



Annual Report of the Independent Monitoring Board at the Gatwick Pre-departure Accommodation

**For reporting year
1 January 2020 – 31 December 2020**

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Contents

Introductory sections 1 – 3	Page
1. Statutory role of the IMB	3
2. Description of the establishment	4
3. Executive summary	6
Evidence sections 4 – 7	
4. Safety	10
5. Fair and humane treatment	12
6. Health and wellbeing	13
7. Preparation for return or release	14
The work of the IMB	15
Applications to the IMB	17

Introductory sections 1 – 3

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 IRC is situated.

Under the Detention Centre Rules, the Board is required to:

- monitor the state of the premises, its administration, the food and the treatment of detainees
- inform the Secretary of State of any abuse that comes to their knowledge
- report on any aspect of the consideration of the immigration status of any detainee that causes them concern as it affects that person's continued detention
- visit detainees who are removed from association, in temporary confinement or subject to special control or restraint
- report on any aspect of a detainee's mental or physical health that is likely to be injuriously affected by any condition of detention
- inform promptly the Secretary of State, or any official to whom authority has been delegated, as it judges appropriate, any concern it has
- report annually to the Secretary of State on how well the IRC has met the standards and requirements placed on it and what impact these have on those in its custody.

To enable the Board to carry out these duties effectively, its members have right of access to every detainee and every part of the IRC, and all of its records.

The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is an international human rights treaty designed to strengthen protection for people deprived of their liberty. The protocol recognises that such people are particularly vulnerable and aims to prevent their ill-treatment through establishing a system of visits or inspections to all places of detention. OPCAT requires that States designate a National Preventive Mechanism to carry out visits to places of detention, to monitor the treatment of and conditions for detainees and to make recommendations for the prevention of ill-treatment. The Independent Monitoring Board (IMB) is part of the United Kingdom's National Preventive Mechanism.

2. Description of the establishment

As part of the immigration detention estate, the pre-departure accommodation (PDA) opened near Gatwick Airport in June 2017. It is located on the same site as, and is adjacent to, Tinsley House IRC. The PDA provides accommodation for up to two families en route to removal from the UK. They are held as a last resort, when all other options, such as the assisted voluntary removal process, have failed. Detainees typically stay for up to 72 hours. However, in exceptional circumstances, and with ministerial authority, this stay may be extended for up to seven days.

The environment is family friendly, with attractive play areas for children and comfortable family suite accommodation. There is some outside play provision, separated by a low fence from that provided for families who are temporarily located in adjacent Tinsley House.

The PDA is staffed by a team of officers, social workers, and welfare and administrative staff, employed up until 21 May 2020 by G4S, and subsequently by Serco, which has now been contracted by the Home Office to run the facility.

The separate G4S subsidiary which had had responsibility under contract for the provision of healthcare services at the PDA on behalf of NHS England continues to provide those healthcare services, as its contract to do so does not expire until September 2021.

Staff from Hibiscus Initiatives, a voluntary sector organisation with experience in international reintegration and resettlement, also provide input and information for families.

A company commissioned by the Home Office carries out the transfer of families from the PDA to the airport. This contract is currently with Mitie.

2020 was a completely exceptional year in the UK with the outbreak of the COVID-19 pandemic, with the first national lockdown introduced in England on 23 March. From that point on, throughout the rest of the year, the PDA was effectively closed, with the family removals process being suspended. The PDA therefore was used for its stated purpose of facilitating family removal from the UK only during the months of January, February and March.

On occasion, from September, the PDA was used exceptionally and on a very limited basis to accommodate detainees from Brook House IRC (also situated near Gatwick Airport) whose age was disputed, or for those detainees from Brook House who were showing symptoms of COVID-19. This report is strictly limited to the PDA in its dedicated use as family return accommodation.

During the first three months of 2020, there was a total of three families held at the PDA, one in each of these months.

In January, an Iraqi family, with two adults and two children, was held for 25 hours before the family was split, with the father being transferred to Tinsley House IRC and the mother and two children being released back into the community, following her claim for asylum in the UK.

