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1	Home Office (IE)	<p><b>Case Progression</b></p> <p>Many immigration detainees were held in prisons for long periods despite minimal progress in their cases. There was little prospect of removal within a reasonable period for many detainees and some continued to be held in prisons after their release was agreed in principle because of a lack of bail accommodation. Several were also held despite the Home Office's own Case Progression Panels repeatedly recommending release. (To the Home Office).</p>	<p>The Home Office will continue to review detention regularly. We make every effort to ensure that an FNO's removal by deportation coincides, as far as possible, with their release from prison on completion of sentence. Where it is not possible, careful consideration is given on a case-by-case basis as to whether immigration detention is appropriate and justified. There is a presumption in favour of liberty for all individuals and decisions to detain are made in line with published guidance. The Home Office Immigration Prison Team (IPT) officers have been empowered to raise concerns with their senior management when a foreign national offender (FNO) has been detained for a lengthy period, with little prospect of removal within a reasonable timescale. Review of such cases will be expedited by casework teams.</p> <p>As a result of COVID restrictions, more FNOs had to be released from detention and this put significant pressure on the availability of suitable accommodation. This has been rectified and the Foreign National Offender Returns Command (FNORC) Accommodation Team is processing cases within a normal timeframe. However, barriers such as legal challenges and travel documents can delay the efficiency of removals taking place early in the ERS window. Other factors such as the length of the custodial sentence to be served following sentencing is also relevant to returns within the ERS window, especially where the individual has a short sentence, or they have served most of their time on remand.</p> <p>We are recruiting new caseworkers who will improve FNORC's capacity to carry out its core functions, including the management of detention.</p> <p>In addition to Case Progression Panels (CPPs), each detained individual is subject to a regular 28-day review (DCPR), undertaken by FNORC casework. This review considers a detained individual's removability, criminality, and vulnerability. CPP recommendations form part of this consideration, with a mandatory requirement to record whether their recommendations are being accepted, or rejected, and why. All CPP recommendations are circulated to the Senior Management Team, with the panel chair having the capacity to escalate any specific cases of concern.</p>	<p>N/A</p> <p>N/A</p> <p>12 months</p> <p>N/A</p>
2	Home Office (IE) and HMPPS	<p><b>Access to Legal Advice</b></p> <p>Detainees routinely encountered difficulties in obtaining legal representation for their immigration cases. Some had difficulties in adding solicitors' phone numbers to their list of approved contacts and very few had been informed that they were now entitled to half an hour of free legal advice in line with the provision in immigration removal centres. Many of the prison and Home Office staff we spoke to were not themselves aware of this entitlement. (To the Home Office and HMPPS).</p>	<p>We recognise that not all FNOs will be legally represented and therefore throughout the deportation process we seek to explain and signpost appropriately, whether through written documents or direct engagement. The deportation notice informs the FNO why deportation is being considered and invites the person to provide any reasons why they consider it should not be pursued. A statement of reasons accompanies this decision, clearly setting out examples of possible claims, including those protection and human rights based, which could be raised alongside possible sources of supportive evidence. These notices signpost Civil Legal Advice (and Scottish and Northern Ireland equivalents); an organisation which can provide information on legal aid, if a person is unable to pay for a legal representative. A published list of legal aid providers is available from the Legal Services Commission. Removal paperwork reminds the person of the same. Additionally, in November 2021, HMPPS issued an instruction which allows all individuals held under immigration powers in a prison, access to 30 minutes of legally aided immigration legal advice. This provides a functional equivalent to the service currently available in IRCs.</p> <p>The Home Office will ensure information regarding legal advice is provided to the FNOs in their HMPPS induction packs. Additionally, we will ensure all IPT managers have access to the lists for their regions, which can be provided to FNOs on request.</p>	<p>N/A</p>

