

ANNUAL REPORT

2012



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

Section 1

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 . Members of IMBs in Immigration Removal Centre are appointed by the Home Secretary from members of the community in which the centre is located.

The Board is required to:

- Satisfy itself as to the humane and just treatment of those held in the immigration removal centre
- Promptly inform the Secretary of State or any official to whom she has delegated authority as it judges appropriate, any concern it has
- 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 the centre's records.

Section 2

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Section 3

3. Description of the 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 near Bedford, in Bedfordshire and was opened in 2001. It has an 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. Following a change of government policy, the family unit was closed to families with dependent children from December 2010. For the purposes of this report, therefore, the term "families" means couples or families 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 consists of five residential units housed in a large, two-storey building. There is a family unit (Hummingbird), a female induction unit (Crane) and two female units (Avocet and Dove). The female and family 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. There is a separate school building, originally built for the children, which from February 2012 has been used as an activities centre for the family unit.

3.4. In February 2012 a new unit, Bunting, opened for single male detainees (known colloquially as "lorry-drop" cases). This involved a number of changes to the accommodation for single women and families. This unit is a short-term holding facility, and detainees in it are expected to be initially screened and released or referred to other centres within five days.

3.5 There is a Healthcare Centre on site, which is operated by Serco Health. This provides primary healthcare for detainees. Secondary care was the responsibility of the local Primary Care Trust, but will change in 2013 to reflect NHS reorganisation.

Section 4

Executive Summary

4.1.1. The Board is pleased to note several positive developments in 2012. The Centre continues to promote a wide range of activities and recognises that it is essential for good management that detainees have purposeful activities in order to maintain self-respect. Such activities may also help reduce detainees' anxieties and depression. One such is the very popular cultural kitchen. It is well used, with waiting lists, and the atmosphere is always happy. Other detainees benefit from this facility as some food preparation is done for road shows and fairs.

4.1.2. The Board welcomes this emphasis on providing purposeful activities, and encourages the management to diversify these wherever possible. We shall support new initiatives which advance a co-operation among detainees and a positive spirit. It is also important for detainees to have as many links with outside appropriate organisations, again to help foster a sense of purpose among detainees and help them maintain a focus on the future.

4.1.3. In that respect the Board welcomes the support of Hibiscus. They provide emotional, practical supportive advice to detainees, help them maintain contact with families and give objective counselling on the outcome of a return to the country of origin. They can also link with their offices in Jamaica and other countries and can refer returnees to their office for further support.

4.1.4 Another positive development is a greatly improved garden in Hummingbird unit, which was still in the process of completion at the time of writing.

4.1.5. The Board welcomes the positive steps taken to advance equality at the Centre. We have adopted the IMB Equality statement and continue to have a diverse Board membership. We believe this to be important for effective monitoring given the diversity of the Yarl's Wood detainee population.

4.1.6. The role played by the chaplaincy and weekly services for six different faiths is another important and positive activity. Services are well attended and there is evident enjoyment by detainees who take part. There are also many informal contacts with the chaplains which are invaluable in providing support and reassurance to detainees.

4.1.7. Detainees are often anxious and fearful of future developments in their case, and this anxiety can be expressed physically, for example in food refusals or attempts to self-harm. The Healthcare staff have a key role in working with detainees and trying to reduce the physical consequences. The Board have developed closer links with Healthcare staff and the manager attends IMB meetings when possible. This improved communication is clearly a benefit.

4.1.8. However, the Board is still concerned at the detention of those with mental health problems. We fail to understand the justification of detaining people with

mental health problems and believe detention can only cause a deterioration, and we monitored several instances where this was the outcome of a detention. We welcome the recent appointment of a lead mental health nurse, and hope for enhanced focus on mental health in the coming year.

4.1.9. Transport of detainees has also caused the Board concern this year. There were instances of detainees spending hours in transit travelling between pick up points before arriving at the Centre. Completion of the admissions process can be completed in two hours, but on occasions has taken more than four hours. In one case detainees were being removed, were brought to departures (DetRep) in the afternoon, spent several hours in a coach in transit to the airport, only to be returned to Yarl's Wood the following morning as the aircraft had a fault and did not fly. The costs of a failed removal and the negative effect on detainees' anxieties and state of mind are huge. Another problem is that unlike custody officers at the Centre, escorts on removal vehicles have not formed a relationship with those being removed and this makes the process more impersonal and distressing. We recommend that UKBA contract managers review time taken in transport vehicles and night time movements to assess how these can be minimised, and that future transport contracts should include tighter maximum times on vehicles and in transit.

