

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

Luton Airport

by HM Chief Inspector of Prisons

18 April 2017

Glossary of terms

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Fact page

Task of the establishment

Holds people detained by Border Force following arrival and/or before removal.

Location

Luton Airport

Name of contractor

Tascor

Last inspection

9 December 2013

Escort provider

Tascor

Introduction

Luton Airport is the fourth largest airport serving the London area and one of the busiest in the United Kingdom. In the 12 months to April 2017, a record number of passengers – over 15 million – passed through the airport, usually on European routes.

The short-term holding facility comprises two rooms and a staff area. One room is for adult men and the other is used for women and families. The facility is located airside in the arrivals building and is run on behalf of the Home Office by Tascor. It holds passengers subject to investigation by Border Force immigration officers and those who are to be removed from the UK having been refused entry. Some detainees are held after transfer from another place of detention in the UK awaiting a flight.

In the three months before our inspection, 697 detainees had been held. The average length of detention was six hours 32 minutes with the longest at 29 hours 50 minutes. One detainee was held during the inspection.

The facility was appropriate for short stays and there had been some positive improvements since our last inspection. Staffing had been increased from two detainee custody officers (DCOs) to between four and five. This was a welcome increase, which ensured that the facility was adequately staffed even when officers were escorting detainees to flights or from vehicles. Staff demonstrated a professional ethos and understood their duty of care to detainees. The detainee held during the inspection was content with his treatment by detention and immigration staff. Escort arrangements and lack of detainee access to the open air and internet were areas that had not improved. In particular, detainees were still routinely taken in handcuffs to the facility through public areas. There was no Independent Monitoring Board for the facility.

About this inspection and report

Her Majesty's Inspectorate of Prisons is an independent, statutory organisation which reports on the treatment and conditions of those detained in prisons, young offender institutions, immigration detention facilities and police custody.

All inspections carried out by HM Inspectorate of Prisons contribute to the UK's response to its international obligations under the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). OPCAT requires that all places of detention are visited regularly by independent bodies – known as the National Preventive Mechanism (NPM) – which monitor the treatment of and conditions for detainees. HM Inspectorate of Prisons is one of several bodies making up the NPM in the UK.

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

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

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

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

Inspectors kept fully in mind that although these were custodial facilities, detainees were not held because they had been charged with a criminal offence and had not been detained through normal judicial processes.

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

Summary

- S1 At our inspection in 2013, we made 16 recommendations, three of which we found at this inspection were achieved, four were partially achieved and nine not achieved.
- S2 As at previous inspections, detainees were escorted in handcuffs from vehicles to the facility in full public view. Some detainees were also transferred at night time for administrative convenience alone. A number had to wait much longer than the Tascor five-hour target before boarding flights.
- S3 Detainee custody officers (DCOs) inducted detainees reasonably well, offering them food, drink and telephone calls, but searching still did not take place in a private area. Four or five DCOs staffed the facility, an increase on the last inspection. This ensured that there were sufficient trained detention staff to supervise the holding rooms even when some were required to escort detainees from vehicles or to flights. There were no women on duty during the inspection, although we were assured that this was unusual.
- S4 There had been no recorded incidents of bullying or self-harm. All DCOs carried anti-ligature knives. Men and women were held in separate holding rooms. All staff had received Home Office manual for escorting safely (HOMES) training for transferring non-compliant detainees. There had been very little use of force.
- S5 Twenty-three children had been held in the previous three months. Social workers were often delayed in attending the airport, but there was an agreement with the airport chaplain to act as an appropriate adult for interviews with detainees who said they were children. Care plans were opened for children or people with disabilities.
- S6 There was evidence of a stronger Border Force focus on child welfare and trafficking issues. Border Force had developed links with adult and children's social services, and a reasonable number of immigration staff had now had the highest level of training (tier three) in the Home Office's Keeping Children Safe child protection training.
- S7 Detainees could contact lawyers and family using telephones or fax machines in the staff office. Notices promoted the Civil Legal Advice helpline.
- S8 Holding rooms were in a reasonable state of repair and cleanliness, although the paintwork was deteriorating in the family room. Comfortable loungers were provided in both rooms. Snacks, fruit and water were freely available, and hot microwave meals were offered. There were supplies of sanitary items in the toilets. Detainees did not have confidential access to a complaints system as complaints boxes had no locks. Border Force staff checked the rooms every day and took any complaints that had been posted. There had been none recently.
- S9 There were sufficient activities for short stays. There was a small stock of books and magazines in both rooms. Bibles, Qur'ans and prayer mats were freely available. There were some toys and other distractions suitable for children in the family room.
- S10 Detainees could not access fresh air and there was no natural light in the facility. They could not smoke and had no access to nicotine replacement, which was an issue for some detainees held for several hours; staff said the resulting anxiety and frustration had caused some low-level incidents.

