

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

Capital Building, Liverpool

by HM Chief Inspector of Prisons

1 May 2019

Glossary of terms

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Printed and published by:
Her Majesty's Inspectorate of Prisons
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Canary Wharf
London
E14 4PU
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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	14
Section 2. Summary of recommendations and good practice	16
Section 3. Appendices	18
Appendix I: Inspection team	18
Appendix II: Progress on recommendations from the last report	19
Appendix III: Photographs	21

Fact page

Task of the establishment

To hold immigration detainees following arrest or reporting, and before transfer to residential detention.

Location

Capital Building, Liverpool

Name of contractor

Mitie Care and Custody

Last inspection

22 March 2016

Escort provider

Mitie Care and Custody

Introduction

The Capital Building in Liverpool is the centre of the Home Office immigration operations in the city. The building houses UK Visas and Immigration caseworkers, an immigration compliance and enforcement (ICE) team and a reporting centre. Approximately 90–100 people a day attend the reporting centre to comply with the conditions of their temporary admission to the UK. Caseworkers interview about seven individuals a day concerning their applications to remain in the UK as the spouse of an EU national.

The short-term holding facility on the lower ground floor is used to hold individuals who have been arrested in the community by the ICE team, detained after attending the reporting centre or following the rejection of their EU spouse application. Detainees are held in the facility before transfer to a residential detention facility, and ultimate removal from the UK.

In May 2018, there was a change in contract provider from Tascor to Mitie Care and Custody, which manages the facility on behalf of the Home Office. It is open from 8.30am to 5.30pm, three days a week: Monday to Wednesday in one week, and Tuesday to Thursday the next. It comprises two rooms for detainees – one for men and the other for women and families – so men and women can be held separately, with an office used by the detainee custody officers between the two rooms.

The facility is used infrequently. No detainees were held when we visited. In the previous three months, 24 detainees had been detained. The average length of detention in this period had been four hours and nine minutes. Overall, the facility was adequate for short stays. 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 2016, we made 12 recommendations, seven of which we found at this inspection were achieved and five not achieved.
- S2 Most detainees arrived after attending the reporting centre or following an interview but a few arrived after arrest in the community by the local immigration compliance and enforcement team. Immigration enforcement officers assessed detainees' welfare and risks at the point of detention and communicated these to DCOs.
- S3 Detainees received a rub-down search by a DCO of the same gender and could make a telephone call, but were not able to retain their own mobile phones.
- S4 The two holding rooms were clean and in good condition, although they lacked natural light and were suitable only for short stays. There were enough activities to distract detainees held for short periods. Catering arrangements were adequate and DCOs could buy items for special diets from nearby shops. Detainees did not have access to the open air and there was nowhere to smoke or vape.
- S5 No detainees were held during the inspection; however, DCOs expressed empathy towards detainees and understood that detention could heighten their anxieties. Detainees could practise their religion. There was access to an adapted toilet. All medications were routinely removed from detainees without the advice of a health care professional, which disrupted their continuity of care.
- S6 DCOs carried anti-ligature knives and told us that they would open suicide and self-harm warning forms if required. They demonstrated some knowledge about safeguarding and adults at risk in detention, and had a broader understanding of vulnerability than we often find.
- S7 Force was rarely used in the facility but both DCOs confirmed that they were up-to-date with their Home Office Manual for Escorting Safely training.
- S8 Detainees could communicate with friends, family and legal advisers by telephone but had no access to fax, email or the internet.
- S9 Complaint forms were available in a variety of languages but were not prominently displayed, and complaints boxes were checked infrequently. No complaints had been submitted in the previous 12 months.
- S10 Visitors were not allowed into the facility but property could be left for detainees.
- S11 Detainees being transferred to further places of detention boarded escort vehicles out of sight of the public. Detainees were not routinely handcuffed when leaving the facility.
- S12 Detainees transferring to immigration removal centres were given a wallet-sized information card with details of the centre they were travelling to.

