



Annual Report

of the

Independent Monitoring Board

for

**Brook House
Immigration Removal Centre**

1 April 2013 to 31 December 2013

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1. Introduction

This report is presented by the Independent Monitoring Board (IMB) for Brook House and covers the nine month period to 31 December 2013. This shorter period brings the reporting year into line with other IRCs

The IMB for Brook House acts as a 'watchdog' on behalf of the Home Secretary and the general public by providing independent oversight of the Immigration Removal Centre. All members are volunteers.

The Board monitors the treatment of detainees and the conditions in which they are held in order to ensure that these men are treated with dignity and respect. It is also the duty of the IMB to monitor how the contractors, G4S, comply with the requirements of the Detention Centre Rules 2001.

The IMB works closely with the staff of Brook House whilst maintaining independence and impartiality. Members normally raise concerns with the Management before taking them further. It is pleasing to note that the management and the vast majority of staff treat the members with great respect and this is of considerable assistance as we carry out our monitoring duties.

A detainee can make application to see a member of the IMB to discuss his problems relating to his stay in Brook House. Our remit does not include a detainee's immigration status.

Should they wish, staff are able to discuss their own problems with the IMB and they are assured of the utmost discretion.

The G4S management team is also responsible for the running of Tinsley House IRC which is situated about three quarters of a mile away. This establishment is served by a separate IMB.

All figures quoted in this report are based on the IMB's analysis of statistics supplied by the Contractor, G4S.

2. Statutory Role of the IMB

The Prison's Act 1952 and the Immigration and Asylum Act 1999 require every Prison and Immigration Removal Centre (IRC) to be monitored by an Independent Monitoring Board averaging 8 -12 members. In the immigration estate, the Home Secretary appoints members from the community in which the IRC is situated.

The Board is specifically charged to:

- 1) Satisfy itself as to the humane and just treatment of those held in IRCs.
- 2) Inform, promptly, the Secretary of State or any officials to whom he has delegated authority as it judges appropriate, any concerns it has.
- 3) Report annually to the Secretary of State on how far the IRC has met the standards and requirements placed on it and what impact these have had on the Centre.

To enable the Board to carry out these duties effectively its members have the right of access to every detainee and every part of the Centre at any time and also the Centre's records.

3. IMB Diversity Statement

Brook House IMB is committed to an inclusive approach to diversity which encompasses and promotes greater interaction and understanding between people of different backgrounds including; race, religion, gender, nationality, sexuality, marital status, disability, age etc. We also recognise that this fully inclusive approach to diversity must respond to differences that cut across social and cultural categories such as mental health, literacy and drug addiction.

The Board values this approach to diversity within its recruitment and Board development practices. All members of Brook House IMB endeavour to undertake their duties in a manner that is acceptable to everyone in the Centre regardless of their background or situation.

4. Brook House Immigration Removal Centre

Brook House is a purpose built Immigration Removal Centre which was opened in 2009. It is built on a small site next to the main runway at Gatwick Airport. Changes have been made to increase the number of beds available from 426 to 448. The main contractor, G4S, provides the service for Home Office Immigration and Enforcement.

During the nine month period of this report more than 9000 men passed through the Centre compared with 6000 during the twelve month reporting period of the last report. This has had a huge impact on the operation of the Centre as will be evident from the body of this report.

There are five Wings of double rooms. Each room has a wall-mounted television, washbasin and screened-off lavatory. The detainees do not have keys to their rooms but each man has a lockable cupboard for his personal possessions. There are table tennis and pool tables and some games consoles in the communal areas on each Wing and fixed tables and chairs where men may take their meals. The men are locked within their shared rooms from 21.00 until 08.00 hours.

Each man is supplied with a mobile telephone on arrival so that he can maintain contact with his family, friends and solicitor. He can buy credit as required.

The small Healthcare Centre provides 24 hour healthcare.

The contract to provide the catering and cleaning and a modest shop for detainees is held by Aramark. A cultural kitchen is provided for men to cook their own food.

The limited space allows for facilities which include a suite of computers with limited internet access and some fitness rooms. The library and education departments are provided and staffed within the G4S contract.

An officer is available to give welfare advice. Diversity and safer community matters each have their own coordinator. These three areas give much needed support to detainees.

The Religious Affairs department offers facilities for all faiths although the Mosque is too small to accommodate the current Muslim population of nearly 50% of the total centre population. Plans are under consideration to increase the area available for Muslim prayers.

There are four outdoor areas for detainees one of which is a small garden.

