

ANNUAL REPORT

2010



Independent Monitoring Board

COLNBROOK

IMMIGRATION REMOVAL CENTRE

1. STATUTORY ROLE OF THE INDEPENDENT MONITORING BOARD

The Board is specifically charged to:

- (1) satisfy itself as to the human and just treatment of those held in immigration removal centres.
- (2) inform promptly the Secretary of State, or any official to whom he has delegated authority, as it judges appropriate, any concern it has.
- (3) report annually to the Secretary of State on how far the immigration removal centre has met the standards and requirements placed on it and what impact these have on those held in the centre.**

To enable the Board to carry out these duties effectively its members have right of access to every detainee and every part of the centre and also to the centre's records.

This report has been produced to fulfil our obligation under (3) above. It should be seen as a sequel to our reports for 2005, 2006, 2007, 2008 and 2009.

Independent Monitoring Board at Colnbrook IRC

Annual Report 2010

2. CONTENTS

<i>1. STATUTORY ROLE OF THE INDEPENDENT MONITORING BOARD.....</i>	<i>i</i>
<i>2. CONTENTS</i>	<i>ii</i>
<i>3. DESCRIPTION OF COLNBROOK IMMIGRATION REMOVAL CENTRE.....</i>	<i>1</i>
<i>4. EXECUTIVE SUMMARY AND RECOMMENDATIONS.....</i>	<i>2</i>
4.1. Progress of Recommendations made in the 2009 Annual Report.....	2
4.2. Recommendations in this report	2
<i>5. CORE AREAS TO BE REPORTED ON.....</i>	<i>5</i>
5.1. Diversity / Equality	5
5.2. Learning and Skills.....	6
5.3. Healthcare and Mental Health	6
5.4. Safer Custody	8
5.5. Segregation/Separation Units	9
<i>6. OTHER AREAS OF CONCERN FOR THE BOARD.....</i>	<i>10</i>
6.1. Length of Detention	10
6.2. Night Time Movements to Heathrow Airport.....	12
6.3. Serious Assault on a Detainee	14
6.4. Complaints.....	15
6.5. Food.....	16
6.6. Accommodation	17
6.7. Property	17
6.8. Short Term Holding Facility.....	18
6.9. Enhanced Unit.....	18
6.10. Changes to Regime at CIRC	19
<i>7. THE WORK OF THE IMB.....</i>	<i>20</i>
7.1. Board Statistics for 2010	20
7.2. Issues raised in requests to see IMB.....	20
<i>8. GLOSSARY OF ABBREVIATIONS USED.....</i>	<i>21</i>
<i>9. PROGRESS WITH PREVIOUSLY REPORTED MATTERS</i>	<i>22</i>

3. DESCRIPTION OF COLNBROOK IMMIGRATION REMOVAL CENTRE

Colnbrook Immigration Removal Centre (CIRC) is situated about two miles away from Heathrow airport, and adjacent to the Harmondsworth IRC, lying back just a couple of hundred metres north of the Colnbrook-bypass section of the main A4 dual carriageway. CIRC is operated by SERCO.

The Centre was built so that difficult detainees from the whole detention estate could be managed with close supervision and care, and at first sight the three storey accommodation unit, with its four separate blocks, is reminiscent of a category B prison. CIRC also has a Short Term Holding Facility (STHF), unusual for Centres in the detention estate. The secure and segregation units both have six single cells and there are a further four single cells on the 2nd floor which have evolved into a Last Night Unit (LNU), which houses detainees who are being removed the following day. The secure and segregation units are being used regularly reflecting the high proportion of ex-prisoners in the detainee population and the challenges that this population pose.

The CIRC building complex now provides accommodation for 308 male detainees in the main part of the Centre and up to 80 people in its Short Term Holding Facility. Accommodation in the main part is arranged in twin rooms, eleven on each of the three floors of each of four wings. All rooms have toilets and washbasins and each block has adequate shower and laundry facilities. Each room is provided with a television set with a large number of channels to choose from. Most detainees have use of their own mobile phones and have access to payphones. Except at night and during roll call times the detainees are at liberty to move around in their blocks, and at prescribed times of the day detainees have free flow access to the facilities on the 1st and 2nd floor. Outside these arrangements, for example to meet visitors at the visitor centre, detainees have to be under escort. The Centre also has a Vulnerable Persons Unit (VPU) (8 beds), adjacent to the Healthcare Centre on the 1st Floor, where there is more extensive support for detainees who struggle with the custodial environment at CIRC and an Enhanced Unit (ENU) (27 beds), which is situated on the top floor of the separate Reception and Visitors block. The gym, education facilities etc. are timetabled so that all units get a turn each day.

The STHF was refurbished at the end of 2006. The 40 self-contained, formerly single rooms were fitted with bunk beds to turn them into twin rooms, thus doubling the capacity from 40 to 80 beds. The STHF rooms are intended to be used instead of police cells for detention of people for no longer than a few days and typically for one or two days only. Both male and female detainees may be held in STHF.

While the total capacity of the Centre in the reporting period was 388, the turnover has remained high and number of detainees passing through is around 750 per month, about 450 of these being through the STHF.

A HMCIP follow up inspection was carried out at CIRC in August 2010, and the report was published in January 2011. The report acknowledged some progress since the last inspection but concluded that CIRC still has a long way to go.

During 2010 Serco was awarded a two year extension to the contract to run CIRC until 2014, albeit with some changes to the regime. The regime changes became effective during October 2010.

