



Annual Report

of the

Independent Monitoring Board

for

Brook House
Immigration Removal Centre

1 January 2015 to 31 December 2015

INTRODUCTION

This report is presented by the Independent Monitoring Board (IMB) for Brook House Immigration Removal Centre and covers the period 1 January to 31 December 2015.

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

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

The IMB works closely with the staff of Brook House, both G4S and the Home Office, whilst maintaining independence and impartiality. Members normally raise concerns with the management before taking them further. It is pleasing to report that the management and the vast majority of staff are most helpful which is of considerable assistance as we carry out our monitoring duties.

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

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

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Section 1

STATUTORY ROLE OF THE IMB

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

Each Board is specifically charged to:

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

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

IMB Diversity Statement

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

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

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Section 3

DESCRIPTION OF BROOK HOUSE IMMIGRATION REMOVAL CENTRE

Brook House is a purpose built Immigration Removal Centre which was opened in 2009. The maximum operating capacity is currently 448 and the actual throughput of men transiting the Centre in the past year was 11288. The main contractor, G4S, provides the service for Home Office Immigration and Enforcement.

The establishment is about 200 metres from the main runway at Gatwick Airport, built to Prison Category B standard to provide secure accommodation for men awaiting deportation from the UK. Brook House is a complex construction whose inhabitants do not always treat it kindly and it is to the credit of the Facilities Department that the buildings remain in largely excellent condition as the result of an effective programme of maintenance.

The building comprises four wings of double rooms and one smaller one of singles, with connecting communal corridors. Each room has two beds, desks and shelving, a wall-mounted television, washbasin and screened-off lavatory. The detainees do not have keys to their rooms but each man has a lockable cupboard for his personal possessions. There are table tennis and pool tables and some games consoles in the communal areas on each wing and fixed tables and chairs where men may take their meals. Men are only allowed to smoke in their rooms and in external areas to which they have access. Except in exceptional circumstances smokers do not share rooms with non-smokers. For much of the day there is free movement to enable detainees to access various regime activities and facilities. The men are locked within their shared rooms from 21.00 until 08.00 hours and for 2 short periods during the day for a roll count. The Board is concerned about a proposal to increase the occupancy of some rooms and the effects this would have on the three men obliged to share a small space and on the wider operation of the Centre.

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

The small Healthcare Centre provides 24 hour cover, though not in-patient treatment. G4S Medical won the contract to continue to provide medical services in August 2014 when NHS England took over as the Commissioners.

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

Brook House is designed for short-term stays and there is a noticeable shortage of space for activities. Facilities include a suite of computers with limited internet access and a gym. The library, education and arts and crafts departments are provided and staffed within the G4S contract. There are four small outside courtyards, one of which has been made into a garden and the others are used mainly as sports pitches.

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

The Religious Affairs department offers facilities for all faiths.

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

Section 4

EXECUTIVE SUMMARY

The IMB wrote in its report last year that it judged Brook House IRC to be well-run and continues to consider that opinion justified. The Centre provides a decent environment where detainees awaiting removal are treated humanely and fairly. Management has high expectations of staff and there are many examples of good and dedicated work by officers and managers with a continuing commitment to safety. The Board remains pleasantly surprised how open management is to suggestion and constructive criticism. There is a real will among the management team to seek to improve and a “can-do” culture. This attitude percolates to the officers in their attitude to the IMB, which is generally one of cooperation and helpfulness.

The limitations of space cannot be overcome but G4S has tried to utilise the buildings to the maximum in order to create opportunities for activities to occupy the detainees held within the Centre. Staff have confidence in managing detainees and, generally, there is mutual respect between officers and detainees.

The Board foresees that the year ahead looks to be especially challenging for the Immigration Estate and for Brook House in particular. There have been two highly significant reports; one the All Party Parliamentary Report into the Use of Immigration Detention in the UK and the other Stephen Shaw’s Report on Welfare in Detention on Vulnerable Persons. There are new national contracts for Escort services and for Legal Aid to be delivered. Finally, Brook House IRC is also entering its own retendering process.

Issues requiring a response:

Ongoing failures of DEPMU and TASCOR to coordinate arrivals and departures

This causes unnecessary problems at times of large charter departures (see Para 5.10)

Night transfers of Detainees The Board continues its concern about the number of detainees being moved at night for routine transfers and hopes negotiation of the new contract in 2016 will provide an opportunity to address this (see Para 5.11)

Property The incidence of lost property remains high. Investigations are complicated by lack of any method of itemization on arrival. The Board recommends thought be given to some improved method of logging property (see Para 5.10)

ACDTs based on food and fluid refusal These can be based on a detainee’s choice to eat food other than that served on the wings from personal preference, rather than reflecting an intention to self-harm. It seems to the Board these cases could usefully be excluded or at the least, simplified (see Para 5.6)

Healthcare complaints The handling of healthcare complaints, as opposed to their medical content, can no longer be monitored by IMBs. This prevents the Board from exercising its full functions as monitor in the life of the IRC and would recommend steps be taken nationally to allow some acceptable form of access (see Para 5.4)

Last year’s issues

The Board was pleased to note that almost all the issues raised in last year’s report were accepted by the Home Office and G4S or acted upon.

