

Report on an unannounced follow-up
inspection of the non-residential short-
term holding facility:

Waterside Court

22–23 September 2008

by HM Chief Inspector of Prisons

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Contents

Overview	4
The healthy custodial establishment	5
1 Progress on recommendations	7
2 Summary of recommendations	16

Overview

Waterside Court in Leeds is the UK Border Agency (UKBA) reporting centre for West Yorkshire, where people whose immigration applications are being processed report at required intervals. It is also a base for UKBA enforcement officers who conduct operations in the community.

The small holding facility is used briefly to house detainees from the reporting centre or from the community. As well as single men and women, it holds families with children. It was staffed by the contractor Group 4 Security (G4S), broadly in line with the hours of the reporting centre, Monday to Friday, from 9am to 5pm or longer if required. However, there was some additional use by immigration staff outside these times, which was not recorded in holding room logs. Two G4S detainee custody officers (DCOs), male and female, were normally allocated. At the time of the inspection, the contractor was recruiting replacement staff. It was temporarily staffed by two G4S officers who normally worked as escorts, but who had experience of working in a short-term holding facility.

On the first day of the inspection, work at Waterside Court was disrupted by a faulty fire alarm, which caused evacuation of part of the accommodation, although not the holding room. A single male detainee occupied the holding room. Two unrelated detainees, a man and a woman, were present on the second day.

The contractor supplied copies of documentation for the previous three months (58 operational days). This showed that the holding room was occupied nearly every working day and held 104 people during this period, an average of two a day. Thirty per cent of detainees (31) were children and 42% were women (44), which indicated that more people arrived with the family arrest team than from the reporting centre. The average duration of detention was two and a quarter hours, ranging from 20 minutes to six and a half hours. Nearly all detainees were transferred to an immigration removal centre.

Waterside Court non-residential short-term holding facility

Kirkstall Road, Leeds LS4 2QB

Inspected: 22 and 23 September 2008

Last inspected: 6-7 July 2005 (published in *Report on the unannounced inspections of four short-term non-residential immigration holding facilities: Luton International Airport, Waterside Court, Leeds, Portsmouth Continental Ferry Port, Stansted Airport*)

Inspectors

Eileen Bye

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The healthy custodial establishment

HE.1 The concept of a healthy prison was introduced in our 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.2 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.3 The contractor's custody officers in the holding room had good working relationships with the local UKBA staff, who visited frequently, although their visits were not recorded. UKBA was rolling out an extensive child protection training programme. The holding room was used frequently by local family arrest officers, although not all early morning arrivals were recorded in the holding room logs. According to the logs, families were usually held with no other occupants. Few incidents were recorded for the holding room, but copies of incident reports were not kept on site to provide learning points for staff.

Respect

HE.4 The holding room had no permanent staff. The escort detainee custody officers temporarily allocated during the inspection were experienced and alert to the welfare of detainees. Documents and facilities in the room were in good order. Staff were aware of policies, although they had not received refresher training in various policies since their initial training. Apart from a broad statement of respect for diversity on display, there was no diversity policy, and no impact assessment had been undertaken. There was a fresh stock of sandwiches and snacks.

Activities

HE.5 The room had a television and reading material. Exercise in the fresh air was not permitted, and therefore detainees were not permitted to smoke. The average stay was just over two hours.

Preparation for release

HE.6 Detainees were told where they were going as soon as this was known by custody staff. Immigration staff told custodial staff who gave out printed cards with the address of the removal centre and an outline map to show its location in the UK. Detainees could retain mobile telephones that had no camera or internet facility. There was a payphone in the holding room, but no information about how people could call in. Detainees without means were sometimes offered a free call from the office telephone, but a free call following detention was not routine and detainees did not always know they could ask.

Section 1: Progress on recommendations

The paragraph reference number at the end of each recommendation below refers to its location in the previous inspection report.

General recommendations

These general recommendations applied to all four facilities reported on in 2005-06.

