



REPORT
of the
INDEPENDENT MONITORING BOARD
on the
NON-RESIDENTIAL SHORT-TERM HOLDING FACILITIES
at LONDON HEATHROW AIRPORT
for the year
February 2012 to January 2013

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1 INTRODUCTION

1.1 The Board's Annual Report for 2011/12 resulted in a most welcome initiative by Heathrow Airport Limited to improve the holding rooms in which passengers are detained at the airport. At the end of our reporting year site works were due to start soon. However, this will not render the holding rooms at all suitable for overnight detention, which happens every night.

1.2 There has been an equally welcome commitment by Border Force to prioritise casework for children, so that they are detained for the least possible time. However, some children continue to be held for an excessive period and the holding rooms, when improved, will still be quite unsuitable for detaining them.

1.3 Unhappily, the Board continues to observe failures to detainees in a number of respects – a gap between the warm words and the reality – which cumulatively point to poor governance by the UK Border Agency or Tascor or both. Examples are detailed throughout this report. They include UKBA's apparent acceptance of:

- Failure by its own staff to ensure that all detainees have the requisite documents to allow removal, before arriving at the airport for this purpose;
- Tascor's pattern of escorting some detainees in, or through, the night, to the airport with the result that they arrive more than five hours before the removal flight contrary to the contractual requirement;
- Tascor's lack of management supervision of its staff, leading the Board to question whether detainees are routinely offered a free telephone call (a contractual requirement) or that detention custody officers invariably attempt to engage positively with detained children (another contractual requirement) or that there is appropriate engagement with detainees generally.

1.4 The recently-announced abolition of UKBA provides a fresh opportunity to review operations at Heathrow. This should include consideration of the purpose and nature of detention accommodation. Serious consideration should be given to a single, airside facility suitable for holding passengers overnight and with accommodation suitable for children.

While this report was in course of preparation, the Home Secretary announced the abolition of the UK Border Agency. Reference is made to the UKBA within the report, because it was functioning throughout the reporting period. However, recommendations that would have been made to UKBA are now made to the Home Secretary.

2 EXECUTIVE SUMMARY

2.1 Arrangements for detaining people at Heathrow involve four different parties, which makes it time-consuming to achieve change.

2.2 Improvements to some holding rooms are to be implemented in 2013/14, but will still leave the accommodation unsuitable for use overnight or at any time by children.

2.3 The holding rooms are quite regularly staffed by only one DCO and there is not always a female officer on duty when women and children are detained.

2.4 Detainees can spend a long time in the holding rooms, mainly because of the time taken for casework or awaiting transport. Some detainees are present for over 24 hours and many are held overnight.

2.5 The Board is not convinced that detainee induction and welfare checks are always carried out comprehensively or sufficiently frequently by Tascor. Border Force staff often treat detainees disrespectfully.

2.6 It is often impractical or impossible to move detainees from Heathrow to overnight accommodation at an IRC, so they spend the night in the holding rooms.

2.7 Border Force has given greater priority to children's cases, with the aim of minimising detention time. However, some children continue to spend a long time in the holding rooms, including overnight. Some good work has been done protecting vulnerable children.

2.8 Removals generally take place without incident and with escorts being considerate towards the people being removed. Too many removals fail because of administrative errors, such as not having tickets or travel documents available. Methods for boarding aircraft can result in an otherwise co-operative passenger becoming disruptive.

2.9 Transport is frequently chaotic, with detainees being brought to the airport far too early or having a very long wait before being taken to an immigration removal centre ("IRC"). Many journeys appear to be poorly planned or undertaken with no consideration for the detainees' welfare. Arrangements would be more appropriate for freight than people.

2.10 Insufficient attention is given to managing the welfare of detainees at risk of self-harm.

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. Independent Monitoring Boards form part of the United Kingdom's National Preventive Mechanism established in compliance with the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

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.

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

4 ORGANISATION

4.1 Heathrow Airport is owned and managed by Heathrow Airport Holdings Limited (“HAL”). During the course of the reporting year the company changed its name from BAA Airports Limited, but is referred to as HAL throughout this report. In compliance with the Immigration and Asylum Act 1999, HAL provides free of charge such facilities as the Secretary of State may direct as being reasonably necessary for, or in connection with, the operation of immigration control. This includes the holding rooms.

4.2 Passengers arriving at the airport may be detained in the holding rooms on the authority of UK Border Force (“Border Force”) on behalf of the Home Secretary. However, the holding rooms are the responsibility of the UK Border Agency (“UKBA”), which specifies the accommodation that HAL is to provide. If a passenger is to be detained at an IRC, UKBA allocates the place and is responsible for arranging transport.

4.3 Passengers being removed through Heathrow are held in a separate suite of holding rooms, L23, also provided by HAL. The detention and removal of these passengers is authorised by UKBA, on behalf of the Home Secretary.

4.4 Operation of the holding rooms and provision of transport, known as ‘escorting’, was contracted by UKBA in 2011 to Reliance Secure Task Management Ltd. Reliance was acquired by Capita plc in 2012 and has been renamed Tascor Limited. The company is referred to as Tascor throughout this report.

4.5 These arrangements mean that there are few aspects of detainees’ welfare which are not the shared responsibility of several parties. This can make it time-consuming to achieve change.

5 THE DETAINEES

5.1 Passengers 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.
- People who have a visa, but checks need to be made, for example with employers, places of education or family being visited.
- Children held for their own protection.
- Asylum seekers.

5.2 The largest national group among those detained on arrival at Heathrow are citizens of the United States of America, followed by those of Nigeria, Pakistan and India.

5.3 The Board has sought information from UKBA about the outcomes of detention at Heathrow. People who pass through the holding rooms may be:

- Landed, that is free to enter the UK without restriction
- Temporarily admitted, so allowed to enter the country but subject to further enquiries and decision
- Turned round, so returned to where they came from, without leaving the airport (unless to a nearby IRC for the night)
- Transferred to an IRC and detained there
- Arrested and taken into police custody, for example because of possession of forged documents or for customs offences

The Board is surprised that no information is available as to how many detainees come into each category.

6 THE HOLDING ROOMS

6.1 Each of the four terminals currently in use at Heathrow has its own holding room. These are little more than waiting rooms, with seats and lavatories. None of them has windows, so there is no natural light. The only washing facility is hand basins. A small number of loungers are provided for sleeping. There is a small separate space for families with children at terminals 1, 3 and 5, but not at terminal 4. The rooms appear to have been designed on the assumption that people will be detained for no more than two or three hours. In fact, many are held for far longer, including overnight.

6.2 The approximate size and seating capacity of each holding room is:

Room	Size (m ²)	Seats	Loungers
T1 main room	53	25	2
T1 family space	10	8	0
T1 total	63	33	2
T3 main room	62	34	1
T3 family space	9	4	0
T3 total	71	38	1
T4 room	27	16	0
T4 room	34	20	1
T4 total	61	36	1
T5 main room	122	76	2
T5 family room	16	11	0
T5 total	138	87	2

The larger room at terminal 4 is normally used to hold men, and the smaller one to accommodate women and families.

6.3 Although the terminal 4 holding room is the smallest, it is also the busiest. More people are held there than at terminals 1 and 5 together. As a result, it can get quite crowded.

- *Nine people, including four children, were in the women and families room at terminal 4. There was a seat for everyone, but there was not enough room to sleep. One woman had been present for over 24 hours.*
- *The terminal 4 office became very crowded with staff explaining removal arrangements to a mother with a baby, while three new detainees were being searched and a member of staff was helping another detainee who was feeling unwell. The conditions were not respectful of the detainees or the staff.*

6.4 Many of the seats at terminals 3 and 5 are hard plastic. Some at terminal 3 are loose seats, which are chained to the wall. The lavatory cubicles at terminal 5 open directly into the main room and there are large gaps above and below the doors. This especially degrading feature means that noise and smells are apparent to anyone in the holding room. The rooms at terminals 3 can be stuffy, whereas those at terminals 4 and 5 can be cold at night.

6.5 There is a holding suite adjacent to terminal 3 where detainees from IRCs and prisons await removal. This is named Cayley House, but is often referred to by its HAL building number, L23. Accommodation here comprises:

Room	Size (m²)	Seats	Loungers
Female room	27	18	1
Male room	42	24	1
Quiet room	7	0	2
Family room	16	7	1
Close supervision room	9	6	0
Total	101	55	5

All of the seats and most of the loungers at L23 are hard plastic. As in the terminals, none of the rooms have any natural light. Male and female showers are provided.

