



**Annual Report**

**of the**

**Independent Monitoring Board**

**for**

**Brook House**  
**Immigration Removal Centre**

**1 January 2016 to 31 December 2016**



## **INTRODUCTION**

This report is presented by the Independent Monitoring Board (IMB) for Brook House Immigration Removal Centre and covers the period 1 January to 31 December 2016.

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 (IRC). 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, both G4S and the Home Office, whilst maintaining independence and impartiality. Members normally raise concerns with the management before taking them further. It is pleasing to report that the management and the vast majority of staff are most helpful which 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 concerns or problems with the IMB and they are assured of the utmost discretion.

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## **Section 1**

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### **STATUTORY ROLE OF THE IMB**

The Prison Act 1952 and the Immigration and Asylum Act 1999 require every prison and Immigration Removal Centre (IRC) to be monitored by an independent Board appointed by the Secretary of State from members of the community in which the prison or centre is situated.

Each 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 official to whom he has delegated authority as it judges appropriate, any concern it has.
- (3) report annually to the Secretary of State on how far the IRC or Short Term Holding Centre has met the standards and requirements placed on it and what impact these have on those held in the centre.

To enable the Board to carry out these duties effectively its members have right of access to detainees, the centre and also to the centre's records.

### **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 and age. 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 respects this approach to diversity within its own 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.

## Section 2

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## **Section 3**

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### **DESCRIPTION OF BROOK HOUSE IMMIGRATION REMOVAL CENTRE**

3.1 Brook House is a purpose built Immigration Removal Centre which was opened in 2009. The maximum operating capacity has been 448. Preparations have been made to increase numbers to 508 in the coming year. The main contractor, G4S, provides the service for Home Office Immigration and Enforcement.

3.2 The establishment is about 200 metres from the main runway at Gatwick Airport, built to Prison Category B standard to provide secure accommodation for men awaiting deportation from the UK. At the time of construction it was intended only as short term accommodation while detainees await removal. In practice this is not the case and many stay for much longer. Space is in short supply and the footprint of the building does not allow expansion.

3.3 The building comprises four wings of double rooms and one smaller one of singles, with connecting communal corridors. Through 2016 each room had two beds, desks and shelving, a wall-mounted television, washbasin and screened-off lavatory. As mentioned above, preparations are in place to accommodate three residents in 60 of the rooms, with two bunk beds and a single, though for operational reasons the ramp up has been delayed. 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, some games consoles in the communal areas on each wing and fixed tables and chairs where men may take their meals. Men are only allowed to smoke in their rooms and in external areas to which they have access. Except in exceptional circumstances smokers do not share rooms with non-smokers. For much of the day there is free movement to enable detainees to access regime activities and facilities. The men are locked within their shared rooms from 21.00 until 08.00 and for 2 short periods during the day for a roll count.

3.4 Each man is supplied with a mobile telephone on arrival so he can maintain contact with his family, friends and solicitor. He can buy credit as required. He also has access to a fax machine on his wing.

3.5 The small Healthcare Centre provides 24 hour cover, though not in-patient treatment. Under the aegis of NHS England, G4S Medical, a separate company, provides medical services; Sussex Partnership the mental health services and RAPt (Rehabilitation for Addiction Prisoners' Trust) has recently begun to provide substance misuse services.

3.6 The contract to provide catering and cleaning and a shop for detainees is held by Aramark. It also provides a cultural kitchen where men can cook their own food under supervision.

3.7 There is a noticeable shortage of space for activities. Facilities include a suite of computers with limited internet access and a gym. The library, education and arts and crafts departments are provided and staffed within the G4S contract. Board games are available in some communal rooms. There are four small outside courtyards, one of which has been made into a garden and the others are used mainly as sports pitches.

3.8 Officers are available to give welfare advice. Diversity and safer community affairs each have their own coordinator. These three areas give much needed support to detainees.

3.9 The Religious Affairs department offers facilities for all faiths.

3.10 Gatwick Detainee Welfare Group, the Samaritans, the Red Cross, Migrant Welfare and BID (the Bail for Immigration Detainees charity) visit the Centre to give support to detainees. The Home Office Immigration Enforcement Department has an office within the Centre.

## Section 4

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### EXECUTIVE SUMMARY

4.1 Much in this report has been said in past years. Once again the IMB judges Brook House IRC to be a well-run establishment, providing a decent environment where detainees awaiting removal are treated humanely and fairly. Management, under the direction of Ben Saunders, has high expectations of staff and there are many examples of good and dedicated work by officers and managers and a continuing commitment to safety. The Board remains pleasantly surprised how open management is to suggestion and constructive criticism. There is a real will among the management team to seek to improve and a “can-do” culture of transparency. This attitude permeates to the officers in their attitude to the IMB, which is one of cooperation and helpfulness.

4.2 The limitations of space cannot be overcome but G4S has tried to utilise the buildings to the maximum in order to create opportunities for activities to occupy the detainees held within the Centre. This will become even more important over the next months as the population increases. The Board is naturally concerned about the effects this will have on the three men obliged to share a small space and on the wider operation of the Centre.

4.3 The year was marked by several untoward events, beginning with fallout of the Medway scandal causing Brook to lose its director for several months. While he was ably replaced, in quick succession there was a detainee escape, a closure of the Centre owing to a chicken pox epidemic in March, an act of mass indiscipline when 40 detainees refused to lock up in the evening in May, and finally the temporary closure of wings as they were upgraded for the population increase. Lastly, some 90 Tinsley detainees were accommodated in September when, in its turn, it was closed for upgrade. The IMB was involved in monitoring these events and considers the Centre weathered them with a minimum of disruption for the detainees.

