HOW OFFICIAL LYING THREATENS OUR DEMOCRACY
AND WHAT SHOULD BE DONE ABOUT IT

Submission to the House of Lords Select Committee on Communications
The Future of Investigative Journalism

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INTRODUCTION: CONTAMINATION OF INFORMATION,
THE LIFEBLOOD OF DEMOCRACY

The committee rightly observes, “Investigative journalism is vital for a healthy democracy. It acts as a watchdog, holding those in positions of authority to account by exposing wrongdoing, standing up for the public interest and, where appropriate, campaigning for reform.”

Information is the raw material of this critical work. The most worrying threat to the future of journalism, in my view, is the contamination and decay of vital sources of information.

I am an investigative journalist. My primary method is interrogating public domain documents including government communications, parliamentary proceedings and voluntary sector research. In live evidence on 11 October 2011 I spoke of grave threats to journalism and democracy posed by three things:

1. official lying — including executive and civil service misrepresentation of research evidence that exposes inconvenient truths;
2. erosion of independent advocacy — for example (i) charities’ independence compromised by working in partnership with government and commercial outsourcers, and (ii) the executive’s abuse of the Office of Children’s Commissioner for England;
3. “commercial confidentiality” which is disappearing vital public data out of public view as a consequence of privatisation.
First, I am going to set out examples and evidence of official misrepresentation from a single policy area over a short period of time. What follows is necessarily detailed and specific. It spells out lack of integrity, evasion, and straight untruths in official communications. This is not a matter of politicians being “economical” or trying to appeal to different constituencies and thus being “political”. It concerns official answers, press releases and ministers making official statements about matters of fact in public policy, the evidence on which policy is based and its implementation. Here is a narrow but deep sample of the way officials communicate. If the systematic mendacity recorded here is representative of the way government functions, then our democracy is in serious trouble.

Second, in light of declining integrity in official communications, the erosion of independent advocacy in the children’s sector that is noted below is acutely worrying, for shouldn’t children’s advocates be challenging official mendacity and holding power to account?

Third, the increasing loss of data about vital public services due to the privileging of commercial interests over the public interest is plainly a matter for concern.

In my conclusion I suggest some ways to stop the rot.
1. OFFICIAL LYING

Information decay seen through the prism of one story area

(1) My recent journalism (published on openDemocracy, in Private Eye, the Guardian and elsewhere) concerns the government’s practice of detaining children and families for immigration purposes. I have exposed official mendacity used in defence of this hazardous practice, and the surprising cosiness enjoyed by some commercial contractors in their relations with ministers and civil servants. (For this work I won the Paul Foot Award and the Bevins Prize for outstanding investigative journalism in 2010.)

(2) Here I note three grave examples of deliberately misleading activity by the Home Office and UK Border Agency officials in defence of the child detention policy:

• Persistent misrepresentation of clinical evidence that children were being significantly harmed by incarceration at Yarl’s Wood, the government’s Bedfordshire detention centre. (para 4–11)
• A Home Office attempt falsely to undermine the Children’s Commissioner’s warnings about safeguarding failures and serious harm being to done to children at Yarl’s Wood. (para 12–18)
• Successful efforts by UK Border Agency officials to mislead ministers regarding these critical safeguarding failures. Relying upon officials’ misinformation, ministers decided to continue detaining children at Yarl’s Wood. (para 19–20)

(3) These disinformation activities occurred under a Labour government, but this submission is not partisan. Child detention and the deployment of mendacity in its defence have survived into the present administration.

Misrepresentation of medical evidence by the Home Office

(4) In September 2009 the international peer review journal Child Abuse & Neglect published a study of children held at Yarl’s Wood, the UK Border Agency detention centre in Bedfordshire run by commercial contractors. In The
mental and physical health difficulties of children held within a British immigration detention center. A pilot study, NHS paediatricians and psychologists Lorek et al recorded children’s “increased fear due to being suddenly placed in a facility resembling a prison”, children’s weight loss and tummy pains, how older children were so stressed they wet their beds and soiled their pants. The doctors noted a steep deterioration in parents’ mental health and parenting abilities, instances of self-harm, and children’s sexualised behaviour.