6.6 Following publication of the Board's Annual Report for 2011-12, HAL agreed to upgrade the holding rooms. However, all that has been achieved during the reporting year is that the lights in the terminal 1 holding room have been adjusted so that they can be dimmed at night. This followed several years of the Board being told this was not possible. The Board understands that much of the time has been spent by HAL agreeing with UKBA what work will be done, preparing plans and specifications and getting these approved by UKBA.

6.7 The terminal 5 holding room is to be equipped with showers, and a lobby is to be provided around the lavatory doors. Improved, larger rooms for families with children are to be provided at terminals 1 and 5. A major extension of the terminal 3 holding room is intended, also with provision of showers and a much larger family room. It is not practicable to extend the existing rooms at terminal 4. An alternative location has been identified for a larger facility, with showers and a dedicated family room, but this is currently used for another purpose. Some modest improvements are intended at terminal 4 meantime. The holding room under construction at Terminal 2A is to be adapted to provide a larger family room before it opens.

6.8 Dates given to the Board for completion of improvements at terminals 1, 3 and 5 have been put back, but all work should be finished during 2014. Provision of the new room at terminal 4 depends on the space being made available.

6.9 The planned improvements to the holding rooms are welcome, as is HAL's commitment and funding. However, it is unfortunate this has been so long coming. It will be more than five years since the Board first drew attention to the unsatisfactory lavatory doors at terminal 5 before the lobby is provided. All of the rooms will remain unsuitable for overnight accommodation or the detention of children.

Recommendations:

6A The Home Secretary should ensure that the planned improvements to the holding rooms are completed to schedule.

6B The Home Secretary should work with HAL and other authorities to ensure that a new holding room is provided at terminal 4 as a matter of urgency.

7 OPERATION OF THE HOLDING ROOMS

7.1 It is a requirement of the contract between UKBA and Tascor that each of the holding rooms is staffed by two detention custody officers (“DCO”) and that a female officer must be present if a woman or child is detained. This is often the case, but not universally so. The Board has found instances of only one DCO being on duty and of women and children being cared for by male DCOs only.

7.2 When there is only one DCO present in a holding room, there is little scope for interaction with detainees, because it is a requirement that the office is staffed at all times. Female detainees may not raise problems with male DCOs for cultural reasons, or through embarrassment.

7.3 There have been a few occasions when L23 has been closed because of lack of staff, resulting in people who are to be removed being detained in the terminal holding rooms. This is particularly serious, because all of the holding rooms are managed from L23 and supplies, such as food, obtained from there.

7.4 Operation of the holding rooms is overseen by Tascor managers. However, after Reliance took on the contract the number of managers was cut, resulting in a significant reduction in the level of supervision. Tascor managers do not appear to visit the holding rooms very frequently. The Chief Immigration Officer at each terminal is required to check the holding room every four hours. UKBA contract monitors also visit the holding rooms.

Recommendations:

7A Tascor should ensure that a female DCO is on duty whenever women or children are detained and that two DCOs are on duty at all times.

8 LENGTH OF DETENTION

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

	0-8 hours	8-12 hours	12-18 hours	18-24 hours	24+ hours	Total
Terminal 1	1,486	286	173	93	39	2,077
Terminal 3	3,033	471	433	266	61	4,264
Terminal 4	4,051	635	653	380	65	5,784
Terminal 5	2,069	455	266	132	29	2,951
Terminals total	10,639	1,847	1,525	871	194	15,076
L23	9,019	282	118	34	2	9,455

8.2 There is a slight increase in the number of people held at the terminals since our previous reporting year (14,988). 70% of the detainees were in the holding room for less than eight hours and 83% left within twelve hours. The number of people held for more than twelve hours was 2,590, which is a slight improvement over the previous year (2,884). The proportion of detainees held for longer than twelve hours is higher at terminals 3 and 4 than at terminals 1 and 5. This is most unfortunate, given that terminals 3 and 4 have the poorest accommodation.

8.3 There is a 6% drop in the number of detainees passing through L23 compared with 2011/12 (10,038), but the proportion there for more than eight hours, 4.6%, is almost the same. These are people whose removal has been cancelled or who have refused to go.

8.4 Length of stay depends on the time it takes to deal with casework at the airport and decide what is to happen to a detainee, and also on the duration of the wait for transport to an IRC or a flight out. Transport delays can result in very long waits at the airport and are considered in Section 13. Lengthy detention of children is considered in Section 11.

8.5 If a detainee is to be sent back to where they came from, it may be the next day before this is possible, particularly if the carrier operates only one flight daily to Heathrow. Detainees awaiting a flight account for about half of those detained overnight. Delays can also arise if Border Force wishes to check a detainee's *bona fides* with an employer or place of education. It may not be possible to contact anyone outside normal business hours.

- *A woman who was to be turned back came to the holding room at 12:00, but her flight was not until 09:55 next day and it was not expected that she would go to an IRC. Her flight time meant that she would have to be returned to the airport during the night.*

8.6 A shortage of space at IRCs may account for some delay in moving people from Heathrow. Information compiled by Tascor suggests that this is a factor in a number of lengthy stays in the holding rooms:

- *A detainee was held at 16:20, but did not leave for an IRC until 20:20 the next day.*

- *A detainee was in the holding room for almost 31 hours, from 08:00 until 14:45 the following day before going to an IRC.*

8.7 Asylum seekers can be held for a long time at Heathrow, because of the particular procedures that apply to them. Some are referred to the National Asylum Intake Unit of UKBA to determine whether they are suitable for the Detained Fast Track scheme, but this is closed overnight and for much of the weekend. Border Force may at these times progress cases involving children, who are clearly not eligible for Detained Fast Track, but biometric details must be obtained before they leave the airport. This is a source of delay, as is the need for asylum seekers to be seen by the Port Medical Inspector. Asylum seekers allocated to Detained Fast Track need to be allocated a place at an IRC, usually Harmondsworth (men) and Yarl's Wood (women). Others need to be accommodated in the community, which may mean staying with family members or in designated housing. Those going to designated accommodation are transported there, with scheduled collection times from Heathrow of 13:00, 17:00 and 21:00 Mondays to Fridays. If a decision is reached just too late to meet one of these times, there will be a further wait, though additional collections can be requested. This does not seem to happen often. Special arrangements have to be made for weekend transport.

- *A family of asylum seekers, comprising three adults and three children, were detained at 00:15, but not temporarily admitted until 17:00.*
- *An asylum seeker was detained at 10:05 on Friday and did not leave for designated accommodation until 14:40 on Saturday.*
- *An asylum seeker was detained at 14:30 and interviewed three times during the course of the day, but it was not until 14:30 next day that he left for designated accommodation.*

However, there are cases where detention is prolonged because a person does not claim asylum until some hours after they have been detained.

8.8 Some detainees suffer long waits in the arrivals hall before they are taken to the holding room. This happens particularly at terminals 4 and 5. While held in the arrivals hall detainees are under public gaze and, without careful supervision, are at risk of absconding. When talking with detainees who have been a long time in the arrivals hall, the Board rarely finds that they have been offered anything to eat or drink.

- *A woman arrived at 11:00 and was admitted to the holding room at 13:40. She had to wait on a seat in the arrivals hall for about 1½ hours before being taken to collect her luggage and have it searched. She said that she was not offered anything to eat or drink until arrival at the holding room.*
- *Another woman was detained at 06:55 and came to the holding room at 08:40. She was also kept in the arrivals hall until her luggage was available. She was not offered anything to eat or drink until she was in the holding room.*

If luggage is delayed or there are other hold-ups, detainees should be accommodated in the holding room. The Board recommended a maximum stay in the arrivals hall of half an hour, but was advised by Border Force that they aim to hold detainees there for no more than fifteen minutes. This is an exacting target and is frequently not achieved.

