

**Inquiry into allegations of racism and mistreatment of detainees at
Oakington immigration reception centre and while under escort**

**Report by the Prisons and Probation Ombudsman for England and
Wales**

July 2005

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Foreword

The strength of a liberal democracy is measured not by how it treats the majority but by how it cares for minorities and those at the margins of society. The best tests for humanity and decency are conducted in its dark places: in prisons, psychiatric hospitals, and in institutions for failed asylum-seekers and other migrants.

For that reason, the issues that led to this investigation go to the very core of the sort of society we are and aspire to be. What was revealed by the BBC programme *Detention Undercover: The Real Story* was a sub-culture of abusive comment, casual racism, and contempt for decent values. As many of my witnesses pointed out, if this could occur at Oakington – widely regarded as the most benign of all the immigration detention centres – it could happen anywhere.

Two paradoxes are central to this inquiry. The first is that Oakington has rightly enjoyed acclaim as an institution that treats detainees well and where staff-detainee relationships are very positive. The second is that, although I have characterised Oakington as one of society's dark places, it is a closed institution that is remarkably open to external audit, inspection and influence. I refer here not only to the formal monitoring arrangements by the Immigration Service, HM Chief Inspector of Prisons (HMCIP), and the local Independent Monitoring Board (IMB). I also have in mind that over 100 staff employed by Non-Governmental Organisations (NGOs), many of them philosophically opposed to the very notion of immigration detention, are actually located on the Oakington site to provide services to the detainees. This report explores how an institution subject to such a high level of independent scrutiny could have harboured unseen a sub-culture of such nastiness.

The same degree of transparency cannot be said to apply to escort arrangements. Indeed, I think the descriptions of the procedures that I offer in later pages may be amongst the first detailed accounts to have appeared anywhere in print. But it is on escorts – in particular, on escorts to aircraft prior to removal – that the potential for abuse of their legitimate authority by staff (and of misbehaviour on the part of detainees) is the greatest. I have considered very carefully what new safeguards are required.

In total, I have made over 50 recommendations. If implemented, I believe they would go a long way towards establishing a more just and proper system, one in which the disgraceful language and behaviour that gave rise to this inquiry are less likely to recur. They would support the efforts of the many good staff in immigration detention who were no less appalled than I was by the programme's revelations. That said, the very purpose of immigration detention is to exercise coercive power over foreigners prior to their removal from the country. It is perhaps not a surprise that this function, combined with the attitude towards asylum-seekers and other would-be immigrants of some sections of the media, can become a breeding ground for racist and abusive word and deed. Those private companies and public servants charged with

exercising the state's control over immigration need to reinforce an ethos of decency and anti-racism at every opportunity.

I have concluded that ridding the immigration removal process of the abuses catalogued by the BBC requires action on three dimensions. Management must be more robust and better focussed. Monitoring must be enhanced and better informed. And the moral resilience of all those who work as detention and escort staff must be further encouraged through training, personal example, and ease of access to 'whistleblowing' and other arrangements.

Stephen Shaw CBE
Prisons and Probation Ombudsman

July 2005

Summary

This is the report of an investigation commissioned Mr Des Browne, then Minister for Citizenship and Immigration, in response to the BBC documentary *Detention Undercover: The Real Story* aired on 2 March 2005. The programme reported the findings of two undercover researchers whilst employed by the contractor, GSL, at Oakington reception centre and on in-country escorting.

Chapter 1

2. I explain here how I went about the inquiry. I reviewed GSL's own investigation report and a range of supporting and other documents. I conducted a number of interviews and visited Oakington and GSL's escort base at Egham. I also witnessed a number of removals, viewed a DVD showing the work of escort staff and visited a number of airport holding facilities. I invited evidence from stakeholders and issued notices to detainees and GSL staff welcoming contributions to the inquiry. Finally, I consulted the Home Office's Race Equality Adviser, Mr Mark Carroll, and invited the barrister Mr Lincoln Crawford to review my report in draft.

Chapter 2

3. Chapter 2 of the report sets out the background to the BBC documentary. It summarises the prima facie evidence on which the decision to mount the undercover operation was made. This included allegations of abuse at Oakington and by escort staff from six principal sources. I also describe the filming process and the instructions given to the two researchers to ensure they did not act as *agents provocateurs*.

4. I then summarise the content of the programme. In relation to Oakington, this included allegations of discriminatory management practice and misuse of the segregation block and scenes in which officers are heard making racist and otherwise inappropriate remarks. The film included one instance of physical abuse. On the escort side, a number of staff were shown making inappropriate comments and referring to abusive behaviour. The programme also alleged that corners were cut on staffing levels and that officers did not follow proper procedures in relation to handcuffing detainees and completing required paperwork. In addition, two ex-detainees claimed escort staff had assaulted them.

5. I report that I was given all the BBC's untransmitted material (some 100 hours of film). I note that much of it was banal and poorly recorded. I also refer to a BBC log that summarises each day's filming and which suggests that inappropriate behaviour was not confined to the staff actually featured on the programme. One of the untransmitted episodes features abusive language on the part of an employee of Securicor Justice Services¹ and I

¹ Since 1 April 2005, Securicor Justice Services has had the contract for all immigration escorts. Previously, it was responsible for out of country escorts only. The company is part of the conglomerate recently rebranded as G4S.

describe the action taken in response by that company. I comment that the use of inappropriate, obscene and abusive language was not exclusive to GSL staff.

Chapter 3

6. Chapter 3 summarises the GSL investigation report. The GSL report set out the findings of the (independent) investigation team and included statements by staff, notes of interviews, various documents relating to particular incidents and policy documents.

7. The report detailed the allegations made against staff in a letter to the company from the BBC and recorded the investigation's findings in relation to each. The investigators had also looked into other incidents that were shown on the documentary, but not referred to by the BBC. The investigation did not substantiate the allegation of discriminatory treatment and drew no conclusions on a 'widespread culture of racism'. It was also inconclusive in respect of the allegation that handcuffs were used incorrectly and found no evidence of regular non-compliance with control and restraint procedures. The investigation did find, however, that detainees were sometimes held in escort vans for unacceptable lengths of time and upheld all the allegations as they related to actions or comments by staff. With regard to the allegations by the ex-detainees of assault, the investigators concluded in one instance that it was unlikely to have happened and in the other that all appropriate action had already been taken.

8. The GSL report said that the problems at Oakington differed from those on the escorting side. It ascribed those at Oakington to neglect and/or complacency by managers, but attributed those on the escort side largely to managers being distracted by other organisational issues.

9. I report that I am satisfied that the GSL investigators did a generally good job. I also note that all but five of those implicated by the BBC letter or the programme are no longer with the company, having either resigned following suspension or been dismissed. Of the remaining five, four have been disciplined. I note, however, that no managers have been called to account and express the hope that a wider GSL review of management and supervisory systems, recruitment and training that is underway will redress the balance.

Chapter 4

10. Chapter 4 details the evidence I received from the many stakeholders who wrote to me. This includes a wide range of suggestions for improving management and monitoring of both immigration detention and the escort operation. Some of the evidence refers to injuries sustained by detainees during the course of attempted removal. In addition, contributors refer to:

- The practice of moving detainees around the estate;

- The reluctance of detainees to complain in case their asylum application is affected;
- The demonisation of asylum seekers in the press and the effect that has on attitudes towards them;
- GSL's fitness to hold Government contracts; and
- The need constantly to reinforce race awareness training.

11. I make a number of recommendations. These relate to detainee movements, the replacement of the tannoy system with pagers at Oakington, race relations training, assessment and screening processes for new staff, contractual provision for promoting equality of opportunity and good race relations, information for detainees on use of force, a race relations audit of the entire estate and effective Independent Monitoring Board monitoring practice.

Chapter 5

12. In chapter 5, I describe my own findings on Oakington. These are informed by HM Chief Inspector of Prisons' report following an inspection carried out in June 2004, and based on what I saw for myself and learned from interviews and conversations with a range of staff, detainees, and managers.

13. HM Chief Inspector's report was generally positive, commending staff/detainee relations at the centre. However, she had expressed concerns about the use of the Detainee Departure Unit (DDU) and about the complaints system.

14. Members of the religious affairs team complained to me about being marginalised and their concerns being disregarded. They also described a mixture of staff, some of whom were very caring, while others bullied detainees. It was suggested that the senior management team was complacent.

15. Some staff to whom we spoke displayed worrying attitudes that minimised the seriousness of what the BBC had revealed or spoke openly about their own abusive behaviour. Some officers referred to a bullying and remote management culture at the centre and suggested there was an unwillingness to hear bad news. They also alleged that concerns were not acted upon. None of those to whom we spoke fully understood GSL's whistleblowing policy.

16. Mr Simon Boazman, one of the BBC researchers, told me he thought perhaps four or five of the shift on which he worked were bad, but a similar number did not challenge them. He also noted that the supervisor did not challenge inappropriate comments. He said GSL's race relations training was not reinforced after training and that staff's attitude was different when managers were around.

17. I describe bad experiences reported by two detainees but note that virtually all others to whom we spoke said they were well treated and had no problems.

18. The chapter also includes details of my conversation with Mr Colin Hodgkins, the centre manager. He explained that he had asked the religious affairs team not to become involved with operational issues and that this had not been universally well received. He also told me that he considered his supervisors and shift managers were generally pretty good and that steps had been taken to raise their profile in the centre. He rejected the suggestion that senior managers lacked visibility or did not want to hear bad news. He said he was shocked to learn that some officers had described a bullying management culture.

19. Mr John Jasper, GSL's Director of Asylum Seeker Services, suggested that junior managers might not have understood the importance of identifying and challenging unacceptable language and attitudes at an early stage. He also suggested there might be problems with officers being promoted within their own shift, making it difficult for them fully to take on a supervisory role. He said he emphasised the care aspect of GSL's role to staff, but that a degree of complacency might have developed amongst managers because of the many positive things that had been said about Oakington.

20. I make a number of recommendations. These relate to the visibility of the Race Relations Liaison Officer and other senior managers, GSL's whistleblowing policy, training for new managers, handling of complaints and grievances and the inception of a zero-tolerance campaign against racism across the estate.

21. I go on to set out my findings in relation to the BBC's allegations of discriminatory treatment in respect of security risks - 'profiling'. I describe how the policy derived from concern about the number of escapes from the centre and the finding that those who escaped were predominantly Eastern Europeans. I describe how the centre manager explained that action would never be taken purely on the basis of nationality and that action had been taken to tighten up reporting procedures. I also set out the findings of Mr David Robinson, Deputy Director, Detention Services, Immigration and Nationality Directorate (IND), in relation to profiling. He concluded that there was some substance to the allegation of discrimination. I describe some of the paperwork submitted by the security manager requesting segregation of certain detainees and criticise the use of supposition and generalisation. I cannot be certain that discrimination did not occur and make a number of recommendations in relation to profiling. I also recommend that accommodation other than the DDU should be found for vulnerable detainees.

22. The final section of this chapter relates to two officers who featured strongly in the documentary because of their racist attitudes. I find that the centre manager decided to allocate them to the DDU because they would be better supervised there. I am very critical of this decision and recommend

that a protocol be established with regard to the qualities necessary in officers allocated to the DDU.

Chapter 6

23. Chapter 6 sets out my findings in relation to the in-country escort (ICE) service. It refers to HM Chief Inspector of Prisons' findings that many detainees complained of long journey times and long waits in escort vans and that some had complained of abuse and inappropriate use of physical force. HM Chief Inspector had also identified a lack of supervision and monitoring in short term holding centres.

24. I describe my own experience in witnessing three separate removals. I was particularly struck by the delays in the process. I am also extremely critical of the holding room used by the Immigration Service in the Queen's Building (Heathrow) and recommend that its use be urgently reviewed. I criticise the use of fewer than half the seats on a chartered aircraft during one removal and recommend that IND reviews the frequency of the flights. In describing my experience of an 'out-of country' escort (that is, one where the individual is escorted all the way), I note some positive aspects of the officers' interpersonal skills, but am critical of others. I make recommendations about this and also recommend that staff be required to take regular meal breaks.

25. GSL provided me with a DVD showing the work of escort staff. I describe this film, which shows staff in a variety of roles – restraining detainees, sorting out property and negotiating with detainees. Again, I have some reservations about some of the interpersonal skills on show, but note the pressures under which staff work. I recommend that the DVD be made available more widely for training purposes.

26. We spoke to only a very small number of escort staff. They criticised their managers for not listening and for a bullying style. They complained that they were regularly under-staffed. They also maintained that they should be allowed to make whatever comments they wished in the privacy of the rest-room as this was where they relaxed.

27. The other BBC researcher, Mr Andy Pagnacco, said the general message of race relations training was to be careful what you said. There was no reinforcement of race relations issues outside the training room. He described to me shortcomings in officers' use of handcuffs (I draw Securicor's attention to this) and suggested that there was generally a lack of empathy for detainees. He also suggested that, because officers tended to work in pairs, it was unlikely that one would report on another. He thought supervisors were too pre-occupied with operational matters to attend to the attitude of staff and suggested that senior managers were remote. He also questioned the effectiveness of the contract monitor.

28. Mr Jasper described to me the challenge GSL faced in changing the culture from the previous one of avoiding penalty points to one that focussed on detainee care.

29. Mr Russell Hobbs, General Manager, GSL, told me he spent time talking to staff but was wholly unaware of the attitudes evidenced in the BBC documentary. He had been shocked. He pointed to the difficulties in running a multi-site organisation with staff all over the country, but said he was generally satisfied with the quality of his supervisors. Mr Hobbs said he was disappointed that a small group of staff had described a bullying culture and that he tried to be as inclusive as possible. He rejected the BBC's allegations of improper control and restraint procedures and failure by officers to complete reporting forms properly.

31. Given that the escort contract has now changed hands, there is little point in making recommendations relating specifically to what was shown by the BBC. However, I commend to IND and G4S the various suggestions for monitoring and elimination of abuse proposed by stakeholders in chapter 4.

Chapter 7

32. Chapter 7 looks at monitoring. I describe what I was told about the IMB's practice at Oakington – for example, that they visited at various times of day and always visited the DDU when there was anyone located there. I report that the Board had received two separate notes alleging abuse at Oakington. I record a comment that two members considered they lacked “clout” in influencing the use to which the DDU was put (although the chair, Mrs Penny Lambert, disagrees). I recommend that members be offered refresher training in relation to their powers and ensuring maximum effectiveness and that more visits are carried out during the night. I also welcome and endorse some proposals by Sir Peter Lloyd (President of the National Council of Independent Monitoring Boards) for enhancing the role and effectiveness of IMBs.

33. I note that currently there is no IMB involvement with escorts and describe details of a paper submitted to the IMB National Council inviting members to consider what role the IMB might take in monitoring this area of activity and making proposals. I note, however, that no firm conclusions had been reached. I recommend that IND and the National Council take steps to provide IMB scrutiny of all areas where detainees are held.

34. I also look at contract monitoring provision and set out Mr David Robinson's findings in relation to the adequacy of arrangements at Oakington. Generally speaking, he gives them a clean bill of health but proposes measures to improve monitoring and an analysis to determine the levels of understanding of passive discrimination. I endorse his proposals.

35. I describe the role of the escorts contract monitoring team. They reported a lack of clarity as to what is expected of them and said that the ICE contract monitor is constrained in the level of physical monitoring he can do because of pressures of work. I note that this has been addressed in part through the appointment of an additional member of the team, who is based at Heathrow and that the ICE monitor will also re-locate there. I recommend

that urgent consideration be given to contract monitoring in relation to all holding rooms.

36. I consider complaints handling and note that few complaints were raised at Oakington. I record an allegation by a member of staff that detainees were threatened with sanctions for complaining. Members of the religious affairs team also expressed concern about the shortcomings of the complaints process. I make two recommendations on this point.

37. I describe action taken by GSL to monitor complaints on the escort side. I note GSL's suggestion that the number of complaints might have reduced as a result of a tacit agreement that GSL should not try to enforce the removal of someone where there was little prospect of success.

38. I also describe the complaint handling process. This involves routine reference to the police of all allegations of assault. I record that the ICE contract monitor does not personally investigate complaints. I make a number of recommendations with regard to training in investigating complaints, separate provision of resources for the function and ethnic monitoring of complaints.

39. Finally, I express concern about the inconsistencies and inadequacies of the existing complaints system and recommend that IND establishes the office of Prisons and Probation Ombudsman as the independent tier and guardian of the system.

Chapter 8

40. In my conclusions at chapter 8, I say that the scale of the problem revealed by the BBC documentary should not be exaggerated, but that the nature of the problem was appalling. I note that the problem potentially goes much wider than GSL. I conclude that action is needed to strengthen management, increase and enhance monitoring and encourage moral resilience.

Chapter 9

41. Chapter 9 separately sets out some 54 recommendations.

Annexes

42. A list of evidence received is at Annex A; a list of witnesses interviewed is at Annex B; a list of documents reviewed is at Annex C; Mr Lincoln Crawford's commentary on my draft report is provided at Annex D; and Annex E sets out the terms of reference for GSL's wider review of management, recruitment and training.

1. How we went about the inquiry

On 10 February 2005, a letter was sent to the Home Office by Mr Leo Telling, a series producer in BBC Current Affairs, in which he reported on an investigation mounted by two undercover researchers who had worked at the Oakington reception centre and on immigration escorts respectively. The letter said that the investigation had uncovered a number of serious issues (which it listed) and invited the Government to address them.

The television programme based on this investigation was broadcast as *Detention Undercover: The Real Story* on BBC1 on 2 March 2005.

The following day, the then Minister for Citizenship and Immigration (Mr Des Browne) made a written Ministerial Statement to the House of Commons.² He said that Oakington had a reputation for good staff-detainee relationships, and that it was in the interests of all at the centre to establish the truth about the allegations as quickly as possible.

Mr Browne noted that GSL³ – the company running Oakington and also responsible at that time for in-country escorts – had mounted its own internal investigation. However, he added that he thought it appropriate to have a separate, independent investigation, and he had asked me to undertake that task.

The Minister also set out the terms of reference to which I was to work. These were:

- To investigate allegations, made in the BBC programme 'Detention Undercover: The Real Story' broadcast on 2 March 2005, of racism and mistreatment by GSL staff of detainees at Oakington immigration reception centre and while under escort;
- In particular, to review the internal investigation already mounted by GSL, and the company's response to the allegations;
- To assess the implications for the management and oversight of Oakington and the escorting of detainees; and
- To make any necessary recommendations to the Government and GSL management.

The Minister added, "that there is absolutely no place for racism anywhere in our society, and particularly within the immigration system. Detention and removal is an essential part of effective immigration controls, but it is vital that

² House of Commons Hansard, 3 March 2005, col.95WS.

³ Global Solutions Ltd. The company is owned by two private equity firms, Electra Partners and Englefield Capital, having been sold in 2004 by its former owners Group 4 Falck.

it is done with humanity and dignity, and I am committed to ensuring this is the case.”

In carrying out this inquiry, I have of course respected the terms of reference outlined by the Minister. However, I have interpreted them sufficiently broadly to allow me to take note of that evidence I have received relating to other removal centres and non-GSL escorts.

I have been assisted throughout by my colleague from the Prisons and Probation Ombudsman’s Office, Miss Ali McMurray. She and I were jointly responsible for an inquiry into allegations of racism and abuse at the GSL-run Yarl’s Wood removal centre reported in the *Daily Mirror* in December 2003. (A copy of our report is available on www.ppo.gov.uk.) Miss McMurray and I also conducted the Government’s over-arching inquiry into the major fire and disturbance at Yarl’s Wood that took place in February 2002 (our report was published as House of Commons Paper 1257 in November 2004).

In some respects this present inquiry was unusual in that the basic facts were not in question. The BBC had secretly recorded a variety of GSL staff voicing racist or abusive comments about those in their charge, or admitting to abusive acts. (The BBC filmed just one of those acts – the assault on a detainee by DCO A, see pp. 16 & 17 below.) Although I wanted to ascertain the context of some of those comments – not that any context excused some of the more egregious remarks – the fact that they had been made was not in doubt.

In carrying out this work, Miss McMurray and I have:

- met the BBC producer and series producer and interviewed the two undercover researchers. The BBC agreed to release to us all the un-broadcast material;
- met the GSL investigation team and reviewed their internal report;
- met a variety of other parties, including the contract monitor at Oakington, the chair and two members of the Oakington Independent Monitoring Board (IMB), GSL and Immigration Service officials, and representatives of many of the faith groups present at Oakington;
- visited Oakington on several occasions and toured the estate;
- visited GSL’s escorts base at Egham (where some of the BBC footage was filmed);
- visited Heathrow to see the holding rooms and to witness removals;
- visited Stansted to see the immigration facilities and see one of the Aardvark flights take off for Pristina;⁴
- accompanied and observed an out of country escort from Colnbrook to Southampton;
- issued notices to detainees, Oakington staff and escort staff inviting contributions to the inquiry;
- issued a wider letter to stakeholders inviting the submission of evidence;

⁴ Aardvark is the name of the Immigration Service operation to return Kosovans and Albanians to their home areas. See also pp. 81 - 82.

- conducted formal interviews;
- reviewed a selection of complaints held by the Immigration Service, and conducted a similar exercise on GSL files held at their base at Egham. These included use of force forms. We have also reviewed complaints and Rule 40 forms held at Oakington;
- reviewed a variety of tender documentation and other material held by the Immigration and Nationality Department;
- consulted with the Home Office's Race Equality Adviser, Mr Mark Carroll, and others on aspects of the inquiry;
- visited Manchester short term holding facility;
- viewed a DVD produced by GSL showing two days' experience of escorts at Heathrow; and
- consulted a colleague with expertise in control and restraint (C&R) on matters arising from that DVD, and reviewed relevant Use of Force documentation.

Given the sensitivity and seriousness of the matters under inquiry, I am pleased to record that Miss McMurray and I have received every assistance from IND and GSL and from all of our witnesses.

At Mr Carroll's suggestion, I invited the barrister Mr Lincoln Crawford OBE, a member of the Home Office Race Equality Advisory Panel (and, coincidentally, a former colleague of mine at the Prison Reform Trust), to review my report in draft, along with some of the evidence on which it is based. I have amended my report to reflect Mr Crawford's advice. I also invited him to comment more generally on the issues raised by the programme and these comments are appended to this report as Annex D. I am most grateful to Mr Crawford for his assistance.

The report was also disclosed in draft to the Immigration Service, GSL and the IMB in the interests of fairness and accuracy. Mr David Banks, Chief Operating Officer of GSL responded in a letter dated 5 July 2005; Mrs Penny Lambert, chair of the IMB responded in an e-mail dated 3 July 2005; and the contract monitor at Oakington responded in an undated note. I have reflected their comments in the report and made amendments where necessary.

2. The BBC project

I am very grateful to the BBC for their candour in explaining how the *Detention Undercover* programme came about and for sharing with me the untransmitted material.

I understand that the idea for the programme derived from several sources. These included the example of the *Daily Mirror's* undercover reporting from Yarl's Wood removal centre (see above, p. 13), and allegations from pressure groups and lawyers representing asylum-seekers and detainees. The BBC's procedures require the submission of a special form when seeking permission for secret filming and the assent of the Corporation's lawyers and its Head of Editorial Policy.

The BBC provided me with the prima facie evidence on which the decision to introduce two undercover reporters was made. The information received about Oakington came from six principal sources made up of serving staff, ex-staff, an ex-detainee and a member of a local pressure group. The Corporation had been provided with a number of internal documents and had also been referred to the Independent Monitoring Board's annual report for 2003.

The information the BBC received had suggested that the Detainee Departure Unit (DDU), a euphemism for the Segregation Unit, was used as a tool of intimidation, that detainees would be placed there for trivial reasons, and that those segregated were always male and primarily Romanians, Albanians or Ukrainians. They had also received adverse reports about conditions in the DDU. The BBC deduced that the numbers placed in the DDU and the numbers who had been on suicide watch were under-reported to the IMB. One source, who had worked at all the GSL removal centres, told the BBC that GSL was fined by the Home Office for deaths, escapes and self harm and that records at all removal centres were falsified to avoid this.⁵

The BBC had possession of a letter naming over 40 officers alleged to be racist and giving details of racist behaviour and language. One shift in particular was alleged to be aggressive and racist. The BBC was told that the race relations training was inadequate and that the Race Relations Liaison Officer (RRLO) post was vacant for a lengthy period.

It was also alleged that staffing levels were systematically 20 per cent below levels agreed with Home Office. It was further argued that it was difficult for detainees to make a formal complaint and that many complaints received no response.

⁵ The BBC did not pursue this allegation and neither have I. It remains wholly unsubstantiated. In his letter of 5 July, Mr Banks refuted the allegation, noting that such action would be unethical and likely to result in instant dismissal. He was unhappy that it should be repeated in this report, as its inclusion would "give it credibility and 'currency'". I take Mr Banks's point entirely. I have decided it should remain, however, as it represents a significant part of the "evidence" that led to the undercover operation.

The prima facie evidence on the escorts side consisted of research from the Medical Foundation for the Care of Victims of Torture and details from firms of solicitors about action being taken against GSL by their clients. Eight detainees or former detainees claimed they had been physically assaulted and/or verbally abused by escort officers. (Two of these subsequently featured in the BBC programme.)

Once the programme had received the go-ahead, two researchers (Mr Simon Boazman and Mr Andy Pagnacco) applied for jobs with GSL in the normal manner. Leaving aside their undercover role, as many details as possible in their applications were accurate.

Once they had been taken on by GSL, the researchers filmed using miniature cameras hidden on their uniforms. The cameras were able to record digitally for about one hour a day (in practice, some of the files corrupted and/or there were other technical difficulties).

The researchers were given advice as to the extent that, through language and behaviour, they could 'act the part'. There were strict warnings against acting as *agents provocateurs*. They were trained, via role play, in how to respond to comments by others without inhibiting them from continuing but without encouraging them to do so.

(i) Summary of the programme

The eventual programme was cut from around 100 hours of secret footage and lasted for one hour. Some scenes were repeated. In relation to Oakington, the programme:

- suggested that so-called 'profiling' was discriminatory against Eastern Europeans;
- implied that the contract monitor was aware of the alleged discrimination and that she condoned it;
- suggested staff 'trumped up' allegations against detainees to secure their removal to the DDU;
- revealed that the DDU was used for those at risk of suicide;
- showed that some staff in the DDU were racist and had been investigated for misconduct;
- suggested that there were no welfare checks for children;
- recorded various Detention Custody Officers (DCOs) at Oakington as follows:
 - saying he would not work in the DDU as "they are a little right of left";
 - saying they had threatened to hit a detainee;
 - saying they had stood on a detainee's teeth;
 - making racist remarks about immigrants being no good to anyone etc;
 - shouting and swearing at detainees;
 - racially abusing a detainee;

- tipping the detainee out of bed;⁶
- making offensive references to Chinese detainees;
- saying they had talked detainees out of submitting formal racial complaints;
- talking about racist codes used by staff;
- witnessing others making racist comments without saying anything (this last was an Assistant Race Relations Officer);
- referring to one of the accommodation blocks as 'Pakiland';
- saying that people from Mozambique had no regard for human life;
- complaining about the number of Eastern Europeans in the country;
- complaining about detainees "taking the piss" and saying it was impossible not to think badly of them.

In addition, a letter sent by the BBC to GSL advised that the Oakington researcher had also heard the deputy centre manager admitting that some detainees were put in the DDU because they 'fitted the profile', and that a nurse had said she regularly saw detainees returning injured from failed removals.