- **Support for the Welfare Officer** - this had been raised in the last two Annual Reports and the board was very pleased when a second Welfare Officer was appointed mid-year.
- **Size of Mosque for growing Muslim population** - this had also been raised in the Annual Report for the last two years. Satisfactory options for expansion are limited in the centre and during the year all parties agreed that the use of the Visits' Hall for Friday prayers was a reasonable compromise for the present population.
- **Post of Education Officer** - a permanent post was advertised and filled.
- **Night Transfer of Detainees** - in common with the other IRCs Brook House IMB continues to be concerned about the number of detainees being moved at night for routine transfers.
- **Lost property** – this continues to be a cause for complaint, both prior to after arrival.
- **Departure delays** - the dual exit system to speed charter departures was terminated because the agencies were unable to avoid planning arrivals/discharges taking place during the departure period. This lack of coordination is still common.

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

Section 5

SPECIFIC AREAS

5.1 Population

The Board is pleased to report that detention in Brook House is usually short-term. The average stay fluctuates considerably month by month but over the last four months of 2015 was 45 days, considerably less than the 56 days quoted for the same period last year. At the end of the year no detainee had been in detention at Brook House for longer than two years; there were two over 18 months and three just over the year. The Home Office updates the Board on a monthly basis on progress and this can be very slow indeed in the most difficult cases where a detainee refuses to cooperate and proof of true identity and/or country of origin difficult to obtain. Many are eventually released on bail by an immigration judge, calling into question the cost and effectiveness of extended detention.

Many men arrive in the Centre shortly before their departure on scheduled or charter flights. The fast turnaround of the population can put stresses on the operation of the Centre. The Discharge and Reception areas are regularly working at full capacity. This is especially noticeable when charter flights are being assembled. There are men arriving and leaving at all times of the day and night. Most of the night movements are unavoidable and related to airport departures or arrivals from police stations (but see Para 5.11). New arrivals have to be settled and assessed quickly to establish that they can cope with life at Brook House.

Just under 6700 detainees arrived at Brook House during the reporting period and just under 3300 left for flights out of the country; the others being transferred or released.

Serving Foreign National Offenders (FNOs) arrive at the Centre for consular visits or other similar meetings. These prisoners are usually held on Eden Wing as they cannot mix with the other detainees. Home Office policy is now to accommodate time-served FNOs in the IRCs unless the nature of their crime or behaviour dictates it is safer they should remain in

prison. In the last four months of the year FNOs represented on average 22% of the Brook House population. Just before a charter there is likely to be an influx of these men from the prisons. They, and detainees likely to resist removal, are also accommodated on Eden Wing.

5.2 Equality and Inclusion

The Board remains impressed with the leadership of this area, feeling it has a real interest in and respect for the widely diverse cultures and religions among the Centre's population. Detainees in Brook House come from all over the world – in December 2015 there were 60 nationalities speaking many different languages and they will be of different ages, religions, etc. IMB members often attend the monthly Equality meetings, with detainee representatives and staff from all relevant areas. An excellent report published monthly contains clearly laid out information on all aspects of equality. Diversity training is rolled out for all new and existing staff.

A programme of cultural celebrations runs throughout the year and the Centre celebrates most national and religious days, for example: All Nations Week, Black Awareness Month, Chinese New Year and Holocaust Remembrance Day. The end of Ramadan was celebrated with prayers and a special Eid meal was provided for the whole Centre. Christmas was celebrated with carol and other services, a special meal provided by the Kitchen and a small gift for each man from the local Women's Institute.

The IMB acknowledges the very important role the chaplaincy team, with representatives of the major faiths, plays in the Centre, offering detainees emotional and spiritual support at a very difficult time in their lives. Some of the smaller religious groups are not catered for but the Chaplaincy does its best for them. The lead Chaplain left halfway through the year and while recruitment to replace him took a long time, the rest of the team pulled together admirably. The Centre welcomes an imam as lead Chaplain in the New Year.

In the past the IMB has drawn attention to the size of the Mosque. The present Mosque can hold a maximum of 40 while there might be 200 Muslim detainees in Brook House. Both G4S and the Home Office had looked at options, none of which were ideal. However, the Visits' Hall, with ample space, had been trialed for some time as a venue for Friday prayers. Speakers were installed and once the start of visits had been delayed by 30 minutes to give a decent time slot the Imams were satisfied with the new arrangements. Christian services are held in the same space on Sundays. We understand daily prayers can be managed by using the corridor outside the Mosque. At the end of the reporting year we checked again with the Imams, who confirmed that use of the Visits' Hall continues to be satisfactory and that staff are respectful when the corridor is in use for daily prayers. If the proposed increase in population goes ahead the situation may need re-examination.

