



Home Affairs Committee

Oral evidence: The work of the Immigration Directorates (Q4), HC 237

Tuesday, 24 June 2014

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Members present: Keith Vaz (Chair), Ian Austin Michael Ellis, Dr Julian Huppert, Mr David Winnick.

Questions 122 - 330

Witness: **John Vine CBE QPM**, Independent Chief Inspector of Borders and Immigration, gave evidence.

Q122 Chair: I call the Committee to order and ask any member who has not declared their interest, other than in the Register of Members' Financial Interests, to declare their interest now.

Can I welcome John Vine, CBE QPM, the Independent Chief Inspector of Borders and Immigration to this session? Thank you for coming, Mr Vine. This is part of our routine examination of the work of the Home Office as far as immigration is concerned. As you know, the Committee produces four reports a year that look at the way in which the Home Office operates. For the first part of the report, we look at some area of policy that is of interest to the Committee, and we have chosen sham marriages. Very helpfully, you have just produced a report on sham marriages, which the Committee is very interested in, although there may be other issues that we will raise with you.

Perhaps I can start generally about the number of reports that you have that have not been published. Obviously the Committee gets notice—and we are very grateful to your office for telling us—when you are about to publish a report. Do you have a list of reports at the moment that have not been published but are awaiting publication by you, because they are with the Home Office, or are you now up to date?

John Vine: No, Chairman, we have a number of reports that have not yet been published. I think the latest on asylum support was submitted to the Home Office at around March, and I believe that is likely to be laid before Parliament in two weeks' time. I think we have three other reports at the moment that are with the Home Office and are waiting for publication.

Q123 Chair: Do you know why there is a delay? Obviously your staff prepare these reports, they send them to the Home Office, to Ministers, but the stacking up is a bit of a worry to me.

John Vine: It is also something that I have expressed concern to the Home Office about. When I published my own reports they were usually published within three to four weeks of being submitted to the Home Office. I understand the reason for the change was to comply with the technicalities of the Borders Act 2007, but I think in order for inspection reports to be effective it is important that they are published as soon as practicable after they are submitted to the Home Office. The sooner we can get these reports out the more relevant they will be.

Chair: Indeed. I think the Committee will endorse this, and I will write to the Home Secretary to remind her of the importance because it does help us rather than having them all published on the last day of term. It is better to have them in an orderly way. Dr Huppert has a question on reports and then we will move on.

Q124 Dr Huppert: Yes. A very specific one, Mr Vine, because it strikes me that there are some very long delays of four months or so. First, have you ever had any indications or suggestions that the length of the delay relates to how critical the report is of the Government, and would you welcome a statutory rule about how quickly these reports have to be published? Clearly, it is okay for the Home Secretary to read them but four months is quite slow reading.

John Vine: From my point of view, I certainly haven't had any information in respect of the first question. It is a matter for the Home Secretary to decide when she lays them before Parliament and I think you should ask that question of her in relation to why the delays are taking place.

Dr Huppert: We will make sure we do.

John Vine: My role is to report independently and present the findings to the Home Secretary. When she lays them is a matter for her.

In respect of the second suggestion, I think it is of utmost importance that when reports are produced they are published as soon as practicable, not least because the sampling of data, which underpins many of the reports, becomes dated. If a report is delayed then of course you might suggest that the findings have become dated, so I think it is important from that perspective that they are produced promptly and I would welcome that happening.

Q125 Chair: We will certainly write to the Home Secretary about that.

Let us turn to sham marriages. I was shocked to read statistics that there was an allegation of a sham marriage, in order to gain the right to remain in this country, at the rate of one every 60 minutes. If you total up the reports by registrars, who we will be hearing from later, and also those from members of the public, last year the public made almost 7,000 reports of sham marriages and registrars reported 2,100, up from 900 or so four years ago. Is this a worry to you and, if so, why do you think this is happening?

John Vine: It is a worry to me. As you know, I have conducted two reports. I published a report in February on an enforcement operation we looked at in Brent. The West London

enforcement team is very proactive, but what I found was that a lot of the proactivity depended on the immigration enforcement team. There was a great deal of disparity and activity between the 19 immigration enforcement teams across the UK. It seemed to me that registrars were not complying with the requirement under section 24 of the Immigration and Asylum Act 1999 to report sham marriages. I looked at the 2012 figures for section 24 reports and found there were enormous variations, depending on which part of the country you examined.

In my most recent report it strikes me that the EU Treaty rights are now being used as a way of circumventing the immigration laws.

Q126 Chair: Indeed. We are coming on to that. If we just look at these fake ceremonies—well the ceremonies aren't fake but the marriages are alleged to be fake—of those reported only 90 people have been removed from this country, despite the thousands of reports of sham marriages. Why is there such a difference between the reports and enforcement? You talked about the 19 different—

John Vine: Yes, it is a combination of lack of reporting under section 24 and also a contributory factor is the lack of enforcement activity by the Home Office. What we found in West London was there was a great relationship between the registrar and the local team, and there were people in the local team who had an interest in this subject, but I suspect other enforcement teams have other priorities and are not sufficiently resourced to give this a priority. It strikes me there is almost an absence of prosecution and enforcement activity in individual cases. For example, where the Home Office detect that organised crime is involved there is more likelihood of prosecution. But in individual cases, where there is clear abuse, then there should be greater effort to prosecute and, if necessary, remove people who are abusing the system.

Q127 Chair: Indeed, and that is not happening with only 90 people being removed because the estimates from the Home Office vary enormously. They say it is between 4,000 and 10,000 applications of sham marriages. They do not give a specific figure but that is quite a wide variation.

John Vine: One of the fundamental problems, Chairman, is that the Home Office does not really know. Its estimate in 2013 was between 4,000 and 10,000. That is already historic. One of the things they intended to do was set up an intelligence unit at Liverpool, which is desperately needed. When I inspected, in relation to my recent report, that intelligence unit had not been fully staffed and when I asked the Home Office, in relation to my most recent report, for the number of removals and prosecutions that had resulted from sham marriage, they were unable to supply me with the data. So there is a combination of lack of intelligence about the extent of this issue and also very poor management information that the Home Office has to work on in order to get a grip of it, and both need to be improved exponentially.

Q128 Chair: Do you foresee the same kind of problem that we have seen with student visas? We have heard the statement from the Minister today. Everyone knows it is a problem but the Home Office seems unable to take a grip on what is happening, to use the intelligence effectively and to remove people responsible.

John Vine: It has been a theme in my last two or three years' annual reports, Chairman, that management information and the use of it by the Home Office in relation to immigration, is an area for considerable improvement. That needs to be supported by good IT applications but it also needs to be supported by good line management who understand the need for accurate data recording, whether that be at border control, whether it be in relation to examining this issue or other immigration cases. It is a facet of my most recent report that we were still unable to assess the quality of some decision-making in these cases, because the information in the case files we examined, which were selected at random, was missing. It is that sort of lack of information that I think handicaps the Home Office in taking more robust action.

Q129 Chair: Yes. Are you telling this Committee that the figures are probably an underestimate? That there are many, many more sham marriages taking place that are not being reported?

John Vine: Yes, I think so, and that is based on speaking to staff. I spoke to staff myself in Liverpool who work on these cases, we had focus groups with staff, we interviewed managers, and certainly the impression I am getting is that it is a more widespread issue than perhaps the figures suggest.

Q130 Chair: As an estimate, 50% higher do you think?

John Vine: I would hesitate to try to guess because I think I would be giving an estimate on an estimate. I think the fact that we are estimating in the first place says it all.

Q131 Chair: As far as the registrars are concerned, we are going to hear from the registrars shortly. It is quite difficult unless you are trained. You are a former Chief Constable. You have been doing the job of an inspector for six years. You might be able to tell at a glance whether or not there is a sham marriage going on. Obviously, if it is Beauty and the Beast one can make a judgment, but how do you tell? What should registrars be doing at the moment to try to find out? They are not immigration officers, are they? In their defence, they have a busy job to do. The vast majority of marriages in Britain are not sham marriages.

John Vine: Yes.

Q132 Chair: Without being hamfisted about it, how do they weed out the sham marriages other than being based on the people sitting in front of them and stereotyping?

John Vine: I suppose I have had a career of people lying to me and so you get used to that sort of thing. I would have thought that they look at the interaction between the couples. Certainly we received evidence when we looked at Brent that sometimes couples arrive and have made no attempt in their appearance, were texting during the service. It is this sort of behaviour, which you might think is quite outrageous and quite blatant, which sometimes sparks that suspicion. But I suppose in many other cases it is more subtle.

I don't know whether registrars have training. I wasn't here to examine the registrar service. But what I saw from looking at the 2012 figures is that there were certain cities in

the UK where apparently there are no sham marriages reported. I decided it would not be in the public interest to put the detail in a report. The purpose of inspection is to try to improve the situation, not make it worse or displace sham marriages from one part of the UK to another. But this inconsistency is crying out for analysis. One of the major themes of both reports is that much greater analysis needs to take place in order to focus Home Office resources where they are needed. After all, all this is within the Home Office. Except the marriage service itself, of course, everything is within the gift of the Home Office.

Q133 Chair: Indeed, and we will be talking to Ministers about this.

A final question from me. Are there particular countries—we will come on to the EU dimension next, because one of the partners will have to be from the EU for the person to qualify—the EU apart, are there particular countries where people are using the route of sham marriages in order to settle in the UK?

John Vine: We looked at 180 random cases for the last report and 120 were in relation to residence permits, which is the route for a non-EEA national who is living with an EEA national or in a civil partnership or a marriage. We found the most common countries represented in that sample were Nigeria, Ghana and Pakistan. But I think we have to be careful to differentiate between a sham marriage and a proxy marriage.

Chair: Of course, and we are coming on to that.

John Vine: You will come on to that, I know, yes.

Q134 Mr Winnick: Sham marriages of course are always highly undesirable to say the least, and we will see whether they can be reduced if not eliminated.

Mr Vine, what I want to ask you first is: how would you describe sham marriages in the sense of undermining effective immigration control? It is clearly not the most serious threat to effective immigration control, so where would you place it?

John Vine: It is quite a serious breach of immigration control because of what it leads to. A marriage based on a relationship that isn't genuine will lead to settlement in the UK and then the granting of nationality and citizenship. So it is a step on the road to nationality and the granting of citizenship.

Q135 Mr Winnick: However undesirable—and no one here is going to challenge that; as I say, we would like to see it reduced and eliminated as soon as possible, if it was possible—what I am asking you is: the threat to effective immigration control, how would you rank it, say, one to 10, if that is not an unfair question?

John Vine: That is a very difficult question to answer. I don't know how I would rank it against other difficult issues in the immigration world. What I would say is that in the most recent report what we have done is placed sham marriage in context, by looking at the European Treaty rights. The reason people are going through sham marriages is to

circumvent immigration laws, which require a much more onerous burden of proof. In effect, somebody who is married to an EEA national acquires the treaty rights, the same treaty rights of the EEA national, and can reside indefinitely in the UK and can also bring their descendants, their children or dependent children or grandchildren or, indeed, can bring their dependent parents or grandparents.

Mr Winnick: It escalates.

John Vine: What we found in the report was that in almost half the cases we looked at in terms of refusals of residence permits, the individuals were either overstayers or here illegally. In effect, these people had no right to remain in the UK under the current immigration laws and should have been deported. But while they have a current application in place for a residence permit to exercise treaty rights, they cannot be deported and no immigration action can be taken against them, so one of the factors is that we found that there were repeat applications of this nature. Of the refusals we looked at, 72% were repeat applications, and there are some case studies in the report that illustrate this. One case study shows a Nigerian national, who applied in 2010, has made six applications for a residence permit based on a proxy marriage, first, with a naturalised German and then a second application, a proxy marriage with a naturalised French citizen and has still not left the UK, has had six applications refused. But under the European Treaty rights legislation, there is no limit on the number of applications of this nature that can be made and, while those applications are being considered, no immigration enforcement action can be taken at all.

