

**REPORT**  
**of the**  
**INDEPENDENT MONITORING BOARD**  
**on the**  
**NON-RESIDENTIAL SHORT TERM HOLDING FACILITIES**  
**at HEATHROW AIRPORT**  
**for the calendar year**  
**FEBRUARY 2010/JANUARY 2011**

## **SECTION ONE: THE ROLE OF THE INDEPENDENT MONITORING BOARD**

1.1 The duties of Independent Monitoring Boards appointed to monitor in non-residential short term holding facilities are not yet laid down in statute. However, the general principles of independent monitoring in both immigration removal centres and prisons apply.

1.2 The Board's role is to monitor

(a) the welfare of people in immigration custody within the perimeter of the airport by observing their treatment and the environment in which they are detained and

(b) the movement (pedestrian and vehicular) of people to and from immigration facilities within the airport during the removal process.

1.3 To carry out this role the Board needs unrestricted access to every detainee and all the detention facilities within the airport.

1.4 The Board is required to submit an annual report to the Home Secretary.

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### **SECTION THREE: DESCRIPTION OF THE FACILITIES**

3.1 The UK Border Agency (“UKBA”) had has five non-residential short term holding facilities at Heathrow airport, one in each of Terminals 1, 3, 4 and 5 and the fifth at Cayley House.

3.2 The facilities in the terminals (“the holding rooms”) cater mainly for incoming passengers who are being questioned or have been refused entry. Cayley House (“Cayley”) is a purpose-built facility to which people are brought from places of detention elsewhere to be removed on flights from the airport.

3.3 G4S Care and Justice Services (UK) Limited (“G4S”) is currently contracted to manage the holding rooms and Cayley and to deliver escorting services (“the current Contract”).

3.4 The capacity of each holding room and of Cayley is determined by the number of seats in it.

3.5 In each of its preceding reports the Board has drawn attention to the features and fitments of the holding rooms. Regrettably degrading features still include:

- No proper facilities for sleep
- No proper facilities for personal hygiene
- No natural light
- Lighting in Terminal 1 which cannot be dimmed, and so blazes 24/7
- Poor ventilation
- Air temperatures which move from the very hot to the very cold and seemingly cannot be regulated
- Some seating chained to the floor
- Metal lavatories without seats

## **SECTION FOUR: EXECUTIVE SUMMARY**

4.1 Our monitoring in this reporting period has been informed by the response to our last report. It was in the form of an action plan we received in June 2010 (“the Action Plan”) to which each of the UKBA and G4S contributed. The Board’s chair and the Head of the UKBA’s Detention and Escorting contract monitoring team have met regularly to discuss progress.

4.2 In our last report we drew attention to the wholly unsuitable conditions in which men, women and children were held. There has been no change: they are still held in these conditions and still for too long. The detail is set out in Sections Three, Five, Six and Seven. Lack of change is unacceptable on grounds of humanity.

4.3 This year some families have been accommodated overnight in better conditions off-site but this is not the norm. We are opposed to the continued detention of families for immigration purposes at Heathrow for the reasons recorded in Section Eight.

4.4 Our remit includes monitoring aspects of the escorted removal process. The detail is set out in Section Eleven. We are concerned that there is currently no independent oversight of removal on chartered flights.

4.5 Our recommendations are made as follows:

4.5.1 To the Home Secretary in paragraphs 6.37.1, 6.37.2, 8.16, 10.42 and 11.45.

4.5.2 To the UKBA in paragraphs 5.24, 5.25, 6.37.3 to 6.37.6, 7.17.2, 7.17.2, 7.18, 8.17, 9.36 to 9.40, 9.43, 10.38 to 10.41, 10.44, 11.40 and 11.42 to 11.44 and

4.5.3 To G4S in paragraphs 7.17.3, 9.41, 9.42, and 11.38 to 11.40.

4.6 The current Contract with G4S ends on 30 April 2011. We hope the new contractor, Reliance Secure Task Service Limited, will have regard to our recommendations generally and specifically to those addressed to G4S.

4.7 We also invite the Home Secretary to note our comments in paragraph 13.2.

## **SECTION FIVE: NUMBERS DETAINED IN HOLDING ROOMS, LENGTH OF DETENTION AND SOME RELATED CONSIDERATIONS**

5.1 G4S have sent us a range of statistical data during this reporting period, some of it new. We are grateful. We hope the new contractor will continue this practice. The data includes monthly statistics G4S provide to the UKBA recording numbers detained and length of stay (“the statistics”).

### **Numbers and length of stay**

5.2 Detention in unsuitable conditions is a recurring theme of this report, as it was of our last. People are still detained for too long in these conditions. Using the statistics, we calculate that by the end of our current twelve-month reporting period:

- 15,011 individuals had been detained in holding rooms, of whom approximately 66% were released during the first 8 hours of detention and approximately 13% released between the first 8 and 12 hours;
- approximately 10.5% spent between 12 and 18 hours in a holding room;
- approximately 8.5% (or 1,269 individuals) spent between 18 and 24 hours there and
- approximately 2% (or 315 individuals) spent in excess of 24 hours there.

### **The pending Short-term Holding Facility Rules (“the Rules”)**

5.3 We have referred to these pending Rules in all our preceding reports. They have been in gestation since 2005. We now understand the draft needs further consideration following the Conclusion of the Review into ending the detention of children for immigration purposes and that the Rules may be issued in 2011. So far as we know, a maximum period of detention in holding rooms is still intended

- (a) of not more than 18 hours; or
- (b) of not more than 24 hours if authorised by the Secretary of State.

5.4 Border Force at Heathrow work to these intended time limits. The data we present in paragraph 5.2 indicates the time limits are still challenging.

### **Gender**

5.5 New data from G4S includes their monthly analysis of the number of adult males, adult females, accompanied children and unaccompanied children detained in holding rooms. This is potentially useful for us, but as the computations involve an element of double counting which cannot easily be eliminated (as G4S agree), we are not citing that data here.

## **Demographics**

5.6 G4S have also given us their analysis of the demographic spread of holding room detainees. 48 different nationalities are represented with Indians, citizens of the USA and then Brazilians as the numerically greatest (in descending order).

5.7 About a quarter of holding room detainees are from India, Pakistan, Bangladesh and Sri Lanka. They account for just over half of all detainees from Asia. Almost a further quarter is from the Americas, of whom about half are from the United States. About a fifth of detainees are from Africa.

### **Who are holding room detainees typically?**

5.8 In our observation holding room detainees typically include:

- People from countries, such as the United States and Australia, who do not need a visa for tourist visits, but are suspected of coming to Britain for other reasons, such as work;
- People with a visa for work or study, detained while their bona fides is checked with their employer or college;
- People who for other reasons need a visa but do not have one;
- People visiting friends or family in Britain, detained while checks are made with their hosts; and
- Asylum seekers.

### **Detention Authority – form IS91**

5.9 The IS91 is the custodian's authority to detain, issued by Border Force locally to G4S. G4S may not legally hold someone in a holding room without it.

5.10 We check whether the authority has been signed, the detainee's photograph is attached, and whether the supplementary sections have been properly completed including disclosure of the reason for detention and any special needs or risk factors as a consequence of which the detainee may need special monitoring or supervision.

5.11 All the IS91s we checked in this reporting period were signed although occasionally a contemporaneous photograph was not attached.

5.12 During 2008 we had noticed the supplementary sections were typically incomplete. Border Force Inspectors responded by introducing quality control checks in October 2008 which still apply. In our observation over the current reporting period the supplementary sections were usually, but not invariably, completed properly.

5.13 We refer to the port-generated IS91 again, in paragraphs 10.22 and 10.23.

#### **Access to interpreting services**

5.14 Detainees needing interpretation services are typically, but not exclusively, asylum applicants. Delay in access to an official interpreter can contribute to the length of time holding room detainees spend in unsuitable conditions, but our observations indicate that this is less of a problem than it was.

#### **Process contributing to length of detention**

5.15 People claiming asylum on arrival at Heathrow are detained for secondary examination and some must be referred to the Asylum Intake Unit (“AIU”). We understand its office hours are between 09:00 and 20:00 on weekdays and 09:00 and 17:00 at the weekend. This means inevitable overnight detention for some detainees. A few illustrations:

- A married couple (she 6 months pregnant) detained at 23:45 on a weekday: they could not be referred to the AIU until the next day;
- Detained at 17:40 on a weekday: spoke English: substantive interview shortly before 21:00 but then too late for referral to the AIU;
- Detained at 21:40 on a Friday evening: referred to the AIU at 09:30 on Saturday morning.

5.16 The AIU determines whether the referred claimant is eligible for the Detained Fast Track (“DFT”) process and if so, the claimant goes from the airport to an Immigration Removal Centre (“IRC”). Some claimants not apt for the DFT are granted temporary admission to the care of a suitable family member or friend in the UK.

