

APPG on Migration and APPG on Immigration Detention
Joint private briefing on the Brook House Inquiry Report

28 November 2023, 16.00-17.00

Portcullis House, House of Commons

Attendees

Speaker:

Kate Eves – Chair, Brook House Inquiry

Parliamentarians:

Lord German – Liberal Democrats (Co-Chair)

Alison Thewliss – SNP (Co-Chair)

The Lord Bishop of Durham

Baroness Lister of Burtersett – Labour

Baroness Ludford – Liberal Democrats

Baroness Meacher (Crossbencher)

Other staff members:

Angela Afzal – RAMP

Sam Ashby – Brook House Inquiry

Louis Dean – RAMP / APPG on Migration

Idel Hanley – Medical Justice

Helena Hanson – Brook House Inquiry

Danny Hathaway – Office of Stephen Kinnock MP

Sabrina Huck – RAMP / APPG on Migration

Mhairi Love – Office of Alison Thewliss MP

Elsbeth Macdonald – Medical Justice / APPG on Immigration Detention

Lorna Mason – Brook House Inquiry

Ariel Plotkin – Medical Justice

Thiago Simoes Froio – Joint Committee on Human Rights

Minutes

1. Introduction

Lord German opened the meeting and welcomed all attendees, in particular Kate Eves, Chair of the Brook House Inquiry, who would be briefing Members on the findings and recommendations contained in her final Inquiry report, published in September 2023.

Lord German noted that Ms Eves' report was extremely comprehensive and relevant to the current situation in immigration detention. He also noted that, as of yet, the government had

not given parliamentary time for a debate on the report, despite efforts by Members to secure this.

2. Presentation by Ms Eves

Mistreatment of detained people

Ms Eves began by stating she had found 19 incidents in which there was credible evidence of acts or omissions that were capable of amounting to mistreatment of detained people contrary to Article 3 of the European Convention on Human Rights (ban on torture, and inhuman or degrading treatment or punishment). This high number of incidents was found within a relatively short time period (five months). The incidents included forcibly moving detained people when they were naked or near naked, the unnecessary infliction of pain, the use of dangerous restraint techniques, and aggressive, threatening and/or humiliating language towards vulnerable detained people.

Physical Environment

One of the issues Ms Eves' report examined was the physical environment in which detainees lived. Brook House Immigration Removal Centre (IRC) is designed and built on a category B prison specification and had issues of overcrowding. Ms Eves reported how a senior Home Office Manager admitted that being detained in Brook House for longer than 24 hours would lead anyone to develop mental health issues. Ms Eves also highlighted that there currently exists no maximum period of detention in the UK, including at Brook House.

Ms Eves spoke about the issue of segregation which is widely known to enhance vulnerability in detained people, going on to say there was widespread disregard and a lack of understanding from Brook House staff towards detainees.

Her report found that these factors contributed to high levels of mental illness in detainees and a heightened risk of self-harm.

Application of safeguards

There are high levels of vulnerability amongst detained people, including a risk of self-harm or suicide. Ms Eves found that at Brook House there had been a wholesale failure of the safeguards designed to protect people with such vulnerabilities. While the safeguards were not necessarily poor in themselves, staff had shown disregard for them, and a misunderstanding of how to apply them.

Ms Eves' report had made various recommendations in relation to the application of safeguards including a review of the operation of Rule 35 of the Detention Centre Rules 2001 (a key safeguarding mechanism in detention) and the urgent roll-out of mandatory, comprehensive safeguarding training for IRC staff, managers and GPS, and relevant Home Office staff.

Use of force

Ms Eves explained how her report found evidence of dangerous use of force techniques being used, including one incident of strangulation. Force was also used on vulnerable

people, on naked or near naked people, and in order to provoke detainees. Ms Eves noted that of the 19 credible breaches of Article 3 ECHR, many had involved use of force. She pointed out that the use of force regime had been imported from the prison system and was therefore inappropriate. Ms Eves had recommended the Home Office introduce a bespoke approach to using force in detention, that takes into account the specific circumstances of detained people, including their vulnerabilities.

Culture

Ms Eves stated she had found a “toxic culture” at Brook House and wholeheartedly rejected the Home Office’s claims that the problems were due to a minority of staff. She highlighted the issue of significant understaffing, with junior staff facing situations they were ill-equipped to handle. Ms Eves’ report found that the training staff received was wholly inadequate and many staff members were not aware of specific training procedures when interviewed. She had therefore made recommendations in relation to staffing levels, training, and senior staff visibility.

Ms Eves went on to say she had found it was common for staff at Brook House to use racist and derogatory language towards detained people. Staff had also shown little appreciation for the power dynamics which existed between them and detained people. Ms Eves stated how the report found that there was a lack of reflection shown by senior staff members about what needed to change.

Why are the Report’s findings relevant to current situation in detention?

While the Inquiry had looked at events in 2017, it had also taken evidence on the current situation in detention. Ms Eves explained that many of the 33 recommendations contained in her report were relevant for today, and related to widespread failings across the detention estate. Ms Eves stated that the vast majority of the recommendations (28) were directed to the Home Office, with two for the government more broadly, and the remainder for other bodies.

Ms Eves went on to say that the recommendations were as detailed and pragmatic as possible, stating a core issue was staff not applying the rules and laws which already existed. She described the Home Office’s failure to learn lessons on detention in the past as a “dark thread” that ran throughout her report.

