

Brook House IRC Independent Monitoring Board

MEETING Wednesday 18th January 2017

Pre-meeting session: Rule 35 Project and DSO 09/2016 + Induction paperwork

IMB

Jackie Colbran (**JC**)

Lui Hui (**LH**)

Elisabeth Markwick (**EM**)

Gillian Gajdatsy (**GG**)

Mary Molyneux (**MM**)

Louise Gledhill (**LG**)

Home Office

Paul Gasson (**PG**)

Zakia Bassou (**ZB**)

G4S

Ben Saunders (**BS**)

Item 1 Apologies for absence / introductions

Joyce Turner, Dick Webber and Gareth Jones

Item 2 Review Statutory Visit Reports prior to minute taker's arrival.

Item 3 Review of minutes of the 21st Dec 2016 meeting.

EM updated on a recent example of a late night transfer she had been tracking with Simon's help. Mr [redacted] had been held at Sutton police station from 14.00 on 7/11, interviewed at 21.00 but did not speak to a HO rep until 8/11 am, when he was told he would go to Brook House. However, this did not happen until 02:00 9/11 when he was picked up, finally arriving at Brook at 04.10. The journey itself had (only) taken 2 hours but the wait at the police station post-decision was 15 hours. The norm is 5 hours. Tascor said a charter had taken priority.

PG It's very expensive to keep people in police custody but it is down to Tascor to pay the fine. DEPMU have a contract monitor and can issue performance measures if needs be. Details of the case were passed to **PG** and **JC** will raise at Forum.

Posters from Dover – It remains undecided how or whether to move forward. **GJ** looking into it. **Carried forward.**

JC The risk assessment will be carried forward to the ATPR.

Item 4 Monthly Reports from Immigration and G4S

BS for G4S

NPS was high on the agenda in December. It escalated with many NPS related incidents over the month. There are a number of management strategies being developed. One is the recently issued Disruption Policy – searching and identifying. Another is the possibility that NPS could be arriving via staff. The Corruption and Whistle blowing Policies have been re-issued recently. There was a good find last week in visits. The visitor might not have been properly searched before entering the centre, though it might also have been undetectable without a more intimate search. A member of visits staff witnessed the pass and bravely confronted the large and intimidating individual. A recent visitor has been convicted – he was given a 12 month sentence. We have some very good staff in visits.

Board discussed whether possession of NPS is a criminal offence. **PG** thought the new law made possession in prison now illegal.

BS Alan Gibson has introduced a new process regarding detainees with Excessive Disruptive Behaviour (EDB). It involves weekly returns and a weekly conference call between all IREs. Centres will discuss detainees who present EDB. Gatwick high-lighted detainees believed to be involved in drug activity rather than those with mental health issues. Last week we received four referrals from other IRCs stating they cannot manage the detainees. My concern is that we are victims of our own success, getting an unfair share of disruptive detainees when an IRC may not have exhausted the strategies at their disposal to manage those individuals first. I want to ensure there's equality in how centres deal with disruptive cases.

EM suggested a change in scenery can give a detainee a chance to change their behaviour. **PG** agreed but highlighted transfers are abused by other centres hence the pushback. **BS** Clarified he wants to know what has been tried in the past and what the EDB triggers are. Eden wing allows G4S to test a detainee's behaviour in a smaller environment and not every centre has that capacity.

The Board discussed the limited tools available to tackle NPS – withdrawing work privileges, room searches and reviewing video footage. **BS** stated some detainees do not remember being under the influence - showing them the video footage might have an impact. RAPt has reported that the price of NPS in Brook has gone up. Education around the effects of NPS use is important. There are posters on the wings but **BS** is hoping for a more pro-active response from RAPt. He suggested a health promotion day to be organised by HC and RAPt. By good fortune, the Substance Misuse Commissioner visited on a day when she witnessed a number of NPS incidents.

BS Fencing works are due to start on Monday so the courtyard issue should be resolved soon.

Management had sight of the draft HMIP report, due to be published in March and thanked the Inspector for his comments. HO and G4S will examine the recommendations and prepare an action plan.

HC has been pressed for action re **D3434**. A legal challenge has been lodged and the court determined he should be released in 21 days. A referral has been made to West Sussex for appropriate accommodation. His representatives made a safeguarding referral – they consider he is too vulnerable to be detained.

JC asked for it to be put on record that DCO Tamzine and Home Office staff deserve praise for their tremendous work to ensure that **D4148** could fly back to Rumania in time for his father's funeral.

