



REPORT
of the
INDEPENDENT MONITORING BOARD
on the
NON-RESIDENTIAL SHORT TERM HOLDING FACILITIES
at LONDON HEATHROW AIRPORT
for the year
February 2011 to January 2012

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1 INTRODUCTION

1.1 It is now five years since the Independent Monitoring Board for the non-residential, short-term holding facilities at Heathrow was established. During that time there has been welcome improvement in the care of detainees. The holding rooms are better equipped and there is a wider range of food. Particularly poor accommodation at Queen's Building and Terminal 2 has closed. Above all, the detention custody officers (DCO) are much more attentive to the welfare of detainees in their care.

1.2 However, the accommodation remains unsuitable for anything but a very brief period of detention and is quite inappropriate for holding children or for overnight use. Many detainees are held for long periods, including through the night. Children are detained almost every day and sometimes overnight. Improvements to the accommodation were promised in 2011 by the UK Border Agency, but very little has happened.

1.3 The problems of poor accommodation and length of detention are not going to be solved easily. We make recommendations for short-term improvements to the holding rooms, but adaptation of existing accommodation and procedures is only a palliative. UKBA needs to take a radical look at how it works at Heathrow and the detention facilities required, in the interests of both efficiency and humanity.

2 EXECUTIVE SUMMARY

2.1 Heathrow Airport is the UK's busiest international port, where some 15,000 people are detained for immigration purposes each year. As noted in the introduction, they are held in poor-quality accommodation. The UKBA has not delivered improvements to the accommodation that were promised in response to the Board's previous reports. The conditions under which children are held and that detainees have to endure overnight are degrading and disgraceful.

2.2 The contract for operation of the holding rooms and escorting changed from G4S Care and Justice Services (UK) Limited ("G4S") to Reliance Secure Task Management Ltd ("Reliance") on 1 May. The changeover went well so far as care of detainees in the holding rooms was concerned, but provision of transport between the airport and immigration removal centres has been poor. Detainees have had very long waits for collection from the airport. They have also been brought to the airport far too early for flights. UKBA continues to book detainees onto morning flights without moving them to a nearby IRC, so they suffer long over-night journeys to the airport.

2.3 Casework and administrative matters can contribute to detainees held on arrival spending a very long time at Heathrow. It is essential that the separation of Border Force from the rest of UKBA does not introduce new complications and delays.

2.4 In general, detainees are well cared for by Reliance staff while they are at Heathrow. Many individual acts of kindness have been observed by the Board. However, Reliance needs to make sure that the hourly welfare checks are undertaken on a systematic basis. The lack of any facility for detainees to access medication that they do not have in their luggage is a serious concern.

2.5 Many detainees leave the UK compliantly, but there are too many cases where administrative problems cause delays. The Board has only observed force being used on detainees who are resisting removal and has not seen unsafe techniques used. However, the Board only observes a small proportion of removals and does not travel on flights.

2.6 Few detainees are judged to be at risk of self-harm, but Reliance is not using the ACDT system to monitor their welfare. Immigration removal centres should undertake a case review shortly before a detainee at risk of self-harm is removed.

2.7 The time being taken to investigate the death of a detainee in October 2010 is a matter of very great concern.

3 THE ROLE OF THE INDEPENDENT MONITORING BOARD

3.1 Independent Monitoring Boards for immigration short-term holding facilities are appointed by the Home Secretary, but not yet on a statutory basis. However, the general principles of independent monitoring, established for prisons and immigration removal centres, are applied.

3.2 The Board's role is to monitor and report on

- The welfare of people in immigration custody anywhere within the airport, through observation of their treatment and the nature of the premises in which they are held
- The removal of people from the country through the airport.

3.3 The Board needs unrestricted access to every detainee and all detention facilities and vehicles within the airport in order to carry out this duty. This we normally have, but members of the Board have experienced difficulty in gaining access to the Rapid Goods Screening Centre, apparently because staff there are unaware of the role of the IMB. This facility is operated by contractors on behalf of BAA and is where some detainees are checked in to the airport.

3.4 The Board is required to submit an Annual Report to the Home Secretary.

4 A DESCRIPTION OF THE HOLDING ROOMS

4.1 The Immigration and Asylum Act 1999 requires the manager of an international port to provide free of charge such facilities at the port as the Secretary of State may direct as being reasonably necessary for, or in connection with, the operation of immigration control there. The holding rooms at Heathrow are, therefore, provided by the airport's owners, BAA Airports Limited, to UKBA's specification.

4.2 The holding rooms are managed and the detainees cared for by contractors on behalf of UKBA. The contract also covers most moves of detainees to and from the airport. Until 30 April 2011 the contractor was G4S. Since 1 May the contractor has been Reliance.

4.3 There is a holding room at each of the four terminals currently in use at Heathrow. These are no more than waiting rooms with rows of seats and little else. There is no natural light to any of them and no access to the open air. All have male and female lavatories and a baby change room, but the only washing facility is hand basins. UKBA has recently provided loungers in the holding rooms, two each at Terminals 1 and 5 and one in Terminals 3 and 4.

4.4 Particular features of individual terminals include:

Terminal 1 has seats for 33 people. It is not possible to switch off or dim the lights, which therefore remain fully on all night.

Terminal 3 has seats for 38 people. This room is particularly prone to being stuffy. About half of the seats are hard plastic, with no padding. The fixed seating is supplemented by loose, plastic chairs which are chained to the wall. This is a particularly degrading feature.

Terminal 4 has two rooms separated by the DCOs' office, one used to hold men (20 seats) and the other for women, children and their husbands and fathers (16 seats). Ventilation is also a problem here. Towards the end of the reporting period BAA undertook repairs to the air-conditioning system. Previously, portable units had been in use.

Terminal 5 has a much larger room than the others, with seats for 87 people. However, it is less-used than the rooms at terminals 3 and 4. All of the seats are hard plastic. An especially degrading feature is that the lavatory cubicles open directly onto the room where detainees are seated. There are gaps above and below the cubicle doors, so noise and smells are evident to all. The lavatories themselves are metal and lack separate seats. The room can be cold.

4.5 Accommodation for children is described in section 10.

4.6 There is a further facility adjacent to Terminal 3, which is used for holding detainees who have been brought to the airport from immigration removal centres (IRC) for removal. This is named Cayley House, but during 2011 its BAA building reference, Lima 23, became more widely used. This has separate rooms for men, for women and for families with children. There is a small "quiet room" off the men's room, which can be used for sleep and prayer. A total of 55 detainees can be accommodated, but the total number present rarely reaches more than half this number. Like the holding rooms in the terminals, the L23 rooms have no windows and natural light. All of the seats

are hard plastic. There are five loungers in the rooms at L23, all but one of which are also hard plastic apart from a small head rest. L23 has male and female showers, but, as noted in paragraph 4.12, these have been out of use for long periods.

4.7 Food available in the holding rooms comprises apples, oranges, sweet biscuits and crisps that detainees can help themselves to whenever they like. More substantial food comprises sandwiches and a range of microwaved ready meals, available on request. The sandwiches are not of high quality. The fillings can be sparse, but are spread so as to be thicker in the centre; the cut sandwich in a pack looks more generous than it really is. The ham tends to be an un-naturally bright pink colour and the cheese slices very thin. Some of the fillings, particularly salad, make the bread soggy. Reliance introduced a new range of microwaved meals which are an improvement over the previous range, though the 'vegetarian breakfast' is unappealing. There are machines to dispense hot and cold drinks at all of the holding rooms, but at Terminals 3 and 5 these are on the other side of a locked door from the detainees. At these rooms detainees have to ask staff if they want a drink of anything other than water. All food and drink is available free of charge. Stocks are replenished daily and we usually find that the full range is available, though things can run short on a busy day.

4.8 Detainees present overnight should be given a welfare pack containing toiletries, and usually are. Stocks of tampons are no longer available in female lavatories, following an incident at Stansted when an applicator was used by a detainee to self-harm. Sanitary pads continue to be provided. Blankets and pillows are available.

4.9 There is a television in each room and a stock of DVDs is held. A newspaper in each of English, Spanish, French and Chinese is supplied Mondays to Saturdays. The provision of other books and magazines is somewhat miscellaneous, comprising a mixture of what staff have brought in and detainees may have left behind, plus a few that have been purchased specially. Many are rather dog-eared. While there is material in quite a wide range of languages, the choice available in a particular language may be very limited.

