



Government Legal Department

Ellis Pinnell
Brook House Inquiry
IDRC
1 Paternoster Lane, St Pauls
LONDON
EC4M 7BQ

By email only

28 March 2022

Litigation Group
102 Petty France
Westminster
London
SW1H 9GL

T DPA

DX DPA Westminster 12 www.gov.uk/gld

Your ref: STI/HO/020420

Our ref: [REDACTED]

Dear Mr Pinnell,

RE: BROOK HOUSE INQUIRY – EMAIL DATED 15 MARCH 2022 – DELEGATION

1. We write in response to your email dated 15 March 2022 pertaining to the delegation of certain powers.
2. The position is set out clearly in Detention Services Order 02/2017, namely:

"In cases of urgency, and if the circumstances are such that it is impracticable to seek the authority required in paragraph 40 in advance, **the centre/duty manager** (in a contracted out or HMPPS run centre) can make the emergency authorisation so that the authority is considered to begin at that point. In such circumstances, the DES manager (or the DES on-call manager if out of hours) must be notified immediately."

3. The Home Office expects this DSO to be followed (although as Duncan Lewis observes, it is possible to obtain a formal delegation of powers and duties under Rule 65). It is, however, respectfully highlighted that the question of whether a failure to follow this or an absence of particular paperwork would result in an "unlawful" decision "for lack of appropriate authorisation" cannot be a matter for determination by this Inquiry.

Yours faithfully

[REDACTED]

Kathryn Nicholas
For the Treasury Solicitor

D [REDACTED]
F [REDACTED]
E [REDACTED]

Lee John-Charles - Head of Division
Francis Milivojevic - Deputy Director, Team Leader Immigration 4