4.4 Brook House welcomed a visit from Her Majesty’s Inspectorate of Prisons (HMIP) for an unannounced two weeks of inspection in November. Their report will not be published until March but indications were that their views largely coincide with the IMB. The Home Office and G4S will be looking to produce an action plan to meet the Inspector’s recommendations. While there have been no huge changes yet, the Board is aware that the reports mentioned last year, in particular the Shaw Report, are influencing Home Office thinking and plans are afoot to address some of the recommendations, for example in mental health. Finally, extensions were made on the principal national contracts in 2016 but re-tendering will be proceeding and Brook House IRC entering its own retendering process in the year ahead.

### Issues requiring a response:

**Night transfers of Detainees** This has been raised in past years. The Board specifically excludes from criticism essential night moves such as for flights, hospital appointments and court hearings. It continues to have major concerns that detainees are moved at night for routine transfers, often between IRCs, and for those subjected to lengthy journeys by way of a number of pick up points at unsocial hours. It does not believe that the impact on the care and welfare of individual detainees is taken into account. It hopes negotiation of the new contract will provide opportunity to address this (see para 5.11)

**Mental Health** Many men experience mental ill-health before and during detention. Largely as a result of the Shaw Report this has risen to the top of the agenda but concrete decisions and results are still awaited. In particular the Board raises here the issues of delays to access beds in mental health hospitals, the possibility of a second tier emotional health group and advanced awareness training for officers (see Para 5.4.8-9)

**Healthcare “Hot Desk”** In view of the number of healthcare complaints the Board suggests some means by which detainees can raise their healthcare concerns and resolve them at an early stage, in many instances obviating the need for a formal complaint (see para 5.4.12). A “hot desk” is merely one idea.

**Social Networks** While appreciating security concerns IMBs across the IRE estate continue to feel that some form of social networking eg Skype would be of great value in allowing detainees to maintain contact with family and friends in the UK and abroad (see para 5.8.1)

**Length of detention** That any individual should spend one or two years in detention awaiting a Home Office decision as to their removal from the UK is to be deplored. There is a pilot project currently underway at Brook House but the Board strongly believes long term solutions are needed. Many are eventually released on bail by an immigration judge, calling into question the cost and effectiveness of extended detention.

There are a number of issues which are not questions for the Minister or G4S at this stage but are of concern to the Board and which it will monitor in the coming year.

- The effects of the Centre’s population increase
- The poor attitude of some nurses towards detainees
- The handling of Rule 35 requests and reports
- Property loss was accepted as an action last year but there appears to have been no attempt to change the logging system. The Board needs to check if this is detrimental

#### **Last year’s issues**

The Board was pleased to note the following issues raised in last year’s report were accepted by the Home Office and G4S and acted upon:

- ACDTs based on food and fluid refusal – a DSO currently being drafted allows for a detainee who chooses to eat from shop purchases rather than a meal provided by the Centre to be monitored but no longer to be considered as self-harming.
- Difficulty of monitoring healthcare complaints – the Board now considers it is able to monitor complaints satisfactorily via the tri-monthly Healthcare meetings and through its direct inquiries.

All figures quoted throughout this report are based on the IMB’s analysis of statistics supplied by the Contractor, G4S and the Board’s own records. These do not always match exactly so where necessary we have opted for averages.

## **Section 5**

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### **SPECIFIC AREAS**

#### **5.1 Population**

5.1.1 Detention in Brook House is intended to be short-term. Figures to accurately reflect an average length of stay are not easily available. Nevertheless, there undoubtedly has been a significant increase in the length of time detainees were held compared to 2015. As a spot check, at the end of December 2016 there were 12 detainees who had been held in the centre between six and twelve months, three over one year and none over two years. There was only one occasion when records showed a detainee had been held at Brook House for more than two years – he was removed the following month – although consistently there were individuals held for more than twelve months. In April we started to look at the total length of time detainees had been held in immigration custody rather than just the time they spent at Brook House. This proved interesting: almost every month there had been one, two, three and, in one month, four detainees who had been in the system for over two years, often of course the same person; the longest being two years and nine months. The Home Office updates the Board on a monthly basis on progress and is ready to explain the reason for delays in deciding on individual cases. While appreciating the difficulties presented by refusals to cooperate or the slow issuing of travel documents by foreign consulates the delays and uncertainties are hugely frustrating for the individual deprived of his liberty. The IMB is not the only organization arguing for a more effective and humane system.

5.1.2 Over 5500 detainees arrived at Brook House during the reporting period and about 2600 left for flights out of the country, the others being transferred or released. This was fewer than 2015, due to the period when the Centre was closed for a chicken pox outbreak and a reduction of numbers to cope with upgrade works. Many arrive in the Centre shortly before their departure on scheduled or charter flights. The Discharge and Reception areas are regularly working at full capacity when charter flights are being assembled. There are men arriving and leaving at all times of the day and night. Most of the night movements are unavoidable and relate to airport departures or arrivals from police stations (but see para 5.11). New arrivals have to be settled and assessed quickly to ensure that they can cope with life at Brook House.

5.1.3 Serving Foreign National Offenders (FNOs) arrive at the Centre for consular visits or other similar meetings. These prisoners are usually held on Eden Wing as they cannot mix with other detainees. Home Office policy is now to accommodate time-served FNOs in the IRCs unless the nature of their crime or behaviour dictates it is safer they should remain in prison. Their numbers have grown from an average 22% of the Brook House population in the last four months of 2015 to an average of 42% over 2016, a significant increase. This population imbalance may be behind some of the increase in violence and drugs entering the Centre. Just before a charter there is likely to be an influx of ex-offenders from prisons. They, and detainees likely to resist removal, are also accommodated on Eden Wing.

#### **5.2 Equality and Inclusion**

5.2.1 The Board remains impressed with the leadership of this area, feeling there is a real interest in and respect for the widely diverse cultures and religions among the Centre's population. Detainees in Brook House come from all over the world – in December 2016 there were 68 nationalities speaking many different languages, across different age groups and covering a range of religions.

5.2.2 Monthly equality meetings are in place, with detainee representatives and orderlies, as well as staff from all relevant areas attending. The IMB are invited to these meetings, which the Board finds extremely helpful and attends where possible. An excellent report, published

monthly, contains comprehensive statistics and information on all aspects of equality. Diversity training is rolled out for all new and existing staff.