(5) The study was sent to members of the Home Affairs Select Committee ahead of their visit to Yarl’s Wood (15 October 2009) in the course of their inquiry into the detention of children in the immigration system. But the committee’s subsequent report, published on 29 November 2009, made no mention of the doctors’ work.

(6) Committee chairman Keith Vaz MP later reported to the House: “Our visit was somewhat marred by the Home Office officials’ terrible anxiety about the Select Committee visit.” Soon after the visit, Dave Wood, the UK Border Agency’s director of criminality and detention, sent a memo to the committee: “I thought it would be helpful to provide some further details in response to concern you may have about the contents of the report.” Complaining of “unfair and unfounded commentary”, Mr Wood claimed the doctors’ study “was undertaken without any reference to the UK Border Agency or its clinicians. At no point were healthcare or centre staff, who would have known the children, asked for their views or comments. A number of criticisms are therefore made without any corroborated evidence, or with any opportunity for the centre to comment.” This was demonstrably false.

(7) I obtained Home Office documents that refuted Mr Wood’s assertions:
• A letter from Border Agency adviser Jo Heatley confirms that “research conducted by Ann Lorek, Kim Enholt [sic] and other health professionals, was presented at a round table discussion”, and: “An agreed action point put forward by Jeremy Oppenheim, [then the Border Agency’s so-called “Children’s
“Champion” was to set up a meeting for the researchers to present their material to key officials from the Border and Immigration Agency, the detention service provider, the escort service provider and Bedfordshire Children’s Services.”

- The Home Office Agenda of the meeting that took place inside Yarl’s Wood on 27 September 2007 confirms that two of the study’s authors gave a talk entitled “physical and mental health difficulties of children within a UK immigration detention centre: a pilot study”. Among the 26 attendees were the Border Agency’s “Children’s Champion” the head of Detention Services, Yarl’s Wood social workers and healthcare staff including the health centre manager.

(8) In early December 2009 the pro-bono citizens’ group End Child Detention Now (of which I am a co-founder) sent copies of the documents to the Home Affairs Select Committee. The Mail on Sunday newspaper sought Home Office comment.

(9) Home Office minister Meg Hillier, defending the detention policy in the House on 15 December, repeated Mr Wood’s false and misleading claim: “Let me point out that the report in question did not take into account the views of the clinicians who worked with those children and who know them.” And threw in one of her own:

“There are many pressures on children, and it is not clear that those pressures and problems arise merely from detention.”

On the contrary: according to Lorek et al’s peer-reviewed clinical evidence, children experienced “a sudden deterioration in mental health due to the experience of detention rather than any pre-existing problems.”

(10) My articles exposing Mr Wood’s falsehoods appeared in Private Eye and openDemocracy (Roll calls, body searches and sex games: what Parliament isn’t being told about children’s lives inside a UK detention centre, 17 January 2010). I exposed Meg Hillier’s untruths to the House along with her inflammatory claim that ending detention would spark a rise in child trafficking in Has Meg Hillier gone mad? (openDemocracy, 19 March 2010).
(11) Mr Wood was not recalled to the Home Affairs Select Committee to set the matter straight. Nor did the minister return to the House to correct the public record as is required by the Ministerial Code.

Home Office covert disinformation undermining the Children’s Commissioner’s research:

(12) The first Children’s Commissioner for England, Prof Sir Al Aynsley-Green, published his final report on children at Yarl’s Wood in February 2010: The Children’s Commissioner for England’s follow up report to: The arrest and detention of children subject to immigration control

Prof Sir Al Aynsley-Green, an eminent paediatrician, repeated his warnings that detention was harmful to children and that Yarl’s Wood was no place for a child, and he said: “Despite mounting evidence of the significant harm caused to children’s mental health by immigration detention there has been no attempt by UKBA to gather evidence on mental health outcomes for children.”

(13) Among grave findings relating to the safeguarding of children at Yarl’s Wood, the Children’s Commissioner noted (p46) that an alleged incident of child sexual abuse had not been properly investigated, that local safeguarding children protection procedures had not been followed, and that independent investigation and independent medical examination of the alleged victim had been refused, despite repeated requests for such by the child’s mother.