S11 There was little information to prepare detainees for their removal. The lack of access to the internet meant they could not send or receive emails, and hindered their independent research.

Section 1. Safety

Arrival

Expected outcomes:

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

- I.1 People were either detained from flights into Luton Airport or had arrived from immigration removal centres (IRCs) or prisons to catch a flight. The Tascor escort vehicle that we saw was clean and adequate for the single detainee it carried.
- I.2 Escort vehicles arrived at a public entrance close to the bus stands. Detainees were handcuffed from the vehicle into the staff security entrance and then through an airport shopping area. We were told that all detainees were handcuffed, except in the most exceptional circumstances; the only example that staff could provide was a man who could not walk without crutches. Routine handcuffing extended even to detainees who had bought their own tickets and clearly wished to leave. However, detainees were not handcuffed when they were taken from the holding room through public areas to the aircraft, mainly because the captain might not be willing to board someone arriving in handcuffs in case they were disruptive. Staff could recall no problems with this approach.
- I.3 Although Tascor had a target of bringing detainees to the holding room no more than five hours before flights, this target was routinely missed, sometimes by a long way. On the day of the inspection, two men had arrived in the holding room in the early hours of the morning and left seven hours later. A sample of recent records showed that detainees had arrived up to nine and a half hours before their flights, often travelling overnight.
- I.4 On arrival in the holding facility, DCOs inducted detainees reasonably well. They were polite and friendly towards them, offering food, drinks and a free telephone call. A mobile phone was not offered but immediately provided when the detainee said he needed to make some calls. The detainee was given a rub-down search in an open area with no privacy.
- I.5 There had been an increase in staffing numbers from two to four or five DCOs since the previous year. This positive change meant that whenever staff had to escort a detainee to an aircraft or from a vehicle, there were still sufficient trained detention staff to supervise the holding rooms. This was an improvement since the previous inspection.

Recommendations

- I.6 **Detainees should not be transferred to facility staff in view of the public and should only be handcuffed following an individualised risk assessment.** (Repeated recommendation I.4)
- I.7 **Detainees should only be brought to the facility a few hours before their flight is due to depart.**
- I.8 **Detainees should be searched in a private area.**

Keeping detainees safe

Expected outcomes:

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

- 1.9** Staff had a good view of both holding rooms. Unrelated male and female detainees were held separately. There had been no recorded incidents of bullying between detainees and no incidents of self-harm. All staff carried anti-ligature knives.
- 1.10** All DCOs had received training in the restraint techniques contained in the Home Office manual for escorting safely (HOMES), which was refreshed every six months. Other than the routine use of handcuffs (see paragraph 1.2), staff remembered very few uses of force. There had been one recorded incident in the previous three months; the force used was minimal and was followed up with a request for medical assessment at an IRC. Officers had completed relevant documentation but there had been no review by a manager.
- 1.11** Staff used verbal negotiation skills with detainees who refused to board flights and said there were very few failed removals. If a detainee refused to board, the policy was to cancel and reschedule the removal with overseas escorts.
- 1.12** DCOs were aware of the need to provide extra support to vulnerable detainees but could recall no training in adult safeguarding. Staff did not know of anyone who had been held who might have needed adult social services support. Border Force had links with both adult and children's safeguarding boards (see paragraph 1.14). Border Force had identified some people who were suspected victims of trafficking; there had been four referrals of children to the national referral mechanism³ in 2015, five in 2016 and two in the first two months of 2017. Further referrals had been made for adults, but no details were available at the time of inspection.

