

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

Festival Court Glasgow

by HM Chief Inspector of Prisons

25 May 2016

Glossary of terms

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Fact page

Task of the establishment

To hold immigration detainees following arrest or reporting and before transfer to residential detention

Location

Festival Court, Glasgow

Name of contractor

Tascor

Last inspection

6 September 2011

Escort provider

Tascor

Introduction

Festival Court is a complex of three buildings on the south side of Glasgow and is the centre of the Home Office immigration operations in Scotland. Festival Court houses an immigration compliance and enforcement (ICE) team, a reporting centre and a short-term holding facility. The private contractor Tascor runs the facility on behalf of the Home Office. It is open Monday to Friday, 9am to 5pm.

Detainees arrive at the facility from two locations: some arrived after being arrested by ICE teams in the community and others after attending the reporting centre. The two detainees held during our inspection had attended the reporting centre. We inspected the daily reception logs for the previous three months from February to April 2016, during which time 73 detainees had been held at the facility, almost all of whom were male. The average length of detention for these detainees was two hours 19 minutes, with the longest period being seven hours 54 minutes. In addition, just before our inspection in May, a detainee was held for over 10 hours.

The facility comprised a single holding room and a detainee custody officers' (DCOs') office. DCOs were particularly helpful and supportive to the two detainees, who were visibly upset at being detained. Home Office staff interacted with detainees appropriately. One detainee was served with paperwork in an interview room with disproportionate security features. Belts and scarves were unnecessarily removed from detainees. Children were occasionally held in the facility. Food was unappealing. Our main concern related to the unnecessary detention of one woman who was held following an administrative error. An Independent Monitoring Board regularly visited the facility.

About this inspection and report

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.

All inspections carried out by HM Inspectorate of Prisons contribute to the UK's response to its international obligations under the Optional Protocol to the UN 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.

All Inspectorate of Prisons reports carry a summary of the conditions and treatment of detainees, based on the four tests of a healthy prison that were first introduced in this inspectorate's thematic review *Suicide is everyone's concern*, published in 1999. The tests have been modified to fit the inspection of short-term holding facilities, both residential and non-residential. The tests for short-term holding facilities are:

Safety – that detainees are held in safety and with due regard to the insecurity of their position

Respect – that detainees are treated with respect for their human dignity and the circumstances of their detention¹

Preparation for removal and release – that detainees are able to maintain contact with family, friends, support groups, legal representatives and advisers, access information about their country of origin and be prepared for their release, transfer or removal. Detainees are able to retain or recover their property.

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.

¹ Non-residential STHFs are unsuitable for long stays and detainees should not be held in them for more than a few hours. This limits what activities can or need to be provided. We will therefore report any notable issues concerning activities in the accommodation and facilities section.

Summary

- S1 At our inspection in 2011, we made 14 recommendations, six of which were achieved and eight were not achieved.
- S2 Detainees arrived at the facility after being picked up in the community or after attending the adjacent reporting centre. Immigration enforcement vehicles parked a few feet away from the rear entrance to the facility out of public view. Immigration enforcement officers interviewed individuals after they had reported and before detention to determine if they were fit for detention. Reasons for detention were clearly explained but in one case that we observed the reasons were served through a perspex window, which was inappropriate. Immigration enforcement officers were otherwise polite and respectful. Detainee custody officers (DCOs) worked hard to reassure detainees and meet their immediate needs.
- S3 Detainees were held safely and DCOs could monitor them easily. Men and women could not be held separately in the facility, although it was rare for men and women to be held at the same time. DCOs carried anti-ligature knives but belts, scarves and ties were routinely taken from detainees. Force was rarely used. DCOs were alert to the needs of vulnerable detainees.
- S4 During the previous 12 months, three families with children had been held in the facility. The facility was suitably equipped for short family stays.
- S5 DCOs helped detainees notify their legal representatives of their detention shortly after arrival and faxed through relevant legal documents. One of the two detainees held during our inspection was detained following a casework error. A detainee was held for over 10 hours shortly before our inspection. The facility was not suitable for such long stays.
- S6 The facility remained largely unchanged since our last inspection and comprised a holding room and DCOs' office. Toilet cubicles in the holding room were inadequately screened and the toilets had no lids or seats. Snacks were freely available but hot food was unappetising. The television did not work and there were no up-to-date newspapers.
- S7 DCOs understood and supported detainees in their care. They frequently spoke to detainees and tried to meet their needs. Detainees could make written complaints and practise their religion. The facility lacked an adapted toilet but detainees with disabilities could use one in Festival Court if necessary.
- S8 Nearly all detainees were taken to Dungavel House immigration removal centre approximately 25 miles away on departure from the facility. Escort vehicles were based about seven miles away in Cambuslang. Detainees were not routinely handcuffed from the facility. Friends and family could hand over property for detainees at the front desk of Festival Court.

