

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

Lunar House

Croydon

by HM Chief Inspector of Prisons

3 May 2016

Glossary of terms

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Victory House
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England

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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

Lunar House, Croydon

Name of contractor

Tascor

Last inspection

7 June 2012

Escort provider

Tascor

Introduction

Lunar House short-term holding facility is located in Croydon in a larger Home Office building. It comprises two holding rooms separated by an office for detainee custody officers. It is run on behalf of the Home Office by Tascor.

Detainees arrived at the facility from three locations: some were detained after reporting to the asylum screening unit in Lunar House; others after attending the reporting centre in Lunar House; but most detainees were held as a result of Operation Perceptor. This entailed Home Office immigration enforcement teams arresting people with no legal right to reside in the UK, and taking them to flights on the same day, via a short stop at Lunar House. Four detainees were held during our inspection. Two were detained as a result of Operation Perceptor and were taken to the airport after spending a few hours at Lunar House. The other two had been detained after reporting to Lunar House and were to be transferred to The Verne immigration removal centre that evening.

During the previous three months, the facility had been used for 310 detentions. The average length of detention was just under five hours, with the longest 12 hours 45 minutes. At the time of the inspection, there was no independent monitoring board for Lunar House.

Overall, the facility was appropriate for short stays. Necessary refurbishment had taken place since the last inspection. Detainees felt physically safe and could contact their solicitors. Tascor staff demonstrated a sensitive attitude to their care. Escort arrangements, lack of access to the open air and food were areas that needed improvement. There had been only one use of force in the previous year, but incident reports suggested potentially excessive force and poor or potentially harmful techniques being used by immigration enforcement officers. It was not clear if Tascor discussed this incident with the Home Office at the time.

Lunar House, Croydon, 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 2012, we made 26 recommendations, 10 of which were achieved, two were partially achieved, 13 were not achieved and one was no longer relevant.
- S2 While most immigration enforcement vehicles could enter the secure vehicle lock, Tascor vans were too large. Detainees were therefore transferred to vehicles outside the facility in a public area. This was embarrassing for them and increased the risk of escape attempts. Searching was carried out sensitively but in a poorly screened area.
- S3 Staff had good oversight of the holding rooms and there was little risk of bullying or intimidation between detainees. The detainees we spoke to said they felt safe. However, despite the availability of two holding rooms, unrelated men and women were still usually held together. The smaller room was used for detainees considered vulnerable, for example as a result of a self-harm risk. Female detainee custody officers (DCOs) were always on duty to receive detained women. No children were held at Lunar House. DCOs were aware of potential vulnerability but could remember little adult safeguarding training.
- S4 All staff carried anti-ligature knives and were able to open suicide and self-harm forms as needed, which were then passed to escort staff. DCOs had all received Home Office Manual for Escorting Safely training. Use of force was rare but there had been an incident in the previous year when significant force had been used against a detainee, mainly by immigration enforcement officers. Most of the Tascor officers who witnessed or were involved in the incident recorded significant concerns about the level of force and methods used by their Home Office colleagues. It was not clear what had been done to follow up this incident.
- S5 There were two holding rooms, which had both been redecorated since the previous inspection. They were in a good state of repair, fairly bright and clean. The larger room lacked comfortable seating.
- S6 During the previous three months, detainees had been held for an average of just under five hours. During the inspection, two men were to be held for eight hours before undertaking a journey of around four hours to an immigration removal centre. They had no access to fresh air. They were both smokers and agitated that, at such a stressful time, they could not smoke; nicotine replacement therapy was not provided. The facility did not hold children.
- S7 Detention staff were sensitive and welcoming to detainees. They regularly checked on the detainees in the holding room and one DCO appropriately spent a lengthy period in the room speaking to some particularly stressed detainees. Detainees could practise their religion. Long-life sandwiches had replaced the fresh sandwiches offered previously and were of poor quality. Fresh fruit and crisps were freely available.
- S8 No complaints had been made in the previous year. Complaint forms in different languages were available and there were secure complaint boxes in each holding room; the boxes were not checked often enough.
- S9 Detainees could maintain reasonably good contact with family, friends and solicitors by telephone. A loan mobile phone was available and they could receive incoming calls. Staff allowed detainees to use the office fax machine but detainees were not told that they could do so.

