



Independent Monitoring Board

Harmondsworth Immigration Removal Centre

Annual Report 2011

Monitoring fairness and respect for people in custody

March 2012

THE STATUTORY ROLE OF THE IMB

Every prison and immigration removal centre (IRC) has an independent monitoring board made up of members of the public from the community in which the prison or IRC is situated. IMB members have access to all parts of the establishment they monitor and to all its records, and can speak to any prisoner or detainee. They are unpaid volunteers who are appointed by ministers – in the case of IRCs by the Minister for Immigration. This board monitors the Harmondsworth Immigration Removal Centre, near Heathrow.

The board is specifically charged to:

1. Satisfy itself as to the humane and just treatment of the detainees held in the centre.
2. Inform promptly the Minister of State for borders and immigration, or any official to whom he has delegated authority, any concern it has.
3. Report annually to the Minister on how far Harmondsworth IRC has met the standards and requirements placed on it – and what impact these have on those held in the centre.

Harmondsworth IMB is committed to an inclusive approach to diversity which encompasses formally recognised differences, such as race, religion, gender, disability, sexual orientation etc. and differences that cut across these categories, such as mental health or literacy levels.

We will endeavour to carry out our duties in a way that makes us accessible to all detainees, regardless of their background or situation and to monitor that all are being treated equally and fairly.

Could you be an IMB Member?

Being an IMB member is rewarding, challenging (and frequently frustrating). It offers a way to make a real difference to people held in custody and to observe, challenge and hold the system to account.

The board also values diversity within its own membership, recognising that a group with a range of skills, experiences and backgrounds is better placed to monitor effectively. We will endeavour to recruit board members widely and fairly in a manner that makes us welcoming both to traditional constituencies and to those who have historically been under-represented.

We are currently a team of 12 people and have vacancies for extra members.

If you are interested in joining us, please contact the Vice Chair, Eleanor Griffiths, at imb.recruitment@gmail.com.

Section 2

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Section 3

DETENTION AT HARMONDSWORTH IRC DESCRIBED

In June 2010 Harmondsworth Immigration Removal Centre (IRC) became the largest immigration detention centre in Europe with a capacity to accommodate up to 615 men.

It is located near Heathrow airport and is run, on behalf of the UK Border Agency, by GEO, an American-owned company which also runs Dungavel IRC in Scotland (since September 2011).

In addition to being the largest, Harmondsworth is arguably the most complex IRC in the country. It has two very distinct styles of accommodation – 250 detainees can be housed in the two older hostel-style units and a further 365 in the four newer, prison-style, residential units. The centre has the most extensive healthcare facilities in the immigration estate and it is a Fast Track centre (see below).

The report on an unannounced inspection carried out by HM Inspectorate of Prisons in November is awaited. At the start of the inspection the IMB provided the team leader with the findings of our monitoring. We also sat in on interviews conducted as part of the Independent Chief Inspector of Immigration's study of Detained Fast Track.

3.1 A Fast Track Centre

Harmondsworth is the principal centre for male Fast Track cases. Fast Track is a speeded-up asylum process for people whose cases the UK Border Agency (UKBA) believes it can determine quickly. Fast Track asylum seekers are held in detention to make it easier for UKBA to keep track of them and to process their cases quickly.

A Fast Track detainee should have his main immigration interview within a week of arriving in Harmondsworth, although this is not always the case, and receive a decision the next day. He then has two working days to lodge an appeal.

3.2 Who is detained?

Around 40% of Harmondsworth's population, at any one time, will be asylum seekers on the Fast Track process.

About 30% are people with a criminal record who are transferred from prison into detention at the end of their sentences, pending deportation. These foreign national ex-prisoners (Ex-FNPs) have committed crimes of varying seriousness. Some, for example, were imprisoned for document offences, such as using forged papers to work illegally; others have committed more serious offences.

The remaining 30% or so of detainees are a mixture of people that UKBA considers have no entitlement to stay in the UK, such as visa overstayers, unsuccessful asylum applicants, illegal entrants or people who have violated the terms of their visas, for example by working.

Pakistani, Afghan and Indian detainees were among the top five nationalities represented in Harmondsworth throughout 2011. Other nationalities strongly represented were Nigerian, Chinese and Bangladeshi.

3.3 Accommodation and regimes

All detainees should start out in the induction and departure unit (Fir), which has prison-style accommodation. GEO's intention is that they remain there for a few days only. Following an induction and a risk assessment they are moved on to one of the other residential units; low risk to the hostel accommodation (Dove and Cedar Units); higher risk to the prison style accommodation (Ash, Beech and Gorse Units). Detainees are generally moved back to Fir Unit just before leaving the centre, especially if going on a charter flight.

In both parts of the centre accommodation is typically in two-bedded rooms which contain televisions.

The prison-style accommodation is built to Category B prison standard so the cells have heavy doors containing an observation window. There is a washbasin inside the room and a toilet, with no seat, behind partial screening. Showers with three-quarter doors (so head and lower legs are visible) are located off corridors. Detainees are locked into their cells from 22.00 hrs to 07.00 hrs.

