

**INDEPENDENT ADVISORY PANEL
ON NON-COMPLIANCE MANAGEMENT
7 May 2013, 9:00 - 10:30**

MINUTES

Present: Daniel Albert (DA), Kevin Lockyer (KL), Emma Ross (ER), June-Alison Sealy (JAS), Stephen Shaw (SS), Richard Shepherd (RS)

1. Apologies for absence

David Chinn

2. Minutes of meeting of 22 April (paper IAPNCM 04)

Action 11 of the minutes was amended to read: KL agreed to produce a reading list before the next meeting.

3. Matters arising and action log

SS noted that he needed to revisit what to do with the vehicle specification information received from Tascor vehicles.

ACTION 1: SS to consider how to take forward.

JAS and DA had not received copies of the letters to interested parties sent by SS. These were sent with the meeting papers.

ACTION 2: ER to re-send.

KL raised whether/how the Panel should gather the views of Tascor staff on the management of non-compliant detainees.

ACTION 3: ER to add to the action log for future consideration by the Panel.

It was also discussed how the Panel will assess techniques.

ACTION 4: ER to add to the action log for future consideration by the Panel.

SS informed the Panel that he had met with Akash Chand, the new member of the Secretariat and that Akash would be taking the minutes on 20 May and 3 June when ER was on leave.

SS thanked Panel members for arranging their diaries so the demonstration of

the techniques could take place on 17/18 June. He was conscious that David Chinn was absent from the meeting and had still to confirm attendance as he too would need to rearrange existing commitments, but in the circumstances he felt that 17/18 June should now be formally confirmed. The Panel agreed. SS proposed cancelling the scheduled Panel meeting for 17 June, which the Panel also agreed.

ER raised the possibility that NOMS would not be available to demonstrate the techniques on 17/18 June. It has since been agreed that NOMS will be available.

ACTION 5: Secretariat to confirm 17/18 June for demonstration of techniques and cancel 17 June's Panel meeting.

KL raised whether the Secretariat should schedule dates now for a further demonstration of the techniques and to formally sign off the Manual, although it was too early to know when exactly the revised techniques would be ready.

ACTION 6: Secretariat to propose two days in December, two days in January and two days in February to replicate the format for 17/18 June's demonstrations (i.e. one day on aircraft and one day with vehicles) and to formally sign off the Manual.

4. Note of meeting with NOMS (paper IAPNCM 01)

DA queried whether 'personal protection equipment' was also covered in Volume 6.

ACTION 7: ER to amend references in the meeting note and correct the date.

ACTION 8: ER to request a further Volume from NOMS for the June meeting.

5. Rationale and methodology and summary

SS agreed to write to NOMS with feedback regarding the rationale, methodology and summary documents. [It has subsequently been decided that the subject of how best to feedback to NOMS should be an agenda item for the next Panel meeting and therefore no feedback on these documents has been provided to NOMS.]

The Panel agreed that they would not query why certain techniques had been rejected but would instead focus on why certain techniques were being promoted.

6. Volume 7: Report writing

The Panel observed that not everyone had received both packages of documents from NOMS in time for the meeting.

KL reflected that the Volume was almost identical to the Control and Restraint

package with 'Home Office' replacing 'NOMS' in the text.

JAS reflected that the quality of the drafting would need to improve before the Volume could be fit for purpose. The Panel agreed that editing would be required.

JAS identified a number of points:

- 'Colluding' is different to 'conferring' but this distinction was not well made.
- The issue of when to complete a report would likely be contingent on the nature of the incident. The Volume advised two different timescales.
- Inappropriate references to 'young person' and other examples of 'cut-and-paste' were evident throughout the document.
- The guidance document and the report form did not match.
- Staff should be guided to make the report as accurate as they can, not told to write a report that will state that use of force was correctly applied.
- De-escalation references should come first when advising staff how to respond.
- It is not realistic in many circumstances for supervisors to give consent for use of force in advance.

KL queried why the Volume contained references to 'personal safety defensive strikes'. This appeared to be further evidence of cut-and-paste from other documents.

KL asked whether producing report writing guidance and a use of force report form should be the responsibility of the Home Office rather than NOMS as part of this package. The Home Office would need to be content that the Volume and the quality of the form were fit for purpose as well as credible in the eyes of staff.

There was a discussion about the use of tick boxes on the report form for techniques used. It was agreed this was unhelpful.

There was a discussion about whether there should be a section for staff to report and justify any unauthorised use of force. It was agreed it was not for individual staff members to make this assessment.

The Panel felt that the key messages to give staff in this Volume were:

- To inform them what the law expects; and
- To honestly report in detail what they saw, when they saw it and what they did in.

RS said that one of the key purposes of this Volume was to support staff to produce the best report they can.

SS raised how the Panel should feedback to NOMS. KL volunteered to draft a feedback note to NOMS for discussion at the next Panel meeting on 20 May. [

ACTION 9: KL to draft a feedback note to NOMS for discussion at the next Panel meeting on 20 May.

7. Any other business

DA raised for future consideration what happens in circumstances where individual officers feel physically threatened and act in self-defence outside of their training, and how to capture their experiences to inform development of the system.

DA raised the issue of healthcare staff prescribing medication to individuals who request help to treat anticipated anxiety during removal.

JAS asked if the statement of principles had been finalised. SS confirmed that it had and would shortly be published on the Panel's webpage.

SS reminded the Secretariat about the need to arrange a meeting with NOMS medical advisers as soon as possible.

ACTION 10: The Secretariat to arrange this as soon as possible.