



**Investigation into Allegations of Racism, Abuse and Violence at Yarl's Wood  
Removal Centre**

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

**March 2004**

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## Executive summary

1. This is the report of an investigation conducted on behalf of the Minister for Citizenship and Immigration into allegations of racism and physical abuse at Yarl's Wood Removal Centre reported in the Daily Mirror on 8 December 2003.
2. The investigation team has met with the reporter responsible for the newspaper's story, and taken evidence from a variety of other sources. In particular, we have reviewed the internal investigation carried out by Global Solutions Ltd (GSL) and conducted a large number of informal interviews with staff and detainees at Yarl's Wood.
3. The reporter, Nick Sommerlad, started at Yarl's Wood as a trainee on 6 October 2003. Two weeks later, he commenced the Initial Training Course (ITC). He attended for five weeks before his deception was uncovered. His allegations are based on things said during the course or in its margins.
4. The report details the findings of GSL's investigation into 19 specific claims made in the Daily Mirror. It also analyses a further dossier provided by GSL containing information on the company's policies and practices on human rights, equal opportunities and race issues.
5. GSL employees who attended the same course as Mr Sommerlad were generally positive about its content. Around one-third stated that they did not hear any of the comments reported by Mr Sommerlad. The remainder said they had heard some of the comments but believed they had been taken out of context.
6. Other staff reported that they had witnessed no overtly racist behaviour whilst on duty at Yarl's Wood.
7. Detainees named some staff they considered racist. However, this tended to be based on general demeanour and tone rather than specifically racist behaviour. No detainee complained of openly racist language. There was, though, significant dissatisfaction with the food offered at Yarl's Wood.
8. I also draw attention to the practice of some staff to wear emblems unconnected with their uniform, including reproductions of national flags.
9. The Daily Mirror also suggested that there was a culture of abuse and violence at Yarl's Wood, with excessive reliance upon Control & Restraint (C&R). I share the view of GSL that Mr Sommerlad has, in places, confused C&R with personal protection 'breakaway' techniques. I also report staff and detainees' views of C&R.
10. In the body of this report and in annexes, I compare the use of C&R at Yarl's Wood and in other removal centres. The figures suggest a heightened reliance on C&R at Yarl's Wood. This should be carefully scrutinised by the company, IND and the Independent Monitoring Board (IMB).

11. The newspaper quoted from contributions to the ITC made by a psychologist, Mr David Boag. I cannot condone some of Mr Boag's language and terminology but am satisfied that his approach to training was generally sound and well-intentioned. I see no reason why he should not continue to contribute to GSL's training courses.
12. I include a detailed examination of two incidents in which it has been alleged that detainees were assaulted. One of these incidents merits further investigation as do a number of other issues arising from Mr Sommerlad's allegations.
13. The report includes a review of the security implications of Mr Sommerlad's clandestine activity.
14. I conclude that most of the things Mr Sommerlad said happened did happen. However, I have also concluded that these do not indicate a culture of racism and improper use of force. The remarks reported by Mr Sommerlad were attributable to a small handful of people. While it is of concern that they felt able to speak as they did, two of the three principally culpable no longer work for the company and I am satisfied that GSL has taken appropriate action.
15. The report contains 30 recommendations.

## **Foreword**

On 8 December 2003, the Daily Mirror carried the front page headline:

“Intruder II: Mirror reporter lands job as security guard at asylum centre... and discovers a culture of abuse, racism and violence that SHOULD appal us all.”

The newspaper said that one of its reporters, Nick Sommerlad, had worked undercover at the Yarl’s Wood Removal Centre. He had been asked to leave when parts of his application did not check out and he admitted falsifying it to gain employment.

During his time at Yarl’s Wood, Mr Sommerlad had kept notes of various comments and conversations to which he was party as a trainee. These were apparently made by trainers, other trainees and existing Detention Custody Officers (DCOs). The Daily Mirror printed extracts from his notes in articles spanning several pages, suggesting that they provided evidence of endemic brutality, maltreatment and prejudice. The newspaper referred to one incident where a detainee was given a “pasting” and “splattered against the wall” during C&R procedures.

These were startling and hugely worrying allegations. If true, they would have called into question not just the management of Yarl’s Wood and its oversight by IND, but the fitness of the contractor (GSL) to run any removal centre or prison in this country.

On 18 December 2003, I was invited to carry out an inquiry into the Daily Mirror’s allegations. My terms of reference are attached at Annex A. In writing this report, I have chosen to anonymise some of the players. Detainees’ right to anonymity is enshrined in law. I have extended the same courtesy to Yarl’s Wood staff. In particular, some DCOs have been disciplined for their actions. I see no reason to name them here. Those whose actions I suggest require further investigation are entitled to anonymity until such time as the true facts are discovered. Where I considered that identifiable individuals might infer personal criticism from my report, I have given them the opportunity to comment. Their comments are included in the body of the report.

At the time I was commissioned to conduct this inquiry, I was – and remain - heavily embroiled in the Government’s ‘overarching’ inquiry into the major disturbance that occurred at Yarl’s Wood in February 2002. However, I have regarded this second inquiry as quite separate from the first. This report does not touch on issues relating to the wider Yarl’s Wood investigation, except where it explicitly makes that link.

I am grateful for the assistance afforded me by GSL. I also wish to thank the Director General of IND and his colleagues for the strong support they have given during both Yarl’s Wood investigations.

**Stephen Shaw**  
**Prisons and Probation Ombudsman for England and Wales**  
**March 2004**

## Investigation

I formed an investigation team consisting of myself, Ali McMurray (Assistant Ombudsman), John Ship (Assistant Director, IND's Detention Services Security and Control Unit), Barbara Nicholson (SEO, IND's Detention Services Policy Unit), and Pen Burchall (Home Office fast streamer, currently attached to the Ombudsman's office.) The team put in many hours of work and I am greatly indebted to them.

I met Mr Sommerlad and received from him a 28-page dossier on which the Daily Mirror articles had been based. The dossier had been transcribed from contemporary notes made whilst he was at Yarl's Wood.

I asked Mr Sommerlad for a copy – or at least sight – of his original notes. Having taken advice from the newspaper's lawyers, Mr Sommerlad declined. He told me that I could quote the following statement, "The Mirror does not provide its reporters' notebooks." I understand why acceding to my request might have been thought to set an unhelpful precedent for journalists in general. However, as a consequence, I cannot verify the dossier against its source.

I met David Banks, Chief Operating Officer of GSL, and Paul Leadbeater, the company's Head of Internal Security. They provided me with a copy of GSL's own investigation report into Mr Sommerlad's allegations, and a further file containing information about GSL's policies and practices regarding human rights, equal opportunities and diversity issues.

On a visit to Yarl's Wood, I interviewed the Chair of the IMB at Yarl's Wood and a colleague. I also received information from the Campaign against Arbitrary Detention at Yarl's Wood.

Three other interviews were held. I met with David Boag, the psychologist responsible for delivering Yarl's Wood's training module on interpersonal skills and who had featured in the Daily Mirror articles. I also spoke to Mel Kirtley, Head of the Prison Service Training Centre at Kidlington about the use of C&R techniques. Finally, I spoke to Christian Heard, Head of the Immigration Service Quality Assurance and Complaints Team about security issues.

We obtained papers relating to the restraint of a female detainee (referred to here as Ms A) and a copy of a complaint lodged at Yarl's Wood by the detainee (referred to here as Mr B) whom it had been claimed had been "splattered against the wall".

The inquiry team spent nearly a fortnight at Yarl's Wood. They personally delivered to detainees a note explaining why the team was there. The note invited (anonymous) written comments and personal contact. It also invited detainees to attend a two-hour drop-in session in the association room. A similar invitation to contribute was also issued to staff. The team made themselves readily accessible on the wings.

Members of the team spoke to all the DCOs who attended the same ITC as Mr Sommerlad. They also spoke to a selection of longer-serving staff, to the centre manager and members of the senior management team, and to the Race Relations

Liaison Officer, the IMB representative on the Race Relations Management Team, and medical personnel. All the interviews were conducted informally.

The team reviewed Use of Force forms at Yarl's Wood and compared the usage of force at Yarl's Wood with other removal centres. They also watched a recording of a planned C&R incident.

Mr Sommerlad contacted the team during the course of the investigation to offer further leads. These included an officer who had apparently been wrongly identified by his colleagues as having made a remark about racist culture at the centre and who was being harassed as a result, and another officer who had just resigned. Mr Sommerlad told us that the second officer would tell us that his article understated the situation at Yarl's Wood. Members of the team spoke to both these individuals.

Mr Sommerlad also provided a list of current and ex-detainees to whom he suggested we speak. However, many of them were at Yarl's Wood before the disturbance in February 2002. In view of the large number of detainees with whom we had already been able to speak, I did not think it justified to spread the net back two years. We did, though, speak to those detainees in Mr Sommerlad's list who were still at Yarl's Wood.

### **Mr Sommerlad's account**

At my meeting with Mr Sommerlad on 5 January 2004, he told me he had been a journalist for four years, and worked in London as a freelance journalist for the Daily Mirror. He said that the idea of going into a removal centre undercover was his own. I remain unclear on what exactly prompted the idea, Mr Sommerlad saying only that he thought the resulting story would "have value". He said that, when he first applied, he was not aware that his application would, if successful, lead to a placement at Yarl's Wood. He believed that Yarl's Wood handled recruitment for other Group 4 establishments.

Mr Sommerlad said he started work at Yarl's Wood on 6 October. He spent seven weeks at the centre, during five of which he attended the ITC. He explained that he had been liable to random search while at the centre and so had not used a tape recorder. He therefore took notes, either contemporaneously or as soon after the event or conversation as he was able. He presented me with his notes (described by him as 'verbatim') which he had typed up each evening he was at the centre. These incorporate much more detail than the Daily Mirror articles. In particular, they referred to an incident where several male DCOs allegedly restrained a naked female detainee (Ms A).

Mr Sommerlad told me that he took exception to the language used to describe detainees. He referred to racist and otherwise questionable comments about asylum seekers and instances of racial stereotyping. He conceded, however, that he had not met many staff and most of the remarks quoted in the Daily Mirror were attributable to a handful on the training course. He said he did not initiate any discussions on asylum, but had the impression of an overwhelmingly hostile attitude to asylum seekers. Mr Sommerlad said he was struck that he did not hear anyone supporting

detainees or defending their right to asylum. He was also surprised at how candid people were with him, given that they did not know him.

Mr Sommerlad said he was surprised that, during the training, no one, including trainees of minority ethnic origin, objected to the tone or terminology used by trainers. He suggested that the race relations boxes were not used and that staff did not know what to do if they were offended by something that was said or done. There were no minority organisations or support groups for employees.

Mr Sommerlad questioned whether the ITC, in particular, the interpersonal skills module, was correctly aimed at custody officers who would be working with immigration detainees. He said that he considered the course to be more appropriate for prison officers and stated that some of the module documentation referred to 'prisoners' and 'prison officers'. He said that Mr Boag gave examples of his experience in Category A institutions and taught trainees how to identify a psychopath. He queried the relevance of this for DCOs, pointing out that the centre currently held 60 women detainees.

Mr Sommerlad acknowledged, however, that Mr Boag was clearly a good and very experienced psychologist. He conceded that the course had made some valid points, such as that C&R should be used as a last resort, after interpersonal skills had failed, and that DCOs had a duty of care as well as a custodial role. (This opinion was not reflected in the Daily Mirror's report.)

Mr Sommerlad reported in the Daily Mirror that, "Most of the recruits seemed really excited about learning the control and restraint techniques." At our meeting, he suggested that the C&R training was presented as "the best bit" of the training course, that there were regular references by trainers to use of force, and that trainees were told to expect to go home black and blue. Mr Sommerlad objected to C&R being referred to as "play". He raised concerns that using force against detainees was taken lightly and in some cases was done for enjoyment. Mr Sommerlad said DCOs and supervisors regarded with glee rumours that new C&R techniques being introduced would allow staff to 'nut' detainees.

DCOs had told Mr Sommerlad that the C&R course was particularly enjoyable. They felt it was the point at which they toughened up as people and were rebuilt as officers, beginning to think about detainees less as humans and more as potential problems.

Mr Sommerlad also reported an exchange with Mr C, a DCO. Mr C apparently told him that he used to be a supervisor but was demoted after he told a detainee that if he saw him outside the centre he would "rip his head off and shit down his neck". A further allegation related to a lawyer. Mr D, a Detention Custody Supervisor (DCS), claimed the lawyer hated him and that he (Mr D) was involved in the C&R team that "wrapped him up ... It was brilliant."

Mr Sommerlad alleged he had also been told that CCTV cameras were turned off or away while detainees were assaulted.



Although not reported in the Daily Mirror (and therefore not the subject of the GSL investigation), Mr Sommerlad's transcript refers to two other examples of possible improper or excessive use of C&R.

On 29 October, he reports comments by Mr E, a DCS:

"Mr B was an arsehole. There is no other word for it, he was a bastard. He would be an arsehole one minute and as nice as pie the next."

Mr Sommerlad then goes on to attribute the following words to Mr E, in describing the use of C&R on a Polish detainee:

"Christine decided to give us some trouble so we showed her Mr Bendy. C&R over she was an angel. A magnificent transformation."

Finally, Mr Sommerlad said that GSL staff told him that the worst treatment of detainees occurred on the way to removal. He wanted to witness this and was told of the possibility of overtime for Wackenhut, but he was sacked before this could happen. I have not investigated this further allegation.

