



Annual Report of the Independent Monitoring Board at Gatwick IRC / RSTHF

**For reporting year
1 January – 31 December 2022**

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Introductory sections 1 - 3

1. Statutory role of the IMB

The Gatwick Independent Monitoring Board (the IMB or Board) is appointed by the Home Secretary to monitor and report on the welfare of people in immigration detention within an immigration removal centre (IRC) and residential short-term holding facility (RSTHF) through observation of their treatment and of the premises in which they are held.

The Board has unrestricted access to every detained person and all immigration detention facilities and to most records. IMB members always have access to all parts of the facility and can speak to detained persons outside of the hearing of officers. They must consider any complaint or request which a detained person wishes to make to them and make enquiries into the case of any detained person whose mental or physical health is likely to be injuriously affected by any conditions of detention. The IMB must inform the IRC or RSTHF manager about any matter which they consider requires their attention, and report to the Secretary of State about any matter about which they consider the Home Office needs to be aware.

The Board's duties also include the production of an annual report covering the treatment of detained persons, the state and administration of the facilities, as well as providing any advice or suggestions it considers appropriate. This report has been produced to fulfil that obligation.

1.1. Statutory role in the Immigration Removal Centre

The Immigration and Asylum Act 1999 requires every immigration removal centre to be monitored by an independent board appointed by the Secretary of State.

Under the Detention Centre (DC) Rules 2001, the Board is required to:

- monitor the state of the premises, its administration, the food and the treatment of detained persons
- 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 detained person that causes them concern as it affects that person's continued detention
- visit detained persons who are removed from association, in temporary confinement or subject to special control or restraint
- report on any aspect of a detained person'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.

1.2. Statutory role in the Residential Short-Term Holding Facility

The Board conducts its work in line with the Short-Term Holding Facility (STHF) Rules 2018, which place the day-to-day operations of RSTHFs on a statutory footing. Part 7 of the Rules sets out the responsibilities of the Board (referred to in the Rules as the Visiting Committee).

1.3. OPCAT

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 detained persons 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

Gatwick IRC comprises Brook House and Tinsley House. These two centres have been managed as one since Serco Ltd took over as contractor in May 2020, and the previously separate IMBs were merged as from 1 January 2021.

Brook House opened in 2009 as a purpose-built IRC for adult men. It is located about 200 metres from the main runway at Gatwick Airport and was built to prison category B standard. The maximum capacity is 450. Facilities are provided on each wing – a laundry, table tennis, pool tables, some gym equipment, IT and Skype access.

Tinsley House is located close to Brook House. Its capacity is for 162 men, accommodated in two-, four- and six-bedded rooms.¹ A separate dedicated suite (the Borders accommodation) normally provides accommodation for one family group at a time, although it was not used for this purpose in 2022. Within the Tinsley House building there is a separate set of rooms (the Pre-Departure Accommodation or PDA) intended for families.

Local Home Office teams at Gatwick comprise Detention Services (DS, also sometimes known as Compliance) and the Detainee Engagement Team (DET).

Medical services and psychosocial substance misuse services were provided in both centres by Practice Plus Group.

The Samaritans, Gatwick Detainees Welfare Group (GDWG), the Bail for Immigration Detainees (BID) charity, the Red Cross and Migrant Welfare provide support to detained men. GDWG and BID re-started on-site visits during 2022.

¹ Room occupancy was restricted to a maximum of four during the Covid pandemic.

3. Executive summary

3.1. Background to the report

The Pre-Departure Accommodation (PDA) was not used for its intended purpose of accommodating families prior to removal, and so no separate annual report has been prepared for this facility.

During the year, there have been a few substantial changes which have had an impact on detained men in Gatwick IRC / RSTHF. These are described in summary below; more detail is included in sections 4 to 7 as appropriate.

3.2. Relaxation of Covid restrictions

At the start of the year, Covid restrictions were still in force. The Brook House wings were in 'bubbles', in various configurations, all of which reduced the men's time on association. To begin with, each wing had only 90 minutes association time. There were several informal complaints about this. From 10 March, bubbles expanded to include more than one wing and so association time increased. IMB members noted that Brook House felt more relaxed as a result.

During January and February, Tinsley House (including the PDA and the Borders accommodation) was frequently used for the isolation of men with Covid, and thus was accommodating men under DC rules as well as STHF rules. In addition, one man was diagnosed with suspected tuberculosis and isolated in the PDA, and one transgender individual was accommodated for a few days. From early February until November, Tinsley House accommodated only asylum seekers arriving from the Kent coast.

When Covid restrictions were eased in May, there was a rapid increase in the Brook House population. This was the first time since before the pandemic that Brook House has held more than 300 men. The increase coincided with higher staff attrition, which was attributed to recruitment associated with the re-opening of Gatwick airport jobs. For a while, the IMB noted lower numbers of officers on the wings and in association areas and heard that officers felt stretched.

3.3. Men detained in Brook House under STHF rules

For approximately three months from 25 August some men were detained in Brook House under STHF rules. B Wing was designated as an RSTHF wing, entailing its loss as the induction wing where new IRC arrivals would be accommodated.

Fairly quickly, the numbers of STHF men arriving increased, which meant that some had to be housed on other wings, in amongst IRC men. Both B and E wings were designated for STHF use. As a result, E wing's normal use for the most vulnerable or disruptive IRC men was interrupted.

Initially, the STHF men on B wing were not allowed into the centre for association. There was some gym equipment on the wings and officers would make 'shopping runs' to the centre's shop on behalf of the men. For a period this regime was relaxed because STHF men elsewhere in the centre (on wings with IRC men) did have access to association along with the IRC men.

3.4. Rwanda

On 12 May Brook House, for the first time, received detained men intended for removal as part of the Migration and Economic Development Partnership with Rwanda.

In the Board's view, the management of this process was inadequate, resulting in unacceptable compromises to men's safety and their right to timely and effective legal support. Despite an acknowledged heightened risk of self-harm, wing officers were not alerted about who would receive removal directions (RDs). Information was not uniformly disseminated among staff, to the extent that some welfare officers were inadvertently misinforming the men, for example that return to the UK would be possible in the event of a positive asylum determination. Access to meaningful legal support was further compromised when removal directions were issued in the week of 30 May, apparently without taking into consideration that the seven days men had to respond spanned the Jubilee weekend, when solicitors were difficult to reach. When we raised this, DET told us that an extension could be requested if men had difficulties accessing legal support, but neither the men nor the staff seemed to be aware of this.

On 16 June, the day of the Rwanda charter flight, the Gatwick command suite was used to oversee arrangements. Although nearly 100 men in Brook House received Notices of Intent, only one left Brook House, and he was later taken off the manifest just before getting on the plane. The whole process was unnecessarily stressful and distressing for the men involved.

The Gatwick Board wrote urgently to the Home Office Director of Detention and Escorting Services on 10 June expressing our concerns about these weaknesses, particularly the barriers to meaningful legal support. We did not receive a reply until 5 August. Not only did this response fail to materially address the concerns, but the timing effectively nullified the statutory role of the Board; had the flight taken place, the men would have been removed despite the Board having flagged these serious flaws.

3.5. Harmondsworth evacuation

During the weekend of 5 – 6 November, Harmondsworth IRC suffered a major loss of power and was evacuated, with men being transferred to other IRCs. All men held under STHF rules in both Brook House and Tinsley House were dispersed at short notice to hotels and hostels. Some STHF men were mistakenly transferred to

Gatwick from Harmondsworth and were only identified and dispersed from Brook House four days later.

The IMB Management Board's overall concerns arising from this evacuation have been documented elsewhere.² At Gatwick, the major issues were the arrival of large numbers of men at very short notice while STHF men were still being discharged; property not arriving with the men; severe delays in transfers of ACDT paperwork and some medication; admission of men to the centre without a risk assessment; and inadequate searching of men boarding coaches at Harmondsworth. To give an idea of scale, during the month of November there were 98 property enquiries to welfare, from an average population of 79 ex-Harmondsworth men in Tinsley House.³ Normally, fewer than one in three men make an enquiry about property.

Although Tinsley House accommodated IRC men under DC rules from 6 November, the centre was still officially designated an RSTHF and Serco continued to operate with a short-term shift pattern. Some limited activities were later opened and the Board understands that the Home Office has agreed to continue with this "IRC-light" regime even if Tinsley House reverts to a RSTHF.

3.6. Provision of 2022 data to the IMB

The Board has had considerable problems this year in obtaining even quite straightforward summary data from the Home Office – data such as:

- How many men have been granted bail but are waiting for accommodation to be provided or approved?
- What proportion of arrivals at Tinsley House were asylum seekers from the Kent coast?
- How many STHF men were held in Tinsley House for more than seven days?
- By centre, how many IRC men received RDs in 2022? How many were released on bail, temporary admission or unconditional release, how many went to HMP, and how many went to other IRCs?

After two months of chasing by the Board, and escalation via the IMB Secretariat, local Home Office staff stated, "We have been unsuccessful in obtaining this information, mainly due to the transition from one system to another. This means we are in a position where the data held cannot be verified by PRAU⁴ with any degree of accuracy." The Home Office Detention Services Chief of Staff simply referred us back to local Home Office staff.

² Letter from Dame Anne Owers to Phil Riley, Head of Detention Operations, Home Office, dated 2 December 2022.

³ Data from Serco's Centre Director's monthly report for November 2022.

⁴ The Home Office's Performance Reporting and Analysis Unit, responsible for producing and publishing Home Office statistics/data.

Serco has been better about providing information, but the Board has still experienced difficulties. For example, Serco has been unable to provide information about the men detained in Brook House under STHF rules and has provided incomplete and only minimally adequate information about men separated under Rule 40 in the first three months of the year.

The data in this report is drawn from the management information provided by Serco and from Home Office reports received before October 2022. The Board is dismayed by the inability of the Home Office, and to a degree its contractor, to provide even simple information about the men it detains.

3.7. Main judgements

How safe is the IRC/Residential STHF?

Brook House and Tinsley House have generally provided a safe environment for the men detained there in 2022 (section 4):

- There has been a general improvement in governance and monitoring of safeguarding, and more review and attention to detail in technical management of the use of force (sections 4 and 4.5.1).
- Awareness of and sensitivity toward distress is generally reasonably good at Gatwick, but rates of distress are high. HMIP's inspection in 2022 found that 28% of detained men said they had felt suicidal at the centre and 80% said they had felt depressed (section 4.1).
- Violence appears to be slowly moving back toward pre-pandemic levels, with higher numbers of assaults on staff and on other detained men, and much higher numbers of fights. A concerning number of men report bullying, intimidation or assault by staff through the candour logs (section 4.3).
- The Detention Gatekeeper has failed to prevent the detention of a significant number of men with mental health issues (section 4.4). Several men had their removal or release delayed because of concerns for their welfare, raising questions about the lawfulness of their detention. The Board acknowledges the challenge but is concerned by arguments we sometimes hear that men should be detained for their own good (section 4.4).
- Rule 34 has not been used as intended as a safeguard for identifying vulnerability at the outset of detention, nor as a key step to ensuring Rule 35 reviews were done at the earliest time. Rule 35 is not being used appropriately or to its fullest extent. A positive Rule 35 assessment does not appear to lead to an "enhanced presumption against continued detention"⁵ in that 60% to 64% of men in this situation have had their detention continued (section 4.4.2).
- Management of age disputes has improved. The relationship with local authorities seems much better than in the past, and the assessment and release process is much shorter (section 4.4.3).
- Only a handful of cases of the use of force prompted concern about either how or when force was used. There was improvement in the governance of the use of force; reviews by senior managers and the Home Office were routinely conducted within 24 hours and seemed diligent, with issues flagged up and recommendations for further training (section 4.5).
- There has been greater use of handcuffing than in 2021, contrary to Serco's commitment to reduce this (section 4.5.1).

⁵ The Home Office's (verbatim) comment in their response to our draft 2021 annual report.

How fairly and humanely are detained men treated?

In addition to the impact of detention without a time limit being unfair and inhumane, there were during 2022 some aspects of the treatment received by the detained men that leads the Board to have concerns about fairness and humanity:

- Nearly 40% of transfers into Brook House from other detention locations arrived at unsocial hours, between 10pm and 7am, meaning that the men did not get to a room until the small hours or even late into the morning (section 5.1).
- The centres have generally been better maintained this year than last, particularly Tinsley House which has seen very high numbers of arrivals and departures. However, the buildings are not well adapted to extreme temperatures (section 5.2).
- Use of Rule 40 (separation) has been higher than in 2021, and the average time on Rule 40 has also been substantially higher. Treatment of men who have been placed on Rule 40 has been adequate, with reviews held on schedule and consistently attended by appropriate parties (section 5.3). We are concerned by the use of Rule 40 in three specific situations where we do not believe it can be justified (section 5.3).
- The Board has observed mainly positive interactions between Serco and detained men this year, with numerous instances of officers showing real concern for the men and engaging with them in a positive way (section 5.4.1).
- We continue to be concerned with the use of interpretation. Access to Big Word is frequently frustrated by long waiting times. Although Serco officers with language skills often step in to help, this is not a solution as they are not trained in interpretation skills and are not independent (section 5.5).
- The Board has consistently been impressed by the religious affairs team, who are very active and visible in the centres and have made concerted efforts to engage with the men, particularly the more vulnerable (section 5.6).
- Complaints are generally taken seriously and usually thoroughly investigated. We remain concerned, however, that the overall process can seem unfair to the detained men – in particular the low success rates (just 14%) and a proportion of responses that seem to evade the issue being complained about (section 5.7).