Q136 Mr Winnick: We will be getting evidence very shortly after you, Mr Vine, from the registrars, but in order to try to eliminate this problem, at what point in the process—two people in the ordinary way, or same sex as the case may be, decide to go through a marriage ceremony—is it necessary to show proof to the registrar so that the process of seeing whether it is genuine or not can take place?

John Vine: You will have to direct that question as much to the registrars as to me. I think they will know more of the detail. The registrars need to have confidence in challenging proposed marriages that they believe might be dubious. There needs to be a good relationship with the local immigration team. There needs to be the sort of relationship that we showed was in existence in West London and was operating effectively in Brent, and there needs to be the resources made available by the Home Office to ensure that this is tackled. I think that is the crux of it. It is okay in changing the law and making legislative changes to enable the Home Office to be more effective, but that has to be matched with appropriate resourcing and appropriate direction in terms of it being a priority.

Q137 Mr Winnick: Yes. In areas that will be known to you—there are other areas where it is hardly likely to occur—but those areas, and Brent comes immediately to the fore because of previous controversy, where, if you remember, the registrar became highly suspicious and then contacted the Home Office, carrying out his duties in the way that he should have been doing and he did—do you think that the registrars in the main understand the dangers of sham marriages and are not naïve, to put it that way?

John Vine: I am not privy to the training that they get, for example, in relation to their responsibilities under section 24 and, indeed, now under the new Immigration Act. That was a matter for the Home Office to sit down—

Mr Winnick: But are you satisfied the registrars are doing their job?

John Vine: No, I am not satisfied from the basis of the inspection work that we have done. Certainly, in terms of the experience we have with Brent, we found a very good relationship there, but we were largely pointed in the direction of that by the Home Office. I was happy to look at an area where they thought that they had it right, because I think that was a useful benchmark to enable me to comment elsewhere. But, no, I am not satisfied. I think much more should be done and I think it is one of the biggest potential threats to immigration control at the moment, not least because of the lack of prosecution in individual cases.

There is also a power now—a real change that occurred in January—to enable the Home Office to remove from the UK EEA nationals who are sponsoring sham marriages. Unfortunately, because that is quite new, I do not have any figures in relation to how often that is being used. I would have thought that sort of power now needs to be used in individual cases in order to deter sponsors from supporting this sort of activity.

Q138 Mr Winnick: I want to ask you one final question, Mr Vine. You highlighted the growing problem of sham marriages by proxy, where the ceremony takes place overseas but the couple stays in Britain. How does this all work? It is rather puzzling.

John Vine: Yes, certainly I was on a learning curve when I started inspecting it. We looked at 29 refusals around proxy marriage. In every case the wedding ceremony took place on a different continent from both the people involved. It works very commonly in places like Nigeria and Ghana, for example, where a relative very often stands in at the marriage ceremony for the couple. Under British case law we recognise marriages within the traditions of other countries, as long as those marriages are lawfully conducted. So, in every one of the cases that we looked at where it had been refused as a way of obtaining treaty rights, it was because the Home Office had considered that the marriage was unlawful.

The difference with a sham marriage, a sham marriage is about genuineness. With proxy marriages it is about ascertaining whether the marriage was lawfully conducted in the country of its origin. We have a good case study in the report. Again it is in relation to Nigeria. The application was based on a proxy marriage but the Home Office—I think rightly—refused it because the marriage was revealed 17 months after it should have been registered with the Nigerian authorities. Apparently in Nigeria you have to register a proxy marriage within 60 days. That was the reason it was not allowed as a way of proving that this person had a proper relationship with a European national and, therefore, had the European Treaty rights to remain in the UK.

Mr Winnick: Thank you.

Q139 Chair: Would you like to see legislation being introduced to prevent proxy marriages from being accepted?

John Vine: My job is to comment on current practice. I try to avoid commenting on policy, Chairman, because that is a matter for elected politicians. But it strikes me—

Chair: Indeed, but if that line was closed?

John Vine: It strikes me that certainly at the moment this is leading to widespread abuse. The legislation that has created this, the EU freedom of movement directive 2004, has obviously been drafted without any thought to abuse; it is blind to abuse, and we have a lot of evidence of abuse. In dealing with proxy marriages, certainly one member of staff at Liverpool described it as a nightmare, trying to decide the case, trying to get the evidence and the documentation to show that this has been an illegal ceremony in another country. Of course a lot of time is being spent by Home Office staff in trying to ascertain whether these marriages are genuine or otherwise. The good thing for the Home Office is that we found that staff were very committed and they were also very, very aware of fraudulent applications.

Q140 Chair: Yes. But if this was closed it would result in fewer examples of abuse?

John Vine: I am sure it would but of course that is a matter for politicians.

Chair: Of course, we recognise that.

Q141 Dr Huppert: Mr Vine, it is always a pleasure to have you here. Can I just go back to make sure I have understood what you were saying? You are quite clear that it is not just about the legislative framework that is needed to tackle sham marriages, but what was your assessment of the impact of the changes in the Immigration Act? Will they make much difference? Is it as good as legislation could be? What is your—

John Vine: Certainly, staff thought that they had been listened to in terms of the legislative changes, and they felt it would help. Looking at the changes, I cannot think that it is not going to help. I am sure it will help. But it needs to be matched by an end to end strategic view of how to tackle this, because one of the findings in my report was that there was no overarching strategy joining up all the parts of the Home Office in tackling this as an issue and there should be. There was a lack of resourcing. That is key. I also think that it is important that registrars play their part.

Q142 Dr Huppert: Can I move on to look at criminal gangs and their role? There is clearly a spectrum of sham marriages. Some will be marriages of convenience that people just happen to arrange. How much evidence is there of gang involvement? What proportion do you think is related to that?

John Vine: I did not look at that aspect as part of my inspection, so I don't have any evidence in either of these reports about that. I have no doubt that there is criminal activity involved in this, but any evidence I am afraid is anecdotal at the moment. I am not entirely sure that the Home Office has a clear picture, and that is one of the reasons I think why they are trying to establish an intelligence unit at Liverpool. I think that would make answering your question much easier, but at the moment I am afraid I could not answer it with any certainty.

Q143 Dr Huppert: I appreciate that and it is very hard. I noticed it wasn't in the report. You have anecdotal information. Does that at least give you some sort of indication? Could you make an estimate? Is it an infrequent thing? A highly frequent thing? I don't expect anything more accurate than that.

John Vine: I would not give an estimate. What I can say is that it is highly likely that criminal gangs are probably involved in this, but again, because of the lack of information generally, it is very difficult to ascertain what level of organisation is involved in sham marriages. This needs to be very urgently done in order for the Home Office to assess what resources it needs to devote to it, and I am sure that the legislation change will help.

Q144 Dr Huppert: Whether it is to do with criminal gangs or more broadly, how effective has the Home Office been at prosecuting different people who were involved at different stages? Have there been any convictions of people involved in gang behaviour? I think there have been registrars. What is the success rate?

John Vine: I think there have been prosecutions of people involved in criminal gangs, but when I asked for the management information to inform my inspection about the number of prosecutions or removals from the UK as a result of sham marriage, that was part of the management information that was not available. I was told that was not being captured routinely by the Home Office. There are other pieces of information that we have put in the report, which again weren't captured by the Home Office. I think this leaves the Home Office at a disadvantage in tackling this. I know plans are underway to try to resolve that issue but, at the time of inspection, I wasn't able to say because the data wasn't there.

Q145 Dr Huppert: It strikes me as frustrating that we have passed a piece of legislation that deals with this and the data was not there. I see that as a frustration.

John Vine: It has crossed my mind, yes.

Dr Huppert: It is a common frustration in this place.

Q146 Chair: We have written to registrars and, from what we have heard from the registrars, there are indications that there are no sham marriages taking place in some parts of the country. Do you think that is because of under reporting or is it just if you live in Cumbria, for example—not that Cumbria is one of the places—there are no sham marriages? Does it surprise you that there is zero in some regions?

John Vine: I have seen this document that you have asked for and I think it rather supports the conclusions in my report, in three respects. First of all, there are huge variations in the number of reports by registrars, depending on region, without, it seems to me from a quick, glance any particular connection between regions. It rather indicates a different level of engagement between the immigration enforcement teams. Also I think the third thing, looking at the prosecutions column—with the exception of Harrow and one or two other areas—it seems to be completely devoid of prosecutions.

Q147 Chair: Exactly. Of course, you are right, that is a concern to this Committee but presumably these are not people who are part of the organised gangs that we keep hearing about, the deal that is made over coffee in a Starbucks cafe or wherever—I am not saying it all happens at Starbucks—where you say, “Look, I’ll give you some money. Will you marry me?” and the other person says, “Yes, I will marry you”. I have had anecdotal evidence of this. Therefore, “Will you support my application? I will pay you this money” and that is it. They are not pursued, are they?

John Vine: No.

Chair: That is the issue.

John Vine: There was no evidence of individual abuse being pursued by way of prosecution and I cannot understand the reason why that is the case. Particularly, going back to the most recent report, if EEA nationals who are sponsoring claims by sham and proxy marriage are doing this repeatedly, surely there is an opportunity to take firm action against these individuals with the ability now to remove them from the UK.

Q148 Chair: Pursuing that EU line because the anecdotal evidence I have received is of marriages to EU citizens in order to get settlement into this country. Are there particular countries in the EU that stand out, where they need firm warnings that this is happening with their citizens?

John Vine: There are two issues here. First of all, it is easier to become an EEA national in some countries than in others. If you look at the length of time that somebody has to remain in a country, for example, Germany or Italy, which are the two examples I put in the report, it is a much shorter period than, for example, in the UK. There is a variation within the EU as to the length of time that somebody has to remain in a country to become a national.

In analysing the data from this inspection, we found an interesting trend. We found that there was a higher refusal rate in sponsoring people for permits, through sponsoring partners through sham and proxy marriage, from EEA nationals who were naturalised from other countries. We found a trend of people who had naturalised in some EEA countries sponsoring residence permits for partners from their original country of origin. The refusal rate in that category was 59%, as opposed to 53% in western Europeans generally.

Q149 Chair: But are there particular countries? Not that it is easier to become an EEA citizen but where they susceptible to these marriages.

John Vine: There are particular countries that feature in these figures.

Chair: Which ones?

John Vine: They tend to be countries like Nigeria, Ghana, Pakistan, Brazil in some respects, popped up in the figures.

Q150 Chair: No, those are outside the EEA. I am talking about citizens of the EU who are marrying these citizens. Are there particular countries?

John Vine: No. There was a good spread across the EEA countries.

Q151 Chair: So it is any country?

John Vine: Yes, it is any country. There was a slight difference between eastern European EEA countries and western European EEA countries.

Q152 Chair: Was it higher in eastern European countries?

John Vine: It was slightly higher in eastern European, yes. But what I have suggested in the report is this work needs to be undertaken by the Home Office.

Chair: Of course.

John Vine: This is part of the analysis of the data that is almost completely absent; it needs to be undertaken by the Home Office in order to ensure that a much more robust approach is taken in these cases.

Chair: Yes. I think the Committee agrees on that. We are extremely grateful to you for the work that you have done.

Mr Winnick: Indeed.