Detainees in the hostel-style accommodation can move freely between their two units during the day and at night are restricted to their own corridor of about 20 rooms. They have access to two courtyards – one large (with seating provision at one end) in which games of cricket or football can be played and one planted as an attractive garden with a water feature and sitting areas (gardening is carried out by detainees, under supervision). Detainees in Ash and Gorse houses share a courtyard suitable for outdoor games; those on Beech Unit have their own outdoor space. Games are also organised by the activities staff in the sports hall.

During the year GEO worked hard to search out ways of managing the centre more effectively and efficiently. By the end of the year detainees from across all six residential units had access, on a timetabled basis, to gym equipment, shop, barber, education classes (art, English and computing), and a library. There has been a welcome willingness to experiment to find the best way of operating a facility the design of which was not well suited to its purpose.

All detainees have access to multifaith rooms and the internet on their own units.

Elm Unit houses 5 cells for detainees who are temporarily confined or removed from association (Rules 40 and 42 of The Detention Centre Rules). If more detainees need to be confined additional cells are available in both Dove unit and Fir unit.

3.4 Healthcare

The costs of healthcare (pharmacy, nursing, GP's, dentist, psychiatrist) are paid for through UKBA's contract with GEO and subcontracted by GEO to a specialist provider. The NHS provides secondary care mainly through Hillingdon Hospital where use is made of the A&E department, referrals to specialists including mental health, the sexual health outpatients clinic and TB services.

Harmondsworth is the only IRC that has healthcare wards and one of only two that provides a methadone reduction programme. Healthcare issues are, therefore, likely to be more prominent at Harmondsworth than in other IRCs.
(for an assessment see Section 5.3)

We are pleased to note that healthcare policy In IRCs will become the responsibility of The Department of Health in 2012 and that there will be a progressive handing over of the commissioning of healthcare from UKBA and its contractors to the NHS.

3.5 Arrivals and departures

Over 6,000 people were detained in Harmondsworth during 2011.

Of these:

43% came from a port or airport

24% came from prison or police custody

33% had been transferred from another detention centre

Of those who left the Centre:

55% were removed from the country

20% were released into the community (granted bail or temporary admission)

25% were transferred to another detention centre, prison or police cell

21 detainees were discharged to hospital.

It can be seen from these figures that a large number of detainees are transferred between detention centres. There are a number of reasons for this: detainees placed onto Detained Fast Track are transferred to Harmondsworth for the asylum application to be decided and transferred elsewhere when awaiting removal, detainees are transferred in for removal on charter flights, disruptive detainees are moved around detention centres, and some detainees are moved to Harmondsworth because of the available in-patient medical facilities. We are pleased to note that the percentage of detainees leaving Harmondsworth who are transferred to another detention centre has reduced from 33% in 2010 to 25% in 2011.

The removal of detainees on charter flights has become a regular occurrence, with between two and four flights per month. Some charter flights are organised by the UK Government and some by the European Union. EU flights may have multiple pick-up points e.g. picking up from a number of IRCs and then in different European countries. In July one of our members monitored a charter flight travelling with detainees from Harmondsworth to Afghanistan. (see Section 6.1)

3.6 Length of detention

It proved difficult to obtain any figures from UKBA on total lengths of detention of those in Harmondsworth (as opposed to periods in the Centre) so one of our members carried out a study in August, searching laboriously through individual computer records. He looked at 498 records (87% of the total population) and discovered that 39 detainees (8% of the sample) had been in detention for over a year. Of these, 18 had actually been in detention since 2009 or earlier. From the study it would seem that the countries that UKBA had most difficulty returning people to are Algeria, China, Congo, Eritrea, Iraq and Somalia.

Information from tracking the longest serving detainees at Harmondsworth often shows that they are eventually released. We are aware of one detainee from Zimbabwe, who had been in prison, who was first in immigration detention in October 2006 and eventually released into the UK community at the end of December 2011.

Home Office published statistics show that of the 27,112 people who left all detention establishments in 2011, 368 had been detained for more than 12 months. Of these only 37% were removed from the UK.

(See <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/immigration-asylum-research/immigration-q4-2011/> and follow through to Detention Excel Table dt05).

We hope that the establishment of UKBA's Returns Directorate in 2011 will spur the Agency into ensuring that detention is only used where there is a realistic possibility of removal in a reasonable period of time.

3.7 UK Border Agency at Harmondsworth

There are two entirely different and separate teams of UKBA staff on site. The larger is a team of case-workers and support staff for the Detained Fast Track process, who deal exclusively with the asylum cases of Fast Track detainees.

The second is a small team which is part of the Removals Directorate within UKBA. It has responsibility, on behalf of the Immigration Minister, to oversee the contracted services provided by GEO and the welfare of all detainees. It has no hand in immigration casework but acts as the main conduit of information between caseworkers located around the country and detainees, since direct communication is rare after someone enters detention.

The two UKBA teams are physically separate, operating in different parts of the building with different entrances.

Section 4

EXECUTIVE SUMMARY

4.1 Overall judgement

In our monitoring we are particularly mindful of the vulnerability of many detainees and have focused some specific monitoring accordingly. Members of the board have looked at long-stayers in detention, access to legal services, the use of segregation (removal from association or temporary confinement), children in detention, prevention of self-harm and care plans, and detainees in healthcare.

