

Annual Report of the Independent Monitoring Board at Morton Hall

Immigration Removal Centre

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

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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 IMBs are part of the United Kingdom's National Preventive Mechanism.

2. Description of the establishment

Morton Hall is an IRC located to the south-west of Lincoln. It is managed on behalf of the Home Office by HMPPS. It has an operational capacity of 392 detainees. During 2020 it had an average occupancy of 113 (247 in 2019). There are two Home Office teams located on the site – a detention engagement team and a detention and escorting services compliance team.

The centre occupies a large geographical area, with residential units and a range of other facilities. Residential rooms are single occupancy, comprising two double storey units and three smaller single units. Additionally, there is a two-storey residential unit used for the induction of detainees in their first few days at the centre.

Healthcare services are commissioned by NHS England and provided by Nottinghamshire Healthcare Foundation Trust. Catering services are delivered by HMPPS. Education and training is provided by Lincoln College (a subcontractor to People Plus Ltd) and facilities management by Amey plc. Welfare support for detainees and their families is provided by Lincolnshire Action Trust (LAT).

3. Executive Summary

3.1 Background to the report

This report presents the findings of the Board for the period 1 January 2020 to 31 December 2020. For most of the first three months of the year, the Board was able to conduct 'business as usual', collecting evidence from observations made on visits to the centre, face-to-face contact with detainees and staff, and other forms of physical on-site monitoring.

The onset of COVID-19 restrictions in mid-March led to the Board deciding to suspend physical visits to the centre, in line with overall health guidance to stay at home and in line with personal health decisions by Board members. Physical visits were resumed in August 2020 but were suspended again by a decision of the Board in late October 2020.

A number of measures – an 0800 telephone applications line for detainees, electronic access to daily briefings, increased telephone contact with centre management and staff, and teleconference monthly Board meetings – enabled the Board to move to a system of 'remote monitoring' for periods when physical monitoring was suspended.

There are a number of aspects of 'remote monitoring' that will stand the Board in good stead for future monitoring and that will serve to make overall monitoring more effective. But there are important aspects of 'access all areas' physical monitoring that 'remote monitoring' cannot adequately replace. Most important among these, is being able to see conditions at first hand, and to hear from and speak face-to-face to a cross-section of detainees. Nonetheless, this report is informed by 111 conversations with residents that took place when physical monitoring was possible.

The onset of COVID-19 precautions also triggered a move by the Home Office to substantially reduce the number of individuals detained in IRCs. At Morton Hall this saw the number of men detained fall from an average of 252 in January 2020 to just 59 in June, ending the year with 77 in December 2020. The average centre population for the months from April-December inclusive was 83. The vast majority of this post-March population was time-served foreign national offenders (TSFNOs) with very few other immigration cases.

This reduction in numbers meant that, when physical visits were temporarily reinstated in late summer, we were able to speak to a larger than normal proportion of the total population during our visits. During those late summer months, we also combined physical visits with an element of remote monitoring, using the latter for staff and centre management liaison and freeing up visit time for conversations with detainees. This is an approach to monitoring that we will take into the future.

3.2 Main judgements

How safe is the IRC?

We continue to be impressed with the professional ethos and emphasis on safety. This is very important as many detainees are vulnerable adults. Many have a background of violent crime. There are well-managed and well-followed processes to minimise harm and promote wellbeing and many of the detainees we speak to tell us they feel safe. And the centre was also successful for much of 2020 in remaining COVID-19 free. But incidents of self-harm, assaults and altercations are a concern and the nature of detention leaves men unable to know with any degree of certainty what will happen to them and when. In these circumstances it is difficult to conclude that the IRC is a wholly safe environment.

How fairly and humanely are detainees treated?

In our conversations with detainees, we always seek to ascertain whether or not they feel they are treated fairly by staff. The vast majority say they are. But they also report a very high level of frustration at “the system”, uncertainties about their immigration case, decisions or lack of decisions on their case and the difficulties that come with being held in detention. We are concerned that some people remain in detention for too long a time and continue to make recommendations that more emphasis should be given to preventing the need for detention in the first place.

How well are detainees’ health and wellbeing needs met?

Healthcare provision, both for physical and mental health, is well-delivered in Morton Hall IRC. During 2020, an effective COVID-19 response was enacted and, until relatively late in the year, the centre remained COVID-free. Detainees had access to the full suite of healthcare services and primary care triage services were maintained throughout. Normally, we would also commend the provision of ‘softer’ wellbeing and recreational facilities but much of this provision had to be curtailed for pandemic reasons. We were concerned that gymnasium facilities and the faith centre remained closed at Morton Hall even during a period when such facilities were open in the community and, at least in the case of the gym, in other IRCs.

How well are detainees prepared for return or release?

Provision is in place to ensure that the vast majority of detainees are supported by the welfare team prior to release or removal. Because of the move to remote monitoring for most of 2020, we were not able to adequately gather evidence on how well this preparation is working from the detainees’ point of view. We are concerned at continued delays in releasing detainees where a judge has awarded bail but where release is held up because of difficulties in the Home Office and the National Probation Service finding and checking suitable addresses.

3.3 Recommendations

TO THE MINISTER

The COVID-19 pandemic led to a dramatic reduction in the number of people held in immigration detention. We hope that an evaluation of the risks and rewards of this

reduction in numbers is carried out with a view to it leading to a permanent reduction in the use of detention.

COVID-19 measures have also seen detention being largely restricted to TSFNOs with others being released. In the past we have expressed concern about the housing of detainees with criminal backgrounds alongside detainees with no such background. We are pleased to see this is largely no longer the case but hope it can become something that is backed by deliberate policy intent rather than just a temporary outcome of the response to COVID-19. The experience of the last nine months appears to show that it is surely possible.

Greater efforts should be made by the Home Office to reduce the number of people coming into detention from prison. Better use should be made of the time in prison to resolve their immigration cases, thus minimising the need for immigration detention in the first place.

The work of the Home Office detention engagement team in Morton Hall has reduced complaints and provided good support for detainees. During 2021, Morton Hall IRC is to close and convert to a foreign national offender (FNO) prison. We are pleased to learn that a Home Office immigration team will be located at the prison with a view to resolving immigration cases. We recommend that preventing the need for time in detention at the end of sentences should be a key measure of success for the Home Office.

During much of 2020, while in Command Mode and following instructions from HMPPS Gold Command, facilities such as the gymnasium and the place of worship were unable to be reopened at a time when such facilities were reopened in privately-operated IRCs and in the wider community. We understand the caution in relaxing restrictions given the potential higher risk of infection spread in places of detention but would question whether a limited and carefully managed reopening of the gym and multi-faith centre would have added to this risk, given the strict precautions that were planned for such reopening. These facilities are important for wellbeing and we recommend that this risk calculation is reviewed as part of any 'lessons learnt' review.

We would ask that cross-agency arrangements between the Home Office and the Probation Service in finding and checking suitable addresses for detainee releases into the community are speeded up so that bail releases and those of detainees classified as being at a high 'adult at risk' level are effected more quickly and delays avoided.