Q153 Chair: This may well be the next big problem, as far as the Home Office is concerned. We heard today that, thanks to “Panorama” the Home Office were alerted to the problems with student visas in certain companies providing English language training. There seems to be no dedicated work that is directed towards sham marriages and perhaps your report and what we do in our report will spur the Government on, because clearly there is under reporting. That is what you are telling this Committee. We are talking about thousands more than we know about, but also changes to the law that could help prevent this practice from occurring. On proxy marriages, I understand it is for the Home Office to show that proxy marriages are not lawful rather than for the couple to prove that the marriage was lawful.

John Vine: Yes, the onus is on the balance of probabilities, but it is for the Home Office rather than the couple.

Q154 Chair: In respect of civil partnerships, same sex marriages—

John Vine: It is the same.

Chair: It is the same. So, are there any new concerns that you have as a result of the change in the law? Is it on the increase? Obviously marriages are on the increase but are sham marriages—

John Vine: There was no discernible difference in relation to the information we had available, no.

Chair: Mr Vine, as usual, thank you very much for coming in. We are most grateful. I don't know whether I have congratulated you before, but congratulations on your reappointment. How long is your latest sentence?

John Vine: My contract comes to an end in July next year.

Chair: All right. We are very grateful and remain very grateful for the excellent work that you are doing.

John Vine: Thank you very much, Chair.

Chair: Thank you.

Examination of Witnesses

Witnesses: **Jonathan Kershner**, Registration and Coroner Services Manager, Manchester Register Office, and **Alicja Gilroy**, Superintendent Registrar, Oxford Register Office, gave evidence.

Q155 Chair: Mr Kershner and Ms Gilroy, thank you very much for coming here. You are not on trial here. This is an opportunity to share with the Committee your practice, and if it sounds like we do not know what the process is to get a marriage it is because many of us have not been married recently. We were just debating in the private session exactly what the process is. Some of the questions may seem very obvious to you but it is our opportunity to look at this issue. Both of you have provided extremely helpful evidence to the Committee about the number of marriages that have taken place and the number of marriages that have been reported as being suspicious. What struck me about Manchester was that, despite the fact that other places, like Oxfordshire, for example, reported suspicious marriage there seem to be absolutely no reports of suspicious marriages in Manchester according to this grid that I have. Is that because there are no sham marriages in Manchester?

Jonathan Kershner: No. If you look at the third column along "The number of suspect sham marriages reported by registrar" you will see that Manchester is—

Chair: Sorry, my apologies. I am looking at the action taken. It is 166. It just goes to show that I have looked at the wrong column, 166 in 2013 and 157.

Jonathan Kershner: That is correct.

Q156 Chair: What I meant to say was if you look across to the last column, in terms of reported but no action taken—so you report them but nothing happens as a result—it is zero in 2013 and it is also zero in 2014.

Jonathan Kershner: I think the answer to that is that we don't have the information in terms of what action has been taken. We are submitting a significant number of reports. We looked at some figures from July last year to the current date, and approximately 20%

of designated notices, that is notices that are given by non-EEA nationals are reported by registrars in Manchester but we don't get specific feedback—

Chair: From the Home Office?

Jonathan Kershner: —in terms of what action has been taken.

Q157 Chair: Let us go from that. I will come back to you in a second. In Oxfordshire's case in 2013 you had 41 suspected sham marriages reported and 35 cases where action was reported back to you; five in 2014, a big drop—obviously we have only just started the year and this may not be the marriage season—and nine cases of action taken. That is quite a large number of examples of action being taken. In Oxfordshire you seem to be getting good feedback.

Alicja Gilroy: Yes, we do and we have a good working relationship with our local immigration team. We have worked very hard to ensure that we keep each other in the loop. However, a lot of the disruptions that have taken place recently, we had one last week, involved immigration teams from the Thames Valley. So they had slightly more difficulties in getting to us on time and so on, and that creates problems once they do arrive and delays other appointments. But we find in general our relationship with the immigration teams is a healthy one.

Q158 Chair: Take me and the Committee through that example that you just gave. People go in and say they are going to get married. They have 28 days or so to publish the news that they are about to get married, is that right?

Alicja Gilroy: A 15-day notice period. Hopefully, with the new Immigration Bill that will extend to 28 days but at the moment it is 15 days.

Q159 Chair: In this particular case what alerted the registrar that caused the enforcement team to come to the registry office?

Alicja Gilroy: There were three reasons. One was little interaction between the couple, not a common language between them, and one of them had exceeded their stay in the UK. That last point, just to bear in mind that if you can only tick that one box you do not submit a section 24 report because that is not enough for the Home Office to act on.

Q160 Chair: Being an overstayer is not in itself suspicious?

Alicja Gilroy: No. If you are here illegally or you are an overstayer, as a registrar you do not have the right to submit that section 24 report. You must be able to also tick another criterion on that list.

Q161 Chair: Tell us the criteria again and what—

Alicja Gilroy: Little interaction between the couple; not speaking the same language; knowing very little about each other—the details, their occupations, where they live and so on; for example, seeing money change hands. You rarely see that.

Chair: At the wedding?

Alicja Gilroy: It may be as they are going out even, or before, but in my experience that is very rarely ticked.

Q162 Chair: In this particular case what were the nationalities of the people involved?

Alicja Gilroy: We had an east European.

Chair: That is not a nationality, which country?

Alicja Gilroy: A Lithuanian and a Pakistani.

Chair: Was the man a Pakistani or the woman?

Alicja Gilroy: Yes. The man was a Pakistani and the woman was a Lithuanian.

Q163 Chair: If you could describe the scene. I don't want you to sound like a marriage reporter here. They got to the front. You got out your book.

Alicja Gilroy: We did. It wasn't quite as straightforward as that. The marriage was supposed to be at 11.30. The couple arrived at 11.15, as we asked them to do, so we can go through the preliminaries to marriage.

Q164 Chair: That is done outside the main room or is it done—

Alicja Gilroy: That is in a separate office, not in the main ceremony room. It is just to check whether anything has changed since they gave their notice of marriage. They may have changed their job. They may have had a birthday over the two weeks—that sort of information. So we see each of them, either individually or together. This couple chose to be seen together. We saw them together and went through the process. What usually happens if a marriage is being disrupted, at that stage the immigration team will come in.

Q165 Chair: But you would have to alert them?

Alicja Gilroy: They had already alerted us to say they were coming. We had had a phone call the day before.

Q166 Chair: They came and told you about this case. You did not report this to them?

Alicja Gilroy: No, we reported the case and they then acted on what we said to them.

Q167 Chair: They were there in the room or they burst into the room?

Alicja Gilroy: They didn't burst into the room; they were running a little bit late.

Chair: All right. Okay.

Alicja Gilroy: That was the biggest issue.

Q168 Chair: This is the Home Office we are talking about?

Alicja Gilroy: Yes, the Home Office arrived late because they got stuck in traffic and then travelling into Oxford—those of you who know Oxford—can cause problems.

Chair: Okay.

Alicja Gilroy: So they were late. However, they did arrive. Now, luckily, one of the witnesses to the wedding was late so we could delay the wedding.

Q169 Chair: Otherwise the wedding would have taken place?

Alicja Gilroy: We would have had to have gone ahead. We can delay it for so long but unless we have any reason we cannot then not go ahead with that, saying to them, "We are waiting for the immigration team to come and disrupt this wedding". We cannot say that.

Q170 Chair: Extraordinary. They arrived and then what happened?

Alicja Gilroy: They arrived. They did not burst in, they knock on the door and go in and say, "We're from the immigration team". The registrars then leave. Then they explain to the couple what is going to happen and then separate them. They have the bride in one room, the groom in the other room. The witnesses and any guests are usually by that time in the ceremony room. Then they explain and they conduct interviews with them. This went on for an hour and a half.

Q171 Chair: The marriage in this particular case did not take place?

Alicja Gilroy: It did not take place.

Q172 Chair: Mr Kershner, give me an example of you and your registrars in Manchester alerting the immigration authorities to a sham marriage.

Jonathan Kershner: As I said before, on a daily basis registrars are submitting section 24 reports.

Chair: On a daily basis?

Jonathan Kershner: On a daily basis.

Chair: Goodness.

Jonathan Kershner: As I say, perhaps one in five foreign nationals who come to give notice in Manchester are being reported. The actual appointment itself is not a lengthy appointment. Couples are only required to give relatively basic information when giving notice of marriage. It is not like the immigration interviews held by the Home Office in terms of assessing whether a couple are genuine or not.

Q173 Chair: Sure. Do you think in the case of a foreign national there ought to be a more rigorous interview? Would you like to be able to do that as a registrar?

Jonathan Kershner: I think that would be very difficult, if only because of what you said before, that we are also dealing with a lot of genuine couples, many of whom will be foreign nationals, and for them the experience that we want them to have is not one of an immigration interview. For many couples, giving notice of marriage is quite an exciting experience. Some of the other challenges are that some of the characteristics that my colleague referred to that registrars are supposed to look out for, can also apply to genuine marriages that might be—

Q174 Chair: Of course. Do you have a list of the characteristics?

Jonathan Kershner: It is on the section 24 report itself.

Chair: We will get a copy, so it is not a problem.

Jonathan Kershner: There is a tick box of about eight or nine things.

Q175 Chair: The last time that this happened in Manchester where you were presiding, give me an example of what you saw. What alerted you to this issue?

Jonathan Kershner: I don't personally take notices of marriage any more. It is my staff who do that. Having spoken to staff over the last few days, knowing I was coming here, it is the same sort of thing: little interaction between the couple; sometimes a third party who seems to be in control of the arrangements and co-ordinating what is going on is often quite a common one. No common language is another common one. Those are the most obvious ones on their own. I think there is also a gut instinct. When you see a lot of couples arranging marriages you get a feeling for what a genuine response is, what are perhaps natural nerves and what perhaps might indicate something more than that. But we are talking about suspicions and it is not scientific.

Q176 Chair: Absolutely. Are there particular nationalities that have come to your attention as far as the EU is concerned, as well as those from outside the EU? Are there particular countries?

Jonathan Kershner: I think we have seen different waves of nationalities come through, and the registrars would be more aware of what those trends are. Presumably, because we

are sending the reports to the Home Office, they would have better data on that. Certainly when I talked to staff they said, “A few years ago we saw, for example, quite a lot of Portuguese nationals”. Obviously in Manchester we have a large airport nearby and there are a lot of cheap flights in and out, so it is easy to fly someone in to give the notice and then for them to fly back for the marriage.

Q177 Chair: Do you have evidence of that? Are there examples?

Jonathan Kershner: We certainly saw trends of Portuguese nationals marrying. That seems to have stopped now and we are seeing perhaps feedback from staff about other nationalities, perhaps Slovaks, I think someone mentioned to me. Perhaps the trends are changing.

Q178 Chair: Ms Gilroy, do you see trends emerging?

Alicja Gilroy: I would very much echo what Jonathan said. We still have Portuguese coming through but perhaps more and more of the newer east European countries, which I think was shown in John Vine’s report: Lithuania; Polish is not unusual.

Q179 Chair: What seems to be very clear from the comments that we have received is that the feedback from the Home Office is so poor. Therefore, if you look at the list of where it is reported it simply cannot be the case in certain parts of the country that they have never reported a single sham marriage, as we have in one or two of the areas. Would you like to see more feedback? Perhaps more training? What is it that you would like more than anything else? If you had come along with your wish list to the Home Affairs Committee, what would be your top three asks, Ms Gilroy?

Alicja Gilroy: Mine certainly would be more feedback from the Home Office. We held a staff away-day last October to which all staff came. For one of the sessions we invited the Home Office immigration team to come and address staff, to tell them about the advantages of these marriages and the problem of sham marriage. Staff really bought into that and were really engaged. We found that helped, from the receptionist right up to the people taking the calls, to the people taking the notices as well. So that does help. However, we are very aware that the Home Office are very restricted with resources. We are aware that they are dealing with many problems and perhaps don’t always have the staffing there to be able to do that. But perhaps feedback via an electronic way could be done. Perhaps it does not have to be face to face.

