

ANNUAL REPORT

2011



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, 2009 and 2010.

Independent Monitoring Board at Colnbrook IRC

Annual Report 2011

2. CONTENTS

| | | |
|-------|--|-----------|
| 1. | <i>STATUTORY ROLE OF THE INDEPENDENT MONITORING BOARD</i> | <i>i</i> |
| 2. | <i>CONTENTS</i> | <i>ii</i> |
| 3. | <i>DESCRIPTION OF COLNBROOK IMMIGRATION REMOVAL CENTRE AND SHORT TERM HOLDING FACILITY</i> | <i>1</i> |
| 4. | <i>EXECUTIVE SUMMARY AND RECOMMENDATIONS</i> | <i>2</i> |
| 4.1. | Progress of Recommendations made in the 2010 Annual Report | <i>2</i> |
| 4.2. | Recommendations in this report | <i>2</i> |
| 5. | <i>CORE AREAS TO BE REPORTED ON</i> | <i>5</i> |
| 5.1. | Diversity / Equality | <i>5</i> |
| 5.2. | Learning and Skills | <i>6</i> |
| 5.3. | Healthcare and Mental Health | <i>6</i> |
| 5.4. | Safer Custody | <i>8</i> |
| 5.5. | Segregation/Separation Units | <i>8</i> |
| 6. | <i>OTHER AREAS OF CONCERN FOR THE BOARD</i> | <i>10</i> |
| 6.1. | Monitoring of Customs Suite at Colnbrook | <i>10</i> |
| 6.2. | Length of Detention | <i>10</i> |
| 6.3. | Night Time Movements to Heathrow Airport..... | <i>13</i> |
| 6.4. | Complaints/Customer Service Application Process | <i>15</i> |
| 6.5. | Reception Processing Time | <i>15</i> |
| 6.6. | Food..... | <i>16</i> |
| 6.7. | Accommodation | <i>17</i> |
| 6.8. | Property | <i>18</i> |
| 6.9. | Short Term Holding Facility..... | <i>18</i> |
| 6.10. | Staffing Levels | <i>19</i> |
| 7. | <i>THE WORK OF THE IMB</i> | <i>20</i> |
| 7.1. | Board Statistics for 2011 | <i>20</i> |
| 7.2. | Issues raised in requests to see IMB..... | <i>20</i> |
| 8. | <i>GLOSSARY OF ABBREVIATIONS USED</i> | <i>21</i> |
| 9. | <i>PROGRESS WITH PREVIOUSLY REPORTED MATTERS</i> | <i>22</i> |

3. DESCRIPTION OF COLNBROOK IMMIGRATION REMOVAL CENTRE AND SHORT TERM HOLDING FACILITY

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 an Assessment & Integration Unit (AIU), which houses vulnerable detainees who are being assessed before integration into CIRC. 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 300 male detainees and 8 female 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. During 2011, in order to provide better facilities for female detainees, a dedicated unit has been established called the Rose Unit (RU) (8 beds), adjacent to the Healthcare Centre on the 1st Floor. This provides a much more suitable environment for females and is staffed by female DCOs. Finally, there is an Enhanced Unit (ENU) (27 beds), which is situated on the top floor of the separate Reception and Visitors block, which incorporates 9 triple rooms, and has a more relaxed regime than the main units including direct access to IT facilities. The gym, education facilities etc. are timetabled so that all units get a turn each day.

The STHF has 40 twin rooms fitted with bunk beds, on the ground and first floors. 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. During 2011, the ground floor has been used as a First Night / Last Night Unit, and the first floor has been converted to an Induction Unit with a more relaxed regime where the doors to rooms remain unlocked for most of the day and greater access is provided to the activities in the main IRC.

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 1,000 per month, with the majority of these being through the STHF.

4. EXECUTIVE SUMMARY AND RECOMMENDATIONS

This is the seventh report from the Independent Monitoring Board of Colnbrook IRC, covering the year 2011 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. During the year there has been a gradual reduction in the proportion of ex-Foreign National Offenders at CIRC to around 50% which has had a positive impact on the centre. The Management have also relaxed the regime to allow greater cross unit association for detainees during the day which has improved the overall atmosphere in CIRC.

4.1. Progress of Recommendations made in the 2010 Annual Report

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

There has been good progress on half the recommendations raised in our previous report which are now considered resolved. However, the Board have been disappointed in the lack of progress on our other recommendations particularly as some of these have now been raised in several annual reports, see Appendix 1 for further explanation. 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

The recommendations set out below follow the chronology of sections 5 & 6, the order in sections 4.2.1, 4.2.2 and 4.2.3 does not indicate any order of importance. The Board views all these recommendations as being significant.

