

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

Gatwick Airport

North Terminal

by HM Chief Inspector of Prisons

3 May 2016

Glossary of terms

We try to make our reports as clear as possible, but if you find terms that you do not know, please see the glossary in our 'Guide for writing inspection reports' on our website at: <http://www.justiceinspectorates.gov.uk/hmiprison/about-our-inspections/>

Crown copyright 2016

You may re-use this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/> or email: psi@nationalarchives.gsi.gov.uk

Where we have identified any third party copyright material you will need to obtain permission from the copyright holders concerned.

Any enquiries regarding this publication should be sent to us at the address below or: hmiprison.enquiries@hmiprison.gsi.gov.uk

This publication is available for download at: <http://www.justiceinspectorates.gov.uk/hmiprison/>

Printed and published by:
Her Majesty's Inspectorate of Prisons
Victory House
6th floor
30–34 Kingsway
London
WC2B 6EX
England

Contents

Fact page	5
Introduction	7
About this inspection and report	9
Summary	11
Section 1. Safety	13
Respect	17
Preparation for removal and release	21
Section 2. Recommendations	23
Section 3. Appendices	25
Appendix I: Inspection team	25
Appendix II: Progress on recommendations from the last report	27

Fact page

Task of the establishment

To hold immigration detainees whom Border Force are questioning about their entry to the UK and those who are being removed from the UK

Location

North terminal, Gatwick Airport

Name of contractor

Tascor

Last inspection

16-17 July 2013

Escort provider

Tascor

Introduction

Gatwick is the UK's second busiest airport. In 2015 more than 40 million passengers passed through it. The airport receives long-haul and domestic flights, and those arriving from European countries.

The short-term holding facility is located beside passport control in the arrivals hall and is staffed by two detainee custody officers (DCOs) from the private contractor, Tascor. The facility is used to hold three categories of detainee: those whose immigration status is being checked by a Border Force officer; those who have been refused entry to the UK; and those who have arrived from another place of detention and are being removed from the UK.

The facility is open seven days a week, 24 hours a day and is staffed by two DCOs. The facility was largely unchanged since our last inspection and comprised a DCOs' office, a large holding room and an extended family holding room. The overall atmosphere remained drab. The family room was cramped and dingy and an unsuitable place to hold children for long periods. During the previous three months, the facility had been used for 597 detentions for an average of five hours 43 minutes. Only one detainee was held during our inspection. Border Force and Tascor staff treated her respectfully. The facility was not visited by an independent monitoring board.

North Terminal, Gatwick Airport, short-term holding 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. Our reports are usually based on the 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:

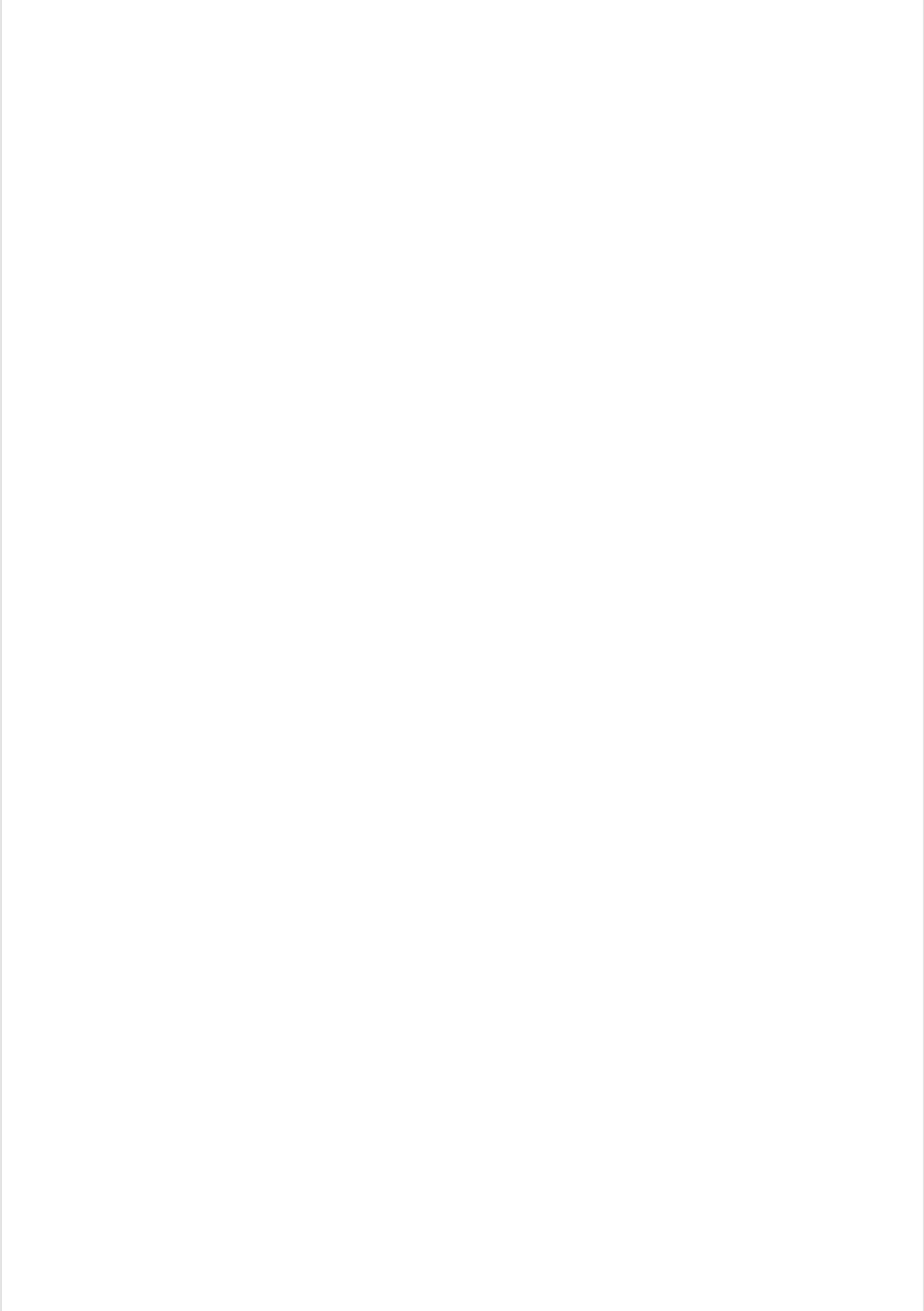
Safety – that detainees are held in safety and with due regard to the insecurity of their position

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 therefore report any notable issues concerning activities in the accommodation and facilities section.



Summary

- S1 At our inspection in 2013, we made 19 recommendations, eight of which were achieved, one was partially achieved and 10 were not achieved.
- S2 Detainees from other places of detention arrived with person escort records which had been completed adequately. A male and female officer staffed the facility. Detainees had reasonably good access to telephone calls.
- S3 Unrelated men and women could not always be held separately. Detainee custody officers (DCOs) carried anti-ligature knives. No self-harm or use of force incidents had occurred in the facility during the previous year, but one detainee had been handcuffed at the doors of an aircraft after attempting to escape. The Border Force safeguarding and trafficking team sought to protect at-risk adults but DCOs were unsure if Tascor had a safeguarding adults policy.
- S4 During the previous three months, 33 children had been held, 10 accompanied and 23 alone. The safeguarding and trafficking team were trained to work with children but they were not present on every shift. Some children were interviewed in austere interview rooms with hard plastic chairs chained to the floor. Sussex Police continued to take fingerprints and DNA of children at risk of trafficking.
- S5 Detainees could keep in touch with their solicitors by telephone but not fax or email. Notices promoted the Civil Legal Advice helpline for detainees who did not have a solicitor. During the previous three months, the facility had been used for 597 detentions. The average length of detention was five hours 43 minutes. The longest detention was 28 hours 55 minutes.
- S6 The accommodation had not changed significantly since our last inspection and remained drab. Fabric on reclining seats was damaged, graffiti was evident on walls and some toilets lacked seats and lids. There was no fresh air or natural light and staff could not control the temperature. The facility lacked adequate sleeping and shower facilities. The family room had been extended since our last inspection but remained a poor environment to hold children. Detainees were offered unappetising microwave meals and long-life sandwiches.
- S7 The single detainee held during our inspection said she was treated with respect by Border Force and Tascor officers. Detainees could submit written complaints in secure boxes which were emptied regularly. The single complaint lodged in the previous 12 months had been investigated properly and the reply was reasonably polite. Detainees could practise their religion. Care plans were opened when detainees with disabilities were held. DCOs had used telephone interpreting 65 times in the last three months.
- S8 Some written information was available for detainees transferring to an immigration removal centre. Detainees could not freely access the internet, email or fax machines.