The celebration of Ramadan began in June this year. The numbers of Muslim detainees fluctuate at around 45% of the Centre's population. The large number of men observing Ramadan has a significant impact upon the regime and the operation of the kitchen. Each evening both hot and cold meals have to be supplied to those fasting. Each morning the insulated boxes have to be washed ready for re-heating while most of the fasters catch up with sleep. As in previous years, the IMB observed that the preparations by Chaplaincy and Centre staff resulted in a smooth functioning of arrangements. In particular, we commend the Kitchen management and workers for their efforts.

The Board was pleased to note the appointment of a second officer to work in Welfare. While the excellent Welfare Officer moved to higher things during 2014, he was replaced by two new officers able to offer a seven day service. They help detainees with welfare issues. This might be providing a case worker's fax number, understanding paperwork, chasing prisons or police stations about missing property or helping to contact family. They also liaise

with, and organize access to, outside agencies which visit the Centre to assist detainees with specific issues: BID for advice on bail applications, GDWG who support men with regular visitors and practical help of clothing and telephone pin money, Red Cross with locating families amongst others. As an indication of the workload, in December there were 1202 consultations supporting 57 nationalities. Despite the extra officer there is invariably a queue waiting outside the Welfare Office door during opening hours. Funding has now been obtained and plans are afoot for further expansion of this facility in the coming year.

The majority of men arriving in Brook House are aged below thirty five years and are physically able. Older detainees or those with a physical impairment or any other aspect which might make them vulnerable are identified at the initial health screen in Reception for extra support where needed. For those who might not have wished initially to identify a difficulty there are now self-declare boxes on the wings. This system is seen by the Board to work well and concerns are acted on quickly. The Centre is not ideally suited to men with significant physical disability, for example those requiring the use of a wheelchair. Though they can be given one of the few ground floor rooms with showers, most of the activities available to detainees are located on the upper floors and detainees have no lift access.

The IMB received one specifically racial application in 2015 and the Centre a total of 18, none of which was upheld as racially motivated on investigation. Both the Board and the Equalities manager are of the opinion that this correctly reflects the atmosphere in the Centre – accusations of racism usually mask another issue.

5.3 Education Learning and Skills

Purposeful activity in Brook House suffers inevitably from shortage of space, the Centre having been designed for very short stays. Within these limitations the Board judges that every effort is made to provide detainees with stimulating activity. Permanent appointments were made for Art and Crafts and for Education during 2015 and both instructors are hugely committed and enthusiastic. The Art and Education Rooms, despite being cramped, are places of intense activity and concentration where detainees feel safe and relaxed.

The Art Room averages 545 attendances per month. It provides artworks for display around the premises and a variety of projects, such as T-shirt design, prints for Christmas and the New Year, posters and photos taken at Christmas for loved ones. Detainees have had successful entries to the Koestler awards, their work being exhibited at the annual Koestler exhibition at South Bank – as a result of one such entry a detainee was awarded a mentor to help him develop his talent.

The Education Room provides basic instruction in basic English (ESOL) and other languages, using a system of groups working at tables on different topics. To improve English language skills and provide the detainees with mental stimulus the instructor has developed many imaginative short courses: the very popular course on Life in the UK, safety in the kitchen and servery, drugs awareness, IT and Diversity and Race Relations; there are also film evenings followed by discussion. We recognise that the detainees trust their instructor and report matters of concern to him.

Both instructors believe in going out to look for recruits and contribute significantly to the programme of cultural and other events in the Centre such as Holocaust Day, Black History Month and the Africa Crisis.

5.4 Healthcare and Mental Health

The Healthcare Centre has to deal with a very needy population. Many men arrive with poor health and/or with apparent mental health issues or behavioural problems. Some may have been tortured or witnessed family and friends suffer atrocities. The act of being detained and living in detention is likely to cause stress. Separation from friends and family, loss of control

over one's future, poor communication or delays in Home Office decisions are likely to exacerbate the situation. Self-harming and the threat of self-harm are frequent. This is a vulnerable group of men. The principal test for healthcare in places of detention is whether those detained have equivalent treatment to what they would receive if at liberty in the community. The Board considers that Brook House satisfies the criterion in most aspects.

New arrivals see a nurse for an initial health screen within two hours of arrival and a GP within 24-hours. Detainees can attend the daily morning clinic to see a triage nurse, who will offer advice or refer to the doctor where they judge necessary. The dental clinic is held fortnightly as a triage session; those needing dental treatment are referred to the local hospital where four weekend appointments are reserved. The optician attends monthly but nurses can issue reading glasses without prescription in the interim. There is also a smoking cessation clinic. We understand that there are no significant waiting list issues.

