

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

Leeds Waterside Court

by HM Chief Inspector of Prisons

20 March 2018

Glossary of terms

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Contents

Fact page	4
Introduction	5
About this inspection and report	6
Summary	7
Section 1. Safety	8
Respect	11
Preparation for removal and release	13
Section 2. Summary of recommendations and good practice	14
Section 3. Appendices	16
Appendix I: Inspection team	16
Appendix II: Progress on recommendations from the last report	17
Appendix III: Photographs	19

Fact page

Task of the establishment

To hold immigration detainees before their removal from the UK

Location

Kirkstall Road, Leeds

Name of contractor

Tascor (part of Capita plc)

Last inspection

17 October 2011

Escort provider

Tascor (part of Capita plc)

Introduction

Waterside Court is the Home Office's main hub for immigration functions in West Yorkshire. The complex of buildings houses a reporting centre, case working teams and an immigration compliance and enforcement (ICE) team.

Up to 140 people attend the reporting centre each weekday. Located in the same building as the reporting centre is a short-term holding facility. Flooding in December 2015 caused extensive damage to Waterside Court, and the facility was closed for almost two years. In October 2017, a new facility was opened in a different part of Waterside Court. The new facility comprises a detainee custody officers' office and two holding rooms. It is used to hold those who have reported but are being removed from the UK.

The local ICE team rarely use the facility; instead, they take detainees to a police station, where the conditions are likely to be less relaxed. On leaving the facility, detainees are routinely handcuffed and walked the short distance to escort vehicles in view of the public and those entering the reporting centre. The facility is open from 9am until 5pm, Monday to Friday, and is run by Tascor on behalf of the Home Office. Electronic logs suggested that a total of 48 detainees had been held in the previous three months, for an average of just over four hours. However, Tascor paper and electronic logs were inconsistent and it was not clear exactly how many detainees had been held. The Independent Monitoring Board regularly visits 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 short-term holding facilities (STHFs) are unsuitable for long stays and detainees should not be held in them for more than a few hours. This limits what activities can or need to be provided. We will therefore report any notable issues concerning activities in the accommodation and facilities section.

Summary

- S1 At our inspection in 2011, we made 16 recommendations, 11 of which we found at this inspection to have been achieved, one partially achieved and four not achieved.
- S2 In the previous three months, all detainees had arrived at the facility after attending the reporting centre, with none arriving with the immigration compliance and enforcement (ICE) team. Instead, the ICE team had taken detainees to a police station, where the conditions were likely to have been more secure and austere. Risk information was passed from Home Office staff to the two detainee custody officers (DCOs), one male and one female, who staffed the facility. Induction arrangements were satisfactory. The DCOs were aware of the stresses that detention can cause and were focused on detainee welfare.
- S3 The DCOs were not aware of any Tascor adult safeguarding policy but sought to identify risks. They carried anti-ligature knives and would open 'suicide and self-harm warning forms' when necessary. As the facility now had two holding rooms, men and women could be held separately. Both DCOs were up to date with their use of force training. Children were not held at the facility.
- S4 Detainees were issued with written reasons for their detention, in English. They could keep in touch with their lawyers by telephone but not by email and could not freely access a fax machine. Electronic logs suggested that 48 detainees had been held in the previous three months, for an average of just over four hours.
- S5 The facility was new and in good condition but the holding rooms were small. Toilets offered full privacy but lacked seats and lids. Activities and catering arrangements were adequate for short stays.
- S6 Detainees could submit written complaints but we were not satisfied that complaint boxes were emptied every day. The DCOs' awareness of diversity issues was basic but they completed refresher training each year. Professional telephone interpreting was rarely used. The DCOs were unsure as to whether detainees could keep their medication in their possession.
- S7 Detainees could communicate with family and friends by mobile phone but not by email, social networks or video calling. The arrangements by which detainees left the facility were poor. The outside area was insecure and there was no secure vehicle lock. Detainees were routinely handcuffed and walked the short distance to escort vehicles in view of the public and those entering the reporting centre, some of whom may have been anxious about the possibility of their own detention. Handcuffs were removed in the vehicle.