4. EXECUTIVE SUMMARY AND RECOMMENDATIONS

This is the sixth report from the Independent Monitoring Board of Colnbrook IRC, covering the year 2010 and on the whole, it is a positive one. The IMB remains satisfied that the ethos of respect and care for detainees that we commented on in our previous reports is still maintained. The quality, motivation and training of staff at all levels undoubtedly contribute to this. The effectiveness of the IMB has been greatly enhanced by the strong working relationship established with the management of both Serco and UKBA at CIRC, and we continue to be impressed by the quality and dedication of most of the staff at CIRC. However, the high proportion of ex-Foreign National Prisoners at CIRC is contributing to a number of detrimental trends, which are highlighted later. The number of requests to the Board from detainees in 2010 has increased following a number of years of stable levels. (See summary in 7.2 below)

4.1. Progress of Recommendations made in the 2009 Annual Report

The Board found it encouraging that there was a formal response to our 2009 report from the Minister. An action plan was put in place by UKBA to address our recommendations, the Board were encouraged that this was undertaken more promptly and was received during May 2010.

On balance there has been better progress on the recommendations raised in our previous report, than was evident in 2009. However, a number of recommendations have not been progressed and this is at least partly due to budgetary constraints imposed by the Comprehensive Spending Review (CSR). Recommendations are repeated in this report where the Board feels that the issues continue to represent a significant concern.

4.2. Recommendations in this report

4.2.1. Recommendations to the Minister

1. The Board feel strongly that UKBA are routinely withholding information that enables the Board to identify individual detainees, which is making the monitoring role more difficult and is arguably impinging on the independence of Board's. **The Board recommend that the Minister ensures that UKBA do not use Data Protection legislation as an excuse to infringe on the Statutory Rights of Boards to be provided with access to all records affecting Detainees held in the Centres that IMBs are responsible for monitoring.** (Section 6.4)
2. Information on the total length of detention is not routinely collated by UKBA, which could impact their ability to manage the detention process effectively. **The Board recommend that UKBA provide comprehensive information on the number of detainees held for periods exceeding a year, and track the trends to ensure that any deterioration is escalated to senior management in UKBA and periodically brought to the attention of the Minister.** (Section 6.1)

4.2.2. Recommendations for UKBA

3. The use of R40/42 has increased during 2010, and in a small, but growing number of cases, the lengths of stay in R40/42 are becoming extended. Whilst the Board recognises that CIRC is dealing with some extremely challenging cases we remain concerned about this trend. **The Board recommend that senior management in Detention Services apply greater scrutiny to use of R40/42 at CIRC and that full compliance with Detention Centre Rules is achieved.** (Section 5.5)
4. The Dental service provided within the current contract only relates to emergency treatment, and there is no provision of regular dental check ups. **The Board recommend that where detainees are being held in detention for longer than 12 months UKBA should provide a wider range of dental services.** (Section 5.3)
5. Information compiled by the Board indicates that detainees with stays in excess of 1 year is deteriorating despite efforts by UKBA to improve the position, and our analysis suggests that this category at CIRC may now exceed 100 detainees. **The Board recommend that the Criminal Casework Directorate should consider extending the use of surgeries at CIRC to increase further the priority being given to all cases with periods of detention exceeding 12 months in order to achieve faster resolution of these cases.** (Section 6.1)
6. A review undertaken by the Board in August 2010 identified that 6 out of a sample of 42 detainees (14.25%) being moved to Heathrow Airport left CIRC over 15 hours in advance of their flight time. **The Board recommend that DEPMU ensure that Detainees are not forced to spend unreasonable amounts of time in transit or waiting at Heathrow prior to their flights.** (Section 6.2)
7. A review undertaken by the Board in August 2010 identified that over a third of detainees transported to Heathrow Airport during the Night, are being moved outside the time limits agreed in the SLA between UKBA and G4S ; this would appear to be an unacceptable level of performance. **The Board recommend that UKBA provide regular information on the number and proportion of detainees falling outside the agreed SLA, and track the trends to ensure that any deterioration is escalated to senior management in UKBA.** (Section 6.2)
8. **The Board still consider that the regime in STHF is not appropriate for stays in excess of 72 hours, and strongly support the plans to discontinue the use of these facilities for detaining females, and providing a separate unit for detaining females.** (Section 6.8)

4.2.3. Recommendations for Centre Manager

9. It is too soon to assess whether the regime changes have been successfully implemented without detriment to detainee welfare. **The Board recommend that there is a review, by both UKBA and Serco, of the changes implemented to the Regime at CIRC after 6 months, to validate that the benefits envisaged are being achieved and that there have not been unintended consequences affecting detainees.** (Section 6.10)
10. **The Board would recommend that there is a re-launch of the ENU in order to re-set expectations for detainees, once the major refurbishments of the showers has been completed.** (Section 6.9)

5. CORE AREAS TO BE REPORTED ON

5.1. Diversity / Equality

The detainee population at CIRC is multi-national and has a wide variety of different needs in relation to food, religion and culture. CIRC has dedicated staff focussing on Race Relations, Welfare and Religious issues who are based within the areas of the centre accessible to detainees for advice and support, and are very much valued by the detainees.

The IMB were concerned that the regime changes implemented in October 2010, reduced the size of the Welfare team to one full time member of staff. The rationale for this change was that many of the detainees concerns being referred to the Welfare team were matters that DCOs could deal with directly, and going forward this should lead to more rapid resolution of these issues for detainees. It is too soon to assess whether the new arrangements are working effectively: the IMB have picked up some concerns that the new arrangements are not yet fully effective, although the level of issues is not considered excessive.

CIRC holds five DIAC meetings each month, three of these focus on specific unit issues, one on catering matters affecting the whole centre, and the final meeting reviews the whole set of outputs for the month to ascertain any emerging trends. The Board welcomes these meetings, which are useful in identifying potential issues at an early juncture directly from the detainees.

CIRC provides regular monthly celebrations throughout the year focusing on different cultural and religious themes, and these are well received by detainees throughout the centre.

CIRC employs a diverse workforce who can communicate in a number of languages with the detainees and the induction training is thorough and extensive including, for DCOs, an explanation of the role of the IMB. Staff, detainees or Board members can also request use of the language line facility if there are no staff available who can converse effectively in their native tongue.

