



Annual Report of the Independent Monitoring Board at Gatwick Immigration Removal Centre

**For reporting year
1 January 2023 to 31 December 2023**

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Introductory sections 1 – 3

1 Statutory role of the IMB

The Immigration and Asylum Act 1999 requires every immigration removal centre (IRC) to be monitored by an independent board appointed by the Secretary of State from members of the community in which the IRC is situated.

Under the Detention Centre Rules, the Board is required to:

- monitor the state of the premises, its administration, the food and the treatment of detained people
- 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 people 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
- promptly inform the Secretary of State, or any official to whom authority has been delegated, as it judges appropriate, any concern it has
- report annually to the Secretary of State on how well the IRC has met the standards and requirements placed on it and what impact these have on those in its custody.

To enable the Board to carry out these duties effectively, its members have right of access to every detained person and every part of the IRC and all of its records.

The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is an international human rights treaty designed to strengthen protection for people deprived of their liberty. The protocol recognises that such people are particularly vulnerable and aims to prevent their ill-treatment through establishing a system of visits or inspections to all places of detention. OPCAT requires that states designate a National Preventive Mechanism to carry out visits to places of detention, to monitor the treatment of and conditions for detained people 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

- 2.1.1 Gatwick IRC comprises Brook House and Tinsley House. These two centres have been managed as one since Serco took over as contractor in May 2020. The previously separate IMBs were merged from 1 January 2021.
- 2.1.2 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 was 450. Facilities are provided on each wing: a laundry, table tennis and pool tables and a large screen for viewing films.
- 2.1.3 Tinsley House is located close to Brook House. Its capacity is for 162 men, accommodated in two-, four- and six-bedded rooms. A separate, dedicated suite (the Borders accommodation) has normally provided accommodation for one family group at a time. Within the Tinsley House building there is a separate set of rooms (the Pre-Departure Accommodation or PDA) intended for families.
- 2.1.4 Local Home Office teams at Gatwick comprise Detention Services (DS, also sometimes known as Compliance) and the Detention Engagement Team (DET).
- 2.1.5 Medical, mental health and substance misuse services were provided in both centres by Practice Plus Group.
- 2.1.6 Samaritans, Gatwick Detainees Welfare Group (GDWG), Bail for Immigration Detainees (BID) and British Red Cross provide support to detained men. From around June 2023, BID and GDWG hold regular in-person surgeries in Brook House and Tinsley House.

2.2 Brook House Inquiry

- 2.2.1 The Brook House Inquiry published its report on 19 September 2023. The Board welcomes the report and has accepted the recommendations of the inquiry that relate specifically to IMBs. The Board remains committed to learning from both the *Panorama* programme and criticisms made in the report. Members of the Board continue to participate in local and national training on lessons learned from both the inquiry and its report.

3 Key points

3.1 Background to the report

Increasing population and increasingly tense centres

- 3.1.1 Gatwick IRCs were reasonably calm in the first half of the year, with relatively low numbers of men and incidents at levels typical of the past few years. This is likely attributable to the population having been capped at 372 at Brook House and 78 at Tinsley House. This was due to the lack of capacity of Home Office DET: in October 2022, it was reported that DET staffing was 74% across the immigration detention estate.
- 3.1.2 Population numbers rose with the increased implementation of Operation Safeguard¹ to reduce pressure on space in the prison estate. This lowered the risk threshold for transfer to the detention estate, resulting in the arrival of significantly larger numbers of men who would otherwise have been held in prison under immigration powers. At the same time, additional Home Office staff were recruited and loaned to Gatwick, allowing the cap to be lifted. After this, the population at both centres increased steadily and included men with greater levels of vulnerability or higher risk profiles.
- 3.1.3 The impact of these changes increased levels of tension and use of force, particularly at Brook House. They also affected other centres, and men with problematic behaviour were sometimes passed between IRCs before either settling or being sent back to prison to await removal. Increased tensions associated with these changes reverberated across the detention estate, with incidents at one affecting another. For example, following an incident at Yarl's Wood in July 2023, free weights were temporarily removed from gyms at Gatwick IRCs. Depending on one's perspective, this may be viewed as risk management or collective punishment.

Illegal Migration Act

- 3.1.4 The Illegal Migration Act (IMA) became law on 20 July 2023. The Act stipulates that people who enter the UK via unauthorised routes are denied access to the asylum process or modern slavery protections in the UK. Instead, they will be detained and removed to their home country or a safe third country. Although the Act did not affect the numbers or population profile at Gatwick IRCs in 2023, considerable preparation was done in anticipation of an increase in population. This included plans for increased staffing across all departments and organisations, as well as the introduction of 'Project Optimise'. This has the aim of increasing the capacity of Tinsley House by reconfiguring the Borders and Pre-Departure Accommodation (PDA) areas,

¹ Operation Safeguard is a contingency measure to allow prisoners to be held in police cells when prisons are becoming overcrowded. This has been used on a number of occasions since November 2022 and since 29 May 2023 has included the transfer to immigration detention of individuals who might normally have remained in prisons under immigration controls, significantly increasing the flow of time-served foreign national offenders' (TSFNO) movements from English and Welsh prisons into the immigration detention estate to alleviate prison pressures.

and families ceased to be accommodated at Tinsley House from 1 January 2024. The Board noted on several occasions that IMA-related planning has often focused on the possible increased security risk at Gatwick, but less often considered the likelihood of higher numbers of vulnerable adults arriving at the centres.

3.2 Main findings

Safety

- Safety in both Brook House and Tinsley House has deteriorated over the course of 2023. This is evidenced by increased violence, including altercations between detained men and assaults on staff (section 4.4).
- Anti-social behaviour was too often poorly handled at Brook House (paragraph 4.4.2).
- An effect of Operation Safeguard has been to make Gatwick IRC a less safe place.
- The Detention Gatekeeper has not been robust enough in its safeguarding purpose of protecting vulnerable people from being detained (paragraph 4.5.2).
- While there has been greater use of Detention Centre Rule 34 assessments in 2023, it is still not sufficient for such a vital safeguard. (Detention Centre Rule 34 requires that every detained person receives a physical and mental examination by a GP within 24 hours of their arrival at an IRC.) A very significant number of men do not take up the appointments, which the Board is concerned may be due to inadequate explanation of their purpose. We believe that men would be more inclined to attend if they understood that this assessment of physical and mental health and identification of vulnerabilities can inform the appropriateness of continued detention (paragraphs 4.5.4, 4.5.5).
- There has been continued failure to use Detention Centre Rule 35 to its fullest extent and in accordance with its clear words. (Rule 35 requires doctors working in IRCs to report to the Home Office any detained person whose health is likely to be injuriously affected by continued detention, who may have suicidal intentions or may have been a victim of torture.) The low number of Rule 35(1) and 35(2) reports does not reflect the level of need shown from levels of self-harm and suicidal intent in the centre (paragraphs 4.5.6, 4.5.7).
- The Home Office's continued frequent use of its discretion under the adults at risk policy to maintain detention for individuals for whom a Rule 35 report has been submitted has served to undermine the effectiveness of Rule 35 as a safeguard (paragraph 4.5.8).
- Wait times for Rule 35 appointments are unacceptably long (paragraph 4.5.9).
- A disproportionate burden of the care of men with serious mental ill health falls on officers who are not trained or adequately supported to manage such complex needs (paragraph 4.5.14).
- The Board is concerned about the disproportionate focus on security in preparation for implementation of the IMA compared with the more limited preparation for the likelihood of increased numbers of men with vulnerabilities being detained. The Board raised these concerns with senior

Home Office officials on several occasions during the reporting year (paragraph 4.5.17).

- There is a tendency to focus on how vulnerable men can be ‘managed in detention’ rather than a presumption that they should be released. Home Office caseowners rarely attend multi-disciplinary adults-at-risk meetings (paragraph 4.6.3).
- Despite wider, systemic failings, there is commendable work being done on an individual and team level by officers working with vulnerable men on E wing, by the welfare department, by social workers and the religious affairs department and by some residential officers on the wings. These require more support, including wider recognition of their importance and value.

Fair and humane treatment

- Detention without a time limit is unfair and inhumane. The Board sees the impact of delays and the failings in accountability and communication, both in casework generally and in the release process in particular (paragraphs 7.2.1 to 7.2.6, 7.2.14 to 7.2.17 and section 7.4).
- The Board considers increased lock-in times before lunch and evening meals to be unfair and detrimental to the wellbeing of the men. Echoing observations and recommendations of HMIP and the Brook House Inquiry, the Board considers this deprivation of free association time could be rendered unnecessary by increased staffing (paragraph 6.5.1).
- It is not fair treatment to have a blanket policy of using fully kitted control-and-restraint teams in every planned intervention for the use of force (paragraph 4.9.5).
- Almost every man escorted on a hospital visit was handcuffed in the last six months of the year. This can be humiliating and distressing (paragraph 4.10).
- The Board is concerned about the use of Detention Centre Rule 40 (where the detained person is separated from others) when a man refuses to share a room. We do not believe that it is justified in many cases (paragraph 5.3).
- Even fewer complaints against Serco were upheld this year. The functioning of the complaints process does not give confidence that it is fair (paragraph 5.7).
- Payment of £1 per hour to detained people for work being done is not fair and does not reflect the value of the work. Similar considerations apply to the failure to increase the daily allowance of £0.71 paid to detained people (paragraph 6.6.4).

Health and wellbeing

- In the Board’s view, the healthcare department has failed to fully address concerns raised by the Brook House Inquiry about access to critical safeguards and the competence of those charged with them (paragraphs 6.1.1, 6.1.3).
- There is inadequate staffing of healthcare and a lack of continuity caused by over-reliance on agency staff. This leads to a failure to provide necessary care such as psychological interventions (paragraph 6.1.2).

- While efforts to support staff development and resilience are important, we are concerned that this has come at the expense of presence in the centre, including during first responses, at times when detained men are both vulnerable and there is a risk of harm (paragraphs 6.1.4, 6.1.5).
- The volume of complaints from detained men about healthcare staff behaviour and the Board's observations of defensiveness, disengagement and weak or ineffective multi-disciplinary working suggest wider issues of staff culture and burnout (paragraph 6.1.6).
- Access to dental care has improved, but delivery of the full dental suite is taking too long (paragraph 6.2.2).
- There is a wide gap between the level of need for mental health support and what has been provided, both in terms of low-level interventions (anxiety, depression) and more severe presentations. Mental health provision has been inadequate to the needs of the men (paragraph 6.3.2-6.3.5).
- There have been some positive interventions, such as reversing policies of removing men's mobility aids on arrival and delivery of some preventive health initiatives (paragraph 6.2.1, 6.2.3).

Preparation for return or release

- Failure by the Home Office to establish pathways to release by working with its counterparts in the Probation Service resulted in significant anxiety among the detained men and even despair on occasion. It unnecessarily extended time in detention for too many people who had already been granted immigration bail (paragraph 7.4).
- People detained at Gatwick did not always have meaningful access to legal advice throughout 2023. This was the case while solicitors' legal aid appointments were done remotely and, for Brook House, while the planned new mobile phone system is not in place and working for all men detained there. And, even after a return to in-person appointments at Tinsley House, access was not consistent due to ongoing problems with the IT scanner used for communication with solicitors (paragraphs 7.2.7 to 7.2.13).
- There was a welcome post-pandemic return to face-to face solicitors' legal aid appointments in 2023, but the requirement was reversed from 1 January 2024.

3.3 Recommendations

TO THE MINISTER

- Introduce a time limit for immigration detention (repeated from IMB 2018, 2019, 2020, 2021 and 2022 annual reports).

TO HOME OFFICE IMMIGRATION ENFORCEMENT

- In conjunction with NHS England, develop an agreed script that explains both the physical and mental health aspects of Rule 34 appointments and their relevance to continued detention. Require that the agreed script on the purpose of Rule 34 appointments is translated into all languages necessary for people detained in IRCs.

- Any review of the use of force policy in immigration detention should require that use of fully kitted control-and-restraint teams in planned interventions for the use of force should be risk assessed on a case-by-case basis.
- Review the operation of the process for handling complaints against Serco, including factors behind withdrawal rates, considering changes such as introducing specialist teams to handle complaints, shortening the time for responses, and whether contractual penalties can be modified (repeated from the IMB 2021 annual report).
- Share the contents of complaints – and their responses – against the Home Office (repeated from 2022).
- DET should maintain regular surgeries in both centres, with increased outreach to ensure men are aware of them and increase their presence in the centres to improve accountability and men's access to information.
- Visits by caseowners to the centres, particularly Brook House, should take place routinely to improve their understanding of the context and impact of their decisions and improve men's access to decision-makers.