How well are detained men's health and wellbeing needs met?

On-site healthcare services have been expanded during 2022, although many have been provided by agency or bank, rather than permanent, staff:

- There has been a dramatic increase – more than doubling – in the number of Applications made by detained men to the Board that concern healthcare services or treatment by healthcare staff. About a third related to the attitude of healthcare staff (section 6.1).

- From August, new arrivals at Gatwick are tested for blood-borne viruses (BBV), for example HIV and Hepatitis strains (section 6.2).
- There have sometimes been long waits for dental appointments. During 2022 there has been no on-site dental treatment available at either site and the visiting dentist can only triage men for treatment at a local hospital (section 6.2).
- A second gym was opened in Brook House and in both centres there was an increase in organised physical activities in September which seems to have persisted since (section 6.5).

How well are detained men prepared for return or release?

The Board feels that there are considerable and unacceptable failings in Home Office processes and their implementation, with a significant negative impact on the detained men:

- The Board has seen several instances where it has felt that the Home Office should be more actively reviewing cases and managing the situation of men in detention who seem unable or unwilling to move their own case forward (sections 4.4.1, 6.3, 7.2, 7.2.4).
- Despite numerous commitments beginning from May that DET would increase its presence in the centre after a reduction during the pandemic, the Board frequently commented on the lack of visibility of DET in the centre, and it was not until early October that drop-in surgery sessions began (section 7.2).
- Significant numbers of men were detained in Tinsley House under short-term rules beyond the maximum seven days allowed in legislation. The Board met some men who had been detained there for up to 20 days (section 7.2.1).
- We continued to see issues about meaningful access to legal support: most firms conducted consultations by telephone (made worse by the poor mobile signal inside much of Brook House), some decided not to take a case but then did not notify the detained man, sometimes the lawyers did not set up an interpreter (section 7.2.3).
- There is a cohort of men who have become ‘stuck’ in detention for a long period, and this situation has become worse through the year. Around 15% of the Brook House population had been in detention for an average of 23 weeks by the end of the year. A Home Office staff member was heard to refer to the “sofa list” – those men who have “fallen behind the sofa” and are being lost in the system (section 7.2.4).
- Overall, only 29% of men detained in Brook House under DC rules were actually removed; 63% of the men detained were released into the community, having been subject in the meantime to the known detrimental effects of detention (section 7.2.5).
- There continue to be sometimes substantial delays in providing or getting approval for accommodation for men who have been granted bail. It feels as if

there is a lack of ownership and accountability, especially between the caseowner and probation officers. This issue has become worse through the year and continues into 2023. Distress about the delays has led some men to self-harm and to cause disruption (section 7.4).

- At Tinsley House, we heard frequent reports of a lack of clear information from the National Asylum Intake Unit (NAIU) for STHF men, and for Home Office and Serco staff. NAIU did not have a permanent presence at Tinsley House and were also rarely available remotely. Both the Board and the local Home Office staff had repeated experience of the NAIU not answering phone lines which had been designated for such contact (section 7.4).

3.8. Recommendations

TO THE MINISTER

- Introduce a time limit for immigration detention (repeated from 2018, 2019, 2020 and 2021).
- Through Ministerial channels, press for improvements in the service provided by the Probation Service, in particular the timeliness of assessments and provision of feedback to detained men to help them offer suitable addresses (section 7.4).

TO HOME OFFICE IMMIGRATION ENFORCEMENT

- Urgently improve data collection, management and provision so as to restart provision of information in line with the Memorandum of Understanding with the IMBs (section 3.6).
- Establish a robust, repeatable mechanism for collecting and analysing views of the detained men about their perception of safety in the Gatwick centres (sections 4, 4.3).
- Increase the Detention Gatekeeper's threshold(s) for bringing men with mental health issues into detention and improve facilities and support to enhance the prospect of release from detention for men exhibiting deterioration of their mental health in detention (section 4.4).
- Strengthen the consideration given by caseowners to local knowledge (Home Office, Serco and PPG) about a detained man's situation and condition, especially through the AAR mechanism, and review the thresholds applied to the balance between immigration factors and humanitarian considerations (section 4.4).
- Improve the proactivity with which caseowners and local Home Office staff address the immigration cases of all detained men, and particularly those who are vulnerable, long-staying or disengaging (sections 4.4.1, 6.3, 7.2, 7.2.4).
- Undertake a complete review of Adults at Risk, ACDT and Rule 35 policy and procedure (repeated from 2019, 2020 and 2021) (section 4.4.1).
- Building on the recommended review of AAR, ACDT and Rule 35, define and promulgate procedures and guidance to ensure cases of men "likely to be injuriously affected by continued detention" (Rule 35(1)) or who are suspected "of having suicidal intentions" (Rule 35(2)) are properly identified and assessed (section 4.4.2).
- Review the service offered by Big Word and consider alternatives where they will improve availability (section 5.5).
- Share the contents of complaints against the Home Office, and their responses (section 5.7).

- Improve the quality of legal service provided to the detained men, at least when renewing the service contract with the Legal Aid Agency, and by providing robust feedback to the firms (section 7.2.3).
- Establish a mechanism, separate if needs be, to review the continued detention of men who have been in detention for a long period without reasonable prospect of their removal (sections 7.2.4, 7.2.5).
- As recommended and accepted in 2021 but not effectively actioned, improve the provision of accommodation for men granted bail (section 7.4).

TO THE DIRECTOR/CENTRE MANAGER

- Improve data collection and management and systematise this to reduce reliance on the goodwill and abilities of specific individuals (section 3.6).
- Establish a robust, repeatable mechanism for collecting and analysing views of the detained men about their perception of safety in the Gatwick centres (sections 4, 4.3).
- Reduce the prevalence of the use of handcuffs on escort, by striking a better balance between security and the risk of harm or distress to the detained man (section 4.5.1).

TO NHS ENGLAND

- Strengthen the encouragement given to arriving men to take up a Rule 34 appointment with the centre GP. Ensure that healthcare staff involved in initial assessments fully describe the purpose of the Rule 34 appointment (section 4.4.2).
- Ensure that relevant healthcare clinical staff, GPs and psychologists and psychiatrists are fully educated in the application of Rules 35(1) and 35(2) (section 4.4.2).
- Share the contents of complaints against Healthcare, having redacted clinical information, and responses to them (sections 5.7, 6.1).

3.9. Progress since the last report

In this section we report the IMB's views about the progress achieved by Serco, the Home Office and PPG on the recommendations from our 2021 annual report. We asked all three organisations for their own self-assessment of their progress, but received a reply only from Serco.

We have also noted any progress achieved in the past year on recommendations from our 2020 annual report (those for which little or no progress was achieved in 2021).

3.8.1 Recommendations from 2021

Recommendations from 2021 accepted or partially accepted for action by Serco:

Ref	Summary of Recommendation Summary of Action Committed Progress in 2022
S1	<i>Collect perceptions of detained men about their safety and use to improve the centres' management</i> Candour logs have been made available on kiosks. Results shared between the HO and Serco. Serco believe this action has been completed and is sufficient to discharge the IMB's recommendation. <u>Insufficient Progress</u> The use of candour logs has been disappointing, and they provide only limited reliable information for assessing the views of the detained men on their safety. On its own this is an insufficient response to our recommendation. It is not apparent, for example, what practical use is made (or can be made) of the information collected through the logs.
S2	<i>Strengthen training for frontline staff on potentially under-age residents</i> Training will raise awareness of Serco's obligations in DSO 02/2019. Serco believe this action has been completed and is sufficient to discharge the IMB's recommendation. <u>Uncertain Progress</u> The Board is not aware of specific actions that have been undertaken in pursuit of this recommendation and so cannot offer an opinion on the progress achieved.
S3	<i>Improve take-up of education classes offered in Brook House</i> Serco will consider how to advertise and improve attendance. <u>Some Progress</u> Serco has tried to encourage engagement by including information in inductions, centre tours, wing forums and with posters around the centre about the in-person and online courses available. The IMB does not have information to determine whether these measures have increased the take-up of courses.
S4	<i>Activities, e.g., English classes, should be offered to STHF men in Tinsley House</i> "Serco will ... reintroduce English language classes at Tinsley House". <u>No Progress</u> No educational courses at all were offered to STHF men detained in Tinsley House.

Ref	Summary of Recommendation Summary of Action Committed Progress in 2022
S5	<p><i>Review and improve vocational training programmes available in Brook House</i></p> <p>“Serco will ... complete an education needs assessment at the earliest opportunity”.</p> <p><u>No Progress Apparent</u></p> <p>The IMB is not aware of an education needs assessment having been done. The vocational programmes available in 2022 have not improved on those available previously. There had been talk about, for example, barber training and barista training, neither of which appear to have happened.</p>

Recommendations from 2021 accepted or partially accepted for action by the Home Office:

Ref	Summary of Recommendation Summary of Action Committed Progress in 2022
HO1	<p><i>Provide supplementary information about the asylum claim process, following ¶8 of DSO 06/2103</i></p> <p>“Asylum & Protection colleagues will ... work with on-site Compliance teams and [Serco] to improve ... information”.</p> <p><u>No Progress</u></p> <p>The Board is not aware of any changes to the information that was available for asylum seekers.</p>
HO2	<p><i>Collect perceptions of detained men about their safety and use to improve the centres’ management</i></p> <p>Candour logs have been made available on kiosks. Results shared between the HO and Serco. The HO believes this action has been completed and is sufficient to discharge the IMB’s recommendation.</p> <p><u>Insufficient Progress</u></p> <p>The Home Office has not itself undertaken any form of survey or data collection. The use of candour logs has been disappointing, and they provide little reliable information for assessing the views of the detained men on their safety. On its own this is an insufficient response to our recommendation. It is not apparent, for example, what practical use is made (or can be made) of the information collected through the logs.</p>
HO3	<p><i>Full review of Adults at Risk (AAR), ACDT and Rule 35 policy and procedure</i></p> <p>AAR policy and DC rules 2001 review has been re-started. New ACDT (version 6) has been developed and has been implemented in Gatwick.</p> <p><u>No Progress</u></p> <p>Although v6 ACDT has been mentioned during 2022, the Board believes that it was not implemented until early 2023. There were delays related to the unavailability of assessor training from HMPPS and inadequate support from the Home Office. The Board has expressed some concerns at seemingly limited confidence among some frontline officers, and additional training opportunities are being offered.</p> <p>This is however only a minor part in the overall context of identifying and managing vulnerability.</p>
HO4	<p><i>On-site mental health support should be increased</i></p> <p>PPG mental health staffing has been increased</p> <p><u>Some Progress</u></p> <p>PPG has been recruiting during the year for mental health nurses and for a psychologist. About 66% of the nursing roles have been vacant during the year, back-filled with agency and bank staff. A psychologist was not recruited until early 2023.</p>

Ref	Summary of Recommendation Summary of Action Committed Progress in 2022
HO5(i)	<p><i>Review the operation of the complaints (against Serco) process</i></p> <p>A withdrawal form has been introduced. The HO believes this action has been completed and is sufficient to discharge the IMB's recommendation.</p> <p><u>No Progress</u> Introduction of a withdrawal form does not adequately respond to our recommendation. The overall complaints process has not changed, and outcomes in 2022 are similar to those in 2021.</p>
HO5(ii)	<p><i>... consider modification of contractual penalties for substantiated complaints</i></p> <p>No specific action, beyond annual reviews already built into the contract. The HO believes this action has been completed and is sufficient to discharge the IMB's recommendation.</p> <p><u>No Progress</u> No action was proposed or committed to, and thus there has been no progress.</p>
HO6	<p><i>Avoid loss of detained men's property</i></p> <p>No specific actions stated to improve existing procedures. The HO believes this action has been completed and is sufficient to discharge the IMB's recommendation.</p> <p><u>No Progress</u> No action was proposed or committed to, and thus there has been no progress.</p>
HO7	<p><i>Put in place proactive engagement processes to keep men informed of their case progress</i></p> <p>"Detention Engagement Teams are focusing more on in person face to face engagement". Plans to improve "surgery service".</p> <p><u>Some Progress</u> DET surgeries did begin in 2022, although not until late in the year. On average, about five men attended each session. However, men continue to describe to the IMB their frustration with slow case progress and poor communication.</p>
HO8	<p><i>Provide adequate mobile phone access</i></p> <p>The HO does not accept that the phone signal is inadequate. "Options being explored to provide an additional service to the mobile phone network".</p> <p><u>No Progress</u> The IMB does not share the Home Office's opinion on the mobile phone signal within Brook House, and nor do Serco senior managers and officers or local Home Office staff. Despite a technical solution being proposed during the year, by year-end there has been no improvement as far as the detained men are concerned.</p>
HO9	<p><i>Ensure a return to fixed time and on-site in-person legal appointments</i></p> <p>Face-to-face legal visits are being facilitated and encouraged.</p> <p><u>Some Progress</u> Lawyers are now working to fixed time appointments, even if they are conducting meetings by telephone. This is an improvement as it reduces the number of missed appointments due to poor mobile signal (see above). After much questioning by the IMB, it has been confirmed that the Home Office cannot insist on in-person legal appointments (despite this being the case in at least one other IRC).</p>

