Annual Report of the Independent Monitoring Board at the North East Midlands, Yorkshire and Humberside Short-Term Holding Facilities

For reporting year
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Introductory sections

1. Statutory role of the IMB

The North East Midlands, Yorkshire & Humberside Independent Monitoring Board (IMB) is appointed by the Home Secretary to monitor and report on the welfare of people in the region's immigration short-term holding facilities (STHFs) through observation of their treatment and of the premises in which they are held.

The Board conducts its work in line with the Short-term Holding Facility (STHF) Rules, which place the day to day operations of STHFs on a statutory footing. Part 7 of the rules sets out the responsibilities of the IMB (referred to in the rules as the Visiting Committee). The Board has unrestricted access to every detained person and all immigration detention facilities and to records relating to detention. IMB members have access, at all times, to all parts of facilities and can speak to detained people outside of the hearing of officers. They must consider any complaint or request which a detainee wishes to make to them and make enquiries into the case of any detainee whose mental or physical health is likely to be injuriously affected by any conditions of detention. The IMB must inform the STHF manager about any matter which they consider requires their attention, and report to the Secretary of State about any matter about which they consider the Home Office needs to be aware.

The Board's duties also include the production of an annual report covering the treatment of detained people , the state and administration of the facility, as well as providing any advice or suggestions it considers appropriate. This report has been produced to fulfil that obligation.

The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is an international human rights treaty designed to strengthen protection for people deprived of their liberty. The protocol recognises that such people are particularly vulnerable and aims to prevent their ill-treatment through establishing a system of visits or inspections to all places of detention. OPCAT requires that states designate a National Preventive Mechanism to carry out visits to places of detention, to monitor the treatment of and conditions for detainees and to make recommendations for the prevention of ill-treatment. The IMBs are part of the United Kingdom's National Preventive Mechanism.

2. Description of the holding rooms

The Board monitored three different types of short-term holding facility (STHF) at eight different locations during the reporting period, each with its own requirements and challenges:

- Residential facilities
    - ➢ Swinderby Residential STHF (RSTHF)
- Port holding rooms
    - ➢ STHFs at the ports of Teesport, Hull, Killingholme and Immingham
    - ➢ An STHF at Leeds Bradford Airport
- Reporting centre holding rooms
    - ➢ STHFs at Home Office reporting centres at Leeds Waterside House and Sheffield Vulcan House

These facilities are spread over a wide geographic area, with a distance of 133 miles from Teesport in the north to Swinderby in the south and 86 miles from Leeds Bradford Airport in the west to Immingham in the east.

Residential facilities

Swinderby

Swinderby residential short-term holding facility (RSTHF) is located adjacent to HMP Morton Hall, Lincolnshire and is operated by Mitie Care & Custody on behalf of the Home Office.

Under the STHF Rules, detained individuals can be held in an RSTHF for a maximum of five nights, which can be extended to a maximum of seven nights if removal directions are in place within the seven days. Medical facilities available at Swinderby include a registered general nurse 24/7, general practitioner support, mental health practitioner access, and on-site pharmaceutical amenities.

The site has one disabled room and does not accommodate women. In total, there are 37 single occupancy rooms plus two additional single occupancy rooms designed for care and separation use.

The facility will not accept the following people: individuals with excessive and current violent behaviour; individuals requiring full-time medical care; individuals with terrorist links or national security cases; a person currently refusing food or fluid; men convicted of sexual offences (if others who may be at risk are detained); individuals undergoing alcohol withdrawal; women; minors; individuals with active tuberculosis (TB; anyone with latent TB must be referred to the healthcare team prior to transfer).

Port and airport holding rooms

Hull

The STHF at Hull consists of four rooms, located at King George Dock, which are used as interview rooms and to detain people, if required. Local procedure is for

each room to be used for a maximum of one detained person, unless they are a couple or a family group. If there are more than four people detained, any additional individuals may be required to remain seated in the Controlled Waiting Area (CWA) in the arrivals hall.

The holding room seating is wooden beams attached to the floor set in a backed bench style around a central table. There are no dedicated toilet facilities for the sole use of those using the holding rooms but male, female and disabled toilets with baby changing facilities are located nearby. People held in detention are accompanied to these facilities.

A limited range and supply of snacks and refreshments is available, but additional provisions can be purchased locally, as required. Clothing, blankets, pillows and mattresses are also available as are religious books and prayer mats. Information is available in a wide range of languages and relevant information is displayed in the holding rooms, including information about the IMB.

Immingham

Immingham STHF is a repurposed facility and has been operational since December 2022. The facility has had a complete refurbishment. It has a large holding room with capacity for ten detained persons. The holding room has its own toilet and wash basin. There are two interview rooms, one being significantly larger than the other. The smaller one can also be used as a holding room (with a capacity for six people) should there be a need to separate people being held, or the capacity of the larger holding room has been reached.

The seating is made from wood and fixed to the floor. There is an adequate range and supply of food, snacks and refreshments available on site. Information is available in a wide range of languages and relevant information is displayed in the holding rooms, including information about the IMB.

Clear-fronted lockers are used for the property of people detained. A current difficulty is that there is no telephone/broadband line in the holding room, which restricts IT access.

Killingholme

Killingholme STHF is a new purpose-built facility. It opened for Border Force use on 20 July 2022. It consists of two holding rooms, each having the capacity to hold eight detained persons. Both holding rooms have ensuite facilities consisting of a toilet, washbasin, shower and baby changing facilities. There is one interview room which has a spider conference phone installed to enable interviews with interpreters. The seating is made from hard plastic and fixed to the floor.

The office area contains a ‘search of person’ area and clear-fronted lockers to store the property of people detained. Wi-Fi is available within the building.

A limited range and supply of snacks and refreshments is available, but additional provisions can be purchased locally, as required. Information is available in a wide range of languages and relevant information is displayed in the holding rooms, including information about the IMB.

Leeds Bradford Airport

The STHF is located in the main terminal building. The STHF comprises two separate and basic interview rooms, each with a table and four chairs affixed to the floor. The seats are partly cushioned. The walls contain a panic strip, but there are no locks on the doors, no CCTV and there are no viewing dedicated portals for detained persons to be safely monitored by staff. There is a toilet nearby which can be used. A mat can be laid down should anyone who is detained wish to lie down or sleep. But the rooms are very small with only a small distance between the walls and the table. Only one room has a window/external light. Neither have sufficient space to exercise and no television should people face a longer detention time here.

A limited range and supply of snacks and refreshments is available, but additional provisions can be purchased locally, as required. There is some reading material in languages other than English. Information is available in a wide range of languages and relevant information is displayed in the holding rooms, including information about the IMB.

Teesport

There is a purpose-built STHF at Teesport with capacity for 16 individuals in two rooms identified as an adult and family room. Each room has toilet and shower facilities. There is also a multi-faith room and toys and welfare supplies on offer as well as food and drinks.

Reporting centre holding rooms

Leeds Waterside House

Waterside House is a Home Office Immigration Enforcement (HOIE) reporting centre near Leeds city centre. It operates from 9am to 3pm, Monday to Thursday. Detentions arise from cases of people who are reporting at the centre. As such, detentions are predictable in comparison with the port holding rooms and, wherever possible, the Board aims to coincide some of its monthly monitoring visits with times when people are scheduled to be detained in the holding room. The holding room hours are Monday to Friday, 8.30am to 5.30pm. Officers from the Immigration, Compliance and Enforcement Teams are based in Waterside House and conduct operations in the community which may lead to the holding room being used for detentions. These are less predictable than detentions planned by reporting and offender managers.

The officially stated capacity at Leeds Waterside House is six people. At any one time, it seems reasonable if there are short times when there are more people. But, certainly, if detentions stretch into periods of many hours waiting for onward transport (which is fairly typical of detentions at the location), then the IMB would be concerned if more than four people were detained (based on a calculation derived from HSE workplace space standards).

Sheffield Vulcan House

Vulcan House is the HOIE's reporting centre in Sheffield and is located to the north of the city centre in a multistorey building occupied by HOIE staff. The reporting centre is open 08.30am to 3pm. Detentions generally arise from cases of people who are reporting at the centre. As such, detentions are predictable in comparison with

the port holding rooms and, wherever possible, the Board aims to coincide its monthly monitoring visits with times when people are detained in the holding room. The holding room is normally open Monday to Friday. Officers from the Immigration, Compliance and Enforcement Teams are based in Vulcan House and conduct operations in the community which may lead to the holding room being used for detentions. These are less predictable than detentions planned by reporting and offender managers.

