



House of Commons  
Home Affairs Committee

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# Rules governing enforced removals from the UK

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**Eighteenth Report of Session 2010–12**

*Report, together with formal minutes, oral and  
written evidence*

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## The Home Affairs Committee

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### Contacts

All correspondence should be addressed to the Clerk of the Home Affairs Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 3276; the Committee's email address is [homeaffcom@parliament.uk](mailto:homeaffcom@parliament.uk).

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## Background

1. In recent years a number of non-governmental organisations and media reports have raised concerns about the treatment of people who are being removed from the UK on the grounds that they had no right to remain here. These concerns grew in autumn 2010 when Mr Jimmy Mubenga died during a deportation flight from Heathrow to Angola. The three civilian security guards accompanying Mr Mubenga, who were employed by the private security contractor G4S, were arrested and bailed pending further inquiries. This case continues, and we do not intend to comment on it here, but it was the impetus for us to start a broader inquiry into the rules governing enforced removals from the UK, and in particular the role of the UK Border Agency in overseeing the contractors acting on its behalf in escorting those being removed.

2. In November 2010 we took oral evidence from the then head of the UK Border Agency, Lin Homer, and from managers of G4S, the contractor providing escorts for enforced removals. We received written evidence at that time from the UK Border Agency and G4S. We publish the written evidence and the oral evidence from G4S with this report. Lin Homer's evidence has already been published, with our report into *The work of the UK Border Agency*, in January 2011.<sup>1</sup> Several people who had been or were still employed in the custody and security industry expressed an interest in contributing to our inquiry, but were unwilling to give formal evidence on the record. In March 2011, Amnesty International UK sent to us a memorandum which included some allegations from these 'whistleblowers'; this memorandum has subsequently formed the basis of Amnesty International UK's report *Out of Control—the case for a complete overhaul of enforced removals by private contractors*.<sup>2</sup>

## Use of force in the removals process

3. The UK Border Agency set out the consequences when someone claiming asylum or seeking a visa to remain in the UK has their claim or request refused. The Agency expects such people to leave the country promptly. If they fail to do so, they may be subject to enforcement action, including detention and removal. Convicted foreign national criminals whose continued stay in the UK is considered not to be conducive to the common good similarly are subject to enforced removal. The Agency told us:

In the vast majority of cases where we detain and remove individuals, they are taken to the airport by escorts, but leave compliantly, travelling home alone. In a small number of cases, escorts may need to travel with the detainee either because they are unwilling to leave voluntarily, because they are otherwise vulnerable (e.g. they have a condition which requires the presence of a medic) or because they are being removed on a flight chartered by the UK Border Agency. Even then, the vast majority of these

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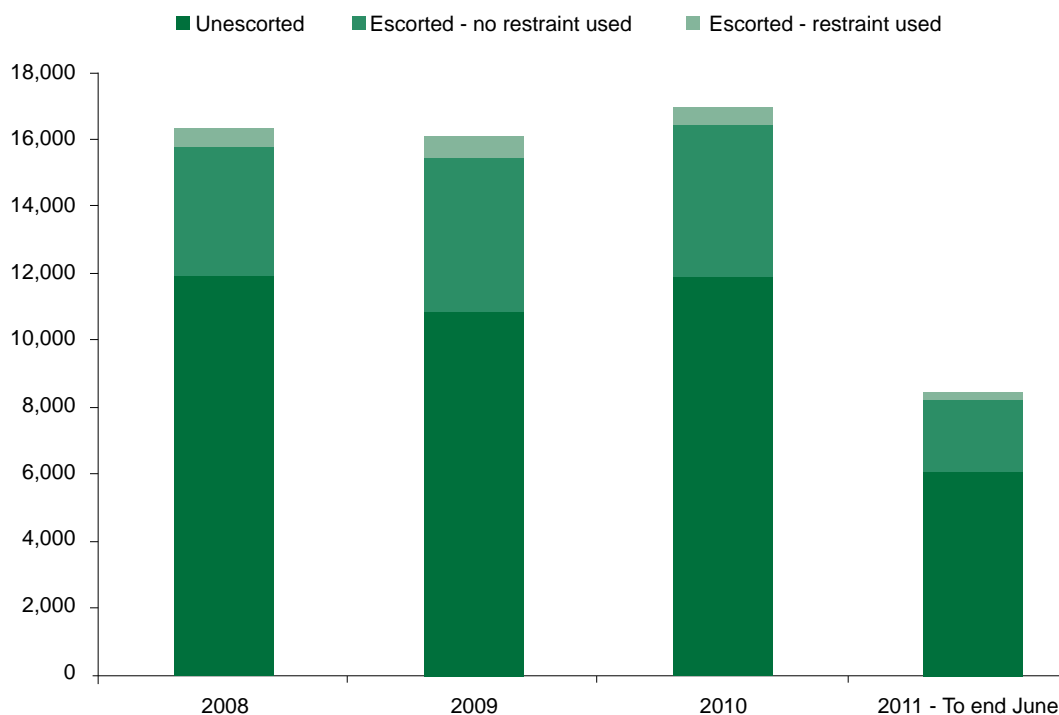
1 Fourth Report of Session 2010–11, HC 587 In this report, Lin Homer's evidence will be distinguished by references in the form Q x (UKBA)

2 Published on 7 July 2011

individuals leave the UK compliantly, but in a small number of cases, escorts may need to use restraint to ensure the individual complies with their removal.<sup>3</sup>

The Agency has provided us with figures for the number of removals over the previous three years, distinguishing between escorted and unescorted returns, and for escorted returns showing the number of times physical restraint was used.<sup>4</sup>

**Number of removals**



G4S said that since the start of its contract in April/May 2005, it had “removed or attempted to remove” 125,462 detainees and dealt with 59,244 as ‘turnarounds’ at airports (someone stopped at a port of entry, refused leave to enter and returned from that port)—a total of 184,706.<sup>5</sup>

4. Operational instructions governing forced removal of illegal immigrants provide that force can be used “to keep a detainee in custody, to prevent violence, to prevent destruction of property of removal centre or of others, and to prevent detainees from seeking to prevent their removal physically or physically interfering with the lawful removal of another detainee”.<sup>6</sup>

5. The death of Jimmy Mubenga was the first to occur during enforced removal since Mrs Joy Gardner died after being gagged and restrained by officers from the Metropolitan Police’s specialist deportation squad at her home in London in 1993. The officers involved

3 Ev 15

4 Letter from the Chief Executive of the UK Border Agency dated 16 November 2011 (Annex A). The figures were provided with the caveat that the information was based on local management Information rather than published statistics and was therefore subject to change.

5 Ev 15. The figures were supplied in October 2010.

6 Report to the UK Border Agency on “Outsourcing Abuse” by Baroness O’Loan DBE (UKBA, March 2010)

in Mrs Gardner’s death were found not guilty of manslaughter at a subsequent trial, but the specialist deportation squad was disbanded and the job of carrying out forced deportations is now contracted out by the UK Border Agency to private security firms.

6. However, in July 2008, Birnberg Peirce & Partners (a London firm of solicitors), Medical Justice (a charity that campaigns for adequate healthcare provision for immigration detainees) and the National Coalition of Anti-Deportation Campaigns published a report entitled *Outsourcing Abuse*, which gave details of almost 300 cases which it claimed showed evidence of abuse:

We have found an alarming and unacceptable number of injuries have been sustained by those subject to forced removals ... In all cases in our dossier, what may have started off as ‘reasonable’ force turned into what we consider to be excessive force.<sup>7</sup>

7. Dame Nuala O’Loan (now Baroness O’Loan) was appointed by the then Home Secretary to investigate the claims made in *Outsourcing Abuse*, which covered both detention prior to removal from the country and escort during removal. In March 2010 she published a report which:

- Rejected the claim of “systemic abuse”, saying there was no pattern of inappropriate force by any individual.
- Criticised the UK Border Agency for failing to investigate complaints of abusive treatment properly—three cases had involved serious injuries including a punctured lung, a broken finger and a dislocated knee.
- Concluded that: “Over the period under investigation there was inadequate management of the use of force by the private sector companies. This resulted, on occasion, in failures properly to account for the use of force by recording fully the circumstances and justification for the use of force.”
- Concluded that: “The use of force training which officers receive does refer to the legal obligations governing the use of force. However this was not reflected in the bulk of the case papers which I examined. I have therefore made recommendations to address this issue.”
- Expressed concerns in relation to the guidance, management and training for the use of handcuffs.<sup>8</sup>

8. Both G4S and the UK Border Agency assured us that Baroness O’Loan’s recommendations were being implemented, although the Agency argued that the original *Outsourcing Abuse* report had exaggerated the extent and seriousness of the problem of excessive force. Lin Homer, Chief Executive of the UK Border Agency, told us: “I think

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7 Birnberg Peirce & Partners, Medical Justice and the National Coalition of Anti-Deportation Campaigns, *Outsourcing Abuse*, July 2008

8 Report to the UK Border Agency on “Outsourcing Abuse” by Baroness O’Loan DBE (UKBA, March 2010)

much of it was not capable of being evidenced by Medical Justice or by Birnbergs, despite a very lengthy period being provided to them to provide evidence to support that.”<sup>9</sup>

9. G4S told us that from April/May 2005 to November 2010 they had received 481 complaints relating to removals. Of these, 252 involved escorting removals overseas, of which 25 (or 10%) were substantiated; and 186 alleged assault related to the use of force on overseas escorting, of which six (or 3%) were substantiated. The six substantiated complaints were that: a detainee’s arm was held too tightly leaving pressure marks (in 2006); a detainee was restrained by using an inappropriate neck hold (in 2006); a detainee was left too long in handcuffs (in 2008); a detainee was controlled inappropriately by pulling handcuffs (in 2009); inappropriate force (leg strikes) was used to dress a detainee (in 2009); and an escort applied pressure to a detainee’s handcuff (in 2010).<sup>10</sup>

10. G4S argued that serious injuries to detainees were extremely rare, even when detainees became disruptive, violent or attempted to escape, although minor injuries were almost inevitable where physical restraint had to be used.

There is a risk of injury to detainees involved in the Use of Force. The response letter sent to detainees by UKBA following an investigation by Professional Standards Unit (UKBA body) in assault complaints almost always states that some relatively minor injury is inevitable. In such situations, especially if handcuffs have to be applied, the most common form of minor injury to detainees is reddening and soreness of wrists following handcuffing during Control and Restraint.

Occasions when detainees have been seriously injured (broken bones, cuts requiring stitches or above) are rare.

G4S records on Use of Force (compiled from information supplied on Use of Force Incident Reports and notified to UKBA) note if a detainee has sustained injury. These have been examined to identify injuries other than minor injuries and only the following are recorded:-

11/10/2005, Glasgow Airport—detainee with cut head. No complaint received.

13/05/2006, Glasgow Airport—detainee with broken bone in hand. No complaint received but investigation completed by UKBA and no further action required.

24/01/2006, Heathrow Airport—detainee with cut above eye. No complaint received.

01/10/2006, Heathrow Airport—detainee with two broken bones. Complaint received. The complaint was not substantiated by UKBA.

29/01/2007, Heathrow Airport, detainee with dislocated knee. Complaint received. The complaint was not substantiated by UKBA.

16/05/2009, Gatwick Airport, detainee lost a tooth. No complaint received.

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9 Qq 54–56 (UKBA), see also Q4 (G4S)

10 Ev13



01 /10/2010, LHR/Lagos Flight, detainee with suspected broken nose. No complaint received.<sup>11</sup>

11. Those who have no right to remain in the UK must leave the country and, if they refuse to do so voluntarily, they may have to be detained for a short time, if necessary escorted throughout the flight and, in extreme situations, may have to be restrained physically in order to prevent greater harm. However, whenever the state uses force to coerce a person, there need to be checks on that force. These checks take the form of carefully constructed procedures to limit harm, of adequate training and proper supervision of staff, and adequate means of complaint and redress if anything goes wrong. Where the state has contracted out responsibility for coercion, it retains ultimate responsibility for ensuring that all the checks are in place and working well. It is important that this is understood within the culture of both the Agency and that of its contractors, and not just acknowledged in formal documents. This is one of a number of areas of activity where there appears to be a reluctance by officials to accept constructive criticism, and as the UK Border Agency is not an independent body, but is in fact an integral part of the Home Office, this is a matter that we call on the Home Secretary to require the Permanent Secretary to address as part of the central management responsibilities of the Department.

### **Control and restraint procedures**

12. Contractors working for the UK Border Agency may use only the control and restraint procedures developed and approved by HM Prison Service.<sup>12</sup> G4S said: “As a company we cannot alter the guidance or training methods from that approved by the relevant Government agencies.”<sup>13</sup> These comprise a series of detailed procedures which are intended to minimise the possibility of pain and injury to the detainee, or to those required to restrain him or her. Different techniques apply if the detainee is a minor.<sup>14</sup> G4S said that the key difference in the approaches was that juveniles could not be subjected to methods intended to cause pain, whereas adults could.<sup>15</sup> Both the UK Border Agency and G4S emphasised that force could lawfully be used only as a last resort and that any use of force must be necessary and proportionate.<sup>16</sup>

13. In July 2010, the Ministry of Justice published a document entitled ‘Physical Control in Care Training Manual’, following a campaign by the families of two youths who died whilst being held at secure training centres in 2004. The Manual warns that certain restraint measures can cause permanent injury, and, for example, under the heading of ‘Medical Advice’ warns that the single greatest risk factor for permanent injury or death is prolonged restraint, where the person violently resists for an extended period of time.<sup>17</sup>

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11 Ev 13

12 Q 44 (UKBA)

13 Ev 14

14 The techniques used for minors are known as “Physical Control in Care”; those used for adults are known as “Control and Restraint Techniques”

15 Q 11

16 Qq 6-7 and Ev 16

17 Ministry of Justice, *Physical Control in Care Training Manual*, July 2010, p 33

G4S assured us that the changes in the treatment of minors recommended in these guidelines had been implemented by November 2010.<sup>18</sup>

14. We asked about the restraint techniques used, in particular in the difficult and confined conditions of aircraft. G4S said detainees might be handcuffed in aircraft, or they might be subject to shoulder holds and arm locks to keep them seated, or their head might be physically restrained in an upright position; it denied that any techniques to hold the neck or keep the head down were used.<sup>19</sup> Ms Homer said that, where there were specialised requirements not fully covered by normal Ministry of Justice or National Offender Management Service guidelines—such as the problem of escorting people in confined but public spaces such as aircraft—the Agency tended to commission the Ministry of Justice to conduct research on techniques and to provide advice on medical issues, specific training, and the evaluation of techniques.<sup>20</sup> This seems to suggest that the Agency—which, as we have commented elsewhere, is in fact an integral part of the Home Office—should be commissioning work from another government department. We suggest that this should have been referred to as work being commissioned by the Home Office from the Ministry of Justice, and that the lines of responsibility for such commissioning activity should be made clear.

15. The difficulty of restraining detainees in an aircraft seat was highlighted in July 2011, with the publication of new research evidence, funded by the Youth Justice Board for England and Wales, which showed that seated restraint positions in which the person is leant forwards may increase the risk of harm or death when they are used for prolonged periods.<sup>21</sup> Researchers noted that the level of force applied by staff carrying out the experiment (on student volunteers) was slight compared to what might be expected in a resisted, real-world restraint; but volunteers nonetheless reported a feeling of being unable to breathe, and a significant reduction in lung function was measured. In one case, the volunteer felt obliged to abort the procedure.

16. Although the Agency and its contractors deny that head-down restraint positions are used, the O’Loan Report noted that “under current Control and Restraint techniques a person’s head will be held down to prevent them from biting”,<sup>22</sup> and *Outsourcing Abuse* describes several incidents in which detainees claim to have been restrained with their heads held down or with their bodies bent forwards.<sup>23</sup> It is difficult to believe that all these accounts are complete fabrications.

17. It is sensible for a single agency—HM Prison Service—to take the lead in developing and evaluating safe control and restraint procedures. However, there is the danger that the specific needs of other agencies, including the UK Border Agency, might be overlooked. This is particularly true of techniques which can be used safely in the confined, crowded

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18 Ev 15 and Qq 33–38

19 Qq 16–21

20 Q 58

21 Parkes, et al, Effect of seated restraint and body size on lung function, *Medicine, Science and the Law*, Vol. 51, pp. 177–181.

22 Op cit, p 51

23 See, for example, cases B1, B5 (and F6) B7, B8, C4, C7, D4, E2, F1, F7 and F9.

and public space of an aircraft. Reports of head-down restraint positions are troubling in the light of recent evidence which shows that the prolonged use of such positions might carry a risk of death. Equally troubling is the denials by G4S management that such techniques are ever used, by which they appear to mean that staff are not trained to use seated, head-down positions and that the use of such techniques is not reported back to them.<sup>24</sup>

**18. We are not persuaded that head-down restraint positions are never used, even though they are not authorised. We recommend that the Home Office issue urgent guidance to all staff involved in enforced removals about the danger of seated restraint techniques in which the subject is bent forwards. We also recommend that the Home Office commission research into control and restraint techniques which are suitable for use on an aircraft. The use by contractors of unauthorised restraint techniques, sanctioning their use, or failing to challenge their use, should be grounds for dismissal.**

### Escort to detainee ratios

19. One of the findings of the inspection reports was that there were too many escorts on the flights. Instead of the notional complement of around two escorts to one detainee, there were 104 escorts accompanying 35 people on the Jamaica flight, and on the Nigeria flight there were 131 staff for a planned total of 59 people (though in the event only 53 people were removed). The inspection report on the Jamaica flight recorded that the number of staff present created unnecessary crowding at some stages of the process, which put extra pressure on detainees.<sup>25</sup> The Chief Inspector told us that

It is a lot of people [...] and I think some of the problems that occurred were simply because some of the escort staff did not have anything to do, they were bored.<sup>26</sup>

20. The high ratio of staff to detainees was at least in part due to a number of those who were scheduled to be removed dropping out of the process at a late stage, mostly due to High Court injunctions.