8.9 Detainees who have been temporarily admitted or sent to an IRC may be required to come back to Heathrow for further interview by Border Force. Although interviews are by appointment, people can be held a very long time:

- *A young woman arrived from Yarl's Wood at 10:10 for an interview at 12:00. The interview did not take place until 15:45, because an interpreter had not been arranged, and the woman was not collected for return to Yarl's Wood until 00:10.*
- *A man was collected from Campsfield House IRC at 01:00 and reached Heathrow at 04:00, for an interview at 09:00. He was not collected to go back to Campsfield House until after 22:30.*

8.10 The factors leading to an extended period of stay result in a significant number of people being held at the airport overnight. The implications of this are considered in Section 10.

Recommendations:

8A Pending provision of overnight accommodation at Heathrow for detainees, the Home Secretary should ensure that suitable space is available nearby.

8B The Home Secretary should ensure that appropriately trained staff are available at all times to decide how asylum seekers at Heathrow are to be accommodated.

8C Border Force should not detain people in the arrivals hall any longer than is needed for the initial examination at the UK Border, not exceeding half an hour.

8D Border Force should ensure that interviews by appointment take place punctually, with interpretation available at the scheduled time.

9 DETAINEE WELFARE

9.1 On arrival in a holding room a detainee is given a rub-down search and their possessions are checked. This should be done by a DCO of the same gender as the detainee, but this is not always the case. Where a detainee has to be searched by a DCO of the opposite gender, an electronic wand is used instead of a rub-down. Searches take place in the office at the entrance to the holding room, which does not result in appropriate privacy. There is little space in most of the offices and they can be busy, with escorts, immigration officers and detainees coming and going. This is particularly a problem at terminals 3 and 4.

- *During a search at terminal 4 a male detainee was required to lower his trousers around his buttocks. Two female officers were present and this could also be seen by staff passing along the corridor outside.*

9.2 Following the search, DCOs are meant to explain the facilities in the holding room to detainees. Multilingual written information is available and some officers speak languages other than English. Some explanation is almost always given, but the level of detail and time taken varies. This may depend on how busy the staff are. The DCOs are required to check on detainees' welfare hourly and this is another opportunity to explain what is available. However, the Board regularly finds detainees unaware of how to make and receive phone calls, of the availability of hot food and drinks or that pillows, blankets and toiletries are available. Detainees are in a stressful situation and may not understand English. Even if something is explained to them they may not take this in the first time, particularly if the information is given briefly and quickly.

- *A detainee wanted a hot drink, was unaware that these were available free of charge from a machine and did not know how the machine worked. This should all have been explained to him when he arrived at the holding room.*

The hourly welfare check should be regarded as the minimum requirement and DCOs should not lose any opportunity to engage with detainees. The Board has observed some excellent examples of briefings to detainees, given comprehensively and sympathetically by DCOs. However, UKBA and Tascor must recognise the pressure that staff can be under at busy times and should consider whether personal briefings could be supplemented by means of multi-lingual videos that clearly demonstrate facilities available. The Board has also observed that at quiet times some DCOs relax in the office, when they could be engaging with detainees. There are many staff who can be trusted to care well for detainees whether supervised or not, but greater management supervision would be beneficial. This would help motivate and develop staff, but has been lacking under the present contract.

9.3 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. There has been an improvement in some of the sandwiches. Varieties with wholemeal bread have been introduced. However, salad-based sandwiches tend to become soggy and some other types are of poor quality. Both cheese and reconstituted ham sandwiches have very sparse fillings. Stocks are replenished

daily and we usually find that the full range is available, though things can run short on a busy day. There was one occasion when sandwiches were distributed from L23 to holding rooms after their use-by date.

9.4 Providing appropriate food for breakfast is a problem. Food must have a reasonable shelf life, be simple to prepare and be acceptable to detainees. The only hot option is a ready meal, including beans, potatoes and mushrooms. During the year Tascor introduced instant porridge, made with hot water, and it was expected that this would be popular with a larger number of detainees. In practice, there was limited take-up so porridge is no longer stocked.

9.5 Hot and cold drinks are available free of charge from a machine at each holding room. Detainees at terminals 1 and 4 and at L23 have direct access to the machine. At terminals 3 and 5 the machine is in the DCOs' office and detainees have to ask if they want a drink. This may not be immediately available, if the DCOs are busy. In response to the Board's previous Annual Report UKBA said that *"it has been assessed for health and safety purposes that the drinks machines, which dispense hot drinks, are best placed within the DCO area rather than within the main holding room"*. The Board is not aware of any safety incidents arising from the machines that detainees have direct access to and notes that in the newest facility, L23, the drinks machines are in the holding rooms. The Board considers that the risk is trifling by comparison with the benefit to detainees in having direct access to hot drinks, and repeats its recommendation.

9.6 There is a BT payphone in each holding room which is able to accept incoming calls. Detainees are not allowed to keep mobile devices with them if they contain cameras. Tascor holds a number of mobile phones without cameras at each holding room. These can be loaned to detainees who insert their own SIM card. The contract between UKBA and Tascor provides that, following arrival in the holding room, all detainees are to be able to make a phone call of five minutes to anywhere in the world free of charge. Detainees can make a phone call to a UK number from the telephone in the DCOs office. Those wishing to call an overseas number can be given a phone card which allows a five minutes' call to anywhere in the world from the payphone. However, the Board is not convinced that cards are issued to all detainees wishing to make an overseas call. DCOs have said that they give them to detainees who do not have the means to make a call themselves, indicating an informal "means test". The Board has also observed detainees not being allowed to make a free phone call themselves. The DCO calls the person the detainee wishes to speak to and asks them to ring the holding room payphone. This can cause a problem if there is heavy demand for the payphone.

9.7 It is difficult for detainees to obtain independent advice about their situation and many have no opportunity to do so. The only facilities available are the payphone and a few telephone numbers for legal help lines. However, some help lines have very limited operating hours. The Board is not aware of any that are available overnight or at any time from Saturday lunchtime until Monday morning. The Board considers that detainees should be able to access the internet, as a means of checking the law and how it applies to them. In response to our previous recommendation, UKBA said that internet access is *"not considered necessary in view of detainees' short period of stay in the holding rooms"*. It is precisely because of the short period of stay that access to the internet is necessary; it is the only realistic source of independent advice for many detainees. Those arriving in the afternoon and being removed next morning are most unlikely to be

able to get any advice by telephone. UKBA also said that *“internet access would also be a risk to the integrity of border control and impact on the resolution of cases”*. Put in other words, if detainees were better informed as to their rights, they would be more likely to assert them.

9.8 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, including some recipe books. A few 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.

9.9 Pending the provision of showers in some holding rooms at terminals, detainees who have been held for a long time may be taken to L23 to have a shower there. However, this regularly does not happen, because staff are not available to escort people to and from L23. Furthermore, the L23 showers were out of use, again, from mid-August until late November, because of *legionella*.

9.10 It is unfortunate that Border Force staff regularly fail to treat detainees with respect. People are addressed abruptly or rudely. They are asked confidential questions or given confidential information in front of other people. Discussions with detainees concerning their case should take place privately, in an interview room, but quite often happen in holding rooms.

- *A male Immigration Officer spoke harshly to a female detainee, giving orders in rude manner with no explanation of what was happening to her. The woman was reduced to tears and it was left to the DCOs to comfort her.*
- *An Immigration Officer came to talk with a detainee. He did so in a casual manner at the holding room door, although other detainees were in the room.*
- *An Immigration Officer told a woman in a crowded holding room office that she was being refused leave to enter the country. He did so in a loud voice and with no regard for the fact that he was imparting bad news.*

The Board is aware that Border Force regularly reminds staff of the need for respect and confidentiality, but considers that more training is required.

Recommendations:

9A Tascor should ensure, through greater managerial supervision, that induction and welfare checks are always undertaken and that there is consistently good engagement between DCOs and detainees.

9B The Home Secretary should ensure that detainees have unrestricted access to a drinks machine at all holding rooms.

9C Tascor should ensure that all detainees are themselves able to make a free of charge phone call of five minutes.

9D The Home Secretary should make provision for detainees to be able to access the internet.

9E Border Force should provide further training for staff in how to interact with detainees.

10 OVERNIGHT ACCOMMODATION

10.1 Even when improved, the holding rooms will not be suitable as overnight accommodation. There are few loungers (see 6.4), the seats are uncomfortable to lie on and it is UKBA policy that detainees should not be allowed to sleep on mattresses on the floor. The Board remains strongly of the view that proper sleeping accommodation should be provided, given the number of detainees who are present during the night. This would be of benefit to those who have just been detained and whose initial casework is not complete, and to those leaving on morning flights.

