

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

Heathrow Airport Terminal 3

by HM Chief Inspector of Prisons

29 October 2018

Glossary of terms

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Fact page

Task of the establishment

To hold newly arrived passengers pending a UK Border Force decision on their entry, and those being removed from the United Kingdom.

Location

Heathrow Airport Terminal 3 (Airside)

Name of contractor

Mitie Care and Custody

Last inspection

13 May 2015

Escort provider

Mitie Care and Custody

Introduction

Heathrow Airport Terminal 3 serves flights to European and long-haul destinations. The short-term holding facility is located airside and is used to hold three types of detainee: passengers who have been refused entry to the UK and will be returned to their country of embarkation; passengers not yet given permission to enter the UK and about whom Border Force are making enquiries; and a small number of detainees being removed from immigration removal centres.

Since our last inspection, the facility had been refurbished to a good standard. The two holding rooms now had showers. In May 2018 there was also change in contract provider from Tascor to Mitie Care and Custody. We were told that this limited the amount of management data available, and so the data we were able to obtain was from May 2018 only.

No detainees were held during our inspection. In the previous three months, Border Force had used its power of detention 604 times, holding eight people for over 24 hours. Mitie Care and Custody was unable to supply consolidated information on the average length of time detainees had been held; we derived the figures in this report from raw data provided by Mitie Care and Custody.

An Independent Monitoring Board visited the facility regularly.

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 May 2015, we made 20 recommendations, three of which we found at this inspection were achieved, one partially achieved and 16 not achieved.
- S2 Since our previous inspection in 2015, the facility had been refurbished to a good standard. Mitie Care and Custody had become the new contract provider in May 2018 and ran the facility on behalf of the Home Office.
- S3 Detainees were transferred into the facility by UK Border Force staff. They were given a rub-down search on arrival, but this was not in private. Detainees could make a telephone call shortly after arrival. Escort staff continued to wear high visibility jackets when transferring detainees through public areas to the gates. Unrelated male and female detainees continued to be held together. Detainee custody officers (DCOs) had good oversight of the holding rooms, and they carried anti-ligature knives.
- S4 DCOs were unaware of the Mitie Care and Custody safeguarding adults policy, the national referral mechanism (to identify, protect and support victims of trafficking) or trafficking indicators. Thirty-eight children had been held in the previous three months. The Border Force safeguarding and modern slavery (SAMS) team were well trained in recognising vulnerable individuals. However, regular meetings with Hillingdon social services had ceased during the previous year. There was still a lack of trained 'responsible adults' (independent individuals who check on the interests of a child being interviewed). Force was rarely used in the facility.
- S5 Detainees had little access to legal advice. In the previous three months there had been 604 detentions. Seventy-seven people were held for over 12 hours, eight for over 24 hours and the longest for 25 hours 45 minutes.
- S6 The two holding rooms were large and clean. However, they were sterile and had little decoration (see Appendix III - Photographs). The fixed tables and seats were uncomfortable given the length of time some detainees could be held. The semi-recliner chairs installed as part of the refurbishment were uncomfortable and detainees struggled to sleep on them. There were now showers in both the main holding room and the family room. Some toilets did not have seats, and there was no designated woman's toilet in the main holding room. There were toys and activities for children held in the facility but little to do for adults in the main holding room. Each holding room had a television.
- S7 Detainees could practise their religion and there was a multi-faith room in the main holding area. There were adapted facilities, including a shower and toilet, for those with disabilities. Snacks and hot drinks were freely available in the holding rooms, and staff could provide microwave meals to detainees.
- S8 Detainees could complain formally in writing, although complaint forms were not visibly displayed in the family room.
- S9 Visitors were not allowed into the facility. Detainees transferring to immigration removal centres (IRCs) were given a small information card about their destination centre, including some useful information about visiting times and contact numbers. Detainees were not allowed to use the fax machine in the DCOs' office, and they could not access email or the internet.

Section 1. Safety

Arrival and reception

Expected outcomes:

Detainees travelling to and arriving at the facility are treated with respect and care.

Risks are identified and acted on. Induction is comprehensive.

