Report of the inquiry into the disturbance and fire at Yarl’s Wood Removal Centre

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Prisons and Probation Ombudsman
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Foreword

The disturbance and fire at Yarl’s Wood on the night of 14/15 February 2002 were hugely traumatic events. Traumatic for those detainees, including families with young children, who played no part in the disturbance but who were terrified by it. Traumatic for those staff at Yarl’s Wood and in the emergency services who attempted to restore order. And traumatic for those policymakers and officials whose flagship removal centre was destroyed less than three months after opening.

Since taking charge of this inquiry just over a year ago, I have spoken to many of those involved. I have been struck by the extent to which they have wanted to volunteer their thoughts and reflections on what occurred. As a consequence, many of my interviews have been far longer than scheduled. This suggests that the shock both to the system and to individuals has thus far gone largely unacknowledged and unaddressed.

Also unacknowledged has been the bravery shown by individual members of the Prison Service and Group 4 staff, and by members of the emergency services. Bravery too on the part of those detainees who rescued staff who were trapped.

Like so many riots in prisons and elsewhere, the disturbance at Yarl’s Wood was triggered by a commonplace and trivial incident. I think that incident was poorly handled, but even had it been dealt with in exemplary fashion, that might just have postponed the inevitable. As they were designed and constructed neither Yarl’s Wood nor its sister removal centre, Harmondsworth, were fit for purpose.

In the pages that follow, I have attempted to tell the stories of what happened at Yarl’s Wood as well as to place the events in a wider policy context. I have drawn extensively upon the testimony of those most directly involved. Like most things in life, this approach has both advantages and disadvantages. Some of what is reported is subjective opinion. However, the great merit is to allow the story to unfold in the voices of those most intimately engaged at the time.

Many different themes run through this report. Perhaps that of the widest consequence is the extent to which a contract for services between the public and private sectors can result in a genuine transfer of risk. But whether read as an essay on risk-transfer, or simply as an examination of a discrete area of public policy, this report makes uncomfortable reading. If there is consolation to be found, it is in the fact that – despite speculation to the contrary – nobody lost their life at Yarl’s Wood. Unhappily, a serious sexual assault almost certainly occurred during the disturbance, but physical injuries were otherwise few and minor. Had the disturbance been managed in a different way, there can be no certainty that this would have been the outcome. Alistair Burt, Member of Parliament for North East Bedfordshire, rightly described the events as: “A hair’s breadth from a tragedy.”

The Yarl’s Wood disturbance has also had a cathartic effect upon thinking about security and order within the immigration detention estate. Those held in removal centres are not criminals, and are absolutely entitled to be treated in a manner that reflects that non-criminal status. But that fact does not alter the necessarily coercive nature of detention and removal. Both Yarl’s Wood and Harmondsworth have benefited from millions of pounds-worth of remedial investment, and the new removal centre at Colnbrook has been built to a far more robust (concrete) specification.

Appreciating that enforced removal of liberty before enforced removal from the country has ineluctable consequences for institutional design is only part of the
equation. Safe and ordered removal centres must be active places, with good staff-detainee relationships, leading to a high level of dynamic security. They also need to have legitimacy in the eyes of those detained, which is why so many of my witnesses have put such emphasis upon procedural fairness in respect both of the decision to detain and of their treatment once people are detained.

I have been grateful for the assistance I have received from the Immigration and Nationality Directorate (IND) of the Home Office, from the Bedfordshire Police, the Bedfordshire & Luton Fire and Rescue Service, and from the contractor Group 4 Global Solutions Limited. I am also grateful to the many witnesses, and to those who provided documentary evidence. Finally, I thank my colleagues from the Prisons and Probation Ombudsman’s office – Miss Ali McMurray and Ms Penuel Burchall – for their assistance throughout this inquiry.

STEPHEN SHAW CBE
PRISONS AND PROBATION OMBUDSMAN FOR ENGLAND AND WALES
Executive summary

Overview

This is the report of the ‘overarching’ inquiry into the disturbance and fire that took place at Yarl’s Wood Removal Centre on 14/15 February 2002.

Yarl’s Wood Removal Centre was intended to house 900 immigration detainees. These were to include failed asylum seekers and illegal migrants, those whose identity had not yet been established, and those whom it was deemed unsafe to allow to remain at large while their claim for asylum was considered. It was built in the context of a target to remove 30,000 failed asylum seekers and illegal immigrants during 2001-02. To that end, a need for a detention estate comprising 4,000 places had been identified.

The centre was to open in April 2001. This gave less than a year in which to tender and draw up the contract and design and build the centre. In fact the centre was not opened until November 2001. After just three months of operation, there was a major disturbance resulting in half the centre being destroyed by fire.

Part I – How we went about the inquiry

Work on the inquiry was begun by a senior Prison Service official, Mr Stephen Moore. I took over responsibility in June 2003.

My colleagues and I reviewed many IND policy files as well as all the material the police collated during the course of their comprehensive investigation. This included some 1,000 statements by witnesses. We interviewed all the key players, including Ministers, and some detainees and staff.

We have enjoyed unfettered, and - given the nature of this inquiry - perhaps unprecedented, access to both papers and individuals.

Throughout the inquiry, we have tried to reflect local concerns in Bedfordshire as well as the national context. We have endeavoured to meet all those with a local interest in the events of February 2002.

I have also drawn upon previous inquiries into institutional disorder. In particular, I have re-visited the report by Sir James Hennessy into the prison disturbances of 1986 and the report by Lord Woolf and Sir Stephen Tumim into the disturbances four years later at Strangeways prison in Manchester and elsewhere. A section of Part I reviews the Hennessy and Woolf reports in more detail. It also considers the report, A Sense of Direction, by Mr Ian Dunbar, a former Prison Service governor and senior manager, and summarises the findings of HM Chief Inspector of Prisons resulting from her inspection of five Immigration Service establishments in 2002. In each case, I draw out themes that resonate with what occurred at Yarl’s Wood. In particular, I consider the balance between security, control and justice, dynamic security, legitimacy, grievance procedures, management of disruptive individuals, safety of detainees, respect for individuals, constructive activity and contact with the outside world.

As an integral part of my inquiry, I invited interested parties to submit evidence. The responses included general observations about detention and the conditions in which detainees are held. Some provided comments about conditions that they found or heard about at Yarl’s Wood specifically. Part I summarises their contributions.
The contractor, Group 4 GSL, also submitted evidence which I summarise here. The evidence sets out how a joint venture company was formed between Group 4 and a construction firm, Amey Asset Services Ltd. Its main focus, however, is on policy decisions that, it says, impacted upon the management of the centre. GSL describes how it was asked to build a domestic rather than an institutional environment and the limited choice of construction materials due to the short timescale. The company also highlights the decision to transfer detainees previously held in the Prison Service estate to immigration detention and the absence of any formal disciplinary provision in the Detention Centre Rules. In addition, GSL criticises the lack of information about detainees and suggests that the nature of the population that came to be held at Yarl's Wood was not that for which it was designed. The company is critical of the decision to make the centre mixed sex and alleges interference by the contract monitor in the running of the centre. It asserts that training for staff was appropriate, as was the support offered to them after the fire.

Part II – The events of 14/15 February 2002

The report describes the relatively trivial incident that led to the disturbance. This occurred at about 7:40 pm. It concerned the physical restraint of a middle aged female detainee who had been troublesome to staff during the day and whom it was decided to deny access to the male wing to attend a church service. Some male detainees witnessed the initial restraint but were prevented from seeing anything more when a member of staff placed a piece of paper over a window through which the men were looking. This enraged them to the extent that they banged on the door until they were able to break through. Almost immediately, a number of other detainees rampaged through the building smashing lights and cameras. The Group 4 duty manager ordered staff to withdraw. Before they did so, detainees managed to obtain keys and radios from some of them. This enabled them to go where they chose.

The report describes the events that ensued. These included staff becoming trapped in classrooms and offices and some being manhandled by detainees. It describes how detainees managed to break through the perimeter gates and escape into the surrounding fields and how others started fires in the centre. It also sets out the management response to the incident and some tensions between the police and Prison Service staff.

Mr David Watson, Yarl's Wood centre manager, decided not to effect any intervention until sufficient numbers of Prison Service staff had arrived to help deal with the disturbance under a mutual aid agreement. This meant that no direct action was taken to quash the disturbance until 2 am the following day, after the police took control an hour earlier. The police drew up a strategy for driving all detainees to a single area. The actual operation - which was very successful - was a combined effort by police and Prison Service personnel.

Detainees were then held outside while they were all identified. Many were in the cold for several hours. They included women, children and babies. A contingency plan to move all the detainees to a local school gym was judged to be inappropriate, due to the presence of ropes etc that detainees might climb. It was therefore decided to remove all the female detainees and to house the male detainees in the remaining, and as yet largely unused, half of the centre.

Part II incorporates a summary of the Bedfordshire & Luton Fire Service’s report on the incident as well as the findings of an inquiry conducted by Group 4. The latter
confined itself to the actual incident and its management rather than looking at the lead up to the disturbance.

I consider various aspects of the management of the incident, referring to the findings of Sir James Hennessy and Lord Woolf.

My report describes how parallel protocols for the management of major incidents came to be in existence between Group 4 and the local police, and between IND and the Prison Service, and the effect this had on working relationships on the night. I find that the latter protocol had not been formally signed off and was still the subject of some debate. I question whether IND should not provide its own Gold Commander rather than relying on Prison Service expertise.

I also consider the issue of primacy in light of allegations made at the time of the incident that Group 4 refused to hand over control of the incident to the police. I find no evidence to support that claim, but suggest there was a lack of clarity about police powers to take over.

I look at problems in communication between the centre manager and the Gold Commander at Prison Service HQ whose role was to advise on the management of the situation. He was hampered by the lack of any plans of Yarl's Wood at Prison Service HQ, and had to rely instead on a diagram drawn from memory by someone who had visited the centre a couple of times during its construction.

I also explore the lack of clarity over the number of detainees held at the centre at the time of the disturbance (despite the painstaking efforts of the police, I am not confident the roll has ever been authoritatively established).

I consider whether the centre was fully ready to deal with a situation of this sort and also look at physical shortcomings in the design of the building that made the management of a disturbance extremely difficult. These included the siting of the command suite in an area to which detainees were able to gain access, and the inability to zone down the building to prevent the spread of the disturbance and to afford protection for those who did not wish to be involved. I am critical that lessons do not appear to have been learned from earlier disturbances.

Finally, I consider in some detail whether the incident could have been resolved sooner (I draw no firm conclusions) and whether staffing at the centre was adequate.

Part III – Why and how Yarl’s Wood was built


I describe the rise in numbers seeking asylum and the way this led to the identification of a need for additional detention places. This would reduce the reliance on prison. The new places would provide a ‘relaxed regime’ that nevertheless operate under a system of rules and sanctions, preferably set out in a compact between the detainee and the contractor.

I examine in detail how a target to remove 30,000 failed asylum seekers and illegal immigrants (far in excess of what had ever been achieved before) came into being,
and how this led to a further target to increase the immigration detention estate to 4,000 places. In the event, removals fell well short of the target and I consider whether either target was ever achievable. The consensus of opinion, no doubt informed by hindsight and a better appreciation of the difficulties inherent in forced removals, is that they were not.

I describe how IND identified suitable sites and explain the decision to offer a contract on the basis of design, build and operate (DBO). I then set out the process which led to the contract being awarded to Group 4 Amey Immigration Ltd (GAIL) on 1 September 2000, less than four months later. I examine in detail the criteria for evaluating the bids. This placed heavy emphasis on the ability to meet the short deadline for completion.

The report then discusses the design of the building and who was responsible for it. It explores why a material called ‘Pyrok’ (a type of plasterboard) was used extensively in the construction and whether the building was fit for purpose. I conclude that it was not. I also pay attention to the design of the building as it related to fire safety, drawing heavily on expert advice, and conclude that it was acceptable.

Because of the need for speed, IND invoked emergency planning measures. I consider the effect of this on both the planning process and on relations with the local community in North Bedfordshire, suggesting that it was unhelpful. I also set out, but do not comment upon, a long-running local difference of opinion on access to the Yarl’s Wood site.

Work on construction fell behind almost from day one. I track the catalogue of delays that led to the centre opening over seven months late in November 2001. I express doubts that the work could ever have been completed in the time allowed. I look in detail at the limitations on what IND could do to push the work forward or penalise the contractor for late delivery, but conclude that their hands were tied. The centre opened with just two of its four wings available for use. This meant that facilities for removing detainees from association had to be created out of normal accommodation. I consider whether it was right for the centre to open when it did, but find nothing outrageous in the decision.

Part IV – The question of sprinklers

Following the fire, there was much media criticism of the decision not to install sprinklers at the centre. It was claimed that the decision was taken on grounds of cost. Part IV of the report examines how a need for sprinklers was identified late in the day. A request by the Bedfordshire & Luton Fire and Rescue Service for sprinklers to be fitted was not addressed pending determination of which fire authority was responsible for the centre. By the time that question was resolved, the contract had been signed and construction work was underway.

I track what happened next and the consideration that was given to the issue by IND officials, fire service personnel, and advisers and Ministers. I rehearse in detail the arguments of the various parties. On the one hand, HM Chief Inspector of Fire Services and Bedfordshire Fire Service recommended installation. This was based both on ‘best practice’ and on the particular circumstances that obtained at Yarl’s Wood. On the other side of the debate, the Home Office fire adviser had advised there was no need for sprinklers at Yarl’s Wood and the London Fire Service had said there was no need for sprinklers at Yarl’s Wood’s twin centre, Harmondsworth. In addition, Yarl’s Wood incorporated comprehensive and sophisticated fire safety systems. There were also concerns about the possibility of vandalism and of
sprinklers being used as ligature points and about the read-across to prisons, only one of which had sprinklers. Finally, retro-fitting of sprinklers would have been expensive and caused delays to the project. The final decision was taken by the then Home Secretary. This was not to install sprinklers at that time, but to conduct a review of the situation that would take into account the Prison Service estate. In the event, the review recommended that sprinklers be installed everywhere. The Prison Service did not accept this position.

I find that there was nothing egregious about the decision not to install sprinklers. The various factors were carefully weighed and there were reasonable grounds for the decision taken. However, I think a clear distinction can be made between prisons and removal centres in fire safety terms and that, in respect of Yarl’s Wood, insufficient attention was paid to the extensive use of wood in its construction, its remote location (extending fire service response time), and concerns over water pressure.

**Part V - The three months of operation**

Part V describes the actions taken by the various agencies responsible for running Yarl’s Wood to prepare for its operation. It concludes that the staff selection process and training of both custodial staff and Visiting Committee members were generally successful. I raise some concerns, however, about the vetting of Group 4 employees in light of revelations that one member of staff was a British National Party (BNP) member.

Yarl’s Wood started taking detainees on 19 November 2001. The rate of population build up had been set out in the contract. I look at this and at the character of the detainees who were sent to Yarl’s Wood. The population came to comprise some detainees who had been involved in a disturbance at Campsfield House Removal Centre and a significant number of people who had previously been held in prisons. I look at the implications of this, and the more coercive nature of removal, for the management of the centre. I also set this in the context of local concerns about the people who would be accommodated at Yarl’s Wood, but conclude that local residents were not deliberately misled.

The report then draws on a large number of statements given either directly to this inquiry, or to the police immediately after the disturbance, setting out what it was like to be held at Yarl’s Wood. The report includes statements from a number of detainees who were generally happy with their lot. However, it also describes frustrations over, *inter alia*, access to phones, poor food, roll calls, relations with staff, lack of information from the Immigration Service, and healthcare.

I go on to examine the build up to the disturbance on 14/15 February, referring to security information reports submitted at the time, and to various skirmishes, confrontations between detainees and staff, food refusals and protest meetings. I show how the meetings became much more regular in the week before the disturbance and that there were warnings of trouble to come. I find no evidence, however, that Group 4 could have known specifically what was coming or, as a consequence, that they could have prevented it.

I also consider the way staff and managers coped with the new centre and with detainees who were more challenging than had been anticipated and about whom they knew very little. I cite evidence that there were insufficient staff, that staff allegedly retreated into offices, and that managers were reported as rarely seen around the centre and were unsupportive. I consider the implications of this in terms
of dynamic security. The report criticises Group 4’s management of the complaints process and its record on fire safety issues. It also explores the relationship between the contractor and the Immigration Service and, in particular, between the contract monitor and the centre manager and the implications for the management of Yarl’s Wood. Part V also considers the role played by the Immigration Service and the Visiting Committee during the three months of operation. It finds that the profile of both could have been higher.

Part VI – Moving goalposts?

Part VI traces the various policy decisions and changes that were made between the inception of the Yarl’s Wood project and 14/15 February 2002. Group 4 complained after the fire that the goalposts had been moved, making it much more difficult for them to run the centre than had originally been envisaged. The changes included a decision not to introduce a formal disciplinary system, meaning that there were no sanctions to invoke against disruptive detainees. I suggest that the position should be reviewed. The effects of the absence of a disciplinary system were exacerbated by the extremely limited range of incentives to encourage good behaviour. In addition, paid work for detainees, which had formed part of the bid, could not be offered because removal centres did not enjoy exemption from the National Minimum Wage Act. I consider the importance of keeping detainees gainfully occupied while acknowledging the limitations on what can be achieved.

The fact that Yarl’s Wood came to hold so many people who had previously been detained in prison was the subject of much speculation and criticism after the fire. Group 4 cite it as one of the ways in which the goalposts were moved. I look at the policy decision itself, its communication and the way the process was managed.

I also consider the lack of intelligence and information on detainees, and the impact of specific decisions by IND not to introduce any form of risk assessment akin to that which operates in prisons, nor to allow Police National Computer checks on detainees.

It has been suggested that the change of name from detention centre to removal centre may have made detainees more desperate. I explore the origins of this decision and the extent to which there was consultation about it.

I also look in detail at the decision to allow detainees to associate 24 hours per day and the impact of a trial scheme to remove large numbers of co-nationals at a time.

Finally, I compare events at Yarl’s Wood, and the various concerns raised by Group 4 senior managers, with events at Harmondsworth Removal Centre and concerns raised by its manager.

Through all this, I consider the extent to which IND consulted Group 4 and took account of its concerns. I conclude that there was no real partnership between the authority and the contractor.

Part VII – After the fire

A number of allegations of poor treatment following the fire were made by detainees. Part VII of the report examines what happened in the immediate aftermath of the disturbance and, in particular, scrutinises the role of the Visiting Committee. It sets out the various allegations made by detainees and the response by Group 4.
managers to them. Pending the conclusion of criminal and civil actions, I make no findings on the allegations themselves.

I also consider complaints about detainees’ property that was lost during the fire and shortcomings in the procedure for obtaining compensation. In addition, I look at the support provided to staff and detainees after the disturbance.

In April 2002, Group 4’s insurers’ underwriters issued a claim under the Riot (Damages) Act for £97 million. If successful, this would leave the taxpayer to foot the bill for the entire disturbance. I consider to what extent the possibility of such a claim should have been identified during the drawing up of the contract. This also raises questions as to the extent to which risk could actually be transferred from the public to the private sector.

Part VIII – Conclusions

Here I summarise my findings and offer concluding comments. I say that I am critical of much I have learned during the course of the inquiry. The targets underpinning the project were unachievable, the project was conducted under unreasonable time constraints, the design of the building was poor in terms both of construction materials and layout, speed of delivery was given undue prominence in the contract letting process, the contractors never looked likely to complete the construction within the agreed timescale, policies were ill-thought through and were inadequately consulted upon, and the incident that led to the disturbance was mishandled.

I further conclude that, had the unrest not occurred at Yarl’s Wood, the same potential for loss of control existed at Harmondsworth.

I make over 70 recommendations. There are 13 annexes, the last three of which detail the construction, policy and incident timelines.
Part I

How we went about the inquiry
How we went about the inquiry

Terms of reference

In a written statement to Parliament on 19 June 2003, the then Minister for Citizenship and Immigration, the Rt Hon Beverley Hughes MP, made the following announcement:

"In a statement on 25 February [2002] following the disturbance at Yarl's Wood removal centre on 14/15 February, the Home Secretary indicated that Stephen Moore a member of the Prison Service, would conduct an overarching investigation of the events. He has made significant progress with this investigation, but it cannot be completed until any associated court proceedings have concluded. The Prisons and Probation Ombudsman, Stephen Shaw, has provided an independent overview of the work done so far.

"In view of the interest which has been shown in the events of Yarl's Wood, I have concluded that it would be preferable for the outcome of the investigation to be fully independent, and have therefore asked Stephen Shaw to take overall responsibility for the investigation (with the same terms of reference) and bring it to a conclusion. He will submit his report to the Head of the Immigration and Nationality Directorate in due course. I am grateful to Mr Moore for his important contribution to the investigation thus far."\(^1\)

The terms of reference to which the Minister referred read as follows:

"1) To enquire into the events at Yarl's Wood Removal Centre on the night of 14/15 February 2002 and their causes and to make recommendations designed to minimise the risk of recurrence in the IND custodial estate in relation to contracts and agreements with service providers, and any other matters considered relevant.

"2) The Inquiry will take full account of the enquiries being undertaken by Bedfordshire Police, Bedfordshire Fire and Rescue Service and Group 4, and will be conducted in a way which does not impede any criminal investigation. In addition, the enquiry will have available expert advice from HM Prison Service on matters to do with the above matters (and HM Fire Inspectorate)."

As Ms Hughes indicated, a senior member of the Prison Service, Mr Stephen Moore, had previously been responsible for the Yarl's Wood inquiry. Mr Moore had produced two reports in that time: an interim report (March 2002) and a second, longer report and appendices (October 2002). At the request of the Director General of IND, one of my Assistant Ombudsmen, Miss Ali McMurray, and I reviewed Mr Moore's reports, "to provide for the Secretary of State an independent element in relation to the inquiry ..." We submitted our review on 31 January 2003. In view of the provisional nature of Mr Moore's reports, and the fact that my review of his work was intended as internal advice for Ministers and officials, these reports have not been published. I have, of course, drawn upon them extensively both in planning this inquiry and in reaching my conclusions. I would like to thank Mr Moore for the ready assistance he offered to me.

\(^1\) House of Commons Hansard, 19 June 2003, col 13WS.
In conducting this inquiry, I have again been assisted throughout by Miss McMurray. I happily acknowledge that this report is the work of us both. We have also been fortunate to have Ms Penuel Burchall as secretary to the inquiry.

Evidence

The complicated legal environment (criminal investigation and charges, a claim by Group 4’s insurers under the Riot (Damages) Act, civil actions by both former staff and former detainees) has influenced the way in which this overarching inquiry has been conducted. My predecessor, Mr Moore, found that his access to papers and witnesses was rendered impossible by the (entirely proper) need to cede primacy to the police and Crown Prosecution Service. I was much more fortunate, in that the trial of former detainees on a variety of charges arising from the disturbance concluded in August 2003 soon after I had started work. I am particularly grateful to Bedfordshire Police for then granting me access to all the material they had collected during the course of many months of investigation (codenamed Operation Palnure) following the fire. The Bedfordshire & Luton Fire and Rescue Service assisted too. Even then, however, I did not have access to Group 4’s internal investigation report (a document that the police had never obtained, it being argued by Group 4 that it was legally privileged). After renewed correspondence, that report was passed to me by Group 4 in December 2003. I am conscious that this decision was taken after very full consideration of the legal and other consequences, and acknowledge here my thanks to the company for its decision.

I set out my concerns about the difficulties of conducting inquiries when parallel police investigations are under way in the review into Mr Moore’s reports that Miss McMurray and I completed in January 2003. There have been developments since that time, including a draft protocol on behalf of the Association of Chief Police Officers and the Home Office and others covering the investigation of deaths in custody. Nevertheless, I have judged that what Miss McMurray and I wrote in 2003 might be of wider interest and, accordingly, have attached extracts from our review at Annex 1.

I have been granted unfettered – and, given that I was not conducting a public inquiry, I suspect unprecedented – access to the records of the Home Office, the police and Group 4. I have also been able to interview at length all those whom I wished to see with the exception of some former detainees. (Continuing legal actions against Group 4 led lawyers representing some ex-detainees to recommend to their clients that they should not agree to be interviewed.) Access to the witness statements collected by the police has meant in any case that I have had more or less contemporaneous accounts from very many detainees and Group 4 staff. The additional evidential value of further statements two years or more after the events is to be doubted.

Specifically, we:

- Reviewed all the papers collected by Mr Moore;
- Wrote to all the Bedfordshire newspapers, soliciting comments from the public;
- Contacted all Mr Moore’s witnesses;
- Circulated a wider invitation for evidence to interested organisations and individuals and contacted all identifiable stakeholders;
- Conducted an internet search and review;
• Visited all removal centres, plus Oakington Reception Centre;²
• Reviewed a variety of inspection reports from HM Chief Inspector of Prisons (HMCIP), in particular the report *Introduction and Summary of Findings: Inspection of five Immigration Service custodial establishments, April 2003*;
• Obtained and reviewed -
  • all relevant paperwork in IND and in the wider Home Office;
  • transcripts from the criminal trial;
  • all relevant Police Service material collated in the course of their comprehensive and wide-ranging investigation;
  • all relevant Fire Service material;
  • all relevant Prison Service material;
  • a submission by Group 4 Falck Ltd³, and obtained and reviewed an internal report on the events conducted on behalf of Group 4 by a retired police officer, Mr Trevor Davies;
• Identified and interviewed numerous witnesses including senior officials, executives of Group 4 Global Solutions Ltd, Yarl's Wood staff, former detainees, and other interested parties;
• Solicited contributions from past and present Ministers. (I believe it may be the first time that past and present Ministers have presented evidence to an inquiry that is non-statutory, non-judicial and non-parliamentary.)

A full list of evidence is at Annex 3. A list of interviewees is at Annex 4.

Throughout the inquiry, I have been very conscious of local concerns in North Bedfordshire as well as the wider national context. For that reason, I have endeavoured to operate in as open a fashion as possible. As part of this inquiry, I have considered the impact of building and operating Yarl's Wood on the local community. I wished to hear first hand about the consequences and any concerns harboured by local people. I wrote to a number of representative and community organisations to invite their contributions. I also reviewed copies of correspondence sent to Mr Moore.

I have had meetings with both local Members of Parliament, Mr Patrick Hall and Mr Alistair Burt. I also met the Leader and other members of Bedfordshire County Council and received from them their Select Committee's Special Report into the fire at Yarl's Wood. I attended a meeting of the Yarl's Wood Detention Centre Liaison Committee and meetings of Oakley and Clapham Parish Councils. I received valuable contributions from a number of individuals, including members of the Clapham Residents Association, and others living in the villages of Thurleigh and Milton Ernest, close to Yarl's Wood.

I have thus made contact with, or received evidence from, very many of those with a local interest in the events of 14/15 February 2002 and what led to them. In light of this fact, and given that I was not conducting a full public inquiry, I judged that no additional benefit would flow from my conducting hearings in public.

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² Annex 2 details my impressions of the removal estate as a whole. The annex contains two recommendations.
³ The successful bid for the Yarl's Wood contract was in the name of Group 4 Amey Immigration Ltd (GAIL), a vehicle established specifically for this purpose by the parent companies Amey Asset Services Ltd (a wholly owned subsidiary of Amey plc) and Group 4 Falck Ltd. The operating company was Group 4 Global Solutions Ltd (GSL). In the early summer of 2004, Group 4 divested itself of Global Solutions Ltd. I have used the term Group 4 in this report both for historical reasons and because this is the description most frequently used by my witnesses. However, recommendations are addressed to GSL.
As I have said in the foreword, this report makes uncomfortable reading. Before submitting the report to the Secretary of State, I disclosed to relevant parties extracts I identified as likely to cause discomfort to them. This final report takes account of their comments.

While carrying out this inquiry, I conducted a separate investigation at the re-opened Yarl’s Wood following allegations in the *Daily Mirror* of racism and physical abuse. An anonymised version of my report of that investigation has already been published.4

In light of the requirement in my terms of reference to the making of recommendations to minimise the risk of recurrence in the IND custodial estate, and to provide context to my findings in relation to Yarl’s Wood, I have sought to inform this inquiry by drawing on the lessons of two major inquiries into prison riots. I have also sought to draw on the knowledge and experience of those with an interest in the Immigration Service detention estate, and considered the implications of so-called dynamic security. To that end, I have reviewed and considered:

- The findings of Lord Woolf and the late Sir Stephen Tumim in relation to the 1990 prison disturbances at HMP Strangeways and elsewhere;
- Sir James Hennessy’s report on the riot and fire at HMP Northeye that took place in 1986;
- Mr Ian Dunbar’s report, *A Sense of Direction*, widely credited as having set out for the Prison Service the benefits of the approach known as ‘dynamic security’;
- The findings of HM Chief Inspector of Prisons following an inspection of five Immigration Service detention centres in February 2002;
- The many contributions I received from various interest groups; and
- GSL’s submission to this inquiry setting out their view of what went wrong.

**Previous inquiries**

The Yarl’s Wood fire was the most devastating to strike a place of detention since the conflagration that destroyed Northeye on the South Coast in 1986. The level of destruction caused by the fire and the loss of control that gave rise to it was the most extensive – and the most public – since the series of prison disturbances that occurred over Easter 1990, most notably at Strangeways in Manchester. In re-reading the reports into these events and Mr Dunbar’s report, *A Sense of Direction*, I have looked for the implications for Yarl’s Wood and the immigration detention estate as a whole.

In drawing on prison experience, I do not mean to suggest that immigration removal centres are prisons by any other name. Immigration detention exists for a different purpose, operates under different rules, and holds in the main a very different population from the prison estate. Indeed, I am conscious that, in inspecting immigration removal centres, one of the things to which Her Majesty’s Chief Inspector of Prisons is especially sensitive is whether detainees are - or perceive that they are - criminalised by their detention.5 Neverthless, it is a commonplace that total

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4 The report may be found both on the IND website and on my own office’s website (www.ppo.gov.uk).
5 HM Inspectorate of Prisons, *Introduction and summary of findings: Inspection of five Immigration Service custodial establishments, April 2003*. Particular attention is paid to attitudes and procedures that are geared towards offenders, especially in Prison Service-run establishments.
institutions (prisons, mental hospitals, other places of confinement) have common features. Moreover, as I say at several points in this report, it would be disingenuous to pretend that the business of immigration removal is not coercive and custodial. I therefore consider there are valid lessons to be learned from the Prison Service experience.

The three reports differ in terms of their reputation and renown. The report by the then Chief Inspector of Prisons, Sir James Hennessy, into the fire and disturbance at Northeye in spring 1986 (the report also covers other less serious disturbances that occurred in other prisons at the same time) has been unjustly ignored over the years. It is little cited in academic literature and has been referred to only infrequently in official publications. My reading of Sir James’s report identifies several similarities between events at Northeye and those at Yarl’s Wood sixteen years later – most notably, factors contributing to a fractious custodial environment, to the spread of the fire, and to the way in which the handling of the disturbance was hindered by the physical layout of the building.

In contrast, the inquiry led by Lord Woolf into the disturbances at Strangeways and other prisons in England and Wales in April 1990 is acknowledged as perhaps the most significant review of prison policy and practice of the last century. Among its many important consequences, the inquiry led to a national system of standards for prisons, to reforms to prison discipline, improvements in physical conditions, and an emphasis upon ‘justice’ in the treatment of prisoners. (The Woolf Report also led to the establishment in 1994 of an independent Prisons Ombudsman.) Although approaching his task in the round, Lord Woolf related the causes of the 1990 disturbances to such matters as the design of the building, its physical security, the level to which staff felt valued, and the fair and humane treatment of prisoners. Each of these has resonance for Yarl’s Wood.

In A Sense of Direction, Mr Dunbar drew on a long career in the Prison Service in documenting a comparative study of five prison systems: the US Federal Prison System, the New York State Prison System, the Canadian National Prison System, the Provincial Prison System in British Columbia, and the National Swedish Prison and Probation System. Mr Dunbar’s review has had a considerable influence within the Prison Service, but it is much less well known outside those circles. He focussed on the importance of activity within prisons and concluded that the prison system should be based on “individualism, relationship and activity”. Employing the term “dynamic security,” Mr Dunbar argued that planned activity tailored to prisoners’ wants and needs, and the development of good relationships between staff and prisoners, were necessary both to safety and security within closed establishments.

For the most part here, I simply set out themes identified by each of these three that seem to me to be pertinent to what I have found at Yarl’s Wood. I discuss their relevance and application to the detention estate and Yarl’s Wood specifically in the sections of this report which deal with the particular themes.

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7 Prison Disturbances, Cm 1456, February 1991.
8 Hancock, Nigel and Liebling, Alison. “Truth, Independence and Effectiveness in Prison Inquiries”, Prison Service Journal 150, pp.46-59. Liebling and Hancock refer to many positive reviews of the Woolf report, although also state that, “We might characterise the effectiveness of the Woolf inquiry as exceptionally high on truth, and medium (slow burn) on change.”
10 Dunbar, p.36.
Security, control and justice

Lord Woolf identified the complaints of those held in prison as “one principal thread” in the causes of the disturbances. This led to his recommendation that:

“… the Prison Service must set security, control and justice in prisons at the right level and it must provide the right balance between them.”

He explained:

“Security here refers to the need to prevent prisoners escaping. Control refers to the obligation, ultimately, to prevent prisoners causing a disturbance. Justice encapsulates the obligation on the Prison Service to treat prisoners with humanity and fairness and to act in concert with its responsibilities as part of the Criminal Justice System.”

The balancing of these three interdependent elements was the key to running a custodial institution successfully. Where they were out of balance, there was a risk that the institution would fail on all counts.

Design issues

Sir James Hennessy’s report noted the absence of internal fences or barriers at Northeye. This meant that prisoners could move about the prison at will and during the riot there was no way of restricting movement. The report said that, during the disturbance, “prisoners in effect had the run of the site; and there was no safe haven for those who wanted no part in the riot”. At the start of the disturbance, there were too few staff to effect a show of strength and so staff withdrew. The absence of internal barriers meant that the control room was also breached.

The Hennessy report recommended that clear guidelines should be drawn up as to when the police have the power to intervene in a prison disturbance. It referred to the failure of both the Prison Service and Sussex police to put in place contingency plans for the loss of control at the prison, and for the protection of firefighters if needed.

The Hennessy report also noted the absence of debriefing after the incident, and concluded that such a debrief:

“… would not only have been helpful to the authorities but would probably have had a beneficial and therapeutic effect on staff who, having seen their prison destroyed before their eyes then had to work long and exhausting hours looking after those responsible. A good debriefing would have enabled them to talk through their feelings of fear, anger and frustration and at the same time given management an opportunity to discuss decisions and actions taken in the course of the riot that were not fully understood at the time.”

All this has clear resonance with the disturbance at Yarl’s Wood.

The Woolf report identified 14 broad principles for consideration in the extension and improvement of the prison estate. I note three that may have a direct relevance to physical security at Yarl’s Wood:

11 Hennessy Report, paragraph 5.67.
• “… normally prisoners should be accommodated in prison units of approximately 50/70 prisoners. The prison itself should not hold more than 400 prisoners, though where this is necessary there can be more than one discrete prison within a larger prison.”

• “… an appropriate balance needs to be maintained between the requirements of security and the adverse consequences which can result from an oppressive atmosphere within prisons.”

• “… in each establishment, where this is possible, interior lines of defence should be identified which can be secured by suitable gates with double or electrically operated locks.”

Lord Woolf also stressed the importance of involving in design matters those with practical experience of running prisons. A Prison Design Briefing System had been published in 1988, with a view to improving the quality of prison design (the ‘hotel corridor’ design deployed in the 1970s having been found wanting). Woolf welcomed the new system, but said it should be:

“… adapted by the architect of each specific project in the light of the constraints which are applicable to that project and the use to which the building will be put. To enable this to be done, clear guidance must be given to all those involved in a project about the Prison Service’s plans for the running of the particular establishment.”

Sir James Hennessy’s report on Northeye claimed that, “concern about the internal layout and structure of the prison and about the difficulties of controlling inmates in such surroundings had long been expressed”. The Hennessy report also found that the design of Northeye did nothing to contain the fire:

“Buildings were roofed with corrugated asbestos, which is vulnerable both to intense heat and to heavy impact damage. And when roofs were breached a chimney effect was created and fires were intensified.”

Photographs of Northeye after the fire reveal a building entirely devastated, with walls and roofs collapsed. Indeed, I am struck by the numerous similarities between the disturbance at Northeye and events at Yarl’s Wood. As noted, concerns had been raised at Northeye about the difficulties of maintaining control without internal zoning.

Mr Dunbar placed his emphasis with regard to security less on architecture and more on the personal contribution of staff in the supervision of prisoners. However, he also found that layout was important as an aid to the promotion of dynamic security, stating that manageable units and facilities such as day rooms help promote security and safety.

The three reports are therefore in agreement on the importance of arranging the population into manageable units (although only Woolf puts an upper limit on this), and they agree that the ability to divide the population or to zone down areas of the institution is essential.
**Dynamic security**

Sir James Hennessy noted that there was a larger proportion of younger prisoners at Northeye at the time of the disturbance than had previously been the case and staff had noticed increasing fractiousness among the prisoner population. Sir James' report identified as a contributory factor to the disturbance: “a lack of reliable information available to regional and local management about the inmate population,” as well as the impact on the population of a high proportion (about 11 per cent) of foreign nationals and prisoners who were unsure of their status. The report said that the foreign nationals awaiting deportation “had few incentives to behave well,” and that the uncertainty of many regarding their parole applications (including many of those waiting to be deported) “generated frustration and anxiety”. The report also noted that the presence of different ethnic groups gave rise to a lack of cohesion among the population, and that many prisoners found it difficult to adjust to the open regime.

The report recommended that information on the population should be monitored to allow for informed decisions on allocation and internal control.13

The Hennessy report further identified a lack of regular and meaningful work for prisoners at Northeye, an increase in violence between prisoners and abuse directed at staff, and the lighting of fires in cells. The governor suffered from a limited range of options with which to control the population, since there were insufficient staff to operate the segregation unit and both staff and prisoners had concluded that there were no effective punishments.

A *Sense of Direction* described the “fundamental principles” of a positive prison environment as individualism, relationship and activity. These were key to the concept of dynamic security:

> “Individualism, relationship and activity come together in the widely shared concept of dynamic security. This approach to safety for the public (preventing prison escapes) and safety for the prison (internal control) recognises that both are only really possible through the relationship between staff and inmates. Dynamic security is knowing what is going on in a prison establishment, in addition to providing a safe and secure background against which the whole range of activity making up the life of a prison takes place.”14

Mr Dunbar envisaged an approach that treated prisoners as individuals through the provision of a wide range of activities and through the growth of good relationships between prisoners and staff. He suggested that these fundamental principles should direct the entire prison system at every level.

Dunbar recognised that imprisonment is itself the punishment and - in line with legal authority - that prisoners should retain all their civil rights not necessarily taken away by that fact. They should be treated as individuals with all the rights of an individual, and should be provided with a programme of activity tailored to their own needs. While recognising that keeping prisoners busy reduced their threat to security, Dunbar felt that activity “enhances both the life of the prisoners and the work of the staff”.15 He considered the connection between improved security information and

12 Hennessy Report, paragraph 5.06.
14 Dunbar, p.23.
15 Dunbar, p.23.
relationships between staff and prisoners. Dynamic security also enhanced the role of staff and reduced staff distinctions since all had responsibility for the security of the establishment.\textsuperscript{16}

**Justice and legitimacy**

Lord Woolf linked the perception of justice to a prisoner’s propensity for compliance:

“A proper system of justice within prisons is important for every prisoner and everyone who has to work in prisons. If a prisoner does not perceive that he is being treated with justice, he will legitimately feel debased, he will bear a grievance, and he will be a difficult prisoner to control. The absence of justice can poison relations between prisoners and staff and ultimately play a part in bringing about the explosive situation which existed in some prisons in April 1990.”

Woolf looked at the many ways in which a prisoner should be treated with humanity and fairness. He identified the need for a proper period of induction and opportunities for prisoners on reception to be able to discuss and attempt to resolve any immediate worries relating to their life outside. He stated that prisoners could not be expected to have respect for themselves and their conditions if they were in ill-fitting, dirty clothing, and that they should be provided with adequate kit. He noted that prisoners were reasonably entitled to such facilities as a television set in each cell, association time, the ability to buy books and newspapers and to have radios. He further noted the difficulty in operating an incentives scheme in which these expectations were treated as privileges that could be denied to a prisoner on the judgement of prison officers. However, he favoured an incentives scheme provided it was operated fairly. He stated that a convicted prisoner should be required to work or attend education and an unconvicted prisoner should be entitled to work or attend education, if he chose. He set out a requirement for prisoners to receive visits to maintain community and family ties. (These are all matters considered in this report in the context of immigration detention.)

In the course of his inquiry, Lord Woolf received letters from over 700 prisoners not involved in the riots. Over a third of the letters mentioned the poor quality of prison food. Lord Woolf declined to judge the dietary quality of the food supplied, but did address issues of budget and difficulty in satisfying different tastes. He recognised the importance of meeting the needs of “Buddhists, Ethiopian Orthodox, Hindus, Jains, Jews, Mormons and Muslims”, noted that a vegetarian or vegan diet could be authorised on request, and acknowledged that the Prison Service had already in place the option of substituting rice for potatoes “where rice was a basic item of an inmate’s usual diet”.

**Grievance procedures**

Lord Woolf recognised that prisoners would legitimately bear a grievance if they were not treated equitably or if they were not given reasons for adverse decisions. He gave an example of a prisoner who was always allowed a box of tissues at his previous prison but was not allowed to have them after transfer. His reaction to the resulting sense of grievance caused him to be segregated. Lord Woolf concluded that, “arbitrariness of this sort can lead prisoners to a feeling of unfairness and powerlessness which is unhealthy for the life and stability of the institution”. He

\textsuperscript{16} Dunbar, pp.43-47.
recommended that the Prison Service aim “to provide consistency of treatment between different prisoners and different establishments of the same type”.

Lord Woolf recognised that transparency in decision making demonstrates that the individual is valued sufficiently to warrant an explanation for his or her treatment. He recognised the prisoner’s sense of powerlessness and the consequence that “matters which others might be able to take in their stride become problems which prey upon prisoners’ minds”. Woolf recommended that the institution provide reasons for any decision that adversely affected prisoners - in writing if possible. He also argued for an independent adjudicator to whom a prisoner could have recourse if dissatisfied with the grievance procedure within the institution.

**Management of disruptive individuals**

Lord Woolf examined options open to the Prison Service for managing disruptive offenders within the estate. He listed four methods of control that were available to prison governors in 1990: transfer under Circular Instruction 37/1990, transfer from a category C to a local prison, segregation under Rule 43 [now Rule 46] of the Prison Rules, and allocation to a special unit for the control of a disruptive prisoner.

Lord Woolf strongly endorsed the sentiment that transfer could give rise to a sense of grievance and should not be undertaken lightly. He also cautioned against the continual movement of a particularly difficult prisoner from one establishment to the next (a practice known colloquially as the magic roundabout).

He noted that any method of restricting a prisoner’s association or living conditions “should not be other than very short term” and should be used in the interests of good order or discipline. Woolf recommended that the power to authorise prolonged segregation should be transferred from the Board of Visitors (now the Independent Monitoring Board (IMB)) to the Area Manager.

**Findings of HM Chief Inspector of Prisons**

I have also reviewed a variety of inspection reports from HM Chief Inspector of Prisons (HMCIP), in particular the report, *Introduction and Summary of Findings: Inspection of five Immigration Service custodial establishments*, April 2003. The Chief Inspector was vested with statutory authority to inspect removal centres in the Immigration and Asylum Act 1999, but this was the first round of such inspections.

The establishments inspected were:

- Tinsley House 18-20 February 2002
- Haslar 25-27 February 2002
- Oakington 4-6 March 2002
- Campsfield House 18-20 March 2002
- Lindholme 25-27 March 2002

The Chief Inspector’s reports are based on the findings of the inspection team (including medical and pharmacy inspectors, an adult learning inspector, an immigration specialist and a consultant psychiatrist specialising in the mental health of detainees), as well as on the results of surveys conducted with detainees in their own languages. In addition, the Inspectorate consulted outside bodies including NGOs, the Legal Services Commission and the Office of the Immigration Service Commissioner.
The centres were inspected against the Inspectorate’s four tests of a healthy custodial environment. These are that detainees are:

- held in safety;
- treated with respect as individuals;
- engaged in constructive activity; and
- able to keep in contact with the outside world and prepare for their release, transfer or removal.

**Detainees are held in safety**

This test takes into account both physical safety (protection from fire, accident, violence, intimidation and mistreatment) and psychological safety (including the absence of anxiety on issues such as their asylum case or welfare concerns outside detention).

The report concluded that, for a number of reasons, detainees were unlikely to feel safe. They might have had previous experience of inhumane detention, it might be their first time in custody or they might be new to this country. The report acknowledged that most people taken into detention are held against their wishes and contrary to their expectations, and that some of those surveyed would have been recently separated from family members. The report concluded that detainees’ uncertainty - arising in connection with their cases, such as the reasons for and length of detention, concerns over whether and at what time they might be deported, and inability to access independent legal advice (or targeting by unscrupulous legal advisers) - was “the greatest insecurity of all”. The Chief Inspector reported that, “it became clear that immigration officers on site did not know, and did not communicate, how cases were progressing: nor was it evident to us that they were progressed effectively”.

Only 37 per cent of detainees surveyed reported feeling safe. And at all centres except Oakington the perception of safety reduced with time in detention. The Prison Service-run establishments scored the lowest in this respect (just 10 per cent of detainees at Haslar and 15 per cent at Lindholme reported feeling safe after spending some time there).

In considering the physical environment of the five centres, the inspection teams found that the conditions of Haslar, Lindholme and Campsfield House were not conducive to a sense of safety. In particular, the inspectors shared detainees’ concerns for fire risk and lack of privacy in the accommodation. At Haslar there were no established first-night procedures and there was a “culture of non-engagement”. At Lindholme, there was some evidence of intimidation and hostility between detainees. Concerns were also raised with regard to low staffing levels at Campsfield House and Lindholme.

In terms of healthcare, the report concluded that links with community providers were poor in most cases and that appropriate mental health care was lacking in all five establishments. The report recommended that care appropriate to those with evidence of previous abuse or torture should be provided. It noted that feelings of safety were also associated with the ability of the establishment to isolate difficult or disturbed individuals from the general population.
The report recommended that, “the detention of children should be avoided wherever possible, and only take place for the shortest time possible, in no case more than seven days”.

**Respect for individuals**

This is measured by:

- the attitude of staff;
- the reception process;
- the provision of interpreters/translation of written information;
- race relations;
- provision for welfare needs;
- quality of accommodation, food and healthcare;
- an appropriate regime;
- an effective complaints system; and
- the provision of means to practise faiths.

The inspectors concluded that, “staff in most centres were not sufficiently alert to, or trained in, the specific needs of immigration detainees,” and that this was most profound in Prison Service-run establishments. There was a lack of appreciation of detainees’ perceptions of their situation and insufficient interest in their welfare. However, they also found that the Prison Service-run establishments were better at providing procedural safeguards similar to those found in prisons (for example, strategies and processes for handling suicide, self-harm and bullying, and management and monitoring structures for race relations).

The inspectors raised particular concerns over the regime at the Prison Service-run establishments, where they found the incentives schemes to be prison-like. They were worried about staff wearing prison uniforms and over the practice of strip-searching detainees.

The inspectors found that the provision of interpreters and translated information “was poor in all the centres except Oakington”. They noted that detainees were used to translate for others, and that this was inappropriate in some situations. They found that “significant proportions … did not understand why they were being held in detention, the rules and routines of the centres, or what the centre doctor or their legal representatives had said to them”.

Delivery of religious services and race relations policies was patchy throughout the estate. Provision of healthcare was found to be good at all centres (except Lindholme where the inspectors reported that the facilities were poor and care was not delivered by dedicated staff with clinical supervision or the necessary specialist knowledge). The report noted complaints about food at both Haslar and Lindholme.

The inspectors were particularly critical of the poor quality of accommodation at Haslar. They considered the accommodation to lack privacy, warmth and quiet, and recreational space. The standard of accommodation at Oakington and Tinsley House was found to be good, as it was at Campsfield House within its physical limitations. At Lindholme, the accommodation was found to be satisfactory, but the heating was inadequate.

The summary report concluded that legal support was also poor at all centres. The inspectors said that a major cause for concern was the lack of provision for helping
detainees to tie up their personal affairs when taken into detention. They recommended that a welfare officer be appointed for this purpose.

**Constructive activity**

The report found that all centres suffered from a lack of constructive activity, although some “imaginative recreational and educational provision” was recognised. Following promulgation of the Detention Centre Rules, detainees were not allowed to work, and the inspectors noted the lack of paid work at all centres. Taking this into account, they concluded that activities were satisfactory at Tinsley House and Campsfield House, that they could be more varied at Oakington, and that detainees were not sufficiently well occupied at Haslar and Lindholme.

The inspectors considered that detainees should not be compelled to work. The report recommended, however, that the opportunity to work should be offered, recognising that a lack of work led to inactivity and increased potential for control problems.

**Contact with the outside world and preparation for release, transfer or removal**

The report recognised the disparity between the centres in relation to outside contact, most notably in visiting hours and in the provision of telephones and phone cards. At Haslar, it was found that the provision for two hours of visits six days a week was insufficient, and it was noted that, at Oakington, 24 hours notice was required for visits. Expensive call rates were also noted, in particular at Oakington. The report recommended that these entitlements be standardised.

The inspectors noted the practice in some centres of not notifying detainees about to be transferred or removed of their imminent departure in order to avoid security and self-harm risks. They recommended that these risks be appropriately managed rather than evaded, and that detainees should be given notice and help in preparing for release, transfer and removal. The practice at some centres of serving removal notices at the last minute and on weekends was also criticised.

The report recommended that detainees be given access to e-mail facilities.

**Contributions to this inquiry**

In addition to reviewing the reports listed above, I wrote to a number of organisations with an interest in immigration detention to invite their contributions to the inquiry, both regarding the incident at Yarl's Wood and more generally about the management of the detention estate. I thank those organisations that responded. Their contributions are summarised below.

**Amnesty International**

Amnesty's International's Refugee Programme Director expressed the organisation's “long standing concern about the Government's policy and practice of detaining asylum seekers”.

Amnesty International criticised the detention of asylum-seekers where they had not been charged with a criminal offence and where there was no evidence that detention was necessary and legitimate according to international standards. The organisation stated that detention of asylum-seekers could be justified only when there was a demonstrable risk of absconding and other measures (such as reporting)
would not suffice. Amnesty International advised that its concerns on the UK’s policy on detaining asylum-seekers were shared by the UN Working Group on Arbitrary Detention. It also reported that the UN High Commissioner for Refugees noted in July 2000 that the UK detained people for longer and with less judicial supervision than comparable countries in Europe. It endorsed the then HM Chief Inspector of Prisons’ recommendations that immigration detention should be used for the shortest possible periods and that there should be judicial oversight of the decision to detain. Amnesty International also suggested that where detention could be demonstrably justified, full written reasons should be provided to the detainee and the decision should be subject to regular review. It argued that unaccompanied children should not be detained under any circumstances.

Amnesty expressed concern that the Nationality, Immigration and Asylum Act 2002 provided for the indefinite detention of asylum-seekers with no automatic bail hearing. It said, “asylum-seekers detained under Immigration Act powers should have the right to challenge the lawfulness of the deprivation of liberty, promptly before a competent, independent and impartial authority in accordance with international law”. It argued that the current bail provisions for immigration detainees were not compliant with Article 5(4) of the European Convention on Human Rights (entitlement to challenge the lawfulness of detention and to release from unlawful detention), or with the International Covenant on Civil and Political Rights.

Amnesty noted with concern that, following the fire at Yarl’s Wood, asylum-seekers were again being held in prisons.

The organisation took exception to the redesignation of detention centres as removal centres, pointing out that not all immigration detainees had had their asylum case refused and were awaiting removal. It said, “a significant number are detained under Immigration Act powers before the merits of their claim have been assessed”. It said that many were detained on arrival.

National Association of Citizens Advice Bureaux

I received a letter from the Immigration policy adviser of the National Association of Citizens Advice Bureaux. He picked up Amnesty International’s theme. He said he understood that people were detained from the point of lodging their asylum claim. He suggested it was “at least arguable” that other measures to monitor the applicant would suffice. He drew attention to a lack of information on the stages of each detainee’s asylum claim, and thus a lack of information on the stage at which detainees were taken into custody.

The policy adviser noted that, in his experience, a lack of information on an individual’s asylum status and likely duration of detention bred “the sort of resentment and anger that can lead to individual protests and larger scale disturbances”. He also suggested that a detainee was less likely to be resentful and angry if he or she was detained only at the end of the asylum process and if the authorities demonstrated that detention was necessary to effect removal. He noted that this would require independent judicial scrutiny of the decision to detain and the presumption in favour of liberty, but that provisions for judicial oversight in the Immigration and Asylum Act 1999 had been repealed before they were implemented. He considered this “deeply regrettable”.

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**Bail for Immigration Detainees (BID)**

BID is a charity that prepares and presents bail applications on behalf of those in immigration detention. It also undertakes campaigning, policy and research work based on its casework experience, aiming to influence Government policy in favour of alternatives to detention and to campaign for the rights of those held in detention. BID attends the Home Office’s detention user group (DUG)\(^\text{17}\) where it has raised issues of concern, but reports that action had been “largely unsatisfactory and extremely slow”.

BID reported that, in its experience, detention was used arbitrarily, for unnecessarily long periods, and for vulnerable people. Among its key concerns were the lack of presumption in favour of liberty and the lack of a statutory time limit on the length of detention. It said the Immigration Service did not give reasons for detention, disclose relevant documentation or review any decisions. Anecdotal evidence suggested that “significant numbers are detained on arrival, with appeals outstanding and for lengthy periods (many months) awaiting travel documents”. BID criticised the lack of an independent body capable of considering the lawfulness and appropriateness of the decision to detain and to review this decision. It suggested this was required by the European Convention of Human Rights.

BID noted a lack of research into detention and bail for immigration detainees, resulting in policy not being informed by evidence. Along with the National Association of Citizens Advice Bureaux and Amnesty International, it called for statistics to be made available on the status of detainees’ asylum cases.

The organisation commented that there were “serious inadequacies in the process for applying for bail under existing legislation”. It considered the merits test for the use of public funds restrictive and noted its concern that a cap on legal aid to asylum-seekers would also block detainees from accessing legal redress. It also believed that the requirement for sureties and the lack of accommodation and provision for released detainees were obstacles to a bail application.

BID criticised the failure to implement legislation making automatic provision for bail hearings and the subsequent repeal of this legislation in 2002. It considered the comments by the then Minister of State for Immigration that bail applications were “unnecessary” demonstrated:

> “… an alarming complacency on behalf of the government whose current policy and practice in relation to detention disregards protection of the fundamental principle of liberty and fails to acknowledge that large numbers of detainees are not represented.”\(^\text{18}\)

BID suggested that the difficulties experienced by detainees in applying for bail meant that such judicial oversight of the decision to detain as existed was difficult to access. It had conducted a survey that showed that in 79 per cent of bail applications:

\(^{17}\) The detention users group is a stakeholder group that meets at regular intervals to discuss issues of common interest. It is chaired by IND.

\(^{18}\) I raised the question of the lack of automatic bail hearings with Mr Simon Barrett, Head of Detention Services Policy Unit. He advised: “If the allegation is that the repeal of Part III prevented detainees from getting bail … and thus increased any sense of hopelessness they might have felt, I can offer the counter-arguments showing the continued access to bail and the figures for bail grants under the pre-existing bail arrangements.”
“... the application by BID was the first time that an independent review of detention had taken place. The average length of time without review by a court, before the first bail application by either BID or a solicitor was approximately 16 weeks, or four months.”

The organisation said that, in its experience, detainees might have limited access to legal representatives or might not be represented at all. They noted that frequent movement between centres could make it difficult for detainees to maintain contact. This could have a severe impact on an individual's asylum claim if he or she was moved shortly before an appeal or when appeal papers needed to be lodged. They also noted that access to detainees by telephone was restricted and that personal access by legal visitors was restricted both by visiting times and by the location of centres.

BID was also critical of policy changes that had allowed the detention of children for more than a few days immediately prior to removal. It described the 2002 White Paper Secure Borders, Safe Haven as one that, “endorses the policy of detaining children in asylum seeking families prior to removal and raises the option of detention in other circumstances”. BID said that in its experience this had resulted in the lengthy detention of families with children and that the resulting harm to children was “disproportionate to the objective of immigration control”. It was extremely concerned about plans to extend the detention estate’s capacity for families at Yarl’s Wood.

Office of the Immigration Services Commissioner (OISC)

The OISC was established under the Immigration and Asylum Act 1999 in response to concerns about the quality of immigration law advice and reports of unscrupulous legal advisers. The Commissioner’s duties include the promotion of good practice among those providing immigration advice and services and ensuring that those providing such advice and services are fit to do so.

As with many of those groups that contributed, the OISC recognised detainees’ difficulty in accessing good legal advice. It provided me with a copy of their leaflet ‘Legal advice for people who are detained by the Immigration Service’, which explained an individual’s right to advice, how it could be secured, what it should provide, and how to complain about a legal representative. The OISC told me it had been working with the Detention Services Policy Unit in IND to try to ensure that all detainees received a copy of this leaflet in an appropriate language. The leaflet was currently published in 16 languages. The OISC was also, at time of writing to me, embarking on a programme of visiting removal centres to raise awareness of its role.

Association of Visitors to Immigration Detainees (AVID)

AVID is an ‘umbrella charity’ for a number of groups that visit immigration detainees, providing advice, running training programmes and advising these groups on best practice. They raised a number of areas of difficulty for those held in removal centres, along with some information specific to Yarl's Wood.

AVID reported that, in spite of revised bail guidelines, it was difficult to secure bail for detainees who had no-one to offer sureties for them.

Detainees had difficulty in obtaining information on their immigration claim from the on-site Immigration Officers, and they rarely had face-to-face contact with Immigration Service staff. Access to legal advice was also difficult. AVID expressed
concern at the impact of the capping of legal aid for asylum claims. It also noted that denying detainees access to the internet left them unable to chase information or correspond with others via e-mail.

AVID suggested centres would be more appropriately managed by those with experience working with migrants and refugees than by former Prison Service staff. The specific needs of detainees would thus be less likely to be overlooked.

The organisation also identified inconsistencies between centres, suggesting that this led to “problems of inequality and complaints as people are moved around the system”. It welcomed the implementation of Operating Standards which it said should go some way to resolving this issue.

AVID suggested that the frustration and anxiety suffered by detainees held without time limit often led to depression. The provision of mental health care within the detention facilities was often not adequate to treat this.

AVID was concerned about the detention at Yarl's Wood of children for longer than seven days.

AVID also noted:

“From conception, [Yarl's Wood] was based on the prison system. Although security is necessary, excessive security is not; freedom of association and friendliness are better tools … Aggressive, disturbed and traumatised individuals (by having been detained in prisons) were mixed with frightened, confused people. Under the excessive security, this was bound to cause problems … Excessive security throughout the whole centre, causing difficulties for detainee movements and for visitors, raised the temperature of the centre. The Tinsley House model of security would have been much more appropriate, with fewer locked doors and access to the entire centre without escorts … Lack of training in cultural awareness was a contributory factor to sparking off the incident leading to the setting of fires. Better trained staff would help with this. The training concentrated on control and restraint. Staff had no previous experience on which to make sensible judgements when handling detainees in a custodial environment, having only had ‘dealing with the public’ as one of their qualifications for the job (ref: job description initially and also job advertisement for current staff) … The Immigration Officers on site were unable to give adequate information in the monthly reports to detainees about their situation, and often these reports were not given.”

**Asylum Aid – Refugee Women’s Resource Project (RWRP)**

The coordinator of the Refugee Women’s Resource Project (run by Asylum Aid) wrote to me specifically about the needs of women in detention. She pointed out that some of the issues might also apply to male detainees.

The RWRP said the detaining authority should be required to notify the family and legal representatives of the location of and reasons for detention. It should also be required to make adequate arrangements for the care of family members, particularly children, and for the security of property left behind.

It commented:
“... tensions inevitably rise when detainees are not treated with dignity; when they do not feel properly protected; when they do not have full confidence in the staff procedures … and/or when operational procedures disempower, distress and/or depress them”.

The RWRP coordinator’s letter drew attention to a number of practices that she felt contributed to feelings of disempowerment and distress. These included mixing detainees with those who had been involved in their abuse or trafficking and making detainees associate in communal areas with members of their own or rival ethnic communities who might harass them. She suggested that staff should be adequately trained to recognise these problems and act to alleviate them.

The RWRP coordinator said it was inappropriate to allow male staff unaccompanied access to female detainees, and believed that female interviewers and interpreters should be provided. She also noted that women detainees should be able to access bathroom areas at night in safety.

RWRP stressed the need for women doctors and nurses to be available where women are detained. It also said sanitary protection should be made freely available rather than on request, since women from some cultures would have difficulty in requesting these items. It criticised the use of other detainees as interpreters in a medical environment as totally inappropriate and said pregnant women should not be detained.

The RWRP coordinator said many women asylum seekers were the main carers in their family and that their role focussed on the preparation of food for their family. She suggested that the inability of women in detention to fulfil this role led to feelings of depression. Many children would only eat food prepared by their mother. In these cases, the mother would feel inadequate for failing to provide for her children. The coordinator said the provision of culturally appropriate ingredients and self-catering facilities in family accommodation would go some way to alleviating this problem.

**Refugee Council**

The Refugee Council works with and on behalf of refugees in the UK. It convenes the Detention Group of the Asylum Rights Campaign (ARC – a coalition of NGOs with an interest in asylum), which brings together representatives of visiting groups.

The Refugee Council raised a number of points pertaining to the movement of detainees throughout the estate. It reported that detainees were frequently moved between centres with no reason given, and noted that this caused distress and risked loss of contact with legal representatives. The Refugee Council noted that this problem was long-standing.

In addition, there was a lack of consistency between centres on issues materially affecting detainees’ lives. Visiting hours varied by as much as 100 per cent from centre to centre. The Council alleged that conditions at Yarl’s Wood were harsher than at other centres. For example, it was noted that detainees at Harmondsworth received pocket money and a daily hot drinks pack while this was not the case at Yarl’s Wood. The members of ARC also felt that there was less provision for outside activities at Yarl’s Wood than there was at Harmondsworth. It concluded:

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19 In a letter to me dated 13 October 2004, GSL noted that pocket money was not included in the contract and was not funded by the Immigration Service for Yarl’s Wood.
“Detainees will soon know that provision varies and this is likely to spark trouble. It is inequitable for provision to vary like this and IND should be making sure that it doesn’t.”

The Council also alleged that people had been mistreated during movements. It suggested that detainees had been made to wait outside centres in vans until their arrival could be processed, sometimes in extreme heat, and for such long periods of time that some had been driven to urinate in the vehicle. They also alleged that staff responsible for escorts had subjected detainees to extreme force needing medical treatment.20

The Refugee Council recorded its total opposition to the detention of children, stating that, “it is not appropriate in our view to ever detain families with children. Alternatives such as reporting should always be used in preference.”

The Council described a “lack of welfare support” in assisting detainees to sort out their affairs when suddenly taken into detention. It reported that some families had been left ignorant of their relative’s whereabouts, and that the consequences of being unable to sort out personal affairs were multiple, including problems with tenancies, employers, finances and access to belongings.

It also observed that phonecards, where available, were expensive and that there had apparently been no moves to find cheaper alternatives.21

The Refugee Council reported that all of the visitors groups reported regular incidents of self-harm among detainees.

The Council was critical that released detainees might be simply left at the gate of the centre or dropped off at a railway station. It reported a case from the Gatwick Detainee Visitors Group of a man who had slept in a phone box overnight on his release.

The Council’s submission alleged a lack of efficiency in the complaints system within immigration detention centres. It suggested that it was common for complaints not to be made formally as the complaints procedure was neither confidential nor independent. The Council also reported that the Independent Monitoring Boards at removal centres were not generally considered to engage adequately with the population or to inspire sufficient confidence for detainees to use them as an independent body for complaints.22 They concluded that there was a case for an Ombudsman to review immigration detention complaints.

20 Allegations about mistreatment by escorting staff also arose during my inquiry into the Daily Mirror allegations of abuse and racism at Yarl’s Wood. IND accepted my recommendation that they investigate the matter thoroughly.

21 GSL’s letter of 13 October 2004 noted that “telephone cards, value £2, were provided on arrival and weekly, to those who were without funds, in line with the contract. It has been suggested that calls from Yarl’s Wood were expensive. In fact, it is our understanding that they were 10-15% cheaper than BT rates to the public. Another criticism was that 0800 numbers were not available to detainees. This was prohibited in the contract and was an issue that the centre management had raised with the Immigration Service for reconsideration.”

22 An Independent Monitoring Board (IMB) is appointed to each centre. It is a lay watchdog body whose function is to monitor all aspects of removal centres and raise any issues with the manager or contract monitor. It reports annually to the Home Secretary. IMBs were formerly
The Refugee Council provided me with a report on a visit to Yarl's Wood on 15 January 2002 by members of the Asylum Rights Campaign (ARC) Detention Group (at the invitation of the Home Office detention user group). It raised a number of concerns.

Among these, it noted that there was a lack of provision for access to legal advice, with only limited provision by the Immigration Advisory Service (IAS). The remote location was not conducive to practitioners attending the site. It also criticised the provision of information on legal advice at the centre: the Immigration Law Practitioners Association (ILPA) directory was old and had details only of London firms. The telephone contacts details given for IAS, the Refugee Legal Council, the Samaritans and the UNHCR were either inadequate or non-existent.

The report described the regime at the centre as “unnecessarily restrictive,” and noted with concern that visitors had been prevented from taking paper and pens into visits. The ARC Detention Group gained the impression of an “obsessive level of security” relating to the admission of visitors. One member of staff apparently commented that it would be easier to get into a category A prison. They concluded: “This centre felt much more prison like than Harmondsworth. Its regime is harsher and seems to be strictly imposed.”

The report raised concerns over the provision of interpreting facilities, noting that the centre relied on Language Line and the language skills of members of staff.

The report was critical that there were no privacy screens for detainees using the toilet in the segregation unit rooms. It was particularly concerned that male officers could be working in the women’s segregation unit and that this lack of privacy was particularly disturbing for refugees who had suffered sexual violence.

Finally, the Refugee Council referred to the loss of belongings and valuables during the fire, and said some individuals had been removed without being compensated for their loss.

**Asylum Education and Legal Fund (AELF)**

The Asylum Education and Legal Fund referred to the “markedly closed” attitude of staff at Yarl's Wood. This differed from staff attitudes at other detention centres. The AELF also found great difficulty obtaining assistance from staff at the centre in relation to individual clients with hardships. It referred to difficulties getting through to clients. She noted that the same problems existed between legal representatives and detainees.

AELF described the increasing and unpredictable use of roll calls (“up from three per day in 2001 to four per day by February 2002, whereas other centres appeared to hold only one”).23 It suggested that roll calls were used as a reason not to connect detainees to outside callers. When she spoke to us, Ms Amanda Sebestyen of the AELF pointed out that “numerous” metal grilles were brought down for each roll call.

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23 GSL commented in their letter of 13 October 2004, “As agreed with the Immigration Service roll calls took place four times a day. These were at approximately 07.00, 12.15, 17.15, and between 23.00 and 23.30.”
This severely circumscribed detainees’ freedom of association and caused them to become separated in their rooms. She said this caused distress and fear.

The AELF suggested that segregation and “other strong punishment” were used inappropriately. Ms Sebestyen referred to the segregation of detainees for “rudeness”. She said that, to her knowledge, these sorts of offences were not normally punished “fiercely” in other centres.

Finally, the AELF referred to the prevalence of prison or military jargon and prison attitudes amongst certain staff. I may note in this respect that it emerged at the criminal trial that staff referred to one corridor as ‘the Green Mile’. This is a reference to Stephen King’s book of the same name and refers to a wing of a prison where those awaiting execution are held. Detainees also used the expression in their statements to the police. Given the plight of a number of the detainees at the centre who faced possible death if they were returned to their own countries, this expression is particularly tasteless and it is very regrettable that it was allowed to gain currency.

Stop Arbitrary Detention at Yarl's Wood (SADY)

SADY opposes detention under immigration powers. It campaigns against detention at Yarl’s Wood and visits individuals in the centre. SADY did not make a formal submission to the inquiry, but we spoke to Ms Emma Ginn, one of the founder members. She provided us with briefing notes prepared for their Campaign for Justice in the Yarl's Wood Trial. One of these said:

“… detainees did not have free association; got no personal allowance or phonecards to call their families if they were being removed; calls to solicitors were prevented; patients were handcuffed for hospital stays; Group 4 officers were swearing at detainees and calling them names; hygiene was worrying as the centre was only cleaned weekly; medical care was a huge problem with AIDS patients and others with long-term life threatening disease, plus those with acute eye and teeth conditions, being given only paracetomol – GPs visits were promised but never happened, while those detainees’ health worsened day by day; food was often inedible and dangerous, for example uncooked rice and blood-stained chicken.”

Another of the notes said:

“At first Yarl's Wood seemed better then Campsfield because the buildings were newer and cleaner looking, but food and other conditions turned out to be even worse. Detainees held a meeting to raise complaints about the food and to ask if a coffee machine could be installed as in other centres. Immigration and centre manager refused to meet the campaigners."

Ms Ginn spoke about the difficulties detainees faced in maintaining contact with their legal representatives due to a lack of money or phone card credits. She said that detainees had also had problems with unscrupulous solicitors who did not act in their clients’ best interests, and that reliable solicitors were in increasingly short supply due to cut-backs in legal aid. Most asylum seekers did not understand the asylum process/rules and were therefore totally reliant on the advice they were given. Ms Ginn believed that the Immigration Service had removed detainees at times when it was impossible for them to contact their legal team.

Ms Ginn referred to the problems caused by indefinite incarceration without judicial oversight. She suggested that the very small number of removals from the centre
indicated that the vast majority of decisions to detain were wrong. Of the 80 or so detainees SADY represented, only seven or eight had been removed. It was all a question of the legal advice they obtained.

She said adjudicators were very poor quality and made irrational decisions. They operated to an entirely different level of justice. Ms Ginn presented examples to illustrate what she felt was an over-pedantic approach to rules.

Finally, she alleged that staff had assaulted detainees, and verbally, sometimes racially, abused them. She suggested that numerous roll-calls and enforced removals contributed to an anxious atmosphere.

**Yarl’s Wood Befrienders**

Mr Ken Carr-Brion of the Befrienders noted that the “whole atmosphere of the place was that of a high security prison”. He referred to elaborate procedures to gain admission as a visitor and long delays due to low staffing. He claimed there was always difficulty with bringing the particular detainee to the visits room. Mr Carr-Brion said he at first thought this was incompetence, but subsequently decided it was deliberate in order to demean the detainee.

Mr Carr-Brion said the detainee he visited received inadequate medical attention for an eye condition. He was given eye drops by one doctor after another, none of whom seemed to have any case notes:

“Other problems were bad food (stinking fish, chicken day after day) and an obstructive attitude (not sending faxes, refusing phone calls, losing documents) to what little legal advice [a detainee] could obtain. Phoning home was impossible with the phone cards supplied. In January [the detainee] said the place was boiling over with frustration and anger ...”

Another Befriender, Mr Alasdair Bright, provided me with a signed statement via his solicitor:

“... I was immediately struck by the lack of any system in place. The rules seemed to change each time I went on a visit. Sometimes I was allowed to bring books, paper and pen with me, other times I was not. On one occasion an officer saw me chewing gum and I was told to put it out. They said I might use it to mould a key from it. It was really evident that the staff hadn’t been properly trained and that the management was not fully in control.

“... things were not good for detainees. [Mr Y] would tell me how miserable everybody was. He found it in many ways worse than being in prison as did many of the other detainees who had come from prison. He remarked at least in prison you knew where you stood as there were systems in place whereas everything seemed to be unpredictable. [Mr Y’s] observations rang true for me from what I had observed about the way the place was run ...

“... the main causes of concern amongst the detainees was food, which was unappetising and limited in choice, and the medical facilities. [Mr Y] commented that they just seemed to hand out paracetamol for any complaint.”

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24 The Befrienders is a local voluntary organisation that visits and befriends detainees.
Mr Bright said he had visited Alistair Burt MP and, “pointed out that things were becoming worse, the detainees were frustrated and in fact gave a sort of warning of what could happen (although I did not imagine a fire on the scale it was).” He added:

“... there were other detainees who were becoming increasingly frustrated. I think this was particularly so for the detainees who didn’t speak English ...”

“The visits system was in chaos. Occasionally I didn’t even get to see [Mr Y]. Sometimes I would have to wait for up to an hour. Although all the individual complaints may not have seemed a great deal, when they all added up together it was clearly causing concern for the detainees.”

**Ms Zoe Stephens**

Ms Zoe Stephens, a solicitor in Bedford who has had many dealings with detainees, told me:

“I did encounter a number of problems with access to my clients. Things like post that I sent to clients was not passed to them for a number of days. Faxes were not passed to clients until the next day. On one occasion I remember that I hand delivered a bundle for a client a couple of days before his hearing so that he would have time to go through it. It was not given to him until the day after the hearing.

“On another occasion we obtained an order against removal pending a judicial review and we could not get the order faxed to the client. This resulted in the client still being taken to Stansted for removal and the removal was stopped only due to the 11 year old child’s repeated attempts at explaining that he had a case in the High Court.

“I also remember that all my clients complained about the food and how they were not given enough food so they were hungry.

“On visits to see clients we were often kept waiting for a lengthy time even though it was a booked legal visit ... I remember one of the guards ... telling me how racist the other guards were and how they treated the detainees badly.

“When I was kept waiting in the reception area I frequently observed the reception staff speaking to other visitors (non legal) in what I considered to be an inappropriate manner. They often made jokes to the visitors which I thought were tasteless such as how they would soon be visiting the person abroad and they should get their passport ready. I was particularly offended on one occasion when one of the reception staff started to tell me how English girls are really stupid with the illegals and think that the illegals love them. There were a couple of women waiting to visit and they could clearly hear what was being said.

“... in comparison to Campsfield (which is far from perfect) I thought there was much more tension and hostility at Yarl's Wood.”

**The GSL submission**

Global Solutions Ltd produced a 12-page submission to the inquiry.
The submission described how a joint venture company was formed between Group 4 and the construction firm Amey Asset Services Ltd for the purposes of designing, building and operating Yarl's Wood. The company was incorporated as Group 4 Amey Immigration Limited (GAIL). Group 4 said the design and build was subcontracted to Amey and the operation to them.

It also referred to the limitations posed by the continuing and various legal actions:

"With the benefit of hindsight it might be suggested that an event of this nature and extent brings into the scope of any subsequent inquiry matters of structural, organisational, operational and humanitarian relevance and importance. It is also the case that these matters cannot be discussed at present because of various on-going pieces of litigation. We remain conscious of this continuing constraint, in formulating this submission."

The submission also drew attention to the relative responsibilities of the contractor and the commissioning authority:

"... contractual operation to provide services cannot commence until the authority is fully satisfied that all the requirements specified in tender documentation are capable of competent and consistent delivery to the designed standards of quality and performance, and a permit to use has been issued by the authority."

The submission said relatively little about the chronology of the events of the night, "since this is already well documented and largely beyond dispute". It stressed instead, "considerable concerns about a number of policy decisions made at the national level during 2001-2002 in relation to the role and operation of immigration centres, those to be detained within them, and the manner of their detention". The company continued:

"... however understandable the strategic reasons for the decisions may have been, their operational implications were not fully debated in consultation between the authority and the contractors ultimately responsible for their implementation."

The submission focussed on what it called four key issues:

Key Issue 1 was the relationship between the Home Office, Immigration Service and contracting consortia in deliberating policy and implementing immigration detention services. The company said:

"Our principal concern in this area relates to what we would describe as the changing emphases over time in relation to the purposes and implementation of immigration detention, and the impact of these on the delivery of our service to the Home Office and the authority."

The company noted that the construction specification in the tender documentation referred to a "domestic rather than an institutional environment". It referred to the design principle to provide "suitable homely living accommodation …" (Quite properly, however, the company also quoted those parts of the tender documents referring to "robust and vandalism-resistant buildings" and the likelihood that detainees "may vent their feelings on the building").
Referring to the timescale initially allowed by IND of 30 weeks from award of contract to opening date, the company argued:

"This effectively excluded the two most robust building solutions from being considered and proposed (traditional block and plank construction or pre-cast box section unit fabrication), and reduced the options to use of less durable construction methods (flat pack pre-cast units or modular factory-built units). In the event, the authority opted for the latter, the build period for which might be completed in some 26 weeks of the 30 available."

GSL said that there "has never been any suggestion that immigration centres should resemble prisons in terms of security provision or regime design". However, the nature of involuntary confinement - and the fact that until late 2001 some immigration detainees were held in prisons - made the two forms of custody appear "markedly similar". The company drew attention to the statement by the Home Secretary on 29 October 2001 indicating that the use of prison places for immigration detainees would cease by January 2002. It noted that this announcement came less than a month before a riot at Campsfield House:

"The impact of these two events may be significant. The removal of some detainees to Yarl's Wood who had been involved in the riot coincided with a similar decanting of former prisoners."

The company said there was no opportunity to consult with IND about "the operational implications of such an important change in the nature of the detainee profile".

The company suggested the Home Secretary's further statement of 25 February 2002 indicating that detainees with a history of violent and disruptive behaviour had been transferred back to prison was, "effectively a reversal of the statement made on 29 October 2001, and implicitly acknowledged the threat to stability … posed by such persons".

The GSL submission said two other developments might have had a potentially destabilising effect. The first was the decanting of former prisoners into Yarl's Wood, "with a paucity of intelligence relating to their criminal records or custodial behaviour … It may be considered doubtful whether the design, fabric and relaxed regime … [were] potentially robust enough to meet such a challenge."

The second development, according to GSL, was the promulgation of the Detention Centre Rules 2001, "from which all reference to disciplinary adjudication and punishments had been entirely removed from the previous substantive drafts". The company said the final draft was circulated after contract signature:

"Though there was an opportunity to comment … and our reservations were clearly expressed to the authority, the final version remained devoid of sanctions for institutional offences and misbehaviour."

The submission continued by criticising, "the absence within tender documentation and negotiation of any formal reference to classification and allocation criteria for immigration detainees". It also said the company was "far from convinced" that existing assumptions about the degree of compliance to be expected of detainees remained valid in the context of removal centres.
GSL said that the matter of 'high risk' detainees was raised with the Immigration Service:

"The considered view of the authority at the time (post 29 October 2001) was that it did not recognise such a classification, and would be most reluctant to endorse the concept."

Describing the failure to develop policies in respect of 'high risk' detainees as "a crucial issue," the company's submission argued:

"It has significant implications for design and construction criteria, internal security and control arrangements, and the need for a robust provision of sanctions to deal with rule infractions and offences against order and discipline."

GSL defined Key Issue 2 as the design and construction specifications for immigration detention and removal centres in relation to their role and population. In perhaps its most important comment, GSL said:

"It remains our view that while the centre was adequately designed and constructed to meet the purpose originally envisaged for it, this situation quickly changed and made it vulnerable to potential incidents of concerted indiscipline."

The company drew my attention to the fact that in re-commissioning Yarl's Wood, "more robust" building methods had been employed.

GSL also said:

"The requirement of the authority for a relaxed and open regime with the reasonable maximum of freedom of movement poses the inevitable risk of design compromise … The planned assimilation … of single males, single families and families to a considerable extent exacerbated these design difficulties."

GSL also noted a difference between immigration removal centres and prisons of a similar security level:

"Short-term occupancy … poses a threat of vandalism entirely because those detained have no vested interested in preserving a clean and 'homely' environment or in concern for the fabric. It also makes the task of staff more difficult in terms of acquiring vital security intelligence in relation to groups or individuals that may present a threat to security and control."

The company continued by saying that while the concept of mixed gender centres "is in no sense unreasonable," nevertheless:

"The presence of single females and single males in relatively close proximity will always, in our view, present an added dimension of significant risk, particularly in the event of disorder on a major scale."

In this section of its submission, GSL also criticised the "considerable reluctance" on the part of the contract monitor to authorise segregation at Yarl's Wood, arguing that this "may have conveyed an ambivalent message in relation to order and discipline". The submission continued:
"... a limited provision for incentives and earned privileges does little … to promote compliant behaviour and regime participation, without the reinforcement of basic discipline with appropriate penalties for infraction."

Key Issue 3 in the company's submission was the selection, training and certification of staff for duties in immigration detention and removal centres. The submission detailed the training given to staff which it said, "was specifically designed to prepare employees for all aspects of their custodial, operational and pastoral tasks". The submission referred to the content of the initial training course for DCOs plus the specialist training of managerial and supervisory grades. There was a particular emphasis upon fire safety training.

The submission also referred to the support it offered to its staff after the fire, in particular a programme for personal and group counselling provided by ICAS (an organisation whose services include assisting organisations in the aftermath of critical incidents and supporting employees) and the preparation of its staff (by a specialist firm of consultants, Bond Solon) before they gave evidence in court. Of the latter, the company acknowledged that the training was halted immediately at the request of the Crown Prosecution Service following concern expressed by prosecution counsel at the Yarl's Wood trial.

The company said:

"We are also conscious that there can sometimes arise difficulties in balancing our duty of care towards our employees in circumstances in which criminal and civil proceedings arise from disturbances such as the Yarl's Wood fire and riot. We invite the Inquiry to note and give due weight to these issues in its deliberations in view of the fact that no guidelines exist to assist in such circumstances."

The final Key Issue presented by GSL was the relationship between the Home Office, Immigration Service, police and Prison Service in the detention of persons seeking immigration or asylum who have committed (or commit while detained) criminal offences within the United Kingdom.

The company argued that "more could be done* to ensure that contractors are in possession of criminal intelligence relating to detainees:

"We consider it to be important to enhance the extent of the information available from the Prison Service in relation to ex-prison inmates transferred into the Immigration Service estate for example by transfer of the Prison Record with the detainee, including the security file."

The company went on to say:

"It is a matter of record that the Bedfordshire police offered to provide a criminal record screening service in relation to detainees allocated to the centre, and that this offer was declined by the authority. We believe that the reason for this decision was in large part related to the promises made to the local community authorities at the planning stage that significant numbers of 'high risk' detainees would not be allocated to the centre, and thus to avoid subsequent public concern."
The GSL submission repeated its anxiety over "the lack of a formalised process of classification and allocation of detainees," while acknowledging that the short periods of time detainees may spend in removal centres "exacerbates the problem of obtaining and sharing reliable antecedent information relating to them". The company drew my attention to evidence it presented to the House of Commons Home Affairs Committee in October 2002. This evidence suggested that detainees whose removal was imminent should be held in short-term holding facilities separate from long-term detainees. GSL suggested that this could be achieved by dividing immigration centres into two distinct areas, each of which would provide appropriate accommodation and operate appropriate regimes. In oral evidence to the Committee, the company elaborated that such a separation would allow the operator to better address the specific needs of detainees, for example the need for long-term detainees to tidy up their affairs. The evidence also suggested that DCOs should be given the authority, where necessary, to confine and request the imprisonment of disruptive detainees and that "detainees who act in a violent, abusive or disruptive manner should have their behaviour taken into account by the immigration authorities and the Immigration Adjudicator". GSL argued that the inability to take this information into account when arriving at a decision might lead the Adjudicator to grant leave to remain to an individual who poses a criminal threat.

The GSL submission concluded by saying that it had deliberately not commented upon the events of 14/15 February 2002 themselves, the implications of the Riot (Damages) Act, or the claims (to which it had responded separately) of human rights abuses in the aftermath of the disturbance. It ended by saying:

"We remain totally committed to the provision of a quality of performance that is unequalled in the field of Immigration Detention Services. We also seek, through the lessons learned from this experience, to continue to contribute significantly to the achievement of the national interest in this most sensitive area of governmental responsibility."
Part II

The events of 14/15 February 2002
The events of 14/15 February 2002

Overview

On 19 November 2001, Yarl's Wood, IND’s new flagship removal centre, opened for business. It consisted of two self-contained two-storey units built in mirror image of each other, bisected by a 5.6 metre fence. Accommodation and facilities for 900 immigration detainees were arranged along corridors that surrounded six courtyards on each side of the fence. Facilities included catering, healthcare, educational, religious and recreational space, four sports pitches, office space for workers, a visitors centre and a hearing centre for appeals. Only one of the self-contained units (the mixed centre, ultimately intended for women and families) was in use during the first period of operation.

On 15 February 2002, only the unused half (the male centre) remained.

In piecing together the events of 14/15 February 2002, I have had the benefit of reviewing all the statements collected by the police during the course of their investigation plus the reports of the internal inquiries conducted by the Bedfordshire & Luton Fire and Rescue Service and Group 4. My colleagues and I have also spoken to members of staff and former detainees.

As in any serious incident, the initial assessments of what occurred have been refined in the light of further information. For example, the first reports received by the Home Secretary referred to “altercations between three female detainees” and “anecdotal evidence of a planned break-out for Friday; packed bags had been found in the gym”. I doubt the strength of either of these allegations.

There have also been rumours that some detainees died on the night. Neither I nor the police have uncovered evidence to justify these claims. I am told the police hand-sifted 128 tonnes of rubble and ash to identify teeth and/or bone fragments in what was the biggest forensic deconstruction in the world, barring that at the World Trade Center in New York. In light of this, I have not sought to investigate these allegations any further. Other misinformation has included allegations that Group 4 improperly prevented access to the site by the fire brigade.

In broad outline what occurred was as follows. On the morning of 14 February, there was a minor incident involving a Nigerian woman detainee, Ms E. Ms E was suffering from haemorrhoids and had asked to see the doctor. Initially the request was refused (on advice from medical staff). Ms E protested vehemently, invoking vociferous support from a number of male detainees. The request was subsequently conceded.

To avoid a repetition, Yarl's Wood staff determined that Ms E should not be allowed to leave the wing again that day (this was presented, disingenuously in my judgement, as following from their duty of care to a sick woman). However, that evening Ms E joined other African women in an attempt to join male detainees at a church service. Refused entry at the gate, Ms E protested loudly, falling to the floor. A decision was made to subject her to control and restraint (C&R) and locks were applied. This was in the sight of waiting male detainees. An attempt was made to block their view by holding paper against the glass.

One of the male detainees then broke through a door using a fire extinguisher. Within seconds, other male detainees joined the disturbance. Group 4 staff
attempted to withdraw. A radio and keys were lost. Some detention custody officers (DCOs) barricaded themselves into a room, in effect held hostage.

In the course of the following hours, a variety of fires were set, eventually destroying all of the mixed centre. Detainees breached the gates and some of those who escaped remain at liberty to this day. The disturbance was eventually brought under control through a joint police/Prison Service operation commencing at 2 am on 15 February.

There is evidence of rising tension and some indications that protests were planned. However, ex-detainees told us categorically that the disturbance was not premeditated. One referred to meetings they had held but said these had not been for planning action but simply for getting their grievances across to managers. He thought that some detainees had shown their true colours during the disturbance, however. Others took the opportunity to get the message to the outside world about what it was like in Yarl’s Wood. He added that staff could have handled the incident before it got out of hand if they had known what to do and been more experienced.

The prelude

The incident on the evening of 14 February was sparked by officers trying to restrain a female detainee, Ms E. (I asked to interview Ms E, but, on the advice of her solicitors, she declined, submitting a statement instead.) I think it is fair to say she was noted for her excitability (one detainee described her as “always causing a commotion by shouting and screaming”), and staff had found her particularly challenging that day. During an interview with one of those charged in connection with the disturbance, a police officer summarised events on the morning of 14 February:

“… at about 11:30 … Ms E had gone to the Delta wing office and was complaining … about not … receiving medical treatment. And having spoken to some of the DCOs there, and also the acting shift manager, he tells me that there were about 30, well perhaps 40 to 50 detainees present when Ms E was at Delta wing office. Going back a little from that it appears Ms E had already been to the Delta wing Office earlier during the day. And that she had basically got very upset with the DCOs in there and was shouting and screaming about being seen by a doctor. She was on her own at this time and her pager went off and I believe she went off to answer the phone somewhere. But, obviously, she comes back about an hour or so later with a lot of people, and again is complaining to the DCOs and the acting shift manager that she is not being seen by a doctor or medical staff.”

A DCO said at the ensuing criminal trial that, when Ms E was called on her pager in the middle of demanding to see a doctor, the call actually came from a nearby Group

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25 The accommodation on the mixed centre was on two corridors, C wing (‘Charlie’ where the women and families had their rooms) and D wing (‘Delta’ which housed the men).
26 The trial took place from April to August 2003. Twelve detainees were charged with offences including violent disorder, affray, and arson. Charges were dismissed at court for four individuals. Two were charged but absconded and were not brought to trial. Two detainees pleaded guilty and received sentences of 18 months for violent disorder and three months for affray respectively. Two further detainees were found guilty of violent disorder and received 4-year sentences. Two were found not guilty of the violent disorder charges against them. None was found guilty of arson.
4 supervisor as a stratagem to make her stand up, and was not an outside personal call. (This is not confirmed by Ms E’s own statement, however (see below).)

The Independent Race and Refugee News Network also referred to this episode in an article published on its website on 3 September 2003. They said:

“Ms E had been asking that day to see a doctor as she was suffering from haemorrhoids (and has now been diagnosed with an uterine prolapse). She became agitated and this was ‘dealt with’ by a supervisor distracting her by sending her a bogus message implying she had an outside phonecall. [A DCO] hearing one of Ms E’s requests to see a doctor told her to ‘Shut up and get out of my office.’”

One of the ex-detainees to whom we spoke referred to the incidents with Ms E. He said she (‘Mama’ as the other detainees called her) had been getting “confused” for some days. She had sat in a wing office demanding treatment. Staff kept making promises but did not keep them. She was taken to the healthcare centre with four DCOs around her.

Ms E described to the police what happened:

“… I was feeling very, very bad. I still had severe pain to my stomach. I went to the supervisor’s office and demanded to see the doctor. This was refused. I then fell to the ground crying asking for help with the pain. I was asked by staff to get up and leave. I refused. A male manager came down and was with a female supervisor. They tried to talk me out, but I carried on refusing, asking to see a doctor.

“My bleeper then rang and I was helped up to the phone. It was my solicitor … I explained to him the situation I was in. My solicitor said they would fax Immigration about me being refused medical help. They told me to go to bed and make myself comfortable.

“I then went back to my room and tried to sleep. I was in too much pain though and … made my way to the chapel.

“A DCO took me to chapel however, my friends … were not there … I saw a detainee and asked him to go and fetch them. I told this guy that I had to wait until Monday 18 February until I saw the doctor. I had been told this by the staff in the office earlier. This boy said, ‘Monday is too long, I have never seen you this ill.’ This boy went off and from where I was I could see him going into the supervisor’s office through the windows. This boy came back with a manager and I was taken up to the hospital. I saw the manager speaking with a nurse, who I had seen in the office earlier. This man told me I could not be seen until Monday. The manager said the doctor would be called and a prescription would be organised for me.”

There was also trouble in the dining room at lunchtime. A detainee told police:

“At about 12:00 hrs on Thursday 14 February 2002 I was in the dining hall on the upper floor. At this time I saw a Nigerian male shouting at the catering staff that they didn’t have what he wanted and demanding food. This male was joined by [another detainee] and others and they all started shouting and making threats.”
A DCO recalled other problems during the day:

“At 12:40 approx I assisted DCOs in removing a detainee from his room. The detainee was due to be transported by Wackenhut27 but didn't want to go. He had to be forcibly removed. Having got to det rep28 we found Wackenhut were refusing to take him because they didn't have a secure van. Because of this he was taken back to seg unit. I also recall another detainee swallowing a razor blade.”

Another DCO referred to the incident of self-harm:

“… two [Russian] detainees were self harming. After arriving at the scene I … began negotiating with them, on the instructions of [the] shift manager. In the meantime, further officer assistance and Primecare FMS29 arrived. The onlooking detainees were also moved downstairs.

“It came to our attention that [one] detainee was holding a razor blade in his mouth, and [the other] detainee was also holding a razor blade in his mouth and hand.

“The incident was resolved … at approximately 14:25.”

One DCO noted that female detainees were very high-spirited during the day. The contract monitor on the other hand said that nothing appeared to be out of the ordinary: “I could not feel any tension about the centre that would indicate that there was likely to be any trouble.” A detainee agreed:

“On Thursday 14 February 2002, I awoke about 11:30 am and went through the day as normal. It appeared to be a ‘normal’ day for everyone who was going about their business with no trouble.”

A DCO described leaving the centre with no inkling of what was to come:

“I went home at 17:00 hrs. I did not go home that night with the feeling that something was going to happen at Yarl's Wood. I have been in this line of work for nine years now, and involved in some nasty incidents at Campsfield, and you can sometimes get a feeling if something is about to happen. This was not the case when I went home on 14 February.”

However, another DCO spoke about the “tension and atmosphere” throughout the day. She also suggested that something was afoot:

“… when I was leaving Thursday night about 18:10 hrs I was approached by three young African males … They were waiting for me outside my door. All of them shook hands with me and thanked me for being their friend. One asked to kiss me and I told him not to be silly. They appeared concerned to ensure I was going home and asked me if I was leaving now. I said I was and one said, ‘Good’ … They seemed determined to ensure I left the wing.”

A detainee told police that, unusually, not many detainees had taken part in football that afternoon:

27 The company with the escort contract.
28 Detainee reception.
29 Primecare Forensic Medical Services, the medical sub-contractor.
“At 3:30 pm we then had male football, in all there were about 20 adult males who took part. These were made up of mainly Africans and Albanians. The mood seemed a bit more subdued than normal. They didn’t appear to be putting a lot of effort into the games.

“Over the next 1½ hours the numbers taking part seemed to be dropping and by the time the football finished at 5.00 pm we only had about six people left in the sports hall which was quite unusual.”

The gym too was quieter than usual:

“It was unusual in the gym because there were only three of us there. No Albanians or Kosovans were training. Normally at that time there is a regular 10-12 of them training, this seemed odd to me …”

A DCO said:

“Towards the end of my shift I was constantly being asked what the time was by detainees. This was very unusual.”

There was trouble in the dining room again at tea-time. A detainee told police:

“I went to dinner … at about 17:30 hours. I recall that a group of black detainees were arguing with staff in the dining room because the chicken had run out.”

Another reported:

“… there had been trouble in the dining room over the food, a problem with some chicken a detainee was served, it appeared to me that too many detainees just wanted to cause trouble.”

Ms Crystal Dickinson of the Befrienders noted that one of her group had been bewildered to have his visit abruptly terminated by staff at around 5 pm.

A DCO recalled, “telling the oncoming supervisor to ‘watch yourself, something's brewing’. I made this comment because [of] all the incidents that had gone on that day.”

In contrast, Mr David Watson, centre manager, said that in handing over to the duty manager, “I reported that all seemed quiet.” However, significantly, he acknowledged to me that he did not know at the time about the incident involving Ms E:

“I had been on site at the time of the first incident and I was surprised that it had not been drawn to my attention or, it would appear, to the attention of any other senior staff member at the time. I now understand that the first incident had involved a heated discussion between staff (a manager and a supervisor) and a large number of detainees concerning the female detainee. Certainly, a gathering of a large number of agitated detainees would have given me cause for concern … It should have been visible on CCTV in the control room. Had I been informed, I would have asked DCOs and a more senior manager … to investigate.”
The extent to which there was a rise in tension on 14 February must necessarily be speculative. Hindsight may have played some part in the statements subsequently made both by detainees and DCOs to the police. However, I find this final comment by Mr Watson to be very telling. In respect of the incident involving Ms E, there clearly was a failure to appreciate its significance or to escalate it to senior management. It cannot be proved, but neither can it be discounted, that this was symptomatic of a wider failure in intelligence.

The restraint of Ms E

I have reviewed a number of accounts of the incident that triggered the disturbance. As one would expect, there are small differences between them, but the broad outline is clear.

A supervisor and shift manager jointly decided that Ms E would not be allowed to attend church because of the ‘scene’ she had caused earlier. A notice was put up banning Ms E from church that night.30

Police statements from DCOs on duty in the female wing make it uncertain who first suggested to a supervisor that Ms E should be prevented from leaving the wing. Three DCOs stated that it was they who asked for permission to do so. One told police:

“I did speak to [the supervisor] and said that if [Ms E] was ill that she shouldn’t be allowed to go to Delta wing as we had a duty of care to look after her.”

However, another DCO suggested that there were multiple reasons for preventing Ms E from leaving the wing, including preventing her from going to the chapel:

“At Delta link 1 there is an association room which doubles as a church. It is an area where male and female detainees can meet. Ms E had been stirring up trouble regarding her complaints about not being able to see the doctor. This was winding up the male detainees. As a result I decided to speak to the shift manager, and ask whether Ms E could be denied access to Delta link 1 in the evening because of the fuss she was making. I was also concerned that she may make her condition worse with all the shouting and screaming. [The shift manager informed] me I had permission to deny Ms E access to Delta link 1. I made a note of it on the message board in the office so that other staff would know.”

The third DCO described Ms E’s challenging behaviour throughout the morning and said, “I then rang [the supervisor] and got her permission to keep Ms E on Charlie wing.” The supervisor’s police statement does not refer to this decision, but does describe Ms E’s protests throughout the morning.

Incoming staff were informed by means of a notice of the decision that Ms E was not to leave the wing. One recalled seeing the words “Ms E, cause for concern.”

30 GSL wrote on 13 October 2004: “It is important to note that all of the zones have prayer rooms and Ms E had access to one in the female zones. Thus, she was not being prevented from praying, if she wished. This woman, who had been involved in disruptive and confrontational behaviour during the day, wanted to go to the single male zone to the prayer room, where there was no formal service scheduled.”
Another DCO suggested that the reason for preventing Ms E from leaving the wing was a staffing issue:

“It would be unfair to expect DCOs on Delta wing to look out for Ms E. There were not enough DCOs to cover in order to go over with Ms E from Charlie wing.”

In their interviews during the course of Group 4’s internal investigation into the disturbance, a number of staff referred to being motivated by a ‘duty of care’ for Ms E. Given that none of them apparently believed that she was seriously ill, I find this disingenuous. Indeed, some may suspect that the action was taken by way of punishment. However, the evidence from the police statements suggests that the intention was more to prevent Ms E inciting the men. If this was the case, it was a pardonable but regrettable operational decision. And I am critical that staff were not candid with Ms E. It seems that she was told that the reason for keeping her from Delta link 1 was a combination of her illness and staffing constraints. A DCO told police:

“I can’t recall which one it was but one [DCO] told Ms E she couldn’t go because she had been ill and therefore, she would need looking after and that there wasn’t enough DCOs to do that.”

Preventing her going to Delta wing on the plainly spurious grounds of her medical condition will have served only to enrage and frustrate Ms E and others. In the event, Ms E became angry and upset and at least four Group 4 officers restrained her. (I have suggested that Ms E was known for her excitability, but equally, the importance of religion to the life of removal centres should not be under-estimated.)

The DCO went on to say:

“With that, Ms E exploded. She started shouting and became irate. It was decided that the other female detainees could go across to Delta wing so we got them together … By the time I got to the door where the detainees meet in order to go through to Delta link, I could see that Ms E had blocked the door preventing anybody going anywhere … Ms E started beating her chest. She said ‘Come on I will take you on one at a time’. [A DCO] called for urgent assistance … I also remember another DCO … trying to calm Ms E down. However, Ms E just threatened to bite her nose off. By now other detainees were gathering around. I recall one detainee trying to calm Ms E down … Ms E was getting worse so it was decided to get the other detainees out. We then zoned down which meant pulling all of the gates down. One or two detainees remained in the area with Ms E in order to try and calm her. I was the other side of the gate with the remainder of the detainees.”

Ms E’s statement to police about the incident was as follows:

“I decided at about 7:30 pm that I would go to chapel for a prayer meeting which we held normally every evening. No-one had come to see me and my medicine had not been brought to me … I went to join a group but a female officer shouted at me, ‘Go back, go back. You are not well.’ I started crying, I was very angry and shouted, ‘You have not given me medicine. No-one has come to see me. No I will not die of a heart attack.’ I continued to walk towards the door leading into the men’s wing with three girl detainees … As we walked towards the door a metal barred gate closed behind us. This was not normal. I then saw a group of male DCOs running towards me. One
grabbed me by the neck and I was pushed onto the floor, still being held by the throat. I started to scream and fight to break free. The girls were shouting at them to let me go. I was struggling to get free and I was being kicked in the legs and body. Also in the head. If the three girls were not there I think I might have been killed. I was then somehow helped up by the three girls. They pulled off some of the DCOs and were shouting, 'Don't kill Mama.' Myself and the girls were then bundled into a room and the door was locked. The staff then left us."

In contrast, a DCO’s statement reads:

“[A colleague] then tried to coax the hysterical female through the door, he put his left arm over her shoulder facing her. It was more of a gesture than anything but she suddenly lunged at his left shoulder and bit into him. He seemed to grimace and as he pulled his left shoulder away he brought his right arm across her back. As he did so [the supervisor] said ‘Take her down.’ She was taken to the ground in a controlled manner face down. One person was on each arm while one took hold of her head to prevent her hurting herself. As she got to the floor I took control of her legs by crossing them and bending them at the knee to stop her as she had started to kick out. I would say it was a well executed move as we had been trained to do.

“As we left the stairwell I locked the door behind me to prevent them escaping.”

SADY, the local campaign group, provided a document entitled ‘Events of 14 February as described from various accounts’, based on the accounts of detainees to whom they had spoken:

“An older woman had been asking for medical attention. Group 4 staff came at 7:30 pm to take her to the medical centre to take some medication, but by then she wanted to go to church to pray. On the way to the chapel, in the corridor between the female wing and the male wing, between four and six Group 4 officers attempted to force the woman to go to medical. A group of women following her to church were pushed back into the female wing and the door shut on them. The ill woman was pinned to the ground and dragged along the floor, the officers tugging at her clothes. One guard put his hand over her mouth to stop her screaming. The two women with her shouted at the guards to leave her alone. They were pushed away. The guards locked all three of them in a room and left them there.

“The male detainees could hear them screaming and could see the incident through the glass panel in the door. They were angry at the treatment of the ill woman and were shouting at the guards to stop. Group 4 staff put a piece of paper against the glass so the men could not see what they were doing. Enraged, they grabbed keys and unlocked the door.”

One of the three women involved said in her witness statement:

“When I got out of the door I could see that there were eight men pinning her down. One had his hand on her neck. I tried to move his hand as I thought this was dangerous. He was not letting me move his hand but looking at the manager. Then eventually following an instruction, he moved his hand and all the officers left the scene. Ms E was still very upset but beginning to calm a little. Ms E said that she did not want anyone to touch her because she
believed they were trying to kill her. The manager then said, 'Either you move her or we will do the moving.' As he spoke … the supervisor and some other men got hold of Ms E and dragged her into the FMS. One dragged me in and one dragged [another detainee]. They could not drag [a third woman detainee] because she was too heavy but in attempting to do so, they tore her shirt to pieces. Then a group of about six officers said that there was fire in the building and we should move outside. We asked what was going to happen to Ms E. They then left us, with Ms E lying on the floor, and locked the door which led back into the corridor. There was no fire alarm sounding.”

The women were released some time later by other detainees.

Another detainee described the incident as follows:

“The woman who was causing the trouble was from Nigeria, she was very fat, around 45 years old. I don't know her name. Two officers from Group 4 were watching what was happening … then the black woman lost her temper and started screaming. The Group 4 officers tried to pull her to the women wing but she pushed the officer and she feigned being pushed to the ground.

“A Nigerian detainee called Michael ran to all the association rooms, there were five rooms he was shouting ‘Group 4 smacked the woman’. But in fact no-one touched her. All the detainees came like mad and Group 4 pulled the black woman inside and another six Group 4 officers took the black woman with them.

“When all the detainees knew about the incident, they asked the whereabouts of the black woman. Group 4 started to calm them down but they insisted to see the woman but Group 4 refused and they told the detainees she is fine. Eighty or ninety detainees insisted to see her but Group 4 refused, and they closed the doors.”

Ms E’s restraint and the reaction of the male detainees is described as follows in a detainee’s police statement:

“I then saw a third DCO … kneel down in front of Mama's head … Mama was screaming very loudly and I saw [the supervisor] put one hand on the back of her neck and the other hand over her mouth to stop her screaming.

“All the men were pushing and banging on the door. I could see [a male detainee] banging on the window with his hand. The window then cracked but I did not think that [he] meant to break it. At this point I saw a DCO … shouting 'stop banging'. I could not see who it was, but a DCO then covered up the window from their side with paper. This made the men very angry as they could not see what was happening to Mama.”

A further version of what happened was offered by a detainee in an interview with a journalist, Ms Jennifer Monahan:

“Around 7 pm in chapel, 25 of us (there), Michael, Jamaican guy, came round, ‘They're killing her, they're killing her.’ He ran off, they followed him. There was a small glass [window]. People looked through to see what was happening. The glass by now was broken.’ Because people started rampaging. She [Ms E] was on the floor. One officer had a foot on her neck.
[Her] hands were behind her back ... Her belly was on the floor. Her hands were handcuffed. Four of them hurt her.

“People had had enough. It wasn’t planned. Detainees started to destroy. Group Four ran. There was an electrical fault. Black out.”

Since it led directly to the disturbance, two critical questions arise from this incident involving Ms E. First, was the use of control and restraint techniques justified? And second, was the exercise of restraint conducted professionally?

I have no doubt that staff were at their wits’ end with Ms E. But I question whether it was appropriate to have used C&R on her in the circumstances that obtained. C&R involves the use of regulated violence. To apply such violence to a distraught middle-aged woman should have been the absolute last resort. This led me to wonder about the frequency with which staff resorted to use of C&R at Yarl’s Wood. I asked the centre manager, Mr Watson, about this. He said a record of incidents form suggested it had been used just four times in the six week period leading up to 14 February. Mr Watson agreed with me that these figures tended to suggest that the decision to use force on Ms E was something out of the ordinary.

As to the professionalism with which the locks were applied, Ms E’s own account clearly implies that she was assaulted. The DCO’s account is that it was Ms E who committed the assault (by biting) and that the restraint was conducted in the manner that staff had been taught. At this juncture, all it is safe for me to say is that the scene was an ugly one, compounded as it was by being conducted in view of other detainees. The deputy contract monitor, told me he thought that Ms E had got through into the link corridor after a supervisor/shift manager failed to lock a door after going to calm her down. Had the C&R taken place in Charlie wing proper, he did not think the incident would have occurred as it did, as the male detainees would not have been aware of what was going on. Placing paper over the window in the door had been like a red rag to a bull.

I entirely agree with the last point. Covering the glass with paper will only have confirmed to the watching men that something untoward was taking place. It was at best naivety borne of inexperience. At worst, it was an act of crass stupidity.

Ms E remains in this country.

What happened next

The Bedfordshire Police report said:

“Within minutes [of the Ms E incident], detainees of various nationalities, although mainly Nigerian, North African, and East European, were rampaging through D wing. DCOs within the wing describe how the detainees made makeshift weapons such as broken chair legs, towel rails and metal poles from table football games to smash CCTV cameras and lights. Some

31 Schedule D (Operational Specifications) section 7.6(i) of the contract says: “Reasonable force shall only be used where necessary to keep a Detainee and/or Dependant Children in custody, to prevent violence, to prevent the destruction of the property of the Detention Centre or others and to prevent Detainees and/or Dependant children from preventing their own removal or physically interfering with the lawful removal of another Detainee and/or Dependant Children.”
detainees also covered their faces with scarves and towels to hide their identity.

“Control of D wing was quickly surrendered by the DCOs as several of them, fearing for their safety, barricaded themselves into the wing office, along with a detainee.”

One of the detainees subsequently charged told the police:

“…people were already running around and all the G4 … left their job and run away. No, we didn’t, didn’t see anybody. Not one single G4. All of them disappeared within a blink of an eye. Because if they were there to try to calm things down, things wouldn’t have get worse like it is. They left, all of them …”

One detainee said in a statement to the Befrienders:

“And when this situation happened there were only a few elements that were doing the smashing and breaking. All Group 4 disappeared. They could have controlled in the start if they wanted but they just ignored and those few elements went on the rampage.”

Another detainee told police that he was in the library during the early evening:

“At about 19:00 hours … a member of the Group 4 staff told us to leave immediately. He didn’t give any explanation as to why we had to leave, but he was very insistent. [He] seemed very agitated and was talking into his radio a lot.”

One detainee was still waiting to be booked into the centre:

“I arrived there sometime after 3 pm, and was taken to the reception area … Waiting for name to be called I was there about 2½ hours.

“Whilst I was sitting there lots of people came running in shouting, ‘Fire, fire.’ These people were prisoners (sic). All of the staff went out to see what happened. The doors were locked by them and I was worried that I could not get out if there was a fire. There was no staff.”

A DCO told the police:

“The incident I have described was very frightening, the men were totally in control and I feared for my life, particularly so when I was told I would burn with the building.”

One of the DCOs to whom we spoke described how there was screaming and banging and then almost immediately it came over the radios that detainees had weapons. She suggested that this indicated pre-planning. She locked the library and went to help the residential staff where only two DCOs were. She had no idea how long it was before a supervisor ran in. He had seen male detainees running towards her and the other two. He told them to “Leg it”. If the supervisor had not seen them running through, she said she hated to think what might have happened.
She had heard that one of the detainees had said he wanted to rape a white DCO. She was one of just two white female DCOs left in Charlie wing.

The authorities’ response

For reasons I explain below, two protocols – one between Group 4 and the police and one between IND and the Prison Service – were in place on 14/15 February. The Bedfordshire Police Contingency Plan/Order for Yarl’s Wood says:

“The intention of this Operational Order is in the event of an incident as far as reasonably practicable:

- To ensure the integrity of the security of Yarl’s Wood IDC
- To ensure the normal operation of the centre by working with other agencies
- To ensure the safety of the public, the staff, the police and those detained within Yarl’s Wood IDC
- To prevent and detect criminal offences and to keep the peace.”

It goes on to describe the response to be made by the police:

“Serious Incident within the Complex

“Violent Disorder/Riot

“Police response will be to preserve life and property and to prevent and detect criminal offences. The integrity of the security of Yarl’s Wood IDC will be a priority. The police response will include CMS trained PU’s [common minimum standard of police (support) units]. Group 4 are responsible for the maintenance of order inside the complex. If the situation deteriorates Group 4 can call on additional personnel both locally and regionally some of whom are control and restraint trained. If the situation is such that they cannot on their own deal with it effectively then Group 4 will after consultation with the Silver commander (superintendent) hand over the control of the centre to the police as per the agreed protocol.”

The Immigration Service/Prison Service protocol says:

“Prison Service assistance would generally be required where there is likely to be, or there is a serious threat to the control of the centre and the contractor anticipates that they will be unable to control that situation with their own resources … Command arrangements between the Prison Service Gold Commander and the detention centre Silver commander will proceed on the same basis as incidents involving privately run establishments.”

(My understanding is that this last sentence means Gold Commander acts in an advisory, rather than an executive, capacity.) The protocol continues:

“The Immigration and Asylum Act 1999, section 151, provides that the Secretary of State may appoint a person (to be known as the controller) to act as the manager of the centre.

“In the event that -
• the manager of the contracted out detention centre has lost, or is likely to lose, effective control of the centre or any part of it;
• or it is necessary to do so in the interests of preserving the safety of any person;
• or of preventing serious damage to any property;

“There will be a formal process for the handing of control from the centre’s provider to the appointed Controller (Silver) and for the return of control from SILVER to the provider or to any other person nominated by the Secretary of State. [Emphasis in the original.]

“Following transference under section 151 of the Immigration and Asylum Act 1999 executive authority for the command of the incident will rest with a Prison Service GOLD who will operate from Prison Service Headquarters command suite. An Immigration Service representative will be present in the GOLD command suite.”

I also obtained a copy of Group 4’s Incident Command Training (for key staff). This describes the function of the Silver commander as follows:

“To take overall command of the incident bringing it to a swift, safe and successful conclusion. Ensure that detailed plans for surrender, intervention and evacuation are devised immediately; approved by Gold at the earliest opportunity; reviewed and revised regularly.”

The strategy was to “Hold: Plan: Act.” Any intervention plan must:

“… consider layout of establishment; how many trained staff on duty; how many off duty/called in; how many needed in total; have you a temporary location for teams? Where will detainees be put during and afterwards? How will staff withdraw if aborted? Liaison with staff officer/ Emergency Services/ Surrender Bronze.”

The summoning of aid

Mr Derek Milliken, security and operations manager at Yarl’s Wood, called Mr Watson just before 8 pm to inform him that there was a serious incident. Mr Watson said that, after speaking to Mr Milliken:

“I already had grave reservations as to the outcome of the incident, primarily as a result of my knowledge of the construction and design of the building. Specifically I felt that the magnetic doors which open automatically on a fire alarm (and which I felt would be easy to break open) would help make physical containment of any incident difficult.”

Mr Milliken told me that he had known straightaway that calling in 20-30 officers would not have been sufficient. It had therefore been necessary to move straight into command mode. His police statement said:

“I subsequently rang the Prison Service single incident number in order to arrange Operation Tornado.32 I couldn’t get any reply so I telephoned an old colleague of mine at HMP Wellingborough. I spoke to [the] duty Principal

32 Tornado is the code for Prison Service mutual aid. A Tornado team is a group of staff trained in advanced control and restraint techniques.
Officer. [He] gave me the same number I already had plus a pager number. I tried the number again but still got no reply. I then tried the pager number. This time I managed to speak to the Prison Service duty manager and I explained the situation. I told this person we needed to instigate Operation Tornado.”

I have not discovered why Mr Milliken received no response when he first rang the Prison Service single incident number. However, Prison Service instructions on what to do if there is no response within ten minutes clearly state that a (given) pager number should be called.

Meanwhile, in an attempt to control the disturbance, some Group 4 staff were brigaded into a C&R team. The police report noted that, “it appears there was some confusion as to who was trained, and some untrained DCOs were included in the Teams.”

This confusion was referred to by others. A male DCO told the police:

“There were fourteen officers that were dressed in C&R kit, a shift manager then asked all fourteen if they were advanced C&R trained. You have to be advanced C&R trained to wear this kit and put in this situation. It then transpired that only eight officers out of the fourteen were advanced C&R trained. When [the shift manager] discovered that six officers weren't trained he said, ‘Shit’. The riot sticks were then issued to advanced trained officers only. [The shift manager] did not issue instructions to the six untrained officers to de-kit.”

Another said:

“The disturbance that evening highlighted a series of flaws in Group 4 procedures. For example, a number of DCOs, myself included, were asked to get changed into advance C&R gear, despite not being trained. This highlighted a lack of available equipment. I had to get changed into [another DCO’s] boots and overalls because he was a similar size. I wondered at the time what he would have used if he was recalled to work. There were no batons available to use either.”

A female DCO on her first shift that night said:

“I was now told to get kitted up into C&R kit. I was confused because I am not C&R trained other than to the basic level … I had been told to use any kit I could find. I was given a shield … I was then told to go to mixed key press where batons were being handed out. At this point I felt I had to say something. I had never used a baton before. I said … ‘I'm not C&R Advanced trained’. [The reply was] 'Don't worry, take a baton, you will need it.' [A colleague] gave me a quick demonstration of how to use the baton. Managers must have overheard our conversation because they then asked us to split into two groups; basic and advanced. I took my baton off and handed it to one of the C&R advanced team. Some of the larger built basic trained people were asked to assist the advanced team. I watched the C&R advanced team go into visits. I was then told to go and join them, to back up along with the rest of the basic team. I went in through visits and headed towards detainee reception. Having got to detainee reception, I was told to retreat.”
The police report continued:

“Despite being aware that DCOs were trapped in the wing office and that fires were being started, Derek Milliken gave the order for Group 4 staff to evacuate the building. This decision surrendered complete control of C and D wings and the detention reception area to the detainees. The DCOs immediately complied with this instruction and evacuated the building leaving Ms E and the detainees with her locked in the stairwell and the group of DCOs still being held in the wing office.”

Mr Watson said that, on arrival in the command suite at 8:37 pm, he took a briefing from Mr Milliken about the events and current position. He made a note of this in the Silver command log. It demonstrates just how speedily the situation had deteriorated:

- A key compromise had taken place; one or two sets were missing.
- Staff were trapped in Delta wing.
- Male detainees were now in both female and families areas.
- The order had been given to ‘zone down’ i.e. to isolate areas of the centre and limit the detainees’ freedom of movement by closing the internal gates.
- The association areas in Delta wing were being smashed up.
- CCTV cameras were being knocked out.
- The emergency services were in attendance.
- Police with dogs were being deployed to the perimeter.
- Group 4 staff were also being deployed to the perimeter.
- A control and restraint team leader had been designated.
- A reception area with a Bronze level officer had been established in the visitors’ centre to co-ordinate those arriving on site.
- A call for Tornado support had been made to Prison Service HQ.
- A supervisor was in charge of conducting a staff roll check.

Mr Watson said:

“It was immediately apparent to me that the riot was going to require significant numbers of personnel to intervene and resolve … this was a volatile and deteriorating situation. I had been told that detainees had weapons, that they had security keys in their possession and at 20:58 hours I was told that they had a UHF radio which had been taken from a member of staff. Detainees were also breaking or covering CCTV cameras.”

“… soon after my arrival, I observed a large number of detainees in the grounds. Some were attacking the perimeter fence …

“As a result of the key compromise … male detainees were present in Charlie wing. Instructions had been given … for staff to evacuate and to zone down internally. The aim was to evacuate women and children from the family and Charlie units and to move them across the grounds into the Bravo unit. The radio log indicates that this had been achieved by 20:54.

33 Bronze Commanders are responsible for executing Silver’s strategy.
34 The two wings in the unused male centre were A (Alpha) and B (Bravo).
“A number of incidents were being brought to my attention. I was told of staff trapped in the Delta wing office.”

A document prepared by the Befrienders in preparation for an interview with the then Home Office Minister, Lord Rooker, on 23 April 2002 states that:

“At about 8:30 pm, a detainee rang his Befriender and told her there were fellow detainees running through the centre with poles, smashing cameras and the lights; and that the staff were nowhere to be seen. She asked him if he was afraid, and he said with calm dignity, ‘No, they are not attacking people, only light fittings.’”

Mr Watson said that, after assessing the situation following his arrival in the Silver suite35 shortly after 8:30 pm:

“…it was my view that the incident was likely to be prolonged. I considered that we would need reliefs in due course and so did not summon more of my senior colleagues to attend. I was the Silver commander and the main roles which required a staff officer and communication and information officers were variously filled by Derek Milliken, Jaki Savage [training and development manager] and myself. There was a log keeper but we decided not to bring in to the command suite our own radio or CCTV monitor operator because we were directly next door to a very good, comprehensive and fully functioning suite which gave us very good sound and vision, and I did not want to denude that office whilst we were trying to deploy the maximum number of staff to try to have some impact and effect upon the incident.”

Mr Milliken said he had briefed the police when they arrived. He had become aware that there were officers trapped in one of the wing offices and had, along with Ms Savage, considered the possibility of effecting a rescue. Mr Watson had arrived and considered the plans, but felt that a rescue would have proved too dangerous and might have sacrificed a C&R unit.

Chief Superintendent Geoff Comb was the police Silver commander on the night. He decided to declare a major incident and put in place the appropriate action.

Chief Supt Comb told me that the centre manager informed him that the police role was to secure the perimeter. This was contrary to his expectations. He was used to taking charge and was not happy. It was very quickly pointed out to him, however, that his role was as set out in the protocol. It was made perfectly clear that the police were not to go in.

Chief Supt Comb had been contacted by the police Gold command suite and advised that, in order to assume primacy, he would need Mr Watson to sign the protocol. It was confirmed there were no contingency plans for police to enter the site. Chief Supt Comb had been advised by Mr Watson that the police role was to protect the fence. He deployed his officers accordingly.

Mr Milliken said that a principal goal at the start had been to maintain the integrity of the perimeter. There had not been sufficient resources to respond to all areas immediately (Mr Milliken said he did not believe any other establishment would have

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35 Also known as the command suite, this is the room from which Silver operates during an incident.
had sufficient resources on site to have done so). He said that he had heard it suggested that the police could have gained control of the incident in the early stages, but he challenged this, saying that the incident had been too complex and the police had not had the resources immediately available either.

Deputy Chief Constable Cliff Dixon, police Gold Commander on the night, told me that the police response at Yarl's Wood had a number of phases. The primary response was to maintain the perimeter and protect the community. This flowed directly from the protocol between the police and Group 4. The response had been progressive – as was normal in an incident of this type – but as many officers as possible were deployed as quickly as possible. It was important to be realistic about what was achievable. (In all this, it is worth remembering that it was Valentine's Night. Many of those called upon to attend were out for the evening.)

DCC Dixon had had the full co-operation of the Fire and Rescue Service and worked directly with the commander.

Mr David Shaw, a senior prison governor and Prison Service Gold Commander on the night, told the police that it was for a senior Immigration Service manager to ask for the incident suite to be opened. He said that Gold's role was to support, advise, report and approve actions by Silver. He had been paged at 8:40 pm and arrived at Prison Service HQ just before 9 pm. By this time, there had been at least two fence breaches and up to 20 detainees were at large. The police were there and six Tornado units were in attendance. Mr Shaw authorised the calling of the emergency response unit, C&R instructors and tactical support unit and dogs. Eight more Tornadoes were called out between 10:30 pm and 10:50 pm.

The height of the disturbance

The Stop Arbitrary Detention at Yarl's Wood document said:

“Group 4 quickly disappeared – a few locked themselves in rooms in fear. But detainees coaxled them out and led them to safety.

“In the female wing, doors and gates were locked and the women were told by Group 4 staff to stay in their rooms. Male detainees came and opened the doors and led women out of the building. They said the Group 4 staff had run away. Women did not know the way out, because they were not allowed in the other wings of the building and did not know the layout, if the men had not shown them where the exits were, they might have been trapped in the fire.”

This account may be fair as far as it goes. However, the behaviour of some detainees was far from benign. Indeed, with the loss of control within Yarl's Wood, there were some particularly vicious incidents.

During the course of the disturbance, it is probable that a female detainee was raped by another detainee. (In the event, the woman declined to pursue the matter.) Statements to the police are confused, but it seems likely that there may have been at least one other assault on female detainees. One woman detainee reported to the police that:

“I was looking at the black male who was holding a pistol. I do not know if it was real or not, but he pointed it around as if it was. At the front of the main

36 Mr Shaw retired on health grounds and I have not interviewed him.
group I saw a male holding a DCO. His hands were in handcuffs behind his back and [the man] was holding [him] by his arms. The male DCO was scared and distraught. [The man] was shouting at him and obviously humiliating him in English. I could not understand him but it was evident the male DCO was upset.

“Through the bodies of people stood around me I was amazed to see two female DCOs still processing what appeared to be new arrivals at the desk. They appeared to be oblivious as to what was going on. They were … probably nurses … Some of the Albanian men were humiliating them. The words they said in English were ‘run there, run there’. As they were saying these words, the men were pointing in different directions. The nurses were being poked by the men with their hands to the private areas of their bodies.”

Many DCOs recounted their experiences to the police. Their accounts are harrowing. One reads as follows:

“Within a short period of time I became aware of a commotion in the corridor outside. I … saw a crowd of detainees charging down the corridor towards my location from ‘D’ wing smashing up the place. I saw one man with a metallic looking rod in his hand smashing all the lights in the corridor as he went along. I could also see a door on the opposite side of the corridor being ripped off its hinges by the crowd. I think it was the door to the smoking room. At this time I realised the situation I and the two detainees were in. I had the door locked with a hostile crowd in the corridor and the only other way out was through the window and we were on Level 2.

“By this stage the mob had started to use the door ripped off from the smoking room as a battering ram on the door of the craft room. At one stage a black male had his face up to the window in the door screaming at me, ‘Open the fucking door.’

“I was in fear of my life … I decided the time had come to get out through the window … I hit the ground with some force causing me some considerable pain to my legs and back. I was kept in South wing [Bedford hospital] until Friday afternoon. I am still in extreme pain with my back.

“I have no doubt that had the mob got into the arts and crafts room I would have been badly beaten or killed judging by the noise and anger outside. I have never been so frightened in my life.”

A second DCO was caught by detainees:

“I was then held by both of my arms … They forcefully led down the corridor from Charlie link 2 into Charlie zone 1. I could also see some people carrying what appeared to be wood that could be used as weapons, one was also carrying glass. I then saw a male approaching and from the eyes and nose area that weren’t covered I could see that he was North African, possibly an Algerian. I thought that he wanted to harm me, as on a couple of occasions I was under the impression that I was going to be harmed. The two Africans holding my arms and the Albanian, on each occasion, stopped people getting near me. I heard the Albanian say, ‘Leave him, he’s … not English’. I was very confused and scared, I couldn’t breath properly, I couldn’t swallow and had a very dry mouth. One of the Africans said to me, ‘you shouldn't be here, don't let them see you.’ He gave me the impression that the group were
intending to harm any DCOs they caught that were English.

“The group then took me into a side room near to the end of Charlie zone 1. There were already two or three detainees in the room and a smashed television. I didn’t recognise the room, I was very panicky. Other detainees followed us into the room, I started to think they had been nice to me so I would co-operate. I thought they were going to harm me now they had got me to this room. I feared for my life.

“I was in this room for just a few minutes, then saw a large black male use a table to smash a window in the room. Shortly after the window was smashed, I found myself out of the window, I don’t remember if I climbed out or was pushed or thrown out.”

The third described how he heard noises and looked out of his classroom:

“I saw [a] man carrying a round table. I saw him walk towards my classroom door. I saw him repeatedly smash the table into the door and the glass window. I saw the glass begin to crack and after a number of blows I saw it smash. I saw other detainees kicking my door and the door of the classroom opposite. I saw other detainees holding table legs and they were hammering on the door with them.

“I heard voices demanding that I open the door and hand over my keys … At this stage I saw that my door was beginning to buckle. I feared that it would be forced open and I pushed tables in the way. The detainees who were in the classrooms with me assisted me to do this. They appeared to be very distressed and fearful of the situation.

“Through the window in the door I saw [people] smashing the corridor lights with table legs. During the incident I was repeatedly calling my control centre by radio, asking for help. They replied that assistance would be sent as soon as possible. I saw [a] man come to the window in the door. I saw his attempt to open the door and I saw it rattle. He shouted, ‘Let me in, now.’ I said, ‘No.’

“After a while, it is difficult to quantify the time, it appeared to go quiet. I could not see anybody through the window, so I unlocked the door and looked out. I saw a male detainee standing in the corridor, to my left, about 12 feet away. I heard him shout in a foreign language and I saw other detainees run towards me. I quickly locked the door before they reached me.

“The original group of detainees returned to the door and continued banging. I saw [one man] come back with the table and continue smashing the edge into the door. He did this repeatedly whilst the others struck it and kicked it. The banging and shouting continued for a considerable time. I saw the door continue to buckle and I feared that the men would enter the room. They were shouting and kicking and their fury was apparent, due to the tone of their voices and actions. I feared for my life.”

