



HM Prison &
Probation Service

Action Plan Submitted: 10/10/2022

A Response to: Thematic Report: The experience of immigration detainees in prisons

Report Published: 13/10/2022

A separate Home Office response via a 'Service Improvement Plan' can be accessed [here](#)

INTRODUCTION

HM Inspectorate of Prisons (HMIP) and HM Inspectorate of Probation for England and Wales are independent inspectorates which provide scrutiny of the conditions for, and treatment of prisoners and offenders. They report their findings for prisons, Young Offender Institutions, and effectiveness of the work of probation, and youth offending services across England and Wales to Ministry of Justice (MoJ) and Her Majesty's Prison and Probation Service (HMPPS). In response to the report HMPPS / MoJ are required to draft a robust and timely action plan to address the priority and key concerns. Action plans provide specific steps and actions to address the priority and key concerns, that are clear, outcome focussed, measurable, achievable, and relevant with the owner and timescale of each step clearly identified. Action plans are sent to HMIP and published on the GOV.UK website. Progress against the implementation and delivery of the action plans will also be monitored and reported on.

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HMPPS ACTION PLAN: Thematic Report: The experience of immigration detainees in prisons

1. Rec No	2. Concerns	3. Response Action Taken/Planned by HMPPS	4. Responsible Owner	5. Target Date
	Key concerns			
1	Many immigration detainees were held in prisons for long periods despite minimal progress in their cases. There was little prospect of removal within a reasonable period for many detainees and some continued to be held in prisons after their release was agreed in principle because of a lack of bail accommodation. Several were also held despite the Home Office's own Case Progression Panels repeatedly recommending release. (To the Home Office)	The Home Office are addressing this Key concern within a separate response via a Service Improvement Plan.	Home Office	
2	Detainees routinely encountered difficulties in obtaining legal representation for their immigration cases. Some had difficulties in adding solicitors' phone numbers to their list of approved contacts and very few had been informed that they were now entitled to half an hour of free legal advice in line with the provision in immigration removal centres. Many of the prison and Home Office staff we spoke to were not themselves aware of this entitlement. (To the Home Office and HMPPS)	HMPPS issued an instruction to all prisons in November 2021 to provide all immigration detainees with access to a minimum 30 minutes of legally aided legal advice. A list of legal advisors, from the Legal Aid Agency (LAA) portal was provided, which are reviewed regularly. All phone numbers have been unblocked from the internal pinphone system, providing parity with Immigration Removal Centres (IRCs). This instruction was shared with senior leaders including prison Governors and published on the HMPPS Foreign National Offender (FNO) Information Hub. A factsheet on Immigration Detention for FNOs (including to seek legal advice if required) was published on the HMPPS FNO Information Hub in June 2022.	Deputy Director of Operational Services, HMPPS	Complete Complete

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		<p>The FNO Information Hub will be moving to a new platform in November 2022 providing a central portal for all staff to access past and future guidance more regularly, including the Access to Legal Aid instruction. Staff access and use of the Hub will be monitored on a quarterly basis and feed into a twelve-month review to assess accessibility.</p> <p>A new Individuals in Immigration Detention in Prison Policy Framework will be published in December 2022 and will embed the Access to Legal Aid instruction, mandating its future use in all establishments.</p> <p>Implementation of the Policy Framework will be supported by a communications package (including staff Questions and Answers sessions and an internal launch event scheduled for January 2023). Additional awareness training sessions for prison staff and Immigration Prison Teams (IPTs) are planned to be completed by July 2023.</p> <p>The implementation of the Policy Framework will be subject to a twelve-month review.</p>		<p>November 2022</p> <p>December 2022</p> <p>July 2023</p> <p>December 2023</p>
3	<p>Serving prisoners were usually given very little notice that they would be subject to indefinite immigration detention, causing significant distress among many. Many prisoners were served with detention paperwork just before or on their planned release date. (To the Home Office)</p>	<p>The Home Office are addressing this Key concern within a separate response via a Service Improvement Plan.</p>	Home Office	

