



Annual Report
of the
Independent Monitoring Board
at

Tinsley House
Immigration Removal Centre

for reporting Year
2019

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Monitoring fairness and respect for people in custody

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1 STATUTORY ROLE OF THE IMB

The Immigration and Asylum Act 1999 requires every 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 establishment or centre is situated.

The Board is specifically charged to:

- (1) satisfy itself as to the humane and just treatment of those held in detention within its establishment
- (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 well the establishment has met the standards and requirements placed on it and what impact these have on those in detention.

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

2. EXECUTIVE SUMMARY

This report presents the findings of the Independent Monitoring Board at Tinsley House IRC for the period 1st January 2019 to 31st December 2019.

IMB evidence comes from the observations made on weekly duty rota and other visits, management information, attendance at meetings and scrutiny of the minutes of meetings, scrutiny of records and of data, informal contact with detainees and staff, surveys of detainees and detainee applications to the IMB. During the year the IMB conducted its own general survey of the detainee population on such matters as their views on their personal safety; fairness in their treatment by staff; their experience of Healthcare; preparation for their removal from the UK or release back into the community; and their views on the provision of purposeful activities including education, arts and crafts, and recreational and sporting activities.

Main judgements

Are detainees treated fairly?

From the evidence available to the IMB in 2019 we are of the view that, in the main, detainees are treated fairly at Tinsley House. As noted in this report, however, we remain concerned at two major issues that continue to give rise to a degree of inequality and unfairness amongst the detainee population. These are the reduction of free association time for detainees which continues to deny fair and equal access to worship for all concerned faiths, and the indeterminate length of time for which detainees can be held in immigration detention which we consider to be fundamentally unfair and potentially damaging to their mental wellbeing.

Are detainees treated humanely?

Detainees are generally treated humanely within the centre and this is in part the product of good relationships between staff at all levels and detainees. Nevertheless one significant caveat that we have in respect of this judgement concerns the position of those detainees at Tinsley House who are particularly vulnerable, whether through, for example, mental illness, past experience of torture, self-harm, suicide, and so on, and where it is accepted that there is a risk of future harm if detention is continued. In some such cases detention is maintained because it is believed that removal can happen within a reasonable (though unspecified) period of time, or where there are “negative immigration” factors, both of which are deemed to rebut the presumption that such detainees should not be in detention at all. The IMB is concerned whether such vulnerable detainees at Tinsley House are always adequately and humanely protected by the Adults at Risk (AAR) policy.

Are detainees prepared well for their release or removal?

Preparation for the release back into the community or removal from the UK of detainees at Tinsley House is of variable quality with some detainees being well prepared but some much less well. While the IMB appreciates that such preparation is organisationally difficult at an establishment such as Tinsley House we are of the view that effective means for detainees to communicate with friends and family wherever they are, the provision of high quality and affordable legal advice, and the provision of educational activities focused specifically on preparation for removal or release, are all critical to ensuring that detainees are as well prepared as they can be. These issues are all of concern to the IMB to varying extents and each is addressed in this report.

Main Areas for Development

TO THE MINISTER

We ask the Minister to:

- consider the introduction of a statutory limit of 28 days on the time spent in immigration detention, subject to a right for the Home Office to apply to a Judge in exceptional circumstances to extend that limit by a further 28 days. Such a provision will bring to an end the fundamental unfairness of an indeterminate period of detention currently experienced by detainees at Tinsley House and will mitigate the potential damage to mental health which research has shown such indeterminate detention can induce (para 5.1)
- seek from the Ministry of Justice a reconsideration of the current 30 minute time limit on the availability of publicly funded legal advice and assistance to detainees under the Detention Duty Advice Scheme, so that there is sufficient time for the detainee to explain their case and for the adviser to collect the necessary details to take the case forward. (para 5.3)

TO THE HOME OFFICE

We ask the Home Office to:

- reconsider the use of largely formulaic reasons given to the IMB in monthly reporting for maintaining detention following Rule 35 reports where the presumption that detention should be ended because of the risk of harm is rebutted by other factors, and which render the task of monitoring that reasoning difficult if not impossible (para 4.3.2)
- reconsider with the contractor the reduced free association time for detainees which we consider impacts unfairly on their well-being and access to religious worship, and to provide a justification for whatever lengths of restricted movement are considered necessary (para 5.2)
- continue to work with the Detention Services Complaints team, the contractor and sub-contractors to ensure that the IMB has as consistent and comprehensive access as is possible to all detainee complaints at Tinsley House (para 7.6)
- continue to monitor the performance of the newly contracted solicitors' practices in their delivery of legal advice and assistance to detainees in respect of their contractual obligations (para 10.2)

TO THE CONTRACTOR

We ask the contractor to:

- enhance the monthly Safer Community meetings at Tinsley House as a forum for discussion of detainee safety by staff and detainees in a way that makes such meetings relevant and attractive for detainees to attend (para 4.1)
- end the practice of having one joint meeting concerning Adults At Risk covering both Brook House and Tinsley House and establish a separate multi-disciplinary weekly AAR meeting at Tinsley House to secure the interests of vulnerable detainees at Tinsley House and focused solely on Tinsley House residents (para 4.3)
- undertake a thoroughgoing review of its approach to early identification of protected characteristics among the detainee population in order to fully comply with the spirit of the Equality Act 2010 (para 5.4)
- reconsider the terms of reference of the present Diversity and Race Relations monthly meeting in order to adopt a more focused approach on issues of equality and diversity (para 5.5)

- monitor the work of Aramark in seeking to address continuing detainee dissatisfaction with the food at Tinsley House, particularly through its establishment of a new Question and Answer weekly session with detainees and a new Suggestions Box (para 7.3)
- explore means by which tablets to download material on demand, subject to security checks, might be introduced in the library as an addition to hard copy books and other materials (para 7.5)
- develop ways of reporting that identify the strengths and weaknesses of the present portfolio of educational and other activities which address why some groups rather than others use them; whether the amenities are the most suitable; and whether they properly equip detainees for release or removal (para 9.2.1)
- discuss with classroom tutors the possibility of focusing the content of some of their classes more directly on preparing detainees for removal or release, including the possible incorporation of more on-line courses in their classrooms with externally recognised and portable certificates of completed learning (para 10.3)

TO HEALTHCARE

We ask Healthcare to:

- consider the reintroduction of monthly patient consultative forums (para 8.3)
- consider how recruitment might be improved to mitigate the risk posed by vacancies and the use of agency staff (para 8.3)

Improvements: Major outstanding issues from the 2018 report

Recommendation 1

Lead: Home Office: Consider the introduction of a statutory time limit on the time spent in immigration detention of 28 days.

This recommendation was rejected.

Recommendation 2

Lead: Home Office: Seek from the Ministry of Justice reconsideration of the current 30 minute time limit on the availability of publicly funded legal advice to detainees under the Detention Duty Advice Scheme.

This recommendation was rejected.

Recommendation 3

Lead: Home Office: Develop a more transparent approach to the safeguarding of vulnerable detainees at Tinsley House and in particular as to how the Home Office Guidance on Adults At Risk is being applied and understood.

Progress made

Discussions have continued throughout the year on Adults at Risk and in August a multi-disciplinary meeting was held with the IMB to address this recommendation. Clarification has been forthcoming concerning the implementation of the Adults at Risk policy while discussions on specific cases have of course continued.

Recommendation 4

Lead: Home Office: Clarify the policy and process that underline the use of Rule 35 reports at Tinsley House including clarification on why such reports are or are not called for in specific cases of vulnerable detainees and by whom they are initiated.

Progress made

The discussions on the Adults at Risk policy have necessarily included in part some clarification on the role of Rule 35 reports. Further clarification was provided at a meeting held early in 2020.

Recommendation 5

Lead: Home Office: Reconsider the reduction of free association time for detainees which we consider impacts unfairly on their well-being and access to religious worship, and to provide a justification for whatever lengths of restricted movement are considered necessary.

Progress made

The reduction of free association time for detainees has not been reconsidered during 2019 and remains in place. The IMB has seen no impact assessment and no justification for the reduction for the increased hours of restricted movement. Under the terms of the new contract to commence in May 2020 there is ironically a reduction in the hours constituting the night state.