Section 1. Safety

Arrival

Expected outcomes:

Detainees under escort are treated safely, decently and efficiently. Detainees taken into detention are treated with respect, have the correct documentation, and are held in safe and decent conditions. Family accommodation is suitable.

- 1.1 Most people entered the facility following arrest in the community or after attending the reporting centre. An immigration compliance and enforcement team conducted intelligence-led operations throughout Scotland and some detainees had long journeys from the Highlands and Islands before entering the facility. We were unable to inspect Tascor vans but immigration enforcement vans had blacked out windows. Vehicles parked in a semi-secure area at the rear of Festival Court away from public view. Vehicles could park within a few feet of an entrance that led directly into the facility.
- 1.2 Over 700 people attended the reporting centre each week as part of their temporary admission conditions. Those who had exhausted their appeal rights and whom the Home Office were seeking to remove from the UK could be detained at the facility. We observed the detention of two women who had attended the reporting centre. Officers from the Home Office Immigration Enforcement directorate interviewed the women to ensure there were no last minute changes in circumstances that would make detention inappropriate, such as medical issues or care responsibilities. We observed both of these interviews.
- 1.3 The interview room was suitably furnished but the chairs were bolted to the floor which was disproportionate to the risks posed by the detainee. The officers were polite and respectful. After taking bio-data information from the woman and confirming her personal circumstances, the officers checked with their manager that the detention should proceed. The detainee was taken to the holding room where she was served with the necessary documents and the reasons for her detention explained in English, which she understood. The detainee was upset but the officers spoke to her calmly and explained what would happen next and that she would be given a chance to call her solicitor. The immigration enforcement officers then passed the written authority to the detainee custody officer (DCO) and left the facility.
- 1.4 A male and female DCO were on duty during our inspection which we were told was usually the case. The female DCO explained that she did not work for the Home Office and that her role was to care for the detainee while she was detained. The female DCO gave the detainee a quick rub-down search out of sight of the male officer. The DCOs then helped the detainee transfer her SIM card from her camera phone to the facility phone. They called the detainee's solicitor to advise that she had been detained. The detainee's property was placed in a large plastic bag and tagged. The DCO talked to the detainee throughout to establish a rapport and reassure her.
- 1.5 A second woman was detained in the afternoon and a similar process was followed. Before proceeding with the detention, the immigration enforcement officers interviewed the woman to determine if there were any factors preventing detention and checked with their manager that detention remained appropriate. The officers did not serve documents in the holding room and instead took the woman into a secure interview room. This room was unwelcoming with inappropriate features: the door was locked and the chairs bolted to the floor and the detainee was separated from the officers behind a perspex screen that ran from wall to wall. This was particularly disproportionate to any risks the detainee may have

posed. Festival Court security staff had searched her and her belongings before the interview. Immigration enforcement officers checked the detainee could speak English and clearly explained her reasons for detention.

- 1.6 The detainee was taken into the holding room and handed into the custody of the DCOs. She became distraught but the female DCO made very good attempts to calm and reassure her. Priority was given to providing the detainee with access to a telephone and her solicitor.
- 1.7 Forms authorising detention (IS91) were passed from immigration enforcement to Tascor. The section documenting known risk factors was completed correctly and listed the detainees' medication.

Recommendation

- 1.8 **Detainees should not be interviewed behind perspex screens.**

Keeping detainees safe

Expected outcomes:

Detainees feel and are safe from bullying and victimisation. The facility provides a safe and secure environment which reduces the risk of self-harm and suicide. The centre promotes the welfare of all detainees, particularly adults at risk, and protects them from all kinds of harm and neglect.² Force is only used as a last resort and for legitimate reasons.

