



Annual Report of the Independent Monitoring Board at Gatwick IRC

**For reporting year
1 January – 31 December 2021**

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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 448 in twin-bedded rooms, although this was increased to 450 during the Covid pandemic, but the effective capacity has been reduced to a varying degree for most of 2021 due to pandemic restrictions. 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, which have generally continued to be used¹ for multiple occupancy during the pandemic. 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 2021. Within the Tinsley House building there is a separate set of rooms (the 'Pre-Departure Accommodation' or PDA) intended for families.

Until 31 August 2021, medical services were provided by G4S Health Services Ltd. The new contractor, from 1 September 2021, is Practice Plus Group, providing services across both centres. The Forward Trust provided psychosocial substance misuse services until September, when Practice Plus Group absorbed these.

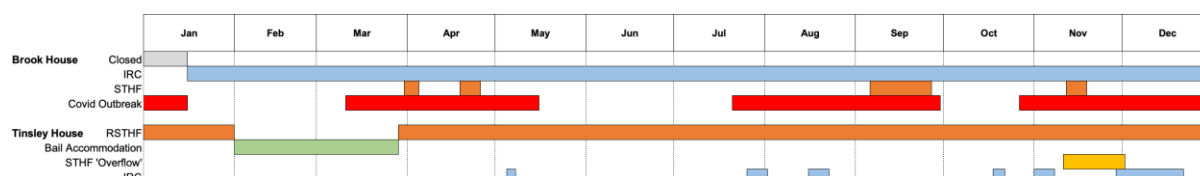
The Samaritans, Gatwick Detainees Welfare Group (GDWG), the Bail for Immigration Detainees (BID) charity, the Red Cross and Migrant Welfare provide support to detained men, although all have discontinued on-site visits for most of 2021 due to pandemic restrictions.

¹ Room occupancy has been restricted to a maximum of four during the pandemic.

3. Executive summary

3.1 Background to the report

The operating status of Brook House and Tinsley House has changed several times during the year, with consequences for the detained men, for management of the centres, and for monitoring by the Board.



The pandemic has of course had considerable impact, on which our views are set out in the sub-section following. Parts of Brook House have sometimes been designated as a Residential Short-Term Holding Facility (RSTHF), which has resulted in differing regimes across the centre's wings. Similarly, some men have been held in Tinsley House under Detention Centre (DC) Rules. In these situations, Board members have monitored against both DC and STHF Rules.

For nearly two months, Tinsley House was designated as bail accommodation for men brought from the Napier Barracks. IMBs do not have a role to monitor such accommodation and accordingly the Gatwick Board did not undertake any monitoring at Tinsley House during this period².

Normally, the Board would prepare a separate annual report for the Pre-Departure Accommodation. However, this facility was not used for its designated purpose³ during 2021 and so no annual report has been produced.

The public hearings phase of the Brook House Inquiry into the mistreatment of detained men exposed by the 2017 BBC 'Panorama' programme ended in April 2022. No date has been set for publication of the Inquiry's findings, but the Gatwick IRC IMB has already started a review of some of our monitoring practices in light of evidence given.

3.2 Impacts of Covid-19 management

As the pandemic has affected virtually all aspects of the centres and all men detained there, this section brings together the Board's overall views on this, to

² In December 2021, the All-Party Parliamentary Group on Immigration Detention published the report from its enquiry into 'quasi-detention', including conditions in Tinsley House.

³ Together with the Borders accommodation, it has instead been used as an extension to IRC and RSTHF accommodation, usually for men being isolated for medical or vulnerability reasons.

prevent repetition elsewhere. As appropriate, more detailed comments will be found in sections 4 to 7 below.

Brook House has been in outbreak status several times – meaning that there was evidence that the coronavirus was spreading either among men in the centre or in staff tested before access. The resulting impact on detained men has differed through the year as guidance from Public Health England (now called UK Health Security Agency) has changed and as the Home Office’s and Healthcare’s interpretations of that guidance have evolved. Early in 2021, an outbreak closed Brook House completely, men were dispersed, and the centre moved to skeleton staffing. Later in the year, movements into and out of the centre have been occurring – outbreak status seeming to have little impact on the centre’s operations (but see below for the continuing impact of wings being in isolation).

Within both centres, Covid has been managed through cohorting and bubbles – grouping men together who were either known to have been exposed to the coronavirus or who had already been travelling or accommodated in close proximity to one another. For men in Brook House, this has severely reduced the association time off their wings – typically, each wing has had just 90 minutes of association time each day, and men on B and E wings shared a courtyard, limiting even further their time outside. In our conversations with detained men, they frequently expressed frustration with these restrictions.

There have been formal and informal complaints from detained men about sharing wings with Covid-symptomatic or Covid-positive men, who are meant to remain inside their rooms but sometimes do not.

Cohorting and bubbling has led to some men being moved numerous times from wing to wing in Brook House. We presume that these moves, made under Home Office instruction, were intended to maximise the effective capacity and to release beds for further intake. There have been informal and formal complaints from men about this; one formal complaint from seven men referring to them having been “treated like cattle”. The Board has become increasingly concerned by the impact, to which the Home Office does not appear to have responded. In a sample of 20 men on one wing undertaken on 17 February 2022⁴, only three had experienced no wing moves since arriving in Brook House; eleven had been moved once; five had been moved twice; and one man three times. Frequent wing moves, together with the restricted association time mentioned above, has, we believe, contributed to a feeling of increasing tension in Brook House, particularly in the later months of the year.

The layout of Tinsley House (excluding the PDA and Borders accommodation) means that only two bubbles can be established – on the lower and the upper floors

⁴ The Board is unable to do this analysis for dates in 2021; the issue has continued to the time of writing, although recent changes have generally increased the free association time.

– with each bubble then having access to the common facilities for half of the day. Generally, men arriving together on a coach, or set of coaches, have been accommodated together on one of the floors.

In Tinsley House, all accommodation is in shared rooms, and the Board has raised concerns that this heightens the risk of spreading coronavirus infections. Brook House remained mainly in single occupancy until August, when new arrivals were required to share. Refusals to share were not penalised until November, when 14 men were put on Rule 40 for refusing to relocate to a different wing where they would be sharing rooms.

Increasingly through the year E wing has been brought into use as a general intake or general population wing, which meant that it could not be used to accommodate particularly vulnerable men as it has in the past. In some cases, vulnerable men who would otherwise have been accommodated on E wing have been moved to the PDA or Borders accommodation, in near-isolation from other detained men.

There have been several instances of men remaining in the CSU after expiry of Rule 40 separation because it has been difficult to determine where, given Covid-related restrictions, they could be returned to. While we understand the constraints and have not received any specific complaints from men thus detained, the Board is concerned by this consequence of Covid management. The Home Office and Serco have developed the custom of calling this “Rule 15”, referring we believe to Detention Centre Rule 15, which in fact only concerns the certification of rooms for particular purposes. It does not grant any power to Home Office or Serco to detain a man separate from the facilities of the centre (as the CSU does). We are concerned that keeping men in CSU on “Rule 15” can amount to *de facto* separation – for example the gate between CSU and E wing has been locked when Board members have visited men in CSU on “Rule 15”. “Rule 15” has also been used to place men in CSU for a short time prior to leaving for a charter flight.

There have been regular ‘Covid conference calls’ throughout the year, involving Healthcare, Home Office and Serco, to which the Board has had a standing invitation. These have been extremely valuable in cascading information and for clarifying guidance.

Adherence to guidance and instructions to wear masks and to socially distance has often been haphazard. This has been true of both Serco and Home Office staff. Healthcare staff have been more vigilant and have on occasion expressed their concern about the lack of mask-wearing discipline, for example on Covid conference calls. There have been many examples of officers clustered together in the wing office or wearing a mask under their nose or chin or not at all. Similarly, on many occasions some Home Office staff have not been wearing masks in their office.

Visits by solicitors, charities and family members have been restricted for much of the year.

3.3 Main judgements

How safe is the IRC/Residential STHF?

Brook House and Tinsley House have provided a generally safe environment for the men detained during 2021 (section 4):

- The Board welcomes work done by Serco on its reception and induction processes for Brook House, including early involvement of the Welfare team and provision of information in over 20 languages. However, it is too soon to say if there is now consistency in the delivery of inductions across different wings (section 4.1).
- Overall, Serco has met expectations of providing a respectful, caring environment (for a detention centre), generally does try to focus on the welfare of the detained men, and we have seen officers treating men with respect, dignity and compassion (sections 4.2, 5.4).
- The Board welcomes the new Vulnerable Residents meeting which has improved the focus on vulnerability and the needs of individuals (sections 4.4.1, 5.4).
- However, irrespective of Serco's efforts, Brook House is not a safe or appropriate environment for the few men who have arrived in 2021 with severe mental health issues or have significantly deteriorated while in detention. The Board is concerned that the Home Office Detention Gatekeeper is not adequately preventing the detention of men whose mental health needs make such detention inappropriate or inadvisable (section 4.4).

How fairly and humanely are detained individuals treated?

Despite the impact of detention without a time limit being unfair and inhumane, the Board's view is that the detained men are, in general, treated fairly and humanely. However:

- Poor coordination between Home Office units dealing with Dover, Tinsley House and onward asylum accommodation has led to unacceptable numbers of men arriving at Tinsley House or being discharged from Tinsley House late in the evening or during the night. Moreover, men have sometimes experienced long delays before being admitted to the centre on arrival (section 5.1).
- Tinsley House was not designed to deal with such a high throughput of occupants as was experienced in 2021; its facilities – including, for example, toilets, bathrooms and laundry – have often been strained. Especially during the early months of the year, cleaning was inadequate (section 5.2).
- From the Board's conversations with them, we understand that many detained men consider the Home Office to be remote, inaccessible and not proactive in

dealing with their cases. The Board considers that some or all of the following have contributed to this: lack of Home Office caseworkers on site, the prolonged suspension of drop-in sessions for detained men, removal directions not being served in person in some cases, and the sense of a significant number of men being 'stuck' in the system (sections 5.4, 7.2.5).

- We are concerned that the way the process for complaints against Serco is working does not give confidence that it is fair to detained men (section 5.7).
- There have been many instances of men's property going missing somewhere between Dover and Tinsley House. It is unfair that there appears to be no effective system in place to help them find it (section 5.8).
- Delays and failures in the Home Office processes for dealing with detained asylum cases have led to unnecessary or longer stays in detention for this group of asylum claimants and caused significant confusion and anxiety for those men (section 7.2.2).
- Holding men for weeks (or months in some cases) when there has been no realistic chance of removal is unfair and inhumane (sections 7.2.5, 7.4).
- Men in Brook House have been subject to frequent, unsettling moves between wings and sometimes to and from Tinsley House (section 3.2).

How well are detained individuals' health and wellbeing needs met?

The detained men receive a level of healthcare service that is broadly comparable to the services provided in the community (section 6). However:

- The Board's view is that there is insufficient review and management of the most vulnerable men, to monitor the detrimental effects of detention (section 6.1).
- Given the duty of care that the Home Office adopts by detaining men with mental health issues or vulnerabilities, the Board believes the present level of support is insufficient for the needs of such men (section 6.3).
- The Board is disappointed that no progress has been made on setting up a dental suite in Brook House (section 6.2).

How well are detained individuals prepared for return or release?

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

- We have seen or heard of numerous instances where there has been little proactiveness by the Home Office to progress immigration (or bail) cases (sections 7.2.2, 7.2.5).

