

# **ANNUAL REPORT**

**2011**



**Independent Monitoring Board  
YARL'S WOOD  
IMMIGRATION REMOVAL CENTRE  
Chair: Jane Leech  
Vice-Chair: Mary Coussey**

## **STATUTORY ROLE OF THE IMB**

The Prisons Act 1952 and the Immigration and Asylum Act 1999 require every prison and immigration removal centre to be monitored by an independent Board appointed by the Home Secretary from members of the community in which the prison or centre is situated.

The Board is specifically charged to:

- (1) satisfy itself as to the humane and just treatment of those held in immigration removal centres.
- (2) inform promptly the Secretary of State, or any official to whom he has delegated authority as it judges appropriate, any concern it has.
- (3) report annually to the Secretary of State on how far the immigration removal centre has met the standards and requirements placed on it and what impact these have on those held in the centre.

To enable the Board to carry out these duties effectively its members have right of access to every detainee and every part of the centre and also to the centre's records.

## **IMB EQUALITY STATEMENT**

IMBs will not discriminate directly or indirectly against anyone because of age, disability, gender reassignment, marital and civil partnership status, pregnancy and maternity, race including nationality, ethnic or national origins, religion or belief, sex and sexual orientation, in recruitment, in the treatment of members, and in the way they monitor the treatment of people in custody.

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## Section 3

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### DESCRIPTION OF CENTRE

**3.1** Yarl's Wood IRC ("the Centre") is a purpose-built Immigration Removal Centre operated under the Detention Centre Rules 2001. It is located outside the village of Clapham in Bedfordshire and has a full operational capacity of 405.

**3.2** Yarl's Wood is the principal UK centre for the detention of single women and families under immigration legislation. Until December 2010, this included families with children under 18. Following a change of government policy, the family unit was closed to families with dependent children from that date. For the purposes of this report, therefore, the term "families" means couples, or families detained with children over the age of 18. The Centre is operated on behalf of the United Kingdom Borders Agency ("UKBA") by Serco Limited ("Serco" or "the Contractor").

**3.3** The accommodation at Yarl's Wood in 2011 consists of four residential units housed in a large, two-storey building. There is a family unit (Crane), a female induction unit (Bunting) and two female units (Avocet and Dove). The four main residential units are connected by a central corridor, from which all ancillary areas, including the Healthcare Centre, can be accessed. Detainees in temporary confinement under rule 42 ("TC") are held in the Kingfisher separation unit. There are removal from association ("RFA") rooms for use under rule 40 in Kingfisher and rooms on Bunting, designated the Care Suite, are also sometimes used for this purpose. There is a separate building, designed as a school for the children, which from June 2011 has been used as an adult education unit.

**3.4** There is a Healthcare Centre on site, which is operated by Serco Health. This provides primary healthcare for detainees, with secondary care being the responsibility of the local Primary Care Trust.

**3.5** Towards the end of 2011, in response to the change of use of the family unit, work started to convert Bunting unit into a short-term hold facility for asylum-seeking males (known colloquially as "lorry-drop" cases). This involved a number of changes to the accommodation for single women and families. The new unit opened on February 1<sup>st</sup> 2012.

**3.6** In previous reports we commented that Yarl's Wood operated in the spotlight of intense interest from non-governmental organisations and pressure groups and, periodically, from the media. With the closure of the family unit this interest has lessened, but not disappeared.

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

4.1 (a) The Board welcomes the introduction of the new Equality Policy and Guidance and the appointment of Disability Liaison Officers, although there is more work to be done on collecting relevant data on disability and on staff progression.

***Recommendations (for Serco):***

- ***that more detailed monitoring of staff and detainees' disability be undertaken;***
- ***that equality data be more effectively analysed to enable monitoring of staff progression.***

(b) Cultural and religious events continued to be well-organised and appreciated by detainees. The work of the Co-ordinating Chaplain and his team is particularly commended. **Section 5.1**

4.2 Employment opportunities for detainees have increased in 2011, but there is still more to do to provide sufficient purposeful activity for all long-term detainees. The Board would like to see more employment opportunities and/or vocational training for male detainees on the family unit, where length of stay has increased.

***Recommendation (for Serco and UKBA): that additional employment opportunities and vocational training should be provided.*** **Section 5.2**

4.3 (a) The Board welcomes sustained improvements in the Healthcare provision at Yarl's Wood. However, there is still a perception on the part of detainees that the department is not sufficiently responsive to their needs.

***Recommendation (for Serco Health): that Healthcare should continue with work to break down communication barriers and promote the services on offer to detainees.***

(b) There have been continued improvements in the mental health provision. Nonetheless, the Board raises concerns about the detention of women with mental health issues where a diagnosis of mental illness is not made. **Section 5.3**

***Recommendation (for UKBA): that there should be more frequent and considered reviews of fitness for detention and for continued detention, particularly in the case of detainees with mental health issues where a diagnosis of mental illness is not made.***

4.4 The Board raises concerns about the detention and removal of pregnant women.

***Recommendation (for the Minister): that the policy of detention of pregnant women should be reviewed and in the interim, detention be used as a last resort.*** **Section 5.4**

4.5 (a) The ACDT system generally operated well in 2011.

(b) Figures for Violence Reduction Incident reports – as well as IMB monitoring – indicate that violence and bullying are not widespread.

