



**Annual Report**  
of the  
**Independent Monitoring Board**  
at  
**Yarl's Wood**  
**Immigration Removal Centre**  
for reporting year

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*Monitoring fairness and respect for people in custody*

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## A Introductory Sections 1 - 3

### **1. STATUTORY ROLE OF THE IMB**

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The Prisons Act 1952 and the Immigration and Asylum Act 1999 require every prison and IRC to be monitored by an independent Board appointed by the Secretary of State from members of the community in which the establishment is situated.

The Board is specifically charged to:

- (1) satisfy itself as to the humane and just treatment of those held in custody within its establishment and [for prisons and YOIs] the range and adequacy of the programmes preparing them for release.
- (2) inform promptly the Secretary of State, or any official to whom she has delegated authority as it judges appropriate, any concern it has.
- (3) **report annually to the Secretary of State on how well the establishment has met the standards and requirements placed on it and what impact these have on those in its custody.**

To enable the Board to carry out these duties effectively, its members have right of access to every detainee and every part of the establishment and also to the establishment's records.

## **2. EXECUTIVE SUMMARY**

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### **Introduction**

This report presents the findings of the Independent Monitoring Board at Yarl's Wood IRC for the period 01/01/2017 – 31/12/2017. IMB evidence comes from observations made on rota visits, scrutiny of records and data, informal contact with detainees and staff, and detainee applications.

### **Main Judgements**

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#### **Are detainees treated fairly?**

Overall detainees are treated fairly within the Centre. However, the Board felt that some detainees were not treated fairly or appropriately when they were moved to Nightingale, as the Board believed that Rule 40 paperwork and safeguards were required. (6.3)  
The closure of facilities caused by staffing shortages was also not fair. (9.1)

#### **Are detainees treated humanely?**

The Board recognises the Centre's efforts to treat detainees humanely, but continues to have concerns about the number of detainees with pre-existing mental health issues (8.3), the impact of indeterminate and apparently unnecessary periods of detention on the mental health of detainees (8.2) and the effectiveness of the Rule 35 process (8.5, 8.6)

#### **Are detainees prepared well for removal or release?**

On the whole, individual detainees are treated well during removal from the Centre, but the Board has concerns about shortcomings in the process of removal for charter flights which it feels have led to detainees being treated less than humanely. (10.6, 10.9)

## **RECOMMENDATIONS**

### **TO THE MINISTER**

- The process of evaluating suitability for immigration detention should more effectively assess the risk to the mental health of potential detainees and avoid detaining people suffering from serious mental health conditions. (8.3)
- The initial decision to detain should be more robust to avoid indeterminate and unnecessary detention and its accompanying harmful effects. (4.6)

### **TO THE CONTRACTOR**

- Staffing as a whole should be managed to avoid the closure of facilities (9.1) and the proportion of female staff should continue to be increased. (5.1)
- The appropriate paperwork, checks and training should be in place to ensure that Nightingale unit is used with the necessary safeguards. (6.3)

### **TO THE PROVIDER of HEALTHCARE**

- Detainees should be offered a mental health assessment after 30 days, rather than 100. (8.2)
- The waiting time for Rule 35 assessments should be further reduced. (8.5)

### **TO THE PROVIDER OF ESCORTING SERVICES AND DEPMU**

- Escorting services should roster sufficient staff and allow enough time for the process of charter removals at the Centre to be completed without additional stress and anxiety for detainees, and in particular, to avoid last-minute cancellations. (10.9)

## MAJOR OUTSTANDING ISSUES FROM PREVIOUS REPORTS

- We are again disappointed that that the Minister rejects our recommendation of a maximum time-limit for detention. Periods of indeterminate detention are harmful to detainees' mental and physical health yet despite case reviews conducted "*at least at 28-day intervals*",<sup>1</sup> 69 detainees have remained in the Centre for more than 6 months - three of whom have been held there for more than 12 months. (4.5)
- We continue to be disappointed that the Minister rejects our recommendation about the use of detention whilst stating that "*the established legal test with which the Home Office complies is that removal must be a realistic prospect within a reasonable period of time*".<sup>1</sup> Since only 23% of Yarl's Wood detainees are actually removed from the country, the Board does not share the Minister's confidence that the legal test is always properly applied.