Generally we find that a relaxed and respectful relationship exists between staff and detainees. This is the foundation of providing care to all but especially to the vulnerable.

In this report we detail our concerns and highlight areas of progress:

- Healthcare remains poor but with some signs of improvement during 2011
- 4 teenagers under 18 were detained in this adult establishment in 2011
- In 5 cases it took Hillingdon Social Services more than a month to undertake age assessments
- People who are mentally ill may be detained and may see-saw between a healthcare ward and the segregation unit
- Duration of detention is unknown and not automatically reviewed by the courts
- Detention can be for lengthy periods
- Rule 35 of The Detention Centre Rules should provide some protection for those who are ill but this safety net was only applied in 5 cases in 2011
- During 2011 there was limited use of care plans except where there was a possibility of self-harm
- During the year appointments to see a lawyer under the Detention Duty Advice Scheme were booked-up two to three weeks ahead; the number of sessions has now been increased
- Detainees are often reliant on charitable organisations for support, in particular The Refugee Council, Detention Action and Medical Justice.

4.2 Issues for the Minister

4.2.1 Involving the NHS in healthcare

The quality of healthcare continues to be of very serious concern and we hope that the transfer of responsibility to the NHS will be planned carefully and lead to improvements. (see Sections 3.4 and 5.3)

4.2.2 Movements between IRCs

We are pleased to note a reduction in the percentage of detainees leaving Harmondsworth IRC who were transferred to another IRC. We hope this trend will continue. (see Section 3.5)

4.2.3 Using resources effectively

We question, as we did last year, the long and costly duration of detention for some people who cannot be returned to their home country. (see Section 3.6)

4.2.4 Total duration in detention

UKBA should make available to the IMB information on the total length of detention for those in the centre. (see Section 3.6)

4.2.5 Accommodation for those who are mentally ill

Detainees with mental health or behavioural problems have see-sawed between a healthcare ward and being in segregated accommodation, removed from association. If those who are mentally ill are to be detained appropriate accommodation should be provided. (see Sections 5.3.6 and 5.4.6)

4.2.6 Unfit for detention

We consider that an independent review is required of the application of Rule 35 of The Detention Centre Rules. (See Section 5.3.7)

4.2.7 Serious Incidents

The police and UKBA should always have a representative in Silver Command during serious incidents. (see Section 5.4.5)

4.2.8 Charter flights

During 2011 there has been some independent monitoring of charter flights. We hope that this monitoring will become routine. (see Section 6.1)

4.2.9 Children in detention

We remain concerned, as we were in 2009 and 2010, about the slow response of Hillingdon Social Services to requests for age assessments. UKBA needs to act on its responsibilities under Section 55 of the Borders, Citizenship and Immigration Act 2009 to "safeguard and promote the welfare of children". (see Section 6.2)

4.2.10 Loss of property

Property being lost between detention establishments remains a problem and needs to be addressed. (see Section 6.5)

4.2.11 Information for detainees

We continue to ask, as we did in 2009 and 2010, for the face to face information service available to detainees on the Detained Fast Track system to be extended to all detainees. (see Section 6.9.1)

4.2.12 UKBA's local management

We are pleased to note improvements in the service provided to the IMB by UKBA. (see Section 7)

4.3 Issues for the contractor

4.3.1 Improved facilities

The decision towards the end of the year to share the best of the centre's facilities – shop, barbers, gym, library, education – between all the units will need to be reviewed once it has had time to settle in. (see Section 3.3)

4.3.2 Information for detainees

Last year we commented on the need to provide information for those who do not understand or speak English. There has been a substantial improvement in the information on notice boards but we remain concerned about whether detainees can take on board all the information available on arrival. The role of ‘buddies’ could be further developed. Forms and leaflets need to be better displayed and replenished. (see Section 5.1.2 and 6.10)

4.3.3 Education

We are concerned about the reduction in the number of detainees making use of the available education provision in the centre. The facilities provided should respond to demand and it would seem that more work is needed to identify what is required and how it is timetabled. Detainees now make great use of the internet and there is often a queue for terminals whereas teacher-led education is undersubscribed. (see Section 5.2 and 6.6.1)

4.3.4 Care for the vulnerable

The introduction of the personal officer scheme and liaison officers for gay, bisexual, elderly and disabled detainees is welcomed. However, care plans need to be prepared for all vulnerable detainees, including those who are young, and acting on them should be woven into the fabric of an officer’s work. (see Sections 5.1.3, 5.4.4, 6.2 and 6.10)

4.3.5 Improvements to healthcare.

We continue to be concerned about the healthcare service. The improvements seen in the second half of 2011 need to be continued and the ongoing problem of retaining a healthcare manager must be addressed. (see Section 5.3)

4.3.6 The number of people removed from association or temporarily confined

The rise in the number of detainees placed on Detention Centre Rules 40 and 42 in 2011 requires analysis, which has been started by the IMB, in order to understand the underlying causes. (see Section 5.4.6)

4.3.7 Welfare

It has proved difficult for GEO to ensure that all officers become effective first-line “problem solvers” of welfare issues, for example, finding property lost between establishments. We are pleased to note that the issue is being revisited. The Centre Manager’s willingness to seek out new solutions is to be commended. (see Section 6.10)