Recommendations from 2021 accepted or partially accepted for action by Healthcare/NHS England:

Ref	Summary of Recommendation Summary of Action Committed Progress in 2022
HC1	<p><i>Improve monitoring of men whose physical or mental condition may be deteriorating</i></p> <p>PPG hold a weekly multi-disciplinary meeting to consider the effect of continued detention and consider if a R35 report is needed. A R35 workshop was held in April 2022. New officers are trained to Safeguarding Adult Level 3, with refresher training in place. PPG believe this action has been completed and is sufficient to discharge the IMB's recommendation.</p> <p><u>Some Progress</u></p> <p>While there has been more discussion about possible deterioration and use of parts of Rule 35, the Board considers that this is still inadequate to the scale of the issue, particularly in Brook House. As far as the Board is aware, there was no training provided for healthcare staff or for GPs on Rule 35 during 2022.</p>
HC2	<p><i>Implement on-site dental suite and services</i></p> <p>Plans for a suite "are being progressed". A dentist visits once a week, and hospital treatment can be arranged when required.</p> <p><u>No Progress</u></p> <p>A dental suite has not been implemented. At the year end, this on-site service had still not been approved by NHS Commissioners. All year, therefore, men needing treatment have had to be escorted to emergency dental services in Crawley hospital.</p>

3.8.2 Recommendations from 2020

Recommendations from 2020 that were accepted or partially accepted for action, and for which little or no progress was achieved in 2021:

Ref	Summary of Recommendation Summary of Action Committed Further Progress in 2022
BH S4	<p><i>Vocational training programmes</i></p> <p>Increased flexibility of e-learning; certified, transferable skills.</p> <p><u>No further progress</u></p> <p>Virtual College courses have not been revised or extended.</p>
BH HO2	<p><i>Ensure vulnerabilities are identified and assessed at earliest stages</i></p> <p>No specific actions, though stated that any reforms to AAR to be consistent with new immigration system.</p> <p><u>No further progress</u></p> <p>There has been no change in Home Office policies or process. Serco officers and healthcare staff have continued to identify vulnerable men as part of the induction and reception process.</p>
BH HO3	<p><i>Review AAR and Rule 35 policies and processes</i></p> <p>No commitment to a review, though stated that reforms to AAR are to be consistent with new immigration system; roll-out of new ACDT processes towards end of 2021.</p> <p><u>Some further progress</u></p> <p>There has been no review of AAR or Rule 35 policies. A new ACDT process was introduced during 2022, delayed due to difficulties arranging suitable training.</p>

Ref	Summary of Recommendation Summary of Action Committed Further Progress in 2022
BH HO4	<p><i>Ongoing review of vulnerable men to monitor effect of continued detention</i></p> <p>No specific actions beyond regular reporting by DVAAT.</p> <p><u>No further progress</u></p> <p>No evidence of any change to Home Office approach. Men continue to be detained for long periods, even when identified as vulnerable.</p>
BH HO5	<p><i>Review provision of bail accommodation</i></p> <p>With local authorities, secure additional accommodation.</p> <p><u>No further progress</u></p> <p>There are still considerable problems providing accommodation for bailed men.</p>
BH HC2	<p><i>Ongoing review of vulnerable men to monitor effect of continued detention</i></p> <p>No specific actions beyond continuing present monitoring processes.</p> <p><u>Some further progress</u></p> <p>Numbers of mental health staff have increased, including expanded psychiatry services. The Board remains concerned by the almost complete absence of Rule 35(1) and 35(2) assessments made.</p>

Evidence sections 4 – 7

4. Safety

The Board feels that Brook House and Tinsley House have generally provided a safe environment for the men detained there in 2022. Some areas require attention and improvement as detailed below:

- In the Board's view and based on the experience in 2020 when asylum seekers were being returned to European countries, the Home Office policy to remove asylum seekers to Rwanda represented the greatest risk to overall safety at Gatwick this year. That we did not see similar levels of self-harm and distress as in 2020 the Board attributes to the legal challenges to the policy at the time and to the fact that no flight to Rwanda had yet taken place. We nonetheless witnessed considerable anxiety and distress related to the Rwanda policy, as expressed through a hunger strike by eleven men and a severe panic attack on the part of the one man from Brook House who remained on the manifest to the end. The Board remains concerned that if this policy is fully implemented and men are detained prior to removal, there is a high likelihood of real harm.
- At times the Board was concerned about the possible impact on safety of staffing levels below contract complement resulting from staff attrition, particularly given that Serco staff shortages were concurrent with the build-up of men who had received Notices of Intent for removal to Rwanda. The Home Office should give greater consideration to contingency planning to manage risk if men are being detained under such conditions in future. For example, possible responses might include capping centre numbers to ensure a high ratio of staff to detained men at times of heightened tension.
- The Board has been concerned this year about the low attendance of DET staff at meetings, on wings and at reviews, despite a return to pre-pandemic operations. Home Office efforts to improve DET presence have been hampered by numerous vacancies, and at the time of writing in early 2023 these gaps have even resulted in the capping of numbers in both centres. However, the Board is concerned that a need for more beds might result in pressure to accept more men than can safely be accommodated, particularly given that the Home Office does not appear to have a contingency plan in case ratios of staff to detained men fall below safe levels due to attrition or illness.
- For several years, the Board has recommended that Home Office caseowners engage with the centre to better understand the environment in general and the situation of the men for whom they are responsible. This year there was a small improvement in caseowner attendance at weekly meetings in which men in their caseload were being discussed, but this waned considerably in the latter part of the year. In December the Board welcomed the news that caseowners would begin physical visits to Gatwick but was disappointed to hear that they are

expected only to tour the centre, and not necessarily to meet with the men on whose lives their actions have a direct impact.

The Board noted this year that there has been a general improvement in governance and monitoring of safeguarding, and more review and attention to detail in technical management of the use of force. However, some key tools are still underused, notably for monitoring and addressing bullying and other antisocial behaviour.

The Board further notes that there is insufficient solicitation and consideration of the views of detained men about their perception of safety at Gatwick IRC and recommends that the Home Office and Serco consider how men's views can be collected more consistently through the year and used as a meaningful tool for improving the centres.

4.1. Reception and induction

The Board's biggest concern this year regarding reception and induction was poor communication from the Home Office about arrivals. This primarily concerned those parts of Gatwick functioning as RSTHFs – Tinsley House and some wings at Brook House. However, similar problems were experienced following the crisis at Harmondsworth, when large numbers of men arrived with little warning.

This poor communication meant that on multiple occasions the centres were informed late or not at all about large numbers of arrivals. Officers had little time to prepare, and detained men often waited a long time to be processed, particularly when arrivals took place at night when staffing numbers are lower, or when they conflicted with departures. The logistics were also often poorly thought through, for example when a coach of 18 men was first sent to Brook House to unload three men, resulting in a longer wait for the majority who were destined for Tinsley House.

The Board remained concerned this year that the conditions of reception at Tinsley House were not conducive to the early identification of vulnerability or risk. Pressures on time and space meant that there was little privacy for men who might need to disclose information of a sensitive nature.

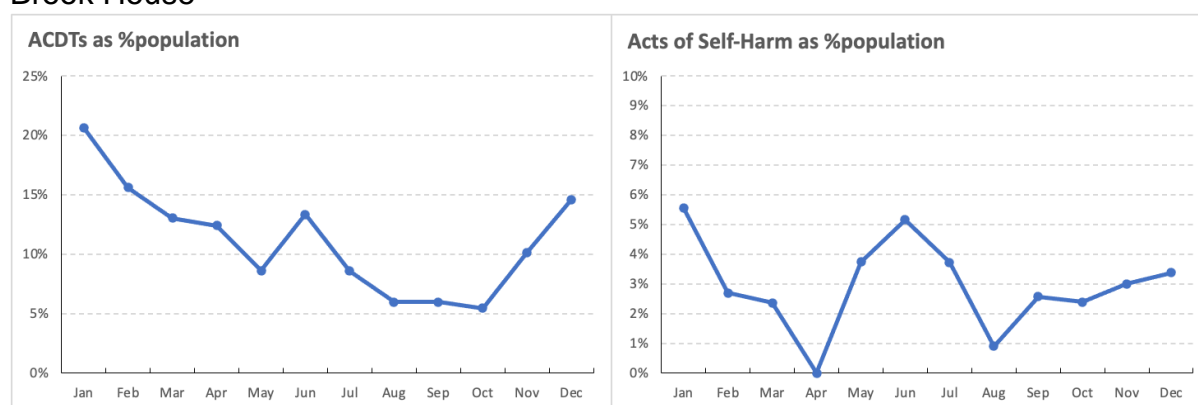
Reception at Brook House generally remained stable and well-managed. Despite some return to pre-Covid conditions, however, there was only a designated induction wing for brief periods in 2022. This means that newly-arrived men are put directly onto mixed wings, which can be very stressful for them and makes it more difficult for wing officers to adequately manage first night risks. It also means that for most of the year individual inductions have been given, which Board members and HMIP noted are generally good. However, they do increase the pressure on already strained human resources, particularly for officers working in welfare.

4.2. Suicide and self-harm, deaths in custody

There were no deaths in detention this year, but one man died five days after leaving Brook House on bail. He had been at the centre for eight months (a total of 278 days). During this time, he had been assessed as level 2 on the Adults at Risk framework, received treatment for methadone addiction, and had been on ACDT paperwork several times due to self-harm and threats of self-harm, with the most recent incident less than one week before his release. The case was treated as a death in detention, and a Board member attended the subsequent lessons learned session. This seemed well-structured and useful, highlighting steps that might have reduced risk, but it is unclear to what extent these lessons are being applied.

Rates of self-harm have reduced since 2021 and have remained at around 2% or 3% (as a proportion of the population) throughout most of 2022 as seen in the chart below.

Brook House



Data from HO/Serco Combined Report. Analysis by the Board

There was an increase in self-harm during the period when men were being detained for removal to Rwanda. Analysis by the Safer Community team indicated that this was coincidental, although the Board has no data to confirm this.

There were four incidents of self-harm at Tinsley House up to the end of October 2022. The Board attributes the significantly fewer incidents to the different situation of men arriving from the coast and the relatively short length of stay mandated under STHF rules. Levels of self-harm rose in the final months of the year following the arrival of men from Harmondsworth, with eight acts of self-harm in November alone.

Although awareness of and sensitivity to distress is generally good at Gatwick, rates of distress are very high. In response to a survey conducted by HMIP during their inspection of Brook House in June, 28% of detained men reported having felt suicidal at the centre and 80% said they had felt depressed. This resonates with the experience of the Board and feedback we have had from some staff members. The Board feels that it could be useful for Serco or the Home Office to conduct this kind of survey periodically to have a better analysis of what is happening at the centre.

Given the high levels of distress, there is a risk of staff desensitisation. The Board has been pleased to see the Care Team active and engaged again in 2022.

The Board noted some incidents of inattention, for example at Brook House in July there was late reporting of a case of self-harm by a man who had not been on an ACDT or given adequate support. At Tinsley House in September a man self-harmed when, because of poor communication, he incorrectly believed he was going to be deported. While these are relatively isolated events, they are nonetheless occasions when avoidable harm has occurred.

The Board attends ACDT reviews periodically and impressions have been mixed. While these are often conducted with sensitivity and compassion, they can also suffer from noise and a chaotic environment in the wing office and poor or no interpretation. Occasionally the Board has noted a formulaic approach, particularly when the individual has been on an ACDT for some time, and these reviews can feel less supportive. However, feedback from men on ACDTs suggests that they find wing officers generally caring and supportive.

Food and fluid refusal

A detained man is considered to be refusing food and fluids if he has not consumed food for 48 hours, or fluid (and food) for 24 hours, understands the consequences of his actions, and has no physical or mental health reason for refusing food. There have been relatively few instances of food and fluid refusal this year, and these have typically been of short duration.

In general, the Board has seen no cause for concern in the way that Serco and healthcare personnel have engaged these men nor with any care provided. However, reporting of food and fluid refusal has sometimes been poor, notably in May when eleven men declared themselves on hunger strike over plans to remove them to Rwanda. Despite these men having received letters from the Home Office acknowledging their protest, no cases of food and fluid refusal were reported in the daily operations reports, and no protest was noted in monthly reporting. Only the July Safer Community meeting reported numbers “protesting against Home Office, length of detention or case progression”.

The Safer Community meeting in December announced a change in how food and fluid refusal would be reported in future, including any failure to eat or drink that met the criteria, and not only cases of protest. While this may make sense in terms of possible health consequences, the Board nonetheless feels that it is important to recognise and dignify cases of protest by recognising them as such.

4.3. Violence and violence reduction

The Gatwick centres generally felt fairly settled in 2022, with some periods of tension. Brook House in particular felt more tense when numbers were higher and

prior to charters to some countries, notably Jamaica and Zimbabwe. Toward the latter part of the year the Board noted an increase in altercations between men.

A violence reduction initiative was introduced in April that was intended to engage staff and detained men more and deliver more detailed results, but we did not hear much more about this as the year went on and did not see any substantial changes.