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** Detainees arrived at the short-term holding facility (STHF) after attending the reporting centre, which was in the same building. After reporting, they were interviewed by an immigration enforcement officer in a small interview room located between the reporting centre and the facility. We were unable to observe any interviews but were told that officers would explain the reasons for detention, using professional telephone interpreting if necessary, and give detainees written reasons for their detention (IS91R). The interview room was small but functional, with a speaker telephone used for communicating with an interpreter if necessary. Chairs were attached to the floor, which was unwelcoming and presented a disproportionate security restriction. Managers told us that they recorded known risks on the authority to detainee form (IS91) and verbally communicated these to the two detainee custody officers (DCOs) at the facility. The DCOs confirmed that they would never accept custody of a detainee without a completed IS91.
- I.2** Detainees were then taken into one of the facility's two holding rooms and given a rub-down search. Their property was bagged, tagged and stored in secure lockers. They were not allowed to retain cash, smart phones or phones with cameras. The DCOs gave detainees a brief induction to the facility and helped them to contact their solicitors and family members. They also offered detainees food and drink.
- I.3** During the inspection, Home Office staff advised DCOs which people attending the reporting centre over the next four days would be detained.
- I.4** The immigration compliance and enforcement (ICE) team that worked out of Waterside Court did not use the facility regularly, and there had been no use in the previous three months. Instead, they took the detainees they arrested in the community to Normanton Police Station, where the security conditions were likely to be much more severe. The reasons for this were unclear. The practice was inconsistent with that of other ICE teams, which regularly held detainees in STHFs.

Recommendation

- I.5** **The immigration compliance and enforcement (ICE) team should hold detainees at Waterside Court rather than at a police station, unless an individualised risk assessment shows otherwise.**

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.

- 1.6** The DCOs were not aware of the Home Office’s ‘adults at risk of harm in detention’ policy and could not point us to a Tascor adult safeguarding lead or policy. However, they said that they would open care plans for detainees with disabilities; none such detainees had been held since the facility had reopened, on 30 October 2017. Helpline telephone numbers, by which detainees could report female genital mutilation and modern slavery, were displayed in the holding rooms.
- 1.7** Both DCOs carried an anti-ligature knife, and a third knife was easily accessible in their office. No detainees had tried to harm themselves since the facility had reopened. One DCO spoke of how she had intervened in self-harm incidents in the old facility, and how she took proportionate steps to prevent harm. Following a self-harm incident, staff completed incident or use of force reports and a ‘suicide and self-harm warning form’. The latter accompanied the detainee to their next place of detention. Risks were also recorded on the person escort record. DCOs were familiar with assessment, care in detention and teamwork (ACDT) procedures used in immigration removal centres (IRCs) to prevent self-harm.
- 1.8** Unlike at the previous inspection, men and women could now be held separately, to prevent unwanted sexual attention. The DCOs could not recall examples of detainee-on-detainee victimisation.
- 1.9** Both DCOs had been trained in the Home Office Manual for Escorting Safely and received refresher training every six months. Two sets of waist and leg restraints were kept in the facility but had not been used since the facility had reopened. The DCOs carried rigid bar handcuffs. Detainees were routinely handcuffed while walking the short distance from the facility to escort vehicles (see paragraph 1.29). Force had not been used since the facility had reopened; the most recent incident had occurred in September 2015, shortly before the facility closed, when a detainee had attempted to harm himself. The force used had been necessary, proportionate and justified. The detainee had been taken to hospital following the incident, and a manager had reviewed the incident to learn lessons.
- 1.10** Staff told us that the facility was not used to hold children. Families with children in West Yorkshire were removed under the family returns process and picked up in their homes. The DCOs were aware of the Tascor safeguarding children lead and how to contact him.

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).