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<sup>1</sup> Ministerial action plan in response to the 2017 annual report of Yarl's Wood IMB

### **3. DESCRIPTION OF THE ESTABLISHMENT**

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- Yarl's Wood IRC is a purpose-built Immigration Removal Centre (IRC) for the detention of single women and adult family groups under immigration legislation.
- There is also a Short Term Holding Facility (STHF) on the premises, with accommodation for up to thirty-eight male residents. These are mostly "lorry drop" men and are brought to the Centre, usually for a few days only, before being transferred to supported accommodation in the community.
- The maximum capacity of the Centre is 410.
- The Centre and the STHF are managed on behalf of the Home Office Immigration and Enforcement unit (HOIE) by Serco.
- Most of the accommodation is in en-suite twin rooms, although single rooms are provided when necessary. All residential units offer access to a garden area.
- On-site healthcare is provided by G4S and the Kaleidoscope Plus Group, commissioned for Yarl's Wood by NHS England.
- There is a welfare officer who runs daily surgeries. Further support is supplied by external organisations: Hibiscus, who advise on resettlement, and Kaleidoscope, who support detainees with mental health wellbeing. Yarl's Wood Befrienders also visit and support detainees.
- Spiritual support and counselling is provided by the religious affairs team, with representatives from all of the main faiths.
- Educational opportunities are provided by a teacher employed by the Contractor.
- During 2017, Nightingale unit was refurbished to create a more relaxed environment. It is a multi-purpose unit and includes two cells which are certificated for use under both Rule 40 and Rule 42, and also includes the newly refurbished area where rooms are certificated for both Rule 40 and Rule 15. It is sometimes also used as a pre-departure area. The supported living facility provides temporary accommodation for detainees who struggle to cope on a main unit.

## B Evidence Sections 4 – 10

### 4. SAFETY

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- 4.1** The number of detainees placed on ACDT was the lowest for five years, down from 364 in 2016 to 263 in 2017.<sup>1</sup> This is due in part to changes in the way food refusers are recorded.
- 4.2** At the same time, there was a significant and concerning increase in the recorded number of actual self-harm incidents. (61 in 2017, 19 in 2016). Incidents peaked in February and March.<sup>2</sup> Some of these were multiple incidents committed by the same person.
- 4.3** IMB monitoring of ACDT paperwork has noted an improvement in the quality of observations made. They are used in conjunction with care plans, and ACDT and multi-disciplinary team (MDT) reviews, which Board members may attend.
- 4.4** There was an increase in the number of violence reduction initiatives (VRIs) opened – 29 in 2017, compared to 18 in 2016.<sup>2</sup> This reflects, in part, the new system for recording these incidents by the number of people involved, rather than just by the number of incidents. Some VRIs were opened against the same few detainees for the bullying and intimidation of other residents and reflects the Centre’s efforts to create an environment in which detainees feel safe.
- 4.5** There was a reduction in the number of residents detained for more than one year, down from 9 in 2016 to 3 in 2017. However, there were still 69 people detained for 6 months or longer (66 in 2016).<sup>2</sup> 77% of all Yarl’s Wood detainees are given leave to remain in the UK, released or temporarily admitted to the country.<sup>3</sup> This remains a serious concern and again leads the IMB to question whether the initial decision to detain and the subsequent reviews of detention are sufficiently robust.
- 4.6** The IMB does not think that the Adults at Risk policy is operating properly. Since its introduction, more people with serious mental health issues have been brought to the Centre, which is not a suitable environment for such vulnerable people. It is well-documented that “immigration detention injures the mental health of a range

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<sup>1</sup> Serco Centre Manager’s Report, Dec.2017

<sup>2</sup> Home Office Length of Stay Statistics 2017

<sup>3</sup> Home Office Immigration Statistics Q4 2017

of vulnerable populations”<sup>1</sup> and is not good psychiatric practice, particularly when language limitations are considered. Yet staff who are not mental health professionals have to supervise these vulnerable people. The extent of the problem is shown by the number of women with mental health problems who had to be held under Rule 40 or Rule 42 and in the increased number of women sectioned in 2017 – up from 2 in 2016 to 14 in 2017.<sup>2</sup> (See 8.3)

## **5. EQUALITY AND FAIRNESS**

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- 5.1** During rota visits, the Board observed more female staff on duty, with an average of 80% of the staff on female units now also being female. This is a welcome change to the staffing structure in a centre where detainees are predominantly women.<sup>3</sup>
- 5.2** The Equality Roadshow, held in March, was well-attended. The Board welcomes the Centre’s efforts to promote equality and support those residents with protected characteristics.