5.2.3 A programme of cultural celebrations runs throughout the year and the Centre celebrates most national and religious days. The Centre promotes these events through posters on the wings and the Kitchen works hard to support the festivals by producing suitable menus. The end of Ramadan was celebrated with prayers and a special Eid meal was provided for the whole Centre. Likewise, Christmas was celebrated with carol and other services and a special meal for all.

5.2.4 The IMB acknowledges the important role the chaplaincy team, with representatives of major faiths, plays in the Centre, offering detainees emotional and spiritual support at a very difficult time in their lives. Some of the smaller religious groups are not catered for but the Chaplaincy does its best for them. Under the new Religious Affairs manager the team is highly visible around the Centre, talking to detainees and making a point of attending ACDT reviews (see para 5.6.3)

5.2.5 The numbers of Muslim detainees fluctuate around 45-50% of the Centre's population. The large number of men observing Ramadan has, as in previous years, a significant impact upon the regime and operation of the kitchen. The Kitchen had to provide 125-130 insulated boxes each evening for those fasting. The IMB continues to be impressed by how well the Chaplaincy and Centre manages. The use of the Visits' Hall as a venue for Friday prayers is now satisfactory to the Muslim community. Christian services are also held in the same space on Sundays. The Faith Channel is made available on the TV and consideration is given to those whose English is not their first language during the Sunday services.

5.2.6 The Welfare team had two staff helping detainees with a range of welfare issues, a third being introduced in November. They deal with a wide range of queries: providing a caseworker's fax number, chasing missing property left elsewhere, or helping to contact family. They also liaise with, and organise access to, outside agencies which visit the Centre to assist detainees with specific issues including BID for advice on bail applications, GDWG who support men with regular visitors and practical help of clothing and telephone pin money, Red Cross with locating families and Samaritans. A fourth member of the team has recently begun to help specifically with resettlement issues connected to the Home Office pilot (see para 5.9.2). During busy periods, Welfare could see activities reach close to 2,000 sessions a month. The success of the Welfare team is shown by the long and sometimes impatient and unruly queue waiting outside the office. The latest attempt to address the problem has seen an office move and appointments system introduced.

5.2.7 The Centre is not ideally suited to men with significant physical disability, for example those requiring the use of a wheelchair, as there is no lift access for detainees. The majority of men arriving in Brook House are aged below 35 and physically able. The Centre pays particular attention to young (18-21) and elderly groups (over 55). Older detainees or those with a physical impairment or any other aspect which might make them vulnerable are identified at the initial health screen in reception for extra support where required. Self-declaration boxes are available in each wing so detainees with a disability can declare in confidence – in December 2016 there were six recorded residents with disabilities. The system of Diversity orderlies is working well and the wings have a well-managed Supported Living Plan process (see para 5.4.3).

5.2.8 There are around 30 languages that require translation. G4S makes use of both staff and detainees' language skills and has promoted widely the use of the Big Word telephone interpretation service. Between 200 and 300 calls are being recorded each month for this service, a majority of which are healthcare-related and some take up to an hour. Some

documents and written materials in the Centre are available in major languages although these do not cover all minority groups.

5.2.9 The IMB received no racial application in 2016 and the Centre a total of 15 (compared to 18 last year), none of which was upheld as racially motivated on investigation. There have been 15 sexual orientation related referrals to the diversity manager this year and the recent HMIP report drew attention to the lack of resources available to the LAGC community in the Centre. Bearing in mind that many detainees find it difficult to discuss such matters given their backgrounds and culture, an improvement on the promotion of materials in this area could be helpful.

### **5.3 Education Learning and Skills**

5.3.1 Purposeful activity in Brook House suffers inevitably from shortage of space, the Centre having been designed for very short stays. However, the Board judges that every effort is made to provide detainees with stimulating activity. Both Education and Art instructors are hugely committed and enthusiastic. While cramped, the Art and Education rooms are places of intense activity and concentration where detainees feel safe and relaxed.

5.3.2 Since the new teacher has been in post the Art Room is going from strength to strength averaging 326 attendances for the last four months. It provides artworks for display around the premises and a variety of projects, often associated with celebrations and events in the Centre, such as making African masks for Black History Month, a poster competition for Chinese New Year and designing the Centre's Christmas card in December. Once again detainees had entries for the Koestler award.

5.3.3 The Education Room provides instruction in basic English (ESOL) and other languages, using a system of groups working at tables on different topics. To improve English language skills and provide the detainees with mental stimulus the instructor has developed many imaginative short courses: the very popular course on Life in the UK, IT training, and a new initiative is Anger Management and Victim Awareness. The flexibility of the teaching method has much to recommend it for a short-term population, allowing students to come and go as they need and engaging their interest rather than focusing on traditional methods and qualifications. The popularity of the classroom is shown by the numbers, reaching 2119 attending sessions in December. Interestingly, attendees are very well represented in the 18-25 age group.

5.3.4 Both instructors believe in the positive approach of going out to look for recruits, trawling the wings and corridors and working with officers on the Induction wing to catch the interest of new arrivals. And both cooperate together and work with other departments, contributing significantly to the programme of cultural and other events in the Centre with art work, discussions, films and quizzes around such themes as Chinese New Year, Black History Month and Ramadan. A new initiative of theirs this year was "The Gazette" a monthly magazine for detainees with articles and contributions.

### **5.4 Healthcare and Mental Health**

5.4.1 The Healthcare Centre deals with a needy, vulnerable population. Many arrive with poor health and/or with mental health issues. Some have been tortured or witnessed atrocities. The act of being detained, separation from friends and family, loss of control over one's future, poor communication or delays in Home Office decisions can exacerbate the situation. Self-harming and the threat of self-harm are frequent. The principal test for healthcare in places of detention is whether those detained have equivalent treatment to those in the community. The Board considers that Brook House satisfies that criterion.