We note that, unlike in prisons, education in IRCs is not counted as a 'purposeful activity' for the purposes of pay. We are concerned that this creates an anomaly with a disincentive to engage in education activities as opposed to participation in paid activities. Given the positive impact of education on overall behavioural good order, individual wellbeing and future work opportunities we recommend the Home Office adopts the same approach to pay in IRCs as followed in prisons, namely all those who are employed in work, induction, education or training should receive at least the minimum weekly rate of pay (as per para 2.3.1, Prison Service Order 4460, Prisoners' Pay, reissue date 27 January 2020).

The COVID-19 pandemic has highlighted the importance of good hygiene and cleanliness for public health. Much of the cleaning in the detention centre is

undertaken by detainees and remunerated as a 'paid activity'. But it is paid at a rate of just £1 per hour. Notwithstanding that the activity is voluntary and detainees do not have to pay for food or accommodation, we consider this rate to be low and below a level that is fair and decent. It is a concern that we have raised in last year's report. We understand that the pay rate is set by the Home Office, and it has remained at this low level since 2008. We recommend that it is reviewed upwards to a fair and decent level.

TO HOME OFFICE IMMIGRATION ENFORCEMENT

Following on from previous recommendations we would request that the Home Office consider the balance of investment in provision between detention and community provision to achieve a more effective balance that minimises the use of detention and avoids delays in releases from detention, particularly for adults at risk from detention.

TO THE CENTRE MANAGER

No recommendations.

TO NHS ENGLAND

No recommendations.

3.4 Progress since the last report

Inevitably, the impact of COVID-19 restrictions on provision in Morton Hall IRC means that comparison with the previous year is neither fair nor possible. Many activities and initiatives have had to be curtailed and the centre is also in the position of preparing for closure and conversion to a prison.

One notable aspect of 2020, in comparison to 2019, is a complete dwindling of applications to the IMB by detainees once COVID-19 restrictions came into place. In part, this reflects a low centre population and a reduced visibility of the IMB on-site. We also believe the increased ratio of staff to detainees may well have played a significant part in avoiding issues arising in the first place or staff being better able to respond to any that did arise.

In our 2019 report we recommended measures to reduce the use of immigration detention and concern about the housing of detainees with criminal backgrounds (time-served foreign national offenders (TSFNOs)) alongside detainees with no such background. Because of COVID-19 this has happened by default with Morton Hall IRC becoming more or less wholly populated by TSFNOs. We hope this 'progress by default' is translated into actual policy.

The substantial progress in reducing the incidence of drug use in the centre reported last year appears to have continued to the extent that in 2020 there were only two incidents of detainees found under the influence of drugs.

Last year, we repeated a longstanding concern at the slow response of the contractor, Amey, to breakdowns in kitchen equipment. We are disappointed that we continue to find evidence that such breakdowns and delays remain a problem.

In last year's report, we were concerned at the number of detainees moved to Morton Hall at night, and were particularly concerned that operational convenience seemed to be given as the reason for some of these transports. We remain concerned that a proportion of arrivals from IRCs continue to be at night. Given that the furthest IRC to Morton Hall is probably Dungavel in Scotland, a straight five-hour drive away plus breaks, we do not accept there is an operational need for night moves between IRCs and recommend they are ended.

In last year's report, we noted that paid work (termed 'paid activities') in detention centres is remunerated at £1 per hour. Notwithstanding that activity is voluntary and detainees do not have to pay for food or accommodation, we considered this to be low and below a level that is fair and decent. Also, many of the activities that detainees undertake are essential to critical areas of the centre, such as the cleanliness, hygiene and the operation of the centre's kitchen. We understand that the pay rate is set by the Home Office, and it has remained at this low level since 2008. We are disappointed that there does not appear to have been any progress on reviewing this level by the Home Office since our last report.

Evidence sections 4 – 7

4. Safety

The safety, welfare and dignity of detainees are matters of priority at Morton Hall. This is evidenced in our observations from monitoring visits, weekly rota reports and subsequent discussions at monthly Board meetings. Board members frequently ask detainees, during rota visits, whether or not they feel safe at the centre. The vast majority report that they do feel safe.

The centre operates a range of safety and safeguarding processes and protocols. A weekly safety intervention meeting is a key forum for reviewing safety concerns, discussing individual cases and seeking to ensure a pro-active stance is taken. Board members periodically attend these meetings and are reassured at the professional and thorough way in which concerns are identified and managed. A monthly safer detention meeting provides the opportunity to step back from individual cases and look at trends and population data to see where broader measures need to be taken. Again, these meetings are open to Board members to attend and, on occasions when we attend, we see a professional and thorough process. During 2020, there was a period of a few months when these monthly meetings did not take place due to pandemic precautions.

Perhaps most important is the safety ethos and culture of the centre and that policies and processes are translated into behaviour and action. In our monitoring we look to see that such an ethos is being communicated and practised and we feel that it is. We see this in the individual actions of staff and in the management of individual detainees, which requires a careful and sensitive approach to a very wide range of situations and behaviour.

4.1 Reception and induction

In previous reports, we considered that the nature of the reception/departure suite is not fit for purpose. It was small, cramped and fails to provide the necessary privacy for incoming and departing detainees. We were pleased to see that modification and refurbishment works took place in the first three months of 2020 but, unfortunately, the opening of the new facility was not possible because COVID-19 restrictions meant that reception had to move to a different building to enable quarantining to take place. Nonetheless, these temporary measures did result in an easing of the previous problems.

Our direct onsite monitoring of reception and induction was limited in 2020 due to COVID-19 precautions which curtailed direct monitoring visits. Pre-COVID-19, newly arrived detainees were housed for a few days in a separate residential induction unit before being transferred to other units. With COVID-19 precautions, this was used for 'reverse cohorting' of new arrivals (who would be transferred in every three weeks or so) to allow a group isolation period.

It meant that detainees who arrived at the end of the arrival week would spend two weeks before transferring to the main centre while those who arrived earlier in the week would wait up to three weeks. Like in the main part of the centre, the new groups of detainees staying in the induction unit were able to go outdoors and get plenty of fresh air and we are satisfied that the extended stay in this facility was perfectly reasonable in the circumstances.

4.2 Suicide and self-harm, deaths in custody

In January 2020, there was a serious incident in which a detainee had climbed on to a building roof after dark with a blade and was threatening to endanger his life. The incident was calmly and skilfully resolved by centre staff. A member of the IMB attended the centre and spoke with the detainee and separately with staff immediately after the incident and was very satisfied both that the incident had been handled well and that the follow-up welfare and care of the detainee was being well managed.

The importance of a strong safeguarding ethos was highlighted by the findings of a Prevention of Future Deaths report by the HM Senior Coroner for Lincolnshire dated 28 August 2020 following the October 2017 death in hospital of a detainee who had been at Morton Hall IRC. The death was a consequence of stroke but the report listed as a matter of concern 'the existence of "confirmation bias" or "confirmatory bias" when dealing with detainees with a known history of recreational use of drugs.' The Morton Hall IRC management and healthcare teams responded with details of action taken and proposed to be taken in response to these concerns.

This highlights the wider importance of not making assumptions about detainees and of acting always with an open mind and a strong safeguarding ethos. In our monitoring, the IMB seeks to be vigilant to the dangers of either ourselves or those we monitor having 'confirmatory bias' or making assumptions about detainees. In early 2020, the Board had a special session after its monthly Board meeting which included diversity training and some members of the Board have also participated in longer diversity training sessions in which 'confirmatory bias' is a main focus.

