

Annual Report 2013



Independent Monitoring Board

Immigration Removal Centre Haslar

Version 1.0



SECTION ONE

1.1. Statutory Role of the Independent Monitoring Board (IMB) at the Immigration Removal Centre (IRC) Haslar:

The Immigration and Asylum Act 1999 requires every Immigration Removal Centre (IRC) to be monitored by an Independent Monitoring Board appointed by the Home Secretary from members of the community in which the Centre is situated.

The Board is specifically charged to:

- 1) satisfy itself as to the humane 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, to every part of the Centre and to the Centre's Records.

Appointed by the Home Office, Board members are unpaid and independent of both Her Majesty's Prison Service (HMPS) and the Home Office Immigration Enforcement (HOIE) formerly the United Kingdom Border Agency (UKBA). IMB Members are the only Independent presence in the Centre on a day-to-day basis.

1.2. Annual Report 2013:

The Annual Report is required by the Home Office to cover the period from:

1st December 2012 to 30th November 2013

The purpose of the IMB Annual Report is to focus on matters of significant concern, rather than to provide a history of events during the year.

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SECTION TWO

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SECTION THREE

Description of the Immigration Removal Centre Haslar:

The Victorian buildings of IRC Haslar formerly served as Royal Naval Barracks then as a Naval Prison and subsequently as a Young Offenders Institution. Since 1989 Immigration Services, then UK Border Agency and now the Home Office Immigration Enforcement (HOIE) have used the site as an Immigration Removal Centre. Her Majesty's Prison Services (HMPS) is contracted to manage the Centre, holding up to 160 male detainees. Work is currently in hand to increase the capacity to 197 detainees. In 2013 around 6% of the detainees were former Foreign National Offenders (FNOs); six years ago this figure was closer to 80%.

Since March 2012 the Centre has been managed by Mr Paul Millett.

The accommodation is in six dormitory style areas, each of which, until recently, has been divided into cubicles with two or three beds in each cubicle. One of these dormitories comprises cellular accommodation for managing detainees deemed to be at, or of, higher than average risk, as well as those reluctant to comply with the Regime. This accommodation can also serve as normal bed areas when not otherwise required.

A store room adjacent to the Main Gate has been adapted as a Visitors' Reception area, available for use by those who arrive early for visits, and it now provides a clean heated waiting area with facilities for those who may have travelled some distance.

Catering Services continue to be provided by HMPS with three meals per day served in the Dining Room, and hot meals served in addition as required. Special arrangements are made for the considerable number of Muslim detainees during the period of Ramadan.

Gymnasium and Sports Activities are led by a team of Physical Education Instructors (PEIs).

Laundry Services are provided by Centre staff, but this year a self-service launderette style facility was introduced. This allows detainees more flexibility in washing their clothes and reduces the claims of garments lost by the laundry. Maintenance is provided by the Centre's on site team.

Educational Services were provided for several years by Highbury College; in April 2012 the contract passed to the Pertemps People Development Group (PPDG).

Primary Healthcare was provided by the Centre Healthcare Team, whose management has recently been changed from Solent to the Central and North West London NHS Trust. In January 2012 Healthcare at Haslar was expanded to allow for Drug Therapy although detainees on a Detoxification Programme cannot be catered for.

A dentist attends fortnightly to provide NHS treatment.

A local General Practitioner is contracted by the NHS to attend the Centre, with cover and standard out of hours serviced called for when required.

Transport to and from Hospital and Optical appointments was always a matter of concern to the Board, because of the frequency of their cancellation because of lack of transport by the contractor. These lost hospital appointments were of concern not only to detainees, but also to the local population who in turn could have taken the appointment. Haslar staff now carry out this work and also bed watches, so solving the problem of the missed appointments.

Legal Advice sessions are held twice weekly by two Legal firms.

The role of the Welfare Officer has now been subsumed into the role of the Personal Officer. Each detainee is assigned to a Personal Officer whose job it is to provide advice on welfare services that are available to them. The Personal Officers are in turn managed by Supervising Officers.

Faith provision is diverse in the Centre. A Christian Minister, co-ordinates a range of providers which include an appointed Imam, Hindu and Sikh Religious Leaders. The Salvation Army also has a regular presence.

Haslar Visitors Group arranges visits to detainees, the Citizens Advice Bureau comes to the Centre fortnightly, and Samaritan Services are widely advertised, as is the Service offered by the Red Cross in tracing missing persons.