Q180 Chair: But you do need that feedback?

Alicja Gilroy: I think that feedback really helps and it keeps staff motivated. We take the job very seriously. We report very carefully and with great consideration. It is not taken lightly. We have had a couple of high profile court cases in Oxford where the registrars have gone before a court, so they have to be very certain of what they are reporting and very clear about why they did it and what they asked. So it is done with great consideration and not taken lightly as I say.

Q181 Chair: Mr Kershner, do you all get together once a year somewhere, the registrars, and share this good practice because obviously you will be picking up trends, you will be seeing how things are developing? It is clear Manchester is different from Oxford and London is different from Leicester, but there are common themes that you can all share. Where is the good practice coming from?

Jonathan Kershner: There is a national panel for registration that represents the local registration service, which does share a lot of good practice. There is also the General Register Office that supports us in the work that we do. In terms of sham marriages, there have been quite a few pieces of work and pilots involving both the Registrar General's office and the Home Office. In fact, some of the changes that have come out in the Immigration Act were a direct result of requests by registrars for changes in the way things worked. For example, it was registrars who were saying, "We want to be able to report people when they are making appointments" because it is often at the appointment stage, even before the notice, that we are seeing suspicious activities.

Q182 Chair: What is the answer?

Jonathan Kershner: My understanding is the Act will now allow that to happen.

Q183 Chair: But previously it did not—

Jonathan Kershner: Previously it—

Chair: —and you had to wait until the last minute.

Jonathan Kershner: Another example might be registrars were asking that they could report other immigration offences, because they could not report an overstayer purely as an overstayer, it had to be linked to another suspicion. Again, the Act will allow registrars to report to the Home Office someone who presents with documents that suggest they perhaps should not be in the country.

Q184 Chair: That goes on the section 24 report?

Jonathan Kershner: At the moment you can add it on, but it is not a reason for reporting in its own right, so registrars felt restricted by that.

Chair: Thank you.

Q185 Mr Winnick: Ms Gilroy and Mr Kershner, when you started the job were you aware from the start—I am not quite sure how long you have been in your post—this was a problem?

Alicja Gilroy: I certainly was. I started slightly over 10 years ago and I remember very early on in my career having a sham marriage then between a Portuguese and an Albanian,

and almost 10 years down the line I am not sure a lot has changed. However, with the Immigration Bill coming I think that will bring big changes.

Q186 Mr Winnick: That was the first case of a sham marriage. Are you—

Alicja Gilroy: For me it was the first case. It probably wasn't nationwide but, yes.

Mr Winnick: —but you simply became very suspicious?

Alicja Gilroy: Yes, you do get a gut feeling. Jonathan mentioned it earlier. You see so many couples giving notice of marriage. We talk about little interaction between the couple, but also there can sometimes be too much interaction between a couple. If you see somebody in your reception area, if you are a genuine couple you don't normally expect them to throw themselves over each other but in our reception areas sometimes those couples will be being slightly perhaps too amorous, when you don't need to be because you are not trying to prove anything if you are a genuine couple. You see you get—

Mr Winnick: No, and that is the case, is it?

Alicja Gilroy: It is an interesting one, isn't it, and I have asked for that to be added on to a section 24 report and they are considering it. It is a gut feeling a lot of the time but you can usually also tick one of the criteria in addition to that.

Q187 Mr Winnick: The sort of way in which those involved in sham marriages behave—that is a telling sign, is it?

Alicja Gilroy: It is, yes, very much so. What we sometimes do is very occasionally you might take the questions slightly out of order, so if they are expecting the one about the address you might ask for their occupation. That can sometimes throw them a little bit. Registrars do use techniques and tactics to try to deter people.

Q188 Mr Winnick: That is your experience, is it?

Jonathan Kershner: Very similar. I have worked in registration for 17 years. It was an issue when I started 17 years ago and we have seen various different initiatives come and go. The certificate of approval scheme, which I think was in existence for six years, which did appear to lead to a reduction in the numbers of sham couples that we were seeing, but now we seem to be back to the figures that we saw many years ago and we will have to wait and see what difference the new Act makes next year.

Q189 Mr Winnick: Would it be the case in your area, as with what we have just been told, that those who are likely to be involved in a sham marriage would be throwing their arms around each other?

Jonathan Kershner: Absolutely. As a registrar one of the difficulties is not just at the notice stage but that you are forced to participate in that charade of a marriage, which is not a pleasant thing. I think all registrars—certainly the ones I spoke to in my office said it

is almost liked being mocked in your own job. We take our jobs very seriously. We want to deliver a good service to genuine couples, and to have to perform what is a total charade of a ceremony, and then possibly at the end of it be asked if we would have a photograph with the couple, is not a pleasant experience.

Mr Winnick: No, and makes a total mockery of what should be very far from a matter of a mockery of. It goes without saying, of course, it is an insult to all those who are engaging in a genuine marriage or partnership as the case may be.

Jonathan Kershner: Yes.

Q190 Mr Winnick: Price will vary obviously and it would be odd if it didn't, but what would you say is the going price for someone to engage in such a marriage with a UK national: £500, £1,000?

Alicja Gilroy: You mean the payment for an EEA national?

Mr Winnick: Yes.

Alicja Gilroy: You read different things in the papers, don't you? It varies from possibly £500, £1,000 and some people quote £3,000. I suppose if you are coming over here from one of those countries, they tend to choose quite vulnerable people I think. One of the cases I was involved in involved a young Polish girl and it was a Pakistani man that she was supposed to be marrying. She was very vulnerable. She was here on her own. She had no parents back in Poland and I think she was perhaps picked on and was paid a certain amount of money, which—she came over here with almost nothing—she thought might allow her to perhaps start some sort of life. I am not excusing her but there may be reasons why that happens.

Mr Winnick: Indeed, yes. I suppose there is a going price, and in some instances depending on nationality.

Alicja Gilroy: Yes.

Q191 Mr Winnick: When it is clear to you, as far as it can be, that it is a sham marriage what do you do? Do you phone the Home Office section dealing with it or what?

Alicja Gilroy: You complete a report. You print a report off our web-based system and then you fill it in and then you usually email it to the Home Office.

Q192 Mr Winnick: The Home Office responds pretty quickly, Mr Kershner?

Jonathan Kershner: Obviously there is the notice stage where people are presenting you their documents, and at that point that is when registrars would report a marriage to the Home Office. Then the Home Office have however long it is before the time of the marriage to decide whether they want to come on the day of the marriage and stop the marriage from taking place. If they don't do that then the marriage—even though we have potentially already identified it as a sham marriage—will have to proceed. Having

performed a sham marriage, there is a facility for the person who performed that marriage to also report that couple to the Home Office, even though they are married, that they believe it to be a sham. My understanding about that is that even though they are now married that information will be kept on file and when that person then applies for further leave to remain or for residency, obviously that will be flagged up and taken into account against that application. That is my understanding.

Q193 Mr Winnick: Do you have situations where the Home Office come on the scene, as you have explained, and say, “We are of the view that this proposed marriage is not genuine in any way”. In some instances do they simply say, “This is a lie, you are accusing us of something which is not so”.

Alicja Gilroy: You mean the couple or the Home Office?

Mr Winnick: Yes, that is who I meant.

Alicja Gilroy: They have to conduct the interviews with the couple and sometimes at the end of that interview period, it then transpires that the marriage can go ahead even though they may have wanted to disrupt it, for whatever reason—and it is usually an immigration one—it can proceed. Sometimes I have heard nationally that registrars can feel quite disappointed—maybe not disappointed—but you have disrupted a marriage and it may well be that the same couple come before you again the next week to be married, in spite of the fact that an attempt was made to disrupt the marriage.

Mr Winnick: Thank you very much.

Alicja Gilroy: We have a detention centre in Oxfordshire, where people are here illegally and waiting to be deported, and since the removal of the certificate of approval scheme, we now marry people from the detention centre. I think we did three marriages in 2012. We then suspended them following a violent incident in the registry office and we are now about to reinstate them again. So being here illegally, although that often is the reason why a sham marriage has taken place, we are not allowed to report it.

Chair: No, I understand.

Q194 Dr Huppert: There has been a lot of stuff covered on this but there are a few things I would be grateful for comments on. If I can start off on this issue about feedback because you have to make a very tough judgment on whether a proposed marriage is real or not. So presumably you would sometimes make a mistake. You think something is suspicious and it turns out to be fine. But if you are getting no information back from the Home Office, for the future how do you know if you are reporting too many or indeed too few? In the last couple of years between you you have reported about 400 and have had no feedback at all.

Alicja Gilroy: Yes.

Q195 Dr Huppert: How do you learn whether you are getting it right?

Alicja Gilroy: You don’t really know, do you? You have the situation before you and you make a judgment on that situation. I know that the national panel for registration is trying

to do a lot of work with the Home Office at a high level. They invite them along to their quarterly meetings to try to encourage them to cascade information down, and that has allowed us to have names, to invite people along or to get in touch with them. We don't have much feedback, not on how to improve our section 24 reports, but what they might be looking for. I am not sure that that is in their remit to tell us. Do you? I do not think so.

Jonathan Kershner: I would just add that some of the section 24 reports will not be used until that person applies for further leave to remain, which might be some time in the future. So there probably is a bit of a difficulty in terms of feeding that information back about something that might have been reported over a year ago. But certainly in terms of supporting registrars and encouraging registrars to report, I think we all like feedback in our jobs and it is a motivating factor for all staff.

Q196 Dr Huppert: Do you get occasionally to talk to the local staff?

Alicja Gilroy: The immigration staff, yes, we do.

Q197 Dr Huppert: Do they ever tell you, "Thanks for those 20 reports, actually three of them were totally legitimate and the others, no"? Do they say anything?

Alicja Gilroy: Not to that level of detail certainly in our case—I do not know about Manchester—but they will tell us; it does not fall into a black hole, as Jonathan has explained. It will form part of the bigger picture when they come to apply for further immigration statuses later.

Q198 Dr Huppert: But as I understood it—maybe I misunderstood what Mr Kershner was saying—only sometimes would that be the case. Sometimes presumably you make a report and nothing happens or it is decided it is perfectly legitimate; presumably that must happen.

Jonathan Kershner: The thing is, the report is a report of suspicions. So the registrar had those suspicions, and it is a question of whether those suspicions tie up with information already held by the Home Office on an individual, or subsequently when they come to do a marriage interview with them. If they are planning, for example, to apply for residency and they conduct, I understand, a much more detailed marriage interview with that couple, obviously if a registrar has reported suspicions, they have a feeling that maybe there might be something up with this couple and they might want to probe it further. But again this is only information that has been given to us. I am not 100% certain on how the Home Office operates.

Alicja Gilroy: They do tell us that our report forms the final part of the jigsaw. They do have other information they act on, not just solely on the section 24 report.

Q199 Chair: Yes, but do they tell you? Neither of you have reported any reports leading to prosecution.

Alicja Gilroy: I think I have had two, possibly it was one.

Q200 Chair: You have had two: one in 2011 and one in 2012.

Alicja Gilroy: Yes, that is right.

Q201 Chair: But none from you, Mr Kershner. But as far as we know people might have been prosecuted but you do not know about it.

Jonathan Kershner: I opened the *Evening News* yesterday and there in the paper in the Crown Court on Friday were two brides and a groom who were prosecuted for this very offence.

Q202 Chair: Is this the Bulgarian women who were flown over as part of the game?

Jonathan Kershner: Possibly. I have brought the paper, you can—

Chair: No, I saw the same story.

