

Independent Advisory Panel on non-compliance management (IAPNCM)

2 September 2013, 10:30-15:00 hours

10.30 – 14.00 Room P132 SW, Peel Building, Floor 1

14.00 – 15.00 Room 131 SW, Peel Building, Floor 1

Minutes

Present

Stephen Shaw (SS) (Chair), David Chinn (DC), Kevin Lockyer (KL), June-Alison Sealy (JAS), Richard Shepherd (RTS), Daniel Albert (DA), Mandy Simmons (MS).

1. Apologies

Akash Chand (AC)

2. Minutes of teleconference 27 August

The Panel noted that the minutes had been circulated with the meeting papers in draft format, it not being possible to approve them before circulation. There was agreement that whilst the minutes did not contain any factual inaccuracies, some time should be spent re-drafting. JAS also asked for the version control and dates to be checked on those already on the public website.

Action 1: MS to review the minutes and clear with chair of the Panel. Secretariat to review version control of the documents already on the public website.

3. Matters arising and action log

The Panel reviewed the outstanding actions, agreeing that one action could be closed (Action 10 – 29 July).

Action 2: Action 10 from 29 July to be closed on the action log.

Volume 7

MS provided an update on Volume 7 (draft use of force guidance and template report form) following her meeting with officials from the National Offender Management Service (NOMS). MS advised that, following a review of volume 7 - particularly the template report form - both were being redrafted. The hope was that a revised draft will be received within the next two weeks.

RTS made the point that this volume needs to clearly link with the debrief sections in other volumes of the proposed training package.

Action 3: A new action to be added to the action log: Volume 7 to be received by the Panel at the next meeting on 23 September, if possible.

Overall delivery of the bespoke training package

The Panel considered delivery of the NOMS volumes and discussed when the overall draft training package (all documents) would be received, and the quality of these, as well as the timetable for the training itself. The Panel expressed concerns over the timescales proposed for approval of the training package. The Panel were agreed that they were not in a position to approve the current package. While the Ministerial deadlines were in jeopardy, this was not due to the Panel's own timetable.

Action 4: MS to secure a clear timetable for delivery, including an overview of what the training will look actually look like for the trainers and trainees.

Action 5: SS to write to Karen Abdel-hady to repeat the Panel's concerns about the package and the likely timescale.

4. Draft report structure

SS expressed thanks to KL for producing a draft report structure for the Panel to consider, and invited comments from Panel members. The Panel agreed that the document provided a good structure on the work being conducted. DA questioned how much context of the removal process, and the journey of the detainees, should be included. KL advised that the Panel's report should be kept quite high level.

KL offered to lead on drafting the report, with relevant contributions being provided by other Panel members, depending on the section of the report. The Panel agreed that this could be an iterative process via email but that the substantive report would need to be considered at Panel meetings.

Action 6: KL to consider the time it will take to draft the Panel report, and who would be best placed to provide contributions for each section. A further discussion would be held at the next Panel meeting (23 September).

RTS raised the issue of future Panel meeting dates on the basis that his diary for 2014 was starting to be filled. The Panel discussed the potential need for further meetings in 2014; MS agreed further dates would be prudent.

Action 7: As a precaution, should the training package not be approved in December, the Secretariat is asked to propose further meetings dates for into the New Year.

5. NOMS comments on Volume 5

The Panel had a substantive discussion following receipt of the NOMS response to the Panel's comments on Volume 5. As part of the discussion, accreditation of the proposed training package was raised. The Panel were unclear as to who was

providing the accreditation, and to what standard, and so requested further information on this.

The Panel agreed that it would not be productive to send comments back and forth, but rather for SS to reply to NOMS highlighting questions that the Panel believes remain outstanding.

Action 8: Secretariat to provide information on who will be accrediting the training package, including the following questions:

- i) Their role in accrediting the package;
- ii) The reference in the NOMS response to Volume 5 'the correct format'; and
- iii) How the accreditation fits with the role of the Panel (e.g. if the Panel do not agree with the proposed format of the package).

Action 9: SS to respond to NOMS on Volume 5 based on the key points raised during the Panel discussion.

6. Pain Compliance

SS raised the question of whether the Panel should revisit a discussion from a previous meeting on whether it is ever appropriate to use pain compliance. This followed an email response from RTS that appeared to question the earlier consensus on this issue.

The Panel thought it appropriate to revisit what is a fundamental issue balancing the rights of the state with the rights of the individual. This would ensure Panel unanimity when making recommendations to the Home Office.

The discussion centred on the ethical aspects of pain compliance. KL said that pain compliant techniques would be ethical where alternatives of securing a legitimate aim (removing someone unlawfully in the UK) are not possible, but should always be seen as a last resort. This was particularly the case if the alternatives were riskier than using pain compliance.

Panel members shared concerns about the techniques being applied purely because they are an approved technique and therefore possibly being misused, especially if the wrong staff were in the role. It was agreed that the governance of such techniques must be robust, and that part of the final report to the Immigration Minister would be a recommendation on how DCOs are selected.

The Panel consensus was that they would be content with the inclusion of some pain compliant techniques in the overall package subject to robust controls of the recruitment process, the de-escalation process in place (link to discussion on volume 2), and the governance surrounding their application.

7. Volumes 2 and 3

Volume 2

The Panel had a further discussion about the quality of volume 2, noting that it had not been possible to pull together their final comments to share with NOMS since the last meeting. It was agreed that a final discussion of both volumes should be a substantive agenda item for the next meeting. A fundamental issue for the Panel was whether the content of Volume 2 is targeted at the right audience, and whether a separate provider would be more appropriate for developing the behavioural indicators element of the training package. MS agreed to review this. The Panel also asked whether the DCOs received basic training in this area, and what would be needed to enhance their knowledge.

JAS volunteered to draft a Panel response to NOMS on volume 2 for further discussion at the next Panel meeting.

Action 10: Secretariat to request the DCO basic training package from the service provider to aid considerations of the educational approach to the proposed training package.

Action 11: JAS to draft a Panel response on Volume 2 ahead of the next meeting (23 September). Panel members should provide any further comments electronically.

Volume 3

The Panel agreed that their focus had been on volume 2 and, that given volume 3 is critical, this should be looked at separately.

Action 12: Panel members to send comments on Volume 3 to JAS, who will provide a consolidated note for consideration at the next meeting.

Action 13: MS to circulate Volumes 2 and 3 to Panel members electronically.

8. AOB

There was no further business and the meeting was closed.

Next meeting: 23 September 2013.