There was a big year-on-year decrease in self-harm (down 69% from 202 in 2019 to 62 in 2020, more than the decrease in the centre population which roughly halved year-on-year from 2019 to 2020). But self-harm incidents continue to be a worrying aspect of life in detention. In the second half of 2020, there was an average of five incidents a month at a time when the average centre population was 89, although the majority of incidents were due to repeat self-harm by four men and all were 'low level' incidents. In conversations with detainees, members of the Board frequently hear about feelings of frustration and uncertainty about being held in detention.

4.3 Violence and violence reduction

There were 26 reports of detainee-on-detainee violence compared to 65 in 2019 and 16 assaults on staff compared to 45 in 2019. These reductions were broadly in line with the reduced centre population. One assault on a staff member was of a particularly serious nature, requiring hospitalisation and causing considerable harm. On a wider level, abuse and threats to staff are far from uncommon. Encouragingly there were no assaults on staff in the last three months of 2020 – the first time ever in the four-year data series – and only three detainee altercations.

In our 2018 and 2019 reports, we raised a concern about the lack of police response to violent incidents and the low number which resulted in prosecutions. There was a further concerning incident on 9 January 2020 when police involvement was requested but not forthcoming. We are pleased to report, following an approach by the IMB to the Police and Crime Commissioner for Lincolnshire and a follow-up meeting with a senior officer, the relationship has improved with a police response when requested now generally forthcoming.

4.4 Detainees with specific vulnerabilities, safeguarding

The assessment care in custody detention team (ACDT) strategy is designed to reduce the amount of self-harm and offer care and support where needed. The centre's management continually monitor this process as a matter of quality assurance. When possible IMB members attend ACDT reviews and/or inspect allied documentation. The opportunities were limited this year, but available evidence suggests that the use of ACDTs helped to address risk concerns and ensure support for detainees. Post-lockdown, with the average centre population at 83, there were typically eight ACDTs open at any one time (in 2019 the corresponding figures were 246 and 28).

The Board would expect all detainees to be effectively screened for vulnerabilities on arrival and that, in cases where they have transferred from prison or other detention facilities, the centre has received full information about any existing vulnerabilities or other existing concerns. We are satisfied that the centre has effective processes in place to ensure this happens but, due to COVID-19 and our reduced physical presence in the centre, our monitoring of specific practice was limited in 2020. We are satisfied, however, that the centre is very pro-active in identifying the need for vulnerable adult care plans (VACPs) and reviewing and maintaining these appropriately. Like ACDTs, Board members check and examine VACPs periodically.

A number of detainees held at Morton Hall are categorised as 'adults at risk', on the basis of a mental health condition/impairment, a serious physical disability or, possibly, being a victim of torture or violence. In the second half of 2020, with a reduced average centre population of 89, there were typically at any one time around

25 detainees at Morton Hall for whom there was professional evidence indicating such conditions (level 2 adults at risk).

We are concerned that, in some instances, professional evidence is such that it is judged that a period of detention is likely to cause harm (level 3 adults at risk), yet such men sometimes remain in detention. In March 2020, we expressed concern at a three-month delay in releasing a detainee who had this level 3 classification and where casework decision-making seemed confused and lacked urgency. In other cases, releases of level 3 adults at risk continue to be delayed even when it has been agreed that they should be released from detention to a 'suitable address' in the community. In mid-December 2020, there were 13 adults at risk classified as level 3 in the centre.

Often, these cases fall under Detention Centre Rule 35(1), which is designed to identify detainees whose health is likely to be injuriously affected by continued detention or any conditions of detention, or are suspected of having suicidal intentions, or where there are concerns that they may have been a victim of torture.

During 2020, 134 Rule 35 assessments were conducted. In 87 of these cases detention was maintained. In the other 47 cases, detainees were subsequently released. In such cases, we would hope that, subject to balancing the risk of release against immigration control factors, release would occur very quickly. It continues to be a concern that in some cases it is taking a number of months.

The processing of Rule 35 assessments hinges on the availability of doctors at the centre. The Board checked how quickly the assessments were processed. At the very start of COVID-19 precautions, Rule 35 appointments were delayed for a matter of days until processes were agreed at Trust level. No patient had to wait more than a week. Outside of this initial adjustment period, cases are seen within a maximum of five days but, if the assessment is deemed urgent, there is a shorter timescale to reflect patient need.

4.5 Use of force

The number of times that staff had to use force was down in 2020, with 46 reported instances of the use of force compared with 189 in 2019. This reduction is much greater than would be expected from the reduction in the centre population which roughly halved in 2020 compared to 2019. Twenty of the uses of force in 2020 were guiding holds only. In instances that we have monitored, the Board has been impressed by the professionalism and calmness of staff in managing and often de-escalating challenging situations.

4.6 Substance misuse

In 2019, we were pleased to report that a reduction of drug use had been a particular area of success in Morton Hall with far fewer detainees found under the influence of illicit substances (45 in 2019 compared with 227 in 2018). We are pleased to report this success has continued. Indeed, there were only two such incidents in the whole of 2020.

An important part of this success is the continued success in drug finds in the centre. It is clear that there continue to be concerted attempts to get drugs into the centre. Indeed, the 29 drug finds were nearly as high as the 32 in 2019. The contribution of

the healthcare team's substance misuse practitioners in the healthcare team is also applauded by the Board.

5. Fair and humane treatment

Board members frequently ask detainees whether or not they feel they are treated fairly by staff at Morton Hall. The vast majority say they are. But they also report a very high level of frustration at “the system”, uncertainties about their immigration case, decisions or lack of decisions on their case and the difficulties that come with being held in detention.

We are concerned that some people remain in detention for too long a time. As at December 2020, the five longest-serving detainees in Morton Hall had spent between 249 and 750 days at an IRC (between 388 and 784 days in 2019). We discuss this issue in more detail in the casework section later in this report.

5.1 Escort, transfer and transport

Notice given to detainees of transfer is variable and often dictated by the reason for transfer. A detainee who has applied to transfer would normally be informed when the move has been arranged but this could be at short notice. A detainee moved for reasons of order and control may receive very minimal notice of their transfer, again due to the moves available but also dependent on the mindset of the individual i.e., to inform a detainee who does not want to move might have a negative impact on them and could lead to self-harm and/or disruptive behaviour. In these circumstances the detainee will have been informed of the intention to transfer him elsewhere but not the details of when the transfer will be effected.

Detainees to be deported have a legal right to receive notice of their removal. These legal requirements (three days for scheduled flights and seven days for chartered flights) are strictly adhered to by the Home Office at Morton Hall – 100% of Removal Directions served at Morton Hall in 2020 were served within the required legal requirements. These detainees will usually be moved to another centre before removal. Normally these detainees would be notified of their move to another centre the day before. There are exceptions. If a resident is on an ACDT due to not wanting to move, they will not be given prior notice to minimise the risk of self-harm. Also, those who have refused to move previously or are a risk to the stability of the centre due to their objection to being deported will have a suitable crew move and they will be risk assessed to ensure this is done safely.