Gatwick Detainee Welfare Group and the Samaritans visit the Centre to give support to detainees. The Home Office Immigration Enforcement Department has an office within the Centre.

5. Executive Summary

The nine month period of this report has seen continued improvements in the Centre.

There was an unannounced inspection by HM Inspector of Prisons in June and, in keeping with the views of the IMB, they reported many improvements throughout the Centre. The Board's areas of concern are, generally, mirrored within the HMIP report.

The management commitment to providing a decent environment for detainees and staff continues and there are high expectations of staff. The limitations of space cannot be overcome but G4S has tried to utilise the buildings to the maximum to create opportunities for activities to occupy the detainees held within the Centre. Alterations continue to be made at the time of report writing.

Staff have confidence in managing detainees and, generally, there is mutual respect between officers and detainees.

Issues requiring a response:

Issue 1: Foreign National Offenders (FNOs) being brought to Brook House for interviews with Embassy staff but refusing to return to prison. (page 8 Care & Separation)

Consular Officials often visit Brook House to interview their nationals. To assist the embassy staff men from various establishments are brought to Brook House for the visit. Recently more serving FNOs have come and in some cases have declined to return to their own prison because they have enjoyed the more lenient regime of Brook House. This causes beds to be blocked which are needed by other detainees. The Board appreciates the intention of bringing the men to one place for interview by the authorities from their home countries but it appears that the subsequent difficulties more than outweigh the perceived benefits.

Issue 2: The IMB does not see the full process of complaints detainees make against the Immigration Service. (page 9/10 Home Office/complaints)

It is agreed with the Home Office that the IMB can have sight of all complaints other than those of a medical nature.

The contractors supply all details of complaints made against them but the IMB does not know the outcome of complaints made against the Immigration Service.

Issue 3: Some men are advised to purchase their own flight ticket home yet there have been cases where the departure has not been facilitated. They then ask for a refund which is not forthcoming. (page 10 Home Office/complaints)

The Board is aware of several instances where men have been allowed to purchase their homeward flight tickets. If the flight is not facilitated they, quite understandably, submit a complaint requesting a refund. The Board has not seen any case where compensation has been paid.

Issue 4: Detainees are affected by the shortcomings of the in-country and removals escorting contracts. (page 10 Problems with escort contract)

Detainees have to be securely escorted within the United Kingdom and when being removed. Any failings in the escort contract resulting in aborted removals can cause distress to the detainees. Assurance has been given by the Immigration Department that these difficulties will be solved in the New Year. The Board will monitor this area carefully and continue to report on any problems.

Issue 5: The one Welfare Officer is in great need of support. (Page 7 Equality)

The commitment of the sole Welfare Officer is commendable but the Board, as in previous years, considers this too much for one officer to manage alone.

Last year's issues

Size of Mosque for growing Muslim population

The Board is pleased to know that consideration is being given to providing a larger Mosque to accommodate the number of Muslims regularly in residence.

Standby places for Charter Flights

Whilst the Board accepts that Charter Flights must be conducted in the most economic manner it is still concerned at the number of men who return to the Centre in the early hours of the morning following an aborted return to their home country.

Deportation to home locality

It is to be hoped that more careful attention is given by Case workers to ensure that detainees are returned to a satisfactory destination.

Detainees being moved at night for routine transfers including inter-centre transfers

There is no evidence to suggest that fewer detainees are now being moved between Centres at night.

Further positive observations of the Board concerning issues raised in previous years.

Mental health problems are given more urgent attention

Generally, detainees with mental health problems are identified in a more timely manner and are then moved into secure, local mental health units in order to receive more appropriate treatment.

The average length of stay is much reduced

The average length of stay is now a more appropriate 28 days although, at the end of December, there was one man who had been resident at Brook House for more than two years and another nine men who have stayed for more than one year.

6. Report

6.1 Population

The average length of stay for detainees in Brook House has dropped dramatically. Although, as referred to above, one man had been at Brook House more than two years and others for more than a year, the average stay is now about 28 days. This is a great improvement and relieves some of the problems caused by the lack of space highlighted in each of our previous reports.

The Board is pleased to note this change but is also aware that the fast turn-around of the population puts different stresses on the operation of the Centre. The discharge and reception areas are regularly working at full capacity. This is especially noticeable when charter flights are being assembled.

There are men arriving and leaving at all times of the day and night. Most of these movements are unavoidable but the Board is still concerned about the number of detainees arriving in the night having gone to the airport to fly on a chartered flight only to be returned between 0100 hours and 0400 hours for one of a number of reasons.