(14) News reporters preparing stories on the Children’s Commissioner’s findings received by email from the Home Office an extraordinary “Response to Criticism” presented as a rebuttal of inaccuracies in the Children’s Commissioner’s report. But the purported inaccuracies were not in the report; they had been fabricated at the Home Office. For instance, the Home Office rebuttal (contained here in the appendix) asks itself: “Is it true that families where the parents are HIV+ can never be removed and therefore should never be detained?” And answers that the Children’s Commissioner “is incorrect. HIV is not a bar to removal”. He did not say it was. He said it should be.
The Home Office told journalists not to attribute the Home Office’s statements to the Home Office. It is hard to conclude otherwise than that these unattributable slurs were designed to shake reporters’ confidence in the quality of the Children’s Commissioner’s work.

My article exposing the Home Office’s false rebuttal appeared in the Guardian as Don’t deny this detention damage

**The government is rebutting findings of a report about the distress suffered by children being held in Yarl’s Wood** (18 February 2010)

Alluding to the Children’s Commissioner’s findings of failures in child safeguarding at Yarl’s Wood, and the case of alleged sexual abuse, the Home Office rebuttal says:

“The report gives an example where staff at Yarl’s Wood ceased to provide help to a mother and her child when the mother complained?”

And answers that the Children’s Commissioner has “provided no evidence to corroborate this serious allegation and our own records indicate that Yarl’s Wood continued to support the mother throughout her time in detention.”

On the contrary, the Children’s Commissioner had submitted a dossier on the case to UKBA, commercial contractors Serco, Bedford Borough Council and the Bedfordshire Local Safeguarding Children Board. Indeed, an Independent Review was already underway.

Bedfordshire Local Safeguarding Children Board’s Review concluded in June 2010 in a report which exposed a litany of child protection failings by UKBA, commercial outsourcers Serco, local authority managers, local authority social workers, local police, a local GP and UKBA’s so-called “Children’s Champion” who had failed to challenge the decisions made by local statutory agencies.
And UK Border Agency officials misled ministers over child safeguarding at Yarl’s Wood

(19) The Bedfordshire Local Safeguarding Children Board also found that UK Border Agency officials had misled ministers who were considering the future of child detention about the scale and significance of safeguarding failures: “UKBA provided information, on the basis of which a ministerial decision was made affecting the continued detention of children. Although that factual information included reference to the incident leading to this review, there was no evaluation of the impact that this incident had on the propriety of detention.”

(20) Despite the Coalition Government’s commitment to publishing Serious Case Reviews in full, the Bedfordshire Local Safeguarding Children Board report on Yarl’s Wood has not been so published. Only the executive summary is available – [link](#).

2. EROSION OF INDEPENDENT ADVOCACY IN THE VOLUNTARY SECTOR AND AT THE OFFICE OF CHILDREN’S COMMISSIONER FOR ENGLAND

**Government’s attempted seizure of the Office of Children’s Commissioner for England**

(21) The executive’s aversion to independent research and advocacy was evident in the manner of its appointment of the second Children’s Commissioner for England in October 2009. Ed Balls, then minister for children, schools and families, forced through the appointment of Maggie Atkinson against the advice of the Children Schools and Families Select Committee. (“Maggie Atkinson is a very competent woman, but we just didn't think she had the independence of mind to stand up to a Secretary of State who loves to get his own way,” committee chairman Barry Sheerman MP told BBC Radio 4’s Today Programme.)

(22) While the first Children’s Commissioner for England published 20 hard-hitting reports illuminating the asylum system, mothers in prison and the plight
of adolescents in the mental health system, among other matters of vital public interest, the second Children’s Commissioner leaves a lighter mark. The Coalition’s Dunford Review recommends a strengthening of the remit, powers and independence of the Children’s Commissioner.