Section 1. Safety

Arrival and early days in detention

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** Most detainees arrived after attending the reporting centre or following an interview, but a few also arrived following arrest in the community by the local immigration compliance and enforcement team.
- I.2** The facility consisted of two holding rooms and one staff office. Two detainee custody officers (DCOs), one male and one female, staffed the facility from 8.30am to 5.30pm, three days a week: Monday to Wednesday in one week, and Tuesday to Thursday the next.
- I.3** If an individual was detained after attending the reporting centre or following an interview, an immigration enforcement officer took them to the holding room and served legal documents explaining the reasons for their detention (IS91R). Immigration enforcement officers assessed detainees' welfare and risks at the point of detention, with anything of note recorded on the IS91 'authority to detain' form and communicated to DCOs as part of their handover. Immigration officers continued to wear stab vests routinely when interviewing detainees, which was unnecessary and disproportionate.
- I.4** No detainees were held during the inspection, so we were unable to observe an arrival or the induction process. We were told that all detainees received a rub-down search on arrival, and that any presenting risks were discussed in an initial welfare interview. However, belts were routinely removed from detainees and they were not allowed to retain their own money, both of which were unnecessary restrictions and not based on an individual assessment. Detainees could make a telephone call but were not permitted to retain their own mobile phones (see paragraph I.39 and recommendation I.41).
- I.5** If more than one detainee was being held at the same time, there was limited privacy for searches, risk interviews and telephone calls. DCOs told us that they would use professional telephone interpreting services if necessary.
- I.6** Detainees' property was securely bagged, recorded and held in a storeroom or in the DCOs' office.

Recommendation

- I.7** **Items, including belts and cash, should only be removed from detainees following an individual written risk assessment.**

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's national 'safeguarding vulnerable adults at risk' policy was reasonably helpful in explaining how vulnerable detainees should be supported. DCOs had access to vulnerable adult warning forms, and we saw two that had been appropriately completed for a pregnant female detainee and a male detainee with mobility issues and indicated depression and post-traumatic stress disorder.
- I.9** DCOs spoke of their duty of care towards detainees and had a better understanding than we often find about various vulnerabilities, including human trafficking, hostage and slavery victims. Although they were unaware of the Home Office 'adults at risk of harm in detention' policy and the national referral mechanism for potential victims of trafficking, they were aware of the Mitie Care and Custody safeguarding lead, who they could contact if they had a concern.
- I.10** Posters in the holding room promoted the telephone number of a helpline for victims of modern slavery. The poster was displayed in English and several other languages. A separate poster promoted a helpline to report female genital mutilation, although this was only displayed in English.
- I.11** DCOs on duty had received self-harm prevention training during their initial training course. If a detainee presented a risk of self-harm, DCOs opened a suicide and self-harm warning form; this accompanied the detainee to their next place of detention, where a full assessment could be made. Both DCOs carried an anti-ligature knife.
- I.12** During the previous 12 months, two detainees had tried to harm themselves. In both cases, DCOs had applied minimal force to prevent further injury. Records showed that in one instance the detainee had been told by staff that his 'disruptive' behaviour (comprising attempts to hit his head against a glass window) could 'have a detrimental effect on his case'. In addition, although he claimed that he suffered with kidney stones and other conditions, and was not in possession of his medication, he had not been assessed by a paramedic until at least eight hours later. Local management checks by Mitie Care and Custody had noted the need to remind staff for the need for 'more urgent medical treatment' (see also recommendation I.38).
- I.13** Male and female detainees were held separately. During the previous three months, 83% of detainees had been male, and 17% female. Staff could not recall any issues arising between detainees but were keen to emphasise that they would speak to detainees to try to calm any tensions if they arose. DCOs had good oversight of both holding rooms through large windows in their office. Closed-circuit television cameras were in place but DCOs were uncertain how the footage could be reviewed, and by whom. Given the few detainees held in the facility, these arrangements were proportionate to the risks of any antisocial behaviour.
- I.14** Both DCOs had been trained in the Home Office Manual for Escorting Safely and received refresher training every nine months. Three sets of waist and leg restraint belts were also kept in the staff office.
- I.15** In the previous 12 months, force had been used on one occasion. During this incident, despite attempts to de-escalate the situation and gain compliance, staff had placed a passively non-compliant detainee in a waist restraint belt before carrying him onto an escort vehicle. A vulnerable adult warning form had been opened as he had earlier headbutted the arm of a chair and had appeared to be in distress.

