

### Supplementary evidence submitted by Independent Monitoring Boards (IMBs) (CHA0060)

1. The Independent Monitoring Boards (IMBs) have been asked for supplementary evidence to clarify and update our written and oral evidence to the Committee.
2. We referred to two different measures of risk and vulnerability at Brook House: the number of self-harm incidents in relation to the size of the population; and the number and proportion of those who are being monitored because they are considered to be at risk of suicide and self-harm or at risk if removal directions are served. On both measures, the numbers in Brook House since August have been at unprecedentedly high levels. That is why we brought it to the attention of the Immigration Minister and the Committee.
3. The number of self-harm *incidents*, compared to the overall population, is important both because of the risks to those who are self-harming, sometimes repeatedly, and also because of the ripple effect on the rest of the population and the pressure on staff. That is why the number of incidents, per thousand population, is one of the prison service's key measures of stability and security. In our written evidence to the Committee, we stated that during August and September there were respectively 44 and 36 incidents of self-harm at Brook House, when the population there was 80 and 127 respectively.
4. The Committee has asked about the number of *individuals* involved in those incidents. We have established that these incidents involved 25 and 27 detainees respectively; this represented 31% and 21% of the population at the time.
5. We have also established that the number of individuals involved in self-harm incidents in the two preceding months was 3 and 4 (3% and 6% of the population) respectively, and during the earlier part of the year the average number of individuals was four a month<sup>1</sup>. This indicates the scale of the increase in August and September. In October there was a decrease to 19 individuals self-harming (18% of the population) – still significantly higher than the pre-August levels. Figures for November are not yet available.
6. Figure 1 provides statistics for the number and percentage of self-harm incidents and self-harming individuals across the four main immigration removal centres in England<sup>2</sup>. We do not yet have statistics for the number of individuals involved at Heathrow (we hope to be able to provide those later) but we understand that there was a 'prolific' self-harmer during October.<sup>3</sup> Those figures indicate the extent to which the situation at Brook House from August onwards was significantly different from that in other centres.

<sup>1</sup> Comparative figures for other centres gathered for August/September/October only; Brook House figures prior to June below

	January	February	March	April	May
Population	190	130	93	52	54
Self-harm incidents	9	3	8	3	2
Number of individuals	9	2	5	3	2
Number of ind's self-harming as % of pop	4.7%	1.5%	5.4%	5.8%	3.7%

<sup>2</sup> Excluding Tinsley House, which had occupancy in low/single figures for much of this period (e.g. 5 detainees as at 24 November)

<sup>3</sup> Information provided subsequently to the Committee by the Independent Monitoring Boards: The 51 self-harm incidents reported at Heathrow IRC across August, September and October involved a total of 21 individuals which is 3.29% of the population during the period. The IMB was unable to obtain a more detailed monthly breakdown of the number of individuals involved.

Figure 1: Self-harm at Brook House, Morton Hall, Yarl's Wood and Heathrow IRCs

	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER
<b>Population</b>					
<b>Brook House<sup>4</sup></b>	90	66	80	127	103
<b>Morton Hall</b>			61	130	105
<b>Yarl's Wood</b>			99	163	99
<b>Heathrow</b>			227	203	209
<b>No of acts of self-harm</b>					
<b>Brook House</b>	3	5	44	36	25
<b>Morton Hall</b>			4	2	1
<b>Yarl's Wood</b>			0	2	0
<b>Heathrow</b>			8	14	29
<b>By how many individuals</b>					
<b>Brook House</b>	3	4	25	27	19
<b>Morton Hall</b>			3	2	1
<b>Yarl's Wood</b>			0	2	0
<b>Heathrow<sup>5</sup></b>			n/a	n/a	n/a
<b>Number of individuals self-harming as % of the population</b>					
<b>Brook House</b>	3.3%	6.1%	31.3%	21.3%	18.4%
<b>Morton Hall</b>			4.92%	1.54%	0.95%
<b>Yarl's Wood</b>			0	1.23%	0
<b>Heathrow</b>			n/a	n/a	n/a