TO THE DIRECTOR/CENTRE MANAGER

- A trauma-informed approach should be undertaken throughout both centres, including psychological first-aid training for staff, particularly those who work with the most vulnerable people, e.g. those on E wing. Brook House IMB recommended something similar in annual reports as long ago as 2016 and 2017.
- Use of fully kitted control-and-restraint teams in planned interventions for the use of force should be risk assessed on a case-by-case basis.
- Reduce the prevalence of the use of handcuffs on escort by striking a better balance between security and the risk of harm or distress to the detained man (repeated from 2022).
- More focus on vocational training that can support men on removal or release.

TO NHS ENGLAND

- In conjunction with Home Office Immigration Enforcement, develop an agreed script that explains both the physical and mental health aspects of Rule 34 appointments and their relevance to continued detention.
- Require healthcare professionals and staff to use the agreed script consistently in all IRCs, particularly in initial reception healthcare appointments.
- Review the complaints' management systems for the healthcare unit to ensure there is adequate accountability to the men using the services.
- Share the contents of complaints against the healthcare unit, having redacted clinical information, and responses to them (repeated from 2022).

Evidence sections 4 – 7

4 Safety

- 4.1.1 Safety in immigration detention has both positive and negative obligations for those responsible for the centre. There is a responsibility to protect people from physical or emotional threats and also to ensure that detention itself does not cause harm, particularly for people with pre-existing vulnerabilities. The Board considers that safety at both Brook House and Tinsley House has degraded over the course of 2023, both in terms of physical safety and due to continuing failings in key safeguards for vulnerable people.
- 4.1.2 Brook House, in particular, has felt increasingly febrile to the Board during monitoring visits. This is evidenced by the increased violence, including altercations between detained men and assaults on staff, as described in paragraph 4.4. Physical security at both sites is adequate, but systems to detect and manage antisocial behaviour among detained men are weak. More detail is given in paragraph 4.4.2. This has been made worse by the increased availability of illicit substances and rumours about how they are entering the centre, as detailed in paragraph 4.11.
- 4.1.3 Tensions in both centres have been heightened by the implementation of Operation Safeguard in 2023. This has resulted in both a steady increase in population and a change in the profile of the population, including an increased proportion of men coming from prisons with a higher level of assessed risk.
- 4.1.4 There appears to be a general sense of lack of discipline, particularly in Brook House. This is exemplified by smoking in corridors and on the wings. With few real sanctions available to them, staff have become increasingly less likely to challenge the behaviour, leading to yet more blatant disregard of the rules. In addition to the unhealthy and unpleasantly smoky environment, this has a knock-on impact on the perception of safety both for staff and detained men.
- 4.1.5 Another concern is the number of men detained with serious pre-existing mental health conditions, the behaviour and demeanour of some of whom puts them at potential risk of abuse or exploitation. This is addressed in greater detail in paragraph 4.5.
- 4.1.6 The Board is concerned by what it perceives as a tendency to prioritise the interests of the establishment over the wellbeing of the men. For example, at Brook House, men have been penalised for refusing to share rooms when there is pressure on capacity, but rarely for other issues such as smoking. Also, from mid-2023 to the end of the year, handcuffing was used for almost 100% of escorted moves – something that is often distressing and humiliating for the men. This is addressed in greater detail in 4.10.
- 4.1.7 There were four serious incidents in 2023. Two related to men protesting about the lack of case progression, one was related to a detained person's anger at treatment by healthcare, and the fourth was following the removal to hospital of a detained man who self-harmed in his room and later died in hospital. The first three incidents took place in September, one of which was attended by the National Tactical Response Group (NTRG), a team trained to

intervene in dangerous, high-risk situations. These most serious incidents at Brook House have in common men's frustration at a lack of progress, respect, or information and communication. See section 4.9.

- 4.1.8 Of concern to the Board is the lack of meaningful engagement with men on their subjective experience of safety and security in the centres. Since 2022, men can provide feedback using 'candour logs' on the self-service kiosks, computers men to use order food and book appointments. These were used more often in 2023 than in previous years but, at 374 responses in the reporting year, it is still not enough to be representative. This is particularly true as it is a self-selecting sample, and the Board has been told that some men submitted more than one entry. Safety and security is an agenda item on weekly wing forums, chaired by the residential managers, and the Resident Consultative Committee meetings, chaired by the Deputy and Assistant Directors. However, both of these meetings tend to have weak and inconsistent attendance by detained men.

4.2 Reception and induction

- 4.2.1 This year, the Board has seen improvements in the way men are received into the centres and in the quality of the induction provided in both Brook House and Tinsley House. Men we spoke with generally said they were treated with respect and dignity. Complaints about the duration of the process and the number of security checks largely related to the entire process of transferring from prisons to immigration removal centres.
- 4.2.2 Reception areas in both centres are adequate, but could be improved with cleaning and refurbishment, and the Brook House reception varies in terms of its tidiness and cleanliness.
- 4.2.3 The re-establishment of an induction wing at Brook House from 10 March is welcomed by the Board. We have still not witnessed the kind of systematic wing inductions that used to take place prior to the pandemic, but we are told by the Home Office that these happen on an individual basis. The Board was disappointed to learn that volume of work has meant an end to inductions that welfare officers once did in a room in the Reception area at Brook House. Instead, these are now done on the wings and corridors. While those that Board members witnessed seem thorough, friendly, and attentive to confidentiality, they are not carried out in the calmer and more confidential setting, which would be of benefit to new arrivals.
- 4.2.4 The Board still sometimes sees men struggling to understand their rights and how they can exercise them in the centres. This includes men being uncertain about access to even basics such as toiletries (soap, shampoo), how to make contact with their family, what activities are available and how to access them, and how to access the complaints process.
- 4.2.5 If a higher proportion of asylum seekers were to come into the Gatwick IRCs, as anticipated under the IMA, the Board is concerned that there may be an increase in the type of issues that arose in late 2020, with the programme of pre-Brexit charter flights returning asylum seekers to European countries. More work should be done to ensure consistent access to interpretation services, ensuring information about the centres and the regimes are provided

at a time and in a way that can be understood by the men, that there is confidentiality in the reception process, and that vulnerability screening is being carried out effectively and consistently.

4.3 Suicide and self-harm, deaths in custody

- 4.3.1 There was one death – apparently self-inflicted² – in detention in the reporting year. A lessons learned review was conducted at the beginning of February 2024. Key learning lessons to be actioned include more effective use of interpreters, improving quality, frequency and consistency of interaction with Home Office staff (see section 7.2.4), the need to make TV brackets at Brook House ligature-resistant, and improved information sharing for other men who are detained there (see section 5.4.4).
- 4.3.2 Rates of self-harm were slightly higher than in 2022, at between 2% and 4% as a proportion of the population. There were notable spikes in January (6.9%) and September (7.8%). However, the number of men placed on an Assessment, Care in Detention and Teamwork (ACDT) plans, used to monitor detained people who are considered at risk of self harm, was generally lower than in the previous year. The reason for this is unclear, but may be due to reported staff reticence to open a plan (see paragraph 4.3.4). The Board noted on more than one occasion in 2023 that threats or acts of self-harm were linked to prolonged detention due to the slow pace of approval of bail addresses.
- 4.3.3 The Board has often noted the care and empathy shown by officers dealing with men in distress. However, we have also reported officers' dismissiveness and tendency to downplay the seriousness of men's threats or acts of self-harm, which may be indicative of a culture of disbelief or desensitisation. Given how many detained people have trauma in their history, the absence of a centre-wide, trauma-informed approach is surprising and concerning.
- 4.3.4 Considerable effort has been put into managing processes, with mixed results. The new ACDT paperwork was introduced in January 2023, but this had still not bedded in well by the end of the year. The paperwork is taken from the prison estate, and the assessment of Serco personnel was that it is not sufficiently adapted to the detention environment. For this reason, some staff have been reticent to open them, particularly when first introduced. Early problems included paperwork not being well or fully completed and the checks that are in place to ensure good governance, such as daily sign-off by a manager, for example, not being completed. The final document is unwieldy, and we understand that it is still not used well.
- 4.3.5 There have been some positive steps this year, specifically in the increase in the number of officers trained in assessment related to the ACDT process and the continuation and embedding of self-harm reviews that were initiated in September 2022. The Board has not been privy to the findings of these

² The cause of death is confirmed only after coronial investigation.

investigations, but conclusions shared at Safer Community meetings seem useful and to the point.

- 4.3.6 Another positive change was challenging the tendency to immediately put men at risk of self-harm on constant watch. There has been recognition that this was an approach more aimed at avoiding risk than at supporting the mental health of the person in distress. The Board has been told that constant watch is no longer the default option and it seems to be used less often.

4.4 Violence and violence reduction

- 4.4.1 There was a substantial increase in violence across both centres in 2023, both in comparison with the previous year and with pre-pandemic periods. Serco reported 146 assaults on staff, some requiring hospital care, compared with 55 in 2022 and 82 in 2019; and 82 assaults by detained men on other detained men, compared with 33 in 2022 and 20 in 2019. As in previous years, Tinsley House had considerably lower levels of violence, which is to be expected, given that men accommodated there are generally lower risk. Nonetheless, there were 15 assaults on staff and five between detained men. As use of force can be used as a proxy for or an indicator of violence, it is relevant to note that there have also been higher levels of use of force than in recent years, as detailed in section 4.9.
- 4.4.2 Anti-social behaviour remains poorly handled at Gatwick, particularly at Brook House. The Board reported last year on plans to replace the little-used Tackling Anti-social Behaviour (TAB) processes, but this did not happen until early 2023. Despite the considerable number of assaults and altercations, as well as concerns about exploitation of more vulnerable men, TAB documents were used only 97 times at Brook House and twice at Tinsley House in 2023. It is hoped that the new 'Monitor, Challenge, Support' system will be an improvement. The Board is concerned, however, that the real need is for a change in how this behaviour is conceptualised, without which staff will continue to struggle to manage behaviour in the centres that put men at risk. At present, the default is still to protect the victim of anti-social behaviour by putting them out of harm's way and curtailing their freedom, with few repercussions for the perpetrator(s).
- 4.4.3 The levels of violence at Gatwick are very concerning and have led to some changes in the perception of safety among staff and visitors, including Board members. This is only partly attributable to the changed composition of the population since the start of Operation Safeguard and the higher risk profile of some of the detained men. It must also be evaluated in the context of an increasingly crowded and noisy centre, longer hours spent locked in rooms, and general frustration with slow case progression.

4.5 Detained people with specific vulnerabilities, safeguarding

- 4.5.1 The Board has been extremely concerned throughout the reporting year about the significant number of men with vulnerabilities and complex needs detained at Gatwick IRCs, particularly at Brook House. Along with those of other IRC IMB Chairs, our concerns have been escalated to senior Home Office officials. The Board is particularly concerned about weaknesses in key safeguards.

Detention Gatekeeper

- 4.5.2 A key function of the Detention Gatekeeper is to protect potentially vulnerable individuals from being detained when such detention would be inappropriate. There have been a number of men detained at Gatwick in 2023 the appropriateness of whose detention seemed highly questionable. Indeed, at least four men had such severe mental health needs that they were assessed for sectioning under the Mental Health Act. Once in detention, it is very difficult to find a safe exit plan for these men. Even after a Rule 35 report had documented their vulnerability and/or deterioration in detention and despite considerable multi-disciplinary team working, many remained detained and continued to deteriorate over prolonged periods of time. The Detention Gatekeeper must be more robust in order to prevent these men from being detained in the first place.

Rule 34 assessments

- 4.5.3 Detention Centre Rule 34 requires that every detained person receives a physical and mental examination by a GP within 24 hours of their arrival at an IRC, subject to their consent. The purpose is to identify immediate health needs and vulnerabilities that may not be readily apparent or have not previously been detected and could have a bearing on whether continued detention is appropriate. In 2023, Rule 34 appointments were offered to 98.7% of men arriving at Gatwick (4,830 men of 4,894 total arrivals). This means that 64 men were not offered a Rule 34 appointment who should have been. The reasons for these lapses should be looked into and remedied, as every man should at least be offered an appointment.
- 4.5.4 Of particular concern is the high number who do not take up the offer of a Rule 34 assessment. The Board did not receive a final number of how many appointments were attended by detained men, but we know from discussions at various meetings during the reporting year that roughly half of the men do not take up the offer. While it might be unrealistic to expect 100% uptake on appointments given, this does suggest either that men may not be aware of the appointments or their value and importance may not be made sufficiently clear at reception. Steps should be taken to remedy this, as this is an important safeguard. It is the Board's view that an agreed script should be developed and used consistently across all IRCs, which makes clear both the physical and mental health aspects of Rule 34 appointments and the relevance to their continued detention.

Rule 35 reports

- 4.5.5 Rule 35 reports are intended to ensure that particularly vulnerable individuals are brought to the attention of those with direct responsibility for authorising, maintaining and reviewing detention and to inform other risk management processes. There are three cases where Rule 35 requires a GP to make a report: 35(1) any detained person whose health is likely to be injuriously affected by continued detention or any conditions of detention; 35(2) any detained person the GP suspects of having suicidal intentions; and 35(3) any detained person who the GP is concerned may have been the victim of torture.