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.16** Detainees were held with the correct authority to detain, and DCOs confirmed that they never accepted a detainee into their custody without the required documentation (IS9I form). An immigration enforcement officer served relevant legal documents on the detainee on arrival, including a notice of removal, information on bail rights, bail application forms and the reasons for detention (IS9IR). Most of this paperwork was in English only, but we were told that professional telephone interpreting services were used to explain the contents of the notice of removal to detainees who spoke little or no English.
- I.17** The holding rooms contained some notices, in various languages, promoting a telephone number for the Office of the Immigration Services Commissioner, which could provide help to detainees in locating a registered immigration adviser. However, the Civil Legal Advice helpline was not promoted.
- I.18** Legal representatives were unable to visit detainees. Detainees had no access to a fax machine (see paragraph I.40); they could maintain contact with their legal representatives by telephone, but not in private. Those subsequently transferred to immigration removal centres (IRCs) would be able to seek legal advice through Legal Aid Agency-funded duty advice surgeries.
- I.19** During the previous three months, 24 detainees had been held, for an average of four hours and nine minutes. The longest period of detention had been six hours and 45 minutes.

Recommendations

- I.20** **Detainees should be issued with the reason for detention (IS9IR) document in a language they can understand.**
- I.21** **The details and telephone numbers of advice agencies and solicitors should be displayed in the holding rooms, in a variety of languages.**

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.22** Facilities remained similar to those at the time of the previous inspection, consisting of two holding rooms, separated by the DCO office. They were clean and in good repair but lacked natural light. Toilets in both rooms were clean but lacked seats and lids. There remained an approximate four-inch gap at the bottom of the door of each toilet. Both rooms had a water fountain, telephones (see paragraph I.39) and a few pillows and blankets. Clothing was available both for male and female detainees, and DCOs issued toiletry bags containing basic items.
- I.23** The smaller room, designated for women and families, contained a table with four chairs fixed to the floor and two soft ‘bean bag’-type chairs. Attempts had been made to soften the environment with some child-friendly posters and stickers. There was one toilet, adapted for detainees with disabilities. Sanitary items were freely available, and a bin for their disposal. The room Notices in English promoted the Childline telephone number. Baby changing facilities, a travel cot and a range of nappies and baby food were available, if required.
- I.24** The larger holding room had additional fixed furniture and four rows of benches. There were two toilets, which could be designated for men or women as required. Toilet doors were lockable but staff were able to unlock them from the outside if they became concerned for a detainee’s safety.
- I.25** An immigration enforcement manager checked the condition of the facility each day that it was open. We were told that monitors from the Home Office also undertook routine management visits.
- I.26** Booklets, in a variety of languages, were provided in the holding rooms; these contained basic information on telephone access, smoking rules, searches, food, the Independent Monitoring Board and how to make a complaint. There was also one copy, in English, of the Short-Term Holding Facility Rules.
- I.27** There were sufficient activities to distract detainees who were held for short stays. A small bookcase in each room held a few current magazines and books, some of which were in languages other than English, with additional literature aimed at children in the smaller family room. A daily newspaper was available. There was a television in each holding room. A handheld DVD player was available for children but we were not confident that it would be offered to detainees regularly or that they would be aware of its existence. Detainees did not have access to the fresh air and there was nowhere for them to smoke or vape. DCOs offered nicotine lozenges to detainees who smoked.
- I.28** Detainees were provided with adequate food, with a small selection of crisps, fruit, biscuits and long-life croissants freely available in the holding rooms. DCOs offered detainees microwave meals, including halal and vegetarian options, and hot and cold drinks, and could buy items for special diets from nearby shops using petty cash, if required.