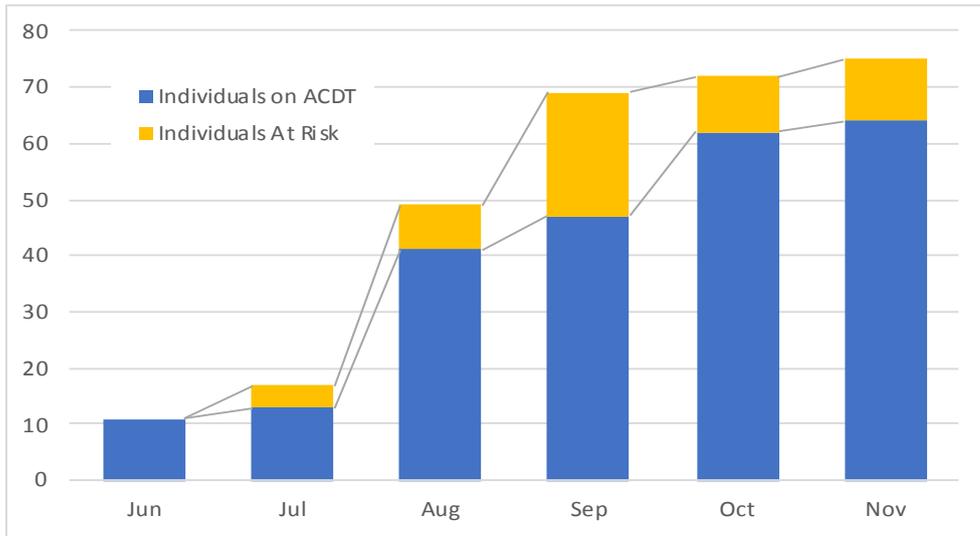
7. Separately, we provided the Committee with statistics on the actual proportion of detainees at Brook House who were considered to be at risk of suicide or self-harm or at risk if removal directions were served, including those whose risk was so high that they required 24-hour watch. From the information available, the average proportion of those detainees deemed to be at risk during June and July was 3.5% and 2.7% of the population. Between August and 30 November, the averages were between 16% and 20%, sometimes peaking at 25%. The actual number of assessment in care, detention and teamwork cases (ACDTs) (where

<sup>4</sup> Brook House: figure at month end; other centres: average monthly population;

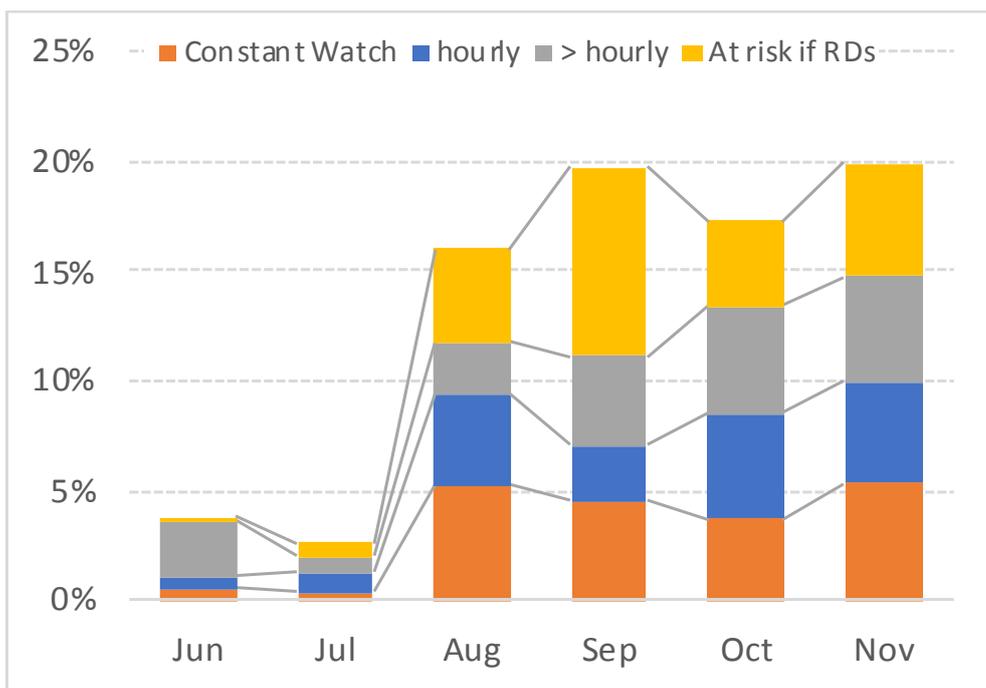
<sup>5</sup> Figures for number of individuals self harming not available from IMB; see also paragraph 6 above and footnote 3.