10.2 Tascor has maintained more detailed statistics since autumn 2012. This has enabled the Board to establish that 559 people, including some children, spent a full night in a holding room between November 2012 and January 2013 inclusive. Of these, 56 were held for more than 24 hours.

10.3 There are no longer any beds at Colnbrook IRC reserved for people held overnight at Heathrow. Even when detainees can be transferred to an IRC for the night, they may not get very much time there.

- *A woman was detained at 19:30 and was to be removed next day. It was intended that she went to Colnbrook, but did not get there until 09:50 next morning. She had little benefit from the move, because she was collected from Colnbrook at 12:15.*
- *A detainee was held at 19:00 and left for Harmondsworth at 03:45. He was there from 04:30 until 10:30, before returning to Heathrow for removal.*
- *A detainee was held at 13:10 and left for Yarl's Wood at 20:40. She was there from 00:25 until 04:15 and back at Heathrow at 07:15. She spent much longer in transit than at the IRC.*

10.4 Towards the end of the reporting year Border Force introduced a system under which detainees held overnight can have the choice of going to an IRC or remaining at the airport. The alternatives should be explained to them, including the potential waiting and journey times. Detainees opting to remain in the holding room sign a disclaimer form. Few disclaimer forms have been signed and none at terminal 3, which did not bring them into use until after the end of the reporting year. The forms are only used if a move to an IRC is possible. In many cases no beds are available or a move is not practicable in the time available. In January 2013, only eight accommodation disclaimer forms were completed. Arrangements have not settled in properly; the Board is aware of a case of a form not being signed until after a detainee had been in a holding room all night.

10.5 In response to the Board's 2011/12 Annual Report UKBA said that it "*accepts that holding rooms are not ideal for overnight or extended stays*" and supports the Board's repeated recommendation for an airside short term holding facility. UKBA also said that due to "*efficiency savings*" it will not be possible to secure a residential short term holding facility. The Board notes that where the will is there, substantial sums have been spent on accommodation elsewhere, such as the Cedars Pre-departure Accommodation. There is a short term holding facility with sleeping accommodation at Manchester Airport. There would be efficiency savings if airside overnight accommodation was available at Heathrow, because people would not need to be moved off the airport for the night. There would be a reduction in demand for space at Colnbrook and

Harmondsworth IRCs, particularly if detainees being removed through Heathrow on morning flights need not be held there. Above all, a substantial number of people would benefit.

Recommendation:

10A The Home Secretary should procure that overnight accommodation, including beds and showers, is provided airside at Heathrow.

11 DETENTION OF CHILDREN

11.1 The detention of children at Heathrow is, unfortunately, unavoidable. If an adult in charge of a child is detained, it is also necessary to hold the child. Widespread abuse could be expected if people with children were never detained. However, the conditions under which children continue to be detained are of great concern to the Board.

11.2 At terminals 1, 3 and 5 there are small rooms off the main holding room in which families with children can be held. The planned provision of larger family rooms at these terminals should provide a degree of improvement, but the accommodation will remain unsatisfactory in several respects:

- Access to the family room is through the main holding room
- Lavatories and washing facilities are shared with other detainees
- There is no access to the open air and limited scope for active play
- There is no provision for sleeping, except a cot for babies

11.3 The situation is much worse at terminal 4. Children are held in the same small room as unrelated adults and there is no immediate plan for improvements. The Board considers that the terminal 4 holding room is unfit for the detention of children and they should not be held there. Any families with children should be transferred to another terminal, preferably terminal 5, with their casework.

11.4 Children have often been on a long-haul flight immediately before they are detained in a restricted area. Parents may be exhausted, not only from a long flight, but from the demands placed on them by their children. To then be held in accommodation that does not allow children to rest properly or play freely is unacceptable. For children old enough to understand what is happening, detention must be a frightening and bewildering experience, particularly if they do not understand English.

11.5 The provision for children at Heathrow is in marked contrast to the high-quality accommodation that UKBA has provided at Cedars Pre-Departure Accommodation and at Tinsley House IRC. The Board repeats its recommendation that there should be accommodation of similar standard at Heathrow, preferably airside, for families detained there. It could be used both by families who are newly-detained and by those awaiting departure.

11.6 Bottles, nappies, milk and babyfood are provided for young babies. However, there is no food particularly suitable for toddlers. Some will not eat sandwiches or ambient meals, which are quite alien to them, and become distressed because of hunger. Sometimes DCOs are able to buy food especially for them from airport shops. Limited washing facilities make it difficult for parents to keep children clean. The only towels available are thin rough, paper ones.

11.7 Toys provided are suitable only for young children. DVDs and a player are available at each holding room for older children, but there is nothing else for them. Unless a DCO offers a DVD, it is unlikely that children will take advantage of them. However, children are allowed to keep their own amusements, such as play stations, so long as these do not incorporate cameras.

11.8 Tascor is required by UKBA to ensure that the welfare of children is checked every fifteen minutes. The Board is not convinced that this happens.

11.9 There were modest improvements during the year at the initiative of UKBA's Children's Champion. Bean bags and thicker playmats were provided in the holding rooms.

11.10 UKBA and Border Force have implemented comprehensive arrangements for safeguarding children. An extremely detailed guide was issued to staff and training undertaken in advance of UKBA's *Detention and Escorting Safeguarding Children Policy* being implemented in November 2012. Specially trained Border Force staff deal with children's cases which are managed as a priority. Tascor introduced its own procedures for monitoring the detention and welfare of children. There have been instances of child detainees' casework being completed commendable quickly.

- *A woman and three children aged between 6 and 13 were detained for just two hours before being landed.*
- *Two unaccompanied teenagers were detained for 3 hours 20 minutes before being landed.*

However, a "typical" stay for a family with children is more likely to be five to seven hours.

11.11 Unfortunately, there are still cases of children being detained for far too long, mostly for reasons set out in section 8. The number held this long is somewhat variable. In October and November 2012 a total of seven children were detained for more than twelve hours, but in December there were 29. This number was inflated by a group of 14 girl guides, but even without them the number was high. In two cases children were held for more than 24 hours.

- *An adult and two children were detained at 09:55, but did not leave for Tinsley House until 00:55 on a particularly cold, wintry night.*

11.12 Despite good liaison between Border Force and London Borough of Hillingdon, significant delays can occur when children are to be taken into the care of Social Services. Children held at the airport are considered to be safe, so are likely to be a lower priority for social workers than those out in the community who may be at risk.

- *An unaccompanied minor who had claimed asylum was detained at 21:25 on Saturday and collected by Social Services at 19:00 on Sunday.*
- *An unaccompanied minor was detained at 15:35 on Monday and collected by Social Services at 14:35 on Tuesday.*

In both of these and other cases the child was at the airport overnight. There can also be a lengthy delay while an appropriate adult, such as a family member, is found to take responsibility for an unaccompanied child. Delays can also arise if there is an age dispute, so it is not clear whether a detainee is a minor or not.

11.13 The lack of overnight accommodation suitable for children is a severe problem. Tinsley House IRC has suitable space for families, but is too far from Heathrow to be of practical use on many occasions.

- *Parents and three children aged between eight and twelve were detained at 16:05 and left for Tinsley House at 20:00. They did not arrive there until 23:15, but were collected at 02:00 to return to Heathrow for a flight out at 08:00.*

This treatment of children is completely unacceptable.

11.14 Border Force staff are trained to be aware of child abuse and good work has been done in protecting minors at risk.

- *A 15-year-old male flew in with an unrelated man. The two were kept apart at Heathrow. After a night in the care of Social Services, the boy was flown home to his mother. The man was sent back separately and on his return was charged with five offences.*

11.15 Arrangements for removing children from the UK are not always satisfactory. Some are held in good quality accommodation at Cedars Pre-Departure Accommodation before coming to Heathrow. However, this facility is only used for families where the parents are expected to be disruptive and Barnados, which runs Cedars, will not accommodate more than 10% of the total number of children being removed. Therefore, it continues to be the case that families with children are collected directly from their homes, if they have not agreed to travel to the airport voluntarily.

