

# Beyond our Keen

**Q**UESTIONS are being asked about the appointment of an "independent" doctor, John W. Keen, to sit on a UK Border Agency (UKBA) advisory panel supposed to "safeguard and promote the welfare of the children" facing detention and removal by immigration authorities.

Dr Keen also runs NowMedical, a private company that sells medical opinions to bodies which have included the Home Office. Since March 2000 he has also been advising the UKBA on whether individuals are medically fit to be removed from the UK.

The Eye has just been told of a recent case where an 11th-hour intervention by lawyers prevented the deportation of a Nigerian mother with mental health problems, who had previously taken an overdose, and her three young children. She had been passed as fit to be removed to Italy (the country where she had first arrived) by the panel after advice from Dr Keen, its medical expert, who had not examined the woman, and is neither a psychiatrist nor a paediatrician. The family has since been released back into the community.

NowMedical is better known for providing £35-a-go (plus VAT) medical and psychiatric advice to housing authorities and associations for those seeking priority or specialist housing because of particular needs. It's clearly big business, because his website says the company advises 100 UK housing providers and a freedom of information request revealed that Tower Hamlets alone sent 1,558 cases to NowMedical in 2008-09. Only 340 of those claims were supported by the company. At the time, it was said the company relied upon the services of five GPs.

In 2006, the then Mr Justice Leveson criticised Dr Keen and the local authority he was advising over the case of a woman suffering post traumatic

stress disorder following rape, torture and imprisonment in her native Iraq. Dr Keen had not examined the woman and his assessment of the effect of the accommodation in which she was living on her mental health was according to the judge "irrational" and "tainted".

In 2007, the appeal court also expressed concerns about Dr Keen's advice that "there remains nothing to suggest her condition is of particular severity" in a claim for housing by a traumatised Kosovan refugee.

The appeal judges said: "Dr Keen's is treated as a dependable opinion, albeit he has never examined her or discussed the case with her doctor, who has." And they warned: "Those who rely on his opinions need to bear in mind that, notwithstanding his wide experience in general practice, he is not a qualified psychiatrist... Care has to be taken by local authorities not to appear to be using professional medical advisers simply to provide or shore up reasons for a refusal."

The ruling was welcomed by homeless charities, while housing lawyers were concerned that Dr Keen was applying his own "reasonable function" test for those seeking housing, which fell short of the standards demanded by housing law. After the ruling Dr Keen said the company had recruited a psychiatrist in order to offer a "more specialised opinion".

But no psychiatrist sat on the independent family returns panel, which decided on the recent mental health case. Dr Keen declined to answer any questions. The Home Office said it did not consider there was a conflict between Dr Keen's role on the panel safeguarding welfare and his other UKBA role in assessing fitness for deportation "as he acts in an independent capacity in both roles as an expert medical adviser".

So that's all right then.



# Cedars house rules

**E**ARLIER this year children's charity Barnardo's was widely criticised for joining forces with the UK Border Agency to provide support for families and children at the Cedars, a new "pre-departure centre" in Sussex that is in fact simply a rebranded detention centre.

Now Dr Frank Arnold, an expert with long experience of working with detainees and victims of torture, has written to Barnardo's expressing concern that there was no adequate policy and practice at the centre relating to essential immunisation and malarial protection for those being removed to danger zones. He also said the charity should be facilitating families' contact with independent doctors if they were released back into the UK and those who were to be deported should be able to contact Barnardo's or another trusted body in the event of a health emergency.



Barnardo's chief executive Anne Marie Carrie merely passed his concerns on to G4S which runs the centre, suggesting he contact the G4S site manager, Sarah Newland, which he did. The unhelpful reply came from Gillian Foley of the UK Border Agency's detention services. Malarial protection for those being sent to high-risk areas was, she said, a matter for the families and they would be provided with... an information leaflet. She also told the doctor: "There is no statutory entitlement to request independent medical advice as the pre-departure accommodation is not regulated under the Detention Centre Rules as it is not a removal centre."