detainees were primarily being monitored for suicide and self-harm risk) opened or carried forward during the month rose from 12 in June to 65 in October. Figures 2 and 3 show clearly the scale of the rise at Brook House and the significant proportions that were at such high risk that they required 24-hour monitoring.

**Figure 2: Number of unique individuals on ACDT and number of unique individuals at risk if removal directions are served at Brook House (data from 1 June - 30 November)<sup>6</sup>**



**Figure 3: Number of individuals at different levels of risk and as percentage of population at Brook House (data from 1 June - 30 November)**



<sup>6</sup> For figs 2 and 3: source for numbers is Serco daily operations report; percentages and analysis by the Brook House IMB.

8. Our written evidence referred to a man who had poured boiling water on his legs shortly before removal. Recent examples of self-harm or suicide attempts include a man attempting to self-strangulate with his shoe laces and another man having to be cut down by officers after fixing a ligature to a TV bracket, the alarm having been raised by other detainees.
9. The Minister's response to our letter of 2 October arrived on 25 November, after we had given evidence to the Committee. The correspondence is attached. We asked the Minister what, if any, mitigating action he was considering, given the scale of our concerns. The Minister does not specifically address this, though he refers to 'systematic safeguards and support for the vulnerable'. We accept that the staff at Brook House, many of them new, are working to provide support and mitigate risk; however, that does not diminish the scale and nature of the continuing high level of risk and vulnerability that we are seeing.
10. As we reported in oral evidence, the situation has not significantly improved since we provided written evidence; indeed it has worsened in a number of respects:
  - The proportion of detainees considered to be at risk continues to be high
  - Over the weekend before we gave evidence to the Committee, there were 10 and 11 detainees requiring constant watch, with 13 and nine constant watch and other ACDT reviews required to be carried out on those days. The pressure on staff, as well as on all detainees, was considerable.
  - The number of detainees at Brook House identified as adults at risk (AAR) rose from 67 to 108 last week, some of whom will also have been among those on ACDTs. They are individuals who may be claiming previous torture, trafficking or other current vulnerability, as well as men who have been accepted by the Home Office as having been tortured in the past. In all of these cases, there is a presumption against detention. This is nearly two-thirds of the population of 172.<sup>7</sup>
  - There continue to be detainees who are only recognised as being under-age, and therefore not liable to detention, after they have arrived at Brook House: in September and October there were four and eight age dispute cases, respectively, resulting in three and seven young people being released into the care of local Social Services. There have been further age disputes in November, although details of numbers and final outcomes are not yet available.
11. We believe that there are four issues that need to be addressed:
  - The failings in initial assessment of all aspects of risk and vulnerability at earlier parts of the process (as our evidence says, we have similar concerns about medical assessments)
  - The concentration of risk and vulnerability among the population at Brook House
  - The compressed timelines and processes for removal at the later stages, with vulnerabilities identified very late
  - Lack of information and support for detainees about what will happen and when, and of effective handover arrangements on arrival in the receiving country following removal.

Dame Anne Owers

<sup>7</sup> Adults at risk and population figures as at 24 November including detainees awaiting removal and time-served foreign national offenders.