4.2.1. Recommendations to the Minister

1. The Customs Suite at Colnbrook is currently not subject to any independent monitoring. Following a recommendation from HMCIP in relation to the UK's National Preventive Mechanism, we understand that plans are being made by Government to instigate monitoring of customs custody facilities. The IMB at Colnbrook would be willing to undertake this monitoring if that is deemed appropriate. **The Board recommend that arrangements are made as quickly as possible to independently monitor the Customs Suite at Colnbrook.**
(Section 6.1)

4.2.2. Recommendations for UKBA

2. The Dental service provided within the current contract only relates to emergency treatment, and there is no provision of regular dental check ups. This particular issue has been raised in our two previous annual reports, although the recommendation has been accepted in principle by UKBA in both years, the dental provision has remained unaltered. **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)
3. The Healthcare facilities at CIRC are not suitable for providing maternity care. The detention of pregnant females at CIRC is consequently problematic, and should be avoided if at all possible. **The Board recommend that UKBA review their policy on the detention of pregnant females as it appears that inconsistent practices could be developing across the IDE.** (Section 5.3)
4. The use of R40 can be sanctioned beyond the 14 days stipulated within the Detention Centre Rules by senior personnel within UKBA. On a small number of occasions during 2011, this has resulted in detainees being kept in R40 for considerably longer periods. **The Board recommend that senior management in Detention Services apply increased scrutiny to the use of R40 at CIRC, to minimise the instances where the Detention Centre Rules are exceeded, and to ensure that appropriate support is provided to the local UKBA team to enable effective management of the more problematic cases.** (Section 5.5)
5. High level statistics are compiled by UKBA on the length of time that detainees have been held in detention. However, it remains difficult to extract the total time in detention on individual cases. **The Board recommend that information on the total time in detention of individual detainees is routinely made available to the UKBA team based in each IRC.**(Section 6.2)
6. Property disputes with previous custodial establishments, are often difficult for detainees to resolve at a distance. They can often become protracted and there does not appear to be anyone who will intervene on behalf of the detainee. **The Board recommend that UKBA should provide a mediation mechanism to resolve long standing property disputes which cannot be resolved within a reasonable timescale by detainees.** (Section 6.8)
7. The SLA at CIRC in relation to staffing levels is ineffective as it measures the staffing levels during a shift changeover. **The Board recommend that those drafting and negotiating contracts within UKBA make more use of Contract Monitors to ensure that SLA's are appropriate for the relevant establishment.** (Section 6.10)

4.2.3. Recommendations for Centre Manager

8. A review in November 2011 highlighted unacceptably long times to process detainees through the reception process and to be housed in their allotted accommodation. **The Board recommend that there should be an agreed service level to house detainees within their accommodation within 90 minutes of arrival at CIRC.** (Section 6.5)
9. Less experienced DCO's can be less effective at dealing with detainees requests at the first point of contact. **The Board recommend that training for DCO's reinforces the need to take responsibility for detainees legitimate requests and to aim to resolve these requests at the first point of contact.** (Section 6.10)

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.

During 2011, CIRC has also introduced a "Buddy" scheme, where a team of detainees are trained to help other detainees, particularly those new to the Centre, to get the most out of the facilities available at CIRC. An office has been provided for the "Buddy" scheme on the 1st floor activities corridor.

CIRC holds a weekly DIAC meeting to deal with Domestic issues such as food, and a Main DIAC meeting each month which pulls together any trends from the weekly meetings and any wider issues affecting the centre. The Board welcomes these meetings, which are useful in identifying potential issues at an early juncture directly from the detainees.

CIRC provides regular 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 introduced a Cultural Kitchen in July 2011, this facility enables detainees to cook their own meal and then share this with their friends amongst the detainee population. There is a Cultural Chef who oversees the facility and provides advice to the detainees. This has proved to be an extremely positive development in CIRC during 2011, and the facility is well utilised by detainees. 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 1.2% of the issues raised with the IMB in 2011 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 certain skills if they so wish.

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

The Centre has continued to utilise a team of detainees to paint a variety of murals in the corridors and association areas around CIRC. These have considerably lightened the mood in the Centre and made it a less inhibiting place, as well as enabling a group of detainees to utilise their considerable artistic skills. Plans are also being developed to provide Graffiti walls in the exercise yards to encourage detainees to express themselves, the idea being that these walls will be painted over periodically.

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 and Rose Unit have dedicated facilities, which are available for longer periods. The IMB have expressed some concerns during 2011 that the number of PC's with internet access has been steadily reducing as damaged PC's have been taken out of service.

CIRC have continued to make efforts during 2011 to increase detainee access to ESOL classes and to promote the use of the Arts & Crafts facilities, including the introduction of photography. There is also a well equipped Music Room which is well utilised by detainees, and twice a week this room is used as a radio station within the centre.

There has been a marked reduction in the number of issues raised with the IMB during the year to 2.1% (2010 4.8%), recognising the efforts made during the year to enhance these facilities within CIRC.

5.3. Healthcare and Mental Health

Healthcare is provided on site by SERCO Healthcare. 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. Whilst the process is reasonably straight forward, the IMB

still come across cases where detainees experience difficulty in accessing the Healthcare service.

Medication is distributed by Nurses to the units twice a day. The detainees have to remember to attend to obtain their medication at the appointed times, and do on occasions forget. There was also an incident during the year where a Nurse left the medication trolley unattended and unlocked which led to some detainees obtaining unauthorised medication. Whilst no serious damage was caused by this incident, it could potentially have led to serious consequences.

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

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 in 2010, the situation in relation to patients with severe mental health problems has been significantly improved.