5.4.2 New arrivals see a nurse for an initial health screen within two hours of arrival and a GP within 24-hours. Detainees can attend the daily morning clinic to see a triage nurse, who will offer advice or refer to the doctor where they judge necessary - if the queue is not too long – only 6 detainees are allowed into the waiting room at one time. The dental clinic is held fortnightly as a triage session; those needing dental treatment are referred to the local hospital. The optician attends monthly but nurses can issue reading glasses without prescription in the interim. There is also a smoking cessation clinic. We understand that there are no significant waiting list issues.

5.4.3 Where a new arrival consents, a Supported Living Plan document is opened by the nurse in Reception to alert officers to specific medical problems an individual may have which might cause difficulties with his daily activities. This is kept in the wing office so that officers are aware. Their use has expanded year on year and 46 were opened in 2016. IMB members regularly see and review them on their rota visits. Their use was praised in the Shaw report and the intention is to extend their use across the Immigration Estate.

5.4.4 Filling permanent nursing posts continues to be a problem despite the creative attempts of managers to recruit. Gaps are filled with agency nurses many of whom have a long working relationship with Brook House. Of greater concern to the Board is a fairly constant refrain from detainees about the attitudes of some nurses towards them – allegations that they can be dismissive, brusque and even rude. We see this in formal complaints and more frequently hear it directly from detainees. This will not apply to the majority of nurses who are doing an excellent job. The Board acknowledges the pressure nurses can be under as the front line for detainees' medical demands. Nevertheless, it is a concern which should be addressed.

**5.4.5 Substance Misuse** Delays were excessive while the details were argued through and the necessary changes made but eventually, towards the end of the year, the Substance Misuse Service was at last introduced at Brook House. Detainees who are abusers of substances, including alcohol, can now stay at the Centre. The programme is run by RAPt, a specialist in the field, through a stepped treatment of psychosocial support aiming for a detainee's detoxification. It was in place just in time for the sudden surge in psychoactive substances (NPS) misuse at Brook House over the Christmas period, when it received 78 referrals. It is early days to make judgements.

**5.4.6 Mental Health** Mental health is a major issue in Brook House, as in all IRCs. Many detainees report feeling depressed or suicidal on arrival. Under the recent Management of Adults at Risk in Immigration Detention DSO 08/2016 there is a presumption that adults at risk will not be detained; and mental health is one of ten indicators that are listed for consideration. Against this back drop it is essential that the centre has robust and effective policies in place to identify and support any individuals who may present with mental health difficulties either on arrival or that may emerge whilst they are detained at Brook House; and that information is passed on to the Home Office case owner for the individual detainee.

5.4.7 Any mental health concerns flagged up by the nurse on arrival lead to an appointment for a detainee with the specialist mental health nurse. The RMN will assess whether a further referral is required to a GP or psychiatrist or, for less severe problems, to other support. Mental health services are provided by Sussex Partnership.

5.4.8 Where a detainee's mental illness is severe it may require sectioning under the Mental Health Act. There were only two transfers to mental health establishments in 2016, one to a local hospital and one to a medium secure unit, both experiencing significant delays owing to the difficulty in locating a bed. Good relations exist with Langley Green, the local psychiatric hospital, which works with Healthcare to identify a bed and has provided emergency outreach support when an appropriate hospital bed cannot be found quickly. Whilst Brook

House is able to provide a safe environment on E wing or CSU for such detainees, it is not an ideal situation for those who have been identified as needing specialist psychiatric care. In addition it places a strain on staff resources and can be disruptive to other residents.

5.4.9 There are also many detainees who do not have such serious mental health problems as to require hospital treatment but who do need support during their detention at Brook House. The Board observes that custody staff take seriously any mental health concerns detainees report. New officers receive mental health awareness training as part of their initial training and there are annual refreshers for all staff. The Board is pleased to note that G4S are currently in talks with Sussex Partnership Trust to provide a second more intensive level of Mental Health awareness training for officers who are likely to have more involvement with detainees presenting with mental health difficulties. An Emotional Health Group, run by Sussex Partnership, meets weekly and is open to 6-8 men at a time. Each meeting is a stand-alone session designed to help men cope with the experience of being in detention. At present the same material suitable for the shorter term detainees is repeated. The local commissioning authority have identified a need to support those detainees who remain at the Centre for longer periods with an additional group. This would require extra NHS funding.

**5.4.10 Rule 35 Assessments for torture, etc** Monitoring Rule 35 applications, most of which will relate to torture claims, has become a particular interest of the Board over the year. Home Office monthly reports to the IMB showed that they received an average of 14 Rule 35 reports per month in 2016. As at January 2017, Healthcare had 12 slots per week for rule 35 assessment appointments with GPs, provided by the local GP practice. This includes the allocation for Tinsley House and so will drop after Tinsley re-opens. The average wait time for an appointment was three to four days, although this might be additional to time for some pre-assessment appointments. It is surprising that there are so few reports by GPs about detainees whose health is likely to be affected by continuing detention or suspecting that a detainee has suicidal intentions – given that reporting from G4S showed an average of 11 incidents of self-harm attempts per month in 2016.

5.4.11 There are significant challenges for the IMB to monitor the application of rule 35 due to medical confidentiality rules. The Board does not see details of any unsuccessful attempts to get a rule 35 appointment where there has been some kind of screening or pre-assessment by nurses or other healthcare staff. And, except in rare cases where a complainant gives specific permission, the IMB will not have sight of either the content or quality of GP reports or the Home Office responses to them. So, our monitoring focus here is on the level of specialist rule 35 training of the GPs and other healthcare staff and some monitoring of the local Home Office logging and tracking procedures. We are also planning to compare Brook House outcomes with those of other IRCs. The HMIP Inspector noted that a third of reports in a six month period had led directly to the release of the detainee – more than they usually see in the immigration estate.