SECTION FOUR

Executive Summary:

This Report from the Independent Monitoring Board (IMB) is generally positive.

The Centre Manager, Mr Paul Millett, continues to be pro-active in introducing changes designed to mitigate the undesirable consequences of detention whilst encouraging a culture where 'good practice' is encouraged and recognised. Such aspirations mirror the IMB expectations and are a focus of Board monitoring.

4.1. General Opinion of the IRC

This has been a year of steady progress, with a significant move to a more customer focused regime, but with no loss of authority of the staff nor a diminution of security. The chairing of the weekly Detainee Consultative Meetings by the Centre Manager has sent a powerful message to the detainees about the commitment of the staff to their needs. The significant reduction in applications to see and speak to members of the IMB this year by detainees is considered to be because of this change of emphasis, and the quicker throughput of detainees.

4.2 Policy matters seeking a response from the Immigration Minister.

Paragraph 5.1 refers:

The Board is concerned at the length of time in detention for some. It conflicts with the Home Office statement that detainees are only held in detention for as long as there is a reasonable chance of deporting them. In the specific case referred to in Haslar IRC, the discourtesy demonstrated by the Home Office in failing to acknowledge or reply after several months to letters sent to them by the detainee, and copies handed to a senior Home Office official later, should be a matter for regret in that Department. Furthermore, the cut back in Legal Aid means that the detainee is no longer represented and he continues to reside in Haslar IRC at a cost per day accumulating to considerably in excess of any Legal Aid fees avoided. Furthermore, this ignores the extra court costs of dealing with a litigant in person.

4.3 Other matters which require the attention of the Minister.

Paragraph 5.2 refers:

The quality of communication from Case Workers to detainees remains a concern. Detainees frequently share with the IMB Reports from Case Workers which show no change from one month to another, giving no indication that any effort is being made to resolve their case.

The Board would like assurance that HOIE Case Workers systematically and carefully consider an individual's circumstances when detention is considered. Where the decision is taken to detain, all communication with the detainee should make clear that any interim information has been considered, and that the detainee is not forgotten in the system.

4.4 Other matters for a response from HMPS and HOIE:

Paragraph 5.5 refers:

The Board is concerned at the absence of HOIE representation at many IRC meetings, which include the monthly IMB Board meetings. They understand that it is due to staff shortages or the absence of adequate relief arrangements. ***Whilst the Board has sympathy with the need to***

reduce the head count of staff, the effect of a staff recruitment freeze is felt disproportionately within smaller offices, and it is a matter of regret that the off site management have not recognized this and taken steps to mitigate the consequences.

Paragraph 5.6 refers:

The Board is critical of the delay in implementing a disciplinary enquiry into the alleged conduct of a prison officer following a complaint from a detainee and the long timescale for conducting the enquiry after it was launched. The detainee had left the IRC long before the enquiry concluded.

The Board is therefore concerned by the number of complaints made by detainees which are not substantiated and regrets that it does not appear to have access to the details of such complaints and their outcomes when they are referred out of the Haslar establishment for action.

4.5. Matters raised in a previous Report not yet resolved:

Paragraph 5.4 refers:

Requests for transfer to another location are frequently the subject of applications to the Board. These are usually so that family members will be closer to the place of detention.

A notice affixed in the Centre Reception area, states that request for transfer can only be made every seven days. The fact that HOIE do not keep a standing record of those wishing to have a transfer to an IRC nearer their families demonstrates unfair treatment to those in detention, but also to their families who are not.

Persistent Smoking in Shared Accommodation:

The Centre Management continues to address the issue of illegal smoking throughout 2013 using Anti-Social Behavioral Sanctions to dissuade persistent offenders. *The Board is concerned that if this practice continues, particularly at night with detainees in lock down in their dormitories, injury could be sustained in any subsequent fire. Additionally, from time to time illegal smoking is a cause of conflict between detainees who smoke and those who object to their own exposure to passive smoking.*

The quality of HOIE reports to detainees

Paragraph 5.2 refers:

The quality of communication from Case Workers to detainees remains a concern. It is the only way a detainee obtains any indication of progress in pursuing his case. The IMB witness the frustration that this failing causes.

Access to Legal Advice

Paragraph 5.3 refers:

In view of the short time that some detainees spend in detention before being given Removal Directions (RDs), the Board has noted that during the two legal sessions per week, detainees are allowed one free 20 minute consultation.

