



**Independent Monitoring Board**  
**Dover Immigration Removal Centre**

**Annual Report 2015**

## Section 1

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### STATUTORY ROLE OF THE IMB

The Prison Act and the Immigration and Asylum Act 1999 require every prison and immigration removal centre (IRC) to be monitored by an independent board appointed by the Secretary of State 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 or Short Term Holding 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 the right of unannounced access to detainees, the centre and also to the centre's records.

## Section 2

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### DESCRIPTION OF THE IMMIGRATION REMOVAL CENTRE

- 3.1 On 15 October 2015 the Home Office announced that Dover Immigration Removal Centre (DIRC) was being decommissioned as an IRC. All detainees were either transferred or released by 28 October.
- 3.2 The Centre had been operated by the Prison Service on behalf of Home Office Immigration Enforcement (HOIE). It held adult male appellant or failed asylum seekers, time-served foreign national offenders and others with no right to remain in the United Kingdom while they awaited administrative removal, deportation or release.
- 3.3 Situated on high ground overlooking the port, Dover IRC occupied the site of fortifications built in Napoleonic times, surrounded by a deep dry moat. Previously used by the Army, it became a prison in 1952 and five years later housed young offenders, until April 2002, when it became an IRC operating under the 2001 Detention Centre Rules.
- 3.4 Dover IRC's statement of purpose was *"to provide for the secure but humane accommodation of detained persons in a relaxed regime with as much freedom of movement and association as possible, consistent with providing a safe and secure environment, and to encourage and assist detained persons to make the most productive use of their time, whilst respecting in particular their dignity and right to individual expression"*.
- 3.5 Detainees were housed in six residential units, named after the Cinque Ports. Many of these units were six-bed dormitories, though there were also two-bed and single-bed rooms. In 2013/14 work was undertaken to increase capacity from 316 to 401 detainees by changing some rooms from single to double accommodation and altering some other parts of buildings to house detainees. Other buildings within the IRC housed departments which catered for the detainees' general welfare and recreational needs.
- 3.6 In October 2014, space was created for more short-term detainees, men who had entered the country illegally via the port of Dover or the Channel Tunnel. Most stayed for less than 48 hours for interview and assessment, thereby increasing the turnover and reducing the average length of stay. Throughout 2015 the detainee population fluctuated from just over 200 to nearly 400. At the end of June 2015 most had been held for less than two months; 31 detainees had been in total detention for 6-12 months, 21 for one - two years, and eight for over two years.
- 3.7 One of the six units, Hythe, operated as a Care and Separation Unit (CSU). The CSU was used for detainees removed from association under Detention Centre Rule 40 or temporarily confined under Rule 42.

### EXECUTIVE SUMMARY

#### 4.1 Executive Summary

**4.1.1** This will be the last IMB report on the Dover Immigration Removal Centre. On 15 October 2015 the Home Office announced that the IRC would close. Within two weeks all detainees had been transferred to other IRCs or released. The lack of notice of the closure disrupted the lives of detainees, many of whom were moved far away from relatives, legal advisers and other support networks.

**4.1.2** During 2015 management and staff consistently showed commitment to ensuring the safety and security of detainees and to treating them with dignity and respect. Some detainees wrote to the IRC after release to thank staff for their help and kindness. Some of the rules and conditions under which the IRC had to operate, however, such as the prison-like appearance of the establishment, the poor standard of much of the accommodation, the over-11 hours spent by detainees locked in their rooms at night, and the uncertainty of indefinite detention, caused most detainees unhappiness, loneliness and stress. In some cases detention led to despair and had an adverse effect on mental health. The care of staff was therefore crucial to detainees' wellbeing and most staff consistently delivered the standards expected.

#### 4.2 Concerns raised in previous report

Dover IMB raised the following concerns in its 2014 Annual Report. Progress against these concerns has been detailed where relevant.

##### **For the attention of the Minister**

##### **4.2.1 Detainee employment**

Does the Minister agree that DSO 1/13, which prevents detainees who are 'non-compliant' from seeking employment in IRCs, should be amended to allow all detainees to undertake purposeful activity?

*The Minister continued to reject this concern. The Board's view has not changed. (see 5.4.3.)*

##### **4.2.2 Removal delays and length of detention:**

Does the Minister agree that there should be a time limit on immigration detention and that detention should only continue if it is necessary to secure removal and it is likely that the detainee concerned will be removed within a reasonable time?