Violence at Gatwick appears to be slowly creeping back toward pre-pandemic levels. In 2022 there were 55 assaults on staff and 33 on detained men.⁶ While assaults on staff remain low in comparison to the 82 in 2019, assaults on detained men were far higher than in 2020 and 2021 and even considerably surpassed 2019, when there were 20 incidents. This trend was seen again in relation to fights between detained men, which, at 34, were much higher in 2022 than both during the pandemic and in 2019 (24 fights). HMIP noted the absence of a systematic lessons learned process from investigations of incidents of violence in their May-June inspection report, and the Board has not seen significant change since that time.

As in previous years, we are concerned that there is no adequate measure of the detained men's subjective experience of safety in either centre, with Brook House a particular concern. In 2022 men were given the option of providing feedback using candour logs on the kiosks on the wings. There were nearly 7,600 arrivals in 2022, and candour logs were used 276 times. The Board is aware that some men submitted more than one entry.

These limited numbers make it difficult to draw definitive conclusions about the experience of detained men, although there are a few indicative findings. For example, 21% of the responses reported feeling unsafe in the centre, which is somewhat consistent with a survey conducted by HMIP during their inspection in which about a third of the surveyed detainees said they felt unsafe. Reasons given to HMIP included uncertainty about their case, the prison-like environment, conflict between men on the wings and, for men coming from the community, anxiety about being held with former offenders.

The Board has seen details of negative responses to the candour log question "Do the Serco officers and managers treat you well?" Twenty men responded "No" to this question, six of them on more than one occasion. Four had experienced a use of force, one had experienced Rule 40, and one had experienced both during the year. Fourteen had experienced neither.

The candour log includes questions about whether a man feels that he has been bullied, intimidated or assaulted by other residents or by staff. Fifty-eight responses (21%) said they felt bullied or intimidated by other detained men and 55 responses (20%) that they had been assaulted by another detained man.

⁶ Data from Serco.

Responses to questions about bullying, intimidation or assault by staff were:

- Fifty-nine responses (21%) from 35 detained men saying that they felt bullied or intimidated by a member of staff.
- Fifty responses (18%) from 33 detained men saying they had been assaulted by a member of staff.

It appears from the information we have that a man who responded “yes” to one of these questions often responded “yes” to the other question at the same time.

Twenty-eight men appear on both lists, and a total of 40 men on both lists together. Only two men among both lists seem to have experienced a use of force or Rule 40 during the year.

A candour log response could be a genuine allegation of bullying, intimidation or assault which has not been reported elsewhere. We are conscious that a man sometimes might not wish to report allegations like this.⁷ The report from the HMIP inspection at Brook House in June 2022 says, “... a substantial number [of their 89 interviewees] did not know how to make [a complaint] or were not confident enough to complain”. Board members have, for example, heard a handful of men say that they do not wish to make a formal complaint because they think it may affect their immigration case or how they are treated in the future.

The Board is told that Serco Safer Community staff follow up with all men who respond “yes” to the questions about bullying, intimidation and assault in an attempt to understand the reasons behind the man’s response and to ensure that the man is aware of the formal complaint process. We are told that they report that many detained men “did not actually understand the question that they were answering” or that the men had “experienced a use of force” (which in fact the data refutes). Officers put the responsibility for further action on the detained man, and report that it is rare that anything comes of this. We do not know how many detained men went on to make a formal complaint; the Board cannot cross-reference the list of complainants from 2022, and we do not know whether Serco makes this cross-reference.

As in 2021, the Board generally found that Tackling Anti-social Behaviour (TAB) documents were underused and did not provide much support or guidance to staff in monitoring problematic behaviour or protecting victims. This feedback was also given by HMIP during their inspection and the same conclusion was drawn by Serco. By the end of the year a new system was being planned. The Board considers that while this shows good commitment to improving monitoring and management of violence and bullying, continual replacement of the systems does not seem to be a solution.

⁷ The IMB does not know whether men are aware that their responses to the candour logs are not anonymous. The Serco Assistant Director of Safeguarding also does not know.

4.4. Detained men with specific vulnerabilities, safeguarding

There has been some progress in improving the management of and support for men with vulnerabilities; however there is still work to be done. In particular, the Board is concerned about the failure of the Detention Gatekeeper to prevent the detention of a significant number of men with mental health issues. Detention is not an appropriate environment for these people and there is substantial evidence that it is likely to exacerbate such pre-existing vulnerabilities. This is made worse by the fact that a man's challenging behaviour is often managed by holding them in separation (Rule 40) for prolonged periods. The Board raised concerns in 2022 about the use of Rule 15, an issue that was also addressed in our 2021 report, and which is addressed in detail here in section 5.3. Finally, the often challenging behaviour of these men places additional stress on other detained men and on staff, who end up undertaking roles for which they are not trained. All of these factors create additional risks to safety and security in the centre.

This issue is closely related to the dilemma confronted multiple times in 2022 of how to safely release men with serious vulnerabilities. This was brought into sharp relief by the death of a man from an overdose five days after his release from Brook House, as described in section 4.2. These cases juxtapose the risks posed to vulnerable men of a lack of support upon removal/release with their legal right to be released from detention. In 2022 several men had their removal or release delayed out of concerns for their welfare, raising questions about the lawfulness of their detention. This remains a challenge at the time of writing of this report. The Board acknowledges the challenge but is concerned by arguments we sometimes hear that men should be detained for their own good.

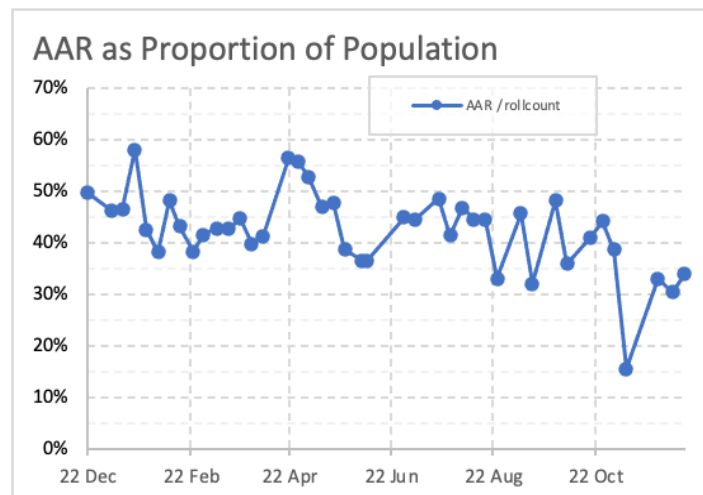
Another issue of great concern for the Board is the lack of solutions for men who have been at Brook House for long periods of time, despite attention being repeatedly drawn to their situation. A number of these men, often those recognised as adults at risk, appear to have become 'stuck' and are sometimes no longer engaging actively to further their case. The Board feels that the Home Office needs to be more proactive in finding solutions to these cases rather than watching and waiting until or while their condition deteriorates. This is further discussed in section 7.2.

The Borders accommodation at Tinsley House was used on several occasions for particularly vulnerable individuals, such as women in transit and, on one occasion, a transgender individual. Board members have made a point of meeting with these individuals during rota visits and have found that they are generally satisfied with the facilities and their treatment.

4.4.1 Adults at Risk (AAR)

The number of adults at risk at Gatwick has varied widely over the course of the year, with higher numbers during May to August, coinciding with the build-up in the number of men designated for removal to Rwanda, and in November when Tinsley

House took in men from Harmondsworth. The prevalence of men on the Adult at Risk log, determined as a proportion of the daily population, has trended downwards through the year.



Data from Serco's Adult at Risk Log, covering both sites.
Analysis by the Board

Management of adults at risk has generally been acceptable at Gatwick this year, but the Board has been concerned on several occasions by delays in releasing men despite their acknowledged deterioration in detention.

The Board also remains concerned that the focus in multi-disciplinary weekly meetings remains on men designated AAR level 3, with limited attention to those on levels 1 or 2. This is a reflection of broader concerns that the Board has had for some time, about the Adults at Risk, ACDT and Rule 35 policy. This is why the Board has called for a review of these policies and processes every year since 2019. Some new guidance on AAR was issued in November but it did not address the Board's more fundamental concerns, notably that AAR levels are treated as measures of vulnerability, whereas they actually indicate the type of evidence of vulnerability. In this system, men's own accounts of their vulnerability and history are ranked as level 1 and given least weight. This can help foster a culture of disbelief about which those within and outside of the immigration estate have been concerned for some time.

The Board learned in May that the new paperwork to accompany the AAR process had been put on hold while the Home Office reviewed the Detention Service Order. At the end of the year there had been no change, and no information about a future timeline. Roll-out of version 6 of the ACDT paperwork was delayed. Serco told us that this was due to a lack of guidance or support for its implementation from the Home Office, while the local Home Office say that Serco's implementation plan was unsatisfactory and had to be re-done. In the end Serco reached out to HM Prison and Probation Service for their tools, which they adapted to the detention environment. The Board does not consider this an acceptable solution, both because the very different context of immigration detention demands a bespoke process and

because it will inevitably lead to inconsistency across the immigration detention estate.

4.4.2 Rule 34 appointments and Rule 35 reports

Rule 34 of the Detention Centre Rules 2001 stipulates that every detained person shall be given a physical and mental examination by the medical practitioner (or another registered medical practitioner) within 24 hours of his admission to the detention centre. Healthcare provides all IRC arrivals with an appointment slot, but uptake is often poor. See section 6.1 for details of the use of Rule 34.

Rule 35 requires the centre GP or other medical practitioner to report on any detained person:

- whose health is likely to be injuriously affected by continued detention or any conditions of detention, Rule 35(1),
- who the GP suspects of having suicidal intentions, Rule 35(2), or
- who the GP is concerned may have been a victim of torture, Rule 35(3).

Evidence given to the Brook House Inquiry highlighted that Rule 34 had not been used as intended as a safeguard for identifying vulnerability at the outset of detention, nor as a key step to ensuring Rule 35 reviews were done at the earliest time. There was also evidence that Rule 35 was, in general, not being used appropriately or to its fullest extent, and that there was a disproportionately high use of Rule 35(3), compared with little or no use of Rule 35(1) and 35(2). This suggests that only torture has routinely been considered as a trigger for Rule 35 support, setting the bar very high in terms of safeguarding.

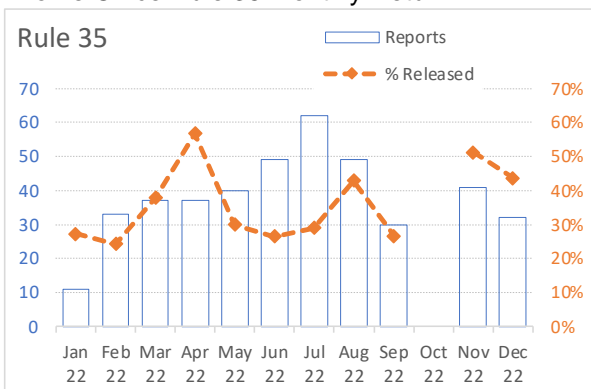
While this evidence and the criticisms made to the Inquiry led to considerable discussion of the use of Rule 35 at Gatwick, it did not lead to an increase in use of Rule 35(1) and 35(2) by the centre's GPs. We have received data about the use of Rule 35 from both the Home Office "Rule 35 – IMB Monthly Return" and direct from Healthcare at Gatwick IRC. The figures are not identical, but the general patterns are the same:

	Home Office Rule 35 – IMB Monthly Return ⁸	Gatwick IRC Healthcare
Rule 35(1)	16 (3.8%)	13 (2.7%)
Rule 35(2)	10 (2.4%)	12 (2.5%)
Rule 35(3)	395 (93.8%)	455 (94.8%)
Total Reports	421	480
% Released	36%	40%

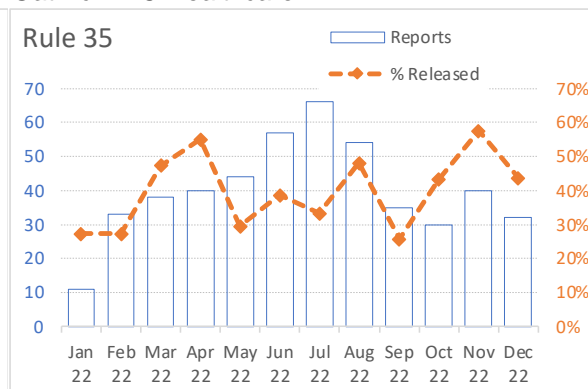
⁸ The IMB did not receive a Rule 35 Monthly Return for October 2022. These figures are therefore not for a full year.

We show in the charts below the monthly data from both the Home Office and from Healthcare.

Home Office Rule 35 Monthly Return



Gatwick IRC Healthcare



Analysis by the Board

On occasion, the Board witnessed what appeared to be confusion about how to interpret the Rules. For example, on one occasion healthcare staff said that a Rule 35(1) had not been undertaken for a man with mental health issues because he had no previous medical condition. The Board felt that this interpretation was not consistent with the Rule and potentially leaves a gap in protection for people whose health and wellbeing is deteriorating as a result of detention.

Rule 35 assessments are, by their very nature, urgent, but wait times for Rule 35 appointments were too long in 2022. Healthcare data shows that in nine of the twelve months wait times were 48 hours or more, with waiting times of eight and twelve days in May and June respectively, when Brook House was accommodating particularly vulnerable men who had arrived in small boats across the Channel and/or were awaiting potential removal to Rwanda. Because of their limited capacity, the Home Office requested that Healthcare prioritise these men. While the Board appreciates this recognition of vulnerability, we reiterate the concern we raised in 2020 under similar circumstances, that this means extending the wait for other vulnerable people and is therefore not a solution.