Recommendations

- I.29 Toilets should have a seat and lid.**
- I.30 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. Effective complaints procedures are in place for detainees. There is understanding of detainees' diverse cultural backgrounds. Detainees' health care needs are met.

- I.31** No detainees were held during the inspection, so we were unable to observe DCOs interacting with detainees, However, during our discussions with them, DCOs demonstrated an awareness of the stresses of detention.
- I.32** Detainees could submit written complaints. Complaint forms in English and other languages were freely available and could be submitted in secure boxes in each holding room. However, the forms were not prominently displayed, being kept in an information folder, with only one complaint form in each. Child-friendly complaint forms were also available. Staff told us that Home Office (Detainee Escorting and Population Management Unit) staff emptied the complaints boxes during their routine visits. No complaints had been received since the start of the current contract in May 2018.
- I.33** The holding rooms were adequate for detainees using a wheelchair to move around in, and there were adapted toilet facilities in the smaller holding room. DCOs said that they would use disability care plans when required.
- I.34** In the previous three months, the most common countries of origin for detainees held were Pakistan (13%), Albania (8%), Ghana (8%) and Sri Lanka (8%). Staff were aware of the professional telephone interpreting service, and records showed that it had been used on 57 occasions in the previous 10 months, which was reasonable.
- I.35** DCOs had a basic understanding of equality and diversity issues and were required to complete online refresher training. Detainees could practise their religion. A Qur'an, Bible and prayer mat were available in both holding rooms, although prayer mats were not stored respectfully in one holding room.
- I.36** DCOs removed all medications from detainees on arrival, including those that had been prescribed to them. Detainees were not allowed to take their medication unless subsequently authorised by a health care professional. They could contact the NHS 111 helpline for general advice or ring for an ambulance in an emergency. The blanket policy of removing all medication without the advice of a health care professional disrupted detainees' continuity of care.
- I.37** We viewed three incident reports from the previous 12 months. Two gave concern regarding delays for detainees in accessing medical assistance. One case involved a female detainee who claimed that she was pregnant and appeared to be in distress. She was seen by first-aid-qualified DCOs, but it was not until approximately two hours later that an ambulance was requested. In the interim period, her GP had confirmed her pregnancy. The couple (her husband had also been detained) had been released from detention and escorted to hospital by ambulance (see paragraph I.12 for the other case).

Recommendation

- I.38** There should be arrangements to ensure that detainees have adequate and prompt access to medical services, including medication to manage long-standing conditions.

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.39** Detainees could maintain reasonably good contact with the outside world by telephone but not by any other means of communication. A free telephone was available in both holding rooms, so that detainees could call their families and solicitors. A payphone in each holding room allowed incoming calls. DCOs routinely removed detainees' mobile phones on their arrival if they had internet access. Replacement mobile phones were not provided as in other facilities. We were told that this was due to poor signal reception in the holding room. However, this meant that detainees were also unable to access contact details for family and friends that were stored on their phones.
- I.40** Detainees did not have access to the internet, email or social media. A fax machine in the staff office had been broken since May 2018, so staff referred detainees to immigration enforcement officers to send faxes. We were not confident that detainees would be made sufficiently aware of this limited provision.

Recommendations

- I.41** Detainees should be offered the use of suitable mobile phones or easy access to their phones to be able to access contact details.
- I.42** Detainees should have access to the internet, including email, video calling and social networks, unless an individual risk assessment indicates otherwise.

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.43** Visitors were not allowed into the facility but friends and family could deliver property for detainees.
- I.44** DCOs told us that as much notice as possible was given to detainees of where they were being transferred to, so that they could inform family and friends. Detainees being transferred for continued detention were given a wallet-sized information card with the address and telephone number of the IRC to which they were to be sent.
- I.45** Person escort records were used to record all known risks about a detainee before their transfer. These were completed by DCOs and then handed over to escort staff.
- I.46** We were unable to observe any escorts during the inspection. However, we were told that detainees were not routinely handcuffed between the facility and the escort vehicle; instead, DCOs and escort staff made an individual assessment based on any presenting or known

risks. Escort vehicles were parked in a secure and private loading bay within the Capital Building, which meant that detainees could not be seen by the public.