The effect of the reduction in legal aid has yet to be fully felt, but we note that one detainee has been refused legal representation because he is unable to pay, coupled with the long distance of Gosport from the legal advisor's premises.

4.6 Matters raised during the year now resolved:

The Health Partnership Board caused concern in our last report, but following assurances the IMB is satisfied. Their concern this year is that the transition from Solent NHS Trust to the Central and North West London NHS Trust will show an improvement in support for the Healthcare team.

Access to the Internet was commented upon last year. Detainees now have access to personal e-mail accounts, and misuse of the facility is minimal.

SECTION FIVE

Significant Matters from 2013:

5.1. Long Stay Detainees:

The Haslar IMB Board has long held concerns regarding the time some detainees are held in detention while acknowledging the difficulties that can arise in obtaining Travel Documents.

A detainee (NOMS No: A9820AN; Prison No: LX6108) came to the attention of the Board because of concern about his long stay in Haslar as he has been detained overall since 20th July 2010 when, the Board understood he had himself requested a Judicial Review. This detainee remains in Haslar as of 1.12.2013 at a considerable cost to the taxpayer. An outcome to the legal process in which he is involved is still awaited, and letters to the Home Office remain unanswered and unacknowledged, despite copies of these letters being hand delivered to Home Office officials in London. Because of his lack of legal representation, due to cut backs in Legal Aid, the result of a November 2013 hearing on an appeal to refuse a Judicial Review, which found in his favour, was not sent to him until the Citizen's Advice Bureau assisted him in January 2014.

The Board is concerned at the length of time in detention for some. It conflicts with the Home Office statement that detainees are only held in detention for as long as there is a reasonable chance of deporting them.

5.2. The Quality of HOIE Reports to Detainees:

The quality of communication from Case Workers to detainees remains a concern. Detainees frequently share with the IMB Reports from Case Workers which show no change from one month to another, giving no indication that any effort is being made to resolve their case.

The Board would like assurance that HOIE Case Workers systematically and carefully consider an individual's circumstances when detention is considered. Where the decision is taken to detain, all communication with the detainee should make clear that any interim information has been considered, and that the detainee is not forgotten in the system.

During the reporting year the Board is pleased to see a continuing decrease in long stay detention within Haslar.

5.3. Access to Legal Advice:

In view of the short time that some detainees spend in detention before being given Removal Directions (RDs), the Board has noted that during the two legal sessions per week, detainees are allowed one free 20 minute consultation.

The effect of the reduction in legal aid has yet to be fully felt, but we note that one detainee has been refused legal representation because he is unable to pay, coupled with the long distance of Gosport from the legal advisor's premises.

5.4 Requests for Transfer to another IRC:

Requests for transfer to another location are frequently the subject of applications to the Board. These are usually so that family members will be closer to the place of detention.

A notice affixed in the Centre Reception area, states that request for transfer can only be made every seven days. The fact that HOIE do not keep a standing record of those wishing to have a transfer to an IRC nearer their families demonstrates unfair treatment to those in detention, but also to their families who are not.

5.5 Representation of the HOIE at IRC meetings:

The Board is concerned at the absence of HOIE representation at many IRC meetings, which include the monthly IMB Board meetings. They understand that it is due to staff shortages or the absence of adequate relief arrangements. Haslar IRC is after all operated on a Service Level Agreement by HMPS on behalf of HOIE. *Whilst the Board has sympathy with the need to reduce the head count of staff, the effect of a staff recruitment freeze is felt disproportionately within smaller offices, and it is a matter of regret that the off site management have not recognized this and taken steps to mitigate the consequences.*

5.6 Complaints Handling:

The Board is critical of the delay in implementing a disciplinary enquiry into the alleged conduct of a prison officer following a complaint from a detainee and the long timescale for conducting the enquiry after it was launched. The detainee had left the IRC long before the enquiry concluded.

The Board is therefore concerned by the number of complaints made by detainees which are not substantiated and regrets that it does not appear to have access to the details of such complaints and their outcomes when they are referred out of the Haslar establishment for action.

