Original Research Article

Systemic Failings or "Isolated Incidents"? A Discourse Analysis of Corporate Blame Avoidance for the Mistreatment of Immigration Detainees

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Abstract

This article draws on data from a major public inquiry in the UK to examine how the multinational corporation G4S sought to avoid blame for the mistreatment of immigration detainees in its care. Our analysis is based on a critical discourse analysis of oral and written evidence given by G4S and one of the company's managing directors to the Brook House Inquiry. We show how discursive strategies of blame avoidance were prominent features of this evidence, including the scapegoating of individual custody officers, the legitimation of the profit-seeking management of immigration detention and the de-legitimation of those who brought the mistreatment of detainees to light. The article contributes to our understanding of the discursive practices employed by powerful actors to limit corporate responsibility for systemic failings.

Keywords

blame avoidance, critical discourse analysis, public inquiry, outsourcing, immigration detention

Introduction

The article draws on the insights of critical discourse studies to explore linguistic strategies of blame avoidance used by a private security company in a public inquiry. It seeks to advance an understanding of the criminological relevance of discursive strategies employed by those accused of corporate wrongdoing. This is the first study to concern itself with evidence submitted to the Brook House Inquiry into the mistreatment of detainees in a British immigration removal centre (IRC). This major, independent inquiry identified a toxic culture amidst physical and verbal abuse in Brook House IRC. The immigration detention centre at Gatwick airport was run by the global security contractor G4S on behalf of the UK government. Embroiled in a major scandal that revealed the widespread mistreatment of the detained population by security guards and health care providers, G4S was forced to account for the allegations in a public inquiry. It provided us with a unique opportunity to explore how the presence of systemic violence was denied and how the profitability of the sector was defended by senior corporate managers during an independent investigatory process.

Presently, the UK government outsources significant responsibilities for the operation and management of key administrative and criminal justice services to for-profit companies. Procurement of services by the Home Office and the Ministry of Justice tends to benefit a small number of multinational corporations and some of the largest contracts are awarded for the management of custodial estates: prisons, youth offender institutions and immigration removal centres. Concerns over the privatisation and marketisation of custody services are diverse and numerous, but they include the assessment that the for-profit sector drives the expansion of often violent carceral facilities and that outsourcing limits the potential for democratic accountability and scrutiny. Critical migration research and the sociology of race literature have generated new conceptualisations of the political economies of immigration control, for example the illegality industry (Andersson, 2014), the immigration-industrial complex (Doty & Wheatley, 2013; Golash-Boza, 2009), racial governmentality (Moffette & Vadasaria, 2016), the Anglo model of detention (Mainwaring & Cook, 2019) or the migration industry (Gammeltoft-Hansen & Nyberg Sorensen, 2012). The establishment of a public inquiry in the UK, with the

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statutory powers afforded to it by the Inquiries Act 2005, to investigate the operation of a major immigration detention centre by a private business and the behaviour of its managerial and custody staff thus offers a rare opportunity to examine the effects and inner dynamics of outsourcing. Those are issues that reach beyond the national context in Britain, with cross-jurisdictional similarities to other neoliberal border management practices in Europe, Australia and the US (e.g., Boon-Kuo, 2024; Flynn et al., 2018; Peterie, 2024; Ryo & Peacock, 2022; Yin, 2023).

Given that the actions of outsourcing companies, especially in the context of custodial services, are frequently shielded from public view, their legitimacy within wider society is primarily mediated by discourse. Communicative events, of which a public inquiry is one, provide corporate managers with the opportunity to present their company in a positive light and to deflect negative attention. We argue that public inquiries are particularly rich sites for the examination of discursive strategies of blame avoidance. The Inquiries Act 2005 gives Chairs the power to compel witnesses to attend and to provide oral evidence under oath and in public. While other criminological research into corporate crime has frequently analysed the discursive practices of corporations through the conceptual lenses of neutralisation and denial (e.g. McGrath, 2021; MacManus, 2016; Schoultz & Flyghed, 2016; Whyte, 2016), in the context of a public inquiry we have found that the notions of blame and blame avoidance played a more central role[1].

The extent to which public inquiries ought to apportion blame is subject to considerable debate (see Beer et al., 2011), though the 2005 Act has provided some clarity. The existing legislation expressly states that the findings from a statutory inquiry cannot result in a person having civil or criminal liability (Section 2(1)). This, however, does not prevent them from attaching blame to the actions of individuals or organisations. Indeed, liability may well be inferred from the determinations made by an inquiry (Section 2(2)). While the primary function of a public inquiry could be described as fact-finding, the Chairperson may conclude from these findings that there has been blameworthy conduct and determine the responsibility for it.[2] Although a substantial amount of the research literature on UK public inquiries has regarded them as top down processes primarily aimed at re-establishing the legitimacy of flawed institutions, some consider them to be of value in holding the state and other powerful actors to account (see Schlembach, 2024; Williams, 2023).

This Study

Our study analyses the evidence submitted on behalf of G4S Care and Justice Services, a UK arm of the global security company G4S, to the public inquiry into the mistreatment of detainees in the Brook House Immigration Removal Centre ('the Brook House Inquiry'). We explore the relationship between the formal inquiry setting and discourses of blame avoidance used by the company in its written and oral testimony.