4.1.10. The Board has been concerned at the number of detainees in Removal from Association, (RFA) before removal. There is no longer an intermediate suite which can accommodate people before removal. We understand that it can be disruptive for detainees to be removed from the main residential blocks but there is a need for a 'buffer' zone.

4.1.11. A perennial concern is the length of time taken to process cases, sometimes because of detainees' own non-cooperation and lack of documentation. However it appears to us that UKBA give more weight to reasons for continuing detention than to whether such detention is necessary and justified. We recommend that UKBA should give greater weight to reasons for temporary release especially as regards family life.

4.1.12. The Board has also questioned whether greater weight can be given to family life when considering removal to other centres or countries. A recent example was about the need to split a couple, who had made separate asylum claims in different countries, and remove the husband to pursue an asylum claim in the country he first claimed, although his wife was then five months pregnant.

4.1.13. In monitoring we regularly speak to distressed detainees who cannot understand the need for their being detained when they could be contacted in the community. This decision is based on an assumption that the person will abscond. Although we recognise that this decision is not within our remit, it strongly affects detainees' state of mind if they resent or cannot understand the reasons for detention. Some have been detained without having being given a chance to sort out their affairs at home. The Board recommends that UKBA regularly review and assess case officers' decisions to detain. The decision should be a last resort, for powerful reasons, and never a matter of convenience.

4.1.14 Access to legal advice is important for detainees. We again recommend to UKBA that the Legal Services Commission surgery should increase to three per week.

4.1.15. The impact of having foreign national offenders (FNOs) in the centre has worried the Board, as there have been tensions between FNOs with a disruptive history, and other detainees. The incident in October was linked to certain FNOs. The Board notes that the proportion of FNOs is now 3% down from a previous high of 11%.

Section 5

Specific areas of monitoring

5.1. Equality and Diversity

5.1.1. The Centre's Equality Policy covers all the protected groups under the 2010 Equality Act and the equality statement is displayed on notice boards throughout the Centre. A monthly Equality Action Team is the principal forum for reviewing the advancement of equality practice. This meeting is attended by representatives of Serco: staff responsible for Activities, Welfare, Religious Affairs and Healthcare. UKBA also attend as does a member of the IMB. Detainees also attend part of the meeting and are invited to express any concerns. Information on the Equality policy is made available to detainees at Equality and Cultural Awareness days, and the Minutes of the Equality Action Team meetings are displayed on notice boards.

5.1.2. An emerging issue is the treatment of transgender detainees, of whom there were two during the year. Detailed guidance on the treatment of transgender detainees has been issued by UKBA, but the Centre Management is seeking further clarification as there are some inconsistencies on the basis for starting the process. The Board will be monitoring how this is implemented at the Centre.

5.1.3. Equality and Cultural Awareness days for detainees are held quarterly. Staff also attend Taster food is prepared in the Cultural Kitchen by the main nationalities, providing, for example, bhajis and samosas, spring rolls, pancakes and sweets. Different cultural films are played and a cultural quiz is held to help detainees understand different cultures. Stands available on the day include a display of different clothing, an information stand arranged by the Religious Affairs Team, Arts and Crafts made by the detainees. Other cultural activities include information on hair braiding and henna.

5.1. 4. The Centre monitors the ethnic origin of detainees and staff. The largest proportion of ethnic groups is black, of African and Caribbean origin, followed by Asians of Indian, Bangladeshi and Pakistani origin. The main nationalities are Pakistani, Indian, Nigerian, and Chinese. Although this varies slightly according to departures, these continue to be the main nationalities. There are about 50 different nationalities in the Centre at any time.

5.1.5. The Christian faith is the largest in the Centre, followed by Islam, and Hindu.

5.1.6. Focus groups are held monthly for some of the main different nationalities. These provide an important mechanism for detainees to raise concerns and can help foster good relations between different national groups by allowing concerns to be raised and managed. There are occasional tensions between some of the

main nationalities, and these are sometimes evident in low -level bantering in queues in dining areas.

5.1.7. Maintaining good relations between different national groups is a constant challenge for management of the Centre. The Co-ordinating Chaplain and his team are an important conduit for anxieties to be expressed and they are closely in touch with many detainees. Sunday morning services held in the visits Hall are well attended, as are Friday prayers conducted by the Imam.

5.1.8. Religious festivals of the faiths represented in the Centre are celebrated. Advent and Christmas are celebrated, as were Buddhist festivals, Diwali, and the Islamic New Year. Ramadan was observed and the arrangements went very smoothly. The Hindu Festival of Navaratri was celebrated with key events, as were the Chinese New Year, and the Moon Festival.

