

*and analysis, applying both qualitative and quantitative methodologies. Evidence from different sources is triangulated to strengthen the validity of our assessments.”<sup>11</sup>*

18. As Dr Bhui explained in his live evidence, this method – triangulation – does not simplistically mean that information is only accepted if it is verified by multiple sources and otherwise discarded or ignored. Rather, triangulation is about taking information received or obtained and seeing whether it is supported or verified by other sources, thereby strengthening the conclusion drawn from the information. As Dr Bhui put it: “*All ‘triangulation methodology’ really is, is making sure that you have looked for as much evidence as possible to back up a finding*”.<sup>12</sup>
19. Aiming to verify information by multiple sources is a strength of the process. It gives HMIP’s reports the rigour which means that they ought to be taken very seriously. Moreover, single voices are not ignored or discounted: they can still form the basis of a conclusion where appropriate and they prompt enquiry and follow up and contribute to the overall assessment even if a specific finding is not able to be made. They are included in the process of feeding back to managers throughout inspection and may appear in the final report.
20. For inspections to act as a safeguard, it is important that HMIP reaches robust, well evidenced conclusions. There are two core reasons:
  - a. First, HMIP expects inspected establishments to act on its findings. The Inspectorate needs to be able to assure those inspected and the public that its conclusions are sound and solidly based, and therefore should be acted upon. To drive change, HMIP’s reports must be seen as authoritative.
  - b. Secondly, there is little value in a report which does nothing more than recount the various information it has obtained.<sup>13</sup> Without a systemic analysis of the evidence and clear findings, a report is less likely to be understandable by the public, less likely to be acted upon by institutions and ultimately, less likely to improve outcomes for detained persons.

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<sup>11</sup> HMIP Report following 2016 inspection – CJS000761 0010 at para A8

<sup>12</sup> Hindpal Singh Bhui 24 March 2022 168/15-18

<sup>13</sup> Hindpal Singh Bhui 24 March 2022 169/6-8

### Brook House in 2016

29. In approaching any question as to what HMIP should or should not have discovered in November 2016, it must be acknowledged that the inspection took place some 5 months before the beginning of the Relevant Period. Inspection, by its nature, provides an insight to a particular window of time. In this regard it is important to note there is at least one key difference between the conditions at Brook House in November 2016 and in the Relevant Period: staffing levels.
30. In the period from September 2016 to April 2017, staff from neighbouring Tinsley House were relocated to Brook House.<sup>17</sup> The Home Office witness Michelle Smith confirmed that there were **no** understaffing days as judged against the contract minimums in October and November 2016<sup>18</sup>, and *“it was only on the re-opening of Tinsley House did the staffing hours become a problem.”*<sup>19</sup> This was more than a matter of just meeting contracted levels: Steve Skitt of G4S confirmed that staffing in the 2016 window was: *“very high as you essentially had two centres worth of staff working at one centre”*.<sup>20</sup> Callum Tulley’s notebooks, whilst mentioning a feeling of hostility in the centre, acknowledged many of the consequences of understaffing were absent from the centre in the window running up to the inspection, recording on 10 October 2016 that this was *“somewhat softening the impact”* of the Brook House population increase.<sup>21</sup> In his live evidence in Phase 2, he confirmed that there was *“undoubtedly”* more staff on duty at Brook House whilst Tinsley House was closed.<sup>22</sup>
31. Dr Bhui was challenged by Counsel to the Inquiry as to why the report did not include a finding that there was a lack of staff. He did not agree that such a finding should have been made, explaining that, as to understaffing: *“I think almost certainly, in my view, it would*

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<sup>17</sup> At this time Tinsley House was closed for refurbishment: see Tinsley House 2018 report – HMIP000686 0007

<sup>18</sup> Michelle Smith 23 March 2022 156/10-18

<sup>19</sup> Michelle Smith 23 March 2022 135/20-24

<sup>20</sup> SER000455 0013 at para 43 refers to the period Tinsley House was closed for refurbishment: *“During this time, the staffing levels at Brook House was very high.”*

<sup>21</sup> BBC000068 0003

<sup>22</sup> Callum Tulley 9 March 2022 148/23 to 149/5

*have emerged quite strongly from other evidence if that was a big concern at the time we inspected”.*<sup>23</sup>