We begin this article by setting out the background to the Brook House Inquiry. We then situate our research within the existing scholarship on blame avoidance in official discourse and describe our methodological approach. Drawing from the insights of critical discourse analysis (CDA), we find that G4S employs a combination of referential and argumentation strategies aimed at diverting blame away from corporate responsibility. The company contends that legal liability lies outside the Inquiry's remit, urging a focus on moral rather than criminal responsibility. This strategic manoeuvring is designed to shield G4S from criminal or civil sanctions, reinforcing the narrative that, while blameworthy in the abstract, the company's actions should not be subject to concrete legal or reputational consequences.

Background

The Brook House Inquiry investigated the mistreatment of detainees in Brook House IRC. It was established on 5 November 2019 by the Home Secretary after a High Court ruling had effectively ordered that a special investigation by the Prison and Probation Ombudsman (PPO) should be converted to a statutory inquiry to comply with the state's investigatory duty under the European Convention on Human Rights (ECHR). The Terms of Reference for the Brook House Inquiry contained a statement on its purpose, namely to 'reach conclusions with regard to the treatment of detainees where there is credible evidence of mistreatment contrary to Article 3 ECHR…' (Brook House Inquiry, nd). Its report and recommendations were published on 19 September2023[3].

Public concern that mistreatment was occurring in the detention centre near Gatwick airport followed a BBC Panorama programme that was broadcast on 4 September 2017. The BBC had obtained secretly recorded footage from a whistleblower, Callum Tulley, who was employed as a detention custody officer (DCO). The footage showed shocking physical and verbal abuse suffered by detained persons in Brook House. At the time of the filming, the centre was privately-run by G4S. The incidents that were shown by Panorama raised urgent questions about the corporate (mis) management of Brook House but also about the wider harms of indefinite administrative detention.

A dynamic field of criminological enquiry, often referred to as border criminology, has contributed significantly to the scholarly scrutiny of immigration detention in the UK and has also contributed to reformist and abolitionist advocacy. Within this field, the Brook House scandal has received some attention (most recently Aitken, 2024). Bhatia and Canning (2021) relate the harms of immigration detention to the outsourcing of IRC operations to companies including G4S, Serco, GEO Group and Mitie. They point to the supposedly high profit margins that private contractors can achieve in the sector, especially where Home Office contracts allow them to

operate removal centres with lower than adequate staffing levels. A series of exposures of violence and abuse of detainees[4] demonstrates 'the systemic harms of immigration detention' (Bhatia & Canning, 2021, p. 265). In her book *Violent Ignorance*, Hannah Jones (2021) reflects on the conditions of structural violence within Brook House and the role of the whistleblower Callum Tulley to bring the extent of these conditions to light. While others remained bystanders or became perpetrators of abuse, Tulley's whistleblowing was an act of resistance. Sarah Turnbull (2022, p. 35) describes how, during the various investigations into the mistreatment of detainees, 'racism quickly retreated into the background'. She notes that while the scope for the initial parliamentary inquiry following the BBC Panorama programme included 'racial abuse', the statutory inquiry examines 'mistreatment'. Turnbull writes: 'Through these framings, racism is individualized and viewed as connected to a few bad apples, rather than systemic and reflecting a system predicated on white supremacy. Consequently, the typical solution is improved staffing and better training' (Turnbull, 2022, p. 35). Schlembach and Hart (2022) have carried out an in-depth examination of the preliminary stages of the Brook House Inquiry, namely those focusing on matters of procedure, scope and participation. In interviews with charities working to support detainees, they found an 'apparent mismatch between the high expectations placed in the Brook House Inquiry and the equally persistent cynicism directed at such legalistic arenas' (Schlembach & Hart, 2022, p. 4). They described the Inquiry as essentially contested and that a crucial part of this contestation existed around the question of scope. Lawyers for former detainees, for example, painted the Inquiry's significance as a unique opportunity to investigate the harms of detention policies. Lawyers for G4S and the Home Office sought a more restrictive interpretation of the Inquiry's scope, one that would eschew systematic questions in favour of a more targeted investigation into individual failings.

Evidence for this contestation continued to present itself at the start of the evidence hearings and is notable in several written submissions. In an opening statement, for example, the Home Office lawyer lamented that it was

> … easy to place the blame on obviously political topics ... but the improvements that were required at Brook House are actually more mundane, principally contractual matters. … An inquiry that makes focused but important findings and recommendations is just as valuable, just as relevant - in fact, more so - to the well-being of those who are detained as one that makes bold but unrealistic proposals such as ending immigration detention or other grand political proposals (Brook House Inquiry, 2021: pp. 44–46).

The Home Office opening statement allows us to sharpen the focus for this article. How is blame avoided by state or corporate participants in a public inquiry setting? How do they seek to avoid conclusions that find systemic failings, implicating political institutions, management or organisational cultures? What are the opportunities and limitations that such actors have in shifting blame to individuals? Finally, how are political questions bracketed from public investigations?

Blame, Denial and Accountability in Public Inquiries

To answer such questions, our study is situated within existing scholarly debates belonging to three separate spheres of inquiry[5] – the sensemaking perspective, blame avoidance and criminological state analysis.

