

THE MANSTON INQUIRY

**Written Submissions on Behalf of Inquiry Participants represented by
Wilson Solicitors, Gold Jennings Solicitors and Bindmans
For Second Preliminary Hearing on 25 September 2026**

References to CTI/para are to CTI's Note; LoI/para are to the Inquiry's List of Issues

A. INTRODUCTION

1. These written submissions are provided on behalf of the three cohorts of former detainee Inquiry Participants ('IPs') represented by Wilson Solicitors, Gold Jennings Solicitors and Bindmans. They address issues identified at paragraph 4 of CTI's note. To the extent possible in the time permitted, we have liaised with other firms representing former detainee IPs to minimise duplication of work. In accordance with CTI/§5, we would request the opportunity to address the Chair orally at the hearing on behalf of the Wilsons, Gold Jennings, Bindmans cohorts.
2. Our clients are grateful to the Inquiry for the extensive efforts made to progress towards the commencement of public hearings since January 2026 and appreciate the transparency with which the Inquiry has reported on its work each month. They are, however, disappointed that there is no longer a date in sight as to when hearings will commence. The progression of the Inquiry's work depends on the cooperation of institutional witnesses who hold the vast majority of information relevant to the conditions encountered by those detained at Manston over the relevant period.
3. Our clients note with concern (i) the degree of non-cooperation and delay from some witnesses with the Inquiry, especially from those who had an important decision-making role and key contractors and their personnel (CTI/§§13-14); and (ii) late applications by institutional IPs for redactions of junior officials' names (CTI/§24-30), both of which have impacted on the Inquiry's onward disclosure of material and instructions to experts (CTI/§§17, 24). Our clients commend the Inquiry's robust and transparent approach to resolving these issues. We note, with concern, that the foreshadowing of more delays in the Material Provider Review process occasioned by further late applications for redactions from His Majesty's Treasury and the Home Office (CTI/§§26-27). These are avoidable delays for which the institutional IPs have not offered a good reason and do not appear to recognise how this impacts the Inquiry's ability to progress its important work.

4. Our clients are also disappointed by the absence, to date, of an undertaking from the Secretary of State for the Home Department ('SSHD') restricting the use to which detained people's evidence can be put (CTI/§20). Our clients appreciate the steps that the Inquiry has taken and is taking to resolve this, but are concerned that the SSHD's continued silence casts real doubt for them on the Home Office's commitment to learning lessons and on our clients' ability to participate effectively to assist the Inquiry's work: see §§22-23 below.
5. Our clients remain committed to assisting the Inquiry in its important work even if it means having to relive a traumatic period of their first weeks in the UK. However, their mistreatment and that of other former detained IPs at Manston occurred four years ago. The important objects of this Inquiry – to examine how and why our clients were detained in such deplorable conditions, to identify and hold to account those responsible and to ensure that lessons are learnt – have yet to be achieved. Against the backdrop of an increasingly politicised response to small boat arrivals, and escalating use of divisive and dehumanising language and tactics of intimidation toward asylum seekers and migrants, it is a matter of urgency that meaningful lasting changes are identified and implemented to prevent the mistreatment our clients suffered from recurring for others.
6. Our clients therefore strongly endorse the Inquiry's position that that "*there is a need now to press on and commence those hearings*" (CTI/§104). They call on the Inquiry to commence public hearings as soon as practicable in February / March 2027: see §§60-62 below.

B. SUBMISSIONS

Issue (a): Further witness statements from individuals or organisations

7. We agree with the Inquiry (CTI Annex D/§2) that it will be important to receive and hear direct evidence from individuals and officers who were working on the ground at Western Jet Foil and Manston, as well as more junior officials at institutions and departments. Their evidence is critical to assisting the Chair to address specific questions concerning the treatment of detained people at Manston. Our clients and other former detained IPs will, of course, be able to provide their accounts as to treatment experienced at Manston. Their evidence can answer questions of **whether** detained people were mistreated and **how** that mistreatment occurred. While some inferences may be drawn from their accounts as to **why** such treatment occurred, the Inquiry cannot properly understand the causes of that mistreatment without receiving and hearing evidence from those junior level staff from the Home Office, Border Force, and contractors operating in Manston.