Finally, and perhaps most importantly, in most cases where a Rule 35 assessment was accepted, this did not result in release (60% to 64% continued in detention), raising questions about how much impact these determinations have on case management where more weight is given to immigration factors than the effect of continued detention on vulnerable people.

The Board notes the findings of the Independent Chief Inspector of Borders and Immigration (ICIBI) and shares their concern about a perception that Rule 35 is being abused by detained people. The Board shares their conclusion that unless and until the review recommended in the ICIBI report is undertaken, the presumption should be made that detained people and their legal representatives are acting in good faith.

4.4.3 Age disputes

The information provided by Serco about age disputes is not entirely consistent. It indicates that there were significantly fewer age disputes in 2022 than in recent years, with a total of 19 as compared with 51 in 2021. Of these, ten⁹ were released to the local authority, four were managed as adults following a decision by the Home Office, three were collected by the Kent Intake Unit and did not return to Gatwick, one was bailed, and one was returned to a secure hospital unit from which he had escaped.

While this is a considerable improvement over last year, there are still too many children being detained, and it is still sometimes taking too long to identify them once in detention. For example, a non-verbal child with learning disabilities was held for two days before being identified, and one only belatedly disclosed his age after being incarcerated as an adult under circumstances highly suggestive of human trafficking.

The Board remains concerned that there is often a lack of information about the grounds on which the Home Office decides to manage an individual as an adult. In September a multi-disciplinary team review including centre social workers expressed concerns that an individual was under 18, but the Home Office recorded him as over 18 without referring him for an age assessment. Records from one Safer Community meeting note that a very rapid decision was made by the Home Office to manage an individual as an adult. However, when he was then released into the community, the local authority was notified, suggesting a lack of certainty.

The relationship with local authorities seems much better than in the past, and the assessment and release process is much shorter, typically a matter of a few days. Following a recommendation in HMIP's inspection report, a lessons learned review was conducted in August of several age disputes. We are not aware of the outcome of this.

4.4.4 Safeguarding governance

Safeguarding governance has been much better this year, though there remains room for improvement. While the general trajectory is positive, it is difficult to say whether and to what extent this has resulted in concrete improvements for vulnerable men. Moreover, the Board remains concerned that progress is uneven, with less attention paid to vulnerability at Tinsley House than at Brook House.

One positive change has been broadening the Adults at Risk weekly multi-disciplinary meeting to a 'Vulnerable Residents' meeting. This has generally been a more active and engaged forum with quite productive conversations about how to better support men with a range of issues and vulnerabilities. It has also seen better remote attendance by caseowners, albeit not at the level the Board would hope, and

⁹ The general pattern of treatment of age disputes in the information provided accords with the Board's perceptions.

generally only for the portion of the meeting concerning the men whose cases they manage. Irregular attendance by DET at these meetings can result in a lack of information about case progression.

Changes have also been made in processes and paperwork for the management of vulnerability. For example, in early April Vulnerable Adult Care Plans (VACP) replaced Supported Living Plans (SLPs). These were used 113 times in 2022, mainly for mental health (30), physical health (29) and for unspecified vulnerability (23). Other uses related to disability, reduced mobility, adult at risk level and 'raised concern'. The Board has noted an overlap between categories of vulnerability that seems potentially confusing. There were some teething pains in the introduction of the system, and when the Board commented on incorrectly completed paperwork, we were informed that not all staff had received training. Even several months after its introduction the paperwork was sometimes quite poor. Most importantly, it is not clear to what extent the new process has resulted in real improvements.

In August Serco introduced self-harm investigations, and while the Board has not had the opportunity to attend these, staff have said that they have resulted in useful lessons being learned. An increase in the number of trained ACDT assessors has been positive.

Finally, there has been an under-utilisation of Tackling Anti-social Behaviour (TAB) documentation. This has been noted and recorded in a number of Safer Community meetings, but this has not led to an increase in their use. While a new system is foreseen, the Board questions whether what is really needed is more reflection and sensitisation about issues of bullying and culture, without which a new system will likely struggle with the same issues as the others.

4.5. Use of force

Tinsley House had a total of ten uses of force in 2022, six against the same individual, to prevent self-harm and to manage behaviour. Brook House had a total of 234 uses of force in 2022, a significant absolute increase on 2020 and 2021, but a return to prevalence more typical of the pre-pandemic period.

Brook House	2022	2021	2020	2019
Total use of force incidents in year	234	154	197	223
Average month-end population	246	107	95	242
Monthly use of force as % of month-end population	7.9%	12.0%	17.3%	7.7%

Data provided by Serco. Analysis by the Board

Most of the uses of force were reported by Serco as relating to altercations between detained men or to facilitate moving men from one location to another in the centre or to prevent them from going into other wings or rooms. Most uses of force were reported to be minor, consisting of guiding holds, pushes or blocks.

Prevention of self-harm accounted for 15% of the occasions when force was used, which is a considerable reduction from 2020 and 2021.

Reason for use of force	2022	2021	2020	2019
Maintain good order	139 (59%)	90 (57%)	76 (39%)	132 (59%)
Protect third party	41 (18%)	13 (8%)	35 (18%)	46 (21%)
Prevent self-harm	34 (15%)	44 (28%)	72 (37%)	20 (9%)
Protect self	13 (6%)	10 (6%)	14 (7%)	25 (11%)
Total use of force	234 ¹⁰	157	197	223

Data provided by Serco. Analysis by the Board

The Board reviewed most use of force paperwork in 2022 and occasionally reviewed camera footage. From these reviews, there were a handful of cases that prompted concern about either how or when force was used. We noted a few occasions when more effort could have been made to de-escalate and there were a few cases where the Board felt that the level of force used was disproportionate to the need. In one planned use of force in particular, the Board noted that the posture seemed unnecessarily intimidating, even threatening. Occasionally there were issues with officers not turning on their body-worn cameras, either because they were relatively inexperienced or because there was not time. On one occasion a report noted that the officer had not been able to wear a camera due to problems with the electronic system that releases them, which the Board did not feel was an acceptable reason for not wearing one.

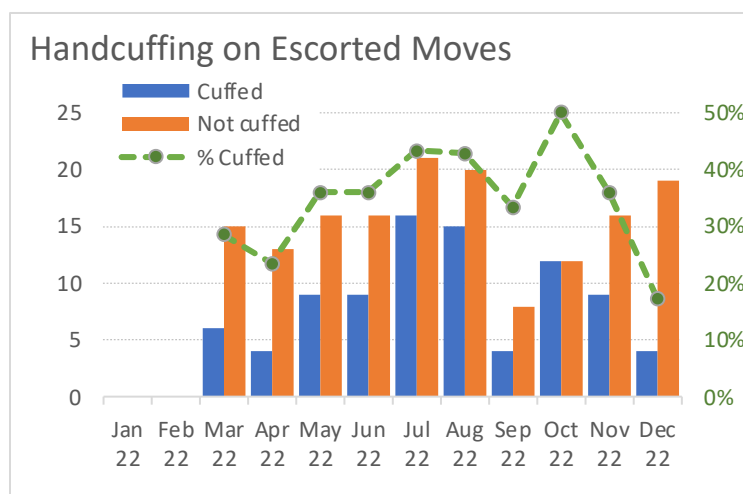
The Board saw an improvement this year in governance of use of force, a fact also picked up by HMIP during their inspection in May-June. Reviews by senior managers and the Home Office were routinely conducted within 24 hours and seemed diligent, with issues flagged up and recommendations for further training. The Board has not tracked how these recommendations are followed up. We note as a good practice Serco's policy to conduct a review when any individual officer is involved in three incidents of use of force in three months. There were 92 such cases in 2022, two of which resulted in further action.

¹⁰ The balance of the uses of force were five to prevent damage and two to prevent escape.

4.5.1 Handcuffing

In response to a recommendation in our 2020 annual report, Serco committed to reduce the use of handcuffs and said that the default position will be to not use restraints.

However, there were 88 incidents of handcuffing in 2022 (29 in 2021) on escorts to hospital, constituting 36% of the total number of escorts to hospital (29% in 2021). This is an unwelcome increase in the prevalence of handcuffing on escort.



Data from Serco Centre Manager's Report. This report did not include handcuffing data for January and February
Analysis by the Board

While we understand the need for a risk assessment, we ask that Serco review the thresholds applied to these assessments. The Board is very aware that men find the use of handcuffs in public areas such as hospitals distressing and humiliating.

Handcuffs have only occasionally been used in conjunction with use of force or during situations of insecurity, and, where reviewed by the Board, their use seemed largely proportionate. However, on at least one occasion the Board felt that they had been resorted to prematurely. On reviewing video footage of this particular use of force, the Board member felt that the detained man was much calmer and more compliant than the paperwork had suggested. While security personnel did offer a rationale for this discrepancy, it was also a case where the control and restraint instructor indicated that remedial training would be undertaken for one of the officers involved due to poor technique.

4.6. Substance misuse

The importance of substance misuse services has been highlighted by the death in 2022 of a formerly detained man due to an overdose within a week of his release into the community.

In 2022 there were 346 intelligence-led searches for drugs, leading to 14 drug finds. In August a Board member attended one of these searches. The detained man was

present throughout, and the Board member felt that it was professionally conducted and that officers were polite and respectful. Nonetheless, the room search was distressing to the man, and other men have reported feeling similarly when their rooms were searched.

The Substance Misuse team has been active in 2022. Although there have been relatively few drug finds during the year, the number of men arriving with addiction problems has been relatively high, and we have been aware of more men receiving treatment than in recent years. Interruption of methadone treatment was one of the concerning issues arising from the rapid transfer of men from Harmondsworth.

Frequent changes in the regime and wing isolation due to outbreaks has made it difficult at various times to make the Substance Misuse team easily accessible. In the early part of the year, they made regular visits to the wings, offering a range of courses. In the last quarter of the year, as the centre opened up, the service became more centralised and their office was relocated, making them more accessible to the men. While this has generally been positive, some members of the Substance Misuse team have commented that it can make the space more chaotic and that there are challenges in providing confidentiality to those who need it.

5. Fair and humane treatment

5.1. Escort, transfer and transport

For the most part, escorts have run smoothly in 2022, but there were still a substantial number of transfers at unsocial hours. Analysis of reception data at Brook House in October shows that nearly 40% of arrivals were at unsocial hours, after 10pm and before 7am. Most of these were from Manston, with some from police stations or Gatwick airport. Men arriving early in the morning typically left Manston some two hours earlier, and men arriving late in the evening generally did not complete reception processing until the small hours of the next morning. Most men waited between three and four hours from the time of their arrival at Brook House to being given a room on a wing, but longer waiting times of eight to ten hours were not unknown. It is evident in the data that the longest wait before getting to a wing is much longer when large numbers of men arrive within a short period of time.

Movements for STHF men, particularly from Tinsley House, have also sometimes been problematic. On a number of occasions men have been told to prepare for departure and then not been collected for several hours, during which time they generally just sit in the corridor with all of their property, waiting. There have also been a few occasions when Mitie have been late in collecting detained men for escort. While these were not numerous, they could be problematic, particularly when there is some tension around the move, for example when force had to be used during a delayed move back to prison, or when it frustrated the man in question, as when a man was returned to the centre because the escorts had the incorrect time for his flight.

5.2. Accommodation, clothing, food

The centres have generally been better maintained this year than last, particularly Tinsley House when large numbers of men were arriving and departing. However, Board weekly reports also frequently noted the general grubbiness of the centre, which no amount of scrubbing can eliminate. The floors and walls can look grimy, and some toilets and showers had a persistent smell of mildew. Brook House has generally been clean, but because of heavy smoking in the courtyards, the corridors and even wings often have a strong smell of smoke, and the hallways and stairs are often littered with cigarette ends that have been tracked in on people's shoes.

It became clear over the course of the year that the buildings are not adapted to extreme temperatures. During the summer heatwave, Tinsley House in particular was far too hot, not only for the detained men, but also for the staff working there. Over the course of the year there have been quite a few occasions when the electricity or heat has failed, or there have been leaks in times of heavy rain. These have not been major issues, but their increased frequency this year is worth noting, particularly in light of the very serious fallout from the power failure at Harmondsworth in November.

Some efforts have been made this year to soften Brook House's prison-like atmosphere. Murals and pot plants have been added to wings and there has been refurbishment of wing offices. More activities are now possible on the wings, and pool tables, table tennis and large screens are in use during most visits. In E wing and the CSU decals of flowers and greenery have been put on the walls.

The atmosphere has nonetheless felt louder and sometimes tense and overwhelming as numbers in Brook House increased to levels similar to pre-pandemic times. There are plans to turn the little-used library into a quiet space for men who struggle with the environment, though this had not yet been done by the end of the year. With increased numbers has also come a return to room sharing, which led to some tension and, as discussed in section 5.3, sometimes the use of Rule 40. A Skype suite has been set up in what was formerly the cinema room, allowing the rooms that had been used for this purpose on the wings to be returned to use for accommodation.