5.17 Others have no one in this country with whom they may stay: arrangements must be made to find them initial accommodation. The office dealing with these referrals is also closed overnight. We understand its opening hours are between 08:00 and 20:00 on weekdays, 08:00 and 19:00 on Saturday and 09:00 to 16:00 on Sunday (last referral by 15:00). The time limits for these referrals also contribute to length of detention for some.

5.18 In our view the time restrictions on the referrals we have cited above run counter to Border Force’s operational requirements as well as contributing to length of detention in unsuitable conditions and in some instances, significantly.

#### **Transport arrangements**

5.19 Asylum claimants routed to the initial accommodation to which we refer in paragraph 5.17 are driven there by Transport Plus (“T +”), the arm of G4S contracted to



provide this service. T + vehicles are of the mini-bus variety and look reasonably comfortable.

5.20 The service must be booked in advance and until recently the agreed collection times were 14:00 and 21:00. T + also offer an out-of-hours service. Their staffing levels are reduced at the weekend. They therefore cannot provide a dedicated team for Heathrow over the weekend or necessarily call at the fixed times.

5.21 In each of our preceding reports we have drawn attention to the contribution the wait for T+ can make to length of detention. In reply to our last report we were told *“G4S and Detention Services are working closely with Border Force to implement a more flexible arrangement for the timing of collections”*.

5.22 There has been progress. We learned in August that the collection times were likely to be reviewed. A pilot was introduced advancing the collection times by an hour and Border Force collated data on referrals to T+ on a terminal by terminal basis. We were told that Border Force in Terminal 4 did not participate in the pilot: we do not know why.

5.23 We learned in January 2011 that an additional collection slot could not be justified, that the fixed collection times are set at 13:00 and 21:00 and that the out of hours service had been promoted to Border Force who were making good use of it. It is too soon for us to gauge what impact these arrangements are having in reducing length of detention.

### **Our recommendations**

5.24 The UKBA should review the impact that the current office hours of the AIU and the Asylum Routing Team each has on the operational exigencies of Border Force and either extend the office hours or provide decent overnight accommodation for asylum claimants.

5.25 Border Force and Detention Services should keep the new arrangements with T+ under structured review to ensure they are responsive to need and actually reduce length of detention in holding rooms.

## **SECTION SIX: LACK OF CHANGE**

6.1. This is our fourth annual report to Ministers. Yet again we draw attention to the fact that men, women and children continue to be detained in unsuitable conditions. The detention accommodation is still characterised by the degrading features listed in Section Three of this report. All detainees continue to be denied proper facilities for sleep at the airport. Access to decent facilities for washing is still not available to all detainees, as of right.

6.2. We iterate a core concern, recorded in our last report, that the unsuitability of the detention accommodation might be objectively tolerable if time spent in these conditions was very short. It is not: see paragraph 5.2.

6.3. Change which could have improved the detention experience has not taken place during the last twelve months, even to the limited extent which seemed in prospect. We identify the following contributing factors: financial constraints, lack of muscle vis-à-vis the port operator (BAA at Heathrow) and under utilisation of existing resources and/or an unrealistic commitment to their use.

6.4. We record our observations of the negative impact upon detainees' well-being in paragraphs 6.32 to 6.35.

### **Financial constraints in the current economic climate**

6.5. We recommended provision of a residential short-term holding facility ("STHF") at or near the airport in each of our last two reports. The recommendation was addressed to Ministers.

6.6. A year ago we suspected development of this order was unlikely in the near future on grounds of cost and the Minister confirmed this to us when acknowledging our last report. However, it was not entirely ruled out. The Action Plan stated that "*Detention Services are currently trying to identify if funding can be obtained for a residential STHF at Heathrow.*"

6.7. The need for such a facility is still patent as this report demonstrates. We still consider its provision is the only way in which men, women and children detained for more than a couple of hours can be assured of access to decent facilities.

6.8. In our last report we also suggested five (possibly less costly) interim solutions, not mutually exclusive:

- Develop the land behind Cayley (used as storage space) to provide a small residential unit: the land is in hand;
- Alternatively (and less satisfactory) develop that land as an extension of Cayley and equip the extension with more comfortable seating of the lounge variety;

- Create a new family room with showers, loungers and plenty of space in which children can run around;
- Alternatively (and less satisfactory) convert part of the large holding room in Terminal 5 to a family room having first installed a shower and privacy screens around the lavatories in the holding room;
- Install showers in all the holding rooms: something for everyone although only a small step towards better conditions.

6.9. These suggestions were accepted in principle with the comment that “*Detention Services are currently in contact with BAA and are discussing options for improvements, subject to funding*”. None has been implemented although we believe that Detention Services have, to some extent, pursued the more affordable.

6.10. We were delighted to learn in December 2010 that a shower was to be installed in Terminal 5 holding room. Our pleasure was diminished when we heard in January that there is no timetable. Detention Services are at the stage of trying to obtain costings from BAA for that work as well as for a new family room in that holding room and privacy screens around the lavatories – lack of privacy for use is another long-standing, and reported, concern of ours.

6.11. The holding room in Terminal 3 is the busiest and has the worst accommodation of any of the holding rooms. Using the statistics we calculate that approximately 35% of all holding room detainees were held in that location. Refurbishment/redevelopment seemed a possibility when in December 2009 we were invited to submit our wish list to Detention Services. We referred to this in our last report. There was no response and so we pursued the matter.

6.12. Whilst we were equally delighted to learn in December 2010 that a shower was to be installed in Terminal 3 holding room we also later discovered there is no timetable for this work either. It appears to be part of a general proposal for redevelopment/refurbishment, in its very early stages. Early in January we were told that Detention Services was to submit “a statement of need” to BAA – a list of the improvements they want carried out.

6.13. In August 2010 we asked Detention Services to consider re-configuring the large male lavatory area in Terminal 1 to provide a shower room. Their preferred option appears to be to utilise other space in the holding room. We do not know how actively this is being pursued.

6.14. All the lights in the holding rooms are left on during our “day” for obvious reasons. A dimming capacity is clearly desirable during our “night”. In our last report we again drew attention to the fact that the lighting in the Terminal 1 holding room was on the same circuit and so could not be dimmed. This needed to be addressed. We were

told in response that the *“issue has been raised with BAA and it is not possible to install dimmable lighting in Terminal 1 due to financial constraints”*. We inferred this was not an improvement the UKBA could require BAA to make, free of charge.

### **The relationship between the UKBA and the port operator**

6.15. To us the UKBA’s powers vis-à-vis BAA, as port operator, are central when it comes to providing or improving detention accommodation. The powers, in that context, are contained in section 25 of the Immigration and Asylum Act 1999, and its reference to “facilities” defined in SI 612 of 2003.

6.16. Over the last eighteen months (including through our last report), we have tried to discover whether the UKBA consider these provisions apt for the second decade of the 21<sup>st</sup> century, and whether the Agency enforces them.

6.17. We recognise Detention Services’ preferred approach is to seek consensus and that a senior executive officer was appointed in the current reporting period *“to build on the relationship with BAA at Heathrow and other port operators around the country to pursue detention accommodation issues.”*

6.18. Our interest in the statutory position is practical, driven by welfare considerations. We have pursued it in discussions with Detention Services over this reporting period but still do not know whether they regard it apt for today.

6.19. The possible improvements on which we have reported above all seem to hinge on funding. We assume Detention Services are genuinely interested in seeing accommodation improvements for Heathrow detainees which will ensure decency and promote their welfare measured against modern standards. It seems to us this is being thwarted by law which may be out of date, coupled with Detention Services’ own financial constraints.

### **Utilisation of existing resources**

6.20. Detainees include people who have arrived on late afternoon or evening flights. The current default position is that they spend the night in a holding room. The negative impact on their welfare could be ameliorated if they spent the night instead

- in an IRC or
- in Cayley.

6.21. In 2008 we heard about the possibility of beds at Colnbrook IRC (close to the airport) dedicated for use by detainees who would otherwise spend a night in a Heathrow holding room. We referred to this in our last report. In response, we were told that *“20 beds have already been ringfenced at Colnbrook IRC, which can offer improved facilities overnight for detainees in the holding rooms.”*

6.22. The reality has not proved so rosy. Ring fencing drops away in face of other operational considerations; for example, assembling detainees who are to be removed from this country on chartered flights at Colnbrook IRC. Lack of access to so-called dedicated bed spaces at Colnbrook when other operational considerations take priority has been confirmed to us by Border Force (unable to re-locate detainees to whom they wanted to offer the chance of decent overnight facilities), Detention Services and G4S.

6.23. 20 bed spaces at Colnbrook IRC would not have met the needs of all detainees held overnight in a holding room even had they been available each night during this reporting period. There is no women's or family unit there although some women travelling alone are accommodated there for a night.

6.24. We acknowledge that some detainees have been moved overnight to the immigration detention estate generally, i.e. not just to Colnbrook. This is good, although we have noticed instances of a detainee spending only a few hours in an IRC during the night before being brought back to the airport for a removal flight. Access to a bed and proper washing facility was achieved but not quality time in these improved conditions.

