

23 April 2018

D2054
Via email: **DPA**

Case Number: 79204/2017

Dear **D2054**

I am writing to tell you that we have completed the investigation into your complaint about your treatment by staff at Brook House Immigration Removal Centre (IRC).

I have not upheld your complaint. The enclosed Record of Investigation will explain in detail how this decision was reached.

Yours sincerely

Neil Mullane
Assistant Ombudsman

Record of Investigation

D2054

Case Number: 79204/2017

Background

1. On 3 July 2017 **D2054** complained to Brook House about his treatment. **D2054** made the following allegations:
 - Brook House starved him for 5 days and later gave him food that had been 'boiled in chemicals'.
 - Brook House did not give him his medication prior to his removal to reception and the medication it gave him on the flight to Nigeria was incomplete.
 - He self-harmed on 28 June 2017 after being told he was being removed to Nigeria. This was the first time he was told about his removal.
 - Healthcare did not treat his self-harm wounds properly and he was bleeding during the use of force that followed.
 - The Detainee Custody Officers (DCO) used force to move him to reception and did not give him time to explain his condition.
 - He hit his head during the use of force and was knocked unconscious.
 - Escorts provided him incorrect addresses for support organisations in Nigeria.
2. The Professional Standards Unit (PSU) investigated **D2054**'s complaint. The PSU investigates allegations of misconduct or inefficiency against members of, or those acting on behalf of, the Home Office.
3. On 15 September 2017 Helen Wilkinson, Investigating Officer from the PSU, wrote to **D2054** explaining that his complaint was not substantiated. Ms Wilkinson went through each of **D2054**'s allegations explaining why the PSU was not substantiating the complaint.
4. In the Investigation Report dated 15 September 2017, the PSU made recommendations for Brook House IRC (Serco) and Tascor.
5. On 3 October 2017 **D2054** wrote to the PPO. He restated his complaint as above and said that he was unhappy with the outcome of the PSU investigation. **D2054** advised that his health has suffered because of how Brook House IRC treated him.
6. On 16 December 2017, **D2054** advised more specifically that:
 - The injuries he sustained at Brook House have damaged his health.
 - He developed ulcers due to being starved for 5 days at Brook House.
 - The wounds to his arm that he sustained from Brook House have started developing keloid scars and now require treatment.
 - He has suffered memory loss because of the use of force.

D2054 wants the NHS to treat the injuries he feels that Brook House IRC caused.

Investigation

7. The PPO is unable to consider matters relating to immigration status or complaints about medical care.
8. The PSU has carried out a comprehensive investigation into **D2054**'s allegations. For this reason, I did not consider it necessary to carry out an identical investigation. Instead, the Ombudsman's investigator has considered the quality of the PSU's investigation and the decision not to substantiate **D2054**'s complaint.
9. The PSU confirms that it 'examined all relevant documents and records' relating to **D2054**'s complaint. It interviewed **D2054** staff at Brook House IRC, healthcare professionals and the escorts. It reviewed CCTV and Body Worn Video from the use of force in **D2054**'s room and up to his removal from Brook House IRC.
10. The Ombudsman's investigator reviewed the PSU's investigation file including the following papers and evidence:
 - Interview between **D2054** and PSU investigators
 - Correspondence to **D2054**
 - Investigation Report
 - Correspondence between Sussex Police and PSU and Transfer Crime Report
 - Statements from DCOs, a clinical lead and a paramedic
 - Incident Reports
 - Person Escort Record
 - Summary notes of body worn camera and CCTV
11. I am satisfied that the PSU investigation has been complete and thorough and that it considered all information relevant to the investigation. I consider that the approach to the investigation was rational and reasonable in the circumstances.
12. I consider that the PSU's decision not to substantiate **D2054**'s complaint is reasonable. I am satisfied that the PSU considered each of **D2054**'s allegations fully and reviewed the relevant evidence thoroughly.
13. I also note the PSU's decision to make recommendations to Brook House, even though it did not substantiate the complaint. I consider that these recommendations are fair and appropriate.
14. In my view there is no requirement for the PPO to investigate any part of **D2054**'s complaint further. I agree with the PSU's conclusion of this matter and do not consider that Brook House IRC acted inappropriately in this instance.

Conclusion

15. For the reasons listed above I am not upholding D2054's complaint.

16. This complaint is now closed.

18 April 2018