The officially stated capacity at Sheffield Vulcan House is eight people. This is very concerning as, in the view of the Board, the room is not suitable (having regard to HSE workplace space standards) for holding more than four people at any one time, particularly if detentions stretch into periods of many hours waiting for onward transport (which is fairly typical of detentions at the location).

3. Key points

3.1 Structure of the report

The RSTHF at Swinderby is a different facility to the other locations we monitor in that it is the only residential facility in the region. Also it has a capacity for up to 37 people so it is by far the largest facility in terms of people likely to be detained. The evidence chapter of this report reflects this distinction with two separate sections – one on Swinderby RSTHF and one on the port and reporting centre STHFs – and this executive summary follows the same format.

3.2 Main findings

Safety: Swinderby RSTHF

On our visits, we see staff behaviours, processes and practices that indicate that the safety, welfare and dignity of detainees are matters of priority. We observe good staff/detainee relations, relatively low numbers and a relaxed atmosphere all of which play a very important role in reducing risk and promoting safer detention.

We have, though, significant concerns about the physical safety of the facility. During the reporting period, the deteriorating floor, which eventually was replaced, posed a safety risk. The Board questions the decision to keep the centre open during the ten week period of the floor works. We also have some fire risk concerns.

The Board also has a major ongoing concern about processes designed to identify risk and vulnerabilities. It is certainly the IMB's view that reception interview arrangements, which are an important process for identifying risk, are inadequate (see 4.1.1). We are also concerned that many of the requirements for identifying and supporting individuals that may be at risk of self-harm and/or suicide (outlined in Detention Services Order covering ACDTs, DSO 01/2022 Assessment Care in Detention and Teamwork/ACDT, October 2022), are not in place in Swinderby RSTHF.

Port, airport and reporting centre STHFs

Across all the STHFs that we monitor, we see staff behaviours, processes and practices that indicate that the safety, welfare and dignity of detainees are matters of priority. The Board remains concerned about the safety of people detained in circumstances where current Home Office policy prevents people taking their medication for pre-existing medical conditions. The reasons for these concerns are detailed in the evidence section (see 4.2.3.).

Fair and humane treatment: Swinderby RSTHF

The feedback the Board receives from people detained is invariably very positive. Detained people report that they were treated fairly and decently by staff and that was reinforced by the Board's observations of staff interaction with detained people.

Notwithstanding the very good feedback we get from men detained at the centre and our own positive observations, we are always vigilant to the possibility of hidden bad attitudes or bad behaviour by staff towards people in detention. Part-way through the reporting period, concerns were raised with the IMB that unacceptable attitudes and behaviour had taken place between members of staff and we took the view that it

had the potential to adversely affect conditions for and treatment of people in detention.

We have concluded that we cannot be sure whether there are sufficiently effective systems in place to identify and prevent unacceptable behaviour, including whistle blowing systems and, crucially, whether these systems are trusted by staff.

The ten week works to repair the flooring had a major impact on facilities and space in the centre The conditions we witnessed during the works reinforced the Board's view that the centre should have been closed while the works took place, both to avoid the impact on facilities and, potentially, to enable the works to be completed in a shorter time.

During the floor works, internet provision was withdrawn and so the Board found that the centre was operating in breach of the STHF Rules, which require that detained people have access to the internet. Access to the internet is especially important for men who are about to be removed from the country – for reasons of accessing information, communicating with friends and family, emailing lawyers etc. Internet provision was cut off for a period of 13 days and, during this period, the centre remained open despite our recommendation it be closed. During this period charter flight removals from the centre continued with 17 men removed from the centre to Albania on 26 October and another seven Albanian men removed on 1 November.

Port, airport and reporting centre STHFs

The Board received positive feedback from people detained about fairness and decency, and we have observed good interaction between staff and those detained. One caveat to this is that the Board's ability to be present when people are detained at ports and airports is limited. The frequency and timing of detentions is highly variable and unpredictable. Our visits, which are unannounced, may or may not coincide with STHFs at these locations being used. As a result, much of our monitoring is in the form of audits and case file reviews. A number of specific concerns did arise during the reporting period. These included:

- Ongoing poor suitability of facilities at Leeds Bradford Airport and the Port of Hull for immigration detention.
- People being detained in holding rooms overnight or in police stations instead of in residential STHFs.
- The absence of internet/telecoms cabling to Immingham STHF with potential impact on language translation quality and longer processing times.
- Continued instances of inadequate Annex A file recording of ongoing care and welfare checks.
- The inability to provide any form of hot food to people detained - sometimes for many hours - particularly for people who have potentially made a long or arduous journey to the UK.

These and other issues are described in more detail in the evidence section of this report.

Health and wellbeing

Swinderby RSTHF

People detained at Swinderby RSTHF have access to an on-site healthcare team that provides for 24/7 general nurse provision, GP support, mental health practitioner access, and on-site pharmaceutical amenities. The RSTHF also has a number of indoor and outdoor recreational opportunities that support 'softer' wellbeing needs. We have no concerns about healthcare provision to report.

Port, airport and reporting centre STHFs

STHFs have no specific provision for healthcare and rely on outside NHS facilities (local hospitals, 111, 999, local mental health crisis teams) should medical issues arise. Some people taken into detention have pre-existing medical conditions for which they are carrying their own prescribed medicines. Home Office policy requires any medicines to be confiscated from a detained person when they are detained and they are not allowed to take their medication should they fall unwell or require a regular dose at a specific time. In the Board's 2022-2023 annual report, we stated that we viewed this situation as inhumane, dangerous and wrong and we remain of that view.

Preparation for removal, transfer or release

Swinderby RSTHF

We are satisfied that people in detention at the RSTHF are kept informed and up to date about plans for their transfer, release or removal and that preparation for such moves are managed with appropriate decency and care by centre staff. Charter flight removals take place in the middle of the night. During the reporting period the Board raised concerns that efforts by the charter flight escort team to use interpretation services were inadequate. Interpretation services are essential to ensuring detained people have understood what is being explained to them prior to departure. The Board also raised a concern about what we judged was an inappropriate use of a waist restraint belt by the charter flight escort team

Port, airport and reporting centre STHFs

In all the conversations we have had with people detained we have been satisfied that people are kept informed and updated about plans for their removal, transfer or release from STHFs. We have no reason to believe that moves out of STHFs are not managed with anything other than appropriate decency and care. The Board is, though, concerned about difficulties in the availability of onward transport which sometimes means that stays in STHFs are longer than they need to be.

Are there any barriers to the Board fulfilling its monitoring duties?

The Board has a duty to monitor outcomes for people held in STHFs and, importantly, to satisfy itself in respect of safety, fair and humane treatment, health and wellbeing, and preparation for removal, transfer or release. Access to records and data are important for the discharge of this duty as is the ability to hear, in confidence, from people in detention.

We are concerned at recent restrictions to access to port case files in port and airport STHFs. Until late 2023 the Board had been granted access to these files during

our visits but in the last two months of the reporting period, this changed and now access is limited to specific documents that the Home Office/Border Force deem relevant to monitoring. The Board is also given access to the STHF Holding room log and records relating to the management of STHFs, such as cleaning logs, food provision lists, the visitors log and risk assessments.

In our view, this restriction means we are unable to adequately discharge our monitoring duties. Without seeing the full port case file, in particular having sight of the minute sheet, we are unable to gain full information about the care and welfare of people in detention (see section 4.2.2 on evidencing care and welfare checks). Without sight of the IS81 we are unable to satisfy ourselves that detention is lawful and to evidence exact timelines.

3.3 Recommendations

TO THE MINISTER

Revision of the policy on medication in STHFs

This was a recommendation in our last report and, in response, we were told:

> "The Home Office has now appointed a specialist supplier to carry out a national Health Needs Assessment (HNA) of all Non-Residential STHFs (Holding Rooms)… Once completed, further work will begin to evaluate these options to procure a service, or services that meet the requirements of the population and achieves value for money."

We think this is an incorrect, costly and unnecessarily long-winded approach to what is an urgent issue. We have seen no progress whatsoever since our last report and we repeat our recommendation that the policy be immediately revised to allow staff in STHFs to permit the person detained to take a required dose at intervals as per the prescription or pharmaceutical product recommendations. We judge that permitting single doses is important for preventing any risk of health deterioration and for being fair and humane, while minimising any adverse risk.

Commission a review of the low number of health/suicide risk cases in STHF rule 32/35 cases

The Board recommends the examination and review of the low number of Rule 32/35 risk to health and risk of suicide cases, in order to check that the low number of cases is not indicative of the process failing to be used as it should be to identify those facing a deterioration of their health in detention and those at risk of suicide.