**21. The use of excessive numbers of escorts, to the extent that HM Chief Inspector of Prisons believes that escort numbers are in some cases detrimental to the removals process, is hard to justify against a background of reduced staffing levels across the public sector. It is a symptom of a weakness in the contracting process that the contractor is able to supply more staff than are required to do the job, with costs passed on to the Home Office. When the contract for enforced removals is next revised, it should specify precise ratios of escorts to detainees and the contractor should be able to depart from these only for clearly-defined, operational reasons.**

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24 Qq 15–26

25 Op. cit., pp 8–9

26 Q 51

### *The use of “reserves”*

22. In order to maximise the occupancy of seats on charter flights, the Agency uses “reserves”—detainees who are taken to the airport in order to fill a vacant space should another detainee’s removal be blocked at a late stage in the process. This means that in some cases, more detainees are taken to the airport than there are available seats on the flight. Moreover, detainees are not told that they are going as reserves. Some of them, having prepared to return to their country of origin, are returned to detention if no seat is available on the flight. These people may be returned to a different immigration removal centre from the one which they have just left.<sup>27</sup>

23. The Chief Inspector describes this practice as “objectionable and distressing”, and “inhumane.”<sup>28</sup> Although he has recommended that it should cease, the Home Office continues to defend it on the grounds of efficiency.<sup>29</sup> **We agree with HM Chief Inspector of Prisons, that the use of reserves on enforced removal flights should be discontinued.**

### *Practicalities of removals*

24. Before any detainee is removed from the UK, a detailed form has to be completed by Agency staff and those escorting the detainee which—among other things—gives an indication of any problems that might arise during removal and lists risk factors, and includes a health review completed by medical staff at the detention centre.<sup>30</sup> This assessment enables the Agency and its contractor to determine the number of escort staff, the route, the flight to be taken, and so on.<sup>31</sup> We were provided with a copy of this form, which is reproduced at Appendix 1.<sup>32</sup>

**25. It seems to us that the form concentrates mainly on any risk to those escorting the detainee rather than to the detainee him/herself. Moreover, the section on health is cramped, and it is not at all clear that it would necessarily be completed in a way to make it immediately comprehensible to a non-medical expert, like an escort officer: the lack of space would tend to force the experts to make terse notes rather than giving helpful detail. This is of special importance if the use of some—or any—restraint techniques might exacerbate an underlying medical condition, such as heart disease or asthma.**

**26. While we do not want to add to the paperwork which detention centres and escort officers have to deal with, we consider that there is a strong argument for providing a simple indication on the front page of the form flagging up the fact that the detainee has a medical condition which might lead to problems in the stressful conditions of enforced deportation. If a possible problem is flagged up, then the escort officers should be briefed on the practical consequences before the removal begins.**

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27 This practice is described in HM Chief Inspector of Prisons’ Report on an announced inspection of Tinsley House Immigration Removal Centre, 7–11 February 2011 (published July 2011).

28 Ibid, p. 5

29 Qq 46–47

30 Qq 64–69 (UKBA)

31 Ev 12

32 Page 15. The form is reproduced at about 90% of its original size.

## Supervision and monitoring of removals

27. It is impossible for either the contractors or the Agency to supervise all removals, so reporting and monitoring are vital. We were told that, where this was practicable, CCTV cameras and audio recording equipment were installed to monitor the movement of detainees, for example in detention holding rooms and in the vehicles used to transport detainees to airports, with recordings being kept for three months. Moreover, on charter flights, two medical practitioners and at least one Agency official were present.<sup>33</sup>

28. Whenever physical restraint is used, escort officers have to complete a detailed report explaining the circumstances of the incident, why restraint was necessary and what was done. These reports are made in the first place to the senior managers of the contracting company, but are then sent at once to the Agency's contract monitor for review.<sup>34</sup> If the contract manager considers that the use of force may have been inappropriate, the report is passed to the Agency's Professional Standards Unit for investigation.<sup>35</sup> In the most serious cases, the police may also be informed so that they can investigate. However, while escorts were required to note any minor injuries to the detainee or the fact that there were no signs of injury, there was not an automatic medical examination if the detainee appeared to have been injured, unless the injury seemed serious.<sup>36</sup>

29. As far as monitoring is concerned, the Agency's contract manager makes what the Agency describes as "ad hoc visits" to airports to check on the procedures being used, and HM Inspectorate of Prisons also regularly inspects and publishes reports on all immigration detention facilities, including noting and commenting on concerns related to the use of force during removals. Independent Monitoring Boards at Heathrow Airport, Manchester and in Scotland make frequent unannounced visits to detention centres and review the care of those being escorted at the time.<sup>37</sup>

30. Earlier this year, inspectors from HM Inspectorate of Prisons observed removal flights first-hand for the first time. Inspectors accompanied a flight to Jamaica in March and a flight to Nigeria in April.<sup>38</sup> Some findings were positive—collection from detention centres and transport were generally well-organised, escorts were generally calm and professional and dealt sensitively with the inevitable stresses and complications which arose. However, inspectors also recorded instances of the use of racist language by some contractors:

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33 Qq 43–44

34 Qq 8–10

35 The Professional Standards Unit is part of the UK Border Agency (and therefore part of the Home Office). It is responsible only for complaints about the conduct of UK Border Agency staff, not for professional standards in other parts of the Home Office. If complainants are unsatisfied with the outcome of the investigation by the Professional Standards Unit, where they relate to the treatment of detainees they can complain to the Prisons and Probation Ombudsman. There is a separate UK Border Agency Security and Anti-Corruption Unit which investigates cases where corruption is suspected.

36 Q10

37 Ev 16

38 HM Chief Inspector of Prisons, *Detainees under escort: Inspection of escort and removals to Jamaica 24–25 March 2011* and *Detainees under escort: Inspection of escort and removals to Nigeria 20–21 April 2011* (published July 2011).

Some officers used highly offensive and racist language during conversations that could be overheard by detainees.<sup>39</sup>

A senior officer used wholly unacceptable terms to describe some minority groups; these included ‘gippos’, ‘pikeys’ and ‘typical Asians’. This was not in the hearing of detainees, but it could be heard by other officers and communicated a disrespectful and racist attitude.<sup>40</sup>

31. We confirmed with HM Chief Inspector of Prisons that the offensive language came from contractors and not from UK Border Agency staff and that the staff knew that HMIP staff were present when the remarks were made.<sup>41</sup> Agency staff who were present did not challenge the contractors when they made these comments.

**32. It is a matter for serious concern that contractors should use racist language among themselves. That they were content to do so in front of not only UK Border Agency staff but also inspectors from HM Inspectorate of Prisons is shocking. It is possibly the result of a relationship between the Agency and its contractors which had become too cosy. We recommend that the senior management of the UK Border Agency send a clear and strong message to staff who are involved in removals, that they have the full support of senior management in challenging the use of racist language by contractors, and that they are expected to do so. The contract should be amended to include a provision which requires the contractor to pay a financial penalty to the Home Office where there is a proven incident of the use of racist language by its staff.**

### **Complaints procedure**

33. G4S said that every complaint of ill-treatment by a detainee or a third party not notified directly to the UK Border Agency was immediately forwarded to the Agency by the company. The Agency’s Professional Standards Unit would then carry out an investigation, which it tried to complete within twelve weeks. Where assault or other criminality was alleged, the complaint would be automatically referred to the police at the same time. If the complaint was substantiated, the Agency’s response varied according to the seriousness of the ill-treatment, ranging from the provision of informal guidance by the company to the officer concerned through to revocation of accreditation to work as an escort. Any detainee dissatisfied with the Agency’s investigation could refer the matter to the Prisons and Probation ombudsman.<sup>42</sup>

34. G4S and the Agency provided us with figures on the number of complaints made and upheld. According to G4S, from April 2005 to November 2010, 186 complaints were made about the use of force during overseas escorting, of which six had been wholly or partly substantiated.<sup>43</sup> The Agency gave figures for complaints between January 2009 and

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39 Nigeria Report, paragraph 4.18

40 Nigeria Report , paragraph 4.21

41 Qq 54–58

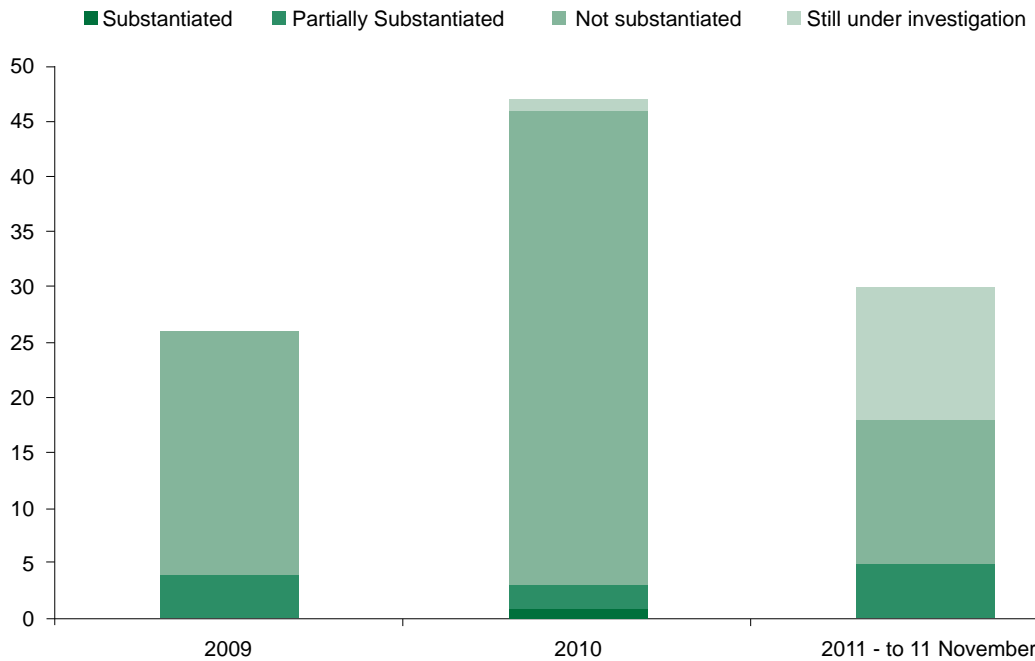
42 Ev 16

43 Ibid



November 2010, stating that no records of complaints were kept centrally before January 2009. The Agency's figures are set out in the following chart:<sup>44</sup>

#### Complaints received by current status of investigation



35. G4S could not tell us specifically what happened to the relevant officers as a result of the six complaints that had been substantiated, but they did say that two people had been dismissed during that period for inappropriate behaviour, and one had resigned before the investigation had finished.<sup>45</sup> They later confirmed that, since 2005, twenty staff in total had been disciplined, ranging from written and verbal warnings, additional obligatory training to dismissal. Of these, they told us that the majority of the actions were taken due to the company's own internal reporting process.<sup>46</sup>

36. It is impossible to be sure whether the low number of complaints of inappropriate use of force during removals reflects a system that basically works well or one where potential complainants do not act because they have been removed from the country and think it not worth their while, or because they expect agents of the state to use violence, or because they hope to return to the UK and do not wish to appear to be troublemakers.

37. The number of incidents recorded in Outsourcing Abuse, together with the findings of the O'Loan Review, suggest that the scale of the problem is likely to be much greater than the number of complaints would suggest. We accept Baroness O'Loan's finding that there is no evidence of systematic abuse rather, it suggests a significant number of isolated incidents. As with the use of racist language, we are concerned that this is an area where UK Border Agency staff may not feel confident to challenge contractors when they really should do so. The Agency cannot rely on the complaints process to flag up recurrent

<sup>44</sup> With the caveat that the data was based on management information rather than published statistics and was subject to change.

<sup>45</sup> Qq 28-32

<sup>46</sup> Ev 14

problems because most people, once they have been removed from the country, will either find it too difficult to make a complaint, or will not see the point in doing so.

38. We have heard concern from a range of sources about the treatment of detainees on enforced removal flights, which is not reflected in the number of complaints, for understandable reasons. Those who have already been removed from the country are less likely to see the complaints process through to its conclusion. Part of the problem, in our view, is that the Agency's monitoring of contractors has not been sufficiently robust. HM Chief Inspector of Prisons clearly has a significant part to play in ensuring that high standards are achieved and maintained, but there is a limit to the number of inspections that the Inspectorate can undertake.

39. An important safeguard against the ill-treatment of prisoners is the Independent Monitoring Board, a group of independent volunteers who have unrestricted access to the prison, who can talk to prisoners privately, away from the hearing of staff. Board Members are able to deal with specific problems relating to individual prisoners as well as wider issues affecting the whole prison. Immigration removal centres also have Independent Monitoring Boards, as do some holding facilities at airports. It would clearly not be possible to provide Independent Monitoring Boards with access to removals flights in exactly the same way that they have access to prisons, but access could nonetheless be provided. For example, it might not be possible for each Board to monitor the removal of detainees from its own removal centre since detainees from several centres may be removed on the same flight, but it should be possible for a representative of one Board to have access to each flight. An independent presence on removals flights would be a positive influence on those conducting the removal, as well as providing public reassurance about the standard of care and decent treatment that is provided on flights.

**40. We recommend that members of the Independent Monitoring Boards for immigration removal centres—or a similar independent monitoring network—be given access to chartered removal flights. However, the main issue is the need for better management and more confident behaviour by staff of the Agency and this is a matter that must be addressed by the Permanent Secretary in relation to removals as well as to the generality of the work of this Agency which is—as we have pointed out repeatedly—an integral part of the Home Office and not an independent or arm's-length agency.**



# Appendix 1

**PROTECTIVE MARKING - TO BE APPLIED WHEN OPENED  
AND KEPT UNDER REVIEW**

## PERSON ESCORT RECORD FORM

### PER

<b>NOT FOR RELEASE – (Full Reason To Be Entered)</b>	<b>Tick if applicable</b>
<b>CARE PLAN ENCLOSED</b> <i>(Police Use)</i>	
<b>SELF HARM WARNING FORM ENCLOSED</b> <i>(Contractor Use)</i>	
<b>Assessment, Care in Custody &amp; Teamwork (ACCT) ENCLOSED</b> <i>(HMPS Use)</i>	



**Surname** .....

**Forename** .....

**Prison No** .....

**Date of Travel** .....

**PROTECTIVE MARKING - TO BE APPLIED WHEN OPENED  
AND KEPT UNDER REVIEW**

## PERSON ESCORT RECORD FORM RISK INDICATOR

<b>PRISONER/DETAINEE IF NOT FOR RELEASE - TICK</b>	<input type="checkbox"/>	<b>REASON</b>			
<b>FROM</b>		<b>TO</b>		<b>DATE OF TRAVEL</b>	
<b>SURNAME</b>				<b>NUMBER</b>	
<b>FORENAME</b>				<b>DOB</b>	
<b>ALIASES</b>				<b>RELIGION</b>	
<b>MALE</b>	<input type="checkbox"/>	<b>FEMALE</b>	<input type="checkbox"/>	<b>ETHNIC CODE</b>	<input type="checkbox"/>
				<b>UNDER18</b>	<input type="checkbox"/>
				<b>P.Y.O</b>	<input type="checkbox"/>
				<b>P.P.O.</b>	<input type="checkbox"/>
(POLICE USE ONLY) PNC WARNING SIGNALS (IF YES, SEE DETAILS OF RISK BELOW)				<b>YES</b>	<b>NO</b>
				<b>PNC ID</b>	

<b>OFFENCE/CHARGE</b>				If further information needs to be added, tick here and include on the Record of Events page.		
<b>PREVIOUS CUSTODIAL HISTORY</b>	<b>POLICE</b>	<b>YES</b>	<b>NO</b>	<b>PRISON</b>	<b>YES</b>	<b>NO</b>

Complete the Risk Indicator in accordance with the Guidance Notes on the opposite page. If no risk is known, tick the 'No Known Risk' box and sign to confirm at the bottom of the Form. The details of risk provided on this form must be accurate at the time of dispatch.

No Known Risk

RISK	DETAILS OF CURRENT & RELEVANT RISK	INITIAL IF RISK CHANGED
SUICIDE/SELF HARM		
AT RISK OF PHYSICAL OR VERBAL ABUSE		
VIOLENCE/ RISK TO OTHERS		
ESCAPER/CAT 'A'		
DRUGS/ALCOHOL		
HOSTAGE TAKER		
CONCEALS WEAPONS OR OTHER ITEMS		
STALKER/HARASSER/ INTIMIDATION		
RACIAL/HOMOPHOBIC MOTIVATION		
SEX OFFENCE		
COMMUNICATION/ LANGUAGE DIFFICULTIES		
OTHER (SPECIFY)		

<b>NAME</b>		<b>SIGNED</b>		<b>DATE</b>		<b>TIME</b>	
If more than one person is completing both sections of the Risk Indicator, initial here and sign at the bottom.							

<b>HEALTH RISKS</b>			CONTACT NUMBER FOR HEALTH QUESTIONS		
RISK	DETAILS OF CURRENT & RELEVANT RISK	TICK IF NO KNOWN RISK	INITIAL IF RISK CHANGED		
HEALTH - MEDICAL					
HEALTH - MENTAL					

<b>NAME</b>		<b>SIGNED</b>		<b>DATE</b>		<b>TIME</b>	
-------------	--	---------------	--	-------------	--	-------------	--

This section is required if more than one person has completed the Risk Indicator section above

<b>NAME</b>		<b>SIGNED</b>		<b>DATE</b>		<b>TIME</b>	
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### RISK INDICATOR GUIDANCE NOTES

**PRISONER/DETAINEE IF NOT FOR RELEASE - TICK** must be ticked if an individual is not for release, and a full reason must be given.

**NUMBER** refers to the unique number that a particular agency gives to an individual.

**ETHNIC CODE.** The following codes will be used:

A1	Asian or Asian British Indian	M3	Mixed White & Asian
A2	Asian or Asian British Pakistani	M9	Mixed other
A3	Asian or Asian British Bangladeshi	NS	Not stated
A9	Asian other	O1	Chinese
B1	Black or Black Caribbean	O9	Any other
B2	Black or Black British African	W1	White British
B9	Black other	W2	White Irish
M1	Mixed White & Black Caribbean	W9	White Other
M2	Mixed White & Black African		

**P.P.O. /P.Y.O** If the individual is a Prolific and Other Priority Offender, or a Persistent Young Offender this box must be ticked.

**P.N.C. ID WARNING SIGNALS** is for police use only. Delete either Yes or No. Relevant risk must be recorded in the appropriate boxes.

**OFFENCE.** Include the Offence. If further information is required, tick the box and include it on the Record of Events page.

**PREVIOUS CUSTODIAL HISTORY.** Delete either Yes or No on every occasion.

If a known risk exists, it must be recorded in line with the guidance below.

If no known risk exists, a tick must be placed in the **NO KNOWN RISK'** box.