(23) Public interest journalism draws heavily upon voluntary sector research. Indeed journalism and the voluntary sector may join forces to expose wrongdoing (if I may borrow the committee’s phrasing), stand up for the public interest and campaign for reform. A vibrant independent voluntary sector, possessed of the courage to speak truth to power, is essential to the health of our democracy.

(24) The leading children’s charities’ response to immigration detention’s harmful effects on children has been intriguing. Among strong collective letters opposing child detention published in the seven months before the General Election, groups of novelists, children’s writers and faith group leaders spoke up for detained children. More than 500 doctors signed a national petition. The royal medical colleges representing paediatricians, general practitioners and psychiatrists and the Faculty of Public Health combined to make a powerful public intercollegiate statement that was widely reported in the media: Significant Harm - the effects of administrative detention on the health of children, young people and their families. In the run-up to the General Election no concerted vociferous opposition to child detention came from the leading children’s charities.

The Children’s Society and a smaller charity accepted a generous three-year grant (2008 to 2011) from the Diana Princess of Wales Memorial Fund for the purpose of ending child detention but ran a muted campaign. Among potentially inhibiting conflicts of interest besides the receipt of government funding, the Children’s Society’s chief executive was a government appointee to the Youth Justice Board and the National Children and Young People’s Workforce Partnership within the Department for Education. The charity’s senior policy adviser (2005 to 2010) was a Labour Councillor in pursuit of a safe Labour seat (now an MP).
Government-friendly charities and others collaborated in the Coalition’s Review of alternatives to detention (chaired by UKBA’s Dave Wood) that resulted in child detention being not ended but rebranded as “family friendly pre-departure accommodation”. In March 2011 Barnardo’s accepted a UK Border Agency contract to provide welfare services in the new Pease Pottage detention facility alongside security company G4S. In this way Britain’s leading children’s charity made itself both an operative of government and a close working collaborator of G4S, a company criticised for repeatedly exposing vulnerable people to avoidable risk.

(25) I have shown that ministers and civil servants deliberately undermined reputable evidence of significant harm being done to vulnerable children in the state’s care. Child detention might have ended long ago had the medical evidence of harm been properly respected and acted upon. Instead, official mendacity helped prolong this harmful practice, exposing thousands of children to avoidable anguish and psychological damage. Britain’s leading children’s charities failed to expose and speak out against official mendacity.

3. INFORMATION DISAPPEARING BECAUSE OF “COMMERCIAL CONFIDENTIALITY”

(26) Regarding the vanishing of data about vital public services into the vault of “commercial confidentiality” as a consequence of privatisation, Private Eye editor Ian Hislop told the committee: “We are allowed to know less and less about the way more and more is run.” In the UK Border Agency’s detention estate, routine mendacity and commercial sensitivities have combined to conceal life-endangering failures in medical care.

On the alarming consequences of information loss for public health research and policy, I draw to the committee’s attention two brief, illuminating articles: Commercial confidentiality: a cloak for policy failure
WHAT SHOULD BE DONE?

(27) A restoration of respect for information is urgently required:

- The role of government and local government press officers should be to serve the public with truth, not to serve ministers by spinning to the public. Every press release and public statement issued by officials should be signed off by an official who takes responsibility for the accuracy of the information.

- It should be forbidden for civil servants to mislead Parliament or its committees, just as ministers are forbidden from so doing. Misleading Parliament should invite much stronger sanctions, including dismissal from post.

- There should be no commercial confidentiality regarding contracts for public services. All contracts made with the government should be regarded as subject to the public interest, should qualify for freedom of information requests and be open to public scrutiny.

- The practice of bringing tabloid values and personnel into the centre of Government should be abandoned.

- There should be an inquiry into the wilting of advocacy in civil society — starting with advocacy relating to children.

* * *

Warm thanks to Martin Rowson for his cartoon and to openDemocracy’s Anthony Barnett for editorial advice.

About the author: Clare Sambrook is a novelist and freelance journalist, a co-editor of openDemocracy’s OurKingdom, and a co-founder of End Child Detention Now.
The Home Office’s flawed rebuttal of the Children’s Commissioner’s February 2010 Report as received by journalists (note: 11 Million is another name for the Office of Children’s Commissioner for England):

Meg Hillier, Home Office Minister said:
"Treating children with care and compassion is an absolute priority for the UK Border Agency, and we take the detention of families very seriously. We believe that children should not be separated from their parents.

