



INDEPENDENT MONITORING BOARD

for

THE GLASGOW & EDINBURGH SHORT TERM HOLDING FACILITIES

ANNUAL REPORT

for the first the operational year

1ST FEBRUARY 2010 to 31 JANUARY 2011

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1. The establishment of the IMB

1.1 Following visits to the Short Term Holding Facilities in Glasgow and Edinburgh some years ago HM Inspector of Prisons had recommended that an IMB be established to monitor detainees at these Holding Rooms (Glasgow & Edinburgh Airports and the Reporting Centre at Festival Court in Glasgow). The Home Office Immigration Minister subsequently approved the establishment of a new Board and at the end of September 2009 appointed 11 members to it, all experienced members of Scottish Prison Visiting Committees.

1.2 Having no prior knowledge or experience of the management and operation of a Holding Room the Chair and Vice-chair of the IMB made a number of information-gathering visits during the period October 2009 through February 2010. These included visits to Manchester and Heathrow Airport Holding Rooms (conducted by the respective IMB Chairs in co-operation with the United Kingdom Border Agency (UKBA)), the Operational Centre in Scotland of G4S (the Detention & Escort contractors for UKBA), Dungavel Immigration Removal Centre, the Regional Director of UKBA at Festival Court, the UKBA facilities at the two airports and the Reporting Centre and the custody suites at St Leonards Police Station in Edinburgh and Livingston. All those to whom they spoke were unfailingly helpful. The Chair circulated written Reports of these visits to members of the IMB.

1.3 The IMB has no "home" and, being peripatetic, meets monthly at a hotel on Glasgow Airport. Because there is no fixed office where any papers can be kept or inspected the Board agreed that all communication between members and with the IMB Secretariat, UKBA & G4S be electronic and that all records be maintained electronically. A Visit Report template was designed for the purpose. All the members use the secure cjsm e-mail system. Visits Reports are submitted to the Chair who distributes them to all members fortnightly or so, with copies to UKBA and G4S and to the IMB Secretariat. The Chair maintains the records on a computer and keeps back-up copies of all relevant material on an external hard disk.

1.4 The IMB held its first Board meeting in December 2009 when instructional presentations were made by staff from UKBA and G4S..

1.5 As a condition of being issued with Airside Passes, essential for monitoring at the two airports, members underwent mandatory General Security Awareness Training (GSAT) and Fire Evacuation Training at the airports in December 2009. BAA issued the Passes in January 2010 and the IMB became operational on 1 February 2010.

1.6 On dates during 2010 the Chair and Vice-chair attended residential courses arranged by the IMB Secretariat to train them in the skills and competencies required of those two office holders. The Board Development Officer (BDO) attended a training course for BDOs. The whole Board received training from IMB trainers in early 2010. Members have attended Foundation Courses.

1.7 The BDO has arranged a number of training presentations which are generally given at the start of our monthly meetings.

1.8 Representatives of UKBA and G4S have come to all our Board meetings to comment on any issues which have arisen during visits made to the Holding Rooms during the previous month.

1.9 Three members of the IMB resigned during the period of this report. We expect shortly to advertise for new members to bring the number of members up to establishment.

2. The Role of the IMB

2.1 The duties of IMBs appointed to monitor Short Term Holding Facilities are not yet laid down in statute but the general principles of independent monitoring apply as they have been developed in Immigration Removal Centres (IRCs) and prisons.

2.2 Fundamentally, the role of the IMB is to monitor the welfare of those in detention by observing their treatment and the environment in which they are detained. Members have unrestricted access to all detainees and to all designated immigration Facilities. They are free to make unannounced visits and to speak in private to any detainee in custody (where it is deemed safe to do so). They do not become involved in the immigration status of those in detention unless there are reasons to doubt the legal continued detention of individuals.

2.3 A visits rota of members has been established for each of the three Facilities and intimated to each of UKBA and G4S. Currently four members visit Glasgow Airport and the Reporting Centre and the other four Edinburgh Airport. They will each make at least one visit during their rota week. Members of each group are expected to visit the Facilities monitored by the other group at least once a year.

2.4 During visits members pay attention to the interaction between staff and detainees, the environment in which detainees are held, the manner in which staff handle situations, the maintenance of satisfactory records about the detention and the provision of services such as food and healthcare available to detainees. They also monitor removals from the Facilities at airports, through the boarding gates and across the apron to the steps of an aircraft, and the manner in which they are conducted. They may also monitor custody vehicles and are empowered to accompany detainees to the IRC at Dungavel or to police custody suites if they consider that to be necessary or desirable.

