

Independent Advisory Panel on non-compliance management

1 July 2013, 09:00-10:30 hours

Teleconference minutes

Present

Stephen Shaw (SS), Daniel Albert (DA), David Chinn (DC), June-Alison Sealy (JAS)

1 Apologies for absence

Kevin Lockyer, Richard Shepherd, Emma Ross, Akash Chand

2 Minutes of meeting on 3 June

No corrections were made, but some typos should be corrected before the minutes are published.

SS formally recorded the Panel's thanks to Emma Ross and wished her well in her new role. The Panel noted that her temporary replacement has yet to be identified. A permanent replacement will be appointed in due course.

Action 1: AC to correct typos and re-publish 3 June minutes on IAPNCM webpage.

3 Matters arising and Action Log

The Panel is currently working on Volume 5 of the training package. It has not yet had sight of volumes 2, 3, 4 and 6. Having noted the comments already voiced by the Coroner during the Jimmy Mubenga inquest concerning the delay in implementation of a new training package, SS proposed that the Panel should hold further meetings (teleconferences wherever possible) in addition to those already agreed.

Action 2: AC to check with Panel members to agree additional dates, and to set up meeting facilities.

Given the constructive and helpful meeting between the Panel and NOMS during the demonstration meetings (17/18 June), the Panel agreed that there is now no need for NOMS to attend the meeting on 15 July. SS has already alerted Stuart Hardy to this likelihood.

Action 3: AC to confirm with Stuart Hardy at NOMS that there is now no need for their attendance at the Panel's meeting on 15 July.

Arising from the previous minutes:

Previous action point 5: the Panel has noted the response from the CAA and that the EU position is currently being checked.

Previous action point 8: SS noted that the Panel still awaits clarification as to the ownership of the Use of Force form submitted by NOMS. The action log wrongly shows this as completed and should be amended to ongoing.

Previous action point 9: decision awaited as to any website publication of the Preparation for Removal document.

Action 4: SS to seek clarification from Home Office re ownership of the UoF form.

Arising from Action Log:

7 May: pt 4 – Going forward, consideration will need to be given as to how any new techniques will be assessed/audited.

20 May: pt 14 – The Panel will see a demonstration of the body worn camera and resulting video at one of its meetings on 7 October or 4 November.

3 June: pt 4 – Venue for meeting with NOMS medical advisers on Friday 2 August is still unclear.

3 June: pts, 9, 11 – on-going; pt 14 – HO legal advice received regarding the waist restraint belt.

4 Reflections on demonstration at Virgin and Tascor

The Panel was very pleased with the two days of demonstrations (17/18 June). In particular, the holds and techniques had been well demonstrated in realistic settings. DC also commended the DVD.

DA highlighted some continuing concerns, noting that the Panel needs to see further demonstrations of transfers between different holds; the use of handcuffs; and also that if a detainee is not wearing the WRB and then becomes non-compliant, how can/will they then be contained particularly mid-flight.

Concerning pain-inducing techniques, DC reiterated that the purpose of such a measure is to quickly get to a different area of control. The use of such techniques is not acceptable per se, but they can be justified to prevent an injury. The value of such techniques is rapidly to de-escalate a situation involving non-compliance. DA reiterated that use of pain techniques must not be as a first resort.

The over-riding message is that all prolonged, physical restraint is potentially dangerous, all the more so in the prone position. Bending a detainee forward in a seated position is also completely unacceptable. Handcuffs must also be used with care.

During the demonstrations, Panel members were shown planned intervention manoeuvres. The Panel agreed that there was not a role for such interventions during the course of removing detainees from the country and this section of the Manual should be removed.

DA and DC both observed that Volume 5 mentions the use of Personal Protective Equipment and manoeuvres. The Panel agreed that this should be deleted. Rather, there should be greater clarity as to what techniques escorts can lawfully and safely carry out, especially in flight.

Additional area of concern: SS noted that in some circumstances manoeuvres resulting in the detainee ending up in prone position are still being used. DC observed that the Manual must stress from the outset that this position must be employed for an absolute minimum period of time and immediately rectified by getting the detainee up to their feet as quickly as possible. It must not be used contrary to a detainee's clinical/medical indications.

Action 5: To follow-up the demonstrations, the Panel will consider Volume 5 in detail at the meeting on 15 July.

5 Update on Jimmy Mubenga inquest

SS informed the Panel that the inquest was expected to conclude this week. The Coroner is summing up 1-2 July, after which the jury's verdict is expected.

Following the conclusion of the inquest, the Coroner will issue a Rule 43 Letter. This is expected later in July; Government must then respond.

Action 6: AC to notify the Panel of the Inquest outcome.

Action 7: AC to liaise with HO press office to gather examples of how they have covered/responded to the inquest.

6 Evidence received

In April, SS wrote to interested parties both in the UK and overseas, inviting them to submit evidence to the Panel. Responses have now been received. The Panel agreed that it wants to see all the responses. This may result in follow-up meetings with some of the interested parties.

Action 8: AC to assemble responses; the Panel to receive a summary of the responses, plus a checklist of recipients indicating those who have responded.

7 Volume 5

Overall, the Panel considered the quality of this document to be an improvement on those previously received. However, there still remains much work to be done to ensure that it is fit for purpose. For example, techniques to

move a detainee onto an aircraft are not mentioned until near the end of the document, yet this is a critical area of concern and safety.

At 268 pages, the document is over-long. There is a need for greater concision which will help to highlight key points. The main principles underlying the scaling-up of restraint techniques should be unequivocally set out. The fundamental points need to be explained clearly so that escorts have an understanding of the possible negative consequences that can arise. Outcomes need to underpin accepted mantras.

JAS observed that full training on Volume 5 is currently heavily time-weighted with the strong likelihood that the key elements of the new training package, currently found towards the end of the course, could be squeezed due to time constraints.

The Panel notes that NOMS will shortly produce a revised version of Volume 5 with the PPE section removed and use of handcuffs added.

DA and DC both raised a fundamental point that the medical instructions given concerning warning signs of distress are inappropriate for escorts, as these are late-stage signs. Other examples of a lack of medical input were also identified. This segued into the issue of medical briefings prior to detainee movement, and also the training of paramedics in C&R techniques so that they know how to respond in a situation compounded by medical issues.

SS queried whether NOMS medical advisers are looking at other volumes or solely Volume 3. The Panel agreed that detailed comments will be sent to NOMS.

Action 9: Panel members to send their written comments to SS ahead of the meeting on 15 July when the next iteration of Volume 5 will be the focus of the meeting.

Action 10: AC to check which volumes are currently being considered by the NOMS medical advisers.

8 Any other business

Action 11: AC to canvass Panel members regarding their availability on 12 and 27 August noting that 27 August may be changed from a teleconference to an attended meeting, subject to Panel member availability.

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

Date of the next meeting: **Monday 15 July.**