Recommendation 6

Lead: Home Office: To complete the reconfiguration of the multi-faith room at Tinsley House and to monitor the extent to which the reconfigured religious spaces as a whole deliver equal opportunities to worship for detainees of all faiths.

Progress made

The reconfiguration was completed during 2019 and welcomed by detainees affected.

Recommendation 7

Lead: Home Office: Monitor the performance of the newly contracted solicitors' practices in their delivery of legal advice and assistance to detainees in respect of their contractual obligations.

Progress made

Complaints concerning the delivery of legal services to detainees are captured by the Home Office on a continuing basis and shared with the IMB. The Home Office refers them for action to the appropriate legal agency.

Recommendation 8

Lead: Contractor: Trial the use of alternatives to Skype to enhance the opportunities for detainees to maintain contact with families, friends and the outside community

Progress made

FaceTime is now available to detainees in addition to Skype.

Recommendation 9

Lead: Contractor: Consider alternative means beyond the fax machine by which detainees can more easily transmit necessary papers to solicitors, legal advisers and others.

Progress made

Detainees now have scanners at Tinsley House in addition to the fax machine.

Recommendation 10

Lead: Contractor: Work with catering provider to respond positively to detainees' views and take action to improve the quality of the food at Tinsley House.

Progress made

Aramark, the sub-contracted catering provider, came under new local management during 2019 and positive steps were taken to address complaints concerning the food. The Food Forum was replaced by a new weekly Question and Answer session and a new system of written suggestions has been introduced. The success of the new systems will be monitored during 2020.

Recommendation 11

Lead: Home Office/Contractor: Ensure that the Tinsley House website contains all necessary information for those planning visits to detainees and to update that information as and when necessary.

Progress made

The IRC pages on GOV.UK are now regularly updated. The G4S website has not been updated with visiting information.

Recommendation 12

Lead: Contractor: Provide a wider range of reading material in the library

Progress made

A quarterly review and stock check of the material in the library is now undertaken but there remain concerns about the adequacy of the stock check.

3 DESCRIPTION OF THE ESTABLISHMENT

Tinsley House IRC is predominantly used to hold male detainees who are awaiting decisions on their immigration status and possible removal from the UK. It has capacity to hold 162 male detainees accommodated in two, four or six bedded rooms. A separate dedicated and comfortable suite (the Borders Accommodation) provides accommodation for one family group at a time who are usually in transit and due to fly within the next 48 hours.

During 2019 Tinsley House was managed and operated under contract by G4S on behalf of the Home Office in accordance with the Detention Centre Rules (2001) and Operating Standards and Detention Service Orders. The Home Office Immigration Enforcement (HOIE) team maintain a permanent presence at Tinsley House and is responsible for ensuring that contractual requirements are met from its contractors and sub-contractors. G4S throughout 2019 had operational responsibility which includes responsibility for the safety and welfare of the detainees and for the security of the establishment. A separate G4S subsidiary had responsibility for the provision of healthcare on behalf of NHS England. Aramark, sub-contracted by G4S, provided cleaning and all catering services. Mitie was sub-contracted by the Home Office to provide escort and transportation services. The work of the Tinsley House Welfare Department was supplemented during the year by the Samaritans, the Gatwick Detainee Welfare Group and by BID (Bail for Immigration Detainees).

During 2019 the Home Office began a new procurement exercise to appoint a contractor from May 2020 when the current extended contract with G4S is due to expire. Initially four companies including G4S expressed interest in the new contract but towards the end of 2019 G4S made the strategic decision to withdraw altogether from the process. As the contract is a single contract covering Tinsley House IRC, Gatwick Pre Departure Accommodation (PDA) and Brook House IRC this withdrawal was from the Gatwick Immigration Detention Estate altogether from May 2020. The successful bidder has now been announced as SERCO who will become the contractor from May 2020. G4S Healthcare will continue to provide healthcare services at the Gatwick estate as the contract for this provision does not expire until September 2021.

The numbers of detainees held at Tinsley House during 2019 were low relative to its capacity. In our annual report for 2018 we anticipated that the decline in detainee numbers towards the end of 2018 would likely be reversed and would start to grow once again in 2019. This has not happened and the average monthly roll count for 2019 was around 62. Tinsley House during 2019 therefore has been just over a third full on average and is a very different institution from Tinsley House when its roll count is up to or approaching its capacity of 162.

Throughout the year Tinsley House remained an extraordinarily diverse community with numerically top nationalities varying between Pakistani, Indian, Iranian and Albanian.

Sections 4 – 10: Evidence

4 SAFETY

4.1: Detainees' views

When surveyed by the IMB during 2019 37 out of the 50 detainees who took part in the survey stated that they always felt safe at Tinsley House while a further 12 said that they sometimes felt safe. Only one respondent stated that he did not feel safe at all at Tinsley House. In a related question in the same survey 40 of the 50 respondents stated that they were treated with respect by the officers and staff all of the time, while 8 stated that they were treated with respect some of the time. Again only one respondent stated that he was never treated with respect at Tinsley House and one other failed to address this question. Detainees' views on the manner in which they were treated by G4S staff were also regularly canvassed during the monthly Tinsley Matters meetings. While reservations were occasionally expressed by some detainees concerning relationships with Home Office and Healthcare staff their views expressed at these meetings concerning their relationships with G4S staff were routinely very positive.

In a G4S Safer Community Survey conducted in December 2019 69 survey questionnaires were issued to detainees but only 8 were returned, thus significantly reducing the value of the exercise. Only 5 of the 8 respondents appear to have responded to the question asking them how safe they felt at Tinsley House, of which 2 stated that they felt very safe, while 3 stated that they felt safe. When asked if they felt they were treated fairly by staff at Tinsley House 4 stated that they were treated fairly sometimes, and 4 that they were always treated fairly. While all survey data needs to be considered with a degree of caution this is particularly true of this G4S survey given its very low response rate and therefore its unrepresentative nature.

Overall however from the positive survey evidence from the detainees and indeed from our own observations throughout the year Tinsley House continued in 2019 to exhibit a generally positive atmosphere and the continuing dramatic reduction in the number of detainees held at the centre over the last year contributed to the establishment feeling calm, stable and relatively relaxed. Clearly the detainees' overwhelmingly positive views on the quality of their relationships with centre staff was a major contributor to their largely positive feelings about their own safety. We would however strongly urge the contractor to consider how the present monthly Safer Community meeting could be improved. We have made a similar plea in respect of the Diversity meeting which is held at the same time as the Safer Community meeting (see below para 5.5) and the same comments apply. Detainees very rarely attend this meeting and only recently have senior staff begun to attend and even so very patchily. There is currently no agenda, the terms of reference are not clear, and the material presented is very largely quantitative data with little if any discussion of the issues arising from that data. As with the Diversity meeting we would strongly urge the Safer Community meeting to be afforded a much higher status amongst senior staff and to become a forum for focusing on the important issue of detainee safety in a way that makes it an attractive and relevant meeting for detainees to attend.

The IMB believes from the evidence that Tinsley House remains fundamentally safe.

4.2: Violence and the Use of Force

Violence is not a feature of life at Tinsley House. In 2019 there were only four recorded assaults by detainees on staff and one recorded assault by a detainee on another. Other

incidents of violence, including fights, threats and verbal abuse are similarly rare; indeed there was not a single fight recorded during 2019. Similarly there were no recorded assaults on visitors in 2019.

The Use of Force, whether planned or spontaneous, by staff on detainees similarly remained low in 2019 with a recorded total throughout the year of 25 instances. Many of these comprised the use of force by officers on the same detainee at different times. With the exception of January (3 uses of force), July (3 uses of force, two of which were on the same detainee), August (4 uses of force) and September (7 uses of force, six of which were on the same detainee), there were never more than two instances of the use of force in any month and none recorded at all in two months. The evidence suggests that force is used only as a last resort and then for legitimate reasons and when used is appropriately documented. Scrutiny is assisted by the use of body worn cameras by all staff and by the network of CCTV around the establishment.

This absence of any serious violence in whatever shape or form contributes significantly to the relatively settled and calm culture at Tinsley House.

4.3: Safeguarding Vulnerable Detainees.