4.10 Detainees are not allowed to have mobile devices that include cameras with them in a holding room. Reliance stocks a number of mobile phones without cameras or SIM card. These are loaned to detainees who can insert their own SIM card. There is a pay phone in each of the rooms, but this is expensive to use because it charges the BT pay phone tariff. Detainees have no access to the internet or email, which can make it difficult for them to obtain advice and assistance. It is a contractual obligation on Reliance to provide each detainee with a free of charge phone call of five minutes' duration to anywhere in the world. This they have not done, because international calls are not possible from land lines in the holding rooms other than the pay phone. The Reliance staff are not issued with mobile phones from which international calls can be made (though overseas escorts are). Reliance proposes to meet its obligation by providing detainees with free phone cards, but this is likely to place excessive demand on the pay phones, particularly at terminals 3 and 4.

4.11 In response to the Board's previous Annual Report, UKBA said that it was funding the installation of a shower at Terminal 1, was obtaining quotations for installation of a shower at Terminal 4 and had authorised an upgrade of facilities at Terminal 5. The work at Terminal 5 was to include a privacy screen in front of the lavatories and a larger family room. Sadly, none of this work has been carried out. The Board understands that UKBA has had difficulty in agreeing the work with

BAA, who have raised technical objections. There may be difficulty in finding room for showers at Terminal 3, so UKBA should lose no opportunity to secure more space from BAA.

4.12 The showers at L23 have been out of use for long periods because of the presence of *legionella*. They could not be used from mid-March until the end of June and from early September until mid-November. In both cases this is far longer than should be necessary to flush and treat the system. Maintenance is the responsibility of BAA, and the Board questions whether they would find it acceptable for showers to be out of use for so long in a VIP suite or first class lounge. For weeks on end all that happened was that a BAA engineer tested the system but took no other action. The outbreaks of *legionella* were attributed to water lying in pipes for long periods without circulating. An automatic flushing system has been installed in order to prevent this.

4.13 UKBA has been contemplating requiring BAA to upgrade the holding rooms, under powers in the 1999 Act, but had not done so by the end of January 2012. The Board wrote to UKBA in October in strong support of the installation of showers in the holding rooms. The Board understands that the UKBA's Detention, Escorting and Population Management Unit (DEPMU), which monitors the Reliance contract and the holding rooms, is able to call on technical advice when required. However, the Board is of the view that full-time technical support is required while extensive work needs to be undertaken.

Recommendations

- 4A UKBA should require BAA to modify the lighting circuits and controls at Terminal 1, so that the lights can be dimmed at night. This is the third time we have made this recommendation.
- 4B Reliance should allow detainees unrestricted access to a drinks machine at all holding rooms.
- 4C UKBA should install a modesty screen in front of the lavatory doors at Terminal 5 as a matter of urgency.
- 4D UKBA should require BAA to install showers in all of the holding rooms.
- 4E UKBA and Reliance should make provision for detainees to have access to email and the internet.
- 4F Reliance should provide a mobile phone at each holding room on which each detainee can make an international call.
- 4G UKBA should appoint a building services engineer or similarly qualified professional to the DEPMU monitoring team to push forward the required work to the holding rooms and to consider what other improvements might be feasible.

5 OPERATION OF THE HOLDING ROOMS

5.1 Each of the holding rooms is normally staffed by two detention custody officers. Under the contract with G4S three DCOs were required at Terminal 5, but this proved to be unnecessary. It is a contractual requirement that if a female detainee or a child is present, at least one of the DCOs on duty must be a woman. Unfortunately, neither G4S nor Reliance have been able to provide female DCOs in all cases when this has been required. Reliance has told the Board that it is making efforts to recruit more women.

5.2 Operation of the holding rooms is overseen by the contractor's managers. The Chief Immigration Officer at each terminal checks the holding room every four hours. The contract with Reliance for operation of the holding rooms is managed by DEPMU. A team of DEPMU contract monitors visit the holding rooms on a regular basis.

5.3 A major concern during the year has been the increase in the number of detainees held at Terminal 4, after BAA reallocated a number of airlines there in May. The holding room at Terminal 4 is now the busiest at Heathrow, though in terms of floor space it is the smallest. This has resulted in it being very crowded on occasion.

- *Twenty detainees were present at Terminal 4. Twelve of them were in a room of 27 square metres and with 16 seats. They were a mother and her nine months old baby; mother, father and child approaching two years old; mother, father and three children between three months and four years old; an unaccompanied child aged 13 and a woman travelling on her own. Several people were lying across seats, so some of the children were confined to the floor. The room was so full that a pregnant woman and her husband had to be accommodated in the male holding room. The unaccompanied boy wanted to lie down, but was not able to do so until another detainee went to the lavatory, leaving her with no seat. One of the husbands was attempting to sleep, sitting upright in a seat with a low back. The Board considers that these people were held in conditions that can only be described as degrading.*

The Board considers that the greater use of the Terminal 4 holding room resulting from the action of BAA increases the obligation on BAA under the 1999 Act to improve and enlarge the facility.

Recommendations

- 5A Reliance should ensure that a female DCO is on duty at each holding room at all times.
- 5B UKBA should require BAA to provide a larger holding room at Terminal 4 in order to meet the increased demand.

6 THE DETAINEES

6.1 People detained at the holding rooms in the terminals are mostly those who have been stopped at the border. They include:

- People who need a visa, but do not have one. A significant number are those who do not need a visa for a tourist visit, but are suspected of coming to the UK for other purposes. A significant number of detainees are young backpackers, particularly from the United States and Australia, who intend to support themselves through casual work while visiting Britain. There are other visitors who need a tourist visa, but have failed to obtain one.
- People who have a visa, but checks need to be made, for example with employers, places of education or family being visited. Many people come from India and Pakistan to visit British relations and may be detained while UKBA contacts the host family.
- Asylum seekers, who particularly come from areas of conflict, such as Afghanistan and Somalia. Quite a few Libyans came in 2011. Family groups are common.

7 LENGTH OF DETENTION

7.1 The Board calculates that the number of people detained in holding rooms during the reporting year and their length of stay are thus:

	0-8 hours	8-12 hours	12-18 hours	18-24 hours	24+ hours	Total
Terminal 1	1,495	297	205	96	25	2,118
Terminal 3	3,209	557	484	338	88	4,676
Terminal 4	3,435	617	565	541	137	5,295
Terminal 5	2,074	420	228	154	23	2,899
Total	10,213	1,891	1,482	1,129	273	14,988
L23	9,585	315	106	30	2	10,038

7.2 The total number of detainees at the terminals is slightly down on that for our previous reporting year (15,011). Two thirds of detainees left the holding room within eight hours and 80% had left within twelve hours. However, that left 2,884 people held for more than twelve hours. Detainees were more likely to be held for over twelve hours at terminals 3 and 4, which are the worst ones in terms of environment. Stays of more than eight hours at L23 are mostly by detainees whose removal has been cancelled or who have refused to go. Although many detainees were held for less than eight hours, it must be borne in mind that the holding rooms are not suitable even for a wait that long.

7.3 Passengers arriving at the UK Border have their passports checked and may be questioned by officials from Border Force, a part of UKBA. Those who are detained for further examination are moved to the holding room, which is located at or close to the arrivals hall at each terminal. There will be a further interview, maybe several, while Border Force investigates the detainee's case. The investigation process may be extended by the need to involve other parts of UKBA.

7.4 Detainees claiming asylum have to be referred to the Fast Track Intake Unit (FIU) to determine whether they should be subject to the Detained Fast Track (DFT) process or not. A DFT detainee is held at an IRC. The FIU is not based at Heathrow; it is closed from mid-evening and for most of the weekend. Any asylum seeker arriving during the evening or at the weekend will face a long wait before their case can be considered. Some asylum seekers, particularly those with children, are not eligible for DFT. They have to be screened by the Port Medical Inspector (PMI) before being taken to designated asylum accommodation or to stay with a sponsor. Transport for such people continues to be provided by G4S, with scheduled pick ups from Heathrow early afternoon and in the middle of the evening. Special collections can be made for particularly vulnerable detainees, but most have to wait. The need for initial checking by UKBA and a visit to the PMI can mean that even those who arrive on overnight flights can miss the afternoon transport, so may be at the airport for over twelve hours.

- *A woman who claimed asylum was detained early in the afternoon, but not interviewed by Border Force until 17:00. By the time that was over and a decision had been reached, it was too late for her to see the PMI that evening. She had to wait until next day and was detained at the airport for over 25 hours.*

7.5 In some cases detainees may need to be referred to the Criminal Casework Directorate, which also works “office hours”.