5.1.9. We are pleased to note that our recommendation that the ethnic origin and sex of staff of staff be monitored by grade has recently been implemented. .Almost half the staff are white, 17% are Asian and 4% of mixed background. We suggest there should be periodic monitoring, say every six months, of progression by ethnic origin and sex, as this gives a more dynamic picture of the effectiveness the Equality Policy.

5.1.10. Equality and Diversity Days at the Centre included a display by SCOPE, a disability awareness charity, and MIND a mental health charity.. The Centre monitoring also includes disability. Disability officers have been designated and have attended Disability Awareness training. In November 2012, the Centre organised a full accessibility audit by an external consultancy. As a result they are implementing an action plan to improve provision. This includes redefining disabled spots in arrivals and for visitors, and in access to Healthcare. We welcome these developments.

5.1.11. In 2012, four detainees self-defined as disabled, and Healthcare identified one disabled detainee.. A matter discussed in monitoring was regarding another resident who claimed a walking disability from a spinal injury. She was not defined as disabled by Healthcare, nor in an external assessment, which identified no discernable reason for her to have a walking frame. We raised our concerns several times as she appeared to us to be unable to walk normally. Eventually she was given a walking frame. When she was examined at hospital it was confirmed that there was no damage. (See Section 5.3. on Healthcare).

5.1.12. The Board formally adopted the national IMB Equality statement. It is important that membership of the Board reflects the ethnic diversity of the Centre which we are monitoring. The Board is ethnically diverse: three of the twelve members are from ethnic minorities and eight are women; four are men. The Board recruited four new members during the year, three females and one male, of which one is from an ethnic minority group.

5.2. Activities, education and employment

5.2.1. There is a dedicated Activities Team who meet once a month to discuss the full programme of activities and access to them by various nationalities, religions and cultural groups.

5.2.2 There is a Welfare Officer who plays an important role in assisting detainees, and his services are well-used. In 2012 he dealt with 1072 cases. Access to IT for emails and legal advice and the Library is well organised and well used, with newspapers in some of the main languages. The Library is a source of information on the availability of legal advice and on contacting the duty solicitor. The Gym and Sports Hall has a full timetable of activities and members of the team oversee this and the new layout and entrance to Hummingbird should make it easier for the male population of Hummingbird to access the sports hall and gym without having to wait to be escorted across the courtyard. The programme includes volleyball, basketball, badminton, football, yoga and aerobics. There is a weekly market which is very popular, and a shop which sells a wide variety of products and is open daily.

5.2.3. The Centre is very active in raising money for charity. Examples of charities which were supported during the year include Macmillan Cancer and Bedford Hospital.

5.2.4. Employment opportunities remain fairly static; 62 detainees were employed at the end of the period, a slight increase on last year (59). These include meet and greeters to help new detainees settle, and work in the kitchens. It continues to be difficult to provide employment for the male population but there does seem to be some cultural opposition to certain jobs seen as 'women's work'. This is also true of educational opportunities. These are offered to men in Hummingbird House but whilst the pool table and computer games are well used it remains difficult to encourage men to take advantage of the educational opportunities, work in kitchens, in food serving, and cleaning. The proportion of employed detainees of different nationalities broadly reflects their proportion among nationalities in the Centre, except for Pakistani nationals where it is low. The Centre has made attempts to increase the take-up where it is lower than for other nationalities. We recommend that these attempts should continue.

5.2.5. Formal education is available in the form of English for Speakers of Other Languages (ESOL), maths, IT touch typing in dedicated computer rooms. Most classes are well attended considering the short stay of many of the detainees. Knitting classes have resumed after a break and the hair salon remains very popular and fully booked. Additionally there are nail salons, and cinemas. Some classes are also held in the family unit in Hummingbird House. Good feedback has been given on education at the Focus Groups, of which there are four each month.

5.2.6. The Cultural Kitchens are extremely popular and encourage integration between ethnic and religious groups. Although it can be difficult to encourage some Pakistani men to engage as server assistants, they mostly take full part in

the Cultural Kitchen with their wives .The booking system works well and this valuable resource should be encouraged and expanded where possible. We regret that the Hummingbird Cultural Kitchen has been closed for over a year because of changes to the layout of the area. This is a disadvantage for detainees in this unit and we urge the Centre to reopen it as soon as possible.

5.2.7. Although not a formal activity the 'open doors' policy has encouraged more 'normal' sociability and a corresponding friendly atmosphere. The Thursday market in the Sports Hall is very popular and enables detainees to buy essential and nonessential items in a market setting.

5.2.8. There is a full programme of events throughout the year organised on a cultural and religious basis. These are well attended and well organised especially those which are food based.

