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M Esslemont
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18 December 2020

Dear M Esslemont

Freedom of information request (our ref. 60222: internal review)

Thank you for your email of 29 October 2020, in which you asked for an internal review of our response to your Freedom of Information (FOI) request. Your request of 3 September 2020 asked for information on deaths and self harm incidents in immigration removal centres (IRC). Your request can be viewed in full at **Annex A**.

I have now completed the review and assessed the substance of the response provided to you. I can confirm that I was not involved in the initial handling of your request.

The FOI response explained that your request was refused under section 12(1) of the FOI Act, on the basis that the cost of meeting your request would exceed the cost limit. A full copy of the response can be found in **Annex B**.

The review is based on the points you have raised in your internal review request which can be found in full at **Annex C**.

The crux of your argument is that you feel that 'the requested information can be provided within the cost limit stipulated and that the public dataset referenced in the response does not provide information on 'deaths' in the format requested.'

I have carefully considered your comments and consulted with the responding unit. I find that section 12(1) of the Act has been applied correctly to your request.

In response to your request for information on deaths, the responding unit has confirmed that the correct link to the published information was provided in the original response. [Detention summary tables, year ending September 2020](#) tables 5a and 5b provide information on the number of deaths of people detained under immigration powers in each year.

In response to your question regarding the cost limit, I confirm that the Home Office holds the information you have requested and that section 12(1) of the FOI Act is engaged, as your request cannot be handled within the appropriate cost limit. The Home Office records information centrally on the number of detainees being monitored in line with Assessment Care in Detention Teamwork (ACDT) procedures and the number of incidents of self harm in IRCs that have required medical treatment. Information is not held centrally on whether the act of self harm was done as a suicide attempt and so to identify this information would require each ACDT form to be checked manually. As there are a large number of forms to be looked at, we have estimated that this would take in excess of 24 hours to retrieve the information you have asked for.

Under section 12 of the Act, the Home Office is not obliged to comply with an information request where to do so would exceed the cost limit.

The original response also provided advice and assistance on how to refine the request to narrow the scope for reconsideration. For example, reducing the volume of information being requested by refining the length of time the data is required for, or the number of IRCs.

In conclusion, I am satisfied that the original response was correct. Section 12(1) is engaged, as the Home Office holds information within scope of the request, but it would exceed the appropriate limit to search, locate and retrieve all of the information we hold in relation to self harm incidents. The original response provided the correct link to published information on deaths.

I am sorry if this is disappointing, but I hope the explanation above has helped explain the reason for the response in this case.

This completes the internal review by the Home Office.

Yours sincerely

J Conquest
Information Rights Team

Annex A – Original request dated 3 September

Please provide the number of times the below outcomes - taking place within immigration detention - were recorded between 1 April 2019 and 1 April 2020. Please disaggregate by outcome 'type':

- Recorded deaths in detention
- Number of detainees held, who have made 'threat of self harm'
- Number of detainees held, who have made a known suicide attempt understand that figures may be double-counted, which is why this request is for the number of logged 'incidents' rather than individuals.

Please note that the data should account for the number of times these outcomes have occurred during the outlined period. For the purpose of this request, please note that 'immigration detention' refers to people being held under Immigration Powers, including those in Immigration Removal Centres, Short-Term Holding Facilities and HMPs as per previous responses to such requests

Annex B – Original Response dated 15 September

Dear Ms Esslemont,

REF: FOI 60222

Thank you for your email dated 03 September 2020 requesting information on deaths and self harm incidents in immigration removal centres (IRC). Your request has been handled as a request under the Freedom of Information Act 2000. Your full request can be found in Annex A.

Under Section 12 of the Act, the Home Office is not obliged to comply with an information request where to do so would exceed the designated cost limit of £600 specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. The reasons for the engagement of the Section 12 exemption is explained as follows. To collate the range of information you have requested would exceed the £600 limit and we are therefore unable to comply with your request. To provide you with some context regarding the scale of your information request it may be helpful to explain that each individual self harm record would need to be examined and scrutinised in order to ascertain if there had been a suicide attempt.

The £600 limit is based on work being carried out at a rate of £25 per hour, which equates to 24 hours of work per request. The cost of locating, retrieving and extracting information can be included in the costs for these purposes. The costs do not include considering whether any information is exempt from disclosure, overheads such as heating or lighting, or items such as photocopying or postage.

Section 16 of the Act states that we must include advice, wherever possible, on how you might refine the request to bring it under the limit. For example, by reducing the time period requested to a shorter period, reduces the amount of information that would need to be scrutinised.

Even if a new request were to fall below the £600 limit, the information you request might be withheld under the terms of a number of substantive exemptions contained in part II of the Freedom of Information Act 2000. These exemptions could also make it necessary for us to extend the period of responding beyond the usual 20 working day target if they involve having to consider the public interest balancing test.

Please note that breaking a request down into a series of similar smaller requests may still be declined if the total cost exceeds £600.

You may find it useful to know that the data on the number of deaths of people detained under immigration powers in each year are published at the following link (Detention, table 05): <https://www.gov.uk/government/statistical-data-sets/immigration-statistics-data-tables-year-ending-june-2020#detention>

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to foirequests@homeoffice.gov.uk, quoting reference 60222. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

As part of any internal review the Department's handling of your information request would be re assessed by staff who were not involved in providing you with this response. If you

were to remain dissatisfied after an internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the FOIA.

Yours sincerely,

Detention and Escorting Services
Immigration Enforcement

Annex C – Internal Review request dated 29 October 2020

Dear DS FOI,

I wish to request an internal review of case ref 60222, on the basis that this information can be provided within the cost limit stipulated, and that the public dataset referenced in the response does not provide information on 'deaths' in the format requested.

Firstly, the following outcomes are stored on the Case Information Database which can be cross-referenced to provide data on vulnerabilities within detention as per previous requests such as case ref 54835, 54439, 53957 and others. This is known, as in case ref 58994 you have confirmed the following information, relevant to my initial request and follow-up simplified request, to be held on the CID:

- TOSH - Threat of Self Harm
- DTSH - Threat of Self Harm
- SUIC - Known Suicide Attempt / DKSA

Secondly, I contest the refusal on this request on the basis that the dataset you have referenced in relation to deaths in detention does not include a disaggregated figure on death. In table 3 of the dataset outlined (Det_D03), the 'other' figure includes deaths but also those returning to "criminal detention", absconsions and sectioned individuals. As a result, it is not possible to discern the information I have requested on deaths in detention, so this dataset is sadly not useful.

Please provide the data, which was requested in the first instance, at internal review stage.

Yours sincerely,

M Esslemont

Annex D – Complaints Procedure

If you remain dissatisfied with the response to your FoI request, you have the right of complaint to the Information Commissioner at the following address:

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

<https://ico.org.uk/make-a-complaint/>