<b>SUICIDE/SELF HARM</b>	To be completed if the prisoner: <ul style="list-style-type: none"> <li>has or has attempted to self-harm.</li> <li>is at known risk of self-harm (e.g. has threatened self-harm / on open ACCT Plan)</li> <li>has recently been at risk of self-harm (e.g. post-closure phase of ACCT Plan / PNC suicide/self-harm warning marker in last six months)</li> <li>gives other reason to indicate at risk of self-harm (e.g. has killed or seriously injured a family member / unexpected recall / bizarre behaviour or other signs of mental disorder / withdrawal from drugs/alcohol)</li> <li>becomes at risk during this custody (e.g. receives unexpected remand / long sentence)</li> </ul> It must be recorded which of the above (or other reason) is relevant, along with details.
<b>AT RISK OF PHYSICAL OR VERBAL ABUSE</b>	Consideration must be given to the nature of the charge or offence or if there is any history of bullying or intelligence of threats against the individual. Press interest may also place the individual at risk.
<b>VIOLENCE/RISK TO OTHERS</b>	To be completed if there is any relevant history of violence, actual or threatened. Reference must be made to risks to specific groups such as women, children, and minority ethnic groups, Police/Prison/Private Contractors or any other Criminal Justice Agency. Specific reference must also be made to any risks the prisoner may pose to other prisoners, particularly if placed into shared cellular accommodation (the Cell Sharing Risk Assessment must be consulted if available).
<b>ESCAPER/CAT 'A'</b>	To be completed if: <ul style="list-style-type: none"> <li>Categorised Cat 'A' or potential Cat 'A'</li> <li>The individual is from prison and on the 'E' list.</li> <li>There is relevant history of escape attempts</li> <li>Intelligence suggests an escape attempt is likely</li> </ul>
<b>DRUGS/ALCOHOL</b>	To be completed if there is a history or intelligence of the individual attempting or actually trafficking drugs/alcohol into secure establishments. (This is <b>not</b> to be completed if the individual is drug or alcohol dependent - this will be recorded in the <b>Health Risk Section</b> ).
<b>HOSTAGE TAKER</b>	To be completed if there is an actual history or a relevant threat of a hostage situation.
<b>CONCEALS WEAPONS/DRUGS OR OTHER ITEMS</b>	To be completed if there is intelligence to suggest that there is the possibility of concealed weapons or items with the individual.
<b>STALKER/HARASSER/INTIMIDATION</b>	To be completed if the individual has a Restraining Order or a Civil Injunction against them or intelligence to suggest that the individual will attempt to harass or intimidate witnesses, co-defendants or other specific individuals. Prison staff must ensure that information recorded here is passed to the relevant person on the day of arrival.
<b>RACIAL/HOMOPHOBIC MOTIVATION</b>	To be completed if the offence or charge is homophobic or racially motivated, or there is a history of.
<b>SEX OFFENCE</b>	To be completed if the offence or charge is of a sexual nature
<b>COMMUNICATION/LANGUAGE DIFFICULTIES</b>	To be completed if any barriers to verbal communication exist. This is to include any issues regarding foreign language and literacy requirements and will relate to those who are visually or hearing impaired.
<b>OTHER (SPECIFY)</b>	To be completed if there is any relevant information that is not covered above.
<b>HEALTH - MEDICAL</b>	To be completed if there is any current and relevant medical health risk. All medical holds including those on Drug Maintenance Programmes should be highlighted ' <i>return to the discharging establishment</i> ' ( <b>HMPS</b> ). A contact number for health care must be given in the box provided in the event that more information becomes necessary.
<b>HEALTH - MENTAL</b>	To be completed if there is any current and relevant risk mental health risk. A contact number for health care must be given in the box provided in the event that more information becomes necessary.

A **health contact number** must be given so that questions or clarification relating to health matters can be made.

**There are two places where signatures are required.** This reflects the fact that the form may be completed by more than one person.

If one person is completing the form then the first section can be initialled and the signature may be completed at the bottom of the form.

**The time and date must be recorded as the time and date that the relevant section of the form was completed.**

If a risk changes after completion of the form, consideration must be given to completing a new form. If this is considered impracticable or unnecessary then the '**INITIAL IF RISK CHANGED**' must be initialled, a statement made in the relevant risk box and an entry made on the '**HISTORY AND RECORD OF DETENTION AND ESCORT EVENTS**' form.



**Escort Handover Details Guidance Notes**

**NUMBER** - These details must be taken from the Risk Indicator and are included again here for quick reference.

ESCORT DETAILS	
<b>At each point where a prisoner/detainee is handed over or received both the dispatching and receiving contact telephone numbers must be completed on the form.</b>	
ORIGINATING LOCATION	PHONE NO.
TO (ESCORT/COURT/PRISON/POLICE STATION, ETC)	PHONE NO.
TO (ESCORT/COURT/PRISON/POLICE STATION, ETC)	PHONE NO.
TO (ESCORT/COURT/PRISON/POLICE STATION, ETC)	PHONE NO.
TO (ESCORT/COURT/PRISON/POLICE STATION, ETC)	PHONE NO.

It is a requirement for both the Dispatching and Receiving agencies to give a contact number.

This is so that contact can be made to clarify information or to communicate new information.

Escort Contractors will use their Control Room number.

PRESCRIBED MEDICATION		YES	NO
WITH ESCORT		WITH PRISONER/DETAINEE	
NAME		SIGNATURE	
<b>It is not essential to list medication below. Refer to Guidance opposite for instructions.</b>			

Please circle "YES or NO" in order to indicate if the prisoner has prescribed medication. If "no" is circled, a name and signature is still required.

If medication is accompanying the prisoner/detainee then the appropriate box must be ticked and the name and signature of the member of staff must be completed.

Note that it is not essential to list the medication but space is provided for agencies to list it if they choose to.

**Prison staff will not routinely list medication, but Primary Care Trust (PCT) will provide their name and signature if medication accompanies the prisoner/detainee.**

FORMS ENCLOSED
Where specific forms exist they must also be handed over to the receiving agency, with the relevant "Y" circled, <b>and the quantity of each form handed over recorded.</b> This is to help ensure that documents are accounted for.

PROPERTY & CASH
The receiving officer is responsible for ensuring that the seal number is correct and that the bag and seal are intact. . Should there be any discrepancy then this is to be detailed on the 'HISTORY AND RECORD OF DETENTION AND ESCORT EVENTS' form. The 'OUT' and 'IN' boxes should be ticked to confirm the property has been handed over at the start of the escort and received at the end. The following Codes are used: <ul style="list-style-type: none"> <li>▪ 'V' = Valuables</li> <li>▪ 'SP' = Stored Property</li> <li>▪ 'IP' = In Possession</li> <li>▪ 'C' = Cash</li> <li>▪ 'D' = Documentation</li> </ul> Property Retained denotes any organisation which withholds property. The YES or NO box should be circled accordingly. If yes, state the organisation which has retained the property. An entry should then be made on the record of events page.

RECORD OF HANDOVER
All individuals that complete this section are to ensure that the 'Dispatching Officer' and 'Receiving Officer' details are legible. The section containing the heading 'I.D.' requires the epaulette or ID number of the 'Dispatching Officer' and 'Receiving Officer' if applicable. 'INITIAL IF ENTRY MADE ON RECORD OF EVENTS'– If there are any discrepancies in the Property & Cash the Dispatching officer is to initial following the entry that has been made on the 'HISTORY AND RECORD OF DETENTION AND ESCORT EVENTS'
The Receiving Officer is signing for the following: <ul style="list-style-type: none"> <li>▪ The correct prisoner/detainee is being received.</li> <li>▪ The property and cash described are complete and accurate at the time of the handover. Contractor staff will only sign for an intact bag against seal number.</li> <li>▪ The risks associated with the prisoner/detainee are understood.</li> </ul>



## History and Record of Detention and Escort Events Guidance Notes

**SHEET NUMBER**- This must be sequential so that receiving agencies can read through the additional sheets in the correct order.

**NUMBER** - These details must be taken from the Risk Indicator and are included again here for quick reference.

**TIME** - The time must be completed for every entry.

**DETAILS** - Details of the event must be clear and unambiguous.

**NAME** - The name of the officer completing any entry must be legible (Print Name).

**SIGNED** - Signature of the officer completing the entry.

**SEC** - See below for the Significant Event Codes.

<b>Prisoner correctly identified</b> <b>Prisoner Searched (State Level)</b> <b>Escort verbally briefed (including risks)</b>	This section is for Prison use only. Include details of the level of search given.	
<b>Prisoner searched by contractor ( state level)</b>	<b>This section is for contractor use only.</b>	<b>Y/N</b>
Use the following <b>Significant Event Codes</b> to highlight lines that contain important information to be handed over. <b>Significant Events</b> may be suicide attempts, self-harm, escapes, violence, drugs, although this list is not exclusive. Refer to the Significant Events Codes below.  A New risks identified during the escort or detention or old risks that have been re-presented B First Aid administered/Unplanned Urgent Treatments C Incapacitant Spray/Device used D Meals taken or offered E Change of Status F Any apparent injuries G Use of batons H Other significant events  <b>Prison Reception Staff must refer to this document to obtain information relating to risk and use it to inform the Cell-Sharing Risk Assessment, ACCT, OASys and MAPPA processes.</b>		





## History and Record of Detention and Escort Events Guidance Notes

**SHEET NUMBER**- This must be sequential so that receiving agencies can read through the additional sheets in the correct order.

**NUMBER** - These details must be taken from the Risk Indicator and are included again here for quick reference.

**TIME** - The time must be completed for every entry.

**DETAILS** - Details of the event must be clear and unambiguous.

**NAME** - The name of the officer completing any entry must be legible (Print Name).

**SIGNED** - Signature of the officer completing the entry.

**SEC** - See below for the Significant Event Codes.

**RELEASE AT COURT** – when a person is released at court the release should be recorded using this section. Any checks that need to be made to authorise the release should be recorded in the boxes shown, as follows:

**AGENCY** - Court, Prison, Police or Other (Please state)

**ESTABLISHMENT** - Name of the authorising establishment

**NAME** - Name of the person authorising, or refusing, the release

**AUTHORITY TO RELEASE** - “Yes” or “No”

**REMARKS** – Any further information in corroboration of the decision

**RELEASE AUTHORISED BY SCO/IC** – The Senior Custody Officer will ensure all checks have been carried out by contacting the relevant agency or establishment and obtaining both a contact name and level of authority. These details must then be entered onto the form together with any related remarks. Having confirmed the release has been authorised, the Senior Custody Officer must then print and sign their name in the relevant boxes.

**RELEASE COUNTERSIGNED** - A second officer should check the documentation and the release information, and then print their name and sign in the relevant boxes.

**STATEMENT OF RECEIPT OF PROPERTY** - If a person is being released and has property held in your possession then they should acknowledge the return of their property using this section. The corresponding bag seal numbers should be copied across from the Property and Cash section, and the person being released should print their name and sign in the relevant boxes.

Use the following **Significant Event Codes** to highlight lines that contains important information to be handed over.

**Significant Events** may be suicide attempts, self-harm, escapes, violence, drugs, although this list is not exclusive. Refer to the Significant Events Codes below.

- A New risks identified during the escort or detention or old risks that have been re-presented
- B First Aid administered/Unplanned Urgent Treatments
- C Incapacitant Spray/Device used
- D Meals offered and taken or refused.
- E Change of Status
- F Any apparent injuries
- G Use of batons
- H Other significant events

**Prison Reception Staff must refer to this document to obtain information relating to risk and use it to inform the Cell-Sharing Risk Assessment, ACCT, OASys and MAPPA processes.**

## Conclusions and recommendations

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1. Those who have no right to remain in the UK must leave the country and, if they refuse to do so voluntarily, they may have to be detained for a short time, if necessary escorted throughout the flight and, in extreme situations, may have to be restrained physically in order to prevent greater harm. However, whenever the state uses force to coerce a person, there need to be checks on that force. These checks take the form of carefully constructed procedures to limit harm, of adequate training and proper supervision of staff, and adequate means of complaint and redress if anything goes wrong. Where the state has contracted out responsibility for coercion, it retains ultimate responsibility for ensuring that all the checks are in place and working well. It is important that this is understood within the culture of both the Agency and that of its contractors, and not just acknowledged in formal documents. This is one of a number of areas of activity where there appears to be a reluctance by officials to accept constructive criticism, and as the UK Border Agency is not an independent body, but is in fact an integral part of the Home Office, this is a matter that we call on the Home Secretary to require the Permanent Secretary to address as part of the central management responsibilities of the Department. (Paragraph 11)
2. We are not persuaded that head-down restraint positions are never used, even though they are not authorised. We recommend that the Home Office issue urgent guidance to all staff involved in enforced removals about the danger of seated restraint techniques in which the subject is bent forwards. We also recommend that the Home Office commission research into control and restraint techniques which are suitable for use on an aircraft. The use by contractors of unauthorised restraint techniques, sanctioning their use, or failing to challenge their use, should be grounds for dismissal. (Paragraph 18)
3. The use of excessive numbers of escorts, to the extent that HM Chief Inspector of Prisons believes that escort numbers are in some cases detrimental to the removals process, is hard to justify against a background of reduced staffing levels across the public sector. It is a symptom of a weakness in the contracting process that the contractor is able to supply more staff than are required to do the job, with costs passed on to the Home Office. When the contract for enforced removals is next revised, it should specify precise ratios of escorts to detainees and the contractor should be able to depart from these only for clearly-defined, operational reasons. (Paragraph 21)
4. We agree with HM Chief Inspector of Prisons, that the use of reserves on enforced removal flights should be discontinued. (Paragraph 23)
5. It seems to us that the form concentrates mainly on any risk to those escorting the detainee rather than to the detainee him/herself. Moreover, the section on health is cramped, and it is not at all clear that it would necessarily be completed in a way to make it immediately comprehensible to a non-medical expert, like an escort officer: the lack of space would tend to force the experts to make terse notes rather than giving helpful detail. This is of special importance if the use of some—or any—

restraint techniques might exacerbate an underlying medical condition, such as heart disease or asthma. (Paragraph 25)

6. While we do not want to add to the paperwork which detention centres and escort officers have to deal with, we consider that there is a strong argument for providing a simple indication on the front page of the form flagging up the fact that the detainee has a medical condition which might lead to problems in the stressful conditions of enforced deportation. If a possible problem is flagged up, then the escort officers should be briefed on the practical consequences before the removal begins. (Paragraph 26)
7. It is a matter for serious concern that contractors should use racist language among themselves. That they were content to do so in front of not only UK Border Agency staff but also inspectors from HM Inspectorate of Prisons is shocking. It is possibly the result of a relationship between the Agency and its contractors which had become too cosy. We recommend that the senior management of the UK Border Agency send a clear and strong message to staff who are involved in removals, that they have the full support of senior management in challenging the use of racist language by contractors, and that they are expected to do so. The contract should be amended to include a provision which requires the contractor to pay a financial penalty to the Home Office where there is a proven incident of the use of racist language by its staff. (Paragraph 32)
8. We recommend that members of the Independent Monitoring Boards for immigration removal centres—or a similar independent monitoring network—be given access to chartered removal flights. However, the main issue is the need for better management and more confident behaviour by staff of the Agency and this is a matter that must be addressed by the Permanent Secretary in relation to removals as well as to the generality of the work of this Agency which is—as we have pointed out repeatedly—an integral part of the Home Office and not an independent or arm's-length agency. (Paragraph 40)

# Formal Minutes

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**Tuesday 17 January 2012**

Members present:

Keith Vaz, in the Chair

Nicola Blackwood  
James Clappison  
Michael Ellis  
Lorraine Fullbrook  
Dr Julian Huppert

Steve McCabe  
Rt Hon Alun Michael  
Bridget Phillipson  
Mark Reckless  
Mr David Winnick

Draft Report (*Rules Governing Enforced Removals from the UK*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 40 read and agreed to.

A Paper was appended to the Report as Appendix 1.

*Resolved*, That the Report be the Eighteenth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

Written evidence was ordered to be reported to the House for printing with the Report (in addition to that ordered to be reported for publishing on [dates]).

[Adjourned till Tuesday 24 January at 10.40 am]

## Witnesses

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### Tuesday 2 November 2010

Page

**Mr David Banks**, Group Managing Director, and **Mr Stephen Small**, Managing Director of Detention and Escorting, G4S Care and Justice Services

Ev 1

### Tuesday 1 November 2011

**Nick Hardwick CBE**, HM Chief Inspector of Prisons, and **Hindpal Singh Bhui**, Immigration Inspection Team Leader, HM Inspectorate of Prisons

Ev 6

## List of printed written evidence

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1	G4S Care and Justice Group	Ev 11;13; 16
2	UK Border Agency	Ev 15
3	Home Office	Ev 17
4	Amnesty International UK	Ev 17

## List of Reports from the Committee during the current Parliament

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The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

### Session 2010–12

First Report	Immigration Cap	HC 361
Second Report	Policing: Police and Crime Commissioners	HC 511
Third Report	Firearms Control	HC 447
Fourth Report	The work of the UK Border Agency	HC 587
Fifth Report	Police use of Tasers	HC 646
Sixth Report	Police Finances	HC 695
Seventh Report	Student Visas	HC 773
Eighth Report	Forced marriage	HC 880
Ninth Report	The work of the UK Border Agency (November 2010-March 2011)	HC 929
Tenth Report	Implications for the Justice and Home Affairs area of the accession of Turkey to the European Union	HC 789
Eleventh Report	Student Visas – follow up	HC 1445
Twelfth Report	Home Office – Work of the Permanent Secretary	HC 928
Thirteenth Report	Unauthorised tapping into or hacking of mobile communications	HC 907
Fourteenth Report	New Landscape of Policing	HC 939
Fifteenth Report	The work of the UK Border Agency (April-July 2011)	HC 1497
Sixteenth Report	Policing large scale disorder	HC 1456
Seventeenth Report	UK Border Controls	HC 1647

# Oral evidence

## Taken before the Home Affairs Committee

on Tuesday 2 November 2010

Members present:

Keith Vaz (Chair)

Nicola Blackwood  
Mr Aidan Burley  
Lorraine Fullbrook  
Dr Julian Huppert

Steve McCabe  
Alun Michael  
Mark Reckless  
Mr David Winnick

### Examination of Witnesses

*Witnesses:* **Mr David Banks**, Group Managing Director, G4S Care & Justice Services and **Mr Stephen Small**, Managing Director of Detention and Escorting, G4S Care & Justice Services, gave evidence.

**Q1 Chair:** Mr Banks and Mr Small, thank you very much for coming to the Committee this afternoon. The Committee is looking at the issue concerning the rules governing enforced removals from the United Kingdom. What prompted the interest of the Committee is of course the death 20 days ago of Jimmy Mubenga, who died while being escorted by two of your escorts. We are not going to talk about the circumstances of that case, because that is the subject of a criminal investigation. What we would like to extrapolate, if we may, are the protocols that you use in respect of removals. And you can take it as read that the Committee does understand the need to remove people who have failed to satisfy the authorities they have a right to stay here. I think that is accepted on all sides of the Committee, so we are just looking at the method of removal.