- I.1** The holding room was open 24 hours a day, seven days a week and was staffed by two detainee custody officers (DCOs). We were told that at least one of the DCOs on duty would be a woman. No detainees were escorted to or from the facility during the inspection.
- I.2** Escort staff continued to wear high visibility jackets routinely when transferring detainees to the gates, which could focus unnecessary attention on the detainees. We were told that once escort staff were airside it was a mandatory requirement for them to wear high visibility clothing.
- I.3** On arrival, detainees received a rub-down search in the staff office, which did not provide sufficient privacy. DCOs said that they would not admit detainees without the relevant authority to detain (IS91) document.
- I.4** All detainees were offered a free telephone call on arrival and had reasonably good access to phone contact (see paragraph I.44). Detainees' other personal property was stored in a secure room next to the DCOs' office until they were transferred from the facility.
- I.5** There was some spare clothing and basic toiletries available for detainees if required. DCOs had no access to any medical helpline. They could contact the NHS 111 service for general advice or ring for an ambulance in an emergency. They were unclear about whether detainees could retain prescribed medication in their possession.
- I.6** A basic induction leaflet for detainees was available in a variety of languages. Staff told us they went through this with arriving detainees and used professional interpreting services if required.

Recommendation

- I.7** **There should be arrangements to ensure detainees have adequate access to medical services, including medication to manage longstanding conditions.**

Safeguarding adults and personal safety

Expected outcomes:

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

- I.8** Mitie Care and Custody staff did not know if the company had a safeguarding adults' policy, and were not aware of the national referral mechanism to identify, protect and support victims of trafficking. Although they said they had received safeguarding training while

working for the previous contractor, this was some time ago. Mitie staff were not aware of links with the local authority adult social services.

- I.9** Border Force had an onsite safeguarding and modern slavery (SAMS) team that, in addition to dealing with children’s cases, was responsible for suspected victims of trafficking and other vulnerable individuals and had been specifically trained in this area. As at our previous inspection, DCOs told us that they did not always get information about detainees suspected to be victims of trafficking, indicating that Border Force staff did not routinely share concerns about detainees. Staff and managers told us that there was no formal forum for Mitie staff or Border Force to meet with Hillingdon social services (see paragraph I.18).
- I.10** DCOs received self-harm and suicide prevention training in their initial training course but no refresher training. DCOs on duty carried anti-ligature knives, and there was a spare attached to a first aid kit in the staff office. We were told that DCOs would complete a suicide and self-harm warning form if a detainee indicated an intention to self-harm. This information would accompany the detainee if they travelled on to an immigration removal centre (IRC), where assessment, care in detention and teamwork (ACDT) case management documentation for detainees at risk of suicide or self-harm could be opened and the detainee fully assessed.
- I.11** Women were usually held with men. Staff told us that if any issues arose, they would use the family room, if it was empty, to hold women or separate a detainee from others. DCOs had good oversight of the holding rooms through large windows in their office, and the holding rooms were covered by closed-circuit television, with CCTV footage retained and accessible locally.
- I.12** Mitie Care and Custody told us that there had been no use of force at the facility since it had taken on the new contract in May 2018.
- I.13** The facility stocked two HOMES (Home Office manual for escorting safely) kits, a backpack with a waist restraint belt and a leg restraint belt. Some Border Force officers still carried extendable batons in the facility. DCOs carried rigid handcuffs on their belt, which could be easily seen by detainees and could be intimidating for adults and frightening for children.

Recommendations

- I.14 Mitie Care and Custody managers should ensure that detainee custody officers (DCOs) are aware of the potential vulnerabilities of detainees, and of safeguarding mechanisms. Custody staff should open care plans for all vulnerable adults, and these should be kept updated and address any safeguarding concerns.**
- I.15 Male and female detainees should not be held in the same holding room unless related.** (Repeated recommendation I.10)

Safeguarding children

Expected outcomes:

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

- I.16** In the previous three months, 38 children were held - 34 accompanied and four unaccompanied. One child was held for over 12 hours, and none were held for more than 24

hours. The longest period of detention of an accompanied child was for 15 hours 55 minutes and for an unaccompanied child it was five hours 35 minutes.

- I.17 Children were interviewed by the specially trained Border Force safeguarding and modern slavery team, who had had enhanced checks by the Disclosure and Barring Service. All the team had received extensive training in dealing with young and vulnerable people, and potential victims of modern slavery.
- I.18 The previous fortnightly meetings attended by Border Force officers from each terminal and Hillingdon social services had not taken place during the last year. This was a missed opportunity for Border Force and Mitie Care and Custody, as these meetings provided a forum to learn and discuss issues (see paragraph I.9 and recommendation I.14).
- I.19 Mitie Care and Custody staff had received training in child safeguarding from Barnardo's. They were not aware of any recent detainees for whom there were safeguarding concerns. As at the previous inspection, DCOs told us that they did not always get information about children from Border Force staff, indicating the Border Force staff did not routinely share concerns about detainees (see also paragraph I.9). All children held in the facility had a care plan with some good basic information. DCOs checked on children every 15 minutes during their stay in the holding rooms, and this was documented.
- I.20 Eight people were listed as 'responsible adults' (independent individuals who checked on the interests of a detained child being interviewed) to provide support to unaccompanied children. We were told they were briefed on this role but had no formal training. Anyone could be used to fulfil this role, providing they were not Border Force staff or police, and airline carrier representatives were used if available. We were concerned that the individuals used were untrained, might not have an understanding of the role and might not be suitable for this task. As at the last inspection, Border Force appointed and coordinated the responsible adults, which might affect their independence.

