

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

Gatwick Airport

South 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/hmiprisons/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: hmiprisons.enquiries@hmiprisons.gsi.gov.uk

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

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 | 19 |
| Section 2. Recommendations | 21 |
| Section 3. Appendices | 23 |
| Appendix I: Inspection team | 23 |
| Appendix II: Progress on recommendations from the last report | 25 |

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

South terminal, Gatwick Airport

Name of contractor

Tascor

Last inspection

16-17 July 2013

Escort provider

Tascor

Introduction

Gatwick airport is the second busiest in the UK. It operates 24 hours a day and receives passengers from around the world. During 2015, over 40 million passengers passed through the airport.

The short-term holding facility located airside at the South Terminal 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 run on behalf of the Home Office by the contractor, Tascor. There are two holding rooms, one equipped as a family room. During the previous three months, logs showed that the facility had been used to hold 600 detainees, including 30 children. During our inspection, nine detainees were held, two of whom had been held overnight for almost 24 hours. Staff treated detainees with courtesy and consideration but did not use telephone interpreting and the induction process was not sufficiently thorough. The state of decoration was poor and there were some shortfalls in basic facilities. An independent monitoring board did not oversee the facility.

South 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 18 recommendations, four of which were achieved, three partially achieved and 11 not achieved.
- S2 Detainees held during our inspection had travelled from a nearby immigration removal centre or had been detained on arrival at the airport. Two of these detainees were held for almost 24 hours for no clear reason. Escort arrangements were proportionate and handcuffs were not normally used. The facility was busy and induction interviews were in some cases delayed or abbreviated. Detainee custody officers (DCOs) were courteous and considerate when giving the induction talk. Some detainees who did not speak English understood little of what was happening to them and did not know that they could use a telephone.
- S3 Men and women were usually held together in the main holding room. A young woman was only taken out of the main room into the family room when she became overtly distressed. When a woman with two small children arrived, DCOs took care to ensure their comfort and safety. A female officer was scheduled on every shift, but during the inspection the female officer was called away for almost two hours while three female detainees were in the facility. Security and supervision arrangements were otherwise good but staff rarely went into the main room other than for a specific purpose.
- S4 Staff had not encountered intimidating behaviour or self-harm in the recent past. DCOs had not in recent years received training in anti-bullying or suicide and self-harm prevention. Force had been used on three occasions in the previous 12 months. Management reviews of these incidents lacked detail and some were missing. All DCOs wore handcuffs conspicuously on their belts. Thirty children had been held in the previous three months, half of whom were accompanied by an adult and half unaccompanied. Child safeguarding procedures were reasonable. DNA samples were still taken from all children. Neither Border Force nor Tascor staff were aware of adult safeguarding procedures for those at risk. DCOs carried anti-ligature knives.
- S5 Detainees could access legal advice if they knew they could use a telephone. The Civil Legal Advice number was advertised. Detainees were not able to use the fax machine in the facility. Instead, detainees had to ask Border Force officers to handle any faxes. No one was ever held without the proper authority, and information on applying for bail was given. Written reasons for detention were given in English only. Six hundred detainees had been held in the previous three months, some on more than one occasion. They were held for an average of five hours 46 minutes.
- S6 The holding rooms were spacious and reasonably equipped for short-term stays. Showers were mainly in good condition but the general decor was grubby. No sanitary products were available in the toilets in the main room and detainees had to ask for them. The two reclining chairs in the main room were not comfortable enough to sleep in. During the inspection two detainees had been held in the room for over 23 hours, since 5.15pm the previous day.
- S7 There was no natural light or access to the open air. The food was unappetising. A DCO went into the airport to buy food for a detainee with a gluten intolerance. The televisions were in use and there was a good supply of toys and children's books in the family room, and a random selection of adult books, a few in different languages. A range of daily English newspapers was available to detainees.

- S8 Detainees said that DCOs had treated them fairly and politely but some said that Border Force officers had been rude. Complaint forms for adults and for children were freely available, and collected daily. Faith needs were adequately met.
- S9 Detainees could not access the internet or email. Staff were helpful in explaining to detainees what would happen next.

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.