The Dental service provided within the current contract only relates to emergency treatment, and there is no provision of regular dental check ups. There continue to be cases 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, and are disappointed that having raised this issue in the previous two Annual Reports, that no action has yet been forthcoming to address this concern.

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.

CIRC is primarily a centre for the detention of Males, although the introduction of the Rose Unit has introduced 8 permanent bed spaces for females and in addition females can be held within the STHF. The IMB have become concerned during 2011 about the detention of pregnant females at CIRC. There have been a number of cases during the year where CIRC has been asked by UKBA to detain pregnant females in the latter stages of their pregnancy. For much of the year CIRC was refusing to accept pregnant females beyond 28 weeks of their pregnancy, although later in the year this was extended to accepting pregnant females up to 32 weeks. The healthcare facilities within CIRC are not suitable for the treatment of pregnant females, there are no trained midwives in the healthcare team and the IMB remains concerned that should a pregnant female experience any complications, or enter premature labour, that the healthcare facilities would not be adequate.

The IMB also became aware of a pregnant female being refused entry to CIRC, in order to be assessed and treated, if necessary, at Hillingdon Hospital prior to being accepted. However, she was taken back to Heathrow Airport by the escorting contractor and forced to endure a night in holding rooms there which are not equipped with beds or shower facilities. Whilst this particular issue does not relate directly to CIRC, it is perhaps indicative of the lack of guidance available from UKBA on the appropriate detention of pregnant females.

The Board recommend that UKBA review their policy on the detention of pregnant females as it appears that inconsistent practices could be developing across the IDE.

The Healthcare team at CIRC has been much more settled during 2011 and despite the demanding nature of these jobs the IMB has observed an improvement in morale within the team during 2011. This is welcomed by the Board.

There continues to be a high level of concerns raised with the IMB by detainees in relation to healthcare matters: around 18% (2010 19%), the second highest category of concern raised with the IMB.

5.4. Safer Custody

The Assessment, Care in Detention, and Teamwork (ACDT) procedures have applied to CIRC throughout 2011. 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. 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 25 - 35 being opened each month, most for relatively short periods.

There have been two deaths in detention at CIRC during 2011. Both happened during July and are currently subject to investigation by the PPO. It would be premature to comment on these two cases until the investigations are completed.

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 an Assessment & Integration Unit (AIU).

During 2011 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 into R42/R40. In addition the IMB receives copies of all incident reports relating to R42/R40 movements within 24 hours. In the main the process is satisfactory although the Board have identified a small number of 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. In weeks where there are no detainees confined to R42, the duty member will 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 less than 10 uses per month.

The average stay in R40 is around two days, this regime is used more extensively with the monthly range of usage varying between 27 and 78. However, these averages mask a small number of exceptions where detainees have remained in R40 for much longer periods, and in some cases have exceeded the 14 day maximum requiring specific permission from UKBA under the Detention Centre Rules. The Board is satisfied that the cases exceeding 14 days have been appropriately escalated by the local UKBA team for permission to exceed the DC Rules.

The Board acknowledge that CIRC is dealing with a difficult population of detainees resulting in a number of very difficult cases involving dirty protests, behavioural and mental health issues, and individuals refusing to share rooms. In the early part of 2011 there were a number of detainees who 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 was 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, and to isolate detainees who are a potential danger to themselves and other detainees, the time frames involved remain a real concern.

The Board recommend that senior management in Detention Services apply increased scrutiny to the use of R40/42 at CIRC to minimise the instances where the Detention Centre Rules are exceeded, and to ensure that appropriate support is provided to the local UKBA team to enable effective management of the more problematic cases.

6. OTHER AREAS OF CONCERN FOR THE BOARD

The following areas have been recurring themes noted from the Board's activities during 2011.

6.1. Monitoring of Customs Suite at Colnbrook

In our first Annual Report in 2005, the Board highlighted that there is a separate Customs Suite within the Colnbrook building, which is not subject to any independent monitoring activity, and recommended that there should be Ministerial consideration on whether there was a need for independent monitoring of those facilities. At that time we were assured that it was up to HM Treasury to provide adequate monitoring. However, Customs custody suites came under the remit of UKBA over a year ago and as far as the Board are aware, there continues to be no independent monitoring of this facility.

The Board have noted that in the introduction to the recently published 2nd Annual Report of the UK's National Preventive Mechanism for 2010 – 11, that Nick Hardwick, Her Majesty's Chief Inspector of Prisons, commented "The government has considered our recommendation and plans are being made to instigate the monitoring of court custody in England & Wales, and customs custody facilities."

The Board welcomes this positive development. As there is already an established IMB on the Colnbrook Site, the Board would be happy to provide independent monitoring of the Customs Suite if that is deemed appropriate.

The Board recommend that arrangements are made as quickly as possible to independently monitor the Customs Suite at Colnbrook.

6.2. Length of Detention

The Board have raised this issue in our previous three Annual Reports and made recommendations which have been acknowledged as relevant in principle but in practice there has been little noticeable improvement at CIRC.