The fourth, a female DCO, had her keys and radio taken off her:

“At this point I was outside of the wing office. I suddenly heard shouting and saw a group of six to ten men, running down the corridor towards my position, from the direction of a fire door, located at the end of Charlie zone. I saw that the men were wearing scarves over their faces. Some of the men were
armed with broken-off table legs and the metal trim taken from white board surrounds. I heard one of the men shout, 'It's gonna burn, this place is going up, everybody out.'

"The men were running all over the place, shouting at other detainees and pushing them around. I walked down into Charlie link (2) to see if I could find any other officers, however there were none present.

"I was confronted by a man [who] said to me, 'Give me your keys.' ... The man was angry and was obviously going to take the keys by force. I handed the man the keys. [He and others] kicked open the locked fire doors, leading into the single female area. I could see the men running down the corridor. I could hear the women cheering the men on.

"I noticed that more and more men were entering my zone. I would estimate that forty men were now running around the zone. I was then confronted by a male detainee. The man shouted at me, demanding that I take all of the family groups upstairs to the upper floor ..."

"Once I was certain all of the children were upstairs I returned to the area outside of the wing office in Charlie. A man entered my zone from Charlie link. The man was very agitated, he came straight up to me and shouted, 'I want that radio now'. He then grabbed the radio set on my belt and started to pull it."

"I then unclipped the main radio set and handed it to him. I then had to free the microphone clipped to my shoulder. The man tried to pull the microphone off and pulled me around in his haste. Once he took possession of the radio, the man started to smash it up, ripping the aerial off and trying to break the main body.

"I then heard somebody shout, 'We're gonna burn it, I want the children down now.'"

Together with some detainees, the DCO evacuated the families:

"I was about to enter Charlie link. A man walked past me. As he did so, and without looking at me, the man said, 'You're not going anywhere in that uniform, you will have to burn with the building.'"

Another detainee took the DCO to a room containing some female detainees:

'I recall running past Charlie zone wing office, I could see that it had been smashed up, with a lot of the office furniture lying in the corridor. The female detainees were obviously frightened and clamped around me for protection, tugging at my clothing. They were shouting, 'Help us, help us, protect us.' I saw that there was a broken window in the room with a chair next to it. I climbed out of the window backwards, helped by the [detainee]."

Further statements also reveal the terror of staff caught up in the disturbance:

"... detainees had got out of male gate. I also heard detainees had got out of mixed gate and also that some detainees had got into the roof of reception. I heard a radio message telling us to find a safe place. I couldn't even think where a safe place might be."
“[We] found a small cleaning cupboard in visitors centre and hid in there. We turned our radios down.

“... I found out the voices were DCOs. At this point I burst into tears.”

One of those trapped in the office told the police:

“As soon as the power went off, this seemed to trigger the real trouble. The group outside ... started ramming the door with something heavy and they were all screaming 'kill them, kill the bastards'. They punched a bigger hole in the window and through the table behind it, which they then began stuffing towels and blankets through. Then I saw one of them hold up a lit cigarette lighter and then shouting 'we're going to burn you'.

“By now I was absolutely terrified and honestly thought I was going to die. We were constantly shouting for help over the radio to which the control room just kept saying 'we're doing what we can'. At that point I just felt that I had been left to die by my colleagues.

“My doctor has signed me off work with acute stress reaction. I have not slept since I got home and, even recounting the story for this statement I have broken down several times.”

One of the others trapped inside said:

“The banging on the door intensified and people were shouting, 'Kill em,' 'We're going to kill you,' 'You're going to die,' 'Let us in,' 'Kill Group 4.' The shouting was in many voices and it sounded as though there was a large number of people outside the door, with others running about. There was loads of noise, banging and smashing.

“I suffer continuous flashbacks, and nightmares which usually involve being trapped in a burning building.”

My colleagues interviewed two of the men who were in the office. One of them described what happened. He said that he and another DCO, his son, had been sitting in the detainee information centre (DIC). At about 7:15, they heard a noise. There were several detainees at the end of the corridor. Another DCO went to see what was going on. He returned in a state of shock - he was ashen. There was some shouting and banging. The radios went off. There were around 20/30 detainees. The DCO to whom we spoke said he could tell there was trouble coming. Five detainees wanted to go to the gym, so he took them and locked the door. As he passed another DCO in the library, he heard the call on the radio that everyone was to get out – detainees had weapons. He went back to the main corridor. The lights were still on at this point. He went to get his son and the DCO in the library. Detainees were smashing lights etc down the bottom of the corridor. It went pitch black. There were a lot of detainees near the exit. The detainees saw the DCOs and started screaming and shouting. Two DCOs had locked themselves in the office. The other three only just managed to get in before the detainees reached them. The detainees taunted them, screaming and banging. The DCO said there was real blood lust. The DCOs barricaded themselves in.
After 1½ - 2 hours, the detainees had knocked a hole in the door and the table they had set up to reinforce it. One of the DCOs handed over his keys. The detainees put burnt rags and sprayed fire extinguishers through the door. One of the DCOs tried to phone for help, but a detainee answered. This suggested that detainees had taken over the centre. There was a lot of shouting on the radios. The DCOs in the office were told to keep quiet. They saw smoke and the detainees said they were going to put the DCOs in the fire. They genuinely thought they would not get out alive and that if they did surrender, they would be put in the fire.

When they came out of the office, some Zimbabweans had protected them. The DCO thought that this was probably done for show – they knew the police were outside and wanted to make themselves look good. They had picked Ms E up on their way out and gone to the gates. The staff were told they could not go home. Managers tried to get them to go back into the centre, but they refused. They had not gone home until the following morning. No-one had shown them any concern. They had no food and no-one asked them how they were getting home.

Mr Watson noted that:

“My log records that by 20:50 we suspected that four medical staff were being held hostage by a detainee. About this time the first reports came through on the radio of detainees on (probably in) the roof.

“I could hear radio transmissions from various personnel obviously sounding alarmed and distressed. One … was pleading for other staff to rescue him. I heard him say words to the effect, ‘You’ve got to come and get me. They are going to kill me.’ We could not identify where he was in the centre.”

At around this time, Mr Watson sent staff to the reception area to receive surrendering families. On CCTV, he had seen detainees making their way there. A DCO also referred to the exit of the families from the detainee reception area:

"Whilst at the detainee reception, the Tornado teams were trying to get detainees out, some women and children came out, the remainder of detainees … stayed inside, the doors to detainee reception were then locked with detainees inside."

The police report described this as follows:

“Some time during the first two hours of the incident, a Group 4 Tornado team did enter the detention reception area, unsuccessfully tried to put out the fires and found some families with some of the male detainees. Despite the fact the building was on fire, the male detainees refused to allow the families to leave and the Tornado team had to negotiate for several minutes before the terrified family members were released.

“It is around this time that the Fire Service also entered the reception area but could do little to put the fire out while uncontrolled detainees were still running around with weapons.”

Mr Watson described his strategy at this point as follows:

“Of course there was a limit to what we could do safely, particularly since sources of intelligence were affected as CCTV cameras were knocked out
and staff were withdrawing from the mixed centre. This was clearly necessary as a result of what I would call a dynamic risk assessment of a volatile and rapidly deteriorating situation. Our plan then was to withdraw staff to places of relative safety, to supplement our staffing with the police and the Prison Service, to re-group and plan a safe, robust and effective intervention.

“Initially our use of staff was defensive. We aimed to withdraw staff for their own safety, to hold key parts of the centre, look after detainees and prepare to intervene to restore order once sufficient resources were available to achieve this with reasonable safety.”

Mr Watson said that at about 21:05 pm he had a telephone conversation with the staff officer to Mr Shaw, the Prison Service Gold Commander:

“He informed us that he had mobilised four control and restraint units and intended to mobilise four other units within four hours ... I impressed upon him the need for more and suggested that 12 units might be more appropriate.”

Escapes

The police report said:

“Several detainees sought to escape37 by throwing weighted blankets over the fences and by forcing both the inner and outer gates. The detainees threw missiles at the police officers and sprayed them with fire extinguishers but the detainees were pushed back onto the access road adjacent to D wing with the assistance of police dog handlers.”

It transpired that the perimeter fencing and gates were less than secure. The inner perimeter lock on the main door was broken and had been for about two weeks due to a lorry hitting it. In addition, the police noted that the gates were forced by placing mattresses up against them. By rocking and pushing, the bolts would dislodge and gates would open. There was a suggestion that the technique had been imported following a disturbance at Campfield House (see below). I have confirmed that there was indeed a serious weakness with the bolts. Mr Walter MacGowan, a senior Group 4 manager and at that time Director of HMP Altcourse, told me, however, that, weakness or no weakness, the bolts could have been secured by placing a pair of handcuffs around them.

A police officer described the attack on the gates:

“As soon as we ran around the corner I saw detainees escaping through the gates and making their way over the wire fences to the right-hand side of the gates. I saw about 6–8 detainees throwing bags over the wired fence and running into the woods on the other side. At this point, the helicopter was in the air with its lights on the escapees. I noticed that sheets were left on the fence, caught on the barbed wire. It was now when all hell broke loose. The detainees that had not got past the front gate went back behind the second

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37 Technically, IND refers to all escapes from removal centres as ‘absconds’. It is manifestly absurd, however, to refer to a break out from a closed institution as absconding. I have made a recommendation to that effect elsewhere in this report.
There was lots of shouting and when I looked beyond the inner gate I saw approximately 100 detainees who were screaming and shouting at us. I was scared. The front gate was closed and the detainees made their way towards us. We held the gate shut and commanded the detainees to go back inside. They were not listening to us. I knew that the situation was going to get worse as there were so many of them and only about twelve police officers. I was terrified. The detainees were kicking and pulling the gates. I really thought that they were going to get through. They were wearing towels around their faces and were out of control. They were pressing their faces against the gate and I felt intimidated. Due to the lack of officers, I thought that we were fighting a losing battle.

"We were not wearing any protective clothing and I was not wearing a hat. I was gravely concerned for my safety and the safety of my colleagues. Then I felt something hit me in the back. It was mud. There was mud flying everywhere. My colleague got mud in his face which I removed with my hand. I just wanted to cry. By this time I was cold, wet, covered in mud, had fire extinguisher in my eyes and mouth and couldn't believe that it was all happening."

Other police officers said:

- "I knew that there were only around six police officers and up to 250 violent and aggressive detainees. I believed that we were greatly outnumbered and thought that, if detainees escaped, my life may be in danger."

- "The whole experience for me was a nightmare. Throughout my time there I felt terrified, horrified, worried, scared and petrified for myself and the 12 initial colleagues that helped to keep the situation from escalating. I was put in a dangerous situation that was a real experience for me."

- "Throughout this incident I was extremely concerned for the safety of my colleagues. The number of police officers at the scene initially, and for quite some time afterwards, were very small. They were faced by large scale disorder and a very volatile group of people who appeared intent on escape."

One officer was injured by a brick in his face. Another was hit on the back of the head by a flying chair.

Some of the detainees were successful in their escape bids and made off across neighbouring farmland. Mr Watson said:

"I believe some 40 or more detainees escaped into the DERA\textsuperscript{38} site and neighbouring woodland. It is difficult to estimate but I would consider that at that time between half to two thirds of the 385 detainees were participating in the riot in some way or other."

Chief Supt Comb noted in his log, “some inmates [sic] made immediately for the field although the majority looked lost and some began returning to the site. I remember thinking this was amusing to watch given the effort they had gone to make good their escape."

\textsuperscript{38} Defence Evaluation and Research Agency. In 2001, the agency was split by the Ministry of Defence into two organisations, one of which – QinetiQ plc – retains a base on the Yarl’s Wood site.
Mr Watson went on:

“At around 21:45, I received reports that the staff trapped in the Delta wing office were being held hostage. There were also reports that staff were trapped in the healthcare suite. A shift manager wanted to take a unit to the healthcare suite to attempt to rescue the staff we believed to be there. I did not believe that he had a sufficiently clear or developed plan, or that we had sufficient intelligence or staff to support such a movement because we did not know where the staff were held, or the level of threat or risk posed either there or on the route by detainees and I did not wish to put people at risk through an incomplete or ill-conceived plan. Accordingly, I sent him and his unit instead to protect the central corridor to the administration building. This was to reduce the threat of escape … to protect the gate/entry area and to protect the command suite.

“I also made a decision not to try at this stage to rescue the staff who we believed to be trapped in the Delta wing office as I did not believe we yet had sufficient staff to effect a safe rescue, and to simultaneously protect the detainees sheltering in the male centre, the visitors’ centre, the command suite and the perimeter. In my view, given the route to the D wing office and the number of seemingly hostile detainees in the vicinity, to successfully carry out the rescue would have required at least three C&R units, to force back hostile detainees, to rescue and to protect the route out. Without sufficient numbers the staff attempting the rescue would themselves have been at risk. It goes without saying that both of these decisions were not easy decisions to make.”

The first fire

The first fire was reported at 10:05 pm. Mr Watson said:

“Because the Fire Service had been available on site from about 20:22 hours I was able to seek to deploy Fire brigade personnel with a Group 4 C&R unit to fight the blaze. We were able to evacuate some detainees from reception into the male centre, but others were reluctant or resistant. Before the fire could be extinguished, we had to evacuate the control room as the smoke had vented into the room through the air conditioner units.”

At one stage, the Silver suite door had been opened and thick plumes of smoke had come in. A woman with a child and groups of detainees were running up and down the corridor outside.

A short while after this fire was extinguished, Mr Watson saw, “an orange glow at the detainees/reception (gable) end of the building, which was obviously a fire”. Immediately after this, he saw that another had taken hold in the enclosed mixed admissions garden against the main building wall.

Mr Watson said that during their evacuation, he had been relieved to see in the car park the officers who had been trapped in the office.

The intervention plan

In the meantime, (9:45 pm by his own account; 10:15 pm by Mr Watson’s), the Head
of Prison Service C&R training and Bronze Commander, arrived. He was met outside by the centre manager. The Bronze Commander described the meeting as follows in his police statement:

“Upon speaking to David Watson he said something to the effect of ‘the detainees have taken control of the centre. Do what you need to do to regain control.’ I then questioned David in more detail about the situation but he couldn’t really tell me what had happened, how it had happened or what started it. When I asked him about his staff, Group 4 employees he told me that not all were accounted for at that time and that it was his belief that some of his officers were ‘trapped’ in the hospital area and the reception area of the centre. He was not specific about how or why they were trapped.”

A member of the Prison Service National Operations Unit in the Gold command suite told the Bronze Commander that he was “effectively in charge of Yarl’s Wood”. The Bronze Commander told me that, in essence, this meant he was Silver commander at Yarl’s Wood. He had never undertaken this role before.

A colleague of the Bronze Commander commented:

“[Mr Watson] gave us a brief outline as to what had occurred and then gave us ‘primacy’ of the situation. [The Bronze Commander] is more experienced than myself and as such took control. I was very surprised that we had been given ‘primacy’ because I have never known this to happen before. I got the impression that because they had lost their command suite and were operating from outside in the car park, that they had lost their grip on the situation and were very relieved to have our experience on hand, and to hand over total control to ourselves.”

The Bronze Commander agreed:

“My role would be to advise on intervention tactics. I didn’t expect to be given total control … I was very surprised that David Watson who was governor [sic] of Yarl’s Wood had handed primacy to the Prison Service so soon. I can only assume that Group 4 had lost total control.”

The Bronze Commander described to me his experience of dealing with Prison Service disturbances. He had been involved in numerous hostage-taking incidents, major disturbances, and concerted indisiences. There had been 98 such incidents in 2003 alone, including a major riot at HMP Lincoln. He had been a unit member during the disturbance at HMP Strangeways that led to the Woolf Report, and had also been involved in curtailing serious disturbances at HMPs Wymott and Pucklechurch. He had taken the lead in nearly every incident he had attended. The Bronze Commander told me that wings had been lost in 2003 at both HMPs Lewes and Feltham and a spur at HMP Long Lartin, but only Lincoln, Strangeways, Pucklechurch and Wymott had been comparable in severity and complexity with Yarl’s Wood.

The Bronze Commander's Colleague said:

39 In a letter dated 13 October 2004, Mr Watson said the Prison Service C&R instructors were not given ‘primacy’ and did not act as Silver commanders. He said they were tasked by him to develop an intervention plan, and to implement it – once he had given it his approval – when they had sufficient resources to be confident of its success.
“[We] were provided with maps of the facility … We then made our way into a control suite filled with CCTV monitors and attempted to marry up what we could see with our maps. What little information Silver command could provide us with was next to useless. We were here for about half an hour trying to get our bearings.”

The Bronze Commander said:

“The first priority, we decided was to establish control of those areas surrounding the detention wings and associated buildings, that is to say the perimeter of the centre before entering the wings and buildings to gain control there. However in order to do this we needed sufficient Tornado teams at the centre and at that time there were only two teams who had arrived from Bedford and Wellingborough.”

Mr Milliken said that the Bronze Commander had quickly put together an acceptable intervention plan but it had been clear that the necessary resources from the Prison Service would not arrive until well after midnight.

There were difficulties between the police and Prison Service staff on the ground. The Bronze Commander said in his statement to the police:

“The situation did become frustrated as the police were still on site. I had spoken to Geoff Comb who I understood to be Silver command from Bedfordshire Police and asked that his officers took control of the outer perimeter. Although I did not witness it myself I received information from two Prison Service C&R trainers that the police were going beyond this and intervening in an area they were trying to control.

“After a while I decided to go and try and sort the situation out when I … was informed that the police had been handed primacy. I don't know who made the decision or where it came from.

“ … it was frustrating to suddenly lose control/primacy half way through controlling the incident. I did feel some tension between prison commanders and police commanders at ground level. There did seem to be some lack of understanding as to who was in control.”

The Bronze Commander told me there had been difficulties throughout the evening between the police and Prison Service staff on the ground. One of his colleagues, had kept asking him who was in charge. The Bronze Commander told him that he (the Bronze Commander) was. Chief Supt Comb accepted this and that the police were not to intervene – their role was to protect the perimeter. The Bronze Commander’s colleague continued to have conflicts with the police at ground level over primacy, however. Chief Supt Comb said he would tell his men that the Bronze Commander was in charge. However, an Inspector would not play ball. The Inspector had been particularly difficult to deal with. He appeared to be very ‘anti’ Prison Service staff and did not want them there. He was “gung-ho” – a “very busy man” who “wanted to be heard everywhere and seen everywhere” until it came to the point when he had to make some decisions. The Bronze Commander thought it quite possible that his colleagues might have stopped the Inspector when he first
intervened. He considered that they would have been acting entirely properly had they done so.

Chief Supt Comb described the particular incident to which the Bronze Commander referred. He said that at about 10:45 pm, the Fire and Rescue Service had told the police that detainees were in danger from one of the buildings. One of his superintendents decided on his own initiative to use a police support unit [PSU] to push the detainees back. They were pelted in the process. The Fire and Rescue Service came in behind. Chief Supt Comb was subsequently informed by the superintendent that Prison Service Tornado units got ahead of the PSU. An argument ensued between the Tornado unit, the superintendent and the police tactical adviser. The Prison Service personnel said that no further police intervention should take place.

(In fact, the Police Gold Command Major Investigation policy file recorded the superintendent’s action – “Due to lack of progress re allowing Fire Brigade into compound, [the superintendent] authorised to send into compound PSU serial to allow Fire brigade access.”)

Mr Watson noted:

“By about 23:05 the Bronze Commander had developed the intervention plan to retake the centre and this had been discussed with Superintendent Comb and the police. At that time we did not yet have the resources to implement it. The Tornado units we had were therefore deployed to the gates on holding tactics whilst police PSUs and other Tornado units were mustered for the intervention plan. Therefore by about 23:15 … we had largely managed to contain the rioting detainees. The perimeter of the centre was secure, we held a number of detainees in Alpha and Bravo wings, and in the visitors’ centre. However, the situation remained very serious with staff still seemingly trapped in the health care centre and fire taking hold in the centre’s reception area.

“By 23:30, I was aware that the fire appeared to have spread to the reception garden area and was spreading into the roof.

“By 23:45 hours the fire in the detainee reception area had worsened and was spreading up into the roof of the central services building. Because of the rate of spread of the fire and smoke and on instruction from the Fire Service we again had to evacuate to the enforcement unit office above the visitors’ centre.”

In his letter of 13 October 2004, Mr Watson noted, “There is no doubt that the loss of the Command Suite and the movement of it on four occasions caused some organisational difficulties, and hampered communication.”

Chief Supt Comb told me he had been keen to use the police mobile control point. He considered it desirable to sit back from the mayhem in order to manage the situation effectively. Mr Watson was not keen, however, and established a command suite elsewhere. This too had to be evacuated in due course. Mr Watson said:

“Derek Milliken took steps to try to preserve computer and (digital) CCTV evidence. Some computer information was downloaded remotely by the IT
department at Broadway, but neither our staff or a fire crew could rescue the server or computer equipment. CCTV evidence was lost."

A police officer described the fire, once it had taken hold:

“The fire was so intense that, at times, parts of the building glowed red, windows melted and buildings simply collapsed like burning cardboard.”

The non-participants

A review of the statements made to the police by detainees shows that, remarkable as it may seem, many detainees simply went to their rooms while the disturbance was going on. Many did not emerge for several hours and only then because friends told them the centre was on fire. Even after leaving the building, many returned because it was cold outside. One detainee told the police:

“I went back to my room which was very close to the wing office. As soon as I had gone back to my room the gates were put down. This prevented me from being able to get back to the wing office. The shouting and screaming continued. I went to lie down on my bed.

“Some time later I cannot recall exactly how long after the initial screaming it was but I heard even more noise. I could hear people shouting ‘Get out of the building.’ I opened my room door and looked out onto the corridor. I saw that the gate I mentioned earlier had been unlocked and that detainees were running along the corridor. I noticed that there were male, female and children detainees. Everybody was shouting ‘Get out of the building.’ I got myself dressed and joined detainees in the corridor. I recall that the fire alarm was going although I didn’t smell smoke and I didn’t see any fire.

“As I joined the other detainees we ran up and down corridors trying to get out but couldn’t because everywhere was locked. It took me a long time to get out of the building … the corridors were in total darkness. There were no lights on at all.”

Another detainee recalled:

“Everywhere it was dark, I was frightened so I stayed in my room … Half an hour later when the noise was down, I picked my small things and went to [X’s] room. There were three other Tamils in [X’s] room … All five of us stayed in [X’s] room for an hour, left the room went to the corridor, it was dark, we manage to find a room where the window was broken and we got out through the window and stayed on the road side fence.”

And another:

“When I was going out of the building I could see people pushing and pulling, everyone was panicking and I nearly fell a few times. There was security staff present telling us which way to go.”

The SADY document said:

“Exits and doors were locked. There was no attempt at an evacuation by the authorities. One woman from Russia, said that male detainees were trying to get people outside of the building and, ‘if it weren’t for them we would all be
burned in that fire. It was complete mess and panic. Detainees helped one another smash windows so people could get out. These are special high security windows designed only to open a few inches. In one instance, it took six men 20 minutes to break windows with chairs. Other detainees pulled cupboard doors off to smash windows. Once outside, detainees saw people trapped in their rooms shouting for help, unable to breathe. One man had opened his door and there were flames outside. Detainees shouted to Group 4 or the police asking them to help those who were trapped.”

Detainees described this to the police:

- “As we were trying to get out of the building I noticed a lot of smoke coming from the ceiling area on the ground floor. We were not able to breathe properly. The corridor was full of people, there was a lot of confusion and people walking to different directions. Everyone was looking for a way out of the building. A Colombian man … broke a window using a fire extinguisher. We were then able to get out of the building through the broken window.”

- “At this point I could see fire in the corridor of Delta link 2 and thick smoke coming along the corridor. I felt that we were trapped and the only way out was through a door at the far end of Delta corridor which was locked. The men I was with then bodily forced open the door and we escaped the building on to the perimeter road.”

- “I left the building via Delta wing via smashing a window on the side where the road and crowd of detainees were. The reason for this was that the fire doors on the wing were all locked and because of the heat if we had not done this we would have been burnt alive. There were about 5-6 people in the room when we broke this window. People outside also helped us to get the window open.”

Ms Dickinson took up the same theme in her evidence to the Bedfordshire County Council inquiry:

“… [detainees] didn’t know where the exits were and they didn’t know how to get out of the building and it was only other detainees that led them to the exits that enabled them to get out. Otherwise they would have been stuck in there.

“… exits were blocked off and gates and doors were locked. Left locked so that people were trapped in there. The only way to escape was smashing through the windows … Other detainees have said that when they got to exits, the police tried to push them back into the burning building.”

A detainee said:

“I reached the fire door at the end of Delta zone 1. I looked outside and saw a lot of police officers in the courtyard outside. I could see police officers telling us with their hands to go back inside the building, they clearly did not want us to go outside. At this point, myself and the other Tamil people were afraid to go outside, in case we got into trouble with the police for leaving the building. We expected at some point that the police would come in and take us outside.”
It has been alleged that police tried to push detainees back into a building that was alight. This is a very grave allegation that has rightly caused concern. I cannot reach a finding of fact on the matter. However, I note that statements by firefighters suggest that the police were, in fact, trying to prevent detainees exiting the building into an area endangered by fire. A member of the Fire and Rescue Service reported that:

"Riot police were holding a line and keeping the rioting detainees a short distance away from my scene of operations, and were preventing them coming out of doors leading into the fire ground."

Staff were no better placed than detainees when it came to finding safe passage out of the building. A nurse told the police:

"We tried to leave the building via a fire exit but we were told by control that we were not allowed out that way. We were diverted to a lift by an officer and were eventually able to leave the building."

A member of playroom staff said:

"During this incident I felt very scared and intimidated. If it wasn't for [a detainee] I don't think I would have got out of the building. I had never been shown round the building. I didn't know where any of the exits were apart from the playroom. No staff came to help us, even though we had contacted the control room. I feel very angry and upset by this. I have never been told what the procedure is for dealing with fires or any evacuation procedure.

"I radioed my control and explained that I had managed to leave the classroom and asked how I should leave the building. They replied that I should leave by a fire exit. I was aware that the fire doors were magnetically secured and were automatically unlocked when the fire alarms activated. I was afraid that I would not be able to leave by them ... I attempted to open a fire door, but I was unable to do so."

In his evidence to the Bedfordshire County Council inquiry, the Bishop of Bedford also referred to the bravery and kindness of some detainees:

"Many of the detainees assisted the staff and each other on the night of the fire, reflecting their cooperative attitude."

As detainees emerged from the building, they were taken to the visits area. A member of a Tornado team recalled:

"The visitors' area eventually became packed with detainee families of various nationalities. There were babies wrapped in silver foil and numerous women and children including fathers wrapped in blankets."

**Police take-over**

In his letter to me dated 13 October 2004, Mr Watson emphasised that his approach was defensive, working with the police to secure the perimeter and to protect those detainees not actively involved in the disturbance. His strategy was based on 'hold, plan, act' (in line with Group 4 Incident Command Training).
Mr Jim Hampton, Head of Detention Operations, South, and IND's adviser on the night in the Gold suite at Prison Service HQ, recalled, however, a sense within the suite that things were out of control at Yarl's Wood, and that little was being done. Both the Prison Service and the police were frustrated, and the atmosphere in the Gold suite was tense. Mr Hampton recalled a discussion regarding taking control, and estimated that it took place at around 00:30 or 01:00 am. He said that Mr Kevan Brewer, at that time Director of Detention Services, spoke to him as he was travelling back from the North. Mr Brewer said he would leave the decision on taking control to Mr Hampton’s judgement. Mr Hampton said that the Immigration and Asylum Act provided the Secretary of State with the authority to appoint a controller in the event the contractor was unable to manage an incident and that in this case, the Secretary of State would have been represented by Mr Brewer or by Dr Chris Mace, Deputy Director General (Operations). If Mr Hampton had been going to invoke these powers, he said that he would have spoken to Dr Mace. In the meantime, however, Group 4 had handed control to the police. Mr Hampton thought the police were at this stage concerned about public order.

In his police statement, Mr Shaw described events leading up to the hand over of control to the police:

“At 00:35 [a police superintendent] spoke to Commander Gerrard [senior police adviser to the Prison Service] expressing her concern of the efficiency of Silver command in the hands of Group 4. I started to have a conversation with Martin Gerrard on exercising their powers under common law to restore order.

“That conversation was slightly disjointed. At 00:43 hours Immigration and Nationality Department adviser, Mr Jim Hampton, had a call from Yarl's Wood to say that the perimeter would be secure in fifteen minutes and that the prison staff were ready to go in. The nurse was not a hostage but had released herself.

“A minute later David Watson spoke to me, he said all his staff were accounted for but the keys were still missing. I then said to him that it was at the forefront of my mind to have police take command of the incident and restore order.

“David Watson was in agreement with that. My impression was that the incident was getting away from him. I said I would discuss with Commander Gerrard and call back.

“At 00:55 after conversation with Commander Gerrard he spoke to the Deputy Chief Constable on my behalf and it was agreed that police take control of the resources at the scene, to restore order and then hand back control to the Immigration Service. In resources that meant all resources Immigration, prison officers and police.

“Shortly after that I telephoned the Director General [of the Prison Service] and he agreed with my decision. From this moment the Gold command in Cleland House continued to act only in an advisory capacity to Bedfordshire Police and Control and Restraint adviser at the scene.”
A transcript of phonecalls\textsuperscript{40} shows that Mr Shaw spoke after the event to Mr Martin Narey, then Director General of the Prison Service, about handing over control of the situation to the police. Mr Shaw said:

“... the debrief has revealed a lot about this and about frankly Group 4’s ability to muster a command team and to run an incident like this ... I mean that’s the reason that we handed control to the police because it wasn’t a question of us just operating a protocol and putting in a Prison Service manager as commander, we would have had to put in a whole command team, because there has simply been no command structure. There has been no grip by the G4 management of this situation, it has drifted all night, a mismatch of information, misinformation.”

The HMPS Gold Commander told me that the Prison Service was minutes from taking over control, when it was agreed that the police would. He advised that the Prison Service would probably handle things differently now and, while they would not put in a command team straightaway, within an hour of being informed of an incident they would have one on stand-by. This was a lesson learnt directly as a result of the Yarl’s Wood experience. He made the point that the Prison Service did not have a command structure in place to take over, whereas the police did. Indeed, at 1 am it would have taken some time to assemble the necessary personnel. He considered the decision to hand over to the police to have been absolutely right.

In his statement, Commander Gerrard gave his own version of how the transfer of primacy came about. He said he obtained:

“... a clear perception that the Silver command was not functioning efficiently, in fact the only source of contact appeared to be through a mobile telephone.”

He said his advice was requested as to the circumstances in which police could take command as Bedfordshire Police was concerned as to the efficiency of the Silver command:

“My understanding was that some eighteen Tornado units from the Prison Service were available at the scene together with police support units. The national C&R adviser who sat beside me in the Gold command suite advised me that his units were ready to enter the establishment but awaited instructions from Silver.

“At 00:38 I spoke with ACC Cliff Dixon and discussed with him the effectiveness of the Group 4 Silver command. He shared my perception of a loss of control and expressed concern over the structure and management of the Group 4 command structure. He informed me that police were ready to deploy with the Prison Service Tornado units and that he wanted to restore order. I then discussed the situation with David Shaw and the rest of the Gold command team and recommended that the police should take command of the incident as I believed the Group 4 Silver command were no longer able to manage the incident. David Shaw and Jim Hampton shared my views and agreed to seek the voluntary transfer of command to the police. At 00:55 I formally advised the Gold command team that police should take control of

\textsuperscript{40} I obtained this transcript from the police. We asked for the Prison Service Gold suite tapes. These were found to be blank, presumably because the machine had been faulty. They were, however, able to provide me with some (incomplete) transcripts.
Cmdr Gerrard explained further when I interviewed him. He said that DCC Dixon expressed his concern to him about Group 4’s management of the situation. Police units were available and DCC Dixon was keen to restore order. Cmdr Gerrard spoke to Mr Shaw, who agreed the police should assume command. Mr Hampton spoke to someone on the phone before agreeing. Cmdr Gerrard was keen to stress that this was very much his decision.

Mr Watson told me in his letter of 13 October 2004 that the first conversation he had with Gold concerning the transfer of command occurred at 12:50 am. He noted that the conversation occurred some 20 minutes after he had agreed an intervention plan with the Bronze Commander and the police on site.

Mr Watson told me:

“Five minutes later, Mr Shaw telephoned again and instructed me that he had spoken to the Deputy Chief Constable and that, under the Public Order Act, I should hand over command of the incident to the Bedfordshire police. He said that once order and control had been established, command would be handed back to me. I repeated the nature of the call to John Jasper [Group 4 Director of Operations and Mr Watson's line manager] and Chief Superintendent Geoff Comb, both present within the Silver command suite whilst David Shaw remained on the telephone. John Jasper concurred and I therefore passed command to Chief Superintendent Comb. I confirmed to Mr Shaw that I had followed his instructions before ending the call.

“I am certain that the Public Order Act – specifically – had been cited. There had been no prior indication that this was imminent. I was surprised as we were becoming ready to effect a robust and full intervention. We were in a position where we could plan and envisage a resolution. I was, however, devoid of emotion and believed it was a non-negotiable instruction.”

DCC Dixon said that by 10:30 he was getting uncomfortable about the lack of progress by Group 4. Chief Supt Comb took the same view. DCC Dixon wanted Chief Supt Comb to check whether Group 4 wished to retain primacy as they both felt that the stronger leadership of the police might be more effective. They did. Mr Watson had said that he was simply waiting for additional resources, and these were on the way in the form of Prison Service Tornado units. However, Mr Watson seemed not to have an explicit plan for what should happen next. DCC Dixon considered that between 11:00-11:30 sufficient resources were on site to effect an intervention. This was a critical stage. He believed that if the police had been given primacy at 10:30, they could have effected an intervention plan at 11:30 (it would have taken about an hour to put a plan together).

The situation was resolved fairly swiftly after the police took control:

“Very soon after hearing that the police had primacy the gates were opened the police and prison teams quickly established a small secure area, I do not think that there was any resistance from the detainees.”

Chief Supt Comb said the intervention plan was his plan, after some consultation with others, and had been successful within 50 minutes. In essence, the Prison Service
swept the buildings and the police swept the roads, shepherding detainees into the sports field and then in groups into A and B wings. The detainees were photographed/fingerprinted in A and B wings, five or six at a time. Chief Supt Comb told me that the plan worked “pretty well”. He was proud of it. He had, however, needed everybody they had in order to implement it.

I am critical of much that I have found in connection with this inquiry. But I would like here to draw attention to the many examples of individual courage (on the part of detainees, staff and members of the Prison Service and emergency services), the collective professionalism of the various organisations, and the success of the eventual operation that restored order.

**Identification process**

Once detainees were all assembled in one place, the women and families were separated from the single men. A long process of identification, including photographing and fingerprinting, then took place before detainees were allowed to go to a room in the unharmed accommodation blocks. The Asylum Education and Legal Fund (AELF) were critical that, “detainees (including women, children and the ill) were kept outside in sub-zero temperatures until 5 am”. The member of the Prison Service National Operations Unit told me that the police followed their own systems and that processing the detainees took hours and hours. In the meantime, both staff and detainees were kept waiting in the cold. He suggested that the Prison Service might have handled it differently – perhaps putting everyone in a room and then sorting them out. I understand, however, that the police viewed this part of the process as a continuation of the action to restore order. Their concern was to ensure no incendiary devices were brought into the building thereby causing a risk of further fire-setting. Blankets were sent out for those waiting in the cold. There was a high degree of co-operation between the various organisations during this process.

There still remained the question of what should happen next. Mr Watson said:

> "At 5:30 hours, I telephoned David Shaw. He informed me that he intended to withdraw the Tornado units at 7:00. I objected vigorously … I was disappointed in Mr Shaw's attitude. It was his position that the Tornado teams were obliged only to remain until control had been regained, after such time it was up to Group 4 to provide such additional staff as was necessary … I asked that he allow me some time to try to provide additional Group 4 resources. I also spoke to Dr Mace to ask if he could use his influence either with Mr Shaw or more senior Prison Service officials – Mr Shaw having indicated that only the Director General of the Prison Service (Martin Narey) could overrule his decision. I asked Dr Mace to speak to Mr Narey. In the end, a phased withdrawal took place from 8:00. At about the same time a further Silver meeting took place ... My note records that I asked the police to leave some support at the centre … the police said something to the effect of 'Are you asking us to leave units here?' to which I had to reply that we were. Two PSUs remained on site. I do not recall when they left. The police continued to provide support (PSUs on standby on site) for several days."

Telephone transcripts show that Mr Watson advised Mr Shaw that Dr Mace would be phoning him to talk about non-withdrawal of Prison Service teams. He subsequently said Dr Mace would be speaking to Mr Narey. In the event, it seems Dr Mace went direct to Mr John Gieve, Permanent Secretary. Cmdr Gerrard told the police:
“At 07:59 I was present when the Director General instructed Gold that if the Immigration Service wanted to talk with the Prison Service about resources it should be with him and not the Permanent Secretary.”

The Police Gold Command Major Investigation policy file tracks events in the immediate aftermath of the incident:

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>06:15</td>
<td>Policy decision that control of the centre will not be handed back until all detainees have been processed and secured. Because of inability of Group 4 to provide sufficient security the police will provide necessary security until Group 4 can arrange sufficient cover.</td>
</tr>
<tr>
<td>08:35</td>
<td>Following conversation with Commander Martin Gerrard who indicated that Group 4 were asking to take back control around 10:00, decision made to refuse such actions on grounds No current situation report Nos not clarified inside – inmates, staff, injuries, bodies The premises remain crime scene No details of dispersal known.</td>
</tr>
<tr>
<td>09:15</td>
<td>Estimated number of detainees fluctuated between 384 at 9 am on 14/2 and 441 believed during day on 14/2.</td>
</tr>
<tr>
<td>13:45</td>
<td>In light of the lack of confidence in the ability of Group 4 to retain control – no control will be handed over back to Group 4. Certain conditions will have to be met for this to happen.</td>
</tr>
<tr>
<td>16:15</td>
<td>Concern continues to be raised over the management ability of Group 4 Security. No contingencies in place for further outbreaks of disorder.</td>
</tr>
<tr>
<td>17:35</td>
<td>“Kevan [Brewer] was anxious that we don’t hand back control to Group 4 until a.m on 16/2/02. Asked that we speak to relevant Home Office dept. re pressure from Prison Dept for us to relinquish control and yet Immigration and Nationality Dept wanting us to retain it.”</td>
</tr>
<tr>
<td>19:30</td>
<td>Gold Commander meeting. Policy decision – police retain control.</td>
</tr>
</tbody>
</table>

16 February

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>07:10 - 07:30</td>
<td>Commence gradual return to normality and plan for handback to Group 4.</td>
</tr>
<tr>
<td>10:45</td>
<td>Silver indicates that Group 4 has adequate staff available to police internally.</td>
</tr>
<tr>
<td>12:10</td>
<td>At Gold co-ordinating group meeting it was decided that control would not be handed back to Group 4. Reasons outlined in minutes of meeting.</td>
</tr>
<tr>
<td>12:30</td>
<td>Informed Silver that Tornado units have been released and that Group 4 have additional staff on site trained in control and restraint.</td>
</tr>
</tbody>
</table>

Mr Brewer said that, when he arrived at the centre later on 15 February, his initial impression:

“…was one of managerial chaos, which made it very difficult for me to properly assess the situation. The understanding I gained was that the Bedfordshire police had assumed control of the incident. In practical terms, I thought this was entirely appropriate. I was not sure whether the Gold command functions were being carried out by the Prison Service or Bedfordshire police. My view was that as soon as the situation had stabilised that local non police management had to be restored. I did not want to invoke
the legal option of putting in place local public sector management, as I was legally entitled to, because this would have meant using managers from the Prison Service who had no experience of dealing with Immigration Service detainees, nor of the Yarl's Wood centre. However, I did not believe that the existing Yarl's Wood management were at that time capable of taking back that responsibility.

Mr Brewer told me that high quality Group 4 managers were brought in from their prison estate and this very soon steadied the situation. (Mr Brewer queried whether Group 4 had been right to keep their detention and prison arms separate and whether they had 'over-digested' the principle that the detention estate was different.)

I received an e-mail from Ms Mitch Egan, Prison Service Area Manager, about her role after she took over as Prison Service Gold from Mr Shaw. She said:

“I took charge of the return of mutual aid staff to prison establishments, sent a small team of my own in to fill what I saw as a gap in the communications structure (infrequent reports, of dubious value, from the scene) and negotiated with the police and IND about the handing back of the site.”

**Post incident contingency arrangements**

The Bedfordshire County Council’s Select Committee took evidence from the County Emergency Planning Team. They were told that the team had worked with Group 4 in putting together contingency plans prior to the opening of the site and had been involved in an evacuation exercise. They were also told that there had been no formal consultation with the Home Office on emergency planning matters. My interview with the Head of Security at Yarl's Wood confirmed that contingency plans were developed in consultation with the emergency planning officers, as well as the emergency services and the Immigration Service.

During the course of many interviews with those who worked at the centre on the night of the fire and during its immediate aftermath, some frustration was expressed at the inadequacy of contingency places provided by the Council. The Chief Immigration Officer at Yarl's Wood, recalled that the contingency plans for evacuation had been continually altered prior to the fire, and that Bedfordshire County Council had stated that they had contingency places for 900 people. However, they had not been able to provide specific details about the contingency places and in the event, were in a position to offer only a school gym that was unsuitable due to the climbing frames and ropes.

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41 Bedfordshire County Council set up a Select Committee to enquire into events at Yarl’s Wood. Its purpose and objectives were:

- “To record and articulate community-based issues as well as wider policy and practical issues associated with the disturbance at the Yarl’s Wood Detention Centre, near Bedford, on the night of 14 February 2002 and the aftermath.
- To act as a forum for key players to present evidence locally – even if it is the same as the evidence presented to other inquiries.
- To identify the Government’s proposals for the immediate and long-term future of the Yarl’s Wood facility, and therefore consider its impact on the local community and frame a response.
- To identify the learning that local public services can gain out of the establishment, operation and subsequent events at the Yarl’s Wood Detention Centre.
- To identify all the costs and where they will fall.”
Mr Tony Laverick, County Emergency Planning Officer of Bedfordshire County Council, told the County Council inquiry:

“[The school] could have been used, it was always going to be a last resort and there were potential problems because the sports hall that we would have used whilst it has toilet and washing facilities adjacent to it, it also had a climbing wall and cricket nets which would have enabled anybody who wanted to climb up into the rafters of that building and cause potential problems.

“… we worked with Group 4; they were putting their contingency plans together prior to the opening of the site. We actually assisted them in an exercise which the scenario was that a fire had occurred at the Yarl’s Wood Immigration Detention Centre and they had to evacuate the detainees. We assisted with that particular exercise, we notionally provided temporary accommodation and transport, the difference between the exercise that we held prior to the opening of the centre and the events that happened on the 14th and 15th February this year is that the assumption that Group 4 made during the exercise was that the detainees would be compliant and i.e. there was an accidental fire not one that had been caused by a disturbance inside the centre and that it had actually been started by the detainees themselves.”

The Select Committee’s Report concluded that there was a need for detention centres to publish detailed emergency contingency plans for public scrutiny, including information on evacuation procedures and public safety plans in the event of a disturbance. It also recommended that contingency exercises should be undertaken at least twice a year, in conjunction with emergency and statutory agencies. At a meeting of the local liaison committee on 18 March 2002, attended by the Home Secretary, residents raised the issue of a warning system for residents in the event of another disturbance. The Home Secretary replied that he would be happy for the police and local community to consider and implement such a system.

So far as the night itself was concerned, Cmdr Gerrard was very impressed at how quickly transport was organised and available. The deputy contract monitor agreed. He also thought Aramark had done well to bring over large quantities of hot food from Oakington on the Saturday. In other respects, however, he was not impressed with the contingency plans. Detainees’ families did not know where they were and the phones were not working. Nobody had given any thought about how to get information to the families or to setting up a helpline, for example. Detainees were treated poorly in this respect.

DCC Dixon was equally critical. The ambulance service and local authority performed well, but DCC Dixon was unimpressed by the subsequent lack of transport and the inadequacy of the contingency proposal for removing detainees to the school. No consideration had been given to how the school could be guarded against detainees who had broken out of secure premises.

The Fire Service’s report

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43 The catering sub-contractor.
I am grateful to the Bedfordshire & Luton Fire and Rescue Service for supplying me with a copy of their Fire Investigation Report. The document is dated 3 March 2003.

The report reveals the very considerable bravery demonstrated by individual firefighters and the service as a whole during the Yarl's Wood fire. Speaking of the rescue of one group of disoriented firefighters by another, the report says at one point:

"They followed the hose back through both doors still on hands and knees … Visibility was only about six feet, and when they went through the door onto the first floor corridor visibility was nil."

There have been reports (e.g. *Observer*, 3 March 2002) that firefighters and police tackling the blaze at Yarl's Wood were blocked from entering the building by staff from Group 4. The official Fire Service report, however, contains no suggestion of this. I also note that the press notice issued on 15 February by the Fire Service includes a Q+A:

"Were we delayed from firefighting by the police/Group 4? Only in the sense that it would not have been safe to commit our firefighters into a civil disturbance situation. We could not commence high pressure jet spray firefighting in the area while the detainees were being brought under control. We had to wait for them to be moved to a place of safety away from the building. We were, in effect, delayed because of safety considerations for the detainees, police, Group 4 personnel and firefighters."

The Fire Service report concludes that there were at least four and possibly six fires in total. Noting that these fires occurred over a period of approximately four hours, between around 21:55 hrs and 01:39 hrs, and in distinctly separate locations, and having considered alternative hypotheses that the fires began accidentally, it concludes that "the most probable cause of the fire is that of deliberate ignition". I know of no-one who thinks otherwise.

The scale of the Fire Service response is illustrated by the following statistics:

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rescue pumps in attendance</td>
<td>22</td>
</tr>
<tr>
<td>Water carriers</td>
<td>2</td>
</tr>
<tr>
<td>Water tenders</td>
<td>2</td>
</tr>
<tr>
<td>Aerial ladder platforms</td>
<td>2</td>
</tr>
<tr>
<td>Incident command unit</td>
<td>1</td>
</tr>
<tr>
<td>Operational support unit</td>
<td>1</td>
</tr>
<tr>
<td>Specialist rescue unit</td>
<td>1</td>
</tr>
<tr>
<td>Multi role vehicle</td>
<td>1</td>
</tr>
</tbody>
</table>

In addition, the Bedfordshire Service called on units from Cambridgeshire, Hertfordshire, Buckinghamshire and Northamptonshire. According to a press notice issued by the Fire Service on 15 February 2002, there were 75 firefighters and senior personnel on site by midnight.

The initial call was logged at 20:13 hrs and referred to a fire in Delta zone 1. Three pumps, a water carrier, and an aerial ladder platform were despatched. The first pump arrived at 20:22. The leading firefighter, "was informed by Group 4 staff that there was no fire situation but there was a disturbance in progress with hostages involved/staff trapped". Fire staff were told that, "the fire alarm had activated but at
that time there was no indication as to where this was”. The Fire Service was requested to stand by in case of fire. Group 4 provided them with plans of the centre.

Confusion as to whether there actually was a fire continued. Two of the video screens in the Silver command suite were blacked out as the result of damage to cameras. At or around 21:00, the alarm was sounding, "but no video evidence or external observations confirmed such a fire."

At 21:07 the Ambulance Service was informed of the incident. At 21:10, the Fire Service was informed that Tornado arrangements had been implemented.

At or around 21:15, one firefighter is recorded as seeing what he thought was a small amount of wispy smoke coming from the "Eastern gable end of the administration block". At the same time, a message was sent recording that ten detainees - in three separate groups - were on the roof.

At 21:25, some detainees burst through the perimeter gates adjacent to Alpha wing. Police and "security" [presumably DCOs] rushed towards the gates to prevent escapes:

"This left the Fire Service personnel relatively unprotected. All personnel were then told to be ready to mount the appliances and be prepared to leave immediately."

With the breaching of the Charlie/Delta gates - directly in front of where the Fire Service vehicles were parked - the appliances left the area at 21.50.

At around 21:55, a small flame was spotted on the CCTV cameras coming from the detainees' property store in the reception area on the ground floor of the administration block. Although small, the fire could not be reached because detainees were at large and the safety of Fire Service staff could not be guaranteed.

Because all doors to the ground floor of the administration block had been locked (to secure the detainees who were at large and who "had attacked staff"), fire crews could only attack the fire, "via the first floor corridor at the west end of the building - standing outside the Silver command suite".

The Fire Service report says: "During this time [approximately 22:10] the fire alarm was repeatedly sounding throughout the administration block with a number of people moving in and out of the Silver command suite and there seemed to be a lot of confusion."

At 22:10, a breathing apparatus team entered the administration block at the request of a Group 4 employee to attempt a snatch rescue:

"The crews were very unhappy about going into a fire situation without an extinguishing media and also not knowing whom they were going to find in there. However they were reassured by the Group 4 staff that the area was 'secure'."

The breathing apparatus crew found the fire which was "only the size of a shoe box and was scorching the wall". They concluded that the contents of filing cabinets had been emptied and set alight.
By 22:20, smoke was in the corridor outside the Silver command suite. In addition, the CCTV monitors and the camera to the property store were now obscured with thick smoke. The building was evacuated with the exception of fire and security staff. Some fire crews reported smoke coming from the roof on the Eastern side of the building, although this was not confirmed by CCTV.

At 22:25, the breathing apparatus crew encountered four men, one of whom was trying to fight the fire with a container of water. However, when invited to leave the room, the men became hostile. Nevertheless, by 22:35 or earlier, the fire had been extinguished. By 22:45, one of the firefighters had concluded, "that the Group 4 employees had lost control and had little or no idea about where any detainees could be". The report says, "Wherever crews went they were constantly surprised by groups of women running past them to escape the smoke."

Debate continued as to whether smoke or steam was issuing from the Eastern end of the administration block. The Fire Service incident commander decided that the Silver suite could safely be reoccupied. Use of a thermal imaging camera confirmed hot areas along the roof line of the administration block but not whether this was due to another fire or from residual heat from the fire that had been extinguished.

At 22:54 the infra-red camera used by the police helicopter detected hot fire gasses, possibly coming from the 'arrivals in-waiting' area at the North Eastern end of the administration block. At approximately 23:05 a serious flaming fire was visible on a monitor in the Silver suite. After initial confusion, it was confirmed that the fire was coming out of a first floor window at the East end of the building. The fire alarm was said to indicate that the fire had spread to the ground, first floor and roof space. At 23:10 the police helicopter camera detected flames coming from the 'arrivals in-waiting' area. Smoke was again percolating into the corridor outside the Silver suite. A brave attempt to tackle the fire was unsuccessful. At 23:16, Assistant Chief Fire Officer Clive Walsh decided to evacuate the Silver command suite again. There was some confusion as to where it was to be re-established (in the event, it was re-established in the visitors' centre to the front Western side of the administration block).

Fire Service activity increased markedly. There were (pardonable) differences of opinion between senior colleagues. Conditions inside the building became bad: "very hot and no visibility". There were fears for the safety of fire crews. By approximately 23:55, the fire was starting to show at the Eastern end of the administration block, smoke issuing from the eaves and from the North side above the roof.

It was decided that the priority was to prevent the fire spreading laterally, along the length of the building at all levels. However, firefighters had only limited access to the fire because of the number of detainees loose inside the compound. The Fire Service report records:

"It was agreed that the police units and Prison Tornado teams would enter first and secure a bridgehead and the Fire Service would follow them in to tackle the fire. It was at this time that DCFO Walsh became aware of a problem with primacy at Home Office level."

By midnight, the Fire Service had been allowed through the Delta wing gates and firefighting started from the Eastern end of the administration block. DCOs were holding a line to separate firefighters from detainees. However, the roof had caught
fire and the whole structure was now in danger of collapse. All crews were evacuated from the building.

Defensive firefighting techniques were used to save the Silver suite, the visitors’ centre and the hearing centre. On the North Western side of the administration block, three jets were used to stop the fire spreading. Firefighters requested that the access gates between Charlie and Bravo wings be opened in order to give vehicles access "but this was refused by security staff". Hoselines were instead led through a front window and out a back door.

At approximately 00:40, a small fire was started on the ground near the main crowd in the roadway that ran alongside Delta wing.

At around 00:44, a small amount of smoke seemed to be issuing from a first floor window close to where the detainees had collected. However, when asked to move the detainees further down Delta block to enable the Fire Service to attack the fire, a Group 4 officer replied "that at that time he did not have the authority to move the detainees". The Fire Service Report continues:

"… security staff were requested to open the security gates between Bravo and Charlie wings, but they did not have the keys to open them to enable fire appliances to gain access to the rear."

"Meanwhile, in Sector 2 firefighting operations were restricted to ten to twenty metres on the inside of the security gates. This was due to the position of the detainees being outside Delta block."

At 01:15, a request was made to the police to move the detainees further back. The Fire Service Report records that, "[a senior officer] then observed the fire in Delta block increase in size and intensity over the intervening period up to 02:00". At this point, the Fire Service seems to have been successful in preventing the fire spread from the administration block to the central core building and hearing centre. However, at 01:25, DCFO Walsh stated:

"... he was concerned that, having witnessed the fire spread in the administration block, if firefighting was not quickly effective once access was gained, then Delta wing would also be lost."

At 01:38, hot fire gasses were first visible on the police helicopter infra-red camera in the area of the shift manager's/detainee records office in Delta link 2/Delta block. A minute later, what may be similar hot fire gasses were visible from the roof corner area of the central services/Delta link 2 area.

The Fire Service was experiencing problems with fluctuating water pressure. The Eastern gable end of the administration block finally collapsed. Firefighters continued to see detainees climbing in and out of the windows to Delta block, from which smoke was now issuing.

At 02:00, the police began moving the detainees back along the Delta wing access road towards the sports centre at the Northern perimeter of the site. As fire crews progressed down the access road, they saw that a fire had taken hold on the first floor around Delta link 2. Firefighting began at around 02:10 but was hampered as the doors to Delta wing were locked. For a while, the only way in was through bedroom windows (the route the detainees had been using to come and go).
In the half hour after 02:00, firefighters continued to enter Delta wing through the windows: "Access through the doors was proving impossible." Two firefighters, not wearing breathing apparatus searched for casualties. A message at 02:17 said:

"… awaiting police and Prison Service to secure compound for further firefighting. Building is now 75 per cent involved in fire. Still maintaining defence to adjoining wings."

The fire was by now well established on all levels:

"One crew states that they had managed to progress approximately 25 metres into the building before conditions became impossible."

By 02:45, there was a fear that Delta wing would collapse. At this time there was no fire in Charlie wing.

A message sent at 02:58 includes the sentence: "Fresh fires have been set, unable to open doors due to security lock." Keys to gain access to two firefighting sections were obtained from the Silver suite.

There were fears that the Silver suite was again compromised by the approaching fire in the administration block. Fire crews searching Charlie wing reported that a slight amount of smoke was now entering. It was decided to cease sending firefighters into the building:

"... the fire was spreading very rapidly ... There were already known difficulties with the internal layout and concerns over the building construction. There were no persons reported within the block and there could be no justification for putting firefighters' lives at risk."

A senior fire officer concluded, "he could see no way of preventing the fire from engulfing Charlie wing".

At 03:45, it was reported that police and Prison Service units had cleared [meaning checked] two thirds of Delta wing. Silver suite said that all detainees were now in the sports courts. It was concluded that any remaining detainees in Delta wing could not have survived. Given that, and the likelihood of building collapse, the defensive fire plan was continued and search teams would not be committed.

Concluding that there was no way of preventing the fire taking hold in all the Charlie and Delta wings, DCFO Walsh decided to concentrate the bulk of resources on preventing the spread of the fire to Alpha and Bravo wings.

At 04:00, the Silver suite was evacuated from the visitors' centre and moved into the administration block for Alpha and Bravo wings. At 05:25, the following message was sent:

"... a range of secure accommodation blocks, offices and associated buildings of 2 storeys approximately 250 by 120 metres plus one other admin block of 2 storeys approximately 120m by 25 metres. 90 per cent involved in fire. Defensive firefighting continuing to protect adjacent block."

The Fire Service was unable to excavate all the possible sources of the fires because of the way the building was demolished. However, the Fire Service report draws the following conclusions:
• It is possible that the fire discovered in the detainees' property store at 22:15 was the same one seen on CCTV monitors in the Silver suite at approximately 21:55. Alternatively, it was a second separate seat of fire within the same room. It is probable that this fire was extinguished by detainees (see above).

• It is very probable that the fire that destroyed the administration block actually started in the 'arrivals in-waiting' area. "It is likely that this fire started at some time between approximately 22:47 hours … and 22:54 hours …"

• Police video evidence shows a fire on the first floor of Delta wing at 00:44. It is not known what time this fire started but it is "highly probable" that it started before a fire further down Delta wing.

• This later fire, first detected by the police helicopter infra-red camera at 01:38, "probably started on the ground floor in the area of the shift manager's office … " It is not known what time this fire started. It spread North, South and West.

• At approximately 01:39, the police helicopter camera detected a potential hot spot in the area of the roof and corner of the central core building/Delta link 2, in the vicinity of the hairdressing salon. It is not known what time this fire started. It spread in a mainly Southerly direction and also Eastward along Delta link 2 to join up at approximately 03:00 with the fire that had started in the shift manager's office.

The report concludes:

"It would be extremely unlikely for accidental ignition to potentially cause six fires at separate locations over an approximately four hour period … the most probable cause of fire is that of deliberate ignition."

As regards the claim that Group 4 improperly prevented access by the Fire Service to Yarl's Wood, ACFO Walsh told the Bedfordshire County Council inquiry:

"I would like it put on record that I worked extremely closely and I did not find any problems whatsoever working with my colleagues who were responsible for other services on the scene …"

"I did take the decision to adopt a defensive firefighting. That means that because I had information with regards to the conditions of the buildings i.e. the fires, I was not prepared to commit my crew, that means the firefighters into a building that is likely to collapse on top of them.

"So to actually say that we were denied access to the site, I would not agree with, we were able to get to the site … as soon as there was a fire, we did commit crews …There was certainly a new situation and certainly, a concern and I would not commit my crews into unsecure areas.

"… the managers of the other agencies and the police, Group 4 or anyone else do not control, manage, command firefighters. That is done by the senior officer of the fire brigade and so that’s where it came from."

Mr David Banks, then Managing Director of Custodial Services, Group 4 told the inquiry:
“Were the police denied access to the site on the night of the incident? The answer is no, the police were not denied access to the site. As I have said, the emergency services were called out by us, additionally in case there is any doubt as to access by the fire brigade I should refer to the Bedfordshire Fire Service statement that it would not have been safe to commit their firefighters into a civil disturbance situation. They could not commence high-pressure jet spray firefighting in the area while the detainees were being brought under control. I understand the fire service had to wait for them to be moved to a place of safety from the building. [They] publicly stated that they were in effect constrained because of safety considerations for the detainees, police, our staff and their firefighters.”

**Group 4's internal inquiry**

I have presented my account – based on a wide range of sources – of what occurred on 14/15 February. However, for the sake of completeness, I set out here the findings of Group 4's own investigation. Comments in square brackets are my own.

I was provided with a copy of Group 4's internal inquiry in December 2003. This followed some months of negotiation, during which time the company had argued that the report was legally privileged and would not therefore be disclosed. The version presented to me was clearly completed after the Yarl's Wood trial (since the foreword refers to the outcome of the trial). I do not know if there were earlier versions.

Group 4's inquiry was conducted by a former Detective Superintendent, Mr Trevor Davies. Mr Davies retired from the police in November 2001 after nearly 32 years' service. Amongst other things, he led the Thames Valley police investigation into the serious disturbance that took place at Campsfield House in August 1997.

The report does not disclose the names of any detainees save for the woman I have called Ms E. This is said to ensure compliance with s.158 of the Immigration and Asylum Act 1999.\(^{44}\)

Mr Davies' terms of reference are dated 5 April 2002. The report itself is an 18-page document. It includes short sections on:

- Setting the scene.
- Contingency plans. (“Extensive and detailed contingency plans exist for almost every eventuality … The plans were then forwarded to the Immigration Service

\(^{44}\) Which reads, in respect of wrongful disclosure of information: “158. - (1) A person who is or has been employed (whether as a detainee custody officer, prisoner custody officer or otherwise) -

- in accordance with escort arrangements,
- at a contracted out detention centre, or
- to perform contracted out functions at a directly managed detention centre, is guilty of an offence if he discloses, otherwise than in the course of his duty or as authorised by the Secretary of State, any information which he acquired in the course of his employment and which relates to a particular detained person.

(2) A person guilty of such an offence is liable on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.”
project managers. They had them quality assured by HM Prison Service personnel from their National Operations Unit … They were tested in tabletop exercises at the centre, a feature of the annual training programme for management.

- Command structure. (Mr Jasper is described as one of the “Silver team of advisers”).
- Control and restraint teams. (“Group 4 had 1½ teams on site at the time of the riot, which I am informed by the centre manager was the number contractually agreed with the Home Office.” [Riot is the word invariably used by Group 4. It is never used by the police. I have used the more neutral term ‘disturbance’ throughout this report.])
- Sequence of events. Mr Davies notes that he has not had access to any police documentation and that a planned meeting with the Chief Fire Officer of Bedfordshire Fire and Rescue Service was cancelled. He reports that Ms E first entered Yarl’s Wood on 15 January. He says she was treated by her peers as a “woman of some status”, and was a regular visitor to the prayer room and association rooms on Delta wing. In a section on the incident involving Ms E, he says that staff “decided it would be prudent if Ms E did not frequent Delta again that day. She has already incited the men into action on her part and … there was a possibility of a repetition.” However, in another section, he writes that staff “considered on ‘duty of care’ grounds that due to her medical condition Ms E would be better suited to closer welfare supervision if she were to remain on Charlie unit.” Of the escalating disruption from the initial call for assistance at 19:37 hrs, Mr Davies says, “It was fast and it was furious.” By 19:52 hrs, there was no power in Delta wing:

  “…from about 19:55 hrs the cameras were systematically rendered inoperable in that area through detainee interference. Offices were then ransacked, fire extinguishers activated and exterior windows broken … At 20:02 hrs doors, ripped off wardrobes, linen and other debris was thrown out of the windows into the compound … Some detainees outside in the compound, with little success, made attempts to throw some of the bedding over the barbs at the top of the perimeter fence.”

Mr Davies records that keys were taken from staff at about this time. By 20:30 hrs, fire alarms were being activated. Police arrived at the Silver suite at 20:24. Mr Davies writes, “It is not clear to me when the police support units arrived …” By 21:30, “detainees had banded together and were attempting mass escapes from initially the male external gate, then mixed external gate … many were forced back by the police, some using dogs …” [This might indicate the good sense of deploying the police to maintain perimeter security and prevent escapes.]

At 22:02 hours, “Several Group 4 personnel suffered from smoke inhalation whilst attempting to ensure there were no casualties.”

On the transfer of command and control to the police at 01:00hrs, Mr Davies says: “the grounds quoted for the decision were under the provisions of the Public Order Act … Mr Watson states that the Group 4/police protocol was never
invoked, instead the decision … was a policy decision made by Prison Service
Gold." He continues:

“The control room log records that the centre radio communications system
failed at about 04:44 hours on Friday morning. The fires in the mixed centre
had by now fully taken hold and would continue to burn until the building was
completely gutted.”

• In a section entitled ‘Comments on the events of 14/15 February 2002’, Mr
Davies says:

“The decision to remove Ms E, who was in a highly agitated state, from her
peers in Charlie link 1 was obviously made for sound operational and logical
reasons. The thought process must have been that she would be better
placated whilst not in the company or in the view of other female detainees.
Lobby 1, in such close proximity to the commotion, could easily be secured
against other detainee presence. However, the window within the fire door
separating lobby 1 from Delta link 1 was to prove the undoing of this plan.”

“The application of the control and restraint techniques must, I suggest, be
the catalyst for what was to follow.” [I agree.]

“I have been able to ascertain that there was some considerable unrest within
the mixed centre in the days prior to the riot.

“Information of that unrest and some positive disruption … was committed to
‘security information reports’ … The content of one such report is
paraphrased in a ‘security information report log’ as follows: ‘Detainees
instructing others that there would be trouble on Friday, and anyone not
helping would have problems.’”

“[Mr Milliken] was aware that a report referred to possible problems on the
15th February but considered it too unreliable to warrant any immediate
action. He was however unaware of the meeting of detainees … [or] the
attitude of the male detainees towards being moved to the male centre …”

“In my opinion, it may well be the case that the male detainees who were
planning disruption for the 15th February, used what was undoubtedly the
spontaneous episode with Ms E the day before to trigger their riotous
behaviour. There is evidence that those subject of the security information
reports were actively involved in the riot.”

“It appears to me that the integration of male and female detainees, other
than families, in a custodial regime such as Yarl’s Wood is a dangerous mix.
Human nature dictates that liaisons will be formed with all the resulting
jealousies and conflict … I would suggest, in light of the unrest prior to the
riot, that the male/female integration policy be revisited.”

“… I have not been in a position to ascertain how the detainees … came to be
in possession of cigarette lighters … I consider that the policy of no access to
cigarette lighters or matches … needs to be restated and implemented without
exception. It may be worthy of consideration that no personal lighters are
taken into detainee areas by staff …”

On manning levels, Mr Davies writes:
“Officer [S] was the only patrolling officer in a unit containing 247 detainees. He was understandably overwhelmed by the behaviour of those male detainees intent on riot … It is unfortunate that one member of the team left the wing after an altercation with the wing officer. That action must be unacceptable and a cause for concern.”

“There may be a case for examining command and control procedures as it would appear that at least seven officers initially attended the Ms E incident. In so doing they left Delta wing short handed.”

“I would suggest manning levels and deployment of staff to incidents are in need of review. It may be the case that ‘talk through’ mode on the radio allowing officers to self deploy needs revisiting … The initial Ms E incident may have been over resourced detracting from a response to the men in Delta link 1.”

[ I agree. ]

I recommend that GSL reviews deployment of staff to incidents and the use of ‘talk through’ mode on the radio allowing officers to self deploy.]

“The location of the Delta unit office and the other similar offices … are not ‘safe havens’ for staff in the event of threats to their safety. Had the office been located against an outside wall with an external door or window then those taking refuge would have had the option to evacuate into the compound. I would suggest that evacuation plans be reviewed and the location of wing offices be re-visited … with appropriate escape routes.”

“It would be prudent to re-visit the ‘zoning down’ and ‘twenty four hour’ association periods …”

“The position of the control room/Silver command suite’ is of obvious concern …” [ I entirely concur. ]

“The security of mixed and male perimeter gates must be in question … I had them examined by supervisors at the centre after the event and they reported that the ‘keeps’ were ineffective in that there was insufficient penetration into the ground.”

“… from a layman’s point of view either the future ‘use’ [of Yarl’s Wood] will have to change or the building design and structure.”

“History has shown that the introduction of disruptive detainees into detention centres has resulted in millions of pounds worth of damage. Some detainees within the centres are a real menace to society … Very little background information accompanies the detainees upon arrival. Even information from Police National Computer checks is not made available … When disruptive detainees are identified it is common practice to pass on the problem …”

Mr Davies says that of the 13 men alleged to have been principally responsible for a disturbance that took place at Campsfield House on 21 November 2001:

“… the following day six of the troublemakers were moved to the newly opened Yarl’s Wood … It is interesting to note that one of the six transferred
from Campsfield House was charged with the offence of ‘violent disorder’ relating to the riot at Yarl’s Wood.”

“I would suggest that there is a strong case to make representation to the Home Office for the Detention Centre Rules to be re-examined with a view to introducing the ‘offences against order’ section as laid out in the original draft.”

“It seems to me that a ‘risk assessment’ completed by the Immigration Service should accompany each detainee upon arrival at the centres. That process would at least give some indication as to the background of the individual and assist the ‘operator’ in handling these unique regimes.”

• The report is accompanied by a volume of appendices:

  * An organisation chart/glossary of terms.
  * Management history (the c.v. of three members of the senior management team).
  * Schedule of occupancy. This says there were 375 detainees in residence on the night of 14 February - 11 detainees (10 male, one Kenyan woman in the segregation unit in Bravo unit in the male centre), 60 single adult females in Charlie unit, 57 detainees (made up of 15 families including 32 children) in the family unit in Charlie unit, and 247 single adult males in Delta unit. The schedule also says that 72 staff were on duty with a further 11 absent for various reasons. In addition, there was a duty manager and shift manager. Finally, the schedule includes a breakdown of nationalities.
  * The centre plans.
  * Control room log. [This is an annotated and expanded version of the control room radio log kept on the night.]
  * Witness accounts.
  * Silver command log.
  * Centre manager’s Silver command log.
  * Report on disruptive detainee. (This is a memorandum of 31 December 2001 referred to below: “I do not feel that Yarl’s Wood is best suited for his detention.”)

The 13 witness accounts are all headed by a standard rubric that the statements have not been seen by those interviewed “for verification of accuracy”. The rubric continues: "under no circumstances should [the account] be relied upon in any Court proceedings or tribunals”. I have read the accounts and drawn upon them for background.

• A residential supervisor describes her involvement with Ms E, and her difficulties in coming to terms with what happened (and anger towards detainees as a consequence).
• A shift manager describes the two earlier incidents on 14 February with Ms E and the plan he and the supervisor agreed not to allow Ms E back into Delta wing: “duty of care … on medical grounds”.

• A senior nurse discusses the first Ms E incident, the second Ms E incident when she went to Healthcare; and the third incident that led to the disturbance.

• A DCO describes her involvement in the 'duty of care' episode.

• A DCO explains how he called for assistance in Charlie link 1 at 19:37 hrs.

• There are also accounts of those who responded with assistance, and of the shift manager who gave the order for C&R to be used. This shift manager also led the retreat from the lobby and jointly took the decision to open the Silver suite. [The shift manager subsequently received hospital treatment for smoke inhalation.]

• A DCO talks about a detainee meeting the previous night where it was obvious that detainees did not want a staff presence. Concerns regarding opening of male centre, limiting access to the women. Also admits to an "argument" with a fellow DCO and says he walked off (possibly off the wing). Also gives a graphic account of being locked in the unit office with others: “Expected to die … Traumatised.”

• One of the other trapped DCOs records that he was the only patrolling officer on Delta wing [one was in the wing office, one had disappeared after the argument, two others were dealing with Ms E.] He says that five officers on Delta was too low, and lower than he could ever remember. Of his rescue, it is recorded:

  "Those within the office were reluctant to leave … DCO [S] … put his head through the hole in the door. … [A detainee] kissed his hand and stated that on the life of Jesus he would get the DCOs out safely … [outside] there were about 150 detainees … Those detainees started to cheer, clap and patted the DCOs on their backs then permitted their exit through the gates …"

• A senior manager presents a full account of events including the fear that medical staff were held hostage in two locations: within mixed detainee reception and at healthcare on level 2 of the mixed centre.

• Mr Milliken gives an account of his attempt to ring the Prison Service 'single incident number' and then speaking to a friend who was duty officer at Wellingborough who gave a back-up number (on the voice-mail of which he left a message). He also clarifies that he "ordered a complete withdrawal to the perimeter fence of all staff from the mixed centre" (the radio operator broadcast the instruction), because of the "serious risk" to Group 4 staff. He also talks about the attempt to download the computerised data ("we managed to save the detainee information system") and the failed attempt to save the CCTV records.

• The centre manager includes an account of what Mr Milliken told him when he arrived.

**Group 4’s subsequent conclusions**
To provide the fullest account of the company’s views, it is also worth citing what Group 4 said in a briefing document issued to staff after the conclusion of the criminal trials. Group 4 said:

“The Yarl’s Wood fire emergency response procedures were agreed with the Bedfordshire Fire Service. The basic practical and theoretical fire prevention training was provided to staff by the Cambridgeshire Fire Service. The safety officer for the centre had previously served with the fire service for over 20 years, reaching the rank of Ass Div Officer and he had responsibility within the service for health and safety and fire prevention.

“Turning to detainee fire training, on arrival at Yarl’s Wood, detainees go through an induction process including a presentation on what to do in emergencies and a tour of the centre, during which fire exits are pointed out to them. These are clearly indicated with internationally recognised symbols. The induction presentation includes instruction specifically in fire drill, including raising the alarm and evacuation procedures. In addition detainees are shown a video, available in a range of languages, which includes procedures in the event of a fire and are given a comprehensive reception booklet, in 20 languages which includes fire procedures. Fire evacuation exercises were programmed on a monthly basis and during the four months the centre was opened three had taken place and another was due. At least one was witnessed by the Immigration Service officials.”

Group 4 added:

“The staff complement was 350 full time staff, plus sub-contractors to operate the centre at capacity of 900 on a 24 hours a day, seven days a week basis. At the time of the disturbance the centre was only half full, but had its full staff complement. During the evening of the riot there were 67 detention custody officers on shift duty, together with managers and supervisors, medical staff etc totalling over 80. There were 384 detainees accommodated, many of them families. As we have said repeatedly, Yarl’s Wood is an accommodation centre (sic), not a prison and the regime reflects that.

“The training was approved by Immigration Service and the emergency services were consulted in relation to training for contingency response. The courses were designed in consultation with senior training officers from the Prison Service national college, including some who were recruited to Group 4. The centre manager had extensive experience at the most senior level in managing the delivery of training programmes to the prison service. Detention custody officers received, as an absolute minimum, an intensive five-week training programme before starting work including a week of job shadowing at other detention centres. Many staff joined well in advance of Yarl’s Wood opening and were given several months additional experience working with detainees in other immigration detention centres.

“In the month prior to opening we also delivered a range of refresher courses to detention custody officers including site familiarisation exercises, training on contingency plans, emergency responses and operating procedures, control and restraint techniques and alarm responses. This was reinforced with testing of emergency procedures from 5 November to 15 November inclusive.
“Detainees were not locked in their rooms and were free to move about the centre. This meant that the situation was more difficult to contain than it would be in a prison.”

“At any time the senior police officer at the centre, or Prison Service Gold command had the power to take control. The centre manager is a civilian and has no authority over the police or Prison Service Gold. He cannot withhold transfer of control. The police did not ask the centre manager to hand control to them and they were not required to do so if they wished to assume control. The Prison Service Gold command took the decision to hand control to police shortly before 1 am.

“This rumour [that the fire brigade were denied access] is totally wrong. The Fire Service was called as a precautionary measures early in the incident, as part of the agreed contingency plan. There were five fire appliances in attendance by about 8:30 pm, but at that time there were no fires to fight. We can understand why firefighters on stand-by might have felt they were being denied access if they did not realise the situation. The first serious blaze was shortly after 10:00 pm and firefighters were on hand to deal with it as soon as the area could be made safe from rioters.”

**Contingency plans for Yarl’s Wood**

Mr Jasper told me that he had agreed a protocol with Bedfordshire police in relation to serious incidents at Yarl’s Wood during mid 2001, in the same way that a serious incident protocol had previously been agreed with the Thames Valley police in respect of Campsfield House. This resulted from a disturbance there in 1997 (Annex 5 sets out details of the inquiries into two other disturbances at the centre). Cmdr Gerrard explained to me that, at that time, there was no protocol between the Immigration Service and the Prison Service for mutual aid. This meant that, although the centre was adjacent to its national control and restraint training centre at Kidlington, Prison Service personnel could not be used to bring the disturbance under control. The police, on the other hand, were constrained because, by the time they got there, the detainees were entirely passive, albeit that they were refusing to return inside. As such - because there was no threat to life or property and no fear on the part of the public - the police had no powers to enter. This led to a stand off for several hours while staff from other Group 4 establishments arrived.

DCC Dixon told me that he had been involved in approving the protocol. He said a protocol was necessary because to all intents and purposes the centre was a prison. The police did not have the authority simply to walk in or break down the door. They did not have keys.

Mr Jasper said he had always understood that the centre manager remained in command of a centre during any incident until either the police took control under the Public Order Act or until the company had been deemed to have lost control and then Immigration Service appointed a controller. If the police did take control, then primacy would switch to them. They would be able to utilise Group 4 C&R teams (additional resources were available from Group 4 managed prisons) as well as their own forces to help resolve the incident. However, when the protocol with the Prison Service was introduced (late June 2001), it had changed things.

Mr Jasper told me that he had advised Mr John Wilson (Head of Detention Operations, North) of this agreed support structure. Mr Wilson had told Mr Jasper that an agreement had already been reached with the Prison Service to provide
support and the immigration estate would be part of the Prison Service Tornado protocol. This had been a surprise to Mr Jasper who, although he had been aware that discussions were taking place between the Prison Service and Immigration Service, had not been aware of any actual agreements reached between the two.

In his evidence, Mr David Dickinson, previously Director and General Manager, Group 4, said that the company had assumed at the bid stage that there would be a protocol in place between Group 4 and the police in case of any disturbances, as was the case at Campsfield House and Oakington. However, IND had informed Group 4 by letter and without any prior consultation that they had reached an agreement with the Prison Service to call on Tornado support in the event of a disturbance. As defined, it was possible that Group 4 would bear the cost of this. Group 4 protested, pointing out that this was contrary to the contract, but this went unheeded.

Mr Jasper said that, despite the agreement between the Immigration Service and the Prison Service for mutual aid, the protocol agreed with Bedfordshire police was retained in the event that early resolution (i.e. without recourse to Tornado) was possible. He was not sure, however, that Bedfordshire police had either understood the command structure of the Tornado protocol or had had any meetings with the Home Office to discuss its implications. Neither the Prison Service nor Immigration Service had ever discussed the implications of the command proposals with Group 4.

Mr Jasper said the effect of the Immigration Service/Prison Service protocol was that serious incidents would now be controlled by the Prison Service Gold Commander. He said that, although he had attended the Prison Service Command of Serious Incidents training course, he had not had any experience regarding the actual working of Prison Service Gold. He understood that, in practice, it was invariably someone on the end of the phone who offered advice but also had the final say regarding intervention strategy. He said that he knew that at any time the Immigration Service could take control (under section 151) and the police could take control (under the Public Order Act). But until either of those eventualities, the centre manager would remain in control.

In fact, Prison Service Gold did not have ‘final say.’ The Operations Manager at the Prison Service National Operations Unit, explained the protocol between the Prison Service and Yarl’s Wood:

“The protocol that exists between the Prison Service and Yarl's Wood Immigration Detention Centre is that should there be a concerted indiscipline inside the centre and mutual aid is requested from Prison Service then Gold command, based here at HQ Cleland House will act in an advisory capacity to Silver command. Gold command will not put in place its own Silver command on the ground. It is the responsibility of the Silver commander at scene to draw up strategic plans in writing and submit these to Gold for advice.”

Mr Brewer explained that, ordinarily (that is, in a Prison Service incident), Gold command would be responsible for managing an incident. His/her agent on the ground was the Silver commander. In the case of Yarl’s Wood, however, the Gold role should have been advisory only unless formal control was taken. There should have been a parallel Gold/Silver structure in Group 4. Mr Brewer doubted if any of this was well understood. He said the agreement was that Prison Service arrangements would come into play if there was a serious incident. The position was more complicated than normal because IND were involved along with a private contractor.
As Mr Brewer suggested, it appears that, perhaps not surprisingly in the circumstances (and given that the protocol does not explicitly say that Gold's role is only advisory), not everyone fully understood the respective roles. As well as Mr Jasper's confusion over who had the 'final say', Mr Hampton told us that, at the time of the Yarl's Wood incident, he understood Gold to have an executive role. He added, however, that he did not believe that made any practical difference whether the role was executive or advisory on the day.

I am led to understand that the IND/Prison Service protocol had not been formally signed off by the time of the Yarl's Wood fire. Mr Jasper recalled that a report by Mr Stephen Moore into a disturbance at Campsfield House in 2001 had raised questions about the role of Prison Service Gold and that this was being addressed by the Prison Service. Mr John Wilson, a Mr Watson, Mr Jasper and a Chief Immigration Officer working on project development had debated the matter, but it seems this may not have been fully resolved. An exchange between Mr Brewer and Mr Phil Wheatley, then Deputy Director General of the Prison Service, in November and December 2001 suggests there was a fundamental difference of opinion on the question of who should be in control during any incident. Mr Brewer wrote:

“… you will see under command arrangements mention of the Prison Service Gold Commander. My view is that this means the Prison Service Duty Gold would be in charge and run the incident.”

Mr Wheatley commented that he had neither seen nor approved the 'protocol.' He added:

“It seems to me wrong in principle that the Prison Service Gold Commander should assume responsibility and accountability for centres not under Prison Service control, operating under separate rules, with separate legal powers for their staff and of which the Gold Commander had no experience. I am amazed that the Immigration Service is happy to distance itself from command of its incidents.”

Mr Brewer replied:

“The operational management arrangements [of the detention estate] are not developed in the same way as the Prison Service and at the moment this seems an unrealistic goal. In IND only myself and David Wilson [Deputy Director, Detention Services] have reasonably senior level operational experience.

“This is not a comfortable situation but it is one that I have to manage. In the circumstances I am anxious to get as much command and control assistance from the Prison Service as I can because I know that my own capacity is extremely limited and not easily capable of improvement.”

Mr Brewer added that, in his view, the way forward was to work on the protocol. He hoped to receive a response in the New Year to his proposals in this respect. I have not seen such a response. I believe the protocol was finally signed off during the drafting of this report. It provides for the request of Prison Service assistance, gives command arrangements and a formal process for handing over control. Prison Service-run removal centres will use Prison Service arrangements, but the new protocol will cover privately-run centres.
I asked Mr Stephen Boys Smith (Director General of IND between 1998 and July 2002) why Prison Service Gold had been used to handle a disturbance in the immigration estate. Mr Boys Smith said that IND had been conscious that they needed to be wary about attempting to replicate the Prison Service’s role. Experience was needed in handling disturbances and the Prison Service was best placed to provide this.

Cmdr Gerrard was critical after the fire that Mr Hampton, who had represented the Immigration Service in the Gold suite on the night, did not appear to have any decision-making authority. Instead, he referred to someone else via the phone. Cmdr Gerrard did not know who the third party was (it seems likely that it was Dr Mace). He also said, however, that the chain of command was already sufficiently complicated without injecting a further element representing the Immigration Service. Cmdr Gerrard pointed out that, as the protocol stood, executive power rested with the contractor. He queried whether it was appropriate for a private company to be responsible for the handling of an incident involving people detained by the state.

The member of the Prison Service National Operations Unit who was in the Gold suite said the incident hit everyone out of the blue and before the centre was ready for it. People were only just adjusting to running a new centre. Incident management arrangements were not fully in place and had certainly not been tested.

The consequences were compounded by the lack of site plans in the Gold command suite. Cmdr Gerrard said that for all Prison Service establishments, the Gold suite had hefty files containing information about the prisons. This included detailed site plans – including ducts and drains etc – and contingency plans. They had nothing for Yarl’s Wood and relied entirely on a sketch drawn from memory on a whiteboard by Mr Hampton. It turned out the sketch was quite wrong in certain respects (Mr Hampton was not responsible for Yarl’s Wood), but it nevertheless formed the basis for Gold’s advice. Quite often, the team received reports that they simply could not picture, as there was no reference to these features on Mr Hampton’s sketch.

Mr David Wilson advised that there should have been site and contingency plans for Yarl’s Wood in the incident suite. The oversight was probably down to the Immigration Service rather than the Prison Service. Mr Brewer agreed. This had been overlooked – probably as a result of the rush to open. It is worth noting that one problem identified during the Campsfield House disturbance was that there appeared to be no common sets of maps or plans held by the agencies.

Mr Milliken said that work on contingency planning was ongoing at the time of the incident. I have seen a letter from Mr Watson to Mr Milliken dated 8 January 2002 asking Mr Milliken to decide where a briefing room for Silver to meet with incoming parties and an operational room for emergency services should be and “what equipment was required to make the locations fit for these purposes”. He also asked him to “pursue the final fitting out of Silver suite and ensure all the necessary equipment has been provided/installed”. Finally, Mr Milliken was to “ensure all of the SMT have an opportunity to visit the Gold IMSU suite at Prison Service HQ so they each have a good understanding of Gold operations”. It is not clear how much of this had actually been done by 14 February.

Some attempts to prepare effectively were frustrated by an apparently unresponsive IND. Mr Watson said news of the protocol with the Prison Service was unexpected, but that he tried to do the necessary follow-up work. He wanted to know:
“… the practicalities of how Tornado would operate, who were the designated ‘sending’ establishments and what was required of us. I did not know which prisons had been designated and asked UKIS [UK Immigration Service]. They were slow to provide information concerning Tornado. At an operational interface meeting on 6 November 2001, I indicated that initial contact had been made with Bedford prison and we were organising a familiarisation visit. I asked for information from UKIS concerning the other nominated establishments as no official notification had been received regarding arrangements for Tornado response. At the next meeting (21.11.01) I was told that ‘the official notification … requested by Group 4 regarding Tornado response arrangements was in hand and Group 4 would receive correspondence shortly.’”

It seems nothing more was heard. This might have been due to a lack of appreciation by IND of the importance of such arrangements. It might have been due to other pressures. Or it might have been due to the unfinished debate over the protocol. Whatever the reason, the effect was potentially damaging. A member of a Prison Service Tornado team expressed his frustration at the lack of any briefing:

“I was aware unofficially that my unit at Wellingborough could be called upon to provide mutual aid to Yarl's Wood. However, I have not received any information pack about Yarl's Wood. This would have assisted a great deal in getting there, type of layout/accommodation that we may have to enter. Had I been in possession of the layout it would have assisted in knowing where the dangerous areas were - that is secure doors, fire escapes and in fact, escape routes.”

Things were compounded by the situation at Yarl's Wood itself. A Tornado team leader said:

“The areas of problems encountered by the vast majority of the team were lack of communication between the Yarl's Wood establishment and the Tornado teams arriving at the incident. There was a total lack of information available from the establishment to the Tornado teams, police and fire service. There appeared to be no structured operational plan in place to deal with such an incident. There were no maps, plans of the layout of the establishment. These areas of concern were verbally expressed and we all went off duty expecting a formal debrief to be conducted at least within two weeks or so after the incident. For whatever reason this has not taken place.”

The police expressed similar frustration. Chief Supt Comb said:

“As the senior police officer on site at this time, I felt left out of the decision making process. I had no idea as to any contingency plan to deal with large scale disorder. There did not seem to be anyone from the Group 4 side designated to liaise with the police, all information had to be requested.”

In his letter of 13 October 2004, however, Mr Watson suggested that there had been adequate communication with the police. He said the police had been involved in the drawing up of contingency plans for the centre and that they should therefore have been aware of plans for dealing with large scale disorder. He said they were given an office, a copy of contingency plans and, he believed, a supervisor as their liaison/information officer. Mr Watson said the police Silver commander was kept informed and fully involved throughout the incident.
Mr Milliken and Mr Watson were at pains to impress upon me that their contingency planning went beyond what was required of them by the contract. They identified a number of other scenarios outwith those set out in the contract for which contingency arrangements might be necessary. Mr Watson told me:

“Similarly although our contingency plans and operational procedure were of a high standard, no contingency plan could have been developed to meet a situation in which so many contingencies arose at the same time or in quick succession. I was not aware of information that would have enabled us to prepare for the riot.”

**Primacy**

The *Observer* reported on March 6 2002:

“Bedfordshire police also claim they were denied access to the site when they answered an emergency call at around 8 pm on the night of the fire.

“The police do not have an automatic right of entry to detention centres, as they are on Crown land. ‘We were not entitled to go in until we had permission from the Home Office and Group 4 and that was not initially given,’ said a spokeswoman.”

The police report noted that:

“Police arrived within 10 minutes but Group 4 declined to allow them to take control until approximately 01:00 hours. Events during the intervening five hours were under the control of the Group 4 head of security and operations, Derek Milliken and the HMP Tornado team training officer, (the Bronze Commander).”

Chief Supt Comb told me there was no doubt in his mind that he had no authority inside the site. As the night progressed, he asked more frequently about taking primacy. He did not believe he could have been more forceful, though he would have liked to speak to someone at the Home Office. Chief Supt Comb said he could not assume overall control as there were clear logistical issues which appertained directly to a secure premises like Yarl’s Wood such as access via keys and the layout of the site, particularly in confined areas. The Prison Service was claiming greater expertise and Chief Supt Comb was blind to some of the things that were going on.

The police Gold Command Major Investigation policy file records just one instance of Silver broaching the question of primacy:

“22:26 – request confirmation at scene through Silver command regarding lead responsibility for interior. Reaffirmed that Prison Service/Immigration retain responsibility. Tornado units to deal. Maintain outer security.”

The Yarl’s Wood contract monitor who was observing from the Silver suite, said the police had been very busy behind Mr Watson, calling people and asking questions. The contract monitor then said she was not aware of Mr Watson being asked if he wanted to hand control over to the police, but suggested this might have happened while she was on the phone.

Mr Watson said he did not recall primacy as having been an issue:
“Prior to the hand over, Chief Superintendent Comb had asked me on a couple of occasions if I was 'happy with the way things were going'. I replied that I believed we were doing all we reasonably could. I did not assume this to mean that he was asking whether I was content to retain command of the incident. Nor did Mr Comb suggest he was unhappy or wanted to take command. On those occasions, I had been awaiting further Tornado teams and had considered that, with the right numbers of trained staff, the centre could have been effectively re-taken. I had informed him of my view and he did not discuss command arrangements with me.”

Mr Milliken recalled that at about 00:30 the Silver command team had been close to implementing the intervention plan and to being joined by the final Prison Service units. At this stage Chief Supt Comb had asked Mr Watson, “David are you happy with how things are going?” Mr Watson had said that he was happy, that the intervention plan was in hand and he was awaiting the last Tornado units. Mr Milliken believed this was the only time that a question had been raised over primacy. Mr Milliken understood that the Immigration Service had passed control to the police through the Prison Service Gold and that Mr Watson had been given the instruction by Prison Service Gold to hand over control to the police. Mr Milliken said that no paperwork was completed.

Mr Hampton said he knew the police sought primacy at about 01:00. He believed there was a discussion between the police and the Prison Service C&R people. Mr Hampton also believed there was a discussion on primacy between Mr Shaw and the senior police officer present. He was aware that the police were in touch with Cmdr Gerrard. Mr Hampton’s impression was that Group 4 surrendered control. He said he was not clear how the police achieved primacy and did not hear Mr Shaw giving instructions to the centre manager to hand over control. Mr Hampton said that Group 4’s position was that Gold was acting in an advisory capacity, so how could Mr Shaw instruct such a handover?

Cmdr Gerrard told me that, given the circumstances at the time – fire, escapes, fear by the public – the police had the power to take control anyway – they did not need Mr Shaw’s or Group 4’s permission or consent. Cmdr Gerrard said the centre manager was very comfortable with the decision. (Cmdr Gerrard added that he believed the Prison Service should maintain a ‘policy log’ during major incidents. The police used them. They recorded not only the decision taken and when but also the rationale for the decision.)

I discussed the primacy question at length with DCC Dixon. He took issue with Cmdr Gerrard’s view that the police had the power to assume control in the particular circumstances. He said he needed official authority to take over control because to all intents and purposes the centre was a prison. (That was why a protocol had been necessary.) He was refused it. He had no authority to do anything further. He pointed out that the police had never taken over during a prison disturbance – not even during the Strangeways riot. He asked where it was written that he had the power to do so? The Association of Chief Police Officers (ACPO) would agree that there was a lack of clarity on the issue. There was an issue about private space. DCC Dixon said that even at football grounds there was a limit to what the police could do. It was something that needed to be resolved at a national level as, if another incident were to occur, the same dilemmas would arise.

DCC Dixon took the decision formally to seek primacy when Chief Supt Comb advised him that Group 4 were going nowhere. He therefore contacted Cmdr Gerrard in the Prison Service Gold suite. He said the fact that the police did not have
the right to assume command was evidenced by the fact that the assent from Prison Service Gold was not immediate. Instead, they took five minutes to consider the matter. The Immigration Act said the decision had to come from the Home Office.

DCC Dixon said that the Immigration Act was clear on the question of primacy. There were also logistical issues. He did not have keys for the centre and so physically could not enter the premises. In addition, he did not know how many Tornado units there were, where they were or what their remit was. He needed a clear remit and certainly could not undertake any course of action that might put lives at risk. If the police were to go in without being fully aware of the position it could have resulted in injuries to police personnel.

Mr Shaw also referred to the Immigration Act, adding that, in fact, it was neither here nor there as the police had the necessary powers without it:

“Whilst the protocol for Prison Service assistance to a detention centre provides for a transfer of responsibility between those two organisations, it does not extend to the Police Service. Jim Hampton opined that he was required to serve a notice on the Director under section 151 of the Immigration and Asylum Act 1999 to formally take control of the establishment and undertook to put this in hand. I am not aware whether this notice was ever completed or served and in any event it does not impact on the police powers to take command of the incident.”

Mr David Wilson agreed that the Act was not invoked:

“There was no intervention by the SoS under section 151 of the 1999 Act. I understand that the police formally took control from Group 4 at 0100 hours on Friday, although I don’t think this was in writing. PS and IS at Cleland House (and Group 4!) certainly favoured it.

“… My feeling is that any delay in ceding primacy was probably down to the chaos rather than reluctance on anyone’s part.”

Mr Watson was certain that the police assumed control under their own powers rather than under the terms of the protocol:

“It was my belief that the protocol was intended to provide guidelines for a structured and speedy response by the local police and co-ordination of control in the event of a disturbance at the centre. It was not intended to, and did not, have the effect of altering the statutory and common law duties of the police to prevent or respond to criminal acts occurring. The protocol … was in … my office … This protocol was not referred to by anyone during the incident. I am certain that the protocol was not implemented. The transfer was made expressly pursuant to the Public Order Act.”

Assessment

Following the prison riots of 1986, Sir James Hennessy noted the need for formal arrangements to be drawn up between the Prison Service and the police for the management of incidents of major disorder. Such an arrangement had been drawn up between Group 4 and the police and I commend them for their initiative in this. However, the protocol was specifically designed for situations – such as that which pertained at Campsfield House in 1997 - where the police had no powers to intervene. In such circumstances, the police did require authority expressly to be
‘handed over’ by the contractor. I believe the existence of the protocol may have led to some blurring of the legal position at Yarl's Wood.

I should also say that I agree with Mr Wheatley in relation to IND being content to hand over control of their establishments to a third party. Mr Brewer advised Mr Wheatley that the situation was not ideal, but that IND lacked appropriately qualified personnel to act as Gold Commander. More then two years later, I would have hoped they would have rectified this situation. It simply cannot be appropriate for someone without real understanding or experience of or responsibility for the detention estate to manage, or advise on, an incident of this type. In addition, the necessarily advisory capacity of the role leaves the executive authority with the contractor. This cannot be appropriate either. Regardless of transfer of risk issues, the state simply cannot wash its hands of responsibility for those whose liberty it has removed.

I recommend that IND and the Prison Service give further consideration to contingency arrangements to ensure greater clarity and proper lines of accountability, and which, ideally, give IND ultimate authority and responsibility for the management of incidents. Failing this, I recommend a small cadre of potential Gold Commanders be prepared/trained specifically for handling removal centre disturbances. This should include briefing on the ethos of the centres, the powers that can be exercised to control detainees, site familiarity visits and a period shadowing a centre manager.

I also recommend that those likely to represent the Immigration Service in the Gold suite at Prison Service headquarters should attend a number of Prison Service incidents to familiarise themselves with general processes and practices.

Much has been made of Group 4's ‘refusal’ to hand over control. The police have argued that it was for this reason that they did not assume primacy until 1:00 am. This, however, is to underplay the fundamental responsibility of the police with regard to public order. Cmdr Gerrard was clear that, notwithstanding what the protocol said, the police had powers to take over at any stage because of the threat to life and property. It might be argued that they had not just the power, but a responsibility to do so.

I took advice on this issue from the Home Office Legal Adviser’s Branch. I was told that, legally, the police were able to enter Yarl's Wood earlier than they did. The police's powers to enter property without a warrant are set out in the Police and Criminal Evidence Act 1984 (as amended) (PACE). Section 17 of PACE enables a constable to enter and search any premises for the purposes of, inter alia, arresting a person for an arrestable offence or saving life or limb or preventing serious damage to property. Arson, criminal damage and other serious public order offences were committed in Yarl's Wood that evening; all of these are arrestable offences. The landowner/occupier's permission is not needed before the premises can be entered.

Legal Adviser’s Branch suggested that the police may have been claiming (or acting in the belief) that PACE did not apply to the Crown and that therefore they could not enter Yarl's Wood as it was Crown property. However, while PACE is not directly applied to the Crown it does not create any burdens on the Crown and one would expect the police to be able to enter any premises to effect arrests etc. Secondly, and more importantly, Yarl's Wood was leased back to Group 4 at the time and Group 4 are not the Crown.
Bedfordshire police have suggested there is a distinction between the power to enter a site in order to protect life and/or property, and the power to take control of an incident. I understand the distinction that is being made. However, in a situation such as that which obtained at Yarl's Wood, with widespread damage and threat to life, the two situations merged. It is arguable that the police could only achieve the former by means of the latter.

I recommend that the Home Office enters into discussion with the Association of Chief Police Officers to agree and distribute clear advice to all police forces on the issue of police powers in respect of disturbances in closed institutions.

The co-existence of two protocols to cover essentially the same eventuality was unhelpful. It resulted from IND negotiating an agreement with the Prison Service without either consulting or informing Group 4 (a lack of a partnership approach which is an unfortunately prominent feature of the whole Yarl's Wood project). The effect was to raise expectations by two organisations that they should assume control. The practical implications of this on the night are clear. While I understand Group 4’s decision to retain a separate protocol with the police, notwithstanding the existence of that between IND and the Prison Service, hindsight suggests the decision was misguided and led to confusion of roles and responsibilities.

I recommend that IND and GSL resolve the matter of twin protocols as a matter of priority since it is presumably replicated in relation to all GSL’s immigration establishments.

Problems on the night

By the time the disturbance was brought to a close, there were large numbers of all the emergency services present. The Bronze Commander said that one learning point from the evening was that, although Chief Supt Comb had been very good to work with, the police and Prison Service did not work well together on the ground floor. He said there had been a constant battle between the two bodies.

The member of the Prison Service National Operations Unit who was in the Gold suite confirmed there were problems over who was in control. This was not at senior manager (Silver) level, but lower down the ranks. He pointed out that the police and Prison Service had never worked in this way before (though they have done so since at HMP Lincoln). Respective roles, primacy etc. were therefore far from clear. Neither were the two organisations fully cognisant of each other’s ways of working. The police attended Prison Service training workshops and took part in working scenarios, but it was not with a view to taking over the running of a prison should the need arise. It was not related to incident management as such. Police public order responses were akin to Tornado unit operations, but they were not the same. He described management of the incident as problematic.

The lack of familiarity with each other’s ways of working apparently influenced the Bronze Commander’s thinking on the timing of the intervention. Mr Watson told me:

“The Bronze Commander wanted to implement the intervention plan with Prison Service staff rather than police units because he was familiar with Tornado teams – they had a mutual understanding and a common approach which would make it easier to work together – and they were experienced at dealing with similar situations in similar enclosed environments. It would also simplify lines of command.”
Both Chief Supt Comb and DCC Dixon also identified lack of familiarity with each others' ways of working as an issue. DCC Dixon suggested that there would be real merit in discussing on a national basis arrangements for Prison Service Tornado units and the police to work together. There was a need for a training protocol as the two agencies had different areas of expertise. He said he was seeking to take this issue forward. Chief Supt Comb also suggested there was a need for joint training between Tornado units and PSUs. I endorse both proposals.

I recommend that the police and the Prison Service pursue on a national basis arrangements for Prison Service Tornado units and the police to work together and for a training protocol.

Lines of communication also presented problems. Cmdr Gerrard told me that messages were very confused. Information about casualties came from the police, while it was the Fire and Rescue Service who reported that all staff were accounted for. In his statement to the police, he said:

“I was made aware that a joint Group 4/Police Silver command had been established at the detention centre. In all other incidents in which I have been involved I have been able to communicate direct with the Police Service incident officer (PIO) at the scene. I have a national responsibility for training of senior police officers in this type of incident and the liaison between the police adviser in Gold and the PIO forms part of that training. (At no time during the Yarl's Wood incident was I able to communicate direct with the PIO who I understood to be Chief Superintendent Geoff Comb) …”

Cmdr Gerrard told me that he had attended the Gold suite hundreds of times during his six years as police adviser. The Yarl's Wood incident was the most serious, given the combination of disturbance, fire, escapes, staff withdrawal and alleged hostage taking. He said the expertise available for such incidents varied enormously. Sometimes the Gold Commander could be quite inexperienced; Silver commanders were more often so. (Cmdr Gerrard added that he was an advocate of the Scottish Prison Service model whereby a cadre of staff attended and controlled every incident, thereby ensuring the quality of the teams.) He assessed Mr Shaw as a capable and effective Gold Commander, albeit that Gold's position was somewhat anomalous as he was “not really Gold Commander” for the incident.

Mr Shaw expressed to the police his concerns about lack of communication:

“My major concern at this early stage of the incident was that David Watson did not have a command team available to him to liaise with my team. Therefore I was unable to ascertain all the facts and acting blind as Gold Commander.”

Mr Hampton said:

"In view of the communication problems, I was especially concerned that the Group 4 Silver commander, David Watson, was not keeping the Prison Service Gold Commander, David Shaw, regularly informed of what was happening. Most of the information available to us was coming from Immigration Service, police, Prison Service and other Emergency Services on site via their respective contacts in the Prison Service command suite rather than Group 4. As I recall, I only spoke to David Watson once throughout the
Mr Watson took a different view. He told Mr Moore:

“The main roles were fulfilled by ourselves with appropriate liaison with the emergency services. Given all that was going on I am satisfied that internally there was good communication. Both the Prison Service and police had Gold suites. I was in regular contact with the former ... We integrated the police into the command structure ...”

“... Gold at Prison Service Headquarters had simply sought information through update briefings from myself. I do not recollect that advice or direction had been given to me.

“David Shaw who was the Prison Service Gold and I had quite regular telephone contact ... I would try to keep to the timetable that he set at each call for a return call ... I didn’t always manage to achieve precisely the time that David might have liked but I did my best whilst also trying to make sure that I dealt with the other things that seemed at the time to be more urgent or important.”

Mr Watson added, in his letter of 13 October 2004, that the Silver and Gold logs and the Gold suite tapes would show that he kept in contact with Gold. He also refuted the suggestion that Gold was “acting blind” as they were able to watch events unfold on screen in the Gold suite.

Mr Jasper agreed that the communications difficulty had been in getting information from Gold. He said that he could not recall Mr Watson getting advice from Prison Service Gold, and that it had been more a case of Mr Watson telling Gold what was happening. Mr Jasper had had no communication with the police except with Chief Supt Comb, and no communication with Prison Service Gold. (Mr Shaw complained on the phone to Mr Narey that Mr Jasper had not even “had the courtesy” to speak to him all night.)

Mr Watson acknowledged, however, that he did not seek Gold’s approval for the plan formulated by the Bronze Commander. Mr Hampton said he had subsequently heard that Mr Watson had formulated an intervention plan, but that the Gold suite were unaware of this at the time. Mr Watson said:

“Prison Service Gold was made aware of our intentions but did not request details of the plan from me, nor did he offer advice or guidance on tactics. In fact, he did not offer any advice or guidance all night.”

**Assessment**

The lack of information from Silver to Gold is especially worrying since it meant that Mr Shaw was, as he said, “acting blind”. In light of this, and the lack of any site plans, it is hardly surprising if he offered little advice. This may or may not have affected the outcome. The delay in intervening was apparently due to insufficient staff being available to implement the plan. Gold might have taken a different view on what action was necessary or suggested alternative interim strategies which might have helped better to contain the incident until such time as it could be resolved.

I recommend that IND ensures plans and other relevant documents for each centre are placed in the Prison Service Gold command suite.
Numbers

Along with all the other confusion and lack of information, nobody was able to say with any certainty how many detainees or staff there were at the centre. Mr Shaw said in his police statement:

“At 22:43 Silver informed me that he now believed ‘430 detainees were on the rampage’. I again contacted the Director General and informed him of my concerns. They were — that at this stage David Watson … had no firm idea on how many [detainees] were at large. He was also unclear on how many staff he had on duty and therefore was unable to accurately account for his staff.

“I would also add that over the ten or so years I have acted as Silver or Gold Commander … I have never experienced Silver command not knowing how many prisoners or staff he or she has on the premises. David Watson is a former governor of a prison and I would have expected him to have this information available to him.”

Chief Supt Comb said he had become exasperated about this and made strong calls to his Gold Commander. There were still people in the building, but no-one could give him any numbers. The following morning, he was still not 100 per cent certain that all staff were accounted for. He said that knowing how many staff you had was a routine part of managing any incident so that you could quickly identify when someone had gone missing.

Cmdr Gerrard was similarly unimpressed. During my conversation with him, he repeatedly referred to the lack of information about numbers about detainees. This was quite unique in his experience. Numbers still were not fixed by the time his tour finished at 9:00 am the next morning. He never discovered how many had escaped.

DCC Dixon was similarly critical of Group 4’s and the Immigration Service’s inability to say with any certainly how many were on site at the time of the fire. It had taken two weeks to get a figure. This had been caused in part by lack of communication between Group 4, the Immigration Service and Wackenhut, but the lack of accurate records was “atrocious”. DCC Dixon said the police on one occasion had been given two photos of the same man each with a different name.

The question of numbers has been a cause for concern for many, including those who believe that there may indeed have been fatalities on 14 February. One journalist informed me:

“I rang the Home Office press office for information on the number still missing since the fire. Last I was told was at the end of August [2003] when the figure was 14 missing, intelligence on 11 … a press officer [a] couple of days ago ... said ‘There has been no change, it is as it was. Obviously check with the various police forces.’ Meanwhile Beds police say … as far as they last knew which was months ago, five were unaccounted for. The press officer there referred me to the Immigration press. I have heard several variations on the numbers now.”

Dr Mace explained that one of the problems with determining the roll was that the centre did not provide Detainee Escorting and Population Management Unit (DEPMU) with a daily list of names. Roll call was taken at 12:00, but movements
both in and out were arranged after that period. In addition, the database used by DEPMU was not real-time.

The Chief Immigration Officer at Yarl’s Wood said a system had been agreed to computerise records of numbers of detainees, but DEPMU had not been staffed to keep data up to date. Although daily lists were sent stating where detainees were placed, they did not take into account those in transit. He noted that DEPMU had sometimes been unaware of detainees in transit with removal directions, and had had to check with IS where these detainees were. Similarly, a detainee could be dropped off at a detention centre and, until they were processed through reception, the centre’s records would say that the detainee was not there. He had not been surprised that the roll had been uncertain on 14 February. He thought now that the roll had been 385, “give or take one or two”.

From Group 4’s perspective, Mr Jasper advised that, as DEPMU issued movement orders, they should know where all the detainees were at all times. The detainee information system in place at Yarl’s Wood (and other centres) only recorded those detainees who had been through the reception and/or discharge process. Those waiting to be processed in reception, therefore, would not have been entered on the Detainee Information System.

The Inspector in charge of DEPMU said DEPMU did not receive daily reports on numbers in each centre. Nor did they (or do they) operate a real time record of moves. They simply have information about moves that are due to take place during the course of a day. They had no way of knowing whether particular moves had taken place – and did not need to. She thought that, even now, their records were only about 85 per cent accurate. There were, however, plans for a single bar-coded file to accompany the detainee. This would be “wanded in” when the detainee arrived at a new centre.

Assessment

Given that there was an unknown number of escapes on the night, precise numbers became something of an irrelevance in managing the situation as it would not have been possible to know whether someone was trapped or was hiding in the building or had escaped. Nevertheless, although I can see how the situation came about, I share others’ incredulity that no-one has been able to say with absolute certainty how many detainees were present at Yarl’s Wood on 14 February or how many escaped. In other circumstances, this information could be crucial to saving lives and to drawing up appropriate intervention strategies. In any case, keeping an accurate roll is the most fundamental task in any closed institution. If an establishment does not know how many it holds, it cannot be certain that no-one has escaped.

The police went to great efforts to reconstruct the roll and believe they finally achieved an accurate figure. However, witnesses from IND doubted that the roll on the night has ever been (or ever could be) authoritatively established. I admit to sharing these doubts.

I attach a list of the known escapees and what happened to them at Annex 6.

**I recommend that Group 4 reviews its roll count procedures to ensure they are accurate and efficiently carried out.**

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45 In his letter to me of 13 October, Mr Watson explicitly refuted this, saying that centres provided a roll to DEPMU twice daily.
I also recommend that a computerised system of real time tracking be introduced to show exactly where a given detainee is at any time – that is, in a centre, in transit or whatever. This should not rely on the completion of protracted reception procedures.

Zoning and location issues

In the Woolf Report, it is suggested that a disturbance could be contained, and prevented from involving those not in the immediate vicinity, by zoning. Woolf referred to such gates as “firebreaks”, and suggested that they should be used to prevent the congregation of more than about 70 prisoners.

At a late stage, Group 4 had introduced into the design a facility to zone down the building. The gates had to be locked manually, however, as opposed to centrally. In addition, all locks were on a single suite, meaning that, every gate could be opened with a single key. (There were no class 1 locks in the centre.46) Finally, magnetic doors and windows that automatically released when the fire alarm went off further undermined the possibility of containing the disturbance.

One DCO reported hearing an order to ‘lock down’. A couple of DCOs told the police that they considered closing off the gates, but were frightened that detainees might reach them before they were able to do so. In addition, and in any case, as Mr Watson explained:

“The early key compromise, which allowed for the potential for open movement for detainees across the site, reduced our confidence in being able to zone down, hold or control areas. Even without the key compromise, we could not have been confident of our ability to constrain the movements of the rioters because the magnetically locked doors and external windows could be breached allowing detainees to gain relative ease of movement around the centre. This point contributed to our initial defensive strategy. The need to defend the administration building … and the number of access points stretched staff resources early on.”

Assessment

The Woolf Report advocated remotely-operated locks for zone gates. This stemmed from the fact that during the April 1990 disturbances prisoners were able to take keys from officers and use them to access other parts of the establishment. This was precisely the scenario at Yarl’s Wood.

I recommend that the use of remotely-operated locks for zone gates be considered in all future removal centre designs, taking account of any fire safety requirements.

Prison Service Construction Services produced for Mr Moore a report on the Yarl’s Wood building. They were critical of the siting and structure of the communications and control rooms:

a) detainees had access to the building and in particular the area directly below the communication/control rooms (communication/ control

46 Class 1 locks operate on a different key suite to the more common class 2 locks. They are in place in many prisons as an additional measure to secure individual wings or units at night.
rooms are normally situated in a discrete, safe and secure area away from main operational functions).

b) Fire rating was no greater than the general level, once breached the rooms would become un-inhabitable (by inference, these rooms are staffed during an incident and should be adequately protected).

c) No direct access/egress for staff to these rooms from a safe location.

d) Mesh is an inappropriate security protection measure in this instance.

“These factors would not allow staff to have the confidence to occupy these rooms with an incident in progress, especially as the administration building is a logical target for people wishing to cause disruption and has no physical controls to restrict them.

“Siting these functions in the building must put them at high risk.”

In briefing for the Permanent Secretary, Mr Gieve, after the fire, Mr Brewer explained that:

“"The communications room was in the central services area, that is located at the front of the establishment, with a small corridor linking it to the mixed accommodation centre. Given that detainees had access to pass keys, they could have, in theory, gained access to the communications room. The Prison Service specification for a communications room would dictate that it must be located in an inmate free area, and if on the first floor, or higher, above an inmate free area. Policy in this area within IND clearly needs to change."

I am reminded of Sir James Hennessy’s recommendation that, “consideration needs to be given to siting control rooms … so that their integrity can be preserved”. The location of the communications room and Silver suite at Yarl's Wood was quite extraordinary. Certainly, it should be the first priority in any custodial setting to ensure the integrity of the command facilities. I find it difficult to believe that Prison Service personnel would ever have signed off a design where the Silver suite was so vulnerable. IND must ensure that it will never happen again.

I recommend that IND reviews the location of command suites in existing and future removal centres.

Failure to learn the lessons

Given that any major incident will differ in some respects from others, it is unlikely that any could be handled in textbook fashion. There are always things that, with hindsight, could have been dealt with better. The purpose of post-incident debriefs and inquiries is to ensure that any lessons are captured for future reference so that the same mistakes are not replicated.

Campsfield House, also managed by Group 4, has experienced a number of instances of disorder since it opened (these are described at Annex 5). Lessons about causes and about the handling of serious incidents was therefore readily available. The most recent disturbance at Campsfield House took place just three months before that at Yarl's Wood. A number of points about the handling of the
incident were identified during a structured de-brief and an inquiry conducted by Mr Moore. Some of these were as follows:

- there was some confusion about the role of Prison Service Gold in terms of overall command of the incident. Mr Moore had concerns about the command structure and how well it was understood;
- there was felt to have been a lack of clarity in protocols between agencies, and expectations about their responses;
- contingency plans catered either for a fire or disorder within the unit, but not both; and
- there appeared to be no common sets of maps or plans held by the various agencies.

There were also problems with the establishing and management of Group 4 Silver command. The management of the volume of information flowing in, the level of noise from the numbers of people present, and equipment such as mobile phones, made for a confused environment in which it was difficult readily to identify a command structure, and the work required to be done. Mr Moore also noted that the command suite had become a “fairly chaotic place … There were too many people in there and ‘gatekeeping’ arrangements did not work.” In particular, he highlighted an issue with the Group 4 Gold Commanders turning up in the Silver suite.

Worryingly, it appears that these lessons were not taken on board prior to the incident at Yarl’s Wood. I have already referred to the lack of clarity over the respective roles of the police, Prison Service, IND and the contractor at Yarl’s Wood and the lack of maps and plans.

Similarly, there appears to have been a failure to learn the lessons about management of the Silver suite. Evidence from a number of sources suggests that there was a large volume of traffic through the suite. The Bronze Commander said the command suite was very chaotic and “totally alien” from anything he had come across before. There were none of the usual structures and resources. The Fire Brigade, police, Immigration Service staff and the Bronze Commander were all present.

Chief Supt Comb was sympathetic to Mr Watson, but said he appeared to take a “fair few” phone calls during the night. These and the several sources of advice in the Silver suite might not have helped his management of the incident. He said Mr Watson would have been well advised to “get people out of his face”.

The potential for confusion was exacerbated by people being in the control room who should not have been there. Mr Jasper, who was supposed to be relief Silver commander (and who was also Mr Watson’s line manager) attended the centre just after midnight. In a letter to me dated 12 October 2004, Mr Jasper explained that the purpose of his attendance in the Silver suite was to enable him to gain an understanding of the incident by observing what was happening in ‘real time’. By that action, he would be better positioned and informed had it been appropriate for him to relieve Mr Watson. He stressed that he did not interfere in the decision making process or call Mr Watson from the suite to brief him, thus interfering with his thought process.

Nevertheless, his presence may have complicated the already difficult relationships in evidence during the incident. Indeed, Mr Milliken said he did not understand why Mr Jasper was in the Silver suite. However, he said that he had not been aware of
any discussion about who was in command and that it had been his impression that Mr Jasper had been in the background.

Dr Mace also attended the site in the early hours of 15 February. He told me that he did so in order to understand what was going on. He was aware of confusion over command and control of the incident and made his role clear from the outset. He considered his presence had been helpful in terms of his being able to explain to Mr Narey the intense operational pressures at the site. This had resulted in a staged withdrawal by the Prison Service. Dr Mace also believed that, as a result of his attendance, he was better placed to identify operation difficulties prior to the incident and to make immediate changes.

Chief Supt Comb said Dr Mace had appeared at about 4 am and said straightaway that he was not part of the management structure but was there purely to lend support. He did not interfere in any way with the police operation.

Mr Hampton said he was initially lukewarm about Dr Mace going and thought that perhaps he should not have done so. However, he said that we should not be too critical, that his motives were benign and that he was not aware of any feedback to suggest that Dr Mace was in the way. He also said that he believed Dr Mace was able to be objective about the situation even though on site.

Mr Boys Smith recalled that Dr Mace had gone to the site. He said that this was indicative of Dr Mace’s hands-on style. However, Mr Narey’s strongly expressed view had been that Dr Mace’s going had muddied the waters.

Mr Brewer shared Mr Narey’s view. He said he did not see Dr Mace but was conscious of demands communicated from him. Mr Brewer felt this confused the command structure.

I recommend that

- Contractors be required to draw up and implement action plans following any serious incident. The plans should incorporate all lessons learned and, where those lessons are generic, should be applied across all the contractor’s centres;
- IND monitors implementation within agreed timescales;
- IND ensures that contractors prepare contingency plans for multi-faceted incidents; and
- GSL reviews training for its senior managers to ensure they are fully prepared to manage command suites.

Could the incident have been resolved earlier?

Commenting on the draft of Mr Moore’s second report, the police challenged the suggestion that, “Local incident commanders were faced with managing a rapidly deteriorating situation with a paucity of information and intelligence.” They said the incident was one of concerted indiscipline which went unchecked and that:

“... substantial intelligence as to what was occurring was available at least initially from the CCTV system and telephone and radio communications. This made the failure to intervene at an early stage even more central.”
DCC Dixon felt that, whilst appreciating the confusion during such incidents, more could and should have been done during the first hour. He considered that if Group 4 had got to grips with the situation at that time, the rest could have been prevented. They had attempted an intervention, but on finding the detainees more confrontational than they expected, had withdrawn and not gone back. DCC Dixon explained that risks needed to be taken in managing an incident of this type. He suggested that the proper course of action would have been to respond robustly early on, even with limited resources. A show of strength might have been all that was necessary. (This appears also to have been the view of some detainees.) As it was, detainees had found themselves unchallenged and had therefore gone from one form of destruction to another, gaining in confidence all the time.

Mr Jasper said he was aware that a view had been expressed regarding an early show of force. He considered that this would have been difficult, however. It was uncertain what a small C&R team would have been able to do with 300 detainees (all potentially violent) and with no CCTV cameras to provide information as to the scale of the incident and location of those involved.

Mr Jasper argued that the fundamental strategy in this situation had to be a consolidation of resources (as noted by Mr Moore in his report on the management of the Campsfield House incident in November 2001). Had Mr Watson sent a small team into an unknown situation, it was uncertain what might have happened. Mr Jasper (himself an ex-police officer) considered that a commander should err on the side of caution and that one team would have had no chance of resolving a serious disturbance. Neither was he sure that it would have been wise for the police to have sent in all of their available resources immediately (albeit that, in his view, they could have gone in under the provisions of the Public Order Act).

One DCO was bemused that he had not been asked to attend on the night:

“I do not know why I was not called out to the riot/fire incident on 14 February and have heard various rumours as to why many of us who were C&R advanced trained, were not called out. They could barely make up one unit of C&R trained DCOs. This is what I have been told. When I say this I do mean 'advanced' C&R trained, as ordinary C&R training is extremely basic.”

A number of statements refer to staff being off duty at the time of the incident and being phoned by colleagues and agreeing to attend. None was called in by Group 4. Mr Watson told us that this was a deliberate policy:

“However, my priority had been to contact the police and Prison Service who could provide strength in numbers using a minimum of phone calls. This effectively ruled out phoning round off-duty staff as it would have been very resource intensive with unpredictable results. In any case we had seven PSUs and 12 Tornado units present or coming.”

Chief Supt Comb emphasised that it had been a “really, really difficult” situation. There were huge logistical difficulties, and if you were going to go in, you had to be in a position to win. Nevertheless, he believed that, after 11 pm, there was sufficient back-up available to effect an intervention plan. He believed Mr Watson should have been more positive.

The Bronze Commander was adamant, however, that there had not been sufficient resources at 11 pm. It inevitably took time for all the units to arrive. (Mr Hampton told me that delay in Prison Service Tornado units arriving was inevitable as some
had journey times of up to four hours. The first units had arrived relatively quickly.) The Bronze Commander did not believe it would have been possible to intervene sooner, whichever intervention plan was used. He said that he would have had sufficient resources to implement his plan at the time primacy was handed over. In fact, he did not think he would have needed to draw on police resources. On the contrary, there were too many personnel and he had not used all the Prison Service staff available to him when effecting his part of the intervention plan. There had been roughly equal numbers of police and Prison Service staff. Tornado units had been deployed to Yarl’s Wood in the belief that they would be dealing with the situation themselves – hence the large numbers in attendance. It was purely a coincidence of timing that the police were given primacy at the same time that sufficient manpower became available.

Mr Watson thought action was taken as soon as it was practicably possible to do so. The difficulty was a lack of adequate resources. Prison Service back up had not started to arrive until almost 10 pm:

“… two unspecified Tornado team personnel (rather than whole units) at 21:56; Bedford HMP Tornado teams (22:30); Thames Valley Police PSUs (around 23:00); HMP Wellingborough (23:17); HMP Woodhill (00:07); Metropolitan Police PSUs (00:25).”

Mr Watson believed it would not have been appropriate to intervene without adequate Prison Service resources. Referring to the Bronze Commander’s wish to use only Prison Service personnel, Mr Watson said:

“I trusted [his] judgment and was comfortable with this decision … I do not believe that had he decided to carry out the plan with police resources, the plan could have been implemented earlier. The intervention plan was implemented at the earliest possible opportunity when we had sufficient staff to do so.”

He went on:

“It has also been suggested that an early intervention could have resolved the incident. I doubt this. The incident was of a scale and complexity that challenged our resources. In my experience prisons would not have coped any better (bar more favourable construction) and the police did not have sufficient resources available immediately. Our response was cautious, defensive and generally safe.

“With hindsight … it is not clear to me that I should have handled the incident differently. The first difficulty was simply the scale, magnitude and the speed of escalation … difficulties were caused by the large number of concurrent and consecutive incidents and the large number of participants … the loss of closed circuit television cameras deprived us of intelligence on what was happening within the building. We retained our perimeter cameras, but without those within the building, it became difficult to form a full and accurate assessment of exactly what was happening. “

It is worth noting that Group 4 also withdrew quickly at Campsfield House to await reinforcements and that Mr Moore’s report into that disturbance endorsed their approach.
I asked some of those involved about Mr Watson’s performance as Silver command. Mr Milliken said that Mr Watson had delegated tasks and briefed others appropriately. The situation was chaotic due to the movement of the Silver suite and shortage of personnel to fulfil all roles. He believed that steps had been taken to hold the centre effectively and that Mr Watson had used his resources appropriately.

Referring to speculation that the incident had been poorly managed, Mr Milliken said that he believed that, given the speed at which the incident escalated and the complexity of the situation, the response of the team at Yarl’s Wood compared favourably with that of the Prison Service in other such incidents. He believed that Group 4, Prison Service and police staff had all done a good job. Injuries had been few and generally fairly minor and there had been no fatalities. He said that the main difference with this incident was the damage caused by the fire. This was down to the construction materials. It was regrettable that the level of publicity and political impact had not reflected this.

Mr Jasper said he had been confident that the senior management team at Yarl’s Wood was very experienced and was familiar with dealing with serious incidents. Mr Watson had clearly been in control until Mr Shaw told him to cede responsibility. At this, he had physically moved away from the table and left it to Chief Supt Comb.

Cmdr Gerrard noted that there was no sign of any relief for Mr Watson by 8 am. He considered this to have been very poor practice on Group 4’s part.

I asked Mr Jasper if Mr Watson had been in charge for too long. Mr Jasper explained that, in any serious incident, he and the relevant centre manager would work in 12-hour shifts until the incident was resolved. When Mr Watson first alerted him to the incident, he had asked Mr Watson to keep him informed and told him that he would go to the centre at 6am to relieve him if the incident was not resolved. When the incident had escalated, he had gone to the centre to assist. Mr Watson had remained in charge, but he (Mr Jasper) could have taken over at any time if he had not been satisfied with Mr Watson’s command. The Gold Commander had been Mr Stephen Brown (Deputy Chief Operating Officer, Group 4) and Mr Jasper noted that he had contacted Mr Brown during the night to update him regarding the incident.

The member of the Prison Service National Operations Unit who assisted in the Gold suite said he had considerable sympathy for Mr Watson. He said it was a really serious incident. They had been able to watch pictures of it in the Gold command suite. It was awful. The fire was very intense, with the metal framework of the building melting very quickly. They did not know if people were trapped inside (in fact, he did not know until we spoke that there had been no fatalities). He said it was amazing that nobody was killed. Mr Watson had been in really dire straits because of the seriousness and complexity of the incident. Even the police, with their public order experience, had had difficulty bringing the detainees under control. In addition, Mr Watson was having to manage the incident from a car park via a phone that was rapidly losing power.

Views on the scale of the incident vary. The police have consistently taken the line that it was a case of concerted indiscipline that was allowed to get out of hand. Mr Martin Shipp of the British Research Establishment (BRE) described the fire as only “moderately big”. On the other hand, Cmdr Gerrard and the Bronze Commander

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47 Mr Shipp is Associate Director of FRS (the Fire Division of BRE (formerly the Fire Research Station)) and Business Area Manager for Fire Engineering and Fire Management. He is
both agreed that it was among the most serious with which they had been involved. The member of the Prison Service who watched events unfold on the screen in the Gold command suite also described it as a “really serious incident” and “awful”. I have watched police video footage of it and agree with the latter view.

It was undoubtedly a complex incident involving, inter alia, key and radio compromise, hostage taking, threats to life, damage to the fabric of the building, a breach of the perimeter fence and fire. Any one of these would have tested a centre still in its infancy. No lives were lost and physical injuries mercifully few. However, half a centre, built at a cost of £69 million lay in ruins.

The police have suggested that Mr Watson could have resolved the incident earlier by a robust show of force. Mr Watson’s judgement was that the outcome of such an intervention was doubtful and might have put lives at risk.

It is, of course, simply not possible to say whether an early show of strength on 14 February would have nipped the incident in the bud or whether it would have led to injuries to staff and detainees, possibly provoking further violence to staff. The centre manager and his colleagues had a responsibility to detainees and to the authority – and they also had a responsibility to their staff. Anyone managing such a situation would need to be pretty confident of a successful outcome to risk putting their staff into such a situation. Early intervention might have been difficult and protracted and could have put both detainees and staff at risk.

Should Mr Watson at least have effected a rescue attempt for those staff trapped in the office? One of my colleagues has spoken to some of the staff involved. We are under no illusions about how frightened they were and about the emotional scars left by the night. From this position, however, I simply cannot say whether Mr Watson’s decision not to act was right or wrong. Had he tried to intervene and caused staff to become injured (or worse) he would have been roundly criticised. In the event, none of his staff came to physical harm. No-one would envy him the decision.

Nor do I doubt the cost to Mr Watson of the decisions he made. It was clear to me when I spoke to him, that Mr Watson still lives with the events of 14/15 February and the responsibility he bore during the disturbance.

**Staffing on the night**

It has been suggested that there may have been too few staff on duty on the night of 14 February. The Bedfordshire on Sunday reported on 24 February 2002:

> "Group 4 says there were 60 staff on duty on the night of the riot - as laid down in Home Office guidelines … It is claimed there were only six guards on duty in Delta block … to deal with around 100 detainees."

Staff to whom we spoke expressed concern generally about shortage of staff at the centre, and on the night itself. They said they would have expected more staff to have been put on because of warnings of trouble. They also thought more advanced trained C&R staff should have been on duty. Indeed, we were told that the centre appeared to have been particularly short-staffed on the night. Staff we spoke to noted that Group 4 said after the fire that there were 60 staff on duty. However, there

amongst the leading experts in investigating the effects of fire and has probably been involved in more major fire inquiries than anyone else in the country.
seemed only to be trickle of officers. They said it felt as though there were perhaps 40 or 50 staff on duty.