4.3.8 Maintenance and cleaning

Continuing attention is required. (see Section 6.3)

4.3.9 Communication between management and staff

Action needs to be taken to ensure that all officers are well briefed at the start of a turn of duty. (see Section 6.4)

4.3.10 Unit allocation

Fir Unit has an inappropriate mixture of detainees and is unsuitable for long stays. (see Section 6.7)

Section 5

KEY REPORTING AREAS

5.1 Diversity

5.1.1 Religion

The world faith team is headed by a full-time Pastor with a full-time Imam as his deputy. Part-time staff include three Christian leaders, two Imams and one representative from each of the Sikh, Hindu and Buddhist faiths. In addition to the paid members of the team there are a number of volunteers who help with pastoral duties and detainees often lead prayers and services. We continue to be impressed by the engagement of this team with leading religious observance, engaging detainees in celebrations during the year, providing religious education, and providing pastoral care for all detainees.

Ramadan fell in summer and the centre dealt well with this, for the first time providing microwave ovens in which detainees could re-heat the evening meal after sundown.

5.1.2 Language

Leaflets and forms are available in English and a number of other languages, but these are not always well displayed or replenished. During the year we have been especially concerned that complaints forms, which should be available in fifteen languages, are not always readily available.

The Board remains concerned about the induction process. Detainees, when they may be experiencing detention for the first time, are presented with a great deal of information, mainly in English, from both GEO and UKBA. We have asked if more written information could be provided.

Many GEO staff are fluent in languages other than English and some use is made of a telephone interpreting service. GEO has this year developed its computerised systems so that detainees can now request to see healthcare, UKBA and the IMB by way of Officers entering the request on the system. Healthcare can remind detainees of appointments by text message.

5.1.3 Equality, Diversity and Inclusion

The number of detainees recorded as having a disability averaged about 18 each month. Numbers appear to have been dropping from a high of 29 in July to just 9 in December. Each of the new wings contains a room suitable for a wheelchair user. One partially paralysed detainee, who uses a wheelchair, has been resident in a healthcare ward for many months, awaiting suitable accommodation outside detention.

A new Equality, Diversity and Inclusion policy document was produced by GEO in October and followed-up by the identification of named lead officers for Elderly, Gay, Bisexual, and Disabled detainees. We commend this initiative. The LGBT lead officer, in particular, has provided other officers with information about issues that may be of

concern to LGBT staff and detainees, and has publicised a direct phone line available for detainees or staff to contact him.

5.2 Education and activities

There has been an alarming and depressing drop in the attendance at education (Computer training, English classes, Art and Library facilities) over the year. Figures provided by GEO show that the average number of detainees attending education in each of the first six months of the year was 2534 but in the second half of the year this dropped to an average of 1563. The highest attendance was in March, 2847, and the lowest in December, 994, down from 1478 in November. Attendance at the gym showed less fluctuation however.

Until late November the education facilities were offered separately for the old and new residential units, superior facilities being available to detainees on the older hostel-style units. In the week of 21st November, coinciding with the HMCIP inspection, new procedures and timetables came into effect. At the year end all education took place in the superior facilities. Detainees from each unit have access for one session (of approximately one and a half hours) at a different time each day and detainees from Fir unit are brought to the area during the period when the evening meal is also being served.

Into this one and a half hours a day the detainee has to fit a selection of the following options: the shop, barber, gym, library, and education. Teaching staff have expressed their dissatisfaction with the new timetable and are becoming de-motivated at the lack of students. It is difficult for traditional education provision to compete when detainees have access to the internet and mobile phones and where attendance at education has to be fitted into a small amount of time where the "timetabled slot" moves on each day. Some fresh thinking is needed.

5.3 Healthcare

Healthcare has been a major focus of the board's concern in 2011 as it has been since at least 2009. From the start of that year there have been four different healthcare providers (Kalyx, Drummonds, The Practice and Primecare) and three healthcare managers. Between appointments of permanent managers there have been gaps of seven months and two months. At March 2012 the centre is again without a permanent healthcare manager. Appointing the right person, with appropriate supporting staff, is a key challenge for GEO and its sub-contractor.

5.3.1 Response to the 2010 reports on healthcare

The HMCIP Report of 2010 had identified healthcare as "unacceptably poor" requiring "urgent attention" and made 60 recommendations. UKBA carried out its own audit and in 2011 the recommendations from the two reports were amalgamated into a list of 82 action points. By late November 2011 GEO were only able to report that 34 actions had been completed. More issues should have been resolved sooner.

Having decided to sub-contract healthcare GEO either has to work through their supplier to improve the service or change the supplier; the centre manager can influence but not directly control the quality of the service.

5.3.2 Signs of improvement in healthcare

Although we still have concerns, staff of Primecare did seem to be starting to make a difference from the autumn of 2011. There have been several new staff appointed, including two Registered Mental Nurses, and the IMB noted a much more caring and friendly atmosphere within the healthcare department towards the end of the year.