The programme also recorded various escort staff respectively:

- saying they had hit a detainee in the face;
- boasting of sexual encounters with female detainees;
- advising the BBC researcher that it was okay to take out his frustration on detainees by "giving them pain";
- referring to detainees as "smelly fuckers, bastards, tricky fuckers";
- saying that the Union had beaten a disciplinary charge even though the member of staff was clearly guilty;
- saying they had banged a detainee's head on a concrete floor while restraining him;
- saying they had taped a female detainee's skirt to her legs after she had defecated;
- talking about hitting detainees when no cameras were around;
- saying lifts were a very good place for hitting detainees;
- referring to his passengers as "A Chink and a Romanian, I think";
- acknowledging that there was widespread breaking of the rules and that she asked staff to break the rules (this was a supervisor).

The programme also featured two ex-detainees who alleged they were assaulted by DCOs during failed removals. One said he had been taken to a cell, stripped and punched and kicked.

More generally, the BBC alleged that:

⁶ This incident was of itself quite shocking. I learned subsequently that it was even worse than would have been apparent to viewers in that the detainee was mentally ill and had in fact just returned from a psychiatric hospital. There was some suggestion at first by GSL (and its staff) that the scene was manufactured (having seen the room where it took place, I am aware that the bed is now in the reverse position). I do not believe this for one moment.

- control and restraint procedures were regularly carried out by just two DCOs whereas the rules required at least three officers;
- staff failed to complete forms as appropriate or filled them in very briefly and in collusion with colleagues;
- detainees were frequently kept in vans for hours; and
- DCOs deliberately or carelessly misused handcuffs.

(While DCOs were mostly condemned out of their own mouths, not all the allegations were subsequently substantiated. I set out GSL's findings on each of these allegations at pp. 20 – 36.)

(ii) *The BBC's untransmitted material*

The BBC passed to me tapes and DVDs on which was recorded everything filmed by Mr Boazman and Mr Pagnacco during their time being trained by, and working for, GSL. I have viewed some but by no means the majority of this material. As might be imagined, much of the footage is extremely banal and a lot of it is poorly recorded.

The BBC also furnished me with a log detailing significant incidents or exchanges. This further persuaded me that it would not be a productive use of time to view the entire footage. I was also influenced by Mr Boazman who told me he did not think there was anything as strong in the untransmitted footage as was shown in the programme.

Nevertheless, the log refers to a catalogue of what might be described, at best, as unfortunate comments by staff. This suggests that inappropriate behaviour was not confined to a small number of individuals, but that a sub-culture existed⁷ (although in the case of Oakington it is fair to say that all, or almost all, the comments were made by members of one shift – the Green Shift).⁸

I have considered whether I should set out here in full the untransmitted footage or whether I should recommend that the BBC release it to GSL. On balance, I consider little purpose would be served. Notwithstanding that those who happened to feature in the programme have all been disciplined, I see no value in GSL conducting a witch-hunt among the remainder of its staff. In addition, while there has been a regrettable tendency amongst some employees of the company to minimise the revelations of the BBC, I am confident that the most senior managers have taken to heart the messages from the programme and are endeavouring to address them.

⁷ In his letter to me of 5 July, Mr Banks objected to the reference in the foreword to this report to a "sub-culture of such nastiness". He drew my attention to the many positive views of Oakington and suggested that the majority of staff had been let down by "a relatively small minority (although any is too many)". I do not share Mr Banks's view that it is inappropriate to refer to a sub-culture. I do not doubt that the majority culture was as he describes, but the two faces of Oakington are central to this enquiry.

⁸ Staff at Oakington are brigaded into four shifts, each of them denoted by a colour.

However, it is pertinent to note that it was not only GSL staff who were implicated in the untransmitted footage. I identified that one of the staff shown making a highly obscene and offensive remark was an employee of Securicor Justice Services.⁹ I simply note that this episode demonstrates that the use of inappropriate, obscene and abusive language was not exclusively a characteristic of staff employed by GSL.

⁹ I invited the company to view the relevant footage. An investigation was conducted by the company's customer service and contract compliance manager, following which he wrote to me. He first of all described the (rather fraught) circumstances leading up to the remark. He went on to say that the investigation report would be passed to the employee's manager with a recommendation for disciplinary action. With the exception of a reference to the language being especially inappropriate in front of members of another company (it was totally inappropriate in any context), I am content with the way Securicor have handled this matter and the outcome. The letter from Securicor added that the company intended to use the BBC programme in its training "as a catalyst to improve behavioural culture".

3. The GSL investigation and management response

On receipt of the letter from the BBC advising of their findings, GSL commissioned a team of five former senior police officers to investigate the allegations. At that stage, the BBC declined to provide any further information beyond what was stated in their letter. All those staff identified by the BBC were interviewed, with the exception of three who had already left GSL's employment. (Many were subsequently re-interviewed after the programme was aired.)

The investigation team was led by Mr Paul Leadbeater. Mr Leadbeater served with the West Riding Constabulary for 30 years – much of it in the CID – before joining Group 4 (the precursor to GSL) in 1995.

GSL provided me with Mr Leadbeater's report, which took the form of three large files. The first set out GSL's findings. It also included copies of statements from various staff at Oakington and on the In-Country Escorting (ICE) side. The second comprised various supporting documents, including:

- an analysis of the characteristics of escapers at Oakington;
- a number of security information reports (SIRs) and summary documents;
- papers relating to earlier investigations into complaints made by detainees about Officers B and C;
- documents relating to race relations management at Oakington;
- the medical file for a family whose case was featured on the programme;
- documents relating to the control and restraint of a detainee (referred to in the programme as an officer stamping on a man's teeth); and
- statements by and notes of interview with numerous Oakington staff.

The third file related to the ICE contract. It comprised:

- a report by the General Manager, Mr Russell Hobbs;
- a report on the training of DCOs;
- schedules of complaints, investigations and assault allegations for 2004;
- training notes on the use of handcuffs;
- documents relating to control and restraint training, including the Use of Force training manual;
- documents relating to the control and restraint of a detainee featured in the ICE part of the programme;
- notes on the extra footage provided to GSL by the BBC; and
- notes of interview with numerous ICE DCOs.

The first file – termed here the GSL report – considered one-by-one the allegations (reproduced here in italics) set out in the BBC letter.

(i) *Oakington*

The centre operates a system of profiling that discriminates against Eastern Europeans.

The GSL report set out the history of 'profiling'. It said it resulted from a sudden increase in escapes. An analysis carried out by the security manager showed that all escapers during the period under review were Eastern European, the majority of whom had been received direct from police stations. There were some other common characteristics. The report stated:

"To reduce the number of absconders, it was decided to implement a risk assessment system, in order to try to identify at an early stage, those detainees who were likely to attempt to abscond, and whilst being Eastern European was a factor, because of the analysis, as Mr Rees [Mr Tom Rees, deputy centre manager and security manager] points out, other nationalities were also identified in this fashion."

The report noted that the risk assessment system was apparently sanctioned by a senior official in the Immigration Service.

It also stated that Eastern Europeans accounted for 18.6 per cent of the overall population at Oakington during 2004, but 80.6 per cent of the DDU occupancy. The investigators stated that, "one observation of the figures is that whilst they tend to support the analysis carried out by Mr Rees, to a casual observer, it would appear that Eastern Europeans were the only contenders for a place in the DDU."

The investigators noted that there were no policy documents on the system and that Mr Rees said it was the subject of a verbal instruction "on a need to know basis". They suggested that, in light of this, it was perhaps not surprising that staff interviewed did not know the mechanics of the process. They concluded:

"Whilst the concept of risk assessment was introduced for legitimate reasons ... it is important to ensure that such a procedure cannot be misinterpreted and on that basis ... it should have been the subject of a policy document and it should also have been incorporated in a training package for the Initial Training Course ...

"To any party who is not in possession of the full facts on risk assessment at Oakington, then it is quite easy to understand that they will interpret it as discriminating against Eastern Europeans, and I believe that is why Boazman has made the allegation."

(I set out my own thoughts on this matter on pp. 73 & 74.)

In some cases without any prior evidence against individuals these 'profiled' detainees are ... placed in the DDU. Some individuals are subject to trumped up charges ...

The investigators concluded from their enquiries that staff understood that information submitted on an SIR could form part of the risk assessment

process, but none thought a single SIR would result in a detainee being placed in the DDU.

The investigators noted that, whilst many of the SIRs they reviewed appeared rather innocuous, it was difficult to establish if any of them contained false information. They referred to a review carried out by the contract monitor which had concluded that there was no evidence of any pattern that might indicate that particular officers were guilty of submitting false reports.

The investigators noted that 'fence watching' and 'acting suspiciously' appeared to be common features of the SIRs they had reviewed and said how difficult it was to avoid fence watching.¹⁰ They suggested that those submitting SIRs should be required to give more detail about why the behaviour in question gave cause for concern. I agree.

Use of the DDU for those at risk of suicide.

The report accepted that the use of the DDU for those at risk of suicide was inappropriate, but concluded that there was no alternative given the centre did not possess a residential medical wing. It noted that there had not been a single suicide to date despite the very vulnerable nature of many of the residents. It concluded, "Whilst the present arrangements are not of the best, they are at this moment in time, the only solution, given the circumstances."

I disagree. My own considerations on the matter are set out at p. 74.

Inappropriate staffing of the DDU.

The investigators referred to an investigation carried out as a result of a complaint made by a detainee that he had been the subject of bullying and intimidation by Officers B and C. They noted that the allegations were not substantiated, but that the contract monitor had written to the centre manager at the time expressing her concerns about "a very small minority of staff". The GSL investigators recorded that the centre manager did not feel he could remove Officers B and C from having direct contact with detainees and that he concluded they would be better supervised in the DDU. They noted that the evidence about whether the staff themselves or their supervisors were warned about the reasons for their allocation to the DDU and about their future conduct was contradictory.

The investigators said that the names of B and C featured prominently in complaints made by detainees during 2004. They concluded, notwithstanding the arguments of the centre manager and security manager, that "moving these two officers to the unit was a mistake". They added that, if it was accepted that the two officers were unsuitable for contact with detainees within the normal confines of the centre, then they were totally unsuitable for working in the DDU, particularly as it sometimes housed vulnerable detainees.

¹⁰ That is, staring at the perimeter fence allegedly looking for security weaknesses. It should be noted that Oakington is a very open site surrounded by fencing. It is difficult to look in any direction and not appear to be looking at the fence.

The investigators suggested that, "At the very least, they should have been moved to different shifts because ... they were of the opinion they were 'untouchable'." They also suggested that, in view of the contract monitor's concern, the centre manager or one of his deputies should have spoken directly to the officers concerned.

I agree with all of this. I consider the matter separately at p. 76.

Finally the report says:

"All three senior managers were surprised to learn ... that further allegations were made about these officers. This appears to indicate there was a complete breakdown of communication between supervisors and senior management and no monitoring of their subsequent behaviour existed ..."

A widespread culture of racism.

The GSL report noted that there were three, five and no complaints relating to racism for each of the years 2003-2005 respectively. The investigators also noted that "the officers subject of the allegations, and other officers from the same shift, including supervisors ... inevitably denied there were racist officers at the Centre, and certainly senior managers were of that view".

The investigators suggested that, "B and C were clearly racist, on a regular basis". They said that other officers shared this view but had been reluctant to make statements. They found it difficult to believe that Officers B and C's supervisors were unaware of their behaviour. A different supervisor claimed to have written to senior managers about racism at the centre, but this was not substantiated. The investigators concluded:

"Whilst we have no evidence of 'a widespread culture of racism towards detainees ...' it cannot be denied that a small minority, mainly confined to one shift, have constantly behaved in a racist manner towards the detainees."

The investigators noted that Mr Rees had referred to resolving complaints informally and that this cast doubt on the number of complaints recorded. They commented that there were no procedures for dealing with complaints of racism informally and said that, even if there were, all complaints should be recorded irrespective of how they were resolved. I agree.

I recommend that all complaints of racism at Oakington, however dealt with, are formally recorded.

Failure of the Home Office to implement a system of welfare checks for children and alleged lack of care of a child featured in the programme.

The investigators did not cover the question of welfare checks (presumably because the allegation was made against the Home Office, rather than GSL).

They concluded that the care afforded to the child in question could only be commented upon by suitably qualified staff.

While noting that there was considerable contact between the medical sub-contractor at Oakington and the child's family, I take the same view. Diagnosis of the child's symptoms and his subsequent care are medical matters upon which I am not qualified to comment.

Threats and assault by Officer B.

The GSL report recorded that Mr B denied making threats to detainees. As far as the allegation that he stood on the teeth of a detainee was concerned, the investigators concluded that this probably related to an incident where a detainee's false teeth fell out whilst he was being restrained. Of seven officers involved, only one thought the detainee's teeth had been trod upon. The investigators concluded that, if Mr B had indeed stood on a detainee's teeth, there would have been a serious injury that would presumably have been the subject of a complaint. No records of such a complaint were identified. They suspected Mr B was boasting about his involvement in the incident.

Racist remarks by Officers B and C, and allegation of assault.

The investigators suggested that the incident referred to where Officers B and C made racist remarks was "just one example of such behaviour". As for an allegation that Mr C deliberately stamped on a detainee's foot, they noted that the matter had been investigated at the time, but the allegation was found to have been unsubstantiated (albeit that it was this allegation which led directly to both officers being moved to the DDU).

Abuse and assault by Officer A.

Officer A had been shown in the programme playing loud music over the tannoy to wake detainees and then tipping one detainee out of his bed onto the floor. The investigators interviewed a number of staff. All were aware of the music being played, but said Mr A's behaviour was otherwise out of character. However, one said he had previously seen Mr A behave in a similar fashion.

The investigators concluded that, given the comments of the officers to whom they spoke, "one has to ask why his [Officer A's] supervisors never intervened, because quite clearly they must have heard the music over the tannoy ..." I agree.

An Assistant Race Relations Liaison Officer dissuaded detainees from making complaints and alleged that officers used racist remarks on a regular basis. He was present during the Officer A incident.

The investigators concluded that the allegation was substantiated by the programme. They noted that the officer had been dismissed.

An officer referred to 'Pakiland'.

The report said the officer was interviewed twice, but denied using the term. There was no doubt, however, that this is what he said and he had been dismissed. The investigators noted that he had been a close associate of Officers B and C and was "no doubt, heavily influenced by their behaviour".

Officer said people from Mozambique had no regard for human life.

A GSL investigator had interviewed the officer twice. He denied being derogatory to Mozambiquan women, but admitted the language he had used was coarse. The investigators noted that the remark had not been made within the hearing of detainees but amongst about five officers. They commented that the remark was "nonetheless inappropriate". (The officer was reinstated following his suspension, having been given a warning.)

An officer made inappropriate remarks about Eastern Europeans, said detainees in the centre "took the piss" and that it was impossible not to think badly of them.

The GSL investigators did not deal with this allegation in any detail. The officer had already left the company and declined to give a formal interview.

An officer described 'profiling' as discriminatory and said detainees were falsely accused of fence-watching in order to justify their placement in the DDU.

The report said that, when interviewed, the officer denied there was any racism in the process. He also said it had not been his intention to encourage a new officer to falsify SIRs. The investigators noted that the comments featured in the programme were made after half an hour of a conversation with Mr Boazman.

The investigators noted that the officer's comment that all Eastern Europeans were profiled was contrary to the explanation given by Mr Rees. They concluded that the officer had misunderstood the fundamentals of the process and had in turn misled the BBC researcher. They repeated their earlier conclusion in respect of profiling that a little knowledge was dangerous. The officer was given a verbal warning.

The deputy manager admitted that detainees were sometimes put in the DDU because they fitted the profile.

The report said that Mr Bob Webster (deputy centre manager at Oakington) thought he had responded to a question as to whether he considered profiling to be racist, by saying, "it would be racist if you don't have the supporting evidence". The alleged conversation did not feature in the programme nor in any of the footage that the BBC had provided to GSL. The deputy manager was therefore reinstated with no further action taken.

I have viewed the footage in question. It shows the deputy centre manager accurately and in detail setting out the purpose of profiling before later appearing to contradict himself. The setting was a golf club bar. I do not believe it justifies further action.

Nurse reported seeing detainees coming off escorts with handcuff injuries.

The investigators noted that the nurse in question “had somewhat of a chequered history, whilst employed with GSL”. She had not responded to telephone messages left for her. Other healthcare staff were interviewed. The general manager could recall only three occasions upon which detainees had been treated for handcuff injuries since February 2000. The healthcare manager confirmed this.

The investigators noted that the BBC had not provided any additional information, but suggested that it was “common sense that anybody who is handcuffed only has to resist to a small degree, and the result will be bruising at the very least”. Given that handcuffing was not a common procedure at Oakington, and in the absence of further information from the BBC, the investigators concluded that “injuries of this nature do not appear to be a major issue”.

“They’re just thieving gypsy bastards”.

This comment was not referred to in the letter from the BBC but was made by an officer on the programme. The investigators therefore interviewed the officer responsible for the remark. He admitted having said it, but said he did not believe the remark was racist, but more of an observation. He was suspended and subsequently resigned.

The overall conclusion of the investigators as far as Oakington was concerned was that:

“It is difficult to cater for employees, who make off-the-cuff remarks without any thought as to the impact of their remark, and no doubt any large organisation will have its quota of employees of that ilk, and no amount of training or instruction will prevent such an occurrence.

“When employees such as B and C are allowed to behave in a racist and bullying manner, without any apparent intervention by their immediate supervisors or senior management, then the actions of supervisors and managers are a cause of concern.”

The investigators reported that, when they suggested that the Green Shift supervisor was part of the problem (other officers had identified him as such), Mr Rees “disagreed, stating [he] was a good man who is currently acting up two ranks, and he blamed the problem of Green Shift on a former manager.”

The investigators suggested that consideration should be given to dispersing Green Shift, but Mr Rees said he feared that would prompt a grievance. They said Mr Webster had agreed that it would be an appropriate course of action, notwithstanding any grievance that might ensue. I agree.

I recommend that the staff of Green Shift be dispersed equally amongst the other shifts.

The GSL investigators pondered whether the behaviour exposed by the BBC was isolated or more widespread. They noted that senior managers had referred to HM Chief Inspector of Prisons' inspection of the centre in 2004, which had deemed Oakington to be the most caring immigration detention centre. They concluded that this hardly suggested that inappropriate behaviour was "rife" in the centre. They suggested that Officers B and C had a bad influence on their colleagues and concluded that racism and bullying was not a "major problem" at Oakington.

(ii) *In Country Escorting*

GSL's third file set out a short history of the contract, referring to a "turbulent period of upheaval" from December 2003 onwards. The investigators referred to the account of the period prepared by the General Manager, Mr Russell Hobbs. This account was lengthy and focussed on the question of major organisational change. The main elements were:

- Change of ownership;
- Substantial growth and change;
- Additional work (overseas);
- Contractual negotiations;
- Organisational re-structure;
- Major recruitment of staff;
- A complex and significant bid process;
- The re-location of the largest operating base;
- The re-location of the control centre;
- The conversion of airside passes for 450 staff;
- A growth in work of 25 per cent; and
- The loss of the contract and demobilisation.

Mr Hobbs said:

"Most of these issues were dealt with in an environment of instability and at a time when the future of the contract was uncertain ... Any one of the above aspects of change is a major issue to manage in itself, all of them combined over a twelve-month period are more than significant and more than one would reasonably expect any contract or business to generate. All had to be achieved whilst running a seven day twenty-four hour service in a dynamic responsive environment with the service requirements changing and a fleet which is struggling to meet the requirement due to the extension of the contract. The pressure of this

on the organisation, management and staff should not be underestimated.”

Again the report listed the BBC's main allegations:

Officer admitted to hurting and assaulting detainees and covering up such behaviour.

The investigators acknowledged that DCOs did boast of having assaulted detainees, but queried whether what they said was true or ‘macho’ talk designed to impress a newcomer. The investigators referred to statistics that ICE handled detainees on 124,548 occasions during April – December 2004 and that there were 74 complaints made during the same period. Force had to be used on 229 occasions. The investigators commented:

“... the procedure of removing a detainee to an aircraft is a thankless task. Detainees are well aware that certain behaviour, i.e. noisy demonstrations, removal of clothing and/or aggressive attitudes to their escorting officers will no doubt result in the captain of the aircraft refusing to accept them.

“Although certain individuals have admitted on camera that they assaulted detainees ... equally it appears the BBC may have been misled or the reporter misinterpreted some of the incidents referred to on television.”

The investigators noted that all those interviewed were asked about assaults on detainees, regardless of whether they were themselves implicated. (I note from the interviews that all those interviewed said they did not know of any assaults by staff.)

Evidence of regular non-compliance with control and restraint protocols which required three officers to be involved.

The investigators noted that three staff or more were required when it was foreseen that control and restraint would be necessary. They also noted that, where two staff were concerned about a particular task, they could request a third officer who would be provided “if possible”.

The investigators interviewed other officers present when the conversations shown in the film took place, but they were unable to add anything. They concluded that the ‘evidence’ referred to by the BBC related to one specific incident, which was the subject of a separate allegation. They said they had no evidence of “regular non-compliance”.

Detainees are locked in stationary vans for long periods of time due to poor management and inefficient staffing.

The investigators acknowledged that detainees were locked in vans for long periods but queried whether this was due to poor management and inefficient

staffing. Because of the need for airside passes, not all DCOs were authorised to take detainees on to the airport. For that reason, detainees were brought to Egham to await an authorised DCO. Because there were no secure facilities for detainees at the depot, they were kept on the vans. They noted that arrangements had been put in place to ensure better coordination between the different teams.

The investigators noted that delays could also occur at removal centres, though they said the situation had improved.

They also said that GSL had acknowledged that it had encountered serious problems in the past on this issue, but concluded: "There is little point in this matter being explored further, unless directed otherwise, in view of the major changes due to take place at the end of this month." (I agree – although it is an issue to which the new contractor, Securicor, should direct its own attention.)

Nevertheless, the investigators concluded that, whatever the reason for detainees being kept for long periods on vans was "immaterial because there is no excuse that can be offered that would justify the detention of people in such circumstances". They noted that it was possible to be very critical of the DCO shown with the van on the programme, but "there is little doubt that he was not alone in his behaviour, and he did offer the excuse that he did not believe that he would have reached Dover before the establishment closed at 6:00pm".

The investigators said they had been advised that the situation was improving "with better co-ordination with outside organisations". However, "inevitably, due to traffic hold-ups, or accidents, delays will occur and that must be a major consideration."

They suggested that an establishment such as Egham should have washing, eating and toilet facilities for holding detainees for short periods of time. They noted that this had been a problem at the previous depot (Stockley), but this had not been taken into account when planning the re-location. (In fact, there were toilet and washing facilities at Egham for use by detainees.) They finished by saying there was little point addressing the matter further "apart from anticipating that other agencies will probably resolve the situation with the new contractors".

I recommend that washing, eating and toilet facilities be made available at all sites where detainees are likely to be held for more than an hour.

Deliberate misuse or careless use of handcuffs.

The investigators said that a number of officers were asked about the use of handcuffs, and no information to support the allegation was obtained (other than the reference on film by one DCO to finding a detainee in handcuffs in a van). They concluded that Mr Pagnacco was referring to the application of handcuffs whereby the ratchet of the handcuffs should be "double locked" to

be fully secure. They suggested the reporter might have been referring to staff not fully engaging the handcuffs in the position described. I refer again to the question of improper use of handcuffs at pp. 87 and 91.

DCO admitted having hit detainees in the face in the course of his work and boasts of sexual encounters with detainees.

The report said that the officer denied making any advances to female detainees but subsequently admitted that he might have referred to “chatting up women” when he spoke to Mr Pagnacco. It noted that he spoke on the programme in very derogatory terms about female detainees and stated that he indecently assaulted at least one woman. The investigators commented that this constituted a criminal offence, but without knowing the identity of the injured party it would be impossible for the police to take any action.

The GSL report was silent on the question of the DCO hitting detainees in the face, but noted that he had been dismissed. It was presumably concluded that criminal action would not be possible for the same reason as for the sexual assault.

An officer talked about giving detainees pain and warned of the dangers of this being witnessed by immigration officials or airline reps. On another occasion he made a number of racially offensive comments and talked about the Union helping a guilty DCO avoid the sack.

The investigators said that, when the officer was interviewed for the second time, he said he did not say a lot of the words attributed to him – especially the swear words. He also said that an officer he thought should have been sacked had retained his job as a result of Union backing.

The Branch Chairman of the Prison Officers' Association told the investigators that the DCO's role as a Union representative was comparatively minor and he did not normally represent members at disciplinary cases.

The officer was dismissed. There is no further reference to the actions of the Union in disciplinary cases, but I learned separately that GSL had searched a filing cabinet referred to by the officer and found nothing to substantiate his allegation.

An officer talked about being sent to escort a detainee with just one other officer. The detainee turned violent and ended up banging his head on the floor because there were insufficient officers to perform correct C&R procedures. He also boasted of dealing with a detainee with diarrhoea by taping her skirt to her legs.¹¹

The report said that, when interviewed, the officer could not recall the incident when the detainee struck his head. The investigators noted that it appeared

¹¹ I understand from Mr Banks that this referred to incidents that occurred before GSL took over the contract from Wackenhut.

from what was said on the programme that the detainee struck his head as the result of a struggle – not as the result of being assaulted. They said that, even if this was because there were insufficient staff to carry out correct C&R procedures, it would have been normal for just two officers to be escorting the detainee unless there was an indication that he was likely to turn violent.

The officer did recall the second incident. He said the detainee had not been wearing underwear and the tape was used to keep the detainee's skirt down, not to bind her legs together. Three officers had been involved altogether and had submitted reports at the time. All of them were interviewed. They stressed that they had been trying to preserve the detainee's dignity by taping her skirt together between her legs as a short-term measure. The investigators concluded that, although the DCOs' actions were "somewhat unconventional", it resolved the matter short-term and they would have been criticised for failing to react." (I agree that they would – and should – have been criticised for failing to act. I do not agree that it was appropriate in any circumstances to tape the woman's skirt together. Indeed, I think it was quite awful behaviour.)

The DCO who referred to the incident resigned after his first interview and before the programme was aired. On the assumption that the other staff now work for Securicor:

I recommend that Securicor draws my view to the attention of those officers still employed who were responsible for taping the detainee's skirt together between her legs, and considers what further action may be required.

Another officer who appeared in this segment of film and was heard to say "Behave yourself you fucker or you'll get another one" was given a final written warning. (The context of this remark was that the officer made it as if it were to a detainee although, in fact, only officers were present.)

A DCO talked about hitting detainees so long as there was no-one around. Another suggested that the lifts were a good place as there were no cameras there.

The GSL report said that the first officer admitted at her second interview to having made the remark, but said it was completely out of character and she was suffering from stress having been involved in a road traffic accident earlier that day. The investigators confirmed that that had been the case.

The second officer agreed at his second interview that he made the remarks attributed to him, but said it was a wisecrack. He referred in a note to his previous good conduct and performance.

Both officers were dismissed.

An officer referred to assaulting detainees to pre-empt a possible attack on an officer.

The officer concerned denied making the remark, but was dismissed.

An officer made abusive and racially offensive remarks about detainees.

The report said that, during his second interview, the officer said his remarks were intended to be flippant as opposed to abusive or racially offensive. He was dismissed.

An officer admitted incorrectly applying handcuffs, causing pain to a detainee. In discussion, he said the correct procedures were routinely ignored.

