



Independent Monitoring Board

Port of Dover Short Term Holding Facility

Annual Report 2018

Published December 2019

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 Until recently boards at STHFs were appointed by the Immigration Minister to operate on a non-statutory basis. The general principles of independent monitoring established for prisons and IRCs were applied. Statutory rules for STHFs were finally published during 2018, and have now been implemented.

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 (OPCAT).

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 (STHF) 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. Both rooms can be observed by detention custody officers. 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 this work has still not begun. At the time of writing (March 2019), discussions are taking place with a view to creating a new asylum intake unit and STHF in Folkestone. When works have to be done to the Dover holding room or if there is a need for overflow facilities, detainees may be held in Frontier House, Folkestone.
- 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. Additionally, 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 Mitie (Care & Custody), which holds the national Detention and Escorting Services Contract. This contract was taken over from Tascor by Mitie, a company with wide experience in this area of work, in May 2018. 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, 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 2018 the number of detainees passing through the holding room varied according to the time of year. There was a small increase towards the end of the year. From January to June 2018, 802 detainees were held in KIU. Between July and December, 1569 detainees were held in the KIU compared with 1886 in the same six months of the previous year. This meant that staff were able to process cases more quickly: 63 detainees were held for over 24 hours compared with 128 in the same six months of the previous year; and the designated capacity of the holding room was never reached².

4.1.3 Throughout 2018, IMB members have found that detention custody officers consistently appeared to 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 seem consistently to demonstrate care and respect and try to minimise the length of time detainees have to spend in the holding room.

4.1.4 However, some issues raised by Board members during the course of the year have not been resolved or have taken an unnecessary amount of time to resolve. For the most part, however, UKVI and Care & Custody managers have helped IMB members to carry out monitoring responsibilities and have responded positively to several suggestions put forward by the Board. However, we have sometimes been concerned that UKVI do not always seem to have organised themselves properly to attend our meetings or have come ill-prepared to report on developments or respond to issues raised during earlier meetings.

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 Care & Custody 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 2015, 2016 and 2017.

4.2 2018 Issues requiring a response

4.2.1 Expansion and upgrading of the facilities

Will the Minister clarify when the planned expansion and or upgrading of the KIU 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 5.4.3)? Although we understand there have been discussions to move permanently to the police station in Folkestone, to date, there has been no confirmation on this.

Will the Minister also order a review of the overflow facilities at Frontier House which fall short of the standards required, notably with respect to shower facilities and provision for safeguarding children and vulnerable people?

4.2.2 More privacy in the induction room

Currently the induction process is carried out in full view and hearing of others in the induction room. Whilst personal searches are done behind a curtain, personal health questions are asked during the open interview process. The IMB requests that these should take place with more privacy.

4.2.3 Identifying and protecting vulnerable detainees

The IMB remains uneasy, as flagged in its 2017 Annual Report, that relatively easy steps have not been 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) and calls upon the Minister to reconsider its earlier recommendation on this. Moreover, the IMB requests the Minister to authorise officials to release to the IMB basic statistical information with respect to the number of detainees referred to the Safeguarding Officer and the numbers of people referred to the National Referral Mechanism, on an ongoing basis, in order that the IMB can effectively monitor trends in the number of vulnerable people passing through the STHF.

4.2.4 Monitoring of holding rooms in Calais and Coquelles

Following the 2017 Annual Report, two Members of the Board made a preliminary visit to Coquelles. (See 5.8.1). When will this monitoring begin?

Section 5

AREAS REPORTED ON

5.1 Induction of new arrivals

5.1.1 All new arrivals sit in an induction room next to the holding room. IMB members have observed induction interviews conducted by Care & Custody staff in a friendly manner with 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, which includes questions on medical matters, can be overheard by other detainees. Efforts should be made for them to be conducted privately. Board members have also observed UKVI officers welcoming new arrivals and explaining the processes in a friendly manner.

5.2 Equality and Fairness

5.2.1 Protected characteristics are listed in the Equality Act 2010 as: age, disability, gender reassignment, marriage and civil partnership status, pregnancy and maternity, race and ethnicity, religion and belief, sex, and sexual orientation. There is a 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, however, only seat six people and the Board has observed families making use of the main holding room, sometimes resulting in 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 (5.4.4). Children have access to toys, books and activities appropriate to most ages. UKVI prioritises cases involving children and monitors timescales in such cases closely. There have, however, been a few occasions when the Board has felt families have been detained in the holding room for a long time. Having stated this, in some cases, UKVI staff have felt it beneficial for family members to be allowed to catch up with sleep, in order to get the most out of the interview process. This means they might go over the 24-hour target.

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 and Care & Custody 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 Care & Custody 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 Board members have observed the detainees concerned being treated appropriately. The dedicated paramedic (see 5.3.1) provides a valuable service by supporting 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. Pregnant detainees have been offered use of the family room and if there is any concern about their condition they have been taken to hospital.

5.2.7 UKVI and Care & Custody staff seem to 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 Care & Custody 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 Care & Custody staff but the Board echoes the concerns of both Care & Custody 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 Since June 2016 the KIU has been the first short-term holding facility to have healthcare staff on site. Between 10am and 4pm each day, 365 days a year. AEROMED provides a paramedic able to deliver interventions for any detainee with 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.

In 2018, 14 detainees were taken to hospital, during paramedic hours and 12 out of paramedic hours.

- 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.

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. In response to IMB suggestions, efforts have been made to increase access to the shower: the signage has been improved and the shower should be left unlocked (but IMB visits have shown this is not always the case) when there are fewer than 10 detainees.

