

Detainees under escort:
Inspection of escort and removals to

France and Lithuania

by HM Chief Inspector of Prisons

29 October 2020

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Any enquiries regarding this publication should be sent to us at the address below or:
hmiprisons.enquiries@hmiprisons.gsi.gov.uk

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Her Majesty's Inspectorate of Prisons
3rd floor
10 South Colonnade
Canary Wharf
London
E14 4PU
England

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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 in our 'Guide for writing inspection reports', available 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

Safety equipment including masks, aprons and gloves, worn by frontline workers during the COVID-19 pandemic. This term also refers to protective equipment worn by staff undertaking control and restraint.

Rule 35

Rule 35 of the detention centre rules requires a medical practitioner to report to the Home Office on the case of any detainee whose health is likely to be injuriously affected by continued detention, may have suicidal intentions or may have been the victim of torture.

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

Birmingham International Airport

Destination country

France and Lithuania

Destination airport

Toulouse and Vilnius

Escort contractor

Mitie Care and Custody

Number of detainees escorted

14

Number of escort staff

87 travelled from the immigration removal centres, of whom 59 joined the flight.

Health care staff

4 travelled from the immigration removal centres, of whom 3 joined the flight.

Length of journey

12 hours 50 minutes (maximum)

Introduction

This is the third overseas removal we have inspected since the start of the COVID-19 pandemic. Thirteen Lithuanian detainees were removed to Vilnius. In addition, one detainee was removed to Toulouse under the Dublin Convention, a European Union (EU) law that determines which EU member state is responsible for considering an asylum claim and allows member states to transfer asylum seekers to the responsible state (see Glossary of terms).

Almost all of the Lithuanian detainees were content to fly. This contributed to a reasonably straightforward operation. A large number of staff accompanied a relatively small number of detainees. Staff worked in some confined spaces. This, and the need to exercise physical control in some cases, sometimes made social distancing (see Glossary of terms) impossible. The use of face coverings was generally good, although staff and detainees were not offered new face coverings at regular intervals.

Except for the use of guiding holds onto the aircraft, no force or restraints were employed on any detainee during the operation, and we saw staff practising good de-escalation.

We saw detainees generally treated with courtesy, but there were times when individuals were still identified only by a number in their presence. An interpreter was usually present during different parts of the operation, enabling good communication between staff and detainees, which is essential for a safe and efficient operation. However, the need for an interpreter was not always identified.

The Home Office cancelled removal for all but one of the detainees who were due to be removed under the Dublin Convention; such cancellations were commonplace and suggest that detainees' vulnerabilities, which often lead to cancellations, are not identified early enough.

Overall, most improvements noted in our previous inspection were sustained and the escort operation was handled well.