One of the DCOs who was trapped in the wing office told me that the male unit had normally been under-staffed, but on the night of the fire this had been further compounded by the fact that some staff had been re-allocated to the secure unit where a large number of detainees were being held. Five had been left to staff the male unit but, when three of these were allocated to deal with the restraint of Ms E, this left one DCO in the wing office and only one to patrol the wing.

In answer to a question from Ann Widdecombe MP on 8 March 2002, the Home Secretary said that there were 51 staff on duty on the night of 14 February. He said that a category C prison in similar circumstances would have around 38 staff on duty.

Group 4’s schedule for 14 February shows that 72 staff were on duty:

- 37 night-shift (including three supervisors)
- 18 ‘A’ staff (9 am – 9 pm) (including one supervisor)
- 17 education/activities staff (all of whom were DCOs).

In response to Mr Moore’s draft report, the police advised caution when referring to the number of staff on duty that night. Police inquiries revealed some discrepancies between those on Group 4’s list of staff and those who were actually there on the night - at least one DCO who is recorded as on duty on Group 4 lists told police that she was not working at the time of the disturbance. Although it has not proved possible comprehensively to reconcile the two accounts, however, it seems likely that there were around 68 staff on duty at the time of the disturbance, four supervisors, four shift managers and two duty managers.

In response to Mr Moore’s draft report, the police also said:

"We would also advise that you may not have had access to … the contract requirements in respect of the availability of advanced C&R trained personnel at Yarl’s Wood and a number of other pertinent matters."

The contract requires the contractor to have a minimum of 60 members of staff in the employ of the centre who have been trained in advanced C&R techniques at the Prison Service training establishments, and also to have a qualified C&R instructor on duty, on site, at all times. There is no requirement as to the number of advanced C&R trained staff on duty at any given time.

Added to the numbers, there was a question of experience. The Chief Immigration Officer at Yarl’s Wood told Mr Moore:

“It just so happened there was almost a brand new shift … I think it was their first day’s duty when they were there. There was a mixture of established staff and new ones but there was at least a quarter of staff on that day it was their first day’s duty at the centre.”

This is borne out by some of the statements made to the police.

Mr Watson said:
"With regard to staffing levels on Delta wing that evening, it is my view that they were on a par or in excess of staff levels which would have been required had all parts of the centre been operational. Certainly, they were on a par with levels in an equivalent size Young Offenders Institution or medium security category prison. I am confident that staff numbers were appropriate for detainee numbers on that evening."

I have made enquiries of a number of category C prisons to determine their staffing levels during association periods – the time that most closely equates to the normal conditions of Yarl's Wood. Of course, there is no single answer as different considerations impact on staffing levels even between wings at the same prison. A very rough and ready calculation suggests, however, that staffing runs at between two and six members of staff per 100 prisoners.

The schedule of DCOs on duty on 14 February produced by a police officer for the trial (from the centre's original attendance sheets) reveals that staff on duty at 6:30 pm totalled 93. According to the police schedule, 44 staff were working the 7 pm – 7 am shift. The latter equates to a ratio of 15 members of staff per 100 detainees - markedly higher than the mean staffing levels in category C prisons.

However, the figures for category C prisons relate to the number of officers on the wing. According to a list of staff allocation supplied to the police by Norton Rose solicitors, four wing staff were scheduled to be on duty on each of the adult wings, with two members of staff in the family wing. On the Delta (male) unit, there were 247 single male detainees and four wing staff, a ratio of 1.6 members of staff per 100 detainees. This ratio is low when compared with levels of staffing during association periods in category C prisons.

I am struck by this difference in staffing levels. The Yarl's Wood contract referred only to Group 4 providing 'suitable levels' of staff. I am aware that IND rejected Group 4’s assessment of optimum staffing levels for the centre and of Mr Watson’s judgement that the staffing levels would have been too low once the centre was fully operational. I assume IND's position reflected their expectations of a compliant population.

I recommend that the question of staffing levels be reviewed to assess if future contracts should contain more prescriptive requirements in relation to staff numbers.

It also seems odd that the contract should stipulate the number of advanced C&R trained staff but be silent on the number required actually to be present in the centre. I appreciate the need to have staff upon whom to call during an incident, but equally, there should be sufficient numbers immediately on hand to deal with any incidents arising.

I recommend that IND reviews with contractors those sections of contracts dealing with advanced C&R.

Regulatory issues

There were also concerns about management of fire safety at the centre. I refer later to staff’s unhappiness that their training generally and specifically in relation to fire safety was inadequate. In addition, I quote from a number of notes written during Yarl's Wood's first period of operation, which suggest that maintenance was poor. On the night, however, there was evidence of:
• Incorrect fire signage. Some doors were marked as exits that clearly were not intended as such, while some intended exits were not marked.48
• The magnetically operated doors not opening.
• Some key operated exits being left locked during the fire.
• The fire alarm system having defects and failing to operate properly in the period running up to the fire.
• Problems with many fire doors.

In addition, I understand that the contingency plans instructed that detainees should be escorted to courtyards which themselves might have become vulnerable in cases of major fire. In order to escape from these, they would have had to re-enter the buildings.49 Finally, there were conflicting instructions in the contingency plans, and some areas of the centre were omitted altogether.

Mr Shipp told me that the more sophisticated the engineered fire safety system, the more important it was to get everything absolutely right. He pointed out that often it was not possible to know whether a system worked until there was a fire. Mr Shipp commented that a lot of the safety systems in place related to the management of the building.

He noted the issue about labelling of fire doors. Some were marked as fire exits, but a Group 4 employee had told Mr Shipp that they were merely access doors, as they led to the perimeter. The doors had remained locked throughout the fire. Resultant insufficiency of fire exits was not an issue, but mislabelling was. It could have had serious repercussions and would almost certainly have increased the fear felt by detainees and others. The fire doors probably closed, as they should have done, though there may have been an issue with distortion in floor levels. One of the fire exit doors had remained closed, when it should have been magnetically released. Mr Shipp advised that failures of this sort should have been identified and rectified during routine checks.

In my interview with DCC Dixon, he was critical of the management of the centre before the fire, with some recent staff and detainees never shown round the building during training or induction. There was also concern about some of the fire doors being locked. DCC Dixon said there was “no doubt whatsoever” that, had there been any deaths, a charge of corporate manslaughter would have been likely.

The accounts of those who tried to escape the building only to encounter locked doors where they expected fire exits are extremely disturbing. It was only by good fortune that there were no fatalities on 14/15 February.

I recommend that GSL reviews its fire contingency plans to ensure they are appropriate and offer adequate protection for detainees and staff.

I also recommend that GSL reviews its fire signage at all its centres and carries out regular management checks to ensure all fire safety measures are complied with.

48 Schedule D (Operational Specifications) of the contract, section 7.2 ‘Fire Prevention’ says: “The Contractor shall ensure that its policies and procedures reflect the diverse nature of the Detainee population and comply with all statutory requirements. Particular attention will be given to fire signage throughout the Detention Centre.”
49 Mr Watson explained in his letter of 13 October 2004 that this issue had been addressed before 14 February 2002. However, the contingency plans had not been changed.
Part III

Why and how Yarl’s Wood was built
Why and how Yarl’s Wood was built

Policy framework

The operation and development of immigration and asylum policies is both complex and emotive. One author suggests that the first major legislation regarding the refusal of entry to foreign nationals dates back to 1793. This stated that foreigners could be refused entry on the grounds that, “much danger may arise to the publick tranquillity from the resort and residence of aliens, unless due provisions be made in respect thereof”. An Act five years later warned of the abuse of the granting of refuge of asylum “by persons coming to this kingdom for purposes dangerous to the interests and safety thereof”. It stated the need to protect the kingdom by distinguishing between “persons who either really seek refuge and asylum from oppression and tyranny … and persons who, pretending to claim the benefit of such refuge and asylum … have or shall come to … this kingdom with hostile purposes.”

However, immigration controls are essentially a 20th century development. There were three major pieces of legislation between 1905 and 1945, followed by the Commonwealth Immigrants Acts of 1962 and 1968, two further pieces of legislation in the 1970’s, and three in the 1980’s. The Asylum and Immigration Appeals Act 1993 (allowing in-country appeals to all types of claimants) and the Asylum and Immigration Act 1996 specifically addressed the issue of asylum. The Nationality, Immigration and Asylum Act 2002 was the fourth major piece of legislation in a decade.

As the means for curbing illegal immigration and bogus asylum seeking expanded, however, so there grew simultaneously an acknowledgement of the benefits of properly controlled immigration. It is instructive to compare the prefaces to two recent White Papers. The preface to the 1998 White Paper *Fairer, Faster, Firmer: A Modern Approach to Immigration and Asylum*, set out the need to distinguish between legitimate and false asylum claims:

“The current arrangements for supporting asylum seekers are a shambles. New arrangements are needed to ensure that genuine asylum seekers are not left destitute, but which minimise the attractions of the UK to economic migrants.”

However, the present Home Secretary’s preface to the 2002 White Paper, *Secure Borders, Safe Haven: Integration with Diversity in Modern Britain*, accepts – and welcomes - the inevitability of economic migration:

“There is nothing more controversial, and yet more natural, than men and women from across the world seeking a better life for themselves and their families. Ease of communication and of transportation have transformed the time it takes to move across the globe … Yet the historic causes of homelessness, hunger or fear – conflict, war and persecution – have not disappeared. That is why economic migration and the seeking of asylum are as prevalent today as they have been at times of historic trauma … Those

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who wish to work and to contribute to the UK, as well as those who wish to seek escape from persecution, will then receive the welcome they deserve.”

This evolving policy is reflected in the legislation. The 1999 Immigration and Asylum Act, “minimised the attractions of the UK to economic migrants” by, inter alia:

- reforming immigration detention;
- giving immigration officers powers to enter and search premises, arrest without warrant, and use reasonable force;
- expanding the criminalisation of the use of deception to enter, remain, or avoid enforcement action;
- removing the responsibility for asylum-seekers from local authorities;
- introducing the use of vouchers in place of cash support; and
- introducing a “one-stop appeal procedure” and statutory bail hearings for detainees.

The Nationality, Immigration and Asylum Act 2002 sought to deliver “rational and controlled routes for economic migration with fair, but robust, procedures for dealing with those who claim asylum.” Amongst other things, it:

- introduced requirements relating to nationality including an English language test, general knowledge on UK life, and attendance at a citizenship ceremony, (the first of which took place on 26 February 2004);
- gave the Home Secretary powers to repeal an immigrant’s citizenship;
- introduced the establishment of accommodation centres to house asylum-seekers while their applications were considered;
- allowed the Home Office to withdraw support from failed asylum-seekers who refuse removal directions, extending to taking children into care in order to continue to support the child;
- allowed the Secretary of State to detain a failed asylum-seeker prior to, or if he has grounds to suspect he will make, a decision (the second power was new); and
- allowed for the removal of any refugee or asylum-seeker sentenced to more than two years’ imprisonment for a criminal offence, on the grounds that he or she is a danger to the community.

The rise in asylum-seeking

The volume of legislation – in particular, that focussing on asylum – reflected the rise in the number of asylum claims. The number of people seeking asylum in the UK increased rapidly at the beginning of the 1990s before falling back to 22,370 in 1993 (figures exclude dependants). Over the next five years, the numbers oscillated between a low of 29,640 (1996) and a high of 46,015 (1998). Thereafter, there was a significant and sustained increase to 71,160 in 1999 and 80,315 in 2000.

In contrast with those figures, the number of asylum applicants removed or departing voluntarily (again excluding dependants) was as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Number</th>
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<tbody>
<tr>
<td>1993</td>
<td>1,820</td>
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<tr>
<td>1994</td>
<td>2,220</td>
</tr>
<tr>
<td>1995</td>
<td>3,170</td>
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<tr>
<td>1996</td>
<td>4,820</td>
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52 Secure Borders, Safe Haven, Foreword.
An increase in the detention estate was foreshadowed in the 1998 White Paper, *Fairer, Faster and Firmer - A Modern Approach to Immigration and Asylum*. This pledged the Government to "consider the need for an increase in the detention estate in order to support an increased number of removals" (Summary of Proposals, para 7).

More detail was offered in paras 12.1-12.21 of the White Paper. Noting that a comprehensive, internal review of detention had been commissioned by the Government in August 1997, the White Paper said that, as resources became available, the Government was, "committed to pursuing a strategy of detaining in dedicated detention and holding centres, not prisons … use of detention centres is preferable to prisons in the vast majority of cases (paras 12.12-12.13). Importantly, however, it was stressed that: "It is likely that even in the long term, for reasons of geography, security and control, a number of detainees will need to be held in prisons."

The White Paper referred explicitly to "the more relaxed regimes in detention centres," saying these should be mirrored in prisons holding significant numbers of immigration detainees. The White Paper continued:

"Consideration of the provision for immigration detention centres will take account of the need to use prison less, to provide for men, women and discrete family units and, in all cases, to ensure effective health, safety and control. Whilst recognising the need to ensure the current number of places are efficiently used, the Government is considering the need for an increase in the detention estate to facilitate an effective immigration control and the removal of those with no authority to remain in the UK." (para 12.14)

The Government went on to announce that it accepted the view of Sir David Ramsbotham (then HM Chief Inspector of Prisons) that, "the safety of centres requires there to be a system of rules and sanctions which are clearly understood and, preferably, set out in a compact - an 'agreement' between detainees and the contractor on behalf of the State." The Government said it proposed to seek powers for statutory rules, "covering all aspects of the management and administration of detention centres … [regulating] the rights and responsibilities of detainees and of those who manage detention centres." It also said it envisaged the publication of more information about detention centre contracts, "subject to withholding only those details which are commercially confidential".

Implementation of the proposals in the White Paper came in the Immigration and Asylum Act 1999 that received Royal Assent on 11 November that year. Part VIII of the Act deals with the management and operation of detention centres and

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53 Separate statistics on immigration detainees were not routinely published by the Home Office until 2001. By the end of 2001, 1,545 people in the UK were detained solely under Immigration Act powers (Control of Immigration – Statistics United Kingdom, 2001, Home Office Statistical Bulletin 11/02). Of these, 1,280 or 83 per cent had previously sought asylum. At the end of 2003, 1,615 people were detained, of whom 1,285 had claimed asylum (Home Office. Asylum Statistics: 4th Quarter 2003 United Kingdom. Table 10).
subsequently led to promulgation of the Detention Centre Rules 2001 (Statutory Instrument 238) which came into force on 2 April 2001.

In April 2000, the Home Office was predicting 12,000 removals in 2000-01, 30,000 in 2001-02, 35,000 in 2002-03 and 57,000 in 2003-04. The then Home Secretary noted in a letter to the Chief Secretary of the Treasury dated 6 April 2001 that, “This is a massive increase in anything any Government has previously delivered – compared for example with 8,000 in the current year.”

Mr Boys Smith told me that he hoped he had played some part in developing immigration strategy to embrace removals. Ministers had signed up to this. At the same time, as a matter of government-wide policy, formal targets had been introduced; these were to change the framework and atmosphere within which an organisation such as IND was working. As Director General, he had subsequently also been involved in approving the targets. These had their basis in the discussion that followed the White Paper leading to the 1999 Immigration Act. There had been a growing perception that enforcement and removals had not kept pace with the upsurge in immigration and it had been known that a migrant’s chances of being removed were small.

**Political climate**

The political climate at the time is important in understanding much about Yarl’s Wood. Dr Mace said that, at times, IND was in the media almost daily. The coverage was very critical and suggested that there was a lack of political grip.

Mrs Barbara Roche, formerly Minister responsible for Immigration, explained that proportionally very few asylum decisions were made when she became Minister (summer 1999). The number of applications far exceeded the number of decisions made. Her focus early on, therefore, was on “decision making, decision making, decision making”. She had spent considerable time encouraging staff. Numbers of decision-makers had been increased and intensive training had been carried out.

Mrs Roche was in touch regularly with Ms Liz Lloyd (No.10 special adviser). No.10 wanted immigration and asylum sorted out. Increasing the numbers of decisions made was the main thing – but the whole process needed to be seamless – “end to end”. No.10 wanted to see things move – but then so did Mrs Roche.

Mr Ian Boon, former Director – Immigration Service Regional Operations, said that Ministers were in discussion at this time with the Treasury about funds. Lots of money was being made available to IND – some for the year 2000, and more over a three year cycle. The Treasury was concerned that money allocated to IND should be spent in the financial year(s) for which it was intended and that there should be an

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54 Mr Boys Smith was one of the three senior IND figures most closely associated with the Yarl’s Wood project. The others were Dr Mace and Mr Boon. Mr Boys Smith joined the Civil Service in 1968 as an Assistant Principal and progressed to Grade 2, taking roles in areas including the Northern Ireland Office, the Home Secretary’s Office, the prison building programme, the police department and the Treasury. He had headed the police department and from 1996 to 1998 had been director of police policy, before becoming Director General of IND. This was Mr Boys Smith’s first real involvement with IND. His previous experience with the directorate had been through roles in private office. Mr Boys Smith told me that his job had been different from that of his predecessor at IND: he likened the difference to the distinction between a Chairman of the Board and a Chief Executive.
early return on the investment. They wanted bigger and earlier outcomes. The 30,000 target was therefore moved forward.

Mrs Roche did not recall any meetings with HM Treasury, but she noted that they would have wanted targets. She thought the comprehensive spending review had only recently concluded. Although IND was hitting the right sorts of numbers on decision making, they were only removing tiny numbers. Nevertheless, she did not feel that she could not move without the Treasury breathing down her neck.

Mr Boon said IND was much more exposed to Ministers than even the Prison Service. Nothing had prepared him for the levels of contact between Ministers and IND. They were involved in the day-to-day work, especially, but not exclusively, in relation to casework where broader, sensitive issues were thrown up.

Mr Boon said that there was no sense of any bullying, but there was a sense of urgency. The figures spoke for themselves. There was a mushrooming of asylum claims and abuse of the system. While every sympathy was afforded to genuine asylum seekers, the bogus claimants had to be identified and removed.

Dr Mace told us there had been a really good partnership with Ministers and No.10 throughout. Dr Mace issued a weekly report on progress to all IND staff. It was also sent to No.10, whom he described as extremely supportive. The view was that the Government had inherited the asylum problem because of persistent under-resourcing. There was a real expectation in 1999-2001 that the approach of the then Home Secretary, Mr Jack Straw, would resolve the problems.

Mr Boys Smith said that No.10's decision, post-election (i.e. June 2001), to weigh in on immigration and asylum issues - including detention - had increased the pressure on the new Home Secretary and consequently on IND. The Prime Minister’s delivery team had been set up and had started to monitor targets. It quickly picked up on both the “2+4”\textsuperscript{55} and 30,000 targets. No.10 had had an increased input on policy, and this had tended to be on the theme of whether the policy being implemented was radical enough.

Mr Boon said he got the impression that No.10 were effectively “auditing” all IND’s work. It was clear that the necessary resources would not be forthcoming unless No.10 was kept on board. There was thus a combination of the Home Secretary, No.10 and the Treasury all driving the work forward. All underlined the need for benefits to be realised as quickly as possible.

Dr Mace said the 30,000 target suddenly took on disproportionate prominence. This had significant impact on priorities over the subsequent six months, and, taken in isolation, this was wrong.

I spoke to Ms Angela Eagle MP. She was Parliamentary Under Secretary of State for Europe, Community and Race Equality between June 2001 and May 2002, but acted as the Government’s representative on immigration matters in the House of Commons. Ms Eagle noted that the targets were public and had been agreed with the Treasury. In addition, the No.10 Delivery Unit was constantly on Ministers’ backs. Ms Eagle emphasised, however, that targets were not “the be all and end all”. She said they were important, and needed to be challenging. Nevertheless, the Home Secretary (Mr David Blunkett) would have had no problem at all in standing up

\textsuperscript{55}This refers to a new target set by the then Home Secretary of two months for the decision to be taken and four months for completion of appeal before removal was enforced.
and revising the targets if necessary. She said there was a lot of pressure on the Government to get to grips with asylum and removals, but Ministers were not getting hysterical about it. They simply tried to work through it.

Similarly, Ministers would have been relaxed about explaining to No.10 why targets had to be changed. Ms Eagle acknowledged, however, that IND officials might have felt more pressured on this point. Although Mr Brewer spoke about an inability to manage Ministers, she was certain that the culture that pertained was “absolutely” one where officials could raise concerns with Ministers and be listened to. She said Ministers would have wanted to know that the Emperor had no clothes if that was the case.

Ms Eagle described senior officials’ relationship with Ministers as “rumbustious, but not combative”. Dr Mace said what was on his mind and challenged what he did not agree with. She thought it possible that others in IND were “dazzled” by Dr Mace, however. Certainly, Ms Eagle’s perception was that there was no culture of two-way discussion inside IND. She noted IND’s very rapid expansion. She thought it possible that those lower down the ranks tended to work by rote and would be less likely to challenge anything. Ms Eagle was positive that any culture of not being able to speak up did not come from Ministers.

**How the targets came about**

Dr Mace described what he found when he arrived in IND in May 1999. He said the new caseworking IT system was not working, a re-organisation the previous January had not been successful, and staff had been decanted around Croydon in order to refurbish the main offices at Lunar House. Staff morale was very low and casework staff had lost confidence in their managers.

In the summer of 1999, there were just 70 caseworkers able to make decisions on asylum cases. Each case took 2-3 days. There were just 15 caseworkers able to handle enforcement and removal cases.

Dr Mace said that cases would frequently spend two years or more from port arrival waiting for consideration and action by a caseworker in Croydon. Many cases had been waiting for more than four years. The appeals process (spanning adjudications and court appeals) might take a further two years. Set against this, by this stage between 5,000 and 6,000 asylum applications were received each month. It was imperative that the casework operations were recovered very quickly.

Mrs Roche shared Dr Mace’s recollection of IND. She said that at the time she was appointed as the responsible Minister, IND/IS staff were demoralised. Some parts of the organisation were greatly in need of improvement, although some were very good. The previous administration had reduced the numbers of IND staff. This left

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56 Dr Mace joined the Ministry of Defence (MoD) in 1979, where he undertook rocketry research and then other scientific research. He subsequently held a range of posts in MoD – personnel, finance and strategy. He then took a posting in industry, before returning to MoD to roll out a new financial accounting system. This was an IT based programme and ran for about 18 months. In April 1999, he was invited to join IND to “fix their IT problems”. He took up post on secondment as Deputy Director General – Projects in May 1999. In due course, Dr Mace became Deputy Director General (Operations) (May 2000) spanning caseworking and the Immigration Service (IS).
very few experienced staff to deal with the subsequent, cyclical rise in applications. There were only 50 staff capable of decision making. IND was not working and decisions were not being made. Mrs Roche noted that Ministers were not there to manage, but that nevertheless, they felt the need to ask all the management questions.

Dr Mace said that, against this background, the then Home Secretary had set the new “2+4” target. At the time, this was judged impossible. The processes were far too slow. The casework resources were seriously inadequate. The policies were confused. The interim Siemens casework system did not work. There were, in addition, barely sufficient presenting officers to cope with existing requirements in the appeal tribunals. The new targets placed a tremendous burden on every part of the process.

Nevertheless, by re-organising staff and introducing new ways of working, the targets were achieved. This was a really major achievement which led, arguably, to an unrealistic assessment of what could be achieved in other contexts.

Dr Mace told me that a specific target for removals had been created in order to sharpen focus, but he did not know exactly how the 30,000 figure had been derived. However, he believed it had developed around the beginning of 2000. Ms Kate Collins (who until May 2000 was Director (Operations) in IND) and her team had worked up a rationale which generated a removal figure. Dr Mace said a lot of effort went into creating it.

Ms Collins thought that the target setting was all in the context of the attempt to gain an overall grip on asylum and the various kinds of resource (money, staff, legislation, etc) needed to achieve that. She said there was an attempt to model the process. This was not very sophisticated at the time, but was based on the reasonable assumption that an ‘effective’ IND would succeed in removing a much larger proportion of failed applicants. She could not recall the metrics (I have seen them), but believed an element of pragmatism had been built in - that is, that a proportion of failed applicants would in practice not be removable for various reasons. Ms Collins suggested that, in principle, 30,000 was not unreasonable, given that IND was dealing at the time with maybe 70-80,000 new applications a year and the refusal rate (mostly upheld by the appeals system) was high. She acknowledged, however, that the practice was rather harder. Nevertheless, removals turned into the most high profile of IND’s PSA targets - that is, what IND would deliver in return for the funding (and funding reforms) which the Treasury agreed to provide.

Dr Mace said he inherited the figure and it was progressively refined further before being added as a note to the internal IND Business Plan. Dr Mace considered the proposed removal target was reasonable given the numbers of failed asylum cases, but at that stage it was by no means clear how it would be achieved.

Mr Francis Masserick, then a Deputy Director in IND and subsequently Governor of HMP Long Lartin, told me that Mr Boon spoke at this time at an Immigration Service conference of an impending step change in the Service.57 Mr Boon had made it clear

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57 Before joining IND in June 1997, Mr Boon had worked in the Prison Service for 33 years. His last post had been as Head of Pay and Industrial Relations, where he had been for six years. Before that, he had been Area Manager for London South. Previously, he had been Governor at a number of establishments as well as Assistant Regional Director for the Midlands Regional Office.
that resources were going to be made available. Inspectors and senior managers had to be ready to act. Mr Masserick said that reference to the 30,000 target had been met with shrieks of hollow laughter. However, significant resources in terms of finance and staff were made available and things had started to happen.

Mrs Roche told me that, as the number of decisions increased, there came a need for more detention spaces. To give the process legitimacy, it was necessary to bring the number of removals more in line with the number of decisions – providing that the decisions themselves were right. Detention for some of those whose asylum claims were unfounded was necessary to ensure they actually got to the airport. It was therefore clear that more accommodation was needed. In addition, the existing accommodation was not very good and not what you would build given a free hand.

Mr Boon described the development of targets for provision of detention spaces. He explained that, towards the end of 1999, IND’s research unit produced models of patterns of illegal immigration and asylum, together with projections for likely patterns during the coming years. The work took into account a variety of possible scenarios. The thrust of the work was to say that if the rate of applicants continued to rise there would be a need to remove ‘x’ number in order to get to grips with the enforcement aspect. Removals might be voluntary or enforced.

The forecasts suggested that there would be very large numbers of illegal migrants and failed asylum seekers at large in the country unless adequate enforcement measures were taken. In turn, this led to a profile of the number of detention places necessary to effect managed removals. This work factored in the likely deterrent effect of successfully removing large numbers of people.

Mr Boon said that these models were discussed with the Home Secretary around the end of 1999 and beginning of 2000. On 16 February 2000, Mr Boon submitted a proposed strategy for reducing the asylum removals gap. His proposal was to increase the detention estate to 2,741 by the spring of 2002. This was the number of places it was calculated would be needed to enable the Immigration Service over a five year period to close the gap between refusals and removals.

Without the papers in front of her, Ms Collins told me that the 4,000 detention spaces target would have been based on similar assumptions to those which underpinned the removal target – that is, what proportion of asylum seekers needed to be detained and for how many days on average in order to ensure an effective removals policy. She recalled that the basic assumption was that temporary admission would be the norm for those awaiting a decision, with detention being used once the case had been finally refused. She said there was some data about absconder rates behind this.

Mr Paul Quibell, Assistant Director, Detention Procurement Unit, IND, told me that it was agreed that more detention places were necessary to increase the number of removals. There was no scientific formula to express the relationship between detention spaces and removals, but the rule of thumb was 8.75 removals per detention space per year.

I obtained a copy of a letter, dated 22 December 1999, from Mr Peter Wales (Enforcement Development) to a project manager for the removals gap project which suggests that 2,750 places (compare Mr Boon’s original proposal for 2,741) would meet the removals need:
“Based on a current projection of 80,000 asylum applications of whom 66 per cent are unsuccessful, this will be in the order of 50,000 to be removed. Currently, some 30 per cent depart voluntarily. If this remains constant there will still be some 30-35,000 who will require some period in detention prior to removal. Even on an assumed average stay of 30 days for each failed asylum removal, an annual requirement of 1,000,000 bed nights each year or an availability of 2,750 beds is produced. (It should be noted at least in passing that this figure takes no account of detention for those who do NOT claim asylum, a small but significant figure and an important group.)"

On 9 March 2000, after discussion with Dr Mace and Mr Boys Smith, the Home Secretary asked for advice on “how we would urgently expand detention accommodation to 4,000 places”.

Dr Mace said the decision to expand the detention estate was inspired by the Home Secretary’s suggestion that there should be more detention accommodation. He was not sure how the subsequent figure of 4,000 detention places had been calculated but suggested it was linked to the 30,000 figure - and the lengths of time in detention and the throughput being experienced at the time.

It seems likely, however, that the additional 1,250 (beyond the 2,750 calculation) detention places was as much to do with deterring potential asylum seekers as removing those that were not so deterred. Two letters illustrate this:

“You will see in particular that we are looking urgently at the Home Secretary’s requirement at expansion of the detention estate to 4000 places. We believe that this would, if feasible, have a significant deterrent effect.

“Detention is a key element in effective enforcement and it contributes to the impression potential asylum seekers have of the UK … We also believe that up to a further 1500 places would significantly enhance the deterrent effect for new asylum seekers.” (Letter from Sir David Omand (then Permanent Secretary in the Home Office) to Sir Richard Wilson (Head of the Home Civil Service), 10 March 2000.)

“The investment will deliver both tangible and intangible benefits. They will help establish arrangements to increase very significantly the number of removals of failed asylum seekers. That will of course reduce the cost of support and the demands on my support budget. But it will also send a strong message to potentially unfounded claimants that we are administering a firm immigration control. The more effective way of tackling the problem of removals is to reduce significantly the number of claimants seeking entry.” (Letter, Home Secretary to Chief Secretary to the Treasury, 14 April 2000.)

Mr Quibell said that the Home Secretary’s references to the need for up to 4,000 places determined the level of funding allocated to IND by the Treasury.

Mr Boys Smith also referred to the Treasury’s position regarding the target. The Treasury was keen on removals and it had been accepted that removals would save money by creating a disincentive to come to the UK. At the same time, a major investment in IND was being developed to speed up asylum decision taking, which could be shown to offer good value for money. Thus the Whitehall bandwagon had been rolling in favour of removals. There had been no argument of principle concerning investment in the system and the Treasury wanted a high target for
removals, as for other activities. The target had become part of IND’s card to play in obtaining money. There had been no incentive or pressure for them to disentangle the 30,000 target. It had been an internally generated figure, it had looked reasonable, and Mr Boys Smith said that he took responsibility for it. Mr Boys Smith said that he could not recall exactly how the 4,000 target related to the 30,000 target, or which came first. He could not say whether the Treasury had had a role in the 4,000 figure.

I asked Mr Straw how far the targets had been led by Ministers, how far by No.10, and how far by officials. Mr Straw said that he had made the decision on the target of 4,000 detention places and was responsible for it. His recollection was that numbers of asylum-seekers had started to rise and that, in anticipation of a new IT system for IND in November 1998, the previous administration had cut staff numbers. However, the IT system had been on the verge of collapse. It had been necessary to take radical steps and it had been recognised that the law had to be changed.

There had been pressure on the Government and on Ministers to act. Mr Straw said that he had held informal bilateral meetings and conversations with the Prime Minister regarding the need to increase the number of detention spaces. Mr Straw had asked the Prime Minister for help in obtaining money from the Treasury in order to effect the increase. Mr Straw said they were in agreement on the issue, but that his relationship with the Prime Minister was sufficiently robust that if he had believed the Prime Minister’s ideas were unachievable he would have said so.

On receipt of the Home Secretary’s request for proposals and costings for increasing the detention estate to 4,000, Mr Boys Smith instructed his officials:

“We must approach this in a positive and, to the extent necessary, unconventional way. In present circumstances … the Home Secretary will not want to be told that things cannot be done. Equally, he will want and must have frank advice on what might need to be done to deliver, however unpalatable some might be, e.g. exercising powers to override local authority planning objections, facing up to vociferous local opposition etc etc … So far the work on conventional detention capacity has been in the context of a removals strategy. There were hints in what the Home Secretary said last night of up front asylum detention as distinct from that directly related to removals.”

On 17 March 2000, Mr Boon advised the Home Secretary that to increase the immigration detention estate to 4,000 places within 9–12 months there were three main considerations:

- “Planning: the planning route will have to be 18/84 Special Urgency Notification. For Oakington that took less than 2 weeks. The normal route can take many weeks and is subject to appeal.
- Finance: For speed we would need to use capital to purchase land and buildings.
- Construction: We propose to use ‘ready to use’ (RTUs) similar to those that have been extensively used by the Prison Service in recent years. We do not yet know whether suppliers can deliver the volume that these proposals require.”

On 20 March 2000, the Home Secretary agreed the target of 4,000 places and advised he “would like it progressed as soon as possible” [emphasis in the original].
Mr Boon noted on 30 March:

“... even with Treasury approval I would want any announcement to be in broad terms ‘increase the detention estate to 4,000 over the next two years’. We are still some way from being firm on sites and planning authority. We are pulling out all known stops and looking for more to pull, but to make the announcement too specific would be foolish at this stage.”

Pressure to deliver, however, was increased by the Prime Minister taking a close and pressing interest in the question of removals:

“The Prime Minister thinks that, in the interim, we need to ensure that a greater number of those refused asylum are removed from the UK immediately. We should particularly ensure that this is the case in respect of those from countries who are particularly abusing the system, such as Central and Eastern Europe.” (Note from the Private Secretary to the Prime Minister, to the Principal Private Secretary to the Home Secretary, and copied to Home Office Ministers and IND officials, 4 April 2000.)

In May 2000, Mr Boon referred to “the exceptionally tight timetable to deliver the first phase of 1,800 additional detention places by the first quarter of the next year … Although Treasury have not yet agreed the money I have pressed on.”

In June 2000, Mr Boon wrote to Dr Mace to express his concern that the planned expansion of the detention estate might not come to fruition. He said:

“Operationally my concerns are that if we do not continue at full speed to deliver the detention expansion and the growth of enforcement resources we cannot deliver removals outputs. We must not lose sight of the objective of closing the removals gap.”

In a submission to Mrs Roche dated 7 June 2000, Mr Boon apologised for having suggested at a public meeting that asylum removal targets for the next three years were 30,000, 37,000 and 57,000. While the figures had been freely discussed for several weeks, they were not agreed Government targets. The fact that they were now (inadvertently) in the public domain, however, inevitably increased the pressure to achieve them.

It was against this background that Mr Straw announced on 23 March 2001 that, "The return of significantly higher numbers of unsuccessful applicants will be the focus of asylum efforts" during the financial year 2001-2002. He also announced a target to return 30,000 failed asylum seekers (equivalent to about 24,000 principal applicants plus 6,000 dependants). Amongst a raft of other measures to reduce people-trafficking and deliver faster decisions on asylum applications, some 1,800 new detention spaces were to be created "to facilitate removals". Mr Straw added:

"The task of restoring integrity to the asylum system will not be complete until we can ensure that people whose claims are unfounded routinely leave Britain at the end of the consideration of their claims." (Home Office News Release, 81/2001.)
Were the targets achievable?

Both of Mr Straw's targets were ambitious ones compared with what had been achieved previously. The removals target represented a huge increase on what had been achieved in 2000-2001 (8,980). And the number of detention spaces was to be trebled.

In practice, the removals target never came close to being met. Against a target of 30,000, some 9,630 principal applicants were removed in 2001-2002 (11,600 including dependants), a rise of 7 per cent, but little more than one-third of the target. In 2002-2003, provisional figures indicate 10,585 principal applicants were removed (14,400 including dependants). This represented a further year-on-year increase of 10 per cent (24 per cent if dependants are included).  

I have noted the views of the House of Commons Home Affairs Select Committee as regards the 30,000 target. In its report entitled Asylum Removals, published in May 2003, the Committee says:

“(d) We deprecate the setting of wholly unrealistic targets which serve only to arouse false expectations and which can only prove demoralising for all concerned. We are at a loss to understand the basis for the belief that a target of 30,000 removals a year was achievable and Ministerial pronouncements on the subject are obscure.”

The Government’s reply was published as an appendix. This says:

“The Government recognises that the 30,000 target was too challenging and beyond the capability of IND to deliver. A revised target has now been set ‘Enforcing the immigration law more effectively by removing a greater proportion of failed asylum seekers.’ The Government considers this to be a more realistic target, and one which will enable performance to be measured more effectively since it makes no assumption about numbers of applications.”

In preparing a response to Mr Moore’s (in the event unpublished) second report, IND noted that, “The removals target is currently being reviewed with the Treasury as part of the SR 2002 process. But we have already made clear the removals target was always ambitious and high risk and has been described by Ministers as ‘aspirational’.”

I spoke to a number of the key players about the targets. Mr Boys Smith told me that he did not believe that Mr Straw was the type to pluck a figure from the air, and that the 30,000 figure had come out of work within the Immigration Service regarding what seemed practical. Mr Boon had led this work, and it had been debated at some length within IND, including at the Immigration Conference in autumn 1999. The outcome of the debate had been that the 30,000 target looked possible. Mr Boys Smith said that he was proud of the way in which removals had been brought into the structure of the system. He said that he was not proud that he – although not alone in this – had failed to understand that the target was impossible due to legal complexities. He said he had asked questions about the target and the answers had

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58 Asylum Statistics.
60 Ibid.
been positive. No one who knew the removals business had said that the target was unachievable.

Mr Boon advised that the requirement for 4,000 detention spaces represented a step change for IND. At least 2,000 places were needed very quickly. As to whether the targets were achievable, Mr Boon said IND was aware that they were very ambitious, but equally they were aware that considerable resources were being made available to make things happen. For example, money provided for recruiting additional Immigration Officers and support staff was beyond IND's wildest dreams. Whereas previously the targets would have been impossible, there was an acceptance that, with the additional resources, they might be met. Everyone knew that it would be extremely difficult, but it simply had to be grappled with.

Dr Mace said one of the assumptions underlying the 30,000 target - that a large number of failed asylum seekers and non-asylum illegal enforcement actions could be achieved without force - was not borne out by experience. The anecdotal evidence had been that people would leave voluntarily once their applications were refused. This was evidentially true for Eastern Europeans in the UK and was the approach being taken in Europe particularly in the Netherlands. This changed, however, and experience became that more of the removals needed to be managed and forced. This was in part because the number of Eastern European cases had fallen. Dr Mace said his view was that this would mean the target would take longer to achieve and would require changes to the end-to-end process. He never accepted that the target was impossible.

Mr David Wilson, Mr Masserick's successor after November 2000, told me that removals targets were Dr Mace's absolute priority. He said the 30,000 target was artificial and unachievable – the previous target had been much lower. Immigration Service managers had found themselves informing their staff of targets that everybody knew could not be met. Dr Mace did not publicly acknowledge this until late in the day.

Mr Quibell told Mr Moore,

"we could perhaps have pressed Chris Mace a bit harder on his targets, because he was setting targets that were very challenging and we did say that we thought they were very challenging and might be difficult to meet ... Then we were given the target by the Home Secretary of opening up the first centre by April 2001, so we had from September to April to build it, open it."

Mr Quibell did not know whether Ministers had been told their removal targets were undeliverable. (Mr Boys Smith told me that he gave the bad news to the new Home Secretary, Mr David Blunkett, at a dinner the latter had given to the Home Office Board immediately after the election and his appointment. Mr Blunkett had been “uncomfortable” with the news. It is not clear whether Ministers had previously been so advised.)

Mr Brewer told me that, when he joined IND as Mr Boon’s successor as Director of Detention in April 2001, he considered the 30,000 target “laughable” and “plucked out of the sky”. This view was based initially on the views of experienced Immigration Service staff and very rapidly his own observations and judgement. He went so far as to describe the target as some kind of fantasy which you had to publicly acknowledge or you were branded “not one of us” and a “troublemaker”. Disturbingly, he said reasoned debate was “forbidden”.

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As far as the 4,000 detention spaces were concerned, Mr Brewer suggested that no matter how many places existed, they could be filled. It was therefore a political/financial matter how many immigration cases should be in custody and not necessarily very directly related to the number of removals achieved.

Mr Straw said that he had not been interested in imposing unrealistic targets. The advice he had been given had been that 4,000 spaces was at the upper end of what was feasible. He had encouraged a culture in which people had been free to advise and to express disagreements with him, and had spent some time walking the boards at IND and at ports. But Mr Straw said that it was necessary to set targets that would stretch an organisation.

Achieving the target had depended on getting the money, finding sites, obtaining planning permission, and recruiting staff on the ground. These had not been particularly intellectually demanding tasks, nor had they required the Immigration Service to do anything that had not been done before - by the Prison Service, for example. Building the spaces had not been stretching to the system or to the construction industry. Mr Straw said that he had been more sceptical about the target of 30,000 removals per year than he had about the need for 4,000 detention spaces. He had been certain that 4,000 spaces were needed in order to achieve the 30,000 removals. He noted that, had Yarl's Wood not burned down, this target would have been met.

Mrs Roche said she "probably did" think the targets were achievable, though she recalled they had been described at the time as "challenging". She could not recall whether they were intended to be absolute or aspirational targets, but noted that the Home Office had been given a lot of money to ensure they were met. (She noted, however, that removals were a very difficult area.)

Mrs Roche stressed that they were looking at the same time to improve other areas of the process. For example, liaison between officials and their counterparts overseas. There was a need to invest in all parts of the process. Meeting the two targets was not the measure by which Mrs Roche judged success. Getting the whole system to work was the real issue, but her focus was on the number of applications as against the number of decisions made. This was "quite key". Mrs Roche also wanted to change the terms of the debate to distinguish between migration and asylum.

She added that IND had made such progress in other areas (she referred to a "fantastically intense effort") that anything seemed possible. The targets might have been aspirational, but that did not mean they were not capable of being achieved.

Mrs Roche said she was always open as a Minister and encouraged feedback – even if it was negative. She had carried out a lot of open sessions with staff where she encouraged questions and comment. Some of this was quite "direct". She also saw both the IND and IS unions regularly. They too were "fairly direct". IND had been a depressed organisation, but was beginning to have a "can-do" culture. It was possible that the new culture inhibited people from speaking up, but Mrs Roche was not convinced that this was the case.

She could not recall being told that the targets would not be met. She thought that it might simply have been too early to judge. But the important point was that the targets were set in the context of everything else that was happening in the process. In addition, some people who were experienced in removals had believed the targets could be met.
Ms Eagle told me the target had been agreed before she and Lord Rooker (Home Office Minister) arrived on the scene, but she had considered it at the time to be “extremely stretching”. This was partly because the necessary infrastructure – such as contacts with different governments, chartered aeroplanes etc – did not exist. Ms Eagle said she would have been “amazed” if the 30,000 target had been achieved. There were many, many logistical challenges to be overcome in order to remove someone.

IND were coming to realise this and to put in place the necessary structures. Ms Eagle noted that they had achieved significant success in raising the number of returns from around 3,000 to around 12,000. But the numbers seeking asylum had risen to 80,000. The credibility of the system depended on those who were refused asylum being removed. Once IND was geared up and had made the necessary deals with other administrations, the target would have been achievable. It was not achievable, however, from a standing start.

Ms Eagle added that she did not consider the 4,000 target stretching. That was simply a case of working through the processes.

In a letter to me of 28 September 2004, Mr David Blunkett said that, when he became Home Secretary, he “considered that the annual 30,000 annual removal target was not achievable and I therefore revised it to a monthly target of 1,500”.

Assessment

The 4,000 sub-target and the commissioning of Yarl’s Wood followed on from the 30,000 removal target. Yet this target is now accepted on all sides to have been unrealistic.

In itself, the setting of demanding targets is not to be criticised. This is how performance is improved. In any case, given the number of (failed) applicants, one might question whether a lesser target could acceptably have been set. What was the purpose of IND’s work in respect of illegal migrants and failed asylum seekers if those whose cases were judged to be without merit remained in the country? There was also the consideration of the financial burden on the state.

However, while targets must be stretching, they must be realistic if they are to have any point at all. I do not doubt that, as Mr Boys Smith told me, when the 30,000 target was first developed those responsible believed it was one they could reasonably try to achieve. On the other hand, two of those intimately concerned with the Yarl’s Wood project have argued that Immigration Service staff saw the 30,000 target as unachievable, but were not permitted to express this contrary view.61

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61 Mr Boys Smith wrote to me on 5 October 2004 about this. He said, “That is not my style, and is not accurate. What is the case is that it is very difficult to reconcile the managerial need for frankness, the managerial need to keep the organisation as a whole focussed on the objective, and the need to avoid public recognition that achievement is becoming difficult. This flows directly from having high profile targets of political importance in a large and therefore probably leaky organisation, and one in which it is essential that everybody bends their efforts to achieve.” Dr Mace wrote on the same subject on 7 October 2004. He said, “There was much in depth debate in IND on removals and on all aspects of the end to end process. We were all addressing undeniably very difficult problems requiring very difficult solutions. We all felt the weight of responsibility and urgency – overlaid by huge, legal, process and operational complexity. At the end of the day the targets were set by Ministers. We as officials were required to meet them. We had to make difficult decisions and
Whether that was the case or not, it is difficult to conclude other than that the 30,000 target was always beyond the capability of IND to deliver. In future, all targets must be rigorously tested in terms of achievability before they gain currency.

**Finding the sites**

With the 30,000 target set, a step change was needed in the procurement of new detention places. The planning, commissioning, design and construction had to be taken forward extremely quickly. What was necessary to deliver the new immigration detention centres?

Mr Quibell told me that there was, at that time, no capacity and no expertise within IND to make the additional detention places happen. This resulted in three developments:

- An approach was made by IND to the Office of Government Commerce with a view to engaging private sector project managers to oversee the project. In the event, Osprey PMI were appointed in May 2000;
- A project board was appointed;
- Mr Boon had already been imported from the Prison Service as Director, but, in addition, Mr Masserick was brought over from Contracts and Competition Group (CCG) in the Prison Service.

Mr Boon noted that, “PMI have considerable experience in managing diverse major building programmes in both the public and private sectors and are one of the companies selected by Property Advisers to the Civil Estate to assist the Government in this way.”

Mr Nigel Eaton, then senior project manager at Osprey PMI (now Osprey Mott Macdonald), project managers for the Yarl’s Wood contract, told me that PMI had been approached by the Home Office in April 2000 to help with the procurement of 4,000 bed spaces for the Immigration Service. It was to be a ‘cradle to grave’ project. Their role was to identify sites, develop the brief, and as contract administrator to ‘ride shot gun’ over the construction phase. Mr Eaton said that PMI had no previous experience of immigration detention, but Mr Malcolm Sutton, who worked on the project, had extensive experience of working on Prison Service building projects.

Mr Boon was to chair the project steering committee and Dr Mace chaired the board. PMI had attended an initial meeting with Mr Boon and others. Mr Eaton said Mr Boon came across as extremely efficient and able, clearly knew what he wanted and did not seem to be someone who would suffer fools gladly. The sheer size of the project had emerged over the next few days.

Mr Boon noted in a letter, dated 22 June 2000, to Mr Tony Edwards, Head of the Buildings and Estate Management Unit (BEMU), that:

> “…the timetable for the project is extremely tight. It has to be. There must be a fourfold increase in our removal of failed asylum seekers from 1 April 2001. These extra detention places are key to delivering that. We do not implement less than ideal solutions – and requirements inevitably changed. The task was to maximise effectiveness within controlled risks as fast as was practical and safe.”

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62 Referred to throughout this report as PMI.
have the luxury of a protracted procurement process. Our aim must be to identify and manage the risks involved in these fast projects to deliver a sound project in all respects to time.”

However, IND still had some difficulty identifying and securing suitable sites for the proposed new detention centres. Plans to develop a former Prison Service site at Aldington had led to action in the courts against IND over its use of the emergency planning procedures. In practice, this left just Harmondsworth and Yarl’s Wood. The District Planning Officer for Bedford District Council was not opposed to the proposals, however, given Yarl’s Wood’s remote location and the fact local jobs had been lost.

Mr Quibell said that Yarl’s Wood was a very good site – it was remote but close enough to airports for removal purposes. Whereas the original plan had been for a 450 place centre, IND convinced themselves that they could get 900 places out of it. With Harmondsworth able to offer 550 and Dungavel still a possibility, this took them some way to meeting the 1,800 target for new places. (It is worth noting that Mr Eaton was aware that the “received wisdom” at the time was that 450 was a manageable size for a detention centre and that two storey buildings were ideal. To fit 550 places at Harmondsworth, they had added a third storey.)

Mr Eaton said that the Home Office had already engaged Capita to carry out some feasibility studies. Given the very short timescale available, Capita had settled on modular building of the type used at HMP Send.

**What sort of contract?**

The procurement strategy for the expansion of the detention estate noted that the over-riding factor to be addressed was the need to deliver quickly. This was held to exclude both a private finance initiative (PFI) solution and a more conventional tendering exercise. Mr Eaton told me that it was clear from the start that a PFI would not be appropriate – it could take several years from the initial stages to contract signature. The strategy concluded:

“Given the constraint on time, particularly for the 1,800 bed spaces forming Tranche 1, then the PFI route effectively rules itself out of further consideration as financial close would not be sufficiently early enough to allow for construction prior to [IND’s] required date for opening. Indeed it is questionable even if financial close could be achieved within this time frame.

“At the other end of the scale conventional/traditional tendering would also rule itself out as the detailed design would need to be carried out before seeking tenders from contractors, rather than the overlap that exists on D & B [design and build] arrangements. Accordingly conventional/traditional tendering would typically take another six months but also there is a risk of less price certainty. Similarly management contracting/construction management does not address risk transfer.

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63 A former Scottish prison.
64 Capita Property Services Ltd - mechanical and electrical building services consulting engineers.
“The foregoing dictates that the preferred procurement route for Tranche 1 to achieve the additional bed spaces by 2001 will be design, build and operate (DB+O).”

Mr Eaton said it was clear from the outset that the project had a timescale of just 11 months. PMI had said very early on that they did not believe this was achievable, but this had not been well received by IND. PMI agreed therefore to do all they could to expedite the front end of the project (the contract letting process) and leave it to the building industry (ie: the bidders) to determine whether the building was deliverable in the time. If the responses as a whole had said it was not possible, there would have to have been a re-think. The results from the enquiries to bidders, however, indicated that it could be done.

The competition

Mr Richard Entwistle, Director of Amey plc, explained to me that Group 4 and Amey together formed a parent company – Group 4 Amey Immigration Ltd (GAIL). He added that the arrangement for the Yarl’s Wood project, whereby a Special Purpose Vehicle (SPV) was established which then subcontracted construction to Amey plc and operations to Group 4, was very unusual for a non-PFI project.

Mr Brown of Group 4 told me that, in broad terms, the competition compared quite favourably with others with which he had been involved apart from the fact that it was an attempt to apply what were traditionally PFI contractual terms to a non-PFI contract. Mr Brown said these did not always sit together easily - because of the comparison of risk and reward. His initial thoughts were that this was fine, but he was not sure how the contract was going to evolve given that it really was a bit of a cut and paste from a PFI contract.

He added, however, that, “the specification seemed to be pretty clear, the imperative was clear which was time, there was no doubt that the imperative was get this thing built quickly”. He said:

“It was unusual. Speed and deliverability are always an issue in terms of a contract where you’re building something but in my experience this was unusual.”

The original timetable for the project was as follows:

- 19 May 2000 – bidders briefed
- 19 May 2000 – questionnaire issued to bidders
- 30 May 2000 – receipt of responses
- 30 May 2000 (w/c) – evaluation of responses
- 5 June 2000 – shortlist invited to negotiate
- 30 June 2000 – contract awarded
- 3 July 2000 – start on site
- April 2001 – centre operational.

However, PriceWaterhouseCoopers (engaged by IND as part of the bid evaluation team) reviewed the returned financial bids for their compliance with financial and accountancy rules, as well as for their validity and value for money. The company commented that it did:
“...not believe that it is possible to deliver a robust DBO style procurement for these projects in the timetable described. To attempt to do so will lead at best to an inappropriately evaluated, and possibly unsatisfactory solution. At worst, any control that the Home Office has over the current procurement programme will be lost, resulting in substantial delay – much more so than if a DBO procurement were taken forward in an orderly basis.”

A revised programme was drawn up with a contract signature date of 21 August. This took “into account any delays to date and an increase of the tender period, evaluations and negotiation periods, and addressed concerns over the robustness of the procurement route”. A note on the Buildings and Estate Management Unit file said:

“We continue to recognise the political imperative of delivering the detention centres in line with your original requirement, but we do not believe that construction can be achieved in a period of less than 9 months, even though pre-contract enabling works will be started in advance. We therefore suggest as shown on our programme, the phase 1 completion date should now be 1 June 2001.”

Nevertheless, the April 2001 target was retained.

Mr Eaton explained that, before the Official Journal of the European Communities (OJEC) notice was published, a number of potential contractors had been alerted to ensure a good response first time. He confirmed that, despite the time constraints, the contract letting process had been fully EU compliant. It had been conducted under the OJEC accelerated/negotiated process on grounds of urgent national need. The notice submitted to Brussels was published as issued, thereby indicating that ‘passive approval’ had been given. The advertisement for expressions of interest for the Yarl’s Wood, Harmondsworth and Aldington projects was posted on 2 May 2000.

Twenty-two expressions of interest were received by 18 May. Twelve were placed on the longlist. Mr Eaton told me that a conference for potential bidders took place on 19 May. Those attending were warned that there would be a lot of pain over the short term. Anyone not prepared for this should think twice before proceeding. Those still interested had been given just over a week (30 May) to complete a questionnaire. On the basis of their responses, a second cut was made, and those remaining were invited to tender. A shortlist of six was thus established. The invitation to negotiate was issued on 30 June. Mr Eaton said this all happened pretty fast, but that no major players were lost at this stage.

Minutes of a meeting of the Project Board held on 17 July 2000, noted that:

“Whilst there were differing degrees of confidence in their ability to deliver, no bidder was saying that it could not be done and the team were happy that five realistic bids were likely to be received.”

Bidders were given one month to put their initial bids together. Mr Eaton suggested that, in an ideal world, this was probably not long enough, but some bidders said they had begun working on their bids before the OJEC notice was published. In particular, Mr Eaton said Amey/Group 4 had put a lot of good work into their bid. (Mr Boon confirmed this point in an e-mail to me dated 11 October 2004. He said potential bidders who were already providing custodial services had known for some time of the likely need for expansion of the detention estate and were unlikely to be
starting from a clean sheet in formulating their bids. He added that, nevertheless, the
timescale was challenging for all concerned.)

The return date for responses to the invitation to negotiate was 28 July. Mr Eaton
told us that Wackenhut had wanted to submit a number of bids with different builders,
but were advised they would have to settle on one to avoid conflicts of interest.
Unfortunately, their preferred builder felt that the contract conditions were too
onerous and therefore pulled out, thus leaving five.

All bids were evaluated between 31 July and 4 August. During this time each bidder
was issued with several points requiring clarification. Preliminary negotiations were
held with all bidders between 9–11 August. Mr Eaton said that, during this
negotiation period, the entire project team met all the bidders. Bidders were advised
at that point if they were going wrong in any respect. Premier/Kvaerner pulled out
during this time because of the timescales, leaving four bidding consortia:
UKDS/Tilbury Douglas, GAIL (Group4/Amey), Securicor/Costain and
Reliance/Ballast Wiltshire. (Mr Eaton noted that the Ballast Wiltshire building
proposals had been very good, but Reliance could not fulfil the operational aspect.)

During negotiation, Securicor/Costain proposed an alternative of a phased delivery
which involved i) one block opening on 5 June 2001, and ii) the rest of the project
slipping to an opening date of August 2001. A note on file says:

“The Bidder was made aware that this represented a non-compliant bid and
would place the Bidder at a considerable disadvantage. The Bidder realised
the likely effect of its non-compliant scheduled opening date but was
determined to put forward realistic and achievable targets” (my emphasis).

On 11 August, the remaining bidders were invited to submit their BAFO [best and
final offer] proposals for Yarl’s Wood.

Mr Eaton explained that the project team had divided into a number of groups to
consider different aspects of the bids. Each had its own scoring matrices. PMI had
drawn up those for the construction, and assisted with drawing up the operational
ones. Mr Eaton noted that, at this stage, they were still assuming that detainees
would be compliant. He added that they might have altered the operational matrices
if they had known about the type of detainees who would ultimately come to be held
at Yarl’s Wood.

Prior to BAFO assessment, PMI suggested that further refinement of the evaluation
mechanism was appropriate to ensure it corresponded as closely as possible with
the Board’s stated policies. They proposed a revised formula which would combine
quality, cost and time in the proportions required – that is, with considerably more
weight on the time element:

“… it has become apparent that the weightings do not serve our purpose as
fully as they could. Statistically, adherence to programme (TIME) constitutes
100 parts in 630 parts for construction quality. Combined as it is with
construction cost on the basis of 60:40, its significance in the whole
construction assessment is 100*60/630*100 and combined with operational
assessment on the basis of 40:60, the importance becomes
100*60*40/630*100*100. This is approximately 4 per cent. The key point of
concern to us is the repeated comment that, within the ‘eternal’ triangle of
time, cost and quality, TIME is of overriding importance.”
At a meeting on 8 August, Mr Boon confirmed that the Board’s position required time to be the first priority, followed by quality and cost. An instruction on the conduct of the BAFO assessment said,

“Time is now required to be separately evaluated within the range 0 – 100 per cent. It goes without saying that, with TIME being so significant, the Construction quality team will have to give the most serious thought to the probability of meeting the proposed programme.” [My emphasis.]

Assessing the GAIL bid

The bid from Group 4/Amey was assessed at BAFO as follows:

Positive aspects:
Medium overall deliverability
Low planning risk
Legal mark ‘B’
Good construction quality

Negative points:
Questionable operational quality
Some work needed on operational design
Requirement of detailed planning on date of contract.

GAIL scored second highest for construction quality and third highest (out of four) for operational quality. They came second for cost, legal matters and overall time considerations. Using the evaluation matrix formula of time:cost:quality (50 per cent:20 per cent:30 per cent), they came second overall.

A draft report on the construction quality of the Group 4/Amey bid noted that:

“In general terms the bid meets the specification, it is also clear that the bidder has thought about the design. Having said this, the words as offered in the bid are not backed up particularly well, with any real detailed information.”

The report continued:

“Programme shows compliance meets completion date and even shows a degree of float. The timescale also includes for demolition and as this is being carried out pre contract, this will give a further buffer. The design work however, will need to continue throughout the next stages of the bidding process in order to make the programme … Some scepticism was evident regarding the speed of modular building manufacture and erection, however the contractor appeared confident in the times allowed.

“Conclusion: This is an average bid. Group 4/Amey have demonstrated a reasonable appreciation of the requirements of an IDC [immigration Detention Centre] and have thought through most of the construction implications. Subject to the provision of satisfactory clarifications, it is felt that they are a strong candidate.”

In the report to the board following the assessment, it was noted of Group 4’s bid that:
“A significant concern relates to the implementation plan and resources which are not well defined. “

“Of the bids received, UKDS appear to debar themselves by their stated determination not to accept design liability. Securicor’s bid is non compliant in that their programme only accepts the first detainees in November 2001. Of the remaining three, Reliance’s Operational proposals were thought to be very inadequate – so much so that there was little confidence it could be worked up.”

Mr John Wilson said the evaluation of the bids had been conducted by a working group that included himself and chaired by Mr Sutton of PMI. The operations working group evaluated a bid a day. The primary objective in evaluating the bids had been to hold the detainees in decent and secure conditions while the Immigration Service decided their status. The group had only seen the uncosted bids. In the past, there had been a more extended timetable for evaluating bids. Despite the accelerated timetable, however, Mr Wilson considered that the working group had done a good job in assessing the various operational parts of the bids. The Group 4 bid had not been the best operationally (it had been third in this respect), but it had met the specifications in all respects. Mr Wilson’s impression had been that the delivery of the construction to the timetable was the overriding factor in acceptance of the Group 4 bid. Nevertheless the operational judgement had been arrived at purely on the basis of their operational specification.

Mr Quibell told Mr Moore:

“… evaluation criteria was heavily weighted on time. Two of us … expressed some concern.”

Mr Brewer said in an addendum to his interview with Mr Moore:

“Operational factors in the procurement assessment were downgraded to an unsafe and imprudent level to produce a delivery time that would soothe Ministers but had no contact with the real physical world. Amey … made undoable commitments on time to get the work and this should have been recognised at the award stage. The prefabrication turned a poor design into a flimsy poor design.”

A meeting of Detention Services Managers on 2 April 2003 noted that, “Group 4 came some way down the list from both operational and quality of construction view points. Their ability to meet the timescale swung the contract their way.”

Mr Boon told me in an e-mail of 11 October 2004 that he refuted Mr Brewer’s comments. He said consideration of the operational factors was not downgraded during the “procurement assessment”. At that stage, analysis of the detailed operational systems of work was not appropriate. These were to be presented by Group 4, under the terms of the contract, for ratification by Mr Brewer and his team in the period before opening.

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65 I should say that I dislike the name ‘Detention Services’. It does not accurately reflect the nature of the core business of the unit and borders on the euphemistic. This is just one instance (‘absconds’ and ‘special needs’ are others) of IND failing to face up to the nature of the business they are in.
Asked whether the emphasis on time in the scoring matrices weighed heavily in GAIL’s favour, Mr Eaton said that GAIL had given a good proposal, but it was not best on all criteria. The operational people on the project team had had to work hard to bring this element of the proposal up to scratch. It was touch and go for a while. Their construction proposal and programmes were, however, better than most.

Given the weight afforded to time, I asked Mr Eaton whether GAIL’s bid had been sufficiently scrutinised to determine whether they were likely to be able to deliver in the timescale they promised. Mr Eaton said that GAIL had, at the contract negotiation stage, fielded all the right people and used all the right words. They sold the proposal as a very coherent solution. Nobody suggested that it would be easy, but they had everything in place – designs, supply chains etc. The project team had considered GAIL’s bid the best overall.

I asked Mr Dickinson, formerly of Group 4, about the speed of the bidding process. He said that the first stage (for which 40 days were allowed) was manageable – GSL made the deadline with two hours to spare (the documents having been dispatched at 3:30 am). They had had to work every day including weekends, and draw on a lot of goodwill and co-operation in order to achieve this. Mr Dickinson also considered that the time allowed between the shortlist and BAFO was reasonable. The timetable was more comfortable in relation to the operational side, because Group 4 knew there would be opportunity to look at the detail in a more considered manner further downstream. Any flaws could be ironed out then. The deadlines initially looked tight. All programmes and processes had to be submitted to IND against a specific schedule and each had to be approved in detail before it could be incorporated into the procedural documents from which training would be developed. A full complement of staff vetted and trained had to be in place for May 2001. In the event, the slippage in the building programme eased the pressure because deadlines were expressed in terms of programmes being sent to IND “so many weeks before completion”.

Mr Eaton said that most public sector project timetables were tight, but that this one was exceptional. Yarl’s Wood, in particular was frantic. Everybody was under enormous pressure to deliver. He told me that the speed of the project did not have any effect on the quality of the decision making, however, because everybody was so completely focussed on the job in hand.

On 1 September 2000, Mr Boon asked Mr Boys Smith for formal authority to award a contract to the Group 4/Amey consortia to design, build and operate a 900 bed detention centre at Yarl’s Wood:

“...The need for the additional detention accommodation, the procurement strategy, project management resources and control and a cost/benefit analysis is set out in a business case and appraisal which has been quality assured by the Finance Service Directorate [sic] and by the Accountancy and Finance Unit. The procurement strategy, competition and decision to award a contract to Group 4/Amey have been approved by the Commercial and Procurement Unit and this decision was confirmed at the Project Board this morning. From a total of 5 consortia invited to compete for this business the tender from Group 4/Amey meets the operational requirement and the need for delivery of the project by April 2001 at the most economic cost. The construction costs will be about £63 million in milestone payments to April 2001 and the operating costs £19.3 million per annum thereafter for a 6 year period with annual price reviews based on RPI less efficiency savings. These costs are exclusive of VAT..."
A submission to Ministers on 5 September 2000 expanded slightly on the reasons for Group 4’s success:

“The key criteria for the evaluation of proposals from the 5 consortia was the ability to deliver on time, quality, the transfer of risk and value for money. The Group 4/Amey consortia offered the best solution to this requirement at the most economic cost.”

Contract

Mr Dickinson told me that the detailed contract was put together during one long week in August 2000. He said there was no contact between the construction side and the operational side until the two parties met for the signing of the contract. The work could ordinarily be expected to take around three months. IND seemed to be under pressure from politicians to get the place up and running and Group 4 was told that the Home Secretary was taking a personal interest.

However, at detailed contract stage, they were still negotiating physical differences in the contract – for example, IND suddenly decided they wanted forced air/comfort cooling. Group 4 were given a couple of hours to determine feasibility etc. Mr Dickinson said that it was the amount of detail that was covered during this period that made it abnormal.

I also asked Mr Dickinson what impact, if any, the speed had on the quality of decision making. He said he thought that it had led to an immediate acceptance of things which otherwise might have been questioned. For example, no consideration was given by Group 4 or Amey as to whether comfort cooling was the best approach – they simply concentrated on how it could be delivered.

We asked Mr Eaton whether sufficient time had been allowed for the preparation of the contract (six weeks). He acknowledged that it had been extremely tight ("totally unheard of"), but said contract drafting generally took as long as the time available. Two sets of lawyers had been engaged (Freshfields Bruckhaus Deringer and Denton Wilde Sapte) and both had put ample resources into the work. This had resulted in e-mails very late at night and very early in the morning. Mr Eaton said that neither firm would put out a contract that was less than robust – their respective reputations would be damaged. He thought the contract had been “bullet-proof” and “copper-bottomed”. The fact that they had produced such a good document in the timescale reflected very well on them.

Dr Mace told me that the Home Office/IND had seemed less experienced and effective in contractual matters than the MoD. Contractual relationships were generally more legalistic and confrontational than contemporary best practice. IND had sought strong expert legal support to define and negotiate the Yarl’s Wood contract. Dr Mace considered Freshfields to be professional and knowledgeable. They were particularly well placed to write and negotiate the detention centre contracts given highly relevant experience doing the same with the Prison Service. This was expected to mitigate contractual risk issues.

I asked Mr David Kent of the Office of Contracts and Competitions in the Prison Service to review the Yarl’s Wood contract.

Mr Kent told me that the contract layout and format was very similar to that used for Prison Service PFI contracts. The main differences between the PFI prison contracts
and the Yarl’s Wood contract were the payment mechanism and the operation of the Performance Measures System (PMS).

In the PFI prison contracts, the contractor’s costs are recovered through a unitary charge covering the cost of constructing and operating the prison. No payment is made to the contractor until the prison is built and the first prisoners have been received. In the Yarl’s Wood contract, however, the building costs were a fixed lump sum paid at agreed milestones during construction. The operating costs were to be paid as a fixed monthly sum.

In the PMS for PFI prison contracts there is a minimum performance points threshold which must be exceeded before the contractor incurs a financial deduction. In the Yarl’s Wood PMS, the contractor is subject to a financial penalty for any performance point incurred after the first six months. (Mr Kent tells me there is nothing intrinsically wrong with having a PMS either with or without a threshold level.)

Mr Kent added:

“The one notable performance measure missing from the Yarl’s Wood PMS is one for assaults by detainees. The absence of such a performance measure could mean that there is no incentive to reduce the amount of bullying or harassment, as the contractor suffers no financial penalty for any incident of assault.”

I reproduce Mr Kent’s advice in detail at Annex 7.

**Business case**

Mr Boon’s note of 1 September 2000 to Mr Boys Smith, referred to a business case and appraisal that had been quality assured by the Finance and Services Directorate (FSD) and by the Accountancy and Finance Unit (AFU). Technically, this was right. There is, however, a question mark over the thoroughness of this element of the process.

The need to submit a business case to the AFU was discussed at a detention projects board meeting on 24 August 2000 – that is, just one week before the contract was awarded. Finance notice 1/1998 states that proposals for capital expenditure above £1m, “must be supported by a rigorous business case, [and] sent to Finance Unit whose views must be taken into account before approval can be given for the project to proceed”.

The Board was concerned about the possible delay to the project this might entail. Following discussion with AFU, it was agreed that a review of the business case could start before final selection of the contractor. Mr Mike Lacaille of the FSD noted in an e-mail to Mr Boon dated 24 August 2000 that this review would “hopefully” allow a judgement to be formed “on the business case as a whole prior to the signing of the Contract on 1 September.” Mr Lacaille noted that, “Les [Haugh, Home Office Director of Finance] has been exceptionally helpful and flexible in this matter. Large scale projects should in theory go to the Home Office Investment Board but Les has decided that in view of the political imperative etc that referral there can be dispensed with.”

In reviewing the business case, Commercial and Procurement Unit (CPU) commented on 31 August, “that the project did follow the proper procurement procedures”. The unit had been involved at all stages by representation on the
Project Board and Steering Group: “Our only concern was the extremely tight timetable but we acknowledged that there was a political imperative to deliver this quickly.”

A fuller note of the review was also drawn up. The review was jointly carried out by the Home Office’s AFU and FSD on 30 and 31 August. It measured the case against a list of tests based on Treasury guidance and concluded:

“The review was necessarily brief and not all relevant documents were available for examination. The business case is currently incomplete and it is difficult to form an overall judgement on the merits of the proposal. However on the basis of our work so far, we found no evidence to suggest that the project should not proceed. But we do have considerable reservations about several aspects of the appraisal.”

The note set out some 14 key issues arising from the review. The reviewers concluded:

“The project is working to a tight timetable, and this is reflected, understandably, in the incomplete state of the business case. Several of the issues raised at this stage relate to material not being available rather than inherent flaws in the proposal. We have not been able to examine all the documentation, including detailed workings behind the basic cost/benefit analysis. However, in arriving at a decision on the proposal, it is necessary to balance the shortcomings of the business case against the risk of not meeting the department’s broad strategic objectives. The Treasury guidance emphasises that an appraisal ‘can never do more than inform the final decision’. We have found no evidence to suggest that the project should not proceed, barring the issues raised above and in the Annex.

“We recommend that work continue to complete the business case, to provide systematic evidence of analysis already carried out. In order to forestall similar problems, we recommend that work starts on the Business Cases for subsequent detention centres at an early stage, and that time for reviewing is built into the project timetable.”

(On 30 March 2001, however, Mr Haugh wrote to Mr Boys-Smith. He acknowledged that, “Detention centres are very high profile projects where you are under extreme pressure to deliver additional places quickly.” He continued:

“As you appreciate, a well prepared business case goes a long way to ensuring that all aspects of an investment decision have been properly considered, and so give assurance that the decisions we make are financially sound. This should also increase the likelihood of project success.”

Mr Haugh noted that none of the detention centre business cases was yet complete.)

Assessment

Was the bidding process too fast?

Those involved in letting and drawing up the contract for the construction and operation of Yarl’s Wood worked at break-neck speed. Many have testified to the much reduced timescales as compared with other projects on which they had worked. That they produced a robust and largely effective document on time reflects well on
those responsible. It may be, however, that there was an absence of consideration in some instances. Mr Mike Adams, formerly of UKDS, suggested to Mr Moore that, whether or not IND expected contractors to modify the footprint, there simply was no time.

**Were the bids scrutinised sufficiently rigorously?**

Was GAIL awarded the contract largely on the basis that they could meet the timescale – and, if so, were other elements of the bid inappropriately downplayed? Many witnesses have suggested that time was the overriding factor in GAIL’s success. However, my reading of the papers suggests that Premier/Kvaerner pulled out, UKDS were debarred by their refusal to accept design liability, Securicor/Costain’s bid was apparently (and ironically, given the eventual turn of events) non-compliant because they could not deliver until November 2001, and Reliance’s operational proposals were thought to be very inadequate. In fact, only GAIL were left in the running.

GAIL’s bid was held to be compliant in all respects (albeit that the operational side needed some working up.) But it cannot be gainsaid that others pulled out because they considered the timescale unreasonable or persisted with a bid that did not meet the deadline. The speed with which things started to go wrong suggests it was at best over-ambitious, and at worst wholly ill-conceived. This reflects well neither on the bidder nor on those who let the contract.

**I recommend that IND reviews its systems for assessing contract bids in the light of the Yarl’s Wood experience. In particular, consideration should be given to bringing in independent expertise to help with the assessment.**

**Design**

Nothing on the scale of Yarl’s Wood had been attempted by IND before. In effect, it went through two designs: a generic design produced by Capita, and the design eventually presented by GAIL and agreed by IND. Were these designs fit for purpose? What were the differences between them? Were the materials to be used sufficiently robust? Or were decisions about design and construction determined less by function and more by the need to produce the largest number of spaces in the shortest time?

A document produced by the Prison Service Construction Unit for Mr Moore’s inquiry noted that the invitation to tender documents were accompanied by a “schematic design solution” that the Construction Unit described as “two storey buildings… dispersed around a central court yard giving a village green type arrangement”. In the event, Group 4 opted for a scheme consisting of two self-contained two-storey buildings, with identical layouts and construction.

The Construction Unit commented, “The grouping of the buildings aids reductions in staff but the physical security suffers. Stand alone buildings are more self-contained and easier to access and control.”

Mr Eaton told me that BEMU, PMI, Capita and the Immigration Service had collaborated on a generic design. This consisted of wings with central services. Mr Eaton stressed that from an operational perspective, PMI were dependent on what Capita and IND were telling them.
Mr Masserick said that, in the interests of speed, and also to give the District Planning Officer a clear idea of what was proposed, IND had had a design for the centre drawn up (in fact, two ‘options’ were produced – neither of which offered the layout described by Construction Unit. I have found no evidence of such a design.) This was then offered to potential contractors. It was open to them to modify it in whatever way they considered best in order to meet the requirements set out in the tender. There was no question of IND imposing a design on the contractor.

In a letter to me dated 14 October 2004, Capita provided some detail about the generic design. They said the proposed building:

“… consisted of two entirely separate stand alone establishments without shared facilities – a male only establishment, certified normal accommodation (CNA) 368 and a mixed establishment (male, female and families) CNA 440. Each establishment was separately ring fenced and provided with a gate entry building physically separated from the accommodation ...”

“Furthermore each establishment was zoned into six wings controlled with staff bases on each level of each wing with the average places provided in each wing/zone being 62.”

The general consensus was that the final shape of Yarl’s Wood did not differ markedly from the ‘footprint’ offered by IND, other than that, instead of having the buildings at right angles to each other, they were placed in parallel (apparently to make more efficient use of the space). The degree to which changes to the footprint were permitted and who was ‘responsible’ for the design of the final product, however, proved to be a bone of some contention.

Mr Brown referred to the “very tight footprint”. He said, “It’s very difficult to avoid having rows of rooms. There’s not a lot of scope for innovation in design.”

Mr Banks said that the initial design had been provided by the client, although there had been some operational input from the contractor. Typically, GSL’s input on design would derive from its operational requirements. He added that if GSL were to be given a free hand on such a project they would approach it in a different way to that taken at Yarl’s Wood. Mr Banks said, however, that it was not uncommon for GSL to operate facilities in someone else’s buildings and that this had been the case at other detention centres and prisons (e.g. HMP The Wolds). In the Yarl’s Wood contract, he noted, there had been less scope for GSL to contribute.

Mr Jasper said there had been very few variations made to the footprint supplied by the authority. The main variation was an additional central link corridor between the main two parallel buildings so as to enable each of the two separate centres to be split into four separate zones. Thus the build was generally based on that supplied by Capita and included the requirement to zone down to four stand-alone parts, each incorporating all detainee facilities, should the occasion demand it.

Mr Dickinson said that some practical changes were made to the building footprint provided by IND, but these were quite small. He said it was clear that the footprint was not to be altered in any significant respect. IND had already obtained outline planning permission on the basis of the footprint. When it was suggested that IND had said it was open to contractors to change the footprint, Mr Dickinson commented that they could say anything after the event.
One of the changes had been to introduce zoning down. Part way through the bid, IND advised that there would be a need for total flexibility in managing a changing population. The proportion of women or families might vary significantly, and the contractor had to be able to keep them separate from other elements of the population while ensuring they had access to all the facilities. In response, Group 4 had explored the possibility of robust but moveable doors, but continued with the zoning concept.

There was no fencing outside the building because IND had specified as much. The only ‘security’ measures were very large rocks as landscape features which also provided anti-terrorist protection. This was all part of IND not wanting the centre to look repressive or unduly institutional.

I asked Mr Dickinson what input IND had had into the building. He said their input amounted to no more than technical advisers agreeing specifications put forward by the company. In addition, the required design life of the centre had been changed during the process from 30 to 60 years.

Mr Entwistle of Amey said he could not comment on the degree to which potential contractors had been able to alter the footprint provided by the client, as he was not involved. However, he made the point that it was not difficult to draw a building. The difficult bit was in ensuring that all the functional components inside would fit and work. This took time and effort.

Mr James Leng, now Managing Director of Augmentis but from February 2001 Deputy Director of a new Construction and Project Management Team charged with mitigating construction delays, explained that, although he had not been part of the bid team, he had reviewed the process when he was brought on to the project. He said the Immigration Service had provided a brief. Amey had then responded with about 100 drawings, concepts for Mechanical and Electrical (M&E) etc. He said that, in normal circumstances, a 3–6 month period would follow award of contract for those drawings to be refined, with finer and finer detail added at each stage. He noted that the client had added a requirement for comfort cooling at the last minute. This had had a huge impact on the design with the need to route big ducts etc. There had been a belief that work could start and the design be taken forward in a timely fashion, but in the event there simply was not sufficient time.

Mr Quibell said that the design was determined by Capita, who had lots of Prison Service experience. There was therefore a lot of confidence that they understood the requirements of a secure environment. The fence was to be the sole security measure. Mr Quibell said he would have expected Group 4 to have said what they wanted, based on their previous experience, but IND undoubtedly influenced some of their designs (e.g. no bars on the windows), despite one of the fundamental premises of DBO being that the client does not interfere, as this compromises risk transfer.

However, Mr Quibell told the Bedfordshire County Council inquiry:

“So what we did was we went out to the market with what’s known as a generic design, in other words we came up with a general outline, very similar to the way we approached our planning application. And it was then for the private sector to come up with solutions, under competition to our requirement. It was the private sector that determined the materials and the actual design. They actually take the design risk. So, GAIL are the people that actually took the risk for the design and build.”
In a briefing for the Permanent Secretary, Mr Gieve, after the fire, Mr Brewer explained that the:

“Immigration Service informed the contractor what the building was expected to achieve, and they wrote the schedule outlining how they would achieve the requirements. The contractor was totally responsible for the design and building of the facility, to meet the operational specification.”

Mr Eaton explained that the generic design was a ‘deemed to satisfy’ solution. This meant that it was considered to be capable of delivering all IND’s requirements. It was, however, entirely up to contractors what they chose to design and build. They were not told they had to build in a certain way and, indeed, Group 4 had come up with an entirely different solution. Instead of two centres at right angles to each other, they wanted to build the centres in parallel.

Mr Boon said that when the work was tendered, potential bidders were offered an outline design (which drew on experience of prison buildings) as a guide to their thinking. (The Project Board had approved this design after a little tweaking.) Bidders were not required to use the design, but were enjoined to deliver the particular service requirements laid out. It was for bidders to come back and explain how they would meet the requirements – they had to run with a solution they could manage. In particular, they were required to show that their proposed building, hotel function, regime and timescales would all work together.

Mr Boon said he was part of a robust project management team that approved the design and materials to be used. He would have preferred the two units to have been built at right angles to each other (this would have facilitated the letting of separate contracts for the two parts in due course as well as preventing ‘contamination’ between the two parts of the centre should there be trouble in one part) but he was satisfied with the design put forward. He added that economies of scale had led to the final design – “All design is compromise.” Mr Boon said he, and the Project Board, had ‘approved’ the design in the sense that it was a workable solution – it was the contractor’s design, they had to manage and provide the required service. The important point was that they met this requirement. It did not have to be his, or the Project Board's, ideal building.

Mr Boon said there was always a difficult balance between assessing whether what was proposed would deliver the required service and imposing a specification on the contractor, thereby transferring risk back to the authority.66 He did not accept Group 4’s argument that IND had ‘approved’ the design, thereby making them ultimately responsible. He said this undermined the whole point of DBO and transfer of risk.

**Fit for purpose?**

In the paper for Mr Moore, the Prison Service Construction Unit described the make-up of the building in the following terms:

“Construction of the buildings takes the form of factory produced modular units that are assembled onsite. External walls consist of cement bonded wood particle board (‘Pyrok’) attached to timber studding and fibreglass insulation. The outer face being either Pyrok or traditional brickwork depending on its location and architectural aesthetics.

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66 Capita concurred with this point in their letter to me of 14 October 2004.
“Internal walls take the form of proprietary metal studding, mineral fibre insulation and Pyrok boarding.

“Ceilings are Pyrok boards on cold rolled steel ceiling joists, whilst floors are plywood.”

The Construction Unit added that, “The form of construction does not meet the requirement for life expectancy” (that is, 60 years for the building and 30 years for the roof). However, this view was rejected by Mr Eaton. PMI had commissioned Stangers (a consultancy specialising in investigating and testing buildings and construction materials) to look at all components of the building and specifically to check out its life expectancy. A lot of metal carcassing had been amended as a result, but they were satisfied that the building as it was built met the 60 year requirement.

Mr Quibell told Mr Moore that the design and building methods were “undoubtedly” influenced by the need for speed. He suggested that one of Group 4’s competitors had had reservations about the proposal. He said they were:

“… not keen on anything other than a fairly robust build, they are more nervous about the behaviour of customers and they weren’t so confident that our clients were as sedate and moderate as we had perhaps given the impression they were.”

Mr Quibell added, “we have progressively failed, to my mind, to focus sufficiently on the problems.”

Mr Watson had reservations too. He told me:

“… it was a design and not a construction material that, having come from a Prison Service background, I was familiar with – even in open prisons. I accepted that the management of a centre of that design and that material would present its own unique challenge.”

He added that the project manager on site had tested the robustness of the walls:

“… it was not a design that was capable of standing up to heavy institutional use. [The project manager] informed the company of this test and sent a copy of the report … to indicate some of our concerns.”

I asked Mr Banks whether, in addressing the specification for a “domestic rather than an institutional environment,” the company had paid sufficient attention to the specification also for “robust and vandalism-resistant buildings” and the likelihood that detainees “may vent their feelings on the building”. He noted that under the contract there had been no efforts to classify the population and that a number of people had entered the centre who had been used to a harder environment. GSL had concluded from the information they had at the time that the building was operable as a
detention centre. Mr Entwistle told me that, while construction was Amey’s responsibility, there had been a considerable amount of collaboration with Group 4 to ensure that the building would work operationally.

I asked Mr Banks who took the decision to use Pyrok as the construction material. Mr Banks said that this was Amey’s decision. It had been for the independent authorities to scrutinise whether the building actually had the desired design life. Mr Banks noted that because the client still owned the building, they had had a greater interest in it than they would have done under a PFI contract.

Mr Banks said that his impression on seeing the building had been that it was not dissimilar from the prison at Buckley Hall that had operated very successfully for a number of years. But the living units at Buckley Hall had been constructed from steel cells. Mr Banks said that steel cell units probably would not have met the ‘residential’ aspect of the specification for Yarl’s Wood.

Mr Leng said that, because of the time constraints, modular building was the only option. Mr Entwistle advised that there were no modular buildings of this scale in Europe at that time. This is an indication of how bold the plans for Yarl’s Wood actually were.

Mr Leng said, “Concrete modular would not have been quick enough.” He explained that the team had all had experience of building concrete modular prisons. They knew that this would not be fast enough for the Yarl’s Wood project. In addition, the lead-in time for procurement of concrete units was too long, as they would have been put on a waiting list at the relevant factory. They therefore opted for a cellular unit comprising a light galvanised steel frame clad in Pyrok. Due to subsequent difficulties in handling the Pyrok, some elements, principally the partition walls, were changed to plywood. The design team had put together a unit and had physically tested it to destruction. They were satisfied with the results. In any case, the specification called for a domestic feel and not a custodial one. This ultimately swung the decision. Mr Entwistle and Mr Leng advised that plywood was a fairly standard building material and Pyrok “fairly common”. Mr Leng was positive that, in normal circumstances, the building would have met its design life requirements.

Mr Entwistle reiterated this point in a letter to me dated 14 October 2004. He said:

“The construction period was exceedingly tight and the urgency for the provision of such facilities was top priority on the national political agenda.

Mr Dickinson said there had been a clear steer from Mr Quibell that modular building was the way to go. Other contractors too had sought immediately to hook up with builders experienced in modular building. (Capita informed me in a letter dated 14 October 2004 that the tender documentation was ‘output based’ and therefore modular construction was not specifically mentioned. However, it was recognised by all the bidders that this was the only solution to the programme timeframe.)

Mr Dickinson suggested that the construction type was “apparently well known”. A mock-up of a room had been viewed early on in the building process. He said that Mr Jasper had visited HMYOI Feltham to see its pre-fabricated units. He (Mr Jasper) concluded that if they could withstand the rigours of the YOI, they could withstand anything. Group 4 therefore proceeded on this basis with technical input from their building partner.
Mr Milliken’s view, however, was that the construction materials had not been suitable to hold males, that the interior walls had been poorly constructed and the windows were flimsy. He believed that the construction had not been in balance with the technical equipment, cameras and microwave detection systems that had been installed. He noted that the design and fabric of the building was such that he had always thought that any major incident would be very serious.

The Chief Immigration Officer at Yarl’s Wood said he felt that the building had not been suitable to hold the population. He recalled that, a few weeks before opening, a health and safety official had suggested that the doors into the Immigration Service offices needed reinforcing. Group 4 had replied that they could make the doors stronger, but that they were already stronger than the walls. The Chief Immigration Officer concluded that there had not been anyone with experience in immigration involved with the construction, and he believed that an emphasis had been placed on expediency.

Mr John Wilson said that the requirement had been for a secure perimeter comparable with a secure category C prison. There had been secure gates (although Mr Wilson noted that during the disturbance they had been breached). He refuted any suggestion that there had been a naivety from the Immigration Service team about the need for security or the population to be contained. The general rule had been that there needed to be the facility to accommodate 5 per cent of the population in secure accommodation or the segregation unit.

Mr Wilson said that the operations working group did not feel it necessary to ask about construction standards – the requirement was for a robust building fit for purpose. The possibility of the construction being flimsy or hostel-like had not been raised, therefore, nor had the type of material to be used. The only time he had been aware of a debate about the materials to be used had been when the planners had suggested the building should be brick-clad.

Mr Eaton thought suggestions by Mr Masserick and Mr Dickinson that the different sides had no contact during this process, and that the operations group knew nothing about the type of building proposed, were unfair. He said that, at the end of each bidding session, a plenary session had been held during which all parties discussed all aspects of each bid, including the construction process proposed. Some people had straddled more than one team where there was overlap. Everyone was given a full set of each bidder’s proposals. In addition, Mr Eaton said he would have expected Group 4 to have carefully scrutinised the building proposals in drawing up their operational plans. The DBO contract was designed to ensure the builder built what the operating contractor wanted.

He said that all the bids were pretty similar in terms of build – only Kvaerner incorporated some concrete in the construction. Everybody went for the modular building approach. Mr Eaton said everybody on the project team should have been aware of this – they operated from separate rooms, but talked to one another in quite some detail.

Mr Eaton confirmed that, before the invitation to negotiate had been issued, the key players had visited HMP Send to satisfy themselves that modular building of this type would meet their needs. Contractors were not instructed to opt for modular construction, however. It was for them to find a solution that met all of the various

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67 Again, Capita concurred.
requirements. Mr Eaton said the shortlisted contractors were taken around Tinsley House to see the sort of thing IND had in mind, but construction methods were not specifically discussed.

He said that Capita had been involved in the assessments. The wallboards had been specifically discussed together with how they were to go together. The technical team had been satisfied that the building was fit for purpose. Mr Eaton did not recall that there had been any dissenters in relation to the long corridors or the building materials. He thought this would have come out at an early stage. Before our meeting, he had not heard about perceptions of flimsiness. He emphasised that those with Prison Service experience had had the opportunity to comment. The whole ethos of design/build was that the construction and layout of the building should be inextricably intertwined with the operational solution.

(Mr John Webster from the Prison Service’s Contracts and Competitions Group (CCG) met with PMI in July 2001. He noted that they considered the building was suitable to hold category C prisoners. His own view, however, was that in order to render it suitable for that purpose, “conversion would be virtually impossible, and it would probably be necessary to demolish and start again from scratch”.)

I asked Mr Boon about the materials used for the building. He said IND had not specified the type of quick build and that he was no expert. He was aware that they were to use pre-fabricated units comprising steel, plywood and plasterboard with brick cladding. His principal concern would have been that the materials were sufficient to enable the centre to meet its required life of at least 60 years. The materials needed therefore to take account of that. It was also important that the materials used met all necessary building and fire regulations.

Mr Boon’s view was that Yarl’s Wood was not a perfect design but it was perfectly workable. It would achieve the necessary longevity and the materials used were appropriate for the use it was to get. His assessment was that what was offered would do the job, in time and on price.

Mr Boon said that IND had looked to the Prison Service to evaluate whether the proposed building materials would meet IND’s needs and to see what could be achieved in the timescale. In particular, they had visited Send prison, which, Mr Boon thought, had been built entirely modularly, albeit in different phases. He said the floor at Send also bounced as you walked over it. This was because it was suspended between steel girders. He shared the perception of flimsiness at Yarl’s Wood, but said that Send had been just the same and it had stood the test of time. He was therefore aware that a quick build could be designed to meet a range of security needs – from open to category B (Mr Boon noted that some category B prisons had quick build wings). From what they saw, they were convinced that,

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68 Once again, this was the view of Capita. They added, “The reference to “the use it was to get” is most important given that Tinsley House was obviously seen by UKIS as the model on which the projected behaviour of the detainees was predicated …”

69 We discussed fire safety with the head of works at Send. He said that the prison had built-in fire protection (alarms and smoke detectors) but no sprinklers. He thought sprinklers would cause problems as the building was timber and plasterboard. He said there had been no concerted fires. Small cell-fires had been put out quickly and merely resulted in the linoleum having to be replaced. He said that the material did not normally burn.
provided they found the right mix – effective project management, good design and a supply of quick build units – the project was achievable in the timescale.

Mr Boon said the time target did not lead inexorably to a large, quick build centre. Everyone was clear from the outset that the building had to be fit for purpose. He was keen to stress that a modular approach was not imposed on Group 4/Amey. If they had come up with a design which incorporated a traditional build and which met the timescales, this would have been fine.

The very nature of quick build meant that it had its limitations – the long hotel corridors, for example. (Mr David Wilson noted that the hospital corridor style was not conducive to safety or supervision. The deputy contract monitor said he found them intimidating.) This did not compare favourably with the best prisons – but it was more difficult to quick build triangular and open landing based designs. Concrete modules would have been a possibility – but there was a danger of making the centre too prison-like. There was a strong preference that the new centres should not have too much of the Victorian prison feel about them.

Members of my team spoke to a member of the works department at Feltham. He told us that one building was constructed from modular units. The building housed the education department, visits and reception. No accommodation was built in this way.

We also spoke to the head of works at Send. He told us that they had three buildings made from RTUs, and that all the accommodation was constructed in this way, while ancillary services were in conventionally built buildings. He described the RTU buildings as plasterboard with brick fascia, but was not certain if it was Pyrok. The drugs unit (20 prisoners) was brick-built with Pyrok (or Pyrok-type material) used for internal sections.

We asked whether he considered the building flimsy. The head of works said that he would prefer a conventional build but it was fit for use and that its benefit was in being quick to erect. He said that if the buildings were looked after they could be just as good as brick-built. He said that there was not a lot of vandalism at Send and put this down to it being an all-female establishment. He said that he could imagine that men would put their fists through the plasterboard and have a go at wrecking the building. Although there was steel within the walls to prevent this, he could imagine that there would be dents in the walls if the prison held men.

I pressed Mr Boys Smith about the appropriateness of the construction of Yarl’s Wood. He said that he did not believe that inappropriate designs had been used simply to meet timescales. He understood that the construction had been Prison Service approved and that, combined with a suitable regime, it would have been suitable for its purposes. He said that it was true that the construction had to be quick, and that there had been a slippage in the construction of Yarl’s Wood, but that it had not been a question of knowingly cutting corners.

I also asked Dr Mace about the materials used at Yarl’s Wood. He said he had understood that at least one prison had been built using similar techniques. Dr Mace said he understood Yarl’s Wood met the requirements originally specified by specialists in IND and the Home Office. He had never been led to believe that Yarl’s Wood was not fit for this purpose. He explained that he had never been in a prison and had no frame of reference with which to compare it.
He added that he had been given to understand by Mr Brown that the specification for
the centre was deliberately compliant with Prison Service standards, to the extent that
it could operate as a lower category prison.

Dr Mace reported that, on arrival in 2001 as Director of Detention and Logistics, Mr
Brewer had said he did not like what was being constructed at Yarl's Wood. He
considered the design to be old fashioned and overtaken by experience in the Prison
Service. He was concerned the materials were insufficiently robust to be effective.
Mr Brewer thought the removal centre subsequently established in the former Dover
YOI much more nearly met IND's developing requirements. Mr Brewer had come
straight from the prison environment and Dr Mace respected his judgement. He
asked whether they should stop or adjust the build. They concluded, however, that
there should be a role for the centre in the totality of the detention estate, but that it
would require good management. Specifically it was judged that, if Group 4 felt they
could meet the need - and with the Tinsley House experience demonstrating that
good centre management could result in few incidents - they did not feel there was
reason to stop. Stopping would have been very expensive. Dr Mace emphasised
that he would have recommended this, however, had he been advised the building
was not fit for the purpose defined or could not operate effectively within the
detention estate.

Dr Mace said that he had probed and asked many questions throughout the project,
but was not aware when completed that the Yarl's Wood building was in any way
deficient. Specifically it met the original IND requirement as did Harmondsworth.
Harmondsworth had subsequently operated satisfactorily. Dr Mace said, that on all
such matters, he relied heavily on Mr Boon and Mr Brewer and the expertise within
IND.

Mr Brewer's recollection of the discussion differed. Mr Brewer said he told Dr Mace
of his concerns the first time they visited Yarl's Wood together. The long hotel type
corridors reminded him of prisons built in the 1960s. He knew from experience that
they did not work. The lessons of such designs had been learnt the hard way in the
Prison Service. Dr Mace's mantra, with which Mr Brewer actually agreed, was that
the work should be specified at the outset and no changes made, since to do so
incurred vastly increased costs from the contractors. Mr Brewer suggested to us,
however, that this was all right only if you were good enough to get the specification
right in the first place.

Mr Brewer told me that Yarl's Wood was difficult to manage because of its size, and,
even worse, because of the building itself.

A number of staff and others commented in their statements to the police on their first
impressions of the building.

One said:

“It soon became apparent that the fabric of the building was not of the highest
quality, it seemed flimsy and one could actually feel certain corridors move
underfoot when they were walked upon.”

The contract monitor described her reaction to Mr Moore:

“I was surprised at the structure of the place. To me as an amateur it felt like
working in a very large portakabin. It was flimsy, it bounced, if you were in

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the visitors’ room, if somebody jumped on the floor at one end of the visitors’ room the coffee machine at the other end would fall over.”

She told me that, during construction, Mr John Wilson had visited regularly and that she had walked around the site with him. They thought the building seemed fragile, but PMI advised them it was normal for such buildings. It was robust, and similar types of construction had been used successfully in prisons.

Mr Wilson told Mr Moore:

“Well I knew it was going to be modular and certainly prefabricated because I knew they were going to build off site the unit. But I had also seen the off site units being built at Altcourse [a GSL prison outside Liverpool] and they were concrete boxes. While I didn’t expect that I am not sure I quite expected it to be that flimsy.”

Mr Derek Milliken, Yarl’s Wood security manager and also ex-Prison Service, told me that the site looked superb. He had assumed, however, that, as it was a grey structure, it was concrete. He had been shocked and stunned at the fabric of the building. During his Prison Service experience he had seen the modular construction of prisons, but these had been made of concrete and he had assumed that Yarl’s Wood would be a similar construction.

Mr Brewer, a governor of more than 20 years’ experience, was simply nonplussed by what he found. He told me that the first time he saw the building it took his breath away. He could only think that he did not understand enough about immigration custody. He said Yarl’s Wood appeared to be built of cardboard. Based on his long operational experience he would not have relished the prospect of managing it if the detainees got difficult.

Size, safety and security

Although Yarl’s Wood was built as two units that could each accommodate 450 detainees, it would effectively have been (once fully operational) a single 900-bed unit. (In any case, 450 was considerably more than IND had previously identified as being safely manageable.) Although the capability to zone down into smaller areas existed, the zoning gates were generally left open to allow freedom of movement.

I explored the issue of size with a number of those involved in its design and build.

Mr Brown said he was not concerned about size, “because it’s not a huge place, it’s two 450 place centres in truth. The only centralised thing were the administration block and the kitchens, the cooking facilities and the medical facilities.”

Mr John Wilson had not been concerned in theory about the size of the centre, but the practice was a different matter. Some people considered small centres to be better, but he considered that large centres could operate provided they were properly zoned and managed. Mr Wilson said that, from the operational point of view, although there had been a concern not to make the regime overbearing, it had been expected that the contractor would provide security and control. Group 4 had duly incorporated zoning controlled by gates.

Mr David Wilson, on the other hand, said that he always felt that Yarl’s Wood was too big, but it was too late to do anything. In an ideal world, you would not build prisons that big either. A hard lesson had been learned. He believed that the size of the
centre had been driven by the removals target. Part of the problem was Group 4's inability quickly to close down units. He commented that, regardless of the general tenor of the regime, it was vital to be prepared for the worst.

Mr Watson also had concerns about the manageability of the centre:

“... originally I was keen that each side of the centre should be run as four discrete self-contained areas ... for easier management of the population. The Immigration Service favoured more free association for detainees and wanted the centre operating as four distinct zones only in times of heightened tension. I was reluctant to allow complete freedom of movement in association. My own view, and I think the experience of other detention centres, would suggest that where large numbers of detainees of similar or indeed opposing cultures or nationalities are allowed to congregate, there's the opportunity for concerted action and/or indiscipline. Following discussions, a compromise was reached where there was to be three zones - a separate woman's zone, families zone and male zone - each with their own facilities such as a dining room.

“... the accommodation zones ... were particularly large. The management of a population ... is probably easier in smaller, more discrete, probably not interconnected, living units.”

During its first period of operation, Mr Milliken was also unimpressed by the size and layout of the centre. There had been long corridors, little natural light, and the residential units had been far too big (with up to 250 male detainees held on Delta unit). He noted that the Prison Service had started to move away from large, open residential units a long time ago and that they now concentrated on numbers of 80-100 in a unit. Mr Milliken said he did not understand why the unit was so large and added that the long corridors had been difficult to patrol and manage effectively. He said that, if there had been smaller units at Yarl's Wood, it might have been possible to disperse known troublemakers.

He did not consider that the zoning had been well thought out. He said it had been formed along the theory that, even when zoned down, the same level of activity and facilities would be provided to detainees. This meant that facilities had been provided separately in each zone. Mr Milliken felt that resources would have been put to better use if they had not been stretched across each zone. In addition, the centre had not been designed so as to be zoned down easily and therefore it had not been possible to limit the disturbance on 14 February 2002 by isolating it. He thought most of the management who had a similar background to his had shared his concerns, but noted that these people also had little experience with immigration detention.

In his letter to me of 14 October 2004, Mr Entwistle advised:

“It is of importance to note that Group 4 Amey Immigration Ltd (GAIL) had proposed that each of the centres be subdivided into 4 distinct security zones containing no more that 110 detainees in each zone as they had operational security concerns on managing larger groups of people. Both PMI (Project Management International) and Capita (authority’s representatives) rejected the proposal on the basis that it did not comply with the authority's requirements for detainee social considerations. Freedom of movement for detainees remained within the construction design.”
Mr Boys Smith said that the control of large institutions was not an issue raised at the time. Securing sites for the institutions had been an issue and it had been easier to build fewer large centres than more smaller ones. Mr Boys Smith said that, at the time, IND was in touch with the Prison Service and had used Prison Service expertise. He said no-one in IND or the Prison Service had said that a unit of 450 was difficult to control. Mr Boys Smith said that he had been assured and had taken at face value that the policy followed was not contrary to current thinking on Prison Service establishments.

Mr Boon said the centre needed to be large to get the job done. Size had to be considered in relation to design, regime and management. Of itself, 900 capacity was not too large. It had to be in two parts with gradations of security, but management and staff were really crucial. To a certain extent the human factor could be designed out, but there was no getting away from the crucial role of staff in delivering a safe environment. Mr Boon noted, however, that it would take a lot of practice to manage somewhere as big as Yarl's Wood. One of the problems with private contractors was that they were contracted to do a big job, initially with largely inexperienced staff. They either had to poach experienced staff from the Prison Service or take raw recruits off the street. This underlined the importance of careful bedding in. Not many seasoned governors would want to run a 450+ bed establishment with staff straight off the street.

Mr Boon said that, from the point of view of the brief, Yarl's Wood should have had available to it a segregation unit and secure areas where more difficult people could be managed. If those were used sensibly and effectively, Yarl's Wood was capable of being managed safely. There was nothing wrong in the agreed approach.

Mr Hampton explained that experience at Campsfield House suggested that a capacity of 200 was too large. Tinsley House was therefore designed to hold 150 detainees, which was considered a better size. He said that in designing Yarl's Wood and Harmondsworth, that lesson was effectively overlooked. Mr Hampton explained that there had been a lot of churn in management personnel and thought that the changes in senior management might have meant that the people responsible for driving Yarl's Wood and Harmondsworth were not aware that the view had been formed to keep detention centres small.

Asked why Yarl's Wood and Harmondsworth were built much larger, Mr Hampton said that it was fairly obvious that Ministers were clamouring for action and removals. There was a large backlog of applicants, many unlocated illegal entrants, and an increase in the number of applications. Ministers were desperate to stem the upward curve. It was clear that a large number of detention spaces was needed quickly and the only real answer was to build big.

Although Yarl's Wood was liberally equipped with closed circuit television cameras, there were also specific deficiencies in terms of physical security. The Chief Immigration Officer at Yarl's Wood said there were places where the cameras did not reach. DCOs said that the libraries and information room had no cameras and the panic buttons in the library were at the far end of the room from the staff desk. In addition, the steel gates were designed in such a way that staff had to put their hands through them to unlock them.

**Physical fire safety**

Prison Service Construction Unit reported:
“Being a board the internal wall is vulnerable to damage. Once penetrated it breaches the fire line and exposes the combustible timber studding material to aid the fire. Once the studding has been consumed the wall has no support and will collapse forming large holes and allowing air and draught into the structure.

“The voids and ducts would aid the internal spread of fire.

“Damage to the thin wall construction and fires started in several locations would lessen the effectiveness of fire compartmentation.”

Mr Entwistle told me in his letter of 14 October 2004:

“The exceedingly tight construction period restricted the designer’s use of brick and concrete within the building fabric. By their very nature, modular buildings have a high fire load and by design, the amount of combustibility within the buildings was reduced wherever it was practically possible.”

Sir Graham Meldrum, HM Chief Inspector of Fire Services, advised that the construction materials used at Yarl’s Wood were perfectly acceptable, as they had been fire tested to an appropriate standard required by building regulations. Their fire performance was comparable to more traditional materials designed to resist fire in the same circumstances. The difference, however, was that this type of construction required high quality installation and was not very resistant to other damage. Once damaged, or once the fire integrity was compromised by poor quality retrofitting of cables and services, they were vulnerable to allowing rapid fire spread through hidden cavities. Sir Graham noted that the building had behaved exactly as he would have expected in such a severe fire which had started in several different locations and was allowed to spread unchecked.

Sir Graham added that there was a real issue about means of escape. It was one thing for staff to act in a certain way if a fire had been started by accident; it was quite another for them to be able to do what was necessary when they were personally threatened, had their radios/keys removed etc. In the event, the means of escape provisions had proved to be adequate, even under these difficult circumstances. Nevertheless, Sir Graham concluded that it had been “extremely fortunate” that there had been no loss of life.

I spoke to Mr Martin Shipp of the BRE. He was familiar with Pyrok and had no problem with it. He pointed out that the initial source of the fire had been reasonably substantial as compared with a fire started by accident in a hotel. With the benefit of hindsight, it was easy to say that the choice of materials was poor, but Mr Shipp stressed that everything was wholly conventional. The building had not been thrown together, and it had clearly been built with fire safety in mind. It complied with the regulations. However, there was an issue about the use to which the building was to be put.

The roof construction had been unexceptional. PUR sandwich panels had been used. These were light, cheap, durable, insulated well and were easy to use. They were, however, no good in a fire. PIR sandwich panels would have been significantly less combustible, but Mr Shipp estimated that they would cost about twice as much per panel. He suggested that the use of the PUR panels might not, in any case, have been significant, given the other materials used. Mr Shipp suggested that a fire barrier might have been built into the roof panels in line with the cavity barriers below to enhance protection, but it was relatively uncommon for this to happen.
Polystyrene insulation had been used in a few areas but this was not significant in itself. It was not a flaw, but was something that, with hindsight, bore re-examination.

Mr Shipp said he had not identified any clear breaches of the regulations. However, there were some instances of what he considered to be poor practice. For example, fire doors should normally be in line with fire walls to maximise the protection provided. However, he had found instances where rooms straddled a fire door, meaning that the fire wall and the fire door were not aligned. Mr Shipp suggested that this was not a fatal flaw but was a conceptual weakness.

Mr Shipp said that the travel distances to fire exits were right on the limits of what the regulations allowed. He was fairly relaxed about this, however, as he considered the limits themselves to be poorly formulated. He was concerned, however, about the introduction of steel barriers, since this necessitated someone with a key being available. If they were not, the travel distances became significantly longer. Mr Shipp said this was not improper in itself, but it was not ideal.

Although the building was typical of a modern hotel block, strong glazing prevented the easy egress from the first floor that might be expected in a hotel building. Mr Shipp also explained that, although the fire exit doors themselves did not require a key to open them, they could not be reached without passing through a door that did require unlocking. This did not matter in terms of the regulations, but it was a question for the building managers.

As far as difficulty for the Fire and Rescue Service in reaching some parts of the building to fight the fire was concerned, Mr Shipp said access was on the limits of difficulty but compared with access to a high rise building, for example, was not too bad. In any case, there was no requirement in the regulations to ensure accessibility. It was not good practice, but was acceptable.

Mr Shipp said there was a 6” void for services in the ceiling along the length of the corridors. This was a weakness of design in terms of fire spread, but it was not otherwise odd to keep all the pipes and cables together and out of view. Barriers made them safe for those evacuating, but there was nothing to stop the fire spreading. Mr Shipp said this would have been a difficult element to close off, but barriers might ideally have been introduced at the edge of each module.

The whole building would not have burned down with only one seat of fire. Mr Shipp considered it was unlikely the fire could have breached the passageway between the accommodation and administration blocks. The fires that destroyed the two blocks were unrelated.

Mr Shipp considered that overall the performance of the building in terms of timescales was about what he would have expected. In fact, the building had taken a number of hours to burn down. The fire had progressed comparatively slowly and steadily. It was acceptably safe as compared, for example, with a student hostel. Mr Shipp pointed out that, for some considerable time, detainees had been in and out of the building.

In conclusion, Mr Shipp said that simply satisfying the building regulations would not mean that a building would not burn down. Indeed, building regulations are not designed to stop buildings burning down. Compliance with them should, however, prevent loss of life.
Anticipated occupant behaviour

Dr Mace said that it was considered that most asylum detainees had no natural disposition to violence. Some were violent, but generally, it was felt that the operational procedures and facilities would provide sufficient safeguards. Dr Mace advised that accommodation standards at Yarl’s Wood were defined particularly for asylum cases with families and children. Yarl’s Wood was considered most appropriate for fast track decisions/appeal detention – an extension of the Oakington process. While not formally defined, there was an expectation that the Oakington process and team would move to Yarl’s Wood if/when Oakington closed on expiry of its short term lease from MoD. Facilitated returns had been what was envisaged when Yarl’s Wood was in the planning stages. It had been designed for a different purpose from the one it was to fulfil. Dr Mace said that his judgement was not that either the building or the contract was wrong – but neither had been designed for this population comprising ex-prisoners. Dr Mace noted that no country in Europe handled this number of forced returns.

GSL’s submission argued along the same lines while Amey’s Mr Entwistle said that his understanding at the time had been that Yarl’s Wood would house in-process detainees and therefore not hostile detainees who were at the end of the process having received a negative result. Mr Leng agreed that the centre was to house a willing/compliant community. He added, however, that the designation had changed to removal centre late in the construction process (around April 2001). Group 4 had been concerned at the time about this change.

Mr Entwistle reinforced this point in his letter of 14 October 2004. He said:

“Only a limited number of secure units were required to be provided within the accommodation limits to restrain any disruptive detainees. Persons whose applications were denied would be transferred to a more secure facility to await deportation …

In their letter to me of 14 October 2004, Capita said:

“Subsequent to the award of the Yarl’s Wood contract, we understand that significant changes in the detainee community were noted: behavioural change and increased throughput, impacting control and management issues.
These trends were fed into subsequent designs i.e. Colnbrook, just as information and trends of the time, witnessed at Tinsley House, were used to inform the Yarl’s Wood project.

Mr Masserick said that accommodating a different type of detainee had been something of a quantum leap, and had not really been in anybody’s thinking. It was moreover a difficult issue for the contractor to address. In matters of hard fact (for example, throughput being higher than anticipated), it was relatively easy to re-negotiate. Where qualitative issues were concerned, however (such as whether the population was more difficult than anticipated), these were less susceptible of resolution.

However, Mr Boon suggested that Yarl’s Wood was built with more difficult detainees in mind, but that the numbers of challenging detainees upset the balances built into the centre. He explained that the intention at both Yarl’s Wood and Harmondsworth was that their respective accommodation should be graded with different parts of the buildings designed to hold more difficult types of person – hence the secure and segregation units. The majority of the accommodation was low category C, capable of being zoned if necessary to restrict movement for control purposes, but a significant amount was designed to enable the contractor to deal with small numbers of more challenging detainees. On learning of the fire, he had wondered “who on earth they had put in there?” Careful population build up, in terms of both numbers and types of detainee, had been identified in the planning and contract as crucial to avoiding a serious disturbance.

Group 4 have argued that what they were asked to build was a hostel and that that was what they built. Indeed, Mr Brown told me, “This was designed as hostel accommodation, it was very clearly outlined. This was not designed as a closed institution it was designed as a hostel within a secure fence.”

Mr Leng said that at no time had it been suggested the centre would be a prison. He noted that:

- detainees could not be locked in;
- there was no requirement for zoning (albeit that GAIL had incorporated it);
- there was to be freedom of movement with free access to sports, shops etc;
- there were sports facilities; and
- families and children were to be accommodated (and the specification for both halves of the building was the same – that is, in the male and family centres).

Mr Quibell told Mr Moore that there was a conscious decision to make Yarl’s Wood as little like a prison as possible. “I think we may have fooled ourselves a little bit into thinking that the behaviour of most of our people was quite acceptable.”

However, Mr Masserick rejected absolutely the suggestion from Group 4 that they had originally been asked to build hostel-type accommodation. He said work was ongoing at the time on Detention Centre Rules. All players were being consulted and everyone knew that the rules derived from the Prison Rules. Group 4 (and others) knew full well removal was a coercive process. Indeed, most bidders fielded someone with Prison Service experience. Group 4 knew it was a look alike with Campsfield House. This was always very clear. Moreover, Group 4 had been the contractor in residence during the disturbances at Campsfield House. They had also had the searing experience of the ensuing trials. In fact, Mr Masserick had been
concerned that Group 4 might conclude the risk was too great and withdraw from the competition.

Mr Boon similarly refuted categorically the suggestion that IND had asked for a ‘hostel’. He noted that, when he joined IND, others had referred to Campsfield House as a hostel. He commented that he was not surprised they were having control problems if they were trying to run it as such. Detainees had complete freedom of movement and were able to activate security gates by feeding smoke into the fire alarms. He said there had been a disturbance at Campsfield House shortly after he took up post at IND. As a result, he had ensured it was zoned and that the fire alarms were connected to the control room. The key was the custody, care and justice axis. Mr Boon said he was very surprised if Group 4 were saying they had been encouraged to build a hostel, because they most definitely were not. He would not have condoned the use of the expression ‘hostel’ – what was sought was the lower end of category C prisons.

**Assessment**

**Did they get the design right?**

There is much of which I am critical in this report. The single question that causes me most amazement is how Yarl’s Wood came to be built as it was.

I have been offered two conflicting views of the way in which the design for Yarl’s Wood developed. GSL say that the generic design presented by IND was, if not a blueprint, then at least a strong guide from which potential contractors would not be expected to diverge greatly. This generic design, they say, was predicated on a hostel-like regime, itself reflecting the non-criminal nature of the population and the desire to remove obviously prison-like features.

In contrast, IND say that the generic design was intended as a helpful illustration of a possible lay-out but that contractors could and should have gone away to develop their own solutions. IND acknowledges that it sought a non-institutional feel to the buildings, but rejects the metaphor of a hostel and points out that the tender documents specified a robust construction within a secure perimeter. Whether or not the word ‘hostel’ was ever used, Mr Eaton’s description of the brief goes some way to indicating how the idea gained provenance, however.

The fact that the two principals are so far apart in their analysis of events does not command confidence. This long after the event, however, I have not attempted to uncover how they came to such opposing interpretations. Both parties may care to review this with future contracts in mind.

I have found aspects of both viewpoints with which I can sympathise. On the one hand, I can see why GSL felt there was no purpose to the generic design other than to influence the eventual outcome. Indeed, it is clear that IND expected a modular, two-storey building or buildings. From what I was told by Mr Eaton, the design reflected IND’s expectations about the nature of the population to be detained and what was required to hold them safely and securely. On the other hand, GSL must take responsibility for the design that they presented as being operationally sound and which in point of fact did differ from the generic design. (Capita confirmed this in their letter to me of 14 October 2004.) There can be little transfer of risk in DBO

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70 A view with which Capita concurred.
contracts unless it is accepted that the design is a matter for the contractor not the authority.

Whatever its exact origin, I believe there were aspects of the design that were badly flawed. The ‘hotel corridor’ lay-out was dark, claustrophobic and included regular blind-spots. As several witnesses pointed out, this sort of design was commonplace in the prisons constructed in the 1960s and 1970s but has been found to have significant weaknesses in practice. Staff supervision, safety and confidence are all undermined. I believe the design was one reason why staff at Yarl’s Wood are reported to have spent much of their time in the unit offices (where groups of detainees then congregated).

Several witnesses argued that Yarl’s Wood was too large. It is clear that Yarl’s Wood, although split into two units of 450 spaces, was not intended to operate as separate institutions – it had a single centre manager and some shared facilities. Moreover, these units of 450 were not split further than to divide single males, females and family groups from one another. The resulting accommodation was structured along a long corridor which brought with it problems over patrolling and sightlines. I share a preference for small institutions. However, I am also conscious that developments in prison design since 1990 suggest that the maximum of 400 places suggested by Lord Woolf in *Prison Disturbances* was unduly conservative. Recent prison experience demonstrates that larger prisons can operate successfully (1,000 place prisons are no longer unusual). There are also proper considerations of economies of scale and the efficient use of public money. The critical element is that they must be capable of zoning down – both in times of emergency and to provide safe, more homely units to reflect the needs of different groups within the population.

The ability to reduce Yarl’s Wood to a number of much smaller units, at least at times of high tension or trouble, might have gone some way to mitigate the effect of its overall size. The generic design did not include ‘zoning’, but this was added later by GSL. However, it was not used during normal operation, the gates being left open to permit freedom of movement. Furthermore, the effectiveness of the zoning gates was reduced by the fact they had to be shut and locked manually and by the fact that magnetic doors and windows released automatically when the fire alarm went off. It is perhaps surprising that, in comparison with contemporary category C prisons, there was no external zoning in the grounds either. It seems this was the result of IND's wish to avoid an institutional feel to the establishment. Its effect, however, was to render any attempts at internal zoning virtually meaningless.

I have also considered the materials used to construct Yarl’s Wood. Throughout this inquiry, I have found it difficult to understand why a more robust, modular solution was not found. My own impressions were of an astonishingly flimsy construction, with some of the floors bowing as you walk over them. The contrast with the new removal centre at Colnbrook, which gives the impression of a concrete bunker, is striking.71 It simply defeats me that anybody with Prison Service or immigration detention experience could have considered the building would be sufficiently robust.

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71 Mr Brewer told me he had already made up his mind before the fire that he would not replicate Yarl’s Wood elsewhere and had made arrangements to replace the generic design used in the procurement process. He specified that, in future, centres would be capable of being locked down where necessary and galleried accommodation would be used. The Colnbrook tendering process had already begun when he took up post and he thought he had missed his chance. However, following the fire, the competition was halted and the specification changed. Otherwise, Colnbrook would have been the same as Yarl’s Wood.
(GSL’s Mr MacGowan told me that he considered the site to have been constructed from expensive portacabins. He could not believe that anyone with experience of custodial institutions would make such an awful design and an unwise construction.) I understand the desire to avoid an institutional feel - Mr Leng suggested that it was this which ‘swung’ the decision to use Pyrok. But this could have been achieved using concrete modules with suitable cladding.

Nevertheless, my expert advice is that the building at Yarl’s Wood was properly constructed and withstood the fires rather better than a lay observer might have believed. And there was (very limited) Prison Service experience with not dissimilar materials. That said, no closed institution of this size had ever been built where all the living units were constructed as they were at Yarl's Wood.

Why did this come about? In very large part, it derived from the pressing time-constraints under which those responsible for Yarl's Wood were working. Mr Boys Smith told me expressly that the size of Yarl’s Wood was determined by the need to provide spaces as quickly as possible. Indeed, as Mr Eaton made clear, the simple arithmetic was a target of 1,800 extra places divided by three possible sites (Yarl’s Wood, Harmondsworth and the failed application at Aldington). Speed meant large institutions and it meant modular building techniques (again as Mr Eaton's evidence makes clear, this was explicit at the outset and not the invention of GSL).

The need to progress urgently may also have led to insufficient consideration of the project in the round. Woolf said that, “clear guidance must be given to all those involved in a project about the Prison Service’s plans for the running of the particular establishment.” Clearly, this is fundamental to a design, build and operate project to ensure the building and the operation are well matched. Some have suggested to me, however, that there was little or no contact between those working on what the building was to look like and those working on ‘operations.’ Mr Eaton said that there were daily conferences during which both sides came together, but I wonder how much attention each side would have paid to the other given their own very heavy and intense workload. It seems more likely that each side assumed that the other set of experts knew what they were doing.

Speed alone did not determine the particular materials deployed at Yarl’s Wood. It is clear that those responsible for the design of Yarl’s Wood set out to create an environment that was as little like a prison as possible. But did that - entirely proper - objective result in a failure to recognise the need to provide a safe, secure and ordered institution? I conclude that the risk was in applying conventional quick-build methods to a large, complex, secure institution, rather than the quick-build methods and materials themselves.

The combination of design and materials resulted in a building that was not capable of withstanding the total loss of control and multiple firesetting that took place on 14 February 2002. The occupied portion of Yarl's Wood survived just three months. It is manifest that, in retrospect, it failed the test of fitness for purpose.

I recommend that IND pulls together the lessons on design from the Yarl’s Wood experience (size, long corridors, siting of the control room, construction materials etc) and ensures that they underpin the production of any future footprints or alternative designs submitted by contractors.

I also recommend that IND specifically and independently assesses whether a proposed construction material meets the particular needs of the project.
How they built it

Yarl’s Wood was an expensive scheme for the taxpayer. It was not a PFI project: what was offered was a contract to design, build and operate (DBO). Unhappily, it became what may be termed a BDO project in which design lagged behind the actual construction. Delays became apparent almost as soon as work started on the site – a result of bad luck, bad weather, management weakness and failures to deliver by sub-contractors. Relationships between IND and GAIL deteriorated, as did relationships between the two partners making up the consortium. In the event, the project was delivered nearly eight months later than intended, IND having withheld payments thereby squeezing the contractors’ cash flow. However, despite considering whether to cancel the contract in its entirety, IND decided not to use this ‘nuclear option’. IND’s reasons illustrate the limits to the transfer of risk implicit in this sort of contract.

Planning permission

Mr Masserick told me that it was agreed that emergency planning measures would be invoked – not simply on grounds of speed, but because it was unlikely IND could secure planning permission without them. If they waited for permission using normal routes, they could wait forever.

In a submission to Ministers dated 7 June 2000, Mr Boon noted that:

“Bedford Borough Council, the planning authority, have been extremely helpful in facilitating this process. Not surprisingly there is strong local opposition to the plan, primarily on the basis of the impact of traffic, road safety and fears about negative impact on property prices. A good deal of heat has been generated over the brevity of consultation … In the public meeting … I spoke of the scale of the asylum problem … of the improvements already achieved in casework decision making and in our need to match that by effective enforcement. I explained why we needed more detention places to reduce absconding72 and remove people quickly. It is difficult to avoid this context in explaining why we are fast tracking the building of 900 places ...”

In order to meet the very tight timetable, the Home Secretary agreed to use of special urgency notification procedures under Department of Environment circular instruction 18/84 to speed up the application for planning consent. The instruction made clear that these provisions were to be used in "rare cases" and that departments had agreed to rely on them “in as few cases as possible”.

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72 An April 2000 document entitled Supporting Statement by CgMs [private sector advisers on planning and development, archaeology and historic buildings] in respect of proposals for the provision of an immigration detention centre on land at DERA, Thurleigh (tunnel) site, Bedfordshire noted that: “… backlogs [are] being vigorously dealt with and the length of time to process all claims [is] on course to being reduced to an average of 6 months including appeals. This means that more people will come to the end of the immigration and asylum process more quickly and more will be subject to removal. The target this year is to remove 50 per cent more failed asylum seekers than last year with huge increases in removals planned thereafter. Detention is an important part of the process. Over 50 per cent of people subject to immigration control abscond. About two thirds of people who are removed from the UK are removed from detention. Only about one third depart voluntarily. If the Immigration Service is to close the gap between those people refused asylum and those currently removed more detention places are essential. An expansion of the detention estate is critical to immigration control and the preservation of a credible asylum system.”
Mr David Bailey, Head of Planning Services, Bedford Borough Council, gave evidence to the County Council inquiry on this point. He advised that development by the Crown did not require planning permission. A normal method of consultation was a ‘Notice of Proposed Development’. This process provided for some publicity and for limited consultation. Special urgency notices, on the other hand, did not allow for publicity arrangements and gave a timescale for comments of 14 days. The Planning Committee received the special urgency notice on 15 May, but obtained an extension until 13 June. This enabled the committee to consider it on 12 June. In the event, the committee carried out some limited publicity and agreed with the Home Office that there would be public meetings.

In his evidence, Mr Quibell explained that the Home Office had not enforced the full terms of the special urgency procedures, but had allowed more time and taken opportunities to speak to local people. He advised that the Home Office had used or intended to use special urgency procedures in similar ventures. (In fact, as noted earlier, their use was the subject of a judicial review in relation to a proposed development at Aldington in Kent.) Mr Quibell said that, in light of current events, it had been agreed it would be inappropriate for the Home Office to proceed with fast-track planning procedures. While they hoped local planning authorities would work with them in terms of timing, they had “absolutely no intention” of “rail-roading” anything through.

The Council gave outline planning consent with certain provisos – so-called ‘reserved matters’. (In his statement to the police, Mr Bailey said that, contrary to a specific request by the Council, ‘special urgency’ powers had again been invoked in respect of the reserved matters. This allowed little time to evaluate the major proposal, and, he said, was a heavy-handed way of dealing with such an obviously sensitive development plan.)

Mr Bailey said that, notwithstanding the timescales involved, he considered that the planning committee had been able to go reasonably swiftly through what he considered to be a fairly normal consultation procedure. He stressed that the planning issues had been dealt with quite properly. In particular, he confirmed that the Borough Council considered the proposed access route (the Twinwoods Road) to be more than adequate (I return to this topic below).

Mr Bailey confirmed that the planning committee knew of a right to be heard in the case of a formal planning objection to a proposal and that this could lead to a non-statutory inquiry. This rested, however, on whether there was a fundamental planning objection. In this case, there was not:

“Brownfield site, history of security, research and development, existing large buildings on it, sound access, little visual impact, away from large areas of population … it isn’t a bad site.”

Mr Bailey noted that there had been concerns about the stability of the access road and a suggestion that consideration should be given to re-surfacing it (my personal impression is that this would be beneficial). There were also concerns about the likely effect on house prices. He advised that this was not a planning issue, but that

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73 Local residents were concerned about the impact the location of the centre would have on property prices. The Bedfordshire County Council inquiry heard about one instance where a mortgage lender allegedly reduced their offer by 10 per cent as a result of the fire. The chair of the Residents’ Committee also reported that he had had his house valued, and that it was now considered to be worth between £8,000–10,000 less after the disturbance. The Select
his members had passed on the concerns to the Home Office, who undertook to monitor price fluctuations locally over time. There was also discussion about bussing arrangements, dispersion policies when people were released and the possibility that police would be distracted from their normal policing work in the community. Mr Bailey said all these points were carefully considered by the committee and that it took into account the expert views of various agencies. He stressed again, however, that there was no fundamental objection on highway grounds, although the committee imposed some conditions relating to road safety, noise, the stability of the road etc.

The Fire and Rescue Service had concerns about Yarl’s Wood’s remote location and their own ability to deal with any fire. The then acting Chief Fire Officer for Bedfordshire & Luton Fire and Rescue Service, Mr Geoff Goddard, told me, however, that Fire Service concerns were not sufficient of themselves to prevent planning being granted.

In its report, the County Council queried whether use of special urgency procedures was appropriate, given that there were no issues of defence or national security. It pointed out that all that was gained in the event was an additional month, and that this was time that Bedfordshire Borough Council could have used to do its work as a planning authority in the normal way. It argued that it was wrong for the Home Office to apply the special urgency provisions in the way that they did. It concluded that the Government’s review of the planning system should restrict the use of such provisions to matters of national security and defence.

The committee also said that the Home Office and Immigration Service had initially advised that there was no right of appeal against the decision to build at Yarl’s Wood. In fact, circular 18/84 provides for what is in effect a non-statutory right of appeal. Mr Edwards (Head of BEMU) advised me that there are regular appeals under circular 18/84 and that planning officers or legal advisers at Bedfordshire Borough Council could have found provision for appeals in the circular.

Assessment

The use of a special urgency notice, and the consequent perception that local people could have no say in the building of Yarl’s Wood, continues to cause resentment - notwithstanding the fact that the Home Office did not, in the event, enforce every aspect of the accelerated procedure.

I recommend that the Home Office restrict the use of special urgency notification procedures to cases of absolute necessity (as indeed is required by the relevant regulations).