(CHA0060)

National Chair  
Independent Monitoring Boards

December 2020

## **ANNEX 1 – Letter to Chris Philp MP, Minister for Immigration Compliance and the Courts, Home Office**

2<sup>nd</sup> October 2020

Dear Minister,

### **IMPACT OF DUBLIN CONVENTION CHARTER FLIGHTS ON DETAINEES**

We are writing to alert you to the concerns of Independent Monitoring Boards (IMBs) about the impact of charter flights on the above cohort of detainees. This letter draws on first-hand observations and information from the IMB at Brook House Immigration Removal Centre (IRC) and the IMB Charter Flight Monitoring Team (CFMT).

Under Detention Centre Rules 61 (3) and (5), IMBs are required to bring certain causes of concern to the attention of the Minister. As members of the UK's National Preventive Mechanism, we additionally have a duty to identify practices in detention that could amount to inhuman or degrading treatment.

### **Background**

On 12 August 2020, in order to remove detainees who entered the UK via Channel crossings, the Home Office began a concentrated programme of charter flights to European Union countries party to the Dublin Convention. Men scheduled for removal on these charters have been brought to Brook House to be escorted from there to the flights. To date, eight such charters have left, one was cancelled and another (to Spain) enjoined on the day before it was scheduled to fly.

To date, the main nationalities of those affected are Iranian, Iraqi, Kuwaiti, Syrian and Yemeni.

### **IMB findings**

Our evidence indicates that a series of issues are collectively and cumulatively having an unnecessary, severe and continuing impact on detainees, particularly those facing removal on charter flights, as well as across the detainee population as a whole. We believe that the cumulative effect of these concerns amounts to inhumane treatment. We should make it clear that

this is not a criticism of the detainees' treatment by the staff at Brook House, but rather of the circumstances surrounding detention and removal:

- The Brook House IMB has observed that the programme of charter flights has resulted in a sharp increase in the number of vulnerable detainees<sup>1</sup> at Brook House, as can be seen in the indicators on the Annex. In particular, a large number of men have been identified as at risk of suicide or self-harm, with significant numbers needing constant or hourly supervision as a result of incidents of actual or attempted self-harm and others needing less frequent observation. Additionally, some men have refused food or fluids, and there are others considered to be "at risk" if removal directions are served<sup>2</sup>. For much of September,

<sup>1</sup> An aggregate of the categories in the Annex: individuals on an assessment care in detention and teamwork (ACDT) plan, especially those under constant watch (C/W), food and fluid refusal (FFR) and at risk if removal directions (RDs) are served.

<sup>2</sup> The "at risk" assessment is based on factors such as removal directions triggering self-harm on previous occasions or statements about intention to self-harm if removal directions are served to a particular country.

- detainees on ACDTs and those who have been assessed as “at risk” if removal directions are served represented around 20% of the centre’s population.
- As well as the impact on each individual detainee in the numbers shown in the Annex, it is evident to the Brook House IMB from our own on-site visits and monitoring that this charter flight programme is having a wider impact on detainees. We have spoken with men who say they have been picked up without warning from hostels, and who seem both bewildered and fearful about what is happening to them. In other conversations, we have heard men talk of being subject to racism, homelessness and hunger in the countries to which they are to be removed. In our view, these are signs of what we believe are both constant and high levels of stress and anxiety in the Brook House population generally. This is reinforced by our conversations with staff who are dealing with the detainees on a daily basis.
- In addition, it is the Brook House IMB’s view that there is a further negative effect on the wellbeing and anxiety levels in the centre arising from the concentrated nature of this charter flight programme. Many flights are clustered together (usually at least one and often two a week over a prolonged period), and for various reasons men may be ‘bumped’ to the next available flight. As a result, over August and September in particular, a large number of men at Brook House have become extremely distressed, as highlighted above and in the Annex. This is, in turn, having an effect on the wellbeing and anxiety levels of others who are living with these distressed men for days or weeks. There does not appear to be any mitigation or forward plan in place to address this issue if, as we understand, these frequent charter flights are to continue in the period between now and 31 December.
- The Rule 35 process is a key safeguard for identifying and managing vulnerability. It requires an experienced GP to assess the likelihood of a detainee’s health being injuriously affected by detention, or if they are at risk of suicide or may have been a victim of torture. During September, because of the pressures described above, there has been a significant backlog of these GP assessments at Brook House IRC – for example on 10 September, up to 60 men were waiting. There is still a considerable backlog, despite extra GP provision. In the Brook House IMB’s view, this is contributing to high levels of anxiety and unease among all detainees held there.
- Some of the vulnerable men who are still on ACDTs and constant supervision have been removed on flights: an example, observed by the CFMT, was a man who had poured boiling water on his legs in the hours before his removal. We understand that others had been taken to hospital after self-harm immediately before transfer back to Brook House for removal. The CFMT has noted that their vulnerability is compounded by a seeming lack of handover arrangements between the Home Office/escort contractors and the authorities in the receiving country when the charter flights land. It is not at all clear that any formal process exists for providing information to the receiving authorities about the mental and physical health of detainees, including any risk of suicide or self-harm; this may put the men at further risk. Our enquiries to the Home Office on this point have failed to elicit details of any current or planned process.
- An additional concern, which is exacerbating the distress of detainees both at Brook House and during charter flights, is the lack of information provided to the men about reception arrangements on arrival in the receiving country. A basic leaflet appears to be all that is provided and little effort is made to provide a full briefing or explanation in advance in a way