5.2.9. The success of the Cultural Kitchens has enabled the Centre to roll out the WIN (Weight, Information, Nutrition) Project. This initiative involves Healthcare, Counselling and the Activities Team and aims to provide detainees and staff with access to an individually designed programme of nutritional advice, health screening and gym based activities .An event was organised in the Sports hall to publicise this with mini health screening, full information, Yoga and Zumba classes.

5.3. Healthcare and Mental Health

5.3.1 2012 saw a continuation of improvements in the Healthcare provision at Yarl's Wood. Given our concerns about the longer-staying detainees, we welcomed the introduction of medical reviews for detainees detained for over 100 days, and regular clinics for these detainees. There are also clinics for detainees suffering long-term conditions such as diabetes and asthma.

5.3.2 During 2012 the IMB continued its work to improve access to information about Healthcare matters, and is now represented on the quarterly Healthcare Partnership board – although the October meeting of this board was cancelled owing to difficulties in attendance. In addition, the Healthcare Manager attends IMB meetings on a regular basis to provide general updates.

5.3.3 Complaints to the IMB about Healthcare during 2012, including informal oral approaches, totalled 20. This is an increase compared with 18 in 2011, but it must be noted that 12 of the complaints made to the IMB in 2012 emanated from the same detainee. There were 14 complaints made to UKBA under the DCF9 procedure, a reduction of seven from 2011. Of these, 12 were classified by UKBA as clinical, and therefore not available for the IMB to see, with only two classified as non-clinical. Note however that because of the UKBA classification scheme, allegations of rudeness or misconduct on the part of Healthcare staff are under the general umbrella of conduct rather than the specific Healthcare heading.

5.3.4 We refer above to one detainee making 12 complaints to us about Healthcare; our dealings with the department in 2012 have been dominated by concerns about this detainee. Her case is a classic example of how the relationship between healthcare professionals and patients can completely break down in the detention setting, so that it appears to us that the relationship becomes challenging and adversarial, to the detriment of all concerned. This is inevitable given the role of Healthcare in assessing fitness for detention and/or fitness to fly, to which we have referred in earlier reports.

5.3.5 The detainee in question has been in detention for more than a year and she first came to our attention after she had a fall in the Centre in February. Since that time she has presented with very limited mobility, although the extent of her mobility is a matter of dispute, as is the existence or otherwise of any underlying conditions or injuries. Care plans have been drawn up and she receives help from officers in accordance with medical advice, but she constantly alleges that she has medical and personal needs which are not being met. We have found ourselves through the year attempting to get to the bottom of her difficulties, receiving repeated reassurance from Healthcare that her condition is being investigated, and that all her needs are being met, and yet being presented with someone who claims that this is not the case. Ultimately it is very difficult for us to judge the situation as we do not have access to patient records. Nor do we have the medical training to assess her condition: we cite her case as an example of the destructive influence of the detention setting on the relationship between healthcare professional and patient, and we have seen other, less extreme, examples during the year.

5.3.6 A case which caused extreme concern in June 2012 was that of a detainee who came into the Centre, having been separated from her husband and young children. The family had been en route to the Cedars pre-departure accommodation facility prior to removal from the UK; the mother's conduct on the journey led to her being separated and brought to Yarl's Wood, where she was placed under Raised Awareness (see section on Safer Detention at paragraph 5.5. below). During the night she poured a kettle of boiling water over herself. She was examined by nursing staff but, astonishingly, her injuries were not discovered until the next morning, upon which she was admitted to hospital with serious scalding. The Centre management conducted extensive investigations into this case and there were several disciplinary hearings, including two of Healthcare staff.

5.3.7 In relation to mental health, there has been an expansion of the provision: of particular note was the focus on mental health provision. Each day a nurse is allocated to take the lead on mental health. However, concerns about detainees' mental health continued throughout 2012 with several detainees presenting as very troubled and responses being varied. On a positive note, a detainee came to the IMB's attention in June and we were extremely concerned about her mental health: she had a history of depression, including recent in-patient treatment. We brought our concerns to the attention of Healthcare who arranged a review as a matter of urgency and she was released from detention soon afterwards. We do, however, question why she was detained in the first place. On a less positive note, a detainee presented with extremely challenging and disturbed behaviour,

being placed in Removal from Association (RFA) and Temporary Confinement (TC) on a total of eight occasions from May to October. She had a prolonged period of assessment, but ultimately she was admitted to a secure in-patient facility.

5.3.8 Another case which caused us concern in 2012 was that of a detainee who refused to eat for over 30 days. She was taken to hospital and rehydrated three times, and was ultimately given Temporary Admission (TA). Again, we question why this vulnerable young woman was detained in the first place.