PG for Home Office

The draft HMIP report was spot on and accurate. The action plan will follow. There were criticisms of the HO – detainees alleging they had not seen the HO, and length of detention. G4S and HO are measured in different ways. Much was down to the lack of resource at that time. When Brook had 7 competent HO staff there was time to chase caseowners. 24-25% detainees said it was hard to see immigration. I sent the Inspector figures on the number of recruitment interviews that take place every month. We were recruiting for 9 AOs at that time. However the pre-departure pilot will be the response.

MM asked how the success of the pre-departure pilot will be judged. **PG** explained they will be able to compare the number of voluntary departures. Some detainees the team have spoken to did not even know they could voluntarily depart. The team are being more proactive in approaching voluntary departures. There is a change in focus

to a presumption that a detainee is in Brook for removal. G4S is supporting this work. How? **BS** We are asking more returns-based questions on arrival. Strategically the HO is our customer so we want to help our customer. **PG** DCOs receive training; the ITC covers the subject of voluntary departures so officers are aware and know to whom they can signpost a detainee. **MM** asked about detainees who have been detained long-term and are outside the scope of the pilot. **PG** explained the pilot had to use a cut off point but eventually everyone would be included.

PG The new Immigration Act has come out. If you are here illegally it is harder to remain. You cannot open a bank account, join a GP, rent accommodation ... The Home Office are creating a hostile environment and taking a multi-pronged approach.

PG The number of interviews recorded has increased and may actually be higher than the figures show. There are more staff purely dedicated to detainee contact and others cope with more admin tasks. Some of the longest serving detainees have left and there are lots of interactions between embassies and detainees. The South Korean embassy came to visit this week.

Item 5 Review statutory Visits' Reports

MM week of 19/12 - shared her findings on the Rule 35 process. The difficulty in monitoring healthcare is patient confidentiality. **Action MM to email PG requesting whether the Home Office can breakdown the number of Rule 35 reports reported by type.** Under the new Rule 35 DSO 09/2016 the definition of torture has changed so it is broader. Will there be more Rule 35 reports as a result? Would this make a difference to HO interpretation?

MM The w/l to see legal aid is now 31ST Jan for the next available appointment. Looking on the screen in the library not all solicitors are attending 4 times per week. **Action PG to find out how often legal aid are attending Brook and whether it is a 13-day wait.**

LG week of 26/12 - There's no Russian version of the complaints form. Is there a rationale? **Action PG to confirm.**

LG a nurse's attitude to a detainee was poor - **BS** I've asked Sandra to provide a response. **JC** Sandra said the subject should not have been raised while medication was being dispensed. **BS** I was not satisfied with the response Sandra had sent Steve. I found it defensive. I accept there is strict guidance about dispensing medication but it doesn't justify the nurse's behaviour.

LG could arrange a MAPPA speaker; would this be useful for the board? **PG** Most ex-offenders will be on at least a low level MAPPA. Generally, anyone who is a MAPPA 3 will be single occupancy. **JC** we can discuss this further with the BDO.

GJ week of 2/1 – Gareth spoke to someone who has been waiting for a section 4 address for 2 days short of 12 months. **PG** confirmed this is not normal. **Action Gareth to provide further details.**

Board asked whether it was appropriate for the IMB to open an Anti-bullying log. **BS** confirmed it was.

GJ remarked that use of shop profits used to be on the agenda. **BS** profits are now shared across the IRE as this is considered more fair eg Brook House generates more

profit than Tinsley. It is discussed in monthly meetings with the Home Office where specific uses are decided. Brook has a plan to make the grass on D wing artificial. **EM** warned that cigarettes can damage it. **LG** Why does the shop make a profit? **BS** It is 5% of cost, either at recommended retail price or 5% above plus VAT. The argument is why should detainees be able to buy eg cigarettes cheaper than in the community. In the past the cultural kitchen, barber and garden all came out of shop profits.

JC week of 9/1 – issues raised elsewhere.

EM week of 16/1 - spoke with the Imam on Monday and he had previously asked for the arrow pointing to the direction of Mecca to be on the ceiling rather than on the wall, which is ambiguous. **BS** Confirmed there was no issue with this.

EM had noted the number of new faces. **BS** Confirmed there are many new staff, with another ITC starting on Monday. Tinsley is being handed over 19/1, plus 2 weeks to do pre-occupancy searches, so will not open realistically before May. Brook is still awaiting the fire report at the end of February before numbers can be ramped up.

Item 6 Annual Report – Contributions please to **JC** by end of month.

Item 7 Chair's Letter – **MM** highlighted that the release of the HMIP report in March may coincide with the IMB's annual report. **JC** will mention the work that is being done on the Rule 35 process at the forum which is coming up soon. The Board will discuss risk assessments and radios on the ATPR.

Item 8 Complaints – no issues

Item 9 Training

ATPR –the ATPR session will take place at 11.00 on 3/02/17. **LG** sends her apologies for the ATPR and Feb board meeting. The Samaritans are scheduled for February and Debbie Weston for March.