2.5 Members will respond to serious incidents arising at the Facilities.

3. Glasgow Airport

3.1 Overview:

3.1.1 The Holding Room area is situated airside adjacent to the Immigration Control desks at International Arrivals, on the floor below the Immigration Officers' office. It consists of a small staff area manned by two G4S Detainee Custody Officers (DCOs), two interview rooms, the Holding Room proper, and a single male and female (shared) toilet of generous size with adjacent washroom facilities. G4S operates the suite under contract from UKBA and DCOs are on duty daily from 08.00 until 20.00 hrs. Detainees are not kept in the Holding Room overnight. If they are not landed (conditionally or unconditionally) they will be transferred to Dungavel IRC or to a police custody suite.

3.1.2 There is a drinks machine (hot and cold drinks) and microwave oven in the area and a telephone is available for use by detainees.

3.1.3 There is no natural light in the Holding Room area and detainees have no access to fresh air. They are not permitted to smoke. There are no showers or beds although blankets, pillows and towels can be provided.

3.1.4 Seating is reasonably comfortable and there is reading material in various languages for both adults and children, including The Bible and the Koran. A prayer mat can be provided on request.

3.1.5 The Holding Room was inspected by HM Inspectorate of Prisons in January 2009. Reference should be made to the Report for the Inspectors' comments and recommendations.

3.2 Operational experience & detainee numbers:

3.2.1 The IMB is pleased to record that detainees are respectfully and efficiently looked after both by UKBA and G4S staff. The DCOs are professional and friendly, an attitude which helps generate a relaxed atmosphere, albeit some detainees are naturally anxious and distressed. Whenever members have had questions for UKBA and G4S the staff have invariably responded quickly and positively. There have been no complaints from detainees against any UKBA staff or G4S DCOs.

3.2.2 Members of the IMB speak to detainees to explain their role and the feedback has invariably been positive so far as detainees' treatment and welfare is concerned.

3.2.3 The number of detainees held in the Holding Room in the period covered by this Report is shown in the Statistics (Section 8).

3.3 Issues:

3.3.1 Smoking - see Issues in Common (Section 6)

3.3.2 Male & female DCOs – see Issues in Common (Section 6)

3.3.3 Notices in foreign languages – see Issues in Common (Section 6)

3.3.4 Written reasons for detention – see Issues in Common (Section 6)

4. Edinburgh Airport

4.1 Overview:

4.1.1 The previous Holding Room was inspected by HMIP in February 2008 and found to be completely unfit for purpose. Since then a completely new Holding Room has been designed and constructed. It is located adjacent to International Arrivals in a suite below the Immigration Officers' office. It is manned by two G4S DCOs from midday until midnight daily. Like the one at Glasgow Airport it is a non-residential Facility.

4.1.2 The Holding Room area consists of a spacious control room occupied by the DCOs with an observation window into the main Holding Room. That room is for the use of male detainees but will be used for females if no male is detained at the same time. A door from that room leads into a second, and much smaller, room which is for female adults and children. Both rooms are provided with a TV and extensive reading material in various languages, including the Bible and Koran. The smaller room has a baby-changing table which folds against the wall and toys and books for children. G4S have provided information booklets currently in 11 languages.

4.1.3 There are two cubicles where detainees are searched and a lockable cupboard for their property.

4.1.4 There are separate male and female toilets but they are both accessed from within the male Holding Room. The toilets themselves are very modern and up to date but neither contains a shower. Disabled detainees in wheelchairs can access the staff toilet in the control room.

4.1.5 Neither of the two Rooms has a bed although it is possible to lie along the bench seating beside the tables. Blankets and pillows are available if requested.

4.1.6 There is a drinks machine and microwave cooker. Hot and cold food is provided in the form of dry packs and meal packs. If a detainee wants food of a type which is not stocked the DCOs will go landside and purchase it at G4S expense.

4.1.7 Although in the original planning the new Holding Room was to have had natural light this was not implemented, so although the Rooms are bright there is no natural light. Detainees have no access to fresh air and they are not permitted to smoke. The whole area is well ventilated, artificially, with trunked heating and air conditioning.