In last year's report, we were concerned at the number of detainees moved to Morton Hall at night, and were particularly concerned that operational convenience seemed to be given as the reason for some of these. We hoped to see a reduction in the number of night moves to those that are necessary only because there is no suitable accommodation at the previous location (e.g. from police stations or other locations without adequate facilities). In 2020, there were over 200 night moves of which 11% were between Immigration Removal Centres (IRCs). The rest were from police stations (over 70%), short-term holding facilities, airports and ports. We remain concerned that a proportion of arrivals from IRCs continue to be at night. Given that the furthest IRC to Morton Hall is probably Dungavel in Scotland, a

straight five-hour drive away plus breaks, we do not accept there is an operational need for night moves between IRCs.

5.2 Accommodation, clothing, food

Morton Hall's buildings are set within large areas of open space and gardens. The gardens are very well maintained and planted, so there are flowers and foliage changing with the seasons and ducks frequent the area. Detainees work on the gardens. They are permitted to smoke outside, with lighter points outside the unit and reception. Rats are regularly seen in the outdoor parts of the centre (with the problem increased by the tendency of detainees to feed the ducks, and this food being left around) but the Board is not aware of any vermin infestations within any of the buildings. The open space has proved to be a real advantage during COVID-19 restrictions. Unlike a purpose-built facility, which might have limited outside space, there is no feeling of being stuck inside buildings and, throughout the year, most detainees were able to freely associate outdoors.

There are five residential units, in the main area the two larger two-storey units have en-suite facilities, the three smaller single-storey units share communal toilets and showers. All units offer association rooms and kitchenettes with basic appliances. Flooring, toilets and showers were largely renovated in 2019 and completed at the beginning of 2020. Shower trays in one unit were identified as needing replacement and this is to be completed by the end of the financial year March 2021. In March 2020, the three units with shared facilities closed. The contractor Amey maintains an on-site presence to carry out day-to-day repairs.

Detainees can prepare their own snacks and drinks to supplement meals provided. The centre shop sells a wide range of basic provisions including toiletries. In the three single-storey units the reception area is well used as a communal area with a large television, comfortable seats and a pool table. This facilitates more contact with staff who have their residential office there. Two residential units have 'constant supervision' rooms. There is one fully adapted disabled room, unused in 2020.

Each unit/landing has a voluntary cleaner, working at a rate of £1 per hour as part of the centre's paid activities programme. On occasions, professional cleaning services are engaged. Cleanliness is reasonably good in the residential units although it does vary. From March, in line with regulations, a COVID-19-safe system of work was developed with more detainees cleaning. The normal standard is minimum cleaning twice a day but from June all touch points were cleaned five times a day. Detainees are responsible for cleaning their own rooms. Laundry is done by detainees who volunteer for paid activities. Sufficient clothing is issued to men who need it and there is room to store personal belongings in rooms.

The catering department is well-managed and operated. Despite the disparate ethnic groups, menus are varied, and an appreciable effort is made to accommodate different tastes and diets. Portions are generous. There is a food comments book, which detainees use, and there are also consultation processes through which detainees can make suggestions about meals. There is a separate 'community kitchen' which detainees can pre-book and where they can prepare their own food using food provided by the centre. This was a popular facility but was closed as a result of COVID-19 precautions in mid-March. It remained closed at the end of 2020.

In March dining room use stopped and detainees pre-ordered food weekly, due to necessary COVID-19 restrictions for the safety of detainees and staff. For the first few months the lunch was cold sandwiches and crisps etc. with the latter supplied at a better quality than normal. The cycle of meals was reduced from four weeks to two and the hot evening meal was collected in an insulated container. Small numbers of detainees collected their meals at a time. With numbers in the centre mostly in the range of 60 to 100 this was manageable. This system worked well initially but in August complaints were received about repetitive choices and a lack of hot food at lunch times. These complaints were upheld and in September the system was changed back to a four-week cycle with hot lunch or cold providing more variety and the same number of choices as early in the year. Detainees visited the servery one unit at a time and were served meals on plates which they took back to their accommodation or ate outside.

The number of men doing paid activity work in the kitchen reduced due to restrictions from around 15 to five but this was sufficient with the small numbers. The pre-ordering system created less waste food than in previous years.

In 2019 we reported on problems with the freezers and these were ongoing in 2020 with periodic breakdowns. But the centre hired freezers for extra capacity to avoid storage problems.

There was a good range of fresh sandwiches, snacks, and drinks in the reception area for those detainees arriving or leaving. Hot meals were also provided. After March, reception moved to a building next to the 'reverse-cohorting' residential unit. Sandwiches etc. were provided there. Hot meals were available once they recommenced being served at lunchtime in September.

5.3 Separation

Staff and management work hard to establish ways of de-escalating situations of conflict and after any incident there is effort put into resolving issues between detainees. During our monitoring, Board members have witnessed professional and skilful de-escalation of situations. Removal to the care and separation unit (CSU) is used as a last resort.

There were 65 instances of detainees being removed to the care and separation unit (CSU) during 2020. In 61 of these instances detainees were relocated under Detention Centre Rule 40 (removal from association) and in four cases under Rule 42 (temporary confinement). This compares with 147 such instances in 2019 with the reduction in line with the fall in the centre population.

IMB members are advised when a detainee is admitted to CSU. They then ascertain the reason/s, whether or not the detainee was compliant and enquire if there was a use of force. In the majority of cases during 2020, no force was used. All details were recorded in the Board's weekly rota reports. Of the detainees admitted, 50% were retained for 24 hours or less, whereas 30% were kept in the CSU for more than 72 hours. The Board has reviewed the reasons for all these longer stays and are satisfied that they were necessary because of the significant risk posed to other detainees and staff by the individuals concerned. The Board is satisfied that the centre takes steps to manage this risk appropriately and is proactive in minimising the use of CSU. We take a view that Rules 40 and 42 were soundly and appropriately employed.

In some cases, CSU is also used to accommodate detainees prior to transfer out of the centre where it is judged by staff to be in the best interests of both the detainees and the wider detainee community, for example in the case of detainees with a history of violence. Each case is judged on its own merits and is individually risk assessed. If there have been no issues in the centre with an individual, regardless of his history, he is not moved to the CSU. When members of the Board have discussed this arrangement with such detainees in CSU on a few occasions this year, they reported that they were generally accepting of it. Normally, it ensures a calm transfer out of the centre. During 2020, 21 detainees were located in CSU for this reason. Decisions as to what information is shared with a detainee regarding their transfer is further assessed in Rule 40 reviews in CSU.

The CSU comprises six rooms: four furnished for those detainees on Rule 40, one more basic for those on Rule 42 plus a constant supervision room. Detainees have access to shower facilities, a reflective room with television/games and a small exercise yard with gym equipment, which they are actively encouraged to use. Unless a risk assessment dictates otherwise, detainees in CSU retain their mobile phone in CSU and, if they don't have their mobile, a landline can be used to make family or legal calls. A recent refurbishment of the unit has enhanced the quality of the environment. It is kept in a very clean condition.

The Board commends the professionalism and calmness of staff in the CSU. Members comment on the efforts made by staff, sometimes in challenging circumstances and facing very difficult behaviour, to ensure the welfare of detainees. It was reported that staff persevere to secure the engagement of detainees, when necessary.