Recommendations

- I.21 **Border Force staff should provide a clear briefing to Mitie Care and Custody staff when a detainee is transferred into their care. The briefing should cover all relevant information on the detainee's potential risks and vulnerabilities.**
- I.22 **Only trained and informed responsible adults should be used to provide support to unaccompanied children, and they should be recruited, trained and coordinated independently of Border Force.**

Legal rights

Expected outcomes:

Detainees are fully aware of and understand their detention, following their arrival at the facility and on release. Detainees are supported by the facility staff to freely exercise their legal rights.

- I.23 As at our previous inspection, detainees had limited access to legal advice. There were some notices in various languages promoting a telephone number for the Office of the Immigration Services Commissioner, which could help detainees to locate a registered immigration adviser. As the facility was located airside, legal representatives were unable to visit detainees. Detainees could maintain contact with their legal representatives by telephone,

but this was not in private (see paragraph I.44). Although there was a fax machine in the DCOs' office, we were told that detainees could not use it.

- I.24** Detainees were given a copy of their reasons for detention (IS91R) in English only. We were told Home Office staff would request a professional interpreter or telephone interpreting service to explain the contents of the notice. DCOs said they would refuse to accept detainees without the necessary authority to detain (IS91).
- I.25** In the previous three months, 604 detainees had been held. The longest period of detention was 25 hours 45 minutes. However due to a lack of evidence, this analysis did not include the period that detainees were initially held in the controlled waiting area, near to the point of immigration, where they were detained before they were moved to the holding facility.

Recommendations

- I.26** Detainees should have access to a fax machine, and this facility should be advertised in the holding rooms. (Repeated recommendation I.29)
- I.27** Detainees should be issued with and allowed to keep the reason for detention (IS91R) document in a language they can understand.

Respect

Accommodation and facilities

Expected outcomes:

Detainees are held in a safe, clean and decent environment. They are offered varied meals according to their individual requirements. The facility encourages activities to promote mental well-being.

- I.28** The facility had been fully refurbished since our previous inspection. It had two holding rooms - one for adults and one for families. Both rooms were overlooked by the DCOs' office, and CCTV covered all areas and could be viewed in the DCOs' office. The facility and the furniture were clean and in good condition. There was a limited range of useful information on display.
- I.29** Holding rooms were now a better environment for a short stay but remained unacceptable for overnight stays. They contained a television, payphone (without privacy hood), and fixed seating and tables. Although, there were some semi-recliner seats, these did not provide adequate sleeping facilities; they were hard and uncomfortable and we were told there had been incidents of detainees falling off them while trying to sleep. It was positive that there was a designated multi-faith/quiet room. It contained relevant religious items, such as prayer mats, although more could have been done to make it more welcoming.
- I.30** Both holding rooms contained an adapted shower room that could be used by disabled detainees and toilets, although there were no designated women's toilets; the adult holding room had two toilets for men and one unisex toilet, and the toilets in the family room were unisex. However, a range of sanitary items were freely available in the unisex toilets. Although the toilets were in good condition and offered privacy, some did not have seats. The family holding room had baby changing facilities, including a range of nappies, and baby food was available. There was no travel cot on site; we were told that one would be brought from nearby Cayley House short-term holding facility if required. Clothing was available for male and female detainees. DCOs issued toiletry bags containing basic items to detainees, and towels and blankets if required. We were told that the holding rooms often became cold, particularly during the night, but DCOs had no control of the temperature in the area as it was part of the terminal-wide controls.
- I.31** Catering arrangements were adequate with a range of microwave meals, including halal, kosher and vegetarian options. Detainees could help themselves to snacks and fruit in the holding rooms, and both rooms had a vending machine with hot and cold drinks and a water fountain.
- I.32** Detainees had limited access to activities to occupy them. Both rooms contained a small range of books, and current newspapers and magazines, with some in foreign languages. There had been efforts to soften the environment of the family room, which had a range of children's toys, play mats, bean bags, activity packs, a Wii console and some wall art. However, there were no longer any DVD facilities. Detainees still had no access to the open air. There was no place for them to smoke, although staff could offer nicotine lozenges.

