



Annual Report
of the
Independent Monitoring Board
at
**Port of Dover Short Term
Holding Facility**

Annual Report 2016

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Monitoring fairness and respect for people in custody

Section 1

STATUTORY ROLE OF IMBS

1.1 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.

1.2. The Boards are specifically charged to satisfy themselves as to the humane and just treatment of those detained; to inform promptly the Secretary of State, or any official to whom he has delegated authority as they judge appropriate, of any concerns they have; and to report annually to the Secretary of State on how far the Prison, Immigration Removal Centre or Short Term Holding Facility (STHF) has met the standards and requirements placed on it.

1.3 At present Boards at STHFs have been appointed by the Immigration Minister to operate on a non-statutory basis. The general principles of independent monitoring established for prisons and IRCs are applied. Statutory rules for STHFs have been under consideration for many years but are still awaited. Draft rules were circulated for consultation in February 2016 but nothing further has happened since then.

1.4 IMBs form part of the UK's National Preventive Mechanism, established in compliance with the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

1.5 To enable the Board to carry out these duties effectively its members have the right of unannounced access to detainees, the holding room, and also to the STHF's records.

Section 2

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Section 3

DESCRIPTION OF THE SHORT TERM HOLDING FACILITY

- 3.1** The short term holding facility at Eastern Docks Dover is part of the Kent Intake Unit (KIU). It is a large room designated to hold up to 58 detainees with a small separate room for families. Another room is set aside for induction and the searching of new arrivals, and there are a number of interview rooms. It was supposed to be closed for refurbishment and expansion towards the end of 2016, but at the time of writing this work has not begun.
- 3.2** The purpose of the facility is to detain migrants who have attempted to gain entry into the UK without detection, usually in vehicles, but sometimes on small boats or via the Channel Tunnel. Migrants suspected of being in the UK illegally, for example by overstaying their leave to enter, are sometimes brought to the KIU following arrest by immigration enforcement officers or the police.
- 3.3** Most of the cases at the KIU are dealt with by officers from the UK Visas and Immigration Department (UKVI) based in the building. Some are dealt with by other departments such as Immigration Enforcement or the Border Force. After screening interviews, fingerprint and other checks, or welfare interviews, many detainees are temporarily admitted for their asylum claims to be assessed, while those who meet certain criteria for continued detention are transferred to an immigration removal centre. There are very few removals direct from Dover.
- 3.4** Management of the holding room is contracted out to Tascor, which holds the national Detention and Escorting Services Contract. Detention custody officers are responsible for the safety, security and welfare of detainees in the holding room, and perform other detention and escorting duties.
- 3.5** In late 2015 a large, airy non-detained area known as The Atrium was constructed in the KIU. Following a decision to temporarily admit detainees, they are released to The Atrium to await transport.

EXECUTIVE SUMMARY

4.1 Executive Summary

4.1.1 The Port of Dover Independent Monitoring Board was appointed at the beginning of 2016 and began monitoring in March 2016. Its appointment closely followed publication of two highly critical reports on the facilities and processes at the KIU. Both those reports, however, related to a period in 2015 when, despite the best efforts of UKVI staff, the system was unable to deal in a timely and acceptable manner with the unprecedented number of migrants attempting to enter the UK. On occasions it had also been necessary to hold detainees in other unsuitable accommodation when the holding room had been full.¹

4.1.2 In 2016 the number of detainees passing through the holding room fell steadily, possibly due mainly to improved security in and around the Port of Calais and the Channel Tunnel. Between July and December, 1886 detainees were held in the KIU compared with 8164 in the same six months of the previous year. This meant that staff were able to process cases much more quickly: 128 detainees were held for over 24 hours compared with 1011 in the same six months of the previous year; and the designated capacity of the holding room was never reached.²

4.1.3 Since commencing monitoring in March 2016 IMB members have found that detention custody officers consistently treat detainees with care and respect. There were no cases where force was used to restrain detainees. UKVI officers responsible for screening interviews and investigation also consistently demonstrate care and respect and try to minimise the length of time detainees have to spend in the holding room.