**5.4.12 Medical Complaints** Since July 2015 across the detention estate no complaint relating to medical matters can be seen by non-medical staff. In principle this makes the IMB's role of monitoring the process of complaints difficult, though in practice good working relations with Healthcare and attendance at their meetings ensures the Board can overcome these limits. Healthcare tells us it receives few formal complaints – only 11 in 2016. The IMB received 20 written applications over the year. Analysing these, three were unhappy with the doctor's Rule 35 report, two about their medication, two wanted to know whether hospital appointments had been forgotten and the remainder were unhappy more generally with their treatment. In almost every case the IMB were satisfied with reassurances from healthcare as to the treatment being given. Verbal complaints about healthcare figured in both the concerted indiscipline of May and the Forum held following a petition signed by 38 in May – where access to GP appointments, rudeness of some medical staff, paracetamol being used as a panacea for everything and being allowed medicine in possession were raised. In many

cases the IMB merely acted as go-between and we have suggested the idea of a “hot desk” where the individual detainee can voice and ideally resolve his issue at an early stage. Our experience indicates this should significantly reduce tensions and misunderstandings.

## **5.5 Purposeful Activity**

5.5.1 Detainees are unlocked for a total of 13 hours a day. Considerable attempts are made to provide detainees with activity, a small source of income and some sense of self-respect by contributing to the running of the centre. There are 90 positions for paid work available, some full and some part time and ten are occasional. These include wing cleaners, kitchen and servery workers, laundry orderlies, barber, gym orderlies, helpers in the Art and Education rooms, and Safer Community / Diversity representatives. On average, 21% of the population is in paid work, earning a maximum of £30.00 per week at a pay rate of £1 per hour. As in the case of all IRCs, these rates and conditions are set by the Home Office. The Board understands that a few more jobs will be created as the numbers expand.

5.5.2 Aramark runs a Cultural Kitchen, where detainees are provided with the ingredients to prepare dishes from their own culture and invite friends to enjoy the meal. On average, 40 detainees from a wide range of nationalities cook meals for their friends each month. While Tinsley House has been closed Aramark has been able to offer morning and afternoon sessions.

5.5.3 In addition there is a well-used gym, a library, an IT room, a music room, arcade games and daily sporting activities on the wings and in the exercise yards. When the weather is inclement the outdoor activities may be replaced with quizzes and competitions. Suggestions made by the Board and the occasional criticism, such as defective gym equipment, are always considered by management. The Detainees Consultative Committee is held monthly (DCC), giving representatives from the wings and staff from different parts of the centre a chance to discuss issues. Unfortunately, this is not often well supported by detainees, though they are prepared to complain individually to board members.

## **5.6 Safer Community**

5.6.1 A number of men find detention in a removal centre to be a distressing experience: threats and indeed incidents of self-harm do occur, bullying and victimisation is a danger. The Centre provides various options for a detainee needing support. The officers and chaplaincy play an important role on a daily basis in supporting men under stress. The Samaritans have a solid presence in the Centre, supported by detainee ‘befrienders’. Detainees also have access to a 24-hour Safer Community email address and telephone number they can call/ text to report their concerns.

5.6.2 Early in the year there was a rethink of the experience of early days in detention, known to be a time when arrivals are particularly vulnerable. This led to the new role of Safeguarding Manager whose remit is to focus on all aspects of those early days. As part of the changes, the smaller Beck wing was designated for induction, with an improved programme, including a video which is offered in a number of languages and an opportunity for detainees to meet with Chaplaincy, Welfare and Safer Custody staff early in their stay. The IMB considers many of the new aspects an improvement, providing the wing is adequately staffed with experienced and stable officers. Good officers can often spot vulnerability at an early stage.

5.6.3 Where a detainee is identified as being at risk of self-harm an ACDT (Assessment Care in Detention and Teamwork) document is opened with an individually tailored set of daily observations and records kept by officers on his wing and reviewed daily by managers. An average of 41 ACDT reports were in use each month. In total there were 143 acts of self-harm in 2016, most of whom could be treated by Centre nurses and only one of which

required treatment at an outside hospital. While most men on ACDTs, with support, found no need to self-harm, there were several men who did so more than once: six men more than four times: one seven times and one eleven. In extreme cases of vulnerability a constant watch will be instigated until managers feel that a man is no longer a danger to himself. There were 226 instances of constant observations over the year, for a total of 126 men. While a constant watch is highly undesirable for both the individual and the officer a better system has yet to be devised. The IMB makes a point of checking ACDTs on rota visits and may speak to the detainees involved and attend their reviews. It judges that threats of self-harm are taken seriously, officers are aware of the men in their care and every attempt made to protect the individual.

5.6.4 Similarly, if bullying is observed ‘Monitor, Challenge, Support’ documents are opened, where measures are taken to check on both the perpetrator and victim. In 2016, 19 were opened on alleged bullies and 17 on alleged victims. These numbers are low, which may conceal hidden bullying but when it is picked up the IMB sees the necessary steps are taken. As mentioned above, Supported Living Plans make officers aware of those in need of special support for medical reasons. During its visits the IMB routinely checks all documents on the wings for the quality of observations made and the comprehensiveness of the regular reviews. It is pleased to note that duty managers are quick to pick up shortcomings.

5.6.5 The use of NPS and its effects on detainees increased significantly towards the end of the year. Incoming property is carefully scrutinized and visits closely observed, both with some success, but the problem is a serious one. Men who have been observed on CCTV whilst in a drugged state but unable to remember are offered the opportunity to view their behaviour on film. Some residents are concerned by the unpredictable behaviour of those under the influence. The Security department is working with officers, Healthcare and RAPt to introduce a zero tolerance policy – detainees suspected of taking NPS will lose their jobs. Officers now have body-worn cameras and activate them if they believe a record may be required. This has served to de-escalate some situations.