There have been varying reports about both the quality and quantity of food this year. Of course, it is impossible to cater to every taste and inevitably some will find the food too bland while others will find it too spicy. However, there were concerns raised through the year about the variety and quantity of food. Although men have expressed concern about food to individual members and in other forums, such as the Residents' Consultative Committee and the wing forums, the food forums remain sparsely attended. This suggests that they are either not well enough advertised or not deemed effective. The Board has noted that the kitchen does seem to make an effort to respond to concerns raised, for example by changing the menu to adapt to changing nationalities present. Like other areas, the kitchen has also struggled to maintain staffing numbers.

While the kiosk ordering system appears to be a good idea, it does not seem to be delivering and both wing and kitchen staff have expressed frustration with it at various times. The system is hampered both by technical problems and perhaps by a lack of buy-in by the detained men. There always seem to be a number of men who do not use the system, for whatever reason, and are then frustrated when they receive the default, vegetarian meal. In December the system was down for about three weeks, during which ordering had to be done manually, which some staff said they preferred.

During the year there have sometimes been concerns about the length of the shop queue at Brook House. At a Residents' Consultative Committee meeting in August, there were complaints from detained men of waits of up to 30 minutes. A second till point was installed later in 2022.

5.3. Separation

The care and separation unit (CSU) is a small separate unit of six rooms at the end of E wing which is normally used for detained men who have been placed on either Detention Centre Rule 40 (removal from association, or separation) or Rule 42 (temporary confinement, or segregation). Men on Rule 40 may be located on E wing as well.

We have been given by Serco two different sets of information about instances of Rule 40 and Rule 42. Both are incomplete. One set covers the whole year, though with substantial amounts of detail missing. This set indicates that there have been 163 uses of Rule 40 and one of Rule 42 at Gatwick in 2022. Rule 40 was used three times at Tinsley House and 160 at Brook House.

We have also received a second set of information from Serco which is much more detailed but covers only May to December. In Brook House during this period, it records 107 instances of Rule 40 and one of Rule 42.

Brook House	2022		2020				
	1 May – 31 Dec	2021	21 May – 31 Dec	1 Jan – 20 May	2019	2018	2017
Rule 40 events	107	96	54	106	187	259	503
Number of individuals	83						
Average time on Rule 40 (hours)	54.9	33.4	35.3	n/a	46.5	59.3	32.0
Longest time on Rule 40 (days)	21.6						
Rule 42 events	1	3	3	3	3	12	2
Average time on Rule 42 (hours)	3.3	22.4	< 24	n/a	4.2	16.8	n/a

Two men were on Rule 40 for more than 14 days – one for 21.6 days and one for 19.8 days.

From our observations, the Board feels that the treatment of men who have been placed on Rule 40 has been adequate, with reviews held on schedule and consistently attended by the Home Office (DS), Healthcare and Religious Affairs. Overall, the Board felt that the comportment of those leading and attending reviews has been respectful and appropriate, though the Board has occasionally noted some use of language by senior staff that felt overly casual or familiar, and there could generally be more engagement of the Home Office during the reviews themselves.

There have been a few occasions this year when the Board has not been notified of men being put on Rule 40 or Rule 42, and while this does not appear to be a major

problem, it would perhaps be useful for a reminder to be given to all officers that the IMB must be advised at the time of any separation.

The Board has particular concerns about three issues relating to separation at Gatwick this year:

Men with challenging behaviour being held under Rule 15

The Board noted in its 2021 report the use of Rule 15 to address challenges regarding the relocation of men no longer on Rule 40 but unable to return to their wings due to Covid restrictions. The Board noted that Rule 15 actually concerns the certification of accommodation and is not a basis on which to remove men from association. Use of Rule 15 persisted into 2022 and was used as the basis to remove men from association whose behaviour was difficult to manage. The Board continued to express its concern that this de facto separation is unlawful, resulting in the concerned man being held in conditions of separation without any of the legal protections. This was acknowledged by the Home Office in March. The Board does not believe that this resulted in any ill treatment this year but is concerned by the ease of this misinterpretation and misapplication of detention centre rules.

Pre-emptive use of Rule 40

Rule 40 was used pre-emptively on a few occasions when there was concern that men might not comply with removals. The Board notes in particular that three men (of 14 ultimately removed from Brook House) were put on Rule 40 prior to removal to Zimbabwe on 2 March. While it is understandable that centre staff would prefer to reduce the risk of issues arising during removal and to avoid unsettling other residents, Rule 40 is intended for management of issues related to safety and security. At times there has been justification for pre-emptive use of this kind, such as in December when a search of a detained man's room following his removal to the CSU 24 hours prior to his flight yielded a variety of forbidden items such as razor blades and wire. At other times it was unclear to the Board that there was sufficient justification.

Inappropriate use of Rule 40

In the Board's 2021 report we noted that some men with serious mental health issues were accommodated, in our view inappropriately, at Brook House. This occurred again in 2022, and, as last year, the management of their sometimes unpredictable or otherwise problematic behaviour was often managed with Rule 40 separation. The Board feels that this is not a correct use of Rule 40, and while we did not feel that this amounted to an abuse of separation as a tool, we note that the use of separation in this way may help to maintain a safe and secure environment, but that it is also likely to have a negative impact on the wellbeing of the separated man.

The Board also expressed its concern on a number of occasions about the use of Rule 40 to separate men who refused to share rooms. While there were one or two

occasions on which men became recalcitrant on being asked to share, on other occasions they appear to have been separated for no other reason than refusing to share. When this was raised with Home Office, the Board was initially told that the rooms were needed and there had to be some way of compelling men to share. However, this use of separation smacks of punishment which is explicitly forbidden in Detention Services Order 02/2017.

5.4. Relationships between staff and the detained men

5.4.1 Detained men and Serco staff

In general, the Board has observed mainly positive interactions between Serco officers and detained men this year. We have noted numerous instances of officers showing real concern for the men and engaging with them in a positive way. At times, particularly in the middle of the year (May/June), the Board noted that interactions were more perfunctory, attributing this to the increased numbers of men in detention and reduced staff numbers. Some officers told Board members that they were tired and overstretched.

The use of the centres as short-term holding facilities also had an impact on the interaction between detained men and centre staff. The shorter duration of stay appeared to result in staff failing to identify men with vulnerabilities, both because men arrived all at once in large numbers and because they stayed for a relatively short time. The Board heard from Serco and PPG personnel at Tinsley House in particular that they found it more difficult to connect with the men and, once, that they found working with the IRC men more agreeable.

5.4.2 Detained men and Home Office staff

The Board was less satisfied with relations between detained men and Home Office staff this year, particularly with those in DET. Despite numerous commitments beginning from May that DET would increase its presence in the centre after a reduction during the pandemic, the Board frequently commented on the lack of visibility of DET in the centre, and it was not until early October that drop-in surgery sessions finally began. The Board heard that staff had lost confidence in terms of being in the centre and that management was struggling to encourage them to be more present.

As discussed in section 7, there were some ongoing challenges this year relating to different parts of the Home Office having responsibility for different categories of men at Gatwick. This also affected the relationship between the men and staff, particularly at Tinsley House. Lack of effective communication and, particularly earlier in the year, lack of presence of NAIU and UKVI on site meant that it was very difficult for men – or even other Home Office staff – to get information about what was going on. Even when relevant personnel were on site, they were rarely proactive in being present and visible, providing information to the men. During one Board member's visit, for example, a number of men arrived at Tinsley House in considerable

distress, having been moved from centre to centre. They were confused about what was happening to them, and Serco officers were unable to clarify. The situation continued to escalate, until the Board member suggested asking Home Office staff to come down and speak with them. When a member of staff did so, the situation rapidly became calmer.

Poor communication caused problems for men in other ways. For example, a man missed his dental appointment because the Detention Estate Population Management Unit did not provide the required information despite several requests, and a man missed his court appearance for bail because the Home Office did not organise the transfer.

Culture among Home Office staff has sometimes raised concerns as well, and on one occasion the Board made a complaint about a particular individual in the Home Office Detention Services team. In response, the Home Office noted that this individual was only temporarily in post to fill a gap. While the Board appreciates that this was not intended to deny responsibility, the response highlights the risk of poor behaviour being dismissed or downplayed.

5.4.3 Voice of detained men

As the Board reported last year, there are regular feedback opportunities for men at Brook House, with weekly wing forums and a Residents' Consultative Committee. These were somewhat less regular in the first half of 2022 due to periods of outbreak and isolation. This also caused continual fluctuations in regime that sometimes led to conflicts with other activities, such as association times or religious services, with an impact on attendance. When a more regular routine resumed in the second half of the year, this problem dissipated.

Efforts were made to reduce some of the challenges for wing forums that the Board noted last year, for example moving them to a less noisy location and holding them at quieter periods. The meetings often focused on day-to-day issues, particularly food. However, particularly during the lead-up to the planned charter to Rwanda, men used this opportunity to express concerns about their situation and their detention, including about a lack of communication from solicitors and lack of movement from the Home Office on their cases. They noted that their own levels of distress were exacerbated by witnessing the distress of others around them, particularly those who were self-harming.

The Resident Consultative Committee is more structured and allows representatives¹¹ of the detained men to raise issues. This is held every four weeks and is chaired by the Serco Deputy Director. As in 2021, catering issues tend to dominate, but a wide range of issues are covered. Board members noted that they

¹¹ Detained men attending the RCC are usually the more vocal and engaged of wing residents. Issues raised by them are likely to be reflective of others' issues, though it is perhaps an exaggeration to call them, or all of them, 'representatives'.

are usually well attended by people from a range of services and departments, including the Home Office, and that discussions are robust. The meeting is minuted with actions and owners, which provides feedback and accountability even if the same people are not present at each meeting.

There are also opportunities for detained men to provide anonymous feedback regarding catering and healthcare using the kiosks though, as the candour logs indicate, they are not frequently used.

There are more limited opportunities for men to make their voices heard at Tinsley House, which should be addressed now that Tinsley has reverted to IRC status.

5.5. Equality, diversity and inclusion

Equality, diversity and inclusion (EDI) was not very visible in 2022, and the Board feels this remains an area of weakness. Although we were informed that Equality and Diversity officers were being recruited in the early part of the year, this did not appear to have much impact. The Board's perception is that there is not a clear understanding of how to apply EDI in the context of immigration detention. This leads to less meaningful efforts, such as only displaying posters and banners during Pride or Black History Month. Some of the meetings did raise concerns about direct and indirect discrimination, particularly during periods when Gatwick was accommodating disproportionately high numbers of Albanian men, but there did not seem to be much action taken on the back of this.

At a practical level, there is good attention to the needs of different groups, including making time and space for religious observations, art and educational activities that incorporate cultural or faith-based themes. Activities vary as the interests and needs of the population change. On a few occasions, the Board has seen good awareness of faith by Duty Directors when reviewing vulnerable and separated men.

Interpretation continues to be a weak point. There are no face-to-face interpreters, and access to Big Word, the telephone service, is frequently frustrated by long waiting times. As a result, Serco officers with relevant language skills often step in to assist. While this is often very helpful, it is not a solution, as Serco officers are not trained for this role and are not independent.

5.6. Faith and religious affairs

The Board has consistently been impressed by the religious affairs team, who are very active and visible in the centres and have made concerted efforts to ensure that men could practise their faith even during periods of outbreak and isolation.

During prolonged periods when wings were on association at different times to reduce risk of infection, services were offered in the chapel/mosque, but also on the wings. To avoid having large numbers of men in the same place, Friday services were at times offered concurrently in the mosque and in the visits hall. The team is

conscientious about tracking the festivals of all major religions and ensuring that men can observe them. They have worked with the kitchen to ensure that appropriate food is provided at a suitable time during periods of fasting and feasting, including for men newly arrived.

Importantly, the religious affairs team are meticulous about connecting with vulnerable men and attending reviews for those that are separated or on ACDTs. The Board has observed at reviews that men are often familiar with the representative of the chaplaincy team and welcome their support and involvement.

5.7. Complaints

During the year, there were 150 complaints made (104 in 2021). Nine relating to potential serious misconduct were dealt with by the PSU. Of the remainder, 50 (33%) were about property, 22 (15%) about food, and 19 (13%) about the availability of Serco service. Complaints which concern potential misconduct by Serco officers are recorded under six different categories (including for example alleged assault, unfair treatment, unprofessional conduct). Excluding those referred to the PSU, such complaints numbered 35 (23%) of the total.

Of the 150 complaints, only 21 (14%) were upheld or partially upheld and 25 (17%) withdrawn. These are similar to the rates in 2021.

The handling of the process for complaints is an indicator of the fair treatment of detained persons. The Board's view is that complaints are generally taken seriously and usually thoroughly investigated. We remain concerned, however, that the overall process can seem unfair to the detained men – in particular the low success rates and a proportion of responses that seem to evade the issue being complained about.

The Board does not see responses to complaints made against the Home Office, or complaints made against either healthcare staff or Mitie Care & Custody, the immigration escort provider for the Home Office. Given the relatively high proportion of Applications and informal complaints that we receive from detained men about their dealings with the Home Office and Healthcare, we continue to be of the view that the Board should be copied on complaints and the responses to complaints against the Home Office and against Healthcare, subject to the consent of the complainants and after removing clinical information.

5.8. Property

Property remained an issue in 2022, though to a lesser extent than in 2021, and it has consistently remained one of the main requests made to welfare staff at both centres, both about property coming from the port and from prisons. The Board reported in August that welfare staff were particularly struggling with locating and retrieving property when men had been moved to Brook House from prison or police stations a short time (e.g. 24 hours) before departing on a charter.