CIRC is planning to introduce a Cultural Kitchen in 2011, the building work for this is now virtually complete, and a new Cultural Chef has been appointed in January 2011, so this facility should be operational in the first quarter of 2011. The IMB welcomes this initiative.

Overall there is a good focus on diversity issues within CIRC, and this is not a dominant issue in our interactions with detainees as evidenced by only 2.5% of the issues raised with the IMB in 2010 relating to Diversity.

5.2. Learning and Skills

DC Rules and Detention Services Operating Standards do require the provision of education. The facilities provided at CIRC are predominantly geared towards providing a variety of activities for detainees, including some opportunities to learn and develop if they so wish.

During 2010 CIRC has established a garden within the Centre which detainees have set out and maintained. Due to the constraints of the site this is not a large area, nevertheless those detainees that have been involved have found this a rewarding activity.

The Centre has also been improved by utilising a team of detainees to paint a variety of murals in the corridors and association areas around CIRC. These have brightened up the Centre and made it a less inhibiting place, as well as enabling a group of detainees to utilise their considerable artistic skills.

CIRC was the first Centre to provide Internet access for detainees; this is well used by detainees both to access information that is relevant to their situation and also to keep in touch with family and friends via e-mail. Rotas are operated so that all units have access to the Internet each day, and the ENU has dedicated facilities, which are available for longer periods.

CIRC have continued to make efforts during 2010 to increase detainee access to ESOL classes and to reinvigorate the use of the Arts & Crafts facilities. The latter tend to appeal to a minority of the population at CIRC but the work of the detainees who do get involved is impressive.

There has been a slight increase in the number of issues raised with the IMB during the year to 4.8% (2009 3.4%), this to an extent reflects the changes implemented in the Autumn due to the change in regime, and following some initial concerns with the changes implemented the issues appear to have fallen back to more normal levels.

5.3. Healthcare and Mental Health

Healthcare is provided on site. All detainees are seen by a doctor within 24 hours of arrival at CIRC unless they refuse to do so and sign a disclaimer. The general practice is not to allow detainees to continue with existing medication when they arrive at CIRC, but to be prescribed new medication following assessment by a doctor at CIRC.

After the initial assessments by Healthcare, if detainees need to consult a doctor, they have to request an appointment with Healthcare by making a written application. Efforts have been made during 2010 to improve the explanation to detainees of how to access the medical services, and whilst this has improved there remains further room for improvement.

There are good facilities for confidential consultations with detainees by healthcare staff in the Reception, STHF and the Healthcare centre on the first floor.

CIRC has a small in-patient facility, with six beds, to care for more serious medical conditions, which is heavily used. Obtaining bed spaces externally in NHS hospitals for more complex cases than the Centre is equipped to deal with works reasonably well for general medical conditions, and following intervention by UKBA, the situation in relation to patients with severe mental health problems has been significantly improved during the year. The Board welcomes this intervention and is grateful to UKBA for the improvements achieved.

The Dental service provided within the current contract only relates to emergency treatment, and there is no provision of regular dental check ups. There have been a number of cases during the year where a more pro-active dental service would have prevented detainees developing more serious conditions. The Board continue to believe that the current arrangements were originally designed for IRCs when the expected duration in detention would be a matter of a few months. Given the now considerable timescales that a growing proportion of detainees are spending in IRCs the Board strongly recommends that these arrangements need to be reviewed as a matter of urgency. **The Board recommend that where detainees are being held in detention for longer than 12 months UKBA should provide a wider range of dental services.**

The Healthcare team at CIRC has been subject to continuing high levels of turnover during 2010, these jobs are demanding of the staff involved, in the main they are trying to do a good job in difficult circumstances. There continues to be a high level of concerns raised with the IMB by detainees in relation to healthcare matters: around 19% (2009 13%), the second highest category of concern raised with the IMB.. Medical issues are also the second highest level of complaints made to UKBA, so this clearly remains one of the most sensitive areas for detainees.

The Board acknowledge that the new Healthcare Manager at CIRC has made a positive difference to the morale of the Healthcare team at CIRC and there are signs of improvement, particularly in the treatment of mental health issues, nevertheless this remains an area of high concern to the Board.

The Board understand that the Healthcare Manager is currently reviewing the induction package available to all detainees on arrival in the Centre, and welcome this initiative to further improve the information on the health care available to detainees arriving at CIRC, which has been a matter of concern raised by the Board in the past.

5.4. Safer Custody

The Assessment, Care in Detention, and Teamwork (ACDT) procedures has applied to CIRC throughout 2010. There is a regular monthly "Staying Safe" meeting, which reviews the statistics for the previous month on ACDTs and considers any changes to policy and procedures to ensure Safe Custody. Annually there is a major review undertaken of the overall process, and an IMB member attended this review in 2010. In addition the IMB received a presentation on the overall process and documentation towards the end of the year so that the new members of the Board were fully up to speed. The Board are impressed with both the process and documentation applied in CIRC.

The numbers of ACDTs raised and closed during the month are reported to each IMB Board meeting and the trends have remained relatively stable throughout the year, with typically between 30 - 40 being opened each month, most for relatively short periods.

There have been no deaths in detention at CIRC during 2010.

5.5. Segregation/Separation Units

CIRC maintains six Rule 42 rooms and six Rule 40 rooms to accommodate detainees who need to be removed from association. Sometimes R40 detainees have had to be accommodated in the R42 rooms, but on the wider R40 regime. A further four rooms originally intended as R40 accommodation are now utilised as a Last Night Unit.

During 2010 the IMB has continued to operate a weekly "On Call" Rota that is notified in advance to CIRC. The IMB receives a daily report in paper form to our office at CIRC, and the duty Operations Manager telephones the rota member to inform them of any movements. In addition the IMB receives copies of all incident reports relating to R42/R40 movements on the day of the movement. In the main the process is satisfactory although the Board have identified occasions when CIRC have failed to notify rota members of relevant movements, which can impact on our ability to respond.