Jonathan Kershner: But that was the first I had heard of it.

Q203 Chair: That was the first time you knew about it?

Jonathan Kershner: If I had not bought the paper on that day I would not have known about it.

Q204 Chair: Was that one of the ones you had reported?

Jonathan Kershner: We did report one of the two married women.

Q205 Chair: That is extraordinary. There you are collecting vital information and nobody even tells you whether people have been prosecuted.

Jonathan Kershner: There is another step because in terms of prosecutions they tend to come back to registrars asking for statements and registrars have commented, certainly in my office, that they are increasingly being asked to provide statements, which does suggest that prosecutions are taking place. But after that statement stage, if we have not seen it in the paper or if there is not high publicity about it, we would not know.

Q206 Chair: Of course, because you are highly professional people. You are providing an incredibly important service. For many people it is the most important day of their lives and therefore you only want to report things that you are suspicious about. You do not want to disrupt the lives of people, even though in years to come they may find it very funny that their marriage was stopped as a sham marriage when they celebrate their 40th anniversary. Certainly at the time it will not seem funny to them. But it seems that it is very clear from the responses we have had from registrars that they are just not getting the feedback. This could help you, in effect, do a better job.

As far as civil partnerships are concerned, has the change in the law meant that there has been an increase in the number of section 24 reports? In Manchester, Mr Kershner?

Jonathan Kershner: Not that we are aware of.

Q207 Chair: What about in Oxfordshire?

Alicja Gilroy: Same. Not that I am aware of either.

Q208 Chair: Your figures show to this Committee that there has been an increase over the years. Is this on the increase?

Alicja Gilroy: I think it is. A gradual increase I would say rather than a dramatic one, but it is on the increase.

Q209 Chair: Are those who seek to get married in front of you becoming more sophisticated?

Alicja Gilroy: Very much so. I read the report that John Vine mentioned about Brent, about the texting in the ceremony, about not speaking the same language. In Oxfordshire we do find that they can almost become a little bit more sophisticated with that. Often you will look in the passport and you will see the visa is about to expire in two months and that may be the only thing. You will have an inkling about something but there is nothing on the report that you can tick apart from the fact that there is an immigration breach possibly coming up.

Q210 Chair: Mr Kershner, would it help if you had no-notice inspections by the Home Office because presumably the ceremonies are public ceremonies?

Jonathan Kershner: They are, yes.

Q211 Chair: So Immigration officers are not excluded from coming and sitting in a public gallery.

Jonathan Kershner: Absolutely not. Anyone can walk into—

Q212 Chair: Have you ever known anyone from the enforcement team just to sit there for the day to see what goes on? You have?

Alicja Gilroy: Mine have certainly come and waited in the waiting room.

Q213 Chair: Yes, but in the ceremony themselves, because it is a public gallery.

Jonathan Kershner: Not that I am aware of. There have been different waves and we did have some activity in 2010 where the Home Office spent quite—the immigration team

spent a few weeks in the registry office working closely with us, which did have some impact but apart from that, not really. They tend to be very polite and always phone and ask whether it is okay if they can come and whether we can find them some parking.

Q214 Chair: What we have also seen is an increase in reports by members of the public. That has shot up in recent years to 6,900. Do members of the public contact you all and say, “This is a sham marriage that is happening”?

Alicja Gilroy: I get a lot of emails via the Oxford registry office inbox and I always pass them on to the immigration team to investigate.

Q215 Chair: Is that before or after the wedding has taken place?

Alicja Gilroy: It can be a mixture, before and after. But they are always passed on. I do not know what happens with them, I presume it gets added to the case.

Q216 Chair: What about you, Mr Kershner?

Jonathan Kershner: Yes, absolutely the same. We do get quite a lot of members of the public writing in. I think the advice we have now been given is that those people should—there is something on the Home Office website where they can submit it and that it is better if they do that rather than us. I am not sure why, there is a legal reason for that.

Q217 Chair: We all have constituents who make allegations. We send it to the Home Office website. We do not necessarily get a reply but anyway we try. May I thank both of you for coming in? If there is anything you have missed in your evidence that you want to bring to the attention of the Committee or as a by-product of your coming here—other registrars talk to you and say they have information for this Committee—we would be very pleased to receive it because we do want to have a report that is sensible and straightforward and that will help those who are genuine to have a very good ceremony but those who are involved in a sham marriage to be obviously reported to the relevant authorities, and we are extremely grateful to both of you for coming here. I hope it has not meant that there are any marriages today that have been delayed in Oxfordshire or Manchester.

Alicja Gilroy: No, but I was supposed to have a meeting with my local detention centre about reinstating marriages that I have had to delay. I will have to get that rescheduled.

Chair: Thank you very much for coming. Order order.

Examination of Witnesses

Witnesses: **Dr Bob McGuinness**, Chief Executive, UK Central Government Division, Serco, and **James Thorburn**, Managing Director, Home Affairs, Serco, gave evidence.

Q218 Chair: We now continue with the Select Committee’s inquiry into the work of the Home Office, in particular we are looking at the management of Yarl’s Wood Detention

Centre. Could I call to the dais the Chief Executive of the UK for Serco and the Managing Director, Home Affairs, for Serco?

Mr McGuinness and Mr Thorburn, thank you very much for coming in to give evidence. What has prompted this evidence session is the Committee's look at the work of the Home Office and in particular we are, and have been concerned in recent years, about the provision of services by the private sector. This particular session has been prompted by the very serious allegations made about the way in which your staff, Dr McGuinness and Mr Thorburn, have acted at Yarl's Wood. We are particularly concerned at reports about the alleged assaults on those who are in Yarl's Wood under your care, who have made very serious allegations about the way in which they have been treated. Are you aware of these reports, Dr McGuinness?

Dr McGuinness: Yes, we are. Yes, I am.

Q219 Chair: What would Serco like to say about them at the outset?

Dr McGuinness: Thank you, Mr Chairman. At the outset there are two or three things I would like to say. The first thing is that we take the health, wellbeing and security of those in our care extremely seriously.

Now because Yarl's Wood is what it is, we believe it is a very difficult place, both for the people who are in there, but also for the people trying to manage Yarl's Wood. We accept completely that a number of incidents have occurred since it has been in our care since 2007, and we believe that all of these have been dealt with. We know, and it is widely known, we receive complaints from whistleblowers and many other sources but also—I think the Committee knows this—we are very correctly subject to regular independent reviews from professional bodies such as the independent monitoring board, Her Majesty's Chief Inspector of Prisons, the Care Quality Commission, and it is on record all of these have strongly endorsed the management of the centre. We would be happy to get into further details as the Committee wishes.

Q220 Chair: We are very interested in the details. There is an internal report that you have commissioned that has been published in bits by *The Observer*, which makes a number of very serious allegations about the way in which your staff have treated the women in the detention centre. One of them of course says this, "The guards would flirt with the detainees. I spoke to some ladies who were in proper relationships with the guards. They used to give these women the impression that, 'If you sleep with me I will put in a good word for you'". Another one who says, "You are very vulnerable. You are thinking that if I get closer to this person he might help me out, so many girls were flirting. Two or three had got to the point of having sex in exchange for favours". This is extremely serious. It is a damning report, is it not, into the way in which your staff have been dealing with the detainees at Yarl's Wood. These are people who have no access to the outside world.

Dr McGuinness: Mr Chairman, there are a number of points there. The first one is that I do not accept some of the statements and allegations made here, but we are very happy to deal with these incident by incident and examine the facts as much as we can.

Q221 Chair: There must be some truth in this. Are you saying they have all been made up? You cannot believe all these women have independently decided to make complaints about your guards. You commissioned an internal report that has all this information in it. You resist publication of this report, even though you are all in receipt of public money. How much public money does your company get from the Home Office in respect of the detention centres that you run every year?

Dr McGuinness: About £12.5 million per year.

Chair: Exactly. That is £12.5—

Dr McGuinness: For Yarl's Wood.

Q222 Chair: That is just for Yarl's Wood. That is £12.5 million of taxpayers' money so there is a right for this Committee and the public to know how the detainees are being treated. Public money is clearly not being given for your guards to ill treat women or detainees in Yarl's Wood; that is correct, is it not?

Dr McGuinness: Mr Chairman, I accept that completely.

Q223 Chair: Therefore do you want to take this opportunity to apologise to those women who had to make these allegations about the guards who work in Yarl's Wood for which you are paid £12.5 million?

Dr McGuinness: Mr Chairman, if I may, I would like to comment specifically on the report but before I do that, your last point, we set very high standards for ourselves and our staff. As I have explained, there have been a number of specific incidents, well documented, over the years—seven years since 2007—and on those instances where we have fallen short of the standards that we have set for ourselves I absolutely am sorry and apologise for those cases.

Q224 Chair: How many of those cases are we talking about where you feel that you owe an apology to those women and other detainees involved? How many are you apologising for or is it a general apology?

Dr McGuinness: It is a general apology for those cases where we have fallen short.

Q225 Chair: So how many of those were there?

Dr McGuinness: I would like to hand to my colleague who has the detail better than I. If you would like me to answer it I will.

Q226 Chair: If you could give us the numbers.

James Thorburn: Seven.

Q227 Chair: So you are coming to this Committee to apologise to seven individuals for whom you believe you have fallen short of the very high standards that you say Serco has in respect of these detention centres, is that right, Mr Thorburn?

James Thorburn: May I clarify a few points here?

Q228 Chair: If you could answer that question. Are you apologising for those seven cases?

James Thorburn: If you could allow me just to clarify. There are 31 cases out of around about 30,000 women who have been in our care over the last seven years within Yarl's Wood. Thirty-one cases and we have taken the broadest definition of what may be a complaint of a sexual nature. In those 31 cases we have dismissed, or people have resigned during the process—we have had eight cases, 10 people who have been dismissed during that time.

Q229 Chair: Mr Thorburn, this is not an issue of a percentage. This is not a World Cup match. How many matches do you win? Even if it is a single case of a person in your care having been subjected to what is in the broadest possible definition a sexual allegation, that is very serious. Do you not accept that?

James Thorburn: Where those cases have been substantiated we absolutely apologise for that.

Q230 Chair: So that is seven cases?

Dr McGuiness: No, it is not. It is 10 people, eight cases.

Q231 Chair: It is 10? Ten people?

James Thorburn: Ten people have been dismissed as a result of eight cases.

Q232 Chair: And eight cases. So the seven cases you were referring to, Mr McGuiness, are these a different seven or the seven we just got the figure on?

Dr McGuiness: Seven of the eight, and it is a question of detail. I would stand by the detail that James has—he is closer to it than I am—but we absolutely—I agree with you completely that one case is too many. I agree. In those cases,—and it is right the cases and the individuals are two different numbers—the number of individuals I think correctly is 10.

Q233 Chair: How often are you inspected by the Home Office? How often does a senior member of the Home Office come into Yarl's Wood and look and see the things that you are doing there, Mr Thorburn?

James Thorburn: There are permanent members of the Home Office on site. An oversight team who have officers on site and are permanently there.

Q234 Chair: How many are there?

James Thorburn: There are several. There are three who are there most of the time but then of course there are all the case workers onsite as well. But perhaps I could set this in context because one of the things that you remarked on was access to the outside environment. A picture that has been portrayed of Yarl's Wood is as a closed institution and I do not recognise that picture. Let me explain why.

We are overseen by Her Majesty's Chief Inspector of Prisons who produced a report in summer last year, and they returned specifically after that following various media allegations to do a specific follow-up audit of the centre in relation to the sexual allegations. They interviewed 50 detainees, 12 members of staff, and they came to the conclusion that they found, and I quote, "No evidence that a wider culture of victimisation or systemic abuse had developed". And further following one of the cases that has been widely reported, they found that, "Steps have been taken to minimise the risk of sexual relations incidents occurring again, including training".