Charlie Taylor

HM Chief Inspector of Prisons

November 2020

Section 1. Summary

- 1.1** The operation went reasonably smoothly, but with a small number of detainees and a relatively large number of staff, which made social distancing difficult (see paragraph 1.4). In the event, 14 detainees boarded the aircraft. Of the 30 detainees who were originally due to be removed under the Dublin Convention, 10 remained on the day of the flight; however, after further late cancellations of removal directions, only one eventually boarded the flight.
- 1.2** There were two staff briefings at the muster point. Staff received brief instructions on the use of personal protective equipment (PPE) (see Glossary of terms) and on detainees' vulnerabilities. Some staff paid the briefing little attention and not all were wearing face coverings.
- 1.3** Custodial staff in Brook House immigration removal centre (IRC) wore face coverings from the start of the operation, but staff at Colnbrook IRC did not, although they generally observed social distancing well.
- 1.4** The large number of escort staff present at various stages of the operation often made social distancing impossible and at Colnbrook IRC it was sometimes intimidating. Escort staff did not attempt social distancing, even where it would have been possible. Escort staff's use of face coverings throughout the operation was generally good. However, unlike at our previous inspection, detainees and staff were not offered new face coverings at regular intervals. Some detainees stopped wearing face coverings properly towards the end of the flight.
- 1.5** A control and restraint team was assembled for one detainee at Brook House IRC because staff believed they might refuse to leave their room. Good de-escalation meant that force was not necessary. Except for the use of guiding holds onto the aircraft, no force or restraints were employed throughout the operation.
- 1.6** As in our previous inspection, removal was cancelled for most detainees who were due to be removed under the Dublin Convention, so that their cases could be considered further. It appeared that in many cases that the vulnerabilities that detainees had, which were leading to the cancellation of removals, were not being identified at an early enough stage. The process had left some detainees we interviewed in a considerable state of anxiety.
- 1.7** Rule 35 assessments (see Glossary of terms) were still not being undertaken in a timely fashion at Brook House IRC, despite some efforts to address the problem. This undermined the effectiveness of the safeguard. Home Office staff did not sufficiently convey detainees' vulnerabilities to escort staff and escort staff did not always take proper account of the information they were given.
- 1.8** None of the detainees had self-harmed before the flight. Two detainees had been subject to assessment, care in detention and teamwork (ACDT) case management for detainees at risk of suicide or self-harm. In one case, this was explicitly triggered by the impending removal. Removal was cancelled in both of these cases on the evening before the flight.
- 1.9** Sufficient food and drink were provided during the journey. Throughout the operation, detainees were dealt with in a calm and controlled way and they were compliant. A number of escort staff attempted to establish a good rapport with the detainees they were responsible for on the coaches and the aircraft, although this practice was not consistent among all staff. The presence of an interpreter assisted with communication, although they were not always available when needed.

I.10 Disembarkation at Toulouse and Vilnius went smoothly.

Section 2. Background

- 2.1** 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.
- 2.2** The Home Office immigration enforcement directorate chartered the aircraft. Mitie Care and Custody was the escort contractor. The operation was inspected from the point at which detainees were collected from the IRCs. An inspector attended the initial staff briefing at Spectrum House, Mitie Care and Custody's office near Gatwick Airport. We also visited Brook House and Colnbrook IRCs the afternoon before the operation. We interviewed detainees who were due to be removed and looked at documentation relevant to their care before removal.
- 2.3** Ten detainees from Brook House were originally due to be removed to France. By the afternoon before the flight, removal had been cancelled in five cases and we interviewed the remaining five. Removal was subsequently cancelled in four more cases, and just one detainee was removed. We interviewed 11 detainees at Colnbrook IRC, who were all subsequently removed. We were not made aware of the removal of two detainees from the residential short-term holding facility at Manchester Airport and were therefore unable to interview them, or inspect their collection or transfer to the airport.
- 2.4** Fourteen detainees were eventually removed. The youngest detainee was 22 and the oldest 61. One detainee from Iraq was transported from Brook House IRC for removal under the Dublin Convention to France. The detainees from Colnbrook IRC and the Manchester short-term holding facility were Lithuanian and were being returned to their home country.
- 2.5** Escorts arrived at Brook House IRC at 1.10am. The detainee who was removed boarded an escort vehicle at 1.40am. Vehicles left Brook House IRC at 2am and arrived at Birmingham International Airport at 4.35am. Escorts arrived at Colnbrook IRC at 12.20am. The first detainee boarded at 12.35am, and the last at 2am. The vehicles left Colnbrook IRC at 2.15am and arrived at Birmingham International Airport at 4.10am. The two detainees escorted from the Manchester Airport short-term holding facility left at 2.10am and arrived at Birmingham International Airport at 4.15am.
- 2.6** Boarding began at 6.40am and was completed at 7.10am. The aircraft took off at 7.40am and arrived at Toulouse at 8.55am. The onward flight to Vilnius arrived at its destination at 1.25pm. Two inspectors travelled on both legs of the flight. A detainee in Colnbrook IRC experienced the longest journey from an IRC to the destination country of 12 hours 50 minutes.
- 2.7** We also reviewed escort records and use of force documentation for the two flights to European destinations that had taken place since our last inspection.

Section 3. 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.