Safeguarding children

Expected outcomes:

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

- 1.13** Twenty-three children had been held in the previous three months: five were accompanied and 18 unaccompanied. Accompanied children were held for an average of five hours 32 minutes with the longest held for 11 hours 15 minutes. Unaccompanied children were held for an average of nine hours 21 minutes with the longest held for 25 hours, which was too long (see recommendation 1.27).
- 1.14** Border Force had a safeguarding lead officer who described a much more developed relationship with local social services since our last inspection, including quarterly meetings. However, it was still common for social workers to be delayed in attending the airport. In one case where a social services age assessment was required for a detainee who said she

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 Put in place in the UK in April 2009 to identify, protect and support victims of trafficking.

was a child, the detainee was held overnight on receipt of authority from a senior Border Force manager. When an appropriate adult was needed and a social worker was unavailable or delayed, Border Force used a member of the airport chaplaincy, in line with a local agreement (see recommendation 1.27).

- I.15** Most Border Force staff had completed tier two Keeping Children Safe child protection training and four to five people in each of the eight teams covering the airport were trained to level three. This was a significant improvement on the last inspection. However, none of the DCOs on duty could recall being trained in child safeguarding. DCOs opened care plans for all children held in the facility, which consisted of checklists of actions to be taken and were mainly a means of ensuring accountability. Tascor staff were instructed to remove their ties when children were held to create a more relaxed atmosphere.

Recommendations

- I.16** **The Home Office should work with local social services to ensure that social workers attend promptly when their services are required.** (Repeated recommendation 1.22)
- I.17** **All detainee custody officers working with children should have suitable training in safeguarding children.**

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** The one detainee held during the inspection was removed on a flight to Romania shortly after his arrival from Campsfield House IRC. He had a copy of his reasons for detention and other paperwork, which he said he understood. He arrived with a fully completed IS91 authority to detain form.
- I.19** A Civil Legal Advice helpline notice was displayed in the holding rooms in several languages. If detainees did not have a solicitor, the service directed them to sources of publicly funded legal advice. Detainees had access to a pay phone and a mobile phone if they needed one to communicate with lawyers. Staff told us that detainees could also use the fax machine in the staff office on request, although this was not advertised.
- I.20** In the previous three months, 697 detainees had been held at the facility, originating from 56 countries, including Romania (42%), Lithuania (15%), Poland (11%), Albania (4%) and Slovakia (3%). The majority (81%) were men. The average length of detention was six hours 32 minutes and the longest was 29 hours 50 minutes, which was too long. (See recommendation 1.27.) One per cent of detainees had been held for over 24 hours during a single period of detention, and 5% had been held at the facility more than once in these three months.

Respect

Accommodation and facilities

Expected outcomes:

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

- I.21** The facility comprised two holding rooms and a staff office, which provided a clear view of both rooms, supplemented by CCTV. The rooms were reasonably clean but had no natural light. While they were in a generally reasonable state, the paintwork was deteriorating in the family room. Although only a few detainees spent over 24 hours in the holding rooms (see paragraph I.20), neither was suitable for overnight stays and there were no showers. The toilets in both holding rooms were properly screened and clean.
- I.22** The rooms had rows of fixed seating, tables, one to two comfortable loungers and bean bags (see photographs in Appendix III). The limited comfortable seating was a problem if more than one detainee was held for longer than a few hours. Both holding rooms contained a pay phone and TV. Women’s sanitary items were freely available in the family room toilet. The Tascor basic information leaflet was provided in both holding rooms in a range of languages, but this did not include Romanian, which was the language of the largest number of detainees held recently. The family room contained children’s toys and child-friendly posters.
- I.23** Snacks and fruit were freely available in the holding rooms and detainees were regularly offered water and hot drinks, and also a range of microwave meals. Each room had a drinking water fountain. Staff could buy additional food for detainees on special diets from the airport.
- I.24** Detainees had sufficient activities for short stays. There was a television and some books and magazines, although they were mostly in English. Detainees could not go outside for fresh air. DCOs told us that one of the biggest problems for detainees was being unable to smoke at what was an unusually stressful time. Staff said this had led to some low-level incidents involving anxious and frustrated detainees. They also had no access to nicotine replacement therapy.

Recommendations

- I.25** The Tascor information leaflet should be available in Romanian.
- I.26** Detainees should have access to fresh air, and nicotine replacement therapy should be available to those who require it.
- I.27** Detainees should be held in the facility for the minimum period possible.