The number of complaints about healthcare can be a barometer of detainees' satisfaction; healthcare complaints were high in number before the change in provider (July 2011) but have reduced since. There were 55 official complaints in the first half of the year and 22 in the second half.

During the year the arrangements for distributing medicine to detainees on the new units were changed. Originally medicine had been handed out through a barred door on the unit which provided no privacy. This has now, we are pleased to say, been changed so that all detainees go to the healthcare unit for medicines.

5.3.3 Examples of healthcare problems

During the year there have been numerous examples of detainees experiencing difficulties with healthcare. Some of these are detailed below.

In early February the IMB spoke to a detainee who needed insulin injections four times a day and complained that he had missed two injections because an officer was unavailable to escort him to the healthcare department. He needed hospital treatment and his official complaint was substantiated. Custodial and healthcare services were not co-ordinated.

In July we were saddened to hear that a detainee had been admitted to hospital and was in intensive care, not expected to live. Our concerns about him had been detailed in rota reports. On admission to hospital intensive care he was granted temporary admission to the UK. The Prisons and Probation Ombudsman (PPO) investigates deaths in custody but has discretion on whether to investigate the death of a person who has been released from custody. We wrote to UKBA about this case to ensure that, should he die, the case would be referred to the PPO.

There are frequently a number of detainees refusing both food and fluids in protest at decisions over their immigration cases. Temporary transfer to hospital has occurred in some of these cases.

5.3.4 Two deaths at Colnbrook IRC

A man detained at Colnbrook IRC died on 2nd July 2011. He had been transferred there from Harmondsworth IRC three days earlier. Recommendations relating to Harmondsworth IRC are expected following the Prisons and Probation Ombudsman's investigation.

There was a second death at Colnbrook IRC on 31st July. The detainee concerned had also been transferred from Harmondsworth IRC a few days earlier and his death is also being investigated by the Prisons and Probation Ombudsman.

5.3.5 Inhuman or degrading treatment

It is shocking that in two cases this year (decisions of 5th August and 26th October) the High Court found that the continued detention of mentally ill detainees at Harmondsworth had subjected them to “inhuman or degrading treatment”. We hope that UKBA will learn from these decisions.

5.3.6 Continuing concerns about mental ill health

Mental health problems are a major issue in terms of detainees’ distress and the lack of accommodation other than the healthcare ward or the segregation unit (Elm). We have seen cases where detainees appear to ‘see-saw’ between these areas. There was another notable case where a detainee with either physical or psychiatric problems lived in the segregation unit, on Rule 40, for five months (see Section 5.4.6)

5.3.7 Rule 35 of the Detention Centre Rules

This Rule requires the healthcare manager, on the advice of a doctor, to report to UKBA “any detainee whose health is likely to be injuriously affected by continued detention or any condition of detention” and “any detainee who he is concerned may have been the victim of torture”. In 2011 there were 109 reports made to UKBA relating to Harmondsworth detainees, of which only 5 resulted in the detainee being released from detention.

We are constantly surprised and seriously concerned by cases where a decision by a doctor that a person is unfit for detention is overruled by case owners. The detainee then has to rely on finding a lawyer (often together with using a charity who can obtain his medical records and provide a second opinion) and go to the High Court for a Judicial Review.

5.4 Safer Custody

5.4.1 Death in custody

A detainee from Harmondsworth IRC died in hospital on 6th December and the Prisons and Probation Ombudsman is investigating.

5.4.2 Abscond

A detainee absconded from a hospital escort in May as a result of staff error.

5.4.3 Self-harm

There were 115 instances of actual self harm in 2011, compared to 85 in 2010. There was a noticeable reduction in the second half of the year – indeed, 77 of the instances took place in the first four months and only 38 from May to December inclusive.

In cases of actual or threatened self-harm GEO follows UKBA procedure (known as ACDT), including review meetings between designated officers and detainees. A

survey by GEO of detainees who had threatened to self-harm found that the six main reasons for wishing to self-harm were: fear of return to home country, lack of legal support, mental health problems, drug problems, other medicinal issues and frustration at their detention situation.

In October three detainees sewed their lips loosely together and refused food and fluids in what they said was a protest against UKBA. This protest lasted a few days during which the IMB was concerned that no-one from UKBA had been to see them.

Identifying detainees who may self-harm is very difficult; however there was an incident in early June when a detainee attempted to hang himself which could possibly have been prevented. He had come to the attention of UKBA because his girlfriend had called the police to say that he was attempting suicide. On arrival at Harmondsworth he was neither identified as being at risk of self-harm nor housed in the induction unit.

5.4.4 Care Plans

The policy of GEO is to develop and act upon care plans for vulnerable detainees. In November we sought out all the care plans and were disappointed to find very few in place.

5.4.5 Serious Incidents

The Centre's Serious Incident room (Silver Command) was operational twice in the year.

The 21st June incident related to a protest in the road outside the centre against a charter flight departing that evening to Iraq. The road provides access to both Harmondsworth and Colnbrook IRCs and control of the protest was the responsibility of the police. Liaison between the Silver Commanders at Colnbrook IRC and Harmondsworth IRC was good. However, the police did not have a representative at Silver Command, and liaison was only achieved by a GEO Manager being in the road relaying information back by mobile phone.