- 3.1** Detainees we interviewed said they had received little information about their removal and few knew what time they were due to be collected for the journey. Detainees were handed a general information leaflet about charter removal flights, but it did not provide any specific details about their removal, such as collection, departure or arrival times. The leaflet was not translated for those who did not speak English.
- 3.2** There were two staff briefings before the start of the operation at the muster point in Spectrum House, near Gatwick Airport. The senior security officer for the flight conducted the briefings. Staff received brief instructions on the use of PPE and on detainees' vulnerabilities. They were told 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. Not all staff paid sufficient attention. We observed some talking throughout the briefing, and another staff member looking at a social media site. Not all staff wore face masks.
- 3.3** Many custodial staff in Colnbrook IRC did not wear face coverings, although most practised social distancing. There was reasonable adherence to social distancing among staff in Brook House IRC, and the use of face coverings when staff began to collect detainees from their rooms was good.
- 3.4** In both IRCs, the process for collecting detainees and handing them over to escorts was reasonably well organised. At Colnbrook IRC, detainees were processed in the reception and discharge areas, which made the operation more efficient. However, discharge areas were cramped and made social distancing difficult, and we did not see it attempted. Even where detainees were cooperative, several escort staff gathered around in very close proximity to them, which they may have found intimidating and was unnecessary. (See also paragraph 3.9.)
- 3.5** All detainees were handed over to an escort manager. We observed the manager communicating clearly, ensuring that detainees were informed of the process and understood what was happening. Detainees were told they could make telephone calls on the journey to the airport on a mobile phone supplied by the escort, but we did not see any detainees asking if they could make a phone call.
- 3.6** Brook House IRC staff assembled a control and restraint team in full PPE for one detainee being removed as they believed they might refuse to leave their room. Good de-escalation meant that use of force was unnecessary.
- 3.7** Documentation suggested that the collection and transfer of the two detainees escorted from the Manchester Airport short-term holding facility took place without incident.

Recommendation

- 3.8 Detainees should receive advance information on their removal, including details about collection, departure and arrival times.**

Safeguarding adults and personal safety

Expected outcomes:

Detainees are escorted in safety with due regard for their vulnerability. Security and good order are maintained through proportionate operational arrangements and force is only used as a last resort.

- 3.9** Most of the 11 Lithuanian detainees we interviewed had recently completed a prison sentence. Almost all were content to return to Lithuania and no other significant concerns were raised.
- 3.10** Some of the five detainees we interviewed who were due to be removed to France under the Dublin Convention complained of difficulties in accessing legal representation at Brook House IRC. They had all arrived in Dover, having crossed the channel in small boats. Our recent inspection of the detention of migrants arriving in Dover found weaknesses in the identification of detainees' vulnerabilities:
(https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2020/10/Dover-detention-facilities-web-2020_v2.pdf).
- 3.11** The Home Office cancelled removal directions for all but one of the 30 detainees who were due to be removed to France. On the day of the removal, 10 remained on the list but further late cancellations led to nine cancellations so that their cases could be considered further. In four cases, removal directions were cancelled very late, after we interviewed detainees in the afternoon before the flight. The late cancellation of removal directions was not unusual. Our inspection on 13 October of an overseas escort and removal to Sweden and Romania, found removal directions in three cases were only cancelled on the evening of the flight. In our inspection on 12 August of an escort and removal to Germany and France, removal was cancelled in four cases between midnight and 3.10am when the flight took off. Escort staff told us these were not isolated cases.
- 3.12** Some detainees we interviewed who were waiting for news of whether their removal would proceed were in a considerable state of anxiety. In one case, risk information provided to the escort also described the detainee as having 'significant mental health stress resulting from torture'. Another detainee was waiting for a Home Office response to a trafficking referral. Removal directions were cancelled in both of these cases.
- 3.13** Problems with identifying detainees' vulnerabilities early were being compounded by a delay in Brook House IRC scheduling Rule 35 assessments (see Glossary of terms). Owing to a backlog of work, it was taking up to nine days to offer detainees an appointment with a GP to conduct the Rule 35 assessment. This had been reduced from 13 days at our last inspection but was still too long. The local Home Office team had put in place measures that sought to offset the impact of any delay, but we remained concerned that the safeguard was not working effectively. In one case, a Rule 35 report was submitted to the Home Office on 19 October, but not considered until late on 28 October, shortly before the flight. The Home Office response was dismissive of the expertise of the doctor, stating that reports under Rule 35 'do no more than raise a concern'.
- 3.14** The escort was provided with a risk assessment for each detainee before the operation, but it provided scant information about detainees' vulnerabilities. In one case, the assessment did