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 towards the detainee held during our inspection and checked on him in the holding room regularly. They had a positive ethos and were clear about their duty to care for detainees. We spoke to the detainee privately and he was very positive about his treatment by both Tascor and immigration staff.
- I.29** There were no female staff on duty during the inspection. About 40% of the staff allocated to work at the facility were women and we were assured that it was unusual to have no female officer. Staff said they would ask female airport security or Border Force officers to assist them with searching when this happened if a woman was detained. Over 130 women had been detained in the previous three months.
- I.30** DCOs had undertaken diversity training during their initial training course but had not received subsequent training. They could not recall anyone with a known disability being detained.
- I.31** DCOs said they could use the telephone interpreting service but most had not used it recently. The service had been used 67 times in the previous three months. Detainees could practise their religion freely. Copies of the Bible and Qur'an and a prayer mat were available in both holding rooms.
- I.32** Tascor feedback forms and Home Office complaint forms in a variety of languages were freely available for detainees. Immigration staff checked the complaints boxes every day. However, the boxes were not locked and so detainees could not use them in confidence. We were told that very few complaints were submitted and there had been none recently.
- I.33** DCOs said they would call the NHS health care advice number (111) if they needed advice or 999 in emergencies. They could remember no recent cases where either had been necessary.

Recommendation

- I.34** **Detainees should be able to make confidential comments or complaints using a secure complaints box.**

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.35** There were adequate facilities for incoming and outgoing telephone calls, including free calls for those with no money. Detainees had no access to the internet or email, which was an inappropriate restriction. Detainees transferring to an IRC were given a small card with a map and contact details of the IRC.
- I.36** There was no information available on common countries of return. There was a small stock of plastic holdalls for detainees without bags. A limited range of clothing was available for those who required it. Staff said that a lack of funds to reach their final destinations was a common concern for detainees about to be removed.
- I.37** Visitors were not allowed but detainees were generally held for reasonably short periods and had little opportunity to receive visitors. Detainees had good access to telephone contact, and could use their SIM cards in a facility mobile phone that did not have a camera or recording function.
- I.38** The detainee removed during the inspection was escorted across the airport by three staff in high visibility coats but was not handcuffed (see paragraph I.2). He boarded the flight without incident before other passengers and without them seeing him being escorted on board. Tascor staff waited outside the aircraft until it was ready for take-off.

Recommendation

- 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. Summary of recommendations and good practice

Recommendations

To the Home Office and contractor

Safeguarding children

- 2.1 The Home Office should work with local social services to ensure that social workers attend promptly when their services are required. (1.16, repeated recommendation 1.22)

Preparation for removal and release

- 2.2 Detainees should have access to the internet, including email, social networking sites and Skype, unless an individual risk assessment indicates otherwise. (1.38)

Recommendations

To the escort contractor

Arrival

- 2.3 Detainees should not be transferred to facility staff in view of the public and should only be handcuffed following an individual risk assessment. (1.6, repeated recommendation 1.4)
- 2.4 Detainees should only be brought to the facility a few hours before their flight is due to depart. (1.7)

Recommendations

To the facility contractor

Arrival

- 2.5 Detainees should be searched in a private area. (1.8)

Safeguarding children

- 2.6 All detainee custody officers working with children should have suitable training in safeguarding children. (1.17)

Accommodation and facilities

- 2.7 The Tascor information leaflet should be available in Romanian. (1.25)
- 2.8 Detainees should have access to fresh air, and nicotine replacement therapy should be available to those who require it. (1.26)

2.9 Detainees should be held in the facility for the minimum period possible. (1.27)

Respectful treatment

2.10 Detainees should be able to make confidential comments or complaints using a secure complaints box. (1.34)

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.