- *A mother and three children were collected from home in Birmingham at midnight and brought to Heathrow overnight for a morning departure. The vehicle in which they were transported was not passed to operate airside, so they missed their flight and were held at the airport until a rebooked departure at 21:35.*

Cases such as this illustrate the need for dedicated accommodation for children and for suitable overnight accommodation for those being removed on morning flights.

Recommendations:

11A Border Force should not detain children at Terminal 4.

11B Tascor should ensure that DCOs engage frequently and in a sympathetic manner with child detainees.

11C The Home Secretary should procure that dedicated accommodation for children, separate from that for unrelated adults, with beds and access to an external play area, is provided at Heathrow.

12 REMOVALS

12.1 Detainees being removed from the country may be escorted or unescorted on the aircraft. Detainees who are risk-assessed as likely to depart compliantly are accompanied to the aircraft by Tascor staff based at L23, but travel on their own. People who are being turned back at the airport come into this category, as do a large number of people who have been held at an IRC. If there is a risk that a passenger will not be co-operative, overseas escorts fly with them. The overseas escorts are employed by Tascor.

12.2 The vans used to convey detainees to and around the airport are comfortable and usually well-presented. There is a compartment with two rows of seats and a separate luggage space. Windows are tinted, so give a clear view out but prevent public scrutiny of the interior. The Board has noted a few instances of dirty vehicles. Heating can be a problem, particularly if the vehicle has been parked for a while.

Unescorted removals

12.3 Passengers who are being turned back at Heathrow wait in the terminal holding room for their flight. Those who have been at an IRC or prison are usually taken to L23 and wait there. On arrival they are greeted at reception and searched. The staff at L23 mostly greet detainees in a friendly manner, though lack of a common language can limit communication. There is a telephone translation service available and some staff speak a range of foreign languages. However, most usually rely on simple words and gestures to communicate with detainees who speak little or no English. This also applies while passengers are being escorted to the flight.

12.4 Following arrival at L23 detainees are searched, by rub-down or use of an electronic wand. This is done in a room off the reception area. The facilities in the holding room are then shown to them and they are offered food. The rooms in which detainees are held are not locked, so they have free access to the lavatory and showers.

12.5 The boarding procedure is explained to detainees before they leave L23. If it is thought that an individual may be disruptive, staff try to gain their co-operation through discussion with them.

12.6 Detainees at L23 are generally dealt with in a respectful and friendly way by the Tascor staff. There are times when there can be a significant number of staff in the reception area, particularly at shift changes and if a large number of detainees are arriving or departing. This may seem intimidating to detainees.

12.7 Passengers are taken by Tascor van from L23 to the terminal they are leaving from. If the building design permits, they usually wait for the flight away from other passengers and board the aircraft first. This avoids their status being obvious to others. The great majority of unescorted passengers co-operate with their departure.

12.8 During unescorted removals observed by the Board, DCOs have been courteous and helpful to detainees.

- *A detainee recognised some other passengers, who he knew, waiting to board the aircraft. One of the DCOs stood in front of him, so that he was hidden from view.*

12.9 Problems occur quite often because detainees have been misinformed or they have misunderstood information given to them earlier. This can result in a lack of co-operation.

- *A passenger understood that he was entitled to a cash grant on leaving, but this was not the case. It was necessary for his escort to use a phone translation service to explain the situation, which took forty minutes. The man had very little money for his onward journey from the destination airport. The escort was able to persuade the man to leave by arranging an emergency grant.*

12.10 The Board is concerned at the number of removals that fail on administrative grounds. Reasons include:

No removal direction (the legal notice requiring the person to leave the country)

No ticket booked

Ticket booked in the wrong name

Ticket booked with the wrong airline

Passenger's passport or other travel document not provided by UKBA

This causes distress to passengers and extends their period of detention in the UK. Significant sums must be spent on tickets that are not used. There have been instances of passengers suffering more than one failed removal:

- *A man was brought to the airport for removal, but there was no documentation from UKBA to support this. He was taken back to detention. When he next came to the airport there was no booking for him on the flight. He left at the third attempt, having been detained for a fortnight longer than necessary.*

It is difficult to understand how fundamental failures, such as lack of a correct ticket or travel documents, can happen regularly.

12.11 When a removal is abandoned, passengers sometimes wait a considerable time at L23 for a move back to an IRC.

- *A passenger arrived at L23 at 06:15 for a flight at 10:50. The removal was cancelled because of "lack of documentation", but the detainee was not picked up to be taken to an IRC until 00:35 next morning. It is likely that this person was not admitted to an IRC until some 24 hours after being collected to go to the airport.*

Escorted removals

12.12 Passengers who are to be escorted are collected from the IRC by an escorting team who will go on the flight with them. At Heathrow they are usually taken straight to the departure terminal

and do not go to L23. A significant amount of time can be spent waiting in the vehicle, for the airside security check and to board the aircraft.

12.13 Detainees are normally boarded quite separately from other passengers, but the exact arrangements depend on the airline. When detainees are led up the aircraft steps they are held by the arms by two escorting officers. This is a standard procedure and is not informed by any risk assessment. It can lead to conflict if an otherwise co-operative detainee does not wish to be held. UKBA accepted a recommendation in our previous annual report that the methods used to board escorted detainees onto aircraft should be reviewed in order to reduce the risk of conflict. Control and restraint methods have been under review, but all escorted detainees continue to be held when boarding the aircraft.

12.14 On most occasions that the Board has observed escorted departures, the detainee has been co-operative. Where it has appeared that a detainee may not be compliant, the escort officers try to obtain co-operation through discussion and persuasion. This may take place over several hours during the journey and while waiting at the airport. It is not our perception that escorts seek confrontation.

12.15 During the year under review, the Board has observed control and restraint techniques being used on four occasions:

- *A woman was removed from the country after six failed attempts. She was handcuffed while waiting to board the aircraft and during boarding. The escorts explained that this was because she had not agreed to co-operate.*
- *A woman had agreed to co-operate with her removal, but refused to board the aircraft. She was handcuffed during the boarding, but the handcuffs were removed as soon as she was seated in the aircraft.*
- *After being seated in the aircraft, the detainee jumped up and started shouting and banging his head on the overhead locker. The escorts had to struggle to get him seated again and applied handcuffs. They managed to calm the detainee, but the airline refused to take him after he became abusive and swore at other passengers.*
- *The detainee had a history of being disruptive and the airline would only take him if he was handcuffed.*

The Board questions whether use of handcuffs is appropriate in cases where a detainee has not resisted removal at that time.

12.16 Four of the escorted removals that the Board has observed during the year were of families with children. In one case the pregnant mother got into an argument with the escorts on the aircraft, but was calmed down. The other family removals proceeded without problems. When dealing with children the escorts try to maintain a relaxed atmosphere.

- *A mother and young child had been brought to the airport well before departure time, so were held in the family room at L23. While the mother was making telephone calls, the escorts were playing with the child, who appeared to be enjoying the attention.*

12.17 The Board has observed one escorted removal where two uniformed policemen were present for the removal of a potentially disruptive person, who was to be boarded immediately before the aircraft departed. The policemen were able to brief and reassure other passengers on the aircraft before the detainee was boarded, and to encourage her to be co-operative. This was of considerable benefit to the detainee and to the other passengers.

12.18 The Board understands from the Tascor escorts that they often receive very little advance information about the passengers they are to escort. They would benefit from more details, to assist them in preparing for the move.

12.19 UKBA accepted a recommendation in the Board's 2011/12 Annual Report that accurate information should be available at IRCs concerning facilities available to them at ports of departure. Detainees sometimes arrive at Heathrow thinking that they can receive luggage from friends, send faxes or do other things that are not possible. Towards the end of the reporting year UKBA prepared a leaflet which sets out what happens on removal through Heathrow and facilities available at L23. The Board was invited to comment on a draft and did so. It is intended that the leaflet is issued to detainees at the IRC when they are advised of their removal.

Recommendations:

12A The Home Secretary must have robust procedures in place to ensure that all necessary documents are available when a detainee is to be removed from the country.

12B The Home Secretary and Tascor should use risk assessment to determine whether or not individual detainees need to be held when boarding aircraft, with an assumption that this will not normally be necessary.

12C The Home Secretary and Tascor should provide more information in advance to overseas escorts about the detainees they are to accompany.