5.3.9 We would like to highlight particular staffing issues in Healthcare. First there is the general problem of delays in obtaining security clearance for new staff. This was acute in 2012, and was not confined to Healthcare, but it had an impact on the department's ability to recruit. In Detainee Reception there have been delays if a large number arrive at night, since there are many movements at night. The target is to see detainees within two hours. However if there are patients with current problems or complex conditions, delays occur. All new arrivals have to be assessed albeit briefly to ensure they are safe to be allocated a room. (See paragraph 5.11)

5.4. Security

5.4.1. The IMB is represented on the Security Committee and attended 9 out of a possible 12 meetings. The monthly intelligence report is reviewed at each meeting, and periodically a Contingency Plan is updated. All Security Threat Priority Areas have been low risk throughout 2012, although there was concern about the number of security doors left insecure. A review of Use of Force video recordings is made and any concerns discussed with Centre Management.

5.5 Safer detention

5.5.1 Safer Detention meetings continued to be held monthly, with an IMB member in attendance. The monthly report includes Assessment, Care in Detention, and Teamwork ('ACDT'), Constant Watches, Raised Awareness, Care and Support Plans for detainees, and Violence Reduction Incidents (VRIs: the latter includes bullying). The statistics for each category are broken down for Unit, Nationality, and Religion, and compared to the population of each. Meetings include discussion of the report, staff training, policy development, and any detainees or incidents causing particular concern. The reviews of ACDT and VRI files, once done by the Safer Detention Group are now done by the Senior Management Team (SMT) who sample ACDTs daily. Additionally there is a monthly audit which reports to the Safer Detention meetings.

5.5.2 Management figures indicate that during 2012, 204 ACDT plans were opened, representing 4.3% of admissions. This is a slight increase on 2011 (3.5%). The plans are opened as a result of staff concern, resulting from actual, attempted or threats of self harm. ACDT plans were opened mainly by Managers, Healthcare and officers. The number of Constant Watches was 135 (2.9%), fewer than 2011 (3.7%). This includes detainees who have been on

Constant Watch more than once. There were also 218 detainees on Raised Awareness status during the year (4.6%). If there is concern about a resident, but there is no evidence of potential self harm, they are monitored on a less formal level than ACDT. Events during the year have led to the Raised Awareness Status being dropped and replaced by ACDT. Also Constant Watch has been replaced by Constant Supervision to emphasise the importance of supervising the detainee at all times.

5.5.3. We were also concerned about the two serious incidents involving detainees subject to monitoring because of concerns about self-harm: in the first case a detainee on Raised Awareness poured boiling water over herself but her injuries remained undetected overnight (see para 5.3.6. above). In the second a detainee on a Constant Watch managed to sew her lips together. These were serious failures of the Safer Detention processes and both cases have resulted in disciplinary action being taken.

5.5.4 VRIs are opened if there is evidence of bullying or if 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. Care has to be taken to ensure that UKBA are given the appropriate paperwork when a VRI is closed. An unfortunate incident happened during the year when UKBA informed a detainee's caseworker that a VRI had been opened with her being the instigator. As it happened, the allegations against her were unfounded, but this information had not been forwarded to UKBA and the caseworker. Only incidents which have been upheld after investigation are notified to caseworkers.

5.5.5. Thirty-one VRIs were opened in 2012, representing 0.7% of the population. This was similar to 2011. The format of the VRI was altered during the year as Managers felt that officers were unsure when and how they should be opened. Refresher training includes easily followed instructions on opening VRIs. Generally, bullying is not a serious problem, although there have been isolated incidents.

5.5.6. During 2012, the Samaritans have been introduced to Yarl's Wood. They hold a weekly surgery, and have given training to staff on 'Active Listening.

5.6. Use of Force, Removal from Association (RFA) and Temporary Confinement (TC)

5.6.1. Where possible the Board monitors use of force, and also reviews video recordings, and if particularly serious, the Board also reviews the video and questions the Centre Manager on the basis for force and any possible alternatives. We recognise that use of force for deportations or for RFA is a stressful activity, to be used rarely.

5.6.2. RFA has been invoked 78 times in 2012, slightly less than 2011 (81). But as noted in the Board's 2011 Annual Report, this is considerably more than the 51 figure in 2010. The Board has raised its concern at RFA being used as a

prelude to removal. We have been informed that the decision is made on its merits, as a result of evidence that the detainee is likely to be disruptive. Detainees are assessed according to several factors, including record of behaviour, Security Information Reports (SIRs) and feedback from unit staff. There was also an assault against an officer, for which the police were called

5.6.3. Force was used 130 times in 2012. This compares with 155 in 2011, and is a 15% reduction. It is noteworthy that 100 of these were employed either to prevent self-harm or in offering assistance to detainees, for example to lift a resident who was ill and unable to walk or sit up. Allowing for this we are pleased to note that there was a reduction in the use of force.