- 1.9 Staff had good views of the holding room through a large window. A curved mirror on the far wall helped DCOs to see two small blind spots and the facility was covered by CCTV cameras. One detainee told us she felt physically safe but the other did not wish to speak to us. Men and women could not be held in the facility separately, although DCOs said that it was rare to hold men and women at the same time. During the previous three months, only three of 73 detainees held had been women. DCOs said that if a woman felt uncomfortable, they would ask one of the detainees to sit in the secure interview room (room 101) with a DCO stationed outside the room to monitor the detainee. The room was uncomfortable for long stays and lacked many of the softer features found in the holding room.
- 1.10 DCOs carried anti-ligature knives and completed suicide and self-harm warning forms if necessary, which accompanied detainees to their next place of detention. There had been no recorded incidents of self-harm in the previous year. DCOs removed detainees' belts, scarves and ties regardless of the level of risk presented by each detainee. This was a disproportionate response to risk and inconsistent as shoelaces were not removed.
- 1.11 Force had not been used in the previous 12 months. Both officers were trained in the Home Office Manual for Escorting Safely and received refresher training every six months.
- 1.12 DCOs were alert to the vulnerability of detainees but had not received formal adult safeguarding training and were unaware of any relevant Tascor policy. Basic care plans were completed for detainees with disabilities. Notices in the reporting centre alerted individuals to the dangers of trafficking.

² We define an adult at risk as a person aged 18 years or over, 'who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation'. 'No secrets' definition (Department of Health 2000).

Recommendations

- 1.13 The facility should be redesigned so that men and women can be held separately.
- 1.14 Confiscation of clothing items should be based on an individual risk assessment.
(Repeated recommendation 1.27)
- 1.15 DCOs should receive ongoing training in adult safeguarding.

Safeguarding children

Expected outcomes:

The facility promotes the welfare of children and protects them from all kinds of harm and neglect.

- 1.16 Children were not routinely held in the facility but it was occasionally used to hand over families from immigration enforcement to Tascor. Families being removed could be arrested at home and brought to the facility with the approval of the Independent Family Returns Panel. After a short time in the facility they would be handed to Tascor escorts to take them to an airport or to Cedars pre-departure accommodation. While in the facility, the family were under the custody of the escort team rather than the DCOs. Three families had been held at the facility in the previous 12 months.
- 1.17 The facility contained appropriate items for children held for short periods, including books, toys and games. There were suitable facilities for babies apart from the baby change facility which was fixed to a wall in the holding room and lacked privacy.

Recommendation

- 1.18 The baby change facility should be located in a position that offers privacy.
(Repeated recommendation 1.34)

Legal rights and casework

Expected outcomes:

Detainees are fully aware of and understand their detention. Detainees are supported by the facility staff to exercise their legal rights freely. Detention is carried out on the basis of individual reasons that are clearly communicated. Detention is for the minimum period necessary.

- 1.19 From 1 February to 30 April 2016, 73 detainees had been held at the facility, 96% of whom were male. Detainees originated from 21 countries, the most common of which were Pakistan (22%), India (19%), China (12%), Iran, Iraq and Vietnam (all 6%).
- 1.20 The average length of detention during this period was two hours 19 minutes, with the longest single period of seven hours 54 minutes. However, just a few days before our inspection in May, one detainee had been held for 10 hours 10 minutes which was far too long in such a small facility.
- 1.21 Both detainees held during the inspection were legally represented and DCOs gave priority to informing solicitors that their clients were in detention and faxing legal documents to

them (see paragraph 1.6). Detainees could keep in touch with their solicitors by telephone. A notice in the holding room displayed the contact number of the Scottish law society but this was in English only.

- 1.22** One detainee held during our inspection was detained following a casework error by the Home Office. The detainee's original application had been refused but she had submitted a further application to remain in the UK which was not linked to her original electronic records. There was a mistaken belief that she was removable from the UK and the DCOs' diligence in faxing the detainee's documents alerted her solicitor to the error. The solicitor made representations to the Home Office and the detainee was released after spending more than three hours in detention. This mistake caused the detainee unnecessary stress and upset.

