

Report on an unannounced inspection of
the short-term holding facility at:

Leeds Waterside Court

17 October 2011

by HM Chief Inspector of Prisons

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Overview

Waterside Court is the UK Border Agency's (UKBA's) main reporting centre in West Yorkshire, where foreign nationals subject to reporting restrictions attend at regular intervals. It also houses case working, enforcement and removals teams. Adjacent to the reporting centre is the short-term holding facility (STHF), where those being removed are held before transfer to an immigration removal centre (IRC). Nearly all those entering the facility enter via the reporting centre. A small number are picked up in the community by enforcement teams.

The facility was run on behalf of UKBA by the private security firm, Reliance, and was open from 9am to 5pm on Monday to Thursday and until 4pm on Fridays. Enforcement teams could use the facility outside these times but staffed it themselves. Two detainee custody officers (male and female) staffed the facility.

During the inspection, two male detainees were being held after attending the reporting centre. A third male detainee, being escorted from an IRC to Pennine House STHF at Manchester, entered the facility briefly for a comfort break.

The contractor supplied copies of logs for the previous three months (66 operational days). Seventy-four adults and two children had been held in this period and the facility had been unoccupied on a third of all operational days. The children had been held for an average of two and a half hours before removal with their families.

Waterside Court Short-Term Holding Facility

Inspected: 17 October 2011

Last inspected: 22 and 23 September 2008

Inspectors

Colin Carroll

Bev Alden

The healthy custodial establishment

- HE.1 Her Majesty's Inspectorate of Prisons is an independent, statutory organisation which reports on the treatment and conditions of those detained in prisons, young offender institutions, immigration detention facilities and police custody.
- HE.2 All inspections carried out by HM Inspectorate of Prisons contribute to the UK's response to its international obligations under the UN Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). OPCAT requires that all places of detention are visited regularly by independent bodies – known as the National Preventive Mechanism (NPM) – which monitor the treatment of and conditions for detainees. HM Inspectorate of Prisons is one of several bodies making up the NPM in the UK.
- HE.3 The concept of a healthy prison was introduced in this inspectorate's thematic review *Suicide is Everyone's Concern* (1999). The healthy prison criteria have been modified to fit the inspection of short-term holding facilities, both residential and non-residential. The criteria for short-term holding facilities are:
- Safety** – detainees are held in safety and with due regard to the insecurity of their position
- Respect** – detainees are treated with respect for their human dignity and the circumstances of their detention
- Activities** – detainees are able to be occupied while they are in detention
- Preparation for release** – detainees are able to keep in contact with the outside world and are prepared for their release, transfer or removal.
- HE.4 Inspectors kept fully in mind that although these were custodial facilities, detainees were not held because they had been charged with a criminal offence and had not been detained through normal judicial processes.

Safety

- HE.5 Escort vehicles were in good condition and reasonably comfortable. Detainees were routinely handcuffed while being taken from the holding room to the escort van, without an individualised risk assessment. Escorting staff could not readily locate anti-ligature knives. Detainees were given written reasons for detention, and telephone interpreters were used for those who did not speak English.
- HE.6 Most detainees were held for short periods and no one had been detained for longer than eight hours in the previous three months. Authority to detain forms (IS91s) were completed correctly. UK Border Agency (UKBA) oversight of the facility was insufficient; officials did not visit every day and their visits were not recorded.
- HE.7 Unrelated males, females and children could not be held separately, although in the previous three months male detainees had not been held with unrelated women or children. Staff defused tensions by speaking to detainees. A large window between

the holding room and the detainee custody officers' (DCOs') office, supplemented by four closed-circuit television cameras, ensured a good view of detainees. There had been no self-harm incidents in the previous three months. Staff used Reliance 'suicide and self-harm warning' forms instead of opening care planning documentation used throughout the immigration estate.

- HE.8 Two families with children had been held in the facility in the previous three months for a short period before removal. The DCOs and also UKBA staff who worked with families had been Criminal Records Bureau checked to enhanced level.
- HE.9 In the three months before the inspection, there had been a single incident involving the use of control and restraint (C&R) techniques. Detainees were not routinely seen by a health care professional following the use of C&R but were asked if they were injured. Paperwork documenting the incident was completed adequately.

Respect

- HE.10 The holding room, while austere, was clean, well lit and in good condition. Toilets in the holding room did not have floor-to-ceiling screening and therefore lacked privacy, and the metal toilets lacked seats.
- HE.11 DCOs were polite and respectful when booking detainees in and out of the facility but did not engage with them proactively. They had received equality training in their initial induction but no refresher training.
- HE.12 Detainees could easily submit complaints but the complaints box was not emptied every day. Arriving detainees were offered crisps, hot and cold drinks and sandwiches. Hot meals were not available.