The IMB member "On Call" endeavours to visit all detainees confined to R42 for over 24 hours on the same day, and during their visit will also visit a sample of detainees taken into R40.

The average stay in R42 is around one day and this regime is used sparingly with an average of 4 to 5 uses per month. However, in 4 months during the year the 3 day maximum permitted under the Detention Centre rules was exceeded with the longest stay of 10 days recorded in December 2010.

The average stay in R40 is around two days, this regime is used more extensively with the monthly range of usage varying between 23 and 55. However, these averages mask a growing number of exceptions where detainees have remained in R40 for much longer periods, the longest stay reported to the Board during the year being 30 days, and in 5 months during the year the longest stay during the month exceeded the 14 day maximum requiring specific permission from UKBA under the Detention Centre Rules.

The Board acknowledge that CIRC is dealing with an increasingly difficult population of detainees resulting in a number of very difficult cases involving dirty protests, and individuals refusing to share rooms. Towards the end of 2010, there have been a number of detainees who have resorted to concealing fragments of razor blades in their mouths or on rare occasions swallowing razor blades, in an attempt to frustrate removal directions. R40 is being utilized as a means of isolating such detainees and restricting their access to razor blades for periods ahead of them being notified of removal directions in order to thwart these attempts. Whilst the Board recognise the need to develop strategies to deal with detainees who are deliberately endangering their lives and those of staff involved in their removal the time frames involved are becoming a real concern.

The Board recommend that senior management in Detention Services apply greater scrutiny to the use of R40/42 at CIRC and that full compliance with Detention Centre Rules is achieved.

6. OTHER AREAS OF CONCERN FOR THE BOARD

The following areas have been recurring themes noted from the Board's activities during 2010.

6.1. Length of Detention

The Board have raised this issue in our previous two Annual Reports and made recommendations which have been acknowledged in principle but have largely been ignored.

Unfortunately, there is no reliable information available from UKBA that provides the IMB with regular updates on the total time detainees are spending in detention. Reports are produced within CIRC on a weekly basis, that show all detainees who have spent more than 90 consecutive days within CIRC. Unfortunately, every time there is a break in the continuity, which can include a discharge to attend a Court Hearing, the start point for these reports is reset.

The Board therefore undertook a review of the Centre records during July 2010, in order to establish the extent of the problem. The approach taken was to review the IS91 records for all those detainees who are showing on the CIRC reports as having been in detention at CIRC for more than 12 months. The Report of 12 July 2010 was used for this purpose, and this demonstrated 19 detainees who had been in CIRC for more than 12 months.

The CIRC records show that the average length of stay of these detainees to be 1.55 years (Around 1 year and 7 months) with the maximum stay of 2.91 years. However, the IS91 records for the same 19 detainees reveal an average length of total detention of 2.31 years (a variance of circa 49%) and the maximum stay in detention is 5.25 years.

In order to ascertain whether this is a much wider issue, a sample of 98 detainees' IS91s were reviewed on 16 July 2010. The records selected were those with surnames between A and F, as shown on the "Alpha List" of the 348 detainees held in CIRC on that day.

Of the 98 records reviewed, 4 files could not be reviewed as the detainees were discharged from the Centre on 16 July. The remaining 94 records were all located giving a sample size of 27%, which is a statistically relevant sample size.

The analysis revealed that using the CIRC records, that the average length of stay of this sample of detainees was 99.73 days, whilst using the first date of detention shown on the IS 91 the average length of stay is 237.79 days (a variance of circa 140%). Within this sample there were 3 of the 19 records utilized in the first sample, so this sample is not unduly weighted by these records.

The analysis clearly confirms that this is an endemic issue with the current reporting available to the IMB, which cannot be considered fit for purpose.

Within the sample of 94 records, 26 (27.66%) are showing to have been in detention for more than 1 year, of which only 3 (3.2%) are showing in the CIRC reporting currently.

Of the 26 detainees in detention for more than 1 year, 20 are Ex-FNPs. There are 16 different nationalities represented, 3 each from Somalia and Iraq, 2 each from Nigeria, Jamaica, Algeria, Morocco, Sierra Leone, and Ghana, and one each from Kosovo, Liberia, Trinidad, Kenya, India, Iran, Pakistan and Democratic Republic of Congo.

These findings have been discussed with the local UKBA team in CIRC, and whilst they have now started to report the top ten longest stayers located at CIRC on a monthly basis, they do not have the resources to provide accurate information on length of detention across the population resident at CIRC. The Board remain concerned that without this information UKBA cannot adequately prioritise their resources to manage the detention population and given the high costs of keeping people in detention this may be leading to ineffective use of resources.

The Board recommend that UKBA provide comprehensive information on the number of detainees held for periods exceeding a year, and track the trends to ensure that any deterioration is escalated to senior management in UKBA and periodically brought to the attention of the Minister.

The Board does acknowledge that CCD have deployed two officers to run regular surgeries at CIRC during 2010, with the aim of tackling the 50 most complex cases. These surgeries have been well received by detainees and are welcomed by the Board. However, our analysis would imply that in the region of 100 detainees at CIRC will have been in detention for over 12 months, so the Board believes that more effort may be required to tackle this growing problem.

The Board recommend that the Criminal Casework Directorate should consider extending the use of surgeries at CIRC to increase further the priority being given to all cases with periods of detention exceeding 12 months in order to achieve faster resolution of these cases.