5.6.6 Safer Custody meetings are held monthly at which various departments and detainee orderlies are well represented. At this meeting safety issues are examined for trends, nationalities and the age groups involved. The Safer Custody orderlies, themselves detainees, are always asked their opinions as to whether the Centre feels safe. The Board judges that Safer Custody does a good job.

## **5.7 Care and Separation and Constant Supervision**

5.7.1 The table below shows the number of occasions on which force was used on detainees, in the majority of cases followed by the detainee’s relocation to the Care and Separation Unit (CSU) under Rule 40 (Removal from Association) or, far less frequently, Rule 42 (Temporary Confinement). In practical terms, the differences between Rules 40 and 42 are small and those held on Rule 42 will normally be de-escalated quickly down to Rule 40 before being returned to normal location.

	<b>2016</b>	<b>2015</b>	<b>2014</b>
<b>Use of Force (C&amp;R) Rule 41</b>	<b>161</b>	<b>128</b>	<b>134</b>
<b>Removal from Association (Rule 40)</b>	<b>358</b>	<b>293</b>	<b>281</b>
<b>Temporary Confinement (Rule 42)</b>	<b>14</b>	<b>37</b>	<b>25</b>

On the basis of its own observations, the IMB is satisfied that force is used only as a last resort. The figures are considerably up on 2015, but it is helpful to look more closely at the

circumstances in which force was used. On no fewer than 55 occasions, force was used solely or in part to prevent a detainee from self-harming. On a further 33, force was used directly to facilitate the transfer of a detainee from Brook House, usually for removal overseas, or to facilitate a pre-transfer search. If these 88 cases are removed from the equation, there remain 73 occasions on which force was used to control a detainee, an average of just over 6 per month which represents a small reduction on last year's adjusted average of 7.1. It is also worth noting that on 14 occasions the use of force followed erratic behaviour on the part of the detainee where the use of Spice or similar substance was suspected - a worrying development which may become a more significant problem in 2017.

5.7.2 Turning to the CSU, the figures for Rule 40 are again higher than for 2015 and the 358 occasions on which detainees were removed from association equates to a total of 12459 hours or an average of 34.8 hours for each use of Rule 40. The average length of time spent on Rule 40 is distorted by a relatively small number of detainees who, for a variety of reasons, spent a disproportionate amount of time in the CSU. Some detainees refuse to share a room, preferring a room of their own to association with other detainees. Others are held on Rule 40 because of mental health issues, which may make them a threat to other detainees or to staff or because their behaviour puts them at risk themselves from other detainees. Finally, some detainees remain on Rule 40 for extended periods because they have sought to create serious unrest within the detainee population. In 2016, there were 36 occasions when a detainee remained on Rule 40 for longer than 60 hours.

5.7.3 There is a need for caution in analysing the figures on the use of Rule 42 because the numbers involved were very small. Indeed, the use of Rule 42 was the significant exception rather than the rule. It was used on only 14 occasions in 2016 (a more than 50% decrease on the previous year) and there was no use of Rule 42 during four months of the year and only one use in another five months. The average time spent on Rule 42 was 11.2 hours. However, if the three detainees who spent 24 hours or more on temporary confinement (two of them on dirty protests) are discounted, the average time for the remaining 11 occasions is reduced to 5.75 hours.

5.7.4 The 2016 figures for the use of Rule 40 and 42 are broadly in line with those for 2015, particularly in terms of the average length of time that detainees spent in the CSU. And the IMB remains satisfied that officers and management do their utmost to keep the use of Rule 40 and 42 at the lowest possible level; and that, where these sanctions are required, detainees spend the shortest time possible in the CSU. Once again, we would like to pay tribute to the staff on the CSU for the sensitive way in which they manage detainees whose behaviour is frequently challenging.

5.7.5 In last year's report, we commented on the extent to which Brook House is fortunate in that the CSU forms a discrete unit within E Wing. As a result, many detainees with mental health issues can be relocated from the CSU to normal location on the relatively quiet E Wing, generally a far more suitable location where they continue to receive appropriate support from the same officers who had cared for them in the CSU. This arrangement continued to operate in 2016 and we are satisfied that the availability of "sheltered accommodation" on E Wing significantly reduced the amount of time that some detainees with Mental Health issues spent in the CSU. Nevertheless, the use of the CSU for detainees with mental health issues continues to reflect a worrying lack of specialist accommodation within the Detention Estate and the wider NHS. The Shaw report has led to an increased focus on detainees with Mental Health issues, but we are not persuaded this has had an impact yet. The IMB remains clear in its view that the CSU is not an appropriate location for detainees with mental problems. It simply represents the least worst available option.

## **5.8 Residential Services**

5.8.1 As part of its weekly rota visits, the members of the Board comment on the condition of the wings and yards. Generally speaking over the last 12 months there have been no major criticisms. Where Board members identify issues relating to cleanliness eg where waste bins in the wings and/or yards are full or over-flowing, staff are quick to respond and rectify the issue. Likewise, shower areas on each wing are usually kept in good order by the wing orderlies. There is an issue with the WC bowls which always look unclean. We are told this is mineral staining which can only be removed with products which cannot be made available to detainees. Some more satisfactory remedy is required. Through the year G4S has been slow to repair fax machines, printers and terminals out of action: a matter of great frustration to detainees dependent on them to contact their solicitors and caseworkers. And along with other IMBs we would advocate the introduction of Skype as a means of keeping family contacts.

5.8.2 With a current maximum of 120 detainees on a wing, with a range of nationalities and backgrounds, some of whom are vulnerable and very few of whom “want” to be at Brook House, there are bound to be issues on the wings at certain times. It is the view of the IMB that where wings are appropriately staffed and officers have time to interact with detainees, the frustrations which detainees experience can be reduced. The Board observes much good work done in this respect by wing officers. During the year there have been times, notably July and August, where officer numbers have fallen, increasing pressure on those on duty and impacting adversely, not only on staff motivation but also on the operation of the Centre. The Board acknowledges the difficulties of planning staffing for temporary wing closures during the building upgrade and then the closure of Tinsley House. Problems were increased by the knock-on effects of the escape, courtyard closures and short-term loss of the Director in the aftermath of the Medway scandal. Nevertheless, the Board noted a period from August when officer numbers were a matter of concern. Since that time there has been a series of recruitment and training exercises in order to have the staff team up to par for the expansion at Brook House and the reopening of Tinsley House.