Recommendation

- 1.23 Home Office caseworkers should scrutinise and process cases diligently to ensure that detention is only used when absolutely necessary, and for as short a period as possible.**

Respect

Accommodation and facilities

Expected outcomes:

Detainees are held in a safe, clean and decent environment. Detainees are offered varied meals to meet their individual requirements. Food is prepared and served according to religious, cultural and prevailing food safety and hygiene regulations. The facility encourages activities to preserve and promote the mental and physical well-being of detainees.

- 1.24** The facility comprised a holding room and the DCOs' office. A door from the DCOs' office led into the car park at the back of Festival Court. Detainees who were arrested by immigration compliance and enforcement teams entered through this door and all detainees leaving with Tascor escorts left through this door, which was out of public view and prevented unnecessary embarrassment.
- 1.25** The holding room remained largely unchanged since our last inspection. It contained a table with six fixed chairs, a small padded bench too short for an adult to lie down on and a bean bag. There was also a bookcase, television and a pay phone. Two toilet cubicles, one male and one female, were located in either corner of the holding room. Doors on the cubicles were not fully screened and had gaps at the top and bottom. Toilets were clean but had no seats or lids. The female cubicle contained sanitary items. The holding room itself did not have a window but some natural light filtered in from a window in the DCOs' office. Various helpful notices were displayed on walls around the holding room.
- 1.26** Detainees were offered a small range of unappealing microwave meals stored at room temperature or porridge oats. Crisps, biscuits and long-life croissants were freely available in the holding room. DCOs said that they were authorised to buy food with petty cash if a detainee had particular dietary requirements. We saw DCOs regularly offer detainees water and hot drinks.
- 1.27** The two detainees were too anxious and shocked to engage in activities but a number of books and magazines were available. The television was not working and there were no up-to-date newspapers, although we were told that this was an oversight and papers were usually purchased each day. There was no opportunity for detainees to go outside or for smokers to smoke. Nicotine replacement therapies were not available.

Recommendations

- 1.28 Toilets should provide suitable privacy and they should have seats and lids.**
(Repeated recommendation 1.9)
- 1.29 Detainees should be offered food of reasonable quality.**
- 1.30 Detainees held for more than a few hours should have access to fresh air. Nicotine replacement therapies should be available to those who need them.**

Respectful treatment

Expected outcomes:

Detainees are treated with respect by all staff, with proper regard for the uncertainty of their situation and their cultural backgrounds. Effective complaints procedures are in place for detainees which are easy to access and use, in a language they can understand. Responses are timely and can be understood by detainees. There is understanding of the diverse backgrounds of detainees and different cultural backgrounds. The distinct needs of each protected characteristic, including race equality, nationality, religion, disability, gender, transgender, sexual orientation, age and pregnancy, are recognised and addressed.

- 1.31 DCOs were supportive and understanding of the detainees in their care. They spoke to the women frequently and took steps to meet their immediate needs. The female DCO went to great lengths to support and reassure the detainee who was particularly distraught at her detention. One detainee confirmed that DCOs and immigration officers were decent but she was frustrated that she been detained. The second detainee did not want to speak to us.
- 1.32 Complaint forms in English and other commonly spoken languages were freely available. Child friendly versions were also available. We submitted a dummy complaint which was collected shortly after submission. During the previous year, Tascor had received no complaints about the facility.
- 1.33 Detainees were able to practise their religion. Holy books and prayer mats were respectfully stored. A compass was available on request to help detainees find the Qibla.
- 1.34 There was no adapted toilet for detainees with a disability but DCOs said they would ask immigration enforcement for permission to use one located in Festival Court. DCOs would open disability care plans if required but neither DCO could remember needing to do so.
- 1.35 Telephone interpreting had been used on five occasions from February to April 2016, which was surprisingly low given the number and diversity of detainees held during that period.

Preparation for removal and release

Expected outcomes:

Detainees are able to maintain contact with the outside world and be prepared for their release, transfer or removal. Detainees are able to retain or recover their property. Families with children and others with specific needs are not detained without items essential to their welfare.