Can I start by just asking you to clarify, is it correct that G4S has now lost the contract for the provision of these services on behalf of the Government—the removal of individuals?

**Mr Banks:** Yes, that's correct. There's been a procurement process under way throughout this year. The contract comes to an end at the end of April 2011, and we were notified on Friday that we had not been selected to manage the new contract.

**Q2 Chair:** Because the Minister told us in the House that this decision was taken in August of this year. When do you understand the decision was taken?

**Mr Banks:** We believe it was taken in August and that the delay in terms of communicating the decision was to allow for the results of the comprehensive spending review, and obviously that delayed it until last week.

**Q3 Chair:** Did it come as a surprise to you? Because you have been doing this for a number of years. Is that right?

**Mr Banks:** It came as a great shock, I have to say. We received some initial feedback. It is very clear from that feedback that the winning bid was judged to be considerably cheaper than our own. We are awaiting more detailed feedback, when we will hopefully understand the decision in greater depth.

**Q4 Chair:** Dame Nuala O'Loan produced a report which highlighted a number of concerns about the issue of removal of individuals in the United Kingdom, and you have the contract until next year. Are you satisfied that your company has addressed those concerns?

**Mr Banks:** Yes, indeed. Her report obviously deals with the period from 2002 to 2008 and, I think, considered 45 cases that were raised in another document. Those cases were looked at in some detail and a series of recommendations were made. We obviously took account of those recommendations and, so far as they affect the delivery of the service, the report covered not only the transportation and escorting of detainees but it also covered the operation of immigration removal centres. So we've identified the recommendations that certainly we could implement and we've changed our procedures to the extent appropriate to take account of those.

**Q5 Chair:** And you've had no complaints from any of your employees about any of the practices that are being used? For the time that you've had this contract none of the G4S employees have contacted you and said, "We're really concerned" about any aspects of the removal process?

**Mr Banks:** I'm certainly not aware of any, no.

**Q6 Dr Huppert:** Thank you very much for coming in. I realise it is a difficult time for you, both with the death and with the loss of the contract.

Can I first just ask how you understand the definition of "legal, necessary and proportionate force" that can be used during removals?

**Mr Banks:** In terms of legal, obviously our officers are empowered under legislation to use control and restraint techniques when appropriate. That's under the various Acts, which is the legal bit. In terms of necessary and proportionate, our whole method of operation is to avoid using restraint. Understandably, the people that we are deporting would prefer to remain in the UK and would prefer not to actually be deported or removed to their country of origin. But our whole basis and ethos as an operation is to achieve that in as calm a way as possible. Our staff are selected for their interpersonal skills. Use of de-escalation techniques is a huge part of our training,

and the use of force, the use of control and restraint techniques—which can mean anything from the application of handcuffs to the use of approved holds under the control and restraint Prison Service approved methods—that’s only as a last resort. In fact, last year I think control and restraint was used in about 8% of removals.

**Q7 Dr Huppert:** I’m glad to hear some of those comments. I’m trying to understand how that fits with the Medical Justice report, *Outsourcing Abuse* and the comments there and the records that they have there; with the report that Dame Nuala O’Loan did based on that, which highlights a whole series of things; and with information that the Committee has received from inquests, for example, saying that the Home Office apparently warned you in 2006, “The restraint techniques used by its guards potentially impeded breathing and could result in a fatality” and that there were some issues about positional asphyxia. How do you fit what you have just said, which is I think what ought to be going on, with all of these reports suggesting that is in fact not what is going on?

**Mr Banks:** The control and restraint techniques that were used are those that are developed by the Prison Service and approved by UKBA. The risks associated with, for example, positional asphyxia are a major part of our training. Included in our training programme is a whole week on control and restraint, and then there is refresher training every year.

**Chair:** We will come on to the training a little later.

**Mr Banks:** Okay, yes. Thank you.

**Q8 Dr Huppert:** Most of these have a whole series of incidences which don’t fit with what you are saying. But can I also ask, in the interests of time, what happens when there are problems? I am aware of a case that was brought to my attention by a constituent, of very severe brutality, alleged at least, against a deportee, and I have detailed text here in a medical legal assessment of them. The brutality led to them being admitted to hospital, so I think we can accept that there was something there. Rather than talking about the details of this case, what interested me, and what interested my constituent, was that when she and the individual concerned tried to report this to the police as an assault, they were informed that it was not possible for the police to accept this. They would not accept criminal allegations against Group 4 members, and that UKBA would investigate. It would not allow the police to get involved—treat it as criminal assault. Is that accurate or were UKBA and the Home Office getting this wrong?

**Mr Banks:** I’m quite shocked by that, to be honest. The police have powers obviously to investigate all allegations and, indeed, any incidents we report to UKBA and where it’s appropriate for the police to get involved then they’re actually invited in. So I’m really quite surprised by that account.

**Q9 Nicola Blackwood:** Where injuries do occur—there appears to be some evidence that they do, and if you have somebody particularly reluctant to be deported, it is possible that that might happen—what is the structure that you have in place on reporting

that? What is incumbent upon your staff to make sure that that is properly reported and recorded so that it is available for people to make an assessment of whether the restraint was legal and proportionate and necessary?

**Mr Banks:** Yes, every use of control and restraint techniques, or indeed physical control in care techniques, which are used as well, every use of that has to be reported. And so we have a reporting form, be that the simple application of handcuffs or more detailed. So every incident is reported and that is reported to us. We review those reports to actually make a judgement and come to a view as to whether our officers made the correct judgement. Those are also shared with UKBA.

**Q10 Nicola Blackwood:** And if there’s an injury, is there a medical assessment automatically?

**Mr Small:** No. If there’s an injury they could be seen by a medic, if a medic is available, and a medical report will be produced on that.

I just want to clarify on the reporting process we are obliged to send those reports, every time control and restraint is used, to UKBA and their contract monitor must investigate that. We review at three levels. If the contract monitor believes the control restraint is in question that would be passed to UKBA’s Professional Standards Unit for further investigation.

**Q11 Mark Reckless:** I have a G4S facility in my constituency, the Medway Secure Training Centre.

**Mr Banks:** Indeed.

**Mark Reckless:** I’d just like to try and understand a bit more about whether the restraint method used in this recent case, and a tragic deportation, whether that is the same as the restraint methods that are used within the Medway Secure Training Centre and—specifically for the Committee—whether particular issues and difficulties apply because you’re removing someone from the country.

**Mr Banks:** If I can just explain the two methods of control and restraint. There’s control and restraint—and both are accredited by the Prison Service. Control and restraint is primarily directed for use on adults and essentially it is designed to restrain, while minimising. And there are risks in use of control and restraint, of course, of injury, but the process is designed to minimise that. The form of restraint that’s actually used with juveniles, such as at Medway Secure Training Centre, is physical control in care. And the key difference there is that pain compliance is not a part of physical control in care, where it is a part of the process in control and restraint. So it is a different mechanism because control and restraint is for adults and physical control in care is for juveniles.

**Q12 Mr Burley:** This whole job of carrying out forced deportations was contracted out, I understand, in 1993 by the Metropolitan Police to private firms such as yourself. Why do you think they have contracted this out to the private sector? What can you do that the police felt they couldn’t do?

**Mr Banks:** We do a number of functions that were previously undertaken by the police and the Prison



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Service. What usually is the case is that because we are—

**Chair:** I think what Mr Burley wants to know is, we know about your functions, what are you doing that's better than them, that they couldn't do?

**Q13 Mr Burley:** Yes, why do you think they felt the need to subcontract it out to someone else?

**Mr Banks:** Yes, it's usually two reasons. One is in terms of focus on the activity. Our detention custody officers are trained specifically in the skills of managing detainees. Obviously that is a fraction of a police officer's training. So we're able to focus more specifically on the task in terms of the service we provide. There is usually a cost element as well: detention and custody officers would typically be paid less than a fully warranted police officer.

**Q14 Mr Burley:** Usually the Specialist Deportation Squad, as it was, had some kind of specialist training comparable to what your officers have. So it seems to me that mostly this is a cost-based decision.

**Mr Banks:** I'm not sure it is, because it usually has the two elements. I'm afraid you're taking me back to a period that I find difficult to recollect.

**Chair:** We won't take you that far back. We will go instead to Mr Steve McCabe.

**Q15 Steve McCabe:** Mr Banks, if I heard you correctly you have just said there that your operatives are trained specifically in managing deportees. Can I just ask, how does their training differ from the training that G4S employees moving prisoners receive? What's the specific nature of this training they have?

**Mr Banks:** There are some core, if you like, philosophical elements in terms of care, humanity, decency, but the task is quite different in terms of its implementation. With regard to prisoners, for example, prisoners are escorted in cellular vehicles. So each prisoner is in a cell; each offender is in a cell. Use of handcuffs for when the offenders are not on the vehicle is fairly routine. So there are some differences, because use of handcuffs for example in escorting detainees is not a matter of routine and the vehicles we use are not cellular vehicles, they are less secure vehicles. So there are some quite distinct differences in terms of what the staff have to do.

**Q16 Steve McCabe:** Does the training vary in length? If I was observing people who had been trained to help you move prisoners, and someone who was engaged in this other task, what would I see? I accept the points you have made earlier about philosophical differences and different vehicles, but is there any difference in the length of training? Is there any practical difference in the training they receive?

**Chair:** In particular if you could answer this: presumably there is training in how to restrain people on aircrafts? Putting their head between their legs; that kind of restraint? This is something that you train people to do?

**Mr Banks:** There is no training and there is no approved technique that actually involves putting the subject's head between their legs.

**Q17 Chair:** So how do you restrain them when they are on an aircraft, which you must have had to do in various other cases?

**Mr Banks:** Sometimes handcuffs are used on aircraft.

**Q18 Chair:** Just the handcuffs, no restraining of heads? Because we have seen photographs and drawings in newspapers about the restraint of individuals: one officer standing—for example, if Mr Winnick was going to be restrained, Mr McCabe and I would try and restrain him from jumping up in an aircraft before it took off. There is no training in that?

**Mr Small:** There is no training in pushing the head downwards. There is training in trying to keep the deportee upwards. There's no neck holds or head holds used.

**Q19 Chair:** So you don't touch them when they get on?

**Mr Small:** We do. We use holds and arm locks to keep them down in their seat, but it doesn't involve pushing their head down.

**Q20 Chair:** So just arm locks keeping them in their seat?

**Mr Small:** Arm locks or shoulders.

**Q21 Chair:** You don't touch their head and you don't move them at all?

**Mr Small:** No. Well, we may hold their head up when they're trying to put their head down, but we do not use any holds that involve pushing the head down towards their body.

**Q22 Chair:** So the newspaper reports about this happening are wrong? This was never used in any case where G4S was removing someone on an aircraft?

**Mr Banks:** Not that we're aware.

**Q23 Chair:** Not that you are aware?

**Mr Banks:** Yes.

**Q24 Chair:** Have you not looked at this matter, following the recent events?

**Mr Banks:** Not that we're aware from the detailed reports we get from the use of control and restraint on every occasion.

**Q25 Chair:** But is it correct that the Home Office suspended certain aspects of restraint following the death of Mr Mubenga?

**Mr Banks:** Understandably the UKBA wanted to review the use of control and restraint, and immediately following the death of Mr Mubenga they did lift the ability of our staff to use control and restraint. After a short period of consideration, those powers were actually reinstated in full.

**Q26 Chair:** But you are telling this Committee, you are absolutely clear—on no removal of a person from the United Kingdom on an aircraft—the only way you restrain them is by lifting their head up, not pushing their head down?

**Mr Banks:** That is our procedures, yes.

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**Mr Small:** The head support is given from behind to bring the head up. All head supports are per the prison training manual procedures.

**Q27 Mr Winnick:** Over a period of time there have been allegations of behaviour, which has been considered inappropriate, and we have a note here that a detainee's arm was held too tightly; a detainee was restrained by using an inappropriate neck hold; a detainee was left too long in handcuffs; a detainee was controlled inappropriately by pulling handcuffs and so forth. When these complaints were received, what was the reaction of the company, Mr Banks?

**Mr Banks:** These arise from complaints and during the five and a half years of the current contracts, complaints alleging assaults specifically relating to control and restraint total 186. So these are the six specific instances throughout that period of time. The company—when we receive complaints they are investigated and investigated by the UKBA Professional Standards Unit.

**Q28 Mr Winnick:** What has been the outcome of the investigations into these complaints?

**Mr Banks:** I can come back to you on the specific outcomes for the six.

**Q29 Mr Winnick:** Yes, I mean what disciplinary action? I am speaking in general terms.

**Mr Banks:** Yes.

**Mr Winnick:** Obviously there is a sub justice case, but what disciplinary action has been taken over a period of time against those who have been found guilty of such abuses?

**Mr Banks:** The reaction and activity following that can range from anything from retraining through to disciplinary issues, if appropriate; and indeed, if appropriate, involvement by the police.

**Q30 Mr Winnick:** Do you have any figures to say how many have been disciplined?

**Mr Banks:** We—

**Q31 Chair:** Mr Small, would you write to the Committee with that information?

**Mr Small:** Yes.

**Q32 Mr Winnick:** Just one more question. Has anyone been dismissed as a result of inappropriate behaviour?

**Mr Small:** Yes, there has been, Mr Winnick. There has been—

**Mr Winnick:** One, two, three?

**Mr Small:** No, we've had two people dismissed; a third one left before the investigation could be completed, and resigned, so three in total.

**Q33 Lorraine Fullbrook:** Thanks you, Chairman. Gentlemen, I would just like to touch a bit more on the physical control in care, following the Ministry of Justice in July publishing a training manual. The Ministry of Justice identified a number of risk factors associated with the control and restraint procedures. Can you specifically tell the Committee how your

guidance to your employees has changed since the publication of this report?

**Mr Banks:** Yes. Immediately there were two holds that were discontinued—the seated double embrace and the double basket hold.

**Q34 Lorraine Fullbrook:** Can you explain a double basket hold?

**Mr Banks:** I can't specifically, except it involves the arms across the—it would need more than one person, I do know that.

**Chair:** I am sure it is not just the two of you from G4S here.

**Mr Banks:** And indeed there was a distraction technique, commonly called the nose distraction technique that was discontinued. We immediately discontinued—

**Q35 Chair:** When was that discontinued?

**Mr Banks:** I don't have the date, but I can let the Committee know on specific dates on each of those.

**Q36 Chair:** And what was this technique that you all used?

**Mr Banks:** Sorry?

**Chair:** Repeat the name of that technique.

**Mr Banks:** Nose distraction.

**Q37 Chair:** And what does that involve?

**Mr Banks:** That involves a very short chop up on the nose to distract the individual, and that has been discounted.

**Chair:** Proceed.

**Mr Banks:** And then the implementation—sorry, to get on to the main part of your question as to what's happened. The changes that came out in July, those are now being implemented throughout the refresher training. So we have the ability, when there are changes, to immediately make changes, even by text to get changes through. And then changes that are recommended can be assimilated through the annual refresher programme, as many of these changes are. Those are now being implemented.

**Q38 Lorraine Fullbrook:** So from the risk factors identified by the Ministry of Justice in July, how long will it take you to implement these changes in full?

**Mr Banks:** The immediate issues have been implemented immediately.

**Mr Small:** We have a number of ways of doing that. If it's something that is immediate, as of that moment, we use an e-texting system. So even if a custodial officer is out live at that time, they will be informed straight away. That is followed up by a briefing document that they have to sign to say they've read or had that instruction told to them. That's within 24 hours.

I can just clarify, Mr Chair, if I can, the nose distraction technique was taken out of service, so to speak, on 7 December 2007.

**Q39 Chair:** Thank you. Dr Huppert is going to ask you some final questions on this. But can I just say, is there a bonus given to G4S, based on the number of people they remove? In other words, if you get

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someone on an aircraft, do you get a bonus if you get them on the aircraft or do you get a bonus when you get them out of the country?

**Mr Banks:** No, there is no bonus incentive in that way. We are remunerated under the contract on the basis of the work we do, not the achievement of a successful removal.

**Q40 Chair:** On medical records, does anyone check the medical records before they put someone in one of these grips, or baskets, or locks?

**Mr Banks:** Yes, before any deportation there is a comprehensive risk assessment and that takes into account many factors, including any medical situation.

**Mr Small:** That's carried out by UKBA and then jointly agreed by us.

**Chair:** We will be questioning Lin Homer about this next week.

**Q41 Chair:** Finally in your letter to us of 27 October, you expressed sympathy for the family of Mr Mubenga. Have you or your chairman written to the family in any way expressing that sympathy?

**Mr Banks:** We've expressed the sympathy to the family directly through the family's barristers.

**Q42 Dr Huppert:** I am concerned that there is one picture that is being presented by you, and it may well be what you see, which is things as they ought to be, and there is a different picture as to what is actually going on. I am concerned about that gap. We see it in the *O'Loan Report*, "No evidence of consideration of proportionality of the use of handcuffs and leg restraints both before, during and after the use of force". We see "The use of force training which officers receive does refer to the legal obligations governing the use of force. However this was not reflected in the bulk of the case papers which I examined", which fills out this idea that there is a difference between the theory and the practice. We have had a lot of comments where you deal with reports of what has been used. You rely heavily on people reporting which holds they use, which restraints they use, how often; reporting on the use of force, if there are injuries, and similar examples. I know the case I mentioned briefly earlier, and I will send you the details of that.

**Mr Banks:** Please do, yes.

**Dr Huppert:** But I do have a track record of e-mail exchanges with the Professional Standards Unit at UKBA confirming it won't go to the police but that it was reported.

**Chair:** Dr Huppert, do you have a question?

**Q43 Dr Huppert:** Do you share my concern that it would be unlikely that somebody working for you who had made a mistake, who had overstepped their mark, would report that to you? And how would you monitor that and check that there isn't an undercurrent of things happening, which you I am sure would not approve of but which is, nonetheless, happening?

**Mr Small:** When the deportee is being moved from the centre, for example, and on to the vehicle, that is all covered by CCTV and audio. Every time we have a complaint, or we have some concern over a report that's come in over control and restraint, the CCTV is automatically reviewed. That's retained by us, the CCTV. It was pointed out by Dame O'Loan that that should be kept for three months, and we do that now. So we can actually review CCTV of any complaint that's made during the move.

**Q44 Dr Huppert:** Do you find discrepancies when you review that?

**Mr Small:** Very occasionally we will. That might involve just retraining. It might not be necessarily a serious—it might just be the technique used was not fully correct, but very rarely, if at all, are there any serious issues of control and restraint.