(c) Internal freedom of movement for detainees has improved but this has had an impact on the conduct of roll-count, which must be resolved. **Section 5.5**

4.6 The Board is concerned about an increase in the use of Removal from Association and the Care Suite. **Section 5.6**

4.7 The Board is also concerned about a rise in the number of occasions on which force has been used on detainees, even taking into account a change in reporting criteria. **Section 5.7**

4.8 (a) There has been little improvement in the length of time for which women were detained at Yarl's Wood in 2011. The Board highlights the fact that 16 women were detained for more than a year, and two detainees who left detention in 2011 had been detained for more than 900 days.

(b) The average length of stay for the family unit (couples and families with adult children) increased dramatically in 2011.

(c) The Board notes the high number of detainees who were granted bail or temporary admission from Yarl's Wood in 2011, calling into question decisions to detain and to maintain detention.

***Recommendation (for UKBA): that there should be closer scrutiny of decisions to detain and to maintain detention to ensure that people are not needlessly detained.*** **Section 5.8**

4.9 The Board welcomes the reduction in the numbers of time-served foreign national offenders at Yarl's Wood. **Section 5.9**

4.10 The quality of the food served to detainees was generally acceptable, with generous portions. The Board highlights the importance of accurate monitoring of detainees who miss meals. **Section 5.10**

4.11 The number of complaints submitted by detainees under UKBA's procedure increased in 2011. Complaints answered by Serco were generally handled properly and replies were submitted on time. **Section 5.11**

**4.12** The Board draws attention to problems with the performance of the escorting contract since the change of contractor on 1<sup>st</sup> May 2011.

***Recommendation (for Reliance and UKBA): that the performance of the escorting contract be carefully monitored and enforced, with particular attention to be paid to reducing the number of detainee moves at night-time.***

**Section 5.12**

**4.13 (a)** Preparations at the Centre for charter flights are conducted courteously and professionally. However, the Board identifies a gap in IMB monitoring as there is no Board at Stansted or Luton, from whence the majority of these flights depart.

**(b)** The Board highlights as unacceptable the practice of placing detainees on reserve lists for charter flights.

### **Recommendations**

- ***(for the Minister): that the establishment of an Independent Monitoring Board or Boards at the London airports be expedited to ensure proper monitoring of charter flights;***
- ***(for the Returns Directorate of UKBA): that the practice of placing detainees on reserve lists for charter flights should cease. Section 5.13***

**4.14** Access to legal advice continues to be a serious problem for Yarl's Wood detainees.

***Recommendation (for Serco and UKBA): that urgent consideration be given to increasing the number of legal advice surgeries held at Yarl's Wood***

**Section 5.14**

**4.15** The premises and facilities at Yarl's Wood are generally well-maintained and clean.

**Section 5.15**

## Section 5

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### **SPECIFIC AREAS OF MONITORING**

#### **5.1 Equality and Diversity**

**5.1.1** The Centre issued a new Equality Policy and Guidance in July 2011 to comply with the requirements of the 2010 Equality Act. The policy is widely displayed on notice boards throughout the Centre along with information about activities promoting equality and diversity. The new Equality Policy includes all the protected groups: sex, sexual orientation, religion and belief, colour, race, ethnic origin, national origin, nationality, age and disability. Monitoring under the new policy is gradually being extended to cover all the protected groups, in order to allow assessment of whether equality is being provided for all detainees and staff falling within those groups. Two Disability Liaison Officers have also been appointed. This is a welcome development given previous concerns about provision for disabled detainees.

**5.1.2** The Race Equality Action Team is now known as the Equality Action Team (EAT) and meets monthly as before. The meetings are attended by representatives of UKBA, and, from Serco, staff representing Activities, Welfare, Religious Affairs and Healthcare. An IMB member also attends. Detainees are invited to attend part of the meeting.

**5.1.3** There is still a need for relevant data on disability to be collected as the current system uses the relatively crude categorization of 'Physically/Non Physically Disabled' which is inadequate for monitoring whether there are staff and detainees with disadvantages or whether specific adjustments or support are needed. Further consideration is also being given to the best way of collecting data on sexual orientation. As we have noted in previous reports, there is still a need for equality data to be analysed more effectively to give management information on changes over a period, and, in relation to staff, to show progression such as promotion.

**5.1.4** In November 2011, Centre management invited the Chief Executive of Bedford Race Equality Council to attend the EAT. This is developing into a useful relationship and the Race Equality Council is to provide staff training on the Equality Act and on cultural awareness.

**5.1.5** Focus Groups have taken place regularly for specific nationalities throughout the year; for example, Vietnamese, Indian, South African, Nigerian and Chinese detainees. These can be a useful way for detainees to raise concerns, but there are sometimes difficulties in attracting detainees to attend, although the meetings are well publicised on noticeboards and through personal invitations to individuals. Many of the matters raised concern food.

**5.1.6** Throughout the year cultural events were held to promote diversity and to foster inter-cultural relations at the Centre. For example, a Summer Fete in July included Drum Runners who held a carnival workshop, and a local R&B singer. Black History Month was celebrated throughout October, with activities such as a



disco, library resources, films, quizzes and presentations. The menus included meals suggested by detainees. There was a fashion show, a sports competition, a reggae band and Gospel Choirs. Diversity and Equality Road Shows are held four times a year with fairs selling arts and crafts, foods and cultural items.

**5.1.7** Diwali was celebrated on 23 October with prayers and lights. Asian food was available throughout the evening. The Islamic New Year was marked with prayers in the mosque, and arrangements for Ramadan went well. Christmas was celebrated with a carol service, Christmas lunch and a Christmas Day service. All the cultural and religious celebrations described in these paragraphs are well-organised, well-attended and appreciated by detainees.

