

Detainees under escort:
Inspection of escort and removals to

Germany and France

by HM Chief Inspector of Prisons

12 August 2020

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Glossary of terms

We try to make our reports as clear as possible, and this short glossary should help to explain some of the specialist terms you may find. If you need an explanation of any other terms, please see the longer glossary on our website at: <http://www.justiceinspectorates.gov.uk/hmiprisons/about-our-inspections/>

Dublin Convention

Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the member state responsible for examining an application for international protection lodged in one of the member states by a third country national or a stateless person.

Personal protective equipment (PPE)

Safety equipment including masks, aprons and gloves, worn by frontline workers during the COVID-19 pandemic.

Social/physical distancing

The practice of staying two metres apart from other individuals, recommended by Public Health England as a measure to reduce the transmission of COVID-19.

Fact page

Departure airport

Stansted airport

Destination countries

Germany and France

Destination airports

Frankfurt and Toulouse

Escort contractor

Mitie Care and Custody

Number of detainees escorted

14

Number of escort staff

86

Health care staff

Seven travelled from the immigration removal centres, of whom four joined the flight.

Length of journey

10 hours 35 minutes (maximum)

Introduction

The UK is party to the Dublin Convention, a European Union law that determines which EU member state is responsible for considering an asylum claim and allows member states to transfer an asylum seeker to the responsible state. The Home Office Third Country Unit (TCU) manages such removals to and from the UK. Many detainees are returned to third countries using scheduled flights, but in February 2017 the Home Office started to use charter aircraft to remove groups of detainees.

This was the first removal flight on which all detainees were being returned involuntarily since the suspension of such chartered flights at the beginning of the COVID-19 period. The operation was carried out in a manner very similar to those carried out before the pandemic, with a few changes to reduce the risks of infection. The need for staff to exercise physical control clearly made social distancing impossible during some parts of the operation, but the detailed measures and mitigations specified in 'safe systems of work' documentation were implemented only in part, and very little priority was given to wearing face coverings or maintaining distance.

A very large number of staff accompanied a relatively small number of detainees. A number of reasons were given for the high ratio on this occasion. Although on the transport staff did not crowd round detainees in excessive numbers, there were times when the sheer number of people, many of whom were in effect little more than spectators, hindered the effectiveness of the operation.

Much of the operation went smoothly and we saw detainees generally treated with courtesy, but there were times when individuals were still identified by a number only in their presence. Interpreters were present throughout the operation for the languages spoken by most detainees, and this greatly facilitated fair and effective management and support of detainees. However, the standards of organisation and communication between the Home Office, Brook House (the immigration removal centre from which all detainees departed) and the escort contractor left something to be desired, causing some delays and misunderstandings.

Managers were expecting some resistance, because of their previous experience of detainees being reluctant to return to other European countries under the TCU arrangements. Several of those scheduled to be on the flight had been very distressed; the removal of most of those identified as at risk of suicide or self-harm was cancelled, but two who were at risk travelled, of whom one self-harmed on the aircraft and the other was found during the journey to be secreting a fragment of sharp metal in his mouth. Two detainees had to be carried on to the aircraft and restraints were used on half the total number.

Handcuffs were fitted for short periods to the wrists of three detainees for the purpose of achieving compliance through inflicting pain. We did not directly observe the incidents and so cannot judge whether use of this technique was proportionate in the circumstances.

Alighting from the aircraft at Frankfurt and Toulouse passed without incident. Information leaflets had been prepared by the Home Office about the removal process, and these were given to detainees.