- 4.5.6 Many of the concerns we highlighted in our 2022 annual report remained unaddressed in 2023. A total of 397 Rule 35 reports were produced between March and December in 2023³, of which Rule 35(1) and 35(2) reports made up only 4.5% and 2.% respectively (see the table in Annex A). An ACDT being opened does not automatically require a Rule 35(1) or 35(2) report, however the Board feels it is not credible that the number of these assessments conducted reflects the real level of need, as evidenced by the number of ACDTs opened due to self-harm or suicidal ideation, an average of 7.7% of the population in any given month (see paragraph 4.3.2).
- 4.5.7 The Board can only conclude that, despite much talk of training by PPG, there has not been a substantial shift in how these processes are understood and dealt with. As highlighted in last year's report, the fact that only torture is routinely being considered as a trigger for Rule 35 support sets the bar very high in terms of safeguarding. The signs are that the clear directions of Rule 35(1) and 35(2) are not being adhered to.
- 4.5.8 The Board is concerned that the effectiveness of Rule 35 as a safeguard is further undermined by the very high proportion of cases in which detention is maintained due to the use of the Home Office's discretion under the Adults at Risk policy prioritising immigration factors. Reports resulted in release only 31% of the time, which is even lower than in 2022. Even in the case of Rule 35(1), where the report indicates a likelihood of harm because of continued detention, only 50% of men were released.
- 4.5.9 Finally, as the Rule 35 process is intended to prevent further harm in and caused by detention, it is self-evidently time sensitive. Waiting times for Rule 35 appointments were reasonable in the first four months of the year, at two days each for both Brook House and Tinsley House. However, the situation rapidly deteriorated, and waiting times were over two weeks for at least four months in each centre. Extra funding was approved to clear the backlog, but no suitably trained GP could be sourced to do the work. Healthcare restructured the GP weekend rosters, and the waiting time did fall at Tinsley House, but in December, there were 17 and 20 day wait times, respectively.
- 4.5.10 The Rule 35 process is framed in terms of promptness and urgency in related Home Office guidance. Wait times at the centres do not reflect this and are too long.
- 4.5.11 The Board is concerned at these failures of a fundamental safeguard both to operate in a timely manner and to be used to the fullest extent for the protection of vulnerable people in the centres in 2023. In addition, it raises concerns about the ability of the healthcare service to cope with the needs of potentially significant numbers of people with characteristics of vulnerability if the IMA is implemented in 2024.

³ The Board did not receive Rule 35 reports from the Home Office for January and February 2023.

Support for people with vulnerabilities

- 4.5.12 There have been some positive initiatives to find solutions for men with complex needs at Gatwick IRCs. At times, Serco has been proactive in moving men from Brook House to Tinsley House to provide a calmer, less prison-like environment. For men at Brook House, E wing is intended to accommodate those needing a quieter environment and a higher level of support. However, for most of 2023, it was near capacity with men whose mental health issues were serious enough that those with lesser needs sometimes found the environment upsetting and preferred to stay on the busier wings.
- 4.5.13 These men are at risk of deterioration as a result of detention in general and, in some instances, their vulnerability has put them at risk of abuse or exploitation by others. Moreover, their behaviour sometimes creates tension, which has an impact on safety in the centres.
- 4.5.14 The Board has commented on numerous occasions regarding the empathy and patience displayed by staff on E wing, but highlights that they are not trained to manage such complex needs. Indeed, it seems that much of the support that is offered to men in distress at Brook House is provided by non-specialists, while specialist support in the form of a psychiatrist, a psychologist and mental health nurses appears to the Board to have been perfunctory and largely focused on the distribution and management of medication. For better support of those with vulnerabilities, there is a need for a trauma-informed approach in both centres, as from the Board's observations there is insufficient understanding of how men's behaviour or varying level of needs may reflect a past history of trauma.
- 4.5.15 Several women, including transgender women, have been accommodated for short periods of time in either the Borders or PDA at Tinsley House this year, and have typically told Board members they were treated with respect and dignity.
- 4.5.16 The Board is concerned about the disproportionate focus on security in preparation for implementation of the IMA, compared with the more limited preparation for the likelihood of increased numbers of men with vulnerabilities being detained. The Board has raised these concerns with senior Home Office officials several times during the reporting year.

4.6 Adults at risk (AAR)

- 4.6.1 Gatwick IRC continues to focus on a broader consideration of vulnerability than the previous focus on men formally designated as adults at risk. This includes, for example, men who have been in detention for a long period, men on an ACDT or VACP (Vulnerable Adult Care Plan).
- 4.6.2 The number of adults at risk at all levels has remained high this year, and the Board has not felt that these men have necessarily had the management of their cases expedited in light of their vulnerability. As shown in the charts in Annex A, during the second half of the year there were, on average, more than 150 men recorded as being at risk – 30% to 45% of the total population. During these months, there were up to five detained men at AAR Level 3,

meaning there was professional evidence stating that the individual was at risk and that a period of detention was likely to cause harm, for example, increase the severity of the symptoms or condition that led to the individual being regarded as an adult at risk. At the year end, two of these men had been on Level 3 for 24 weeks and 29 weeks, respectively, which the Board considers to be an unacceptably long period. Both men had significant mental health issues, made worse by detention, as was acknowledged by Serco, the healthcare service and the Home Office.

- 4.6.3 The Board is concerned that there is, at times, a tendency to focus on how vulnerable men can be 'managed in detention' rather than a presumption that they should be released. Home Office caseowners overseeing the files of men who are designated adults at risk attend by phone more often than in previous years. However, they still primarily attend meetings only when expressly invited for men who are AAR Level 3 or due to a deterioration in the man's condition or other issue. Sometimes they do not attend even then. Without consistent caseowner involvement, it is difficult for local staff to make substantive changes in the men's situation.

4.7 Age disputes

- 4.7.1 There were no formal age disputes in 2023. The Board was informed that there were some individuals who said they were under 18. However, they were not treated as age disputes because the Home Office had documentary evidence that contradicted this claim.

4.8 Safeguarding governance

- 4.8.1 Good governance in detention is critical to ensure that policies to safeguard detained people are being appropriately implemented; that performance is being monitored; and that there is good oversight. In 2023, some positive steps were taken to improve governance, making it more dynamic and effective, but these were undermined by systems not well-adapted to the context and by normalisation of distress and self-harm.
- 4.8.2 The Board has already flagged difficulties with the introduction of a new version of the ACDT plan in paragraph 4.3.4.
- 4.8.3 As noted in paragraph 4.4.2, tackling anti-social behaviour processes failed to gain traction this year, in the same way that systems have failed in the past. The Board appreciates the effort and reflection invested in creating a new system. However, we question whether this will make a difference without substantial efforts being made to understand why these processes aren't being used and addressing those issues directly.
- 4.8.4 The Board has commented positively in previous years on the initiative to take what had been a very static and perfunctory Adults at Risk meeting and turn it into a much more dynamic, problem-solving forum in the form of the Vulnerable Residents' meeting. We have been disappointed to see this lapse back into a more passive forum over the course of the reporting year. It is well organised, but attendance and engagement can be poor, particularly with regard to the rare attendance of Home Office caseowners and the waning engagement of residential staff and healthcare personnel. We have observed

that when the usual Chair is away, it is notably shorter and more bureaucratic, suggesting that these systems are heavily reliant on individuals.

- 4.8.5 Regular Safer Community meetings started the year with good attendance. However, by the summer, there were few attendees and attendance remained weak for the rest of the year. It continues to be largely a presentation of statistics, although there has been a slight improvement on previous years in the extent to which these are interpreted by the meeting's chair. It is weakened by generally poor engagement by participants. A serious weakness is the utter lack of representation of detained men.

4.9 Use of force

- 4.9.1 There is no prescribed definition of use of force for the immigration setting, but as applied at Gatwick IRC it is very broad, encompassing everything from a touch on the shoulder to a planned intervention involving the wearing of full protective equipment, including helmets and shields. The Board welcomes the recommendation of the Brook House Inquiry to have a definition of use of force and guidance more tailored to the immigration setting rather than borrowing from prisons. At the time of writing, there was an early draft definition out for consultation.
- 4.9.2 Use of force more than doubled in 2023, both as a percentage of month-end population and as an overall figure compared with its use in 2022.⁴ The Board believes this reflects the increases in tension and violence within the centres.
- 4.9.3 The table in Annex A shows that, in 2023, the vast majority of use of force incidents recorded 'maintain good order' and/or 'protect third party' as reasons for force being used. A total of 41.7% of the 599 uses of force in Gatwick were to maintain good order and 43.7% were to protect a third party. As mentioned earlier in this report, Operation Safeguard brought men from prisons into Gatwick IRCs who might otherwise have been considered too high-risk for detention in an IRC. The Board saw and documented a substantial and significant increase in the prevalence of force, which was closely aligned with this change in population.
- 4.9.4 Use of force remains low at Tinsley House but has increased in 2023. The Board has perceived a learning curve on the part of the staff at Tinsley House. Earlier in the year, the staff were less accustomed to using force, which was evident in identification of instances and reporting, but reporting has improved over the course of the reporting year.
- 4.9.5 The Board has sometimes found the tone and approach of some staff unnecessarily aggressive and intimidating. At Gatwick IRCs, planned interventions that may result in uses of force invariably involve fully kitted teams, which is already intimidating. On several occasions, the Board has noted aggressive shouting of instructions, which appeared intended primarily to intimidate. The use of fully kitted teams in planned interventions is Serco

⁴ Data provided by Serco, analysis by IMB.

policy for the safety of its staff. This was questioned at the Brook House Inquiry, but remains the practice.

- 4.9.6 The Board recommends that each case should be risk assessed and that it is not fair treatment to have a blanket policy of using full protective equipment in every planned intervention.
- 4.9.7 The Board is concerned by the reduced presence of the healthcare department in the use of force this year. Engagement during incidents was variable even before the decision was taken in October not to attend all first responses, but only planned interventions and medical emergencies. This is discussed further in paragraph 6.1.4. Healthcare involvement in use of force incidents is a key safeguard and this reduced presence is problematic.
- 4.9.8 Finally, the Board is concerned on a broader level about the extent to which the staff are conscious of how detained men experience detention – and Brook House, in particular. While a show of force may seem helpful in discouraging resistance - particularly with a planned intervention and use of force - it is important that staff understand that this takes place against a backdrop of enormous power disparities and an experience of detention that for many is already frightening, dehumanising and degrading.

4.10 Handcuffing

- 4.10.1 At the start of 2023, around 30% of men were handcuffed on escorted moves (e.g. to hospital), approximately in line with Serco's commitment in earlier years that 'not cuffing would be the default'. However, from July, the proportion cuffed has been 100%, with only one exception in November when the proportion was 97%. This is shown in the chart in Annex A. The Board has asked on several occasions for an explanation of this and has been told by Serco that individual risk assessments jointly made by security, the Home Office and the healthcare service have been strongly influenced by two instances of absconding early in the year and by the increase in numbers of higher risk men detained because of Operation Safeguard.
- 4.10.2 The Board is not convinced by this explanation, as not every man going on escort will have been one of the higher-risk Operation Safeguard men. It appears then that there is a very high level of risk aversion in the assessment process. It is best practice to avoid the use of handcuffs during such escorts, and men have told us that they find it humiliating and demeaning. The Board repeatedly raised this concern in 2023.
- 4.10.3 Rigid-bar handcuffs were introduced into the centres in August 2023. Initially, they were used only by managers and use of force instructors. Training was rolled out very slowly, but eventually reached 81% of Detention Custody Officer (DCO)-badged staff and Assistant Directors. Implementation appears to have been managed well, with cuffs only issued after training has been given. The Board has been concerned by the increased emphasis on security by both the Home Office and Serco, to which rigid-bar handcuffs contribute.

4.11 Substance misuse

- 4.11.1 This year saw an increase in the presence of substances, particularly at Brook House. Psychoactive substances were particularly prevalent in the early part

of the reporting year. There have been waves of different types of substances at different times, with a synthetic form of 'Spice' prevalent at some times of the year, and a higher amount of cannabis at others.

- 4.11.2 There have been some indications, including from detained men, that some staff are involved in the supply. From discussions with Serco senior management at monthly Board meetings, the Board's view is that Serco has consistently had a good understanding and analysis of both how substances are entering the centres and the particular challenges of prevention with the new psychoactive substances.
- 4.11.3 There have been several cases in which men required medical treatment due to the side-effects of these drugs and, on occasion, concern that more vulnerable men have been used as 'guinea pigs' for substances. Some men have also complained of unfair treatment, arguing that they were penalised for relatively minor issues while staff looked the other way when people were dealing drugs.
- 4.11.4 The number of men receiving opioid replacement treatment increased substantially over the course of the reporting year, as detailed in paragraph 6.3.6.

