

Detainees under escort:
Inspection of a Third Country Unit removal to

France and Bulgaria

by HM Chief Inspector of Prisons

13–14 March 2018

Glossary of terms

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Fact page

Departure airport

Doncaster Sheffield Airport

Destination country

France and Bulgaria

Destination airport

Nantes, Toulouse and Sofia

Escort contractor

Tascor (part of Capita plc)

Number of detainees escorted

23¹

Number of escort staff

Seventy-four escort staff were on the flight. A further 30 escort staff assisted but did not fly.

Health care staff

Three travelled from the immigration removal centres, of whom two joined the flight.

Length of journey

13 hours and 25 minutes (maximum)

¹ One detainee was taken off the flight before departure and returned to an immigration removal centre (IRC). Twenty-two detainees were eventually removed (see paragraph 2.4).

Introduction

The UK is party to the Dublin Convention, a European Union law that determines which EU member state is responsible for considering an asylum claim, and allows member states to transfer an asylum seeker to the responsible state.² The Home Office's Third Country Unit (TCU) manages such removals to and from the UK. Many detainees are returned to third countries using scheduled flights, but in February 2017 the Home Office started to use charter aircraft to remove groups of detainees.

This report covers our second inspection of a TCU charter removal. Our first inspection of a TCU charter took place a short time before this one, in January 2018. The current report should be read alongside the report on the earlier inspection, when we identified serious concerns about the excessive use of restraints. During that removal, nearly all detainees were placed in waist restraint belts for the entire journey, usually without justification. We raised these concerns with the Home Office and its contractor, Tascor, shortly after the inspection.

We conducted the inspection reported on here soon after the first, in order to establish what, if any, action had been taken to address the concerns that we had raised. We found that practice had improved but was still poor. Many detainees who presented little or no obvious risk were placed in belts, with little justification, and stayed in them for very long periods. This seriously marred what was otherwise a generally efficient operation, during which we saw some good practice. Escort staff have a difficult role to perform, but there can be no compromise on their duty to treat detainees in a dignified and proportionate way while they are being removed from the country.

The role of independent scrutiny is to produce an objective account of what is observed during the course of an inspection, to identify good practice and to make recommendations for improvement. HM Inspectorate of Prisons uses independent human rights-based criteria to inform our judgements, and is not a regulator inspecting against self-generated policies. Regrettably, the Home Office responded to the evidence presented in our first report with an ill-informed defence. It soon became clear that senior managers were unaware of the shortcomings in their own internal assurance mechanisms. The complacency of this initial response has latterly been replaced with an acceptance of the evidence and an assurance that things will change. We will judge in due course whether this more constructive approach leads to better outcomes for detainees.

Peter Clarke CVO OBE QPM
HM Chief Inspector of Prisons

May 2018

² Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the member state responsible for examining an application for international protection lodged in one of the member states by a third country national or a stateless person.