Reduce the maximum length of detention at certain types of STHF

Rule 6 of the STHF rules limits the length of time a person can be detained in a holding room to a normal maximum of not more than 24 hours. However, no distinction is made between purpose-built or purpose-designed facilities (such as those at the ports of Immingham and Teesport) and facilities at locations such as Leeds Bradford Airport and the Port of Hull where facilities are limited to small interview rooms and are, in no sense, fit to be described as STHFs. We judge that Leeds Bradford Airport STHF and Port of Hull STHF are not suitable for stays of up to 24 hours and recommend the STHF rules be amended to place a maximum limit of 12 hours at these and similar locations.

Ensure the IMB have full access to port case files

For reasons outlined above (under 'barriers to effective monitoring'), we have moved from a position where the IMB is able to judge and decide what is relevant to our monitoring, to a position where Border Force decides what is relevant and not relevant to our monitoring. Since it is the IMB that has the statutory responsibility to ensure monitoring is adequately performed, we require full access to port case files in order to be certain that all matters that are relevant to monitoring are seen by us and taken into consideration. We recommend that Border Force provide IMB access to port case files with immediate effect, which would restore our access to records and documents to the fully transparent arrangement that had existed for our Board prior to late 2023.

TO THE UK BORDER FORCE / HOME OFFICE IMMIGRATION ENFORCEMENT

Avoid the use of police stations for immigration detention

We repeat our recommendation that use of police stations for immigration detention is kept to an absolute minimum. Greater efforts should be made to secure places in RSTHFs or elsewhere in the immigration detention estate to process cases where overnight or longer stays are necessary. From data provided to the IMB for this region, we note that only ten people were transferred to police stations during the reporting period and hope that this is an indication that this approach is being taken.

Recording of ongoing care and welfare checks

We repeat our recommendation that Border Force staff at STHFs ensure that all ongoing care and welfare checks on detained people are fully and properly recorded on the annex A form in the port case file.

Provision of suitable hot food choices

We are concerned at the inability to provide hot food in Border Force-managed STHFs. People detained at sea ports may have undertaken lengthy journeys prior to their arrival in the UK and/or endured potential hardship enroute e.g. container or lorry arrivals. In all locations, the provision of nutritious hot food and drink choices is something we believe contributes to the overall care and welfare of people. We recommend that hot food and drink provision be reinstated at all STHFs as soon as possible.

Telecoms cabling at Immingham STHF

It is now over 15 months since the opening of Immingham STHF but the absence of telecoms cabling is having a potentially negative impact on detention. We recommend a clear timetable be established for the completion of the telecoms infrastructure serving the facility.

Holding room capacity

In the light of IMB concerns at the prospect of up to eight and six people being held at any one time (the officially stated capacities) at Sheffield Vulcan House and Leeds Waterside House STHFs, we recommend the Home Office, in conjunction with the facility contractor, review the official capacities in line with standards such as the Health and Safety Executive's guidance on appropriate minimum workspace standards.

TO THE FACILITY MANAGER/DETENTION CONTRACTOR

Vigilance to the possibility of hidden bad attitudes or bad behaviour amongst staff

We recommend that Swinderby RSTHF centre management and the Home Office contract compliance team review existing processes around staff culture, professional standards and whistle blowing to ensure they are sufficient, effective and robust.

Safer detention and Assessment Care in Detention and Teamwork

We recommend that Swinderby RSTHF urgently reviews the requirements of the Detention Services Order covering ACDT (DSO 01/2022 Assessment Care in Detention and Teamwork/ACDT, October 2022) and implements the safer detention practices contained therein within the centre.

Reception interviews at Swinderby RSTHF

We repeat the recommendation that all arrival interviews should be conducted in the purpose-built interview room in the facility, with privacy and with participants seated in comfort and speaking at eye level. For the reasons outlined in the evidence section (see section 4.1.1) we do not regard the 'partial acceptance' of this recommendation last year – namely by offering a choice of private interview room - as adequate.

Effectiveness of interviews in discovering cases of PTSD, sexual abuse, modern slavery or other exploitation

We repeat and emphasise our concerns about the effectiveness of arrival interviews at Swinderby RSTHF and are disappointed at last year's Home Office response that they are sufficient to discharge its duties to operate adequate processes for the discovery of such cases. The interviews are held in public, are brief and are a wholly 'tick box' exercise. From the Board's observations, there is no genuine or meaningful attempt to identify if someone is suffering from PTSD or has been a victim of modern slavery or sexual violence as is the responsibility of the Home Office as a National Referral Mechanism 'first responder organisation'. We recommend that these interviews be conducted in a confidential space with more time and care taken to build trust and thereby encourage full disclosure.

Fire safety

We recommend that the Contractor and Compliance Officer at Swinderby RSTHF review fire safety arrangements in light of the Board's concerns about possible risks that have arisen during the reporting period (see sections on floor works and unlocking of fire evacuation doors).

Learning from planning and implementation of floor works project

We recommend that the Home Office and Contractor undertake a review of learning from the floor works project. The review should incorporate the many concerns identified in this report, including a breach of STHF rules, The content and results of that review should be shared with the Board.

Interpretation provision by charter flight escort teams

We recommend that monthly or quarterly data be provided to the Board by the Home Office Compliance Officer to evidence either the presence of interpreters in the charter flight escort teams attending at Swinderby RSTHF, or the use of Big Word in cases where an interpreter is not present.

Loading bay at Sheffied Vulcan House STHF

We ask for confirmation that the proposed actions on yellow hatching and pre-departure risk assessments have been implemented and are working satisfactorily (see section 4.2.1).

TO NHS England

No recommendations.

3.4 Progress since the last report

In Swinderby RSTHF there has been an improvement in facilities with the addition of better furnishings as well as indoor and outdoor leisure provision. These improvements include the expansion of dining area facilities which we recommended in our last report.

In STHFs, we have seen better evidencing of care and welfare checks on the Annex A form, although we do also continue to see inadequate evidencing on the form.

Although we don't have authoritative data, our analysis of snapshot data leads us to believe there are fewer instances of night moves of men between IRCs and Swinderby RSTHF.

We also note that transfers to police stations of people detained at Border Force facilities in our region was confined to ten such cases during the reporting period.

Evidence sections

4.1 Swinderby RSTHF

4.1.1 Safety

In our monitoring, we see staff behaviours, processes and practices that indicate that the safety, welfare and dignity of detained people are matters of priority. Board members frequently ask detained people during rota visits, whether or not they feel safe at the centre. No-one has expressed concerns about safety.

During the reporting period, however, the Board raised concerns with centre management about safety issues linked to the deterioration of the flooring in the residential block. The Board viewed the deteriorating floor as a trip hazard and, indeed, in August 2023 it caused an accident resulting in the injury and hospitalisation of a member of staff. The Board had further concerns about the decision to keep the RSTHF open when the flooring was eventually replaced in October/November 2023.

Deterioration and unsafe condition of flooring

The RSTHF opened in early October 2022 but, within a few months of opening, it became clear that the ground floor in the residential building was sub-standard and was beginning to subside with cracking in places. IMB members found that by the start of 2023, staff were needing to use tape on the floor to effect running repairs and to avoid a trip hazard. In general, we judged that the hazard was manageable. However, throughout the year the Board became increasingly concerned by the risk to safety, and in August 2023 one of our rota reports described the situation as “dangerous”.

In the summer months, the floor had deteriorated to the extent that the taped areas were a trip or fall hazard. Staff needed to add highly visible yellow ‘caution’ tape to alert staff and residents to the problem areas rather than the less visible grey tape that had been used previously. In June 2023, we reported to centre management that “the floor was in a poor state and getting worse.” In July, increasingly concerned by the hazard posed, the Board urged that some remaining areas with the old grey tape be immediately covered with the yellow ‘caution’ tape.

In August 2023, an IMB member stated in their visit report: “I was very concerned regarding the deterioration of the floor in the communal dining area. It now has many serious trip hazards and is dangerous.” On the day of the visit a staff member tripped on an un-taped area of broken floor (in an area not accessible to residents). The staff member sustained a head injury requiring in-patient hospitalisation. Following this accident, the worst areas of floor were covered with temporary boarding as well as the yellow caution tape.

The centre continued to operate with the floor in this ever-deteriorating condition until October 2023 when works began to replace the entire ground floor of the accommodation block. The works began nearly a year after the issues were first identified and the need for repairs had been apparent since the beginning of the year. We are concerned about the time it took to organise repairs, placing staff and residents at risk in the meantime.