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4	<p>Neither Home Office nor prison staff understood or applied the Adults at Risk in Detention policy that was intended to protect the most vulnerable detainees. Communication between the Home Office and prisons was often poor, and information-sharing was weak. Prisons were generally unaware of which immigration detainees were classed by the Home Office as adults at risk in detention, nor were they informed of important changes in detainees' cases. This lack of understanding and application of the policy directly affected detainees' prospects of release and access to crucial support services. (To the Home Office and HMPPS)</p>	<p>The new Individuals in Immigration Detention in Prison policy Framework will include mandatory actions for staff to refer individuals to the Home Office Adults at Risk (AAR) process. Establishments will be required to manage those identified as AAR through risk management committees in which healthcare and safer custody staff's attendance will be required and recorded on the prison case management system (NOMIS).</p> <p>The implementation of the Policy Framework will be subject to a twelve-month review <i>see Key concern 2</i>.</p>	Deputy Director of Operational Services, HMPPS	December 2022 December 2023
5	<p>The lack of an equivalent to Detention Centre Rule 35 meant that vulnerable detainees, including victims of torture, were not routinely being identified and the Home Office was not considering their release in the same way as they were obliged to for those held in IRCs. (To the Home Office)</p>	<p>HMPPS in collaboration with the Home Office are continuing work to introduce a reporting mechanism akin to Rule 35, which will sit alongside the existing Rule 21 of the Prison Rules, which requires vulnerable individuals' detention to be reviewed. This reporting mechanism within the custodial estate will mirror the Rule 35 process in IRCs and will allow for reporting on the same three categories, whilst the existing independent Detained Medical Report Team (formerly Rule 35 Team) will retain responsibility of the consideration of these reports. Any differences between the operational mechanism of Rule 35 and the new process sitting alongside Rule 21 will be down to the differences in the custodial and detention estates.</p> <p>The Rule 21 Operating Mechanism process will go live by the end of 2022, supported by the provision of training to relevant staff operating in prisons (including Healthcare, IPT and</p>	Deputy Director of Operational Services, HMPPS	December 2022

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		Offender Management Units). The new process will be subject to a twelve-month review.		
6	Detainees found it difficult to contact Home Office staff based in prisons. Many detainees reported difficulties in arranging face-to-face contact with Home Office staff, and those who were able to arrange it told us that they struggled to get timely and meaningful updates on their case. (To the Home Office)	The Home Office are addressing this Key concern within a separate response via a Service Improvement Plan.	Home Office	
7	Professional interpretation was often not used when prison and Home Office staff communicated with immigration detainees. Detainees reported that this was particularly problematic when it came to discussing complex legal matters, the progress in their cases, and legal documents. (To HMPPS and the Home Office)	<p>To improve the use of translation services in prison for detainees, the FNO Information Hub has published literature and guidance including:</p> <ul style="list-style-type: none"> - A factsheet on “How Best to Service Paperwork” which includes the use of translation services where required. - A language identification chart to assist staff in identifying a preferred language - A desk aide memoire for staff on how to correctly record a prisoner’s nationality and language on NOMIS - The translation of all removal schemes fact sheets into the top ten FNO languages recorded on NOMIS - A further 26 language categories have been added to NOMIS <p>HMPPS are running a pilot about FNOs in two regions to consider how to improve the use of translation services in those prisons and how this can be replicated across the estate. Following conclusion of the pilot in December 2022, the findings will be evaluated, and learning shared via the FNO Information Hub.</p> <p>A review of the current translation services package will be undertaken to see whether it continues to meet HMPPS’ needs</p>	<p>Home Office</p> <p>Deputy Director of Operational Services, HMPPS</p>	<p>Complete</p> <p>December 2022</p> <p>July 2023</p>

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		and to consider what additional services may improve service offer		
8	There was a poor understanding of the National Referral Mechanism (NRM) among prison and Home Office staff. Several detainees we spoke to had experiences of trafficking and been referred to the NRM, but they remained in prison without access to any specialist support. (To the Home Office)	<p>To improve prison staff’s understanding and awareness of the National Referral Mechanism (NRM), the FNO Information Hub has published literature and guidance including:</p> <ul style="list-style-type: none"> - Two awareness factsheets on Modern Slavery (MS) which includes key signs to support staff in identifying victims - Information and contact details for the NRM and referrals to First Responders (HMPPS is not a First Responder) - Access to an e-learning package - Links to Home Office MDS guidance and the Salvation Army for support for victims <p>Further guidance for prison staff will be published by the end of October 2022 and HMPPS will be raising the awareness of MS across the estate over the next year via a new Policy Framework on Modern Slavery.</p>	Home Office, Deputy Director of Operational Services, HMPPS	Complete October 2023
9	The support available to immigration detainees in prison from non-governmental organisations (NGOs) and outside organisations was variable at best. While some establishments had good links with NGOs and community organisations who could provide tailored support to immigration detainees and foreign national prisoners, there was little support available in others, and detainees were not provided with any information about how to	The HMPPS FNO Information Hub has published a range of resources, including information and contact details for non-government organisations (NGOs) and outside organisations to support FNOs and Individuals in Detention, during custody and on release whether they are being deported or released into the UK, either temporarily or permanently. These are available to all prisons and are reviewed every six months.	Deputy Director of Operational Services, HMPPS	Complete

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	contact organisations. (To HMPPS and the Home Office)	HMPPS will publish a factsheet via the FNO Hub specifically setting out the organisations available to support Individuals in Detention, providing clarity on the support available.		February 2023
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