5 Fair and humane treatment

5.1 Escort, transfer and transport

- 5.1.1 The Board's primary concern this year has been in relation to high levels of handcuffing on hospital escorts, which men have said has an impact on their willingness to attend external appointments and their level of comfort when attending them.
- 5.1.2 There have been a few problems of communication between centre staff and escort staff, resulting in a few occasions when men were supposed to leave the centre and could not. This was particularly problematic in one case, in which it meant delaying for a couple of weeks the transfer of a man with serious mental health issues, on whose case social workers had been working for months.
- 5.1.3 The Board has also noted some concerns about how men who are at risk are treated and monitored during transfer. Specific cases included ACDT paperwork that was not presented on a man's arrival, and a man arriving on an inter-centre transfer on constant watch.

5.2 Accommodation, clothing, food

Accommodation

- 5.2.1 Brook House and Tinsley House are showing their age, and the Board has commented with some frequency in 2023 on the griminess of many parts of both centres. Men have consistently raised concerns about showers, toilets and residential laundries, particularly at Tinsley House. Both centres have had issues with drainage and bad odours. Laundries often have clothing piled up and a backlog of people waiting to use machines, and men have sometimes mentioned that clothing has gone missing when unsupervised.
- 5.2.2 Bedding used in the centre is old and some is yellowed with age. Some of the mattresses are also very old and thin. On one occasion, a man negatively compared this with prison, where bedding is routinely replaced after six month's use. More systematic quality checks of bedding and towels are needed.
- 5.2.3 The carpet/flooring in the visits' hall at Tinsley House is heavily stained. Besides looking very grubby, as the only outward facing area of the centre to visiting families and the public, it doesn't send a reassuring message about conditions generally.
- 5.2.4 Men have consistently raised concerns about poor ventilation, a particularly serious issue at Tinsley when it is warm outside. In both centres men complain of airlessness. This is exacerbated by pervasive and unchecked smoking and vaping both in common areas and in rooms. This is most egregious at Brook House.

Food

- 5.2.5 During the first half of the year, the Board received complaints regarding issues with the wing kiosks being out of action and inconsistencies between

what was ordered and what was issued and as a result the men were slow to embrace the kiosks. Latterly, these issues seem to have been resolved, the kiosks now appear to be working well and most applications (written representations detained people submit to the Board) concerning food are suggestions rather than actual complaints. There have even been positive comments about food.

- 5.2.6 Good attention has been paid to ensuring that needs for special meals and mealtimes have been catered to, particularly for religious observances.

5.3 Separation

- 5.3.1 Use of Rule 40 (separation) at Brook House has risen significantly during 2023, with 381 instances at Brook House and 17 at Tinsley House, of which 77% of the aggregate totals were spontaneous uses and 23% were planned interventions. Data from Serco shows that the main uses of Rule 40 were for 'fighting/assault' (33%), 'disruption/drugs' (21%), men going on the netting (9%) and 'damage to property' (9%). Average time spent on Rule 40 was 44.9 hours at Brook House and 23.5 hours at Tinsley House; the longest stay concerned a man with severe mental health needs at Brook House, who was on Rule 40 for 29.5 days. There was one instance of Rule 42 (confined temporarily in special accommodation) used at Brook House, lasting less than an hour. Data is shown in the table in Annex A.
- 5.3.2 During the first five months of 2023, the average number of men on Rule 40 was 4% of the detained population. From June, this more than doubled to 8.9%. The Board suspects that this, along with increased numbers of use of force, is a consequence of the higher-risk population following Operation Safeguard.
- 5.3.3 While a fight or an altercation between men may result in the spontaneous use of Rule 40 due to security or safety concerns, the Board has witnessed good use of de-escalation and mediation measures in these situations.
- 5.3.4 However, the Board is concerned about what it considers the inappropriate use of Rule 40 in relation to men refusing to share a room in the absence of other disruptive behaviour. The Serco data shows 20 incidents in 2023. The Board's view is that this has occurred as a result of pressures, due to an insufficiency of bed space in the detention estate. While this is no doubt frustrating, it is not an issue of security or safety and does not justify the use of separation under Rule 40. The Board has raised this issue consistently through the year and escalated it to senior Home Office officials in January 2024. The response was that the use of Rule 40 for refusal to share was to be made only when accompanied by threats to other residents, thus becoming an issue of safety. The Board is not confident that this policy has always been followed. Further, the practice is that a man detained at Gatwick will usually be asked on multiple occasions if he will share and, with final pressure, may make remarks such as not being able to guarantee the safety of anyone he is forced to share with. It is this that might be treated as a threat to the safety of others for the justification of the use of Rule 40. But when looking at the full picture, the Board's view is that it is artificial and the reality is that Rule 40 has been applied for refusing to share, which is not an authorised use.

- 5.3.5 The Board also finds problematic the use of some instances of pre-emptive separation in advance of removal for flights. While there may be circumstances where previous non-compliance with removal or threats not to comply may give rise to concerns about security or safety, at both centres separation has sometimes seemed to take place unnecessarily early, denying the men hours of exercise and association. This is especially so at Tinsley House, where the configuration of residential areas has contributed to failed removals.
- 5.3.6 There have been a few instances when men have been put into separation for behaviour that was a consequence of their mental ill health. While the Board acknowledges the difficulty of managing such men within the centres, we believe the use of Rule 40 separation to be inappropriate in these cases. The lack of suitable and effective mental healthcare (see section 6.3) has made these situations more frequent.
- 5.3.7 Rule 40 reviews are sometimes a bit perfunctory, and the limited space and high number of people present not really conducive to a meaningful process. The Board has expressed concern at both the lack of preparation and weak interventions of some healthcare personnel at these reviews.
- 5.3.8 There have been a number of cases in 2023 when a man's Rule 40 has reached the 14-day time limit and has simply been closed and then re-opened. The man noted above, in paragraph 5.3.1, was on Rule 40 for a continuous 29-day period using this process of new and extended authorisations. While the Board understands the challenges of managing particularly intractable behavioural issues, the time limit exists to reduce the risk of abuse of the policy. This is of particular concern when, as in this case, the individual's behaviour is linked to his mental health issues. Its expiration should provoke more proactive measures to find a solution rather than resorting to a work-around that ultimately erodes protection for detained men.

5.4 Relationships between staff and detained people

- 5.4.1 The Board has observed many positive interactions between staff and detained men at Brook House, particularly for men with vulnerabilities accommodated on E wing and in Borders or PDA at Tinsley House. As has been the case in recent years, we have heard positive feedback about the support provided by welfare officers and been impressed by the commitment and engagement of social workers, education and art staff and members of the religious affairs team. The Board has also commented, on several occasions when observing altercations or incidents, that Serco officers have remained impressively calm and made good efforts to de-escalate situations.
- 5.4.2 Alongside these positive examples, however, there have been some cases when Board members have witnessed or had reports of inappropriate behaviour from staff toward detained men. Behaviour that is disrespectful, rude, callous or dismissive has been noted of personnel from all organisations on site, including Serco, the Home Office and PPG. This last is particularly concerning, as healthcare personnel should be a protective factor.
- 5.4.3 The Board is concerned that detained men's voices are not heard often enough. No safety survey was conducted in 2023, candour logs are

insufficiently used, and Resident Consultative Committee meetings and wing forums, though held regularly, are sparsely attended. Detained men are represented at few other meetings where their voices could make a meaningful contribution, such as Safer Community meetings, for example. The Board recognises that the men can be reticent to get involved and acknowledges the efforts Serco has made to encourage participation, but we urge greater efforts and new approaches, as detained men should be involved in issues that concern their wellbeing.

- 5.4.4 Poor communication in the centres has sometimes led to men being frustrated and angry about a lack of information and a perceived lack of accountability to them. The most serious cases led to detained men protesting when they thought that a man had been burned in a fire in his room and they had not been informed and when, apparently, a man attempted to take his own life. Lack of proactivity in information-sharing meant that inaccurate rumours were able to spread in the vacuum. A key lesson learned from the death in detention is to consider what information should be shared with others in the centres. On another occasion, a man told us he had been called to reception and told to collect his things because he was leaving the centre, but when he asked where he was going the officers said they had been told not to tell him. Fearing that he was being removed while legal processes were under way, he refused. This was within his rights, but he was justly concerned that this would result in a mark against him in his file.

Home Office

- 5.4.5 The Board has been concerned at times during the reporting year that language used by the Home Office indicated a possible culture of disbelief. For example, in a widely attended morning meeting, a Detention Engagement Team (DET) representative alleged that an external organisation was encouraging residents to threaten self-harm in order to avoid removal. On another occasion in the same meeting, dehumanising language used in speaking of residents from a particular nationality went unchallenged by senior Home Office and Serco personnel. Minutes from yet another meeting referred to 'a change in policy... to help tackle the number of [NRM/National Referral Mechanism] claimants', with the implication that these are not legitimate claims for protection. While there were only a handful of such examples, the Board is concerned that they may encourage staff to doubt or disbelieve men when they express distress, potentially putting at risk people with traumatic histories or who are in serious distress.
- 5.4.6 The Board also remained concerned this year about the reticence on the part of DET team members to move around the centres. This was particularly true of Brook House, although, in the second half of the year, a member of DET personnel told a Board member that they felt increasingly unsafe in Tinsley House due to the change in population composition and size. The concerns appeared to be related to their personal safety, although we were not informed of any incidents or threats of violence against Home Office personnel. The Board wondered if this was a continuation of the general trend, noted in its 2022 report, of a post-Covid loss of confidence about being in the centres.

- 5.4.7 Early in 2023, the Board was pleased to hear about plans for Home Office case workers to visit Gatwick, as this seemed an excellent initiative to improve accountability to, and relationships with, detained men. We were disappointed to learn that the intention was not for case workers to meet with the men for whose cases they were responsible but rather to get a better general understanding of the environment. This seemed like a missed opportunity, and even more so when a member of DET reported at one of our monthly meetings that these visits had been effective in helping case workers understand the challenges faced by the local DET personnel.

Healthcare

- 5.4.8 The Board has been most concerned this year by relationships between detained men and personnel from both the physical and mental healthcare teams. Men have often expressed frustration and anger about what they felt were dismissive or unempathetic attitudes. The Board has also noted such behaviour on numerous occasions, both when healthcare staff were interacting with men and when they have spoken about them in meetings. It is important to note that this is by no means universal, with some members of the healthcare team showing tenacity and care in advocating for their patients. The Board is concerned that this may result, in part, from a problem of culture in healthcare, as there have been several indicators of issues, including outbursts of anger and frustration on the wings by healthcare staff and difficulty in attracting and retaining staff. The Board's sense is that the working culture is not supportive or conducive to a culture of care.

5.5 Equality and diversity

Equality and diversity work

- 5.5.1 Diversity and inclusion meetings are held monthly at Brook House, and the Board has a standing invitation. The meetings are typically well-attended, and the diversity officers are committed. These meetings, unlike many at the centre, have included the attendance of detained men.
- 5.5.2 This work seems largely focused on assessing whether there is discrimination, but is not as proactive in reflecting on how to take concerted measures to achieve a more equal environment that celebrates – or at least tolerates – diversity. Efforts in this regard seem to focus on the promotion of events such as Black History Month and Pride, among others. The promotion of diversity is positive but can backfire. For example, an event organised to celebrate Pride was re-badged an 'inclusion' event. This was due to concerns that men might avoid, boycott or otherwise object to it due to prejudice, discomfort or the fear of being identified as LGBTQ+. In such cases, it is arguable that it would be better not to hold the event at all.

Discrimination

- 5.5.3 The Board has been concerned about tensions towards particular nationality groups by staff, as reflected in open and sometimes public comments that have included dehumanising language. In one example, comments were made about 'getting rid of' men from a given nationality by moving them from one centre to another. These were made in the daily morning meeting, which

includes the presence of senior staff from all departments of Serco, the Home Office and PPG. It was, therefore, particularly disturbing that the comments went unchallenged. These senior people should be role models for more junior and inexperienced staff. If this is the tone taken in public, minuted meetings, it raises serious concerns about what is being said in the corridors and among staff.

Language interpreting services

- 5.5.4 Language interpreting has remained a challenge for detained people in 2023. The Big Word is still the main platform for interpreting services and is sometimes still problematic due to long waiting times. Despite the service being well established at Gatwick, there have been occasions when wing officers did not seem to know how to access it or have the requisite information for logging on.
- 5.5.5 Lack of availability of interpreters for less well-represented language groups means that some men may lack timely access to legal advice. The Big Word requires booking 72 hours in advance for less common languages, but lawyers are only booked one day in advance. In discussions about this in early 2024, the Home Office largely focused on improving The Big Word. But if the issue is a dearth of interpreters in general, it may also be necessary for systems to be put in place to ensure that caseowners take these issues into consideration in the management of the cases of men from such groups.
- 5.5.6 There is still a tendency to rely on officers with language skills or on residents to translate for other residents. This is not at all appropriate for reasons of objectivity, confidentiality and correct translation of terminology, particularly for discussions about health.