The investigation found that the BBC had wrongly identified the officer (who had been suspended by GSL). Another officer was identified as the one who had the conversation with Mr Pagnacco. At interview, the officer said that a detainee had been anxious to use a toilet and, at the same time, Mr Pagnacco was trying to engage him in conversation about the use of handcuffs. The officer acknowledged after viewing the footage that he had not immediately double-locked the handcuffs, although he did so within a few feet of leaving the van. He was not suspended.

There was no follow up to the officer saying that procedures were routinely ignored. (I draw this matter to Securicor's attention.) The investigators were, however, critical of Mr Pagnacco filming a detainee with his escort in a toilet and of his lack of professionalism in identifying the wrong officer.

An officer referred to staff breaking the rules on a daily basis and about her requiring them to do so in her role as supervisor. She also talked about nationalities having stereotypical behavioural traits.

The investigators recorded that the officer said during her first interview that by 'breaking the rules' she had meant minor transgressions such as allowing a detainee to smoke.

At her second interview, she said of this comment and a comment that "It's not for me to say" (when asked about officers assaulting detainees), that she had been driving the van into a petrol station and was therefore preoccupied and spoke without thinking. She agreed she had referred to staff bending the rules in a minor way and usually as the result of staff shortages. She produced a prepared list at her second interview relating to staffing problems and behaviour, and the shortcomings of managerial oversight. The investigators clarified that, when she referred to doing illegal things every day, she had been referring only to the breaking of company rules.

She was given a verbal warning.

The investigators reported they also interviewed an officer who said during the BBC programme that DCO stood for 'Don't Care Officer' and that Mr Pagnacco could forget 99 per cent of the training he had received. The officer

admitted making the remarks but said they had been taken out of context. He was given a verbal warning “for his indiscretion”.

A detainee alleged that officers twisted his arms behind his back, ended up rolling on the tarmac with him and punched and hit him. They stopped only when a witness appeared. He said the officers told him he had made the worst mistake of his life and referred to his children’s birth certificates as death certificates.

The investigators reviewed the incident log submitted at the time. According to the contemporaneous account, the detainee had dropped to the floor and started to writhe around, saying, “Kill me”. The officers took hold of his arms but he seized a luggage trolley. One officer took hold of the detainee’s head just as he was about to strike the trolley with it, and injured his hand in the process. The officers placed the detainee on the ground and handcuffed him. He was still shouting and screaming, before going limp and lying with his eyes closed. He was lifted to his feet and returned to the van. The investigators interviewed both officers at length. They noted that their accounts did not vary from their reports and that they were supported by an interview from a third officer. The detainee had not alleged at the time that he had been assaulted.

The investigators concluded that it was difficult to believe that officers would decide to assault a detainee en route to an aircraft and in the public domain.

A detainee alleged he was kicked from behind whilst walking to the plane. He was handcuffed and officers gouged his face. He was held by the neck while another officer kned him in the mouth. He was subsequently stripped and kicked and punched by officers. As a result he tried twice to harm himself.

Despite the BBC declining to name the detainee, the investigators thought they had identified him. They reviewed incident reports submitted at the time. These showed that the detainee said he did not wish to leave the UK. A struggle ensued with the detainee on the floor. Before he was handcuffed, he injured three officers. The detainee was taken to the Queen’s Building segregation area in Heathrow under control and restraint. He was searched and the handcuffs were released.

Shortly afterwards, he was discovered trying to strangle himself with his jumper. He eventually calmed down and removed other items of clothing on request to prevent a recurrence. The police were involved from the outset.

The detainee’s solicitors had complained that the detainee had been assaulted first by six officers and then again. The GSL investigators noted that the complaint investigation was pending the outcome of a police investigation and was the subject of a civil claim. It was therefore in the hands of GSL’s lawyers.

The investigators spoke to the police officer in charge of the case. He said the detainee’s solicitors had refused to allow him to interview their client and

had now made a complaint about him. He intended to make a counter-claim of slander.

The investigators said that it was not uncommon for detainees to act in a way that would prompt the airline to refuse to take them, or for some solicitors to make complaints in order to prolong their client's stay in the country.

They noted that there were discrepancies in the various accounts of the incident. They did not try to resolve those discrepancies, but questioned why the solicitors would have refused the police access to their client. They suggested it was not surprising that the CPS had decided not to take the matter any further. (I do not consider there is any further action that could appropriately be undertaken in this case.)

The investigators suggested that such incidents and allegations would always be a problem for escort services, and recommended that in future all removals be videoed. (While I applaud the intention, I do not consider this is practicable or indeed necessary, given that the vast majority of removals are achieved without incident.)

The conclusion of the investigation as far as the ICE service was concerned was that many staff were dissatisfied as a result of the stressful nature of their jobs and the constant changes and upheavals they had experienced. They said it was clear from their investigation that "a 'Rest Room' culture exists at Egham, where foul language is the norm, perhaps, consistent with other groups of workers, and the supervisors appear to be part of that situation". They noted a sense of apathy amongst both staff and supervisors. This had resulted in managerial instructions not being properly implemented or addressed, with an attendant breakdown in communication.

The investigators also noted a lack of experience amongst both staff and supervisors. They suggested that there had been a large gulf between the supervisors and the first line managers at Stockley (GSL's earlier base, before moving to Egham) because of staff shortages, poor recruits and the pressures on management. They wrote: "As a result day-to-day problems were not resolved, but were left in the hope they would not re-surface, which led to frustration and no inclination to seek advice on behalf of the workforce."

(iii) The GSL report's overall conclusions

The investigators said they did not consider that the problems identified at Oakington were identical to those of the ICE service. They suggested that, at Oakington, failure to manage was due to neglect and/or complacency, but in the ICE service it was due "initially to a degree of neglect, but in the main, due to lack of time". They pointed to Mr Hobbs's statement about the pressures they were under during 2004-05. The investigators thought it likely that, in the Stockley days at least, managers would not have been able to allocate much of their time to the day-to-day running of the contract. (While I tend to agree with this conclusion, I do not consider it in any way mitigates the seriousness of the issue on the ICE side, nor does it vindicate the company.)

The investigators acknowledged that they had seen only a proportion of the total footage, but said:

“I believe that, given the number of times the allegations were repeated throughout the programme, there is no other recorded evidence contained in the extra footage of any additional revelations either at Oakington or ICE. If that is the case, then taking into account the size of the workforce involved, given that two reporters were recording their investigations for a period of three months each, perhaps there is a crumb of comfort for GSL in the fact that the only ‘incident’ to be filmed, was that of ‘A’ tipping a detainee out of his bed.”

The investigators suggested that the fact that a number of staff had either resigned or been dismissed showed that many of the allegations were substantiated. However, some others appeared to be unfounded “either because of a lack of knowledge on behalf of the reporters, or because they have been misled, intentionally or otherwise by the party concerned”.

(iv) My assessment

Generally speaking, I consider the GSL investigators did a good job. They interviewed a large number of staff and took pains to identify particular incidents. They also made full use of policy documents and records, including contemporaneous accounts of incidents by staff, where these were appropriate. On the whole, they have drawn sensible conclusions and made appropriate recommendations. I have indicated where my own view differs from theirs.

It seems to me that only one allegation was overlooked – and that was that staff avoided completing reports or did so minimally and in collusion with their colleagues. In our own investigation, Miss McMurray and I reviewed much GSL documentation, but found no evidence of routine, undue brevity or collusion. (I discuss this further at p. 91.) Of course, there is no way of knowing when forms are not completed at all, although staff told us that they completed forms for their own protection as much as anything else. Nevertheless, Securicor should monitor this very carefully.

GSL’s response to its report was swift and robust. All but five of those implicated by the BBC letter or the programme are no longer with the company, having either resigned following suspension or been dismissed. Of the remaining five, four were disciplined in some form.

I am concerned, however, that, with one exception, all those who were disciplined were basic grade officers. There is no doubt that they acted or spoke in a deplorable manner. But their supervisors and managers must take a large part of the responsibility for allowing a sub-culture to develop where their juniors felt they could act or speak in the way they did with impunity.

From this point of view, the GSL response appears to be lacking in balance. I have been assured, however, that a wider review will take account of the role of supervisors and managers. I hope that, where shortcomings are identified, they are dealt with equally robustly.

This wider review, commissioned by GSL, is in addition to its investigation into the specific matters raised on the BBC programme. It involves a broader look at the company's management and supervisory systems, recruitment, vetting and training. The review is taking account of the views of front line staff, supervisors and managers who had not been implicated in any way, as well as those of sub-contractors' staff, business partners, IMBs, NGOs, and the religious affairs team.

The review began at Oakington with a series of one-to-one interviews with randomly selected staff in which privacy and confidentiality were stressed. It will then be rolled out across other GSL detention facilities, the in-country escorting contract, prisons and Secure Training Centres under GSL's management. The review is being overseen by a steering group including GSL's Chief Operating Officer (Mr David Banks), its head of Human Resources (Mr Anders Wallin), and Sir Keith Povey, former HM Chief Inspector of Constabulary, who is an advisor to the GSL Board.

The terms of reference for this project are attached at Annex E.

4. The other evidence we received

A list of those who submitted written evidence is included as Annex B. I am indebted to all those who contributed to the inquiry in this way and I have drawn upon what they have told me throughout this report. Here I simply outline the major points in the evidence I received. (Some of the evidence related to individual experience of abuse. Since it is beyond my remit to investigate specific cases of alleged abuse, and I cannot say for certain whether what is alleged is true, I have not included details here. Those cases have, however, provided useful background information.)

I am conscious that many of those who submitted evidence are opposed in principle to the detention of asylum seekers and others held under the Immigration Act.

Mr Banks pointed out in his letter of 5 July that some are also active campaigners. He said much of the evidence did not draw on first hand knowledge of Oakington or the ICE contract, and some of the submissions “seem to be derived from anecdote, rumour, unsupported allegations and opinion and are included with no comment on the veracity of their claims”. He said he was disappointed by the “weight” the report had accorded to these contributions compared with that given to “the comprehensive and detailed approach of HMCIP or the informed views of the IMB”. I have not investigated specific allegations (indeed it would not be practicable for me to do so) and I acknowledge Mr Banks’s concern. However, I judge it important to reflect the views of those with an interest in immigration detention and removal. I should add that many base their evidence on what they have been told by detainees. Since the underlying paradox of this report is the fact that within a good institution a hidden sub-culture existed, of which neither senior management, nor HMCIP nor the IMB were aware, I believe their information is valuable. I would also note that escorts have not hitherto fallen within the remit of either the Chief Inspector or any IMB and, as such, neither has said much about this area of activity.

The Association of Regulated Immigration Advisers

The Association said it acknowledged that, “those who are found to be violent and aggressive should be treated in a humane but restrictive manner and we understand this must be in ways that do not put in jeopardy those who are responsible for holding the detainees or during the transporting of detainees when this is necessary”. It went on to offer 15 points for my consideration which I have combined into the following bullets:

- There is too much detention, but it is legitimate to remove those whose cases have been exhausted;
- The state, not a private, profit-making company should be directly responsible for detention;
- The programme had shown little Home Office supervision of the centre, there appeared to be no access to interpreting facilities, and some staff had behaved as “Little Hitlers”;

- Training of staff should be more effective and there should be a process of certification. (There is.) Management should be more accountable for the actions of staff;
- Complaints should not be discouraged and should be investigated properly. Those who successfully complain about abuse should be compensated;
- All detainees should have the opportunity of being seen by an independent medical practitioner;
- There should always be no fewer than three escort staff when detainees are transported around (one driver and two attendants). In all cases, a "welfare observer" should be present or available. (I do not believe the former proposal is economic or necessary; I do not believe the latter proposal is feasible.)
- The Association had special concerns about the detention and treatment of children.

Asylum Welcome

Asylum Welcome is a charity assisting asylum seekers, refugees and immigration detainees, in particular those held at Campsfield House in Oxfordshire. (Campsfield is also run by GSL.) Pointing out that GSL had also won the contract for the future accommodation centre in Bicester (should it go ahead), the organisation said:

“... the abuses revealed to have occurred are such that serious questions are raised about the quality of management in GSL Ltd that permitted deplorable practices to exist on this scale.”

Asylum Welcome drew particular attention to the frequency (and unpredictability) of transfers within the removal estate:

“In the last two years, the scope for abuse has increased by the fact that the Immigration and Nationality Department has adopted a practice of frequent and unexplained movement of detainees between different detention and removal centres. An individual may be moved without notice, by long and difficult journeys involving hours in a van, several times within the space of two or three weeks. We have frequently complained about this practice ...”

I know from my previous enquiries that many apparently arbitrary transfers result from the different operating parameters at the various centres. This often necessitates moving one person to accommodate another. My own view is that frequent transfers increase the opportunity for abuse and heighten tensions unnecessarily. I may add that apparently random transfers set a poor example to others about the way those in immigration detention should be treated.

I recommend that IND’s Detainee Estate Population Management Unit (DEPMU) staff are reminded of the emotional and practical problems

(including access to legal advice) associated with movement, and encouraged to keep moves to a minimum.

Two further points were made in Asylum Welcome's contribution. They said that IMBs should carry out their duties more independently and with proper regard for the welfare of detainees: "On the evidence of published reports from the Campsfield IMB, the Board appears to be more concerned for the morale and welfare of the staff at Campsfield than it is for the well-being of the detainees." They also drew my attention to the "excessive and inappropriate" use of handcuffing:

"We have frequently raised the issue of what appears to be ... the routine handcuffing of detainees from Campsfield, for instance when they are required to attend hospital for examination or treatment."

Association of Visitors to Immigration Detainees (AVID)

AVID told me that *Detention Undercover*, "confirms what visitors have been saying for a long time about the ethos of much of the detention estate". AVID claimed that, with the forthcoming closure of Oakington, the centre had been underfunded. It criticised differences in recruitment procedures, the levels of pay and qualifications for staff, the absence of job security, and the fact that management were unaware of what was happening. AVID noted that other removal centres "have now replaced the loud tannoy system with pagers, and a far less intrusive and user-friendly system".

I note that criticism of the tannoy was also made by HM Chief Inspector of Prisons. She said it was "extremely loud and intrusive" and not especially effective. A recommendation made following a previous inspection that the tannoy system be replaced with a pager system had been accepted, and she was disappointed to find there had been no change. Mr Banks informed me in his letter of 5 July that a volume control "limiter" had been applied to the tannoy systems. He said GSL used pagers at other centres, but the Immigration Service declined to accept the arrangements at Oakington on grounds of cost.

I recommend that the Immigration Service urgently considers the provision of pagers to detainees at Oakington.

AVID also said it was concerned "that this particular shift" (presumably Green Shift) "was not seen when the latest HMIP inspection took place".

They concluded: "We are seriously concerned that use of removal targets to drive the asylum system, coupled with low expectation of human interaction, can and does allow abusive behaviour to become the norm."

Mrs Gillian Baden

Mrs Gillian Baden, a regular visitor to Campsfield House and a voluntary worker for Bail for Immigration Detainees (Oxford), sent me a number of

statements from detainees, stretching over a significant period of time, each alleging rough treatment during attempted removals. Mrs Baden said that, in many cases she had come across, the detainee was too fearful to lodge a complaint. It was in any case difficult to obtain evidence due to lack of eye-witnesses. Mrs Baden suggested that, where the police were involved, they automatically believed staff rather than the detainee. She said the vast majority of abuse that she came across involved black Africans. She added that verbal racist abuse had been a common experience for many detainees.

Bail for Immigration Detainees (BID)

Ms Sarah Cutler, Policy and Research Officer, told me that BID was not surprised by the BBC programme as, during their seven years of operation, they had heard many accounts of assault and violence against detainees by detention centre staff and escorts. Ms Cutler suggested that the documentary provided “further evidence of the suitability of GSL to run detention facilities”. However, she thought that similar concerns were likely to arise under any contractor because they were the “inevitable consequence of a system that prioritises achieving policy goals over upholding dignity and human rights”. Ms Cutler referred to a culture of disbelief and suspicion – detainees who reported ill health, racism, violence or abuse were often thought to be doing so to frustrate or delay removal. She referred to an environment that allowed people who were racist or abusive to thrive – “there is a high turnover of detainees who may not understand their rights or know how to complain if they are ill-treated”. Because many detainees were removed from the country, “abusers can act with impunity”.

Birnberg Peirce & Partners, Sols

Ms Harriet Wistrich of the solicitors, Birnberg Peirce, reported they had a number of clients “who have made allegations of mistreatment arising from their experiences when detained by GSL or during the course of attempted removal by GSL escorts”.

Ms Wistrich argued that the hope of “totally eradicating” racism and mistreatment of detainees was “somewhat hopeless” in the current political climate: “In a country where asylum seekers are regularly portrayed as dishonest, scrounging and undesirable, it is little wonder that staff employed by the companies that work with detainees have absorbed many of these totally prejudicial attitudes and that such bigotry influences the way in which some staff deal with detainees.”

Notwithstanding that view, Ms Wistrich listed a number of reforms that she felt could help:

- Sophisticated screening procedures during recruitment and training to weed out those with racist or otherwise prejudicial attitudes;
- Greater equal opportunities/diversity expertise on the part of Human Resources departments;
- A review of GSL’s human rights training;

- Better understanding of the psychiatric problems (including the propensity for self harm) amongst detainees;
- Whistleblowing schemes for staff;
- A more effective complaints procedure for detainees;
- More extensive use of CCTV;
- Members of IMBs should be more representative of the community and might include those who have experienced detention themselves or have been refugees.

Ms Wistrich said she was concerned about the misuse of control and restraint. She said that following the use of C&R: “Staff should be required to write their own full accounts on each occasion and these should be completed totally independently from other members of staff.” (In fact, in reviewing Use of Force forms, we found no signs of systematic under-reporting or collusion between staff.)

Ms Wistrich added that, following any failed removal where the detainee has sustained injuries, there should be a careful record of all injuries received. She criticised medical staff for writing the bare minimum.

Finally, Ms Wistrich invited me to investigate “whether there is any inbuilt incentive for removals to be achieved satisfactorily ... if there are performance related measures in place this would appear to be highly inappropriate.”¹²

Brighton & Hove Unemployed Workers Centre

The secretary of the Brighton & Hove Unemployed Workers Centre told me that his organisation had worked for some years with asylum seekers and provided support to those who had had benefits withdrawn. They thought that what happened at Oakington was typical of attitudes and practices elsewhere. These attitudes arose from “the constant demonisation of asylum seekers and refugees by both the press and Government Ministers”. The GSL inquiry that I was asked to review would be a whitewash: “It is beyond the bounds of possibility that GSL will or could do any more than blame a few of its personnel, what is known as ‘the rotten apple syndrome’ whilst exonerating its overall management structure.” He also suggested there had been failures on the part of the contract monitor and IMB.

The secretary proposed that in place of the contract monitor there should be at least two Independent Monitors, nominated by organisations that work with asylum seekers, providing 24-hour cover. In addition, there should be

¹² I discovered that there were no in-built incentives as such for escorting staff, although those on overseas escorts are paid by the hour, thereby rendering successful removals more lucrative for them. In addition, there is a disincentive for the company for failed removals in the form of penalty points. These are not generally applied, however, where the removal fails because the detainee resists and the airline refuses to take him/her. It may be held that how staff are paid is entirely a matter for the contractors in reflection of the needs of their businesses. I do not agree. Terms and conditions affect the quality of the service provided, and I think this is as much a matter for IND as for the companies concerned. (See also below, p. 89.)

“tamper proof video monitoring” of all areas of detention centres and this should be available to anyone making a complaint of racism, abuse or violence. Finally, he considered GSL should be stripped of its contracts and that staff should be directly employed by the Home Office but should not be permitted to be represented by the Prison Officers’ Association.

Cambridge Oakington Concern (CAMOAK)

I received a copy of CAMOAK's response to *Detention Undercover* via the Immigration Service. The response began by saying that they had already heard allegations that some DCOs were racist and threatening detainees, "but what was revealed by this programme was considerably worse than we were aware of". (I find instructive the honesty and insight of this admission. The sub-culture at Oakington was well hidden. In this report, I have looked for radical and far-reaching reforms that might offer a better guarantee that any future wrongdoing would be more readily uncovered.)

CAMOAK went on to ask, if the behaviour and attitudes revealed by the BBC existed at Oakington, what was happening in the other removal centres? They urged that my inquiry should not stop at Oakington. They added that not all staff at Oakington were racist and bullying: "We also have reports of courteous and kind behaviour."

They said, however, management failures had to be acknowledged: the selection process for DCOs must be reconsidered; race awareness training was clearly not working; one shift in particular was well known to be racist and questions should be asked about its leadership; questions also needed to be asked about the role of the contract monitor.

CAMOAK said that for a variety of reasons, the situation at Oakington deteriorated during 2003. There were also problems with the complaints system. CAMOAK also criticised the segregation unit (DDU) and the detention of children ("An effective child protection policy does not yet seem to be in place.")

CAMOAK stressed that good race relations should be a major educational priority within the centre. It was not simply a question of refraining from using racially abusive language to a person's face. The group suggested that race relations training should not be given all in one week at the beginning of the initial training course (ITC), as this would suggest it is 'done' and is likely to be put out of mind for the rest of the course. Shorter sessions spaced evenly throughout the ITC would help engender awareness that good race relations are built into every aspect of the job. I agree.

I recommend that GSL reorganises its ITC to ensure that race relations training informs the whole of the course.¹³

¹³ Mr Banks told me in his letter of 5 July, that the Equality Advisor of ACAS had recently reviewed GSL's equal opportunities and diversity policies to ensure they comply with legal requirements and embrace best practice. He confirmed that they did. He also commented that the company had a good training plan for all new staff. Noting the environment in which

Campaign to Close Campsfield

Mr Bill MacKeith, writing on behalf of the Campaign to Close Campsfield and the Oxford & District Trades Union Council, said GSL had an "abysmal record" and was unsuitable to be involved in the running of detention centres. The company was "incapable of reform and should be taken out of the detention arena". He called on me to urge the Government to cease further dealings with GSL immediately and to cancel or withdraw from its existing contracts with the company: "failure to act will encourage contractors to believe their failures and incompetence will continue to be tolerated".

Commission for Racial Equality (CRE)

Ms Razia Karim, Head of Legal Policy, noted that complaints procedures were part of the machinery that secured accountability, but that, for a number of reasons, asylum seekers would not complain, and certainly not to staff. Victims were unlikely to complain because, amongst other things, they did not know racist/violent behaviour was unacceptable, they did not understand the complaints system or did not trust those in authority. The CRE suggested that provision of advice and information might not be enough – the focus should perhaps be on facilitating greater access to independent third parties.

The CRE recommended that, as a minimum, those working in removal centres should have:

- Knowledge and understanding of why people seek asylum;
- Proven ability to meet the needs of asylum-seekers/ethnic minorities;
- Proven ability to deliver race equality/commitment to race equality;
- Ability to recognise/respond to signs of torture or trauma.

They commended their Employment Code of Practice. The CRE also referred to the national assessment centre developed by the Central Police Training and Development Authority for use by all forces and the screening processes for identifying racist recruits during training. They recommended that IND consider adopting similar screening processes when recruiting staff.

I recommend IND reviews the assessment and screening processes developed for the police to determine whether they might be relevant in an immigration context.

Ms Karim also explained that the race equality duty introduced in the Race Relations (Amendment) Act imposed a responsibility on listed public bodies (including the Home Office and all its functions) proactively to ensure that the body does not unlawfully discriminate and that it promotes equality of opportunity and good race relations. Ms Karim suggested that, in relation to

staff worked, however, he recommended some form of additional tolerance/conflict training for officers after a set amount of time and at intervals with a refresher on equal opportunities. Mr Banks said GSL was following his recommendations. This is to be applauded.

this inquiry, it would be useful to discover the extent of implementation of the duty and its accompanying specific duties in removal centres. She queried whether the Home Office Race Equality Scheme properly covered this particular function and whether race equality was embedded in the procurement function.¹⁴

Ms Karim advised that, following the CRE's formal investigation into racial discrimination in the Prison Service (November 2000), the Prison Service had reviewed all its procurement arrangements and revised its standard documentation to identify opportunities and incentives for the delivery of good race relations by contractors through performance measures/contract management requirements.

The CRE also recommended that licensed legal advisors and those with contracts to provide on site advice should have the race equality performance indicators built into their contracts.

Complaints Audit Committee (CAC)

Ms Ros Gardner, Chair of IND's Complaints Audit Committee, reported on visits the Committee had made to Oakington in December 2003 and February 2005. Like other observers, the CAC had not identified major issues of concern.

Ms Gardner offered some observations on contract monitors. She noted that there had been an improvement in the standard of complaints investigation, but considered further work might be done on expectations of contract monitors in investigating complaints. The CAC also suggested it would be prudent to review the current competencies required to perform the contract monitoring function to ensure postholders' skills met the required level to enable shortcomings to be identified and rectified. The CAC remained concerned that the post was graded too low (at Higher Executive Officer) to be able to enforce standards.

The CAC noted that use of handcuffs gave rise to complaints. They suggested that detainees should be given a "stylised warning" about the consequences of resisting while in handcuffs and that, wherever possible, the fact that a warning had been given should be recorded. I do not entirely

¹⁴ I pursued this question with Home Office officials. I was directed by the Head of IND's Race Equality Section to IND's Associate Race Equality Scheme. This says at paragraph 3 that race equality "includes Home Office monitoring and control of contractors e.g. those operating detention services to ensure that they and their staff avoid unlawful discrimination and racial harassment, and actively promote race equality". Paragraph 9 says that one of the key challenges facing IND is to ensure that "contractors operating detention services or other functions on behalf of IND are controlled and monitored to ensure that they and their staff avoid unlawful discrimination and racial harassment and actively promote race equality". As for specific contractual provision to cover this legal requirement, I was told existing contracts require steps such as the appointment of a race relations officer, race relations committee, implementation of a race relations policy and production of an annual report on race relations, but do not include performance measures. All new contracts will, however, include such measures.

agree. Where detainees are unlikely to resist, the warning would be unnecessary. Where the most harm is likely to be done (that is, where a detainee is 'kicking off'), it would simply not be practicable in most cases to give a warning of this sort. However, I do consider there is merit in routinely providing detainees with information about all forms of Use of Force – what is allowed and what are the likely repercussions of struggling.

I recommend that IND considers what information might usefully be given to detainees about Use of Force and in what form. Care must be taken to avoid suggestions of oppression or intimidation.

The CAC was also aware that it could be distressing to witness a detainee being restrained, and that the fact the detainee was significantly outnumbered could in itself seem oppressive and disproportionate. They also noted that witnesses could misinterpret the techniques applied. They commended action undertaken at Gatwick to make other staff at the airport aware of the procedures that would be adopted and that they were appropriate. They believed, "this giving of information could be beneficial at other locations and would also have a relevance to Independent Board Members who attended removal centres".

Contract monitors

I received some particularly thoughtful contributions from contract monitors at other removal centres.