In addition to this we have the IMB, the independent monitoring board, set up by the Secretary of State to review her permanent officers on site. We are reviewed by the Detention Centre Services Monitoring Unit from the Home Office who review six monthly. We have our own internal central audit team as well as self-audit within the contract.

Q235 Chair: That is what worries me and the Committee. The fact you have all these people in there doing all these important things, monitoring everything that you do, but still there are seven members of staff that you have had to dismiss because using the broadest possible definition of what a sexual assault is they have fallen below the standards. Define for me "the broadest possible definition of a sexual allegation."

James Thorburn: We view anything that could be construed in any way sexually as the broadest possible definition.

Q236 Chair: Give me the definition, since that is the definition.

James Thorburn: Shall I give you the breakdown of the 31, would that be helpful?

Q237 Chair: No, give me the definition. Give me the definition that you are testing all these dismissals on and what you have said to this Committee. What is the broadest possible definition of a sexual assault? I have never heard this term before.

James Thorburn: This is where it could be surmised that there could be any suggestion of any sexual element to the complaint. For example, sometimes where members of staff might overstep professional boundaries in having an inappropriate conversation about their personal lives or personal circumstances, we would include that. Where a member of staff might put their arm around a detainee—these are very vulnerable women—they may consider that an inappropriate approach or sexual approach within the environment that we are in.

We also have situations where when we use—in the very few instances—control and restraint, where several officers are moving someone to the Care and Separation Unit, that can sometimes give rise to complaints against them. They are a broad spectrum.

Q238 Chair: A statement that is used, when she approached with a problem of headaches and dizziness, she approached one of your staff and he responded she did not need medication but needed his penis. Is that part of your definition?

James Thorburn: Absolutely, sir, that would be part of that definition.

Q239 Chair: So that person has been dismissed? Has that person be dismissed?

James Thorburn: The person that you are referring to is in the report and in that case—

Q240 Chair: The person who made that comment, which you regard as being totally unacceptable—and I agree with you, it is totally unacceptable—has that person been dismissed?

James Thorburn: That is unacceptable if it is true.

Q241 Chair: But has he been dismissed?

James Thorburn: The nurse in that case?

Chair: Yes.

James Thorburn: No, that nurse has not been dismissed.

Q242 Chair: So even having used those terms or been alleged to have used those terms, you do not think that this person should even be moved somewhere else? All the people who remain there, the 31 minus the seven, they are still working at Yarl's Wood?

James Thorburn: No. We may be talking about a different case, I am not sure, but if you are referring—

Q243 Chair: This is from your internal report, which I assume you have studied.

James Thorburn: This is the internal report that has been in the media, and *The Observer* and *The Guardian*.

Q244 Chair: It has been and we would like a copy of this, so could you please send us a copy?

James Thorburn: We would be happy to provide a copy of that report, sir.

Q245 Chair: Because I know that the solicitors acting for some of these women asked for a copy to be sent to the Chief Inspector and to this Committee six months ago. *The Observer* asked for disclosure of this six months ago but neither of them were given a copy. I can understand why you may not want to give it to a newspaper but there is no problem with giving it to this Committee?

James Thorburn: No, of course not, sir.

Dr McGuiness: Mr Chairman, may I comment on that please because you have referred to this report a number of times?

Chair: Of course.

Dr McGuiness: The situation is we will always attempt to comply fully with all authorities. The report I believe you are now referring to was an internal disciplinary report, which contains very sensitive information and contains names not only of the individual who made the claim and the complaint but the individual against whom it was made and a number of witnesses.

Q246 Chair: Who are still working there?

Dr McGuiness: Absolutely.

James Thorburn: May I clarify—

Q247 Chair: This is a Committee of the House and we will be very careful what we publish but we will publish it. If you wish to send it to us we will undertake—

Dr McGuiness: We will send it happily to you.

Chair: —not to breach your confidences.

Dr McGuiness: I would very much like to explain why, with your permission.

Q248 Chair: Why what?

Dr McGuiness: Why we went through the process we did with *The Observer*. We provided this report, it is a sensitive internal report. We provided it as we always would to authorities. We provided it to the police. We provided it to the Home Office. We did not provide it upon request to the newspaper for two reasons. We have a duty of care to our staff, both the individual named, but also the witnesses who contributed of their own free will to the investigation, which is what we all want. In addition to that, we raised the matter with Bedford Police. There was a separate investigation being carried out by them at this time and when we explained what was going on, we asked if they had concerns and they told us they did have concerns and they would prefer it not to be provided. When this went before the court and the court found that it should be published, we complied immediately and we will continue to do so.

Q249 Chair: Very helpful. Just before I bring in Dr Huppert, could I just ask you: have you now paid the Ministry of Justice the fine that they asked you to pay as a result of your overcharging the Ministry of Justice for tagging?

Dr McGuinness: Yes.

Q250 Chair: What was the total that you paid?

Dr McGuinness: £68.5 million.

Q251 Chair: £68.5 million. But the contract that you have for Yarl's Wood with the Home Office is worth £12.5 million.

Dr McGuinness: Yes.

Q252 Chair: What is the total amount of the contracts that you currently have with the Home Office? What is the value?

Dr McGuinness: With the Home Office—

James Thorburn: £104 million, sir.

Q253 Chair: £104 million. Your total amount of money that you get from the taxpayer for all your contracts with the UK plc is what?

Dr McGuinness: £1.5 billion per annum.

Q254 Chair: So if I get the figures right for the record. £12.5 million for Yarl's Wood. £104 million for the Home Office contracts. £1.5 billion for the total amount of money you get paid by the UK Government in one form or the other, and the overcharging of the taxpayer was £68.5 million, which you have now paid back?

Dr McGuinness: Yes.

Q255 Chair: In full?

Dr McGuinness: In full.

Chair: Thank you. Dr Huppert.

Q256 Dr Huppert: Mr Thorburn, it was interesting you quoted from the independent inspectors' report and you had a particular sentence. Have you read the next sentence and the one after that because it was not quite as clear cut as the extract you had?

James Thorburn: I am sure I have but—

Q257 Dr Huppert: Because immediately after your quote was, “However this exercise reinforced our view that women’s histories of victimisation were not sufficiently acknowledged by the authorities. There are insufficient female staff for a predominantly women’s establishment. Women detainees complain that male staff enter their rooms without waiting for reply after knocking”. The report went on to talk about under reporting of victimisation. Apparently the annual bullying survey had fallen into disuse, which strikes me as an odd way to make sure you are avoiding bullying. “Staff had no specific training in recognising and managing the particular vulnerability of the female population.” Does that not sound somewhat alarming to you?

James Thorburn: I do not recognise that description. We have at the moment—

Q258 Dr Huppert: Do you want page references?

James Thorburn: Yes, but I am saying that, being in the centre, I do not recognise that description in the centre. We have at the moment just over 50% male staff, 50:50. We are very actively trying to bring on more female staff. There are a variety of things that we are doing. We are trying to understand in the local community the reason why more women do not apply. In a recent induction and training course, 75% were female applicants, so we are trying to increase the numbers of female staff that we have within the centre. We are trying to put on bus services locally in case there are one-car families, and so on, to try to make that easier.

What we also have is a very clear policy on door-knocking, when people go round and do the calls. We absolutely try to make sure that that is females in all cases that we can, and there is a very clear policy on how a door should be knocked, clearly announcing presence, clearly announcing if it is a male, opening the door a little bit before going into the room to try to make sure that there is no inappropriate coming through a door by a male member of staff.

There was a quote that said very clearly there was very little victimisation, little evidence of victimisation within that same report that you are quoting. We run a safe and respectful establishment. Staff/detainee relationships were very good and we were very pleased with that report, which rated us good on all four of the standards that we were assessed on.

In terms of training we have a seven-week induction and training course before any member of staff gets their badge to work as a detention custody officer, and every year two and a half days of annual refresher training. I go up to the centre a lot and I speak a lot with the management team about what is going on in the centre. They are absolutely mortified and horrified by the impression that is created by the stories that have been going round. We welcome the CQC, the Care and Quality Commission, report about our health care; the HM Chief Inspector of Prison’s report and the ratings that it gave us overall in that centre; the independent monitoring board report that was published about a month ago—within the last month—all of which give a very favourable view of the overall establishment.

Q259 Dr Huppert: I am fascinated, Mr Thorburn, because you say you recognise all the bits of these reports that say how well you are doing, but you do not recognise the bits in it that say how badly you are doing. Surely if they are getting it wrong you would expect they would be getting it wrong in each direction.

James Thorburn: Do give me the page and reference number so I can look at it.

Q260 Dr Huppert: For example, S6 at the bottom of page 13 is where it says, “Staff had no specific training in recognising and managing the particular vulnerability of the female population”. If you give me a moment while somebody else asks a question, I can give you the references for every other quote because they are taken from the exact report. On other issues, the report specifically criticises several times the process of men being the people who go into the rooms, that they were not announced. That is what is described in this report. If you are trying to change that, that is a good step. But there are some quite serious criticisms in here, particularly around women. I will get you the references that I quoted and the exact page numbers.

Just another quick question for either of you: when was the last person who died in Yarl’s Wood?

James Thorburn: It was a lady called Christine Case who recently passed away and has been the only death in the centre in the last seven years since we have run it.

Q261 Dr Huppert: Because there were some interesting claims about whether she was given the medical attention that was necessary, whether it was turned away, whether there was support given for other people who witnessed this. I have seen that you deny that there was any basis for that. Are all the people who are witnesses still in the country and able to give evidence at the inquest?

James Thorburn: I do not know the answer to that question. I know that there is an inquest going on at the moment but I do not know the answer to that question.

Q262 Dr Huppert: Presumably you would want to encourage the Home Office to make sure they were able to give evidence because if there was culpability you would presumably want to be transparent about it.

James Thorburn: Yes, absolutely. This was a tragic event. I will be careful about what I say because it is under a coroner’s inquest at the moment, as you will appreciate, and there is also a Prisons and Probation Ombudsman review going on at the moment as well as our own investigation, as would always happen in any case of a death in custody.

But please be reassured of the seriousness that we have attached to this. It was a tragic event and I will await the findings but if I may say, in what I have seen so far, and in speaking to staff who attended at the event, and what I know from our own internal records, I have not seen anything to suggest that this was anything other than a very tragic and very sudden death. Indeed, in the coroner’s hearing that is going on at the moment, the independent GP who was commissioned by the coroner has said, “I do not consider that

this acute event could have been predicted nor prevented by the medical staff at Yarl's Wood".

An ambulance was called within three minutes of the collapse that happened and the panic button being pressed, and my view is I cannot see anything to say that our staff did not act entirely appropriately and in line with all our policies and procedures in such an event.

[Interruption.]

Q263 Chair: Order, order. Members of the public gallery cannot—sorry, order. I will suspend the session and we will end the inquiry if people interrupt witnesses from the public gallery. It is not in order.

I apologise to you for that. Please continue.

Q264 Dr Huppert: We will see what the inquiry has to say about it. Just one last thing, I cannot remember now which one of you it was who said you were very upset at the idea of Yarl's Wood being seen as closed. I am afraid I did not write down which of you it was.

James Thorburn: That was me.

Dr McGuiness: I agree.

Q265 Dr Huppert: There have been some reports that some international observers have not been allowed in to have a look. Presumably you do not want it to be closed so you would want international observers to be able to come and have a look. Can you clarify that for me?