*The Minister rejected this concern but stated that the Home Office was committed to reducing the length of time detainees spend in detention. (see 5.10.2)*

## For the attention of Immigration Enforcement

### 4.2.3 Transportation of detainees:

What action is being taken to make decisions about moving detainees between IRCs, especially at short notice and at night, consistent with the stated aim of treating them with dignity and respect; and should greater weight be given to being consistent with that aim rather than the operational convenience of those managing the detainee population?

*The Home Office rejected this concern, asserting that short notice moves and moves at night were avoided where possible and 'should consider the impact on the care and welfare of individual detainees'. (see 5.5.2)*

### 4.2.4 Legal advice:

What action is being taken to ensure that law firms contracted to provide the legal surgeries arranged under the Detention Duty Advice scheme deliver the service that they are required to provide?

*The Home Office rejected this concern, stating that the current arrangements continue 'to support and meet the detainees' requirements'. They did, however, note the Board's concerns and were 'in the process of speaking to the Legal Aid Agency about the .... service being provided across all IRCs. (see 5.11.1)*

### 4.2.5 Complaints:

What action is being taken to create a system for investigating detainee complaints that is thorough, timely, and has an element of independence? *The Home Office accepted that the complaints system could be improved and was undergoing a thorough review. (see 5.12.1)*

## 4.3 2015 Issues requiring a response

**4.3.1** In this final IMB report on Dover IRC, one major concern is the way in which the closure was managed. The Board does not, however, seek a response on that matter since it has already been raised with the Minister. The Board does not accept the reply (see Section 7) because detainee numbers were not run down in the weeks prior to the closure. If the closure process followed 'standard procedures' then those standard procedures should be changed to ensure detainees are treated with dignity and respect. As the IRC has now closed, issues relating solely to the Centre itself without wider relevance will not be raised. The concerns listed below are addressed to the Minister and Home Office Immigration Enforcement.

### 4.3.2 Detainee employment

Does the Minister agree that DSO 1/13, which prevents detainees who are 'non-compliant' from seeking employment in IRCs, should be amended to allow all detainees to undertake purposeful activity? Repeat concern (see 5.4.3).

### 4.3.3 Removal delays and length of detention

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and that detention should only continue if it is necessary to secure removal and it is likely that the detainee concerned will be removed within a reasonable time? Repeat concern (see 5.10.2).

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#### **4.3.5 Legal Advice**

What action is being taken to ensure that law firms contracted to provide the legal surgeries arranged under the Detention Duty Advice scheme deliver the service that they are required to provide? Repeat concern (see 5.11.1).

#### **4.3.6 Complaints**

What action is being taken to ensure that the system for investigating detainee complaints is thorough, timely, and has an element of independence? Repeat concern (see 5.12.1).

#### **4.3.7 Detention Centre Rules and Orders**

Does the Minister agree that when the Prison Service is commissioned to run an IRC there should be no doubt about the primacy of Detention Service Rules and Orders rather than Prison Service Rules and Orders? (see 5.12.5)

#### **4.3.8 Repairs and Maintenance of Essential Facilities**

Given the outsourced contractors' poor performance and delays in responding to maintenance and repair requests, and the unresponsive management of this function generally, should the service level agreement be reviewed to ensure that basic facilities such as showers and washing machines are properly operational? (see 5.9.4)

## **Section 5**

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### **AREAS REPORTED ON**

#### **5.1 Equality and inclusion**

**5.1.1** Promoting and ensuring equality and inclusion within Dover IRC was given high priority in 2015. Efforts were made to establish means by which individuals could seek support and the rare occasions when conflict arose between groups were handled sensitively. Applications to the IMB on equality issues were few and did not suggest any persistent underlying trends providing a cause for concern.

- 5.1.2** A Diversity and Equality Officer coordinated delivery of the Equality Policy effectively. Diversity meetings included a quarterly Dover Equality Action Team (DEAT), membership of which included two detainee peer support workers (PSW), a monthly Detainee Consultative Meeting which PSWs attended but which was also open to any detainee, and monthly PSW meetings. Monthly meetings were also held on residential units. The Board observed these meetings, in particular the Detainee Consultative Meeting, to be open and constructive in inviting and dealing with detainee concerns, even if persistence and patience were often required before some things improved. Detainees told the IMB that they found Detainee Consultative Meetings and PSW meetings to be a positive experience and PSWs were generally proactive and enthusiastic about their role.
- 5.1.3** Upon arrival at Dover detainees were given the opportunity of a one-to-one talk with an officer regarding sexuality, disability, age-related problems or any other potential discrimination issue. Questions about sexuality, previously asked during the reception process, were now asked during induction, thereby avoiding the public nature of the questioning and enabling more data to be gathered.
- 5.1.4** Religious festivals for all major religions were celebrated and several departments, in particular religious affairs and catering, worked hard to accommodate the needs of the various religious groups.