5.8.3 One particular area of considerable frustration, especially in the summer months, was the partial closure of the four courtyards following the escape in March. Risk assessments were required and decisions as to how security could be improved, but the issue dragged on for what the Board judged an excessive length of time. Putting extra staff on courtyard duty at a time when staff numbers were low led to extra strains on operations. Cramming all those wanting fresh air, those wanting to play football and cricket or just have a cigarette on a warm day, into one or two yards led to stress and some incidents. It was a great relief when the IMB heard the work was to proceed, though it has taken most of 12 months to achieve.

5.8.4 Food continues to be an on-going source of detainee comments. Board members recognise the difficulty in providing an appropriate diet for some 60-70 nationalities. We make a point of eating with the men on the wings and overall consider Aramark do a reasonable job in providing a range of food to detainees of differing religious and cultural backgrounds. Fruit is offered at lunchtime every day, salad as an option for a main course, or it can be ordered as a side. Arrangements for various religious festivals are sensitively handled. A satisfaction survey conducted in October indicated that about 66% of detainees were satisfied or very satisfied with the food. Food Forums are held on the wings on a monthly basis to obtain feedback from detainees, but few take up this opportunity to express their opinions and complaints. This is such a good way to reduce tension around a common complaint we would encourage management to investigate ways to involve detainees more in this process. The Board has noted, and indeed observed, difficulties on the wings at meal times, connected to accusations of queue jumping and to food items running out. The IMB is assured that correct numbers of portions leave the kitchen and that more can usually be supplied. Favouritism or bullying can lead to over-portioning at the servery. Whatever the

reasons, proper officer oversight of the area at mealtimes must be, and usually is, the solution.

5.8.5 The shop is popular and well-stocked, best-selling items not necessarily being the healthiest. Aramark is always willing to consider requests from detainees via the DCC, the Food Forum or on a request form held on the wings and library to stock new items, or will explain why this is not possible. There are sometimes difficulties with queuing and there is considerable noise in the area which is also used for social gatherings. Installing a microphone and a staff change reduced the number of complaints seen by the IMB this year.

5.8.6 As mentioned above, the Board is concerned at the impact of increasing the overall numbers. A frequent complaint to IMB members regards the lack of ventilation detainees experience in their rooms. This will not be improved by more individuals confined together. The Board is also concerned there should be consequential investment in other areas of the Centre to prepare for the increase and will be carefully monitoring the changes in 2017.

## **5.9 Home Office Immigration Staff**

5.9.1 The Home Office team on-site acts as a liaison with Immigration caseworkers elsewhere and performs an essential role with detainees and the decisions that are being made about them. In principle they see each detainee on arrival and give each a monthly update in person, an opportunity to ask questions about their case and its progress. There have been periods during the year when the staffing situation has made this difficult but in general the Board is confident the local Home Office team has provided a good service to detainees and seen them within target times. Immigration status is considered outside the IMB's remit, though the number of apps received by the IMB indicates detainees are always hopeful we can help. Monitoring the formal complaints process and talking to detainees reveals that the progress of their case continues to be a major source of concern to detainees. The IMB find the local Home Office always helpful in chasing up caseworkers.

5.9.2 The Board is naturally concerned with the length of detention of a relatively small number of men. It is encouraged by the piloting of a new scheme by a dedicated Home Office team at the end of the year designed to increase interactions with detainees, shorten detention times and encourage more voluntary departures. It is hoped that time spent explaining options, realistic outcomes and what help can be offered in their home country will pay off. The IMB will monitor its success with interest.

5.9.3 All complaints from detainees, except 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 are investigated by the Professional Standards Unit (PSU) in Croydon. The IMB is given access to all complaints other than medical ones and receives copies of the replies from those involving G4S and the PSU, but not those involving the Immigration service. Nevertheless, the IMB finds the local office unfailingly cooperative with its queries.

## **5.10 Reception and Discharge**

5.10.1 Arrivals and departures from the Centre occur through 24-hours, day and night. Once again the board can report observations of professional and courteous behaviour from G4S and Tascor escort officers. The IMB has often seen officers from both working together to de-escalate a potentially difficult situation by tactful handling and clear explanations. On a less positive note, it still appears to be the situation that the Control Room of TASCOR in-country and out-country and DEPMU fail to coordinate moves to avoid the discharge team for a large charter departure having to contend with the added complication of time-sensitive discharges and vans with new arrivals jostling with the coaches in the small yard area. This

means that the first detainees will be kept waiting on the coaches for long periods until all have been processed and it is ready to leave.

5.10.2 As mentioned above, attention has been paid to the experience of new arrivals. On many occasions the IMB has observed good interaction of reception officers with detainees. As noted in the past by HMIP there is little privacy between one interviewing area and the next. However, there has been a great improvement in the waiting area with more welcome surroundings, comfortable seating and magazines. Induction paperwork follows a man through to the wing, designed to ensure that all aspects are covered. The Board has not seen evidence of the Befrienders working in this area though it understands one can be called if thought desirable.

5.10.3 Property is the jurisdiction of the Reception area and this is another significant cause for complaints. The Board observes huge amounts of property efficiently handled with each charter flight. Nevertheless, things can and do go missing during transfers and once detainees arrive at Brook House. It can be very distressing for men and can involve items of emotional, as well as cash value for them. The IMB notes considerable efforts are made to locate lost property and managers will uphold claims for compensation where there is clear evidence that Brook House is responsible. Figures for 2016 show that G4S received 41 complaints about lost property, all duly investigated. In two cases missing items were located successfully, nine received compensation and the remainder were found to be without merit. It must be said that the system still does not make it easy for a detainee to prove his loss as there is no card system to record items.