The identification of detainees who for whatever reason may be vulnerable while in detention at Tinsley House is governed by Home Office Guidance on Adults At Risk in Detention. This policy guidance requires staff to identify those individuals at Tinsley House as being at risk by virtue of them exhibiting an indicator of risk. A non-exhaustive list is given of such possible indicators of risk which includes, for example, serious physical disability, physical and mental health conditions, torture, trafficking or modern slavery, age and sexuality. Consideration must then be given to the level of evidence available in support of that risk in order to assess the likely risk of harm to the individual if he continues to be detained for the period necessary to effect his removal from the UK. Level 1 evidence comprises a self-declaration by a detainee of being at risk, or a declaration made on his behalf by a legal representative, which “should be afforded limited weight” under the policy guidance. Level 2 evidence comprises professional evidence from a medical practitioner or other professional and “should be afforded greater weight”, while evidence at Level 3 comprises professional evidence stating that the detainee is at risk and that a period of detention would be likely to cause harm. Such Level 3 evidence “should normally be accepted and detention reviewed”. Determination of levels of evidence is carried out by case workers and not at a local level at Tinsley House, and an assessment of risk at any level of evidence raises a presumption that detainees at risk should not be detained. Case workers must then finally determine whether that presumption is displaced by “immigration factors” sufficient to warrant continued detention despite the risk of harm to the detainee in so doing.

The IMB at Tinsley House has access to the Adults at Risk Register and to the weekly meetings in which the cases of those detainees on that register, particularly those at Level 3, should be discussed. During 2019 at Tinsley House there were 145 detainees at Level 1; 118 at level 2; and only 10 at Level 3. The AAR spreadsheet itself is a limited document in the sense, for example, that it provides only a brief indication of the risk factor identified in a particular case, and where immigration factors are deemed to be sufficiently serious to rebut the presumption of release of a detainee at risk of harm if detention is continued, there is little elaboration of what such negative factors comprise. Similarly, for example, where “imminent departure” is specified as a justification for continued detention despite risk of harm it is not possible to

understand exactly what that means and whether, after the event, the forecasted departure date was actually accurate.

The IMB during 2019 has had ongoing discussions with Home Office and G4S staff around the treatment of vulnerable detainees following the requests made in our 2018 report and we now have a better understanding of how the Guidance is understood and applied at Tinsley House. We remain concerned however that the bolting-on of the Adults at Risk policy to the existing routes for the identification of vulnerable adults, such as the Rule 35 procedure (see below), has led to an overly complex identification process which may open the door to differential interpretation and application of the guidance and of the policy itself.

In order to continue addressing these important issues and the concerns to which they give rise we would now urge both the Home Office and the contractor to reconsider the current practice of having one joint meeting with Brook House IRC, held every week at Brook House, to engage with this critical issue of detainee vulnerability. Tinsley House has significantly fewer detainees on the AAR register and many Tinsley House staff do not attend these meetings in person but participate, if at all, by telephone conferencing or through the supply of information in advance of the meeting, with the consequence that Tinsley House issues are unavoidably overshadowed by those of Brook House. We strongly believe that the interests of vulnerable detainees at Tinsley House would be better served by multi-disciplinary meetings held at Tinsley House and focused solely on Tinsley House residents. Not only would there be significantly more time to devote to Tinsley House vulnerable detainees but some of the shortcomings of the spreadsheet referred to above, together with issues of interpretation of the AAR policy itself, which make effective monitoring difficult could then be addressed, discussed and better understood.

4.3.1: ACDTs

The duty of care owed by the managers of Tinsley House to detainees believed to be vulnerable by reason of risk of self-harm and suicide is largely carried out through the use of Assessment and Care in Detention and Teamwork (ACDTs). In 2019 there were 26 acts of self-harm amongst detainees at Tinsley House, all of which were attended to appropriately and diligently by officers, and throughout the year staff opened 76 ACDTs, an average of just over 6 a month, a low number relative to the Tinsley House population as a whole. The IMB routinely monitors the quality of the ACDT paperwork at Tinsley House which throughout the year we have found generally to be comprehensive and clear and which regularly sets out in detail the detainee's mood at any particular point in time and the action being taken to address that. ACDT case reviews are generally carried out appropriately and in a timely manner and may include input from both the Home Office and Healthcare.

4.3.2: Rule 35 reports.

Rule 35 of the Detention Centre Rules 2001 sets out a requirement for doctors working in Immigration Removal Centres to report on any detained person whose health is likely to be injuriously affected by continued detention; who is suspected of having suicidal intentions; or for whom there are concerns that he may have been a victim of torture. It is therefore another mechanism for safeguarding those detainees believed to be vulnerable on those grounds. In the context of the Adults At Risk policy referred to above a report under Rule 35(1), where a detainee's health is likely to be injuriously affected by continued detention, will normally amount to Level 3 evidence. A report under Rule 35(2), where a detainee is suspected by the

doctor of having suicidal intentions, will not always necessitate a review of the appropriateness of continued detention. A report under Rule 35(3), where the doctor has concerns that the detainee may have been a victim of torture, will normally amount to a least Level 2 evidence. On receipt of the Rule 35 report the caseworker must review the appropriateness of the individual's continued detention in the light of the report's contents and decide whether detention should be maintained or whether the detainee should be released. In 2019 at Tinsley House there were a total of 124 Rule 35 reports on detainees. Of these 38 led to release and detention was maintained for the remaining 86. We receive monthly reports on the number of Rule 35 reports received in that month together with the outcome (released or detention maintained). We are also given a summary of the reasons for that outcome, and while that summary as to the reasoning underlying the decision is greatly to be welcomed its increasingly formulaic character makes it difficult to monitor the reality of the decision making process. In cases for example where a claim of torture has been accepted, and where detention has nevertheless been maintained, the reason is often given as "It was deemed that any medical or mental health issues could be dealt with by the Medical Practitioners and the Mental Health and Wellbeing Team at the IRC". Similarly where a claim of torture has been accepted detention has been maintained on the grounds that removal is "deemed imminent" or "in a reasonable timescale" or "expected within a short period". Given the acceptance of the risk factor in such cases where detention is nevertheless maintained we would urge the Home Office to reconsider the use of such an over-generalised form of words across the board which effectively undermines our capacity to monitor the use and outcome of Rule 35 reports at Tinsley House.

Tinsley House has recently introduced a procedure under which all detainees placed on Raised Concern for more than two weeks are automatically referred for a Rule 35 review. The IMB welcomes this attempt to provide a more seamless system for the identification of vulnerable detainees.

4.3.3: Drugs and Alcohol

There are no residential facilities at Tinsley House to address issues of known drug and alcohol abuse and identified detainees are transferred to other establishments. It is therefore perhaps not surprising that neither drug nor alcohol abuse is an issue at Tinsley House and that continued to be the case during 2019.

4.3.4: The Samaritans and other sources of voluntary support.

The Samaritans maintain a presence at Tinsley House and there is information on notice boards at Tinsley House both as to the availability of the Samaritans and how to contact them by mobile phone should the need arise. The Gatwick Detainee Welfare Group and BID similarly maintain a presence at Tinsley House and provide both emotional, material and legal support to detainees. Additionally the Tinsley House Welfare Department with its team of accredited welfare officers is a constant source of information and support for detainees who may from time to time feel vulnerable.

5. EQUALITY AND FAIRNESS

Tinsley House not surprisingly remains an extremely multi-national, multi-cultural and multi-faith community and this has remained the case over the course of 2019 even though detainee numbers have been much lower than in earlier years. At the start of the year detainees from Pakistan were the top nationality, followed in mid-year by Indians and Iraqis, before Iranians and then Albanians from June became the highest among the centre's nationalities. In no month in 2019 were there less than 10 nationalities represented at the centre.

The IMB has seen no evidence of any direct discrimination against any individual or group at the centre on grounds of race, religion or belief. Indeed the evidence available to us strongly suggests that there is a widespread culture of respect for all groupings, cultures and faiths. This is strongly confirmed by detainees at monthly Tinsley Matters meetings where staff-detainee relationships are regularly stated by detainees to be good and respectful. That too is very largely confirmed by our own survey of detainees conducted in the second half of 2019 where 40 out of 50 detainees surveyed stated that they were treated with respect by officers and staff at Tinsley House all the time, with 8 stating that they were treated with respect some of the time. Only 1 detainee stated that he was never treated with respect. This cultural diversity was explicitly marked by the successful promotion at the centre of events such as All Nations Week and is regularly celebrated as part of the centre's ongoing educational and other activities.