More than 9000 detainees stayed at Brook House during the reporting period and fewer than 3000 left for flights out of the country.

The Centre has been the departure point for more charter flights than in previous years. 827 detainees left on charter flights in the reporting period. (Previous years' figures are not available.)

New arrivals have to be settled and assessed quickly to establish that they can cope with life at Brook House. The smaller Beck Wing was designated as the Induction Wing but now struggles to cope with the increased number of men coming in to the Centre.

There has been a noticeable increase in the number of serving Foreign National Offenders (FNOs) arriving at the Centre for consular visits or other similar meetings. This appears to be more convenient for the visiting High Commission and Embassy staff but has created problems for the Centre. These prisoners are usually held on Eden Wing which is also used as a departure Wing for men who may otherwise disrupt normal life on the larger Wings. It also houses the two 'constant watch' rooms. The Board believes the pressure is too great on the one small Wing. The effect on the Centre has been to block beds for departing detainees and others who might benefit from being held on a small Wing. It may be possible to mitigate these problems by a more imaginative use of the audio-visual links which are in place at Brook House and other establishments.

6.2 Equality and Inclusion

A newly appointed manager for Equality and Inclusion has raised the profile of this area. He is very enthusiastic and is tackling the many issues in a positive and refreshing manner.

There are cultural celebrations throughout the year and it is pleasing to see many detainees from varied ethnicities joining in most of these events.

The Muslim residents frequently make up more than 50% of the total population. This increases the urgency to find space for a bigger mosque. The number of men observing Ramadan had a greater impact upon the regime and the operation of the kitchen than in previous years. It appears that there may be a need to appoint more Imams to cope with the larger population.

One officer works full-time to help detainees with any welfare problems they may experience. His brief covers any topic from a man's family welfare to dealing with his missing property. He is doing an excellent job but it is apparent to the Board that another person is needed to help in this role in order to provide proper cover throughout the week.

The majority of men arriving in Brook House are aged below thirty five years and are physically able. A physically impaired detainee can be given one of the few ground floor rooms with showers but, as most of the various activities available to detainees are located on the upper floors, the Centre is not ideally suited to these men.

One area in which the detainees particularly enjoy working is the kitchen. Their knowledge of dishes from other cultures is of benefit to the Centre as well. The menus are varied to try to suit most nationalities.

6.3 Education Learning and Skills

The art work produced by detainees under the care of the resident tutor is of a very high standard. It is well displayed around Brook House and used to support various events happening around the Centre. Staff changes in the education classroom have resulted in a few difficulties but it is hoped that the situation will soon be resolved. It is pleasing to note that some education and art classes are held in the evenings but, unfortunately, this results in fewer daytime sessions.

Another area of great benefit to the detainees is the Cultural Kitchen. The pleasure derived from cooking their own food is quite obvious and the results are excellent.

6.4 Health and Mental Health

There has been continued uncertainty over the commissioning of health care by the National Health Service (NHS) within the Immigration Detention Estate. Time and money has been spent in preparation but without apparent progress. As far as the Board can judge the detainees receive the health care they require.

Many men arrive with apparent mental health issues or behavioural problems. These men are often in considerable distress and are, perhaps, facing their first time in detention. They are generally held in the Care and Separation unit and, if necessary, moved on to a secure mental health unit elsewhere.

6.5 Purposeful Activity and Resettlement.

The appointment of a Manager to train and supervise those detainees who undertake paid work has helped a great deal. There are approximately 86 positions available to detainees for which they can be paid a small amount. This helps the men to gain self-worth and contributes to the smooth running of the Centre. The

Purposeful Activity manager is accredited to help the detainees gain industrial cleaning qualifications which can be of great benefit when being released from detention either in this country or their home countries.

6.6 Safer Community

Quite a number of men find detention in a removal centre to be a very distressing experience and threats of self-harm can occur. The Centre has monitoring procedures in place and men at risk are included in planning their own care programme. In extreme cases this may require a man to be kept under constant supervision. The Board accepts that this level of care may be necessary, but it is a great intrusion upon a man's privacy and a drain on available staff resources. It could be argued that it gives an opportunity for greater interaction between the officer outside the cell door and the detainee, though language may be a problem. On occasion an offered diversion has proved a successful distraction. Nevertheless, it is upsetting for all those involved. There was an extended time during this reporting period when there was regularly at least one man being cared for in this manner. One had been under constant supervision for a total period of four months, though much of this time was spent in another centre. The Board was relieved when this man was removed from Brook House and taken to a local secure mental health unit. The question remains in our minds as to whether there would be any more appropriate way of dealing with these needy men.