**5.1.8** The Co-ordinating Chaplain and his team continue to be an important and much-valued source of support for detainees and staff. They offer an 'open door' facility to detainees which is well-used for the expression of general concerns as well as for religious support. Christians make up the largest faith group in the Centre, followed by Muslims and Buddhists.

**5.1.9** There have been some continuing tensions between Chinese and Jamaican/Nigerian detainees concerning access to church services. These were resolved by the Chaplain. However, low-level bickering occurs in meal queues, and it needs to be monitored and tackled by officers on duty, to prevent escalation.

## **5.2 Activities, Education and Employment**

**5.2.1** Employment opportunities for detainees continue to be available, but still only 59 people were employed at the end of the period, including 19 from the Family Unit. This compares with 48 at the end of 2010, a modest increase. The range of employment opportunities has also increased, with the addition of work in the kitchen. Although job roles are widely distributed among most nationalities, uptake is particularly low among Pakistani and Jamaican detainees, despite the efforts of employment co-ordinators who have tried to promote employment among these detainees. In the later part of the year additional jobs were also created in the clothing store and the servery for male detainees on the family unit. Given our concerns about the increasing length of stay on this unit [see section 5.8.2 below] the Board welcomes any efforts to provide activity for this group of detainees.

**5.2.2** It is essential for the Centre to do its utmost to promote decent employment to detainees, as it is a key means of providing meaningful activity and thus of enhancing self-respect.

**5.2.3** Formal education consists of classes in English for Speakers of Other Languages (ESOL), Maths, IT and Touch Typing. The Board welcomed the re-opening of Hummingbird House, formerly the children's schoolhouse, as an adult education centre in June 2011, and these classes were held there in 2011. New classes in 2011 included Family Budgets and a knitting club, which is popular and fully-booked. Plans are also being made for the Red Cross to give first aid training. We are concerned however that there is little vocational training or training specifically tailored for the male detainees on the family unit, where the average length of stay is increasing [see section 5.8.2 below] and have asked for this to be kept under review.

**5.2.4** There is access to IT for sending emails and for access to legal advice. Other activities include the Gymnasium and Sports Hall. Team sports such as volleyball, basketball, badminton and football are organised, as well as yoga and aerobics classes.

**5.2.5** In addition to cultural and sporting activities, other activities include the library, hair salons, and arts and crafts. The Cultural Kitchens are popular, enjoyed by families and groups and on occasions produce special food for festivals and Diversity Awareness Days. During the year there were some complaints about the booking system for the Cultural Kitchens; management responded appropriately but it is important that this extremely popular resource be monitored carefully to ensure that it is perceived to be operated fairly amongst detainees.

### **5.3 Healthcare and Mental Health**

**5.3.1** During 2011 we continued to see improvements in Healthcare and to forge a more open and constructive relationship with this department. We have always found staff to be helpful and responsive to our enquiries and concerns. We are concerned to record, however, that the IMB received 18 applications about Healthcare, an increase of eight over 2010. This includes informal applications as well as written complaints. Medical complaints submitted to UKBA via the DCF9 procedure increased by 9 to 21, of which 16 were classified as non-clinical.

**5.3.2** A recurring theme of the applications – as well as some of the DCF9 complaints - was that of rudeness or dismissiveness on the part of medical staff. We have also heard the comment several times that it is not worth going to Healthcare because all they will do is give paracetamol. It is disappointing to hear these complaints given the enormous improvement in the healthcare provision which we have witnessed over the past few years. It is also very difficult for us to judge the merit of these complaints given that they involve episodes which we do not witness and conditions we are not qualified to diagnose or treat. We have not witnessed any rudeness during our rota visits, and we accept that some detainees can be challenging to deal with. We can only observe that the detention situation causes enormous stress for detainees and that additional patience may therefore be required on the part of medical staff.

**5.3.3** In the light of these comments we welcomed the attempt by Healthcare to improve communication with detainees by the introduction in June 2011 of a Healthcare “DIAC” - a meeting open to all detainees at which they could receive information and voice concerns about the provision. Unfortunately, no detainees attended these meetings, and they have now been replaced by Healthcare meetings on individual units.

**5.3.4** Of the more substantive applications received about Healthcare, there were two which we regarded as serious failings. The first concerned a detainee who was prescribed a painkiller to which she was intolerant. The mistake was properly acknowledged by the department and steps were taken to prevent a repeat. The second concerned a detainee whom we saw in July 2011, who complained that she had arrived at the Centre in October 2010 and had consulted Healthcare about an injured finger. Her finger was not x-rayed at that point, and in July was still painful

and misshapen. A board member accompanied the detainee to Healthcare to ask for an x-ray, which was ultimately arranged, but only after some pressure on the part of the Board.

**5.3.5** We commented in our 2010 report that the policy about photographing detainees with alleged injuries was unclear. The instruction issued by UKBA in response to concerns which we raised after the February incident appears to be operating properly and we have not heard of any difficulties with photographing alleged injuries in 2011.

**5.3.6** We have commented in successive reports about the availability of a female doctor at Yarl's Wood. The position is improved from 2010, in that the female doctor is available one full day per week, and the weekend doctor is usually a woman. Ideally there would be greater access, but in 2011 we received no complaints about this – nor were any DCF9 complaints filed on this subject.