A strong multi-faith Chaplaincy team throughout the year ensured that all major religious and faith-based feasts and festivities were appropriately marked to the benefit of Christians, Chinese, Buddhists, Hindus Sikhs, Muslims and Jews, including such significant events as Ramadan and Christmas. The centre provides multi-faith facilities for worship and we were pleased to see that refurbishment of the multi-faith room was completed during the year enhancing facilities for worship for those detainees who were not of the majority Christian and Muslim religions. We have not received further complaints concerning these facilities since the refurbishment was carried out but would urge the contractor to monitor the adequacy of the new non-Muslim facility which is comparatively small should detainee numbers begin to increase once again.

A number of issues however have given, or have continued to give, concern in 2019 and these are set out below.

5.1: Length of time spent in Immigration Detention

In our 2018 annual report we asked the Minister to consider introducing a statutory limit of 28 days on the length of time detainees could be held in immigration detention, subject to a right for the Home Office to apply to a judge in exceptional circumstances to extend that limit by up to a further 28 days. We continue to believe, in line with much research, that such a limit would remove a major source of significant anxiety for all detainees and would be one of the biggest contributors to reducing detainee vulnerability. That research, while addressing the wider impact of immigration detention generally on mental health, also identifies the impact of indefinite detention specifically (See for example, Bosworth, M: 'The impact of immigration detention on mental health: a literature review' in Shaw, S: 'Report into the welfare in detention of vulnerable persons' 2016; Von Werthen, M. et al: 'The impact of immigration detention on mental health; a systematic review': BMC Psychiatry: 18:2018; Medical Justice: 'Healthcare in Detention': Evidence submitted to the Shaw Review: 2015; Hasselberg, I: 'Enduring Uncertainty: Deportation, Punishment and Everyday Life': Berghahn Books: 2016). While the evidence suggests that the deterioration in mental health increases

according to duration it also suggests that the impact of not knowing how long detention might last is evident amongst detainees who are detained for relatively short periods, including, as is the case for the majority of detainees at Tinsley House, those removed or released within 28 days.

We can see no reason why such a limit would necessarily undermine the effectiveness of the immigration removals process, as we were told, and nor can we see why it would have significant negative cost implications for the wider immigration and court systems. Indeed the opposite may well be true. We therefore once again urge the Home Office to reconsider this matter and address one of the major sources of unfairness in the immigration detention system and inequalities amongst and between detainee groupings.

5.2: Free Association.

Association times are the times during which detainees have free access to facilities within the centre. Outside of association times detainees are locked within corridors and are free only to access their rooms, the corridors and the toilet and shower facilities.

The association times prior to the refurbishment (2016-2017) were from 06.00-23.00. After the refurbishment association time was significantly reduced to 08.00-21.00, i.e. detainees are locked into corridors for 11 hours compared to 7 hours prior to the refurbishment.

We have been concerned with this significant reduction in freedom of association and we raised this in our last two annual reports. We reported as far back as 2017 that one of the key impacts of the reduction in association time that we have observed has been on Muslim prayer times. Muslim detainees, who invariably represent proportionately the largest faith group, have raised repeatedly that they are now unable to access the multi-faith room for their late night or early morning prayers and have to pray in their rooms and in the corridors. Non-Muslim detainees, in turn, find this disruptive.

Throughout 2019 we have sought to address the recommendation made again last year that this matter be reconsidered, bearing in mind that this recommendation was accepted. DSO 04/2018 requires the supplier/contractor to justify night-state restrictions and requires an impact assessment to be completed by the contractor in terms of restrictive conditions. We have to date seen no such impact assessment and the hours remain unchanged. Interestingly the new contract operative from next May specifies that there is to be a maximum night state of 9 hours, thus significantly reducing the period of “lock-down” detainees will experience. If that is thought to be the appropriate period for night state from May 2020 then it is impossible to see how the current much lengthier period can possibly be justified.

We remain of the opinion that the significant reduction of association time has been a retrograde step which is disproportionate to the need to maintain a safe and secure environment. It denies fair and equal access to worship for all concerned faiths and we ask again for it to be urgently addressed.

5.3: Access to affordable and high quality legal advice

Detainees at Tinsley House when they are first detained are entitled to 30 minutes of free legal advice under the publicly funded Detention Duty Advice Scheme, one outcome of which will be a determination as to whether the detainee is entitled to continuing advice and assistance under the publicly funded legal aid scheme. This is a critical decision for detainees as a refusal of legal aid to pursue a bail application or a challenge to their detention will mean either that those rights are not pursued at all or that a solicitor will have to be instructed privately. The immigration background of many detainees are complex; a significant proportion of detainees are vulnerable and may have protected characteristics; accessing

supportive and financial documents while in detention is difficult and many of the interviews have to be conducted through an interpreter. In our annual report last year we made it clear that it is our view that a cap of 30 minutes on this critical first interview is unfair and unreasonable and results in this brief first interview being an inadequate means by which to determine whether or not detainees are likely to be able to pursue their rights to challenge their detention and likely removal from the UK. Our recommendation was rejected on the grounds that the limit relates only to the time that advice is given before a client must provide evidence that they are financially eligible for legal aid. Eligibility for legal aid, however, requires not only a means test but a merits test as well, so that a solicitor is required within 30 minutes to take instructions not only in relation to the financial position of the detainee but concerning the often complex issue of the detainee's immigration status and what grounds there may or may not be to challenge detention. We remain of the view that this 30 minute limit in the particular circumstances of immigration detention is unfair and unreasonable and works against those detainees without the significant resources to instruct a solicitor privately. We therefore once again urge both the Home Office and the Ministry of Justice to reconsider this issue.

5.4: Protected Characteristics

Tinsley House, like all Immigration Removal Centres, operates within the terms of the Equality Act 2010 which amongst other things, seeks to offer protection to people with "protected characteristics". In order to eliminate the risk of direct or indirect discrimination or any unfair treatment against those with any such protected characteristics there is a requirement in the act to identify those detainees with any such characteristics at the earliest opportunity in order to minimise the possibility of any unfair or unlawful treatment that might arise. Throughout 2019 the issue of protected characteristics has been raised at every Tinsley Matters monthly meeting but without exception at every such meeting detainees have responded by saying that they have no understanding of what is meant by the term "protected characteristics". We are concerned that current arrangements for early identification of protected characteristics, namely by information given to newcomers to Tinsley House on arrival, reinforced by written information on a notice board at the centre, together with a reliance thereafter on self-disclosure, is clearly an inadequate approach to meeting the requirements of the act. The consistently very low level of self-disclosure of any physical or mental health disability amongst the whole detainee population at any particular time, for example, together with the absence of any self-disclosure of some other characteristics listed in the act, including sex and sexual orientation, results in a lack of data in relation to many aspects of life at Tinsley House for detainees, and an inability to ensure that the risk of unfair or unlawful treatment is actively reduced as required under the act.

We recommend that the contractor undertakes a thoroughgoing review of its approach to early identification of protected characteristics among the detainee population in order fully to comply with the spirit of the Equality Act 2010. This review should seek to ensure both that detainees have an informed understanding of what is involved, and where they can access support and guidance (whether from within or outside the centre), and also, importantly, for officers and managers to be able to identify possible risks to detainees with any such characteristic, and so to ensure that as far as possible they can be protected from possible unfair or unlawful treatment. Such a review would also need to identify appropriate up to date equality training and refresher sessions for all staff.

5.5: Race Relations and Diversity Meetings

These meetings are held every month at Tinsley House at the same time as the Safer Community meetings and in terms of the Race Relations and Diversity element should effectively be the forum in which equality and diversity issues are discussed. Throughout 2019 there has been much dissatisfaction expressed by those attending these meetings. They are usually very poorly attended and seem to be given low priority by senior managers; the

terms of reference of the meeting are not clear; there is no agenda for each meeting; detainees very rarely attend; and there is an emphasis on identifying quantitative data to the exclusion of analysis of the meanings, issues and trends that such data might implicitly represent. Protected characteristics, for example, have rarely been a discussion point at these meetings and nor have equality issues generally. While the quantitative information set out in monthly reports and circulated before each meeting is very useful it is perhaps not a good use of the meeting simply to go through the figures previously circulated.