Consultation and communication

Yarl’s Wood was built on part of a former Defence Evaluation and Research Agency (DERA) site. Although only a few miles north of Bedford and within easy reach of other conurbations, the area is rural and but for rush hours there is little traffic except

Committee noted that the Home Office had undertaken to monitor house prices in the vicinity. Mr Quibell told the Select Committee that research showed, while there was an initial negative impact on property prices when projects such as removal centres or prisons were built, this tended to stabilise over time because of the number of jobs created. On occasion, prices actually went up.
on the nearby A6. Such a location, surrounded by farmland, may be thought an incongruous site for an Immigration Removal Centre. On the other hand, some may think it an advantage that there are few close neighbours and the site was no less incongruous in its former incarnation.

I have spent some time at Yarl's Wood and in its neighbouring villages, when attending meetings and interviews. It is clear that the local people feel very let down by what they believe was a lack of consultation and communication.

I received a copy of a letter written shortly after the fire by a resident of Twinwoods Road that had been sent to MPs and to the then Minister, Lord Rooker. The letter described the centre as having been imposed on the community with no planning permission and that the Parish Council advised, “there was nothing anyone could do and that protest was pointless as it was being built no matter what”.

I also received a letter from Oakley Parish Council stating that the Council, “was never consulted or involved in any consultation process in respect of the original proposal to build a detention centre on the site. The Council believes that, had it been consulted, it could have offered useful information on matters such as alternative access.” I attended a meeting of Oakley Parish Council and was told that the consultation process had not really been for consultation because the decision had already been taken. The feeling was that local people had been rail-roaded into accepting Yarl’s Wood being built in their community.

A letter from the Chief Executive of Bedford Borough Council raised concerns about the “quality and frequency” of the information provided to the local community on the building and operation of the centre.

The Bedfordshire County Council report says that it heard that a liaison committee was set up at the instigation of the Home Office and Group 4 following the decision to build Yarl’s Wood. A number of Parish Councils and various people living close by were invited to join the committee. The report claims that, with the exception of direct contact during 2001 between Oakley Parish Council and the Home Office, this was the sole means of communication between the Immigration Service and local Parish Councils.

At first, Group 4 was represented on the liaison committee by Mr Jasper, but from February 2001 the centre manager appears to have taken on that role. Representation from the Immigration Service varied in early meetings but usually Mr John Wilson would attend along with the Chief Immigration Officer and/or the contract monitor. The committee also included borough planners, the police and, in the very early days, the Health Authority.

A series of meetings was held. I have received the minutes relating to them. At the first meeting, on 10 October 2000, there were questions regarding the security of the site and relating to traffic-flow. Later meetings addressed issues including the construction of the building, disruption created by lorries going up to the site and the signposting of routes to Yarl's Wood. In the other direction, information was shared about the planned operation of the centre, including healthcare provision, activities and staffing.

The liaison committee had been successful in having construction traffic better regulated and in having the site lighting adjusted to reduce its impact on the local environment. Senior management of Group 4 told me that they had been happy to
work towards solutions on matters of concern to residents by, for example, restricting deliveries to certain times of day.

The contract monitor told me that, by the time she had taken up her post, relations with the local liaison committee were not good. She said that ill feeling seemed to flow from public meetings held in Clapham. The committee’s specific site concerns had related to issues such as lorries, lights and fences, and these were largely dealt with by Amey. There was considerable anger over use of roads (although the committee was not in full agreement as to whether they wanted a new link road built) but this was a matter which fell beyond the remit of her and her Immigration Service colleagues. The committee also questioned and commented on national immigration policy. The contract monitor recalled that specific concerns had also been raised about how the detainees would be managed in the event of a disaster. She said that she did not remember concerns being raised about the type of people held at the centre, but she had subsequently seen a video of a meeting where this happened.

Mrs Margaret Turner, chair of the liaison committee, addressed the Bedfordshire County Council Select Committee. Mrs Turner said that her committee’s initial concerns had been with security and the impact on the local environment. She said the liaison committee was initially advised that detainees would be at the centre for three to five days. Later, it was two or three weeks. Still later this was changed to six to eight weeks. It was changed again subsequently to a number of months. When the liaison committee challenged this, she said they were informed by Home Office officials that it was a policy issue on which they could not comment.

Immediately before the opening, there was supposed to have been a press briefing and an opportunity for local residents to visit the centre. This was cancelled at the last minute. (A visit finally took place in January 2002 when members were shown around the unoccupied male block.)

In its report, the County Council Select Committee concluded that it would benefit central government to keep the local community on side:

“... keeping people informed at every stage and avoiding giving information that could be misinterpreted. Most importantly of all, it is imperative that local views are given the chance to be aired, listened to and acted upon.”

The Committee concluded that misinformation led to feelings of disempowerment.

I recommend that for future removal centre projects a local liaison officer be appointed, the major part of whose job will be to identify properly interested stakeholders and consult and inform local people.

Access

There is a road running behind Yarl’s Wood (and a gate allowing regulated access to the QinetiQ part of the site). However, the only route to Yarl's Wood in regular use is the Twinwoods Road, a road that leads up from the village of Clapham. The bottom of Twinwoods Road (closest to Clapham) is residential, and there are new housing developments still being built in the area. Houses line one side of Twinwoods Road for a short way towards Yarl's Wood. Beyond this, the road is somewhat remote and to all intents and purposes is used solely for access to the site.

Again, disappointment and resentment is felt over a lack of consultation with regard to the access route.
Twinwoods Road residents had been informed on 24 August 2000 of proposed improvements to the road. This was the first they knew of a proposed detention centre at Yarl’s Wood. A meeting was held, at which it was suggested that the old access road to Twinwoods airfield should be considered as an alternative. On 11 September, they received a letter from the Parish Council advising that events had gone too far for alternative access to be considered at that stage. At this point, local residents established a committee of their own.

The chair of the residents’ committee reported to the Bedfordshire inquiry that this was considered necessary because residents felt that their views were not being adequately represented by Clapham Parish Council. Because traffic had to travel along Clapham High Street, membership came to comprise the whole village. The chair of the committee lobbied various officials, local MPs and petitioned the Home Secretary about alternative access. The committee argued that their proposed alternative route, through Browns Wood, would go through non-residential land and would have no adverse impact on the environment. Letters I have received in support of this alternative access route point out that it would avoid heavy traffic through the villages of Clapham and Milton Ernest and would take advantage, with relatively little work, of pre-existing Air Ministry roads.

Not all residents believed that the Twinwoods Road was unsuitable, however. I received a contribution from one resident who wrote to say that the site was “ideal” for a detention facility, that the question of access to Yarl’s Wood was merely a smokescreen and that the real issue was that people simply did not want the centre so close to their homes or detainees being conveyed past their houses. He considered there was no need for a “costly new road” that would be environmentally damaging to the rural Browns Wood area.

A complicating factor is that Browns Wood is actually located in Oakley Parish, the parish boundaries now straddling the widened A6. Oakley Parish Council were opposed to the use of a road through the wood on environmental and traffic flow grounds. There appears to have been something of a stand-off between the residents of Clapham and Oakley Parish Councils, conducted in the most part via letters and articles in the local press. I received a letter from an Oakley Parish Councillor advising me that hostility was exacerbated by the publication of letters from residents suspected not to exist and articles in the local press suggesting that the disagreement between the villages amounted to “war” (Bedfordshire on Sunday headline, June 24 2001). It is clear that the issue has given rise to much ill-feeling on both sides.

A meeting was held between the Clapham residents and representatives of the Home Office, but, after several months, residents were angry at the lack of progress – they thought “they were being ignored and taken for fools”. On 13 May 2001, they threatened to block Twinwoods Road. On 18 May, the committee chair received a letter from the Home Office confirming support for the link road and its intention eventually to submit an application seeking approval. In due course, the application was submitted, but the Borough Council decided not to sell the required land.

The clerk to Oakley Parish Council reported to the County Council Select Committee that they had written on several occasions to PMI, to Home Office officials and to the Home Secretary with various concerns about the proposed alternative access, but had not received a reply. Mr Quibell had eventually met with them at the instigation of Alistair Burt MP. The Parish Council felt that Mr Quibell fudged the issues but noted that he said that, in the event of permission being refused, the Home Office
would not want to end up at a public enquiry. Oakley Parish Council wrote to Mr Quibell in December 2001 to say that, should a public enquiry into the matter ensue, they would “strenuously make their case”. Replies to earlier letters and information promised by Mr Quibell allegedly never materialised.

Oakley Parish Council wrote to Mr Moore. Their letter endorsed Bedford Borough Council’s decision to reject the proposed alternative access route via the link road. Moreover, it criticised the Home Office for not consulting fully with all adjoining parish councils and interested parties, suggesting that a full consultation process would have led to the rejection of the proposal before the planning application stage. Oakley Parish Council concluded on this issue, “we still feel that Twinwoods Road is a suitable access to the site but should it become clear on safety grounds that there is a need for two independent access routes to the site for emergency vehicles, then the second route must be completely separate from that using Twinwoods Road”.

I attended a meeting of Oakley Parish Council, in which disappointment at the lack of consultation on the access road was reiterated. Further, the council was concerned that the proposed road would increase traffic through Oakley. It was also frustrated that the Home Office was dealing directly with an unofficial group formed by residents of Clapham and had taken up its proposal. Correspondence seems to bear out the fact that there was a fundamental difference of view on the suitability of the proposed alternative access road between Oakley Parish Council and the Clapham Residents Association.

Twinwoods Road must have been judged acceptable for use in the past when the DERA site was fully active and it is difficult to believe that, after the construction of the centre, journeys to and from the centre each day would extend beyond workers, visitors, and a few vans for movement of detainees. The County Council as highway authority had not raised objections when Yarl’s Wood was planned for 900 detainees, and the proposal for the link road was rejected by the Borough Council on grounds of a lack of overriding need and conflict with landscape, ecological, visual and amenity interests. In light of this, the Home Office decided not to seek permission for any alternative access route to Yarl’s Wood. The Home Secretary advised Clapham Parish Council on 5 December 2001 that he felt it would be wrong to intervene in a local planning decision, albeit that he understood residents’ views. Lord Rooker confirmed this – he noted in a letter to me dated 21 June 2004 that the issue “rested on the local authority being willing to sell the required land”.

I have read a number of papers on this issue (the most up-to-date being a paper for County Council’s Community and Environment Select Committee, dated 30 September 2003), but I have not judged that decisions regarding access routes and who should pay for them are matters that either come within my terms of reference or regarding which I have any special knowledge or expertise. That said, I acknowledge the importance of this issue to local residents. In its report, the County Council Select Committee also acknowledged its importance. It believed the various options should be investigated at an independent public inquiry and that a new access road should be provided to the site, paid for by the Home Office. I simply record their views.

What it cost

The term ‘commercial confidentiality’ is often used unthinkingly. Confidentiality during a bidding process is one thing, but I see no reason why the public should not know how their money has been spent once a contract has been signed. All the
more so, given the events that gave rise to this inquiry. Indeed, the wider availability of information about costs should enhance competition in any future contracts.

Despite its modular design and undemanding specification, Yarl’s Wood was not a cheap building. The actual cost of construction was £63,257,179 (exclusive of VAT). This compares unfavourably with many recent prisons.

Why did such a modest construction cost so much? Very simply because each bidder included a substantial element to reflect the speed with which the project had to be delivered.

Mr Eaton advised that IND had paid a premium for speed. On checking the project preliminary costs, he advised that it appeared that an additional 10–15 per cent was attributable to the additional resources needed by the builder to deliver within the timescale. In addition, almost £9 million was allocated to risk, margin and funding. Particular risk issues included, *inter alia*, the joint and several liability of the ‘builder’ and ‘operator’, the milestone payment mechanism, the 25 per cent final milestone, and the longstop date.

The costs did not impress the Prison Service. I have obtained an internal memo from Mr John Webster (CCG) dated 9 July 2001. This referred expressly to issues of value for money:

> “My own view of the IND exercise is that if and when NAO [National Audit Office] takes an interest they will have a ‘field day’ in value for money terms. They will surely compare construction costs with our own of £40m for Rye Hill and £69m for the extremely high quality construction at Dovegate for prisons which are considerably more substantial and secure than IDCs. Osprey [PMI] argued that the £57m construction cost for Harmondsworth was good value given the location. I checked BAFOs for Ashford, however, and we can expect to pay about £15m less for a similar size and much more secure cat B establishment a few miles away. IND will argue, however, that the asylum situation, in the run up to the election, was a political imperative demanding immediate remedial action, regardless of cost. We are unlikely to have the luxury of that argument.”

In light of this, it is particularly worrying that no comprehensive and rigorous business case was ever completed.

**I recommend that IND and the Finance and Services Directorate ensure that no major project is again allowed to proceed without a properly constituted business case.**

**Work on site**

Detailed planning consent having proved problematic, it soon became clear that meaningful site availability would not be possible until 27 September 2000 at the earliest. The scheduled operating date (SOD) was therefore moved from 31 March 2001 (as set out at BAFO stage) to 25 April 2001.

Things quickly went downhill. The first (undated) progress report noted that bad weather was not helping the programme and the contractor was reporting a two-week slippage. The production of detailed design drawings was also behind the design programme.
Mr Eaton explained that PMI’s role on site had been to ensure that the client was getting what they were paying for. They had technical experts on site to ensure this. He said it had been obvious almost from day one that things were falling behind. They were delayed from the start because Bedfordshire planners had not been as quick as they said they would be. By very early in November 2000, designs were not coming through. PMI had advised Amey that they were ‘building at risk’ and in danger of getting into a situation which they could not retrieve. Amey had said this was a glitch, but made no improvements. Mr Eaton said that Group 4 appeared to have their heads in the sand – it was completely outside the scope of their thinking and they deferred in all respects to Amey.

GSL’s Mr Brown acknowledged that there had been slippage almost from day one. A late change in the specification meant:

“… the constructor and their sub-contractor had to change the size of the ducting that was in the rooms and some of the fans that drove that ducting. The technical ramifications I think were quite significant and I had to change a lot of the drawings. I think they rushed at the ground-works without thinking it through so there was a bit of a problem in between digging the trenches and siting the concrete and putting the buildings on it. And that caused a slippage. There were issues I am told with the manufacture of the modules at particular times and there were straightforward labour shortages and capacity issues.”

On 5 November 2000, PMI noted that the construction works were on schedule, but that this belied several significant problems:

“a) The design development is behind schedule and [we] do not have adequate drawings, specifications and method statements to review and monitor the works.

“b) The work on site is proceeding in a chaotic manner with subsequent risk to the quality of the works. The contractor has not had adequate supervision on site to cover the works.”

Amey were duly informed that the design development was not acceptable. The second problem, however, was “becoming acute”. PMI commented:

“The contractor is adamant that the works are proceeding in a proper manner whilst conceding that the progress is fast and chaotic. We have real concerns that the works may be below the required quality standards and have expressed that view to the contractor in formal meetings and formal observation notices. We are about to issue a non-compliance notice in respect of the contractor’s quality.”

Mr Entwistle told me that immense pressure had been brought to bear from the start. The client’s only objective was the end-date. This meant that whenever anything went wrong, far more conflict was generated than might otherwise have been the case. Projects of this sort only worked well when there was time at the ‘front end’ to produce a ‘total solution’ design. In this case, there was no time. Whereas the normal expectation was that there might be a three or four month period in which to complete this work, in this instance, only a weekend intervened between signing the contract and starting work on site.
In addition, the work had immediately hit obstacles. This led to the design team being side-tracked to consider how the difficulties could be overcome. Mr Entwistle said the programme would have worked if everything had gone perfectly. However, the weather had been bad with very high winds. This was not helpful when large sections of building were being lifted into place. However, the contract stipulated that the weather had to be the worst experienced for 10 years before any relief to the programme could be granted. As a result, Amey were not able to claw back most of the lost time.

It also transpired that Pyrok was fire-certificated for use vertically, but not horizontally. Mr Entwistle said they could have carried out tests to obtain the necessary certification for the Pyrok and this would have been satisfactory, but this would have taken too long, so the decision was made to cover the ceilings with plasterboard on site. Mr Leng said the client had insisted on this, but it all added to the time.

In addition, the modular unit manufacturer, Premier Modular, had struggled to produce units sufficiently quickly. (Premier Modular wrote to me on 13 October 2004. They said “production was delayed by factors entirely beyond our control”.) Mr Entwistle noted that, when a project started badly on a tight programme, it was very difficult to recover. The chances of recovery were slim at the best of times more especially when the programme relied heavily on factory produced units off site and was moving into the winter months.

Concerns about quality assurance led to Stangers being appointed by IND to monitor work in progress. Their report to PMI dated 28 November warned:

"With some 30 units installed numerous defects were noted with workmanship and materials …"

"… site controls will need to be dramatically improved to prevent ongoing 'problems' being built in."

A briefing note was prepared for a meeting between Dr Mace and GAIL in December 2000. This advised him to make the point that IND was dissatisfied with the construction process, which was by then five weeks in arrears. Design works were six weeks in arrears. Quality of all construction and the lack of quality assurance for the Mechanical and Electrical work was a continuing concern. It was also noted that Amey seemed unable to manage Premier Modular.

Ahead of the meeting, Dr Mace faxed Mr Dickinson at Group 4 to say:

“I was very disturbed to receive a progress report from our project managers which gave the unwelcome news that the project is in delay. Apart from the slippage on site, it would seem that design development is in even further delay. Furthermore, there appears to be a lack of the comprehensive quality management necessary on a fast track project which is so heavily dependent on pre-fabrication. The most serious manifestation of these problems, though by no means the only one, is the acknowledged inability of the prefabricated units so far delivered to the site to meet the required design life.”

Mr Dickinson assured Dr Mace that problems were being addressed “at the most senior levels” within GAIL.
Mr Eaton told me that Dr Mace had asked at the meeting what Amey were doing to rectify the situation. Amey had produced an action plan, and it had been agreed to review the position in a month’s time. He said that, at each meeting, Dr Mace would ask if the targets had been met. They never had, but Amey always promised to do better next time.

On 10 January 2001, PMI wrote to Amey to confirm that an extension to the programme of 13 working days had been granted because of “exceptionally adverse weather conditions” during October and November. (This compared with a claim by Amey for 49 days.) This, the late start on site and the discovery of three contaminated underground tanks and two underground bunkers took the SOD to 24 May 2001.

A briefing note for a meeting to be held on 22 January, however, reported that progress on site suggested an SOD of late June: “In the absence of ME [Mechanical and Electrical] Design, even this is uncertain.” Amey had requested a 26 day extension related to planning approvals. The briefing note suggested, “Amey should be advised to stop wasting time and effort on spurious applications and devote their energy to project delivery.” It was noted that late delivery of the first tranche of operational procedures had been agreed and that this suited the project management team’s purposes as, “the centre management team will now produce and take ownership of the procedures”. However, “This creates major resourcing problems for IS and there can be no further slippage.”

There were problems with the second and third milestones:

“The main difference has been the lack of quality and associated design and our determination to pay on completion of works specified. PMI has decided to certify payment of Milestone 3; but with warnings about completion of deficiencies. They should be advised that many other PM’s [Project Managers] would not certify a penny in such circumstances and that it is an indication of our wish to get on with the job in a constructive and harmonious fashion.” [Emphasis in the original.]

Amey apparently objected to the appointment of Stangers to oversee quality. PMI said Amey:

“...should be advised that you have no desire to pay for more consultant supervision than is necessary; but that experience dictates that it is required. When they start to produce a consistent quality and give people confidence, then the need for one on one will disappear.” [Emphasis in the original.]

On 13 March, Mr Eaton advised Mr Dickinson that there was a pressing need to firm up on dates and that:

“G4/Amey need to put their money where their mouth is. Quite apart from expressions of goodwill and determination, would you please, as a consortium, provide me with your best assessment of the likely SOD. This is not meant to be what you are aiming for; but what you are confident of achieving and, unfortunately, the two may well differ somewhat.”

Mr Dickinson replied:
“Believe me, we all understand the need for firm dates … Today, I am being
told, categorically, that both Amey and Lorne Stewart75 believe that the
programme they submitted … will both [be] met and will be sufficient to meet
the 20 June as the SOD.”

On 26 March, Dr Mace wrote to Mr Brown. He said:

"I understand that you are reporting completion of the mixed unit on 20 June
and the male unit on 23 July. This means an SOD of 23 July; compared with
31 March 2001 in the contract further revised to 30 May by agreed relevant
events. This is not acceptable. Concern is aggravated by increasing lack of
confidence that these dates are deliverable given current progress. I ask that
you get an independent risk assessment to satisfy yourself and myself of the
realistic position. PMI have received a request for the payment of milestone
4. This cannot occur until work is completed according to schedule. I am
now very concerned at progress and also ongoing quality problems."

A site progress meeting report, dated 28 March, noted that actual progress was 25
per cent of planned progress. The latest measurements showed a slight slowdown
and if this trend was to continue then the projected completion date was somewhere
in October 2001.

A progress report dated 6 April noted, “Project is Build and Design not design and
build. This is the underlying problem which has affected the project in all of its
aspects.” Construction personnel on site remained well below the contractor’s
predictions. Design was four months behind schedule. Some suppliers were now
becoming uncooperative and others simply were not performing. PMI said: “Amey
Asset Services Limited are not managing this project in a thorough going manner to
ensure completion and quality.”

On 9 April, PMI recommended that Dr Mace should adopt a robust line in
discussions:

“The time has passed when the participants could engage in social niceties.
There needs to be straight speaking … What is required is action at the work
face, not lots of people talking about it … output is what is required. G4/Amey
have succeeded in frittering away the advantages that might be expected
from a factory based operation by generating a high level of on site work.”

A manuscript addition noted that the M&E design was not complete – there were
about 100 drawings missing. There should have been about 350 M&E workers on
site, but there were only 112. So-called pre-fabricated units were arriving
incomplete, were not weatherproof and had no windows. This was causing much
damage and additional construction work on site. About 100 people were employed
on the site solely to carry out remedial work.

Mr Boon said that, on visiting the site, he had been concerned that Amey were not
being careful enough. For example, the integral sanitation in the modules did not
meet up with the holes in the ground. They had spent a lot of time and money
changing the design of the pipes to make them fit. Another example was that, where
there were joins in the steelwork, the boxes had not been adequately rust-proofed.
In addition, whereas the modules should have been delivered in their finished state
and simply bolted together, they had tried to speed things up by erecting empty

75 Mechanical and electrical sub-contractors for the Yarl’s Wood project.
shells and adding the plumbing etc afterwards. This undermined the point of going for the quick build approach.

Mr Eaton said that the weather and the underground obstructions were excuses for delays rather than reasons. He pointed out that everyone builds in bad weather. The problem was that, whereas units were supposed to be delivered already fitted out and furnished and would just need bolting together, in the latter stages all that was arriving on site from the factory was a steel frame, a floor and ceiling and two walls for each. (Premier Modular commented to me on 13 October 2004 that, “There is nothing unusual in units being supplied in this fashion and then finished on site. This is a recognised practice.”) Mr Eaton said that lack of management by Amey had led to people having to do each job several times.

Despite the time pressures, however, there was apparently no compromise on quality and all building regulations were complied with. PMI reported that 19 non compliance notices were issued and cleared during design and construction phases. All were cleared satisfactorily before construction completion. In addition, 773 observation notices were raised. Three remained open on 10 January 2002.

Mr Leng agreed that the project managers had been sticklers for detail. In some respects, they had been too stringent and did not use enough discretion. Mr Leng cited the example of the floor covering. Because of the material used, it was inevitable that fine scratches would appear on the surface almost as soon as it was walked on. PMI would not accept this, however, and insisted that it all had to be replaced. Mr Leng emphasised that there was nothing wrong with the flooring – the change had been for aesthetic reasons only. Amey had argued, but had been overruled. Mr Leng thought PMI had been “overly particular” with verifying works. This had had costs in terms of time and money. There was a need to apply technical judgement.

Due to the delay to the programme, the key suppliers were under considerable stress and Amey tried to relieve this pressure for the benefit of the project by making early payments. Mr Entwistle noted that relationships almost inevitably deteriorate when things are going wrong. As a result of the steps Amey took in supporting the sub-contractors, however, relations remained professional, if strained. The same was true of relations with Group 4.

I asked Mr Jasper about relations between Group 4 and Amey. He said that his relationship with his opposite number at Amey had been very good until the build had started to have an impact on operations. Mr Jasper had been geared up to open in March and had recruited and trained staff in preparation for this date. He had been told continually that the centre would open in March but it had become obvious towards the end of 2000 and the beginning of 2001 that this was not going to happen. The relationship had then become fractured. The delay had incurred expense and inconvenience. Mr Jasper was aware of friction at a high level and the fraught atmosphere had been filtering down. When the true opening dates were known it made it easier for him to redeploy staff to other custodial/secure establishments under GSL management, including Campsfield House, HMP Rye Hill, secure training centres and Oakington. This was actually beneficial as staff gained considerable experience in the day to day management of a wide range of custodial establishments. This had better equipped them for their roles at Yarl’s Wood.

Some staff were used as site guards. One DCO told police:

“… my main duties included security on Gates 1 and 2 searching building
contractors and their vehicles … I also spent a lot of time in the roof void … This was due to the fact that damage was being deliberately caused by contractors putting holes in pipes and shutting down boilers. I believe that they were doing this in order to make the jobs last. Following this contractors had to be escorted around the site and supervised when carrying out work.”

However, Mr Eaton of PMI said he gave no credence to stories of deliberate sabotage by the builders in order to prolong a lucrative contract.

Amey commissioned Broadsword Connect Ltd to undertake an independent review of progress. They said:

“Amey resources had proved insufficient to manage what had become an increasingly complex and fast track programme. This is a result of the non-performance of the key trade packages and other contributory factors such as the exceptional weather. The re-scheduling of accommodation blocks has caused more concentrated on-site activity. Additionally remedial works on floors and ceilings will necessitate additional work to finishes in order to accomplish a reasonable level of quality. The modular construction and choice of materials has also established a quality level that may draw criticism. Finally, the imperative to achieve completion will exert pressure upon the level of quality that will be achieved.”

On 12 April, Dr Mace wrote to Mr Brown. He noted that, “the key issues of delayed design, consequential remedial works, site management, resourcing (particularly M&E) and supply chain difficulties” had been identified. He said,

“I am encouraged by your proposals for strengthening the management team and the more systematic approach to completing sections of the building and closing them off … I appreciate your suggestion to mitigate the impact of delays by having a phased opening of the mixed unit to be followed a month later by the male unit. I wish to keep things simple. A phased opening would serve to complicate … We must focus on getting the whole centre ready to use according to contract in the earliest possible date. You understand I am not pleased with the delay to the programme. But I shall support fully the recovery.”

On 16 May, Amey replaced its site manager. On 17 May, PMI advised that the contractor presently estimated construction completion by 21 August. PMI believed early October 2001 was more likely.

I asked Mr Entwistle about Amey’s inability accurately to estimate a completion date. He advised that people were making estimates based on the information available. He stressed that the estimates were made by professional planners and there was no reason to suppose they were wrong.

The ‘nuclear option’

The continuing delays and concerns about quality led officials to consider terminating the contract entirely. This was mooted at the project meeting on 18 June 2001:

“With possible completion dates moving inexorably closer to the long stop [sic] date, there was considerable discussion about the possibility of termination and the 25 per cent final milestone. There were many views
about whether it might be withheld, about the implications of re-tendering etc etc.”

In late June, PMI acknowledged that Amey was trying, but said this was not producing results. They advised against phased handover, if it was to be proposed once again, “as acceptance would let Amey off the hook and cause no end of contract re-negotiation and re-drafting.” PMI also advised that, “very considerable penalties are already being borne by the consortium and further pressure is unlikely to lead to any improvement in delivery.” Moreover, “It is inappropriate to indicate that termination is under consideration. To do so might lead the consortium to unilaterally stop working and thereby limit their losses.”

Mr Brewer told me that it was Dr Mace’s decision whether or not to make the stage payments. He said he attempted to use this as leverage, but met with no success.

On 11 July, Dr Mace wrote to Mr Brown:

“I cannot hide my deep disappointment that we have missed the 11 June SOD, and will miss the 21 August revised planned opening date. There is a huge volume of work to finish and many technical issues to address. Your ‘realistic’ forecast of 1 October must be achieved or bettered. Ministers are aware of the delayed opening, and will have no tolerance for further slip.”

On 19 July, Mr Brewer e-mailed Dr Mace. He said he was:

“… trying to find a way through that means if the long stop is missed we can terminate the contract appear to be tough and punish Amey whilst at the same time get the place open quickly. This would involve doing a deal with Amey where they would get some of the £16m back we would withhold, to finish, but the quicker they finish the more they would get. There has to be something in it for them which would improve their financial position and we would get the places quicker. Politically it would have to be seen as very tough.”

On 24 July, Mr Brewer asked PMI to:

“… do some more thinking concerning the scenario we might want to follow at Yarl’s Wood. The demands upon us would be to ensure that the Home Secretary could publicly be very tough on the private sector for non-delivery whilst at the same time ensuring we get the places finished promptly. It’s a moot point whether the Home Secretary being publicly tough means that Amey can be paid the full price!? I’m well aware of Amey’s losses on the contract and you were going to make a calculation of this. It seems clear to me that any alternative to getting Amey to finish Yarl’s Wood would be impractical in relation to resulting delay, expense, insurance, guarantees etc.”

A note setting out the advantages and disadvantageous of termination was drawn up by PMI on 27 July. There were few advantages other than the message it would send to Amey and future potential bidders. The disadvantages, on the other hand, were manifold:

- “Would discourage future tenderers from either bidding or accepting a longstop date in the form contracted
- Delay is as much as 6 months in SOD
- Extensive legal, construction management and contractual costs in preparing and tendering for new contracts
- Some part of the money withheld from Amey would be eaten up through considerable costings to carry out partially completed work
- Creates major problems in respect of warranties, maintenance guarantees etc
- Would also create major problems in respect of design liability, 60 year design life, longevity of the structure etc etc
- Would require the PMI/Capita team to be maintained for the whole period
- Termination of the contract would include termination of G4’s part
- The value of the contract would still exceed the threshold for OJEC with the attendant problems and would exacerbate the difficulties of reaching accommodation with G4
- A replacement contract would not be attractive to contractors
- Amey will inevitably seek to recover the balance of the £16m and, perhaps, more. If they complete the mixed centre prior to the long stop date, they are almost certain to push even more strongly for a sectional completion arrangement. If not accepted, their most likely course of action would be to allege that the Home Office was not acting reasonably."

PMI concluded:

“On balance, apart from the political plus of demonstrating to the private sector in general and the construction sector in particular that the Government was prepared to take a very strong line with industry, there is little to commend termination. A pragmatic view is that if the policy requirement for early detention places is still paramount, then that policy is best served by allowing Amey to finish and G4 to operate.”

Mr Brewer’s assessment of the position to Mr Moore was as follows:

“And quite honestly when you actually weigh up whether you want to press the nuclear button on that, you find it is … useless because all that will happen is you get rid of that contract, you have no guarantees on what they have done, you have got to re-contract to get the thing built and you end up paying out a lot of money and getting the place even later …”

A client report dated 20 August 2001 noted that:

“... the amount of effort made by Amey/Group 4 has greatly increased and has reached the optimum but programme slippage continues. The effects of earlier delays cannot be fully recovered at this late stage. Much remains to be done if the construction project is to be completed anywhere near the new programmed date of 1 October. Slippage in progress continues with about 64 per cent of planned progress being achieved. Completion date by 1 October will not be achieved in the CA’s [contract administrator’s] opinion.”

The same month, Mr Brewer asked PMI for an assessment of the costs being incurred by Amey during the extended construction period that might be used to demonstrate to Ministers that they were already being severely penalised through the contract without the Home Office taking any further action (termination). PMI advised:

“We have no doubt that the contractor is incurring very significant additional costs. These are partly as a result of delays and partly in an endeavour to
recover lost time/contain protracted overrun. This is in itself a reaction to concerns that the authority might choose to exercise his rights to terminate once the longstop date has been reached. It is our opinion that the contractor, by the middle of October, could be incurring additional cost totalling in the region of £11 million.”

(Mr Quibell told Mr Moore that Amey might “have taken a hit of £16m in total on a £72m contract”.)

A project meeting took place on 1 October 2001. The context of the meeting was that GAIL had now advised that they would not complete the development until after the longstop date. It was noted that the contract gave the authority the power to terminate the contract at the longstop date (11 October) and the point at issue was what the authority should do at that point. Mr Brewer noted that the Immigration Service needed the places and he was unwilling to do anything that might jeopardise their delivery. His particular concern was exacerbated by the agreement that had been reached with the Prison Service that the Immigration Service would return its ‘borrowed prison places’ at Christmas time (sic). It was considered right for some sort of action to be taken since, if the longstop date passed without any action, the contractor might feel the pressure on him had been reduced. In practice, the contractor would be able to claim that the authority had acquiesced in the contractor passing the longstop date. In view of the political sensitivity of the issue it was agreed that Dr Mace should make the decision.

Dr Mace wrote to GAIL on 11 October, following discussion with Mr Brewer, to advise that, given that the permit to use had not been issued by the longstop date, the authority had the right to terminate the contract. However, provided GAIL waived all past, existing and future claims against the authority not already notified and provided the Immigration Service was given access to occupy its accommodation, the authority would not terminate immediately, albeit that it reserved its right to do so. Dr Mace advised that the authority would “specifically reconsider its position concerning termination if a permit to use [had] not been obtained by 11 December 2001”.

Mr Eaton agreed that there was no realistic way out for IND. The milestones arrangement meant that Amey was financially bleeding towards the end, but this did not actually speed things up. IND/PMI had considered the so-called nuclear option of termination, but this would not have got the building completed any quicker and would have run the risk of protracted legal disputes and costs. Mr Eaton explained that ‘ascertained damages’ meant that, unless the client could show they had suffered a financial loss as a result of the contractor’s poor performance, they could not penalise the contractor financially. Given the nature of the business (and that it was effectively a first), this would not have been possible in the case of Yarl’s Wood because they could not work out what their loss was. Technically, it was possible to build other forms of financial penalties into a contract, but it was unlikely anyone would sign such a contract. In summary, there was some transfer of risk in a project of this nature, but ultimately, the client was in the contractor’s hands.

By 31 October 2001, Group 4 had occupied two buildings and started their training programme. However, quality in other areas was called into question and PMI instructed the contractor, “to desist from the practice of offering areas in buildings for inspection if they have not reached the benchmark standard”.

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**Assessment**

**Was the project do-able?**

All witnesses agree that the timescale to construct and fit-out Yarl’s Wood was extremely demanding. Mr Brewer said that the timescale promised to Ministers for completion, “had never been done before, was not achieved and was a classic example of thinking and promises untroubled by the real world and what was achievable”.

Mr Boon said the fact the contractors were being asked to deliver in a very short timescale was a key factor in the cost of the enterprise (as noted above). There was therefore every expectation that Amey would put in high-class people to ensure results. IND were not looking to get anything on the cheap.

I asked Mr Boys Smith whether any warning signs had been missed regarding the timescale of the Yarl’s Wood project. He replied that he could understand that, to some extent, that might be an interpretation of events. However, Mr Boys Smith did not consider that Dr Mace had failed to understand the issues that led to delay, rather that Dr Mace’s style was to keep up the pressure on the project.

I asked Mr Brown if it would be fair to conclude that the timescale was too ambitious from day one. He said:

“We kept testing with our construction colleagues the timescale. We recognised the importance of it and we would have been more than prepared to go back and say, you cannot do it in this time. We could because we’ve said it before. If you take prisons, we’ve always delivered those on time, the STCs were delivered on time, so where we’ve been involved in a construction project, we meet time. And the only way we do that is testing it with our construction colleagues which we did and they said it is very tight but do-able ...”

Mr Entwistle said the programme was always going to be tight – but Amey would not have signed up to it if they had not considered it could be done. Because of the speed imperative, everything had to go right first time. He emphasised that all parts of the supply chain had contributed to the bid and each of them believed it was do-able. For example, it would require eight modular units to be produced each day, which the supplier, Premier Modular, thought they could achieve. (Premier Modular advised me on 13 October 2004 that, “at the time the contract was negotiated and tendered, production of eight units a day was a feasible target. Subsequent events beyond our control affected the rate of production.”) Mr Entwistle said Amey had selected the best suppliers available to populate the supply chain. With the benefit of hindsight, he thought that, because everyone was focussed on the end-date, they all convinced themselves that it was do-able. In the event this proved not to be the case since there was inadequate float in the programme to accommodate all the problems that occurred.

Dr Mace told me that Harmondsworth, for which equally demanding targets had been set, was essentially completed on time. He said delays at Yarl’s Wood were the result of problems with project management on the ground. Dr Mace considered that GAIL launched too soon into site work. They should have completed their design work first. A lot of time was lost on remedial works.
In light of Dr Mace’s assertion, and in the context of fitness for purpose, it is worth recording here the views of members of the Prison Service Construction Unit who visited the Harmondsworth site on 27 July 2001. They noted that the general layout of the accommodation blocks was hotel corridor style, which was no longer considered suitable for secure prisoner accommodation by the Prison Service. Ceiling tiles “were not secure and would not even withstand a limited physical attack”:

“... little of the centre would withstand any sort of physical attack limited/ prolonged or otherwise. It would be true to say that the standard that had been aimed for is that of a slightly more secure hotel. The team doubted that this has been achieved … the IND solution is not in any way suitable for the Prison Service – for secure accommodation at least, and would need careful reviewing even for cat D open facilities.”

“It is important to note that, in our opinion, the cost of the detention centre has not been reflected in the construction standard that has been achieved. A large proportion of the job’s cost is likely to have been eaten up in the management of the risk that the consortia have taken on viz short bid/evaluation/construction periods. We warned of this very scenario when the project was first discussed with us last year. It would be of interest to establish how IND are ensuring that the contractors are even achieving the standard that they signed up to produce. The whole construction project has an air of being a 'firefight' from day one. This is not the best scenario to ensure that value for money is being achieved.

“The design of the centre leaves a lot to be desired. In fact the modular construction (unlike when applied to prisons) has produced a 'rabbit warren' of corridors, accommodation rooms of varying sizes, and a plethora of 'secure' doors that give the impression of more of a labyrinth than a complex design to be securely managed. No attempt has been made to secure the gate against any sort of concerted attack. Cost cutting is apparent throughout the establishment, whether it be on poor finishes, reduced tanking in areas like bathrooms and showers, or in the level of the quality of fixtures and fittings.

“...The overall impression was of a project being driven to meet an unrealistic timescale, ie. Delivery at all costs on time. Given that the three centres should have been operational by March 2001, even this date has proved unrealistic as the timescale was not achieved.”

The Construction Unit identified a number of issues:

“Due to the lack of detailed design prior to construction many variations, at times quite major, were made during construction.

“The quality of the different suppliers’ products varied considerably. It appeared that the criteria of cost and time far outweighed those of quality in many cases.

“The contractor had been given a virtually impossible task, with buildings lacking in design development and the construction period being too short, but he had clearly made an outstanding and impressive attempt.

“In concluding, when considering the path IND have taken, we should remember one of the basic fundamentals of PFI projects – do as much of
your preparation work before proceeding with the project – this ensures that achievable timetables/programmes are set and that value for money can be achieved.

“Such initiatives should ensure that:-

- The brief is thorough and complete and that the solution offered can be measured against that brief;
- That the brief clearly identifies the ‘operational’ requirements – including movement, controls, security, robustness, etc;
- That all development and construction stages the brief, and the solution originally offered, is adhered to;
- That there is a balance between cost/quality/time;
- That when a life span, i.e. 60 years is requested in the brief, that the proposal offered is properly assessed against that criteria and that the criteria is achievable with the design offered.”

I return to the problems of Harmondsworth later in this report.

As part of their investigation, the Bedfordshire police commissioned the firm of GT Fairway\textsuperscript{76} to provide an overview as to whether the timescale was reasonable in all the circumstances. If it was not reasonable, then what should the duration for completing the works have been?

The GT Fairway report (Yarl's Wood Detention Centre: Report on the Time and Cost Consequences Associated with the Sprinkler System, dated 23 April 2003) details the delays in both design and construction of Yarl's Wood. It quotes from the monthly progress reports, noting that at the time of the first report (15 November 2000), seven weeks after commencement of the design process, Amey were already four weeks behind. GT Fairway calculates that a four week loss against programme represented a percentage completion of 27 per cent against a planned 69 per cent.

Quoting from progress report No 4, it lists sub-contractors' delays with the foundation and drainage design, and with the windows, kitchens, and electrical services amongst others. It says the design process was intensive (a target of 98.9 per cent completion within 11 weeks) and optimistic compared to the standard S-curve distribution theory, "suggesting that the programme was 'front end loaded' and put the design teams under immense pressure to maintain their programmed requirements". In addition, it points to lack of staff to manage the design process and quotes Amey from its own Progress Report No 1:

"... because the tender period was so short the true scope of the works packages was never, in some case, fully realised by the supply chain."

On construction, despite the absence of records to compare the planned and actual performance of Amey, GT Fairway again quotes from the monthly progress reports to demonstrate the delays that occurred. It concludes:

"Despite the fact that the project was 'fast track' and that the periods for completion was determined by the client, GT Fairway considers that the period for construction was optimistic. The design and procurement work..."

\textsuperscript{76} GT Fairway is a company that specialises in all aspects of dispute management in construction and engineering contracts.
determined the success of the construction, and to consider that construction could commence 1 week after the commencement of design was ambitious."

Of the works programme overall, they say that it was optimistic "and had little or no scope for the recovery of delay". A more realistic time-frame would have been two to three months longer - made up of more time for design and more time for construction.

This is the view of just one firm (albeit experts in the field). Others may have assessed the position differently. However, I have not seen the point of commissioning my own independent review as all the other evidence I have seen, and everyone else I have spoken to, endorses their general conclusions.

Had the project been better managed, it is possible that Yarl's Wood might have been delivered if not on time then at least significantly earlier than was actually the case. (This resonates with Dr Mace’s point that Harmondsworth was built to the same demanding schedule as that proposed for Yarl's Wood.) However, from the outset the timetable was highly ambitious. IND’s monitoring of what was happening on site appears to have been detailed and comprehensive (and involved the personal commitment of some of its top officials). But once the over-ambition of the timescale became apparent, there was actually very little the Home Office could do about it.

Some risk was transferred in that GAIL incurred a significant financial penalty. But the operational risk of late delivery could not be transferred – a lesson that was also to apply after the events of 14/15 February 2002.

**Did it matter that opening was so delayed?**

Yes it did. It certainly mattered that IND (for IND read the tax-payer) paid a premium price for the contract precisely to achieve a quick build. It also mattered because one of the driving forces for stepping up removals – and thus for expanding the detention estate – was the cost to the state of supporting illegal migrants, and yet the project contributed nothing to this for over six months after it was supposed to. Hence, the hoped for return on the initial investment was substantially delayed also.

Finally, it may have mattered in terms of the events of 14/15 February. Had the centre opened in April, it would have had the chance to bed down before the Campsfield House disturbance and the transfer-in of former prisoners.

That said, I conclude that the design flaws in Yarl's Wood were so fundamental that, whenever it had opened, it would only have been a matter of time before something calamitous occurred.

**Should the centre have opened when it did?**

PMI issued a completion certificate for the building work on Friday 16 November 2001. The permit to use was dated Monday 19 November 2001. Group 4 Amey Immigration Limited took occupation and detainees commenced being housed in the building on that day. Those who were to be responsible for its operation had literally a couple of days’ notice. A number of tasks remained to be completed – including completion of the male centre and ‘unsatisfactory works’. Only half the centre (the mixed wing) was actually ready for occupation. The other half was not available for use until shortly before the fire in February 2002.
Mr Hampton recalled quite a few issues over finishing the centre. Dr Mace had eventually agreed to open part of it despite this not really being in line with the contract; pressure was very high and the need for detention spaces overrode the contractual issues.

Dr Mace's view was that, because Yarl’s Wood was an integrated site, essentially the whole place needed to be available for use in order to be safely operated. However, only half the accommodation space was needed in the early days as the numbers of detainees was to be increased incrementally. He emphasised to me in a letter dated 7 October 2004 that the decision was taken following a “major readiness meeting” on 15 November and that “the advice from all quarters was that a partial staged opening was safe and secure”.

Mr Eaton confirmed that it had been Dr Mace's decision to open half the centre. PMI had fought hard against this. Right from the start, Dr Mace had said there were to be no changes to the contract, the centre was only to be opened on full completion, and PMI had endorsed and enforced this. Now, with only opening half, it seemed that they were effectively letting Amey off the hook.

Mr Eaton argued that there was not a huge operational impact from opening just half – it had always been the intention to start with one side on a phased build-up of detainees and then move into the other. There had been a greater number of outstanding snags with the building at completion than Mr Eaton or the on site team would have liked – for example, there were problems with the water heating. Nevertheless, the building was fit to sign off – loose ends needed to be resolved, but the important matters were fine. The PTU form had ensured this would be the case – that is, that the building was finished when it was finished and most importantly could be operated safely.

Although he had identified a number of snags in the building, Mr Shipp of the BRE did not consider they were serious enough to have prevented opening. They were defects which needed remedying but were not sufficient as to make the building inoperable. Issues had been logged and were being dealt with. He therefore considered it was acceptable that the building was still going through snagging when it was occupied. (He added, however, that a different view might be taken if you were expecting the building to be occupied by 50 or so arsonists.)

Group 4 told me that they believed the decision to open just half was entirely appropriate and proper. Mr Milliken said that he considered it to have been normal and sensible to open one half of the building, and that this had had a positive impact on staff. It had allowed the staff to gain confidence and experience while they had not been stretched in terms of numbers.

Mr Dickinson said that Yarl’s Wood was as ready for opening as any centre could be. They also had the advantage that staff had some real operational experience as a result of working at Campsfield House and Oakington. Some were at Campsfield House during the disturbances there in September and October 2001.

Some of the staff took a different view, however:

“The site was not ready to go live. The secure unit was not ready, segregation was not ready, contractors were still on site. Fire doors were not

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77 The contract states (Schedule D, Annex E) that the male centre should come on stream nine weeks after opening.
properly fixed. They did not either open or close properly … The main gates on the mixed wing could not open.”

The Chief Immigration Officer said he was aware that PMI had advised IND not to accept the building in part as this would slow down the development of the rest of the building. He had also been aware that a commitment had been made in answer to a Parliamentary Question that the centre would open on 19 November. On the Friday before this, it had still not been generally known whether the centre would be opening. Dr Mace had attended the site on that day, finally accepting the centre at about 9 pm. There had still been snagging going on.

The Chief Immigration Officer thought that the centre should not have opened at this time. There were still a few problems with heating and water, and building works had been ongoing. Some security procedures had not been finalised, leading to confusion amongst staff. He noted that Mr Watson had had the construction of the rest of the centre on his mind. A further consequence of the partial opening was that the contractor had no option of splitting up troublemakers. If the whole centre had been available, the factions that became apparent could have been dispersed.

Rev Dr Pemberton also considered that the ongoing building work had caused managers to be distracted from their primary tasks. She noted that the different departments had not been consulted as to whether they were ready to open.

The contract monitor felt that Group 4 had been ready to open and that they had had enough time to prepare (they had had more time and training than others in a similar position). However, she too did not believe the centre should have opened with only one building. The second building would have allowed a greater flexibility for separating detainees or placing them in removal from association (RFA). In the event, a secure area had to be created on the wing and this had not worked well. They had been able to use the segregation unit in the second building. The contract monitor thought that the mixed side had filled up very quickly and that tensions between groups and individuals could have been dealt with more easily if there had been more flexible facilities to accommodate problem behaviour.

Mr John Wilson took a similar view about the absence of a proper secure area. Mr Watson said, however:

“… we had agreement with the contract monitor to utilise an upstairs area of Delta wing (Delta 4), as the temporary secure unit accommodation, and simply in terms of its general layout and facilities it was less than ideal but it was adequate. We would not have asked for its use if we did not believe that we could operate properly a secure unit in that accommodation. I believe we operated appropriately in that spur. Thus the partial opening or phasing of the site and the way we opened it didn't affect the population build up.”

Mr David Wilson told me he recalled thinking that there had been “indecent haste” to get Yarl's Wood open. Mr Wilson commented that experience in the Prison Service suggested that there were always teething problems in setting up a new establishment and you could not take risks. What had seemed wrong from the outset was the pressure to get the centre open. He felt it was wrong in both principle and practice to open just one half of the centre. This had meant, amongst other things, that the bespoke secure unit was not available. In addition, there had been problems with the water and heating. These were extra niggles which a new centre could do without.
Mr Boon queried why IND/Group 4 had chosen to open the half they did, if there were no bespoke secure facilities available. The balance in the centre of the differing levels of security was paramount to control and security. He considered it an error of some significance to have overlooked this point. With the benefit of hindsight this had been particularly the case given that Yarl’s Wood took large numbers of ex-prisoners.

Heating and, in particular, catering were to become a major source of contention with detainees. More significant, however, in relation to the safe and secure running of the centre was the reduced flexibility inherent in only having half a building at their disposal and the unavailability of the bespoke secure and segregation facilities. In the event, the segregation unit in the male centre was used, but a temporary secure unit was formed from normal accommodation in the mixed centre. This had none of the peculiar advantages of the bespoke area in the male unit.

Notwithstanding the fact that this was the case, DEPMU continued to operate as though all facilities were available for use. Mr Brewer made it clear that the Campsfield House detainees were deliberately sent to Yarl’s Wood and Harmondsworth as opposed to any other centre:

“Certainly we quite consciously sent difficult people to Harmondsworth and Yarl’s Wood because in a sense that is what they were designed to do in terms of segregating the estate. For example you probably know there was a bit of a do at Campsfield some time just after Yarl’s Wood opened and we purposely sent the people from Campsfield to Yarl’s Wood seg unit because we wanted to consume our own smoke and not take people back into prisons.

“The idea that we actually did any of that by accident is not true, it was done on purpose because that was the place that had the facilities.”

Assessment

Was it ready for opening?

Mr David Wilson spoke of ‘indecent haste’ to open the centre. Certainly, those who were to be responsible for running it had little notice. But I have found nothing to suggest the decision was wrong or that it was wrong of itself (as opposed to contractually) to issue a permission to use certificate. The building was still going through snagging – and this would inevitably cause irritation both to those who had to live there and those who worked there – but how many new buildings are free from glitches? Mr Shipp has said he does not take exception to the building being opened before all the problems were ironed out, and neither do I.

Some people spoke about the fact the bespoke secure accommodation was not available. While ‘converting’ a normal accommodation area for such use cannot have been ideal, the centre manager has said that he was content with the make-shift arrangements. Given the relatively small use that was made of the facility, I do not consider that this was an issue of huge significance in the success or otherwise of the centre.

The principal issue with regard to timing was that the non-availability of A and B wings constrained Group 4’s ability to disperse trouble-makers and cliques. While I understand that it was always the plan only to use one half of the centre to begin with, it was presumably envisaged that the rest of the centre would have been ready for use, so that small groups could be transferred there either temporarily or
permanently in order to relieve some pressure on C and D wings. This may have had a significant bearing on the final outcome.
Part IV

The question of sprinklers
The question of sprinklers

Introduction

In common with all other immigration detention centres at the time, Yarl’s Wood did not have a sprinkler system. Indeed, I understand that few buildings of any kind that are designed for multiple occupation have sprinkler protection. Sprinklers are not required under statute or under Building Regulations. Nevertheless, of all the aspects of the Yarl’s Wood disturbance, the one that has perhaps caused most vociferous debate is the decision to have built the centre without installing sprinklers. That debate was resurrected following the disturbance at Harmondsworth Removal Centre on 19/20 July 2004, when it was reported that sprinklers saved the building from serious structural damage. Given the high profile of this particular aspect of the Yarl’s Wood disturbance, I am devoting an entire chapter to examine how the decision not to install sprinklers was arrived at.

On 20 March 2002, in the House of Lords, Lord Berkeley asked why the Government had ignored the advice of Bedfordshire & Luton Fire and Rescue Service to install sprinklers at Yarl’s Wood. Lord Rooker replied:

“The Minister responsible took advice not only internally but also from a number of fire services. Another removal centre was designed and built in the South East at the same time as Yarl’s Wood and the advice from the local fire service was that sprinklers were not necessary. It was therefore decided that a review of fire safety precautions and the use of sprinklers should be conducted before any final decisions were made on the use of sprinklers in removal centres.”

In the immediate aftermath of the Yarl’s Wood fire, the Secretary of State announced what he termed “a preliminary decision to install sprinklers in all new removal centres and … the necessary steps to install them at Yarl’s Wood as well as Harmondsworth and other facilities”.

Why were sprinklers not installed during the construction of Yarl’s Wood? And was the decision not to do so defensible?

The local Fire Service has consistently argued that the absence of sprinklers resulted in much greater fire damage than would otherwise have occurred. For example, in his statement to the police, the Senior Fire safety officer for the Bedfordshire Service, Mr Ray Hotson, said:

“In my opinion if a sprinkler system had been fitted either at construction or following completion of the building … it would have greatly reduced the amount of damage by fire that occurred at Yarl’s Wood on 14/15 February 2002. This opinion is based on self knowledge and also national experience in success in fire sprinkler protection.”

Others made the same point. Mr George Pigot, Secretary General of the Residential Sprinkler Association, said in his police interview:

“The reason residential fire sprinklers are so effective is that they react to a fire immediately it becomes large enough to pose a threat to safety. This is

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79 House of Commons Hansard, 25 February 2002, col 441 et seq.
often long before the Fire Brigade is even notified of the fire. Residential sprinklers also react very much faster than conventional sprinklers. This means that they deal with a fire at a much earlier stage in its development when it is still quite small, thus minimising damage and utilising very little water to control the fire.

“Sprinklers, even if they do not succeed in extinguishing the fire, will at the very least control the fire and raise the alarm thereby greatly extending the time available for escape or rescue.”

The issue was explored at some length in the Bedfordshire County Council inquiry. The Bedfordshire report endorsed the view of the Bishop of Bedford that, “Anyone with humanitarian concerns must have been surprised at the lack of sprinklers.” It welcomed the Home Secretary’s assurance that sprinklers would be installed at Yarl’s Wood, concluding that, “the pre-fabricated modular construction of the Yarl’s Wood facility was itself a contributory factor to the scale and intensity of the damage done by the fire”. It concluded that there should be a wider study or investigation into the cost and benefits of requiring the installation of sprinklers in a wider range of new industrial, commercial and residential developments.

I have attempted to reconstruct the whole story of how Yarl’s Wood came to be built without sprinklers.

The chronology

Mr Eaton told me there was no sprinkler system in the generic design for Yarl’s Wood, as there was no precedent for this.

I understand from Mr Goddard, whom I interviewed on 9 December 2003, that the benefits of sprinklers are common currency amongst Chief Fire Officers. He said no life had been lost where sprinklers had been fitted and that this country lagged far behind the rest of Europe when it came to sprinklers. Elsewhere it would be very unusual not to have sprinklers in public buildings. In the case of the Bedfordshire & Luton Fire and Rescue Service, they had taken a policy position on the subject in 1999. The Assistant Chief Fire Officer, Mr Clive Walsh, told the Bedfordshire County Council inquiry:

“… we as a fire service took a decision which was supported by the Combined Fire authority in 1999 … that we would have a policy of trying to encourage the installation of both domestic, life safety and commercial sprinklers and we had quite a concerted effort to put these messages across.”

According to a police chronology, the first reference to sprinklers came just one month after Bedford Borough Council’s Planning Department received, on 12 May 2000, the special urgency notice proposals for the provision of what became Yarl’s Wood. The proposals were forwarded to the Fire Service on 16 May.

The Chief Fire Officer, Mr Paul Fuller, told the County Council inquiry that, on 10 June 2000, one of his officers wrote to Bedford Borough Council giving advice on

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80 There are three Chief Fire Officers (CFOs) in this story. The first was Mr Mike Freeman, CFO for Bedfordshire & Luton Fire Service. The second was Mr Geoff Goddard, CFO for Buckinghamshire Fire Service, who covered the Bedfordshire area following Mr Freeman’s departure. And the third was Mr Paul Fuller who took over as permanent CFO for Bedfordshire & Luton Fire Service.
water supplies and access for firefighting. This was combined with a request for the Fire and Rescue Service to be consulted during the development phase. This letter included the first formal (and strong) recommendation for sprinklers. The letter was copied to Mr John Raven in HM Inspectorate of Fire Services’ Crown Premises Inspection Group (CPIG) in Birmingham, and then referred to the Head of CPIG, Mr Geoff Bowles. Three days later, the letter was also forwarded to CgMs Ltd, the building consultants contracted by IND and who had lodged the special urgency notice.

Mr Fuller confirmed to the Bedfordshire inquiry that there was no statutory basis for requiring sprinklers in Yarl's Wood in either building regulations or fire precaution regulations. The recommendation to the Borough Council had the status of a goodwill recommendation. Mr Fuller said that, “our assumption is that our recommendations are adopted unless there are particular difficulties at which they would then respond”. The Bedfordshire report quotes Mr Fuller’s predecessor as telling the Immigration Service that, “for the use to which you are applying this type of construction, we strongly recommend that, for life safety, there must be the installation of sprinklers”. Mr Fuller told the inquiry that the type of sprinklers recommended for Yarl's Wood would not actually extinguish a fire, but would contain it to prevent large-scale destruction. They would also give people a chance to escape and protect the safety of firefighters. It is clear that the Combined Fire authority endorsed the Chief Fire Officer’s support for sprinklers.

On 23 June 2000, the Fire Service wrote to Sir Graham Meldrum asking for his support. In July, the Home Office Buildings and Estate Management Unit (BEMU) sought the CPIG’s views on the recommendations from the Chief Fire Officer (which had been forwarded to them by Bedfordshire Borough Council).

A paper dated 4 September 2000 from Mr Edwards, the Head of BEMU, sought views from colleagues on the installation of sprinklers. His memorandum said the recommendation of the Bedfordshire County Fire Officer for the installation of sprinklers had been received on the same day (1 September) as the contract was conditionally awarded to Group 4/Amey. He said, “The requirement is to open the detention facility next April, and there was no time to consider a re-design without prejudicing the programme.” Mr Edwards continued:

“Our understanding is that the proposal for domestic fire sprinklers is innovative. These are not generally installed, and the County Fire Officer's proposal was very much for a pilot scheme. Clearly the installation of such a facility in a potentially hostile environment would present significant operational risks ... The new detention facilities at [Yarl's Wood] will be a simple two-storey domestic scale construction. There are some similarities to a category D prison. The [Departmental Fire Safety Officer] does not recommend the use of sprinklers in such a facility. They are not used in prisons.”

Mr Edwards concluded that, if there was Home Office policy support for sprinklers, then he would “not wish to ignore the proposal altogether” and asked for a central view.

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81 HM Fire Service Inspectorate is the enforcing authority for certification under the Fire Services Act 1947 and the Fire Precautions Act 1971. It was concluded that only certain parts of Yarl's Wood (the administration centres) fell within the scope of this Act. The Inspectorate is jointly responsible with the local fire authority for enforcement of the Fire Precautions (Workplace) Regulations that applied to the whole premises.
The account the Departmental Fire Safety Officer gave to the police suggests that the advice he gave was substantially more circumspect than Mr Edwards suggested. It refers to a meeting with Mr Paul Jarvis from PMI:

“The centre was only at the concept stage of construction i.e. it was all notional with ideas being thrown in by all at the meeting … Bedfordshire & Luton Fire and Rescue Service had recommended that domestic sprinklers should be fitted within the detention centre. Sprinklers of this kind would have been useless in premises of this kind (domestic sprinklers). The premises were to be constructed in separate units (compartmented) with a construction that would make them have a one hour capacity to retain a fire within the compartment. I am an active supporter for sprinklers to be installed, but in this case I was not required to consider anything other than domestic sprinklers … As stated this was only at the concept stage, and I was only making initial comments and suggestions as a final decision on the fire safety aspects would depend on numerous other aspects of the premises i.e. whether the detainees would be male, female, families, the type of detainees (if prisoners would then be segregated) the size of the compartment, the size of the premises, the location availability of water for firefighting.”

Further concerns were raised by the Fire Service (again copied to CgMs) in mid-September. By this time, the Departmental Fire Safety Officer had provisionally (dependent on other fire safety measures) rejected the need for sprinklers. Similar advice was offered with respect to Harmondsworth (the contract for which was signed on 6 October). On 12 October, the then Chief Fire Officer of the Bedfordshire Fire Service, Mr Mike Freeman, wrote to Sir Graham reminding him of his letter of 23 June and citing Yarl's Wood’s remote location. He warned that he would have no alternative but to go public.

He did so on 15 October 2000. Under the headline, ‘Fire death claim at asylum centre’, the Bedfordshire on Sunday reported, “Fire service fears that the proposed asylum centre … could be a death trap are being ignored by the Home Office.”82 The paper quoted the Chief Fire Officer as contrasting his powers over a private developer (forcing them to install sprinkler devices and enjoying a right of inspection) compared with a public sector development like Yarl's Wood.

On 17 October, Mr Bowles advised Mr Hotson that the Home Office had yet to formulate a response on the request for sprinklers. Mr Bowles and representatives of the companies involved met at the Home Office on 24 October. At this time, sprinklers apparently got a muted response. They were "not necessary because a fire engineered solution may be used".

Mr Freeman said in his police statement that:

“If [sprinklers] were to be installed it would be because of the amount of pressure being applied by brigades to install sprinklers for life safety. He [Mr Bowles] highlighted there were time constraints and the construction was to be completed within 30 weeks and this gave little time for any research for sprinklers to be fitted in the buildings.”

82 Bedfordshire on Sunday, 15 October 2000.
On 9 November, Sir Graham wrote to Mr Freeman (copied to Mr Edwards). He said that the architect was reluctant to include sprinklers because of the tight completion date. Mr Freeman referred to this letter in his police statement:

“[Sir Graham] referred to my letters dated 23 June and 12 October. He stated that HMI Geoff Bowles had been pursuing the matter with the Immigration and Nationality Directorate (IND) of the Home Office together with their project managers and architects. He referred to a meeting held on 24 October 2000 at the Home Office where it was confirmed that the sprinkler issue had been raised and it was obvious it had not been seriously considered during the letting of the contract.”

“During the meeting the architect expressed reluctance to include sprinklers now because of the tight time schedules. HMI Bowles reportedly did not concede the position.”

On 8 November, Mr Bowles visited Yarl's Wood and the Fire Service to discuss fire strategy. Reporting the meeting, Assistant Divisional Officer (ADO) Birchall said that Mr Bowles had, “indicated that whilst the provision of sprinklers was never ‘initially considered’, it is now a ‘serious option.’”

Mr Birchall added:

“It is unlikely that it will be installed because of inadequate Fire safety measures. The building will comply with ADB [Approved Document ‘B’] and will have strict management controls (as yet to be determined.) It is more likely that sprinklers will be installed for political reasons. However, completion date for the project is May 2001, with a construction time not exceeding 30 weeks. This being the case there will be little time for debate/discussion. The immigration dept will have the final say. There is a lot of political pressure to start processing the asylum seekers. It does appear that no delays will be accepted. This goes higher than the Home Office.”

(A similar meeting was apparently held at Harmondsworth on 15 November.)

In November 2000, Mr Bowles met with Amey as part of the normal fire certification procedure. Mr Bowles said that certification decisions would be his responsibility, adding as a postscript to the meeting that it was very likely to be a requirement to incorporate life safety sprinklers at Harmondsworth.

Sir Graham told the police that he first “became aware and involved” in the Yarl's Wood project, “when it was brought to my attention by one of my Inspectors HMI Geoff Bowles, that one of the local newspapers ran a story in which the Bedfordshire & Luton Fire and Rescue Service had obviously voiced an opinion regarding the safety of the detention centre if a sprinkler system was not installed in the premises.” (Sir Graham acknowledged having received the two letters from Mr Freeman, however.)

There had been a delay in HMFSI taking ownership of the issue because of uncertainties over the status of the site. Mr Bowles told the police:

“At this point it was unclear whether the centre was to be Crown premises or not due to the complexity of the contracts and the involvement of the private sector. It was important to establish this first as the outcome would determine
which fire authority would be responsible for enforcing any fire safety legislation. In relation to the Yarl’s Wood project, there were a number of factors which needed to be taken into consideration. The land was already owned by the Crown and been transferred from one Government department to another, from the MoD to the Immigration Service. The premises were to be designed, constructed and operated by a private consortium, Group 4/Amey, under a contract with the Immigration Service. They were to be mainly staffed by private employees with a smaller number of Crown employees from the Immigration Service and, possibly other Government departments, e.g. the Lord Chancellor’s Department. Because of the complications [we] sought legal clarification as to the status of the premises. Obtaining this advice involved a lengthy consultation process, which concluded around October 2000, resulting in the premises being designated as Crown premises for the purpose of the FPA [Fire Precautions Act] and the FPWPR [Fire Precautions (Workplace) Regulations 1997]."

I understand that, under the Building Regulations, building works related to buildings which are to be used by a government department are exempt from the technical and procedural requirements of the Building Regulations. However, government policy is that all building works involving Crown property should meet at least an equivalent technical standard. Internal guidance also recommends that the procedural aspects, which include consultation with the Local Fire Authority, should be followed.

In his police statement, Mr Bowles described a meeting which took place on 8 November (it is not clear if this is the meeting to which ADO Birchall referred):

“At that meeting I informed those present that HMFSI was likely to recommend the fitting of a life safety sprinkler system. The reaction of all those attending was of complete horror. I imagine they showed this reaction because there were tight time scales on the build, large penalty clauses if the work was not completed on time and, as soon as a new issues arise which have not been foreseen, people start looking at each other as to who is responsible.”

On 9 November, Sir Graham signalled his “inclination” to recommend the installation of residential sprinklers in detention centres. Mr Boon wrote to Dr Mace:

“We shall have to weigh carefully any operational risks of sprinklers. The potential for malicious damage and flooding is real. We had good evidence of that at Campsfield House when smoke detectors were repeatedly activated to breach security doors, culminating in the loss of control in the autumn of 1998.”

On 13 November, Mr Boon wrote as follows to Sir Graham:

“The prospect of having to install sprinklers at Yarl’s Wood detention centre has potentially such a serious impact on the construction programme for this centre that I have been asked by [Dr Mace] to put a submission to the Home Secretary today … The 900 bed centre is key to the removal of 30,000 failed asylum applicants and illegal entrants in the coming financial year. We have fast tracked planning and procurement and allowed just 7 months to build this centre. It cannot be delayed.”

Mr Boon explored whether other measures, short of installing sprinklers, might suffice. He explained that:
“… this is not a domestic dwelling or a ‘residential home’, it is a prison by another name, therefore we shall have a 24-hour control room with alarms and CCTV constantly observed; all areas including individual rooms will have call alarms; all areas will be staffed through 24 hours by custody officers; contingency plans will specify how incidents (including fire) must be responded to and in what timescale. It does seem to me that this level of operational preparedness is far in excess of anything that you would find in another residential setting short of a prison.”

At the Fire 2000 conference in November 2000, the then Home Office Minister with responsibility for fire, Mr Mike O’Brien, announced Home Office support for the fitting of domestic life safety sprinklers in houses in multiple occupation. It seems this was directed at domestic dwellings and homes for the elderly and infirm rather than prisons and detention centres. Nevertheless, the announcement had the effect of raising the stakes still higher.

Lorne Stewart wrote to Amey on 13 November. They said, “We have investigated the implications of providing a sprinkler system for the above site and would make the following points for your analysis:

“Our budget price for the design, supply and installation of the complete system would amount to £1,585,750.00 exc VAT. Design would delay the existing scheme as this may impact on current design parameters. We anticipate the following programme:

4 weeks design
2 weeks approval
3 weeks manufacture
18 weeks installation (based on 6 men)

“The building design may not be suitable for the installation of a sprinkler system. Water storage tanks will be required together with pumps, special requirements will need to be met.”

Lorne Stewart wrote to Amey’s architects on 14 November 2000. They said:

“Further to our earlier fax and our subsequent discussion regarding budget costing for the above, it will now be necessary to provide a dry sprinkler system together with upgrading of the fire alarm system to operate on a double knock basis to avoid operation of the sprinkler system through accidental damage or vandalism to the sprinkler heads. We have reviewed our original budget costs which will need to be increased to:

£2,000,000.00 exc VAT

“There may be additional costs incurred by disruption/special measures to be taken by other trades and consider that due allowance is made by yourselves.”

On 15 November, the sprinkler manufacturer, Actspeed, submitted a quote of £350,000 to install sprinklers at Yarl’s Wood. This was for a basic sprinkler installation and excluded building costs, prolongation and loss and/or expense.
A note from Amey dated 16 November 2000 considered the practicality of installing sprinklers. It noted that, “No specific requirements have been indicated by the authority,” and said:

“Should an instruction to include sprinklers as described above be made within the next 2 weeks this would extend the completion date by 6–8 weeks. Instruction after the two weeks: This would extend the completion as areas closed up would require reopening.”

The note advised that if instructions were received within two weeks, and based on the design outlined the cost implication would be in the region of £7–8 million plus VAT. If the instructions were received after two weeks, the costs would rise, as further work completed on site would need to be opened up to install the sprinkler system and make alterations to the fire detection system. (This estimate apparently included additional work to that allowed for by Actspeed.)

Assistant Divisional Fire Officer Foolkes told police that:

“During December 2000 I carried out a risk assessment on the Yarl’s Wood development based on the knowledge we had been supplied with up to that time. The result was as follows:-

1) The risk of fire occurring – assessed – high
2) The risk to persons in the building from fire – assessed – high
3) The exposure of staff to search & rescue and firefighting operations was an unnecessary risk that could reasonably be overcome under this assessment.

“I stated [in a letter to Mr Bowles dated 8 December] that an automatic sprinkler system would reduce these risks. I stated the benefits to include continuity of business and questioned the alleged time factor. I even at this stage accepted phased and possibly retrospective fitting. I highlighted the high life risk in such an institution. I also dealt with methods of overcoming vandalism and the potential for self harm.”

On 4 January, the UKIS Regional Operations Directorate put up advice to the Minister of State in connection with a letter of 7 December from Mr Kelvin Hopkins MP. In this, it was noted that:

“The provision of sprinklers is particularly sensitive because contracts have already been awarded for the building of the new centres and construction at Yarl’s Wood is now well advanced. Before letting these contracts we were advised that sprinklers were not necessary. If it is decided that we now have to provide them this may cause a delay of several months to the delivery of these projects.”

On 5 January 2001, Amey submitted alternative cost estimates for a full scheme and a partial scheme in the sums of £13,897,000 and £3,918,000 respectively (within time-frames of 33 weeks in the first case and 12 weeks in the second).83

83 We asked Amey about the disparity between this and the first quote. Mr Entwistle said that Amey Asset Services Ltd (AASL) had responded to an initial request for information about sprinklers. They had provided a cost for the sprinklers themselves and added information about the effect on the project. As the client continued to show an interest, more
Also on 5 January 2001, UK Detention Services wrote to Mr Eaton at PMI offering to install sprinklers at Harmondsworth. The cost would be £2.2m and the delay to construction 12 weeks.

Serious consideration was also given to the installation of sprinklers at the weekly meetings IND held with its project managers. On 8 January 2001, Mr Boon tabled a copy of a 1998 study on the use of sprinklers in prison. Group 4’s response to the matter “was deemed to be very helpful”. In contrast, the Amey response “was very unhelpful …” It was thought that Amey’s figures (both time and cost) were significantly inflated. The minutes said, “Other points included the worry that we needed to avoid directing them and thereby transferring risk.” The meeting agreed:

“… that PMI needed to meet urgently with Amey and their sprinkler specialists to probe in much greater detail the way in which the work would be carried out and the timescales involved. These discussions should be restricted to sprinklers in the living accommodation and sprinklers in the seg/secure/family accommodation.”

Two days later (10 January), at a meeting including Group 4, the minutes record the company’s representative as being, “most concerned about the impact of the installation of sprinklers and attendant construction delays on his recruitment programme etc.” Others at the meeting concurred with this concern, but the meeting accepted that it was for others to determine policy: “Once determined, the implications would be managed through the contract.”

I suggested to Mr Brown of Group 4 that the sprinkler proposal might have been unwelcome because work was already behind schedule and they would have to undo work already completed. He told me that both Group 4 and Amey’s view was, “if you want sprinklers this is going to be an impact on the completion date and there is going to be an impact on costs. But if you want them, we’ll put them in.” He said that ultimately it was the authority’s decision. “We didn’t talk them into it and we didn’t talk them out of it.”

I pressed Mr Brown further on GAIL’s willingness or otherwise. He said:

“It’s more expensive and it’s more difficult to put sprinklers in if you have already built the building. If it’s an integral part of the design brief then it’s easier. Unwilling is too strong a word. Everybody needs, in a situation like that, everybody needs to recognise the implications, the ramifications of what is being asked for not only from a construction perspective but from an operating perspective. So you know discussing the issues and debating the problems is not necessarily unwilling.”

detailed work was carried out. The key issue was that it was not simply a question of putting in sprinklers – there were a lot of ramifications. For example:

- Pyrok was absorbent (and thus no good with sprinklers);
- structural changes to support drainage from the building were necessary;
- the floors used a water-based adhesive;
- electrical fittings were not waterproof; and
- there would be implications for the way the building functioned, requiring fundamental re-design.

The later estimate took account of the need for all this additional work.
On 9 January 2001, confirmation was received by fax from the London Fire and Emergency Planning Authority (LFEPA) that sprinklers would not be required at Harmondsworth. An Assistant Chief Fire Officer wrote, "I can also confirm that following a meeting between HMI and senior fire safety officers from the authority that sprinklers are NOT considered necessary in this complex" (emphasis in the original). This apparently resulted from an informal meeting between Fire safety officers of the London Fire Brigade and HM Fire Services Inspectorate on 24 November 2000 to discuss general fire safety principles. According to a letter from Assistant Commissioner Kelly, dated 25 March 2002, "The discussion was based on the fact that the premises were Crown Property and that the fire safety measures were for life safety and not property protection." The meeting discussed a range of topics including smoke detection systems, fire loading, CCTV coverage, and the no smoking policy: "In view of [these] provisions the Brigade fire safety officers felt that the installation of a sprinkler system for life safety purposes would serve no real benefit."

On 18 January, Mr Boon circulated a draft submission for comment. When I spoke to Mr Boon, he said the submission had been circulated widely. He described it as an honest attempt to set out all the issues and concerns. The draft described what had been done in terms of fire safety and what the implications of fitting sprinklers at that stage would be. The intention was not to persuade Ministers either way – simply to give them all the information on which to make a decision. Mr Boon said that undoubtedly to have fitted sprinklers would have caused delay and let Amey off the hook, but that the submission did not make this point.

Sir Graham commented on the draft on 26 January. While maintaining his ‘strong’ recommendation that sprinklers be installed throughout the centre, he said that, if this was unacceptable, alternative arrangements based on partial life safety sprinkler provision together with enhanced means of escape arrangement should be made. He advised, “I believe that a sprinkler-based solution can be reached which could be achieved without causing a delay to construction and would allow planned occupation of the building. I will be pleased to work with you in order that this can be achieved.”

Mr Boon noted on the file on 30 January his comments on Sir Graham’s response:

- Sir Graham’s emphasis was quite detrimental to IND’s need to complete the centres and open them according to the programme.
- He had expected Sir Graham to recommend a compromise solution of partial sprinklers.
- Instead he had recommended full installation.
- Sir Graham had put responsibility entirely on IND/Ministers if they did not accept his primary recommendation. “What do we do?”
- The Departmental Fire Safety Officer said sprinklers were not required.
- BLFRS have mounted media and political campaign to require them to fit sprinklers at Yarl’s Wood.
- Four MPs had written to Mrs Roche (Minister for Immigration) in support of BLFRS.
- Contractors were strongly against sprinklers - malicious damage, detainee places lost due to water damage (contractual issues).

Mr Quibell e-mailed Mr Boon on 1 February:

> “On the contract and question of risk-transfer, I share your concerns. If we are required to fit sprinklers before occupation, the contractor will have grounds to
treat this as a relevant event and claim a time and cost uplift against the start of operations date (SOD). In the contractors’ favour will be our inability to issue a permit to operate if we follow the advice from HMCIFS to the letter. In addition, there would be scope for the contractor to claim a change in the operational requirement and performance measures. Although the insurance covers malicious damage, the introduction of sprinklers was not an issue when the insurance advisers were consulted. I agree that there is also scope for the contractor to ask for a re-write of performance measures – including available places. We might also expect a request for an uplift in cost for maintenance.

“This points to a difficult negotiation – and in particular at Yarl’s Wood. We will need to start work early on any proposed changes to allow the legal and commercial teams sufficient time for the potential variations. This all adds to the project and running costs and places a further high risk on time.

“In the circumstances, I wonder whether, at a senior level, the HMCIFS might benefit from a further explanation of the issues and the reasons why we have difficulty with his preferred option before we go any further.”

PMI prepared briefing in light of Sir Graham’s advice on 14 February 2001. They noted:

“Further delays continue to occur and it is apparent that the contractor is desperate to receive any instruction which would ‘let him off the hook’ … The risks of introducing sprinklers are great on both contracts. However, they are of an order of magnitude greater on Yarl’s Wood than on Harmondsworth.”

A paper by ArupFire, commissioned by the Harmondsworth contractor and dated 13 February 2001, concluded, "Sprinkler protection does provide a very good way to prevent fire growth and fire spread in certain types of buildings. In this facility [Harmondsworth] however, control of combustibles and a high level of compartmentalisation have achieved this in an alternative way.”

Mr Boon drew up a number of options for managing the installation of sprinklers ranging from full immediate installation to doing nothing. The total relative costs of these options ranged from £20.45 million to nil. The number of detainee months lost ranged from 10,800 to nil. Full operation of the centre might be delayed as late as July 2002. Mr Sutton of PMI said it was they who supplied the costs and timings for these proposals. He said in his police statement, “I would like to add that these estimates both time and cost, were indicative. I have no experience in the cost of sprinkler installations.”

A project board meeting on 15 February (at which Mr Boon and Dr Mace were both present) discussed lines to take on the Ministerial submission in light of the reports and option study. It was agreed that in value for money terms, the preferred option was to do nothing.

On 7 March, Mr Boon put up a submission to Mrs Roche. In this he set out some 13 different factors which were designed to provide fire safety. He noted that the buildings would comply with building and fire safety regulations and that a recommendation to install sprinklers was not enforceable. It was, however, increasingly regarded as best practice in houses of multiple occupation. Mr Boon noted that the benefits of sprinklers were that:

- They reduce damage to buildings and contents by preventing the spread of fire;
They extinguish fires automatically without human action.

He noted that the Home Office now supported the installation of sprinklers in houses of multiple occupation. Mr Boon did not, however, consider that detention centres were intended to fall within this category. He advised that the fire safety arrangements required of the contractors were such that the Immigration Service did not consider sprinklers necessary. He pointed out that in order for risk to be transferred to the contractor, it was important that they found their own solutions and were not dictated to. They were bound to ensure safety requirements were met and had concluded that sprinklers were not necessary. Mr Boon also set out the views and recommendations of the Chief Inspector and of the Bedfordshire Fire Service and attached annexes which set out their position in their own words. He discussed the level of risk and noted this had been variously assessed as between high and low. Those with experience of designing and running custodial facilities regarded the risk as low. There was little history of fire in the detention estate. Mr Boon also attached the report by ArupFire. This said that smoke detectors were likely to be activated four minutes earlier than sprinklers. This meant that DCOs would be able to respond faster than sprinklers: “This is strongly the view of our operating contractors.” Mr Boon noted that no prisons had sprinklers and that, if the Minister were inclined towards the fitting of sprinklers, she might wish to consider the consequences for fire safety arrangements in prisons etc as “a direct comparison is likely to be made”. Finally, Mr Boon set out the costs and the impact on the programme. The combined cost of fitting sprinklers throughout at both Yarl’s Wood and Harmondsworth could be as high as £11.6 million, for which there was no provision. In addition, “The impact on programme of fitting sprinklers is potentially very serious. To fit sprinklers throughout at Yarl’s Wood before any occupation could delay operation to full capacity till April 2002.” Mr Boon said, “It is for reasons of cost, programme and the already extensive fire safety precautions that we do not consider sprinklers are necessary. To fit sprinklers in the segregated areas may be justifiable and could help presentationally.” He suggested the Minister might want to take one of three courses of action:

- Do nothing, which would have no impact on costs or on the programme;
- Require increased staffing levels which would mean staff could respond within one minute to a fire (this would impact on cost at Harmondsworth, but not on the programme); or
- Either of these, plus the fitting of sprinklers in the segregated accommodation only, where for security reasons doors would be manually unlocked. This would not impede the programme but would cost about £2.5 million at Yarl’s Wood and £800,000 at Harmondsworth.

Mrs Roche, Sir Graham, Mr Boon, Mr Bowles and Mr David Laurence (from the Construction and Facilities Management Team in the Prison Service) met on 14 March 2001. Mrs Roche had suggested a compromise with sprinklers in the segregated area only. However, Mr Boon advised that no other prison or detention centre currently had sprinklers and that, if sprinklers were to be installed at Yarl’s Wood and Harmondsworth, it would set a precedent with read-over to prisons. Mr Laurence said the arguments against installing sprinklers were that the designs of the new buildings were broadly in compliance with current design standards and building regulations; operational regimes in detention centres would have quick responses to emergencies; the costs of installation; the delays to the detention centre/removals programme.
Sir Graham said he “strongly recommended” the installation of sprinkler systems in the new detention centres. He said that, “sprinkler systems removed the human element in regard to fire safety; unlike smoke alarms they put fires out without Fire Brigade or trained staff presence; nobody has ever died in this country in a building with a sprinkler system; sprinkler systems would counter problems of language difficulties in an emergency.”

Mr Boon told me that, once Sir Graham had gone, Mrs Roche had spoken privately to him (Mr Boon), telling him that she was minded to opt for sprinklers. Mr Boon had reported this back to Dr Mace and Mr Boys Smith. He thought he had done so in writing, but I have not come across this note.

As a result of the meeting, Mr Boon was asked to explore with Bedfordshire & Luton Fire and Rescue Service the possibility of a compromise – a package including staff trained to one minute response level, detainees able to move unaided to a place of safety, and sprinklers in segregated areas only.

An e-mail dated 16 March 2001 from Mr Boon records that this meeting had taken place. Messrs Bowles, Goddard and Hotson were present. Mr Goddard told me he believed the meeting was set up in response to the *Bedfordshire on Sunday* article. He said Mr Boon did not mention that the purpose of the meeting was to find a compromise, albeit that that was his (Mr Goddard’s) aim. He said that, to that end, Mr Hotson had put forward a “very fair policy”. Bedfordshire Fire Service’s concern was that, in the event of a fire, they might not be able to do a very good job. This was because of the remote location of the centre, the poor water pressure and the fact there was only one access road. He pointed out that it was not appropriate to compare Yarl’s Wood with Oakington because their situations were different. Mr Goddard said he believed the project had not been adequately risk assessed or that the assessment had been rushed. Bedfordshire Fire Service pressed for sprinklers to be fitted in the ‘common’ areas, if not in the bedrooms. This was because this was where the hazard was greatest. However, Mr Goddard said Mr Boon was extraordinarily well-briefed on sprinklers and appeared to have no intention of conceding anything. Mr Goddard explained that it would be ‘pushing it’ not to install sprinklers with a population which was not likely to cause trouble. The stakes were considerably higher where the population was minded to mischief. He said his impression was that the IND concern was that, because they were well past the planning stage, a retrofit would be necessary. This was likely to inject delay into the proceedings. Mr Goddard believed that IND officials were much more exercised over time than money.

Following the meeting, Mr Boon noted that (his emphasis):

“*A major concern is that it will take at least 15 minutes for the first fire appliance to get to the gate and a minimum of 25 minutes before sufficient appliances (5) arrived to deal with a serious fire. This would mean that in the critical period for life safety any firefighting would rely entirely on staff intervention. Although life may have been saved it is unlikely that the building would escape serious damage in the event that a fire was allowed to develop and spread. Sprinklers would put the fire out within 3 or 4 minutes allowing staff to concentrate on life safety and evacuation. (In terms of localised risk assessment this is an important difference from Harmondsworth where the London Fire Brigade can be on site in a few minutes.)* Concern was expressed about the ability of the contractor to provide sufficiently suitably trained and experienced staff quickly enough to deal with a developing fire situation where the occupants were likely to be in a high state of stress. (NB
This is a matter of contract and we shall require compliance.) In the light of these further considerations our recommendation is to go for option 3 of my submission; a one minute response time and the fitting of sprinklers in segregated accommodation.”

In the meantime, the Bedfordshire Fire and Rescue Service Head of District Support had re-stated the Service’s position in a note dated 15 March. Their case for life safety sprinklers in accommodation areas at Yarl’s Wood related in part to the timber-framed construction. They said:

“We believe that this type of construction has inherent weaknesses in the construction method. The integrity of the building relies on containing any fire within the room of origin for a minimum period, typically 30 minutes. The greatest danger to occupants occurs when hidden fire spread breaches passive protection, increasing the likelihood of trapping occupants. Such fire spread can occur in the cavities between the timber frame and the external skin of the building.”

Mr Boon told us that Dr Mace (and possibly Mr Boys Smith) met the then Home Secretary. Mr Boon thought both Mr O’Brien and Mrs Roche might also have been present. The issue was politically sensitive, quite apart from the fact that the Fire Service Inspectorate was promoting the use of sprinklers.

A note dated 20 March referred to a meeting between Mr Straw and Mrs Roche the previous day. It said:

“Mrs Roche explained that she had met with Ian Boon, Graham Meldrum (HMCIFS) and others to discuss this issue. Ian Boon had suggested a compromise which involved installing sprinklers in segregated areas only. Sir Graham’s view was that they should be fitted throughout the accommodation blocks. Barbara Roche said she would be very reluctant to reject the advice of HMCIFS; Mike O’Brien shared this view. The Home Secretary expressed his concern about the read-across to the prison service and was alarmed that the original advice given by the Home Office fire safety adviser had been contradicted since contracts were let.

“The Home Secretary asked John Warne [acting Permanent Secretary] to arrange an urgent meeting with officials and report back to him.”

Mr Warne was to make a recommendation following that meeting (which took place on 26 March). In the event, Mr Warne did not recommend a change to the contract, but did propose a review of the position in relation to prisons, secure training centres and detention centres to enable the Home Secretary to make a decision in the light of information about the implications for all three estates. Sprinklers could be fitted retrospectively at Yarl’s Wood if necessary.

The senior fire safety adviser to the Prison Service attended the meeting. He told the police:

“I was surprised at the recommendations as the tone of the meeting was that sprinklers should be fitted. This view was expressed by Sir Graham, Geoff Bowles and myself and was minuted.”

A submission from Mr Boon, to the Permanent Secretary, dated 26 March 2001, considered the installation of "fire safety sprinklers" in detention centres, "and the
implications of so doing for fire safety policy and practice in prisons". The submission said:

"When we met today you concluded that there was read-across [to prisons] … if anything the case for sprinklers in detention centres is less strong than in prisons."

The detention centre project board recommended that sprinklers should not be retrofitted on the grounds that the contracts pre-dated the Ministerial announcement on houses of multiple occupancy. Installation solely in segregation units would be the lowest cost option. In making the recommendation, Mr Boon advised that there were a number of features in the new detention centres which were believed to reduce the risk to life from fire - the free access of detainees to safer areas, high staffing levels and:

- "The historical incidence of self-harm by fire or malicious damage by fire in detention centres is much lower than in prisons.
- The detainee population is generally non-criminal and more compliant than the prison population."

On the other hand there were distinguishing features that might tend to increase the risk:

- “Many detainees do not understand English. (There is a duty on contractors to provide induction that includes fire safety and instructions and notices in a variety of languages and pictures.)
- There are families with children in detention.”

A further concern was that the contractor would be able to claim "a time and cost uplift against the start of operations date".

On 5 April, the Home Secretary confirmed agreement that sprinklers would not be installed at that time.

On 11 May 2001, Mrs Roche wrote to Mr Kelvin Hopkins MP:

“You wrote to me on 7 December 2000 about the installation of fire safety sprinklers at Yarl's Wood … I undertook to write again once the outcome of consultation with the Chief Inspector of Fire Services was known … As a result of your representations, I have asked IND and the Prison Service to review fire safety precautions … Decisions about fitting sprinklers in Yarl's Wood, and other detention centres, will be taken in the light of the conclusions of this review."

The Crown Premises Inspection Group had not given up the ghost, however. In a letter to Amey's architects, dated 28 June 2001, Mr Bowles wrote:

“I can confirm that the provision of sprinklers is not a requirement. However it remains a strong recommendation that life safety sprinklers be considered as the best solution to the risk to life from fire in this project. They would provide comprehensive protection in the event of a serious outbreak of fire, not only against property loss but also loss of operational capability.”

The review ordered by Mrs Roche was conducted by the senior fire adviser to the
Prison Service. He submitted his report to Mr Brodie Clark, then Director of Security in the Prison Service, in October 2001. Mr Clark asked for clarification on a number of points which the senior fire adviser presented on 15 November 2001. Views were sought from other members of the Prison Service. The senior fire adviser told police, “They did not share my view regarding the use of sprinklers and following lengthy debates tests of the effectiveness of sprinklers were commissioned at a meeting held on Wednesday 13 February 2002.”

I have uncovered an e-mail that the senior fire adviser sent to a colleague on 27 February 2002:

"Concerns have been expressed about the sprinkler systems' vulnerability to abuse, the cost and the period before we could hope to be able to complete installation throughout the estate. We would also be seen to be fitting sprinklers first in new structures which on balance probably need them less than do some of the older buildings we have."

It was intended that the review would be considered by the Prison Service Management Board in March 2002, but this was delayed because of the Yarl's Wood fire.

The senior fire adviser to the Prison Service's final report is dated 14 May 2002. He recommended:

- That the British Standards Institute be consulted on the development of a sprinkler installation specification for prisons, detention centres and other secure accommodation.
- That funds be made available to pilot sprinklers in a range of prison/detention centre environments.
- That, subject to the pilot, funds be provided for the installation of "life safety sprinklers" in all new build accommodation and elsewhere at the time of major refurbishment.

But the review did not receive the support of the Prison Service as a whole. A draft submission dated July 2002 advised the Secretary of State (by then Mr Blunkett) against accepting the senior fire adviser to the Prison Service’s recommendations, "[g]iven the seriously long implementation timescale, along with prohibitive costs and the uncertainty with regards to the overall level of effective protection gained". The paper noted that the New Zealand prison authorities were considering abandoning sprinklers in favour of a rapid smoke detection system (having suffered deaths in cell fires notwithstanding sprinklers). The paper also noted that the installation programme would take 25-30 years, an estimate the Prison Service considered conservative, and that finding an appropriate technical solution given the varied nature of the prison estate would be difficult. Together this made the proposals, "at best questionable and at worst inappropriate". Instead, the Home Secretary was invited to endorse a Prison Service plan to establish a multi-disciplinary project team to review fire safety risks in prison cells. (I assume this was accepted but have not seen anything to this effect.)

84 Trials of various cell sprinkler and smoke detection systems - sprinklers can be wall or ceiling mounted – were, however, conducted at Lindholme prison in June 2002. Although there were significant differences in the activation times of the various systems tested, the report of the trials concludes, "Upon activation of the sprinkler heads the spray patterns of all
Looking back: what the decision makers say now

I interviewed Sir Graham, Mr Boon, the Rt Hon Jack Straw and Mrs Barbara Roche.

Sir Graham told me that sprinklers could only be required to meet the life safety requirements of the building regulations in certain large buildings such as retail warehouses. This would be the case where it was not practicable to achieve an equivalent life safety standard by other means, such as physical fire separation to prevent the spread of fire. In most other cases, sprinklers would not normally be required to satisfy building regulations or fire safety legislation requirements and could only be recommended.

Sir Graham said there was a delay in HMFSI taking ownership of the Yarl's Wood issue because of uncertainties over the status of the site – that is, whether it was Crown Property and hence the responsibility of Crown Premises Inspection Group rather than the local Fire Brigade. This issue took some time to resolve. They had to establish if in fact Yarl’s Wood was Crown premises or not within the definitions used in fire safety legislation. The definition of Crown premises is premises owned or occupied by the Crown. The term ‘owned’ had a definition and criteria of its own and in this case it proved somewhat difficult to obtain the necessary information from the Immigration Service as to the exact nature of the contractual arrangements with Group 4/Amey. Sir Graham said this type of project, where the government puts up new money for a private company to build and run an establishment, was relatively new and the details of the contracts did not fit easily with legal definitions. The only previous examples were DCMF [design, construct, manage, finance] prisons where the type of contract was similar but not identical. Similar problems in defining Crown status had been experienced there.

HMFSI eventually received the details of the contractual arrangements for Yarl's Wood and then took advice from their policy and legal advisers. The outcome was that the premises were established as ‘Crown’ for the purpose of the Fire Precautions Act and part Crown, part non-Crown for the purpose of the Fire Precautions (Workplace) Regulations. The lengthy consultation process concluded around October 2000.

HMFSI's formal involvement commenced with a meeting that took place on site on 8 November 2000, when detailed plans were discussed. HMFSI had been involved in informal discussion with the Immigration Service and their project managers, the local fire authority and the HO fire safety adviser, prior to the 8 November meeting. During these earlier discussions, HMFSI were made aware of the outline proposals for the centre and its method of construction. Sir Graham said no objections were raised because all the necessary fire-resisting specifications were outlined on the plans. He told me it was usual to refer to the specified fire resisting characteristics of a construction, not to the material from which it was made. In this case, the construction materials to be used were specified as meeting the necessary fire rating.

Sir Graham explained that, although HMFSI was the enforcing authority in Crown premises, they had no legal enforcement powers because of Crown immunity from prosecution. However, he would normally expect any ‘requirements' to be acted on – in fact it was government policy for departments to meet the ‘requirements' of fire sprinklers were monitored, the outcome being that a good spray pattern was achieved, subsequently the fire extinguishing capabilities were also good.” HMP Lindholme, Cell Sprinkler and Smoke Detection Test, 14 June 2002.
legislation. Sir Graham noted that, at plan stage, HMFSI could only make recommendations as to what they felt would be necessary to meet the requirements of fire legislation once the building was occupied. They would also recommend any additional measures they felt appropriate.

Sir Graham said that it was not normal for HM Chief Inspector to become personally involved in consideration of fire safety measures in particular buildings. In this case, however, the publicity engendered by the Bedfordshire Fire Service had raised the stakes.

In considering fire safety measures, regard was given to the type of construction, staff training, usage and operating practices. Sir Graham noted that his colleague, Mr Bowles, who had taken the lead on Yarl’s Wood, was very experienced. He recalled that there had been a number of meetings with Mr Boon. The Immigration Service appeared to be under considerable pressure and wanted the place built as quickly as possible.

Sir Graham told me that HMFSI pressed hard to have their recommendation for what was considered to be the most appropriate solution accepted at plan stage. However, as this included life safety sprinklers, which went beyond what could probably be ‘legally’ required, they could not insist upon it. It was clear that the Immigration Service were reluctant to accept this recommendation due to the effect it would have on the completion date. However, HMFSI were keen to reach a mutually acceptable solution, so moved to their next best option and eventually worked their way down to an option that the Immigration Service might agree to. Although this was sufficient to meet the legal requirements, it did not include sprinklers anywhere in the centre. HMFSI made it clear that this solution was the least acceptable and only met the minimum legal requirements. It was not considered to be the most appropriate option for Yarl’s Wood. The effectiveness of this solution relied heavily upon certain management actions and procedures, such as staff training and operational plans, being put in place and working effectively in the event of an incident. The effectiveness of these could only be properly assessed after occupation. If this least acceptable option was to be agreed, HMFSI insisted that certain operational measures – such as staff response times – would need to be improved.

Sir Graham noted that cost did not appear to have been a factor in the Immigration Service’s consideration.

However, he confirmed that the Immigration Service was concerned about false alarms and possible suicides. He noted that new sprinkler designs from the United States were recessed and would not bear weight. He also explained that it would not have been difficult to install the necessary pipework in the modular units as they were assembled. This end of sprinklers systems was not complicated – it merely necessitated the fitting of pipes and sprinkler heads.

Sir Graham suggested that, taking everything into consideration, Yarl’s Wood was a very unusual proposition in fire safety terms. It was not a traditionally constructed building. This was not of itself unusual – Travelodges, for example, were of a similar construction - but Yarl’s Wood was intended to house people in detention, some of whom would be locked-up. Detainees would comprise many different nationalities and would come from a variety of backgrounds. Not only would there be a communication problem with staff, there was a real potential for conflict. Some detainees would have nothing to lose; others would have everything to lose. The centre was also to hold families. This distinguished it from a prison environment.
Looking at the plans for Yarl’s Wood and the provision of escape routes and other fire protection arrangements, it was not immediately apparent why sprinklers might be considered necessary. This only became apparent when more details of the occupancy became known. Certainly, the centre was built to current building regulation requirements, but the regulations and their guidance did not specifically recognise this type of establishment. That was why additional recommendations were made. Because of the nature of the life risk, HMFSI were convinced that the most appropriate solution was to fit life safety sprinklers.

Although sprinklers had originally been developed at the prompting of insurance companies in order to reduce the likelihood of losing entire buildings, they had now been developed specifically for life safety. Sir Graham confirmed that sprinklers at Yarl’s Wood would have been for the purpose of protection of life. Life protection sprinklers activated at an earlier stage than those aimed only at protecting the building. Although the primary reason for recommending sprinklers in this case was for life safety, Sir Graham also referred to the benefits of property protection that would be achieved. He said he had pointed out that if a serious uncontrolled fire were to occur with no sprinkler system in place, a significant part of the centre would be rendered uninhabitable, thereby reducing the number of places available.

Sir Graham said it was “pretty unusual” to go to Ministers on the question of particular fire safety measures. He said that the Home Secretary’s decision was “not unreasonable”. He had considered the best professional advice, but taken into account other considerations. This was to be expected.

Sir Graham went on to say that he felt HMFSI had addressed all the Immigration Service concerns. They had explained that it was difficult to set off sprinklers by way of vandalism as the heads were difficult to reach anyway. Also, if recessed (hidden) heads had been fitted these would not have been immediately apparent. Anyone wanting to set off a sprinkler would require specialist knowledge to know how it might be achieved. For example, it would be necessary to apply a naked flame directly to the sprinkler head for some time. In any case, only one sprinkler would be activated by this means. There was a common misconception that all sprinklers would be activated simultaneously, but this was not the case. Any damage would therefore be minimal. Sir Graham noted that, by comparison, it was much easier to set off smoke detectors. Sir Graham also felt they had fully countered the possibility of sprinkler heads being used as ligature points. HMFSI had suggested how sprinklers might be installed without delaying the project and, when this was not accepted, had suggested that a partial sprinkler system – covering only the accommodation blocks – would be acceptable. Finally, they had suggested that sprinklers could be installed in half the building while detainees occupied the other (non-sprinklered, but with robust alternative fire safety measures). The detainees could then be moved into the sprinklered parts progressively until the whole installation was complete. HMFSI’s final suggestion had been for sprinklers to be fitted into the segregation unit alone.

However, none of HMFSI’s proposals were accepted. This had been “very disappointing” as they felt they had met all Immigration Service concerns. Sir Graham recognised, however, the pressure Immigration Service was under to ensure the centre was built as soon as possible.

Mr Boon told me it was important to bear in mind that, with the exception of HMP The Weare (the so-called ‘prison ship’ moored at Portland), no prisons or detention centres had sprinklers. There was therefore nothing odd about not having considered their installation in the new immigration centres at the outset. Mr Boon explained that
it was for the contractor to ensure they met the necessary regulations – it was therefore for them to consult the appropriate authorities. They had done so when the issue arose, but the Departmental Fire Safety Officer had said they would not be required.

Mr Boon said sprinklers had only come to his attention as an issue after the contract had been let. He thought he had first become aware of it after the Chief Fire Officer for Bedfordshire was quoted in the Bedfordshire on Sunday newspaper. Mr Boon was not best pleased. He said that, had the Chief Fire Officer raised his concerns in a different way earlier, it would have been easier to take them on board. Following the newspaper article, there had been considerable discussion about sprinklers and other measures designed to improve fire safety. There was a need to establish that those aspects of the building, staffing, regime and management routines, contributing to fire safety, fitted together.

Mr Boon said that, at his first meeting with Sir Graham, probably in January 2001, the latter's approach had been very much along the lines that sprinklers were desirable and recommended, but whether or not to install them was a matter for IND. However, if they did not install sprinklers they would need to ensure that other fire safety measures were adequate. It was stressed that sprinklers were about life safety rather than building safety. The key therefore was to ensure detainees and staff had free access to the means of escape in the event of fire.

Mr Boon suggested that thinking about sprinklers at the time was not quite what it is now. He said that when he spoke to Sir Graham, the latter was talking about domestic type sprinklers being attached to living units and fed by the integral sanitation system – that is, using the domestic water supply. It was very crude stuff. Set alongside this, the engineers had been very reassuring about the fire retardancy of the materials used in the build. Research had suggested, furthermore, that sprinklers were not as effective as smoke alarms in ensuring fast response times in protecting life. Importantly, however, Mr Boon said in an e-mail to me dated 5 October 2004 that he was unaware of concerns about water pressure at Yarl's Wood.

Sir Graham wrote to Mr Boon two or three weeks after their meeting. His line had changed and was now much firmer. Dr Mace had been party to the debate all along, but at this point, Mr Boon escalated the issue to Dr Mace, Mr Boys Smith and Ministers.

Mr Boon said that the other side of the sprinklers saga was that the right hand of the Home Office did not know what the left hand was doing. The Departmental Fire Safety Officer had advised that sprinklers were not required but, so far as he was aware, there had been no discussion with HM Fire Service Inspectorate and, more particularly, with Mr Bowles from CPIG, who would have been responsible for inspecting Yarl's Wood. With hindsight, Mr Boon said there should have been much earlier discussion with Mr Bowles. The lack of a joined up approach did everyone a disservice. Altogether, there had been a complete lack of clarity on a very serious issue. Mr Boon suggested that if my report did nothing else it should get to grips with this point.

I spoke to Mrs Roche about her role in the decision not to install sprinklers. She said that the question of sprinklers had “really exercised” her. She recalled that Mr Boon had put up a submission to her in March 2001. Some MPs had written on the subject. She was “really concerned” as there was clearly a difference of opinion on a technical matter at a high level. The Chief Fire Officer of Bedfordshire and Sir Graham took a different view from the Home Office adviser on fire. In addition, the
London Fire Brigade had said there was no need to install sprinklers at Harmondsworth. Mrs Roche had decided that she should alert the Home Secretary. She also asked for Mr O'Brien's view (in light of his responsibility for fire) and for that of Mr Paul Boateng (then Minister for Prisons) because of the implications for prisons. Mrs Roche was aware that no conventional prisons had sprinklers.

She met Mr Boon and Sir Graham at her office in the House of Commons and told them that she was going to speak to the Home Secretary. In the interim, she asked them to go back and find out whether there was a compromise solution – for example, a partial installation. Mrs Roche said that Mr Boon’s approach had been very balanced. There was no sense that he was trying to bounce her into anything. She noted that instances where a Minister responded in this manner to a submission were rare but, "I really thought it was major."

Mrs Roche saw Mr Straw with Mr Warne. She said she was “very worried”. They had had a lengthy discussion. The advice she had was not to go for sprinklers – the submission had said there had only been one previous incident of fire in a detention centre. Detainees resorted to hunger strikes rather than fire. In addition, consultants on the Harmondsworth project were saying sprinklers were not necessary. On the other hand, HM Chief Inspector was saying it was good practice to install sprinklers and that there had been no deaths in buildings which had them. There had been arguments about other safety measures, response times, vandalism etc, but the argument that no lives had been lost where sprinklers were installed had stayed with her.

Mrs Roche explained that fire was not her subject. She did not know the personnel or the arguments involved (whereas she knew and thought highly of Mr Boon). Ministers were not technical experts. Because of the read-across to prisons, she referred the matter to Mr Straw. This was an unusual step to take, but Mrs Roche said she was "extremely worried" and not prepared to sign off a decision on a matter which had implications for prisons as well as Yarl's Wood. She still felt she had been absolutely right to do so.

Mrs Roche said she learned of the final decision subsequently. She commented that, “You have to respect the decision.” She felt it was right to be concerned and right to feel sprinklers should have been installed – but noted that it would have meant fitting sprinklers in all prisons. She added that she had not been told about the use of wood in the building or that there were concerns over the water pressure.

I asked Mr Straw what he recalled about the sprinkler debate. He said that the issue had not passed his desk during the initial tender and planning process. Late in the day and after the contract had been signed, Mrs Roche had minuted him to say that sprinklers should be installed. At a meeting, she informed him that Sir Graham had said that sprinklers should be installed. Mr Straw had been concerned that the design had already been through various processes including building regulations. In addition, he had been extremely concerned about the read-across to prisons.

Mr Straw noted that, in addition to the late entry of the issue of sprinklers, there had been conflicting advice. The London Fire Brigade had not recommended their installation at Harmondsworth. Mr Straw said there were issues of protection of life and property, and he had taken Mrs Roche’s and Sir Graham’s advice very seriously. He had asked Mr Warne to chair a meeting on the issue. This had taken into consideration the incidence of fires in prisons – specifically, there had been no major fires since Strangeways. Mr Straw had accepted the recommendation of this meeting and had taken the decision not to install sprinklers.
Mr Straw said that the fact that the issue of sprinklers had not been raised in the first instance suggested that their installation was a marginal judgement. He had looked into the comparison with Harmondsworth and with prisons. In retrospect, it probably would have been better if sprinklers had been installed, assuming they would have worked. Importantly, he said that he had not been aware at the time of any concerns relating to the water pressure, and that he was 99 per cent certain that he had not been aware of the reliance on wood in the construction.

**Summary of the issues**

In any institution, fire safety is the sum of a wide variety of factors:

- Design of the premises
- Materials used and workmanship
- Control of sources of ignition
- Fire detection system
- Means of escape
- Means of firefighting
- Staff training
- Maintenance of equipment.

Self-evidently, there are special factors that apply in a secure establishment, in which the residents are housed against their will.

What were the considerations that IND took into account in deciding against the installation of sprinklers? Was it, as some have alleged, a cost saving exercise? IND’s Mr Quibell told the Bedfordshire County Council inquiry that the cost implication of installing sprinklers, "really wasn't a factor for us at the time". He said the main factor was, "the balance between malicious damage by detainees setting off the sprinklers against the benefits, which were debatable because of the conflicting information that we had".

However, the inquiry also had before it a letter, dated 28 March 2002, from Mr Goddard to Mr David Liddington MP. Mr Goddard told me that he wrote in response to a letter from Mr Liddington asking if a similar fire could occur in Buckinghamshire. In his letter, Mr Goddard expressed concerns that the Yarl's Wood site was comparatively remote, that water supplies were not satisfactory, and that the building was of a pre-fabricated unit construction "known to have a rapid fire spread once ignited". Mr Goddard said that he had attended a meeting early in 2001 with a representative of IND and HM Fire Service Inspectorate at which the sole topic was the installation of sprinklers. Mr Goddard alleged that the recommendation of the local Fire Service to fit sprinklers was resisted by the Immigration Service "on grounds of cost". Mr Alistair Burt MP reported this allegation in Parliament. Mr Goddard said that the cost of a fully compliant automatic sprinkler system at Yarl's Wood would have been in the region of £1-2 million. He added that sprinklers would not only have dealt with the fire before it became established, but might well have hampered those who allegedly started the disturbance. When we spoke to Mr

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85 Fire Brigades Union news release, 19 February 2002.
86 "At Yarl's Wood … our attendance time could be as long as 20 minutes which is very excessive if we are not to implement other control measures such as immediate fire suppression by the installation of sprinklers." (Paul Fuller, Chief Fire Officer, 'Lessons from Yarl's Wood' undated speech.)
87 House of Commons Hansard, 26 June 2002, col 290 WH.
Goddard, however, he was quite clear that time, and not cost, had been the
overriding concern of Home Office officials. As noted above, this was also the view
of Sir Graham.

This is borne out by advice from the UKIS Regional Operations Directorate to Mrs
Roche of 4 January (quoted above) and a note from Mr Boon of 30 January 2001
which estimated a time delay at Yarl's Wood of installing in accommodation blocks
only of 20 weeks:

"Whilst cost is important to us, time delay is critical."

This issue of delay also meshed with concerns about the contractual position. Mr
Boys Smith referred to his experience in running the prison building programme and
his belief that, once taken, a decision on the design of a building should be adhered
to. He considered it to be bad project management to make structural changes to a
design halfway through construction. Mr Quibell told Mr Moore:

"So there was this very difficult decision about, if we went to Amey and said
could you also please fit sprinklers, that would give them the ideal opportunity
to jack all the prices up, charge whatever they wished, ask for a year’s delay
to the contract because they couldn’t deliver. It would have basically got
them off the hook and put us right in the firing line. The consequential loss of
money plus places made it a very unattractive proposition against the Home
Secretary’s target to get these open as soon as possible so we could start
removing people ..."

IND was also worried by the implications for institutional control of installing
sprinklers. Mr Quibell told the Bedfordshire inquiry that an issue facing the
Immigration Service was the balance between protecting the building and protecting
against malicious water damage. But as the Chief Fire Officer and Chair of the
Combined Fire Authority also told the inquiry, the type of sprinkler recommended for
Yarl's Wood was "difficult to interfere with". They added that sprinklers were fitted
with a tamper alarm. They said that the only effective way of deliberately setting off
the sprinkler system would be by starting a fire underneath it. But while IND's fear
may have been exaggerated, Mr Eaton of PMI told me that the design implications to
ensure that the water run-off was safe were considerable. There was a further
concern to avoid ligature points – although again, in retrospect, I believe that the
anxiety on this point was over-estimated.

A further major worry was the impact on the wider Home Office, particularly the Prison
Service. Mr Quibell told Mr Moore:

"But then we had a wider view on what the impact would have been on the
Prison Service and on the secure training centres for us to arbitrarily put
sprinklers in, whether we would be causing enormous difficulties for the Home
Office as a whole by setting a precedent ..."

The Prison Service view was that there were powerful arguments against sprinklers
regarding control, and no Prison Service establishments (except The Weare) had
them. Had they been installed at Yarl's Wood, there was the potential that they
would have to be installed at another 130 establishments.

88 There are indications in the IND files that the Youth Justice Board was also consulted and
were yet to be persuaded that sprinklers in secure training centres would be operationally
acceptable or value for money.
These various concerns were brought together in the letter dated 6 August 2002 from an official in the private office of the Permanent Secretary to the Private Secretary to the Foreign Secretary. Justifying the decision not to have installed sprinklers, the former noted that:

“… the installation of sprinklers into any custodial environment has to take account of the possibility for those held in such accommodation to inflict ‘malicious damage’ on the property by triggering the sprinklers under non-hazardous circumstances. The need for a settled policy throughout the Home Office custodial estate was also important because the use of sprinklers in the Immigration detention estate would have serious implications for prisons and secure training centres.”

Ministers also faced conflicting advice from the London Fire Service regarding Harmondsworth, and the initial debate took place amongst confusion as to which fire regulator was involved. However, I note what Mr Quibell told Mr Moore:

“What I think we didn’t take sufficient account of was we didn’t listen closely enough to the Bedford Fire Service. But what we didn’t take account of and perhaps should have planned more was the comment that Bedford Fire Service made that Yarl’s Wood was a long way from the fire brigade and that it was a long way from the mains water supply. Now, with hindsight, had I known and been more aware of the fact that Bedford Fire Service were worried about water supply, I would have been taking an entirely different approach. I think we would really have put more effort into our contingency planning on fire. If the Bedford Fire Service had been a little more focussed and a little less emotive … I think we could have got more out of it than the ya boo approach that was taken at the time.”

(I raised these criticisms of the Fire Service’s methods with Mr Goddard. He conceded that going to the papers might not have been the best approach. It should be noted, however, that Mr Freeman had been trying through HMFSI to get sprinklers on to the agenda. He seems to have resorted to the press when he failed to get a response.)

**Assessment**

The delay in the Crown Property Inspection Group engaging meaningfully in the sprinkler debate while jurisdiction was established is a cause for concern.

**I recommend that the fire safety adviser and the Crown Property Inspection Group take early steps to establish provenance on receipt of any request for advice and that they reserve their position until the matter has been resolved.**

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89 It is worth noting that there were in fact problems with the water supply on the night of the fire. A number of police statements by firefighters refer to this: “It was also around this time I was informed that there was a problem with fluctuating water pressure. I was led to believe that we had probably used most of the water from the on-site water tank and were relying upon the mains pressure,” and “All this time we had problems with water pressure on the monitors which caused a failure every ten minutes or so. The Crew Commander of the Olney Water Carrier said that it wasn’t his appliance, but the mains supply which was causing problems.”
As to the decision itself, hindsight is a poor guide to the choices facing policymakers. At the time, IND had advice pointing in different directions, they were concerned about the serious implications for prisons and secure training centres, and they knew that retro-fitting sprinklers would have led to delay and financial losses. There was a particular concern that this would provide an undeserved way out for Amey. Given the conflicting advice it had received, the fears about vandalism, and the proper requirement to ensure public money is not expended wastefully, I see nothing outrageous in the decision not to install sprinklers at Yarl's Wood. It is worth adding that the amount of time devoted to this issue and the close involvement of very senior officials, Ministers and the Home Secretary himself, was quite unprecedented and demonstrates that the decision not to install was not taken lightly.

That said, removal centres are not prisons. They house people whose command of English may be limited or even non-existent. In addition, the detainee population is in a constant state of flux. This means that large numbers are unlikely to be familiar with their surroundings or what to do in the event of a fire, even supposing it has been covered during induction. Some centres (including Yarl's Wood) accommodate families with very small children. These factors alone, it seems to me, make a clear distinction between the two environments in fire safety terms. But Yarl’s Wood was also different from other centres, and particularly from Harmondsworth, where the local fire service did not consider sprinklers to be necessary. I think insufficient attention was paid to Yarl's Wood's relatively remote location, the poor water supplies, the type of construction being used, and the nature of the population it would hold.

I can only speculate whether sprinklers would have made a difference to the eventual outcome. Mr Shipp of the Building Research Establishment told me that fire safety was a ‘black art’. He said that a variety of opinions might be justified given the same set of facts. Mr Shipp believed that sprinklers would have helped at Yarl's Wood if they had been placed throughout the centre. They would have prevented the original fire getting such a hold. There was a limit to what sprinklers could achieve, however. They were only designed to cope with a certain size of fire and could be rendered ineffective by a determined arsonist. Ordinarily, however, sprinklers should have been able to contain a fire within a specific module.

I do not think the case is made out for the installation of sprinklers in all removal centres, no matter what their size, function, or construction. It seems to me that each case should be judged on its merits, and this is what I recommend.

Postscript

As part of its re-fit prior to reopening, Yarl's Wood now has a sprinkler system fed by two sprinkler tanks. Likewise, I saw a sprinkler system being installed at Harmondsworth. I was told the cost of the sprinkler system at Harmondsworth (and associated costs such as water-proofing, and enabling water to flow out of rooms) represents £17 million of the refurbishment spend. This is many times the cost of installation from the outset - which is what has occurred on the adjacent site where Colnbrook Removal Centre has been built.

I understand from Mr Eaton that the retro-fitting of sprinklers at Yarl’s Wood has also necessitated much extra work to ensure that any water drains away. He pointed out the particular difficulties caused in this respect by the modular construction and the building joints – the trick was to ensure that water did not settle where the joints were. As a result of the retro-fit, major dismantling of rooms and corridors has been
necessary to install the sprinkler system. In addition, the operator’s insurers have insisted on a number of firebreaks being constructed. This has resulted in eight sections of the centre being demolished and rebuilt in concrete and masonry.

Finally, I note that in her report on Dungavel Removal Centre, Her Majesty’s Chief Inspector of Prisons has recommended the installation of sprinklers in the centre’s accommodation units.\textsuperscript{90}

\textsuperscript{90} An Inspection of Dungavel Immigration Removal Centre, 7-10 October 2002.
Part V

The three months of operation
The three months of operation

Preparation for opening

The success or otherwise of almost any venture depends in large part on the quality of the preparation. Time and effort invested at the ‘front end’ reap significant dividends later on. Yarl’s Wood was over six months late opening. This provided Group 4 – and others who would play a role in running or overseeing the centre – much more time than would ordinarily have been the case in which to prepare. What use did they make of their extra time? Did they use it wisely?

Staff selection

A Review of Operational Procedures meeting on 10 January 2001 noted that Group 4 were having difficulty recruiting: “The response from potential DCOs had not been particularly good. At present there was no major cause for concern.”

Mr Dickinson told me that Group 4 had anticipated difficulties recruiting, as there was low unemployment in the area. They had therefore set pay at a rate thought likely to attract suitable candidates. In the event, however, it had been less of a problem than they expected. Vauxhall had announced major redundancies and this might have had an effect. Some staff at Oakington lived nearer to Bedford and moved across. In addition, some staff at Campsfield House took the opportunities presented for promotion. Recruitment had thus been completely in line with what had been anticipated. Mr Dickinson said he was impressed with the calibre and commitment of those recruited.

The Yarl’s Wood Visiting Committee remarked in its annual report on the three months during which the centre operated:

“As with the VC and other staff, most of Group 4 appeared to have had little or no experience of handling immigration detainees. Even those staff with transferable experience and skills (e.g. ex Prison Service or H.M Forces) had a considerable transition to make in adjusting to this type of regime.”

Mr Dickinson said that Group 4 had looked for aptitude, attitude and interpersonal skills rather than bespoke custodial skills. But they aimed to get custodial staff for the posts at supervisor and above. Previous experience suggested that a mix of custodial and non-custodial staff with no pre-conceived ideas worked well.

One DCO told police: “This was a total career change for me. I didn’t have any relevant previous experience.”

Another said:

“… because many of us had no prior background into how a prison or detention centre was to be run and how detainees should be treated we were very naïve.”

We spoke to some ex-DCOs. One of them told us she had responded to an advertisement for DCOs in November/December 2000. The form had asked for 20 years’ work history, so she had not pursued the matter purely because of the effort involved. Subsequently, however, Group 4 contacted her to find out why she had not applied. They said the requirement had been reduced to 10 years’ work history. She therefore applied.
The DCO said that she was invited for interview on 6 February 2001. Group 4 had wanted to know about her experience of dealing with difficult people and with foreigners. It was clear from her interview and from that of two other DCOs that Group 4 were particularly interested in applicants' attitudes to foreigners. Language skills were highly regarded. Applicants had also undergone psychometric testing. Those we spoke to had all found the application process plain-sailing – though they noted that some had failed. They alleged that these failed applicants were later appointed when staffing numbers fell and Group 4 were unable to attract new applicants.

According to Mr Watson, the recruitment process was quite rigorous. He said:

“We used experienced managers to interview ... and a psychologist to support the human contact – to identify areas to ‘probe’ - and administer psychometric testing. In simple terms we were looking for people with good interpersonal skills; the ability to manage and defuse conflict; to exercise common sense and judgement; to be willing, energetic and enthusiastic; who demonstrated understanding, balance and care; who were not racist or sexist; and did not exhibit inappropriate attitudes or behaviours; who had solid backgrounds in terms of general education, employment history, finances and references; and who above all could demonstrate appropriate life skills and were likely to rise to the challenges of the role, cope with its stresses and meet the general requirements.

“All of the managers had experience at either Campsfield House or Oakington or in prisons.

“Clearly the majority of our detention custody officers were new to custodial duties, but many had some experience working in the police or Prison Service and overall our custody officers brought to the job a diverse range of skills acquired in other sectors. I happen to regard this as beneficial to the running of a centre like Yarl’s Wood, run on a fairly open regime and where good interpersonal skills and a good understanding of other cultures are indeed assets.”

He elaborated on the Visiting Committee’s assessment of the staff:

“... they were pleased that staff did not treat detainees as prisoners and they noted that staff attempted to be responsive, informative, friendly and helpful. They recognised that some detainees were sometimes demanding, sometimes insolent and sometimes abusive, but they also noticed that our staff tried very hard to cope with difficult detainees and circumstances. It’s my impression that the Visiting Committee generally regarded the staff as caring, calm and sensitive and recognised their overall energy, enthusiasm and keenness to learn and their desire to make Yarl’s Wood a success.”

The contract monitor endorsed this:

“I think they are a good bunch and they had some quite useful skills as well. There were several DCOs there that had language skills, that sort of thing, teachers, ex prison people. There was a pretty good mix of people there.”

Mr Brewer told Mr Moore that he had no criticism of the quality of the staff at Yarl’s Wood:
“I don’t have any great feeling of unease about the abilities and qualities of the ordinary staff … I don’t have anything that makes me want to criticise the ordinary basic staff, I think they might be a bit inexperienced but that is not their fault, it is about leadership.”

Some of the interest groups to which we have spoken were critical of Group 4’s recruitment, both in terms of its overall success – they said advertisements were forever appearing in the local newspapers suggesting that Group 4 had real difficulty either in getting or retaining staff – and in relation to the terms in which their adverts were couched. One advert apparently suggested that a smile and a friendly word could solve anything.

However, it is clear from what Group 4 managers have told me and from the statements of DCOs and managers, that a number had relevant custodial or security experience. Of course, many recruits had only limited or no custodial experience. While I would not suggest that a smile is the answer to everything, however, I do not consider Group 4 was wrong to place an emphasis in both their adverts and their training on inter-personal skills, languages and an interest in people from other backgrounds. I also understand why they sought a mixed staff group, not dominated by those with Prison Service backgrounds. On balance, I consider they could be said to have been reasonably successful with their staff selection.

**Vetting**

Notwithstanding any difficulty in securing the right numbers of staff, or those with the specific aptitude and experience for particular roles, Mr Watson assured me that applicants were carefully scrutinised to ensure that they did not hold inappropriate views:

> “[We] had to weed out some people who we found to be inappropriate … an individual, who was attending a DCO assessment day, did make a comment which in our view was entirely inappropriate. He left the assessment day directly … because we made it clear that anybody who was going to articulate such a view would not be welcome in the organisation … So we were conscious right from the outset of the individual, societal and political sensitivity of our work and the role of staff.”

I was extremely disturbed to learn, however, that a former custody officer at Yarl's Wood subsequently stood as a candidate for the British National Party (BNP) in the May 2003 local elections (*Bedford Times and Citizen*, 4 April 2003). The individual concerned apparently joined the BNP in 2000 before gaining employment at Yarl's Wood in April 2001.

The man in question said he “was not an active member” and that he allowed his membership to lapse before joining Group 4. A Home Office spokesman told *Bedford Times and Citizen*: “All Home Office staff, including contractors’ staff are subject to recruitment checks and some degree of vetting, which refers to criminal convictions and security risks but would not include an individual’s political affiliations.”

I share the surprise of the local Member of Parliament, Mr Burt, that someone with a BNP background could ever have been considered appropriate to work at Yarl's Wood. It raises questions as to the thoroughness of the vetting procedures. Racist views or behaviour are unacceptable in any walk of life, but especially so in a closed
institution where feelings are more likely to become enflamed and especially in a
custodial establishment holding a wide range of nationalities.

For some years, the Prison Service has had a policy of prohibiting staff from being
members of groups or organisations considered to have racist philosophies,
principles, aims or policies. Indeed, before their application will be considered, all
potential applicants to the Prison Service are required to provide confirmation that
they are not a member of such an organisation. It is disappointing that while this
policy was introduced by one arm of the Home Office, it was not followed by IND.
However, I have been pleased to learn that Ministers have decided that, in future,
removal centre contractors will indeed be required to operate the same regime as the
Prison Service. I hope this has been taken forward as a matter of urgency. 91 Lest it
should slip, I make the following formal recommendation:

I recommend that arrangements are introduced to prohibit the staff of removal
centres and escort contractors from membership of racist organisations. 92

Training and deployment

Mr Dickinson told me that Group 4 had originally wanted the initial training to be held
over seven weeks. IND reduced this to six weeks. In the event, the initial training
course (ITC) was held over five weeks. It comprised sessions on a history of Group
4 and an overview of duties and responsibilities, people in custody, report writing, (a
large number of sessions on) security, immigration law and the DCO, radio
procedures, fire awareness, health and safety, child protection training, human rights
and the DCO, substance awareness, ‘safe environment’, three days work
familiarisation at Campsfield House and Oakington, suicide awareness and self
harm, race relations, cultural awareness, control and restraint (followed by one day’s
assessment), interpersonal skills/violence awareness and first aid at work (followed
by a day’s assessment).

Mr Watson spoke about training:

“ … the DCO training package … was modelled on the relevant core
elements of Prison Service training for prison officers. The training for DCOs
met the requirements of the Immigration Service, and in my view provided a
solid foundation for the work of a DCO.

“ … staff … congratulated the trainers on many occasions for the quality of
the training that they provided.

“ … In the month prior to opening we delivered a range of refresher courses
to DCOs including site familiarisation exercises, training on the contingency
plans, Bronze Commander training, emergency responses and operating
procedures, C&R, alarm response, first aid and race relations.”

Group 4 also had plans in place for ongoing training during the year. This included
mandatory basic training along with refresher courses for subjects such as advanced

91 As a result of my separate inquiry into alleged racism and abuse at Yarl’s Wood (see
footnote 4), the wearing of nationalist tie-pins and other insignia has already been banned.
92 This is quite separate from the recent debate about barring members of the British National
Party from joining the Civil Service. In the first place, custody officers are not public servants.
Second, given the particular situation of immigration detainees, it is vital that they should be
afforded protection from those with racist views.
C&R and first aid, and for specialist tasks such as incident commander training (for senior management), induction and reception procedures, and allowed for one hour per week for development training (including searching, substance awareness and inter-personal skills).

Many staff thought that the training they were given was adequate for the day to day demands of their jobs. Here are extracts from three testimonies given to the police:

- “The areas covered during the training were control and restraint, fire safety, cultural awareness, human rights, child protection, first aid, substance awareness, security stage (1)-(6), radio procedures amongst a number of other subjects … I felt the training was adequate for my role as a detention centre officer.”

- “Overall I would say my training was quite good. I expected a lot of abuse from detainees so I think I had prepared myself for the worst scenario.”

- “I believe that the training I have received is adequate for the job I had to do. I am fully aware of my responsibilities and have read a copy of contingency plans.”

Some felt that their training was good as far as it went, but that the population they subsequently had to deal with was different from that anticipated:

- “I felt my training was good. It covered the basics. However I did feel that the fire side needed to be in more depth. The training was okay for an ideal world scenario. It almost felt like we were given the basics to cover for insurance purposes. Bearing in mind the sort of people Yarl's Wood received I would say I was not trained to deal with such persons.”

- “The training at the time was enjoyable and fun however, the training was very basic. I believed at the time it would be enough to enable me to carry out my role as a custody officer with Group 4. However, looking back now, the job as I believed it to be, what we were told in training is very different to what I had imagined it would be.”

- “I personally felt that the training I received was good, open and valuable and generally prepared me for expected tasks. It did not however prepare me for the type of inmates that I subsequently dealt with, in terms of the tension and aggression.”

- “The initial training was not adequate for the detainees who had been in the prison system or who were violent.”

- “As a DCO I was given no self-defence training, and had no equipment to defend myself or to restrain detainees. Our instructions were to use 'Interpersonal Skills' i.e. talk the detainees out of causing trouble. Many of the detainees had a limited knowledge of English, so the communication was not always easy.”