So, although subject to the same forcible removal, the families have lost the statutory protection they would have had had if they were still detained in a place like Yarl's Wood (*Eyes passim*) because they are now held in "family-friendly pre-departure" centres. And Barnardo's is doing nothing about it.

## DEATH OF CHRISTOPHER ALDER

# Copping out

**L**AST week's "unprecedented" government apology for the shocking death in police custody of Falklands veteran Christopher Alder (*Eyes passim*) came 13 years too late.

The striking admission that racism played a part when police violated Mr Alder's basic human right to life and his right to be free from inhuman and degrading treatment came, coincidentally, on the day his sister Janet was shortlisted for Liberty's human rights award for her "remarkable strength, courage and resilience" in her long battle for justice over her brother's death.

Eye readers may remember the 37-year-old father's death in 1998 was captured during 11 disturbing minutes of CCTV footage, when he was seen choking to death in a pool of his own blood and urine on the floor of a Hull police station while officers watched, joked and said he was faking it.

Their disregard for his welfare and failure to attempt to rouse him or seek medical assistance alone should have prompted an immediate apology - and a thorough independent investigation. That never happened. Blood samples, Mr Alder's clothing and police officers' clothing were all destroyed without being tested.

The exact cause of death and whether Mr Alder suffered any assault by police was never established. He had been injured earlier in a scuffle outside a city centre hotel but was found after his death to have other injuries. Exactly what happened after the soldier, decorated for service in Northern Ireland, was seen entering a police van en route to the station remains unclear. CCTV footage shows the van arriving at the police station, but it was parked in a "blind spot" and there are missing minutes before he's recorded

being dragged unconscious into the custody suite.

An inquest jury subsequently returned an "unlawful killing" verdict, which police tried but failed to get overturned in the high court. In 2002 five Humberside police officers were cleared of manslaughter and misconduct charges and, a year later, were cleared of disciplinary offences. In March 2006 the Independent Police Complaints Commission concluded that despite "quite obvious neglect of duty" and "unwitting racism", no further action could be taken: hence the decision to pursue the case to the European Court of Human Rights.

In settling the case, the government is also making an *ex-gratia* payment to the family of £29,000 for legal costs. But after such a protracted battle with no one being held accountable and so many questions about the death remaining unanswered, it's a hollow victory.

"It wasn't hard to see that my brother was denied his right to life, that his treatment was inhuman and degrading and that race played a part in his death," said Janet Alder. "But why or where did Christopher sustain the additional injuries he suffered? Why was another of his teeth missing? Where was his belt? These concerns have never been investigated or addressed."

Adding insult to injury, last month it emerged that Mr Alder's body was still in a mortuary and his family had been given the wrong body to bury 11 years ago. No wonder the government finally admitted the terrible failings in his treatment by police.



## PRISONS

# Big gang theory

**P**OOOR management at a South Yorkshire jail played a major role in riots that caused a reported £1m of damage, according to a "restricted" report from the Prison Service.

Three prison officers and one inmate were injured during three nights of unrest at Moorland prison and young offenders' institute in Doncaster in November 2010. The Prison Service released the internal investigation report only after intervention by the Information Commissioner.

Many findings, believed to criticise managers and staff, remain redacted. But the report refutes claims made at the time by prison bosses and the Prison Officers' Association that gangs had been to blame for the trouble.

Governor Rob Kellet had said that spontaneous rioting was "triggered" by two prisoners who were members of street gangs outside the prison. But the report states: "There is no evidence to suggest that high levels of collusion between prisoners played a part in the disturbances. Neither can 'gang related' dynamics be cited as the cause."

Instead managers did not have "a 'good enough' grasp of the procedural, dynamic and human factors at work in maintaining order and decently focused control".

The report also highlights dismal conditions in parts of the jail. Managers had been warned repeatedly since 2005 by inspectors and the local independent monitoring board about poor upkeep. An essential element in the smooth running of any prison - the Incentives and Earned Privilege Scheme, which rewards good behaviour - was "not fit for purpose".

The report concludes that the powder keg atmosphere might have been stabilised had the risk indicators been properly understood and acted upon by managers and staff.