32. Understaffing *also* wasn’t a feature of the window running *up to* the inspection: the relative high level of staff had been in place since the September. At the time of the HMIP inspection, the average length of detention in Brook House was 48 days and 78% of detainees had been in the centre for less than 2 months.<sup>24</sup> This means that the great majority of those detained in Brook House at the time of the HMIP inspection would have not known anything other than the higher, Tinsley House-supplemented staffing numbers. The 22% who had been in Brook House longer had still benefitted from higher staff levels and the advantages this brought for a number of weeks before inspectors arrived.
33. The difference in staffing levels is important. The Inquiry has heard evidence from numerous witnesses setting out in detail the consequences of understaffing: activities could not be opened, courtyards stayed shut, everyday queries and requests from detained persons – for cleaning products or paper or any other small thing – went unanswered.<sup>25</sup> This increased levels of tension amongst detained persons, which was itself capable of triggering incidents of aggravation or apparent aggression.<sup>26</sup> Such incidents drew staff time and attention and thereby exacerbated the cycle as staff numbers and time were yet further reduced. Staff too were caught in this cycle – the Inquiry heard a great deal of evidence about tiredness, frustration and short fuses amongst the staff consequential upon the understaffing situation.
34. As to this, Owen Syred stated in his written evidence that staff shortages left staff feeling “*overwhelmed*”, “*undervalued*” and “*absolutely worn out*” and it “*negatively impacted on the welfare of detainees, including the mental health of detainees, because of the lack of staff available to listen.*”<sup>27</sup> In his live evidence, he stated that short staffing impacted

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<sup>23</sup> Hindpal Singh Bhui 24 March 2022 150/3-15. Notwithstanding the relatively high staff levels at the time of the Inspection, the report nonetheless mentions that staff were still “*under pressure*” and “*busy*”: HMIP Report following 2016 inspection: CJS000761 0031 at para 2.5

<sup>24</sup> HMIP Report following 2016 inspection – CJS000761 0027 at para 1.68; see also 0067 (table of statistics concerning length of time at the centre)

<sup>25</sup> E.g. Daniel Small 28 February 2022 120/24 to 123/4; Edmund Fiddy 7 March 2022 158/15 to 160/12; Daniel Lake 1 March 2022 11/24 to 12/17

<sup>26</sup> E.g. Ryan Bromley 7 March 2022 89/2-7

<sup>27</sup> INN000007 0033 at paras 135-136

“[g]reatly” on the ability of staff to care for detained persons.<sup>28</sup> Further, Nathan Ward stated in live evidence that because two of the fears of staff are being alone or isolated, and being attacked, if staff find themselves in a centre with low staffing levels, they “*move very quickly into a “fight or flight” mode of working*”.<sup>29</sup>

35. As a result, whilst staffing levels are not the only important factor, the higher staffing levels at the time of the 2016 inspection in all likelihood contributed to the information which HMIP obtained, including during group interviews, at which detained persons described relationships with staff as a *strength* of the centre.<sup>30</sup> Likewise, 77% of detainees surveyed said that staff treated them with respect – increasing to 84% amongst those who did not speak English.<sup>31</sup>

36. Overall, therefore, there are good reasons to conclude that the higher staffing levels at the time of the 2016 inspection meant the centre was in a better state, affecting positively the data received by HMIP and the evidence accrued in respect of (most obviously) the safety of and respect for detained persons, as well as activities. This undermines the suggestion that HMIP ‘missed’ a sub-culture of abuse active in November 2016, or that inspection is (in conjunction with other safeguards) an inadequate safeguard to detect such abuse.

#### Understanding the report following the 2016 inspection

37. All HMIP reports include a summary of an establishment’s performance against the model of a ‘healthy establishment’. The four tests of a healthy establishment are:<sup>32</sup>

*Safety: that detainees are held in safety and with due regard to the insecurity of their position;*

*Respect: that detainees are treated with respect for their human dignity and the circumstances of their detention;*

*Activities: that the centre encourages activities and provides facilities to preserve and promote the mental and physical well-being of detainees;*

*Preparation for removal and release: that detainees are able to maintain contact with family, friends, support groups, legal representatives and advisers, access information*

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<sup>28</sup> Owen Syred 7 December 2021 17/13-21

<sup>29</sup> Nathan Ward 7 December 2021 153/14 to 154/10

<sup>30</sup> HMIP Report following 2016 inspection – CJS000761 0015 at para S13 and 0031 at para 2.4

<sup>31</sup> HMIP Report following 2016 inspection – CJS000761 0057

<sup>32</sup> HMIP Report following 2016 inspection – CJS000761 0009 at para A3