7.6 Consideration of any detainee’s case may be extended if an interpreter is required. There may be an IO who can speak the detainee’s language, but if not use has to be made of a telephone translation service or of an interpreter who attends in person. A person who speaks the required language is not always available immediately by either means.

7.7 The outcome may be that the detainee is released, temporarily admitted to the UK, sent to detention at an IRC, sent to dedicated accommodation for asylum seekers or is to be returned to his or her port of origin. If a detainee is to go to an IRC, Border Force has to request accommodation from Detention Services, another part of UKBA. This is arranged within Detention Services by DEPMU. When DEPMU has allocated a place at an IRC it issues a movement order to Reliance (previously G4S) to transport the detainee there.

7.8 The administrative procedures that need to be followed if a person is to be detained at an IRC or as an asylum seeker tend to extend the period of detention at Heathrow. There are various management controls on length of detention, but the Short Term Holding Facility Rules, that would impose a maximum length of stay, have still not been introduced. The rules, which have been in preparation since 2005, are expected to require that detainees are not held at a STHF for more than 24 hours. Border Force attempts to comply with these time limits at Heathrow, but not always successfully.

- *A man was detained at 16:00 and reached the holding room at 16:45. An interpreter was required to conduct an interview with him. This was arranged quite quickly, so the interview took place between 18:00 and 19:30. By that time it was too late for the man’s case to be considered by the FIU, who took up the matter in the morning. It was decided around 10:15 that the man was suitable for DFT, a bed at an IRC was allocated to him and a movement order issued to Reliance about 11:30. This was 19½ hours after the man had first been detained and his total time in the holding room was 27½ hours.*

7.9 Sometimes accommodation at an IRC cannot or is not provided promptly, extending the period of detention at Heathrow.

- *Two people were detained at 11:30, but were not allocated beds for that night and did not leave for IRCs until the afternoon of the following day.*

7.10 Detainees may be held for a significant period in the arrivals hall, before being brought to the holding room. The Board was noting extended periods in arrivals halls more frequently towards the end of the reporting period.

- *Records showed a man as detained at 12:45, but not admitted to the holding room until 14:55. He said that he had been in the arrivals hall for about two hours except for when he*

was taken to collect his luggage, which took around ten minutes. He said that he was not offered anything to drink or eat during this period and was told he would only be there a "short while".

- *A woman, who said she was detained in the arrivals hall for about two hours, felt humiliated by being held in a public area. She was later admitted to the UK.*

UKBA's escorting contract quite rightly requires Reliance to provide detainees with a suitable level of privacy at all times when in custody. The Board does not consider UKBA is meeting this requirement itself when subjecting detainees to an extended period of detention in an arrivals hall.

7.11 Shortly after the end of the reporting period the Home Secretary announced that Border Force is to be established as an entity separate from the rest of UKBA. So far as the welfare of detainees is concerned, closer working between Border Force and Detention Services is highly desirable and the Board hopes that this will not be lost.

7.12 Extended detention because of transport problems is considered in section 12.

Recommendations

- 7A UKBA should extend the operational hours of FIU so that all asylum seekers arriving in the evening can have their cases considered promptly.
- 7B UKBA should not hold detainees for more than half an hour in arrivals halls and should aim for a shorter period.

8 DETAINEE WELFARE

8.1 The welfare of detainees in the holding rooms is principally the responsibility of the Reliance DCOs. When a detainee arrives they have to be searched, their luggage stored and a DCO is required to explain to them the facilities available. The DCOs are required to check on the welfare of detainees hourly. The DCOs sit in an office outside the holding room. In all cases they can observe the room by CCTV and at Terminals 1, 3 and 5 they have a direct view of a substantial part of the room through a glazed screen.

8.2 Overall, we are pleased to report that most of the Reliance staff, most of the time, care well for detainees. Some go out of their way to be helpful. Detainees rarely complain about the DCOs and most tell us that they are being well looked after.

8.3 We have observed DCOs giving the initial induction reasonably comprehensively in most cases, but have not been able to find evidence of hourly welfare checks being undertaken in a systematic manner. However, DCOs normally have reason to go into the holding rooms fairly often while detainees are present. There can be communication problems if a detainee and DCOs have no common language. A telephone translation service is used, but communication is often by gesture and very simple vocabulary. Detainees who speak little or no English can be particularly anxious, because they do not understand properly, or at all, what is happening. It is important that DCOs and IOs make every effort to engage with them, even though this may be difficult.

8.4 The Board finds some detainees who are unaware of facilities available to them, such as hot meals or help with telephone calls. In many cases this may have been explained to them by a DCO, but shock, confusion and a limited command of English may all have conspired to prevent comprehension.

- *A woman was unaware that she could be helped with phone calls. When alerted to her need by the IMB monitor, a DCO allowed her to use the office telephone.*
- *Detainees who had been present overnight had not been provided with welfare packs. The DCO said this was because they had not asked for them.*

The hourly welfare check, if undertaken systematically with all detainees being spoken to, should avoid these types of problems.

8.5 As noted in paragraph 4.12, the showers at L23 have been out of use for long periods. Detainees held elsewhere overnight are meant to be able to use the showers. This often does not happen, because there is nobody available to transfer people to and from L23. We often find that detainees have not been offered showers, no doubt because the DCOs think it unlikely this will be possible. When the showers did come back into use the staff in the holding rooms were not all told this promptly.

- *A detainee said that he had asked for a shower, because it had been two days since he had been able to wash properly. He was waiting for a flight to New York. The DCO said he had phoned L23, but was told that they were too busy to arrange a shower.*

8.6 We have observed DCOs going out of their way to care for detainees in a sympathetic manner:

- *A DCO arranged for an upset Israeli woman to speak to a Rabbi by phone; he later came to the holding room and was given use of the family space to talk with the woman in private*
- *DCOs respected the wishes of a transgender male detainee, by dealing with him as a woman as far as possible.*
- *A detainee who spoke Croat, but no English, became very distressed. The telephone translation service did not have a Croat-speaker available. A DCO managed to contact the detainee's English-speaking sister by telephone and get her to explain what was happening and provide comfort.*

These are just a few examples of many acts of kindness towards detainees that the Board has observed.

8.7 We have also observed staff remaining professional and caring when looking after challenging detainees:

- *A young man, understood to be bi-polar, was extremely indignant at being held, made repeated unjustified complaints and was consistently rude to a DCO, who remained calm and tried to provide appropriate care.*

8.9 Most Immigration Officers (IO) deal with detainees courteously, but unfortunately we continue to observe some acting in an unfriendly manner.

- *A visibly upset detainee was brought to the holding room by an unsmiling IO who indicated by pointing where he should sit. The DCOs were able to communicate with him through the telephone translation service and went some way towards comforting him. When the IO returned to take the man for fingerprinting, she again just pointed, with no attempt to engage with him in a sympathetic manner.*

8.10 We have also observed IOs questioning or giving information to detainees in front of other people, rather than privately in an interview room. This should not happen; such exchanges should be confidential. We know that UKBA has reminded staff about this.

- *An IO told a detainee, in the presence of another, that she was being refused admission and would be flown home next day.*
- *An IO asked a detainee in front of several staff and other detainees whether he had any medical conditions.*

Recommendations

8A Reliance should ensure that hourly welfare checks are carried out effectively.

8B UKBA should ensure that briefings and questioning of detainees takes place privately.

9 OVERNIGHT ACCOMMODATION

9.1 The holding room accommodation at Heathrow is quite unsuitable for overnight use. Only a small number of loungers are available. It can be uncomfortable to lie across the seats, particularly the hard, plastic ones. Detainees are not allowed to sleep on the floor, so no mattresses are provided. The lights in the room at Terminal 1 cannot be switched off or dimmed and detainees are no longer provided with eye masks. Eye masks may be required elsewhere, by detainees trying to sleep during the day, because it is night time where they have come from. G4S used to provide masks voluntarily, but it is not a contract requirement and Reliance does not do so.

9.2 Detainees are occasionally moved to L23 for the night, but the benefit in this has been reduced since all holding rooms have been provided with at least one lounger. People are usually arriving at L23 from IRCs for removal from 03:00 onwards, so sleep is likely to be disturbed. Detainees can expect a quieter night in the terminal buildings. The main benefit of moving to L23 is access to the showers there.

9.3 The Board has previously pressed for provision of overnight accommodation at or near Heathrow. In response to our previous Annual Report UKBA said that due to the efficiency savings they are expected to deliver it will not be possible to provide a short term overnight holding facility, but twenty beds at Colnbrook IRC had been ring-fenced for cases referred from Heathrow.