Activities

- HE.13 There were insufficient activities available. The television was not working and there was a limited range of books and magazines, most of which were in English.

Preparation for release

- HE.14 Most detainees leaving the facility were taken elsewhere in the immigration detention estate. We observed detainees leaving the facility being treated appropriately by escorting staff and facility staff made attempts to contact friends or relatives on their behalf. Detainees had good access to telephones and faxes but could not use email.

Section 1

Escort vans and transfers

Expected outcomes:

Detainees under escort are treated courteously, provided with refreshment and comfort breaks, and transported safely

- 1.1 Escorts were provided by Reliance. During the inspection, we observed two detainees leaving the facility and being transferred into the care of escorting teams. Escort staff were polite and respectful. A third detainee arrived in an escort van and used the facility for a comfort break.
- 1.2 Ordinary escort operations were staffed by two detainee custody officers (DCOs), high-risk operations by four. These 'special operations' typically involved refractory detainees or those at risk of self-harm. All detainees, regardless of individual risk factors, were handcuffed in the holding room and escorted the short distance to the escort vans; handcuffs were removed once they were in the van.
- 1.3 Reliance had recently introduced a new fleet of vehicles, two of which we inspected. The six-seat vans were clean and graffiti free. They were reasonably spacious for detainees but lacked adequate storage space. They were equipped with a first-aid kit, welfare box and integral closed-circuit television (CCTV) with audio. Escort staff had difficulty in locating anti-ligature knives and one van did not have a knife at all. All rear windows were blacked out. Detainees were able to watch films on built-in DVD players. Child booster seats were available. A supply of water, sandwiches and crisps was on board.

Recommendations

- 1.4 Handcuffs should only be used if justified by individual risk assessment.
- 1.5 All escort vehicles should be equipped with a readily accessible anti-ligature knife.

Arrival and accommodation

Expected outcomes:

Detainees taken into custody are treated with respect, have the correct documentation, and are held in safe and decent conditions. Family accommodation is suitable.

- 1.6 The facility was open from 9am to 5pm on Monday to Thursday and until 4pm on a Friday. One dedicated male and one female DCO were permanently detailed to the facility. Interactions during the booking-in process were polite and respectful. In the previous three months, of the 76 detainees held, all but five had entered the holding room after attending the reporting centre. Four of the latter had been picked up in the community by enforcement teams. In the fifth detainee's case, the arrival details had been recorded as 'special operations', so it was not clear whether they had attended the reporting centre or been picked up in the community.
- 1.7 The holding room, while austere, was clean, well lit and in good condition, and two large frosted windows provided natural light. It was furnished with a table and four metal chairs, all fixed to the floor. There was additional softer seating around the edge of the room. Separate toilet cubicles for men and women were located in this room. The toilets did not have floor-to-

ceiling screening and therefore offered little privacy. The metal toilets lacked seats. While the facility did not have a toilet for detainees with disabilities, one was available for detainee use in the staff toilets, along a corridor outside the holding room. If a detainee became unwell, DCOs could contact a medical advice line provided by Reliance or telephone 999 in an emergency.

- 1.8 Detainees were given a rub-down search on arrival and all property was securely bagged, tagged and stored in the DCOs' office. A free call on the office telephone was offered. A cash payphone in the holding room could receive incoming calls, and the number was displayed prominently (see also section on preparation for release). Detainees were not allowed to take cash into the holding room, including coins for use in the payphone. Staff told us that this was to prevent self-harm, which was excessively risk averse. If detainees wanted to make an additional telephone call, staff normally let them use the office telephone but occasionally put the detainee's coins into the payphone on their behalf. This was routine practice and not based on individual risk assessment.

Recommendation

- 1.9 Detainees should have access to toilets with seats and floor-to-ceiling screening which provide suitable privacy.

Housekeeping point

- 1.10 Confiscation of coins for use in the payphone should be based on an individual risk assessment.

Positive relationships

Expected outcomes:

Those detained are treated respectfully by all staff, who have proper regard for the uncertainty of their situation and their personal circumstances.

- 1.11 Staff were polite and respectful to detainees entering and leaving the holding room but there was little proactive interaction with them while they were in the room. During the inspection, a detainee who spoke some English was held there for a number of hours but staff did not enter the room to speak to him or check on his welfare. Staff told us that they routinely introduced themselves and addressed detainees using their preferred names. Not all staff wore name badges.

