



# **Annual Report of the Independent Monitoring Board at The Secure Temporary Holding Facilities at Gatwick, Stansted and Luton (GSL) Airports and Lunar House**

**For Reporting Year**

**01 January 2020 – 31 December 2020**

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## 1. Statutory role of the IMB

1.1 The GSL Independent Monitoring Board is appointed by the Home Secretary to monitor and report on:

- The welfare of people in immigration detention anywhere within the airports and at Lunar House through observation of their treatment and of the premises in which they are held.
- The welfare and treatment of people being removed from the country through the airports.

The Board meets monthly. All members of the Board are unpaid.

1.2 The Board has unrestricted access to every detained individual and all immigration detention facilities and vehicles within the airport to enable it to carry out its duties.

1.3 The Board conducts its work in line with the Short-Term Holding Facility (STHF) Rules, which place the day-to-day operations of STHFs on a statutory footing. Part 7 of the Rules sets out the responsibilities of the Independent Monitoring Board (referred to in the Rules as the Visiting Committee), including the production of an annual report covering the treatment of detained individuals, the state and administration of the facility, as well as providing any advice or suggestions it considers appropriate. This report has been produced to fulfill that obligation.

1.4 The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is an international human rights treaty designed to strengthen protection for people deprived of their liberty. The protocol recognises that such people are particularly vulnerable and aims to prevent their ill-treatment through establishing a system of visits or inspections to all places of detention. OPCAT requires that States designate a National Preventive Mechanism (NPM) to carry out visits to places of detention, to monitor the treatment of and conditions for detainees and to make recommendations for the prevention of ill-treatment. The IMBs are part of the United Kingdom's NPM.

### *Qualification*

*The COVID-19 outbreak has had a significant impact on the Board's ability to gather information and discuss the contents of this annual report. The Board has therefore tried to cover as much ground as it can in these difficult circumstances, but inevitably there is less detail and supporting evidence than usual. Ministers are aware of these constraints.*

## **2. Executive Summary and Recommendations**

### **Introduction**

This report presents the findings of the Independent Monitoring Board at Gatwick, Stansted and Luton Airports and Lunar House, for the period 01 January 2020 to 31 December 2020. Evidence comes from observations made during rota visits, scrutiny of records and data, and informal contact with individuals in detention and staff.

During the reporting period, because of Covid restrictions and due to the prolonged recruitment of members, the Board was able to undertake only 17 visits to the airport holding rooms and Lunar House (9 of which were at Stansted airport) and did not have the opportunity to monitor the removals of any detained individuals.

### **Main judgements**

#### **Are detained individuals treated fairly?**

During the course of our monitoring visits, we observed that Care and Custody (C&C) managers and officers generally took the time to engage with detained individuals, explain their rights and responsibilities and the relevant rules, using translation and interpreting services as required, and were fair and balanced in their treatment of these individuals.

#### **Are detained individuals treated humanely?**

Managers and officers clearly understood the concerns, worries and sometimes the frustrations, experienced by the individuals in their care and were generally empathetic with these. They did their best, given the physical confines of the holding rooms, and the particular circumstances of the individuals concerned, to try to alleviate and mitigate these.

We were however concerned at the physical limitations of these holding rooms.

We noted that, in general, the size of the holding rooms and the fact that they did not have access to natural light or fresh air and were clearly not designed to comfortably accommodate detained individuals for extended periods meant that there was a limit to what could be achieved by staff.

Each holding room has a designated maximum number of detained individuals who may be accommodated, and C&C staff may refuse to accept in excess of this maximum number.

Each of the holding rooms have access to separate male and female lavatories but only limited washing facilities (only the holding room at Gatwick's South Terminal and the Dover Room at Lunar House have access to showers). Mattresses and bedding are

available at all of the facilities monitored, but issues of privacy and the general lack of floor space would not be conducive to rest or sleep.

The majority of the managers and staff, with whom we came into contact however, had several years' relevant experience which they were able to call upon to deal with difficulties if they arose.

### **How well are detained individuals' health and well-being supported?**

When detained individuals arrive in the holding rooms, they are taken through a standard induction process intended to elicit sufficient information to enable managers and officers to identify any physical or mental health concerns.

The majority of the detained individuals' personal effects and luggage are taken from them on arrival and placed into secure storage within the facility, and this includes medications, medical equipment (asthma pumps, syringes etc) to be returned to them when they leave.