- 1.36** On leaving the facility, many detainees were transferred to Dungavel House immigration removal centre approximately 25 miles away in South Lanarkshire. Tascor escort vehicles were based in Cambuslang, about seven miles from the facility. Detainees were told soon after entering the facility where they would be taken. Those going to Dungavel House were given a small card with a map and details of where the centre was.
- 1.37** We were unable to observe detainees departing the facility but we were told that vehicles parked a few feet from the door in the DCOs' office which led directly into the car park. DCOs said that they would only handcuff detainees when escape risks had been identified. Fresh clothes and bags were stocked for those who needed them but DCOs said the stocks had never been used.
- 1.38** Detainees could not access the internet or email, nor could they meet friends or family face to face. Friends and family could drop off belongings for detainees.

Recommendation

- 1.39 Detainees should have access to the internet, including email, social networking sites and Skype, unless an individual risk assessment indicates otherwise.**

Section 2. Recommendations

Recommendations

To the Home Office

Safety

- 2.1 Detainees should not be interviewed behind perspex screens. (1.8)
- 2.2 The facility should be redesigned so that men and women can be held separately. (1.13)
- 2.3 DCOs should receive ongoing training in adult safeguarding. (1.15)
- 2.4 Home Office caseworkers should scrutinise and process cases diligently to ensure that detention is only used when absolutely necessary, and for as short a period as possible. (1.23)

Respect

- 2.5 Toilets should provide suitable privacy and they should have seats and lids. (1.28, repeated recommendation 1.9)

Preparation for removal and release

- 2.6 Detainees should have access to the internet, including email, social networking sites and Skype, unless an individual risk assessment indicates otherwise. (1.39)

Recommendation

To the Home Office and facility contractor

Respect

- 2.7 Detainees held for more than a few hours should have access to fresh air. Nicotine replacement therapies should be available to those who need them. (1.30)

Recommendations

To the facility contractor

Safety

- 2.8 Confiscation of clothing items should be based on an individual risk assessment. (1.14, repeated recommendation 1.27)
- 2.9 The baby change facility should be located in a position that offers privacy. (1.18, repeated recommendation 1.34)

Respect

- 2.10 Detainees should be offered food of reasonable quality. (1.29)

Section 3. Appendices

Appendix I: Inspection team

Colin Carroll

Inspector

Appendix II: Progress on recommendations from the last report

The following is a list of all the recommendations made in the last report, organised under the four tests of a healthy establishment. The reference numbers at the end of each recommendation refer to the paragraph location in the previous report. If a recommendation has been repeated in the main report, its new paragraph number is also provided.

Safety

Detainees are held in safety and with due regard to the insecurity of their position.

Up-to-date information on immigration advice organisations for detainees should be displayed. (1.14)
Achieved

Detainees should have access to email contact with legal representatives and family. (1.15)
Not achieved

Written reasons for detention (IS91R) should be provided in a language the detainee can understand. (1.20)
Not achieved

Unrelated men and women should not be held together. (1.22)
Achieved

Separation of detainees considered to pose a risk to others should be in an area assessed to be secure and safe, and any separation should be subject to formal governance arrangements. (1.23)
Not achieved

Confiscation of clothing items should be based on an individual risk assessment. (1.27)
Not achieved (Recommendation repeated, 1.14)

DCOs should carry anti-ligature knives. (1.28)
Achieved

Detainees at risk of self-harm should be placed on assessment, care in detention and teamwork (ACDT) plans, and DCOs should be trained in ACDT procedures. (1.29)
Not achieved

UKBA officers working with children and families should undergo the necessary background checks. (1.33)
Achieved

The baby change facility should be located in a position that offers privacy. (1.34)
Not achieved (Recommendation repeated, 1.18)

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. (1.41)
Achieved

Respect

Detainees are treated with respect for their human dignity and the circumstances of their detention.

Toilets should provide suitable privacy and they should have seats. (1.9)
Not achieved (Recommendation repeated, 1.28)

Staff should receive ongoing equality training. (1.36)
Not achieved

Preparation for removal and release

Detainees are able to maintain contact with the outside world and be prepared for their release, transfer or removal.

Appropriate systems should be in place for personal property to be restored. (1.48)
Achieved