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** People were detained from the community as a result of Operation Perceptor (see paragraph 1.16), after they had attended the nearby reporting centre, or after an interview at the asylum screening unit. The Home Office immigration enforcement escort vehicle that we saw was clean and comfortable with suitably tinted windows. Unlike Tascor vehicles, male and female detainees could be transported together, but a number of Home Office staff sat with them. Staff told us that late-running escort vehicles were not uncommon but they usually arrived by 8 to 9pm.
- 1.2** Detainees entering the holding facility were given a rub-down search in an area adjacent to the larger and normally occupied holding room. A screen provided some privacy but did not cover the whole search area. It was therefore relatively easy for detainees in the holding room to see others being searched. During the inspection a woman was searched in sight of male detainees in the holding room.
- 1.3** DCOs said they would not under any circumstances accept detainees without IS91 authority to detain forms. They welcomed detainees as they arrived and offered them food and drinks. The Tascor basic information leaflet was available in both holding rooms in a range of languages. The facility was staffed from 7am to 9pm on weekdays. Four detainee custody officers (DCOs) were on duty, one man and three women. We were told that the staffing complement was more often three DCOs, but that at least one woman was always on duty.

Recommendation

- 1.4 DCOs should search detainees out of the view of other detainees.**

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

- 1.5** Staff had a good view of both holding rooms (see Appendix III) and frequently entered the rooms to speak to detainees. Detainees told us that they felt insecure as a result of their detention and/or impending removal, but felt physically safe. No bullying incidents had been recorded.

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).

- I.6** Tascor staff told us that they usually held unrelated male and female detainees together despite the availability of two holding rooms. They felt that women generally wanted to share with others and said that they would separate them if anyone felt uncomfortable. However, it was not made clear to all women detainees that they could be held separately. We were told that the second holding room was usually used for individual detainees considered to be vulnerable or difficult to manage, but that it was not usually occupied.
- I.7** During the inspection a woman arrived as a consequence of Operation Perceptor (see paragraph I.16). She was considered to be a self-harm risk and had refused food in the past. It was not clear from the risk information on the movement order or IS91 when or where this had happened. Staff planned to hold her in the smaller holding room separately from the men. In the event, she remained seated in the search area, made telephone calls to her partner and spoke to Tascor and immigration staff, before leaving the facility about two hours after arrival.
- I.8** All DCOs carried anti-ligature knives and had suicide and self-harm warning forms, which were passed on to escorts. There had been one recorded incident of self-harm in June 2015. A woman had banged her head against a wall and then scratched her wrists with her earrings while in the toilet. Staff calmed her down and she was eventually transported to Yarl's Wood immigration removal centre (IRC). The DCO incident report was thorough and clear, suggesting that staff were vigilant and that appropriate action was taken to support the detainee. No force was used during this incident. However, only one report was submitted despite the fact that several DCOs were involved in the incident. The report had been reviewed by a line manager but not by an area or operations manager, a finding common to each of the four incident reports that had been submitted in the previous year.
- I.9** DCOs were aware of the need to provide extra support to vulnerable detainees but could remember no training in adult safeguarding. Children were not held in the facility.
- I.10** All DCOs had received training in the restraint techniques contained in the Home Office Manual for Escorting Safely, which was refreshed every six months. Use of force was rare but we found an example of considerable concern during the previous year. Tascor DCO incident reports referred to an incident in an interview room involving six immigration officers. A scuffle broke out for reasons that were unclear and reports referred variously to the detainee being 'dragged' or 'carried' out of the interview room by the immigration officers. Most of the Tascor officers who witnessed the incident or helped to manage it recorded their concerns about the level of force and methods used by the immigration officers. They stated that there was confusion about the techniques being used to secure the detainee. One report referred to 'more of a mass bundle than a structured use of force' and too many people crowding round the incident for it to be managed effectively. Another DCO stated 'It just seemed as if immigration just wanted a fight. No de-escalation techniques were used ... [detainee] shouted "I can't breathe" ... immigration ignored him.' The same DCO noted that the man's wrists appeared to be injured from the force of the handcuffs. A Tascor manager's review of the incident noted that there was no evidence of a subsequent medical examination. When the detainee was brought under control, the reports noted that he was calm and compliant. A waist restraint belt was placed on him during the escorted journey to Brook House IRC and there was apparently no further incident.
- I.11** A line manager countersigned all the incident reports but said simply that staff were reminded not to get involved in such incidents until detainees were under control and ready for handover. There was no indication that DCOs' concerns were raised with the Home Office or that the potentially excessive and dangerous use of force was further investigated. We referred this case to the Home Office for further investigation.