**Mr Banks:** I might add to that obviously a number of deportations take place with charter flights. In those occasions there's always a representative of UKBA on board, there are medics on board, so there is, if you like, that added assurance relative to charter flights.

**Chair:** Mr Banks, Mr Small, thank you very much for coming in. Thank you for your initial e-mail to this Committee, following the events of the last 20 days. If there is any further information please write to us, and if we have any further inquiries of you we will write to you. Thank you very much for coming.

**Mr Banks:** Thank you very much.

**Tuesday 1 November 2011**

Members present:

Keith Vaz (Chair)

Nicola Blackwood  
Mr James Clappison  
Michael Ellis  
Lorraine Fullbrook

Steve McCabe  
Alun Michael  
Mark Reckless  
Mr David Winnick

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**Examination of Witnesses**

*Witnesses:* **Nick Hardwick CBE**, HM Chief Inspector of Prisons, and **Hindpal Singh Bhui**, Immigration Inspection Team Leader, HM Inspectorate of Prisons, gave evidence.

**Q45 Chair:** Mr Hardwick, Mr Bhui, my apologies, we kept you waiting much longer than is reasonable and I apologise for that. We are going to switch subjects now. You will be pleased to know we are not going to ask you about the roots of radicalism.

**Nick Hardwick:** I am pleased to hear that, Chairman. I am pleased to hear that.

**Q46 Chair:** But we are going to talk to you about your report, first of all, into Tinsley House, because the Committee has been concerned since the death of Jimmy Mubenga about the way in which those who are removed from this country are treated. Obviously, everyone accepts that people have to be removed when they have exhausted the appeal process; when they have no right to remain they have to be removed and sometimes they have to be forcibly removed. So we all accept that but we all believe, of course, that it should be done in the most legal and humane way possible. I want to ask you about your report into Tinsley House and the practice of taking detainees to the airport as reserves to fill spaces on charter flights. Has this practice ended or is it still being used?

**Nick Hardwick:** No, it is still being used. We made a recommendation to UKBA that it should cease and they rejected that recommendation.

**Q47 Chair:** Why was that?

**Nick Hardwick:** They said it was on grounds of efficiency. They needed to take reserves to fill empty spaces to make best use of public money.

**Q48 Chair:** How many are taken, for example, on the average flight? If, say, three detainees are going to be deported, how many would end up going in the convoy?

**Nick Hardwick:** That wasn't a feature of any of the overseas escorts we followed. Maybe my colleague can answer that.

**Hindpal Singh Bhui:** More typically on a flight you would have between 30 and 60 detainees being removed and the notional allocation of escort staff to detainees is around two to one. On the two flights we observed, it was nearer to three to one of escorts to detainees. We are not clear about the reasons why sometimes reserves are taken and sometimes they are not taken. On some flights where there was clearly space there were no reserves and on other flights there were no reserves where we thought it would have fitted more with their policy.

**Q49 Chair:** Just run through those figures again. You observed a flight with how many people being removed?

**Nick Hardwick:** On the Jamaica flight there were 35 people being removed.

**Q50 Chair:** So you had 90 escorts?

**Nick Hardwick:** We had 104 escorts on that flight. The Jamaican flight was 35 detainees, 104 escorts. The ratio is supposed to be two to one. In fact in that case, as you say, it was three to one. On the Nigeria flight they were planning to take 59, six were stopped for one reason or another, so they took 53; they had 131 staff with them.

**Q51 Chair:** That is a lot of people.

**Nick Hardwick:** It is a lot of people indeed and I think some of the problems that occurred were simply because some of the escort staff did not have anything to do, they were bored.

**Q52 Chair:** How many reserves went with them?

**Nick Hardwick:** None, there were no reserves on those flights.

**Chair:** They obviously knew you were coming.

**Nick Hardwick:** Well, they did know we were coming, but I don't think that was a factor, because we have done other escort inspections up to the point of pushback and certainly we have not been able to detect a pattern when reserves are present and when they are not.

**Q53 Lorraine Fullbrook:** Can I ask about the Nigeria flight in particular, where you said there were 131 staff for 53 removals. In your report did you not say that removals to Africa tended to be more violent and would that not be the reason why there would be more escorts on that flight?

**Nick Hardwick:** That wasn't what we said. I don't think we did say that in the report. I think there were some assumptions made; we overheard some of the escorting staff making some assumptions about particular nationalities, but I don't think one would assume that a flight, for instance to Nigeria, would necessarily be more problematic than a flight to Jamaica. I don't think that would be correct. My understanding is that they work on a notional ratio of two escorts to one detainee, and you can see from the seating pattern how that might work out and be sensible. What is unclear to me is why, if they don't

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have the right number of detainees, they still take that number of escorts.

**Q54 Lorraine Fullbrook:** I would like to ask about your report and the inappropriate use of language by staff engaged in the removals. The use of racist terms to abuse somebody was described by a senior officer. Does this relate to the contractors or to UK Border Agency staff?

**Nick Hardwick:** The contractors.

**Lorraine Fullbrook:** It does?

**Nick Hardwick:** Yes, the offensive language we heard was from the contractors.

**Q55 Lorraine Fullbrook:** Employers would not accept the use of racist language within the workplace in any context. Do you think that it is acceptable with a government contract, for example?

**Nick Hardwick:** No, I certainly don't think it is acceptable. I don't think it should have been accepted by the G4S managers who were there and I don't think it should have been accepted by the monitors who were there. I think it should have been challenged. I thought these were people carrying out a very difficult and sensitive public service and I thought that language and behaviour was unacceptable.

**Q56 Mr Clappison:** Were they aware of this? I find it surprising and it doesn't inspire much confidence.

**Nick Hardwick:** No, I think it doesn't inspire confidence. By its nature it could not be an unannounced inspection, they knew we were there. What I found in the inspections as a whole was that you don't have to be there very long. We are unobtrusive. We are not hiding and sneaking up on people but we try and be unobtrusive and things pretty quickly revert back to normal. They get used to you being there pretty quickly and revert back to normal. That is true in prisons, that is true in immigration removal centres, so I think that the behaviour we saw was typical behaviour that people had simply got used to and had stopped seeing as something to be embarrassed about or feel was wrong.

**Q57 Mr Clappison:** How do you think this could be best addressed?

**Nick Hardwick:** I think it needs to be addressed in lots of different ways. Ultimately, it is a straightforward management issue. Managers should make it clear that kind of behaviour is not acceptable and address it whenever they hear it on the spot. I think there is a training issue and I also think there is a sort of cultural issue. I think part of this was, apart from the language, that some other aspects of what happened we felt were over risk-averse. It becomes a rather dehumanising process if the escort staff, given the difficult task they have to do, are not, none the less, encouraged to see the individuals they are coping with as human beings. I would also say that you will find in both reports examples of very good and sensitive behaviour by escort staff where they went to some effort to defuse potentially difficult situations. So this wasn't a uniform picture, it was some individuals who should have been—

**Q58 Mr Clappison:** It is surprising to find that it happens at all and where it does presumably it does not make the actual task any less sensitive.

**Nick Hardwick:** No. I think it betrays a very alarming attitude and I think it is, as you say, very surprising that they would do it in front of inspectors. One of the reasons—

**Mr Clappison:** Well, to do it at all actually, but to do it in front of inspectors as well, yes.

**Nick Hardwick:** Exactly. One of the reasons that we had not done these sorts of inspections before is that we thought people would modify their behaviour so much when we were there that it would not be meaningful. I don't think that was the case.

**Q59 Mr Winnick:** I accept it is more a matter for UKBA to decide, but do you see any particular reason in your position as Chief Inspector of Prisons, Mr Hardwick, why contractors should be used in the first place? Why can't the UKBA staff do the job?

**Nick Hardwick:** I don't know the reason why that happened. I think contractors have been used for a long period of time. I don't think there is any reason why it could not be done by UKBA staff or why it should be done by contractors. I imagine it is an issue of cost.

**Q60 Mr Winnick:** If it is a matter of cost, as a layman in such matters I would have thought it was more expensive to contract out.

**Nick Hardwick:** I said I imagine. I don't know the reasons and I certainly haven't had explained to me a good reason why that is the case. I certainly think that if they are going to contract out this service, the monitoring arrangements need to be much more effective and intrusive than is the case on the flights that we saw.

**Q61 Mr Winnick:** Is there any feeling on your part, or your colleague's, that in fact there is too much of a cosy relationship between UKBA and the contractors and especially, of course, if particular arrangements with certain companies have been long established?

**Nick Hardwick:** I am not sure that it is at a sort of structural organisational level, but as well as these two reports that you have talked about, about Jamaica and Nigeria, we have done a thematic study of our escorts and my predecessor published it in 2009. There we did think there was a risk that in fact the individual monitors on particular removals had got too close to the people whom they were supposed to be monitoring.

**Hindpal Singh Bhui:** Yes, the report was published in 2009. It was a thematic report on detainee escorts and removals, and there were UKBA monitors, escort monitors, who were present to the point of pushback. So they were not flying on the plane, they were going with escorts from the point of arrival at the airport to the point when the aircraft took off. We were quite concerned that the monitors at times appeared to be part of the escort team rather than taking a step back and being independent persons who were looking at what was happening. We were also concerned that they did not seem to speak to detainees very much, or

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attempt really the kind of oversight duties that we would expect of a good monitor.

**Q62 Mr Winnick:** Would you expect, Mr Hardwick or your colleague, UKBA to say to contractors, where there have been much-publicised incidents, that the contractors will lose the contract with UKBA if there is any repeat?

**Nick Hardwick:** If there had been misconduct or poor performance, that would be an issue in the contract, yes, and it is very important that UKBA is clear about the standards that it expects in the way the contractors treat detainees and that it will take very vigorous action if those standards are not met. Obviously, you would have to look at each individual circumstance, but I am supportive of what you are saying.

**Q63 Chair:** Is there a difference between the contractors? We know that following the death of Jimmy Mubenga G4S lost the contract. Obviously the UKBA says that it is nothing to do with the fact that the contract went to Reliance. But there seems to be, in a sense, the same contractors who work in the prison service also work for other parts of the court service. It is the same contractors all over the place. Do you find that?

**Nick Hardwick:** It is certainly the same individuals. As I understand it, the staff from G4S have been transferred over to Reliance. So it is the same individuals.

**Q64 Chair:** Sorry, the same individuals who worked for G4S are now working for Reliance?

**Nick Hardwick:** Yes. I understand that is the case. We haven't done an inspection of a removal since Reliance have been in charge, but we do have a programme of inspections planned. We will do those through this year now, given our initial experience, and so to some extent I will be in a better position to answer your question when we have seen what Reliance are doing, but it is the same staff.

**Q65 Chair:** Do you have any information as to when the case will be concluded? Mr Mubenga died on 12 October last year and the matter still seems not to be resolved.

**Nick Hardwick:** I don't have information on that. The death is being investigated by the Prison and Probation Ombudsman and I think there is an inquest due. That is not our role. I don't have information on that, I am afraid, Chairman.

**Chair:** Of course. I think the Committee would probably want to find out what is happening. Mr Michael has a question on child detention.

**Q66 Alun Michael:** Two questions, perhaps just on the detainees generally first. How satisfied are you with the arrangements for dealing with detainees once they have reached their destination, in other words once they have been taken back to the country to which they are being removed?

**Nick Hardwick:** I think that is a concern. Some people are part of an assisted return scheme and they do get some help. On the Jamaica flight those people who weren't part of the assisted return programme at

least got a leaflet in the flight that explained what sources of help might be available to them, and we feel it would have removed some of their anxiety if they had been given that information at an earlier time. On the Nigeria flight there was nothing of that kind provided and, as we describe in the report, we were very concerned about how some of the Nigerian officials dealt with people on the plane after it had touched down, let alone what happened after that, which we did not see.

**Q67 Alun Michael:** Indeed, you gave a graphic description of that. Whose responsibility is it to make sure that, not just during transit but on arrival, the situation is understood and dealt with appropriately?

**Nick Hardwick:** I don't know what the legal answer is to that, but I certainly would have thought the British Government had some responsibility to make sure that people are treated properly and fairly after they leave the flight.

**Q68 Alun Michael:** I would accept that as a general answer, but is it clear whether Home Office, Foreign Office, contractor or airline are responsible for making sure that matters are dealt with properly on arrival?

**Nick Hardwick:** I don't know the answer to that question precisely, but I think there will be a system in place for negotiating return arrangements for the countries concerned and I think the mechanics of what happens in the arrival process need to be part of that agreement. Certainly on the plane I think there are questions about whether the monitors and contracted staff should have been more prepared to intervene in things that were happening right in front of them.

**Q69 Alun Michael:** So you would think it is reasonable for both you and this Committee to want greater clarity around it?

**Nick Hardwick:** I certainly think that is an issue where greater clarity is needed.

**Q70 Alun Michael:** The detention of children in custody has been an issue for some time and there was a promise that the holding of children in custody would be ended by Christmas 2010. Has that happened?

**Nick Hardwick:** Children are no longer detained in immigration removal centres. There are, as you know, plans in exceptional circumstances to hold them in special family units. That will be detention, and we will inspect it. Children are also detained in short-term holding facilities with their adult carers. I think you have to be careful about taking a judgment on that because you have to be careful before releasing a child with an adult or two adults into the community if you are not sure of the relationship between the child and those adults. I think the conditions in which children are held in the short-term holding facilities need improvement. You have to be careful about saying that children should never be held in any circumstance; they may have to be held at least until the welfare of the child and its relationship with the adults can be satisfactorily determined.

**Hindpal Singh Bhui:** Can I add something to that? Children are held in three distinct places really—in

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short-term holding facilities at airports, in the new pre-departure accommodation that UKBA has recently opened, which bears very little relation to the classic design of a detention centre, and also in a unit within Tinsley House Immigration Removal Centre. That was being refurbished when we last inspected and so there were no children or families there at the time. That has now opened, and we have not had the opportunity to go back and have a look at it but it is certainly being managed by the managers who also manage the general immigration removal centre.

**Q71 Alun Michael:** I think this is always going to be something where the issues at the edges are difficult to define. I do not want to get engaged in undue criticism where essentially the objective is being met, but there was a report a couple of weeks ago—I think it was by the Children’s Society—that seemed to claim that the promise had not been delivered. It sounds to me as if you are saying that the promise has been delivered, but there are residual issues to be dealt. Would that be fair?

**Nick Hardwick:** That is correct. That report did refer to short-term holding facilities. As I say, we had concerns about the conditions in some short-term holding facilities, but we think the argument about whether children should ever be held there are more complicated than that report suggested, because I certainly think there are issues if the relationship between the adults and the child are not yet established because they don’t have the documentation to do that.

**Q72 Alun Michael:** Am I right in interpreting what you have said as meaning that this is an issue that you are going to look at and report on? In what sort of timescale?

**Nick Hardwick:** It will be unannounced, so we have plans to go to all of these places next year from April.

**Q73 Alun Michael:** So it would be reasonable for us as a Committee to look for an update on it?

**Nick Hardwick:** Absolutely, we are happy to do that. We will keep the Committee informed of our plans on that.

**Q74 Chair:** Please. One of those presumably is the Cedars?

**Hindpal Singh Bhui:** Yes. That is the pre-departure accommodation.

**Q75 Chair:** Yes, which I have visited and is a pretty splendid place with nobody in there, as far as I could understand.

**Nick Hardwick:** Right. We will inspect that later in the year.

**Hindpal Singh Bhui:** There are people there now.

**Q76 Chair:** There are?

**Hindpal Singh Bhui:** There are now, yes.

**Q77 Chair:** But it is a short-term place, isn’t it?

**Hindpal Singh Bhui:** It is seven days maximum, and they tell us that most families will come in and out within one to two days.

**Q78 Chair:** Do you know how many children have passed through?

**Hindpal Singh Bhui:** No.

**Q79 Lorraine Fullbrook:** I would like to ask about the information given to detainees about the arrangements when they arrive at their destination. You said on the Jamaica flight they received a leaflet about what would be available on the ground when they arrived, and nothing on the Nigeria plane. Is it the case, though, that the information available would be different for the country of destination and be subject to the availability of help at the other end?

**Nick Hardwick:** Yes, it is. My understanding is it was about local NGOs, local mosques or faith groups that would be available to assist people. It was not assistance provided by the British Government, but it did have some basic factual information for people, if they were going to arrive with no means and no accommodation, about what they could do and who they could turn to for help. I think providing some of that information reduces, if you provide it at an earlier stage, some of the tension that is part of the kind of build-up to the flights and helps make the process smoother.

**Q80 Lorraine Fullbrook:** But that is really what I am asking, because in Jamaica is it the case that on the ground there is more provision available than in Nigeria or any other country?

**Nick Hardwick:** Clearly it is different from country to country, but even in Nigeria there are things available; there is some assistance available. People were told that there would be some assistance available in the airport, but that was very vague, and I think some more specific advice could be given.

**Q81 Lorraine Fullbrook:** So as a standard there should be basic information available, irrespective of which country they are going to?

**Nick Hardwick:** Absolutely. I think as a standard there should be some very basic factual information available, particularly for those people who arrive without means and accommodation, about what they can do immediately to sort themselves out for the first 24 hours or so.

**Lorraine Fullbrook:** Thank you.

**Chair:** Mr Winnick has a general question about your other role in prisons.

**Q82 Mr Winnick:** Mr Hardwick, I think the latest figures show there is the largest prison population. It has now reached 85,000?

**Nick Hardwick:** 87,000-plus, I think.

**Q83 Mr Winnick:** Yes. How concerned are you at such an increase?

**Nick Hardwick:** I am very concerned. My predecessor and I take it that it is not for us to say what the size of the prison population should be, but there has to be a match between the numbers in prison and prisons’ capacity to do anything useful with people when they are there. So my concern about what will happen when the numbers go up and the money doesn’t is that inevitably people will spend longer and longer

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locked in their cells so the opportunity to do something useful with them, so that they are less likely to return, is reduced. So I think there is a crucial issue about capacity and I do absolutely worry about that. I think that is a very big worry. It is my major concern.

**Q84 Mr Winnick:** Are you making representations in your role as Chief Inspector of Prisons to the appropriate Minister—obviously the Secretary of State for Justice first and foremost, but also the Home Secretary—that the chances of rehabilitation will obviously become much less?

**Nick Hardwick:** Rehabilitation and the opportunity for prisoners to engage in purposeful activity is at the top of my agenda, and one of the things coming new into the role that has surprised me is how little priority that gets and how little activity of that sort there is. In every inspection report I do, pretty much, I try and hammer that point home. Some of this, I think, also could be done better by individual prisons, I have to say. Sometimes I think it is not simply a question of national Government policy. Even with the same levels of funding, some prisons do more than others, but it will get more and more difficult as the numbers go up, there is no doubt about that at all.