6.2. Night Time Movements to Heathrow Airport

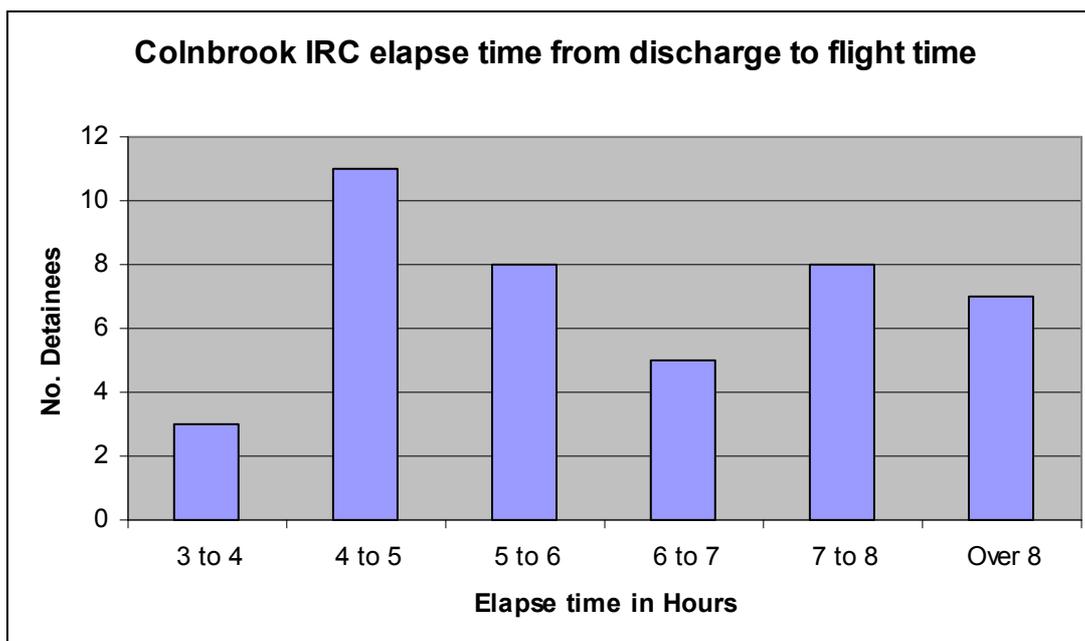
A review was undertaken of the discharges from CIRC during the month of August 2010, to ascertain whether detainees being removed through Heathrow Airport were subject to reasonable treatment in terms of the times of their departure from CIRC and the time they were asked to wait at the airport.

The movements during the month to Heathrow were compared with the movements more generally from CIRC. The table below sets out this comparison.

	All Movements	Movements to Heathrow	% Heathrow to ALL
All Movements Out – No.	1024	358	34.96%
Night Time Movements	299	164	54.85%
% Night Time to All	29.20%	45.81%	

The above table clearly demonstrates that the movements to Heathrow account for over half of the night time moves, whereas they represent just over a third of the total moves. This could be because the times of flights from Heathrow impose a constraint on DEPMU on when detainees need to be moved. The analysis was therefore extended to take a sample of the 164 night movements to Heathrow, and with the assistance of the UKBA team at CIRC to ascertain the flight times for a sample of 42 detainees who were moved to Heathrow during the night time.

The following chart shows the distribution of elapse times from the time the detainees left CIRC to their flight time. It should be noted that the detainees would have been disturbed up to 30 minutes prior to their discharge from CIRC, and that CIRC is within a couple of miles drive of Heathrow.



In terms of the average times from this sample population, the median elapse time is 5 hours 55 minutes, and the mean average is just over 7 hours.

It is interesting to note that 3 detainees were moved within 4 hours of their flight time, so it is clearly feasible for the process to be completed in these timeframes. The largest cohort, 11 detainees representing around a quarter of the sample, were moved between 4 and 5 hours, and it would appear that this would be a typical timeframe for completing this process.

Another 8 detainees were moved between 5 to 6 hours before their flight time. The service level agreement (SLA) in place between G4S and UKBA requires that detainees should arrive at Heathrow between 3 hours and 7 hours before their flight. On this basis 27 of the 42 detainees in the sample would have met this SLA.

This leaves 15 detainees who left CIRC more than 7 hours before their flight time, it is inconceivable during the night time that it would take this long to reach Heathrow, so these detainees either arrived outside of the SLA described above, or alternatively were held in transport somewhere between CIRC and Heathrow in order for the SLA to be met. In either case the Board views this as unreasonable.

What is perhaps more shocking, is that the longest elapse time was 18 hours and 33 minutes, and there were 6 detainees where the elapse time exceeded 15 hours. The Board cannot imagine any circumstances that would have justified such long periods of elapse time being required.

All of this information has been shared with UKBA, who have undertaken to ascertain from G4S an explanation of what transpired. Regrettably this explanation has not been provided over 3 months later, despite attempts to obtain a response.

This piece of work has highlighted that there is a high proportion of night time movements from CIRC to Heathrow airport. Around 64% of the movements sampled would appear to comply with the current SLA of detainees not arriving at Heathrow more than 7 hours before their flight. However, applying this SLA to detainees who are being held within 2 miles of Heathrow airport appears inappropriate to the Board, whilst it is necessary for detainees coming longer distances to ensure that there is contingency in case of road delays, this is not relevant to movements from CIRC.

Moreover, in 36% of the cases sampled, it appears that these detainees will spend more than the 7 hours either at Heathrow airport, or alternatively held in transport between CIRC and Heathrow airport. This is a worrying finding from a statistically significant sample of the August 2010 movements, which warrants further investigation by UKBA.

The 6 cases where detainees elapse times exceeded 15 hours cannot be described as treating detainees reasonably, and The Board would like to see a full explanation provided of the circumstances in these particular cases.

The Board recommend that DEPMU ensure that Detainees are not forced to spend unreasonable amounts of time in transit or waiting at Heathrow prior to their flights.

The Board also recommend that UKBA provide regular information on the number and proportion of detainees falling outside the agreed SLA, and track the trends to ensure that any deterioration is escalated to senior management in UKBA.

6.3. Serious Assault on a Detainee

During the early part of 2010, there was an incident at CIRC where a detainee was held, against his will, by a group of detainees in a residential room and was subjected to an extended assault over a period of several hours. An investigation was undertaken by CIRC that established that a number of DCOs on the unit had been subjected to diversionary tactics by the group of detainees responsible for the assault which had contributed to a delay in identifying the incident. The victim did suffer injuries which required hospital treatment, and the Police did make arrests but the assault case did not proceed as the victim felt unable to give evidence.