5.6.4. Temporary Confinement (TC) was used on 23 occasions in 2012. This compares with 22 in 2011. Thirteen of these involved the use of TC for short periods of less than four hours, one for six hours, one for nine and one for over 21 hours. In all these cases the reasons given were aggressive, disruptive or non-compliant behaviour. Individual needs are reviewed daily and by a multi-disciplinary team weekly. In addition, following the protest in October, five detainees involved in the protest were temporarily confined for longer periods, varying between 14 hours (one detainee), 19 hours (one detainee) 21 hours and 23 hours (one detainee each). The IMB was present when those involved in the protest were removed to TC and observed that it was a peaceful process, and no force was necessary.

5.6.5. We continue to monitor these areas very carefully and to ask for the reasons for such action. We have found the Centre management open and ready to explain particular decisions. At the time of writing two officers are undergoing disciplinary action in relation to failure to supervise detainees adequately.

5.7. Foreign National Offenders (FNOS)

5.7.1. There have been some negative consequences on relations between detainees and a group of FNOS in the Centre. There was some tension between detainees and a group of FNOs. with some. The Centre staff were keeping a close watch and attempting to pre-empt incidents.

5.7.2. The Board notes that the proportion of FNOS has reduced to 3% down from a previous high of 11%. Not all FNOs are disruptive but it has adverse consequences on the smooth running of the Centre if a small number are disruptive. The Board hopes that UKBA are able to keep the proportion of FNOs with a disruptive history to a reasonable minimum so as to facilitate the smooth management of the Centre.

5.8. Food

5.8.1. The Board regularly monitor food quality and sample dishes. We have not raised any serious concerns. Detainees are able to comment on food quality in a book for this purpose located in dining rooms. We noted that officers do reply to

any comments. Additionally detainees use Focus Group meetings to raise questions about food. There are monthly Cultural Food Nights on Friday evenings and as indicated in 5.2.8 above, detainees make their own meals in the Cultural Kitchen.

5.9 Length of detention

5.9.1 In 2012, a total of 3,162 single women left detention at Yarl's Wood, compared with 3,003 in 2011. The following table shows the breakdown of the number of women detained and how long they were detained:

Number of days	Number of women detained for that period¹
A: 3 days or less	340
B: 4 to 7 days	611
C: 8 to 14 days	588
D: 15 to 28 days	520
E: 29 days to less than 2 months	583
F: 2 months to less than 3 months	235
G: 3 months to less than 4 months	114
H: 4 months to less than 6 months	104
I: 6 months to less than 12 months	52
J: 12 months to less than 18 months	12
K: 18 months to less than 24 months	2
L: 24 months to less than 36 months	1²
Total:	3,162

In 2012, therefore, 2,059 women, or 65% of the total number detained, were detained for up to 28 days. This compares with a figure of 69% leaving within 30 days in 2011, suggesting that throughput has slowed further. Fifteen women had been detained for longer than a year, only one less than 2011.

5.9.2 For reasons we do not fully understand, equivalent figures for the family unit are not available. Management data indicates that the average length of stay on the family unit has fallen to 31 days over 2012, from an average of 38 days in 2011. While this is a welcome development, we would like to see this figure

¹ These figures are taken from internal management information; as such they are provisional, subject to change and do not form part of National Statistics

² There is some confusion about how long this detainee has been detained: local information indicates that she has been in detention since 10th December 2009, therefore in excess of 3 years.

further reduced, given the pressures on families in detention. Comments made in our 2011 report that this is a predominantly female centre remain relevant; in particular, the male detainees suffer from a lack of freedom of movement. There have also been changes to the family unit in 2012 which, as noted in paragraph 5.14.3. below, we consider to have been detrimental to the provision.

5.9.3 Once again we highlight in this report the cases of single women detained for excessively long periods at Yarl's Wood. As at 31st December 2012, the longest-staying detainee, a Chinese national, according to local records had been detained for 1117 days, and she is still detained at the time of writing. She is a time-served foreign national offender. We must also point out that a second Chinese national had been detained at Yarl's Wood for 900 days by December 2012, although the table above records only one detainee as having been detained for between 24 and 36 months. The Board regularly questions the reasons for these lengthy periods of detention: the basis of detention is that there should be a realistic prospect of removal in a reasonable time. We are concerned that the reasons for continued detention should be reassessed regularly in each case. We recommend that UKBA give greater weight to alternative methods of monitoring people in the community.