**Q85 Chair:** Presumably this has been exacerbated by the riots and the number of people who have been sentenced to prison?

**Nick Hardwick:** Yes. We did some quick inspections to see how prisons and young offenders institutions were coping with the influx from the riots. I have to say on the whole they absorbed it quite well. I think some of the press reports were a bit alarmist. They were absorbing it reasonably well. There were individual instances where we felt they could have done some things better, but they were absorbing it overall. The problem was not the crisis of the admissions following the riots, the problem was the one that Mr Winnick refers to. It is all very well bringing them in but what are you going to do with them when you have got them there? The more people you have, the more difficult it is to have a sensible answer to that question, I am afraid.

**Chair:** Indeed. Mr Hardwick, Mr Bhui, thank you very much for coming and for your very helpful evidence to the Committee. I am sure we will see you again in due course.

**Nick Hardwick:** I look forward to it very much.

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# Written evidence

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## Written evidence submitted by G4S Care & Justice Group

We are incredibly saddened by the news of Mr Mubenga's death whilst being escorted by our staff and our sympathy is with Mr Mubenga's family. We also share the concerns of everyone that such a rare and unprecedented incident has occurred.

You will be aware that the case is subject to a Police investigation and as such, it would not be right or proper for me to comment directly on statements and reports that have come about from media interest in this matter. We are fully cooperating with the Police during their investigation.

In the first instance, the Police investigation takes primacy however; the case will also be subject to an independent investigation by the Prison and Probation Ombudsman in due course.

In the meantime, I would like to share with you some background into the contract G4S holds with UKBA and give specific answers to the points you have raised.

### BACKGROUND

- G4S provides services to UK Border Agency that includes the detention of UKBA detainees in thirty-three holding rooms and one short term holding facility (Pennine House) across the UK and in France and the escorted transportation of detainees both in the UK and worldwide.
- G4S directly employs 963 operational staff. Of these, 695 are primarily employed on In Country holding room or escorting activity and 268 on Overseas escorting activity. All of these employees are Detainee Custody Officers (DCOs) who have been accredited by the Home Office to perform that role.
- Both male and female DCOs are employed and G4S complies with fairness and equal opportunity principles when deploying DCOs, i.e. the general role of DCO is not gender specific. At the same time, account is taken of contractual requirements on DCO gender when searching detainees, staffing holding rooms and covering escorting moves where female detainees and/or minors are involved and when considering detainee diversity issues.
- 31% of the G4S D&E workforce is female and in Overseas escorting this figure is 25%.
- Since the current contract started in April/May 2005, G4S has provided security, safety and welfare for detainees in just fewer than one million occasions (986,990). This figure includes every time we were responsible for a detainee in a holding room, short term holding facility (STHF) or we moved a detainee within the UK or escorted a detainee from the UK.

### RECRUITMENT AND SELECTION OF EMPLOYEES

- G4S D&E employees are mainly recruited via public advertisements in local newspapers and other publications/websites such as 'Quest' (Armed Forces) 'Police Life' (Police Service) 'Jobs Oracle' (all Services) and on occasions by placing vacancies in Job Centres. These advertisements highlight the need for applicants to have good people skills, sensitivity, empathy and respect for others and being able to pass rigorous vetting procedures; a diversity statement is always included.
- Selection is by written tests to check verbal and numerical ability and a personal interview with a G4S manager and a member of the HR Department. The interview emphasises the need for DCOs to have good communication, influencing and interpersonal skills and be people who can work as part of a team, be able to use de-escalation skills and provide high levels of care and welfare to detainees. The process is also intended to weed out any individual with an 'unhealthy' interest in immigration matters.
- Although using force is an element of the DCO role requirement, it is not overly emphasised during selection and there is no requirement for a level of fitness beyond that necessary to be able to perform the basic Prison Service approved control and restraint procedures used by G4S D&E and a number of Government agencies across the UK.
- Prior to employment, prospective DCOs have to pass enhanced CRB clearance (exempt from the Rehabilitation of Offenders Act limitations so all previous convictions and cautions are considered) and a company vetting procedure that checks references going back over the previous five years without any gap. Generally, a candidate will not be successful if they have a recent conviction or official police caution for a criminal offence or any conviction for a serious offence.
- Credit history and identity are also checked and verified by G4S and before acceptance a candidate completes a pre-employment medical questionnaire to highlight any physical or medical reason why they may be unable to perform the role of a DCO. A medical examination takes place if anything of note is raised by the questionnaire.

- In addition, details are passed to the UKBA Detention Services Accreditation Team (DSAT) who complete further checks including a Counter Terrorism Check (CTC). If the criteria are met, the Home Office issue accreditation for a candidate to be employed as a DCO; which is a legally recognised position under Section 156 of the Immigration and Asylum Act 1999.

With regard to the points raised, I will answer these in the order noted in your letter as follows:-

1. The training requirements that our colleagues undertaking deportations must fulfil.

- Background to Training
  - Our training programmes are all approved by UKBA
  - Where a new recruit fails the Initial Training programme (in part or in full), they will be reviewed by HR and Training and depending on the cause or amount of failure they will be:
    - Re-trained in full by joining the next available ITC and not allowed to operate until that has been successfully completed

Or

- Their employment will be terminated if cause failure is deemed unredeemable
- (a) Prior to being employed operationally, all new Detention Custody Officers (DCOs) are required to pass an Initial Training Course (ITC), which has been created in consultation with and has received approval from UKBA. Home Office accreditation is not valid until a new DCO has completed and passed all elements of the course.
- (b) The ITC covers a range of topics that include diversity, child protection, suicide and self-harm prevention, risk assessment, detainee welfare and general operational procedures. There are comprehensive modules on use of force and first aid.
- (c) Use of force/Control and Restraint training is provided by a G4S in-house instructor who has successfully attended a Prison Service instructor's course (and annual refresher training thereafter) for delivering training in Control and Restraint. The ITC use of force module covers techniques approved by the Prison Service and UKBA. This module lasts five days and on the final day, a new DCO is assessed by the Control and Restraint instructor.
- (d) This assessment tests the candidate's level of competence and ability in using the techniques and a candidate will not pass if it is felt there is a risk of harm or injury to the detainee, the DCO or any other person if they were to use the techniques operationally.
- (e) During training, great emphasis is placed on de-escalation being the preferred option in violent or potentially violent operational scenarios; this is to ensure that the number of times DCOs have to resort to using force is kept to a minimum and all use of force is reasonable, proportionate, justified and necessary.
- (f) The ITC lasts for four or five weeks depending on the role the DCO is to perform; DCOs who are to employed on Overseas escorting attend a fifth week that covers Physical Control and Care (PCC) to learn Prison Service approved techniques for dealing with violent or disruptive minors.

The current Initial Training Course syllabus is at Annex A.

2. THE NUMBER OF DEPORTATIONS FROM THE UK G4S HAS UNDERTAKEN

- Background to the level of Escort resources allocated to each deportation move
  - Operational risk assessments take place with all tasks allocated to Detention and Escorting by UKBA. They will use historical data on each detainee as part of this risk assessment (previous history of violence and/or disruption, medical history and so on.
  - That risk assessment is then jointly assessed and method of operation agreed between G4S & UKBA to endorsement of the planned number of staff, the route/flight(s) to be taken.
- (a) Since the current contract started in April/May 2005, G4S has removed/attempted to remove 25,462 detainees and dealt with 59,244 detainees as 'Turnarounds' (whereby an individual or groups have been detained by UKBA at the port of entry and are refused entry beyond the port and are returned from that point) at airports—184,706 detainees in total.
- (b) The removals/attempted removals figures (not Turnarounds) comprise of 30,284 undertaken by Overseas DCO escorts made up in the following way:
  - (i) 19,515 on scheduled flights and with DCO escorts accompanying the detainee(s) on the flight
  - (ii) 10,769 charter flights with DCO escorts accompanying the flight
- (c) A further 95,178 unaccompanied removals were completed Whereby DCOs accompanied the detainee(s) from the point of detention, through the airport and board them on the scheduled flight, only leaving the detainee(s) at the point of the aircraft doors being closed.

3. The number of complaints that G4S has received In relation to deportations

- Background to Complaint Management

- Every complaint is notified to UK A (either through it coming to their attention in the first Instance or if to G4S, a record of the complaint is immediately sent to UKBA
  - Depending on the seriousness of the complaint, UKBA Professional Standards Unit will, if not immediately allocated to them from UKBA, will be invited by G4S to carry out an investigation independently of G4S
- (a) Since April/May 2005 there have been 481 complaints made relating to removals. Of these, 252 moves involved Overseas escorting activity and 25 (9.92% of all complaints relating to Overseas deportations) were substantiated.
- (b) During the five and a half years of the current contract, complaints alleging assault specifically relating to Use of Force activity on Overseas escorting total 186 and of these, six (3.23%) have been substantiated or partly substantiated after detailed investigation by UKBA.
- (c) The substantiated complaints were regarded as justified for the following reasons:-
- In 2006 a detainee's arm was held too tightly leaving pressure marks on the arm
  - In 2006 a DCO restrained a detainee by using an inappropriate neck hold
  - In 2008 a detainee was left too long in handcuffs (initially correctly applied)
  - In 2009 a detainee was controlled inappropriately by pulling handcuffs (correctly applied)
  - In 2009 inappropriate force (leg strikes) was used to dress a detainee before boarding
  - In 2010 an escort applied pressure to a detainee's handcuffs

#### 4. THE NUMBER OF DEATHS OR SERIOUS INJURIES THAT HAVE OCCURRED DURING DEPORTATION

- (a) Mr Mubenga's is the only death that has occurred. There is no previous history of a death in custody. Serious injuries to detainees are extremely rare, even following the difficult situations that arise when detainees become disruptive, violent or attempt to escape.
- (b) There is a risk of injury to detainees involved in the Use of Force. The response letter sent to detainees by UKBA following an investigation by Professional Standards Unit (UKBA body) in assault complaints almost always states that some relatively minor injury is inevitable. In such situations, especially if handcuffs have to be applied, the most common form of minor injury to detainees is reddening and soreness of wrists following handcuffing during Control and Restraint.
- (c) Occasions when detainees have been seriously injured (broken bones, cuts requiring stitches or above) are rare.
- (d) G4S records on Use of Force (compiled from information supplied on Use of Force Incident Reports and notified to UKBA) note if a detainee has sustained injury. These have been examined to identify injuries other than minor injuries and only the following are recorded:-
- 11 October 2005, Glasgow Airport—detainee with cut head. No complaint received.
  - 13 May 2006, Glasgow Airport—detainee with broken bone in hand. No complaint received but investigation completed by UKBA and no further action required.
  - 24 January 2006, Heathrow Airport—detainee with cut above eye. No complaint received.
  - 01 October 2006, Heathrow Airport—detainee with two broken bones. Complaint received. The complaint was not substantiated by UKBA.
  - 29 January 2007, Heathrow Airport, detainee with dislocated knee. Complaint received. The complaint was not substantiated by UKBA.
  - 16 May 2009, Gatwick Airport, detainee lost a tooth. No complaint received.
  - 01 October 2010, LHR/Lagos Flight, detainee with suspected broken nose. No complaint received.

I hope this provides you with a background and outline to the points you raised and in each of those points, we are able to speak and add more detail where you may see fit.

October 2010

#### **Supplementary written evidence submitted by G4S Care & Justice Services**

I would like to take this opportunity to thank you and the other Committee members for the opportunity to discuss the rules governing enforced removals in the UK on Tuesday 2 November 2010.

The attachment to this letter aims to supplement information provided in our letter dated 27 October and address any outstanding issues raised during the Committee meeting. Please do not hesitate to contact me if you have any further questions.

Since April/May 2005 G4S has provided services relating to detainees on nearly one million occasions. We take the responsibility for detainees in our care extremely serious. Our work is reviewed and checked both internally and externally. We do not just take action when an official complaint is made, but take a pro-active

approach to ensure high standards are observed at all times. Indeed the majority of disciplinary actions are taken due to our own internal reporting process.

Our colleagues often operate in difficult circumstances and sometimes detainees understandably try to resist deportation. That is why during training and in our guidance we place great emphasis on de-escalation techniques and the application of well developed interpersonal skills. Control and restraint techniques are only used as a last resort and should always be kept to a minimum. All use of force is recorded and needs to be reasonable, proportionate, justified and necessary. This proportionality test is incorporated in our incident reporting system.

I hope that our evidence and additional information provided in this letter explains how we at G4S ensure that we put in practice what we say and that we expect our colleagues to act with the highest level of respect and responsibility for the people that are placed in our care. I am more than happy to arrange a visit to one of our training courses if Committee members are interested to see how we train our people.

I hope this letter provides you with additional clarification and that it addresses all the questions raised by the Committee members. If not please let me know and we will be happy to assist further.

#### COMPLAINTS PROCEDURES

Q27,29,30,31 and 32 all relate to situations that resulted in disciplinary action against our staff and in some cases dismissal. It is important to point out that G4S does not only rely on the complaints system to bring shortcomings to notice as we have robust recording, review and auditing procedures in place.

To clarify the two dismissals and one resignation mentioned by Mr Small in response to Q32 all came as a direct result of the effective internal monitoring. As requested by the Committee we have checked how many members of our staff have been disciplined. Our records show that since 2005 20 in total have been disciplined, ranging from written and verbal warnings, additional obligatory training to dismissal. Of these the majority of the actions were taken due to our own internal reporting process.

#### REPORTING AND REVIEW

At completion of a move escorts are debriefed so that all points come to notice and where necessary

Incident/Use of Force Reports and other records are completed. Every move requires the completion of a Detainee Welfare Record that is used to record how the detainee's welfare (meals, comfort stops, medication etc.) needs and property were dealt with. This initiative was developed and implemented by G4S in October 2007.

The current Detention and Escorting Incident/Use of Force reports were introduced as a result of a G4S initiative in February 2008 to improve the way that incidents are reported by staff and scrutinised by managers. Incident Reports are in three parts: Part 1 is the comprehensive staff report; Part 2 is the first line management initial review and Part 3 is the senior manager's comprehensive review completed when all facts are known, additional enquiries have been made (if necessary) and CCTV viewed, where available.

All Incident/Use of Force reports are forwarded to UKBA within 24 hours and are subject to review by UKBA's contract monitors.

CCTV is widely used to supervise Detention and Escorting activity. All holding rooms have CCTV and almost all of these have recording and review capability. UKBA are the custodians of this data. In addition, the G4S escorting vehicle fleet is fitted with CCTV plus audio recording and this is reviewed after an incident or if there is any other reason to do so, i.e. complaint, internal discipline etc. G4S are the custodians of this data. UKBA Professional Standards Unit (PSU) are supplied with copies of vehicle CCTV/audio to assist them in investigating and serious complaints against Detention and Escorting staff, notably allegations following use of force.

G4S Detention and Escorting employs two full time auditors who conduct comprehensive audits at all short term holding facilities once/twice a year depending on the volume of holding room activity. The audit template mainly focuses on contractual compliance, health and safety and detainee welfare issues.

In addition to our internal review procedures Her Majesty's Inspectorate of Prisons has a regular inspection programme covering all Detention and Escorting activity and Independent Monitoring Boards (IMB) are in place at Heathrow Airport, Manchester/the North and Scotland. IMB members pay frequent unannounced visits to detention and escorting locations and as well as monitoring the care of detainees in holding rooms they review whatever escorting activity takes place during their visit.

#### CONTROL AND RESTRAIN TECHNIQUES

Q33 to 38 refer to different control and restraint techniques. Depending on circumstances staff are authorised and trained to use two different methods of restraint techniques as a matter of last resort: Physical Control in Care (PCC) for situations involving minors and Control and Constraint Techniques (CRT) involving adults. Both PCC and CRT are developed and approved by HM Prison Service. As a company we cannot alter the guidance or training methods from that approved by the relevant Government agencies.

The questions raised by your Committee members relate to the Ministry of Justice guidelines that were published earlier this summer covering updates on PPC techniques. These changes have been implemented. As mentioned on 2 November at your Committee there are different ways that we can disseminate changes: using e-texting and staff briefings for urgent changes to annual refresher courses and updating guidance issued to our staff to ensure changes are embedded in our training and procedures.

Q17 to 23 specifically refer to head restraint techniques. Our approved control and restraint techniques include restricting the movement of a detainee's head to prevent harm or injury to the detainee or others. This is achieved by holding the forehead and/or chin and applying pressure to restrict head movement. The pressure is directed so that the head is kept upright at all times and is not pushed down towards the detainee's body. It is important to stress that there are no approved relevant techniques that involve pushing a detainee's head into his/her lap to maintain control and/or prevent biting.

#### MEDICAL FOLLOW-UP

Q10 referred to medical assessments. I understand that UKBA has already provided you with the medical assessment form.

All detention and escorting activity with detainees is subject to risk assessment, both generic and specific, which includes consideration of medical conditions prior to a removal. We require that following the use control and restraint on a detainee, escorts will do all that is possible to have the detainee medically examined to provide necessary treatment. In addition, we medics on escorted removals where there is a known medical risk and we have two medics present on all charter flights.

If a detainee is injured and urgent medical treatment is required, when a paramedic is part of the escorting move, they will examine and treat the detainee immediately. If there is no paramedic and it is practical to do so, a paramedic will be called. If a paramedic decides that the detainee requires treatment at a hospital, the detainee will be taken to hospital for that treatment.

If there is no obvious injury or minor injury only that does not require the services of a paramedic, if the detainee is returned to an Immigration Removal Centre (following an unsuccessful removal) the fact the detainee was involved in a use of force scenario will be reported on arrival so that a check can be made at the earliest opportunity by Health Care at the Immigration Removal Centre.

In the absence of medical examination, escorts are required to note any (minor) injuries sustained by the detainees or the fact there are no signs of injury.

November 2010

#### Written evidence submitted by the UK Border Agency

Thank you for your letter of 19 October. I understand your interest in the circumstances surrounding the death of Mr. Mubenga on 12 October, but you will appreciate that I am not in a position to comment about the matter at the current time given the investigations by both the police and the Prisons and Probation Ombudsman. However, I can assure you that both we and G4S are co-operating fully with the investigators and are providing them with every assistance they require.

You have asked for information in relation to wider issues, however, namely our policy on returns, the use of overseas escorts, training and guidance, and complaints, which I am of course happy to provide.

