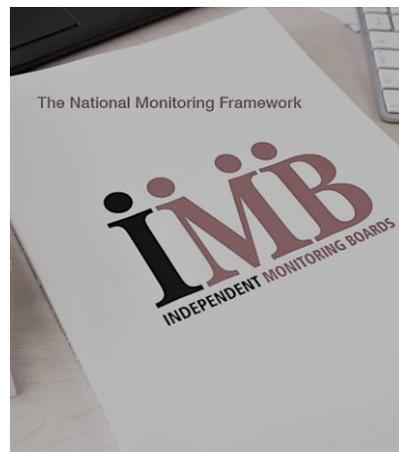




IMB National Annual Report for the Immigration Detention Estate 2018



October 2019

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INDEPENDENT MONITORING BOARDS IN THE IMMIGRATION DETENTION ESTATE

ANNUAL REPORT FOR 2018

Foreword

The Immigration Detention Estate, or IDE, encompasses a range of different establishments where people are detained by the Home Office for the purposes of immigration enforcement. Whether in a large Immigration Removal Centre, where detainees may be held for many months, or a small holding room at a port or airport, where people stay for a matter of hours, Independent Monitoring Boards or IMBs fulfil a vital role in providing independent oversight of those places of detention. IMB members at airports also monitor the treatment of detainees being removed from the UK, and a small group of monitors even travel on some chartered removal flights.

During 2018, the IDE was subject to intense political and parliamentary scrutiny, with two parliamentary committees – the Home Affairs Select Committee, and the Joint Committee on Human Rights – launching inquiries into immigration detention. The IMB gave evidence to both inquiries. The Panorama exposé of ill-treatment of detainees at Brook House in late 2017, and the developing Windrush scandal in 2018, added further intensity to the scrutiny.

Against this background, IMB members continued their regular visits to places of immigration detention. As unpaid volunteers, with statutory powers to go anywhere in the establishments, to talk to detainees and staff, and to view the establishment's records, they have a unique insight into the treatment of detainees and the effect of detention policies. Like their colleagues monitoring in the prison estate, IMBs in the IDE are required to produce an annual report for the Minister, recording their findings and making recommendations for improvements. This report brings together the principal themes from their annual reports for the calendar year 2018, which have been published during 2019.

IMBs reported a shift in the IDE during 2018: the numbers detained reduced, and one centre closed permanently; there were improvements in decency and standards of cleanliness and accommodation; and fewer detainees were held for the excessively long periods that have been a matter of huge concern. Despite this, IMBs drew attention in their annual reports to a number of policies and practices that cause concern: including the overarching inhumanity caused by the absence of a legal time limit; the high proportion who were released from IRCs rather than being removed; the detention of vulnerable adults, some with mental health concerns; violence and drug use in some of the male centres; and the inappropriate use of restraint by escorts.

Dame Anne Owers
National Chair
Independent Monitoring Boards

Jane Leech
IMB Management Board
IDE lead

October 2019

INDEPENDENT MONITORING BOARDS IN THE IMMIGRATION DETENTION ESTATE

ANNUAL REPORT FOR 2018

Membership and reach

1. Independent Monitoring Board (IMB) members are unpaid public appointees whose role is to monitor fairness and respect for people in custody. They are members of the [National Preventive Mechanism](#) under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). As at 31 December 2018, there were 99 IMB members working in the immigration detention estate (IDE), which includes immigration removal centres (IRCs), short-term holding facilities (STHFs) and pre-departure accommodation. In 2018 these monitors made approximately 2,000 unannounced visits to places of immigration detention. The locations covered are listed in the Appendix to this report. In addition, the charter flight monitoring team (CFMT), drawn from IDE and prison IMB members, observed the escorting of detainees from IRCs to the departure airport and on their removal flights. The CFMT monitored eight flights in 2018, to the destinations listed in the Appendix. A Board is also in place to monitor the Gatwick pre-departure accommodation.
2. Each IMB is required to report annually to the Minister on how far the establishment in question is meeting required standards on conditions and treatment. Those individual reports are published on www.imb.org.uk. This report brings together the common themes and issues highlighted in IMB reports across the IDE.

Political background and scrutiny

3. Immigration detention was the subject of an unprecedented level of parliamentary and political scrutiny during 2018. This was made more urgent by two factors: the Panorama exposé of the ill-treatment of detainees at Brook House IRC in September 2017, and the Windrush scandal.
4. Two parliamentary committees – the Home Affairs Select Committee, and the Joint Committee on Human Rights – held inquiries into immigration detention during 2018 and the IMB provided evidence to both. We drew the attention of the Home Affairs Select Committee to evidence in our 2017 Annual Reports about the following areas of concern:
 - The damaging effect of indeterminate and in some cases lengthy, periods of detention on the well-being and mental health of detainees.
 - The fact that 14 women detained at Yarl's Wood, and 12 men detained at Brook House, were sectioned under the Mental Health Act during the course of 2017.