First, the *sensemaking* perspective consists of a large and rapidly expanding body of literature that has been described as 'an extraordinarily influential perspective with a substantial following among management and organization scholars' (Brown et al., 2015, p. 265). While the perspective is associated with research that is 'interpretive, social constructionist, processual and phenomenological' (ibid.), it also stands in connection with the turn to study language and identity in organisational text and interaction (Weick, 1995). Sensemaking has been developed as a lens with which to examine post-crisis inquiry reports as 'authoritative' (Brown, 2004) and as part of a wider depoliticisation of crisis events (Brown, 2000). Public inquiries are regarded as crucial organisational responses to crises, aimed at constructing accounts of what happened, why it happened and who was responsible. The study of public inquiry sensemaking can therefore reveal how institutions develop a shared sense of what went wrong and how they learn lessons (Gephart, 2007; Mueller et al., 2023; Shrivastava, 1987). Seen as events in which 'micro-level sensemaking practices produce the macro social order' (Gephart et al., 1990, pp. 44–5), they reveal much about how shared sense is made and given after a crisis (Gephart, 1993).

Second, the *blame avoidance* perspective has been of noteworthy importance in political science and public policy research, ever since Kent Weaver (1986) argued in a seminal article that public officeholders are motivated by avoiding blame (as opposed to claiming credit) as voters were particularly sensitive to negative performance. Government communications in particular have been analysed as using a range of blame avoidance behaviours and strategies (Hinterleitner, 2017, 2020; Hood, 2011), in an effort to present themselves in a positive light and to downplay responsibility for failures. Illustrative of this approach to the study of public inquiries is the work by Sulitzeanu-Kenan (2006, 2010, 2020), who describes blame avoidance as a central plank of crisis inquiries. Others have married the perspective with discourse analytical approaches to explain the linguistic strategies used in blame attribution and avoidance during public inquiries or other argumentation events (Hansson, 2015, 2018; Murphy, 2019). To take one prominent example where the politics of blame is visible, the coronavirus crisis and the post-crisis inquiries have already been subsumed by a 'tsunami of complex and aggressive blame games' (Flinders, 2021, p. 496).

A third perspective is provided by *criminological state analysis*. We use this as an umbrella term for interactionist, Foucauldian and Marxist theoretical approaches to state crimes and policy failures, which understand state-led accountability mechanisms as quasi-judicial instruments to reassert the legitimacy of government bodies and public authorities. Considering the kind of scandals that engulf public institutions, Greer and McLaughlin assert that the state's traditional strategies of denial are giving way to new forms of regulation, frequently 'in the form of the re-vamped public inquiry' (Greer & McLaughlin, 2017). A classic example of criminological interrogations of state discourse is the study by Frank Burton and Pat Carlen (2013 [1979]) into the relationship between government ideology and official publications and there have been more recent extensions of this avenue of inquiry (Gilligan & Pratt, 2013 [2004]). Other prominent work is that by Stanley Cohen (2001) into the systematic denial of human rights abuses or by Phil Scraton on the inquiries and inquests into the Hillsborough disaster (2013, 2016). The relationships between the state and the private sector have also been moved into focus by critical examinations of the techniques used by multinational companies and their structural architecture that enable the evasion of corporate accountability (Whyte, 2016, 2020).

Data and Methodology

The Brook House Inquiry held 45 days of hearings between November 2021 and April 2022 at London's International Dispute Resolution Centre with oral evidence from 73 witnesses. The hearings were livestreamed on the Inquiry's YouTube channel and subsequently archived. This extensive material, including video recordings, transcripts and supporting documents, formed the basis for our analysis. Here, we draw on two specific texts for a detailed analysis, chosen because they can be seen as representative of the corporate strategy towards the Inquiry (rather than the evidence given by individual G4S employees). Other corporate documents, such as written witness statements by managers and evidence from an internal review into the allegations of violence and mistreatment were also considered.

1. The oral evidence given by Gordon Brockington, a managing director of G4S Care and Justice Services, on 31 March 2022. A video recording of his evidence is available on the Inquiry's YouTube channel.[6] The transcript supplied by the Brook House Inquiry runs to 89 pages.
2. The closing statement submitted by G4S. The submission is dated 3 May 2022 and runs to 248 pages.

Discourse analytical approaches to the study of blame avoidance, especially those approaches described as critical linguistics or CDA, systematically describe the structures and strategies of text and relate these to the socio-political context in which they are embedded. They may, for instance, outline the content and linguistic features of language use by examining topics, style, rhetorical devices, syntax or grammar. The aim is to lay bare the effects of discursive practices as a form of communicative action on inequitable relations of power. Following a definition proposed by the critical linguist and semiotician Gunther Kress, we understand discourses as

> … systems of meaning embedded in certain institutions, which in turn are determined by ideologies in response to larger social structures. On the microlevel is the text, determined by discourse and genre, in turn determined by ideology; on the macrolevel is the larger social structure (Kress, 1985, p. 31)

In the following analysis, we relate micro-level rhetorical devices and argumentation schemes to the structural features of privatised immigration enforcement in the context of a statutory inquiry.