**5.3.7** There have been continued improvements in the mental health provision, with full-time mental health nurses and counseling available on-site. Appointments with external specialists also seem to be obtained promptly when requested. What causes the Board concern is the position of detainees with mental health issues falling short of a diagnosis of mental illness. We have seen a number of very disturbed women, whose behaviour gives cause for extreme concern, because they will not engage with staff or health professionals, or because they will not eat, or because of risk of or actual self-harm. Our criticism is not that Healthcare or Centre management are unresponsive. Rather, what happens is that specialist help is sought with a resulting diagnosis of a "behavioural" condition which means that the detainee, who may be exhibiting challenging or worrying behaviour, is deemed fit to be detained. There seems to be an assumption that if a detainee can "choose" to behave in a certain way, then she is fit to be detained. From the cases we have seen in the stressful context of the detention setting, we disagree.

**5.3.8** One such detainee who caused the Board and others extreme anxiety during 2011 – and part of 2010 – suffered from a diagnosed behavioural condition which appeared manageable when she first came in to detention from prison in early 2010. However, over the more than 18 months of her detention there was a marked deterioration in her condition. She made several self-harm attempts – and claimed to have made more – all of which were appropriately responded to by staff. By the end of her time at Yarl's Wood she would not come out of her room to attend meals or to meet visitors; she appeared to have lost weight and the Board was very concerned about her physical and mental health. In general staff and managers did their best but she was very demanding and extremely difficult to manage in the context of a secure regime. The Board questioned on successive occasions whether she was fit to be detained and was assured that she had been assessed as fit, and that, moreover, security considerations precluded her release. Ultimately, however, her case was taken before a judge who granted her temporary admission and she was released to an asylum hostel.

**5.3.9** In March a woman was brought into Yarl's Wood from a reporting centre who immediately presented to staff as an extremely disturbed individual. She would not engage at all with staff or healthcare professionals and attempted self-harm. Two days after her arrival she was transferred to hospital for assessment, but returned to Yarl's Wood later that night as she was not sectionable. Shortly thereafter she was

temporarily admitted back into the community. What was concerning about her case was that there was some indication of mental health issues on her IS91 (the legal document giving authority to detain) but the risk assessment was blank. We do not think that a person in such a mental state should have been brought into detention in the first place, only to be released a few days afterwards.

## **5.4 Detention of pregnant women**

**5.4.1** During 2011, 93 pregnant women were detained at Yarl's Wood<sup>1</sup>. In terms of their care, serious efforts are made to replicate the ante-natal care which would be available to women in the community and there is a weekly meeting with representatives of different departments in the Centre to discuss individual needs, as well as any security or other issues which these detainees present.

**5.4.2** Despite this, the Board has concerns about the detention of pregnant women. We are concerned about the effect of the stresses of detention on pregnant mothers: we have met a number of women who find the difficulties of morning sickness, for example, very difficult to manage in the detention situation.

**5.4.3** More acute are the difficulties which arise on removal. Our first concern is that, subject to the approval of the Director of the UKBA Returns Directorate, officers and/or escorts may be permitted to use minimal force on pregnant women. We should make clear that in 2011 this has not happened during the removals which we have monitored from Yarl's Wood: the women concerned have co-operated with their removal from the Centre. Nonetheless we do not believe that force should be permitted against pregnant women.

**5.4.4** Second, there have been a number of instances in 2011 where pregnant women have left the Centre on removal directions following a medical check which included a normal blood pressure reading. At the airport they have become distressed and in some cases complained of stomach pains. Their blood pressure has become elevated and as a result they have been deemed unfit to fly and returned to the Centre. In one case this happened on two occasions before the woman concerned was ultimately removed. These cases illustrate how difficult and distressing it is to detain and remove pregnant women.

## **5.5 Safer Detention**

**5.5.1** Safer Detention meetings continued to be held monthly with an IMB member in attendance. The standard items include Assessment, Care in Detention and Teamwork ("ACDT"), Constant Watches, Raised Awareness, Care and Support plans for Detainees and Violence Reduction Incidents (the latter includes bullying). As well as standardised reporting, the meetings often discuss individual detainees' problems and look at the breakdown of nationality and religion in each category. In addition, each month the meeting focuses on a randomly-selected Violence Reduction Incident ("VRI") file to review how it has been handled with a view to

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<sup>1</sup> This figure is taken from local management information, does not form part of UKBA published statistics, and may be subject to change

improving practice. This has led to the re-designing of the form so that it is similar to the ACDT file, hence easier for staff to complete.

**5.5.2** Management figures indicate that during 2011, 139 ACDT plans were opened, representing 3.5% of admissions. These plans are opened as a result of concerns on the part of staff, resulting from actual self-harm, attempted or threats to self-harm. The majority of ACDT plans opened in 2011 were opened by Healthcare staff. The number of plans opened has remained very similar to 2010 (3.7%). This year we also have figures for Constant Watches - 101 which is 2.6% of admissions. This figure includes detainees who have been on Constant Watch more than once. There were also 203 detainees on Raised Awareness status (5.2%). These detainees are monitored as a result of concern about their well-being, and if this continues or the concern increases, an ACDT will be opened.

**5.5.3** During our monitoring we visit detainees who are on ACDT and during 2011 we have not had any concerns about how the system operates. We have, however, as mentioned in section 5.3.7 above, had very serious concerns about the mental condition of a number of detainees. We have also met many women whose behaviour is less challenging but who are clearly extremely anxious and distressed.

**5.5.4** Safer Detention also encompasses the care of detainees with disabilities or additional needs. As noted in section 5.1.1 above, two Disability Liaison Officers were appointed in 2011 and a new care plan – the “Caring for People with Additional Needs Plan” - was introduced in June to include the disabled. The format of this plan is similar to the ACDT form, hence it should be easier for officers to use.