James Thorburn: Absolutely. The idea that this is closed, all the detainees have mobile phones and there are no restrictions on being able to call out of the centre. They have access to IT facilities and the internet so that they are able to get on to sites like Yahoo and Hotmail and their internet accounts. We have not only the review bodies that I talked about but a lot of charities and other monitors coming through. Even though it is a secure establishment it is a very busy establishment: legal aid agencies; lawyers—we are dealing with several thousand lawyers a year coming in and meeting—we have the Befrienders who come in and work with detainees; we have Hibiscus; we have a variety of charities on site, so this is a very involved—

Q266 Dr Huppert: Again on page 26 of the report it says, "Detainees are not allowed to keep mobile phones with them during legal and social visits".

James Thorburn: During legal and social visits but they have them in the centre at all other times.

Q267 Dr Huppert: Just to be clear on the question I asked. You would welcome international observers; you have no desire to ban international observers from coming in to have a look?

James Thorburn: We are very happy for anyone that the Home Office is happy to come in to view the centre.

Q268 Dr Huppert: So you rely on the Home Office to stop people coming in rather than—

James Thorburn: Yes, that would be a decision that would be made by the Home Office, not by us.

Q269 Dr Huppert: But you would be entirely relaxed if they were to say yes.

James Thorburn: We are entirely relaxed, yes.

Dr McGuiness: Mr Chairman, if I may comment on that because I feel very strongly about this. We welcome openness. I think you will find in that specific instance there was a ministerial decision. It is not in our gift.

Q270 Chair: Is this Rashida Manjoo?

Dr McGuiness: I beg your pardon?

James Thorburn: Yes.

Q271 Chair: Is this Rashida Manjoo who is not allowed to come in?

Dr McGuiness: Yes.

Q272 Chair: You do not make that decision?

Dr McGuiness: We do not make that decision but if I may make our position clear to this Committee, we welcome openness and— correctly it is not in my gift—but we would very much welcome if the Committee were to come and visit.

Q273 Dr Huppert: Were you in any way consulted about it?

Dr McGuiness: I beg your pardon?

Dr Huppert: Were you consulted on that particular case?

Q274 Chair: Rashida Manjoo, were you consulted about whether Rashida Manjoo could come and visit?

James Thorburn: I am not familiar. I think that the lady concerned, the special rapporteur for the UN, that she turned up announced and without any arrangement, so in those circumstances where someone turns up like that we would certainly seek the guidance of the Home Office.

Q275 Dr Huppert: But you did not give the Home Office any advice yourselves?

James Thorburn: No, but generally we would be very happy for anyone to come into the centre to see what happens.

Chair: Excellent. Thank you. I think the Committee will want to come shortly.

Q276 Mr Winnick: The impression so far that you have given the Committee, both of you, is everything is perfect—if not perfect, near perfect—there have been some unfortunate incidents; “We are sorry about that and we will investigate and try to make sure it does not happen in the future.” That is the impression that at least I have, and I would imagine my two parliamentary colleagues have had today. Do you want us to buy that?

Dr McGuinness: If I may comment on that?

If that is the impression we have given, that is not the impression we intend to give. As I started off, the very first thing that I said is that we take this very seriously and one instance in one too many.

Then I went on to say what I said after that about the difficulties of Yarl’s Wood for people in it and for people managing it. It is not a perfect establishment; it is not a perfect world. We set ourselves extremely high standards and we try to live by those standards. We welcome openness, we welcome the independent bodies who review us very regularly, and as far as we are concerned when people come to visit the centre, they should make up their own minds and we welcome that absolutely.

Q277 Mr Winnick: I take the point, and I am sure other members of the Committee do, about having a look at the place but do you accept, Mr McGuinness, that the allegations that are being made are very serious indeed?

Dr McGuinness: Absolutely.

Q278 Mr Winnick: And you agree?

Dr McGuinness: Absolutely.

James Thorburn: Absolutely.

Q279 Mr Winnick: That these are not light matters, they are very serious matters?

Dr McGuinness: They are absolutely not light matters and I would not wish anyone to have that impression. That could not be further from the truth.

Q280 Mr Winnick: I wonder if you would comment, and if it cannot be today because of the manner in which we conduct these sessions, and you are the only two witnesses today, but if we had witnesses at another session who were detainees or their lawyers, as the case may

be, do you feel that the picture they would give us is anywhere near what you have told us today?

Dr McGuinness: I cannot answer that—

Chair: It is very difficult to speak over the bell. We will have to vote and we will return after the Division, if you could stay there. Your evidence is near the end so if you could stay there, thank you, and we will return.

Sitting suspended for a Division in the House

On resuming—

Chair: The Committee is now in session. Mr Winnick has the floor.

Mr Winnick: Mr McGuinness, Mr Thorburn, I have used the opportunity of the break when we voted to consult the Chair and my view, which I understand he shares, is that at another session, obviously not today, we should hear either from the detainees or their representatives. We have heard one side, your side. I am going to conclude by saying the following—I have no further questions—simply that I am not satisfied and I very much doubt if my colleagues are. You have spoken and answered questions frankly, I don't question that for a moment. You have given your side and I wouldn't question your sincerity but that is one side to the story. The allegations are so serious that we can't leave it at that and, as I hope, the Committee will hear from others but not today. I think those who are present in the room understand now the parliamentary procedure and we are not showing any disrespect to them at all but there are parliamentary procedures that we are under an obligation to observe.

Q281 Chair: Thank you, Mr Winnick. Mr Thorburn, you are telling this Committee that as far as you know and you have thoroughly looked at this subject—and you have the Home Office there, the independent inspector there, regulators there—that there are no members of your staff at Yarl's Wood that are involved in a sexual relationship with any of the detainees at the moment. Those where very serious allegations had been made have been dismissed and the others are also not on site. Is that what you are telling this Committee or is it something else?

James Thorburn: I absolutely agree with that, sir. If we knew of anyone who was having any inappropriate relationship with any detainee at the centre we would immediately act. We would take that extremely seriously. That is not behaviour that we would condone in any way and that person would be dismissed if that was found to be the case. The 10 dismissals that we have talked about were where that had occurred out of the 30,000 people we have had through the centre and where that has been found those people have been dismissed.

Q282 Chair: Dr McGuinness, you are taking this opportunity before the Select Committee to apologise to those women who have been the subject of sexual harassment, either verbally or otherwise in the broader sense, as a result of the dismissal of these 10 individuals?

Dr Bob McGuinness: That is correct, absolutely.

Q283 Chair: Again, you are reassuring this Committee that you have looked into this personally to make sure that this is not happening at the moment?

Dr Bob McGuinness: I am. I have been to the centre very recently and I have spoken at great length to a large number of people and, yes, I agree with that completely.

Q284 Chair: Would you send us a copy of this report that I have referred to?

Dr Bob McGuinness: Yes, yes.

Chair: The Committee will be visiting in the near future.

Dr Bob McGuinness: We welcome that, sir.

Q285 Chair: We will obviously inform the relevant Minister. Can I just confirm for the record, is the Serious Fraud Office still investigating Serco as a result of the overcharging, as was announced by the Lord Chancellor when he made a statement to the House or is that now at an end?

Dr Bob McGuinness: There is still an investigation continuing.

Q286 Chair: The Serious Fraud Office is still investigating your company?

Dr Bob McGuinness: Yes.

Chair: Even though you have admitted overcharging and you paid back the money?

Dr Bob McGuinness: That's correct.

Chair: Why are they still investigating you?

Dr Bob McGuinness: I think that's not for me to say. They have chosen to do so. We welcome—

Q287 Chair: Is it about other matters or directly related—

Dr Bob McGuinness: No, not as far as we know. What happened was there were two cases of wrongdoing. There was a much wider investigation carried out by the Cabinet Office. No other instances of wrongdoing, following a very thorough search, were found. The SFO have decided to look into it. We have no information whatsoever about any further wrongdoing, none whatsoever.

Q288 Chair: Okay, well that is very interesting and certainly I was under the impression this was all at an end but it is still ongoing. There is no incompatibility with you receiving £1.4 billion of public money and at the same time being investigated by the SFO.

Dr Bob McGuinness: No, sir, there is not. We went through quite a detailed process with the Cabinet Office. Reaching the settlement was part of that process. We, in collaboration with the Cabinet Office, wrote a corporate renewal plan and we have been sticking religiously to the implementation of that plan, monitored by the Treasury.

Chair: Thank you. Dr McGuinness and Mr Thorburn, apologies for the interruption of the vote but thank you for coming. We may write to you again on certain issues and we will let you know when we come to visit Yarl's Wood.

Dr Bob McGuinness: Thank you.

James Thorburn: Thank you.

Examination of Witnesses

Witnesses: **Peter Neden**, Regional President UK and Ireland, G4S, and **Jerry Petherick**, Managing Director, Custodial and Detention Services, G4S, gave evidence.

Q289 Chair: Mr Neden, you are the Regional President for the UK and Ireland at G4S and, Mr Petherick, you are the Managing Director of Custodial Detention Services for G4S, is that correct?

Peter Neden: Yes.

Q290 Chair: Good. Our questions relate to your management of detention centres, in particular Brook House and concerns that have been expressed about the way in which they operate. But before I come on to that, is G4S still the subject of an SFO investigation into the overcharging by G4S of the Ministry of Justice?

Peter Neden: I believe the SFO are still carrying out their investigations. We're not privy to the content and the nature of those investigations or at least I am not.

Q291 Chair: No. Who would be then?

Peter Neden: Our group legal counsel is the representative to the SFO on matters—

Q292 Chair: Right, but you say you "believe", do you know whether that is happening? Is it a belief or is it actually happening because it's quite a serious thing?

Peter Neden: As I said, I believe that the SFO are still conducting their investigations.

Chair: Right.

Peter Neden: I'm not aware of the nature of those investigations and whether that is in relation to G4S or other matters.

Q293 Chair: No, but you are the Regional President, Mr Neden, you would know, would you not, if the SFO was conducting an investigation into your company. Or are you not the Regional President for UK and Ireland?

Peter Neden: I am the Regional President for the UK and Ireland but our group legal counsel, because there is a necessary separation between the SFO inquiry and the employees of the company, our group legal counsel—

Q294 Chair: No, but you would know whether it was happening, I am not saying that you would be privy to every bit of investigation. Are you telling this Committee that you are the president of this company for the United Kingdom and Ireland and you do not know whether there is still an ongoing investigation or is there? We don't want to know the facts.

Peter Neden: I know they've started an investigation and I don't know the outcome of that.

Q295 Chair: Right, so it is not finished.

Peter Neden: That's my understanding.

Q296 Chair: Right. I can put down a parliamentary question but I thought since you were here and it's your company you might know.

What is the total amount of contracts that you get from the UK taxpayer in respect of Home Affairs or Justice matters?

Peter Neden: In terms of our central Government business it amounts to £500 million. In relation to the Home Office it is £60 million this year and if we were to include the police in that that would be an additional £49 million, so it would be £109 million with the Home Office.

Q297 Chair: Sorry, you need to speak up a little. What is the total amount of money that you get from the UK taxpayer then?

Peter Neden: £500 million and the Home Office is £109 million of that if we include the police.

Q298 Chair: Right. Have you repaid the fine, following the audit, that you had overcharged the Ministry of Justice? Have you repaid the money to the UK taxpayer?

Peter Neden: We have repaid the £109 million in relation to the electronic monitoring contract.

Q299 Chair: Right. Has that been paid in one lump sum or is it in instalments? Have you paid over the money or maybe they may not tell you these things?

Peter Neden: No, that money has been paid.

Q300 Chair: Right. In respect of Brook House and the issues to do with detention—we have just heard evidence about Yarl's Wood from Serco—how many detention centres does G4S run?

Jerry Petherick: We operate two immigration removal centres, Brook House and Tinsley House and the pre-departure accommodation, the Cedars, which is about six miles away from the Gatwick cluster.