13 TRANSPORT

13.1 Arrangements for transporting detainees to and from Heathrow are far from respectful. It remains a matter of great concern to the Board that people being removed through Heathrow may arrive excessively early. Large numbers of people are moved during the night. In planning and execution, many of the transport arrangements would be more appropriate for freight than for people. Indeed, most detainees arriving at the airport are security-checked at a goods facility.

13.2 Tascor transports detainees directly to the airport from Colnbrook and Harmondsworth IRCs. Those coming longer distances are taken to a Tascor depot in Heston where they transfer to vehicles and crews who are passed to operate airside.

13.3 The contract between UKBA and Tascor requires that children are accompanied by a female DCO when being transported, unless this is likely to put the officer at risk. It is also a requirement that detainees are accompanied by at least one escort of the same gender.

13.4 The contract between UKBA and Tascor provides that people being removed from the country through Heathrow should arrive at the airport no more than five hours before the flight departs. In practice, a significant number of detainees are received at L23 much earlier, particularly if the journey is overnight. This is especially the case with those coming from Dover IRC.

- *A detainee was collected from Dover at 23:50 and arrived at L23 at 03:30 for a flight at 11:25.*
- *Three detainees were collected from Dover at 22:10 and arrived at L23 at 02:40 for flights at 10:50 and 12:00.*
- *Three detainees were collected from Brook House IRC at 23:10 and arrived at L23 at 01:30 for a flight at 10:50.*
- *A detainee was collected from Yarl's Wood at 22:55 and arrived at L23 at 01:30 for a flight at 10:00.*

13.5 Even local journeys can be far earlier than necessary. It can be time-consuming gaining access to the airside part of the airport early in the morning. Detainees are not security-checked through public areas, but are brought in through staff and freight facilities. These are particularly busy from around 04:00 when staff come on duty and stores are delivered for airlines and shops. Tascor tries to bring in detainees before the rush, but some arrivals at L23 are exceptionally early.

- *Three detainees were collected from Colnbrook IRC at 23:20 and arrived at L23 at 00:50 for a flight at 08:00.*
- *A detainee was collected from Harmondsworth at 01:00 and arrived at L23 at 01:45 for a flight at 10:50.*

Moves this early might be acceptable if they enabled detainees to obtain a reasonable period of uninterrupted sleep at L23. However, there are few loungers and no beds there. With people arriving throughout the night, the holding room lights are on all of the time.

13.6 Some journeys to the airport take an excessive time for the distance involved. Again, this is often the case with journeys from Dover, which are sometimes made via Brook House IRC or Tinsley House IRC to collect other passengers.

- *A journey from Dover to L23 took from 01:20 to 05:25, apparently direct.*
- *A detainee spent almost seven hours en route from Dover to L23, departing at 19:15 and arriving at 02:00.*
- *A detainee was collected from Campsfield House IRC (near Oxford) at 03:15, but did not arrive at L23 until 08:00.*

People are not meant to be detained at the Tascor depot at Heston, but to transfer quickly to an 'airside' vehicle and crew. While at Heston detainees are regarded as being "in transit", so arrival and departure times are not shown on the IS91 form. However, some detainees do spend a significant time there.

- *A detainee arrived at Heston at 01:20, but did not transfer to the Heathrow crew until 02:25.*
- *A detainee being transported from Haslar IRC to Heathrow spent an hour at Heston.*

13.7 Long-distance journeys may be staged or detainees may come on an internal flight to Heathrow. Moves from Dungavel IRC (Lanarkshire) are sometimes via Pennine House STHF (Manchester) where the detainee can spend the night. Detainees from distant IRCs, such as Morton Hall (Lincolnshire), may be brought to Colnbrook, Harmondsworth or Campsfield House shortly before removal. However, some moves have not been well-planned or executed:

- *A detainee from Morton Hall was to transfer to Colnbrook for the night, prior to departure through Heathrow. However, arrival at Colnbrook was at 22:00 and departure just 3½ hours later.*
- *A detainee at Dungavel who was booked on a flight from Heathrow at 08:00 was to be moved to Colnbrook the previous day. He was not collected from Dungavel until 14:10, so had just an hour at Colnbrook, from 01:30 until 02:30.*
- *UKBA requested Tascor to move a man from HMP Haverigg (Cumbria) to Colnbrook, so he could spend the night there before removal next morning. Despite having had almost three weeks' notice of the move, Tascor did not collect him until late afternoon, so the man was at Colnbrook for just 55 minutes. Furthermore, the man was going to Romania, so UKBA could have arranged for him to fly from Manchester.*

13.8 As well as detainees arriving too early at Heathrow for removal, many spend a long time awaiting transport to an IRC.

- *Tascor was instructed at 20:42 to take a detainee to an IRC, but did not collect him until 03:40. A person who might have had a reasonable night in bed spent most of the night in the holding room or in transit.*
- *Border Force requested accommodation for a detainee at 09:30. Tascor did not collect her until 21:45, by which time the woman had been in detention for almost 32 hours. This was said to be due to a lack of female escorting staff.*

13.9 UKBA and Tascor accepted a recommendation in the Board's 2011/12 Annual Report that until proper overnight accommodation is available, transport should be organised so that detainees can be moved promptly to and from accommodation nearby so that they have a reasonable period of undisturbed sleep. Unfortunately, there are still significant delays.

- *A woman who had been at the airport overnight was to go to an IRC for a rest, before flying out in the evening. This did not happen, because Tascor would not have anyone available to bring her back. The woman was taken for a short trip in a Tascor van, without alighting anywhere. The Board was told that this was to "break her detention". But for this, she would have been in the holding room for over 24 hours, which would have required special authorisation. The Board is not aware of this happening again, but is very concerned that this means was used to avoid proper authorisation of detention for more than 24 hours.*
- *A man was detained at 17:15 and was to leave next day on a flight at 12:00. He was to have gone to an IRC for the night, but escorts were not available until 06:00, so there was no time to get him off the airport and then back again in time for his flight.*
- *A man was detained at 18:45 and was to be removed on a flight the following evening. A bed was allocated for him at Colnbrook at 01:30, two hours after he had been refused entry. He was not collected from the holding room until 08:30.*

13.10 The Board has repeatedly recommended that, unless there is no alternative, detainees should not be booked on morning flights, in order to avoid night journeys to Heathrow. This has been rejected by UKBA on operational grounds, but the Agency says that every effort is made to locate detainees in the Heathrow area prior to a morning flight. Even if morning flights cannot be entirely avoided, UKBA needs to give greater attention to the needs of individual detainees.

- *An elderly couple were collected from Yarl's Wood IRC at 02:00 and arrived at L23 at 04:25 for a flight at 09:15.*
- *A man suffering from arthritis, high blood pressure and a heart condition was also booked on a flight at 09:15, so was collected from Tinsley House at 03:05.*

In cases such as these it would be humane to book flights that do not require a night journey to the airport.

13.11 Many of the problems that we report concerning transport could be avoided to a large extent if there was proper sleeping accommodation for detainees at the airport. Night journeys could be avoided for detainees being brought to or collected from the airport.

Recommendations:

All of the recommendations in this section are to address the short-term, while no airside overnight accommodation is available at Heathrow.

13A The Home Secretary should risk-assess whether detainees, particularly those on morning flights, could be checked in airside via the passenger terminal, in order to avoid the need for exceptionally early security checks at the goods or staff facilities.

13B The Home Secretary should ensure that male detainees being removed through Heathrow in the morning are accommodated at Colnbrook or Harmondsworth IRCs no later than the previous afternoon.

13C The Home Secretary should ensure that women and children, older or elderly detainees and those with health problems are only removed on morning flights through Heathrow when there is no alternative schedule.

13D The Home Secretary and should ensure that where people are being removed from places distant from Heathrow, proper consideration is given to using flights from convenient provincial airports.

14 HEALTHCARE

14.1 When being detained, people are asked by Border Force staff whether they have any medical conditions or are taking medication. This information is noted on the IS91, the form that authorises detention. Personal information that is not relevant to detention is sometimes noted. Border Force accepted a recommendation from the Board that there should be a clear instruction to staff concerning medical information it is appropriate to record on an IS91. No instruction had been issued by the end of the reporting year and the recommendation is repeated.

14.2 When detainees arrive in the holding room any medication that they have is taken into the care of the DCOs. This is to avoid over-dosing. Tascor make available a medical help-line that staff can call in order to obtain approval before allowing detainees to take medication.