4.1.4 Although some issues have not been resolved or have taken an unnecessary amount of time to resolve, UKVI and Tascor managers have helped IMB members to carry out monitoring responsibilities and have responded positively to several suggestions put forward by the Board.

4.2 2016 Issues requiring a response

4.2.1 Length of detention

Does the Minister agree that, given the reduction in the number of detainees passing

¹ Report on an unannounced inspection of the short-term holding facilities at Longport Freight Shed, Dover Seaport and Frontier House by HM Chief Inspector of Prisons (February 2016); Review into the welfare in detention of vulnerable persons - A report to the Home Office by Stephen Shaw (January 2016)

² Figures compiled from Tascor holding room logs and include some double counting as individual detainees are carried forward from one day to the next. The same method used, however, for both 2015 and 2016.

through the KIU in 2016, and the limited facilities, detention beyond 24 hours should be rare and only authorised in exceptional circumstances (see 5.5.3)?

4.2.2 Expansion and upgrading of the facilities

Will the Minister clarify when the planned expansion and upgrading of the facilities to make them suitable for holding detainees for up to 24 hours, including separate facilities for families and unaccompanied minors, will be carried out (see 5.4.4)?

4.2.3 Repairs and Maintenance of Essential Facilities

Will the Home Office describe what action is being taken to ensure that failures in essential facilities such as showers, toilets and washbasins are repaired promptly (see 5.4.3)?

4.2.4 Identifying and Protecting Vulnerable Detainees

Does the Minister agree that additional steps should be taken to better inform and protect vulnerable people passing through Dover, in line with the objectives of the Modern Slavery Act 2015 (see 5.7.4)?

4.2.5 Statutory Rules for the Operation of Short Term Holding Facilities

Will the Minister clarify when is it intended to publish the statutory rules for the operation of short-term holding facilities (see 6.4.1)?

AREAS REPORTED ON

5.1 Induction of new arrivals

5.1.1 New arrivals sit in an induction room next door to the holding room. IMB members have observed induction interviews conducted by Tascor staff in a friendly manner with very good use being made of telephone interpreting services, since most detainees do not speak English well. During what is potentially a stressful experience, a checklist helps to ensure that all important information is given to new arrivals including, for example, the opportunity to make a free phone call and to use a mobile phone with their own SIM card. Although there is a separate cubicle for searching, the interview itself can be overheard by other detainees. Efforts should be made for them to be conducted privately. The Board has also observed UKVI officers welcoming new arrivals and explaining the processes in a friendly manner.

5.2 Equality and Fairness

5.2.1 The Equality Act lists protected characteristics as: age, disability, gender reassignment, marriage and civil partnership status, pregnancy and maternity, race and ethnicity, religion and belief, sex, and sexual orientation. The Board makes the following observations in relation to the requirement to remove disadvantages resulting from protected characteristics:

5.2.2 Provision for families: The family room allows families some privacy and children a separate area in which to play. The room can only seat six people, however, and the Board has therefore observed families making use of the main holding room, sometimes involving children mixing with unrelated adults. The family room can be placed under extra pressure due to the lack of any alternative room for detainees who might benefit from a separate area due to specific vulnerabilities. It is important that the planned improvements and expansion of the facilities are not delayed (see 5.4.4). Children can be provided with toys, books and activities appropriate to most ages. UKVI prioritises cases involving children and monitors these timescales closely. There have been a small number of occasions where the Board has felt families have been detained in the holding room for too long.

5.2.3 Religion: Religious texts including the Bible and the Koran are available in the holding room, together with prayer mats. Ramadan fasting times are clearly displayed within the holding room and Tascor staff have demonstrated sensitivity to the needs of fasting detainees. The Board has raised the issue of a lack of sluicing facilities in the toilets suitable to the needs of some religions but has been informed that such hand-held hoses would breach safety standards.