## **5.2 Education, learning and skills**

- 5.2.1** The sudden untimely death of Sharron Soutan, the Education Manager, in June was felt deeply not only by her family but also by colleagues throughout the Centre and by many detainees who she had helped. She led a change in emphasis towards more practical skills of more use to detainees after detention. Over the two years to the beginning of 2015 the percentage of detainees using the educational facilities more than doubled to over 80%.
- 5.2.2** The Education Department faced other new challenges during 2015, having not only to attract the usual extremely diverse population, but also to engage with the growing number of short-term detainees whose stay at Dover was often only for a few days and who were not required to undertake educational activities. Board members were impressed by the successful efforts of staff undertaking outreach work to all new arrivals. No detainee applications or complaints were received on the subject of education during 2015.
- 5.2.3** Expansion in the past two years has included the introduction of practical courses, often in participation with other areas within the Centre, such as a Healthy Eating course in conjunction with the Gymnasium and a Hygiene in the Kitchen course in conjunction with the Catering Department. The most popular practical course was Barbering which proved so popular that in 2014 it was moved into a bigger area

within the Education Department. A significant consequence of the Barbering course was that waiting detainee clients came into the Education Department and the Library and saw what both had to offer. Beekeeping and horticulture, introduced in 2014, continued to expand in 2015 with over 100 detainees gaining some experience in the art of beekeeping.

- 5.2.4** The contract with the education services provider ended in July and interim arrangements were in place with a new provider until the IRC closure in October. Credit is due to the temporary manager and all the departmental staff who continued to provide a good service in these uncertain circumstances.

### **5.3 Healthcare and mental health**

- 5.3.1** The arrangements for healthcare provision in 2015 involved contracts with several different external suppliers, including a 24/7 primary care service by a company providing nursing staff, and a weekday GP service by a separate medical practice. A dental service was provided in a newly commissioned dental suite. Mental health and pharmaceutical services were provided by an NHS Foundation Trust and substance abuse services by a charitable trust specialising in such work, which held a weekly clinic at the Centre. Detainees had to be escorted to an optician in Dover for optical services.

- 5.3.2** New healthcare commissioning arrangements came into force on the 1st April 2015 and the Centre's healthcare service was commissioned by NHS South (South East) which covered Kent, Surrey and Sussex. Commissioners were aware of some of the difficulties encountered in IRCs and new oversight indicators were being devised for IRCs to take account of special factors such as:

- appreciation that most detainees only stayed for very short periods, particularly relevant in the treatments for mental health, substance misuse and for primary care;
- better understanding of the continuing care available in the countries of removal including information on vaccinations and medicines needed/available;
- better understanding of Detention Centre Rule 35, which, among other things, prohibits detaining the victims of torture; and
- the need for mental health awareness training for staff.

- 5.3.3** The Healthcare Manager remained in post throughout 2015 and oversaw a reliable service. Staffing in 2015 remained variable with vacancies being covered by a ready supply of reliable agency staff. Long delays caused by vetting processes hampered the recruitment of permanent staff. All detainees arriving at reception were screened. Non-attendance by detainees was reduced but remained at around 25% across the various clinics.

- 5.3.4** There were 14 applications to the IMB on healthcare matters in 2015. Most related to detainees being given painkillers when they wanted other treatment. Two were about delays in getting outside referrals and two about what was considered inadequate dental treatment. The Healthcare Manager and nursing staff were always helpful in explaining the circumstances of each case. There was only one

mention of healthcare in the Detainee Consultative meetings and this related to an allegation accusing staff of being disrespectful. Healthcare deserve credit for managing the increased workload since the IRC took on the additional role of being a short term holding facility for the port of Dover and the Channel Tunnel terminus at Folkestone.

## 5.4 Purposeful activity

5.4.1 In addition to the opportunities provided by the Education Department, a range of purposeful activities for detainees continued to be provided in 2015. They could undertake several types of paid work, earning £1 per hour for a maximum of 30 hours. Over 150 positions were available including:

- **Work in the kitchens and dining hall:** up to 30 detainees could work in the kitchen and dining hall, but often few of these places were filled because of an unfortunate national direction that all jobs are paid at the same rate - and the catering work is more arduous than most other jobs. This problem was overcome to some extent by introducing shorter and more flexible shifts.
- **Bicycle repair shop:** up to 12 detainees at any one time repaired bicycles provided by Kent Police and other agencies for export to the Gambia. They also repaired wheelchairs.
- **Cleaning work around the Centre:** over half the jobs fell into this category, particularly within the residential units and the gymnasium. Some received industrial cleaning training.
- **Recycling materials:** up to 12 positions.
- **Peer Support Workers:** up to 14 positions for detainees who helped new arrivals settle into the Centre and represented them in the consultative processes.