4.1.8 A CCTV system covers the whole area and monitor screens are located in the DCOs' control room.

4.1.9 The Rooms are cleaned daily by contractors and are kept very clean and tidy.

4.1.10 A corridor separates the Holding Room from two UKBA interview rooms and a fingerprint room. One of the interview rooms contains a phone from which access to interpreters can be obtained using the Big Word system.

4.2 Operational experience & detainee numbers:

4.2.1 The members' general experience at Edinburgh Airport is similar to that at Glasgow Airport (Section 3.2.1 and 3.2.2 above) and need not be repeated here.

4.2.2 The number of detainees held in the Holding Room in the period covered by this Report is shown in the Statistics (Section 8).

4.3 Issues:

4.3.1 Smoking – see Issues in Common (Section 6)

4.3.2 Male & female DCOs – see Issues in Common (Section 6)

4.3.3 Notices in foreign languages – see Issues in Common (Section 6)

4.3.4 Written reasons for detention – see Issues in Common (Section 6)

4.3.5 CCTV: The recording system was broken and out of operation for almost 6 months so there was no record of anything which happened in the whole Holding Room area during that period. This was in our view a serious security issue as there could be no recorded evidence of any disturbance or incident. Without that independent evidence neither DCOs nor detainees could be protected from potential allegations of mistreatment. We brought the matter to the attention of UKBA continuously from May onwards and were disappointed that it took until October for the fault to be rectified.

4.3.6 Proximity Passes: To enable them to access the Holding Room area Members are able to use their Airside Passes to get through a door adjacent to the Immigration Control desks at the UK Border in International Arrivals. Thereafter, to gain entry to the UKBA suite which houses the Holding Room, they originally had to ring a bell or, if they were carrying a mobile phone (which some members do not), phone either G4S DCOs or UKBA staff to have someone come and open the doors. There were occasions when no one answered the door bell for over five minutes and members felt that they should not be phoning the DCOs as that would have defeated the object of making an unannounced visit. So we asked UKBA if the members could be issued with Proximity Passes which would enable them to open a number of doors and get right through to the Holding Room without troubling UKBA or G4S staff. UKBA were very reluctant to agree to this request. It was claimed that security considerations would not allow of this (although the cleaner had such a

pass and could enter the Holding Room unsupervised). After we had raised the issue repeatedly over several months the four Edinburgh members were eventually issued with passes, for which they are very grateful as they are now able to access the Holding Room much more conveniently and quickly.

4.3.7 Unlocked doors: To obtain access to the Holding Room four doors, designed to be kept locked electronically, need to be negotiated. On several occasions some of the locks have been faulty or doors left open. On one visit it was possible to get through all the doors without having to use an Airside Pass or UKBA Proximity Pass and at least in theory a detainee might have been able to exit the Holding Room and get landside and away from the airport. In particular, the first door adjacent to the UK Border control desks is very flimsy and its lock has been faulty several times during the period of the Report. We have recommended that a more secure door and lock be fitted.

4.3.8 Public visibility of detainees: Detainees who are removed from the Holding Room to Dungavel IRC have to be taken to the escort vehicle partly in the open air immediately adjacent to the see-through wire fence which separates airside from landside. Members of the public can observe the detainees and, potentially, communicate with them from the adjacent public pavement. Whilst this is not a major issue we have recommended that UKBA, in association with the airport operator, BAA, erect a screen along the fence at this point for the short distance which has to be walked to where the escort vehicle can gain access.

4.4 HMIP Inspection:

4.4.1 HMIP made an unannounced follow up inspection of the Holding Rooms on 12 April 2010. The inspectors consulted the IMB Chair before doing so to ascertain if there were any matters of current concern to the IMB. The inspectors' draft Report containing a number of recommendations was sent to the Chair to check for its factual accuracy and the Chair responded appropriately. It was thereafter published. The IMB learned (only in December 2010) that a draft Service Improvement Plan (SIP) had then been circulated to UKBA and G4S for comment and that a final version was approved by the Minister in August 2010. Regrettably, the draft had not been sent to the IMB as an interested party, so the IMB did not have the opportunity of commenting on it at that stage. The IMB has since discussed the SIP with both UKBA and G4S.