5.6 Faith and religious affairs

- 5.6.1 The religious affairs team is present and engaged in both centres and provides a service that is much appreciated by the men. Efforts are made to ensure that men of all faiths are able to practise their faith routinely and participate in special religious observances, celebrations or events. Staff of different faiths are present in the centres, at reviews and on the wings, and appear to be both familiar to, and respected by, the men.

5.7 Complaints

- 5.7.1 A total of 238 complaints were made against Serco at Gatwick in 2023 (reported in the monthly Centre Manager's reports), of which 35 were withdrawn before investigation. Of those completed during the reporting year, only 23 (11%) were substantiated or partially substantiated, while 78% were found to be unsubstantiated. The total is a significant increase over the 150 and 104 complaints made against Serco in 2022 and 2021, respectively. Of greater concern is that the 9% success rate for complaints in 2023 is significantly lower than the already low rates of 14% in 2022 and 13% in 2021.
- 5.7.2 Eleven complaints were investigated by the Home Office Professional Standards Unit, which investigates complaints alleging serious misconduct by Serco officers. The Board has not been informed of the outcome of any of these cases.

- 5.7.3 We repeat our concerns from our annual reports for 2021 and 2022 that the complaints' process is not working in a way that engenders confidence that it is fair to detained men and does not provide real accountability.
- 5.7.4 The Board recommends, as it has before, that the Home Office should review the complaints' process.
- 5.7.5 The single main cause of complaint against Serco in 2023 was property (32%). Other substantial causes included inappropriate behaviour by staff, unfair treatment and rudeness/lack of professionalism. In addition, causes included the physical environment (9%), availability of services (8%) and communication (7%).
- 5.7.6 At Tinsley House, there has sometimes been confusion about how to make a complaint against Serco or the Home Office, and there are an insufficient number of complaint boxes available. Moreover, complaints forms are only to be found on a table in the library. Access is generally better in Brook House, but in some areas forms are only available in wing offices. The Board is concerned that these issues may result in discouraging men who might want to complain. There needs to be a regular focus, on both sites, on ensuring the availability of complaints' forms in a range of languages, and a detained person should not have to ask an officer for a form to make what should be a confidential complaint.
- 5.7.7 While the IMB Chair may be copied in on complaints made against the Home Office, we do not see the responses. As noted in section 6.1, the Board does not have sight of the contents of complaints about healthcare, but is equally concerned about the low number they have received (46) and the fact that none was upheld.
- 5.7.8 The Board recommends, as it has before, that the IMB should have sight of responses to complaints against the Home Office and sight of complaints and responses involving healthcare, with redaction of clinical information.

5.8 Property

- 5.8.1 While issues about property were the main reason for formal complaints about Serco, the Board has had only limited numbers of applications raised this year. Men have sometimes expressed concern about delays in retrieving items from their property or procuring items not available at the shop, but these have been sporadic, and the Board does not believe they constitute significant or ongoing problems. Indeed, there have been a few positive examples, when individual staff members have gone out of their way to meet specific needs that men have expressed, or issues raised in residential forums have resulted in items being stocked in the shop.

6 Health and wellbeing

6.1 Healthcare general

- 6.1.1 The Board has significant concerns about the provision of healthcare in 2023, including:
- the number of unfilled permanent staffing positions and prolonged recruiting times throughout the year
 - Staff culture, including reports of staff attitudes about detained people
 - the absence of talking therapies and weak mental health support in general
 - the role of healthcare personnel (including GPs) in failings in the use of safeguards in Detention Centre Rules 34 and 35, including the low take-up of Rule 34 appointments, the low number of GP assessments made under Rules 35(1) and (2), and waiting times for Rule 35 appointments (see section 4.5).
- 6.1.2 Healthcare saw considerable staff volatility in 2023, and despite ongoing recruitment and salary uplifts, it was difficult to maintain consistency. Departures of long-established staff at senior levels created a vacuum of leadership and absences at key meetings and reviews into the early part of 2024. A new clinical lead was appointed in late November, five months after the previous lead had left, and the Mental Health Lead position was vacant from November to April 2024. In December, PPG reported that additional GPs were being sought through DrPA Secure, its subcontractor for GPs. The Head of Healthcare left in February 2024, and the position was covered by an interim head until May 2024.
- 6.1.3 The Board is particularly concerned about the reported heavy reliance for GP staff on DrPA Secure, whose lead for immigration detention, including Gatwick IRCs, came personally under heavy criticism by the Brook House Inquiry. This included the expression of concern that he had failed to 'demonstrate insight into his actions and omissions' and its intention to share the report with the General Medical Council.
- 6.1.4 There has been a general reduction in the presence of healthcare in the centres. From October, PPG stopped attending any first-response calls, only planned removals and medical emergencies. The decision not to regularly attend calls for the use of force is of concern, as it is a time when detained people are both vulnerable and in circumstances where there is a risk of harm. The Board has questioned why coverage cannot be ensured by increasing healthcare staff numbers.
- 6.1.5 Also in October, PPG designated Fridays between 13:00 and 16:00 'protected time', during which healthcare staff would only attend new arrivals and medical emergencies, and issue medication. The Board was told this was to allocate time for supervision, reflective practice and training sessions. While the value of professional development, supervision and support is clear, the Board feels strongly that it should not come at the expense of detained men's access to healthcare or the time taken with each individual.
- 6.1.6 The Board has been concerned about staff culture and attitudes in healthcare. The majority of concerns that the Board heard from detained men about staff

behaviour and attitudes were in relation to healthcare. Complaints about healthcare made up the second largest category of applications received from men by the Board, at 24% of the total in Brook House and 13% of the total at Tinsley House. Board members are not privy to these interactions, as they generally take place in a confidential setting. But members have remarked, with some regularity, on what appeared to be cold, detached or unempathetic interventions or demeanour of healthcare personnel in public situations such as Rule 40 reviews and vulnerable residents meetings. The Board has hypothesised that this may be, at least in part, due to insufficient capacity and/or inadequate support, leaving individual staff members tired, defensive and burnt out. Questions about this were raised explicitly with healthcare in October 2023.

- 6.1.7 For reasons of confidentiality, the Board does not have sight of healthcare complaints themselves, but only the metadata. We are informed that there were 46 complaints made over the course of the reporting year, the majority concerning access to treatment (23), with GP care and treatment coming second (15). The Board finds it concerning that so few complaints were made, given how many concerns have been raised with our members. On one or two occasions, when we have asked men to raise their concerns formally through the complaints system, they have said they see no point in doing so, as only healthcare sees healthcare complaints and they are effectively 'marking their own homework'. This lack of confidence is perhaps justified by the fact that not a single complaint was upheld in 2023.

6.2 Physical healthcare

- 6.2.1 PPG undertook several preventive health initiatives this year, which the Board considers positive. This included latent TB testing, and flu and Covid vaccine clinics. These had variable levels of uptake, influenced by levels of outreach, men's perception of convenience of the service and the offering of incentives.
- 6.2.2 Creation of a dental health suite at Brook House remained in the planning stage throughout the reporting year due to difficulties obtaining landlord consent. As an interim measure, a mobile dental service was introduced in February, which visited the sites weekly, a measure the IMB had recommended in its 2018 annual report. The need was evident: for example, in October, it was reported that 77% of patients seen required urgent treatment. Before the mobile service, there had been delays in treating acute conditions, or the need for an escort to hospital for emergency treatment. The director of the Time for Teeth provider described the situation before the mobile dental van as 'supervised neglect'.
- 6.2.3 The experience of one detained man with mobility issues led to a reversal of the previous practice of confiscating walking aids on a man's arrival, pending healthcare assessment, which can take some time. PPG now allows men to retain these items while assessment is taking place. Although the Board considers it a positive, it was long overdue.

6.3 Mental healthcare

- 6.3.1 Mental healthcare is largely situated at Brook House, with support available for detained men at Tinsley House on a referral basis. Men in need of ongoing psychiatric care are transferred to Brook House.
- 6.3.2 In 2023, there was a wide gap between the level of need for mental health support at Gatwick and what was provided. At a healthcare 'Partnership' meeting, which an IMB member observed, the senior PPG regional manager stated that PPG was increasing the number of mental health staff and it hoped to move 'beyond just crisis management'. Staffing fluctuated enormously over the year, with a serious impact on continuity. For example, psychiatric care was provided by an agency until December 2023. At the beginning of the reporting year there was considerable reliance on agency staff to ensure safe coverage, with only one permanent Registered Mental Health Nurse (RMN) and one Senior RMN. A second Senior RMN started work in September. There were serious gaps at senior levels, including the departure of the Mental Health Lead in November, leaving the role unfilled until April 2024.
- 6.3.3 A Psychologist started work in June 2023 and an Assistant Psychologist in January 2024. The Board was told in October that group work for low-level anxieties and sleep clinics would start by the beginning of November, and that mental health nurses would undertake one-to-one sessions for mental health treatment plans. In the event, however, these sessions were stalled and talk therapies for men did not resume until May 2024.
- 6.3.4 The weakness on the part of the psychology team means more emphasis was put on psychiatry. While medication can help with some issues, it is not a replacement for psychological interventions. This has left a vacuum, which has been filled by a range of different 'actors', including mental health-focused lessons in education and a reliance on religious affairs and external support, such as the Samaritans and visitors from GDWG.
- 6.3.5 The Board acknowledges the challenges of healthcare recruitment for detention settings and the protracted Home Office security clearance process, but the consequence is that distressed and anxious men in the centres have not been provided with the necessary support for their mental ill health conditions. There is a sense that the healthcare team feels embattled and defensive, resulting in a weakening of multi-disciplinary approaches.

Substance misuse treatment

- 6.3.6 The number of men on Opioid Replacement Therapy (ORT) increased rapidly, from a relatively low monthly average of seven in the first five months of the reporting year to a monthly average of 26 between June and December. The increase was in line with population growth in relation to the implementation of Operation Safeguard, peaking in July at 6.8% of the population on ORT and levelling off at about 6% for the rest of the year.

6.4 Welfare and social care

- 6.4.1 Welfare is an area that continues to be one of the most valued services at Gatwick IRCs, with consistently high praise from detained men for the officers. In addition to its important defined roles, such as ensuring access to legal assistance with legal aid solicitors and aiding external welfare and advocacy support from GDWG, the welfare team often seems to be a safety net for failures in other areas. For example, insufficient or unclear information at reception or in induction is compensated for by the welfare team being available to help fill in the gaps later. In the reporting year, there has been a heavy burden covering immigration issues, in part at least due to the failure to establish regular DET surgeries. Members of the welfare team play a key advocacy role, but have limited capacity to effect change. The Board is impressed that they remain as motivated as they are.
- 6.4.2 The Board feels that the role of the welfare team is perhaps not as highly valued by the Home Office and Serco as it is by the detained men. In Serco contractual terms, it is not 'red-lined', which means that, at times, there has been a tendency to pull staff from welfare when other teams are short-staffed. This is demotivating for them and limits men's access to essential support in taking their cases forward. As demand seems even greater since Operation Safeguard and with the advent of implementation of the IMA, the Board is of the view that the welfare team should be strengthened.
- 6.4.3 Prior to Covid, social workers were based at Tinsley House and the PDA and had little presence at Brook House, but they have proved invaluable across both sites in the last year. There has been impressive work done, particularly in supporting men with complex needs and helping to manage release plans.

6.5 Exercise, time out of room

- 6.5.1 The regime was changed as of 4 December, with activities being stopped at 11:15 and 16:15 so that men could be returned to their rooms for roll counts at 11:30 and 16:30. As part of this, all residents are now in their rooms for one hour from 11:30-12:30 and 16:30-17:30, with meal services provided at the end of these times. In a note to everyone in the centres, it was said that the Home Office had requested this change, with the goal being to ensure that all residents were accounted for; that staff could conduct welfare checks on vulnerable residents; and that planned discharges could be carried out.
- 6.5.2 Board members have observed how much this feels to be a constraint on men's access to activities and even Board members' access to men for following up on applications and complaints. This change in regime goes directly against the recommendations of the Brook House Inquiry. The report argued that the existing regime was already too restrictive and recommended that it be reviewed, stating, 'they are not prisoners and are entitled to as much freedom of movement and association as possible. Any time during which they are locked in their cells must be justified by the strongest reasoning.'⁵

⁵ Report of the Brook House Inquiry Volume II, page 58, chapter D.4, paragraph 47.