- There is a significant proportion of the population in Brook House who have been in detention for a long time, and who don't realistically appear removable or, if removable, are still in detention in the centre but with no apparent end date. At the end of December one man had been detained in Brook House for 343 days (section 7.2.5).
- Large numbers of men were detained for removal but were later released, having been exposed to the harmful effects of detention on their physical and mental health in the interim: 53% of those detained in 2021 were ultimately released (section 7.2.6).
- The Board is of the view that there was a failure to ensure that men detained at Brook House had meaningful access to legal advice, due to a combination of poor mobile phone reception within the centre, intermittent problems with printing and scanning legal documents, and instances of poor legal support from some of the 38 Legal Aid Agency law firms (section 7.2.4).
- The absence of on-site Home Office caseworkers and decision makers for both initial asylum claims and any detained asylum claims made it very difficult to get information for or about the large numbers of asylum seekers who were moved through Tinsley House RSTHF and then Brook House IRC if they were treated as detained asylum cases (section 7.2.2).
- Even with a local Home Office presence for IRC cases, the level of questions raised with Board members by detained men indicates that there is not enough adequate or meaningful feedback and communication from caseworkers (section 7.2.3).
- Many men experienced delays – sometimes very substantial delays – in getting accommodation allocated or approved after a positive bail decision. In December, 8% of the population (12 men) were waiting for accommodation. In at least one instance, repeated delays have led to a man self-harming (section 7.4).

3.4 Recommendations

TO THE MINISTER

- Introduce a time limit for immigration detention (repeated from 2018, 2019 and 2020).

TO HOME OFFICE IMMIGRATION ENFORCEMENT

- There should be some supplementary basic information provided by the Home Office on the steps in the asylum claim process that arrivals will go through while held in the RSTHF. The Home Office should follow the suggestion in paragraph 8 of Detention Services Order 06/2013 to repeat the important basic information through use of a format such as posters and leaflets (section 4.1).

- Home Office and Serco should consider how the perceptions of the detained men about their safety can be collected consistently through the year and used as a meaningful tool for improving the centres' management (section 4.3).
- As we have recommended for the past two years, there should be a full review of Adults at Risk (AAR), ACDT and Rule 35 policy and procedure (section 4.4).
- The role of the Detention Gatekeeper should be reviewed, in particular its effectiveness in preventing men with significant mental health issues or vulnerabilities from being detained (section 4.4), and psychological support provided on-site in the Gatwick centres should be increased (section 6.3).
- Operation of the process for complaints against Serco should be reviewed, including factors behind withdrawal rates, and this should consider changes such as introducing specialist teams to handle complaints, shortening the time for responses, and whether contractual penalties for substantiated complaints can be modified (section 5.7).
- Suitable systems and organisation should be put in place to avoid detained men's property being lost at Dover or *en route* to Gatwick, and to find it rapidly if it is lost or misplaced (section 5.8).
- Proactive engagement processes should be instituted and communication should be improved so that detained men are kept adequately informed of the progress of their immigration and asylum cases and bail applications (section 7.2).
- Suitable technical equipment should be installed in Brook House to provide adequate mobile phone access for the detained men to ensure that they have meaningful access to advice from their solicitors and contact with their families (sections 7.2.4, 7.3).
- Home Office should work with the Legal Aid Agency law firms and Serco to ensure a return to fixed time and on-site in-person appointments for detained men (section 7.2.4).

TO THE DIRECTOR/CENTRE MANAGER

- Home Office and Serco should consider how the perceptions of the detained men about their safety can be collected consistently through the year and used as a meaningful tool for improving the centres' management (section 4.3).
- Training should be strengthened for frontline staff, especially in Tinsley House, to help ensure that potentially under-age individuals are identified and feel able to challenge the age imputed to them (section 4.4.3).

- While we recognise that controls are needed to manage Covid risks, the Board considers that more could be done to ensure uptake of educational opportunities at Brook House (section 7.1).
- The Board believes that some activities, such as English language classes, should be offered to men detained in Tinsley House even when it is a RSTHF (section 7.1).
- There are insufficient opportunities for detained men to acquire vocational skills which might assist them on return or release. The vocational training programmes available at Brook House should be reviewed and expanded. In particular, while the Board welcomes the introduction of online Virtual College courses, their range and relevance to the centre's population should be improved (section 7.1).
- Suitable technical equipment should be installed in Brook House to provide adequate mobile phone access for the detained men to ensure that they have meaningful access to advice from their solicitors and contact with their families (sections 7.2.4, 7.3).
- Serco should work with the Legal Aid Agency law firms and the Home Office to ensure a return to fixed time and on-site in-person appointments for detained men (section 7.2.4).

TO NHS ENGLAND

- Systems and training should be improved, or additional resource provided if necessary, to ensure adequate and effective monitoring of men whose physical or mental condition may be deteriorating (sections 6.1, 6.3).
- The planned dental suite should be implemented and on-site dental services begun (section 6.2).

3.5 Progress since the last report

As separate annual reports were produced for Brook House and Tinsley House last year, both sets of recommendations and action plans are included in this section.

Recommendations accepted or partially accepted for action by Serco:

Ref	Summary of Recommendation Summary of Action Committed Progress in 2021
BH S1	<p><i>Consistent induction; written material in different languages</i></p> <p>Dedicated induction team & standardised induction; house rules booklet available in different languages; telephone interpretation used</p> <p><u>Substantial progress</u> Serco has revised the reception and induction process, including making the 'house rules' booklet available in 22 languages Implementation of plans to ensure delivery of standardised inductions through a pool of specially trained officers has been limited</p>
BH S2	<p><i>Reduce use of handcuffs</i></p> <p>Default position will be to not use restraints</p> <p><u>Some progress</u> The proportion of men cuffed has reduced to 34% from 48% in 2020. The Board would welcome further reduction</p>
BH S3	<p><i>Better programme of organised and purposeful activities for detained men</i></p> <p>Larger activities staff team; dedicated staff for courtyards; outdoor gym equipment; gym equipment in residential areas</p> <p><u>Some progress</u> Some gym equipment has been installed in courtyards and within the wings</p>
BH S4	<p><i>Vocational training programmes</i></p> <p>Increased flexibility of e-learning; certified, transferable skills</p> <p><u>Limited progress</u> Virtual College courses have been introduced but these are of limited range and relevance to the detained men</p>
TH S1	<p><i>Organise TH Safer Community meetings to encourage men to attend; ensure TH issues are included in Adults At Risk (AAR) meetings; revise DEAT⁵ terms of reference to include focussed approach</i></p> <p>Residents no longer attend Safer Community meetings; separate meeting for diversity and race relations; specific section of the AAR meeting will be set aside for TH issues</p> <p><u>Complete</u> There is now a single AAR meeting which considers men from both centres</p>

⁵ Diversity and Equality Action Team

Ref	Summary of Recommendation Summary of Action Committed Progress in 2021
TH S2	<i>Early identification of protected characteristics to comply with Equality Act 2010</i> Equalities Assessment will be updated appropriately; each DOM ⁶ at TH will lead on specific characteristic & hold regular forums on them; welfare staff will assess each man with 48 hrs of arrival; Diversity team will monitor characteristics monthly with trends identified and action taken; activity records will include characteristics with access problems analysed & actioned <u>Substantial progress</u> DOMs lead on characteristics; forums will start when TH becomes an IRC again. Welfare staff engage within 48 hours, often much earlier Diversity team does monitor and report on some protected characteristics, although we believe that analysis and actions could be improved
TH S3	<i>Provide tablets in library onto which materials can be downloaded</i> Will be provided as soon as safe and practicable <u>Complete</u> Tablets are available in the library, though little used
TH S4	<i>Review portfolio of educational and other activities; incorporate more on-line courses with portable certificates</i> Provision has been improved; additional courses on demand covering useful transferable and practicable skills <u>Not relevant in 2021</u> As Tinsley House has been designated as an RSTHF all year, no educational facilities have been provided for most of the year

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

Ref	Summary of Recommendation Summary of Action Committed Progress in 2021
BH HO2	<i>Ensure vulnerabilities are identified and assessed at earliest stages</i> No specific actions, though stated that any reforms to AAR to be consistent with new immigration system <u>No progress</u> 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
BH HO3	<i>Review AAR and Rule 35 policies and processes</i> No commitment to a review, though stated that reforms to AAR to be consistent with new immigration system; roll-out of new ACDT processes towards end of 2021 <u>No progress</u> There has been no review of AAR or Rule 35 policies. No new ACDT process has been introduced
BH HO4	<i>Ongoing review of vulnerable men to monitor effect of continued detention</i> No specific actions beyond regular reporting by DVAAT <u>No progress</u> No evidence of any change to Home Office approach. Men continue to be detained for long periods, even when identified as vulnerable

⁶ Detention Operations Manager

Ref	Summary of Recommendation Summary of Action Committed Progress in 2021
BH HO5	<i>Review provision of bail accommodation</i> With local authorities, secure additional accommodation <u>No progress</u> There are still considerable problems providing accommodation for bailed men
TH HO1	<i>Ensure that Rule 35 responses are tailored and meaningful</i> No specific actions <u>Not relevant in 2021</u> There have been no Rule 32 claims from the men in TH RSTHF and no Rule 35 reports from the few men detained there as detained asylum cases under DC Rules
TH HO2	<i>Monitor handling of complaints about solicitors advising at TH</i> No specific actions, though committed to share the HO Compliance tracking tool monthly <u>No progress visible</u> Tracking tool is not being shared
TH HO4	<i>Begin Covid testing on arrival or during stay</i> Arrivals offered test if not already done in Dover <u>Complete</u>
TH HO5	<i>More stringent policy of mask-wearing & distancing</i> Mask/distancing requirement for anyone attending TH; detained men encouraged; proximity alarms for staff <u>Partially complete</u> Policies have been in place in both centres, but discipline and enforcement has been haphazard. Proximity alarms tried but proved impractical

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

Ref	Summary of Recommendation Summary of Action Committed Progress in 2021
BH HC1	<i>Staff recruitment and retention as a priority</i> Continue weekly recruitment & retention reviews <u>Partially complete</u> Staff recruitment continues to be a main priority for Practice Plus Group. Progress on recruiting has been slower than the Board would have hoped
BH HC2	<i>Ongoing review of vulnerable men to monitor effect of continued detention</i> No specific actions beyond continuing present monitoring processes <u>Some progress</u> 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

Evidence sections 4 – 7

4. Safety

Safety of detained men at Gatwick, whether functioning as an IRC or RSTHF, must be considered in relation to the comportment of staff, the behaviour of other men in detention, and the overall environment. This requires a clean and safe physical space where men are protected from exposure to illness, freedom from bullying, violence and abuse, protection of the most vulnerable from specific risks (for example those with illness/disability, LGBTQI+, those at risk of self-harm) and the responsible use of power including, when absolutely necessary, measures such as separation, segregation, and use of force. Safety is complex, and must be considered not only objectively, but also in relation to men's perception of their own safety.

Safety is a joint responsibility of several different Serco teams and activities. The Safer Community team has an overarching role, collaborating with those monitoring use of force, and those concerned with vulnerability, including children and people with medical or health or mental health issues. Ultimately, however, most of the responsibility for day-to-day safety lies with frontline staff.

The Board's view is that Brook House and Tinsley House have generally provided a safe environment for most men in 2021, though some areas require improvement.

The Board is concerned about how care and support is managed for men with specific vulnerabilities, including age disputes and people with serious mental health issues (detailed in section 4.4). While management and governance arrangements around some areas of risk or vulnerability have improved in the past year, in general the Board feels that the 'safer community' area of work would benefit from better analysis of collected data, targeted action, and monitoring and evaluation of initiatives. 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 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

For most of the year, Brook House operated as an IRC and Tinsley House as a RSTHF. As highlighted in section 3.2, the classification of parts of both sites was subject to change throughout 2021 and the reception and induction processes for new arrivals varied depending on whether they were detained under DC or STHF Rules.

Brook House

Due to the use of rotating intake wings, 2021 has been another year without a dedicated induction wing or induction team in use. However, in April, Serco did introduce a new standardised reception and induction process and related documentation for the intake wings. This is complemented by a new 'house rules' booklet given to each man upon arrival which sets out information on the centre's regime and the support and services available. The booklet is available in 22 languages.