Section 1. Summary

- I.1** Seventy-four escort staff removed 22³ people to three European cities on an Airbus A320. Overall, the operation was handled efficiently and safely, and staff were polite in their direct dealings with detainees. However, the operation was marred by examples of poor practice on which we have commented before.
- I.2** The staff briefing at Spectrum House, near Gatwick Airport, was better organised than on the previous TCU charter removal we inspected in January 2018, and references to risk were more proportionate, but it still provided limited guidance to staff. The briefing did not, for example, remind staff of the importance of detainee welfare and the stresses that detainees being forcibly removed might be experiencing.
- I.3** Thirteen of the 23 detainees who left the immigration removal centres (IRCs) were placed in waist restraint belts and all remained in them until they arrived at their destinations, up to 17 hours later. Although the use of these restraints was not universal, as we had found on the previous flight, it was not proportionate or necessary in many cases we observed. For example, one man was placed in a belt simply because he had taken too long to finish a call to his solicitor, and was kept in it despite apologizing and being fully compliant throughout. Staff had been briefed at the muster point that no belt should be removed before disembarkation, other than on medical advice. Handcuffs were used in three cases for pain compliance, and one of these detainees had both wrists handcuffed to his seat belt for almost half an hour.
- I.4** Two actively resisting detainees were carried onto the aircraft. Both incidents were handled professionally and safely, although there was still room for improvement as staff did not establish physical control of the detainees calmly and deliberately before starting to carry them up the steps.
- I.5** In a few cases, guiding holds were used on compliant detainees taken between the IRC discharge area and the coach, all in a secure area. This was unnecessary and led to detainees who had been fully compliant becoming agitated.
- I.6** There was some good practice at Colnbrook, where use of telephone interpreting to explain what was happening to detainees may have contributed to lower levels of force than at Harmondsworth. Professional interpreting was not used at Harmondsworth.
- I.7** Most staff made limited attempts to engage detainees and often chatted over their heads to each other. Conversation was sometimes loud, jocular and not considerate of the feelings of detainees undergoing a stressful experience.
- I.8** The flight was from Doncaster, which led to some very long journeys. Some detainees spent nine hours on the coach before the flight. All detainees were filmed boarding the aircraft, to provide a record in case detainees resisted and force was used. It was positive that staff explained to them beforehand why this would be done.
- I.9** There was no immigration surgery and we saw no detainees being told that a chief immigration officer would be on board the flight if they had queries.
- I.10** The disembarkations at Toulouse and Sofia were swift and efficient; that at Nantes took longer as this was the first TCU landing there, but the process was equally calm.

³ While 23 detainees were escorted to the aircraft, one detainee was taken off the flight before departure (see paragraph 2.4).

Section 2. Background

- 2.1** All inspections carried out by HM Inspectorate of Prisons contribute to the UK's response to its international obligations under the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). OPCAT requires that all places of detention are visited regularly by independent bodies – known as the National Preventive Mechanism (NPM) – which monitors the treatment of and conditions for detainees. Escorts are included in this remit. HM Inspectorate of Prisons is one of several bodies making up the NPM in the UK.
- 2.2** The Home Office's immigration enforcement directorate chartered the aircraft. Capita plc was the escort contractor, through its escorting arm, Tascor.
- 2.3** The operation was inspected from the point at which detainees were collected from Colnbrook and Harmondsworth IRCs. An inspector monitored the initial staff briefing at Spectrum House, Gatwick.
- 2.4** Two coaches – one from Colnbrook and one from Harmondsworth – and one van carried detainees to the airport; the van carried a woman who had become very upset and resistant when being collected from Colnbrook. Twenty-one men and two women left the IRCs; of the original 24 detainees rostered for the flight, one had been judged not fit to fly by the escort paramedic, and another was removed for legal reasons immediately after boarding the aircraft. The longest journey time was 17 hours and 44 minutes. The first detainee boarded a coach at Harmondsworth at 10.26pm and the last at 1am (all times GMT). At Colnbrook, the first detainee was placed on the coach at 10.15pm and the last at 1.00pm; the coach left Colnbrook at 1.10am. There was a break of one hour and 20 minutes en route for the coach from Harmondsworth and one hour and five minutes for the coach from Colnbrook. The coaches arrived at the airport at 6am. By 8am, all detainees had boarded the aircraft and it took off at 8.38am.
- 2.5** Two inspectors travelled on the flight, which arrived at Nantes Airport, France, at 10am. At 10.15am the plane took off again, and landed at Toulouse Airport at 12.45pm, leaving again at 1.30pm. It landed at Sofia Airport, Bulgaria, at 4pm.

Section 3. Safety

Expected outcomes:

Detainees are escorted in safety and due regard is given to individual needs and risks. Removals are conducted in accordance with law. Security and good order are maintained through proportional operational arrangements and force is only used as a last resort.