5.2.4 Language: UKVI and Tascor staff frequently make good use of telephone interpreting services to assist the many detainees who do not speak English. Ensuring all detainees understand what is happening and what facilities are available to them becomes a particular challenge when there are a large number of detainees

in the holding room. The Board has observed visual cues being used to facilitate understanding, for example detainees being shown food packaging to aid their selection of meals.

5.2.5 Disability: Care plans have been created to address specific needs arising from detainees' identified disabilities and the Board has observed the detainees concerned being treated appropriately. Also welcome is the introduction of a dedicated paramedic who is able to support the needs of detainees with disabilities or medical concerns.

5.2.6 Pregnant detainees: The Board monitors the welfare of pregnant detainees in the holding room and is aware that UKVI has made it a priority to keep their detention as short as possible. The Board has observed pregnant detainees being offered use of the family room and if there is any concern about their condition they have been taken to hospital.

5.2.7 There is no doubt that UKVI and Tascor staff consistently demonstrate understanding of and sensitivity towards detainees' characteristics and seek to find practical ways to accommodate their needs. When the Board has raised concerns with UKVI and Tascor about shortcomings, these have generally tended to have been driven by operational or policy requirements rather than by individual decisions or conduct.

5.2.8 Equality and Diversity training is provided to Tascor staff but the Board echoes the concerns of both Tascor staff and Her Majesty's Inspectorate of Prisons that the e-learning provided is not sufficiently tailored to the specific requirements of a short-term holding detention environment.

5.3 Healthcare and mental health

5.3.1 In June 2016 the KIU became the first short-term holding facility to have healthcare staff on site. Between 10am and 4pm each day, 365 days a year, a private healthcare company provides a paramedic able to deliver interventions for any detainee disclosing a medical or mental health problem similar to those provided by a paramedic working on an NHS ambulance. Facilities available include a range of medications, an automatic external defibrillator and a basic electrocardiograph machine. Clinical records are scanned and retained; and are forwarded with any detainee who is moved to another place of detention.

5.3.2 The Board welcomes the provision of this service and accepts that a 24-hour service and screening of all new arrivals would be prohibitively expensive. The paramedics have already reduced the number of detainees whose condition requires an ambulance to be called or have to be taken to hospital; there were only three such cases between June and December 2016.

5.4 Residential services

5.4.1 Accommodation and facilities

The main holding room is about 140 square metres with natural light and rows of metal chairs. A small number of beanbags are available for sleeping and there are a few tables with chairs. The current capacity is 58 detainees. There is a small separate room for families.

- 5.4.2** Separate toilets for men and women, and a single shower, are accessible from the main holding room but women and children have to pass through the main room to use them. There is often water on the toilet floor and there are no seats. The design is to ensure safety rather than comfort. Very few women have used the shower in the past year because they are reluctant to be in an unlocked shower next to a room full of men. In response to IMB suggestions, efforts have been made to increase use of the shower: the signage has been improved and the shower is left unlocked when there are fewer than 10 detainees.
- 5.4.3** Following frequent breakdowns in the shower and washbasin, repairs took an unacceptably long time. In September 2016 the shower and the toilet wash basin were out of order for 16 days. The Board understands that this is part of a national problem with the company contracted to carry out repairs and recommends that alternative arrangements should be made to prevent such lengthy failures.
- 5.4.4** In June 2016 plans were published for the expansion and upgrading of the facilities, including a larger family room with direct access to its own toilet and shower. This work would have addressed many of the criticisms set out in the 2015 reports on the KIU (see 4.1.1). The work was due to be undertaken in November 2016. At the time of writing (March 2017) it has not begun and the Board has not been informed of any new start date. In the meantime the unacceptable conditions in which detainees are held remain.
- 5.4.5** In the second half of 2016, 127 detainees were held for over 24 hours in a room with no access to fresh air. There will still be no access to fresh air after the planned upgrade and expansion. Following a suggestion by the Board, smokers now are offered nicotine replacement lozenges; and on one occasion, when a group of detainees had been detained for 39 hours, smokers were accompanied out into the caged area outside the building before embarking on a long journey to an IRC. Managers say, however, that the circumstances were exceptional and there are insufficient staff to offer access to fresh air routinely. Given the conditions in the holding room, the Board considers that detainees held for longer periods should have the opportunity to exercise in fresh air.