5.4.2 Other activities and facilities made available to detainees included a popular and well-attended gym and weights room and an internet suite. The Board has welcomed the gradual expansion of supervised access to the internet in recent years, although detainees in IRCs should have access to social networking sites and Skype, subject to risk assessment. The Centre had six officers on detached duties at prisons in Kent for much of the year. Combined with other operational matters, eg, escorts, certain facilities were often closed. The internet suite, for example, an important means of communication for many detainees, was closed for more than 25% of the sessions in June 2015.

5.4.3 Several detainees made applications to the IMB, complaining that they had been refused work having been deemed non-compliant with immigration processes. They often struggled to comprehend these decisions and further explanation was often needed. When in July 2015 over 100 detainees were required to transfer to other Centres at short notice, often far away from friends, family and support networks, those who refused were treated as non-compliant. The IMB continues to disagree

with the national policy of refusing paid work to detainees deemed to be non-compliant, believing that it is not consistent with the stated aim of providing detainees with purposeful activity. It runs counter to the IRC's statement of purpose (see para 3.3 above).

## **5.5 Transfers of detainees, reception and induction**

**5.5.1** Reception and induction processes were conducted in a friendly and helpful manner, with staff trying hard to minimise the discomfort of detainees and to communicate essential information. The procedures and the forbidding appearance of the building, with its locks and razor wire, could be especially challenging for both staff and detainees when a number of men arrived simultaneously at the Centre at night, sometimes after long journeys. Although efforts were made to improve communication with escorting contractors and the immigration authorities, it nevertheless remained a cause for concern that groups of detainees could arrive at the Centre in the middle of the night, with some having to wait in vans for long periods. The limited number of staff, including medical staff, and the fact that only one detainee could be dealt with at a time, often resulted in the reception process being long and stressful for detainees despite the best efforts of staff.

**5.5.2** Immigration enforcement operations will often necessitate the arrival at an IRC of detainees at night, for example following detention at a port of entry or following an arrest. The IMB continues, however, to be concerned at the apparently unnecessary transfer of detainees from one Centre to another at night, which can cause distress to detainees and which presents challenges to IRC staff. Greater priority should be given to the welfare of detainees rather than the need to move people just to free up space. The short notice transfer of over 100 detainees in July 2015 to free up space for short term holding and the short notice closure of the Centre in October exemplified the low priority given to detainees' wishes and welfare. Anyone refusing to transfer was considered 'non-compliant' and left in no doubt that they would be moved by force if necessary.

**5.5.3** The Board recognises that these concerns have been shared by the staff and management of Dover IRC and that responsibility for the movement of detainees lies primarily with the Detainee Escorting and Population Management Unit (DEPMU) and the escorting contractor (Tascor).

## **5.6 Welfare**

**5.6.1** The Centre aimed to provide named Personal Officers to work with detainees to develop an individual Welfare Plan. Whilst the Board welcomed the principle behind the introduction of this role, its function and operation did not gain the confidence of staff, most of whom felt they had not been trained or equipped to implement the scheme. A welfare office also provided help and advice. The office helped many

detainees and developed links with other support agencies. One charity, Hibiscus, was allowed to use the office twice a week and provided valuable welfare support. The posts in the welfare office were not seen as a priority, however, and the office was often closed, or staffed by non-specialist officers.

**5.6.2** Samphire, a charity based in Dover, was assisted by Centre Management to provide valuable help, advice, and volunteers to listen to detainees and held a weekly drop-in surgery in the Centre. It also runs an important project to help ex-detainees from any IRC in the country.

**5.6.3** The IMB was concerned that owing to the short notice often provided when a detainee is released, and the fact that an IRC cannot lawfully hold someone once their release has been authorised, some detainees left the Centre with very little prospect of supporting themselves.

## **5.7 Safer detention**

**5.7.1** The Safer Detention Team's monthly meetings were well organised and issues were reviewed in detail and followed up. A wide range of attendees included representatives from the Samaritans. The Board was involved in discussions about the use of the observation suites, attendance at reviews and the management and recording of detainees refusing food.

**5.7.2** Special care plans (ACDTs) continued to be used for any detainee considered to be at risk of self harm. Officers, healthcare staff and pastors worked together to monitor those on special care plans and to provide constant support. Given the widely varying population at the Centre during 2015 and the closure in October, comparative statistics would not be useful. The Board is satisfied that the process was used appropriately.