8. In his witness statement, Andy Baxter of the Prison Officers' Association (mans001:00050172) described a visit to Manston from 19-20 October 2022 during which he observed site security staff standing around outside, appearing fearful and in his words, *"supervising from the outside"* of the tent. Yet it was apparent to him that the fears were unfounded. Mr. Baxter entered the tent himself and found *"some very sick people in the tent who needed medication and medical treatment"* but were unable to access it after their medication was confiscated on arrival (§30). He described an overpowering stench upon entering one of the tents and the lack of any bedding or mattresses for the approximately 180 people he estimated were being detained there. He saw emaciated detained people sleeping on cardboard boxes without bedding. From his perspective, the detained people were frustrated, *"pleading"* for answers about their situation but were *"not threatening"* (§30). Mr. Baxter was unable to discuss what he saw with the officials on site and instead was met by *"a uniformed member of Border Force who was clearly agitated at the situation and was shouting at Steve Lewis [his colleague] to tell me to 'fucking get out'"* (§30).
9. Mr. Baxter's evidence captures a striking snapshot of the relationship between the detained people and those guarding them and raises questions about the gulf in perception over the situation on the ground by security staff and the detained people. This is reflected in our clients' experiences and those of other former detained IPs. It is critical for the Inquiry to obtain first-hand accounts from the officers themselves about the physical conditions and atmosphere in Manston and about their attitudes, perceptions and reactions to the situation they encountered. These first-hand accounts will provide the Inquiry with the necessary insight to answer the important question of **why** detained people were subject to treatment that caused mental suffering, diminished human dignity and aroused feelings of humiliation and debasement. Was it a product of the environment in which staff worked, their own pre-existing prejudices toward migrants, the lack of training and support or a culture and tone set by operational leadership and / or those above them? These are matters that can realistically be addressed only by witnesses directly involved in day to day operations at Manston. Understanding those facts is essential to determining responsibility and accountability for the conditions at Manston and how people were treated. (LoI/§§12 and 29)
10. The need for such evidence is heightened by the widely known poor record-keeping relating to detention decision-making and review, the use of force and segregation, assessments of physical and welfare needs, and the management of safeguarding concerns and incidents.

11. As well, witnesses falling in this category are likely to have direct insight into the organisation and operation of both Western Jet Foil and Manston at the ground level and can give first-hand accounts of the conditions in which detained people were held. Their evidence is likely to provide a perspective rooted in operational reality, rather than the more remote, and predominantly desk-based perspective that may be offered by a “corporate” institutional witness.
12. By way of example, in the context of the ongoing prosecutions (CTI/§92 et seq.), the Inquiry rightly raises questions concerning the ethos of the Clandestine Operational Response Team and how alleged criminal activity (as per the CPS charges) was not detected at the time. While we agree that the Inquiry has to proceed with caution so as not to jeopardise those criminal proceedings, questions concerning the ethos and culture of a unit in which such conduct was alleged to have been rife plainly require examination. In our submission, it is not sufficient to hear only from Dan O’Mahoney, the Clandestine Threat Commander at the time. The perspective of a “corporate” witness from the Team or the Home Office is likely to be materially different to that of officers on the ground. While organisational ethos may be shaped by those in leadership positions, evidence from the operational staff on the ground is essential to understanding how that ethos translated into day to day working practices and culture, and whether it contributed to what appears to be a culture of dehumanisation, abuse and violence. The examples already identified by the Inquiry from the disclosed material, including the withholding of food, officers taking selfies with detained people, the use of racist language, shouting and intimidating detained people, inappropriate use of force and segregation, and the confinement of detained people in cell vans, illustrate the importance of examining those questions (CTI/§97).
13. At present, it is not apparent to us that the witness statements from the Home Office and its contractors received by the Inquiry to date are sufficient to establish the evidential basis required to answer the central question of why detained people at Manston were treated as they were. We adopt the suggestions made by the Duncan Lewis former detained IPs, in particular, in respect of the need for witness evidence from:
 - (i) Immigration Officers making and reviewing decisions to detain at Western Jet Foil and at Manston;
 - (ii) Border Force Officers deployed to front-line duties at Western Jet Foil and Manston;
 - (iii) Immigration Officers tasked with conducting asylum screening interviews and age assessments;

- (iv) Detention Custody Officers and guarding officers (including Interforce and security staff);
- (v) Site managers such as Mitie's Paul Morris (referred in Mr. Baxter's witness statement) and other site managers, as we understand that clusters of tents were managed by different contractors and / or Border Force;
- (vi) Members of the Manston Detention Monitoring Team and other on-site welfare and safeguarding staff.