During the period covered by this report, we had a number of conversations with C&C managers and officers regarding the rules and the practicalities relating to this practice, as we were concerned that the potential existed, in the event of a detained individual needing urgent access their medication, of a risk to their health.

In general, at the airports monitored, there were no trained medical staff on call and certainly not on a 24-hour basis. We were told that in the case of the perceived need for an individual to access their medication or medical equipment, managers or officers would use the NHS 111 facility and if necessary, try to obtain the authority of a qualified medical practitioner to release or administer the medication(s) required.

We did not have the opportunity to see this process in operation, but anecdotal evidence suggested that this was often a far from straightforward process. Medicines may be described by a variety of names, may not clearly show the constituents or the dosage or may not be clearly prescribed by a qualified medical practitioner, to the detained individual.

### **Are detained individuals removed from the United Kingdom in a respectful manner with force only applied when this is necessary?**

During the period covered by this report, we did not monitor the removal of any detained individuals.

### **Recommendations**

#### **To the Home Office**

None at this time.

#### **To the Home Office and the Detention Contractor**

We do not believe that the arrangements for the monitoring of the medical welfare of detained individuals within the holding rooms are adequate and in particular there is potential risk to the health of an individual who needs urgent access to their medication or medical equipment.

Detained individuals who are held for more than a very short period of time, should have access to a qualified medical practitioner.

**To the Detention Contractor**

None at this time.

## Evidence sections

### 3. Description of the holding rooms

#### Gatwick

##### North Terminal

Entrance to the facility, which is adjacent to the passport checking hall, is by a coded entry system. The entrance hall is a large space, from which all other rooms are accessed, including the Border Force (BF) interview rooms and main office. Care and Custody (C & C) (part of the Mitie Group) is responsible for the care and welfare of detained individuals.

Luggage and personal effects taken from detained individuals are stored in an unsecured area and a small kitchen. A separate small (approximately 8m x 4m) family room is available, and this contains a baby's cot, a baby chair, cushions for two beds and a total of seven seats, four of which are arranged at two tables and a supply of snacks and cold drinks including bottled water. The family room also has a single lavatory with baby changing facilities and a wash basin.

A larger holding room (approximately 9m x 6m) for other individuals has a window allowing C & C officers observation. This room has seating for fifteen, at two tables and two beds with cushions. Separate male and female lavatories, with hand washing facilities, are accessed via a single door, but no shower facilities are available.

This main room contains artificial plants and reading materials, including (English) newspapers and an array of snacks and cold drinks, including bottled water, are also provided.

##### South Terminal (closed for the period covered by this report)

Entrance to the facility, which is adjacent to the baggage hall, is by a coded entry system and again there is no bar to leaving the facility. The entrance hall is a large space from which all other rooms are accessed. C & C detainee custody officers (DCOs) have a workstation here from which they are able to observe detained individuals, adjacent to a room which is used as an office for the duty detainee custody manager (DCM).

This main holding room (approximately 13m x 4m) has seating for 28, of which eight seats are at two tables, and cushions for up to three beds, although the

available floor space is barely adequate, and a TV is fixed to a wall. Male and female lavatories and a separate shower are accessed from a shared corridor. An accessible lavatory is also available on request.

An unlocked space, for the storage of the property of detained individuals, is also provided and the family room (approximately 6m x 7m), is set off this area but is not readily observed from the DCOs' workstation. It contains seating for 12, with four seats at a table. There are cushions for 3 beds and a separate toilet and shower.

Snacks and cold drinks are available in each room when the facility is in use.

### **Stansted**

The BF area, including its main office, interview rooms and process areas, is located adjacent to the immigration hall and is accessed using a secure coded access system.

The C&C managed holding facility within this area comprises an office, which is accessed using a coded fob and one main holding room, with seating for up to 12, and is entered and exited through the office.

The holding room does not have access to fresh air or natural light and detained individuals cannot leave unless escorted.

Within the main room is a smaller room, which may be used by a family and/or to achieve an element of privacy. The area has separate male and female lavatories, but no shower facilities.

On each visit, the holding rooms, including the lavatories, were noted to be clean and generally tidy.

A variety of snacks, including fresh fruit, and cold drinks were available within the holding room, allowing detained individuals to help themselves, and a good selection of microwaveable ready meals and hot drinks, catering for most tastes and needs, were offered by C&C DCOs.