9.4 The intention is that the ring-fenced beds would be used principally by detainees who have not been admitted and are to be returned on a flight next day. They could also be used by detainees whose casework was going to take some time, for example if an employer or college could not be contacted until the next day. Colnbrook IRC is designed to the standards of a category B prison, so is quite unsuitable for people who are awaiting the outcome of administrative procedures. A person who has no visa or the wrong type has not committed any crime. A man who had to spend the night at Colnbrook, sharing a room which included the lavatory with a complete stranger, said that he felt humiliated and angry.

9.5 Even though beds at Colnbrook are meant to be reserved for overnight use by Heathrow detainees, they are not always available.

- *A woman with medical needs was detained during the afternoon and refused entry. No bed was available at Colnbrook. It was possible to book her on an evening departure from Heathrow, but it would have been preferable for her to have a night in bed between two long-haul flights.*

9.6 UKBA officials can be reluctant to request accommodation at Colnbrook for detainees who are to fly out in the morning, because of the very early hour they will need to be roused and possible transport delays. A move may also not happen if a detainee has a large amount of luggage.

- *A pregnant woman was refused admission during the morning, but could not fly out until the next day. IRC accommodation was available, but transport back to the airport would not be possible in time for a flight at 08:40. Therefore, the woman spent the night in the holding room.*

- *A woman was told that she would be going to detention for the night, but she remained in the holding room. UKBA considered this was in her best interest, because of the time it would take to check her luggage in and out of the airport and the IRC.*

9.7 Even if detainees are to be moved to an IRC, there can be a long wait for transport.

- *A young woman was refused admission at 20:30 and was to be returned to her place of origin. She was allocated a bed at Colnbrook by 21:45, but was not picked up from the airport until 02:10. She had to be collected from Colnbrook at 08:50, so it is unlikely that she had very long in bed.*

9.8 The only IRC that can provide overnight accommodation for children is Tinsley House, near Gatwick Airport. This is too far away to be of practical use.

- *A woman and three children were detained during the afternoon and refused admission. They left for Tinsley House at 21:20 and arrived there at 00:10. Departure back to Heathrow was at 05:50, so allowing for checking in and checking out at the IRC they can have had very little sleep. In contrast, they spent six hours travelling from and to the airport.*

Similarly, women are sometimes accommodated overnight at Yarl's Wood IRC, which involves a long journey from the airport.

- *A woman was refused entry in the evening and required to leave on a flight next day. She was taken to Yarl's Wood, leaving Heathrow at 00:15 and arriving there at 02:35.*

9.9 In summary, the accommodation at IRCs is inappropriate. Moving detainees overnight to an IRC proves inconvenient or impossible in many cases, because beds may not be available, a move may be impracticable or transport is unavailable or delayed. On the basis of cases observed by the Board, just 10% of detainees held overnight are taken to an IRC. The Board does not consider that this is a viable means of providing overnight accommodation with the welfare of detainees at heart.

Recommendations

9A Reliance should provide eye masks in all of the holding rooms.

9B UKBA should procure that overnight accommodation, including beds and showers, is provided airside at Heathrow.

9C Until proper overnight accommodation is available, UKBA and Reliance should organise transport so that detainees can be moved promptly to and from accommodation nearby, so that they have a reasonable period of undisturbed sleep.

10 DETENTION OF CHILDREN

10.1 It is unfortunate that, so long as there are immigration controls, the detention of children cannot be avoided. If an adult in charge of a child is detained, the child has to be held with them. Sometimes children are detained because abuse or abduction are suspected.

10.2 The holding rooms are wholly unsuitable for the detention of children. There are separate rooms for children at all of the terminals, except Terminal 4, but some of these are very small. The family space at Terminal 3 is an area of just 9 square metres, which is partitioned off from the rest of the room. This is far too small and results in children having to use the main room.

- *A mother, two teenage daughters and a son did not have enough room to sleep in the Terminal 3 family space. They had to rest as best they could across the tables and chairs in the main room, in the company of a large number of other detainees.*

Here, and at Terminals 1 and 5, access to the family space, and from there to lavatories and the baby-changing facility, is through the main room. Glazing allows the main room to be seen from the family space, though it is normally covered at Terminal 3. Therefore, children are exposed to any disruptive or disturbing behaviour by adults. Detainees quite often show signs of distress and that can be very upsetting for a child. At Terminal 4 children are held in a room that is also used by female detainees and their partners. All that distinguishes the children's area is a mat on the floor in a corner of the room. Only at L23 is there an entirely separate room for families with children.

10.3 The areas where children are held are equipped with a cot, toys and children's books. However, apart from two small, loose chairs in the Terminal 5 family space all of the seating is adult-size. Bean bags were on order at the end of the reporting period. Few activities suitable for older children are available.

10.4 UKBA proposes to create larger family rooms at Terminals 1 and 5. This is welcome, but the really urgent need for improvement is at Terminals 3 and 4, where the accommodation is completely unacceptable. The Board notes with regret that the family room under construction at the new Terminal 2A is hardly any bigger than that at Terminal 5.

10.5 The Board is very concerned that children can be held at the airport for long periods and sometimes overnight. For example:

- *Mother, father, son (age 9) and daughter (age 5) detained at 20:15 and not temporarily admitted until 16:00 next day.*
- *Mother, father, son (age 3) and daughter (age 2) detained at 16:15 and left on a flight at 10:00 next day.*
- *Mother and 18 months old baby detained at 19:25 and left for flight at 08:00 next day.*

These are far from isolated cases.

10.6 Sometimes children are taken into the care of Hillingdon Council, but this can result in detention for many hours, while UKBA undertakes enquiries, followed by the wait for the social worker to arrive.

- *A girl (age 12) was held for her own protection at 12:15, but it was not until 01:00 next morning that she was collected by Social Services.*

A child is recorded as having spent 31 hours 50 minutes detained at Heathrow, before the social worker arrived on 20 December 2011.

10.7 The December 2010 Conclusions on the Review into ending detention of children for immigration purposes said:

“We have also changed the system for dealing with asylum seekers who arrive at port late in the day. Previously such families would have been held overnight until they could be screened the following day. To avoid this, such families can now be routed straight into the asylum system without being screened, provided that biometrics are taken.”

Sadly, it took some time for this to be put properly into effect at Heathrow. Problems with fingerprinting equipment, preventing a biometric record being made, caused considerable delays. So far as the Board was concerned matters came to a head on 9 September. No fewer than 21 asylum seekers, of whom eleven were children ranging in age from 1 to 13, were held at Terminal 4 for between 19 and 21 hours. Most had been detained late the previous evening, but finger printing was still under way at 17:00. Other detainees were present at Terminal 4, so the holding rooms were very crowded making conditions most unpleasant.

10.8 Following this episode the Board wrote to the Chief Inspector of UKBA asking him to investigate why the arrangements for screening asylum-seeking families were not being implemented effectively at Heathrow. It is pleasing to report that since then the Board has observed examples of children’s cases being dealt with much more expeditiously, whether or not asylum is being sought.

- *Family group, including a daughter age 16, detained at 22:00 and admitted at 00:40*
- *Mother and two children (age 3 and 6) detained at 17:50 and temporarily admitted at 21:00*

However, extended delays do still occur. A child was landed on 20 January 2012 after detention of 21 hours.

10.9 In our previous Annual Report the Board recommended that the Home Secretary should ensure that families are no longer detained in holding rooms during the period of secondary examination. The response was that dedicated family accommodation is provided within the holding rooms to ensure the specific welfare needs of a family can be met. The Board does not accept that this is the case. The facilities at Terminals 3 and 4, in particular, fall well short of requirements, by their size and nature. Not only do children need to be held in a non-custodial environment, but they also need proper sleeping accommodation. None of the holding rooms meet this standard.

10.10 The number of children held at Heathrow justifies provision of special accommodation for families on the airport. This is required particularly for those detained in the evening or leaving on morning flights.

Recommendations

- 10A UKBA should procure that suitable accommodation is provided airside at Heathrow for families with children as a matter of urgency. Until this can be done, UKBA should make arrangements for any families held at the airport to be detained at a nearby hotel or other suitable space and for transport to be available promptly.

- 10B As an expedient, pending better provision, UKBA should modify the layout of the holding facilities at Terminal 2A to provide a larger family room.