In February, another Iraqi family, with two adults and one child, was held for 77 hours before also being released back into the community.

In March, an Iranian family, with one adult and one child, was held for 71 hours before also being released back into the community.

No other families were held at the PDA during 2020.

In this exceptional year, therefore, a total of three families were held in the PDA and none was removed from the UK.

3. Executive summary

3.1 Background to the report

As has been noted above, 2020 was in every sense an exceptional year with the outbreak of the COVID-19 pandemic, and as a consequence this PDA annual report is itself unavoidably exceptional. The PDA functioned normally from the beginning of the year, but in March the family returns process was suspended with the onset of the first national lockdown in England, and remained suspended for the rest of 2020. The PDA was closed as a consequence, and no families were detained for the rest of the year. From September, the PDA was occasionally used as an isolation unit for detainees from Brook House IRC who were suspected of having the virus, and on a few occasions for accommodating detainees from Brook House IRC whose age was disputed. In neither case were detainees held beyond a few days and, although the Board remotely monitored the conditions under which those few detainees were held, they are outside the scope of this report.

Only three families were therefore detained at the PDA in 2020, none of whom was removed from the UK, and all three were released back into the community. There were no particularly exceptional circumstances surrounding these three attempted removals from the UK, except perhaps in relation to the family held in February. During their stay in the PDA, this family initially refused to eat, but snacks provided in the apartment were taken. At the point of removal to the airport, the son became distressed and refused to leave the PDA. Removal as a consequence was stood down, due both to the family's non-compliance and safeguarding concerns in relation to the son.

In these circumstances, the Board has only been able to reach judgements concerning the PDA in 2020 in relation to these three families held in January, February and March, and these judgements are set out below (See para 3.2 below).

This annual report is therefore necessarily and unavoidably very limited in its scope. The only recommendations we make are two from last year's report, where 2020 circumstances prevented any real progress being made in addressing them, but which will remain relevant and important when the PDA reopens, and the family returns process resumes.

3.2 Main judgements

The following very limited judgements can be made concerning the PDA in 2020. These judgements relate only to the first quarter of the year, being the only period, because of the pandemic, when the PDA was functioning as part of the family returns process. These judgements, therefore, concern the experience of three families only, and a time when G4S was the contractor responsible for the operation of the PDA, before the present new contractor was appointed in May.

How safe was the PDA?

All three families were held safely within the PDA during the limited time they were held. Later in this report, we refer to an example of what we regarded at the time as

an example of good safeguarding practice by the staff, in relation to the members of one of these families.

How fairly and humanely were detainees treated?

All three families were treated fairly and humanely while they were held at the centre. We do, however, repeat the general concern we expressed in our annual report last year, namely, that we continue to question whether any system that involves children who, despite the best efforts of staff, witness or overhear their parents' considerable distress at what is happening to them, and who face forcible removal to a country they have no knowledge of, can itself be described as either fair or humane.

How well were detainees' health and wellbeing needs met?

Medical staff were readily accessible to members of each of the three families held at the PDA throughout their time of their detention. All family members were screened on arrival at the PDA and no complaints were recorded concerning unmet medical or wellbeing needs while at the PDA.

3.3 Recommendations

TO THE MINISTER

1. We again ask the minister to consider the establishment of a system for monitoring the arrest and transfer into detention of families which is demonstrably independent of the Home Office.

TO THE DIRECTOR/CENTRE MANAGER

2. We ask the contractor PDA managers to ensure that, where a removal is likely to be traumatic, careful planning is consistently used, to avoid children being exposed to their parents' distress.

3.4 Progress since the last report

3.4.1 Recommendation 1

In our 2019 annual report, we asked the minister to commission a full review of the effectiveness of the family removals process as it involves the PDA, and this recommendation was accepted. We were informed through the action plan which followed our report last year that: 'A full review has been commissioned into all aspects of the family returns process, looking at all outcomes and results, not just the families who enter PDA, and all areas of the business will be consulted as necessary'.