This is very much an isolated instance at CIRC and the Board are content that CIRC responded appropriately to the incident and that the investigation was thorough and actions have been taken to reduce the risk of a recurrence.

Nevertheless, the Board are concerned that such an incident could go undetected for such an extended period.

6.4. Complaints

2010 is the first full year in which the Board have been provided with regular Management Information (MI) on complaints by UKBA. This is a welcome improvement, although there continue to be a number of issues with the information that is being supplied. The information is supplied in a spreadsheet that records all complaints processed by UKBA in relation to the IDE and utilises filters within the spreadsheet to be able to select complaints that relate to CIRC. The spreadsheet is large and cumbersome to operate, and no instructions have ever been provided by UKBA on how to get the most out of the information contained in the spreadsheets. Nevertheless, the Board does welcome the information which is a significant step forward from what was previously available.

During the year, some of the more useful information has been removed from the spreadsheets on the grounds of data protection, so the names of detainees and their reference numbers within the UKBA systems are no longer provided. Given that this information is always provided to the Chair of the IMB using the CJSM secure e-mail system, it is hard to understand what the data protection concerns may be, and this has certainly reduced the usefulness of the information to the Board. The spreadsheet does still provide a complaint reference number, so it is feasible from this to track down specific complaints via the UKBA office on site at CIRC, but this inevitably adds time and inconvenience for both the Board itself and the local UKBA team. The Board view this as another example of a general attitude within UKBA to treat the work of IMBs as an inconvenience and to make our role as difficult as possible, notwithstanding that we have a Statutory right to access all records affecting the detainees held at CIRC.

The Board recommend that the Minister ensures that UKBA do not use Data Protection legislation as an excuse to infringe on the Statutory Rights of Boards to be provided with access to all records affecting detainees held in the Centres that IMBs are responsible for monitoring.

An analysis extracted from the spreadsheets show that there were 467 complaints logged by detainees resident at CIRC during 2010, the monthly totals varied from a low of 24 and a high of 71 (August 2010) with a monthly average of 39.

The UKBA categorises the complaints into 3 Broad Groupings: -

- the largest by number are Service Delivery Complaints, which largely relate to the running of CIRC, and these accounted for 325 of the complaints registered. Within this group the largest complaint areas were Property (98), Medical (83), Poor Communication (40) and Accommodation (34);
- The second broad category is Misconduct Complaints which accounted for 110 of the complaints registered. This category covers complaints where the detainee feels that they have been treated unfairly, within this group the largest complaint areas were Unprofessional Conduct

(50), Criminal Assault (28), and Racism (22). Of the 110 complaints registered 34 were judged to be sufficiently serious to be referred to the UKBA PSU which would then carry out an independent investigation of the complaint. It should be noted that of the 34 complaints investigated by the PSU, none have been substantiated completely, 2 were partially substantiated, and 9 are still under investigation;

- The final broad category relates to other CSUs, which are effectively complaints by Detainees not about CIRC itself but about elements of UKBA handling their immigration cases. Within this category there were 32 complaints registered, and the vast majority of these related to Case Working Matters (26).

The Board is satisfied that complaints raised by detainees at CIRC are being handled effectively by UKBA, and that the trends emerging from complaints are consistent with the results of our own monitoring activities at CIRC.

6.5. Food

CIRC has operated throughout 2010 with a pre-select menu, which in the main has worked well throughout the year. There was a short period when due to difficulties with ordering of supplies that the menu options advertised to detainees were unavailable and had to be changed at short notice. This caused a degree of unrest in the detainee population but was quickly resolved by CIRC. Although detainees have a choice of meals each day, the Board do receive complaints that the variety over time is somewhat limited and that the choices do not cater for all tastes in a diverse and constantly changing population of detainees. The Board regularly sample the food on offer, whilst there are occasionally examples of food being under-cooked, in the main the food is properly cooked and appetising. The presentation is sometimes unappealing.

CIRC are investing in developing a Cultural Kitchen, which will enable different groups of detainees to periodically cook their own meals to their own tastes and to share the resultant meal with a group of their fellow detainees. This will hopefully go some way to addressing the feeling amongst detainees that the normal menus do not provide sufficient variety over time by giving detainees the opportunity to periodically plan their own menu. The building work for the Cultural Kitchen is now virtually complete, and the recruitment of a Cultural Chef was completed in January 2011. It is anticipated that this new facility will open during the 1st quarter of 2011. The Board very much welcome this initiative.

6.6. Accommodation

Generally the Accommodation at CIRC is of a good quality, and is well maintained. The Board do receive regular comments from detainees about the lack of fresh air in CIRC, particularly during the summer months, and the temperature in the rooms during the winter months. This is largely connected to the design of CIRC, there are no opening windows in rooms, and the heating and flow of fresh air is regulated through ducting into all the rooms. The mesh vents can become clogged and need to be cleaned regularly, and detainees do sometimes block vents into their rooms, which interfere with the flow of air/heat in CIRC. The Board acknowledge that during cold spells that CIRC do issue additional bedding to detainees on request and use portable heaters in the most badly affected areas of the building.

The Board continue to note regular breakdowns of laundry equipment on the units, and the equipment is replaced at regular intervals. The equipment installed is typically normal household equipment and the Board remains of the view that this type of equipment is not sufficiently robust for the intensive use required to service 66 detainees on each unit. CIRC are aware of these concerns but maintain that a high proportion of breakdowns result from damage caused by detainees and these issues would continue irrespective of the robustness of the equipment provided. There are plans for 2011 to introduce a laundry service run by the Detainees, which will hopefully lead to better treatment of the equipment and if this is successful the type of equipment may then be reviewed again.

The showers on the 4 main units were poorly designed and result in standing water accumulating on the landings in front of the showers. During 2010 CIRC has secured funding to replace the showers on the 4 main units and this work is currently underway and should be completed in early 2011. The Board would like to place on record our thanks for this action, which should hopefully address a long standing issue at CIRC.