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3	Home Office (IE)	<p><b>Communication of Home Office intentions to detain</b></p> <p>Serving prisoners were usually given very little notice that they would be subject to indefinite immigration detention, causing significant distress among many. Many prisoners were served with detention paperwork just before or on their planned release date. (To the Home Office)</p>	<p>FNORC works with HMPPS to ensure FNOs are regularly informed throughout the process that they may be detained under immigration powers at the end of their sentence. We will do more to ensure FNOs understand why they might be detained at the end of their sentence.</p> <p>The Home Office is building capability in our casework teams, via recruitment and training, and it is expected FNORC will be able to deliver all its core functions more effectively before the end of this financial year.</p> <p>The new IPT induction notes are being translated into key languages spoken by FNOs and will inform the prisoner that they should contact IPT or their case-worker 8 weeks before their Custodial Release Date (CRD) if they have not received any update as to being detained under immigration powers.</p>	<p>6 months</p> <p>12 months</p> <p>6 months</p>
4	HMPPS & Home Office (IE)	<p><b>Staff training in relation to Adults at Risk policy</b></p> <p>Neither Home Office nor prison staff understood or applied the Adults at Risk in Detention policy that was intended to protect the most vulnerable detainees. Communication between the Home Office and prisons was often poor, and information-sharing was weak. Prisons were generally unaware of which immigration detainees were classed by the Home Office as adults at risk in detention, nor were they informed of important changes in detainees' cases. This lack of understanding and application of the policy directly affected detainees' prospects of release and access to crucial support services. (To the Home Office and HMPPS).</p>	<p>The Home Office constantly reviews IPT's learning and development needs and ensures all staff have received mandatory Adults at Risk (AAR) training. Vulnerability is also covered in staff inductions. AAR awareness is included in all IPT consolidation training going forward, which means an officer will receive at least one refresher session during a financial year. FNORC caseworkers also receive mandatory AAR training and the policy is considered at each monthly detention review.</p> <p>IPT staff are completing compulsory Suicide Awareness and Self Harm training this financial year.</p>	<p>N/A</p> <p>6 months</p>
5	Home Office	<p><b>The lack of an equivalent to the Immigration Removal Centre (IRC) Rule 35 process</b></p> <p>Vulnerable detainees, including victims of torture, were not routinely being identified and the Home Office was not considering their release in the same way as they were obliged to for those held in IRCs. (To the Home Office).</p>	<p>The Home Office and HMPPS are continuing work to introduce a reporting mechanism akin to Rule 35, which will sit alongside the existing Rule 21 of the Prison Rules. This reporting mechanism will mirror the Rule 35 process in IRCs and will allow for reporting on the same three categories, whilst the existing independent Detained Medical Report Team (formerly Rule 35 Team) will retain responsibility for the consideration of these reports. Any differences between the operational mechanism of Rule 35 and the new process sitting alongside Rule 21 will be down to the differences in the custodial and detention estates.</p> <p>It is expected this process will go live by the end of 2022, supported by the provision of training to relevant staff operating in prisons, including Healthcare, IPT and Offender Management Units (OMUs).</p>	<p>6 months</p> <p>6 months</p>

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6	Home Office (IE)	<p><b>Accessibility to IPT staff to obtain case updates</b></p> <p>Detainees found it difficult to contact Home Office staff based in prisons. Many detainees reported difficulties in arranging face-to-face contact with Home Office staff, and those who were able to arrange it told us that they struggled to get timely and meaningful updates on their case. (To the Home Office).</p>	<p>We accept COVID restrictions impacted some IPT teams, but we have worked with HMPPS to address that. IPT officers are either present in, or regularly attend, the prisons with high numbers of FNOs. If OMUs have concerns about the presence of IPT officers in any prisons, they will escalate via the HMPPS FNO Hub.</p> <p>We are recruiting nationally into IPT to further increase the presence of immigration officers within the prison estate and access for FNOs to Home Office staff.</p> <p>We are working with HMPPS to increase the numbers of FNOs in the prisons where we have on-site staff (76% of agreed capacity as of August 2022).</p> <p>The Home Office will review and improve how caseworkers, IPT and HMPPS interact.</p>	<p>N/A</p> <p>12 months</p> <p>6 months</p> <p>6 months</p>
7	HMPPS & Home Office (IE)	<p><b>The availability of professional interpreters</b></p> <p>Professional interpretation was often not used when prison and Home Office staff communicated with immigration detainees. Detainees reported that this was particularly problematic when it came to discussing complex legal matters, the progress in their cases, and legal documents. (To HMPPS and the Home Office).</p>	<p>The Home Office will ensure IPT officers and OMUs are fully aware that if dealing with legally complex matters, then an interpreter should be used.</p> <p>In addition, as part of the induction process, the IPT is producing a document that provides FNOs with key information about the deportation process. This will be translated into the top 10 languages spoken by the FNO prison population.</p>	<p>6 months</p> <p>6 months</p>
8	Home Office (IE) and HMPPS	<p><b>Lack of understanding around the National Referral Mechanism</b></p> <p>There was a poor understanding of the National Referral Mechanism (NRM) among prison and Home Office staff. Several detainees we spoke to had experiences of trafficking and been referred to the NRM, but they remained in prison without access to any specialist support. (To the Home Office &amp; HMPPS).</p>	<p>The Home Office ensures all IPT staff have completed the relevant NRM training and the quarterly IPT consolidation training course includes a section on the NRM. In addition, the refreshed IPT Standard Operating Procedures will be updated to include a section on the NRM. As with the AAR, IPT officers are very sensitised to issues of vulnerability and modern slavery.</p>	<p>6 months</p>

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9	HMPPS & Home Office	<p><b>Lack of consistent support available from non-government organisations and outside agencies</b></p> <p>The support available to immigration detainees in prison from non-governmental organisations (NGOs) and outside organisations, was variable at best. While some establishments had good links with NGOs and community organisations who could provide tailored support to immigration detainees and foreign national prisoners, there was little support available in others, and detainees were not provided with any information about how to contact organisations. (To HMPPS and the Home Office).</p>	<p>On post-sentence induction, IPT provides FNOs with lists of legal representatives and NGOs. However, access to NGOs and other support services is an HMPPS lead and will be addressed in its SIP.</p>	N/A