

# PROTECT

## INDEPENDENT ADVISORY PANEL ON NON-COMPLIANCE MANAGEMENT

20 MAY 2013, 10:30 – 12:30

### MINUTES

#### Present

Stephen Shaw (SS), Daniel Albert (DA), Richard Shepherd (RS), June-Alison Sealy (JAS), Kevin Lockyer (KL), David Chinn (DC) and Akash Chand (AC).

#### 1. Apologies for absence

Emma Ross

SS welcomed AC as part of the secretariat to the IAPNCM. He would be the minute taker for the meeting today and for the teleconference on 3<sup>rd</sup> June 2013.

#### 2. Minutes of meeting of 7<sup>th</sup> May (paper IAPNCM 02 of 04/2013)

RS advised that a spelling correction was required of the following:

7ii) "...staff prescribing medication..." This correction has since been made.

#### 3. Matters arising and action log

In relation to action point 1 of the 7<sup>th</sup> May meeting, SS said that at the Tascor demonstration in Heston on Tuesday 18<sup>th</sup> June 2013 he will ascertain that all vehicles are present and make a note of the number and configuration of the seats on each.

DC remarked that, when he had observed Tascor, he was told that the new vehicle in operation was the one with which they had had most concerns. DC said that he assumed this was the vehicle Tascor were replacing the others with – it was taller, higher and contained more seats.

SS noted that, as a Panel, they must be assured that they have seen and are comfortable with each type of vehicle Tascor operate and RS said that the Panel should document this. SS agreed and added that one recommendation from the Panel's work should be that any new vehicle is subject to a similar assurance process.

KL said the Home Office contract with the service provider should specify that vehicles are to be designed in such a way that the safest method of force techniques could be applied if appropriate. RS replied that the Panel cannot

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assume ownership of this element; rather, a generic statement ought to be used which states that all utilised equipment has to be tested and approved to fulfil the Panel's recommendations.

SS commented that, when the Panel completes the package and is disbanded, a further recommendation should be for the Home Office to review the use of vehicles with the service provider at regular intervals and that this should be written in its processes.

DC commented that, to his understanding, Tascor had procured the new vehicles as they were most cost effective and fitted the specifications, rather than that they had been sourced with safety in mind. He added that one of the issues was that the seats were higher and staff were unable to get over them if there was a restraint issue. He said that the door entry was also different and that the DCOs had advised him that the new vehicles were procured without a prior discussion as to their requirements. SS said that the escort companies would have a material interest in fitting as many seats in a vehicle as possible as this would result in fewer journeys.

In relation to action point 6 of the 7<sup>th</sup> May meeting, SS said that it was critical for the Panel to have two dates in December 2013, January 2014 and February 2014 in their diaries as soon as possible, with the aim of signing off the package.

**Action 1: Secretariat to propose two days in December, two days in January and two days in February to replicate the format for 17<sup>th</sup> / 18<sup>th</sup> June's demonstrations (i.e. one day on aircraft and one day with vehicles) and to sign off the package.**

In relation to action point 8 of the 7<sup>th</sup> May meeting, Emma Ross was to request a further volume from NOMS for the meeting in June. SS advised that if the Panel are to complete the package in the timescale the Home Office require, there cannot be avoidable slippages. AC said he thought Emma Ross had requested a further volume but will contact NOMS to confirm in Emma's absence.

**Action 2: AC to contact NOMS urgently and request a further volume.**

With regard to paragraph 5 (rationale and methodology and summary of 7<sup>th</sup> May meeting), SS said that, having heard from NOMS in relation to the comments of volume 1, he did not feel it would be tactful to write a letter commending them for this document. The praise could be held in reserve.

SS referred to action point 8 of the 22<sup>nd</sup> April meeting and queried whether the Secretariat had arranged an initial meeting for one/all of the doctors on the Panel, plus the chair, with the medical advisers to NOMS. The Panel agreed that a meeting with the medical advisers prior to receiving Volume 3 would be

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most beneficial as they could feed in to its development. SS advised that possible agenda items for this meeting would be to ascertain the medical advisers' role within the package; how they are going about the work; what the likely timescale would be; what would be the most sensitive way for the Panel, half of whom are also medical practitioners, to contribute; and whether they had identified any lacunae in the expertise they bring to bear.