We understand that the start of the review was unavoidably and significantly delayed due to the suspension of family returns at the outbreak of the pandemic, and we have now been further updated by the Family Returns Unit (FRU), as follows: ‘The review, however, commenced in October and is due to deliver the first draft to FRU management in March 2021. The review is being conducted internally and involves seeking the views of internal and some external stakeholders... The review is not an internal family returns panel process only’.

Our 2019 recommendation asked the minister to commission a full review, which should, at least in part, focus on ‘the effectiveness of the family removals process as it affects the PDA’. In view of the recent update on the progress of this review, we will not repeat last year’s recommendation, but we do urge FRU managers to feed back to the Board as and when possible during 2021, particularly on those aspects of the review as it progresses which focus directly or indirectly on the PDA.

3.4.2 Recommendation 2

In our 2019 annual report, we asked the minister to consider the establishment of an independent system for monitoring the arrest and transfer of families. This recommendation was not accepted by the minister, on the ground that there is a sufficient amount of ‘independent monitoring already available’.

We are repeating this recommendation in this 2020 report, and would ask the minister to reconsider his refusal to accept it on the following grounds.

At the heart of our recommendation is the need for monitoring to be conducted by an independent monitor who can be seen to be genuinely at arms’ length from the Home Office, in order for that monitoring to have any external credibility.

The minister suggests that monitoring is currently carried out both by the Immigration Compliance and Enforcement (ICE) operational assurance team and by the Independent Family Returns Panel (IFRP). The ICE team, however, describes itself as ‘part of the Home Office’, and the IFRP exists to advise the Home Office on family removals. We believe that neither body can be seen to be manifestly independent of the Home Office. Therefore, neither is able to provide the critical arms’ length relationship with the Home Office that is central to the task of monitoring. The minister further suggests that Her Majesty’s Inspectorate of Prisons (HMIP) also provides a system for monitoring the arrest and transfer of families. We accept that HMIP is indeed independent of the Home Office but it is not its task to monitor the arrest and transfer of families on an ongoing basis. HMIP provides a snapshot oversight of the processes it selects for scrutiny when it undertakes an inspection, and inspections may be relatively infrequent.

We have therefore repeated this recommendation to the minister in this current annual report, and would ask him to reconsider his non-acceptance in the light of what we regard as the necessity for an ongoing system of monitoring that is, and can be seen to be, manifestly independent of the Home Office.

3.4.3 Recommendations 3 and 4

In our 2019 annual report, we urged the Home Office and the contractor (then G4S and now Serco) to provide enhanced interpreting services for families in the PDA, including the introduction of hand-held devices which were under review at the time of that report. Both of these 2019 recommendations were accepted, and we are assured by the new contractor, Serco, that, on the Gatwick immigration detention estate new interpreting services are already being introduced, with enhanced equipment, including hand-held devices, at Brook House IRC, and we accept the assurance from Serco that these enhancements will similarly be introduced at the PDA at Tinsley House when the family returns process resumes. We therefore regard these recommendations as complete.

3.4.4 Recommendation 5

In our 2019 annual report, we asked the PDA managers to continue to ensure that, where a removal is likely to be traumatic, careful planning is consistently used, to avoid children being exposed to their parents' distress. This recommendation was accepted, but due to the suspension of the family returns process and the closure of the PDA after receiving only three families between January and March 2020, there has been no opportunity for the new contractor, Serco, to progress and implement this work. While we welcome the assurance that careful and coordinated planning meetings will be held for every family removal, we are repeating this recommendation in this current report, given the critically important need to secure properly the interests of any children caught up in this process of attempted removal from the UK.

Evidence sections 4 – 7

4 Safety

4.1 Reception and induction

Each of the three families held at the PDA in 2020 had an induction interview when they first arrived at the PDA. Each had interviews with the duty solicitor during their stay.

4.2 Suicide and self-harm, deaths in custody

There were no deaths, suicides or attempted suicides, and no acts of self-harm among the three families held.

4.3 Violence and violence reduction

There was no recorded violence used either by any member of the three families held, or against any such family members.

4.4 Vulnerable detainees, safeguarding

All members of the three families held at the PDA were held safely within the provision. The PDA rooms and suites are separated from Tinsley House IRC by secured doors, and all G4S staff responsible for their care at that time demonstrated a commitment to ensuring the safety and wellbeing of the families.