Mr Sommerlad told me that he had received a number of messages of support from former and present Yarl's Wood staff after publication of his article. He was not willing to identify them, however.

### **GSL's investigation**

I met David Banks and Paul Leadbeater on 7 January. Mr Leadbeater served with the West Riding Constabulary for 30 years - much of it in the CID - before joining Group 4 in 1995. He commissioned three other former police officers (with 86 years of police experience between them, most of it in the CID) to conduct interviews with GSL staff. They were all self-employed and had been selected for their conspicuous independence. The aim was to attempt to ensure that the evidence was kept as 'clean' as possible.

All staff and course members were interviewed. They were asked if they recognised the words or the sentiments described in the Daily Mirror article and for their views on racism. The investigation had resulted in disciplinary action against three members of staff. Mr F, a DCS, was dismissed, while Mr D and Mr C were given written warnings. Mr Leadbeater said he was satisfied that there was not a culture of racism at Yarl's Wood and no general recommendations were made. He accepted that many of the remarks had been made, but suggested that they had been taken out of context and misconstrued.

Mr Leadbeater told me he believed that Mr Sommerlad had completely confused personal protection 'breakaway' techniques and C&R. He noted that these two techniques were wholly distinct and used in completely different situations. He suggested that the headbutts to which Mr Sommerlad referred might have been a backwards movement of the head used to break away from an aggressor and make him release his grip. Mr Leadbeater said that his investigation had discovered that there might have been a conversation to which Mr Sommerlad was party about

proposed changes to C&R and the use of more physical techniques. He pointed out that Mr Sommerlad was dismissed before training on C&R and that this confusion might have been cleared up had he undergone this training.

Regarding the use of a camera to conceal an assault, Mr Leadbeater confirmed that there were some areas not covered by CCTV. However, where there were cameras, they could not be switched on and off by staff. He noted that GSL had recently adopted the strategy of using hand-held cameras when there were pre-planned C&R incidents, to protect staff against allegations of wrongdoing.

Addressing Mr Sommerlad's concern about the appropriateness of the training, Mr Banks advised that the aim of the ITC was to equip DCOs with the skills required to work in Yarl's Wood both in the present and the future, when the population would be larger and comprise both single women and families. He said, in addition, that DCOs were expected to work at other centres such as Campsfield House and Oakington, which housed different types of detainee.

Mr Sommerlad subsequently provided GSL with the 28 pages of detailed notes he had already supplied to me. The company said that, as a consequence, it had reopened its investigation and was likely to revisit the disciplinary proceedings, "to the extent that we are able under good employment practice and law". This led to the re-suspension of Mr D. He has since resigned.

GSL presented me with two dossiers. The first was the company's investigation report into the Daily Mirror allegations. The second contained background material about the company's past activities "to promote Human Rights, Equal Opportunities and Race Relations". Both dossiers were stamped 'Confidential'. I quote from them here with permission.

The GSL report confirms that Mr Sommerlad obtained a position as a trainee DCO. His ITC was due to commence on 20 October 2003, but Mr Sommerlad was one of 7 (out of 17) new recruits instructed to report to Yarl's Wood on 6 October. It is also confirmed that Mr F, from Campsfield House, joined the course for one week at a later date, to improve his interpersonal skills.

### **Allegations and GSL's findings**

The investigation report lists 19 specific allegations made against individuals in the Daily Mirror on 8 December and records the investigation's findings alongside each one. The report also contains details of Mr Sommerlad's fellow ITC members, all of whom were interviewed, and eleven of whom made statements. (As a result of the absence through sickness of the Training Manager, the ITC was prepared and managed by Mr D.)

Of the specific allegations, the GSL investigation concludes as follows (I have omitted one allegation that was a duplication):

- "A horrified black colleague told him: There are racists here. I can't see why management doesn't do anything about it."

One of the course members confirmed that he was responsible for the remark.

- "One officer said: These ones are pussycats. I've spent six years dealing with a\*\*eholes."

Although there was a conflict of evidence amongst the three course members who recalled this remark, Mr C admitted making the remark, stating he was referring to the detainees at Campsfield House, where he had previously served.

- "A senior security officer did not hide his racist contempt for those in his 'care' at the notorious Yarl's Wood detention centre. He told me: 'The Indians and Pakis are all right. But Jamaicans are drug-dealing pieces of s\*\*t. Algerians are the slimiest bastards in the world - all of them. They're all terrorists, the ones we get any way. And the Chinese are evil little bastards.'"

Two course members and Mr D said this remark was made by Mr F. He denied making the remark.

- "One officer said bluntly: 'They're bitches in here. They're here for a reason.' On another occasion I was told: 'We have to watch out for incest. Its part of their culture. They'll stick it up anything.'"

Mr Sommerlad attributes the incest comment to Mr D (note taken 29 October). Mr D agreed with GSL that he had referred to incest during a lecture but denied using the term "bitches" or saying "they will stick it up anything." I have not identified a source in Mr Sommerlad's allegations for "bitches" and it relates to another occasion entirely (17-20 November). Only one trainee recalled this remark, and he accused Mr F of making it.

- "During another session on human rights, trainees were subjected to a right wing rant. They were told: Now they (asylum seekers) are rowing over here in dinghies. Sink them that's what the navy should be doing."

Mr Sommerlad has accused Mr D of this. When he was interviewed by the GSL investigation, Mr D admitted to referring to dinghies, but stated that he was talking about his experiences in the Army when serving in Hong Kong, where the Navy had to destroy any vessels used by illegal Chinese immigrants. He denied using the term in relation to asylum seekers trying to enter the UK.

One trainee also attributed the phrase to Mr D, but two others cited Mr F as responsible. Mr F denied using this phrase.

- "Far from sympathising with the detainees' plight, one recruit declared: 'The ones who come here and don't stop crying really piss me off. I'm like "shut up!" they only do it to get attention.'"

The GSL investigation confirms that this remark was made by a course member (Ms G).

In an e-mail to the head of the GSL investigation, Mr Sommerlad stated:

- "An officer I can only identify as [X] called detainees 'the scum of the scum' on 8 October before the training started. He added in front of two colleagues: 'I would rather work with prisoners, except nonces. At least they are for real. This lot are all gimme, gimme, gimme, take, take, take.'"

This allegation does not appear in the transcripts Mr Sommerlad provided to me. The GSL report identifies the only member of staff with this name. He denied making the remark and said that he had spoken to Mr Sommerlad after the course began and not before.

- "The regime is strict. Trainees were told: No mollycoddling. At 7am it's 'Bang, bang, get up!' You want them up and tiring themselves out. It's good for the centre. Don't let them sleep all day. Talk to them, annoy them, knacker them out. It's the best way."

The GSL report is unable to identify who was responsible for this remark. It concludes, "it has to be said that perhaps this terminology, even if correct, is not really detrimental to the detainees."

- "I was warned: Don't befriend them. Other officers will turn on you. You're not here for that. If you want to, join the visiting committee. Get out of the job and join the tree huggers."

Two trainees suggested that Mr D was responsible for using the term "tree huggers". He admitted to this, when interviewed, but stated that he corrected himself immediately and referred to the "befrienders."

- "An immigration officer who works for the Home Office told new recruits: If they're in here, it's almost certain that their case has been looked at and refused. A story that you're told by one of the detainees may seem convincing. Don't get involved."

Mr Sommerlad says this was said by the Chief Immigration Officer at Yarl's Wood, although this is not confirmed in the GSL Report. The Report says, "we suggest that it may well be good advice."

- "In suicide awareness training, I was told: They're cunning. Some keep razor blades in their mouths. We had one who swallowed a blade broken off a disposable razor, passed it out and used it. If they ask for a pen to write a letter, watch them. Some break the pen and use that to cut themselves. Those people that want to do it will do anything."

A number of the trainees said that Mr D was responsible for this, and he confirmed as much when he was interviewed by GSL. The report says he confirmed that as part of his training on suicide awareness, he gave examples of detainees using razor blades etc. to harm themselves.

- "One told me: It's not just for shouting or being violent. If at the end of a six-hour asylum meeting they say, "You f\*\*\*\*g bastards, then that's considered to be disruptive. I don't think that's right."

The GSL report says it has not been possible to establish who said this. However, the report concludes that this phrase was in fact supporting the assertion that not all staff are callous.

- "I listened with horror as a senior officer sadistically relished rumours they would soon be able to punch, kick and even head butt difficult inmates under new control and restraint plans by Home Secretary, David Blunkett for the centre."

Only two of the trainees recalled this allegation. The report suggests – as did Mr Leadbeater when we met - that Mr Sommerlad appears to be muddling 'breakaway' methods with control and restraint techniques.

- "During my training I was warned: 'There is none of the namby pamby stuff we had in the past. Three warnings and then wham. That's how it should be. You lose the momentum. You are in there, you are hyper, you want to go for it. You're not allowed to hit them. Only blocking moves. But the blocking moves can hurt. They can break limbs. You will always defeat them, no matter how big they are. You will have more teams in the corridor behind them and you will take them out. It will be done.'"

Mr Sommerlad has said that Mr D was the officer responsible for this statement. The GSL report says:

"When interviewed, Mr D said that it was made in response to a question by a course member during a coffee break, and he, Mr D, was referring to a situation where advanced control and restraint techniques would have to be used. It was not a situation that would have been on the agenda for the Initial Training Course."

- "And a senior officer warned recruits: 'With control and restraint the idea is to cause pain.' Another said unpopular detainees were sometimes beaten up and any evidence destroyed. We were told: 'We do that especially with someone we don't like and give him a good crank. The tape ran out, Your Honour. The battery ran out, Your Honour.' One worker confessed to using excessive violence on detainees while a colleague moved a security camera so the attacks were not captured on film."

This actually refers to two separate incidents, but the GSL report only considers the first, which refers to the C&R supervisor, Mr H. The report says that, on interview, Mr H denied saying, "the idea is to cause pain." He said that the idea was not to cause pain unless it was absolutely necessary. This appears to be the view of the trainees interviewed. The report does not comment on the second allegation.

- "Another staff member told recruits how he used force against a detained lawyer. 'He was always on about his human rights. Always hated me, totally hated me. It

was because I once told him, 'I will f\*\*\* you up tomorrow.' I was involved in the control and restraint team that wrapped him up the next day. It was brilliant."

Mr Sommerlad has attributed this statement in his notes to Mr D (30 October). The GSL report says that, "None of the detainees [presumably meaning trainees] provided any information in relation to this accusation, apart from a suggestion ... that it may have been said by [someone other than Mr D]." I refer further to this alleged incident below.

- "A supervisor admitted some officers seemed to get a kick out of provoking detainees - giving them an excuse to use restraint techniques. He said, 'Control and restraint hurts. You will hurt them. During the training, treat us like a detainee. We expect to be hurt or you have not been trained right.'"

The report comments: "The trainees all appeared to be in agreement that basically they were told by the C&R instructors, the techniques would hurt the detainees, if they were not executed correctly, none of them suggested that they were instructed to hurt the detainees."

- "Yarl's Wood manager, [a former prison governor], brought in psychologist David Boag to retrain staff as the centre prepares to expand from 60 to 400 asylum seekers. We were taught 25 ways to spot a psychopath and played a tape of Britain's most dangerous inmate Charles Bronson singing I Believe as he held a knife to a prison officer's throat. Boag said violence was a last resort, but added: 'I am going to train you in how to deal with the really nasty people. Group 4 started treating people humanely, teaching them about duty of care. That's fine, as far as it goes. If you start treating these people humanely they think it's a pushover. Sympathy comes between s\*\*t and syphilis in the dictionary.'"

The GSL investigators did not interview Mr Boag as he is self-employed and not a GSL employee. The report says:

"The majority of the trainees, whilst agreeing with most of the above quote, thought it had been taken out of context and they were very complimentary about the lecture and David Boag. The quotation about the dictionary appears to have been taken from a novel by Brian Haig, called Secret Sanction, the quote appears on the first page of the book. It is alleged that this is a term commonly used by the US armed forces."

I report on my own interview with Mr Boag below.

Mr Sommerlad's transcripts contain numerous alleged extracts from the lecture given by Mr D on human rights on 30 October. It alleges that Mr D "repeatedly referred to the Human Rights Act as 'crap'". Mr Sommerlad also alleged that Mr D made crude, sexual references to Cherie Blair and the way in which she influenced her husband. The GSL report says:

"These [accusations] were put to Mr D, in general terms, when he was interviewed and he admitted that he had referred to Mr and Mrs Blair in the manner described by Sommerlad."

"In relation to allegations made against individuals, in so far as Mr F is concerned, it appears that he was not a willing participant on the Course. Whilst this does not excuse the remarks etc. that Mr F is alleged to have made, it may explain why he chose to utter them."

So far as the alleged assault on a lawyer is concerned, a member of the Campaign Against Arbitrary Detention at Yarl's Wood told me that she visited this detainee subsequently in Harmondsworth. She described his poor mental state and its deterioration. He had what she described as a very large wound on his lip, albeit that the detainee himself said it was an infection. She said:

"At least one assault on him inside Yarl's Wood by Group 4 was 'witnessed' by one of the detainees we bailed out, who had also been transferred to Harmondsworth. He heard the assault taking place from his next door bedroom - he tried to get out of his room to investigate, but was pushed back in by Group 4, who he claims locked his bedroom door."