- 1.1** On the day of the inspection, nine people were detained, including two children aged three and two, and their mother. Three detainees had arrived by escort vehicle from Tinsley House immigration removal centre (IRC). They said that the very short journey had been reasonably comfortable and the escorting staff had been courteous. The other six had been detained at the airport. Two Chinese detainees had been held on arrival at Gatwick at 5.10pm on 1 May 2016. They had been taken to Tinsley House at 3.30am on 2 May, and had left Tinsley at 4.50pm to return to the facility. They arrived at 5.15pm and were there overnight. They were interviewed at 1.40am and 2.10am respectively on 3 May. One of them was given temporary admission at 3.30pm. The other was still in the facility at 4.45pm. Staff were trying to ensure that he would be out of the facility by 5.15pm to avoid exceeding the 24-hour limit. No steps had been taken to expedite their departure until Tascor staff alerted Border Force that detention had lasted for over 23 hours. Detainee custody officers (DCOs) said that as long as the two men were on a van outside by 5.15pm, the 24-hour limit would be met.
- 1.2** Four DCOs were on duty, the regular number for a day shift, with three on duty for a night shift. DCOs worked 12-hour shifts. Staff said that the nights were as busy as the days. For large parts of the day two DCOs were in the facility while the others were on escort duties. One of the four DCOs was female but she was called out of the facility for other duties for two hours while a single woman and a mother and daughter were held in the facility.
- 1.3** Detainees travelling from an IRC arrived with a person escort record (PER) documenting any risks. The risk section of the PER was properly completed for all detainees held at the time of the inspection. Property was dealt with efficiently. No clothes were removed from any detainee.
- 1.4** DCOs inducted detainees after an initial search. The induction was sometimes delayed for up to half an hour because of the number held in the facility. The induction was cursory and sometimes omitted essential items such as detainees' access to telephones. DCOs had a polite and patient manner when inducting detainees.
- 1.5** Two detainees, who had been in the room for some time, were not aware that they could make telephone calls. One said that his camera phone had been taken away. There were payphones in both rooms, and staff had access to two mobile phones. DCOs went to considerable trouble to see if a detainee's SIM card fitted either of these phones, and to charge her phone. The pay phones received incoming calls, and staff explained this to detainees once they were asked.

Recommendations

- 1.6 A female DCO should be on duty at all times.** (Repeated recommendation 1.11)

- I.7 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. (Repeated recommendation I.13)**
- I.8 Detainees should be held for no longer than necessary and should not be held overnight if they arrive during the day.**

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.9** Male and female detainees were usually held together in the main room, unless there was evidence of risk. During the inspection a young woman was located in the main room with a number of men. She sat at a separate table and appeared uneasy. She told us that she was very uncomfortable and, only when she was in tears, did staff move her to the family room. A mother with small children subsequently arrived. Staff diligently assessed the safest option and consulted both women before gaining permission from managers to locate the young woman with the family.
- I.10** The holding rooms were a safe environment, with good visibility and CCTV coverage. The CCTV monitor was well situated for continuous observation. The DCOs went infrequently into the main room other than to collect a detainee or occasionally to offer food or drink; they interacted much more with those in the family room. Staff said that they had not experienced any bullying or intimidating behaviour in the facility.
- I.11** DCOs received six-monthly training in the Home Office Manual for Escorting Safely. DCOs had used force on three occasions in the previous 12 months. These incidents were recorded on use of force report forms. Reviews of these forms by managers were sometimes missing or lacked sufficient detail. Staff wore handcuffs conspicuously on their belts. The need for this was unclear, given the lack of incidents and the planned nature of all departures from the facility.
- I.12** DCOs had not experienced any incidents of self-harm in the past two years. They were familiar with the suicide and self-harm warning forms used on escort but not with the ACDT³ forms used in detention. All DCOs carried an anti-ligature knife.
- I.13** DCOs dealt sensitively with detainees who were fragile in mood or exhausted. They and Border Force staff did not know of any links to adult safeguarding procedures, but they were fully aware of the National Referral Mechanism and the appropriate response to those who might be victims of trafficking. The protocol for supporting detainees with disabilities was prominently displayed, with a care plan template.

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).

³ Assessment care in detention and teamwork (ACDT) case management used in immigration removal centres to safeguard detainees at risk of self-harm or suicide.