The Board has noted from UKBA published quarterly statistics, that the number of detainees in detention in excess of 1 year fell from 255 as at 31 December 2010 to 180 as at 30 September 2011, so clearly some progress is being made overall.

As reported in 2010, 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, which was reported in our 2010 Annual Report. The broad conclusion was that from a statistically significant sample 27% of the population had been in detention for over 1 year. This compared with only 19 detainees in detention over 12 months identified by the CIRC records. The latest UKBA published information for Q3 2011 indicates that 6.2% of the total detainee population as at 30 September 2011 had been in detention for over 12 months.

From the work completed in July 2010, 42 detainees were identified as being in detention for over 12 months utilising both the CIRC records and the wider sample taken by the IMB. An analysis has been undertaken of these 42 detainees at the end of 2011 to ascertain what has happened to them since. It was not possible to obtain information on 3 of the detainees, the table below sets out the results for the remaining 39 detainees; -

| Status of Detainee | No. | % | Average Time in Detention |
|--|------------|-------------|----------------------------------|
| Released into Community through Temporary Admission, Bail or Restriction Order | 19 | 48.7% | 2 years 5 months |
| Still in Detention | 6 | 15.4% | 3 years 9 months |
| Removed from UK | 14 | 35.9% | 2 years 5 months |
| Total | 39 | 100% | |

What these findings show, is that a significant proportion of these detainees 48.7% have subsequently been released back into the UK Community having been held on average for 2 years 5 months in detention. As these individuals are now considered to be safe to be released into the community, it does beg the question of why it took the UKBA caseworkers so long to come to this conclusion. There is clearly a considerable cost incurred to keep individuals in detention and the current approaches may not be delivering the best value for money.

These figures also demonstrate that of this cohort of detainees detained in excess of 1 year, only 36% have subsequently been removed from the UK, a further 18 months later. UKBA published statistics for Q3 2011 demonstrate that 62% of all detainees leaving detention during that quarter were removed from the UK. It would appear that those with little chance of being removed are still being held in detention indefinitely and that these cases are not receiving sufficient priority in order to bring them to a timely resolution. It should also be noted that 15% of these detainees remain in detention having been held for an average of 3 years 9 months, with the longest stay of over 6 years. The Board remain concerned that there is a significant minority of detainees within the Immigration Detention Estate who are being held for excessive indeterminate periods.

The Board continue to receive conflicting explanations from UKBA on the availability of information on long stayers. In response to our recommendation last year we are informed that this is already routinely provided, and indeed the UKBA publishes quarterly statistics that demonstrate that at the end of Q3 2011 there were 180 detainees in the IDE who had been detained for more than 12 months, and of those leaving the IDE during Q3 2011 there were 97 detainees with stays exceeding 12 months. Clearly therefore this information is collated centrally but when we have asked our local UKBA team for information on all detainees resident at CIRC who have been in detention over 1 year, they have been unable to provide this information. The local UKBA team do now report the top ten longest stayers located at CIRC on a monthly basis, but state that they do not have the resources to provide accurate information on length of detention across the whole population resident at CIRC.

The top ten stayers at CIRC at the end of December 2011, reported to the Board by the local UKBA team are summarised in the following table: -

| Nationality | Time in Detention | Status of Case |
|------------------------------|--------------------------|---|
| Algeria | 6 years 1 day | Awaiting Emergency Travel Documents. |
| Sierra Leone | 4 years 219 days | Awaiting Emergency Travel Documents. |
| Democratic Republic of Congo | 4 years 32 days | Awaiting Emergency Travel Documents. Dispute over nationality |
| Iran | 3 years 10 days | Awaiting Emergency Travel Documents. |
| Zimbabwe | 2 years 335 days | Awaiting setting of removal directions |
| Zimbabwe | 2 years 279 days | Awaiting Emergency Travel Documents. |
| Gambia | 2 years 6 days | Awaiting Emergency Travel Documents. |
| Democratic Republic of Congo | 1 year 355 days | Awaiting setting of removal directions |
| Zimbabwe | 1 year 253 days | Awaiting Emergency Travel Documents. |
| China | 1 year 246 days | Awaiting setting of removal directions |

The Board remain concerned that the statistical information prepared centrally is not being effectively disseminated to the teams managing the detention estate and without this information UKBA cannot adequately prioritise their resources to manage the detention population. Given the high costs of keeping people in detention this may be leading to ineffective use of resources, and may not represent best value for money.

The Board recommend that information on the total time in detention of individual detainees is routinely made available to the UKBA team based in each IRC.