Preparation and departure from removal centres

- 3.1 Staff were briefed before the operation at Spectrum House, Gatwick. In contrast to our findings at previous inspections, managers ensured that all staff listened to the briefing. It was anticipated that there would be some use of force, but the focus on security was appropriate and did not overemphasise the risks posed by the detainees, which were not high. However, staff were instructed that if waist restraint belts were used, they should not be removed, other than on medical advice, until the detainee reached their destination airport. This instruction did not reflect the fact that the use of restraints should be proportionate to the risks and continue only for as long as is necessary.
- 3.2 No instructions were given as to when the waist restraint belts should be used in the most secure position – that is, when the detainee’s wrists are clamped to their hips – or on the use of handcuffs. However, appropriate advice was given on the need to complete use of force paperwork promptly.
- 3.3 Staff were instructed to focus on looking after the detainees. However, no guidance was given on welfare issues, such as the stresses that detainees might be under, the importance of treating them decently or giving them the opportunity to make telephone calls.
- 3.4 Staff were told that detainees represented a wide range of nationalities. They were not told, and the paperwork did not specify, the language that each spoke, so that interpreters could be arranged.
- 3.5 In the risk information given to Tascor, there was only one reference to a detainee who did not speak English. This detainee had previously been disruptive, and had been placed on an assessment, care in detention and teamwork (ACDT) case management document on 12 March as a result of a threat to kill herself; according to the risk notes, a nurse had seen her on 12 March, but had made ‘medical observations’ without an interpreter being present because none had been available in the dialect spoken by the detainee.
- 3.6 Escorts arrived at Harmondsworth and Colbrook IRCs at 10pm. Detainees were collected from their rooms by IRC staff; at Colbrook, three to four staff usually entered the room, which was not always necessary. In some cases, staff did not explain clearly what was happening. Many detainees had not known when they would be flying until they were collected from their rooms; most had been given notice only of a three-month removal window. Centre and escorting staff told us that this increased the risk of detainees being upset and disruptive when the moment of departure came.
- 3.7 A detainee at Harmondsworth hit his head, apparently deliberately, against a doorframe while IRC staff were removing him from his room, drawing blood. There was a further small cut to his wrist, which Tascor staff said was likely to have been caused by handcuffs applied behind his back by IRC staff. This case was being reviewed by Home Office managers. The

paramedic treated and dressed the wound, carried out a variety of tests and certified him as fit to fly.

- 3.8** When collecting detainees from their rooms, an IRC manager at Colnbrook asked detainees if they understood English. If their understanding was limited, he immediately contacted the discharge desk and asked the detainee custody officer to call a telephone interpreter. By the time the detainee reached the reception desk, the interpreter was usually on the line and able to help the Tascor coach commander explain what was about to happen, and to allow the detainee to express themselves and, in some cases, calm down (see also paragraph 4.6). It was notable that there was less use of force at Colnbrook than at Harmondsworth, where telephone interpreting was not used. At Colnbrook, the first detainee boarded the coach at 10.15pm and the last at 12.30am; the timings at Harmondsworth were similar.
- 3.9** At Colnbrook, when detainees arrived in reception, staff did not introduce themselves by name to detainees or explain the nature of their job. At Harmondsworth, the coach commander introduced himself by name to every detainee, and explained in English what was happening.
- 3.10** Almost all detainees were given paper and a pen to write down any telephone numbers that they might need when their mobile phones were taken from them. They were given access to Tascor mobile phones. All detainees had their property and money returned to them, and this was logged and signed for. On several occasions, escort staff ensured that detainees had seen that their money and SIM cards were being packed for them.
- 3.11** Some detainees were on the coach continuously for nine hours, and most for at least seven hours. The process of boarding the plane was carried out reasonably quickly, taking 45 minutes overall.

Good practice

- 3.12** *At Colnbrook, if detainees did not understand English well, a telephone interpreter was called immediately. By the time the detainee reached the reception desk, the interpreter was usually on the line and able to help the Tascor staff explain what was about to happen, and to allow the detainee to express themselves. In some cases, this clearly helped them to calm down and accept the escorts' instructions, and may have contributed to a lower use of force at Colnbrook.*