6.25 Detention Service have told us that Border Force select to whom overnight bed spaces, when available, are allocated. We do not know what criteria inform allocation – is need or vulnerability a factor and if yes, how is it assessed? Are decisions made on a Pan-Heathrow basis? An illustration:

- Five detainees who had spent the night in the same holding room included a heavily pregnant lady, whose total length of detention was just short of 24 hours. We were told that a bed for her had been sought in the detention estate but that none was available.

By contrast, two other women (neither of whom was pregnant) detained in the same holding room for part of the same time were accommodated for the night in IRCs. Three detainees from another holding room, who would otherwise have spent the same night there, were also allocated beds and left for their IRCs late at night.

6.26 Cayley does not have beds but its facilities are better than those in any of the holding rooms. It has a reasonable sized and well-equipped Family Room, large male and female showers and three items of more comfortable seating (loungers).

6.27 In our last report we recorded Detention Services' intention that the better facilities at Cayley be accessible to some holding room detainees and our observation that detainees were not being given the option of moving from a holding room to Cayley for the night. G4S cannot initiate an overnight move from a holding room to Cayley; Border Force must request it.

6.28 We were assured in response that “*vulnerable cases will be moved to Cayley House overnight with access to improved facilities*” and that “*G4S will facilitate moves to Cayley House overnight.*”

6.29 In our observation over this reporting period “vulnerable” detainees have rarely been re-located in Cayley for the night. It seems to us that Border Force are not proactive in this particular, perhaps for legitimate case-working reasons. G4S also have a role. They assess whether the safety and welfare of the holding room detainee is likely to be jeopardised by proximity to the core group of Cayley detainees who start arriving there from about 01: 30.

6.30 Cayley has again not proved to be an overnight resource offering access to better facilities, even to those holding room detainees deemed “vulnerable”. So not as advertised to us, possibly for a combination of reasons which may, or may not, have been soundly based on the few occasions when a night move was considered.

6.31 However, many more holding room detainees have been taken to shower in Cayley during this reporting period than in our last. We welcome this and the joint proactive approach of Border Force and G4S. Unfortunately one of the Cayley showers has been out of commission three times in this reporting period, and on the last occasion for more than three months: see paragraph 10.29.

### **Consequences for detainees**

6.32 Incoming passengers detained at Heathrow can reasonably be expected to be tired, especially if they have arrived on long-haul flights. We do not consider the conditions in which they then find themselves acceptable even during “our” day.

6.33 However, in the light of the assurances we were given in the Action Plan we paid particular attention to overnight detention when we encountered it on our visits in this reporting period. We do not visit daily, our findings are therefore snapshots and do not give us actual numbers for the 12 months.

6.34 The statistics may be indicative. We think it reasonable to assume that anyone detained for upwards of twelve hours will probably have spent the whole or part of “our” night in holding room conditions – so, on our calculations, 3,150 individuals.

6.35 Our monitoring findings put faces to some of these numbers. To cite a few:

- Nine detainees overnight in the holding room with the worst accommodation, of whom three were women and the others men. No privacy: all trying to snatch some rest, if not sleep, stretched out across the seats in the same cramped space;
- The heavily pregnant lady to whom we refer in paragraph 6.25;

- The parents, with their baby of 10 months, detained at 00:15 one night. We did not expect them to be re-accommodated at that hour in an IRC, but asked whether a move to Cayley had been considered. It was not.
- The individuals we cite in each of Sections Seven and Eight of this report.

### **Our recommendations**

6.36 Money has not been spent (for whatever reason), the 20 bed spaces at Colnbrook IRC have not been consistently available for eligible Heathrow detainees, and overnight moves of “vulnerable” detainees from a holding room to Cayley have been exceptional. Access to proper washing facilities remains a privilege, albeit for many more than previously, not a right for all.

6.37 In summary, the UKBA has again failed in its duty to treat everyone in its care in Heathrow holding rooms with decency. We therefore recommend:

6.37.1 that the Home Secretary initiates an urgent review of the current powers under section 25 of the 1999 Act;

6.37.2 that the Home Secretary gives priority to provision of a STHF offering overnight accommodation at, or near, the airport;

6.37.3 that the UKBA procures the following accommodation improvements as soon as possible (as provision of the STHF will take time):

- the work to which we refer in paragraph 6.10 and
- refurbishment of the holding room in Terminal 3 and
- a shower for the holding room in Terminal 1 and lighting which can be dimmed and
- an upgrade of the holding rooms in Terminal 4 to include a shower and a family room instead of the current provision which is simply a children’s “corner”.

6.37.4 that pending the provision of the STHF (paragraph 6.37.2) Detention Services make ring-fenced accommodation for overnight Heathrow detainees a reality;

6.37.5 that Border Force and Detention Services work collaboratively to ensure that decisions on overnight moves from a holding room to an IRC are timely so that a detainee can have quality time in the better conditions;

6.37.6 that Border Force’s decisions on whom to allocate overnight bed spaces in an IRC are made on a Pan-Heathrow basis, if this is not the approach now.

## **SECTION SEVEN: A COST SAVING EXERCISE DURING THE NIGHT**

7.1 In our last report we referred to the then proposal to close most of the holding rooms overnight. It was implemented as a trial, launched on the night of 22/23 November 2010.

7.2 The holding rooms in each of Terminals 1, 3 and 4 were closed at staggered intervals between 23:00 and 02:00. Detainees in these holding rooms when they closed were stirred up, searched, escorted on foot to G4S' vehicles and driven airside to Terminal 5, with their luggage.

7.3 On arrival at Terminal 5 they were escorted on foot, with their luggage, to the holding room there, searched and then booked in. They spent a few hours in that holding room before they were stirred up again for the reverse move back to the original holding room. They had to be back by 05:30. We were subsequently told this was not a requirement and that reverse moves could be staggered. In practice they rarely were.

7.4 The detainees did not enjoy better conditions when moved to Terminal 5. It also has no proper facilities for sleep (just seats and one lounge) and no proper washing facilities (just lavatories with a small basin).

7.5 The rationale for the closures was Detention Services' need to make savings in delivery of a service which the Director later described to us as "expensive and which on paper looks inefficient given the number of detainees held over night at the airport."

7.6 The trial did not come as a surprise. It was planned. We were anxious about its impact upon the detainees who would be subjected to pillar to post moves in the night. We expressed them in advance of the trial.

7.7 Our concerns were well-founded. We received regular briefings from G4S. We also made three night visits ourselves during the first two weeks of the trial, following which on 7 December 2010 we wrote to the Minister to alert him to what was happening in the night. We asked him to act quickly to stop it.

7.8 The indignities to which the detainees were subjected included deprivation of sleep (or at least the chance of attempting it in one place, albeit on seats), being taken out into the cold twice during the night (and it was very cold then) and travelling to and from Terminal 5, in most cases, in caged vehicles.

7.9 We do not have figures for the number of people moved about each night but we think they ranged from two to sixteen, and perhaps on occasion more. They included families, a frail lady of 75, and an unaccompanied minor. Here are some of the people whom we met during our night visits:

- The young woman, five months pregnant, and her husband: both were distressed: he spoke no English, she had a little. We travelled with them, and other detainees,



to Terminal 5 in the caged section of the locked van, hoping they were not noticing this further indignity.

- The parents with their small son of nearly 4, asleep in his father's arms as they left the holding room for their journey to Terminal 5 – in a non-caged, family vehicle. Mother asked for, and was given, a blanket to wrap around her son for his journey in the middle of a very cold night.
- The four unrelated men from Terminal 3 who arrived in Terminal 5 soon after 02:00. One of the Detention Custody Officers (“DCO”) who had come over with them told us that all had been asleep in Terminal 3, so she had had to wake them for the move.

7.10 We also learned of other distressing stories. Two examples:

- A man detained in Terminal 3 who left it at 02:00 (when it closed), booked in into the Terminal 5 holding room at 02:30 which he left at 05:00 for the reverse move. A mere 2.5 hours in Terminal 5 – not an untypical example.
- Parents with their three children aged 4, 7 and 9: all the children were in tears during their move in freezing conditions and one wet himself during the journey.

7.11 G4S were contractually bound to close the three holding rooms and move the detainees to Terminal 5. Their concern about the negative impact on detainees was expressed repeatedly not only by the senior manager at Heathrow but by his staff too: see paragraph 10.8. Border Force's Inspectors were not enthusiastic either. We do not suggest Detention Services were sanguine, but closure was their cost cutting exercise.

7.12 We recognised the UKBA was not then committed to overnight closures; a three month trial was intended, to be evaluated at that point although not abandoned pending evaluation.

7.13 The detainees subjected to the trial were denied respect, dignity, decency. Detention Services' 2010/2011 Business Plan includes the following statement: *“Providing a consistent and humane regime to detainees is absolutely vital in maintaining our commitment to provide decency for those in our care.”* The trial ran counter to that objective.

7.14 The harm to detainees' welfare was quickly apparent which is why we wrote to the Minister on 7 December. The Director of Detention Services replied on the Minister's behalf on 15 December. The trial was suspended until the New Year. It appears it had served a necessary purpose and identified issues (process and operational) which would have to be addressed before new arrangements could be made to resume the trial.

