



**Annual Report of the
Independent Monitoring Board at
the Gatwick Pre-Departure Accommodation**

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

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Introductory sections 1 - 3

1. Statutory role of the IMB

Pre-departure accommodation is required to be monitored by an independent board appointed by the Secretary of State from members of the community in which it 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.
- inform promptly the Secretary of State, or any official to whom authority has been delegated, as it judges appropriate, any concern it has.
- report annually to the Secretary of State on how well the centre 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 or pre-departure accommodation 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

The current pre-departure accommodation (PDA) opened near Gatwick Airport in June 2017. It is located on the same site as, and is annexed to, Tinsley House. The PDA is part of the immigration detention estate and provides accommodation for up to two families enroute to planned removal from the UK. There is a separate suite of rooms in Tinsley House providing accommodation for one family group who are usually in transit and due to fly within the next 48 hours (Borders). Borders is part of Tinsley House and not part of the PDA.

Serco Ltd has managed the PDA under contract with Home Office Immigration Enforcement since May 2020, along with its contract to manage Gatwick immigration removal centre (IRC), which comprises Brook House and Tinsley House.

Families held in the PDA should only be detained there as a last resort after all other options, such as assisted voluntary removal, have failed. Detention should normally be authorised for a maximum of up to 72 hours but, in exceptional circumstances, and with personal authorisation by a Home Office minister, detention may be extended for up to seven days.

Local Home Office teams at Gatwick IRC and the PDA comprise Detention Services (DS or Compliance) and the Detention Engagement Team, with the Compliance team having lead local Home Office responsibility for families and their removals from the PDA. The family removals process is subject to advice from the Independent Family Returns Panel created by the Home Office.

Medical, mental health and substance misuse services are provided by Practice Plus Group (PPG).

Input and information for families can be provided by from Hibiscus Initiatives, a voluntary sector organisation with experience in international reintegration and resettlement.

The escort and transport of families to and from the PDA is contracted to Mitie Care & Custody.

3. Key points

3.1 Background to the report

Before 2023, the PDA had not been used in connection with family removals since 2020, when it was used on three occasions in the first three months of that year. In the interim, including in 2023, the PDA facility has been used occasionally as an adjunct to Tinsley House, when it would be operating under Detention Centre Rules or Short-Term Holding Facility Rules.

This annual report covers the PDA when in use for its stated purpose for facilitating family removals in 2023. Other uses of the space during the year and uses of the Borders family space are covered in the report of the IMB for Gatwick IRC (which includes Tinsley House).

The PDA was used in connection with family removals on four occasions in 2023:

- in April for a mother (Ms O) and her three children, aged five, four and two (Family A);
- in November for a couple and their two children, aged 15 and 10 (Family B);
- later in November for a mother and her young son (Family C); and
- in December for a mother and her two children (Family D).

All four attempted removals from the UK failed, with all families ultimately being released back into the community.

At the time of writing, there has been no use of the PDA for families in 2024. However, this is the result of the area being scheduled for works and reconfiguration as part of a larger project to increase capacity at Tinsley House. Home Office plans still include space for the PDA going forward, albeit reduced in size.

From IMB annual reports since 2017, 44 families have been held in the PDA as part of the Home Office family removals process, with only six of those removals going ahead. At the end of 2023, these figures read as 48 families held with only six being removed.

While only four families were detained in the PDA in 2023, the Board also draws on findings and recommendations consistently made by the IMB in the years since the opening of the PDA in 2017.

3.2 Main findings

Safety

- Families in the PDA were kept secure in a physical sense, with the PDA being separated from Tinsley House by secured doors and, from the Board's observations, staff were present close by at all times in case issues arose or help was needed.

Fair and humane treatment

- While the physical conditions are good and families were treated well by staff when in the PDA, the Board questions any perceived safeguarding or other value of using the PDA immediately before family removals and has concerns about the fairness and humanity of detaining families with children. The

families have already been taken from their homes and often had long journeys before arrival at the PDA. In some cases, there may already have been failed attempts at removing families on flights. Use of the PDA in the removals process may actually prolong or add to trauma already experienced.

- Despite the best efforts of staff, children witness or overhear their parents' considerable distress at what is happening to them. The Board has also seen how, despite efforts to use professional interpretation, children sometimes find themselves interpreting for their parents with staff, and thereby taking on responsibilities beyond their years. Also, the children themselves have already been taken from their homes and face removal to a country of which they may have very little or no knowledge. The use of the PDA in these circumstances results in unfair and unequal treatment for children.
- The mother from Family A received a positive result for pregnancy after she arrived at the PDA in April 2023, yet the Home Office continued with her and her family's detention and attempted removal on the next day. The Board member monitoring the failed removal reported that the process resulted in what was callous treatment and unnecessary suffering for the mother and unknown impact on her three young children.