It is now widely accepted that CDA is a problem-oriented approach to the study of language use that treats talk and text as social practice. As a relational concept, 'the discursive event is shaped by situations, institutions, and social structures but it also shapes them' (Fairclough et al., 1997, p. 258). Across criminological research, while references to 'discourse' are ubiquitous (often following a broadly Foucauldian perspective), the study of discourse production is mostly implicit. A recent survey of CDA approaches in criminological studies finds that 'criminological scholarship has been relatively reluctant' to see itself as contributing to critical discourse studies (Petintseva, 2022, p. 201). In an effort to overcome this reluctance, our analytical approach aligns with the Discourse-Historical Approach (DHA) in critical discourse studies. DHA emphasises the socio-political and historical context of the discourse under scrutiny. Through DHA, we explore various discursive strategies, such as referential (naming), predicational (attribution), argumentative (topoi), perspectivisation, and mitigation/intensification strategies (see Wodak, 2001; Reisigl, 2017). By discursive strategies, we mean (following other proponents of the DHA approach) more or less intentional uses of semiotic devices to achieve specific goals that are set by organisational priorities. In the context of our study, the discursive strategies employed by G4S lawyers and managers seek to affect a positive outcome for the company in the Inquiry's final report and recommendations.

As a recognised core participant in the Inquiry, G4S had the opportunity to provide written opening and closing statements, prepared by its legal team. While such statements typically respond to specific thematic issues, they are reasonably flexible and wide in scope. In contrast, the discursive practices in oral evidence hearings follow clear speech rules, which structure the appropriateness of communicative interaction. The Inquiry team, including the Chair and the examining counsel, control the setting, such as the time and place of the hearing and the length of time a witness is questioned.

There are crucial differences to the cross-examination of witnesses in the adversarial legal system. Although legal representatives of core participants in public inquiries can propose lines of questioning, it is normally the role of the Inquiry's legal counsel to solicit evidence in this way. Those called to testify before a public inquiry are not defendants even if they have been accused of wrongdoing. Nonetheless, the questions put to witnesses by an Inquiry counsel are routinely designed to probe their evidence in what could be described as 'the management of an accusation' (Atkinson & Drew, 1979, p. 104). As Gibbs and Hall (2007, p. 74) put it, 'questions are asked in ways that the witness sees as criticism and they respond by defending their conduct'. Moreover, witnesses may be approached differently in the way their evidence is examined, depending on their vulnerability and 'blameability' (Murphy, 2019, p. 93).

Avoiding Corporate Blame

Discursive blame avoidance in the Brook House Inquiry was underpinned by nomination and predication strategies, both in the oral testimony given by G4S managers and in the written submissions prepared by the company's lawyers. For those strategies to function, G4S witnesses ensured frequent use of lexical repetition. In the most obvious illustration of repetition, the company's language use downplays its responsibility for the mistreatment in Brook House, while scapegoating individual employees. In his oral evidence, for example, G4S manager Gordon Brockington employs the phrase 'isolated incidents', or variations thereof, eleven times. Asked to clarify the company's position by the lead counsel to the Inquiry, Brockington places this argument at the centre of his testimony. The following extract from the hearing (Brook House Inquiry 2022a, pp. 48–49) revolves directly around the extent to which the company's practices and systems were blameworthy:

> Q: So does G4S accept, or not accept, that these practices were ingrained and systemic?
>
> A: I do not accept that they were ingrained and systemic.
>
> Q: So, from your perspective, on behalf of the company, what we are seeing are isolated instances of the abuse of detainees, all, as it happens, captured by [the whistleblower] Callum Tulley, but, for the rest, the inquiry shouldn't be concerned that that kind of abuse, of that type, was going on outside that period; is that what we should understand from your evidence?
>
> A: What I am saying is we believed these to be isolated incidents […], so we believe that they were isolated incidents. I would agree with your comment in specific relation to the isolatedness.
>
> Q: You don't want to be agreeing with me, Mr Brockington, because all I am doing is putting questions to you.

By employing this repetition of 'isolated', Brockington is drawn into sometimes comical fallacies; consider for example his unnecessary nominalisation of the adjective to become 'isolatedness'. In another telling extract from his testimony, Brockington is asked about the evidence provided to the Inquiry by Mary Bosworth, an academic expert (Brook House Inquiry, 2022a, p. 25). The questioner sums up Bosworth's submissions to provide a counter to the assertion that the secretly filmed abuse were isolated events.

> Q: So she is one, as I say, of three experts who has told us that, really, just the whole environment, the whole effect and impact, not only on the detainees but staff, caused or attributed to what we are all here for now. Are you prepared to accept that?
>
> A: Sorry, can I expand …
>
> Q: Are you prepared to accept her evidence?
>
> A: What I am … what I say in my report is I don't believe there is a direct correlation between an isolated instance of abhorrent abuse and the overarching environment.
>
> Q: She is an expert and says that there is; you are not an expert, and you say there is not. Who do you think the inquiry should listen to?
>
> A: That is for the inquiry to decide. My view is these were isolated incidents of dreadful behaviour that is contrary to the training which G4S provided. ... My personal view is I don't believe there is a correlation. I think that these isolated incidents of abuse are … are isolated.