5. The Reporting Centre, Festival Court, Glasgow

5.1 Overview:

5.1.1 The Holding Room is located in Building No 2 of a complex of three modern buildings occupied by UKBA at Festival Court, Brand Street, Ibrox, Glasgow. The Reporting Centre is where persons who have been temporarily admitted to the UK and are resident in Scotland are required to report periodically. Some of them are asylum seekers awaiting decisions about their status. The Holding Room is used to detain persons who are called to the Reporting Centre for removal from the UK, are taken there after enforcement visits or who may be brought to the Reporting Centre from Dungavel IRC for interview. Members of the IMB gain access to the Holding Room after first entering the complex by Building No 1 where they pick up a Proximity Pass at Reception which allows them to pass through the buildings.

5.1.2 The Holding Room area consists of a control room occupied by two G4S DCOs on one side of which there is an observation window overlooking the Holding Room itself. The Holding Room is manned from 09.00 until 17.00 Monday to Friday. It is a non-residential Facility.

5.1.3 There is no drinks machine but hot drinks can be provided using a kettle and there are cartons of cold water in the fridge. There is stock of snacks and meals. A microwave oven enables meals to be heated. The TV set in the Holding Room is controlled by the DCOs from outside the Holding Room.

5.1.4 The Holding Room itself is quite small. It contains 6 hard individual plastic seats fixed to the floor close to a table, such that it is impossible for a detainee to lie down. Members have observed detainees lying on the floor trying to sleep. The room contains two toilets which are cubicles in each corner of the back of the Room, one male and one female. During the whole of the period of the Report they were completely unsuitable and offered no privacy to the users in that they were open at the top (the partitioning did not reach the ceiling), there was a substantial gap at the bottom of the doors and the toilet bowls have no seats and are metal, so that there is no noise insulation. They were thus devoid of dignity for the users.* There is no separate male and female accommodation. If persons of the opposite sex are detained at the same time the female (usually) has to be put into a side room which is not specifically designed for the purpose. There is a baby-changing table which was originally sited directly above a radiator, making it too hot to touch, far less change a baby on. After we had made representations about this the table was re-located to the wall at the back of the room. (* After months of pressure from the IMB and repeated assurances from UKBA that changes would be made substantial improvements were at last carried out in April 2011. A soft bench has now been placed at the rear of the room, making it possible for one detainee to lie down but, unfortunately, it is too short for anyone who is taller than medium height. The toilet

partitioning now extends to the ceiling and the gap at the foot of the doors has been lowered, but our other criticisms persist).

5.1.5 Like the two other Holding Rooms which the IMB monitors there is no fresh air and smoking is not permitted. There is no natural light.

5.2 Operational experience & detainee numbers:

5.2.1 The members' general experience at Festival Court is similar to that at Glasgow Airport (Section 3.2.1 and 3.2.2) and need not be repeated here.

5.2.2 The number of detainees held in the Holding Room in the period covered by this Report is shown in the Statistics (Section 8).

5.3 Issues:

5.3.1 Smoking – see Issues in Common (Section 6)

5.3.2 Notices in foreign languages – see Issues in Common (Section 6)

5.3.3 Written reasons for detention – see Issues in Common (Section 6)

5.3.4 The Holding Room facilities – see 5.1.4 above

5.3.5 Advance notification of removals: On many visits by members there were no detainees in the Holding Room. To give members a better prospect of encountering detainees we asked UKBA if they would give us advance notification of planned removals, proposing that members could phone in to the DCOs at the beginning of their rota week to ascertain if any removals were planned for that week. We initially encountered resistance to the proposal, apparently on the ground of security although we had made it perfectly clear that we did not wish to know the identities of those who were to be removed. Eventually, after we had been pressing the issue for several months, UKBA agreed to the proposed procedure.

6. Issues common to the three Holding Rooms

6.1 Smoking: We have frequently made the point that it is unfair and unreasonable that DCOs can leave the Holding Rooms and go outside to smoke but detainees can not. Detainees may have arrived at the airports off long haul flights (where, of course, no one is permitted to smoke) and if they are smokers the evidence is that if they are then detained in a Holding Room for some hours it can be very stressful for them. We appreciate that smoking is not permitted airside by the airport operator and have suggested that some form of artificial cigarettes be available at cost or otherwise for the benefit of detainees. Such products are available. We are told both by UKBA and G4S that this would not be possible. We are not satisfied that there is any will or desire on the part of either body to seek to find a solution to the problem in the interests of the welfare of the detainees in their custody. So far as Festival Court is concerned it is not airside and there is a door to the outside of the Holding Room where a detainee could smoke under supervision by a DCO.