**5.7.3** Visiting detainees on ACDTs was a priority for Board members in their monitoring and they recorded their visits in some detail; whenever possible, they attended reviews and checked the files of detainees. In most cases reviews were conducted skilfully with good rapport being created with the subjects of the reviews. Sometimes, however, there was concern about the number of staff attending review meetings which could be intimidating for some detainees. And more use should have been made of translation services for detainees with little English.

## **5.8 Care and Separation**

**5.8.1** Under Detention Centre Rule 40 detainees may be removed from association with other detainees for 'reasons of safety or security'. Under Rule 42 a detainee may be

temporarily confined if he is 'refractory or violent'. In practice action under these rules entails removal to the Care and Separation Unit (CSU).

- 5.8.2** Due to the sudden closure of the Centre it has not been possible to obtain statistics relating to the numbers and reasons for detainees being held in the CSU in 2015. Given the varying size and make-up of the population, however, comparative data would be difficult to interpret. IMB records show that average number taken to the CSU in 2015 up to October was about five each week, similar to the 2014 figure. This was less than half number held there in 2008, when the Centre could hold only 316 detainees, compared to 401 in 2015. The decline in the proportion of time-served foreign national prisoners (TSFNOs) is probably part of the reason for this reduction in disruptive behaviour although the proportion of TSFNOs actually rose during 2015 from less than 20% in January to over 45% in the middle of the year. Credit for the low incidence of disruptive behaviour should also, however, be given to the many staff who contributed to a relaxed atmosphere by treating detainees respectfully and helping them with their problems. In most cases the stay in the unit was very short, the average being less than two days.
- 5.8.3** The IMB was usually informed promptly when detainees were removed to the CSU and in most cases members visited them within 24 hours to check that they had been treated respectfully, afforded the facilities to which they were entitled, and to ensure that separation was correctly authorised. Experienced officers were selected to work in the CSU and they consistently showed respect, patience and understanding to help minimise the effects of separation. There was generally good compliance with the rules regarding record keeping and authority levels.

## **5.9 Residential services**

### **Accommodation and facilities**

- 5.9.1** The residential facilities at Dover IRC had been certified fit for purpose with regard to Home Office standards. The Board considers, however, that many of the dormitories and rooms were dingy and depressing, the beds were small, the metal frames sagged, and the mattresses were thin. In the past two years attempts were made to try to smarten up the establishment but with limited success given the age of the buildings and prison-like appearance of the estate.
- 5.9.2** The maximum detainee population at Dover increased during 2013/14 from 316 to 401. Although the Board was assured, both by Centre Management and by Immigration Enforcement, that the facilities and services provided to detainees would continue to meet the prescribed standards, members were keen to monitor that this was the case. In particular the Board was concerned to see that some detainee rooms previously used for one detainee were altered to accommodate two. Approximately 20 such rooms were created, with poor quality bunk beds and a shared toilet with inadequate screening.

**5.9.3** Some detainees commented to the Board that they felt the standard of repair of Dover's residential facilities was lower than that experienced in other IRCs, in particular those built more recently. Some, however, said that they preferred the layout of Dover to other IRCs, with its range of separated buildings allowing more space for exercise and fresh air. But the open and exposed nature of the clifftop site did deter detainees from moving around between facilities during periods of bad weather.

**5.9.4** At detainee consultative meetings there were consistent complaints about poorly functioning heating and showers, broken washing machines, and electrical systems that did not support detainees having kettles when they were locked up for over 11 hours at night. Many of these problems could be attributed to the age and layout of the buildings. In June 2015 the works department was outsourced to a major facilities and property services company. This process was not well managed: the arrangement appeared to leave many doubts as to which services were covered by the contract, with the result that several important repair and maintenance jobs were not addressed.

## **Food**

**5.9.5** The Catering Department provided three meals a day to detainees in a central dining hall, with menus operating on a cycle and offering several choices for lunch and evening meals. The dining hall facility itself was suitably equipped and appropriate to the needs of Centre life, though detainees often told the Board that they disliked the fact that during periods of bad weather there was insufficient shelter for those queuing. Menus included pictorial symbols to aid detainees in their food selection and detainees were provided with printed tickets detailing their food choices to present to kitchen staff.

**5.9.6** The Board routinely monitored the provision of food, regularly eating with detainees in the central dining hall. The standard and variety of food was good, given the budgetary constraints placed upon the Catering Department (£2.02 per detainee per day) and the diverse and changing nature of the population.