In addition, one of the members of staff Mr Sommerlad specifically suggested we speak to said that he witnessed the C&R of a detainee well versed in the law. He said there was some doubt as to whether there was any reason to restrain the detainee at all. He said he was told by other DCOs to close the fire doors and stand in front of the camera. Since the camera was mounted in the ceiling, however, he did not see any point in this request. (This may, in fact, be the incident where Mr Sommerlad reports that the camera was moved.)

I have not investigated this further.

### **Trainers' accounts**

I met David Boag on 22 January 2004. He is a career psychologist and had spent many years working with the Prison Service and, latterly, at the Prison Service College where he was involved in training governor grades. He joined Group 4 in 1993 as a psychologist and trainer, but left in 1997 to set up as an independent practitioner.

He described faults he saw in the Scottish Prison Service regarding the treatment of prisoners and use of force. He is a convincing advocate of interpersonal skills as the way to work with prisoners. He explained that in training prison officers he teaches them to treat prisoners with humanity and care, but also to be assertive. He is aware of the risks of the job, and teaches officers to be wary of conditioning and of allowing prisoners to bargain with officers.

Mr Boag said that his brief was to motivate the staff and to empower them to behave as custodians. He provided me with examples of his teaching aids. Some of these referred to prisons and prisoners and he admitted he had overlooked this when preparing for the Yarl's Wood ITC. The course was essentially that which he delivered to prison officers with a few changes to take in cultural diversity and the different experiences of DCOs. He acknowledged that his course did not address the

fact that the population was currently all women, but pointed out that a separate training session addressed issues specific to women.

Mr Boag said his training was based upon psychological theories, research (his own and others'), and observation. He described his training style as "idiosyncratic" and "interactive". He explained that he used "'chalk and talk', role-plays, humour and anecdotes" in training. It helped people remember what he said. Mr Boag felt Mr Sommerlad's report misrepresented him and his course, and that the comments reported as his in the Daily Mirror were taken out of context.

I have compared what the Daily Mirror quotes Mr Boag as having said with Mr Sommerlad's fuller, contemporaneous notes. The Daily Mirror version described Mr Boag as "a psychologist brought in to toughen up trainees after last year's riots". It reported on Mr Boag's training session as follows:

"We were taught 25 ways to spot a psychopath and played a tape of Britain's most dangerous inmate Charles Bronson singing I Believe as he held a knife to a prison officer's throat. Boag said violence was a last resort, but added: 'I am going to train you in how to deal with the really nasty people. Group 4 started training people humanely, teaching them about duty of care. That's fine, as far as it goes. If you start treating these people humanely they think it's a pushover.

"Sympathy comes between shit and syphilis in the dictionary."

Mr Sommerlad's full notes, on the other hand, recorded that Mr Boag said:

"I am going to train you in how to deal with the really nasty people. If you can deal with that then you can peg it down to lower levels.

"When Group 4 they started treating people humanely, teaching them about a duty of care. That's fine, as far as it goes.

"If you start treating these people humanely they think it's a pushover. I retrained staff to be assertive. Humane at the same time, that's still there.

"You should have empathy for them, understand where they are coming from, but not sympathy. Sympathy comes between shit and syphilis in the dictionary."

Mr Boag supplied me with the feedback he received from DCOs on this course and on his other courses. This was largely positive.

The inquiry team also spoke to Mr H, the supervisor who led the C&R training. He is Prison Service C&R trained and has trained other officers in C&R for seven years. He said Mr Sommerlad attended a 90-minute introduction to C&R. This described what C&R was, how it was used, and how it was regulated by the Human Rights Act. Mr H was confident that the training he gave was correct and in accordance with C&R guidelines. He provided copies of his lesson plan and slides used in training. These included instructions to DCOs to use every opportunity to gain compliance without using force, described situations in which force might be needed, detailed the



relevant detention centre rules, and emphasised the “General Principles” for use of force:

- “Force can be justified only if it is:
- Absolutely necessary.
  - No more than necessary.
  - Reasonable in the circumstances.
  - Proportionate to the perceived danger.”

The supervisor was satisfied that he did not present C&R as something about which trainees should get “excited”.

### **ITC members**

My colleagues talked to DCOs who had been on the same ITC as Mr Sommerlad. Their account of the training was generally positive and indicated that they felt the course was valuable and had equipped them for their role. Around a third of them stated that they did not hear any of the comments reported by Mr Sommerlad and that the article did not give a true representation of the training course or the centre. The remaining two-thirds, in large part, said that they had heard some of the comments referred to in the article but they had been “taken out of context” or given a “negative slant”.

One officer said he could not recall any racist remarks being made, but that if anything racist had been said he would not have accepted it. Another told us that trainers did not say anything of a racist nature and took the view that Mr D did a really good job. He accepted that certain things were said, but told us they were not said in a racist manner. He did not therefore recognise incidents as portrayed in the article. Another ex-trainee said the training course had equipped her to do her job and she did not hear anything that she considered extreme. She said that if she were to hear racist comments, she would have no hesitation in reporting it. Another officer felt that Mr Sommerlad had exaggerated comments and taken them out of context - had anything of a racist/discriminatory nature been said, she would not have tolerated it. She said she had not witnessed or heard anything of a prejudicial nature said against detainees.

Those DCOs who recognised the remarks quoted in the Daily Mirror attributed some of the more offensive comments such as, “Jamaicans are drug-dealing pieces of shit” etc to Mr F. These were made outside of training sessions in conversation between attendees. Some found his tales about his experience informative and did not consider them offensive. Others felt strongly that, as a supervisor at another establishment, it was not appropriate for him to attend an ITC for trainees. One DCO told the inquiry team that even if they did object to such comments, it was difficult for trainee DCOs to question the conduct of an experienced supervisor.

Both the centre manager and David Boag (who led the interpersonal skills module) commented on Mr F as a disruptive influence, and stated that they had dealt with his actions both on the course and by taking up his behaviour with his supervisor at Campsfield House. Both questioned the wisdom of including him on the course when he was clearly there unwillingly.

Some ex-trainees spoke very positively to my team of Mr Boag's course and attributed to him their increased confidence. Many DCOs said that the lessons they had taken away from Mr Boag's course were:

- to have empathy not sympathy
- to use C&R as a last resort
- increased confidence.

One DCO, however, told the inquiry team that he felt parts of the course had been geared too far towards prisons rather than immigration removal centres.

Some DCOs recognised some of the comments attributed to Mr Boag by the Daily Mirror, but stated that these were taken out of context.

Many of the comments in Mr Sommerlad's full dossier are said to have come from Mr D, who ran the ITC. Almost without exception, however, DCOs on the course were extremely supportive of Mr D. None reported racism by Mr D. Due to Mr D's re-suspension, we were unable to speak to him.

Trainees' feedback on the C&R training was mixed, but largely positive. Some admitted to being nervous prior to the training. Other trainees said that they had been particularly interested in this session and some reported it as fun. One DCO qualified this by reference to the teamwork and confidence building it entailed. Another said that the practical training appealed to him more than theory. A DCO who had previously been trained in C&R techniques by the police said the training by GSL was more professional. One DCO echoed the findings of the GSL report, suggesting that Mr Sommerlad had confused recognised breakaway techniques with C&R.

Many trainees referred to C&R being used "as the last resort," and explained that in a potentially difficult situation they had been taught first to use their interpersonal skills to defuse any aggression. One trainee explained that the session had given him/her the confidence to use the techniques where it was needed, and that (s)he felt that the adrenaline referred to in the sessions was a necessary part of using C&R.

One DCO, however, suggested that the general tone of the course exaggerated the reality of the situation. The preparation for C&R they received was disproportionate to the reality of the force needed in the job, comparing the preparation the course provided to "Mike Tyson going to fight Prince Naseem".

### **The views of other DCOs**

One DCO told the team that, if someone were openly racist, staff at Yarl's Wood would not tolerate it. He added that he had not witnessed racism at the centre. Asked if officers would challenge inappropriate behaviour, he said that some staff would report it and he would feel confident speaking to the centre manager about it.

Another officer asserted that Yarl's Wood was not a racist environment and, if it were, he would not work there. He told us that if he had concerns about racism he could also take them to an independent source in Bedford.

One ethnic minority DCO said she had not read the Daily Mirror article but had heard about it and was angry about the allegations. She said she would not work in an organisation that was racist. On the contrary, she had been impressed by the diversity of the workforce. She confirmed she would report any incidents of racism. Another DCO said he had not seen any racism and, being a stepfather to a mixed race child, would not tolerate such behaviour. He said he felt disheartened by the article, given its slant.

One officer suggested that comments of a racist nature were made in every sphere of society and that it was absurd not to recognise this. She added, however, that, if she were to hear a racist comment or witness anything inappropriate in the centre, she would report it. Another said she would not say that there were no racist comments, but these were not aimed at detainees. She said there was no malice towards detainees.

None of the DCOs reported that they had witnessed overtly racist behaviour towards detainees while on duty at the centre. One reported that they sometimes felt that DCOs were "blunt" when dealing with detainees. When asked whether this ever crossed into rudeness, the DCO conceded that it sometimes did.

All those DCOs questioned replied that they would report any instance of racist or otherwise inappropriate behaviour (either between detainees, between staff and detainees, or between staff) to supervisors, shift managers or senior management. One told us that he would go to a senior manager because he had previously made a complaint (not race related) to a supervisor about treatment of other staff, but received no response.

Another officer told us, however, that, since his training, an officer (whom he could not identify) had said that, "All Jamaicans smoke dope" and that he now felt angry that he had not challenged this comment. This officer also told us that on another occasion an officer said, "All detainees should be sent back." The officer who spoke to us had responded, "When would you like me to be sent back?" He said the officer walked away without further comment. The officer told us that, although the remark had affected him, he had not mentioned it to anyone because he felt he was too new and did not want to cause trouble. He was also unsure that he would be able to make the complaint in confidence.

Mr Sommerlad suggested that the inquiry team should speak to a former member of staff. The ex-officer said he had overheard other officers referring to a black officer as a "useless black twat." He said he had reacted to this by swearing at the officers who had made the comments and had informed the black officer of what had happened. He also said that he had made a written complaint about this incident, as had the black officer concerned. (The deputy manager said this was not correct.)

The black officer, however, said that the ex-officer had not in fact been present at the time, and it was he (the black officer) who told him about the incident. He said,

moreover, that the phrase used was “waste of space” and he had not perceived any racism in the comment. He had reported the matter to the shift manager but had not made a written complaint. He had received an apology and considered the matter closed.

Questioned further about racism, the black officer said that he had not experienced any at Yarl's Wood since it had reopened, although he had experienced some racist behaviour from staff at another centre.

A newly-trained DCO identified a need for further training on race relations and cultural awareness. The ITC had allowed for only half a day on each subject. The officer felt that the cultural awareness session had focused on some cultures to the detriment of others and recommended that staff should undertake refresher courses on cultural awareness. He said some staff did not know how best to refer to different races (for example, using the term “coloured” rather than “black”.)

### **The views of detainees**

In our discussions with detainees, they named some officers they considered racist. This appeared to be based more on general demeanour, tone and bearing than on specifically racist behaviours. One note received from a detainee told of a lack of “human kindness” on the part of some staff. One detainee said of an officer, “The way she will look at you, you know she is racist.” Another detainee told us that she sometimes felt that some officers were racist because of their reaction to her. Asked to explain this, she said they did not always acknowledge her. We were told that one supervisor was considered racist because, “she won't let us take milk or sugar from the dining area after five o'clock, and won't let us use the scissors when the hairdresser isn't there”. One detainee felt she was racially discriminated against by Aramark (catering) staff. When pressed, she acknowledged that she received the same portions as detainees from different ethnic backgrounds, but complained that the DCOs got more.

A group of three detainees told us that the behaviour of officers was mixed. Because of that, they would wait for certain staff to come on duty before asking for anything. They said that IMB members only became visible after the article in the Daily Mirror appeared.

One detainee told us that not all officers were bad, but that some were covertly racist. She claimed that some officers would say, “Get in your box.” The detainee felt that she was treated differently because she was black. She added that staff behaviour changed when visitors were in the centre. The detainee told us that, when she asked why another detainee was in trouble, an officer told her to, “Fuck off and get your passport and leave the country.” Other detainees also referred to this incident. The detainee said she had given a formal complaint to an officer, who apparently asked her what she wanted him/her to do about it. We could find no evidence that the form was submitted, however. She showed us what she said was a copy of her complaint. It appeared to be an original and was written on plain paper. When the inquiry team asked the centre manager about why it was not processed, he noted it was not on the correct form but said it should have been passed to a line manager.

Another detainee described returning from the airport having been non-compliant on her return flight, and being greeted by officers laughing and saying, “You again.” She considered this treatment insulting and that her situation did not warrant laughter.

No detainees complained of overtly racist language.

The inquiry team tried to speak to the staff identified by detainees as exhibiting racist behaviour. On the whole, these staff presented themselves as willing to engage with the detainees and against racist behaviour. Members of the team noted that some staff were more approachable in their demeanour and warmer in their manner than others. Inevitably, detainees appeared to engage with some staff more than they did with others.

A particular member of staff, however, was noted by the inquiry team as showing inadequate interpersonal skills, particularly in relation to detainees. Other staff also spoke about him quite negatively. The team spoke to the contract monitor and the deputy centre manager, both of whom were well aware of the officer. They noted that he had improved considerably but acknowledged that there was some way to go.