- The use of separation units to house vulnerable detainees suffering from mental illness.
 - The fact that the majority of detainees were released from detention, usually on immigration bail, rather than being removed from the country, raising questions about the necessity of detention.
 - In some IRCs, concerning levels of drug use and violence.
 - In some IRCs, overcrowding and unacceptable living conditions, caused largely by inadequate and delayed maintenance.
 - From IMB members monitoring charter flights, serious concerns about the use of restraint on those being removed from the United Kingdom.
5. The Joint Committee on Human Rights sought evidence on specific questions about the current system of immigration detention and whether it was protective of human rights. In [our written submission](#) we drew the Committee's attention to a lack of judicial oversight of decisions to detain; to lengthy periods of detention and the absence of a time limit; to the number of detainees who are released from detention, rather than being removed from the UK; and to shortcomings in the operation of the Adults at Risk policy, designed to reduce the numbers of vulnerable people held in immigration detention. In our oral evidence, in October 2018, we were pleased to give more colour to our evidence by describing the effect of detention policy on the people we meet in detention.
 6. The reports of each of these two Committees were published early in 2019. Both reports echoed concerns raised in our submissions. The Home Affairs Committee was particularly critical, describing the Home Office as displaying "a shockingly cavalier attitude to the deprivation of human liberty and the protection of people's basic rights". Both committees recommended independent or judicial oversight of decisions to detain; both were critical of the operation of the Adults at Risk policy – the Home Affairs Select Committee recommending its abolition – and both committees recommended the introduction of a 28-day limit for immigration detention.
 7. In July 2018, Stephen Shaw's second review into the treatment of vulnerable people in immigration detention was published. This was a follow-up report, assessing the government's progress in implementing the recommendations contained in his highly critical first review, published in January 2016. Amongst the 44 recommendations in this second review were:
 - that the Home Office should strengthen the promotion of voluntary returns;
 - that the Home Office should develop a strategic plan for its detention estate, bearing in mind the priority now attached to voluntary returns;
 - recommendations for the reform of the Adults at Risk policy;

- recommendations relating to decency, and the prevention of overcrowding.

8. The then Home Secretary responded with the following commitments:

- to conduct an internal review into the operation of time-limits for immigration detention.

- to pilot a scheme to manage vulnerable women in the community who would otherwise be detained at Yarl's Wood.

- to continue work to improve the Adults at Risk policy and the rule 35 process.

- to pilot an additional bail referral after two months in detention.

- to stop the practice of having three detainees in rooms designed for two, and to modernise toilet facilities.

- to pilot the use of Skype so that detainees could contact their families overseas.

9. It was against this background of intense scrutiny and shifting policy that IMB members continued with their regular visits, monitoring the effect of policies and practices on the people who find themselves held in immigration detention. In this report we bring together the most important of our findings from 2018.

Common themes – Immigration Removal Centres

Detention without a time limit

10. From their many conversations with detainees, IMB members have a unique and clear insight into the anxiety and stress caused by immigration detention itself, especially the fact that, unlike a prison sentence, this form of detention currently has no legal time limit. We consider this to be unfair and inhumane. The fact that detainees do not know how long they will be detained, combined with the stress and uncertainty of their immigration cases, and the worry about families or children living in the community, causes enormous distress. Yet fewer than half of detentions (44%) led to removal from the UK, with the majority of detainees released on immigration bail, sometimes after lengthy periods of detention (see below).

11. Later in this report we raise concerns about the number of vulnerable people detained in IRCs. As IMBs have observed and reported, their vulnerability, particularly for those with pre-existing mental health problems, makes the trauma of detention, and detention without a time-limit, much more acute. IMBs regularly observe detainees' mental health deteriorating sharply in detention.

IMBs are meeting increasing numbers of people who have been taken into detention, and then released, only to be re-detained some time later, which adds to feelings of uncertainty.

12. IMBs therefore welcome the consistent calls from the two parliamentary committees for a 28-day time limit on detention, but were disappointed that the Home Secretary's commitment, in response to the second Shaw review, was only to carry out an internal review, from which we have seen no results to date.