6.3. Night Time Movements to Heathrow Airport

In our 2010 report we identified a number of concerns with the night time movements to Heathrow Airport. In addition there was a change of Escorting Contractor in May 2011 from G4S to Reliance. Consequently during 2011 we have undertaken two further reviews of these movements (January & July) and from this analysis we have concluded that there has been a significant improvement since 2010 and that all of the night time movements to Heathrow are now being undertaken within the agreed Service Level Agreements (SLA's)

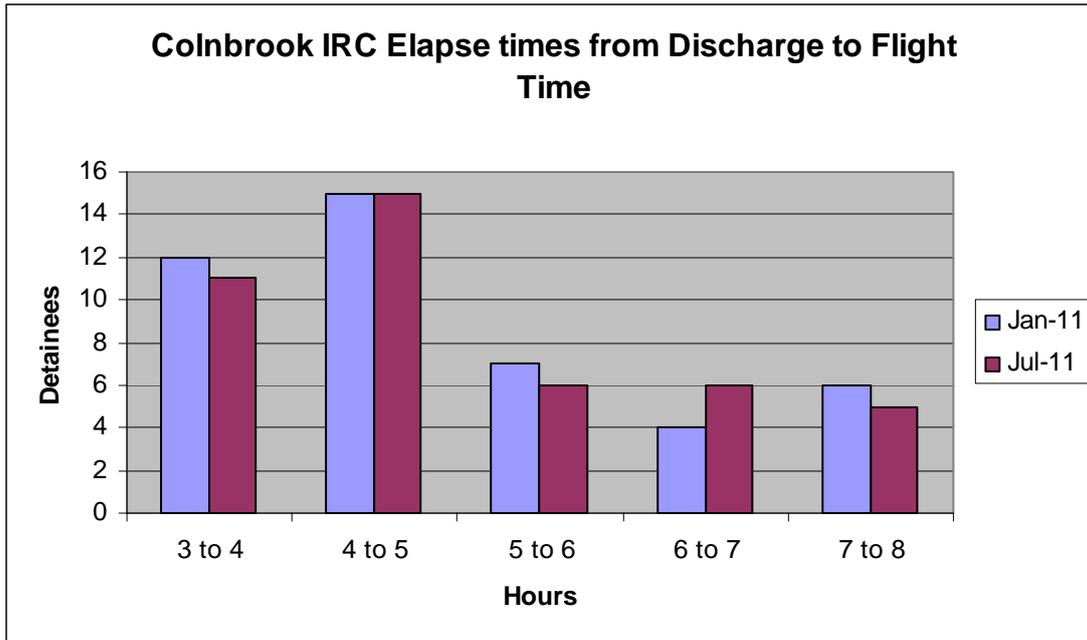
The following tables summarise the Movements to Heathrow compared to total movements: -

| July 2011 | All Movements | Movements to Heathrow | % Heathrow to ALL |
|--------------------------------|----------------------|------------------------------|--------------------------|
| All Movements Out – No. | 1023 | 412 | 40.27% |
| Night Time Movements | 358 | 228 | 63.69% |
| % Night Time to All | 35.00% | 55.34% | |

| January 2011 | All Movements | Movements to Heathrow | % Heathrow to ALL |
|--------------------------------|----------------------|------------------------------|--------------------------|
| All Movements Out – No. | 889 | 405 | 45.56% |
| Night Time Movements | 325 | 202 | 62.15% |
| % Night Time to All | 36.56% | 49.88% | |

The above tables clearly demonstrates that the movements to Heathrow account for a greater proportion of the night time moves in both months, than the total moves from CIRC, and by a considerable margin in both periods. 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 night movements to Heathrow, and with the assistance of the UKBA team at Colnbrook to ascertain the flight times for a sample of 44 (January 2011) and 43 (July 2011) 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 the Centre, and that CIRC is within a couple of miles drive of Heathrow.



In terms of the average times from the July sample population, the median elapse time is 4 hours 38 minutes, and the mean average is 4 hours 48 mins. For the January cohort, the median elapse time is 4 hours 50 minutes, and the mean average is similar, which indicate a fairly normal distribution for both samples.

There is little difference between the two samples, which would indicate that the change in provision of the Escorting service from G4S to Reliance has not affected the overall service provided in this respect. On the basis of the samples extracted it is probable that all of the arrivals at Heathrow will have met the SLA of arriving between 3 and 7 hours before their flight. In both samples there are no departures from CIRC more than 8 hours before their flight.

The Board continue to believe that the upper limit of the SLA of arriving at Heathrow 7 hours before the flight, is inappropriate for CIRC which is situated so close to Heathrow Airport. We can understand why the SLA has been established at this level where a long road journey is envisaged to cater for potential hold ups en-route, but for departures from CIRC we feel an upper limit of 4 hours before the flight would be more appropriate.

6.4. Complaints/Customer Service Application Process

The number of formal complaints raised by detainees at CIRC using the UKBA DCF9 forms has traditionally been high. During 2010 there was an average of 44 complaints per month with a low of 26 and a high of 71 (August 2010). There was some improvement in H1 2011, with an average per month of 33, a low of 22 and a high of 42.

CIRC introduced a new Customer Service Applications Process in September 2011, which is designed to generate a response to detainees within 24 hours of their request. The introduction of this system, which does not preclude the use of DCF9s, has resulted in a significant reduction in DCF9 complaints, indicating that the new process has resulted in a general increase in satisfaction of the residents. In the four months of 2011 that the new process operated, complaints have fallen to an average of 13 per month, with a low of 10 and a high of 16.

Serco have undertaken an analysis of the system in its first 4 months of operation, these demonstrate that 2/3rds of all requests are property related, a further 10% are Finance related requesting movements of detainees cash resources, 10% relate to requests to move rooms within CIRC, and 10% relate to the need for destitute clothing.