Peter Clarke CVO OBE QPM
HM Chief Inspector of Prisons
August 2020

Section 1. Summary

- I.1** Eighty-six escort staff removed 14 people to two European cities on an Airbus A330, although a larger number had been on the original list. Managers attributed the high number of staff to the need for staff rotation in high temperatures, COVID-19 precautions and the expectation of physical resistance. The operation went reasonably smoothly.
- I.2** The staff briefing at the muster point was divided into two to reduce crowding. There was limited reference in the briefing to detainee welfare. Staff were given general instructions about infection control measures and personal protective equipment (PPE, see Glossary of terms) was issued, but there was a lack of clear and specific guidance. This contributed to inconsistencies in social distancing and the wearing of face coverings.
- I.3** At the Brook House Immigration Removal Centre (IRC) all escort staff wore face coverings, but IRC or Home Office staff did not. Only staff seated in close proximity to a detainee wore face coverings in the coach or aircraft. The large twin-aisle aircraft cabin made distancing achievable during the flight, although it was not observed even where it would have been possible. Face coverings were offered to detainees at the IRC, but we saw only one wearing one. Escort staff did not have an adequate supply of PPE.
- I.4** There had been a number of incidents of actual self-harm in the preceding days by detainees who had been told they would be on the flight. Some had been removed from the list to travel on this occasion. Two with identified self-harm risk travelled, one of whom harmed himself in transit and the other had a concealed blade in his mouth.
- I.5** The treatment of detainees was calm and controlled, and there were relatively few altercations or violent incidents in the IRC. The presence of interpreters throughout the operation assisted with this. The sheer numbers of staff present at each stage often made social distancing impossible and was intimidating. Most detainees were subdued and compliant during the operation, though several were clearly distressed. A number of escort staff attempted to establish a good rapport with their detainee on the coaches.
- I.6** Liaison between Serco, Mitie and the Home Office team was inadequate at Brook House. This applied in particular to communication about cancellations during the evening. The handover of detainees to escort staff took a long time and the last coach left the IRC at 4.37am.
- I.7** Waist restraint belts (WRBs) were used for half the detainees which, in each case that we observed, followed a refusal to comply or stated intention to do so. Handcuffs were used on four detainees. In three cases, they were fitted to inflict pain and secure compliance. In one case, records showed that the rigid-bar cuff had been placed on the wrist where the detainee had just made cuts; in another, a detainee had cuffs on both wrists, neither of them attached to an officer. We did not observe these incidents and cannot judge the operational requirement for these actions, but this technique should meet the criteria of proportionality and minimum necessary use of force and should be used as a last resort.
- I.8** Two detainees were carried on to the aircraft safely and were passive. With some exceptions, WRBs remained on the detainee until they left the aircraft, even though they were all physically compliant after take-off.
- I.9** Sufficient food and drink were provided during the journey. Hot drinks and meals were available on the aircraft, but detainees only received cold food and drink.

- I.10** The Chief Immigration Officer (CIO) did not conduct a surgery on the aircraft. There were time constraints, but it was not clear if any detainee wanted to see the CIO.

- I.11** All detainees alighted without incident at Frankfurt and Toulouse. It was not clear if information was given to the receiving immigration staff about what had happened with individual detainees during the removal, or about their risks and needs.

Section 2. Good practice

We define good practice as impressive practice that not only meets or exceeds our expectations but could be followed in other similar contexts to achieve positive outcomes for detainees.

We found no examples of good practice during this inspection.

Section 3. Background

- 3.1** 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 monitors the treatment of and conditions for detainees. Escorts are included in this remit. HM Inspectorate of Prisons is one of several bodies making up the NPM in the UK.
- 3.2** The Home Office immigration enforcement directorate chartered the aircraft. Mitie Care and Custody was the escort contractor.
- 3.3** The operation was inspected from the point at which detainees were collected from Brook House Immigration Removal Centre (IRC). An inspector monitored the initial staff briefing at Spectrum House, Gatwick.
- 3.4** A larger than usual number of coaches and secure vans was used for the operation, including nine secure vans. The longest journey time was 10 hours 35 minutes. The first detainee boarded a vehicle at Brook House at 1.28am and the last boarded the second coach at 4.37am (all times GMT). The first coach left the IRC at 3.20am and arrived at Stansted at 5.30am.
- 3.5** Of the 14 detainees who flew, one had been on a list of reserves. Six were Iranian, three Sudanese, one from South Sudan, two from Iraq and one each from Guinea Bissau and Afghanistan. A Kuwaiti man was initially collected at the IRC but his removal was cancelled before he left the centre. The youngest was 19 years old and the oldest 43.
- 3.6** Two other reserves were taken to Stansted, in case of any cancellations among the ten accepted by the German authorities. The ten flew, and the two reserves were returned to Brook House.
- 3.7** Boarding began at 6.40am. The aircraft took off at 7.48am, arrived at Frankfurt at 8.55am, left at 10.15am and arrived at Toulouse at 12.40pm. One inspector travelled on the flight.