6.7. Property

Concerns related to their property have remained reasonably static in terms of number of issues raised during the year, although as a proportion of the total this area has declined during 2010 and is now the fourth highest category of issues raised with the IMB at circa 11.5% of the total received. Whilst each case is unique, there are a number of recurring themes as follows: -

- The records maintained of detainees property are not always sufficiently detailed to avoid disputes. An example noted during 2010 was an entry recording "Bag containing various items" when a dispute arose with the detainee that his dictionary had gone missing it was impossible from this description to establish whether this had been one of the various items.
- Problems related to property, which is either lost in transit or lost by a previous IRC/Prison, are very difficult to resolve. CIRC do not see this

as their primary responsibility to resolve, and the other centres involved tend to be slow in responding. The Board recognise that members of the Welfare team at CIRC regularly contact other establishments on behalf of detainees and if unsuccessful will escalate the issues to Assistant Director level. However, there does not appear to be any mechanism in place for escalation of such issues beyond CIRC so that someone will take responsibility for resolving the issue to the detainees' satisfaction. Detainees are often left to deal with other Centres/Prisons themselves, which is difficult for them. This issue was previously raised in 2007, 2008 and 2009; the Board have not seen any noticeable improvement during 2010, the level of complaints escalated to the IMB continues to indicate that this remains an irritant to detainees.

6.8. Short Term Holding Facility

The STHF at CIRC comprises 40 rooms with bunk beds, housing up to 80 detainees. The accommodation is used to hold both Male and Female detainees. The accommodation is not designed to enable association between detainees, and detainees are locked in their rooms for long periods and have to be escorted to a small exercise area. These facilities are designed for short periods of detention, although CIRC and UKBA have the powers to hold detainees in the STHF for up to 7 days. The Board do not believe that detainees should be held for more than 72 hours in such facilities in all but exceptional cases, and are concerned that the STHF is being routinely used for holding detainees for periods of longer than 3 days.

The Board are also concerned about the use of the facilities to hold Female detainees. Because of the small number of females held in the STHF, the combination of restricted access to other facilities outside their rooms, and the fact that most other detainees in the STHF are male, means they can become isolated and depressed. There are plans to convert the VPU at CIRC into a separate area of accommodation for Females, and the conversion work has commenced and is expected to be completed by the end of March 2011. The Board strongly support the provision of separate accommodation for Females.

The Board consider that the regime in STHF is not appropriate for stays in excess of 72 hours, and strongly support the plans to discontinue the use of these facilities for detaining females, and providing a separate unit for detaining females.

6.9. Enhanced Unit

CIRC introduced the Enhanced Unit (ENU) in 2007 providing a more relaxed regime for detainees who have established a strong track record of co-operation and compliance. Originally the unit carried a number of additional facilities including continuous access to computers, wide screen TVs and games consoles. Due to improvements of facilities on the main units, these additional facilities are no longer a major attraction, the remaining benefits

being that rooms are not locked at night and the smaller size of the unit with 27 detainees makes it more relaxed than the main units.

As reported in previous Annual Reports, this unit has had a troubled history, with problems with the showers during 2008 and 2009, and problems with the toilets during 2009. During 2010 there have been problems encountered with unpleasant odours that took several weeks to resolve, and regrettably the showers have continued to cause flooding on the unit despite a number of attempts by CIRC to resolve the problems. The catalogue of problems encountered over a number of years, together with a general decline in standards and untidiness on the unit have left detainees feeling that the unit is not fulfilling the expectations that were anticipated.

Whilst the Board welcomed the concept of the ENU, the reality has not lived up to the expectations. **The Board would recommend that there is a re-launch of the ENU in order to re-set expectations for detainees, once the major refurbishments of the showers has been completed.**

6.10. Changes to Regime at CIRC

During 2010 Serco have been awarded a 2 year extension to the contract to manage CIRC. The contract extension introduced a number of changes to the SLA which enable Serco to manage the contract more effectively, and in particular the changes increased the night time lock up times which in turn enabled significant changes to the staff rosters at CIRC.

The new arrangements were introduced during October 2010, and the Board are pleased to report that the changes were introduced sensitively and in the main have been well received by detainees.

The introduction of the changes did create some uncertainty for staff at CIRC, a number were placed at risk of redundancy although the numbers who finally left following the re-organisation were small in number. Subsequent to the changes being implemented staff have taken a while to fully adjust to the new rotas but the issues appear to have been well managed by CIRC and have not resulted in any significant disruption to the operation of CIRC.

Part of the changes has resulted in a significant reduction in the size of the Welfare Team, on the understanding that DCOs on units will deal with many of the more straightforward issues that detainees were previously referring to the Welfare Team. The Board has some initial concerns that not all DCOs are fully accepting these wider responsibilities and will continue to monitor this aspect of the changes to ensure that detainees are not left without adequate support. (See 5.1 above)

The Board recommend that there is a review, by both UKBA and CIRC, of the changes implemented to the Regime at CIRC after 6 months, to validate that the benefits envisaged are being achieved and to ensure that there have not been unintended consequences affecting detainees.