## **6. REMOVAL FROM ASSOCIATION AND TEMPORARY CONFINEMENT**

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- 6.1** The slight decrease in the use of rule 40 and 42 is welcome, but some of this decrease may be attributed to the use of Nightingale accommodation instead of using Rule 40 prior to removal on charter flights. As stated elsewhere in this report, the Board is concerned that detainees suffering from serious mental health issues are often placed under rule 40 or 42. (8.3; 8.4).<sup>4</sup> The Board considers that this is not appropriate and it goes against the recommendation of the BMA that *“segregation units should not routinely be used as a way of managing individuals at risk of suicide, self-harm, or those experiencing a serious mental health crisis”*.<sup>5</sup>
- 6.2** The IMB acknowledges improved communication about the use of rule 40 and 42, but there are still some issues. During 2017 paperwork was not received on 25% of occasions and the Board member on call was not contacted (or the wrong person was contacted) in 16% of cases.<sup>6</sup>

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<sup>1</sup> The Impact of Immigration Detention on Mental Health: A Literature Review (Professor M. Bosworth, 2016)

<sup>2</sup> G4S Healthcare

<sup>3</sup> Serco staffing figures

<sup>4</sup> IMB rota reports and visits

<sup>5</sup> Locked up and locked out: health and human rights in immigration detention (BMA, 2017)

<sup>6</sup> IMB RFA/TC monitoring

**6.3** During the year, the refurbished unit, Nightingale, became a multi-use area. The Centre began to use some of the rooms for removals whereas in the past they would have been moved to the Nightingale area under Rule 40/42. This led to considerable confusion about how this area should be used, as people were unsure of the process. Relocating a person from one room to another requires no paperwork, nor does it require the Board to be informed of the removal, but there were times when the Board believed residents were being moved to Nightingale under Rule 40 without the necessary paperwork.

The Board first became aware of this when the duty IMB member was called to say that someone had been removed to Nightingale <sup>1</sup>. He assumed that this had been done under Rule 40 but was later informed that it was 'under Rule 15'. On arriving at the Centre, he was surprised to see that the detainee had no contact with other residents and no use of any facilities, despite the use of Nightingale as Rule 15 accommodation implying access to a 'normal regime'. He concluded that Rule 40 paperwork should have been completed.

The Board was very concerned that if the incorrect rule was used, detainees may not have been getting the appropriate care or safeguards and if Board members were not informed, there was no way of checking this.<sup>2</sup>

## **7. ACCOMMODATION**

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The Board has no significant findings to report on this area.

## **8. HEALTHCARE (including mental health)**

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**8.1** The Board welcomes the smoother running and improved staffing of Healthcare.<sup>3</sup>

**8.2** The Centre's emphasis on providing wellbeing and psychological support via the Kaleidoscope programme is appreciated, but it is well documented that detention can and does have a deleterious effect on the mental health of detainees. The number of mental health assessments increased dramatically in the second six months of 2017 from 12 a month in the first half of the year to 50 a month in the second half.<sup>4</sup> All detainees are offered an assessment after being at Yarl's Wood for 100 days. The Board would like to see detainees offered this assessment after

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<sup>1</sup> IMB RFA report

<sup>2</sup> IMB RFA/TC and rota reports

<sup>3</sup> IMB rota reports

<sup>4</sup> G4S Healthcare

30 days, as recommended by the Centre for Mental Health Report, published in January 2017.<sup>1</sup>

- 8.3** The Board considers that some detainees with severe mental health problems should never have been detained. The Adults at Risk Policy requires a case by case assessment of the appropriateness of detention for anyone considered to be vulnerable, but the large increase in the number being sectioned leads the Board to believe that either more people are being detained with pre-existing conditions and that the systems in place do not seem to be working adequately to detect and prevent their detention, or their mental health is being damaged by indeterminate detention.