The Board welcome the introduction of the Customer Service Application process, which has significantly reduced formal complaints within CIRC, and it is also interesting that issues raised with the IMB also fell to its lowest level in Q4 2011, which also signals a general improvement in the level of satisfaction of detainees within CIRC.

6.5. Reception Processing Time

On 10 November 2011 Board members monitored detainees being admitted into the Centre from the van arriving through the reception process to being allocated rooms in STHF. The elapse time for two detainees from arrival at CIRC to room allocation was around 5 hours, and this is viewed by the Board to be excessive. Our observation was that Detainee Reception was understaffed for the number of detainees being processed. We understand from UKBA that there is an SLA within the contract with Serco but this only covers the time to register the detainee into the CIRC system and does not extend to the time it takes to house the detainee. The IMB observation from the day was that there was no urgency to move the detainees from the reception area into an allocated room, and clearly this aspect of the process is not covered by the SLA. Detainees were provided with a lunch but only after staff were prompted by IMB members.

Subsequent to the full day monitoring, an extract was obtained of all the admissions on 10 November, including the time of arrival in CIRC, and using the CMS system, times were extracted for the times that rooms were allocated. On 10 November there were 29 admissions, however, 6 of these

were internal transfers, and of the remaining 23, 5 were females and 18 were males. The table below summarises the elapse times from arrival at CIRC to allocation of a room on the 10 November.

| | Lowest | Highest | Mean | Median |
|--------------------|---------------|--------------------|--------------------|--------------------|
| Internal Transfers | 2 minutes | 23 minutes | 9.67 minutes | 5 minutes |
| Females | 39 minutes | 78 minutes | 54 minutes | 57 minutes |
| Males | 31 minutes | 6 hours 24 minutes | 3 hours 37 minutes | 3 hours 43 minutes |

It is encouraging that the Female detainees were all processed promptly, with average elapse times under an hour, and the highest elapse time only 18 minutes over the hour. Clearly it is feasible within the processes available to achieve elapse times of around 1 hour, which makes the times applicable to the male population all the more unacceptable. The average elapse times are over 3 ½ hours, with the maximum elapse time of nearly 6 ½ hours, which is wholly unacceptable. Again the minimum elapse time of 31 minutes demonstrates what is feasible within the process.

Subsequent to these findings, SERCO have undertaken a full review of the reception process using LEAN techniques and have implemented a revised process. In addition an Assistant Director is now housed in the reception area so that decisions can be taken more rapidly if issues are emerging. The Board are pleased with the robust and prompt action taken to address the initial findings, we will continue to monitor progress on this issue during 2012.

The Board recommend that there should be an agreed service level to house detainees within their accommodation within 90 minutes of arrival at CIRC.

6.6. Food

CIRC has operated throughout 2011 with a pre-select menu, which continues to work well.

There was a NOMS Catering Inspection during August, which identified a number of shortcomings and resulted in an unsatisfactory rating. A follow up inspection towards the end of September showed significant improvement and has reinstated the rating to satisfactory, and a further review in January 2012 has confirmed that all the issues identified in August 2011 have now been addressed.

In the first half of the year, there was utilisation of detainees undertaking paid work in the Kitchens under the supervision of full time catering staff. This had the benefit of involving detainees in the food preparation process, gave all detainees access to individuals involved in the food preparation, and created a feedback loop which enabled food to be made suitable for the tastes of the detainees. An initiative by UKBA to ensure that maximum levels of pay for detainees were applied across the IDE resulted in the detainees formerly

engaged in this paid work withdrawing their services as they did not feel that their contribution was being adequately rewarded.

This then coincided with a large increase in complaints about the food, and Board monitoring during the Autumn confirmed a general deterioration in the quality of some of the food on offer.

Serco responded quickly to the issues raised, the Domestic DIAC meetings were moved to being held weekly, the menus were completely revamped with input from the residents and UKBA have approved the use of up to 10 detainees in the Kitchens working on longer shifts for 2 or 3 days per week, in order to remain within the UKBA guidance on paid work for detainees. These actions have resulted in detainee satisfaction with the food returning to previous levels.

6.7. 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. Towards the end of the year, CIRC trialled a new laundry service on one of the units, with a detainee being paid as a laundry attendant who is responsible for keeping the laundry clean and tidy, and washing and drying other detainees laundry on a first come first serve basis. The pilot also included installing an industrial standard washing machine more suited to coping with the quantity of washing generated by 66 detainees on a unit. The Board welcome this initiative, and following a successful pilot this approach is now being rolled out to the other units in 2012.

The showers on the 4 main units have all been replaced in 2011 which has addressed the issue of standing water accumulating on landings in front of the shower blocks. The Board welcome this improvement.

6.8. Property

Concerns related to their property have fallen during the year in absolute terms but have increased as a proportion of the total to 13.2% (2010 11.5%) and is the third highest category of issues raised with the IMB.

As mentioned under 6.4 above, the new Customer Service Applications Process has made a considerable improvement to the management of property matters that are internal to CIRC and this aspect is operating much better at the end of 2011 than it was earlier in the year. The Board welcome these improvements.