A key change in the new process is that the Welfare team now has earlier involvement with arrivals, with welfare officers sometimes engaging with detained men as early as in the reception area, although Covid constraints can affect this.

The Board welcomes the review of the overall arrivals process at the IRC from reception through to induction on the wings and especially the early involvement of the Welfare team, as it can give further opportunity to identify particular vulnerabilities or any need for access to a solicitor or other assistance. The production of the new house rules booklet in a range of languages is also welcome.

Serco has set a target of having a pool of officers trained in induction who can then be assigned on shifts on the intake wings to which arrivals go after reception. The Board welcomes this plan to try to ensure consistency in delivering inductions, but it was only introduced fully in December and will need monitoring to see if it is robust and effective in practice.

At times during the year some wings at Brook House were used to house men who had crossed the Channel and were held under STHF Rules. The reception process used for these men is as described below for Tinsley House.

Tinsley House

There was an unprecedented number of arrivals and departures at Tinsley House this year. Almost all were asylum seekers held under STHF Rules and had come from initial Home Office processing at Dover after crossing the Channel.

Tinsley House was not designed or set up to receive large numbers of arrivals, and the centre was ill-equipped to conduct the usual reception tasks such as risk assessments, property searches, fingerprinting and system check-in on such a large scale. The situation was sometimes made worse by either no notice or late notice of arrivals from Kent and short staff numbers when arrivals were at unsocial hours.

Adjustments were made, such as delaying fingerprinting and some other tasks until the next day, using the visits hall for arrivals, and a temporary change of Serco staff shift profiles from August to give more even 24/7 cover.

Even with these adjustments, reception can be a slow process and especially difficult for men who don't speak English or who have no experience of detention. From our

observations of arrivals, it appeared that, despite relatively low levels of English language spoken by those arriving, language interpretation was not being used. Not only does this mean that the men might not understand what they were being told or asked to sign, it also limits how well the staff understand the state of mind of the men being received. The Board raised concerns about time and complexity in using the standard IRC reception process for RSTHF arrivals and whether some of the men actually understood what they were asked to sign on arrival. In September, Serco introduced an adapted and shortened process for RSTHF arrivals.

From August, Healthcare also shortened its admission screening to focus first on the physical health of arrivals.

The Board is of the view that the various attempts to abbreviate the initial reception processes for RSTHF arrivals were in the best interests of the detained men, recognising the effects of the ordeal most had been through prior to arrival at the centres and with a priority to get them into bed with warmth, food and rest. We also recognise that it led to some oversights such as some men not being entered into the system and, as a result, having their stays extended.

The Board understands that much of the content for the reception and induction process is prescribed by Detention Services Order 06/2013⁷, but this leads to a lengthy process and a significant volume of paperwork in what paragraph 8 of the DSO itself recognises can be a stressful time with an impact on the ability to absorb important messages. On our visits, Board members frequently encountered detained men who were anxious or confused about what was happening to them.

The Board's view is that Home Office should ensure the provision of some basic information on the steps in the asylum process that arrivals will go through and what their expectations should be of their time in the RSTHF. After raising this on numerous occasions, in August the Home Office had notices placed on the back of accommodation area doors in Tinsley House, but we consider these to be insufficient to the need, providing nothing of substance, just a notice (in English and five other languages) to keep phones on and be ready to take a call from the Home Office.

Our view continues to be that the Home Office should follow the suggestion in paragraph 8 of the DSO to repeat the important basic information through use of a format such as posters and leaflets.

Notwithstanding the problems and challenges in dealing with the RSTHF arrivals, observations on our rota visits were that the incoming men were treated with compassion and respect by Serco and healthcare staff.

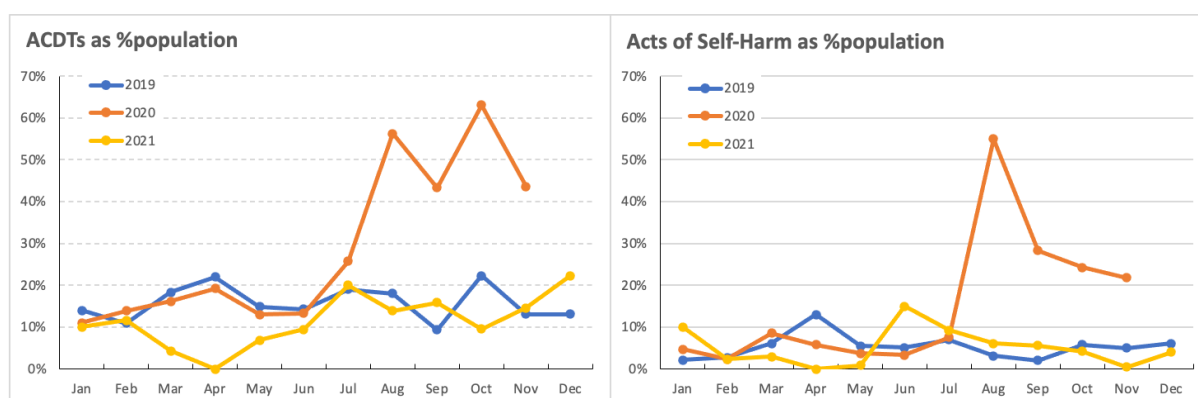
⁷ Detention Services Order 06/2013: Reception, Induction and Discharge Checklist and Supplementary Guidance, August 2021.

4.2. Suicide and self-harm, deaths in custody

There were no deaths in either Brook House or Tinsley House in 2021. In terms of self-harm, Tinsley House had one incident and Brook House saw a substantial decrease from 2020 (see the right-hand chart below). The Board attributes this improvement to the ending of charter flight removals under the Dublin Regulation, and to the different characteristics of the Brook House population in 2021. Unlike 2020, Brook House held a low proportion of men who had crossed the Channel and faced imminent removal. Instead, the population consisted predominantly of men already living in the UK and men who were time-served foreign national offenders. Historically, this is a more typical demographic profile for the centre, and these men tend to cope better with detention, perhaps because they are more aware of their rights and resources, often have better legal and social support and, in the case of time-served offenders, have experience of a detention environment in the UK.

Tinsley House mostly functioned as a RSTHF, primarily accommodating men who crossed the Channel on small boats. The Board noted on numerous occasions that the atmosphere seemed generally calm and positive, which we attribute to the relatively brief average length of stay (generally between three and five days), the more open architecture and atmosphere of the centre and, importantly, the men's entry into the asylum process instead of being returned by charter flight as in 2020.

Assessment Care in Detention and Teamwork (ACDT) processes are used to monitor the welfare of detained men when there is a concern that they are at risk, typically of suicide or self-harm or from a medical condition. There was a sharp decrease in use of ACDTs in 2021 as compared to 2020. As the graphic below illustrates, however, the figures⁸ were more similar to 2019.



Taking the month of November as a representative example, there were 34 ACDTs open in 2019, 68 in 2020, and 29 in 2021. In terms of the month-end population this meant that in November 2020 nearly 44% of the centre's population was on an

⁸ Data from the HO/Serco Combined Report. The month-end population for December 2020 was just four men, leading to prevalence figures that are not meaningful. This month has been excluded from the graphic.

ACDT, whereas in 2019 and 2021 this proportion was 13% and 15%. Acts of self-harm followed a similar pattern.

It is important to note that although the overall numbers of people engaging in self-harm were lower, there were a few individuals who were clearly at elevated risk. In June, for example, of 27 acts of self-harm, 23 were committed by a single individual. This man was sectioned under the Mental Health Act and removed from Brook House to hospital, only to be returned to the centre two weeks later, where he engaged in numerous further acts of self-harm prior to his removal on a charter flight. The Board feels that in this case, and other similar ones this year, not enough was done to provide an alternative to detention.

Board members attended constant watch reviews when possible during rota visits, as well as many ACDT reviews. We felt that in general they were conducted professionally and with empathy, although on a few occasions the Board has had some concern as described in section 5.4.

In the first quarter of 2021, Serco reported that the Prisons and Probation Service (HMPPS) had cancelled ACDT assessor courses and that alternatives were being sought. Minutes from the January 2022 Safer Community meeting note that the situation has improved, with Gatwick having increased the number of trained assessors from eight to 18. In the same month a new caremap was being rolled out in response to concerns raised by HMIP in 2018 and 2019 about the quality of ACDT documentation. However, notes from the same meeting record that Home Office ACDT processes and assessment are not keeping pace with the ACCT process in HMPPS, which will make training more difficult to access. The Board notes the importance of ACDT processes in identifying and providing support for men in detention at risk of self-harm and suicide. We have discussed the issue with Serco and the Home Office in Board meetings and we will seek reassurance in the coming year that the systems at Gatwick are fit for purpose.

4.3. Violence and violence reduction

The Board is concerned that it has had difficulty obtaining summary information on violence for 2021 from Serco. Although use of force data was provided, this does not necessarily capture all incidents of violence in the centre, notably bullying and verbal disagreements.

The Board reported in its 2020 annual report that no survey was conducted to understand the detained men's perception of their safety. Although a survey was conducted in 2021, we question its adequacy given that only 22 men participated and it was conducted only on some wings at Brook House due to Covid restrictions. This survey may provide a narrow snapshot of concerns at a particular moment in time, but it is not adequate to assess whether detained men feel safe in the centres. Although weekly wing forums may help to provide an understanding of men's experience in the centre, their open nature means that men are unlikely to feel confident raising issues of violence, bullying or intimidation. This is particularly true

considering the survey's finding that there are concerns about power dynamics with immigration and healthcare staff, and between detained men.

There have been no reported incidents of violence in Tinsley House in 2021 and violence in Brook House has generally been low. This began to change in the last quarter of the year, when the Board felt that there was an increase in fighting between detained men in the centre, which we believe may be a symptom of underlying frustration with the length of stay, restrictions on association and slow progress and poor communication on immigration cases.

The Board noted in last year's report that Serco had introduced a new system to monitor bullying in 2020 but that it had not been used, and that Serco acknowledged it needed to be implemented more effectively.⁹ The Board judges that this has not substantially improved in 2021. The Tackling Antisocial Behaviour (TAB) process, intended to monitor bullying and other forms of antisocial behaviour, remains underused. The first TAB document was only opened in May, and only 18 were opened throughout the course of the year. Of these, three were opened pre-emptively because of problematic behaviour in a previous place of detention, eight were due to fighting, three were due to bullying, two were due to verbal abuse of staff, and two related to other forms of antisocial behaviour. The Board is aware of at least one occasion when the perpetrators of antisocial behaviour against a detained man were not put on a TAB, despite the case resulting in the victim having to be relocated. In July, there was an anti-violence/violence reduction week to raise awareness of anti-violence processes, including the TAB system. The Board considers that more work is needed to make the TAB system, and anti-violence efforts overall, more effective.

4.4. Detained men with specific vulnerabilities, safeguarding

In general, the Board was concerned this year by what appeared to be a higher than usual number of men with serious mental health issues – those requiring psychiatric evaluation and/or support. This included two men who were sectioned under the Mental Health Act 1983, about one of whom the Board was particularly concerned due to delays in relocating him to an appropriate facility (see also section 6.3). On two occasions the Board raised concerns with the Home Office in our board meetings about how people with such mental health issues are assessed for suitability for detention and what lessons have been learned about how to improve their safety in detention. We are unclear what criteria the Detention Gatekeeper is using to assess these situations, and this was raised with senior representatives of Home Office by the Board Chair at the July 2021 quarterly forum for IMB Chairs across the immigration detention estate.

Special accommodation arrangements needed to be made for two individuals this year. One was a trans individual who was still at Tinsley House at the end of the

⁹ Brook House annual report 2020, page 12.

year. The other required special accommodation due to the nature of his offence. He was accommodated separately in the Tinsley House Borders accommodation, where he remained for some time. The Board was concerned about his situation, not only because he seemed unclear about why he had been separated but also due to issues with long-term medication. The man's situation was the focus of considerable attention and was, on the whole, managed well until he was removed, though it would have been better if this removal had taken place more rapidly.