Having raised the problem of mentally ill detainees in the past, the Board is pleased to note that, in general, greater urgency is now given to the transfer of those assessed as needing the specialist care of a secure mental health establishment than used to be the case.

6.7 Care and Separation

Far fewer men have been held in the Care and Separation Unit during the period of this report. This is partially because the use of Eden Wing and its regime was changed. As a result, although foreign national offenders cannot be held on normal location, they no longer have to be segregated. These men are brought to Brook House for consular visits or similar but, having been introduced to the more liberal regime than in prison, some decline to return to prison. As discussed on page 6 the subsequent difficulties might be seen to outweigh the perceived benefits. It is to the credit of the Centre that there have been far fewer disruptive incidents resulting in detainees being held in Temporary Confinement. The figures provided in the table below for use of force do not make allowance for the doubling of throughput of detainees in the nine month period. The number of restraints per detainee passing through the Centre shows a significant decrease on the previous year

Statistics for the Use of Removal from Association and Temporary Confinement

	2013(9mths)	2012/13	2011/12	2010/11	2009/10
No of admissions to RFA (Rule 40)	157	752	644	1644	1442
No of admissions to TC (Rule 42)	19	25	49	85	157

Number of times when force was used (C&R) (Rule 41)	93	108	112	110	173
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6.8 Residential Services

The atmosphere on the residential Wings has changed considerably since the Centre opened. There has been a reduction in the noise levels and, generally, there is a prevailing calm. Some artwork has been used imaginatively as sound baffles in an attempt to reduce the echo effect which is normally a drawback of prison-like buildings. Where possible, more activities are provided in the communal areas on each Wing.

The emotive topic of food has, as usual, exercised the detainees' time. During our rota duties the Board has satisfied itself that the food is generally good. It is impossible to serve foods to suit the possible sixty-five nationalities who are from time to time in residence. There was a small passive protest, supposedly about the food, on one Wing during the summer but it appeared to have been orchestrated by one detainee in particular and, in the following days, other detainees were pleased to say that the food is not a problem in the Centre. The instigator was moved to another Centre to the apparent relief of others. On occasions there are slight complaints about the size of food portions but it is the Board's view that the size of the portions is more than acceptable.

6.9 Home Office Immigration Staff

Throughout the year the Immigration staff have struggled to keep up with their work. To the Board it has appeared that senior members of staff have been repeatedly moved to other offices to help out and the effect has been felt mostly by the more junior Brook House staff and detainees. The remaining staff always appeared to be under pressure and this may have reflected in the slowness of information given to the detainees. The Board is not confident that detainees are seen within target times and, while talking to detainees, members are given the impression that they are generally bewildered about their cases.

All complaints from detainees (excepting medical ones) are processed by the Immigration staff who forward them in the first place to the Detention Services Complaints Team. Those which concern the contractors are then returned to Brook House and dealt with locally, apart from more serious complaints which would be investigated by the Professional Standards Unit in Croydon. All other complaints are dealt with by staff in the relevant authority. The IMB is given copies of all complaints and receives copies of the replies from those involving the contractors but not those involving Immigration. On occasion the IMB has asked to see the outcome of some of these complaints. This has proved difficult for any being dealt with outside the local Brook House team as there does not appear to be an auditable process of dealing with them.

As an example, the Board is aware of several complaints where a detainee, advised to do so, has purchase his own flight ticket to his home country and then not had his departure facilitated, losing the cost of the ticket (Issue3 page4). We have seen evidence of written permission for a man to buy his ticket but still not leaving on his purchased flight. Misleading or unclear instructions are not acceptable. If this

happens because of a failure by the Immigration Service then the Board would expect the detainee to be compensated. We did not come across any of these complaints being substantiated. The attitude by the Immigration staff appears to be that, as he will have his next return financed by the service, there is no real loss to the man. Sadly, it appears that the detainee has, in most cases, borrowed the money from friends.

The comparison between the complaints analysis (Annex A) and the IMB applications analysis (Annex B) suggests the size of the problem. In the 9 month period there were 120 complaints concerning the contractors whereas, out of 91 applications to the IMB in the same period, 36 were about their immigration status (40%) There is no process to inform the IMB about the results of any complaints made about the Immigration service.

The Board asks that it be given full access to all complaints and their outcomes, be they concerning the contractor or Immigration service, unless the detainee has specifically forbidden it.