Formal reviews for detainees present in CSU were conducted every day by the duty manager, with a range of other staff also in attendance. Whenever possible IMB members attend these reviews and additionally we take opportunities to discuss matters privately with detainees. As members have been unable to visit the centre for a significant proportion of the year, they have made it a priority to keep in touch with the CSU. On occasions this has been more than once each day. Detainees were made aware that they were able to speak with IMB members if they so wished. One detainee made contact with the IMB in this way and he was able to discuss his concerns about a possible transfer direct with a member of the IMB. In addition, all detainees have a confidential 0800 freephone service to contact the IMB and can also make contact via email. None have used these facilities.

5.4 Staff/detainee relationships

In our monitoring, we have seen an emphasis by centre managers on the importance of maintaining high professional standards, and the use of appropriate language and behaviour towards detainees. We are satisfied that there are robust and proactive processes in place to identify and respond to any shortfall in standards, and that centre managers are very vigilant to any such instances. During 2020, the IMB received two detainee applications regarding concerns about staff conduct which we investigated and responded to. The centre operates its own formal complaint process. In 2020, nine formal complaints about staff were received. Of these, one was upheld, one was partially upheld and seven were not upheld.

From our feedback from conversations with detainees, we judge that relationships between centre staff and detainees are generally positive. We observe that

detainees are able to approach staff easily if they have any requests or need to resolve anything. As well as specific support measures for vulnerable detainees described elsewhere in this report, there are pro-active measures to ensure all detainees feel supported. All detainees are assigned a key worker who is detailed to have a meaningful conversation with them at least twice monthly. In reality, they are on hand pretty much continually as residential offices are very accessible and immediately adjacent to the main access points of all units.

Low staff turnover has contributed to stability in the centre and to the ability to meet the needs of a diverse immigration detention population. Staff turnover for 2020 and the year before was just 10% and the reduced detainee population numbers has meant that the ratio of staff to residents was very high for much of 2020, in turn increasing the availability of support for detainees. Due to COVID-19, staff absence increased in 2020 but this has not affected the regime as the centre was able to use hours from a 'Covid bonus scheme' to cover operational COVID-19 absences.

Detainees sometimes were critical of the local Home Office personnel, perceiving them to be responsible for a lack of progress with their cases. However, the presence of the detention engagement team (DET), with detainees allotted a designated personal engagement officer, has improved communication. The team has sought to ensure open communication has been sustained during COVID-19 restrictions. Detainees reported that they found access to this team useful and straightforward. This has gone some way to relieving the frustration of detainees.

Before the COVID-19 restrictions detainees had a meeting with a staff member of DET within 48 hours of arrival and, in most circumstances, this was within 24 hours. Post-restrictions, this changed to a telephone induction within the same time frame as there was a period of quarantining for new arrivals. After the quarantine period, a face-to-face interview was held and detainees were encouraged to contact their named DET officer for follow-up by phone or email. If they had not made contact after three weeks the officer would contact them.

5.5 Equality and diversity

The centre houses a very diverse population, typically with around 50 different nationalities represented in any one year. A telephone language translation line is available for communications with detainees who do not understand English easily and, in the Board's experience, this facility works well.

The centre gathers and tracks data on diversity, including ethnicity, nationality and sexuality. These are analysed at meetings of the detainee, staff diversity and equality action team which provide a forum for identifying issues relevant to the protected characteristics listed in the Equality Act in all areas of activity in the centre. These meetings provide a focus for ensuring that the way the centre operates does not unfairly impact any specific group or type of detainee. Normally they are held every two months but, in the context of COVID-19 restrictions, we understand that just one meeting was held in 2020 (on 8 October 2020). In lieu of meetings, analysis of all data continued every two months and any concerns or anomalies were raised via the head of function to the centre's senior management team.

The centre has an ongoing collaboration with JUST Lincolnshire, a local charitable organisation with specialist expertise in championing equality and tackling discrimination, and with Stop Hate UK. Face-to-face engagement with these outside

agencies had to be curtailed as a result of COVID-19 restrictions but professional contact was maintained. Other diversity initiatives and events that would normally take place had to be scaled back or curtailed. The COVID-19 restrictions also meant the closure of the community kitchen facility, where groups of detainees are given a budget to obtain ingredients via the centre so they can cook a meal and have a social occasion.

5.6 Faith and religious affairs

There is a diverse range of faith groups. In 2020, 41% were Christian, 39% Muslim and 8% recorded no faith. Of the remaining 12%, 4.5% were Sikh and 4% Hindu. A multi-faith centre provides facilities for all faiths. There is a managing chaplain, who is Christian, a Muslim chaplain and, in addition, there is visiting chaplaincy support for other faiths. Under normal circumstances, the multi-faith centre is open for private prayer and meetings with faith staff every day from early morning until units are locked in the evening. In March 2020 the centre closed and did not reopen at all in 2020 even though for periods the wider community and privately managed IRCs opened buildings for communal worship and private prayer (see recommendations above).

After closure, the managing chaplain and imam were out in the centre visiting the units and individual detainees. Smaller faith groups, including Sikhs and Hindus, were no longer visited by faith leaders. Instead, phone calls were arranged if requested. The chaplain and imam supported detainees of all faiths and none who wished to talk with them and, from April 2020, made arrangements for detainees to conduct their own prayer and faith rituals during the closure of the multi-faith centre. A Christian charity, Junction 42, provided quarterly study, music, and activity packs. All year a Christian charity provided a Bible to keep in any language for detainees requesting one and detainees were also provided with a Quran in English or Arabic.

If the centre was told of a bereavement in a detainee's wider family or friendship group, the managing chaplain would be informed and a faith leader visited the affected detainee. Bereavement and pastoral support are given to men who approach faith staff. A facility is also available to enable detainees to use a streaming service to view a funeral service.

5.7 Complaints

Details of how to raise an issue of concern or make a formal complaint are included in a booklet provided to all new arrivals. A detainee's ability to read and understand English (amongst other things) is assessed on arrival and the booklet can be provided in different languages if necessary. Complaint forms and boxes are available on all residential units. Next to the boxes there are folders with forms in 20 different languages.

There were 69 complaints from detainees at Morton Hall in 2020 (91 in 2019). If complaints had reduced in line with the year on year decrease in population they would be closer to 40. Around a fifth (19%) of the 2020 complaints were upheld. By far the largest two complaint categories were property (31%) and food (23%). All complaints were responded to within the 20-day target set by Detention Service Complaints (DETSEC). Morton Hall also has a local target of responding to complaints within 12 days which was met in 70% of cases in 2020.

All responses to complaints are copied to the Board chair. IMB random 'dip testing' of responses to complaints suggests complaints are investigated thoroughly and outcomes are fair. The quality of responses is generally good, setting out the nature of the complaint, the action taken to investigate, what that investigation found, the conclusion that was reached and the remedy to be applied (if appropriate).

5.8 Property

Just over 10% of complaints from detainees at Morton Hall in 2020 related to property. Complaints were investigated thoroughly, in good time and detainees received a written response. Outcomes analysed by the IMB were considered fair and reasonable.

Detainees transferred to Morton Hall bring their personal property with them. On arrival a detainee's property is checked, recorded and issued together with items from a facilities list e.g., bedding, toiletries, mobile phone etc. Personal property that is not to remain in the possession of the detainee is recorded, signed for and stored. Items of value are stored in a safe specifically for valuable items and any cash is registered to their account before being transferred to the cashier.