4.4.1. Adults at Risk

In our annual reports for 2019 and 2020 the Board pressed for a review of Adults at Risk (AAR), ACDT and Rule 35 policy and procedure. While we were told that these were under review in 2019, we noted in 2020 that there had been no progress. We are disappointed that this situation has not changed in 2021. Indeed, although we heard in May that new paperwork to go with the AAR process had been put on hold while the Home Office reviewed the Detention Service Order on AAR, at the end of the year there had been no change and no information about a future timeline. The Board still believes that a full review should be conducted.

In our annual report for 2019 the Board noted what it considers to be flaws in the AAR system. We note that these were the subject of comment and agreement by many giving evidence at the Brook House Inquiry and we repeat them here. The Board is concerned that:

- the AAR levels relate to the source or amount of evidence of vulnerability, rather than the man's real level of vulnerability and any needs this may entail
- the system does not, in practice, have a mechanism to capture deterioration in a detained man's condition
- not all of those men on ACDTs with vulnerabilities relating to mental health and self-harm are considered to be "adults at risk".

Some of these flaws may be a reflection of the failings in the use of Rule 35(1) and 35(2) reports at Brook House which the Board has also reported on.

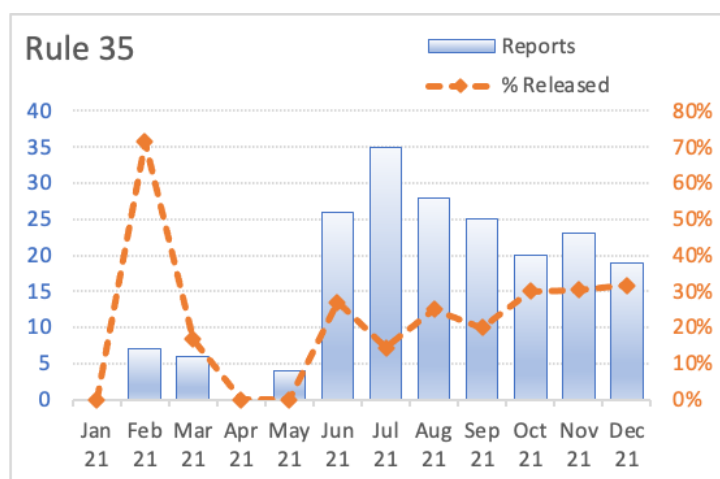
Despite these flaws, the Board emphasises the importance of ensuring that the system is working as well as possible in the centre. For the early part of the year, the Board did not find AAR management and meetings to be very effective. Indeed, a Board report noted that one meeting in May was not attended by anyone from Home Office or Serco management, leading to a lack of meaningful discussion. We also noted that status changes for people on the AAR log seemed only to be done belatedly, suggesting that cases were not being actively followed.

AAR meetings improved considerably later in the year, becoming more active and practical, especially when they were merged with the vulnerable residents meeting described in section 4.4.4 below. We have been pleased to see greater engagement of case owners in meetings, which is invaluable in ensuring that those in attendance are working with the most recent information and that action can be taken in a timely and coordinated fashion.

A service level agreement was signed between Serco and West Sussex County Council in the first quarter of 2021, and although there were few adult safeguarding referrals this did result in at least one man being provided with supported accommodation during his release.

4.4.2. Rule 35 reports

On average during 2021, there have been just over 16 Rule 35 reports received by the Home Office per month for men in Brook House¹⁰. This is a dramatic reduction from the volumes received during the second part of 2020 when charters under the Dublin Regulation were leaving the centre and is in line with volumes experienced in 2019 (17 per month) and 2018 (18 per month). As an average proportion of the month-end population, about 13% of men had Rule 35 reports in 2021, higher than the 7% seen in 2019 and 2018. Waiting time for a GP assessment has averaged one to two days during 2021.



Data from HO/Serco Combined Report and HO Rule 35 IMB Monthly Return
Analysis by the Board

Under the Home Office's Adults at Risk framework, an accepted Rule 35 report implies a strengthened presumption against continued detention. Yet, excluding the period from January to May when populations were low, the Home Office continued to detain 76% of men who had been accepted as victims of torture, comparable to 2019 (75%) and 2018 (83%).

As during 2020, it is notable that 99.5% of this year's 203 Rule 35 reports were under Rule 35(3): where the detained man "may have been the victim of torture". One report was under Rule 35(1): "likely to be injuriously affected by continued detention" and none under Rule 35(2): "suspect[ed] of having suicidal intentions". The almost complete absence of Rule 35(1) and 35(2) reports does not reflect what Board members have witnessed within the centre. Sections 4.4 and 6.3 in particular

¹⁰ There were no Rule 32 (STHF Rules) reports for men detained in Tinsley House. If they were aware of this option, the absence of reports may reflect their views of the relevance of a report given their short stays in detention.

refer to two men with serious mental health issues whose condition was recognised by those providing them with support and working with them as having deteriorated during their time at the centre. Although the numbers are (thankfully) lower than in 2020, there have still been men in the centre who have been vulnerable to suicidal thoughts. This and risk of self-harm are among the most frequent reasons for opening ACDTs.

4.4.3. Age disputes

The Board expressed concern in its 2020 report about the number of young men who had been identified as underage only after their arrival at the Gatwick centres. This did not improve in 2021. From May to December there were a total of 51 age disputes, 31 of whom were ultimately released to the local authority. We believe that only a few of the remaining 20 cases were resolved while the (young) man was resident in Tinsley House, meaning that the majority were released with the adult population with an open dispute – for example to bail hostels or migrant hotels. It is not clear whether they benefitted from any additional safeguarding.

The Board notes that these concerns are also reflected in the judgment of the High Court in *R (MA and HT) v Secretary of State for the Home Department (2022)*¹¹ which found that for the *Kent Intake Unit Social Worker Guidance* not to implement a Merton-compliant age assessment was unlawful, and that the detention of the two claimants was unlawful. We find it concerning that one of the complainants in this case reported having been held in Tinsley House for five days¹² before being put in adult accommodation. The fact that there is no record of an age dispute at Tinsley during the time of his detention in January 2021 suggests both that the Home Office systems are not adequate to prevent children from being detained in the first place, and that the systems in place at the centre are not adequate to ensure that, if they find themselves there, children are aware of their rights and able to make themselves known to staff. Moreover, it has sometimes been challenging for the Serco social workers to ensure that their concerns have been heard and taken into consideration (see also section 7.2.1). The Board will continue to monitor this.

The Board will continue to follow issues relating to how and where men self-identifying as underage are being held. They have been removed to a separate area (for example the PDA or Borders accommodation) or left within the general population on a case-by-case basis, depending on their own and the staff's perception of their safety. While this may be appropriate, it also carries risks, and will require close monitoring by Serco.

¹¹ [R \(MA and HT\) v Secretary of State for the Home Department \[2022\] EHCW 98 \(Admin\)](#)

¹² Ibid., para 6.

4.4.4. Safeguarding governance

During the year, Serco introduced a vulnerable residents meeting that takes place once a week and brings together a broad range of staff to discuss how to support men in a situation of vulnerability and manage their needs. This was later merged with the AAR meeting. The Board noted on several occasions that this has improved the AAR meeting substantially, being now much more practical and action oriented. The Board welcomes initiatives that help focus attention on the needs of the detained men, rather than on the systems and processes.

On a pragmatic level, the Board is concerned that the level of safeguarding awareness and experience among officers is not sufficient, particularly at Tinsley House, where some age disputes clearly went unnoticed as noted above, and where Board members noticed or encountered men who appeared to be in some distress, yet there was little safeguarding documentation or discussion relating to them.

The Board believes that additional training in safeguarding and dealing with vulnerable men should be provided (beyond the Virtual College on-line courses), with regular refreshers and upgrades to ensure that safeguarding is integrated into all aspects of the centres' work and understood at all levels of the hierarchy.

4.5. Use of force

Although the number of instances of use of force in 2021 has declined from previous years, the Board is concerned that its prevalence (as a proportion of the month-end population) is high, at 12%, when compared to 2019 and 2018¹³.

Brook House	2021	2020	2019	2018
Total use of force incidents in year	154	197	223	257
Average month-end population	107	95	242	292
Monthly use of force as % of month-end population	12.0%	17.3%	7.7%	7.3%

Tinsley House was primarily used as a RSTHF in 2021 and the profile and length of stay of detained men are different from those at Brook House. In 2021, three incidents of use of force were reported at Tinsley House, all in relation to one individual over the course of a single day. The Board member on duty at the time felt that the staff reaction emphasised how unaccustomed they are to such occurrences,

¹³ The particular characteristics of the detained population in 2020 and the impact of the Dublin Regulation charter flights render comparisons with 2020 less meaningful.

compared to Brook House personnel. This was also reflected in the use of force report, in which the Duty Director referred the incident for review, noting non-standard use of handcuffs. Additional measures would help to ensure that staff are adequately kept up to date and drilled on their skills to ensure the safety of the detained men.

The following is a summary of the reasons given by Serco for the use of force across both centres.

	2021	2020	2019	2018
Maintain good order	90 (57%)	76 (39%)	132 (59%)	164 (64%)
Protect third party	13 (8%)	35 (18%)	46 (21%)	38 (15%)
Prevent self-harm	44 (28%)	72 (37%)	20 (9%)	36 (14%)
Protect self	10 (6%)	14 (7%)	25 (11%)	19 (7%)
Total use of force	157	197	223	257

There has been a considerable increase in the use of force to prevent self-harm compared with 2019 and 2018 – from 9% / 14% to 28%. Some of this increase can be attributed to multiple incidents to prevent self-harm by two particularly vulnerable individuals after they had been served removal directions. The Board believes, however, that the increase reflects a more vulnerable population during 2021, aspects of which are explored elsewhere in sections 4, 6 and 7.

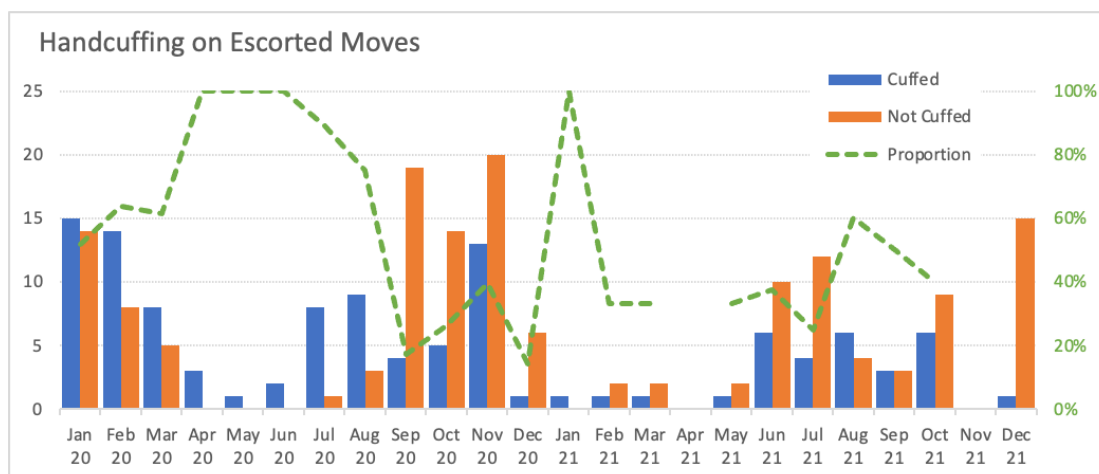
Monthly Use of Force meetings generally have good representation from Home Office, Healthcare and Serco management. The Board has a standing invitation, and a member often attends. At the meetings, selected footage has been reviewed and good and bad examples of practices discussed. No major pattern or concerns were evident, although suggestions for improvements to procedures are occasionally made. When members of the Board have seen video footage, they have been of the view that the use of force has generally appeared proportionate and justifiable.