Detainees reported dissatisfaction with the food, complaining that, “It is always rice and chips,” that breakfast was the same each morning, and that they did not receive enough fruit and vegetables. Many detainees complained that their own tastes were not catered for. West Indian detainees favoured rice and peas, while some African detainees complained that they could not eat rice without a sauce. Some detainees said the rice was sometimes undercooked. Detainees and staff both reported that they had had an opportunity to discuss the food with Aramark, who had the contract for catering. Staff said that some of the detainees’ comments had been taken on board – for example regarding rice and peas – but detainees said that nothing had changed.

There was also criticism of healthcare and a suggestion that nursing staff were dismissive of detainees. Further investigation in particular cases, however, did not bear out what the detainees had told the inquiry team. Black detainees were upset that they were not allowed to use skin whitening creams. There were notices in healthcare explaining that the creams were believed to increase the likelihood of cancer, but detainees nevertheless perceived the ban to be racist.

Some detainees stated that the incoming hairdresser was not experienced with Afro-Caribbean hair. A detainee filled the gap, working alongside the incoming hairdresser.

The inquiry team noted that notices about meals were in English and that the same pictures were used for different dishes (that is, all chicken dishes had the same picture; all fish dishes looked the same regardless of how the food was prepared). This was not helpful for detainees who did not understand the names of the dishes.

More generally, notices to detainees appeared, in large part, in English only. This was particularly marked in the healthcare facilities, where complex medical vocabulary is used.

Investigators also noted instances of staff wearing emblems unconnected with their uniform. These included reproductions of national flags or football team logos, worn variously as earrings or other jewellery, or pins in their ties. They also saw emblems referring to custody, for example, recalling handcuffs or other such items.

Detainees, understandably, objected to force being used to make them comply. They described themselves or others being grabbed by the neck, dragged on the floor, and having their arms twisted. Not all of the reports we heard related to incidents occurring at Yarl's Wood.

One detainee told the inquiry team that staff had "been horrible" to her. She said that, on 8 January, staff came to her room while she was asleep and told her she was being taken somewhere she did not want to go (possibly Austria, where her asylum application would be heard). She claimed that an officer twisted her neck and kept twisting her wrists and swore at her while another officer put his/her hand in her mouth so that she could not breathe.

The team viewed the CCTV and video footage of the incident. It was clear that everything was done in line with proper procedures. In fact, a good deal of time was spent in preparing to remove the detainee from her room. A member of healthcare was present throughout.

There were no other specific complaints about the use of force in the centre. Detainees told us of other detainees who had been subject to the procedure, but they declined to speak to us.

Detainees reported, however, that force was used against them during airport transfers. One written submission was made about this:

"Sometimes when you came back from airport, and they see that you didn't [go], they start saying, 'Why can't you go, we don't want you in this country', and also most of the escorting to airport, beat you, brutalise you. Because they believe there is not press or anybody to rescue, after they beat you at the airport the officer, they will start to tell you they are sorry even if they are protecting themselves is not that you beat and brutalise people like a slave..."

In conversation, a detainee referred to being "beaten" at the airport when she resisted removal, and on another occasion being forced on to a plane and dragged on the floor, sustaining injuries to her legs and neck.

As far as the overall atmosphere at the centre was concerned, the inquiry team's view was that it was on occasion both lively and relaxed and so indicative of a culture where detainees would feel secure. Staff were visible in the corridors and, on the whole, were communicating appropriately with detainees. DCOs were conscious of the need to listen to detainees and to offer help where they could. The team was made aware of the help and support given to detainees who had no understanding of the English language. They saw detainees having fun with the activities staff, who appeared to go the extra mile to encourage detainees to participate. More generally, they saw detainees engaging with other DCOs - sometimes simply when passing them in the corridor or during the lunch period. The inquiry team was particularly

impressed to find detainees and staff mixing in the hairdressing room to the extent that detainees were having a good deal of fun washing the hair of other detainees and some staff.

The team found the atmosphere and culture at Yarl's Wood to be very relaxed and mostly good-natured. There was no evidence that any staff held racist views or, if they did, that they were allowed to express them. Managers of all levels were in regular attendance in the centre and we were led to believe that, on the whole, they were approachable.

### **Use of C&R in the centre**

The contract monitor's report states that the number of occasions when C&R has been used since the centre has reopened are as follows:

October	2
November	4
December	3
January	3

A single detainee accounted for six of the occasions on which C&R was used. She was clearly extremely disturbed and a number of incident reports testify to her behaviour being difficult to control (for example, exposing herself, throwing soiled toilet tissue in the dining room etc). In the event, she was transferred to Holloway, but subsequently temporarily admitted.

I was told that an (unidentified) IMB member had observed a C&R movement and had remarked on the incredible patience and calmness of the DCOs in the face of severe provocation. The IMB Chair told me when we met that the IMB did not routinely monitor use of force in the centre. (When I advised him that I would be making a recommendation on this point, however, he informed me that the IMB monitored all Removal From Association reports - including use of force – and that the detainees involved are visited.)

A further analysis of these figures, together with a comparison of C&R usage at other centres, is at Annexes B, C and D.

### **Yarl's Wood's race relations policies**

We have reviewed 'Group 4 Race Relations Policies and Procedures Document', 'Race Relations Reporting, Cultural Awareness and Equality' (from the Operational Instructions) and minutes of the Yarl's Wood race relations management meetings that have been held since the centre opened.

The Operational Instructions and the Race Relations Policies and Procedures document define racial discrimination and set out the centre's race relations policy statement:

"Yarl's Wood Immigration Detention Centre is committed to a policy of equality for all, regardless of race, colour, nationality, ethnic or national origin, sex, religion or

physical or other disabilities. Discrimination displayed or expressed in any form is unacceptable and will not be tolerated. This statement applies to all who work, visit, or are detained at Yarl's Wood.”

The documents instruct that this policy should be prominently displayed. (It is.) They also prescribe that a Race Relations Management Team (RRMT) should be appointed to develop local race relations strategies, monitor performance and consider reports of alleged racial incidents and the development of procedures.

The team is in place and meets once a month. A member of the IMB is on the team (my view is that this should be as an observer and not as a participant). It appears from the minutes of the RRMT meetings that ethnic monitoring is in place. The meetings also allow for staff present to be informed about forthcoming religious and cultural festivals and their implications for the centre. There is an opportunity to discuss any race-related complaints. There are, however, no detainees on the committee. The Head of Residence advised that there were difficulties in ensuring this, due to lack of enthusiasm by detainees and rapid turnover in the detainee population.

The Operational Instructions also state that photographs of members of the IMB and RRMT should be displayed throughout the centre. This is not currently the case. The IMB representative on the RRMT mentioned that pictures of the IMB have not been displayed in the centre since it reopened.

The inquiry team noted that the race relations complaints box has been positioned in the library and forms to request to speak to the race relations officer are located beside it.

Members of the team spoke to the race relations liaison officer (RRLO). He had presented the race relations and cultural awareness training to the ITC. (It is worth noting that Mr Sommerlad was not present at this session.) The RRLO felt that a one-day session did not give him sufficient time to cover all relevant race relations and cultural awareness issues, and noted that the Prison Service allowed one and a half days for this training. He had reported his concerns to the training manager. He informed the team that he had not heard any racial or otherwise improper remarks during his presentation. He firmly believed that such remarks would have been challenged.

The RRLO advised that no formal complaints regarding race relations issues had been made since the centre re-opened, although there might have been informal complaints that had been raised and dealt with verbally. No record was kept of these.

While at Yarl's Wood, the inquiry team also spoke to the IMB representative on the RRMT. She said she was unsure that detainees knew the purpose of the IMB. Detainees asked few questions of members and, since reopening, the IMB had not received any messages in the IMB box. She said there were no notices in different languages to raise detainee awareness of the IMB and that the IMB had complained about the location of the IMB box, but nothing had been done. Nevertheless, she considered Group 4 “alright” and that Aramark made a decent effort in its food



supply. The caterers tried hard, but it was difficult to meet detainees' wishes. Aramark had tried to engage with Nigerian detainees to get certain dishes right.

She said that RRMT meetings tended to cover such areas as statistics relating to Immigration Service removals, removals from association or segregation, and upcoming religious and cultural festivals. She was not aware that detainee representatives had ever been invited to attend the meetings. She did not know if complaints relating to race would be discussed at the race relations committee meeting.

The IMB member had attended a training session given to trainees. She had found it "caring".

When I spoke to the IMB Chair and a colleague, they reported that, since the centre had re-opened, they had been impressed by both staff-detainee and management-staff relations and with the way officers handled detainees. They felt that, since members of the IMB routinely visited all parts of the centre, it would be difficult for positive relations to be staged.

They noted that the IMB had originally had six members – three men and three women, all of whom were white. There had been attempts to recruit further members. One Asian had been recruited, but he had had to stand down. The youngest member was in her 40s. The IMB did not have a Mission Statement and the Chair had not as yet formally organised members' duties.

The Chair said that he had received the government document on training and had made the team aware of it. He had had race training himself because he sat on race tribunals, but the other IMB members were not so trained. He said it would be desirable if they were. They received very little training.

### **GSL's second dossier**

GSL's second dossier consisted of information about the company's policies and practices regarding human rights, equal opportunities and race issues. In a covering letter, the company referred to a management group it had established in response to the Human Rights Act concerning Corporate Citizenship and Human Rights. The dossier also included minutes of these meetings and a policy statement it had developed. (I was told that work carried out by this group is now consolidated into general Executive Management Meetings.)

The letter also referred to work conducted by the company's Corporate Citizenship Taskforce to review recruitment and vetting procedures in co-operation with the Commission for Racial Equality. I also learned that GSL was in the process of implementing a new Performance Management system. One part of this system is concerned with measuring the performance of managers against the company's Skill and Competency Dictionary, one criterion of which deals with Corporate Citizenship.

GSL also said that, following its own investigation into the Daily Mirror claims, it was satisfied that there was no substance to allegations of a general "Race Relations issue" at Yarl's Wood. However, following publication of Mr Sommerlad's article, it

was "appropriate to use the article to reinforce the company's policies towards racism". An action plan was to be put in place (a copy of which was also in the dossier).

Finally, GSL's letter said:

"It goes without saying that the issues surrounding Race Relations is paramount in our work with the Immigration Services in particular. We believe our internal policies, procedures and processes work to address racism and to promote positive attitudes towards diversity and race relations. Having said that, we will continue to work at taking preventative measures towards racist attitudes or conduct being allowed in our different establishments."

The first part of the dossier consisted of GSL's action plan - a race relations audit, "to determine the company's effectiveness in addressing the need to operate in accordance with good race relations free of discrimination, harassment and abuse". The audit will cover all GSL's custodial establishments and its escort and court services. It will include recruitment procedures, induction training, contract policies and procedures, the work of Race Relations Committees, race relations complaints, and race relations culture. The company plans to meet with the Commission for Racial Equality, "to inform them of our plan and to take their view on the best way forward".

The second section of the dossier consisted of the following procedures:

- Human Rights Policy - dated October 2003. ("Global Solutions is committed to promoting best practice in human rights ... Global Solutions is committed to tackling institutional discrimination and to promoting understanding and respect for cultural difference and diversity.")
- Duty of Care Policy Statement - dated August 2002. ("It is important that simple and clear messages are given to all staff, customers, partners and service users that the Company will take action against all acts of inappropriate and unlawful behaviour. These will include acts of violence, abuse, harassment, victimisation, intimidation and discrimination, of whatever nature. These messages must be given to new staff at induction ... in unequivocal terms.")
- Diversity Policy - June 2002. ("Global Solutions is committed to a policy of promoting equal opportunities that goes far beyond the basic legislative requirements.")
- Equal Opportunities Policy - June 2002. ("Global Solutions ... oppose all forms of unlawful and unfair discrimination on the grounds of sex, race, disability, colour, nationality, ethnic origin, age or sexual origin (sic).")
- Whistleblowing Policy: Public Interest Disclosure Act - February 2003. ("The Company welcomes employees raising significant concerns about malpractice, improper conduct and unethical behaviour of any sort ..." The policy includes access to a specialist external helpline - Expolink - that guarantees anonymity unless the concerns raised are deliberately false, malicious or vexatious.)

The third section of the dossier was made up of GSL's Competency Dictionary. Competence 16 is Social Responsibility. The rubric reads: "It is expected that everybody will behave in a way that protects the human rights and health and safety of self and others, to create a safe working environment free from all forms of discrimination and harassment."

The final section consisted of minutes of 16 meetings of the company's Corporate Citizenship Taskforce between 25 February 2000 and 3 April 2003. (The minutes of other meetings during this period appeared to be missing but I have not sought them or inquired as to the reasons.) The minutes demonstrate the extent of the company's commitment at a senior level to decency, equal opportunities and human rights. The minutes of 25 February 2000 record agreement, "to examine a possible independent organisation to survey employees concerning 'institutional racism' issues." Those of December 2001 state in respect of GSL sub-contractors: "In due course we will want to build in to contracts requirements and standards to match our own."

## **Ms A**

Mr Sommerlad's notes record that on 28 October:

"Mr D told the trainees about some trouble over the previous weekend. A Congolese woman identified as Ms A was being deported. She was taken into the Removal from Association area in case she started to 'play up'. Mr D said: 'We were taking a detainee into RFA on Saturday because we had got intelligence on her. But one shift manager decided that only female DCOs would be in the C&R team. So three females went in and two got hurt. One was bitten. So we changed it and two males and a female went in and splattered her.'"