If a detainee moves between residential units or leaves, then their personal property moves with them. The only exception to this is if a detainee is moved to the care and separation unit (CSU) prior to being transferred. In such circumstances the detainee's room will be cleared by staff, property recorded and returned to the detainee in CSU if it is safe to do so. If it isn't safe then the property would be stored until the detainee is moved, at which point the property would move with the detainee to wherever they were moving to. All moves, including property are recorded.

Detainees can have access to their stored property by making an application via the staff on their residential unit. Applications are dealt with inside 24 hours unless reception is very busy and detainees escorted to the property department where they have supervised access to their property. Since March 2020, with low numbers in the centre, detainees are often able to go immediately to collect possessions. Access is limited to items that are permitted in the centre, e.g. they can have access to a stored item of clothing but not to a stored mobile phone. Detainees can access property from home by having it mailed to them or delivered to the centre by a visitor. Property received in this way will be dealt with as described above. Again, on transfer, detainees' property travels with them. Property is returned to detainees on release or removal.

6. Health and wellbeing

6.1 Healthcare: general

The COVID-19 pandemic inevitably had a big influence on health and wellbeing in the centre during 2020. But with prevention and quarantining measures enacted from March 2020, the centre's detainee population remained largely free of infection. Indeed, the first cases among the detainee population did not occur until November 2020. In total fifteen cases were recorded in the last two months of 2020. We applaud the efforts of the centre staff and the healthcare team in minimising and limiting the incidence of infection.

Nonetheless, as in the wider community, restrictions to reduce infection risk placed constraints on activities which contribute to wellbeing. From March onwards, the scope for education, physical exercise, and faith gatherings was significantly restricted due to COVID-19 restrictions (see recommendations above).

6.2 Physical healthcare

Healthcare services are commissioned by NHS England and provided by Nottinghamshire Healthcare Foundation Trust. In our last annual report we reported that “healthcare continued to develop strong clinical leadership, an effective team approach, an integrated service, sound governance and a good partnership with the centre’s management team.” We remain of this view.

In response to the COVID-19 pandemic, a local COVID-19 delivery plan was put in place with modified services to mitigate risks. Staffing levels were maintained and there was uninterrupted access to PPE. Appropriate PPE was added to emergency response equipment and all staff were briefed and trained as appropriate to understand their responsibilities.

We understand that good communication with centre staff was maintained throughout, in particular to establish shielding, isolation and reverse cohorting areas. Over and above the normal ‘business as usual’ meetings, the healthcare team engaged regularly (daily, during the first wave) with centre management, and Home Office staff to put processes in place in line with guidance received both from National Health Service England and HMPPS Gold Command and to raise concerns about the differences in the Home Office guidance compared to HMPPS guidance regarding the management of COVID-19 and the lack of compliance from the detainees regarding social distancing and the wearing of face coverings, in particular.

Detainees were seen all year on induction by a triage nurse. New arrivals received an appropriate health screen, including a temperature check and information about the pandemic. Members of the healthcare team continued to attend CSU and ACDT reviews. All year detainees had access to the full suite of healthcare services and primary care triage services were maintained throughout. In the early stage the dentist attended weekly but only gave advice and guidance until dental services were permitted to commence treatments. While induction health checks were conducted in person, other consultations were carried out using mobile phones where possible. If it was felt to be clinically necessary, in-person appointments continued with all services.

Nurses were available 24/7. Throughout the COVID-19 outbreak healthcare services have been open daily for detainees to attend (shorter opening times) allowing no more than two residents into the waiting area at any one time. Continued free movement within the site allowed residents to attend the nurse triage clinic daily drop-in sessions. A detention custody officer was detailed to the health centre to ensure social distancing was being maintained.

Medicines administration arrangements and prescribing arrangements were mostly unaffected. The dentist continued to attend the centre on a weekly basis, in the early days of the pandemic he completed desk top triage and gave advice and guidance until dental services were given the go ahead to commence actual treatments.

Substance misuse services continued to provide adequate clinical monitoring and support.

During 2020, the IMB received four applications from detainees relating to healthcare which we investigated and responded to. We understand no formal complaints were received from detainees about healthcare during 2020. The Care Quality Commission conducted an engagement and support call (under the COVID-19 emergency support framework) with respect to four areas of healthcare provision at Morton Hall:

- Safe care and treatment
- Staffing arrangements
- Protection from abuse
- Assurance processes, monitoring and risk management

Their report dated 25 August 2020 reports positively in each of these areas. Two particular highlights of this report were that (a) people using the service were being protected from abuse, neglect, discrimination, and loss of their human rights; and (b) safeguarding and other policies and practice, together with local systems, were properly managing any concerns about abuse and protecting people's human rights.

As we report in the section on safety earlier in this report, a coroner's Prevention of Future Deaths report was issued during the year raising a number of concerns in respect of the care of a man who died in hospital in 2017 following illness while resident at Morton Hall. The healthcare service responded with a statement and action plan detailing actions they had taken and were continuing to take to address the concerns raised. This action plan provided the required assurance to the CQC who concluded that no further action was necessary, and the case would be closed.

6.3 Mental healthcare

During COVID-19 restrictions, the mental health team provided telephone support and saw patients in person if necessary, with appropriate social distancing measures. The team provided support to residents in the CSU daily and attended all ACDT reviews. During the year, there were no cases of individuals with mental health conditions requiring transfer to a suitable hospital.

All residents in the 'at risk' groups for COVID-19 were regularly symptom-checked. All vulnerable patients identified as being at high risk of contracting COVID-19 due to underlying health conditions were seen every afternoon. Mental health patients were contacted once a week by phone when no language issues were identified but were also supported via face-to-face appointments as appropriate. Prior to the pandemic, face-to-face consultations were the norm. Those patients that declined to shield despite advice from healthcare were seen daily for physical observations and advice.

At the very start of COVID-19 precautions, the healthcare service was required to adapt how patients were seen and follow Trust guidance to ensure working practices were safe for patients and staff. Rule 35 appointments were delayed for a matter of days until processes were agreed at Trust level. No patient had to wait more than a week.

6.4 Welfare and social care

Lincolnshire Action Trust (LAT) provides welfare and family support, and prepares men for release or removal (see later section). Their work encompasses a wide range of areas including: supporting emotional wellbeing, resolving issues through engaging with relevant external agencies, and facilitating communication with solicitors, the Home Office and probation services. In addition they help with finding and arranging suitable accommodation in cases where responsibility does not fall to the National Probation Service, bail applications and advising on local authority benefits applications.

LAT conducted all inductions for new arrivals face-to-face. Follow-up contact was a mix of face-to-face, telephone and email as appropriate to the case. Throughout COVID-19 restrictions, LAT staff maintained a visible presence in the centre with regular walkabouts to check on the welfare of individuals.