Section 4. Safety

Preparation and departure from removal centres

Expected outcomes:

Detainees are escorted in safety and due regard is given to individual needs and risks. Removals are conducted in accordance with law. Security and good order are maintained through proportional operational arrangements and force is only used as a last resort.

- 4.1 Staff were briefed before the operation at Spectrum House, Gatwick: one group of about 55 at midnight and the remainder at 1.30am. The briefing was clear and audible. A document contained detailed instructions on safe systems of work in the context of COVID-19, but several were not adhered to. From this point and throughout much of the operation, escort staff made little attempt to maintain social distancing and there were limited floor markings in the muster area to remind them.
- 4.2 Staff were briefed on personal protective equipment (PPE, see Glossary of terms) and were told to collect a full set from the briefing area. A short statement was read out about being mindful of detainees' situation and needs, but with no real lead from managers on the priority of detainee welfare. They were reminded to wear masks and to socially distance where possible. Some newly-trained staff received an additional, reasonably thorough briefing on escort procedures, including not talking loudly to each other in the presence of detainees, and keeping a full record in the person escort record (PER).
- 4.3 Staff were advised that a guiding hold would be needed for all detainees when boarding the aircraft and were reminded to record any incidents or use of force. It was expected that detainees would be disruptive and a swift response would be needed during the removal to support other staff.
- 4.4 Masks were to be offered to detainees but it was not compulsory for them to wear one as it was a charter flight.
- 4.5 Escorts arrived at Brook House IRC at 1am, and the first detainee boarded a van at 1.28am, the next at 1.50. The area used for handing over most of the detainees from the IRC to escort staff was relatively cramped and a risk assessment specified a maximum of eight people in this area to control infection. This number was adhered to initially but increased, and at one time there were 13 people in the area.
- 4.6 The three agencies involved, the Home Office, Mitie and Serco, worked cordially and constructively together but communication was inadequate. Notification of the withdrawal of detainees from the operation at intervals during the night did not reach the agencies for some time. Serco and Mitie did not have a clear shared plan about the organisation and sequencing of bringing individual detainees to the discharge area. Compliant detainees were initially brought to the area from their rooms first, but this became confused and the handover process was significantly held up. There was an assessed need in a number of cases to deploy a team of four officers in full PPE and helmets to the detainee's room. In some cases there were not enough nurses to deploy one to each team as required. There were quite long periods when no detainee was being processed. Two different routes were used to the usual reception or discharge areas of the centre, but this had not been well planned.
- 4.7 At 3.25am a young detainee was brought down in wrist locks and handcuffed. A waist restraint belt (WRB) was fitted in the restricted position. The detainee was in tears, saying 'If

I go to Germany, they'll send me back to Iran'. The Farsi interpreter was used and the detainee cooperated after a calm conversation. However, this took place in the larger reception area which was very noisy with other conversations and not conducive to having a quiet discussion. There were 22 people in the area at this point. There was limited focus by all those present on carrying out the key handover operation efficiently and calmly.

- 4.8** Some detainees were located in the separation unit at Brook House and were taken directly through a back door on to a van. Precautions were taken to deal with any physical resistance, but there were far too many people watching the process in the separation unit.
- 4.9** The first detainee boarded a coach at 2.04am. There was no seating plan and a general debate was held in the coach about where detainees should sit. In the context of COVID-19, a clear plan of seating arrangements with some flexibility would have been safer and more effective.

Recommendation

- 4.10** **When detainees are moved within the IRC, the risks should be managed without the distracting presence of large numbers of other people.**