The incident on 31st October was more serious and involved a control and restraint operation by the Harmondsworth tornado units (officers trained and equipped to deal with a disturbance). 18 detainees, who said they wanted to return to Afghanistan, departed from Harmondsworth IRC on a coach, observed by the IMB and without any incident, and were taken to Stansted on the Monday for a charter flight. Whilst at the airport there was a technical fault with the aircraft and the detainees were returned to Harmondsworth. The next morning they were given every expectation that they would be on a flight later that day. However, although the flight did depart on the Tuesday it carried a lesser number of detainees because of the unavailability of enough escorts. Some of the group became angry and at lockdown eleven of them refused to go to their cells, the Serious Incident Room was opened, and the tornado units were effectively and correctly deployed to re-establish control. However, it is possible that if better communication had been established between UKBA and the detainees the situation would not have escalated. During the operation to regain control UKBA was available by phone rather than being present in the incident room.

5.4.6 Use of Rule 40 and 42 Accommodation and Control and Restraint

Since the opening of the new prison design accommodation the cells used for Rule 40 (detainees removed from association) and 42 (temporary confinement) are interchangeable, all being in Elm house. When Elm house was full, notably in August and December, an area in Dove house was used for segregating detainees.

This year there has been a steep rise in the number of detainees on Rules 40, 41 (use of force by officers), and Rule 42 which had reduced in the latter part of 2010.

	2011	2010	2009
Rule 40	338	197	260
Rule 42	143	56	63
Rule 41	87	55	70

One of our board members undertook a piece of research into the August figures which were high, comparing them to the much lower numbers for October, in order to see if there were any particular patterns. There was nothing which specifically explained the high August figures. Where a location was given in the reports the incident tended to have arisen in the prison-style units rather than the hostel-style accommodation. Conclusions are difficult to draw. Was it a reflection of correct risk assessments by GEO, or was the poor behaviour a reaction against the style of accommodation? Incidents were more prevalent in the afternoon, which may just be a reflection of the fact that not all detainees are up and about in the mornings.

When we have observed force being used we have concluded that it is used as a last resort after other avenues have been exhausted.

The board has been concerned that the regulations regarding Rule 40 may have been misinterpreted. The Detention Centre Rules 2001 state that "An authority (to be placed on Rule 40) shall be for a period not exceeding 14 days". The board takes this to mean that no detainee should spend more than a maximum of 14 continuous days in Rule 40 accommodation. We were extremely concerned by the case of a Mr A, who appeared to have physical or mental health issues causing him to have severe tantrums, who had been placed on Rule 40 from 27th August until 22nd December, when he was transferred to Colnbrook IRC.

Section 6 **ISSUES**

6.1 Charter Flights

We have observed the loading of detainees on to coaches at Harmondsworth on several occasions and found it to be handled smoothly and efficiently by GEO with the occasional use of the minimum force needed to effect the removal. We have been concerned about escort staff smoking near the coach, which did not seem fair on detainees, who had to remain on the coach once boarded and were therefore denied the opportunity to smoke. Also on one occasion the food packs provided, because it was Ramadan, contained a pot noodle which required hot water to be added, which was not possible on a coach journey.

However, cancellation of charter flights at short notice has caused problems. Technical problems with the aeroplane on both 19th September and 31st October resulted in detainees being taken to the airport and then returned to Harmondsworth. (see Section 5.4.5).

In late July one of our board members, having undergone stringent personal safety training, was able to monitor a flight to Kabul, thus seeing the whole procedure for detainees from leaving Harmondsworth to entering their destination country. This monitoring was part of a pilot scheme to ascertain the value of IMB members monitoring charter flights on a regular basis.

6.2 Children in Detention

If a detainee claims to be under the age of 18, and UKBA has no firm evidence that he is over 18, he remains on the prison-style induction wing (Fir) until an age assessment can be carried out by the local authority.

It has taken the IMB a long time to receive clarification of UKBA's procedures but we are now pleased to have received a statement of what happened to the 27 people who had claimed to be under 18 in 2011. In eleven cases UKBA asked Hillingdon Social Services to carry out an age assessment but in five of these cases there was a delay of more than a month between UKBA's request and the assessment being carried out. In 2011 four young people who had been detained in Harmondsworth IRC were released into the care of Social Services.

One case is particularly alarming. The young person had first been detained in Colnbrook on 26th July and was transferred to Harmondsworth on 2nd September without having been age assessed, the request to Hillingdon Social Services for an assessment having been made by the caseworker on 16th August. This detainee was eventually released to social services as being under age on 14th October – a total of over eleven weeks in detention.

The detainees have to share facilities with adults, but not a room. Fir unit is an unsatisfactory place for them, not least because the only outside area is a small courtyard in which detainees can smoke.

Officers often provide additional support to young people but this needs to be more systematic and supported by care plans.

We liaise with the Refugee Council, which is advised of age disputed cases by UKBA. Its staff follow-up some cases and are also concerned about the delayed assessments.

6.3 Cleaning, furnishings, and maintenance

As the centre is operational every day at not much under 100% capacity maintenance and cleanliness are constant issues. Much of the cleaning is done by detainees and so training and supervision of the changing workforce is essential.