6. Health and wellbeing

6.1. Healthcare: general

Healthcare services were provided by Practice Plus Group (PPG), which took these on from September 2021. PPG had plans to extend the range of healthcare services provided and to recruit new staff accordingly. Since then, they have added podiatry and optician services once per month, and physiotherapy services twice per month. The waiting times for all services have generally been just to the next relevant session.

Recruitment has proved to be a considerable challenge (as it is across the NHS). For example, recruitment to psychology positions has been unsuccessful throughout the year. About 50% of permanent roles are vacant, but vacancies have been filled by bank and agency staff, and healthcare managers assure us that no clinics have been cancelled due to lack of staffing. Possibly because of the necessary reliance on bank and agency staff, healthcare provision can rely on a small number of key permanent staff, bringing a risk of disruption if they are unable to work for any reason.

We are concerned by the dramatic increase in Applications to the IMB about healthcare (see section 8); they have more than doubled from 16 in 2021 to 35 in 2022. Of the Applications in 2022, nine related to medication, ten to external appointments and ten to the attitude of healthcare staff. The remaining six covered ACDTs, appointments, safeguarding and mental health. During the year there have been 18 official complaints from detained men about healthcare. Two have been about medication, ten about access to healthcare, five about GP care and treatment and one about Covid restrictions. None have been upheld. Because the Board does not presently see these complaints or responses, it is unable to comment on the quality of the responses provided or on the 100% dismissal rate.

6.2. Physical healthcare

Under Rule 34 of the DC rules and Rule 30 of the STHF rules, PPG is required to conduct an examination of the physical and mental health of all men entering the centre, although men cannot be compelled to take the appointment. We are told by PPG that all arrivals are offered appointments for these examinations. During the year 2,843 such offers appear to have been accepted and appointments were made; in 1,084 instances (38%), the detained man did not attend the appointment. Serco's CMS system records nearly 7,600 arrivals during the year, meaning that just 37% of arrivals accepted the offer of a medical examination and 23% attended the appointment.

It is striking that, up to the end of May, non-attendance at Rule 34 appointments was relatively low, with the highest level of non-attendance at around 12% in April. In the second half of the year the ratios changed drastically, with the lowest levels of non-attendance at 42% in December and a staggering 75% of men not attending in July.

While there is no definitive answer to the question of why these rates differ so much, it is possible that men brought into the centre early in the year with a view to removal to Rwanda in June were more likely to attend their Rule 34 appointment.

Healthcare staff only chase up Rule 34 non-attenders if they are known to have a medical condition – which in some cases of course may not be known unless there is an appropriate examination. We are told by PPG that many non-attenders had previously been an STHF resident and were already under the care of the centre's doctors, and a number of others transferred from prison and did not want to see a doctor on arrival.

Early in the year, healthcare staff were taking medicines to men in any Brook House wing that was in Covid isolation. With the relaxation of Covid restrictions, men again must come to the pharmacy in the healthcare rooms to collect their medicines, if not suitable for in-possession.

From August, new arrivals at Gatwick are tested for blood-borne viruses (BBV), for example HIV and Hepatitis strains. Some positive cases have been identified.

In addition to Covid cases, there have been a handful of actual or suspected influenza and chickenpox cases. Brook House was declared an influenza outbreak site in September. Unlike with Covid, this did not result in changes to wing regimes or free association; the affected men were asked to remain in their rooms behind a closed door. Compliance with this has been variable.

There have sometimes been long waits for dental appointments. During 2022 there has been no on-site dental treatment available at either site. The visiting dentist can only triage men for treatment at a local hospital, which requires an escort. There have been plans all year for installation of a dental treatment suite in Brook House, and plans for an interim service to be provided by a mobile unit. However, it was not until January 2023 that we heard that the proposal for a mobile dental service was being put to NHS Commissioners for their approval, and this interim service began operation in February 2023.

6.3. Mental healthcare

During 2022, no men have been brought into the centre who then needed to be sectioned under the Mental Health Act. This is a welcome improvement from 2021.

However, there have been several men with significant mental health and behavioural issues, some of whom the IMB believes have deteriorated while in detention. Despite an increased awareness of Rule 35(1) apparent among healthcare staff, there are in fact very few assessments made under this rule (see section 4.4.2 above). We were extremely concerned to be told at the Board meeting in December that a man would not receive a Rule 35 assessment unless he has a diagnosed mental health condition. "Being distressed is not enough", we were told. This is not our reading of the Detention Centre Rules 2001, which say: "35 (1) The

medical practitioner shall report to the manager on the case of any detained person whose health is likely to be injuriously affected by continued detention or any conditions of detention.” The rule does not require a pre-existing diagnosed condition.

The Safer Community group considered whether enough is being done at Tinsley House to pick up on the needs of STHF men who are struggling with the aftermath of trauma. While there may not have been capacity to assist these men at Tinsley House given the brevity of their stay, concerns about their wellbeing shared with service providers in initial accommodation could help mitigate the impact of their distress later on.

6.4. Welfare and social care

In February, the Brook House welfare office moved into a new location in the main association corridor. This is much more immediately accessible for the detained men, and this has been reflected in increased levels of usage. We have also heard it said that less experienced officers are quick to refer questions from detained men to Welfare. Of the appointments that have been classified and are not about induction to the centre, 32% have been about access to solicitors, 34% about access to the Home Office or about immigration matters, 14% about access to the Gatwick Detainees Welfare Group, and 13% about missing property.

Staffing reductions have sometimes had an impact on services that are particularly important to detained men, but not designated as ‘red roles’ (or essential) by the Home Office; Welfare being one of these. In May/June and November/December the Board heard that welfare officers were being pulled away to cover red roles, resulting in reduced capacity to deal with important issues such as legal aid referrals, tracing of property and finances.

The welfare office in Tinsley House is in a room off the library. It is also easily accessible and has been heavily used: on average, about twice the level experienced in Brook House. This is not surprising given the generally rapid turnover of the short-term population for most of the year. Of the appointments that have been classified and are not about induction to the centre, only 11% have been about access to solicitors, 21% about access to the Home Office or about immigration matters, 32% about access to Gatwick Detainees Welfare Group, and 35% about missing property. As noted elsewhere in this report, there have been considerable numbers of men arriving at Tinsley House from Dover without their property, and in November some of the men evacuated from Harmondsworth arrived without their property.

6.5. Exercise, time out of room

The year began with continued Covid bubbles and significant restrictions on free association time. It was clear that the restrictions caused frustration among the detained men; members’ rota reports record conversations and Applications relating

to this. There were several occasions when the regime moved to larger bubbles, which provided some relief for the men, but then increased numbers of cases meant the regime had to revert to tighter restrictions.

There were issues sometimes caused by changes to bubbles and association when this resulted in some men missing their association slot as they were not aware that it had been moved at short notice to the first slot of the day.

Several times, we noted movements of men between rooms and between wings in order to free up space for further intake. While we understand the logistical reasons for doing this, the disruption to some of the men is unfortunate. There were some informal complaints made to IMB duty members about this.

Relaxation of Covid restrictions and increased association time became permanent from August, and the atmosphere in Brook House felt more relaxed. Several men told one duty member that they felt the open association had much improved the atmosphere, making it possible for people to socialise more freely and to access more activities. The situation was less rosy for the STHF men detained at Brook House, who were unable to leave the wing except to access the courtyard and had no access to activities, though they did have some exercise equipment available to them on the wing and the ability to make purchases from the shop (via 'shopping runs' made by wing officers).

In July, a second, smaller gym was opened on the ground floor in Brook House. It is less frequently used than the main gym on the first floor, which is often quite busy and noisy.

In September we noticed an increase in organised physical activities – volleyball, cross-bar challenge, cricket and football – and were told that this was the start of a new initiative. Bingo and games had been arranged in the visits hall and on the wings. Bingo has continued to be popular in Tinsley House.

7. Preparation for return or release

7.1. Activities including education and training

While Covid restrictions were in force, activities officers were offering a variety of activities on the Brook House wings. When restrictions were removed, education became classroom-based again. Serco data¹² suggests that during the second half of the year, an average of about 100 men (roughly one third of the population) were accessing educational courses on average about five times a month.

The Arts and Crafts room has slightly higher usage – an average of 110 men using it about five times a month. Members on rota visits have noted that the room is often crowded, and the Board suggested to centre management that they might consider expanding this facility while they are planning changes to the library area. As part of changes being undertaken in 2023, the Art and Crafts room is moving to a larger location.

A substantial number of Virtual College courses were available online at Brook House. During 2022, 62 men enrolled in one or more of these – a total of 122 courses. The most popular were level 2 food and hygiene, mental health awareness, customer care, creative thinking and health and safety at work. Overall, 48% of the courses were completed.

Classroom-based courses were offered in English, other languages, literacy and numeracy. In total, these were attended over 4,400 times during the year, with English and literacy being the most popular.

For most of the year, until early November, Tinsley House has accommodated STHF men, and no activities or education have been provided. The lack of any meaningful activity became acute during September when for a few weeks STHF men were staying well beyond the maximum seven days (see section 7.2.1 below); we heard a number of verbal complaints about boredom and lack of activity.

We asked Serco for information about paid roles within the two centres but have received no data on this.

The libraries in Brook House and Tinsley House have been substantially under-provisioned and under-used throughout the year. An informal review of the log held in the Tinsley House library shows that the items most borrowed are games and game controllers, barbers' clippers and DVDs, and the profile is similar for Brook House. Rarely are any books borrowed, and it is unusual to see men reading anything other than newspapers sometimes.

¹² Data from Serco's Centre Manager's monthly reports

The library in Brook House held only three books in Albanian, when at times over half the population has been Albanian. We heard of some officers looking for books in Romanian for a man who was on bed watch in hospital for a few days. They could only find a Bible. There are ten e-readers available – which increase the range of books accessible – but they are rarely used by the men.

We have heard at Board meetings of intentions to revamp the libraries in both centres, but there were no signs of progress by the end of the year. Work started in late January 2023.

7.2. Case management

The Board has seen several instances where it is felt that the Home Office should be more actively reviewing cases and managing the situation of men in detention who seem unable or unwilling to move their own case forward. This has sometimes arisen in relation to men on the adults at risk list (see section 4.4.1) or men with mental health challenges (see section 6.3). See also section 7.2.4 which sets out information about the proportion of men who end up staying in Brook House for long periods.

The Board has expressed in the past our disappointment with the limited level of contact and communication from DET to the detained men. This situation continued in early 2022, although it appeared to improve as the year progressed. On average, the Home Office was 'visiting' (which includes telephone calls) with each detained man twice in the month of February. From May, this was above four times per month in all months except September.

The Board began to hear early in the year that DET was about to start surgeries on Brook House wings and in Tinsley House, in which a DET officer would be available for two hours and men would be able to book a slot or even drop in on the day. However, these surgeries did not begin until October, and have since garnered about five attendees per day in Brook House. Since many formal and informal Applications to the Board boil down to requests for information about their immigration cases and frustration with a perceived lack of communication from the Home Office, the Board's view is that surgeries are a useful step forward in improving engagement and we hope that they will continue.

7.2.1 Men detained under STHF rules

Most arrivals at Tinsley House in 2022 were asylum seekers who came from the Kent coast and were held under STHF rules. Until March, Tinsley House was often empty and had a maximum population of 23 (from a capacity of 160). During this period, though, there were a small number¹³ of men detained for generally short periods in Tinsley House under DC rules. At the February IMB Board meeting, DET

¹³ The number of such men was not always made clear by the Home Office.

representatives reported that IRC cases were only transferred from Brook House to Tinsley House when Covid isolation was needed or when room availability in Brook House became critical. Since Tinsley House was designated as a RSTHF there were no activity or education facilities operating and so the IRC men there did not have access to the facilities they should have under the DC rules.

From March until mid-August, Tinsley House received substantial numbers of STHF men, who usually arrived over a day or two and were then dispersed within about five days. Through September and October, the centre became progressively fuller, with an average population in October of about 150.

In September, the Board began to encounter men who had been detained in Tinsley House for longer than the maximum seven days allowed in legislation. On a rota visit, one member talked with 13 men who had been there more than seven days; the next week another member reported that 18 men (out of a population of 151) had been detained for seven or more days. One man had been there for 20 days, another for 15 days, eight for 14 days, one for 11 days and seven for 7 days. The men were frustrated with the immigration processes, particularly those who had family members in the UK with whom they could stay, and no one was clear on what the process was or what was going on. A Board member reported that two men approached her to ask who it was that was calling their friend and asking a lot of questions. Although the conversation was taking place in Arabic, the man on the phone did not understand that this was his Home Office asylum screening interview.

On one occasion, the duty member encountered about a dozen immigration officers in the centre, dealing with the men's cases in descending order of their length of stay. NAIU did not have a permanent presence at Tinsley House and were also rarely available remotely, making it very difficult to get information for men detained in Tinsley House.

We were told that the extended stays in Tinsley House were due to a significant backlog in finding onward accommodation for the men. We are therefore extremely frustrated that when STHF men needed to be moved out of Tinsley House and Brook House at very short notice in early November (see section 3.5 "Harmondsworth evacuation" above), it suddenly became possible for the Home Office to find large amounts of suitable accommodation.