- I.12** In this and other reports there was no review by the area or operations manager. One report stated the need for a further investigation but no outcome of that investigation was recorded.

Recommendations

- I.13** Incident reports should be completed by each member of staff involved in the incident. All sections of incident forms should be completed.
- I.14** All use of force should be necessary, proportionate and for the shortest time necessary. Any concerns raised by staff about the management of incidents should be communicated quickly to all agencies involved and investigated promptly.
- I.15** Managers should review all incidents where force is used. All sections of the use of force incident form should be completed.

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.16** A number of detainees were held at Lunar House as a result of Operation Perceptor. The purpose of the operation was to remove individuals with no legal right to reside in the UK. Individuals would report to the centre, be detained and removed all on the same day³. Other detainees were brought to the facility after arrest by immigration compliance and enforcement teams in the community. They were usually held pending a move to an IRC.
- I.17** Four detainees were held during our inspection. Two were detained as a result of Operation Perceptor and were both taken to the airport after a few hours. The other two had been detained after reporting and were due to be transferred to The Verne IRC that evening.
- I.18** We observed Home Office staff interviewing the Operation Perceptor detainees. Both were told why they were being removed and what would happen next. The immigration enforcement officers reassured the detainees that they would check whether legal action had been taken to stop the removal up to the point that they boarded the aircraft.
- I.19** Three of the four people detained during the inspection said they were legally represented. The detainee without a solicitor said that he had already paid about £3,000 to a solicitor and had no money left to obtain further advice. He was due to go to an IRC, and had correctly been told by staff that he could receive free legal advice at a duty advice surgery after he arrived there.
- I.20** A Civil Legal Advice helpline notice was displayed in the holding rooms in 11 languages. If detainees did not have a solicitor, the service directed them to sources of publicly funded legal advice. Staff told us that detainees could also use the fax machine in the staff office on request and that there was no restriction on its use. However, this was not advertised.

³ The 2014 Immigration Act gave the Home Office, in exceptional circumstances, the power to remove individuals without giving them 72 hours' notice.

I.21 During the previous three months, the facility had been used for 310 detentions⁴. Detainees were held for an average of four hours 57 minutes. The longest period of detention was 12 hours 45 minutes. Tascor record keeping was inconsistent. A number of entries in their electronic logs were corrected after we queried their accuracy. These mistakes may have prevented managers from accurately overseeing use of the facility.

Recommendation

I.22 Electronic holding room logs should record detainees' details and the length of their detention accurately.

⁴ Some individuals were held on more than one occasion.

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.23** The facility comprised two holding rooms and a DCOs' office. Both rooms had been redecorated since the previous inspection and were in a reasonably good state of repair. They were clean and fairly bright, but with no view of the outside as the windows were frosted. Blankets and pillows were freely available. The larger room had rows of fixed seating and a single lounger. Detainees were sometimes held for lengthy periods and the lack of comfortable seating was a problem. The smaller holding room had much better and more comfortable seating where detainees could rest, but it was rarely used. The toilets in both holding rooms were properly screened and clean but they had no seats. The toilets contained sanitary products.
- I.24** Detainees were offered a small range of unappetising long-life sandwiches. Sandwiches had expiry dates of around a month and croissants had dates of five months. DCOs told us that they felt embarrassed to offer such poor food to detainees and detainees told us the sandwiches tasted bad. The bins contained opened but uneaten sandwiches and staff said this was common. A few frozen microwave meals were also available but staff said they rarely used these unless people had special diets. Crisps and apples were freely available in the holding rooms and detainees were regularly offered water and hot drinks.
- I.25** Activities were adequate for short stays. There was a television and a large number of books and magazines, nearly all in English. There was no secure area where detainees could be taken outside for fresh air. DCOs told us that one of the biggest problems mentioned by detainees was being unable to smoke at an unusually stressful time. The two detainees who were due to be transferred to The Verne IRC had both been detained just after midday. The escort vehicle was not due to arrive until 9pm and the subsequent journey was estimated at around four hours. They were both smokers and were becoming increasingly agitated but staff had no access to nicotine replacement therapy (see paragraph I.28).