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that detainees can understand. This poor level of engagement with detainees means that their anxiety and risk levels are raised even further.

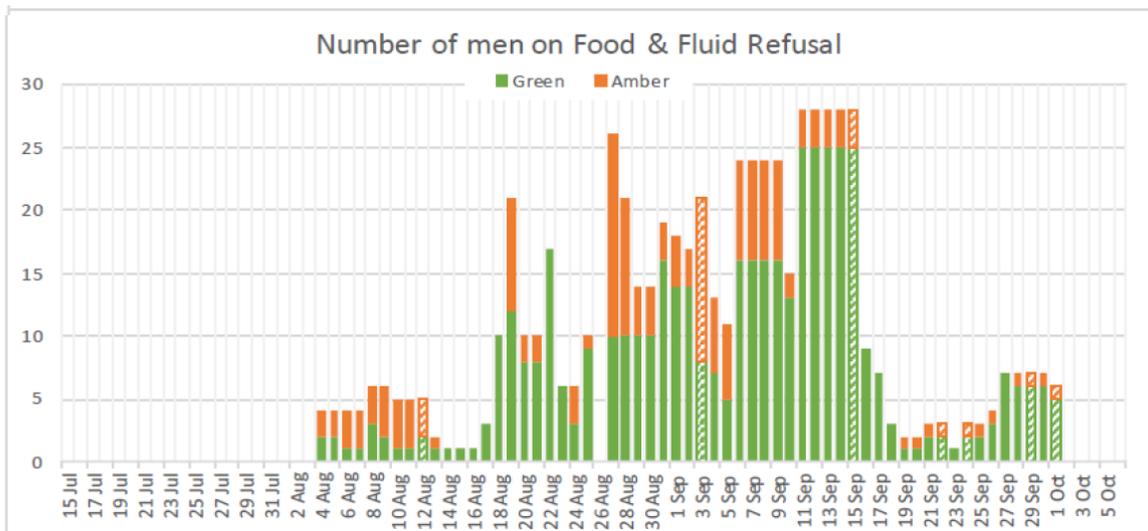
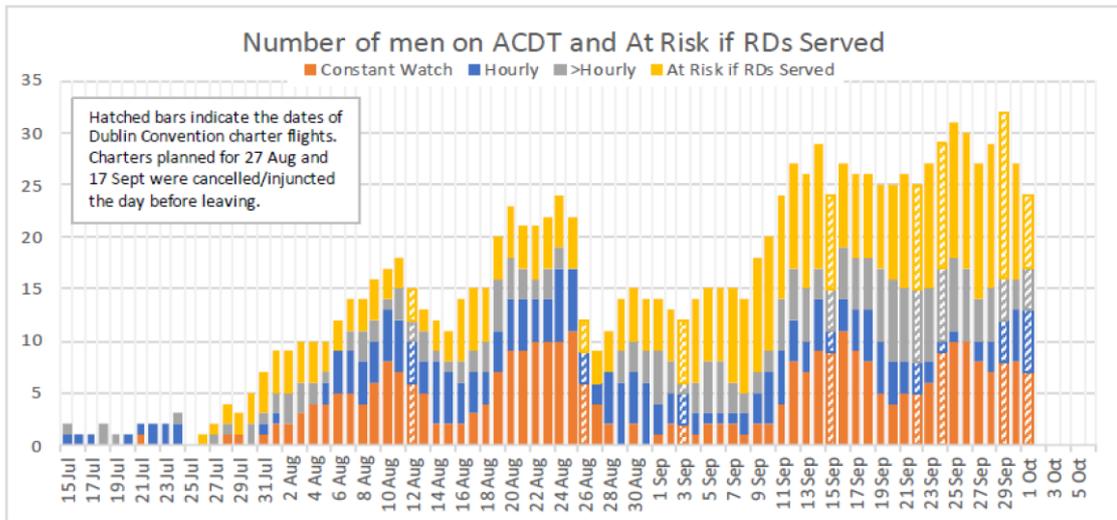
We are raising these issues because of our concern about the actual and potential risks of harm to detainees. Both the Brook House IMB and the CFMT would welcome an urgent response from you.