Mental health is a major issue in Brook House, as in all IRCs. Since NHS England took over the commissioning role attention has been given to making improvements in this area. There have been some changes but nobody would pretend the situation was ideal. When serious mental illness is diagnosed detainees will generally be held in the smaller and relatively quieter E Wing where they will be seen by a nurse daily and a psychiatrist makes regular visits. Good relations have been established with Langley Green, the local mental health hospital, which has meant a speedier transfer when a detainee is deemed in need of specialist treatment. When there has been a delay finding a bed their outreach team has made daily visits to the patient in Brook House. There were four transfers in 2015. To the Board's knowledge there was only one significant delay and this was because the detainee concerned needed a higher level secure unit in another part of the country. The Emotional Health Group, run by E Sussex Healthcare Trust, meets weekly and is open to 6-8 men at a time. Each meeting is a stand-alone session designed to help men cope with the experience of being in detention.

A new initiative in 2014 was the Supported Living Plan. If a vulnerable detainee consents to share his health concerns with non-medical staff, the Reception Nurse will open a document detailing significant issues. This is kept in the wing office so that officers are aware of and have access to information that will enable them to support the individual and record any significant observations. Their use has gradually expanded and 34 were opened in 2015. IMB members regularly see and review them on their rota visits.

Plans are in the pipeline to introduce a substance misuse programme to the Centre. Once preparations are complete, detainees who are users of prohibited substances will be able to stay at Brook House instead of transferring to another IRC. It will be run by specially trained Healthcare staff in conjunction with RAPT (Rehabilitation for Addiction Prisoners' Trust) and through a stepped treatment of psychosocial support will aim for a detainee's detoxification.

Since July 2015 no complaint relating to medical matters can be seen by non-medical staff. Medical confidentiality is paramount but this prohibition makes the IMB's role of monitoring the process of complaints difficult. This is a national issue. We are told by the Healthcare Manager that they receive few formal complaints. However, the largest category of applications to the IMB, though admittedly there were only 17 over the year, concern healthcare issues (see Annex A). Just under half of these related to medication – detainees disagreed with what the centre GP was willing to prescribe, or were not allowed to keep in possession all the medication they arrived with, or claimed to need. A similar number of applications concerned wanting to see a doctor or of waiting for a hospital appointment. In practice the IMB has found the confidentiality issue manageable. Having good working relations with the Healthcare Department, the Board is met with clear explanations for what has happened and is able to return and explain matters to the detainee. Some of our applicants made references to dismissive or rude attitudes, particularly relating to a few of

the nurses. Most nurses do a magnificent job and the Board acknowledges that, as the front line for detainees' medical demands, they can be under considerable pressure. There is a fine line between firmness and caring when dealing with this very vulnerable group.

In keeping with national conditions the Board is told that filling permanent nursing posts has been problematic throughout the year. Despite the considerable and creative efforts that Healthcare managers make to recruit, including attending Job Fairs and talking to schools, the problem of finding good permanent nursing staff is continuous. This does not mean that detainees suffer. We understand shifts are covered, by agency staff where necessary, and many of these have a long working relationship with Brook House. While it is the Board's opinion that the recruitment and maintenance of a full healthcare team should be a priority it acknowledges the difficulties in achieving this.

5.5 Purposeful Activity

Detainees are unlocked for a total of 13 hours a day. Considerable attempts are made to provide detainees with activity, a small source of income and some sense of self-respect by contributing to the running of the centre. There are 90 positions for paid work available, some full and some part time and ten are occasional, such as when there is need for painters. So, in an average month, there are 80 positions filled. These include employment for orderlies to cover cleaning on the wing, Kitchen and Served workers, Laundry orderlies, barber, Gym orderlies, helpers in the Art and Education rooms, and Safer Community / Diversity representatives. On average, 20% of the population is in paid work, earning a maximum of £30.00 per week at a pay rate of £1 per hour. As in the case of all IRCs, these rates and conditions are set by the Home Office. After applying, a detainee needs clearance from the Security department, which takes about a week.

Aramark runs a Cultural kitchen, where detainees are provided with the ingredients to prepare dishes from their own culture and invite friends to enjoy the meal. On average, 350 meals are cooked in this way each month.

In addition there is a well-used Gym, averaging 1652 attendances per month, a Library averaging 684 attendances per month, an IT room, a music room, arcade games and daily sporting activities on the wings and in the exercise yards. When the weather is inclement these outdoor activities may be replaced with quizzes and competitions. All this is organised by an Activities instructor and a steering committee of detainees. Photographs are posted of these events, and of students receiving certificates to celebrate their achievements. The IMB applauds these efforts. Suggestions made by the Board and the occasional criticism, such as defective gym equipment, are always considered by management. The Detainees Consultative Committee is held monthly, giving representatives from the wings and staff from different parts of the centre a forum to discuss issues and listen to each other. The IMB attend and note how attention is paid and ideas taken forward from these meetings.

5.6 Safer Community

The Board observes the monthly meetings, attended by detainee orderlies and members of departments and in which all participate freely. More experienced orderlies can take their role seriously, identifying and supporting needy detainees and bringing problems to the notice of officers and managers. The high turnover of detainees means constant attention is needed to maintain an effective team of orderlies on the wings. The question of whether detainees feel safe in the Centre is always raised. There was a mid-year Safer Community Survey of all detainees. A quarter of the population completed responses and of those 83% said they felt safe or very safe in Brook House generally. Interestingly, 22% felt unsafe or very unsafe at meal times and 51% felt problems with food service "sometimes or always" caused anger (see 5.8 third para.).