5.9.4 We would like to draw attention once again to the numbers of detainees released from detention, having been granted bail or temporary admission. Each month a significant proportion of those leaving the Centre were released into the community: indeed during five months more detainees were released than were removed from the country. We feel these figures call into question both original substantive decisions about detainees' rights to stay in the UK, as well as decisions on detention.

5.10 The Protest on 17th October 2012

5.10.1 During the afternoon and evening of 17th October, detainees staged a peaceful – but vocal - protest in the Central Area at Yarl's Wood. This was the culmination of several days of detainees expressing discontent with their detention and, in particular, the forced removal of a detainee. On the day of the protest 58 detainees missed lunch. When the regime was opened up again after lunch, approximately 100 detainees congregated in the Central Area, although around 30 left shortly thereafter. The doors between this area and other parts of the Centre were locked by staff in order to contain the protesting detainees. The rest of the regime remained calm.

5.10.2 There was a problem getting through to the IMB duty member, and we were only able to monitor the incident from around 1900. Monitoring took place in the Central Area and from the Silver Suite. By the time the IMB Chair arrived at the Central Area, it was unbearably hot, and six detainees had already been taken to Healthcare. Detainees had been told that they could leave the protest area any time they wanted, but they had to be searched before going back to their units and would not be allowed back into the incident area. At first the detainees objected to the condition that they be searched, but by 1950 they were

queuing up to be searched and taken back to their units. By 2020 the last of the protesting detainees had been searched and returned to units.

5.10.3 The protest was resolved peacefully and force was not used on any of the detainees. However, there was a weakness in understanding the operation of command mode on the part of some officers as to how the surrender was to be taken and at one point around 12 officers entered the Central Area en masse without this being properly authorized. To the observer, this appeared to be an oppressive tactic – although no force was used, it looked as if it might be a preliminary to force being used to break up the protest. Fortunately, detainees did not react badly, and they started surrendering to be searched shortly thereafter. However, those observing felt that this was a question of luck rather than judgment, and that the incident had highlighted weaknesses in the operation of command mode by some junior staff.

5.10.4 The day after the protest, five detainees, considered to have been ringleaders, were taken into temporary confinement, following which they were transferred to prison, on the basis that they could not be safely managed in the relatively relaxed regime operating at Yarl's Wood. On the second day after the protest a further four detainees were taken in to RFA because they were thought to be still inciting detainees to protest and therefore still presented a threat to security. They were gradually returned to their units. The IMB has reviewed the security intelligence surrounding the incident and there is evidence that further disruption was planned and that some detainees were threatening and offensive in their conduct towards staff. Some, but not all, of the detainees removed to prison were ex-FNOs. While we accept that there may be a need to re-locate disruptive detainees, this episode highlights the fact that, for female detainees, there is very little alternative accommodation in the immigration estate. The result is that if an immigration detainee cannot be accommodated in a removal centre, then she may be held in prison *even if she has not been convicted of any offence*, a state of affairs which, although lawful under immigration legislation, most observers would find unacceptable.

5.11 Complaints

5.11.1 The number of complaints submitted by detainees via the DCF9 procedure increased from 88 in 2011 to 96 in 2012. Four complaints were referred to the Professional Standards Unit of UKBA, with three of these being unsubstantiated and one being partly substantiated. The highest number (24) of DCF9 complaints concerned the conduct of officers or other staff. All complaints were investigated by a manager after interviews conducted with staff as appropriate and a written response given to the detainee within a prescribed time limit. Very few complaints were substantiated but where a complaint was substantiated the written response showed a willingness to learn from the incident. Where a complaint involves allegations of rudeness, for example, it is very difficult for us to judge the substance of the complaint if we have not witnessed the incident. We would observe, however, because a UKBA template is used for complaints, the response to an allegation of rudeness in particular, tends to be somewhat formulaic.

5.11.2 In March a detainee was extremely upset because information of a personal nature which she had put in a DCF9 complaint had subsequently been included in a decision letter in her asylum claim. Her concerns led us to investigate the circumstances in which a complaint form will be passed to the detainee's case-worker. We were unable to get a definitive answer: we were told that this would happen if information in the complaint form was relevant to the detainee's immigration case. In this case the information did not appear to be relevant to her asylum claim and ultimately the decision-letter was re-issued without the information from the complaint. We suggested to UKBA that the rubric on the complaints form did not make it sufficiently clear to detainees that information could be passed to case-workers, but they did not see any need for the form to be amended. In future our practice will be to warn detainees of this possibility.