**5.5.5** During the year ‘Whistleblower’ boxes were placed in certain areas around the centre. The idea was that any ‘wrongdoing’ such as drug dealing, intimidation etc could be reported anonymously by either staff or detainees. The IMB expressed doubt as to whether detainees would understand the term “whistleblower” but no alternative was found. To date, neither detainees nor staff have availed themselves of the boxes.

**5.5.6** VRIs are opened if there is evidence of bullying, or if a detainee or an officer is physically or verbally abused. When an incident happens, an initial investigation will determine if a VRI should be opened. The opening of a VRI triggers a staged procedure, involving the alleged instigator and the victim. In 2011, 19 VRIs were opened (0.5% of the population). This figure is very small, but it was noted by the Safer Detention committee that knowledge of the VRI reports was poor among DCMs. This has been addressed by including it in refresher training. However, we received only three applications about bullying or violence amongst detainees in 2011, and it appears that neither is a problem at Yarl’s Wood.<sup>2</sup>

**5.5.7** From October 2011 the internal freedom of movement for detainees was further increased with the opening, during the core day, of the doors to the residential units. Previously, detainees were not allowed on residential units other than their own: they are now allowed to visit friends on other units and the officers no longer have to let detainees on and off the unit during the core day. Detainees still have to take their meals in their own unit. The additional freedom is appreciated by

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<sup>2</sup> The figures in these sections are taken from local management figures, do not represent UKBA published statistics and may be subject to change.

detainees, and has removed a source of tension as they no longer have to wait to be let on and off their units. However, the change has entailed a change in the lunchtime roll count procedure which is proving difficult to master. This is currently under review.

## **5.6 Separation: Removal from Association (“RFA”) and Temporary Confinement (“TC”)**

**5.6.1** RFA has been invoked on 81 occasions in 2011, an increase of 30 over the 2010 figure of 51. TC has been invoked on 25 occasions, a decrease of 11 cases from the 2010 figure of 36.<sup>3 4</sup> The Board is concerned to see this increase in the use of RFA; we also consider the use of TC to have increased in real terms, in that 19 of the 36 cases occurring in 2010 resulted from the February incident.

**5.6.2** The principal reasons given for the use of RFA and TC were because the detainee was disruptive, non-compliant or abusive to staff, or physically violent towards other detainees. It can be difficult to judge the appropriateness of use of RFA or TC in individual cases where the removal occurs as a result of a spontaneous incident which is over by the time an IMB member comes to visit the detainee in Kingfisher. The question of whether the detainee has presented a threat to security and safety of the Centre or of other detainees is a matter of judgment for the manager at the time. However, in the light of the increasing numbers after several years of decline, we have asked management to conduct a review of this increase to ensure that: firstly, detainees are only put into RFA if they genuinely pose a threat to safety and security, and not simply as a result of being non-compliant; secondly, to ensure that every emphasis is placed on diffusing situations without the use of these measures.

**5.6.3** There also appears to have been an increase in the use of RFA and the Care Suite in preparation for removal directions in 2011 – from our records, on at least 26 occasions. Management have assured us that this is only done where there is intelligence that a detainee is likely to be disruptive to the unit if allowed to stay there until it is time to leave the Centre, but, again, we urge that this facility be used sparingly, with detainees managed on the unit if at all possible. It is very isolating for detainees to be put into RFA or the Care Suite pre-removal, a time which is already very stressful. It is also important that such periods in RFA or the Care Suite be kept to a minimum.

**5.6.4** The conditions in TC are more restrictive than in RFA: the cell is more sparsely furnished, the cell door is locked and the detainee’s mobile phone is removed. In the light of this it is important that TC be used sparingly and only in cases where, as provided by the rules, the detainee is “violent or refractory”. The Board was therefore concerned by the case in March of a detainee placed into TC because she would not walk from the legal corridor back to her unit. This detainee was passively non-compliant and could not be described as violent or refractory, yet she was carried off the legal corridor and taken into TC. Concerns were raised with management at the time, which resulted in a Post Order being issued which reiterated that TC is only to be used on occasions where the detainee is violent or

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<sup>3</sup> The figures given in this section are taken from local management information, do not form part of UKBA published statistics, and may be subject to change.

<sup>4</sup> It appears that the figure quoted for TC in our 2010 report (27 cases) was incorrect.

refractory; moreover, that a detainee who is initially violent or refractory should not continue to be held in TC once they have been de-escalated.

**5.6.5** In the light of the above, the Board will continue to monitor the use of RFA and TC closely during 2012.

## **5.7 Use of Force**

**5.7.1** There has been a substantial increase in the number of recorded instances of Use of Force in 2011: 155 cases as against 91 cases in 2010.

**5.7.2** In our 2010 report we also reported a substantial increase from the previous year and attributed this to a change in reporting procedure introduced that year, under which any time that an officer lays hands on a detainee, including, for example, helping a detainee to her feet or into a wheelchair when she has been taken ill, that must be recorded as a use of force. It also includes a physical intervention to prevent self-harm.