In 2017, 14 detainees had to be sectioned, compared to 2 in 2016.<sup>6</sup> The time taken between their arrival at the Centre and sectioning is of great concern to the Board. It took from one to six months before ten of these detainees were assessed and sectioned and in one case, it took 11 months.<sup>2</sup> Once Mental Health Assessments had identified those with serious problems, transfer to a secure hospital under section happened in all cases within the required 14 days.

However, Yarl's Wood has neither the trained staff nor the facilities to care for seriously mentally ill detainees, even for 14 days. Often, with the approval of a medical practitioner, detainees have to be isolated for their own and others' safety and they have to have constant supervision. This means that the only safe place for the detainee is to be removed from association, placed in temporary confinement or in the care suite. This is happening more often due to the greater needs of people with mental health problems and so affects other services more frequently. (See 6.1)

- 8.4** When the Board visited the seriously mentally unwell detainees who had been placed under Rule 40 or 42 prior to being sectioned, their behaviour was of concern. Some just lay on their beds, some were seen lying on the floor or under the bed and one staged a dirty protest. Many of them would not communicate or were aggressive. This was not a suitable environment for them.<sup>3</sup>

- 8.5** The Board has concerns about the waiting time for Rule 35 appointments. Whilst recognising that demand is unpredictable, the average waiting time of 14 days

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<sup>1</sup> Centre for Mental Health Report, Immigration Removal Centres in England: A mental health needs analysis, 2017

<sup>2</sup> G4S Healthcare

<sup>3</sup> IMB RFA/TC and rota reports

during 2017 <sup>6</sup> is not acceptable, particularly if an individual is subsequently deemed to be unfit for detention.

- 8.6** The Board is also concerned about how few detainees are released after receiving a Rule 35 report (25% from Yarl's Wood in 2017).<sup>1</sup> The Board acknowledges that other considerations might outweigh that of vulnerability, but we would expect that to be the exception, rather than the norm.

## **9. EDUCATION, WORK AND OTHER PURPOSEFUL ACTIVITY**

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- 9.1** During rota visits, the Board observed a number of occasions, particularly during the summer holiday period, when some facilities had to be closed if staff shortages meant staff had to be deployed elsewhere. The Café Central is an additional facility provided by Serco to allow detainees to cook their own meals. It is extremely popular and often in daily use, but at one point, it was closed for two weeks, thus depriving residents of a purposeful and much enjoyed activity.<sup>2</sup>

## **10. PREPARATION FOR REMOVAL OR RELEASE**

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- 10.1** The majority of male residents admitted to the Bunting unit (STHF), are released within two or three days of arrival at the Centre.
- 10.2** To minimise disruption and avoid distressing other residents, some detainees are relocated to Nightingale unit prior to removal. On one occasion in June 2017 this was as much as twelve hours before the anticipated departure time. On another occasion, it was at 13.00 for a flight at 07.45.<sup>3</sup>
- 10.3** Welfare services and Hibiscus offer valuable advice prior to departure to those detainees who make an appointment to see them.

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<sup>1</sup> Home Office Transparency Data 2017