**5.9.7** The Catering Department worked hard to ensure that the food satisfied the preferences of as many detainees as possible, frequently consulting them and making comment books available. The Catering Manager attended detainee consultative meetings and used surveys to gather feedback. There were few applications or complaints to the Board about food. When specific issues were brought to our attention they always received a positive response from kitchen staff and attempts were made to act on them when possible. Examples of detainee concerns included the way in which rice was cooked, the sizes of portions and the supply of bread.

**5.9.8** Great efforts were made to consult detainees about religious and cultural festivals including Ramadan, Chinese New Year, Baisakhi, Rakhee and Christmas. A number of detainees expressed their appreciation of the special arrangements to celebrate such occasions.

### **Property**

**5.9.9** There were 12 applications to the Board regarding property. Most of them concerned property that had been lost or not forwarded to Dover from prisons, police stations, etc, or slow access to property held at Reception. Some officers helped detainees trying to recover property while others considered it to be the responsibility of the welfare office. Whilst the Board is aware that the management of property can be challenging and is an issue of concern across the immigration detention estate, we were sometimes concerned about the length of time it took to provide detainees with access to items of property or even a negative answer to their queries, often an important matter for detainees facing imminent removal from the country.

## **5.10 Immigration matters**

**5.10.1** Many of the applications from detainees to the IMB concerned their immigration cases, often focusing on lack of information about progress. Local Immigration Enforcement (HOIE) staff are intermediaries between distant case workers and the detainees themselves and sometimes had difficulty obtaining and passing on information to detainees who often did not understand the messages they received. The Board is grateful, however, for the positive response received from local staff who invariably tried to provide IMB members with the information requested or promptly saw the detainee concerned.

**5.10.2** At the end of June 2015 the average length of stay in total detention was 59 days. Most had been held for less than two months; 31 detainees had been in total detention for 6-12 months, 21 for one - two years, and eight for over two years. Many of the long-stayers were former prisoners who had served their sentences. There is no time limit on detention so they had no idea how long they would be detained, the uncertainty often causing frustration and stress. The Home Office claims that detention is only used when it is necessary to secure removal and there is a reasonable prospect of removal. And yet, in the first two quarters of 2015, only 49% of those leaving detention in the UK as a whole were removed from the country. For Dover IRC the figure was 35.6%, but this was probably due to the large number of short-term cases who were only at Dover for initial assessment. In the year ending June 2015 only 38% of those leaving detention in the UK who had been detained for over a year were removed from the country. The rest were released or bailed, hardly indicating that there had been a reasonable prospect of removal. (*HO quarterly immigration statistics published 27.8.15*)

**5.10.3** According to the Home Office, the reasons for lengthy detention include non-cooperation by detainees, protracted legal challenges, and slow action by some foreign countries to provide travel documents. The Board considers, however, that it should be possible to determine whether there is a reasonable prospect of removal in a much shorter time than a year. The Home Office also claims that it has a duty to protect the public from those who pose a risk of harm, in particular those who have committed serious criminal offences. The Board considers that many of the offences judged to be 'serious' do not place the public at sufficient risk to justify the continued administrative detention of men who have served their sentences. Alternatives to detention should be used more widely, as recommended by the all party Parliamentary committee which proposed a limit of 28 days.

## **5.11 Legal Advice**

**5.11.1** The Legal Aid Agency (LAA) oversees a system whereby certain law firms are contracted to provide legal surgeries in IRCs. Several firms alternated to provide this service at Dover on three days per week. The Board was concerned that the attendance of one of the firms was erratic in 2014, and this continued in 2015. Many detainees had to wait a number of weeks before attending a surgery, some being removed before any legal advice was available. Several detainees told us that most have their requests for legal assistance refused, usually without any written reason and without being given the name of the firm or legal advisor involved. Surgeries could have been longer and have seen more clients if there had not been a lengthy lunch break, necessary according to Centre management because of the number of staff available. In May 2015 an LAA representative was supposed to attend a meeting at Dover to discuss failures in the system. The representative failed to attend; the meeting never took place. The contracts for the scheme were due to be re-awarded late in 2015. The Board hopes that an effective service may emerge for detainees in other IRCs.

## **5.12 Investigating Detainee Complaints**

**5.12.1** During 2015 there were many concerns about the system for investigating detainees' complaints. All detainee complaints were forwarded to a national Detention Services Complaints unit, where they were allocated to the department or unit which was the subject of the complaint. Complaints about services provided within DIRC were thus returned to Dover where they were allocated to the manager of the department concerned for investigation. The Board considers that investigations should be conducted by a manager from a different department to introduce some independence. Some complainants told Board members that their complaints were investigated by the person they were complaining about.