An example of what we regarded as good safeguarding practice took place in relation to the family held in the PDA in January. There were four family members – mother, father and two children. The mother indicated to the duty lawyer advising her that she had reason to fear her husband, and the lawyer passed on this disclosure to the PDA staff. A plan was then put into place, in conjunction with the FRU, to safeguard both the mother and the two children by separating the father from the rest of the family by transferring him into Tinley House IRC. The mother and children were then released on bail from the PDA. The father was released on bail from the IRC the following day, with a condition that he reside at a separate address.

Safeguarding at the PDA under normal circumstances is reviewed internally on a monthly basis. An external safeguarding group typically meets quarterly. This group includes representatives from West Sussex local authority, the Office of the Children's Champion, and the police. Both meetings are monitored by the Board, and in the first quarter of this year we are satisfied that safeguarding was given appropriate priority within the provision. Welfare staff also took care to monitor the children's responses to their situation, and we have in the past seen them work very sensitively with children who have been upset by their removal from home or by their parents' distress.

Assessment, care in residence and teamwork (ACRT) documents were opened in respect of the adults of the family held in January, and were opened for one adult

and one child of the family held in February. We are satisfied that in all cases these were appropriate.

4.5 Use of force

There was no recorded use of force against any member of any of the three families.

4.6 Substance misuse

There were no recorded incidents of substance misuse at the PDA in the first quarter of 2020.

5. Fair and humane treatment

5.1 Escorts, transport, transfers

There were no recorded incidents or complaints concerning the transfer of these three families to the PDA, although there was one formal complaint submitted by the family in January which related to their arrest prior to transfer to the PDA.

5.2 Accommodation, clothing, food

As has been noted, the PDA accommodation is family friendly, with clean and well-decorated suites for families, and there were no recorded complaints from any of the family members. The family held in February refused food as a matter of principle, but did eat the snacks that were on offer within the PDA.

5.3 Separation

There was no formal separation within the families held, with the exception of the family held in January, where the male adult family member was transferred out of the PDA into Tinsley House IRC.

5.4 Staff/detainee relationships

We know of no complaints or concerns expressed by any family member in respect of any staff member while they were in the PDA.

5.5 Equality and diversity

As we expressed in our 2019 annual report, we continue to question whether any system that involves children who, despite the best efforts of staff, witness or overhear their parents' often considerable distress at what is happening to them can be described as equal and fair. We similarly remain very concerned about children being taken from their home to face forcible removal to a country that they have no knowledge of. We believe that this experience negatively impacts on vulnerable children and results in their unfair and unequal treatment.

5.6 Faith and religious affairs

The PDA has multi-faith facilities open to all families held there, who also have access to any member of the chaplaincy team at Tinsley House.

5.7 Complaints

There was one formal complaint recorded from the family held in January, which related to their arrest.

5.8 Property

There were no property issues recorded in respect of these three families.

6. Health and wellbeing

6.1 Physical healthcare

Medical staff are readily accessible by family members held in the PDA. A nurse is on site and a doctor sees all residents within a few hours of their arrival. All members of the three families held in the PDA in 2020 were screened by healthcare staff, and there were no complaints recorded by them in relation to healthcare facilities. Where necessary, family members can be taken to hospital, as happened to one family in March.

6.2 Mental healthcare

Similarly, there were no complaints recorded concerning any mental health issues being unaddressed in the first quarter of the year.

6.3 Welfare and social care

The Tinsley House welfare team is available on request to families held in the PDA, for support, information and guidance.

6.4 Exercise and time out of room

Families held in the PDA have regular access to the outside space which is dedicated solely to the PDA, and where there is provision of play facilities for children. This allows time out of the PDA suites at most times of the day and access to time spent, and activities undertaken, in the fresh air.

7. Preparation for return or release

7.1 Activities, including education and training

Given the length of time that families are typically held in the PDA, which rarely exceeds 72 hours, any form of formal educational activity is not possible. On many occasions, however, we have observed PDA staff working with children on such activities as reading, writing and drawing. Similarly, the PDA is equipped with a range of play activities, both inside the suites and outside.