Issue (b): The provisional witness list

14. We are grateful to the Inquiry for providing us with a provisional witness list, we appreciate that this is not fixed and will be kept under review as the evidence develops.
15. We agree that as a matter of principle, the list should be sufficiently broad to include officials below corporate witness level who are able to speak directly to conditions on the ground at Manston. The reasons set out above in support of obtaining witness statements from officers who were working on the ground apply with equal, if not greater, force to the hearing of oral evidence from such witnesses. It is critical not only that the Inquiry hears a balanced range of perspectives and experiences in order to fulfil its Terms of Reference and make recommendations aimed at preventing future harm, but also to ensure that the public can hear those perspectives. This is particularly important where, as already appears from the disclosed material, allegations of misconduct toward detained people may not have been isolated incidents but may instead reflect broader patterns of behaviour and aspects of the institutional culture prevailing at the time.
16. Other cohorts of former detained IPss have made more detailed submissions concerning additional witnesses from whom the Chair should hear oral evidence. We adopt those submissions and do not repeat them here. We would, however, emphasise two concerns. First there is presently a concentration of Home Office witnesses at the corporate level (all being either Director or Deputy Director level), with an apparent absence of more junior Home Office or Border Force officials who worked on the ground in the day to day at Manston. Second, a similar issue arises in relation to contractor witnesses. It is apparent from the disclosed material that detained people interacted primarily with security officers assigned to individual tents and with managers responsible for overseeing groups of tents. Their evidence is therefore likely to be of particular importance.

17. More generally, and subject to the above observations, we agree that the provisional witness list encompasses the categories of individuals whom we would expect to be called to give evidence when public hearings commence. We note, however, with some concern the difficulties that the Inquiry has encountered in obtaining witness statements from certain witnesses, including the need to publish a statement on the Inquiry website and to raise issues of non-cooperation in its monthly updates and in CTI's note.
18. A particular concern for our clients is the apparent lack of reliable cooperation from certain individuals associated with Medevent in providing further, updating witness statements (CTI/§14), together with the absence of any response from key Medevent personnel to invitations to apply to be an IP in their own right in circumstances where they are likely to face criticisms concerning clinical care provided to Mr. Ahmed at Manston (CTI/§18). For many of our clients, their inability to access any or any adequate medical care had profound consequences for their physical and mental health. One client contracted diphtheria and did not receive prompt medical intervention, requiring hospitalisation and suffering lasting physiological and psychological effects. Many clients contracted other infectious disease including gastroenteritis, skin infections and respiratory illnesses whilst at Manston. Other clients were unable to access essential medication or treatment including for antenatal care and for pre-existing health conditions such as fibromyalgia and asthma. That was distressing and painful at the time, and in some cases, continues to affect their health.
19. In those circumstances, it is essential that relevant witnesses from Medevent, as the provider of clinical services at Manston, cooperate fully with the Inquiry and attend hearings as required to give oral evidence. Their evidence is likely to be critical to understanding the clinical services arrangements and resources available on site, the approach taken to the provision of healthcare, including treatment for physical and mental health conditions, and any challenges arising from the available resources, operational arrangements and infrastructure available at Manston during the relevant period. If relevant witnesses do not cooperate with the Inquiry's requests to provide evidence, the Inquiry risks being deprived of evidence that is vital to building a complete picture of the conditions on the ground at Manston, the role those conditions it may have played in the mistreatment of detained people and the reasons why such treatment occurred. The same concern applies to any other witnesses identified on the provisional witness list or within the categories of additional witness identified by the former detained IPs.

20. We have no doubt that the Inquiry will give careful consideration to whether it has all the necessary measures and arrangements in place and the ability to deploy them to ensure the attendance of those witnesses whose evidence is required.

Former detainee IP witnesses

21. At present, the proposed witness list does not include any former detainee IPs who may be able to assist the Inquiry by giving oral evidence. While not all of our clients have provided draft witness statements, that work is well advanced. Wilsons has already provided the Inquiry with 17 draft witness statements on behalf of individuals and families of IPs. Gold Jennings is due to provide the first tranche of finalised but unsigned statements with exhibits from our clients and are working at pace to complete the remaining statements for the Inquiry's review. The Bindmans cohort is likewise making substantial progress in the preparation of witness evidence.
22. In parallel, work is being undertaken to identify those former detainee IPs within our cohort who may be suitable to give oral evidence. However, as stated above, these efforts continue to be hindered by the absence of an undertaking from the SSHD, restricting the use to which detained persons' evidence could be put. The Inquiry first sought that undertaking on 7 July 2026 (CTI/§20). We are grateful for the steps that the Inquiry has taken, and continues to take, to secure a response. Our clients, like any other witness to the Inquiry, are entitled to participate effectively in an inquiry concerned with their experiences of detention and alleged ill-treatment at Western Jet Foil and Manston. They should feel able to give an account of their experiences openly, without inhibition or fear that doing so may have punitive consequences for their immigration status. The continued absence of a response on the proposed undertaking is particularly difficult to understand given the terms sought mirror those provided by the Home Office in the Brook House Inquiry.
23. In circumstances where the Home Office, as the sponsoring department, has committed to an Article 3-compliant investigation into the events at Manston during the relevant period, it would be deeply regrettable if the effectiveness of such an investigation were undermined by action, or omission, that has the effect of deterring or inhibiting witness evidence from former detained IPs. Securing the effective participation of those most directly affected by the matters under investigation is integral both to the Inquiry's fact-finding function and to its ability to identify responsibility, secure accountability and make meaningful recommendations for future prevention.