7.15 The Director made it clear to us that he could not commit to abandoning the concept of closing a number of holding rooms overnight altogether as he is “required to save significant sums”. He assured us “detainee welfare will remain a key priority.”

7.16 Overnight closures had not resumed at the end of our reporting period.

### **Our recommendations**

7.17 If for economic or other reasons holding room detainees are to be moved to one location in the future then:

7.17.1 the UKBA must ensure it is to a location offering decent facilities where detainees are accorded respect;

7.17.2 Border Force must identify detainees whose cases cannot be completed until the next day so that such detainees are taken to the suitable location as soon as possible and

7.17.3 the escort contractor must facilitate these timely moves and provide transport in vehicles without internal cages.

7.18 If detainees are to be moved during the night, then the UKBA must ensure they are held undisturbed at a single location long enough to have an acceptable period of sleep.

## **SECTION EIGHT: FAMILIES AND UNACCOMPANIED MINORS**

8.1 In our last report we recorded:

- the overnight detention of unaccompanied minors in holding rooms,
- the regular long detention of families in holding rooms and
- our inability to reconcile these facts with the duty imposed on the Secretary of State by section 55 of the Borders, Citizenship and Immigration Act 2009 to make arrangements ensuring that immigration and asylum functions (among others) are discharged having regard to the need to safeguard and promote the welfare of children.

### **Priority**

8.2 We recommended that the cases of unaccompanied children and of families always be dealt with urgently. We received a detailed response which included an assurance that *“such cases are afforded absolute priority”*.

8.3 We are not in a position to gauge whether each case has been accorded “absolute priority” but our observation over the last twelve months has been mostly of shorter periods of detention than we observed previously. We welcome this.

8.4 However, according “absolute priority” cannot equate with short periods of detention in every case. A family, or unaccompanied child refused entry, will be sent back. The return flight must be arranged. The UKBA has no control over airline timetables. An example:

- The unaccompanied 16 year old, detained at 09:25, had been refused entry by the time we met her three hours later – so her case appears to have been given priority. Her return flight was not until 18:30.

### **Asylum seekers**

8.5 Asylum applicants typically include families and some unaccompanied children. In our 2009/2010 reporting period we noted that asylum-seeking families who arrived at Heathrow late in the day were routinely detained in holding rooms overnight pending referral to the AIU when it opened the next morning. In our last report we recommended the UKBA to re-think its approach.

8.6 We were told in response that *“families should not be held in holding rooms pending any decision by AIU”* and that *“existing guidance has been re-issued to staff at Heathrow to address any misunderstanding over process.”*

8.7 In our observation this iteration of guidance has mostly been successful, but seemingly not in every case we have encountered. An example:

- Two female adults, seeking asylum, travelling with three children aged 6, 8 and 13 were detained close to midnight and spent the rest of that night in a holding room. Work on their cases started the next morning. The outcome was that they were to be granted temporary admission and were to stay in designated asylum accommodation. The transport to get them there was not booked and so they spent a second night in the holding room. They were detained for 30 hours in total.

So, this family group had no beds for two consecutive nights nor night time “*access to improved facilities*” in Cayley. The muddle over the transport made matters worse but we query why this group was held in a holding room in the first place.

### **Tension between the duty to safeguard and promote the welfare of children and the detention conditions**

8.8 We recognise that whilst speed in case-working is an important factor in promoting the welfare of children detained in the holding rooms, inquiries must be thorough to ensure their safety and that this can take time.

8.9 In our last report we recommended that when for safeguarding or other legitimate reasons speedy resolution is not possible the child or the family must be accommodated in better conditions than those in the holding rooms. We acknowledge that some families have been accommodated overnight in an IRC and brought back to Heathrow in the morning when case-working resumes.

8.10 Others have been held in the unimproved holding rooms. In our opinion there is a connection between the physical conditions in which families and unaccompanied children are detained and the statutory duty. Some illustrations:

- The young woman detained for 20 hours, including overnight, travelling on false documents citing her age as 21. Border Force was concerned: the Paladin team interviewed her the next morning: she was in fact 17, and temporarily admitted, in the care of Social Services.

So safe-guarding considerations to the fore, and rightly so, but she was still held in holding room conditions with strangers.

- Another young woman detained in a holding room at 00:40, and for the next 15 hours. We were told she had travelled on false documents which showed her to be a minor, that Border Force doubted this but were treating her as one. She appeared to speak no English. An interpreter arrived in the morning, soon after 09:00. The young woman was referred to Social Services for an age assessment and she was released to their care during our visit.

Safe-guarding considerations again to the fore, but what might she have understood of what was happening or why she was denied the opportunity of proper rest as she spent those long hours on a seat in a holding room behind a locked door?

- The family detained in a holding room for nearly 13 hours between 10:15 and 23:00 when they were granted temporary admission: parents, granny (infirm and in a wheelchair) and three children aged nearly 4, 6 and 9. When we arrived at 22:30 there were 14 detainees (including another family) in this location, a reduction from the 22 who had been there an hour or so earlier. At one point during our visit, mother came out of the holding room into the DCOs' office and sat in a chair, looking completely exhausted.

How did this experience promote the children's welfare? It was the parents' decision to travel with their young and bad luck that the family's detention coincided with that of so many other detainees. Their experience might have been more tolerable had there been a decent family room available to them of the size and with the amenities we recommended in our last report.

### **The principle**

8.11 In June 2010 we made a submission to the government's review into ending the detention of children for immigration purposes. Our perspective is limited to Heathrow, the busiest airport in the United Kingdom.

8.12 We argued against the continued detention of children at ports: our experience at Heathrow was that:

- The period of detention can be long (even if it is within the parameters to be permitted by the Rules);
- Delay in access to interpreters can contribute to length of detention – this factor is demonstrated by the second of our illustrations in paragraph 8.10;
- Other processes such as referral to the AIU and/or the Asylum Routing and accommodation office can also contribute to length of detention for asylum-seeking families: see paragraphs 5.15 to 5.18.
- AND, and perhaps most importantly, whilst the detention accommodation and conditions are unsuitable generally they are most particularly so for families and unaccompanied children.

8.13 The Review Conclusions were published in December 2010. The detail relevant to our work is set out at paragraphs 5.11 to 5.14 of the Conclusions document. Detention at ports remains for what is described as “a short period (up to a maximum of 24 hours)”, a new process was introduced on 16 August 2010 (which includes authorisation of

overnight detention at Director level), the system for dealing with asylum-seeking families has been changed and the UKBA will “continue to return those refused entry by the next available flight and preferably on the same day”. Where detention of longer than 24 hours is necessary “the family may be transferred to an immigration removal centre, where there are more comfortable facilities and support services”.

8.14 Some of the examples of family detention we cite in this report are post 16 August 2010.

### **Our recommendations**

8.15 They are the same now as we made in our June 2010 submission and are informed by our continued monitoring for a further seven months.

8.16 The Home Secretary should ensure that families are no longer detained in holding rooms during the period of secondary examination. They must be accommodated elsewhere in a location offering decent facilities equipped to meet the needs of children. This accommodation must be non-custodial.

8.17 Until this is achieved the UKBA must ensure that families are held in family accommodation of a high standard and that the custodial aspects of their detention are much less overt than now.

## **SECTION NINE: CAYLEY HOUSE DETAINEES**

9.1 Cayley is the building to which people due to be removed on flights from the airport are brought from other places of detention. As already reported, its facilities are better than those of any of the holding rooms.

### **Numbers and length of detention**

9.2 Using the statistics, we calculate that by the end of our current reporting period 9,632 individuals had been held in Cayley of whom approximately 95.5% were held there for less than 8 hours.

### **Children in Cayley**

9.3 We have occasionally visited Cayley at a time when a child was held there, but have not seen this for some months.

### **The immediate journey to removal**

9.4 Detainees are driven to the airport by G4S, the current escort contractor. We monitor the time at which these road journeys start (“start time”), the time of arrival at Cayley and its relationship to the time at which the flight is due to leave (“waiting time”). We consider it misleading to segregate waiting time from the preceding road journey (especially when it starts in the night) as both are experienced by the same individual.

### **Start time**

9.5 Road journeys starting in the night are of particular concern to us as we recorded in our last report. We do so again now. Some illustrations:

- left Dover IRC at 00:30 and arrived in Cayley at 04:20 - 6 hours pre-flight;
- left Colnbrook IRC (three miles down the road from the airport) at 03:45 and arrived in Cayley at 04:20 - 5 hours 40 minutes pre-flight;
- left Yarl's Wood IRC at 01:45 and arrived in Cayley at 04:30 - 8 hours pre-flight.

### **Bus, not taxi, service**

9.6 The escort contractor provides a bus service, transporting a number of detainees who leave their IRC at the same time, not necessarily for the same ultimate destination. Some illustrations:

- 2 men left Dover IRC together at 03:00 and arrived at the airport at 06:30, one for a flight at 07:35 and the other at 11:50;

both were subjected to a road journey starting in the night and deprived of a decent night's sleep.