To the Home Secretary

- 1.1 **The Independent Monitoring Board National Council should be enabled to implement swiftly a mechanism for regular, independent monitoring of short-term holding facilities. (HE19)**

Achieved. Following negotiation between the Immigration and Nationality Directorate (which became the Border and Immigration Agency in April 2007 and the UK Border Agency in April 2008) and the Independent Monitoring Boards (IMB) national council, regular independent monitoring of short-term holding facilities was being developed. As yet, no IMB was visiting this short-term holding facility.

To the Director General, Immigration and Nationality Directorate (IND) (now Chief Executive, UK Border Agency)

- 1.2 **All holding facilities should have a comprehensive child protection policy agreed with the local Area Child Protection Committee or local Safeguarding Children Board. Staff in contact with children should receive appropriate training and all staff should undergo enhanced Criminal Records Bureau checks. (HE20)**

Partially achieved. UKBA was delivering a three-tier 'keeping children safe' learning and development package. All staff were to complete the first tier e-learning package; tier two comprised classroom training for staff interacting with children; and tier three was role specific. One of the chief immigration officers was the designated link with the local authority and attended meetings relevant to child protection. When it was planned to detain a family with children, there were checks with the local authority social services in case the family was known to them. G4S detainee custody officers had enhanced CRB checks routinely, and had some child protection initial training, but no refresher training.

Further recommendation

- 1.3 **Contractor custodial staff should receive regular up-to-date child protection training.**

- 1.4 **All facility staff should be aware of the procedures for detaining children and should report to IND if those procedures appear not to have been carried out; all those claiming to be children should be treated as such until independent medical examination confirms otherwise. (HE21)**

Partially achieved. A G4S child protection policy included a code of practice and flow chart for raising concerns, although staff had not received recent training on child protection. The

folder containing the policy also had some useful advice on child-friendly equipment, potential dangers and good practice. The working relationship between G4S and UKBA staff at Waterside Park was good, enabling custody officers to raise queries with immigration staff. We found no evidence that young people whose age was in dispute were detained at the reporting centre or by enforcement officers in the community. Immigration staff said that these queries were usually decided at an earlier stage (see also paragraph 1.2).

1.5 Families with children and women should be held in separate and appropriate accommodation. (HE22)

Not achieved. In the 58 working days before our inspection, 31 children were detained – 30% of the occupants of the holding room. The holding room logs recorded that slightly more people arrived with the family arrest team than from the reporting centre at Waterside Court. However, staff also reported that not all family detentions were logged in the holding room documentation, as they often came and left early in the morning before the contractor's detainee custody officers arrived. Detainees generally spent only a short period in the holding room awaiting a transfer vehicle to take them to an immigration removal centre, usually Yarl's Wood, near Bedford. However, one family spent three-and-a-half hours in the holding room. Immigration and custody staff collaborated to avoid the detention of families in the single holding room alongside unrelated detainees. We found a single example of a family (adult male and 14-year-old boy) sharing the accommodation with an apparently unrelated male of a different nationality. During the inspection, an unrelated man and woman were held together in the single holding room (see paragraph 1.39).
We repeat the recommendation.

Further recommendation

1.6 Details of all detainees held in the holding room should be logged in the holding room logs.

1.7 Detainees should always be provided with adequate telephone facilities and a free telephone call on arrival to contact families and legal advisers and sort out practical problems. Detainees should be allowed to use mobile telephones. (HE23)

Partially achieved. Access to telephones had improved. Detainees could keep their own mobiles if they had no camera or internet facility. One of the detainees we saw had been able to keep his mobile, although he could not get a signal in the holding room. There was a payphone in the holding room, but the detainee did not know that he could ask to recover his stored cash or card, or ask for change, until we told him. Nor did he know that he could ask to make a call on the office telephone, which was available if a detainee had no other means of making a call – although it was not private. The payphone did not display the number for detainees to receive calls from their family or solicitor.

Further recommendations

1.8 Detainees should be able to make a free telephone call in private on arrival to let someone know of their detention.

1.9 Detainees should be able to receive incoming calls, and the number of the holding room telephone should be displayed.