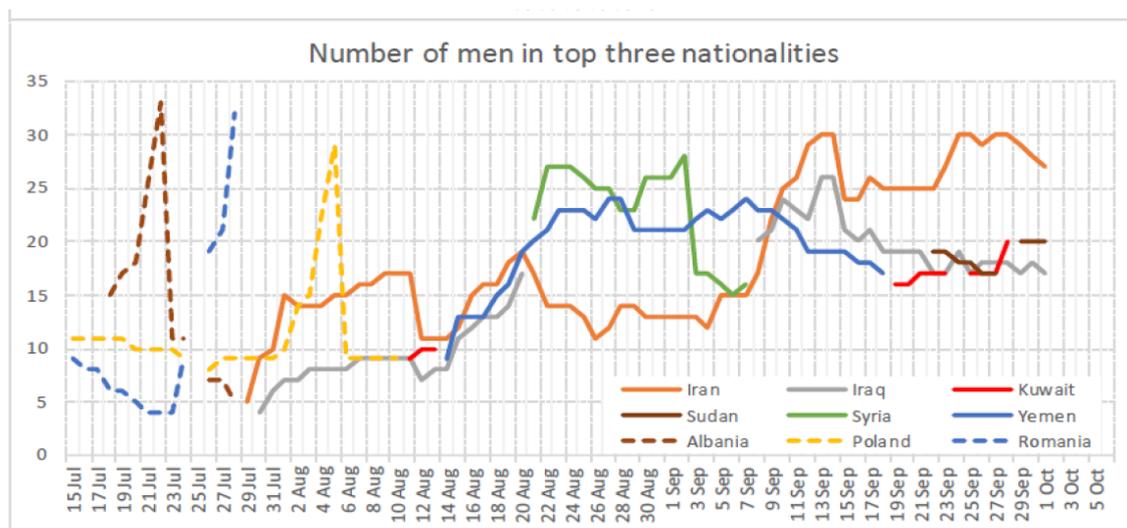
Yours sincerely,

Mary Molyneux – Chair, Brook House Independent Monitoring Board

Lou Lockhart-Mummery – Chair, IMB Charter Flight Monitoring Team

### Impact of Charter Flights





Data from Serco Daily Operations Report  
Analysis by the IMB

01/10/2020

## ANNEX 2 – Letter from Chris Philp MP, Minister for Immigration Compliance and the Courts, Home Office

Dear Mary and Lou,

Thank you for your email correspondence of 2 October about the Independent Monitoring Boards (IMBs) concerns relating to the impact of Dublin Convention charter flights on detained individuals at Brook House immigration removal centre (IRC).