not mention that a detainee had a history of prolific self-harm and had often been subject to constant supervision. A risk assessment provided to the escort during handover merely noted the detainee was a 'serious self-harmer' without offering any further information which might have informed how they might best be safeguarded. In another case, it was suggested that the detainee might have mental health issues and had been detained previously under the Mental Health Act, but no further information was provided. (See also paragraph 3.17.)

- 3.15** We were not satisfied that escort staff had sufficient knowledge of risk information or took due regard of it. In one case, a detainee was described as having 'extreme OCD'. There was no indication that staff took this into account. A vulnerable adult care plan had been opened for another detainee, because of their underlying health conditions. One of the IRC staff brought the plan to the attention of the coach commander, who said they did not know what a vulnerable adult care plan was.
- 3.16** Nonetheless, we did see some staff handling risk information sensitively. IRC staff appropriately told escort staff that there had been tensions earlier that day between two detainees. The escort kept these detainees separate throughout the journey.
- 3.17** None of the detainees had self-harmed before the flight. Two detainees had been placed on an assessment, care in detention and teamwork (ACDT) case management document for detainees at risk of suicide or self-harm. In both cases, their removal was cancelled on the evening before the flight. (See also paragraph 3.14.)
- 3.18** The number of escort staff present at various stages of the operation often made social distancing impossible. On the whole, it was not attempted, even where it would have been possible. (See also paragraph 3.4.) Escort staff's use of face coverings throughout the operation was generally good, but, unlike at our last inspection, detainees and staff were not offered new face coverings at regular intervals. Some detainees stopped wearing face coverings properly towards the end of the flight. We did not observe detainees being offered hand sanitiser. Staff wore PPE, masks and gloves while taking detainees onto the aircraft.
- 3.19** Throughout the operation, detainees were compliant and dealt with in a calm and controlled way. All phases of boarding and alighting from the aircraft were filmed, and detainees had been informed of this in advance. The area around the plane was not secure and guiding holds were used on every detainee while boarding, in line with instructions given at the muster briefing. (See paragraph 3.2.)

Recommendations

- 3.20** **The Home Office should ensure that detainees' vulnerabilities are identified at the earliest opportunity to inform their treatment and help minimise the impact of the late cancellation of removal.**
- 3.21** **Rule 35 reports should be prepared and responded to promptly. Priority consideration should be given to detainees with removal directions.**
- 3.22** **Risk information and vulnerabilities, including for detainees with disabilities, should be effectively communicated to escort staff.**

Section 4. 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.

- 4.1 Crisps, biscuits and a bottle of water were offered to each detainee soon after they boarded the coach, and sandwiches and chocolate bars were also available. Water was offered again during the coach journey. Drinks and meals were served on both legs of the flight.
- 4.2 Detainees could use the toilets on the coaches and the aircraft, but a member of staff stood outside and the door was wedged ajar, which some detainees were unhappy about. Pillows and blankets were not routinely offered to detainees.
- 4.3 Detainees' property was generally dealt with and accounted for efficiently. Escort staff listened to detainees' concerns about their property, and IRC staff worked well with escort staff to deal with them. Detainees received Home Office complaint forms.
- 4.4 The escort was due to collect detainees in Brook House IRC at 11pm, but as removal directions were cancelled, the departure time was delayed till midnight and then 1am, which was sensible.

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.