7.2 Planning for return or release

All three of the families held in 2020 in the PDA had access to legal advice and assistance to support them, which resulted in their removal from the UK being halted on legal grounds, for a time at least, and the families being bailed or released back into the community. While the provision of legal advice is clearly crucial to families following their arrest and removal to the PDA, we repeat the concerns we expressed in last year's annual report – namely, that it can often feel unreasonable for them to have been taken from their homes in the first place, at least until all legal avenues at that earlier stage have been exhausted. We remain concerned that the system as it is currently organised militates against the children's sense of safety and security.

Hibiscus staff at the PDA work to locate support agencies which may be able to help families in the country to which they are to be removed. They also provide information about a range of countries, which they share with the families before their removal.

To date, of course, Serco, the current contractors at the PDA since May, have had no experience at all of families in the PDA.

8. The work of the IMB

During January, February and March 2020, Board members made weekly scheduled unannounced visits to neighbouring Tinsley House IRC. When families were in residence, as they were once in each of those months, we also visited the PDA. During these three months, we attended meetings held about the PDA as observers, and spoke with the three families in residence as we monitored the conditions under which they were being held. The Board would like to thank our Board clerk for her support and assistance during these first three months of the reporting period. We also appreciate the willingness of the three families held in the PDA this year, managers and staff to engage with us in a positive manner.

As noted earlier in this report, from late March until the end of December 2020, the family returns process was suspended due to the COVID-19 pandemic, and the PDA was closed, with its role of accommodating families being also necessarily suspended.

With the Board's monitoring role being suspended throughout most of this reporting year, it unsurprisingly witnessed a serious decline in its numbers, with some longstanding and experienced members retiring by the end of the year. Ironically, at the start of the year we welcomed three new members to the Board at Tinsley House, but, sadly, they were unable to progress their probationary year there because of the shutdown. They have since been able to make progress at Brook House IRC, and we are very grateful to the Chair of Brook House IMB for the cooperation of all members of that Board to enable this to happen.

Further significant change occurred during 2020 when G4S, having held the contract for 10 years, withdrew from the process of tendering for the new contract to run the Gatwick immigration estate, which comprises not only Tinsley House IRC and the PDA, but also the much larger Brook House IRC, and the new contract was awarded to Serco. The new contract envisaged the Gatwick immigration detention estate being managed as a single unit, albeit with three component parts, and the previous, fairly rigid demarcations between Brook House and Tinsley House have begun to break down.

In all these changing circumstances, both the Tinsley House Board and the separate Brook House Board together took the view that monitoring across the Gatwick immigration detention estate would be significantly better served by the creation of a single unified Board, working across all the estate's component parts, and a submission to that effect was submitted to the Minister of State for Immigration and approved. From January 2021, there will be a single new Gatwick IMB, with responsibility for monitoring Tinsley House IRC, the PDA and Brook House IRC.

This PDA report therefore will be the last to come specifically from the Tinsley House Board.

Board statistics

Recommended complement of Board members	12
Number of Board members at the start of the reporting period	7
Number of Board members at the end of the reporting period	4
Total number of visits to the establishment	3

Applications to the IMB

Families tend not to make formal applications to see the Board, as we try as far as possible to meet them whenever they are in residence.

Code	Subject	Previous reporting year	Current reporting year
A	Accommodation, including laundry, showers	0	0
B	Use of force, removal from association	0	0
C	Equality	0	0
D	Purposeful activity, including education, paid work, training, library, other activities	0	0
E 1	Letters, faxes, visits, telephones, internet access	0	0
E 2	Finance, including detainees' centre accounts	0	0
F	Food and kitchens	0	0
G	Health, including physical, mental, social care	0	0
H 1	Property within centre	0	0
H 2	Property during transfer or in another establishment or location	0	0
I	Issues relating to detainees' immigration case, including access to legal advice	0	0
J	Staff/detainee conduct, including bullying	0	0
K	Escorts	0	0
L	Other	0	0
	Total number of applications	0	0



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