Issue (c): Special measures

24. We are grateful to the Inquiry for its careful consideration of the former detained IPs' proposals on general special measures for vulnerable witnesses. We note the approach proposed by the Inquiry (CTI/§§80-90), including the need for individualised assessment of the necessary special measures. While we agree that whether and what special measures are necessary will generally require case by case consideration, we make the following observations for the Inquiry's consideration as it prepares for public hearings:
25. **First**, the Inquiry has indicated that former detained IPs can make a reasoned application requesting that they be questioned by CTI of a particular gender (CTI/§87). We invite the Inquiry to extend this approach to requests for an interpreter of a particular gender. We recognise that the Inquiry cannot guarantee interpreter availability and may have limited control over this issue (CTI/§88). However, consideration should be given to advance arrangements that can be made with contracted interpretation providers to maximise prospects of accommodating such a request where required by a vulnerable witness.
26. Request for interpreters of a particular gender are a familiar and well-established adjustment in the immigration tribunals and in civil and criminal court proceedings. In immigration and asylum appeals, appellants can request a single-gender Tribunal, to include the Judge, interpreter and representatives of a particular gender: see Joint Presidential Guidance Note No.2 of 2010: Child, vulnerable adult and sensitive appellant guidance¹ (section 5.3). Such requests commonly arise where a person has experienced gender based or sexual violence or where a person's cultural and religious background make discussion of sensitive matters with a different-gender interpreter inappropriate. The Home Office itself permits asylum claimants to state a preference for the gender of both interviewer and interpreter² during the asylum process. These are routine and sensible adjustments designed to enable individuals to participate effectively and give their best evidence. They are central to ensuring procedural fairness throughout the decision-making process and during proceedings.

¹ <https://www.judiciary.uk/wp-content/uploads/2014/07/ChildWitnessGuidance.pdf>

² Home Office Asylum Policy Guidance: Asylum Interviews (version 10.0) published 10 October 2025: p: providing for where a request for a particular gender interviewer and/or interpreter is made, the Home Office '*should make every effort to meet this requirement as far as is operationally possible*' (page 29): <https://assets.publishing.service.gov.uk/media/68ef732a8427701993d5e0c9/Asylum+interview.pdf>. The Home Office Asylum Policy Guidance; Gender in asylum claims (version 3.0) published 10 April 2018 makes the same provision (page 30): <https://assets.publishing.service.gov.uk/media/5acf9250ed915d32a65dba29/gender-issues-in-the-asylum-claim-v3.pdf>

27. We understand that the Inquiry may not always be able to secure an interpreter of a particular gender, for example, where a language required is rare, or interpreter availability is limited. Nonetheless, where the need is justified, we invite the Inquiry to use its best endeavours to accommodate them. The ongoing review of the provisional witness list is likely to provide an opportunity to identify, at an early stage, any specific interpreter requirements. This, we hope, will allow sufficient time for such arrangements to be made, this being important not only in relation to gender requests but also in respect of suitably qualified interpreters for languages or dialects which may be in limited supply.
28. **Second**, in relation to witnesses meeting their interpreter in advance of giving evidence, we recognise the logistics and cost implications this may entail (CTI/§90). However, experience in the immigration tribunals demonstrate that an interpreter may speak the correct language, but have a dialect or accent which may impede mutual effective understanding and communications. This arises with some frequency in languages spoken by our clients including the Arabic and Kurdish languages.
29. Permitting a witness to speak with their assigned interpreter before giving evidence would provide two benefits: (i) it would identify any dialect or communication issues before the commencement of a public hearing; and (ii) assisting vulnerable former detainee IPs to establish some rapport and reduce anxiety about giving evidence. Recognising the costs and logistical implications of arranging a separate meeting prior to the date of hearing, a compromise would be to ensure that interpreters are available at least an hour before a witness is due to give evidence, allowing time for this conversation to take place.
30. **Third**, we invite the Inquiry to adopt as presumptive measures for former detainee IPs: (i) questioning in the presence of only a reduced number of representatives (CTI/§84) and (ii) prohibition on filming or broadcasting of the faces of former detainee IPs (CTI/§85). Unless a witness elects otherwise, these measures could apply by default, thereby reducing the need for individual applications and associated administrative burdens. As CTI notes, these measures are unlikely to be contentious across this cohort.
31. **Finally**, and relatedly, the Inquiry is invited to consider securing independent trauma-informed emotional support for IPs and witnesses who give evidence to the Inquiry. Participation in public inquiries may be stressful and/or re-traumatising. A number of specialist organisations offer such support. By way of example, Hestia who appears to be an organisation with particular expertise and who provides this service to IPs and witnesses to

inquiries.³ Ensuring that psychological and emotional support is available to them, if required, would appropriately recognise that many former detainee IPs will be asked to revisit experiences that were intensely traumatic and distressing

