

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

8 April 2013, 10:30 - 12:00

MINUTES

1. Apologies for absence

Kevin Lockyer (KL), June-Alison Sealy (JAS)

Present

Daniel Albert (DA), David Chinn (DC), Emma Ross (ER), Stephen Shaw (SS),
Richard Shepherd (RS)

2. Minutes of meeting of 25 March

RS raised a typo at para 8. This has been corrected.

3. Matters arising

SS raised a number of action points from the previous meeting:

Action 2: Panel members should contact ER if there remain particular visits/shadowing they would like to do.

Action 5: ER has investigated the feasibility of publishing the Panel's minutes online. The Home Office webmaster has suggested the Panel has a presence on the 'independent bodies' section of the Home Office website. SS has accepted this offer on the Panel's behalf.

ACTION 1: ER to work with Home Office webmaster to set up the webpage and publish the Panel's first meeting's minutes.

DC raised that his copy of the PPO complaint report was missing a few pages.

ACTION 2: ER to send complete PPO complaint report to DC.

SS asked if any members had received payment of their fees and/or expenses. Panel members present confirmed they had not yet received payment.

ACTION 3: ER to ask Angela Potter to speak to the Home Office Accounts Department regarding speed of processing Panel members' payment claims.

ACTION 4: ER to ask Angela Potter to share email from Departmental Security Unit which confirms IAPNCM members' Home Office passes allow unescorted access to 2 Marsham Street.

4. Draft statement of principles

SS invited comments from RS. RS queried the first sentence of the second quoted paragraph of point 3: detainees are in a unique position as they often feel they have no future.

The Panel discussed the breadth of the principles and the need to be careful to not stretch into territory outside their remit. SS is clear the principles apply to use of force during removal as well as the context within which the removal takes place.

There was a discussion about what promoting detainees' welfare meant. DA summarised the four principles of medical ethics: a) do good, b) do no harm, c) respect the patient's autonomy, and d) justice (balancing the needs of the patient against society). It was decided the Panel would take a broad interpretation of 'welfare' and not elaborate or define the meaning of the word in this document.

DA had shared a number of potential amendments via email before the meeting. The Panel agreed to:

- Add only "...and/or they may fear for their safety when they return" to the end of the first quoted paragraph of point 3.
- Add "and for their welfare to be promoted" to point 6(iii).
- Add a new 6(iv): "Detainees are owed a particular duty of care by virtue of their forced detention."
- Add "...at all times" to the end of 6(vi) instead of DA's proposed text.
- Reword 7(a) to state: "Unlike in an institution, the use of restraints may be an act carried out in public."

DC suggested including a line about the detainee having some responsibility for the consequences of their actions, i.e. when choosing to be violent or non-compliant, and that the document should also recognise staff members' rights.

ACTION 5: SS to make amendments to the draft statement of principles and re-circulate for agreement at 22 April's meeting.

5. Draft assessment criteria

Consequential amendments to the draft assessment criteria will follow from amendments made to the draft statement of principles.

DA had shared a number of potential amendments via email before the meeting. There was discussion about his proposed amendment to the fourth paragraph and the extent to which communication with the detainee during restraint needs to be considered. The Panel agreed DA's proposed amendment to the fourth paragraph was not necessary.

SS raised the use of the term 'cultural awareness' which JAS had commented on via email. SS reminded the Panel to keep in mind the issue of stereotyping which the training should address.

ACTION 6: SS to speak to JAS about amending the section dealing with cultural awareness, make final amendments to the draft assessment criteria, and re-circulate for agreement at 22 April's meeting.

6. Non Compliance Management Manual, Volume 1: Introduction and Instructor Guidance

Panel members held a variety of views on the document.

SS invited RS' views. RS asked what 'NOMS Fit for Purpose' was. ER explained that this was an internal NOMS process to check the quality of NOMS work. RS asked what the ongoing evaluation of the training would entail, and said it would need to be rigorous. ER explained that NOMS had put several proposals to the Home Office at an earlier stage in the training's development; nothing was set in stone at this time.

DC felt that the document appeared fit for purpose from page 12 onwards but that the introduction was weaker and repetitive.

DA remarked that, unlike most training materials, the document would be read by individuals unfamiliar with this subject matter, e.g. lawyers and journalists, and this should also be borne in mind. This volume might be missing elements or include material best covered in subsequent volumes; it was too early to say.

It was generally felt that more needed to be said to set the character of what would follow in the subsequent volumes and to foreshadow key themes and issues.

The Panel agreed that the document could not be approved at this time but that SS would offer written comments to NOMS.

ACTION 7: SS to write a note to NOMS to reflect the Panel's detailed comments and range of views on Volume 1.

7. Any other business

DC raised preparing detainees for removal and asked how this was done.

ACTION 8: Home Office to provide a paper on: a) what Immigration Removal Centres should do to prepare individuals for removal, b) what actually happens, c) thoughts on how to improve the process (including Tascor views on what their staff would find helpful).

ACTION 9: It was decided that teleconferences should be extended to 90 minutes in future.