The Board should be informed of all use of force incidents without delay (taken as within two hours). The Board believes it is usually informed in a timely manner, although there have been a few occasions of delay, or in some rare cases not being notified at all. There were also two uses of force that were not reported immediately because they were only belatedly identified as such. One of these involved a member of Home Office staff.

Although considerably improved towards the end of 2021, there were frequent occasions when use of force reports were not forthcoming and had to be chased.

4.5.1. Handcuffing

For 34% of escorted moves during 2021 (for example to hospital), the detained man was handcuffed. This is a welcome reduction from the average of 48% in 2020, but the Board would prefer to see this lower still. We are aware that the use of handcuffs on these occasions can be humiliating and distressing, and this year we heard that one man refused to go to hospital for important blood tests partly because of the stigma of being handcuffed.



Data from HO Use of Force and Detainee Moves monthly return
Analysis by the Board

4.6. Substance misuse

In 2021, there were 10 drug finds (25 in 2020) and five 'hooch' finds (16 in 2020).

All social visitors to both centres continued to be searched during 2021. There was only one occasion during the year when a small amount of cannabis was found on a visitor to Brook House. There was an intention to institute random searches of staff, but none were undertaken in 2021; we have been informed that these have started in early 2022.

Safer Community reports show that 21 individuals needed some form of detox support during the year.

There was a small reduction in the number of detained men with an ongoing addiction who were referred to the Substance Misuse team: 13 in 2021 compared to 15 in 2020, all of whom arrived at the Gatwick estate from prison.

5. Fair and humane treatment

5.1. Escorts, transfer and transport

Men arriving at Tinsley House from Kent usually do so in coaches carrying 20 to 30 men, often late in the afternoon and evening. Sometimes several coaches can arrive within a short space of time. This has occasionally led to long delays in getting men off coaches and into the centre, made worse if large groups of men are being discharged at the same time. On one occasion in October, three coaches carrying a total of 86 men arrived between 2pm and 8pm, coinciding with the discharge of a large group. This resulted in 35 men waiting on the coach until they could be received roughly five hours later.

This is unacceptable treatment of men who have often been travelling for a long time and in stressful and hazardous conditions. The Board believes that the Home Office should be better at co-ordinating movements of men to prevent prolonging the time awaiting reception processing at Tinsley House.

There have also been issues when departing Tinsley House, with delays for men being collected by taxis arranged by the Home Office. As dispersals of detained men often took place after 5pm, this has sometimes meant that men are released late in the evening or even in the early hours of the morning. This is needlessly unsettling and worrying for the men, who are often unsure of where they are being taken, particularly given the likelihood that some will have a history of abduction, torture and abuse. The Board heard of instances where men were transported long distances without being told in advance, making it difficult for them to prepare themselves by eating or using the toilet beforehand. There were 3,612¹⁴ departures from Tinsley House in 2021, of which 1,491 (41%) left between the hours of 9pm and 7am. We believe this is not acceptable and is avoidable with suitable planning and management.

5.2. Accommodation, clothing, food

Until 19 July, rooms in Brook House were in single occupancy only, after which new arrivals were required to share two to a room. From 11 September to early December, Serco's daily handover report noted which men were refusing to share and recorded the efforts of wing officers to persuade them to do so. This change unsettled several men, with instances of loss of working privileges and imposition of Rule 40 for some unwilling to share.

Tinsley House's status as a RSTHF has meant that the population has varied significantly from day to day. The centre was not designed to deal with such a high throughput as was experienced in 2021 and its facilities have often been strained.

¹⁴ Data from Serco's CMS system. For a few days while 'emergency' beds were being used (see section 5.2), not all men were being recorded on CMS.

Cleanliness of the communal toilets and showers in Tinsley House was an issue in the early months of short-term arrivals and was well documented in rota reports. For example, during a rota visit in June there was one cleaner working on her own covering facilities for 104 men. The almost constant turnover in the detained population for successive months gave little chance for a deep clean.

Large numbers of RSTHF men arriving and then departing within three to five days has meant that some have not had time to use the few on-site washing machines and dryers, and thus left Tinsley House with wet and dirty clothes. Serco and individual officers have tried to manage the situation, including establishing a rota for access to laundry facilities and converting the sports hall to a drying area using drying racks. It was not until November that additional laundry facilities were added.

Between 12 and 30 November the PDA, Borders accommodation and sports hall were all used for emergency accommodation – with mattresses and bedding on the floors – to help cope with the number of cross-Channel arrivals.

In Brook House food is provided from a servery on each wing, with men eating in the communal areas or in their rooms. Brook House now offers men the opportunity to purchase small fridges for their room. In Tinsley House there is one communal area where food is served and eaten, and it is not normally permitted for men to eat in their rooms for reasons of hygiene. The IMB noted during visits that the communal approach does support a positive, interactive and engaging experience, though there can be long waits to be served when the centre is busy. Because men have sometimes been required to eat in their rooms due to Covid concerns, food has continued to be served using disposable polystyrene containers which is neither appealing nor environmentally friendly.

There has been mainly positive feedback on the quality and quantity of food. There were 580 feedback responses across both centres through the kiosks in accommodation areas, of which 384 (66%) were positive (happy or very happy with the food,) 143 (25%) 'OK,' leaving 53 (9%) stating that the food was bad or very bad. There have been 11 applications relating to food and some negative comments at wing forums; this is often in relation to specific cultural requirements and occasional lack of choice. There were 12 food-related complaints received in 2021, compared to four in the period May to December 2020.

Catering in Tinsley House has been made more difficult by the sometimes short notice arrival of significant numbers of men, often late in the evening or night. Catering staff have coped well with the challenges, showing flexibility and ensuring a good supply of appropriate food that can be quickly distributed to men who are often exhausted and eager to get to their rooms to rest.

5.3. Separation

The CSU at Brook House into which men on Rule 40 or Rule 42 separation are placed comprises six rooms in a separate unit adjacent to E wing. All rooms on

E wing are also classified for use for separation, although these rooms have been used for much of the year as a general intake unit.

Rule 40 has been used 96 times during 2021 at Brook House, and Rule 42 used three times. There has been one use of Rule 35 (the Rule governing separation in STHFs) at Tinsley House. There have been a variety of reasons for the use of Rule 40, including fighting, destruction of centre property, non-compliance with Covid restrictions, protection of the individual, and to facilitate removal on charter flights.

Brook House		2020					
	2021	21 May – 31 Dec	1 Jan – 20 May	2019	2018	2017	2016
Rule 40 events	96	54	106	187	259	503	358
Rule 40 events per 1,000 man-days in detention ¹⁵	2.54	2.68	7.24	2.11	n/a	n/a	n/a
Average time on Rule 40 (hours)	33.4	35.3	n/a	46.5	59.3	32.0	34.8
Rule 42 events	3	3	3	3	12	2	14
Average time on Rule 42 (hours)	22.4	< 24	n/a	4.2	16.8	n/a	n/a

Rule 40 has been used less frequently than in 2020 and 2019 (160 and 187 events respectively). On nine occasions, men have been held in separation to facilitate their removal; this includes eight men who were due to fly on the charter flight to Jamaica in November. The Board questions the necessity, appropriateness and legality of using Rule 40 as a blanket approach in such circumstances.

The average period on Rule 40 was under 34 hours. However, two men were on Rule 40 for 12 and 10 days respectively, both due to mental health difficulties (section 6.3), and the average reduces to just over 28 hours when these cases are excluded. On some occasions men have stated that they preferred removal from association for medical reasons, because they were overwhelmed by noise on the wings, or to ensure Covid infection did not jeopardise their departure.

One use of Rule 42 concerned a detained man upset at the lack of progress on his bail application, culminating in him throwing faeces across the wing. In a subsequent incident the man covered himself in excrement. This behaviour was not intended as a protest, but when paperwork was being rapidly updated during a vulnerable residents meeting, the term “dirty protest” was used as shorthand. On being raised by the IMB member present this was immediately changed, but we note that such

¹⁵ Calculation made by the Board to show prevalence, using the following formula: Number of Rule 40 events * 1,000 / (days in period * average month-end population in period).

terminology can potentially have an impact on how the detained man is treated and should be used with care.

The Board believes that obligatory notification when men have been placed on and removed from Rule 40 and Rule 42 is generally done in a timely manner. Board rota reports indicate that Rule 40 reviews that members have attended have been conducted thoroughly and professionally by the Serco officers.

5.4. Serco and Home Office relationships with detained men

5.4.1 Relationships between detained men and Serco staff

Board rota reports have noted examples of positive and supportive behaviour by Serco officers in both Brook House and Tinsley House. The generally low population in Brook House has given scope for more engagement and Board members have noted that relationships between officers and detained men generally appear to be respectful.

We have observed a few occasions when some officers appear not to proactively engage with men or seem somewhat dismissive of men who may be persistent in their requests. As we noted in the last year's report, we have occasionally overheard judgemental and negative views expressed by officers on the detained men's behaviour. The Board will continue to monitor this issue in 2022.

On one occasion a lack of empathy during a constant watch review was felt striking enough to merit raising it with Serco's senior management, who followed it up promptly. On another occasion, a Board member heard a member of staff comment about self-harm in a way that implied that it was being used as a tactic for delaying removal, rather than as a sign of distress. While the Board acknowledges the substantial work that Serco has done to improve the culture at Gatwick IRCs in the past year, these incidents are a reminder of the need for continual vigilance. This is perhaps particularly true given the increasingly polarised nature of public opinion and discussion about people crossing the Channel to reach the UK.

That said, with only a few exceptions, the Board has had mainly positive feedback from men in both centres about the treatment and support they have received from Serco staff. Staff have also been proactive in referring men to other resources that can provide recourse for concerns or support, including the IMB and GDWG. The Board noted occasions this year when the system was seen to be working effectively to address vulnerability and risk as, for example, when the partner of a man being held at Brook House raised concerns with Serco about his threats of self-harm and Serco opened an ACDT in response.

The Board also welcomes the ongoing efforts made to improve the culture at Brook House. The 'Care Team' is particularly visible in the centre and while there is no evidence of a direct connection between this and the wellbeing of men detained at

the centre, the Board believes that improved staff support and a reduction in stress can only improve the overall atmosphere in the centres.

There were 15 complaints received in 2021 relating to staff behaviour compared to 17 in the period May to December 2020. Six were investigated by the Home Office's professional standards unit (PSU); four were found unsubstantiated, one partially substantiated, and one is ongoing.

5.4.2. Relationships between detained men and Home Office staff

Through applications and individual conversations with detained men in Brook House, the Board has continued to hear complaints this year as we did during last year about lack of communication or regular updates from the Home Office on the progress of individual cases. There have been times when it appears that cases stagnate, awaiting updates from caseworkers on aspects such as bail addresses, suitable accommodation or flight details, with little sign of proactive follow-up.

Staff from the Home Office's local detention and escorting services compliance team (DES) do attend wing forums; rota reports have recorded examples of DES's positive involvement in Rule 40 reviews, showing empathy and understanding of the frustrations of detained men. Conversely, as in 2020, the Board has sometimes noted an apparent reluctance by the detention engagement team (DET) to engage directly with detained men. This includes, for example, conveying information by telephone or asking Serco staff to serve removal documents. Lack of face-to-face contact may increase distress for detained men by reinforcing a sense of helplessness and disempowerment.

Before the pandemic DET provided drop-in sessions to allow detained men to discuss individual issues. Reinstating this service could help improve communication and perhaps reduce men using multiple channels to convey requests to the Home Office.

5.4.3. The voice of the detained men

There are regular feedback opportunities for men at Brook House, with weekly forums on every wing and a four-weekly 'Resident Consultative Committee'. Board members have commented that wing forums, run by the wing officers, are often sparsely attended by detained men, who are often outnumbered by Home Office, Serco, healthcare, chaplaincy and IMB. Meetings can be chaotic, taking place on the open wing and often focusing on individual grievances. While they are not suitable for raising sensitive issues, these meetings provide an opportunity for individuals to raise concerns about day-to-day concerns with Serco and Home Office.