By sheer chance, I had myself met Ms A on a visit to Dungavel Removal Centre and spent about 10 minutes with her in private. She had told me that staff at Yarl's Wood had assaulted her and that there had been a police investigation. Ms A said two female officers entered her room at 2:00am when she was asleep and told her she had to be moved. They began packing her things. Ms A protested, stripped off all her clothes and stood naked. She then said that five or six male officers came and that they hit her as she was being subject to C&R.

I have also seen papers relating to her formal complaint. This did not contain the allegation that male staff were involved in her C&R while she was naked. The Strathaven police took a statement from Ms A and concluded that her injuries were consistent with the use of C&R and that no further investigation was required.

Accounts of the incident by staff at Yarl's Wood record that Ms A was instructed to move from her room in order to be removed and that she refused to co-operate. She undressed herself in protest. The various accounts are not entirely consistent in telling whether male staff were involved in the C&R, although male staff were certainly present when the detainee was naked, and one male supervisor recorded that he took Ms A's legs during the movement. It is recorded that a nurse witnessed the removal to temporary confinement. The reports also say that three female DCOs attempted to clothe Ms A. It seems they got her T-shirt on, as she subsequently tried

to strangle herself with it. This and a bed sheet were removed from her room. During a subsequent C&R incident in the temporary confinement room, another male supervisor took Ms A's legs, and it was he who applied the handcuffs when she was later being escorted to the detainee reception. When she was escorted to reception, a blanket was placed around her. A nurse witnessed this escort and assessed that the detainee was fit for travel.

On the face of it, it seems appalling that a naked female detainee should be physically restrained by male officers. I therefore discussed this case with Mel Kirtley. Mr Kirtley is the Prison Service's leading exponent of C&R training.

Mr Kirtley told me he did not see a need for the men to become involved, although there was nothing wrong in extremis with men restraining a woman. The fact that the woman was naked was more problematic, but Mr Kirtley noted that it was not unknown for women to strip off during episodes of concerted indiscipline. In such cases, male officers might carry out C&R. He suggested that it was a question of whether the C&R was spontaneous or planned. In the case of the latter (and he thought Ms A's case was one such), he would have expected that the resource needs would have been assessed beforehand and arrangements set in place for sufficient trained women to be available. The issue was by no means clear-cut, however.

We confirmed with the supervisor in charge of C&R training at Yarl's Wood that it is considered preferable to have a woman on the C&R team when restraining women. There are no regulations on this matter, however.

## **Mr B**

The Daily Mirror reported that:

"One shocking admission came from a member of staff who admitted beating one of the rioters before last year's fire then covering it up during a probe. After a tussle in the corridor, the officer followed his colleagues to a segregation cell where there were no CCTV cameras. I was told the inmate "got a pasting" and was "splattered against the wall with a riot shield." The 19 stone officer confessed to using all his body weight when restraining the naked asylum seeker in a figure of eight lock on the floor. The stricken man was unable to move for 10 minutes."

During our meeting, Mr Leadbeater told me that he believed he knew the incident referred to in the article. He said his investigation had taken statements on this incident, including some from ex-employees. He said that the detainee concerned (Mr B) had been an extremely difficult individual and that C&R had been used twice: to take him to the cell, and immediately after he had been put in the cell, to remove from his possession a belt buckle. Mr Leadbeater said that C&R was conducted correctly, although, with hindsight, an officer who had been kicked by Mr B should not have had further involvement. He was, however, the only one available. Addressing the fact that it had been this officer who had held the shield, Mr Leadbeater said that it was correct for the biggest officer to have the shield, since he had the weight to hold it. In this respect, proper procedure had been followed.

The GSL report refers to statements by four DCOs and the then shift manager in relation to the incident. The GSL investigators also obtained contemporaneous reports from the DCOs and Mr C who was named by Mr Sommerlad as having admitted to the assault. The report says:

"Mr C, when interviewed, explained in detail his role in this matter, and despite the fact that he was the First Aid lecturer for this course, he had talked of the incident to the trainees. He denied that the detainee had been beaten and denied there had been a cover up. He stated that it had been a "war story" but admitted he may have used words similar to, "splattering a detainee", but believed he had used acceptable language when describing the incident.

"There is a suggestion that the Contracts Manager (sic), may have witnessed the incident, she has been asked, via her secretary, if this was the case, but we were informed that she would have to speak to a supervisor before she would discuss the matter. The Immigration Service will not allow her to speak to the enquiry team."

(The contract monitor advised us that she did not in fact witness the incident, although she did view it subsequently on video after Mr B complained.)

GSL concluded as follows:

"Given that Mr C was to lecture on First Aid on the ITC, it is difficult to understand why he chose to talk about his own experiences of control and restraint situations. In so doing, he exaggerated his role to the extent that he implied he had committed a criminal assault, although the evidence relating to the incident suggests this was not the case.

"One can only assume that Mr C was attempting to inflate his ego in front of the ITC and acted in a very immature fashion."

I believe this incident requires further investigation and should not be quite so lightly dismissed.

By coincidence, I had obtained a file relating to this incident from the Complaints Audit Committee as part of my inquiries into the disturbance at Yarl's Wood in February 2002. Mr B had complained on 4 February 2002 as follows:

"The manager pushed my back, he pushed me towards the officers. I said "Don't touch me, I'm not moving, I'm not going." The officers pushed my hands back then they pushed me onto the floor face down. I was swearing and saying that I hadn't done anything, I asked them to leave me alone. An officer was holding my head on the floor and I said "Please leave my head, leave me." I told him I was asthmatic, he told me that I wasn't asthmatic. I was shouting and the manager told the other officers to close the doors. All of the officers carried me to the seg. This hurt me while they were carrying me and my hands were cuffed behind my back. Before we got outside I told the officers I would walk. My wrists were

hurting. One officer was holding my head and my throat. I asked him to let go but he wouldn't.

"When I was in the seg cell an officer called Mr C – the supervisor – and ten or fifteen other officers put me on the floor in the cell. I was face down. The manager opened the cuffs and held my hands back on to my arms and brought both my legs up against me, bending them, until I cried. He then left me in the cell."

Mr B then recounts how he beat on his door with a belt buckle. After that:

"I saw Mr C and the other officers – 3 in total – approaching the cell and Mr C was carrying a plastic shield. Mr C pushed me in the face while I was sitting in the corner – he used the shield. Mr C took one arm and another officer took my other arm and walked me to another cell. I said "Why do you do this for, I am quiet." Mr C said shut up. He wouldn't let my arm go. He put me next door and held my arms and legs again – just like he did before. [Another officer came in and] told the others how to hurt me and how to take my clothes off. Mr C held my head on the floor – he held it very hard."

The file also contained copies of the Use of Force forms. These show that C&R was used twice. In the first instance, it was carried out by three DCOs. Two reports refer to Mr C as supervising. Three say he helped with the removal and two that he was last out of the cell, having applied the final lock. Three reports also say that a further officer helped with the removal. This officer himself said that he held Mr B's right leg. The Duty Shift Manager was also present on both occasions.

Mr C is the only officer to refer to the second C&R. He says:

"I was instructed to enter the cell with two other officers. I entered as No 1 with a shield for protection. He was removed by the three of us from cell 3 to cell no. 5 where a full relocation and strip search of Mr B took place. During the earlier incident in Link 1 whilst I was trying to stand Mr B up I received from Mr B a hard full strength kick to my groin area."

Two other DCOs referred to Mr C being kicked in the groin.

In a letter to the IS Complaints Unit, the contract monitor said she began to investigate Mr B's complaint, but stopped in light of Mr B's arrest in connection with the disturbance on 14 February, the long term absence of a number of DCOs after the fire and her satisfaction that Mr B had not suffered any injuries. The contract monitor noted that Mr B's removal to the segregation unit was observed by a member of the IMB and was described as humane. She continued:

"Following the fire, all evidence was destroyed: the video tape of Mr B's removal to the segregation unit; Mr B's statement; and my correspondence from the contractor. I had concluded that Mr B was probably carried using an unapproved technique but was unable to prove this. As a result, I wrote to the contractor and asked him to review his control and restraint methods."

The then centre manager replied:

“Following the incident with Mr B I believe that his removal to the Segregation Unit was carried out satisfactorily and I remain confident in the use of the Home Office approved Control and Restraint methods used to restrain and remove him. I believe that our operating procedures and incident response documents are still appropriate and that the level of staff training and annual refresher training meets the required contractual standards.”

The IS Complaints Unit wrote on 13 December 2002 to Mr B to advise him that there was no evidence to suggest that the degree of force used to restrain him was unreasonable or disproportionate in the circumstances.

### **Security issues**

On 2 September 2003, Mr Sommerlad attended an assessment day at Yarl's Wood, which consisted of a series of tests and interviews. He told me that the information he gave on his application was more or less accurate up until the point he began journalism. He made his degree result less impressive and gave a false employment history. He was well aware that his references would crumble on close scrutiny.

Mr Sommerlad received a letter confirming his employment and telling him to start work on 6 October. The ITC had had to be postponed until 20 October, so Mr Sommerlad was employed on site security work. During this period, he said he spent some time in the centre, and at some stage worked alone in the detainee visits area for 2 – 3 hours operating the computer system and CCTV system there. This system can be used to open security gates remotely. Mr Sommerlad also stated that he was able to draw keys and that other trainees had contact with detainees before they had been trained.

On 20 November, Mr Sommerlad became aware of intense activity between Group 4 and the referees he had given. When directly asked whether he had falsified his application, he admitted that he had. He was asked to leave the premises.

When I spoke to Mr Banks, he confirmed that there was a risk that vetting would not be completed by the end of a staff member's training. But both he and Mr Leadbeater, who has responsibility for the vetting procedure, said that, until an individual had been security cleared, (s)he would be employed on non-contact jobs. Mr Banks noted the difficulty that would arise in attracting or retaining potential employees if long vetting procedures had to be completed prior to training.

Referring to Mr Sommerlad's claim that, "In my first week I was given keys to any door in Yarl's Wood and was left alone for hours in a control centre monitoring detainee visits," the GSL investigation report suggests that trainees did indeed draw keys on occasion. Mr Sommerlad certainly had a key tally. The report does not confirm Mr Sommerlad's claim to have been left for hours alone monitoring visits. It is clear that he spent some time on duty in the visitors centre, however. (Mr Sommerlad's reference to 'a control centre' does not refer to the main control room.)

The report continues:

"Perhaps of all the allegations, the most serious is that alleging Sommerlad was issued with keys within his first week at Yarl's Wood giving him access to all parts of the Centre and he was left alone for hours at a time.

"We now know that Sommerlad was issued with his key tally on 7 October 2003, the day after he arrived at the Centre, and long before the Course actually commenced. Thus in theory he was in a position to access all parts of the Centre."

Oddly, the report then says:

"We accept that Sommerlad did not have the access he alleges in his article but the fact that a key tally was issued to him at such an early stage gives credence to his allegation. It also makes it extremely difficult for us to defend his claims to having access to detainees."

I can find no evidence of Mr Sommerlad ever claiming to have had access to detainees.

The report says that "under no circumstances" should a DCO be given a key tally until they have received Home Office clearance. The report adds, "we understand that the key tally issue at Yarl's Wood is under review as a matter of urgency."

Finally, the report makes two recommendations regarding the identification of trainees and the signing-off of the accreditation pro-forma:

"Custom and practice at Yarl's Wood is that the form is signed off by the Centre Manager prior to students having commenced the ITC. Whilst this has been done for the best reasons, we believe this to be a dangerous practice in that the Centre Manager is putting his signature to a document that is inaccurate. Again we understand that this matter is being reviewed."

IND's Christian Heard told me there was no firm departmental guidance to contractors on who they should and should not employ. He suggested that certain classes of worker – journalist, pressure group activist – could be barred. Alternatively, they could ask potential employees a wider checklist of questions, designed to test motivation or ensure confidentiality.

Mr Sommerlad's deception was not uncovered directly by either GSL or the Home Office, but was discovered as a result of a 'tip-off' by a third party.

Each contractor has its own vetting process, although they are all designed to the same ends. The company checks identity, work references and history, and suitability. The Departmental Security Unit questionnaire means IND check for a criminal record, ask the police to check the sex offender register and request a terrorism check. This last check takes the longest.

Mr Heard said that the Home Office checks are usually completed before the company's checks, but there is nevertheless agreement to speed up the process. It



is likely that the companies would live with a system that no-one started training until the departmental checks were completed if they were confident that the checks would be done speedily. Mr Heard emphasised that training mattered – notwithstanding that there was no access to detainees – as an inappropriate trainee could still learn all sorts of things about rotas, security procedures, site lay-out etc.

Finally, Mr Heard told me that the Home Office had discovered that there are around 1,000 people on its database whose accreditation has lapsed. Accreditation mainly relates to health and safety, suicide prevention etc. It is the responsibility of contract monitors to ensure that all staff are properly accredited.

Following Mr Sommerlad's exposure, John Ship was asked to carry out a review of GSL's security procedures. A note of his findings is attached at Annex E.

### **Consideration**

In a section of the GSL investigation report entitled 'Comment', Mr Leadbeater and his principal investigator outline their conclusions. They say:

"It is apparent that the article written by Sommerlad had some foundation but it is equally apparent [we] suggest, that some of the text has been taken out of context and/or he has added to them.