Item 10 Membership - No items raised

Item 11 Duty Availability

23/1/17	Gilly Gajdatsy	20/1/17 Contingency desktop 2pm EM 24/1/17 DCC JC 25/1/17 Diversity GG
30/1/17	Joyce Turner	Nigeria-Ghana charter Live contingency JT/GG
06/2/17	Lui Hui	09/2/2017 Albania charter
13/2/17	Jackie Colbran	
20/2/17	Gareth Jones?	21/2/2017 TCU Germany TBC 23/2/2017 Albania
27/2/17	Louise Gledhill	28/2/2017 Pakistan
6/3/17	Gillian Gajdatsy	08/3/2017 Jamaica
13/2/17	Dick Webber	16/3/2017 Albania
20/3/17	Elizabeth Markwick	21/3/2017 Pakistan
10/4/17	Mary Molyneux	

Item 12 AOB

JC mentioned an email from the flight monitoring team, who shadow Tascor on flight transfers. They are now working with IRCs and will alert the Chair if they are scheduled to come to Brook to observe a charter. **JC** will pass on the info to the rota member, as happened this week with **EM**. Our members can report to them individuals of concern due to leave on the flight.

MM would like her landline number removed from the IMB contact list.

JC placed an up to date copy of chairs and vice-chairs in the Serious Incident bag in the Command Suite. **MM** suggested it would be useful to have a set of Serious Incident paperwork there also. **JC to action.**

Next meeting: 15TH February 2017 12.00 in the Boardroom

CHAIR'S LETTER January 2017

Dear Board Members

Somewhat belatedly, a Happy New Year to all. I always find it hard to get started on the year but there is now no excuse and I shall have to get on with it. We have the Annual Report to complete over the next couple of months – the sooner the better; our Annual Team Performance Review at the start of February and it is also the year of the board's triennial reviews, more about that below. Our last training session with Sussex Partnership was very successful, both for what we learnt and for what might come of it. It is still not clear whether Dominic Aitken is coming to this month's meeting, as I have had no response. If not we can use the time for other issues and will start at 12.00 as usual.

The use of NPS has certainly been the major preoccupation in Brook House in the month of December. Our rota reports have touched on it and it was a theme at both the Healthcare and the Security meetings I attended this week. Despite the 51 NPS-related incidents in the month, only two detainees had to attend hospital, and staff, both G4S and HC, kept everyone safe for which they must be warmly commended. I am sure that both the Home Office and G4S will address this with us.

HMIP Draft Report

This has been circulated to board members. Please remember it is only the draft and is not yet in the public domain. However, it makes interesting reading. We can expect the Home Office and G4S start to work on an action plan to meet the recommendations.

IRE Chairs' Forum

This three monthly meeting of IRE chairs is once again due – the week after the BM. Issues I raised last time: the continuing closure of courtyards which has now been resolved with a date, 23/1, for works to begin; and could positive comments be included in bail reports for which I would hope to have an update. A matter agreed by the Forum was to write as a group to the minister about detainees being allowed access to Skype. I have seen the letter in preparation. I requested help from the other chairs with Mary's Rule 35 project but I do not think she had any response. I

suspect targeted communications might do better. On the other hand, several of the chairs responded to my request for information about late night moves. The Verne chair, Janis, was gathering the data and I have no information on that yet. If you have anything else you want raised either bring it to the BM or let me have it directly and I'll gladly pass it on.

Risk Assessments and Radios

At least one of our board members thinks we should re-visit our decision not to carry a radio in view of the recent spate of NPS in the centre and the way it is affecting some detainees. We also need to follow up Anne's presentation on how to do a properly recorded risk assessment. Gareth will not be at the next BM, though that does not stop us talking about members' safety. However, the ATPR will be coming up very soon and with the BDO present the board can review both completing a risk assessment and the specific issue of carrying a radio.

Triennial Reviews

An explanation for new members – the minister appoints us for 3 year periods and there is a review of every member midway through the third year after which we are reappointed, or not, for a further period, the Chair included. In my experience the "not" never happens so worry not. It is, however, an opportunity for an informal chat with each individual to see how they feel about their work with the IMB, what can be done to help them be more effective, etc. More about this later in the year.

Training

In Gareth's absence I must just say that he has set us up with the Samaritans for a pre-board session in February and Debbie Weston has agreed to come and talk to us about the HO project in March. Other than that let me remind you of the ATPR Friday 3/2 11.00 in the boardroom.

I think the only apology is from Gareth so I am looking forward to seeing everyone else on Wednesday for a 12.00 kick-off. We still have the G4S Xmas biscuits to enjoy.

Jackie