A large screen TV is placed on the main wall of the holding room and a small screen, connected to a DVD player is fixed to a wall in the family room. However, during our visit on 10 September 2020 it was noted that the TV in the main room had stopped working and this was still out of action when we visited on 30 October 2020, although by the time of our visit on 27 November 2020, it was working again.

During our visit on 30 October 2020, we were advised that, from time to time, the female lavatory had overflowed when flushed causing a potential slip hazard. Repairs had not been completed by the time of our visit on 18 December 2020 (although the refurbishment of the lavatory was complete by the time of our visit in February 2021).

### **Luton**

The STHF, which is accessed using a secure ID card, has two separate holding rooms – one for males and one for females/families.

Each of the rooms has access to a good-sized lavatory with a wash basin, although neither has a shower, and in the main area there are comfortable chairs and a telephone for use by the detained individuals. This is available for incoming as well as outgoing calls.

There is a television in each room and a good selection of magazines/books, including some foreign language editions.

A good variety of snacks are available including fresh fruit and residents can request a hot or cold drink at any time of the day or night.

In the family room there are posters for the younger children to use to help them identify things, for example types of fruit, modes of transport etc.

All areas were seen to be regularly cleaned throughout the day and we are told that a very thorough cleaning is undertaken, once the area has been vacated.

C&C officers have a dedicated work area from which they can monitor both holding rooms.

### **Lunar House**

The STHF at the Home Office facility in Croydon comprises three separate areas:

The main holding room (6m x 11m) has a table with four chairs and a further 17 hard chairs. There is sufficient space to lay out four beds if required and separate male and female lavatories.

A family room (5m x13 m) also has a table and four chairs and a further four hard chairs and also soft seating for six people as well as space for three beds to be laid out.

The reception area is also the entrance corridor in which detained individuals sit while they are being taken through the relevant processes.

The Dover Room is a separate larger room, (8 x 10m) with 34 hard chairs, a table with four chairs but no space for beds. There are also two separate lavatories, one of which also has a shower, and this is the only facility for washing in the STHF. This area has its own separate staff supervision area.

In our view it would be difficult for detained individuals with limited mobility or visual impairment to use these facilities without assistance.

## **4. Role of staff**

When an individual is denied immediate entry to the UK by BF staff, they must be given written reasons for their detention at the time, (Form IS.91R – Reasons for Detention and Bail Rights) and if BF decides that further time is needed for a final decision to be made, they are transferred to the relevant airport's short-term holding facility which, in the case of all three airports covered by this report, are managed by C&C.

Detained individuals may normally be held for a maximum of 24 hours in such a facility, although in exceptional circumstances this period may be extended in advance of this limit being reached, with the authority of the Secretary of State (in practice this is usually a Home Office official acting on his/her authority).

### **Gatwick**

Care & Custody manages the STHFs across both terminals. Each 12-hour shift should contain an equal mix of male and female DCOS and a DCM.

Officers carry out a standard induction interview with each new arrival, to ensure that they are aware of their rights and responsibilities and to enable officers to evaluate and mitigate risks associated with their detention. In addition, officers have access to the IS91 forms previously completed by Border Force.

### **Stansted**

On each monitoring visit, it was noted that at least one male and one female DCO was on duty. In addition, on a number of, but not all, visits, a C&C detainee custody manager (DCM) was also on duty.

During monitoring visits, periodic checks were made to ensure that IS.91R forms had been fully completed for detained individuals and no significant discrepancies were noted.

On two separate visits, we observed the induction of detained individuals by the DCOs. These were conducted sensitively, where necessary using a telephone translation service, and generally covered all of the items within the C&C induction checklist which was current at that time.

On one occasion it was noted that the induction checklist being used (V 10) made no mention of the IMB, although we were assured by the DCOs that they did describe its role.

### **Luton**

For logistical reasons, monitoring of these facilities did not start until November 2020 and was further limited by lockdown restrictions.

C&C officers, particularly those who have prior experience of the role of the IMB have been helpful and informative and documentation, including holding room logs, was readily available for us to inspect.

### **Lunar House**

Following a standard induction process, C&C officers provide for the general care and safety of detained individuals.