Safety during the floor replacement works

The floor replacement works began on 2 October and were completed on 8 December 2023. We have significant concerns about the decision-making process for keeping the centre open during this time. The Board's concerns centre on the impact on the facilities in the centre (see section on 'fair and humane' treatment) and the possible impact on safety. The works had to be conducted in phases in the accommodation block with the rest of the accommodation block continuing to be used as a residential facility. We understand that, during the works, the smoke alarms/sprinklers had covers to protect them from dust and prevent false alarms. This raised significant concern that, should a fire have broken out during two months of works, alarms may not have been triggered. Especially given heightened fire risk during building work, the Board considers this an unacceptable compromise to the safety of people detained at the Swinderby during this period.

Concern about reception interview arrangements

As raised in the Board's 2022-2023 annual report, IMB members continue to view reception interview arrangements as unacceptable. The reception interview is an essential conversation for risk identification in general and for screening for vulnerabilities in particular. It is important for identifying detained people who have experienced exploitation or modern slavery and possible triggering of the National Referral Mechanism. The content of interviews is sensitive and personal. The Board found that if the interview is to be effective (as opposed to saying 'we asked the questions and ticked the boxes'), interviews need to be conducted in a way that the person being interviewed can feel safe and secure. Confidentiality and good one-to-one communication are key to this.

At Swinderby RSTHF such interviews are conducted in an open area with the interviewing staff member seated or standing at a desk behind a counter. The arriving detained person remains standing for the interview, in an area which is only semi-screened from other reception seating. The Board are concerned that current arrangements significantly compromise the effectiveness of reception interviews for identifying risk, safety and exploitation factors.

The lack of privacy and confidentiality of the space during reception interviews is at the heart of this. But also we consider that, where an interviewing staff member chooses to sit, the arrangement is not conducive to open and good communication. The sensitive and confidential topics being discussed put good and trusted communication at a premium, which would be better promoted by both interviewer and interviewee being at eye level, both seated, both feeling comfortable and relaxed and safe. This is important for all cases but even more important where there are language barriers and Big Word translation is being used.

We continue to be told by staff that incoming residents are offered a private space if they want. However, the onus is on the detained person to request this. On arrival a detained person may feel obliged to go along with the process; they may not anticipate the sensitive nature of the interview so may not be in a position to judge whether to choose a private room or not; they simply may not feel in a position to make what they might consider a special request (especially if other arrivals have been processed ahead of them at the counter); or simply a detained person may not understand.

There is a private interview room within the facility. The Board recommends that all arrival interviews should be conducted in the interview room with participants seated in comfort, privacy and speaking at eye level.

The Board again emphasises that we regard this recommendation as vital to the safety of people detained at Swinderby. The purpose of the interview is to discover and identify risk factors relating to sensitive and personal circumstances such as whether a person is suffering from PTSD or has been the victim of sexual abuse, modern slavery or other exploitation.

The Board has seen no progress on concerns raised in the 2022-2023 annual report, regarding the effectiveness of the question format during interviews. The interviews are essential to ascertain whether arrivals might be suffering from PTSD or have been the victims of sexual abuse, modern slavery or other exploitation. These questions are just asked as 'yes' or 'no' questions with no time available for a more explanatory or discursive process of discovery. The Board questions how effective such interviews are likely to be in screening for such histories. Meaning may be lost in translation or not be fully understood.

The Board repeats the recommendation for the Home Office to conduct an independent evaluation by a suitably qualified person or body of the current effectiveness of interviews and whether they can be made more effective.

Assessment care in detention and teamwork (ACDT)

Assessment Care in Detention and Teamwork (ACDT) is a Home Office process to manage detained individuals identified to be at risk of suicide or self-harm. The Detention Service Order (01/2022 Assessment Care in Detention and Teamwork (ACDT)) provides instruction and operational guidance for identifying and supporting individuals in detention who may be at risk of self-harm and/or suicide. The supporting Detention Services Order (DSO) acknowledges differences between RSTHFs and Immigration Removal Centres (IRCs) but states that the "guidance should be followed as far as possible in RSTHFs." It also explicitly states: "All references in this DSO to "centre" include IRCs, RSTHFs and PDA.".

The DSO highlights that an individual's risk (or likelihood) of self-harm and/or suicide may increase in certain circumstances and that such circumstances might include, for example, changes in immigration status relating to removal from the UK. The DSO also states: "Foreign National Offenders (FNOs) have been identified as a group who are more likely to self-harm. It is recognised that self-harm and suicide can be triggered when an FNO is held (or is about to be) on an IS91 or is close to deportation."

The principal use of Swinderby RSTHF during the reporting period was for the detention of men, largely time-served FNOs, prior to their departure on charter flights. As such, the centre is housing a population that the guidance views as potentially being at higher risk of self-harm and/or suicide.

Against this background, the number of men on an open ACDT during the reporting period was very low – just five in a total population of 1,190 men detained at Swinderby RSTHF during this period (so 0.42% of the total number detained). For our previous annual report, which covered the first four months of the opening of the RSTHF), we were told that there were six open ACDTs among 343 men detained in

the first three/four months of the centre opening (so 1.7%) - still low but proportionately more than three times as in the most recent reporting period.

The low number of ACDTs may reflect a low incidence of risk of suicide and self-harm among the men housed at the RSTHF and, indeed, there were no such recorded incidents at Swinderby RSTHF in the whole of the 12 months covered by this report.

Staff are very visible and the ratio of staff to residents is high. The Board observed good relationships between staff and people detained at Swinderby RSTHF, relatively low numbers and a relaxed atmosphere all of which play a very important role in reducing risk. In addition, men stay at the centre for a relatively short time and most of them have certainty in the form of a definite return flight about what is happening next. Many of the men passing through the RSTHF have volunteered to return to their home countries on charter flights and are with other men of the same nationality which may give them some reassurance.

Nonetheless, the Board has some concern that the low number of ACDTs might reflect a lack of vigilance and attention to the need to consider ACDTs and adequate mechanisms for identifying risk. It is certainly the IMB's view that reception interview arrangements, which are an important process for identifying risk, are inadequate (see previous section).

We are also concerned that many of the requirements of the Detention Services Order covering ACDT (DSO 01/2022 Assessment Care in Detention and Teamwork/ACDT, October 2022) are not in place within Swinderby RSTHF. As part of the preparation of this report, the IMB conducted an audit of compliance with the DSO. We have the following concerns:

- The DSO requires a local strategy for prevention of self-harm which should be displayed publicly within the centre. This document should made available on request to all staff and those in detention in a language they can understand. No such 'local strategy' has been prepared or on display or available on request in the form required by the DSO. There is a national-level Mitie C&C 'standard operating practice' (SOP) document on the prevention of suicide and self-harm. This is in a filing cupboard in the comms room.

- The RSTHF should have a Safer Detention team (SDT) with responsibility for the implementation and development of a safer detention policy. The team should include a safer detention and suicide prevention team leader from the senior management team and a safer detention (ACDT) co-ordinator from a manager grade. There is no formal SDT at Swinderby RSTHF although there is an ACDT Case Manager on each shift and a total of 13 ACDT case assessors across the staff team.

- There should be a safer detention multi-disciplinary team meeting, including healthcare representatives, conducted in the centre at least once a month. No SDT process of this kind is in place, nor are there any monthly meetings of this kind in the centre. Mitie C&C does conduct a monthly safer detention online 'teams call' at a regional level covering RSTHFs at Larne, Manchester and Swinderby but this is not a multi-disciplinary meeting. It is typically attended by one member of the Swinderby RSTHF management team.

- There should be a clear safer detention policy statement that the safer detention and suicide prevention team leader is responsible for devising and implementing. This does not appear to be in place at Swinderby RSTH.
- The DSO requires implementation of local ACDT and self-harm prevention policies and procedures to be reviewed annually by the supplier centre manager or contract director. Because these local policies and procedures are not in place, such a review presumably does not take place.
- All staff (not just those specifically responsible for safer detention processes) should be responsible and alert to the need to identify signs that anyone might be at risk of self-harm or suicide. We are told that this is a key focus of staff training and induction.

In conclusion, the Board is concerned that the guidance on safer detention and self-harm/suicide prevention, as outlined in the ACDT DSO, is not embedded locally within Swinderby RSTH. We see a focus on national and regional level standard operating practice without an equivalent focus at staff and team level within the centre. We recommend that these issues ae addressed as a matter of urgency.