For some men detention in an IRC is a distressing experience. In consequence, threats and actual incidents of self-harm do occur. There were 56 recorded cases of self-harm during 2015, of which 6 were serious enough to require hospital treatment. There are rigorous monitoring procedures in place (ACDTs = Assessment Care in Detention and Teamwork) and men at risk are involved in planning their own care programme at regular reviews. An average of 30 detainees in Brook House were on ACDTs each month, some of whom will have arrived with one already opened elsewhere, usually another centre or prison. An ACDT will have been opened because an observant officer or other staff member notices that a detainee appears low in mood or has suggested he might harm himself. Officers will make regular opportunities to have quality communication with such a man until all parties are satisfied the bad moment has passed. In extreme cases this may require a man to be kept under constant supervision with daily reviews involving officers, Home Office and nurses. It is generally agreed constant watches, while keeping the individual safe, are intrusive for the detainee and draining for staff. We have noted fewer in 2015. Overall, the IMB has observed some excellent work done by staff, wing officers, managers and chaplaincy to engage with distressed detainees and support them.

The Board would like to raise one category of ACDTs with the Minister: that of food and fluid refusers. In 2015 there were 255 ACDTs opened for men refusing to take food and/or fluids. The Detention Centre Rules defines this as someone who refuses two meals from the hotplate in succession. In a significant number of cases it was quite clear to IMB members reviewing ACDT documents that the individual concerned had not stopped eating but was exercising his free choice as to what, when and how he ate. The inclusion of these is a distorting factor in the analysis of self-harming and an unnecessary burden of administration. We would like to see a simpler and less intrusive procedure created for them.

Another aspect of Safer Community that is monitored is bullying by detainees. The manager suspects by its nature this is under-reported, though in the survey mentioned above 89% claimed not to have been bullied at Brook House and 76% were not aware of any bullying having taken place. Posters and booklets around the Centre in various languages highlight the issue and advise how a detainee should report his concerns. A hotline to the coordinator and more recently an email address are offered as pathways. Identified perpetrators have a "Monitor, Challenge, Support" document opened and they will be regularly monitored and reviewed. The IMB chair has sight of the healthy stream of complaints by detainees of staff bullying and the answers from G4S managers or in more serious cases the PSU and in most cases is reassured with the quality of the investigation.

5.7 Care and Separation and Constant Supervision

The table below shows the number of occasions on which force was used on detainees, using Control and Restraint (C&R) techniques under Detention Centre Rule 41. In the majority of cases, the use of force is followed by the detainee's relocation to the Care and Separation Unit (CSU) under Rule 40 (Removal from Association) or, far less frequently, Rule 42 (Temporary Confinement). In practical terms, the differences between Rules 40 and 42 are small, but Rule 42 allows greater control and generally reflects more serious and sustained misbehaviour on the part of the detainee.

	2015	2014	2013 (9 Months)	2012/ 2013*	2011/ 2012*
Use of Force (C&R) Rule 41	128	134	93	108	112
Removal from Association (Rule 40)	293	281	157	752	644

Temporary Confinement (Rule 42)	37	25	19	25	49
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***The significant decline in the use of Rule 40 from 2013 was the result of a change of policy whereby serving prisoners arriving at Brook House for interview or removal overseas were not automatically located in the CSU on Rule 40 but accommodated on E Wing.**

It is worth pointing out that detainees held on Rule 42 will normally be de-escalated down to Rule 40 before being returned to normal location.

On the basis of its own observations, the IMB is satisfied that force is used to control detainees only as a last resort. The figures for the use of force are down on 2014, but not significantly so. However, it is worth pointing out that, during 2015, ten uses of force occurred in December, following a protest by a group of detainees, at the conclusion of which ten detainees were handcuffed before walking to the CSU. On a further ten occasions, detainees were temporarily restrained to prevent them from self-harming, which has to be recorded as a use of force. Finally, on 23 occasions, force was used to facilitate the transfer of detainees who had refused to comply with Removal Directions (RDs) for return to their country of origin. If the 43 exceptional cases listed above are removed from the equation, there remain 85 occasions on which force was used or a monthly average of 7.1.

Turning to the CSU, the figures for Rule 40 are marginally higher than for 2014 and the total of 293 occasions on which detainees were removed from association equates to a total of 10,484 hours or an average of 36 hours for each use of Rule 40. However, this average is distorted by a relatively small number of detainees who spent a disproportionate amount of time in the CSU. Many of this group were held in the CSU because of mental health issues, and others for refusing to share a room with another detainee. Paradoxically, although removed from association with other detainees, Rule 40 gives this latter group a room of their own which can make it difficult to persuade them back onto normal location. If the 40 detainees who spent 60 or more hours on Rule 40 are discounted, the average time spent in the CSU by detainees on Rule 40 is reduced to 22 hours.