However, the issue of property that has been lost either in transit or at a previous IRC/Prison continues to cause difficulties for detainees, and these issues often remain intractable. The Board has been dealing with the case of a Chinese detainee who was transferred to CIRC in August 2010, and some of his possessions went missing en-route. The detainee does not speak very good English and has found it difficult to explain what happened, and after numerous attempts by welfare to resolve the case with his previous IRC we advised him to make an official complaint using a DCF9. This was rejected by UKBA because he was deemed to be out of time, i.e. it was over 12 months since he arrived at CIRC. This reinforces the perception that there is nobody within UKBA who is prepared to assist detainees who through no fault of their own have lost some of their possessions.

Detainees are often left to deal with other Centres/Prisons themselves, which is difficult for them. This issue was previously raised in 2007, 2008, 2009 and 2010; the Board have not seen any noticeable improvement during 2011, the level of complaints escalated to the IMB continues to indicate that this remains an irritant to detainees.

The Board recommend that UKBA should provide a mediation mechanism to resolve long standing property disputes which cannot be resolved within a reasonable timescale by detainees.

6.9. 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 was not originally 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.

During 2011, CIRC has made efforts to improve the regime in the STHF. It has split the accommodation into a First Night/Last Night Unit (FN/LN) on the ground floor which operates on the original basis with detainees being locked in rooms until they have been properly risk assessed. The 1st floor has been softened by allowing the doors to remain unlocked and allowing the detainees

freedom to associate with each other. There is also a small lounge where detainees can associate together.

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 FN/LN facilities in all but exceptional cases, and welcomes the initiative to make the 1st floor more flexible and welcoming.

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. Whilst in the main females are now housed in Rose Unit, which is a great improvement, there have been a small number of occasions when there are more than 8 females in CIRC where the only alternative is to hold them in the FN/LN accommodation within STHF.

6.10. Staffing Levels

On the 10 November the Board conducted a full day intensive monitoring of CIRC. This enabled the Board to test the staffing levels across the whole centre at different points in the day. In the main we would say that DCOs were stretched at most times and some DCOs cope better than others. There is a tendency for less experienced DCOs to pass the buck, particularly when they are already busy they will signpost detainees elsewhere, but often the detainees find that they just get passed around with nobody prepared to take responsibility for resolving their issue. Our observation is that many of the issues being passed around could easily be addressed at the first point of enquiry which would considerably improve the detainee experience.

The Board recommend that training for DCOs reinforces the need to take responsibility for detainees' legitimate requests and to aim to resolve these requests at the first point of contact.

The Board discussed the staffing levels with the UKBA Contract Monitor, and we understand that the only SLA in place is the level of staffing in CIRC at 2pm each day. That timing is unfortunate, because the shift handover is taking place at that time, so in essence two shifts are on site and it is unlikely therefore that the staffing levels will ever be compromised at that time. UKBA need to consider more carefully the setting of SLAs in the contract and should ideally agree the SLAs with the Contract Monitor who is best placed to advise on the practicality of the measures being used.

The Board recommend that those drafting and negotiating contracts within UKBA make more use of Contract Monitors to ensure that SLAs are appropriate for the relevant establishment.

7. THE WORK OF THE IMB

7.1. Board Statistics for 2011

| | |
|---|-----|
| Recommended complement of Board Members | 16 |
| Number of Board Members as at January 2011 | 10 |
| Number of Board Members as at December 2011 | 10 |
| Number of new members joining during 2011 | 1 |
| Number of members leaving during 2011 | 1 |
| Number of members on sabbatical during 2011 | 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 | 51 |
| Number of visits to IRC (inc. meetings) | 316 |
| Total Number of Concerns raised with the Board | 325 |
| Total Number of R40/42 Visits | 88 |

7.2. Issues raised in requests to see IMB

| Code | Subject | 2009 No. | 2009 % | 2010 No. | 2010 % | 2011 No. | 2011 % |
|------|------------------------------------|-------------|-----------|-------------|-----------|-------------|-----------|
| A | Accommodation | 19 | 5.4 | 20 | 4.6 | 22 | 6.8 |
| B | Rule 40/42 | 6 | 1.7 | 7 | 1.6 | 6 | 1.9 |
| C | Diversity | 23 | 6.5 | 11 | 2.5 | 4 | 1.2 |
| D | Education | 12 | 3.4 | 21 | 4.8 | 7 | 2.1 |
| E | Family/Visits | 15 | 4.2 | 19 | 4.4 | 10 | 3.1 |
| F | Food/Kitchen | 26 | 7.4 | 31 | 7.1 | 29 | 8.9 |
| G | Health | 44 | 12.5 | 84 | 19.4 | 58 | 17.9 |
| H | Property | 47 | 13.3 | 50 | 11.5 | 43 | 13.2 |
| I | Detention/Immigration Status | 97 | 27.5 | 85 | 19.6 | 90 | 27.7 |
| J | Staff/Detainee | 26 | 7.4 | 55 | 12.7 | 22 | 6.8 |
| K | Transfers | 28 | 7.9 | 38 | 8.8 | 27 | 8.3 |
| L | Miscellaneous | 10 | 2.8 | 13 | 3.0 | 7 | 2.1 |
| | Total Number of Concerns Raised | 353 | | 434 | | 325 | |