**5.12.2** Attempts to obtain complaints statistics were finally bearing fruit just before the Centre closed. A report from Detention Services Complaints was received in October showing that 30 complaints from detainees had been received between 1st July and

30th September 2015. 10 related to alleged unfair or poor treatment by officers, four to property matters and three to lack of information about cases.

- 5.12.3** Three of the 30 complaints were 'substantiated' but in many cases complainants received brief stilted written responses dismissing their claims without detainee witnesses being interviewed or other evidence being examined. Some complaints could have been resolved quickly if managers had intervened and spoken to the detainees concerned without waiting for the complaint to be returned from Detention Services Complaints. On one occasion there was a two-month delay in the return of a complaint. Nobody picked up this delay and went to speak to the complainant.
- 5.12.4** The Board acknowledges that the Centre Manager took some action to improve local management of complaints and provided the Board with copies of complaints forms and responses. He also took long overdue action early in the year to ensure that all complainants were seen by the investigator. In the past year complaints were discussed monthly by senior managers with a view to learning lessons. A new DSO on complaint handling was published in August 2015. A major change in culture will be required, however, to provide a system that will gain the confidence of detainees.
- 5.12.5** One complaint in 2015 related to the searching of detainees' rooms. It later became clear that there were many discrepancies between the Detention Service Order on this subject and Prison Service rules and orders. The Board considers that when the Prison Service is commissioned to run an IRC there should be no doubt that the establishment should be run according to Detention Service rules and orders.

### **5.13 Serious incidents**

- 5.13.1** Two serious incidents were monitored by Board members in 2015, both involving detainees (one in each case) gaining access to a roof and then threatening to jump or to harm themselves in other ways. The Board was informed promptly in each case and a member was allowed to stay in the Command Room to observe the planning and management of the incidents and to watch the incident scenes on CCTV. In both cases the incidents were resolved peacefully and a member was able to interview the detainees involved.

## Section 6

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### THE WORK OF THE INDEPENDENT MONITORING BOARD

- 6.1.1** Following a number of resignations and retirements in 2014 the Board began the year with fewer than half the recommended number of members. We nevertheless managed to complete a full visit and written report weekly and to visit most detainees held in the CSU within 24 hours. We had several potential members waiting to join, although it took until September for them all to complete the vetting process. We are aware that the system has improved in recent months.
- 6.1.2** We are grateful to the Centre and Immigration Managers for providing the facilities we needed and for attending (or sending a deputy) to our monthly meetings at which they usually responded positively to the concerns we raised. On two occasions Managers failed to inform the Board about important issues that affected IMB work significantly; but they apologised, and at other times they facilitated the work of the Board.
- 6.1.3** Members have recently learned that a Board is to be set up in 2016 for the holding rooms in the short term holding facilities at the Port of Dover. We look forward to taking on this new monitoring role.
- 6.1.4** We are especially grateful to our clerk who helped us efficiently in spite of having many other duties. The work of the Board is summarised below:

Recommended complement of Board members	12
Number of Board members as at January 2015	5
Number of Board members as at December 2015	12
New members joining in 2015	7
Members leaving during 2015	0
Average number of attendees at Board meetings	7.1
Visits to IRC by one or more members (incl. meetings)	209
Number of written applications received	72

### SUBJECT OF IMB APPLICATIONS

(NB: Some applications related to more than one subject)

Complaints process	6
Accommodation/related facilities	7
Equality	3
Food	1
Immigration matters	19
Healthcare	14
Property	12
Transfer between establishments	4
Treatment by Centre staff	8

Detainee employment	4
Access to legal advice	2
Detainee cash accounts	2
Other welfare issues	4

## Section 7

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### CLOSURE OF THE IRC

7.1 On 10 November the Board sent the following letter to the Immigration Minister expressing concerns about the closure process:

Rt Hon James Brokenshire  
 Minister for Immigration  
 Home Office  
 2 Marsham St  
 London SW1P 4DF

10 November 2015

Dear Minister

**Re: Closure of Dover Immigration Removal Centre**

I write on behalf of the Independent Monitoring Board at Dover Immigration Centre to express our concern about the speed with which the Centre was closed and the way in which the transfer of detainees was managed. The Board is required to satisfy itself regarding the humane and respectful treatment of detainees. We consider the way the rapid dispersal was undertaken was a failure to treat detainees with dignity and respect.

On 15th October 2015 it was announced that the Centre would be decommissioned as an IRC and revert to the prison estate. In little over two weeks nearly 300 detainees were either released or transferred. None of those transferred were asked for their preference. Directions were issued by DEPMU listing those to be transferred and their destinations. Several detainees had previously made requests to be transferred which almost invariably had been refused. In all those cases of which the Board is aware, such requests were ignored by Immigration Enforcement. In other cases individuals were moved far away from relatives, legal advisers and other support networks.