11 REMOVALS

11.1 Detainees are removed from the UK through Heathrow on scheduled flights, escorted or unescorted. Unescorted detainees are taken to the aircraft door by DCOs, but travel unaccompanied. Some are people who have arrived on flights into Heathrow and are being sent straight back, often because they lack a visa. Others have spent a period in detention, have been temporarily admitted to the country or have over-stayed a visa. Some are taking advantage of Assisted Voluntary Return or the Facilitated Returns Scheme.

11.2 A separate group of DCOs, based near Gatwick Airport, and designated Overseas Escorts, collect detainees from IRCs, bring them to the airport and travel with them. Detainees going on escorted removals are ones where previous removal attempts have been unsuccessful or a UKBA risk assessment shows that they are unlikely to co-operate with an unescorted flight.

11.3 There have been no charter flights from Heathrow for removal of detainees during the reporting period and the Board understands that they will continue to depart elsewhere.

Unescorted removals

11.4 Most of the detainees the Board has observed on unescorted departures have been cooperative. This is usually the case, though we have been told by DCOs of instances where a detainee has resisted removal and we have come across detainees at L23 who had refused to go. The DCOs we have seen have been caring and concerned for the welfare of the detainees.

- *A detainee who was illiterate and had difficulty understanding what was happening, had each stage of the security, check-in and boarding procedures explained to her carefully by the DCOs.*
- *Before leaving the holding room, the DCOs went to some lengths to make sure that a somewhat disturbed woman who did not speak English understood what was to happen. This included calling the telephone translation service and also carefully checking she had nothing with her that might be confiscated at security.*

It is often possible for detainees to wait for the flight away from other passengers and to board the aircraft before they do, which makes their circumstances much less obvious. The new, more casual, DCO uniform is of great benefit in cases where detainees have to wait in the departure lounge or reach the gate after boarding has started. The custodial role of the DCOs is much less apparent to other passengers.

11.5 The boarding procedure should be explained to detainees at the holding room before departure and this usually happens. This is done in English if possible, but DCOs who speak foreign languages or a telephone translation service may be used. Good use has been made of DCOs who speak other languages to escort detainees to the aircraft, but there are often removals where the detainees and DCOs have no common language. This can cause problems and anxiety to the detainees if they do not understand what is happening. Many are worried at not having their passport or ticket, which they are given by the flight attendants after take-off. G4S instituted a system whereby DCOs had mobile phones which they could use to call a translation service, if they

needed to communicate with a detainee during a removal. The facility was little-used in practice and appears to have been abandoned.

11.6 There are still cases of foreign national prisoners arriving at the airport for removal with the papers or other possessions in plastic bags clearly marked 'HM Prison Service'. Reliance provides document cases and bags that can be used in these circumstances, but people should not be released with bags that identify them as ex-prisoners.

11.7 Quite regularly the removal of detainees has to be abandoned because of administrative errors; typically not all of the correct documents are present. This is upsetting for the person being removed and is wasteful. Another flight has to be booked and there is usually a further period in detention.

- *A man was brought to the airport from a prison for a flight, but there was no Removal Direction or ticket for him, so he could not go.*
- *A man came for removal, but his passport was not available. Following phone enquiries it was found at a UKBA office, but by the time a courier had brought it to the airport, the flight had gone.*
- *A man was being removed on an early morning flight. The Removal Direction was faxed to the airline after their office had closed the previous evening, resulting in the matter not being dealt with in time for the man to depart as planned.*

11.8 Detainees departing under the Assisted Voluntary Returns scheme are entitled to a modest resettlement grant. This is given to them in the form of a cash card, which is issued by Reliance immediately before departure. Sometimes the authority to issue the cash card is not received. Reliance had in those circumstances been giving the detainee a card and sorting out the paperwork later. This stopped when they were instructed by UKBA not to do so.

- *There was no authority to issue a cash card to a man leaving on AVR, so he refused to go. Not only did he have to go back to detention, but he said that his mother had a wasted journey of over 600 km to meet him at the airport back home.*

11.9 There are also problems at the airport when detainees arrive having been given wrong information at the prison or IRC they have come from. Reliance staff can have difficulty in persuading them to depart when this happens. They report that detainees are regularly told that they can receive visitors and have possessions delivered to them at L23, which is not the case.

- *A detainee said he was told on leaving prison that he could collect his discharge grant at the airport. He could not; it should have been paid to him at the prison.*
- *A detainee who had come from an IRC had been told there that he could send and receive faxes at L23; this is not correct.*

11.10 Many unescorted removals are on flights that leave in the morning. In some cases this is unavoidable. A detainee may be flying to another EU country, for removal from there. There may not be another flight to a particular destination. However, the Board considers that every effort should be made to book removals on afternoon and evening flights, in order to avoid night journeys

to the airport. If a morning flight is unavoidable, the detainee should be brought to a nearby IRC no later than the day before.

Escorted removals

11.11 There are escorted removals which proceed without problems, but in most cases that the Board has observed during the reporting period, detainees have been unco-operative.

11.12 As with unescorted removals, detainees and escorts normally wait to board the aircraft away from other passengers and board first. They may board directly from the tarmac, by external steps.

11.13 We have observed overseas escorts being caring of detainees and talking with them to try and obtain their co-operation. However, this is not always successful.

- *While waiting inside the terminal to board the aircraft, a man started shouting that he would be killed if he was sent back to his home country. He attempted to remove his trousers. The overseas escorts attempted to restrain him and applied handcuffs. They tried to calm him, but he continued shouting. The removal was cancelled, but the detainee was told that he had only delayed his departure.*

11.14 The Board has observed two cases of family removals during the reporting period, one of a mother and six children and the other of both parents and five young children. In both cases the escorts made every effort to persuade the parents to co-operate, but without success.

- *The escorts talked at length with the father prior to boarding, to encourage him to co-operate. He objected to being led up the aircraft steps, as is UKBA standard procedure, and refused to be seated on the aircraft. There was a struggle as the escorts forced him into a seat and applied handcuffs. This caused his pregnant wife to refuse to be seated as well and to assault an escort. This all happened in front of their young children. The captain of the aircraft refused to carry the family and the removal was abandoned.*

The other family did depart, following screaming and struggling by the mother and eldest daughter, which distressed some of the other passengers on the aircraft.

11.15 The Board's observations over several years indicate that detainees are most likely to offer resistance when boarding the aircraft and being seated in it. In some cases detainees who have been entirely co-operative object to being held by both arms as they climb the aircraft steps. The need to do so should be subject to individual risk assessment. There will be some detainees who have to be led onto the aircraft, but consideration might be given to entering into formal compacts with detainees under which they undertake to co-operate in return for being allowed to board the aircraft and take their seat without being held.

11.16 The Board is very concerned about restrictions imposed on filming boardings. Film can be very useful in confirming how boardings have been carried out, particularly if use of force has been necessary or there are allegations of assault. BAA will only allow Reliance to film at Heathrow subject to a licence agreement. In January 2012 Reliance and UKBA were making progress towards an annual licence with BAA. It is usual for property managers to control commercial filming, but the

Board considers it quite inappropriate for BAA to be applying this principle to filming carried out as part of a public duty. Reliance is not able to film on board commercial flights. The Board urges UKBA to reach agreement with the airlines that filming inside aircraft will be permitted.

11.17 The Board has not observed unsafe control and restraint techniques being used, but we do not observe all removals. In all cases where we have seen control and restraint used the detainee was resisting removal.

Recommendations

- 11A UKBA should take measures to ensure that all necessary documents are available to allow removals to proceed.
- 11B UKBA should allow Reliance to issue cash cards to AVR detainees without a separate authorisation being required.
- 11C UKBA should ensure that there is accurate information available to detainees at IRCs concerning facilities available to them at ports of departure.
- 11D UKBA should press BAA to accept that filming boardings is part of a public duty and not an activity appropriate for control by them.
- 11E UKBA should seek agreement with airlines that it uses for escorted removals to allow filming inside the aircraft.
- 11F UKBA and Reliance should review the methods used to board escorted detainees onto aircraft in order to reduce the risk of conflict.

12 ESCORTING

12.1 Detainees are transported between the airport and IRCs by Reliance. These escorting arrangements have not been working well. Reliance does not appear to have enough vehicles or crews. For much of the period under review the computer system for managing the fleet and assignments has not been working properly or at all. The Reliance contract provides that detainees being brought to the airport for removal should arrive not more than five hours before the flight departs. In practice many detainees arrive earlier than that.