The contract monitor at Tinsley House offered a list of measures to safeguard against abuse by escort staff, to eradicate racism and mistreatment of detainees, and to ensure more effective monitoring and management of immigration detention. I reproduce many of them here:

- Consider tasking a member of the escorting team with the responsibility of filming escort procedures outside of the van;
- Appoint an Independent Monitoring Board with responsibility for monitoring escorting;
- Deploy Immigration Service staff at points of removal as observers on an ad-hoc basis or where the monitoring team are unable to attend;
- Provide and advertise a freephone telephone number for detainees to enable them to make discreet and confidential complaints should they experience problems with escorting staff. Consideration could be given to whether this would be an effective vehicle for staff to register concerns about colleagues' behaviour towards detainees;
- Rotate escort teams frequently to decrease potential for "cliques" to be established which may condone or encourage inappropriate behaviour;
- Work towards a more ethnically/culturally diverse pool of escorting and removal centre DCOs;
- Place greater emphasis on racial/cultural awareness training, identifying bullying and dealing with confrontation in the work environment;
- Home Office to take a more active role in setting out expectations of DCOs towards detainees and the possible consequences to them if these are not

adhered to. This could perhaps be undertaken with presentations to DCO training courses;

- Encourage staff to report unacceptable behaviour of colleagues;
- Revisit the procedures for investigating complaints. It may be better practice for contract monitors to investigate staff-related complaints from other centres rather than their own (I make a recommendation about this at p. 102);
- Maintain the momentum on contract monitoring training and provide greater clarity of expectations of monitors and commonality of approach/procedures;
- Consider formalising a programme of "job swapping" for contract monitoring teams.

The contract monitor at Colnbrook said that, where detainees had come into Colnbrook and made allegations against escorting staff, these had been passed to the escort monitors at DEPMU. Contact with the local police was also made if that was required.

The contract monitor also commended Colnbrook's success in recruiting a diverse workforce, "... who speak a wide range of languages and who have, I feel, a greater degree of empathy with and understanding for the people in their care."

Colnbrook, which is constructed to a very robust and secure specification, also benefits from having CCTV coverage of all areas except bedrooms. The contract monitor reported that the contractor's senior managers visit each unit "at least once every day unannounced at varying times".

The contract monitor at Campsfield House told me:

"During the last five years, Campsfield House has moved a long way in removing discrimination and unfair barriers. Lessons were learnt after the Daily Mirror exposé about officers at Yarl's Wood last year and the culture of crew room banter and 'war stories' which used to exist appears to have been dispelled. However, we are not complacent and it is recognised that there is still work to be done.

"Training has been introduced this year to encourage staff to challenge and report inappropriate comments and perceptions.

"The only way to ensure that detainees are not racially abused, discriminated against or mistreated is for all staff to be trained, to understand and then to foster a zero-tolerance attitude. Staff must be prepared and encouraged to report any unacceptable language, terminology, actions or behaviour to senior managers who must deal accordingly."

She quoted from the 2004 report of the Oxfordshire Racial Equality Council which described Campsfield's approach to race equality as "very much a beacon for other similar establishments". The contract monitor suggested a

range of proposals for better monitoring of in-country escorts, such as cameras – with sound – in vans; notices in vans explaining how to complain; free phone contact number for complaints; setting up an IMB; and detainee questionnaires.

From my previous work in this area, I am conscious of the degree to which practices and procedures across a range of issues differ between one removal centre and the next. However, in respect of anti-racism – which goes to the heart of the detainees' experience – the approach should be uniform.

I recommend that IND commissions a race relations audit of the entire removal estate.

Mr Martin Dickson and Ms Ruth Gould

Mr Dickson was the health manager at Campsfield House; Ms Gould is a visitor to detainees. They wrote:

“Many of the staff are friendly and helpful to visitors and detainees. Others clearly glory in having absolute power over other people; manhandling them and creating fear by emphasising their power – for example, the guard at Campsfield House who enjoys running his keys over the radiators during his night shift to deprive detainees of sleep.”

Like Asylum Welcome, they drew attention to the effects of frequent transfers:

“Immigration policy means that people are shuffled around detention centres to apparently demoralise them and prevent them getting help to complain about abuse, or with their immigration case. The movements themselves are traumatic and appear to an impartial observer to be part of a system of intentional degrading treatment ...”

“The waking up and moving of detainees throughout the night is traumatic and surely not efficient. This is movement between centres (not to flights). It involves violence, avoids having medical staff, visitors (or presumably managers) around to observe, and is intimidating ... Our understanding is that criminal prisoners are not subjected to this ‘punishment’, but immigration detainees are.”

They said, “No-one dares complain, because they think it will affect their immigration case.”

Referring to allegations by detainees of excessive force, Mr Dickson and Ms Gould spoke of “horrendous marks from handcuffs”. They added that health staff are asked to sign forms after the fact to say that the person is fit to be handcuffed (they said the rules required staff to ask nursing staff if a detainee has a medical condition or medication to preclude force, but that this did not always happen).

Mrs Carole Draper

Mrs Carole Draper, manager of Haslar Removal Centre, suggested there was a need for:

“... good quality, *highly visible* management of all grades throughout the day. Turning up at unpredictable times, unexpected places instead of monitoring behind a desk which achieves nothing.” [Emphasis in original.]

This visibility extended to IND senior managers who, she said, should be more visible throughout the centre during visits. She also said that misbehaviour should be dealt with swiftly, fairly and appropriately, “so that a clear message is given to staff as to what is and what is not acceptable”. Mrs Draper suggested the use of “integrity tests” for staff both during recruitment and later.

She also emphasised the need to facilitate more open and better communication with detainees, thereby making the system more accessible to them and building confidence.

Finally, Mrs Draper recommended that escort managers and monitors carry out random checks at the point of destination and suggested that the introduction of a “Lay Visitor/Inspectors” scheme might be useful.

Immigration Advisory Service (IAS)

Mr Keith Best, Chief Executive of IAS, suggested that there was a need for an independent monitor to be constantly on site to investigate allegations of abuse. He also suggested that tamper-proof closed circuit television in escort vehicles should be introduced.

Mr Best attached 13 case studies, mostly relating to complaints made to the IAS by detainees and pursued on their behalf with GSL. In some instances, however, IAS instigated the complaints themselves. The complaints referred to verbal and physical abuse and to unhelpful and unprofessional conduct by members of GSL’s staff. In one example, a GSL officer apparently obstructed IAS’s attempts to pursue a complaint, saying that the detainee must make the complaints personally and not through a representative.

Mr Best also attached some observations by IAS Oakington staff. In these, IAS was critical of the lack of independent investigation into complaints against officers, as required by the Detention Centre Rules. They said:

“It would appear that investigations against the conduct of GSL officers does not go beyond what inquiries are carried out by GSL themselves, and from the tone of the reports from the centre manager in response to complaints, it would be fair to say that the manager has an interest in coming to conclusions absolving the people against whom the

complaints are made and that complaints, even against individual officers, are seen as complaints against GSL.”

The IAS commented that, as far as it was aware, the police were not called or offered when a detainee complained of assault. IAS was also critical of the lack of any effective audit trail in GSL’s own investigations, making it difficult to challenge their findings. They claimed that the centre manager had said he would not pay for interpreters to be employed on inquiries, but would rely instead of interpreters already on site. The scope of the investigation was therefore limited by the availability of interpreters. The IAS said there was a need for clear procedures to be established for the conduct of internal investigations. It suggested that the IMB should police GSL’s own investigations to determine their adequacy. It also criticised the Oakington contract monitor in respect of her approach when complaints were made against either GSL or IND.

Legal Services Commission

The Acting Asylum Programme Manager, Mr Paul Newell, explained that the Commission’s role in respect of Oakington was to ensure that there is access to legal advice for people detained there.

Mr Newell reported:

“Since the programme was broadcast, I have met with the local management of [the Refugee Legal Centre and Immigration Advisory Service] and neither appeared to have the types of issues identified in the documentary raised with them by clients. My personal view is that clients may not have discussed this with their legal advisers because they are ‘on site’ and therefore, despite their independence, seen as part of the establishment and ... because clients generally are not held at the centre for long periods of time, it is difficult to develop the trust and rapport that often exists between clients and legal advisers.”

Medical Foundation for the Care of the Victims of Torture

Mr David Rhys Jones, Advocacy Officer (Refugee Issues) referred to the Medical Foundation’s report *Harm on Removal: Excessive Force Against Failed Asylum Seekers*, which had been published three months before the BBC programme was aired. The report made nine recommendations. These were that:

- There should be automatic medical examination following failed removals;
- Healthcare staff should report findings indicating the use of inappropriate or disproportionate force. Escort officers should be encouraged and contractually obliged to oppose and report the use of unlawful or disproportionate force by colleagues;
- A senior officer should review all use of force (including handcuffing) forms;

- The use of techniques of restraint, including any compression to the neck and trunk, should be thoroughly reviewed. They should be used only as a last resort;
- Escort officers should receive full and adequate training in the proper use of handcuffs. It should be emphasised that any force deliberately applied to the wrists whilst handcuffed cannot be considered safe or acceptable and is likely to amount to excessive force;
- Race awareness training should be introduced or reinforced and allegations of racial abuse should be fully investigated;
- CCTV or equivalent monitoring should be installed in all escort vehicles and departure areas at airports;
- Those alleging assault should be allowed to remain in the country to pursue any action or participate in criminal proceedings; and
- Funding should be provided for those seeking legal redress.

Mr Rhys Jones noted the Foundation's concern that eight of its nine recommendations had yet to be implemented.

He described how the report raised concerns about:

“ ... the use of force not consistent with acceptable control and restraint, methods of restraint that pose a high risk of injury (including serious injury), and the misuse of handcuffing. Furthermore we recorded allegations of racist verbal abuse.”

The Foundation's findings were based on information collected during a 15-week period in 2004. They suggested that the regularity of complaints of excessive force suggested they could not be viewed as isolated incidents.

Mr Rhys Jones said the Medical Foundation feared that immigration detainees were frequently viewed as second class victims who perhaps brought their injuries upon themselves. They suggested it was several days before the police investigated.

The Foundation did not consider the contract monitor sufficiently independent of the detention process. They also referred to the Complaints Audit Committee report which expressed concerns that contract monitors should find a balance between working for the Directorate and their deployment at the contractor's site. This could lead to over-familiarisation with the contractors.

The Foundation suggested that the culture of trying to resolve complaints informally might have led to the perception of the IMB as a recourse of last resort. They were also critical that the requirement for detainees to make complaints in writing, on a form, and placed in a box in a very public area, might inhibit complaints. The Foundation suggested there was a need for IMBs to set out more clearly their role in each centre, emphasising their “powers and sanctions ... in their own documentation and in a language the detainee might reasonable be expected to understand”.

In conclusion, Mr Rhys Jones said the Foundation considered:

“ ... that the key to ensuring that there is no such abuse by detention custody and escort staff lies in training, transparent monitoring, free and confidential access to health care, properly functioning and secure internal complaints procedures, prompt access to and action by the police, and the rigorous enforcement of disciplinary action where lapses occur”.

National Coalition of Anti-Deportation Campaigns (NCADC)

NCADC had collated information relating to 35 alleged assaults against detainees. (They noted that there might be some over-lap with the cases examined by the Medical Foundation). They believed this was merely the tip of the iceberg and that most detainees who were assaulted had been removed from the country. Not surprisingly (in view of their role in effecting removals), the majority of allegations related to GSL and another company, Loss Prevention International, and occurred either at or en route to airports. Injuries ranged from cuts, bruises and swelling (the majority of cases) to a cracked shoulder and a serious head injury. NCADC said that most cases had been reported to the police, but only 5 per cent had resulted in an arrest. NCADC was concerned about the willingness of different police forces to investigate allegations of abuse.

Office of the Immigration Services Commissioner (OISC)

The OISC told me that, in their role of regulating the provision of immigration advice and services, they had seen no evidence of any maltreatment. However:

"From the OISC's perspective a vital aspect to the detection of abuse is access to appropriate and properly qualified representation. It has been our experience ... that many of the most vulnerable are loath to complain. Distrustful of authority figures and largely ignorant of systems in place it is unlikely that they will complain about mistreatment. Some may feel that complaint would jeopardise their status in the UK whilst others see the exercise of complaint as futile as there is no-one 'on their side'. It is vital therefore that detainees have access to appropriately qualified advisers."

Refugee Legal Centre (RLC) - joint letter to the Minister for Citizenship and Immigration with Immigration Advisory Service and Refugee Council

The RLC queried the genuine independence of the contract monitor at Oakington and suggested that the monitoring role was not “being carried out with as much scrutiny as might be expected”. It also commented that, although overall race relations were good and diversity was respected at the centre, “minimal attention had been paid to race relations for the preceding 18 months”. The RLC noted that HM Chief Inspector of Prisons had

recommended that race relations management team meetings should take place on a regular basis, but that none had so far taken place or, if they had, had not involved outside agencies as recommended. The RLC commented:

“Given the rapid turnover of clients in Oakington and the inability of detainees and staff to develop relationships over a longer period of time, it is not surprising, given the lack of attention that had been paid to race relations over a considerable period of time, that deeply disturbing behaviour has taken place on the part of certain employees.”

The RLC also noted its concern that detainees had to ask staff for forms on which to complain.

The RLC made a number of recommendations:

- The risk assessment profiling criteria used to place people in the DDU should be reviewed and clearly defined and published;
- Clients should be informed in written form in their own language as to the criteria under which they are removed to the DDU;
- The DDU should be re-located and upgraded;
- Staff with appropriate skills should be allocated to work in the DDU;
- Use of Language Line should be clearly monitored and recorded in relation to detainees in the DDU, especially with regard to informing detainees of the reasons for their removal;
- A record of implementation of HM Chief Inspector’s recommendations should be published following consultation with all on site agencies, including the voluntary sector;
- Complaints forms should be made freely available in translated languages and logged on receipt;
- My investigation should determine whether there was any link between those detainees who had submitted complaints and those placed in the DDU; and
- A radical review of the contract monitor role should be conducted. The RLC suggested that the contract monitor should report directly to Ministers.

Refugee Council

Mr Richard Lumley, Protection Advisor at the Refugee Council and chair of the Asylum Rights Campaign Detention Group, told me there had been mounting concern about anecdotal evidence of instances of abuse for well over a year. The group believed the BBC documentary confirmed their concerns. He suggested that it was unrealistic to depend on a monitoring system that relied on individual complaints. Supervision needed to be proactive, whilst monitoring needed to be proactive and independent.

Mr Lumley suggested the problems stemmed from recruitment and training, “which in turn relate to levels of pay and qualifications”. Refugee Council staff believed shifts were too long and staffing levels were often too low. Mr Lumley questioned whether sufficient emphasis was placed during

recruitment on previous experience, cultural sensitivity and awareness of refugee issues. He said that, whilst the training had not been criticised, there needed to be “an active and dynamic system of continuous training to assess and inform behaviour”. He thought there was a need to review the diversity of the workforce, supported by a programme of race awareness and refugee orientation awareness for staff.

Mr Lumley considered management and supervision were wanting at Oakington:

“The most profound failing seemed to be the apparent absence of any sort of restraint on rogue behaviour – people appeared to have loud intrusive music inflicted on them because one individual decided to do it and there was nobody around, or nobody with the inclination, to stop him.”

He noted that detainees had to request complaint forms from “the very staff against whom complaints may be made. If so then it is hardly an independent and effective remedy.” Mr Lumley added:

“Our staff commented that detainees are loath to complain as they often feel that any action or complaint on their part will jeopardise their asylum claim, or increase any harassment they may already be subjected to by GSL. GSL officers are well aware of these fears, and the BBC programme showed that a few officers exploit this. A complaint procedure which is quicker and fit for the purpose of fast track asylum process and which rules out the possibility of reprisals must be put in place.”

Mr Lumley was critical of both the environment of the DDU and the use to which it was put. He said, “We would like to see the contract monitor operate with clear independence and impartiality.” Importantly, he said the Refugee Council would be “interested to know whether the duty to promote race equality and good race relations under the race relations legislation is specifically monitored and how this is carried out.” (See footnote 14 above.)

The Refugee Council welcomed the introduction of CCTV into escort vehicles, but said a gap remained between the van and the plane itself: “It is here that many alleged abuses occur.”

Save the Children

Save the Children sent me a recently published report on the immigration detention of children, *No Place for a Child*. They noted that some of those detained were so-called ‘age disputed cases’, some of whom were held at Oakington. They said that, “very vulnerable children are being treated as adults in detention, and their detention is illegal”.

Save the Children argued that some of its report’s recommendations were particularly pertinent to my Oakington investigation:

- Formal age assessments should be undertaken by social services or an independent age assessment panel prior to a decision to detain. No individual whose age is disputed should be detained unless and until such an assessment is undertaken;
- All staff working in removal centres should undergo enhanced Criminal Records Bureau checks. (They are.)
- In the absence of a statutory time limit to detention, there should be an independent process for reviewing all cases where children are detained.

Scottish Refugee Council

Ms Sally Daghljan, Chief Executive, told me they were concerned about the apparently routine use of handcuffs, including whilst detainees were receiving medical care. She suggested that if financial penalties for contractors were introduced for "injuries due to inappropriate use of force, for racist abuse, for racially motivated segregation etc, the management and shareholders of these companies might be more inclined to actively ensure that the people in their care were treated with the dignity and respect due to them".

She also suggested that understanding of the experiences of asylum seekers and why they were here should be an essential element of training, and that the social welfare of detainees should be given higher priority by the Home Office when issuing the contracts, "with rigorous monitoring and review to ensure compliance".

United Nations High Commissioner for Refugees (UNHCR)

I received a letter from the office of the Representative of the UNHCR for the United Kingdom, together with UNHCR Guidelines. Welcoming the Minister's decision to initiate my inquiry, they said the BBC film reflected "the serious danger inherent in the detention of asylum seekers, and the urgent need to bring UK practice in line with UNHCR guidelines."¹⁵

The UNCHR recommended the formation of "an independent body with overall responsibility for the monitoring of all UK detention centres". This body should also take responsibility for the "professional accreditation of relevant staff". The new body would replace the locally based contract monitors and IMBs:

"The appointment of such a body would enable all reports to be reviewed comparatively, would ensure that the same standards were being upheld across the detention system ... if this strategy were to be implemented it would produce a system in which inconsistencies of practice could more easily be identified and would enable those charged with monitoring to be better placed to review current strategies and working practices as a whole."

¹⁵ UNHCR's Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-seekers, Geneva, February 1999.

(Although I understand the intentions behind this UNHCR proposal, it seems to me to risk being expensive and bureaucratic, and potentially to duplicate the work of HMCIP and others.)

The UNHCR also emphasised the need for continued training for detention custody officers – attendance would be necessary for the DCO to retain accreditation. They also proposed basic training in refugee protection principles, offering their own assistance and suggesting the involvement of the Commission for Racial Equality and the Asylum Rights Campaign.

Mrs Val Whitecross

Mrs Val Whitecross, manager at the publicly-run Dover Removal Centre, told me she was "not aware of any complaint from a detainee received at Dover about physical or racist abuse by GSL staff en route to Dover". Medical checks on reception had not revealed any physical abuse, and she had asked her reception and gate staff if they had witnessed any inappropriate behaviour by GSL staff. They had not. She added that they regularly received complaints about lost property or immigration matters, so was confident that the detainees were aware of how to complain. At Dover, they had regular consultation meetings with representatives of the detainees as well as conducting surveys to receive feedback on treatment and facilities.

5. What we found out about Oakington

We made several visits to Oakington during the course of this inquiry. The centre has a certified accommodation capacity of 440 and an operational capacity of 360. It consists of five discrete residential units (including a fenced-off female block), with accommodation on two floors on each block. In addition, there is an amenities block with a shop, video games and table-tennis table downstairs and rooms for education and worship upstairs. These are all located around a central grassed area where detainees engage in a variety of sports or simply chat with one another. A family accommodation block is located outside the secure compound. There is also the Detainee Departure Unit (DDU) made up of six rooms. The site is green and spacious.

The centre was originally intended as a reception centre holding detainees for a maximum of 10 days, while initial fast-track decisions were made on their cases. The vast majority of detainees were then temporarily admitted, with strict residence and reporting conditions. Oakington was therefore effectively an ante-chamber to entry into the country.

Currently, whilst Oakington continues to accommodate some 'fast track' asylum applicants and continues to be termed a 'reception centre', it acts as an overspill removal centre for families, and takes so-called non-suspensive appeals (NSA) cases where the appeal is heard in the country of origin. As a result, it now holds a significant proportion of detainees facing the prospect of imminent removal. This change in function has had implications both for security and length of stay.

Miss McMurray and I first visited Oakington some 18 months ago during our main Yarl's Wood investigation. On our return visits this time, it was apparent that the physical security had been enhanced. Bars have been affixed to the dormitory windows and razor wire attached to the perimeter and internal fences. That said, the overall level of security is well below what would be expected in a category C prison.

Oakington's contract was due to expire on 23 June 2005. When I began the inquiry, this prospect was obviously affecting staff morale and may have influenced the contractor's ability to recruit. During the course of my inquiry, it was announced that GSL's contract had been extended until September 2006. The centre will then close for good.

(i) HM Chief Inspector of Prisons' findings

Following an inspection carried out in June 2004, HM Chief Inspector of Prisons, Ms Anne Owers, reported that:

"Oakington was still largely a safe place, with excellent staff-detainee relationships. In spite of the insecurity of their position, 87% of detainees surveyed said that they had never felt unsafe, and 94% said that most staff treated them with respect. This is much higher than

survey figures in any removal centre and is a testimony to the professional and caring work of centre staff.”

The report referred to a “respect for diversity”. Ms Owers noted that, “Respect was mutual and the majority of staff displayed a caring attitude”. The very positive results from the survey in relation to feeling able to turn to a member of staff and being treated with respect was endorsed during detainee group sessions and conversations with individuals:

“It is encouraging that, notwithstanding this difficult context, exceptionally good relationships were reported by both staff and detainees. The respectful and caring attitude of the majority of staff was raised in our interviews with detainees, a number of whom gave unsolicited praise to named officers. Our detainee survey also reflected extremely positive perceptions of staff, and we observed good interaction between staff and detainees throughout the inspection.”

The Chief Inspector was critical, however, of the occasional use of detainees’ surnames alone when addressing them.

On the issue of diversity, her report said:

“Detainees and staff said race relations were very good. However, there were some weak systems in place. Until shortly before the inspection there had been little monitoring and no race relations management team (RRMT) meetings had been held. The previous race relations liaison officer (RRLO) had been suspended for 18 months.”

This had resulted in “minimal attention being paid to race relations work”, only one race relations meeting having been held in the preceding 18 months. There was no separate recording or analysis of racial complaints and, until recently, there had been no formal monitoring.

Nevertheless, “the overriding message from both detainees and staff was of an establishment with good race relations and a respect for diversity. Detainee interviews and our survey revealed almost no race relations concerns.”¹⁶

Turning to issues of religious adherence, which are of great importance in a detention centre context, HM Chief Inspector said:

¹⁶ In a recent article, Ms Owers writes: “... it is very difficult to assess properly the views of immigration detainees who are so scared about their case that they may not want to complain, even in confidence. We may need to look at other methods.” (*Independent Monitor*, issue 86, June 2005, p.9.) I understand that the inspection team tested the validity of its approach during its most recent inspection of Oakington and that the results of interviews and their own observations substantially re-affirmed their previous finding that staff treated detainees well.

“The highly committed, energetic and well-regarded chaplaincy team included representation from a wide range of faiths ... There was an evident tension between centre managers and some members of the team, who said they felt ‘marginalised’ and ‘undervalued’. In particular, there was disagreement about the degree to which the chaplaincy team should be consulted about and involved in the various elements of the centre’s work.”

The Chief Inspector's report was critical of the fact that the DDU was multi-functional, housing disruptive detainees and those considered to be at risk of escape, those at risk of suicide and self-harm, and those awaiting transfer or removal the next day. The Chief Inspector considered the unit to be particularly unsuitable for the accommodation of vulnerable detainees. The regime was restricted and detainees spent the majority of each day locked in their rooms.

Ms Owers was concerned about frequent usage of the DDU, given the average total population. Her report noted:

“Many of those held were suspected of being potential absconders. They had been identified through the security information report (SIR) procedure as having given concern on more than one occasion, or they fitted the locally researched profile of those most likely to escape after they were told they were to be removed or transferred. We were told that the group posing the greatest risk of escape were young single male Eastern Europeans and that was reflected in the documentation examined.

“We were concerned about the frequent use of the DDU for these detainees ... In addition, assessment of risk of absconding was often based upon assumptions about groups, as well as individuals.”

I noted the same when reviewing applications for Rule 40 (removal from association). (Page 74 below refers.)

The Chief Inspector's report said that "significantly more" detainees had been in the DDU than during their previous inspection in 2002.

She added that procedures for dealing with formal complaints were well managed but noted that formal complaints forms could only be obtained from a member of staff. She suggested that it was “unnecessary, and potentially intimidating” for detainees to have to ask staff for the forms. Only 26 per cent of detainees said it was easy to obtain a complaint form. Furthermore, only 11 per cent indicated that complaints were sorted out fairly and promptly. I look at complaints handling at pp. 100 - 104 below.

I spoke with Ms Owers about her report and am very grateful for her further comments. She told me that despite their very positive report about Oakington, they had been worried about the likely effect on the centre of its imminent closure with the consequent drop in morale and loss of staff that

was likely to bring. For that reason, Ms Owers had authorised the early re-inspection of the centre in June 2005 (this was taking place as I completed this report).

(ii) Other accounts of Oakington

Religious affairs team

A number of members of the religious affairs team at Oakington asked to speak to the inquiry. They were all critical that the post of religious affairs manager had been left unfilled for some considerable time and the centre manager had assumed the role of religious affairs manager himself for some while. There was also considerable controversy over the lack of consultation when a manager was finally appointed earlier this year.

We were told that this was typical of the way in which the members of the team to whom we spoke felt sidelined at the centre. They said their accommodation was poor. They said they were rarely consulted over the treatment of detainees. They complained that they were constantly told that they should confine their role to the spiritual/pastoral and not to become involved in operational issues. However, they said it was simply not feasible to compartmentalise in this way. They had to take a holistic approach to detainee welfare.

The members of the team to whom we spoke said they felt they were, at best, tolerated by many staff at the centre and by the management team. They were viewed with suspicion as “do-gooders” and were perceived to be a thorn in the side. They argued, however, that this was an important and valuable aspect of their role – the Chaplaincy could be one of the main guarantors of a decent system, as they were both part of and apart from the organisation. However, it was felt that whatever the Chaplaincy team said was disregarded. One member said it was not worth bothering to raise concerns: the centre manager took no notice and the contract monitor was ineffectual.

One member of the team suggested that GSL did not fully understand racism and the subtle forms it could take. They denied there was racism in the centre (the centre manager had allegedly told him as much in a letter), even though there was evidence of it.

The members of the religious affairs team referred to a lack of sensitivity in religious matters – one used the term “no instinct of reverence”. They complained that they were not allowed to speak – or even pray – with detainees in private; a member of staff remained present at all times. Staff had also been very resistant to allowing Muslims special facilities over Ramadan – there was a clear feeling that they should fit in with the centre rather than the centre fit in with them.

The members of the team said that many staff were good – some extraordinarily so. These staff showed great kindness and generosity to those in their care. Others, however, shouted at and bullied detainees. There was

a reference to the commonplace use of obscene language. Some staff took the line that, if they let their guard down, the detainees would take advantage. We were told that some shift supervisors were the worst of the lot and that this probably explained how the sub-culture had been allowed to develop. Green Shift was described as a disaster for detainees. It was alleged that staff were allowed to get away with the same thing time after time. A comparison was drawn with the much healthier environment at Campsfield House, where a policy of zero tolerance had turned the centre round. It was also alleged that the Race Relations Liaison Manager carried out her job almost exclusively from behind her desk rather than getting out and about in the centre, talking to staff and detainees to check the temperature of the place.

One member of the team suggested that staff were victimised by each other and that managers were bullies. Staff rarely received feedback – especially not positive feedback. They were simply left to get on with it. Many members of staff told the team they were intimidated by their shift managers and did not dare voice their concerns. One member of the religious affairs team suggested that “whistleblow” was an emotive word and that staff might be deterred from using the arrangement because of its connotations of betrayal.