Data on vulnerabilities, self-harm, use of force and violence during the reporting period

The following data is from a locally held management information system and not from officially published statistics:

Number of people detained from 1 February 2023 to 31 January 2024 – 1190

Number of men on an open ACDT in the same period – 5

Number of men with a VACP – 61

Number of men classified as an adult at risk level 2 – 0

Number of men classified an adult at risk level 3 – 0

Number of self-harm incidents – 0

Number of incidents of detainee-on-detainee violence – 1

Number of incidents of detainee-on-staff violence – 0

Number of incidents of use of force – 0

Number of drug/illicit substances discoveries – 0

The data reflects our observation of the centre as being a calm and relaxed environment with very few or no incidents of untoward behaviour by those detained or use of force by staff.

Adults at risk

Separate and distinct from the ACDT process, there is Home Office guidance on the adults at risk (AAR) process (Adults at risk in immigration detention version 9.0, April 2023). The guidance outlines the process for identifying individuals who may be particularly vulnerable to harm in detention and therefore regarded as an adult at risk. Depending on the level of evidence, particularly professional evidence, an

individual may be considered a level 1, level 2 or level 3 risk. Level 3 is used to indicate the highest level of available evidence, signifying that continuing the detention for the period needed to effect removal would be likely to cause harm.

In any given detention population, it is typical that some people are classified as a level 2 risk. The Board was surprised to receive local reporting data from the centre (see table) indicating that there were no AAR level 2 cases at Swinderby for the whole of the 12-month reporting period. This was also the case in the previous reporting period.

In the view of the Board, the absence of any AAR level 2 cases does not seem credible. The Board is concerned that this could either indicate a data recording and reporting error, or the need for a review of processes for identifying adults at risk at Swinderby. As can be seen in the next section, when we received Home Office data, it showed there were 14 cases during the reporting period that necessitated Rule 32 assessments. In four of these 14 cases continued detention was considered likely to be injurious to the man's health and the men were released. The Home Office Rule 32 data shows that seven of the 14 Rule 32 cases involved men who were level 2 AARs. We conclude there must be a data recording error with the local data on AARs.

Rule 32 assessments

Detention Centre Rule 35 and STHF Rule 32 are designed to identify people in detention whose health is likely to be injuriously affected by continued detention or any conditions of detention, or are suspected of having suicidal intentions, or where there are concerns that they may have been a victim of torture. Home Office guidance on Rule 32 (Detention Services Order 09/2016) is clear that appointments for Rule 32 assessments should be made as quickly as possible. The Board were told by healthcare staff that assessments are carried out more or less immediately after the need for an assessment is identified .

During the reporting period (excluding February 2023 for which the Home Office were unable to supply data), 14 men were assessed under Rule 32 at Swinderby RSTHF. In 10 of these cases the Home Office decided to maintain detention. In the other four cases, the men were released from detention. Nearly all of the cases involved potential victims of torture with only one being for other reasons. This gives rise to a concern that the process is not being used as it should be to identify those facing a deterioration of their health in detention and those at risk of suicide. Although the four men who were released had spent only a short time at Swinderby, Home Office data shows that three of them had spent a total of 105, 87 days and 57 days respectively in immigration detention.

Emergency fire evacuation doors

In August 2023, staff informed the IMB that keys had only just been issued to them for the barred metal gates at the end of the residential corridors. Staff had been asking for the keys since February. As the gates sit in front of the external doors and act as fire exit routes, this was a concern. The IMB member decided to ask to see the doors being unlocked and went with an officer who tried to unlock the door. But it didn't work. A second officer came and again could not unlock the door. It was discovered that the reason was that some white tape, that had been placed round the key to identify it, was hindering its operation. Once it was peeled back it was ok.

Nonetheless, the episode was a concern, and the Board recommends that fire safety procedures are regularly reviewed and tested and proved to be effective.

4.1.2 Fair and humane treatment

In conversations with people who are detained, Board members as a matter of routine ask whether or not they feel they are treated fairly by staff at the RSTHF. During the reporting period the answer has been virtually unanimously positive. The following comment in a monitoring report from 12 September 2023 is fairly typical of our experience:

> "There were five men detained in the centre and they were all in the dining area. They said they were being treated well with comfortable facilities and plenty of food. Staff were engaging well with detainees."

Part-way during the reporting period, the IMB implemented a system of applications whereby men detained at the centre can raise issues of concern with the IMB through a written applications procedure. We have received no applications. This reflects the very positive feedback we hear directly from those who are detained. However, this zero applications figure also needs to be seen in the context of varying levels of awareness of the application process, possible language barriers and the short periods of time that men are in the centre.

Vigilance to unacceptable staff conduct

Notwithstanding the very good feedback we get from men detained at the centre and our own positive observations, IMB members remain vigilant to the possibility of behaviour by staff which could negatively impact people in detention. In August 2023, the Board heard concerns from several staff about unnamed individuals whose behaviour to other staff was causing bad feeling and stress. The role of the IMB is not to monitor staffing or HR matters. However, the Board considered this situation had the potential to adversely affect conditions for and treatment of people in detention as the allegations included behaviour that indicated a propensity to resort to violence in order to resolve a petty argument.

The Board immediately raised this with the management of the centre. We also asked for more detail about the Mitie Care & Custody whistleblowing policies and procedures as well as what the organisation does to promote a healthy staff culture. We were told that there had been a full investigation into bullying within the centre and there are posters displayed within the centre regarding whistle blowing and the employee assistance programme (EAP). We were told these systems are also promoted via a company email to all staff at regular intervals during the year. As part of the preparation of this annual report, the IMB checked what posters or documents are on display for staff. There is a whistleblowing poster with an 0800 line number on display on the staff room noticeboard and there were also two different documents titled 'anti-bullying strategy' and 'violence reduction and anti-bullying strategy' on display – the first in the reception area and the second in the reception corridor.

The Board asked centre management whether there are anonymised systems in place that can enable Mitie C&C to identify and exclude behaviours and attitudes that could have an adverse impact on staff and/or people in detention. In response to this question, we were told that "staff surveys are completed every year and results are shared with all C&C staff. These results are discussed with senior leaders who

then share any recommendations with the SDMs to implement at their sites." However, the IMB were later told that the results are not disseminated to staff but are just discussed by Mitie C&C at a senior national level.

The IMB were told that the last staff survey was conducted six months previously, in March/April 2023, but that results had not yet been processed. The Board found that delay surprising and questioned what message it sent out about the importance of the survey. We asked to see a copy of the survey questionnaire, which was eventually supplied to us five months later, in February 2023. The survey does not include any reference to a whistleblowing process or attempt to measure trust in such a process. There is, though, a more general question seeking to measure whether staff agree or disagree with the statement "I feel free to speak my mind without fear of negative consequences." Mitie C&C has not disclosed the survey results to the IMB.

Centre management have assured the IMB that these matters are taken seriously and are focused on providing frontline managers the support they need to address any concerns raised from their teams. However, in the light of responses to our questions, the IMB has not received adequate assurance that there are sufficiently effective systems in place to identify and prevent unacceptable staff conduct, including whistle blowing systems and, crucially, whether these systems are trusted by staff. We recommend that the centre management and the Home Office contract compliance team review existing processes to ensure they are sufficient, effective and robust.

Planning for the floor repair works and the decision to leave the centre open

The floor on the ground floor of the accommodation block deteriorated to the extent that major works had to be scheduled to completely replace the floor (see section 4.1.1). The works began on 2 October and were completed on 8 December 2023, with the centre not fully operational with furniture moved back in place until 14 December. These were major works affecting half of the bedrooms and all of the common areas in the accommodation block including the association area, dining area, kitchen, the computer room and multi-faith room. The works meant these areas were out of use, although the phasing of the works meant that not all of the non-bedroom areas were out of use at the same time. Nonetheless, there was considerable disruption and some curtailment of facilities.

In the view of the Board, disruption and reduced facilities could have been avoided if the centre had been closed during the works, which may also have accelerated completion. The Board raised this in dialogue with management ahead of works commencing but were told that the centre would remain open, with works being completed in four phases to minimise disruption. The Board had various concerns during the works, the most significant of which led to the centre being in breach of STHF rules for 13 days during the works (see below).

Operation of the centre in breach of STHF rules

The most concerning disruption during the floor works was a suspension of internet provision for the men detained. There was no internet provision for a period of 13 days, from 19 October to 1 November. This was in breach of the statutory duty outlined in the Short-term Holding Facilities Rule 29(1), subject to paragraphs (2) and (3), that "a detained person must have access to the internet at a short-term

holding facility". In addition, DSO 04/2016 states: "Each centre must ensure that internet access enabled computer terminals are available to detainees 7 days a week for a minimum of 7 hours a day, though individual time slots may be limited if there is excessive demand."