Recommendation

- I.14 Managers should review all incidents where force is used. All sections of the use of force incident form should be completed.**

Safeguarding children

- I.15** During the previous three months, 30 children had been held, half of whom were accompanied by an adult and half unaccompanied. Accompanied children were held for an average of four hours 11 minutes with the longest period of seven hours 36 minutes. Unaccompanied children were held for an average of six hours nine minutes with the longest period of 14 hours 49 minutes. Fourteen children held in the facility were subsequently admitted into the country temporarily.
- I.16** DCOs completed care plans for each child admitted during our inspection. Staff said that children were always interviewed in an informal environment. All children were fingerprinted, and every child who was referred to the National Referral Mechanism because there was a suspicion that they might be a victim of trafficking had a DNA sample taken by Sussex Police as part of Operation Newbridge. This intrusive procedure appeared disproportionate and is not a practice that we have seen at other airports⁴. We were told that a member of the Border Force safeguarding and trafficking team was always on duty. The social services team at Concorde House in the airport were available during office hours, and there was an out-of-hours on-call number. If they could not supply an appropriate adult when needed, a suitable person was found by the charity Gatwick Travel-Care or was supplied by the airport.

Recommendation

- I.17 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.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.

- I.18** Detainees could contact their solicitors by telephone if they had a phone or requested it from staff. They had no access to the fax machine in the facility. DCOs said that detainees who wanted to send or receive a fax had to ask immigration staff to handle it. There were notices with the telephone number of Civil Legal Advice in 11 languages.
- I.19** No detainee was ever admitted to the facility without the relevant authority to detain (form IS91). Border Force officers confirmed that information on bail was given to all detainees,

⁴ We referred this practice to the Biometrics Commissioner for further advice, who was considering the matter at the time of writing.

and a bail application form where applicable. The reasons for detention were given in writing, but only in English.

- I.20** During the previous three months, 600 detainees had been held in the facility, some on more than one occasion⁵. In total, there were 756 detentions. The average length of detention was five hours 46 minutes and the longest detention was 26 hours 35 minutes. Record keeping by Tascor was inconsistent. Some entries on electronic logs were incorrect, which made it difficult for managers to understand how the facility was being used.

Recommendation

- I.21 Electronic holding room logs should record detainees' details and their length of detention accurately.**

⁵ Some passengers were granted temporary admission but asked to return for further interview. Others were refused entry but could not be returned immediately. Some of these passengers were held in an immigration removal centre such as Brook House or Tinsley House for a short period and then returned to the facility before removal.

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 in continuous use. At the time of the inspection, two detainees had been held for almost 24 hours. The conditions were very similar to the previous inspection; the two rooms had no natural light and were rather grubby but were fit for short stays. The only provision for rest was a pair of fixed recliners in the main room. Blankets and pillows were available, and a discoloured duvet.
- I.23** The family room was suitable for short stays and contained a cot, beanbag, a good number of toys and books suitable for children, and colourful posters on the walls. The toilet bowls in the main room were stained but otherwise the toilet and shower rooms were clean and well kept. There were no sanitary products in either of the toilets in the main holding room; female detainees had to ask the staff for them. There was a water fountain in the main room. Information booklets in 16 languages were freely available.
- I.24** During the inspection, a detainee asked to take medication stored in his luggage since he had a headache. Staff responded appropriately, calling the medical triage line for approval and issuing the medication in the dosage approved. Staff said that it was not uncommon for them to call paramedics based in the airport if a detainee complained of feeling unwell.
- I.25** Food was offered on arrival, and at mealtimes and other times. If a detainee declined food at a mealtime, it was offered at intervals thereafter. The food preparation area was clean and tidy but the waste bin was uncovered. The food was unappetising: the sandwiches were of the long-life variety with a shelf life of several weeks, and the hot meals were microwave meals stored at ambient temperature. During the inspection, a DCO went into the airport to buy food for a detainee with a gluten intolerance. Snacks and fresh fruit were normally available in the holding rooms, but there was no fresh fruit at the time of the inspection. There was enough food and equipment for feeding babies and young children.
- I.26** Some books were available, a few in languages other than English, although relatively few were suitable for detainees who might wish to read a book for relaxation. Televisions were working but staff could not make the DVD player work for the children. There was a good supply of daily English newspapers, but no papers or magazines in other languages. There was no opportunity for detainees held for long periods to spend time in the open air.