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.

- I.1** Detainees arrived at the facility from two locations. Some had flown into the UK that day and had been stopped by Border Force at immigration control. Others had arrived from another place of detention (usually an immigration removal centre (IRC)) and were being removed from the UK.
- I.2** Detainees from other places of detention arrived with a person escort record which documented risk factors. We looked at some old records which had been completed adequately. Detainees were still brought to the facility in the middle of the night for early morning flights. Tascor staff said that efforts were made to minimise the time between arrival and departure from the facility.
- I.3** Two detainee custody officers (DCOs) staffed the facility. During our inspection, a male and female DCO were on duty.
- I.4** We did not observe detainees arrive during the inspection but staff told us that they gave new arrivals a rub-down search, and documented and tagged their baggage. DCOs checked the welfare of detainees using a check list and telephone interpreter if necessary. New arrivals were offered food and drinks and given a brief introduction to the facility.
- I.5** Detainees had mobile phones with cameras removed but could make a note of any useful phone numbers. Detainees were shown the payphone in the holding rooms. Detainees with no money could use the office telephone to call numbers in the UK or were given a five-minute phone card to call international numbers.
- I.6** Border Force officers used one of three rooms adjoining the facility to interview detainees. DCOs confirmed that they would never accept custody of a detainee without a completed IS91 authority to detain form.

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. Force is only used as a last resort and for legitimate reasons.²

- I.7** DCOs had good oversight of both holding rooms through large perspex windows. Both rooms were covered by CCTV cameras. Footage was recorded on a hard drive which

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).

managers could review. Neither DCO had witnessed tensions between detainees and there were no incident reports during the previous year relating to bullying. Men and women shared the same large holding room. If a female detainee felt unsafe, DCOs moved her to the family room if it was unoccupied, but not if a family was being held.

- 1.8** DCOs carried anti-ligature knives. No detainee had tried to self-harm during the last year. DCOs opened a suicide and self-harm warning form for any detainee who tried to harm themselves and this accompanied detainees to their next place of detention. If a detainee arrived from a prison or IRC on an open ACCT³ or ACDT⁴, DCOs continued to make observational entries in the documentation.
- 1.9** Force had not been used in the facility during the previous year. However, DCOs had placed a detainee in rigid handcuffs in the airport after a failed removal. The detainee had been refused entry and DCOs took her to her flight which she boarded. The DCOs waited outside the aircraft. As other passengers were boarding, the detainee ran off the plane and tried to escape. The DCOs stopped her, placed her in handcuffs, and took her to the holding room where she was examined by a medic. The removal was postponed to a later date. Records showed that DCOs used force proportionately. The documentation was reviewed by senior Tascor managers. DCOs received six-monthly training in the Home Office Manual for Escorting Safely.
- 1.10** DCOs did not know if Tascor had a safeguarding adults policy. DCOs completed a care plan for detainees with disabilities. If DCOs were concerned about trafficking, they notified Border Force. Notices in the large holding room alerted detainees to the dangers of modern slavery and gave a contact number. The notices were in English, Vietnamese and two other languages.
- 1.11** The Border Force safeguarding and trafficking team comprised officers and managers who were trained to deal with children's cases and adults at risk of trafficking (see paragraph 1.17).

Safeguarding children

- 1.12** During the previous three months, children had been held on 33 occasions, 10 accompanied and 23 unaccompanied. The average length of accompanied child detention was four hours 57 minutes and unaccompanied child detention seven hours 17 minutes. Twenty-eight of the 33 children were granted temporary admission on leaving the facility.
- 1.13** Families were held in the small holding room which was a poor environment (see photographs at Appendix III). Some families were still held in the family unit of the nearby Tinsley House IRC where conditions were much better (see HMI Prisons 2014 Tinsley House report).
- 1.14** The children's charity Barnardo's had trained both DCOs a number of years previously. They confirmed that the training was helpful but it had not been updated. The Disclosure and Barring Service checked the suitability of DCOs and Border Force staff to work with children. DCOs completed child welfare forms for all children held, accompanied and unaccompanied.

³ Assessment, care in custody and teamwork case management of prisoners at risk of self-harm or suicide.

⁴ Assessment, care in detention and teamwork modelled closely on ACCT procedures for case management of detainees in the immigration detention estate.