- “The training I can look back on now and I feel it was not adequate. I was never prepared for this job, especially with only one day familiarisation on the wings. This was ridiculous, and definitely not good enough.”
• “Overall my whole training was very basic. Had I not been in the Prison Service I would not have been satisfied to go onto the wing. I would not be able to compare my training at Yarl's Wood with that I received in the Prison Service.”

On the other hand, one DCO was critical that the training was geared towards handling prisoners:

“The training gave me cause for concern. My main concerns were that there was a prevailing aggressive and intimidatory attitude of the Group 4 training staff towards trainees. Many of the staff were from a prison background and found it difficult to differentiate between prisons, prisoners and cells from detention centres, detainees and accommodation rooms. I feel that I was misled in that the role advertised was one of the supervision and welfare of genuine asylum seekers whereas in fact the truth was those conducting the training found it difficult to disassociate their teaching from a prison ethos. It became apparent that this was filtering through to some trainees and their potential attitude to detainees.”

One DCO missed out altogether on induction training:

“This course was arranged for the first week of December 2001 but it was cancelled I believe because there were not enough employees to be taught. No arrangements were made for the course to be rescheduled … To this day I have not yet completed the Group 4 induction course.”

There was a suggestion that people were somewhat randomly deployed, especially in light of the training they had received. One DCO told police:

“I actually started at Yarl’s Wood on 5 November 2001 and was immediately told that I would be a physical training instructor even though I had no previous experience in this area and had received no training in the use of the gym machinery. I actually started about two weeks before the centre opened and it was apparent that people were being put into posts in the centre that they had not received adequate training for. This was done just so Group 4 could give the impression that the centre was ready for business when, in reality, it wasn’t.”

In his letter to me of 13 October 2004, Mr Watson explained that:

“While it was always intended that the majority of staff would work in a residential or generalist role, we took the opportunity to ask if staff had a preference for their area of work. They were selected on the basis of experience, interest, aptitude and operational need.”

The DCOs we spoke to, however, said they were expected to act as shift managers, even though they had applied for and been given jobs as DCOs. Some staff were critical of the lack of further training for supervisors:

• “For me personally the training was inadequate. It needed to be aimed at supervisory level. As I said I only received the basic DCO training. I was unsure of my limitations as a supervisor … As I stated I wasn't offered any training in an operational centre.”
• “I would also like to add that I have never received any further training, guidance or formal terms of reference in my duties as a supervisor, despite repeatedly asking management at all levels for this.”

Another was concerned about the lack of specialised training for particular roles:

“I can say I did feel relatively confident with the training I received and felt I would be well equipped to deal with the role I was expected to perform. However, … there was no positional training. I mean positional training, as for instance, wing officer, detention reception officer, movements officer, response officer … However, prior to the site opening none of us were trained or told what to do in these positions.”

A large number of staff were critical of the training they received in relation to fire safety. Only a handful considered their training had been adequate. A very large proportion also said they had not taken part in any fire drills:

• “The fire safety training was simply a one day course which involved watching a video and using fire extinguishers. I do recall at some point during the five weeks training having a fire drill. This was obviously before the detainees were moved in.”

• “In relation to the fire safety training this was a one day course during which we watched a video and then used some fire extinguishers. I have not been involved in any fire drills and I am not aware of fire policy. I was given a manual and told to read it when I got a chance.”

• “I never received any centre evacuation training, also I cannot recall being present when fire drills were carried out.”

• “I do not think that I have received adequate training for major incidents or fires at Yarl’s Wood. I have never had a fire drill during my time here and there are no signs telling people where to congregate in the event of such an incident.”

In his letter to me of 13 October 2004, Mr Watson described the fire safety training that was provided to staff:

“The Cambridgeshire Fire Service trained staff on their initial training course in fire awareness and safety. This short course included practice with equipment and met 4 key objectives:
• to be able to react properly in the event of fire;
• to be aware of fire safety measures (including responsibilities, fire routines and evacuation);
• to choose and use the correct fire extinguishers;
• to appreciate fire and the effects of smoke and gasses.”

He suggested that staff might have been put under some pressure to criticise their training:

“… it had become doubtful whether the police were pursuing a criminal inquiry or gathering evidence for the civil action. They had pressed staff hard on the question of whether the training they had received was adequate for dealing
with the incident on the night. Colleagues told me that the police would only accept either a yes or no.”

DCOs to whom we spoke, however, were similarly critical of the training. One said that he returned to Group 4 in 2002 having left the previous year. He was given no refresher training, but was allocated immediately to the detainee information centre (DIC). This was a challenging role, as staff in the centre dealt with a wide range of detainee requests. Detainees often went there with immigration and welfare problems and all sorts of other stresses. The staff received no special training for their work and had to handle many confrontational situations. (Rev Dr Pemberton confirmed that the information rooms had been understaffed, and staff who had worked there had not been sufficiently trained or supported to fulfil their role. In addition, custodial staff had not been properly trained to use the PCs.)

Some found fault with their training only in light of events on 14/15 February. One said he considered his five week training had been good: “Training I received was adequate for the job I am required to do but I do not think any amount of training could prepare you for what we faced that night.” Another said: “In my time with Group 4 I was never briefed on what to do in a riot situation and I am sure if staff were provided with the necessary skills to deal with such an incident or the build up to one, it would not have happened.”

One of the benefits of the building delays, however, was that some staff were deployed to Oakington and Campsfield House. This gave them the opportunity to put into practice what they had learned. One of the DCOs to whom we spoke said the period working at Campsfield House before Yarl’s Wood opened “had been a brilliant experience”. The population had been fractious. Some of the detainees had been confrontational and aggressive, and many had served prison sentences. The work was challenging and the exposure had been good. The DCO said that any Yarl's Wood staff who had worked at Campsfield House could have been under no illusions as to the population with which they were working. He had gained experience in C&R there, and in working with people who were stressed and in difficult circumstances.

Mr Dickinson said he thought that both the recruitment and training had worked pretty well. In response to comments by some staff following the fire that they were never trained, Mr Dickinson said there were records to show the contrary. They were both trained and tested in what they had learned. Not many failed. Mr Dickinson pointed out, however, that they were trained to deal with “the norm”. If the abnormal occurred on a grand scale very early on, it was hardly surprising if staff could not cope.

As Mr Watson said:

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93 Rev Dr Pemberton also suggested that training was lacking in respect of spiritual matters. She referred to a lack of appreciation by staff of the significance of religious provision given the high levels of religious affiliation amongst detainees. During training, she had spent an hour and a half training DCOs on religious affairs. This had been inadequate. She believed that DCOs had not received proper training on the role of the Chaplaincy. Neither did she believe that all DCOs properly understood the detainees’ need to feel that the centre was their temporary home. She considered that further work had been needed to ensure that detainees were treated with respect and dignity.
“I think we had ensured a good blend of theory and practice, but in the end there is no substitute for familiarity, practice and experience for people to feel comfortable, competent and confident in their role.”

I think that is fair comment.

**Assessment**

The formal training afforded to Group 4 staff did not last very long. But it covered all the appropriate issues. In any case, no amount of training could prepare staff psychologically and practically for an incident on the scale of the Yarl’s Wood disturbance. Nor is it surprising if, in the event, some new recruits found the actual job of working in the immigration estate not for them. Turnover is always at its highest in the first 12 months or so of any new institution.

Given the lack of previous custodial experience of many staff, it is unlikely that a five week course would have endowed them with all the skills and confidence they needed to do their job. Indeed, what training course does? Like any other job – and indeed perhaps more so – the major part of the learning had to occur in the workplace. Added to this, it was not anticipated when the training was devised, and most of it delivered, that a significant percentage of the population would comprise prison-wise detainees and some with (serious) criminal antecedents. All in all, it is probably fair to say that the training was adequate – and particularly so given the opportunity for extended ‘dry-runs’ at Oakington and Campsfield House – for the job it was believed staff would be doing. Certainly, it is fair to say that nothing they did on a routine ITC would have prepared them for the events of 14/15 February.

Notwithstanding my conclusions about the adequacy of the training the first generation of DCOs received, I do have some concerns about training, based in large part on my findings during my earlier inquiry into the *Daily Mirror* allegations of racism and abuse. I found that the quality of the training depended very much on who delivered it and that, in some instances, the trainer was ill-equipped for the task. I noted that the ramifications of this could be significant, given that the ITC would shape the way DCOs carried out their work. I very much welcome, therefore, the fact that some of the contractors are now signed up to the Custodial Care National Training Organisation. This will help to ensure consistency across the estate and that all DCOs are trained to the same (high) standards.

I recommend that, in future, all contractors be required to affiliate to the Custodial Care National Training Organisation.

**Contract monitor**

Neither the contract monitor nor her deputy had any previous experience of either contract monitoring or a custodial environment. The contract monitor had spent 12 years in the Cabinet Office before joining the Immigration Service. She said that she had known very little about detention when she took the post early in 2001, but had attended a training course for contract monitors. The course had taken two days and

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94 See footnote 4.
95 The Custodial Care National Training Organisation represents both statutory and private sector employment interests involved in custodial care throughout the UK. The organisation has now been active for four years. Members include the Prison Services of England and Wales, Scotland and Northern Ireland, Immigration Service Detention Services, Global Solutions Ltd, Premier Custodial Group and Securicor Custodial Services.
had been run by external consultants, who had given training in methods of monitoring contracts. It had not given full training for the job, but had provided useful tips. The contract monitor said that she used the time between taking up the post and the centre opening to familiarise herself with the role by visiting monitors at other centres and a controller at a private prison. She had been quite content with this, and in the event, this time gap had been longer than anticipated.

The deputy contract monitor joined the Immigration Service from the Ministry of Defence, where he had some limited experience in managing contracts. He did not receive any training in advance of opening.

**Visiting Committee**

The Visiting Committee's annual report noted that its own appointment process had been very slow and poorly organised. Only six members resulted, none with any experience of custodial institutions. Induction and training was also “ill co-ordinated and insufficient”.

Mr Ian Eaglestone, chair of the Visiting Committee, expanded on this when I met him. The six members comprised three men and three women, all white. One man from an Asian background had been recruited, but he had become ill by the time the recruitment process was concluded and been obliged to stand down. Two or three had teaching experience, one was a multi-lingual restaurateur, and one was a local industrialist. The youngest was in her 40s. The recruitment advert had contained a little information and there had been an opportunity to ask questions during their interview, but no-one had explained their role to them. Mr Eaglestone said they made it up as they went along.

He said that he had received the “government training document” and had made the team aware of it. He had had race training himself because he sat on “race tribunals”, but the other Visiting Committee members were not so trained. He said it would be desirable if they were. They received very little training generally and had had little contact with the centre before opening except to cover a few practicalities. They were told they would be taken to Campsfield House as part of their orientation, but this had not happened. In the event, Mr Eaglestone had taken the initiative to arrange it. They had been given 2/3 day briefing about Group 4’s organisation and they had arranged trips themselves to Harmondsworth and Oakington.96

**The population build-up**

The contract stipulated that the population should increase by 62 detainees each week. The deputy contract monitor considered this very challenging. Although it should have been manageable, having only half the centre open made it much more difficult.

The contract monitor said that Mr John Wilson, who had considerable experience in this area, had told her that he had seen establishments fail in the past due to insufficient time being allowed for bedding-in. He had asked her to keep a close eye on this and to ensure that Group 4 stuck to the build-up agreed before opening.

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96 I have been advised by the IMB Secretariat that it is no longer their practice to appoint ‘all-new’ boards. The chair and some members will be experienced. They show new members the ropes. An induction document for new members has also been produced.
Mr Jasper told us the ramp-up had been as planned and had not caused any issues. However, detainees had actually been leaving more quickly than had been predicted. This meant there was a need to take in more than 60 detainees per week, so as to keep the overall target build up rate on line. Mr Watson explained this in more detail:

“The agreed contractual build up was at a rate set in schedule E of the operating contract, of about 62 per week. My only concern … was … that figure was a cumulative figure and so if we had received 62 detainees in our first week of operation and 50 of them were then removed or temporarily admitted and bailed then in week two … they could send us 62 as the week two complement plus the 50 that we had discharged ie almost double the planned number of admissions. That is what led me to express a desire to not have the gap week half-way through the build-up period …”

Mr Brewer said the occupant build-up rate had been written into the contract. He queried with whom “this ambitious schedule originated” since all experienced institutional managers know that commissioning was the time of most risk in institutions. The build-up had been relaxed because operationally Group 4 were not coping with it and was therefore slower than originally planned. Mr Brewer said IND had sought to give Group 4 the easiest ride possible as there was a legitimate common interest in not having order and discipline problems that could not be handled well.

Some DCOs spoke about the increased tension after Christmas as the population built up. In addition, one of the issues identified by a meeting of Detention Services Managers as contributing to the disturbance was that “Group 4 were keen to push up the population too quickly.”

**Assessment**

It has been suggested that Group 4 pushed up the population too quickly. From the evidence I have seen and heard, my own view is that:

- the target build up was perhaps too demanding – especially in light of the fact only half the centre was available;
- Group 4 did want to exceed the projected intake of 60 per week, but this was in line with the contract, which was expressed in terms of weekly increase in numbers rather than numbers of detainees to be received each week; and
- IND took appropriate remedial action when they identified problems.

I can find no evidence that Group 4 went beyond their brief in this respect.

**Whom did they send to Yarl’s Wood?**

Within a week of opening, the alleged ringleaders from the Campsfield House disturbance were sent to Yarl’s Wood. The Inspector in charge of DEPMU told us that it was a deliberate decision to share these detainees between Harmondsworth and Yarl’s Wood, as they had the secure and segregation facilities to cope with them. The Chief Immigration Officer told me he had negotiated with DEPMU for more time to assimilate these detainees before even more were sent.

Mr Jasper pointed out that Group 4 was not able to refuse individuals if spaces were available. The effect of this movement had been to bring into the centre some detainees who had been involved in disorder, some of whom also had prison
experience. It had been unfortunate to have these people in the centre at such an early stage. (Two of those who had been actively involved in the Campsfield House disturbance went on to be charged in connection with the subsequent disturbance at Yarl's Wood.)

The contract monitor said that the movement in of these 40 detainees had increased the tension at Yarl's Wood. Those who had been identified as ring-leaders at Campsfield House were very demanding and became very high profile at Yarl's Wood, constantly being moved in and out of the segregation and RFA units.

The Inspector in charge of DEPMU advised that “three glory weeks” followed the opening of Yarl's Wood. At last, DEPMU were not struggling to find places for new detainees, but could send them wholesale to Harmondsworth and Yarl's Wood. DEPMU had been given no particular instructions – other than in relation to numbers – about building up the population. At this time, detainees held in prisons were being transferred into the immigration estate. DEPMU had no qualms about sending these people to Harmondsworth and Yarl's Wood because it believed they had been built to take anyone, and Group 4 were obliged to do so. DEPMU had not been told anything about a careful balance underlying the design of the centre. Indeed, Yarl's Wood might have received a disproportionate number of ex-prisoners because Harmondsworth were having difficulties and refused to handle more than 50 moves a day. Consequently, short-term detainees destined for Heathrow were sent to Harmondsworth, and long-term detainees were sent to Yarl's Wood. There was no negotiation with Yarl's Wood about this because of the contractual requirement for Group 4 to take whomever they were sent.

Yarl's Wood’s Chief Immigration Officer said that, immediately prior to the fire, there had been a lot of detainees with prison experience, including a few very hardened cases from HMP Rochester. One of these [Mr X] proved to be extremely challenging. He had spent a lengthy period in prison and also apparently suffered from mental illness. His prison record was shocking. In seven months, he had amassed 12 adjudications for offences ranging from threats/abusive language, damaging prison property, disobeying orders to fighting and assault. He had also been involved in 15 incidents including barricades and protests. He continued in much the same vein at Yarl’s Wood. The following is an account of his first week at the centre:

- 24/12/01 - Placed in secure unit following involvement in a fight with other detainees in the dining room.
- 25/12/01 - Returned to normal location.
- 26/12/01 - Attempted escape by unfastening window restrictors, climbing out of the window and making his way toward the perimeter fence where staff cornered him. [Mr X] tried to keep staff at bay by swinging a weighted line towards them.
- 26/12/01 - Placed in segregation unit where he tore a mattress to shreds having concealed some razor blades in his body.
- 27/12/01 - On the Chief Immigration Officer’s authority he was removed from segregation and placed in the secure unit.
- 29/12/01 - Attempted to smash windows in a bedroom in the secure unit, placed in the segregation unit.
- 31/12/01 - While in cell in the segregation unit, [Mr X] smashed his light switch and threatened to wire-up the door in order to electrify it causing injury to staff.

This man was not typical of the majority of detainees at Yarl's Wood, but it is not hard to imagine the unsettling effect his behaviour would have had on staff and detainees alike.
In late January 2002, following an increase in incidents and tension at Harmondsworth, a number of detainees were transferred from that centre to Yarl’s Wood. The Visiting Committee’s annual report referred to this heady mix of ex-Campsfield House and Harmondsworth detainees and ex-prisoners. They said they were:

“... concerned when we heard of the intake from Campsfield after their fire and later from Harmondsworth after their trouble. This appeared to concentrate known troublemakers in one unit, which although apparently built to a secure standard, was staffed by largely inexperienced people in a unit only recently opened. We were also concerned when we were told that there were some very dangerous people among the detainees. IRCs are not run as prisons, and it is too easy for such people to influence others in the wrong way. This may have been avoided if known trouble makers (at Yarl’s Wood some names kept appearing for secure and segregation) and those with violent records were separated and dispersed or sent to a very secure unit run like a prison.”

One ex-detainee told us that some detainees were violent and that those who came from Campsfield House were aggressive. He pointed out that Yarl’s Wood also accommodated pregnant women and mothers with small children.

Mr Watson described the population he was asked to manage:

“I think it’s fair to say where those detainees who came to us from other centres had some impact, it was in terms of culture, expectations and standards of behaviour. I think that’s also evidenced from those who we received from prison; being told that anybody who was potentially difficult or problematic in the immigration estate might come to us or to Harmondsworth (together with being given very little information about them); and being told that anybody who was a medical difficulty around the estate would be sent to us because of our health care facilities. Given the people were perhaps used to different ways of doing things or different facilities or different standards, they could have brought those expectations and their perception of what was ‘acceptable’ to Yarl’s Wood and we had to deal with that mixture ... some of the people we received were actually quite institutionally and custodially sophisticated and did on occasion cause individual members of staff, some concerns and difficulties.”

There were other sources of tension and conflict. Mr Banks suggested that a one size fits all approach – that is, that those facing immediate removal and those whose cases were still some way from being resolved – might not have been appropriate. He went on to suggest that it might be better to differentiate between the two groups in terms of facilities, a disciplinary process, incentives etc, even providing separate holding centres. It was also important to address the fact that, although the vast majority had committed no crime, they were incarcerated against their will. This needed to be managed. It behoved IND to get to grips with this.

In similar vein, the UNHCR commented following the fire:

“As detention centres go, Yarl’s Wood is one of the most sophisticated there is, with relatively good facilities. However, UNHCR had been concerned by the mixing in of rejected cases with people who in some cases will turn out to be bona fide refugees. This – as has been so clearly [shown] in Australia – is
a recipe for problems as well as inherently undesirable for refugees, for whom
the psychological impact of being held in detention after all they have been
through can be very damaging indeed.”

Patrick Hall MP also identified this as a source of tension:

“Also, with some people at the beginning of the process, meeting people who
have been in detention for a long time, and with free association, telling each
other ‘well, you’re going to go anyway, and it’s going to take months,’ then
that is not for a happy atmosphere [sic].”

The deputy contract monitor said the population had not been what Group 4 or UK
Immigration Service staff on the site had expected. He commented that as soon as
the Home Secretary made his announcement about removing detainees from prisons,
the Prison Service seemed to see it as a green light to offload. The staff had not
expected the detainees to be so intense. There was little problem with the families.
The problem had been with the young, single males. This had been exacerbated by
the lack of proper secure facilities and all the single male detainees being in the same
wing. This reduced the flexibility open to Group 4 to manage detainees via their
location within the centre. Most of the transferred Campsfield House detainees had
been placed immediately in the segregation and secure units.

The deputy contract monitor said he was not aware until after the fire that some
detainees had serious criminal backgrounds. He thought that people had taken their
eye off the ball and failed to communicate with the centre about the type of detainee
being sent there. He and the contract monitor had had little information about the
detainees. Group 4 might have had a little more information but the immigration files
would not have had details about people’s criminal histories.

Mr Boon said it had been anticipated that at least half of Yarl’s Wood’s population
would derive from Oakington. These detainees would have been used to a pleasant
regime and a good rapport with staff. They could have expected more constraint at
Yarl’s Wood but should have found levels of congeniality broadly similar. In the main,
Yarl’s Wood was intended for those new into custody, although it did have the
capacity to cope with some others.

Mr Hampton agreed with a suggestion that the population had become more
difficult to manage. Other witnesses used the term ‘more truculent’. Mr Hampton
said he would put this down to the origin of detainees, to the recognition that the
Immigration Service was getting better at removals, and to the fact that detainees
were better informed of the outcome of their claim (although he said that ignorance of
outcome could also cause fractiousness).

Mr Brewer also referred to the more coercive process. He said that the potential of
the population for individual and concerted disorder had increased accordingly.

Dr Mace told me he considered that the transfer in of Campsfield House detainees
and ex-prisoners had been a crucial issue. Some of the former had been involved in
the Campsfield House incident in the autumn. The latter had experience of tougher
regimes and had learned different behaviours. Dr Mace said that taking these
detainees into a new environment with less experienced staff was considered
carefully by GAIL and IND and that extra precautions were taken. (Dr Mace was

97 UNHCR spokesperson Kris Janowski, press briefing, 15 February 2002, at the Palais des
The segregation facilities and procedures should have enabled GAIL to manage non-compliant behaviour, but the transfers in of ex-prisoners and ex-Campsfield House detainees had created a greater risk than had been planned for Yarl’s Wood. Dr Mace said this was an important factor. Harmondsworth and Yarl’s Wood had both been designed for a much more compliant population.

Dr Mace noted that the mindsets in removal centres were the inverse of those seen in prisons, where prisoners became more compliant as they reached the end of their sentences. In removal centres, detainees were learning that compliant behaviour achieved exactly the opposite of what they wanted. Dr Mace suggested that there had been little experience of this behaviour in the detention estate, as previously most removals had been cooperative or compliant. Yarl’s Wood entered new territory with large numbers of non-asylum as well as failed asylum cases, many of whom had been in detention for significant periods.

Mr Masserick was not convinced that detainees were somehow different. He suspected they were the same as they had always been. There were, however, more of them. This inevitably meant there were greater numbers of difficult people.

Mr Masserick identified a different source of tension within the population. He said the ethnic and religious mix in the centres was an important factor. Religious belief was felt much more intensely in removal centres than in prisons, and this and cultural differences inevitably led to raised tensions. Staff should police this carefully, but the size of the centres possibly militated against it. Mr Masserick also considered there was insufficient attention to the ramifications of having large numbers of a given nationality at a centre – especially where it was a nationality that was known to present greater challenges.

Mr John Wilson suggested, however, that the problems presented by certain nationalities were sometimes overstated. He said that the population was constantly changing and presenting new demands. He did not believe artificial targets worked in terms of controlling the population by limiting numbers of any one nationality. In any case, a target at one centre created pressure at others in terms of concentrations of one particular nationality.

Mr Wilson thought Group 4 had been well placed to predict the population of the centre. He noted that they had operated Campsfield House and that the Yarl’s Wood contract included requirements for secure and segregation units, a robust fence, and C&R trained staff, and that an arrangement had been put in place with the Prison Service for Tornado support. He questioned why Group 4 thought these measures were necessary if it was not to address the needs of the particular population expected.

Mr Hampton also challenged Group 4’s claim that they were not made aware of the type of detainees with whom they were dealing. He believed they were being

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98 Rev Dr Carrie Pemberton said she felt Group 4 did not understand the potential of religion in promoting cultural and interracial understanding, or its role in dynamic security.

99 The breakdown of the detainee population before the fire was thought to be 261 men, 57 women and 18 family groups, giving a total of 385. This comprised 65 nationalities, with four main groups – Nigeria, India, former Yugoslavia/Kosovo/Albania and Romania. Ages ranged from 51 to toddlers and babies. Of these, 248 were removable but had not yet received removal directions and 46 had had removal directions set. Some 764 people had moved through the centre since its opening; 416 had been removed from the country.
disingenuous in expressing surprise at the behaviour of the detainees at Yarl's Wood. He too noted that Group 4 ran Campsfield House in 1996 when the detainees rioted, and that immediately subsequent to that incident, some £600,000 had been spent on improving physical security.

The contract monitor said there had been no discussion at the operational interface meetings (OIMs) regarding the management of difficult detainees. Group 4 had never said that there was anyone that they could not handle. She recalled that Mr X had come to the centre with a very poor custodial record. He was clearly a very difficult man to deal with and had spent much time in segregation and healthcare units in custodial establishments. Group 4 had, however, devised a plan for managing him and she had been impressed with the way they coped.

The contract monitor said that she was aware that Group 4 had subsequently said that they had not been expecting the types of people that they were holding at Yarl's Wood, but this had not been mentioned to her before the fire. If it had been, she would have taken this up her management line. On the contrary, Group 4 had been trying to exceed the planned build-up of the population. This did not suggest they had any concerns.

Much has been made of the criminal antecedents of some of the detainees. The *Bedfordshire on Sunday* reported on 10 March 2002 that, of those still missing after the fire, “two are said to be known terrorists and four are convicted paedophiles”. Dr Mace told me that, “Three of the escapees have a history of violent behaviour and one was of interest to the security services." I can confirm that at least one man who escaped from Yarl's Wood was of interest to the security services. I believe he has since been recaptured.

However, it is worth noting that, of the twelve charged in connection with the disturbance on 14 February, only six had criminal records. Their convictions were mainly for theft/handling and driving offences, although one had previous public disorder convictions, and one had served a short prison sentence for abusive behaviour. One had served two prison sentences for various offences and two others had been remanded in custody for criminal offences and then subsequently detained under immigration legislation.

**Assessment**

I understand that the detainees held at Yarl's Wood prior to the fire were in major part men aged between 18 and 30. They were awaiting removal or removal directions, in the process of appealing against asylum decisions, or waiting for the processing of travel documents. Their situation was characterised by powerlessness, which could easily boil over into frustration. I am reminded of Sir James Hennessy's observation about the absence of cohesiveness amongst the Northeye population: 65 nationalities were represented at Yarl's Wood on 14 February 2002.

It is a matter of concern that, given the number of people who spoke to us about the commissioning phase being the most difficult in terms of risk, and about the careful balances built into the design of Yarl's Wood (balances which were skewed by the decision to open just half the centre), the build up was not more carefully monitored. I am surprised in particular that DEPMU were given no specific instructions about the centre and had *carte blanche* to send who they chose.

I recommend that, when a new centre opens, the relevant Project Board issues specific instructions to DEPMU about population build up.
Local concerns

Mrs Margaret Turner told the Bedfordshire County Council inquiry that the liaison committee had been consistently told that detainees did not have criminal records. Detainees were asylum seekers, not criminals. She said they had been told by an Immigration Service official that, “the perimeter is secure, the buildings are not, so it could not be used as a prison, but the perimeter is secure and nobody can get out”. Mrs Turner said that, following the fire, “everybody” felt angry that they had been misled.

Mrs Turner sent me a video of one of the local meetings held before the contract was awarded. In responding to a question about ‘absconds’, Mr Boon said the risk was very low and that, in any case, those to be housed there were not criminals – they did not have criminal backgrounds. This was greeted with some scepticism by the audience. Mrs Turner also forwarded to me a copy of a letter from Mr Boon to another local resident. In this, Mr Boon said, “We are not dealing with hardened criminals.” He added that incidents of disorder in detention centres were rare, as was any violence between detainees and staff or routine damage to property. Mrs Turner has suggested that Mr Boon was at best naïve. It is worth noting, however, that the meeting occurred and the letter was sent during early 2000 – that is, before the decision was taken to remove all Immigration Act detainees from prison custody. (In any case, many detainees were simply held in prison under Immigration powers and had not been convicted of any criminal offence.)

Local residents had learned of the transfer in of the Campsfield House detainees. The County Council inquiry was told that the liaison committee began to hear disturbing reports of goings on at Yarl’s Wood. It also heard from staff and local tradespeople that there was a “criminal element” inside. A committee member reported that there was an element made up of gangs of young men going around and that Group 4 were feeling very intimidated and unhappy about the situation. It was alleged that the committee members were told on various occasions that a disturbance was waiting to happen.

Mrs Turner said that they finally managed to secure a meeting with Immigration Service officials on 21 January 2002. They questioned whether detainees had been transferred from Campsfield House to Yarl’s Wood following the fire there, “and again we were told categorically ‘No’ by Immigration. That there had been no incident at Campsfield House and consequently nobody had been moved”. One member of the liaison committee said that committee members felt their concerns were simply brushed aside and that officials were hiding behind the Official Secrets Act.

I have to say that the minutes of the liaison committee meeting on 21 January do not record these concerns. However, they do record that no member of Group 4 was there to address the various queries raised. These included “possible disturbances on site” although there is no specific reference in the minutes to the transfer of detainees from Campsfield House. This issue and the presence of an allegedly tense atmosphere at Yarl’s Wood was added as a correction to the minutes after the fire at the meeting of 18 March.

Mr Bailey, Head of Planning Services at Bedford Borough Council, said the local authority were given to understand that the centre would accommodate those right at the end of the asylum process or reaching the end. They were not advised, either through public meetings or discussions with the Home Office, that Yarl’s Wood would take people with criminal records.
DCC Dixon told me that untruths appeared to have been told about the centre right from the start. The police had been told it would house only families and single women. They had never been informed about any change to this policy. He noted that at least a couple of detainees at Yarl’s Wood posed an extreme risk, including to other detainees.

Patrick Hall MP reported to the Select Committee that he had originally been told the centre would house people right at the end of the asylum process who were about to be removed from the country. He subsequently learned, at a meeting with Lord Rooker on 14 February 2002, that the centre also housed people who were at the beginning of the process and about whom very little was known. He also said it had been confirmed “at a high level” after the fire that Yarl’s Wood also contained people who had been convicted of criminal activity in this country and were serving prison sentences. The Select Committee noted that the Home Secretary had suggested, “there was a greater mix of people than was appropriate at Yarl’s Wood”.

Something of the character of local sentiment can be gauged from letters I received from residents. One letter speaks of “bitterness and resentment, not aimed at the genuine refugees but at the shameful lack of concern for our very real fears”. It says that the strain on police resources created by the centre has exposed local residents to “fear and intimidation”, and suggests that, in the days following the fire, vulnerable residents were too afraid to leave their homes. Other letters express anger that, “arsonists, attempted murderers (they tried to burn four nurses to death) and violent rampaging madmen” were placed within the community, and that “desperate people [were] present in a building which was easy to destroy with simple personal possessions”.

Mr Dickinson told me that Group 4 had been careful not to make statements to local people about the type of people who would be held at the centre. They said no more than that detainees would be treated humanely and had informed the residents of the quality of the facilities and regime they would provide.

Mr Boon told me that his expectation, prior to the opening of Yarl’s Wood, had been that there would be relatively few people who were being held under deportation orders having served time in prison. He had expected that a few short sentence ex-prisoners would come to Yarl’s Wood as detainees after completing their sentence, but these would not be serious offenders, by virtue of the restriction on length of sentence. He agreed that he would have been concerned if former prisoners had been allocated to Yarl’s Wood in large numbers so early in its operation. However, he said there was no way to confirm or deny whether there actually was such a large number of former offenders as had been suggested.

**Assessment**

I have been presented with evidence demonstrating the strength of local feeling that residents were misled as to the likely population of Yarl’s Wood and the presence or otherwise of those with criminal antecedents. That, in the event, those concerns about community safety raised by residents prior to the fire have proved to have had some substance has added to local frustration.

I do not doubt the reasonable concerns expressed by many local people. I also do not doubt that some were motivated by xenophobia. A senior member of the Immigration Service who attended a meeting with the local community described it as one of the most hostile meetings he had experienced, and suspected that some of those present had been planted by a racist organisation. Mr Boon referred in a letter...
to the police on 9 June 2000 to “a fairly hostile meeting on Tuesday with one or two extreme elements expressing racist views”. There was concern among IND and Group 4 that the extremists would inflame sentiment against the centre amongst other local residents.

Nevertheless, Appendix 10 of the County Council’s Select Committee Report sets out case law providing for fear of crime to be a relevant consideration in planning matters as it relates to the reasonable use of land. The report concludes that case law “underline[s] the need for local authorities to demonstrate beyond doubt, or the applicants must refute, that there is evidence to support the potential for, or fear of, crime and disorder which could affect the amenities of neighbours”.

Although sometimes characterised as Nimbyism, it is entirely reasonable that homeowners and other residents should be anxious about any changes that might adversely affect their quality of life. All the more so when the changes result from such an emotive subject as immigration detention. Other recent proposals for accommodation centres in Lee-on-Solent, Hampshire and in Bicester, Oxfordshire and for a centre for conducting interviews and issuing ID cards in Portishead, Somerset, have also encountered local opposition. The fears of the community must be properly listened to in order that reasoned debate can take place and any concerns based on intolerance or self-interest addressed.

Having considered the evidence available very carefully, I do not believe there was any intention to mislead local residents or others. I believe undertakings given were simply misguided (with regard to length of stay) or overtaken by a fast moving policy environment (in terms of the presence of ex-prisoners). However, it is apparent that the use of fast-track planning procedures created an environment of mistrust that was damaging.

I also believe there could – and should – have been greater openness with the local people during the centre’s first period of operation. (I note in this respect, that Lord Rooker met Alistair Burt MP on 5 February “in order to keep him informed, as the local MP, about the centre.” Lord Rooker told me that, “In the event I had rather quicker contact with him than envisaged.”)

I recommend that contractors be required to establish permanent liaison arrangements with local residents.

How it was for detainees?

It might be assumed that the experiences of detainees while being held at Yarl’s Wood were critical to events on 14/15 February 2002. A number of detainees described their time at Yarl’s Wood directly to the police or in statements to us. In large part, this section leaves those with first hand experience of the centre to speak for themselves.

What follows is a selection of extracts from detainee statements to the police, indicating their views of Yarl’s Wood:

• “I was happy with way of life and good food was given. Mostly I was living with other Indian young men. I had no problem with anybody, I had good relations with the staff.”

• “The living conditions, food etc at Yarl’s Wood were excellent.”

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“Although I was detained, I can say without question the facilities we were provided with were very good. We had the best of everything and were looked after very well by the staff. However, the situation deteriorated in the next few weeks. This in the main was caused by individual detainees who as a group behaved badly and created a very intimidating atmosphere to the staff and detainees like myself who wanted no trouble and who wanted to make the best of it.”

“The detainees at Yarl's Wood had various grievances about the conditions. Personally, I could tolerate them as I was fighting for my life, but many were not content there. As a result, there were a series of meetings held by the residents.”

“I was treated very well by the staff. They were very friendly as I was to them. The building itself was also nice like a 'hotel'. However, as time passed problems were arising concerning detainees’ freedom, the food served, association time, we were told we had to drink water from the toilets, and the fact our rooms were only cleaned once a week.”

“I mainly spend my time with Indian people, as I cannot speak English. Most of the time of the day I used to spend in my room. During the day most of the time I use to sleep and in the evening we used to play cards. Sometimes security staff used to join us.”

“I became aware that the Kosovans caused quite a few problems. One of the association rooms was taken over by the Kosovans. It would always be full of Kosovans who wouldn't let anybody else in. I never argued. I never had any problems whilst I stayed at Yarls Wood. I don't like fighting. I never saw any fights however I heard that the Kosovans and Albanians had fights and arguments.”

“In general I was treated okay whilst at Yarl's Wood. I didn't have any problems with Group 4 staff. They treated me well. I would say that Group 4 staff seemed to be lazy. They let a lot of problems continue without dealing with them. An example of this would be detainees swearing at the chef in the dinner hall. I recall Group 4 staff being nearby but just ignoring the people who were swearing.”

“The living conditions in Yarl's Wood, in my opinion were very good, and the food was too. The premises were safely guarded, the security was good, but not too imposing.”

“I was satisfied with the living conditions during my stay at Yarl's Wood. I was aware of the fact that some other people were not satisfied with the living conditions (amenities) provided there.”

“… fighting was not uncommon in the Delta wing area.”

“The atmosphere at Yarl's Wood DC at this time [early December] was okay and it was nice not to be in prison. However, I found that the atmosphere worsened shortly after and I would put this down to the restrictions imposed upon the detainees. These restrictions included not being able to have 24 hr association, having to be in bed by 22:00 hrs and the females having to be back in their own wing by 21:00 hrs, amongst other problems.”
• “Initially [early December] I enjoyed it at Yarl's Wood centre as it was much better than being in prison it seemed O.K. and other detainees seemed to enjoy it, some didn't. We wanted the telephone service to be changed as it was too expensive to phone abroad. Also, on the money people had they could not afford to buy chocolate and that from the tuck shop. It was too expensive and people had no incomes. Over a period of time some things did improve, we were allowed 24-hour association, but we were told it would take longer for the food service to improve. People were still not content at Yarl's Wood.”

• “I always tried to cooperate with Group 4 and Immigration. In general detainees are treated well. I didn't have a problem with any of the staff at Yarl's Wood.”

• “I am aware of problems in Yarl's Wood although I didn't witness any personally. The main problems were between the Kosovans and Algerians and Albanians. Both of these groups also had problems with Group 4 staff. In general the Algerians and Kosovans wanted more freedom. They also used to argue over television channels.”

• “I found Yarl's Wood very different from prison. There were factions within the centre, the Albanians and Algerians, always fighting and causing problems. These are like the Mafia, saying you cannot go here, cannot go there. The 24 hr association made the situation worse as people were free to roam. It is a lot better now since people get locked up at night and the staff have some control. I cannot always sleep at night I feel so uneasy. There used to be lots of thefts due to the free association and the searches Group 4 carry out are ineffective.”

• “I found the conditions good, the staff friendly along with good food and amenities. I had no problems at Yarl's Wood, only once when I was not feeling well I was to be taken to Bedford Hospital, but as we were about to leave I was told I could only go if handcuffed. I refused and was taken back into the centre and not allowed to the hospital. I did not want to be handcuffed, I am not a criminal and did not see why the handcuffs were needed. I asked if an extra officer to come with us was available but was told ‘no’.”

• “The living conditions at Yarl's Wood were not too good and the food was quite bad.”

• “I have been treated okay by Group 4 staff at Yarl's Wood. It is a lot better than prison.

• “There is always fighting in Yarl's Wood.”

• “After my arrival at Yarl's Wood I found that it was generally alright. I got on well with the Group 4 staff that worked at the centre and they treated me with respect.”

• “My friends and I got on alright with Group 4 staff and I was not aware of any problems between staff and detainees. The only complaints I was aware of related to detainees being unsatisfied with the quality of the food provided, the fact that whatever was wrong with a detainee they were given only paracetamol and an article published in the Daily Mail newspaper which said that detainees at Yarl's Wood were paid for working and were leading a good lifestyle. This last report was untrue and detainees wanted to know why it was being said.”
The quality of many detainees’ experience at Yarl’s Wood was coloured by their particular circumstances. The Bishop of Bedford told the County Council inquiry:

“There was certainly freedom of access to the detainees, within that access they [the Befrienders] clearly picked up all sorts of fears, angers, anxieties and so on … I think … there were certain undercurrents. Also between those of different faiths, persuasions, backgrounds, which were fed because they were in a desperate situation where some of them had got nothing to lose and therefore what the hell quite frankly.

“The fact that the next move for many of them was outside the country, actually added to that.

“There was certainly also the fear that a minority … were potentially violent and that must have come out as they met and mixed as a community.”

Ms Dickinson talked to the Bedfordshire inquiry about the experience of Befrienders and detainees at the centre:

“… one of our Befrienders … repeatedly complained that the person he was visiting was appearing in clothes that were absolutely ragged and worn through … the detainee had enormous problems getting replacements. The detainee concerned was a man, middle class type of man, who would not choose to appear in that kind of state …

“[the detainees] were disappointed and in many cases were frightened people. Lonely and desperate.

“There are an enormous number of sharks in immigration law I’m afraid and many of our detainees had been nibbled.

“… some of the detainees expressed anxiety about being shut in with people they considered criminals and … about being shut in with racial groups they themselves did not want to associate with. We had Kosovans and Albanians in there for example.

“There was a great deal of suffering, an enormous amount of inefficiency but at no time would I describe as an ‘evil’ regime, just a regime so inefficient and with such poor communications that a great deal of unnecessary suffering has been engendered by this.”

There was much about the actual conditions at Yarl’s Wood that caused dissatisfaction and frustration. In a document prepared for an interview with Lord Rooker on 23 April 2002, the Yarl’s Wood Befrienders suggested that:

“Group 4’s contributions to the low morale, and seething resentments amongst detainees related chiefly to the amount of misinformation and disinformation circulated by the team. We both heard detainees frequently complain of this sort of thing and ourselves met it in our own dealings with them.

“Much of this was merely innocent insensitivity; a house-style which tended to be stridently categorical about matters of future fact, which too often turned out to be different in practice. Plus a pattern of expressing positive attitudes by volunteering promises of desirable future actions, too often not fulfilled;
both of which habits tended to a breakdown of trust, and even respect. Detainees also claimed that staff had a culture of ‘never apologise, never explain’ – this may have been a perception more than real fact, but frequent lack of explanations did, undoubtedly, undercut the dignity of detainees whose greatest need was to avoid institutionalisation. Very occasionally, too, there were instances of real malice and disinformation; on several occasions Detainee and Befriender arranged times of visit, and both were in their respective places, only for each to be told by DCOs that the other ‘could not be found’.

In any institution the quality of the food is a major issue. So it was at Yarl’s Wood. The Visiting Committee’s annual report noted:

“Complaints regarding food were many, frequent and sustained from opening until February 14th. We received complaints regarding quality and quantity. We visited the dining areas and tasted the food. We all felt it to be poor and eventually raised concerns at V.C. Committee meeting.

“The kitchen was well equipped and clean but little food was prepared on site (rice, potatoes?) most coming in pre-prepared to be defrosted for serving. The menus on display looked very appetising – but did not live up to their promise. This is an area fundamental to a feeling of well-being.”

We had contact with a small number of ex-detainees either directly or through intermediaries such as solicitors or journalists. They were uniformly critical in their assessment of conditions at Yarl’s Wood.

One of the detainees to whom we spoke told us that the food was acceptable but the portions were small. One detainee had tried to obtain a second helping, but was sent away. If detainees were late for meals, even through no fault of their own, the catering staff would not listen and refused to let them have any food, even though there was lots left. If this happened at dinner, detainees had many hours to wait before the next meal fell due.

The AELF forwarded a statement from one former detainee who had been released before the fire. He described Yarl’s Wood variously as “grim” and “disgraceful, loathed”:

- There was a prison-like regime compared with other detention centres and prisons I have previously been detained in.
- Numerous roll calls, each necessitating confinement sometimes for up to an hour and a half, and as from 1 am commencing every three hours until 7:30 am.
- Detainees were treated as statistics and not humans.
- Increasing difficulty in making or receiving phone calls.
- Detainees were limited to only three pages of fax to be sent to their legal representative, and one page of photocopying.
- Difficulties in getting permission to attend the gym or enrol in education (i.e. Information Technology) … the centre was operating on nine computers only.
- Impossibility of getting medical attention (one detainee with glaucoma was turned away from the medical centre five times).
- In cases where a detainee is seriously ill, the staff are more concerned about how it reflects on them than about the health of the individual.”
The statement continued with a variety of other complaints and allegations, including criticism of the attitude of DCOs: “They often insult detainees.” The statement ended:

“In my conclusion, detainees at Yarl’s Wood IDC were treated worse than prisoners. It is high time to stop arbitrary detention. The detention procedure currently being employed by the Immigration Service is characterised by impunity, brutality and the almost total absence of procedural and substantive safeguards.”

The same former detainee told us that there had been problems with the regime at the centre. Detainees had been allowed to move within the corridors but the roll calls had been a problem and had not been performed according to standard rules. The rooms had been okay but were not locked. The pager system had been a nightmare and the phonecards were very expensive. The food had not been good and there had been a lack of fresh fruit.

He said that staff had been “enemies” to detainees, but that some had been better than others. He said that when a detainee spoke out, they would be treated as a threat. Around 75 per cent of DCOs used racist language to detainees’ faces. Some used the language barrier to their advantage.

Another former detainee told us that many detainees resisted deportation. People were often removed without any notice and some disappeared during the night. This was very unsettling and everyone felt uncomfortable. Detainees were commonly manhandled in the process. The former detainee had seen detainees with marks on their wrists and blood on their faces.

A detainee spoke to Jennifer Monahan, on 8 April 2002. She sent us a copy of her notes. They include:

“When I got [to Yarl’s Wood] the whole thing was different [from HMP High Down]. I couldn’t have peace…

“Most of the detainees don’t understand English. [If] they’ve got a medical problem, no way they can communicate. People threatened to kill themselves every day.

“Yarl’s Wood had no rules, no direction, everything is a mess. If you have to compare prison staff with Yarl’s Wood, prison is like an angel. Today someone tells you something, tomorrow, different thing. You see people having rows all the time, that man says ‘you’re a criminal’, that man says ‘You want to rip off the economy.’

“You say ‘please, can I get to see the manager’. They say, ‘tell us’ [i.e. give your complaint to us.] The manager is like God – you can’t see God. There are 20 – 50 staff. You can’t see the right man. They don’t even give him the message.

“There were domestic problems, daily problems:

• Food
• Medication
• Hygiene
• Clothing
• Communication (with the outside world.)

“[Detainees] need to talk to their family, their solicitor. You can’t ring your solicitor. You have no money. So you can’t ring. You have no job. You have no money AT ALL. In prison, you have work, you have education, so you get cash.

“Letters out, they read them.

“If someone is coming in to see me, they have to search you. I get strip search. You’re not allowed to go in with pen and paper.

“The speed of the telephone card - £5, it says two minutes. In prison, £5 count for 15 – 17 minutes. We complained. Nothing happens.

“Some [detainees] could be very aggressive. You have cases of detainees fighting. For instance, if someone switches TV channel.

“We don’t get fruit. It’s either fruit or biscuit. Six pm is the last meal. Sometimes people don’t sleep at night, they slept so much during the day.

“The issue of taking people unawares, at night. Sometimes the letter arrives on Tuesday, they keep it till Saturday night. So we couldn’t contact our solicitors ... They put on handcuffs to go to the airport.

“Come to reception. There’s a parcel for you.’ They move in on them. Sometimes you’re wearing someone else’s trousers, watch, sometimes they’ve got their case going. Sometimes it’s an outstanding appeal. So many have their bail hearing coming up.

“We learn you can’t trust them. We learn we must stick together, so they don’t take us unaware.”

(Interestingly, Mr Watson freely acknowledged using subterfuge to effect removals:

“Our approach was always to use force only as a matter of last resort ... What we tried always to do was to persuade our detainees. Sometimes to effect appropriate persuasion we needed to move them from the area that they were in and a way of doing that was to invite them to come and talk about an issue either in the healthcare centre or the shift manager’s office and at the point at which we could isolate the individual or the family, if either were being difficult, then we stood a better chance, of being genuinely persuasive when they were not being supported and encouraged by their peers.\(^{100}\)

In his statement to the police, the same detainee said:

“… Detainees every day have problem with the staff, every day ... promises that have been made by staff and have not be fulfilled, people argue about issues every day.

\(^{100}\) On a related theme, one DCO to whom we spoke criticised his colleagues for failing to challenge inappropriate behaviour by detainees. Supervisors encouraged staff to avoid confrontation. For example, one had instructed that razor blades be removed from a detainee’s room in his absence rather than confront him.
“We come up with a very wide range of grievance, something we need for the management to be doing for us which is possible in all the other detention centre ... And we request that we should be allowed also the females to come along and stay with us as much as possible, ... Having keys, jogging, going to the gymnasium when you feel like, not putting an application, and getting paid and the phone system, there are so many things you want to talk about.”

The detainee provided a signed statement via his solicitor:

“We also complained about our ability to communicate with the outside world and in particular with solicitors in relation to our immigration problems. Sometimes detainees, who had no access to funds really had to fight to get a phonecard in order to make contact with their solicitors. The phonecards they provided seemed to run out very quickly ... Few of us had any independent means of income which meant we were effectively being denied access to the outside world. Those detainees that had come from Harmondsworth and Oakington knew that there were ways in which detainees could get pocket money as there were systems in place for getting a few pounds for going to work or going to education.

“We felt we were getting helpful responses in small things but other matters were not being dealt with. Sometimes management would promise to give us things but then they wouldn’t deliver. In many ways this made detainees more angry than if nothing had been offered in the first place as people felt they were not getting what they were entitled to.”

Another detainee charged over the disturbance also submitted a statement via his solicitor. He arrived at Yarl’s Wood in November 2001, having spent time at both Oakington and Campsfield House. He said:

“Although it was newly built and all the facilities were modern, the conditions and rules made life at Yarl’s Wood far worse than any other detention centre I had been to. We were forced to go to bed at 10 or 11 at night. The food was terrible. It was totally culturally insensitive. The staff attitude was very poor on the whole. Many of them were very cynical and aggressive and not prepared to talk. Management were inaccessible.”

This detainee listed other complaints as the heating system, medical treatment, hygiene and the absence of a ‘pocket money’ allowance.

Another of the detainees to whom we spoke said the mixing of different national groups presented difficulties. He referred explicitly to the presence of those detainees transferred from Campsfield House and to the length of time some detainees had waited for a decision on their asylum applications.

Another ex-detainee said that some of the DCOs were known by all detainees to be hostile. Before the fire, the proportions were about half and half. More were antagonistic afterwards. He said staff seemed to go out of their way to make detainees feel uncomfortable. They would make rude remarks about the countries from which detainees came or about their language. They assumed that the detainees would not understand them. They sniggered and referred to ‘gibberish.’ Nobody complained about the DCOs, however, - they just accepted that that was the way it was. The officers spent most of their time in the wing offices or in groups out in the corridors.
Ex-detainees to whom we spoke also spoke about their uncertainties when being transferred from centre to centre. They spoke of being woken early in the morning and being simply told to pack. No-one could or would tell them where they were going. They did not even know whether they were being transferred elsewhere or whether this was the first stage in their removal from the country. When they arrived at another centre, they claimed that no-one was able tell them why they had been moved.

The detainee who was to become the trigger for events on 14 February (Ms E) described her experience at Yarl’s Wood:

“One day, I cannot recall the date, I went into the canteen for a meal and I could not find any milk or orange juice. I spoke to a female Indian cook about it. When I asked this cook said, ‘Where are you from?’ I said, ‘Nigeria.’ She said, ‘Why don't you go back?’

“I was very upset about this and we had an argument. I then made a complaint to staff about the cook and the centre manager wrote me a letter of apology which was faxed to my solicitor.

“I began to get the feeling that the female members of staff despised me and were against me. They made it difficult for me to get my phone cards on numerous occasions. I got the feeling this was only directed at me, not any other detainees. All detainees in Yarl’s Wood have pagers which bleep when there is an incoming call for that detainee. Mine always seemed to go off and when I went to a phone there was no-one there. I began to withdraw into myself and felt the female staff were against me.

“Another day I went into the canteen to fill a bottle with water from the water trough. As I began to fill it I was approached by a DCO … who pushed me roughly away from the trough causing me to fall to the floor. Other DCOs came over and told off [named DCO] and we were joined by a supervisor, who I told what had happened. This supervisor, I don't know which one, took me down to my room. She told me she would check on the CCTV to see if the assault was captured on film. She never got back to me.

“I told her I was not well and how bad I was feeling and that I could not sleep. I asked to see a doctor. [Named DCO] said she would go and put my name down to see a doctor in the morning. I then went back to bed. I got up later that day and went to see the doctor, but I was told my name was not down on the appointments list. I was upset, [named DCO] had lied to me.”

(The manager and supervisor involved here were to be involved in the incident with Ms E on 14 February.)

Another detainee said that Yarl’s Wood looked beautiful and had lots of facilities, but they were very difficult to access. He said the treatment of detainees was terrible. He had no income and phonecards cost £3-£5. These lasted no time at all. He had trouble reaching his solicitor. Incoming calls were also problematic. His pager would go off and he would run to the phone, only to find there was no call for him. His prison visitor (he had been detained for several months at Rochester prison and his visitor had stayed in touch) wrote to say she had tried repeatedly to phone, but had been kept waiting for 45 minutes and eventually got nowhere. The detainee had made a formal complaint and received a reply that apologised and explained that
they were trying to provide a good service. Nothing changed, however.\textsuperscript{101} He said things went from “bad to worse and worse to worst”. He wondered whether staff deliberately tried to demoralise detainees. They gave no help whatsoever – even though there were “huge” numbers of them. He only had one pair of shoes and they had holes in them. He applied for some more. When he asked about his application, nobody knew anything about it and he was told to put in another. The same thing happened time after time. Eventually he approached a shift supervisor and explained his predicament. He got his shoes. He said it was impossible to get to see any of the managers – the DCOs always blocked them. The detainee said it was difficult to know how to get any complaint or request heard. Detainees had no confidence or trust in staff because they were not helpful and did not do what they said they would. They did not seem to know what they were doing.

Some detainees were clearly mentally sick. People ran down the corridors half naked. Others screamed. They began to hear that criminals were housed at Yarl’s Wood, some of whom had served long sentences. One detainee was a Russian who had lost a finger while attempting to kidnap someone. There was a complete mixture of people. Some were awaiting the outcome of appeals, some had failed. They heard repeatedly that they were there because their applications had failed and they were to be removed. The local paper, on the other hand, ran articles referring to the luxurious conditions etc.

**Assessment**

I have been struck by the number of detainees who told the police that they were generally satisfied with conditions at Yarl’s Wood. Many of the statements describing the problems at Yarl’s Wood come from a small number of detainees, some of whom were charged in connection with the disturbance. GSL’s Mr Banks said that he would take issue with criticisms of the quality or choice of food, and of access to telephones. He added that difficulties with the flow of information to detainees was more a feature of the system than of operations at Yarl’s Wood. He suggested that the most pressing concern for most detainees was their asylum application or immigration status.

I have not investigated the individual allegations made by detainees and others. I am, however, satisfied that on the whole they present an accurate picture. It appears to be generally acknowledged that food, communications, feedback from the Immigration Service, problems with the heating, inconsistent application of rules, high shop prices etc., were all genuine issues. The corroborative evidence of the Visiting Committee and of other witnesses suggests that the picture painted in those statements is broadly correct. In addition, I am not sure it is accurate to say, as Group 4 has, that immigration issues outweighed other concerns in detainees’ minds. That is not to understate the importance to detainees of knowing what was happening in their particular case, however. This clearly was a concern, as evidenced by many of the detainees themselves.

\textsuperscript{101} In their letter to me of 13 October 2004, GSL said, “there were two switchboard operators with a third at peak times, putting calls through ... As in any large organisation with numerous calls, there would be some instances where the person paged would not respond because they were on another call, doing something else or simply didn’t want to; some instances where the caller would tire of waiting and hang up and some where the call would be accidentally cut off.”
I recommend that IND issues instructions to Immigration Service staff in removal centres governing effective engagement with detainees.

**Food**

Most complaints about conditions at Yarl’s Wood refer in part to the poor quality of the food and the lack of choice. The contract monitor and senior IND officials who visited the centre were similarly critical, as was an expert called in from the Prison Service\(^{102}\). Food is a very important part of people’s daily lives and dissatisfaction on this score assumes huge, apparently disproportionate, importance in any institutional setting. I note also that the food at Yarl’s Wood was considered not to meet the needs of a diverse population. I recognise the challenge this imposes on caterers, but it is one they must endeavour to meet.

In my report on the *Daily Mirror* allegations, I wrote:

> “Racism can take many forms, however. It is not just about language and behaviour. It can also be about facilities. 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 was disappointed to learn that food - particularly the lack of diversity and the failure to provide culturally appropriate meals - continued to be a bone of contention at Yarl's Wood. I was pleased that Aramark had tried to work with Nigerian nationals on the matter, but commented that more clearly needed to be done.

In my earlier report on Yarl’s Wood, I recommended that GSL should work closely with Aramark to ensure that meals meet as wide a range of cultural needs as possible, and that, given the ever-changing population, the menu on offer should be kept constantly under review. I repeat that recommendation here.

I also recommend that the food be checked daily for quality and quantity by the contract monitor.

**Contact with the outside world**

I have been struck by the resonance in the experience of detainees at Yarl’s Wood with many of Lord Woolf’s most powerful findings. His appreciation of the prisoner’s need for contact with the community is immediately relevant to detainees (by this, I mean both ties in this country and in their home country). Detainees have restricted amounts of phonecard credit and many find that calls abroad, to mobile phones and during office hours restrict their contact with family, friends and legal representatives. It is essential that these restrictions are kept at the absolute minimum.

I recommend that Group 4 (and other contractors) provides the cheapest phone service possible to detainees and that it ensures its phone systems fully meet the needs of detainees.

**Given the importance of the internet in most people’s daily lives, I also recommend that detainees be allowed regulated access to it. This will help**

\(^{102}\) Mr Tony Bannell from Prison Service Catering Services visited the centre on 27 November 2001 to assess catering provision. He found the presentation bland and portion sizes inadequate.
them keep in touch with what is going on and may help in relation to their appeal as well as creating some sense of normality and control in their lives.

On a related theme, I have referred earlier to the Chief Inspector of Prisons' ‘healthy prisons' model, one of the elements of which focusses on resettlement and preparation for release. Official witnesses to whom I spoke during this inquiry were generally sceptical that a parallel emphasis upon resettlement in the country to which detainees would return was realistic. I understand the reservations, but part of preparing for the next stage in life is satisfactorily concluding the previous one. The Refugee Council raised concerns about the failure to inform families of their relative’s whereabouts, and about the lack of support in helping detainees to tie up their personal affairs when taken into detention. Asylum Aid/RWRP stated that appropriate arrangements should be made for the care of family members (particularly children) and property left on the outside. Detainees can rarely feel happy about removal, but might face it (or detention) with greater equanimity if they have sorted out their financial affairs and ensured that any property is safe and can be transported to their destination. I see no reason why removal centres cannot provide assistance of this sort. In addition, for those detainees who are released back into this country, steps should be taken to ensure that they do not end up homeless, penniless and without means of emotional and practical support.

I recommend that IND ensures assistance is provided to detainees to help them sort out their affairs following their detention and/or to facilitate their return to the community.

A lack of consistency between centres has been raised with this inquiry by former detainees, by IND officials, and by the contractors. This also has echoes with one of Lord Woolf’s findings. I note that when incentives schemes were discussed before Yarl’s Wood opened, “Parity of treatment between different IDCs was not seen as a significant problem. It would be debated once centres had settled down operationally” (note of a meeting to discuss procedures at Yarl’s Wood – 12 September 2001). This seriously underestimates the importance of the issue. Disparities between treatment at different establishments are a major – and entirely understandable – cause of frustration and anger in the Prison Service. As Ombudsman, I receive many complaints on the subject. I see no reason to suppose that detainees are more tolerant of inconsistent treatment. Neither will they be persuaded that contractual differences justify differences in their entitlements. If detainees perceive that they were treated more favourably at another removal centre they will inevitably feel that they have been done an injustice.

I welcome the development of standards within the detention estate. Anything that serves to create greater uniformity and cohesion is necessarily a good thing. I also recognise the need of potential contractors to be able to offer things that differentiate their bid from a competitor’s. IND must ensure, however, that these differences do not produce a substantially different experience for detainees at the various centres. Centre managers and other grades of staff should be encouraged to share experience and learn from each other.

I recommend that IND hosts regular forums for centre managers and for other grades of staff.

I recommend that the operating standards be completed and rolled out across the estate as soon as possible and to a published timetable.
I have also noted the different experiences of visitors to the various centres in terms of security procedures upon arrival. In addition, the frequency of roll calls seems to be at the discretion of the contractor. There may be a case for these discrepancies (Mr Watson has commented, “the more free the regime, the more difficult it is to add up”). But given the very real impact of security issues on the day to day lives of detainees (and their visitors) - as well as the need to ensure that the appropriate levels of security are achieved across the estate - a more consistent approach is called for.

I recommend that IND produce a security manual for the detention estate.

Finally, I note Yarl’s Wood’s lack of openness and honesty in dealing with detainees. Mr Watson has acknowledged that they used deception to separate detainees from their peers in order to effect removals. A DCO referred to DCOs being told to remove razor blades from a detainee’s room in their absence. Another DCO suggested that Ms E was distracted on the morning of 14 February by a bogus call made by a member of staff (in fact, her statement contradicts this, but the suggestion that this was what happens indicates that it might not have been an unheard of tactic). All of this culminated in the charade to prevent Ms E going to the chapel.

I wholly understand the wish to avoid confrontation – and especially in an environment which is already volatile. But subterfuge and dishonesty can only have raised tensions. They are in any case of themselves unacceptable.

I recommend that GSL reviews its staff training in respect of handling and defusing confrontation.

Medical concerns

The Asylum Education and Legal Fund provided some examples of alleged poor medical care:

“[One detainee] – had glaucoma, a condition that leads to blindness if untreated. Was taken from Campsfield two days before specialist medical appointment at John Radcliffe Hospital. Turned away from Yarl’s Wood medical centre five times when his eye drops ran out. Had to have emergency operation shortly after his release from detention.

“[Another] – grandmother separated from only relatives and detained alone. Visibly underweight and pale, highly stressed; fellow detainees, interpreters and visitors worried about her. After her release diagnosed with cancer and is now in chemotherapy.

“[Another] – Sought asylum with her sister, who had got off the plane in transit for a snack. Yarl’s Wood immigration separated the sisters, and one was treated as a Dublin Convention case to be sent back to the transit country. When [she] was told, she slit her wrists. There were several phone calls telling helpers/visitors of her continuous screaming, and after the suicide attempt of the ‘room full of blood’.

“[And another] – so seriously injured in a struggle with escorts during the attempt to deport him to Romania, that the pilot turned the plane around and said he must be returned to the UK for medical attention. In Yarl’s Wood he was then left for six days without seeing the doctor.”
An ex-detainee told Ms Monahan:

“Most of the detainees don’t speak English. [If] they’re get a medical problem, no way they can communicate. Everyone comes up with different complaints. With AIDs, HIV positive, - it’s paracetamol. Paracetamol for all ailments. One woman, she said she had a period. No pads. Four days, no pads. They’d run out they say.

“People who are seriously ill, and taken to hospital. They know they cannot run away, but they’re handcuffing them. People find it very humiliating. People would refuse and get beaten up. We petitioned. The police were [brought] in. Nothing.”

The same detainee submitted a signed statement to us via his solicitor. This said:

“There were quite a number of very ill detainees and we considered that they were not being treated properly. The doctors just seemed to hand out paracetamol for any complaint and nothing else. I remember there was only one lady from the Cameroon who had some serious problems with her eyesight and went to see the doctor. She was told that she needed an operation but they said she would have to pay for it. There were large queues waiting to see the doctors and the time for consultation was rarely adequate. Additionally, there were a number of detainees who seemed to have severe mental health problems. The management’s attitude to many people with mental health problems seemed to be that they were just faking their symptoms in order to try and get out. I remember [Mr X] for example, was very mentally ill and had attempted suicide on a number of occasions, but their attitude to him was that he was faking.”

We received, via his solicitor, a signed statement from a detainee who had himself experienced first hand problems with healthcare. He had arrived at Yarl’s Wood on 9 December 2001, having previously been detained at Oakington, Campsfield House, Tinsley House and Harmondsworth since arriving in the country on 15 October. At Campsfield House, he was diagnosed as suffering from sleep deprivation, experiencing delusions and likely to have a psychological disorder. He was also suffering from a stomach ulcer that was becoming worse:

“By the time I was transferred to Yarl’s Wood I went in and out of the hospital wing on several occasions and was … vomiting including traces of blood and could not eat the food provided at Yarl’s Wood. I continued to suffer mental illness including hearing voices and experiencing other hallucinations.

“Despite my poor mental and physical health I remained incarcerated in the detention centre (contrary to the detention centre rules).

“… I thought the fire had been deliberately set to kill me as I was experiencing paranoid delusions at the time.”

Another detainee told the police:

“I also felt that the medical centre was not good either. I suffer from depression. I felt I did not receive the required medical treatment to help my situation.”

And a detainee to whom we spoke told us that:
“… medical attention was the worst – I had a migraine and needed attention but you have to book in the day before to see a doctor any time the next day. Couldn’t just get painkillers or see anyone unless you collapsed. During the first two weeks we were asked what we needed from the clinic. I asked to see an optician but never saw one the whole time I was there. I tried not to get sick.”

In a letter to Ms Dickinson on 1 February 2002, deputy centre manager Mr Roy Oswick refuted claims that medical provision was inadequate. He said:

“Detainees at Yarl’s Wood have a constant, almost on demand access to healthcare.

“Fully trained nursing staff, including those with certificated qualifications in mental healthcare are on duty 24 hours per day and detainees may ask to see a nurse at any time of day or night. The medical officer holds lengthy surgeries every day and is on call throughout every hour that he is not on site. We have excellent relationships with the local Health Authority … detainees are taken to whichever department is needed, e.g. dentist, optician etc. there is no restriction on medication and what is needed is provided.

“The claim that all we provide is paracetamol, sleeping pills or anti-depressants is far from the truth as only a brief glance at the invoice for medicines issued to detainees would quickly reveal.”

In their report, the Visiting Committee noted that there had been complaints, “about response times, getting to see a doctor and getting anything other than paracetamol as medicine”. The Committee added, “We found little substance in those complaints that reached us.”

GSL wrote to me on 13 October 2004. They said:

“The facility has a well-equipped medical centre, with an on-site doctor supported by qualified nursing staff …

“If there is an urgent need to be seen by a healthcare professional this is dealt with immediately. For non-urgent requests, there is an appointments system, as with any medical practice. Waiting times for patients under this appointments system were typically shorter than for ordinary members of the public waiting to see their doctor.

“We are aware that an allegation had been made that a particular detainee had been refused medical attention. This was strongly refuted by medical staff.”

Primecare FMS also wrote to me on 13 October 2004. They said:

“The quality of healthcare we deliver under detailed contract is constantly monitored by Global Solutions Ltd, the on-site Home Office representative, the Visiting Committee, and HM Chief Inspector of Prisons. This is in addition to our own management processes for managing service delivery and quality.

“There is a well-developed system for dealing with complaints about any aspect of detainees’ care, and all those relating to healthcare come initially to
the healthcare manager for a response. All complaints are forwarded to Primecare for collation and analysis. Our Clinical Management Forum reviews trends in complaints, the nature of complaints, response times and resolution. Serious complaints are reviewed individually by the Clinical Management Forum.”

Assessment

I am not medically qualified and I have not investigated any of the specific allegations relating to healthcare. Nor have I inquired more generally into medical provision at the centre. However, I note that a report compiled by the Northern Birmingham Mental Health Care Trust on the effect of detention on the mental health of asylum-seekers in the UK, reported that detainees felt that medical care was insufficient and unresponsive, resulting usually in the administration of painkillers or antidepressants.

The report suggested that the experience of detention did not allow a traumatised detainee to recover well, as there were “few opportunities for distraction or resolution”. In addition, detainees faced the tension of living in continual and close proximity to others, particularly when differences in language, culture, politics and religion might cause friction.

The report found suicidal thoughts and self-harm to be “widespread”. It suggested that authorities often failed to recognise the signs of stress, distress and illness in detainees. In some cases, this was due to authorities interpreting displays of disturbed behaviour as attention-seeking. The report also referred to the use of other detainees as translators during medical consultation (the Refugee Women’s Resource Project told me that the practice was also current at Yarl’s Wood) and raised concern about the treatment of detainees who were on hunger-strike or considered to be at risk of self-harm.

My visits to removal centres revealed that a significant proportion of detainees suffer from mental health problems, and that these increase significantly over time in detention. Ex-detainees to whom we spoke also referred to the presence on the wings of people who were clearly mentally ill. Self-harm is worryingly common. Given the background of many of these people, and the emotional and financial investment they have made to get to this country, it is not to be wondered at if they suffer more than usually from stress and depression or if their continued detention and uncertain future exacerbate this.

I recommend that, as a minimum, every centre should engage the services of an in-reach psychiatric nurse and that the service be actively promoted on induction and afterwards.

I also recommend that the use of detainees as interpreters in medical situations should cease.

Recorded incidents in the run-up to 14 February

Experience from the Prison Service shows that institutions are at their most vulnerable during the months immediately after opening. There are many reasons for this. Staff may lack the necessary confidence in their own authority. Prisoners

may set out to test that authority (especially when there is a mismatch between the depth of previous prison experience of staff vis-a-vis that of the prisoners). Or it may be that the procedures for tackling problems and defusing tension are simply not in place. As a result, minor grievances can snowball into something more serious.

That Yarl’s Wood suffered from some initial difficulties is not surprising. Mr Watson said of detainee complaints:

“I’d like to say that we experienced what I think it would be fair to describe as the ‘normal complaints, grumbles and moans’ that anyone familiar with the challenge of opening a new custodial accommodation might reasonably expect. Some complaints will be genuine and clear and others perhaps more imagined or perceived. We received complaints regarding such things as the cost of phone cards, access to the shop and the menus. As we were working through the first three months, I don’t think the sorts of issues that were being raised with us were extraordinary, the sorts of issues that surfaced when I was part of the commissioning team opening Holme House prison in early 1992 were in some senses similar.”

However, a number of witnesses to this inquiry (and a significant number of the statements taken by the police) referred to concerns about the level of detainee non-compliance during the run-up to the disturbance of 14 February.

(i) November-December 2001

A number of security information reports (SIRs) were submitted during November and December 2001. These were as follows:

• 26 November – Three female detainees “expressed their grievances about being detained. They said they never had enough freedom, there were too many officers, the food was no good and the quality of the centre was not up to good standards.”

• [A detainee] was sent for repatriation on 4 December, but was returned on 7 December from Harmondsworth after causing problems on the flight and the pilot refused to take him.

• 22 December – A detainee reported that a number of Jamaican and Kosovan/Albanian detainees were saying they were going to burn the place down.

• 24 December – Passive protest. 17 detainees did not return to their rooms at 23:05. Asked for association to be extended until 12:00. Further protest the next night.

• A detainee alleged to have broken cameras during the Campsfield House incident was seen interfering with CCTV cameras.

• A detainee expressed his disgust at the way another detainee and friends had damaged the smoking room.

• A final SIR for December reports that things are much more settled following the removal of two detainees to the secure area.
The lunchtime roll check on 5 December apparently took an hour and 10 minutes. Detainees were very angry. They were expected to remain where they were while the roll was checked.

Mr David Wilson visited Yarl's Wood on 7 December. He noted that there had been problems with heating and water. Aramark had not got off to a good start and the quality of the food had been criticised. He wrote, “Matters have not been helped by problems with roll checks. On the day of my visit the 12:00 hours roll check was an hour late, delaying lunch.”

The contract monitor also referred to this. She noted that mealtimes had been a big problem and that at one point during the operational period they had been delayed for day after day as a result of delays in taking the roll call. Additionally, there had been long queues for meals where detainees had argued and scuffled. A pre-order system had been in place but it did not work well and was eventually dropped.

There were already complaints about the food itself and about phones, but steps were being taken to address them. The monthly report of the contract monitor noted:

“Food: … Complaints include: the portions are too small; the quality of the food is poor; there is little variety in the dishes; the dishes do not reflect the population mix of the centre; and Aramark are operating the dining areas too rigidly.

“UKIS catering advisers have produced a report which has been critical of both the food and the catering operation. This will be taken forward in January when a meeting will be held with Group 4, UKIS and the Prison Service.

“Communications: … Complaints include: calls are taking too long to be put through to detainees; telephone charges are too high; there are not enough operators; and the telephones do not seem to work well.

“Group 4 are trying to address the switchboard problems but it remains to be seen whether they will solve them soon.”

Detainees protested about the food by means of a food refusal. An ex-detainee said:

“Back in December 2001 the detainees had organised a hunger strike because of general grievances over food, treatment and difficulties seeing immigration. I did not know about this and went to the dining area as usual and sat down to eat my meal a Nigerian … said, ‘Don't you know we are supposed to be on hunger strike?’ He then threatened to beat me if I continued eating. So I left my meal and went back to my room. I also noticed they were stopping people going into the dining room.”

The contract monitor said that she had been concerned about the food refusal and had called Mr John Wilson to report it. A large number of detainees had refused their lunch - more than 200, and a smaller number their evening meal - 29. She had thought that, by the evening, the temperature of the refusal had come down, but that there was probably a small "hardcore" element that would want to keep it going.

By late December, detainees had begun to challenge aspects of the regime. On 20 December a shift manager wrote to the head of residence at Yarl's Wood:
“… there was some confusion amongst the staff when we informed them to lock the courtyard doors at 21:00hrs. They stated that last week up until Sunday night the detainees had been allowed access to the courtyard in Delta zone 2 until 1:00am. When we enquired who had authorised this the supervisor stated that it came from the night duty shift manager, and also Immigration.”

Mr Watson had advised there had been no new instruction and courtyards should be locked as normal. Attempts to comply, however, were resisted:

“… the locks to the courtyard door had been damaged and therefore could not be locked. In order to combat this and to secure the exits to the courtyards I instructed [the officer] to lock off the doors leading to the stairs at 23:00. This was done, however [the officer] reported back that the detainees were not very happy as they had been allowed out on previous evenings. On 19 December we were informed that staff could not lock the doors leading to the stairs as they too had been damaged. We informed staff to lock the gates along the corridors in order to prevent access to the courtyards. At approx. 00:30 [an officer] went to investigate a noise in the stairwell on Delta unit, when he arrived he discovered there were around 20 detainees attempting to get into the courtyard and 3 DCOs turning them away. [The officer] spoke to the detainees concerned and allowed them to go for a smoke.”

The contract monitor’s report noted:

“Lock Down: Detainees are very unhappy that lock-down is at 23:00 hrs. This means that association rooms are closed and they are returned to their rooms – where they are unable to smoke until the morning roll check is completed at 07:00 hrs the next day.

“We are currently discussing this with Group 4 and investigating pre-SOD agreements. It is the view of UKIS that although Group 4 always intended to lock down, that detainees would still have access to association rooms.”

(ii) January 2002

Significant SIRs for January were as follows:

- [A detainee] was found with papers with details of cameras and gates on. He was threatening to incite detainees against staff. He was taken under C&R to the secure unit as he refused to go on his own.
- A DCO de-escalated a potential fight in the canteen.
- One detainee had been pressing another for details of the Campsfield House incident. He told staff that he would set fire to the place if he did not receive shaving cream by 10:00.
- A detainee was asking staff for information about staff numbers.
- There was an altercation over access to a courtyard at 23:35.
- Several SIRs refer to incidents of self-harm or to detainees threatening self-harm or saying they had nothing to live for/were depressed etc.
A member of Aramark staff had reported that she thought there might be trouble later. She had heard a lot of the detainees in there complaining about being treated like prisoners and that they were going to cause trouble later.

A detainee informed a DCO there was to be a hunger strike the following day – “All the detainees are very fed up with things especially the food.”

The Russians were threatening further self-harm if they were made to return to the wings.

Incident reports refer to detainees refusing to leave the TV room at 00:40 on 1 January. They had been allowed an extra hour and a half because it was New Year, but wanted to watch the last ten minutes of a film. A DCO switched off the television several times, but on each occasion the detainees turned it back on. Following an instruction by his supervisor, the DCO then removed the aerial. The picture was adequate, however, and detainees still refused to move. The supervisor then removed the plug. He subsequently instructed DCOs to remove the TV from the room. Inevitably, this caused a lot of anger. One DCO reported to police:

“One of these individuals informed me …the frustrations of the detainees at certain individuals on other shifts and the immigration authorities … [The detainee] told me that [the supervisor] had cut the plug off the TV in the association room … He also told me the heating was turned off at night … he intimated some act of deliberate antagonism against their shift.”

Problems with the phones continued. The switchboard manager wrote to the centre manager during early January about difficulties they were experiencing in managing phone calls. Mr Watson replied on 10 January, setting out a range of possible solutions and promising “to seek to find a means to improve the current system”.

During January, detainees tested Group 4’s resolve by resisting removal either to Lindholme or from the country:

“There have been some problems removing detainees from the centre who do not wish to leave. Following the decision to use Yarl’s Wood as the main centre for Aardvark, some detainees had to move to other centres, including Lindholme which was interpreted as being sent to prison, to make room. Group 4 have elected not to use force on a number of occasions which has meant that individuals have not moved. They have also demonstrated some naivety when dealing with detainees who do not wish to leave: one detainee who did not want to go was allowed to go back to his room – after he had been taken to det rep – to collect his belongings and then refused to leave. Similar problems have cropped up when carrying out family removals for Aardvark: Group 4 were unsure about using minimal force on families.

“I have agreed with the contractor that they will move detainees who they think are likely to cause problems into Rule 40 accommodation prior to their removal to ensure that their removal does not cause disruption to the centre. I

\[104\] Aardvark was the name of the special Immigration Service operation to return co-nationals on chartered flights. On inception on 10 January, it was a trial scheme. By 29 January, however, it was policy.
have also advised that when removing difficult families they should use ‘minimum force.’” (Contract monitor’s report for January.)

The inaugural detainee activities committee meeting was held on 10 January. (Mr Watson told us it had always been Group 4’s intention to hold such meetings.) It was agreed that the committee would meet fortnightly with ten detainees forming the body of the meeting. One of the terms of reference agreed was that “we would look at problems and see how they could be solved”. The minutes recorded that:

“[The chair] explained that the problems discussed should be those around ‘activities’ and that there were other fora for problem solving relating to other areas. For today only we would listen to what the detainees had to say regarding grievances and do what we could to help. [The chair] explained that she could not solve all the problems and couldn’t promise answers by the next meeting; what she could promise was to take grievances up with the appropriate people/departments.

“The following issues were raised by detainees:

- Detainees wished to be issued with full P.E. kit and appropriate sized shoes;
- Female night attire was requested;
- Phone lines were not always effective and calls were taking too long;
- Complaint and request forms did not always reach their destination and there was confusion concerning who was responsible for certain issues – i.e. Group 4 or UKIS;
- Who was responsible for DC rules – Group 4 or UKIS?
- The roll count was taking too long and the timings were inappropriate; The early morning count was intrusive;
- Part-time working for money would improve some detainees’ opportunities to (a) occupy their time productively and (b) earn some money;
- Meals were poor quality and were served at inappropriate or unsocial times. Tea and coffee should be available all day;
- Room searches were often intrusive and inappropriately timed – e.g. one room was searched at 10:30pm that week;
- Several people felt their rooms were inadequately or infrequently cleaned. Detainees questioned whether destitute detainees could not be paid to do their own cleaning?
- Church services were frequently disrupted/concluded early because of the need to go for meals. ([The chair] noted that she experienced the same problem with education.)
- Detainees wanted the range of TV channels extended and to be allowed to stay up late to watch TV. If this was not possible because of staffing levels detainees would like TVs/radios in their rooms;
- Detainees wanted access to smoking rooms at night times if necessary or to be allowed to smoke in their rooms;

105 Detention Centre Rule 40 (1) (removal from association) states: “Where it appears necessary in the interests of security or safety that a detained person should not associate with other detained persons, either generally or for particular purposes, the Secretary of State (in the case of a contracted-out detention centre) or the manager (in the case of a directly managed detention centre) may arrange for the detained person’s removal from association accordingly.”
• Several detainees complained about the way they were treated and addressed by staff;
• Some people said they had been sworn at.”

The minute concluded, “There was no time for further items so the next meeting was arranged for two weeks time. [The Chair] will invite the centre manager to attend. An agenda item of ‘mixed association’ was put forward and agreed.”

The contract monitor said she had attended this meeting. She said it consisted mainly of detainees airing complaints about the centre, especially food and phone cards. She thought the complaints were generally justified. She had tried to address some of them herself and asked Group 4 to address others. She said that the mood had been quite difficult. One or two of the detainees shouted and others shut them up.

The contract monitor said some complaints were capable of quick resolution. For example, Group 4 had not put the contract or the Detention Centre Rules in the library and she was able to do this. There were also big issues, however. She had focussed her monitoring on the main areas of contention, such as telephones, delays in visits, access to facilities, the complaints system etc.

Around the middle of January, a national newspaper ran an article describing luxury facilities at Yarl’s Wood. Mr Brewer visited Yarl’s Wood on 18 January 2002. He “came away with a view that reasonable progress and commissioning was being made and the institution was gradually building capacity”, but noted that “some agitation was being caused by detainees reading press articles produced as a consequence of the previous day’s media event.”

An ex-detainee referred in a statement submitted via his solicitor to this article:

“I saw a newspaper publication in either the Daily Mail or Express which went on about how we had this really regal life style at Yarl’s Wood. The article suggested we were living in top notch accommodation with a high standard of living and it was all at taxpayers’ expense. The article made me furious and many of the other detainees as well because it was so far from the truth. I requested to speak to a manager but was refused. That evening many of us were sitting around and talking about how pissed off we were about the article. A Cameroon detainee spoke to us that evening and we all got really fired up to become even more outspoken.”

Once again, there were confrontations between detainees and staff over the question of lock down. On 19 January, a duty manager wrote to the centre manager:

“Over my set of nights … I have witnessed detainees becoming more and more agitated and confrontational during the zoning down for roll count at 23:00 hrs and the restriction of access to association areas during and following roll count. Tonight was probably the worst example yet due to there being a football match on the television commencing at 23:15 hrs.

“Initially strong opposition was displayed in all association areas to leaving and returning to the accommodation areas. Though this was achieved there were quite clearly some very disgruntled detainees congregating around the Delta office for almost an hour.”
“These incidents have been ongoing now since opening and exchanges between detainees and staff are becoming more and more heated. The shift managers have displayed sound judgement and ability in handling these incidents however I get the impression that staff are feeling the pressure.

“I would suggest that at the earliest opportunity we get together to discuss possible solutions to this particular problem. Tonight I felt that it would not have taken much for detainees to have provided us with much more of a challenge than just arguing.”

There was a ruckus on 20 January between 3 and 10pm:

“… the detainees had refused to eat breakfast and lunch. By evening some of the detainees were eating. Because of this [one detainee] was throwing trays around in the canteen. Other people were following [him]. After a while Group 4 officers went into the dining room. [A supervisor (DCS)] locked the offenders into the dining room and calmed the situation down.”

Also on 20 January, there was an incident between Russian and Moslem detainees following a period of friction:

“The four of them threatened [named detainee] and told him that he should not talk to us, the other Russians, including me … I then contacted the shift manager … After this, I went out of the shift manager's office in the Delta wing, I went in the direction of my room, when 25 Moslems attacked me in the corridor ... The people started to beat me, but I managed to run away through an open door where there was a nurse and an officer called John. I asked the police to come, they were present and I gave them a detailed report of what had happened. As a result of this incident, as well as attacks on my friends that evening, we were all transferred to the segregation place on the 2nd floor.”

In the event, the Russians asked to remain in the secure unit for their own protection. They found it much to their liking and resisted attempts to remove them. The contract monitor noted that Group 4 would “need to manage their return to normal association”. They did not, however, and the Russians remained in the secure unit until the disturbance on 14 February.

A residential manager again reported problems over lock-down. He suggested things could easily have boiled over. He wrote:

“Not only are we in danger of promoting the will in detainees to create more serious challenges for us to manage, but we are currently subjecting staff to unnecessary difficulties in dealing with detainees and carrying out roll checks. The danger is of course that more of our staff will decide to move on.”

The residential manager suggested that by allowing detainees access to the association rooms and smoking rooms 24 hours per day, “the problems experienced of late and at other times during the 11 weeks of our operational phase, would be significantly reduced.” (I discuss the impact of 24-hour association elsewhere in this report.)

Discontent with the food persisted. A detainee said in his police statement:

“In the two or three weeks leading up to the 14th I had seen a Nigerian male
making trouble in the dining area. He would regularly shout at the staff serving the food that they didn't have what he wanted and would become aggressive and intimidating, on a few of these occasions other Nigerians would join him and start making threats and shout at the staff.

"Following this [the detainee] spoke with me in my room and told me that he, and others, were planning to boycott the dining area the next day. He said that I was not to eat in the dining area and was to join him and others in the corridor to effectively block it in order to prevent others from using the dining area. I told [the detainee] I would join him later, as I felt intimidated by the group he was with, but in the end I didn't go."

A detainee told us that, on the day he left the segregation unit, the shift manager had asked him to speak to the detainees in order to calm them down. The detainee suggested that the best way was to hold an open meeting with Group 4 and Immigration Service present so that detainees could put forward their grievances. Fifteen detainees were chosen to represent the detainees’ position. The meeting was held on 23 January. Mr Watson was not available and John Tolland, acting deputy centre manager, had not been able to make the decisions they had required. The detainees were told that Mr Watson would not be back at work for two or three days, but they had seen him around the centre before this. Nevertheless, undertakings were given. Aramark, who were also represented, promised to improve the food, for example. The detainee alleged that nothing happened, however.

Mr David Wilson visited Yarl's Wood again on 23 January. He noted, “My impression is that Yarl’s Wood should be able to cope better than Harmondsworth with higher than expected turnover of detainees, including Aardvark cases.” However, “… the standard of catering continues to be unacceptable with many detainees boycotting meals and the possibility of disorder.”

On 24 January, revised instructions were issued with respect to visitors, possibly as a result of representations by detainees and others. Detainees and visitors were now permitted to take writing materials and legal and other similar paperwork with them into the visits hall. Smoking was permitted, albeit in the visits hall garden only.

Ms Dickinson wrote to Mr Oswick on 26 January. She said,

“… virtually all Befrienders have been picking up a groundswell of real discontent among the detainees … we do sense that ‘something is up’ among detainees and it may be a case for the proverbial stitch in time.”

Mr Oswick dismissed her concerns, advising that she should not believe all she was told.

On 31 January, a notice to detainees was issued introducing greater freedom of association, albeit that families and females were required to return to their own zones by 11:30, the phone rooms were for outgoing calls only, and roll check would continue at midnight.

One DCO told us that he thought staff had just about maintained control of the centre until 24-hour association had been allowed. He said that this had been the biggest disappointment to staff and described the result as anarchy. Furthermore, the willpower of staff to maintain control wilted and some had become frightened.

(iii) February
Some of the SIRs submitted during the first half of February were as follows:

- A detainee threatened staff that if she didn’t get a phone card she would cause trouble.
- A detainee made threats to a DCO and his family if he did not order him a pizza.
- Following a previous incident where he had a chair pulled from under him, a detainee threatened a DCO and said he would kill another detainee.
- Another lighter found. The detainee claimed he was sold three by a member of staff.
- During the course of a visit to healthcare, a detainee threatened the escorting DCO.
- Various reports relating to an ex-detainee visiting a number of detainees and harassing or being rude to staff.
- A detainee “had threatened there would be big trouble, and that the centre would be burnt down if he did could not visit his girlfriend, who had just been taken to the secure unit”.
- A detainee asked a DCO to purchase a video for him. When told by DCO and DCS this was not allowed, made a veiled threat that they should “be careful. What comes around goes around”.
- Detainee removed to reception (for removal) using C&R and handcuffs.
- “Over the last 3 days … the Albanian detainees have been more obnoxious and belligerent in so much that they now have an Albanian association room. When directed to the association rooms, [a Jamaican detainee] returned and asked where the black association room was. The Albanians are also bullying their way to the front of dining room queues. They are also shouting and whistling down the corridors disturbing other detainees. As more Albanians arrive the tension also seems to rise and they band together. The general feeling is that something may happen although there is no hard evidence as yet.” Mr Milliken commented, “This situation is not new – we are aware that cultural groups will form and attempt to claim and protect their territory. DCOs must vigorously patrol all areas including the association rooms in order to prevent or minimise this problem.” (The DCOs to whom we spoke told us that Group 4 had originally tried to mix up the nationalities, but they gradually formed into ethnic/national groups and swapped rooms. Group 4 allowed this. It was impossible to keep track of people because of the amount of room swapping that went on.)
- African detainees refused to leave an office, demanding to see Immigration Service staff to find out why people were not informed that they were moving.
- A detainee was abusive while demanding to know what was going to happen to four detainees due for removal. (He was placed in the secure unit.)
- Two detainees were instructing others that there would be trouble on Friday 15 February and anyone not helping would have problems.
• A detainee informed a D wing officer that Nigerian detainees might be planning something in near future.

• Several detainees expressed outrage that three of their co-nationals were segregated following an incident. They threatened trouble if they did not return to the unit.

• A detainee threatened disruption if association rooms were left cold at night.

• Information was passed to a DCO about a ‘strike’ by detainees following a meeting between detainees. There were also threats of disruption if something positive did not emerge from the meeting with the Chief Immigration Officer.

• A detainee had been instigating a lot of the trouble in the centre, making threats to DCOs. He had been causing trouble on numerous occasions trying to rile his friends into starting trouble themselves.

• After a detainee was restrained on 7 February, a lot of his friends threatened DCOs. One carried on to say that, “this would be the last time I did such a thing and that Yarl’s Wood would go up in flames”.

• An allegation that a female member of staff was having an affair with a detainee and provided him with a lighter.

• A female detainee bit a DCO.

• Another incident of self harm by one of the Russians. Mr Milliken noted, “I am concerned that these incidents are becoming too frequent and may be staged – for purposes unknown.”

• A DCO informed a detainee that she would have to strip her bed for a search. The detainee asked whether the DCO would make it up again. The DCO said no. This led to fairly serious incident, which included the DCO being assaulted.

• A detainee entered a wing office and demanded to know where two other detainees were being moved to. He was “very aggressive, very hostile, very abusive and loud towards [staff].” He said we were a bunch of murderers and we are taking them to the slaughter house … He categorically said no Zimbabwe detainees will be leaving Yarl’s Wood unless they all leave together.” He was inciting trouble with the detainee population and telling them to refuse any future move from Yarl’s Wood. The detainee was placed in the secure unit.

It is recorded on the detainee information system that, on 3 February, “[two detainees] were arguing over the TV when staff intervened. [One] ripped the aerial and TV plug out of the wall and attempted to throw the VCR on the floor which was stopped by staff. [Two other detainees] continued the argument and threw a punch at each other. Staff removed those involved from the association room.”

Another food protest was held with detainees coerced into taking part:

“On the day of the hunger strike, I went to get breakfast, however I was prevented from going into the dining hall by other detainees. I again visited the dining hall lunchtime and collected some food on a tray. When I sat down
to eat, other detainees came over and threw my tray onto the floor. They told me not to eat because of the hunger strike. I went to speak with some officers whose names I cannot remember. They told me that they could not get me any food, also if I got more food that they would not be able to protect me. I was forced to go without food all day. I felt that the officers had lost control, because I should have been allowed to get some food that day.”

Another detainee said:

“I was made aware that they had arranged two meetings, one of which was 20 days before the 14th and another approx one week before the 14th. On that occasion the Russian and black people were trying evoke (sic) a hunger strike and if people did eat the food, the black people would smash their plates on the floor.”

A DCO reported to police that on or about 9 February, he had to attend a disturbance in Delta link 1 involving 10 to 15 detainees.

During February, a rule was apparently introduced banning detainees from taking water from the canteen (also referred to above). This proved to be a further bone of contention. One detainee reported:

“I saw all of the female detainees gathered in one of the association rooms … it looked like most of the females were present. I later found out that the meeting was about an issue with drinking water. Group 4 staff had told detainees they were to drink water from the toilets, obviously the detainees did not agree with this.”

On 11 February, staffing was reduced on Charlie and Delta wings as part of the preparations to decant some detainees into the as yet unused wings. A DCO said:

“The shortage of staff did not help matters. [It] left C and D wings with a much lower staff ratio and we found ourselves stretched.”

I asked Mr Watson whether the proposed transfer of some male detainees to A and B wings had raised tensions. He said:

“I think there may have been some effect … perhaps there is a basis for saying that the mixing of female detainees and male detainees may have caused some issues … For some male detainees knowing that this mixing on C and D wings was coming to an end … may have led to some disappointment on their part … but I don't remember that being raised as an issue with us at the time by anyone – detainees, staff, or the Visiting Committee.”

Some of the witnesses spoke about sexual relations between the detainees. (Considerable emphasis is placed on this – and the impact it had on male detainees when plans to open the male centre were nearing fruition, thereby ending their access to female detainees – in the Group 4 investigation report by Mr Davies.) A supervisor said:

“Although sex between the single females on Charlie wing and males on Delta wing was banned I had heard rumours that sexual activities did take place in the mixed association room, telephone booths and prayer room for as low as the cost of a cigarette.”
A DCO told the police that by 11 February, tensions were high and staff were on their guard: “There was a sense of unease about the place.” He described a conversation with a detainee, who told him:

“If they switch off that heating again, people are going to get hurt and we are going to make our own fire. It’s going to happen in the next few days. It’s going to burn down.’

“I was aware of other incidents at Campsfield and believed what he said could be easily carried out. I submitted a SIR and told my DSM [duty shift manager] directly about what I was told. I do not know what was done with the information, but I went home with a sense of peace of mind that I had given the warning and contingency plans would be implemented.”

The police checked out this piece of information. The DSM could not recall speaking to the DCO:

“However, I do recall a conversation with [another DCO] on the morning of Tuesday 12 February 2002 and the end of the night shift … He told me ‘We are expecting trouble on Friday or Saturday. We’ve been given information they are going to cause problems.’ I understood he meant the detainees were going to cause problems. I did not ask what problems were expected.”

The police could not find an SIR and Mr Milliken told them that no information on the lines of what was alleged was brought to his attention. The DCO in question had only submitted two SIRs in his whole service. The police officer suggested to Mr Milliken that the DCO did not appear to have any ulterior motive for saying what he did. Mr Milliken apparently replied:

“[The DCO] may well have been given the information, but he didn't submit an SIR and only says he did because he feels guilty … probably?”

Mr Milliken said the DSM in question was a good officer and would not fail to pass on information such as this: “There were never any SIRs specifically saying there would be trouble, only a few which you could construe.”

Another DCO, however, recalled the DCO telling him about the conversation with the detainee. He said:

“… I was in no doubt the information we had received on that night of 11 February was serious violent disorder was imminent and in the planning. [The DCO] submitted an SIR. [The DSM] was informed verbally and directly about this information. What was conducted upon receipt of this I have no knowledge. [Two other DCSs] were also directly informed of the information we had reliably received. I expected this would be acted upon without delay. However, I do not think it was taken seriously as it should have been.”

Protest meetings

Detainees held a series of meetings to discuss and protest against aspects of their treatment. Initially, these were formally convened by Group 4 (as, for example, the meeting on 10 January). Over time, however, detainees started to hold ‘pre-meetings’ to determine what they wanted to tell Group 4 and the Immigration Service and substantive meetings at which they planned what to do next. A detainee said:
“When I arrived at the centre, some of the people had bad feelings about the food, restrictions on smoking and television watching. Afterwards, the managers had meetings with the residents which led to improvements in the food, smoking was allowed in the smoke room as well as extended television watching.”

In a police interview, one detainee [one of those charged] said:

“What we come to conclusion about is we speak with a management, which we did on a couple of occasions, try and reach a compromise, try and tell them look, we need this and this done, this is how it’s done in Harmondsworth and Tinsley House. This is how it’s done everywhere else, why is it done differently here? And we come to compromise with them …”

The detainee thought that between 10 and 15 meetings had taken place either with centre staff or with just detainees present. He said he was not aware of any individuals or groups of people making threats to burn the building down or harm staff members.

Another corroborated this:

“These meetings, in my opinion, were good natured and occasionally there were raised voices, however, there were never any problems at the meetings.”

Things apparently changed, however:

“Generally, I didn't hear about using violence, but about a month before the incident on 14 February 2002 I heard, whilst on corridor, that the demolition of the building was planned if the demands would not be met.”

One detainee spoke at length about the meetings to the journalist, Jennifer Monahan:

“About six of us were trying to get these guys [to sit down and talk] in a normal way. Some [detainees] were good guys, some were troublemakers. We did not like being violent. We called on them [Group 4] to come and see us and iron things out. It's common sense. We tried to tell it to them in a very, very civilised way: 'we are human beings'. Some [of them] like you, encourage you. 'Carry on doing it. We really appreciate what you're doing. We're the workers, we just have this key, we don't know nothing. We don't have any right to say anything.'

“Most of the time, the [Group 4 staff] feel this pressure, they’re feeling the heat – they’re human beings. The managers – the people who should be taking the heat – they’re in the office drinking coffee.

“People were so frustrated, they'd say what they had to say. It's upsetting. Everyone has problems. Hearing other people’s – women’s – you get more angry.

“... It becomes a concern to do something. One way we can express ourselves is by having that meeting. There were nine meetings.
“Some just want to fight. They’re fed up. They don’t even want to listen. Some [others] are trying to bring things to happen, in a normal civilised way. People were saying, ‘I’m going to beat up a Group 4.’ People start accusing you - ‘You’re one of them.’ Because you promised what the manager said – two days, it’d be different. Two days, nothing’s changed.

“… Some of us who want to take it to the table, we were doing the right thing. Some doesn’t have patience. We know something is going to happen I didn’t know it was going to be so serious. But I did know it – something – was going to happen.”

The Chief Immigration Officer at Yarl’s Wood said that detainees held meetings in the day rooms where they drew up lists of requests. Staff were reluctant to go in, given that there were 30/40 detainees inside. They faced a dilemma over whether to go in and risk stirring up resentment or leave the detainees to it, thereby giving them the upper hand. A detainee spokesman would present their requests to a shift supervisor. The Chief Immigration Officer thought Group 4 acted quite quickly on non-contentious matters. In other cases, they referred detainees to Immigration – sometimes inappropriately, in an attempt to hide behind someone else.

A DCO said the meetings took place:

“… in the prayer rooms which staff were not allowed to enter. The attitude of those detainees who were involved became more disrespectful and obstructive to staff, but never enough to provoke being restrained or segregated. As a result, the feeling amongst staff was that the detainees had the upper hand.”

Another said:

“The general opinion seemed to be that perhaps they could get more agreements from the management, and over the past four or five weeks there have been meetings being held by the detainees. These meetings have been about once a week and were held in the association rooms, usually in the evenings. The DCOs were not allowed to enter these meetings, largely because they physically barred us from entering the room, and partly because it had filtered down from the management that they were to be allowed to hold these meetings in private.”

Three DCOs to whom we talked confirmed that they had been told to leave the detainees alone. Another told us that too much ground had been given. He had identified some staff as being cringing and apologetic towards detainees and failing to challenge inappropriate behaviour. He thought that detainee councils were a good idea, but meetings of detainees had resulted in no-go areas for staff.

I put the suggestion of no-go areas for staff to Mr Watson. He said:

“It was certainly never an instruction from the senior management team that there should be any no-go areas, but since the incident of 14 February I have become aware of a member of staff pointing out that there was a meeting … prior to the incident where he believes that he was told by a middle manager not to attend. I haven’t been able to investigate this …”

Mr Milliken, also said he had not heard there were no-go areas for staff. He had been aware that detainees had held a couple of meetings in which they had
complained about issues such as handcuffing, searching, association and food. He had not been privy to those meetings but had been aware that a residential manager had met with the detainees after the meetings to discuss the issues. A few changes had been made, for example the menu system was changed from a menu of choice system to a first-come-first-served system, but issues such as handcuffing could not be changed. Mr Milliken had been on night shift during the week leading up to the incident and had been aware of a small gathering of detainees in the TV room in Delta link 1. He had not asked for the meeting to be broken up as there had been no cause for this, but he had ensured that staff were patrolling the area and were visible. He was sure that the area had not been a no-go area, and said that the deputy contract monitor had been at the meeting and had reported that in large part it had been about the detainees’ immigration cases, which he would refer to the Chief Immigration Officer the following day.

One ex-detainee told me that detainees were getting fed up that their difficulties were not being addressed. They wanted to see managers, but no-one would talk to them. They attempted a hunger strike in order to be able to speak to a manager. Staff dealt with it by dividing and ruling, turning one detainee against another and by threatening them that if they continued, their asylum application would be refused. There was a lot of scare-mongering. They never met the manager.

The detainee said that DCOs were spying and picking off those they perceived to be ringleaders. These people were transferred out of Yarl’s Wood during the night. They were about to have one particular meeting when two of their elected representatives were transferred out. Another time, they were promised a meeting, but four of their spokespeople were moved. It was very frustrating.

Their meetings had not been for planning action but simply for getting their grievances across to managers. They actually put their points down on paper. The detainee said none of the meetings were closed - this was not possible at Yarl’s Wood - and staff often attended. Staff misunderstood what they were doing, nevertheless.

The detainee said it was clear that something was going to happen at Yarl’s Wood. Managers should have seen what was happening and intervened.

The meetings did not enjoy the unanimous support of detainees, however:

“I went to these meetings occasionally because if I didn't people asked why and would become angry. Some detainees didn't like it if you didn't attend. Because of this I would just pop in for five or so minutes.”

**11 February**

A detainee meeting took place on 11 February. One detainee reported:

“I heard that the detainees were complaining about the staff, food, accommodation and Immigration Service. I did not have a problem with any of these and that's why I didn't feel the need to attend the meeting. I had been informing the staff and Immigration Service about these meetings.

“As far as I am aware, violence was not discussed.”

Another said:
“On Monday 11 February about 20:30 hrs … a group of men entered my room. The men were of different nationalities and ethnic groups and … told that I was to come with them to a meeting. They didn't ask me but told me and due to their numbers and aggressive attitude I went with them … When I got there the room was already full of people, all detainees, of all ethnic groups and nationalities. I also saw a few women in the room, but not many.

“This man stood up and started talking loudly and excitedly to the crowd. I have seen this man around the centre and know that he has a reputation as a trouble-maker … He said something like, ‘We have been talking to Group 4 about the food for a long time. The only way to get the food we want is to force these people to let us out of here.’ This got the crowd very excited and there was some shouting and support for this man.

“[Another detainee] stood up and told the crowd that … ‘we must use force against them to get what we want’ and this was followed by more cheers and shouts.

“This man … stood up and said that everyone at that meeting had to ‘stick together’. He went on to say that if people didn't stick together with the group then they would be punished or dealt with by the group. I felt quite intimidated by these comments and felt threatened that if I didn't take part of whatever was going to happen then I would be punished.”

12 February

An SIR records that:

“Following a meeting of detainees in Delta link 2 association room, [a detainee] asked to speak to me in my office. He informed me that [two detainees] were instructing all detainees to cause trouble this coming Friday and anyone not helping will be in trouble. Later talks with [another detainee] confirmed that there could be problems this weekend.”

This information was evaluated as usually reliable and believed to be accurate. The section for other information noted, “Both subjects have previous SIRs and IRs [incident reports] identifying them as probable ringleaders in various minor disturbances.” The security supervisor noted, “Security intelligence files being prepared for both subjects. If enough previous intelligence, will request their removal to secure accommodation.” Mr Milliken commented: “This is in relation to demands for change from detainees over the past few weeks. We need to gather more info on this.” His entry was timed 7:30 am on 12 February, but is more likely to be 13 February.

Other detainees have corroborated the allegation that protesters had ‘instructed’ their peers to attend the meeting. One told the Chief Immigration Officer on 12 February that a serious disturbance was being planned in the immediate future by other detainees:

“He said that Zimbabweans were being pressurised into participating but they wanted no part of it. He … told me that the information had already been passed to Group 4 staff.

“From what he told me plans were at an advanced stage but was not specific what was likely to happen.
… I passed this information verbally to one of three senior members of Group 4 staff … no notes were committed to paper about the meeting.”

The Chief Immigration Officer told me whomever he had told had said that he already knew about the rumour.

Another detainee referred to the meeting with immigration staff as follows:

“It was also to inform Immigration about meetings that were taking place between detainees threatening to cause damage at Yarl’s Wood.

“Basically there are two groups of people in Yarl’s Wood who hold meetings. The first group are the negotiation group … The second group are the distraction [sic] group … They try to resolve problems by destroying/damaging things. I heard [them] frequently talking about burning the place down. I think they thought this would allow them to be released.

“… I overheard a group of Kosovan/Albanian males discussing breaking down the kitchen because the food was no good. This didn't happen because too many people left the dining room. The Kosovans and Albanians are well known for causing trouble.

“Going back to the meeting on Tuesday 12 I recall people talking about Group 4 beating people up. The Kosovans/Albanians stated if there was no outcome then people would cause damage. No date was mentioned although it was suggested it would be at some point after Friday's meeting.”

A DCO reported that:

“On Tuesday 12 February [three DCOs] informed me of the problems they were experiencing and how it was becoming dangerously out of control. We also discussed the imminent violence that was expected to occur …”

Another DCO suggested that the incident could have been prevented if the DCOs’ concerns had been acted upon, 25 named detainees had been removed and more staff had been put on duty.

That same day, one of the detainees who was later charged with violent disorder was due to be removed. An executive officer with the Immigration Service said in his police statement:

“I was later told by Group 4 that [the detainee] had refused to pack his bags in readiness for his removal and was being protected by a gang of his mates … the port concerned … decided quite rightly to cancel the movement and do it another time. I relayed this to Group 4 and the situation was defused.”

13 February

A DCO to whom we spoke said she thought the disturbance was planned. There had been a lot of women in the C wing association room on the Tuesday night (12 February). On the Wednesday, one woman told the DCO there was going to be a strike. The DCO submitted an SIR. She did not name the informant, but said she would try to obtain more information. On the Wednesday night there had been a mixed meeting in Delta wing. The detainees wanted Immigration and Group 4
present, but a shift manager had told staff to keep away. As a result, the DCO was
told on the Thursday morning, the detainees had decided they would definitely do
something.

A residential manager met detainees at Mr Watson’s request around this time. The
purpose of the meeting was apparently to provide detainees with feedback on issues
raised at the meeting held on 23 January. He reported to Mr Watson:

“I don’t think I got through the whole list before several detainees walked out
whilst mumbling in their native tongue and eventually all except two had
walked out.

“In addition to those listed the detainees also spoke about the following:

- Management undermining them
- Telephone system too expensive and should be coin operated
- We should fashion ourselves on Harmondsworth
- Heating and water system
- No computer classes available
- The issue of ladies’ toiletries is unsatisfactory
- Attitude of officers in detainee reception.

“They last point was that we should not be surprised if things went wrong,
which sounds like a threat to me.”

The deputy contract monitor had attended this meeting. He said the food had been
heavily criticised and that detainees complained that staff operated inconsistently.
One detainee had a (long-standing) complaint about training shoes that the deputy
contract monitor thought Group 4 had taken too long to resolve.

Mr Milliken told the police about a meeting attended by two residential managers, Mr
Watson and himself on the morning of 13 February:

“I spoke to David Watson and told him I was very concerned about the safety
of the staff within the centre because of current tension between detainees
and also between detainees and staff. I had had several reports from staff.
… [One] had informed me that staff were frightened. [He] felt management
didn’t care and that the detainees were running the show. [He] said staff
were becoming confused as to their role within the centre.”

A DCO told police:

“I was working in the visitor centre. I was aware of some tension in the centre
and information was coming in from the detainees that something was going
to happen on Friday. This was passed to our security officer via SIRs. To my
knowledge no increase in security or staffing levels resulted as a result of this
intelligence.”

A detainee also referred to the detainee meeting on 13 February:

“… I noticed all the women congregated in the area, these women would not
normally have been there.

“The meeting was a repetition of the last one. [A male detainee] was saying
that the Immigration Service needed to be spoken to and sort out the problems detainees were experiencing i.e. - deportation, court appearances and what would happen to them.

“There was no talk of any violence and it was difficult for me to ascertain the feelings of other detainees. The problems did seem to be with Immigration rather than staff of Group 4.”

Again, it seems that there was some coercion to attend:

“They said if I didn't go to the meeting I would be victimised. They were calling to [the leader] to take action, they wanted the problems at Yarl's Wood sorted and the Immigration Service spoken to. I heard an Albanian guy mention about burning down the building, he said it in a way that I believed he would do it. There were a lot of detainees at the meeting, women were also present and they wanted to fight for their freedom.”

Others said:

- “No Group 4 were present. Detainees stopped them from entering the room.”
- “[Detainees] wanted a meeting [with the Immigration Service] to say either release us or send us home. They suggested a hunger strike and if [the Immigration Service] did not give in to demands, the detainees should smash the place up.

  “… At one point a member of staff came in to see what was going on. One of the black men told him to piss off – and close the door! He did.”

- “I felt that things were hotting up in Yarl's Wood. I thought that meetings were now being held to stir up trouble.

  “At the meeting on 13 February…[a detainee] mentioned that they would resort to violence to get these matters sorted out. There was no specific mention of what type of violence. The meeting ended peacefully with another to held at 10 pm on Friday 15 February 2002.”

- “[The leader] …was also complaining that the Group 4 managers were not doing anything about their complaints and that they had made promises which had not been kept.

  “… I know that they wanted people to use violence and ‘smash the place up’. … [the leader] got up and said to the crowd, ‘The main Group 4 man is back. We will give them one more week and if nothing is done then we will turn to violence.’”

- “They said they were tired of complaining and that this was going to be the last time. They said they would do something to the place, something big enough that the authorities would move them into other centres.”

- “The meeting was about the quality of food, how our time was limited and to try and arrange a meeting with Mr Blunkett.
“... the decision made by everybody there was for a letter to be written to the officials at Yarl's Wood outlining our concerns. This was because whenever officials had been asked to speak to the detainees about major issues, nobody ever turned up. There was no decisions made by the detainees to cause any trouble in the centre.”

• “There was no mention at this meeting of any violence or fire.”

• “It was discussed that we may go on hunger strike in order to get better conditions at the centre. There was no talk of any violence being used towards the security staff.”

• “[A detainee] spoke about how nothing was improving, people were being detained for long lengths of time, freedom and living conditions. [He] spoke a lot about our right to freedom we should not be locked up. [He] wanted immigration to come and talk to us ... There was still no talk of violence however the general mood of people suggested violence would be used if things did not improve. However there were people there that did want it to remain peaceful and that it should be talked about peacefully with the immigration service.”

• “From what I could hear a plan was made to meet the authorities on Friday 15 Feb 2002 to discuss issues. They also discussed going on strike by means of boycotting food. Group 4 were outside ... I did not hear any criminal offences being discussed. My understanding of it was that there would be a strike on Friday and that the authorities would be challenged about freedom issues.”

A DCO told the police:

“I heard later from one of the detainees that it was at this meeting that major public order disturbance was planned for the following days, and that one of the females would create a diversion to set it all off.”

On the same evening, several members of staff had a meeting with a manager to discuss the deteriorating atmosphere and bad feelings at Yarl's Wood.

DCOs told police they could see that trouble was brewing:

• “Ever since Yarl's Wood opened I felt that pressure was building up inside the centre and that something was likely to happen. On the last four shifts I worked before the incident I was aware of, although not necessarily involved in, incidents that had occurred which were added to this pressure.”

• “At that time I told the shift manager that at the meeting the detainees were not happy and were going to smash up the place, smash the cameras and set fires. I told him to tell his staff.”

• “All the DCOs felt that something was going to happen and I expected it to 'kick off' on the Friday/Saturday (15/16 February 2001) ... All the main ringleaders and troublemakers were becoming more confrontational prior to this incident. [A detainee] had told other DCOs leading up to the incident, that it was going to kick off and that something was planned for that weekend. It was planned for 'blue' shift as they were deemed by the detainees to be the 'softest' shift.”

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Assessment

Humanity and fairness

Woolf described various ways in which humanity and fairness might be given expression. These are proper aims for prisons and, mutatis mutandis, they should be the aims of immigration removal centres too. I place particular emphasis upon the need for an effective induction process that a detainee can understand, and the efforts the establishment should make to help detainees deal with their affairs when entering detention. Small things can matter as much as big ones. This inquiry was told by the contract monitor at Yarl's Wood that one detainee had waited for weeks for a pair of trainers that fitted. (This individual was subsequently implicated in the disturbance.)

In describing the need for fair treatment for prisoners, Lord Woolf wrote that, “within a prison in particular, it is an important requirement of justice that justice should not only actually be done but should be seen to be done”. He related this to the need for prisoners to be made aware of the rules of the establishment.

One of the complaints arising from an early protest meeting was that there was no copy of the rules in the library. The contract monitor said she was quickly able to rectify it. I note with concern an anecdote from a DCO, however:

“One particular female … was quite clued up. She had managed to obtain a copy of the immigration policy file which outlined the conditions in which detainees were to be kept. This document was kept in the library. She would bring to our attention certain conditions which she believed were lacking. The document was eventually removed from the library.”

I recommend that contract monitors regularly check that the Detention Centre Rules and operating standards are readily available to detainees.

While all centres are required to make copies of the Detention Centre Rules available to detainees, a non-English speaking detainee is at an immediate disadvantage if he or she cannot be made aware of the rules. Every effort should be made to produce the rules in as many ‘mainstream’ languages as possible. Translations into others should also be available on request. (Parenthetically, I commend the practice at Dungavel of placing a hotel-style guide to the centre on each of the tables in the visits room. The non-institutional feel of visits and the approach to reception are two areas where I think the Prison Service can learn from the immigration removal centres.)

Was there a rise in tension?

DCC Dixon told me that the police investigation showed there had been clear indications of trouble brewing in the period leading up to the incident. Staff had recorded their concerns. Group 4 should have implemented contingency plans. But they had not even informed the police about the rising tension. DCC Dixon speculated that Group 4 were reticent about admitting they could not cope. He suggested that the centre was not operating properly and that the centre manager did not appear to realise the potential seriousness of the situation.

The police report on the fire and disturbance referred to:
“... large scale meetings by the detainees at which DCOs were excluded, open hostility to DCOs and threat that ‘the place will burn’. These incidents were recorded and submitted to management on security incident reports but DCOs will describe how their concerns were ignored, how they felt undermined and how the apparent lack of positive action by management affected their morale.

“In the days leading to 14 February 2002, staff describe an increase in tension and the receipt of intelligence indicating that a serious incident was likely over the weekend of 16 and 17 February 2002. Security information reports were again submitted but no contingencies appear to have been implemented by Group 4.”

Mr Eaglestone agreed there had been rising tension in the centre. One member of the Visiting Committee had noticed this, seen a number of detainees in a huddle and approached them to ask what the problem was. He was told that everything was okay. The following week (i.e. the week prior to 14 February), the Visiting Committee member observed general disquiet in Delta wing. On enquiry, she was told this was due to rumours that many were to be moved to ‘prison’ at short notice. The Visiting Committee member on duty in the week commencing 10 February was called to visit each day up to and including Wednesday 13 February. She observed that the atmosphere in the association areas was “rather excitable”. (She also noted, however, that the family wing was “very calm and purposeful” and in the nursery, craft area and I.T. class “the atmosphere was perfect”.)

Mr John Wilson said he had visited the centre quite regularly. Even though he had expected teething problems, he had become increasingly concerned about the way the centre was developing. Mr Wilson’s impression was that Group 4 did not have sufficient control. Staff had complained that they never saw their managers in the centre. There had been major problems with the food ordering and queuing system. Detainees were unable to get satisfaction through the Group 4 complaints system. Mr Wilson was not sure to what extent these problems constituted normal teething troubles, but Immigration Service staff could only draw the problems to the attention of the Group 4 management for them to deal with.

Dr Mace told me that Harmondsworth managers had signalled to IND their concerns about rising tensions during the weeks before the Yarl’s Wood incident. Group 4 had not. Staff on the ground at Yarl’s Wood must either have felt they could cope or felt they had no choice anyway. Alternatively, they might not have been aware of how fragile or weak their control was. Dr Mace pointed out that the contract stipulated that they should take anyone they were given by IND. He suggested that it might have been that staff at Yarl’s Wood felt they had no headroom and that IND staff felt it was Group 4’s problem. Dr Mace told me he was not aware of difficulties at Yarl’s Wood. It was assumed the population was within the “domain of manageability”.

Dr Mace said that IND senior managers were unaware of problems developing in removal centres. Because there had been little or no feedback, they did not realise just how unstable things had become.

Mr Brewer commented:

106 Mr Watson told me in his letter of 13 October 2004 that Group 4 resolved the problem with the queuing system before the end of December 2001 and that the food ordering system was changed in line with Immigration Service wishes. Roll calls were also changed to avoid mealtime delays.
“I would have expected as our most experienced contractor that Group 4 would have learnt some of the lessons and that if indeed there had been evidence [that] … the temperature of the centre had been increasing earlier in the day, I would have to express some disappointment, because they are our most experienced contractor, that they have not picked that up and alerted our people to the fact if nothing else.”

Mr Boys Smith noted that Group 4 had experience within prisons and detention centres, and he had been confident that, if things had been going wrong, they would have alerted IND. He had no recollection that Group 4 had given that impression.

Mr Watson said he had tried to raise concerns locally, but:

“the authority had decided not to allow the operator any right of refusal of particular detainees, and it became evident to me that neither were they interested in any consultation over “difficult” cases. Neither would the authority initially countenance operating the centre as anything other than ‘open plan’.”

I asked Mr Boys Smith whether there had been any intelligence regarding the behaviour of different national groups. Mr Boys Smith said that he did not recall such intelligence. He was conscious that national groups behaved differently, but he had not been told and had not believed that this would pose a problem to control. Group 4 had not, to his knowledge, raised this as an issue, and had not requested further control mechanisms at the centre.

Mr Hampton agreed that the temperature fluctuated in the detention estate, but neither he nor Mr Boys Smith recalled any discernible rise across the estate in the run up to the incident.

The contract monitor could not recall any specific warnings of tension or that an incident would take place, but told me there had been occasions when tensions seemed to be higher. She recalled that at Christmas rumours were rife that something would happen.

The deputy contract monitor did not consider the tension was beyond what would be expected, given the circumstances. The difficulty was that factions formed and there were different national hostilities – some Eastern Europeans did not like black people for example, while some black Africans did not like black West Indians and vice versa. There were clear pecking orders and the smallest incidents would snowball.

Mr Watson told Mr Moore:

“I think that if my senior colleagues and I had identified a build up of tension we would have been looking to identify through our intelligence gathering systems who we thought was behind it and would have been talking to the Immigration Service about whether they should have been removed from association, whether that be to the segregation unit or to the secure unit.”

Mr Watson referred to incident reports, security information reports, feedback from staff and his own dealings with detainees. He said:

“arrest have to say that having looked at all of those measures of tension and while there were some issues … it wasn’t my perception then that there was an
increase in security intelligence, security information reports submitted or reports of increased tension prior to 14 February. Equally I don't recall the shift managers' daily reports indicating an increase in tension."

He added that in the three days before the fire only five people had been placed in the segregation/secure units, and this was as a result of a fight. He concluded:

“I think some of the order and control indices might indicate that the tension, in the view of the management team, was not moving towards indicating that a major incident was afoot.”

Mr Milliken told me that the large numbers of detainees had made it very difficult to form staff-detainee relationships. He said that he was not sure there had been signs of impending trouble.

GSL's Mr Brown did not believe there had been signs that things were getting out of control. Nevertheless, he acknowledged that business considerations meant it was not always easy to be as open as one would like about any difficulties arising. He told me:

"I was getting feedback, and the build-up was going to schedule. There were a couple of issues in terms of the shaking down of the place ... There were one or two difficult people around but generally that was it. There was no history of excessive incidents or difficulties with the population, well there didn't seem to be. It seemed to be following a fairly normal pattern ..."

“I think in many respects we were slightly disappointed that there wasn’t a particularly listening client at the early stages of the contract. Now whether that’s because we weren’t forceful enough in making our point because we’re in a competitive situation is another matter ... and you’ve got to take a view if you say things it’s going to blow your business. That’s a fine line we take.

“Sometimes people do listen and people do take on board some of the things you say. I think once again you come back to the time pressures. Nobody had time to listen. It would be inappropriate to criticise individuals.”

Mr Brown said that, if he had it to do again, he would want to be talking to the authority at an earlier stage about some of the implications of what they were asking for to try to influence their expectations.

Dr Mace acknowledged he had sensed that Mr Brown had wanted to work more closely with IND, and that this had not happened in the short period of operations at Yarl's Wood. IND had focussed instead on mechanisms and compliance. He suggested also that there might have been some contractual naïvety on IND’s part and a reluctance to be drawn into a relationship with the contractor. He said a close relationship with the contractor need not mean there would not be toughness, nor did it displace the need for rigour. He noted that, even after the incident at Yarl's Wood, IND still felt uncomfortable at making necessary contract changes. The IND view was that the contractor should manage the risks.

Mr Dickinson’s view broadly endorsed Mr Brown’s. He said that 14 February had come as a complete shock to him. Everything had seemed to be going well. Mr Dickinson had often been at the centre during January and early February. He and Mr Jasper had impressed on staff the need to be open and to keep them and centre managers informed if they were having difficulties. Nevertheless, they had had no
reports from staff of any problems and neither he nor Mr Jasper had seen or heard anything to suggest what was to happen. The first Mr Dickinson heard of any trouble was that the centre was in flames.

Mr Banks’ view was that the normal process of bedding down had been underway. He had not been aware of unrest. Snags were pretty much par for the course in any new establishment, but he did not recall being alerted to anything in particular.

The operation of the centre

Did the way the centre was run contribute to the disturbance? Had it have been run differently, would the outcome have been the same? I explore here the extent to which staff were prepared for the challenges they faced, how they coped and whether they were adequately supported by their managers. I also look at Group 4’s management of the centre, the role the Immigration Service played and at the various relationships between those charged with its operation.

I am grateful to Mr Peter Siddons, Head of the Prison Service’s Professional Standards Unit, for reviewing the operation of the centre from proposals at bid stage through to 14 February. Extracts from his report are attached at Annex 8.

How was it for staff?

Many staff described to the police how the reality of working in the centre had contrasted with their expectations either on taking up employment or following training:

- “[The detainees] were not the family type persons that Group 4 led me to believe I would be dealing with. In my training I was never told that the persons I would be dealing with could be persons with convictions for violence, rape or disorder.”

- “I have been concerned for some time now about the general safety at Yarl’s Wood. I would say that I witnessed violent behaviour from detainees since December 2001. It was becoming a daily occurrence that residents were kicking at doors and becoming very abusive and violent.”

- “… there was sometimes a delay in getting information back to detainees which didn’t go down too well. Detainees would become violent.”

- “The [detainees] were becoming more and more forceful with their requests. This was highlighted when the rules for zoning down were stopped. I remember a member of staff saying one day that we may as well give the [detainees] the keys to the centre as they were now practically running the place.”

- “It even got to the point that some [detainees] who were supposed to be moved out of the centre to be deported, were refusing to come down off the wings, and if they were approached by a DCO other [detainees] would surround them and become aggressive to the DCOs.”

- “I recall an incident with a tall, dreadlocked Jamaican throwing his food at the canteen staff member. I had to restrain him and throw him out in order [that] his actions did not provoke others to act the same … Disruption amongst
certain detainees was the daily objective. Incidents of fighting were regular. Control was in the hands of the detainees.”

After referring to the impact of the ex-Campsfield House detainees and the permitting of all-night association, a shift manager (and ex-prison officer) said in his police statement:

“It was obvious we were struggling with these incidents. Not necessarily the types of incidents but the scale of the people in respect of their numbers involved with those watching and hanging around.

“The problems continued with detainees making attempts to commit suicide and self harm. This usually occurred night after night … By the end of January the whole tempo of the centre had changed, it became very difficult to work in the environment the centre now found itself in.”

“I was having to lock detainees in the room to stop more detainees getting in. At some times I would have nine or ten people trying to get in all at once shouting and screaming.

“For months there have been fights between detainees. I have also been pushed …

”… the situation got worse over the three weeks before the fire with fights amongst detainees and staff.”

A health worker said:

“I am aware that things were getting lax. Detainees were getting what they wanted most of the time and causing a lot of problems. The detainees would come over to healthcare when there was nothing wrong with them, they would hide in cupboards when there was a roll call. They were making more and more demands.”

One DCO referred to:

“… significant tensions between the different national groups. I found myself negotiating between what group could watch TV or a video. What room was theirs and whatever national group could watch a specific programme. It was an intolerable situation. It was, without exaggeration, a very fine line between doing it and having to do it in order to preserve self-preservation …

”Throughout January and February 2002 the situation of general deterioration worsened. Every shift on a daily basis was twelve hours of chaos. There were greater ethnic divisions. Physical fighting amongst the groups of nationals was frequent. The Russians had requested to be segregated … This created even more tension amongst the other detainees. In the time leading up to the incident I dealt with two hangings by detainees. The Russians would also seriously self-harm themselves. In all, it was absolute chaos and staff felt the situation out of control…”

The ex-DCOs to whom we spoke had a mixed view of what they thought their role was to be. One said he had understood their role would be akin to that of a prison officer, even though it was repeatedly stressed that it was a detention centre, not a prison. Another thought they would act as a sort of social worker. They were told
they would never work alone. They had not been alarmed by the suggestion inherent in this that detainees might be difficult. They thought they were simply being prepared for what might happen. They did not know anything about the sort of detainees that would be coming to Yarl’s Wood.

One DCO described to police how staff coped with the population at Yarl’s Wood:

“I having worked with disruptive and abusive volatile individuals before, found myself coping well and asserted a good rapport with these individuals. I was firm but fair, and other less experienced DCOs found this obstacle difficult. Either they were too soft or too firm. We were provided with few powers and control. It was a fine balancing act, a situation I did not anticipate prior to joining.”

Police were told:

- “I felt powerless. There was no means of discipline. Detainees were given the same benefits in segregation as they did on the wing.”

- “We are unable to exert any authority towards detainees that do not comply with given instructions.”

- “The detainees quickly realised there was little discipline at Yarl’s Wood and they acted accordingly.”

**An unknown quantity**

Staff and managers were also provided with little information about those in their charge. This appears to have been the cause of some anger and resentment amongst staff. It was also the source of much frustration amongst managers. DCOs said:

- “Custody officers are not told about detainees’ pasts, some being violent and dangerous people. I felt that we should have known this for our own protection and that of the passive detainees, i.e. the families.”

- “I heard rumours that some detainees were paedophiles, murderers, rapists … I do feel we should have been told. I was angry about this. I felt my colleagues should know. We regularly deal with people who slash themselves.”

- “I have heard that some had serious criminal backgrounds. At times I heard rumours that people/detainees were paedophiles, murderers and sexual offenders. At times I asked supervisors if they were aware that detainees had criminal backgrounds. I never got an answer really. They just told me they were unaware. I feel this is information I should have been given as a DCO working on a daily basis alongside these people.”

It was further alleged that reception staff were prevented from sharing information:

“When we first started in reception, we would check the reports and files for the incoming detainees and when inputting their details onto the computer a space was available to write descriptions/information about their criminal records etc. However, this was stopped and we were told only to put very
Mr Watson said that sharing of information between Group 4 managed centres, although far from perfect, was not too bad. However:

“We rarely had good, full or accurate information on those we were receiving … Group 4 knew little about the individuals we were detaining … We received little information about those transferring from prisons … or indeed coming to us from other detention centres and we were often unaware of intelligence concerning custodial behaviour, previous disruptive behaviour even in other detention centres or, where a sentence had been served, the details of the offence … or other information of special importance. My perception was that the Immigration Service did not always share with us all the information they had …

“It is also a matter of concern that the Immigration Service did not act to develop systems to better share security information across the estate …

“We believed there should have been a single system for incident/intelligence reporting and a core record (similar to the F2050 in prisons) on each detainee that could travel with them to each centre. Despite our suggestions this is still lacking.”

