

# **SHAW REPORT “Welfare in detention of vulnerable persons review: progress report” July 2018**

## **INITIAL COMMENTS FROM Liberal Democrats for Seekers of Sanctuary**

Whilst we are very pleased that the report is now published, and pleased with many of its observations and recommendations, we are very disappointed indeed that no time limit for detention is being recommended.

Note that in the 2 ½ years since the last report, only 31 of the 64 recommendations have actually been implemented.

As Shaw says too, “There is a big gap between intention and practice” and we say that much more must be done, as outlined in a number of recommendations, to ensure that policies are actually being **carried out as intended**.

### **TIME LIMITS**

We stand by our call for the last 4 years that there be a time limit to detention of 28 days, as recommended in the All Party Parliamentary Group report chaired by Sarah Teather, and published in March 2015. We strongly urge the Government and Shaw to investigate ways of determining a workable time limit very quickly, using the vast amount of available evidence. The UK should not remain the only country in Europe with no time limit on immigration detention.

### **REDUCTION IN THE DETENTION ESTATE**

We note that whilst the numbers of those detained over 6 months dropped, Shaw says *“more than half of those subject to immigration detention are eventually released back into the community. I remain of the view that, very frequently, detention is not fulfilling its stated aims.”* In other words they should not have been detained at all.

There has been some reduction in the numbers of men on the detention estate, but overall there are still 35,000 detainees. He has serious concerns about the number of women detained, and the high number of those released into community (so shouldn't have been there at all). He calls for identifying, at the earliest opportunity, women whose case would be better progressed in the community.

We continue to call, as we have for years, for detention being only a last resort, for as few as possible, for as short a time as possible. The detention estate can, and should be drastically reduced.

### **DETENTION OF THE VULNERABLE**

Shaw says that the AAR (Adults at Risk) policy is not working, it needs strengthening and amending. Also that Rule 35 on vulnerable adults is not being implemented well at all. We welcome the recommendation that nobody over 70 should be in immigration detention except in ‘exceptional circumstances’. It is unacceptable that there were 50 over-70-year-olds detained in one year

The recommendations for more research and sensitive handling on self-harm, and how they are supported, are needed, but it again begs the question as to whether those people should be detained by the state anyway.

We support his recommendations to make big improvements in the system, but we continue to call for an end to the detention of all vulnerable people.

## **ALTERNATIVES TO DETENTION**

We strongly welcome Shaw's firm recommendations on alternatives to detention. As he says "*I argued two years ago that the Home Office should demonstrate much greater energy in its consideration of alternatives to detention. Given my concern that too many vulnerable people continue to be detained, that remains my view.*"

Alternatives are crucial to not only the reduction in amount of detention, give greater opportunities for people to maintain dignity, links with community and families, and play an important role in reducing reoffending of those who have been convicted of offending. We agree with his emphasis on such alternatives being well resourced and supported. The Home Office should build on existing projects, and work with, NGOs such as Detention Action, organisations like UNHCRUK (current project 'Beyond Detention' already involves the Home Office).

## **CONDITIONS IN DETENTION**

We agree with recommendations on conditions of rooms, toilets in room and lock down time so that there is greater freedom of movement.

On internet access, he says this was in the first set of recommendations in 2016, but was refused, although it is now being reviewed. It is needed for preparing for return, making contact with family, and progressing their case.

On Yarl's Wood he says, "I was disappointed that the overall targeted proportion of 60 per cent female staff had not been reached," this is not good enough, and more must be done to increase the proportion of female staff.

Whilst welcoming, and supporting all moves for improvements in conditions, we continue to say that the Government must not let small improvements detract from there being very little need for IRCs at all.

There is improved, but not good enough, provision at Heathrow holding centre, and he points out that there should be lessons from the lack of staff consultation before capital investment.

## **HEALTH CARE**

There are many serious concerns about health care; although there were some good practices and improvements, there was a general disorganised state of affairs around availability, conditions, record keeping, and in some cases even insanitary conditions. We agree with his recommendations that "*An action plan should be drawn up to address the shortcomings I found in healthcare facilities within the immigration estate to ensure a clinically safe, compliant and appropriate environment for the delivery of care to detainees.*"

Pharmacy dispensing arrangements were often causing difficulties, made worse for those in detention, such as not being able to access over the counter medication, and not having support from family and friends.