12.2 Some removals are not well-planned by UKBA. Ideally, any detainees being removed on morning flights should spend the night before at a nearby IRC, Colnbrook or Harmondsworth. In practice, this frequently does not happen, subjecting detainees to journeys through the night from more distant locations. This is systematic, so that it is very rare to find a week night when there have been no journeys to the airport. When a pre-departure move to a local IRC is planned, this does not always happen at an appropriate time.

- *A detainee was to be moved from Dover IRC to Colnbrook IRC the day before departure, but was not collected until 21:50 and arrived at Colnbrook at 00:40. As he left for Heathrow at 03:00, the move to Colnbrook was of no benefit.*

12.3 The Board is most unhappy at the apparent acceptance by UKBA and Reliance that moving large numbers of people long distances at night is “normal”. A proposal by UKBA to set a performance indicator to minimise night moves is most welcome.

12.4 Detainees coming to the airport for interview or for removal are subject to security checks at facilities used for checking vehicles into the “airside” part of the airport. Until November 2011 BAA would not allow detainees to be checked between 04:00 and 05:00, because this is a particularly busy period. Thereafter, it was supposed to be possible to check detainees in at these times by request. However, Reliance say that most requests are refused. Therefore, any detainee on an early morning flight has to arrive in time to be checked before 04:00. In some cases local moves are very much earlier than are required by this restriction.

- *Three detainees were collected from Colnbrook IRC at 01:29 and arrived at L23 at 02:05 for flights at 08:00, 08:25 and 09:30.*

12.5 Night moves can take an exceptionally long time, given that roads should be relatively free of traffic. In some cases this is because other stops are made en route. There are regularly lengthy night journeys from Dover IRC, which may include picking up detainees from Brook House IRC or Tinsley IRC.

- *Detainee booked on a flight at 10:00 was collected from Dover IRC at midnight and came to Heathrow via Brook House IRC, where there was another pick up, but did not arrive at L23 until 06:30.*

Long journey times from Yarl’s Wood IRC, near Bedford, also occur regularly.

- *Detainee booked on a flight at 09:40 was collected from Yarl's Wood IRC at 02:10 and arrived at L23 at 07:05.*

Trips, other than local ones, are usually made via a Reliance depot at Heston, where detainees transfer to vans and crews passed to operate airside. While detainees are at Heston they are considered to be in transit, so time spent there is not recorded on their custody documents.

12.6 Reliance often combines moves, so a detainee may arrive long before departure because another is on an earlier flight.

- *Two detainees collected from Campsfield House IRC at 22:00 and arrived at L23 at 00:50 for flights at 07:30 and 10:00. This was too early even for the flight at 07:30, but who would leave Oxfordshire for a flight from Heathrow twelve hours before departure?*

Sometimes there is no apparent reason for exceptionally early arrivals.

- *A detainee was collected from Brook House IRC at 00:15 and arrived at L23 at 02:50 for a flight at 12:00.*

12.7 Delays in transporting detainees to the airport occur much less frequently than early arrivals, but do sometimes happen.

- *A woman arrived at L23 from Yarl's Wood only 15 minutes before departure time, so missed the flight and had to return to detention.*

12.8 There have also been delays in collecting detainees from the airport and sometimes complete failure to do so.

- *A detainee was temporarily admitted because he had already spent over 24 hours in the holding room and there was no van or staff to take him to Harmondsworth IRC, where a bed was available.*

12.9 A most welcome change has been the increased use of domestic air flights to transfer detainees from Northern Ireland and Scotland to Heathrow for removal. Previously, detainees coming from Dungavel IRC normally had a journey of two days, spending the night at Pennine House, Manchester en route.

- *One of the most extended journeys before the change to air was by a detainee who spent four nights at the new Larne STHF, followed by one night at each of Dungavel IRC, Pennine House STHF, Campsfield House IRC and Colnbrook IRC.*
- *In contrast, another detainee left Dungavel by road at 14:42 for a flight from Heathrow at 06:00 next morning. The only break was a few hours at Colnbrook IRC, before being roused for a 03:10 departure to the airport.*

12.10 The Board has noted from detention records some extraordinary moves around the IRC estate before coming to the airport. Detainees have regularly been moved long distances to Dungavel IRC for just a few days.

- *A detainee was moved from Pennine House to Dungavel, then back to Pennine House four days later. After two days at Pennine House he was transferred to Colnbrook, for removal through Heathrow two days after that.*

12.11 The duration of many journeys to the airport is such that comfort breaks are needed en route. Such stops cannot be at public lavatories, for example at motorway service stations, but must be at a secure facility, such as a police station, IRC or prison. Surprisingly, we have found escorts unaware of where breaks can be taken and detainees arriving at the airport in a state of considerable discomfort, having made no stop at all. Sometimes detainees are discouraged from stopping.

- *A woman being transported to Heathrow from Yarl's Wood IRC wished to relieve herself en route. She told us that a medical condition made frequent use of the lavatory necessary. The escorts kept telling her that she could use a lavatory in about twenty minutes and did not arrange to stop before arrival at Heston depot.*

These problems might be overcome if escorts were provided with details of places along regular routes to the airport where stops are possible.

12.12 New vehicles were provided by Reliance under the contract that started on 1 May. These have limited space for luggage, based on the maximum volume detainees are officially allowed to have with them. In practice, much more has to be conveyed on occasions. People detained at the airport may have far more luggage than the official maximum. Someone being removed from the country is more likely to co-operate if they can take all of their possessions with them. This may mean that two vehicles and crews are required for one journey, which may delay other moves.

12.13 Passengers with limited mobility are not carried in Reliance vans if it is necessary to lift them into the vehicle. We are told that alternative arrangements can be made, but this does not always happen in practice.

- *A lady 66 years old and in a wheelchair, but able to walk with a crutch, spent the night in the Terminal 1 holding room before being removed on a morning flight. Transport to an IRC could not be provided. A very early departure time would also have been a factor against a move to an IRC. This detainee would have benefitted particularly from proper overnight accommodation at the airport.*

Recommendations

12A Reliance should ensure that it has the staff, vehicles and systems to ensure that detainees are transported in a timely manner.

12B Unless there is no alternative, UKBA should not book detainees on morning flights, in order to avoid night journeys to Heathrow.

12C UKBA should accommodate detainees leaving on morning flights at an IRC near to the airport.

- 12D UKBA should press BAA to allow detainees to be admitted to the airport at all times without restriction.
- 12E Reliance should record the length of time that detainees are at their Heston depot on the way to and from Heathrow.
- 12F Reliance should provide its staff with details of convenient locations for lavatory stops along regular escorting routes.
- 12G Reliance should have robust procedures in place for transporting mobility-impaired detainees.

13 HEALTHCARE

13.1 DCOs are able to call a help line for medical advice. Among the uses of this is obtaining approval to allow detainees to take any medication they may have with them. Detainees' medication is held by the DCOs and made available to them as required, in order to avoid the risk of over-dosing.

13.2 National Health Service facilities are used to provide health care to detainees. In event of a detainee having a medical problem, one of the NHS paramedics who patrol the airport attends. They get around by bicycle and, in the Board's experience, respond promptly. If the paramedic is unable to deal with the problem, the detainee is taken by ambulance to hospital – usually Hillingdon Hospital.

13.3 The paramedics cannot prescribe or dispense medication. In many cases they may recommend over-the-counter medicines, such as aspirin for migraine. However, although there are chemist's shops within the airport, detainees have no means of accessing such medication. They are not allowed to go to shops, even if escorted. Reliance will not stock and issue any medication within the holding rooms, principally on grounds of liability in event of an adverse reaction. As a result of this, some detainees suffer pain that could be relieved.

- *Paramedic recommended pain relief, which could be purchased over the counter, to a man suffering severe back pain, but he had no means of acquiring this.*
- *Female detainee with a severe headache wanted to have an aspirin, but DCOs could not provide this and she had to make do with a cup of tea.*

A means must be found to allow detainees to take over-the-counter medication, particularly if this is recommended by a paramedic. The Board understands that UKBA and Reliance are developing a protocol under which pain-killers can be issued to detainees, subject to advice from the medical help line.

13.4 It is of concern that detainees unfit for a flight sometimes arrive at the airport having been checked by medical staff at an IRC.