7. THE WORK OF THE IMB

7.1. Board Statistics for 2010

Recommended complement of Board Members	16
Number of Board Members as at January 2010	11
Number of Board Members as at December 2010	10
Number of new members joining during 2010	1
Number of members leaving during 2010	2
Number of members on sabbatical during 2010	1
Number of Board Meetings during the Year	12
Average Number of Attendees at Board Meetings	7
Number of attendances at meetings other than Board meetings	38
Number of visits to IRC (inc. meetings)	279
Total Number of Concerns raised with the Board	434
Total Number of R40/42 Visits	77

7.2. Issues raised in requests to see IMB

Code	Subject	2009 No.	2009 %	2010 No.	2010 %
A	Accommodation	19	5.4	20	4.6
B	Rule 40/42	6	1.7	7	1.6
C	Diversity	23	6.5	11	2.5
D	Education	12	3.4	21	4.8
E	Family/Visits	15	4.2	19	4.4
F	Food/Kitchen	26	7.4	31	7.1
G	Health	44	12.5	84	19.4
H	Property	47	13.3	50	11.5
I	Detention/Immigration Status	97	27.5	85	19.6
J	Staff/Detainee	26	7.4	55	12.7
K	Transfers	28	7.9	38	8.8
L	Miscellaneous	10	2.8	13	3.0
	Total Number of Concerns Raised	353		434	

8. GLOSSARY OF ABBREVIATIONS USED

Abbreviation	Meaning
ACDT	Assessment, Care in Detention & Teamwork
CIRC	Colnbrook Immigration Removal Centre
DIAC	Detainee Information Activities Committee
ENU	Enhanced Unit
ESOL	English for Speakers of Other Languages
Ex FNP	Ex Foreign National Prisoner
HMCIP	Her Majesty's Chief Inspector of Prisons
IDE	Immigration Detention Estate
IMB	Independent Monitoring Board
IRC	Immigration Removal Centre
LNU	Last Night Unit
PSU	Professional Standards Unit
SLA	Service Level Agreement
STHF	Short Term Holding Facility
VPU	Vulnerable Persons Unit
UKBA	United Kingdom Borders Agency

Andrew Newell

Chair of the IMB,
February 2011

9. PROGRESS WITH PREVIOUSLY REPORTED MATTERS

Matter Reported in 2009 Report	Progress in 2010	Status for 2010 Report
<u>To the Minister</u>		
<p>The Board recommend that these issues be urgently escalated to Government Departments responsible for the provision of mental health care, to ensure that the relevant budgets exist to facilitate the provision of the appropriate psychiatric care in hospital.</p>	<p>UKBA plan accepted the recommendation in principle, and good progress has been made with referrals to specialist mental health units and there are no longer detainees in CIRC awaiting specialist beds, further to this Detention Services are examining ways to access in reach mental health care and providing better facilities for those awaiting referral in centres..</p>	<p>There has been a noticeable improvement during 2010, and the situation is now satisfactory. Matter Resolved</p>
<p>The Board recommend that the Minister satisfies himself that the increasing use of Charter Flights, and the desire by UKBA to avoid public protests, is not routinely leading to detainees receiving inadequate notice of their removal.</p>	<p>UKBA plan rejected this recommendation, asserting that they are providing adequate notice to all detainees on Charter Flights and this is evident in the requirement to provide charter flight detainees with 5 days notice as opposed to the regular 72 hours notice.</p>	<p>IMB has not identified new instances during the year. Matter Resolved</p>
<u>To the UKBA</u>		
<p>The Board recommend that where detainees are being held in detention for longer than 12 months that UKBA should consider providing a wider range of dental services.</p>	<p>UKBA accepted this recommendation. The existing service of only emergency pain relief was previously adequate whilst the resident population was transient. UKBA have recognised the need to improve service delivery and discussions are underway within UKBA for a possible contract modification. In the meantime only emergency treatment is being provided.</p>	<p>No progress has been made in 2010 to improving the situation for detainees, although UKBA have acknowledged that there is an issue. Matter Static</p>

Matter Reported in 2009 Report	Progress in 2010	Status for 2010 Report
<u>To the UKBA (cont)</u>		
The Board recommend that UKBA provide regular information on the number of detainees held for periods exceeding a year, and track the trends to ensure that any deterioration is brought to the attention of the Minister.	UKBA plan accepted the recommendation in principle, but their comments continue to claim that they are monitoring the position satisfactorily, although IMB have not received adequate MI in this respect.	The work carried out by IMB on long stayers, indicates that the problem is far more endemic than the MI received from the Centre would indicate and having raised this with UKBA locally they have not refuted our findings. Matter Deteriorating
The Board recommend that the Criminal Casework Directorate should ensure that those who have finished their prison sentences do not spend many more months/years in detention and in particular the more complex cases with periods of detention exceeding 12 months should be given a higher priority to achieve an early resolution	UKBA plan accepted the recommendation in principle. The UKBA do not wish to keep detainees for any longer than is necessary; however where detainees continually refuse to comply with the immigration process there is an inevitable lengthening of the period of time it takes to assemble the bio data necessary to affect their removal. A specialist team has already been assembled within CCD to concentrate on the 50 most difficult cases.	The long stayer review undertaken during the year does not confirm that all delays are due to non compliance with the process, although IMB accept this does occur in some cases. We should acknowledge the efforts been made within UKBA, but the numbers of long stayers are not declining, so more effort may be necessary. Matter Static
The Board still consider that the regime in STHF is not appropriate for stays in excess of 72 hours, and the use of these facilities for detaining Females should be reconsidered.	UKBA plan accepted this recommendation, the detention of females in STHF is being addressed through a Notice of Change for use of another part of the Centre (LNU/VPU) as the unit for holding females. Quotations have been received for these changes which are currently with Commercial for consideration.	Whilst progress has been made in advancing alternatives, until these are implemented females continue to be held in STHF. Matter Static

Matter Reported in 2009 Report	Progress in 2010	Status for 2010 Report
<u>To the Centre Manager</u>		
The Board recommend that CIRC review the induction material for detainees to ensure that access to medical facilities is better understood.	UKBA action Plan accepted this recommendation. A revised document was issued earlier in the year, and an induction package is being reviewed by Health Care Management which will be issued to all residents on initial reception. Review possibility of access to information within CIRC also to ensure that residents can access information.	Efforts have been made during the year to ensure detainees better understand how Healthcare facilities can be accessed Matter Improving
The Board recommend that Serco should approach UKBA to seek additional investment to enable the showers to be improved.	UKBA plan accepted the recommendation. Serco have secured funding to implement improvement to showers, which are currently underway.	Recommendation has been actioned Matter Resolved