

**INDEPENDENT ADVISORY PANEL
ON NON-COMPLIANCE MANAGEMENT
25 March 2013, 10:30 - 12:30**

MINUTES

1. Apologies for absence

Karen Abdel-Hady

Present

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

SS welcomed ER as secretary to the Panel and recorded that other members of UKBA may attend future meetings at the invitation of the Panel.

2. IAPNCM Terms of Reference & IAPNCM Terms and Conditions for Panel Members

SS drew Panel members' attention to a number of clauses:

- 2i) "...the advisory panel has been given the status of an ad hoc advisory body by the Cabinet Office for a period of no more than 24 months..."

SS remarked that the Panel should not be pressurised to complete their task. DA noted that the Panel may consider publishing an interim report.

- 4i) "...assess the quality and safety of systems of restraint (and equipment) commissioned for use..."

The Panel noted that holds and equipment are part of their remit, and that every type of escort vehicle is covered including the 'chase vehicle'.

- 4i) "A joint working agreement will be drawn up by UKBA and NOMS setting out how this process will be managed."

ER confirmed that UKBA had chosen not to do this so the Panel will have more autonomy to determine their approach.

- 5iii) "The advisory panel will not manage its own budget."

- 6i) "...the advisory panel may not incur expenses on behalf of, or in relation to, the advisory panel without prior agreement with the secretariat and sponsor."

- 7i) "All enquiries from the media or third parties should be directed to the sponsor in UKBA."

- 7ii) "Members of the advisory panel should not speak publicly on behalf of

the advisory panel unless authorised to do so by the Sponsor.”

8ii) “...it must have at least three members present when taking decisions including at least one doctor.”

8iii) “Any further recruitment will be managed by the Sponsor in consideration with the Chair.”

SS remarked that it may be necessary to recruit further Panel members and members should raise any lacunae they identify.

V Time Commitment

SS drew the Panel’s attention to the section relating to time commitment and that members’ reading and research undertaken for the Panel would be remunerated.

VII Reasonable travel expenses and subsistence

RS explained that he would travel first class to enable him to work but claim for standard class fare.

DC raised the following clause and noted that handover at IRC receptions should be included:

1i) “...to assess the quality and safety of systems of restraint (and equipment) commissioned for use on escort vehicles, at airports, onto, on board and off the aircraft.”

The Panel noted that it would be reasonable to consider how engagement with the returnee starts, e.g. how the process of removal is explained and the relationship established.

DA raised the following clause and noted that the Panel may wish to consider how medication impacts on behaviour either by reducing anxiety or increasing aggression.

4iii) “Reassess physical restraint techniques and medical advice as agreed with the UK Border Agency.”

There were no comments on the Terms and Conditions document.

ACTION 1: ER to procure vehicle specifications for every type of vehicle used by Tascor for removals.

3. Reflections on induction

SS noted that the induction had been very well organised and comprehensive. He asked for thanks to be passed on to Angela Potter. He added that it was important that all Panel members should have spent time on the vehicles and observed the boarding of aircraft. There might also be an opportunity for Panel members to shadow a Frontex charter flight. The Panel agreed it was not necessary for the moment for all members to observe removal by scheduled flight as the vehicles and aircraft are the same.

DC raised whether cultural differences impacted on restraint techniques. The Panel discussed empathy and communication between detainees and escorts. Good practice had been observed but it was not clear whether escorts had the skills to deal with detainees who were upset or depressed.

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

ACTION 3: SS to share his notes of induction visits. Panel members to share any notes they have made from their induction visits to date. At a later date the Panel may review and catalogue the salient points to investigate.

4. Mr Jimmy Mubenga

ER summarised the paper and informed Panel members of the date the inquest will open.

ACTION 4: ER to investigate the possibility of providing Livenote transcripts for the Panel's use.

JAS raised whether the Panel should publish its minutes online. The Panel were in favour.

ACTION 5: ER to investigate the feasibility of publishing the Panel's minutes online.