- *A frail detainee was sick and claimed to be suffering from migraine. Medical records showed that she had spent time in hospital. She was found to be too ill to be removed.*

13.5 A pregnant woman was detained at Terminal 4 during the evening of 11 August. It was decided that she should spend the night at Colnbrook IRC and she was taken there at 02:20. She was refused admission at Colnbrook, because they are not able to care for detainees more than 20 weeks pregnant. The lady was brought back to the airport, arriving at 05:50, and had to sleep as best she could on the seats in the Terminal 4 holding room. Later in the morning she complained of dizziness and stomach pains. A paramedic required her to be taken to Hillingdon Hospital for a check, following which she was allowed to stay temporarily. Following this episode UKBA introduced a new Detention Services Order (DSO 03/12) on the care of pregnant detainees, though it does not entirely deal with the circumstances of this case.

Recommendations

- 13A UKBA and Reliance must find a means whereby detainees can access over-the-counter medication.

14 DIVERSITY

14.1 Reliance has arranged diversity training for staff involved in escorted and unescorted removals. DCOs have received diversity training and are generally aware of the particular requirements of major religions and cultures.

14.2 The stock of hot meals reflects a range of tastes and cultures and includes vegetarian options. All meat in the hot meals is halal. The range of sandwiches is adequate to meet most dietary requirements. G4S used to provide Kosher meals, but the only provision now is a Pot Noodle.

14.3 Detainees may have to be photographed. In the case of veiled women, the Board has observed a female member of UKBA staff taking the photograph.

14.4 Copies of the Bible and the Quran and other religious texts are available in the holding rooms. These are meant to be displayed separately and with equal prominence. This is usually the case. Prayer mats are also provided.

14.5 It is not possible to tell within the holding rooms whether it is day or night. During Ramadan a calendar is displayed indicating the times of sunrise and sunset. Dates were provided for detainees breaking their fast. A qibla arrow or compass in each of the rooms indicates the direction of Mecca.

14.6 There is no special accommodation for detainees wishing to pray, except the small room available to male detainees at L23. It would be desirable for a quiet space to be available at each of the terminals. An interview room could be suitable.

14.7 Some religions require ritual washing before prayer. This is very difficult when only small hand basins are available. The installation of showers in the holding rooms would greatly assist in meeting this requirement.

14.8 Diversity needs to be considered in many different ways. Some detainees are not surprised to be held for further examination by UKBA, or are accepting of the situation. It can come as a cultural shock, particularly to citizens of developed countries, to find that they do not have the freedom to go wherever they wish. In general the Reliance staff deal sympathetically with such detainees, even those who respond in a hostile manner to being held.

Recommendations

14A Reliance should provide a better selection of Kosher food.

14B UKBA and Reliance should allocate a quiet space at each holding room for detainees wishing to pray.

15 SAFER CUSTODY

15.1 Few detainees are recorded as being at risk of self-harm and the Board sees only a small number of these. Safer custody records follow the detainee, so are not held at the airport. The Board can, therefore, only report on the basis of limited observation.

15.2 All DCOs have had training in self-harm awareness, delivered by an officer who has been specially trained in the subject.

15.3 Detainees may arrive at the airport from an IRC with an open ACDT record, indicating that they are at risk of self-harm. If Reliance has concerns about any other detainee, staff will open the company's Self-Harm Warning form, which is less comprehensive. The Board has previously expressed concern that there are two different systems for monitoring detainees at risk of self-harm. The contract between UKBA and Reliance mandates use of ACDT.

15.4 Even though Reliance staff are usually caring of detainees, there does seem to be some reluctance to use the Self-Harm Warning form.

- *A male detainee had been banging his head on the wall of the holding room and attempted to injure himself by inserting a pen into his mouth. A DCO staffing the room was unaware that Self-Harm Warning forms were in stock (a week after the Reliance contract started), but an escort visiting the room was clear that they were available and that one should be opened. The Board later established that this had not been done. We were told by a Reliance manager: "The officers took advice from management about the requirement for a self-harm form. This was refused as the detainee had not said or given any actions to self-harm". It is difficult to reconcile this statement with head-banging.*

Conversely, good practice has been observed.

- *A distressed detainee with an open ACDT arrived at L23 for removal. The record was carefully checked, establishing that separation from her husband was a material factor. The detainee was allowed to phone her husband. The ACDT record was carefully maintained and there was a full briefing of staff coming on duty at the evening shift change.*

The latter case provided an example of an ACDT review being due on the day the detainee left the IRC, but this not being done. It is far better for staff who are familiar with the detainee to do this, even if the review is conducted early. A recent review, undertaken within 24 hours of removal, is invaluable to escorts and to staff at the airport who have no previous knowledge of the detainee.

15.5 The Close Supervision Room at L23 is used for holding particularly disruptive detainees. It is a space of just 9 square metres, with six hard plastic seats, open to the reception area. Occupants can be observed by staff at the reception desk. Its normal use is as a waiting area for detainees being booked in and out of L23. Only one use of the Close Supervision Room for its designated purpose was recorded during the year under review. On this occasion a man who had resisted removal was in the room for 2 hours 55 minutes, during which time he was seen by a paramedic, who found nothing wrong with him. After he left the Close Supervision Room the man was held in

the normal holding room. Events while the man was in the room were recorded in detail by Reliance staff. The IMB should have been informed at the time of the use of the Close Supervision Room, but this was not done.

Recommendations

- 15A Reliance should use ACDT forms to monitor the welfare of detainees at risk of self-harm.
- 15B Reliance should not discourage staff from opening ACDT forms if they are concerned about a detainee.
- 15C UKBA should ensure that, if there is an open ACDT for a detainee about to be removed, the IRC undertakes a review not more than 24 hours before departure, taking particular account of any issues relevant to the journey.

16 DEATH IN DETENTION

16.1 A detainee being removed through Heathrow died on 12 October 2010. The case has caused considerable public anxiety.

16.2 It is of very great concern to the Board that official investigations into this tragic case are taking so long. The Board understands that the police have reported to the Director of Public Prosecutions and a decision on legal action was awaited at the end of the reporting period.

16.3 It is in nobody's interest for investigations to be drawn out. The family of the deceased must want to know how the detainee died. There needs to be a clear understanding of what happened, in order to avoid any repeat. The public needs to have confidence that removals undertaken in their name are conducted safely.

16.4 The Board recognises that investigations have to be carried out fairly and thoroughly, but urges all concerned to recognise the need for urgency in dealing with such a worrying incident.

17 COMPLAINTS

17.1 With detainees only staying in the holding rooms for a matter of hours the Board is not able to deal with complaints in the way that colleagues in IRCs and prisons do. We plan to introduce a system in 2012 that will allow detainees to communicate with us by email after they have moved on.

17.2 The Board receives from UKBA copies of written complaints made by Heathrow detainees, plus the response in most cases. We do not know whether there are others which we do not see. During the period under review copies of 13 complaints were received, of which six related to the previous year. The most recent complaint was from August 2011, so it is likely that there are more recent ones which have not yet been resolved and notified to the Board. Taking all of those received, six related to alleged assault, three to missing property, two to a lengthy wait for transport and two to other matters. Responses were provided to the Board for four of the assault complaints. In all of these the detainee had resisted removal and UKBA found that the complaint was unsubstantiated. Very little use was made of CCTV or other film evidence, but medical records were used to investigate complaints.

18 EVENTS OF NOTE

18.1 The Terminal 3 holding room was redecorated and the furniture replaced during March 2011. This work required the holding room to be closed between midnight and 04:00 for about ten nights. Detainees present were moved to L23 late in the evening and brought back to Terminal 3 around 04:30. The timing of the moves prevented them from getting more than a few hours' uninterrupted sleep. The early transfer back from L23 seemed to be more for the convenience of UKBA staff than for the welfare of the detainees.

18.2 The contract with G4S for operation of the holding rooms and escorting detainees came to an end on 30 April. A new contract with Reliance took effect next day, with most of the staff transferring to them from G4S. The changeover went smoothly so far as detainees in the holding rooms were concerned. Reliance provided the DCOs with more informal uniforms, which the Board welcomed.

18.3 There were strikes by UKBA staff on 30 June and 30 November. The Board attended on both days. It is likely that the casework for some detainees took longer than would have been the case on a normal day. Therefore, some people were held for longer than might otherwise have been the case. However, given that casework can take quite a long time even under normal circumstances, it is not possible for the Board to quantify the extent of any delays. Some people spent the night at an IRC, because they could not be interviewed until the next day.

18.4 There was a major impact on removals on the second occasion. Few removals took place on 30 November and none on the following day, because the administrative work had not been done. Therefore, an exceptional number of detainees were removed on 2 December. Reliance was well-organised for this, but some detainees were brought to the airport earlier than would have been likely on a normal day.