1.10 A written notice should advise detainees of access to telephones.

- 1.11 Detainees should be able to contact their legal representative by telephone, fax or email, free of charge, and in private, shortly after detention. Access or refusal should be documented. (HE24)

Partially achieved. Detainees had access to a telephone (see above) with some limitations and little privacy, and immigration staff faxed documents to legal representatives if required. There was no internet access. Access was not routinely recorded.

We repeat the recommendation.

- 1.12 Written reasons for detention should be provided at the time of detention in a language the detainee can understand. (HE25)

Partially achieved. Immigration staff issued written reasons for detention, but in English only. They used interpreters to explain the content of documents if required.

We repeat the recommendation.

- 1.13 Medical examinations should always be conducted after every incident of use of force or self-harm and to detect any injuries on first detention. IND should monitor trends and where necessary commission investigations. (HE26)

Achieved. There had been only one recorded incident of self-harm in the previous 18 months. On that occasion, custodial staff had called paramedics who treated the detainee and recommended that he be checked at hospital.

- 1.14 Detainees should have access to a healthcare check within 24 hours of arrival. (HE27)

Not achieved. Although there were no arrangements for routine healthcare checks, detainees were not held for more than 24 hours at Waterside Court. If a detainee arrived with medication, custodial staff called a medical advice line for advice about whether the detainee should be allowed to take the medication while they were at the holding centre. If a detainee required urgent medical treatment, custodial staff called 999.

- 1.15 There should be regular, documented supervision of each holding room by on-site immigration managers, reporting to senior managers at IND. (HE28)

Partially achieved. The duty chief immigration officer visited the holding room most days. Immigration staff gave advance information about planned detentions. Custody officers confirmed a good working relationship and easy access to immigration staff on site. However, visits were not logged.

We repeat the recommendation.

- 1.16 Detainees should receive written information about the place of detention and what will happen next in a language they understand. (HE29)

Partially achieved. The contractor had produced a booklet in 15 languages with some basic information about arrangements in the facility. A copy was in the holding room. Documentation issued by UKBA about what might happen next was usually in English only. Information about transfer was handed over as soon as custodial staff knew where detainees were going. UKBA cards for each immigration removal centre contained details of its address, telephone number and visiting times, and a map of its location.

Further recommendation

- 1.17 UKBA information for detainees about what will happen should be available in a range of languages.

Additional information

- 1.18 The telephone and account number of a telephone interpreting agency was taped to the office telephone to help custody staff use this service. One of the custody officers confirmed that she had used it, although infrequently.

- 1.19 **Detainees held for several hours should have access to an exercise area in the open air. (HE30)**

Not achieved. There was no access to an area for exercise in the open air. The holding centre was usually only open between 9am and 5pm and the average length of stay was two and a quarter hours; the maximum stay recorded in the previous three months was six and a half hours.

We repeat the recommendation.

- 1.20 **New escort vehicles should be examined to check that they provide a safe and decent environment. (HE31)**

Partially achieved. The single escort vehicle we saw had reasonably spaced seating, space for property, and darkened windows for privacy. However, staff said the seating in some escort vehicles was so confined that it was not only uncomfortable for detainees, but also difficult to manoeuvre people in and out.

We repeat the recommendation.

To all holding facility managers

- 1.21 **Custodial staff should receive refresher training in anti-bullying and suicide prevention. (HE32)**

Not achieved. Staff received training in anti-bullying and suicide prevention as part of their initial training, but there was no programme of refresher training.

We repeat the recommendation.

- 1.22 **Anti-bullying and harassment and suicide and self-harm policies and procedures should be in place in every holding room. (HE33)**

Achieved. Core standard operating procedures were available in the holding room. They contained both anti-bullying and self-harm and suicide policies and procedures.

- 1.23 **Copies of all suicide and self-harm documentation should be kept in the holding facility for 12 months. (HE34)**

Not achieved. All incident reports and accompanying documentation were sent to G4S immediately after the incident. Copies were not routinely held at the holding facility.

We repeat the recommendation.