Length of time in detention

13. IMBs monitoring in IRCs have consistently reported on the excessively long periods of detention experienced by some detainees; mostly foreign nationals who have served a prison sentence and who are awaiting deportation. It was not uncommon for those detainees to spend more time in immigration detention than they had spent in prison for their original offence. In 2018, figures collated by IMBs suggest that there has been a slight improvement, and while some detainees still experienced unacceptably long periods in detention, this was less common than in previous years. For example:

At Heathrow IRC: in 2018, 21 men were detained for over 12 months (in 2017, 105 men were detained for over 12 months). The average length of stay in 2018 was approximately 55 days but this includes some extremely short periods of detention, less than 48 hours in many cases.

At Brook House IRC: in 2018, one man was detained for over 12 months (in 2017, seven men were detained over 12 months).

At Yarl's Wood IRC: in 2018, no women were detained for over 12 months (in 2017, three women were detained for over 12 months). In 2018, 89% of women were detained for less than a month.

Despite the downward trend, there were still examples of excessively long periods of detention:

At Campsfield House IRC, during 2018, the longest-serving detainee had been held for 763 days, with five other men each spending an average of 584 days in detention (not all spent at Campsfield).

At Heathrow IRC, four men were released on bail during 2018 after very long periods in detention: one man having been held for 4½ years, and three for over two years each (not all spent at Heathrow).

At Morton Hall IRC, the average length of stay was between 2 and 4 weeks, but the five longest-servers spent between 381 and 843 days each in an IRC. One man had spent 571 days at Morton Hall.¹

¹ All figures from IMB Annual Reports for 2018: www.imb.org.uk

14. IMBs welcomed the introduction in January 2018 of an automatic referral to a bail hearing after four months in detention and have been monitoring how this affects periods of detention. It should be noted, however, that this is not open to foreign nationals who have served prison sentences and against whom deportation action is being taken. These are the detainees who, as observed above, tend to experience the longest periods in detention.

Number of detainees released from detention

15. One aspect of the detention figures which continues to trouble IMBs is the high proportion of detainees who are released from detention rather than being removed. Of the 25,487 people who left detention in 2018, only 44% were returned from the UK to another country. Forty percent were granted bail by the Secretary of State, while 16% were granted bail by an immigration judge, were granted leave to enter or remain in the UK, or left for other reasons.² At Yarl's Wood, 63% of the women detained were released rather than removed. As the purpose of detention is to facilitate removal, this appears to call into question the original decision to detain, and IMBs view this as a serious matter, given the harmful effects of detention on physical and mental health.

Vulnerable adults in immigration detention

16. In 2016, in response to the first Shaw review into the treatment of vulnerable adults in detention, the Home Office published its adults at risk policy, with the stated intention that it would, in conjunction with other reforms, lead to a reduction in the number of vulnerable people detained and a reduction in the duration of detention before removal. To quote the accompanying guidance, its aim is "to introduce a more holistic approach to the consideration of individual circumstances, ensuring that genuine cases of vulnerability are consistently identified, in order to ensure that vulnerable people are not detained inappropriately".

17. IMBs have been monitoring the operation of the adults at risk policy carefully, and, in common with other observers, have serious reservations about its effectiveness in keeping the most vulnerable out of detention. Stephen Shaw's second review, published in July 2018, identified shortcomings in the operation of the policy and recommended reform. Shaw also recommended that the Independent Chief Inspector of Borders and Immigration should report annually on how the policy is operating. The IMB was pleased to contribute to the Inspector's initial review in November 2018, and will continue to be involved in his ongoing work in this area.

18. IMBs are concerned with outcomes for detainees. It is not part of our role to second-guess the Home Office's decisions: whether, for example, the immigration control factors relating to a particular detainee should outweigh the consideration of his or her vulnerability. We look at the effect of those

² Source: Home Office Immigration Statistics, year ended December 2018

decisions on the detainees concerned. In monitoring the operation of the adults at risk policy, therefore, we monitor the people who are detained and the effect of that detention on them.

19. One of the most important and frequently-encountered aspects of detainee vulnerability is mental illness. IMBs continue to be concerned about the number of detainees presenting with mental health problems. At its most extreme, this can result in the detainee being sectioned under the Mental Health Act and removed to a secure treatment facility, and, although this happened to fewer detainees in 2018 than in 2017, IMBs still regard this as a matter of huge concern.

At Heathrow IRC, 13 men were sectioned during 2018.

At Yarl's Wood IRC, five women were sectioned during 2018 (compared with 14 in 2017).

At Brook House IRC, seven detainees were deemed to be so ill as to be liable to sectioning in 2018, compared with 12 in 2017; of the seven assessed, five were sectioned.