Health and wellbeing

- The Board has concerns about the impact of detention on the mental and emotional well-being of all members of the families held in the PDA as part of the family returns process, with particular concerns for the impact on the detained children.

3.3 Recommendations

Based on our monitoring of the four failed removals of families held in the PDA in 2023, together with concerns and recommendations of the IMB reported since 2017:

TO THE MINISTER

- Given the evident suffering and distress for parents involved and the unknown impact of the experience on their children, the PDA should be closed and not be used as part of the process for family removals.
- Pregnant women should not be detained in the PDA or any similar pre-departure accommodation.
- The Board repeats the recommendation since 2017 for the minister to consider the establishment of an independent system for monitoring the arrest and transfer of families.

3.4 Progress since the last report

Review of family removals process and use of the PDA

In its annual report for 2019, the Board repeated a recommendation that the minister commission a full review of the effectiveness of the family removals process as it involves the PDA, and this recommendation was accepted. The Board was informed through the action plan which followed its report that: 'A full review has been commissioned into all aspects of the family returns

process, looking at all outcomes and results, not just the families who enter PDA, and all areas of the business will be consulted as necessary’.

In its annual report for 2020, the Board stated that it understood that the start of the review was significantly delayed due to the suspension of family returns at the outbreak of the Covid pandemic, and a subsequent update by the Family Returns Unit (FRU), was as follows: ‘The review, however, commenced in October [2020] and is due to deliver the first draft to FRU management in March 2021. The review is being conducted internally and involves seeking the views of internal and some external stakeholders...The review is not an internal family returns panel process only’. The Board is not aware of any progress since.

Primarily due to the Covid pandemic, the PDA was not used for family removals from March 2020 until April 2023, and the Board did not publish annual reports for the PDA for 2021 or 2022.

In light of previous annual reports and our monitoring in 2023, the Board now recommends that use of the PDA in connection with family removals should cease and the PDA should be closed. Moreover, the very high proportion of failed removals of families using the PDA does not suggest there are benefits which would outweigh the distress caused by its use.

Independent system for monitoring the arrest and transfer of families

In its annual report for 2019, the Board asked the minister to consider the establishment of an independent system for monitoring the arrest and transfer of families. This recommendation was not accepted by the minister, on the ground that there is a sufficient amount of ‘independent monitoring already available’.

The Board nonetheless repeated this recommendation in its annual report for 2020, asking the minister to reconsider his refusal to accept it on the grounds set out in its report for 2020, with re-emphasis on the need for monitoring of the arrest and transfer of families to be conducted by an independent monitor who can be seen to be genuinely at arms’ length from the Home Office, in order for that monitoring to have any external credibility.

The Board repeats this recommendation from 2019 and 2020 and would ask the minister to reconsider non-acceptance in the light of what we regard as the necessity for an ongoing system of monitoring the arrest and transfer of families that is, and can be seen to be, manifestly independent of the Home Office.

Evidence sections 4 – 7

4. Safety

4.1 Detained people with specific vulnerabilities, safeguarding

Family A

Ms O and her children aged five, four and two-years old were taken to the PDA late at night on 18 April 2023 after a failed attempt to remove them direct from the community. The family had been taken by escorts over a significant distance from their home to Heathrow airport, before the later move to the PDA at Gatwick. Ministerial approval was given to extend the family's stay in the PDA beyond the usual 72 hours to just before midnight on 25 April. On arrival, Ms O was reported to have told a GP that she had previously thought of self-harm and an ACDT (Assessment care in detention and teamwork) was opened. She believed that her children's lives were in danger if they were removed from the UK.

Ms O had declined to take a pregnancy test on arrival, but later reported feeling unwell and had a pregnancy test receiving a positive result on 24 April. Nevertheless, the Home Office continued with the fresh attempt to remove Ms O and her children on 25 April.

Removal directions were served on Ms O after midday and the removal was not formally cancelled until about four hours later. For much of this time, Ms O sat naked in a toilet in her apartment in the PDA refusing to engage with the escorts. Reports from Serco PDA staff who were with her were that she was very stressed and, as time went on, that she was engaging with them less and later that she was "declining" and starting to hunch over and rock to and fro, causing staff to feel that it was necessary to increase to 15-minute observations under the ACDT.

The IMB member monitoring the attempted removal on 25 April reported that it seemed highly likely (if not inevitable) that the removal would fail given the combination of the previous failed removal of Family A and the news that Ms O was now pregnant, meaning that force could not be used. Yet the attempt went ahead.