A similar situation is observed in respect of temporary confinement under Rule 42, which was used on 37 occasions, representing a 50% increase on the previous year, albeit from a very low base. The monthly average use of Rule 42 was three occasions, but there was a significant variation during the course of the year, with the months of May, June and July accounting for 23 uses of Rule 42. The spike was caused by one or two particularly disruptive individuals being placed on Rule 42 multiple times in each of the three months. Conversely, in March and September there was no use of Rule 42 whilst it was used only once each month in February, August and December. The average time spent on Rule 42 was 9.4 hours, but if the four detainees who spent 24 hours or more on temporary confinement are discounted, the average time for the remaining 33 occasions is reduced to 4.3 hours.

The IMB is satisfied that officers and management do their utmost to keep the use of Rule 40 and 42 at the lowest possible level; and that, where these sanctions are required, detainees spend a minimum time in the CSU. In particular, we would like to pay tribute to the staff on the CSU for the sensitive way in which they manage detainees whose behaviour is frequently challenging.

Brook House is fortunate in that the CSU forms a discrete unit within E Wing, itself a small ground floor unit. As a result, many detainees with mental health issues can be relocated from the CSU to normal location on the relatively quiet E Wing, generally a far more suitable

location where they continue to receive appropriate support from the same officers who looked after them in the CSU.

We referred earlier to the use of the CSU for detainees with mental health issues and this reflects a worrying lack of specialist accommodation within the Detention Estate and the wider NHS. In his recent report Stephen Shaw raises the question of whether detention is necessary in the case of detainees suffering from serious mental illness. It is not for us to comment directly on this but the IMB is clear in its view that the CSU is not an appropriate location for detainees with mental problems, representing a temporary place of last resort and safety which helps to protect the individual and the general detainee population.

5.8 Residential Services

Whilst it can be a noisy and frequently challenging environment, the atmosphere on the residential Wings is usually calm, with detainees going about their daily activities, using the showers and laundry, playing pool, eating communally and talking.

Food is a frequent cause of complaint. Detainees choose in advance from a varied menu. Fresh fruit and vegetables, soup and sauces accompany the main dishes. A considerable effort goes into planning meals which reflect the cultural diversity of the Centre population, but there may be some sixty nationalities to please. Size of food portions, dishes under-spiced or over-spiced, sometimes the cooking itself, are all subjects for complaint. IMB rota members make a point of observing kitchen preparation and wing meal service each week and sit and share a meal with detainees on one of the wings. One day's meals might be better than another but it is the Board's view that the Kitchen does a good job in quite demanding circumstances. Although they have an opportunity to write comments in the food complaints' book and/or raise issues and suggestions at the Food Committees run monthly on each wing, detainees rarely take advantage of these formal processes.

The Board has observed moments of tension at mealtimes, often when a choice of menu is not available or key items have run out. It has always been defused by able officers and a fast response from the Kitchen. In most cases the correct quantities have been supplied. The servery is an area open to favouritism, victimisation and tension. The Board is pleased that there are plans for kitchen staff to make more frequent visits to the wings at mealtimes in order to respond to issues as they arise.

The shop is a popular and well-stocked resource but can be another area of friction – detainees complain about staff and staff about detainees. Problems arise from misunderstandings. There is often a lot of noise in the area. A microphone has been installed to improve communications and closing times are clearly posted.

G4S has lost a fair number of staff throughout the year. This is only the IMB's business in so far as low staff numbers may make it more difficult for those officers who remain to perform their functions vis-à-vis the detainees at the highest possible level. On the positive side, G4S has been actively recruiting new staff and there were several groups of new entrants during the course of the year. IMB members from Brook House and Tinsley House have been involved in their induction. It is unfortunate that a number of experienced staff have been lost and the newcomers, while promising, have to earn their stripes. The Board has raised its concerns with management, who are clearly already aware of the situation.

5.9 Home Office Immigration Staff

Gaps in the Home Office team within Brook House have gradually been filled and by year-end it was practically complete. The Home Office team on-site acts as a liaison with Immigration caseworkers elsewhere and performs an essential role with detainees and the decisions that are being made about them. New procedures, namely for each monthly update to be given in person, allow each detainee the opportunity to ask questions about

their case and its progress. This has increased the workload but in general, the Board is confident the Home Office team has provided a good service to detainees and seen them within target times. Immigration status is specifically outside the IMB's remit, hence our applications on the subject are low. However, monitoring general complaints to the establishment and talking to detainees reveals that the progress of their case continues to be a major source of concern. This situation is often not helped when they feel that their caseworker is failing to keep them updated.

Another area of frustration is the last-minute cancellation of departures for various reasons. The reason might be perfectly logical but can cause distress for someone mentally prepared to travel. There have been instances when the escort contractor has failed to provide an appropriate escort team. Occasionally, mechanical faults on planes have prevented a flight. We reported last year that the number of detainees down to fly on a given charter flight tended to reduce as the time of departure approached. The IMB acknowledges more effort is now made to make it clear when a man is on the reserve list and, therefore, uncertain to travel. In December there was an incident of concerted indiscipline when a large group of detainees expecting to fly found their departure cancelled relatively late in the day. Whether better communication might have prevented the incident is open to question and we appreciate a number of factors are outside Home Office control, such as last minute decisions on asylum applications, and judicial reviews. Nevertheless, all parties will normally benefit from the provision of clear and direct information about their departure arrangements.