6.10 Problems with In-country and Removals Escorting Contract.

The Board is aware that there have been problems with the escorting contractor on a national level. The effect has certainly been evident at Brook House. As that contract does not come under our remit the IMB does not keep details of examples. However, some cases include:

- 1) The escorting team did not arrive at the planned time for an early morning removal and the subsequent delay gave the detainee time to plan actions which he hoped would prevent his removal.
- 2) As mentioned in the Immigration service section of this report, some men have missed their flights because the escorting team has not arrived in time. If these flights are paid for by the detainee then a refund of the lost fare would appear to be fair and equitable.
- 3) A man arrived at Heathrow at about 1430 and, with the intention of providing him a decent period of rest, was moved to Brook House, but not until the early hours of the following day, arriving at about 0430 hours. He then left Brook House at about 0830 to travel back to Heathrow for a return flight. His flight was due to depart that afternoon. This treatment seemed inhumane and, during our enquiries about this case, the IMB were advised that the escorting contractor was to blame for not collecting him from Heathrow within the permitted three hours from time of request. There had apparently been no nearer centre, all were at full capacity.
- 4) Escorting duties for charter flights. This matter has been raised with the Immigration Service and TASCOR on several occasions. Each man is searched in the Discharge Area of the Centre and, at the same time, his valuables are checked, out of his sight. Until then the belongings are kept in a numbered, sealed bag which should only be opened in the presence of the detainee. The man is subsequently asked to sign that all his valuables are leaving with him. The detainee would be right to refuse to sign this but the

removal crews create an imposing presence and it would take considerable courage to question the procedure.

There have been many further cases and it is hoped that the promised solution will deliver a better service.

7. IMB Membership

Partly as a result of the new tenure rules restricting board membership to 15 years the Board at Brook House is short of members despite two recent recruitment campaigns. There are only five members out of a full complement of twelve. As a result board members have not always been able to maintain the level of oversight and monitoring that they might have wished. In fact, a Board meeting had to be cancelled as it was not quorate. One possible solution for the future might be for the Boards at Brook House and Tinsley House to merge. The two establishments are already managed jointly by the Home Office and the same contractor.

Bobby Fairclough
Out-going Chair

Jacqueline Colbran
In-coming Chair

Brook House Independent Monitoring Board

January 2014

Annex A – Summary of complaints to the Immigration Service

Code	Subject	2013 9 mths	2012/13	2011/12	2010/11	2009/10
A	Accommodation	26	38	46	52	n/a
C	Diversity related	10	14	12	0	n/a
D	Education/employment/ activities	2	26	37	41	n/a
E	Family/Visits	0	4	9	12	n/a
F	Food	12	19	18	22	n/a
G	Health Related	6	23	19	37	n/a
H	Property	37	84	84	147	n/a
I	Concerning Immigration Status	Not included	Not included	Not included	Not included	n/a
J	Staff/detainee related	25	41	56	85	n/a
K	Transfers	0	1	1	0	n/a
L	Miscellaneous	2	2	7	16	n/a
	Total	120	252	289	412	337

All figures quoted are based on the IMB's analysis of statistics supplied by the Contractor, G4S.

Figures for 2009-2010 have not been broken down on this basis.

Annex B – Summary of applications to IMB

Code	Subject	2013 9 mths	2012/13	2011/12	2010/11	2009/10
A	Accommodation	13	18	8	1	1
C	Diversity related	0	2	1	4	1
D	Education/employment/activities	2	4	7	2	1
E	Family/Visits	0	0	2	2	0
F	Food	4	8	12	2	0
G	Health Related	7	20	13	17	3
H	Property	4	12	16	16	15
I	Concerning Immigration Status	36	49	42	43	8
J	Staff/detainee related	4	9	14	17	16
K	Transfers	3	12	3	8	1
L	Miscellaneous	8	1	4	13	7
	Matter settled or detainee no longer in Centre	10	6	5		
	Total	91	141	127	125	53

Annex C – The work of the IMB

Board Statistics	2013 9mths	2012/13	2011/12	2010/11	2009/10
Recommended complement of Board Members	12	12	12	12	12
Number of members at start of reporting period	5	8	9	5	5
Number of members at the end of reporting period	6	5	8	9	5
Number of new members joining	1	2	1	5	1
Number of members leaving	1	5	2	1	1
Total number of Board meetings	11	11	12	12	9
Average no of attendances at Board meeting	4.5	6	6	6	4
No of attendances at meetings other than Board meetings	18	40	47	35	30
Total number of visits to the IRC including all meetings	168	220 approx.	246	191	183
Total number of applications received	91	141	127	125	53