The Resident Consultative Committee is more structured and allows representatives of the detained men to raise issues. This is held every four weeks and is chaired by the Serco Deputy Director with minutes produced including actions with owners. Catering issues tend to dominate.

There are also opportunities for detained men to provide anonymous feedback regarding catering and healthcare using the 'kiosks', though some men have expressed suspicion about how this information is used, suggesting a possible lack of representativeness of the data. The catering team have said they used feedback operationally, for example to provide new menus.

There are very limited opportunities for men to make their voices heard at Tinsley House, mainly due to the shorter duration of detention.

5.5. Equality and diversity

During 2021, the Gatwick centres held a diverse range of nationalities, with a significant number of men, mainly at Tinsley House, who had recently arrived in the UK and had limited language skills and local contacts.

While fewer issues were raised relating to interpretation than in 2020, this may be due to the relatively shorter stay of many of the newly arrived men. Interpretation has been managed through use of the Big Word interpretation service, the involvement of multilingual staff or other detained men, and use of Google Translate and occasionally language tablets. As noted in section 4.1, the Board has been concerned that information is not provided in enough languages for new arrivals to fully understand the nature of their detention and their rights, and that there is insufficient interpretation capacity at reception.

The Board also remains concerned that staff seem to lack training in how to work with language interpreters, resulting in not everything that is said being fully translated. This is of particular concern in Rule 40 or Rule 42, constant watch or ACDT reviews. The use of multilingual Serco staff members as interpreters also raises concerns about independence and the detained men's perception thereof.

The presence of a higher than usual number of Vietnamese men at Brook House this year allowed the Board to observe how the centre functions when dealing with groups that are less often represented there. We felt that the relatively low English language skills and cultural differences meant that Vietnamese men perhaps did not receive the same level of attention from Home Office and Serco as other detained men who were more expressive of their needs or levels of distress.

The Board has seen some attention to diversity in processes such as Supported Living Plans, including addressing issues with disabilities, mental health conditions, long-term chronic illness, and sex and gender identity. Diversity is also expressed in the range of activities offered through religious celebration and observance.

Outside of these direct interventions, the Board feels that there is insufficient clarity about what equality and diversity should look like for men detained at Brook House and Tinsley House, and more work is needed to make this meaningful. There are assigned staff and regular meetings, but the meetings are unevenly attended and rarely have action points or follow up. Data analysis is poor, and some categories,

for example “ethnicity/race”, are non-standard and can be problematic, e.g. “white African/dark European” and “oriental”. Home Office should ensure that data and statistics are collected and disaggregated in line with best practice¹⁶.

5.6. Faith and pastoral support

Different religious and cultural needs are recognised and supported through the provision of dedicated multi-faith rooms in both Brook House and Tinsley House. Both centres have a published regime of congregational services. When organised services have been suspended, Religious Affairs staff have been flexible in ensuring that men can participate in religious observances in the courtyard or on the wings.

Religious Affairs staff have been visible, especially at Brook House. A nominated religious affairs staff member is on site daily, and they are regularly in attendance at various forums, individual meetings, and reviews with detained men, as well as at the vulnerable residents meeting. The depth of their knowledge of the detained men is apparent in their contributions to the vulnerable residents meeting. The Board feels that the faith team makes an important contribution to the atmosphere of the centre.

The vast majority of respondents (510 out of 580) to the Serco food survey reported that food choices offered met religious requirements. Major religious festivals like Eid, Ramadan and Christmas are recognised with special services and catering. The Board commends the catering team for providing food, often with short notice, at suitable times at Tinsley House for new arrivals during Ramadan.

5.7. Complaints

In 2021, there were 102 complaints lodged about Serco at Brook House and two at Tinsley. Six relating to staff behaviour were dealt with by the PSU, and of the balance of 98 complaints, 13 (13%) were upheld or partially upheld, 69 (70%) were unsubstantiated and the remaining 20 (20%) withdrawn. The success rate of 13% for complainants is the same as in 2019 and 2020¹⁷.

The handling of the process for complaints is an indicator of the fair treatment of detained persons. As noted in recent annual reports, the Board’s view is that

¹⁶ For instance, the categories used in the 2021 Census: <https://www.ethnicity-facts-figures.service.gov.uk/style-guide/ethnic-groups#2021-census>. See also: <https://www.ons.gov.uk/methodology/classificationsandstandards/measuringequality/ethnicgroupnationalidentityandreligion>

¹⁷ A total of 156 complaints were made against G4S in 2019. Twenty were upheld or partially upheld (13%), and four were withdrawn. Ten complaints were dealt with by the PSU. During the period of G4S’s operations to 21 May 2020, there were 54 complaints against them, and no data was available on the rate upheld. From 21 May 2020, 31 complaints were made against Serco with three relating to staff behaviour being dealt with by the PSU. Of the balance of 28 complaints (24 of which were completed), three (13%) were upheld or partially upheld, 16 (66%) were unsubstantiated and the remaining five (21%) withdrawn.

complaints are generally taken seriously and thoroughly investigated. However, when looking at the low success rates together with factors which, in practice, may undermine fairness, our view is that the process as a whole is not working in a way which can give confidence that it is fair to detained men.

The Board has seen examples of complaints being unsubstantiated for reasons which, in its opinion, do not engender confidence in the system, for example:

- The precise details of timing claimed by the detained man.
- Officers' versions being believed apparently in preference to the detained man's.
- A technicality such as a dictionary definition or the difference between "cancelled" and "restricted".
- Many cases involving lost or stolen property being unsubstantiated because of a disclaimer (in English) signed during the information-laden reception process.

Other factors which may undermine fairness is the 20-working day timeframe for responses, which is too long, especially for relatively simple issues like missing property, the high withdrawal rate, and the fact that investigators are usually frontline officers also dealing with the care and custody of complainants.

Additionally, the Board's view is that, particularly for complaints decided on a narrow or technical basis, there is at least a possible perception that the threat of contractual penalties may be influencing the approach taken in responses. Examples the Board has seen include dismissal on the basis that church services were not "cancelled" when they had in fact been restricted, and dismissal turning on the dictionary definition of coercion. There are also examples of Serco dismissing a complaint, but then going on to say it will change its practices in light of it. A recent example involved the process for booking time in the cultural kitchen.

The Board believes that the Home Office should review the operation of the complaints process in practice¹⁸, including factors behind withdrawal rates, and consider changes such as introducing specialist teams to handle complaints, shortening the timeframe for responses, and whether contractual penalties for upheld complaints can be modified.

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

¹⁸ We note that there were also poor outcomes for detained persons at other IRCs in 2020: at Heathrow IRC 15% of 152 complaints were upheld; at Morton Hall IRC 19% of 69 complaints were upheld; and at Yarl's Wood IRC none were upheld. In 2021 at Yarl's Wood IRC, 26% were upheld or partially upheld. These outcomes suggest that the problem of fairness and poor outcomes for detained people is not limited to Gatwick IRC.

their dealings with the Home Office, we are of the view that the Board should be copied on responses to complaints against the Home Office, subject to consent of the complainants.

Complaints relating to food, staff behaviour and property are dealt with in sections 5.2, 5.4 and 5.8 respectively, and complaints related to healthcare are covered in more detail in section 6.1.

5.8. Property

Property is logged on arrival and stored in a secure area. Men are provided with a mobile phone and £5 credit on arrival, with £10 top-ups weekly after that during the pandemic. Property can be accessed by making a request to wing officers. Generally, this seems to have worked well, although there have been some delays in accessing property, for example when the request coincided with an influx of new arrivals.

In May, concerns were raised by detained men and Welfare staff at Tinsley House about lack of access to money for men arriving when Finance staff were not on site to load their funds onto digital cards for use in the shop. This was a source of some frustration, and Serco made modifications to address the issue, but in July a rota report noted delays in crediting foreign currency to accounts for new arrivals

There have been numerous examples of men arriving at Tinsley House from Kent without their personal possessions. Welfare staff have tried to trace property, often without success due to lack of response from Kent Intake Unit (KIU). This has been stressful for men, particularly as the short stay at Tinsley House means their property rarely arrives before they move on.

Of significant concern are claims from detained men of money and phones taken from them between being picked up by Border Force and arriving at Tinsley House. On 12 November, Welfare staff asked KIU to investigate a report that \$100 and €100 was missing after a man was searched at Dover. The reply received by Serco on 5 January 2022 was generic and far too late, as the man had left Tinsley House within a few days of making the complaint. Queries from Welfare staff and the Board have resulted in generic, boilerplate replies saying it is the responsibility of the individual to look after his property. It is unclear whether claims about property lost or missing at the Kent port are ever actually investigated.

There has also been an increase in cases of missing or damaged property during transfer to Brook House, with sixteen complaints compared to two in 2020.

Welfare staff have also dealt with a number of requests from men at Brook House to locate property that has gone missing when men arrive from prison or police stations. This seems to be a systemic issue which has caused frustration for the detained men. Welfare staff sometimes have to advise family members to collect property from a police station and then forward it to the man concerned.

6. Health and wellbeing

6.1. Healthcare: general

From January to 30 August, G4S Health were commissioned by NHS England to supply healthcare services to Gatwick IRC. From the start of September, Practice Plus Group (PPG) took over the service and all staff were transferred under Transfer of Undertakings (Protection of Employment) regulations. Healthcare staff are available at both Gatwick sites 24 hours a day, seven days a week. There is no in-patient facility.

Facilities at Brook House include two consultation rooms with a waiting area, a pharmacy, a mental health interview room, substance misuse office and two rooms within the reception area for pre-admission screening. The facilities within the main area of Tinsley House consist of two consultation rooms and a talking therapy room, and there is an additional consulting room in the PDA. Pharmacy services are available within the main consulting room.

Admission to either Gatwick centre is subject to an initial screening by healthcare. Due to the high number of arrivals at one time at Tinsley House, healthcare has developed a shortened form of the initial screening process to enable faster admission, although arrangements are made for anyone who wishes to see a doctor or has any medical conditions that need attention. The shortened version of the screening was approved by NHS England and the Home Office.

Covid-19 and periods in outbreak status continued to have an impact on the open triage appointment system at Brook House but healthcare staff attend each wing twice a day to collect any healthcare request forms. Arrangements are then made for appointments without mixing with men from other wings. The lower number of detained men at Brook House compared to previous years has resulted in a shorter waiting time for a physical healthcare appointment. Detained men at Tinsley House still present themselves at the healthcare office to request appointments and are generally seen within a day.

There were eighteen formal complaints received by the healthcare team during 2021, compared with twenty-four in 2020. None were upheld. The Board does not see these complaints or responses, but we are told that seven complaints related to care and treatment, six to access to treatment and five were medication related. Detained men can give feedback on healthcare services via the kiosk (available in several languages) or in written form.

Under G4S Health, complaints were discussed at the quarterly quality meetings; now under PPG discussion takes place at the monthly Local Delivery and Quality Board meeting. A member of the Board often attends these meetings. The quarterly Partnership meeting continues, run by NHS England under the chairmanship of the commissioner; these are also attended by a Board member. The monthly IMB board meetings are now attended by a PPG representative.

The Board received sixteen healthcare-related applications during the year. Six related to access to health services, two specifically about mental health support, six individuals were unhappy with the outcome of their appointment or treatment they had received, one related to a request for vitamins (which are not prescribed by healthcare but were also not available in the shop) and one man was anxious about his Rule 35 appointment (which had been resolved by the time we spoke with him four days after he had written his application).

Staffing recruitment continues to be a challenge, but we understand that PPG are making positive progress with vacancies. We have not witnessed any impact on the treatment received by detained men due to staff shortages, which we understand are covered by agency and bank staff. In February 2022 there were 12.8 healthcare vacancies out of 40 posts.