In April we were particularly concerned about cleanliness and maintenance issues in the kitchen and in the autumn there were problems with the toilets, showers and basins in Cedar and Dove units. A large group of detainees signed an official complaint about cleanliness which was not disputed.

Throughout the year there has been floor covering missing in Cedar and Dove units, related to a problem of damp. The work to replace this has been taking far too long.

Towards the end of the year furnishings in communal areas were improved.

6.4 Communication – staff and management

As was noted in Section 3 above the management of the centre embraces change and has been very willing to seek out better ways of operating the centre. However, this creates a major challenge in communicating new approaches to staff. This was especially evident at the time of the HMIP Inspection when changes which had been in the pipeline were brought forward, most notably a change in the access to educational facilities which took some members of staff by surprise, and also the provision of crockery to individual detainees from Cedar and Dove units and the requirement for them to wash these up themselves at a sink outside the canteen area.

Communication between management and staff relies mainly on staff pro-actively accessing computer based information.

6.5 Complaints

For the Centre to feel safe to detainees it is vital that there is, and is seen to be, an effective complaints system. The formal complaints process is managed by UKBA Detention Services. Complaints received are allocated for reply to one of 3 places: to GEO the contractor for issues related to the delivery of services at Harmondsworth; to the UKBA's Professional Standards Unit for cases of alleged serious misconduct; and to case working management for immigration issues.

The IMB has access to complaints and responses provided that the detainee has not indicated otherwise. The official complaints form (DCF9) was revised in July 2011 to

give users fuller information about the complaints procedures but out-of-date forms were still being used at the end of the year despite reminders from the IMB on more than one occasion to both GEO and UKBA.

A total of 344 service delivery complaints were responded to in 2011 by GEO as follows:

Category	Number of complaints	percentage of total	Number substantiated	percentage substantiated
Property (total)	97	28%	35	36%
Property (up to 30 th June)	[42]			
Property (from 1 st July)	[55]			
Medical (total)	77	22%	14	18%
Medical (up to 30 th June)	[55]		[13]	[24%]
Medical (from 1 st July)	[22]		[1]	
Minor misconduct / unprofessional conduct	38	11%	10	26%
Poor communication	27	8%	15	55%
Catering	8	2%	0	
Discipline	6	2%	0	
Assault	6	2%	1	
Other (includes facilities 12, accommodation 10, documentation 13) Number substantiated includes 20 in category of 'availability of services'	85	25%	30	35%
Total	344		105	31%

The majority of complaints relate to property issues, which is in line with complaints received in the detention system as a whole. Over a third of these were substantiated, with monetary compensation given in many cases. Property complaints often arise as a result of property going missing between different places of custody. In 2011 detainees have often arrived with smart phones. These items of high value, in emotional (containing phone numbers, messages, and photographs), and monetary terms have presented a particular problem.

In 2010 the majority of complaints had related to medical issues and this remained the case for the first six months of 2011. The IMB is glad to see a drop in these complaints coinciding with the change of healthcare contractor from The Practice to Primecare. Nearly a quarter of the medical complaints under the former contractor were substantiated and a number of the misconduct complaints during that period also related to the rudeness or unhelpfulness of medical staff.

Since July 2011 certain complaints relating to healthcare have been allocated directly to the healthcare manager within the centre in order to preserve medical confidentiality so it has not been possible to ascertain how many of these complaints have been substantiated.

There were ten substantiated instances of unprofessional conduct.

Although the total number of complaints coded under 'poor communication' is not high, it is distressing to see that over half of these complaints were substantiated.

Responses to complaints are made by the appropriate GEO manager, using a template letter provided by Detention Services Complaints, which the IMB finds over-wordy, especially when it is meant for someone who may have a limited command of English. Responses are expected within two weeks and the target appears to have been generally met.

Cases of alleged serious misconduct are allocated to UKBA's Professional Standards Unit (PSU) for investigation and responses are expected within 12 weeks.

Monitoring complaints regarding case-working / immigration matters is within the remit of John Vine, the Independent Chief Inspector of Immigration, rather than the IMB.

6.6 Contact with the outside

6.6.1 The Internet

During the year detainees have had increased access to computers and are able to send e-mails and view most websites. Use of the internet is very popular allowing detainees to stay in contact with family and friends and find out, for example, information relevant to their legal cases and home countries. By the end of the year computers had been placed in each residential unit and were available for use throughout the daytime. This is a substantial improvement over the previous arrangements where access was timetabled.

6.6.2 Telephones

Detainees can use mobile phones that do not have a camera or internet access. Phones not only provide contact with the outside but facilitate communication for UKBA, GEO and indeed the IMB. Where they do not have their own phone a simple inexpensive and reliable mobile is loaned to them by GEO whilst in the centre. In the early part of the year stocks of phones often ran out and formal complaints were made by detainees. GEO has now resolved this problem.

6.6.3 Domestic visits

Detainees can receive visits between 14.00 and 20.30 daily. In the early part of 2011 it was necessary for visitors to ring the Centre 24 hours in advance to book a time, but in May a number of complaints were received stating that the switchboard was always too busy for people to get through. The procedure was then changed so that pre-booking was no longer necessary.