Recommendations

- 1.12 Staff should engage proactively with detainees and check on their welfare at regular intervals.
- 1.13 Staff should wear legible name badges.

Legal rights

Expected outcomes:

Detainees are able to obtain expert legal advice and representation from within the facility. They can understand and retain legal documents. They can communicate with legal representatives without difficulty to progress their cases efficiently.

- 1.14 Detainees were able to retain their legal documents. Both detainees held during the inspection had written reasons for their detention (IS91R). One detainee had copies of his removal directions and a bail application form. He confirmed to us that the detaining officer had explained the reasons for detention orally. The second detainee did not speak English fluently. The reasons for detention had been explained to him using a telephone interpreter. The IS91R had been updated by the detaining officer to evidence the use of the telephone interpreter.
- 1.15 Detainees had good access to telephones and we witnessed a newly arrived detainee telephoning his lawyer. DCOs were willing to fax detainees' documents using a fax machine in the reporting centre (see also section on preparation for release).
- 1.16 A notice in the holding room promoted the community legal advice helpline. One detainee used this service during the inspection and was able to get the number of an immigration lawyer based in London. After leaving the facility, most detainees were taken to an IRC, where they could access a lawyer through the detention duty advice scheme.

Casework

Expected outcomes:

Detention is carried out on the basis of individual reasons that are clearly communicated.

Detention is for the minimum period necessary

- 1.17 In the three previous months, the facility had been operational for 66 days. On 21 days, no detainees had been held. A total of 76 detainees had been held in the three months before the inspection. The average length of detention in this period had been two hours 55 minutes; the longest period of detention had been seven hours 20 minutes.
- 1.18 Paperwork giving UKBA the authority to detain (IS91) the two detainees held during the inspection had been completed correctly; the risk assessments had been completed and, when no risks had been identified, the IS91 had been updated to reflect this.
- 1.19 UKBA staff did not visit the facility every day and record their visits. The UKBA member of staff responsible for the facility had left the agency shortly before the inspection; another member of staff had been charged with responsibility for the facility but was based in Sheffield. Staff were not able to show us a log book that recorded checks of the facility.

Recommendation

- 1.20 A UK Border Agency official should visit the facility daily, to ensure that it is functioning correctly and that detainees' welfare needs are being met. These visits should be recorded.

Duty of care

Expected outcomes:

The centre exercises a duty of care to protect detainees from risk of harm

Bullying

- 1.21 A large window between the DCOs' office and the holding room ensured that staff could monitor detainees easily. This was supplemented by four CCTV cameras, which covered blind spots.

- 1.22 DCOs were alert to tensions between detainees but had not witnessed any instances of bullying. It was not possible to hold unrelated male and female detainees separately, as the facility had only one holding room. In the three months before the inspection, unrelated males and females had not been held together and no bullying incidents had been reported.

Recommendation

- 1.23 Unrelated male and female detainees should not be held together.

Suicide and self-harm

- 1.24 There had been no self-harm incidents in the three months before the inspection. Staff did not carry anti-ligature knives. Although one was kept on the side of the first-aid box in the DCOs' office, having to retrieve it would have wasted potentially critical time in an emergency.
- 1.25 DCOs received suicide and self-harm prevention training in their induction. This was supplemented by in-house training from a workplace coach. Staff were familiar with the assessment, care in detention and teamwork (ACDT) care planning system used in the immigration detention estate but did not open an ACDT document if a detainee was at risk of self-harm or suicide. Instead, an in-house Reliance care plan was opened; DCOs were unable to find copies of these forms when we requested them. The Reliance forms might not have been immediately recognisable if the detainee were to have been moved to an IRC staffed by a different company.

Recommendations

- 1.26 When detainees attempt or express thoughts of self-harm or suicide, an assessment, care in detention and teamwork (ACDT) document should be opened.
- 1.27 Detainee custody officers (DCOs) should routinely carry anti-ligature knives.

