



Detainees under escort:
Inspection of escort and removals to

Spain and Portugal

by HM Chief Inspector of Prisons

6 July 2021

Contents

| | |
|--|----|
| Introduction..... | 3 |
| About this escort and removal..... | 4 |
| Section 1 Summary of key findings..... | 5 |
| Section 2 Safety | 7 |
| Section 3 Respect..... | 11 |
| Section 4 Preparation for reintegration | 13 |
| Section 5 Recommendations in this report | 14 |
| Section 6 Progress on recommendations from the last inspection | 15 |
| Appendix I About our inspections and reports | 17 |
| Appendix II Glossary of terms..... | 19 |

Introduction

This is the fifth overseas removal we have inspected since the start of the COVID-19 pandemic. One detainee was removed to Madrid and eight detainees were removed to Lisbon after being collected from two immigration removal centres (IRCs). Inspectors interviewed every detainee in private before they were collected by escort staff and then observed the removal process from the IRCs to the point that detainees left the aircraft in the destination countries. All detainees complied with their removal and the well-organised removal operation proceeded smoothly.

Staff acted professionally throughout and attempted to engage with and reassure detainees. There was no use of restraint, but some practices remained disproportionate, including detainees not being permitted to close toilet doors, an intrusion on privacy that could not be justified by the assessed risks.

The ratio of escort staff to detainees was about three to one. All staff and most detainees wore face coverings throughout the operation, although social distancing was observed inconsistently. Detainees and escort staff had been required to provide a negative COVID-19 test before the flight.

Alighting from the aircraft in Madrid and Lisbon was prompt and without incident.

Charlie Taylor

HM Chief Inspector of Prisons

July 2021

About this escort and removal

Departure airport

Stansted

Destination countries

Spain and Portugal

Destination airports

Madrid and Lisbon

Escort contractor

Mitie Care and Custody

Number of detainees escorted

9

Number of escort staff

37

Health care staff

3

Length of journey

10 hours 35 minutes (longest)

Section 1 Summary of key findings

- 1.1 Nine detainees boarded the aircraft with 37 escort staff and three paramedics. There was no interpreter on the flight, but all detainees spoke English. One detainee was to be removed to Spain and eight to Portugal. One detainee had been removed from the flight on the previous day for refusing to take a COVID-19 test. The remaining detainees were compliant. Staff managed the removals process well, acting respectfully and professionally throughout the operation.
- 1.2 Two muster briefings were held at the Mitie Care and Custody base at Spectrum House, near Gatwick airport. Both were clear and concise. Escort staff were reminded of critical areas, including the need to focus on the care of the detainees under their supervision. They were given information about infection control and asked to wear personal protective equipment (PPE, see Glossary of terms) at all times.
- 1.3 Our interviews with detainees before their removal indicated that some had not been given specific information such as the flight time or how to travel to their final destinations. All had been able to speak to a legal representative if they wished.
- 1.4 No detainees had self-harmed before the flight or been subject to ACDT (assessment, care in detention and teamwork case management of detainees at risk of suicide or self-harm). One detainee with a medical condition had adequate medication in his possession.
- 1.5 We were concerned to hear from health care staff at Brook House that detainees could be denied COVID-19 vaccinations before removal due to consideration of the fact that side effects of the vaccine could render them unfit to fly. However, after raising these concerns with the Home Office we were told that this was not the case, and that no detainees at Brook House had been denied a COVID-19 vaccination for this reason.
- 1.6 The flight manifest mainly noted risks related to detainees' criminal history. Person escort records (PERs) adequately recorded detainees' needs and interactions with staff during the operation, as well as individual risk factors, although this information was often vague.
- 1.7 We observed the removal of detainees at Brook House and Colnbrook immigration removal centres (IRCs). Centre staff wore face coverings, although social distancing was not always observed. Detainees were provided with face masks and most wore them. Searching was conducted sensitively, and detainees could check their belongings. Detainees were given important information about their removal.
- 1.8 Coach commanders gave friendly and comprehensive briefings to detainees, providing an overview of what would happen next and the amenities that were available on the coach. Staff and detainees wore face masks consistently.