6.6.4 Movement around the estate

In Section 3.5 above we noted that there are frequent moves between detention centre. Each time a detainee is moved it is disruptive and unsettling for him, for any family or friends who may wish to visit, and to the continuity of a relationship with a solicitor or a charity that is assisting or befriending him.

6.7 Fir Unit

Fir unit, with higher staffing levels than other units, houses those newly arrived and those leaving the centre, especially those being assembled for charter flights. It is also home to those who may be under 18 and to some detainees regarded as vulnerable for other reasons, for example newly discharged from a healthcare ward. In addition the ground floor is certificated to be used for detainees removed from association. Some detainees spend a night or two on the unit; others may be there for many weeks.

The accommodation is not appropriate for this mix of detainees. It is also not appropriate for the vulnerable because of the small outdoor area affording standing room only, and the accommodation being on 3 floors which makes it possible for a detainee to throw himself over the railings (netting has been provided on one level). This concern as to appropriateness was shared by GEO, who during the year undertook an officer-led review to establish the best way of using the Centre's six different residential units. However, at the end of 2011 Fir unit continued to house a mismatch of detainees in unsuitable accommodation.

6.8 Food

One kitchen provides meals for the whole centre with detainees eating in six different locations. Detainees are very involved in both the actual cooking and the serving, as paid jobs, and take pride in their work which puts them on a more equal footing with officers. Detainees wanting to be employed no longer have to have the positive approval of the Security Department, Healthcare and UKBA; a welcome simplification.

Meal choices are made at the beginning of the week for the whole week. There is always a halal option and a vegetarian option. Detainees do sometimes complain about the lack of variety and request food that is more culturally diverse. IMB members generally eat a meal on duty – servings are generous and the meals are generally sufficiently hot and tasty.

6.9 Immigration issues

6.9.1 Contact with UKBA local office in Harmondsworth

The IMB's concern is with how immigration issues impact on the welfare of detainees, not with the immigration decisions themselves. The sorts of issues raised with the IMB include detainees who want to return home requesting help in getting information on the progress of their cases and detainees concerned at the length of time it is taking to obtain travel documents.

Detainees' access to UKBA officers has improved through the year and there is evidence of more empathy between UKBA officers on the ground and detainees. The IMB has an appropriate working relationship with UKBA's local management. As we said in our reports for 2009 and 2010 we would like to see a UKBA information office available to detainees. Regular surgeries could provide information that detainees

often say is lacking. The reconfiguration of the Centre so that all detainees have access to the same facilities increases the feasibility of such a development which would be greatly welcomed.

6.9.2 Detainees' access to Legal Services

Detainees without the money to pay for a solicitor are either allocated one if they are on Detained Fast Track (DFT), or if not on DFT can book an appointment to see a solicitor under the Detention Duty Advice (DDA) Scheme.

The number of sessions attended by solicitors on the DDA Scheme was not increased when the centre was enlarged, with the result that the sessions available during 2011 were often booked up for three weeks ahead. UKBA and GEO have agreed that additional sessions will be provided.

6.10 Welfare

During 2011 there have been no specific welfare officers, who resolve, for example, problems of property not arriving at the Centre with the detainee, as GEO's policy has been to require all officers to deal with such issues. It has been difficult to identify a particular officer who had taken responsibility for following through a problem.

During the year a 'personal officer' scheme has been introduced so that all detainees have a named officer who can help them to resolve problems related to their detention. For the scheme to be effective officers need to become pro-active seeing it as a core part of their duties; this has not yet been achieved.

The IMB will tend to be approached by detainees when GEO staff have been unable to resolve issues and so we may not hear about problems successfully resolved. However, it seems to us that there is scope for the further development of the welfare and personal officer arrangements.

A number of detainees are employed as 'buddies', which can be especially helpful where a new detainee has limited English. We support the buddy scheme but are concerned that buddies should not find their duties too stressful; they often try to resolve intractable immigration issues for the vulnerable.

Section 7

THE WORK OF THE INDEPENDENT MONITORING BOARD

In addition to monitoring the running of the centre our role is one of following through problems with GEO and UKBA, and directing detainees to those who may be able to help them. Members are at the centre, available to talk with detainees, about four times a week.

Detainees can make a formal request to see an IMB member by placing a note in IMB post boxes located at key sites, or they stop members as they see them around the centre. A recent additional mode of contact is via the online Detainee Management System, through which an officer can flag up a request to see the IMB if a detainee asks for this.

The reports produced from these visits have received rapid response from GEO. At the start of the year the response from UKBA has very slow but this has been much improved by the current UKBA Manager.

The board holds a formal meeting with the centre manager and the UKBA local manager once a month. The work of the IMB has also been enhanced by us having a newly-appointed clerk who is one of the UKBA staff.

In 2011 we carried out 209 visits to the centre, excluding board meetings, and noted 985 conversations with detainees. In 321 cases follow-up by the IMB was required.

Two new members joined the board in 2011 and one resigned, leaving a team of 12 people at the year end.

Michael Moor – Chair
Eleanor Griffiths – Vice Chair

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Note: All statistics in this report, except where stated otherwise, have been obtained at Harmondsworth IRC and are not audited.