- I.15** The Border Force safeguarding and trafficking team comprised officers who had received additional training in child safeguarding and trafficking issues. As we found at our last inspection, a member of the Gatwick North team was not always on duty during every shift. We asked Border Force for the number of referrals they had made to the National Referral Mechanism in the last year, but they failed to provide the data.
- I.16** Children were held in the bleak family room (see paragraph I.27). Border Force officers interviewed children in the same interview rooms used to interview adults. These rooms were institutional and the hard plastic seating was chained to the floor. In some cases, children were granted temporary admission while Border Force carried out further checks on their immigration status. If Border Force were to interview these children again, the interviews could be held in Border Force offices landside, avoiding the need for further detention. This contrasted with adults who were brought back to the facility and re-detained.
- I.17** Border Force, Sussex Police and West Sussex children's services continued to work together to combat the trafficking of children under Operation Newbridge. Sussex Police took the fingerprints and DNA samples from all suspected child victims of trafficking. DNA sampling was intrusive and appeared disproportionate. DNA samples are not taken from children entering the UK through other ports and airports.⁵

Recommendation

- I.18 Potential victims of child trafficking should not be subject to unnecessarily intrusive multiple identification procedures. DNA should not be taken from children when fingerprints have already been provided.** (Repeated recommendation I.37)

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.

- I.19** Detainees who had a solicitor could contact them by telephone but not fax or email. Unlike many other facilities, DCOs did not let detainees use the fax machine in their office. Detainees who did not have a solicitor could call the Civil Legal Advice helpline and notices displayed in each holding room advertised the service.
- I.20** The detainee held during our inspection was served with the reasons for refusal in writing. She spoke English and understood why she was being detained. She told us that a Border Force officer was conducting further enquiries before deciding whether to grant leave to enter and that she had not been given a timescale for this decision. The detainee was subsequently refused entry to the UK. Border Force served their reasons for detention in English only to detainees who could not read English but used an interpreter to explain the reasons.

⁵ We referred this practice to the Biometrics Commissioner for further advice, who was considering the matter at the time of writing.

- I.21** During the previous three months, 492 detainees had been held, some more than once⁶. In total there had been 597 separate detentions. Detainees were held for an average of five hours 43 minutes. Three detainees had been held for more than 24 hours, which was unacceptable given the conditions in the facility. The longest period of detention was 28 hours 55 minutes when a woman and her brother had been held. The brother said he was 17 years old but Border Force disputed this. A member of their safeguarding and trafficking team decided that the young person's appearance strongly suggested he was significantly over 18. Detention for such a long time in these conditions was inappropriate.

⁶ Some individuals were refused entry but granted temporary admission or held in an immigration removal centre before returning to the facility for removal. Others returned to the facility for interview with Border Force.

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.

- I.22** The facility was open 24 hours a day, seven days a week and comprised a DCOs' office and two holding rooms: a large room for women and men, and a smaller room for families.
- I.23** The accommodation was largely unchanged since our last inspection and remained poor. Decoration was drab and graffiti was evident in the main holding room. Staff could not control the temperature in the holding rooms. Neither room had natural light or fresh air, which contributed to the grim atmosphere.
- I.24** Some detainees arrived after long-haul flights and were tired and disorientated. Detainees refused entry could be removed on a further long-haul flight. Despite this, the facility lacked adequate sleeping facilities and there remained nowhere for detainees to sleep comfortably. The main holding room had two reclining seats which provided some comfort for short rests but were not an adequate substitute for proper sleeping facilities. The covering on both reclining seats was damaged (see photographs in Appendix III). The detainee held during our inspection used a sheet to cover the seat. There were no reclining seats in the family holding room but children could lie on foam mats.
- I.25** Detainees could not shower in the facility. Staff said that detainees could use the showers at the short-term holding facility in the south terminal (see HMI Prisons 2016 report) but we were not confident that detainees were routinely given this option.
- I.26** Toilets were fully screened but they all lacked lids and the one in the men's toilet had no seat. There was no soap in the men's toilet. Sanitary products and a suitable disposal bin were available in the women's toilets.
- I.27** The family room had been extended since our last inspection by the conversion of an adjoining interview room. While the extra space was welcome, the overall atmosphere remained dreary and cramped. The room contained a fixed table with four hard fixed seats, a bean bag and two travel cots. Grubby play mats could be placed on the floor for children to lie or play on. DCOs confirmed that occasionally more than one family was held despite the lack of seating. The small television set was placed too high on the wall for children to watch comfortably.
- I.28** Detainees were offered unappetising microwave meals and sandwiches shortly after arrival and at regular intervals. The hot meals included vegetarian and halal options. The long-life sandwiches had a shelf life of about one month and were particularly unappealing. Detainees could help themselves to snacks and crisps in the holding rooms but there was no fresh fruit. Staff regularly offered detainees hot and cold drinks from a vending machine in their office. Detainees in the main holding room had access to a water fountain. DCOs said they used the petty cash if necessary to buy food from airport shops.
- I.29** Detainees could help themselves to a selection of books but most were in English and some were unsuitable. Three English and a Spanish language newspaper were delivered to the