- 1.9 No restraints or force were employed throughout the operation apart from the use of guiding holds on boarding the plane.
- 1.10 The treatment of detainees was positive throughout the operation. Escort staff tried to establish a good rapport with detainees and used their given names during conversation. However, detainees continued to be referred to by their manifest number.
- 1.11 Adequate food and drink were provided on the coaches and the plane. The single-aisle aircraft made distancing impossible on occasions. Detainees were prevented from closing the toilet door on the coach and aircraft, which was inappropriate, especially given their compliance.
- 1.12 Alighting from the aircraft at Madrid and Lisbon was well organised and carried out promptly and calmly.

Progress on recommendations

- 1.13 At our last inspection of an escorted overseas removal we made eight recommendations about areas of concern. At this inspection we found that two of the recommendations had been achieved, one had been partially achieved and five had not been achieved.

Section 2 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.

- 2.1 Most detainees whom we interviewed had arrived at the immigration removal centres (IRCs) during the previous few days, although two had been held at Brook House for several weeks ahead of the flight. Most had been transferred from prisons.
- 2.2 Detainees received adequate notification of the date of their removal, although some had not been told the time of their flight, limiting their ability to arrange onward travel from the airport to their final destination. This was a source of frustration (see paragraphs 3.7 and 4.1).
- 2.3 Two staff briefings were held at Spectrum House, Mitie Care and Custody's base near Gatwick Airport, before the start of the operation. All staff had been tested for COVID-19 before the briefings and had been instructed to wear face coverings, which nearly all did.
- 2.4 The senior security officer conducting the briefings covered several important areas, including the potential vulnerability of detainees, the need to prioritise the care of the individuals they were supervising, the importance of keeping the use of any form of force to a minimum and completion of documentation if force was used. Staff were given instructions on infection control measures and reminded to use personal protective equipment (PPE, see Glossary of terms) throughout the operation. They were advised that all detainees and staff had had a COVID-19 test, all of which had been negative. The ratio of escort staff to detainees was approximately three to one, which was similar to previous removals.
- 2.5 We observed the removal of detainees at Brook House and Colnbrook IRCs. Health care staff took the temperature of all detainees and a paramedic was on site to oversee the results. Detainees were provided with face masks which they all chose to wear.
- 2.6 The collection and handing over of detainees to escort staff was calm and well organised at both IRCs. Removals took place in the departure area at Brook House. Staff made efforts to socially distance, but the area was small and it was not always possible. At Colnbrook, the reception area used to discharge detainees was spacious but not all staff observed social distancing. Staff did not crowd around detainees during the discharge process as we have seen at previous inspections, which was positive.

- 2.7 Before leaving the centres, detainees were given the opportunity to make phone calls, record numbers from their personal devices, which were then stored in their property, and use the toilets (see paragraphs 3.1 and 3.3).
- 2.8 Before boarding the coaches, detainees were informed about the use of cameras to record some elements of the operation. They were then escorted to the coaches and seated to meet social distancing requirements.
- 2.9 At both IRCs, we observed coach commanders introducing themselves and giving detailed explanations to detainees of what was going to happen and information about the availability of food, water and toilet facilities on the coach and the flight. Coach commanders greeted each detainee by name, reassuring them and answering their questions.
- 2.10 Detainees were given a generic information leaflet about removal flights, which was provided in English only.
- 2.11 Home Office staff were at both centres during the discharge process and their role was to assist detainees and escort staff by answering questions. However, we did not see them engaging directly with detainees, and at Brook House they were not present in the departure area.

Recommendations

- 2.12 **Detainees should receive advance information on their removal, including details about collection, departure and arrival times.**
(Repeated recommendation 2.14)
- 2.13 **Home Office staff should be present and visible to detainees during the removal process.**

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.