5.12. Detainee movements and Charter Flights

5.12.1. Transport of detainees has also caused the Board concern this year. There were instances of detainees spending hours in transit travelling between pick up points before arriving at the Centre. They may then spend another up to four hours awaiting processing. In one case people being removed, were brought to departures (DetRep) in the afternoon, spent several hours in a coach in transit to the airport, only to be returned to Yarls wood the following morning as the aircraft had a fault and did not fly. In another example a detainee was given removal directions which failed (?) and she was returned to the Centre after 29 hours.

5.12.2. Our monitoring indicates that a removal by charter flights is a very lengthy process, and detainees spend hours on coaches. For example in April 2012, detainees were brought to DetRep for departure at 15.30 and did not leave the Centre until 18.50, thereafter to face a long coach journey. We recommend that the UKBA contract monitors review these times between destinations, and introduce maximum permissible travelling times on coaches in contracts with Reliance (now Tascor).

5.12.3. We continue to be concerned at the practice of using a reserve list of detainees to be deported. Again this creates uncertainty and is a stressful experience for detainees who do not know whether they will be removed.

5.12.4. The costs of a failed removal and the negative effect on detainees' anxieties and state of mind is huge. Another problem is that unlike custody officers at the Centre, escorts on removal vehicles have not formed a relationship with those being removed and this makes the process more impersonal and distressing.

5.12.5. Another concern is that detainees tend to be moved at night and are frequently taken too early for a flight. Reception figures show that the number of inbound moves at night is 2.5 times the number of inbound day moves. We

recommend that these should be kept to a minimum, and that new contracts with transport companies should include maximum targets for night time moves and for time spent on vehicles.

5.12.6. Monitoring charter removal preparations also revealed that detainees were searched in sight of other staff and detainees. The Board commented that this could be humiliating, and there is now greater privacy.

5.13. Access to legal advice and other assistance

5.13.1. As indicated above, the Library is a source of information on contacts with legal advisers. Detainees are given information on how to obtain legal advice in the induction process. There is a booking system for a twice-weekly Legal Services Commission surgery. We again recommend that this surgery should be increased to three times weekly. One regular concern raised with the Board in meetings with detainees is delays in receiving legal advice and action.

5.13.2. An important new resource is the charity Hibiscus, whose staff visit the Centre for three days each week. They were invited following a review of some cases by the Centre management and UKBA which identified a need. They provide counselling and support and help detainees maintain contact with families. They also link with their offices in Jamaica and other countries, and this can provide support on return and dispel some of the fears about the resettlement process. It is a branch of the Female and Prisoners Welfare Project (FPWP), and was set up in 1991 to address special needs of Foreign National Women imprisoned in the UK, and of detainees who are reluctant to leave the UK. UKBA, Serco and the detainees themselves have welcomed the support, and response so far has been positive.

5.14 Facilities management

5.14.1 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 board covers also get worn out quickly, and are not replaced often enough.

5.14.2 The visits hall has been improved for the second year running. There is a 'Robin Suite' which is used when there is a need for privacy. This has an area for children. In general the Visits hall is a very pleasant space for visitors to meet detainees, and for events such as church services. There is a coffee bar, play area, and an outside courtyard with murals on the walls. The Centre has improved the Visitor Centre through redecoration and new furniture.

5.14.3 The courtyard around the family unit, Hummingbird, has been planted with shrubs and bulbs and has a water feature and benches, making it a pleasant outside area in which to relax. The old school building is used by Hummingbird detainees and is an educational and IT centre, and also has a pool table. Initially however, there were many complaints from detainees in the family unit, as people

had to walk outside in freezing weather to reach the dining room, and the prayer room was locked at the time for sunset prayers. We raised this with the Centre management and there have since been improvements.

5.15 UKBA staff locally

5.15.1. The Board has had excellent support from the Clerk, and we also have good relations with the local UKBA staff who are willing to answer questions about individuals, and explain reasons for lengthy detentions to Board meetings.

MC/JL 26/04/13

Section 6

THE WORK OF THE INDEPENDENT MONITORING BOARD

BOARD STATISTICS	2012	Change versus 2011
Recommended Complement of Board Members	12	-
Number of Board members at the start of the reporting period	8	-4
Number of Board members at the end of the reporting period	12	+4
Number of new members joining within the reporting period	4	
Number of members leaving within the reporting period	1	+1
Total number of Board meetings within the reporting period	12	0
Average number of attendees at Board meetings during reporting period	8	-1
Number of attendances at meetings other than Board meetings	Approx 60	+12
Total number of visits to the IRC (including meetings)	Approx 300	+30 (+11%)
Total number of applications/complaints received (written and oral)	74	?
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	-
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/prisoner/detainee related	12	+2
K	Transfers/escorts	5	-
L	Miscellaneous	6	-6