<sup>2</sup> IMB rota reports

<sup>3</sup> IMB charter flight monitoring reports

- 10.4** In 2017, HOIE began running regular drop-in surgeries to assist and advise detainees. This has been a very successful initiative and the number of surgeries has increased to match the demand.<sup>1</sup>
- 10.5** Detainees are treated very fairly by HOIE who conduct interviews with them immediately before removal and when appropriate, follow up their cases at once. Tascor staff constantly reassure detainees that any change in their immigration status that occurs during the course of the removal itself, such as a last-minute judicial review, will be communicated to them straightaway.<sup>20</sup>
- 10.6** Some aspects of pre-departure preparation have been less fair. Information booklets about the destination country have not always been issued. Detainees have sometimes arrived for removal without their belongings, so there have been delays while they are fetched. They have seldom been told to note down important personal phone numbers before returning the Centre's phones. This has added to the levels of stress and panic at the point of departure while they frantically try to copy down their phone numbers and has caused further delays.<sup>20</sup>
- 10.7** During its monitoring of charter removals, the IMB observed on several occasions that coaches bringing new residents to the Centre were made to wait until the removals had been completed to avoid congestion in reception. In September, both the incoming and outgoing coach arrived simultaneously, but the newcomers were made to wait outside until after the departure of the coach for the charter flight. In November 2017, a coach bringing new detainees had to wait for three and a half hours. This was an unacceptably long delay and the Board does not consider it to be fair or humane to leave anxious new detainees waiting for so long.<sup>22</sup>
- 10.8** In June 2017 the coach to transport detainees for a charter removal arrived without a working toilet. This was not acceptable.<sup>2</sup>
- 10.9** The IMB has witnessed unsatisfactory treatment due to poor logistics, particularly, but not exclusively, in relation to charter flight departures. The escort team has not always arrived early enough to process everyone listed for departure. On several occasions, they did not have sufficient staff to facilitate all of the planned removals. These failings have resulted in detainees, who were scheduled for removal and who may have been extremely anxious, not being

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<sup>1</sup> HOIE

<sup>2</sup> IMB charter flight monitoring reports

removed after all. In some cases, the detainees had been held for 12 hours in Nightingale unit in preparation for their removal. On another occasion, in August 2017, a resident was returned to Yarl's Wood from the airport because the escorts did not have enough tickets for the number of detainees to fly. The Board feels that this is both unfair and inhumane.<sup>22</sup>

**10.10** Despite issues with the logistics of charter removals, the handovers observed by the Board, were conducted by both Serco and the escorts, Tascor, with clarity, sympathy and respect. Every effort was made to preserve the dignity of the detainees.<sup>22</sup>

**10.11** In January 2017 there was a very upsetting incident when a man on the Hummingbird unit slashed his chest when he and his wife received "no notice" removal directions. He was removed by force to Nightingale under Rule 42. His wife was also placed under Rule 42. When the escorts arrived to remove them, they did not have the correct vehicle to take them both to the airport. It was too late in the day for a family split to be authorised, so the removal was cancelled. The whole situation would have been handled differently if staff had known the removal was not going to happen. Other residents, especially those who witnessed the incident, were understandably distressed by what had happened.<sup>1</sup>

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<sup>1</sup> IMB RFA/TC reports and rota reports

## C Section – Work of the Board

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The Board has made weekly rota visits when it has monitored the Centre and dealt with applications. Issues have been raised immediately with Serco, HOIE or Healthcare or during monthly Board meetings, as appropriate. Members have attended committee meetings within the Centre and have been present at a range of reviews to ascertain the best care plans for detainees. Board members have participated in training sessions organised by the Centre, in-house workshops and the national IDE Study Day. The two new members also attended the national training provided for them. In the autumn, several Board members extended their experience by visiting another IRC.

<b>BOARD STATISTICS</b>	
Recommended complement of Board members	12
Number of Board members at the start of the reporting period	11
Number of Board members at the end of the reporting period	11
Total number of visits to the establishment	306

## D Section – Work of the Board

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### APPLICATIONS TO THE IMB

Code	Subject of applications	2017	2016
A	Accommodation including laundry, clothing, showers, etc	7	1
B	Use of force, removal from association, temporary confinement	1	0
C	Equality	0	0
D	Purposeful activity incl. education, paid work, training, library, other activities	2	2
E 1	Letters, faxes, visits, phones, internet access	3	3
E 2	Finance incl. detainees' centre accounts	0	-
F	Food and kitchens	9	5
G	Health including physical, mental, social care	23 <sup>1</sup>	35
H 1	Property within this establishment	4	0
H 2	Property during transfer or in another establishment or location	5	8
I	Issues relating to detainees' immigration case; including access to legal advice	25	20
J	Staff/detainee conduct, including bullying	7	21
K	Escorts	2	3
	Miscellaneous	NA	6
	<b>Total number of IMB applications</b>	<b>88</b>	<b>104</b>

<sup>1</sup> The welcome decrease in applications relating to health matters is partly due to the improved efficiency and staffing in Healthcare. The introduction of the MAP (Medication Access Point), where medication is dispensed at given times, has also helped by taking the pressure off Healthcare reception staff.