Research into the language of denial and neutralisation frequently highlights that powerful actors do not necessarily issue literal denials, but rather employ strategies of blame minimisation. We found such discursive strategies of blame avoidance in the G4S closing statement, where the company accepts that the abuse has taken place but interprets it as not central to the culture in the detention centre at the time. Central to the text's aim is the avoidance of criminal sanction and specifically to prevent the Brook House Inquiry from finding that the mistreatment of detainees breached the threshold of an Article 3 violation.

Here, the acknowledgement of specific incidents of mistreatment precedes discursive blame avoidance with the company's reiteration that it is 'exceptionally sorry' for the conduct of its Brook House staff. In the closing statement (Brook House Inquiry, 2022b, p. 2), the G4S lawyers write:

> G4S accept that a number of its staff at Brook House engaged in mistreatment of detainees. Further, a number of staff witnessed such mistreatment but did not report it. Both the mistreatment of the detainees and the failure, by other staff who were present, to intervene to stop it or to report it was wholly inappropriate, and abhorrent to G4S; such misconduct [footnote] was fundamentally inconsistent with G4S's values and what was expected of their employees.

The first thing to note is that the company's 'acceptance' of what happened does not lead to an acceptance of blame at a corporate or managerial level. The excerpt from the statement only accepts failures by 'a number of its staff'. In this way, emphasis is shifted away from corporate responsibility and towards a disciplinary matter of employee misbehaviour. The statement develops this line of argumentation into a clear objection against any discourse of culpability that recognises *systemic* failings. Failings are ascribed to the behaviour of individuals within the organisation who have acted contrary to what the organisation expected of them.

To go a little further, we may juxtapose the use of nouns and verbs as devices for the discursive representation of the physical and psychological abuse of detained persons in Brook House. In the excerpt above, and across the corporate closing statement, the G4S lawyers use a range of nominations – 'mistreatment, failure, misconduct' – to describe the Inquiry's subject matter. Critical discourse analysts frequently point to nomination as a linguistic strategy that serves to deflect from individual agency. Rather than accountable actions (e.g. staff have mistreated detainees) nomination conveys less information about who is to blame. By way of contrast, nomination is accompanied by the linguistic representation of harmful actions through verbs ('engage, witness, intervene, stop, report'). These all refer to the harmful or negligent behaviour of individual staff (as opposed to that of the corporation or its senior managers) who are accused of digressing from the company's stated values and are thus constructed as blameworthy.

A further example of blame avoidance rooted in discourse is a footnote in the extract, following the word 'misconduct'. The footnote reads:

> "Misconduct" in this document is used colloquially to mean conduct that was unacceptable rather than treatment contrary to Article 3 ECHR.

Although the submission has a quasi-legal character, the footnote proposes that some of the language used in the document does not belong to the register of law, but rather to a moral register. The kind of responsibility for wrongdoing that may be identified is a moral one, not a criminal one. Across the submission, this argument finds further prominence. The closing statement advances the argument that 'culpability' as legal liability lies outside the Inquiry's remit. Although some actions can be seen to be 'blameworthy', the Inquiry ought not determine any criminal liability. Together, these discursive strategies employed by G4S are directed towards a remedy: say sorry (maybe revise internal policy) but remain shielded from any criminal or civil sanction or wider political (or economic) accountability.

"Profit, I Think you stated"

While the discursive strategies used by G4S seek to shift blame onto individual employees, they are accompanied by attempts to legitimise the role of G4S as a private business contracted to manage the detention of immigrants in Brook House. Even though at the current time, G4S no longer holds the contracts for the management of IRCs, the privatisation of border control has intensified (Bosworth, 2024; Bosworth & Singler, 2022). The nature of outsourcing contracts in the sector in general, and the company's performance in particular, had come under intense scrutiny as a result of the Brook House scandal.[7] Between 2012 and 2018, G4S had reportedly made £14.3 m in gross profits from operating Brook House (Grierson, 2019). The chair of the Home Affairs Committee, Yvette Cooper, added to the pressure: 'Given that profits reduced when G4S had to increase staffing and training after the Panorama programme, this raises very serious questions about G4S's running of the centre to make higher profits whilst not having proper staffing, training, and safeguarding systems in place' (Cooper, cited in Grierson, 2019). It is within this context that Gordon Brockington repeatedly refers in his oral evidence to G4S Care and Justice Services as a 'healthy business'. He highlights the positive actions taken by the company following the BBC Panorama exposures, including the dismissal of Brook House staff.

Brockington appears before the Inquiry as a corporate witness, representing the company in a managerial role, but one who has not personally witnessed the mistreatment of detainees in Brook House. The examining counsel apparently anticipates that the manager could seek to distance himself from the events under investigation and proceeds to establish the extent to which Brockington can provide evidence on behalf of the corporation.

> Q: … I know you are the mouthpiece for the company, and you are here to answer questions on behalf of the company… (Brook House Inquiry, 2022a, p. 11)

While Brockington accepts this role, there are clear limits to his willingness or ability to account for the actions or inactions of his staff.