Security, order and personal safety

- 4.11** Mitie escort staff wore face coverings in the IRC, but none of the Serco managers and staff did so. Face coverings were offered to the detainees, but we only saw one wearing one. At the IRC, escort staff asked to borrow PPE including gloves and face coverings from the IRC, since they did not have enough for staff or detainees. On the coaches, staff sitting next to a detainee generally wore a face covering, but otherwise only the newly-trained escort staff wore face coverings along with plastic glasses and gloves as instructed. When they saw that experienced staff were not wearing this equipment, they removed theirs. The coach leader came round at intervals with anti-bacterial wipes for staff to use. Staff wore PPE masks and gloves while taking detainees on to the aircraft, but detainees were not offered fresh face masks or hand sanitiser when boarding or alighting from the aircraft.
- 4.12** All phases of boarding and alighting from the aircraft were filmed, and this had been explained in advance to the detainees. The area around the plane was not secure and guiding holds were used on every detainee while boarding in line with instructions.
- 4.13** Eight detainees had been placed on constant supervision on an ACDT (assessment, care in detention and teamwork case management of detainees at risk of suicide or self-harm) and were originally due to be on the flight. At midnight before departure, three detainees remained who had not been withdrawn from the removal, two of whom boarded the aircraft.
- 4.14** Two detainees had refused to comply with the boarding process and were carried on to the aircraft in leg restraints. This was done calmly and without resistance.
- 4.15** Seven detainees who flew wore WRBs and evidence of individual risk justifying this was recorded in every case. Two detainees had not cooperated with the initial search at the IRC, not opening their mouths when asked to do so but with no further evidence of risk of harm or disruptive behaviour. In many cases the WRB remained on the detainee until the end of the flight, although in two cases they were removed after take-off. Some were loosened from the secure to the restricted position when the detainee had been consistently calm. (In

the secure position the wrists are held tight to the hips with no movement, in the restricted position there is restricted arm movement.)

- 4.16** A WRB was used on a detainee, Mr A, whose removal was cancelled after he was placed in a van. His experience was unfortunate. He was first told his removal was cancelled, then brought down from the wing to the separation unit at 5.15am in wrist locks to be put on a van. He was described by a health care professional as having a 'bloodied nose', an injury sustained while he was being removed from his cell by IRC staff. A nurse ascertained that the bleeding had stopped. He was described as distressed but compliant, and a member of IRC staff who spoke Arabic was able to interpret. Mr A was placed in a WRB in the secure position and taken in a van round to the reception area. When the member of staff went to reception to collect property and paperwork, he was told that Mr A's flight had been cancelled. The WRB was removed and Mr A complained of chest pains. He was compliant throughout.
- 4.17** One detainee grabbed both rails on the doorway of the coach and tried to bite a member of staff who was holding his head. A handcuff was fitted to his left wrist and pain compliance used to make him remove his right hand and force him to his knees. The WRB was moved to the secure position but it became loose twice in the van before departure and had to be re-applied outside the van. The detainee became non-compliant again, and an officer put a handcuff on his left wrist to apply pain, but then noticed that there was already a handcuff fastened on his right wrist. There was no record of who applied this other handcuff, or why it remained on his wrist. Subsequently he was carried on to the aircraft in leg restraints because he had said he would not comply, but he did not resist.
- 4.18** Another detainee on an ACDT had on the previous day assaulted an officer at Brook House and had self-harmed. At Stansted he had a broken blade in his mouth. He was twice asked to spit it out and refused. Handcuffs were fitted to one wrist for three minutes, and he then spat it out.
- 4.19** The other detainee on an ACDT with a previous history of disruption and self-harm was placed in a WRB. He complied fully up to boarding the aircraft, but soon after boarding, he was seen to be cutting his wrist in the toilet with a small razor blade. He was restrained and a handcuff was applied to his left wrist, which he had cut. On returning to his seat he continued to be extremely physically violent. Soon after take-off he became calmer and the handcuff was removed. He was bleeding from the left wrist and a health care professional bandaged it.
- 4.20** One detainee had crutches which he was able to use at all appropriate times. The crutches were stowed in the overhead locker above his seat in the aircraft.

Recommendation

- 4.21** **Practical measures for the prevention of infection should be clearly communicated and followed.**

Section 5. Respect

Physical conditions and property

Expected outcomes:

Detainees are escorted in decent physical conditions and individual needs are addressed. Detainees are treated with humanity and respect.

- 5.1** Crisps, biscuits and a bottle of water were offered to each detainee soon after boarding the coach, and sandwiches and chocolate bars were also available. During the coach journey hot drinks were given to the staff sitting immediately next to the detainees, but not to the detainees. Water was offered again during the coach journey. Meals were served on both legs of the flight.
- 5.2** Good attention was paid to the comfort and well-being of detainees. One detainee said that he was cold on boarding the coach and staff fetched a jumper from his property bag.
- 5.3** Detainees were able to use the toilet on the coaches. In most cases the door was kept slightly ajar by putting handcuffs or the toe of a shoe into the gap, but in one case the detainee was allowed to shut but not lock the door. Pillows in the overhead lockers in the aircraft were not offered to detainees, but the flights were short and largely taken up with food service.
- 5.4** Detainees' property was dealt with and accounted for efficiently, and very few issues were raised. Escort staff listened carefully to detainees' concerns about their property, and IRC staff worked well with them on this.