- 1.24 **All holding rooms should have documented and approved fire and health and safety policies and procedures. (HE35)**

Achieved. Fire and health and safety policies and procedures were available. The G4S information booklet available in a range of languages contained brief information on evacuation in an emergency.

- 1.25 **General information about legal rights including how to apply for bail and how to find competent and qualified legal advice should be freely available to detainees in a range of common languages. (HE36)**

Partially achieved. A notice in the holding room, in English only, provided telephone numbers of two legal advice agencies and one general advice agency. Similar information was included in the small print on the back of the IS91R, reasons for detention form, given to detainees.
We repeat the recommendation.

- 1.26 **There should be a race relations and diversity policy in every holding room. (HE37)**

Not achieved. Staff could not locate a race relations and diversity policy, although there was a recent statement on respecting diversity on the office notice board.
We repeat the recommendation.

- 1.27 **There should be adequate sleeping and sanitary provision for people detained overnight. (HE38)**

Not relevant. Detainees were not held in the holding room overnight.

- 1.28 **Holding rooms should contain newspapers, books, notices and other reading material in different languages, including basic information on the facility. (HE39)**

- 1.29 **Partially achieved.** Some English language national newspapers and a copy of *Eastern Eye* were available. There were also several magazines on a range of topics, and a small selection of children's books, including two in Chinese. The G4S detainee information booklet available in 15 languages provided brief general information on what detainees should expect in a short-term holding facility.

Further recommendation

- 1.30 The holding room should contain up-to-date newspapers and a range of books, including children's books, in a range of languages.

- 1.31 **Arrangements should be in place to allow detainees to recover or arrange for the disposal of their property and detainees should be informed of this. (HE40)**

Not achieved. Staff told us that detained families were normally detained at home and given the opportunity to pack belongings. Bags were supplied if needed. Others detained in the community or at the reporting centre had little opportunity to recover property, although they could ask for their property to be delivered to the reporting centre if they could contact someone before transfer. There were no arrangements to permit them to return home to collect property, or even get money from a cash machine, although immigration staff were prepared to go to their home to collect necessary medication. Custody officers sometimes handed over a detainee's car keys to a friend or relative to enable them to move their car if it were parked outside the reporting centre, or allowed them to collect spare clothing left at the

front desk.

We repeat the recommendation.

- 1.32 **Copies of all control and restraint incident reports and all complaints should be retained in every holding room for a minimum of 12 months. (HE41)**

Not achieved. All control and restraint incident reports and complaints were sent to G4S, and no copies were held at the holding centre, although G4S later provided us with copies. Retention of copies of incident reports at the holding centre would help provide on-site UKBA and custodial staff with ongoing information on the use of the centre and any learning points.

Further recommendation

- 1.33 Copies of all control and restraint incident reports should be retained in the holding room for a minimum of 12 months.

Additional information

- 1.34 There had been only one recorded incident in the previous 18 months. This had involved a detainee who had self-harmed and was recorded as a self-harm incident. However, while moving the detainee from the holding room to an ambulance, custodial staff used handcuffs to ensure the safety of the detainee and staff. Despite this, no separate use of force documentation was provided to us.

Further recommendations

- 1.35 There should be a numbered register of incidents, which managers should check regularly to ensure that all incidents are correctly logged.
- 1.36 Use of force forms should be completed on every occasion that force is used.

- 1.37 **Detainees should be aware of how to make a racist incident complaint and assisted to do so. (HE42)**

Not achieved. There was no separate procedure for making a racist incident complaint and no definition of a racist incident was displayed. Detainees could use the general complaints system to make a racist incident complaint, and a notice in the holding room explained the complaints procedure. Staff were not aware of any racist incident complaints, but said they would refer any to a UKBA manager on site

Further recommendation

- 1.38 Notices defining a racist incident and informing detainees how to make a complaint should be displayed in the holding room in a range of languages.