Copies of the report had been shared with the Home Affairs Committee and Joint Committee on Human Rights. Ms Eves hoped that both parliamentary committees would play an active role in monitoring the Home Office’s implementation of her recommendations.

Lastly Ms Eves informed the group that she had written to the Home Secretary on the 19th October 2023 – one month on from the report’s publication - requesting a progress update, and setting out a number of suggestions regarding the monitoring and implementation of her recommendations. Ms Eves explained that, despite a follow-up letter to the Home Secretary on 9th November, she had not yet received any reply.

3. Questions

Alison Thewlis MP noted she was a member of the Home Affairs Committee and would look at ways to raise the report in the Committee's work.

Baroness Meacher stated she was a member of the Lords Justice and Home Affairs Committee, and would be keen for the Committee to focus on this report. She also asked to what extent Brook House had been an isolated case.

Baroness Lister suggested using the current Victims and Prisoners Bill to raise the Inquiry report, for example by tabling an amendment before Christmas at Second Reading. She also noted it was unacceptable that the Home Secretary had not yet replied to Ms Eves' letter of 19th October.

Government Contracts

Ms Eves stated that there needs to be robust rules to penalise contractors if they do not provide safe and legal conditions. There need to be robust levers to ensure that the private companies can be kept in line.

Next Steps

Lord German then turned the conversation to the next steps. He asked at what stage Home Office civil servants appeared to be in terms of responding to the report – were they still awaiting instructions from Ministers, or developing a plan to take things forward? Knowing this would help parliamentarians to know where to focus their efforts. Ms Eves said she believed it was the latter.

Lord German also noted that the Inquiry concerned a period 5 years ago. How difficult is it to keep the recommendations current? Ms Eves replied stating that the recommendations were still relevant – for example, there were staff who, when interviewed, did not understand the rules and some of these staff are still employed at Brook House today.

Staff

On the issue of variability in standards across different locations, Bishop Paul noted significant differences in standards, highlighting that staff in Derwentside IRC were impressive despite dealing with limited resources.

Ms Eves agreed saying in Brook House there was notable lack of resilience and mental health training, suggesting staff were not adequately prepared to handle the psychological challenges of their work environment.

Ms Eves brought up the fact that many aspects of immigration detention were based on/ directly imported from the prison system. She stated that prison-based detention facilities were ill-equipped for their current use, lacking appropriate activities and resources for the people housed there.

Lord German raised a question about the background of contracted staff and their suitability for the work. This points to concerns about whether staff have the necessary skills and experience for their roles. On that point Ms Eves said that staff come from various

backgrounds. She emphasised again what a highly challenging environment detention was to work in, with many profoundly vulnerable detained people, language and communication barriers. and inadequate training.

Pay and turnover was also raised as an issue, along with short staffing and the absence of mentorship programs for new staff, all of which leads to lack of experience amongst staff. The pay is not competitive, leading to high turnover rates. Staff could find better-paying jobs with less demanding conditions elsewhere, such as at Gatwick Airport.

Training and culture

Baroness Lister asked who was responsible for training IRC staff. This is crucial as the effectiveness of the training directly impacts the staff's ability to manage their roles effectively. Ms Eves said that staff are increasingly focusing on security in immigration detention settings. This shift towards securitisation comes at the expense of providing adequate care. She noted that if the current government plans to expand the detention estate are implemented, the situation would just get worse.

The group acknowledged the need for more staff, especially in light of the plans to expand the immigration detention estate, further tying in with earlier points about short staffing and its consequences.

Alison Thewlis MP asked how, if detention is going to be expanded, to avoid setting up centres and repeating the same mistakes? Ms Eves emphasised the importance of being able to reflect on where problems had come from, and learning from past mistakes. She also pointed out the necessity of good training and managers being vigilant for signs of a toxic culture within detention centres. She also mentioned that recommendations to address these issues should be integrated, indicating a holistic approach to solving systemic problems.

Independent Advisory Bodies and Oversight Mechanisms:

Lord German queried the function of independent advisory groups.

It was noted that the report has been sent to HM Inspectorate of Prisons and the Independent Monitoring Board. Ms Eves has made recommendations to these bodies, emphasising the importance of external review and oversight. She noted however the need to be realistic about how much inspectors can achieve given the constraints placed on them, and emphasised that the ultimate responsibility for what happens in detention lies with the Home Office.

Ms Eves brought up an issue regarding the oversight of contracts, pointing out a gap in monitoring and accountability for contracts for staffing.

Ms Eves expressed hope that the oversight bodies will adapt their methodologies in response to the issues raised. She acknowledges that there are improvements to be made, with two specific recommendations directed at these bodies.

Baroness Meacher pointed out the similarities between Brook House IRC and prisons, with many people in prison also having experienced trauma. The point was raised that perhaps

some individuals should not be in prison or detention facilities, possibly suggesting the need for alternative approaches to handling certain categories of offenders.

Ms Eves pointed out the additional issue of uncertainty for those in detention centres, due to the lack of a maximum time limit on detention, unlike in prisons. This uncertainty can exacerbate stress and anxiety among detained people.

Baroness Lister indicated she and others were very keen to engage in any way possible.

(Action) Ms Eves offered to share her personal contact details with the Parliamentarians in attendance so that they could continue to contact her once her role as Chair had ended.

(Action) Ms Eves indicated that she would like to meet with the Home Secretary and would circulate her letter to him to the Parliamentarians in attendance.