We recommend that the contractor reconsiders the terms of reference of the present committee/meeting and adopts a more focused approach on issues of equality and diversity. These meetings should have their own agenda focusing on detainees in a way that is explicitly relevant to their needs in order to encourage their attendance. The current 9.30 timing of the meetings might also be reconsidered in order to facilitate greater detainee attendance.

6. SEGREGATION/CARE AND SEPARATION UNIT

6.1: Use of Rule 40

The statistics show that Rule 40 (Removal from Association) is rarely used at Tinsley House. Over the 2019 year as a whole there were eleven instances of the use of Rule 40, thus averaging slightly less than one per month. In two months of the year Rule 40 was not used at all and in each of six months Rule 40 was used only once. In August the centre had more detainees than at other times of the year and Rule 40 was used on three occasions, more than in any other single month of the year. The reasons for the resort to the use of Rule 40 were mainly to manage inappropriate behaviour, often following the service of Removal Directions. In January there were two uses of Rule 40 involving the same detainee who had caused damage to the centre and assaulted an officer. Following the change of policy last year there was only one use in 2019 of Rule 40 in order to isolate a detainee for medical reasons and that involved a case of chickenpox. Detainees who were subject to Rule 40 were removed from association generally for relatively short periods of time and were seen routinely by the IMB and the paperwork was scrutinised. The IMB is unaware of any evidence that might suggest that Rule 40 is used inappropriately.

6.2: Use of Rule 42

There was unusually one resort to Rule 42 (Temporary Confinement) in 2019 which involved a detainee who became distressed during a Home Office interview. As a first response the detainee was temporarily confined under Rule 42 before being moved onto Rule 40.

7. ACCOMMODATION

7.1: Rooms and Bedding

Our survey feedback from 50 detainees in 2019 was broadly positive about the general accommodation conditions at Tinsley House. 25 detainees (half of those surveyed) believed the quality of the accommodation at Tinsley House to be of a high standard while a further 20 stated that it was ok or reasonable. Only 5 detainees thought the accommodation to be of a poor standard. These positive survey findings concerning the quality of the Tinsley House accommodation very largely accord with our own observations during our rota visits throughout 2019. One issue that arose in our 2018 report last year concerned complaints from detainees over the condition of mattresses, bedding and pillows, some of which were subsequently changed and which led to a wider audit being undertaken across the establishment in November 2018. Evidence from the Tinsley Matters meetings in 2019 suggest that detainees can now ask for a replacement mattress every 3 months, assuming of course that they remain in detention during that period. One detainee who requested such a replacement mattress in January 2019 received a new mattress within a month of his request. The IMB is not aware of any further complaints in 2019 concerning bedding.

7.2: Cultural Kitchen

The cultural kitchen was introduced to Tinsley House following the 2017 refurbishment of the establishment and was welcomed in our last two annual reports. Detainees register in advance for a time slot and request ingredients which are supplied by catering staff. When this facility is used it is clearly a significant enhancement of the facilities at Tinsley House and greatly welcomed by detainees. During 2019 in response to increasing demand the regular sessions available to detainees in the Cultural Kitchen were increased and the kitchen is now regularly open on 5 days a week. While we have commented elsewhere in this report (para 9.2.3 below) that there has been some criticism from detainees at Tinsley Matters meetings, for example of the booking process and occasionally the wait for requested ingredients, evidence from Tinsley Matters meetings throughout 2019 indicates that, not only is the kitchen “very popular” but that it is increasingly well utilised by a range of detainees. Furthermore G4S staff have indicated that the kitchen can be opened and utilised beyond the regular sessions should there be sufficient demand for this.

7.3: Catering and Food

In our report last year we asked G4S and the Catering Provider Aramark to address the longstanding dissatisfaction with the food at Tinsley House, a recommendation that was accepted. In early 2019 there were further complaints regarding the quality of the food provided, together with a complaint about catering staff attitudes. Later in the year the then catering manager retired and a new manager was appointed by Aramark who sought to adopt a new approach, replacing the existing monthly Food Forum, which had become somewhat discredited in the eyes of detainees, with a regular weekly Question and Answer session on Wednesday afternoons where he would respond directly to detainees about any concerns they had. He also replaced the Comments Book in the dining area with a Suggestions Box, if only to attempt to avoid the many unhelpful and sometimes inappropriate comments that were finding their way into the Comments Book which was open to all. The intention was for detainees to post suggestions on a board in the dining area with responses from the manager. The IMB welcomed this attempt to find a new way of addressing food concerns, and we have observed both positive and negative comments being posted on, and responded to, on the board to date. We urge Aramark to continue

with this initiative as it is still in its early stages and appears at least to have greater potential to address food concerns constructively.

7.4: Faith Facilities

In our report last year the IMB indicated that we would continue to monitor the extent to which the entire faith space at Tinsley House delivers equal opportunities to detainees of all faiths. The refurbishment of the multi-faith space was finally completed during 2019 with the installation of a concertina dividing wall which created an exclusive space for non-Muslim worshippers, alongside the chapel for Christians and the lions' share of the multi-faith space for Muslims. This new space is not large but to date we are not aware of any dissatisfaction with it and it is clearly a significant improvement towards the provision of equal opportunities for worship for all detainees at Tinsley House. This last year, as we have commented throughout this report, has seen comparatively very low numbers of detainees at Tinsley House and it is undoubtedly the case that when numbers grow once again there is likely to be significantly more pressure on the facilities for worship, and particularly on this new space within the multi-faith room. We will continue to monitor its use and feedback from detainees.

We have elsewhere in this report (see para 5.2) commented on the negative impact of the reduced free association time at Tinsley House which has remained unchanged throughout 2019, and in particular its undermining of the principle of equal access to worship opportunities for all faiths. We will not repeat that concern again here but it is a matter of considerable regret that this continues to detract from these other initiatives to make a reality of that principle.

We received monthly feedback from the Chaplaincy team during 2019 and continue to be impressed by their work amongst detainees of all religious persuasions which we believe to be a positive contribution to the creation and maintenance of a tolerant and settled culture at Tinsley House.

7.5: Library and IT issues.

The library at Tinsley House is a calm, well-ordered and pleasant space for detainees. The shortage however of available and appropriate books for all detainees was high-lighted in our last report having been raised by detainees at Tinsley Matters meetings. We have been assured during 2019 that detainees can submit requests for particular books and that reviews of reading materials generally in the library take place on a regular basis. We are however concerned that we have had little feedback on the outcomes of this stock-taking process and we urge the contractor to put in place a consistent system of reporting on the outcomes of reviews of reading material.

During 2019 the G4S Director suggested to us that the time perhaps was ripe for a move in terms of library provision towards detainees being given access to tablets on which to download material on demand, subject only to appropriate security checks, and so relieving, amongst other things, pressure on hard copy materials including books in the library. We believe that such provision, which is not uncommon elsewhere, would be a very significant and welcome enhancement of existing library provision for Tinsley House detainees and we recommend that consideration be given by the contractor as a priority to ways of introducing it.

7.6: Complaints

Unless detainees indicate that they do not want their formal complaints to be shared, the protocol at Tinsley House requires that complaints that relate specifically to Tinsley House, with translations, should be copied into the IMB, together with the responses to those complaints. In our report last year we commented that this did not happen

consistently and this has continued to be the case during 2019. This inconsistent copying in of complaints makes it impossible for the IMB to be confident that its monitoring of complaints is comprehensive.

Following discussions with the Home Office and the central Detention Services Complaints team at Lunar House in Croydon we have now been assured that the IMB will be copied in to complaints against the contractor at Tinsley House, although detainees on occasions ask for the IMB not to be copied in. We have retrospectively now received a list of 19 such complaints submitted by detainees during 2019. With a small number of exceptions these complaints were responded to within two months, although for many detainees, of course, this would have been after they had left the centre. Of these 19 complaints 2 were found to be substantiated, 1 was partly substantiated, and the remainder were found to be unsubstantiated. Topics complained about included lost property, rudeness, other unprofessional behaviour and the availability of a particular service.

We are of course aware that there is more work to be done during the coming year to ensure that we can be confident that we are receiving a comprehensive picture of complaints at Tinsley House. We are aware also that we do not at present have any picture of Healthcare or Home Office complaints and we ask the Home Office and the contractor to ensure that IMB receives copies of all complaints and their responses on a consistent basis.