It is our expectation that those who do not have leave to be in the UK or whose applications to stay have been refused, make arrangements to leave the country promptly. If they fail to do so, they may be subject to enforcement action, including detention and removal. In addition, we take enforcement action against those whose deportation is in the interests of the public good as a result of convictions for criminality. In the vast majority of cases where we detain and remove individuals, they are taken to the airport by escorts, but leave compliantly, travelling home alone. In a small number of cases, escorts may need to travel with the detainee either because they are unwilling to leave voluntarily, because they are otherwise vulnerable (e.g. they have a condition which requires the presence of a medic) or because they are being removed on a flight chartered by the UK Border Agency. Even then, the vast majority of these individuals leave the UK compliantly, but in a small number of cases, escorts may need to use restraint to ensure the individual complies with their removal. The following table sets this into context by showing the number of removals over the last three years, split between escorted and unescorted returns, and of those escorted the number of times restraint was used.

	<i>Total number of removals</i>	<i>Of which were unescorted</i>	<i>Of which were escorted</i>	<i>Number of instances where restraint was used on removal</i>
2008	16,310	11,933	4,377	572
2009	16,095	10,854	5,241	659
2010 (to date)	12,460	8,269	4,191	439
Total	44,865	31,056	13,809	1,670

This information is based on local management Information rather than published statistics and IS therefore subject to change.

Escorting officers are vetted carefully not only by their employer but also the UK Border Agency in order to confirm their suitability for the work before being accredited by the Secretary of State, a requirement of the Immigration and Asylum Act 1999. Their training provides a heavy emphasis on securing compliance from the detainee by means of persuasion and that restraint is only to be used as a matter of last resort. Even then, it must be Justified and proportionate. Where restraint is used, escorts must complete a detailed report setting out the circumstances of the incident, why restraint was necessary and how it was applied. Reports are reviewed by senior managers within the escorting company before being passed to the UK Border Agency's contract monitor for review. We have also provided additional safeguards to the escorting process, including the provision of CCTV with audio recording in vehicles, our contract monitor makes ad hoc visits to the airports, and an Independent Monitoring Board operates at Heathrow whose chair reports annually to the Home Secretary; a copy of the Board's reports are published on the IMB website.

Where a complaint is made by a detainee or a third party about the conduct of an escort, it is investigated thoroughly by our Professional Standards Unit (PSU). Any complaint which includes an allegation of criminality is automatically referred to the police for their own parallel investigation. The PSU aims to complete its investigations within 12 weeks. Where a complaint is substantiated, we consider what action should be taken. This may range from informal guidance provided by the employer in minor cases through to revocation of an individual's accreditation to work as an escort in more serious cases. Where a detainee is dissatisfied with the outcome, he or she may refer the matter to the Prisons and Probation Ombudsman for independent review.

The following table sets out the number of complaints received since 1 January 2009: Data relating to complaints prior to that is not considered to be sufficiently robust to release as central records about such complaints were not kept centrally.

	<i>Total complaints received</i>	<i>Of which were substantiated</i>	<i>Of which were partially substantiated</i>	<i>Of which were not substantiated</i>	<i>Of which are still under investigation</i>
2009	26	0	4	21	1
2010 (to date)	33	0	1	19	13
Total	59	0	5	40	14

This data is based on management information rather than published statistics and is subject to change.

I trust that this letter provides you with the information you were seeking, but please do not hesitate to come back to me if you need to clarify anything.

*November 2010*

#### **Further supplementary written evidence submitted by David Banks, Group Managing Director, G4S Care and Justice Services**

Thank you for your letter of 10 January addressed to our Group Chief Executive, Nick Buckles. Mr Buckles has asked that I respond on his behalf.

We very much welcome that you have informed us your Committee has received information from G4S former employees and employees regarding our deportation and training practices. G4S is committed to delivering quality public services according to high standards of ethics, honesty, accountability and openness. We, therefore, welcome and encourage employees to raise concerns of any sort either through their line managers or by utilising our confidential whistle-blowing line.

I can assure you that we will not take any actions against persons involved relating to the issues raised to your Committee.

The Committee will be aware of the need to satisfy themselves that the views expressed by this self selecting group are representative. Without knowing the identity of the individuals or the content of their evidence it is impossible for me to comment at this stage.

As mentioned at the oral evidence session on 2 November 2010 and in my subsequent letter, G4S is committed to engage fully and transparently with your Committee and help with any enquiries. We have at all times co-operated with the Committee and volunteered information relative to deportation techniques in the form of both written and oral evidence and this remains our approach.

I would welcome the chance to respond to any questions/issues raised by the information the Committee has received and clarify our operation and training practices if required. My invitation to arrange a visit to one of our training courses for Committee members remains open.

As part of our dialogue could you indicate what the next steps of the process are: how and when does the Committee intend to report back on its findings and how and when will we be given the opportunity to respond to any concerns, if any, raised by the additional information?

I hope this letter provides you with the assurances you requested, and I look forward to answering additional questions should they arise.

31 January 2011

### Supplementary written evidence submitted by the Home Office

Thank you for your letter of 10 November regarding your inquiry into enforced removals from the UK.

You requested an update, following Lin Homer's letter of 3 November 2010, on the total number of removals, the number which were escorted and unescorted, and the number of escorted removals in which restraint was used from 2008 to date. You also asked for the total number of complaints and the number which were substantiated, part substantiated, unsubstantiated and under investigation from 2009 to date. Please find this information enclosed at Appendix A.

In May this year we changed our contractor—from using G4S to Reliance—for the provision of in-country and overseas escorting, as well as the provision of short-term detention facilities at ports and reporting centres, and for two of our residential short-term holding facilities in Manchester and Lame. The decision to change contractors was made following a competition and was based on a combination of the best operational solution to what is a particularly complex and sensitive part of our work, and providing the best value for money option for the UK Border Agency.

Since Lin Homer's letter we have also updated our policy on complaints from detainees, both while in detention and while under escort. I have enclosed a copy of our policy which is also available on our external website at: [www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/detention-servicesorders/](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/detention-servicesorders/).

16 November 2011

### Appendix A

	<i>Total number of removals</i>	<i>Of which were unescorted</i>	<i>Of which were escorted</i>	<i>Number of instances where restraint was used on removal</i>
2008	16,310	11,933	4,377	572
2009	16,095	10,854	5,241	659
2010	16,953	11,919	5,034	533
2011 (to 30 June )	8,501	6,093	2,408	245
<b>Total</b>	<b>57,859</b>	<b>40,799</b>	<b>17,060</b>	<b>2009</b>

Please note that this Information is based on local management information rather than published statistics and is therefore subject to change.

	<i>Total complaints received</i>	<i>Of which were substantiated</i>	<i>Of which were partially substantiated</i>	<i>Of which were not substantiated</i>	<i>Of which are still under investigation</i>
2009	26	0	4	22	0
2010	47	1	2	43	1
2011 (11 November)	30	0	5	13	12
<b>Total</b>	<b>103</b>	<b>1</b>	<b>11</b>	<b>78</b>	<b>13</b>

Please note that this Information is based on local management information rather than published statistics and is therefore subject to change.

### Written evidence submitted by Amnesty International UK

1. Amnesty International has been concerned for many years about allegations of ill-treatment by private security escorts during the forcible return or deportation of some foreign nationals from the UK.

2. In June 2005, Amnesty International published *United Kingdom: Seeking Asylum is not a Crime: detention of people who have sought asylum*. The report included claims by some of the interviewees that during attempts to enforce return to their country of origin from the UK they were ill-treated by escort staff and that in some cases excessive force was used.

3. On 29 October 2010 the UK Border Agency announced that it had awarded a new contract for escorting people detained by the UK Border Agency to Reliance Secure Task Management Ltd.<sup>1</sup> The four year contact would start in May 2011 and the company would be responsible for escorting detainees, both when in the UK and also on removal flights to home countries. Amnesty International was told that the intention was that current G4S staff responsible for escorting detainees would move to Reliance but this was up to individual staff members.

4. Until the end of April 2011 and for the past five years it has been primarily one company, G4S which has provided escort services to people being forcibly removed from the UK. It is understood that Reliance underbid G4S for provision of these services.

5. This submission brings together allegations of ill-treatment during enforced removals including removals of refused asylum seekers<sup>2</sup> and looks at what level of force is strictly necessary and proportionate during the removal process by escorts, using accepted methods of restraint.

6. In 2005 following a BBC documentary which reported on vicious behaviour towards those being returned from the UK by private security escorts during the journey from the Immigration Removal Centre to the aircraft, the Prison and Probation Ombudsman conducted a special investigation. The Ombudsman stated that it was “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”.<sup>3</sup>

7. Also in 2005 the Medical Foundation for the Care of Victims of Torture released a report *Excessive force during removal of Immigration detainees*.<sup>4</sup> The report found that the use of force against immigration detainees during attempts to expel them from the UK must be limited to that which is strictly necessary and proportionate under the circumstances, using accepted methods of restraint designed to minimise injury risk to all concerned. The report cited fourteen cases after failed removal attempts, where there were allegations that excessive force had been employed.

8. In 2008 Birnberg Peirce and Partners, Medical Justice and the National Coalition of Anti-deportation Campaigns (2008) published its report *Outsourcing Abuse: The use and misuse of state sanctioned force during the detention and removal of asylum seekers*.<sup>5</sup> The report found “an alarming and unacceptable number of injuries had been sustained by those subject to forced removals.

9. The *Outsourcing abuse* report presented findings from their dossier of nearly three hundred cases of alleged assault and 48 detailed case studies. Allegations of assault were made by people originating from over 41 countries.

10. Baroness Nuala O’Loan was appointed by the then Home Secretary to independently review the allegations and she presented her report in March 2010. In her Executive Summary she said that the use of force by detention Custody Officers and Escort Officers takes two principal forms: the use of handcuffs and the use of control and restraint techniques.

11. She reported that escort officers are equipped with handcuffs. Leg restraints are also used to facilitate the removal of a non-compliant detainee outside the detention estate. The control and restraint procedures used by contractors working for the UK Border Agency are those used by HM Prison Service.

12. Baroness O’Loan said in her conclusions that examination of the complaint files in the earlier cases indicated confusion as to responsibilities, some lack of training and of understanding of the complaints procedures which applied, and management deficiencies in identifying these problems and addressing them. That situation had now improved and the procedures and policy guidance are better than they were. However there was scope for further development of policies and she made recommendations to address these issues.

13. She concluded that during the period of her examination from 2002 to 2008 there was inadequate management of the use of force by the private sector companies. She had concerns in relation to the guidance, management and training, for the use of handcuffs.

14. Baroness O’Loan’s recommendations on the Use of Force included:

- a review of the training provided for the use of force and of the annual retraining, to ensure that, in any case in which force is used, officers are trained to consider constantly the legality, necessity and proportionality of that use of force;
- On all occasions on which force is used, officers should be required to justify that use of force by reference to the necessity, proportionality and legality of the particular use of force;
- There should be a review of the control and restraint techniques and of the Guidance used to determine what improvements could be made.

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<sup>1</sup> [www.homeoffice.gov.uk/media-centre/news/escort-detainees](http://www.homeoffice.gov.uk/media-centre/news/escort-detainees)

<sup>2</sup> Although not every asylum applicant is deserving of international protection, many commentators including Amnesty International, believe that the asylum determination procedure is flawed and denies protection to some people who need it.

<sup>3</sup> [www.ppo.gov.uk/docs/special-oakington-irc-05.pdf](http://www.ppo.gov.uk/docs/special-oakington-irc-05.pdf) page 3

<sup>4</sup> [www.torturecare.org.uk/resources/publications/2103](http://www.torturecare.org.uk/resources/publications/2103)

<sup>5</sup> [www.medicaljustice.org.uk/content/view/787/89/](http://www.medicaljustice.org.uk/content/view/787/89/)



15. In August 2009 the HM Inspectorate of Prisons conducted a thematic review on detainee escorts and removals.<sup>6</sup> In her introduction to the report Anne Owers the former HM Chief Inspector of Prisons noted that: “The behaviour of immigration escort staff involved in removing detainees, particularly those resisting removal, has been a focus of concern for some time...”. She stated that it was essential that there were built-in safeguards to minimise the possibility of over-enthusiastic use of force, or abusive behaviour, and to ensure that those being escorted had the fullest opportunity to complain if they believed that they had been ill-treated. The review found that there were considerable gaps and weaknesses in the systems for monitoring, investigating and complaining about incidents where force had been used, or where abuse was alleged.

16. On 12 October 2010, following numerous documented allegations of harm during the enforced removal process, an Angolan national Jimmy Mubenga died during an attempt to deport him to Angola on a British Airways flight. Eye witnesses told the Guardian newspaper how the 46 year old man was heavily restrained by security guards and that Mr Mubenga had complained of difficulties in breathing prior to his collapse.

17. On 15 October 2010, Scotland Yard’s homicide unit took over the investigation into the death of Jimmy Mubenga and MPs called for a wide-ranging and independent inquiry into the UK’s deportation system. Rt Hon Keith Vaz MP, the Chair of the Home Affairs Committee said he would be writing the Theresa May, the Home Secretary and G4S about possible questions surrounding the death.<sup>7</sup>

18. The three security guards from G4S were bailed without charge initially until December 2010 and continued on bail during the writing of this briefing, pending further enquiries. Mr Mubenga’s death and many other serious allegations of excessive force have led to calls for G4S to be fully investigated. On 17 March 2011 it was reported in the Guardian that Scotland Yard was considering bringing a corporate manslaughter charge against G4S over the death of Jimmy Mubenga. The three security guards from G4S could also face manslaughter charges.

19. At the end of 2010, at a public meeting at the House of Commons called by INQUEST and Medical Justice, the chair of the Home Affairs Select Committee Rt Hon Keith Vaz MP, reassured Jimmy Mubenga’s family that “we will not just pick up the issue and drop it,” promising to take up the case as soon as the ongoing police inquiries had finished and the CPS had considered whether a prosecution should be brought. He also agreed that the committee should conduct an investigation into the wider issue of the use of force during enforced returns.

20. Prior to the death of Jimmy Mubenga, Joy Gardner a 40 year old Jamaican woman was the last person to have died during deportation from the UK. She was gagged and restrained by police at her home in north London 1993. Thirteen feet of masking tape and a body belt—a leather contraption for pinning the arms which had chains and handcuffs fitted which were compared to slave manacles—were used to restrain Joy Gardner. The officers involved were found not guilty of manslaughter and subsequently the deportation squad was disbanded.

21. Cases sent recently to Amnesty International by the organisation Medical Justice demonstrate that the allegations of ill-treatment during the enforced removal process continue.

- A Moroccan national claims that he was restrained by his arms and legs and was dropped down the stairs of the airplane. His arm was broken.
- A Cameroonian national claims he was struck on the neck, handcuffed and his ear was injured.
- A Zimbabwean claims to have had his wrist broken and that he was bitten
- A Zambian claims to have been strangled.
- A national from the Democratic Republic of the Congo claims to have been beaten and that his head was banged on the floor.
- A Cameroonian claims to have been assaulted and had a suspected fracture but was not taken to hospital for x-ray

22. During the past year there have been a number of specific allegations of ill-treatment during enforced removals that have been reported including:

A 37 year old Colombian was hospitalised on 6 October 2010 after G4S guards escorted him onto BA flight. He was refused asylum in the UK claimed he was mistreated in the stairwell outside the aircraft where there were no cameras.<sup>8</sup> There were five attempts to remove him and Amnesty International subsequently learned he was finally sent to Colombia on 14 January 2011.

An asylum seeker from the Democratic Republic of Congo (DRC) claimed he struggled to breathe when security staff restrained him at a Heathrow boarding gate, and feared he was “going to die”.<sup>9</sup> He alleged that escorts put a knee on his chest and sat on him as he resisted efforts to enforce his removal on a Kenya Airways flight to Nairobi in January 2011. He had been in the UK for eight year and had claimed asylum as he is an opponent of the Government and feared return to the DRC.

<sup>6</sup> [www.justice.gov.uk/inspectors/hmi-prisons/docs/Detainee\\_escorts\\_and\\_removals\\_2009\\_rps.pdf](http://www.justice.gov.uk/inspectors/hmi-prisons/docs/Detainee_escorts_and_removals_2009_rps.pdf)

<sup>7</sup> *The Guardian*, 16 October 2010

<sup>8</sup> [www.guardian.co.uk/uk/2010/oct/21/g4s-jose-gutierrez-deportee-alleged-mistreatment](http://www.guardian.co.uk/uk/2010/oct/21/g4s-jose-gutierrez-deportee-alleged-mistreatment)

<sup>9</sup> *The Guardian*, 23 January 2011

Two students from London University's School of Oriental and African Studies were taken off of a Virgin Atlantic flight to Nairobi on 5 January 2010 when a man nearby was being forcibly removed from the UK.<sup>10</sup> They said that the man was handcuffed and in pain as he being violently restrained. Other passengers on the plane seated nearby were looking at each other in disbelief at a fellow passenger was who crying out for help and was clearly in considerable distress and pain.

The two students claim the man screamed as he was restrained by three guards who were pinning him in his seat. The students demanded to see the captain which was denied and they were offered seats at the front of the plane so that they would not hear the man screaming. When they continued to voice concerns, the plane taxied back to the terminal where according to them armed police were waiting for them. They were taken off and one of the students said he was questioned under anti-terrorism powers for several hours before being escorted to the underground station at Heathrow.

A refused asylum seekers from Cameroon whose removal on Kenya Airways took place on 9 April 2010 with 14 other refused asylum seekers.<sup>11</sup>

The Independent reported that he was accompanied by a male and a female escort officer plus a male medical escort. All three were provided by the private security company Group 4 Securicor (G4S). The report also stated that Escorts were authorised to use a variety of techniques to restrain deportees including a "Goose Neck" lock and a procedure called "Nose Control".

He relates in the article that his wrists and legs were handcuffed for the whole flight and that his lip was cut and his wrist and chest were bruised. He was allowed to go to the toilet only with the door open and four guards standing outside.

23. In October 2010 The Times newspaper reported on a secret internal G4S document that it had obtained, revealing the control and restraint techniques used during forced removals.<sup>12</sup> The escorts from the private security companies were allowed to use techniques that the Government's advice warns can lead to skull fractures, blindness and asphyxia. The document shows that its escorts are permitted deliberately to inflict pain by applying pressure to joints, to use handcuffs normally associated with specialist police units, to use nose control or nose distraction, which is essentially a karate chop to the nose.

24. The Times had learnt that the Prison Service is to phase out nose control techniques as a way of restraining inmates in jails in England and Wales because it is considered to be too risky. Its use in juvenile detention centres has already been banned after an inquiry into the death of Adam Rickwood, 14, who hanged himself hours after his face was bloodied by the technique. "Nose control" is not used by police officers.

