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Monday 13<sup>th</sup> January 2020

**Response to consultation on draft Detention Services Order XX/2019**  
**Detainee Access to Video Call Service**

Dear Shadia,

1. Many thanks for your email of 17<sup>th</sup> December 2019 inviting us to submit views and comments on draft Detention Services Order (DSO) XX/2019 (Detainee Access to Video Call Service). We at Detention Action greatly welcome the opportunity to contribute to this consultation.
2. Detention Action was founded in 1993, and exists to support people held in immigration detention and to campaign for fundamental reform. Detention Action provides practical and emotional support for people who are detained at Colnbrook, Harmondsworth, and Morton Hall Immigration Removal Centres (IRCs) and for people detained under immigration powers in London prisons. Independent from the government and from the IRCs, the charity campaigns for reform of the detention system, including the introduction of a 28-day time limit and the expansion of community-based alternatives.
3. Detention Action welcomes the drafting of this DSO on the important issue of access to a video call service within IRCs. The proposed introduction of a requirement for IRCs and associated detention facilities to provide access to such a service is welcome and overdue.
4. On a daily basis, we speak with people detained who are suffering acutely from a lack of contact with loved ones outside of detention. While methods of communication with the outside world are available in IRCs – in the form, primarily, of phone contact, email, or visiting – each has limitations or may not be possible in a particular client’s situation. Phone contact, for example, is restricted by limited availability of credit and poor signal (which appears to be endemic across the UK’s detention estate). Email use is restricted by limited internet facilities, the prohibition on smartphone use, and is naturally limited as a form of meaningful human contact. Visiting takes place in visits hall with limited privacy, and is in any case often not an option if a detained person’s family and friends are unable to make lengthy and expensive journeys to the relevant IRC, or are abroad. The provision of a video call service in each IRC will undoubtedly improve

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contact with family and friends for significant numbers of people detained. As mobile phones with camera functions are taken away from individuals on arrival in detention, if family members cannot afford to visit Skype provides one of the only opportunities for 'face to face' interaction.

5. Since the introduction of Skype to Morton Hall in November 2019, we have heard specific examples from our clients of the benefits of video call access. We have witnessed dramatic improvements in clients' wellbeing through being able to speak to family more regularly, particularly where they have children. As with other IRCs, it has been expressed by a number of clients in Morton Hall that the phone reception is very bad in the area and that they often cannot call their families from their rooms.
6. Whilst noting the above benefits of operating video call services across all IRCs, we would like to highlight that these services should not be regarded as 'sufficient' to maintain family relationships and friendships during a period of detention. As the draft DSO makes clear, the video calls will not be private. While video calls are in many ways preferable to phone contact, they are no substitute for in-person contact. Most fundamentally of all, contact through limited video calls in no way mitigates the highly detrimental impact of detention of a person's mental health and relationships, and a far preferable solution remains that the individual is granted their liberty and is supported through community-based alternatives to detention.
7. We have concerns regarding some of the wording of the DSO as presently drafted. Most notably, the protections and restrictions regarding the privacy levels of video calls are ambiguous. The sample 'Compact for Residents' contained in Annex A states 'no video or audio recordings are taken from the video call', but also notes that 'supervising staff may use body worn cameras to record any breach of the terms of use'. These statements seem directly contradictory: if a body worn camera is being used by staff to monitor 'use' of the service during a call, it would seem clear that parts of the call will be being or could easily be recorded. We welcome the statement in point 11 that 'direct supervision of the calls should be kept to a minimum to assure detainees that as much privacy is afforded as possible.' However, the wording in the sample compact that 'privacy will be respected so far as practicable' but that 'call sessions may be visually supervised by staff' is vague and does not appear to give adequate guarantee of privacy. Despite the limitations of phone contact and visiting as mentioned above, these forms of communication can be private or relatively private, and it is not clear why this is effectively not to be the case in terms of video calls.
8. The DSO does not clarify what records will be kept regarding use of the video call service beyond one line in the sample compact in Annex A: 'We will only log the date, the time, and the duration of your call.' This should be outlined in the body of the DSO itself. Information regarding video calls booked and made should be kept to an absolute minimum. It should be explicitly stated that information regarding video calls made by an individual (or an absence of such calls) will never be usable by the Home Office against an individual in their immigration case. Information regarding an individual's calls to family and friends should never be used to argue that the individual is adequately maintaining relationship(s) via video call and could continue to do so if removed from the UK.

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9. The sample compact provided in Annex A is implied by point 9 potentially to differ IRC to IRC. Unless this compact is standardized across all centres, it is not clear that access to the video call service will be consistent across the detention estate.
10. It is not clear from the draft as it stands that the video call service will be guaranteed to have adequate capacity to meet the needs of the people held in each IRC. Point 7 outlines that each IRC must ensure the service is available for 'a minimum period of seven hours a day'; however, it is not clear if the service will be provided via a number of fixed PC terminals proportional to the number of people held at the centre, or simply through one terminal per IRC. Evidently, the IRCs differ significantly in terms of capacity and of actual population of people detained at any one time. The wording as it stands risks a video call service that has a lengthy waiting list, or that is used on a first-come-first-served basis and therefore might easily be monopolized by a small number of people.
11. Point 12 describes circumstances where access to the video call service might be denied to an individual, namely if they are subject to Multi Agency Public Protection Arrangements and if otherwise 'there are exceptional reasons for denying access'. We are concerned that there would be any cases where access to the calls might be refused, and request that the possible reasons for refused access are clarified more fully. It should be clarified that, as with (for example) closed visits, a refusal of access to video calls will never be punitive. The DSO should also confirm that in cases of refused access individuals will be provided with full reasons for the decision, and be given a right of appeal.
12. Regarding the notification of suspension of the service and the rights of appeal against this outlined in point 15: the provision of an accelerated appeal decision in cases where removal directions are imminent is welcome. However, 'imminent removal directions' should be defined for the avoidance of doubt here.
13. The introduction of a video call service across IRCs, which to reiterate we welcome, does raise the question as to the reasons for the continuing prohibition on people detained having smartphones. As with internet access for people detained, the video call service will be made available only through the fixed PC terminal and only during fixed times of the day. It seems unlikely that the need for video call access will therefore be adequately met, with the additional concerns around privacy and use of data as described above. A simpler way forward would be to allow smartphone use. This is an issue that goes beyond this DSO, but we believe a change in the rules regarding smartphone use should be seriously considered.

Please do not hesitate to contact me if you would like me to clarify any of the points raised, or if we can in any way further assist this consultation.

Yours sincerely,



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