- I.47** On leaving the facility, most detainees were taken to a residential short-term holding facility in Manchester. If any male detainees presented serious risks or concerns, Morton Hall IRC was also a possible destination.

Section 2. Summary of recommendations and good practice

Recommendations

To the Home Office

Legal rights

- 2.1** Detainees should be issued with the reason for detention (IS91R) document in a language they can understand. (1.20)

Accommodation and facilities

- 2.2** Detainees spending more than a few hours at the facility should be allowed time in the open air. (1.30)

Recommendations

To the Home Office and the facility contractor

Respectful treatment

- 2.3** There should be arrangements to ensure that detainees have adequate and prompt access to medical services, including medication to manage long-standing conditions. (1.38)

Communications

- 2.4** Detainees should have access to the internet, including email, video calling and social networks, unless an individual risk assessment indicates otherwise. (1.42)

Recommendations

To the facility contractor

Arrival and early days in detention

- 2.5** Items, including belts and cash, should only be removed from detainees following an individual written risk assessment. (1.7)

Legal rights

- 2.6** The details and telephone numbers of advice agencies and solicitors should be displayed in the holding rooms, in a variety of languages. (1.21)

Accommodation and facilities

- 2.7** Toilets should have a seat and lid. (1.29)

Communications

- 2.8** Detainees should be offered the use of suitable mobile phones or easy access to their phones to be able to access contact details. (1.41)

Section 3. Appendices

Appendix I: Inspection team

Kam Sarai

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 only have belts and other items of clothing removed following an individual written risk assessment. (1.6)

Not achieved

Closed-circuit television should cover the blind spot in the smaller holding room. (1.14)

Achieved

DCOs should carry anti-ligature knives. (1.15)

Achieved

DCOs should use de-escalation techniques. Only the minimum amount of force should be applied as a last resort and for no longer than necessary. Managers should learn and disseminate lessons from use of force incidents. (1.16)

Achieved

Immigration Enforcement officers should only wear stab vests when interviewing detainees who have been arrested in the community or following an individualised risk assessment. (1.17)

Not achieved

There should be an effective policy and procedures for managing at-risk detainees safely, with which staff should be familiar. (1.18)

Achieved

The care of detainees with disabilities should be planned and documented. (1.19)

Achieved

Respect

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

Recommendations

Detainees should not be held for significant periods without access to exercise in the fresh air. (1.28)

Not achieved

Reading material should be available in a range of languages. (I.29)

Achieved

Staff should wear badges with their names clearly legible. (I.33)

Achieved

The complaints box should be emptied every day the holding room is occupied. (I.34)

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

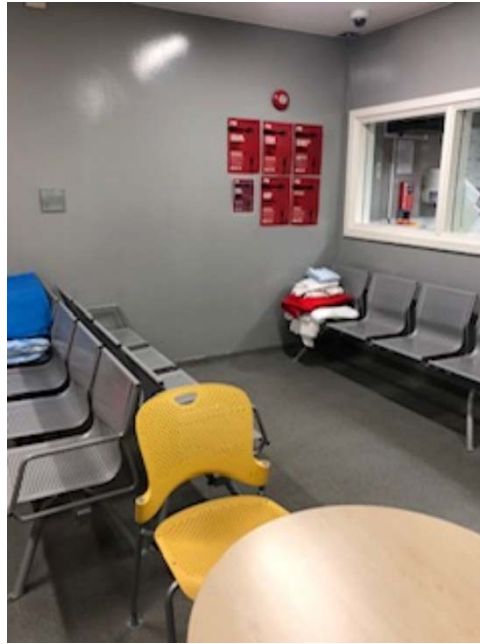
Detainees should have access to the internet, including email, social networking sites and Skype, unless an individual risk assessment indicates otherwise. (I.38)

Not achieved

Appendix III: Photographs



Large holding room



Small family holding room