20. Boards reported concerns about detainees who were not so ill as to require sectioning, but who presented other serious indicators of vulnerability. Self-harm is one of the most important of these. At Heathrow IRC, there was an average of three incidents per month of serious self-harm, requiring external medical treatment, in 2018, with one death in custody later found to be as a result of natural causes. At Morton Hall, there were 217 acts of self-harm, with a number of prolific self-harmers amongst the detainees, particularly in the second half of the year. At Tinsley House there were 24 acts of self-harm over the year, with 31 incidents of men requiring constant supervision to prevent self-harm, and 98 reports made by medical practitioners under rule 35. This means that the doctor has reported to the Home Office that there are health-related concerns about a detainee, including that the detainee has been a victim of torture or trafficking; receipt of a rule 35 report triggers a review of the appropriateness of the person's continued detention. These figures are high enough to cause concern, given the number of detainees held at Tinsley House: less than half of its 162 capacity, with a low of 48 detainees in August.
21. The IMB at Tinsley House also cited the example of a man detained for 11 months, despite being an adult at risk level 2, as a doctor had raised concerns in a rule 35 report that he could be a victim of torture. He self-harmed and was under constant supervision multiple times. Faced with the presence of detainees in this condition, the IMB commented: "it is difficult to understand how the [adults at risk] guidance is being understood and applied".
22. The IMB at Yarl's Wood drew attention to the number of mental health assessments carried out there in 2018 - an average of 87 assessments per month from an average population of 218 (with population numbers reducing through the year). These were detainees who were displaying some sort of mental health problem which merited further investigation.

The factors behind these numbers are complex and will include improved training of officers and healthcare staff in mental health awareness, leading to more referrals. However, the Board viewed it as an important indicator of potential and actual vulnerability. The Yarl's Wood IMB also reported that during 2018 there were 41 cases of actual self-harm.

23. IMBs report difficulties for detainees suffering from other conditions which may deteriorate, or for which there is not adequate provision, in detention. The Yarl's Wood IMB reported a shocking case from April 2018 when a couple and their adult son were brought to the centre a few days before their planned removal. The young man suffered from epilepsy and had a learning disability. The trauma of detention and the uncertainty of the future caused his health to deteriorate rapidly. The IMB immediately identified that he should not have been detained, and the family was subsequently released.
24. The Heathrow IRC IMB drew attention to the inadequacy of provision for detainees who require any kind of social care. They gave examples of the difficulties encountered by detainees in wheelchairs in a centre apparently designed for fit young men, with, notably, a very unreliable main lift.
25. Detainees frequently complain to the IMB that they have had a rule 35 assessment by the medical practitioner, for example because they have been victims of torture, and that, despite a report having been sent to the Home Office caseworker, they have not been released. The figures for release following a rule 35 report would appear to bear out these complaints: from Yarl's Wood, only 23% of detainees on whose behalf a rule 35 report was submitted were released; from Brook House, 16.6%; from Tinsley House, 20 detainees from 98 reports (20.4%).
26. In the light of these experiences, the IMB at Yarl's Wood welcomed the introduction of a pilot scheme for housing vulnerable women, who would otherwise have been detained with a view to removal, in a non-custodial project in Newcastle. The Board received only limited information about the scheme; the impression is that identifying women who are suitable for the project, and who wish to participate, has been a somewhat complicated process.

Accommodation

27. Standards of accommodation vary across the estate. Some IRCs are purpose-built; others are converted military or prison buildings. In some IRCs, sleeping accommodation has been overcrowded, with three men housed in rooms designed for two. Following the second Shaw review, and with the reduction in detainee population in the second part of 2018, that practice has ended. The Home Secretary also committed to improving in-cell toilet facilities, as part of the "decency agenda". At the time of compiling this report, work to screen in-cell toilets more effectively has started in the three IRCs which have them (Morton Hall, Brook House and Heathrow IRC) and has been completed at Heathrow and Brook House.

28. IMBs in some IRCs reported unacceptable living conditions:

Campsfield House (closed in December 2018): the IMB reported that much of the accommodation was dated and of poor quality. The Care and Separation Unit was described by the IMB as not fit for purpose, with cramped conditions, poor ventilation and uneven heating and cooling.

Heathrow IRC: conditions in the centre were described as “insanitary”, with showers not working, wash basins not draining, toilets blocked and heating problems; the Board also reported excessive delays in dealing with maintenance requests. There have been continuing problems with cleanliness (the centre being described as “grubby”), as well as bedbugs and mice, although the IMB noted that these problems had begun to improve in the latter part of 2018.