> A: I really cannot comment further on these, and I am afraid I have nothing further to add on the evidence which you have just put in front of me… (Brook House Inquiry, 2022a, p. 33)

Let us turn to a further example from the exchanges between Brockington and the examining counsel (Brook House Inquiry, 2022a, p. 35).

> A. I cannot conclude either way. I have nothing more to add to … in relation to …
>
> Q. Why not? You are the face of G4S. Why have you got nothing more to add?
>
> A. I have no corporate memory or knowledge of these specific issues, so it would be inappropriate for me to add anything further.

Such 'denial of knowledge' responses can serve to disassociate the corporate management of G4S with the realities

of staffing challenges on the ground and situates the question of mistreatment in the past (Schoultz & Flyghed, 2020a). They further link to the corporate apology for what happened at a specific time and place, locating blame in the behaviour of a few individuals who acted contrary to the company's rules and values (see Hearit, 2006). The question of corporate responsibility therefore revolves around the extent to which G4S itself acted in accordance with its contractual rules of engagement. Here it is Brockington who links the question of staffing levels and the company's profits (Brook House Inquiry, 2022a, pp. 21–22):

> I don't believe there is a direct correlation between the turnover of staff - profit, I think you stated - and the isolated incidents of individuals acting wholly,and I maintain wholly [emphasised in the hearing transcript], inappropriately… So I think we train the individuals to do what they do and these individuals chose to act in the way that they did, so I see no correlation between staff turnover and profit.

It is worth noting that the counsel to the Inquiry had *not* mentioned 'profit', or even alluded to it. It appears as a pre-emptive strategy to minimise blame apportioned to the outsourcing of immigration custodial operations to private providers. Faced with the reality that privatised immigration enforcement was making money from misery (Bhatia & Canning, 2021), Brockington's anticipatory comments are neutralisation techniques, which naturalise the status of 'profitability' as a legitimate objective.

Schoultz and Flyghed (2020b), too, propose that corporations accused of wrongdoing 'usually find it necessary to justify their actions' through a variety of 'corporate neutralisation techniques' and denials. Amongst those, they cite 'appeals to higher loyalties' among businesses, including profit maximisation and the furtherance of corporate interests. Schoultz and Flyghed (2020b: p. 750) argue that although 'it is difficult for corporations to justify gross violations of human rights', companies do so 'indirectly' by 'framing the positive influence of business activities'. In the way it was proposed by Sykes and Matza (1957), 'techniques of neutralisation' explained how some individuals justified norm-deviant or illegal behaviour. Later, Stan Cohen (2001) developed the original framework to apply it to state and organisational, rather than individual, accounts of denial. Others have further extended neutralisation theory to encompass justifications for corporate wrongdoing (Box, 1983). Among the categories of neutralisation relevant to our discussion, two are particularly pertinent: the 'denial of responsibility' and the 'appeals to higher loyalties'. Both categories are proposed by Sykes and Matza and were later applied by Cohen to organisational contexts.

'Denial of responsibility' refers to the notion that the deviant individual is not accountable for his or her actions due to forces beyond their control. Insofar as the high profit margins are a feature of the contract awarded by the Home Office, G4S does not deny the problems with the procurement process. The company's statement does however seek to 'deny responsibility' for it. G4S points out, repeatedly, that the original contract was awarded to a different outsourcing company and that G4S simply inherited the terms when it took over at Brook House. Moreover, the company's statement suggests that it 'did not think it appropriate' to bid for a contract that it saw as 'minimising the costs' to the Home Office (Brook House Inquiry, 2022b, pp. 18–19). Aligning its values and practices with societal norms in this way, the company can hope to avoid blame and shift it to a different corporation and a government contract which it had not negotiated.

The category of an 'appeal to higher loyalties' proposes that an individual sees their actions within a differential context in which deviant behaviour accords to the norms of a specific subgroup rather than wider societal values. Although the G4S evidence stresses that the mistreatment witnessed in Brook House was 'abhorrent' and in contravention of company values, the company seeks to contextualise this by pointing to its other obligations. Pre-empting criticism of its profitability, G4S argues that it had responsibilities to its shareholders. Its closing statement reads: 'G4S is a company rather than a public body or a charity. It has legal obligations to its shareholders to make a profit' (Brook House Inquiry, 2022b, p. 48). Techniques of neutralisation, employed in this way, serve to shift the focus of blame allocation. The attention, according to managing director Gordon Brockington (although when pressed he accepts 'a degree of responsibility'), should be directed at the 'customer':

> So again, it is back to… I am afraid it is back to the Home Office. They set the criteria in terms of what is to be measured…' (Brook House Inquiry, 2022a, p. 85).

The image that is constructed is of a company with its 'hands tied' acting in a situation beyond its immediate control. Legal obligations to maximise profits as well as an unfavourable contract which incentivises cost-cutting provided the context for the mistreatment in Brook House.

Discursive de-legitimation

While one blame avoidance strategy aimed at the discursive legitimation of profit-making in custody settings, another focused on the discursive *de-legitimation* of accountability and of the public inquiry itself. The statutory inquiry, with legal powers to compel witnesses to give evidence, had succeeded a non-statutory investigation by the Prison and Probation Ombudsman precisely because of the reluctance by (former) G4S employees to cooperate. Previous research has shown how, during the preliminary phase of the Brook House Inquiry, G4S had sought to limit the Inquiry's scope and reach (Schlembach & Hart, 2022). Following the evidential phase, during which several (former) G4S employees and managers provided testimony, the G4S written closing statement sought

to frustrate the Inquiry's ability to reach conclusions that would adversely affect its business reputation.