Recommendation

- I.33 Detention should be kept to a minimum period and detainees should not be held for an unreasonable time without access to sleeping facilities, fresh air or natural light.**

Respectful treatment

Expected outcomes:

Detainees are treated with respect by all staff. Effective complaints procedures are in place for detainees. There is understanding of detainees' diverse cultural backgrounds. Detainees' health care needs are met.

- I.34** Staff told us that they routinely introduced themselves to detainees and addressed them by their preferred names. Although they wore name badges, the names were too small for detainees to read easily.
- I.35** Although no detainees were held during our inspection, the DCOs we spoke to were aware of the stresses that detention can cause and focused on ensuring detainee needs were addressed. Welfare checks were conducted hourly for adults and every 15 minutes for children, and were recorded on an electronic recording database.
- I.36** Staff used an induction checklist to ensure that welfare and health and safety issues were explained to detainees, with professional interpreting services used if required.
- I.37** Detainees could complain using the standard Home Office complaint form, which was available in a variety of languages. These were prominently displayed in the adult holding room but not in the family room. We had to ask a member of staff to show us one, making it unlikely that detainees would know of their location. Child-friendly complaint forms were available but also hidden away in a box. Neither room had pens visible for detainees to complete complaints forms. Home Office staff emptied the complaints boxes daily and their visits were recorded. There had been one complaint about Mitie Care and Custody since May 2018, but no data were available about complaints before then. The response to this complaint was generally polite and addressed the issues raised, but there was no evidence that the complainant had been contacted to discuss the issues, even though they had provided their contact details.
- I.38** The DCOs had a basic awareness of diversity issues and completed an annual paper-based refresher exercise in equality and diversity. Prayer mats and religious texts were freely available in cupboards in the holding rooms but not prominently signposted.
- I.39** The holding rooms were adequate for wheelchair users to move around in, and there were adapted toilet and shower facilities for detainees with mobility problems. DCOs said they would use disability care plans when required. There was no hearing loop facility and no information in Braille.
- I.40** Staff were aware of the professional telephone interpreting service but Mitie Care and Custody could not provide logs to demonstrate how often it was used.
- I.41** DCOs told us they did not open care plans for pregnant detainees or for others with potential vulnerabilities.
- I.42** DCOs had no access to any medical helpline. They could contact the NHS 111 service for general advice or ring for an ambulance in an emergency. They were unclear about whether

detainees could retain prescribed medication in their possession, and detainees were not offered paracetamol (see paragraph 1.5 and recommendation 1.7).

Recommendation

1.43 Complaint forms should be prominently displayed in both holding rooms.

Preparation for removal and release

Communications

Expected outcomes:

Detainees are able to maintain contact with the outside world using a full range of communications media.

- I.44** Detainees could not use their own phones if they had cameras or internet access, but alternative phones were available, which they could use with their own SIM cards. They could also receive incoming calls on the payphones in the holding rooms, although these were less private. Staff encouraged detainees to give their friends, family and legal representatives the telephone numbers of the payphones in the holding rooms. Staff told us that they would allow detainees to use the office telephone if necessary, and that if they did not have any money or a SIM card they would permit more than one free telephone call. Detainees could change foreign currency into sterling so they could use the payphones.
- I.45** Detainees could still not use email, video calling or social networks to contact friends, family or their solicitors. As at our last inspection, although there was a fax machine in the office, inexplicably neither staff nor detainees could use it.

Recommendation

- I.46 Detainees should have access to the internet, including email, video calling and social networks.**

Leaving the facility

Expected outcomes:

Detainees are prepared for their release, transfer or removal. They are able to retain or recover their property. Families with children and others with specific needs are not detained without items essential for their welfare.

- I.47** Mitie Care and Custody was unable to provide consolidated figures on where detainees went after leaving the holding rooms. Some would have been removed from the UK, some granted temporary admission or permission to enter the UK, and some may have been transferred to an IRC.
- I.48** Visitors were not allowed into the facility due to its airside location. There was still no provision for relatives or friends to deliver property or cash to detainees. Information cards with the address and telephone number of IRCs were available for detainees transferring to further detention. We were told that detainees' personal property was returned to them on departure from the facility.
- I.49** We were unable to observe any escorts during our inspection. Staff informed us that force was not used to get non-compliant detainees onto aircraft, and in such cases removals were cancelled and rescheduled with overseas escort contractors.