- 5.4.3** 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 originally due to be undertaken in November 2016. At the time of writing (March 2019) it would appear that these plans have been abandoned and that consideration is now being given to creating a new Asylum Intake Unit and holding room in Folkestone. Work has recently been carried out to improve the air conditioning and ventilation of the holding room and the induction room. The family area has been made more child-friendly with a mural painted on the wall.

- 5.4.4** Following a suggestion by the Board, smokers are offered nicotine replacement lozenges, since there is no access to the outside. Managers say that there are insufficient staff to allow access to fresh air. 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 and recommend that suitable arrangements should be included in any upgrade and refurbishment plans.

Food

5.4.5 Most detainees seen by Board members consider the provision of food and drinks to be reasonable, with records being kept by Care & Custody 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. Microwaved food provided fulfil Halal requirements.

Purposeful activity

5.4.6 The holding rooms contain a range of newspapers, magazines and books, mostly in English. But over the year, informative posters have been displayed in several languages. 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 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. The total number of detainees held in the holding room in 2018 was 2307. In the second half of 2018, 1507 detainees, were held in the holding room, with 252 held over 24 hours. This is an increase over the previous year as a result of the increase of migrants seeking to enter the UK, before 29 March 2019 (the original Brexit date), including migrants travelling by little boats. By comparison, in the second half of 2017, 1569 detainees were held in the KIU compared with 1886 in the same six months of 2016.

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. On occasions, with the approval of a Chief Immigration Officer, Board members have been able to observe screening interviews and can attest to the care and consideration afforded to interviewees.

5.5.3 The Board acknowledges that detainees have sometimes not been transferred as soon as their screening is complete for good 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 or 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 set of rooms 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 length of time in detention for those awaiting transport. (See 6.4.2 regarding restrictions on IMB access to the Atrium).

5.7 Safeguarding

5.7.1 We continue to believe the processing and safeguarding of families and children and unaccompanied minors is handled appropriately. The time these groups of people are held in the holding room generally conforms to the recommended timeframes for holding children and children's cases are prioritised by UKVI. 2018 statistics for the total number of unaccompanied minors passed through the facility have not been made available to the IMB, a matter of regret to the Board.

5.7.2 Moreover, the Board regrets that the 2016 plans to renovate and extend the holding room area for women, children and families have still not been implemented. The facilities available for this vulnerable group of people are very small and offer very basic privacy from the main holding room which is usually populated by young men. The shower and toilet facilities are immediately off the main holding room and it is not possible for vulnerable people to use them without passing through the main holding room. If the intention is to remain in the current premises, we urge the Secretary of State to authorise the upgrading of these limited facilities for women, children and families without any further delay.

5.7.3 The Board remains concerned about the number of young and vulnerable people passing through the facility. In 2018, out of a total of 1700¹ people passing through the unit, 116 detainees were referred to the Safeguarding Officer and 20 were referred to the National Referral Mechanism. It is not possible to compare figures with 2017. The Board has been disappointed by the apparent difficulty throughout the year of the establishment sharing with the Board basic data and non-identifiable information regarding the types of vulnerable people passing through the facility, thus hindering our role. We look forward to this information being provided regularly throughout 2019.

5.7.4 The Board regrets that the recommendations it made in its 2017 Annual Report regarding the additional steps that might be taken to better inform and protect vulnerable people passing through Dover, in line with the objectives of the Modern Slavery Act 2015, have not been accepted and implemented. We believe our proposals would be relatively easy to roll out and would help and better inform

(¹ The figures used here, are figures given during Board Meetings. These were not available at every meeting.)

vulnerable people passing through the holding room. We urge the Secretary of State to reconsider these recommendations. 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.

5.8 Monitoring of holding rooms in Calais and Coquelles

5.8.1 In 2016 Her Majesty's Chief Inspector of Prisons inspected the three holding rooms in Calais and Coquelles linked to the UK immigration controls in France. The report found several shortcomings and referred to the absence of an IMB.

5.8.2 In September 2018 two members of the Board were accompanied to Coquelles, by members of Border Force, via Euro Tunnel. The Freight Area and Passenger Area were observed. It would not be possible to make unannounced visits. However, further implementation is on hold for the moment.

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. Its Board currently comprises four members. At the beginning of 2018, when there were eight members, at least one member visited the holding room most weeks unannounced. When the Board dropped to four members, at least one visit was made fortnightly. The Board has been frustrated at the slow internal process within the Department for launching a recruitment drive to replenish its members. There are currently weekly rota visits. A meeting with UKVI and Care & Custody management has continued to be held monthly.
- 6.2** 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 and occasionally using translation services.
- 6.3** The STHF Statutory Rules published during the year are being implemented.
- 6.4** *IMB Access to The Atrium:* When monitoring first started, IMB Board Members were shown around this area. The Atrium, is not an area of detention and therefore the Board were informed that this is not within the Board's remit. The Board continue to believe its members should be able to talk to people who have just left detention about their recent experience and regret that its members are still not admitted into the Atrium. It considers this to be a petty restriction contrary to the spirit of openness and transparency that the Department claims to have.
- 6.5**
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|---|----------------|
| Recommended complement of Board members | 8/12 |
| Number of Board members as at January 2018 | 8 |
| Number of Board members as at December 2018 | 4 |
| New members joining in 2018 | 0 |
| Members leaving during 2018 | 4 |
| Average number of attendees at Board meetings | 4 ¹ |
| Visits to the KIU by one or more members (incl. meetings) | 57 (46V 11M) |

¹ One member sometimes participates by video.

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
NRM	National Referral Mechanism
OPCAT	Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
UKVI	United Kingdom Visas and Immigration