SS said that it would be sensible for the Panel to explore whether NOMS are drawing on the most relevant professional expertise for the task.

**Action 3: The Secretariat to arrange an initial meeting for one/all doctors on the Panel and the Chair with the medical advisers to NOMS.**

SS commented on action point 8 of the 8<sup>th</sup> April meeting and said that he would collate the responses from IRCs and Tascor into a single document.

**Action 4: SS to collate the responses from IRCs and Tascor to produce a single document on preparation for removal.**

Action point 4 of the 22<sup>nd</sup> April meeting was raised and SS advised AC to ensure that the Panel's statement of principles is published on the IAPNCM's webpage.

**Action 5: AC to investigate the webpage publication of the statement of principles.**

SS raised action point 7 of the 22<sup>nd</sup> April meeting and suggested that adding "...and to formally sign off the manual." This correction has since been made.

The Panel were informed that the letters to interested parties were sent to all UK based Home Office stakeholders and international partners. SS said that Emma Ross would be able to circulate a list of recipients when she returns from leave.

DA queried whether it would be useful to send the letters to other providers who offer training in restraint techniques. SS confirmed that the Panel had written to the main Home Office security contractors (G4S, Tascor and GEO Security). The Panel decided that they would defer writing to further security providers at present, pending consideration and advice from Emma Ross and Karen Abdel-Hady, as writing to a multitude of providers may not prove advantageous if a brochure is solely received in response.

**Action 6: Emma Ross / Karen Abdel-Hady to advise whether the Panel should write to providers offering training in restraint techniques.**

#### 4. Relationship with NOMS

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SS informed the Panel that, after the feedback was sent to NOMS regarding volume 1, Emma Ross had spoken to Stuart Hardy (Head of NTRG – National Tactical Response Group) who had queried whether NOMS was expected to respond to the comments. SS had advised that a response from NOMS was not required; rather, the Panel's comments were to be acted upon in preparation of a second draft.

Stuart Hardy had suggested that the Panel should feed back to NOMS via face to face meetings. SS had replied through Emma Ross that he took very seriously his advice that feed back should be given face to face and would discuss it with the Panel at the next meeting. The Panel wanted to work collaboratively with NOMS and not be seen as schoolmasterly. However, face to face meetings might not be the most effective way of feeding back as they may result in delays, thus alarming Ministers and those senior officials who hope that the package will be complete by Christmas. In addition, the Panel wanted to feed back on volume 1 as quickly as possible as they were disappointed by the quality and wanted their remarks to inform preparation of the other volumes as quickly as possible.

KL stated that he was against face to face meetings with NOMS as the sole method of communication. He agreed that they might cause delays, adding that they may also cause tension between the Panel and NOMS. KL said that the Panel should have an unambiguous record of the feed back they provide, including the possibility of an audit trail. KL stressed that he did not oppose verbal as well as written feedback, but preferred written feedback as it is much more detailed.

DA and JAS both agreed that written feedback would be most suitable to avoid tension between the two teams. DC commented that, generally speaking, NOMS's documents were very good and the feedback given by the Panel is in no way aimed to discredit them; rather, it is to help them to make the document an excellent one.

RS remarked that there needs to be an over-read by a senior member of the organisation to quality check the document before sending it to the Panel, to which SS agreed. SS remarked that in some ways volume 7 is poorer than volume 1 as it is sending the wrong messages. He said that he did not feel there had been much input from NOMS at a more senior level regard, adding that the Use of Force form was littered with irrelevant and incongruous terms such as 'Segregation Unit' and 'Orderly Officer'.

