

**INDEPENDENT ADVISORY PANEL ON
NON-COMPLIANCE MANAGEMENT**

3 June 2013, 09:00 – 10:30

TELECONFERENCE MINUTES

Present

Stephen Shaw (SS), Daniel Albert (DA), Kevin Lockyer (KL), June-Alison Sealy (JAS) and Akash Chand (AC).

Richard Shepherd (RS) and David Chinn (DC) had difficulties in connecting to the teleconference and joined midway through the meeting.

1. Apologies for absence

Emma Ross

2. Minutes of meeting of 20 May

SS formally thanked AC for the minutes. No corrections were made.

SS queried with AC the current status of the IAPNCM webpage publication of the minutes of previous meetings. AC said that the minutes of the 22 April meeting had been published as well as the Statement of Principles. SS asked AC to ensure that the minutes are published on the webpage as soon as they are approved.

Action 1: AC to publish 20 May minutes on IAPNCM webpage.

3. Matters arising and Action Log

There were no matters arising.

In relation to action point 1 of the 20 May meeting, SS clarified that the proposed two days in December, January or February would be to formally sign off the manual. This might (or might not) require further demonstrations of the proposed techniques. The Panel agreed. SS asked AC to amend the wording of the action point to reflect this [amendment has since been made].

JAS asked to have the dates of the December demonstrations / meetings urgently.

Action 2: Secretariat to propose two days in December, two days in January and two days in February to formally sign off the manual.

SS referred to action point 2 of the 20 May meeting and explained to the Panel that another volume had been requested for today's meeting. However, Volume 5 was not received until Friday 31 May which was too late for it to be circulated.

Action 3: Hard copies of Volume 5 to be sent to the Panel.

NOMS have advised that after Volume 5 the Panel will be sent Volumes 2, 3, 4 and 6 in that order. SS said he is happy with this proposal.

SS highlighted action point 3 of the 20 May meeting and the suggestion from NOMS for the Panel to conduct an initial meeting with the medical advisers via teleconference. The Panel agreed that this would not be the best way to conduct an initial meeting and that they would prefer to meet face-to-face.

Action 4: The Secretariat to arrange an initial meeting for one/all doctors on the Panel and the Chair with NOMS' medical advisers.

In relation to action point 4 of the 20 May meeting, SS confirmed that he had collated the responses from IRCs and Tascor and that this action should be closed.

SS said that action point 5 of the 20 May meeting could be removed from the Action Log as the Statement of Principles had since been published on the IAPNCM webpage.

SS referred to action point 6 of the 20 May meeting, regarding the possibility of writing to other providers who offer training in control and restraint techniques. SS said he was not convinced this would achieve anything useful and would discuss further with the Secretariat.

In relation to action point 8 of the 20 May meeting, SS said that there was a slight misunderstanding in the note of this action point. SS had written to NOMS with the Panel's comments on Volume 7 and following this a meeting between the Panel and NOMS was to be arranged in July.

Action 5: AC to arrange for NOMS to attend the Panel's July face-to-face meeting.

SS said that action point 9 of the 20 May meeting could now be closed as he had written to the Home Office regarding the level of NOMS' oversight of the package.

Further to action point 12 of the 20 May meeting, SS confirmed that the Panel will wish to know whether there are any CAA restrictions about restraining detainees while an aircraft is taking off and landing.

JAS remarked that as well as querying whether there are any relevant Civil Aviation Authority (CAA) rules, we should also confirm the European position.

Action 6: AC to organise the Panel members' accommodation for the practical demonstrations on 16 and 17 June.

4. Update on NOMS' oversight of the Manual

SS said that item 4 of the agenda was to be an update on NOMS' oversight of the manual. SS had written to the Home Office to alert them that, at NOMS' current pace, the package will not be completed by Christmas.

SS said that the Home Office has written to NOMS with the Panel's concerns.

5. Jimmy Mubenga Inquest

SS said that he would be attending on 19 June (when Alan Kittle will give evidence), 20 June (when Bob Evans and Karen Abdel-Hady will give evidence) and possibly the 26 June (when Mark Ellis and Emma Ross will give evidence).

SS advised that Panel members who wish to attend must first seek authorisation from the Secretariat to ensure that costs will be met. KL said he was not inclined to attend the inquest and DA said he would like to attend but the practicalities of attending would prove difficult.

JAS said she had thought about attending and will liaise with SS so as not to duplicate.

6. Volume 7 – new version

SS said he felt that the new version of Volume 7 was marginally better than the previous one. KL said that he had not noticed any substantial difference between the two and felt that the Panel should write to NOMS to the effect that the earlier comments on Volume 7 were still valid and that NOMS should take these in to consideration.