Recommendations

- I.27** **Detainees should not be held for long periods or overnight without access to appropriate sleeping and washing facilities.** (Repeated recommendation I.50)
- I.28** **Long-life sandwiches should be withdrawn and detainees offered reasonable quality food.**
- I.29** **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.30** DCOs took time to build rapport with detainees who spoke English. They wore badges on lanyards but the name was not visible to detainees. DCOs did not introduce themselves by name. One female detainee said that immigration staff had been very rude to her. We saw a Border Force officer behaving abruptly and discourteously to detainees.
- I.31** Complaint forms were freely available in the holding rooms where there were locked complaint boxes which Border Force officers emptied each day. Children’s pictorial comment forms were also available, with guidance on how to use them. No complaints had been received in the previous 12 months.
- I.32** DCOs, all of whom had been in the job for a number of years, said they had not received refresher training in equality and diversity in recent years. They were aware of care plans for any detainees with a disability. The rooms were reasonably well suited to those with mobility difficulties, except that both showers were raised six inches above the floor. A chief immigration officer visited the facility twice a day.
- I.33** DCOs were familiar with the telephone interpreting system and said that they used it frequently. Records showed that it had been used 55 times from January to March 2016. However, it was not used at the time of the inspection with any of the three detainees who understood little or no English. Our conversation via telephone interpreting with two Chinese detainees showed that they understood little of what was happening.
- I.34** Bibles, Qur’ans and prayer mats were readily available and appropriately stored. A detainee was due to be taken to Tinsley House IRC and DCOs waited for him to complete prayers before asking him to leave with them. The diversity policy was on display in 16 languages.

Recommendation

- I.35 Telephone interpretation should be used to communicate with detainees who speak little or no English, especially to ensure that they understand how they can make telephone calls.**

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.36** Escort arrangements were proportionate for those leaving the facility. A detainee wishing to return and cooperating fully was taken by one officer, and handcuffs were not routinely used. Staff explained clearly to detainees what was going to happen.
- I.37** Detainees were able to contact solicitors, family and friends by telephone, but did not all know how to do this. There was no opportunity to see visitors. Detainees could not use the internet or email.
- I.38** The facility did not have spare clothing. Staff said that detainees who came from IRCs had been given appropriate clothes.

Recommendation

- I.39** **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 Detainees should be held for no longer than necessary and should not be held overnight if they arrive during the day. (1.8)
- 2.2 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. (1.17)

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. (1.39)

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. (1.27)
- 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. (1.29)

Recommendations

To the facility contractor

Safety

- 2.6 A female DCO should be on duty at all times. (1.6)
- 2.7 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. (1.7)
- 2.8 Managers should review all incidents where force is used. All sections of the use of force incident form should be completed. (1.14)
- 2.9 Electronic holding room logs should record detainees' details and their length of detention accurately. (1.21)

Respect

- 2.10** Long-life sandwiches should be withdrawn and detainees offered reasonable quality food.
(1.28)
- 2.11** Telephone interpretation should be used to communicate with detainees who speak little or no English, especially to ensure that they understand how they can make telephone calls.
(1.35)

Section 3. Appendices

Appendix I: Inspection team

Martin Kettle

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.

Detainees should not be transported overnight unless they have an early flight. They should be given sufficient time to prepare for transfer and not have excessive waits before departure. (1.5)

Not achieved

A female DCO should be on duty at all times. (1.11)

Not achieved (Recommendation repeated, 1.6)

DCOs should use telephone interpretation to communicate with detainees who do not speak English. (1.12)

Partially 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. (1.13)

Not achieved (Recommendation repeated, 1.7)

Staff should receive training in anti-bullying and suicide and self-harm prevention. (1.20)

Not achieved

All staff should carry anti-ligature knives. (1.21)

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. (1.23)

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. (1.32)

Partially achieved

Children should be interviewed in a child friendly environment. (1.33)

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. (1.34)

Not achieved (Recommendation repeated, 1.17)

Detainees should be provided with written reasons for their detention in a language they can understand. (1.41)

Not achieved

Detainees should only be held in the holding room with written authority to detain (IS91). Border Force staff should always notify DCOs when a detainee is taken from the facility for further questioning. (1.42)

Achieved

Risk information should be recorded on IS91s. If there is no risk, this should also be recorded on the IS91. (1.43)

Achieved

Respect

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

Detainees should not be held for long periods or overnight without access to appropriate sleeping and washing facilities. (1.50)

Not achieved (Recommendation repeated, 1.23)

Telephone interpretation should be used to communicate with detainees who speak little or no English. (1.57)

Partially achieved

Detainees held for a few hours should have access to fresh air. (1.62)

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. (1.66)

Not achieved

Information booklets should be available to assist detainees with reintegration to their country of origin. (1.67)

Not achieved