KL advised that there are two separate issues. The first is about the role of the Panel: to assess the suitability of techniques and the way in which they are captured in the training syllabus and to advise the Home Office as to whether they are appropriate. The second is the role the Home Office should

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play in ensuring that the organisation they have commissioned to produce the document is sending material that is fit for purpose. KL commented that he was worried by the notion of getting closer to NOMS in the process of producing material as it ran the risk of being seen by outside commentators as colluding with NOMS. KL added that the Panel should be receiving an almost finished product not one littered with basic errors.

The Panel agreed that feedback should continue in written format but that they would want to meet with NOMS (preferably at the July meeting) for a more general discussion. KL added that their concerns over the level of NOMS's supervision of the package should be fed back to the Home Office, and this was agreed. SS said that he would write to the Home Office advising that, if the Panel are to complete the package within the requested timescale, the quality of drafts received from NOMS needs to be improved radically.

**Action 7: SS to write to NOMS with comments regarding volume 7.**

**Action 8: AC to arrange a face to face meeting with NOMS and the Panel for July 2013.**

**Action 9: SS to write to Home Office on the level of NOMS oversight of the restraints package.**

### 5. Reading List

KL advised that he had listed documents from a range of sources. Unfortunately, he could not provide a weblink to the NOMS use of force manual as it is not a public document and the online version is so heavily redacted that it would not prove useful. The Panel highlighted that it would be useful if they were to have sight of both the NOMS and ACPO control and restraint manuals.

**Action 10: AC to liaise with NOMS and the Police to obtain copies of their use of force / Control and Restraint manuals for the Panel.**

### 6. Draft comments on Non-Compliance Management Manual, volume 7

DA welcomed the draft comments, adding that it was right that they were very strongly worded.

RS highlighted that there was a significant difference between restraint and personal protection and the types of actions that could be taken and the techniques that could be used. A discussion ensued regarding personal protection and restraint techniques and the proportionality of force.

The Panel also discussed the ambiguity in the draft volume regarding "Personal Safety Defensive Strikes", "protective" and "personal safety", all of

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which may refer to the same technique or action. This will be highlighted to NOMS for their clarification.

The Panel further agreed that the Use of Force form should be re-worded to ensure staff are recording events accurately with open questions as to what the member of staff saw at the time of the event, including whom else was present. KL said that he would amend the draft comments on volume 7 document to include this.

The Panel approved the draft comments on volume 7 for onward transmission to NOMS.

**Action 11: KL to amend the draft comments on volume 7.**

### **7. Any other business**

JAS highlighted the suggestion in an earlier document seen by the Panel that the CAA has ruled that a person cannot be in restraint while an aircraft is taking off and landing. It was agreed that this was a very important issue that had hitherto been overlooked and would need clarification by the Home Office.

**Action 12: AC to investigate the CAA rules and whether a person can be in restraint while aircraft is taking off/landing.**

JAS also noted that detainees in transit should be offered a comfort break every two and a half hours. KL said that this was advisory and not mandatory.

SS updated the Panel on the Jimmy Mubenga inquest. A transcript of the third day of the inquest had been received and SS asked AC to forward this to the Panel. SS also asked AC to send the court diary to the Panel with details of the dates on which witnesses will give evidence.

**Action 13: AC to forward the court transcript and court diary to the Panel.**

SS noted that he had sent the Panel details regarding body worn cameras. Emma Ross and Karen Abdel-Hady have had demonstrations and it was agreed that the Panel would find a demonstration useful too.

**Action 14: AC to organise for the Panel to have a demonstration of body worn cameras and the resulting video.**

The Panel discussed the Virgin Atlantic / NOMS / Tascor demonstrations on 17<sup>th</sup> and 18<sup>th</sup> June 2013. JAS, SS and DC will commute to Gatwick on 17<sup>th</sup> June. RS, KL and DA will require an overnight stay in a hotel in Gatwick on Sunday 16<sup>th</sup> June. All Panel members will require overnight stay in a hotel

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near Heathrow in order for them to be able to start early on Tuesday 18<sup>th</sup> June for their demonstration at Tascor, Heston. The Home Office will look into the logistics of the Panel members' overnight stays.

**Action 15: AC to organise the Panel members' accommodation on 17<sup>th</sup> and 18<sup>th</sup> June.**