19 OTHER MATTERS OF NOTE

Authority for detention

19.1 The Board does not question decisions by UKBA officials to detain or remove people. However, it does check that detention and removal have been properly authorised. The authority for detention, which must be present when the detainee is admitted to the holding room, is UKBA form IS91. This clearly identifies the detainee, specifies the reason for detention and details any particular circumstances or risk factors that staff should be aware of.

19.2 Most IS91 forms are found to be completed correctly. The most common error is that the tick box which indicates the reason for detention is not completed. The Board has also found examples with the mandatory photograph missing or relevant risk factors not specified. In one case the forms for a child and his mother did not indicate the relationship between them. The IO did not know which of the women in the room was the mother, illustrating the need for this to be clearly identified on the form.

19.3 The Board raised in its previous report concerns about the medical information shown on IS91 forms. There is a balance to be struck between information that DCOs need to know for the welfare of the detainee and others, and medical confidentiality. Some of the details that the Board has seen were clearly inappropriate. A young man was shown as taking medication for bed-wetting and a woman was stated to be taking contraceptive pills. In response to the Board's previous Annual Report, UKBA said that it would review the approach to recording medical data on IS91 forms, but there has been no guidance issued to Border Force staff.

Information for visitors

19.4 The Board sees a significant number of detainees who have been refused entry because they do not have a visa. This is particularly the case with visitors from countries, such as Australia and the USA, who do not need visas for tourist trips. Back-packers who intend to support themselves through casual work are stopped regularly. No doubt there are some who would not read any instructions, however obvious, but it is a frequent complaint that information on the UKBA website is not sufficiently clear. From our own checks of the website, it is quite easy to miss the requirement for a visa if it is intended to visit principally for tourism, but also to undertake casual or voluntary work. This qualification should be clearly stated on any web page which deals with tourist visas or states that one is not required.

Recommendations

19A UKBA should ensure that there is a clear instruction to staff concerning medical information it is appropriate to record on an IS91 form.

19B UKBA should review the presentation of information on its website concerning the need for visas.

20 THE WORK OF THE BOARD

20.1 During the period under review the Board has been working with only six members, but despite this small number, visits to the holding rooms or to observe removals have been at least once a week. The Board's reports are circulated to Reliance and UKBA and we appreciate the feedback we receive from them on issues that we raise. IT problems have resulted in Reliance only being able to provide limited explanations, and often none at all, for difficulties in transporting detainees.

20.2 The Board sought to recruit new members in January 2011, but this was delayed for ten months by Government restrictions on recruitment and advertising. We found this very hard to understand given that we are unpaid and that the Government wishes to encourage volunteers. The recruitment process was still under way at the end of the reporting period.

20.3 There is a liaison meeting every two months between Reliance and UKBA managers at Heathrow, which the Board attends. The Board is also represented at Reliance's Detainee Welfare Forum which is held every two months.

20.4 In order to inform decisions about the independent monitoring of charter flights, two Board members travelled on a flight to Lagos, Nigeria in March 2011 on behalf of the IMB National Council.

20.5 Meetings and visits attended:

Number of Board members at start of reporting period	6
Number of Board members at end of reporting period	6
Number of Board meetings during reporting period	12
Average number of attendees	5
Number of visits to Heathrow	76
Number of attendances at meetings elsewhere	11

SUMMARY OF RECOMMENDATIONS

Recommendations to Reliance

- 4B Reliance should allow detainees unrestricted access to a drinks machine at all holding rooms.
- 4F Reliance should provide a mobile phone at each holding room on which each detainee can make an international call.
- 5A Reliance should ensure that a female DCO is on duty at each holding room at all times.
- 8A Reliance should ensure that hourly welfare checks are carried out effectively.
- 9A Reliance should provide eye masks in all of the holding rooms.
- 12A Reliance should ensure that it has the staff, vehicles and systems to ensure that detainees are transported in a timely manner.
- 12E Reliance should record the length of time that detainees are at their Heston depot on the way to and from Heathrow.
- 12F Reliance should provide its staff with details of convenient locations for lavatory stops along regular escorting routes.
- 12G Reliance should have robust procedures in place for transporting mobility-impaired detainees.
- 14A Reliance should provide a better selection of Kosher food.
- 15A Reliance should use ACDT forms to monitor the welfare of detainees at risk of self-harm.
- 15B Reliance should not discourage staff from opening ACDT forms if they are concerned about a detainee.

Recommendations to UKBA and Reliance

- 4E UKBA and Reliance should make provision for detainees to have access to email and the internet.
- 9C Until proper overnight accommodation is available, UKBA and Reliance should organise transport so that detainees can be moved promptly to and from accommodation nearby, so that they have a reasonable period of undisturbed sleep.
- 11F UKBA and Reliance should review the methods used to board escorted detainees onto aircraft in order to reduce the risk of conflict.

- 13A UKBA and Reliance must find a means whereby detainees can access over-the-counter medication.
- 14B UKBA and Reliance should allocate a quiet space at each holding room for detainees wishing to pray.

Recommendations to UKBA

- 4A UKBA should require BAA to modify the lighting circuits and controls at Terminal 1, so that the lights can be dimmed at night. This is the third time we have made this recommendation.
- 4C UKBA should install a modesty screen in front of the lavatory doors at Terminal 5 as a matter of urgency.
- 4D UKBA should require BAA to install showers in all of the holding rooms.
- 4G UKBA should appoint a building services engineer or similarly qualified professional to the DEPMU monitoring team to push forward the required work to the holding rooms and to consider what other improvements might be feasible.
- 5B UKBA should require BAA to provide a larger holding room at Terminal 4 in order to meet the increased demand.
- 7A UKBA should extend the operational hours of FIU so that all asylum seekers arriving in the evening can have their cases considered promptly.
- 7B UKBA should not hold detainees for more than half an hour in arrivals halls and should aim for a shorter period.
- 8B UKBA should ensure that briefings and questioning of detainees takes place privately.
- 9B UKBA should procure that overnight accommodation, including beds and showers, is provided airside at Heathrow.
- 10A UKBA should procure that suitable accommodation is provided airside at Heathrow for families with children as a matter of urgency. Until this can be done, UKBA should make arrangements for any families held at the airport to be detained at a nearby hotel or other suitable space and for transport to be available promptly.
- 10B As an expedient, pending better provision, UKBA should modify the layout of the holding facilities at Terminal 2A to provide a larger family room.
- 11A UKBA should take measures to ensure that all necessary documents are available to allow removals to proceed.
- 11B UKBA should allow Reliance to issue cash cards to AVR detainees without a separate authorisation being required.

- 11C UKBA should ensure that there is accurate information available to detainees at IRCs concerning facilities available to them at ports of departure.
- 11D UKBA should press BAA to accept that filming boardings is part of a public duty and not an activity appropriate for control by them.
- 11E UKBA should seek agreement with airlines that it uses for escorted removals to allow filming inside the aircraft.
- 12B Unless there is no alternative, UKBA should not book detainees on morning flights, in order to avoid night journeys to Heathrow.
- 12C UKBA should accommodate detainees leaving on morning flights at an IRC near to the airport.
- 12D UKBA should press BAA to allow detainees to be admitted to the airport at all times without restriction.
- 15C UKBA should ensure that if there is an open ACDT for a detainee about to be removed, the IRC undertakes a review not more than 24 hours before departure, taking particular account of any issues relevant to the journey.
- 19A UKBA should ensure that there is a clear instruction to staff concerning medical information it is appropriate to record on an IS91 form.
- 19B UKBA should review the presentation of information on its website concerning the need for visas.

ABBREVIATIONS

ACDT	Assessment, Care in Detention & Teamwork
AVR	Assisted Voluntary Return
CCD	Criminal Casework Directorate (<i>a part of UKBA</i>)
DCO	Detention Custody Officer
DEPMU	Detention, Escorting and Population Management Unit (<i>a part of UKBA</i>)
DFT	Detained Fast Track (<i>an expedited process for asylum cases</i>)
FIU	Fast Track Intake Unit (<i>a part of UKBA</i>)
G4S	G4S Care and Justice Services (UK) Limited (<i>a contractor to UKBA</i>)
IO	Immigration Officer
IRC	Immigration Removal Centre
IS91	A UKBA form that authorises detention
L23	Cayley House, the holding facility for detainees coming from IRCs for removal
PMI	Port Medical Inspector
STHF	Short-term holding facility
UKBA	UK Border Agency
1999 Act	The Immigration and Asylum Act 1999