7.7: Communication

Detainee engagement at Tinsley House continues to be challenging, a fact which, given the nature and purpose of the establishment and its transient population, the IMB acknowledges. In our last report we noted that the primary means for such detainee engagement was the Tinsley Matters monthly meeting set up in its present form during 2018 and this has continued to be the case during 2019. The meeting is attended by senior centre managers with an agenda that continues to be appropriately detainee-focused, including, for example, discussion and detainee feedback on facilities, bedrooms, visits, education and other activities, officer-detainee relationships, healthcare and IT facilities. Detainees are also encouraged to attend other meetings at Tinsley House and reference has been made earlier in this report to the monthly Safer Community and Diversity meetings (paras 4.1 and 5.5 above) where detainee attendance is very poor indeed. There have on occasions been meetings of Tinsley Matters in 2019 where detainee attendance has been dropping and we urge the contractor to do all in its power to encourage detainee attendance at this forum which we believe to be the most significant channel of communication at Tinsley House between detainees and contractor and other staff.

The provision of Skype for detainees was introduced at Tinsley House on a trial basis in September 2018 and has continued to be available throughout 2019. Other proactive steps have been taken to explore communication options which has resulted during 2019 in FaceTime also now being available to detainees.

In last year's annual report we expressed our concern at the levels of frustration experienced by detainees over the use of the centre's two fax machines which were then the only means by which detainees could transmit sometimes large amounts of paperwork to external parties such as solicitors and other legal advisers and such was the demand that long queues and delays were experienced in getting access to them. We urged the contractor to consider introducing scanners and in 2019, after accepting that there were no significant security issues, scanners were introduced. These are now available in both the library and the Welfare Office and are well used by detainees. The

IMB has not been aware of any further complaints during 2019 and we will keep monitoring the frequency and adequacy of the use of these scanners.

7.8: Borders Accommodation.

The Borders suite at Tinsley House is designed to accommodate families who are detained at the border awaiting a return flight which will generally be booked for the following day.

22 families were accommodated in 2019, significantly more than in 2018. The majority of these stayed for less than 12 hours with 4 staying longer. Exceptionally one family, after ministerial approval was obtained for detention for longer than 72 hours, remained in the Borders Accommodation for over 56 hours before being released at London Heathrow. Another family of 5 were held in Borders Accommodation for 19 hours after refusing to leave with escorts for their flight before Border Force decided to release them.

Parents in general were grateful for the comfort offered by the family accommodation and for the opportunity for their children to rest and play. All families in the Borders accommodation were seen promptly by Healthcare personnel and those who had concerns about their own, or their children's, health appreciated the care shown by health and welfare staff.

Families who wished to were able to use the multi-faith room. When time allowed families on occasion also requested a visit from a member of their own faith from among the chaplaincy, which they found very reassuring.

8 HEALTHCARE (including mental health and social care)

In 2018 a significant number of steps had been taken within Tinsley House to enhance detainee engagement in health related issues within the centre. Of particular note were the establishment of monthly Patient Engagement Forums and the fostering of proactive outreach work by health professionals to further a wellbeing agenda and to raise awareness amongst the detainee population about preventative strategies and the importance of good diet, exercise and seeking support with issues relating to mental as well as physical health needs.

Within Tinsley House this agenda was largely driven by the Practice Manager who in August this year began a period of planned leave. In the interim both the Brook House and the Tinsley House site were for a short period covered by one Practice Manager, supported by a part time administrator based at Tinsley House. Unfortunately the Practice Manager moved on in December this year and this has left a significant gap in management cover at this point in time. We understand that active recruitment to fill this vacancy is underway.

Since the departure of the Tinsley House Practice Manager, Patient Forums have not been continued which as an IMB we feel is a loss. The monthly Tinsley Matters consultative forum has ensured that detainees who attend are asked if they have any issues regarding healthcare that they would like answered but on most occasions the IMB has noted that the healthcare representative present has been the administrator or nurse and they have not been able to wholly field a comprehensive or management response to the questions posed. We understand the contractor had hoped that these interim arrangements would also be supported by the recruitment of a new Clinical Lead nurse who it was intended would work across both the Brook House and Tinsley House sites affording increased clinical presence. This post was filled for a short period during 2019 but is currently vacant. We understand that it is now likely to be filled again in early 2020.

The IMB has welcomed and greatly valued representation from Healthcare at the IMB Board. Unfortunately attendance has been less consistent during 2019 than in the previous year and we hope this situation will be improved on in 2020.

As noted in the introduction to this report numbers of detainees have been significantly low throughout 2019 and whilst the staffing changes referred to above do not appear to have posed particular challenges at the time of preparing this report we would seek to be reassured that by 2020 when a new contractor is in place and the centre is at full capacity robust arrangements are in place to ensure that the progress made last year is built upon and not lost.

We are pleased to note the continued emphasis being placed by healthcare colleagues on delivering a model of care within Tinsley House that mirrors that provided in the community. We have noted the efforts of frontline staff to continue outreach activity to promote good health, including undertaking 'well man' checks and offering smoking cessation advice.

8.1: Access to Healthcare

As of December 2019 detainees can access healthcare services at Tinsley House immediately if an emergency arises. Detainees can see a GP within one day for non-urgent treatment and Rule 35 requests are dealt with within three working days.

The recruitment of appropriately qualified clinical staff remains a key challenge with agency staff in constant use to fill gaps. The position on staff vacancies is reported on quarterly at both internal Quality and external Partnership management meetings as the highest risk to the delivery of healthcare services across the Gatwick estate.

8.2: Detainee satisfaction with Healthcare

There have been 4 applications to the IMB on health related issues this year. A survey conducted over three months between October and December 2019 elicited the views of 50 detainees on their experience of Tinsley House. In relation to healthcare 16 detainees thought the services were excellent, 23 indicated services were ok/reasonable and 10 believed the services to be poor. One form was incomplete.

Anecdotal information provided to the IMB by individual detainees who state they are dissatisfied with the care they have received from healthcare staff seems to largely centre on the unwillingness of health staff to immediately offer significant medication interventions, eg sleeping tablets or pain relief medication. We note that healthcare staff are alert to these issues and we have observed that they maintain an initial approach of offering detainees support via advice on diet, exercise, sleep routines and the use of pain relief such as paracetamol and ibuprofen in the first instance. We understand that some detainees arrive at Tinsley House with a history of accessing different prescribed medications than those clinicians at Tinsley House feel it is appropriate to offer.

It has been helpful for IMB members to monitor through attendance at quarterly management meetings how prescribing is proactively managed within Tinsley House in line with NHS guidelines. We are aware and reassured through handover notes that when deemed appropriate some detainees are offered more significant support and medical interventions as and when required.

The prescribing of particular medications is illustrative of one issue dealt with on several occasions at Patient Forums in the past where detainees were able to hear and discuss with a doctor present why this approach was being taken and to share this information with the wider population outside the Forums.

In the latter part of this year the IMB has been aware of a specific case where a detainee has been resident at Tinsley House during a period of post-operative rehabilitation. The IMB has noted the unusual circumstances that surrounded this situation. At the point of discharge from hospital the gentleman was deemed by the Home Office to have an immigration history that warranted on-going detention. It was determined that a single occupancy room would then be made available despite the contractors' Healthcare assessment initially advising that this environment was not suitable.

The key issue centres round the discharging hospital's recommendation regarding his post-operative care needs. Under ordinary circumstances we understand that these needs would have been addressed through the provision of an adjustable 'hospital' bed. However in pursuing how the detainee's needs were being met in this respect we were advised by healthcare managers that a suitable adjustable bed could not be sourced for the room in question and alternative care planning had been put in place. However the IMB was told by the detainee in question that without the adjustable bed he was subject to far more discomfort and pain that if he had had one provided, or had he been in a more appropriate setting.

Clearly the IMB are not clinical experts but we have been troubled by the situation we observe this detainee to have been placed in and question whether this was fair and equitable treatment. We understand that the situation is the subject of a complaint by the detainee himself and we will be interested to see what conclusion is reached via this process.

In relation to dental services we are aware that ongoing discussions with NHS England regarding the establishment of a mobile dental clinic are likely to conclude soon and there is optimism that this will result in a unit being available in 2020, an initiative that will be widely welcomed.