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.

- 5.5** Escort staff at the IRC treated detainees in a calm and relaxed manner. The first detainee was upset about his mobile phone, which he said had been seized by police, and was refusing to move further than the door of the discharge area before this was dealt with. Escort staff spoke to him calmly and at length, and after 10 minutes he walked forward quietly and cooperated. No waist restraint belt was used.
- 5.6** Each detainee had his temperature taken with a non-contact forehead thermometer and recorded before leaving the IRC. Each was seen by a nurse to be certified as fit to travel, and nurses liaised with the Mitie medic, who signed for all medications handed over.
- 5.7** Staff habitually welcomed the detainee whom they were supervising on the coaches and made more than cursory conversation. Three staff were seated round the detainee: one to the side, one in front and one behind. The first two staff introduced themselves, asked the detainee's name and how he liked to be addressed and struck up a conversation. The member of staff in the seat behind generally held and completed the PER. They told the detainee that he would be filmed during the journey.

- 5.8** At most times, staff were quiet and respectful of detainees' situation, although on one coach eight escort staff near a detainee were talking quite loudly and negatively about employment issues. Staff who were close to a detainee wore face coverings, with one or two exceptions.
- 5.9** Members of the IRC staff who spoke Arabic and French explained the handover process to two detainees. Good use was made of the Arabic and Farsi interpreters at the IRC and on the aircraft. The two interpreters travelled on one coach. On the other coach, there was no access to an interpreter. Staff established that one detainee needed a Farsi interpreter but had no telephone on board to contact an interpreter. This was not followed up later when the coach leader returned. Staff asked the detainee if he wanted to read the information and complaints documentation in his PER, but this was in English which he confirmed he could not read.
- 5.10** When boarding the aircraft and being called up to alight at the destination airport, detainees were identified by calling out their manifest number only. This was clear and brief and benefited the immigration officials holding the manifest lists. However, it would have been more respectful to use detainees' names as well as the number.

Recommendation

- 5.11 Detainees should be referred to in their hearing by name, and not by a number alone.**

Section 6. Preparation for reintegration

Expected outcomes:

**Detainees are prepared for their arrival and early days in the destination country.
Any unacceptable behaviour in destination countries is appropriately challenged.**

- 6.1** Information leaflets were distributed, including one in French. A recent Home Office information leaflet was made available to those being removed, together with how to make a complaint. about escort or Home Office staff.
- 6.2** Escort staff who had struck up a good rapport with a detainee who spoke English asked him where he would be going in Germany, how he would travel from Frankfurt to Düsseldorf and whether he had money for the journey.
- 6.3** The Home Office Chief Immigration Officer (CIO), who was on the aircraft, did not hold a surgery to answer detainees' questions. There was some evidence that detainees had asked to see immigration, but it was not clear if their queries had been addressed by somebody else.
- 6.4** The handover of detainees to the receiving immigration staff went smoothly at Frankfurt and Toulouse. On arrival at the two destinations, the CIO conferred with the receiving immigration staff, and medical notes were handed over.

Recommendation

- 6.5** **Detainees being removed should be offered an opportunity to speak to a chief immigration officer during the flight.**

Section 7. Summary of recommendations

Recommendation to the Home Office

- 7.1** Detainees being removed should be offered an opportunity to speak to a chief immigration officer during the flight.

Recommendations to the Home Office, Serco and Mitie

Preparation and departure from removal centres

- 7.2** When detainees are moved within the IRC, the risks should be managed without the distracting presence of large numbers of other people.

Security, order and personal safety

- 7.3** Practical measures for the prevention of infection should be clearly communicated and followed.

Recommendation to the Home Office and Mitie

Respectful treatment

- 7.4** Detainees should be referred to in their hearing by name, and not by a number alone.

Section 8. Appendices

Appendix I: Inspection team

Fiona Shearlaw
Martin Kettle

Inspector
Inspector