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,
March 2012

9. PROGRESS WITH PREVIOUSLY REPORTED MATTERS

| Matter Reported in 2010 Report | Progress in 2011 | Status for 2011 Report |
|---|--|--|
| To the Minister | | |
| <p>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.</p> | <p>UKBA plan accepted the recommendation in principle, stating that a review of current access is being conducted to ensure every effort is made to allow the IMBs the access they require. Detention Services will provide access to all records requested by the IMB in line with Data Protection legislation.</p> | <p>There has been some progress on this issue during 2011, although tensions do emerge from time to time in this respect. Whilst it is not currently impinging on the effectiveness of the Board, it remains a concern that satisfactory arrangements have yet to be fully established.</p> <p style="text-align: center;">Matter Improving</p> |
| <p>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.</p> | <p>UKBA plan accepted this recommendation in principle, but the response merely confirmed that in their opinion UKBA already do this so no further action was necessary</p> | <p>If comprehensive information is retained it is not shared with the IMB and requests to the local UKBA team at CIRC have only resulted in them giving us information on the top ten stayers as they maintain extracting information for all detainees is too onerous.</p> <p style="text-align: center;">Matter Static</p> |
| To the UKBA | | |
| <p>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.</p> | <p>UKBA accepted this recommendation in principle, they outlined their current practice in this area and UKBA believe that this addresses the recommendation. Consequently no changes have been made.</p> | <p>In essence UKBA are accepting that there will be instances where DC rules are exceeded and they have put in place an escalation mechanism for authorising such breaches.</p> <p style="text-align: center;">Matter Static</p> |

| Matter Reported in 2010 Report | Progress in 2011 | Status for 2011 Report |
|--|--|--|
| To the UKBA (cont) | | |
| <p>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.</p> | <p>UKBA plan accepted this recommendation, and committed to reviewing this service for a possible contract modification. This review is still ongoing.</p> | <p>UKBA accept the need to address this recommendation, but no action has been forthcoming in the last 12 months. In the meantime detainees being held for periods longer than 12 months are still not receiving anything other than emergency treatment. Matter Static</p> |
| <p>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.</p> | <p>UKBA plan accepted the recommendation in principle. The UKBA merely reiterated that CCD IOs do attend CIRC on a regular basis and that they do prioritise the more difficult cases. There has been no commitment to extend the service, and even some suggestions that the service may be curtailed or withdrawn, although to date this has not happened. UKBA consider the matter completed.</p> | <p>It is unlikely in the current financial climate that this service will be extended, and there may be some pressure to curtail the service further in 2012. Matter Static</p> |
| <p>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.</p> | <p>UKBA plan accepted this recommendation. There was further work undertaken in 2011 that explained some of the anomalies that we identified in 2010, and 2 further analyses in 2011 have indicated that the issues are much improved and operating within existing SLAs.</p> | <p>The situation is much improved during 2011, the Board has undertaken two further samples during 2011 which have confirmed that the vast majority of movements are achieved within existing SLA's Matter Resolved</p> |

| Matter Reported in 2010 Report | Progress in 2011 | Status for 2011 Report |
|---|---|---|
| <u>To the UKBA (cont)</u> | | |
| <p>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.</p> | <p>UKBA plan accepted this recommendation. There was further work undertaken in 2011 that explained some of the anomalies that we identified in 2010, and 2 further analyses in 2011 have indicated that the issues are much improved and operating within existing SLAs.</p> | <p>The situation is much improved during 2011, the Board has undertaken two further samples during 2011 which have confirmed that the vast majority of movements are achieved within existing SLA's</p> <p style="text-align: center;">Matter Resolved</p> |
| <p>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.</p> | <p>UKBA accepted this recommendation, and opened the Rose Unit in March 2011 to address the concern</p> | <p>Recommendation has been actioned</p> <p style="text-align: center;">Matter Resolved</p> |

| Matter Reported in 2010 Report | Progress in 2011 | Status for 2011 Report |
|--|--|---|
| <u>To the Centre Manager</u> | | |
| <p>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.</p> | <p>UKBA action Plan accepted this recommendation in principle. There was no specific review of the new arrangements, as envisaged in our recommendation. UKBA/Serco maintain that there is ongoing review through the Contract Monitor arrangements and the DIAC meetings that happen regularly in CIRC. Consequently this recommendation is viewed as being completed by UKBA.</p> | <p>Whilst there has not been a formal review, it is accepted that the Contract Monitor does review the arrangements on an ongoing basis and the IMB monitoring does also pick up any ongoing issues. Matter Resolved</p> |
| <p>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.</p> | <p>UKBA plan accepted the recommendation. Serco have undertaken a review of ENU and have made improvements to the regime in order to re-establish a differential over the normal unit regimes. These have included later lock up times, and longer periods of access to the IT facilities, and upgrades to the TV/Electronic games on the unit. Other improvements are also being progressed including kitchen enhancements.</p> | <p>Recommendation has been actioned Matter Resolved</p> |