6.2. Physical healthcare

During the year services at Tinsley House, where men can expect to remain for up to five days, have revolved around pre-admission screening (including Covid testing). Large numbers of arrivals at one time results in little time being spent with each individual and problems can arise from lost medications or labels on medications being unreadable, leading to more detailed assessment of needs. Where no records are available, the GP will often start at low dosage levels, which can lead to anxiety for the men involved.

Brook House arrivals are seen within the first two hours of arrival by a nurse in reception for an initial screening and offered an appointment with a GP within the first 24 hours of their detention, although some do not accept this offer. General access to healthcare is via a request form and appointment with a nurse, who will refer the patient to a doctor if necessary. Waiting time for a GP appointment has averaged one day during the year, due to the low average population. Emergency appointments are always available on the day.

All off-site hospital appointments during the year have been attended with the necessary Serco staff escorts. There were no reported delays in hospital escorts.

The PPG contract increases the services available to detained men. A podiatrist attends once a month, and a physiotherapist runs two sessions a month. Optician appointments, which had ceased in 2020, have resumed and are available monthly. Dental appointments continue on a weekly basis although the Board is disappointed that by 31 December the provision of a dental suite had still not been achieved.

Forward Trust provided psychosocial substance misuse services up to 31 August. As part of the new contract, PPG are now providing this service, managed by the mental health team at Brook House, and Forward Trust staff were transferred to PPG under TUPE. Although support has been provided on a one-to-one basis, group sessions have still not been resumed.

Likewise, smoking cessation treatment is on a one-to-one basis rather than group work.

Although the challenges of Covid have stretched the services of the healthcare team, the Board considers that in 2021 detained men were able to access services for their physical health care needs equivalent to, or slightly better than, those available in the community.

6.3. Mental healthcare

Provision of mental healthcare by Elysium Healthcare (subcontracted from G4S Health) was replaced by the new PPG contract in November 2021.

Mental health services were not of a comparable level to those available in the community as psychology services were not available throughout the year. Treatments such as cognitive-based therapy cannot be offered as the length of stay in detention is unknown and commencement of such treatments could be harmful if not concluded before leaving the centre.

On-site mental health nurses deal with most issues and attend Rule 40 reviews.

Up to November, appointments with a psychiatrist would normally be possible within one week. During the last two months of the year a locum psychiatrist was appointed but his services were interrupted by Covid and appointments were delayed. The Board notes that PPG have recruited a psychiatrist who is, at the time of writing, attending once a week.

The Board believes that mental healthcare support has been stretched during 2021 and has been challenged with several men being admitted with serious mental health issues or experiencing significant deterioration while in detention. We are told that PPG are addressing staff shortages within the mental health team with the appointment of a clinical lead (who left early in 2022) and a senior nurse, but the Board remains concerned about the potential impact on men should the detained population increase.

Two detained men were placed under section 48 of the Mental Health Act 1983 during 2021. They spent extended periods of time in the CSU on Rule 40 as described in section 5.3. The assessment and subsequent move of one man to suitable accommodation was completed promptly but there was unacceptable delay for the other man. Having been assessed by the psychiatrist, it took three and a half weeks for him to be moved to suitable accommodation for treatment.

Healthcare has had to continue to deal with men with sectionable mental health issues in early 2022. At the time of writing (March 2022), there are two men on section 48, one of whom has spent 25 days in separation on Rule 40 followed by seven days on “Rule 15” *de facto* separation; while undesirable, this is considered the best possible disposition for his care, given that detention is being maintained.

6.4. Welfare and social care

The Welfare team in both sites provide important support to detained men; we have heard appreciative comments from the men themselves and via GDWG. There were occasions in 2021 when team members were extremely stretched due to sudden rapid increases in arrivals at Tinsley House.

The planned increase in Welfare team numbers up to a full complement of 18, announced by Serco in 2020, did not fully materialise. A small increase of two staff members was achieved with recruitment still in process for the remaining five places.

The most frequent requests from detained men to the Welfare team at both centres were for assistance with accessing legal support, tracing missing property and contacting family member(s) already in the UK. Welfare also helped men to contact GDWG and BID.

Covid measures frequently restricted the movement of detained men and staff around both sites. However, Welfare team members made visits to meet newly-arrived men to ensure they were aware of the assistance that it can offer.

6.5. Exercise, time out of room

Prior to the pandemic, general population wings in Brook House had just under nine hours of free association. Pandemic measures caused a severe reduction of association time to prevent mixing between men from different wings; each wing has had just 90 minutes of association per day. Although some additional facilities were made available on the wings themselves, we heard complaints voiced at wing forum meetings and on rota visits that men did not always have sufficient time to do everything they wished to do – particularly time in the gym.

Wing yards remained open throughout the year and the men continued to have access to fresh air, though men in B and E wings had to share their time in the yard. The gym was still available in Brook House and utilised, but numbers had to be restricted to meet pandemic guidelines.

6.6. Soft skills

Facilities such as art classes and the cultural kitchen have been closed all year in Tinsley House due to its RSTHF status and activities staff were withdrawn and reassigned to Brook House.

When operating, art classes in Brook House appeared to be one of the more popular activities. The Brook House cultural kitchen was open sporadically throughout the year, depending on Covid restrictions. When open, this was a popular facility. The facility was used by 109 men on 141 occasions.

7. Preparation for return or release

7.1. Activities including education and training

Brook House

The use of cohorts and bubbles described in section 3.2 has resulted in a reduction in both the range and quality of purposeful activities available to men detained at Brook House this year.

Access to education classrooms has been reduced significantly and, while teachers may go onto wings, these have no spaces for teaching and are generally noisy places and both the range of classes and the quality of what is offered have suffered. Data provided by Serco shows there were 509 users of the classrooms over the course of the year, but Serco were unable to provide data on usage on the wings. English as a second language was the most popular classroom-based course.

In our last three annual reports, the Board has highlighted the absence of vocational training programmes of note at Brook House, and this is unchanged.

Serco has introduced access to online courses via a virtual college. This addition to in-person teaching is welcome, but the offerings for now are delivered in seven languages and limited to eight short courses, half of which are on use of Microsoft Excel and Word and the balance on health and safety. Data from Serco shows that only 26 detained men signed up for the virtual college this year, enrolling for 79 courses, over half of which were not completed.

Purposeful activity is also available through paid work, and this has continued to be available, with roles including server work, wing cleaners and orderlies. Data provided by Serco shows that an average of 32% of the population at Brook House was engaged in paid work this year.

From the Board's monitoring, the library at Brook House has been underutilised and we have asked on several occasions what the plans are to improve what is offered – such as more e-readers and modernising the space or using it for other activities. At our Board meeting in October, we were told by the Home Office that there were no such plans.

Access to IT rooms has continued to be on a reduced basis due to Covid controls, although each residential wing now has at least one computer terminal. As noted in section 7.2, there have been intermittent problems with printing and scanning in the IT rooms.

Tinsley House

Education classes ended at Tinsley House in July and the related staff were reassigned to Brook House. The Board felt that English language classes were

especially valuable to many men who had arrived across the Channel, but the Home Office and Serco say these services are not required in Tinsley House while it is a RSTHF and there was a need to deploy staff to Brook House with its then-anticipated increase in population. However, the reality is that the average month-end population at Brook House for the last six months of the year was lower, at 144, than at the end of June, when it was 180.

7.2. Case management

Section 3.2 describes how both Brook House and Tinsley House operated as IRCs and RSTHFs throughout the year. Responsibility for the case management of detained men depended on this status and was split between different areas of the Home Office and for many men (as well as for the Board and Serco) there was no local on-site Home Office presence to get information from.

There are no Home Office casework teams based at either Gatwick site and the local DET team is usually the main point of contact for information as, historically, men have been detained at Gatwick under Detention Centre Rules.

7.2.1. Men detained under STHF Rules

Almost all arrivals at Tinsley House this year came from the Kent coast and were detained under STHF Rules, as were a significant number of men (280 in total) held in Brook House at different times in the year. However, DET is not the contact point for men detained under STHF Rules – that is the National Asylum Intake Unit (NAIU), which usually does not have staff located at Gatwick. This absence of on-site or familiar contacts made it very difficult to get information for or about the large numbers of RSTHF men who were moved through Gatwick and contributed to their confusion and anxiety about the asylum process and their position in it, as described in section 4.1. It also contributed to the lack of clarity about authority and decision-making processes for vulnerable underage cases described in section 4.4.3.

The process for follow-up of age disputes has been complicated, with the local DET involved in cases in the IRC, and the NAIU as key point of contact for cases in the RSTHF. Like Serco staff, the Board found that communication with local DET is generally quite straightforward, but engagement with NAIU is more problematic. There has been a pattern during the year of delays and lack of response to questions and enquiries directed to the NAIU from any of the local Home Office, Serco or the Board. This has contributed to confusion, stress, worry and anxiety for the detained men.

At a meeting in October, senior representatives from NAIU met with Serco, local Home Office and a Board representative to discuss how to improve communication, and an NAIU officer was assigned to cover local issues arising with RSTHF arrivals. From the Board's own experience and observations, this led to some improvement, but getting timely information from NAIU continued to be an issue and impacts on the ability of Serco to care for vulnerable underage cases and manage expectations and

anxieties about the stay of detained men, as well as reducing the ability of the Board to help detained men.

7.2.2. Detained asylum claimants

Nearly all the men who were detained at Gatwick under STHF Rules were asylum seekers. After having an initial asylum screening interview, they were typically released into the wider community within five days of arrival and would continue to pursue their asylum claims from outside of detention.

However, and particularly in the first half of the year, the Home Office continued to hold a significant number¹⁹ of these asylum seekers in detention under DC Rules and their claims would be decided by the Detained Asylum Casework (DAC) team. There are no DAC caseworkers based on-site at Gatwick.

This was the first time that such numbers of DAC cases have been detained at Gatwick, and it took the Home Office time to get its systems and processes working. There were delays in allocating legal aid lawyers needed before substantive asylum interviews could take place and the absence of on-site caseworkers led to a backlog for the interviews for which men might have to go to and from other centres where DAC caseworkers were located. These delays led to real anxiety about their fate for the men affected.

The Board is aware that the asylum system and DAC teams may have dealt with a higher than usual number of claimants this year, but it is not fair that delays and failures in Home Office processes and systems lead to unnecessary or longer stays in detention for asylum claimants. For example, in early July some asylum claimants at Brook House had been in detention for up to 60 days waiting for their substantive interviews.

Most of the DAC cases at Gatwick were Vietnamese nationals and the Board had concerns about why a particular nationality seemed subject to DAC detention and the issue was raised with a senior Home Office official. In section 5.5, we refer to the barriers that this group of men faced.

In July, the Home Office advised of a pause in admitting men for DAC detention, though this seems to have resumed in early 2022.

7.2.3. Men detained under Detention Centre Rules

The DET team is the main point of contact for information for men detained under DC Rules at Gatwick. In conversations with detained men on our monitoring visits there has been a consistent theme around lack of feedback and updates on individual case progress from the DET team and difficulties in contacting

¹⁹ The Board does not have definitive information about the number of such men. Drawing from daily operations reports, the Board estimates 280 asylum seekers were held under DC Rules.

caseworkers. This theme has become stronger in the latter part of the year and coincides with the increasing length of time in detention for a cohort of men described in section 7.2.5.

7.2.4. Access to legal advice

There has been anecdotal evidence for some time about poor mobile phone reception in Brook House having a negative impact on the ability of detained men to communicate with their solicitors. The reception problems were confirmed in July in an expert report which has recommended adding boosters throughout the centre. The final outcome remains to be seen with both Serco and the Home Office needing to make business cases and agree to a contract change, but the Board is of the view that improvements are essential to ensure that detained men do have meaningful access to advice from their solicitors.