Issue (d): Outstanding disclosure

32. We acknowledge the significant volume of disclosure which the Inquiry has already provided (CTI/§33), but note that this represents just 50% of the total disclosure that the Inquiry expects to provide to IPs. We appreciate the extensive efforts made by the Inquiry to continue to progress the volumes of disclosure received in a prompt and methodical way since the first preliminary hearing in January 2026 and understand that this task has had its challenges. We note and welcome the Inquiry's decision to shift its document management system onto a Relativity-based system which in our experience will assist all as the Inquiry progresses towards public hearings.
33. As already noted above, we do not consider it acceptable that the Inquiry's progress has been and is being hampered by some institutional IPs including through avoidable delays in the Material Provider Review ('MPR') process and belated applications for redactions that should have been foreseen and addressed much earlier as invited to do by the Inquiry.
34. We seek to reiterate that the Inquiry's readiness to proceed to public hearings will require full co-operation from organisational IPs to ensure that outstanding matters are addressed promptly and there are no further delays of the kind that have arisen to date.

Issue (e): Experts

35. We are grateful for the opportunity to address the Chair further on the joint request made on behalf of former detained IPs (CTI Annex C) for further expert witnesses to be instructed. The former detained IP cohorts have coordinated. These submissions explain why the instruction of an expert on organisational culture (not limited to issues concerning racism) would assist the Chair in investigating and reaching conclusions on the issues under the Terms of Reference, elaborated in the provisional List of Issues: see Request (4) of DPG's letter of 7 July 2026.
36. CTI's Note (§44-47) sets out the principles governing the instruction of experts, emphasising that expert evidence should assist on matters of specialised knowledge beyond the Chair's

³ <https://www.hestia.org/listing/category/public-inquiries>: detailing their support service provision in multiple public inquiries including the Lampard Inquiry, Cranston Inquiry, Covid-19 Inquiry among others.

“knowledge or human experience” (CTI/§46). We agree with those principles, and submit that properly applied, they support the instruction of an expert on organisational culture and institutional racism. Such evidence is both necessary, and likely to provide significant assistance, in enabling the Chair fully to discharge her investigative and fact-finding functions under the Terms of Reference.

37. Addressing the questions set out in CTI’s Note at §§44-45 in turn:

Do the questions, upon which the opinion of an expert is sought, fall within the Inquiry’s Terms of Reference?

38. **Yes**. Although the Terms of Reference require the Inquiry to *“consider no more evidence than is reasonably necessary to discharge”* its functions, that requirement must be applied in the light of both the Terms of Reference and the Inquiry’s obligation to conduct an Article 3 compliant investigation.

39. The Terms of Reference require the Chair not only to determine *“the conditions encountered at Manston”* and *“the treatment of those detained... by staff at Manston, including by contractor provided staff”*, but also to investigate *“the decisions, actions and circumstances”* that led to those conditions and to identify *“whether there are lessons to be learned regarding the Home Office’s handling of the incident.”*

40. The Inquiry’s task is therefore not merely to establish what happened during the relevant period but **how** and **why** it happened in order to fulfil the important object of identifying lessons learned and preventing future occurrence. Where the matters under investigation concern dehumanising, abusive and violent treatment, and indifference to human dignity and welfare, meaningful lessons must address the underlying causes of that mistreatment and how similar harm can be prevented in future to anyone irrespective of age, gender, nationality, ethnicity or race.

41. The Inquiry rightly recognises (at CTI/§66) that organisational ethos falls within scope of the Terms of Reference. It also recognises that allegations of racist language, intimidation and inappropriate force toward detained people *“raise questions”* about the ethos of teams within the Home Office, Border Force and contractors (CTI/§96-97). Those questions cannot be answered by treating incidents as isolated examples of individual misconduct. Nor can racism be reduced to overt racist acts. It is necessary to examine whether dehumanising, abusive or racist conduct reflected wider organisational attitudes, assumptions or cultures, how such

conduct came to be tolerated, and whether decisions at policy, leadership and operational levels contributed to it. An organisational ethos capable of sustaining such conduct over a prolonged period did not emerge spontaneously. Investigating how it developed at the highest level of government, was transmitted through decision-making structures and manifested on the ground is essential if the Chair is to identify responsibility, draw meaningful lessons and make recommendations capable of preventing recurrence of harm.

Do those questions go to matters within the Inquiry’s existing provisional list of issues?