We agree that the Dover site was old, in poor condition and not well located for the airports from which detainees may be removed. During the last few months, however, it has played an important role in providing more decent accommodation than is available at the Port of Dover for those migrants without permission to stay found in East Kent and requiring short term detention for assessment. We accept that it may be difficult to manage a Centre which is scheduled for closure; but a caring organisation should face up to those difficulties and overcome them. More notice should have been given and more thought should have been given to treating detainees and the staff who were caring for them with dignity and respect rather giving priority to the convenience of the Home Office.

The last year has seen two IRCs, Hasler and Dover, decommissioned at very short notice. No doubt, given the financial constraints which the Home Office will continue to face, there may be further closures. We ask for reassurance that in managing any future closures more consideration will be given to the welfare of detainees and others whose lives may be disrupted.

Yours sincerely

Peter Finnimore  
Chair  
Dover IRC Independent Monitoring Board

cc: Chairs of IMBs in the Immigration Detention Estate  
Jane Leech, IDE IMB National Council representative  
Sonia Wilkins, Deputy Centre Manager  
Saffron Clackson, Head of the IMB Secretariat  
Charlie Elphicke MP

The Minister's reply was as follows:

Dear Mr Finnimore

15 December 2015

Thank you for your letter of 10 November 2015 about the return of Dover IRC to the National Offender Management Service (NOMS) and your concern that the rate of dispersal of detainees led to a failure to treat them with dignity and respect. I am sorry for the delay in replying to your correspondence.

Detaining and removing people with no right to be in the UK, with dignity and respect, is an essential part of maintaining effective immigration controls. That work requires an estate of modern, secure centres located with easy access to the airports from which removals take place. Independent scrutiny, which includes the work of the Independent Monitoring Boards (IMBs), is a vital part of the assurance that our removal centres are secure and humane.

Dover, as your letter acknowledges, was not a purpose built IRC and returning older establishments to NOMS will help us to deliver savings and secure the welfare of those held in our estate. The number of detainees was reduced in the run-up to the closure of the IRC and there was a balance to be struck between the rate of transfer and the maintenance of the centre's regime. The Home Office strategy for population management means that all detainees are risk assessed prior to coming into the estate and when transferred. Those remaining detainees who moved from the centre were transferred in line with standard procedures used for all sites.

As I am sure you will appreciate, individual IRCs do not have catchment areas and are not designed to meet the needs of specific ports or airports. While Dover IRC was used to support actions taken in response to migrant incursions earlier in the year, its return to the NOMS estate has been taken into account in the planning to manage any further clandestine arrivals.

An important element of the decision to return Dover to NOMS was the impact on the staff working at the establishment. In the announcement, NOMS informed all staff that there would be no requirement for redundancies as a result of this decision as there are sufficient vacancies within the region to which staff may be deployed. All Home Office staff were given the opportunity to fill vacancies across the wider Home Office business and all of those who have remained in the Dover area have found roles.

The work of IMBs is vital for providing assurance on the way in which places of detention are operated and the care and welfare of those who are detained. I have therefore decided that the Board for Dover IRC should be redeployed to cover the short term holding facilities at Dover and Folkestone on a non-statutory basis. The IMB Secretariat will contact you to arrange initiation of the new monitoring requirements. I hope that you and the other Board members will welcome this decision and that you will continue as members of the IMB.

Lastly, I would like to take this opportunity to thank you and the members of the Board for all of your valuable work at Dover IRC.

Yours sincerely

Rt Hon James Brokenshire

## **GLOSSARY OF ESTABLISHMENT RELATED TERMS AND ABBREVIATIONS**

<b>ACDT</b>	Assessment, Care-in-Detention and Teamwork (the care plans for detainees at special risk)
<b>CCD</b>	Criminal Casework Directorate (the UKBA directorate managing the cases of ex FNOs)
<b>DDA</b>	Detention Duty Advice Scheme
<b>DEAT</b>	Dover Equality Action Team
<b>DEPMU</b>	Detainee Escorting and Population Management Unit
<b>DIRC</b>	Dover Immigration Removal Centre
<b>DSO</b>	Detention Services Order
<b>TSFNO</b>	Time served foreign national offenders
<b>HMCIP</b>	Her Majesty's Chief Inspector of Prisons
<b>HOIE</b>	Home Office Immigration Enforcement
<b>IMB</b>	Independent Monitoring Board
<b>IRC</b>	Immigration Removal Centre
<b>NOMS</b>	National Offender Management Service
<b>PSW</b>	Peer Support Worker