Paragraphs 7 and 8 of DSO 04/2026 and STHF rules 29 (2) and (3) do permit the suspension of internet access but it is clear from the wording of these provisions that they are intended to apply to individual detained people ("a detainee") and are not intended to cover the circumstances existing at Swinderby RSTHF where the centre had decided to prioritise storage over the population's access to the IT room.

The withdrawal of the access to internet was a direct result of the decision to use the IT room as a store room while the flooring works were completed. There had been a plan to allow internet access for the residents via the legal visits room, where the Skype computer was already set up, but technical difficulties prevented this until an engineer's site visit could be arranged for 1 November. During the period the internet was down, the Board was told that residents were given the option for the Duty DCOM to send/receive solicitor paperwork and they were offered additional telephone calls to family members, friends, representatives etc. Skype was also still available and the centre offered extended visiting times.

The lack of internet access was first noticed by the IMB on 24 October and our concerns were reported immediately to the centre and to the Home Office compliance manager. During the period when internet access was down, charter flight removals from the centre continued with 17 men removed from the centre to Albania on 26 October. An additional seven men were removed on a flight to Albanian on 1 November. Access to the internet is essential for people who are about to be removed from the country – for reasons of accessing information, communicating with friends and family, emailing lawyers etc.

The IMB was informed by staff at the centre that they had been told there would be no charter flight removals during the floor works and that numbers in the centre would be kept to below 'double figures'. However, there was no noticeable reduction in the use of the centre. Resident numbers remained similar to the months leading up to the floor works and, as noted above, charter flight removals continued.

Because internet access was not available during the flooring works, the IMB's view was that Swinderby RSTHF should have been closed. We certainly think that better planning should have taken place prior to the works, including testing contingency plans to use the legal visit internet connection. If this had been done, the problem with the internet port in that room not working would have been discovered and could have been corrected.

Impact of the floor works on communal and dining space

The following is from an IMB report of a visit to the centre during the floor works on 31 October: "All the inside recreation areas and the dining area are out of use. The only communal area to replace the previous facilities is a small reception area with a few chairs and one low coffee table. The weather was fine when I visited but it is cold and wet quite a lot of the time and this area was inadequate for the 12 men in the facility with two more due to arrive later in the day. There is nowhere adequate to eat a hot meal as there is only one low table. The normal kitchen is out of use, and I was shown a temporary kitchen in a ground floor bedroom. The floor was dirty and there

was only one working microwave so meals would take a long time to make. There is no washing machine available for men to wash their clothes."

The above observations reinforce the Board's view that the centre should have been closed while the works took place, both to avoid the impact on facilities and, potentially, to complete the works in a shorter time.

Heating system repairs and maintenance

The centre was newly-converted and opened in October 2022 but repairs and maintenance problems are a concern and seem to be subject to long delays. As well as the flooring problems, the heating system has been problematic. Problems with the heating system have existed since the opening of the centre and mostly have not been rectified. The IMB was told in September 2023 that eight out of the 39 rooms could not be used because of maintenance issues.

On one visit we were informed that one bedroom has been closed since the centre opened simply because the radiator needed a thermostatic valve to be replaced. The heating in bedrooms 17, 18, 37 and 38 were supplied by pipework that banged noisily if the radiators are put on, meaning these rooms can't be used in winter. Staff reported the boiler can't be switched off and always has to stay on because, if it is switched off, the pumps are not sized appropriately to get the system up and running again. This means that all during the summer a number of common areas were permanently and unnecessarily heated.

In January 2024, the centre took all of the ground floor bedrooms out of use, effectively halving the capacity of the centre pending repairs to the heating and hot water system.

Facilities improvement

The RSTHF opened with a dining area that only had 18 seats for dining compared with a centre capacity of 37. We are pleased to note, just after the end of the current reporting period, that additional seating and tables have been installed with room for 32 people to eat. There have also been other welcome improvements to the centre during the reporting period including better provision of newspapers and reading material, improved games and leisure facilities, including an outdoor gym, a new perspex outdoor shelter and better seating in the multi-faith room.

4.1.3 Health and wellbeing

On-site healthcare services at Swinderby RSTHF are provided by Nottinghamshire Healthcare NHS Foundation Trust. Medical facilities available include a registered general nurse 24/7, GP support, mental health practitioner access, and on-site pharmaceutical amenities.

In our monitoring, we have not heard of any concerns from people detained about the healthcare service. We have not identified any instances where the adequacy of healthcare to people in detention has been compromised in any way. Twice a day, healthcare staff go over to the accommodation block to undertake a welfare check on all detained people. The Board has no concerns about healthcare provision to report.

Men stay at the RSTHF for a relatively short period of time. Nonetheless, recreational provision is important for mental health and wellbeing. Residents have

unrestricted access to the grounds of the facility during the hours of 6am to midnight. There is an outdoor gym and furniture has been provided to enable residents to sit outside. Although there is not enough room for an actual pitch, informal football kickabouts are possible.

Within the residential block, there is provision to help with wellbeing. The multi-faith room is comfortably furnished and provides a quiet space for prayer and reflection. A selection of books and magazines is available as well as jigsaws and games. There is a selection of video games and internet browsing is available through an IT terminal. Men are given phones and a SIM card for direct phone calls with the outside world.

4.1.4 Removal, transfer or release

In our conversations with detained people, we always seek to check with them that they know why they are detained and what is due to happen to them and in particular that they are being kept up to date with removal, transfer or release arrangements. During the reporting period we found that residents were kept informed about plans and also knew who to ask if they needed to check anything.

It is not uncommon for men to arrive at the centre during the night (often having been transferred from a police station) or sometimes for transfers out of the centre to take place at night. In many cases, because of flight departure times or the timing of an arrival port detention, night-time departures or arrivals are unavoidable.

However, the Board is concerned about the transfers out of the centre to other IRCs (or vice versa) and bail releases which take place in the night as these are avoidable and disruptive to sleep. The Board raised a concern about this in last year's annual report. This year, we are pleased to report that such night moves seem fewer in number althouth we are not in possession of authoritative data for the whole of the reporting period.

The centre is used primarily to house men prior to their removal on charter flights. During the reporting period there were regular weekly charter removals for flights to Albania and Romania. For men going to Albania, the non-governmental organisation IRARA provides assistance for people returning to the country and an information leaflet is available in Albanian and English. This leaflet is given to each man at the centre who is due to return to Albania and a laminated copy is on display on the noticeboard. Earlier in the reporting period, the IMB had a concern that this leaflet was not being distributed but are now reassured that it is.

The removal on an immigration charter flight can be a time of worry or concern for people in immigration detention. Removals typically take place in the early hours to get to the airport in time for the flights. While observing removals, the Board has observed very good liaison between staff and those detained, resulting in a generally relaxed and calm atmosphere. Men's questions and requests for information are answered as much as possible and we commend the centre on their management of charter flight removals.

On two occasions, we have visited the centre in the early hours to monitor the handover of men to the charter flight escort team. This is an outside team which escorts the men to the departure airport and onward to the destination airport. On the first of these visits (31 August 2023), we monitored the removal of a man who

had stated to staff that he would refuse to go. In the event, he was completely compliant with Swinderby RSTHF staff and he did get ready and left the accommodation block without any problems. Fairly immediately though, on handover to the charter flight escort team, the team coordinator decided to use a waist restraint belt (WRB).

On the basis of our own observations, we do not think that the use of the WRB was "reasonable, necessary and proportionate having regard to the circumstances" as required by DSO 07/2016. We note that paragraph 7 of the November 2022 Home Office instructions on the use of restraints states: "There is a presumption against the use of restraint equipment during visits to outside facilities and during escort journeys." We are of the view that the charter flight removal team did the opposite of the Home Office guidance and made a presumption in favour of the use of restraint. In contrast, the calm and relaxed approach of the RSTHF team was in line with the guidance and made a "presumption against the use of restraints".

At the handover, the escort team coordinator conveys detailed information in a verbal briefing to the detained person. This includes information regarding property, money, medication, phone and sim card arrangements as well as the process as a whole. On both nights when we were in attendance there were significant numbers of men who did not understand English and we expressed concern that there was no interpreter with the escort team. We understand that on both occasions an interpreter had been booked but had not turned up.