All complaints from detainees, except medical ones, are processed by the Immigration staff who forward them in the first place to the Detention Services Complaints Team. Those which concern the contractors are then returned to Brook House and dealt with locally, apart from more serious complaints which are investigated by the Professional Standards Unit (PSU) in Croydon. The IMB is given access to all complaints and receives copies of the replies from those involving G4S and the PSU, but not those involving the Immigration service. Nevertheless, the IMB finds the local office unfailingly helpful with its queries.

5.10 Reception and Discharge

Arrivals and departures from the Centre are day and night. Those manning the desks are the first and last Centre officers detainees see. Much depends on the way they do their job. The Board is pleased to report positively on their year's observations. In our view G4S staff and those employed by Tascor, the escorting contractor, behave professionally and courteously, often under considerable stress. The processes must be daunting to detainees; searches by G4S and Tascor staff, property checks, fingerprinting and photos, the signing of forms, which are explained but one wonders if all are understood. Above all is the stress of the length of time it all takes. The Board acknowledges Brook House has tried to reduce waiting times. When possible arriving detainees are brought from vans into the relative comfort of the reception waiting area. Departing detainees are no longer all left sitting in a spartan waiting room to be called to the desk but remain on the wing as long as possible. The sudden closure of Dover IRC in October and the arrival of 100 detainees at Brook House and Tinsley over a three-day period was a serious test of the system.

On a less positive note, it still appears to be the situation that the Control Room of TASCOR in-country and out-country and DEPMU fail to coordinate moves to avoid the discharge team for a large charter departure contending with the added complication of time-sensitive discharges and vans with new arrivals jostling with the coaches in the small yard area.

Property is the jurisdiction of the Reception area and this is another significant cause for complaints. It has to be said the Board is in awe of the usual efficient handling of the huge amounts of property which accompany the departure of a charter flight. Nevertheless, things go missing: at other centres, during transfers and once detainees arrive at Brook House. It can be very distressing for men and can involve items of emotional, as well as cash value for

them. The IMB note considerable efforts are made to locate property and managers will uphold claims for compensation where there is clear evidence that Brook House is responsible. Figures for 2015 show that G4S received 44 complaints about lost property, all duly investigated. In 7 cases the items were successfully found; another 3 were passed to Tascor for resolution; and 12 were upheld and compensation was being arranged. Despite these efforts it must be said that the system does not make it easy for a detainee to prove his loss as there is no card system to record items. The Board realises that individual checking and recording of items would delay the constant throughput of arrivals and departures but asks if there might there be a better way of dealing with this.

5.11 In-country and Removals Escorting Contractor

Instances such as men missing their flights because the escorting team has not arrived in time or fail to send the correct team for a difficult removal are now exceptional. Through the year Board members have monitored many large-scale charter departures and also the removal of individual detainees expected to be disruptive and for whom a Control and Restraint team was on standby to effect their handover to Tascor staff. We observed courteous treatment, good explanations and property being checked within sight of the owner, and in most cases this approach prevented confrontation and the need for force. In addition and of particular note we observed the special efforts made during Ramadan to ensure men on a charter flight were fully aware of eating arrangements that would apply.

A matter raised in last year's report and which has concerned IMB boards in Immigration Estate for some years is that of unnecessary night moves. During the year the Board was delighted to welcome two senior managers from Tascor to a joint meeting with Tinsley IMB to discuss the role of Tascor and look at areas of concern, one of which was the issue of night moves. In preparation the board examined the Brook House Reception records to identify just how many detainee movements had taken place during unsocial hours. We excluded from our considerations those being moved for early flights. From January – April 183 detainees arrived at Brook House following overnight journeys. Examples of our concern involved one detainee who had been collected at 17.00 hours from Dungavel (near Glasgow) who had not arrived until 01.30 the following morning. Another case involved a detainee who had left Morton Hall at 21.30 and had reached Brook House at 01.40. We also mentioned detainees awoken in the very early hours of the morning at The Verne in Dorset and told to pack ready for transfer to Brook House.

We made the entirely reasonable point that transfers between centres too frequently result in men being taken from their accommodation very late in the day, when it is obvious that the journey cannot be completed before a decent bedtime. This not only disrupts the man being transferred but also the man into whose room he is placed in the small hours, no doubt as well as those in neighbouring rooms. It is understandable that some detainees may arrive at any time of the day or night if they are brought from police stations or airports but it is obvious that vans do a milk round from one place to another, collecting individuals and not arriving until the early hours. How can a detainee from Lunar House in Croydon, which we know shuts at 21.00 and who will already have been waiting a considerable time otherwise fail to reach Brook House till 04.20?