LAT engages with many external agencies to provide appropriate support:

- Bail Immigration for Detainees, Detention Action (additional support with case whilst in detention)
- Salvation Army (housing and national referral mechanism (NRM) referrals)
- Migrant Help (asylum accommodation and support)
- Red Cross (reconnect with family and friends)
- Medical Justice (additional support with health matters)
- Hibiscus (support with accessing financial assistance and housing)
- Visitors Group (support for residents to have visits by someone impartial)
- Probation (support with address checks and the resident's preparation for release)
- Social services (safeguarding)
- Police (mostly accessed for enquiring about seized property)
- Other IRCs and HMPs (to access education certificates, property and money that has not been transferred with the resident)
- LGBTQI+ asylum support (for residents that would like additional support separate from the centre)
- Solicitors (private and duty depending on the resident's needs)
- HMRC (support with accessing proof of employment etc.)

6.5 Exercise, time out of room

Morton Hall has extensive grounds, gardens and seating which are open for use at all the times men are unlocked. On all units there is an open regime with detainees able to associate freely and use the grounds during the day (8am to 8.30pm). A welfare check on their unit takes place at lunchtime for men on ACDTs/VACPs. All detainees are held on their unit at meal times whilst a rota system to serve meals

operates to ensure equal access to meals and a roll check takes place prior to the evening meal.

The access to fairly extensive grounds is a major advantage of the centre and this access was maintained throughout the COVID-19 restrictions, except for any men with a positive COVID-19 test or for men in CSU (which has its own small exercise yard with fixed gym equipment).

The gym is also in the main residential area and, before the COVID-19 restrictions, it was open every day and five evenings a week. There is also a sports hall and an outdoor all-weather sports area. Activities are designed to reflect the different needs and ages of the centre population and were popular with around 55% of detainees using the gym and PE programme before COVID-19 restrictions.

On 24 March 2020, the indoor gym and sports hall facilities closed. Men were given room workout exercises and a running circuit was organised. On 20 July easing of restrictions allowed the use of equipment outside at five workstations and included weights. During this time, indoor gym facilities were opened in the community and in other IRCs. Board members were approached by a number of detainees who had transferred to Morton Hall from other centres and were disappointed to find that the Morton Hall gym remained closed. In October sessions were allowed inside for the rest of the year with social distancing until guidance changed again in late December.

6.6 Soft skills

Provision in this area has been severely curtailed due to the pandemic. A 'community kitchen' (where detainees are able to cook a meal and celebrate their own cuisine) was closed as a result of the COVID-19 restrictions. Music in Detention was booked to visit every two months, but the last visit was on 19 February 2020. The centre has a community inclusion events calendar which included a monthly wellbeing day when different groups had stalls and displays in the gym. The last such event was on 18 February 2020.

Healthcare offers relaxation sessions but these were not possible due to social distancing after March. The centre's extensive education facilities had to close from March 2020 onwards (see next section). The centre appoints detainees as peer supporters, two for each residential unit to help and inform new arrivals. This continued although the facility whereby peer supporters had a desk and times when detainees knew they would be there for a chat had to be suspended.

7. Preparation for return or release

7.1 Activities including education and training

Education is provided by Lincoln College (a subcontractor to People Plus Ltd). Until COVID-19 restrictions were introduced in mid-March, a wide range of courses, including ESOL, ICT, barbering, painting and decorating, were provided. The education facilities were open morning and afternoon, Monday to Friday. We understand that, in these first three months of 2020, there was an average of 703 session attendances per month.

The education buildings and face-to-face education closed on 24 March 2020. However, some staff volunteered to stay on-site and considerable effort was made to continue some provision, for example with a selection of remote learning packs, workbooks, guitar loans, reading materials and poetry. Provision did not resume more fully until 24 August. This was despite a phased reopening of education access in the wider community from 1 June. After 24 August remote learning packs covering all the subjects usually delivered in education were completed and sent to all detainees who requested them – 113 packs to 55 learners. Newsletters were sent out every fortnight. A DVD for lower level ESOL and distraction packs were produced. By the end of the year 323 distraction packs and 850 education newsletters had been distributed.

Until late March, paid activities work was available for detainees, including in the kitchen, cleaning, barbering and gardens, remunerated at £1 an hour with work shifts, mostly six hours per day. Education staff organised in-work training as needed including food safety and cleaning. After March only cleaning and kitchen work were available and no in-work qualifications could be accredited except for a short period after 24 August. We comment separately on the level of the £1 per hour remuneration in the earlier section on ‘progress since the last report’.

We also note that, unlike in prisons, education in IRCs is not counted as a ‘purposeful activity’ for the purposes of pay. We are concerned that this creates an anomaly with a disincentive to engage in education activities as opposed to participation in paid activities. Given the positive impact of education on overall behavioural good order, individual wellbeing and future work opportunities we recommend the Home Office adopts the same approach to pay in IRCs as followed in prisons, namely all those who are employed in work, induction, education or training should receive at least the minimum weekly rate of pay (as per para 2.3.1, Prison Service Order 4460, Prisoners’ Pay, reissue date 27 January 2020).

Like education, the centre’s library service, which had been open five days a week and Saturday mornings, had to be restricted because of COVID-19. It closed from 27 April to 29 June and, for this period, loan materials were delivered to residential units by library staff. The building reopened on 29 June for detainees by appointment for two customers initially then one customer at a time with social distancing. Opening hours were reduced marginally. The library has a stock of over 6,000 books and DVDs in 44 languages. Newspapers including foreign newspapers are normally kept in the library but with changes to library access they were kept on residential units.

7.2 Case management

Immigration casework is the topic that generates greatest frustrations among detainees. One frustration is that direct communications with caseworkers is not always possible. There are no caseworkers on-site. They operate from Home Office locations elsewhere in the UK. Caseworkers make the decision whether to talk with detainees. Some will give a number so they can be contacted on skype, others arrange to phone into a meetings between detainees and local DET staff and, in other situations, caseworkers choose not to speak with detainees.

It is difficult to reach definitive conclusions about case management without a detailed audit and knowledge of immigration law that goes beyond the IMB monitoring role and expertise. But it is the case that there are instances when direct monitoring of a case indicates that cases could be progressed faster and that the

good efforts of local Home Office DET staff are sometimes required to clear up confusion or push things along.

Pre-COVID-19, the average (median) length of time that detainees spent at Morton Hall in the early part of 2020 was between two and four weeks. As at February 2020, two thirds (65.9%) spent less than four weeks at Morton Hall. But, following the release of many detainees at the beginning of COVID-19 restrictions, the typical length of stay for men who remained in Morton Hall lengthened appreciably. By June 2020, only a quarter (25.4%) had been in Morton Hall for less than four weeks. Over half (56%) had been there for two months or more and nearly a fifth (18.7%) more than four months.

As at December 2020, this situation had eased with 6.4% of stays at Morton Hall being longer than four months and none longer than six months. But the average (median) length of stay, between one and two months, was longer than the two to four weeks recorded back in February. For many the total length of time in detention may be much longer than this. This data is just for stays at Morton Hall and stays in Morton Hall may be preceded or followed by stays at other IRCs. Indeed, the pattern of transferring detainees between different IRCs is an established pattern in the immigration detention estate.

We remain concerned that some detainees spend very long periods of time in detention. As at December 2020, the five longest-serving detainees in Morton Hall had spent between 249 and 750 days at an IRC (between 388 and 784 days in 2019). We are also concerned at continued casework delays in releasing detainees for whom a judge has granted bail or where they are classified as an adult at risk level 3. We understand these delays may have been exacerbated by fewer vacancies arising in approved Home Office addresses in the community because of charter and other removal flights being less available due to COVID-19.