- A group left Campsfield House IRC together at 21:25 and two of them ultimately arrived in Cayley 6.5 hours later.

G4S had taken the group first to Gatwick airport, where someone was dropped off, then on to Colnbrook IRC (where someone else had been dropped off) and the two men due at Heathrow were taken on from Colnbrook to G4S'base in Feltham, where they changed vehicles for the last leg of the journey to Heathrow.

### **Waiting time**

9.7 A contractual performance measure is triggered if the escort contractor brings a detainee to the airport more than 7 hours pre-flight. In our last report we asked the UKBA to address the escorting patterns and to reduce the 7 hour contractual threshold to 5, recognising the reality of the journey to removal and its likely impact on people at a time of stress.

9.8 Neither the UKBA nor G4S commented on our request for a review of the escorting patterns. However the UKBA did respond to our other request. They told us that G4S had "*implemented a new initiative of a revised target of 5 hours pre-flight arrival on port.*" We believe this non-contractual target was adopted at the end of April 2010.

9.9 We welcome G4S' enterprise and acknowledge that waiting time has been reduced although not invariably so as our illustrations in paragraph 9.5 demonstrate. We selected them from our many post-April 2010 examples.

9.10. We understand pre-event arrival will be set at 5 hours in the new escorting contract.

### **Morning flights**

9.11. We wonder whether it is essential to book detainees on morning flights (such as those leaving between 06:30 and 10:00) when this means subjecting the detainee to a road journey starting in the night. We have pursued our concern with the Head of the UKBA's Detention & Escort Contract Monitoring team.

9.12 We accept its inevitability when there is only one daily flight to a particular destination and it happens to be in the early morning. We acknowledge there are special considerations in relation to removal of Third Country Detained cases as the detainee must arrive before 14:00 in the receiving country.

9.13 However there must be many cases when neither of these factors applies. We know there are destinations to which there is more than one daily flight: for example, to



Istanbul or Doha. We cite these destinations because we have noted detainees leaving on early morning flights to them.

9.14 We wanted to discover whether the UKBA opt, when they can, to book flights later in the day, so sparing detainees the night road journey. We were told in August 2010 that case-owners had been invited to consider booking later flights. In January 2011 we asked whether it had been possible to gauge the success of the invitation: statistics are being gathered.

### **Frequent and/or night moves around the immigration detention estate**

9.15 Our data on road journeys starting in the night is drawn from escorting records. This source provides other, equally disturbing, information about the number of times some detainees are moved between places of detention, including in the night. A couple of illustrations from just the last 6 weeks:

- Detained in Liverpool on 22 December 2010, moved on the 23<sup>rd</sup> to Pennine House residential Short-Term Holding Facility (Manchester), moved on the 24<sup>th</sup> to Dungavel IRC (Scotland), back again to Pennine House on the 31<sup>st</sup>, on to Colnbrook IRC on 1 January and from there to the airport on the 3<sup>rd</sup>. – a plethora of moves;
- Detained in Middlewich (Cheshire) at 19:15 on 14 January 2011, collected from there at 01:10 on the 15<sup>th</sup>, arrived at Dungavel at 05:40, left again at 20:00 on the 16<sup>th</sup>, arrived in Pennine House at 23:25, left there at 02:15 on the 19<sup>th</sup>, arrived at Campsfield House IRC (Oxford) at 05:00 and moved from there to the airport on the 22<sup>nd</sup> – again repeated moves, all bar one at night.

### **Administrative inefficiency or indifference**

9.16. We have drawn attention to this issue in each of our last two reports. We do so again, albeit in different contexts – lack of documentation for ex-prisoners, muddle in relation to eligibility for the Facilitated Returns Scheme, and the UKBA’s insistence that detainees were taken to the airport in appalling weather conditions. We deal with each separately.

9.17. Ex-prisoners have arrived in Cayley without a passport or other ID, as a result of which their removal is cancelled that day and they are returned to a place of detention. It appears that case-owners are not consistently checking the whereabouts of the passport or other ID, and then making arrangements for collection, before setting Removal Directions.

9.18. Some detainees arrive in Cayley clutching letters confirming their membership of the Facilitated Returns Scheme (“FRS”) only then to discover their name is not on the official list issued by the FRS office to G4S. This compromises their willing departure

from the UK. It appears that case-owners are not consistently notifying the FRS team when Removal Directions are set.

9.19 In each case the problem is discovered at the airport. G4S' managers in Cayley try to resolve a situation outside their control, the detainee may either be unable to travel that day or refuse to go, and is returned to detention. Not a caring approach on the part of the UKBA, quite apart from the waste of public funds.

9.20 The weather was poor over the week before Christmas 2010. Road conditions were particularly bad and the public was advised against road travel unless absolutely necessary. When we arrived at 09:00 on 18 December BA had already announced the cancellation of their flights that day and other airlines could reasonably be expected to follow suit. Nonetheless detainees were still arriving from local IRCs including one from Colnbrook, who arrived in Cayley at 10:45 for a flight at 14:15, and another from Harmondsworth at 11:05 for a flight at 15:25.

9.21 We were told that removals from the airport resumed on the 21<sup>st</sup> but that during the period of disruption detainees kept arriving in Cayley even though flights were cancelled.

9.22 To us this indicated indifference on the part of officials in the Detainee Escorting and Population Management Unit ("Depmu") – the detainees treated as commodities and the escorts as servants. Depmu issue the movement orders which the escorts are contractually required to carry out.

### **Access to interpreting services**

9.23 Some staff working in Cayley speak languages in addition to English and we have seen them use this ability to good effect with detainees whose understanding of English appears to be limited.

9.24. Staff also know how to access the telephone interpreting service and we have observed its more regular use in this reporting period than we did in our last.

### **Misinformation about property**

9.25 Some detainees arrive at Cayley with property related problems, having been told the issue will be resolved at the airport. We raised this with the UKBA and our colleagues monitoring in IRCs in October 2010. Typical scenarios:

- your luggage/possession can be handed in at their airport on your behalf by a third party: inaccurate;
- the airline will accept your excess baggage without question or levying an excess charge: again inaccurate.

9.26 Misinformation of this sort is swirling around, outside our bailiwick: a detainee tells someone of his/her problem and accepts an assurance that it will be resolved at the port but the problem is not actually tackled. An illustration:

- A man being removed on a chartered flight we were monitoring was concerned about his missing shoes and mobiles. He had been initially detained at a London Police Station, then in a London prison and then in an IRC. He had been told when in prison and again when in the IRC that he would be reunited with his missing possessions “later” (time/date unspecified), but he was still without them when he boarded the aircraft.

We contacted the Metropolitan Police, discovered the property was still at the Police Station and wrote to the man (now abroad) to tell him whom to contact in order to retrieve it. The assurances seem to have been given by people who had no idea where the property was or, if they knew, had made no arrangements for its return to the man.

### **Detainees at risk of self-harm**

9.27 If a detainee in an IRC is thought to be at risk of self harm, the identification of the risk and the subsequent care and support arrangements must be recorded in a unique document for the detainee (“the ACDT document”). This is intended to be a live document in which the implementation of the care plan is regularly recorded and the relevance of the plan reviewed.

9.28 If G4S staff consider that a detainee is at risk of self harm after arrival at CH or one of the other holding rooms, they complete a ‘Suicide/Self Harm Warning Form’. This is a G4S document, which is shorter and simpler than an ACDT document. However if a detainee arrives at Cayley with a current ACDT document, it should be maintained by the G4S staff and a Suicide/Self Harm Warning Form is not used.

9.29 On the few occasions we have been at Cayley while a detainee on a current ACDT document was present, the G4S staff cared for the person appropriately. However we have observed ACDT documents not being maintained adequately. Illustrations:

- We observed an 18 year old detainee who arrived in Cayley with a current ACDT document, opened the previous night in his IRC. It did not include a plan for his journey from the IRC to the airport, nor any indication this had even been considered – not a job for the escorts. There is no evidence that the document was reviewed on his arrival in Cayley. He was anxious that he would be mistreated. Staff calmed him and, as he was claustrophobic, agreed he could stand at the one window in Cayley whenever he wanted to. None of this was recorded in his ACDT document. Up to date information was therefore not available to in-coming staff on the shift change which took place during his time in Cayley.

- Another detainee who was brought to Cayley for removal had threatened, at the IRC, to kill himself. His ACDT document specified that he was to be on “24 hour visual contact”. He was observed regularly, but not continuously, by G4S staff. While he was in a holding room with other detainees this was probably adequate. However, the ACDT did not include any record of or justification for this level of supervision, nor did it specify what was to be done if the other detainees left but he remained.

9.30 G4S’ staff approach, whilst well meaning, is casual. To some, the ACDT is just another piece of paper with which a detainee may arrive. The need to review it and keep it up to date is not always recognised. It is essential that care of vulnerable detainees is properly considered and properly recorded. This is vital to ensure that all staff who have to deal with a detainee at risk of self harm are fully aware of the person’s circumstances and how they are to be cared for.