## **5. Detained individual's experience**

### **Gatwick**

C&C officers are instructed on arrival into the holding room to place into secure storage all property belonging to the detained individual, other than the clothes worn, and this includes smart phones with cameras and devices with internet access. Officers will however allow these individuals to remove their sim cards and use these in a more basic mobile phone, the property of C&C.

Officers are responsible for the general care and safety of detained individuals, including the provision of food and drink, clothing and bedding as needed, and to aid their communication with family, friends and legal representatives.

### **Stansted**

On arrival in the holding room, smartphones and other devices capable of accessing the internet are confiscated and put into secure storage within the C&C office. A pay phone, which can receive incoming calls, is available within the holding room and the landline in the C&C office is made available to detained individuals who are not able to pay, for international as well as UK calls.

A supply of basic 'sim only' mobile phones is kept in the office and individuals can put the sim cards from their own phones into these, to make calls during their stay.

Fold down mattresses, blankets and pillows were available for detained individuals who wished to try to sleep, but there is very limited floor space in the main holding room due to its layout and, when it is not otherwise in use, individuals tended to use the family room to rest and gain some privacy.

On a couple of visits, detained individuals said that they had been cold while trying to sleep and that the mattresses were hard. DCOs also have access to a supply of warm clothing and disposable foil blankets.

### **Luton**

All detained individuals to whom we have spoken have been very complimentary about the way the C&C officers have managed their detention, particularly in relation to food and drink.

One in particular remarked that they were grateful to be given a pillow and bedding when they wanted to sleep before being interviewed. Our experience has been that the rooms are kept at a comfortable temperature.

To date on our monitoring visits, children in the family room have always been accompanied by their parents. C&C officers have informed us that if a child is on their own, local social services would be notified immediately and, in the past, they have arrived swiftly when required.

### **Lunar House**

When they arrive at the holding room, all property belonging to the detained individual, other than the clothes worn, is temporarily placed in storage, including mobile devices with cameras and internet access, including smart phones. They are however permitted to remove their sim cards and use these in basic mobile phones which are the property of C&C.

The care and safety of detained individuals is the responsibility of C&C, whose staff will provide food and drink, clothing and bedding as required.

## 6. Equality and fairness

### Gatwick

Most dietary and cultural requirements are catered for within the selection of food and drink available. Nicotine tablets are available for smokers but not all individuals are made aware of this.

Unfortunately, when the holding room is busy, it can be very difficult to provide unrelated males and females, or families, with separate sleeping areas. There are also no facilities for religious observance other than the public rooms.

During our monitoring visits, we have not observed any detained individuals who have been identified as having a disability. It is not clear however how those in wheelchairs or the seriously visually impaired would be supported. There appears to be no means whereby the hearing impaired would be identified, other than by the individual themselves.

### Stansted

During our monitoring visits, we regularly spoke to detained individuals about food and drink, and the general response was that they had been offered meals that were adequate in terms of size and choice.

Sacred texts and prayer mats were readily available, and the direction of Mecca is indicated by a ceiling marking, but the layout and size of the holding room is not conducive to private or quiet devotion.

During a visit in September 2020, we noted a newly installed notice board in the main holding room, which contained details of the various services, items and information available, in 19 different languages. We understand that this was the idea of one individual officer and that it is intended to install similar notice boards in the C&C managed holding rooms

We also noted a folder, containing relevant details of immigration rules, setting out detained individual's rights and responsibilities and relevant phone numbers and contact details, again in a variety of languages, although these did not include contact details of immigration lawyers.

We observed the use of the telephone translation service on several occasions during the induction process. The C&C office is limited in space and its layout means that confidential and/or lengthy conversations using this service can be difficult to manage.

### **Luton**

During our monitoring visits, we were shown that a good selection of microwavable meals was available. C&C officers place the order weekly to ensure that the selection can cater for a wide variety of cultures, tastes and dietary requirements.

We were told of isolated cases of over-stocking caused by a sudden lockdown, but staff reacted to this with the next order. Best before and use by dates on food packaging, are, we are told, checked weekly and we have seen no instances of out-of-date food.

A telephone translation service is available to assist C&C officers to communicate with detained individuals of all nationalities, and on the occasions when we have seen it being used, the system seems to be efficient. The fact that this service can only be accessed from the phone in the officers' working area, however, can limit other operations while it is being used.

### **Lunar House**

As this STHF is not intended to hold individuals for more than a few hours and only very exceptionally overnight, the provision of services and facilities here is limited.