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.11** Detainees were issued with written reasons for their detention in English only. They could telephone their lawyers but could not email them. Immigration staff said that they would fax paperwork to lawyers after serving it on detainees. However, detainees could not freely send faxes from the facility. Instead, DCOs would request permission from the Home Office before faxing documents to lawyers. Notices in various languages promoted a telephone number for the Office of the Immigration Services Commissioner, which could help detainees to locate a registered immigration adviser. Detainees transferred to IRCs could also seek legal advice through Legal Aid Agency-funded duty advice surgeries.
- I.12** Following the inspection, Tascor provided us with electronic data on usage of the facility. However, the data had not been verified, and did not always concur with the paper records held in the facility itself. Based on the electronic records, a total of 48 detainees had been held in the previous three months, for an average of four hours and nine minutes; the longest detention had been nine hours and 25 minutes, which was too long in such cramped holding rooms.³ The DCOs told us that long detentions were often caused by delays in movement orders being issued and escort vehicles arriving late.

Recommendations

- I.13 Detainees should be able to contact their lawyers by email and fax.**
- I.14 Electronic and paper records of detentions should be consistent and accurate.**

³ The Independent Monitoring Board, who regularly visited the facility, had recorded 61 detentions in the same three month period, 1 December 2017 to 28 February 2018. Again, Tascor's electronic records were discrepant with this figure.

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.15** The facility was clean and well decorated, and the furniture in good condition. The holding rooms were small; one had capacity for four people and the other for two. The DCOs told us they kept male and female detainees separate wherever possible and accommodated families together. In both rooms, the toilet was clean, with full privacy, but lacked a seat and lid. Sanitary products were freely available and there were baby changing facilities. The DCOs issued toiletry bags containing basic hygiene items to detainees who needed them.
- I.16** Each holding room contained a television, some fixed seating, one table and a water fountain. The larger room had no natural lighting, which could have been oppressive for detainees held for a long time or if the room was fully occupied.
- I.17** There were sufficient activities for short stays. Some magazines and newspapers were available but there were not enough in languages other than English, and some newspapers were three months old. There were books, activity packs for children and a DVD player with a small range of children’s cartoons; however, owing to the lack of space in the holding rooms, these items were held elsewhere and available only on request. Detainees had no access to fresh air and there was nowhere for them to smoke. The DCOs offered nicotine gum but not e-cigarettes.
- I.18** Catering arrangements were adequate, consisting of a range of microwave meals, including halal and vegetarian options. Crisps and snacks were also offered but no fruit was available. Hot drinks were provided by staff from a vending machine located outside the holding rooms.

Recommendations

- I.19** Toilets should have seats and lids.
- I.20** Detainees spending more than a few hours at the facility should be allowed time in the open air.

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.21** No one was held during the inspection and we were unable to observe the DCOs interacting with detainees. However, they were aware of the stresses that detention can cause and were focused on identifying risks. They used an induction checklist to ensure that welfare and health and safety issues were explained.
- I.22** Detainees could complain using the standard Home Office complaint form, which was available in a range of languages. Staff told us that Home Office staff emptied the complaints boxes twice a week but there were no logs to substantiate this. The last time that a detainee had complained was in May 2015, and that complaint had been handled appropriately.
- I.23** The DCOs had a basic awareness of diversity issues and completed a paper-based refresher exercise in equality and diversity annually. Detainees were told that prayer mats and religious texts were available on request. The toilet in the larger holding room was adapted for detainees with mobility problems. There was no hearing loop facility and no information in Braille. Staff were aware of the designated professional telephone interpreting service but had not used it in the period between October 2017 and January 2018.
- I.24** The DCOs could seek telephone medical advice from IPRS Aeromed, although there did not appear to be a mechanism for addressing low-level medical needs. They were unclear on whether detainees could retain prescribed medication in their possession.