Section 2. Summary of recommendations

Recommendations

To the Home Office

- 2.1 Border Force staff should provide a clear briefing to Mitie Care and Custody staff when a detainee is transferred into their care. The briefing should cover all relevant information on the detainee's potential risks and vulnerabilities. (1.21)
- 2.2 Only trained and informed responsible adults should be used to provide support to unaccompanied children, and they should be recruited, trained and coordinated independently of Border Force. (1.22)
- 2.3 Detainees should have access to a fax machine and this facility should be advertised in the holding rooms. (1.26, repeated recommendation 1.29)

Recommendations

To the facility contractor

Arrival and reception

- 2.4 There should be arrangements to ensure detainees have adequate access to medical services, including medication to manage longstanding conditions. (1.7)

Safeguarding adults and personal safety

- 2.5 Mitie Care and Custody managers should ensure that detainee custody officers (DCOs) are aware of the potential vulnerabilities of detainees, and of safeguarding mechanisms. Custody staff should open care plans for all vulnerable adults, and these should be kept updated and address any safeguarding concerns. (1.14)
- 2.6 Male and female detainees should not be held in the same holding room unless related. (1.15, repeated recommendation 1.10)

Legal rights

- 2.7 Detainees should be issued with and allowed to keep the reason for detention (IS91R) document in a language they can understand. (1.27)

Accommodation and facilities

- 2.8 Detention should be kept to a minimum period and detainees should not be held for an unreasonable time without access to sleeping facilities, fresh air or natural light. (1.33)

Respectful treatment

- 2.9 Complaint forms should be prominently displayed in both holding rooms. (1.43)

Communications

- 2.10** Detainees should have access to the internet, including email, video calling and social networks. (1.46)

Section 3. Appendices

Appendix I: Inspection team

Tamara Pattinson
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

Escort staff should wear high visibility clothing only when safety rules require it. (1.2, repeated recommendation 1.3)

Not achieved

Initial interviews, rub-down searches and telephone calls should be conducted in private. (1.6)

Not achieved

All detainees should be able to contact their friends, family and legal representatives. (1.7)

Achieved

Male and female detainees should not be held in the same holding room unless related. (1.10, repeated recommendation 1.38)

Not achieved (recommendation repeated, 1.15)

Staff should receive regular refresher training in suicide prevention and the assessment, care in detention and teamwork self-harm monitoring process. (1.12, repeated recommendation 1.40)

Not achieved

Custody staff should open care plans for all vulnerable adults, as well as children. Care plans should be kept updated and address any safeguarding concerns. (1.16)

Not achieved

Border Force should communicate safeguarding concerns about detainees to custody staff. (1.17)

Not achieved

Tascor should be represented at the fortnightly safeguarding case conferences with Hillingdon social services and disseminate learning points to detainee custody officers. (1.18)

Not achieved

Responsible adults should be recruited, trained and coordinated independently of Border Force. (1.23)

Not achieved

Border Force officers should not carry batons inside the facility. (1.26)

Not achieved

Border Force should negotiate with the Legal Aid Agency to offer telephone advice to detainees through an interpreting service similar to that used in its police station telephone immigration advice line. (I.28)

Not achieved

Detainees should have access to fax machines, and this facility should be advertised in the holding room. (I.29)

Not achieved (recommendation repeated, I.26)

Detainees should be given written reasons explaining why they are being detained in a language they understand. (I.34, repeated recommendation I.30)

Not achieved

Detainees entering the non-detained asylum process should be transferred from the facility without delay. (I.35)

Not achieved

Detention should be kept to a minimum period, and detainees should not be held for an unreasonable time without access to sleeping and washing facilities, fresh air or natural light. (I.36)

Not achieved

Respect

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

Recommendations

There should be a stock of clean clothing for both male and female detainees in a range of sizes, including underwear. (I.43, repeated recommendation I.20)

Achieved

The rebuild of the facility should be implemented and should address the current poor lighting, ventilation and seating arrangements. (I.44)

Achieved

There should be a disability impact assessment of the plans for the new facility, which should incorporate the findings from the assessment. The new facility should have a toilet adapted for detainees with mobility needs. (I.51)

Not achieved

Tascor should contact detainees who have complained to discuss their complaint, and record the efforts made to contact them. (I.53)

Not achieved

The facility should provide a suitable range of activities including a wide range of books, magazines and DVDs in English and other languages. (I.56)

Partially achieved

Appendix III: Photographs

Family room



Easy chair in family room



Main holding room



Toilet



Disabled facilities and shower