It was said that the senior management team at Oakington was complacent and that their priority lay with security rather than detainee welfare. One member of the religious affairs team spoke about the tendency of the senior management team to talk in a de-humanising way – they were said to speak in terms of process and mechanisms, not people and relationships.

Uniformed and other staff

We also spoke to about 15 Oakington uniformed and other staff who responded to our invitation to give evidence to the inquiry. This represented about 10 per cent of the staff complement. Obviously, there are dangers that those who approached us were self-selecting. However, one of the most striking features of the responses was the real anxiety many staff expressed about speaking to the inquiry, for fear of reprisals. In itself, this may say something about the culture obtaining, or perceived to obtain, at the centre.

Some staff maintained that the programme was simply untrue. Worryingly, one DCO asked whether we thought the bed tipping incident involving Officer A was “particularly serious”. He also suggested that just one incident during the course of three months was not too bad. He also believed that, because none of the comments in the programme were directed at detainees, they were harmless. It was just office banter and officers should be allowed to say whatever they liked amongst themselves. They needed to let off steam. It was no different from any other working environment.

One DCO told me that nobody in Green Shift was “particularly racist”. He said Officers B and C’s problem had been with asylum seekers – race was not relevant. Their attitude related to the perception of asylum seekers as

scroungers. He added that no comments were ever made to the detainees themselves.

There were other worrying attitudes. One officer spoke about the need for more protective equipment – protective vests, quick cuffs and CS spray. (It was suggested elsewhere that this growing talk that detainees were about to ‘kick off’ was itself allowing a certain element to grow within the centre.) Another DCO openly described two incidents where he had been abusive to detainees.

Some DCOs and other staff said they had not seen anything to suggest that racism and abuse were a problem at Oakington. Others suggested, however, that staffing levels meant it was quite possible for the actions of an officer to go unwitnessed by anyone. One DCO referred to “joshing” but was certain that staff would report anything “off colour”. A member of the Education Department said she had never witnessed any DCO being racist or abusive towards a detainee, although they were on occasion rude and unhelpful and shouted at detainees. She had not seen a member of staff being challenged about this by a supervisor, but thought any action might be taken in private rather than in front of everybody. She said that detainees moaned a lot – but it was always about their cases and never about DCOs. The member of staff had been surprised, however, when an officer had related how a detainee who had attempted to escape had received 57 stitches. The DCO had apparently said he hoped the detainee would bleed to death. She was surprised both that he should say it and that he should say it to her. She had reported the matter to the then Head of Residence, but she had allegedly seemed unconcerned and had taken no action.

One supervisor told me that detainees had to conform exactly to the routine – they were not allowed to choose not to eat, for example, as this would mean GSL could not tick the relevant boxes.¹⁷ Everything detainees wanted – clothes, food, medication – was frowned upon as it meant staff had to do something. Many staff simply did not know how to deal with people, ordering them rather than asking them to do something.

Some DCOs told me that they had no confidence in senior managers and that they gave staff no backing. A DCO said that most officers would not go to the centre manager if they had any concerns. They had tried before only to have problems swept under the carpet. One DCO suggested that, although the centre manager might have the best of intentions, he delegated investigations to others who did nothing, but told him matters had been resolved. There was a strong desire to keep a lid on all grievances and maintain an impression that everything was all right. Managers “got on the case” of anyone who dared to speak up. Nothing negative was allowed to be raised at morning meetings. When supervisors tried to raise any issues, they were told it was not the right forum. But there did not appear to be an appropriate forum. The centre

¹⁷ Mr Banks advised in his letter of 5 July that procedure throughout the detention estate was to check on the welfare of a detainee once they had missed three meals. This would involve medical assistance if appropriate.

manager said his door was always open, but his door was outside the compound.

One DCO had put his concerns about Green Shift in writing to the Head of Residence. This included allegations of swearing at and threatening detainees, removal of bed-clothes, threats to detainees about the result of any complaints they might make against an officer, and taking telephones from detainees mid-conversation during roll counts. The officer was told that, in light of the serious nature of his allegations, the Head of Residence would have to discuss the matter with the centre manager. Nothing was done until further allegations led to Officers B and C being removed to the DDU.

A number of DCOs told us that the officer responsible for the reference to “Pakiland” had asked several times to be moved from his work allocation as he did not like the attitude and behaviour of Officers B and C, but his requests for a transfer were ignored. The DCOs thought the officer had effectively been corrupted by his colleagues.

DCOs we spoke to said they had little faith in the shift managers. They thought some supervisors lacked the ability to do the job and that they had been selected as “Yes men”. Problems were caused by rapid promotions and lack of additional training. They also had a poor lead from the top. Getting the job done was more important than how it was done.

Managers at Oakington were variously described as inflexible, indifferent and remote. They occasionally walked round the centre in twos but did not speak to anyone – it seemed as though their presence was merely to enable them to sign the book. Although they ate in the dining room, they did not eat with the detainees as the rest of the staff did. Staff were left to their own devices and there was no leadership through the management structure. Management operated in an “ivory tower”. Many also complained that the RRLO was never in the compound.

Bullying by managers at all levels within the centre was a consistent theme amongst those to whom we spoke.¹⁸ One member of staff claimed he had submitted a dossier of evidence to Mr John Jasper, GSL’s Director of Asylum Seeker Services, but he had forwarded it to Mr Colin Hodgkins, the centre manager. He said he would never report any further concerns to any manager, as he had no confidence in them or that they would not suffer reprisals as a result.¹⁹ Another DCO said that verbal bullying was endemic in the centre and that it went all the way to the top. Another said that a particular shift manager was well-known for bullying both staff and detainees. He had

¹⁸ Mr Banks noted in his letter of 5 July that GSL’s own research had included both self-selecting staff and staff picked at random. He said, “our research also found criticisms of management ‘presence/visibility’ and some dissatisfaction with the grievance procedure ... However the allegation of bullying supervisory or management staff was not a theme amongst our respondents”.

¹⁹ Mr Banks said GSL thought they knew to whom this referred. He said Mr Jasper had been told about but not seen +the dossier. The DCO had subsequently raised his concerns with them and had been given a confidential hearing by GSL’s corporate communications manager. He had not recommended any further action.

reduced a female officer to tears in front of other staff and then bragged about what he had done. A male DCO to whom we spoke had also been reduced to tears by a supervisor. He dared not complain, as he believed he would be singled out for reprisals. GSL had complaints/grievance procedures but they were not followed.

A number of officers complained to us about management interference in the GSL enquiry. They said that shift managers were accompanying staff into their interviews, ostensibly to lend support, but the belief was that the action was designed to prevent staff raising concerns. There was also concern that statements made in confidence to the inquiry had been routinely passed on to the Human Resources department at GSL for “typing up”.

(Mr Banks commented in his letter of 5 July that this “seems to be unsubstantiated rumour”. He did not believe it was credible that the “very experienced police detectives conducting the interviews would fail to notice such a crude attempt to influence a witness”. He added that the reports were not sent to HR, but were typed up in Mr Leadbeater’s office by a typist brought in specifically for the task. All the interviews in the employee research (as opposed to the investigation) had been conducted on a one to one basis with no other person present.)

Many staff talked about poor morale at the centre (relating partly to the announced closure of the centre) and lack of support from managers. They were under-staffed and under pressure. Even so, many members of staff said that it was because of them and in spite of managers that the centre continued to run.

Many of the DCOs to whom we spoke knew of the existence of the whistleblowing policy, but most did not understand how it worked. All thought it needed to be better publicised. One DCO said he would not raise concerns with anyone, as he would be considered a “snitch”. Others said there was no point using it because nothing would be done.

Mr Paul Campbell, Organiser, GMB

Mr Campbell told us that he thought shift managers and their deputies were authoritarian and bullish. He said his trade union was constantly pressing for all posts to be advertised, but many seemed to be promoted on a nod and a wink. No additional training was given to those promoted. As a result, the shift managers and their deputies were inadequately trained in employment issues – that is, how to deal with staff on a day-to-day basis. Their understanding of their role often went no further than staff deployment. Mr Campbell thought the promotion strategy might be part of the problem. Promotion could be very rapid for some and they lacked the confidence to let things out of their area.

Grievances at Oakington had been sky high during the last year. However, the grievance procedure took a long time and the union had to chase constantly for progress. Staff had a fear of putting in grievances, as the

typical result would be that they would be summoned to the shift manager's office to explain what they had done. They would be told that they should have gone to him to resolve the matter informally. However, many had tried this approach but without success.²⁰

Mr Simon Boazman, BBC researcher

Mr Boazman said that, in some blocks, there was respect for detainees so long as they did what they were told. Some DCOs went out of their way to help detainees. Other blocks were more obviously authoritarian, telling detainees what to do. In addition, some staff were openly rude to detainees when they asked for something and would go on to say what they thought about them.

Mr Boazman said there was a consensus in the centre that Officers B and C were not nice people. Staff talked about it openly. He said they did not make many racist comments as such, but there was a lot of talk about immigrants as spongers etc. He thought race/colour was not the issue so much, although there was evidence of pre-conceptions about certain nationalities.

Mr Boazman thought perhaps four or five DCOs on Green Shift were bad. A similar number would not challenge the views of those DCOs. He said the supervisor must have heard many of the comments, but did not challenge them even though he did not share the views expressed. Mr Boazman suggested that many of the supervisors were friends of the DCOs and were therefore unlikely to take action when anyone made allegations about them. He noted that Officer A's supervisor had been present when Officer A was making some of his comments.

Mr Boazman told us that the race relations training was not reinforced after induction, although there were quite a few posters around the centre advising that GSL would not accept racism. DCOs were very conscious of not insulting people, as they knew it would not be tolerated at the top and what the consequences would be if they got caught. However, DCOs felt pretty safe that their peers would not report them. Mr Boazman noted that when the Mr Rees was around, there was a palpable change in attitudes, but they would revert immediately after he left. The shift manager had done nothing to address this.

Mr Boazman was not conscious of his own supervisor checking on him. He said supervisors came round at the start of each shift with a 'heads-up' for the day. He would probably have seen them about four or five times during the course of a shift, but they gave staff no directions.

²⁰ Mr Banks said in his letter of 5 July that grievances at Oakington had been relatively few – 21 in five years – and efforts were made to resolve them speedily. There had only been three appeals. He noted that where a grievance was against a colleague one or other of them was likely to end up dissatisfied. He also noted that complainants were sometimes surprised if their own conduct was reviewed in trying to resolve the grievance.

Detainees

Very few detainees contacted the inquiry. We therefore spent several hours in the compound approaching groups and individuals to find out what they thought of the centre. Almost without exception, they said they were well treated and had no problems.

One detainee, however, described how a DCO had been obstructive and unhelpful when he asked for help because he was feeling poorly. The officer had apparently told him he could die if he wanted to. He also described an occasion when a roll call was announced while he was in the shower. Officers had insisted he come out as he was and return to his room. He also complained about DCOs touching beds when waking up detainees. He said it was unnecessary and showed a lack of respect.

I recommend that staff are instructed not to touch detainees or their beds while waking them up.

The detainee said most staff were very good, but some were power crazy. In addition, he thought most did the job in their own way and not in the way they were trained.

Another detainee told us that, on the night of his arrival, an officer had escorted him to the accommodation block and told him, "This is my block and I don't want any trouble". He also said he had initially been allowed to stay outside the TV room at roll call because he was a non-smoker and objected to the smoke. A new shift had made a big issue of it, however, and threatened to "write him up" for non-compliance. There was a prolonged altercation during which officers were abusive and bullying. Eventually, a manager had been summoned and took the detainee's part. The detainee was apparently told it would be appreciated if he did not put in a complaint about the incident. (I understand that he has now submitted a complaint via his solicitor.)

The detainee laughed at the thought of submitting a complaint to the IMB. He said officers had keys to the box. (This is not the case.) It would be wise, therefore, not to submit a complaint to them about an officer.

A third detainee told us about an incident where he was allegedly prevented from leaving the smoking room to go to the toilet. He was originally asked to wait 15 minutes, but when he asked again, he was told to wait another five minutes, ostensibly because of a roll call. The detainee thought he was just being wound up, however. Other detainees also spoke about officers deliberately winding up detainees.

Managers

We put to the centre manager, Mr Hodgkins, some of the criticisms levelled at him by members of the religious affairs team. He told us that it was always his intention to have religious affairs at the heart of the centre. He had instituted regular meetings and had also set up a cultural awareness team

comprising religious affairs personnel and others to address the cultural and religious needs of detainees.²¹ However, he considered that the team had had difficulty getting to grips with their role within the centre – that is the pastoral/spiritual needs of detainees. They had become drawn into the asylum process to too great an extent in a number of instances. As a result, unrealistic expectations were raised in the detainees, and GSL had to manage the fall out when their hopes were dashed. He had therefore asked the team to make clear to detainees their role and the limitations of the practical help they could give. Some were at ease with his position, but a core was not happy.

He also spoke about how his management of what he described as a poor performance issue had led him into conflict with some members of the team. He thought he was viewed with some hostility as a result. He said he was in a difficult position as there was only so much he could share with them about what he was doing.

We also asked Mr Hodgkins about the effectiveness of middle and senior managers in the centre. Mr Hodgkins readily agreed that it was inconceivable that supervisors would not have known about Officer A's music. He could not say why the matter had not been addressed. He said he was not aware of a culture whereby supervisors identified with DCOs and saw their role as protecting them from senior managers. They had worked hard to make the selection of supervisors and shift managers meaningful – to draw good people up and raise their profile by showing that they achieved their status by hard work and going through a stiff process of examination. He considered that supervisors and shift managers were pretty good in the main. There was room for improvement and, in particular, there was a need for ongoing personal development/training. The opportunities for this had been restricted by the constant organisational changes, however.

Mr Hodgkins rejected the suggestion that there was a lack of visibility by senior managers. He said they were out and about the centre each day talking to staff. Mr Hodgkins also rejected completely the suggestion that management at the centre did not want to hear bad news. He said he actively encouraged staff to tell him what they thought. He could not think of a single instance where it could be suggested managers had tried to sweep something under the carpet.

People were now saying that they had been aware of problems, but they had not done anything about it. Mr Hodgkins said the question of why concerns had not worked their way up to the management team had exercised him, but he did not know the answer. He said that, as an organisation, they were open, honest and keen to deal with issues. He did not believe he had not been told because staff felt inhibited about giving bad news.

²¹ Mr Banks said in his letter of 5 July that the religious affairs team were routinely invited to attend various meetings relating to detainee care. They were also invited to attend the daily management/supervisory meetings.

Mr Hodgkins said he was shocked that staff had spoken to us about a bullying management culture and about their concerns about speaking to us for fear of reprisals. He said they had a small management team that praised staff wherever possible. Inevitably, staff had to be taken to task on occasions, but that was all part of running any organisation. He was positive that the centre was open and inclusive. He added, however, that in places such as Oakington – where little happened – very small issues came under microscopic attention.

The deputy centre manager, Mr Bob Webster, said he would like to think that officers would have brought any concerns to senior managers' attention. Senior managers had an open door policy. He commented that where matters had been brought to senior managers' attention, appropriate action had been taken. He wondered, however, whether there was a certain faction who could not face taking action or feared they would not be backed by managers if they did.

Mr Webster said he had never heard any concerns about Green Shift (for which he was line manager) from supervisors or Shift Managers.

A supervisor told Mr Webster after the programme that she had heard the music and told Officer A it was not acceptable. Mr Webster had asked why she had not told senior managers about it. The supervisor said she had thought that she had sorted it and that it was the end of the matter. He said he was astounded that she had not mentioned it even to the shift manager and thought it must be fair in light of this to suggest that supervisors did not understand their responsibilities. He said it was a concern that there was no recognised training for supervisors. This contributed a lot to the problem.

Like the centre manager, Mr Webster rejected the allegation that senior managers were not visible or that there was a bullying management culture and that they were willing only to hear good news. His own maxim was to treat others as he would expect to be treated and not to ask people to do anything he would not do himself.

GSL's Director of Asylum Seeker Services, Mr John Jasper, said he had asked staff since the programme if they had been aware of colleagues using bad language or expressing the sorts of views revealed by the BBC. Some said they had been, but had commented that bad language generally seemed to be a way of life now.

Mr Jasper thought it almost inconceivable that supervisors and first line managers at Oakington could not have known about the loud music being played by Officer A. He noted that, if they were and had done nothing about it, that would indicate a serious failure on their part. Conversely, if they were not aware, that would also indicate an unacceptable management failure. He said it was possible, however, that some of the supervisors and first line managers may not have well understood the importance of identifying and challenging unacceptable bad language and attitudes at an early stage.

Mr Jasper suggested that there might be problems associated with the very close-knit nature of the establishment, with people being promoted within their own shift. This meant that one day officers were working alongside their peers and the next day they were supervising them. This might mean that newly appointed supervisors and shift managers might be reluctant to challenge unacceptable behaviour.

Mr Jasper said he tried to impress on staff that they were dealing with very unfortunate and vulnerable people. When he attended initial training courses or management recruitment days, he stressed the simple value that female detainees should be treated as though they were their sister, daughter or mother, and all male detainees treated as though they were their brother, son or father. He said that GSL placed considerable emphasis on the care and welfare of detainees.

Mr Jasper thought the majority of the workforce understood GSL's policies, procedures and values. However, simply knowing about them had not been sufficient to stop some doing and saying what they did. It was clear that a small sub-culture had developed at Oakington. He was not sure how. Certainly, a degree of acceptance of inappropriate language seemed to have crept in. He suggested also that some complacency might have set in as a consequence of all the complimentary reports received on Oakington. This could have resulted in management at all levels focussing their attention elsewhere, thus allowing some things to go unnoticed/unchecked.

(iii) My assessment

A number of people mentioned that the Race Relations Liaison Officer operated almost exclusively from her office. I agree with their concern that she cannot adequately gauge the state of race relations in the centre without spending significant time with staff and detainees. It is also important that she should be readily accessible in order for people to feel able to raise any concerns with her, regardless of how trivial they are (and therefore not apparently warranting a special trip to the administration block to speak to her).

I recommend that the Race Relations Liaison Manager's office be re-located in the main compound and that the remit for the postholder should emphasise that they must spend more time out and about.

Most staff were aware of the existence of a whistleblowing policy, but there is clearly much uncertainty about it. Mr Banks advised me in his letter of 5 July that GSL's Chief Executive had written an open letter to all employees encouraging them to report any concerns about their colleagues' behaviour and giving telephone numbers and addresses. The letter reminded staff of the whistleblowing number. In addition, GSL had produced a series of posters reinforcing the company's intolerance of racism or any form of abuse. I welcome these actions.

I recommend in addition that the whistleblowing policy be ‘talked up’ during initial training and further endorsed during subsequent training.

I am also struck by the argument that the term ‘whistleblow’ might deter some from using the arrangements.

I also recommend that a new term be chosen that reflects the positive nature of the arrangements.

I note that GSL has taken steps to boost the credibility of its junior managers, but they apparently do not enjoy the confidence of all staff. While this may be inevitable (most staff complain about their managers), I was struck by the image of them working alongside DCOs one day and managing them the next. The first step up into management is by far the most difficult, and newly promoted staff need support to enable them effectively to take on the new role and be accepted in it by their peers. Senior managers too have acknowledged that more work needs to be done on their development. Most importantly, the fact that a sub-culture has been allowed to develop at the centre is a clear sign that they are failing.

I recommend that GSL develops a training package for newly promoted managers which should cover amongst other things leadership, giving positive and negative feedback, and effective supervision of staff.

I also recommend that, wherever possible, staff are promoted into a different shift from the one in which they have worked as a DCO.

Staff and others spoke to us about a lack of visibility and accessibility by senior managers. This is not to say that they do not visit the compound but suggests that their visits may lack impact and real meaning. I should say that, since first visiting Oakington, I have been bemused by the location of senior managers’ offices outside the main compound. I believe strongly that managers of a custodial institution should be physically at its heart, both to know what is going on and to provide visible leadership. It comes as little surprise that one DCO referred to senior managers operating from an ivory tower and others dismissed the suggestion of an open door policy.

I recommend that the senior management offices be re-located at the heart of the compound.

We also found some dissatisfaction with management handling of grievances and other matters referred to them. It was clear that this had led to some loss of confidence, and the feeling that there was no point raising issues because nothing would be done. Tellingly, Mr Jasper referred unprompted to the likelihood that delay in progressing grievances was a cause of concern amongst staff. Staff must be confident that issues will be dealt with and dealt with promptly or they will not raise concerns.

I recommend that senior managers ensure that strict deadlines are adhered to when progressing complaints and grievances.

I also recommend that those who raise issues or grievances are given regular progress reports.

Many to whom I have spoken have expressed their bafflement at how such an offensive sub-culture has developed in a centre widely praised for its good staff-detainee relations. It perhaps started with one inappropriate comment or one instance of unprofessional language and grew as staff saw the comment or language go unchecked. I have not visited Campsfield House recently, but a number of witnesses have told me about its much improved performance with regard to race relations. A policy of zero tolerance has been credited with this turnaround. I am sure this is right.

Alongside the contractors, I recommend IND considers establishing a zero-tolerance campaign across the detention estate, with appropriate posters and literature, to remind staff of the expected standards of conduct.

(iv) Profiling

I have carefully considered the practice of 'profiling'. The allegation that it was systematically discriminatory was one of the most serious made by the BBC against Oakington as an institution. I have discovered – as did GSL's own inquiry – considerable uncertainty and confusion about profiling amongst Oakington staff.

One DCO told us that Eastern Europeans were routinely put in "the Blue Book"²² and "micro-managed". He said he had been very concerned about the policy for some time and considered it constituted institutionalised racism. He told us he had challenged the centre manager about it. Mr Hodgkins had agreed with him, but the practice continued. Another DCO also wanted to speak specifically about profiling. He too considered it institutionalised racism (he was not himself an English national) but said he would not say anything as he would be victimised. A third brought with him a sheet from reception showing all the Eastern Europeans highlighted in yellow. He said the names would be passed to security and entered in the 'Blue Book'.

We asked Mr Hodgkins about profiling. He told us he did not believe the risk assessment process was discriminatory. It was a universal system based upon the gathering of information and identification of trends. It was still in operation at the centre. He said the process was managed fairly and was closely monitored. Decisions were never made on the basis of one piece of information alone.

The actual decision making on any action to be taken (for example, removal from association under Detention Centre Rule 40) had always been the

²² The 'Blue Book' contains details of all those about whom security concerns have been raised. As the information against them mounts, so they rise through the book to the front. At this stage, management action is considered.

province of a relatively small number of people – duty managers and shift managers.

Mr Hodgkins agreed that references to ‘fence watching’ could be misleading. He said managers were working on ensuring staff were more descriptive about the details of the behaviour they had observed.

Receipt of good, sensible SIRs was crucial. The contract monitoring team received a copy of every SIR raised. They had at one time scrutinised them over an extended period, but had not been able to find any patterns or evidence of misuse. There was no imbalance between certain shifts or certain blocks.

Mr Hodgkins told us there had been huge concern about the number of escapes. This had led to a meeting with IND where Mr Hodgkins had been asked by officials what he could do about the escapes. He had suggested the use of security information. They had talked about how they could do it and about the implications of using it in this way and of the use of Rule 40 for this purpose. IND was fully aware of and understood what was being proposed. Indeed, Oakington was held up as shining example to some for of what could be achieved.

Mr Rees, security manager, endorsed what Mr Hodgkins had told us. He said that the ‘profile’ helped raise awareness, but it was only part of the picture. Meeting the profile would not of itself warrant any measures being taken. He told us that nationality was of little significance in determining the outcome in a particular case. It was just one element. He brought to bear all the various characteristics of escapees when making his decisions. He said nationality was an ingredient, but not the major or sole ingredient.

Mr Rees said he had talked supervisors through ‘profiling’. He surmised, however, that what supervisors told officers was probably somewhat different to what he had told them. They probably did not give DCOs chapter and verse. He added that he did not really want officers to know about all aspects of risk assessing detainees lest they ‘played with it’. He stressed to them that not every SIR would elicit a tangible result. Their job was simply to describe what they saw and submit SIRs.

The contract monitor told me her team did not reject many requests to place detainees in the DDU. Where there were insufficient grounds, they did not generally reach the paperwork stage. Of those that did, she thought that perhaps two per month were turned down. She added that Mr Rees would only approach her if he had good information.

The contract monitor explained that the DDU started being used more for Rule 40 cases after Oakington became involved with NSA cases. At one time these were running very high. Eastern European countries were amongst those to which NSA applied. She said that, in being taped by the BBC while talking about not drawing attention to the profiling policy at Oakington, she

had meant only that it would be inappropriate to publicise security systems as this would tend to undermine them.

Following the BBC broadcast, Mr David Robinson, Deputy Director, Detention Services, was asked to review the contract monitoring arrangements at Oakington. His review included consideration of the operation of Rule 40. He identified several areas of weakness relating to record keeping of decisions either to grant or withhold authority for Rule 40. He also found:

“ ... some evidence in the rule 40/42 files ... to reinforce the view that escape risk profiling included an element of regional origination that could be construed as being discriminatory. The profiling appears to have been designed as a direct mirror of the detainee profiles constructed from the Oakington escape records. These records identified men in their mid 20s who originated from East Europe and the Balkans as the majority of escapees during the period December 2002 to March 2003.”

Mr Robinson noted that the centre manager had agreed to produce a new instruction to cover guidance for the completion of SIRs and a protocol for assessing detainees thought to be at risk of escaping. He also noted that the use of the DDU had been effective in reducing the number of escapes. Finally, Mr Robinson concluded:

“I suspect that the wider investigation will find the potential escapee profiling to be discriminatory and that it was endorsed through the rule 40/42 authorisation process; I believe that this was done through ignorance rather than intention as far as the monitors were involved. There may be centre-wide training needs to ensure monitors are fully aware of the implications of such crude profiling.”

We examined the paperwork for Rule 40 decisions. Generally speaking, we were satisfied that the process was properly managed, with adequate information provided to suggest detainees might be contemplating escaping. However, there were aspects of the notes submitted by Mr Rees requesting Rule 40 that gave cause for concern.

One note asking for authority to place an Albanian male in the DDU said:

“[he] closely matched our risk assessment on arrival as that of being a potential absconder; a number of SIRs have been generated concerning this detainee paying close attention to the gate movements and fence line ... A request to repatriate has in the past been a prelude to an abscond attempt ... A male detainee who may have completed National Service in his own country will not have difficulty in evading us and subsequently absconding; particularly in concert with other detainees or with outside assistance.”

In another, a Kosovan male “perfectly fitted our risk assessment on arrival as being a potential absconder”. This note went on to refer to “Young, fit males who may have completed National Service.”

In a third example, a Moldovan male “closely matches profile of an absconder”. He had not accepted his immigration decision “with good grace”. (This term is used more than once in this context. I find it offensive.) Mr Rees commented, “I believe that this detainee has drawn the conclusion that his only opportunity to avoid detention/deportation is to abscond [this phrase appears on other Rule 40 requests]. He has knowledge of the local area as he arrived here with other detainees whom we consider to be abscond risks.”

I am concerned by the revelation that the names of Eastern Europeans are highlighted on arrival at the centre and that they are apparently entered straightaway into the ‘Blue Book’. Effectively, this places them on the first rung of the ladder in terms of being placed in the DDU. Whatever the merits of the risk assessment system at Oakington, I see no justification for this action. Security staff need do no more than check someone’s nationality when they receive information that suggests someone might be contemplating escape.