- 2.14 Staff were experienced and professional and understood the process for escorting removals. They had received training in the Home Office Manual for Escorting Safely, and the Home Office confirmed that all staff were certified as detainee custody officers under part 8 of the Immigration and Asylum Act 1999.
- 2.15 All nine detainees had recently completed prison sentences. Four of the removals were voluntary and five were enforced. All detainees had indicated that they were willing to comply with their removal, although many were unhappy about leaving the country and family members behind.

- 2.16 No detainees had self-harmed before the flight, and none had been subject to an ACDT (assessment, care in detention and teamwork case management of detainees at risk of suicide or self-harm). No detainee was subject to a Rule 35 assessment (see Glossary of terms) or to the Home Office Adults at Risk policy. No detainee had been separated or removed from association before the flight.
- 2.17 One detainee with a health condition had been given enough medication to take with him and was not subject to a vulnerable adult care plan. He did not require additional support and escort staff were aware of his condition.
- 2.18 We were concerned to hear from health care staff at Brook House that detainees could be denied COVID-19 vaccinations before removal due to consideration of the fact that the side effects of the vaccine could render them unfit to fly. However, after raising these concerns with the Home Office we were told that this was not the case, and that no detainees at Brook House had been denied a COVID-19 vaccination for this reason.
- 2.19 Escort staff had a flight manifest and individual person escort records (PERs). The manifest focused on risk factors associated with the previous criminal history of detainees, rather than vulnerability or areas of concern at the time of removal. However, PERs provided detailed records of the detainees' needs and interactions with staff. They also contained information about potential risk factors. although this was vague and lacking detail in some cases.
- 2.20 We observed routine use of guiding holds (which involves holding the detainee's hand and elbow) to lead detainees up the aircraft steps. While it was an appropriate precaution for staff to supervise detainees closely when boarding the aircraft, the use of guiding holds was an intrusive measure which required better explanation to detainees, especially given that the detainees on this flight were compliant.
- 2.21 Social distancing was not always possible during the operation. Thirty-seven escort staff were present, and the coach and aircraft had a single aisle. Passengers were asked to use only the two bathrooms at the back of the plane which led to small gatherings of people in this area. Escort staff and detainees wore face coverings throughout the flights, and new face masks were offered to all passengers at regular intervals. Detainees were offered hand sanitizer immediately after boarding the aircraft.
- 2.22 Following the removals, we reviewed PER documents. These included the times that detainees boarded the coach and plane and positive entries about detainees' interactions with escort staff and demeanour throughout the operation. This was an improvement on previous flights that we have inspected.

Recommendation

- 2.23 **Flight manifests should contain comprehensive details of the risk factors and vulnerability of detainees at the time of removal.**

Legal rights

Expected outcomes: Detainees can exercise their legal rights. Removals are conducted in accordance with law.

- 2.24 All detainees said that IRC and Home Office staff had informed them of their legal rights and how to contact a legal representative. Most detainees had not sought legal advice on their removal. One detainee indicated that he had been exploring potential legal barriers to removal with a solicitor until the day before the flight. By the time he boarded the plane, these barriers had been removed and he no longer had any legal grounds for appeal.
- 2.25 Detainees had access to a mobile phone on the coach, so that they could call their legal advisers if they wished.
- 2.26 A Home Office chief immigration officer (CIO) on board the flight held a surgery to speak to individual detainees and answer their questions (see paragraph 4.2). The surgery was conducted with adequate social distancing, which was positive and an improvement on previous flights that we have inspected.

Section 3 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.