42. **Yes.** Although the Chair ruled on 6 February 2026 (at §12) that institutional racism does not “need[] to be a separate issue” (emphasis added), the Chair recognised that organisational or institutional culture cut across multiple issues concerning treatment of people, leadership and decision-making. This is the correct approach. Institutional racism and organisational ethos cannot sensibly be confined to a single standalone issue; they pervade the Inquiry’s investigation and the Terms of Reference as a whole (§§38-41 above).
43. As the Chair also recognised, the question of the treatment that individuals experienced, is not limited to the physical conditions or practical arrangements at Manston but also “encompasses broader questions as to whether people were treated with dignity and respect.” (Ruling 6 February 2026, §2). To determine whether people were treated with dignity and respect, the Inquiry must also examine why they were not, taking into account the complex organisational and institutional cultures that informed the relevant policies, decisions and conduct.
44. In those circumstances, the absence of institutional racism as a “*separate*” issue on the provisional list of issues does not mean that an expert on organisational culture and institutional racism is unnecessary or incapable of providing assistance that is reasonably necessary to the Chair’s investigation.
45. Nor can the provisional list of issues limit the scope of the Article 3-compliant investigation required by the Terms of Reference. The list of issues’ purpose is to assist the Inquiry to organise its work into subject areas. As the Inquiry has recognised, the list “*is not exhaustive*”, and is intended to form a “*flexible framework for the Inquiry’s ongoing investigations.*” (CTI Note January 2026, §22). Questions of organisational culture and institutional racism inevitably arise within that framework, particularly given the repeated focus on responsibility and accountability for the planning, operation and oversight of Manston at every level, from Ministers and senior civil servants. Issue 53 appears expressly

designed to capture the broader context, including ministerial and senior official decision making at and oversight of Manston, to the extent not already covered by the other issues.

Would the proposed instruction assist the chair in fulfilling the Inquiry's Terms of Reference?

46. **Yes.** The Inquiry has rightly adopted (at CTI/§67) Sir William Macpherson's definition of institutional racism, namely *“the collective failure of an organisation to provide an appropriate and professional service because of colour, culture or ethnic origin”* manifested through both *“overt”* discrimination and *“unwitting prejudice, ignorance, thoughtlessness and racist stereotyping”*. The significance of that definition is that racism operates not only through individual acts, but through organisational processes, culture and decision-making which may be more subtle, hidden and pervasive. Macpherson further recognised that such discrimination can become embedded in an organisation's ethos where its existence and causes are not properly identified, accepted, and addressed through policy, leadership and accountability.
47. We recognise that the Chair takes seriously the need to investigate organisational ethos and culture, as acknowledged at CTI/§8, 66, 71, and the CTI note expressly acknowledges that issues of organisational ethos fall within the Terms of Reference. We have no doubt that the Chair, with the assistance of the Inquiry team, has been and will continue to be conscientious in her review and analysis of evidence that may throw light on whether and to what extent detained people may have been subject to a process of dehumanisation and been exposed to deplorable conditions that prevailed at Manston during the relevant period (CTI/§69). We agree that this work will be augmented by the Chair hearing testimony in public hearings from those charged with making decisions and those who worked at Manston (CTI/§70, assuming that officers and contracted staff working on the ground at Manston in day to day operations and security will be called to give evidence. (§§7-13, 15-20 above)
48. Our submission is not that this work is misdirected, but that it cannot be fully completed without specialist expert assistance on institutional racism and organisational culture. Evidence of racist language, intimidation, and abuse (i.e. use of force and segregation) may establish racism in its overt form, but the Macpherson analysis highlights the need also to examine whether unwitting prejudice, stereotyping, and institutional assumptions contributed to the treatment experienced at Manston, and whether this persisted because the Home Office and other institutions and contractors failed to *“recognise and address its existence and causes by policy, example and leadership.”*

49. The evidence summarised by Deborah Coles of INQUEST (mans001:00077479) shows precisely this pattern of findings: repeated findings by independent reviews and investigations and Coronial reports and judicial rulings of cultures of disbelief, dehumanisation, racism and systemic failure of safeguards for vulnerable detainees across the immigration detention estate, but no structural change, and indeed a deterioration in safeguards, healthcare, conditions and culture across the detention estate.
- (i) The Prisons and Probation Ombudsman ('PPO') investigation into Yarl's Wood Immigration Removal Centre ('IRC') (2004) (by Stephen Shaw) documented racism, racial profiling, and xenophobia amongst staff (§47).
 - (ii) The PPO Inquiry into Oakington IRC (2005) (by Stephen Shaw) found "*a sub-culture of abusive comment, casual racism, and contempt for decent values,*" highlighted that detention centres "*can become a breeding ground for racism and abuse,*" and expressed concern that only basic grade officers were disciplined, with "*supervisors and managers avoiding responsibility and accountability for allowing a 'sub-culture of racism' and abuse to develop with impunity.*" The PPO made 54 recommendations to stop the automatic profiling of Eastern Europeans and making generalisations when segregating detainees, and having clear guidelines on monitoring contractors. (§48-50)
 - (iii) The 2013 Mubenga inquest revealed not a couple of "*rotten apples*" but "*a more pervasive racism within the private contractor*", with the Coroner finding that "*such systemic racism and racial stereotyping would inform both the internal culture and racist and inappropriate treatment towards detainees*", resulting in a failure to "*personalise*" detainees, and "*a lack of empathy and respect for their dignity and humanity.*" She identified the complex interplay between recruitment, workforce composition, contracting structures, and the absence of "*any performance measures or contractual requirements directed at securing or promoting equality.*" A Preventing Future Deaths report set out detailed recommendations directed at the Home Office. (§57-58)
 - (iv) Stephen Shaw's 2016 Review confirmed "*underlying systemic failings,*" a "*culture of disbelief,*" and deficiencies in the statutory safeguards so entrenched that he concluded "*the Home Office does not trust the mechanisms it has created to support its own policy.*" (§87-90)
 - (v) Stephen Shaw's 2018 follow-up recorded "*a gap between the laudable intentions of policymakers and actual practice on the ground*" and "*an undercurrent of suspicion or disbelief*" towards detainees who harmed themselves. (§111-112)