On the first of these occasions (on 31 August 2023) there was no attempt to translate even though the Big Word telephone translation service could have been used. The escort team seemed more interested in expediting the process rather than ensuring the men could understand what was being said. Given the importance of a removal from the country and the information being given, we consider the failure to use any translation service for those who cannot understand English is not fair or humane. On the second night we monitored the handover to the escort team (14 December 2023), again an interpreter had been booked but was not present. This time, though, time was taken to use a Big Word phone interpreter for the men who did not understand English.

4.2 Port, airport and reporting centre STHFs

This section of the report covers the port holding STHFs at the ports of Hull, Killingholme, Immingham and Teesport; at Leeds Bradford Airport (LBA); and the Home Office reporting centre holding STHFs at Leeds Waterside House and Sheffield Vulcan House. The latter two facilities are staffed and managed by Mitie Care & Custody under contract to the Home Office. The port and airport holding rooms are staffed and managed by Border Force. Descriptions of each facility are given in section 2 of this report.

4.2.1 Safety

In our monitoring we observe a great deal of emphasis on safety in the STHFs that we cover. Staff are responsible for the safety and wellbeing of the people held in detention and we are pleased to report that we see a great deal of professionalism in their discharge of this duty. In addition, staff have the added responsibility of being alert to any signs of vulnerability, modern slavery or other forms of coercion and exploitation. This is especially important at Border Force locations where people may be being trafficked into the country.

While conducting audits of case files at ports and airports, the Board has seen evidence that Border Force staff have been vigilant and acted appropriately to identify cases of modern slavery or exploitation. We commend this important work.

Board members frequently ask people detained in the STHFs, during rota visits, whether or not they feel safe. Apart from the concern about medication detailed in the following paragraphs, we have not heard anyone express wider concerns about safety.

A monitoring visit to the STHF at Sheffield Vulcan House in late August 2023 identified an ongoing problem with the vehicle loading dock. Detained people are escorted into this area to board vans for departure from the STHF (or on arrival on vans). The area is also used as a storage area for the building as a whole (an office block that contains other Home Office facilities). The storage included numerous items that could be hazardous or used as weapons in the event of an altercation. A large part of the loading bay was blocked as result. Among the numerous hazardous items were: metal bars and items of sharp metal that could act as a blade. In addition, there were large perspex sheets, a ladder and numerous items of IT and other office equipment that could cause damage if thrown.

The Board was concerned that this presented a heightened risk in the event of an assault on staff and poses a self-harm risk. By December 2023 the situation was largely unchanged despite having been raised locally. We recommended that the facility not be used for detention until the situation had been remedied. Instead, the Board were told a ‘dynamic risk assessment’ process was to be implemented with the loading bay checked and, if necessary, cleared prior to any detention transport arriving. Yellow hatching is to be painted on the floor to delineate the space needed to be kept clear for access and egress to transport has been requested. However, at the end of the reporting period the yellow hatching had not been added. Shortly after the end of the reporting period, the loading bay remained full of ‘potential weapons’ coinciding with times when a person was in detention.

4.2.2 Fair and humane treatment

We always seek to get feedback in the form of direct conversations with people who are detained to get their views on how fairly and humanely they are being treated. This is particularly difficult at port and airport STHFs as it is difficult to time our visits to ensure we meet people detained. It is easier at the reporting centre STHFs. Feedback the Board has received has been positive with people feeling they have been treated fairly and humanely as well as being kept informed about why they have been detained and what is happening next.

Suitability of STHF premises

Most of the STHFs monitored by the Board are purpose-designed for detention. However, the STHFs at the Port of Hull and Leeds Bradford Airport are just interview rooms in the port and airport terminal buildings. Arrangements for comfort, refreshments, care and welfare have to be worked around the constraints of the existing building. These two premises are not fit for purpose compared to the other STHFs that we monitor. We are pleased to hear of plans for a new STHF facility at Leeds Bradford Airport as part of the terminal extension and redevelopment.

Length of time in STHF detention

We continually monitor the length of time that people are held in STHFs. Lacking any overnight residential facilities, holding rooms become increasingly uncomfortable and unsuitable for detention periods in excess of eight hours, even though such stays are within the STHF rules. During the reporting period, most stays were shorter than this but at all locations there were some stays that exceeded eight hours. We are commonly told that delays in transport are a significant contributing factor to these longer detentions.

There were eleven such instances at the port of Hull, six at Leeds Bradford Airport, six at Immingham, four at Leeds Waterside House, and two at each of Killingholme, Teesport and Sheffield Vulcan House. Eleven of these detentions lasted more than 12 hours, with six of these eleven being in excess of 14 hours (one of them being at Leeds Bradford Airport, two at Teesprot and three at Port of Hull where the STHFs are wholly inadequate being no more than interview rooms. Although such periods of time are within the 24 hour period stated in the STHF rules, we recommend that this period be lowered to 12 hours in the case of facilities like those at LBA and Hull where the Board considers the provision to be inadequate. .

Provision for sleep and rest during longer STHF stays

None of the STHFs is suitable or has facilities for overnight stays. Where stays extend into the night, transport is usually arranged to a residential facility. It is not uncommon for detentions to last more than four or five hours and sometimes for periods in excess of eight hours. Particularly considering people may have already been travelling for significant periods of time, we feel that it is important that people have the opportunity to lie down and rest. Temporary mattresses are available for people who need to rest. However, at LBA and Hull, the constraints of the building mean that if there were to be more than two people detained who wished to lie down, there would not be enough room*.*

Use of police stations for immigration detention

Police stations are sometimes used for overnight immigration detention for people held at some of the ports and airports that we monitor. During the reporting period, ten people were transferred from port or airport STHFs to police stations. We don't have comparative data for the preceding year but the number seems lower than we have perceived in the past. We are concerned at the use of police stations because it means that people detained are no longer under the care of staff specialising in immigration detention. There is a risk that vulnerabilities are less likely to be understood or identified and there is a different standard of care. The IMB's remit does not include police custody which is monitored by other independent oversight bodies.

Ongoing communications infrastructure limitations at Immingham STHF

A new STHF facility at Immingham was opened in early December 2022, replacing the old facility which had not been fit for purpose. We welcomed this as a significant step forward for people detained at the port. However, it opened without important communications infrastructure in place, and we are concerned about the continuing delay in resolving the issue.

Officers use WiFi to process casework, but may work 'in tandem' with an officer back at Custom House in increased periods of demand. To do this, they have to use their mobile phones or walky-talky radio, but the mobile signal is intermittent and sometimes there is no radio signal. The live fingerprint scanner can't be used and, instead, a photo of wet fingerprints is uploaded.

While some casework actions can be progressed in the STHF, most must be completed in Custom House. Officers store key information/contact details (including social services) on official mobile phones for use while away from Custom House. These details are also available at the STHF. If there are multiple detentions, casework processing takes appreciably longer. With one person back in Custom House doing three case files will take three times as long.

Officers are reliant on mobile phones for language translation which is not as easy or effective as using a desktop spider phone. Voice quality and signal quality issues affect the process. The IMB was told that the interpreters often struggle to get an answer they understand. In contrast, with a landline the signal quality does not deviate. We were told the process is more stressful using the mobile "both for them and for us". The need to have officers in the STHF and in Custom House working 'in tandem' means more officers are needed.

Monitoring of port case files at Border Force locations

During our monitoring, we audit port case files to ensure that ongoing care and welfare checks are being carried out and to ensure that detention has been administered fairly. Regrettably, in the last two months of the monitoring period, our access to port case files has been restricted for reasons that have not been adequately explained to the Board. As a result our ability to adequately monitor these key aspects of detention has been compromised.

A form known as annex A is used to record care and welfare checks. In our previous annual report we reported that in some locations annex A forms had been either left blank or inadequately completed. We are pleased to report that there has been an

improvement in ensuring complete annex A records. However, we still sometimes come across instances of incomplete record keeping.

For example, on a recent visit to Leeds Bradford Airport, we reviewed the file of a person detained for 5 hours and 25 mins for whom there was only one annex A entry recording a single offer of water to drink. No other care and welfare checks were documented on the annex A sheet. This is concerning - either there were no other checks of care and welfare or there were checks but the entries are missing. This concern was raised in an IMB visit report dated 26/02/2024. Some time later, in response to questions raised in the IMB visit report, Border Force stated that the minute sheet for the case, which the IMB were not given access to at the time of our visit and are not now permitted to view, recorded three further welfare and care checks. It is an example of how the IMB cannot discharge adequate and properly evidenced monitoring but, in this instance, had to take the Home Office/ Border Force's word that all is well.