8.3: Recommendations

The contractor is asked to consider the reintroduction of monthly patient consultative forums, or to set out what steps will be put in place to ensure regular and robust feedback from and to patients of their experience of healthcare at Tinsley House in the future.

The contractor is asked to continue to look at how recruitment might be improved to mitigate the risk posed by the number of healthcare vacancies and ongoing use of agency staff.

We urge the Home Office and the Contractor to reconsider the appropriateness of Tinsley House being used for such purposes as set out above in relation to post-operative accommodation, or indeed for any complex health-related issues affecting detainees, and we urge that alternative contingency arrangements that would mitigate such situations arising again are put in place.

9. EDUCATION AND OTHER ACTIVITIES

9.1: Overview of Education and Other Activities offered at Tinsley House during 2019:

In our 2018 report last year we called for a modest expansion of the Educational and Other Activities promoted within Tinsley House and we are pleased that such a further expansion has indeed taken place over the course of 2019. The current activities can be summarised as follows:

- **Education:** Classes in Cultural Activity and Studying English; Food Safety and Hygiene; Educational Games and Studying English; Life in the UK and Studying English; Arts and Crafts; Creativity and Calm Workshops.
- **Cultural Kitchen:** Cake Baking Classes; Cook a Meal in a Hurry classes; Sweet and Savoury Baking Classes. The Cultural Kitchen is now open for sessions on five days a week.
- **Recreational Activities:** Board games in the library; DVD collection and X Box games in the library; weekly Bingo competitions; Films- Movie Nights in the Dining Hall; Billiards; Game machine.
- **Music:** Music in Detention and Dance in Detention.
- **Gym, Sports Hall and Sports Field activities:** Table Tennis with Brighton Table Tennis Club; Badminton; Volleyball; Cricket; Basketball; Boxing; Daily run; Circuit training; Weights etc.

9.2: Evidence of Detainee Usage of the Facilities

9.2.1 Management Information

Throughout 2019 G4S have provided monthly reports on Education and Activities which detail monthly usage of the library, gym, Arts and Crafts lessons and workshops, the cultural kitchen and educational classes broken down by detainee age, nationality and religion. These reports provide a useful summary of overall numbers using Tinsley House amenities on a monthly basis and they attempt to draw some generalised conclusions as to trends month by month. In 2019 they suggest, for example, that in most months very few amenities were ever used by Albanians, Nigerian or Afghani detainees, and that classroom based activities in most months were better attended by Pakistani and Bangladeshi detainees, and that the Cultural Kitchen was most popular with Muslim detainees. For as long as numbers of detainees accessing any of these amenities remains as low as they were throughout the year such generalisations are of limited value and fail to address such important questions as to why some groups rather than others fail to use most amenities; whether the amenities currently offered are the most suitable; and whether these particular amenities properly equip detainees for the challenges of removal from the UK or release back into the community.

We urge the contractor to find ways of better understanding the strengths and weaknesses of the present portfolio of activities in order to address the issues raised above, as well as looking critically at the timing and frequency of activities and what forms of evaluation might be introduced to measure their usefulness in terms of preparing detainees for removal or release. We would also urge the contractor to establish an appropriate forum with detainee involvement at Tinsley House in which to discuss specifically these monthly reports and the issues arising from them.

9.2.3: Meetings and Minutes

At present Tinsley Matters meetings are the forum in which detainees' feedback is most effectively gathered, including feedback on activities. In a general sense over 2019 feedback on educational and other activities has been routinely positive and praise for the teachers, tutors and staff involved is commonly expressed. At the same time positive criticism and suggestions are also commonly heard. So, for example, the process for booking the Cultural Kitchen was often raised as unsatisfactory, as sometimes was the process for providing ingredients and materials (February, March, August). Pleas were made for classes to be available at weekends (February), for more music including piano lessons and borrowable keyboards (February, June), and for more sports kit, particularly loose weights and dumbbells (June, July, August, October). Sports were commonly praised both as to their range and organisation (April, October).

The IMB continues to urge the contractor to keep trying to increase detainee attendance at Tinsley Matters meetings, which in 2019 sometimes fell very low on occasions, so that this feedback becomes increasingly representative of the detainee population as a whole.

9.2.4: Survey and Rota Visits evidence

In 2019 IMB weekly Rota visits always included visiting education and whatever other activities were happening at the time of the visit. The overall numbers at Tinsley House during the year were low compared with earlier years, and sometimes very low indeed, and in part that accounts for the low numbers attending classes which rarely at any particular time exceeded half a dozen and sometimes no more than three or four. Our monitoring of course is only a snapshot of activity but we have on occasions heard expressions of some frustration from tutors at low numbers accessing classes, while at the same time the presentation of work undertaken by detainees is testament to the quality of the work being undertaken by those who do attend. Our monitoring usually finds the library being well used, as are the computers, and the recreational activities in the Dayroom, particularly the billiards, are always popular.

Our own survey conducted in late 2019 showed that the range of all activities available at Tinsley House provided opportunities for detainees to keep busy. 30 of the 49 who answered this question said that there was lots to do, while 16 felt that the range of all activities offered were either ok or reasonable.

9.3: Conclusions

From the evidence available to the IMB in 2019 it is our view that the education and other activities available to detainees were welcomed and valued by those who accessed them, and in many respects this provision makes a very positive contribution to the lives of some, though by no means all, of the detainees at Tinsley House. It is our hope that the recommendations we have made above will result eventually in more detainees accessing and benefiting from them.

10. PREPARATION FOR RELEASE OR REMOVAL

Preparation for removal or release at Tinsley House has a number of aspects, including the maintenance of good quality and frequent contact with friends and families in the community or abroad; access to good quality and affordable legal advice and assistance both to ensure appropriate challenges to continuing detention and to be kept fully informed of legal developments up to the time of their release or removal from the UK; and opportunities through education to prepare themselves and to improve their life-chances when finally removed from the UK or returned to the community.

In respect of those detainees removed from the UK in 2019 the IMB welcomed the decision during the year to give a minimum of 72 hours' notice of removal to all detainees affected which has afforded them some time to make some preparations prior to removal. Fears that giving 72 hours' notice of removal might cause potentially serious difficulties for some detainees which might be challenging to manage appear not to have been borne out. We have observed the use of the Rule 40 removal from association process on two occasions in 2019 in order to facilitate removal where a detainee was thought to be a risk to the safety of himself or others in terms of his likely reaction to removal. While this is a new development at Tinsley House we accept that this might be appropriate on those occasions where there is clearly evidence that the grounds for using Rule 40 exist in the particular case in question. We nevertheless welcome the assurance given by the Home Office and G4S that the IMB will be given notice of its intended use in such circumstances at the earliest possible moment.

Most of those detainees given bail were asylum claimants who typically lacked contacts in the UK and in respect of whom the Home Office arranged for their transfer to asylum accommodation somewhere in the UK. Non asylum detainees granted bail would typically have returned to their own accommodation with conditions. In both cases the IMB had no further information concerning either the quality of the accommodation provided while they were on bail or the future course of their time in the UK. For those detainees granted bail the Tinsley House Welfare Department and the Gatwick Detainees Welfare Group provided when requested considerable help and support concerning, for example, explanation of bail conditions and assistance around travel arrangements.

Detainees who were neither removed from the UK nor given bail were transferred to another IRC or exceptionally released unconditionally. Transfers were usually to Harmondsworth IRC where the Home Office carries out asylum screening interviews, or to Brook House IRC when a detainee was thought not to be suitable for the Tinsley House regime. The IMB is concerned that there is no minimum time limit for a detainee to be notified of a forthcoming transfer out of Tinsley House to a different IRC which is a matter for G4S as the contractor, and Mitie as the Escort. Notice given can currently be a matter of hours only which makes it extremely difficult for a detainee to prepare for the transfer and to notify family and friends. The contractor, in association with Mitie, is asked to consider giving notice along the lines of the 72 hours' notice which has to be given in cases of removal from the UK, to ensure that adequate time for preparation for the transfer by the detainees is available. We appreciate that this will involve consultation with the Detainee Escorting and Population Management Unit (DEPMU) which has a key role in the movement of detainees and which clearly at the present time on occasions provides considerably less than 72 hours of such movements to the contractor. While the contractor is therefore currently unavoidably dependent on DEPMU in terms of the notice it can give to detainees of forthcoming movements such consultation should seek to persuade the DEPMU of the benefits to detainees of the earliest possible notification.