6.2 Male & female DCOs: Normally there is a male and female DCO on duty in the Holding Rooms but there have been a number of occasions when the two DCOs have been of the same sex, making a full search of a detainee of the opposite sex impossible. Where that has occurred the search by DCOs will either be relatively superficial using an electronic wand or assistance may have to be sought from UKBA Immigration Officers who are not obliged to provide it or will have to be obtained from the control centre at Cambuslang which will arrange to provide a DCO of the same sex as the detainee to carry out a full search. That inevitably results in a considerable delay in dealing with the detainee as Cambuslang is an hour's driving distance from Edinburgh Airport, less from the two Holding Rooms in Glasgow. Thus a detainee may be kept in custody for longer than may otherwise be necessary.

6.3 Access to fresh air: At none of the Holding Rooms do detainees have access to fresh air. At Edinburgh Airport and Festival Court there are places where they could have such access, under DCO supervision, but this has not been permitted.

6.4 Notices etc: We have pressed UKBA continually to print Notices and Complaint forms in Spanish & Portuguese. The unchallenged statistics have demonstrated that many of the detainees held at Edinburgh Airport in particular are from South America. UKBA have claimed that they cannot afford to translate these documents but they would not allow the IMB to arrange for the translation either because such translations would not meet UKBA standard. (Since 31 January 2011 UKBA have agreed to translate Complaint Forms into the two additional languages but we are unclear if this will extend to the information notices lining the walls of the Holding Rooms in the 11 "usual" languages).

6.5 Written reasons for detention: The forms IS81 and IS91 are only in English. Some detainees with little or no English may be unclear why they are being detained

and we recommend that translations of the forms be available in the 11 “usual” languages plus Spanish & Portuguese.

6.6 Legal advice: Notices have recently been posted in the Holding Rooms informing detainees, in the 11 “usual” languages, that they can phone a number in England for legal advice. Excellent though the notice is it would be helpful if phone numbers of Scottish immigration lawyers could be displayed either on or adjacent to the poster. We know that there is a separate A4 notice on the other side of the room giving the phone number of the Law Society of Scotland but it would be better if the details of specialist immigration lawyers were displayed.

7. Other matters

7.1 The Short Term Holding Facilities Rules: The IMB was informed in March 2010 that Rules would be issued by UKBA later that year, a draft having been circulated during 2009 (before the IMB was established). That did not happen. Rules are now promised for later in 2011. We trust that they will indeed be so issued as they are long overdue.

7.2 The contract between UKBA & G4S : The IMB would like to see that part of the contract which specifies the contractor's duties in relation to the Holding Rooms. We have several times asked for this and twice been sent a redacted copy but the specification in each case was deleted. We have stressed that we do not wish or need to see anything which is commercially confidential or sensitive (eg rates), merely what it is that the contractor is bound to deliver. In terms of the Memorandum of Understanding recently signed between the IMB National Council and UKBA the IMBs are entitled to have access to the relevant information and now that UKBA has entered into a new Detention and Escort contract with Reliance effective 1 May 2011 we hope that the information will be provided soon.

7.3 Consultation on the detention of families with children: During the consultation in June 2010 the IMB submitted a response.

8. Statistics

8.1 Members at the start of the reporting period	11
8.2 Members at the close of the reporting period	8
8.3 Board meetings held	11*
8.4 Member attendances at Board meetings	91
8.5 Visits to Glasgow Airport	60
8.6 Visits to Edinburgh Airport	71
8.7 Visits to Festival Court	53
8.8 Detainee movements at Glasgow Airport	303
8.9 Detainee movements at Edinburgh Airport	224
8.10 Detainee movements at Festival Court	165

* The meeting in December 2010 was cancelled because snow conditions made travel impossible

9. Summary

9.1 This is the first Annual Report of the Board set up at the end of 2009. We have now been operational for over 12 months during which time our knowledge and experience has grown. Despite our highlighting some issues and making some recommendations we have found both UKBA and G4S to be committed to the welfare of the detainees held in custody in the Holding Rooms. The Rooms are well and professionally managed by caring DCOs: and we have at all times had full, if sometimes belated, co-operation from UKBA and G4S at all levels. We thank them for that.

Bruce Logan
Chairman, IMB for the Glasgow & Edinburgh Short Term Holding Facilities

May 2011