Recommendations

- I.25** **The complaints box should be emptied every day that the facility is open and logs should be maintained to confirm this.**
- I.26** **Detainees should be able to retain their legitimately prescribed medication, unless a written individualised risk assessment suggests otherwise.**

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.27** Detainees were allowed to retain mobile phones without cameras or internet capabilities. The DCOs supplied dummy mobile phones into which detainees could insert their SIM cards, and could give family and friends the phone number, so were able to receive incoming calls. International calling cards were provided if required but there were no payphones. Detainees could not use email, video calling or social networks to tell friends and family what was happening, or to communicate with solicitors.
- I.28** Visits were not permitted but family and friends could deliver property to detainees. Information cards with the address and telephone number of IRCs were available.
- I.29** Arrangements to leave the facility were poor. This was largely due to poor planning and design of the new facility's location. There was no secure vehicle lock and the outside area was insecure. Detainees were routinely handcuffed and walked the short distance from the facility to the escort vehicle.

Recommendations

- I.30** **Detainees should have supervised access to the internet, including email, video calling and social networks.**
- I.31** **Detainees should only be handcuffed on departure subject to an individual risk assessment. They should leave the facility and board escort vehicles out of public sight.**

Section 2. Summary of recommendations and good practice

Recommendation

To the Home Office

Arrival

- 2.1 The immigration compliance and enforcement (ICE) team should hold detainees at Waterside Court rather than at a police station, unless an individualised risk assessment shows otherwise. (1.5)

Recommendations

To the facility contractor and Home Office

Legal rights and casework

- 2.2 Detainees should be able to contact their lawyers by email and fax. (1.13)

Accommodation and facilities

- 2.3 Toilets should have seats and lids. (1.19)
- 2.4 Detainees spending more than a few hours at the facility should be allowed time in the open air. (1.20)

Recommendations

To the facility contractor

Legal rights and casework

- 2.5 Electronic and paper records of detentions should be consistent and accurate. (1.14)

Respectful treatment

- 2.6 The complaints box should be emptied every day that the facility is open and logs should be maintained to confirm this. (1.25)
- 2.7 Detainees should be able to retain their legitimately prescribed medication, unless a written individualised risk assessment suggests otherwise. (1.26)

Preparation for removal and release

- 2.8** Detainees should have supervised access to the internet, including email, video calling and social networks. (1.30)
- 2.9** Detainees should only be handcuffed on departure subject to an individual risk assessment. They should leave the facility and board escort vehicles out of public sight. (1.31)

Section 3. Appendices

Appendix I: Inspection team

Colin Carroll
Kam Sarai

Inspector
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

Handcuffs should only be used if justified by individual risk assessment. (1.4)

Not achieved

All escort vehicles should be equipped with a readily accessible anti-ligature knife. (1.5)

Achieved

A UK Border Agency official should visit the facility daily, to ensure that it is functioning correctly and that detainees' welfare needs are being met. These visits should be recorded. (1.20)

Achieved

When detainees attempt or express thoughts of self-harm or suicide, an assessment, care in detention and teamwork (ACDT) document should be opened. (1.26)

Not achieved

Detainee custody officers (DCOs) should routinely carry anti-ligature knives. (1.27)

Achieved

The baby change facility should be located in a place that affords privacy. (1.32)

Achieved

All detainees subject to control and restraint techniques should be routinely assessed by a health care practitioner as soon as possible after restraint is removed. (1.40)

Achieved

Unrelated male and female detainees should not be held together. (1.23)

Achieved

Respect

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

Recommendations

The complaints box should be emptied daily. (1.42)

Not achieved

Detainees should have access to toilets with seats and floor-to-ceiling screening which provide suitable privacy. (1.9)

Achieved

Staff should engage proactively with detainees and check on their welfare at regular intervals. (1.12)

Achieved

Staff should wear legible name badges. (1.13)

Achieved

Staff should receive ongoing equality training. (1.34)

Achieved

Detainees should be able to watch television. Books and up-to-date magazines should be available in a range of languages. (1.36)

Partially achieved

There should be sufficient information booklets, in good-condition, for detainees to read. (1.39)

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.