Detainees are able to get information about access to legal representation from library staff and from LAT. The library also stocks a range of legal textbooks. Legal visits take place every day from Monday to Friday and were still possible during COVID-19 restrictions, although they were largely replaced by phone consultations during this period. Skype calls are also available for communications with solicitors.

For detainees who do not already have a solicitor, there is a rota of legal firms who consider taking on cases from the centre. Detainees can ask for a 30-minute appointment with a solicitor from whichever firm is on the rota that week. The solicitor will assess the merits of the immigration case and decide whether free legal advice can be offered. We understand that the quality and adequacy of legal advice vary widely between different law firms. This means that, even for men who qualify for legal aid, access to a solicitor and, crucially, the quality of the legal support provided are somewhat of a lottery, as they are largely dependent on which firm is on the rota that week. Detainees' ability to choose a solicitor who is most appropriate to their case, or on the basis of the firm's track record, is somewhat limited. Many detainees without funds have no recourse to legal aid at all and, therefore, no access to legal representation. In a survey conducted as part of the last HMIP inspection, in 2019, only 62% of detainees said that they had an immigration lawyer.

7.3 Family contact

The centre has a bright and well-furnished visitors' lounge with a play area for children and a vending machine for drinks and snacks. In better weather, when staff levels allow, detainees and their visitors can also use a pleasant outside area. But COVID-19 restrictions meant that the visiting facility stopped in March and did not recommence in 2020.

Detainees are issued with a phone without internet access when they arrive at Morton Hall and top it up with their own money. During COVID-19 restrictions, a weekly £10 payment for phone credit has been provided so that detainees can make extra use of their phones to make calls and stay in touch with sources of outside support, such as friends, family and legal representatives. If detainees need to contact someone in a different country, there is a phone in the welfare office which can be used to dial out internationally.

Use of the internet is via one of the computer terminals in the IT Hub. Some terminals were taken out of use to enable social distancing but, with a much lower centre population, access was not a problem. There is also a separate room with a Skype facility. Only one terminal has Skype access and, during the COVID-19 restrictions, it was almost always in use. Our monitoring of this facility in the summer found that detainees were sometimes unable to get a slot for a number of days but changes were made to the booking system and these problems have eased.

Incoming mail is x-rayed for illicit items and delivered daily. Detainees can send two letters a week without paying for post. Over and above this, stamps need to be purchased but unlimited free postage is available for case-related correspondence. If detainees do not know their family members' details and have lost contact, the welfare team can make referrals to the Red Cross family tracing service.

7.4 Planning for return or release

Decisions to issue removal directions can heighten risk for the welfare and wellbeing of detainees. We are satisfied that the centre has appropriate measures to manage this risk and support detainees through liaison with other centre staff, including residential officers and LAT staff. There is heightened vigilance of, and care for, detainees who have ACDTs or VACPs in place.

The Home Office sends a list of names of persons with removal directions to LAT, and LAT staff see the detainee, and enquire about family and loose ends that need tying up – for example, bank accounts and tenancies. The Red Cross offers a family tracing service and can be booked to attend the centre if needed, although attendance was not possible during COVID-19 restrictions. LAT also provides details for online access to information on the returning or resettlement country, but will also engage with Hibiscus Initiatives, a specialist charity specialising in this sort of work. In those instances where a detainee has applied for judicial review, he will be asked to make a 'what if' plan.

LAT saw 91% of detainees pre-release and 97% prior to removal in 2020. In the exceptional case of a detainee being released out of hours, the LAT caseworker would follow up outstanding issues by telephone and/or email. Released individuals were/are able to contact LAT via telephone, email or through the visitors booking line for further support on outstanding issues.

A small number of detainees are taken to airports from Morton Hall but most removals are from London airports, so detainees are transferred to other IRCs prior to removal. Removal papers are served in person by a member of the DET team. This has continued during the COVID-19 restrictions unless it was not possible because the detainee was isolated from contacts in reverse cohorting. In such cases, removal notices were served over the phone.

For those being released in the UK or on bail, no residents were released to no fixed abode in 2020. The LAT team liaise with probation, charities, healthcare services, solicitors, local authorities and other agencies relevant to the detainees leading up to and upon release. They work with detainees throughout their time at Morton Hall so support is often already established for release so that detainees can feel prepared.

8. The work of the IMB

At the end of December 2020, the Board at Morton Hall comprised six members. During the reporting year, we conducted a recruitment round to attract new members and we anticipate five new members will be available in 2021.

Independent monitoring is an important but unpaid public role. Board members have worked hard to ensure that satisfactory arrangements have been in place throughout the year to continue monitoring during periods of COVID-19 lockdown while also being mindful of health guidance and their own personal health situation.

During the five months or so when the Board was conducting on-site physical monitoring, we made 28 visits to the centre and also visited in response to one serious incident. During those visit we had 111 conversations with detainees, in which we heard about their experience of the centre and any concerns that they had.

For the other seven months of the year, from late March to the beginning of August and from late October until the year end and afterwards, the Board has relied on 'remote monitoring' from home with centre conditions and developments being monitored through conversations with centre staff and local Home Office staff. Any detainees in CSU were offered an opportunity to speak on the phone with IMB members and an 0800 applications line for detainee calls was checked daily.

There are a number of aspects of 'remote monitoring' that will stand the Board in good stead for future monitoring and that will serve to make overall monitoring more effective. But there are important aspects of 'access all areas' physical monitoring that 'remote monitoring' cannot adequately replace. Most important among these, is being able to see conditions at first hand, and to hear from and speak face-to-face to a cross-section of detainees.

During the year, the Board sought to improve its capacity to monitor effectively through a range of initiatives. These included participation in online training offered by the IMB Secretariat, the organisation of diversity training for Board members, and an off-site study day which gave Board members a chance to step back from day-to-day business and discuss how we can develop effectively as a Board. The generous contribution of time and expertise of members is much appreciated by the Board chairperson.

Board business has been well supported by our clerk. The Board also appreciates the helpfulness of staff and managers at the establishment in ensuring that it has the right of access to every detainee, every part of the establishment and to the establishment's records.

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	6
Total number of visits to the establishment	28

Applications to the IMB

CODE	SUBJECT	2019	2020
A	Accommodation including laundry, clothing, showers etc	Nil	Nil
B	Use of force, removal from association, temporary confinement	Nil	Nil
C	Equality	Nil	Nil
D	Purposeful activity including education, paid work, training, library and other activities	Nil	Nil
E1	Letters, faxes, visits and telephones	4	Nil
E2	Finance including detainees' centre accounts	1	Nil
F	Food and kitchen	Nil	Nil
G	Health including physical, mental and social care	5	4
H1	Property within this establishment	3	1
H2	Property during transfer or in another establishment	2	Nil
I	Issues relating to detainees' immigration case; including access to legal advice	15	3
J	Staff/detainee conduct including bullying, of which: - <i>alleged misconduct by staff</i> - <i>alleged misconduct by detainees</i>	3 2 1	2 2
K	Escorts	Nil	Nil
	Total number of IMB applications	33	10



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