5.7 Increasing Numbers of Temporary Admissions to Haslar:

The Board noted the effect of the increased numbers of temporary admissions on the turnover figures for Haslar IRC. *The question was raised that the IRC may be being used increasingly as a mechanism for documenting, as opposed to just holding, those identified as illegal immigrants, prior to their temporary admission to the UK.*

SECTION 6

Reports on Specific Topics:

6.1. Equality and Inclusion:

The 2010 Equalities Act is the heart of Haslar's Policy document which informs activities across the Centre.

The Head of Residence, in his role as Head of Equalities, convened the Equality Working Group bi-monthly. Departments across the Centre are represented and Community Organisations invited to attend. Detainees present any Equality Issues which may have emerged from the weekly Detainee Consultative Meetings (DCM) which are currently chaired by the Centre Manager.

In the relaxed atmosphere of a DCM detainees are encouraged to speak freely on behalf of their fellow detainees. Points raised are usually resolved within the week. Opportunity is given to indicate any racist or religious intolerance, bully or intimidation.

Information for detainees is printed and readily available in a number of languages.

The use of the Telephone Translation Service is actively encouraged and readily available.

6.2. Education, Learning and Skills:

For over thirteen years the Education Contract was held by Highbury College who had offered an admirable standard and range of Education and Skills Training for detainees.

Following Pertemps People Development Group (PPDG) taking up the Contract the IMB were not aware of any concerns regarding the delivery of the Education Programme which differs little from that offered successfully over past years, but now has extended opening hours.

Following our report last year when we commented upon the lack of internet provision for detainees, personal e-mail accounts for detainees are available in the internet suites.

Analysis of take up by the detainees is shown to depend in part on the expectations of different nationalities. Centre staff work with Education staff to point up the relevance of courses and the certification available.

As in previous years Education was delivered not only in the classrooms but also by Kitchen staff and by Physical Education Instructors; training was offered to detainees engaged in the Induction of New Arrivals.

It was a long standing complaint amongst detainees that the Library service was not open at weekends. The Centre Manager instigated a system for a satellite library organized by the detainees. It uses a now redundant room, and offers a limited range of facilities when the main library is shut.

6.3. Healthcare and Mental Health:

The Board welcomed the clear statement of entitlement to NHS dental treatment by the detainees made during the year. Early in this reporting year there was a protracted issue over the repair of a detainee's denture. Who should or could pay? When the question was finally resolved, the denture could not be repaired as it had been glued in desperation by the detainee.

The Board welcomes the setting out of entitlement to dental treatment, but remains concerned at how it will operate in practice.

The responsibility for the Healthcare Team at Haslar has recently changed from NHS Solent Trust to Central and North West London NHS Trust. There had been concern at the service

and support offered to Haslar Healthcare by the Solent NHS Trust, and the Board look forward to an improvement in the coming year.

6.4. Purposeful Activity:

There are opportunities for work in a limited number of areas. Applications for paid jobs are monitored to ensure equality of opportunity.

Following the closure of Kingston prison in Portsmouth, a former member of Kingston staff has started involving detainees in gardening. The first results can be seen in the winter bedding floral displays around the centre.

6.5 Resettlement:

Resettlement is clearly not a simple target in a Detention Centre where detention itself is for no fixed period, where people are moved on with very little notice and where the possible geographical areas of resettlement are diverse and uncertain.

The aim remains to provide useful training and qualifications for the future.

Short term courses are planned or in place for safe food handling.

6.6. Safer Community:

The Board members agree that Haslar is a safer community than in past years. The Assessment, Care in Detention and Teamwork (ACDT) system works well with a qualified and appointed assessor available every day.

The Board is satisfied that the system is comprehensive and that those identified as a risk are closely monitored according to an individual plan, and will attend case review meetings when available.

The Safer Community Committee is convened on a bi-monthly basis and its composition is wide ranging, the IMB maintain a presence at these meetings.

6.7. Segregation, Care and Separation, Close Supervision:

This area has as its hub the Special Accommodation Unit (SAU), a discrete area comprising a three bedded Care Suite, a cell with murals but literature free, and a further cell which remains stark. In addition to the SAU the newly configured Hermes accommodation is available for detainees needing to be closely managed for any reason, for all or part of the day or night.

The Care Suite was in use on several occasions during the reporting period.

Where a detainee is at risk of self harm or suicide they would usually be held under observation in the Safer Cell. Those detainees deemed to be a threat to the order of the establishment or to others would also be locked up.

All instances of separation are documented to comply with Detention Centre Rules both for the protection of the detainee and for those implementing the plan for his care under separation.