Mr Milliken was also disappointed by how little information was exchanged between centres. He felt that the Immigration Service had not done enough to address this, or the absence of a single system of SIRs/incident reporting and a core record on detainees that could be shared among contractors. This was still lacking, despite a Chief Immigration Officer having been tasked with producing a core record for detainees over two years ago.

Mr David Wilson suggested in his evidence that not knowing anything about detainees was all part of the game. Sometimes people were detained specifically because the Immigration Service did not know enough about them. Centres should know about someone’s criminal record in the UK – but many would not have spent much time in this country.

Mr Hampton said the Immigration Service could never satisfy the need for information. Often it was not available, since migrants destroyed documents in order to frustrate moves to deport them. About 40 per cent of detainees were picked up some time after entry. The Immigration Service might be able to find out something about them if they had been here for a length of time. Some would have committed criminal offences, and the contractor should be alerted if they were violent or had been in custody. Mr Hampton said that despite the Immigration Service trying to emphasise the importance of this, it did not always happen. He also noted the difficulty in risk assessing someone on arrival. It was better to carry out such assessments within the estate.

Mr Jasper confirmed that the information the Immigration Service gave was limited unless detainees were coming from prisons. He said that the GSL estate shared both hard and soft intelligence via the centre managers, but did not think that this happened between other contractors. (He noted that all the documentation from Campsfield House on those detainees transferred to Yarl’s Wood had been transferred with them.) Mr Jasper also argued for a travelling core file.
We asked Mr John Ship (Deputy Head of Operations, IND) about this. He said he was in the process of putting a document together. His current thinking was that it would be made up on first reception into detention, and any further information obtained during a detainee’s stay would be added. The document would transfer with them on transfer or to the port of removal. Mr Ship said the core file would remain in a central area in a centre, but would be accessible to all. He expected to roll it out in a couple of months, subject to printing delays.

Mr Watson’s preference was for a computerised system:

“I think if they were to sponsor a centrally computerised system then all operators would have access to it but they could determine which screens we should have access to and which screens were read only …

“…given that I have identified the general age of the detained population, perhaps the equivalent of the Score 3 system would be helpful. There should be a more structured transfer system with an exchange of information to help operators with risk management. Simply transferring detainees around the estate … with limited information … can add to difficulties locally. I think the structured transfer system should include an assessment of suitability for … different regime types within different centres.”

In discussion with Dr Mace, I pointed out that the Prison Service had developed ways such as Score 3 for managing risk. Dr Mace was not aware of such methodologies being used by contractors within the IND removal estate. He thought it important to clarify who should be responsible for such monitoring. Although IND believed the contract transferred risk to suppliers, Dr Mace said it was important that IND understood these risks to satisfy itself that the contractor could bear them. Dr Mace considered that information on individuals, risks and collective risks should be held centrally in IND as well as in each detention/removal centre.

**Safety in numbers**

Quite apart from the nature of the population, staff also felt let down in terms of what they had been told about how they would operate. In particular, there was considerable concern about being on the wings alone:

- “I recall one night shift in particular where there was about five DCOs to 230 detainees. I was also told in my initial training that we would always work in pairs. This never happened … we have had two union meetings, during these staff shortages have been mentioned.”

- “At times on my shift, when staffing levels were low I had to patrol level 2 on Delta wing on my own … I was not entirely happy that I had to do it.”

- “Prior to February 14 DCOs were never double crewed. We were told by management that there was no need to double crew. This was in contradiction to our initial training earlier when we were told … that we were to be doubled up … one duty manager … made me feel like I didn't have a backbone and made me feel small. Because he had been from a prison background he asked 'Are you frightened? These people are passive.'”

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107 Score 3 is an algorithm used in the Prison Service to ensure the stability of category C prisons by limiting the proportion of the population made up of offenders with a higher than average risk of disruptive behaviour.
• “Since the centre opened there has been a general feeling amongst us as staff that the centre is undermanned and in the event of problems with detainees we would not cope.”

• “Since the centre opened it has, in my opinion, been run in a less than satisfactory manner. This, I believe, was due partly to staff shortages and also the DCOs’ relationship with the management at the centre and immigration. There was a high turnover of staff … because of this.”

• “When the centre did open it was also obvious that we did not have adequate levels of manpower to manage the detainees effectively. I often found it difficult to maintain any degree of order as the larger group of males would either ignore me when I asked them to do something or they would threaten me and try to intimidate me if they didn't get their own way.”

The DCOs we spoke to also all referred to the lack of staff. One told us that staff had raised the matter with their trade union. After detainee levels had reached 150-200, there had been increased anxiety about the staffing levels, especially at night. Staff addressed this themselves by providing a high level of mutual support.

Three DCOs who worked in the library and the DIC told us that their hours had been excessive and they had frequently had to go without breaks. On occasion, two of them had had to run both the DIC and library in Delta wing (there were supposed to be two DCOs for each area), despite Group 4 assurances that they would never work on their own. They were continually short-staffed. One DCO queried how Group 4 could contemplate opening the new half when they did not have enough staff to open the existing half. The excessive hours without breaks had got so bad that they had written to the centre manager and met a supervisor about it on the afternoon of 14 February. A further meeting had been planned for 18 February, but the fire had intervened.

Another DCO complained to police about the long hours. He said:

“I am also concerned about the amount of hours that we are expected to work. As the shifts are twelve hours long and we are frequently asked to work our days off which I find too stressful.”

The contract monitor said the staff had not seemed particularly happy and there had been a lot of grumbling. Shifts and pay had been particular areas of contention and the unions had become involved. Some staff grumbled about the rotation of posts. A lot complained about the managers.

Some DCOs told us that large numbers of staff left. The contract monitor said that she had not been aware of this and indeed Group 4 had been staffed for two buildings. She had not considered this an issue and had not monitored staffing levels during the short time that the centre was open.

Staff tried other ways to get their views across:

“As time went on from the opening of the centre our workload became greater and greater and a lot of it was down to the Immigration Service putting more demands on the staff. I remember one manager … told us that for a short period we were only to do the duties we were assigned to do for each shift.
This was to prove to the Immigration Service that we were short staffed and they were making too many demands on us.”

Mr Watson emphasised the effect the quicker than anticipated turnover of detainees had on staffing profiles:

“... the staff profiles were initially modelled on the basis of the average length of stay of a detainee might be some ... eight weeks or so. In reality, during the operational phase and particularly following the introduction of Operation Aardvark, 12 per cent of detainees that we received and discharged stayed less than 24 hours. Fifty per cent of those received and discharged stayed three days or less and only around eleven per cent stayed for more than one month.”

Mr Brown, however, was satisfied that Group 4 had got the staffing levels right:

“... we were confident that we’d the right staffing levels and the right regime and the right approach that we could manage the behaviours ... we had three incidents in Campsfield over a space of nearly ten years ... But we were pretty clear on what the causes were ... and part of the staffing levels were designed to address those issues I think.”

When he gave evidence to the Bedfordshire County Council inquiry, Mr Banks was similarly content that staffing levels were appropriate. He said:

“Staffing levels were not determined by reference to staff/detainee ratios. Group 4 has considerable experience of running detention centres and prisons and was therefore able to set staffing levels in accordance with standard profiling based on our experience and industry best practice. These staffing levels were agreed in consultation with the Immigration Service.”

It is not clear how much input the Immigration Service had on staffing levels, but it may be worth noting that Mr Dickinson told me IND had refused to agree the original staffing levels proposed by Group 4 during contract negotiation. He said Group 4 had submitted its initial bid on the basis of higher staffing levels – especially at night, in light of their experience of problems with managing Campsfield House through 24-hour association. IND would not countenance the staffing levels. They said detainees would be in bed, so there was no need for them. Mr Dickinson said Group 4 queried this point with IND in light of the regime in place at Campsfield House, but IND confirmed that detainees would return to their rooms and that the centre could be ‘zoned down’ at night. (The police report on the Yarl’s Wood fire commented, “It is particularly important to note that the decision to allow 24-hour association was not supported by an increase in staffing levels on the night shift.”)

Mr Watson confirmed that the number of uniformed staff stipulated in the contract was some 20 per cent lower than the figure Group 4 had submitted at BAFO stage. He had independently reviewed the staffing profile and concluded that the original figure was appropriate. However:

“... there was no immediate problem, staff numbers were sufficient for the detainee population we actually held as before the incident the centre never reached more than half occupancy. If I had felt as operations progressed ... that the staffing level was insufficient to cope safely ... then of course I would have raised the issue again with Group 4 management and with the Immigration Service. As at 14 February 2002 I was comfortable with the
staff/detainee ratio which compared favourably with those I had dealt with during my experience in the Prison Service."

The deputy contract monitor thought it strange that the contract did not stipulate minimum staffing levels per detainee. Instead, the contractor was given the freedom to run the centre with staffing levels as they saw fit. The contract only referred to ‘suitable levels’ of staff. The deputy contract monitor did not think that there was anything written into the contract to ensure that unforeseen staff absence through illness was covered. Nights and weekends were particularly difficult – there would be three or four people in a wing overseeing 80 detainees. Staffing felt short at night.

Mr David Wilson had noted during a visit that, “A problem that Yarl’s Wood may share with Harmondsworth is inadequate management cover on the part of the contractor.” He suggested to me that there was a need to pay more contractual attention to staffing and management numbers.

Visibility of staff

Whether it was because there were too few staff or whether it was a question of staff feeling intimidated and retreating from the corridors, they do not appear to have been much in evidence around the centre. One detainee noted staff effectively withdrew from supervising particular groups of detainees who were problematic or who were noisy, pestered officers, and caused conflicts with them.

The Chief Immigration Officer at Yarl’s Wood noted during his interview with Mr Moore that staff:

“… were often in an office and not walking around which meant there were a lot of detainees around the office area. Now whether the detainees had come and therefore the people were there or whether because the people were there the detainees would come because that was the only place they could get any information we don’t know.”

Mr John Wilson was also concerned:

“I did say to them at the very beginning I didn’t want a Campsfield House syndrome creeping in where all the staff seemed to withdraw to the offices. I must admit towards the end it did seem that that was coming in, I got that feeling.”

Mr David Wilson also said that staff tended to stick to their offices, and that he too had noticed the same trends at Campsfield House. He said that it was a bad sign in any establishment. Dr Mace also referred to this. He said it became apparent after the fire that there had been many weaknesses at Yarl’s Wood of which he had not been aware earlier. Detainees had intimidated staff, who did not feel they had the support of their managers. There were reports that DCOs often withdrew from close interaction with detainees.

Mr Banks said that he had been to Yarl’s Wood on a small number of occasions after opening, but could not recall feeling that staff had retreated into offices. Some of the DCOs, however, confirmed that this had happened. They said that patrolling DCOs were not much in evidence – it was generally difficult to find one. Mr Jasper suggested that this absence from the wings did not result from a withdrawal, but simply a natural tendency to gravitate to the wing office – this served as the detainee
information centre and so was intended to be a point of focus where detainees could visit and discuss their problems with staff.

The contract monitor said that there had been plenty of Group 4 staff. At first, they had been visibly patrolling, but then she and Mr John Wilson had got the impression that, as the population rose, the staff had begun to withdraw into the offices. As a result, the offices had become more crowded because detainees were congregating around them in order to speak to the officers.

Whatever the reasons for the lack of visibility, there were consequences for security. A document called ‘Task Assignments Residential Unit Delta Assignment 2 Patrols’ says:

“Patrols of the centre are the very cornerstone of the security systems of the centre. Patrol officers are vital in contributing towards the gathering of information, prevention of incidents, identification of mood swings, and development of good detainee and staff relationships, that are essential in preserving the security, safety, and well being of all who live, work in, or visit the centre.”

“The manner in which staff carry out patrols has a direct impact on every aspect of the centre. Patrol staff must always be aware of the possibility of projecting an overbearing image that could create rather than prevent incidents. Patrol staff set the very tone of the centre by the methods that they apply to this task. Although patrols have to address and achieve the aims of the patrol, tact, cheerfulness and a willingness to engage in conversation and direct contact with the detainee population will go a long way towards creating a safe, secure and harmonious environment for all who live, work in or visit the centre.”

Mr Watson expanded on this:

“We spent some time in the initial staff training course talking about relationships with detainees. This largely concerned inter-personal skills, the sensitive management of potentially difficult people, conflict resolution, a humane approach and intelligence gathering. We employ a pro-active approach to information gathering and we encourage our staff to give attention to communication and understanding; practice fairness and openness in dealing with detainees; and to endeavour to form good, positive, professional and appropriately cordial or friendly relationships with detainees. … this is helpful to establishing and maintaining good order and control ...”

Mr Milliken said that although the ITC put a great emphasis on dynamic security, this had not been as developed as he would have liked. He attributed this to the inexperience of the staff, the length of time that the centre had been open, and the fact that staff had been deployed elsewhere following their training. Mr Milliken said he believed that the dynamic security would have improved.

He added that the quality of intelligence received from detainees was not as high as that received from prisoners. This was in line with his expectations. He put it down to detainees being in custody for different reasons, the high turnaround of detainees making staff-detainee relationships difficult, the layout of the centre and the inexperience of the staff.

Mr Hampton took a more critical view, however. He believed that Group 4 were less
able than other contractors to deliver dynamic security. He felt that they talked themselves up at the tender stage but were unable to filter this down to the lower layers of the business. Other contractors were able to do so: Mr Hampton pointed to the good level of dynamic security at Dungavel.

Staff, on the other hand, ascribed shortcomings to management when they submitted SIRs:

- “I did put (SIR) information reports in on behaviour of detainees but nothing seemed to get actioned.”
- “…security information reports that were submitted by DCOs warning of potential problems were never acted upon by the management as far as I’m aware.”
- “I regularly submitted security information reports outlining my concerns. However nothing ever seemed to get done about it and therefore I became disillusioned with security.”

Mr Milliken said that the quality of the intelligence coming in from staff had been a concern. He noted that a good security manager should not, in the early stages of opening, attempt to drive up the quality of intelligence by reducing the quantity. During November and December 2001, 77 SIRs had been received. Between January and March, 321 SIRs were received. Mr Milliken noted that these figures were high, but said that the majority of the information had been trivial. He said it had all been processed, probably within 24 hours. He disputed a claim made to Mr Moore that SIRs were taking up to six days to process, and said that security supervisors had been made aware that processing intelligence was their priority. If information had been judged to be very important, it would have been brought to the attention of the duty manager immediately.

**Assessment**

I am convinced that the lessons of dynamic security apply no less to the immigration detention estate than they do to prisons. Indeed, I have been encouraged by the extent to which professionals from both IND and Group 4 have identified with the concept of dynamic security during the course of my inquiry. However, what Mr Dunbar wrote in *A Sense of Direction* was principally in the context of the long-term prison estate (since, at that time, many of the problems of both security and control were concentrated in that part of the prison system). His ideas need to be unpacked and re-fitted if they are to be relevant to those in immigration detention.

This is especially the case because Dunbar’s concept of individualism was to be realised through the development of an individual plan for the long-term prisoner, involving participation in activities and the assuming of responsibilities. This is not relevant in the detention estate both because immigration detainees are not offenders to be “treated” (Dunbar’s term), and because the average length of stay is so much shorter and there is little opportunity to establish an individual programme of activity for each detainee.

During the course of my inquiry, members of Group 4 staff and management have pointed out the difficulty in providing for a population of which they know so little. To

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108 Dunbar, pp.39-41.
develop rewarding relationships between staff and detainees in such a short period is
difficult. Language and cultural barriers present their own problems.

The activities open to detainees are also limited. Woolf referred to the unfairness to
remand prisoners in the lack of paid work and its generally poor quality. But
immigration detainees are, to all intents and purposes, prevented from working at all.
Other forms of activity may also present problems (some witnesses to this inquiry
have pointed out that providing English classes to individuals whom the country
wishes to remove is rather odd although - almost without exception - interviewees
have suggested that the classes are successful and useful to detainees). Entertainment
may be hampered by language and cultural barriers; sport may be
abruptly ended through removal directions. If, as Dunbar suggests, relationships are
to be forged through activity, and individual plans developed to cater for individual
needs, it must be acknowledged that this is more difficult to achieve within the
removal centre environment than within a prison.

I accept that there are problems - stemming principally from the relatively short time
detainees spend in detention – in terms of offering a full range of activity and forging
relationships with staff. That said, Mr Dunbar's “fundamental principles” of
individualism, relationship and activity - and their impact on dynamic security - are no
less critical to the safe, ordered and decent running of removal centres than they are
to the management of prisons.

It follows that staff in removal centres should actively seek out opportunities for
contact with detainees. The value of their being constantly out and about on the
wings and actively engaging with detainees cannot be overstated. For whatever
reason, this did not happen at Yarl's Wood.

I recommend that GSL 4 reviews its training in respect of dynamic security and
that managers constantly monitor staff presence on the wings.

Staff will not engage, however, if they lack confidence. Confidence in their ability to
handle any situation which arises and confidence in their managers to back them up.
The first is a question of training and experience. It is clear that many staff at Yarl's
Wood considered their training inadequate for enabling them to cope with challenging
detainees.

I recommend that GSL seeks the views of its existing staff to determine what
more is required by way of training.

I also recommend that, when a new removal centre opens, staff from other
centres be seconded in for the first few weeks to support and guide the new
staff.

Management/staff relations

For many staff, however, perceived inaction on SIRs was just one example of lack of
support from their managers. They considered managers to be remote, inaccessible
and with little appreciation of what it was really like on the wings:

"The senior management are unapproachable and if I was to have a problem
I feel I would not be able to go to them. We are not told anything by them and
are not updated at all with any aspects of Yarl's Wood."
It was also alleged that managers did not listen:

- “All in all I had 35 shifts off with stress. I felt let down by the system that Group 4 have in place. I didn't feel safe. Senior management never listened to DCOs. There was no backing.”

- “I was dreading going into work every day. I would describe the centre as frantic, chaotic with incidents occurring every day. DCOs were and felt undermined. I felt that management didn't know what they had taken on. Staff was at a minimum, morale was low and people were regularly leaving. Staff continually warned management but they never listened.”

There was also substantial criticism of Group 4 managers for not taking a firmer approach with detainees:

- “The job had become harder in the last few weeks, and it did not help because management gave into their demands at all times, and this led the detainees to believe they were 'in charge' and could do exactly what they wanted…”

- “… during my training I was taught that if detainees were fighting amongst themselves they should be placed in segregation, depending on the severity of the assaults. These fights happened on a daily basis … but management informed us that they were not to be segregated. This also left the DCOs in a position of weakness with the detainees, which I believe, they then exploited.”

- “But there was an element who were unruly and abusive and … difficult to control. If we had been able to use the restraints and segregation we had learnt about in training, perhaps we would have been more in control, but I found that rather than react firmly … management would take time to decide on any action and in the meantime the detainees would laugh at and abuse staff who felt undermined and powerless. I only saw two people being put into segregation for very serious misbehaviour, like smashing up their room.”

The view of the Chief Immigration Officer was that the demands were “just posturing, muscle flexing by the detainees and Group 4 agreed to a lot of things very quickly”.

DCOs were also angry and frustrated that their managers did not back them up:

“I would like to say that I blame Group 4 management and the Immigration Service for the incident at Yarl’s Wood. They allowed the detainees to abuse the staff and refused to punish them, i.e. by placing them in segregation. They offered no support of any kind to the DCOs.

“This environment where detainees were able to do and say whatever they wanted created low morale at the centre and placed the DCOs in a position of weakness. This was then exploited by the detainees, some of whom were not asylum seekers, but convicted criminals for which we had not been equipped to deal with.”

A DCO related how he was threatened and abused as a result of not being able to attend to one demanding detainee because he was already dealing with others. He described himself as quite shaken by this and was mocked by two other detainees present at the time. He had, however, received no support from a supervisor, who
told him, ‘Don’t ever ignore a detainee.’ He went on:

“There have been times where we have been undermined by management and UKIS. If we say to the detainees they cannot have something, when we come on next day, they have got it. It does not help us to do our job.

“It appeared that every demand made by the detainees was met, because if not they threatened to cause trouble. It appeared that the immigration staff were weak and would give in to ensure that the centre ran smoothly, mainly because it was brand new and a flagship for other such centres.”

 “[A detainee] said to me as I walked past, ‘I told you we would get our fucking coffee. This is all we need to do and we will get what we want from your managers.’ He seemed to think it’s very funny that staff say one thing then they get their way.”

One ex-DCO told us that the detainees were in DCOs’ faces all the time in the DIC. It was difficult to deal with them, and could be intimidating. He had put a notice on the door saying that they should enter one at a time. A supervisor had taken it down. The ex-DCO complained to us that this was nonsense – it simply was not possible to deal with 20 at a time, with detainees arguing amongst themselves.

On another occasion, when a detainee who was well-known for ‘kicking off’ threatened to cause trouble if she was not given a phonecard a day earlier than she was entitled, staff felt they had no option but to give her a phonecard if a difficult situation was to be avoided. Mr Milliken noted on the SIR, “I am disappointed that staff gave into her given her previous record. I believe that this type of behaviour will continue if left unchallenged.”

Lack of support also manifested itself in an apparent failure to take action against detainees who abused or even assaulted staff. There was an altercation between a DCO and a detainee over the issuing of a phonecard:

“When [the detainee] left the office he stood outside and shouted at me ‘Fuck you’ several times very loudly. He then shouted at me ‘I will fuck you, I will break your fucking head open. I told you before don’t fuck with me.’ He continued ‘You wait I get you some time. You wait and I break your head.’”

The detainee threatened the DCO later the same day. The DCO filled out a second incident report:

“I felt that [the detainee] should have been put into segregation there and then [the manager] … told me that [the detainee] had refused to go to seg and [the manager] didn’t want to take him out in front of the other detainees. He went on to say he had ‘had a word’ with [the detainee] who wanted to apologise to me. I was not at all happy with this as basically no action had been taken … Unfortunately this went along the lines of taking no action that a lot of managers seemed to take … the detainees were getting away with more and more …”

The duty manager had commented on the ensuing SIR:

“Assaults on staff are unacceptable, however the intention of the assault must be questioned and the remorse shown afterwards. I have known this
Another DCO said in a police statement:

“I feel angry with Group 4 for the lack of support DCOs had from management which undermined our authority and gave the detainees the upper hand. I recall when a colleague … was hit on the side of the head with a tray the management did not segregate the detainee who did it nor take any action against him.”

And another:

“ … the detainees continued to threaten me and other members of staff if they didn't get their own way. They continued to do this with virtual impunity as no action was taken against them and consequently the DCOs’ authority was continually undermined by the detainees.”

The deputy contract monitor described the debilitating effect on staff. He said they never felt their managers would back them up. Staff were not empowered to make decisions and avoided doing so for fear that they would be countermanded. Hence, even minor matters were referred a long way up the line, often inappropriately.

One supervisor, an ex-police officer, said in his police statement:

“Detainees have committed numerous criminal offences at Yarl's Wood, including assault on staff and other detainees and criminal damage to property at the centre. As far as I am aware, the police were never called to any of these incidents. I felt that on occasions the offences committed were serious enough for the police to become involved. It was common knowledge also that assaulted staff members were discouraged from reporting incidents to the police.”

I have no way of telling if this particular allegation – or the overall impressions of staff – is well-founded. I hope it is not. Staff have a right to be able to carry out their work without fear of abuse or assault by those in their charge. I know that in both prisons and mental hospitals minor assaults are not routinely referred to the police (and I suspect that were they so referred this would be welcomed neither by the police nor the CPS). But if no action is taken against those who commit assaults, there is a danger both of increasing violence and of recourse to informal sanctions. And true or not, the allegation is symptomatic of a staff perception that management was determined to maintain the appearance that all was well whatever the circumstances.

There is, however, other evidence of management backing staff when they took a properly forceful line with detainees. One SIR refers to a supervisor challenging a detainee following an altercation with a DCO. The supervisor backed the DCO and explained to the detainee the error of his ways. The detainee subsequently apologised to the DCO.

Another SIR reported that a detainee had refused to accept that he had to put in an application to speak to UKIS. Staff had not backed down, however. Mr Milliken commented on the SIR, “Staff to continue to use procedures and not to cut corners for demanding detainees.”
Some SIRs show that managers were simply trying to be reasonable and to keep a sense of proportion. One reported that a detainee complained about the lateness of a room search at 10 pm - saying that, if she had done the same thing, she would have ended up in the police station on a charge. Staff perceived this as a threat and submitted a SIR. The security supervisor commented that the search was late and, as such, the detainee’s comments were not exceptional and should not be taken seriously.

There are, of course, different ways of offering support. Mr Watson pointed out that:

“… support also means correcting errors, reinforcing procedures and encouraging people always to give their best. I hope no-one thought this was undermining.”

Assessment

This long after the event, it is difficult to form an opinion of the appropriateness or otherwise of action taken in specific cases by Group 4 managers. I have, however, reviewed all the SIRs still available. On balance, I conclude that Group 4 trod a delicate line between taking robust action when it was clearly necessary, trying to defuse situations by talking to detainees in other instances, and simply waiting to see what developed in others. They also showed some understanding of detainees’ individual circumstances. Whether they erred on the side of the detainee is open to question. The range of management options was smaller - reflecting the status of detainees – than would have been the case in a prison. Placing yet more detainees in secure or segregation might have simply inflamed matters. These are difficult judgements to make at the best of times. I do not intend to second-guess them in this report.

As far as confidence in their managers is concerned, Lord Woolf identified links between disturbances and the degree to which staff felt valued. This cannot be overstated. I agree with Mr Watson that good managers do not simply do their staff’s bidding, but where they do not, they must explain their reasons so that staff do not feel unsupported and undermined.

I recommend that, following assessment or action on an SIR, a copy of the document, duly completed by the relevant manager, be given to the member of staff who submitted it.

Visibility of managers

There was also a concern about management visibility. The contract monitor told Mr Moore that:

“… Group 4 management weren’t in the centre enough and therefore their appreciation of the problems … was limited because they weren’t seeing it.”

The contract monitor named two managers she had seen in the centre a couple of times, but as a rule the only managers she saw were shift managers. She had once reported to Mr Watson that some DCOs had complained to her that they were frequently unable to contact their supervisors. He had said he would look into it. According to the deputy contract monitor, while the senior management team was around the centre quite a lot, Mr Watson was not.
The chair of the Visiting Committee, Mr Eaglestone, told me that managers had not been visible at all and he had never once seen the centre manager in the unit. Sometimes it had been quite difficult to find shift supervisors. DCOs wanted to help detainees but received no support from their managers. Questions went unanswered.

Some ex-DCOs told us the same. They said managers never came down on the centre.

Ms Loraine Bayley, a member of the Campaign to Stop Arbitrary Detention at Yarl's Wood, told the Bedfordshire County Council inquiry:

“…when we met with Group 4 Managers we did get an impression that they were dangerously out of touch with how detainees felt. For example they didn’t know how many hunger strikes had been going on … The Group 4 managers seemed to think there had only been one or two.”

Mr Banks said the company encouraged management to be visible and to have a visible support system. Supervisors operated closely to DCOs, for example. The focus was for exposure at all levels of the organisation. That said, Mr Banks noted that the design of Yarl's Wood did not help management to appear visible, and that the corridors did not allow them to be obviously at the centre of things. Mr Jasper said that he had not been conscious of a problem with the centre manager’s visibility. If he had, he would have raised the matter with him.

Mr Milliken described the problems encountered by the Group 4 senior management team (SMT). He said that Mr Watson, like all members of the SMT, had been under a lot of pressure and that some of his time had been taken up with working on contracts for the hearing centre when perhaps he should have concentrated on the centre itself. He also noted that, because of the shift patterns, it could have occurred that a member of the SMT might not have seen a particular member of staff for a month or so, and that this might have contributed to staff's impressions that the SMT were not present. (DCOs did not accept this, however.)

Mr Watson was both surprised and upset when we put it to him that staff felt unsupported and that he was perceived as an absentee manager:

“I’m confident that the senior managers … provided a useful support mechanism for the staff.

“Of course it’s obvious that with seven senior managers covering 24 hours per day on live duty - it meant that we were quite tautly spread across the week. The duty manager role was predominantly about completing a daily round, managing incidents, the day to day operation of the centre and actually being visible and supportive around the centre … But it’s equally true to say that there were some core responsibilities and there were some issues and some distractions that meant that managers had a range of other tasks to deal with other than simply being around the centre.

“I tried to get out and about around the centre as frequently as I could and indeed tried to do that at different times of the day. But of course it’s perfectly possible with the way the systems of attendance fall, and with meetings ... and any of my absences and with me generally not working weekends, that any one of my detention custody officers could go several days without
seeing me simply because I might be in one part of the building when they were in another.

“So I’m not unduly concerned about whether a number of staff felt that they saw me very often because I know that I got round the centre … and I know very well that my managers completed daily rounds … I’m actually very comfortable with the amount of management time and support that was spent with the staff. But of course the role of being a centre manager isn’t simply about walking round the centre morning, noon and night.”

He added in his letter to me of 13 October 2004 that he knew his staff – most by fore as well as surname – and that this was not achieved by simply sitting in an office.

**Assessment**

I note what Mr Watson told me about his efforts to get out and about the centre. I also note that shift patterns, other duties and the layout of the building might have militated against staff seeing as much of him as they might have done. It remains the case, however, that the perception of both staff and detainees was that he, and to a lesser extent, other members of the senior management team, were not very visible.

I recommend that GSL reviews its management training to emphasise the need for managers to be visible, accessible and responsive.

**Quality of management**

With only a few exceptions, staff had very little positive to say generally about managers at Yarl’s Wood, from shift supervisors to the centre manager himself. One DCO told police:

“[Group 4] is the worst organisation I’ve ever worked for. Officers were in positions of supervising or authority status with little or no previous experience or intelligence of such a role. Lack of experience led to lack of direction and control.”

One DCO, an ex-prison officer told police:

“Some of the supervisors are alright especially those who have worked at other Immigration detention centres. There are however others who may have previous supervisory experience in non security occupations but are clueless practically and are nowhere to be seen when decisions have to be made.”

Members of the Immigration Service were also critical of Group 4’s management of the centre. They considered, *inter alia*, that there was a lack of managerial grip leading to poor control, an unworkable shift system which led to inconsistencies between shifts and to shifts being too long, and that the complaints system was poorly managed. I have my own concerns about Group 4’s management of fire safety issues.

Mr John Wilson told Mr Moore that he had been concerned about the management of the centre, but had chosen to wait and see how things panned out:

“... I didn’t articulate the lack of management. Bearing in mind this place was less than three months in running. We did articulate the poor control of the
dining room, control of the complaints system … poor control of the secure area but not the management style. I didn’t think it was quite time yet to do that and that is the judgement I made at the time. Yes you have got to give people time to settle down, to find their feet in the role.”

Mr Wilson was also critical of lack of management of processes:

“… there was always confusion … they were going to change the roll systems … I spoke to a manager in the admin block and they said this is what is going to happen. I spoke to another manager who gives another story. I went into the centre and spoke to one of the DCOs and he had a different idea of what was going to happen as well. But they got that sorted out. I also remember going in the secure unit once. So we went through and counted up on the book and we checked and there were two missing. ‘Where are they?’ ‘I don’t know, an officer has taken them.’ ‘Where has he taken them?’ ‘I don’t know.’ I said, ‘Weren’t you briefed?’ ‘No, I came on, nobody briefed me.’ So that is the type of example you see about a grip on the place. We did report that back to the shift manager and I think [the contract monitor] did raise it at one of the meetings later.”

I asked Mr Wilson to comment on an observation that all the serious disturbances in the detention estate had occurred in centres run by Group 4. Mr Wilson said he believed there was something structurally wrong with the way Group 4 managed and the culture it produced. He had been concerned that, in sending staff to other centres (such as Campsfield House) when Yarl’s Wood was delayed in opening, they would pick up on the culture there.

The contract monitor said detainees in the secure and segregation units did not seem to be being managed appropriately and the paperwork was either not being completed properly or not completed at all. On occasion, the authorisation to hold detainees in the units would expire but the individuals would still be there.

Mr David Wilson told me that he too had misgivings about Group 4’s management. He did not believe the quality of the staff employed by Group 4 was poor. He was, however, critical of the use to which they were put and how they were managed. He noted that many were new to the type of work and were on a steep learning curve. Teething problems were inevitable and managers should have planned for this.

Mr Jasper noted that all of the SMT had either worked in the Prison Service or for immigration detention centre contractors before (some in both). He noted that a large number of senior, middle and junior management staff with experience at Oakington, Campsfield House, HMP Rye Hill and GSL Prison and Court Services had been appointed in management and supervisory positions at Yarl’s Wood.

Assessment

I have noted with concern Mr John Wilson’s assertion that Immigration staff could only draw problems arising at the centre to the attention of the Group 4 management for them to deal with. I understand that the contractor must be allowed to get on with the job. I also understand the principles of transfer of risk. However, IND has a responsibility to detainees to ensure not just that the contractor is aware of issues but that he has addressed them appropriately. Once detainees started to hold hunger strikes and protest meetings, Group 4 (and the Immigration Service insofar as detainee complaints pertained to immigration issues) should have acted swiftly to
address their grievances. When this did not happen, IND should have taken steps to ensure they did.

**I recommend that IND reviews and clarifies its role in overseeing the operation of removal centres, notwithstanding principles pertaining to transfer of risk.**

**Inconsistencies between shifts**

Some police statements refer to a lack of consistency in the way different shifts carried out their duties. One detainee told police, “some of them are very friendly and understanding, some are not … overall my feelings I have is that there is no specific rule that management is following.”

One DCO told police:

> “I know there were some DCOs breaching security and providing detainees with provisions from the outside and taking their watches to be fixed. Decisions made were not good.”

He thought a lack of adherence to guidelines and procedures was one of the underlying causes of events on 14 February. Another DCO said, “There also appeared to be different procedures on each shift,” and another, “There were problems between the different shifts of Group 4, one shift would say one thing and another something different.” Yet another DCO expanded this point:

> “I worked on what is known as 'white' shift, which meant that I worked with the same group of DCOs each day but we would generally have a different shift supervisor for each four-day tour of duty. Different shift supervisors allowed different behaviour by the detainees and often this was contradictory. This would lead to discontent and complaints from the detainees and undermined the authority of the DCOs, who as a result had no authority.”

Mr John Wilson identified the problem as a “structural weakness” when he spoke to Mr Moore:

> “They do four days on, four days off and the shifts are virtually self-contained and … so the interpretation of the rules might be different from one shift to another. I have never been comfortable with that. I did raise it with them at the bid process. They said this is what we like and this is what the staff are happy with and nothing much could be done, we had to accept it, it is what they do. I don’t like that system at all.”

Mr Milliken told me that staff had been told when they were recruited that the shift system was a four on, four off, 12-hour system. It had quickly become apparent that this sort of cover was not needed (for example, 24-hour cover was not required in visits or at the gate). Mr Milliken had therefore designed shift patterns for his operations group, similar to a Prison Service shift pattern. However, many staff objected. The SMT had then been forced to accept the 12-hour shift system. They had found that the way to manage this had been through cross deployment. However, this meant that they had not been able to put staff into small working groups that would have been preferable, as line management worked better in small groups. He also felt that these larger groups had been detrimental to continuity and to dynamic security.
Mr Watson told me in his letter of 13 October 2004 that systems of attendance and within them shift lengths formed part of the bid and the best and final offer. He said they mirrored those approved and in use at other sites, including Oakington and Campsfield House, and those in use by other contractors such as Wackenhut at Tinsley House. He said the Immigration Service had since approved similar systems of attendance.

He said the problem of potential inconsistency between shifts had been addressed through the deployment of the senior management team:

“… one of the seven senior managers would be on site on ‘live’ duty at all times …

“The aim of the 24-hour support was to ensure consistency between shifts and to ensure that policies were implemented properly, that staff were supported, that detainee issues and concerns were addressed and that of course incidents were appropriately managed. Senior managers worked across the full range of shifts to help ensure this.”

Nevertheless, Mr Watson recognised that “continuity, consistency, staff – detainee relationships and dynamic security” could have been better:

“I recognised that the degree of difference between the shifts may have been unsettling for some detainees … I stress the differences were slight and followed policy and procedure. It is I think largely unavoidable to have some differences without introducing very different work patterns … the aim really of shift managers and supervisors and senior managers was to try to make sure that our operating procedures were clear, that they were well understood by all the staff and that they should be followed, the routine was well understood and would be followed … and what we did and how we did it would be clearly understood and followed. So, we looked at trying to minimise any differences between the shifts. But I accept that there will have been an element of difference and … we moved a couple of the shift managers around to try … to balance up our perception of what their different strengths were and we hoped that that would also have an impact on continuity of process.”

**Assessment**

It is clear from many of the statements to the police that there were inconsistencies between the way each of the shifts operated. This caused frustration for detainees as well as difficulties for staff in handling detainee expectations. I do not consider the shift system operated by Group 4 is conducive to consistency (contract monitors at other centres have been critical on this point). I also consider that 12 hour shifts are simply too long for the type of work DCOs and their managers are required to do.

**I recommend GSL reviews its shift systems with a view to ensuring consistency of operation and that staff are able to perform at their optimum throughout their duty.**

**Complaining with confidence**

There were also concerns about the way Group 4 operated the complaints system.
This was designed along the lines of the complaints system operating in prisons, with the exception that there was no independent avenue of complaint if internal appeals failed to bring about the desired conclusion. The options open to detainees to raise matters of concern were set out in an information leaflet. This drew attention to the role of the Visiting Committee, to the alternatives of raising a matter informally or in writing (including in their own language), and to a system of confidential access.

Mr Watson explained to me:

“… our general approach …[is] that it’s better to deal with people here and now in a conversation and resolve an issue than to expect people (who may not have great use of written or spoken English) to make a written complaint. Clearly we did not try to … stop formal complaints but rather to engage in dialogue and to deal with things as quickly as we could … And I believe that most of the things that detainees asked us for were dealt with at a relatively informal … level and resolved there and then.”

However, according to the letter from Ms Dickinson to Mr Oswick on 26 January:

“… consistently, we are finding that many detainees really do not seem to know about either the Detention Centre Rules or the complaints procedure. Clearly, detainees do get the information, but at present it just does not seem to have ‘sunk in’ in many cases.”

In his reply, Mr Oswick set out full details of the complaints system. He said the forms were available in 18 languages from information rooms, libraries or unit offices. The procedure was explained during induction and there were posters on display throughout the centre. In most cases, conclusion was reached within 48 hours. Detainees could appeal against the outcome, in their own language, if they chose. He gave three examples of complaints that had been resolved favourably for the complainant.

Nevertheless, the contract monitor’s view was that the complaints procedure was working quite poorly. She spent a considerable amount of time in the centre talking to detainees and officers and found that there was widespread dissatisfaction amongst detainees that complaints were not being addressed. She had spent some time reviewing complaints and concluded that they had not been handled very well. Recording was poor, and staff had been slow to use the form for complaints provided by the Immigration Service, even after Mr Watson had instructed them to do so. Detainees would tell the deputy contract monitor and her that they had made complaints, but the contract monitor would know nothing about them. A lot of detainees complained direct to the contract monitor. She thought some of these could have been sorted out on the wing. No detainee ever told her that they feared repercussions if they complained, however, and she did not consider that detainees had been particularly reluctant to do so. She told the police about “specific complaints about Group 4 members of staff and the lack of action taken by Group 4 in response to previous complaints made to them …”

109 Under the Prison Service complaints system, a prisoner’s complaint is dealt with first of all by a member of wing staff. If the prisoner is dissatisfied with the response, he/she may appeal to a manager. If he/she remains dissatisfied, he/she may appeal to the Governor. After this, he/she has recourse to the independent Prisons and Probation Ombudsman. At any stage, the prisoner may also complain to the IMB. There is also a procedure for confidential access.
However, an ex-detainee told me that detainees did not complain because they were worried about repercussions. They felt they had to keep quiet. It was for this reason – safety in numbers – that they formed groups to formulate and communicate their complaints. Another said it was impossible to get to see any of the managers – the DCOs always blocked them. He said it was difficult to know how to get any complaint or request heard. Detainees had no confidence or trust in staff because they were not helpful and did not do what they said. They did not seem to know what they were doing.

The minutes of the detention user group meeting on 25 February 2002 noted that:

“The availability of advice and the procedure for making complaints was unsatisfactory. Little information was displayed on the walls, the information centres were crowded, people had to queue, there was no privacy and complaint forms were not readily available. Further, completed complaint forms could be easily removed from the posting box. All detainees should be made aware of the grievance procedure ...”

In their submission to this inquiry, the Refugee Council suggested that the system of monitoring complaints had not been very effective. They had heard of complaints not being processed because the procedures were neither confidential nor independent. The Visiting Committee was not generally regarded as an effective safeguard and appeared reluctant to engage with the visiting groups. They noted the lack of an independent avenue for complaint and suggested there was a need for an Ombudsman specifically to cover immigration detention.

The Complaints Audit Committee (CAC - an independent committee appointed by the Home Secretary to monitor IND's handling of complaints) told me they had received two complaints they believed to have originated at Yarl's Wood. One, initiated by the Refugee Council, related to a detainee missing a meal due to a legal meeting. The response to his written complaint contained racist comments. The CAC upheld his complaint. The other was made after the fire, but related to an incident occurring prior to it. The detainee claimed he had been assaulted by staff. His complaint had not been investigated. (The CAC were concerned that the detainee’s unhappiness with the way he had been treated might have led to his behaviour during the disturbance.) To the extent that the original complaint had not been properly investigated, the CAC upheld his complaint. Given the time that had elapsed, they were unable to uphold his original complaint.110

Generally, the CAC were concerned about the quality of record keeping by contractors. This made investigation difficult. They emphasised the importance of movement records and records on refreshments etc. The CAC questioned the quality of the various contracts on issues such as record keeping, as well as the ability of the contract monitor to enforce contractual obligations.

The CAC also said that where a detainee made an allegation of a criminal act by staff, it was invariably taken no further. The CAC intended to recommend that a proper process be put in place for launching criminal investigations.

I note that in its annual report for 2002-2003, the committee commented on the poor quality of investigations by contractors and called for “a comprehensive review of complaint handling”.

110 I described this complaint and its handling in my earlier report on the Daily Mirror allegations of racism and abuse at Yarl's Wood. I recommended that it be re-investigated.
Assessment

Mr Watson considered that what Yarl's Wood experienced was “the normal complaints, grumbles and moans” that might be expected in a new centre. This may be so. But why did detainees feel the need to hold protest meetings? I suggest that the answer lies in the complaint handling process.

The issue of justice needing to be seen to be done, as argued by Lord Woolf, is particularly important here. As he identified, individuals who bear grievances or feel they have been treated unjustly will be more intractable, will have a difficult relationship with staff, and will be more likely to become involved in disturbances.

Experience may have taught detainees a deep suspicion of authority and they may be unwilling to complain. It is therefore all the more important that there is faith in the complaints system and no fear that the act of complaining might have repercussions for a detainee’s treatment within the centre or their immigration status. Detainees, like prisoners, should be confident that their complaints will be taken seriously. The Detention Centre Rules provide for all centres to operate a form-based request and complaints system, and an additional confidential complaints system is operated in all detention centres by the Independent Monitoring Board. Correspondingly, it is important that detainees recognise and have confidence in the IMB as a visible and independent element in the internal complaints system.

Lord Woolf’s message that prisoners should be treated with humanity and fairness is one that applies directly to the detention estate. Woolf’s insistence on visible fairness is particularly important, since it is the absence of such visibility as much as the substantive issue that can lead to feelings of grievance and can manifest itself in disruptive behaviour. In removal centres - as in prisons - reasons for decisions materially affecting a detainee’s situation for the worse should always be given and complaints must be treated seriously.

It is the responsibility of the operators of the centres to ensure that their internal complaints system is run in a way that is transparent, fair and reliable. Complaints should be resolved at the lowest possible level. Nobody should have to go to the bother of filling out forms to obtain redress for simple matters. This is particularly the case for those who might have difficulty writing – notwithstanding the ability to use their own language. Informal resolution of complaints also benefits relations between those in detention and those charged with their care. It provides the contractor with the opportunity to show it is concerned about service delivery. However, a balance must be struck if confidence in the system is not to be undermined. The contract monitor told us that detainees complained to her that issues they had raised had not been addressed. When she tried to investigate, she could find no record that a complaint had been submitted. Even where formal complaints are resolved informally, there must be some record that this has happened.

I am also concerned that detainees are required to go to the DIC or library for a complaint form and that they must ask for a confidential complaint form. All forms should be freely available in the living areas if detainees are not to feel constrained from complaining. Boxes for posting complaints should likewise be freely available (as in the Prison Service, all written complaints should be channelled through a central administration unit to facilitate security and proper tracking and monitoring).

I endorse the CAC recommendation for a review and overhaul of the complaints process. Complaints are currently handled under a variety of systems.
I recommend that IND reviews complaint handling in removal centres with a view to establishing greater consistency. The review should take account of procedures for recording complaints. Records should show what the complaint was, when it was made, when resolved and what the resolution was.

I also recommend that contract monitors be given training in complaints handling.

Finally, an independent element should be introduced at the apex of the system. HM Chief Inspector of Prisons has called for the appointment of an independent Ombudsman for the immigration detention estate. The Refugee Council quite independently recommended the same. Given our existing responsibility for death in custody investigations in the Immigration Service estate, this role might sensibly accrue to the Prisons and Probation Ombudsman’s office.

Fire safety

Ensuring that an increasingly transient population, whose command of English was limited, understood what to do in the event of a fire posed a particular challenge to the management of the centre. Worryingly, given the fabric of the building and the nature of the population, there were staff concerns about a lack of grip by Group 4 of fire safety issues.

Mr Watson described the fire safety training given to detainees. He explained that due to rapid turnover of detainees, emphasis was placed on providing information rather than fire drills. This was:

“… by means of a video with a commentary which covered alarm, response, evacuation, move to safety and the operation of the automatic doors. We did so with site familiarisation, an induction programme, a house rules document and indeed internationally recognised fire signage.

“The video … was shown in several languages. During initial reception and detainee induction, detainees were shown the Yarl’s Wood information video film. A section of the footage was designated to the issue of fire, the response to alarms and evacuation procedures to move to safety … The footage then shows a uniformed officer, walking through the accommodation unit and alerting detainees … that an evacuation is necessary. The film then shows the officer … leading the detainees to the nearest fire exits … As they come to the emergency exit the film shows the signage above the door. As they’re moving through the doorway the detainees are then shown being led by an officer down the fire exit stairway to another doorway which leads outside and to safety. The film also shows the automatic doors in operation. The commentary to the video is brief but detailed …

“On being received onto the residential unit detainees were shown emergency exits as part of their site familiarisation tour.

“Fire and evacuation signage conformed to internationally recognised symbols. The fire doors and fire exits operate automatically to enable detainees to escape without the need of staff assistance …
“... in terms of signage and in terms of frequency of fire evacuation exercises, certainly Yarl's Wood would be entirely comparable or compare favourably with the various prisons that I have worked in.”

Nevertheless, there was concern that detainees might not be aware of the procedures. The health and safety officer suggested to Mr Watson that fire procedure notices be placed in detainee rooms. He replied on 17 September 2001:

“... due to the fact that we would need to translate the script into approximately eighteen different languages, the initial idea becomes a quite difficult and expensive task … I would therefore suggest … you … carry out a sourcing exercise where consideration be made to an alternative method of achieving the same, such as diagrammatic instruction instead of script.”

Mr Watson advised in his letter of 13 October 2004 that it was agreed that the health and safety/fire officer would produce a permanently fixed, diagrammatic plan unique to each and every room showing the route(s) to the nearest fire exit. Nevertheless, it seems that the language problem was not overcome. A detainee said in his police statement, “All the signs were written in English. After I've been there several weeks, I gradually understood the meaning of the signs.”

And another detainee said to the police:

“I only remember two real fire drills and each time not everyone evacuated the building. This is because people were still in bed. The last fire drill was approximately two weeks before the fire on 14 February 2002. The fire alarms rang every couple of days, but no one reacted to them, as the officers told us that it was a false alarm. There were no Russian signs pointing to exits, or what actions to take in the case of a fire.”

And many detainees - again the vast majority of those interviewed - told police about a lack of training:

- “I knew nothing about fire drill. No fire drill was ever done. When I came to Yarl's Wood I was shown a film which was about the building only.”

- “No-one gave me any instructions about what to do in case of a fire in the building and what were the means of escape. When I was brought here at Tinsley House, I was fully briefed about what to do in case of a fire, where the fire exits were and where to assemble afterwards, but I was not told anything like this at Yarl's Wood centre.”

- “I was offered a guided tour of the centre, but I refused as I had signed papers where I had accepted to be returned to Kosovo.”

A Yarl's Wood fire safety officer, told the police:

“During my time at Yarl's Wood only one evacuation/fire drill has ever been conducted. It took place in Delta block on 11 January 2002. It was not a great success and was frowned upon by detainees because they could not go back to their rooms for warm clothes as they wouldn't be in a realistic situation, and they had to go out in the cold. This made the detainees very resentful and non-compliant. However, it did go ahead as best as possible but the drill was stopped because the detainees were not happy and became
non-compliant. It was called to a halt by the health and safety officer.

“There were to be two other drills planned for February but because of inclement weather again they were cancelled, also though because it was felt the detainees would not approve.”

Two detainees recalled fire drills being carried out only after the fire:

- “At Delta wing we were been shown only a video, which provided us information about rooms, fire exit doors and some other places. I had never been told anything about fire escape or fire evacuation … When we were being moved to Alpha wing, seven days later [after the fire] we were being given the instructions and being provided the practice of fire escape and fire evacuation.”

- “During the time when I was detained in Yarl’s Wood, I do not remember any fire drills before the place was burnt down. I do remember that after the fire we had two fire drills.”

One detainee described her concern about fire safety in the period leading up to the disturbance:

“There were no fire signs i.e. exit signs to give direction as where to go if there was a fire. This often caused confusion most nights when the alarm would go off, ring for 5 mins and the Group 4 officers would not have any idea which way to direct people. With the amount of new people arriving all the time and different languages spoken I could see that if a real fire had started … a few people could die … During my first week there were some fire alarm checks when people would get up and leave the building, but after this nobody had to leave if the alarm went off. Other girls did complain to the staff about the fire procedure but nothing changed … There were no signs or notices explaining a fire procedure but there was a sign on a door … but when there was an alarm one day I saw a Group 4 officer try and open it. She said that as she was not a supervisor she could not open the door. Again the older women staying there complained about this.”

Fire safety issues arising during the period before the fire

There were other issues relating to fire safety. A number of deficiencies were reported to Yarl’s Wood managers during the operating period. On 23 November 2001, an impromptu inspection carried out by the health and safety officer on Charlie and Delta wings found:

- Fire exit door ill-fitting;
- Several fire-resisting doors defective;
- Some DCOs had no lighters for detainee cigarettes - encouraging contraband lighters and prejudicing safety provisions;
- Several DCOs on duty unable to describe what is required of them in the event of a fire evacuation;
- Door selection devices on the cross-corridor doors through Delta zones 1 & 2 had been removed.

On 4 December, the health and safety officer issued a further memorandum regarding signs and notices. He found:
• A lack of general signage throughout the site;
• Numerous fire doors not marked ‘Fire Door Keep Shut’ or ‘Fire Door Keep Locked’;
• The signage on fire exits did not appear adequate nor were there any fire routine notices.

The following day, Group 4 wrote to Amey in respect of the fire safety check. The letter pointed out that a number of doors did not release on activation of the alarm, and that, of those that did, they were in the wrong sequence, thus not providing a smoke or fire barrier. The letter sought confirmation that Group 4 was compliant with the interim duties of the Fire Precautions Act.

Mr Watson said in his letter of 13 October 2004 that he agreed that all appropriate health and safety/fire signs must be provided. The health and safety officer ordered these as an ‘urgent order’ on 17 December.

On 19 December, the health and safety officer carried out a further inspection. This found additional defects affecting: extinguisher boxes, magno-locked fire doors, cross-corridor smoke stop doors, fire alarm point keys not working, and control room staff not familiar with alarm equipment. The health and safety officer concluded there might be severe confusion in the event of a serious incident.

The memorandum was copied to the centre manager. The covering note recognised that once again concerns were being raised about fire issues. The writer said he was “not confident that others in our midst take on board the serious nature of these concerns and do not pay them the attention they are due.”

Mr Watson told me in his letter of 13 October 2004, however, that he took the concerns seriously and asked that work be taken forward urgently to rectify matters.

A duty manager was concerned about problems relating to evacuation procedures. He wrote to Mr Milliken on 11 December 2001 about:

“… the suitability of using the central court yards in both centres as muster areas/evacuation points … I am of the opinion that we would be ill advised to move detainees to a potentially dangerous area when there is an incident of fire anywhere in the centre. Worst-case scenario would be having to persuade detainees back into a unit, that could be full of smoke, to evacuate the centre. I would suggest that this needs looking at as a matter of urgency.”

Mr Watson informed me in his letter of 13 October 2004 that the issue had been addressed. Following a less than successful fire drill taking account of the new procedures, further refinements were made. He said the work was completed in the week ending 8 February 2002 and was to be practised that month. Mr Watson added that it had been agreed at a meeting on 14 February that appropriate notices “had been printed and would be displayed throughout the centre.”

On one occasion, however, staff and detainees were unable to exit to the courtyard. An SIR reported:

“The fire alarm sounded … I then went to find [another] detainee who was just coming out of her bedroom. I took her to join the other detainees and DCOs
who were returning to Charlie zone one because they could not get out into Charlie zone one court yard.”

Fire safety checks during February 2002 revealed that on 3 February, no fire doors operated from room 24 onwards. In addition, the fire door outside rooms 209 and 217 did not operate, and on 11 February (just three days before the fire) all the fire exit doors failed to open, the sounders did not sound and the cross door failed to close. There is no record of action taken in response to these findings. (It is of concern to note that there were reports of doors not operating as they should have done during the fire.)

One DCO told police that she had no way of activating the fire alarms:

“The alarms which are on various walls around the centre are activated by using a small key which all DCOs should have.

“The alarms cannot be activated without the key and I was never in possession of one. I do not believe other DCOs had possession of a key either, therefore if a fire had occurred I am unsure how I would have activated the alarm.”

Another reported that ordinary DCOs were unable to open the magnetic fire doors:

“The magnetic fire doors … could only be opened by management with a special type key. DCOs were not in possession of these keys. However, since the fire at Yarl's Wood, DCOs including myself, were issued the key …”

One DCO was quite scathing about Group 4’s attitude to fire safety:

“My impression was that Group 4 only had fire wardens in order to satisfy the terms of the Home Office contract and had no interest in allowing [them] to provide a proper service.

“As far as fire signage in the blocks is concerned, I consider that this was in some places deficient … Some fire evacuation signs were not put up until Amey the building contractors went round ‘snagging’. The only fire exit signs were above the actual doors – there were no arrows giving the direction towards the nearest exit. The stickers on the doors were only in English with a picture of a man going though a door.

“My overall impression of Group 4’s attitude to fire safety procedures at Yarl's Wood was that they paid lip service to it in order to satisfy the operating contract and that their answer to any suggestions for improvements to procedures was ‘put it on a memo’ but that they never took any action.”

The police investigation uncovered a letter from Amey enclosing a response from Amey’s architects saying the design concept was to minimise signs. However, on 14 February, a memorandum from the health and safety officer rebutted Amey's claim.

A major change to procedures was introduced after the fire. All DCOs were to have a key to the external doors. By 2 March, 575 fire door release keys had been attached to key bundles. Yet more fire signs were ordered.

Many of the issues reported to Yarl’s Wood managers came to feature in detainee and staff descriptions of their experiences in the building on the night of the fire.
Assessment

My investigation has revealed staff concerns in relation to fire training and evacuation exercises. Given the shortness of stay, there may be limited value for detainees of fire drills (although, even now, some detainees are held at removal centres for weeks or months), but this only emphasises the need for staff to be fully versed and confident in the necessary procedures.

I recommend that fire drills be held at Yarl’s Wood at least monthly and that the requirement for detainees to leave the building be rigorously enforced.

I am also concerned by the perception - true or otherwise - that Group 4 managers paid only lip service to fire safety. Concerns about physical deficiencies raised by the fire safety officer were not addressed.

I recommend that a member of the senior management team at Yarl’s Wood be given specific responsibility for fire safety.

The Group 4/Immigration Service relationship

In an ideal world, Group 4 and the Immigration Service would have worked in partnership to ensure the safe and efficient running of the centre. Unfortunately, what appears to have transpired instead is a ‘them and us’ mentality with some blurring of who was responsible for what. This led to resentment on both sides, and confusion amongst both detainees and staff as to who was really in charge.

Faced with a non-compliant population, staff were concerned about the lack of sanctions that could be imposed either by way of punishment or of deterrence. In the main, staff perceived the Immigration Service as tying Group 4’s hands. DCOs told the police:

- “I would say that Group 4 were undermined by Immigration who seemed to put all the restraints in place."

- “I feel this was due to Group 4 being undermined by immigration. No discipline was allowed and there was no power of redress.”

- “I did feel undermined. The only punishment for detainees was segregation but detainees were rarely put in segregation. This was due to management and immigration. Immigration put all the measures in place.”

- “What little regulations that were there were eventually taken away by the Immigration Service, who kept giving in to the demands made by the detainees. I found all this very frustrating as I was used to working in establishments with a recognised structure and regime.”

111 Rule 42 (1) (temporary confinement) states: “The Secretary of State (in the case of a contracted-out detention centre) or the manager (in the case of a directly managed detention centre) may order a refractory or violent detained person to be confined temporarily in special accommodation, but a detained person shall not be so confined as a punishment, or after he has ceased to be refractory or violent.” The word ‘refractory’ is derived from the Prison Rules. I am surprised that such an obscure term was included in the Detention Centre Rules.
• “There were problems between Immigration and Group 4. Group 4 were being told what to do by Immigration.”

The deputy contract monitor believed that staff were often told it was Immigration staff who had made certain decisions, but this was usually not the case. They did not get involved in the day to day running of the centre. The decision to allow 24-hour association was Group 4’s, for example, but staff had been told otherwise. There had been other examples.

The Chief Immigration Officer at Yarl’s Wood was also concerned that there had been a culture of blaming things on the Immigration Service. For example, he said the catering contractor Aramark had said that the menus had been set by the Immigration Service. In fact, Aramark had submitted sample menus, which had been agreed, but these were not meant to be set in stone and could be amended if required. He also suggested that Group 4 had told detainees that practices they did not like had been set up by the Immigration Service.

An ex-detainee confirmed that Group 4 blamed the Immigration Service for unpopular decisions. He said that senior Group 4 officers would respond to detainees’ complaints by saying simply that the orders came from above, and from the Immigration Service in particular. At one meeting, however, an Immigration Officer had said that it was Group 4’s job to run the centre and that operational decisions were down to them. The detainee recalled that the Group 4 manager present had been embarrassed and that detainees had been angry about being lied to, although some were amused by the turn of events. He recalled that some changes were made after this meeting.

The most significant area of contention, however, was use of the segregation/secure units. Some staff had approached the contract monitor with worries about the detainee population and said to her that IND staff should allow Group 4 to put problem detainees in the secure unit. She was aware that the staff seemed to think that Immigration would not put detainees into secure and tried to dispel this myth whenever she came across it. She had assumed that managers at some level were telling staff this. The contract monitor said there was no question of the Immigration Service circumscribing Group 4’s ability to manage detainees. On the contrary, they had generally thought the judgements on who should go into secure had been sound and had authorised all but one case.

The contract monitor added, however, that Group 4 were supposed to try to facilitate a return to normal association as soon as possible. She had been concerned that the units were being used to administer 14-day sentences and that the detainees were not being managed in there. In addition, the secure area had become a place where detainees aspired to be since they would have meals brought to them, had a television in their room, were accompanied to the library during quiet times etc. She said she and Immigration Service colleagues had considered withdrawing authority

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112 The contract monitor, deputy contract monitor and Chief Immigration Officer were all able to authorise removal from association (rule 40) for up to and over 24 hours. While they could also authorise temporary confinement (rule 42), for up to 24 hours, however,
on occasions but had never done so. Instead, she had merely relayed her concerns to Mr Watson.

Mr Watson said in his letter of 13 October 2004 that each detainee in the secure unit was subject to a management plan to try to bring about a change in their behaviour to facilitate their successful return to normal location.

He acknowledged that use of secure and segregation had been sparing and that this had been down to him and his senior managers:

“… we weren't putting people into secure accommodation or temporary confinement accommodation lightly, we really were trying to manage people in normal accommodation but where they became disruptive or violent, and we felt that we had little choice then we sought permission to locate them differently.”

There were issues, however, surrounding length of stay in relation to temporary confinement. Mr Watson said:

“Either I or one of my colleague managers raised concerns on a number of occasions with [the Chief Immigration Officer or the contract monitor] when they wanted to reduce the time we thought prudent for an individual to spend in the segregation unit for a disciplinary matter. UKIS prevailed and this usually meant the removal of the detainee back to normal accommodation. This undermined the authority of the Group 4 personnel …

“On several occasions they [the monitor and the Chief Immigration Officer] returned individuals who had assaulted staff or detainees to normal location from temporary confinement within literally one or two hours. This approach could send inappropriate messages about what is acceptable behaviour and undermine the authority of the operator's staff to detainees and in my view could have led to instability and a lack of safety or sound management. Ultimately, we thought that there was a general lack of consideration or acknowledgement for the considered, experienced and professional skills of the operator.”

The contract monitor denied this, however. In a letter to me dated 8 October 2004, she said:

“I have looked at the paperwork for this period and have found one occasion when a detainee left temporary confinement after a period of just 6 hours and went straight back to normal association, he returned to temporary confinement later that same evening: the paperwork is clear that I authorised him into temporary confinement in the first instance and that all other subsequent moves were authorised by Group 4 shift managers.”

**Relationship between centre manager and contract monitor**

Whatever the general state of relationships between Group 4 and Immigration Service staff, it is agreed by all my witnesses that the centre manager, Mr Watson, and the contract monitor, had a difficult relationship. This was remarked upon by the chair of the Visiting Committee and others.
Mr Jasper said he had been conscious of the tense relationship between the contract monitor and the centre manager. Mr John Wilson and he had spoken about it. If the fire had not happened he would have made some formal representation about it.

Mr Watson assessed relations as follows:

“I believe we aimed for our relationships to be professional and civilised and we responded positively to the authority and indeed the monitor. We respected and accepted the monitor’s authority. While we did, from time to time, question her views or seeming inflexibility, or challenge her assumptions, it was done on the basis of our experience or our understanding of policy or rules. We were never difficult or belligerent. I do not believe our relationship was tense – I believe I was appropriate, professional and generally good humoured. Having voiced an opinion, we did as we were asked. Indeed, I cannot think of an example where we didn’t always do as we were asked or instructed.”

The contract monitor said that, although her relationship with Mr Watson was not friendly, it was businesslike and polite. She recalled that, before opening, Mr John Wilson had mentioned to her that Mr Jasper had told him that he was concerned that she and Mr Watson “were not hitting it off”. She had been taken aback, and told Mr Wilson that this was probably to do with the Immigration Service’s involvement in signing off Rule 40 and 42.

The contract monitor said that her difficult relationship with Mr Watson had not prevented her from doing her job properly. But she had felt that there was a lack of trust and that he had hidden things and been deliberately evasive.

Both the contract monitor and the deputy contract monitor insisted that they did not try to run the centre themselves. The deputy contract monitor said that contract monitors were not there for the day to day running of the centre and that they would not tell Group 4 how to do their job. They would point out matters that needed attention or which fell short of what was required by the contract, but would not tell them how to rectify the matter. They would only instruct Group 4 where there had been an actual breach.

**Assessment**

It is a fact of life that some people get on with one another and others do not. The unhappy relationship between the centre manager and contract monitor was unfortunate, but not of itself something to which this inquiry would expect to direct much attention. Its real significance here is in its manifestation in relation to rule 40/42 decisions. That there were differences of opinion over this issue is clear from the number of people who referred to it in their evidence to me (I have only set out here the evidence of those most directly involved).

Given that there were few powers available to Group 4 with which to deal with detainees who disrupted the safe running of the centre, the allegation that they were inappropriately constrained in the operation of rules 42 and 40 is a serious one. There is, however, a difference of opinion between Mr Watson and the contract monitor on this matter. Mr Watson alleges that, on several occasions, the Immigration Service removed detainees from temporary confinement within hours. The contract monitor on the other hand, said she could only find one record of a temporarily confined detainee being returned to normal location within hours. In that
In that case, the decision was taken by Group 4. In addition, she said that authorisation for removal from association was only refused on one occasion.

I have reviewed some of the papers to which the contract monitor herself referred in her letter to me of 8 October 2004, but was unable to make a determination on this basis. Indeed, it is doubtful whether paperwork could ever determine the matter conclusively either way. Regrettably, given the significance of the issue, I am unable to reach a conclusive view.

**Who should be a contract monitor?**

As I visited the various removal centres during the course of my inquiry, it became apparent that there is a debate to be had around the seniority and experience of contract monitors. Although I appreciate that the functions of a Home Office controller in a privately-managed prison are broader than those of a contract monitor (controllers currently conduct prison adjudications, for example), I was immediately struck by the contrast between the two posts in terms of who fills them. Controllers are experienced prison governors of some seniority; contract monitors are mainstream higher executive officers, not necessarily with any institutional background.

I pursued this theme as part of my inquiry.

IND’s Complaints Audit Committee was especially concerned about the role of the contract monitor. They thought the contract monitor should be a higher grade and that they lacked training, especially in handling complaints. They believed that the contract monitor was “isolated”, “the lone voice of the Home Office”, and might have a “tendency to go native”. They “lacked objectivity” in the complaints process, and could “over-identify with staff” resulting in an “inability to assess a complaint report objectively”.

Mr Brewer said he was surprised that the contract monitors were neither contractual nor institutional experts, but he understood that this was the way it had been historically. He thought what was needed was someone who could walk around an establishment and actually tell whether it was okay or not without poring all over the contract. He did not believe the current contract monitors were able to do that. He had concluded that procurement specialists were required – but they were very difficult to get hold of. It was not possible at that time to replace the contract monitors with Prison Service personnel, but Mr Brewer had built in an additional layer of Prison Service operational experience just above them in the form of deputies to the Area Managers.

Mr John Wilson considered that the post of contract monitor was mostly graded appropriately. However, he pointed out that the position was the same grade whether it be for a centre with 900 beds (as had been proposed at Yarl's Wood) or for a centre with 150 beds (such as Dungavel), although the number of assistants would differ. He noted that, on appointment, the contract monitors had traditional civil service skills and (possibly, but not necessarily) Immigration Service experience but not institutional/operational experience. Mr Wilson had tried to address this, and thought staff had now developed more confidence in their role. He pointed out that there were no formal training courses provided by Detention Services for contract monitors/deputies. He had therefore sent his contract monitors/deputies to work with controllers in the Prison Service. However, he felt that the contract monitoring staff were strong, assertive people, which is what the job demanded and he was not critical of them. He suggested that, if Prison Service personnel had been brought in,
they might have brought with them Prison Service attitudes. This was not necessarily appropriate in a removal centre. Mr Wilson further noted that the title did not reflect the work actually carried out, since contract monitoring was only 50 per cent of the role. They were actually Detention Services’ on-site representatives.

Mr Jasper discussed the role of controllers in the Prison Service. These were experienced individuals and, for example, at Oakington, an experienced Prison Service manager had been appointed as contract monitor from day one. Mr Jasper said he had had a very pragmatic working relationship with the contract monitor during the period he had acted as centre manager at Campsfield House following the first four months of opening. He had expected the appointment of a similarly experienced contract monitor for Yarl’s Wood.

Mr Dickinson said that the invitation to tender had advised that the centre manager should be someone of at least governor 2 grade. Group 4 had therefore assumed that the contract monitor would be a custody official of commensurate rank/experience.

Mr Brown told me he supported absolutely the principle of there being a contract monitor:

"However, I think that those people should be experienced and properly trained and properly motivated and properly familiarised. And they should understand the implications of what they do - which I think broadly speaking across our custodial estate for the most part they do. I don't think it's an issue necessarily of seniority, I think it is generally more an issue of knowledge, of a combination of knowledge and experience and proper familiarisation rather than necessarily grade I think.”

Mr Boys Smith agreed. He said he judged that experience was more important than grade and considered that the contract monitor should have a background in detention.

The deputy contract monitor thought that a 400-bed site would warrant a senior executive officer (SEO) site manager, supported by an HEO and an EO. An HEO and EO might have managed with detailed desk instructions – but the issue was partly about the perception of the centre manager.

The contract monitor did not think that custodial experience would be an advantage. She was not there to run the centre but to assess compliance with the contract and the Detention Centre Rules. Rather, she thought that custodial experience might prove a hindrance. She thought that the role was appropriately graded or could be upgraded to SEO, particularly in the larger centres. However, she did not believe that difficulties between her and the centre manager had resulted from a discrepancy in terms of grade.

The contract monitor told us that she felt she had been well supported by her immediate line manager, Mr John Wilson. He explained the reasons behind policy and the philosophy behind the contract. He had been very supportive during the first operational period, had been accessible by phone and had visited the centre regularly. Mr Wilson had been very conscious that the contract monitor was dealing with a new establishment, and had taken a very measured and sensible approach.

**Assessment**
I have met most of the current contract monitors on my visits to the removal centres. As a group of individuals, I have found them committed, enthusiastic and impressive. However, I am not convinced that the job is appropriately graded – especially in regard to the larger removal centres. Nor do I think their successors should be recruited from a generalist background.

I recommend that IND arranges for the weight of each contract monitor post to be assessed to determine both the appropriate grade of the contract monitor and the level of support he/she should have.

I also recommend that relevant experience in either custodial management or contract management be a requirement for the post.

Finally, I recommend that a comprehensive training package be drawn up for new contract monitors. This should include a period shadowing another contract monitor.

The Immigration Service

I have looked briefly at the role of Immigration Service staff and Visiting Committee during the period the centre was open.

The role of Immigration Service staff at Yarl's Wood was to liaise between the ports and detainees. They had no role in processing asylum claims. The Chief Immigration Officer told me that he had had some problems with staffing. During the initial opening period, the maximum Immigration Service staff quota had been four immigration officers (IOs), one executive officer and three assistant immigration officers (AIOs). This had been insufficient and a trawl for staff had not produced the required numbers. The aim had been to have seven AIOs and three shift-working IOs.

It was intended that each detainee should receive an induction interview. The purpose of this was for staff to introduce themselves, to ensure the detainee understood why he/she was being detained and to provide an update on the progress of the detainee’s case. The Chief Immigration Officer told me that, as a result of the understaffing, however, the Immigration Service staff at Yarl's Wood had had to cut back on induction interviews. Nevertheless, he felt that the team had been responsive, given the number of detainees in the centre and the number of staff. No case files were held on site, there were no interpreters, and immigration staff were reliant on their own language skills, on other detainees, and on Group 4 staff to communicate with non-English speaking detainees. He told me that staff at Yarl's Wood would occasionally see detainees, but generally they were employed in chasing up detainees’ immigration status. Groups of detainees were escorted to the administration block for interview, but they were seen individually. There had, however, been some problems with bringing people over. It could be difficult to answer a detainee’s questions on the spot as the on-site Immigration Service did not have case files and would have to follow-up on questions. For that reason, interviews tended to be pre-arranged. He was sure, however, that detainees were aware of Immigration staff's availability.

The Chief Immigration Officer said that his staff had not spent much time in the centre prior to the fire, although he personally had regularly walked around it. He had not come across any problems. We asked him to comment on the suggestion that Immigration Service staff had not been visible in the centre. He said that this had been to do with staffing levels (they had been too busy) and with staff’s lack of
confidence in Group 4’s ability to handle incidents.

Rev Dr Pemberton believed that IS personnel at the centre had been under-trained and under-supported. She believed that Immigration staff should have been more visible, been available for ‘surgeries’ on the wings rather than separated by long corridors and many locked doors and that their role should not have been solely to pass on immigration information to detainees.

One detainee told us he had not been seen by an immigration officer on his arrival – and in fact did not see one for over a month. His solicitor kept him abreast of the progress with his case. Generally, he found meetings with Immigration staff a waste of time because they were unable to tell him anything. Another said that he had been called up for monthly meetings with the immigration officer, but he could not see the point. They had very limited information – it sounded like pro forma material from one meeting to the next – and could not answer any of his questions. He had refused to attend on the third occasion.

Many Group 4 senior managers suggested that detainees were more concerned about immigration issues than about facilities and regime at the centre. Mr Watson said:

“My perception was that the biggest source of concern to detainees was access to information about the progress of their immigration cases … Many of the concerns or complaints raised by detainees … centred around immigration; detention policy; and the perception, voiced by some detainees, that there was a lack of information from the immigration service; a concern about the speed of decision making; the time of day or night for removals from the centre; and concerns about being transferred to places such as Haslar or Lindholme which although they have detention accommodation were still seemingly regarded by at least some detainees as prisons.”

The Visiting Committee

It is clear from the minutes of the operational interface meeting held on 9 January 2002 that the Visiting Committee was by that time barely established. Their complaints boxes were (finally) in situ, but members did not have identity badges and they had not been given their own keys.

The contract monitor said that the Visiting Committee had taken a while to become accustomed to their role and had become more effective after about a month of opening. She recalled that, initially, the deputy contract monitor had had to escort the members around the centre. She had not felt that this was entirely appropriate, but as the members’ confidence had built up they had become more involved. She said that the members had not received training specific for their role and the Home Office Secretariat (the body responsible for overseeing them) had been very unsupportive. The Committee had been feeling their way in the dark. She had arranged for Group 4 to provide some training on site that would help them at Yarl’s Wood.

The contract monitor said that detainees had used the Visiting Committee and that some members, particularly those who spoke foreign languages, had been proactive on the wings at times.

Mr Eaglestone said that they had received complaints about food, phonecards, prices in shops, informing detainees about phonecalls and about immigration matters. Because of the numbers of removals from association, visits by members averaged
about three per week.

Mr John Wilson said the Visiting Committee had certainly had a presence and he recalled having been to one of their monthly meetings. He said they were well intentioned but inexperienced and noted that they had only been in their role for two or three months by the time of the fire.

The deputy contract monitor said the Visiting Committee lacked training and were unsure of their overall role. They lacked experience in this field. They had no manual or formal procedures to work from. In addition, Group 4 seemed not fully to understand the role of the Visiting Committee.

**Assessment**

In an article for *The Independent Monitor* (June 2004), I noted an impression that IMBs (Visiting Committees, as were) in removal centres are not yet as strong as they are in most prisons. Not so strong in terms of overall complement (and the number of unfilled vacancies). Not so strong in terms of the diversity of their make-up. And perhaps not as strong in terms of the clarity with which they approach their role.

**In my earlier report on Yarl’s Wood, I made a range of recommendations regarding the IMB.** ¹¹³ These were that the Board:

- 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

With the exception of the third of these,¹¹⁴ I repeat these here in relation to the entire detention estate.

**Overall assessment of the three months of operation**

Every new custodial institution – perhaps anything that is new - takes a while to bed down. Unavoidably, new and inexperienced staff learn much of their craft through actually carrying out their job. Procedures that look good on paper have to be tested in practice. And those held against their will are also learning how much discretion staff will exercise in the interpretation of rules and where the sticking points are.

These difficulties are often referred to as ‘teething troubles’, and the analogy is not a poor one. It would be surprising indeed if large and complex organisations operated

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¹¹³ See footnote 4.

¹¹⁴ At present, Detention Centre Rule 61 (1) reads: “The visiting committee of a detention centre shall satisfy themselves as to the state of the detention centre premises, the administration of the detention centre and the treatment of the detained persons.” This is one of many examples of Prison Rules being imported into Detention Centre Rules. I am pleased to note, however, that a change is proposed to the Rule setting out the role and functions of IMBs, which will reverse the running order. This will meet the need identified in my recommendation. IMBs have been asked to introduce the change administratively pending Parliamentary approval.
perfectly from day one. The questions to be asked are first whether the problems at Yarl’s Wood went beyond ‘teething troubles’, second whether issues arising were appropriately dealt with, and third whether any warning signs of impending unrest were missed.

**Could the disturbance have been prevented?**

On the face of it, it seems incredible that such a serious incident as that at Yarl’s Wood could have come out of the blue as seems to have been implied by many to whom we spoke. Without a doubt, Yarl’s Wood had its difficulties. It held a significant number of challenging detainees, some of whom quickly lost patience with an establishment going through ‘normal snagging’. In addition, it was run by a staff who were, on the whole, very inexperienced in custodial matters and whose compensatory inter-personal skills must often have been frustrated by communication difficulties. They quickly recognised that the job was not as they had expected, and some of them found working at Yarl’s Wood extremely stressful and in some cases frightening. However, most would have had no frame of reference to enable them to know whether what they were experiencing was normal or untoward. This is where the custodial experience of the management team at all levels came into play. But, from what we have heard, the management team was perceived as remote and inaccessible by staff.

The police referred to SIRs being ignored. In particular, there may or may not have been one submitted on 11 February reporting that the centre was going to burn down within the next few days. It is not difficult to construe from the SIRs a picture of a volatile establishment regularly challenged by a difficult population. However, even allowing for the fact that some SIRs might be missing, the security information report log summarised all the SIRs submitted during February, and there is little, if any, sign of what is to come. There are a few vague references to ‘trouble’ and one or two references to fire, but nothing that, without the benefit of hindsight, would cause undue concern. (Previous events at Campsfield House and the flimsy construction of Yarl’s Wood made fire an obvious threat to make.) Indeed, there are very few references to fights between detainees or with staff, assaults on or abuse of staff, or, most surprisingly, the many meetings held by detainees. Neither is the incident which Ms E herself reported - about not being allowed to obtain water in the canteen – recorded on an SIR. (The lack of SIRs about these things is a cause for concern in itself.) The SIRs paint a picture of a challenging population, but they do not suggest an establishment heading for meltdown. Everybody seems to have agreed after the event that trouble was brewing, but there is little evidence of this from the SIRs. As such, I cannot uphold the police suggestion that SIRs were ignored.

I am by no means persuaded that the disturbance was anything more than a singularly destructive piece of opportunism. While few can have enjoyed their incarceration at Yarl’s Wood, most seem to have taken a pragmatic approach to it. Even many of those who were upset about the conditions they found there were trying peaceful means of getting their concerns addressed. Further action may have been planned for the weekend of 15/16 February, but there is nothing to indicate that this would take the form of wholesale destruction. Clearly, some were unhappy and some were quite vociferous in expressing their unhappiness. It does not follow inexorably that they would burn down the centre, notwithstanding any ‘threats’ that might have been made. What might reasonably have been anticipated, however, were sit down protests or hunger strikes. I conclude that the events on 14 February were spontaneous and could not have been foreseen, notwithstanding the difficulties Yarl’s Wood had faced during its three months in operation.
Part VI

Moving goalposts?
Moving goalposts?

Group 4 has alleged that their management of Yarl's Wood was undermined by a series of policy decisions that ‘moved the goalposts’ and made their task much more difficult than had been anticipated at bid stage. They said they had expected that there would be a formal disciplinary process. There was not. They expected that detainees would be able to work. They were not. They expected that detainees would be compliant. They were sent large numbers of ex-prisoners. They wanted to employ Prison Service-type measures to assess risk. They were not allowed to. And they expected that detainees would be locked-up at night when in fact they were allowed 24-hour association. In addition, a decision was taken to re-name the centre as a removal centre and a new scheme for removing groups of co-nationals was introduced. Quite apart from the practical implications of each of these developments, Group 4 have criticised the lack of a partnership approach by IND. In this part of the report, I look at how those policy decisions were made and consider what their impact might have been.

A single estate

The establishment of an immigration detention estate necessitated the establishment of systemic features that would shape it. Work on this was going on as Yarl's Wood was being built. Thinking on what exactly a detention centre should look like was therefore evolving during this period.

Mr Boys Smith told me that promulgation of the Detention Centre Rules was an example of the drive to systematise the estate. The different type of people to be held in detention – that is, those who were neither charged with nor convicted of a crime – meant that, although many lessons could be learned from the Prison Service, it was not appropriate simply to follow the Prison Service model in every respect. The rules had to be different from the Prison Rules. Mr Boys Smith recalled that the first draft of the rules had attracted much comment from immigration lawyers and organisations such as Amnesty International and the Refugee Council. They had been liberalised as a result. Mr Boys Smith said he had been pleased there had been a genuine consultation exercise that had led to changes.

Dr Mace noted that Mr Boon had wanted to have the Detention Centre Rules debated widely both internally and with a range of external stakeholders. There had been a broad consensus that the rules had been thoughtfully and well constructed. They had been created through horizontal relationships with stakeholders and vertical relationships with Ministers. Ministers had been very clear that guidance was needed. Dr Mace understood they were aware of the tensions that existed in the detention centres and that they were content that these tensions were manageable - albeit with difficult balances to strike.

There was concern from some quarters that in trying to meet the wishes of various stakeholders, the rules had become too liberalised. A note from Home Office Legal Advisers Branch, dated 10 November 2000, reads:

115 It is worth noting that Rev Dr Pemberton identified the lack of such an approach between the Immigration Service and Group 4 at ground level. She said that IS personnel at the centre had had some difficulty in relating to Group 4 and had considered that the contractor was hiding things and trying to stay one step ahead. Rev Dr Pemberton considered that the model had not been collaborative and believed there was a need for the relationship to operate on trust rather than on a system of fines and penalty points.
“Looking through the statement of purpose again I cannot help but feel that it is a little too concessionary in that the version which we discussed no longer contained any reference to order security or control. As you know, we have made the strategic decision to refer to ‘safety and security’ at various points throughout the draft and I do not think that any reflection of that term in the statement of purpose should cause major uproar.”

On 12 January 2001, Ms Catherine Mealing-Jones (Detention Management Services) informed Mrs Roche of the outcome of their consultations:

“At [a meeting on 14 September 2000] you asked for some further consultation with Sir David Ramsbotham, UNHCR and Refugee Council on a number of outstanding policy concerns. Following meetings with UNHCR and HMCIP a substantial review of the tone and content of the document took place followed by a further and full round of consultation. In general there is a far greater satisfaction with the emphasis these Rules place on the rights of detainees, and the softening of tone and approach. In short, they are perceived to be firm but fair.

“The statement of purpose has been amended with a more positive emphasis, and particular reference has been made to the need for sensitivity and an awareness of cultural diversity issues.”

The final form of the statement of purpose in the Detention Centre Rules 3(1) says:

“The purpose of detention centres shall be to provide for the secure but humane accommodation of detained persons in a relaxed regime with as much freedom of movement and association as possible, consistent with maintaining a safe and secure environment, and to encourage and assist detained persons to make the most productive use of their time, whilst respecting in particular their dignity and the right to individual expression.”

This statement of purpose underpins many of the decisions that were taken with regard to the operation of removal centres.

I asked Mr Straw how far the decision to run removal centres with a light disciplinary touch had been a Ministerial demand, and whether there had been a failure to face up to the coercive nature of the removals process. Mr Straw said that he understood and agreed that the process was coercive. He believed that the enforcement of removal would change the behaviour of other would-be asylum-seekers. He said that he did not recall ever offering a formal view on the regime at removal centres, and there were no papers to suggest he had done so. Mr Straw said it had seemed to him that removal centres should have the most relaxed regime consistent with security, provided that it worked. Detainees had broken immigration rules but they should not have the additional punishment of being held in prison conditions. Obviously there would be a need for segregation units for some individuals, but immigration detainees were less likely to be dangerous than prisoners in the early stage of their sentence.

Mrs Roche told me she had not discussed with Mr Straw what detention centres should be like. Her view was that the vast majority of detainees had committed no crime and that those that had had served their sentence. Detention centres should therefore be secure and safe but should provide as decent an environment as possible in the circumstances. She said that one of the lessons learned as a result of the Campsfield House disturbance was that the environment needed to be more
relaxed with more respect generated between staff and detainees. It was important to provide decent facilities, and especially to ensure that there was adequate religious provision. (Mrs Roche described the prayer room at Oakington as a good example.) Dining facilities were also extremely important. She noted that at Oakington, everybody – detainees, staff, solicitors, representatives from interest groups – ate in the same area. She thought this was very important. In addition, association should be as open as possible, bearing in mind the need for individual safety.

Mrs Roche said she had been quite closely involved in the drawing up of the Detention Centre Rules and recalled speaking to Mr Boon and attending meetings. Lobby groups had been consulted. She had gone over the drafts herself. Key to the document was ensuring that respect was embedded into it (she noted separately that relationships between detainees and staff were “so crucial”). Campsfield House had become much calmer, but there was still a need for rules, albeit that they should not be prison-like.

In his letter to me, Mr Blunkett said he did not recall the question of insufficient controls available to the operators being raised with him.

**Adjudications**

Although differences between the two estates were widely recognised, much of the thinking for the detention estate derived from Prison Service practice. Indeed, there was a deliberate policy of recruiting ex-Prison Service personnel into IND, specifically for their custodial expertise. This meant that some concepts were automatically incorporated into IND’s thinking, if nothing else because of the reliance on Prison Service documents as source material. Hence, the original draft of the Detention Centre Rules included a section on disciplinary offences drawn directly from the Prison Rules.

This was no mere oversight. Section 148(4) of the Immigration and Asylum Act refers specifically to disciplinary charges (and who may hear the charge), while section 153(2) says that Detention Centre Rules may make provision with respect to the “discipline” of detained persons. As Group 4 have suggested, it was clearly anticipated, therefore, that a disciplinary system similar to that in the Prison Service might feature in the life of detention centres. The incorporation of an adjudication room into the very design of Yarl’s Wood suggests that adjudications had not been discounted at the time the contract was let. In fact, Group 4 cites the existence of the adjudication room as evidence that it was intended to have in place a formal disciplinary process.

There had already been debate, however, as to the benefits or otherwise of a formal disciplinary process in detention centres. Mr Ron Oliver, then centre manager at Haslar, wrote to Mr Masserick on 11 June 1999:

“I do find the whole concept of an adjudication process seriously flawed for two main reasons. Firstly the sanctions available are very restricted and minor in nature. Secondly, the adjudication process is too formal and could be brought to a standstill in a very short time by legitimate stalling methods. It would be better to have no adjudication process but a strengthened IEP\textsuperscript{116} System with police involvement for criminal offences than an adjudication process that is unworkable.”

\textsuperscript{116} Incentives and Earned Privileges.
The issue had not yet been resolved by the time the Yarl’s Wood contract was signed. Mr Bryan McAlley, who took over from Mr Oliver at Haslar, wrote to Mrs Marjorie Boon in IND on 10 October 2000 (that is, a month after the signing of the Yarl’s Wood contract):

“I gather that consideration is being given within IND to removing any reference to ‘offences against order’ from the proposed Detention Centre Rules. I have to say that there are huge difficulties in managing the adjudications process here – I have no doubt that, if examined critically, the very few adjudications I have conducted at Haslar would not be upheld. I can give no better example than an adjudication I conducted not long after arriving here on 1 February. Two detainees had been involved in a fight. One was a Cantonese speaking Chinese national, the other a Portuguese speaking African. Each called a witness. One witness was a French speaking Algerian, the other an Arabic speaking Libyan. None spoke English. I managed to secure the services of a Portuguese interpreter, but had to use three more detainees to interpret in Cantonese, French and Arabic. I thus started the adjudication with a total of seven detainees, an interpreter and three officers. As I had to ensure that everybody understood the proceedings, the whole process took more than four hours. At the end, having found the charge proved, the only sanction available to me was to stop the culprits’ pay and prevent them from using the canteen for a week.

“There are, understandably, feelings amongst staff about having some control in the form of sanctions to be able to use in the very rare occasions when detainees pose control or discipline problems. I am sure that this could be met by abandoning the formal adjudication process in favour of a system of minor reports modelled on that which operated within YOIs.”

The centre managers to whom I spoke agreed there were insufficient punishments open to the centres to enable a proper adjudication system to be operated. The centre manager at Campsfield House regretted, however, that there was no adjudications system, if only to protect staff from abuse.

By January 2001, the position had been resolved. Ms Mealing-Jones wrote to Mrs Roche on 12 January:

“The provisions within the Rules for the introduction of an adjudications system to deal with offences against order have been removed in this final version of the Rules. The expected standards of behaviour are set out in the Rules and will be accompanied by the compact which will set out detainees’ rights and responsibilities and which they will be expected to sign up to. Behaviour which falls outside of the expected standards will either be of a serious nature and will need to be dealt with as a criminal matter, or it will be managed within the detention centre or estate.”

In their submission to this inquiry, GSL flagged up the promulgation of the Detention Centre Rules 2001, “from which all reference to disciplinary adjudication and punishments had been entirely removed from the previous substantive drafts” as key

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117 The ‘compact’ comes under Rule 4(1) of the Detention Centre Rules. This says that the Secretary of State shall devise a document - to be known as the ‘compact’, “setting out certain rights to be enjoyed and responsibilities to be undertaken by detained persons during their stay at detention centres”.

to what had gone wrong at Yarl’s Wood. The company noted the final draft was circulated after contract signature:

"Though there was an opportunity to comment … and our reservations were clearly expressed to the authority, the final version remained devoid of sanctions for institutional offences and misbehaviour."

I pursued this with Mr Jasper. He said that the company had been issued with draft Detention Centre Rules as part of the invitation to tender. These had referred to adjudications. Drafts two and three had also included adjudications, but the final draft had not. Ms Mealing-Jones had circulated drafts to the contractors (including the Prison Service) as part of the consultation process. Mr Jasper had responded on Group 4’s behalf. He recalled that his main comment had been on the expense of the required provision of healthcare and activities. He had also commented positively on the inclusion of adjudications. However, disciplinary offences and adjudications were omitted from the final draft. Mr Jasper suggested that the reason for this was, in part, political. In addition, he said, IND had not seen how adjudications might be made to work and were reluctant to be involved in them.

Mr Jasper told me that he spoke to a number of people, including Mr John Wilson, about his concerns. In particular, he had asked how GSL were expected to manage 450 people without sanctions. He also suggested that the lack of sanctions against recalcitrant detainees would have influenced the bid, if it had been known at that stage. Mr Jasper was – and remained – disappointed about this issue.

Mr Watson referred to a meeting which took place between contractors and Immigration Service officials (due to the extremely short notice of the meeting, he had been unable to attend himself). He said:

"I understand that, at that meeting, the Immigration Service were asked why the sanctions had been removed from the rules and we and other contractors raised a number of concerns. I’ve been told that the Immigration Service indicated that they might review the rules but this didn’t occur - or if they reviewed the rules there were no changes and the rules came into force almost immediately. No other ‘consultations’ with managers at Yarl’s Wood concerning Detention Centre Rules occurred.

"The concept of sanctions coupled with meaningful incentives for detainees would have proved to be a valuable aid to the maintenance of order and control and we made suggestions … but sadly the Immigration Service didn’t feel that any changes … were necessary."

I asked Dr Mace about the late change of policy. He said he did not recall it being an issue when the contracts were signed or when Yarl’s Wood was in the final stages of preparation to go operational. Neither was he aware that it had become an issue following 14 February. He added that, had there been any significant difficulties, he would have expected GAIL to have registered concerns at the time. Dr Mace noted that the same set of rules would have applied to Harmondsworth.

Mr Boys Smith said he too was not aware that Group 4 had raised the lack of a formal disciplinary system as an issue during the consultation process.

Mr Brian Pollett, current Director of Detention Services, told me that, prior to the decision to build Yarl’s Wood, the removal centre estate did not possess a disciplinary system similar to that used in the Prison Service. In 1999 and 2000
consideration was given to introducing such a system which would be included in the emerging Detention Centre Rules. Drafts of these rules were issued to Group 4 and other interested parties both for their information and as part of the consultation process. By January 2001 it had been decided not to introduce an adjudication system and the final version of the rules did not include such provision.

Mr Pollett said the potential provision of adjudications was not included in the operation specification for Yarl's Wood but all bidders were told they must adhere to Detention Centre Rules. As Group 4 was involved in the consultation process for the emerging rules, the company would have been aware of the possible use of adjudications before 2001. However, from January 2001 onwards - several months before Yarl's Wood opened - it was clear that adjudications would not be used.

Mr Dickinson told me that, in making a bid, a company had to be guided by what they were told in the invitation to tender. In the case of Yarl's Wood, Group 4 had been told that there would be Detention Centre Rules in place with associated adjudications and sanctions. He thought adjudications might have been dropped as a result of trade union objections about Chief Immigration Officers being required to conduct them. The only sanction that remained to Group 4 to manage the population was the segregation unit – and decisions about segregation were overseen by the contract monitor.

Mr Dickinson said Group 4 did not underestimate the detainee population they were likely to be managing. However, they fully expected that they would be equipped with the means to deal with them – that is, Detention Centre Rules, adjudications and segregation. Sir David Ramsbotham had believed they were essential to the safe running of centres. However, offences disappeared in the third draft of the Rules. I asked Mr Dickinson whether Group 4 commented on their disappearance. He said there were constant discussions between Group 4 and IND. Whenever problems were raised, however, IND simply said they would get back to Group 4 later. Nothing was actually dealt with.

Mr Boon commented that just because the building incorporated an adjudications room did not mean there had been a decision to have adjudications. It was important that the building had the facility. He said that it had originally been intended to have them, but further consideration had deemed them unnecessary. Contractors had been as involved as everybody else in those discussions. For example, Mr Oliver, who had left Haslar to become centre manager of Harmondsworth, had found he could manage perfectly well without adjudications. Discussions on this point had involved interest groups and HM Chief Inspector of Prisons. There had been much relief when the decision to do without had been made. Provision for adjudications could be included in the Detention Centre Rules later if, in practice, it was found to be necessary.

I sought views on the significance of the removal of adjudications from the rules. Mr John Wilson noted that in the early days at Haslar they had been operating under the Prison Rules and as such had been able to use adjudications. However, few sanctions had been available to use against immigration detainees, and detainees had not usually been put on report. Mr Wilson said it was not desirable for a contractor to have control of the adjudications system, and noted practical problems in administering the system. I asked him about the presence of an adjudications room on the initial Yarl's Wood plan. He said that this reflected the reference to disciplinary arrangements in the Immigration Act, but that ultimately it had been decided not to implement this part of the Act. He recalled that adjudications had not formed any part of the discussions during the bidding process and that he had had
no discussion with Group 4 on this. He noted that a drugs testing room had also been provided for on the plans (in the event there was no provision for mandatory drug testing either).

Mr Hampton said he considered Group 4 were being disingenuous on this point. He said they knew there were no practical penalties that could be applied. Although adjudications had been considered at various points and a Chief Inspector’s report on Campsfield House had recommended the introduction of adjudications, the fact remained that there were no sanctions that could be used. It was possible to transfer out guilty parties, but criticism had been levelled at the movement of people to HMP Rochester as a punishment.

Mr Brewer argued that the absence of adjudications did not make the management of the centres more difficult as there previously had been none, because there had been no rules. There was therefore no change in this area. Having proper rules in place was clearly a move forward, however. He believed that Rules 40 and 42 provided adequate scope for effective management.

Mr Masserick believed Group 4’s complaints about the lack of a formal disciplinary system were a complete irrelevance. The question was always likely to be more theoretical than real. Haslar had not made use of adjudications in five years. They relied instead on inter-personal skills, assertiveness and the forming of relationships. In addition, Group 4 had never had adjudications at Campsfield House and would not have expected them to be of much help. Mr Masserick thought incentives were more to the point.

Mr Pollett also pointed out that Group 4 had experience of operating other removal centres, such as Campsfield House and Oakington, without the benefit of an adjudication process. He said he did not believe the operation of Yarl’s Wood without such a process would have caused the company any undue operational difficulties.

Mr Jasper acknowledged that he had run Campsfield House without adjudications but added that he had been able to seek the removal of troublemakers to prisons. He said the Immigration Service and centre managers had had a good working relationship with HMP Rochester, in particular, where over 150 detainees were detained. Managers there had always been receptive to proposals for “exchanges”. (I think this is a fair point, but have concerns about the use of transfers in the absence of an objective process for determining who is a ‘troublemaker’.)

It is clear that those ‘on the ground’ at Yarl’s Wood, thought a formal disciplinary process would have been helpful. The Chief Immigration Officer said that one of Group 4’s complaints had been that basic privileges did not constitute punishment and there were no other measures available unless the behaviour merited placing the individual in RFA. He believed that the detention estate had been organised by people who had not understood the detainee population. He thought that Detention Services had set up the estate with a lot of staff from the Prison Service who had not been used to people on short turnarounds and 24-hour receptions. This created different pressures. There had not been a full understanding of the needs of Immigration.

In a note to IND dated 9 January 2002, commenting on draft Operating Standards, Mr Watson wrote:
“There are no real sanctions to be offered against detainees who act in an improper and discriminatory manner. Sanctions would be a useful tool to help eliminate such unacceptable behaviour.”

Mr Milliken told us he had initially been concerned at the lack of a disciplinary system. While visiting other detention centres, however, he had realised that it would be difficult to administer an adjudication system since there were few credible sanctions that could be used. Nevertheless, he had clearly been very exercised on the matter during Yarl’s Wood’s first operational phase. In a memorandum entitled Food for Thought, dated 13 February 2002, he pondered the options open to the centre for ensuring discipline:

“In any civil society there has to be a set of rules and laws that its members must abide by. There must also be some system to enforce compliance of these rules and laws … These systems act as a deterrence, in that those who fail to comply are punished …

“The immigration estate has its own set of unique rules called Detention Centre Rules. However the rules do not fully explain how compliance will be achieved and how those that do not wish to comply should be punished.

“For staff, there is a code of conduct and discipline with built in sanctions for those who do not comply.

“For detainees, there is nothing of substance! One could argue that the segregation and secure units offer some deterrence. DC Rules (or their application by UKIS at Yarl’s Wood) infer that the segregation unit should only be used for detainees who have displayed or participated in acts of violence and location in such units should only be for a maximum of 3 days. While the secure unit is used to accommodate those who need to be ‘removed from association’ as they threaten the order and control of the centre. The facility level in the secure unit is equal to that of the remainder of the centre. The only exception is that detainees located in this unit are not allowed to associate with mainstream detainees but they are able to associate with fellow detainees (up to 56 in total). This could be considered a contradiction in terms. In fact, it could be argued that conditions in the secure unit are better, as detainees are accommodated in single bedrooms unlike those in mainstream accommodation units who have to share.

“Some Suggestions for Remedy

- Introduce an adjudication/report system;
- Divide the accommodation into smaller more manageable units;
- Change current policy on ‘removal from association’ (DC Rule 40) to mean segregation;
- Change current policy on ‘temporary confinement’ (DC Rule 42) to mean segregation in strip conditions;
- Introduce a credible IEP system based on tangible earned privileges;
- Change current policy in regard to secure unit - rename Basic unit and introduce a basic level in the IEP scheme with very limited privileges.”
Assessment

There can be little doubt that the population at Yarl’s Wood was more challenging than was expected at the time the decision was made to operate without a formal disciplinary system. Evidence suggests that Harmondsworth experienced similar problems. I note the references to Tinsley House coping via positive staff/detainee relationships (the same is true at Dungavel – and I commend both centres for it), but the amount that can be achieved by such means is necessarily limited – and especially in an institution of Yarl’s Wood’s (and Harmondsworth’s) size and layout. Add to that the requirement to accept whoever is sent and the deliberate allocation of more challenging detainees, and there is a clear recipe, if not for disaster, then certainly a very difficult operating environment.

I have already described how GSL’s evidence to the Home Affairs Select Committee in October 2002 suggested that DCOs should be given the authority, where necessary, to confine and request the imprisonment of disruptive detainees and that, “detainees who act in a violent, abusive or disruptive manner should have their behaviour taken into account by the immigration authorities and the Immigration Adjudicator”. I have considerable sympathy for their frustration at having no realistic sanctions to discourage antisocial behaviour. However, such a system would be entirely improper. It would breach the UK’s international obligations to genuine asylum seekers and would invite immediate - and entirely proper - legal challenge.

That said, I do not believe it is reasonable to attempt to run such an establishment without a disciplinary process of some description. Nor do I believe the fact that detainees are not convicted of any criminal offence presents an insuperable difficulty. Schools, clubs, workplaces all have disciplinary systems. Regardless of our personal rights and liberties, we are required to behave within a framework of laws and rules. This is necessary to safeguard the rights and liberties of others. In a confined, custodial environment, rules (and sanctions for breaking those rules) are even more important in order to create a safe and secure environment for everybody (detainees and staff). The availability of a formal disciplinary process would also provide transparency and reduce the likelihood of ‘informal’ punishments being imposed, with all the injustices, frustration and anger that that brings. Finally, it would give staff a framework within which to operate which was readily understood by all.

While I understand the difficulties over both procedures and sanctions, I think this is an issue that would benefit from further consideration. I do not believe the Prison Service model of adjudications would be workable but there may be lessons from detention facilities in other countries.

I recommend that IND reviews disciplinary arrangements in removal centres.

Incentives

It was intended that carrots, rather than sticks, would achieve the necessary level of detainee compliance. Contractors were required to develop an incentive scheme to encourage positive behaviour by detainees. But the scope for meaningful incentives was extremely limited. Mr McAlley wrote in his letter to Mrs Boon on 10 October 2000:

“As you know, the audit process was critical of our attempt to operate the system of incentives and earned privileges which applies to the rest of the estate – mainly because in so doing we have created a process which, at best, is unworkable; at worst a clear breach of Human Rights legislation. We provide a regime which allows the free movement of detainees around much
of the establishment during a normal weekday. They have access to their own clothes, visits, the gymnasium and the education department. We pay lip service to a differential regime by creating a more severe limit on private cash expenditure for the very few we hold on a basic regime, and allow the three levels different frequency of access to the canteen. We have a variety of accommodation, some offering single or double cubicles as opposed to dormitories and use that as an attempt to provide differing levels of ‘earnable privileges’. In fact, the best we can do is to put those detainees who wish to work in the kitchen and tidying up the grounds into better quality accommodation.”

Mr David Wilson explained that what might be offered to detainees by way of an incentive was a matter of debate. He pointed out that the population was not criminal and a different approach was called for even from that taken with remand prisoners. The range of incentives would be narrower because the range of facilities ordinarily open to detainees should be much greater. It would not be appropriate, for example, to extend visiting rights for some detainees, because there should be no restriction, other than that caused by practical difficulties, on what detainees were routinely allowed.

Mr Hampton said his personal view was that an incentives scheme was not very practical. As detainees were not convicted, the custodial environment should be made as reasonable as possible. There was little scope within such an environment to offer enhancements to the regime and so there was little option but to manage the different levels by restrictions. There was limited scope for this because many of the ‘privileges’ were fundamental rights: for example, visiting rights ought not to be restricted. Taking away the £5 weekly allowance from those who did not comply was not the answer because it would cause destitution in some cases, while in others it would have no effect, because detainees had their own resources.

Mr John Wilson commented that, while incentives schemes worked well in the Prison Service, he was uncertain how far such schemes were suited to immigration detention. He questioned how far small things affected individuals who were concerned with their immigration status.

I took the opportunity to sound out centre managers on the feasibility of operating incentives schemes. The centre manager at Lindholme had devised an incentives scheme, but advised that there was no scope for offering ‘extras’ for good behaviour. Any scheme could only operate in a negative way – that is, restricting access to certain parts of the regime for poor behaviour.

Another centre manager acknowledged that detainees could be removed from education, gym, visits or religious observance, by way of ‘punishment’, but questioned whether this was ethically acceptable. He suggested that the more likely option was to restrict the circumstances in which such activities could take place – that is, reduce the opportunities for communal activity. Similarly, enhanced dormitory facilities might be offered to detainees who conducted themselves well, but this raised the question of what was an acceptable minimum and of the right to offer differential regimes to people who had been convicted of no crime.

Managers at Tinsley House felt that denial of privileges would be difficult to enforce due to the fact that they were so freely available and that detainees had such freedom of movement. There was also a lack of potential to offer differential regimes, as well as a reluctance to treat detainees differently.
The detainees at Campsfield House were responsible for keeping their rooms tidy, but they were cleaned by outside contractors. Points were awarded to detainees for keeping their area of the room tidy or for being helpful to staff (by translating, for example). The points could be converted into phonecards or cash. It was perceived as a fair system by detainees as, for many, it was their only source of income.

I asked Mr Watson about the merits of an incentives scheme, notwithstanding the fact that a basic regime was not feasible. Mr Watson told me:

“We operated with a system that had a standard regime and an enhanced regime … the difficulty is that we were providing a detained population with the fullest range of activities, privileges and entitlements … We were delivering a wide range of facilities … and it was difficult to see how that could be enhanced in any meaningful way … There wouldn’t have been the opportunity of saying, ‘well you’re enhanced and you can have a television to watch in your room’ because they were sharing rooms and they were able to allow … their neighbours to come … Consequently, any individual incentive would almost by default have become a communal incentive.”

Nevertheless, I understand from Mr Watson that Group 4 had implemented a limited scheme, although he had some doubts about its merits since the sorts of things normally used by institutions as incentives – extra visits, extra in-possession property, increased access to television and association periods, for example – were not restricted within the centre and were not therefore available as incentives. That said, Mr Watson felt that a scheme with more credible incentives would be beneficial.

Assessment

The need for a balanced approach suggests that, if there is to be a disciplinary system with sanctions, then there should also be an incentives scheme. Indeed, subject to Lord Woolf’s overriding requirement of justice, an effective incentives scheme may have much to commend it. But it is difficult to identify worthwhile privileges that should not be part of a detainee’s standard entitlement. Moreover, detainees may only be present in a centre for a few days, and facilities between removal centres differ significantly.

It follows from this that I see limited merit in an inflexible, national incentives scheme.

Some witnesses favoured giving contractors the freedom to operate a local scheme if they chose. Given concerns about consistency across the estate, however, this would need careful handling.

I recommend that IND consults upon the merits of incentives schemes and the terms of a single national framework - to reflect a consistent set of principles and processes - within which schemes could operate.

Work

When preparing their bid, Group 4 were under the impression that they would be able to provide work with pay below the minimum wage. The operational instructions include arrangements for paid work with opportunities in, for example, painting and decorating, laundry, gardening, cleaning, and assisting in various parts of the centre (including the dining hall and the library). Work was to be permitted for up to five days in any week and was to be paid at a rate of £1.50 per half day (three and a half hours), to a maximum of £15 per week.
At early meetings that discussed procedures at Yarl’s Wood, it was clearly anticipated that detainees would be working. The record of a meeting held on 6 February 2001 shows that it was agreed that, “G4 need to ensure that any detainees working in the kitchen satisfy environmental health checks”.

Exemption from the National Minimum Wage Act 1998 was essential, however. Mr Jim Ingleby, centre manager at Lindholme Removal Centre, worked out some costs for offering paid employment. With exemption from the minimum wage, employment of 47 detainees for two sessions per day, would have been £28,900 per annum. Without the exemption, the figure would have been £407,565 – an overall increase of £378,750. (The cost of employing civilian workers from an agency to carry out the same work – kitchen, gardens, cleaners and laundry - would have been £247,000.)

Possible exemption from the minimum wage was considered by IND. A Department of Trade and Industry (DTI) e-mail of 7 December 2001 had advised the Home Office that exemption from the National Minimum Wage Act:

“… could turn into a political hot potato … any regulations seem likely to attract attention, let alone ones as controversial as these. People will not be slow to point out that these individuals, who have committed no crime, are being singled out for exemption from the minimum wage laws.”

Ministers were not keen. An e-mail from the Ministerial Private Secretary to Immigration and Prison Service officials dated 21 December 2001 advised that:

“Neither the Home Secretary, Jeff Rooker or Angela Eagle are content to agree the recommendation to exempt immigration detainees from the national minimum wage.”

Mr Brewer told me that the DTI had the power to grant exemptions but were understandably reluctant to use it for fear of creating precedents. He had been responsible for securing exemption from the National Minimum Wage Act for the Prison Service, but had not at the time made the read-across to detainees – to have added them on would have been simple at the time. He strongly favoured seeking exemption, but said he was “struck down” on the grounds that it would amount to exploitation of detainees. It had nothing to do with the political embarrassment of offering detainees something which they would not be allowed were they free, as had been suggested by some. Ministers would not, therefore, agree to incorporate the necessary clause in legislation even though the opportunity existed.

Even if the difficulties relating to the National Minimum Wage Act could be overcome, however, a number of practical and philosophical problems remained. Would it be acceptable to offer paid work to immigration detainees, some of whom might have been working illegally in the community or who would not enjoy that privilege if at liberty? Given the health and safety implications of work in areas such as the kitchens, the consequent need to train detainees and the shortness of stay, what type of employment would be feasible? Could cleanliness and the smooth running of the regime be based on detainee labour that necessarily would be voluntary? And would it be acceptable to encourage detainees to work through mechanisms such as an incentives scheme?

I asked a number of senior IND managers for their views. Mr Brewer did not consider that shortness of stay needed to be relevant. He believed packing work would be suitable. He added that detainees needed as many different things to do
as possible. It was more difficult to make this meaningful for detainees – prisoners could at least be provided with basic skills for release. Detainees started from a higher skills base than prisoners and, as potential economic migrants, were willing to learn.

For others, however, shortness of stay was an issue. The Chief Immigration Officer at Yarl’s Wood said that paid work was probably more appropriate to long-term detention. Although this was far from being the case at the time of the Yarl’s Wood disturbance, many detainees now spend on average only days in detention, not weeks and months as was the case hitherto. (It is doubtful if IND has received the public recognition due for this turnaround in its performance.) As a consequence, the approach to the provision of activities today is very different to that which obtained in early 2002.

Mr John Wilson noted that there were significant difficulties with providing paid work for detainees. However, he was keen that detainees should have some activity. He believed that handicrafts, physical activity, and English and IT classes were successful, as were cinemas and TVs with a wide range of channels. If people were occupied, they were less likely to create problems. He said that the contract needed to state a need for the provision (rather than the delivery) of a wide range of activities, since take-up was voluntary.

Mr David Wilson said there were difficulties of principle and practice in relation to paid work. He was against it. There had been a lot of fuss at Haslar and Lindholme when the ability to carry out paid work was removed. Part of the concern related to additional cost. However, Lindholme’s standards - of cleaning and ground maintenance, for example - were much better as a result. Mr Wilson also noted that it was not appropriate to be amateurish about issues relating to health and safety in areas such as cleaning and catering. The rapid turnover of detainees made it difficult to keep sufficient numbers trained to do the work. Detainees could also fail to volunteer or go on strike.

Mr Hampton picked up on this theme. He also noted the potential presentational difficulties in picking up illegal workers and then allowing them to work and that, until detention centres secured exemption from the National Minimum Wage Act, there would be a problem with cost. He said that detainees now tended to be in detention for around a week, and that this would cause logistical difficulties in training, etc., if they were to be employed in duties within the centre. Further, he said that he did not advocate asking the detainees to do what should be part of the contract (for example, cooking and cleaning), because they could not be forced to work and difficulties would ensue if the detainees refused to fulfil such tasks.

Both Mr David Wilson and Mr Hampton thought that, with some creative thinking, other means of occupying detainees might meet the need. Mr Wilson said centres should provide a good range of activity, but it was up to individual detainees to build their own package from these elements. He also felt detainees could become more engaged in the life of the centre by contributing to thinking on regimes. Voluntary work was also an area that could bear further exploration.

Mr Hampton was also in favour of not-for-gain occupation while in detention. He said he would like to see operators come up with a more innovative approach to occupying detainees with enjoyable activity. He mentioned the work of the Inside Out Trust within prisons, which involved prisoners in charity work.
During my visits to removal centres, I found a consensus amongst centre managers that work for detainees would be a positive thing. It would provide activity that detainees would perceive as purposeful. It might, depending on the work offered, give a sense of ownership of their surroundings. And it would provide the opportunity to earn some cash. Payment is of course always a major incentive to engage – but perhaps particularly so for detainees, who quite often have very little money and no source of income.

The value of work in an institutional setting, both for its own sake, as a source of income, and as an aid to order and control, was acknowledged within IND by those with Prison Service experience. Mr Brewer emphasised the importance of keeping people in institutions busy. He had had particular experience in this area. He did not consider education and PE were sufficient in themselves and work was a useful, inexpensive time filler. In an e-mail dated 28 November 2001 he referred to the link between keeping people busy, dynamic security and good order and control. He wrote:

"In terms of detention centres/accommodation centres we ignore it at our peril. Apathy is bad for people and it makes them unco-operative and likely to use their time destructively. The disturbances at Campsfield last week no doubt have some origin in the lack of activity we can provide there just as it was recognised in the previous disturbances at Campsfield four or five years ago that this was one of the problems."

On learning that Ministers were likely to be against seeking an exemption to the National Minimum Wage Act, Mr Brewer commented in an e-mail dated 18 December:

"My professional opinion remains that the risk of disruption in accommodation centres as a result of inactivity and boredom because of the absence of paid work is now uncomfortably high and a serious incident could be a showstopper for the whole policy. In terms of institutional management all working experience teaches us that this is the opposite of the required policy but so be it!!"

Mr Brewer noted that compulsory work was not possible – nor was it deliverable and from his prison experience he knew the word compulsory was a paper tiger only beloved by those without prison managerial experience. It followed that an incentive to work was necessary.

Mr Milliken agreed. He identified implications for security of not keeping detainees properly and consistently occupied. He said that it had been clear to him that detainees had had little to occupy themselves. Large groups of detainees would hang around in the corridors. Mr Oliver, at Harmondsworth, believed that IND’s biggest mistake was in not allowing the contractor to offer work to detainees. He said they were bored as a result. A DCO at Yarl's Wood reported:

"The atmosphere of the centre started to deteriorate from Christmas or so ... Detainees had a lot of time on their hands and were themselves able to see gaps within the operating procedures of the site."

Mr Watson could see benefits to work specifically as opposed to other types of activity:
“… my view is that there are a range of things that mesh together - whether detainees are allowed to undertake voluntary or paid work, alongside but not instead of the contracted staff, simply to provide some purposeful occupation, perhaps some skills training and a source of income. I believe that for some detainees such practical occupation would prove preferable to simply having a range of education and PE and general leisure activities.”

It is also clear that the detainees themselves would have valued the opportunity to work. One of the detainees told the police:

“I say … people should have a little work to do to earn a little money so that they can buy phone card. Some of them are smokers some of them like eating chips and chocolate and things like that. They can’t afford it because they haven’t got money … No work, no work …”

As things stand, however, there is still no provision of paid or unpaid work in removal centres.

Assessment

There is clearly a link between purposeful activity and security - at the lowest level, people who are gainfully employed have less time available to them to cause mischief. And there is a relationship between constructive activity and dynamic security (albeit that in a removal centre context the transient nature of the population weakens the relationship somewhat). Finally, it is simply not acceptable to lock people up but give them nothing with which to occupy their time. Adequate occupation means that detainees have less opportunity to think about their imminent removal and prevents the stresses that arise from boredom.

Removal centres provide a limited range of activities (some are better than others in this respect), but my own observations suggest that these do not attract overwhelming patronage. I observed in most centres that detainees mainly milled in the corridors and association rooms or remained in their rooms. More needs to be done to engage them.

That said, given considerations relating to pay, training, health and hygiene etc, I do not believe paid work is worthy of further consideration. But voluntary work is a different matter.

As a strong supporter of the Inside Out Trust, I believe their activities - which have proved very successful in prisons and many of which are designed to benefit Third World countries - might be especially appropriate in a removal centre context. There may be other charities too with whom IND could form effective partnerships - again on the model pioneered by the Prison Service.

I recommend that a forum comprising officials, contractors and interest groups be set up to consider provision of purposeful activity in removal centres and in particular the feasibility of voluntary/charity work along the lines of (and possibly supported by) the Inside Out Trust.

I recommend that IND explores this option with the Inside Out Trust.

I also recommend that consideration be given to paying detainees an allowance for attending centrally organised activities.
Transfer from prisons

Following a Ministerial decision in autumn 2001, a significant number of people previously held in prisons was sent to Yarl’s Wood. Ms Collins (until May 2000, Director (Operations) in IND), told me that she first dealt with detention in the late 1980s. Even then, it was policy to use spaces in ordinary prisons only when there was no alternative or the individuals concerned were not suitable for detention centres (which were quite low security at that time). Because the large majority of immigration ‘business’ was in the South East, that was where IND’s detention centres were, and illegal entrants arrested in, say, the North West or Scotland had to be held in local prisons or transferred to Harmondsworth. There was no real money available to build more or better detention centres until much later. Ms Collins said that, once there was an alternative, the case for minimising use of prisons was clear (prison not the most appropriate place, pressure on prison places, control problems for governors, logistics not always helpful (e.g. reception hours) etc.).

In his letter to this inquiry, Mr Blunkett said that the planned expansion of detention spaces was dependent upon the building programmes of Yarl’s Wood and Harmondsworth. As neither centre could be made available until late 2001, 500 prison spaces were made available to IND in 2000 until the detention estate had increased to a point where it would be self-sufficient.

Mrs Roche said that the vast majority of immigration detainees had committed no crime and it was therefore inappropriate to detain them in a prison environment. The Government was being urged by everyone – including, but not exclusively, lobby groups – to remove detainees from prison. But Mrs Roche’s view in any case was that this should be so. She thought it likely that this was a view shared across Parliament as well as by IND and the Immigration Service. The Prison Service wanted the change as well. She described the policy as a “value” and a “shared aspiration”. Mrs Roche said she had a feeling that a policy commitment on removing detainees from prisons had been made shortly before she came to office. It might even have been made by the previous administration.

Dr Mace said there had been a Ministerial directive to remove immigration detainees from prisons. He was not aware of any prior consultation. He was told that the junior Minister, Ms Eagle, felt strongly on the issue and a decision about removing detainees from prisons had been made shortly before she came to office. It might have been made by the previous administration.

I asked Ms Eagle about this. She could not recall a specific time or meeting at which the question of removing detainees from prisons was decided. During 2000 (and before her time as a Minister), an arrangement had been introduced whereby the Immigration Service could use a specified number of Prison Service remand places. However, there had been an influx of asylum seekers and others and turnover had not been as rapid as anticipated. Prison capacity became completely used up.

The keeping of detainees in prisons with prison regimes was in any case controversial. Some had been tortured in their own countries and most had done nothing wrong. It was not appropriate to keep them in remand conditions, locked up for 12 hours per day. Ms Eagle said it was not “an article of faith”, but Ministers shared the distaste for it, and all wanted to end the use of prisons for this purpose – albeit that there would always have been a tiny minority for whom prison was the only appropriate place of detention.
Ministers saw the expansion of the detention estate as a means of increasing removals – but also as a way of dealing with the growing prison issue. Many Parliamentary questions and some adjournment debates related to the use of prisons. Everybody wanted to limit the use of prisons as far as possible. Ms Eagle recalled one adjournment debate in particular brought by Ann Clwyd MP on 11 July 2001. In preparing for that, Ms Eagle had spoken to the Home Secretary to determine what could be done. (Ms Clwyd's motion related specifically to the number of detainees in HMP Cardiff.) They agreed that she should make a commitment to remove all detainees from that prison by Christmas 2001.

Ms Eagle did not recall any other conversations about transfers from prison. There had been no decision as such during her time – she had just always known that there would be a running down of remand accommodation as the detention estate expanded.

I spoke to Mr Nick Pearce, former political adviser to the Home Secretary. Mr Pearce said the announcement had been made at the 2001 Labour Party Conference. The presumption had been that IND should not use prison for those detainees who did not present a risk. It came to the fore in part because the Prison Service was becoming increasingly short of places.

Mr Boys Smith told me that the policy of removing immigration detainees from prisons had not been driven by IND. There had been a recognition that it would be desirable to use alternative detention accommodation to prisons for those detained for contravention of immigration law and for asylum seekers. It was also recognised that those who had completed a prison sentence should be removed from the UK much more quickly and not left needlessly occupying prison places after the expiry of their sentence. Pressure from the Prison Service to take immigration detainees had flowed from the increase in detention accommodation, rather than the other way round.

The ending of the use of mainstream prison places for asylum seekers was announced by the Home Secretary in his comprehensive statement on asylum, migration and citizenship to the House of Commons on 29 October 2001. Mr Blunkett said:

"We currently have 1,900 detention places, which we will have increased to 2,800 by the spring of next year [with the opening of Yarl's Wood]. I intend that we should expand the capacity by a further 40 per cent to 4,000 places. Those will become secure removal centres. Asylum seekers will no longer be held in mainstream prison places; I can confirm that from January next year that practice will cease."

There was further fine-tuning of the policy. At a detention user group meeting on 12 November 2001, Mr David Wilson confirmed that:

“People held under dual detention would remain in prison until completion of their sentence, and where a person had served a sentence of 12 months or more, they would be moved to a remand wing of a local prison until their immigration status was resolved. A Ministerial decision had been taken not to move such people into detention centres.”

The February 2002 White Paper acknowledged that small numbers of immigration detainees, including asylum seekers, might need to be held in prisons for reasons of
security: "Any asylum seeker who is held on suspicion of having committed a criminal offence or is serving a custodial sentence will also be held in prison."

Mrs Roche told me that the Immigration Service did not need to put serious criminals in detention centres – those involved with organised crime or of interest to the intelligence services should have been in prison custody – “Clearly, that should have been the case.” She had never envisaged that people with that sort of background would be sent to detention centres but this was “operational detail that Ministers were not party to”. The vast majority sent to the centres were decent people – and it was on those people that she concentrated. Those who had committed serious criminal offences “were probably not suitable for the centres”. She reiterated that she had never envisaged otherwise.

Mr Pearce did not know the administrative details of how the transfers had taken place. However, he emphasised that the policy applied to ‘ordinary’ asylum seekers. The Government certainly was not in the business of moving those who presented a risk and he would have expected ex-prisoners to have stayed in prison. He believed that there had been a submission from Mr Boys Smith in September 2001 covering this and other issues. It was one of a number of humane or liberal measures announced during this period. However, there had been no advice at the time warning against it because of the security risk. After Yarl’s Wood, it became clear that management information about the level of risk presented by individual detainees simply was not there.

The Home Secretary endorsed this. Mr Blunkett told me, “I am not aware of any suggestions made to me prior to the Yarl’s Wood fire of any potentially adverse consequences of moving detainees with prison experience into detention centres.” Dr Mace said he recalled verbally resisting. He advised that the whole thing should be carefully thought through. He told us he supposed the Home Secretary might say that it was down to officials to say if something was not possible. If they did not say so, then they should ensure the situation was properly managed.

Ms Eagle confirmed that no-one ever said that all detainees would be removed from prisons or that detainees would never be held in prison in the future. There was always uncertainty about some asylum seekers and hence the need to keep options open. Ministers were careful always to refer to “the vast majority” or “most”. No dates or deadlines had been set for ‘completion’. Ms Eagle added that it would have been “absurd” to give an undertaking that all detainees would have been removed from prison by a given date.

I have looked at what commitments Ms Eagle gave in the July adjournment debate with regard to the timing of the withdrawal from prisons. In fact, she specifically avoided giving any:

“...The Government intend to withdraw from those allocated spaces as soon as is practicable. It has been said that we will be able to fill up the new detainee estate in a day, but that cannot be done - one must fill up detained spaces gradually. Certain practical steps must be taken to ensure that the regime does not break down. Within those constraints, we will do our best to withdraw from the arrangements as quickly as is practicable. I am sorry that I cannot give the hon. Gentleman greater satisfaction, but I do not want to give a date that I am not certain we can keep to.”

118 House of Commons Hansard, 11 July 2001, Col 289WH.
Ms Eagle told me that she had specifically said in response to Ms Clwyd's motion that prisons would not be "emptied" all at once. The transfer must be controllable and she expected the decant to be gradual. But this was an operational matter for IND. There had been no discussion between Ministers and officials about who and when, with the exception of Cardiff. Ms Eagle did not believe IND would do it in an incoherent way likely to cause problems. She assumed they would have due regard for good order. It was important to run down numbers held in prison, but not at the expense of transferring just anybody into the detention estate. She said the need to effect the change in a controlled way was "so obvious, it would have been a waste of Ministerial time" to become involved. They left it to the experts. Ms Eagle had not received (nor sought) detailed feedback about the decant from prisons. IND did not warrant this sort of close monitoring or oversight.

Mr David Wilson played down the impact of the new policy. He pointed out that Yarl's Wood was not the only centre to take ex-prisoners and that not all those arriving from prisons had committed a crime – most had simply been detained in prison by the Immigration Service as overspill. Mr Wilson suggested that only a minority had been in prison as the result of criminal activity, although they might have been "contaminated" by the experience. It was, in any case, he suggested, a two-sided coin. It might be argued that ex-prisoners were more likely to be compliant given their improved environment and facilities.

Mr Hampton broadly shared Mr Wilson's view. He said that most of the 400-500 detainees held in prisons were detained for immigration purposes in remand conditions and were not criminals, although they were mixing with criminals. Mr Hampton conceded that Group 4 could not have expected the Ministerial decision to cease using prisons for large-scale immigration detention or the subsequent decanting of "prison experienced" detainees into the privately managed estate. However, prior to this, it had been the practice to transfer Immigration Service detainees from prisons to contracted centres and vice versa as part of normal population management. Group 4 would have experienced this. A few of these detainees would have served sentences, but in most such cases the prisoner would be subject to a Deportation Order and would stay in prison until deported. Serious criminals rarely entered the detention estate (although a few were sent to Rochester), but petty criminals may well have gone into a removal centre at the end of their sentence to await removal. Mr Hampton said that the idea that a large number of rapists and murderers were going into the detention estate was erroneous. However, he did acknowledge that there were issues to do with culture - people who had been in prison felt able to push things in a detention centre.

Mr John Wilson said that some of these individuals were just immigration offenders who might have gone straight into detention if the places had been available. He noted that the entire first intake at Dungavel had come from prison and had reacted well to the relaxed regime there. He was not convinced that it necessarily followed that someone would be violent because they had been in prison.

I asked the contract monitor about the impact of the movement of immigration detainees from prisons. She said that it was certainly a change in policy and that she recalled a meeting, probably an operational interface meeting (OIM), at which a letter was read out that said removal centres would be expected to 'consume their own smoke'. She pointed out, however, that the centre had been designed to have a 10-bed segregation unit and a 50-bed removal from association (RFA) unit, and that clearly these were there for a purpose. She said that Group 4 were IND's most experienced contractor. They were already very experienced in running detention centres and she was sure they would have raised any genuine concerns they had at
the time. They did not. The contract monitor also pointed out that it was not certain that people who had come from prisons had caused the problems at Yarl’s Wood.

The Chief Immigration Officer at Yarl’s Wood told Mr Moore:

“I think the atmosphere in the centre changed in January this year after the Home Secretary made an announcement that he was getting detainees out of prisons and the quality of detainee that came in from Rochester was very bad and they were advising us of people, sending down their own files, and we were passing that to Group 4.”

He suggested that while ex-prison detainees might not have been disproportionately represented, they exerted a disproportionate sway amongst the population. “They were very arrogant people, most of them and they did sway [others].”

Mr Boon said it had not been envisaged that large numbers of detainees would be transferred from prisons to Yarl’s Wood in groups. Mr Boon said he would have been extremely concerned at this development. If it had to happen, he would have wanted extremely careful handling. He noted that those coming from prisons might well have been bitter about their treatment thus far and would have a certain agenda. They would also have previously been subject to control by more experienced staff and would be able to exploit inexperienced staff relatively easily if they so wished.