## **PROGRESSION OF CASES**

We agree with his recommendation that weekly multi-disciplinary review meetings should be held at all IRCs to review and progress cases, and to ensure appropriate care for the most vulnerable individuals in each centre. These meetings should include a range of managers and staff, and crucially should involve the dialling in of the relevant caseworker for each detainee discussed. He says that there are too many different caseworkers for each individual case, and that caseworkers need to visit IRCs to see what they are sending people to. Also that caseloads be reduced.

He calls for a review of the quality of interpreting services. It is crucial that detainees have access to well trained and accredited interpreters to ensure that their case is dealt with accurately.

## **OFFENDERS**

There is a lot of thought in his report on this. We think the issues of those in detention because of previous offences need serious consideration, even though not popular in the media. He looks at the difficult situation where those who are supposed to be deported are not able to be, as the country being returned to is either too dangerous, or will not accept them. He points out that there are no resettlement plans, or support in the community, for offenders, and there should be. We particularly welcome his call for the Detention Action project for ex-offenders in the community to be expanded. Also that it is not right that those who have lived in the UK for most of their lives should be routinely deported if they have no links or common language with the country they are being sent to.

## **REMOVALS**

There is not much mention of how people are removed, but he rightly points out that there needs to be much more preparation available for those returning to country of origin, to help them to be able to cope with a return they will be dreading, and ill equipped to cope with.

## **STAFFING**

We agree with there being better oversight of staff recruitment, training, and dealing with complaints. Also with the need for more staff and for better whistle blowing procedures.

## **OTHER ISSUES**

He talks of the need for more joined up working being needed between the Home Office and other departments, particularly Ministry of Justice on prisons, probation and Foreign National Prisoners. We agree that the responsibility lies beyond the Home Office, and artificial barriers need to be broken down.

These links document what is being proposed and why:

The actual Shaw Report <https://www.gov.uk/government/publications/welfare-in-detention-of-vulnerable-persons-review-progress-report>

Views of Detention Forum on Home Secretary statement

<http://www.detentionforum.org.uk/the-detention-forum-response-to-the-home-secretarys-statement-on-the-shaw-review/>

The live debate, when Home Secretary put the paper to the House of Commons :

<https://www.parliamentlive.tv/Event/Index/83036152-7f77-4d63-98a6-1d82b563b395> at 14.37

Views from Detention Forum [http://www.detentionforum.org.uk/wp-content/uploads/2018/07/AlternativestoDetention\\_A4\\_4.pdf](http://www.detentionforum.org.uk/wp-content/uploads/2018/07/AlternativestoDetention_A4_4.pdf)

Views of Refugee Council

[https://www.refugeecouncil.org.uk/latest/news/5336\\_refugee\\_council\\_reacts\\_to\\_government\\_response\\_to\\_second\\_shaw\\_review](https://www.refugeecouncil.org.uk/latest/news/5336_refugee_council_reacts_to_government_response_to_second_shaw_review)

Views of Freedom from Torture [https://www.freedomfromtorture.org/news-](https://www.freedomfromtorture.org/news-blogs/24_07_2018/freedom_from_torture_response_to_sajid_javid_statement_and_shaw_report_on)

[blogs/24\\_07\\_2018/freedom\\_from\\_torture\\_response\\_to\\_sajid\\_javid\\_statement\\_and\\_shaw\\_report\\_on](https://www.freedomfromtorture.org/news-blogs/24_07_2018/freedom_from_torture_response_to_sajid_javid_statement_and_shaw_report_on)

Independent article says UNHCR backing speedy end to indefinite detention

<https://www.independent.co.uk/news/uk/home-news/unhcr-immigration-detention-time-limit-indefinite-home-office-sajid-javid-a8464396.html>

Report of the APPG on detention, 2015.

<https://detentioninquiry.files.wordpress.com/2015/03/immigration-detention-inquiry-report.pdf>