Security, order and personal safety

- 3.13** Escort staff at Colnbrook took one entirely compliant detainee by the elbows and marched him to the waiting coach. He was surprised and agitated as he had given no indication that he would not cooperate. This practice was not used for any other detainees at Colnbrook, unless they were non-compliant. All but one of the detainees at Harmondsworth were held by the arms when boarding the coach within the secure area.
- 3.14** The two female detainees being removed had been held in the Sahara women's unit at Colnbrook. One was compliant throughout, but the other appeared frightened on seeing the staff who came to collect her. She shouted 'no' repeatedly and would not leave the unit. She had telephoned her husband and cousin, both of whom spoke English and negotiated with staff. The detainee custody manager spent 15–20 minutes talking to her and her family, in an attempt to avoid use of force. He wanted her to go to the discharge area, so that he could talk to her with the help of an interpreter. Force was used only when it became clear that she would not leave and her family would not encourage her to do so. Two female officers and one male officer struggled for a couple of minutes to establish a hold on her and apply

handcuffs. She was then carried to the discharge area, where Tascor escorts applied a waist restraint belt, which was appropriate in this case; she was carried to the aircraft in the belt and a leg restraint. She became calm and compliant soon after take-off but remained in the belt in the restricted position. All boardings were filmed with a handheld camera, and this was explained in advance to the detainees.

- 3.15** Eleven detainees had been classed as posing ‘minor or no risk to successful transfer’, 13 as moderate risk. The only detainee classified as ‘high risk’ – who was also on continuous observation because of food refusal – was ruled not fit to fly (see below).
- 3.16** Thirteen of the 23 detainees who left the IRCs were placed in waist restraint belts, and they all remained in them until they arrived at their destinations. One man was put in the belt because a piece of razor blade was found in his pocket on searching, and he refused to board the coach, but was otherwise compliant. One of his arms was put in the restricted position at 1.15am and the other at 3.10am, and the belt was in place for 13 hours and 55 minutes in total. Another man was put in a belt because ‘he was verbally aggressive, swearing’. The reason for application of the belt in this case was ‘to calm him down, in case the verbal aggression turned to physical’; he was in the belt for 16 hours and 15 minutes. Another man was restrained in this way ‘because he had been disruptive previously. To enforce his removal without incident’; he was in the belt for 13 hours and three minutes. Another man was put in a belt, for the duration of the flight, because he refused to comply with the search at the IRC, but was otherwise compliant.
- 3.17** For one detainee, a waist restraint belt was kept in the secure position for the entire duration of the coach trip to the airport, and he told escort staff on several occasions that it was ‘a problem’. Staff explained that he was restrained because of what had happened when being placed on the coach, and that they were unable to loosen the restraint because it was the decision of the senior staff. The belt was placed in the restricted position to allow him to go to the toilet.
- 3.18** In several cases, the use of the belts clearly could not be justified by the detainee’s behaviour. For example, one man was placed in a belt because he had taken too long to finish a call to his solicitor and was kept in it, despite apologising and being fully compliant throughout. He was still in the belt as he was taken from the aircraft following a cancellation of his removal.
- 3.19** Five people were put in handcuffs. In one case, this was on the left wrist for pain compliance when the detainee threw himself down at the foot of the aircraft steps. Others, including a woman, were fitted with a handcuff on one wrist for a few minutes when resisting the fitting of the waist restraint belt in the IRC discharge area. One detainee was handcuffed from 11.47pm to 12.15am, having resisted boarding the coach.
- 3.20** Four detainees were on ACDTs – three men and one woman. One of the men, held at Colnbrook, had been refusing food for five days. He appeared unwell and weak, and had been on an ACDT and a constant watch. He was recorded as not cooperating well with health services staff. Although he had been passed as fit to fly that morning, the Aeromed paramedic conducted a careful health check on him and, finding his blood sugar level to be extremely low, judged that it was not safe for the man to travel, so he was taken back to the wing.
- 3.21** The 12 detainees from Harmondsworth were boarded on the aircraft between 7.10am and 7.33am. Two were carried on, one of whom was completely passive. The other was carried from the bottom of the aircraft steps, having refused to board and been restrained (waist restraint belt and leg restraint). Although staff showed more competence in dealing with these detainees than we sometimes see, they still did not gain full control of the person

before starting to ascend the steps, which increased the risk of harm to both the detainee and staff.