On 12 August 2020, the Home Office resumed charter flight activity following a brief pause as a result of the COVID-19 pandemic, to remove individuals whose claims fell for refusal in the UK under the Dublin III Regulation ('Dublin'). Dublin is a long-standing mechanism between EU Member States, which determines the State responsible for examining asylum claims and allows for asylum claimants to be transferred into and out of the UK, where responsibility for examining an asylum claim lies with the UK or with another EU Member State or Associated State. We operate Dublin Returns in compliance with the policies and procedures, as provided for under the Common European Asylum System. To date, men scheduled for removal on these charters have been detained at Brook House and Colnbrook IRCs, before being escorted to scheduled flights.

Formal requests are made with the Member countries ahead of removal where they accept responsibility for the claimants in accordance with the Dublin Regulations with the dates and times of return flights agreed in advance. All returnees are handed over to the relevant Border Authorities on arrival. Article 18 of Dublin III sets clear obligations on the responsible (receiving) State. The responsible State shall examine the claim, the first step being the registration of a new claim according to national procedures. Where individuals have a

previous claim in the responsible State, Dublin III stipulates that they re-join the asylum procedure where they left off.

I should reinforce that detention and removal are essential parts of effective immigration controls. It is vital these are carried out with dignity and respect and we take the welfare of individuals in our care very seriously. Our priority is to keep the use of immigration detention to a minimum, ensuring decisions to detain, and subsequent decisions to maintain detention or release, are well made, with systematic safeguards and support for the vulnerable.

All incidents of self-harm are treated very seriously, and every step is taken to try and prevent incidents of this nature. As you will be aware, there are established procedures in place in every IRC and Short-Term Holding Facility to minimise instances of self-harm with formal risk assessments on initial detention and systems for raising concerns at any subsequent point. Those refusing food or fluid are managed in line with the Detention Services Order 3/2017, 'Care and Management of Detainees Refusing Food and Fluid' and monitored closely. Nonetheless, these people are in the UK illegally and we continue to seek their removal, with the appropriate safeguards in place.

I appreciate your concerns about outstanding requests for healthcare Rule 35 appointments at Brook House. The Detention Centre Rules do not dictate the timeframe within which a healthcare appointment (including those which may give rise to a Rule 35 report being submitted) should be made, however it is accepted that these should be facilitated within a reasonable time. Additional Rule 35 appointments have been made available and vulnerabilities may also be reported by any member of IRC staff through other established channels or engagement. Additionally, all individuals who have been placed on the manifest for a charter will be assessed by a healthcare professional before they leave the immigration removal centre.

I should also highlight that any delays with Rule 35 assessments, though regrettable, do not impede our ability to consider a person's immigration case in full. Rule 35 reports are considered by the Home Office for the sole purpose of determining the suitability for continued detention, and not the appropriateness of ongoing enforcement action or the merits of an immigration case. There are established channels by which individuals can raise representations regarding their immigration case, the process for which is explained in immigration paperwork, at IRC induction and facilitated through engagement with the onsite Detention Engagement Teams.

The Dublin Regulation set limits on the time in which a return can be completed and the maximum time a person can be detained for the purposes of their return. If someone is in the UK illegally and has chosen not to make a voluntary return, it may be necessary to enforce their departure from the UK. We only remove people when it is safe to do so, and public health guidance is adhered to on all removal flights. Those on the flight are seen by a healthcare professional before they are returned and anyone who is not well enough to travel would be removed from the flight.

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The use of charter flights is a standard part of immigration enforcement activity, and they are used by many other countries, not just the UK. We use charter flights as well as regular scheduled flights, to best meet operational needs and maximise value for money. The UK only ever returns those who both the Home Office and, where appropriate, the courts are satisfied do not need our protection and have no legal basis to remain in the UK.

The UK has a long and proud history of providing protection to those who need it, in accordance with our international obligations. Tens of thousands of people have rebuilt their lives in the UK. As the Home Secretary said in her recent speech to the Conservative Party Conference, the asylum system is broken, and we stand by our obligations to safeguard the most vulnerable people fleeing oppression, persecution and tyranny. These people are in the UK illegally and we continue to seek their removal, with the appropriate safeguards in place.

Yours sincerely,

Chris Philp MP

Minister for Immigration Compliance and the  
Courts