I recommend that GSL ceases the practice of highlighting Eastern Europeans and automatically entering their names in the ‘Blue Book’.

The statistics show that it was overwhelmingly the case that Eastern Europeans were the most likely to escape. GSL would have failed in its duty of keeping people in detention if it had not acted on this knowledge in some way. On the other hand, simply to assume that all Eastern Europeans are likely to escape is clearly discriminatory. There is a fine line between sensible, responsible, analysis of risk and improper discrimination. In light of the examples given above, I cannot say with certainty that it was not crossed. I accept that Oakington has had significant success in reducing the number of escapes, but have to question at what cost this might have been to innocent victims of profiling.

Mr Banks took issue with this in his letter of 5 July. In support of his view, he argued that the strategy would not have been successful if it had relied on country of origin alone. He also noted a number of statistics relating to those who spent time in the DDU.²³ Although a high proportion were Eastern European, only a small percentage of Eastern European detainees who passed through the centre spent time in the DDU. He emphasised that assessment of risk was based on a permutation of a number of factors. I am afraid none of this persuades me that the highlighting and referral to security of Eastern Europeans on arrival at the centre was not discriminatory. Nor am I convinced the line was not crossed in deciding to send some detainees to the DDU.

²³ Mr Banks said that, “Of more than 6,700 detainees who were accommodated at Oakington for periods during 2004, only 229 spent any time at all [in] the more secure environment of the DDU on the basis of escape risk assessment.”

I have concerns that the case against some detainees has been bolstered on occasion by supposition and generalisation – “may have completed National Service” and “I believe ...” These are not a sound basis on which to make decisions to segregate people from the main population. (As noted earlier, HM Chief Inspector of Prisons also found that assessment of risk of escape was frequently predicated upon assumptions about national groups.) While I cannot say that any of the decisions I reviewed were plainly wrong, I am concerned that the system has not been used in an entirely objective way.

I recommend that GSL managers are reminded to avoid supposition and generalisations in asking for authority to segregate detainees. Evidence should be factual, objective and specific to the individual.

I recommend that IND introduces new audit procedures to ensure the objectivity of requests for segregation.

I am also concerned by staff misapprehensions and misgivings about the risk assessment process, as evidenced by the BBC programme and by what they told us. I consider it was a dangerous mistake not to have briefed staff properly on the risk assessment process and welcome the fact that a policy document has now been produced.

Finally, I should comment on the use of the DDU for those at risk of self-harm or suicide. The DDU is an unpleasant building. It is claustrophobic and drab and I have concerns about its continued use in any respect. However, it is clearly not an appropriate place to house particularly vulnerable detainees. The argument that Oakington has not (so far) had any self-inflicted deaths is specious. I accept that it is not practicable given the short future life of Oakington to build a new DDU or even extensively to re-vamp the existing one, though this is really what is required. However, I see no reason why an area cannot be set aside within the compound for the care of vulnerable detainees where they can continue to have access to a full regime.

I recommend that GSL urgently establishes an area within the main compound for the care of those at risk of suicide and self-harm.

(v) Officers B and C

My final consideration in respect of Oakington concerns the two rogue officers, Officers B and C. They featured heavily in the *Detention Undercover* broadcast and in evidence to this inquiry. I have serious criticisms of the way these two officers were managed.

The contract monitor told me that one of the top priorities of her team was to observe the interaction between DCOs and detainees. Part of the team’s concern about Officers B and C resulted from these observations. However, she had also received a number of complaints from detainees of verbal abuse by the two DCOs.

These complaints had been investigated. However, the contract monitor told us that she thought staff spoken to during the investigation had lied when they said they had not seen or heard anything. She went on to say that she had heard that detainees were always stirred up, angry and upset following a Green Shift (on which Officers B and C worked).

After her investigation into the behaviour of the two officers, the monitor wrote to the centre manager to say that she had not uncovered any proof to substantiate the complaints, but that she had suspicions nevertheless. She suggested they should be split up. The centre manager said he could not do so without good reason. He said they would go to their trade union.

The contract monitor said that she could not believe it when she found both Officer B and Officer C working in the DDU. She had spoken to Mr Webster, and he had agreed. He had spoken to the centre manager but the latter apparently said they had only just been rostered on to the DDU, and he could not change the roster now without good reason, as the union would get involved. The contract monitor told us that she had talked to the centre manager many times about her doubts about Officers B and C working in the DDU.

The contract monitor said she had received a letter from Mr Webster advising her that he intended to inform Officers B and C that, if any more complaints were received about them, disciplinary action would be taken. She said their demeanour improved significantly after this time.

She said she had spoken to IND's Mr Robinson on this matter, but that nothing came of it. She said she had also mentioned her concerns in passing to other senior managers in IND. She stressed, however, that by this time, Officers B and C appeared to have improved.

The centre manager, Mr Hodgkins, told us that Officers B and C had been the subject of a number of investigations for misconduct, but no evidence had been uncovered that substantiated the allegations made against them. Even so, the monitoring team had expressed their concerns. Mr Hodgkins said he had discussed with them how they wanted the two men to be managed and how he intended to do so. He noted that the Authority could have taken away the officers' DCO status meaning they could no longer work with detainees. However, this was not considered feasible, as there was no evidence of wrongdoing against either of them. Mr Hodgkins said his options were limited, but if he put them in the DDU they would receive supervisory attention from a large group of people – the IMB, the medical team, the Chaplaincy, the contract monitor, he and his deputies, legal representatives etc – and the detainees in their care would regularly be asked if they were okay and if they were being treated appropriately. Detainees therefore had ample opportunity to report any misdemeanours. Mr Hodgkins judged the officers would be better there than elsewhere in the centre, where such a level of supervision did not exist.

He added that he did not consider putting Officers B and C on the gate was a reasonable option, as he needed to reserve these positions for staff with other needs – pregnant officers and those returning from extended sick leave for example. He explained that it was very difficult to deal with people whom the process said had done nothing wrong. Any action taken needed to be reasonable from that point of view.

Both of Mr Hodgkins's deputies (Mr Webster and Mr Rees) told me they supported Mr Hodgkins's decision. I am bound to say that, in line with the conclusion of the GSL inquiry itself, I think all three of them are wrong.

In any custodial institution, the choice of staff to work in the segregation area is of the greatest sensitivity. I cannot conceive of any prison governor deliberately choosing to allocate staff about whom he or she had anxieties. to work in the segregation unit.

My own view, therefore, is that the decision to allocate Officers B and C to work in the DDU was a major error of judgement. I have in mind both the more volatile nature of the environment, the closer (unobserved for the majority of the time) contact with detainees, and the vulnerability of those placed in the DDU because they were considered to be at risk of suicide. I am also concerned that managers may have been unduly influenced in their decision making by the prospect of a grievance being raised. Clearly, any action taken had to be reasonable and proportionate, but managers should not be constrained from doing what is right merely because staff might complain. This is how a subversive culture develops.

Particular care must be taken with the future allocation of staff to work in the DDU, whether or not it continues to house those at risk of suicide and self-harm.

I recommend that a protocol is drawn up between GSL and IND specifying the qualities necessary for DCOs allocated to the DDU. Any officers so allocated should have enhanced interpersonal skills and training, and their integrity must be beyond doubt.

It was suggested to us that Officers B and C were technically still eligible to work with detainees, as their accreditation would not have been withdrawn as they had resigned rather than been sacked.

I recommend that Officers B and C's status is checked and that their accreditation be withdrawn if this has not already happened.

6. What we found out about escorts

As I indicate in my foreword to this report, I have found few published accounts of the immigration escort process. As when I conducted the Yarl's Wood inquiry, I have been struck by the absence of specialist academic, media or pressure group scrutiny of the realities of immigration detention.

In her reports, HM Chief Inspector of Prisons is beginning to fill this gap. Ms Owers's report on Oakington included some references to escorts. She reported that detainees had said they felt safe and respected during escorted trips – 86 per cent of detainees said they were treated well or very well by escort staff. However, "Many complained of long hours spent waiting either for the coach to arrive or in transit from and between police stations around the country."

Other inspection reports for 2004 refer only to the condition of the escort vehicles (mostly good, but in one instance the bus – including the toilet – had not been cleaned since the previous day) and the length of time some people spent in transit, often with inadequate food or comfort breaks.

When I spoke with Ms Owers during this inquiry, she told me that detainees had complained to the Inspectorate about lack of comfort breaks, excessively long journey times, long waits outside some establishments, a lack of information and ignorant and abusive staff. She said:

"The indication is that many escort staff are decent and communicative in their dealings with detainees on escort but that there are a minority who are not. Detainees have told us of staff who refused even the most minimal of comfort breaks while stopping to buy refreshments and go to the toilet themselves."

She said staff had told her that many journey times were excessively long due to poor planning or re-routing. They also said they had been told not to allow comfort stops on journeys, including the trip from Dungavel (to the south of Glasgow) to Manchester, which could take over four hours.

Ms Owers noted that the most vulnerable time appeared to be during final removal to the aircraft. She said that, due to the time involved to get authority to go airside, it was not possible for observation of these stages without the staff being aware. She said there was a "clear need for some form of regular independent monitoring on site".

HM Chief Inspector said some of the detainees to whom the Inspectorate had spoken had told them that escorting staff had become abusive and used inappropriate physical force to try to "get them to change their mind" about not going on the plane. She commented:

"Escorting staff are likely to be working through the latter part of a long shift during this process and they are aware that a failed removal will often result in a lengthy extension to their working day. They, and

others, are under pressure to reach removal 'targets'. That situation may encourage some unprofessional officers to behave unacceptably."

As a result, the Inspectorate had become concerned about the higher risks involved during this last stage of the removal process. They were therefore recommending that, following every failed removal, there should be a full medical examination, and that the results should be fed back to the IND monitoring system to act on any trends identified.²⁴

Finally, Ms Owers said the Inspectorate had identified that there was no effective supervision by IND and no independent monitoring by IMBs in short-term holding centres. The Inspectorate had recommended that there should be. Ms Owers noted that, "The same is probably the case with escort journeys".

Ms Owers said the Inspectorate's specialist team had recently begun to interview detainees at the end of an escort journey. She attached examples of two such 'case studies', one of which described abusive and deliberately humiliating treatment by escorting officers.

(i) Observation of three removals

I wanted to observe the process for myself and arranged to accompany removals planned from Heathrow, Stansted and Southampton Airport. Miss McMurray and I witnessed successful removals on these three separate occasions. The first (from Heathrow) was an unescorted removal of two men on a scheduled flight. The second (from Stansted) was an escorted chartered flight for 40 detainees. The third (from Southampton) was an escorted removal for a single detainee judged to pose a special risk.

On 21 March, we went to GSL's then base in Egham. The rather grubby staff room (complete with 'girlie' calendar that was hurriedly removed as we entered) had been the scene of some of the BBC's secret filming. After talking informally to the senior manager (Mr Hobbs), we boarded one of GSL's elderly fleet of vehicles. We noted the poor condition of the van, the absence of air conditioning and the fact that the satellite location equipment was not functioning. Another van had, we learned unofficially, been specially steam-cleaned for our visit. However, it had been discovered that the alarm did not work and so it was unable to be used.²⁵

(The vans used by Securicor since taking over the in-country contract at the beginning of April are vastly superior in their specification and comfort.)

²⁴ Ms Owers has formally made such a recommendation in two recent reports on immigration detention. Her proposal seems to me entirely right.

²⁵ Mr Banks pointed out in his letter of 5 July that, on the instruction of the Immigration Service, an order for new vans had been cancelled when the contract was awarded to Group 4 Securicor. GSL was therefore required to continue to operate the existing vans for the remainder of the contract. He emphasised, however, that they were roadworthy.

We were driven first to Harmondsworth to pick up two Ghanaian men for removal. There was some delay entering Harmondsworth and, although the two men were waiting for us in reception, some delay in exiting. We were told that such delays were commonplace. Such hold-ups must be a cause of great friction for detainees about to be removed from the UK.

I recommend that IND reviews the relationship between escort contracts and removal centre contracts with a view to building in contractual requirements relating to timely presentation of detainees for escorts.

From Harmondsworth, we made the short journey to Heathrow. Here there were further delays. We joined a queue of traffic entering airside. The two detainees' bags were intensively searched by BAA staff (the two men had already been subject to a rub-down search by GSL staff at Harmondsworth). Given that they had a large quantity of personal possessions, re-packing the bags proved difficult and protracted. Again, I was struck that this process – while necessary – was bound to increase anxieties on the part of those being removed.

I recommend that IND consults with BAA about ways of accelerating entry to Heathrow.

Once the detainees and their property had been reloaded on the van, we were driven to the Queen's Building where there is a holding room and from where GSL staff escorted detainees to the aircraft. In over 25 years visiting places of detention, I have rarely seen a more depressing place.

The holding room was foul; there was no natural light and the atmosphere was heavy with tobacco smoke. Men, women and children were unsegregated. A poorly decorated room furnished solely with an elderly mattress was being used as a de facto 'segregation room'. I am not clear as to the lawfulness of the use of the room for this purpose. It had not been certified for the use of detainees under Rules 40 or 42 of the Detention Centre Rules (Statutory Instrument 238, 2001), which gives authority for segregation or temporary confinement.

Detainees can be held in Queen's Building several hours at a time, or overnight.²⁶ But there are no beds, not even for children. We saw people trying to sleep as best they could on chairs. A supervisor told me there was a shortage of phones or access to Language Line. Facilities for staff were equally cramped.

There were no catering arrangements: sandwiches and crisps were served four times a day. (I was pleased to learn that the new contract requires Securicor to provide cooked meals.) There are some closed circuit cameras, but not covering the common areas. I was told that between 300 and 400

²⁶ In principle, no-one can stay beyond 18 hours but we were told this is extended to 24 hours if Removal Directions are set during that period. It was suggested that this occurred two or three times a week.

people might be held in the Queen's Building during the course of an average week.

The impression overall was one of organised chaos. I thought the conditions were utterly awful. During the course of my investigation, I have been told that some conditions in Dover and Coquelles are even worse.

Mr Jasper told us that holding premises were provided by the Immigration Service and it was for GSL to manage them as best they could. Queens Building had been closed about 12 months ago for refurbishment but there were still lots of issues in terms of the facilities for both detainees and staff. GSL had submitted several reports suggesting areas for improvement, but no action had been taken on the vast majority of these. There was a limit to how much GSL could do in relation to some of the more inadequate holding rooms. Simply to refuse to use those holding rooms that needed attention would not only be in breach of contract but would simply put more pressure on other holding rooms. He suggested that part of the problem lay with the way the ICE contract was monitored – that is, with its focus on delivery of service and results, rather than quality of care.

Mr Hobbs told us that the Immigration Service needed to accept that some of the environments in which detainees were held and staff were required to work were inappropriate. He claimed that at Coquelles detainees were housed in converted dog kennels. He said that GSL carried out proper health and safety assessments but he felt these were not taken as seriously as they might be by the Immigration Service. He said they had highlighted some points quite strongly, but the issue was not high on the Immigration Service's agenda.

Mr Hobbs sent me copies of two letters sent by GSL to the escorts contract monitor. The first was dated 20 December 2004 and set out requirements under health and safety legislation. Specifically it drew the contract monitor's attention to the fact that, amongst other things, space, air conditioning, heating and segregation facilities were all inadequate at the Queen's Building. GSL proposed a meeting between themselves, the Immigration Service and BAA to address the issues. They wrote again on 16 February 2005, noting that they had not yet received a reply, and again proposing that a meeting take place immediately. They suggested that if the outcome of any meeting was unsatisfactory to GSL, the use of the site should be discontinued.

We spoke to the contract monitoring team about this.²⁷ They explained that accommodation was the responsibility of the Immigration Service locally. Holding rooms were provided by the relevant port authority under the Immigration Act and were supposed to be to national standards. The port authority were responsible for providing the infrastructure, phones, seating etc. The contractor was responsible for providing fax machines, food, drinks machines etc.

²⁷ The team consists of two contract monitors and their manager.

We were told that the Queen's Building was not covered by the Immigration Act, but was provided by the airport authorities in recognition that detainees were likely to be at their most disruptive during removal and should not be kept with those being held pending further inquiry etc.

The contract monitors told us that they had been continually pushing the airport authority to improve the facility – for example, better seating, air conditioning, taking away the glass etc. They had received assurances that the air conditioning would be sorted out, but nothing had happened. There was no lease and, as far as the team were aware, no formal contract between the Immigration Service and the port authority. As a result, there was a limit to what the Immigration Service could do. There was no particular advantage to the port authority to improve the facility – on the contrary, it was rumoured that there were plans to demolish the whole Queen's Building within the next five years, so it was unlikely that the port authority would do very much. The Immigration Service had recently paid for some new furniture, flooring and decoration, but there was little more they could do.

I recommend that IND urgently reviews the use of, and conditions in, the Queen's Building at Heathrow.

I recommend that IND urgently reviews the lawfulness of the 'segregation room' in Queen's Building and establishes a clear protocol to govern its use.

After leaving the Queen's Building, Miss McMurray and I drove with the detainees to Terminal 3. They were escorted to the aircraft doors before boarding unaccompanied on a scheduled flight to Accra.

Three days later, we visited Stansted to witness the use of a chartered Boeing 737-300 aircraft returning a group of Kosovans and Albanians to Pristina under Operation Aardvark. The flight we saw take off was Aardvark number 197.

Two coaches had arrived from Colnbrook and Tinsley House respectively and there were around 40 or so detainees on the flight in total. The coaches were standard vehicles hired from a tour company for the purpose. At least one family had arrived at the airport under their own steam, having voluntarily agreed to return home. One man was handcuffed and sitting between two Securicor staff (as noted, Securicor now have all the escort contracts; at this time, they were responsible for out of country escorts only). The detainees were separated into family, single female and single male groups ("disruptives" at the front, women and children in the middle, single men at the back). There was a significant staff presence. (The staff would fly to Kosovo and return more or less immediately. It would constitute a very long working day.)

The boarding was carried out one-by-one. Half a dozen staff were involved, two of whom walked back and forth by the side of the steps in case anyone

jumped. Each detainee was offered a handshake as he or she left the coach and mounted the steps. They were then escorted up.

With the exception of the man in handcuffs, the atmosphere on board the plane was relaxed. Staff sat strategically throughout the plane and attempted to engage the detainees in conversation. Good interpersonal skills were on show.

I understand the economic case for using chartered aircraft. In particular, the series of Aardvark flights will have allowed for the negotiation of a long-term contract. However, I was told that the Pristina flights are now routinely less than half-full and this may no longer represent good use of public money. Certainly, the number of passengers (detainees and staff) on the flight we saw would have filled no more than half the available seats.

I recommend that IND review the Aardvark programme; in particular, it should review the frequency of flights with a view to improving seat occupancy levels.

While at Stansted, Miss McMurray and I took the opportunity to view the airport's holding facility. Although only small, this was a well-appointed and attractive area. The contrast with the Queen's Building could hardly have been greater.

The third removal we witnessed was an escorted removal (where staff accompany individual detainees all the way back to their home country) . This took place on 9 May.

We met at Securicor's base on the edge of Gatwick airport. Our journey was to take us around the M25 to Colnbrook and then back to Southampton Airport where the detainee was to board a scheduled flight to Paris, for onward passage to the Democratic Republic of the Congo.

We were delayed for some considerable time at the outset as one of the three-man escort team was stuck in heavy traffic on the motorway. While waiting, I reviewed the paperwork. This had been completed incorrectly failing to flag that the detainee had previously self-harmed. To his credit, however, the team leader read all the paperwork and was able to share this crucial information with his colleagues.

Entry to Colnbrook was quicker and easier than at neighbouring Harmondsworth. The Congolese man was in his early 20s, and had one foot in plaster following a volleyball accident. (This was to cause him some discomfort on the journey, although I was pleased to see that Securicor staff allowed him to move seats several times to relieve the pain.) He had previously been removed from the UK but it appeared he had been put back on a plane by the Congolese authorities as not being one of their nationals. From what I could understand, his mother came from East Africa and he himself had lived and worked in several West African countries. His travel documentation did not seem to include a passport.

The detainee's name was not English, but it was neither long nor difficult to pronounce. I was concerned to note therefore that, rather than call the detainee by his proper name, one of the escort staff immediately announced that he would call him by a shortened version of the escort's own devising. This, it seemed to me, showed a lack of respect.

I recommend that staff be trained to ask the detainee by what name he/she would like to be called and to check with him/her their pronunciation of the name.

We journeyed uneventfully from Colnbrook to Southampton, arriving hours before the scheduled departure. The escorts tried to engage the detainee in conversation in order to establish a rapport that would hopefully forestall difficulties later on. However, their efforts were rather crass and in the event unsuccessful. In other circumstances, their persistence, whilst well-meaning, might even have prompted a hostile reaction from the detainee. I also noted with some discomfort, that one of the escorts constantly used the phrase "my friend" when addressing the detainee. I am certain this was done with the best of intentions, but it grated on me and must also do so on detainees.

I recommend that further training be provided to escort staff on effective and appropriate engagement with detainees.

I noticed that neither staff nor the detainee took any food or liquid between noon and 6.30pm. The detainee was offered food and drink and declined, but he was not actually shown what was on offer. The staff apparently intended to eat on the plane. However, I am not convinced that going for such a long period without any sustenance is desirable. Indeed, the combination of low blood-sugar, boredom and increasing anxiety strikes me as an unfortunate mix.

I recommend that Securicor requires staff to take regular meal-breaks.

I also noticed that some of the staff took cigarette breaks. The same courtesy did not seem to be offered to the detainee.

Perhaps the most compelling aspect of the whole trip was the long hours of hanging around waiting for something to happen. As it chanced, the plane to Paris was delayed. But even if it had been on time, the detainee (and staff) would have spent long hours of boredom together. While I appreciate the need to build in extra time to take account of possible hold-ups on the roads, I felt that the time allowed guaranteed that there would be protracted periods of doing nothing. Given the inevitable tension associated with any removal – especially an escorted removal – I think this is highly regrettable.

I recommend that IND and Securicor review the logistics of escorted removals to minimise the time that staff and detainees spend waiting at airports.

The delay in this case meant that we were waiting on the van at Southampton airport for some four hours. We were parked out of the way with only a large metal door to look at. There was no activity on this part of the airport. The escorts told us they are not allowed to read or listen to music. This meant that for much of the time we sat in complete silence, with nothing to look at and nothing to do. There are a number of potential pitfalls to introducing radio or music into vans (some people might find it intrusive, irritating or culturally offensive, for example, or it might be employed by some as a form of bullying). Nevertheless:

I recommend that the Immigration Service considers introducing music or radio into vans and that detainees be offered something to read or do during the wait.

The detainee was handcuffed once we were allowed airside. (I understand this is a security requirement imposed by Southampton Airport reflecting the ease of access to the runway.) Because he was unable to walk unaided, he was actually carried up the steps onto the plane. It was an undignified, but not uncaring, end to his time in this country.

(ii) DVD footage

In addition to the three escorts I witnessed for myself, GSL also provided me with a specially made DVD showing their escort work. The DVD was shot at Heathrow over 20-21 April 2005. It is a quite remarkable film.

The first clips, set in the Queen's Building, accurately capture the boredom and tension. The second scenes show a successful removal, the detainee leaving Queen's Building, entering a van and being taken all the way to the departure gate exactly as I saw myself.

The third scenes feature very distressing footage of two failed removals. They show a distraught detainee being subject to C&R. He is heard to cry out: "I'd rather die but I'm not going back", "I will get killed", "I'm not going", and most plaintively "If I get killed there, no-one will bury me." Handcuffed, he was returned to Queen's Building.

The second man is also shown wailing and crying. He is advised by GSL staff, "if you go back with escorts, the whole world will know you're going back. It's your choice, my love." In the event, the airline refused to take him.

From the DVD, it was not clear why one man was immediately returned to Queen's Building and why one was taken to the terminal. More significantly, I was struck by the immediacy with which C&R was applied. Although both detainees had got down on the floor to resist removal, neither was being aggressive or threatening in any way. This is quite contrary to good practice in the Prison Service. The relevant Prison Service Order (PSO 1600 Use of Force) expressly states that "use of C&R techniques must be regarded as a matter of last resort" (para 2.2.3).

Mr Banks advised in his letter of 5 July that the actions of the two detainees had:

“effectively terminated reasoned dialogue and compliant behaviour. The judgement of the staff ... was that in such situations there is significant risk of self-harming in desperation to avoid removal.”

I asked my colleague, Mrs Louise Baker, to review the DVD. Mrs Baker is a prison governor who was formerly a member of the Security Policy Group in Prison Service responsible for policy on the use of restraints. She told me:

“Two C&R removals were observed, both involving men who were refusing to leave the airport and board a flight. In both removals, C&R techniques were applied when the men were passively refusing to move. Neither man was being aggressive or violent towards the staff. However, if removal onto an aircraft needed to take place in a timely way, then the staff may have had no option but to use C&R techniques.

“One of the removals resulted in handcuffs being applied behind the man’s back. Two staff then walked with the man, each holding an arm and a third member of staff held his head forward by holding him around the back of his neck. The man being removed did not attempt to fight back or resist at any point. Holding the back of the neck is not correct C&R procedure and it was not clear that only the minimum use of force was used as required in the C&R Manual. The other C&R removal included a long period of time when the man was lying face up on the floor with staff holding his arms. The man was not resisting and staff did not appear to be applying undue pressure. They were verbally trying to calm the situation. The man was clearly very distressed and thought that he would be killed if he was removed from the UK. A decision was taken to return this man to an Immigration Removal Centre on this occasion. Whilst the entire period of the C&R holds was not available for viewing, the techniques used in this case looked appropriate.”

Other scenes in the DVD show staff attempting to sort out large quantities of detainees' property, and attempting to persuade a detainee who has deliberately ripped her blouse to cover up. In the event, the previously distraught woman calmed down and a telephone call to her lawyer was arranged. The interpersonal skills on show were not of the best, but the scene put across powerfully the forms of behaviour that staff encounter. A further scene shows a long 'negotiation' to persuade a detainee to leave of his own accord. The GSL staff member is firm but patient. In effect, the negotiation consists of telling the detainee how much worse it would be if he were to be subject to an escorted removal. The removal is completed successfully.

Copyright to the DVD belongs to GSL, and the material is described as being for my enquiry and for no other purpose. However, I felt it would prove of significant training value for IND staff as well.

I recommend that IND negotiates with GSL to produce a version of the DVD that could be used for training purposes.

(iii) Accounts of the ICE service

Staff

We spoke to a number of escort staff. As with the staff at Oakington, those who came forward were self-selecting and may not be representative in their views.

Amongst the things we were told was that GSL managers were 'lackadaisical'. It was alleged that incident reports were submitted, but no action was ever taken, and concerns raised during monthly meetings with managers were not addressed. Anyone who asked too many questions was labelled a troublemaker.

Staff told us that, under GSL, the tasking function had been moved from Stockley to Milton Keynes. The new people would not listen to what experienced DCOs were telling them. They would not listen when told that not all jobs were manageable and did not build in sufficient time for contingencies. The DCOs said that, under GSL, more detainees sat on vans for more time, because GSL could not make up its mind what to do with them. Problems at detention centres also caused delays – it was not unusual to wait seven hours or more outside Harmondsworth. There had been queues of nine vans.

The DCOs complained about a bullying style by managers where they were constantly threatened with disciplinary action. Every memo issued by managers was said to contain such a threat. They said that, whenever DCOs questioned the tasking, they were threatened with disciplinary action – usually a first and final written warning.