Beds and bedding are not available and there are few facilities for those with mobility or other physical limitations.

However, as the facility is split into three separate rooms there exists the facility for single males, single females and families to be separated.

## **7. Health and well-being**

### **Gatwick**

Medications and medical equipment are confiscated from individuals on arrival in the holding room.

During the period covered by this report it appeared that the system in operation to deal with situations where detained individuals need to take these was, at best, unclear.

There is often no simple means of verifying whether a medicine has been prescribed as not all medications indicate by, or to whom, the medication has been authorised. Variations in languages, names of drugs, and script used can add to the difficulty.

C&C officers do not seem to have obvious means of verifying what action they need to take if a detained individual says that they need access to a particular medication.

In an emergency, we are told that they would need to call a paramedic who would call an ambulance if required.

### **Stansted**

On arrival of individuals in the holding room, medications, cigarettes and other smoking materials are confiscated and placed in secure storage.

We were told by C&C officers that medications that could be clearly identified as having been prescribed by a medical professional for the use of a detained individual could be used, but even then, only with the authorisation of a qualified medical practitioner. This authorisation should be recorded in writing and kept with the individual's records and the medication must be taken within the office and witnessed by a DCO.

However, throughout the period covered by this report, the process for this to happen appeared to be developing. A duty doctor was not generally available, although there were paramedics available (in normal circumstances) elsewhere within the airport.

It was not clear how easy it was to contact a medical professional, particularly out of hours, but we were assured by C&C officers that the NHS 111 line could be used or, in an emergency they would dial 999.

The C&C office contains a first aid box and the DCOs said that they had all received first aid training.

### **Luton**

All luggage and personal items are confiscated from individuals on arrival at the holding room, including medications. All officers are, we are told, trained in first aid, but no nurses/doctors are available to deal with detained individuals' medical issues.

For general enquiries relating to medications however, officers must call the NHS 111 service as officers are unable to authorise the taking of any medication.

### **Lunar House**

Medications are confiscated on arrival as it is difficult to check whether a medicine has been prescribed to the individual concerned. If a detained person says that they need to access these during their stay, officers say that they must obtain authority from a medically qualified individual before access is granted.

## 8. Removals

### Gatwick

Detained individuals may arrive at the STHF on an overseas flight and subsequently be removed to detention elsewhere in the UK, or be brought to the airport from detention elsewhere, for removal to another country.

One of our responsibilities is to monitor removals up to the point where they leave the airport or board the aircraft.

During this reporting period however, there was no occasion when a member of the IMB was able to monitor such a removal.

### Stansted

During the period covered by this report, we did not have the opportunity to monitor a removal, although we did speak to detained persons who were in the holding room awaiting removal and we received no negative feedback from them.

### Luton

To date, we have not had the opportunity to monitor removals.

### Lunar House

Detained individuals may arrive at the STHF at Lunar House from the port of Dover following arrival in the UK by sea.

They may also be required to report to Lunar House as part of their bail conditions and, should the decision be taken that they will be removed from the UK, they may be kept there on a short-term basis while awaiting removal.

Individuals may also arrive at the holding rooms from the custody of police or BF.

Detained individuals at Lunar House who eventually are not permitted to remain in the UK will be transferred to a port or airport for removal.

In the current reporting year there was no occasion when a removal was monitored by a member of the IMB

## The Work of the IMB

The GSL Board was formed in 2019 with originally only three members and was not able to begin its work of monitoring until February 2020 and then, for logistical reasons, only initially at Stansted Airport.

During 2020, sufficient new members were recruited and joined the Board so that by the end of the period covered by this report, monitoring at each airport and at Lunar House had begun on a limited basis.

Although monitoring visits have taken place during the reporting period, the impact of the COVID-19 pandemic resulted in this being a mix of on-site and remote monitoring.

Board members generally monitor the STHFs closest to where they live and it is anticipated that when initial recruitment is complete, the Board will have the resources to visit each site at least once a week.

<b>Board Statistics</b>	
Recommended complement of Board members:	12
Number of Board members at the start of the reporting period:	3
Number of Board members at the end of the reporting period:	6
Total number of Board meetings during reporting period:	12
Total number of visits to establishments: Gatwick Airport	3
Stansted Airport	9
Luton Airport	2
Lunar House	3