

# Brook House Inquiry final report: HMIP Response

From His Majesty's Inspectorate of Prisons

## Introduction

The unacceptable treatment of detainees at Brook House in 2017 is a sobering reminder of what can go wrong in places of detention. All detainees ought to be treated with humanity and respect, with robust safeguards in place, and independent inspection is one such safeguard. HMI Prisons has carefully reviewed the Brook House Inquiry's final report and recommendations with a view to learning lessons for independent inspection, and in a spirit of continuous improvement.

We have directly addressed the two recommendations that specifically referred to HMIP (13 and 33), and we have also addressed other findings that we considered to be relevant to us.

## Recommendation 33

### Obtaining a wide range of evidence

Recommendation 33 was an overarching recommendation inviting us to consider how we could improve our inspection and reporting. In 2017, HMIP implemented an 'enhanced methodology', which includes a staff survey sent to all contractors and Home Office staff in the centre; and the offer of a confidential interview to every detainee in addition to the detainee survey (which is offered to a random sample of detainees), using interpretation where required. On the first day of immigration detention inspections, we also write to a large number of community organisations that provide advice and support to detainees and ask them to extend the offer of a confidential interview to any ex-detainees with whom they are in contact. This helps to provide multiple opportunities to obtain a wide range of evidence from detained people, staff and contractors.

The email also invites community groups to provide any information and evidence of relevance to our judgements on the treatment of detainees. HMIP also posts on X (formerly Twitter), asking anyone with relevant information and/or intelligence about the establishment in question to get in touch with the inspection team. Any evidence or information disclosed is logged and safeguarding issues immediately acted on in line with HMIP's safeguarding policy. Received information is considered alongside all other sources of evidence during the inspection.

Independent Monitoring Boards (IMBs) have a more routine presence in immigration detention, and HMIP and the IMB Management Board have a [Memorandum of Understanding](#), most recently updated in August 2023, which sets out that HMIP will inform IMBs when an inspection starts, and the latter will relay issues of concern to HMIP. This information exchange usually takes place in person when the inspection team leader meets the chair and/or other members of the local IMB. Outside of inspections, HMIP liaises with IMB Management Board members regularly to share information and discuss areas of concern.

A specialist inspector also examines safeguarding in detail at every inspection, partly by accessing Home Office records on a selection of cases to establish if vulnerable detainees have been properly assessed and supported. In February 2024, immigration detention inspectors also completed a two-day training course on modern slavery, delivered by legal specialists.

### Reporting on evidence and intelligence obtained

The Inquiry raised concerns about HMIP's approach to triangulation because it might not give enough weight to important evidence disclosed by detainees. HMIP's [Inspection Framework](#), last updated in March 2023, explains that inspection will draw on multiple evidence sources whenever possible to reach balanced judgements. However, the framework also makes clear that "sometimes an incident/perception will be important enough to stand alone." This is particularly relevant to evidence disclosed by detainees and in recent years we have increased the detainee voice throughout our inspection reports.

Key findings from interviews with detainees, including serious allegations, have been reported in the appendix of every IRC inspection report since 2017, in the 'summary of detainee interviews'. Where it is possible to reach a conclusion on allegations that have been made, this is reported on in the main body of the report.

The summary of detainee interviews reflects HMIP's commitment to amplifying the detainee voice, as does the inclusion of detainee perspectives in the healthcare section of some of our immigration detention inspection reports. Inspectors may also use case studies to illustrate a detainee's experience.

Similarly, findings from the detainee surveys for IRCs are an essential part of the evidence base for inspection and provide a robust and representative detainee perspective of the treatment and conditions in custodial establishments. Particularly notable findings from the survey are highlighted in the main report, with the survey methodology and results for both the detainee and staff surveys also published in full alongside our inspection reports. Centre leaders and the Home Office are encouraged to carefully review all survey findings and to follow-up and/or investigate any findings of concern.

In order to ensure systematic recording of evidence and increased transparency, HMIP introduced a OneNote system in mid-2019 to record key inspector evidence for all inspections across all places of detention.

### **Recommendation 13**

Recommendation 13 invited HMIP to review how it inspects and reports on Rule 40 and Rule 42. Much of the activity to address this recommendation is detailed above as part of our response to Recommendation 33. However, for the purpose of clarity completed activity in relation to Recommendation 13 includes:

- 1) An ongoing Memorandum of Understanding (MoU) between HMIP and the IMB Management Board where IMB Boards have an opportunity to notify HMIP of any issues and/or concerns they may encounter in relation to either Rule 40 and/or Rule 42. This MoU was most recently updated in August 2023.
- 2) HMIP's Expectations for Immigration Detention were updated in 2018 and include a dedicated section on single separation, meaning that both Rule 40 and Rule 42 considerations are routinely inspected during all HMIP inspections of immigration centres for men. Should a lack of understanding among staff be identified as a key factor in relation to improper authorisation of use of Rule 40 and/or Rule 42, this would be highlighted in the main report.
- 3) HMIP introduced a OneNote system in mid-2019 to record key inspector evidence for all inspections across all places of detention.
- 4) HMIP employs inspectors with substantial experience of security, separation and use of force in prisons, and allocates them to the highest risk IRCs.

## **Other measures taken or planned**

### Priority and key concerns

Since May 2022, rather than make recommendations, inspectors instead outline up to 15 key concerns, highlighting between three and six of these as priority concerns.

In moving away from recommendations to a more limited set of key concerns, HMIP sought to direct leaders' attention to the most important findings. Responsibility falls on leaders to consider the best way to respond and use their resources and expertise to find solutions. Leaders are still expected to read the full report and issues raised outside of key or priority concerns should also be considered and acted on.

The Inquiry expressed a wish for HMIP to monitor the impact of this change on IRCs specifically. HMIP has generally received positive feedback but work to assess the impact more formally is underway. For example:

- In our most recent Stakeholder Survey (2023) a question was included inviting written feedback from stakeholders about the move away from recommendations to concerns.
- HMIP's research team monitor whether recommendations, and now priority or key concerns, have been achieved across all places of detention.

### Planned introduction of IRPs in immigration detention

Another way to assess the effectiveness of key concerns is the proposed introduction in IRCs of Independent Reviews of Progress (IRPs), following their introduction in prisons in 2019. IRPs are not inspections and do not result in us making new judgements against our healthy establishment tests. Instead, they enable us to judge progress being made against the priority and key concerns made at the previous inspection and ensure that the inspected establishment is in no doubt about HMIP's judgements on the degree of progress they have made.

This approach has been discussed with the Home Office and is being piloted in immigration detention in the 2024-25 inspection cycle. IRPs take place within a year of the full inspection and would provide an opportunity to identify ongoing concerns quickly and escalate them to senior Home Office officials and ministers.

### Leadership Expectations

Finally, the Inquiry noted HMIP's intention to introduce Expectations relating to leadership. Leadership is now covered in immigration detention inspections, reflecting our belief that good leadership helps to drive improvement and should result in better outcomes for detainees. To inform our assessment of the quality of leadership we draw on evidence from a range of sources including the self-assessment report, discussions with stakeholders, and observations made during the inspection. It does not result in a score.

Feedback received so far has been positive. The leadership section, we believe, has also helped us to comment more directly on the culture of an establishment. The prevailing staff culture as well as important structural issues that may be impacting the experience of detainees, for example the total numbers of detainees and any staffing issues, can be noted.

As with the introduction of priority and key concerns, we will review the impact of this change. We plan to review our current approach to leadership – both for immigration detention as well as prisons – throughout 2024.

**Charlie Taylor**  
HM Chief Inspector of Prisons

**15 March 2024**