- 3.1 Detainees' property was well managed throughout the removal operation. Before they left the IRCs, detainees could check their property to ensure that all items were there. Staff reassured detainees that important items such as their electronic devices were in their luggage and pointed out where they were placed. In one case, a detainee's suitcase was missing. Centre staff spent a long time trying to locate it before his removal without success. It was located the next day and staff arranged for it to be sent on. Staff handled the situation well and the detainee was reassured.
- 3.2 Cold food and drinks including sandwiches, crisps, fruit and bottled water were offered to detainees shortly after the coaches left the IRCs. The coaches were comfortable and suitably ventilated. Hot meals and drinks were served on both legs of the flight. Staff offered detainees pillows and blankets at the beginning of the flight.
- 3.3 Detainees could use the toilets in the IRCs, coaches and aircraft, but were not permitted to close the doors which were kept slightly ajar. This measure was not informed by individual risk assessment and was an unnecessary intrusion on their privacy.
- 3.4 Some detainees had waited on the first coach for more than two hours before boarding the flight. The delay was explained to them and they did not show any visible frustration, but better coordination of the operation could have reduced the delay. At Brook House, the first detainee boarded the coach at 2.10am which arrived at Stansted at 5am. At Colnbrook, the first detainee boarded the coach at 3am, and the coach arrived at the airport at 5.20am. The final detainee boarded the plane at 7.20am.

Recommendations

- 3.5 **Unless an individual risk assessment indicates otherwise, escort staff should allow detainees to use the toilet in complete privacy at IRCs, on coaches and on the aircraft.** (Repeated recommendation 3.6)
- 3.6 **The time detainees spend on a coach should be monitored and escorts coordinated, to minimise unnecessary waits.** (Repeated recommendation 3.7)

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.

- 3.7 All detainees were aware of the date of their removal, but many did not know the timings of the operation. Most did not know that they would be woken in the early hours of the morning or the time they would arrive at their destinations.
- 3.8 IRC and escort staff treated detainees respectfully throughout the operation. Coach commanders were friendly and welcoming (see paragraph 2.9). We saw some staff addressing detainees by their preferred name and building good rapport with the detainees in their care. However, at several key moments during the operation, such as boarding and alighting from the aircraft, detainees were referred to and addressed only by their flight manifest number.
- 3.9 Staff engaged sensitively with detainees, mindful that they were upset about their removal. They answered detainees' questions and were respectful when detainees did not want to speak to them. Two or three detainees asked to use the phone during the coach journey to call their legal representatives or families, and this was facilitated.
- 3.10 Staff remained engaged with the detainees in their care on the flight and did not speak to one another in a loud or inappropriate manner. The atmosphere was calm and detainees were in reasonable spirits.
- 3.11 No interpreter had been assigned to the operation as the Home Office had advised that all detainees could speak English. We found that all detainees spoke English reasonably fluently and did not observe any difficulty for them in communicating with staff.

Recommendation

- 3.12 **Detainees should not solely be addressed by their manifest number.** (Repeated recommendation 3.15)

Section 4 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.

- 4.1 Detainees had not been informed of their arrival times at their destinations ahead of their departure from the UK and were unable to make arrangements with families and friends who wished to meet them.
- 4.2 The majority of detainees had not lived in Spain or Portugal for some time, but most told us that they had somewhere to go after arrival in the country. One detainee was concerned that he may be homeless on his return to Portugal but he appeared to have found somewhere to stay by the time he boarded the flight. Detainees at both centres were seen by staff who checked on welfare concerns before the removal.
- 4.3 The chief immigration officer (CIO) provided several detainees with tickets for onward travel from Madrid and Lisbon. The CIO and a representative of Mitie also assessed detainees' applications for destitution payments to help with their first day back in the country. They distributed five small payments during the flight.
- 4.4 Alighting from the aircraft at Madrid and Lisbon was well organised and swift. Both flights arrived on time. Spanish and Portuguese police and immigration staff escorted detainees off the plane.

Section 5 Recommendations in this report

The following is a list of recommendations in this report.