9.31 The use of two different forms – the ACDT document if the detainee has been identified as at risk prior to arrival at the airport and the Suicide/Self Harm Warning Form if the risk is identified on arrival at, or during the time then spent at, the airport - may contribute to poor use of the ACDT document by G4S’ staff.

### **Use of the Close Supervision Room**

9.32. A detainee may be kept apart from other detainees in Cayley in the Close Supervision Room, located immediately inside the entrance to the building. Rules prescribe who may authorise such isolation, when, the grounds, the minimum standards of care a detainee must receive whilst there, and the maximum period of isolation – 4 hours unless an extension has been authorised by a UKBA manager.

9.33 Recorded use of the Close Supervision Room has been rare during our reporting period: 6 occasions (as compared with 71 in our previous reporting period) and none since the end of October 2010. Time spent in the Close Supervision Room ranged from 10 minutes to 130 minutes. Three of the six detainees were held in the room for their own protection: two had been head-banging against a wall and the third was threatening suicide. The remaining three spent time in the Close Supervision Room on account of their disruptive behaviour, two having been violent and then restrained.

### **The return journey to detention**

9.34. A planned removal may fail after a detainee has arrived in Cayley, for a variety of reasons: the airline cancels the flight, lack of relevant documentation (for example, see paragraph 9.17), successful legal challenge, or the detainee’s unwillingness to co-operate whether by refusal to board the aeroplane (not now followed by use of force to get him/her on) or by behaviour, once boarded, which results in the airline’s refusal to carry this passenger.

9.35. These detainees return to an IRC. The process is convoluted, with many stages: the fact of the failed removal must be communicated; a bed in an IRC found and allocated; a movement order issued to G4S and that job then “tasked”. All of this can take time but sometimes it is so long as, in our view, to smack of punishment. Some illustrations:

- A male detainee arrived in Cayley at 03:55 for a flight at 06:35: the airline refused to carry him as the onward connection had not been booked (an example of administrative inefficiency of another sort): he left Cayley at 21:52 for his journey back to detention.
- A female detainee arrived at 04:35 for a flight at 07:55 which she refused. She was tearful when we met her a few hours later. She left Cayley at 21:38 to return to Yarls Wood IRC.

### **Our recommendations**

9.36 The UKBA should review the extent to which it is operationally essential to book detainees on flights leaving in the morning. Booking practices should be informed by that review and monitored by managers.

9.37 The UKBA should not require or allow detainees to be moved to the airport in the night unless it is operationally essential.

9.38 The UKBA should not subject detainees to unnecessarily frequent moves around the detention estate.

9.39 The UKBA should address the administrative failures we record in paragraphs 9.16 to 9.19 and allude to in the first of our illustrations in paragraph 9.35.

9.40 The UKBA should take steps to ensure that detainees in IRCs are given accurate information about property as part of their preparation for release.

9.41 G4S’staff should receive further training on use of ACDT documents, with particular emphasis on assessing and recording the care that detainees should receive. Managers should monitor delivery of the required standards.

9.42 G4S should review the merits of continuing to use a document other than an ACDT document for recording the care of detainees at risk of self harm.

9.43 The UKBA should review their approach to re-accommodating detainees after a failed removal at Heathrow and make it more efficient so that these detainees leave for their return journey to the better conditions of an IRC more speedily than they do now.

## **SECTION TEN: OTHER ASPECTS OF CARE AND WELFARE**

### **Gender considerations**

10.1 Holding room DCOs work in teams of two per shift in each of Terminals 1, 3 and 4 and three per shift in Terminal 5. We consider it both inappropriate and culturally insensitive that an all-male DCO team has female detainees in its charge. In our last report we recommended that a female officer be present during the period a female was held. Detention Services have told us that will be a requirement of the new contract.

10.2 Meanwhile, G4S have tried to achieve the appropriate mix of officers to detainees and with more success than we observed last year. More female officers have been recruited with the objective of detailing a female officer on each shift in each location by mid-December 2010. It is too soon for us to gauge whether this is now being consistently achieved but during the last three months of this reporting period we noted only three cases of women being held without a female DCO present.

10.3 A female detainee is normally escorted to her removal flight by a female officer.

### **G4S' staff attitude to detainees**

10.4 Last year we reported a steep and welcome improvement which has been sustained this year. Alertness to need is one of our benchmarks. In our last report we drew attention to some poor Inductions. This has rarely been our experience this year. We have seen Inductions properly carried out in a friendly way although sometimes the officer fails to take the detainee into the holding room (as opposed to just opening the door) to point out what is available.

10.5 In all our previous reports we have also drawn attention to the "they can ask" attitude of some staff, demonstrating their failure to understand detainees can reasonably be expected to be confused, if not frightened, and lacking the confidence to come to the door to attract attention.

10.6 Last year we recommended G4S to consider specialist training. They responded by a one-to-one programme which we were told had been delivered to all staff by October 2010. We understand the approach to care and welfare was practical. A coaching record was created. This is potentially positive although we do not know whether it is intended to be a live document, regularly reviewed in, say, a structured staff appraisal.

10.7 When chatting to detainees we still sometimes discover they need or want something but not as often as we used.

10.8 The night closures on which we have reported in Section Seven were testing for the DCOs involved in moving people from pillar to post in the night. They found the task repugnant on grounds of humanity and common decency. To us this was an illustration

of the way in which already good staff have been encouraged to develop their pro-active approach and others, who needed prompting, have responded to training and peer-group example, in each case with management direction and positive support.

### **Ability to communicate with detainees**

10.9 Some holding room DCOs can talk to a detainee in his/her own language and do. This is helpful. We have recorded the same ability of some Cayley DCOs in paragraph 9.23.

10.10 All holding room DCOs now have access to the telephone interpreting service and know how to use it. We have seen it deployed to good effect. Some illustrations:

- the DCO who bridged the communication gap with an unaccompanied minor by using the service and as a result wrote an informed Child Care Plan;
- the very distressed detainee whose severe headache was discovered by means of a translated telephone conversation.

10.11 G4S provide an Information booklet in standard format in all the holding rooms and in Cayley. It is available in English and the other UKBA approved range of languages which no longer includes Portuguese or Spanish. We understand they were dropped following the UKBA's research into the nationalities of people coming in contact with its detention facilities.

10.12 Information available in Portuguese may be deemed unnecessary elsewhere but is needed at Heathrow. According to the G4S data to which we refer in paragraph 5.6 Brazilians are numerically the third largest national group of holding room detainees.

10.13 We noticed communication problems between T+'s drivers and their passengers when the latter do not understand English and the drivers cannot communicate in a relevant language. We were encouraged to learn that T+ aspired to their own Information leaflet, relevant to their service users, in English and the other UKBA approved languages. We are pleased that it has been available since November 2010.

### **Medical issues**

10.14 The Port Medical Inspector's service ("PMI") to the UKBA is funded by the Health Protection Agency and has been reduced in this reporting period. We believe an operating Protocol is being discussed.

10.15 As we understand it:

- PMI will give advice to Border Force on a passenger's medical condition in some circumstances but not provide medical cover (clinical care) whilst a passenger is detained at a port;

- PMI will give advice to Border Force on a person's fitness to fly but not actually make the judgment;
- PMI will not give advice on medication carried by arriving passengers except in some limited circumstances.

10.16 The impact of these changes was searingly demonstrated in the case of a young man who sought entry on a student visa. Border Force referred him to the PMI. He had terminal cancer: his face was emaciated (to us he looked twice his age) and his stomach severely distended. The Border Force Inspector who first dealt with him judged him much too ill to study here but wanted him to have an opportunity for rest before his return journey. She tried to arrange a bed for him in an IRC where there are qualified medical staff. This was the outcome she and we expected when we each left the airport some hours later.

10.17 In the event the bed did not materialise, there was an attempt to carry out the Removal Directions that evening (before the bed issue had been resolved), the man was taken onto the aircraft, the pilot refused to accept him as a passenger, he was brought back to the holding room, paramedics were called, and after their visit he was taken to hospital, where he died 5 days later.

10.18 The decision on fitness to fly rested with Border Force officials. They had the "benefit" of an informal assessment from the PMI that as the man had managed to get here there was no reason against him returning provided he kept his fluids up and was kept comfortable – the latter is of course impossible to achieve for a very sick man in holding room conditions.

10.19 We acknowledge that the likelihood of someone coming here simply to secure treatment on the National Health Service is a factor to which Border Force must have regard. We consider it is wrong to vest the responsibility for a fitness to fly decision in non-medically qualified officials.

10.20 The lack of PMI medical cover (clinical care) whilst a passenger is detained can be bridged by the paramedical service based at the Heathrow. They sometimes refer detainees to hospital for further assessment/short term treatment.

10.21 The lack of PMI advice on medication detainees have with them can also be bridged. DCOs can telephone a medical advice line and triage service provided by G4S Forensic and Medical Services for a decision on whether a detainee may self-medicate.