It was also said that the whole operation was run on a shoestring. The DCOs said they had been consistently under-staffed. GSL had been recruiting but it was claimed that the new staff were poor quality and that the more experienced DCOs refused to work with them. It was suggested that some had failed the training but trainers were told to pass them.

Staff said holding rooms were routinely undermanned. Sometimes there was just one female to look after 12 male detainees. They said that, although managers might claim staff were at liberty not to complete a task if they arrived and judged the situation too risky given the resources available, in practice this was meaningless as it was highly unlikely that an escort would go all the way, say to Cornwall, only to decline the task.

We were told that DCOs cared about their jobs and were not bullies, as the programme suggested, but did use a lot of black humour. It was a means of de-stressing and was not meant for public consumption. They were critical

that they had now been told that such behaviour and language was unacceptable even in the rest-room.

Andy Pagnacco, BBC researcher

Mr Pagnacco, the BBC researcher who worked as an escort, said there had been some coverage of race relations law during GSL's training course, but the general message had been to be careful what you said. The course left people confused. One element had been to look at newspaper cuttings and exchange views about them. Trainees were then given various Home Office statistics on asylum seekers and immigration. This was supposed to change trainees' views, but it did not and the trainer gave up on the session when this became clear. The underlying theme was that there were many rules and DCOs should be careful. There was no reinforcement of anti-racism messages outside the training class. Mr Pagnacco said he was not even aware whether if there was a Race Relations Liaison Officer. He knew nothing about GSL's whistleblowing policy.

Mr Pagnacco told us that most shifts seemed to be short-handed. He described the shift pattern itself as "absolutely crazy".

He explained what he meant when he said on the programme that the proper procedures were not followed with regard to handcuffs. DCOs were required to obtain authority from their managers on each occasion they needed to use them. He said that, if the distance over which the detainee was to be escorted was short, DCOs all too often would conclude that it was not worth the bother of making the phonecall. In addition, DCOs were supposed to fill in a form each time they used handcuffs. It took about three minutes to complete, but no-one wanted to do it.

As far as actual use of handcuffs was concerned, Mr Pagnacco described how a small key had to be inserted once the handcuffs were the correct tension to prevent them tightening further or loosening. This was a fiddly task because of the size of the key and necessitated DCOs being closer to the detainee for longer than they might wish. If the detainee was only to be moved a short distance, therefore, DCOs would not bother with the key. Similarly, they would not bother if the detainee appeared to be passive. He emphasised, however, that DCOs were taught always to lock the handcuffs.

Mr Pagnacco told us that the sort of attitude depicted in the programme was closer to the normal than the abnormal. He said only a handful of DCOs showed genuine empathy for detainees. He said that the woman with whom he had worked initially had been very sympathetic to detainees. However, she had gone to work 'airside' and, when he met up with her some three months later, her attitude had changed and she told disparaging stories about detainees that she appeared to find amusing.

Because each DCO generally worked with the same partner, a culture developed of one looking out for the other. In those circumstances, it would be unlikely that one would be prepared to "tell tales" on the other. DCOs were

sometimes themselves victims, in that they were placed in a culture where it was difficult not to go along with bad practice. Mr Pagnacco thought that the term 'racism' skewed the issue and that it was more a case of what he called 'detainee-ism'.

Mr Pagnacco said he quickly got a sense of what people thought they could get away with in the staff room. The supervisors were focussed almost entirely on deployment issues and were not interested in 'office culture'. Theirs was a difficult, busy job where they had constantly to react to a changing scenario created by DEPMU. He suspected, however, that they were not oblivious to some of the more questionable attitudes. He said that when he spoke to one of them about the kinds of attitude he had encountered, he was simply told not to get drawn in himself.

Mr Pagnacco said senior managers were very removed from what was happening on the floor. They were unaware of the conditions in which people worked and the way some took advantage of the inability of controllers to know exactly where they were.

Mr Pagnacco noted that the contract monitor's job was supposed to be to monitor what GSL did within the contract. He questioned how he achieved this as no-one ever saw him. Mr Pagnacco had been told by a supervisor that the monitor just collated statistics and forms by which to monitor performance. However, since DCOs did not like filling in forms, and colluded on their content, this meant that GSL effectively policed themselves. Mr Pagnacco inferred from conversations with staff that the contract monitor was sympathetic to the difficulties GSL faced and did not bring sufficient objectivity to bear.

Management

GSL's Mr Jasper told us that management of the ICE contract had historically been performance driven. When GSL had taken over the contract from Wackenhut in early 2003, it had been apparent that the priority was avoidance of contractual failure (and resulting performance penalty points). He said that they had tried to introduce 'GSL values' into the day-to-day management. He said he had briefed the ICE management team that, whilst important, the avoidance of performance points was not to be their principal concern. It was more important to foster a relationship with the Immigration Service where the implications of a task could be thought through in terms of detainee care whilst at the same time making best use of resources. Some progress had been made as the result of the agreed appointment of a GSL manager as a liaison manager to DEPMU but, despite this, the contract was still monitored primarily on the basis of contractual compliance/failings and the concentration on performance points.

Mr Hobbs had tried to change this culture and Mr David Brown (GSL's Operations Manager) was attached to the contract in July 2004 to help in the process. Mr Brown had successfully managed the contract previously on behalf of GSL (Group 4) when a different contract monitoring process had

existed. At that time, there had been daily or weekly meetings with the contract monitor, where the focus was more on detainee welfare issues than escorting failures. Changing Wackenhut culture and contract monitoring practice had proved to be a real challenge, but Mr Jasper thought Mr Brown had achieved a good measure of success.

Mr Jasper said he spoke to Mr Hobbs on the phone nearly every day and visited ICE HQ once a week or so. Typically, he would spend time in the control room and with the HR and training and development managers. He said he knew many of the staff of old and they were not reluctant in raising issues with him, particularly the Prison Officers' Association officials.

Mr Hobbs reported that GSL had been continually recruiting staff for most of the year. This was due to numbers having fallen under the previous contractor, general attrition rates and the growth of the escort business. Recruitment itself was not a problem, but retention in the Heathrow area was difficult due to the range of other employment opportunities available. He said the recruitment process itself was quite intense, consisting of three tests, an interview and a vetting interview and, in some cases, a simulation exercise (depending on the role to be undertaken). There was also a personality questionnaire.

Many staff worked 12-hour shifts on a four shifts on four shifts off basis, alternating between days and nights. Mr Hobbs did not consider that, from a management perspective, 12-hour shifts were necessarily the best thing, but this was what the company had inherited and staff were resistant to change.

I have repeatedly been told that the shift pattern is popular with staff. The reason for this is apparently the number of non-working days the system affords. I am afraid I do not share this enthusiasm: few people work well for 12 hours at a time, especially in stressful occupations. I would like to see future contracts moving towards a different shift pattern.

I recommend that IND and its contractors jointly review the shift patterns worked by staff in the immigration detention arena.

Mr Hobbs said that DCOs did not spend much time in the rest rooms during the course of a working day. He said he was "absolutely not" aware of a canteen culture of the sort revealed by the BBC documentary. He said he regularly spent time talking to staff and made a point of sitting in the rest room and asking what the problems were. Mr Hobbs told us that, in all the time he had spent with staff, he had never heard swearing – and certainly not on the scale evident in the programme. He was certain that none of the comments featured on the programme had been witnessed by any of his managers either. He noted, however, that with a multi-site environment with groups of staff all over the country, it was difficult to know what everyone was doing or talking about. It was the responsibility of service delivery managers to be in people's back pockets, checking on quality issues. He said there had been instances where staff had reported concerns to service delivery managers and these had been dealt with pro-actively. Mr Hobbs said he did not feel let

down by his first line managers. He was generally happy with the quality of the core group of managers he had. However, it was fair to say that some supervisors thought of themselves more as a buffer between senior management and DCOs rather than as part of the management team itself. He noted that this represented the first step up the management ladder and was perhaps the hardest transition to make. Mr Hobbs told us that GSL had provided a number of exercises and courses for existing supervisors to address this and re-focus the supervisor's' role.

Mr Hobbs said he was disappointed and upset that a small group of his staff had spoken to us about a bullying management culture. He said he tried to keep people in the loop, updating them regularly and involving them where possible in the bid process. He also spoke regularly to staff himself and promoted staff recognition. In addition, he had instigated staff meetings, which gave staff the opportunity to raise issues with managers. Mr Hobbs also suggested that it was important to take the whole environment into account. The constant change and uncertainty made people feel unsettled and unstable, and limited the amount of personal development that was possible.

Mr Hobbs said it was not possible to watch the documentary and not feel shame – and this applied at every level of the organisation. DCOs did their best in a difficult job working in a difficult environment, but the revelations in the programme reflected on all of them. He said he and others had been shocked by the content of the programme, but also angry that much repetition had been made of a very few incidents that were filmed over a lengthy period.

Turning to particular allegations in the documentary, Mr Hobbs said that there were clear guidelines on what constituted C&R. It had to be pre-planned and involve at least three members of staff. Anything else was use of force (which was a different matter). The rules explicitly allowed for force to be used so long as it was reasonable, proportionate etc. Some of the techniques used were common to both processes.

It is worth noting here that some of the prescribed forms of force referred to in the Control and Restraint Manual are extremely robust and, like C&R itself, designed to cause pain and thereby bring about compliance. The techniques include punches, knee strikes, various kicks and the application of pressure under the nose.

I might also emphasise, since this point seems to be little appreciated in some quarters, that the lawfulness of any particular use of force is determined not by the act itself but by what is reasonable in the circumstances. However, it is not difficult to see how many of those upon which these tactics are employed (and anybody witnessing such incidents) would perceive that they were being assaulted in a purely random fashion.

As far as C&R itself was concerned, and the allegation in the programme that escort teams were knowingly under-resourced, Mr Hobbs said that there was no question of this. He said no manager worth their salt would ask two people

to do a three-man task. In any case, staff would refuse to carry out an escort they thought might be unsafe. He said it was all down to assessment of risk. Inevitably, staff wanted to build in a comfort factor, but GSL had to consider what resources were warranted in the particular circumstances. Staff sometimes misunderstood risk assessment. They were told, however, that if they arrived for a task and there was a clear risk, they should not complete the task.

The BBC had also alleged that staff did not complete the required forms or did not complete them comprehensively. Mr Hobbs suggested that a review of the forms would quickly show that it was not the case that staff routinely submitted very brief forms or collaborated over the detail. (We reviewed a large number of forms. In the majority of cases, a significant amount of detail about the particular circumstances was provided. Staff told us that this was as much for their protection as anything else.)

Mr Hobbs noted that it was inevitable that some staff would complete the forms to different standards and some incorporated more detail than others. They were trained to stick to the facts and to be concise – this was not the same as obfuscation. In any case, Mr Hobbs simply did not believe the collusion theory – there were too many witnesses to incidents and insufficient time for staff to get together to collaborate.

(iv) My assessment

I have judged it right to include in some detail these staff and management accounts of the escort service (as it obtained at Stockley and Egham) in order to understand where things went wrong and to learn lessons for the future. There was a need also to address concerns about GSL's fitness to hold Government contracts.

But given that GSL no longer operates the escort contract, it would be otiose to make recommendations that relate to circumstances that may be peculiar to that company. Nevertheless, I commend to Securicor the value of effective supervision, a responsive and listening management culture, support and feedback to staff, and the need constantly to reinforce positive race relations and detainee care messages and to uphold the highest standards of professionalism. I would also highlight the dangers of de-sensitisation of staff through prolonged working in particularly difficult areas (such as airside) and the need for refresher training and rotation.

I also draw Securicor's attention to Mr Pagnacco's allegation that staff do not always seek authority for use of handcuffs or do not routinely double lock in certain circumstances. I cannot say whether he is right (though what he told me about the circumstances in which this might occur rings true), but clearly the proper use of handcuffs must be carefully monitored.

I have made no fewer than 12 recommendations in this chapter designed to improve the integrity, decency and professionalism of the immigration escort process. Further recommendations are made in the following chapter on

monitoring. Aside from these formal recommendations, I commend to IND and Securicor the various suggestions for improved monitoring and elimination of abuse proposed by stakeholders and others in chapter 4.

7. What we found out about monitoring

A key theme running through this inquiry has been the effectiveness or otherwise of the monitoring of Oakington and of immigration escorts. In this chapter, I bring together my thoughts on the Independent Monitoring Board, the contract monitors, the complaints process, and other forms of independent scrutiny.

(i) The IMB

At Oakington, we spoke to two members of the IMB. I also received a letter from and met informally with the IMB Chair, Mrs Lambert.

I was told that the IMB's membership was nine at the time of the programme, although their complement was 12. Members visited a minimum of twice a week, with a different member coming each time. Each member wrote a report, and the next member in would follow up on it. Because they each visited about every four weeks, they were able to keep abreast of developments. All IMB visits included the DDU and the family block. Mrs Lambert told me that the IMB had raised questions about education, the tannoy, DDU, etc, over the past few years but commented that, "There seems to be a lack of understanding and support from the top and Ministers to requests for improvement within an acceptable time frame."

Mrs Lambert told me that the board members used a checklist system to ensure that all areas of the centre were visited at some time during a rota week. They also included visits to all the agencies on site in their rotas on an ad hoc basis. This gave the other agencies the opportunity to convey any queries to them. She told me that Board members spent a good part of their time talking to detainees in all areas of the centre as well as monitoring services, food, living conditions etc. They visited at various times during 24 hours – early morning, very late evening and occasionally overnight. She said someone visited the DDU every day when there was anyone located there. Mrs Lambert told me in an e-mail dated 3 July that the IMB had challenged the multiple uses of the DDU via the centre management, contract monitor, senior IND officials and in its annual report. They had had "grave concerns" about the DDU, "long before profiling was introduced".

The IMB members told us that the Board was concerned about detainees being placed in the DDU just for looking at the fence and disputed rule 40 decisions on an individual basis. They had also raised the issue of insufficiently detailed SIRs within the centre and with senior IND officials. They were especially concerned if a detainee remained there for more than a couple of days. The IMB said it was sometimes difficult to effect a transfer because the detainee was on Rule 40. The IMB wanted detainees either to be transferred quickly or re-assimilated into the population. Although Ms Lambert told me in her e-mail of 3 July that the Board regularly took its concerns to a number of people, the two members to whom I spoke considered they lacked "clout" and could only make requests/noises.

Mrs Lambert explained that the IMB received complaints via confidential boxes, via other detainees or staff, on the hoof, and through the postal system. She said they also received requests via the Chaplaincy and legal groups.

I was told by the two members that the IMB had received a letter (sent to the Chair and her deputy's homes) a year or so before the programme saying that, if there were problems, they would be on the Green Shift. The letter was referred to the centre manager and contract monitor, but it was agreed that nothing could be done as the letter did not contain any names. However, they agreed to monitor the situation.

Another note along similar lines had been placed in the IMB box. It accused the IMB of being blindfolded and not achieving anything. This too had been discussed with the contract monitor and the centre manager. On this occasion, GSL brought in an independent investigator to look into the matter. GSL reported back that no evidence had been found to support the allegations. They declined to furnish the IMB with a copy of the report, however, on the grounds that they were restricted under employment legislation. The IMB told me that they had not been advised that there had been previous complaints about two of the people listed in the second letter.

The IMB was sure that, if there had been problems, detainees would have approached the IMB or Chaplaincy. They thought the Chaplaincy and the Refugee Council would both report any concerns to the IMB or centre manager. The information that the IMB obtained from detainees, however, was that GSL were okay.

The survey carried out by HM Chief Inspector of Prisons during her 2004 inspection showed that the number of detainees who found it was easy or very easy to contact a member of the IMB was significantly worse than it had been in 2002. This is perhaps the more surprising given the greater average length of stay, and given a range of measures (posters, photo boards and identity badges) introduced by the IMB to raise its profile since the previous inspection.

One member of the religious affairs team was dismissive of the IMB. He thought the IMB lacked teeth and were complacent. He queried their independence and asked who assessed their monitoring. A robust system of Quality Assurance was required. He also thought that what was needed was an Ombudsman for each centre to act in a truly independent capacity and to deal with detainee complaints.

I do not agree with that assessment, but, whilst they were undoubtedly well-intentioned, I was depressed by the suggestion by two members of the IMB that they lacked clout. I should add that this is not a view shared by the Chair, whose e-mail of 3 July set out the various ways the IMB sought to make itself heard and described a number of successes it had had. But the fact that it was a view put forward by the two members to whom I spoke at Oakington is a cause for concern.

I recommend that Oakington's IMB members be offered refresher training in relation to their powers and how to ensure maximum effectiveness.

I was also concerned to learn that, given that the centre is a 24-hour operation, few if any IMB visits are carried out overnight.

I recommend that the IMB carry out more frequent, unannounced visits between 9:00pm and 9:00am in order to assess the centre during all its hours of operation.

Sir Peter Lloyd, who is President of the National Council of Independent Monitoring Boards, wrote to me having consulted with the Forum of Immigration Removal Centre (IRC) IMB chairs. He began by confirming that, despite their regular rota visits and engagement with staff and detainees, "the Board at Oakington, like other IRC IMBs, had been finding no evidence of abuse as portrayed in the BBC programme".

Sir Peter listed a range of suggestions and recommendations that had emerged from discussion with IMB chairs:

- Staff training should emphasise their responsibility to report wrongdoing. This should be reinforced by a code of conduct at each centre with a section on whistleblowing. The code should identify an independent person with whom staff could register concerns in confidence (this could be the IMB Chair). Sir Peter added that, "Full responses to IMBs where staff issues are concerned are not always forthcoming at present."
- Detainees are often unaware of the role of IMBs. The induction programme for detainees should therefore focus strongly on the IMB, and IMBs should also contribute (as they do at Oakington) on the initial training programmes for new staff. (I endorse both these proposals.)
- Board chairs have expressed the willingness of their Board to take on the extra responsibility of travelling with detainees at irregular intervals on in-country escorts. (I agree this may have some added value, notwithstanding the recent installation on vans of CCTV. I also agree with Sir Peter that IMBs should have access to the CCTV tapes and that they should satisfy themselves that there is a genuine opportunity for detainees to report mistreatment when they arrive at a centre.)

Sir Peter added that an imminent review of IMB training would look at the skills needed to identify behaviour and demeanour of both staff and detainees that might indicate problems that had occurred or might do so. He said that there was a need for Boards to develop new ways of ascertaining detainees' views, for example by way of organising small ad hoc groups of detainees plus group consultations with others (such as visitors' groups and families) in regular contact with detainees. The review of training would also look at how Boards review data on complaints. I welcome all these proposals.

In general, I believe that Boards in IRCs (as in prisons) need to develop a range of techniques for taking the temperature of an institution in addition to formal applications and walking the site. I think the idea of regular 'surgeries' (currently being piloted at Oakington) could also be added to the list above.

Currently, there is no Independent Monitoring Board involvement with escorts. A paper put before the IMB National Council on 25 May 2005 invited the Council to consider what role IMBs might take in monitoring this area of activity. The paper noted that there were about 9,000 movements of immigration detainees each month. This meant:

“ ... the vast majority ... could not possibly be monitored by IMB members. But occasional travel on an escort vehicle might give IMBs useful information about the treatment of detainees on them. It would also be for IMBs to consider whether they wanted to monitor a particular journey if they thought it might be a particularly difficult one. The opportunity to view CCTV footage of any journey would also be available to the IMB.”

The paper noted that, until there was legislation to give IMBs a statutory duty to carry out this function, it would have to be at the invitation of the company providing these facilities. (It was understood that this was likely to be forthcoming.)

The paper also proposed that a pilot study of how independent monitors might be used at the deportation points at Heathrow Airport should take place. Again, it would have to be at the invitation of BAA, the owners of these premises.

Finally, the paper noted that there were three immigration short-term residential holding centres (Harwich International Port, Manchester Airport and Port of Dover) and invited the Council to consider whether and, if so, how these should be monitored.

I understand that no firm conclusions were reached at the National Council.

I welcome the initiative to bring IMBs into this hitherto little-policed area of state activity and hope the National Council will decide to throw its weight behind these proposals – and at an early stage. I am concerned, however, that the scope of what is currently under consideration may not be sufficient to capture all activity related to escorts, removals and detention. There are 27/28 holding rooms nationwide (I am not clear whether this figure includes Coquelles), all of which should be subject to robust, independent scrutiny.

I recommend that IND and the National Council of IMBs take steps to provide IMB scrutiny of all areas (that is, vans and holding areas) where detainees are held.

(ii) Contract monitoring

I have been impressed whilst conducting this inquiry with the alacrity with which IND has acted to address issues arising from the BBC programme ahead of receipt of this report and any recommendations. One of the earliest actions it took was to commission a review of the effectiveness of the contract monitoring arrangements at Oakington.

Mr David Robinson carried out the review. In doing so, he interviewed the contract monitoring team, accompanied them on their rounds, reviewed the monitoring arrangements and procedures and conducted an audit of rule 40/42 authorisation files and DDU records.

Mr Robinson noted that the standard computerised monitoring schedule that was used at Oakington determined the frequency and to some extent the depth of the areas to be monitored. However, it was an inflexible tool and failed properly to record some of the softer performance indicators. Nevertheless, he considered the tool was used as required at Oakington and the monitoring schedules were rigorously followed.

Mr Robinson said it was evident that the team were familiar with the site and with the operations within the centre. They were well known to staff and interacted positively with all disciplines. They also had a good working relationship with the IMB. Mr Robinson also observed them informally engage with detainees during their rounds.

The contract monitoring team met regularly with the GSL management on both an informal and formal basis. Incidents and complaints were reported and investigated as required and to a satisfactory standard. Finally, Mr Robinson concluded that the statutory powers that rested with the monitor were in general exercised properly and sensibly, albeit that he identified some concerns in relation to rule 40/42.

Mr Robinson recommended that:

- **The computerised monitoring schedule needs to be redesigned to make it more flexible and adaptable in monitoring and recording non-commercial aspects of the contract;**
- **A training analysis should be conducted across monitoring teams to ascertain the levels of understanding surrounding issues of passive discrimination.**
- **The above recommendations should be applied at all centres where applicable.**

I endorse each of these recommendations.

I should add that the Oakington contract monitor told us that, apart from its official function as a fast track centre, Oakington also took overspill from other

parts of the estate. Asylum caseworkers had no responsibility for this category of case and so much of the casework fell to the contract monitoring team.

The contract monitoring function is of paramount importance to a healthy institution. It should not be compromised by having extraneous functions imposed on it.

I recommend that all casework currently undertaken by the contract monitor be assigned elsewhere.

At the time of the BBC broadcast, three members of staff monitored the escort contracts. Two Chief Immigration Officers (CIOs) monitored the in-country and overseas contracts respectively. They were managed by an Inspector of Immigration. It had originally been considered appropriate that the escort contract monitors should be 'warranted' Immigration Officers because it was anticipated that they would be out and about to a large degree, visiting holding rooms and going airside, as part of their monitoring work. The contract monitors' view was that operational experience was valuable in the monitoring role.

I was told there were four principal elements to the contract monitor role:

- To keep a record of the failures;
- To get the best out of the contractor;
- To monitor welfare issues; and
- Complaints handling.

Complaints and managing 'failures' comprised the lion's share of the ICE contract monitoring job. The CIO responsible told me that contract monitors should not be too soft with the contractors, but equally, imposing penalty points was not always the most constructive way forward. Discretion and understanding of the particular circumstances were required. If the contract monitor judged in a particular instance that penalty points were not the best way forward, however, he was careful to refer the matter up the line, as their brief was to penalise every instance of contractual failure.

One of the team said he was not always clear on how he should be taking things forward. He said he would sometimes go in the direction he thought he was being steered by senior managers only to find someone questioning his actions.

I recommend that clear guidelines are produced for contract monitors.

The ICE contract monitor told me that under the ICE contract, there were about 8/9,000 movements per month, 2/3,000 removals, 6,000 detained in holding rooms and 1,000 turnarounds. He described the physical monitoring therefore as "very nominal". He said there had been a long-standing problem with the level of service GSL provided. His role was therefore almost exclusively office based and involved "counting failures" and making the

company aware of these and fielding and resolving complaints from the operational side. (The other contract monitor's work differed from his. There were not the same operational/service problems on the overseas escort side, so she was able to carry out more physical monitoring.)

The ICE contract monitor said that, with the other pressures on his time, there was no time for visiting. He visited holding centres every three or four months or so but it had been a long time since he had carried out monitoring visits. In any case, the issues thrown up in the regions were of a much lesser order. He wanted to be more visible, but his priorities lay elsewhere. He said senior managers in IND also wanted him to be out and about more, but accepted that it was not possible in present circumstances.

The contract monitor said he mostly had to rely on information passed back to him by the contractor and feedback from Immigration Service operations. A Chief Immigration Officer (CIO) at each centre submitted a monthly digest to the monitoring team covering matters such as paperwork, attendance, catering etc. The contract monitoring team said they would like to provide more support to these CIOs, but had been unable to do so. They were considering the possibility of quarterly meetings to enable CIOs to swap concerns and to facilitate better support from the centre.

(The contract monitor noted that the Short Term Holding Facility Rules had been expected in March 2004. These would have set out service levels and included the possibility of a local contract monitor. Physical monitoring would therefore have been enshrined in legislation. The rules had yet to be effected, however.)

In addition, a new member of the contract monitoring team based at Heathrow had now been appointed. His role was to watch removals and report to the contract monitor. The new team member had attended a C&R course, although he had not taken part. The current ICE contract monitor was due to join him shortly at the airport and his existing post at Feltham was to be filled. This would facilitate a much greater degree of monitoring and quality control.

I welcome the additional resource being allocated to the contract monitoring function and the fact that part of it at least is to be re-located to the site where problems in relation to detainee/contractor confrontation are most likely to occur. This seems to me to be entirely right. I hope that the additional resource will enable the contract monitor to engage more proactively with the contractor and promote detainee welfare issues.²⁸

²⁸ As I have already noted, IND has acted swiftly to address concerns raised by the documentary. These include:

- Introducing closed circuit television coverage into all the vans used for immigration escorts as well as the Queen's Building. Issues relating to picture quality are being addressed;
- CCTV is also to be fitted in holding rooms;
- Securicor have been asked to provide their own visible monitoring of operations;
- Securicor have also been asked to ensure that their supervisors actually supervise and are not simply better-paid DCOs;

Consideration still needs to be given, however, to effective contract monitoring of the many other holding rooms nationwide. I do not consider it appropriate that this be effected by means of reports from local CIOs.

I recommend that IND gives urgent consideration to contract monitoring in relation to all holding rooms.

(iii) Complaints

The Oakington contract monitor told us there were boxes at various locations for detainees to complain either to her or to the IMB, and forms were available from the library. However, not many complaints were received.²⁹ She said there were two types of complaint. Some were about matters such as the food. These could be dealt with straightaway by the contractor. Others were about GSL staff. She classified these as serious and investigated them herself. She would also involve the IND Complaints Unit. There were perhaps three per year of these. The monitor said she had not originally had any training in conducting investigations. IND had, however, provided a little training for contract monitors during the last five years.

One DCO told us that he had heard detainees being threatened with sanctions for complaining.³⁰ They were told SIRs would be submitted on them. A supervisor told us that he directed detainees to the IMB and the contract monitor if they had a grievance, because there was no point in directing them to a member of GSL's staff. He said complaining was viewed as subversive and that whenever a detainee complained about a member of staff, the officer immediately lodged a complaint against the detainee. The detainee was then threatened with prison or deportation.