Childcare and child protection

Expected outcomes:

Children are detained only in exceptional circumstances and for the minimum time.. Children's rights and needs for care and protection are respected and met in full

- 1.28 In the three months before the inspection, two children had been held at the facility, both with their parents, for an average of two hours six minutes. The longest-held child had been detained for two and a half hours. Both families had exhausted the applications for asylum and were being held under UKBA's new family returns procedure. After being offered assisted voluntary return, self-check-in removals had been arranged, whereby the families would depart on their own. A few days after failing to check in, enforcement teams had arrested the families in their homes and brought them to the facility, where they had been handed to Reliance staff. As removal directions had been reset within 10 days of the self-check-in removal, the normal 72-hour notice period had been dispensed with and the families removed from the UK on the same day. Both families had been taken to Heathrow.
- 1.29 Family removals were conducted by the asylum removals team, which comprised 13 staff and was based at the facility. The operational members of the asylum removals team and the DCOs working in the holding room had been checked by the Criminal Records Bureau to

enhanced level, and the former had also completed tiers one to three of the Keeping Children Safe training. The team had completed five family removals under the four-stage family returns procedure. None of the families had accepted the assisted voluntary return packages or returned via self-check-in departure; they had all returned under the final stage (the ensured returns stage) of the procedure. Some families had been taken from their homes directly to the airport.

- 1.30 An assistant director had contact with the local safeguarding children board. Immigration staff referred to social services when they suspected that adults and children claiming to be families might not be biologically related.
- 1.31 There were suitable recreational facilities available for children, including toys, an activity table, a hand-held DVD player, children's DVDs and a blackboard, although there was no chalk. Nappies, baby bottles, wipes, a travel cot and a changing mat were available. A wall-mounted baby change facility was located in the holding room, between the two toilets, but it lacked privacy. Baby food was not retained in the facility, owing to low demand, but it could be purchased from nearby shops using petty cash held by the DCOs.

Recommendation

- 1.32 The baby change facility should be located in a place that affords privacy.

Diversity

Expected outcomes:

There is understanding of the diverse backgrounds of detainees and different cultural norms. Detainees are not discriminated against on the basis of their race, nationality, gender, religion, disability or sexual orientation, and there is positive promotion and understanding of diversity

- 1.33 DCOs had received equality training as part of their initial training course but no refresher training. They saw disability primarily in terms of mobility issues. Copies of the Bible and the Qur'an were available in the holding room, and also prayer mats with an integral compass. Staff were familiar with the requirements of Ramadan. Reliance's diversity and disability policy was displayed in the holding room in 16 languages.

Recommendation

- 1.34 Staff should receive ongoing equality training.

Activities

Expected outcomes:

The facility encourages activities to preserve and promote the mental and physical well being of detainees.

- 1.35 There were insufficient activities to keep detainees occupied for the length of time that some spent there (over seven hours in the previous three months). There was a small selection of books and magazines in the holding room, although most of these were in English. The few foreign language newspapers available were over a year old. The television was not working because of the switchover from analogue to digital signals. A portable DVD player was available on request. Detainees could not go into the open air but they were generally held only for short periods.

Recommendation

- 1.36 Detainees should be able to watch television. Books and up-to-date magazines should be available in a range of languages.

Facility rules

Expected outcomes:

Detainees are able to feel secure in a predictable and ordered environment

- 1.37 A single copy of a generic booklet containing rules and information in a range of languages was in the holding room. However, some pages had become detached and graffiti was written across other pages.
- 1.38 DCOs received control and restraint (C&R) training on their induction course, and annual refresher training. In the three months before the inspection, there had been a single incident involving the use of C&R. A detainee had become refractory while being interviewed by UKBA staff in a nearby interview room. DCOs from the facility had heard the disturbance and gone to the assistance of UKBA staff. Reliance and UKBA staff had restrained the detainee. He had not been examined by a medical practitioner, although he had subsequently been asked if he was injured and said that he was not. Incident reports were forwarded to Reliance operational offices and were completed adequately.

Recommendations

- 1.39 There should be sufficient information booklets, in good-condition, for detainees to read.
- 1.40 All detainees subject to control and restraint techniques should be routinely assessed by a health care practitioner as soon as possible after restraint is removed.

Complaints

Expected outcomes:

There is a published complaints procedure; compliant forms are freely available.

- 1.41 Detainees could make formal complaints confidentially. The up-to-date version of the UKBA complaint form, and also a child-friendly version, was available in English and 14 other languages. The forms, along with pens, were stored on the bookshelf in the holding room and could be deposited in a secure complaints box. Detainee feedback and suggestion forms were also available. UKBA staff were responsible for emptying the complaints box and forwarding complaints to the customer service unit of the returns directorate; however, this was not done daily. DCOs were informed about complaints only when they involved them, and were unaware if any complaints had been made in the previous three months.

Recommendation

- 1.42 The complaints box should be emptied daily.

Services

Expected outcomes:

Services available to detainees allow them to live in a decent environment in which their normal everyday needs are met freely and without discrimination.