- 6.5.3 Reductions in free association time are of particular concern: the Board was informed that even more significant restrictions are under consideration if the IMA is implemented in 2024.

6.6 Soft skills

- 6.6.1 The Brook House library continued to be very little used and was refurbished into a form of 'quiet space' and information centre from March. The Board welcomed the fresh look of the space, although, in our view, it has had limited success. From our observations, the relatively large space is either used by one or two people at a time or, increasingly, by noisier groups of men playing cards or other games. Books are very old and there were no books at all in Albanian, although, at times, Albanian nationals have represented around 50% of the centre's population. New tablets were rarely used, apparently because there is only static information, not internet access, on them. Although driven by a shortage of other space in the centre, a positive use of the room has been for very well-attended GDWG drop-in surgeries.
- 6.6.2 It was accepted by the Home Office and Serco throughout most of the reporting year that the Tinsley House library needed modernising. It is a conventional library, but is little used for books, with the main space now being used as an IT room and a quieter place for puzzles and board games. There are plans to refurbish the space some time in 2024.
- 6.6.3 Art and craft rooms on both sites provide quiet spaces for men. Since June, there has been a big improvement in the Brook House art room, which has moved to a larger space and is now much more comfortable and pleasant.
- 6.6.4 The provision of paid work is an important aspect of the requirement for the Home Office to provide purposeful and meaningful activity for detained people. The basic rate of pay is £1 per hour and there has been no review of the rate since April 2019, although one was due in 2021. Detained men at Gatwick IRCs have described the rate as exploitative. They have raised concerns about the low rate in various forums in the centres, particularly when combined with the cost of items in internal IRC shops having risen sharply in recent years. Data provided by the Home Office shows prices of the top six selling items have risen by an average of 31% in the three-year period from 2021 to 2023, with the highest increase of 61% being for coffee.
- 6.6.5 IMB Chairs raised the issue with senior Home Office personnel in October and were told that there was no work underway on a review or current intention to increase the rate, and that there might not be Ministerial appetite for a change. The Board's view is that, although the work is intended to be supplemental to work done by trained staff, £1 per hour is not fair and does not reflect the value of the work being done. Similar considerations apply to the failure to increase the daily allowance of £0.71 paid to detained men.
- 6.6.6 The Board recommends that the Home Office undertakes a review of both the hourly rate for paid work done in IRCs and the daily allowance, with an increase in both to reflect fair value for work done and the sharp increase in prices for goods sold in IRC shops.

7 Preparation for return or release

7.1 Activities, including education and training

- 7.1.1 As has been the case for many years, educational offerings mainly focused on English lessons, and with very little in the way of vocational training. The English and literacy lessons do include support with spelling and grammar, which could be helpful to some men on release or removal.
- 7.1.2 Serco offers a 'virtual college' to obtain qualifications, but it appears to be both limited in offerings and take up on even the most used courses concerning food hygiene and health and safety. The Board had concerns throughout the reporting year about the quality and consistency of education (and art classes) available at Tinsley House. It appeared that teachers were assigned to Tinsley House only when not needed at Brook House, so members on visits often found the classroom locked and unattended.
- 7.1.3 The Board recommends more focus on training that can support men on removal or release.

7.2 Case management

- 7.2.1 The main concerns that the Board heard from men in the centres this year related to their immigration cases, amounting to 41% of the total number of applications received. Concerns included the slowness of case progression, the lack of communication from the Home Office, and delays in either getting removed from the UK or released after grants of bail.
- 7.2.2 On case progression, a frequent complaint was around the absence of meaningful information that cases are moving forward and the inability to contact case workers. One man complained to the IMB that all he hears from the Home Office is 'we're working for you'. Other men made similar comments about what seem to them to be just words, with no substance or meaningful information about the problems or timelines.
- 7.2.3 Examples of the impact of delays and lack of communication included a man going on the netting in February out of frustration at not being removed, particularly as his father was ill in his home country. In April, another incident at height involved a man going on the netting and not coming off until the Home Office had come to talk with him. There was also wider unrest at times: in March, senior officers and managers were needed on a wing to help maintain calm after a report that things were unsettled, with potential to escalate. The reason appeared to be frustration in delays in Home Office case progression. There was another period of apparent unrest in April on one of the Brook House wings, with staff trying to maintain calm, due to ongoing frustration with Home Office delays in case progression.
- 7.2.4 Of particular concern was an incident involving a death in detention. The lesson-learned review found that the deceased man had never had a face-to-face engagement with DET or other Home Office staff during his eight days at Brook House, even though it was known that he did not wish to return to his country. There is an ongoing action to consider what impact lack of face-to-face engagement with DET may have on detained individuals. This was by no

means the only case of self-harm reported to be associated with case progression, as noted under section 4, but was, by far, the most shocking.

- 7.2.5 In July, a member of DET tried an initiative of answering queries while based at a desk in the Brook House welfare office, where he saw 23 residents. The Board thought that this was a positive plan, as it significantly reduced the number of queries welfare staff would otherwise have had to make to a variety of people in DET on immigration issues. At the very least, it allowed detained men to ask questions in person. DET explored with Serco whether time like this in the welfare office could be an alternative to DET surgeries in wing offices but, unfortunately, it was not repeated until the end of November.
- 7.2.6 The Board had been calling for a return of DET surgeries, which started in late July in the Brook House Resource Centre/Library but were then later suspended due to lack of DET capacity. Reports are that there had been six surgeries up to mid-December and take up had been low. Weekly surgeries did continue at Tinsley House. The Board again urges the return of DET surgeries as an opportunity for detained men to address concerns about the status of their case.
- 7.2.7 The Board recommends that the Home Office DET continues to offer surgeries for detained people and to improve information about the surgeries to increase access.

7.3 Access to legal advice

- 7.3.1 It took some time after the lifting of Covid restrictions for initial legal aid appointments under the Duty Detention Advice Scheme to return to in-person on-site visits at the centres. The Board welcomed this, as phone meetings put detained men at a particular disadvantage. Video link remote calls are an improvement on these, but in-person visits are, by far, the preferred option.
- 7.3.2 Waiting times for an initial legal appointment have generally been around three or four working days. This appears to have remained the case in Brook House, but in June and in August, we heard that waits in Tinsley House were a week or more.
- 7.3.3 There were reports from time to time of problems with solicitors, such as appointments not being able to go ahead because solicitors had not booked an interpreter, and solicitors hanging up the phone on men or not getting back to them to let them know if their case was being taken forward. Staff in the welfare office try to track and report these instances back to the Home Office contact responsible for the legal aid agency contract, but they all fuel anxieties that some detained men already have about their immigration status.
- 7.3.4 The need for a solution to poor mobile phone access in Brook House has been continually raised by the Board since August 2021. Progress has been slow, but in September it was agreed to run a pilot for a new solution and new style mobile phones still were being trialled at the end of the reporting year. At the time of writing, the pilot and trials have been completed, but there had not yet been a roll-out of new handsets for all people detained at Gatwick.
- 7.3.5 There has been an ongoing issue with the printing and scanning facilities in Tinsley House, particularly in the second half of the reporting year. This has

had a serious impact on access to legal advice, as men are not able to get essential and often time-sensitive documentation and paperwork to solicitors. It has also had a significant impact on welfare and library staff resource, who get involved in finding alternatives. Two new printers/scanners have been purchased for both sites, although they still had not been installed in December 2023, although they had been installed at the time of writing in April 2024.

- 7.3.6 The Bail in Detention charity (BID) has resumed its on-site surgeries once a month in Tinsley House (though not in August). The Gatwick Detainee
- 7.3.7 Welfare Group (GDWG) also supports men in accessing legal aid solicitors and helping with appeals. It holds a surgery in Tinsley House once a week.
- 7.3.8 The Board's view is that these various issues contributed to detained people at Gatwick not having meaningful access to legal advice throughout 2023. There was not, and will not be, meaningful access so long as appointments are done remotely and there is a new mobile phone system in place working for all members detained at Gatwick. Even after a return to in-person appointments at Tinsley House, access was not consistent, due to ongoing problems with IT, including scanners and systems to facilitate communication with solicitors.

7.4 Length of time in detention

- 7.4.1 From data provided each month by the Home Office and Serco, the average length of stay over the whole year in Brook House was 6.7 weeks, while it was 5.1 weeks in Tinsley House. In Brook House, there was a consistent increase during the second half of the year from about 5 weeks to 8.6 weeks.
- 7.4.2 However, this headline figure obscures the fact that a substantial number of people are detained for significantly longer than this. About 10%-30% of the population remained in detention for 10 weeks or more. In November, this equated to 137 men. The average stay for these detained people was always greater than 16 weeks, with one man in December having stayed for 62.3 weeks (436 days). The chart in Annex A shows the results of periodic analysis carried out by the Board.
- 7.4.3 It is unclear why there is so little movement in the men's cases or, if they are not going to be removed soon, why they are not released into the community. Men who continue to be detained, sometimes for unacceptably long periods, include those from countries to which we understand return is extremely unlikely due to willingness of their governments to receive them or to general conditions of safety.
- 7.4.4 The Board recommends, as it has for a number of years, and end to open-ended detention, based on the impact the Board sees of the various delays and failings in communication and accountability in immigration detention casework and release processes described in this Section 7, when combined with the deleterious effect of detention on vulnerable people and failing safeguards referred to in section 4.

7.5 Removal and release rates

- 7.5.1 There were 3,406 departures from Brook House in 2023, 39% of whom were removed or deported on flights, while 54% of people were released into the community (the balance were transferred to other centres or to HMP or police custody). A total of 1,433 people departed from Tinsley House, 30% of whom were removed or deported on flights and 66% released into the community.⁶
- 7.5.2 It is a matter of great concern to the Board that although immigration detention is intended to be used only for those for whom there is a reasonable expectation of removal, 54% of people detained at Brook House and 66% of those detained at Tinsley House were released into the community, having been subject in the meantime to the known detrimental effects of detention.
- 7.5.3 Too many people are subject to detention and the harm it causes, sometimes for prolonged periods of time.

7.6 Family contact

- 7.6.1 Eight phone-style booths for Skype access were opened in Brook House in December 2022. This has been a successful initiative by Serco, with the Skype booths being well used for family contact, particularly for bookings in the afternoon and evening. There is not a dedicated space for Skype booths in Tinsley House, and welfare officers there have difficulty arranging Skype calls during the day because the equipped rooms are in use by the Home Office for interviews and engagements. Evening slots at Tinsley House are usually booked two days in advance.
- 7.6.2 The Board has commented several times on the heavily stained carpet tiles in the visits' area at Tinsley House. They haven't been replaced at the time of writing this report in April 2024, but we are told they will be at some point in 2024. Good work has been done there in setting up a bright and welcoming corner for young children.

7.7 Planning for return or release

- 7.7.1 All year, the Board has heard formal and informal complaints from detained men about waiting for bail accommodation or for addresses to be approved.
- 7.7.2 The Board is generally concerned that there is a lack of accountability to detained men at Gatwick IRCs by agencies that are not represented there. Throughout the year, there have been consistent reports of difficulties in making contact: emails are not returned, men are told not to call probation officers, and problems are exacerbated by issues with the poor mobile phone system.
- 7.7.3 The delays and lack of meaningful communication or feedback from Home Office case workers or probation officers as to why addresses are rejected is understandably frustrating, as men are unable to identify appropriate accommodation if they don't know why the existing accommodation has been

⁶ Data provided by Home Office and Serco in monthly report to the IMB. Analysis by IMB.

deemed inappropriate. Serco and local Home Office staff have also struggled to get responses from probation officers.

- 7.7.4 The result can be serious distress and occasional disruption for detained people. One man, a victim of torture who should not have been in detention, had to wait a few weeks for his accommodation. For many of those affected, it feels like triple punishment: they do their time in prison, then find they go to another place of detention, then they eventually get bail only to find they are still locked up after being told they could be free.
- 7.7.5 There is some confusion, or lack of information from the Home Office, for men about bail and removal, with some men believing that release on bail also means they can't be removed from the UK. People become more anxious and agitated when they get notice of removal directions while they are waiting to get a bail address, believing that the delay in release is resulting in their removal.
- 7.7.6 When we asked the Home Office for information about the number of men in the centres awaiting bail accommodation, we were told they do not have this information. A senior representative of the National Probation Service's Foreign National Office Coordination Hub visited our Board in October, but did not say much to reassure us that this situation will improve soon.
- 7.7.7 It is the Board's view that failure by the Home Office to provide enough suitable accommodation, combined with its failure to establish pathways to release by working with its counterparts in the Probation Service, result in unnecessary extended time in detention for too many people and unnecessary exposure to the harmful effects that can follow.
- 7.7.8 There are other factors that cause unnecessary delays in voluntary removal. Improvement is needed to speed up co-ordination with the police and facilitate more rapid removal of barriers to return, for men whose removal is blocked by issues with the Police National Computer (PNC). There have been cases where men who are eager to return to their home countries have had to wait several weeks, due to delays related to police checks and impending prosecutions and, frustratingly, administrative delays in the PNC being updated.
- 7.7.9 Most frustrating and inexplicable for many people are delays by the Home Office in arranging travel for those who want to return voluntarily and are even willing to pay their own fares to expedite matters. There have also been delays in removal directions being issued for some men who are eager to leave and whose flights have already been booked, causing unnecessary worry and stress for people, particularly those with poor mental health needs.
- 7.7.10 There has been some very good work done to facilitate the safe release of individuals who had been in Brook House a long time. However, this is sometimes undermined by the inadequacy of the administrative systems intended to support people.