facility daily. Detainees could not go out into the fresh air or smoke. No nicotine patches or gum were available to alleviate withdrawal symptoms.

Recommendations

- I.30 The holding rooms should be redecorated and refurbished, and one should be suitable for families with children.** (Repeated recommendation I.51)
- I.31 Detainees should not be held for long periods or overnight without access to appropriate sleeping and washing facilities.** (Repeated recommendation I.52)
- I.32 Long-life sandwiches should be withdrawn and detainees offered reasonable quality food.**
- I.33 Detainees held for more than a few hours should have access to fresh air and nicotine replacement therapy should be available to those who require it.**

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.

- I.34** DCOs were supportive and polite to the single detainee held during the inspection. The detainee confirmed that Border Force officers and Tascor DCOs had treated her with respect. After we spoke to her, Border Force advised her that she was being refused entry to the UK. This upset her greatly and, once the interview had finished, the female DCO offered support and asked if there was anything she needed. The identification badges worn by DCOs were too small to be read easily.
- I.35** Detainees could make formal complaints in writing. Complaint forms in English and other languages were freely available in both holding rooms, together with child-friendly versions. Detainees could submit complaints in sealed boxes in each holding room. A Border Force manager collected a dummy complaint reasonably promptly after we submitted it. During the previous year, only one complaint had been submitted in relation to Tascor. A detainee complained that she had lost a mobile phone after being held in the facility. After a thorough investigation by Border Force and Tascor, the complaint could not be substantiated. The letter in response was reasonably polite.
- I.36** Detainees could practise their religion. The Qur'an and Bible were freely available, together with prayer mats and a compass.
- I.37** There was no adapted toilet for detainees with disabilities, but DCOs arranged for one in the arrivals hall to be used if necessary. DCOs opened a care plan if a detainee with a disability was held. Staff had not received recent equality and diversity training. Telephone interpreting had been used by DCOs 65 times from January to March 2016. A hands-free phone with speaker phone facilities was available to DCOs to induct non-English speakers.

- I.38** DCOs called airport paramedics if a detainee needed emergency treatment. Otherwise they used a telephone medical triage service. Detainees were allowed to take medication that had their name on it.

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.

- I.39** Detainees leaving the facility were granted leave to enter the UK, granted temporary admission, transferred to another place of detention or removed on a flight. We did not observe detainees leave the facility.
- I.40** Detainees transferring to another immigration removal centre were given a small credit card sized card with the contact details. There were no information booklets to help reintegrate detainees into their country of origin.
- I.41** Detainees could not freely access the internet or email, although Border Force officers occasionally allowed detainees internet access to download e-tickets or other information relevant to their immigration status. Family and friends could not visit as the facility was located airside. Stocks of toiletries and spare clothes were kept for detainees who needed them.

Recommendation

- I.42** Detainees should have access to fax machines and 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** Potential victims of child trafficking should not be subject to unnecessarily intrusive multiple identification procedures. DNA should not be taken from children when fingerprints have already been provided. (1.18)

Respect

- 2.2** The holding rooms should be redecorated and refurbished, and one should be suitable for families with children. (1.30)

Preparation for removal and release

- 2.3** Detainees should have access to fax machines and the internet, including email, social networking sites and Skype, unless an individual risk assessment indicates otherwise. (1.42)

Recommendations

To the Home Office and facility contractor

Respect

- 2.4** Detainees should not be held for long periods or overnight without access to appropriate sleeping and washing facilities. (1.31)
- 2.5** Detainees held for more than a few hours should have access to fresh air and nicotine replacement therapy should be available to those who require it. (1.33)

Recommendation

To the facility contractor

Respect

- 2.6** Long-life sandwiches should be withdrawn and detainees offered reasonable quality food. (1.32)

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.