Food

- 5.4.6** Most detainees seen by Board members consider the provision of food and drinks to be reasonable, with records being kept by Tascor of offers of refreshment and meals taken. The food is basic but includes microwaved ready meals, fruit and snacks. Baby food is available and on occasions staff have met special requirements from local shops.

Purposeful Activity

- 5.4.7** The holding rooms contain a range of newspapers, magazines and books, mostly in English. There are televisions and some DVDs in both the holding rooms and a few

toys and children's books in the family room. These facilities are not, however, adequate for long periods of detention.

5.5 Immigration Screening and Casework

5.5.1 UKVI staff are available 24 hours a day to carry out the screening interviews, welfare checks, security checks, fingerprinting, etc. The time taken to complete these processes depends on the number of detainees in the holding room, the number of UKVI staff available, and the time of day, since some checks cannot be completed so quickly at night or at weekends. In the second half of 2016, 1886 detainees were held in the KIU compared with 8164 in the same six months of the previous year. This meant that staff were able to process cases much more quickly: 127 detainees were held for over 24 hours compared with 1011 in the same six months of the previous year; and the designated capacity of the holding room was never reached.³

5.5.2 UKVI staff make good use of telephone translation services in order to interview detainees but the key document authorising detention, the form IS91, is only produced in English. The Board considers that it should be produced in the main languages encountered in the holding room.

5.5.3 The Board acknowledges that there have been occasions when detainees have not been transferred as soon as their screening is complete for welfare reasons, eg, if they have endured difficult cross-channel journeys, followed by interviews, and are asleep before facing long journeys to IRCs. Extra management checks have been introduced to expedite cases exceeding 12 hours and the majority of over-24 hour cases are those awaiting transfer to IRCs. Given that there is no proper sleeping accommodation in the holding room, however, the Board considers that stays of over 24 hours are unacceptable except in rare exceptional circumstances.

5.6 Post-Release Facility

Most detainees are temporarily admitted for their asylum claims to be considered. All those temporarily admitted move to 'The Atrium' to await transport. It is a large airy facility with shower, toilets and vending machines. A worker from the charity, Migrant Help, attends when required to offer advice on how to access legal support, and to help adults with asylum support paperwork. A Refugee Council worker is available 24 hours a day in a separate well-equipped part of The Atrium to help families with children and unaccompanied minors waiting to be handed over to the care of Kent Social Services. See 6.4.2 regarding restrictions on IMB access to the Atrium.

5.7 Safeguarding

5.7.1 The safeguarding and processing of families with children and unaccompanied minors seems to be handled well: the lengths of time they are held in the holding

³ Figures compiled from Tascor holding room logs and include some double counting as individual detainees are carried forward from one day to the next. The same method used, however, for both 2015 and 2016.

room are generally within the recommended timeframes for holding children. UKVI prioritises cases involving children (those believed or claiming to be under 18) and families. In December 2016 there were nine unaccompanied minors and 20 minors in family groups. For unaccompanied minors the average length of stay was just over four hours; for family groups the average was just under 10 hours.

5.7.2 There is a separate room for children and families, albeit very small, just off the main holding room (see Section 5.4). Additionally, the Refugee Council has rooms for children to rest and play in the Atrium. Plans to renovate and extend the holding area during 2017 will bring welcome improvement to the facilities for children, women and families, separate from the predominantly male population.