"In relation to allegations made against individuals, in so far as Mr F is concerned, it appears that he was not a willing participant on the Course. Whilst this does not excuse the remarks etc. that Mr F is alleged to have made, it may explain why he chose to utter them.

"Perhaps one can have some sympathy for Mr D, who was asked to stand in at short notice for some of the instructors. Human Rights is perhaps a difficult subject for most people who have had time to read up on the subject. However Mr D was not only an instructor, on this occasion he was also the course organiser and therefore had an even greater responsibility to ensure his conduct was beyond reproach.

"In so far as Ms G is concerned, whilst she maintains her remarks were not related to the detainees, the other trainees on the Course interpreted them in that fashion. No doubt she has learnt a very valuable lesson."

I now consider the evidence my colleagues and I have compiled.

### **Racism**

GSL concluded that many of the remarks Mr Sommerlad reported were in fact made. They suggested, however, that some of the quotations had been taken out of context and/or that he had added to them. The former suggestion, if not the latter, is borne out by my own investigation. Almost all the ex-trainees we spoke to said that the Daily Mirror article was a misrepresentation of the course. Most denied hearing any remarks that they considered to have been racist. With just a couple of exceptions,

they all suggested that, had they done so, they would have been happy to report the matter.

Ex-trainees were particularly supportive of Mr D, who was apparently responsible for many of the comments. Despite their support, however, and the view that he did a good job, I question the wisdom of asking him to deliver a course on Human Rights. This is a complex and sensitive subject that requires knowledge and expertise if it is to be delivered effectively. I accept that there was a problem with the availability of experienced trainers, but training, and especially initial training of the sort Mr Sommerlad underwent, should shape everything about how someone does their job. It is vital, therefore, that it should be delivered by those with relevant experience and expertise.

I note that the deputy centre manager sought feedback from trainees about the course. This is to be commended. I wonder, however, how open trainees would have felt able to be when talking to the second-in-charge of the centre. Written anonymised feedback might provide more useful information.

Given the vital role of training in shaping the culture of an organisation, I suggest that GSL should carry out regular formal audits of its training to assess the content of the course, the delivery of the trainers and the receptiveness of the trainees. The IMB should also regularly observe training.

I note that many of the most offensive comments were attributed to Mr F. He was instructed to attend the course to improve his interpersonal skills. The measure was taken as in response to an incident at Campsfield House which resulted in a disciplinary investigation. Mr F clearly resented being on the course, and I question the sense of making him attend, given the potentially negative impact on the new trainees. Both the centre manager and Mr Boag said they dealt with his behaviour during the course. In retrospect, they should probably have removed him.

The DCOs we spoke to were confident that there was not a racist culture at Yarl's Wood and that, if they heard anything to which they took exception, they would report it. I am concerned that one DCO had previously made a complaint (albeit not race related) to a supervisor, but got no response. Not surprisingly this had impacted on his confidence that supervisors would take appropriate action. GSL should remind its staff of the importance of recording, investigating and acting upon any complaint by one member of staff against another.

I note that one DCO identified a need for further training on race relations and cultural awareness. The Race Relations Liaison Officer quite independently identified this need. GSL should consider this matter further.

Detainees had a number of complaints about staff. In some cases they referred to inappropriate comments and language – e.g. “Get in your box” and “Fuck off and get your passport and leave the country.” If true, these sorts of comments are wholly unacceptable and, if heard by other staff or managers, should be swiftly addressed. In large part, however, detainee concerns related to everyday irritations concerning food, healthcare, wake-up calls, shop prices, phone cards etc. It is entirely understandable that these issues should occupy detainees. Their comments should

be taken seriously and improvements sought. (It is worth noting that many of the same complaints were current before the fire in February 2002.) However, the fact that detainees, when given the opportunity to talk about racism, chose to talk instead about general problems suggests that they do not perceive the culture to be racist. Some attributed particular incidents or treatment to racism, but I have found no supporting evidence that this was the case.

I was, however, extremely concerned to learn that some members of staff wore badges, jewellery or tie pins with national insignia or team affiliations on them. In a removal centre, the wearing of national flags by DCOs is at best irrelevant and at worst offensive. In the past, the wearing of such insignia in the Prison Service has operated as a racist code. I question the need for staff to wear any emblems that are not directly related to their job and make a recommendation related to this below.

Apparent racism aside, detainees have also spoken about the shortcomings of some staff in terms of interpersonal skills. One, poignantly, spoke about a lack of 'human kindness'. In any setting, people's ability to engage in a positive manner with others will vary hugely. In a custodial setting, however, these skills are at a premium. GSL managers should be alert to examples of poor interaction between staff and detainees (including language, tone, manner and body posture) and take steps to address the issue – either by immediate feedback, longer term developmental needs analysis or refresher training. Staff should also be constantly reminded of the need for sensitivity in dealing with detainees. For someone returning from the trauma of an aborted removal attempt, it is not helpful to be greeted with, "You again."

Racism can take many forms, however. It is not just about language and behaviour. It can also be about facilities. I am disappointed to note that food, and particularly the lack of diversity and the provision of meals to suit different cultures, continues to be a bone of contention at Yarl's Wood. The provision of a diet pertaining exclusively or predominantly to one culture rather than another can lead to some feeling excluded. This is racism. I am pleased to note that Aramark have tried to work with Nigerian nationals on this matter, but more clearly needs to be done. GSL should work closely with Aramark to ensure that meals meet as wide a range of cultural needs as possible. Given the ever-changing population, the menu on offer should be kept constantly under review.

I am also concerned that notices about food are in English only and the pictorial representations of the meals less than helpful in identifying what they are. This taken together with the lack of signage in different languages around the centre suggests that the needs of the culturally diverse population are not being adequately met. I appreciate that multi-lingual signage is expensive – and that in the context of a removal centre it will be liable to constant change - but it is not tenable to continue a situation where all notices are in English only.

I have, however, been impressed by GSL's policy documents on race relations. They are written to a high standard and represent a comprehensive and integrated set of audits, requirements and expectations. I am especially impressed by the provision of a whistle-blowing number for staff to call. This is essential for a confined institution such as Yarl's Wood where staff have to work together so closely. GSL needs, however, to ensure its existence is promulgated to all staff.

I also welcome the audit GSL intends to carry out. I am not sure whether, under race relations culture, GSL intends to review what support is offered to GSL staff from ethnic minorities, but I am well aware of the success of the Prison Service's RESPECT programme. An analogous programme for staff working in all removal centres should be considered as part of the audit and separately by IND.

I am pleased to note that the Race Relations Liaison Committee meets regularly and that an IMB member is present. The absence of any detainee participation to date, however, is regrettable. It is also a breach of operating standards. I sympathise with the difficulties this poses, but if the Committee is to have credibility, the presence of a detainee is vital. At the very least, detainees should be made aware via notices and tannoy announcements when the meetings are to be held and invited to attend.

I note that the IMB Chair appeared on local television categorically to refute Mr Sommerlad's claims. He was equally adamant when we spoke that there was no problem with racism at Yarl's Wood. I am not sure it was wise for him to dismiss these allegations out of hand without a thorough investigation. As I have shown, the specific claims of Mr Sommerlad have been largely confirmed by GSL's investigation. When I put this to the IMB Chair, he responded as follows:

"I have never categorically said that there was no racism at Yarl's Wood. I said that, despite our frequent visits, we had not observed any. I also acknowledged that it might exist, and if it did, it must be dealt with. My understanding is that it has been. The Campsfield officer was dismissed and two Yarl's Wood officers disciplined. This was over loose talk on the initial training course. I still view that article as inaccurate, inflammatory and misleading. None of us believe there is a racist culture at Yarl's Wood and I appeared on TV to let people know we exist and to support the staff at Yarl's Wood."

I am also concerned by the lack of training for IMB members both generally and specifically with regard to race issues. This should be rectified as soon as possible. In addition, I consider that a Mission Statement would be useful in giving the board a sense of purpose. Finally, while I appreciate the difficulties of recruiting any members to IMBs, let alone picking and choosing amongst applicants, more should be done to improve the diversity of the board. (The IMB Chair addressed these comments as follows:

"Training should have been better and this is referred to in our initial report. As for race awareness training, I am not sure why you conclude this unless it applies to all new members. Some IMB members are aware and experienced in this area including me with over 20 years sitting on Race Tribunals. A mission statement will do nothing for our sense of purpose which continues to be strong. It has to be to continue this onerous voluntary work. I am surprised that you suggest otherwise. More diversity would be desirable. We tried. We will try again.")

Attention should also be given to the visibility and availability of the IMB. One of their members expressed the same concern to the inquiry team. Although they wear badges and detainees are told about them on induction, there are no notices in

different languages explaining their role. The only visible sign of their presence was the IMB box – and this was situated in the information room. If the IMB are to fulfil their function adequately, it is vital that detainees have access to them and that members speak to detainees on a regular basis. This should form a routine part of their visits. (The IMB Chair commented:

“I have just received a notice in 21 languages inviting detainees to talk to members. This will be placed by the IMB box which is now in the laundry room. Of course, they existed before the fire/riot. All IMB members on inspection visits make efforts to communicate with detainees. They do this in the corridors/classrooms/at meal times. It is a routine part of visiting and I do not understand how you think it is not.”)

### **Culture of abuse and violence**

Mr Sommerlad has suggested that Mr Boag’s sessions on interpersonal skills and the introduction to the C&R course (it is worth bearing in mind that Mr Sommerlad did not attend the actual training) both reflected and promoted a culture of violence and brutality. My inquiries have found no evidence to support this.

As far as the training itself is concerned, I agree broadly with GSL’s conclusions. More specifically:

- No mollycoddling ...Talk to them, annoy them, knacker them out.”

Although crude, I agree that the remark seems to be advocating the benefits of activity from the viewpoint of dynamic security. It is certainly mild compared to many of the others, and probably benign.

- A story that you’re told by one of the detainees may seem convincing. Don’t get involved.”

The GSL report says, “we suggest that it may well be good advice.” I agree.

- “They’re cunning. Some keep razor blades in their mouths. We had one who swallowed a blade broken off a disposable razor....etc.”

Unfortunately, incidence of self-harm is high in any custodial setting, and particularly amongst women and young people. I see nothing to criticise in trainees being warned to be extra vigilant. This is part of GSL’s duty of care.

- “If at the end of a six-hour asylum meeting they say, ‘You f\*\*\*\*\*g bastards, then that’s considered to be disruptive. I don’t think that’s right.””

The report concludes – rightly in my judgement – that this phrase was in fact supporting the assertion that not all staff are callous.

- "I listened with horror as a senior officer sadistically relished rumours they would soon be able to punch, kick and even head butt difficult inmates under new control and restraint plans by Home Secretary, David Blunkett for the centre."

I entirely agree with the report when it suggests that Mr Sommerlad has misunderstood the distinction between personal protection 'breakaway' methods and control and restraint techniques.

- "During my training I was warned ...but blocking moves can hurt. They can break limbs etc."

GSL's report says this was said outside the training course in response to a direct question about advanced C&R. I see nothing egregious in the reported comments.

- "A supervisor admitted some officers seemed to get a kick out of provoking detainees - giving them an excuse to use restraint techniques. He said, 'Control and restraint hurts. You will hurt them. During the training, treat us like a detainee. We expect to be hurt or you have not been trained right.'"

The specific allegation refers to Mr H. In his transcript, Mr Sommerlad quotes Mr H as saying that good officers could persuade detainees to submit to removal without the threat of force: "Their IPS was so good. But some people do the bends every day because they wind people up when they talk to them." Mr H is clearly advocating non-violent means, while acknowledging that removal is ultimately a coercive process. I dislike the phrase 'the bends' but see nothing fundamentally wrong here.

More generally, Mr Sommerlad has suggested that the training was not appropriate for a centre holding 60 women. Mr Banks suggested that the training was intended to equip trainees for when the centre became fully operational again and for working at other centres. This is fair comment. Nevertheless, in supplying a general training programme to DCOs (which can be applied in other centres or in the future), GSL should be sensitive to the situation that actually pertains at the moment at Yarl's Wood.

Mr Sommerlad has clearly been quite selective in what he has reported of Mr Boag's session. (Indeed, in his conversation with me Mr Sommerlad spoke approvingly of Mr Boag's contribution - something that came as a shock to Mr Boag when I told him.) Nevertheless, it is clear that Mr Boag did indeed say what Mr Sommerlad quotes him as saying and I cannot condone the language and terminology he used.

In addition, while I understand that Mr Boag saw himself as preparing people to deal with the worst so that they could deal confidently with all other behaviours, I question whether his references to "really nasty people" etc were appropriate. GSL and Mr Boag should reconsider their relevance to Yarl's Wood.

Mr Sommerlad made much of Mr Boag's crude reference to sympathy's location in the dictionary, but, misleadingly perhaps, omitted the full context in which it was said (even though he had recorded it). I invited Mr Sommerlad's comments on this point. He told me that he did not consider the criticism to be fair. He said that the context – that the remark was made by an experienced psychologist training new recruits "who were within days of taking on the responsibility of caring for and ensuring the safety and security of dozens of vulnerable failed female asylum seekers" – was made perfectly clear in his article. He continued,

“If Mr Boag was trying to make a subtle semantic point about the merits of sympathy versus empathy he failed. And if I had incorporated Mr Boag's reference to 'empathy' that would not - in fact - have explained his unjustifiable placing of 'sympathy' in the dictionary. Trainee DCOs were urged to empathise with detainees in order to better understand the motivations for their actions and hence better control their behaviour within the centre. Moreover, staff at immigration removal centres are told they have a "duty of care" towards the detainees. How does the comment "sympathy comes between shit and syphilis in the dictionary" help inculcate that empathy and duty among new staff?”