Dungavel IRC: The board reported that refurbishment of the dormitory accommodation was long overdue; cleanliness was variable with mould in some bathrooms, and there were rooms accommodating detainees, which could be noisy and unpleasant. Indeed, the main concern of HMIP in their latest inspection was that the fabric of the buildings had been allowed to deteriorate. There has been refurbishment since the report was published.

Morton Hall IRC: The reduced roll in 2018 allowed for some much-needed refurbishment to take place, but the board reported a continuing, serious, problem with acts of vandalism in the centre. They also reported reluctance on the part of the police to prosecute for vandalism or criminal damage, or for acts of violence, when these are reported to them by the centre management.

29. During 2018, detainee numbers fell dramatically across the estate, partly in response to the Windrush scandal. As noted, this facilitated an end to overcrowding, and IMBs reported improvements, with redecoration taking place as well as higher standards of cleanliness.

Drugs/NPS use and violence

30. In 2017, IMBs at three centres (Heathrow IRC, Brook House and Morton Hall) reported concerning levels of drug/NPS use and related violence. These problems continued in 2018, with the Heathrow IMB describing a significant drugs problem, gang activity and violent incidents. Brook House IMB also reported drugs and alcohol being a source of issues in the centre. At Brook House there were 55 reports of actual or suspected bullying over the year (up from 13 in 2017, although the Board believes that the reporting process had been under-utilised in previous years). In a detainee survey conducted in March 2018 by G4S, the contractors who run Brook House, 31.7% of detainees who responded said that they had been a victim of violence in the centre, with 60% saying they had witnessed another detainee being threatened with violence.

31. Figures are available from Morton Hall which indicate that in 2018, 135 detainees were found to be under the influence of illicit substances (2017 figure: 210), with 42 drug finds (82 in 2017).³ The IMB reported that the trial of an itemiser to test incoming mail for drugs proved successful and the Home Office subsequently purchased one for the centre, which is now in place. The centre also now has its own dog handler. However, the support offered within the region regarding the supply of dogs and the training for personnel has been disappointing.
32. Also at Morton Hall, during 2018, there were 86 detainee-on-detainee assaults (117 in 2017) and 37 assaults on staff (38 in 2017)⁴. These figures have not fallen in line with the drop in population. The IMB suggested that the high proportion of time-served foreign national prisoners contributed to the problems of violence, as these detainees were over-represented in the assault figures.

Healthcare and mental health provision

33. Healthcare provision was also variable across the estate. Some IMBs, notably Yarl's Wood and Tinsley House, welcomed improvements in the service to detainees. At Yarl's Wood, next day GP appointments were available, access to female GPs was increased, and the IMB commends the considerable efforts of G4S Healthcare and Kaleidoscope, who provide mental health services, to relieve the psychological distress of detainees. It is to be hoped that this level of service can continue when and if detainee numbers increase. At Morton Hall, for the second year running, the mental health team was recognised in the quality network for prison mental health services (QNPMHS) peer review (2018) as offering a high-quality service. Other boards, by contrast, continued to report concerns. At Heathrow IRC, the IMB raised concerns about delays in mental health assessments. Campsfield House IMB found the department to be an area of concern that was hard to monitor, due in no small part to limited co-operation from the unit and lack of access to healthcare staff for the Board. Brook House IMB reported nursing vacancies, and detainees missing external appointments because staff shortages meant that there were no escorts to accompany them.

Use of handcuffs on external visits

34. IMBs at three centres – Heathrow, Brook House and Campsfield House – raised concerns about the high levels of handcuffing for detainees being escorted on external visits, in the main for hospital appointments. Heathrow IRC reported the highest levels over the year, with 91.6% of detainees handcuffed on external visits. Their concerns were raised with the Home Office and with the Immigration Minister, and by December 2018, after work done with the contractor, the rate for the month had reduced to 59%. IMBs would like to see the rate further reduced, and for the reduction in the use of

³ Source: IMB Morton Hall Annual Report 2018

⁴ Ditto

handcuffs to be replicated at Brook House.

Communication with detainees

35. IMBs highlighted the difficulty experienced by detainees who spoke little or no English, particularly during their first days in detention. Heathrow and Yarl's Wood IMBs both raised concerns about how much information detainees might be able to take in during their induction process, even with multi-lingual videos. Tablet computers with a translation app were a welcome introduction, but boards remain concerned that non-English speakers, already distressed and disorientated by being detained, are disadvantaged because they may not be able to access services, such as the invaluable mental health workers of Kaleidoscope at Yarl's Wood, to which detainees can self-refer, but only if they understand the information about it.