8 The work of the IMB

- 8.1 There have been problems with IMB forms not being easily available for detained men at Tinsley House. The Board is concerned that these issues may result in discouraging men who might want to complain or seek help from an independent source. See paragraph 5.7.6 for discussion of similar issues with access to forms to make complaints against the Home Office or Serco.

Board statistics

Recommended complement of Board members	16
Number of Board members at the start of the reporting period	5
Number of Board members at the end of the reporting period	11 ⁷

⁷ Plus one member in recruitment.

Applications to the IMB

Code	Subject	Previous reporting year		Current reporting year	
		Brook	Tinsley	Brook	Tinsley
A	Accommodation including laundry, showers	10 ⁸		7	
B	Use of force, removal from association	4		3	4
C	Equality				
D	Purposeful activity including education, paid work, training, library, other activities			1	
E 1	Letters, faxes, visits, phones, internet access	4		2	1
E 2	Finance, including detained people's centre accounts			1	
F	Food and kitchens	12		9	
G	Health, including physical, mental, social care	38 ⁹		33 ¹⁰	4
H 1	Property within centre	2		8	
H 2	Property during transfer or in another establishment or location	1	2		
I	Issues relating to detained people's immigration case, including access to legal advice	53	1	48 ¹¹	24 ¹²
J	Staff/detained people conduct, including bullying	8		23	1
K	Escorts			1	
L	Other	11		5	
	Total number of applications ... of which, received via the 0800 telephone line	153 6¹³	3	141 7¹⁴	34

⁸ One Application (#1464/1465) about hygiene was signed by 36 men.

⁹ Nine were about medication, ten about external appointments, and ten about the attitude of healthcare staff.

¹⁰ Includes 17 about delays or poor care, six about medication.

¹¹ Of these, 14, or 29%, included concerns about bail accommodation.

¹² Of these, 5, or 21%, included concerns about bail accommodation.

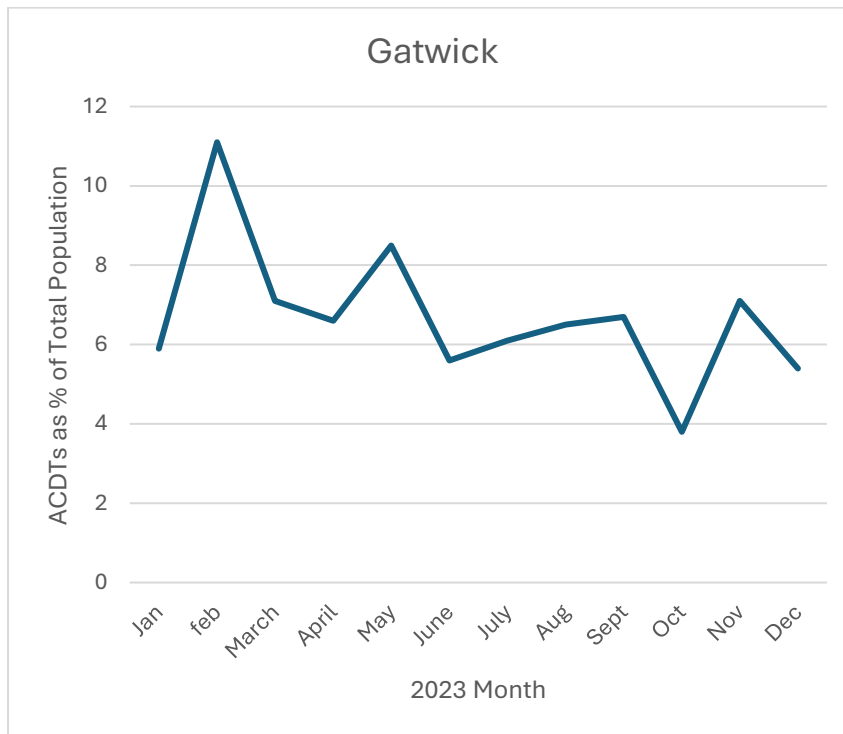
¹³ A further 15 calls were received from men in Heathrow IRC or Yarl's Wood IRC.

¹⁴ A further ten calls were from men in Heathrow IRC.

Annex A

Graphs and tables

Paragraph 4.3.2: Self-harm/ACDTs as % of population

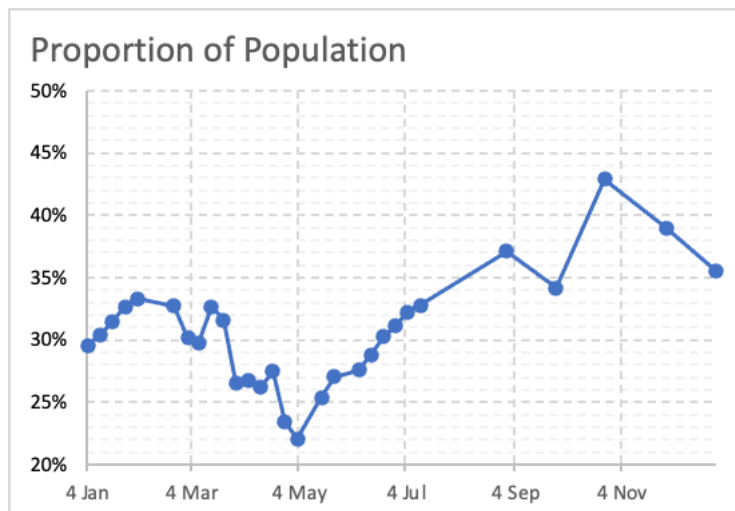
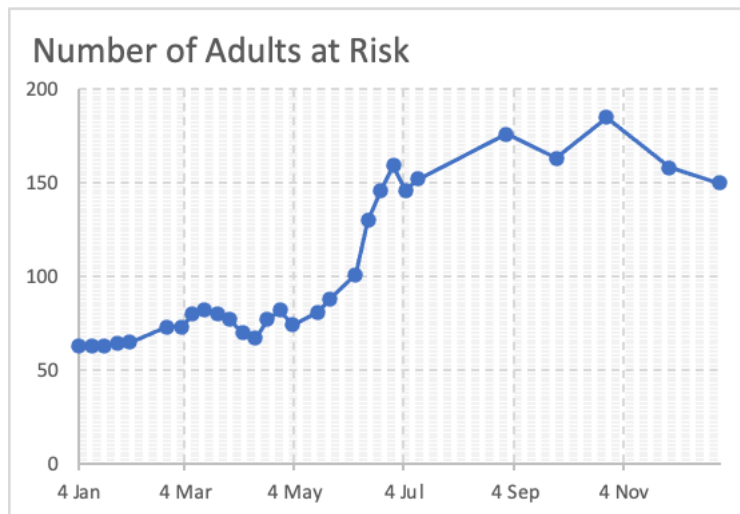


Paragraphs 4.5.6 and 4.5.8: Rule 35 assessments reports and releases

	Number of reports	% total	% released
Rule 35(1)	18	4.5%	50%
Rule 35(2)	8	2.0%	25%
Rule 35(3)	371	93.5%	31%
	397		

*Data from Rule 35: IMB monthly return, from the Home Office.
No returns received for January or February 2023.*

Paragraph 4.6.2: Adults at risk



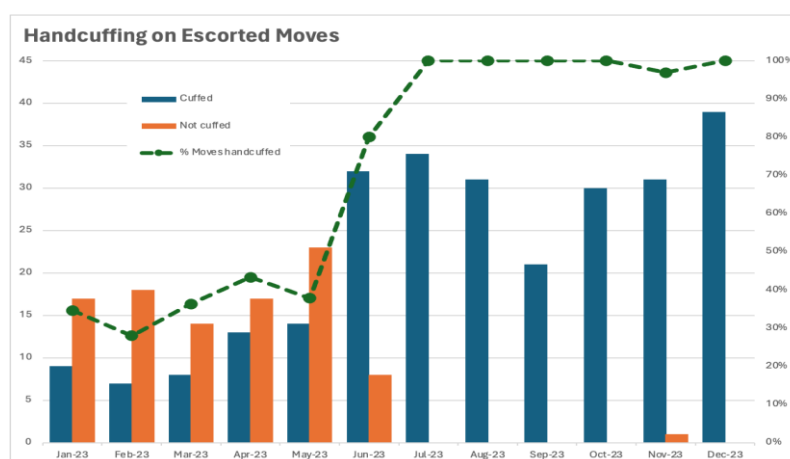
*Data from the Adults at Risk Log, produced by Serco.
Analysis by the IMB.*

Section 4.9: Use of Force

	2023			2022	2021	2020
Reason	All	Brook	Tinsley	All	All	All
Maintain good order	250 [41.7%]	222 [41.7%]	28 [47.5%]	139 [59%]	90 [57%]	76 [39%]
Protect third party	262 [43.7%]	242 [44.8%]	20 [33.9%]	41 [18%]	13 [8%]	35 [18%]
Prevent self-harm	50 [8.3%]	47 [8.7%]	3 [5.1%]	34 [15%]	44 [28%]	72 [37%]
Protect self	22 [3.7%]	18 [3.3%]	4 [6.8%]	13 [6%]	10 [6%]	14 [7%]
Prevent damage	8 [1.3%]	7 [1.3%]	1 [1.7%]			
Prevent escape	1 [0.2%]	1 [0.2%]	0 [0.0%]			
Total use of force	599	540	59			

Data provided by Serco.

Paragraph 4.10.1: Handcuffing on escorted moves



Data from Serco in the Use of Force and Detainee moves monthly monitoring return.
Analysis by the IMB.

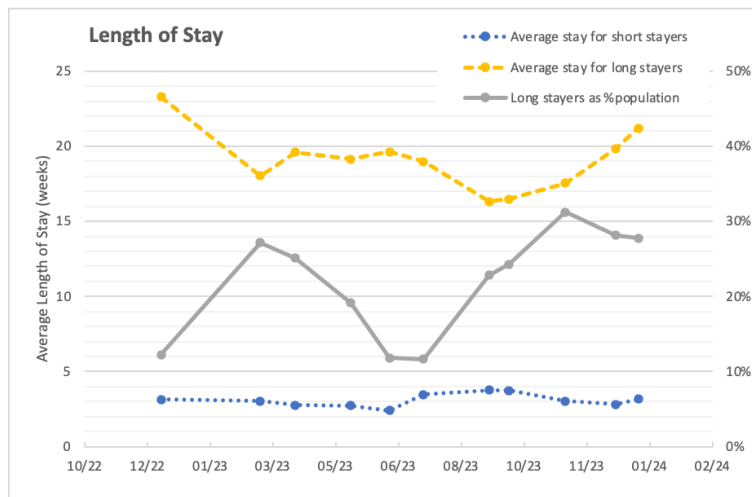
Paragraph 5.3.1: Separation

Gatwick IRC	2023	2022	2021	2020		2019	2018
		1 May – 31 Dec		21 May – 31 Dec	1 Jan – 20 May		
Rule 40 events	398	107	96	54	106	187	259
Number of individuals	264	83					
Average time on Rule 40 (hours)	44.0	54.9	33.4	35.3	n/a	46.5	59.3
Longest time on Rule 40 (days)	29.5	21.6					
Rule 42 events	1	1	3	3	3	3	12
Average time on Rule 42 (hours)	0.8	3.3	22.4	< 24	n/a	4.2	16.8

	Reason	Brook House		Tinsley House	
		R40	R42	R40	R42
1	Fighting/assault	131	0	4	0
2	Assault officer	23	0	1	0
3	Refusal to share	19	0	1	0
4	Disruption/Drugs	84	0	2	0
5	Threats/Aggression	25	0	1	0
6	Positioning	25	0	6	0
7	Own protection	5	0	0	0
8	Netting	35	0	0	0
9	Damage to property	32	1	2	0
0	Absconding	2	0	0	0
		381	1	17	0

2023 data from the Serco monthly R40/R42 report. Analysis by the IMB.
Data for 2022 and earlier is for Brook House only.

Paragraph 7.4.2: Length of stay, Gatwick



*Data from Serco's Custody Management System.
Analysis by the IMB.*

Annex B

Progress since previous reports

In this annex, we report the IMB's views about the progress achieved by the Home Office, Serco and PPG on the recommendations from our 2022 annual report. We received the Minister's response and the three organisations' action plans on 8 September 2023.