### **Medical confidentiality and information on IS91s**

10.22 Some of the port-generated IS91s we have read recorded medical issues. This served to alert the holding room DCOs to matters of which they need to be aware in the



interests not only of the subject detainee but, in some cases, also in their own and that of other detainees in the holding room.

10.23 We do not know what criteria inform Border Force's judgment on what to disclose patently and what to keep confidential and therefore accessible only to qualified medical personnel unless the detainee consents. We raised this recently with Border Force and understand they are seeking guidance.

### **Medical "in confidence" records**

10.24 Some Cayley detainees arrive at the airport with "a medical in confidence" envelope in their documentation and it is still there after the detainee has been successfully taken on to the aircraft. We queried this approach with G4S: it seemed to us that the information in the envelope might be relevant to the flight as well as to provision of healthcare abroad.

10.25 G4S told us that medical in confidence envelopes are handed to airline personnel with the detainee's other documents, to be released to the detainee on arrival at the other end. We know this does not routinely happen and that envelopes are left in Cayley.

### **The approach to repairs**

10.26 In each of our last two reports we recommended a change in the intra-Agency arrangements to give Detention Services responsibility for managing the relationship with BAA in relation to accommodation and repairs. This has happened.

10.27 Last year we also suggested G4S introduce a register in standard format for each holding room to record faults and track subsequent action. They did. Inconsistent use of these logs – such as failure to record the date on which a fault was rectified – means we do not have a comprehensive view of the time BAA has taken to respond to fault notifications.

10.28 In most cases where the completion date is recorded the response was either on the same day, or within three days. Other jobs have taken significantly longer. Illustrations:

- December 2009 to May 2010: to replace the locks to all the lavatories doors in the Terminal 5 holding room – they had a tendency to stick;
- 15 March 2010 to 1 April: to deal with a leaking cistern in Cayley;
- 1 April to 17 June: to repair the broken lock on a lavatory door in the Terminal 4 holding room;
- 14 June until late July to remount a fire extinguisher in the same holding room.

10.29 The male shower in Cayley has been out of action three times in this reporting period. For some ten days in May when bacteria in the water was detected; for the same period in September when the drains were blocked; and from the end of September until 24 December on account of bacterial infection. We think it reasonable to expect a bacterial infection of this sort (legionella) to be dealt with by chemical treatment and flushing in no more than a fortnight as opposed to the three months it took BAA.

10.30 One of the new UKBA holding room monitors to whose appointment we refer in paragraph 12.2 has been active in trying to persuade BAA to deal with repair quickly. Most of the delays we have reported in paragraph 10.28 occurred before this appointment. However, in view of the timescales we wonder whether the UKBA really enforces its powers vis-à-vis BAA in the context of repair and if they do, whether the powers are still adequate.

### **Food**

10.31 In our opinion the quality of some of the sandwiches G4S provide has been poor from time to time. Some of the hot meal options do not appear to be popular with detainees.

10.32 G4S has continued to supply fresh fruit and snacks – extras not required under the current contract. We commend them for this and for the fact that they offer more substantial food to detainees on demand.

### **Complaints**

10.33 The procedure for making a formal complaint is set out in Detention Service Order 13/2008. The forms are available in the holding rooms and in Cayley, with guidance notes in English and the other UKBA approved range of languages. A complaint form for use by children was introduced in the summer.

10.34 We are entitled to be notified of a formal complaint if the subject matter is identified as having arisen at Heathrow, unless the complainant opts against disclosure to us.

10.35 In this reporting period Detention Services have sent us copies of the final letter of response to each of four complaints (but we do not have copies of the actual complaints) and copies of four other complaints but not yet notification of their outcome. An analysis Detention Services recently gave us on the number and subject matter of complaints they received during the calendar year 2010 suggests that the system for notifying us may not be working as it should. We are pursuing this with them.

10.36 As the picture we have is incomplete it is difficult for us to gauge with what rigour investigations are pursued: see also paragraph 11.22.

## **Our recommendations**

10.37 G4S should continue to pay particular attention to the way in which their staff interact with detainees, perhaps using the coaching record as the foundation stone.

10.38 The UKBA should fund translation of the contractor's Information booklet and information on use of the UKBA's formal complaints procedures into Portuguese, even if only for Heathrow.

10.39 The UKBA must procure a change in the current arrangements with the Health Protection Agency so that the decision on fitness to fly reverts to those medically qualified to make it.

10.40 Border Force should review the approach to recording medical information on IS91s.

10.41 Detention Services and G4S should review the current confused approach to medical in confidence data arriving with Cayley detainees and G4S then implement the conclusions of that review.

10.42 The Home Secretary's review which we recommend in paragraph 6.37.1 should include assessing the adequacy of the current powers to require repairs to be carried out quickly.

10.43 G4S should continue to supply fresh fruit and snacks and more substantial fare on demand.

10.44 The UKBA should take steps to ensure that complaints of which we are entitled to be notified are consistently communicated to us.

## **SECTION ELEVEN: MONITORING REMOVALS**

Detainees' removal is an escorted process. It takes three different forms each of which we have monitored in this reporting period.

### **ESCORTING TO THE DOOR OF THE AIRCRAFT**

11.1 This task is carried out by G4S' DCOs based in Cayley, known as in-country escorts. They escort holding room detainees who have been refused leave to enter the country and the Cayley detainees whom we describe in paragraph 9.1.

#### **The in-country process**

11.2 Holding room detainees generally leave on a flight from the same terminal as the one in which they have been detained. They walk with their escort DCO(s) from the holding room to the security check points and on through public departure areas to the door of the aircraft from where the airline crew take them to their seat. The process for Cayley detainees is the same except that they are driven airside by their escort DCO(s) from Cayley to the terminal from which the flight leaves.

11.3 The detainees are often (although not always) boarded before other passengers and in this sense their escorted boarding is discreet although not if they arrive at the departure gate at the same time as the other passengers. The escorts wait near the aircraft door until the aircraft pulls back from the stand.

#### **Care and consideration to detainees under escort**

11.4 In this reporting period we have again observed kindness and consideration shown by in-country escorts. Some illustrations:

- going back to the departure lounge to get a magazine for a passenger;
- the escorts chatting with the young woman being returned to Canada and ensuring she understood exactly what was going on;
- getting seat reservations changed so that a husband and wife could sit together on the aircraft.
- A detainee, on arrival in Cayley, discovered he had been given misinformation in his IRC about money. It looked as if he might not leave willingly. One of the escorts chatted with him throughout the boarding process, discovered she had visited places in the UK in which he had lived, they shared reminiscences and he walked into the aircraft, smiling.

## **Communication problems**

11.5 Language barriers present themselves when the escorts speak only English and the detainee does not understand. We have been present when no comprehensible verbal communication has taken place during the boarding process. This impasse can sometimes be resolved by the detainees themselves. Illustrations:

- the mother (who appeared to have little English) travelling with her 2 children one of whom acted as interpreter, so bridging the gap between the English-speaking escorts and his mother;
- one detainee, in a group of 5 who all spoke the same language, acted as interpreter for the group.

## **G4S' response to this problem**

11.6 G4S supplies mobile telephones which escorts can use to contact the telephone interpreting service if the need arises during the boarding process. They also supply a small card on which the relevant service numbers are printed. Some escorts appear to be reluctant to make the connection between carrying the company-issued mobile AND the card.

11.7 In our last report we suggested G4S try to detail a DCO who speaks the same language as a non-English speaking detainee to escort. We know this cannot be consistently achieved but are encouraged this year to have seen a Punjabi-speaking officer escorting Punjabi-speaking detainees.

## **Use of force**

11.8 Use of force by in-country escorts is significantly less than it used to be. We have not observed any use in this reporting period.

## **Large groups refused leave to enter**

11.9 We observed a tricky situation twice early in February 2010 – a large group of incoming passengers travelling together all of whom were refused leave to enter: 42 in the first instance and 31 in the second.

11.10 Neither group could be accommodated in a holding room – not big enough – and so was kept in the Arrivals hall. Whilst the groups were not under G4S' care as custodian, G4S' staff were deployed to help.

11.11 Each group had to be escorted to the door of the aircraft, which posed logistical and perceived security, problems.

11.12 We believe Border Force's view is that their managers and staff improvised well and achieved their core objective of same-day removal. G4S also responded well to an emergency for which they had no contingency plan. A plan has since been drawn up and (we think) agreed with Border Force.

### **ESCORTING on SCHEDULED FLIGHTS to the OVERSEAS PORT**

11.13. This work is done by overseas escorts, a separate cadre from the in-country teams. They use vehicles without internal cages and have a different dress code – a suit, not uniform.

#### **The process**

11.14. The detainee is driven under escort from an IRC, or prison, to the departure gate at the airport, boarded on the aircraft and accompanied to the overseas port of destination. This enforced removal reflects the UKBA's assessment that the passenger will not leave voluntarily. A paramedic accompanies the escorts when their passenger has medical needs.