Notably, the G4S statement borrows from the adversarial procedures of a criminal court to undermine the credibility of the witness accounts of former Brook House detainees and of the whistleblower Callum Tulley. The statement argues that the Inquiry must assess the reliability of various witnesses and that it must place differential weight on witness accounts that have been 'inconsistent and contradictory' (Brook House Inquiry, 2022b, p. 8). In particular, the G4S submission seeks to question the reliability of evidence given by those detained in Brook House, and several of those working there, during the relevant period. The following extracts are illustrative in this regard:

(1) It is clear that the mere fact that a former detainee has asserted that something happened does not mean that it did happen.
(2) The vast majority of [the former custody staff who provided evidence] were accused of mistreatment or a failure to report mistreatment that they witnessed. In such circumstances, it is unsurprising that [sic] they sought to blame others, particularly G4S.
(3) …given that Mr Tulley was tasked with making an undercover documentary about mistreatment of detainees at Brook House, his filming was inevitably selective. He needed to obtain footage that would make interesting viewing and support the premise of the programme.

The Inquiry Chair is invited here to qualify the credibility it attaches to the evidence it has received from (1) detained persons, (2) Brook House staff and (3) the whistleblower. The examples speak to what G4S calls an absence of 'procedural fairness' in the Brook House Inquiry. To paint an image of unfairness and bias, the submissions invoke the procedural rules of a court hearing. The use of words such as 'asserted', 'accused', 'witnessed', 'selective', 'premise' invite a reading of the procedure in the Brook House Inquiry as structured in similar ways to a criminal trial.

If the submission invokes the roles and procedures in a court, it can question the 'expert authority' of other witnesses and the 'judicial authority' of the Inquiry (Van Leeuwen, 2007). G4S connects the reliability of the evidence provided by key witnesses - especially where their testimony speaks to the existence of a toxic environment and systemic corporate failures - to their treatment as witnesses by the Inquiry. The closing statement proposes that these witnesses were 'self-serving', followed a personal agenda, sought to 'minimise responsibility by seeking to blame others' and were treated favourably by the Inquiry. The examination of their evidence is described as 'very gentle', with the counsel to the Inquiry unwilling to properly test the reliability of their accounts. In the following passage from the statement, the company argues that the conduct of the Inquiry therefore departed from the inquisitorial character expected of a public inquiry:

> However, it is clear beyond doubt, that CTI [counsel to the Inquiry] frequently cross-examined numerous 'hostile' witnesses. This differential approach and the fact that only one 'side of the case' has been tested means that the [sic] it is difficult, if not impossible, for the Inquiry to reach fair conclusions on the factual matters that it is required to determine (Brook House Inquiry, 2022b, p. 9, grammatical errors in the original).

By describing the counsel's questioning of corporate witnesses as cross-examination, the extract evokes the image of a court of law in which (former) G4S employees stood as the defendants and the Inquiry acting as a prosecutor. Not only do we get a sense that the Inquiry's conduct has departed from its intended purpose and legal basis, we also get presented with the argument that there were two categories of witnesses.

While G4S replicated the typical conduct of courtroom adversarialism in the examples above, it also employed *intensifying* discourses to de-legitimise the Inquiry itself. Our analysis shows examples of how the personal authority of the Chairperson was undermined. The closing statement submitted on behalf of G4S seeks to undermine the position of the public inquiry and particularly questions the position of the Chair and that of the lead counsel to the Inquiry.

> Unfortunately, the procedure adopted by the Inquiry has not met the basic requirements of fairness. Prior to the Inquiry starting, the Chair's press interviews raised real concerns that the Inquiry had predetermined various issues. The conduct of the Inquiry further reinforced such concerns. In particular, the differential approaches to questioning of witnesses depending, inter alia, on whether they supported the Chair's views set out in the press interviews is particularly troubling. The approach adopted by the Inquiry of essentially only testing evidence that did not accord with the Chair's predetermined views, is a further reason why it should not reach conclusions on whether or not particular conduct was contrary to Article 3 ECHR. (Brook House Inquiry, 2022b, p. 5)

In this extract, the company seeks to 'prove' that the Chair's stance is not independent. It seeks to introduce evidence of this fact by citing, later, two press interviews with Kate Eves, in which the Chair sets out the Inquiry's task. In both, she indicates that 'systemic' failures will be scrutinised in her investigation. The G4S submission states that the company had sought transcripts from the interviews, a request apparently denied by the Inquiry. Although G4S claims that it is 'impossible for G4S to form a final view as to the existence of apparent bias/predetermination' (Brook House Inquiry, 2022b, p. 6), it nonetheless raises the prospect of bringing a judicial review claim on the basis of the allegations. Such discursive de-legitimation of the Inquiry as a legal authority may have ultimately failed to sway the Chair's final report, but it also reveals the importance given by the company to the aim of avoiding criticisms for systemic failings.

