

GOVERNMENT RESPONSE TO STEPHEN SHAW'S REVIEW INTO THE WELFARE IN DETENTION OF VULNERABLE PERSONS

The government is committed to an immigration system that works in Britain's national interest, and commands the confidence of the British people. Coming to the United Kingdom to work, study or visit is a privilege, not an unqualified right. Accordingly, the government expects anyone who comes to the UK to comply with their visa conditions and, if they do not, to return home voluntarily at the first opportunity.

Detention is used to effect the removal of those without permission to remain. It is a long-established principle, however, that where an individual is detained pending removal there must be a realistic prospect of removal within a reasonable time. Depriving someone of their liberty will always be subject to careful consideration and scrutiny, and will take account of individual circumstances. It is vital that the system is not only efficient and effective but also treats those within it with dignity and respect. It must also take account of the vulnerability of those detained.

It is against this background that in February last year the Home Secretary asked Stephen Shaw to conduct a review of the welfare of vulnerable individuals in detention. The Government is grateful to Mr Shaw for his review and welcomes this important contribution to the debate about effective detention. The government accepts the broad thrust of his recommendations. This paper sets out the government's broad response to the various themes arising from Stephen Shaw's report.

Strategy Recommendations

In response to the strategic recommendations, the government will follow up the written ministerial statement today with a more detailed strategy for detention in due course.

Policy Recommendations

Stephen Shaw makes a number of recommendations relating to the definitions of and policy for managing vulnerable individuals in detention. In response, the government is developing a new policy defining "adults at risk". This will recognise the breadth and dynamic nature of vulnerabilities and which will have a clear presumption against detention of vulnerable people, unless there is evidence that matters such as criminality, compliance history or imminent removal outweigh the vulnerability factors.

Casework Transformation Recommendations

In order to maximise the efficiency and effectiveness of the detention estate, the government will implement a new approach to the case management of those who are detained. It will implement the new "adult at risk" policy to ensure more rigorous assessment of those entering detention through a new gate-keeping function, maintaining this rigour through the adoption of individual removals plans for all detainees, which will maintain a strong focus on and momentum towards removal.

Health Recommendations

The government will carry out a more detailed mental health needs assessment in Immigration Removal Centres, using the expertise of the Centre for Mental Health. This will report in March 2016, and NHS commissioners will use that assessment to consider and revisit current provision to ensure healthcare needs are being met appropriately. In the light of the review the government will also publish a joint Department of Health, NHS and Home Office mental health action plan in April 2016.

Operational Recommendations

The report makes a number of major and minor operational recommendations including a review of Detention Centre Rules 40 and 42, relating to care and separation and associated accommodation, consideration of the closure of Cedars pre-departure centre, night time closures at some centres, a review of guidance and update of the Detention Service Orders and linked reviews of population management and regime. These will be considered carefully on a case by case basis taking account of available resources.

The Government expects these reforms, and broader changes in legislation, policy and operational procedures, to reduce the number of those detained, and the duration of detention before removal, in turn improving the welfare of those detained.

More effective detention, complemented by increased voluntary returns without detention, will safeguard the most vulnerable while helping reduce immigration abuse and reduce costs.