11.15 We need advance notice of planned escorted removals in order to start monitoring from the point of entry onto the airport. We have recently established a better means of getting this information than was available from our original source and are grateful to G4S for their help here.

#### **Care and consideration shown by out of country escorts**

11.16. We have observed this. Illustrations:

- the escorts asked the passenger whether she wanted to telephone anyone in the country to which she was going and offered her the use of their mobile.
- The passenger was tearful as she waited to board the aircraft. The escorts tried to comfort her. Once on board she was soon laughing with them: she seemed calm and smiled as we left the aircraft just before the steps were removed.

11.17. We have a less satisfactory observation. We noticed that all the documents/papers for a man who had arrived directly from prison were in a clear plastic bag prominently badged "HM Prison Service" and would be taken on board in it. The lack of consideration was on the part of the prison staff but it would be helpful if overseas escorts carried an alternative and anonymous document case to meet such a contingency.

#### **Use of video recording and CCTV**

11.18. We have been present when the escorted passenger's boarding was filmed: it was discreet, both outside and inside the aircraft. This form of record is helpful, although we believe it is not mandatory.

11.19. We have travelled in a vehicle with the passenger under escort and noted it was fitted with internal CCTV. We understand it was also fitted with audio recording equipment. We believe each is mandatory.

### **Medically fit to fly**

11.20. In the last month of this reporting period we have twice monitored an attempt to remove women 20+ weeks pregnant. In each case she had been assessed in the IRC as medically fit to fly but the decision was reversed at the airport by the paramedic who was accompanying her. We have concerns therefore about the quality of the medical assessment in that IRC which we have passed on to our colleagues there, as well as to the Director of Detention Services.

11.21. We have been told that each woman had previously refused to participate in the Assisted Voluntary Return Scheme. We wonder whether the consequences of this refusal and of not going voluntarily were properly explained.

### **Use of force**

11.22 Five of the eight complaints to which we refer in paragraph 10.35 allege misconduct of various sorts by escorts. We know the outcome in four of these cases and note that the complaints were not upheld to any material extent. CCTV evidence, when available, seems, so far as we can judge, to have served a useful purpose in face of otherwise conflicting evidence.

11.23 We have not observed use of force by overseas escorts accompanying detainees on scheduled flights either during boarding or prior to the aircraft door being closed (when we have to disembark).

11.24 A detainee died in October 2010 following an attempted removal by overseas escorts on a scheduled flight from Heathrow. We do not monitor all boardings and were not present that day. The circumstances of the death are being investigated by the Prisons and Probation Ombudsman. We understand an inquest is to be held.

### **REMOVALS on CHARTERED FLIGHTS**

11.25 The UKBA remove some detainees on chartered flights, some of which have left from Heathrow during this reporting period. They were accompanied by overseas escorts, with a female escort detailed to travel with a female detainee as well as a child. At least one paramedic travelled on the charter. In our observation the majority of the detainee passengers were men. We once observed a child travelling with his mother.

11.26 Our role is currently limited to monitoring the movement of detainees within the perimeter of the airport. We start our monitoring of chartered flight removals at the point of entry into the airport.

## **The process**

11.27 Parties for the same charter are typically mustered at a number of IRCs. The detainees and their escorts travel from the IRC to the airport by coach. Entry to the airport is through a security point from which all traffic is banned whilst the coaches go through.

11.28 The passengers are disembarked, taken through the security checks and then board the coach in which they are driven airside. The process at the security entry point is protracted.

11.29 Detainees unwilling to co-operate in their removal do not travel in a coach: they are brought separately.

11.30 The stand from which the chartered flight leaves is usually a remote location in the airport. The detainee passengers are not taken onto the aircraft as soon as their coach arrives at the stand: they remain in the coach. Once boarding begins, it tends to be quick. Detainees unwilling to co-operate are boarded last, shortly before the aircraft doors close. We continue to monitor until the aircraft pulls back.

## **A long time spent on coaches**

11.31 The time spent by detainees in the coach has always been of concern to us: typically 6 hours if they start their journey from an IRC in Sussex although a bit shorter if they start from elsewhere. Much of the time was spent parked up in surroundings such as a freight facility or on the stand.

11.32 The problem was exacerbated over some months during the summer of 2010 when the passengers had to change coach at the security point and travel airside in coaches without working lavatories or drink dispensing machines. G4S tried to make alternative arrangements to meet these needs which were sometimes thwarted: for example when the staff at the security point did not transfer the bottled water G4S had brought onto the airside coaches.

11.33 In our observation it was usual for more detainees to be brought to the airport than there were seats on the aircraft. The extra detainees were on a reserve list and would take the place of someone else whose removal had been cancelled at the last minute, by, say, Injunction. Having already spent many hours on a coach, any reserve list members for whom there was no seat on the aircraft then faced the return journey to an IRC – more hours confined in a coach.

## **Care and consideration**

11.34 We have seen care and consideration shown by overseas escorts to detainees: for example, towards a very distressed woman. We observed the escort calming her,



explaining what was happening and using a mobile to contact a volunteer who had been helping the woman whilst she was in detention.

### **Use of force**

11.35 In our observation the overseas escorts encourage detainees to co-operate, and take time to engage with the detainee and talk the matter through. This is not always successful. For example we have seen a few detainees carried onto the aircraft. It is difficult to monitor this; it happens quickly and the detainee is surrounded by escorts. When a detainee has been carried onto an aircraft we have been able to see that person, once seated.

11.36 We understand the new escorting contract will require the contractor to film all boardings to chartered flights. G4S took this initiative in advance. Filming from the tarmac was discreet. In one case we asked the UKBA to arrange for us to view the recording and we saw clips filmed outside and inside the aircraft.

11.37 In our opinion, use of force when we have seen it has been reasonable in the circumstances and proportionate.

### **Future monitoring**

11.38 We have had no notice of chartered flight removals from Heathrow since September 2010. We believe they leave from another port at which there is currently no independent monitoring.

### **Our recommendations**

11.39 G4S' managers should supervise in-country escorts' use of the cards to which we refer in paragraph 11.6.

11.40 Border Force and G4S should jointly agree a contingency plan for dealing with large groups (if this has not yet happened) and in any event regularly review it.

11.41 G4S should provide overseas escorts with anonymous document holders or bags to meet contingencies of the sort we have mentioned in paragraph 11.17.

11.42 The UKBA should require the escort contractor to film overseas escorted boardings to scheduled flights.

11.43 The UKBA should take steps to ensure that detainees are routinely told and, most importantly, actually understand the alternatives to enforced removal – see paragraph 11.21 as a possible instance of misunderstanding.

11.44 The UKBA should review the length of time detainees being removed on chartered flights spend confined in coaches. The port or ports from which charters now

leave may be further away from IRCs than was Heathrow even if the time spent in the coach on arrival at that port is less than it was at Heathrow.

11.45 The Home Secretary should ensure there is independent oversight of chartered flight removal.

## **SECTION TWELVE: MANAGEMENT and CONTRACTUAL OVERSIGHT**

### **G4S**

12.1 The Area Manager for LHR has sustained the momentum for improvement especially in the context of his staff's attitude to detainees. We iterate our comments in paragraph 10.8.

#### **The UKBA's contract monitoring**

12.2 The contract monitoring team has been boosted by the creation of two new posts-holding room monitors- who started work in May 2010. This is a helpful development. One of these officials visits the holding rooms and Cayley regularly. We have also seen each of these officials monitoring aspects of the removals process.

#### **Border Force officials**

12.3 We only observe them if they happen to come into a holding room whilst we are visiting. They are overwhelmingly polite, and professional. We have exceptionally seen the reverse - a brusque, dismissive, discourteous approach – but not on the part of senior personnel.

## **SECTION THIRTEEN: THE WORK of the BOARD**

13.1 We were a small board at the start of this reporting period and the loss of three members during this period has had an effect: We have been able to do less but have still achieved regular visits to the holding room and to Cayley as well as monitoring removals.

13.2 We wanted to advertise for new members towards the end of this reporting period. This has been delayed by government restrictions on advertising which mean the IMB Secretariat staff are no longer able to place advertisements themselves. We find the delay frustrating in light of the government's stated intention to encourage volunteering- we need to recruit more volunteers.

13.3 We have maintained a structured approach to our work. Our visit reports are for our own records but we have continued to circulate them to external readers, at their request – G4S' Area Manager, the local Border Force Detention Inspectors and the Head of the UKBA's Detention and Escorting contract monitoring team. Their feedback is always useful to us: most recipients respond consistently.

13.4 We are invited to attend the Pan-Heathrow Detention meetings and those of the G4S' national Detainee Welfare Working Group. These fora are helpful to us in our work and we appreciate our access.

13.5 Statistics relevant to our work are as follows:

Number of Board members at the start of the reporting period:	8
Number of active Board members at the end of it:	5
Number of Board meetings during the reporting period:	12
Average number of attendees:	5
Number of visits to Heathrow (including meetings there):	91
Number of attendances at meetings elsewhere:	10