14.3 If a detainee complains of a medical problem one of the paramedics who patrol the airport can be summoned. They normally attend promptly. If the complaint is potentially a serious one, the detainee is taken under escort to Hillingdon Hospital by ambulance.

14.4 Detainees do not have access to any medication other than what may be in their luggage. The paramedics are unable to prescribe or issue medication. Detainees are not able to go to a chemist's shop on the airport and DCOs are not allowed to buy medication on their behalf. Tascor does not stock any medication in the holding rooms. This causes distress to detainees, if it is not possible to take a pain-killer for a headache or other problem.

- *A woman complained of period pains, but had no medication in her luggage, so there was nothing that the DCOs could do for her.*

14.5 UKBA accepted in principle a recommendation in our 2011/12 Annual Report that detainees must have access to over-the-counter medication. The Agency said that a process was being implemented for detainees to have access to pain-killers in the holding rooms. This process has yet to be introduced and the Board repeats the recommendation.

Recommendations:

14A Border Force should ensure that inappropriate medical information is not recorded on IS91 forms.

14B The Home Secretary and Tascor must make provision for detainees to be supplied with pain-killers.

15 DIVERSITY

15.1 DCOs have received diversity training and are generally aware of the particular requirements of major religions and cultures.

15.2 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.

15.3 Copies of the Bible and the Quran and other religious texts are available in the holding rooms. Prayer mats are also provided. 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 are provided for detainees breaking their fast. A qibla arrow or compass in each of the rooms indicates the direction of Mecca. Some religions require ritual washing before prayer. This is very difficult when only small hand basins are available. The installation of showers in some holding rooms should assist in meeting this requirement.

15.4 There is significant discrimination against some passengers with a physical disability. Passengers confined to a wheelchair are disadvantaged in how they are cared for. Neither Border Force nor Tascor staff are permitted to push wheelchairs, because they are not trained to do so. Only authorised staff or contractors employed by HAL may push wheelchairs.

- *A detainee confined to a wheelchair was pushed into a holding room by a HAL representative who had to leave immediately for another job. The immigration officers wished to take the detainee to another room to take fingerprints, but said they could not do so, because they are not allowed to push wheelchairs.*
- *A detainee complaining of chest pains was to go to hospital, but there was a delay while someone who could push a wheelchair was found.*

Provision of wheelchairs can also be a problem.

- *A detainee required a wheelchair so that he could be taken to collect his luggage. None was available. He eventually made his way to the baggage reclaim area by supporting himself on a luggage trolley.*

The Board considers that each holding room should be equipped with a wheelchair and staff should be trained in its use.

15.5 Some passengers, mostly from developed countries, can be very surprised and shocked to find that they are not permitted to enter the UK. This can be completely contrary to their perception of themselves and their national identity. If they are used to being in control of their situation, sudden and unexpected detention can cause anger and confusion. This sometimes results in quite irrational behaviour and hostility towards the holding room staff. DCOs are aware that this can happen and mostly respond by trying to calm and reassure the detainee.

Recommendation:

15A The Home Secretary and Tascor should ensure that each holding room is equipped with a wheelchair and that staff are trained in its use.

16 SAFER CUSTODY

16.1 The number of detainees passing through Heathrow who are identified as at risk of self-harm is small. They are normally cared for considerably by Tascor staff. However, the Board is concerned that their welfare is not always managed in a systematic way.

16.2 The welfare of detainees at an IRC who are considered to be at risk of self-harm is managed through the Assessment, Care in Detention & Teamwork (“ACDT”) system. This should record how the individual is to be cared for and detail triggers that might provoke self-harm. The record of observations informs those responsible for managing the person’s care plan. Any person at risk of self-harm who is brought to Heathrow for removal ought to have an ACDT record, which should be studied and maintained by escorting staff.

16.3 Tascor staff at Heathrow have been trained in how to maintain an ACDT record, but not on how to start one. Should they discover that a detainee is at risk of self-harm, they manage this through a much simpler system, based on a Self-Harm Warning Form. This is on the assumption that detainees will not be held for very long, but this is not always the case. As there are few detainees at risk of self-harm many staff will only deal with an ACDT or Self-Harm Warning Form occasionally. This emphasises the need for regular training, including practical exercises.

16.4 The Board’s observations are based on only a small number of cases, but give rise to considerable concern:

- *A detainee who had tried to hang himself at an IRC a week earlier was brought to Heathrow for removal, but there was no ACDT record or any indication that a file had been opened.*
- *A woman who was to be removed with overseas escorts had tried to strangle herself two days earlier, so had an open ACDT file. The escorts had made no observations on the file. Should the removal have been abandoned and the detainee returned to an IRC, the staff there would have had little information as to what had happened while she was in Tascor’s care.*

16.5 In response to our 2011/12 report, the Board was assured by UKBA that it is standard practice for a case review to be undertaken in respect on any detainee with an open ACDT record not more than 24 hours before departure. Unfortunately, this is still not always the case.

- *A detainee at risk of self-harm was brought to the airport with an ACDT file showing that a case review was due the next day. This should have been brought forward, but had not been. It was of particular concern that a trigger for self-harm was stated to be ‘deportation’, so an up-to-date case review was especially important.*

16.6 When a detainee is identified as being at risk of self-harm, it is essential that this is communicated to all those concerned with any aspect of their welfare and that the information is acted on. Unfortunately, this cannot be relied on.

- *A woman who was detained on arrival at Heathrow told Border Force staff that she felt suicidal; she also told an IMB member, who checked that both Border Force and Tascor were aware of this. She had been detained at 21:45, but did not leave until 20:00 next day. She was transported with other detainees via Croydon, Barking and Hammersmith to Yarl's Wood IRC, arriving at 02:45. When the Tascor escorts arrived to collect the woman they were unaware that she was at risk of self-harm. The Board later found that the UKBA staff responsible for allocating accommodation and ordering transport were also unaware of this.*

Given the length of time that this woman had been detained at Heathrow and her suicidal intentions, the transport arrangements were wholly inappropriate. Furthermore, there was no single record of her self-harm risk until an ACDT was opened at Yarl's Wood. Border Force have their own case notes. Tascor appears not to have opened a Self-Harm Warning Form and all that Yarl's Wood received was a note on the Personal Escorting Record, which all detainees have. This contrasts with practice in the Prison Service, where anyone with concerns about a prisoner is expected to open an ACCT (equivalent to ACDT) record, irrespective of who they are employed by.

16.7 The ACDT system must be applied properly at Heathrow and should not be seen as just a further range of forms to be filled in.

Recommendation:

16A The Home Secretary, Border Force and Tascor should have a single, universal system for managing detainees at risk of self-harm and it should be possible for any member of staff to initiate this, irrespective of who their employer is.

16B The Home Secretary, Border Force and Tascor should ensure that staff have regular training in management of detainees at risk of self-harm, including practical exercises, to maintain awareness of the relevance of the ACDT system and expertise in its application.

17 DEATH IN DETENTION

- 17.1 A detainee, Jimmy Mubenga, died on 12 October 2010 while being removed through Heathrow. This is reported to have been caused by cardiorespiratory collapse after being restrained by escorts.
- 17.2 In July 2012 the Crown Prosecution Service concluded that there is insufficient evidence to bring any charges for Mr Mubenga's death against the escorts or G4S, who employed them at the time of the death. Although the training of escorts followed recommendations by UKBA, experts advising the Crown Prosecution Service considered that there were shortcomings. The Board understands that UKBA and Tascor are reviewing methods of restraint.
- 17.3 The inquest will take place during summer 2013.

18 COMPLAINTS

18.1 The Board is not able to deal with complaints as those at prisons and IRCs do, because most detainees are only at Heathrow for a few hours and are unable to see us. A system for detainees to contact the Board by email after they have left the airport became active after the end of the reporting year.

18.2 UKBA and Tascor provide the Board with copies of their replies to formal complaints received from detainees. The Board has no means of checking that these are provided comprehensively. During the reporting year copies of five responses have been received, two relating to lost property and three to assault on a detainee.

18.3 In neither of the lost property cases were the alleged missing items found. In one case UKBA disclaimed responsibility because the item had been passed to Tascor and said that a new claim would need to be submitted to them. This is not reasonable. UKBA opts to subcontract much immigration detention activity and it may be impossible for a detainee to determine who is responsible for their loss. If a claim or complaint is made to UKBA in respect of a contractor, the Agency should deal with the matter itself or ensure that the contractor does so. It should not require the complainant to make a fresh claim.