It is the Board's view that, in order to adequately discharge our monitoring duties, we needed to see the full port case file. In the past we have, generally, found, evidence elsewhere on the port case files (usually in a separate document known as the minute sheet) that there have been refreshment and welfare checks but the recent limitation of our access to these other parts of the file (including the minute sheet) mean that our ability to adequately monitor this aspect of care and welfare in detention is hindered. Similarly, we are now not permitted to see the IS81 authority to detain form and check this has been completed and issued properly.

In effect, we have moved from a position where the IMB is able to judge and decide what is relevant to our monitoring to a position where Border Force decides what is relevant and not relevant to our monitoring. Since it is the IMB that has the statutory responsibility to ensure monitoring is adequately performed we would contend that we require full access to port case files. This is essential be certain that all matters that are relevant to monitoring are seen by us and taken into consideration.

Care of children

Detention of minors under the age of 18 is not uncommon; sometimes they may be unaccompanied. In all cases, we seek to examine port case files to build a picture of care during such detentions. In such instances, we have been satisfied that child safeguarding checklists, unaccompanied child welfare forms and child welfare control sheets are on file and completed where appropriate. Response times of local social services in most cases have been speedy. In general, the time spent in STHF detention has been relatively short before minors are transferred to local authority social services care. However, during the reporting period the Board learnt of the detention of an unaccompanied minor at Teesport STHF, where the local social services would not attend due to other resource priorities.

Hygiene and cleanliness

In general, we have no concerns about hygiene and cleanliness. Any that we have had during the reporting period have been minor and have been immediately reported to staff and acted on.

Supply of food and drink, information materials and other provisions

In April 2023 a national instruction was issued to stop providing hot food to enable each facility to meet current food safety requirements. Whilst this was being

addressed, only food that could be stored safely at room temperature has been offered to passengers. Ports were apparently able to continue hot drinks, but this message seems to have been lost in communication with at least one of the STHFs we monitor.

The Board remains concerned about the inability to provide hot food in certain circumstances. People detained at sea ports may have undertaken lengthy journeys prior to their arrival in the UK and/or endured potential hardship enroute e.g. container or lorry arrivals.

The provision of nutritious hot food and drink choices contributes to the overall care and welfare of people detained at any STHF within our remit. At the time of writing this report, the Board understand that the serving of hot food has been re-introduced. However, infrastructure differences across the estate mean that some ports will not be able to serve hot food immediately until they have been brought up to the standards required by Environmental Health and, indeed, that some of the facilities we monitor will not be able to serve hot food. Hot drinks are available across all ports.

Use of force

During the reporting period, there were 14 instances of use of force by Border Force staff at ports and the one airport in our region. Thirteen of these instances were in connection with detentions at the port of Immingham in September, November and December 2023. The port covers a large open area, and we understand it is sometimes judged necessary for handcuffs to be used to convey people from where they are discovered to the STHF. The remaining single instance of use of force was at Leeds Bradford Airport.

4.2.3 Health and wellbeing

STHFs do not have any special access to or provision for trained medical services. If health issues arise, staff and people in detention have to rely on NHS services in the form of calls to 111, 999, local mental health crisis teams or by arranging a transfer to hospital A&E.

Health concerns arising from rules on medication in STHFs

Some people taken into detention have pre-existing medical conditions for which they are carrying their own prescribed medicines. Home Office policy requires these medicines to be confiscated from them and they are not allowed to take their required dose. In our last annual report, the Board stated that we viewed this situation as inhumane, dangerous and wrong. We invited the Secretary of State and all the people reading this report to consider how they would feel if their mother, father, son or daughter had a health condition, was placed in detention and then was deprived of medicine that was necessary to maintain their health and, possibly, safeguard their life. There has been no change to the policy since our last report and we have seen no tangible progress that has changed anything in detention settings.

We repeat our concerns on this issue. There is a clear risk that people with health or other conditions may be unsafe as a result of not being allowed to take medicine in a timely way while in STHF detention and that the current Home Office policy could lead to a medical emergency. A deterioration in either a physical or mental health

could also result in challenging behaviour, posing a safety risk to the person themselves and to staff. This remains a matter of serious concern to our Board.

4.2.4 Removal, transfer or release

The Board routinely asks detained people whether they know why they are in detention and what is going to happen next, including information about removal, transfer or release. In all the conversations we have had with people detained we have been satisfied that people are being kept informed and updated.

On the basis of feedback from people detained and direct observation of staff-detainee interaction, we judge that people are treated with dignity and care. However, delays in transport provision can extend stays at STHFs. In some cases at port and airport STHFs, we have been told that outside contractor transport has not been available at all and it is often the case that Border Force staff themselves have had to use their vans to transport people, typically to a local police station (see recommendations section).

We remain concerned that STHFs continue to have to rely on transfers to police stations when detention has to extend to an overnight stay and there is no possibility of a transfer to a RSTHF. This is the first full year that Swinderby RSTHF has been open which we believe has alleviated the situation although we don’t have data to fully judge the extent to which there has been an improvement or not.

The work of the IMB

Independent monitoring is an important but unpaid public role. In our case, although all four members of the Board at the beginning of the year had substantial monitoring experience in the immigration detention estate, the task of monitoring STHFs was a new one and, indeed, seven of the nine locations we were required to monitor had never been the subject of monitoring by the IMB before.

Board members have worked hard to establish the Board in its first year, putting in place new systems and arrangements and managing the sometimes frustrating processes associated with things like security passes and procedures for each different location. Our work in our first year also included the development of a cloud-based document storage and shared workspace suitable for the requirements of a Board whose members need to be spread over a wide geographic area.

Of necessity, much of the first half of the year was a learning curve. Familiarisation visits were organised to the different locations with an emphasis on relationship-building and explaining the work of the IMB. We also had to design the most optimal monitoring system given the limited number of Board members.

We started the reporting year with just five Board members. This had increased to eight at the end of January 2024. Half of the eight are new members who have completed or about to complete their induction periods. During 2024, we hope to recruit more new members to allow for retirements of existing members.

We take a risk-based approach to monitoring, focusing limited resources on where people in detention are likely to most need our monitoring. The frequency of our visits to locations reflects the volume of detentions with the RSTHF at Swinderby typically visited weekly and the STHF locations monthly with the exception of Teesport where there is monthly remote monitoring due to the very small number of detentions. Another exception to weekly or monthly monitoring is when we know in advance that the STHF is not in use and no detentions are expected. This was the case during the year at Teesport and, for some months, at the reporting rooms in Leeds and Sheffield.

Our focus is on hearing directly the voice and experience of people detained. In the case of the holding rooms at Leeds and Sheffield we aim to coincide our visits with times when there is expected to be a scheduled detention. At seaports and airports we pay attention to shipping and airline timetables but it is often the case that we visit at times when no-one is detained as detentions are more sporadic and unpredictable. We are planning to introduce a new text alert system for the Humber ports STHFs to alert a local board member when there are detentions. We are working in partnership with Border Force to explore this.

During the period 1 February 2023 to 31 January 2024, we conducted 87 visits to facilities. These are listed in the table below. During our monitoring visits we always seek to speak directly with people detained so that we can hear about their experience of detention and any concerns that they have. The frequency of such conversations in the non-residential locations is dependent on the STHFs being in use at the time of our visits, which is not always the case.

During the year, the Board sought to improve its capacity to monitor effectively through a range of initiatives. These included the introduction of time for training

topics at monthly board meetings, participation in national forums and an annual team performance review which gave Board members a chance to step back from day-to-day business and discuss how we can develop effectively as a Board. The generous contribution of time and expertise of members is much appreciated by the Board chairperson.

The Board relies in part on hearing directly from people who are detained and we would like to thank those people for sharing their experiences with us. The Board also appreciates the helpfulness of staff and managers at the many establishments we monitor in ensuring that we have the right of access to every detainee, every part of the facility and to the facility's records, albeit we have concerns about the recent changes to the IMB's record access at Border Force facilities.

Board statistics

Recommended complement of Board members	8
Number of Board members at the start of the reporting period	5
Number of Board members at the end of the reporting period	8
Total number of visits to establishment(s)	86
Total number of visits to Swinderby RSTHF	46
Total number of visits to the Port of Hull STHF	10
Total number of visits to the Port of Immingham STHF and the Port of Killingholme STHF	10
Total number of visits to Leeds Bradford Airport STHF	9
Total number of visits to Leeds Waterside House STHF	4
Total number of visits to Sheffield Vulcan House STHF	7
Total number of visits to Teesport STHF	1

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