Detainees' communication with family and friends

36. Although detainees have access to email and the internet over the centres' desktop computers, they do not have access to social media or internet-based video-calling facilities. To speak to family and friends, and legal advisers, they have to use pay phones or the basic (not smart) mobile phones provided by the establishment, and pay for those calls. This can be very expensive for them and for their families, and for several years IMBs have recommended that detainees should have access to Skype or other internet-based video calling facilities, for "virtual visits", under conditions that would not breach the establishments' security. Finally, in 2018, the then Immigration Minister, Caroline Nokes, gave the green light to a trial of Skype. Unfortunately, there was little take-up, partly because trends in technology have moved on, and Skype is not such a popular medium, but partly because of where the terminals were sited – in the legal corridor at Yarl's Wood, for example, which was not felt to be conducive to social conversations. Despite this, there seems to be a commitment to making video-calling facilities available to detainees in a way that would be attractive and useful for them.

Gatwick pre-departure accommodation

37. The pre-departure unit adjacent to Tinsley House can accommodate up to two families and is intended as a last resort to enforce removal of families after all other options have failed. In 2018, 16 families were held there, consisting of 26 adults and 36 children. Of these, only two families were removed from the UK.
38. The IMB monitoring the facility reported that the accommodation was of a good standard and that it felt safe, comfortable and child-friendly. However, the IMB had misgivings about the fairness of the process and its effect on children. The IMB does not monitor the arrest of families from the community, but has heard from those families that the arrest process is traumatic, with teams arriving in the early morning. The IMB also witnessed force being used on parents to remove them from the centre on a small number of occasions,

which causes distress, noise and alarm for the children involved.

39. Given the cost and apparent ineffectiveness of the system described by the IMB – with only two of the 16 families held there being removed – the IMB called on the Immigration Minister to commission a full review of the effectiveness of the family review process in relation to the use of the pre-departure accommodation. It also recommended the establishment of an independent system for the regular monitoring of the arrest and transfer of families in the immigration system, in the light of the experiences recounted by those families.

Short-term holding facilities – common themes

40. IMBs monitor three types of facility under the heading of short-term holding facility (STHF), in the locations listed in the Appendix. At airports, they visit holding rooms where people are detained on arrival in the UK, (or, in the case of Cayley House at Heathrow Airport, where people are brought from custody to await removal flights) and observe flight boardings, particularly those involving families with children. They also monitor the residential STHFs – Larne in Northern Ireland and the new Manchester facility, MAN 302 - where people may be detained for up to 5 days. Finally, they monitor holding rooms in reporting centres where people who are subject to immigration control have been detained when they attend as required to report to Home Office officials.
41. Until 2018, there were no statutory rules governing the operation of STHFs, and IMBs have monitored these facilities by agreement of the Home Secretary, on a non-statutory basis. IMBs therefore welcomed the introduction of the Short-Term Holding Facility Rules, which came into force on 1 July 2018 and set out minimum standards for conditions and treatment of detainees in these facilities, including making formal provision for monitoring by the IMB (referred to in the rules by the previous name of “Visiting Committee”).

Conditions at short-term holding facilities

42. Facilities vary across the non-residential STHF estate in terms of condition and size but IMBs monitoring these facilities are agreed that they are suitable for stays of only a few hours. They are basically waiting rooms, with very few having natural light or fresh air, no proper sleeping, shower or toilet facilities (showers are not available in all holding rooms). They do not always afford necessary levels of privacy and dignity and are not always in satisfactory working order.
43. At Heathrow Airport the IMB reported that there were no showers in the T5 holding room, and that in the terminals where there were showers, they were frequently out of use for weeks at a time because of concern about legionella bacteria. There were persistent problems with the drains at Cayley House, leading to frequent unpleasant smells. The Board noted that it could take weeks or even months for maintenance problems to be dealt with. There were also no showers in the holding rooms at either Glasgow or Edinburgh airport, where detainees are sometimes held overnight. The IMB monitoring at

Edinburgh airport, and at Festival Court reporting centre, reported that toilets at neither facility were fitted with seats, a state of affairs the Board described as “undignified”; at Edinburgh Airport the locked toilet doors can be opened from the outside by other detainees; and, despite concerns having been raised in previous reports about privacy around the toilets at Festival Court, the Board’s concerns have not been fully met.