- 3.22** One detainee resisted when taken to his seat on the aircraft, and a handcuff was placed on one wrist for pain compliance. Both wrists were then placed in the handcuffs, with the seat belt through the cuffs. No waist restraint belt was used but the handcuffs were kept on for three hours and 20 minutes. He was fully compliant once he had been seated, and there was no obvious reason why the handcuffs remained on for such a long period before his compliance was tested and the restraints were removed.
- 3.23** The 10 detainees on the coach from Colnbrook were boarded on the aircraft between 7.34am and 7.45am. They all walked on, with no resistance.

Recommendations

- 3.24 All escorting staff should be briefed effectively about their duties, including accurate and balanced information on risk and welfare issues, such as the stresses that detainees may be under.**
- 3.25 Staff should only use force against people under escort as a last resort. Any use of physical force, waist restraint belts or handcuffs should be planned and sequenced, and limited to situations where it can be justified. Restraints should be removed at the earliest opportunity. Escort staff should behave in a professional, calm and measured way at all times.**

Section 4. Respect

Expected outcomes:

**Detainees are escorted in decent physical conditions and individual needs are addressed.
Detainees are treated with humanity and respect.**

Physical conditions and property

- 4.1 On the coaches, detainees were promptly given food and drink, with a reasonable range of food and snacks available. They were offered hot drinks on the coach but not on the plane, and no reason was provided for this inconsistency. Physical conditions on the aircraft were satisfactory. Detainees were not offered pillows or blankets.
- 4.2 Doors were kept ajar on the coach and aircraft when detainees used the toilets. This practice, embarrassing to detainees and staff alike, was apparently to prevent self-harm or disruptive behaviour, but was disproportionate. Its indiscriminate use was not justified. Some staff held the door open by about 5 cm, others placed their handcuffs in the door.
- 4.3 The coach from Harmondsworth stopped for a break between 2.45am and 4.05am, and that from Colnbrook from 3am to 4.05am, which seemed an unnecessarily long break. Detainees were offered hot food from a fast-food outlet during the break.
- 4.4 Property was treated with care and accounted for. One detainee complained of being cold on the coach journey (his jacket had been placed with his property while he was searched and restrained). Staff explained that his jacket was on another vehicle but that they would retrieve it before he was put on the plane. Although they attempted to do this, the property had already been taken for screening, and the detainee was boarded in a T-shirt. A female detainee travelling by van was also wearing flip flops and a T-shirt.

Respectful treatment

- 4.5 IRC staff did not knock before opening room doors, except in the case of the female detainees. They allowed detainees sufficient time to collect their possessions and dress warmly. Some staff took time to speak to the detainees in their care and focused on them. However, at various times escort staff talked and laughed loudly to each other; for example, when a detainee was restrained on the coach, nearby staff were laughing (we do not know what they were laughing about); another detainee was distressed in reception and staff were standing around laughing at something else. On some occasions, staff stopped talking in this way when detainees appeared distressed, but others were not considerate of detainees' situations.
- 4.6 At Colnbrook IRC, there was much better use of telephone interpreting than we usually see (see paragraph 3.8). However, there was room for improvement. Escort staff had not been trained to use clear and direct speech suitable for interpreting; in some cases, other staff were talking and laughing nearby and we were not confident that detainees understood all that was being said – for example, that physical force would be used if they did not comply. The language used by centre staff was not always clear; for example, some detainees were told 'we need to present you to the escorts for the charter flight'.
- 4.7 One detainee was used to interpret for another, with the latter's consent, in the Harmondsworth discharge area. On the coach, another detainee asked for an interpreter

and was told by escort staff that they had not been able to get hold of one and would try again later.

- 4.8** Mobile phones were offered, and used, by some detainees. They were all given a 'Speak Freely' information sheet on how to make a complaint about Tascor staff, although it was not obvious that it was about making complaints, and its purpose was not explained. No information was provided on making complaints about the Home Office immigration enforcement directorate.
- 4.9** Paramedics were present with the detainees at every stage, and were quick to intervene when necessary. They opened the sealed medical notes of every detainee, whether or not they had been alerted to any causes for concern.