Recommendations

- I.26 Long-life sandwiches should be withdrawn and detainees offered reasonable quality food.**
- I.27 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.28** DCOs were friendly and spoke frequently to the detainees held during the inspection, offering them food and drinks. One DCO stayed in the holding room for some time and spoke to two detainees who were both worried about what was to happen next and agitated because they could not smoke (see paragraph I.25). We spoke to detainees privately and they described staff as pleasant and polite and doing their jobs appropriately.
- I.29** DCOs had undertaken diversity training during their initial training course but had not received subsequent training. They could not remember anyone with a visible disability being detained. DCOs told us that they sometimes used Home Office interpreters to communicate with detainees and used telephone interpreting when required. However, from December 2015 to March 2016, telephone interpretation had been used only once, which seemed very little for the number of detainees who had come through the holding room. Detainees could practise their religion freely. Copies of the Bible and Qur'an, a prayer mat and a compass were available in both holding rooms.
- I.30** Complaint forms in a variety of languages were freely available but complaint boxes were not emptied by immigration staff at Lunar House. Instead, a Home Office monitor attended the facility two to three times a week and checked the boxes during his visits. We were told that no complaints had been submitted during the previous year, but Tascor were unable to provide figures on complaints received from Lunar House.
- I.31** DCOs were able to call a medical advice line to speak to a health care practitioner about basic health issues such as medication and minor ailments. However, they said they often had to call an ambulance when detainees exhibited signs of anxiety and heart problems.

Recommendations

- I.32 Telephone interpretation should be used to communicate with detainees who are not fluent in English.**
- I.33 The complaints box should be emptied each day that the holding room is open.**

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.34** Detainees leaving the facility walked to the vehicle bay via an internal staircase with staff in front of and behind them. The escort vehicles normally used by immigration enforcement could easily enter the enclosed parking bay and this ensured private and secure boarding. However, Tascor vehicles, used for most journeys, were too large to fit into the secure area. They were instead forced to park outside the bay and detainees boarded vehicles in full view of members of the public.
- I.35** Staff told us that a number of them usually stood around individual detainees getting on to vans to minimise the risk of escape and to avoid the use of handcuffs. We saw no reports showing use of handcuffs during the previous year. One detainee had escaped during the year when boarding a Tascor vehicle. A combination of circumstances meant that only two DCOs were with him and a second detainee when boarding took place.
- I.36** Visitors were not allowed but detainees were generally held for short periods and had little opportunity to receive visitors. Detainees had good access to telephone contact. Detainees could keep their own mobile phone if it did not have a camera or recording function. Staff also had loan mobile phones and a SIM converter that allowed detainees to use their own SIMs if they were not immediately compatible. Detainees could use a payphone in the holding room. The phone took incoming calls and we were told that most detainees gave the number to their solicitors and others to call them back. We saw detainees on the phone for much of the day. We also observed staff appropriately allowing a detainee with no change to use the office phone to call his solicitor. They told us they did this reasonably regularly according to need.
- I.37** Detainees had no access to the internet or email, which was an inappropriate restriction. Information cards had been given to the two detainees who were being taken to The Verne IRC containing basic details about the location of the centre.