Recommendations

Detainees should not be transferred to facility staff in view of the public and should only be handcuffed following an individual risk assessment. (1.4)

Not achieved (recommendation repeated, 1.6)

Detainees should not be transported at night unless they have an early flight. (1.5)

Not achieved

Detainees should be given written reasons for detention in a language they understand before being taken into custody. (1.10)

Not achieved

Only detention trained staff should supervise the facility. (1.11)

Achieved

Detainees should receive their induction and be searched in private. (1.12)

Not achieved

Detainees should not be held for more than 24 hours. (1.29)

Not achieved

Reasons for detention forms (IS91R) should be provided in detainees' own language on arrival in the facility. The reasons should be accurate. (1.30)

Achieved

The Home Office and Tascor should initiate contact with the local Director of Adult Social Services and the local safeguarding adults board to develop safeguarding processes. (1.16)

Achieved

The Home Office should work with local social services to ensure that social workers attend promptly when their services are required. (1.22)

Partially achieved (recommendation repeated, 1.16)

All DCOs and Home Office staff working with children should have suitable refresher training on safeguarding children. (1.23)

Partially achieved

Respect

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

Recommendations

Detainees should not be held for long periods or overnight with no access to appropriate sleeping or washing facilities. (1.37)

Not achieved

DCOs should speak to detainees in a language they understand, using telephone interpreters when necessary. (1.45)

Partially achieved

Detainees held for several hours should have access to an exercise area in the open air. (1.51, repeated recommendation 1.65)

Not achieved

Detainees held for long periods should be allowed visitors. (1.52)

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.

Recommendations

Detainees should have access to the email, internet and fax machines. (1.55)

Not achieved

A wide range of clothing suitable for a variety of climates should be available. (1.56)

Partially achieved

Appendix III: Facility log analysis

Short-term holding facility logs for Luton Airport 1 January – 31 March 2017

We used individual-level RECOS data provided by Tascor Services to assess the characteristics and experiences of detainees held at Luton Airport over a three-month period.

Overview	
Total number of detainees held at the facility during this three-month period	697⁴
Proportion of detainees who were male	81%
Average (mean) age of detainees	32⁵
Proportion of detainees who were travelling individually	98%
Number of different countries detainees originated from	56⁶
Most common countries of origin	Romania (42%) Lithuania (15%) Poland (11%) Albania (4%) Slovakia (3%)
Average (mean) length of detention	6 hours 32 minutes⁷
Longest single period of detention	29 hours 50 minutes
Proportion of detention events where detainees were held for over 12 hours during a single period of detention	13%⁸
Proportion of detention events where detainees were held for over 24 hours during a single period of detention	1%⁹
Proportion of detainees held at the facility more than once	5%
Average (mean) cumulative length of detention for those held more than once	17 hours 23 minutes¹⁰
Proportion of cases with a departure outcome recorded	99%

⁴ Individual detainees within the dataset were identified using a port reference number (PRN). From the 734 detention events recorded between 1st January and 31st March 2017, details of the PRN were available in all cases.

⁵ With ages ranging from 2 to 68 years (median age 31) (N=696). Age was not provided for one case,

⁶ Country of origin was recorded as 'unknown' for nine cases.

⁷ The median time for the detention events logged was 4 hours 30 minutes (N=734).

⁸ N=734.

⁹ N=734.

¹⁰ Ranging from 4 hours 10 minutes to 54 hours 45 minutes, with a median length of 13 hours 40 minutes detention (N=33).

Unaccompanied children	
Total number of unaccompanied children held	18¹¹
Age of the youngest unaccompanied child	12 years¹²
Average (mean) length of detention for unaccompanied children	9 hours 21 minutes¹³
Longest single period of detention for unaccompanied children	25 hours
Number held for over 12 hours (during single period of detention)	6
Number held for over 24 hours (during single period of detention)	1
Main outcome for unaccompanied children (e.g. referred to SS, etc)	Referred to social services (N=6)

Accompanied children	
Total number of accompanied children held	5¹⁴
Age of the youngest accompanied child	2 years¹⁵
Average (mean) length of detention for accompanied children	5 hours 32 minutes¹⁶
Longest single period of detention for accompanied children	11 hours 15 minutes
Number held for over 12 hours (during single period of detention)	0
Number held for over 24 hours (during single period of detention)	0
Main outcome for accompanied children (e.g. referred to SS, etc)	Temporary admission (N=5)

¹¹ This is based on 21 detention events. Three children were held more than once.

¹² Age was not provided for one case.

¹³ With a median length of 7 hours 40 minutes (N=21).

¹⁴ This is based on six detention events. One child was held more than once.

¹⁵ Age was not provided for one case.

¹⁶ With a median length of 4 hours 50 minutes (N=6).

Appendix IV: Photographs

Family holding room



Main holding room