Given that the large majority of detainees remain at Tinsley House for no more than a month, with a smaller number held for up to two months, and a handful beyond two months, it has to be recognised that the task of preparing these detainees for release or removal is a

considerable challenge. From our own IMB survey conducted in 2019, however, it appears that detainees have a very mixed picture of the advice and support available to them to prepare them for release or removal. 18 of the 49 surveyed stated that they had been offered advice and support, while 17 stated that they had not yet received any such advice or support but knew where to get help from. The remaining 14 stated simply that they had not been offered any advice.

10.1: Family contact and visits

The welfare of detainees at Tinsley House in respect of their ability to maintain contact with their families and friends prior to release or removal is supported largely by the Welfare Department and by twice weekly visits by representatives of the Gatwick Detainee Welfare Group. The Tinsley House Welfare Department continues to be routinely spoken of highly by the detainees in assisting them with arranging visits. The department provides a free phone call on arrival and £5 in credit for detainees' mobile phones. Where a detainee is not allowed to keep his own mobile because it has a camera or recording equipment then one is provided for him. The Welfare Office has fax and scanning facilities so detainees can send and receive relevant documents to solicitors and families and to other organisations who might assist them in their preparations. The library too has these facilities. Skype and Facetime continue to be available to enable detainees to keep in touch with families and friends and the IMB welcomes recent moves to consider the introduction of other video-calling facilities to further enable this continuing contact. The Welfare Department liaises with the Gatwick Detainee Welfare Group (GDWG) which can offer a further £10 to pay for phone calls home, giving the detainees unlimited calls for a month. GDWG can also assist with clothing and providing luggage where G4S cannot help. The Welfare Department also has a range of leaflets and other information on other organisations including the Samaritans, local charities, religious groups, embassies, etc, all of which can assist detainees to better prepare for their forthcoming removal from the UK or release back into the community.

10.2: Access to good quality and affordable legal advice and assistance.

Access for the detainees at Tinsley House to good quality and affordable legal advice and assistance is clearly critical to their preparations as to what happens next, whether that be removal from the UK or release back into the community.

For a number of years twice weekly legal surgeries were run at Tinsley House by two firms of solicitors who specialised in Immigration Law and who offered their services under the legal aid scheme where detainees qualified in terms of both the merits of their cases and the means test. In 2018 the decision was taken to open up this market to other providers who could show they employed a senior specialist caseworker, as a consequence of which there has been for the first time a pool of approximately 40 solicitors firms offering legal advice and assistance at Tinsley House on a weekly rota basis in 2019. Given the highly specialist nature and complexity of this legal work and the need for a consistent level of expertise, we urged in our 2018 report that the Home Office monitor closely the operation of these new contracts with these new providers in order to detect and address any concerns or problems that might arise.

During 2019 the Home Office at Tinsley House received 7 complaints which were passed onto the Ministry of Justice which has a central team managing these contracts. These complaints ranged from several solicitors not turning up as scheduled on the rota, firms swapping their rotas without notice to the Home Office, a failure to provide an interpreting service, disputes with solicitors about whether they could help detainees within the detained asylum casework

process, and one complaint about the quality of the service. The Home Office at Tinsley House was informed by the Ministry of Justice of the action being taken, although some of the matters being investigated remain unresolved by the end of the year. Whilst the Welfare Department referred on complaints they received about solicitors to the Home Office it is also the case that detainees can raise complaints themselves using the formal Home Office complaints system although it is not clear to the IMB what proportion of these overall complaints in 2019 concerned complaints against solicitors.

Given the critical nature of access to high quality and affordable legal advice and assistance to detainees seeking to prepare themselves for removal or release we would urge the Home Office to continue to monitor levels of concern with the service and to identify those complaints concerning this issue from amongst the general body of complaints received at Tinsley House.

We would also like to commend the Tinsley House Welfare Department for the considerable assistance they provided to detainees in 2019 in terms of making appointments for the solicitors at the twice-weekly surgeries (765 appointments made during 2019) and for their support for detainees in much of the follow up work in relation to legal advice for detainees generally. Similarly the detainees can receive free advice and assistance from the Gatwick Detainees Welfare Group and from BID where they don't wish to seek assistance from the Duty Solicitors and prefer to instruct their own solicitors on a private basis.

Finally we have already referred to the separate issue of legal advice delivered under the Detention Duty Advice Scheme (Section 5.3 above) which we will not repeat here.

10.3: Educational activities.

In Section 9 of this report we have referred to the critical role potentially played by Educational Activities at Tinsley House in the preparation of detainees for removal or release. At the October meeting of Tinsley Matters one detainee suggested that educational activities might be better supported and attended by detainees if there was some system of certification for work undertaken and successfully completed in the class room which could be portable in the sense of being used by detainees once they have been removed or released. While some certificates are already provided for work undertaken and successfully completed these are not recognised outside Tinsley House. In discussion it was agreed that there are many on-line courses that detainees could follow with practical support being provided in the Tinsley House class rooms, and which could lead to some widely recognised external certification. These on-line courses could prepare detainees for employment and life generally in whichever country they are likely soon to find themselves, perhaps including linguistic skills as well as knowledge based courses about that country, or as a means of resettling in the community with assistance, for example, with job seeking through the preparation of cvs.

We urge the Contractor to discuss with the tutors at Tinsley House when classroom activities and the content of the courses offered are next reviewed the possibility of focusing some of those courses more specifically on preparation for removal or release, including the possibility of incorporating more on-line courses in their classroom activities with externally recognised certificates of learning which detainees can take with them when they leave Tinsley House.

Section 11: Work of the Board

During 2019 IMB members made weekly unannounced visits to Tinsley House to carry out their formal monitoring duties. Additionally members attended meetings as observers throughout the year and attended the twelve monthly IMB meetings with Home Office and senior G4S staff.

During 2019 the number of IMB members dropped from 9 to 8 as one of our number relocated to the United States and therefore resigned from the board. This was followed by three of our members taking sabbaticals, two for 6 months and 1 for 12 months, effectively reducing the number of active members for the second half of the year to 5. As a consequence the board decided to have a recruitment drive which happily resulted in three new members being recommended for appointment. Their clearance applications have now been granted and we look forward to them joining the board as active members in the very near future. Board membership for the forthcoming year will then rise to 10 with one member on long term sabbatical.

In 2019 the Board continued to hold regular training sessions before each monthly meeting and topics for these sessions have included training on safeguarding vulnerable detainees and the Home Office Adults At Risk policy; the work of the Detainee Engagement Team; the work of the Family Returns Unit; Rule 40; the future of monitoring; the new draft Detention Centre Rules; and a session led by Dr Juliet Cohen, Head of Doctors at Freedom From Torture.

All members of the Board have successfully completed on-line safeguarding training. Members have also undertaken the required New Members and Board Leaders courses as appropriate. The statistics for detainee formal applications submitted to the IMB and addressed by members are set out below. It will be seen that such applications have dropped very considerably during 2019 which is in part the consequence of much lower detainee numbers during the year. Nevertheless the board as a priority in the coming year will seek to better understand this drop in formal applications with a view to taking whatever action we deem appropriate.

BOARD STATISTICS	
Recommended Complement of Board Members	12
Number of Board members at the start of the reporting period	9
Number of Board members at the end of the reporting period	8
Total number of Rota Visits to the Establishment	64

A Section 12: Applications to the IMB

Code	Subject	Current reporting year	Previous reporting year
A	Accommodation including laundry, clothing, ablutions	1	0
B	Discipline including adjudications, IEP, sanctions	n/a	n/a
C	Equality	0	1
D	Purposeful Activity including education, work, training, library, regime, time out of cell	0	1
E 1	Letters, visits, phones, public protection restrictions	0	2
E 2	Finance including pay, private monies, spends	2	0
F	Food and kitchens	0	3
G	Health including physical, mental, social care	4	18
H 1	Property within this establishment	0	0
H 2	Property during transfer or in another establishment or location	0	0
H 3	Canteen, facility list, catalogue(s)	n/a	n/a
I	Sentence management including HDC, ROTL, parole, release dates, re-categorisation	n/a	n/a
J	Staff/prisoner concerns including bullying	0	3
K	Immigration issues and transfers	6	21
	Total number of IMB applications	13	49