From August, significant numbers¹⁴ of men were detained in Brook House under STHF rules. These men generally came to Brook House from Dover after having crossed the Channel on small boats. Until the first weekend in November, up to about 100 STHF men were accommodated in B and E wings. They were restricted to these wings and had no access to activity and education facilities.

¹⁴ Neither the Home Office nor Serco were able to provide information about how many such men were detained in Brook House. The Board has estimated numbers from Serco's Daily Operations Reports.

7.2.2 Men detained under DC rules

Brook House's primary use in 2022 has been as a base for men scheduled to be removed on charter flights, with many of these men coming direct from prisons in the weeks before their scheduled charter flights. Of the arrivals for which we have data,¹⁵ 25% came from prison (47% in 2021) and 36% from elsewhere (18% in 2021) in the immigration detention estate (including Dover). The substantial shift in these figures is due to the STHF men who were accommodated in Brook House in September and October.

However, as shown in section 7.2.5 below, only 29% of IRC men eventually departing from the centre were removed from the UK (38% in 2021). Many of the men brought in for scheduled charters would either be returned to prison, released or continued to be held in Brook House.

During the year the Board has raised with the Home Office the apparent lack of planning for dealing with those men who are brought into the centre for a charter flight but then do not actually fly. Charter flights regularly depart with only a small proportion of the men on the initial list; in some cases, men will have been brought into the centre specifically for the charter. Board members have been approached by men in this situation, who are frustrated at being detained for many days or weeks after a failed charter flight. Since this situation is entirely foreseeable (in fact, the Home Office specifically sets up initial lists larger than the anticipated complement), the Board has asked the Home Office to prepare to discharge such men more quickly after the flight date. We have not received a cogent response.

During the Christmas and New Year period in 2021, there were delays in case progression caused by inadequate planning for cover during caseowners' leave. We are pleased to see that there appear to have been fewer issues during the same period in 2022.

7.2.3 Access to legal advice

We have continued to see issues about meaningful access to legal support, which was an issue we raised in our annual report for 2021. Most initial legal aid appointments are not being done in person, unlike the situation before the pandemic when in-person appointments were customary. Difficulties for detained men have been made worse by the poor mobile reception within the centres, resulting in missed calls. The move in August to fixed time slots for appointments, even if remote, has helped, but this is only effective if there are enough officers to take men to the visits area.

The Board has asked whether the Home Office has the power to insist that the first appointment is in person (as we believe happens in at least one other IRC); but we

¹⁵ Data from Serco/HO Combined Reports and Serco's CMS system.

have been told that the Home Office does not have the contractual right to require this. We recommend that future contracts with the Legal Aid Agency should include this requirement.

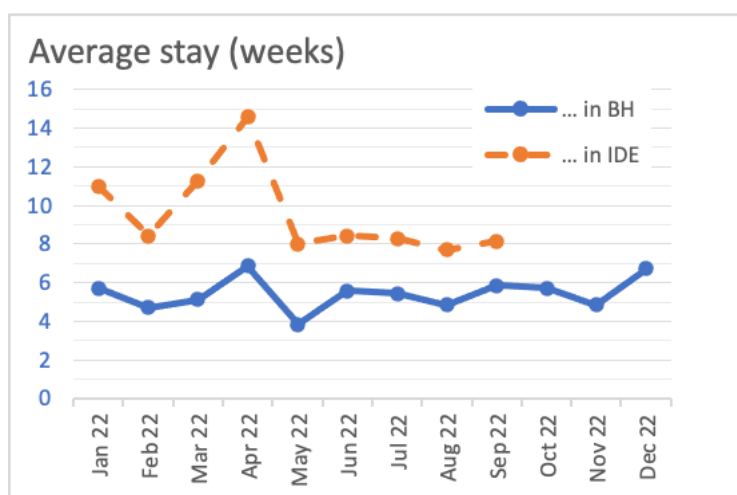
We have heard of instances of legal firms not arranging interpreters for their calls, and also concerns about their responsiveness and lack of quality in their client service. We have heard more than once of solicitors deciding not to take a case but not then advising the detained man. This lack of communication causes delay and frustration, with men left in a position of not knowing what is going on.

The Board was especially concerned that planning for the first charter flight to Rwanda in June 2022 gave little time for men to seek legal support; removal directions were issued before the two-day Platinum Jubilee holiday, with the flight planned soon after it.

Bail in Detention (BID) resumed their on-site workshops in April, the first since the start of pandemic restrictions in March 2020. This is a welcome return. During the second half of the year, an average of just over seven men attended each workshop.

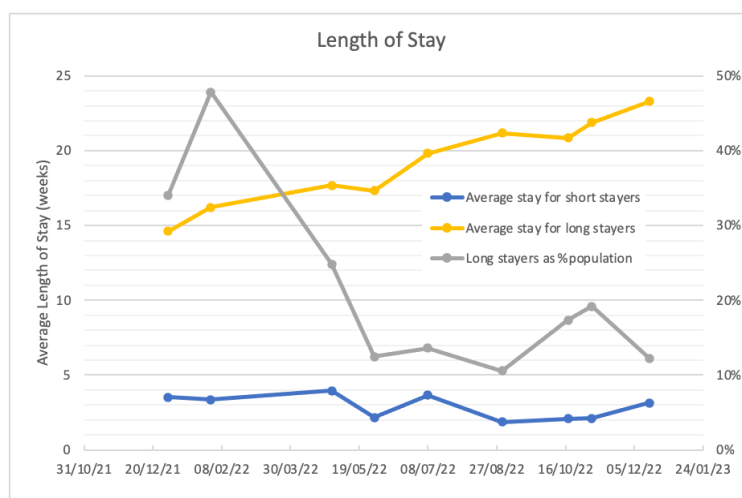
7.2.4 Length of time in detention

The graphic below shows the average length of stay for men detained in Brook House during 2022, showing their time both in the centre and in the immigration detention estate. The Home Office has been unable to provide figures for the length of stay in the immigration estate for October to December, due, apparently, to changes in the Home Office's IT systems.



Data from HO/Serco Combined Report. Analysis by the Board.

During the year the Board has undertaken occasional analysis of the average length of stay of the detained population in Brook House. A summary of these results is shown in the graphic below.



Data from Serco's CMS system. Analysis by the Board.

Although since May 2022 the proportion of men staying more than 10 weeks in Brook House (the long stayers in the graphic above) has remained between 10% and 20%, the average length of stay of those men has steadily increased, to about 23 weeks. This evidence reinforces Board members' perception that there is a cohort of men who become 'stuck' in the system for long periods. We have even heard a Home Office staff member refer to the "sofa list" – those men who have "fallen behind the sofa" and are being lost in the system.

About 40% of the Applications received in Brook House related to a man's immigration case. The majority of these appear to have been prompted by frustration with the speed of progress.

The Board is concerned that some men are staying too long in detention because they are unable to progress their own cases and the Home Office is not sufficiently proactive in helping them make progress and get out of detention. We have seen a few men become increasingly withdrawn from activities and engagement in the centre, and from their own immigration cases. One man, Mr AA, who had been in Brook House for over a year and a half, became the target of bullying. He was moved to another IRC to prevent this. While this may improve his personal safety, it does nothing to progress his immigration case to a resolution.

The longest stayers are now considered in the weekly Vulnerable Residents meeting, which we believe is a good step. However, this does not necessarily result in proactive progression of their cases. All too often, caseowners report "no update", sometimes week after week. While acknowledging that local Home Office staff have limited powers to progress immigration cases, it is disappointing and frustrating that this meeting sometimes exudes a sense of waiting for something to happen, rather than being able to accelerate progress.

In Tinsley House there was a period when the Board frequently encountered STHF men who had been detained longer than the maximum seven days allowed in the relevant legislation (see section 7.2.1 above).

7.2.5 Removal and release rates

During the period January to August, when Brook House accommodated only IRC men, and November to December, when both centres held IRC men, 973 (28%) received removal directions and left the centre for flights, and 2,285 (65%) were released from the centre on bail, temporary admission or unconditional release. A further 6% were transferred to another IRC and 1% to prison or police custody.¹⁶

It is a matter of concern that although immigration detention is intended to be used only for those for whom there is a reasonable expectation of removal, nearly two-thirds of the men detained were then released into the community, having been subject in the meantime to the known detrimental effects of detention.

Tinsley House accommodated men under short-term rules until 6 November, when men evacuated from Harmondsworth arrived. During the period January to October, nine men (0.3%) received removal directions and 2,544 (90%) were bailed, admitted or released, 253 (9%) were transferred to another IRC and 13 (0.5%) to prison or police custody. This pattern is unsurprising given the immigration processes for short-term cases.

7.3. Family contact

Social visits have been possible all year. Board members have sometimes travelled on the Serco minibus between the centre and the local railway station with visitors, who have reported that it is straightforward to organise their visit and they had no difficulties or concerns.

There has still been no resolution of the issue of poor mobile phone reception within Brook House. This has been an issue on the Board's action list since August 2021. A technical solution has been proposed and at the end of the year was with the cyber security unit in the Home Office for their approval; we have been given no timeframe for this. We are very disappointed that an acknowledged issue has so far continued for nearly a year and a half without resolution; as far as we can see, improved services for the detained men are still many months away.

Until December, one room on each wing in Brook House was set aside for Skype-connected equipment. This appears to have been a popular facility, although the Board does not have any usage figures. As the population in Brook House increased in the second half of the year, it became necessary to manage bookings and restrict multiple bookings on the same day.

¹⁶ Figures from HO/Serco Combined Reports.

In December, the former Brook House cinema room was re-opened as a Skype suite, with eight booths, each provided with suitable IT equipment. Usage figures from January 2023 show most evening appointment slots being used, along with about 50% of the afternoon slots. Now this facility is operational, the Skype wing rooms will be returned to residential use.

In Tinsley House, men can request use of Skype facilities in the immigration interview rooms.

7.4. Planning for return or release

There continue to be delays – sometimes substantial delays – in providing or getting approval for accommodation for men who have been granted bail. The assessment of addresses provided by detained men can take an unnecessarily long time, and it feels as if there is a lack of ownership and accountability, especially between the caseowner and probation officers. When addresses are refused, the detained man receives no feedback as to why. We have met men who have provided, and had refused, as many as seven addresses.

Waiting for bail accommodation causes considerable frustration and distress for men. On many, or even most, rota visits Board members are approached by men asking us to help get information about bail accommodation, and we hear of waits of weeks and months before release.

In response to a recommendation in our 2020 annual report, the Home Office committed to ongoing action by the Foreign National Offender Returns Command to work “closely with local authorities across the UK to secure additional accommodation and ensure that offenders under bail conditions and asylum seekers are able to move through and ‘move-on’ from the support system.” It is apparent from the continued difficulties experienced by men bailed from Gatwick IRC that this has either not happened or has been inadequate.

At Tinsley House, we heard frequent reports of a lack of clear information from the NAIU for STHF men (and for Home Office and Serco staff) about what is happening for them, with poor organisation of logistics for releases. NAIU did not have a permanent presence at Tinsley House and were also rarely available remotely, making it very difficult to get information for men detained at Tinsley. Both we and the local Home Office staff had repeated experience of the NAIU not answering phone lines which had been designated for such contact.

8. The work of the IMB

Low numbers of IMB members, especially in the latter half of the year, caused some issues. While the Board has been able to maintain its rota monitoring obligations, resources would be severely stretched if there were to be an extended serious incident.

From the national recruitment which completed during 2022, the Board recommended four candidates for appointment. At the time of writing, three had withdrawn and one is undergoing clearance. The Board has also agreed to the transfer of one member from the Board at another IRC.

Board statistics

Recommended complement of Board members	22
Number of Board members at the start of the reporting period	12 ¹⁷
Number of Board members at the end of the reporting period	5 ¹⁸
Total number of visits to the establishment	Brook 136, Tinsley 56

¹⁷ One member was on an agreed sabbatical at the start of the year. This member resigned later in the year.

¹⁸ One member was on an agreed sabbatical.

Applications to the IMB

Some Applications relate to more than one subject and some Applications are signed by more than one detained man.

Code	Subject	Previous reporting year		Current reporting year	
		Brook	Tinsley	Brook	Tinsley
A	Accommodation including laundry, showers	1		10 ¹⁹	
B	Use of force, removal from association	1		4	
C	Equality				
D	Purposeful activity including education, paid work, training, library, other activities	1			
E 1	Letters, faxes, visits, phones, internet access	1		4	
E 2	Finance including men's centre accounts				
F	Food and kitchens	11		12	
G 1	Health including physical, mental, social care	16	5	35 ²⁰	
G 2	Covid	4		3	
H 1	Property within centre	3		2	
H 2	Property during transfer or in another establishment or location	3	2	1	2
I	Issues relating to immigration case, including access to legal advice	46		53	1
J	Staff/detained men's conduct, including bullying	6		8	
K	Escorts	1			
L	Other			11 ²¹	
	Total number of Applications ... of which, received via 0800	112 11	7	153 6²²	3

¹⁹ One Application (#1464/1465) about hygiene was signed by 36 men.

²⁰ Nine were about medication, ten about external appointments, and ten about the attitude of healthcare staff.

²¹ These included "I do not feel safe", two requests for transfer to another IRC, complaint about an officer in HMP, request to see his ACDT file.

²² A further 15 calls were received from men in Heathrow IRC or Yarl's Wood IRC.



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