Recommendations

- I.38 Detainees should be able to board and leave vehicles in a private and secure area.**
- I.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

Recommendation

To the Home Office

Respect

- 2.1** The complaints box should be emptied each day that the holding room is open. (1.33)

Recommendation

To the Home Office and facility contractor

Respect

- 2.2** 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. (1.27)

Preparation for removal and release

- 2.3** Detainees should be able to board and leave vehicles in a private and secure area. (1.38)
- 2.4** Detainees should have access to the internet, including email, social networking sites and Skype, unless an individual risk assessment indicates otherwise. (1.39)

Recommendations

To the facility contractor

Safety

- 2.5** DCOs should search detainees out of the view of other detainees. (1.4)
- 2.6** Incident reports should be completed by each member of staff involved in the incident. All sections of incident forms should be completed. (1.13)
- 2.7** All use of force should be necessary, proportionate and for the shortest time necessary. Any concerns raised by staff about the management of incidents should be communicated quickly to all agencies involved and investigated promptly. (1.14)
- 2.8** Managers should review all incidents where force is used. All sections of the use of force incident form should be completed. (1.15)
- 2.9** Electronic holding room logs should record detainees' details and the length of their detention accurately. (1.22)

Respect

- 2.10** Long-life sandwiches should be withdrawn and detainees offered reasonable quality food. (1.26)

- 2.11** Telephone interpretation should be used to communicate with detainees who are not fluent in English. (1.32)

Section 3. Appendices

Appendix I: Inspection team

Hindpal Singh Bhui

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.

The smaller holding room should be used exclusively to hold detainees and not by UKBA to conduct interviews. Detainees should only enter the facility after they have been served with the correct documentation by UKBA officers. (1.23)

Achieved

The holding room should be visited each day by an immigration manager, and part of the visit should include a check on the welfare of detainees held. (1.1)

Not achieved

Written copies of the reasons for detention should be given in a language that the detainee understands. (1.2)

Not achieved

The authority to detain (IS91) should include a risk assessment. If no risks are identified, a statement should be included to that effect. (1.7)

Achieved

A member of the holding room staff should welcome each detainee on arrival, introduce themselves and explain the facilities available. They should also check the level of understanding of English, and ascertain whether the detainee has any immediate needs or concerns. (1.26)

Achieved

DCOs should offer a free telephone call, including international calls, in private to each detainee on arrival. (1.28)

Not achieved

A female DCO should always be on duty. (1.37)

Achieved

Detainees should be informed of their right to legal advice and given details of the community legal advice helpline. (1.42)

Achieved

Information about legal services should be available in all the main languages. (1.43)

Achieved

Detainee custody officers should receive regular refresher training in anti-bullying and self-harm and suicide prevention. (1.45)

Not achieved

Detainee custody officers should carry anti-ligature knives at all times. (1.46)

Achieved

All detainees subject to use of force should be examined as soon as possible by a medical practitioner and the details recorded on the use of force reports. (1.61)

Not achieved

Respect

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

The complaints box should be checked and emptied daily. (1.8)

Not achieved

There should be an assessment of the impact of policies on detainees within the different strands of diversity, including ethnicity, religion, culture, gender, age, sexuality and disability. (1.13)

Not achieved

Detainees should be able to send faxes and emails to legal representatives. (1.15)

Achieved

Detainees should not be moved on to escorting vehicles in an area open to the public. (1.19)

Not achieved

Single male and female detainees should be held in separate rooms. (1.22)

Not achieved

Families should be held together but separately from single detainees. (1.24)

No longer relevant

The bench seating in the main holding room should be replaced with upholstered seats suitable for stays of several hours. (1.25)

Not achieved

Hygiene packs should be available to detainees. (1.30)

Not achieved

Interpreters or telephone interpretation should be used to communicate with detainees who do not speak English fluently. (1.31)

Achieved

The holding rooms should be redecorated and refurbished, and each toilet should have a seat and lock on the door. (1.36)

Partially achieved

Staff training in diversity should be up to date. (1.50)

Not achieved

Newspapers, magazines and books reflecting the main languages spoken by detainees should be available and reviewed regularly. (1.56)

Not achieved

All toilet areas should have a sufficient range of sanitary products. (1.69)

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 be given detailed information about the holding facility or immigration removal centre to which they are to be taken. (1.70)

Partially achieved

Appendix III: Photographs

Lunar House holding rooms