- (vi) The Brook House Inquiry ('BHI') (2023) crystallised these themes, finding a "*toxic culture*", Brook House IRC as a "*breeding ground for racist views*" and a "*culture of dehumanisation*", alongside a wholesale failure of safeguards and a "*culture of disbelief*" in which distressed behaviour was mischaracterised as refractory. The Chair recommended, *inter alia*, a fundamental review of detention safeguards, and cultural change across the estate. She concluded that many of her findings and recommendations "*closely mirror*" earlier investigations and reports, and that the failure to learn lessons runs as "*a dark thread*" through the report. (§115-128)
- (vii) Yet, subsequent reports in 2024 and 2025 from HM Inspector of Prisons and the Independent Monitoring Board on Harmondsworth IRC and Brook House recorded "*the worst*" outcomes seen in IRCs: deteriorating healthcare "*stretched to breaking point*", chronic under-use and delay of detention safeguards, high levels of unmet mental health need, increased violence, self-harm, use of force and prolonged separation. (§129-134, 145, 162)
- (viii) The High Court in *AH and IS v SSHD* [2026] EWHC 127 (Admin) found an Article 3 systems breach in relation to the detention safeguard of Rule 35 at Brook House as late as 2023–2024, holding that the Home Secretary knew the system "*had not been working for many years*" and that many of the issues were known "*at least as far back as 2017*".

50. Two decades on, the pattern is not one of isolated error, but of systemic failures, rooted in organisational cultures of ignorance, thoughtlessness, disbelief and racism, repeatedly known and repeatedly unremedied. Against that background, it is not sufficient to simply ask what happened at Manston but why similar failures have continued to arise across the detention estate despite repeated scrutiny and reform efforts. Understanding how organisational culture, institutional racism and systems of accountability influenced strategic decisions, operational practice and oversight is not a matter of straightforward factual inference.
51. In our respectful submission, the Chair's task is not only to establish the conditions and treatment of detained people at Manston, but to investigate "*the decisions, actions and circumstances*" which led to them, and to identify "*lessons to be learned.*" This requires a structured analysis of how institutional racism and organisational culture operated at multiple levels. Deborah Coles situates the events at Brook House and Harmondsworth IRCs within a wider "*continuum of racialised state harm*", encompassing hostile environment policies, the criminalisation of "*illegal arrival*" under section 40 of the Nationality and Borders Act

2022, and increasingly hostile political and media rhetoric around small boats, all of which have been found to disproportionately impact people who are “*visibly not white*” Those structural factors contributed to cultures of dehumanisation, disbelief and othering in detention, and show how race, nationality and mode of arrival are intertwined.

52. CTI’s Note itself (at §69) recognises the potential overlap between the treatment of those arriving by small boat and the treatment of particular ethnic groups (CTI/§69). That overlap - between criminalised “*small boat*” arrivals and racialised groups targeted by hostile environment policies and media rhetoric – is precisely the sort of subtle, organisational racism Macpherson describes.
53. An expert in institutional racism and organisational culture is needed to assist the Chair in (i) analysing that relationship, (ii) distinguishing overt racist acts from more subtle forms of prejudice and stereotyping; (iii) mapping how racialised narratives about small boat “*offenders*” and enforcement priorities shaped decisions at a policy level and in practice at Manston; and (iv) assessing how organisational culture and institutional racism shaped planning, policy, contract decision-making and operations at Manston.
54. Expert input is also needed because, as the history summarised by Deborah Coles indicates, previous tribunals and independent reviewing bodies have already made careful factual findings and reasoned recommendations, without achieving the level of change that Article 3 compliance requires. The Brook House Chair expressly identified the Home Office’s “*failure to act on serious issues and concerns*” and the absence of effective follow-up as key themes. This demonstrates that high-quality investigation alone has not been enough: there has been regression, not progress.
55. Expert evidence would not supplant the Chair's role in determining the facts. Rather, it would provide specialist expertise on how institutional cultures develop, persist and resist reform; how racism can become embedded within systems, structures and oversight arrangements even where individual actors deny bias; and what recommendations are more likely to achieve meaningful organisational change. Expert evidence has shown to be instrumental in assisting inquiries to address these issues. Examples include Dr. Robert Oakley’s role as the institutional culture and race expert for the Macpherson Inquiry, Professor Bosworth’s contributions to the BHI, and the role played by the independent expert panel whose report informed the findings made by the Coroner in the Hillsborough Inquests that followed on. In