We have also noted any progress achieved in the past year on recommendations from our 2021 annual report (those for which little or no progress was achieved in 2022).

Recommendations from 2022

8.1.1 Recommendations from 2022 accepted or partially accepted for action by the Minister:

Ref	Summary of Recommendation Summary of Action Committed Progress in 2023
M2	Through Ministerial channels, press for improvements in the service provided by the National Probation Service, in particular the timeliness of assessments and provision of feedback to detained men to help them offer suitable addresses. FNORC and National Probation Service (NPS) are establishing and implementing an escalation process for those cases where suitability checks are outstanding or when numerous addresses have been rejected. NPS are considering an SLA with FNORC to ensure address checks are conducted within a reasonable timeframe. Every person detained is provided with a monthly progress report (IS151F) which will provide updates and feedback on accommodation. Progress not ascertained due to lack of information from the Home Office.

8.1.2 Recommendations from 2022 accepted or partially accepted for action by the Home Office:

Ref	Summary of Recommendation Summary of Action Committed Progress in 2023
HO1	Urgently improve data collection, management and provision so as to re-start provision of information in line with the Memorandum of Understanding with the IMBs "Currently there is an ongoing Management Information (MI) Transformation programme... the department will need to rely on local MI more than usual to answer some questions where the new MI platform is still in development." Progress not ascertained due to lack of information from the Home Office.
HO2	Establish a robust, repeatable mechanism for collecting and analysing views of the detained men about their perception of safety in the Gatwick centres "... contractual obligations are carried out by Serco in this area, and reviewed by the Home Office ...: Candour Logs are available on the Serco Kiosk system and shared with the HO on monthly basis; Monthly safer community meetings are carried out and the reports shared with the HO; Welfare reports are shared with the HO. Progress not ascertained due to lack of information from the Home Office.

Ref	Summary of Recommendation Summary of Action Committed Progress in 2023
HO4	<p>Strengthen the consideration given by caseowners to local knowledge (Home Office, Serco and PPG) about a detained man's situation and condition, especially through the AAR mechanism, and review the thresholds applied to the balance between immigration factors and humanitarian considerations</p> <p>The Home Office has continued to develop a 'Detained Caseworker' training package ... The Home Office has restarted work to review the Adults at Risk in Immigration Detention (AAR) policy ... immigration factors and evidence of vulnerability will be considered as part of that review.</p> <p>Progress not ascertained due to lack of information from the Home Office.</p>
HO5	<p>Improve the proactivity with which caseowners and local Home Office staff address the immigration cases of all detained men, and particularly those who are vulnerable, long-staying or disengaging</p> <p>No specific action, beyond increasing DET staffing levels.</p> <p>Progress not ascertained due to lack of information from the Home Office.</p>
HO6	<p>Undertake a complete review of Adults at Risk, ACDT and Rule 35 policy and procedure (repeated from 2019, 2020, 2021 and 2022)</p> <p>The Home Office has restarted work to review the Adults at Risk in Immigration Detention (AAR) policy and Detention Centre Rules 2001 (which include the R35 process) ... This recommendation will be considered as part of that review.</p> <p>The Home Office (Detention Services) has been involved in the Ministry of Justice-led pilot of a new ACCT/ACDT. There are substantial differences in the new versions of the documents, as well as new user guidance and quality assurance processes. The pilot has been evaluated to test the effectiveness of the revised process and plans are being made for a full roll-out towards the end of this year.</p> <p>Progress not ascertained due to lack of information from the Home Office.</p>
HO7	<p>Building on the recommended review of AAR, ACDT and Rule 35, define and promulgate procedures and guidance to ensure cases of men "likely to be injuriously affected by continued detention" (Rule 35(1)) or who are suspected "of having suicidal intentions" (Rule 35(2)) are properly identified and assessed</p> <p>A package which provides training for medical professionals based in IRCs ... on the processes for preparing and considering reports submitted in accordance with Detention Centre Rule 35 ... has been developed. The Rule 35 Team started to deliver sessions in 2022. Once the review of the AAR policy and Detention Centre Rules 2001 concludes, consideration will be given to what training and guidance may be required.</p> <p>Progress not ascertained due to lack of information from the Home Office.</p>
HO8	<p>Review the service offered by The Big Word and consider alternatives where they will improve availability</p> <p>Translation tablet devices provided by the Home Office have recently been introduced at Gatwick to supplement the current provision in place, though there is an acceptance locally there has been little oversight of the standard of The Big Word service. Serco have agreed to take this review forward with a Big Word representative to monitor standards and highlight areas of improvements needed with The Big Word colleagues. There is the option of engaging with a secondary service provider if required.</p> <p>Progress not ascertained due to lack of information from the Home Office.</p>

Ref	Summary of Recommendation Summary of Action Committed Progress in 2023
HO10	<p>Improve the quality of legal service provided to the detained men, at least when renewing the service contract with the Legal Aid Agency, and by providing robust feedback to the firms.</p> <p>In February 2023, DDAS providers were notified ... that from April 2023, all DDAS surgery appointments have to be conducted face to face ... Exceptions to this requirement may only be granted with written agreement from the Legal Aid Agency ... legal aid DDAS providers are required to provide a written summary to all individuals who take up DDAS surgery appointments [which] ... sets out what advice has been provided, whether their case has been taken on (and if not, why not) and next steps for the individual's case.</p> <p>Progress not ascertained due to lack of information from the Home Office.</p>
HO12	<p>As recommended and accepted in 2021 but not effectively actioned, improve the provision of accommodation for men granted bail</p> <p>No specific action set out.</p> <p>Progress not ascertained due to lack of information from the Home Office.</p>

8.1.3 Recommendations from 2022 accepted or partially accepted for action by Serco:

Ref	Summary of Recommendation Summary of Action Committed Progress in 2023
S2	<p>Establish a robust, repeatable mechanism for collecting and analysing views of the detained men about their perception of safety in the Gatwick centres</p> <p>"... contractual obligations are carried out by Serco in this area, and reviewed by the Home Office ...: Candour Logs are available on the Serco Kiosk system and shared with the HO on monthly basis; Monthly safer community meetings are carried out and the reports shared with the HO; Welfare reports are shared with the HO.</p> <p>Progress not ascertained due to lack of information from the Home Office.</p>
S3	<p>Review and reconsider the thresholds used in risk assessments before use of handcuffs</p> <p>The thresholds within the DSO [07/2016] are currently under review.</p> <p>Progress not ascertained due to lack of information from the Home Office.</p>

8.1.4 Recommendations from 2022 accepted or partially accepted for action by Healthcare/NHS England:

Ref	Summary of Recommendation Summary of Action Committed Progress in 2023
HC1	<p>Strengthen the encouragement given to arriving men to take up a Rule 34 appointment with the centre GP. Ensure that healthcare staff involved in initial assessments fully describe the purpose of the Rule 34 appointment</p> <p>No specific action set out.</p> <p>Progress not ascertained due to lack of information from the Home Office.</p>

Ref	Summary of Recommendation Summary of Action Committed Progress in 2023
HC2	<p>Ensure that relevant healthcare clinical staff, GPs and psychologists and psychiatrists are fully educated in the application of Rules 35(1) and 35(2)</p> <p>Comprehensive Rule 35 training is provided to GPs. The Head of Healthcare and Clinical Lead have also attended the course. Currently, 8 out of 10 GPs have completed the course. All healthcare staff are provided instructions on the Rule 35 process, in line with Detention Services Order 09/2016, upon induction.</p> <p>No specific actions are set out. It appears that PPG believe this action is complete.</p> <p>Progress not ascertained due to lack of information from the Home Office.</p>

Recommendations from 2021

8.1.5 Recommendations from 2021 that were accepted or partially accepted for action, and for which little or no progress was achieved in 2022:

Ref	Summary of Recommendation Summary of Action Committed Progress in 2023
S5	<p>Review and improve vocational training programmes available in Brook House</p> <p>“Serco will ... complete an education needs assessment at the earliest opportunity”.</p> <p><u>No Progress Apparent</u></p> <p>The IMB is not aware of an education needs assessment having been done. The vocational programmes available in 2022 have not improved on those available previously. There had been talk about, for example, barber training and barista training, neither of which appear to have happened.</p>
HO1	<p>Provide supplementary information about the asylum claim process, following ¶8 of DSO 06/2103</p> <p>“Asylum & Protection colleagues will ... work with on-site Compliance teams and [Serco] to improve ... information”.</p> <p>No Progress</p> <p>The Board is not aware of any changes to the information that was available for asylum seekers.</p>
HO2	<p>Collect perceptions of detained men about their safety and use to improve the centres’ management</p> <p>Candour logs have been made available on kiosks. Results shared between the HO and Serco. The HO believes this action has been completed and is sufficient to discharge the IMB’s recommendation.</p> <p>Insufficient Progress</p> <p>The Home Office has not itself undertaken any form of survey or data collection. The use of candour logs has been disappointing, and they provide little reliable information for assessing the views of the detained men on their safety. On its own this is an insufficient response to our recommendation. It is not apparent, for example, what practical use is made (or can be made) of the information collected through the logs.</p>

Ref	Summary of Recommendation Summary of Action Committed Progress in 2023
HO3	<p>Full review of Adults at Risk (AAR), ACDT and Rule 35 policy and procedure</p> <p>AAR policy and DC rules 2001 review has been re-started. New ACDT (version 6) has been developed and has been implemented in Gatwick.</p> <p>No Progress</p> <p>Although v6 ACDT has been mentioned during 2022, the Board believes that it was not implemented until early 2023. There were delays related to the unavailability of assessor training from HMPPS and inadequate support from the Home Office. The Board has expressed some concerns at seemingly limited confidence among some frontline officers, and additional training opportunities are being offered.</p> <p>This is however only a minor part in the overall context of identifying and managing vulnerability.</p>
HO5(i)	<p>Review the operation of the complaints (against Serco) process</p> <p>A withdrawal form has been introduced. The HO believes this action has been completed and is sufficient to discharge the IMB's recommendation.</p> <p>No Progress</p> <p>Introduction of a withdrawal form does not adequately respond to our recommendation. The overall complaints process has not changed, and outcomes in 2022 are similar to those in 2021.</p>
HO5(ii)	<p>... consider modification of contractual penalties for substantiated complaints</p> <p>No specific action, beyond annual reviews already built into the contract. The HO believes this action has been completed and is sufficient to discharge the IMB's recommendation.</p> <p>No Progress</p> <p>No action was proposed or committed to, and thus there has been no progress.</p>
HO6	<p>Avoid loss of detained men's property</p> <p>No specific actions stated to improve existing procedures. The HO believes this action has been completed and is sufficient to discharge the IMB's recommendation.</p> <p>No Progress</p> <p>No action was proposed or committed to, and thus there has been no progress.</p>
HO7	<p>Put in place proactive engagement processes to keep men informed of their case progress</p> <p>"Detention Engagement Teams are focusing more on in person face to face engagement". Plans to improve "surgery service".</p> <p>Some Progress</p> <p>DET surgeries did begin in 2022, although not until late in the year. On average, about five men attended each session. However, men continue to describe to the IMB their frustration with slow case progress and poor communication.</p>
HO8	<p>Provide adequate mobile phone access</p> <p>The HO does not accept that the phone signal is inadequate. "Options being explored to provide an additional service to the mobile phone network".</p> <p>No Progress</p> <p>The IMB does not share the Home Office's opinion on the mobile phone signal within Brook House, and nor do Serco senior managers and officers or local Home Office staff. Despite a technical solution being proposed during the year, by year-end there has been no improvement as far as the detained men are concerned.</p>

Ref	Summary of Recommendation Summary of Action Committed Progress in 2023
HC1	<p>Improve monitoring of men whose physical or mental condition may be deteriorating</p> <p>PPG hold a weekly multi-disciplinary meeting to consider the effect of continued detention and consider if a R35 report is needed. A R35 workshop was held in April 2022. New officers are trained to Safeguarding Adult Level 3, with refresher training in place. PPG believe this action has been completed and is sufficient to discharge the IMB's recommendation.</p> <p>Some Progress</p> <p>While there has been more discussion about possible deterioration and use of parts of Rule 35, the Board considers that this is still inadequate to the scale of the issue, particularly in Brook House. As far as the Board is aware, there was no training provided for healthcare staff or for GPs on Rule 35 during 2022.</p>
HC2	<p>Implement on-site dental suite and services</p> <p>Plans for a suite "are being progressed". A dentist visits once a week, and hospital treatment can be arranged when required.</p> <p>No Progress</p> <p>A dental suite has not been implemented. At the year end, this on-site service had still not been approved by NHS Commissioners. All year, therefore, men needing treatment have had to be escorted to emergency dental services in Crawley hospital.</p>



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