**5.7.3** We have analysed the Use of Force paperwork and the following table is a breakdown of the reasons recorded for its use:

<b>Type of intervention</b>	<b>Number of occasions</b>
Medical assistance:	47
Removal to Kingfisher or the Care Suite or other location:	43
Prevention of self-harm	34
Enforcement of removal directions:	13
Prevention of harm to others:	12
During/de-escalating incident	<u>6</u>
<b>Total</b>	<b>155</b>

**5.7.4** It can be seen from this breakdown that medical assistance is the largest category, and that there were also many occasions when officers had to intervene to prevent a detainee self-harming, and this is consistent with our comments above [section 5.5.4] about detainees with mental health issues or who are simply distressed. When these two items are removed from the figures there were still 94 occasions when force as commonly understood was used: we would highlight the 43 cases of relocation and 13 for the enforcement of removal directions. The former is consistent with an increased use of these powers, and, again, we are concerned that this may indicate a rising tendency to resolve situations with force rather than with non-physical means. Again, this is very difficult to judge when we do not witness the incidents themselves but we ask that management reflect on this as part of their review.

**5.7.5** The IMB attends the monthly meetings of the Security Committee, at which RFA/TC/Use of Force are monitored. In addition, each month the video footage of a planned removal or use of force is reviewed. The IMB has not had any concerns about the way force has been applied during individual incidents witnessed or viewed via video or cctv footage – either at this meeting or pursuant to our own requests - during the course of 2011 but in the light of the upward trend in these figures this is something which we will continue to monitor carefully.

## 5.8 Length of detention

**5.8.1** In 2011, a total of 3003 single women left detention at Yarl's Wood, compared with 3163 in 2010. Of these:

- 2,059 were detained for less than 30 days (2010 figure: 2309)
- 434 were detained between 30 and 59 days; (2010 figure: 372)
- 217 were detained between 60 and 89 days; (2010 figure: 190)
- 100 were detained between 90 and 119 days; (2010 figure: 104)
- 177 were detained between 120 and 364 days; (2010 figure: 155)
- 16 were detained for more than a year. (2010 figure: 18)<sup>5</sup>

Although the number of women detained for less than 30 days has increased, when expressed as a percentage of the total numbers detained we can see that the throughput has slowed: in 2010 73% of women left within 30 days, whereas in 2011 it was 69%. There has been a corresponding increase in the number of women leaving detention after periods of less than 60 and 90 days. Figures for the other periods remain broadly static. There were still 16 women detained for more than a year, only two less than last year.

**5.8.2** Equivalent figures for the family unit are not available. Management data indicates, however, that the average length of stay on the family unit has risen to 38 days over 2011. We would like to highlight in particular the case of a couple detained from January to December. Whilst efforts have been made to provide employment and activities for the detained men, this is a predominantly female centre and is not equipped for long-term male detention. Outdoor space, for example, is not adequate for football or other sports. Moreover, unlike the female detainees who enjoy relative freedom of movement around the Centre, male detainees have to be escorted to social and legal visits, Healthcare, the gym and the hairdressers.

**5.8.3** The Board would again like to highlight the cases of the single women detained for the longest periods at Yarl's Wood. In 2011, the three longest-serving women stayed at Yarl's Wood a total of 952 days, 922 days and 751 days respectively. All of these women were time-served foreign national offenders. None of them was removed from the country from Yarl's Wood: two were granted bail and one was temporarily admitted into the community. The longest-serving detainee currently has been in YW for in excess of 800 days at the time of writing.

**5.8.4** In our report for 2010 we drew attention to the fact that around 36% of women and families detained during that year were either bailed or granted temporary admission to the United Kingdom; that is to say, they were not removed from the country from Yarl's Wood. We are pleased to note that there has been a slight improvement in this figure: the average monthly percentage of detainees granted temporary admission or bail fell to 29% in 2011. It is not part of the IMB's remit to review the decision to detain, nor to review or play any part in decisions as to who is allowed to remain in the United Kingdom. However, Yarl's Wood is intended to

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<sup>5</sup> These figures are taken from internal management information; as such they are provisional, subject to change and do not form part of National Statistics.



operate as a *removal centre*; the figures to which we draw attention would suggest that it is not fulfilling its basic function. The financial costs of this failure, as well as the costs in terms of human suffering, for people detained for lengthy indefinite periods, are immense.

**5.8.5** On 1<sup>st</sup> August 2011 UKBA set up a new Returns Directorate to oversee and manage the process of removing people from the United Kingdom who are judged to have no legal right to remain here. One of its aims is stated to be to ensure that those brought into detention are removable. We are extremely concerned about the number of people brought into detention apparently needlessly. We therefore support the aim of the new Directorate, in the sense that people should not be brought into a removal centre unless they can be removed imminently. After all, as we have consistently pointed out, UKBA's own standards state that people must not be brought into detention unless there is a realistic prospect of removal in a reasonable time. So many cases we have seen do not appear to fulfil this criterion.

**5.8.6** We drew attention in our 2010 report to the difficulties in obtaining accurate information about the cumulative length of detention. We have had several discussions with UKBA and Serco management during 2011 about the longest-staying detainee, whose detention was interrupted by a period in police custody for a matter of hours. On her return to detention her period of detention was recorded as re-starting. We were encouraged that, following our discussions, management amended her record to show her total period of detention. However, we repeat our observation that it is imperative that there be transparency over length of detention enabling staff and management dealing with detainees to know how long the person has been detained.

**5.8.7** The Board accepts that part of the delay in the removal process is down to some non-compliant detainees, who provide no information or false information about their background, making it very difficult to obtain travel documents for them. However, if detention is designed to encourage co-operation with the documentation process, then it does not appear to work. More effective are the efforts of organisations like Hibiscus, which started visiting Yarl's Wood in October 2010, helping detainees from Jamaica, China and Vietnam by promoting voluntary return schemes, establishing links with their countries of origin, as well as organising accommodation and work for their return. We welcome their involvement at the Centre and hope to see their work reflected in shorter figures for length of stay in the year ahead.