"We only detain families as a last resort. We always release families where advised it is in their best interests by independent social workers and specialist medical professionals.

"We only detain families when the independent courts conclude they have no right to remain in the UK. We encourage families to return voluntarily, avoiding the need for detention. If they refuse to return, we have no choice but to enforce their removal.

"The changes we have made at Yarl's Wood have been praised by many, including Sir Al who praised the improvements made over the past few years when giving evidence to the Home Affairs Select Committee in September last year.”

Response to criticism – these are not to be attributed as direct statements.
We do not accept any of the allegations of mistreatment of children by our staff nor do we accept that the care we provide is in any way sub-standard.

The UK Border Agency is completely committed to its duty to children and we welcome the challenge and criticisms of independent observers, and those contributions which have helped move us forward.

We have been praised for our progress:

**Ofsted Report of Inspection of Early Years Provision — April 2008**
"On the basis of the evidence collected on this inspection, the quality and standards of the care are good.”
"Children's welfare is well promoted because staff have good knowledge of current procedures.”
"Staff are extremely skilled in using positive strategies to promote good behaviour, sensitively working with each child as an individual.”

**HMCIP Report — February 2008**
"The physical environment in children's unit was good and the centre had made significant improvements in how child care was handled.”
"Child protection arrangements had improved and there was closer contact between the centre and the local authority.”
"The nursery was a bright and generally well resourced indoor environment, which made a good attempt at replicating facilities in the wider community.

The accusations in the report that the process of arrest and detention is inherently harmful to children?
Families with children are detained when they have no right to be here and have refused to leave voluntarily. Their cases will have been considered by the independent courts. We believe that it is right to keep family groups together.
The report claims that insufficient weight is given to factors which might weigh against detention. What is your response?

Our Family Detention Unit performs a gate-keeping function in respect of families coming into detention. Before a request to bring a family into detention can be accepted, they demand to see detailed and specific evidence that all relevant factors have been considered.

The report claims that there is no independent scrutiny of complaints?

This is totally inaccurate. There are a number of independent bodies who specifically scrutinise all aspects of detainee complaints.

- The Independent Monitoring Board has independent scrutiny of complaints at Yarl’s Wood.
- The Prisons and Probation Ombudsman has overall independent scrutiny of complaints for detainees.
- John Vine, Chief Inspector of the UK Border Agency has oversight for the entire agency and has just completed a thematic review of the complaints process including detention.
- HM Chief Inspector of Prisons frequently comments on the quality of the complaints system in her inspections.
- Ultimately, detainees can ask the Parliamentary Ombudsman to review their complaint if they are dissatisfied.

The report gives an example where staff at Yarl’s Wood ceased to provide help to a mother and her child when the mother complained?

11 Million have provided no evidence to corroborate this serious allegation and our own records indicate that Yarl’s Wood continued to support the mother throughout her time in detention.

The report suggests that your healthcare is worse than the NHS?

No. The healthcare services available at Yarl’s Wood are broadly equivalent to that provided by the NHS and are now subject to oversight by the Healthcare Commission.

What type of health care do children get in Immigration Removal Centres?

There is free on-site primary healthcare provision at Yarl’s Wood — you get the same level of care as NHS general practices provide. There is continuity of care for the children and GPs records are requested as a priority on arrival at Yarl’s Wood. Staff will liaise with children’s consultants in secondary care to ensure treatment continues for the child whilst in detention.

The report implies that levels of infective gastroenteritis were higher than they should have been. Is this true?

No evidence of this is provided by 11 Million.

Is it true that families where the parents are HIV+ can never be removed and therefore should never be detained?

11 Million are incorrect. HIV is not a bar to removal.

Regards,

Nick Logan - Press Officer, Home Office
T: 020 7035 3535  F: 020 7035 3876
E: nick.logan4@homeoffice.gsi.gov.uk <mailto:nick.logan4@homeoffice.gsi.gov.uk>