The Board member monitoring reported that the subsequent protracted and iterative nature of the Home Office decision-making process resulted in callous treatment and unnecessary suffering for the mother, Ms O, and unknown impact on her three young children.

Family B

Mr and Ms G arrived at the PDA with their two children, a boy aged 15 and a girl aged 10, at around 9:30 on 14 November. The parents spoke very little English, and although staff said that they did not ask either child to interpret for any substantive discussions, for practical reasons the boy interpreted for simple discussions around food and well-being. Although these may be relatively minor issues, it still put the boy in the position of representing the family, and the Board member who spoke with him reported that he seemed guarded and protective. The family was released at 15:30 on 16 November. In the Board's view, the stress and anxiety caused to the family by their detention seemed without purpose.

Family C

Ms J and her young son arrived at the PDA early in the afternoon of 22 November, after a failed attempt to remove them. The family's home was in Liverpool and an attempt had been made to remove them on a flight from Heathrow airport before they arrived at the PDA. An ACDT was opened on Ms J. She was reported as having been a victim of domestic abuse and stating that she was not prepared to have her son exposed to gang culture if he was removed.

A further attempt at removal was planned for 24 November, but the family was released early in the afternoon of 23 November.

Family D

A mother and her two children arrived at the PDA at 22:30 on 5 December and were transferred out at 12:24 on 6 December for a flight. The removal failed and Family D returned to the PDA and were taken home by grandparents on 7 December.

4.2 Use of force

There were no uses of force reported to the Board in 2023. Once it became known that Ms O was pregnant, it was made clear by both local Serco staff and Mitie escorting staff that force could not be used on her to affect a removal.

5. Fair and humane treatment

5.1 Accommodation, clothing, food

The PDA is spacious and much effort has been made to make it appear welcoming and child friendly. It has its own outdoor space. The PDA has a kitchen and dining area where families can make their own meals with requested ingredients to be provided by Serco. There is also the option of having meals provided.

5.2 Staff/detained people relationships

From the Board's monitoring, both Serco and PPG staff working in the PDA did a difficult job, with clear empathy and care for the families detained. In particular, in the case of Family A there were very clear signs of trust and rapport established with the children.

Serco staff working in the PDA wore matching bright and casual t-shirts or polo tops rather than uniforms. The Board noted this as a positive, both for its attempt to soften the environment for children and for easy recognition and clarity about which staff were responsible for interacting with families.

5.3 Equality and diversity

The children in Families A and C had already been the subject of transfers over long distances from their homes in the north of England and then failed removals on flights before they arrived at the PDA. The Board is not aware where Families B and D lived prior to their arrest and arrival at the PDA.

While Serco and Healthcare staff did what looked to be a good job of caring for and engaging with and trying to shield the children in Family A from what was happening

to their mother, this meant that they were separated from her for a significant length of time and it is not possible to say what effect the whole experience of the time held in the PDA and especially the events of 25 April will have had on the three children in Family A.

In the case of Family B, the parents spoke little English and the lead role in at least basic encounters with staff and others was taken by their 15 year-old son.

The Board's view is that no children should be put at risk of the effects of the kind of experience endured by children of the families detained in the PDA in 2023.

6. Health and wellbeing

Healthcare is provided by PPG, with contracted GPs attending. Serco staff working in the PDA included social workers who had particular regard for the safeguarding of children there.

7. Preparation for return or release

The Board notes the care and thought involved in the return of Family C to their home in Liverpool after their release in late November. A hotel was arranged for them for the night of their release, and the next day they were accompanied by Serco staff who were to help them settle in, do any shopping needed and check the property, for example, to ensure that it had hot water.

8. The work of the IMB

The PDA is monitored by the same members who make up the IMB for Gatwick IRC. Board members made weekly unannounced visits to adjacent Tinsley House, and this would include a visit to the PDA. Given that there were only four families in the PDA during 2023, visit times would typically involve checking the facility and its readiness should it be needed for a family return.

Board members visited when families were detained on site in April and November.

The Board is usually invited to lessons learned exercises from serious incidents and other significant events at Gatwick IRC, and asked to be included in the review after the failed removal of Family A, but were told by the Home Office that it was to be kept to a small group. It is the Board's view that if the aim is learning lessons, then all those involved should be included. Particularly those such as the IMB who bring an independent perspective.

Board statistics

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| 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, plus 1 member in recruitment |

Applications to the IMB from the PDA

There were no applications to the Board from those detained in the PDA in 2023.



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