25. The Home Office has said that the use of force was a matter of last resort if someone became disruptive or refused to comply, or to prevent the returnee from harming themselves. Handcuffs and in exceptional cases, leg restraints can be used.<sup>13</sup>

26. The Home Office does not publish documentation on the "control and restraint" methods used to effect a removal and the UKBA operating standards state that "When the application of force is deemed necessary no more force than necessary will be applied and any such force must be reasonable".<sup>14</sup>

27. As reported by the Independent documents obtained exclusively by the newspaper reveal the "control and restraint" techniques used by private detention and escorting officers. These include: Rigid bar, chain link and double-locked handcuffs as well as leg restraints.

28. David Banks Managing Director, G4S Care & Justice Services and Stephen Small, Managing Director of Detention and Escorting gave evidence to the Home Affairs Committee on 2 November 2010 for the Rules Governing Enforced Removals enquiry.<sup>15</sup>

29. The Committee was looking at the rules and protocols employed by G4S during enforced removal from the UK prompted by the death 20 days before of Jimmy Mubenga who died while being escorted by two G4S escorts.

30. Mr Banks said that his officers were empowered under legislation to use control and restraint techniques when appropriate. He went on to say that staff are selected for their interpersonal skills. Use of de-escalation techniques is a huge part of their training and the use of force and control and restraint techniques are used as a last resort. These can mean anything from the application of handcuffs to the use of Prison Service approved methods of control and restraint.

31. He believed that last year control and restraint was used in about 8% of removals. The control and restraint techniques used were those that were developed by the Prison Service and approved by UKBA and that the risks associated with positional asphyxia were a major part of the training programme.

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<sup>10</sup> Witnesses 'thrown off plane' during deportation flight. The Guardian 31 October 2010 Matthew Taylor and Paul Lewis

<sup>11</sup> *The Independent*, 15 July 2010

<sup>12</sup> *The Times* "control and restraint" techniques used during forced removals

<sup>13</sup> *The Guardian*, 14 October 2010

<sup>14</sup> *The Independent*, 5 July 2010

<sup>15</sup> [www.publications.parliament.uk/pa/cm201011/cmselect/cmhaff/uc563-i/563i.htm](http://www.publications.parliament.uk/pa/cm201011/cmselect/cmhaff/uc563-i/563i.htm)

32. Mr Banks told the committee that UKBA wanted to review the use of control and restraint and immediately following the death of Mr Mubenga they did lift the ability of escorts to use control and restraint and after a short period of consideration, those powers were reinstated in full.

33. A member of the committee referred to allegations of behaviour which had been considered inappropriate concerning a detainee's arm being held too tightly, restraint by using an inappropriate neck hold and being left too long in handcuffs and was told that during the five and a half years of the current contracts, complaints alleging assaults specifically relating to control and restraint totalled 186. Such complaints were investigated by the company and by UKBA Professional Standards Unit.

34. Banks said all G4S guards were trained in the dangers of positional asphyxia and denied any of its approved techniques involved pushing detainees' heads between their legs, saying the only technique used involved "lifting their head up".

35. Mr Banks was asked about restraint of the head as there had been photographs and drawing in the newspapers about the restraint of individuals. Mr Small said that there was no training in pushing the head downwards but training in trying to keep the deportee upwards. There were no neck or head holds used. Holds and arm locks are used to keep people down in their seat but it did not involve pushing their heads down. Sometimes their heads were held up when they were trying to put their heads down.

36. Reference was made to the Ministry of Justice's Physical Control in Care Training Manual amended July 2010<sup>16</sup> which identified a number of risk factors associated with the control and restraint procedures. They explained that there were two holds that were discontinued following this publication and that the guidance to G4S employees had subsequently been changed. The two holds were the seated double embrace and the double basket hold. Mr Banks further explained that there was a distraction technique, commonly called the nose distraction technique which involved "a very short chop to the nose" that was discontinued.<sup>17</sup>

37. However, three months later it was reported that following Jimmy Mubenga's death, whistleblowers from G4S had given testimony which contradicted the evidence given by the G4S managers regarding a banned restraint technique know as "carpet karaoke."<sup>18</sup> This revealed that G4S managers were repeatedly alerted that refused asylum seekers who became disruptive on flights were being "forced into submission" with their heads placed between their legs. The technique, which is strictly prohibited because it could result in a form of suffocation known as positional asphyxia, was nicknamed "carpet karaoke" by G4S guards.

38. The article revealed that the whistleblowers had repeatedly warned that "potentially lethal force" was being used during the removal process. This evidence had been secretly submitted to the Home Affairs Select Committee following Jimmy Mubenga's death.

39. The whistleblowers also alleged that staff were insufficiently trained. Their evidence conflicts with that given by David Banks Managing Director, G4S Care & Justice Services and Stephen Small, Managing Director of Detention and Escorting to the Home Affairs Committee on 2 November 2010.

40. On 9 November 2010 Lin Homer former Chief Executive of UKBA gave evidence to the Home Affairs committee on the work of the UK Border Agency.<sup>19</sup> She was questioned about the award of the contract to the private company Reliance and asked if she was aware of the complaints about the way in which Reliance dealt with people in custody.

41. Ms Homer replied that they looked at the quality of all the major providers as one of the aspects of award, and expected them all to have a complaints system and to be able to show that it was accessible and operated fully and fairly.

42. She was asked if she was aware of the complaints made against Reliance and the case of Gary Reynolds was cited. The Independent Police Complaints Commission (IPCC) completed its investigation into the case of 41 year old Gary Reynolds, who became unconscious while in police custody in Brighton, Sussex.

43. Brighton Custody Suite is run by Reliance, whose staff are not subject to IPCC or Sussex police disciplinary recommendations, despite the IPCC's highly critical findings.<sup>20</sup> The statement continued that if any part of the criminal justice system was to be run by private companies it was vital that they are held fully publicly accountable for their actions and omissions.

44. Gary Reynolds' long term prognosis is not known but he has suffered life changing injuries and is currently paralysed on his left side and is suffering from significant cognitive impairment.

45. Hickman and Rose, Gary Reynolds' solicitors reported on 31 January 2010 that he was paralysed down the left hand side of his body and suffers from a permanent brain injury after being found in a coma in his cell

<sup>16</sup> [www.justice.gov.uk/physical-control-in-care-training-manual-2010.pdf](http://www.justice.gov.uk/physical-control-in-care-training-manual-2010.pdf)

<sup>17</sup> The nose distraction technique was suspended by the Ministry of Justice in December 2007, [www.publications.parliament.uk/pa/jt200708/jtselect/jtright/65/6505.htm](http://www.publications.parliament.uk/pa/jt200708/jtselect/jtright/65/6505.htm)

<sup>18</sup> *The Guardian*, article G4S security firm was warned of lethal risk to refused asylum seekers 8 February 2011

<sup>19</sup> [www.publications.parliament.uk/pa/cm201011/cmselect/cmhaff/587/10110901.htm](http://www.publications.parliament.uk/pa/cm201011/cmselect/cmhaff/587/10110901.htm)

<sup>20</sup> [www.hickmanandrose.co.uk/Press-Releases/31-january-2010-gary-reynolds-calls-for-a-public-inquiry-into-systemic-failings-that-almost-killed-him.html](http://www.hickmanandrose.co.uk/Press-Releases/31-january-2010-gary-reynolds-calls-for-a-public-inquiry-into-systemic-failings-that-almost-killed-him.html)

in Brighton police station on 2 March 2008.<sup>21</sup> Gary Reynolds called for a public inquiry on receiving the report of an investigation by the Independent Police Complaints Commission (IPCC), which highlighted systemic failures by custody staff at Brighton Police Station, who were responsible for Gary's care on 2 March 2008. The IPCC found a failure "to provide Gary Reynolds with an adequate level of care", which "contributed to Gary Reynolds remaining in a coma longer than he should". The IPCC also found there was a collective failure to carry out a range of highly significant duties required by the Police and Criminal Evidence Act for the care of detainees.

#### THE GERMAN DEPORTATION/REMOVAL PROCESS

46. In Germany private security companies are not involved in escorting a person to the aircraft during the enforced removals process. This practice is carried out by the German Federal Police. In general the police are the responsibility of the regional governments, but this is not the case at the airport, stations or at the borders.

#### THE SYSTEM IN GERMANY

47. An effective monitoring system was introduced in 2001 in Germany first at Düsseldorf Airport. Frankfurt Airport followed in 2006 and Hamburg in 2010. The tried and tested monitoring system comprises two components:

- monitoring of people who are present for forced returns at the airports in Düsseldorf, Frankfurt and Hamburg airports
- airport forums were established which are responsible for installing the monitors and to which these monitors must regularly report.

48. The committees consist of representatives of governmental and non-governmental organisations as well as the churches. They receive the reports of the monitors and discuss any incidents or problems that have arisen. The forums do not have any legal or official supervisory competences. They see themselves as discussion forums in which problematic situations and matters can be reviewed and clarified.

49. Confidentiality is an important feature of the forums' work. On the one hand the protection of personal data has to be ensured in all governmental activities. Data on individual incidents and other sensitive information is only discussed among the forum members and not made available to third parties. The forums can voice criticism and demand improvements, for example, concerning the protection of the human rights of persons about to be removed.

50. The work of those monitoring removal operations and of the airport forums has led to an ongoing discussion and exchange between representatives of non-governmental organisations and the churches with governmental agencies. The goal of this process is transparency in a sector previously inaccessible to the public.

51. Independent monitoring of forced returns also protects the rights of everyone involved in such procedures. This is true for people facing removal whose fundamental rights may be violated when means of restraint are used, and it is also true for police officials, since the presence of neutral monitors safeguards them against unjustified attacks and accusations.

52. Essential preconditions for the establishment and further development of the monitoring system:

#### MONITORS OF REMOVAL OPERATIONS MUST HAVE:

- access to all relevant data and information while taking the confidential nature of the material into account.
- unhindered access to all phases of the removal procedure, meaning free and uninterrupted monitoring from detention facilities to the interior of the airplane.
- the possibility of accompanying the flight as far as the country of origin, in particular in case of joint removal operations from the European Union.
- unhindered communication with the returnees.
- immediate contact with the official in charge of the removal procedure in case of any problems or incidents.
- a regular exchange of best practices and experience with other German and European monitoring institutions with a view to developing common standards.

#### CONCLUSION

53. This briefing has documented a pattern of excessive use of force by Private Security Contractors during the enforced removals process over a number of years, often employing dangerous and abusive control and restraint techniques that in at least one case, appear to have resulted in the death of an individual in October 2010. This death, and other many similar cases alleging serious abuse by private contractors have continued despite two critical government reports—one produced by Baroness O'Loan March 2010 and the other by the

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<sup>21</sup> [www.hickmanandrose.co.uk/Press-Releases/31-january-2010-gary-reynolds-calls-for-a-public-inquiry-into-systemic-failings-that-almost-killed-him.html](http://www.hickmanandrose.co.uk/Press-Releases/31-january-2010-gary-reynolds-calls-for-a-public-inquiry-into-systemic-failings-that-almost-killed-him.html)

HM Inspectorate of Prisons in August 2009—which highlighted deficiencies over the accountability, training and techniques employed by these contractors. This suggests there remains widespread and fundamental problems with the use of Private Security Companies in the enforced removals process.

54. In Amnesty International's view, a complete and radical overhaul and reform of the current system is now required to enable the UK Government to meet its legal obligations to protect individuals against human rights abuses. In short, reforms that must drastically improve the accountability, monitoring, oversight, compliance, training and techniques employed during enforced removals.

55. What follows is a more detailed set of recommendations, both for the UK government and Private Security companies, to help prevent serious human rights violations from occurring. Finally a summary of the relevant international human rights standards that apply to the lawful and proportional use of force is provided, obligations that the UK and any companies contracted on its behalf must meet during the enforced removals process.

#### RECOMMENDATIONS FOR THE UK BORDER AGENCY

56. The roles played by Private Security Companies that have been contracted by States, raise specific and challenging accountability issues for the protection of human rights and international law. Given long standing concerns over the accountability and conduct of private security companies sub contracted to undertake law enforcement or related security operations, the Government should review experience in other EU countries, most notably in Germany, where the state uses its own law enforcement personnel to undertake enforced returns. Their experience suggests that allegations of harm during the removals process are dramatically reduced when state law enforcement personnel are used and independent monitoring is allowed.

57. Where private companies are contracted by the UK government for enforced removals, oversight, contracts must only be awarded, overseen and monitored subject to:

- Explicit acknowledgement that private companies exercising public law enforcement operations including the use of force on the authority of the state, are explicitly bound by the Human Rights Act, other relevant human rights legislation or standards related to law enforcement operations including detention, enforced removals and the use of force.
- Economic incentive, cost or other commercial and or operational requirements must not be a basis for awarding or operating contracts dealing with the humane and lawful treatment of individuals during the removals process.
- Contracts must be dependent upon suitability and robustness of the training and accountability and compliance mechanisms, including risk assessment, contingency planning procedures, reporting, monitoring and evaluation process to ensure compliance with internationally recognised human rights standards and subject to rigorous external and regular compliance audit and monitoring. The UK government should not allocate contracts to private companies which have been implicated in instances involving the excessive use of force, harm on removal or any act of torture or other cruel, inhuman or degrading treatment.
- To ensure greater public confidence in the removals process, all allegations of harm on removal must be subject, where necessary, to independent investigation by competent body acting with integrity, impartiality and independent from company, government or the complainant's influence.
- To increase transparency and accountability and to mitigate against harm, all removals must be independently monitored by a competent independent body who should accompany, monitor and report on all stages of the removal process, including transport from the place of detention, escorting through airports and on-board aircraft.

58. In these instances, the UK government retains the legal obligation to protect individuals against human rights abuse caused by Private Security Companies as well ensure the right to judicial remedies.

#### RECOMMENDATIONS FOR PRIVATE SECURITY COMPANIES

- No person or company can undertake enforced removals without adequate training and annual certification. Training methods should be subject to continuous review, assessment, learning and development based on evaluation of operational experience and should be subject to regular auditing by the UK Border Agency. All training must be geared to help reduce the use of excessive force and must include:
  - all relevant human rights and international legal obligations, human rights legislation and related standards on use of force including the lawful use of control and restraint techniques.
  - modules on dealing with potentially vulnerable groups, ethnic, cultural, religious, age or gender related sensitivities,
  - medical assistance, including the medical and psychological implications associated with the use of different devices and restraints, with particular focus on the differential impacts it may have on different population groups.

- scenarios based on likely issues faced during enforced removals, such as different types of transportation, escorting, on board aircraft and different categories of individuals being removed
- training on verbal techniques/de-escalation techniques.
- Private Security Companies should have a clear use of force policy in place to which they can be held publicly to account. The policy should list prohibited techniques and practices, and state its commitment to relevant human rights and international legal obligations, human rights legislation and related standards on use of force including the lawful use of control and restraint techniques.
- There should be an absolute prohibition on any control and restraint techniques that are likely to impair breathing as should strikes to the head and face whose application can seriously risk human life, cause serious injury or constitute cruel and degrading treatment.
- All use-of-force, including use of restraints, should be reported immediately, monitored and evaluated. Use of Force reports should be thorough and detailed to allow for meaningful assessment to ascertain if each use of force was strictly necessary and proportionate at the time of its application. It must be clearly specified in training and operational procedures that every individual authorised to use force is accountable for each and every application of force and must be able to justify each and every use of such force.
- All use of force must be reported and investigated through robust internal compliance procedures allowing for continual assessment, learning and evaluation, including appropriate disciplinary or other remedial procedures. There must be recourse, to external investigation by a competent independent body free from company or government influence. Private Security Companies should not, in any way, prevent or hinder an external investigation into use of force allegations.
- The use of manual restraints should be avoided unless strictly necessary to prevent imminent threats of serious injury or escape and must not be applied for any longer time than is strictly necessary. No individuals can apply restraints of any kind unless they have been authorised and trained in the use of manual restraints. Only approved restraint equipment and techniques may be used and, within this, preference should be given to less injurious restraints such as soft restraints made from fabric. The use of manual restraints must never be used as a tool of pain compliance, or used in ways that are likely cause unnecessary pain or suffering or heighten risk injury, such as, for example by placing excessive stress on wrist joints, or by over tightening. Rigid bar handcuffs and hinged cuffs should not be used, given their history of abuse
- The use of leg restraints should be avoided in all but the most extreme cases which cannot met with more humane alternative forms of restraint, and must never be applied for prolonged periods. Fabric (soft) leg restraints should be used; metal leg restraints should not.
- All enforced removals should include a designated compliance officer who is qualified as a senior trainer with a supervisory role, a certified medical officer and a certified social and welfare officer.
- The enforced removals process should be subject to a detailed risk management methodology and contingency planning prior to each and every removal to help reduce the use of excessive force or other human rights abuses. To reduce the likelihood of abuse, contingency planning should ensure:
  - adequate resources and capacity are allocated to each removal depending on the likely nature of incidents to be faced
  - a minimum number of trained and authorised personnel necessary to deal with anticipated situations.

KEY RELEVANT INTERNATIONAL STANDARDS ON THE USE OF FORCE, APPLICABLE TO ANY OFFICER ACTING UNDER THE AUTHORITY OF THE STATE<sup>22</sup>

- No person acting under the authority of the state for any law enforcement operations can inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment and has a duty to disobey orders to carry out such acts.
- All law enforcement should apply non-violent means as far as possible before resorting to the use of force. All use of force must be strictly necessary, proportional to the threat faced and designed to cause the minimum of pain and suffering necessary to meet its lawful objective. They may use force only if other means remain ineffective or without any promise of achieving the necessary lawful objective. Force, including the use of restraints, must not be applied for any longer time than is strictly necessary.
- Special attention should be given to the protection of human rights of members of potentially vulnerable groups, such as children, the elderly, women, refugees, displaced persons and members of minority groups. Law enforcement personnel should pay particular regard to factors of race, colour, gender, sexual orientation, age, language, religion, nationality, political or other opinion, disability, ethnic or social origin when carrying out their duty.
- Law enforcement personnel must ensure that all possible assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment.

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<sup>22</sup> For more details see, 10 Basic Human Rights Standards for Law Enforcement Officials (1998). AI Index: POL 30/004/1998.

- All violations of human rights by law enforcement personnel, including any breaches of these Basic Standards, should be investigated fully, promptly and independently. All law enforcement personnel must report every use of force incident, including the use of restraints, promptly to their superiors, who should ensure that proper investigations of all such incidents are carried out.

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