In addition to mobile phone reception issues, there have again been intermittent problems with printing and scanning legal documents.

Notwithstanding the easing of Covid restrictions to allow the resumption of on-site legal visits, at year-end most lawyers continued to deal with their clients remotely. While waiting times for an appointment with legal aid lawyers for non-DAC cases were generally relatively short and often down to 48 hours, solicitors seem no longer to offer fixed time slots for appointments, instead just leaving it that they will call at some time during the day. This has severely reduced the reliability of access to legal support, particularly when combined with the mobile phone reception issues. As well, men may be forced to choose between sitting hoping for a call and taking advantage of the much-reduced free association times off their wings.

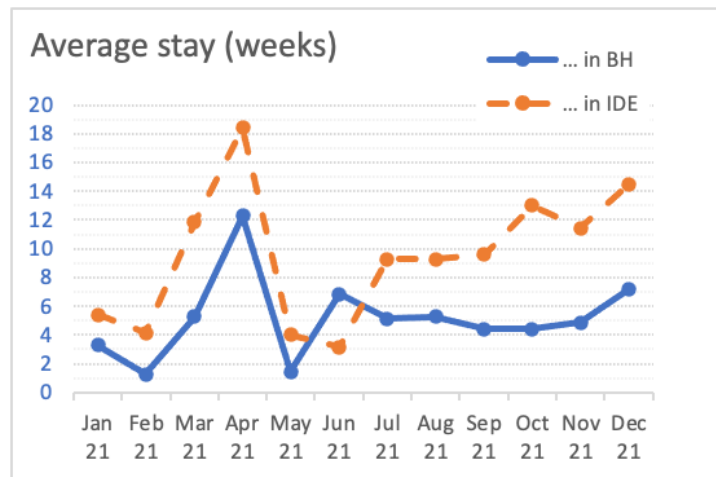
In addition, we have heard several informal complaints about some of the 38 Legal Aid Agency law firms not having interpreters available when necessary, which results in the appointment being cancelled.

Access to legal advice for men involved in DAC cases is discussed above. When all of these issues are looked at together, the Board is of the view that there was no assurance of meaningful access to legal advice for men detained at Brook House. The Board is not aware of similar issues at Tinsley House, but there was little demand for legal advice given the typically short stay for men detained there.

Bail for Immigration Detainees (BID) did not resume on-site workshops in 2021 but continued to offer remote support. Due to Covid restrictions, BID was unable to collect data needed for its usual survey on access to legal advice in different IRCs.

7.2.5. Length of time in detention

The graphic below shows the average length of stay for men detained in Brook House during 2021, showing their time both in the centre and in the immigration detention estate.



Data from HO/Serco Combined Report
Analysis by the Board

Brook House had very low occupancy until the end of March when some men arrived from Kent after crossing the Channel and were held under STHF Rules. The population declined further to just three IRC men at the end of April (Brook House was in Covid outbreak status throughout this period). The IRC men detained during this period were mostly those considered 'inappropriate for release into the community' who had often already been in Brook House for a while. As a result, the average length of stay increased during March and April.

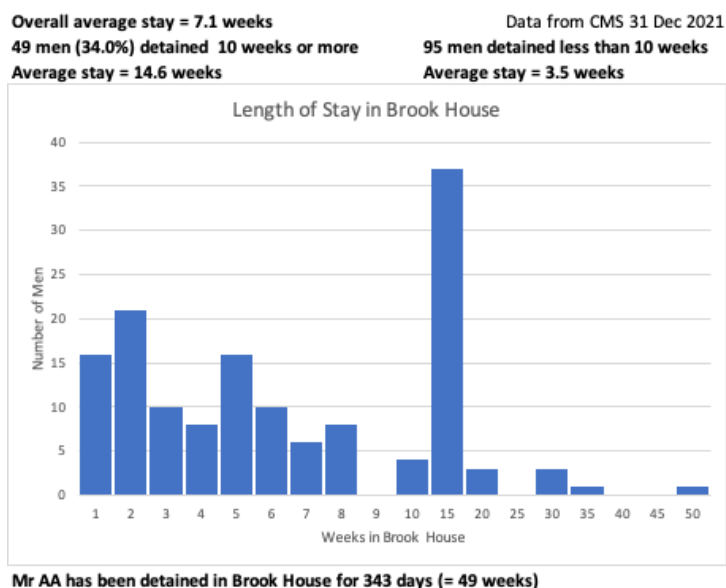
Brook House's primary use this year has been as a base for men scheduled to be removed on charter flights, with many of these men coming direct from prisons in the weeks before their scheduled charter flights. Of the arrivals for which we have data, 47% came from prison and 18% from elsewhere in the immigration detention estate (including Dover).

However, as shown below, only 38% of men eventually departing from the centre were removed from the UK; many of the men brought in for scheduled charters would either be returned to prison, released or continued to be held in Brook House.

Some of those coming from prison were on charter flight manifest standby on a voluntary return scheme, and it could be unsettling and frustrating for them if they didn't fly and had to return to prison.

For those men who continued to be detained, it is noticeable from other data that a cohort of longer-staying men has built up in the last months of the year. At the end of

December, 34% of the population had been there for more than 10 weeks²⁰; Mr AA²¹ had been detained in Brook House for 343 days (49 weeks).



This is consistent with what we have seen on our rota visits and there is a sense that many are 'stuck' in the system. We comment in section 5.4 on the lack of proactivity in progressing immigration cases. Even in an IRC, detention is intended to be short and, from the Board's perspective, this is a significant proportion of the population who don't realistically appear removable or, if removable, are still in detention in the centre but with no apparent end date. At several of our Board meetings through the second half of the year, we have asked the Home Office for some explanation of this, and to provide a plan for resolving it. We have had no meaningful response.

Forty-one percent of formal applications made to the Board in 2021 related to the immigration cases of detained men (section 8). A breakdown of this 41% shows that over half were around men's concerns with the progression of their cases, particularly delays in being removed when they were willing to go, and delays in getting bail accommodation. In addition to these formal applications, the Board gets a significantly more *ad hoc* or 'on the hoof' applications which we usually resolve quite quickly when in the centre. The proportion of these informal applications which are on immigration matters at least matches or exceeds the 41% for formal applications.

Tinsley House operated as a RSTHF for most of 2021 and arrivals there were typically released into the community within five days, subject to the outcome of their initial asylum screening interviews. Some men may have stayed longer before being

²⁰ Data from Serco's Custodial Management System database of detained men; analysis by the Board.

²¹ At the time of writing (April 2022), he is still there.

moved to Brook House IRC and treated as DAC as described above or for removal from the UK.

7.2.6. Removal and release rates

In 2021, an average of 53% of all detained men leaving Brook House each month were released into the community, while an average of 38% were removed from the UK. The balance were transfers to prison or other detention centres²². This release rate is higher than in 2019 and the same as in 2020 (44% and 53% monthly average, respectively) and we ask again whether so many men should have been in detention at all. The only basis for detention should be to facilitate removal, and yet over half of the men leaving Brook House in 2021 were released rather than removed, and in the interim had been exposed to the potentially harmful effects of detention on their physical and mental health.

The beginning, on 31 August 2021, of the Home Office's duty to electronically monitor men being considered for bail and the transition from radio frequency to GPS tags may mean that it is now possible for the release into the community of some men who the Home Office might otherwise continue to detain as deemed to be 'high risk' of non-compliance with immigration removal processes. The Board welcomes this prospect of release for more men, but it echoes the concerns of various NGOs about both the intrusive nature of tagging and the potential for use of data gathered for purposes other than simple tracking of a man's location for bail purposes. We are told by the Home Office that it does not keep a record of how many men are tagged.

7.3. Family contact

Men detained in Brook House trying to keep in touch with their families have faced issues with mobile phone reception as described in section 7.2. In-person social visits resumed in April but have been subject to varying restrictions during the year because of Covid guidelines and could depend on whether a man was based on a wing with Covid cases or their contacts. Board reports from conversations with visitors generally show that the booking process is simple enough and staff are helpful.

Skype continues to be available on each wing and in December access was doubled for men based on the wing housing the longer-staying men with the addition of a further Skype room. At a December meeting of the Resident Consultative

²² It is difficult to make comparisons on removal and release rates with previous years as data provided by the Home Office and Serco includes men subject to STHF Rules. As these men are typically released into the community, including them will depress removal rate numbers and inflate release rate numbers compared with IRC-only data. To try to give a direct comparison with previous years, our analysis above includes an adjustment of the raw data to exclude RSTHF numbers. If these men are included, then 60% were released and 33% removed.

Committee, men asked for a trial of 30 minutes per Skype call, as they did not consider 20 minutes to be long enough.

7.4. Planning for return or release

RSTHF men leaving Tinsley House were regularly released at unsocial hours and could be delayed further if arrivals were happening at the same time. In July, for example, releases after 20:00 were not unusual, and 43 men were released at 23:58 one day and 37 men were released at 00:30 on another day. The Board made numerous requests to the Home Office to do releases earlier in the working day (as arrivals often came in later). The response was that it was not possible due to the demand for asylum accommodation outstripping supply, with Tinsley House departures often going on to accommodation which was only being vacated by other occupants that same day.

Stark examples of the impact of the shortage of onward accommodation were seen when two men were “re-detained” in Tinsley House at nearly 03:00 one night in June as the Home Office had nowhere else for them to go, and in September when releases for about 30 men from Brook House RSTHF were delayed by several days.

Our report for 2020 was critical of the Home Office not delivering removal notices in person at Brook House. DET continues to work subject to their Covid guidance, which means that there have again been occasions when removal directions were delivered by Serco staff rather than Home Office staff.

Once again, delays in providing or getting approval for suitable bail accommodation was a source of frustration for significant numbers of men in Brook House. In mid-December, 8% of the site’s population were waiting for bail accommodation, with one man having been waiting since October.

8. The work of the IMB

The Board has worked hard to minimise the impact of the pandemic on its monitoring. Board meetings have continued monthly – by MS Teams until August and then in person. The Board has continued to monitor in person with weekly visits except on 13 occasions when precluded due to Covid outbreak restrictions; during those weeks monitoring was carried out remotely.

Since most Serco/Home Office meetings were operating via MS Teams for most or all of the year, the Board has been able to attend more of these than would likely have been the case had they been in-person meetings.

Board statistics

Recommended complement of Board members	22 ²³
Number of Board members at the start of the reporting period	13
Number of Board members at the end of the reporting period	12 ²⁴
Total number of visits to the establishment	113

²³ This year has been the first for combined IMB operation across both Brook House and Tinsley House.

²⁴ One member is on an agreed sabbatical.

Applications to the IMB

Code	Subject	Previous reporting year		Current reporting year	
		Brook	Tinsley	Brook	Tinsley
A	Accommodation including laundry, showers	-	1	1	-
B	Use of force, removal from association	1	-	1	-
C	Equality	-	-	-	-
D	Purposeful activity including education, paid work, training, library, other activities	-	-	4 ²⁵	-
E1	Letters, faxes, visits, phones, internet access	1	-	1	-
E2	Finance including centre accounts for detained men	-	2	-	-
F	Food and kitchens	1	-	11	-
G1	Health including physical, mental, social care	13	4	16	5
G2	Covid measures	incl in G1	incl in G1	19 ²⁶	-
H1	Property within centre	-	-	3	-
H2	Property during transfer or in another establishment or location	3	-	3	2
I	Issues relating to detained men's immigration case, including access to legal advice	14	6	46	-
J	Conduct of staff and detained men, including bullying	1	-	6	-
K	Escorts	1	-	1	-
L	Other	1	-	-	-
	Total number of applications	36	13	112²⁷	7

²⁵ Application #1269 with four signatories. Counted as four in this table.

²⁶ Application #1271 was separately made by 15 different detained men, with their concerns about a man with Covid being moved into their wing. Counted as 15 applications in this table.

²⁷ Of these, eleven were received via the 0800 service.



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