Mr Boag told me, however, that the remark was intended as an aide memoire. Despite Mr Summerlad's suggestion to the contrary, it is clear that the message it was intended to convey about empathising but not sympathising struck a chord with trainees. While I do not criticise the intention behind the remark (on the contrary, I consider the point about empathy a valid one), it is clearly not an appropriate phrase for a training session.

I also note that the centre manager joined Mr Boag in relating stories of prison life. I would question the appropriateness of such stories on a training course for potential DCOs. It is possible that the example of the trainer and the centre manager telling what may have appeared to be 'war stories' may have made it seem acceptable for others, less guardedly, to tell their own. The centre manager has explained to me, however, that, some of the scenarios were based on other total institutions such as hospitals. He said the point being made was that all the scenarios were based on genuine incidents which trainee DCOs might well encounter in any institutional setting. He said that, to that end, they could not generally be regarded as 'war stories'. The centre manager told me that he had since been able to substitute some examples with others which have been encountered within the centre. This is to be welcomed.

That said, it is incumbent upon anyone instructing a group of soon-to-be DCOs to teach them how to protect themselves and how to cope with the custodial nature of their role. This means warning trainees of the dangers of conditioning and teaching them to recognise mood swings etc as well as means of physical protection. Detention is necessarily coercive. So is removal. The use of force within removal centres is wholly legitimate where it is used to prevent detainees from injuring themselves and others. DCOs should not be afraid to use approved C&R techniques and their training should equip them to do so. I am satisfied that Mr H's approach reflects the seriousness of C&R as a professional skill. I am also satisfied that what Mr Boag himself described as his "idiosyncratic" approach to training was generally sound and well-intentioned. I have indicated areas where I think he should be more circumspect in future, but I can see no reason why he should not continue to contribute to GSL's training courses. Mr Boag is aware of my thoughts on this. He has commented, "Your assessment and comments about me are fair and constructive. I am already making the changes to my IPS training input for Yarl's Wood along the lines that you have suggested."

The GSL investigation report contains one or two errors (as noted, Mr Sommerlad did not allege that he had spoken to detainees), but it is an impressive document. There can be no doubt that the company took the Daily Mirror allegations very seriously. However, there are a couple of allegations which the report does not adequately address. The first relates to the following:

- "And a senior officer warned recruits: 'With control and restraint the idea is to cause pain.' Another said unpopular detainees were sometimes beaten up and any evidence destroyed. We were told: 'We do that especially with someone we don't like and give him a good crank. The tape ran out, Your Honour. The battery ran out, Your Honour.' One worker confessed to using excessive violence on detainees while a colleague moved a security camera so the attacks were not be captured on film."

This actually refers to two separate incidents. As far as the first is concerned, Mr Sommerlad's transcript (5 November) refers to Mr H saying, "C&R hurts. You will hurt them ... The locks do hurt. They are extremely painful." Although capable of misinterpretation by the uninitiated, I take these comments as no more than a statement of the obvious. As a supporter of the use of C&R techniques (which have hugely improved the safety of both staff and prisoners in the Prison Service), I fully accept that they are painful if struggled against.

The second allegation refers to comments alleged by Mr Sommerlad to have been made by Mr D (4 November). If true, the comments represent an admission of wrongdoing. The allegation is serious and should be investigated further, and if necessary, referred to the police. The GSL Report says that the cameras referred to cannot be moved. However, we have spoken to an ex-member of staff who claims – in a separate incident - to have been told to stand in front of a camera while C&R was being used.

Another allegation requiring further investigation relates to the following:

- "Another staff member told recruits how he used force against a detained lawyer. 'He was always on about his human rights. Always hated me, totally hated me. It was because I once told him, 'I will f\*\*\* you up tomorrow.' I was involved in the control and restraint team that wrapped him up the next day. It was brilliant."

(The ex-DCO told us that the incident where he was told to stand in front of a camera involved a detainee who knew a lot about the law. It may be that this and the previous allegation relate to the same incident.) Mr Sommerlad has attributed this statement to Mr D (30 October). The GSL Report says that, "None of the detainees [presumably meaning trainees] provided any information in relation to this accusation, apart from a suggestion ... that it may have been said by [someone other than Mr D]." The Campaign Against Arbitrary Detention at Yarl's Wood has suggested that there was at least one assault on this man. This too needs re-investigating.

Finally, Mr Sommerlad said Mr E made two rather doubtful comments in relation to detainees and C&R. They referred to Mr B and 'Christine'. These were not covered by the GSL report and should be investigated.



## **Ms A**

This was clearly an unpleasant incident. Aside from her subsequent self-harm attempts, Ms A bit one of the female officers and there must have been a lot of noise, confusion and anger. However, from the various accounts, I cannot say that the attempt to remove Ms A was improper. Nor, given that she refused to move and then took off her clothing, do I judge that C&R was inappropriately used to gain her compliance. She clearly struggled against the female staff who initially attended her, biting one who afterwards received medical treatment and left her shift feeling unwell. For this reason, it cannot be said that using male staff, especially together with female staff as was the case here, was inappropriate. Nevertheless, it is not pleasant, and I would hope that the occasions on which it happens are kept to an absolute minimum.

## **Mr B**

I was struck by the close correlation between Mr B's complaint and Mr C's account as related by Mr Sommerlad. My immediate reaction was that there was prima facie evidence of a criminal offence here. However, I established from the contract monitor that Mr C had been given a copy of Mr B's complaint at the time. This was in order to facilitate an investigation. It is possible, therefore, that Mr C drew upon the details in Mr B's complaint for 'inspiration' and embellished them.

Possible, but not certain. Shockingly, Mr B's complaint was never properly investigated. While I am aware of the confusion that ensued after the disturbance and fire in February 2002, it is very disappointing that a complaint of this gravity was not pursued rigorously at the time. Mr B had made a serious allegation that, if true, constituted a criminal assault. I do not consider that GSL's consideration of it as part of their inquiry went far enough. Regardless of whether or not Mr C assaulted Mr B as he claimed, there are still questions to be answered about the way the C&R was carried out and why Mr C took an active part in it when he was supposed to be supervising (and was apparently injured) and there were four other officers to do the physical restraining.

## **Security**

Removal centres are not prisons, but there is obvious concern that Mr Sommerlad was able to gain employment at Yarl's Wood having falsified his application form. The fact that he gave some referees who lived abroad made it difficult for GSL quickly to check them. Mr Ship's note of his review suggests there is nothing wrong with GSL's processes.

Nevertheless, by allowing Mr Sommerlad on site before checks were complete, he was able to accrue a great deal of information about the centre, its regime and its staff. Mr Sommerlad has suggested that a simple internet search of his name would have revealed his identity. While undoubtedly true, I believe Mr Heard is right to resist routinely including internet searches as part of the checking process. The vast majority of such checks would be either nugatory or misleading, given the number of people who share the same name.

Mr Heard suggested both that certain professions should be banned from employment at removal centres and that prospective detainees should be required to answer a wider checklist of questions designed to test motivation or ensure confidentiality. I do not consider there is any mileage in the first proposal, but there may be some limited merit in the second. A signed declaration that was breached would constitute clear grounds for dismissal.

I accept the difficulties GSL and other companies operating in areas of high employment may have in recruiting and retaining potential employees if there is an excessive delay between application and acceptance for the job. But manifestly it would be desirable if identity, criminal record, sex offender and terrorism checks were complete before an individual is given access (albeit limited access) to removal centres and to sensitive security information. I welcome, therefore, the news that there is agreement to speed up the process.

There remains some dispute whether Mr Sommerlad and his fellow trainees were able to draw keys and have unsupervised access to Yarl's Wood. I note, however, that trainees are in uniform and have key tallies and it is thus impossible immediately to distinguish trainees from accredited DCOs. GSL should consider what further measures they need to take to address this issue.

## **Conclusion**

I have concluded that most of the things that Mr Sommerlad said happened did happen. I have also concluded that there is not a culture of abuse, racism and violence at Yarl's Wood. These are apparently contradictory findings.

Mr Sommerlad's allegations are largely based on what was said during the five week training course which he attended. When taken out of context, some of these remarks were, at the least, unfortunate. There were also a number of remarks that were simply unacceptable, regardless of context. It is important to note, however, that these remarks were attributable to a small handful of people. While it is of concern that they felt able to speak as they did, I note that two of the three no longer work for the company and I am satisfied that GSL has taken appropriate action. This and the thoroughness of their investigation and my own will have served to reinforce the point that racism in any form is unacceptable.

I have found no evidence to support Mr Sommerlad's assertion that staff had an unwonted enthusiasm for C&R or were violent towards detainees. C&R involves the use of force, intended to cause pain to those who do not comply. Most of the comments to which Mr Sommerlad has taken exception derive from this basic premise. The material in Annex B to this report does, however, suggest a heightened use of C&R at Yarl's Wood compared with other removal centres (and, from my knowledge of the statistics, with the position obtaining at Yarl's Wood itself prior to the events of February 2002). This situation needs to be carefully monitored by the company, the contract monitor and the IMB.

I also have questions to ask of the quality of training offered to newly-appointed DCOs and the use of stories drawn from other environments as illustrations. It is important to place training in the context of what trainees will find when they start

work, but it is also important to be selective about the examples given and the language used to tell the story. I am encouraged to learn that the centre manager has already addressed this point.

There are also, as noted, aspects of the allegations relating to assaults and possible misuse of C&R that require further investigation by GSL.

## **Recommendations**

In light of my findings, I recommend that IND discuss with GSL the need to:

- systematically assess its trainers and training courses and to ask trainees for written anonymised feedback;
- ensure the training is appropriately geared towards the needs and challenges of the current population at Yarl's Wood. (This need not prevent the company ensuring DCOs are able to work at any centre with any population);
- introduce systems for recording complaints by one member of staff about another;
- consider providing additional training on race relations and cultural awareness;
- ban the wearing of badges, tie-pins etc bearing inappropriate insignia or designs;
- ensure its managers monitor staff-detainee interaction and take immediate remedial action as necessary;
- work closely with Aramark (and detainees) to address detainee complaints about the food;
- work with Aramark to identify a more effective means of informing detainees about menu choices;
- introduce multi-lingual signs throughout Yarl's Wood;
- engage a hairdresser who is experienced in caring for Afro-Caribbean hair;
- ensure all staff are aware of the whistle-blowing facility;
- review the need for a support scheme for ethnic minority staff along the lines of the Prison Service's RESPECT network;
- secure detainee representation on the Race Relations Liaison Committee;
- ensure that all complaints of racism, however submitted, are recorded and investigated by the Race Relations Liaison Officer;
- place photos of IMB members around the centre and explain (in several languages) their role and how they can be contacted; and
- investigate thoroughly:
  - Mr D's remark about using excessive violence on a detainee out of camera shot;
  - Mr D's claim to have "wrapped up" a detained lawyer;
  - the two comments by Mr E about Mr B and 'Christine'; and
  - Mr B's complaint of assault by Mr C.

I recommend that IND:

- considers whether a network akin to the Prison Service's RESPECT should apply to all removal centres;
- presses forward with work to speed up security checks (and, in the interim, prohibits contractors from allowing on site prospective employees who have not been cleared by them);
- reminds contract monitors to ensure that all DCOs are properly accredited;
- ensures that the relative use of force in removal centres is reviewed; and
- investigates allegations about mistreatment of detainees by escorting staff.

I recommend that the IMB:

- regularly attends training for DCOs;
- undertakes training in race relations and cultural awareness;
- draws up a Mission Statement;
- introduces instructions for duties which must be undertaken during the course of its visits. This should include monitoring of use of force forms; and
- steps up efforts to recruit members from different cultures and age groups

Finally, I recommend that a copy of this report is sent to GSL, the IMB and Mr Boag.

**STEPHEN SHAW**  
**PRISONS AND PROBATION OMBUDSMAN FOR ENGLAND AND WALES**  
**MARCH 2004**

E.R

Thursday, 18 December 2003

Home Office

**Yarl's Wood: Investigation of Daily Mirror Allegations**

**The Minister for Citizenship and Immigration (Beverley Hughes):** On 8 December, the Daily Mirror published allegations about the management of Yarl's Wood removal centre including allegations that staff employed by Global Solutions Limited (GSL) at the centre had made racially derogatory remarks about detainees.

I take these allegations very seriously. It is of the utmost importance that all staff at immigration removal centres should carry out their duties professionally and sensitively.

GSL have mounted an internal investigation of the allegations by a senior manager, and I have asked for a report of the outcome of that investigation. In addition, the issues raised are such that I have concluded that it would be right to have a separate independent investigation, to establish whether there is any truth in the allegations and to assess the implications for the management of Yarl's Wood. Stephen Shaw, the Prisons and Probation Ombudsman, who is already inquiring into the events at Yarl's Wood on 14/15 February 2002, has agreed to undertake such an investigation, to report to me through the Director General of the Immigration and Nationality Directorate. I have asked Mr Shaw to complete this investigation as early as possible in the New Year.

## Analysis of the use of force at Yarl's Wood

### Incidence

There appears to be a disproportionately large number of incidents of use of force at Yarl's Wood in comparison to the rest of the removal estate.