5.7.3 The Board is concerned, however, that some young, vulnerable adults passing through the facility may be victims of trafficking and may be released into the hands of criminals. For example, UKVI were concerned about a group of young women who passed through the facility one day in September 2016; UKVI were obliged to release them when they maintained they were all joining spouses they had met online. The passports of some of these women were subsequently found in the possession of a suspected trafficker and the women's whereabouts were unknown.

5.7.4 A Safeguarding Officer has been appointed to work with other agencies to improve the safeguarding of detainees. Whilst the Board recognises that UKVI is alert to the dangers of victims of slavery passing through the STHF and strives to address this problem within the constraints of their terms of reference, it remains concerned that some people may slip through the net. The Board recommends that additional steps should be taken to better inform and protect vulnerable people passing through Dover, in line with the objectives of the Modern Slavery Act 2015. For example there should be:

- Improved visual communications and materials in the holding room relating to slavery and forced marriage in the top three languages of people passing through the facility;
- Clearer signposting to specialised anti-slavery helplines for people identified by UKVI as being potentially vulnerable on release; and
- Enhanced cooperation between UKVI and the Refugee Council and anti-slavery NGOs to develop improved strategies to address this issue.

THE WORK OF THE INDEPENDENT MONITORING BOARD

- 6.1.** The Port of Dover Independent Monitoring Board was appointed by the Immigration Minister in December 2015. It comprises eight members of the Board that had previously monitored the Dover Immigration Removal Centre, which had been closed in October 2015. Formal monitoring began in March 2016, since when at least one member has visited the holding room each week unannounced, and a meeting with UKVI and Tascor management has been held monthly.
- 6.2** UKVI and Tascor managers and staff have helped IMB members to learn about the KIU structure and processes, and have provided the facilities needed for effective monitoring.
- 6.3** The Board is aware of the challenge that language barriers can present to the effective monitoring of the welfare of detainees and has taken steps to overcome these challenges by, for example, designing information posters for detainees, displayed in a number of languages.
- 6.4** There are three issues which, at the time writing, have not been resolved:
- 6.4.1 Statutory Rules** Draft rules for the management of STHFs, to be issued under the Immigration and Asylum Act 1999, were circulated for consultation in February 2016, having been under discussion for many years. Finalisation of the rules is still awaited, meaning that monitoring is carried out informally, with reference to the principles underlying the rules for Immigration Removal Centres. Clear rules are needed. The Board is particularly concerned that the draft issued in February 2016 proposed a maximum detention time of 48 hours. The facilities at the KIU are not suitable for detention over 24 hours.
- 6.4.2 IMB Access to The Atrium** Most detainees are temporarily admitted and then await transport in 'The Atrium' (see 5.6). The Home Office does not allow members to visit The Atrium, stating that it is not an area of detention and therefore not within the Board's remit. The Board believes members should be able to talk to people who have just left detention about their recent experience. It considers this to be a petty restriction contrary to the spirit of openness and transparency that the Department claims to have.
- 6.4.3 IMB access to locally produced safeguarding statistics** The Board has been made aware of locally produced statistics on a range of safeguarding issues. It asked for sight of these statistics in August 2016 and is still waiting for access to this information.

6.5	Recommended complement of Board members	8
	Number of Board members as at March 2016	10
	Number of Board members as at December 2016	8
	New members joining in 2016	0
	Members leaving during 2016	2
	Average number of attendees at Board meetings	5
	Visits to the KIU by one or more members (incl. meetings)	89

Section 8

GLOSSARY OF ESTABLISHMENT RELATED TERMS AND ABBREVIATIONS

DEPMU	Detainee Escorting and Population Management Unit
HMCIP	Her Majesty's Chief Inspector of Prisons
HOIE	Home Office Immigration Enforcement
IMB	Independent Monitoring Board
IRC	Immigration Removal Centre
KIU	Kent Intake Unit
NGO	Non-Governmental Organisation
UKVI	United Kingdom Visas and Immigration