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- Securicor are to keep better records of day-to-day operations and these will be reviewed by the contract monitors;
 - Hand held cameras are also to be introduced;
 - The Immigration Service and the contractor are looking to introduce sound recording into vehicles. This would help with those complaints that fall short of alleged assault – such as verbal abuse, problems with the heating/air conditioning, offers of food/drink etc; and
 - The Immigration Service has given thought to the possibility of introducing 'secret shoppers' (either as staff or would-be migrants) to discover how staff really operate when they are unaware they are being observed (much along the lines of the BBC reporters). There are both advantages and clear difficulties and drawbacks to the idea. I make no recommendation on this matter.

²⁹ In his letter of 5 July, Mr Banks described a range of measures taken at Oakington to increase access to the complaints system and improve confidentiality. This included a "customer satisfaction" exit survey incorporated in the detainee welcome pack, which is printed in 26 languages. I applaud this initiative. Mr Banks noted, however, that no increase in complaints had resulted.

³⁰ Mr Banks challenged this allegation in light of HMCIP's findings, the opportunities to complain through a variety of channels, the positive comments of detainees to this inquiry and the fact that improvements to access and confidentiality had not resulted in a higher number of complaints. As Mr Banks rightly says, the DCO's remark is unsubstantiated, but it is also a sad fact that any detainee threatened for complaining may also be fearful of reporting the matter.

A member of the religious affairs team told us there was no effective way for detainees to make a complaint. They were told to talk to a GSL officer about whatever bothered them. He said this was worse than pointless. Those who did complain were moved before their complaint was investigated.

Another member of the religious affairs team said, in her experience, complaining almost always incurred repercussion. This could mean being sent to the DDU. In addition, detainees felt they were not being taken seriously and, as a result, the complaints procedure did not work. Finally, she claimed that, although the contract monitor was responsive, she had to refer to GSL managers in order to have the matter investigated, thereby undermining the point of complaining to the contract monitor rather than the contractor. (In fact, this is not the case.)

The chaplain said she had raised with GSL the fact that the complaints procedure was not working, but they were in complete denial. Their response was that detainees were happy to be at Oakington.

Given concerns about contract monitors identifying too closely with the contractor, the suggestion that a contract monitor from another establishment might most appropriately carry out the investigations has merit. It is not dissimilar from the Prison Service practice of bringing in Governors from other establishments to conduct investigations. I am, however, aware of possible logistical difficulties.

I recommend that IND considers the advantages and practicality of contract monitors carrying out investigations into allegations against staff in other centres.

On the escorts side, I understand that Mr David Brown routinely interviewed all staff concerned where a complaint regarding an escort was raised. Mr Brown also monitored complaints in order to identify any trends. However, no checks were made to determine whether particular nationalities featured more regularly than others in complaints and incident reports and/or were discriminated against.

While I commend GSL's monitoring of complaints in order to identify trends and patterns, I am concerned that neither they nor the contract monitors carry out any ethnic monitoring of complaints.

I recommend that all contractors carry out ethnic monitoring of all complaints, overseen by the respective contract monitors.

I was also told that a tacit agreement had developed between GSL and the Immigration Service that GSL would not enforce the removal of someone where there was no prospect of success. This may have brought about a reduction in the number of C&R related complaints. Mr Brown also welcomed the introduction of the Removals Facilitation Unit (RFU) at Heathrow, which had helped to forestall many problems with removing detainees by addressing last-minute concerns that those facing removal may have.

I welcome any initiative that leads to a reduction in complaints. However, a tacit understanding is no substitute for a clearly worded protocol. There should be no uncertainty over what is expected of the contractor when a detainee protests against the removal process.

I recommend that a formal protocol is drawn up between the contractor and the Immigration Service setting out the circumstances in which attempts at removal could be abandoned.

I also recommend that the performance of the RFU – in terms both of facilitating removals and forestalling problems between the contractor and the detainee – is monitored with a view to introducing a RFU at other ports.

The ICE contract monitor told us that, until November 2003 or so, they had only received one or two assault complaints. However, he thought they might have dealt with 30/40 complaints during 2004.

He explained that, on receipt of a complaint, he informed the police (in a case of alleged assault) and the contractor. All alleged assaults had been referred to the police for about one and a half years. This added robustness, conspicuous independence and transparency to the investigation. However, the police apparently had reservations about the process.

The contractor was allowed to carry out a preliminary investigation at this stage provided they did not compromise the police investigation. Once the police investigation was concluded, the contractor was expected to carry out a full investigation. The ICE contract monitor's role was to oversee and, to some extent, direct the contractor's investigation. He did not personally investigate. He encouraged the contractor to be as robust as possible and asked them to do more where he thought this necessary – by seeking evidence from third parties, for example. The overseas contract monitor on the other hand tended to take a more hands-on role, either interviewing officers herself or at least attending when they were interviewed by the contractor. (This was possible because of her lighter workload.)

I am not persuaded that the contractor should investigate allegations against its own staff. Regardless of the effectiveness and thoroughness of such investigations, they lack conspicuous objectivity and will always be vulnerable to criticisms of lack of robustness.

I recommend that contract monitors be instructed personally to investigate all allegations against members of staff.

The contract monitors noted that in the Immigration Service generally, complaints were tasked to Inspectors of Immigration for investigation. On the contract monitoring side, they were tasked to more junior staff – despite the fact that the complaints with which they dealt were more plentiful and much more serious.

The head of team considered that complaints should probably be dealt with by a separate team within IND. It needed someone with operational expertise, sound knowledge of C&R and investigative skills. She said more and more complaints were going to court and raised legal issues. They were a big distraction from their core work. She added that they needed a much better steer on complaints handling as well as formal training.

IND has fairly recently introduced a training package for contract monitors. I have reviewed a copy of the programme and training notes and consider them to be comprehensive. Given what we learned during this inquiry and during the previous inquiry into the fire and disturbance at Yarl's Wood, this is greatly to be welcomed. I note, however, that there is no component dealing with complaints and carrying out investigations. This is a significant oversight.

I recommend that a module on complaints handling and investigation is incorporated in the training package for contract monitors.

Notwithstanding the above, I am very aware that complaints investigation, whether carried out in person or via the contractor, is both time-consuming and a distraction from primary contract monitoring work. Contract monitoring is a vital function and its effective commission should not be compromised in this way.

I recommend that a separate resource is identified and properly trained to handle complaints and associated work.

More generally, I am very concerned by the inconsistencies and inadequacies of the existing complaints system.³¹ Under the Management of Offenders and Sentencing Bill introduced in January 2005, my office would have exercised an independent appellate function at the apex of the immigration detention complaints system analogous to that we enjoy in respect of prison and probation complaints. In that role, I would expect to operate as 'guardian' of the whole complaints system as well as to conduct investigations on complaints that had exhausted the internal procedures. Unfortunately, the Bill did not make progress before the General Election and it is unlikely that I will be given statutory authority for immigration detention complaints before October 2006 or April 2007. However, pending legislation, there is no reason why this cannot be done administratively.

I recommend that IND establishes the office of Prisons and Probation Ombudsman on an administrative basis as the independent tier of its detainee complaints system as a matter of priority. The Ombudsman

³¹ Access to a complaints mechanism, where complaints may be submitted either directly or confidentially to the detaining authority, is one of the UNHCR's Guidelines on Conditions of Detention for Asylum-Seekers (see note 11 above). The Guidelines state that "Procedures for lodging complaints, including time limits and appeal procedures, should be displayed and made available to detainees in different languages." I am not certain if all the centres meet the last part of the standard regarding the translation of complaint posters and leaflets.

should be required expressly to act as guardian of the whole complaints system and funded accordingly.

8. Conclusions

The BBC programme, *Detention Undercover*, showed only one incident of physical abuse of a detainee. However, what it demonstrated beyond doubt was the existence of a sub-culture at both Oakington and amongst escort staff of contempt for foreigners, managers, and the Immigration Service. That sub-culture also evidenced a casual acceptance of violence and abuse. Although I am certain that many GSL staff and managers were disgusted and ashamed by what was what revealed – and for that reason the *scale* of the problem should not be exaggerated by tarring everyone with the same brush – the *nature* of the problem was appalling.

Nor is this a problem for the one company, GSL, alone. GSL only took over the escort contract in January 2003 when its then parent company acquired Wackenhut and took over the staff, uniforms, vehicles and existing ethos. Moreover, amongst the BBC's un-transmitted material was footage relating to a Securicor employee (see p. 19), and some of my witnesses referred to difficulties at removal centres run by other firms. It is also noteworthy that, had it not been for the BBC film, Officer A would today be working with prisoners at HMP Peterborough having passed the contractor's (UKDS's) vetting procedures.

To try to rid the system of such a sub-culture, I believe action is needed to strengthen management (especially front-line management), to increase monitoring, and to encourage moral integrity and resilience on the part of staff.

The management challenge

Managers must constantly reinforce anti-racist messages. They must provide adequate training, effective supervision and regular feedback to staff. They should take steps to ensure that no swearing or 'off-colour' comments are tolerated and challenge every single instance of inappropriate language or behaviour. They must avoid complacency and constantly dig below the surface, questioning everything. They should take pains to address the needs of staff, to foster inclusiveness and encourage feedback from them, whatever its nature.

Cultures take a long time to change. But managers can lead by example and by establishing clear expectations as to language and conduct. In my interviews with witnesses, I referred to the 'broken windows' approach to crime reduction (the principle being that leaving a broken window un-repaired encourages and legitimises further vandalism). Zero tolerance of sexual swear-words would be as good a place to start as any in eliminating unacceptable behaviour amongst DCOs and escort staff.

First-level and middle managers must also be trained and encouraged to use their new responsibilities. This inquiry has revealed serious weaknesses in the management chain both at Oakington and amongst escort staff.

Improving monitoring

I attach equal importance to the strengthening of the monitoring function. IMBs must be rigorous, persistent, authoritative and 'into everything'. They must engage with staff and detainees in a way that ensures they understand what is going on in a removal centre. They should explore the value of surgeries, questionnaires, and wing meetings the better to solicit detainees' genuine views. IMBs should reassess the times they visit, including making many more visits at night-time and appearing when and where staff will least expect them.

Contract monitors must be properly supported by their managers, adequately resourced and freed to concentrate on scrutinising contractors' performance. They must be proactive and focus on softer issues relating to detainee welfare as well as on the 'number crunching' aspect of the role.

An effective complaints system is also essential. In addition, I have proposed a race relations audit of the entire immigration detention estate.

The introduction of CCTV and other technological aids (sound-recording, for example) will also assist, as will strengthening the formal safeguards in respect of holding rooms.

Moral resilience

Forcibly detaining people prior to their enforced removal is not a job like any other. Yet I am conscious that many of those employed by GSL and the other companies are not well paid and work long shifts.

Despite that, I am certain that most staff – both at Oakington and on escorts – want to do their job properly and well. I am also certain that most staff have moral integrity. What is needed are means to strengthen their moral resilience. Moral resilience is unlikely to be learned on a training course, but it can be encouraged by training, by personal example and by the ease of access of arrangements for 'whistleblowing'. Conversely, it can be undermined by managers who do not listen or do not act when concerns are raised.

The nature of both immigration detention and immigration escorts is that, whatever the level of managerial oversight and independent monitoring, much of the work is about the one-to-one relationship between staff and detainees. Although this report is a long one, I hope and trust that GSL, Securicor and the other contractors will encourage all their employees to read and deliberate upon its findings.

9. Recommendations

1. I recommend that all complaints of racism at Oakington, however dealt with, are formally recorded.
2. I recommend that the staff of Green Shift be dispersed equally amongst the other shifts.
3. I recommend that washing, eating and toilet facilities be made available at all sites where detainees are likely to be held for more than an hour.
4. I recommend that Securicor draws my views to the attention of those officers still employed who were responsible for taping the detainee's skirt together between her legs, and considers what further action may be required.
5. I recommend that IND's Detainee Estate Population Management Unit (DEPMU) staff are reminded of the emotional and practical problems (including access to legal advice) associated with movement, and encouraged to keep moves to a minimum.
6. I recommend that the Immigration Service urgently considers the provision of pagers to detainees at Oakington.
7. I recommend that GSL reorganises its ITC to ensure that race relations training informs the whole of the course.
8. I recommend IND reviews the assessment and screening processes developed for the police to determine whether they might be relevant in an immigration context.
9. I recommend that IND considers what information might usefully be given to detainees about Use of Force and in what form. Care must be taken to avoid suggestions of oppression or intimidation.
10. I recommend that IND commissions a race relations audit of the entire removal estate.
11. I recommend that staff are instructed not to touch detainees or their beds while waking them up.
12. I recommend that the Race Relations Liaison Manager's office be re-located in the main compound and that the remit for the postholder should emphasise that they must spend more time out and about.
13. I recommend that the whistleblowing policy be 'talked up' during initial training and further endorsed during subsequent training.

14. I also recommend that a new term be chosen that reflects the positive nature of the arrangements.
15. I recommend that GSL develops a training package for newly promoted managers which should cover amongst other things leadership, giving positive and negative feedback, and effective supervision of staff.
16. I also recommend that, wherever possible, staff are promoted into a different shift from the one in which they have worked as a DCO.
17. I recommend that the senior management offices be re-located at the heart of the compound.
18. I recommend that senior managers ensure that strict deadlines are adhered to when progressing complaints and grievances.
19. I also recommend that those who raise issues or grievances are given regular progress reports.
20. Alongside the contractors, I recommend IND considers establishing a zero-tolerance campaign across the detention estate, with appropriate posters and literature, to remind staff of the expected standards of conduct.
21. I recommend that GSL ceases the practice of highlighting Eastern Europeans and automatically entering their names in the 'Blue Book'.
22. I recommend that GSL managers are reminded to avoid supposition and generalisations in asking for authority to segregate detainees. Evidence should be factual, objective and specific to the individual.
23. I recommend that IND introduces new audit procedures to ensure the objectivity of requests for segregation.
24. I recommend that GSL urgently establishes an area within the main compound for the care of those at risk of suicide and self-harm.
25. I recommend that a protocol is drawn up between GSL and IND specifying the qualities necessary for DCOs allocated to the DDU. Any officers so allocated should have enhanced interpersonal skills and training, and their integrity must be beyond doubt.
26. I recommend that Officers B and C's status is checked and that their accreditation be withdrawn if this has not already happened.
27. I recommend that IND reviews the relationship between escort contracts and removal centre contracts with a view to building in contractual requirements relating to timely presentation of detainees for escorts.

28. I recommend that IND consults with BAA about ways of accelerating entry to Heathrow.
29. I recommend that IND urgently reviews the use of, and conditions in, the Queen's Building at Heathrow.
30. I recommend that IND urgently reviews the lawfulness of the 'segregation room' in Queen's Building and establishes a clear protocol to govern its use.
31. I recommend that IND reviews the Aardvark programme; in particular, it should review the frequency of flights with a view to improving seat occupancy levels.
32. I recommend that staff be trained to ask the detainee by what name he/she would like to be called and to check with him/her their pronunciation of the name.
33. I recommend that further training be provided to escort staff on effective and appropriate engagement with detainees.
34. I recommend that Securicor requires staff to take regular meal-breaks.
35. I recommend that IND and Securicor review the logistics of escorted removals to minimise the time that staff and detainees spend waiting at airports.
36. I recommend that the Immigration Service considers introducing music or radio into vans and that detainees be offered something to read or do during the wait.
37. I recommend that IND negotiates with GSL to produce a version of the DVD that could be used for training purposes.
38. I recommend that IND and its contractors jointly review the shift patterns worked by staff in the immigration detention arena.
39. I recommend that Oakington's IMB members be offered refresher training in relation to their powers and how to ensure maximum effectiveness.
40. I recommend that the IMB carry out more frequent, unannounced visits between 9:00pm and 9:00am in order to assess the centre during all its hours of operation.
41. In general, I believe that Boards in IRCs (as in prisons) need to develop a range of techniques for taking the temperature of an institution in addition to formal applications and walking the site. I

think the idea of regular 'surgeries' could also be added to the list above, and recommend that consideration be given to all these proposals as a matter of urgency.

42. I recommend that IND and the National Council of IMBs take steps to provide IMB scrutiny of all areas (that is, vans and holding areas) where detainees are held.
43. Mr Robinson recommended that:
- The computerised monitoring schedule needs to be redesigned to make it more flexible and adaptable in monitoring and recording non-commercial aspects of the contract;
 - A training analysis should be conducted across monitoring teams to ascertain the levels of understanding surrounding issues of passive discrimination.
 - The above recommendations should be applied at all centres where applicable.
- I endorse each of these recommendations.
44. I recommend that all casework currently undertaken by the contract monitor be assigned elsewhere.
45. I recommend that clear guidelines are produced for contract monitors.
46. I recommend that IND gives urgent consideration to contract monitoring in relation to all holding rooms.
47. I recommend that IND considers the advantages and practicality of contract monitors carrying out investigations into allegations against staff in other centres.
48. I recommend that all contractors carry out ethnic monitoring of all complaints, overseen by the respective contract monitors.
49. I recommend that a formal protocol is drawn up between the contractor and the Immigration Service setting out the circumstances in which attempts at removal could be abandoned.
50. I also recommend that the performance of the RFU – in terms both of facilitating removals and forestalling problems between the contractor and the detainee – is monitored with a view to introducing a RFU at other ports.
51. I recommend that contract monitors be instructed personally to investigate all allegations against members of staff.

52. I recommend that a module on complaints handling and investigation is incorporated in the training package for contract monitors.
53. I recommend that a separate resource is identified and properly trained to handle complaints and associated work.
54. I recommend that IND establishes the office of Prisons and Probation Ombudsman on an administrative basis as the independent tier of its detainee complaints system as a matter of priority. The Ombudsman should be required expressly to act as guardian of the whole complaints system and funded accordingly.

Annex A: List of evidence received

Fr Raphael Armour
Association of Regulated Immigration Advisers
Association of Visitors to Immigration Detainees
Asylum Welcome
Ms Bridget Aweh
Mrs Gillian Baden
Bail for Immigration Detainees
Mr David Banks, Chief Operating Officer, GSL, letter of 5 July 2005
Birnberg Peirce & Partners, Sols
Brighton and Hove Unemployed Workers Centre
Ms Tarin Brokenshire
Cambridge Oakington Concern (CAMOAK)
Campaign to Close Campsfield and Oxford & District Trades Union Council
Commission for Racial Equality
Community Action for Young Refugees
Complaints Audit Committee (including its annual report)
Contract monitor, Campsfield House
Contract monitor, Colnbrook
Contract monitor, Tinsley House
Ms Pamela Cressey MBE
Pastor Daly
Deputy contract monitor, Oakington
Ms Crystal Dickinson, former chair, Yarl's Wood Befrienders
Mr Martin Dickson and Ms Ruth Gould
Mrs Carole Draper, centre manager, Haslar Removal Centre
Ms Emma Ginn
Immigration Advisory Service
Immigration Law Practitioners' Association
Institute for Race Relations
Justice
Kent Campaign to Defend Asylum Seekers
Mrs Penny Lambert, chair, Oakington IMB
Law Society
Legal Services Commission
Sir Peter Lloyd (on behalf of the Forum of IRC IMB Chairs)
Medical Foundation for the Care of Victims of Torture
National Coalition of Anti-Deportation Campaigns (NCADC)
Office of the Immigration Services Commissioner
Ms Anne Owers CBE, HM Chief Inspector of Prisons
Dr Carrie Pemberton, former Religious Affairs Manager, Yarl's Wood removal centre
Refugee Legal Centre, Oakington
Refugee Legal Centre (joint letter with Immigration Advisory Service and Refugee Council)
Refugee Council
Refugee Legal Centre, Oakington
Sr Pat Robb
Save the Children

Customer Service and Contract Compliance Manager, Securicor Justice
Services Ltd
Scottish Refugee Council
Ms Ewa Turlo, Regional Manager, Refugee Legal Centre
United National High Commissioner for Refugees, Office of the
Representative for the United Kingdom
Ms Val Whitecross, Centre Manager, Dover IRC

An anonymous letter from GSL staff at Egham and Heathrow
One member of GSL who wrote requesting I respect his anonymity

Annex B: Witnesses interviewed

Mr Colin Hodgkins, centre manager, Oakington
Mr Bob Webster, deputy centre manager, Oakington
Mr Tom Rees, security manager and deputy centre manager, Oakington
Various DCOs and escorting officers
Mr Russell Hobbs, General Manager, GSL
Mr David Banks, Chief Operating Officer, GSL
Mr John Jasper, Director of Asylum Seeker Services, GSL

Mr Brian Pollett, Director, Detention and Accommodation Services, IND
Ms Alison Hardie, Assistant Director IND, Oakington
Contract monitor, Oakington
Escort monitoring team

Mrs Penny Lambert, chair, Oakington IMB
Ms Lileth Warford, Oakington IMB
Ms Sally Green, Oakington IMB

Mr Simon Boazman, BBC
Mr Andy Pagnacco, BBC
Mr Leo Tilling, BBC
Ms Jane Fellner, BBC

Mr Colin Moses, National Chairman, Prison Officers' Association
Mr Steve Gillan, Vice Chairman, Prison Officers' Association
Mr Paul Campbell, Organiser, GMB

Rt Rev Colin Fletcher OBE, Bishop of Dorchester
Four members of the religious affairs team at Oakington

Annex C: Documents reviewed

Complaints about escorts
Complaints Audit Committee annual report
Contract Monitor Training Package
Escorts contract
GSL investigation report
HM Chief Inspector of Prisons' report of an inspection of Oakington (2004)
Incident reports
IMB Annual Report (Oakington) January – December 2004
Minutes of Securicor escort mobilisation meetings
Oakington contract
Rule 40 documents
Tender documents for the escort services
Yarl's Wood Action Plan

Miscellaneous IND papers

Annex D: A commentary by Lincoln Crawford OBE

1. The inquiry into allegations of racism and mistreatment of detainees while under escort, and while detained at Oakington immigration reception centre, was a response to a BBC television programme broadcast on 2 March 2005. The report tells the story of life at the reception centre and on escort. While bearing his terms of reference firmly in mind, Mr Shaw reminded himself of a statement by the Minister, “that there is absolutely no place for racism anywhere in our society, and particularly within the immigration system. Detention and removal is an essential part of effective immigration controls, but it is vital that it is done with humanity and dignity”
2. The BBC programme, as the report points out, was primarily focussed on the Segregation Unit (the Detainee Departure Unit – DDU) where the majority of detainees were male, primarily Romanians, Albanians or Ukrainians. Therefore, the discrimination that was highlighted by the programme was largely about the treatment of white foreigners, which treatment Mr Shaw describes in the foreword to his report as a “contempt for decent values”. In our society there should be no place for discrimination whether based on nationality or race, but there is no doubt that there is a direct link between asylum seekers and race. Recent research for the Institute of Public Policy Research showed that hostility towards asylum seekers runs deepest among those from areas of social deprivation – the likely group from which many officers would have been recruited – but significantly the research also showed that the greatest rise in anxiety is among the middle classes and the educated, from which some of the senior management are likely to have been recruited. Consequently, the gains made by the Government in community cohesion are not reflected in the attitude towards asylum seekers which, in the current climate, is one of intolerance. Indeed asylum seekers are believed – by many people of all social classes – to receive grossly inflated benefits, priority access to social housing, better healthcare and even free driving lessons. Therefore, the humanity and dignity that the Minister quite rightly said should be extended to those detained at the immigration reception centre and while under escort requires better training, better monitoring and better safeguards to ensure the desired result. Equality and compassion come with a cost and I therefore endorse the relevant recommendations made by Mr Shaw in his report.
3. The central focus of the inquiry was on the conduct of officers towards detainees, but in order to gauge how the detainees were actually treated a range of views from them was required. This was not, nor likely, to have been forthcoming, not least because the turnover in detainees is such that complaints are either not made or, if made, not followed up. The report makes it clear that many detainees were too frightened to ask for the necessary form in order to lodge a complaint and where they did respond to the inquiry gave the impression that all was well. HM Chief Inspector of Prisons, Ms Anne Owers, said in a recent article that “... it is very difficult to assess properly the views of immigration detainees who are so scared

about their case that they may not want to complain, even in confidence. We may need to look at other methods.” Officers would be well aware of the detainees’ fears, the impotence of the contract monitor, the self imposed isolation of the race relations liaison officer, management ineffectiveness, and very likely exercise power over the detainees in a brutal and racist manner.

4. The Race Relations Act 1976 as amended imposes a duty on public bodies such as the Home Office not to unlawfully discriminate and to promote equality of opportunity and good race relations. The same duty attaches to the Immigration and Nationality Directorate (IND) to whom the function of detention and escort of immigrants is delegated.
5. Paragraph 3 of IND’s Associate Race Equality Scheme says race equality “includes Home Office monitoring and control of contractors e.g. those operating detention services to ensure that they and their staff avoid unlawful discrimination and racial harassment, and actively promote race equality”. Therefore, in contracting out an important function such as the detention and escort of immigrants, IND should demand the same level and standard of behaviour expected of it. The point is emphasised in paragraph 9 of its Associate Race Equality Scheme which says “contractors operating detention services or other functions on behalf of IND are controlled and monitored to ensure that they and their staff avoid unlawful discrimination and racial harassment and actively promote race equality”. Evidence from some individuals and groups was given to Mr Shaw that alleged race discrimination was occurring against Africans and people from the Asian sub-continent. One officer openly described a particular block as Pakiland. One does not need a smoking gun in order to conclude that if the treatment against white Europeans was so brutal and discriminatory, it is unlikely that Africans and Asians would have fared any better. Why did the Home Office not pick this up before it was exposed by the BBC? The duty imposed on public bodies by the Race Relations (Amendment) Act is a serious responsibility not to be treated lightly. It must not be flouted with impunity - which is what occurred at Oakington.
6. What occurred at Oakington was recorded on film and therefore it would be easy to single out a few low ranking individuals as the culprits. That would be a mistake. The failure was much more comprehensive and both IN D and the Home Office must bear their share of the responsibility. IND may wish to look again at how and to whom important functions of the state are contracted out.
7. Finally, I would hope that if an investigation such as this were to be carried out again, the Home Office and IND will be able to demonstrate that they were meeting their commitments under the Race Relations (Amendment) Act.

Lincoln Crawford OBE
12 King’s Bench Walk

Annex E: The terms of reference for GSL's wider review

In the light of the recent allegations of racist and disrespectful attitudes and behaviour towards detainees held at Oakington Removal Centre to:

1. Review the adequacy of policies and procedures which support or address the core values of staff behaviour towards and treatment of detainees;
2. Review the process of recruitment, vetting and training of staff, supervisors and management;
3. Review the systems of management and supervision of staff within the centre and the challenges and barriers to effective operation (e.g. grievance procedure);
4. Review the monitoring of the systems for the supervision and management of staff by the company;
5. Review the effectiveness and communication of values, policies and procedures within the organisation and feedback;
6. Review the implementation of the procedure of risk profiling;
7. Review the detainee complaints system;
8. Review the role of the Race Relations Officer, their selection and training;
9. Review the process for performance measurement and quality assurance including the setting of key performance measures, targets and appraisal;
10. Review the processes to encourage the reporting of inappropriate behaviour by staff (e.g. whistleblowing); and
11. Make recommendations to improve the performance of the company and in particular minimise the probability of unacceptable behaviour towards detainees taking place.

The review should take into account the outcome of the company's investigation into the specific allegations and the survey of staff attitudes undertaken following the screening of the television programme, Detention Under Cover.

The review should take account of the advice of the Race Relations Employment Advisory Service where appropriate.