### **5.11 In-country and Removals Escorting Contractor**

5.11.1 As mentioned above, through the year the Board has monitored many instances involving Tascor officers and have nothing but praise for the way they have treated detainees as they leave Brook House.

5.11.2 Where IMBs across the estate continue to find fault is with unnecessary and unnecessarily lengthy moves at unsocial hours. Some night movement for flights, for example, are entirely understandable. Waking a detainee at the Verne in the early hours to pack his property and move to Brook House because it suits Tascor to use a night crew is less so. Other detainees are collected at a reasonable hour but then go on a "milk round". A good example of this was last February, when a detainee was collected at Beckett House (Lambeth) at 19.03 and then went via Lunar House (Croydon) and Grays Police Station (Essex) before reaching Brook House at Gatwick soon after midnight. Journeys are often initiated so late that it is obvious they cannot be completed within a reasonable time.

5.11.3 It is plain that Tascor considers it is fulfilling the terms of its contract, running a 24-hour service. Decisions regarding the planning of journeys are driven by business considerations. Some journeys will be time-critical, attracting fines for late or non-fulfillment, and these will be prioritized, while other transfers will be relegated to the back of the queue. The IMB understands the rationale behind this approach and continues to deplore a contract that permits this treatment, often for men with significant vulnerabilities. We hope this aspect can be re-considered when the contract is re-negotiated.

### **5.12 Legal support for Detainees**

5.12.1 A recent survey showed that 30% of detainees at Brook House needing a lawyer did not have one. Publicly funded Legal Aid Agency surgeries are provided by two law firms on a rotating basis. The surgeries continue to run on an alternating four days one week and three the next. There are now up to 10 thirty minute sessions a day, an increase since our last report. While the increases are welcome, at January 2017 the wait time for an appointment was about 13 days, three days longer than for the same period last year. The Board considers this too long to wait for a routine appointment. The speed of detainee turnover at

Brook House, coupled with the length of time taken by the legal aid assessment process, means that many detainees will have been removed before the decision can be communicated to them or, where legal aid is approved, before any meaningful assistance can be provided.

5.12.2 As observed in last year's annual report, there continues to be anecdotal evidence of complaints about the service, particularly a failure to communicate with detainees as to whether their case is being taken up and covered by free legal aid. There is still no monitoring of the service and its quality by the Legal Aid Agency. A positive initiative is in its early stages whereby Welfare staff could be trained to give level 1 basic immigration advice to detainees under the Office of the Immigration Services Commissioner (OISC) regulations.

5.12.3 The Bail for Immigration Detainees charity (BID) runs fortnightly workshops on self-help bail applications. These are popular with detainees.

## **Section 6**

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### **THE WORK OF THE INDEPENDENT MONITORING BOARD**

6.1 The Board is pleased to report that it has maintained its diverse team of nine through the year, all new members having passed their probation periods and being reconfirmed in post.

6.2 Board meetings have begun with training sessions; guests have been welcomed from the IMB National Council to talk to a combined session of Tinsley and Brook House IMBs on the new "Monitoring Guidelines" initiative; the new head of the Gatwick Detainees Welfare Group; the Area manager of RAPt on the introduction of the substance misuse programme to Brook House and two managers from Sussex Partnership, the mental health provider, as well as in-house speakers from Healthcare on Rule 35, Health and Safety, the Religious Affairs Manager and the G4S manager on Death in Custody procedures. We are grateful to them all for giving up their time to enlighten us. In our turn, the Board has been involved with several of the courses for new officers. Visits have been organised to the Short term Holding Rooms at Heathrow and to HMP High Down. Both the IMB Annual Conference and the Immigration Workshop were worthwhile events which our delegates attended. Involvement in these activities is designed to make us better monitors by increasing our understanding of the special world we move in. Each year we hold a Team Performance Review to examine critically our performance and produce an action plan for the year ahead.

6.3 One rota member covers each week, carrying out monitoring visits, attending meetings, dealing with applications from detainees and taking out of hours' calls, including the initial response to serious incidents.

## Annex A – Summary of applications to IMB

Code	Subject	2016	2015	2014	2013 9 mths	2012/13
A	Accommodation	6	0	2	13	18
C	Diversity related	0	1	1	0	2
D	Education/employment/activities	1	4	4	2	4
E	Family/Visits	2	4	1	0	0
F	Food	3	6	8	4	8
G	Health Related	16	17	14	7	20
H	Property	15	3	9	4	12
I	Concerning Immigration Status	22	11	23	36	49
J	Staff/detainee related	9	12	14	4	9
K	Transfers	2	7	5	3	12
L	Miscellaneous	11	9	1	8	1
M	Matter settled or detainee no longer in Centre	7	18	14	10	6
	Total (excluding M)	87	92	82	91	141

During the reporting year the IMB has had relatively few application from detainees to answer as in preceding years. It is true that IMB members often pick up ad hoc queries as they make their way round the wings and these are often resolvable on the spot with a word of advice. However, the Board largely feels this is due to the excellent service provided by the Welfare Officers. Looking at the spread of subjects, the main issues of concern brought to our attention have been healthcare, property and immigration issues. These are dealt with more fully in the appropriate section of the report.

## Annex B – The work of the IMB

<b>Board Statistics</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>	<b>2013 9mths only</b>	<b>2012/13</b>
Recommended complement of Board Members	12	12	12	12	12
Number of members at start of reporting period	9	7	4	5	8
Number of members at the end of reporting period	9	9	6	6	5
Number of new members joining	0	4	4	1	2
Number of members leaving	0	2	2	1	5
Total number of Board meetings	12	12	12	8	11
No of attendances at meetings other than Board meetings	21	17	33	18	40
Total number of visits to the IRC including all meetings	196	221	189	168	220 approx.
Total number of applications received	92	92	83	91	141
Date of ATPR	3/2/17	5/1/16	22/10/14		