each case, expert analysis assisted in exposing systemic and cultural factors that might not otherwise have been readily apparent from the factual evidence alone.

56. Parliament has likewise recognised the value of specialist expertise in uncovering the nature and scale of discriminatory conduct on grounds including race, ethnicity, nationality, religion and disability. Section 114(7) of the Equality Act 2010 requires judges to hear discrimination claims alongside an assessor with requisite specialised expertise, unless there is good reason not to. The requirement is only departed from where the issues are narrow, the factual evaluation required is limited, or the parties and the Court agree that such expertise is unnecessary. The requirement does not reflect any lack of confidence in the judicial fact-finding function. Rather it recognises that questions relating to discrimination, equality and institutional practice may involve matters that fall outside the everyday experience of the judge and that specialist expertise will assist in the proper determination of factual and legal issues.
57. Our request to the Chair to obtain expert evidence on institutional racism and organisational culture is intended to support, not to question, the Chair in the discharge of her functions. The CTI note already accepts that expert healthcare and causation evidence is “*necessary*” because those matters lie outside the Chair’s own expertise. In our respectful submission, the same is true of the complex, interdisciplinary questions raised by institutional racism and organisational culture. The Chair will hear extensive evidence about conditions, treatment, decision-making and oversight at Manston. She will be required to assess that evidence against the backdrop of a long history of concerns relating to immigration detention, and within a wider policy context that has been found to be racially discriminatory and marked by “*institutional ignorance and thoughtlessness towards the issue of race*”.
58. In those circumstances, a carefully framed expert instruction would be provide a proportionate and necessary means of assisting the Inquiry to draw those strands together, to test whether and, if so, how race and racism may have informed the matters identified in the List of Issues, and to ensure that any findings and recommendations address not only overt misconduct but the deeper institutional dynamics that have allowed the “*dark thread*” of unlearned lessons to persist. Such analysis is likely to be particularly important if the Inquiry is to move beyond describing conditions and individual misbehaviour at Manston to identifying the structural mechanisms that allowed degrading and dehumanising treatment to occur. It is likely to also assist the Inquiry in formulating recommendations directed towards

those underlying causes, thereby reducing the risk of adding to a list of unimplemented recommendations for reform.

59. On a proper application of the Inquiry's Terms of Reference, the instruction of an expert on institutional racism and organisational culture is both necessary and of clear assistance to the Chair in fulfilling her Article 3-compliant mandate.

Issue (f): Readiness and preparation for hearings and (g) dates for substantive hearings

60. As already stated above, the need to commence this next phase of the Inquiry is now urgent. We fully endorse the Inquiry's statement that public hearings should take place as soon as practicable. We would urge the Chair to set a date on which hearings will start. That itself will serve to focus the minds of all IPs to act promptly on all outstanding tasks and to provide a clearer structure for doing so. It is also important for our clients who will see the fixing of a date as a concrete signal to them of the progression of this Inquiry.
61. We consider it to be realistic and feasible to commence public hearings as soon as practicable in February / March 2027, and that this strikes an appropriate balance, taking into account the outstanding work and evidence as well as to minimise any further protracted delay to progressing the next important phase of the Article 3 investigation.
62. We have doubts that commencing hearings any earlier will be realistic, particularly as it would inevitably be disrupted by the holiday period toward the end of December 2025. In line with the Inquiry's commitment to ensure that Draft Evidence Proposals for witnesses will be circulated at least three weeks prior to the commencement of the week in which a witness is listed to give oral evidence, convening public hearings in February / March 2027 would ensure that this can be achieved without requiring that intensive period of work cutting across the holiday period.

C. CONCLUSION

63. It is hoped that the above is of assistance to the Inquiry by way of preliminary submissions on the identified issues. We emphasise our commitment to continuing to work closely and collaboratively with ILT as the Inquiry progresses.

Dated 11 September 2026

**SHU SHIN LUH
ANTONIA BENFIELD
Doughty Street Chambers**