- 1.39 **An assessment of the impact of policies on different religious, ethnic and cultural groups should be conducted. (HE43)**

Not achieved. Staff were not aware of a comprehensive impact assessment. During the

inspection, an unrelated Pakistani man and Somali woman were held together in the single small holding room. The environment was uncomfortable for both. (See recommendation 1.5.) The room contained two toilets, neither designated male or female, with doors that had gaps at the top and bottom. (See recommendation 1.45.) The inspection took place during Ramadan and the man was fasting. He expressed concern about praying in these circumstances. The small wash units in the toilets were not adequate for ablutions. In the weeks preceding the inspection, we came across further examples of occupants fasting during Ramadan, including a couple aged 60 and 70.

We repeat the recommendation.

- 1.40 There should be a disability policy and a designated disabilities officer for every holding room. (HE44)**

Not achieved. Staff were not aware of a disability policy or designated disabilities officer for the accommodation, although the contractor had a senior manager who advised on this issue generally. They could not recall receiving any detainee with a visible or reported disability. The building was on one level and accessible, and there was a slope to the vehicle park. There was a toilet suitable for people with disabilities in the building.

We repeat the recommendation.

- 1.41 A female custody officer should be on duty when women or children are detained. (HE45)**

Achieved. The holding room was staffed by two DCOs, one male and one female.

- 1.42 All holding rooms should have a menu of food items on offer, translated into common languages, or with pictures, indicating halal, vegetarian and vegan options. (HE46)**

Not achieved. The fridge held a stock of fresh sandwiches with a range of fillings, which were all halal, sealed containers of fruit, baby milk and food. All food was in date and the fridge was clean. Packs of cereal, dried fruit and biscuits were also stored. Fresh milk or other items to meet specific needs could be bought with petty cash from nearby shops. The free drinks machine included soup. The foodstuffs were not labelled in different languages, but were packed in clear containers so the content was visible.

We repeat the recommendation.

- 1.43 Copies of detainee reception logs should be kept in holding rooms for a minimum of three months. (HE47)**

Not achieved. Following agreement with the contractor that copies of daily logs could be recovered from the contractor's central office, we do not repeat this recommendation. Daily logs for the past two months were still on site. Incident reports were not kept on site routinely.

Other recommendations

These recommendations were specific to Waterside Court

- 1.44 Detainees with special needs should be held in accommodation that provides adequate safeguards and care and any decision to transfer them should be subject to documented review of their needs and care. (2.9)**

Achieved. There had been no recent incidents in which vulnerable detainees had been transferred inappropriately, for example to a police station, at the end of Waterside Court's

working day. Detainees were transferred to immigration removal centres, and the contractor kept a vehicle to transfer them before the end of the working day.

- 1.45 Toilets should be separate, or more robustly screened from the holding room. They should be designated for men and women and should include a baby change facility and means of safe sanitary disposal. (2.19)**

Not achieved. The toilets were largely unchanged from our last inspection, with two unisex cubicles that had doors with gaps and little privacy (see paragraph 1.39). A pull-down baby change unit had been fitted, and there was a supply of nappies and wipes. The sanitary disposal unit was in the office area and detainees had to give used nappies and sanitary items to staff for disposal. At the time of the inspection, the soap dispensers in both toilets were empty.

We repeat the recommendation.

Further recommendation

- 1.46** The soap dispensers in the toilets should be checked daily and replenished as necessary.

- 1.47** The CCTV system should be upgraded. (2.20)

Achieved. Five cameras covered the holding room area and the outside access. The quality of the picture was satisfactory, and the cameras covered most areas of the holding room.

- 1.48** The damaged observation window in the staff office should be replaced. (2.21)

Achieved. The damaged window had been replaced.

- 1.49** The doors between the holding area and the staff corridor should be solid or opaque to screen detainees from passers-by. (2.22)

Not achieved. The doors still had glass panels, but the corridor was little used and we do not repeat the recommendation.

- 1.50** The holding room should be properly cleaned regularly. (2.30)

Achieved. A cleaner visited the holding room twice a day, and it was clean and tidy.

- 1.51** Fire evacuation exercises should be conducted regularly and a record of the exercises should be maintained. (2.31)

Not achieved. Custodial staff working in the holding room were unaware of any fire evacuation exercises.

We repeat the recommendation.