There was a brief discussion of physical intervention techniques used on under 18 year olds. It was clarified that the Panel is only looking at physical intervention techniques on adults.

5. NOMS/UKBA commissioning document

The Panel discussed the NOMS/UKBA commissioning document.

KL raised the importance of meeting with NOMS early on to establish working arrangements and queried whether NOMS were reviewing techniques and mechanical restraints. ER confirmed that was the UK Border Agency's expectation.

RS raised the issue of copyrighted restraint systems.

ACTION 6: ER to share two NOMS reports with the Panel dated November 2010 and January 2012.

6. Legal developments

RS informed the Panel that he had provided a witness statement in the Zahali case.

ACTION 7: ER to share a recent Prisons and Probation Ombudsman report with the Panel.

7. Suggested reading list

RS commended the MMPR documentation to the Panel.

ACTION 8: KL to share reading list with the Panel.

ACTION 9: ER to send hard copies of the “Assessment of MMPR” document to Panel members.

8. Future work programme

KL introduced his paper and the Panel discussed: what the products of the Panel’s work should be; what principles need to underpin their considerations; what assessment criteria the Panel will apply to proposals from NOMS/UKBA; and how the Panel will assess specific proposals.

SS distributed the draft of volume one of the NOMS training package and said that NOMS are keen to meet the Panel and, in particular, demonstrate a new body belt. The Panel discussed how best to approach consideration of mechanical restraints and how to establish expectations for working arrangements with NOMS.

RS informed the Panel that he is drafting a document on common principles for restraint for the Independent Advisory Panel on Deaths in Custody.

ACTION 10: Panel members to read volume one for discussion at the teleconference meeting on 8 April.

ACTION 11: SS to draft a statement of underlying principles and circulate for discussion at the teleconference meeting on 8 April.

ACTION 12: KL to draft assessment criteria and circulate for discussion at the teleconference meeting on 8 April.

ACTION 13: ER to arrange for NOMS to attend April’s Panel meeting on 22 April to discuss the first principles and values that informed their approach. Mechanical restraints should not be demonstrated at this stage.

9. Invitations for the submission of evidence

SS informed the Panel that he proposed inviting interested parties to submit evidence. This was agreed.

ACTION 14: SS to draft a letter and agree list of interested parties with ER.

10. Security and shared drive

ER confirmed that the security marking of information sent to the Panel at present was appropriate. More sensitive papers will be sent in hard copy or distributed at Panel meetings.

11. Payment of fees and expenses

SS asked if Panel members had received any expenses/fees to date. SS requested members approach the secretariat or him if they experienced any problems being paid.

DC raised an issue with his travel expenses. It was agreed he should claim for his travel card and the exact fare for his journeys.

There was a discussion about the maximum amount of hours which constitute a day's work. The terms and conditions set a minimum of six hours but, at present, no maximum.

ACTION 15: ER agreed to consider setting a maximum number of hours for inclusion in the terms and conditions document.

12. Future meeting dates and arrangements

SS said that transacting Panel business by teleconference may prove unsatisfactory. The decision to hold bi-monthly teleconferences will be revisited if it does not work and the teleconferences in the diary may be converted into face-to-face meetings.

The Panel expressed a preference for extending face-to-face meetings if additional meetings are required.

ER confirmed that hard copies and electronic copies of Panel meeting papers would be distributed for each meeting.

ACTION 16: ER to distribute phone number and code for first teleconference on 8 April. This meeting will be recorded for the benefit of Panel members who cannot attend.

ACTION 17: ER to investigate if Facetime or Skype are feasible so DC can dial into the 8 April teleconference.

13. Any other business

ER distributed Home Office passes to Panel members (JAS' to follow) noting that these would not at present allow unaccompanied access to 2 Marsham Street. ER is working to fix this problem.

Panel members asked which RAB recommendations were not accepted, and also whether there had been an evaluation of a body cam being trialled by G4S.

ACTION 18: ER to enquire which RAB recommendations were accepted and which not.

ACTION 19: ER to investigate whether there is any learning/reports from G4S's trial of a body cam.