

Dear Mr Pursglove,

We write following the response of your predecessor, Chris Philp MP, who wrote to us on 1 September 2021, following our 2020 Annual Report, and also sent an action plan prepared by officials in your department. Morton Hall Immigration Removal Centre (IRC) closed on 23 July 2021 and our Board carried out independent monitoring duties throughout 2021 up to the closure date.

After consultation with Anne Owers, National Chair of Independent Monitoring Boards, we have decided to present our final report as a letter to you rather than a full annual report. Much of the description of the establishment and observations on conditions that were set out in our 2020 report, published in August 2021, remained the case during 2021 so we judge there is no need to cover the same ground. Instead, we focus this shorter letter on specific findings arising from the last 203 days of the centre's operation running up to the 23 July closure date and on a follow-up to the action plan referred to above.

Background

Covid-19 restrictions in the first few months of 2021 meant that we continued to suspend physical visits to the centre, in line with overall health guidance to stay at home and in line with personal health decisions by Board members. Instead, a number of measures – an 0800 telephone applications line for detainees, electronic access to daily briefings, increased telephone contact with centre management and staff, and teleconference monthly Board meetings – enabled the Board to move to a system of 'remote monitoring' for this period when 'in person' onsite monitoring was suspended. Actual onsite monitoring visits to the centre were resumed in mid-April 2021.

Main judgements

We continued to observe that Morton Hall was largely a safe environment for detainees with staff who acted in a professional and empathetic manner to support detainees. Staff worked hard to prevent violence and we raised no concerns over the use of the Care and Segregation Unit (CSU) for detainees confined under rule 40 and rule 42.

Healthcare provision by Nottinghamshire Healthcare Foundation Trust was well delivered with access to the full suite of healthcare services. However, Covid-19 restrictions meant much of the provision of well-being, faith and recreational facilities were curtailed in line with national **Her Majesty's Prison and Probation Service (HMPPS)** protocols. Our view is that these restrictions had a limiting effect on the quality of life for detainees in the centre and we were concerned to see that they were not lifted at the same pace as restrictions in non-HMPPS IRCs or those in the wider community.

This was a source of frustration. For example, the multi-faith centre never reopened for individual prayer and services from 21 April onwards were limited to a maximum of ten detainees. Outdoor sports were not allowed in the centre even after the 12 April easing of community restrictions. In late April and May, staff had to manage a number of incidents to try to stop detainees playing football with improvised homemade footballs and one such incident resulted in a detainee breaking his ankle. It strikes us that the national Gold Command blanket restriction did not balance risk and outcomes appropriately and perversely penalised an outside activity in the fresh air where the risk of virus transmission is less than indoors.

Another source of frustration during this period was the continued significant delays in detainees being released from the centre even after a judge had awarded bail. Releases continued to be held up because of difficulties in the Home Office and the National Probation Service finding and checking suitable addresses. On one of our monitoring visits in mid-June 2021, for example, just over a quarter of the detainees (23 out of a total centre population of 87) were awaiting accommodation address checks with four of them having waited more than three months since their bail decision.

These delays inevitably cause a feeling of injustice among the detainees affected. They have been granted bail from a judge only to find themselves remaining in detention with no clear end date in sight. These frustrations added to the challenge of managing the centre and resulted in the centre having to declare a serious incident on the night of 18 May 2021 when a group of 20 detainees decided to stage an outside night-time protest about this issue.

The men who were involved in the incident were passive throughout with no threats to staff or attempts to breach the security of the centre, but it was a difficult situation to manage and eventually resulted in the deployment of a national tactical response group ('tornado' team) to the centre with the incident coming to a peaceful end shortly before 4 am. We assume that the delays in finding and checking bail addresses are largely due to resources, but such resources need to be balanced against the costs of continued detention and expensive exercises such as the deployment of tornado teams.

The centre closed on 23 July and the run-up to the closure necessitated considerable planning and care by staff. The closure of the centre had the potential to cause stress and anxiety among detainees or to trigger disruptive behaviour. Throughout the months running up to the closure we were impressed by the way in which management and staff at the centre conducted an open and transparent process with detainees, consulting them and keeping them updated on what was happening and what it would mean for them. This was a period when staff were themselves anxious about their own jobs and future, but this did not undermine the professionalism with which they continued to manage the centre and care for detainees.

The transfer of men from the centre proceeded in a well-managed and orderly manner and the closure did not result in any incidents of concern. We conclude our main judgements by congratulating the staff and management of the centre both for

the way they approached this task and for their overall success in ensuring fair and humane treatment of detainees.

Recommendations

1. We hope that, in the event of any future need for health pandemic (or similar) rules that the introduction and relaxation of rules in IRCs is kept in line with those in the wider community rather than moving at a different pace, as we found with football and communal worship in the centre.
2. We recommend that the government gathers and publishes monthly data on the number of detainees for whom a judge has granted bail but who remain in detention together with information on the length of time they have remained in detention since the judge's decision. This data should be used to understand and track delays in release from detention and inform the use of resources to reduce these delays.
3. Following on from (2) we recommend that the government publish data on the full cost of keeping people in detention following bail release decisions, as well as other costs such as managing serious incidents arising from the frustration of those remaining in detention. Speeding up bail address checks could reduce these costs. Such an understanding of costs would help inform policy decisions to ensure the most effective use of resources in the best interests of detainees and the implementation of justice.

Response to the Home Office action plan following our 2021 annual report recommendations

There is an acceptance in the action plan that in the case of foreign national offenders, wherever possible, immigration cases should be resolved in prison so as to prevent the need for follow-on detention. We note that the Home Office has introduced a new operating model with the Ministry of Justice (MoJ) to expedite appeals and ensure timely resolving of cases. Some of our members will be monitoring in the new Morton Hall FNO prison and will be in a position to monitor the effects of this new model. We hope that the Home Office and MoJ will publish data that will enable all interested parties to track case management timescales and appeal waiting times.

The action plan partially accepted our suggestion that consideration be given to retaining an immigration team within the new prison. The Detention Engagement Team (DET) model improved communication between the Home Office and detainees and helped reduce frustration for detainees. We hope that there will be enough Home Office capacity in the new prison to support the foreign national offender population and determine outcomes at the end of their sentences.

We are disappointed that the action plan does not accept our recommendations on remuneration for paid activities and for education. In particular we do not accept the action plan's claim that paid activities, such as work in the kitchens and cleaning accommodation units, are "not comparable with gainful employment in the community." Such a claim is not at all consistent with the everyday picture of life that we see inside the IRC where detainees are undertaking cleaning and kitchen work, as well as other activities, that are important for the running of the centre. Without such activity by detainees the centre would have to invest in a larger paid workforce.

In these circumstances we repeat our contention that a £1 per hour rate of pay, which has remained unchanged since 2008, is derisory.

Conclusion

With the closure of Morton Hall IRC, this is our final report as independent monitors of the centre. We have often identified concerns and made recommendations for improvement, both in our day to day monitoring and our annual reports. We have been honoured to have undertaken this important public duty. The system of independent monitoring ensures that places of detention have a set of independent fresh eyes looking at conditions to ensure they are fair and decent.

Yours sincerely

Chair IMB IRC Morton Hall