Recommendations to the Home Office

Preparation and departure from removal centres

- 5.1 Detainees should receive advance information on their removal, including details about collection, departure and arrival times. (2.12)
- 5.2 Home Office staff should be present and visible to detainees during the removal process. (2.13)

Recommendations to the Home Office and Mitie

Safeguarding adults and personal safety

- 5.3 Flight manifests should contain comprehensive details of the risk factors and vulnerability of detainees at the time of removal. (2.23)

Physical conditions and property

- 5.4 Unless an individual risk assessment indicates otherwise, escort staff should allow detainees to use the toilet in complete privacy at IRCs, on coaches and on the aircraft. (3.5)
- 5.5 The time detainees spend on a coach should be monitored and escorts coordinated, to minimise unnecessary waits. (3.6)

Recommendations to Mitie

Respectful treatment

- 5.6 Detainees should not solely be addressed by their manifest number. (3.12)

Section 6 Progress on recommendations from the last inspection

Recommendations from the last inspection

The following is a list of all the recommendations made in the report of our last inspection of an overseas escort to Lithuania on 11 May 2021. If a recommendation has been repeated in the main report, its new paragraph number is also provided.

Safety

Recommendations

Detainees should receive advance information on their removal, including details about collection, departure and arrival times. (2.14, recommendation repeated 2.12)

Not achieved

Supervision of detainees in secure areas should be proportionate to the risk. (2.15)

Not achieved

Escort paperwork detailing detainees' risks and vulnerabilities should consider current areas of concern and include a description of detainees' demeanour and mood. (2.25)

Partially achieved

Escorting staff should observe social distancing whenever circumstances allow. (2.26)

Partially achieved

It should be explained clearly to each detainee that they have the opportunity to speak with a CIO during the flight. (2.30)

Achieved

Respect

Recommendations

Unless an individual risk assessment indicates otherwise, escort staff should allow detainees to use the toilet in complete privacy at IRCs, on coaches and on the aircraft. (3.6, recommendation repeated 3.5)

Not achieved

The time detainees spend on a coach should be monitored and escorts coordinated, to minimise unnecessary waits. (3.7, recommendation repeated 3.6)

Not achieved

Detainees should not solely be referred to by their manifest number. (3.15, recommendation repeated 3.12)

Not achieved

Appendix I About our inspections and reports

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.

All Inspectorate of Prisons reports carry a summary of the conditions and treatment of detainees, based on the tests of a healthy establishment that were first introduced in this Inspectorate's thematic review *Suicide is everyone's concern*, published in 1999. For inspections of escorts and removals the tests are:

- Safety
- Respect
- Preparation for reintegration

Our assessments might result in:

- **Recommendations:** will require significant change and/or new or redirected resources, so are not immediately achievable, and will be reviewed for implementation at future inspections.
- **Examples of notable positive practice:** innovative work or practice that leads to particularly good outcomes from which others may be able to learn. Inspectors look for evidence of good outcomes for detainees; original, creative or particularly effective approaches to problem-solving or achieving the desired goal; and how others could learn from or replicate the practice.

This report

This report provides a summary of our inspection findings against the healthy prison tests. There then follow three sections each containing a detailed account of our findings against our *Expectations for immigration detention. Criteria for assessing the conditions for and treatment of immigration detainees* (Version 4, 2018) (available on our website at <https://www.justiceinspectorates.gov.uk/hmiprisons/our-expectations/immigration-detention-expectations/>). Section 5 lists all recommendations made in the report. Section 6 lists the recommendations from the previous inspection and our assessment of whether they have been achieved.

Inspection team

This inspection was carried out by:

| | |
|---------------|-------------|
| Rebecca Mavin | Team leader |
| Paul Rowlands | Inspector |
| Jade Richards | Inspector |

Appendix II 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, available on our website at: <http://www.justiceinspectorates.gov.uk/hmiprisons/about-our-inspections/>

Personal protective equipment (PPE)

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

Rule 35 of Detention Centre Rules

Rule 35 requires notification to Home Office Immigration and Enforcement if a detainee's health is likely to be injuriously affected by detention, including if they may have been the victim of torture.

Crown copyright 2021

This publication, excluding logos, is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

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

This publication is available for download at: <http://www.justiceinspectorates.gov.uk/hmiprisons/>

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

All images copyright of HM Inspectorate of Prisons unless otherwise stated.