18.4 Two of the assault claims concerned overseas escorts and UKBA states that in both cases the detainee was resisting removal and that the use of force was in one case “appropriate” and “not applied incorrectly”; in the other it was “reasonable” and escorts did not use “excessive force”. The third case involved a detainee who was to leave unescorted, but refused to go. UKBA states that the escorts used “approved control and restraint techniques” and this was “only when necessary”. The Board did not observe the incidents that were the subject of the complaints.

18.5 In two of the three cases of alleged assault, evidence was not available from CCTV and audio recordings. In neither case was CCTV was available from vehicles or the L23 holding room. In one case this was stated to be because of “technical issues”; no reason was given in the other.

18.6 The Board is aware of a further serious complaint of assault that was still under investigation at the end of the reporting year. In this case UKBA has said that the detainee was resisting removal and that injuries were self-inflicted.

Recommendations

18A The Home Secretary should ensure that all complainants get a substantive response from whoever is responsible and not just state that liability rests with a contractor.

18B Tascor should ensure that CCTV and audio equipment in holding rooms and vans functions properly at all times.

19 OTHER MATTERS OF NOTE

19.1 The authority for detention of passengers is form IS91, which is completed by Border Force staff. Detainees should not be held in holding rooms without a correctly-completed IS91. Most forms are in order, but the Board still occasionally finds ones where no reason is given for detention. The form records where and for how long detainees have been held and the Board finds anticipatory entries quite often. The time when a detainee is expected to leave a holding room is sometimes added by the Tascor staff in advance of this happening. This can result in the form showing the detainee as no longer in the holding room, when they are still there.

19.2 The standard of IS91s at Heathrow improved greatly after they started being checked and counter-signed by Chief Immigration Officers, following pressure from the Board. Some of the IS91s initiated elsewhere, and seen by the Board when detainees are being removed through L23, are completed to a much poorer standard. The Board was pleased to learn that the Heathrow checking system is now to be applied at all ports and reporting centres.

19.3 Heathrow was under particular pressure during the summer, because of the number of visitors to the Olympic Games. Additional staffing by Border Force meant that there was no discernible difference in the speed with which detainees' casework was dealt with, nor did the number of people held vary from a normal summer.

Recommendation:

19A Tascor and Border Force should ensure that entries are not made on IS91 forms in anticipation of future events.

20 THE WORK OF THE BOARD

20.1 Three new members have joined the Board. One came from the IMB at an establishment that closed. The other two were recruited locally. We anticipate loss of three members at the end of 2013, as their period of tenure comes to an end. Therefore, further recruitment is under way.

20.2 The increase in the size of the Board has made it possible to revert to visiting the airport twice weekly. Normally, one visit is to the holding rooms and the other to observe removals. The Board has particularly increased its scrutiny of escorted removals. We are grateful for assistance from HAL which has made this easier.

20.3 Reports of our visits are circulated to UKBA, Border Force and Tascor. We appreciate the feedback received from UKBA and Border Force and, occasionally, from Tascor. UKBA has not contractually required Tascor to answer questions we put formally to them in our regular visit reports. The contractor used, nonetheless, to engage with our concerns in this way. That helped us to understand why problems were arising, so assisting with our monitoring. The Board would welcome greater engagement by Tascor, which has been more forthcoming since the end of the reporting year.

20.4 As part of the experimental monitoring of charter flights, a member of the Board went on a joint Anglo-Irish flight removing detainees to Accra, Ghana in May 2012 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	9
Number of Board meetings during reporting period	12
Average number of attendees	6
Number of visits to Heathrow	103
Number of attendances at meetings elsewhere	7

SUMMARY OF RECOMMENDATIONS

Recommendations to the Home Secretary

6A **The Home Secretary** should ensure that the planned improvements to the holding rooms are completed to schedule.

6B **The Home Secretary** should work with HAL and other authorities to ensure that a new holding room is provided at terminal 4 as a matter of urgency.

8A Pending provision of overnight accommodation at Heathrow for detainees, the **Home Secretary** should ensure that suitable space is available nearby.

8B **The Home Secretary** should ensure that appropriately trained staff are available at all times to decide how asylum seekers at Heathrow are to be accommodated.

9B **The Home Secretary** should ensure that detainees have unrestricted access to a drinks machine at all holding rooms.

9D **The Home Secretary** should make provision for detainees to be able to access the internet.

10A **The Home Secretary** should procure that overnight accommodation, including beds and showers, is provided airside at Heathrow.

11C **The Home Secretary** should procure that dedicated accommodation for children, separate from that for unrelated adults, with beds and access to an external play area, is provided at Heathrow.

12A **The Home Secretary** should have robust procedures in place to ensure that all necessary documents are available when a detainee is to be removed from the country.

13A **The Home Secretary** should risk assess whether detainees, particularly those on morning flights, could be checked in airside via the passenger terminal, in order to avoid the need for exceptionally early security checks at the goods or staff facilities.

13B **The Home Secretary** should ensure that male detainees being removed through Heathrow in the morning are accommodated at Colnbrook or Harmondsworth IRCs no later than the previous afternoon.

13C **The Home Secretary** should ensure that women and children, older or elderly detainees and those with health problems are only removed on morning flights through Heathrow when there is no alternative schedule.

13D **The Home Secretary** should ensure that where people are being removed from places distant from Heathrow, proper consideration is given to using flights from convenient provincial airports.

18A **The Home Secretary** should ensure that all complainants get a substantive response from whoever is responsible and not just state that liability rests with a contractor.

Recommendations to the Home Secretary and Tascor:

12B **The Home Secretary** and **Tascor** should use risk-assessment to determine whether or not individual detainees need to be held when boarding aircraft, with an assumption that this will not normally be necessary.

12C **The Home Secretary** and **Tascor** should provide more information in advance to overseas escorts about the detainees they are to accompany.

14B **The Home Secretary** and **Tascor** should make provision for detainees to be supplied with pain-killers.

15A **The Home Secretary** and **Tascor** should ensure that each holding room is equipped with a wheelchair and that staff are trained in its use.

Recommendations to the Home Secretary, Border Force and Tascor

16A **The Home Secretary, Border Force** and **Tascor** should have a single, universal system for managing detainees at risk of self-harm and it should be possible for any member of staff to initiate this, irrespective of who their employer is.

16B **The Home Secretary, Border Force** and **Tascor** should ensure that staff have regular training in management of detainees at risk of self-harm, including practical exercises, to maintain awareness of the relevance of the ACDT system and expertise in its application.

Recommendations to Border Force:

8C **Border Force** should not detain people in the arrivals hall any longer than is needed for the initial examination at the UK Border, not exceeding half an hour.

8D **Border Force** should ensure that interviews by appointment take place punctually, with interpretation available at the scheduled time.

9E **Border Force** should provide further training for staff in how to interact with detainees.

11A **Border Force** should not detain children at Terminal 4.

14A **Border Force** should ensure that inappropriate medical information is not recorded on IS91 forms.

Recommendation to Border Force and Tascor:

19A **Tascor** and **Border Force** should ensure that entries are not made on IS91 forms in anticipation of future events.

Recommendations to Tascor:

7A **Tascor** should ensure that a female DCO is on duty whenever women or children are detained and that two DCOs are on duty at all times.

9A **Tascor** should ensure, through greater managerial supervision, that induction and welfare checks are always undertaken and that there is consistently good engagement between DCOs and detainees.

9C **Tascor** should ensure that all detainees are themselves able to make a free of charge phone call of five minutes.

11B **Tascor** should ensure that DCOs engage frequently and in a sympathetic manner with child detainees.

18B **Tascor** should ensure that CCTV and audio equipment in holding rooms and vans functions properly at all times.

ABBREVIATIONS

ACDT	Assessment, Care in Detention & Teamwork
DCO	Detention Custody Officer
HAL	Heathrow Airport Holdings Limited (<i>the owners of Heathrow Airport</i>)
IRC	Immigration Removal Centre
IS91	A UKBA form that authorises detention
L23	Cayley House, the holding facility for detainees coming from IRCs for removal
STHF	Short-term holding facility
UKBA	UK Border Agency