## **5.9 Ex-Foreign National Offenders ("ex-FNOs")**

**5.9.1** The position of time-served foreign national offenders has been a recurrent theme of the Board's recent reports, particularly as it is typically these women who are detained for the longest periods. Indeed, all of the 16 women detained for more than a year in 2011 were ex-FNOs. It is pleasing to record, therefore, that the proportion of ex-FNOs of the total population at Yarl's Wood fell during 2011 from a high of 24% in March to a low of 11% in November. This would appear to represent an extremely positive development, with more women being removed directly from prison at the end of their sentences, without the need for an additional period in detention.

**5.9.2** The reduction in numbers of ex-FNOs is welcome, and the Board would like to see them reduce further. As we have commented, it is these women who tend to stay in detention the longest, and in 2011 we had several women in that situation (see paragraph 5.8.3 above). Our principal concern about the position of ex-FNOs at Yarl's Wood is that these are women serving lengthy and indeterminate periods of detention after the expiry of their sentences. As we have expressed previously, the Board considers this to be offensive to accepted principles of justice. Moreover, it can cause a degree of frustration and tension in the Centre which is difficult to manage. In 2011 Serco and UKBA management have continued their efforts to meet the needs of this population, with, for example, focus groups for the longest-staying detainees, and their efforts have largely been successful in diffusing tensions amongst this group. Whilst some individual detainees have been challenging, there has not been the feeling of collective tension which we saw in 2009 and which boiled over into a serious protest in February 2010.

**5.9.3** We have made the observation in successive annual reports that for the ex-FNOs at Yarl's Wood, there is in many cases the complicating factor of children being cared-for on the outside. The detainees are referred to as "single females" but the truth is that many have families and children, from whom they have been separated while in prison and from whom they are still separated, for a lengthy and indeterminate period. The existence of these children makes the deportation process more complicated, and increases the anxiety/distress for the women involved. This is why the reduction in the figures for this group is so welcome.

## **5.10 Food**

**5.10.1.** IMB members sample the food served to detainees every week, and in 2011 generally found it to be acceptable, with generous portions. The kitchens and food are also audited every six weeks by Ministry of Justice auditors. The catering manager has offered to introduce new recipes supplied by detainees, as there was a complaint by Indian detainees about the quality of Indian food. There are also periodic informal complaints to IMB members on duty that the food is too bland, and that second helpings are not given. The presence of detainees working in the kitchen is an important development which should help in the preparation of food which is palatable to various ethnic groups.

**5.10.2.** Food can become a focus of discontent among detainees. Food refusal tends to be used as a means of protesting against detention or removal, or is the result of stress or anxiety. The IMB carefully monitors detainees recorded as missing meals and where this extends over a few days we check whether the detainee has been accessing food from other sources, such as the shop (as is often the case) or the Cultural Kitchen, although it is obviously difficult to ascertain whether the detainee is actually eating. For example, we visited one detainee in July who was missing meals and told us she was not eating at all. There was food in her room – as recorded by officers on the meal refusal sheet - but she claimed it was her roommate's and that she was not eating it herself. In these circumstances we also check that the detainee is being monitored by officers and Healthcare and we have been satisfied with the monitoring of these detainees in 2011.

**5.10.3** The long lunch queues on Dove unit noted in our 2010 report have continued: management contends this is because everyone arrives together rather than

because of any inherent problems with the provision. We have continued to monitor this but there have been no signs of unrest or problems with detainees receiving the meal of their choice as a result.

## **5.11 Detainee complaints**

**5.11.1** The number of complaints submitted by detainees via the DCF9 procedure increased from 58 in 2010 to 88 in 2011. It should be noted, however, that one detainee filed 13 complaints. Of the DCF9 complaints, the highest number (24) alleged minor misconduct, although this is a decrease of 2 from 2010. There were 21 complaints about Healthcare, an increase of 9 from 2010. Six complaints went to the Professional Standards Unit. None of these complaints was substantiated, but recommendations as to future conduct or practice were made in some cases.

**5.11.2** The IMB continued to have access to the hard copy complaints allocated to Serco, as well as to the replies, during 2011. In addition, complaints were emailed via the secure email system to the Board Chair throughout the year, although replies were not submitted to the Chair until April. From that month, the system of emailing complaints and replies, including those referred to the Professional Standards Unit, to the Chair has worked properly. The Chair is no longer supplied, however, with those complaints about Healthcare which are classified as clinical. Of the 21 complaints about Healthcare in 2011, 5 were classified as clinical.

**5.11.3** Complaints handled by the Centre were generally handled properly, and all were answered in time. The replies demonstrate a willingness to listen to the detainee's concerns and resolve problems. Where mistakes have been made these are acknowledged.

## **5.12 Movement of detainees**

**5.12.1** On 1<sup>st</sup> May 2011 the contract for escorting detainees within the UK and on removal from the country passed to Reliance. Performance of the contract since this change of contractor has been poor, to the detriment of detainee welfare. Problems which have been encountered include:

- An increase in movements at night;
- Arrivals not being evenly spaced, leading to bottle-necks and delays in reception;
- Lack of information provided to the Centre about arrivals;
- Inadequate staffing of escorts, leading to cancellation of removals when the escorts arrive at the Centre and the detainee is ready to go;
- Transport arriving late leading to missed flights or missed court hearings;
- Escorts refusing to take detainees for apparently insufficient reasons.