It became plain from our meeting that Tascor considers it is fulfilling the terms of its contract, running a 24-hour service and that the decisions regarding planning of journeys are driven by business considerations rather than the well-being of the men involved. Some journeys will be time-critical, attracting fines for late or non-fulfillment, and these will be prioritized, while other transfers will be relegated to the back of the queue. Whilst we understand the rationale behind this approach the IMB must deplore a contract that permits this treatment; many men will have significant vulnerabilities. We are told the contract is due for re-negotiation in 2017 and strongly urge the powers that be to address this concern. One

simple solution would be to close the Centre to receptions during a defined period of the night.

5.12 Legal support for Detainees

In late 2015, publicly funded Legal Aid Agency duty surgery days held at Brook House were increased from three each week by adding a fourth day every other week. This occurred after the waiting time for appointments had reached 17-20 days. As at January 2016, the wait was typically ten days. The speed of detainee turnover at Brook House, coupled with the length of time taken by the legal aid assessment process, (itself a combination of the waiting time for an initial meeting plus the time to assess a detainee's eligibility for legal aid and to notify the detainee of the outcome) means that many detainees will have been removed before the decision can be communicated to them or, where legal aid is approved, before any meaningful assistance can be provided. Valuable time will have been lost where an application proves unsuccessful and a detainee may have to start looking afresh for support. Additionally, an eligible detainee who is transferred cannot always continue with his chosen solicitor outside the defined area for the provider law firm.

More generally, the impact of the cuts to legal aid in 2013 continues to be felt, with only asylum and challenges to immigration detention itself (such as bail and judicial review) now eligible, because other general or substantive immigration matters are out of scope. There continues to be anecdotal evidence of complaints about the service, many of which relate to failures to communicate. In the absence of any monitoring of the service and quality by the Legal Aid Agency, it is extremely difficult to assist detainees in complaining or getting the support they need. Contracts to provide the duty service come up for renewal in 2016, and the IMB would welcome an opportunity to offer an input to the tender process. It is hoped that new providers will be held to some contractual standards on quality of service.

BID (the Bail for Immigration Detainees charity) runs workshops to assist with bail applications twice a month, working with the Welfare Office to manage demand. This is an increase over the once every three weeks earlier in 2015.

Section 6

THE WORK OF THE INDEPENDENT MONITORING BOARD

The Board is pleased to report that it had a diverse team of nine in place by the end of the year, including some younger and working members. Board meetings have begun with training sessions; guests have been welcomed from the escort Tascor, GDWG, BID, the Red Cross and the IMB National Council as well as in-house speakers from Healthcare, Safer Community and the Home Office. In our turn, the Board has been involved with the induction of new officers. Visits have been organised to the short term holding rooms at Lunar House, the Brixton Clink and mutual visits with our close neighbour Tinsley House IRC. Both the IMB Annual Conference and the Immigration Workshop were worthwhile events which our delegates attended. Involvement in these activities is designed to make us better monitors by increasing our understanding of the special world we move in. Each year we hold a Team Performance Review to examine critically our performance and produce an action plan for the year ahead.

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

Annex A – Summary of applications to IMB

Code	Subject	2015	2014	2013 9 mths	2012/13	2011/12
A	Accommodation	0	2	13	18	8
C	Diversity related	1	1	0	2	1
D	Education/employment/activities	4	4	2	4	7
E	Family/Visits	4	1	0	0	2
F	Food	6	8	4	8	12
G	Health Related	17	14	7	20	13
H	Property	3	9	4	12	16
I	Concerning Immigration Status	11	23	36	49	42
J	Staff/detainee related	12	14	4	9	14
K	Transfers	7	5	3	12	3
L	Miscellaneous	9	1	8	1	4
M	Matter settled or detainee no longer in Centre	18	14	10	6	5
	Total (excluding M)	92	82	91	141	127

During the reporting year the IMB has had relatively few application from detainees to answer. It is true that IMB members often pick up ad hoc queries as they make their way round the wings and these are often resolvable on the spot with a word of advice. However,

the Board largely feels this is due to the excellent service provided by the Welfare Officers (see Para 5.2). Looking at the spread of subjects, the main issues of concern brought to our attention have been immigration issues, Healthcare, staff attitudes and food. These are dealt with more fully in the appropriate section of the report.

Annex B – The work of the IMB

Board Statistics	2015	2014	2013 9mths only	2012/13	2011/12
Recommended complement of Board Members	12	12	12	12	12
Number of members at start of reporting period	7	4	5	8	9
Number of members at the end of reporting period	9	6	6	5	8
Number of new members joining	4	4	1	2	1
Number of members leaving	2	2	1	5	2
Total number of Board meetings	12	12	8	11	12
No of attendances at meetings other than Board meetings	17	33	18	40	47
Total number of visits to the IRC including all meetings	221	189	168	220 approx.	246
Total number of applications received	92	83	91	141	127
Date of ATPR	5/1/16	22/10/14			