44. Facilities for families with children also vary: there are separate family rooms in most STHFs but at Heathrow T5, for example, the family room is no more than a partitioned-off section of the main holding room, with the toilet and baby changing room at the end of the main holding room. Facilities for families at the airport were described by the IMB as being unsuitable for the detention of children beyond the briefest of periods. Despite this, families with children, and unaccompanied children, could still be held for more than 12 hours, and the IMB gives examples of some very long stays. A 15-year-old girl, suspected to be a victim of trafficking, waited two hours in arrivals, ten hours in the holding room awaiting a referral to social services, then a further eight hours to be collected by them. The IMB at Heathrow identified a need for a residential facility for families and children near to the airport.
45. At the Dover Kent Intake Unit, the holding room consists of one large room, with a small family room that can seat only six people. Families sometimes have to sit in the main holding room, which means that children have to mix with unrelated adults. There is one shower which is accessed, with the toilets, from the main holding room. All new arrivals wait in the induction room, with detainee inductions, including personal health questions, taking place within the sight and hearing of others. Much-needed plans for expansion and refurbishment of the facility were agreed and work was due to start in November 2016, but has not started yet.
46. All boards reported that detainees in STHFs, residential and non-residential, were generally treated with respect, and often kindness, by officers. But at Heathrow Airport, the board commented that while officers were rarely observed acting in an uncaring manner towards detainees, there could be long periods without any staff interaction, a state of affairs that is not helped when officers do not speak the detainee’s language, and inductions are not consistently carried out to a high standard, which the IMB considered to be very important, given the shock which many people will experience on detention.

Length of stay in holding rooms

47. Given the type of facilities being monitored, as described above, all STHF boards were concerned that stays in holding rooms should be as short as possible. There was previously no statutory time limit; IMBs therefore welcomed the introduction of a limit of 24 hours for (non-residential) holding room stays in the 2018.

48. Despite this, IMBs observed cases where detainees were held for long periods:

North & Midlands airports: average length of detention was 8 hours 4 minutes; the longest stay was 43 hours 40 minutes; out of a total of 1,146 people detained in 2018, 268 people were held over 12 hours and 36 people were held over 24 hours. 232 were held overnight, which would seem to be unnecessary at Manchester airport after the opening of the residential facility MAN 302 in March.

Heathrow airport: out of 12,225 people detained at the airport, 1,473 were held for 12-24 hours; 144 were held for more than 24 hours.

Dover: 63 people were held for more than 24 hours. ⁵

It appears that a contributory factor to the length of time which detainees spend in holding rooms is that, under the escorting contract which started in May 2018, Mitie Care & Custody are allowed up to eight hours to collect a detainee once a movement order has been raised

49. At the reporting centres in the North & Midlands region, the IMB raised concerns about detentions occurring later in the day and for longer periods than in previous years. People detained when reporting will usually be transferred to an IRC; this may be at some distance from the reporting centre and a late detention means they will arrive at the receiving IRC commensurately late at night. The IMB noted that 45.3% of detainees were held beyond the scheduled closing times of the reporting centres, which had in any event been extended by an hour. They also reported a continuing trend of longer detentions over the past five years: from just under 3.5 hours in 2014, to over 5 hours at the end of 2018.

50. On arrival at the holding rooms, detainees are required to hand in their medication, including prescription medication, and will have no access to it until after their induction in the IRC to which they are sent. This measure was taken in response to advice to the Home Office from the General Medical Council, and has continued for the past three years, despite IMBs raising serious concerns about the risks to detainees with long-term medical conditions, such as asthma and diabetes, who need regular medication. We await a satisfactory solution to this problem.

Charter flight monitoring team (CFMT)

51. In 2018, the CFMT monitored eight charter removal operations. This involved close-quarters' observation of the entire process, from the escorts' team briefing, discharge at the IRCs, travelling with the detainees and escorts to the airport, and finally travelling on the flight itself and observing the

⁵ Source: IMB Annual Reports 2018

disembarkation before an immediate return to the UK. It is a strenuous, and on occasions distressing, monitoring assignment. The team also monitored a charter operation to Switzerland, Austria and Bulgaria from its start until all the returnees had boarded the plane.