Q301 Chair: In respect of these three organisations that you run, these three places, have there been any allegations of ill treatment made by members who are detained there, about the way in which they have been treated by G4S?

Jerry Petherick: There will, in every centre, be a number of complaints and, indeed, strange though it may be, we welcome the system of openness that people can complain, either to ourselves verbally, in writing, to the independent monitoring board, who are the group of lay visitors who provide that safeguard, to the Home Office or, indeed, through MPs. It's a way that I use to evaluate the issues in any centre, that augments my visits to the centre, and our other assurance processes.

Q302 Chair: You did not mention the Cedars, you also operate the Cedars, is that not right?

Jerry Petherick: Yes, we do.

Chair: You have three, Tinsley, the Cedars and Brook House.

Jerry Petherick: Yes, two immigration removal centres, one pre-departure accommodation, which is the Cedars.

Q303 Chair: Is the Cedars currently full?

Jerry Petherick: No. We obviously operate the Cedars as per the contract because people come there for very short periods of time and so we are very used to people coming for a maximum of 72 hours. If it's beyond 72 hours we have to get ministerial agreement for that period up to one week in duration.

Q304 Chair: Of course. In respect of, say, last night you would know these figures. How many bedrooms does the Cedars have, because I have visited the Cedars?

Jerry Petherick: We have nine accommodation units there.

Q305 Chair: As of last night how many were occupied?

Jerry Petherick: None were occupied last night, is my understanding.

Q306 Chair: How much does G4S get for running the Cedars on an annual basis?

Jerry Petherick: The annual—

Peter Neden: The annual revenue for Cedars is around £5 million.

Jerry Petherick: Yes.

Q307 Chair: £5 million, right. Why? It is completely empty.

Jerry Petherick: Last night. It will vary because it will depend on the entry of people from the community into the Cedars and so we obviously have no control over that.

Chair: We understand that.

Q308 Chair: Of the number of complaints that you have received, do you investigate all of them?

Jerry Petherick: Every complaint is looked at and we have to evaluate it as part of the contract and we would be very wrong not to because, as I say, it's one of my safeguards for operating any custodial environment or detention environment. I have done over 32 years in this environment, both in the public and the private sector as a Prison Service governor and area manager before joining the private sector some nine years ago. The issue of complaints—

Q309 Chair: Were you at the Home Office before you went to G4S?

Jerry Petherick: I was with the—

Q310 Chair: What was your job in the Home Office?

Jerry Petherick: I was a governor grade of various grades, from being an assistant governor to being an in-charge governor of two establishments. For the last five years I was the area manager for the south-west, so I had control and accountability and responsibility for the 13 establishments in the south-west.

Q311 Chair: Right. How many complaints have you received last year about Tinsley and Brook House?

Jerry Petherick: In total there were 700 complaints of one type or another and, as I say, it is important that we understand that this will have the complete gradation or continuum of the very serious to the less serious. But we have to look at that to evaluate it and we take responsible action. That can range from referrals to the police if it is very serious to us investigating locally.

Q312 Chair: You have seen in the newspapers and seen on television the reports of sexual harassment and, indeed, more serious reports in respect of the way in which Yarl's Wood has operated. Have you received similar complaints about either Tinsley or Brook House?

Jerry Petherick: No. To the very best of my knowledge—and I would know this—we have not had any similar allegations. There have been allegations of other detainees making advances and so on to detainees but in all of my experience throughout my custodial life I have known similar allegations and we would always investigate appropriately. I think, sadly, this is a facet of any closed establishment, be it a school, a hospital or whatever, because it does happen.

Q313 Michael Ellis: I would just like to ask you about a couple of other issues, in particular in relation to perhaps children and family facilities and the like. One of them is body cameras. Are body cameras used in all your facilities and are you considering their use more widely? And how are they used?

Jerry Petherick: They are used when an incident may be happening. We introduced these as an innovation in our bids for Birmingham and Oakwood Prisons.

Michael Ellis: Worn by the—

Jerry Petherick: Worn by front-line or first front-line managers. We looked at the experience of police services around the country and our experience has been wholly positive about this because they are worn but they are not operating until an incident either is happening or there is concern about it. We are very open about all our experience. Our staff say, "I'm about to turn on this body-worn video." The experience is very much that it has de-escalated and prevented harm to detainees and to staff and gives very good evidence. We use it as a training aid. We use it where necessary.

Q314 Michael Ellis: Yes. If misused, of course, it could be quite intrusive. Any evidence of its misuse?

Jerry Petherick: To date, no. We are very aware of that risk and we have made our policies very clear. We set it out to—

Q315 Michael Ellis: Mr Petherick, what safeguards are there for potential misuse? For example, if one of your staff was to turn it on when they ought not to be turning it on, can they later delete the material themselves?

Jerry Petherick: No.

Michael Ellis: They can't?

Jerry Petherick: No, it is downloaded centrally and only the management of the centre can delete it. If I am honest we had to convince the Ministry of Justice and, thereafter, the Home Office about the safeguards. The view is—and I'm delighted by it—that this has been wholly positive. I have shared it with representatives of the Prison Officers'

Association and they are wholly in support of it as well, as a safeguard for everyone involved in a situation.

Q316 Michael Ellis: Good. As far as access to external communication is concerned for people detained in your facilities, do you have safeguards in place so that if detainees wish to write to their MP, for example, that right is not interfered with by your personnel? What processes are there in place to ensure that people can make external communications with their democratic representatives?

Jerry Petherick: All detainees, other than the very small minority who may be at particular risk—but that is very controlled—can carry mobile phones and have mobile phones in their possession at all times. They have access to the internet—there are various safeguards to block out inappropriate sites obviously—and letters. There is a very wide range of communication available to individuals in the immigration removal centres.

Q317 Michael Ellis: Another point that I had was about access to healthcare. What recorded instances have you had of self-harm and attempted suicide in your facilities? How many occurred, for example, last year in your facilities?

Jerry Petherick: If I take Brook House as one example, this year we've had 36 instances of self-harm. That will range from—

Q318 Michael Ellis: How many people are detained there?

Jerry Petherick: 448 at Brook House and a very swiftly-moving population because the average stay there is 28 days and so a very high throughput of detainees.

Q319 Michael Ellis: But it is still approaching 10%, isn't it?

Jerry Petherick: Of a static population, yes.

Michael Ellis: Of a static population.

Jerry Petherick: As I suggest, it will range from a scratch up to very serious self-harm but we record it. Whenever it happens it is tragic both for the individual and for my staff who are caring for the individual. We operate all the processes, the ACDT system, we train our staff in it and remind them because we know of the impact of this.

Q320 Michael Ellis: Are the detainees assessed for both their physical and mental health?

Jerry Petherick: Yes. Under the contract every detainee who arrives at any of the immigration removal centres has to be seen by a nurse within two hours of arrival and a doctor within 24 hours of their arrival and we are measured on that.

Q321 Michael Ellis: What medically qualified personnel are on site at any one time, at three in the morning, for example?

Jerry Petherick: We have nurses on site at that time because it is a 24-hour operation. Where necessary, obviously there's a referral system for mental health issues. We have a mental health nurse on site every day, not necessarily 24 hours but we can triage as appropriate.

Q322 Michael Ellis: Finally from me, with your leave Mr Chairman, there are periodic issues involved in the restraint of detainees and improper restraint or excessive use of force that has led to casualty and sometimes death elsewhere in the custodial environment. What I want to ask you is about the training that your staff receive and who provides the training but in particular the standards of that training in relation to the restraint of detainees, appropriate methods of restraint so that permanent injury is not sustained. What can you tell me about that?

Jerry Petherick: If I could give some background first: in one of my positions with the Prison Service I was head of the security group and, therefore, I had responsibility for control and restraints training. All our staff are trained in the appropriate control and restraints techniques or the PCP techniques, which is a Prison Service developed technique. We send staff to be trained as trainers—they are refreshed on an annual basis—and they deliver the syllabus, which is common to both the Prison Service and the immigration service. In my experience—and I used to be a C and R Commander personally—this has been a first-class development. It is continually evolving. We know that the Prison Service is developing further techniques for the Home Office and it is a common curriculum across both.

Q323 Michael Ellis: You record these episodes of restraint, do you?

Jerry Petherick: Yes, we do. Every use of force is recorded and reviewed.

Q324 Chair: Finally, Mr Justice Mostyn was very critical, as you know, of members of staff of Brook House, those employed by you. He said that they had behaved disgracefully. Are they still employed by G4S?

Jerry Petherick: Yes, they are, following both an internal and an external investigation by the Home Office investigation and security group. There is still consideration being given by the Crown Prosecution Service about whether any charges could or should be laid and we are awaiting the outcome of that.

Q325 Chair: But are they still working for you?

Jerry Petherick: Yes, they are.

Chair: They are not suspended?

Jerry Petherick: No, they work—

Chair: A High Court judge suggested they should be prosecuted for forgery because of what they did with documents but they still continue to work for you?

Jerry Petherick: They were suspended initially and, as I say, we had an internal investigation, not by one of my team but from an independent part of the organisation; a former detective superintendent led the investigation. It was also investigated by the Home Office—the relevant investigations unit—and at this moment in time there has been found no case to answer. His Honour did refer it with concerns at the outset. We took those concerns exceptionally seriously.

Q326 Chair: It is a very good explanation, thank you for that. But this is a High Court judge saying that employees at Brook House near Gatwick Airport had behaved disgracefully. Does a superintendent outweigh a High Court judge?

Jerry Petherick: Any High Court judge who had concerns and referred it in that way would then understand that there will be an investigation and it would be for the investigation by a number of people—not just one organisation—to take a view and, as I say, we are still waiting—

Q327 Chair: With respect he did not say that. I think he asked for prosecutors to consider forgery and contempt charges. It was not, “Let somebody else look at this.” That is what he requested. Normally when a High Court judge says things like that they do not do so lightly. They are not me or you. This is a pretty serious thing.

Jerry Petherick: I accept that, Mr Chairman, but also in the course of natural justice there has to be an investigatory process and due process followed. I think we would all agree with that.

Q328 Chair: Mr Justice Mostyn was wrong when he said they had behaved disgracefully?

Jerry Petherick: No, that was his view and I would expect a High Court judge to then await the outcome of the investigatory process.

Chair: That is not what he was waiting for. He was very, very clear. They had falsified a document.

Jerry Petherick: That was his concern, yes.

Q329 Chair: Yes. You are saying they had not falsified a document?

Jerry Petherick: The investigatory processes by a number of people have not found that.

Chair: Right, so you think the he is wrong?

Jerry Petherick: I await the outcome from the Crown Prosecution Service before giving a personal view. All I can say is that the investigations have not found any wrongdoing at this moment in time.

Q330 Chair: Mr Neden, anything further you wish to tell the Committee in conclusion about what you all are doing to try and minimise the number of complaints?

Peter Neden: Jerry has already mentioned that our aim is not to minimise the number of complaints because receiving complaints is a sign of a healthy organisation.

Chair: Even though there were 700 last year? It does sound like an awful lot.

Peter Neden: As Jerry has explained there is a range of complaints from serious to matters of food and so on and we take each of those seriously. What is important, from my point of view, is that we investigate all of them, either with an internal person or with an external adviser. We will often bring in a former prison area manager or a prison governor to do those investigations. If appropriate we refer to the police but we always then keep our client, the Home Office, informed.

Chair: Thank you very much. Could you write to the Committee and just clarify the situation regarding the SFO?

Peter Neden: I will arrange for that to be done, certainly.

Chair: We just want to know matters of fact, not detail. Thank you very much for coming today.

Peter Neden: Thank you.