Mr Watson agreed that it was not about criminality or otherwise, but about learned behaviours:

“One result of transferring detainees from prisons … was that Yarl’s Wood seemed to receive a number of prison-wise, experienced and perhaps even custodially sophisticated detainees. This, coupled with the lack of historical information, may have made their management by our keen, competent and enthusiastic but relatively inexperienced staff difficult.”

Patrick Hall MP expanded on these themes when addressing the Bedfordshire County Council:

“For reasons that inquiries and others will want to look into, including myself, the Prison Service and the Immigration Service decided that putting criminals into an environment where there are no criminals, with free association with those people, was an acceptable practice. And in an environment where the staff, the Group 4 staff were not trained prison officers, they were trained to deal with ordinary asylum seekers, whose applications had failed; people who of course, would be disappointed and depressed perhaps and a bit fed up, and but mostly accepting the situation. To mix in with those people, criminals, some of them convicted of all sorts of violent crimes seems an amazing mistake to say the least and I believe that this is the dangerous mixture which triggered events on the 14th. Of course I wasn’t there and the inquiries will define what happened but that is the mixture that led to those events.”

Mr Jasper said that detainees who had previously been in prison were known to cause problems, vociferously and aggressively to demand what they saw as their rights and to undermine regimes in detention centres. The change in policy, however, had had wider impact. It meant that the worst behaved detainees in detention centres could no longer be sent into prisons. This situation was exacerbated by the fact that any problem detainees could only be moved around the
privately managed estate. Mr Jasper advised that, even today, Prison Service-
managed removal centres refused to take known troublemakers.

Because of their secure and segregation facilities, Harmondsworth and Yarl’s Wood
(but particularly the latter) bore much of the brunt of this. Mr Dickinson wrote to Mr
Brewer on 13 December:

“It has been apparent for some time that detainees at Campsfield House are
becoming considerably more confrontational in their behaviour and this is
leading to a fairly consistent level of tension between detainees and our
people. This has happened from time to time over past years and has been
dealt with by removing those demonstrably causing trouble.

“The requirement for each centre to now ‘consume its own smoke’ removes
that option, and the removal from the draft Detention Centre Rules of specific
offences capable of adjudication, leaves us with few, if any sanctions. I
believe that we now need to carry forward these discussions or consider
alternatives such as the removal of ‘unsatisfactory conduct’ detainees to
Yarl's Wood.”

Mr David Wilson replied on 3 January 2002:

“… What I have been trying to get across is that Immigration Service removal
centres as a whole should now consume most of their own smoke i.e. there
should be a presumption that we avoid sending detainees who present
behavioural or health care problems to prisons.

“I have impressed upon DEPMU that they should take account of the varying
characters and facilities of removal centres, including the three dedicated
units run by the Prison Service which will shortly come under detention centre
rules, when temporarily or permanently transferred [sic]. We are collating
basic information about centres to make things easier for DEPMU staff.”

Mr Brewer told Mr Moore that they were under enormous pressure to clear prisons
for Ministers. He added:

“Certainly we quite consciously sent difficult people to Harmondsworth and
Yarl’s Wood because in a sense that is what they were designed to do in
terms of segregating the estate. For example you probably know there was a
bit of a do at Campsfield some time just after Yarl’s Wood opened and we
purposely sent the people from Campsfield to Yarl’s Wood seg unit because
we wanted to consume our own smoke and not take people back into
prisons.”

Mr John Wilson said:

“The major concern was Campsfield as they were sent in overnight. In a way
it could have made sense. We didn’t want to send anyone to prison because
pressure was on to keep people out of prison. So the idea of the Immigration
estate consuming its own smoke was important and quite rightly.”

As I have already said, Dr Mace considered the transfer in of ex-prisoners and
troublemakers from Campsfield House as crucial to what happened at Yarl's Wood.
Assessment

Removal of immigration detainees from prisons is not to be criticised. Quite the contrary:

“The practice of holding detainees in prison together with convicted or remand prisoners is unacceptable. The enforced association with other prisoners causes bewilderment, resentment and a sense of injustice. Some detainees feel ashamed and humiliated at being imprisoned. This is compounded by the need to be fingerprinted, searched and so on.”119

Amnesty International has been similarly concerned by the criminalisation of those reacting to their detention, and the punishment of any non-compliance by transfer to prisons. They criticised the holding of detainees in criminal prisons, recording that it caused isolation from other asylum-seekers and “is at variance with international standards, which require that, insofar as detention of asylum-seekers occurs, detainees should ‘whenever possible’ be held in facilities appropriate to their status, and not with persons charged or convicted of criminal offences.”120

While the policy itself was undoubtedly right, however, I consider it was implemented too quickly, with a lack of discrimination and with insufficient consideration of the likely consequences. Ms Eagle was certain that this had not been at Ministers’ bidding. No deadlines had been set and there was no expectation that the process should happen overnight. A number of documents make it clear that there was never any intention by Ministers that all those in prison should be routinely transferred. The point was made repeatedly that there would always be a small number of people for whom prison was the only appropriate place to hold them.

Quite properly Ministers were not involved in how the process was managed. They left this to those with responsibility for operational matters. Why was the process not managed in a more structured and considered way? It could be that officials misinterpreted Ministers’ wishes or that they were simply trying too hard to please them – or it might have been pressure from the Prison Service to free up space. Whatever the cause of the very rapid decant, I have no doubt it heightened fears amongst Yarl’s Wood staff (not least because they did not know precisely with what they were dealing) and created added tension. It may well have contributed to the tendency of staff to withdraw from the corridors.

The important thing is to manage the risk. I understand that the process now is that the Criminal Casework Unit in UKIS assess all prisoners who are coming to the end of their sentence and will be going into IS accommodation. They conduct a risk assessment and liaise with DEPMU to find an appropriate centre. I am told that, in theory, anyone who has a history of sexual offences will not go into a removal centre, but in practice DEPMU try to find a suitable place with the agreement of the centre concerned. Although some prisons forward all the files, I understand that they quite often withhold security information.

I recommend that IND seeks speedily to reach agreement with the Prison Service about sharing of information with both DEPMU and security managers in removal centres.

119 Pourgourides et al. p.46.
120 Amnesty International, Prisoners Without A Voice p.56.
Equally, it is important that, where a detainee is considered to be unsuitable for the more relaxed environment of a removal centre, movement in the opposite direction is properly controlled. Clearly, it would not appropriate both from the detainees’ perspective and that of the Prison Service for contractors to offload difficult detainees wholesale and for all those so transferred to be left in prison indefinitely. I understand that current arrangements for transferring detainees to prison are that the local staff put forward an individual case to DEPMU, who then submit the case to the Population Management Unit in Prison Service Headquarters. Whether the application is successful depends on current pressures on the Prison Service, but whilst they will not always take those referred to them, they are generally helpful.

**Vetting detainees – the PNC issue and Data Protection**

Mr Watson told me that Group 4 had taken early steps to try to manage the potential risk presented by detainees:

“In spring 2001 we had submitted a policy proposal … for dealing with high risk detainees … modelled on the Prison Service practice of identifying, reporting to headquarters … and ensuring the appropriate secure management of the individual until an assessment of risk, antecedents, attitude and behaviour could be made. I believe that the Immigration Service rejected our proposal because they did not recognise that the category of high risk existed or that detainees would present as such.”

In July 2001, Group 4 also talked to the local police about running PNC (Police National Computer) checks and local checks on detainees to establish what their background was. However, this project was cancelled by the Immigration Service. One of the police officers involved described what happened:

 “[They met] to discuss the sharing of information concerning the IDC between those parties who had a vested interest in the centre's site and residents.

 "A protocol was agreed at the meeting that a mutual sharing of information would take place. Group 4 … would, on a daily basis, notify Bedfordshire Police the details of all persons taking up residency at the centre and those being transferred out. Bedfordshire Police … would then notify Group 4 if any of the new residents had PNC ‘warning signals’ which could impact on the welfare of the staff or residents of the centre. If any resident being transferred out were on bail to a law enforcement agency, Bedfordshire Police would update the PNC, giving the subject’s new location.

 "A further meeting … finalised the protocol and ensured it met with legislation in respect of ECHR and Data Protection.

 “On Tuesday 25 September, I received a telephone call from Mr Derek Milliken. He informed me that … [the Chief Immigration Officer working on project development had] informed Group 4 that they would no longer be able to routinely provide details of residents to the police … This decision had been made by … the HMIS Enforcement Policy Unit and was not open to debate.

 "In my opinion the cancellation of such a protocol has put the safety and security of residents and staff at the centre in jeopardy.”
Mr Milliken described the intelligence meeting as having addressed police concerns about the type of detainees to be held on the site. Mr Milliken noted that prison establishments would receive more information on prisoners than immigration detention establishments would on detainees. He said that the police had been concerned, as had been the Yarl's Wood SMT, that the background of detainees would be unknown, even in cases of people who had been in the UK for a few years. He had been looking to use police information in these cases.

Mr Watson said:

“My understanding is that the authority's position was that giving across-the-board information regarding all detainees to Bedfordshire police was not appropriate. We were told that Group 4 were not to give such information unless the police could demonstrate that they had need of information, they were working on genuine suspicion or intended to take action. We were also advised that the country of origin by itself was not a reason for checks to be made.”

Legal advice to IND at the time was that:

“The police can only request the disclosure of information relating to those they have a basis for investigating or prosecuting. It would be disproportionate under Article 8 and beyond the ambit of the crime exemption in the Data Protection Act to give them everyone's details. They may come to the detention centre with lists of suspects. If the centre is satisfied that their reasons for requiring the information justify disclosure under the Data Protection Act (i.e. that the police are working on genuine suspicions in each and every case - and country of origin is not a good reason - and that they intend to take action in relation to each suspect) then they may disclose. But it seems that that's probably not the case here.” (E-mail from Legal Adviser's Branch to the Chief Immigration Officer working on project development, IND, 21 September 2001.)

A note on one of IND’s policy files recorded that:

“Bedfordshire Police asked to be notified of all arrivals at Yarl's Wood so that they could check them on the PNC to see who might be in their area, thus allowing them to advise other forces that might have an interest in the persons concerned and not know their present whereabouts. No such arrangement existed at other removal centre sites. The police were advised there were Data Protection obstacles to such a blanket disclosure of information and that neither IND nor Group 4 could simply ignore the requirements of the Data Protection Act. It was left that this issue would be the subject of further discussion.”

It seems it was not.

Mr Watson summarised the position:

“… if you’re going to achieve consistent and high standards of safety, security and care for everybody you have to make sure that where possible you can minimise and perhaps even isolate or split up those that you identify as a being a risk to others or the good order or security of the establishment. And so the intelligence protocol … and the high risk detainee categories … were trying to … manage our risk and that of the Immigration Service. It saddens
me that on both counts ... the Immigration Service declined to pursue our ideas.”

Group 4 identified lack of information about the detainees they were holding as a key issue. They said that, in effect, they were working blind. Dr Mace judged that, along with the transfer in of ex-prisoners, the key factors behind the Yarl's Wood incident were the difficulties accessing, transferring and releasing information on individual cases when moved to Yarl's Wood.

Dr Mace said that he had been unaware of the PNC check debate at the time. After the fire, he had immediately challenged the system of assessing detainees. From spot checks, he could not be certain that information was being passed on reliably from the point of assessment, through transit, and into removal centres. In particular, he said that information on transfers from the Prison Service appeared to have been inadequate. He was astonished to find PNC information was not being collected effectively or used systematically to assist in managing safety and security during all stages of the process. He immediately instructed that PNC checks should be undertaken on everyone in the system and that this information should be both provided to removal centres and maintained centrally in IND. Dr Mace said that, had checks, information flows and record keeping for all cases been robust and effective, there would not have been a need for Bedfordshire police to check cases against the PNC at Yarl's Wood. (However, he judged it reasonable for Bedfordshire police to be aware of the status of sensitive cases in the centre and assumed such dialogue could and would occur at local operational levels, as with local prisons.)

Assessment

I do not doubt that the legal advice given in relation to the Data Protection Act and the agreement reached between Group 4 and the police is right and that IND officials acted appropriately in blocking that particular initiative.

It is surprising, however, that the Immigration Service dismissed out of hand Mr Watson's proposals for dealing with high risk detainees and that it had not already taken the steps which Dr Mace ordered after the fire (measures that are consistent with the Data Protection Act). IND had (or thought it had) transferred risk to its contractors but, as pointed out by Dr Mace, this did not absolve them of the responsibility of taking steps to ascertain whether the risk they were transferring was manageable — and particularly so following the decant of detainees from prisons. It is impossible to say whether this had any impact on the events of 14/15 February, but IND certainly did Group 4 no favours in this respect.

I understand that the position now is that no one is accepted into detention until a PNC check has been carried out. This is to be welcomed.

Re-labelling

At an OIM on 29 January 2002, the Chief Immigration Officer informed those present that Yarl's Wood was now a removal centre. The minutes recorded that Group 4 had not been informed officially.

The first use of the term ‘removal centre’ I have discovered was in Mr Blunkett’s statement to the House of Commons on 29 October 2001 (quoted above). The Government's plans were subsequently set out in detail in Secure Borders, Safe Haven published on 7 February 2002 (just a week before the Yarl's Wood disturbance). Paragraph 4.74 emphasised the role of detention in effecting removals:
"Detention has a key role to play in the removal of failed asylum seekers and other immigration offenders. To reinforce this we shall be designating existing detention centres, other than Oakington Reception Centre, as 'Removal Centres'. Detention remains an unfortunate but essential element in the effective enforcement of immigration control. The primary focus of detention will continue to be its use in support of our removals strategy."

Subsequently, the Government's plans were incorporated into the Nationality, Immigration and Asylum Act 2002, which received Royal Assent in November 2002. Part 4 of the Act is concerned with detention and removal, and s.66 formally changes the name of detention centre to removal centre - defined as a place, "which is used solely for the detention of detained persons but which is not a short-term holding facility, a prison or part of a prison".)

Mr Boys Smith thought re-labelling came from Mr Blunkett, or from his political advisers, with Mr Blunkett's approval. Mr Boys Smith considered it wholly a political gesture. He said he recalled being sceptical about the label, as not every detainee would be removed. There had been some discussion about the label being somewhat (though not wholly) inaccurate. Mr Boys Smith said, however, that this point was not a major issue and that it had been advisable for officials to conserve their efforts for more pressing matters.

Mr Brewer suggested that political advisers had originated the relabelling idea. He said Dr Mace had agreed it with no discussion within Detention Services. The rationale was to try to shift people's perceptions of the custodial estate. Mr Brewer described this as "a big lie". It did not reflect the purpose of the estate and was disingenuous spin.

Mr Blunkett told me that the decision to rename detention centres as removal centres arose from his wish to be clear about the purpose of the different types of centres to be used by IND. He said he raised this in October 2001 and his suggested titles were sent by his office to senior IND officials. The change of title from detention to removal centres was then implemented.

Mr Pearce confirmed that the change was first announced by the Home Secretary to Parliament in October 2001. The Home Secretary outlined a new end-to-end process that encompassed induction, accommodation and removal. (I understand there was also debate about what to call the accommodation centres.) The re-designation recognised the role that detention would now play. It was definitely not the case that the decision to name the centres "removal centres" had been taken for political reasons or on political advice. The decision had been taken by the Home Secretary from a number of options at a meeting at which Mr Pearce had been present. The reason for the change was not to signal a new tough direction to policy but simply to demonstrate the use of the detention estate in support of the removal process. The detention estate had been used haphazardly hitherto. The use of detention for non-suspensive appeal cases and fast-track cases (i.e. in support of intake control) postdated the change of name.

Mr Pearce said people were not entirely enthusiastic about the name change, but he could not recall any advice that the renaming was causing problems.

Ms Eagle could not recall or find a record of any meetings at which the re-labelling of detention centres as removal centres was discussed. She noted that there were two types of detainee. Those who were new into the country and needed to be held
pending verification of identity etc and those who had reached the end of the process and needed to be removed. Clearly the term ‘removal centre’ was not appropriate for the former, but the expectation was that most who were detained at the centres would be removed. In any case, it was partly a question of sending signals both to failed asylum seekers and to those thinking of coming to this country.

Ms Eagle said she quite understood why the name had been changed but equally could see the possible ramifications of the change in terms of the effect on those detained. She considered, however, that those at the end of the asylum process awaiting return would have been well aware of this fact, regardless of the name of the facility holding them.

Mr Boys Smith did not attach any particular practical significance to the change of name. Neither did Mr David Wilson. He said it was simply a question of the Home Secretary wanting to make a public statement of intent. In a sense, it was more honest – although it should be noted that the purpose of the centres was not solely to remove. It was hard to say whether the change of name contributed to the disorder. Although the change of name might have been unsettling at the time, Mr Wilson suggested that “detainees were more influenced by the culture and conditions than a name”.

Mr Boon did not consider there was particular significance to the change of name. It had always been intended that people would be held only for a short time either to determine their status or to remove them. Those who could not be removed straightaway should be released, unless presenting some special risk. The real purpose of detention was to effect removal. There was therefore no change of policy in this respect.

The contract monitor said that Group 4 had not made an issue of this at the time. She had been told about it at an OIM meeting and no objection had been raised. She did not think it had been a significant issue. She said there had been no reaction by the detainees and none had mentioned it to her.

In his evidence to this inquiry, however, Mr Jasper said the announcement had come as something of a shock to him. He had been concerned that there would be a reaction from detainees in that they might become angry and possibly dejected as a result of losing hope of release. Protestors might incite trouble. He had immediately put extra resources into the centre when the ‘redesignation’ was announced, in line with the company’s policy at times of heightened tension. In the event, the reaction had not been as profound as he had thought it might be.

Mr Dickinson also told me that he had been extremely concerned about the re-designation of Yarl’s Wood as a removal centre. Previously it had been the case that all detainees hoped to be released back at some stage. This gave them hope. Detention centre staff could work with this and befriend them. The biggest frustration had always been not knowing what was happening with their case. Re-naming as a removal centre took away all vestiges of hope as detainees knew that ultimately they would be removed from the country. Mr Dickinson recalled writing to Mr Brewer on the matter on 13 December 2001 expressing his concerns. I obtained a copy of this letter:

“I would also appreciate the opportunity to discuss the possible impact on discipline and behaviour of the change of name of Detention Centre to that of Removal Centres. Much of the relationship which is forged between detainees and our officers is based on a belief that they may achieve entry to
the UK and there is often a marked deterioration in behaviour once removal instructions are served. The concept of removal as an inevitable outcome, once in a centre, will inevitably lead to much greater control and discipline issues and I believe we should be planning for this changed situation well in advance.”

Mr Brewer replied on 19 December:

“I have very little doubt that the world of immigration detainees is changing very significantly at the moment. The estate is growing very quickly, developing an increased separation from the Prison Service and the pressure being applied to all of us to meet the removals target is bound to have an affect on our relationship with those in our care. Generally speaking these change factors are given and cannot be much influenced by me, as a result we need to concentrate our efforts on the response we make to ensure we deliver what is required. In my view this poses a relatively difficult challenge for Campsfield.

“I am sure we are jointly anxious to do everything we can to ensure that further disturbances do not occur.”

Mr Watson told me:

“Yarl’s Wood became formally known as a removal centre. It is possible, and it’s my perception that this may have had an adverse effect on detainees’ view of the centre. They may surmise that as they’re soon to be removed from the country they might feel either hopeless or they’d nothing left to lose.”

Mr Brewer echoed this during his interview with Mr Moore:

“There has been a complete refusal to face up to the fact that as we get better at chucking people out of the country we are actually going to provoke more non-compliance.”

Dr Mace said a Ministerial change of designation of detention centres to removal centres was to make it clear that for most in detention centres the outcome would be removal to their originating country. Ministers also asked IND to withdraw detainees from prison. Dr Mace suggested that, in isolation, these changes could be accepted. But together with the prominence of the 30,000 target they brought a big change in the overall strategy. Previously, many failed asylum seekers had left voluntarily. A different environment now developed within removal centres, but the rules governing the centres had not changed to reflect this different environment.

In light of the controversy generated by the change of name, it is interesting to note that, in practice, much of the signage has yet to catch up. Road signs to Yarl’s Wood still refer to the ‘Immigration Detention Centre’. The sign above the gate at Haslar describes it as a ‘Holding Centre’.

Assessment

It is not possible to say what effect, if any, the change of name had on detainees or on the general tenor of the centre. No detainees mentioned it and I certainly do not consider it pivotal to what occurred on 14/15 February.
Nevertheless, the name ‘removal centre’ is not felicitous. The centres are what they were – places for detaining people. That is, detention pending consideration of the detainee’s claim or detention prior to removal. To call them removal centres suggests that decisions have already been made. This does nothing for perceptions of the integrity of the process. It may also give the impression that removal is more commonplace than it is.\textsuperscript{121}

When a legislative opportunity arises, I recommend that removal centres are re-labelled as immigration detention centres.

24-hour association

When Yarl’s Wood opened, detainees were required to return to their rooms at 11 pm and stay there. Mr John Wilson raised this issue at an OIM on 12 December 2001:

"UKIS (JW) was of the understanding that Detainees would have access to the association rooms and smoking rooms throughout the night. The approved procedure states that the association rooms close at 23:00 hrs and reopen the next morning at 08:00 hrs. UKIS are not content with this arrangement and requested G4 to review."

The question was duly reviewed on 9 January 2002:

"DW said that Group 4 have never had the understanding that association and smoking rooms would be open throughout the night. Group 4 have always said that they would not be open throughout the night. DW has started to get in views from various Managers on this issue. DW would feel uncomfortable with opening association rooms during the night. JW noted the comments and said that UKIS look forward to an update. DW pointed out that the procedures which have been agreed and signed off are that association rooms are not open all night."

The actual contract is silent on this point. It refers solely to the need for the various accommodation units to be zoned down into self-contained units and for the rooms to be en-suite "to provide a self-contained facility and reduce movements outside the room at night".

Both Mr Quibell and Mr Brewer confirmed to Mr Moore, however, that a very light-handed regime was policy. Mr Quibell said:

"Following Yarl’s Wood we had to go back to Ministers to get them to agree to the more robust approaches … so that probably tells you we didn’t have Ministerial approval to do the things that Group 4 might have thought were useful."

Mr Brewer said the specification was that people should never be locked up and that there should be a full complement of staff night and day, seven days a week. This meant that, “People could watch television at 3 o’clock in the morning and sleep in the day and that was perfectly alright.” He added that the specification came from Ministers. It was, "Ministerial policy, going back forever. This is the way you treat people in removal centres.” He said that, as the ‘new boy’ he went along with it.

\textsuperscript{121} Research Development and Statistics Directorate, Home Office, advise that no statistics are kept on the numbers removed from removal centres as opposed to total numbers removed.
I described earlier how detainees increasingly objected to having to return to their rooms. The centre manager wrote to the contract monitor on 31 January 2002:

“Following suggestion from UKIS at recent interface meetings that allowing detainees 24-hour access to association would be the favoured or perhaps ideal position, we have discussed the issue locally. Detainees have also indicated a desire for increased association. You are aware that we have already:

- Implemented 24-hour access to smoking rooms
- Implemented association to midnight

“We are now prepared to offer for a trial period (for review in one month) 24-hour access to television (not general association). We appreciate that it is likely that UKIS intend to move to a general policy of allowing detainees 24-hour access to television either in room or in association. We would like to help facilitate this.

“With your agreement we would like to offer a trial of 24-hour access to television in association but would seek assurance of your support that if it did not prove effective or manageable we could cease it, or if some (as yet unforeseen) additional resources were required to ensure absolute ease of operation you would be amenable to those discussions.”

I asked Mr Milliken about the sequence of events. He said that Group 4 managers had felt that the Immigration Service had wanted them to provide 24-hour association. They had resisted this on the basis of controlling the centre and establishing a daily routine, which had included moving detainees to the bedroom units at 11pm. He noted that there had been some difficulties with detainees over the 11pm curfew. Some had refused to leave association rooms. Mr Milliken said that it was important that the staff’s reaction was proportionate. To use control and restraint (C&R) would have been very heavy handed. However, there had been no sanctions with which they could have coaxed detainees into complying. The Immigration Service had been keen to have 24-hour association and management recognised it would eliminate the problem of enforcing the curfew. The SMT had therefore met and decided to implement the 24-hour association.

The contract monitor thought that, although Group 4 might have addressed detainee concerns, they had missed the point as to what the Immigration Service wanted. She said that John Wilson had thought the centre would be capable of being broken down into four zones, with facilities in each zone. This was an attractive part of the Group 4 bid. When the centre had opened, however, it had become clear that the link corridors were always closed, thus preventing zoning down while retaining access to facilities. Mr John Wilson had raised the separation of the detainees from facilities as an issue. Mr Watson told him that he wanted to consult with his senior managers before acting on this. The next thing that Mr Wilson and the contract monitor knew, Group 4 had produced a notice giving the detainees 24-hour association.

Mr Wilson’s account bore this out. He said that, historically, the Immigration Service liked to keep detention centres as relaxed as possible. He noted, however, that this was more difficult to manage in an establishment as large as Yarl’s Wood. He recalled that the detainees had complained that the 11 pm compulsory return to the spurs had amounted to treating them like children. There was no access to TV on the spurs and it was understandable that detainees had been reluctant to do as they
Mr Watson said that he had understood that the contract required an 11 pm return to the spurs. Mr Wilson and the contract monitor had discussions with him about this, but nothing had been resolved. The next thing he had heard was that there had been a sit-down protest and Mr Watson had conceded that detainees could have access to the TV rooms. (Mr Watson told me in his letter of 13 October 2004, however, that he spoke to Mr Wilson by telephone to confirm his requirements before implementing the change.)

Mr Watson described what happened as follows:

“John Wilson the Immigration Service Area Manager identified at the operational interface meeting on 19 December that he was very much in favour of full freedom of association for the detainees. He indicated that he believed, contrary to our agreed procedures, that we should have offered access to smoking rooms and association rooms throughout the night from the outset and that this was now sought as Immigration Service policy. Consequently and notwithstanding the operational difficulties that could ensue ... we agreed full 24-hour access to television in January 2002.”

He went on:

“I think I have made clear that detainees did not all enjoy being asked to return to their bedroom corridors at the end of the evening, equally some of the staff found this part of the routine occasionally, but increasingly difficult to complete. The Immigration Service also made it clear that they wanted a policy of full access to association facilities.

“We believed that there could be operational difficulties – with some detainees seeing the change to procedures as a result of their pressure and resistance to the routine and our management, and some staff seeing the change as ‘management weakness’.

“However, we determined that this was a necessary move to meet a client wish. Assessing its impact is speculative, but perhaps there was a perception that protest could achieve disproportionate results.”

(Certainly, at least one detainee referred to being spurred on by Group 4 granting some of their requests.)

The Chief Immigration Officer thought the change had made little tangible difference. He commented that, soon after the detainees were granted the facility, they ceased to take advantage of it. He said they subsequently went to bed at around midnight anyway. He thought that it had been more to do with scoring points than anything else. Group 4 had conceded because they wanted to calm things down.

Mr Jasper said that, following the opening of the centre, Mr Wilson had been adamant that it had always been intended that there would be 24-hour association. Mr Jasper had challenged him on this, but the latter said that it was what the Immigration Service wanted and was in line with the invitation to tender (ITT). Mr Jasper said he and his colleagues had not anticipated this type of full freedom of association regime when they were making the bid.

Mr Dickinson gave a similar account. He said that, three days into opening Yarl's Wood, IND had said 24-hour association should operate without zoning. Group 4
pointed out that this was not what had been agreed during the bidding process, but ultimately, they were obliged to comply.

However, it is far from clear that 24-hour association did represent a considered Immigration Service position. Mr Brewer, who was in overall charge at the time, suggested to me that the principle of 24-hour association was fundamentally daft. It meant that detainees slept all day and were awake and making a nuisance of themselves throughout the night. It was also expensive with regard to staffing, notwithstanding the fact that numbers needed to be maintained because of 24-hour reception. On the other hand, Mr Brewer commented that it would have been difficult to keep detainees locked up in such a flimsy building for great lengths of time if they were unsettled. (It is worth noting here that one of the reasons Group 4 gave for not making detainees return to their rooms during the Campsfield House disturbance was that they had no means of keeping them there.)

His predecessor, Mr Boon was surprised to hear that Group 4 had allowed 24-hour association. They had the ability to enforce ‘lock up’ in both rooms and zones. He would have supported them doing so from a control point of view – it was important to be able to give an account of everybody at certain times of the day. It was also helpful to impose this sort of discipline, so that if it became necessary to restrict movement at other times for control purposes, there would be less likelihood of resistance. Finally, set periods of lock-up were important to ensure that those who wanted time away from others had it.

Mr Boon commented that simply because detainees are unconvicted did not mean there should be no framework within which they are expected to live. Disciplines were important for everyone. He would not be happy with detainees sitting in TV rooms until 3 am. He queried whether Group 4 had forgotten Campsfield House in 1997. (Mr Boon noted that although small dormitories had originally been proposed for Yarl's Wood, Group 4 had elected for individual rooms instead, precisely so that they could exert necessary controls and ensure detainees could get peace from each other.)

Mr Masserick also agreed that 24-hour association was a bad idea. People should bed down at a reasonable hour. This was partly to do with providing a safe and peaceful environment for others. Bedroom doors were not locked and it was impossible to patrol all areas effectively. This left those in their rooms extremely vulnerable. Mr Masserick thought this breached the duty of care and constituted a managerial abdication. It was just not sensible. He noted that neither Campsfield House nor Tinsley House had 24-hour association.

Most DCOs agreed that 24-hour association was a mistake. One said it:

“...led to the deterioration of the site ... The detainees stayed up all night. This led to them being even more temperamental in the day due to lack of sleep.

“Meal times became a problem as prior to the decision meals were booked the day before. This allowed serving of meals easy. However, because the detainees were in bed in the day, when it came to mealtime they would arrive in the canteen expecting a meal. Due to the fact they hadn't booked a meal, they were not provided with what they asked. This led to scenes of anger and at times violence.”
Whether or not the change in policy made a material difference to events is uncertain (the disturbance occurred in the early evening). But it is likely that the policy was significant in terms of sending messages about who was in control and in removing a normal discipline from the lives of detainees.

Events on 14 February inevitably caused a re-think. A note from Mr Brewer on 21 March to update Lord Rooker about some of the emerging issues surrounding Yarl’s Wood and Harmondsworth Removal Centres (but not sent in the event), advised that a review of the operating regimes was necessary:

“The population of removal centres is one that is less likely to be compliant. The detainees are very much aware that they have exhausted all avenues of appeal and that removal from the United Kingdom is imminent. Therefore the incentive to co-operate with the detaining authorities is much reduced.

"In line with this, I propose that the operating regime move towards a reflection of category B systems in place in the Prison Service.”

In preparing a response to Mr Moore’s report, IND noted that:

“24/7 association has been re-examined. The Immigration Service may authorise service providers to routinely lock detainees in their rooms at specified times.”

There remains a question, however, as to how far this can be enforced where detainees are reluctant to comply.

**Assessment**

The Immigration Service claim that the final decision on 24-hour association was taken without reference to them. Group 4, however, place the responsibility for the policy at IND’s door. The truth seems to lie somewhere between the two. It is apparent that IND actively sought 24-hour association. However, it is also clear that Group 4 were having problems enforcing the curfew. Acceding to what they understood to be the Immigration Service’s wishes on the matter presented a way out.

Notwithstanding who was responsible for the change in practice, Mr Boon spoke of the need to impose disciplines in any closed institution, regardless of the reasons for people’s detention. I agree with him. It is important from the point of view of establishing acceptable forms of behaviour, important in establishing control (thereby enhancing safety and security) and important in safeguarding the rights and needs of others. As Mr Masserick pointed out, 24-hour association is unfair to those who want to retire at what might be considered a reasonable hour – and may even be unsafe, given that they could not lock their rooms. As a protection against theft, and to provide some privacy, many prison cells are equipped with courtesy locks (that is, locks operated by prisoners but which do not prevent entrance by staff). I believe similar locks should be introduced in removal centres.

**I recommend that courtesy keys and locks be introduced in removal centres.**

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122 There were no privacy locks when Yarl’s Wood first opened, although detainees did have keys to their wardrobes. Privacy locks have since been installed.
Equally, however, I can see that detainees would feel they were being treated like children in being ‘sent to bed’ at a given hour – regardless of what that hour is. Undoubtedly at Yarl's Wood this was made more unpalatable by the restrictions inherent in being confined to their rooms. They could neither watch television nor smoke and most would have had few, if any, possessions with which to entertain themselves. It is not difficult to see why those not ready to sleep at 11 o'clock resented being confined to their rooms.

I recommend that a single lock-down time be introduced across the detention estate, but that detainees be allowed to smoke in their rooms and that a television is provided in each room or dormitory.

**Operation Aardvark**

Yarl's Wood was subject to another IND policy initiative. In January 2002, IND piloted Operation Aardvark there. This was a new approach whereby, instead of sending failed asylum seekers and illegal immigrants home piecemeal, numbers of co-nationals were sent home together on chartered flights.

Mr Watson spoke about its impact at Yarl's Wood. He said the scheme:

“… was introduced as a trial with no consultation or discussion and no prior warning. That also increased the turnover of detainees and also started to change the time of day or night that we were receiving and discharging people and I had some concerns about whether that was reasonable and fair and humane.

“Operation Aardvark and other similar operations required the collection of large numbers of detainees often at very short notice. The list of those to be removed often changes at the last minute which involves what you might describe as early morning ‘shuffling’ of detainees with some being woken in the small hours and some who’d been woken and being taken to await the escort being sent back to their living accommodation.

“Those things were all a matter of some concern to me, as staff profiles had been drawn up on the basis of the [best and final offer] that there would be a reduced number of staff in the reception area after 7 pm on the understanding that most detainees would be removed during the day. Under Operation Aardvark many detainees arrived between 7 pm and 11 pm, often being dealt with in the reception area at 3 am or 4 am the following morning prior to discharge. And so staff had to deal with significant movement of people and detainees who were often confused, bewildered and not surprisingly, many were disappointed about being removed.

“I believed that the unexpectedly short average stay and the high number of movements for Aardvark and other projects was causing some difficulty in for example planning how to deliver education services, deliver the regime and make sure that we had the appropriate staff on duty at the right part of each day.”

In contrast, Mr John Wilson was fairly dismissive of the effect of Operation Aardvark at Yarl's Wood. He said Aardvark had not been considered at the bid stage, but that the main effect of it was the pressure on reception at the centre.
The contract monitor recalled that Mr Watson had raised the point that this had not been budgeted for. He had also said that he would need to make some changes to his operating procedures. The contract monitor said that there had been a few difficulties arising out of the Aardvark removals: one or two families had refused to go and Group 4 had been (rightly, she felt) reluctant to carry out C&R on minors without further guidance from the Immigration Service. Also, when the centre became more full, some male detainees had to be moved out of Yarl's Wood to facilitate Aardvark, and some had been reluctant to go to Lindholme because they thought they were going to prison. Group 4 had not been able to persuade them to leave, and to try to move them forcibly might have resulted in incidents of concerted indiscipline as they were surrounded by friends.

**Assessment**

I do not attach huge significance to the introduction of Operation Aardvark. However, it is not difficult to see how it would have put additional strain on a centre that had hardly begun to bed in. Increased turnover of detainees placed extra pressures not just on reception staff, but on staff throughout the centre. There would have been influxes of new people, rooms to prepare, welfare and emotional problems to deal with. In addition, the fleeting presence of people who were on their way out of the country can only have had a negative impact on the mood of existing detainees. Finally, those who were to be in the centre for only a matter of hours would have had no interest in looking after their surroundings or of building co-operative relationships with staff.

IND clearly considers Operation Aardvark to have been a success and I have no grounds for saying they should abandon the initiative. It is important though that the implications of such projects be thoroughly thought through and discussed with the contractor. If any future operations of this sort are considered, contractors should be consulted and given adequate time to prepare. The contract should also be re-visited where appropriate.

**Partnership and trust**

I put to Mr Straw Group 4’s allegation that the goalposts had been moved. Mr Straw said that he did not believe that the regime Group 4 had been expected to deliver was more lenient than that for which they had bid. He also considered it untrue that the goalposts had been moved, because when he became Home Secretary there were no goalposts (that is, no consistent approach had been formulated via rules). He had found this extraordinary and had introduced the Detention Centre Rules under the 1999 Act.

Mr Dickinson said, however, that Group 4 had tried to apply at Yarl’s Wood lessons learned at Campsfield House – for example, a wide ranging and robust regime – but this simply did not work as well as it might have done largely because of the various policy changes imposed. Mr Dickinson was angry at the lack of meaningful consultation by IND. He agreed that Group 4 had signed a contract that transferred risk to them, but said that this related to sensible, assessed risk. Group 4 did not accept the transfer of risk on the basis that IND would tell them to jump and they would simply ask how high. IND should have paid heed to the professionals.

I asked Mr Dickinson what he would have done differently with hindsight. He said he would not have continued to work with IND in the way Group 4 did with the rules continually changing. He described a gradual “erosion of trust and belief” in IND. He
believed that, given the chance, Group 4 could have done more good. He thought there was a “willingness to use deception to meet today’s ends” because of the pressures under which IND was placed. He said the venture would have been much more productive had a partnership approach been taken.

Assessment

Quite apart from the impact any one of these policy changes might have had on the turn of events, the common theme that runs through all of them is the lack of any consultation by IND with Group 4. There is no doubt that many of these policy developments represent major shifts and substantially altered the environment in which Group 4 was expected to operate. Time and again, IND imposed change upon the company and then played no part in the management of it. One would have expected close consultation on any of these issues, but, even where Group 4 were consulted, their views appear to have been largely ignored. Group 4 was IND’s most experienced contractor. They also had a wealth of experience in the prisons estate. Given the fact that IND were embarking on what was largely new territory, I find the lack of any sort of partnership approach very disappointing. It can have been at best unhelpful and at worst very damaging.

I recommend IND consults contractors when it is considering major new operations and gives them adequate time to prepare. The contract should also be re-visited where appropriate.

I also recommend that IND adopts a more consultative approach in the future by means of regular IND/contractor meetings at director level to discuss issues facing the detention estate.

It could have been Harmondsworth

I have obtained documents that show that the security/control situation at Harmondsworth Removal Centre (which was run not by Group 4 but by UKDS) was causing alarm during the construction of Yarl’s Wood and in the immediate period before the Yarl’s Wood disturbance. Many of the themes in these documents find an echo at Yarl’s Wood.

On 11 January 2002, Mr Brewer wrote to the centre manager of Harmondsworth (Mr Oliver) following an attempted escape on 8 January. Mr Brewer wrote that the security situation was "starting to look serious". He continued, "I am becoming increasingly disturbed that we may have a building that in reality is not at all secure. Presumably risk of physical escape is now very high?"

Mr Oliver replied on 21 January, sharing the concern about the level of security provided by the windows installed at Harmondsworth. He added that, "the fire strategy also diminishes the security available". Subsequently, on 30 January, he wrote to Mr Brewer:

"I have serious concerns about the risk of escape and the potential for a serious incident leading to major disturbance."

Mr Oliver enclosed a Report on Recent Incidents at Harmondsworth Removal Centre. This began:

"A series of incidents of increasing seriousness have led us to have grave concerns in respect of the maintenance of security and control at
Harmondsworth. The emphasis placed upon providing a 'non prison' environment, and the impact of the fire strategy upon design and operations have resulted in a situation whereby the level of security and control currently achievable at Harmondsworth is not sufficiently robust to allow for the safe and effective containment of the current population.

The report went on to list a number of incidents including escape attempts, "arson incidents", a protest involving a threat of "major disturbance", and a "prolonged fight". It noted that compared to a category C prison, Harmondsworth did not have bars on the windows, did not have prison standard locks on internal zones, and did not have gates to achieve internal zoning.

In an annex, the report listed the main threats to security. Amongst these were the population:

"The population currently held is different to that originally identified:

- Detainee applications have already been refused
- Short term detention for removal
- Many are 'prison wise'
- Increasing number of detainees who have been involved in criminal activity.

"Detainees who know they are to be removed have no incentive to behave. They have no interest in preserving conditions, as they are only in situ for a couple of days. The transient nature of the population provides limited scope for building relationships and intelligence gathering."

The nature of the construction was also criticised:

"The fabric of the building does not provide the level of security necessary to contain the current population."

Twenty-four hour association presented difficulties:

"… Suggested Action: Review freedom of access particularly during the hours of darkness."

There was an absence of sanctions against poor behaviour:

"… Suggested Action: Re-examine the current provision for secure accommodation in order to provide more accommodation to a higher security specification."

There were problems resulting from an absence of a system of security categorisation:

"… Currently within the immigration estate the assumption is that security requirements are minimal until proven otherwise."

Security was not visible:

"… The absence of high visibility security lines e.g. gates and bars, encourages detainees to attempt escape and to breach control zones."
And there was a lack of security intelligence:

"No appreciable security intelligence is available as the detainee turnover makes gathering and assimilating information virtually impossible."

The report concluded presciently:

"Within custodial environments every incident has the capacity to become the catalyst for a serious disturbance. Recent events have demonstrated the vulnerability of Harmondsworth in the event of a determined escape attempt or loss of control."

These fears were shared by Mr Hampton. On 31 January 2002, he wrote to Mr Brewer:

"I have become increasingly concerned at the potential for serious security and control problems which exists at Harmondsworth owing to poor construction and design … I do not think that operational procedures can overcome all the risks … You are aware of the successful attempts to break windows and get out … The internal coverage of CCTV is very limited … The main risk concerns the zoning arrangements … I believe that in a large-scale event it would be difficult to prevent inmates gaining access to all of the internal sleeping accommodation."

**Assessment**

Mr Oliver’s report strongly suggests that the causes of the disturbance at Yarl’s Wood should not be sought at that institution alone. The fact that the disturbance did in fact occur at Yarl’s Wood rather than Harmondsworth suggests either that Harmondsworth was simply luckier or that the situation was better managed. Dr Mace told me that the only real difference between the two centres was that Harmondsworth signalled its concerns and appeared to be more effective in dealing with the difficulties.

If this is true, it does not reflect well on Group 4. But it is important also to be aware of the impact that managing the situation at Harmondsworth had on Yarl’s Wood. The Inspector in charge of DEPMU said that, in the run up to Christmas 2001, Harmondsworth had asked not to receive any new detainees for a period. This was because they were having difficulties coping. This happened at a time when many prisoners were being transferred into the detention estate. As a result, and because it was perceived to have the facilities to cope with them, almost all were allocated to Yarl’s Wood.

The second impact Harmondsworth had on Yarl’s Wood was that, during January 2002, a number of difficult detainees were transferred to Yarl’s Wood to relieve pressure on Harmondsworth. This can only have added to the already potent cocktail of detainees at Yarl’s Wood at a time when it was itself experiencing growing unrest.

I conclude from these documents that the disturbance at Yarl's Wood could just have easily have happened at Harmondsworth. There is a very real possibility that any attempts to manage growing tensions at Yarl's Wood would simply have precipitated a disturbance at Harmondsworth.
In the event, a number of operational changes were made and several million pounds expended after 14/15 February 2002 to ensure Harmondsworth did not go the way of its sister centre.
Part VII

After the fire
After the fire

History teaches that those in prison and other places of detention are often most at risk in the immediate aftermath of a disturbance. To avoid any threat of (or claims of) improper reprisal or informal punishment by staff, it is essential that the system of safeguards works well. Regrettably, this was not the case at Yarl’s Wood. Members of the Visiting Committee were denied access to the centre. And the processes for authorising separation and segregation of detainees, which by some accounts had been suspect throughout the period of operation, broke down entirely.

Following the fire, a number of allegations of mistreatment of detainees were made. Some of these are still the subject of legal action and I must not substitute my conclusions for those the courts might make. However, I have thought it right to list some of the allegations that have been made, together with GSL’s responses to them. Whatever their validity, they demonstrate that independent monitoring of the treatment of those in detention is never more important than in the time immediately after a serious incident.

There have also been concerns over the payment of compensation for detainees’ lost property and the support (or otherwise) offered to staff.

Finally, there is continuing legal uncertainty as to who should pay for the disturbance. This raises fundamental questions about how much risk was actually transferred under the contract.

The role of the Visiting Committee

The Visiting Committee’s report for the period 19 November 2001–31 March 2002, recorded that the Committee were not informed about the fire, although they became aware of it as it happened:

“The Chairman took the view that as we had not been called there were considerations of safety and, of course, if the police were in charge we had no right of entry. He decided to leave contact till the morning.”

When he contacted the contract monitor the next morning, he was “advised that it was unsafe and that permission would not be given to see the detainees”.

The contract monitor told me she believed that she had dissuaded the Visiting Committee from attending, having spoken to them early on the morning of 15 February. She had done this out of concern for their health and welfare. She believed that the Visiting Committee had visited the centre on the afternoon of 15 February, although it was possibly later than this. She said that they had observed via CCTV staff from HMP Altcourse removing detainees from the secure area (this suggests that the date was in fact 18 February (see below)).

The Committee was asked to visit on 16 February to meet the police and the press. In the event, no-one was available when they visited just after midday:

“The V.C. asked to see the detainees. By this time most of those remaining were in secure or segregation. Two only of us were allowed to visit the general association wing and secure areas. Men were hammering on doors complaining of not being allowed to smoke, of not having toothpaste (later provided) and of being wrongly locked up. It was explained that the police were in charge and needed to see all of them as soon as possible. The
remaining three V.C. looked into the temporary control room and then around
the outside to where the riot/fire started.”

On 17 February, the chair of the Visiting Committee again phoned the contract
monitor and was again told they would not yet be allowed into the accommodation
areas.

The Committee’s report continues:

“On Monday 18 February the Chairman received a call from the monitor
suggesting that it was still not considered safe to visit the detainee
accommodation areas. However, during the afternoon a special C&R unit
from Liverpool would be moving about 20 detainees into secure and he would
be able to observe this from the control room … No problems were noted.”

“From this point on, V.C. visits were allowed as usual, but, as so many were
locked in secure/segregation awaiting to be interviewed by the police, the
V.C. could not see all of them. We did visit segregation and all others that
requested to see us. We were also aware of the Religious Affairs [staff’s]
strenuous attempts to talk to everyone.”

“The V.C. were concerned to hear, well after the event, that many detainees
had been locked in their rooms (including four females) for a considerable
time.”

One of the recommendations in its report was that the Committee’s role in a major
disturbance should be made clear: “There is clearly a safety issue and a control issue
(i.e. when police take over).”

In my interview with Mr Eaglestone, he told me that he did not receive any notification
from Yarl’s Wood, even though Visiting Committee names were kept in the control
room. He had advised a colleague to wait until the morning to go up there. In e-
mails to me on 7/8 October 2004, Mr Eaglestone said the member had tried to visit at
6 am. However, he was told that the site was sealed an under police control. When
he pressed the matter, the police officer telephoned for authority and confirmed that
we would not be admitted.

Mr Eaglestone said he phoned at about 9 am and was told by the contract monitor
that the police would not let them in. He re- emphasised in one of the e-mails that he
understood her responses to be from the police. He said he would not have
accepted refusal to visit from the contract monitor.

He said he visited nonetheless with another member at 2 pm. Again, he was
refused entry. The entire committee, with one exception visited on the Saturday. Mr
Eaglestone said he had said he wanted to visit the accommodation areas. The
police said only two members could go for a limited time. Mr Eaglestone understood
that the members had visited secure/segregation. He could not explain why the
paperwork did not show this.

Mr Eaglestone called each day, but was not allowed fully back in until the following
Tuesday 19 February. He had spoken to the contract monitor on each occasion, but
understood that it was the police who were saying he could not visit. He recognised
that this was a critical time and that somebody from the Visiting Committee should
have monitored the corralling process on the night of 14 February and what
happened afterwards.
The police had insisted all the detainees remained locked up until they had been interviewed. Since they wanted to interview staff first, this took some time.

With regard to his acceptance of the police refusal, Mr Eaglestone said the Visiting Committee rules made it clear that their right of entry did not extend to a situation that was not safe. He referred me to paragraph 71.5 of the current handbook. This says, “Subject to any advice on safety or security grounds from the incident commander members should be allowed access to any part of the centre.”

I have not been able definitively to establish why the Visiting Committee were not allowed access to detainees. I understand that the police Silver commander kept a full record during his time in charge at Yarl’s Wood. He recorded that Religious Affairs staff had asked to see detainees and that this had been granted. He also recorded that the Befrienders had asked to visit, but that this had been refused. He had no record of such a request from the Visiting Committee. If the decision not to allow the Visiting Committee into Yarl’s Wood immediately after the fire did come from the police, it seems the Silver commander was not aware of it.

Mr Watson commented on this sequence of events:

“During the incident and its aftermath it was the role of the contract monitor to liaise with the Visiting Committee … the independent watchdog has an important and impartial role to satisfy itself and the Secretary of State of the appropriateness of the treatment of those in our charge during and after an incident. The V.C. has the unfettered right of access to all parts of the centre, to speak to staff and detainees, to observe and to raise any concerns … Neither had the monitor or the police told me that they regarded the centre as too unsafe for the V.C. to visit. We did not discuss this, and if we had I would have wanted the V.C. to visit and would have agreed appropriate ‘protection’.”

Assessment

It is extremely regrettable that no-one thought to inform the Visiting Committee about the disturbance and fire. Even had the result not been as it was, it was likely that significant force would be used to bring the situation under control and someone from the Committee should have been there to observe what was going on. Given that Mr Eaglestone has acknowledged that he was aware of the incident, I must question his decision to instruct the duty member not to attend.

It might also be argued that Mr Eaglestone should have spoken directly to the Silver commander in the days that followed. I note Rev Dr Pemberton was successful with the police commander in asserting her right to visit. I see no reason to suppose Mr Eaglestone would have received a different response. Concerns about safety are of course relevant, but if such concerns are well-founded, specific measures should be taken to ensure their protection.

I sympathise with the police who were operating in the immediate aftermath of a serious incident in which they believed there might have been loss of life and who had limited familiarity with removal centres and the rules under which they operate. However, if they denied access to the site by those appointed by the Secretary of State to monitor the safekeeping of detainees, then it was quite wrong.
I recommend that IND ensures that a requirement immediately to inform the IMB of any major incident should be incorporated in each contractor’s contingency plans.

I recommend that IND/the IMB Secretariat circulate fresh advice both to contract monitors and Independent Monitoring Boards about their role during a major incident.

Segregation and RFA paperwork

My investigation has also revealed serious gaps in the paperwork designed to ensure that segregation and removal from association (RFA) are properly authorised and appropriately monitored.

Rev Dr Pemberton told me that she had not been informed directly about the fire, but had heard about it on the news. She visited every day after the fire (after pointing out to Mr Watson that religious staff were entitled to access to the rooms under UNHCR regulations) and described the organisation of the centre as being ‘in meltdown’. She noted that the paperwork was not in order but that the secure area was being treated as if it was maximum security.

I obtained the segregation paperwork for the period between 15 February 2002 and the closure of the centre. The first set of papers I received was divided between DCF1 forms (removal from association, DC Rule 40) and DCF3 forms (temporary confinement (DC Rule 42)).

The papers were somewhat confusing. They appeared to show 19 different detainees held under DC Rule 42 (DCF3 forms) in the period January-March 2003 on a total of 25 occasions. Of those segregated in the immediate aftermath of the disturbance, the following details were noted:

<table>
<thead>
<tr>
<th>Name</th>
<th>Date</th>
<th>Reason for Separation</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr A</td>
<td>17.02.02</td>
<td>Believed to be proactive on 14/2</td>
<td>5 days</td>
</tr>
<tr>
<td>Mr B</td>
<td>18.02.02</td>
<td>Disruptive violent behaviour</td>
<td>4 days</td>
</tr>
<tr>
<td>Mr C</td>
<td>17.02.02</td>
<td>Believed to be proactive on 14/2</td>
<td>11 days</td>
</tr>
<tr>
<td>Mr D</td>
<td>17.02.02</td>
<td>Believed to be proactive on 14/2</td>
<td>5 days</td>
</tr>
<tr>
<td>Mr E</td>
<td>17.02.02</td>
<td>Believed to be proactive on 14/2</td>
<td>10 days</td>
</tr>
<tr>
<td>Mr F</td>
<td>17.02.02</td>
<td>Disruptive violent behaviour</td>
<td>5 days</td>
</tr>
<tr>
<td>Mr G</td>
<td>18.02.02</td>
<td>Disruptive violent behaviour</td>
<td>8 days</td>
</tr>
<tr>
<td>Mr H</td>
<td>17.02.02</td>
<td>No system or paperwork</td>
<td></td>
</tr>
<tr>
<td>Mr I</td>
<td></td>
<td>No system or paperwork</td>
<td></td>
</tr>
</tbody>
</table>

I found:

- Some records were missing or incomplete.
- No-one was recorded as entering segregation before 17 February. The forms are annotated by hand: "Forms not completed earlier as all originals destroyed in fire." They are all timed at 18.40 on 17 February.

Sixteen of the DCF1s were dated 14 February and signed by a senior member of Yarl’s Wood staff. They state the detainee is "suspected of being involved in a
serious incident”. The monitor is cited as having given verbal authority for continued segregation on 15 February and signed the forms on 18 February. All the forms have identical wording.

The DCF1 for the lady I have called Ms E is likewise dated 14 February and signed by the same senior member of staff. Ms E was transferred from the secure unit in Yarl’s Wood to HMP New Hall on 5 March 2002.

Mr Watson told me:

“The police had primacy and command. I assume their staff had identified ‘prime movers’ in the incident and others who they believed had been involved in the incident and, in the interests of security and safety, they were located in the temporary confinement cells or removal from association rooms. The contract monitor gave verbal permission for each decision.

“The Detainee Centre Rule 40(1) and 40(2) were complied with. The contract monitor and the Immigration Inspector confirmed these locations over the weekend of 16/17 February. Thus Rule 40(3) was observed.

“All of our stock of the DCF papers were destroyed in the fire. Similarly, with the loss of our I.T. systems and those of the Immigration Service, together with loss of phones and fax our ability to replace the forms was hampered. Thus, through the severe damage caused by the fire we could not comply with DC Rule 40(6).”

[DC Rule 40(6) requires written reasons for RFA to be given within two hours.]

The contract monitor confirmed that there were no DCF forms available immediately after the fire. She had not expected the DCOs to complete these forms although they would have kept a unit log. She had got hold of the correct forms and had signed them up for 17 February, writing in brackets that paperwork had not been available until then. She said that she had done this to record the detainees who were in the unit, their visitors, and significant occurrences.

The second set of papers I obtained included the daily diaries, occurrence logs and handover logs. Again, there were significant gaps and the papers were very difficult to follow. The head of residence at Yarl’s Wood confirmed to me on 19 December 2003 that the segregation unit diary for 22-27 February 2002 had disappeared. The segregation unit occurrence book for 10-25 February 2002 had also gone missing. However, the Bravo secure unit occurrence book opened on 11 February does make reference to both secure and segregation for the period 15-17 February. The head of residence said: “I would suspect that in the aftermath of the incident, there was some confusion around and this book was used for the two areas.”

I found few entries in the handover logs, and few of interest in the daily diaries.

The segregation unit daily diary was opened on the evening of 16 February. There were 13 people in the unit, three of whom were moved to secure the next day. Two members of the Visiting Committee are recorded as visiting for 15 minutes at 14:00 hrs on 19 February.

Mr Watson advised:
“The contract monitor had thus approved temporary confinement (TC) or removal from association (RFA) during the early morning of 15 February 2002. The Visiting Committee (now the IMB) were notified ... healthcare staff were advised, and through them the medical practitioner. The Senior Manager of Religious Affairs, the Chaplain, Visiting Ministers (and indeed the Bishop of Bedford) were all at the centre during the morning of 15 February 2002 and were aware of those detainees held RFA or TC.

“I am confident that throughout the period detainees were held RFA or TC the Manager of Religious Affairs, nurse/doctor and senior manager saw them each day. The V.C. visited regularly. I believe the monitor saw the detainees each day.”

The male secure unit daily diary runs from 11 February to 14 February at 17:45 then stops. It restarts on 22 February. GSL have told me that, like the other two records, it appears to have been mislaid.

The male secure unit occurrence log begins at 19:30 on 15 February. The first mention of food is lunch at 13:30 on 16 February, but not all meals are logged so little can be read into this. An entry at 12:20 on 17 February reads: “all above feed times logged for acceptance or refusal of food”. The records suggest that food refusal was frequent. For example, the segregation unit occurrence log for 25 February reads: “Aramark arrived to serve lunch, only [two detainees] accepted, the remainder declined.”

Assessment

I have no doubt that an incident on the scale of Yarl’s Wood would have placed a major strain on operating procedures in any institution. However, I have been disturbed to learn that the systems failed so significantly at Yarl’s Wood. The purpose of established procedures is to provide safeguards precisely at times when staff cannot think clearly. Although I have been advised that paperwork was lost in the fire, I note that the segregation unit was located in the undamaged wing. The paperwork should therefore have remained intact. In any case, the important point is that appropriate records should be maintained – not that this is done on bespoke forms. Given the scale of what had happened, failure to complete paperwork may seem a trivial matter. I disagree.

I recommend that Group 4 builds into its contingency plans reference to the need to follow proper procedures and to complete relevant paperwork in the aftermath of a serious incident.

I also recommend that contract monitors receive additional briefing on what to monitor and how to enforce compliance following a serious incident.

Allegations of wrongdoing

Failures in appropriate record keeping are the more significant in light of alleged overuse of segregation as described in an e-mail from the Bishop of Bedford to the Home Secretary:

“The use of isolation, which is close to solitary confinement in a cell, and of secure isolation, for extended periods following the fire, was of doubtful value in certain cases, particularly when the reasons given to the detainee, the Visiting Committee and the Chaplains were unclear or minimal.”
The Bishop regretted that the Chaplaincy only heard the following morning (and indirectly) about the disturbance. The Bishop suggested that their “pastoral care and calming work would have been invaluable earlier than it was available”.

There is, in addition, a suggestion by the AELF that secure and segregation were used as unofficial punishments for those believed to have been involved in the disturbance. They refer to an identification process “which has come under fierce court scrutiny”:

“…The first people picked out by Group 4 were the detainees’ committee. They were not charged but put into segregation. They had no food for three days and thereafter food was thrown in, as to an animal.”

There were also a worrying number of allegations of neglect or wrongdoing concerning the period after the disturbance. Ms E provided me with a statement. She said that she was placed in ‘isolation’ until her transfer to HMP New Hall. Between 15 and 17 February, nobody unlocked her or took her out:

“There was no heating in either the first or the second cell. It was very cold February winter temperatures. In the second cell there was cold air blowing in through a vent. In the first cell [15–17 February] I had no blankets. I was on a mattress with a plastic cover with no sheet or pillow. In the first cell I was not given any extra clothing and simply stayed in the clothes that I was wearing on the evening of 14 February which were light woollen indoor clothes. In the second cell I was not given any extra clothing or any change of clothing until two or three days before I was transferred to HMP New Hall. Whilst I was in the first cell I was not given any food at all except for on one occasion when a bottle of juice and a small packet of biscuits were thrown in. Once I was in the second cell I did receive three meals a day but the officers would open the door and put the food on the floor and then kick it towards me so that some of the food would fall on the floor. They were treating me like a dog. I was so disgusted and humiliated that I could not eat this food and it simply lay on the floor. I did not have any toiletries either in the first or second cell the whole time that I was there … Whilst in the first cell I was not taken out for exercise at all. In the second cell I was not taken out for exercise for the first week and after this I was taken out for exercise at the request of a doctor. Whilst in the second cell I received telephone calls and my pager would ring. During the first five or six days the officers did not come to take me out to the telephone when I pressed the buzzer to indicate that I had a call. I received some verbal abuse from the officers. Whilst I was in the first cell they would call to me from the door and calling ‘woo’ and start laughing sarcastically and swearing at me … Officers also swore and laughed at me in the second cell when I refused to take medication which was not directly received from medical staff.”

The Befrienders said that the DCOs were “often extremely unsympathetic, to the extent that [a female detainee’s] food tray was occasionally deliberately left balanced on her lavatory-seat”. The Befrienders also said that no clean clothing was provided until they queried the matter.

One detainee told the Befrienders:

“After the fire incident all the suspects were kept in segregation … one night after midnight about two o’clock seven or eight Group 4 officers came to my
room while I was deep asleep ... and took me in the eight person escort to the segregation block wearing only night dress in that cold night. In segregation block they searched me from head to toe also taking off my shorts. I was really frightened what's going on. They explained to me nothing why you are here. It was 2 o'clock at night ... In the morning I was suffering from chest pain from the smoke from the fire and severe headache ... I pressed the emergency bell and the emergency light was on for two hours but nobody attends. It was only lunch time that they came to give me lunch.”

After 32 hours, the detainee was returned to his room:

“Since the fire they keep us locked up at night and there is no emergency bell to press like there was in prison. So we are scared that in case of emergency we can do nothing. In the morning they unlock us. But sometimes they even forget to unlock us. Last week some of the detainees they kept locked till lunchtime and they didn’t have their breakfast.”

The Campaign to Stop Arbitrary Detention at Yarl’s Wood summarised detainees’ statements. They said:

“After the fire, some detainees were taken directly into segregation at Yarl’s Wood … They were either given no reason or false reasons for their segregation. Some were moved into segregation after talking to people on the telephone about the fire. Most of them had not been questioned by the police. One was denied access to his solicitors. Only ‘closed’ visits were allowed and, at times, items and money left by visitors were denied to the detainees. Conditions for those on segregation were humiliating. Food was put on the floor and pushed through the doorway. People were kept in their rooms for days before they were let out into the courtyard for exercise. Some had no blankets or sheets for days. When they asked staff why there were no blankets or sheets, they were told, ‘because you burnt it all down’.”

In his interview with Ms Monahan, a detainee said:

“Ten of us, we were banged up in seg. First two days, nothing to eat, nothing to drink. Bare floor for two days. We were 19 days in seg, in prison, we never go back to the wing. ‘You should understand the consequence of what you done’ – and that was it.”

A female detainee described how her food was left on the toilet and her laces taken from her shoes before they were ‘thrown back’ at her. She said:

“I then said could I speak to the manager please. The man said, ‘Shut your fucking mouth. I told you yesterday ...’ (fucking this... fucking that!) They then moved me to the room 118. Where I was held until 28 February. There was a mattress in this room but no blankets, sheets or pillow.”

She was not notified until 19 February of the reason for her removal and not allowed exercise until 24 February. The Visiting Committee only visited on 24 and 28 February.

Ms Nicola Stanbridge of the BBC Today programme interviewed another detainee. He told her:
“I was in [segregation] for four days … in solitary confinement … It's more or less like a police cell … An iron bed, corrugated iron bed, there was no mattress on it, it was a cold night, no blanket … I had to sleep on that for three or four days without food. Five days without any kind of shower. Took them ten days for me to even get a card to call my family and let them know I was still in Yarl's Wood.”

Ms Stanbridge asked how the Group 4 officers treated him and if there were instances where the guards were violent:

“There was one incident where they were violent … They tried to grab some by force, take them out of their rooms, some were rough handled, pushed against the walls. I witnessed that, I saw that for myself. The guy they were doing that to was on the other side of the cell so I could see what was going on, that was scary.”

In a statement for this inquiry, a detainee said:

“The night itself had been extremely frightening … I feared I might die. Naturally I didn’t sleep at all that night and it was extremely cold outside when we were waiting in the courtyard. It was not until 5:30 pm that I was taken down to segregation and placed in a cell on my own. I was given only one blanket. It was extremely cold, there was no heating on. There was simply a mattress on a ledge with no sheet covering the mattress … no hot water. All I had was my own clothes, no belongings …

“For the first three days I was given no food or water. I had to drink from the sink … I asked why we were given no food and they said ‘well you burned down the kitchen, so now there is no food for you’. No explanation was given to me as to why I was being held in segregation. It was awful … We weren’t able to communicate with anybody and were not allowed to speak to each other. It was not possible to have access to the phones or to speak to anyone from outside Yarl's Wood for the first six days. It felt like a sort of mental torture during this time especially because nobody would explain what was going to happen to us.

“At some point an immigration officer came along and nurses came occasionally. I recall also the chaplain came …

“After about four days I was moved into the same cell as [another detainee who] … had an epileptic attack and I raised the alarm … After that attack an immigration officer came to see me and said [we] should remain in the same cell … not surprisingly we used to chat quite a bit and the officers really didn’t like it. Their whole attitude was that we should be punished because of the fire.”

The detainee alleged that on two occasions, a member of staff came to separate them:

“About four or five hours later [an officer] came to the cell and said that one of us had to leave. He wasn’t interested in hearing our explanation and he wasn’t willing to listen … We continued to argue so he left. About 15 minutes later he returned with about several officers in riot gear plus other officers who were working on the wing. The officers in riot gear entered the cell and pressed us against the wall with their shields. One of the officers tried to drag
me by my head. All of a sudden my legs were lifted from beneath me, I was thrown onto the ground face down with my arms and legs spread out. Then I was lifted in order to be carried out … Then another officer pushed me and grabbed me round the neck with his arms. I couldn’t breathe and then I really panicked. I was struggling to get them off me. Eventually they carried me across to another cell and I was thrown onto the ground face down. I was then further assaulted by an officer put two fingers in my nostrils and pulled my head backwards causing me excruciating pain in my neck and head …

“… I was just left to lie on the ground in real pain. Eventually a doctor came to see me. He examined me but said he didn’t think my neck was broken …”

One of this detainee’s visitors gave a statement to the police as follows:

“I had to go to see [the detainee] in a special area in a room with a glass panel. This was a closed visit. [The detainee] was obviously in a very distressed state … It was clear that he was in pain and unable to move his neck. He was sitting in an awkward position. He was also unable to move one of his wrists and I could see bruising on his face. He was obviously in a lot of pain.”

After describing to the police the same conditions alleged by others – cold, inadequate clothing, lack of food, lack of any explanation as to why he was segregated and not being allowed to talk – a detainee added:

“Some of the officers who were guarding us were extremely intimidating. It felt as though they had decided that we were the troublemakers and were trying to get their own back. I felt extremely confused and humiliated by the way in which we were treated. We had been involved in a very frightening incident and rather than being given any comfort and support we were treated as animals.”

The detainee then said he witnessed the incident when the two detainees were separated by force:

“… several DCOs turned up in full riot gear … one of the Group 4 officers blocked my view by standing in front of the hole but I could hear screaming and sounds of scuffling and struggling. [This is uncomfortably resonant of the covering of the window to prevent detainees seeing what was happening to Ms E.] This went on for quite a while. It really sounded as though the officers were giving them a beating.

“I could tell [the detainee] had been beaten up because his face was swollen and I could see bruising.”

What the authorities say

I put these allegations to a number of my witnesses.

Rev Dr Pemberton considered the conditions in secure to have been extremely poor, and had raised the need for exercise to be provided. There was no access to telephones. Some staff had said to her that the detainees had burned down the centre and should not expect anything better. Detainees had asked her why they were being held in segregation and how long they would be held there. Rev Dr Pemberton did not hear any allegations from detainees about being beaten up, but
she did hear allegations from officers that some detainees in segregation had jumped on them and bitten them. She said that she picked up some complaints from detainees that they had been ‘treated like dogs’ and had had their food placed on the floor. One detainee complained that she had received no blanket and was without lighting. Rev Dr Pemberton said she reported these incidents to the desk staff on duty and asked for the situation to be rectified immediately.

Yarl’s Wood Chief Immigration Officer noted that in the aftermath of the incident the police had not adhered to the Detention Centre Rules. They had kept a few females whom they wanted to speak to in Rule 40 conditions with minimal association, as there had been no segregated space for women. The Chief Immigration Officer did not suggest that detainees had been mistreated, only that Rule 40 forms had not been completed. He added:

“… after the incident the police went in and they put a few people in segregation and did it under their own powers. At the end of that Group 4 didn’t obey DC rules and speak to people about what they were doing in secure and the contract monitor and I went in a week later and went to everyone and they hadn’t seen any of Group 4 management except once the previous day. But they were running secure like segregation … they had also started locking detainees in their rooms at night and the rooms hadn’t been certified for that.”

The Chief Immigration Officer said that he could confirm that detainees had complained that they were not able to use the phones in the aftermath of the fire, but explained that this had been because there were no phone lines at all in the centre. He thought the complaints that had substance were probably brought about because requests had been simply impossible to fulfil.

The contract monitor also believed it was the police who had put people into the segregation unit. She had spoken to the detainees. They understood why they were there, but did not agree with the reasons they had been given. One told her he wished to make a complaint. She had given him the paperwork to do so. The contract monitor could not recall any allegations of mistreatment, however. She said that the conditions in the segregation unit had not been ideal. In some rooms, two men were being held, although there was only one bed. But she commented that the police were in charge at this time and thus it was out of her hands.

The deputy contract monitor said he thought some detainees probably had been wrongly put on Rule 40 after the fire, but, as the police were in charge, the Immigration Service had no say in the matter. The police were in control until the Monday. They advised Immigration staff not to go into the centre. He had finally gone in on the Tuesday with another official (Mr John Ship). The police had handed back control the night before. The deputy contract monitor said he had spoken at length to the Visiting Committee on the Saturday. He understood some of their members had gone into the segregation/secure areas that afternoon.

The deputy contract monitor said that he, the monitor, or the Chief Immigration Officer, had visited all the Rule 42 detainees each day, spending up to an hour in the area. Nobody complained to him. There were two people in a couple of cells. In those cases, one had to sleep on a mattress on the floor. About 40 detainees were on Rule 40. He was concerned that there appeared insufficient justification in some cases. One man who was on Rule 40 for nearly two weeks had helped a DCO escape on the night of the fire. On another occasion, a DCO had returned to work approximately a fortnight after the fire and recognised someone he said was
refractory on the night. The centre manager wanted to put the detainee back on Rule 40. The deputy contract monitor said he had resisted along with his colleagues, but the matter had been ratcheted up on both sides and he had been told to sign the detainee into segregation.

The deputy contract monitor said he saw no evidence that detainees were not fed. He thought it quite possible they had had insufficient blankets for one night, but thought it would not have been for longer than that. He spoke to many detainees at the time and then subsequently at the trial. No-one had complained to him.

He said the DCOs were very tense after the fire, but not particularly angry though the atmosphere was not very pleasant for a short time. It had taken about a fortnight to return to normality. Around that point, the deputy contract monitor attended a detainee committee meeting that had been quite positive.

Mr Milliken told me that it had not been for him to question the actions of the police. Responding to allegations that detainees had been mistreated while in the segregation unit, including that they had been without food, blankets or clothing, Mr Milliken said the segregation unit had been kitted out with sheets and blankets ready for use at any time, and suggestions that there had been no blankets were strange.

Mr Eaglestone said the Visiting Committee knew about the allegations but was not aware there were any grounds for them. He recalled that one detainee said he had no mattress but, when he enquired about it, staff told him the detainee had refused the mattress he had been offered. Visiting Committee members had received two requests – one for a phonecard and the other for toothpaste. Mr Eaglestone commented that a detainee who was being refused food would not request toothpaste.

Mr Brewer described his impressions on the morning after the disturbance. The detainees were getting very difficult. Mr Brewer surmised that they were probably very frightened. Group 4 staff did not want to unlock them, as they believed, understandably but wrongly, that it was too dangerous. Mr Brewer insisted that he and other managers went to talk to the detainees. He told me he believed that, had he not led this management visit to see the detainees, it would not have happened.

Mr Brewer visited the segregation unit with two other IND officials (Mr John Wilson and Mr David Wilson). He did not witness anything untoward happening and it was not his assessment that there was. A couple of days later, however, he received some intelligence that detainees were being treated very badly. He sent a third colleague (Mr Ship) to Yarl’s Wood to find out what was going on. Mr Ship’s only recollection was of observing a detainee being located in the segregation unit:

“I was concerned that the number of staff lining the route was quite intimidating, and there was no management presence. I was concerned at this and whilst I do not specifically remember telling local management, I’m pretty sure I did.”

Mr John Wilson confirmed that he had visited detainees, and did so for the first time on Friday or Saturday. Some police were still there at the time. He had been able to go wherever he wanted, although at one point the police told him there was a risk that immigration staff would be taken hostage. Nevertheless, they continued to observe the detainee movement. His impression of those detainees in the segregation unit was that they were subdued. They had asked him why they were there. He was not aware of any paperwork on the individuals having been completed and attempted to
get to grips with this during the following days. Mr Wilson said the log should have been there and he was surprised that he had not signed it, as it was usually his practice to do so.

Mr Watson gave a detailed response with regard to the allegations. Summarising them, he said:

“I am confident that the regime in the temporary confinement Area was humane, appropriate, compliant with the approved Operating Instructions and thus the DC Rules … I am confident that all detainees were provided with food, blankets and clothing. I do not believe they were assaulted. The unit was visited regularly – by the monitor, chaplaincy, medical staff, V.C. and duty manager. Thus there were opportunities for complaints to be raised.”

I have reproduced Mr Watson’s detailed comments at Annex 9.

I asked Mr McGowan, Director of Altcourse prison in February 2002, about the conditions in the secure and segregation units. He had attended Yarl’s Wood to support the management there. He described them as drained, and staff as frightened and over-cautious, patrolling too quickly in twos. Mr McGowan’s principal concern was that staff were afraid of the detainees and might be unwilling to confront unacceptable behaviour.

Mr McGowan said he had been quite impressed by the units. The detainees there had clearly understood that their treatment was different to that being given to those on the wings, but Mr McGowan had been content with the atmosphere. The detainees were not being abused or denied anything. UKIS had been keen to get people out of those areas when they had settled down. Mr McGowan had not signed any visiting books, but had been more concerned with the behaviour of the staff and detainees than with paperwork. The cells had been properly heated and the place was very warm. No detainees had complained to him. Food had been sent down and there had been no food refusal by detainees. Mr McGowan was sure that if detainees had been abused or denied food they would have said so to him.

Dr Alison Rose-Quirie, then Director of Group 4-run HMP The Wolds, offered her first impressions. She had arrived at Yarl’s Wood just after lunch on 15 February and remained there for just over 24 hours. Between a week and ten days later, she returned to the site and remained there more or less continuously for four weeks, leading up to the closure of the site.

Dr Rose-Quirie told me the scale of the incident had shocked her and other GSL managers. Her main concerns had been for the staff and for the centre manager, and for the appropriate care of the detainees who remained there. She recalled that both the centre manager and his staff had obviously been shaken and that the centre manager could hardly talk. He had not wanted to leave but she had eventually instructed him to do so.

Dr Rose-Quirie said she had a lot of dealings with the police at this time. Much of this was to do with taking back control of the centre, which she had been keen to do. The detainees at this time were locked up and the Immigration Service said that they wanted them unlocked. However, she considered it important to determine what happened next before doing so. Additionally, the roll was still uncertain and there remained a need to identify who was there. The centre remained locked down on Friday night, but there had been a gradual unlock on Saturday morning.
At this time, the police were not in control of the centre, but were monitoring what was being done. The centre was being managed by GSL, albeit with liaison and discussion with the police, for example on the issue of unlocking. Dr Rose-Quirie said that there had been no problems between GSL and the police.

Dr Rose-Quirie said there was no reason why the Visiting Committee could not have gone in. She had never been asked to allow them in nor had any knowledge of anyone being refused access. She described the atmosphere within the centre at this time as calm.

She told me she was sure that everyone had been fed and she thought that food had been delivered to the cell doors. Detainees had been escorted to the phone if they wanted to use it. Each detainee was seen by a nurse. This had taken four hours. Dr Rose-Quirie said she had visited detainees. They had seemed frightened, distressed and anxious to contact their families. Additionally, she noted that staff had been new, and very nervous and wary of the situation. Someone had put a block on detainees contacting their families and she remedied this. She had also created a cell call system with laminated cards to facilitate communication by the detainees in their rooms in the event of an emergency (because detainees were not supposed to be locked in, there was no emergency call bell facility).

Dr Rose-Quirie told me she had gone around the whole centre at least four times on Saturday night. She recalled that she had walked into an incident and had observed that the staff did not have the experience and the confidence to talk to detainees without thinking that the detainees would come at them - which was understandable in the aftermath of such a serious incident. However, she also noted that some staff were very good and clearly had good relationships with the detainees. She said she had seen no evidence of improper behaviour.

Record keeping had not been what it should have been. In the early hours of Saturday morning she noted that staff had been provided with forms to keep records but they had not been completing them. She had explained to staff on several shifts why this was important.

Asked if she was aware of any criteria in deciding which detainees were held and where, Dr Rose-Quirie said that she had accepted those held in the segregation and secure units as a fait accompli, and she had had no part in deciding who was initially held there.

She described conditions in the segregation unit as the same as any normal segregation unit and that it had been quiet. Detainees had complained to her about the fact that they were being held in the unit, but none had complained of mistreatment.

Asked if there were records stating when detainees had been fed in the segregation unit, Dr Rose-Quirie said that sheets recording this should have been in the unit. She recalled that one male detainee had been refusing food, but she was unsure whether this took place on Friday night or later. As she had walked around the unit, no one had complained that they had not been fed.

I asked Dr Rose-Quirie to respond specifically to allegations of mistreatment. Her responses were as follows:
She had not seen any detainees being held in cells without (both or either) beds or bedding.

She had subsequently learned (from meetings) that the heating had gone off during the incident. She understood that extra blankets had been provided to detainees affected.

She could not comment on the allegations that -

• trays of food were placed on the floor or on the toilet seat;
• no clean clothing was provided for a number of days;
• detainees were not allowed to wash and were not provided with toothpaste;
• Ms E had been taunted about her immigration status;
• detainees’ personal items, valuables and money had been lost (though she confirmed that claims had been made).

Staff had told her that exercise had been offered, but she was not able to confirm this.

She was not aware whether smoking was allowed in the segregation unit or what the procedures were. However, she witnessed a cigarette being given to a detainee after he had calmed down following a display of aggression.

She had not heard staff swear at detainees or tell them that they could not have whatever they were asking for because they had burned the centre down.

All detainees had been seen by a nurse within 24 hours. She could not comment, however on what treatment, if any, was given.

She had not witnessed any assault on a detainee, but had observed one being restrained. The correct methods of restraint were used. Asked whether other assaults took place in the segregation unit, either detainee on detainee, detainee on staff, or staff on detainee, Dr Rose-Quirie said that she was not aware of any assault, and that she was sure that she would have been aware of it if any assault had taken place.

**Assessment**

As I have indicated, it is not for this inquiry to make findings on matters that are still before the courts. The claims of maltreatment are compelling and consistent and there is evidence confirming some of the less serious matters (that detainees were denied access to telephones, for example). However, experienced witnesses from both IND and Group 4 have said they saw no other signs of wrongdoing. Such paperwork as has survived suggests that food refusal by detainees was frequent.

It seems clear that rough-and-ready assessments were made as to which detainees should be segregated. I am aware of concerns raised by the Religious Affairs Manager with the police regarding the mental state of one detainee held in segregation, and about the decision to segregate another. But in other respects, decisions made by the police to segregate particular detainees seem to have passed unchallenged. It is not apparent that these decisions were taken under the Detention Centre Rules, notwithstanding that they appear to have been retrospectively authorised by Group 4 and the contract monitor. Indeed, I am not clear that the decisions were lawful at all. Nor am I clear, more generally, under what powers the police were operating during this period. They appear to have taken control of the disturbance under section 17 of the Police and Criminal Evidence Act 1984 or in consequence of the Common Law Power to Enter. But their authority after the disturbance had been resolved is open to question. The Group 4/police protocol had not been signed, neither had a notice been served under section 151 of the Immigration and Asylum Act 1999. I certainly do not agree with those who treated operational decisions during this period simply as police matters, with which neither Group 4 nor IND could interfere.
I am also concerned that detainees were locked in rooms not designed for the purpose – that is, with no facility for summoning staff in an emergency. This apparently went on for some weeks after the fire. The practice ceased as soon as it came to the notice of the Immigration Service, but it shows questionable judgement on Group 4’s part that it happened at all.

I note that the suggestion that detainees were not allowed to talk to one another is confirmed by an extract from the segregation unit handover log for 21 February: “Detainees are not allowed to communicate with other detainees when on exercise. If refusing to stop they must be removed back to cell.” I am aware of no legal basis for this rule of silence, and am deeply concerned by it. It would be unacceptable at the best of times. At this particular juncture, detainees had been through a traumatic and harrowing experience. They would have needed the support of their peers. To deny them the ability to talk to others in the same situation bordered on the inhumane.

Together IND and GSL must ensure that none of this ever happens again.

Finally, the allegation that a detainee was assaulted by staff resulting in pain to his neck and bruising was corroborated by both his visitor, who saw his injuries and a detainee who saw the beginning of the incident and heard the rest. I do not know whether this matter is being pursued formally through the courts.

I recommend that, if the allegation that a detainee was assaulted by staff is not being pursued through the courts, GSL carries out a full investigation.

Lost property

The Refugee Council reported that a number of people lost substantial amounts of belongings and valuables and that there had been significant problems of recovery due to confusion over insurance.

Gatwick Detainees Welfare Group (a small charity that offers support and friendship to detainees held at Tinsley House) were also concerned about loss of property. They wrote to inform me of their work with a number of detainees who had been transferred from Yarl's Wood to Tinsley House following the fire.

The Group informed me that detainees who were in the process of making a claim for compensation had been removed from the country. They cited the case of one family who claimed to have had £15,000 worth of money, jewellery and valuables deposited in the safe at Yarl's Wood (for which they had a receipt from Group 4). The family was removed on 12 April 2002. They had no other means of support in their country of origin and were relying on the sale of these items to re-establish themselves at home.

The Group initially advised former Yarl's Wood detainees to register their claims with a senior member of Yarl's Wood staff who was liaising with Group 4’s solicitor. However, the Group became aware that former Yarl's Wood detainees were being removed from the UK without compensation or instruction on how to follow up their claim from their country of origin. The Group therefore wrote to their local MPs on the issue, and also to the then Immigration Minister. They were advised to contact the company’s solicitors. The solicitors suggested they contact Group 4’s loss adjusters. The loss adjusters referred the query back to Group 4. Six months after the fire, when the claims were still not resolved, the Group wrote to the patrons of
their organisation (two members of the House of Lords). A response to an enquiry by a patron revealed that Group 4 had the authority to settle the claims and had given assurances that they would work to resolve any claims. In the meantime, a family of four and two further detainees whom the group had been representing had been removed without being compensated. They were successful in securing a cash offer for a third detainee, nine months after the fire.

The Gatwick Detainees Welfare Group questioned why claimants were not kept informed of the progress of their claims or advised how to pursue a claim from their own country. They also asked whether the safe was fire-proof and what had happened to any unclaimed property.

**Assessment**

I am aware that compensation claims for property lost or destroyed in the fire remain unresolved. An ex-detainee to whom we have spoken told us that he was offered a derisory amount for his property, but accepted the offer because he could not see it being improved upon.

It is at best extremely regrettable that those who have suffered the trauma of detention, the events of 14/15 February and their subsequent removal from the country have had to endure the further hardship of losing their possessions without compensation. In some cases, property will have held sentimental value and therefore not be capable of being recompensed. In others, however, what was lost will have represented all the detainees' worldly goods and their means of re-establishing themselves in their country of origin. I hope that all remaining compensation claims can be resolved as quickly as possible.

I recommend that contractors be required to include in their contingency plans the steps they will take following an incident of this kind to ensure that detainees know how to claim for lost property. The plans should include the identity of a named individual who will be responsible for addressing and resolving all such claims within one month of the incident.

**Support for detainees and staff**

Rev Dr Pemberton told me that she had remained at the centre after the incident and listened to detainees’ accounts of the evening and subsequent lock down experiences. For some, the incident re-induced previous trauma. Rev Dr Pemberton was critical that, due to budgetary constraints, she had not been able to make extensive visits to other centres once Yarl’s Wood was closed. She had, however, gone to Harmondsworth and Tinsley House to visit some of those evacuated on 14 February. They were still very shocked by their experiences and concerned about what had happened to their possessions. Rev Dr Pemberton had also visited HMPs Wakefield and Bedford to visit former detainees there. In addition, she had contacted prison chaplains to ensure that as smooth a hand-over of pastoral responsibility could be achieved as possible. She believed, however, that IND should have underpinned this continuing care, thereby allowing her to continue to support detainees from Yarl's Wood who had been moved elsewhere.

After the fire, Rev Dr Pemberton had not had a debriefing interview. She eventually asked for one to be arranged with the Group 4 counselling team.

GSL operational staff who were on duty during and immediately after the incident spoke about their disappointment that no full debrief was carried out.
Several ex-DCOs were also critical of the lack of support they received after the fire and of their treatment by Group 4. One group described unfulfilled promises and delays in providing them with proper counselling. This had not been satisfactorily resolved. They also complained that Group 4 had withdrawn their sick pay without notice on 14 February 2004. Their employment was terminated for medical reasons on 27 February 2004.

Another DCO told us that between 20 and 24 staff went on long term sick as a result of the fire. Only two had returned to work. His psychologist had condemned the lack of care by Group 4 in helping staff to return to work. The DCO said they simply did not have a clue about the trauma staff had suffered. He said Group 4 had not brought in a psychologist until almost nine months after the event. It was too little, too late. The counselling which had been offered was useless because he had been too ill to benefit from it.

GSL wrote to me on 13 October 2004. They said:

“We very much wanted to organise a full debrief. However, we were constrained by the criminal investigation and by the CPS … We [also] provided specialist counselling.

“Our staff had been through a riot. They had been threatened and had come under attack. They had been involved in evacuating people away from buildings that had been set on fire.

“We arranged for those staff who felt they needed support to attend sessions with the Independent Counselling and Advisory Service (ICAS). The programme of support included group sessions at work, followed where necessary by individual counselling or therapy. Following consultation with ICAS, we were very careful to ensure the group support was arranged for people who had shared similar experiences.

… The CPS was consulted about having further group sessions and on receiving their objection, this plan was abandoned. We therefore had to confine counselling to one-to-one sessions.”

Assessment

Given the magnitude of the incident and its impact on staff, I regret that there was no full debrief. Some staff have suggested that, even now, such a debrief would be helpful. I completely understand the company’s desire to draw a line under what happened and move on. However, some people may simply not be able to until they have dealt with what happened. They should be given an early and comprehensive opportunity to do so. I hope that, to some extent, this report will help that process.

I recommend that GSL consults its staff to determine how best a review of the events at Yarl’s Wood in 2002 can be organised.

Transfer of risk

In April 2002, Group 4’s insurers’ underwriters issued a claim under the Riot (Damages) Act for £97 million. (This comprised damage (£43million), loss of revenue and reconstruction.)
There has been considerable local concern at the possibility that the county might have to pick up the bill for Yarl's Wood and the costs of the (very long) police investigation and clearance of the site. Further, as a consequence of the operator's insurers claim under the Riot (Damages) Act, it has been suggested that a successful claim by the insurers could be passed on to the local council taxpayer. Local MPs Alistair Burt and Patrick Hall both raised this possibility.

The Bedfordshire Select Committee Report considered that the prospect that the contractor's insurers might claim under the Riot (Damages) Act should have been foreseen and addressed at the contract stage. Their report questions how and why government would enter into a contract requiring local taxpayers to meet the costs of an incident such as that at Yarl's Wood and recommends that this should be reviewed.

The Riot (Damages) Act 1886 provides that, where property has been damaged by a riot, a person can apply to the Police Authority for compensation. The Authority must “fix such compensation as appears to them to be just” and, in doing so, must have regard to the conduct of the person, including whether they took adequate precautions. The Act also provides that, where the person has been compensated by insurance, the insurer can claim from the Police Authority the amount that has been paid.

I asked various senior IND managers about insurance. Mr Masserick told me that insurance was not his area. IND had an insurance expert on the team to evaluate insurance proposals. Mr Boon also told me that he was not party to insurance matters other than to be aware that the building had to be insured. It was the job of lawyers with appropriate expertise to ensure that everything was covered and in order.

Mr Boys Smith said the possibility of a claim under the Riot (Damages) Act had never been raised. He knew about the Act from previous experience, but the application of it in relation to Yarl's Wood had never occurred to him until it had been pointed out. He noted that it had not been raised as an issue in previous prison disturbances. Insurance had been taken care of in the contract. He had been advised that the provision was appropriate and his own reading of the contract satisfied him that this was the case. He said that he did not doubt that IND had been remiss in not ensuring that any issues regarding the site being private property were clarified.

Counsel for the Home Office considered whether IND had been adequately advised by the insurers who oversaw this part of the contract and whether the drafting in the contract was appropriate. They concluded that, were they to pursue the matter, they would be reliant upon expert evidence of standards in the industry. I am told by the Home Office Legal Adviser's Branch that part of the problem was that the Home Office has Crown immunity under the Act and so was itself safe from Riot (Damages) Act claims. However, the police do not enjoy indemnity. Because the Home Office funds the police, the whole thing came full circle. I understand that the definition of what was meant by 'Crown' was crucial to the matter, in particular whether it included the police or the Police Authority. Legal Adviser’s Branch suggested that not many private insurance companies would understand all the various manifestations of 'the Crown'. Indeed, not many officials in government did. They also would not understand the tortuous funding relationships between the police and the Home Office. Legal Adviser’s Branch did not think many would be familiar with the Riot (Damages) Act; it was an obscure piece of legislation. On balance, therefore, it was decided not to pursue a claim against the insurers.
A note from Legal Adviser’s Branch dated March 2002 said:

“There is concern from Ministers that the risk for riot has not been passed to
the private sector. Although the Home Office is entitled to have the facility
fully reinstated under the contract, it does not have the right to prevent the
insurers from receiving some or all of these costs from Bedfordshire police
authority under the Act. It would be possible to impose a contractual
condition to this effect in future contracts, but this would almost certainly be
unacceptable to the insurance market.”

It is worth noting, however, that the new Colnbrook contract includes a direct
obligation:

“The contractor shall not, and undertakes to procure that its Insurers shall not,
bring any claim under the Riot (Damages) Act 1886 in respect of any damage
to the Detention Centre, the site or any assets.”

Indeed, I understand that similar waivers are to be introduced into all future contracts
(this will increase the cost of insurance to the contractors and therefore the contract
price).

Assessment

In the event, Yarl’s Wood was re-opened without the Riot (Damages) Act claim
having been settled. Strictly speaking, the present claim is outside my terms of
reference and I have not inquired in depth as to the likely outcome. The whole
matter does, however, raise questions about the extent of risk transfer that is
possible.

Clearly, it is a matter for concern that the possibility of making a claim under the Riot
(Damages) Act was not identified during the drawing up of the contract. It might be
that it would not have been overlooked had matters progressed at a more leisurely
and considered pace. However, I have to be guided by legal advice that, while it was
undoubtedly an oversight – and potentially and extremely expensive one for the
taxpayer – nobody could be considered to have been negligent.

It is ironic, however, that much of the debate about who approved what – whether it
be in relation to design, construction materials, regime or whatever – arose out of
IND’s desire to transfer risk to the contractor. For this reason, they trod a very
narrow line between satisfying themselves that what was proposed met the
requirements of the specification and not formally ‘approving’ what GAIL proposed.
Should the Riot (Damages) Act claim finally succeed, the attempt to transfer risk will
have failed.

Notwithstanding the advice I have received that waivers of claims under the
Riot (Damages) Act are to be introduced into all future contracts, I make a
formal recommendation to this effect in the hope that thereby the lesson will
not be lost.
Part VIII

Conclusions
Conclusions

The events that gave rise to this inquiry were extremely serious. They bear comparison with the very worst prison riots, including the loss of HMP Northeye in 1986 and the destruction at HMP Strangeways four years later. The latter resulted in a major inquiry that re-shaped thinking on how prisons should be built and run.

Contrary to continuing conjecture, I do not believe that anyone died at Yarl’s Wood. Indeed, physical injuries were surprisingly few and mainly slight. (This is not to minimise the gravity of at least one sexual assault that I believe occurred during the disturbance.) However, the trauma suffered by detainees, staff and members of the emergency services has been continuing.

What set off the events of 14/15 February 2002 was a commonplace incident involving a middle-aged female detainee. This is often the way with riots: what triggers them is something in itself small and insignificant. Better handling might well have prevented the incident occurring. It would almost certainly have prevented it escalating in the way it did. But more important are the underlying factors.

There was of course no excuse for the actions of those detainees involved in the disturbance and the suffering and damage they caused. I have concluded, however, that what occurred at Yarl’s Wood was the result of a series of decisions taken over the previous three years.

I was not asked to conduct a public inquiry, with the full panoply of powers and hearings thereby implied. Nevertheless, I have enjoyed unfettered access to papers and policymakers. Quite deliberately, I have attempted to tell the story of Yarl’s Wood through the words of those who were party to the events.

Throughout this inquiry, I have been conscious that the Yarl’s Wood disturbance had both a national and local perspective. The people of North Bedfordshire have been particularly bruised by what took place, and they and others have had to wait a long time for this comprehensive account to appear. The reasons for the delay derive almost entirely from the complex legal circumstances that followed the disturbance. In particular, it simply was not possible, given the long-running police investigation, for my predecessor to do more than sketch some initial findings. Conducting a parallel investigation without imperilling a criminal prosecution is fraught with difficulties. This is perhaps imperfectly understood by both Parliamentarians and public.

Evidence for this inquiry has come from a wide variety of sources. I am indebted to all my witnesses and those who submitted written statements. Amongst the organisations that have contributed have been those opposed to any form of immigration detention. I have not engaged with that argument, but it is apparent that detention is often perceived as arbitrary and detainees complain of not understanding what is happening to them. These may be the expected reactions of people whose liberty is removed. But they are reactions that have the potential to undermine good order as they strike at the very legitimacy of the detention process.

The question of legitimacy also arises in respect of the conditions of detention. I strongly endorse the view that conditions, facilities and entitlements should reflect detainees’ non-criminal status. But removal from the country and detention to ensure it takes place are necessarily coercive. Where people are detained without their consent – and regardless of why they came to be detained – a balance must be found between minimising the effects of detention and ensuring safety and security.
are maintained. To some degree, events at Yarl’s Wood resulted from a failure to keep these competing principles in balance, and perhaps even to identify the need for such balance.

In the time that has passed since February 2002, the Immigration Service has faced up to that reality. This is evidenced in particular in the robust design and specification of the new Colnbrook Removal Centre. (Colnbrook is not within my terms of reference, but some witnesses criticised its cost and design as indicating that the pendulum had swung too far the other way.) In general, detainees are also spending much shorter periods in detention than was the case when Yarl’s Wood opened. This must be a good thing, but it has implications for the sort of regimes that can be provided and the ability of staff to get to know those in their charge.

The development of the immigration detention estate and the associated infrastructure has been a further theme of this report. It is worth remembering that, to all intents and purposes, the estate barely existed ten years ago. The Detention Centre Rules are just three years old, and operating standards are only now being rolled out. There remain inconsistencies between the various removal centres. As in prisons, these inconsistencies are a cause of grievance.

When it was commissioned, Yarl’s Wood was by far the largest institution for which the Immigration Service was responsible. (Without effective zoning, it was quite simply too large.) The Immigration Service had no experience of an establishment on this scale before.

The decision to open an institution so much bigger than anything that had gone before was itself the result of the target to remove 30,000 failed asylum-seekers and other illegal immigrants, and the subsidiary target of 4,000 detention places. The setting of challenging objectives is not a sin, but the 30,000 target is now accepted to have been unrealistic. Some of my witnesses argued that it was seen as unachievable from the outset, but that the then climate within the Immigration and Nationality Directorate did not allow for this view to be voiced.

The need to deliver new detention places very quickly affected the planning, commissioning, design and construction of Yarl’s Wood. There was pressure both from Ministers and senior officials. The immediate consequences were to fast track the planning process and to rule out a PFI competition.

There were other consequences for the building itself. The only material that could be procured in the timescale proved unfit for purpose. I was surprised to discover that virtually no-one asked questions about the materials to be used in the construction. Leaving aside its relative flimsiness, and the inappropriate location of vital elements such as the control room, the design replicated the worst features of the ‘hotel-corridor’ generation of prisons built in the 1960s and 1970s. The design, build and operate contract has led to a disagreement between the Immigration Service and the contractor GSL as to who should take responsibility for the final layout of the centre.

Although the contract-letting process itself was generally well managed, the emphasis upon time was significant in the eventual award of the contract to Group 4/Amey. The taxpayer paid a substantial premium because of this emphasis on speed. In practice, Group 4/Amey were unable to meet the timetable they had proposed to construct Yarl’s Wood. (I was intrigued to learn that it was, at the time, the largest modular construction project ever undertaken in Europe.)
My witnesses disagreed as to whether the construction timetable for Yarl's Wood was ever feasible. The builders incurred a significant cost penalty and to that extent the contract succeeded in transferring some risk from the public to the private sectors. But there needs to be greater realism about risk transfer. In practice, the operational risk of late delivery could not be transferred. Neither could the operational risk of loss of places after the fire.

My expert advice is that the building was properly constructed; indeed, that it withstood the fire rather better than a lay person might have judged. That said, the combination of design and materials led to a building that could not withstand the assault on it that occurred on 14/15 February 2002. It was manifestly not fit for purpose. This resulted not from the quick-build approach itself but from the application of the particular quick-build methods to a large, complex, secure institution.

The decision not to install sprinklers was a more defensible judgement than some media coverage might have indicated. There was conflicting advice, implications for prisons and secure training centres, and the prospect of delay. Given, in addition, concern about misuse, concern about the contractual implications, and concern to use public money wisely, the decision not to install sprinklers at Yarl's Wood was not an egregious one. However, in reaching this decision, insufficient attention was paid to Yarl's Wood's location, poor water supplies, the quantity of wood in its construction, and the nature of the population it would hold. Indeed, Ministers - who were ultimately responsible for making the decision - were not advised about the fabric of the building, and concerns about the water supply were overlooked by the officials advising them.

In preparing for the opening of the centre, Group 4 were largely successful in their recruitment of staff, albeit many had little or no relevant experience. The formal training was not extensive, but appears to have covered all the appropriate issues. Inevitably, staff would really learn about their jobs when they actually started to do them. And I do not think any training course could really prepare people for what happened on the night of the disturbance.

Most new closed institutions face difficulties when they first open. Procedures have to be tested and refined. Meanwhile, staff and those in their charge are finding out about one another. Some staff discover that the job is not for them and turnover is often high.

Yarl's Wood encountered these problems and others. I have listed food, communications, feedback from the Immigration Service, problems with the heating, inconsistent application of rules, and high shop prices as all being genuine issues. There is also much evidence of tension and conflict, and of a rise in that tension in the immediate period before 14 February. I have cited the food strikes and protest meetings that took place as examples.

However, I have not concluded that the disturbance was pre-planned or indeed directly preventable. Rather, that disaffected detainees took advantage of a situation that developed as a result of the mishandling of the incident involving Ms E. No-one could have anticipated that control would have been lost so comprehensively and so speedily.

I would like to repeat here what I have said about the terrifying nature of the disturbance and the courage shown by individuals. Nevertheless, there was a period of around two hours before the first fires were set. The question arises, therefore,
whether an earlier intervention or show of force could have restored order. It seems to me possible that it could. Indeed, I have little doubt that many prison governors would have taken such a decision. However, I have not criticised the centre manager on this count. Once staff had withdrawn, keys had been taken, cameras broken, and some staff held hostage, any intervention would have carried risk to life.

I have, however, criticised other aspects of the management of the incident. There was a lack of clarity as to who was in charge and the command structure. The existence of two protocols allegedly covering these matters did not help. In the event, primacy was handed to the police without regard to either of them. However, I have not found evidence to justify the allegation that Group 4 improperly denied access to the emergency services to enter Yarl’s Wood. Nor have I substantiated the claim that detainees were locked into burning buildings.

The operation that ended the disturbance seems to have worked well. But thereafter the essential safeguards protecting those in detention from abuse broke down. (I have reached no view whether such abuse occurred.)

In their evidence to me, GSL placed a great deal of emphasis upon the change of designation of Yarl’s Wood from ‘detention’ to ‘removal’ centre, upon the absence of a system of disciplinary adjudications, and the transfer-in of detainees previously held in prisons. Of these, I suspect the most significant was the last, although yet more important may have been the transfer-in of detainees who had taken part in the earlier disturbance at Campsfield House. There seems to have been a lack of meaningful consultation on any of these policies and no formal risk assessment seems to have taken place.

In part, this reflected the lack of information that is held centrally about detainees. There is no equivalent to the ‘core file’ kept on prisoners, for example. I appreciate the practical difficulties – detainees have often destroyed their passports and their identity, even their nationality, let alone their risk factors, may not be known with any certainty. However, as I have revealed, this was exacerbated by the decision not to run checks on detainees on the Police National Computer. I accept that the initial proposal involving the local police would have been counter to the Data Protection Act. However, as has been shown subsequently, there was no reason why checks could not have been organised centrally. Indeed, there was every reason why this should have been done.

In sum, the story of Yarl’s Wood is this. An ambitious and – as things turned out – an unachievable policy on removals was promulgated. It required the commissioning of a building like no other and at a record pace. The building was not fit for its intended purpose and, in the event, the timetable for its opening was not met. After three months, an everyday incident was mishandled. Within a few hours, half of the building had been destroyed.

This is a tale that offers scant comfort. Indeed, if the disturbance had not broken out at Yarl’s Wood, the same potential existed 40 miles away at Harmondsworth. My purpose in recounting what occurred in such detail, and at such length, is to ensure that such a set of circumstances can never come about again.
Part IX

Recommendations
Recommendations

1. I recommend that GSL reviews deployment of staff to incidents and the use of ‘talk through’ mode on the radio allowing officers to self deploy. (90)

2. I recommend that IND and the Prison Service give further consideration to contingency arrangements to ensure greater clarity and proper lines of accountability, and which, ideally, give IND ultimate authority and responsibility for the management of incidents. Failing this, I recommend a small cadre of potential Gold Commanders be prepared/trained specifically for handling removal centre disturbances. This should include briefing on the ethos of the centres, the powers that can be exercised to control detainees, site familiarity visits and a period shadowing a centre manager. (102)

3. I also recommend that those likely to represent the Immigration Service in the Gold suite at Prison Service headquarters should attend a number of Prison Service incidents to familiarise themselves with general processes and practices. (102)

4. I recommend that the Home Office enters into discussion with the Association of Chief Police Officers to agree and distribute clear advice to all police forces on the issue of police powers in respect of disturbances in closed institutions. (102)

5. I recommend that IND and GSL resolve the matter of twin protocols as a matter of priority since it is presumably replicated in relation to all GSL’s immigration establishments. (103)

6. I recommend that the police and the Prison Service pursue on a national basis arrangements for Prison Service Tornado units and the police to work together and for a training protocol. (104)

7. I recommend that IND ensures plans and other relevant documents for each centre are placed in the Prison Service Gold command suite. (105)

8. I recommend that Group 4 reviews its roll count procedures to ensure they are accurate and efficiently carried out. (107)

9. I also recommend that a computerised system of real time tracking be introduced to show exactly where a given detainee is at any time – that is, in a centre, in transit or whatever. This should not rely on the completion of protracted reception procedures. (107)

10. I recommend that the use of remotely-operated locks for zone gates be considered in all future removal centre designs, taking account of any fire safety requirements. (108)

11. I recommend that IND reviews the location of command suites in

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123 Numbers in brackets after each recommendation refer to the page on which the recommendation is made.
existing and future removal centres. (109)

12. I recommend that:

- Contractors be required to draw up and implement action plans following any serious incident. The plans should incorporate all lessons learned and, where those lessons are generic, should be applied across all the contractor’s centres;
- IND monitors implementation within agreed timescales;
- IND ensures that contractors prepare contingency plans for multi-faceted incidents; and
- GSL reviews training for its senior managers to ensure they are fully prepared to manage command suites. (111)

13. I recommend that the question of staffing levels be reviewed to assess if future contracts should contain more prescriptive requirements in relation to staff numbers. (117)

14. I recommend that IND reviews with contractors those sections of contracts dealing with advanced C&R. (117)

15. I recommend that GSL reviews its fire contingency plans to ensure they are appropriate and offer adequate protection for detainees and staff. (118)

16. I also recommend that GSL reviews its fire signage at all its centres and carries out regular management checks to ensure all fire safety measures are complied with. (118)

17. I recommend that IND reviews its systems for assessing contract bids in the light of the Yarl’s Wood experience. In particular, consideration should be given to bringing in independent expertise to help with the assessment. (146)

18. I recommend that IND pulls together the lessons on design from the Yarl’s Wood experience (size, long corridors, siting of the control room, construction materials etc) and ensures that they underpin the production of any future footprints or alternative designs submitted by contractors. (165)

19. I also recommend that IND specifically and independently assesses whether a proposed construction material meets the particular needs of the project. (165)

20. I recommend that the Home Office restrict the use of special urgency notification procedures to cases of absolute necessity (as indeed is required by the relevant regulations). (168)

21. I recommend that for future removal centre projects a local liaison officer be appointed, the major part of whose job will be to identify properly interested stakeholders and consult and inform local people. (170)
22. I recommend that IND and the Finance and Services Directorate ensure that no major project is again allowed to proceed without a properly constituted business case. (173)

23. I also recommend that the fire safety adviser and the Crown Property Inspection Group take early steps to establish provenance on receipt of any request for advice and that they reserve their position until the matter has been resolved. (215)

24. I do not think the case is made out for the installation of sprinklers in all removal centres, no matter what their size, function, or construction. It seems to me that each case should be judged on its merits, and this is what I recommend. (216)

25. I recommend that arrangements are introduced to prohibit the staff of removal centres and escort contractors from membership of racist organisations. (221)

26. I recommend that, in future, all contractors be required to affiliate to the Custodial Care National Training Organisation. (226)

27. I recommend that, when a new centre opens, the relevant Project Board issues specific instructions to DEPMU about population build up. (233)

28. I recommend that contractors be required to establish permanent liaison arrangements with local residents. (236)

29. I recommend that IND issues instructions to Immigration Service staff in removal centres governing effective engagement with detainees. (246)

30. In my earlier report on Yarl’s Wood, I recommended that GSL should work closely with Aramark to ensure that meals meet as wide a range of cultural needs as possible, and that, given the ever-changing population, the menu on offer should be kept constantly under review. I repeat that recommendation here. (246)

31. I also recommend that the food be checked daily for quality and quantity by the contract monitor. (246)

32. I recommend that Group 4 (and other contractors) provides the cheapest phone service possible to detainees and that it ensures its phone systems fully meet the needs of detainees. (246)

33. Given the importance of the internet in most people’s daily lives, I also recommend that detainees be allowed regulated access to it. This will help them keep in touch with what is going on and may help in relation to their appeal as well as creating some sense of normality and control in their lives. (246)

34. I recommend that IND ensures assistance is provided to detainees to help them sort out their affairs following their detention and/or to facilitate their return to the community. (247)
35. I recommend that IND hosts regular forums for centre managers and for other grades of staff. (247)

36. I recommend that the operating standards be completed and rolled out across the estate as soon as possible and to a published timetable. (247)

37. I recommend that IND produce a security manual for the detention estate. (248)

38. I recommend that GSL reviews its staff training in respect of handling and defusing confrontation. (248)

39. I recommend that, as a minimum, every centre should engage the services of an in-reach psychiatric nurse and that the service be actively promoted on induction and afterwards. (251)

40. I also recommend that the use of detainees as interpreters in medical situations should cease. (251)

41. I recommend that contract monitors regularly check that the Detention Centre Rules and operating standards are readily available to detainees. (272)

42. I recommend that GSL 4 reviews its training in respect of dynamic security and that managers constantly monitor staff presence on the wings. (286)

43. I recommend that GSL seeks the views of its existing staff to determine what more is required by way of training. (286)

44. I also recommend that, when a new removal centre opens, staff from other centres be seconded in for the first few weeks to support and guide the new staff. (286)

45. I recommend that, following assessment or action on an SIR, a copy of the document, duly completed by the relevant manager, be given to the member of staff who submitted it. (290)

46. I recommend that GSL reviews its management training to emphasise the need for managers to be visible, accessible and responsive. (292)

47. I recommend that IND reviews and clarifies its role in overseeing the operation of removal centres, notwithstanding principles pertaining to transfer of risk. (293)

48. I recommend GSL reviews its shift systems with a view to ensuring consistency of operation and that staff are able to perform at their optimum throughout their duty. (295)

49. I recommend that IND reviews complaint handling in removal centres with a view to establishing greater consistency. The review should take account of procedures for recording complaints. Records should show what the complaint was, when it was made, when resolved and what the resolution was. (298)
50. I also recommend that contract monitors be given training in complaints handling. (298)

51. Finally, an independent element should be introduced at the apex of the system. HM Chief Inspector of Prisons has called for the appointment of an independent Ombudsman for the immigration detention estate. The Refugee Council quite independently recommended the same. Given our existing responsibility for death in custody investigations in the Immigration Service estate, this role might sensibly accrue to the Prisons and Probation Ombudsman’s office. (299)

52. I recommend that fire drills be held at Yarl’s Wood at least monthly and that the requirement for detainees to leave the building be rigorously enforced. (304)

53. I recommend that a member of the senior management team at Yarl’s Wood be given specific responsibility for fire safety. (304)

54. I recommend that IND arranges for the weight of each contract monitor post to be assessed to determine both the appropriate grade of the contract monitor and the level of support he/she should have. (309)

55. I also recommend that relevant experience in either custodial management or contract management be a requirement for the post. (309)

56. Finally, I recommend that a comprehensive training package be drawn up for new contract monitors. This should include a period shadowing another contract monitor. (310)

57. In my earlier report on Yarl’s Wood, I made a range of recommendations regarding the IMB. These were that the Board:

• 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

With the exception of the third of these, I repeat these here in relation to the entire detention estate. (312)

58. I recommend that IND reviews disciplinary arrangements in removal centres. (323)

59. I recommend that IND consults upon the merits of incentives schemes and the terms of a single national framework - to reflect a consistent set of principles and processes - within which schemes could operate. (325)
60. I recommend that a forum comprising officials, contractors and interest groups be set up to consider provision of purposeful activity in removal centres and in particular the feasibility of voluntary/charity work along the lines of (and possibly supported by) the Inside Out Trust. (329)

61. I recommend that IND explores this option with the Inside Out Trust. (329)

62. I also recommend that consideration be given to paying detainees an allowance for attending centrally organised activities. (329)

63. I recommend that IND seeks speedily to reach agreement with the Prison Service about sharing of information with both DEPMU and security managers in removal centres. (336)

64. When a legislative opportunity arises, I recommend that removal centres are re-labelled as immigration detention centres. (343)

65. I recommend that courtesy keys and locks be introduced in removal centres. (347)

66. I recommend that a single lock-down time be introduced across the detention estate, but that detainees be allowed to smoke in their rooms and that a television is provided in each room or dormitory. (348)

67. I recommend IND consults contractors when it is considering major new operations and gives them adequate time to prepare. The contract should also be re-visited where appropriate. (350)

68. I also recommend that IND adopts a more consultative approach in the future by means of regular IND/contractor meetings at director level to discuss issues facing the detention estate. (350)

69. I recommend that IND ensures that a requirement immediately to inform the IMB of any major incident should be incorporated in each contractor’s contingency plans. (357)

70. I recommend that IND/the IMB Secretariat circulates fresh advice both to contract monitors and Independent Monitoring Boards about their role during a major incident. (357)

71. I recommend that Group 4 builds into its contingency plans reference to the need to follow proper procedures and to complete relevant paperwork in the aftermath of a serious incident. (359)

72. I also recommend that contract monitors receive additional briefing on what to monitor and how to enforce compliance following a serious incident. (359)

73. I recommend that, if the allegation that a detainee was assaulted by staff is not being pursued through the courts, GSL carries out a full investigation. (369)
74. I recommend that contractors be required to include in their contingency plans the steps they will take following an incident of this kind to ensure that detainees know how to claim for lost property. The plans should include the identity of a named individual who will be responsible for addressing and resolving all such claims within one month of the incident. (370)

75. I recommend that GSL consults its staff to determine how best a review of the events at Yarl’s Wood in 2002 can be organised. (371)

76. Notwithstanding the advice I have received that waivers of claims under the Riot (Damages) Act are to be introduced into all future contracts, I make a formal recommendation to this effect in the hope that thereby the lesson will not be lost. (373)

77. I recommend that IND, jointly with the Prison Service, works with the police and the CPS to establish a national protocol for the conduct of inquiries into serious events where there is the possibility of criminal charges. (389)

78. I recommend that the removal estate uniformly adopts the currency ‘escape’ in place of abscond to describe a successful break-out from a closed institution. (390)

79. I recommend that IND replaces the term ‘special needs’ with ‘heightened risk’. (392)
Annexes
Annex 1


“The need for a protocol with the police and CPS

It speedily became clear to me that the problems Mr Moore encountered in respect of access to police material and their concerns over his interviews had much wider implications. I was aware of the inquiry into the serious disturbance at Lincoln prison being conducted at the same time as this review by Mr Peter Atherton, Director of High Security Prisons [now Deputy Director General of the Prison Service]. I met Mr Atherton and am extremely grateful for his assistance.

Mr Atherton told me that at the beginning of his Lincoln inquiry he had asked the police for copies of their witness statements (subject to the witnesses' agreement) to avoid the perils of repeat interviewing. The police and CPS had been very concerned that any Prison Service inquiry might threaten the expected criminal proceedings. Their initial line had been that there should be no Prison Service inquiry at all. Not surprisingly, given the seriousness of the Lincoln disturbance, this was not acceptable to Mr Atherton or to Mr Martin Narey. Instead, they entered into discussions with the CPS and police that have led to the signing of important protocols recognising the primacy of the criminal investigation but not preventing the Prison Service from endeavouring to learn the lessons for itself. It seems this is the first time such protocols have been agreed and I wholeheartedly commend Mr Atherton's initiative …

… I regard this issue of police/CPS primacy as of critical importance not just to the Yarl's Wood inquiry but to inquiries into all future serious events where there is the possibility of criminal charges. For that reason, I believe the existence of the Lincoln protocols must become much more widely known. (Mr Atherton thought it unlikely that anyone in IND would be aware of them.) Second, the protocols (or a version thereof) should be escalated to a national level. There is no purpose in each police force and every future leader of an inquiry having to re-negotiate an understanding. Third, the terms of the Lincoln protocols should be the subject of wider debate (including political and public debate). I note, for example, that the Lincoln protocols restrict the terms of interviews with staff, and require that the Prison Service will not interview any prisoners who were at Lincoln at the time of the disturbance "in any circumstance".

This ban on interviews with prisoners (for which, in Yarl's Wood, read detainees) may indeed be the price of police/CPS primacy. However, if this is the case it should be known by Ministers, officials and the public at large. Expectations of Mr Moore's inquiry would certainly have been more muted if the limited nature of the role he could play had been appreciated at the outset.

… The protocols drawn up between the Prison Service and the police and CPS following the major disturbance in HMP Lincoln offer a model which could be applied … in respect of any future IND inquiry. These protocols should be made much more widely known, and escalated to the level of a national agreement. However, there are aspects of the protocols - in particular, the total embargo on any interviews with prisoners (detainee/other material witnesses) - that should be the subject of wider public debate.”
I recommend that IND, jointly with the Prison Service, works with the police and the CPS to establish a national protocol for the conduct of inquiries into serious events where there is the possibility of criminal charges.
Impressions of the detention estate

At the start of our inquiry, we visited all the removal centres in order to familiarise ourselves with the immigration detention estate. I should emphasise that these visits did not constitute inspections and we have not enquired into any issues arising. What follows, therefore, is an uncritical record of our observations and what we were told.

Buildings

The buildings, like many other aspects of the removal centres, varied enormously. Dover, Campsfield House and Haslar were previously operated as prisons and young offender institutions by the Prison Service. Dungavel had a similar background in the Scottish Prison Service. Oakington occupies old MoD buildings, while only Tinsley House, Harmondsworth and Yarl’s Wood were purpose built. Lindholme is actually part of a prison complex, and occupies a mixture of old military buildings and new purpose built ones.

The Dover site was originally a fort. Its buildings are old and spread out. It is surrounded by a dry moat that is both steep and deep. This is the sole physical barrier to absconding, even though detainees have complete freedom of movement around the site. We were told a number of detainees had found their way into the moat, but most got stuck there. However, a significant number had absconded. Indeed, there was an apparent abscond during our visit. (I use the term ‘abscond’ in line with current IND practice. However, I regard the term as inappropriate.)

I recommend that the removal estate uniformly adopt the currency ‘escape’ in place of abscond to describe a successful break-out from a closed institution.

Campsfield House’s corridors were very narrow and had many dead ends. We were told that this could cause significant control problems. Physical security had been enhanced following a disturbance in 1993, with bars added to the windows and razor wire to the fences.

Harmondsworth was a large, purpose-built removal centre that, from the outside, looked very like a category C prison. It was built to accommodate over 500 detainees. Its construction was similar to that of Yarl’s Wood. Accordingly, it felt very insecure. The contract monitor told us that he had asked for a television to be mounted on the wall in his office, but was told that the wall would not sustain the weight.

There was no zoning, and this presented control problems, as it was not possible to segregate groups of detainees. We were told that this was not initially a problem when the establishment was designated a ‘detention centre’. At that time, detainees were compliant because they wanted to stay. Following the change of designation to ‘removal centre’, detainees became more desperate because they knew they were to be removed. There had been a number of small, contained fires. The centre manager said it had simply been a matter of luck that nothing more major had occurred. Following representations to the Immigration Service, the population was reduced and staffing was increased. Following events at Yarl’s Wood, and within months of opening, a major refurbishment was embarked upon at a cost in the region of £28 million.
Lindholme had capacity for 110 men. The accommodation blocks were old RAF buildings. The grounds were pleasant and well-maintained. Effective use had been made of available space to provide activities for detainees. The centre was surrounded (and intersected) by fencing with two coils of razor wire. It immediately abutted the prison. Although the centre was capable of being sectioned off by means of high fences and lockable gates, the gates were generally left open to facilitate freedom of movement for detainees.\(^\text{124}\)

Oakington was a mixture of old RAF buildings and newly built accommodation. There was a lot of attractive open space. Razor wire was in the process of being added to the perimeter fences, but these are not of standard Prison Service height and the centre felt far from secure. There were 12 absconds on the night before one of our visits.

Tinsley House was a purpose built centre based around a courtyard. The walls were made of concrete. This contributed to a feeling of security. The corridors were wide and there was comprehensive CCTV coverage. In order to move between zones, staff had to contact the centre for gates to be unlocked.

Haslar occupied an old Prison Service (and old MoD) site and comprised a number of smallish buildings. It had capacity for 160 detainees. Various architectural features rendered it less than secure.

Dungavel has been extended from a hunting lodge, set in remote countryside in South Lanarkshire. Its warren of corridors are not overseen by closed circuit television.

Population

Campsfield House acted as a feeder centre for Prison Service-run removal centres, which did not operate reception 24 hours a day. As such, it experienced a large number of movements in and out. We were told there could be 96 movements or more in one day.

The average stay was apparently 9.2 days, but one detainee then held at the centre had been there for six months. In the past, detainees had been held for up to 15 months. Some of those who moved out went to airports for removal. Others were sent to other centres.

We were told that the nature of the population at Campsfield House had changed enormously. Detainees were much more desperate than previously, often having made an emotional and/or financial investment to reach this country. We heard a story about a man in the secure unit, at that time refusing food and liquid. He had paid $20,000 to come to Britain. There had been two attempts to remove him, but he had ‘kicked off’ on the plane and had to be brought back. He was fast approaching the stage where he would require hospital treatment. This would prompt a dilemma as to whether he should be ‘removed’ from hospital or whether he should be released back into the community.

We heard that there was lots of aggression and confrontation both between detainees and between detainees and staff.

\(^\text{124}\) In her report of an unannounced inspection of Lindholme carried out in February 2004, HM Chief Inspector of Prisons recommended that IND review whether Lindholme is an appropriate facility for an immigration removal centre.
Between 60 and 70 per cent of detainees at Harmondsworth were identified as having special needs\(^{125}\) – that is, had criminal records, were violent or posed a risk of suicide. However, this information was not considered to be reliable, partly because those completing the forms erred on the side of caution and partly because ‘criminal’ could refer simply to illegal immigrant status. The centre (like Yarl’s Wood) was contractually obliged to accept whichever detainees were sent to it.

I consider the term ‘special needs’ to be misleading.

**I recommend that IND replace the term ‘special needs’ with ‘heightened risk’**.

Lindholme was able to pick and choose which detainees to accept because it had no facility immediately on site to segregate detainees in the event of trouble. We were told that Jamaicans were considered to be the most problematic national group, although there were racial tensions throughout the population. Lindholme would not accept more than 14 Jamaicans at a time as it was considered this was the maximum conducive to the safe running of the centre.

We were told Oakington had a capacity of 234, which included 58 females and 42 family spaces. It was originally intended as a centre for housing detainees whose cases were considered capable of swift resolution. Hence, the average stay was between 7-10 days. As a result, there was no pressing need to provide a variety of facilities. The intake was now more diverse. The average stay had risen to around 16 days. One man had been at the centre for 18 weeks.

The average length of stay at Tinsley House was reported to be less than a week. The longest serving detainee at the time of our visit had been there about two months. The centre took many over-nighters immediately prior to their removal.

There were occasional confrontations at Haslar. The dormitory set-up made it easy for a few detainees to cause trouble. There had been a recent incident when 70 detainees refused to leave a corridor.

Dungavel is in an isolated spot yet serves the whole of Britain. Its presence, and the fact that it is used to detain families including young children, has been the source of continuing political controversy in Scotland. However, despite this and its less than optimal design, it presented as perhaps the best-run of all the centres.

**Reception**

Reception areas and processes varied from centre to centre. Mostly, the space was inadequate for the numbers of people with whom they were required to deal daily. This was equally true of the ‘purpose built’ centres. The reception at Harmondsworth, for example, had been designed for around 15 movements per day. In fact, it experienced 150 movements per day.

All the centres provided food and drink for detainees waiting to be processed, but the environment differed considerably. At some centres, detainees had to wait on the van until there was room for them to move into the waiting area. This could follow a long journey to arrive at the centre. At Dover, pains had been taken to dispel the

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\(^{125}\) Special needs is the term used in the immigration detention estate to denote a detainee who poses a heightened risk, by virtue of criminal history, propensity for violence, likelihood of escape, mental or physical illness etc.
Prison Service feel of the area, with a well considered and welcoming layout that
provided detainees with something to do. Lindholme too provided music and a
television in the waiting area, as well as welcome signs in a variety of languages.

In all cases, the process was fairly mechanistic. In some it involved the taking of
photographs for ID cards. These were required at Campsfield House to obtain food,
make purchases from the shop and participate in the various activities.

**Sleeping arrangements**

We saw a variety of sleeping arrangements, including single and double rooms and
dormitories accommodating between four and, in one case, 37 detainees. In the
purpose built centres, the rooms were clean and light, but felt sterile and impersonal.
The beds were hard and there was little bedding. There was no provision for storing
personal possessions. At Tinsley House, there were tannoy speakers in each room,
which were intrusive – certainly enough to interrupt a conversation. There was no in-
room television. (Tinsley House operated under the mistaken belief that detainees
could not be permitted duvets.)

The rooms at Dover were shabby, cramped and untidy. The beds were metal framed
with thin mattresses. The bedding looked poor. In the absence of curtains,
detainees had devised a number of methods of blocking out the light from the
windows. This is a common practice in prison, and contributed to the prison-like
atmosphere. In some rooms there were quite a lot of personal effects in evidence.
In others, there were none. Accommodation for single men and women at Oakington
was in dormitories of 8, 10 and 12. Rooms were clean but afforded no privacy.
Private baths and shower cubicles were provided, however.

**Regime**

All the centres provided some education classes. At Haslar, education was only run
in the afternoons. In other centres, it ran throughout the day, including the evenings.
All centres provided English and art/craft classes, but some also provided IT and
music. As a rule, classes were quite small and would soon feel cramped. Some
tutors said it was difficult to provide meaningful education when detainees were
there for such a short time. Others had developed modular courses that provided
sufficient flexibility to cater for the ever changing population. Tinsley House
reserved some classes for women only. Take-up on education varied considerably –
it was quite high at Dover, but as low as 25 per cent at Campsfield House. The
centre manager at Lindholme noted that attendance had declined once payment for
attendance was withdrawn.

The centre manager at Haslar considered that some work could be undertaken with
regard to resettlement – especially back into this country. This might include help
with finding work and housing. Some limited help could also be given to prepare
detainees for removal to their country of origin – for example, in helping them tidy up
their affairs in Britain.

Organised games were the principal means of keeping the majority of the population
occupied at most centres. Facilities varied.

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126 I wrote earlier about the value of setting up a centre manager forum. One of the principal
benefits would be shared learning about what could be done and what worked.
The freedom given to detainees to move around also varied. Detainees were not locked in their rooms at Harmondsworth and had complete freedom of movement. (Nevertheless, we saw very few detainees as we walked round the centre and everywhere was extremely quiet.) Following refurbishment, however, detainees would be locked on their units overnight. Detainees at Dover were free to move about at will (despite the lack of perimeter security), but were locked up at 8.30 pm. Lock-up time at Campsfield House was midnight, except on special occasions (e.g. during the World Cup). At this time, detainees were confined to their wings (but not their rooms). They could not smoke after lock-up, as smoking was restricted to designated rooms.

Lock-down was at 7:30 pm at Lindholme and Haslar. There were pool tables, televisions and telephones capable of receiving incoming calls in the dormitories at Haslar. At Tinsley House, the sleeping accommodation was locked down at around 11:30 pm. The detainees could then associate amongst themselves. The single men (as opposed to the single women and families) could not smoke after lock-down as there was no room provided for them in which to do so.

At Dungavel, individual floors (six dormitories and two smoking rooms) are locked off between 11:30 pm and 7:30 am. Detainees are not permitted to smoke in the dormitories but have 24-hour access to the smoking rooms.

Most centres provided long visiting hours and pre-booking was not usually necessary. Some of the centres operated quite rigorous security checks, however. Generally, visitors could stay as long as they wished, but at Lindholme visits were restricted for staffing reasons and only took place on certain days. Dungavel’s visits area was particularly well-appointed.

**Food**

In most centres, food was prepared on site. There were generally three hot choices available, as well as salads and sandwiches. At one centre, detainees had to pre-book their meals a week in advance, but at the others, they simply turned up and chose on the day. Queues could be long. We heard that the servery was the most likely location for any flare-ups. In most centres, the food was considered to be adequate, and some caterers went to pains to create a varied menu that met the differing cultural needs of the detainees. We were told, however, that the caterers at Campsfield House lacked imagination and that Eastern European needs were generally overlooked. There were a lot of complaints about the food. We were told that food at Lindholme had been excellent when the detainees were allowed to work in the kitchen as they provided meals for all the different nationalities. On the days we visited, however, the food looked quintessentially English prison fare and lacking in inspiration.

Dungavel provides some pork dishes, unlike Tinsley House which does not provide any pork.

It appeared to be common practice for detainees and staff to eat in the same area in most removal centres. The degree of interaction, however, was limited, with staff occupying one area and detainees another.