52. Although the CFMT reported mainly respectful and courteous personal interactions between escorts and detainees, with officers generally displaying an ability to reassure detainees and sometimes to defuse a potentially difficult situation, there were practices and conditions which caused concern. The most serious of these arose from the use of restraints – specifically waist restraint belts – on detainees.
53. In June 2017, the CFMT drew attention to a blanket use of waist restraints on a Dublin Convention removal to Germany, despite the fact that the individual risk assessments for some detainees did not justify the use of restraint, as was conceded by the then Immigration Minister, Caroline Nokes, in response to the team's letter reporting their concerns.
54. This blanket use of restraint was not repeated in 2017, but levels of restraint remained high during that year. In 2018, the use of restraint was less, with the CFMT being of the view that its use was reasonable, necessary and proportionate in many, but not all, instances. The presumption against the use of restraint was not consistently followed, and in its annual report the CFMT gave examples of inappropriate use of force, such as in response to a simple statement of reluctance to leave, or for a man who was distressed but not argumentative or confrontational. A similar concern was also raised by the IMB at Heathrow airport, who reported the use of the waist-restraint belt on less obviously resistant removees. There was still a greater use of restraint and force on the Dublin Convention returnees than on other, direct, flights, a state of affairs that has continued on flights monitored in 2019 to date. A further concern was that detainees in waist restraint belts remained in them until after take-off, typically hours after they were first fitted, even though DSO 07/2016 states that the belt should be used for the minimum amount of time, with its use being constantly re-assessed.
55. Despite the fact that the CFMT raised concerns about the use of restraint in 2017, the team reported that the Home Office's monitoring in this area is inadequate. The performance monitoring team attend infrequently at IRCs to observe the discharge as it happens, relying for the most part on *ex post facto* analysis of the escorts' reports, which inevitably do not always give the full picture.
56. Until July 2018, professional interpreters were not used during the charter removal process, and thereafter their use was selective. The CFMT felt that detainees did not always understand what was happening to them, and that the Dublin Convention removees in particular did not understand the reasons for their removal or what would happen to them on arrival. As noted above, there is a greater use of force and restraint on this cohort. The Home Office produced an information booklet for charter flights in May, but this was not

translated until November, and then only into four languages.

57. The charter flight process can be long and drawn-out; this was particularly the case for flights departing from Doncaster-Sheffield airport. The journey starts for detainees when they are collected from the IRC, where the discharge process can take several hours, with detainees waiting on coaches while all are dealt with. The journey from IRCs in the south-east, Brook House and Heathrow, to Doncaster, is a lengthy one, and there is another wait landside at the airport before the detainees are driven to the plane. The CFMT recorded times spent on coaches carefully, and confinements of six hours were not uncommon. In March, the first removee from Brook House spent 11 hours on the coach before a flight to West Africa; in November, a man from Campsfield House spent eight hours on a coach, again before a long flight to West Africa.
58. Conditions on the coaches are not always satisfactory, particularly given the length of time removees and escorts have to spend confined in them. Returnees are not routinely offered a comfort break at the IRC before they embark on the coach, yet the toilets on coaches do not have the capacity to meet requirements in decent conditions over long journeys, leading to some very unpleasant conditions. A coach that Tascor (the previous escort contractor) hired in January did not even have a functioning toilet. Mitie Care & Custody has achieved a higher standard over the first eight months of the new contract and routinely hires a spare coach – a sensible precaution. However, the coaches actually used were not always properly provisioned.
59. The CFMT was also concerned about practices that are demeaning for removees: not all were told in advance that their arms would be held on boarding the aircraft, whether they were resisting or not, nor that they would be filmed walking up the steps and to their seats. All detainees were denied privacy while using the toilet, with the door remaining slightly open, a practice that is particularly difficult for women and which does not depend on any assessment of individual risk. The CFMT acknowledged that the Home Office and the contractor consider privacy of use is risky on grounds of security or safety, and that there was an incident of self-harm in a coach toilet in June. Their view remains that the blanket ban on privacy of use is nonetheless demeaning.

Appendix – locations monitored

Immigration removal centres

Brook House, Gatwick Airport
Campsfield House, Oxfordshire (closed December 2018)
Dungavel, Lanarkshire
Heathrow
Morton Hall, Lincolnshire
Tinsley House, Gatwick
Yarl's Wood, Bedfordshire

Pre-Departure accommodation

Gatwick Pre-Departure Accommodation

Short-term holding facilities at ports and airports

Dover (Kent Intake Unit)
Birmingham and Manchester airports, plus associated reporting centres
Glasgow & Edinburgh airports plus associated reporting centres (including Larne)
Heathrow airport

Destinations of flights monitored by the CFMT

Islamabad
Tirana
France & Switzerland (for Dublin Convention cases)
Lagos and Accra



About Independent Monitoring Boards

Members of an IMB are from the local community, appointed by the Home Secretary for immigration removal or holding facilities and by the Secretary of State for Justice for prisons; each IMB has a duty to satisfy itself as to the humane and just treatment of those detained or held in custody.

Interested in becoming an IMB member?

IMB members are independent, unpaid and work an average of 3-4 visits per month. Their role is to monitor the day-to-day life in their local prison or immigration removal centre and ensure that proper standards of care and decency are maintained.

For more information and for details about how to apply, visit www.imb.org.uk