DA remarked that at the stage of report writing you should not be thinking about how to apply restraints and what the rules and regulations are. The report should be an account of what had happened without adjustment as to what you feel should have happened. KL agreed and remarked that this is why the Panel's original comments should stand.

SS said that the Panel have been appointed to provide a challenge function and not to correct basic errors.

(At this point, DA received an e-mail from RS stating that he had been unsuccessfully trying to dial in to the teleconference. SS called RS and he

subsequently joined the teleconference. SS then briefed RS on what had been discussed in the meeting thus far.)

SS commented that NOMS will have to re-write Volume 7 with the aid of the Panel's initial comments. JAS agreed and remarked that the content of the new version of Volume 7 is still wrong. The Panel agreed and SS said he would feed this back to NOMS.

Action 7: SS to write to NOMS regarding Panel's comments on the latest version of Volume 7.

SS queried the ownership of the Use of Force form as NOMS have said it belonged to UKBA. SS will explore this with the Secretariat.

Action 8: SS to query ownership of Use of Force form with the Secretariat.

7. Preparation for Removal

The Panel asked for their thanks to be shared with those members of the Home Office who had helped put the document together. It was hoped that it could be published.

Action 9: AC to raise with the Secretariat whether the Preparation for Removal document can be published on the IAPNCM webpage.

8. Access to the HMPS, Police and Broadmoor manuals

SS confirmed with AC that he now has a copy of the HM Prison Service use of force manual

SS confirmed that we also have a copy of the Broadmoor manual (an electronic and hard copy). This includes colour pictures of the different holds and use of force techniques. SS said it is well presented, not protectively marked, and can be used for discussion within the Panel. SS queried with Panel members whether they would like the Broadmoor manual to be sent to them and the consensus was that they would.

Action 10: AC to send the Broadmoor manual to the Panel.

SS said that the police have sent a redacted public document that did not contain specific details of holds and restraint techniques. This document does not meet the Panel's requirements.

Action 11: AC to go back to the police with the Panel's views on the public use of force document.

(At this point, KL received an e-mail from DC stating that he had been trying to dial in to the teleconference but was unable to do so. JAS called DC and SS briefed him on the meeting thus far.)

SS queried how the Panel could have sight of the HM Prison Service manual and proposed that it could be brought to the Virgin Atlantic and Tascor demonstrations on 17 and 18 June, respectively.

Action 12: AC to obtain two further HM Prison Service use of force manuals and to bring them to the 17 and 18 June demonstrations and to the meeting with NOMS in July.

DC remarked that he had seen the HM Prison Service use of force manual and that it was an extensive document. He said that it contained all of the methods and restraints but was difficult to follow as it is very descriptive. DC said that he is hoping to see the techniques in action on 25 June. He said that it is very relevant to the work of the Panel, regarding restraint while on aircraft, as it contains sections on negotiating doorways and stairs.

9. The demonstrations at Gatwick/Heathrow on 17/18 June

SS said that the domestic arrangements regarding the Panel's accommodation and timings should be confirmed as soon as possible.

Action 13: AC to organise the Panel's accommodation for 16 and 17 June.

SS advised DC that the Panel will be sent Volume 5 in the next couple of days and that the Home Office have requested NOMS to include a section on handcuffs. SS said they should all read and digest the Volume before the 17 and 18 June demonstrations.

NOMS had also queried the extent of participant observation and how the Panel would like the day to be organised. DA remarked that the waist restraint belt was crucial in comparison to everything else, and he would like to see it first to give him a context in which to understand how the other techniques work with it.

KL remarked that handcuffs are not central to the suite of control and restraint techniques as they do not fulfil the same role in control and restraint as the waist restraint belt does in the package NOMS are developing.

KL added that the Panel should ask NOMS what the correct sequence is and their reasoning behind demonstrating them in that sequence. The Panel agreed.

RS commented that, following his experience of the RAB demonstrations, the Panel should start simple and progress to more complicated techniques. SS agreed and remarked that, if at the end of the demonstrations the Panel feel they have not had sufficient time to assess each of the techniques, they should ask for them to be repeated.

SS said that he would reply to NOMS in line with the Panel's discussion.

KL queried in what circumstances use of the waist restraint belt would be lawful. SS said that he would ask the Secretariat what legal advice the Home Office had obtained.

Action 14: SS to ask the Secretariat what legal advice the Home Office had obtained regarding use of the waist restraint belt.

10. Any other business

DA advised the Panel that he has access to some ERB belt videos and queried whether the Panel would like him to share them. SS said this would be helpful.

The Panel had no further business and the meeting was closed.