- 4.5 Few detainees knew what time they were due to be collected or that this involved them being woken up in the early hours of the morning. (See paragraph 3.1 and recommendation 3.8.)
- 4.6 Escort staff at the IRCs treated detainees in a respectful, calm and relaxed manner, although at times too many gathered in close proximity to compliant detainees, which detainees may have found intimidating and was unnecessary. (See paragraphs 3.4 and 3.9). We observed a detainee receiving some good, practical support to enable him to pray.
- 4.7 Each detainee had their temperature taken with a non-contact forehead thermometer and recorded before leaving the IRC. At Colnbrook IRC, one paramedic discussed detainees' medical issues within earshot of other escort staff. Throughout the removal, paramedics were available. They gave out prescribed medication or paracetamol where required, and responded to detainees' medical needs.
- 4.8 We observed staff introducing themselves and asking the detainees their names and how they would like to be addressed. On the coaches and on the plane, several escorting staff attempted to establish a good rapport with the detainees, particularly those who were distressed. Staff were mostly quiet and respectful of detainees' situation. However, two escorts did little to interact with the detainee they were looking after and maintained a loud conversation with each other for most of the flight.

- 4.9** The escort received information in advance about detainees who required an interpreter, but it was not accurate, and did not include two Lithuanian detainees who spoke little English. One detainee had no understanding of what they were being told during their handover to the escort, because of the late arrival of an interpreter.
- 4.10** When boarding the aircraft and being called to disembark at the destination airport, detainees were identified by calling out their number only. Although clear and brief, it would have been more respectful to use detainees' names as well as their number.

Recommendations

- 4.11 Escorts should be informed of all detainees who require interpretation. Interpreters should be used promptly.**
- 4.12 Detainees should be referred to in their hearing by name and not by a number alone.**

Section 5. 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.**

- 5.1** Few detainees we interviewed said they had been told in advance what time they would arrive at the destination so they could make arrangements to be met. Detainees being removed to France told us that they had been given no information about what would happen when they got there, or about support groups there. (See also paragraph 3.1 and recommendation 3.8.) A chief immigration officer ran a surgery on the aircraft. All detainees received a face covering before disembarking from the flight.

- 5.2** The handover of detainees to receiving immigration staff went smoothly in both Toulouse and Vilnius.

Section 6. Summary of recommendations

Recommendations to the Home Office

Preparation and departure from removal centres

- 6.1** Detainees should receive advance information on their removal, including details about collection, departure and arrival times. (3.8)

Safeguarding adults and personal safety

- 6.2** The Home Office should ensure that detainees' vulnerabilities are identified at the earliest opportunity to inform their treatment and help minimise the impact of the late cancellation of removal. (3.20)
- 6.3** Rule 35 reports should be prepared and responded to promptly. Priority consideration should be given to detainees with removal directions. (3.21)
- 6.4** Risk information and vulnerabilities, including for detainees with disabilities, should be effectively communicated to escort staff. (3.22)

Respectful treatment

- 6.5** Escorts should be informed of all detainees who require interpretation. Interpreters should be used promptly. (4.11)

Recommendation to Mitie

Respectful treatment

- 6.6** Detainees should be referred to in their hearing by name and not by a number alone. (4.12)

Section 7. Appendices

Appendix I: Inspection team

Deri Hughes-Roberts	Team leader
Chris Rush	Inspector
Kam Sarai	Inspector
Darren Wilkinson	Inspector

Appendix II: Progress on recommendations from the last report

The following is a list of all the recommendations made in the last report of our last inspection of an overseas escort (Sweden and Romania, 13 October 2020). 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 escorted in safety and due regard is given to individual needs and risks.

Recommendations

Rule 35 reports should be prepared and responded to promptly. Priority consideration should be given to detainees with removal directions. (4.14, repeated recommendation 3.21)

Not achieved

Risk information and vulnerabilities, including for detainees with disabilities, should be effectively communicated to escort staff. (4.15, repeated recommendation, 3.22)

Not achieved

Safeguarding adults and personal safety

Detainees are escorted in safety with due regard for their vulnerability. Security and good order are maintained through proportionate operational arrangements and force is only used as a last resort.

Recommendations

Practical measures for the prevention of infection should be clearly communicated and followed. (4.26)

Not achieved

Interpreters should be used promptly to help de-escalate situations, before the use of force is needed, whenever possible. (4.27)

Not achieved

Respect

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

Recommendations

Escorts should be coordinated, to minimise unnecessary wait times. (5.5)

Achieved

Detainees should be referred to in their hearing by name, and not by a number alone. (5.11, repeated recommendation 4.12)

Not achieved