Use of force has been recorded 12 times since the centre re-opened. The contract monitor has discounted one of these because it did not involve C&R but was an incident where a DCO (witnessed by another male DCO) stopped one detainee from assaulting another by holding her arms by her sides. The restraint he used was not a recognised technique but he was judged by his shift manager to have acted appropriately under the circumstances.

A review of the documentation suggests that the force used was appropriate to the circumstances. The breakdown is as follows:

- attempted or actual injury to an officer - 5;
- verbal aggression to staff or other detainees warranting removal from association - 3
- attempted or actual damage to property – 2
- threat to kill self – 1
- removal to own room on RFA while another detainee was located on the unit - 1.

However, C&R was used on the same detainee on six occasions (I refer to this in the body of the report). Because of the small number of detainees held at the Yarl's Wood (average 54 – half that of the next smallest centre), this one individual may have skewed the statistics at Yarl's Wood.

Charts at Annexes C and D show actual use of force and use of force per 100 detainees. The latter suggests that use of force at Yarl's Wood is high, notwithstanding the effect one individual may have had on the statistics (it may be fair, in any case, to assume that every centre has someone like this).

Many factors may influence the statistics. Yarl's Wood is the only centre to take women detainees solely. Among women prisoners there is a far higher rate of self-harm and mental health issues than among male prisoners, and it is possible that this pattern is replicated in the removal centre estate.

It may also be relevant that Yarl's Wood is newly opened. Newly-trained or inexperienced staff may resort to force more readily than more experienced staff. There is also a (worrying) possibility that greater use of force may be the legacy of a group of staff damaged by the scale of the disturbance in February 2002.

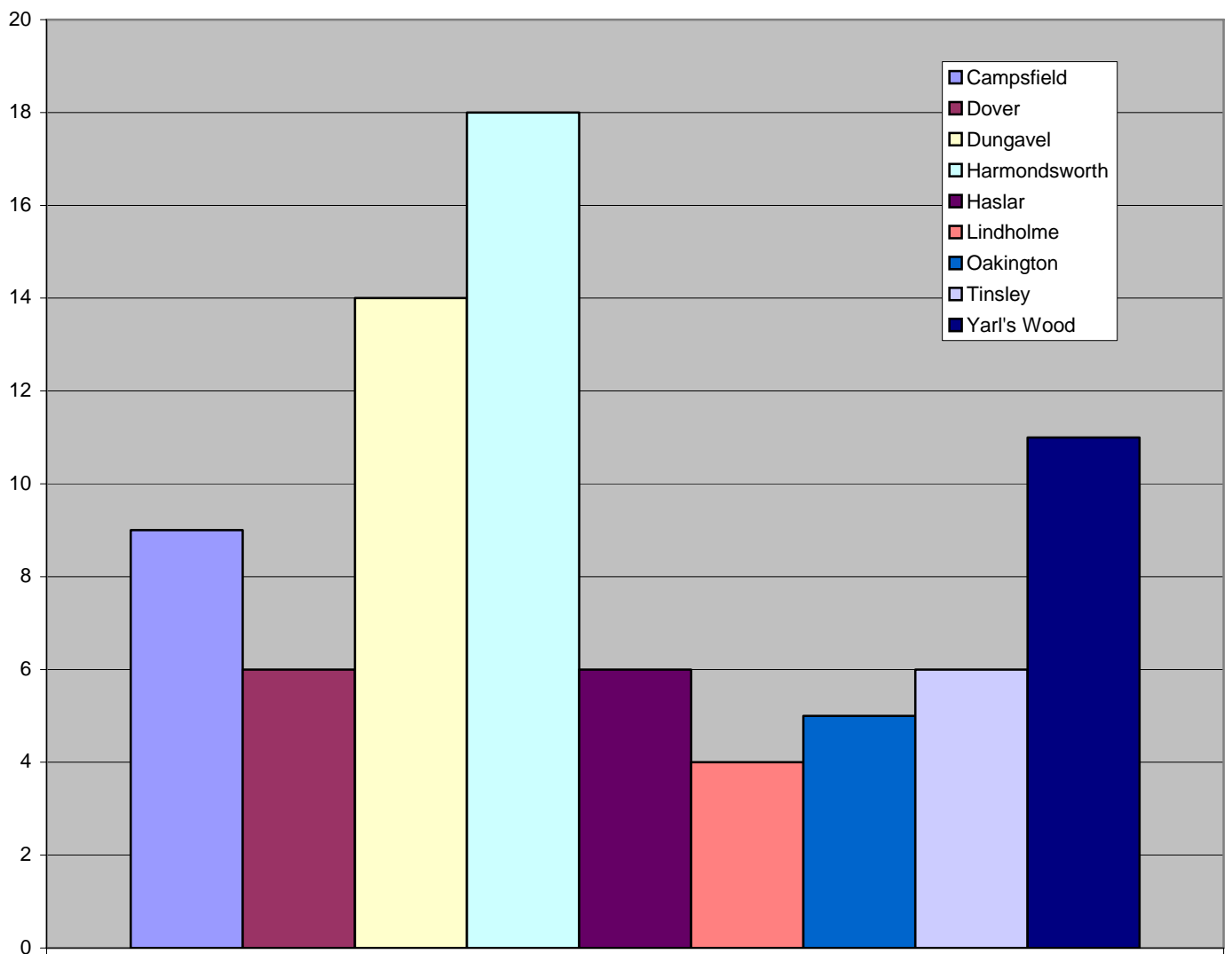
The situation should be carefully scrutinised by GSL, IND and the IMB.

## **Use of male officers**

Analysis of the documentation relating to the use of force at Yarl's Wood reveals that in 10 of the 12 incidents, women officers were involved in hands-on C&R. One of the other two is the incident described above in which an officer restrained a detainee from attacking another detainee. The other was an unplanned use of C&R against a detainee who threw a dustbin at an officer. In this incident, the restraint was applied by a male officer with two female and one male officers present. In all other incidents women officers were part of the team of officers engaged in the C&R. However, women officers made up the whole team in just one incident.

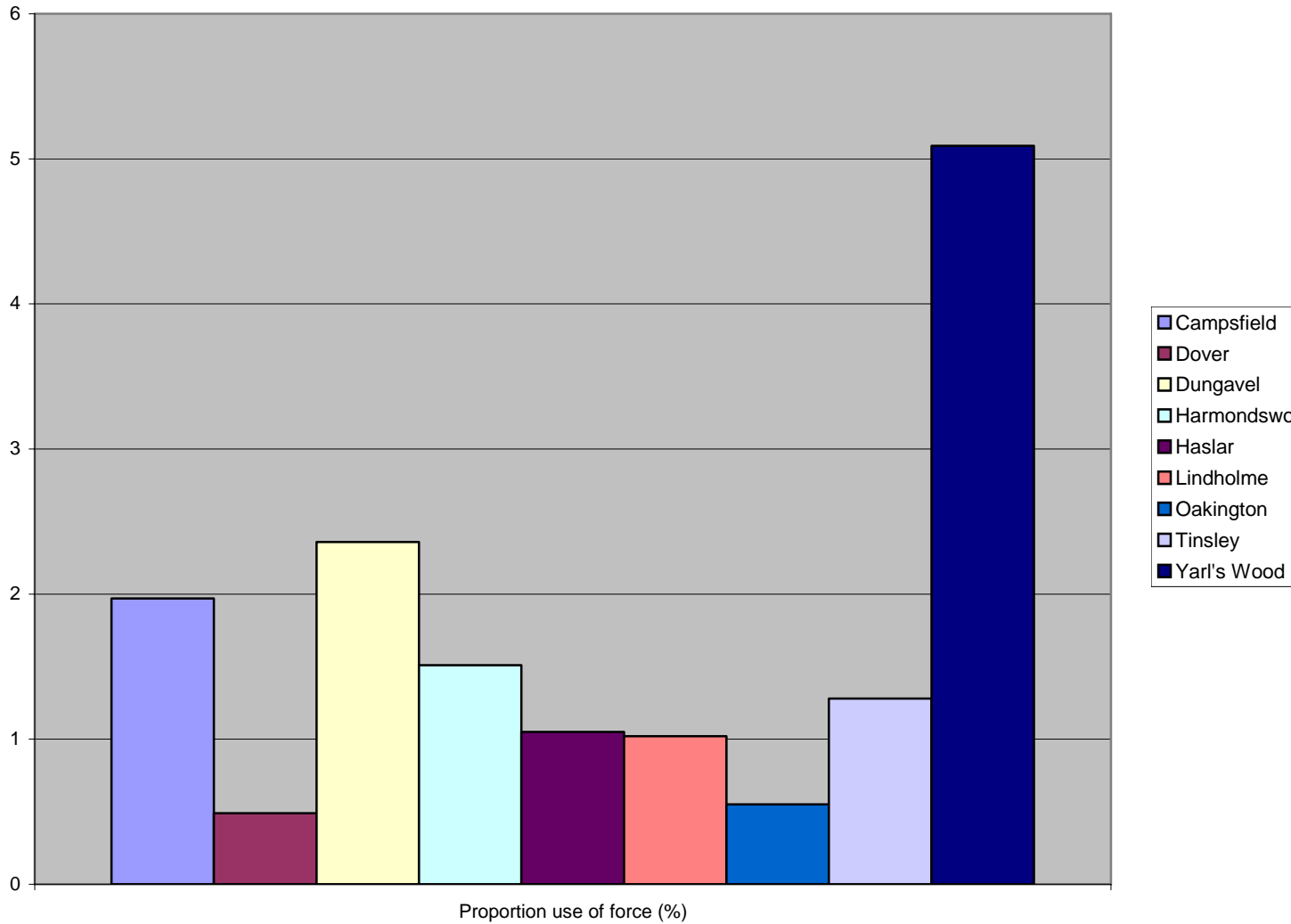
The aim must be to ensure women-only C&R teams are used wherever possible. They should be used in all but exceptional cases where the use of force is planned.

Annex C: Incidence of use of force





Annex D: Incidence of use of force per one hundred detainees



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#### **Vetting procedures – Group 4**

1. Following the recent discovery of an undercover journalist starting initial training as a Detention Custody Officer at Yarl's Wood, I was asked to carry out a review of the procedures used by Global Solutions to assess and vet potential employees. I carried out this review in conjunction with Paul Leadbeater, their head of Data Protection and Security Screening.
- 2 I have visited the vetting department at the headquarters of Global Solutions, where I met Anders Wallin the Human Resources Director and Mr Leadbeater. I was given full access to the department, where the procedures were fully explained and I was able to observe the work in progress. I am grateful for their time and openness.
3. Global Solutions is a very diverse company, supplying staff and services in a number of high profile and sensitive areas, from cash handling to GCHQ. From what I was shown, and observed, the company clearly take their vetting and security seriously and they clear to a high standard with high expectations relative to the post for which they are filling.
4. When someone applies for a post with the company and calls for an application, an initial sift is carried out either at the company HQ or at an outstation. Some candidates are sifted out at this stage if they do not have the relevant skills or do not fit the profile required.
5. All potential candidates are given a note that outlines the procedures that the company uses to security assess those seeking employment. The note fully explains the reason that this information is collected how it is done and what would happen if you misrepresent yourself. Candidates are required to sign that the fully understand the process.
6. Suitable candidates are invited to attend an assessment day, where they must bring proof of their ID and address. The proof of ID and addresses are taken from them and subjected to a thorough validation process. I was shown the guidance manual used by assessors, and examples of forged documents that had been

identified by assessors. Whilst this process is taking place candidates take a test relevant for the job for which they are applying. Those who fail the test have their documents returned and they leave the centre. Documents are copied for those who pass, and they are then subject to a vetting interview based on the information they have provided on their application form. I have been given copies of the assessors note templates, and was shown copies of completed interview notes, in my view they are very thorough.

7. There is a lot of pressure to get successful candidates onto training courses, so suitable candidates are allowed to commence training with the caveat that if information subsequently comes to light that they are not suitable, or they have not told the truth they can be dismissed. In fact in the case of not telling the truth will be dismissed.
8. The vetting procedure comprises of security checks, CRB etc and will be vetted at a level appropriate for the job being considered for. For example a person working at Altcourse will be vetted to a higher level from a cleaner at Oakington. If a person moves to a higher risk post they are submitted for further vetting. Checks are also carried out on addresses supplied and previous employment history.
9. It would seem that the employment history is the one that can lead to problems and abuse, and can take substantial periods of time. I observed staff carrying out employment checks by phone, with assessors checking previous employer's validity via various Internet searches. I noted that a co-ordinator checked and collated all of the assessments before they were passed onto Mr Leadbeater for final approval. I found this process to effective and efficient.
10. I discussed the scenario of a candidate who had supplied information that had not yet been fully validated, but had finished an appropriate training course. I was advised that if it was believed there were no skeletons in the cupboard, he would be given other work to carry out within the company, he would not be allowed to work on the shop floor until all the information had been verified, and had been signed off by Mr Leadbeater.
11. On first impression I am satisfied that the vetting procedure used by the company is thorough and will, in sufficient time, identify those who should not be employed in the industry. Whilst there are always improvements to be made to systems, I feel that their procedures need little if any fine-tuning.
12. I have yet to discuss these issues with colleagues in DSU, and wish to compare with Prison Service procedures, which are under review.
13. I am also making arrangements to discuss these issues with other operators, and will submit a fuller report when this has been done.

**John Ship**