Recommendations

- 4.10 Detainees being removed from the country should be held on a coach for the shortest time possible.**
- 4.11 Professional interpreting should be used routinely in all immigration removal centre discharge areas, to explain to detainees what is happening and give them an opportunity to communicate clearly with staff. Escort staff should be informed in advance of detainees who do not speak English.**
- 4.12 A detainee's medical records should only be opened and read when there is evidence of a cause for concern.**

Section 5. Preparation for reintegration

Expected outcomes:

**Detainees are prepared for their arrival and early days in the destination country.
Any unacceptable behaviour in destination countries is appropriately challenged.**

- 5.1 Many detainees were unaware of the precise date and time of the flight. All had been served a notice that outlined a period in which they could be removed, but some only became aware of the exact time when they were woken in the middle of the night. Some said that they had no connections in the destination country, although some of those going to France had lived there previously.
- 5.2 The Home Office chief immigration officer did not hold a surgery to answer detainees' questions. We were told that detainees could ask to speak with him during the flight but there was no evidence of detainees being aware of this, or of staff explaining it to detainees. We saw no detainees being given information about their destination country, or sources of support or advice.
- 5.3 Disembarkation at the destinations was efficient and straightforward. Detainees were walked individually to the aircraft door and the waist restraint belt was removed before handing them over to the authorities of the receiving countries.
- 5.4 There were quick turnarounds at Toulouse and Sofia, although there was a delay on the ground at Nantes before the detainees could disembark; we were told that this was due to uncertainties about procedure, this being the first occasion on which a TCU flight had landed at Nantes.

Recommendations

- 5.5 **Detainees being removed to a third country should be given information about the destination country, including the help available to those without means to support themselves or without family and friends in that country. Such information should be given in advance of the removal, and detainees helped to contact sources of support and advice.**
- 5.6 **Detainees being removed should be offered an opportunity to speak to a chief immigration officer during the flight.**

Section 6. Summary of recommendations and good practice

Recommendation

To the Home Office

Preparation for reintegration

- 6.1** Detainees being removed should be offered an opportunity to speak to a chief immigration officer during the flight. (5.6)

Recommendations

To the Home Office and Tascor

Respectful treatment

- 6.2** Professional interpreting should be used routinely in all immigration removal centre discharge areas, to explain to detainees what is happening and give them an opportunity to communicate clearly with staff. Escort staff should be informed in advance of detainees who do not speak English. (4.11)

Preparation for reintegration

- 6.3** Detainees being removed to a third country should be given information about the destination country, including the help available to those without means to support themselves or without family and friends in that country. Such information should be given in advance of the removal, and detainees helped to contact sources of support and advice. (5.5)

Recommendations

To Tascor

Security, order and personal safety

- 6.4** All escorting staff should be briefed effectively about their duties, including accurate and balanced information on risk and welfare issues, such as the stresses that detainees may be under. (3.24)
- 6.5** Staff should only use force against people under escort as a last resort. Any use of physical force, waist restraint belts or handcuffs should be planned and sequenced, and limited to situations where it can be justified. Restraints should be removed at the earliest opportunity. Escort staff should behave in a professional, calm and measured way at all times. (3.25)

Respectful treatment

- 6.6** Detainees being removed from the country should be held on a coach for the shortest time possible. (4.10)

- 6.7** A detainee's medical records should only be opened and read when there is evidence of a cause for concern. (4.12)

Example of good practice

- 6.8** At Colnbrook, if detainees did not understand English well, a telephone interpreter was called immediately. By the time the detainee reached the reception desk, the interpreter was usually on the line and able to help the Tascor staff explain what was about to happen, and to allow the detainee to express themselves. In some cases, this clearly helped them to calm down and accept the escorts' instructions, and may have contributed to a lower use of force at Colnbrook. (3.12)

Section 7. Appendices

Appendix I: Inspection team

Hindpal Singh Bhui	Team leader
Jade Glenister	Inspector
Deri Hughes-Roberts	Inspector
Martin Kettle	Inspector