Conclusion

Private companies typically employ a range of linguistic and other semiotic strategies to promote a positive corporate image. For providers of outsourcing services, including in the security sector, a precondition for the successful bidding for public sector contracts is the perception that they provide value-for-money services and remain accountable to public stakeholders. Previous studies of corporate discourse have offered important insights into corporate reputation management and image repair, including after accusations of wrongdoing (such as Benoit, 1997; Breeze, 2012, 2013; Fuoli & Hart, 2018; Tombs, 2017). Fuoli et al. (2017), for example, found that the denial of corporate responsibility for failures is a more effective strategy in terms of repairing trust than accepting blame. But few have sought to understand the strategies employed by corporations to avoid criminal sanction, especially within the specific context of a public inquiry.[8] The analysis of the corporate discourse studied here demonstrates that the apparent cooperation by corporate managers with a major statutory inquiry masks a set of strategies that seek to minimise blame, undermine the credibility of witnesses and de-legitimate accountability processes. More than anything else, in our case study of an outsourcing services provider that had already lost the government contract to run Brook House, the avoidance of any criminal liability for apparent human rights violations was paramount. This is combined with the company's apparent self-representation as abiding with liberal values and norms of efficiency, transparency and human rights, with a view to obtaining future government contracts in the custodial management and immigrant control sector.

This study has more general implications for the criminological study of corporate discourse. Our findings echo those of other criminologists who study corporate harm (e.g. Whyte, 2016; Tombs, 2017). Whyte (2016) has highlighted the usefulness of 'techniques of neutralisation' and 'denial' theory for studying how corporate officials respond to scandals and/or criminal investigations. We elaborated on this approach to add specific discursive understandings of blame avoidance. Whyte argues that corporate managers are well placed to deny responsibility', as the complexity of their company's organisation allows them to plead ignorance of the failings of individual employees. Our analysis of evidence given by a G4S managing director has shown some of the linguistic strategies employed to achieve this form of denial.

We further examined the discursive techniques employed to 'pass the buck' and shift blame onto several other stakeholders. While G4S's corporate submission to the Brook House Inquiry used a 'bad apples' strategy to single out individual custody officers for blame, it also sought to blame the behaviour of the whistleblower Callum Tulley and the contractual basis of its work for the Home Office. Finally, we found argumentation strategies that sought to undermine the credibility of some of the evidence that the Inquiry heard and the legitimacy of the Inquiry itself.

The discursive strategies of blame avoidance that we have identified take specific form in the context of a UK statutory inquiry set up under the Inquiries Act 2005. We suggest that this has implications for other statutory inquiries where blame is directed at corporations, public authorities or those holding political office.

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Notes

1. Arguably, blaming and blame shifting have become prominent elements of the evidence submitted to public inquiries. For example, summing up the submissions made by corporate participants in the Grenfell Tower Inquiry, the counsel to the Inquiry described them as a 'merry-go-round of buck-passing' (Grenfell Tower Inquiry, 2022, p. 31).
2. The Explanatory Notes published with the Inquiries Act 2005 clarify further: 'There is often a strong feeling, particularly following high profile, controversial events, that an inquiry should determine who is to blame for what has occurred. However, inquiries are not courts and their findings cannot and do not have legal effect. The aim of inquiries is to help to restore public confidence in systems or services by investigating the facts and making recommendations to prevent recurrence, not to establish liability or to punish anyone. However…, it is not intended that the inquiry should be hampered in its investigations by a fear that responsibility may be inferred from a determination of a fact.' (Inquiries Act, 2005; Explanatory Notes)
3. The Brook House Inquiry identified 19 incidents in a 5-month period for which there was credible evidence of behaviour that was capable of amounting to mistreatment contrary to Article 3 ECHR. Details of the findings and recommendations go beyond the scope of this article.
4. In 2015, Serco staff at Yarl's Wood IRC faced accusations of sexual abuse and degrading treatment after a Channel 4 News investigation, which involved secret filming in the detention centre. Further footage obtained as part of research by Corporate Watch raised concerns over inadequate staffing and cost-cutting exercises in the Mitie-operated Harmondsworth IRC.
5. This categorisation serves our purposes here, yet it is necessarily limited. As observers have noted, the existing literature on public inquiries is 'fragmented and disorganized' (Critch, 2023, p. 14), so this is our attempt to bring some order into this chaos.
6. https://www.youtube.com/watch?v=phsWmUSOAOs

7. There have been other recent scandals. In 2020 for example, G4S Care and Justice UK agreed a deferred prosecution agreement with the Serious Fraud Office (SFO). The company reportedly paid £44m to settle three counts of fraud, for misleading the Ministry of Justice as to the true extent of profits it earned on a prisoner tagging contract (Serious Fraud Office, 2020). An attempt by the SFO to prosecute three company executives failed in 2023.
8. We have not attempted to answer the question whether the corporate blame avoidance strategies employed by G4S were effective. To do so would require a different research design. However, the Inquiry's final report has included findings that were clearly disputed by the company and makes recommendations - such as a time limit on detention - that would severely undermine the profitability of immigration custodial services. The government ruled out the possibility of setting a time limit on detention in its response to the Brook House Inquiry report.

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