**Facilities**

There was a well-equipped training room at Dover and a number of television rooms in the accommodation blocks. There were also various games for the detainees.
Facilities at Campsfield House were limited, while at Lindholme, much had been made out of a little. Activities extended to a draughts-board painted on the tarmac and a small pitch and putt course. The library was small and not well-stocked. Apparently, there is difficulty in obtaining foreign newspapers locally, so these were downloaded off the internet. It was also difficult to buy foreign language books. There was a training/weights room and football and cricket pitches, all of which were well used. There were also PlayStations, football and pool tables and board games. The centre manager planned to introduce a DVD system and karaoke machine.

Phones were provided in a variety of locations in the accommodation block, but detainees had to stand or sit on the floor while using them. Both the telephones and chairs, when provided, were vandalised on a fairly regular basis, apparently as a result of frustration due to not being able to get through or to phonecards expiring mid conversation. Detainees were given £2.50 a week, from which they had to meet all their needs including phonecards.

A community officer provided help for detainees on a number of issues, including sorting out their affairs in this country prior to removal. In addition, there was a scheme of ‘cultural officers’ in place with particular members of staff taking responsibility for particular nationalities/cultures. Many were learning new languages to facilitate this.

There was a crèche in the family block at Oakington that was large and well-stocked with toys. However, staff considered provision for children - particularly older children - to be inadequate and there were few activities for adults. There were TV rooms and some slot machines and a very small training room with some cardio-vascular machines.

BT phones, that took both phonecards and coins, were situated on each corridor at Tinsley House. The library was well equipped with newspapers and books in various languages. There was also a room with PlayStations and videos, a gym and a well-equipped weights room.

A shop sold such items as toiletries, cigarettes, phonecards and snacks. There were vending machines in the corridors. Detainees were expected to spend their own money, but, if they were deemed destitute, they were provided with a voucher for a £5 phonecard per week. There was no way of earning money or phonecards, but phonecards and shop credits were offered as Bingo prizes. (At a number of the centres, I was told of the surprising popularity of Bingo.)

The visits room was fairly light and spacious and attractively furnished. Visits could take place from 2 pm to 9 pm.

Roll calls

Roll calls at Oakington were held at breakfast, lunch and dinner, 7 pm, 10 pm, midnight and periodically through the night. There were no roll calls for families, as this was not considered to be appropriate. Absconds were a major concern since physical security was so poor. Other centres had just four roll calls per day – at unlock, lunch, tea and lock up.
Safety/security

We were told that relations between detainees and staff were key to the stability at Tinsley House. Staff were encouraged to get to know detainees and this helped to relieve the tension. The ratio of staff to detainees was roughly 1:10.

Those placed in isolation were subsequently removed from the centre. This was to avoid the wrong message being conveyed to other detainees. A detainee might, however, return to the centre following removal from association. Tinsley House could choose which detainees to accept because of its very limited isolation capacity. For this reason, it could also seek to transfer detainees for non-compliance.

The centre had at that time had two escape attempts, neither of which came close to being successful. It had had no self-inflicted deaths and no serious incidents of self-harm. There was very little drug abuse, no bullying and no pilfering. (In all of the centres, illicit drug use was reported to be extremely rare.)

There had been many incidents of self-harm or threatened self-harm at Lindholme, but to date, none had been serious.

The centre manager at Haslar also said that close staff/detainee relationships were key to the safety and security of the establishment. However, inadequate security measures (he cited the lack of scanning facilities for post and visitors and the lack of a security manual) caused problems. There had been a recent incident, where a detainee had smuggled in the wherewithal to effect his escape.

All the centres that took children expressed concern about the possibility of unwittingly receiving paedophiles.

Complaints

The complaints handling process appeared to be broadly similar in each centre, though I noted that Dover used the Prison Service complaints system with the immigration system tacked on, while Harmondsworth used the old style Prison Service system. (I also noted that Haslar had neither forms nor boxes, but did display one of the old-style Prisons Ombudsman posters even though removal centres do not currently fall within my remit.) Detainees made their complaints in writing and in most cases 'posted' them into boxes provided for the purpose. (There were not many such boxes in any of the centres.) Complaints about the regime and facilities were dealt with by the contractor, while complaints about the staff were handled by the contract monitor, who forwarded them to the Immigration Service. They had a target date of eight weeks in which to respond. Many detainees left before the investigation was started, let alone completed.

Detainees could also complain to the Independent Monitoring Board (known at the time of the Yarl's Wood disturbance as the Visiting Committee).

Integration of the immigration and custodial sides

I found a culture of 'them and us' between the Immigration Service and the contractor at many of the centres. Neither side seemed to believe the other was doing its job properly. In particular, there was a feeling on the part of those responsible for maintaining security and good order at establishments that immigration staff did not engage sufficiently with detainees. This led to frustration among detainees due to a lack of information about their cases. In one centre, we heard that Immigration
Service staff had refused to go into the centre without protection. In most cases, Immigration Service staff saw detainees on a strictly controlled basis and were physically separated from the accommodation areas. The Immigration Service offices at one centre were locked with a sign saying, ‘No Detainees Allowed’. One centre manager suggested that the Immigration Service needed to become more integrated with the running of the centre.

The centre manager at Oakington said he felt the centre was on its own as far as information about the criminal history of detainees was concerned. His perception was that many detainees were picked up by the Immigration Service as a result of their involvement in crime, but that this was not routinely relayed to contractors. The centre regularly discovered criminal antecedents that had not been notified to them by the Immigration Service. These had included two murderers and three detainees charged in connection with the fire at Yarl’s Wood. He considered the ‘risk assessments’ to be useless and used merely to cover the Immigration Service in case of trouble. He said Immigration Service staff refused to meet regularly to go through case files.

Many of the managers expressed the view that Immigration Service staff and contract monitors did not really appreciate all the issues when it came to segregating detainees. They were considered to be operationally naïve in this respect.

**Contractual relationships**

Oakington’s manager said the contract in place bore no resemblance to what they actually did, due to the change in the role of the centre. Although the centre manager and contract monitor worked well together to agree changes, delays occurred at Immigration Service Headquarters. Some contractual change notices had waited more than two years to be actioned. The centre manager did not believe his experience in this respect was unique. The contract monitor noted that the contract was so loosely worded as to make it almost incapable of being enforced.

The deputy contract monitor had some doubts about the appropriateness of the Civil Service grades for contract monitor and deputy contract monitor, especially in relation to endorsing segregation decisions and contract enforcement.

Both Lindholme and Haslar reported that there was no Service Level Agreement in place between the Prison Service and Immigration Service. This made it difficult both to run the centre and to plan ahead. At the time of our visits (August 2003), the Immigration Service had apparently not advised those centres run by the Prison Service what their budgets would be for that financial year.

**Management of the estate**

We were told that DEPMU often sent people to Harmondsworth specifically because it had a segregation facility. Conversely, the management’s policy was to try to keep the facility empty as a contingency in case of problems within the centre. Deliberately keeping the facility full was a dangerous policy.

More than one centre manager considered DEPMU to be naïve about the use which could be made of the estate, in terms either of offering an incentive to good behaviour or offering a facility to break cycles of poor behaviour. (We were told that centre managers had no power to agree transfers with other managers.) In addition, DEPMU were not found to be very responsive when centres wanted detainees
moved for control reasons. This might be due to their limited options, however – the estate was not large and many detainees had already ‘done the rounds’.

A commonly expressed view was that there was a lack of direction from the top within the Immigration Service. The Service was considered to be ten years behind developments in the field of detention. It lacked an overarching strategy. Operating standards were coming out singly and in piecemeal fashion. Sometimes areas overlapped and contradicted one another or otherwise had some impact on standards already in place. There did not appear to be anyone responsible for the overall coherence of the standards. Centres were offered the opportunity to comment, but consultation was generally not considered to be adequate.

**Detention**

Detention was viewed both by custodial staff and by detainees as being arbitrary. There did not appear to be any consistency as to who was detained, where they were allocated and when they were released back into the community. For example, a successful local businessman from the Gatwick area had been allocated to Dungavel, with no thought for what the impact on him or his business might be.

A Chief Immigration Officer in one of the centres suggested that rules on when to detain people were being consistently applied, but that there was a purely random element as to who came to the notice of the Immigration Service. They did not have the resources to seek people out, but relied to a great extent on “denunciations”. She suggested that it was this that made the process seem arbitrary.
Annex 3

List of evidence

IND

Policy files – IND and BEMU
Construction archive – including generic operational requirement
Protocol for the provision of Prison Service assistance to Immigration Service
Removal Centres, draft November 2001, in effect February 2002
Minutes of detention user group meetings
Contract monitor’s reports December 2001 and January 2002
Detention Centre compact
Detention Centre Rules – Statutory Instrument 2001 No. 238
Detention Centre standards
DEPMU – information on detainees charged in connection with Yarl's Wood
Projected breakdown of cost of the introduction of the minimum wage, by the head of
Lindholme Removal Centre
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List of detainees in Yarl's Wood 14 February 2002
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Banned items list
Copy of menus in place at Yarl's Wood, January 2002
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Beds Police Gold Command Major Investigation policy file
Policy log: Thursday 14 February 2002, Chief Superintendent Comb
Sequence of events chart to highlight incidents at Yarl's Wood immigrant detention
centre between 19 December 2001 and 16 February 2002
Briefing note for enquiry teams
Bedfordshire Police Contingency Plan regarding Yarl's Wood
Initial Report – Sprinkler System (16 November 2000)
Note of a meeting with Amey re: sprinkler quotation, 20 February 2003
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Gardiner and Theobald Fairway. 23 April 2003.
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Statements (1905)
Messages (1068)
Interviews (20)
Typed other documents
Previous conviction checks
PNC checks
Court notes compiled by police officers
Group 4 Yarl's Wood security instructions
Group 4 Yarl's Wood contingency plans
Group 4 Yarl's Wood operational instructions
Alert re: escaped detainees

Legal

Selected court transcripts
Correspondence with Mr Richard Newcombe, Chief Crown Prosecutor, CPS
Bedfordshire
Meeting with HH Judge Roger Sanders

Contributions from stakeholders

Amnesty International
Association of Visitors to Immigration Detainees (AVID)
Asylum Education and Legal Fund
Bail for Immigration Detainees (BID)
Bedford Borough Council
Campaign to Stop Arbitrary Detention at Yarl's Wood (SADY)
Clapham Residents Association
Former detainees (meetings and statements)
Former and current staff at Yarl's Wood
Gatwick Detainees Welfare Group
Legal Services Commission
Local residents
National Association of Citizens Advice Bureaux
Office of the Immigration Service Commissioner
Oakley Parish Council
Refugee Council
Refugee Women’s Resource Project – Asylum Aid
Yarl's Wood Befrienders
Yarl's Wood Immigration Detention Centre Liaison Committee
Yarl's Wood Visiting Committee
Journalists

Correspondence and/or meetings with:
Melanie McFadyean
Jennifer Monahan
Nick Sommerlad
Nicola Stanbridge

Prison Service

Report on a visit to Harmondsworth Immigration Detention Centre under construction, 27 July 2001 (Construction Unit)
Internal memo from Mr John Webster, Prison Service Contracts and Competitions Group dated 9 July 2001
Report on the incident by the Operations Manager at the Prison Service National Operations Unit (undated)
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Paper entitled “Lessons from Yarl's Wood” by Chief Fire Officer Paul Fuller MSc MIFireE MISM, Bedfordshire & Luton Fire and Rescue Service (undated)

[Correspondence, inter alia:
Letter from Jeff Goddard, Chief Fire Officer, Buckinghamshire and Milton Keynes Fire and Rescue Service, to Mr D Liddington MP, 28 March 2002
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Memorandum by ADO Birchall, FSSO, to HDS 8 November 2000
Letter from J G Streets, fire safety officer, West Yorkshire Fire Service, to Miss M Branney, Senior Environmental Health Officer, Department of Housing Services, Leeds, regarding Hillside HMO Hostel, Leeds., 22 March 2000]

Stephen Moore’s inquiry

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Interim report on incident at Yarl's Wood Immigration Removal Centre on 14 February 2002;
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Preliminary report into the construction of Yarl's Wood Detention Centre (Removal Centre), Construction Unit, 15 March 2002
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Thames Valley Police structured debrief report, incident, Campsfield House, 21 November 2001
Records and notes of interviews conducted with Mr Ian Eaglestone, the Chief Immigration Officer at Yarl's Wood, the contract monitor at Yarl's Wood, Mr Kevan Brewer, Mr David Watson, Mr John Wilson, Ms Crystal Dickinson, Reverend Randell Moll, a DCO, GMB Union representatives, Mr David Wilson, Mr Mike Adams
Preliminary report by Peter Siddons, Security Group, HM Prison Service
Documents supplied by senior fire safety adviser, HM Prison Service
Information received from local residents
HMP Lindholme cell sprinkler and smoke detection systems test report 14 June 2002
Correspondence
Policy documents
Jane Shackman *Criminal Treatment: The Imprisonment of Asylum Seekers* Prison Reform Trust 2002
Documentation on incidents at Campsfield House 8-12 September 2001
Report by Phil Wheatley, Prison Service Custody Group, into the disturbance at Campsfield House in June 1994

**GSL**

Submission to the inquiry
Report on inquiry commissioned by Group 4 Falck Global Solutions UK Limited into the destruction by fire of Yarl's Wood “Detention Centre” (mixed centre) 14-15 February 2002 by Trevor Davies (Major Crime Investigations Consultant) plus appendices
Documents disclosed pursuant to a Court Order dated 11 March 2003
Briefing note to staff following trial
Contingency plans
Risk assessment policy
Insurance policy
Details held on detainee information system
Training documentation
Incident command training documentation
Induction process (detainees) documentation
Task assignments documentation
House rules and information for detainees
Incident reports, December 2001
Security information report log, February 2002
Health and safety documentation
Residential unit daily diary, February 2002
Secure unit daily diary (11-14 February 2002; 22 February 2002; March 2002)
Segregation unit daily diary (7-14 January 2002; 3-12 February 2002; 16-22 February 2002; 28 February 2002)
Handover book, March 2002
Handover logs (segregation unit 9-10 February 2002; male secure Bravo, 11-14 February 2002; segregation unit, 12 February-1 March 2002)
Unit occurrence logs (male secure Bravo, 11 February-5 March 2002; segregation unit 25 February-6 March 2002; segregation unit, 30 December 2001-15 February 2002)
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**PMI/Osprey Mott MacDonald**

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Campsfield – Visiting Committee Annual Report 2002
Haslar – police report on incident 9-10 September 2001; proposals for expansion (now shelved)
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An Inspection of Dungavel Immigration Removal Centre 7–10 October 2002
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An Inspection of Campsfield House Immigration Removal Centre March 2002
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An Inspection of Haslar Immigration Removal Centre February 2002
An Inspection of Lindholme Immigration Removal Centre March 2002
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Oral statement on Yarl's Wood, made by the Home Secretary 25 February 2002
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Letter from the Home Secretary to Dr Phyllis Starkey MP on the application status of detainees at Yarl's Wood, 8 March 2002
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Annex 4

List of interviewees

Ministers

The Rt Hon Jack Straw MP
Ms Angela Eagle MP
Mrs Barbara Roche MP

Detainees

IND officials

Mr Ian Boon, former Director – Immigration Service Regional Operations
Mr Stephen Boys Smith, former Director General
Mr Kevan Brewer, former Director, Immigration Service
HM Inspector in Charge of DEPMU
Mr Jim Hampton, Head of Detention Operations South
Dr Chris Mace, former Deputy Director General (Operations), IND
Mr Francis Masserick, former Assistant Director, Detention Management
Mr Paul Quibell, former Assistant Director responsible for the Detention Procurement Unit
Mr David Wilson, former Deputy Director, Detention Services
Mr John Wilson, Head of Detention Operations North
The Yarl’s Wood contract monitor
The Yarl’s Wood deputy contract monitor
The Chief Immigration Officer at Yarl’s Wood

GSL personnel

Mr David Banks, Chief Operating Officer
Mr Stephen Brown, Managing Director
Mr David Dickinson, former Director and General Manager
Mr John Jasper, Director and General Manager, Immigration Support Services
Mr Walter MacGowan, Director and General Manager, Prisons and Removal Centres
Dr Alison Rose-Quirie, Director of Business Development for Custodial Services
Mr Derek Milliken, Head of Security, Yarl’s Wood
Rev Dr Carrie Pemberton, former religious affairs manager
Mr David Watson, former centre manager
Detention custody officers currently and formerly employed at Yarl’s Wood

Amey

Mr Richard Entwistle, Director
Ms Carol Hui, Director
Mr James Leng, Managing Director, Augmentis (formerly with Amey)

Osprey PMI (now Osprey Mott Macdonald)

Mr Nigel Eaton, former senior project manager; now Project Director

Emergency Services
Chief Superintendent Geoff Comb, Bedfordshire Police
Deputy Chief Constable Cliff Dixon, Bedfordshire Police
Mr Geoff Goddard, Chief Fire Officer, Buckinghamshire
Sir Graham Meldrum, HM Chief Inspector of Fire Services

Prison Service

A member of the National Operations Unit, present in the Gold suite
Cmdr Martin Gerrard, formerly senior police adviser to the Prison Service
The Bronze Commander, Head of Prison Service C&R Centre, Kidlington
A colleague of the Bronze Commander

Others

Mr Ian Eaglestone and Ms Kate Fitch, Independent Monitoring Board, Yarl's Wood
Mr Nick Pearce, former political adviser to the Home Secretary, now director of the Institute for Public Policy Research
Mr Martin Shipp, Associate Director of FRS (formerly Fire Research Station; the Fire Division of BRE (Building Research Establishment Ltd))
Lessons from Campsfield House

“Once staff withdrew from the centre it became very difficult to form an accurate assessment of what exactly was happening. CCTV coverage, already limited, was hindered as a result of detainees interfering with the cameras. Corridors quickly became smoke filled, also preventing effective CCTV monitoring. A number of smoke and fire alarms were activated, leading to concerns that multiple fires had been started. In fact, only one bedding store was broken into and set on fire but smoke quickly spread through service ducts and along corridors causing understandable alarm and fear.”

This extract relates not to Yarl's Wood, but to a disturbance at Campsfield House some three months before that at Yarl's Wood. This was one of two serious incidents at Campsfield House (there have been other more minor ones). I have therefore reviewed reports of inquiries into disturbances at that centre in 1994 and 2001 conducted respectively by Mr Phil Wheatley, then of Prison Service Custody Group, and by my predecessor on the Yarl's Wood inquiry, Mr Stephen Moore.

The centre, which was also run by Group 4 since its inception, experienced difficulties from the start. A month after opening, Ministers directed that a contingent of newly arrived Jamaicans be placed there. This was contrary to the provisions of the contract, but Group 4 agreed to accept them. The Jamaicans were subsequently at the heart of a disturbance that caused significant damage to the centre.

June 1994

In June 1994, the removal of an Algerian detainee caused a violent outburst by a group of other detainees who attempted to smash their way into the administration centre. The range of incidents that ensued included a number of fires, criminal damage at various points, refusal by detainees to stay in the areas designated, a roof climb and a mass escape. Order was only regained by the deployment of a large number of police in public order clothing and full equipment operating in co-operation with Immigration Service and Group 4 staff on duty.

Mr Wheatley noted that the detainee population comprised predominantly fit young men who had little to occupy them. Some had criminal links. Most would not be admitted to the country and could expect only deportation after a long and frustrating period in custody. Constant association facilitated formation of cohesive groups that increased the risk of concerted indiscipline. Many Group 4 staff were locked in secure observation stations, thereby reducing interaction with detainees. This combination of factors made a recurrence “very likely”.

Mr Wheatley suggested there were a number of different approaches or combination of approaches that could be taken:

- Improve physical security and control, making the centre more ‘prison-like’;
- Introduce a system of punishments and rewards;
- Provide a purposeful regime;
- Put in place arrangements for a response team in the event of further disturbances;
- Develop an allocation system depending on perceived risk;
- Establish a simple intelligence system;
• Provide for prompt moves to more secure accommodation;
• Clarify the police role; and
• Reduce detention periods.

Mr Wheatley also found a lack of clarity in the command arrangements for the centre. The Group 4 manager was not seen as having a command role, and the Immigration Service believed that control could be ceded to the police. Group 4 complained that their powers were unclear and they had been given no clear advice on the extent to which force could be used to maintain order rather than simply prevent an escape.

Mr Quibell told me he had costed Mr Wheatley’s recommendations and suggested all the key ones be implemented – that is, zoning, a no-go area inside the perimeter fence and better training of Group 4 staff. However, this did not happen - he thought for financial reasons – though Group 4 had also persuaded the technical advisers that the building was not secure enough for zoning. Bolts had been introduced onto doors – but it was easy to break straight through. There was some question of whether, in the circumstances, locking down was more inflammatory than beneficial.

Mr Quibell learned his own lessons, however. It was decided that the new centre at Gatwick (Tinsley House) would be of robust construction with bars on the windows. They avoided putting too many detainees of one nationality in the new centre and decided to introduce both women and families. Standards were set from the start and detainees complied. It is worth noting that Tinsley House is widely considered to be one of the best removal centres (I judged it second only to Dungavel).

Following another Campsfield House incident in 1997, the need for better contingency arrangements was also identified. Cmdr Gerrard said a new protocol with the Prison Service had been drawn up and he had circulated it to all police forces likely to be affected. He told me the protocol was drawn up with the expectation that the Immigration Service would provide operational input into the command arrangements. He also said that the expectation was that Prison Service Tornado teams would operate under the command of Immigration Service Silver command. It was not clear, however, whether this really meant that the Immigration Service should have an operational role, or if in fact the role would fall to the contractor.

**September 2001**

Another incident occurred at Campsfield House in September 2001. A group of detainees said they wished to carry out a passive protest for a few hours. A Group 4 duty manager obligingly offered the use of a day room for this purpose. Group 4 staff even took down a table tennis table to facilitate matters. Having promised that the protest would be short-lived, however, the detainees remained in the room for three nights (they were permitted during this time to go to their bedrooms to pick up bedding and return. They were also allowed to come and go to make phone calls and use the toilet.)

Group 4 argued that they would prefer to allow a passive protest than provoke a more serious disturbance by refusing it. However, they made no plans to bring the situation to a conclusion and appeared content to let things drift indefinitely. Control was finally restored at the instigation of the Immigration Service. The Immigration Service’s view was that this was an ill-judged response by Group 4 and could easily have led to a more serious incident:
“On this occasion, the detainees were very clear in their mind that they, and not Group 4, were in control and also that Group 4 management could easily be led.” (E-mail from Mr Hampton, 3 October 2003.)

The Chief Immigration Officer at Campsfield House told me via e-mail:

“I think it is generally true that Group 4 do not feel they have sufficient staff to control a situation for which they have not planned. When detainees have refused to leave the centre and have surrounded themselves with a handful of other detainees, Group 4 have left the detainee in the centre until they could muster sufficient staff – this can often be one or two days later.”

Mr Dickinson maintained that Group 4’s approach had been appropriate. He told me that Group 4 took the view that the most sensible course was to play along with the detainees and talk the situation down. There was no point forcing people back into rooms that could not be locked. The situation was resolved progressively over 48 hours without damage or injury. Mr Dickinson said detainees had responded positively to the approach taken. Dr Mace and Mr Brewer had seemed content with the approach taken. However, Mr Dickinson had subsequently received a highly critical letter from Mr David Wilson telling him that Group 4 should have taken a much firmer line. We obtained a copy of this letter. Mr Wilson wrote (to the centre manager):

“… I am aware that the centre has a history of difficulties which has understandably influenced handling of subsequent incidents. I also recognise the importance of detainees being able to express frustrations, which sometimes stem from justifiable grievances. It is not possible to stop all demonstrations and indeed it would sometimes be counterproductive to try to do so.

“However, there are occasions when we have to impose limits. Detainees may be drawn in only because they feel under pressure or intimidated. The actions of a minority infringe the rights of the majority. Demonstrations may also place unreasonable extra demands on the staff resources of Group 4 and the Immigration Service.

“I think what all this boils down to is that detainees appear to have too much influence over events and Group 4 does not seem to be sufficiently in control. Specifically, it seems wrong, for example, that detainees should have access to areas such as the gymnasium and grounds of the centre during the night when such access is clearly not a part of the normal routine. We pride ourselves on detainees having as much freedom of movement as possible but you would surely be justified in locking off certain areas at certain times.

“In saying all of this, I do not of course work at local level and I am not trying to take from you the responsibility for judging how to deal with difficult situations. I would nevertheless reiterate my concern and would be grateful for your views.”

Mr Dickinson responded on 14 September, “because it seems that a fundamental change of policy could be involved in using the level of control envisaged in your letter”:

“Because of the ‘open’ nature of the centre, it has always been our practice to adopt a ‘softly, softly’ approach and this was the basis of the briefing which I
gave to Dr Mace and Kevan Brewer on Tuesday morning. Since, at that time, there seemed to be no reservations about such an approach we assumed that matters remained as they always had.

“However, if you feel that a different approach should be taken in the future, then we would be grateful for the opportunity to meet with you to discuss the implications of such a change ...”

Mr Wilson replied on 20 September. He acknowledged the merits of what Mr Dickinson had said but advised, “the aim should be to bring any demonstration to an end, but that does not have to mean using force or acting provocatively and it is sometimes wise to play for time”. Mr Wilson said he would be happy to meet.

A meeting took place on 23 October 2001 involving senior figures from both IND and Group 4. I am told that it was amicable: differences were aired, but without any significant changes of position. Unfortunately, the occasion was not formally minuted.

I understand, however, that Group 4 expressed the view that detention centres were different to prisons in that management was constrained from using force to end passive demonstrations. Mr Wilson responded that he was not aware of any difference - force was a last resort in both detention centres and prisons. In any event, his criticism was not that Group 4 were not prepared to consider force but rather that their general control of events was lacking - for example, allowing detainees access to certain areas at night.

Mr Wilson told me that his concerns related mainly to demonstrations, but it also reflected a broader Group 4 culture. He said they could have exerted control without resort to force. If they feared a reaction, it only showed that the balance of power was tilted the wrong way.

Mr Wilson added that Group 4 were defensive at the meeting. He was not sure whether any culture change had resulted.

21 November 2001

The first incident at which the mutual aid agreement between the Immigration Service and the Prison Service was invoked occurred in November 2001. On 21 November, a large number of detainees gathered in the dining room to protest about their ‘imprisonment’. They tipped over drink dispensers and threw food and drink on the floor. They then moved through the centre, apparently intent on causing damage. The centre manager decided that staff were in danger and ordered them to withdraw. He then sought support from senior Group 4 colleagues and the centre manager at Yarl’s Wood.

Prison Service Tornado support was mobilised and, following reports of fires in the centre, the Fire Brigade was called. The incident was brought under control within two hours. One hundred detainees were transferred out – 30 of them to Yarl’s Wood.

In his report on the disturbance, Mr Moore commented that staff tended to be located in observation ‘bubbles’ and did not interact much with detainees. The population was male, primarily young and fit, “and, generally I suspect, bored”. He added:

“Physical security weaknesses are in no way mitigated by a varied and dynamic regime, there is little for the detainees to do except watch TV and chat to each
other. The centre had the feel of an adult male category C prison with an impoverished regime.”

Mr Moore noted that many of the issues highlighted in Mr Wheatley’s earlier report still pertained. They included the need for:

- purposeful regimes;
- allocation systems;
- intelligence systems;
- use of transfers; and
- reduction in detention periods.

Mr Moore considered that it was important that some sort of regime offering incentives should be available to encourage good behaviour: “This could and should be linked to the development of a more structured allocation/categorisation process, where IND use their custodial estate more thoughtfully.” The relatively relaxed “regime at Campsfield would always represent, to some, an opportunity to create disorder”. There also needed to be more formalised intelligence gathering. Mr Moore concluded:

“Perhaps the most important and significant improvement would be delivered by shortening the periods spent by detainees in custody. Many feel that they are unjustly detained and this leads to feelings of powerlessness, anger and frustration. This will inevitably lead to outbursts of protest if it continues.”

Mr Dickinson said that, to his knowledge, none of Mr Wheatley’s recommendations after the 1994 disturbance had been implemented. Mr Dickinson said the difficulty was one of trying to run an open establishment within a secure perimeter without sanctions or adequate resources. The prevailing attitude was that they were only detainees and would not be there for long – what was the problem?

**Were the lessons learned?**

We asked a number of senior Group 4 managers whether lessons had been learned from Campsfield. Mr Banks was not sure it followed that the same sort of people that had been at Campsfield House would be coming to Yarl’s Wood: possibly the people at Yarl’s Wood would have been those who had hitherto been managed in the community. Mr Banks noted there had been incidents at Campsfield in 1996 and during the construction of Yarl’s Wood. But the incident in 1996 had been in the context of a different policy environment and Mr Banks questioned whether there could be a real read-across, and whether the expectation that the population would act in the same way as it had in 1996 was justified.

In contrast, Mr Masserick told me that the 1994 Campsfield House disturbance and Mr Wheatley’s report on it had been absorbed into the culture in IND – it was taken as a given. There was no question of the lessons learned having been lost.

Mr Brown and Mr Dickinson both said that Campsfield House lessons were applied at Yarl’s Wood. The former told me that activities areas and staffing levels at Yarl’s Wood were specifically designed to address the issues raised at Campsfield House. Mr Dickinson said the lessons from Campsfield House implemented at Yarl’s Wood were:

- Improved regime;
• Good facilities;
• A mixed population (but with the ability to separate);
• The quality of the food and dining facilities (the aim was to make it a social occasion);
• Good medical facilities.

Mr Jasper referred specifically to what Group 4 had learned about the detainee population from their experience of running Campsfield House. He said that in his experience 92-95 per cent of detainees were worried and frightened but were compliant. They had infrequent formal communication with staff. The remaining 5-8 per cent were very vociferous and would often make extreme accusations of, for example, racism not by staff but relating to the circumstances of their actual detention. These detainees were the focus of outside protest groups who would encourage them to be disruptive.

Mr Jasper said a number of factors influenced the overall behaviour of detained persons: these included the physical environment in which they were housed, the circumstances of their original detention, the communication with those responsible for their detention, the activities and facilities available to them in centres, the regime itself and the respect and dignity they were shown by staff. Mr Jasper noted that, in his experience, detainees continually complained about the lack of information about the progress of their cases. Indeed he had experience of ‘sit-ins’, passive demonstrations and petitions from detainees about this matter. Mr Jasper noted that specific references had been made in Home Office publications, for example in the Fairer, Faster and Firmer White Paper, regarding communication between the Immigration Service and detained persons but, in his experience, communication remained a substantial problem. Mr Jasper said that all these factors had been considered, and addressed wherever possible, during the bid process for Yarl’s Wood.
### Escapees

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<th>M/F</th>
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<td>M</td>
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<td>Reported to Croydon summer 2003. Released</td>
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<td>27.01.82</td>
<td>Yugoslav</td>
<td>M</td>
<td>Recaptured – removed Aardvark, 21/02/04</td>
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<td>23.02.82</td>
<td>Bulgarian</td>
<td>F</td>
<td>Arrested 18.03.03 – bailed.</td>
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<tr>
<td>22.05.76</td>
<td>Ukrainian</td>
<td>M</td>
<td>Interviewed by Beds. police in Dublin 18.04.02, statement obtained.</td>
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<td>18.07.74</td>
<td>Algerian</td>
<td>M</td>
<td>No intelligence</td>
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<td>18.06.83</td>
<td>Albanian</td>
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<td>Last seen West Midlands 05/02</td>
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<td>18.3.74</td>
<td>Yugoslav</td>
<td>M</td>
<td>No intelligence</td>
</tr>
<tr>
<td>21.04.79</td>
<td>Bulgarian</td>
<td>F</td>
<td>No intelligence</td>
</tr>
<tr>
<td>24.04.84</td>
<td>Romanian</td>
<td>M</td>
<td>Intelligence suggests in Slough</td>
</tr>
<tr>
<td>27.04.82</td>
<td>Sri Lankan</td>
<td>M</td>
<td>No intelligence</td>
</tr>
<tr>
<td>01.02.71</td>
<td>Yugoslav</td>
<td>M</td>
<td>Last intelligence in Stoke 07/05/02</td>
</tr>
<tr>
<td>09.02.66</td>
<td>Indian</td>
<td>M</td>
<td>No intelligence</td>
</tr>
<tr>
<td>02.04.76</td>
<td>Indian</td>
<td>M</td>
<td>Seen post incident by uncle who reported he would surrender.</td>
</tr>
</tbody>
</table>
Review of the Yarl’s Wood contract by Mr David Kent of the Office of Contracts and Competition, HM Prison Service

Whether it is standard or unusual in any way

The contract layout and format is very similar to that used for our PFI prison contracts. A considerable number of clauses are similar or identical to those in our contracts, e.g. indemnity, insurance, default, rectification and termination provisions. I believe that our legal advisers for the first nine PFI prisons were one of two legal advisers employed by IND on their IDC projects.

The main differences between the PFI prison contracts and the Yarl’s Wood contract are the payment mechanism and the operation of the Performance Measures System (PMS).

Payment Mechanism

In the PFI prison contracts the contractor’s costs are recovered through a Unitary Charge. The unitary charge covers the cost of constructing and operating the prison. No payment is made to the contractor until the prison is built and the first prisoners have been received. The unitary charge is paid as a daily rate for each available prisoner place (APP) that meets the standard requirement set out in the contract.

In the Yarl’s Wood contract the building costs were a fixed lump sum which was paid at agreed milestones during the construction of the IDC. The operating costs are paid as a fixed monthly sum. I am not able to comment on the value for money aspects of the construction or operating costs.

In the PFI prison contracts the contractor does not receive payment for any APP which fails to meet the standard requirement. This deduction reflects the cost for providing a prisoner place. In the Yarl’s Wood contract the failure to provide an available detainee place (ADP) is managed differently. The failure to provide an ADP incurs penalty points under the performance measures system (PMS). This is shown at Schedule H, Performance Evaluation. The failure to provide a male or female ADP incurs 30 points per day and the failure to provide a family ADP incurs 70 points. We have calculated that this deduction is £76.20 per ADP per day or £177.80 per family ADP per day. We have estimated that the cost of providing each place is approximately £50.08 per day for a single place and approximately £100.16 per day for a family place. It therefore appears that the cost of a place is more than recovered if the contractor fails to provide an ADP.

Performance Measures System

In the PMS for PFI prison contracts there is a minimum performance points threshold which must be exceeded before the contractor incurs a financial deduction. This allows an amount of leeway in the contractor’s performance before a financial penalty is imposed. In the Yarl’s Wood PMS the contractor is subject to a financial penalty for any performance point incurred after the first six months. In this aspect, the Yarl’s Wood contract is closer to the contracts for secure training centres managed by the Youth Justice Board.
There is nothing intrinsically wrong with having a PMS either with or without a threshold level. Where there is a threshold the value of a performance point is usually much higher than the value of a performance point where there is no threshold. In the PFI prisons contracts the threshold varies between 620 and 6,000 points and the value of each penalty point varies between £100 and £300. In the Yarl's Wood contract the value of a performance point is £2.45.

In the PFI prison contracts we provide a settling in period of about 3 to 4 months between the opening of the prison and the commencement of the PMS. However, the contractor could still lose revenue in this period through failing to provide APPs and would receive a financial penalty for an escape. In the Yarl's Wood contract in the first six months the initial 10,000 penalty points incurred each month is disregarded. The contractor would only incur a financial penalty on any performance points in excess of this total. This means that the contractor would suffer no financial penalty for the failure to provide ADPs or for any performance failures unless a considerable number of places were unavailable or there were a large number of failings under the PMS. The contract could still be terminated during this period if the number of points exceeded 30,000 on three or more occasions in any six months.

The one notable performance measure missing from the Yarl's Wood PMS is one for assaults by detainees. The absence of such a performance measure could mean that there is no incentive to reduce the amount of bullying or harassment, as the contractor suffers no financial penalty for any incident of assault.

**Whether it is clearly drafted and whether the requirements are clear/unambiguous**

The Yarl's Wood contract could be clearer but this is not unique to Yarl's Wood. There have also been problems with the clarity of PFI prison contracts, particularly the early ones. We have attempted to improve the clarity of meaning by introducing standard Office of Government Commerce wording. The Yarl's Wood contract is as clear as one would expect for such a large, complex and relatively long contract. These types of contract tend to contain a considerable amount of legalese.

**Whether it is robust and comprehensive**

The contract is similar to the PFI prison contracts in the issues that it covers and the method of dealing with problems that arise during the contract e.g. default, rectification and termination. However, like any contract there is always the potential that the two parties place different legal interpretations on the intention and meaning of a clause.
Edited extracts from a review of the planned and actual operation of Yarl’s Wood by Mr Peter Siddons, HM Prison Service Professional Standards Unit

Invitation to negotiate (includes the generic operational requirement)

33. The generic operational requirement method is open to criticism because it is not specific to the establishments in question, however, it provides the contractor with an opportunity to be innovative and imaginative in their proposals and not to be tied at an early stage to restrictive and prohibitive requirements ...

Best and final offer (BAFO)

36. The following points are noteworthy:

- Zoning - Group 4 appear to disagree with the authority’s wishes to have an ‘open plan’ 450-bed unit and suggest instead a zoned system giving much more control if tensions rise. Group 4 (G4) noted the authority’s concerns about zoning. G4 believed that to contemplate a total ‘open plan’ use of a 450-bed Detention centre was a high risk strategy, and would encourage concerted action and/or indiscipline.

  [Group 4] proposed:
  
  i) to divide laterally, each of the 450-bed units into two 225-bed zones. In normal circumstances this will have its own full range of amenities, including access to joint facilities such as the gymnasium.
  
  ii) with a rise in tension, the ability to zone further into 112-bed units (with access).
  
  iii) serious rise in tensions would require a further zoning down to 50/60-bed units, with curtailment of some facilities and amenities.

- Start-up Costs - [Group 4 commented]:

  “We have noted the authority’s comments with regard to the proposed staffing levels. We have reviewed our proposals and still believe that they are appropriate in the light of current risk assessments. However, we believe equally that once the centre is fully operational, it may well be possible to revisit and reduce staff numbers. In that event, it would be our intention to reduce the operating costs of the centre in line with the reduced staffing level.”

- CCTV Recording - Upgraded digital systems proposed at no increased cost to the authority

- Acceptance of all Detainees - G4 withdrew formally the grave concerns at the decision not to allow the contractor (G4) any right of refusal of particular detainees. However, they “express the earnest hope that the authority will contrive to adopt the same approach of consultation about ‘difficult’ cases as it has in the past”.

Annex 8
• Shop Hours and WRVS support in visitors’ centre - Some additional provision in the length of hours is proposed in response to the authority’s expressed concerns in its response to the ITN proposals by G4.

• Training Accommodation and Work Experience - Proposals for accommodation and on the job training for staff are proposed. It was intended to utilise other G4 managed establishments to provide suitable training opportunities ...

Operational instructions

48. Detailed operational instructions were provided in part and are comprehensive. However, important areas are missing. For example no procedures for intelligence gathering and developing, searching or security procedures or processes are available for assessment.

Contingency plans

49. Detailed contingency plans have been provided and appear to meet the needs of the contract.

Operational interface meetings

50. The daily monitoring of the contract by the monitors was carried out by observation, audit and attendance at the daily morning meetings with Group 4 staff. Formal fortnightly business meetings "operational interface meetings" were held between the centre managers, IND, both monitors and Immigration staff.

52. The minutes of these [operational interface] meetings provide the only written record of the state of relationships and business between the authority and Group 4 centre management in relation to operational matters available at this time to the enquiry. A meeting was scheduled to take place on Tuesday 12 February 2002, but no minutes are available. The following extracts from the minutes of the meetings are produced:

Meeting No 11 – 5 December 2001

• Accreditation and certification of detention custody officers by UKIS (IND) was a problem;
• I.E.P procedures verbally approved; written confirmation awaited;
• Research by UKIS (IND) info into draft DC Rules relating to healthcare. DC Rules (34) and detainee admission needed resolution. Group 4 expressed concerns;
• Drug testing – clarification sought from UKIS;
• Library opening times;
• UKIS required details of leavers from centre and emphasised importance of serving documents legally (i.e. by UKIS officers).

Meeting No 12 – 19 December 2001

• Accreditation and certification of DCOs - progress appears to have been made;
• I.E.P. procedures - written confirmation awaited;
• Research by UKIS into DC draft of rules is still ongoing;
• Drug testing issues were being progressed;
• Removals – discussion about those detainees being removed and the effect on the population and general behaviour. UKIS agree to inform Group 4 in writing of those detainees to be removed;
• Food quality – UKIS expressed concerns that procedures not being followed;
• Complaints – UKIS stated that they had not received any forms;
• Daily regime – UKIS state that there should be 24-hour access to association and smoking rooms – procedures indicate that rooms close 23:00 – 08:00 hrs. – GH asked to review;
• Anti-bullying procedures – UKIS expressed concerns on some practices of relocating detainees.

Meeting No 13 – 9 January 2002

• Some progress made on the outstanding issues from previous meetings but the following new items are raised;
• Management of difficult detainees - difficult detainees to be shared between the various centres, but only Harmondsworth and Yarl's Wood are equipped to deal with them;
• Delivering detainees for interviews – UKIS said that this causes great problems particularly non-delivery and delays. No system for notifying detainees exists;
• Monthly vetting reports – As at 01/01/02 93 Home Office clearances were still outstanding. It would appear that Group 4 were using staff without security vetting throughout the centre;
• Health and safety – UKIS were concerned about the health and safety of interview rooms. It would appear that one of the Immigration Service Unions had told their members not to apply for jobs at Yarl’s Wood. It was expected that Immigration Service staff would refuse to work at the male centre and so detainees would have to be brought to the mixed centre for interviews;
• Secure unit – still waiting for this unit, within the male centre, to be accepted as fit for use;
• Aardvark – Albanian removals – discussion about effects of the timing of the trial. Numbers of people on flights and problems that cancellations bring was also discussed;
• Issue of association between male and female detainees, and staying up late took place.

Meeting No 14 – Tuesday 29 January 2002

• Progress was made and discussions took place on matters raised at earlier meetings, however, within the discussions on Aardvark – Albanian removals the following was recorded:

“The Chief Immigration Officer at Yarl's Wood informed the meeting that Yarl's Wood is now a removal centre. Group 4 have not been informed officially, UKIS say that it is just a change of name. RO (G4) asked if the length of stay would be different from that anticipated, and said that if the population is less static it would affect the Group 4 budget. It was therefore not just a change of name.”

53. An examination of the minutes indicates that problems for both G4 and IND were developing and being addressed during this period. Concerns were
expressed about interpretation of rules and the contract and the question of difficult detainees and removals gradually took on more significance.

75. … [The minutes] indicate an understandable situation. An establishment in its operational infancy attempts to come to terms with the reality of dealing with detainees and attempting to sort out interpretations and definitions of contracts, rules and regulations. However there are two important developments, which may have influence on the events of the night of 14/15 February.

- There is evidence of a build up of more difficult detainees

- There is a sudden announcement, only nine days prior to the incident, that Yarl's Wood is from that date to be re-designated a “Removal Centre”.

Conclusions

82. Examination of the available documents relating to the contract, both leading up to the opening of the centre and its operating instructions, reveals no evidence that would indicate that there was insufficient preparation, planning or detail in them. Furthermore, there appears to be nothing in them that would have a detrimental effect operationally and impact on the events leading up to the events of the night of 14/15 February 2002 ...

85. It would appear that the communication between the two parties, IND and Group 4 was, as far as the operation of the centre was concerned, in its infancy. Problems were being raised and appeared to be slow to be dealt with. There is no evidence of protocols being developed to agree definitions and interpretations of contractual clauses and Detention Centre Rules. The sudden announcement that the centre was to be renamed a “Removal Centre” and that it was thought not to be an important change showed a lack of appreciation of the problems and nature of the detainees by IND ...

89. It is suggested that the initial specification for the build, design and operation might well have under estimated the needs of the detainees who eventually were locked up in the centre. This is evidenced by the report from Harmondsworth which highlighted several areas of serious concern and the reply to the ITN from Group 4 which in its BAFO reply took up the issue of zoning and staffing levels with IND ...

92. Finally, there is no significant flaw with the contract itself which would have contributed to the build-up of problems which lead to the eventual incident of 14/15 February 2002.
The centre manager’s comments on allegations of neglect by those held in segregation following the fire

Heating

“There was heating in the cell … It is my understanding that heating was interrupted once the fire destroyed the mixed centre, and within it the Facilities department and thus the Building Maintenance System (BMS) which controlled the heating. However, this was ‘repaired’ and heating was restored throughout the sites buildings by 12:00 hours on Friday 15 February 2002.”

Bedding

“Each cell and room was provided with a pre-prepared bed pack including blankets, sheets, pillow.”

Clothing

“The building (mixed centre) in which the detainees had largely resided was destroyed. Any of their belongings that were not with them … would, in all likelihood, have been destroyed. As part of our duty of care we took steps to purchase locally, or provide from other centres (Oakington) a range of clothing and female hygiene/sanitary products. These products and clothing were issued to all female detainees, from 15 February.

“We had a stock of clothing and toiletries, and shop goods in the male centre and these too, were issued to male detainees. The male centre (and the cells/rooms within it) had been cleaned and checked as part of its certification (8 February 2002) by the (deputy) contract monitor … Both hot and cold water was provided in each of the rooms.”

Equipment

“Each of the temporary confinement cells had a bed, table, chair, hand basin and toilet. None of the (10) temporary confinement cells had a shower in the room. All other rooms did have showers. A bath/shower was provided in the segregation area. Toiletries such as soap, shampoo and toothpaste were issued by staff.”

Meals

“Food was provided to all detainees. You are aware of the provision of the first meal at about 11:00 hours on 15 February 2002 and thereafter cooked meals were provided at the times listed in the approved daily routine.

“The dining rooms operated as normal, but for those in T.C. staff served meals from a trolley. Staff would enter the room and place the food on the table, or pass it directly to the detainee. I am not aware of food being placed on the floor, but if the detainee did not take the food, obstructed the path to the table, or was abusive or threatening then I can imagine that on such occurrences staff may perceive that the least difficult, threatening or dangerous option would be to place the tray on the floor and exit the room.
directly. “Food trays were collected and cleared away after each meal service.”

**Time in the open air**

“The regime in the temporary confinement area allowed for each detainee to be offered the opportunity for 30 minutes time in the open air (exercise) daily.”

**Complaints**

“The normal systems were in place for detainees to make requests or raise complaints. Thus, complaints could be raised with:

- wing staff;
- A senior manager (including those Directors of other institutions such as Walter MacGowan and Alison Rose-Quirie who provided support and command cover);
- A member of the chaplaincy team;
- A V.C. member;
- A member of the authority staff.

“Or, complaints could be raised through the usual internal formal complaints system.”

**“General Communications**

“On Sunday 17 February I personally authorised the issue of a free phonecard to the value of £5 to each detainee. The phones were available to use from 07:00 hours on 18 February 2002. Detainees on A and B wing had unfettered access to phones, those in the temporary confinement area would have been able to:

- Make phone calls (from the phone in the T.C. area, as agreed by staff).
- Receive visits.
- Write letters.

“Following the fire the incoming phone calls could not be transferred to detainees. The bleep or pager system and the detainee ‘white’ phones did not operate initially. Staff took messages and passed these to wing staff to communicate to detainees.

“Detainees were able to make out-going phone calls. For the protection of female detainees (from males); to ensure good order; to reduce the risk of the passing of contraband; and to ensure detainees associated as appropriate, those detainees who were ‘Removed from Association’ were escorted to the phones.”
Annex 10

### Construction timeline

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>May 2000</strong></td>
<td>PMI Osprey appointed as project managers</td>
</tr>
<tr>
<td>2 May 2000</td>
<td>OJEC advertisement posted for expressions of interest for Yarl's Wood, Harmondsworth and Aldington projects</td>
</tr>
<tr>
<td>18 May 2000</td>
<td>22 expressions of interest received; 12 longlisted</td>
</tr>
<tr>
<td>19 May 2000</td>
<td>Conference for longlisted bidders; pre-qualification questionnaire issued to bidders</td>
</tr>
<tr>
<td>30 May 2000</td>
<td>Receipt of responses to pre-qualification questionnaire</td>
</tr>
<tr>
<td>30 June 2000</td>
<td>Invitation to negotiate (ITN)</td>
</tr>
<tr>
<td>28 July 2000</td>
<td>Receipt of responses to ITN; 6 bids received</td>
</tr>
<tr>
<td>31 July–4 August 2000</td>
<td>Bids evaluated</td>
</tr>
<tr>
<td>9-11 August 2000</td>
<td>Preliminary negotiations held with all bidders; 1 bid withdrawn (Securicor/Costain)</td>
</tr>
<tr>
<td>11 August 2000</td>
<td>Invitation to submit Best and Final Offers (BAFOs)</td>
</tr>
<tr>
<td>18 August 2000</td>
<td>Group 4 submit their BAFO</td>
</tr>
<tr>
<td>24 August 2000</td>
<td>IND scheduled to select two bidders for future negotiations</td>
</tr>
<tr>
<td>1 September 2000</td>
<td>Contract signed</td>
</tr>
<tr>
<td>9 October 2000</td>
<td>Construction started</td>
</tr>
<tr>
<td>January 2001</td>
<td>David Watson appointed as centre manager at Yarl's Wood</td>
</tr>
<tr>
<td>February 2001</td>
<td>Contract monitor appointed at Yarl's Wood</td>
</tr>
<tr>
<td>April 2001</td>
<td>Chief Immigration Officer appointed at Yarl's Wood</td>
</tr>
<tr>
<td>November 2001</td>
<td>The deputy contract monitor appointed as assistant contract monitor at Yarl's Wood</td>
</tr>
<tr>
<td>16 November 2001</td>
<td>Contract completion</td>
</tr>
<tr>
<td>19 November 2001</td>
<td>Permit to use: centre operational</td>
</tr>
</tbody>
</table>
## Annex 11

### Policy timeline

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>July 1998</strong></td>
<td>Publication of <em>Fairer, Faster and Firmer: A Modern Approach to Immigration and Asylum</em></td>
</tr>
<tr>
<td>November 1999</td>
<td>Immigration and Asylum Act 1999</td>
</tr>
<tr>
<td>16 February 2000</td>
<td>Mr Ian Boon submitted a proposed strategy for reducing asylum removals gap by increasing detention estate to 2,741 places by mid 2002</td>
</tr>
<tr>
<td>9 March 2000</td>
<td>Home Secretary asked officials for advice on expanding detention estate to 4,000 places</td>
</tr>
<tr>
<td>20 March 2000</td>
<td>Home Secretary agreed target of 4,000 places and asked for progression as soon as possible</td>
</tr>
<tr>
<td>April 2000</td>
<td>Home Office predicted 12,000 removals 2000-01, 30,000 in 2001-02, 35,000 in 2002-03, and 57,000 in 2003-04</td>
</tr>
<tr>
<td>January 2001</td>
<td>Adjudications are dropped from Detention Centre Rules</td>
</tr>
<tr>
<td>23 March 2001</td>
<td>30,000 removals target announced in Home Office press release</td>
</tr>
<tr>
<td>29 October 2001</td>
<td>Home Secretary announced in the House of Commons that from January 2002 asylum seekers would no longer be held in prisons.</td>
</tr>
<tr>
<td>January 2002</td>
<td>IND officials “trying to get across” to controllers of detention centres that the estate is required to “consume its own smoke” Yarl’s Wood learns it is a removal centre Operation Aardvark is piloted and implemented</td>
</tr>
<tr>
<td>7 February 2002</td>
<td>Publication of <em>Secure Borders, Safe Haven: Integration with Diversity in Modern Britain</em> – includes redesignation of immigration detention centres as removal centres</td>
</tr>
<tr>
<td>14 February 2002</td>
<td>Fire at Yarl’s Wood</td>
</tr>
</tbody>
</table>
### Incident Timeline

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>19:10</td>
<td>10-12 female detainees approach wing office and request to be taken to church in D wing. Ms E was informed that she was not allowed off the wing due to her medical condition. After a roll call, other females were allowed to go to church.</td>
</tr>
<tr>
<td>19:30</td>
<td>Roll count correct. Witness on duty in control room sees a CCTV monitor go blank. On another, sees two males moving yellow chairs in an association room.</td>
</tr>
<tr>
<td>19:37</td>
<td>Female detainee refused entry to D wing. Incident in C link. Oscar 1 to scene. Male detainees react: fire door window broken, fire extinguisher set off.</td>
</tr>
<tr>
<td>19:40</td>
<td>Witness reports of crowd gathering and fire extinguisher sprayed.</td>
</tr>
<tr>
<td>19:43</td>
<td>Female detainee removed from area to stairway. Urgent message: D wing CCTV cameras broken; detainees have weapons (type not identified).</td>
</tr>
<tr>
<td>19:45</td>
<td>Urgent radio call - all available call-signs to D link 1. Detainees have weapons. Medical assistant needed outside the vestry in secure corridor. Violent behaviour at door between sports hall and D wing.</td>
</tr>
<tr>
<td>19:50</td>
<td>Radio call - general alarm D 1 core. Witness describes detainee (face covered) smashing a camera. Witness reports all fire doors closing.</td>
</tr>
<tr>
<td>19:55</td>
<td>Radio call - detainees trying to break cameras in D link 1. Witnesses report detainee using table leg to smash a hole in the door and various other acts. DCOs on D wing retreat to wing office. Derek Milliken, duty manager, informs David Watson, centre manager. Calls Prison Service single incident number to request mutual aid. No answer.</td>
</tr>
<tr>
<td>19:57</td>
<td>Radio call - detainees are trying to break in D wing office. No power in wing office, a missile is thrown through the window into the office. DCOs barricade the door. Articles (blanket/paper/rags) pushed through hole in window and threats made to burn/kill the DCOs. Lighter is shown. Keys demanded and handed over.</td>
</tr>
<tr>
<td>19:58</td>
<td>Radio call - detainees have broken cameras in D link 1. Detainees breaking chairs and tables in D link 2. Further attack on D wing office.</td>
</tr>
</tbody>
</table>

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127 This timeline draws on a number of source documents:

- a sequence of events chart drawn up by Bedfordshire police;
- the Bedfordshire police policy log - Chief Superintendent Geoff Comb;
- an undated memo to Stephen Moore by Detective Chief Superintendent Tomlinson;
- a Fire Investigation Report by Assistant Divisional Officer Simon Barker;
- a report to Bedfordshire & Luton Combined Fire Authority dated 15 April 2002 by Chief Fire Officer Paul Fuller;
- a note of an interview between Michael French (a member of Stephen Moore's inquiry team) and Assistant Chief Fire Officer Clive Walsh 11 April 2002;
- the Prison Service log;
- The Operations Manager at the Prison Service National Operations Unit’s report to Stephen Moore;
- Gold command suite C&R adviser’s log;
- Silver command log (from GSL inquiry report); and
- the Bedfordshire County Council's Emergency Planning Team's timetable of events.

Some information is replicated in two or more reports. It is likely that, due to different timings, the same incidents may be referred to more than once.
More keys demanded and handed over. DCO locks himself and three detainees into arts and crafts classroom. Violent behaviour outside the classroom. Radio call advises that an incident with weapons is occurring outside classroom. A door is ripped from hinges and used as a battering ram on classroom door. Those in classroom jump from window, some sustain injuries. Detainees demand keys from a DCO locked in the IT classroom. Refuses. Hands keys over and escapes through a window. Witness reports a large body of people with faces and heads covered in C link 2. A DCO radio missing.

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>20:00</td>
<td>Radio call - detainees letting off fire extinguishers. Emergency services called.</td>
</tr>
<tr>
<td>20:02</td>
<td>Radio call - detainees breaking windows in zone 16</td>
</tr>
<tr>
<td>20:03</td>
<td>Radio call - all available liaise with 04 at D link 1</td>
</tr>
<tr>
<td>20:04</td>
<td>Radio call - detainees trying to escape over perimeter fence. Witnesses report male detainees in C wing (family wing). DCOs retreat from wing. Full predetermined [Fire Service] attendance (PDA) of three pumps; aerial platform &amp; water carrier was mobilised.</td>
</tr>
<tr>
<td>20:05</td>
<td>Radio call - Detainee wants to speak to shift manager. Witness reports that the detainee is in a group with weapons. Several witnesses report detainees shouting such things as, &quot;It's gonna burn... everybody out.&quot;</td>
</tr>
<tr>
<td>20:06</td>
<td>Emergency services alerted. Derek Milliken contacts orderly officer at Wellingborough to confirm single incident number.</td>
</tr>
<tr>
<td>20:08</td>
<td>Witness reports detainees wearing builders hard hats and other construction wear.</td>
</tr>
<tr>
<td>20:09</td>
<td>Radio call - detainees letting off fire extinguishers in D link 2 association room 3.</td>
</tr>
<tr>
<td>20:10</td>
<td>Radio call - possible fire in D link. Witness reports a group of 12-15 males crawling under the fence between B and C wings. One detainee throws a brick at the witness. The group returns to C wing. Witness reports a detainee in possession of a radio.</td>
</tr>
<tr>
<td>20:13</td>
<td>Initial call received - fire in D zone 1. Call to duty switchboard officer at Fire and Rescue HQ from YW. Reported civil disturbance. No reports of fires. Three fire engines, one aerial unit and one water carrier sent.</td>
</tr>
<tr>
<td>20:15</td>
<td>Witness reports fire in hairdressers room.</td>
</tr>
<tr>
<td>20:16</td>
<td>First police officer arrives at incident. Ambulance called. Prison Service &quot;backup&quot; pager number contacted; message left.</td>
</tr>
<tr>
<td>20:17</td>
<td>Second police officer arrives. Others continue to arrive. Officer reports to Silver command that 60 persons smashing lights and furniture. Persons contained but disturbance not under control. Detainee with keys goes to play room where families are locked in. Families leave the room. Witness reports detainee smashing cameras and spraying fire extinguisher.</td>
</tr>
<tr>
<td>20:19</td>
<td>Radio call - required assistance in education room. First ambulance on stand-by outside.</td>
</tr>
<tr>
<td>20:21</td>
<td>Ambulance en route.</td>
</tr>
</tbody>
</table>
| 20:22 | Radio call - detainees believed to have keys in D zone 1 and D link 1. Police helicopter dispatched. Police update to ambulance: There are about 60 people involved. Not under control. Weapons involved. Not known if any injury. Police will liaise with crew when on scene. Witness reports that detainee told him he had started a fire and that smoke is
visible. First pump in attendance. No fire situation but a disturbance with hostages involved/ staff trapped. Fire alarm activated but no indication as to where this was. Three or four police cars in attendance. Fire Service requested to standby in case of fire. Plans of premises provided by Group 4. Derek Milliken instructs staff to evacuate C & D wings. Fire Service starts to arrive. Prison Service staff officer contacts Prison Service duty officer and advises of incident. He calls Derek Milliken – confirms several staff are missing and trapped in buildings. Prison Service duty officer contacts IND duty manager.

20:24 Radio call – disturbance in C family block. Police message: Fire Service attending. Witness asked to prepare a list of staff available to be called from home.

20:25 Police message – upwards of 30 in the residential area trying to break out. Smashing furniture, cameras and fighting amongst each other.


20:27 Radio call - D zone 2 fire alarm.

20:28 Radio call - 8 detainees in B. Second ambulance arrives.


20:30 Geoff Comb told between 60 and 300 detainees were rioting. Geoff Comb asked for contingency plan and was told there was no such plan available. Geoff Comb (appointed Silver command) ordered: full police support (PSU) callout; front line officer; full command structure with Gold; on call ACPO; negotiators; SOCO and communications vehicle sent to RV point; details on Fire, Ambulance and PS liaison. Went to YW. One further pump in attendance. Martin Narey gives authority to open Gold suite and provide mutual aid. Duty officer activates personnel to attend Gold suite.

20:32 One further pump in attendance. Divisional Officer and Assistant Divisional Officer attended YW Silver command, mixed admin unit, for briefing. No fires reported. Final Fire Service appliance arrives.

20:33 Police support unit (PSU) called out. First of three officers mobilised in attendance. Liaison links established with police commander and Group 4 (Silver command).

20:34 Radio call - C2 stuck in C family - no keys. Q16 side of B building - no keys. Police dogs section called out. ADO Foolkes in attendance. Informed that 200 detainees rioting and detainees had keys to all doors. Fire Service appliances to front car park to use as a holding point.

20:35 Fire alarm actuating in D wing. ADO Foolkes on way to Silver command - told there was a confirmed fire, but not known where. ADO Foolkes ordered that no one to work alone, appliances to be secured, no one to enter building without permission. Silver command suite in mixed unit admin building operational. Police and Fire Service arrive. David Watson arrives and takes Silver commander role.

20:39 Police helicopter arrives at the incident.

20:40 Radio call – urgent message - one detainee running around perimeter fence - seen with a high visibility jacket and a hard-hat. ADO Foolkes entered admin block and took over [fire] command of incident.

20:43 Police and Fire Brigade arrived for briefing.

20:47 Police message - Group 4 hostage has been taken by offenders. Rioters have keys to the location. Staff state 200 people involved. Ambulance officer arrived.

20:50 Alarm sounding but no video evidence or external observations confirmed
<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
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<tbody>
<tr>
<td>20:54</td>
<td>Radio call - all families have now gone to detainee reception and evacuating the building. C&amp;R kit removed from store.</td>
</tr>
<tr>
<td>20:55</td>
<td>Police message - 5 persons trapped in interview room no. 4 and four others being held in medical area by a detainee. Witnesses report that detainee is holding women and children in detainee reception against their will, but allows them to leave.</td>
</tr>
<tr>
<td>20:56</td>
<td>Radio call - radio 95 killed wavelength ordered by V2 Derek Milliken.</td>
</tr>
<tr>
<td>20:57</td>
<td>Group 4 control room informed.</td>
</tr>
<tr>
<td>20:58</td>
<td>Technical support unit, Prison Service, activated. Senior Immigration Officer called.</td>
</tr>
<tr>
<td>21:00</td>
<td>Two nurses arrive in det rep. Police Silver commander Mr Comb arrives at the incident. Suite open. 60 detainees on rampage. Key compromise - three sets missing. One radio missing. Hostage. 5 staff in office D wing. Four nurses in office elsewhere surrounded by detainees. One nurse in reception surrounded by detainees. Two breaches of perimeter; up to 20 at large. Police on scene. 6 Tornado units on road. Gold suite, Prison Service, operational. David Shaw is Gold Commander.</td>
</tr>
<tr>
<td>21:01</td>
<td>Witness receives a call from a female member of the medical staff saying &quot;there are two if us in the medical room in detainee reception. We can't get out. They've asked for our keys but we've locked ourselves in.&quot; Emergency response vehicle, Prison Service, activated.</td>
</tr>
<tr>
<td>21:02</td>
<td>Radio call - Nurse stuck in medical room in detainee reception. Detainees are now on roof of the building. Nurses see papers (detainee records and documents) burning and leave the room. Witness reports that detainees enter the DIC, smash up the room, throw the computer from the window and make phone calls. They are in possession of handcuffs. Informative message &quot;alarm actuating in D wing. Fire Service standing by and liaising with security. ADO Foolkes now in Silver command suite. Be2A [fire appliance] contact point. Two further senior officers required for command and control.&quot; Appliances moved to car park in front of hearing centre.</td>
</tr>
<tr>
<td>21:03</td>
<td>Police message - Police helicopter checking site with thermal imaging for possible fires. No hotspots re: fires.</td>
</tr>
<tr>
<td>21:05</td>
<td>Witness describes a second wave of 60 -70 detainees in detainee reception, some masked.</td>
</tr>
<tr>
<td>21:07</td>
<td>Ambulance service informed of incident.</td>
</tr>
<tr>
<td>21:08</td>
<td>Police message - There are now persons on the roof (D wing). Caution re: possible missiles. 2108 to 2150, one Tornado unit each activated at Bedford, Littlehey, Wellingborough, Woodhill, Aylesbury, Bulingdon. Looking at intervention plan to rescue a member of healthcare from detainee reception.</td>
</tr>
<tr>
<td>21:09</td>
<td>Duty Officer mobilised to Brigade control. Detainees on the roof of Healthcare.</td>
</tr>
<tr>
<td>21:10</td>
<td>Radio call - C&amp;R batons are required with the authorisation of V1. Deputy Chief Fire Officer (DCFO) briefed and informed that Operation Tornado implemented. Control and restraint team deployed.</td>
</tr>
<tr>
<td>21:12</td>
<td>Fire Service message - Civil disturbance situation. 200 detainees rioting, some on the roof. Gold command set up. Radio call - still stuck in wing office in D block. Officer injured – not badly, others are OK. Nurses guided out of building by a detainee. Witness identifies area being used as escape route. Fire duty officer ordered to incident.</td>
</tr>
</tbody>
</table>
| 21:13 | Police message from helicopter – detainees now have some kind of
apparatus they are using to scale the fence with. Third ambulance arrives at the scene. Thames Valley PSU attending.

<table>
<thead>
<tr>
<th>Time</th>
<th>Event Description</th>
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</thead>
<tbody>
<tr>
<td>21:14</td>
<td>Gold command suite opening, equipment en route from Kidlington, four Tornado teams en route.</td>
</tr>
<tr>
<td>21:15</td>
<td>Witness reports that another detainee told her that a bomb was about to go off. Persons breaking out of one side of building. Beds PSU deployed to contain perimeter fence. David Watson informs that Group 4 and Prison Service have primacy inside site, do not wish to hand control to police but wants police to secure perimeter. Rendezvous point in bus car park. Hostage situation. Two Silver: one inside, one out. Fire crew member states he saw small amount of wispy smoke coming from E gable end of admin block. Duty officer informs IND duty officer that Gold suite is open. IND advises that local police are securing perimeter. 5 staff isolated in a room; one nurse missing in healthcare, suspected she has been taken hostage. Negotiation adviser activated to attend Gold suite.</td>
</tr>
<tr>
<td>21:18</td>
<td>Radio call - Detainee has entered male admin building and has possibly gone along training village and out of the back door at the male keypress.</td>
</tr>
<tr>
<td>21:19</td>
<td>Radio call - alarm set off in UKIS offices (immigration officer).</td>
</tr>
<tr>
<td>21:20</td>
<td>Police message - There is a small determined group trying to smash through the fence on the far Eastern side. Witness reports detainees setting fires in the association room in C core. Police have primacy outside perimeter. Requested four more PSUs; two negotiators; incident room. Staff deployed to corridor 4 to protect Admin building. Press Office informed.</td>
</tr>
<tr>
<td>21:23</td>
<td>Police message - Chief Supt Comb requests additional Silver command outside the building and an update on negotiators.</td>
</tr>
<tr>
<td>21:24</td>
<td>Radio call - 20 detainees at male external gate, pushing, have now escaped. Police are on scene with dogs. Police message - There is a potential break at the front of the building. Chief Supt Comb requires officers to take up position there. Witness describes detainees attempting to stop others from stealing property from reception area. Violence occurs. Duty Officer arrived in Brigade control.</td>
</tr>
<tr>
<td>21:25</td>
<td>Police message - One of the gates to the carpark has been forced and about 20 persons in the carpark. Witnesses report detainees stealing from the shop. Persons burst out through perimeter gates adjacent to A wing. Most police and security rushed to prevent detainees escaping, leaving Fire Service relatively unprotected. Fire Service personnel told to be ready to mount appliances and be prepared to leave immediately. Plan to rendezvous at bottom end of Bridle Drive and await instructions.</td>
</tr>
<tr>
<td>21:26</td>
<td>Some detainees break through first gate, breach centre on outside. Dog units deployed but cannot contain. Dogs used to track escapees.</td>
</tr>
<tr>
<td>21:28</td>
<td>Detainees through double gates.</td>
</tr>
<tr>
<td>21:30</td>
<td>Witness reports a detainee with keys trying to unlock an exterior gate at mixed admin. Witness reports fires being started in D link 2 and attempts to put them out.</td>
</tr>
<tr>
<td>21:32</td>
<td>Police message - Offenders on the old RAF site.</td>
</tr>
<tr>
<td>21:33</td>
<td>DCF0 arrived at Brigade control.</td>
</tr>
<tr>
<td>21:34</td>
<td>Ambulance message – This is not a riot and there is no fighting but there is approx 30-50 members of staff not accounted for. Seems more of a stand-off. Some of the detainees have now escaped. Crew advised to stay</td>
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<tr>
<td>Time</td>
<td>Event Description</td>
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<tr>
<td>21:35</td>
<td>Witnesses report detainees concealing and using table legs to smash cameras. Detainees have keys. Chief Fire Officer informed of incident.</td>
</tr>
<tr>
<td>21:36</td>
<td>Jaki Savage spoke to detainees in detainee reception.</td>
</tr>
<tr>
<td>21:38</td>
<td>Police message - Group of 15 - 20 walking across fields to Rutters Farm. Had to let them go as there are others trying to escape.</td>
</tr>
<tr>
<td>21:39</td>
<td>Second helicopter dispatched. Witness reports seeing a male detainee holding a female detainee against her will. Witness follows incident into room and reports that the male detainee was sexually assaulting the female.</td>
</tr>
<tr>
<td>21:41</td>
<td>Helicopter leaves to refuel.</td>
</tr>
<tr>
<td>21:43</td>
<td>David Watson gave briefing to Gold suite commander David Shaw.</td>
</tr>
<tr>
<td>21:44</td>
<td>Fire Service message - All appliances moved to rendezvous at Bridle Drive as a result of breakout of inmates. Negotiator cell set up re: member of staff.</td>
</tr>
<tr>
<td>21:45</td>
<td>5 officers in Delta unit held hostage - referred to negotiator. Jim Hampton (IND) arrives in Gold suite.</td>
</tr>
<tr>
<td>21:46</td>
<td>Witnessed via CCTV some detainees vandalising a fire extinguisher (about 15 in view), entering the det rep store, carrying out clothing and other articles. Derek Milliken briefed the contract monitor.</td>
</tr>
<tr>
<td>21:47</td>
<td>Radio call - D6 informed control that they are now being held hostage. Witnesses report that the property store continued to be raided and that detainees were searching for their own immigration files.</td>
</tr>
<tr>
<td>21:50</td>
<td>50 people trying side gate. Some CCTV being knocked out by inmates. No access to protocol document - David Watson doesn't have it and confirmed he was not handing over primacy to police. Breach of C/D gates directly in front of location of FS vehicles. Appliances left area except one pump and a station officer who remained at gatehouse ready to be redeployed. Mixed centre vehicle gate breached. Police herd large numbers back in. Some escape across fields. Two national C&amp;R instructors from HMPS, arrive at site. Silver team on car park. Briefed by Silver and instructed to clear Silver command suite to enable team to reoccupy. On arrival of first 6 Tornado units, a phased sweeping of grounds will take place.</td>
</tr>
<tr>
<td>21:52</td>
<td>Side gate breached, escapes.</td>
</tr>
<tr>
<td>21:53</td>
<td>Police message - Van (?police) will be overpowered in a minute. Offenders are trying to beak into cars. Breach of main gate. 50 or 100 walking through breach. Staff in Delta office made radio contact. Detainees now demanding to speak to Senior Immigration Officer. In effect, detainees are holding officers hostage.</td>
</tr>
<tr>
<td>21:55</td>
<td>Fire Service message – Some inmates have broken through perimeter fence and one area of outer fence and have absconded. All appliances have withdrawn except one located at the security gate. Police tracking helicopter in use. Witnesses report detainees throwing missiles and destroying their personal files. Small flame seen in a room on the CCTV cameras - confirmed as det rep store. Area insecure - crews to stand by rigged and await instructions. Fire could not be reached. Building to be</td>
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<tr>
<td>Time</td>
<td>Event Description</td>
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<tr>
<td>21:56</td>
<td>Two Tornado teams arrived at visitors' centre.</td>
</tr>
<tr>
<td>21:57</td>
<td>Ambulance service message - Detainees now moving around the premises in large crowds causing a disturbance with dustbin lids etc. Are currently being watched by security.</td>
</tr>
<tr>
<td>21:58</td>
<td>Police message - Dog handler smacked in the face. Other officers injured and being sprayed. Hospital made aware. Group 4 radio contact with friendly detainees in Delta unit, passing on information.</td>
</tr>
<tr>
<td>21:59</td>
<td>From police crew to ambulance, main car park, officer injured as a result of breakout.</td>
</tr>
<tr>
<td>22:00</td>
<td>Ambulance service message - fourth ambulance appears at scene. DCOs still trapped in D wing office. Some detainees give them water and biscuits, told them that fire was threatening, and then led the DCOs to safety. Fire reported on ground floor of mixed unit admin. Two police dog handlers hit in the face with bricks. Another is sprayed with a fire extinguisher. Tornado units start arriving [continues until 0230]. Arrived suite. Briefed by staff officer and Gold.</td>
</tr>
<tr>
<td>22:01</td>
<td>Witnesses report that detainee is persuaded to release women and children he has been holding and a DCO is punched on the jaw by another detainee. Witness reports that about 100 detainees are in control of the inner gate while police control the outer gate. A small fire is put out in the library.</td>
</tr>
<tr>
<td>22:02</td>
<td>Radio call - Detainees have now got bricks and are throwing them at mixed external gate. Fire alarm – Fire in detainee reception. All Tornado teams are called to control room. Witnesses report detainees distributing goods from the shop. More breaches, more resources required on outside Fire started in reception, mixed unit admin.</td>
</tr>
<tr>
<td>22:03</td>
<td>Witnesses report someone lighting detainee files in detainee reception.</td>
</tr>
<tr>
<td>22:05</td>
<td>Fire in detainee reception.</td>
</tr>
<tr>
<td>22:06</td>
<td>Radio call - May be casualties in detainee reception due to fire. One ambulance stood down.</td>
</tr>
<tr>
<td>22:07</td>
<td>Only one negotiator at scene. Police helicopter crew informed that they could not see any smoke coming from admin block.</td>
</tr>
<tr>
<td>22:08</td>
<td>Police message - Smoke seen coming from the roof area to the right of the complex (C, D and mixed admin). Fire Service chief states be ready to go in 5 mins. Discussion re: how to get Fire Service in and protected. Informative message &quot;some inmates have broken through perimeter fence and one area outer fence and have absconded. All appliances have withdrawn with the exception of Be2A located at security gate, police tracking helicopter in use.&quot; Command suite evacuated as reception below on fire. Two teams authorised to assist fire brigade to control fire.</td>
</tr>
<tr>
<td>22:09</td>
<td>Police message - Fire reported in reception area in mixed admin block. Witnesses report some detainees attempting to put out the fire. Ambulance message - Taking one walking wounded to hospital. Witness reports detainees looting the baggage hall and destroying documents. Be2A and station officer mobilised from security gate to admin block front car park to deal with fire in reception area. Missing nurse thought to be in area of fire. Two pumps mobilised from holding area to security gate. Only access for Fire Service was via first floor corridor starting outside Silver command suite.</td>
</tr>
<tr>
<td>22:10</td>
<td>Witness reports being told by a firefighter to evacuate in five minutes. Pump Be2A returned to Admin block. Breathing apparatus team made way to det rep to find missing nurse. Crews unhappy about entering fire situation without extinguishers but assured by Group 4 that area was secure. When reached fire, saw filing cabinet alight. Not severe but unable to extinguish due to no equipment. A number of detainees in the vicinity.</td>
</tr>
<tr>
<td>22:11</td>
<td>Fire Service message - Total of five fire pumps required. Witnesses report Silver suite considering that two nurses still trapped in the nurse station in detainee reception. Officers find the room empty and leave area. Informative message from station officer &quot;fire in reception area, persons reported.&quot; Firefighting crews committed. It was believed that this fire was extinguished.</td>
</tr>
<tr>
<td>22:12</td>
<td>2212 to 2250, further Tornado units activated: one each from The Mount, Gartree, Onley, Rye Hill, Pentonville, Birmingham, Whitemoor and half units from Grendon and Highpoint.</td>
</tr>
<tr>
<td>22:13</td>
<td>Police message - Detainees have been able to get hold of yellow jackets and white shirts. Fire in detainee reception.</td>
</tr>
<tr>
<td>22:14</td>
<td>Police message - Detainees carried somebody and laid them out by the gate. Injured person with ambulance believed to be the one carried out. Fire - urgency. Near nurses position. Agreed that acting Chief Fire Officer (ACFO) should attend as Fire Service Gold Officer. Appliances at standby point to be mobilised to incident. Two further pumps to be mobilised to holding point. Police control informed chains will be needed. They will try to arrange.</td>
</tr>
<tr>
<td>22:15</td>
<td>Three DCOs report hiding in a cupboard, but come out when they consider it to be too dangerous.</td>
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<tr>
<td>22:16</td>
<td>Police message - possible hostage in fire room. Tornado unit sent in to protect. Fire Service attacking fire - only one support unit officer. Request for more manpower.</td>
</tr>
<tr>
<td>22:17</td>
<td>Ambulance service message - second ambulance required. First vehicle dealing with unconscious patient. Second vehicle to go to main gate and park by the fire engine. C&amp;R team and fire staff deployed to property desk in detainee reception.</td>
</tr>
<tr>
<td>22:20</td>
<td>Vacate Silver command suite, go to police pod command in car park. PSU team support requested by Fire Service. Detainees coming through building to be housed. Evacuated with agreement of Home Office. Two more breathing apparatus wearers and a jet arranged. David Watson abandons Silver command suite because of fire below. Security breach - detainee outside Silver suite. Evacuated to visitors’ centre car park (mobile phones in use) and then to enforcement unit on first floor of visitors’ centre. Bronze Commander on site. Emergency planning officers discuss disturbance having seen TV reports.</td>
</tr>
<tr>
<td>22:21</td>
<td>Assistance message sent &quot;make pumps five reception area. Four BA [breathing apparatus] committed with more BA to be committed.&quot; Smoke discovered in corridor outside Silver command room. CCTV monitors and camera to det rep room obscured with smoke. Building evacuated except for fire and security staff. Message from police helicopter: &quot;Fire Service entering building, possible fire inside.&quot;</td>
</tr>
<tr>
<td>22:22</td>
<td>Police message - Silver command evacuated. Informative message from pump &quot;Silver command evacuated, lost contact with Duty Officer.&quot;</td>
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<tr>
<td>22:23</td>
<td>Two pumps moved to reception centre. One crew to rig in breathing apparatus and standby at entry control point at front of building. Smoke coming from roof on east side of building. Security officers protecting fire</td>
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<td>Event</td>
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<tr>
<td>22:24</td>
<td>Police message - Cambs Police PSU and dogs attending. Ambulance</td>
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<td></td>
<td>service message - Two ambulances on scene dealing with patients.</td>
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<td></td>
<td>Another vehicle is required to stand by. Witnesses report detainees</td>
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<td></td>
<td>trying to break exterior gates, and a female detainee fainting,</td>
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<tr>
<td></td>
<td>identified by witnesses as Ms E. Duty officer sent informative message</td>
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<tr>
<td></td>
<td>&quot;evacuating Silver command due to fire. Request attendance of police</td>
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<tr>
<td></td>
<td>control unit.&quot; Four-person breathing apparatus crew prepared to</td>
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<td></td>
<td>enter and fight fire but became aware of detainees on other side of</td>
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<tr>
<td></td>
<td>the door plus evacuations taking place.</td>
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<tr>
<td>22:25</td>
<td>Tornado teams secure an area to allow a fire brigade officer to</td>
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<td></td>
<td>turn off a gas valve. Crew attempted to get detainees out of area</td>
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<td>but met with hostility. Breathing apparatus crew withdrew.</td>
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<tr>
<td>22:26</td>
<td>Police message - Fire Service have entered the building regarding the</td>
</tr>
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<td></td>
<td>possible hostage.</td>
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<tr>
<td>22:27</td>
<td>Police message - First helicopter back at the incident. One further</td>
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<tr>
<td></td>
<td>pump in attendance</td>
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<tr>
<td>22:30</td>
<td>Police message - Herts Police arranging for PSUs. Ambulance service</td>
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<tr>
<td></td>
<td>message - Stand-by ambulance arrives at scene. Three negotiators on</td>
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<td></td>
<td>scene. Fire in medical centre. Prison Service confirming primacy</td>
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<tr>
<td></td>
<td>inside. Evacuation of detainees to holding area. Securing perimeter</td>
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<tr>
<td></td>
<td>priority. Silver to be established in outer building. Fire Service</td>
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<td></td>
<td>concern re: timber building. Emergency response vehicle arrives and</td>
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<td></td>
<td>reports to Silver commander. DCOs trapped in D wing office assisted</td>
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<td></td>
<td>out by Zimbabwean and Jamaican detainees. Bedford HMP Tornado teams</td>
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<tr>
<td></td>
<td>arrived and briefed.</td>
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<tr>
<td>22:31</td>
<td>One further pump in attendance.</td>
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<tr>
<td>22:35</td>
<td>Some staff still unaccounted for. Decision confirmed to hold</td>
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<tr>
<td></td>
<td>detainees in second building. Four-person emergency crew committed</td>
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<td>to relieve the breathing apparatus crew. Informed that fire out and</td>
</tr>
<tr>
<td></td>
<td>detainees still in building hostile to Fire Service.</td>
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<tr>
<td>22:36</td>
<td>Police message - Metropolitan police are mobilising a unit. Detainees</td>
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<tr>
<td></td>
<td>coming out.</td>
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<td></td>
<td>another ambulance arrives at scene.</td>
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<tr>
<td>22:39</td>
<td>Police message - Officers at the scene are being hailed with bottles</td>
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<tr>
<td></td>
<td>and bricks. Ambulance service message - one ambulance reallocated</td>
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<td></td>
<td>to convey another walking wounded. Witness reports detainees trying</td>
</tr>
<tr>
<td></td>
<td>to escape fire and breaking windows to get out of building.</td>
</tr>
<tr>
<td>22:40</td>
<td>Informative message &quot;Stage two BA in use. 8 BA, search of building,</td>
</tr>
<tr>
<td></td>
<td>one jet in use. Security being used to protect crews. Additional</td>
</tr>
<tr>
<td></td>
<td>appliances to standby at Bridle Drive.&quot;</td>
</tr>
<tr>
<td>22:43</td>
<td>Director General contacted.</td>
</tr>
<tr>
<td>22:45</td>
<td>Crews left building stating fire out, leaving equipment in situ.</td>
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<tr>
<td></td>
<td>Group 4 considered to have lost control. Briefing and roll call.</td>
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<tr>
<td></td>
<td>Duty officer decided that Silver command suite could be reoccupied.</td>
</tr>
<tr>
<td></td>
<td>Control room and Silver suite taken back.</td>
</tr>
<tr>
<td>22:47</td>
<td>Police helicopter footage showed last person leaving area of</td>
</tr>
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<td></td>
<td>arrivals waiting area situated on NE end of admin block. County/local</td>
</tr>
<tr>
<td></td>
<td>contingency plans for evacuation of peaceful prisoners in operation.</td>
</tr>
<tr>
<td>22:48</td>
<td>Bronze Commander attempts to regain command suite.</td>
</tr>
<tr>
<td>22:49</td>
<td>One further pump in attendance. Plans to return to command suite.</td>
</tr>
<tr>
<td>22:50</td>
<td>Tornado support unit arrives and reports to Silver commander.</td>
</tr>
<tr>
<td>22:51</td>
<td>Police message - Second helicopter leaving to refuel. First helicopter</td>
</tr>
<tr>
<td>Time</td>
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<td>-------------------------------------------------------------------------------------------------</td>
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<tr>
<td>22:52</td>
<td>Radio call - Control room staff back in control room. Ambulance service message - two ambulances leave for south wing with police officers on board. DFCO in attendance at incident and takes command. Instructs Silver command to vacate Silver command suite. Dangerous situation had developed with fires spreading and extensive smoke. Silver command return to suite. CCTV coverage of external areas and one camera operating in mixed unit. Two Tornado units dispatched to reception to protect Fire Service. Dog cover, requested by C&amp;R instructor, not granted as women and children among detainees. ACFO Walsh arrives.</td>
</tr>
<tr>
<td>22:53</td>
<td>Fire Service message - Roll call held to account for all fire brigade staff. Informative message - “One fire extinguished, BA now withdrawn. Roll of personnel being carried out. FS standing by for further incidents. Ke2A now contact point.”</td>
</tr>
<tr>
<td>22:54</td>
<td>Police helicopter detects signs of hot fire gasses, possibly coming from “arrivals in-waiting” area at NE end of admin block. Trying to set up another suite. Five staff trapped are free (unconfirmed). Four in office - no means of communication. One in reception – location unknown.</td>
</tr>
<tr>
<td>22:58</td>
<td>Police message - The community emergency planning officer to be contacted re: supply of accommodation and transport (for detainees) and setting up a rest centre at request of Group 4. The prison intervention team is retaking and securing the Silver suite.</td>
</tr>
<tr>
<td>22:59</td>
<td>Ambulance service message - Detainees have now set fire to part of the building and so far three casualties taken from the scene.</td>
</tr>
<tr>
<td>23:00</td>
<td>Fire Service message - Silver command re-established in central services. Contract monitor reports smoke in the corridor near the Silver suite. Oscar 1 confirms Fire Service will enter with assistance from intervention team. DCFO arrived in Silver command suite and briefed on situation. &quot;Intervention plan&quot; produced by C&amp;R instructor, but not written. Police adviser arrives in Gold suite. Three staff in A wing with 15 -20 passive detainees. Duty emergency planning officer paged by police and asked to attend police HQ.</td>
</tr>
<tr>
<td>23:01</td>
<td>One further pump and water tender in attendance.</td>
</tr>
<tr>
<td>23:02</td>
<td>Police message - Thermal imaging from helicopter shows no further heat source, however smoke is thicker. Some detainees giving themselves up. Fire is substantial. Police HQ call for update.</td>
</tr>
<tr>
<td>23:04</td>
<td>Mr Comb briefed negotiators.</td>
</tr>
<tr>
<td>23:05</td>
<td>Fire Service message – Second fire seen at rear of reception area in mixed admin block. Police message - Roll call taken. Everyone present at 23.00 hours accounted for. CCTV monitor in Silver command suite showed a serious flaming fire protruding above a brick wall. Location believed to be storage compound external to building on north side of admin block. Fire Service did not have access to this area; detainees free to move there. Location uncertain. Emergency planning officers discuss situation. Initial call to transport operations manager requesting that he puts some vehicles on standby in case the centre is to be evacuated.</td>
</tr>
<tr>
<td>23:08</td>
<td>Police message - Gold command at south gate of the detention centre.</td>
</tr>
<tr>
<td>23:09</td>
<td>Ambulance service message - Thames Valley have turned up with eight vans of officers and said to be set in for the night. Operational support unit told to rendezvous at Bridle Drive. Further line hoses taken into building. Two entry control points arranged.</td>
</tr>
<tr>
<td>Time</td>
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<tr>
<td>23:10</td>
<td>Police infra-red helicopter camera detects flames coming from Admin block: Arrivals in-waiting. Fire and security personnel gathered in corridor outside Silver control. Incident command unit set up in approach road to front of admin block. Arranged for a roll check on staff.</td>
</tr>
<tr>
<td>23:13</td>
<td>Bullingdon duty governor stated unable to activate Tornado unit owing to a number of incidents occurring in the prison.</td>
</tr>
<tr>
<td>23:14</td>
<td>Police message - First helicopter reports flames at back of the main building.</td>
</tr>
<tr>
<td>23:15</td>
<td>Positive pressure ventilation unit started on 1st floor outside Silver suite. Breathing apparatus team searched first floor. Found nothing. 50% doors locked. Made way to ground floor where fire heard. Severe smoke. Forced to withdraw as low on air. Relief crew arranged. Four person Fire Service team plus two security (two with breathing apparatus) also committed into roof space on admin block. Visibility low and no visible fire. Withdrew. Perimeter secure. Search teams put together. Some fires are out, no one believed to be at risk. Fire Service will attempt to extinguish fire in entry building. Birmingham unable to provide coach. Permission given to use own vehicle. Whitemore vehicle involved in Road Traffic Accident. Jaki Savage briefed fire crew location of fire.</td>
</tr>
<tr>
<td>23:16</td>
<td>Fire Service advise evacuation. DCFO decided to evacuate Silver command suite and took over as incident commander. All non-fire personnel asked to leave admin block. Uncertain where Silver command now established. Fire crews dispatched.</td>
</tr>
<tr>
<td>23:17</td>
<td>Wellingborough Tornado arrived.</td>
</tr>
<tr>
<td>23:18</td>
<td>Police message - Officer reports fire is increasing. Some detainees are listening, others not. Some are moving out. The smoke is increasing.</td>
</tr>
<tr>
<td>23:20</td>
<td>Witnesses report detainees spraying fire extinguishers at police at perimeter gate then throwing them at the police. One fire out, one visible on CCTV. Fire Service attempting to get to fire. Detainees still in building. Group 4 still trying to account for staff. Emergency planning officers arrive at police HQ. Chief Executive informs leader of the Council. Bedfordshire Borough Council Chief Officer advised on situation and that he will be asked to provide support if necessary.</td>
</tr>
<tr>
<td>23:24</td>
<td>Police message - Northants police mobilising one PSU. Witness reports fire in mixed admin and detainees trying to put it out. Reports that fire brigade there but could not gain access because it was too dangerous. Fire is external in same area (detainee reception). Arranging protection for fire officers as detainees in the area. Will deploy to external area to put the fire out when plan has been organised so that detainees are clear of the area.</td>
</tr>
<tr>
<td>23:29</td>
<td>Four hostages out. One still in. One nurse missing.</td>
</tr>
<tr>
<td>23:30</td>
<td>Witnesses report a disturbance at the mixed gate with a number of detainees jeering at police. DCFO confirmed admin block cleared. Duty officer to take role of tactical commander and incident to be sectorised. Breathing apparatus team briefed to find seat of fire. Breathing apparatus masks blacked out. Silver command established in visitor centre. DCFO told that Silver command suite is cleared. Silver command moved to visitors’ centre. DCFO concerned at relocation which is very close to fire.</td>
</tr>
<tr>
<td>23:31</td>
<td>Fire now believed to be on the ground, fire team investigating.</td>
</tr>
<tr>
<td>23:34</td>
<td>Assistance message sent &quot;make pumps ten&quot;.</td>
</tr>
<tr>
<td>23:35</td>
<td>Police message – Flames now coming out of the building. DCFO sent informative message &quot;three pumps at holding point mobilised to reception.&quot; Glass smashed to allow Fire Service access to ground floor, gained access as far as open visits area. Derek Milliken organised for roll to be</td>
</tr>
</tbody>
</table>
taken of detainees held in Alpha and Bravo, also visitors’ centre.

23:36 Fire escalating. Pump attended. Transport for detainees is on its way.

23:37 Fire spreading.

23:39 Derek Milliken liaising with Mr Comb regarding movement of detainees.

23:40 Sector One [fire] commander did not consider it safe for crews to be in the building due to hidden fire spread and construction of building and would not commit crews. David Watson explained John Jasper would be available in the morning to liaise with police. Chris Mace also briefed.

23:41 First helicopter going to re-fuel. Second helicopter taking over. Informed that Sky have contacted Prison Service press office. A detainee contacted them stating eight were dead and centre was locked.

23:42 Fire Service message - Emergency breathing apparatus crew sent to locate and guide out original crew who were lost and confused. Group 4 manager liaising with head of HMP C&R teams, explaining layout and exit points.

23:45 Radio call - Staff to evacuate control room. Witness reports detainees bringing mattresses out of D block and lighting a fire on the ground. Full evacuation of Silver suite. Conditions bad. Station officer concerned for safety of crews. Duty officer instructed station officer to get pump crew out of building. Breathing apparatus dump set up in front of admin block. Silver command suite evacuated again because of fires still burning. Team operating again from visitors’ centre.

23:48 Breathing apparatus crew told to get out of building.


23:54 Temporary command post above visitors’ centre. Surrenderers outside perimeter now located in visits. Staff roll not checked. Unknown if nurse was in reception before fire took hold. No response from nurse. Some staff and detainees taken to hospital. Local school opened to house detainees. County emergency planning officer making arrangements. One DCO (jumped from window) and one female detainee (collapsed) taken to hospital.

23:55 Fire starting to show at east end of admin block, clearly intensifying. No access doors available that would allow firefighting nearer the fire and reduce risk to Fire Service. Priority given to prevent fire spreading into attached buildings. Discussing staff roll check

23:56 Informative message sent “BA emergency” - emergency crew located disorientated breathing apparatus team and led to safety.

23:57 Access through D wing gates achieved. Firefighting operations commenced from east end admin block. Fire Service instructed to hold area and prevent fire spread to central core building. Security personnel in Sector 2 holding a line approx 10 –20 metres from internal security gate. Cracks appearing in some walls.

23:58 Fire Service message – “Make pumps 15.” Ambulance message - Ambulance on scene to be used with an emergency on a fireman. Breathing apparatus problems. Agreed that police units and prison Tornado teams would enter first and secure a bridgehead and FS would follow to tackle the fire. At this point, DCFO became aware of a problem with primacy at HO level.

23:59 Police video - detainee seen pushing detainees back down access road. Breathing apparatus communications message informed all crews to evacuate. Evacuation whistles sounded. Roof on fire; building in danger of collapse.

00:00 DCFO sent informative message “BA now withdrawn, all wearers
accounted for." All nurses accounted for. 0000 to 0030 - arrangements to obtain vehicles from Wackenhut conducted by IND adviser in Gold. Agreed to transfer detainees from the family unit.

00:01 Police message from helicopter: Thames Valley police have entered and segregated the detainees. Fire Service entered to tackle fire. Ambulance service message - The breathing apparatus emergency is now over.

00:02 Defensive firefighting position adopted.

00:03 Further pump in attendance. 29 surrenders now on Alpha wing.

00:04 David Watson briefed HMPS Gold Commander over the phone.

00:05 Water carrier committed. Fire in admin block appeared to be contained within roof by vertical firewall. No evidence of radiant heat spread in roof space of adjacent buildings. Crew set up to attempt to prevent fire spreading to adjoining buildings. Water supplies fluctuating. Fire Service requested that access gates between B and C wings be opened in order to gain vehicular access; refused by security staff. Alternative route for hoselines taken. Biddenham Upper School made available to receive detainees. Duty social work team put on standby. WRVS put on standby. Six double deckers with drivers on standby at bus depot in Bedford.

00:07 David Watson confirms all staff accounted for. HMP Woodhill arrived.

00:10 Fire officers in building to tackle fire with C&R teams.

00:11 Further pump in attendance.

00:12 Further pump in attendance. Hertfordshire Fire Service informed of incident.

00:13 Cambridgeshire Fire Service informed of incident.

00:14 DCFO requested ETA of 2 additional officers. One pump assigned to Sector 1 on S side of admin block (fire not yet through roof). Windows broken at first floor level by Fire Service and monitor directed into building. One pump assigned to Sector 2 on east side.

00:15 Discussion about staff for overtime. Deployment of staff to clear wings and grounds of detainees.

00:18 Buckinghamshire Fire Service informed of incident. One 40 seat coach expected in one hour to transport women and families.

00:19 Northamptonshire Fire Service informed of incident. Crews firefighting externally. Riot police holding a line and keeping detainees away from the scene of operations. Two jets working from ladders.

00:20 Nurses attend to two female detainees: one having apparent asthma attack and one having blacked out. John Jasper arrived.

00:22 Police message - one officer at Bedford south wing hospital with two detainees being treated.

00:23 One further water tender and one further pump arrived.

00:25 Four fires inside. Believed at least one out.

00:28 Six double deckers on standby.

00:29 One further water tender in attendance. Another fire started, location unknown. 60 - 80 are near gate where fire brigade are fighting fire. Request to deploy dogs as diverting tactics. Advice given to go ahead if situation warrants.

00:30 Fire officer climbs a ladder and looks over courtyard wall into C and D wings. No signs of fire. Crews pitched a ladder to the hearing centre. No signs of fire other than in admin block. Arrangements made to vent roof of connecting corridor of admin block and hearing centre to prevent fire spread. Difficulty in cutting sheet steel roof. In preparation for firefighting, crews cut into wall of plant room in link between Admin block and central core building. Roof of admin block on fire. Detainees seen climbing in and out of windows on ground floor of D block. Meeting to discuss current
situation. Police state 20 mins to secure perimeter. Prison Service going in in about 30 mins. Next meeting at 02:00 hours. Emergency planning officers stood down.

00:33 Police video shows numerous detainees climbing into D block by the windows and emerging with bedding. Lights to D zones 1 and four now out.

00:35 One Group 4 DCO reported with injury to back. Police video shows detainee climbing through a window into D block. Major incident room being set up - identification of staff and detainee witnesses.

00:36 150 passive outside. Persons surrendering being taken to visitors' centre. Fire Service fighting fire.

00:37 Police setting up incident room.

00:39 Police message - Fire escalating and heading towards the plant room.

00:40 Radio call - DCO unconscious in segregation/secure unit. (Ambulance service attends to DCO and takes him to hospital.) Small fire started on ground near main crowd in roadway running alongside D wing.

00:41 Geoff Comb questions whether he has to approach Home Sec to have primacy handed to police - still no request to take control.

00:42 Ambulance message - Patient for the crew on scene. Liaison point through the main entrance. Turn off blue lights as you enter the compound. Wackenhut arrived, been put on standby

00:43 Advised that perimeter will be secure in 15 mins. Prison Service staff ready to go in. Nurse known to have released herself.

00:44 Small amount of smoke seen issuing from first floor windows in D block near where detainees gathering. Security personnel asked to move detainees away from this area to allow Fire Service to deal with fire. Security officer responded that he did not have authority to move detainees. All staff accounted for. Keys missing. Gold suggests command should be given to police to restore order and secure area. Silver in agreement. Gold to discuss with police adviser then call Silver back. Silver advises Gold that all staff are accounted for.

00:45 Fire Service message - two storey and roof space alight. 50% of the building involved in fire. Police message - Inmates (outside) are setting fire to mattresses to keep warm. David Watson advises that persons in blocks A&B are setting fires. Message sent requesting refreshments for fire crews.

00:46 Police message - Officers sprayed with a fire extinguisher. One officer hit on the head. Delta unit on fire.

00:47 Police message – Person on east side setting fire to bedrooms in main block. Witnesses report seeing a detainee climbing into D wing carrying a stick with burning material, and then exit without stick. David Watson updated Gold Commander.

00:48 Informative message "building 120m x 25m, two storeys and roof space. 50% of building involved in fire. 100% smoke logged. defensive firefighting in progress. Two jets, one ALP [aerial ladder platform] monitor, two covering jets in use. Police providing security from detainees. Fire continues to spread. Attempts to prevent spread continuing to further wings similar in size."

00:50 Fire at east end of Admin block threatening adjacent hearing centre building. Crews deployed to protect hearing centre (designated Sector 4). Fires now visible in D wing. Several passive detainees have been located in A & B wings of male unit. Large numbers in grounds. Gold briefed. Gold instructs Silver to hand over command to the police. Decision taken that women and families will be transferred out. Male detainees will
remain (to be located in male unit). At this time, unit only holds 11 Russians in the secure unit. Police discussing whether to make the situation a police operation. At the moment prison intervention officer liaising with police to move into the grounds. Damage being caused in Alpha and Bravo unit by detainees.

00:51 Delta unit has a fire. No further details.

00:53 Police adviser in agreement with handing command to police. Silver advised. C&R teams advised to act in accordance with police instructions to restore order. Police take overall control.

00:54 Ambulance message - a further two ambulances arrive at scene. Gold Commander David Shaw awaiting a decision as to whether or not to hand over to police.

00:55 Witnesses report smoke coming out of an upstairs window in D block. Police video shows small fire on grass bank to right side of access road next to D block. Fire travelling towards west end of admin block. Possibility of fire spread across maintenance link to central core building (Sector 3). Pumps available to prevent but no vehicular access to the area due to security gates and fencing. Staff did not have keys to open. Sector 2 firefighting operations restricted to 10 - 20m inside security gates due to position of detainees outside D block. Top part of east gable end wall of admin block collapsed. Remaining wall unstable. Continuing firefighting operations. Sector 3 fire breaking through roof near link between admin block and central core building, stemmed by crews. Sector 4 fire held back at roof and 1st floor levels. Emergency response vehicle, Tornado support unit and unit commanders informed by intervention adviser, Gold, that police were taking control of incident. Police Silver declared that Tornado units will be responsible for restoring order. They will be supported by PSUs.

00:58 Situation handed to police, confirmation received from Prison Service Gold ratified by Martin Gerrard

00:59 Police message - After conversation between Beds police DCC and Commander Gerrard (Prison Service HQ), police to take control of the compound until it is safe to return to Prison Service. HO confirms police have primacy.

1:00 Police take control at 01.00 hours. Smoke seen issuing from D wing first floor windows about a third of the way along.

1:02 Vehicles available to transfer families.

1:04 Informative message sent - "fire spread to second building, reliefs expected to be requested soon."

1:07 Fire near gate has spread. Plan of action being put into place.

1:08 Police control confirmed to all parties. Tornado to take primacy on clearing and pushing.

1:09 Ambulance message - Ambulance leaves scene for hospital.

1:10 Police message - The roof has collapsed on the building on fire (mixed admin block). Seven Tornado units consisting of 14 people to be deployed.

1:13 Police message - PSUs deployed to prevent the escape of detainees and to protect the Fire Service deployed to tackle the fire.

1:15 Reports that fire worse and building collapsing. Plan to gain Fire Service access by breaching fence. Fire Service requested police to move detainees further down D wing access road to gain Fire Service access to D wing.

1:20 Police reported intention to round up detainees at 0200 hours. Fire Service to move behind police lines. Fire spreading. Building collapsed.
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<th>Time</th>
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<tr>
<td>1:21</td>
<td>Dogs and three Tornado teams to secure A&amp;B units. Tornado teams followed by PSUs onto Delta and surrounding grounds to clear detainees to far end on external courts by gym. Removing part of external fence to be secured by PSU teams.</td>
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<td>1:23</td>
<td>Assistance message sent &quot;Ke5 [specialist rescue unit] required to assist in moving vehicles.&quot;</td>
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<td>1:25</td>
<td>Fire Service cannot cut fence. Building 20 - 25 mins before unsafe. DCFO concerned that D wing would be lost if firefighting not quickly effective. Intention in this case would be to control spread. Moved sector 2 to include D wing. Sector 3: effective fire spread prevention with access to roof space arranged. Sector 4: effective fire spread prevention. Western gable end wall of admin block showing signs of imminent collapse. Ladders removed, one covering jet left on.</td>
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<td>1:30</td>
<td>DCS witness reports he was told by Silver suite to evacuate the whole building. Tells officers to leave immediately and to take detainees from immigration rooms. HMP Pentonville arrived. Several discussions with IS in London about availability of transport and evacuation facilities.</td>
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<td>1:31</td>
<td>Assistance message sent &quot;make AP's 2&quot;. HMP Whitemoor arrived.</td>
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<td>1:33</td>
<td>Coaches being organised by the contract monitor</td>
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<td>1:35</td>
<td>Five from HMP Grendon.</td>
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<td>1:36</td>
<td>Fourteen from Rye Hill.</td>
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<td>1:38</td>
<td>Police helicopter infra-red cameras detect &quot;grey hot gases&quot;.</td>
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<tr>
<td>1:39</td>
<td>Helicopter footage shows some windows showing white and possible grey hot gases in roof corner area of central services/D link 2 area. Problems with fluctuating water pressure. Second water carrier requested, water shuttle set up. Gable end at east end of admin block increasingly unstable. Specialist rescue unit in attendance.</td>
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<td>1:40</td>
<td>Prison Service witnesses report that a detainee acting as a &quot;mediator&quot; hands over keys and informs the cordon of women and children in the building who could not breathe. People seen hitting windows and climbing out. The detainee asks for breathing apparatus to see if anyone is still in C and D wings. Gable end at east end of admin block collapsed. Firefighting operations in area abandoned. Informative message sent &quot;make water carriers two&quot;. Request for Fire Service to go into computer room in admin block to retrieve important records denied.</td>
</tr>
<tr>
<td>1:41</td>
<td>Reported evacuation of wing on fire. Report that wing on fire and detainees evacuating from it.</td>
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<tr>
<td>1:42</td>
<td>Police message - A further fire now in the third building down from the first fire. A lot more people about.</td>
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<tr>
<td>1:45</td>
<td>Police witness reports that a detainee states there are dead bodies inside and asks for breathing apparatus. Two firefighters enter rear of D block and isolate gas supply to block. Sector 2: detainees seen climbing in and out of windows to D block. Smoke issuing from windows. Expected intervention - intention to drive detainees to football pitch and to surrender. Plan of intervention agreed between police Silver and C&amp;R instructor. ACFO instructs fire crews to await securing of area by police and prison staff before tackling fires in D wing. Area unsafe for crews.</td>
</tr>
<tr>
<td>1:49</td>
<td>Ambulance returns to scene. Two further pumps in attendance. Breathing apparatus team sent to first floor of hearing centre. Barrier to hydrant at south end of D wing broken to enable use.</td>
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<tr>
<td>1:50</td>
<td>Specialist rescue unit deployed to sector 1 to remove cars causing obstruction. Disc cutter arranged to gain access to link corridor. Pump directed to sector 1 to provide covering jets to visitor centre.</td>
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</table>
1:51 Message: eight suspects for disturbance trying to gain entry to safe area.
1:52 Heavy smoke in area of D wing.
1:54 Police video shows smoke issuing from D block. Male detainee shouts to PSU that there are still detainees and children inside D block.
1:55 Detainees trying to enter B wing.
1:56 Two Wackenhut vehicles arrived.
1:58 Police message – information received that the persons who set the fires are trying to get to A and B wings. Also the possibility of dead bodies in the building.
1:59 Further pump booked in attendance.
2:00 Fire Service witness reports new fires seen in D wing. Reception area building (mixed admin block) now "lost". Another Fire Service witness reports smoke issuing from accommodation block (D wing) and Tornado teams push a group of people to the very bottom of the buildings to allow the fire brigade to gain access to the accommodation blocks. Police began moving detainees along D wing access road towards sports courts (N perimeter of site). Smoke issuing from D wing adjacent to D link 2. Pump and crews moved in behind police line.
2:08 Update that fire may spread to Silver suite.
2:14 Ambulance - request to page for spare blankets and burns kits to the scene. Fire Service trying to save data area. Further pump booked in attendance. Firefighters search D wing for casualties, did not remain for long.
2:15 Witness on duty in area processing detainees reports a violent encounter with a detainee who is escorted to the courtyard where he spits at police officers and makes threats.
2:17 Informative message sent "maintaining defensive firefighting. Providing 6 covering jets, one ALP monitor and 8 BA in use."
2:19 Informative message sent "awaiting police and prison service to secure compound for further firefighting. Building now 75% involved in fire. Still maintaining defence to adjoining wings." Urgent request for further breathing apparatus teams to sector 2. Sector 1: fire spread down corridor, efforts to vent building unsuccessful. Sector 3: successful prevention of fire spread down central core but not along north side of admin block. Glow seen from direction of sports centre down middle of central core building.
2:21 Police message - Majority of persons cornered into a compound. Extensive damage and looting inside of premises. About 150-200 persons pushed through to the courts (football) at the end. Informative message sent - "police starting to secure compound. One pump and crew entered fire in D wing. Four BA and one jet tackling." Keys to external doors obtained. Specialist rescue unit attempted to get to sector 2 but detainees blocking way in sports courts. Breathing apparatus team withdrew from D wing - conditions impossible after about 25m.
2:24 Breathing apparatus team committed approximately halfway between 2 D links. Fire well established on all levels.
2:26 David Watson confirms centre has a roll of 386 (actual 385), breakdown of numbers unknown as was left in reception which was on fire.
2:30 Flames seen beyond roof of middle C/D wing block. Fire appeared to be
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<td>spreading toward central core building down link corridors. ALP used in sector 1 to prevent fire spread from west end admin block to A/B wings. Breathing apparatus crews committed inside D wing (Sector 2) but conditions untenable. Signs of collapse.</td>
<td></td>
</tr>
<tr>
<td>2:35</td>
<td>Duty officer attempting to obtain vehicular access to site via gates between A/B and C/D and for external doors to be opened to allow access from west end. Told by security guard that families still believed to be inside C wing.</td>
</tr>
<tr>
<td>2:38</td>
<td>One pump left incident.</td>
</tr>
<tr>
<td>2:40</td>
<td>Severe fire behind lobby corridor door in D wing. All crews withdrawn, defensive firefighting approach from outside wing. Fire rapidly developed; all appliances fell back for fear of collapse. Sector 2 firefighting operations effectively ceased, police and incident commander told of urgent need to move to place of safety.</td>
</tr>
<tr>
<td>2:42</td>
<td>Police video shows and witness reports a male detainee instructing other detainees to obstruct the police by refusing to move, throwing items of clothing at police, and being verbally abusive. Police officer injured by a chair thrown into the police line.</td>
</tr>
<tr>
<td>2:43</td>
<td>One pump left incident.</td>
</tr>
<tr>
<td>2:45</td>
<td>Fully developed fire confirmed in D wing. Only way to attack fire considered to be via W end of complex. No fire in C block. Breathing apparatus crew committed to C wing to search for possible families. Police officer also entered. Additional pumps requested for sector 3.</td>
</tr>
<tr>
<td>2:50</td>
<td>Agreed all family members to stay on site – can be taken from pound area. Three pumps despatched for Sector 3. Fire fully involved D link 2 area, spreading toward C link blocks, smoke thicker. David Watson and police Silver request cellular vehicles for transferring detainees. Resources available at present are a 40 seater from Wackenhut, a 7 seater and 6 seater.</td>
</tr>
<tr>
<td>2:51</td>
<td>One pump left incident.</td>
</tr>
<tr>
<td>2:55</td>
<td>Firefighters attempting to prevent the spread of fire through the kitchen block D wing. Police officer racially abused by detainee. Fire breaking into kitchen block. Detainees reported.</td>
</tr>
<tr>
<td>2:57</td>
<td>Fire Service request gates to be opened to allow access.</td>
</tr>
<tr>
<td>2:58</td>
<td>Informative message sent - &quot;police secured area whilst detainees from D block [sic]. Fresh fires have been set, unable to open doors due to security lock. Resuming defensive firefighting. Attempting to prevent spread of fire to kitchen block. Re-siting firefighting ops, details to follow.&quot; Access gates to sector 3 still locked, still no access to link corridors. Keys obtained by duty officer but gates open by time key taken to gate. ALP resited to provide water curtain between C and B wings and allow access for further appliances. ALP used to fight approaching fire from D wing. Keys obtained to access sector 1.</td>
</tr>
<tr>
<td>3:00</td>
<td>Another ambulance arrives at the scene. It brings about 40 blankets. Fire in admin block approaching Silver command suite. Evacuation plan developed. Plan to give 30 mins warning for evacuation. Fire Service to slow down fire using jets through first floor windows. Sector 3: breathing apparatus team entered C wing, conditions relatively clear. ALP monitor having little effect on fire in D links. Sector 1: request made by police to save computer room but unable to save records. Decision taken by Immigration Service/Group 4 to keep male detainees in undamaged building at YW. Transport contractor on way to YW to transport about 70 women and children to other detention centres. School, WRVS, social workers and four of double deckers stood down.</td>
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<tr>
<td>3:05</td>
<td>Informative message sent - &quot;2 further relief crews required for Ke2A and Ke2B. Fourth relief crew was used for firefighting straight away. Make pumps up to 16.&quot; Fire developing rapidly towards west and south. ALP monitor to central core as far as possible. Keys said to open access gates and internal access doors obtained by duty officer.</td>
</tr>
<tr>
<td>3:06</td>
<td>Fire Brigade state the whole site is uninhabitable. Police will call back to confirm. Immigration adviser stated Group 4 can accommodate male detainees. Originally wanted to ship males out and leave women and families behind.</td>
</tr>
<tr>
<td>3:10</td>
<td>Doctor arrives at the scene.</td>
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<tr>
<td>3:11</td>
<td>Police request Tornado teams remain on site to provide extra security cover if male detainees remain.</td>
</tr>
<tr>
<td>3:13</td>
<td>Police message - Immigration department decision: No available accommodation for the male detainees. Some available for the women and children. The males will be rehoused within Yarl's Wood (A and B).</td>
</tr>
<tr>
<td>3:15</td>
<td>Between 0300 and 0330 hours, a decision is made to abandon the accommodation block as the fire was spreading on the first floor above the fire officers heads. Spread shown by thermal imaging. Informative message sent - &quot;water supply being supplied by two water carriers.&quot; ALP and hand jets positioned within sector 3. Fire spreading rapidly and within ground, first and roof spaces. No persons within block. Duty officer prevented access for firefighters into building.</td>
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<tr>
<td>3:20</td>
<td>First helicopter leaves. Second helicopter arrives and lands near incident to conserve fuel and liaise with ground staff.</td>
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<tr>
<td>3:22</td>
<td>Immigration officer requested for police HQ Bedford.</td>
</tr>
<tr>
<td>3:23</td>
<td>Informative message sent - &quot;three pump relief required for three Cambridgeshire pumps.&quot; Mr Milliken asked Fire Service to get digital video recording equipment for CCTV evidence. Duty officer agreed as long as did not require firefighting.</td>
</tr>
<tr>
<td>3:24</td>
<td>Detainees in playing field and gym. Those compliant moved to habitable part of building. Those identified as non-compliant to be locked in cells. John Jasper &amp; David Dickinson on site.</td>
</tr>
<tr>
<td>3:26</td>
<td>Two pumps booked in attendance.</td>
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<tr>
<td>3:28</td>
<td>Another ambulance arrives at the scene.</td>
</tr>
<tr>
<td>3:30</td>
<td>DCO witness reports finding an unwell female detainee in the corridor between B and A wings. The detainee collapses and witness accompanies her to hospital. Information: building to be evacuated at 0400. Silver command suite advised to evacuate at 0400. Two person breathing apparatus team entered admin block to recover video tapes but were unable to reach due to excessive heat. Emergency planning officers leave police HQ.</td>
</tr>
<tr>
<td>3:35</td>
<td>Thermal imaging camera in helicopter showed fire developing rapidly into unaffected areas of links and C wing. DCFO called officers briefing. Tactics to be defensive.</td>
</tr>
<tr>
<td>3:37</td>
<td>Fire in admin building has spread. Fire in D wing spreading. Detainees on tennis courts will be identified and allocated to cells or gym. Fire brigade state male complex undamaged &amp; mixed complex destroyed. Silver command suite moved to admin block, male complex as current position is under threat of fire. Detainees to be moved from courts in groups of 20. Fires spreading to admin building and D wing (mixed unit). Concern for safety of visitors' centre.</td>
</tr>
<tr>
<td>3:38</td>
<td>Police message from Commander Gerrard - A Group 4 Director now at Gold control and is arranging extra staff. Prison Tornado teams will stay on site until extra staff arrive. Eight main troublemakers will be detained in</td>
</tr>
</tbody>
</table>
4:46

3:45  Silver command evacuated to new block. DCFO briefed Silver command suite. All detainees in sports courts. Police and prison units cleared approx 2/3 D wing, smoke preventing search of remainder. No-one seen in unsearched areas. People may have been in D wing but unlikely to have survived smoke and fire spread. Likely collapse meant search teams not committed. One pump left incident.

3:49  Sector 1: efforts to prevent spread of fire along admin block ineffective. Prevention of spread of fire from admin block to adjacent hearing centre and visitor centre successful. Sector 2: firefighting operations abandoned. Sector 3: defensive position, difficulties in gaining access due to continuing presence of detainees within some areas.

3:55  Detainees confirmed cleared from sector areas. Crews gathered at north end of C wing.

3:56  DCFO of opinion there was no way of preventing fire from engulfing whole of C/D complex. Concentration of resources in preventing fire spreading to A/B areas.

4:00  Silver command suite evacuated from visitor centre. Moved to admin block for A/B blocks. Pumps directed to Sectors 1 & 4. Plan of intervention completed. Relief mechanism in progress.

4:02  Informative message sent - "fire spreading, unable to contain, continuing with defensive firefighting. Expect D, C and central block to be lost to fire."

4:04  Two pumps booked in attendance: one to sector 1, one to sector 3. Apparent need to ensure electricity generators at west end admin block were continually protected from fire.

4:10  Police message - Police now moving detainees to the main areas by the gym.

4:14  Radio call - All recording equipment (CCTV) lost in fire. Unable to reach location - fire still vigorous in mixed upper admin. Radio network still live and working however signal is becoming poorer by the minute. V1 made aware. Update: video storage area lost.

4:15  Police message - The secure Silver room (command post) which the Fire Service have been trying to protect has been lost to the fire. Room has a lot of evidence in it - tapes etc and video discs of incident.

4:16  One ambulance stood down.

4:17  Believed processing of detainees started.

4:25  Doors opened to gym. Thirteen pumps, two water carriers, other special devices in attendance. Sector 1: jet and ALP monitor to protect visitor centre; fire had reached west end of block, two pumps and ALP in sector. Sector 2: no further actions. Sector 3: two defensive firefighting jets, protecting electricity generator at west end admin block; ALP used to protect A/B wings, three pumps and one ALP being used. Sector 4: maintaining intermittent defensive firefighting to protect remaining parts of sports centre. One pump in use.

4:27  Update on fire: hopeful that safe building will be unaffected. Group 4 to use area furthest from fire.

4:28  Police message - Things are getting heated among the detainees. Need the gym doors opening urgently. Possibly 200 - 300 persons at the location.

4:31  Processing procedures underway in the gymnasium of male unit to enable relocation. Sixteen families in visits room. Females who were outside visitors’ centre have been removed. Gold asked about admissions to Bedford hospital. Silver to check on casualties. Processing procedures underway in the gymnasium of male unit to enable relocation.
<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>4:32</td>
<td>Second helicopter has taken the fire officer (senior) up to survey the incident. Request to stand down as anxious about flying hours.</td>
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<tr>
<td>4:45</td>
<td>Fire alarm.</td>
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<tr>
<td>4:46</td>
<td>Discussion on the relieving of Tornado teams and replacing with Group 4 staff. DCO to hospital with broken pelvis. No detainees injured. Started sifting. No radio communications – base centre destroyed by fire. Fire Brigade state unsafe to relocate detainees because of gas tanks housed under car park. Discussion on the relieving of Tornado teams and replacing with G4 staff.</td>
</tr>
<tr>
<td>4:53</td>
<td>Concern re: diesel storage on site.</td>
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<tr>
<td>5:00</td>
<td>Witness reports two police officers spat on by two detainees. ALP moved to provide protection to visitor centre in sector 1.</td>
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<tr>
<td>5:02</td>
<td>Informative message sent - &quot;a range of secure accommodation blocks, offices and associates buildings of two storeys approximately 250 by 120m plus one other admin block of two storeys approximately 120m by 25m. 90% involved in fire. Defensive firefighting continuing to protect adjacent block. Three jets, two ALP monitors, breathing apparatus still in use.</td>
</tr>
<tr>
<td>5:09</td>
<td>Police message – Northants PSU medic was hit on the neck by a chair whilst entering location. Seen by centre medical staff. Unable to continue duty. Not seriously hurt.</td>
</tr>
<tr>
<td>5:16</td>
<td>Ambulance leaves scene for the hospital.</td>
</tr>
<tr>
<td>5:17</td>
<td>Second helicopter lands at Kempston (police HQ) to deposit video tape of the scene for evidential purposes. Stands down.</td>
</tr>
<tr>
<td>5:22</td>
<td>Advised that Fire Brigade states it was safe to move detainees. Silver asked for Tornado teams to remain until 0700 when approx 70 staff will be on duty.</td>
</tr>
<tr>
<td>5:25</td>
<td>Fire approaching electricity sub-station.</td>
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<tr>
<td>5:30</td>
<td>Strategy meeting between police and contractor. No plans to move detainees until 1000. Silver asked for Prison Service teams to remain on site. Gold refused: Tornado teams deployed to restore control only. Briefing: police, Prison Service, Group 4 Silver. Group 4 support staff will be on duty 0700-0800. Prison Service staff stood down. Police to remain on site to provide mutual aid.</td>
</tr>
<tr>
<td>5:32</td>
<td>Silver briefing - D&amp;C engulfed, no firefighting. Trying to prevent fire reaching reception and sub station. Prison Service Gold wants to start withdrawing. Concern re: control after 8 am. Deputy Secretary of Immigration en route. Continued presence of police requested to afternoon at least. 289 single male detainees; 150 single males in pen.</td>
</tr>
<tr>
<td>5:40</td>
<td>Ambulance stood down.</td>
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<tr>
<td>5:45</td>
<td>Request for police presence from G4 to safeguard site. Tornado to withdraw at 0800. Police still in command.</td>
</tr>
<tr>
<td>5:47</td>
<td>Fire spreading - could disrupt generator and affect power to establishment. Prison Service staff to stand down at 0700. Police to provide additional support to Group 4. Fire Chief confident fire will not spread to next block. Detainees on sports field on compound - half still on compound.</td>
</tr>
<tr>
<td>5:50</td>
<td>Ambulance stood down.</td>
</tr>
<tr>
<td>5:54</td>
<td>Police message – Request from the Fire Service that helicopter does a fly-over in daylight to get footage of the building and scene. Witness reports detainee causing problems in the gym and being restrained by police.</td>
</tr>
<tr>
<td>6:05</td>
<td>Doctor stood down. David Watson details Group 4 resources as 59 due in for shift at 0800 plus 20 at 1000. Director General updated.</td>
</tr>
<tr>
<td>6:12</td>
<td>Police Gold wishes to speak to Home Secretary concerning handing back control and Group 4's ability to retain control. Group 4 feel police will not be able to provide the same level of support as Tornado teams.</td>
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<td>6:14</td>
<td>Police message – Northants requested to supply officers.</td>
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<tr>
<td>6:15</td>
<td>Witness takes charge of the segregation unit in B wing into which were placed two females and about twelve males.</td>
</tr>
<tr>
<td>6:17</td>
<td>Ambulance arrives at scene.</td>
</tr>
<tr>
<td>6:18</td>
<td>Police message – Metropolitan Police requested for a second PSU.</td>
</tr>
<tr>
<td>6:19</td>
<td>Ambulance arrives at scene.</td>
</tr>
<tr>
<td>6:25</td>
<td>Ambulance stood down. Meeting: concerns re: security &amp; resources; police still have control. Chris Mace says that when Group 4 are in position to take control, they must do so. All detainees to be processed first.</td>
</tr>
<tr>
<td>6:39</td>
<td>Fire Service message – Request attendance of environmental health officer to advise on dense thick black smoke.</td>
</tr>
<tr>
<td>6:44</td>
<td>Ambulance stood down.</td>
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<tr>
<td>6:45</td>
<td>Detainees being processed in small groups by police and Group 4 staff. 30-40 detainees described as &quot;diehards&quot; remain in compound.</td>
</tr>
<tr>
<td>6:53</td>
<td>Meeting: D&amp;C blocks gone, sub station protected. Fire Service to stay damping down, gas cloud heading to Clapham &amp; Kempston. Group 4 reports no problems inside. David Watson looks to getting centre up &amp; running including control room.</td>
</tr>
<tr>
<td>6:59</td>
<td>Police message – Herts police sending two PSUs and two dog units.</td>
</tr>
<tr>
<td>7:05</td>
<td>Immigration adviser to consider contingency plans for relocation of male detainees from site. Gold requested that technical support unit provide radio base station and radios. Provision for maintaining communications on site.</td>
</tr>
<tr>
<td>7:12</td>
<td>Gold advised that radio base station and radios could be deployed as response to complaint by Chris Mace. CCTV to be resumed today.</td>
</tr>
<tr>
<td>7:15</td>
<td>20 detainees on compound being housed comfortably. Prison Service staff in visitor centre outside establishment. To be stood down at 0800.</td>
</tr>
<tr>
<td>7:16</td>
<td>Group 4 have acquired 12 radios and a base station. Injuries reported: one Northampton PSU, one dog handler, one member of staff.</td>
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<tr>
<td>7:24</td>
<td>Confirmation that base station radios, batteries and chargers have been provided.</td>
</tr>
<tr>
<td>7:30</td>
<td>Gold reluctant to replace Prison Service staff as they are not within the perimeter. Silver unaware of where Prison Service staff are.</td>
</tr>
<tr>
<td>7:49</td>
<td>Update: Chris Mace may call John Gieve to request replacement staff when Prison Service staff stand down. Director General advises that Chris Mace speaks to Director General not John Gieve.</td>
</tr>
<tr>
<td>7:53</td>
<td>Base station operational.</td>
</tr>
<tr>
<td>7:55</td>
<td>Police message - Cambs police PSU en route to the incident.</td>
</tr>
<tr>
<td>8:03</td>
<td>Silver meeting: Fire Service report visitor area untouched; lost front building &amp; two blocks sub station being protected; collapse in block anticipated within hour; defensive methods employed</td>
</tr>
<tr>
<td>8:15</td>
<td>Shortly after 0800 hours and having put all the male detainees in A and B wings, witness and other personnel attend a de-brief held by the centre manager David Watson.</td>
</tr>
<tr>
<td>8:29</td>
<td>Tornado teams being stood down, two teams at a time. Should take about two hours. Mitch Egan replaces David Shaw as Gold Commander. Prison Service national C&amp;R instructor remains on site during day. David Watson replaced as contractor Silver.</td>
</tr>
<tr>
<td>8:30</td>
<td>DCO witness reports theft from her handbag.</td>
</tr>
<tr>
<td>8:51</td>
<td>Ambulance stood down.</td>
</tr>
<tr>
<td>8:59</td>
<td>Police message - call received to police re: possible escapee. Witness reports he allowed the detainee to use the phone and took him to the railway station. He had a note with the Group 4 logo on and £40.</td>
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<tr>
<td>9:04</td>
<td>Police message - Minister for Immigration is on the way to Yarl's Wood now. The Chief Constable has been made aware. Will attend. PS Gold police adviser replaced.</td>
</tr>
<tr>
<td>9:12</td>
<td>Group 4 say, through IND, that they are happy to take over the situation.</td>
</tr>
<tr>
<td>9:15</td>
<td>Wallet returned to a DCO who reports the loss of £70 from inside.</td>
</tr>
<tr>
<td>9:23</td>
<td>John Gieve due to visit HQ command suite.</td>
</tr>
<tr>
<td>9:30</td>
<td>IND adviser leaves Gold suite. Not replaced. Gold has difficulty in communicating with David Wilson [who had taken over from Mr Hampton] who is operating from his office.</td>
</tr>
<tr>
<td>9:40</td>
<td>1100 exit extended to 1115.</td>
</tr>
<tr>
<td>9:42</td>
<td>Gold asks staff at site for information on staff, detainees, injuries, police etc.</td>
</tr>
<tr>
<td>9:46</td>
<td>Update: adults who remain are locked one to a cell. Staff counting prisoners. Two women remain - housed in the seg, including female involved in first incident. One set of keys missing, one radio missing. Family members of males remaining on site have been moved to other detention centres.</td>
</tr>
<tr>
<td>9:57</td>
<td>Fire Service message – building (C and D block) now 100% severely damaged by fire. Intermittent collapse of structure occurring.</td>
</tr>
<tr>
<td>10:03</td>
<td>John Gieve arrives in Gold suite. Update: IND staff on site concerned that male detainees may cause trouble following enforced separation from families, and that families moved could cause trouble at other centres. Update stated that control of the incident was handed to police when they felt Group 4 had no command structure.</td>
</tr>
<tr>
<td>10:27</td>
<td>1000 briefing complete. Police to step up staffing at perimeter as show of strength. To de-escalate soon. Tornado units to be placed on &quot;early warning&quot; over the weekend. Two teams on stand-by. IND and contractor in agreement</td>
</tr>
</tbody>
</table>