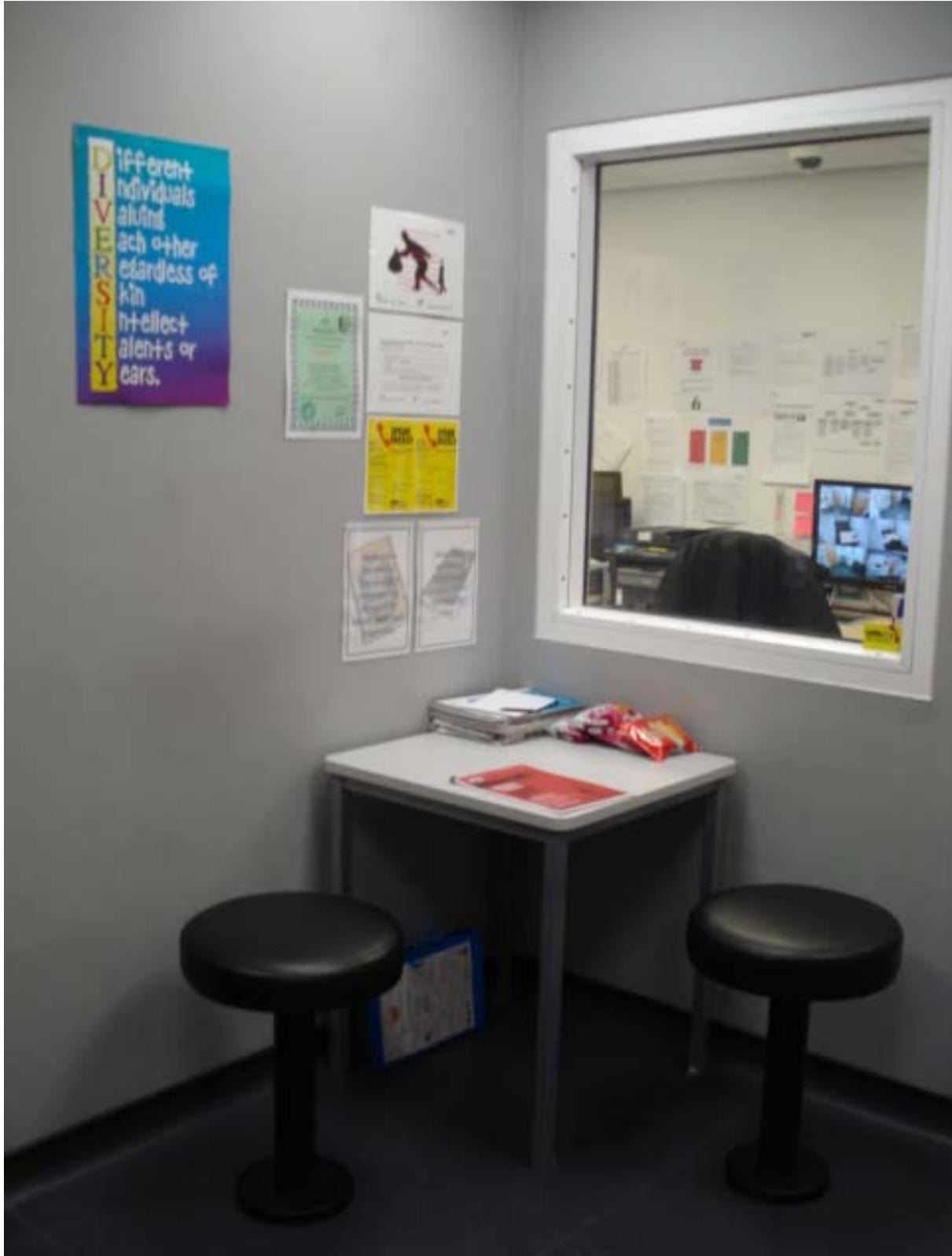
Recommendation

Detainees should have access to email. (1.50)

Not achieved

Appendix III: Photographs

Holding room for four people.



Outside area where detainees were escorted in handcuffs between the facility and escort vehicle.