Person escort records should be completed in full with special attention to health and risk factors. (1.6)

Achieved

Detainees should not be transported overnight unless they have an early flight, and should not have excessive waits before departure. (1.7)

Achieved

A female DCO should be on duty at all times. (1.14)

Achieved

No detainee should be left unattended in an interview room within the facility unless an IS91 has been issued. (1.15)

Achieved

DCOs should use telephone interpretation to communicate with detainees who do not speak English. (1.16)

Achieved

DCOs should routinely check if newly arrived detainees need to make a telephone call. Facilities for making and receiving calls should be explained clearly. Detainees with no telephone or money should be given a free five-minute phone call. (1.17)

Achieved

Staff should receive training in suicide and self-harm prevention. (1.24)

Not achieved

A policy for managing vulnerable detainees should be developed in liaison with the local director of adult social services and the local safeguarding adults board. (1.26)

Not achieved

A member of the Border Force minors team should be available on every shift. Team members should receive regular child safeguarding refresher training and should be checked to enhanced level by the Disclosure and Barring Service. (1.35)

Partially achieved

Children should be interviewed in a child friendly environment. (1.36)

Not achieved

Potential victims of child trafficking should not be subject to unnecessarily intrusive multiple identification procedures. DNA should not be taken from children when fingerprints have already been provided. (I.37)

Not achieved (Recommendation repeated, I.18)

Detainees should be provided with written reasons for their detention in a language they can understand. (I.43)

Not achieved

Detainees should only be held in the holding room with written authority to detain (IS91). (I.44)

Achieved

Respect

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

The holding rooms should be redecorated and refurbished, and one should be suitable for families with children. (I.51)

Not achieved (Recommendation repeated, I.30)

Detainees should not be held for long periods or overnight without access to appropriate sleeping and washing facilities. (I.52)

Not achieved (Recommendation repeated, I.31)

Telephone interpretation should be used to communicate with detainees who speak little or no English. (I.57)

Achieved

Detainees held for a few hours should have access to fresh air. (I.62)

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.

Detainees should have access to the internet. (I.66)

Not achieved

Information booklets should be available to assist detainees with reintegration to their country of origin. (I.67)

Not achieved

Appendix III: Photographs

Main holding room



Main holding room



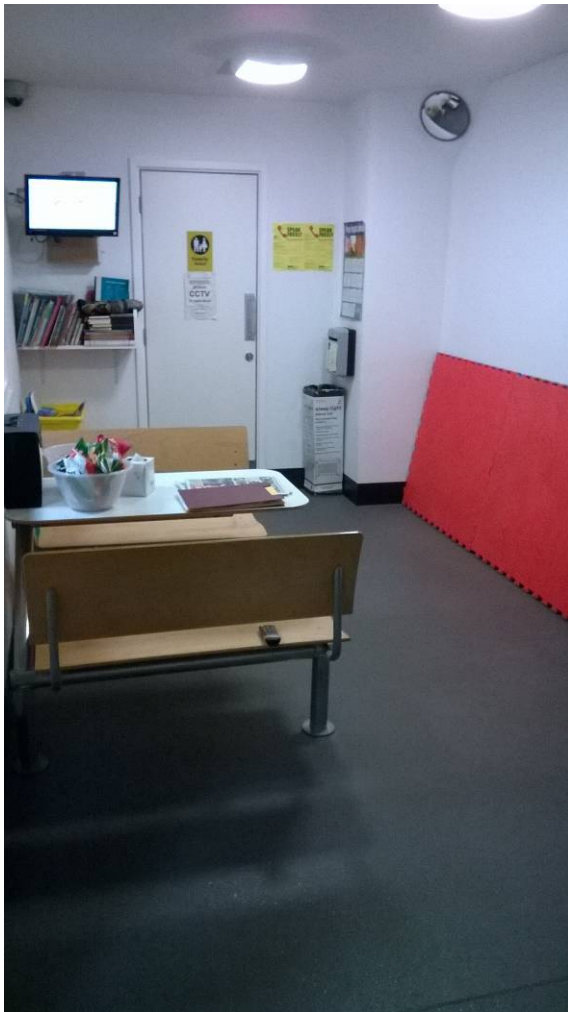
Graffiti in main holding room



Damaged reclining seats in main holding room



Family room



Family room