- 1.43 Detainees could request hot drinks from a vending machine located outside the holding room. Crisps, biscuits and a range of sandwiches, including vegetarian and halal options, were offered to arriving detainees, and further snacks could be requested, but hot meals were not available. A water fountain was located in the holding room.
- 1.44 Women's sanitary products were available in the women's toilet. Toiletry bags containing basic hygiene items were issued to detainees who needed them.

Housekeeping point

- 1.45 Detainees should be able to access hot drinks freely.

Preparation for release

Expected outcomes:

Detainees are able to maintain contact with family, friends, support groups, legal representatives and advisers, are given adequate notice of their release, transfer or removal, and are able to recover property. Families with children and others with special needs are not detained without items essential to their welfare.

- 1.46 Most detainees leaving the facility were subsequently detained elsewhere in the immigration estate. In the previous three months, 87% of detainees had been detained at IRCs or the STHF at Manchester Airport (Pennine House), 7% had been detained at police stations, 5% had been taken straight to an airport for removal and 1% had been released.
- 1.47 On leaving the facility, detainees were given a card on which there was a map and contact details of the IRC to which they were being taken. Escort staff introduced themselves to detainees and explained where they were being taken (see also section on escort vans and transfers). Detainees were given a rub-down search in the holding room and were placed in handcuffs while being taken the short distance to the escort van (see section escort vans and transfers).
- 1.48 Facility staff made efforts to update family and friends of detainees' whereabouts. During the inspection, the partner of one detainee arrived at the reporting centre just as he was about to leave the facility. As the escort staff were working to a tight schedule, they were unable to let her visit. A DCO reassured the detainee that she would update his partner about his situation. After the detainee had left the facility, the DCO, with the aid of a Home Office interpreter, told the partner what had happened and where the detainee was being taken, and gave her a card with contact information.
- 1.49 Detainees had good access to telephones and fax machines. Mobile telephones could be retained if they did not have an integral camera or recording facility. Staff had a supply of dummy mobile telephones which detainees with unsuitable telephones could use with their own SIM cards. Detainees did not have access to email. (see also sections on arrival and accommodation and legal rights).

Recommendation

- 1.50 Detainees should have access to email.

Section 2: Recommendations and good practice

| Recommendations | To UKBA |
|------------------------|----------------|
|------------------------|----------------|

- 2.1 A UK Border Agency official should visit the facility daily, to ensure that it is functioning correctly and that detainees' welfare needs are being met. These visits should be recorded. (1.20)
- 2.2 The complaints box should be emptied daily. (1.42)

| Recommendations | To UKBA and the facility contractor |
|------------------------|--|
|------------------------|--|

- 2.3 Detainees should have access to email. (1.50)
- 2.4 Unrelated male and female detainees should not be held together. (1.23)

| Recommendations | To the escort contractor |
|------------------------|---------------------------------|
|------------------------|---------------------------------|

Escorts, vans and transfers

- 2.5 Handcuffs should only be used if justified by individual risk assessment. (1.4)
- 2.6 All escort vehicles should be equipped with a readily accessible anti-ligature knife. (1.5)

| Recommendations | To the facility contractor |
|------------------------|-----------------------------------|
|------------------------|-----------------------------------|

Arrival and accommodation

- 2.7 Detainees should have access to toilets with seats and floor-to-ceiling screening which provide suitable privacy. (1.9)

Positive relationships

- 2.8 Staff should engage proactively with detainees and check on their welfare at regular intervals. (1.12)
- 2.9 Staff should wear legible name badges. (1.13)

Duty of care

- 2.10 When detainees attempt or express thoughts of self-harm or suicide, an assessment, care in detention and teamwork (ACDT) document should be opened. (1.26)

- 2.11 Detainee custody officers (DCOs) should routinely carry anti-ligature knives. (1.27)

Childcare and child protection

- 2.12 The baby change facility should be located in a place that affords privacy. (1.32)

Diversity

- 2.13 Staff should receive ongoing equality training. (1.34)

Activities

- 2.14 Detainees should be able to watch television. Books and up-to-date magazines should be available in a range of languages. (1.36)

Facility rules

- 2.15 There should be sufficient information booklets, in good-condition, for detainees to read. (1.39)
- 2.16 All detainees subject to control and restraint techniques should be routinely assessed by a health care practitioner as soon as possible after restraint is removed. (1.40)

Housekeeping points

Arrival and accommodation

- 2.17 Confiscation of coins for use in the payphone should be based on an individual risk assessment. (1.10)

Services

- 2.18 Detainees should be able to access hot drinks freely. (1.45)