**5.12.2** These problems continued throughout the rest of the year, meaning that they could not be described as teething problems. IMBs across the immigration estate have raised concerns about these and similar issues since the change of contractor and UKBA appear to be taking steps at a senior level to enforce a proper level of performance. There has been some improvement in recent months, with, for example, fewer removals cancelled because of escorting problems. However, the

number of movements at night remains high and we urge Reliance and UKBA to take all possible steps to keep night moves to a minimum.

### **5.13 Charter flights**

**5.13.1** Charter flights are organised at least once a month to return large numbers of people to destinations such as Pakistan, Jamaica, Nigeria and Afghanistan. Detainees from Yarl's Wood are included on these flights and the IMB has monitored the process of preparing them in Detainee Reception and onto the airport coach. We should make it clear that, at present, we do not travel with the detainees to the airport, although we are pressing for arrangements to be made to facilitate this. If a charter flight leaves from Heathrow, the Heathrow IMB can monitor the detainees onto the plane. However, most charter flights now leave from either Stansted or, to a lesser extent, Luton airport. There is no IMB at these airports. We view this as a serious gap in our monitoring and we urge the Minister to approve the establishment of a new board or boards to cover these airports as soon as possible.

**5.13.2** We have observed a number of charter preparations in 2011. These have mainly proceeded calmly and professionally, with staff behaving courteously and patiently with the travelling detainees. There was also plenty of food and drink on the coaches. There were no incidents during the charter preparations we monitored: we had minor concerns about the searching process which were addressed by management and we would only observe that the whole process takes an extremely long time. It can be many hours from when detainees arrive in Reception until they finally leave the Centre.

**5.13.3** The Board is, however, concerned about the practice of putting detainees on a reserve list for a charter flight. Detainees on this list are taken to the airport but may not fly because the flight is full. The flight is effectively over-booked to compensate for the fact that some detainees may not fly; for example, if they obtain a last-minute judicial review of the decision to remove them. The detainees on the reserve list are made aware of the possibility that they may not fly before they leave the Centre, but nonetheless we consider the practice to be verging on the cruel. The whole removal process – no matter how considerately handled by centre staff – can be extremely traumatic, with many detainees facing an uncertain future, and to have this cancelled at the last minute is very difficult. Moreover, simply in terms of the hours spent in preparation and transit to and from the airport, the process is not acceptable. An example from November 2011 illustrates this. Two women, on the reserve list for a Pakistan charter, left Yarl's Wood for the airport at 0100. They travelled to the airport and were taken back to Yarl's Wood, where an IMB member witnessed them being processed back into the Centre at 1000 the following day. It goes without saying that they were extremely tired, having been up all night travelling and waiting, only to find themselves back where they started. We do not think that this is a decent way to treat people and we recommend that the practice of reserve lists should cease.

## **5.14 Access to legal advice**

**5.14.1** Access to legal advice continued to be a serious problem for Yarl's Wood detainees during 2011. The twice-weekly surgeries operated by the Legal Services Commission are always fully booked up to two weeks ahead, which makes it difficult for women who are taken into detention with an imminent removal date. We understand that increasing the number of these surgeries is under consideration and we recommend that that be done as a matter of priority to fulfill what can be an urgent need.

## **5.15 Facilities management**

**5.15.1** The Centre is generally well-maintained and kept clean and tidy. The only exception on which IMB members frequently comment in rota reports is the state of the laundries as these can get messy during the course of a day's use; ironing boards also get worn out very quickly. There has also been some pressure on the washing machines and dryers on Dove unit following its expansion.

**5.15.2** There has been a problem with noise from the laundries at night: the machines are not supposed to be used at night but this was difficult to enforce because detainees needed to go to the laundry to get boiling water for drinks. This problem has been solved with the provision of individual kettles for detainees' rooms, allowing the laundries to be locked at night.

**5.15.3** The visits hall has been further improved during 2011 and is now a pleasant space for visitors to meet detainees and for events such as church services, with a coffee bar and play area.

## **5.16. UKBA staff locally**

**5.16.1** In terms of the IMB's activities, we have continued to receive assistance and co-operation from UKBA staff and management during 2011. We have also been fortunate to have the services of a permanent clerk, who is extremely efficient.

## Section 6

### THE WORK OF THE INDEPENDENT MONITORING BOARD

BOARD STATISTICS	2011	Change versus 2010
Recommended Complement of Board Members	12	-
Number of Board members at the start of the reporting period	11	-1
Number of Board members at the end of the reporting period	8	-3
Number of new members joining within the reporting period	-	-1
Number of members leaving within the reporting period	3	+1
Total number of Board meetings within the reporting period	12	+1
Average number of attendees at Board meetings during reporting period	8	-1
Number of attendances at meetings other than Board meetings	Approx 70	+5
Total number of visits to the IRC (including meetings)	Approx 278	+7
Total number of applications/complaints received (written and oral)	74	+8
Total number of segregation reviews held	N/A	N/A
Total number of segregation reviews attended	N/A	N/A

### Subject-matter of Applications to the Board

Code	Subject	2011	Change versus 2010
A	Accommodation	5	+1
B	Access to/quality of legal advice	8	+7
C	Diversity related	-	-1
D	Education/employment/training/activities	2	-1
E	Family/visits	0	-1
F	Food/kitchen related	5	+1
G	Health related	18	+8
H	Property	5	-3
I	Related to detainee's immigration case	8	+1
J	Staff/offender/detainee related	12	+2
K	Transfers/escorts	5	-
L	Miscellaneous	6	-6