The IMB is routinely informed when anyone is placed in the SAU and would expect to visit the detainee within 24 hours, attending the 24 hour review if possible.

6.8. Residential Services:

The Board members regularly eat with detainees and report on the food and its presentation. This is helpful when detainees complain about the food. It is not easy to please everyone from very different backgrounds on a very limited budget but the meals are varied, tasty and nutritious.

A recent introduction towards the end of this reporting year is the introduction of pre-selected meals. Each detainee is allowed to pre-select their meals from a weekly menu. It cuts down on complaints about unsuitable food, and also on wasted food. It has also allowed the canteen to be open for a longer period to cut down a rush for popular dishes, and for fewer staff to police the meal time.

Accommodation, although much improved in the past four years, remains basic.

Board members often take the opportunity to ask detainees leaving the Centre how they feel they have been treated. During 2013 the response was usually positive, with Officers described as helpful.

Shortcomings in heating, plumbing or cleanliness were soon attended to. Detainees are encouraged to report these directly to Dormitory Officers or to the DCM meetings.

The atmosphere was stable and fairly relaxed throughout 2013. HMPS Officers are well trained and confident and most display an admirable ability to diffuse tension. Complaints are dealt with quickly and the Head of Residence has taken all issues, including property issues, seriously, as have Reception staff, when property has been reported on arrival as missing.

The Welfare Officer role was divided this year. Having only one member of staff as the Welfare Officer caused problems during leave or sickness. Instead there is now a Welfare/Personal Officer scheme. All detainees are allocated an officer on arrival, to support them throughout their stay. This scheme includes an initial assessment within 48 hours and a weekly progress meeting. It appears to work well.

Special arrangements as always were put in place for Ramadan and hot meals provided for detainees arriving outside mealtimes.

There is a Kiosk Style Shop where a variety of purchases can be made. If a new item is requested by a sufficient number of detainees it may be ordered. A frequent complaint is that the Shop is closed all day Sunday as well as Saturday afternoons. Staffing issues are advanced as the reason.

Special mention should be made of the Gymnasium staff who, could be relied on to provide the opportunity for sport or training during holiday closures when Education and the Library were closed. Additionally this year, outdoor gym equipment has been installed in the exercise area, along with picnic tables and benches. The all weather cricket pitch has been replaced, and this has seen some excellent cricket played in particular by Asian detainees. Sadly, an attempt to introduce hockey has not met with such success.

The Board are pleased that the greater involvement with the community continues. The autumn Community Day was well attended, as was the Carol Service.

SECTION SEVEN

The Work of the Independent Monitoring Group at Haslar:

Whilst last year we reported that the Board had received four new members, which was a welcome boost to our numbers, this year saw the departure of a similar number, including that of our Chair on 31 July.

We were extremely fortunate to welcome two new members from the IMB at the now closed Kingston prison. They bring enthusiasm and new insights to our work. Despite them arriving with us from an “assured source” we still suffer the considerable delay in security clearances. We intend to commence a recruitment exercise early in 2014 under the guidance of the Secretariat.

7.1. Board Statistics:

Recommended complement of Board members:	12
Number of Board members at the start of the reporting period:	9
Number of Board members at the end of the reporting period:	7
Number of Board members joining within the reporting period:	2
Number of Board members leaving within the reporting period:	4
Total number of Board meetings within the reporting period:	12
Total number of visits to the establishment:	218
Date of annual Team Performance Review:	20 th November 2013

7.2. Applications to the Board by subject during the reporting period.

Subjects	2012	2013	2014	2015	2016
Accommodation	0	0			
Adjudications	N/A	N/A			
Equality & Diversity (Including religion)	0	0			
Education/Employment/Training (Including IEP)	1	0			
Family/Visits (Including mail and phone	2	0			
Finance/Pay	0	0			
Food/Kitchen related	21	7			
Health related	6	11			
Property (within current establishment)	2	1			
Property (during transfer/in another establishment)	6	4			
Canteen, Facilities, Catalogue, Shopping, Argos	0	0			
Sentence Related (including HDC, ROTL, Parole, Release Dates, re-cat etc)	N/A	N/A			
Staff/Prisoner/Detainee concerns including bullying	11	0			
Transfers	15	7			
Miscellaneous	9	3			
Immigration	23	15			
Solicitor	5	4			