- 1.52** Detainees should be informed of the availability of religious texts and other religious items. (2.43)

Partially achieved. Some religious texts were stored on top of a filing cabinet in view of the holding room, and a prayer mat was available. The inspection took place during Ramadan. One of the detainees was Muslim and told us that he would need to pray, although he had not

been told that the texts or the mat were available, and he was concerned that the small wash unit in the toilet was not suitable for the required ablutions (see paragraph 1.39).

1.53 Following risk assessment by the immigration team, detainees should be allowed visitors. (2.50)

Not achieved. Detainees were not allowed visitors, but they could contact someone to let them know their whereabouts and request delivery or collection of property (see paragraph 1.31). As detainees were held for short periods only, we do not repeat this recommendation.

Section 2: Summary of recommendations

The following is a list of both repeated and further recommendations included in this report. The reference numbers in brackets refer to the paragraph location in the main report.

To the Chief Executive, UK Border Agency

- 2.1 Contractor custodial staff should receive regular up-to-date child protection training. (1.3)
- 2.2 Families with children and women should be held in separate and appropriate accommodation. (1.5)
- 2.3 Details of all detainees held in the holding room should be logged in the holding room logs. (1.6)
- 2.4 Detainees should be able to make a free telephone call in private on arrival to let someone know of their detention. (1.8)
- 2.5 Detainees should be able to receive incoming calls, and the number of the holding room telephone should be displayed. (1.9)
- 2.6 A written notice should advise detainees of access to telephones. (1.10)
- 2.7 Detainees should be able to contact their legal representative by telephone, fax or email, free of charge, and in private, shortly after detention. Access or refusal should be documented. (1.11)
- 2.8 Written reasons for detention should be provided at the time of detention in a language the detainee can understand. (1.12)
- 2.9 There should be regular, documented supervision of each holding room by on-site immigration managers, reporting to senior managers at UKBA. (1.15)
- 2.10 UKBA information for detainees about what will happen should be available in a range of languages. (1.17)
- 2.11 Detainees held for several hours should have access to an exercise area in the open air. (1.19)
- 2.12 New escort vehicles should be examined to check that they provide a safe and decent environment. (1.20)

To the holding facility centre manager

- 2.13 Custodial staff should receive refresher training in anti-bullying and suicide prevention. (1.21)
- 2.14 Copies of all suicide and self-harm documentation should be kept in the holding facility for 12 months. (1.23)

- 2.15 General information about legal rights including how to apply for bail and how to find competent and qualified legal advice should be freely available to detainees in a range of common languages. (1.25)
- 2.16 There should be a race relations and diversity policy in every holding room. (1.26)
- 2.17 The holding room should contain up-to-date newspapers and a range of books, including children's books, in a range of languages. (1.30)
- 2.18 Arrangements should be in place to allow detainees to recover or arrange for the disposal of their property and detainees should be informed of this. (1.31)
- 2.19 Copies of all control and restraint incident reports should be retained in the holding room for a minimum of 12 months. (1.33)
- 2.20 There should be a numbered register of incidents, which managers should check regularly to ensure that all incidents are correctly logged. (1.35)
- 2.21 Use of force forms should be completed on every occasion that force is used. (1.36)
- 2.22 Notices defining a racist incident and informing detainees how to make a complaint should be displayed in the holding room in a range of languages. (1.38)
- 2.23 An assessment of the impact of policies on different religious, ethnic and cultural groups should be conducted. (1.39)
- 2.24 There should be a disability policy and a designated disabilities officer. (1.40)
- 2.25 All holding rooms should have a menu of food items on offer, translated into common languages, or with pictures, indicating halal, vegetarian and vegan options. (1.42)
- 2.26 Toilets should be separate, or more robustly screened from the holding room. They should be designated for men and women and should include a baby change facility and means of safe sanitary disposal. (1.45)
- 2.27 The soap dispensers in the toilets should be checked daily and replenished as necessary. (1.46)
- 2.28 Fire evacuation exercises should be conducted regularly and a record of the exercises should be maintained. (1.51)