regime and conditions, often citing as reasons – the irretrievable design of the building, contractual restraints and cost. Examples of this can be seen in the Service Improvement Plans (SIP) which were the documents that set out the Home Office response to recommendations made by the HMIP²⁹⁵:

i. 2010 SIP:

- i. On need for cell toilets to have seats and be screened (10.56): *“This was not part of the original building design specification. To retrofit toilet seats would require substantial resource. G4S have investigated methods of providing additional curtaining to afford complete privacy but have not been able to provide a cost effective solution which is both safe and secure.”*
- ii. Lock-in timings (10.113): *“Regime timings are determined by the operational contract in place between UKBA and G4S.”*

ii. 2011 SIP:

- i. Need for adequate ventilation (10.39): *“The ventilation is an integral part of building design and is considered appropriate for these conditions”*
- ii. Toilets (10.43): *“The current building design does not allow for the toilets to have seats or for full screening of the toilet area”*
- iii. Lock-in timings (10.77) same response as 2010 above

- iii. 2013 SIP – Lock-in recommendation (5.60): *“Reject... The current regime times are dictated in the operating contract and would require additional resourcing if changed.”*

93. When asked about it in live evidence, Dr Hindpal Singh Bhui on behalf of the HMIP believed that the primary motivation of the lock-in regime, and why recommendations were rejected, as because of the cost savings on staffing: *“No, no, I was going to go on to say*

²⁹⁴ §5.23 - CJS000761_0051

²⁹⁵ These Service Improvement Plans were provided to the Inquiry by Duncan Lewis with the Rule 10 application for Dr Hindpal Singh Bhui of the HMIP and should be adduced by the Inquiry

conditions of the cells, were not acted upon.⁷⁵⁹ Even if the recommendations were addressed the changes were superficial and transient. If the HMIP is really to act as a robust safeguard, it requires some form of robust enforcement powers.

350. HMIP annual reports demonstrate the issue with the HO being willing to act on recommendations in practice:⁷⁶⁰

- 2011/12 Annual Report – confirms progress on BH 2010 report – pg109 – 185 HMIP recommendations, 57 achieved (31%), 50 partially achieved (27%), 78 not achieved (42%)
- 2013/14 Annual Report – confirming progress on last BH report (not clear if referencing 2012 or 2013 report) – pg98 – 129 recommendations, 52 achieved (40%), 19 partially achieved (15%), 58 not achieved (45%)
- 16/17 annual report – confirming progress on BH 2017 report – pg102 -75 recommendations, 28 achieved (37%), 19 partially achieved (25%), 26 not achieved (35%)
- 19/20 annual report – confirming progress on BH 2019 report – pg114 – 45 recommendations, 16 achieved (36%), 10 partially achieved (22%), 19 not achieved (42%).

351. Evidence heard and seen by the Inquiry demonstrated that HMIP’s effectiveness is limited in the context of a Home Office which shows little enthusiasm for self-reflection and picks and chooses recommendations to implement. Further, oversight bodies can in fact be harmful because their findings can provide a crutch for the Home Office to rely on, as they did repeatedly during the course of the hearings, that they failed to recognise the issues in the Relevant Period.⁷⁶¹

352. When Hindpal Singh Bhui was asked about evidence from Nathan Ward and Callum Tulley that officers were put on their guard, extra staff brought in, and other steps taken to make the centre operate more effectively prior to inspections, he confirmed that inspectors are aware that changes can be made between the second and first week⁷⁶². He acknowledged that inspections are only over a short period of time and it is difficult to uncover deliberately concealed behaviour and that HMIP has no regulatory or enforcement

⁷⁵⁹ See above section in ‘Causal Factor 3: Prisonisation’ on ‘Historic HMIP Concerns’ and ‘Repeated Rejection of Recommendations or Failure to Implement’ which set out the historic rejections by the Home Office of HMIP recommendations on these areas

⁷⁶⁰ Relevant annual reports quoted can be found here:

<https://www.justiceinspectorates.gov.uk/hmiprison/inspections?s&prison-inspection-type=annual-reports>

⁷⁶¹ Gordon Brockington, 31 March 2022, 8/17-25.

⁷⁶² Hindpal Singh Bhui, 24 March 2022, 117/15-119/3.