



# **C E D A R S**

## **Pre-Departure Accommodation**

### **Independent Monitoring Board**

## **2015 Annual Report**

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# Section 1

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## 1.1 Introduction

This report is presented by the Independent Monitoring Board (IMB) for Cedars PDA. It should be seen as a sequel to our 2014 annual report, and covers the period January to December 2015. At the time of writing the Board was aware of the recommendations of Stephen Shaw's report of a review into the welfare in detention of vulnerable persons<sup>1</sup>. One recommendation of this review, carried out in 2015, is that 'the Home Office draw up plans either to close Cedars or to change its use as a matter of urgency'. We take the view that this does not affect our duty to report on 2015 and so we have reported fully.

As Board members we are committed to the task entrusted to us. Our concerns for the establishment are expressed in the body of the report, and form the basis of the recommendations we make. The figures quoted in this report are based on the IMB's analysis of statistics supplied by the Home Office Immigration Enforcement Team, G4S, and local records. These statistics have not been independently audited.

For ease of reference our key findings are summarised on page 7 and recommendations are listed on page 8.

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<sup>1</sup> *Review into the Welfare in Detention of Vulnerable Persons*. Stephen Shaw. Pub Home Office Jan 2016

## Section 2

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### 2.1 About Cedars PDA

Cedars PDA is located near Gatwick Airport in West Sussex. It provides accommodation for families subject to immigration control before their removal from the UK. Families are only held at Cedars as a last resort, and when all other options such as the assisted voluntary return process have failed. Families are referred to Cedars on the advice of the Independent Family Returns Panel. Residents will typically stay for up to 72 hours before their removal from the UK. However, in exceptional circumstances, and with ministerial authority, this stay may be extended to seven days.

Cedars was opened in August 2011 and is so named after the principles that underpin its work: Compassion, Empathy, Dignity, Approachability, Respect and Support. Its purpose is to ensure that the highest level of care and support is provided to immigrant families prior to their removal from the United Kingdom. A red cedar tree believed to be 200 years old is located in the grounds. There are 9 self-contained apartments of varying sizes capable of accommodating a total of 44 people. All apartments are designed to be family-friendly.

Cedars is run by three agencies. Home Office Immigration Enforcement has overall responsibility for overseeing the contracted services provided by G4S. G4S are also responsible for providing security services and facilities management. Barnardo's provide welfare, safeguarding, and social care services to the families. The Home Office immigration team have no hand in immigration casework but act as the main conduit of information between the residents and the Home Office.

Families are free to move about the interior of the facility at all times, and have unrestricted movement within the grounds during daylight hours. They may also occasionally leave the facility with a staff escort for supervised activities. Families can eat in the communal areas or take food from the cafeteria to cook in their own apartments. Other facilities include:

- two lounges, and play areas for children
- a fitness center, basketball court, and equipment for football and other outdoor sports
- a well-stocked library offering a range of books in different languages and suitable for different age groups
- access to information technology and controlled access to the internet
- healthcare, including access to a GP
- chaplaincy support, including a multi-faith prayer room and a small mosque.

Residents have access to organised recreational activities. Childcare staff, qualified social workers, and welfare and counselling support are provided to enable families to prepare for their return and manage emotional distress. Legal advice is available and all newly arrived families are offered access to a solicitor. The take up of this facility is variable as most residents will already have sought legal advice before arriving at Cedars. During the reporting period nine families requested help from the legal duty advice service.

## 2.2 Utilisation of Cedars

Barnardo's association with Cedars is determined by a published set of 'Red Lines'. These outline the terms of their involvement for providing family support to the Centre. The conditions are underpinned by robust policies covering child welfare and safeguarding. One such condition requires that no more than ten per cent of the families going through the Family Returns Process are held at Cedars. We understand that with the reduced utilisation of Cedars after 2014, staffing levels were reduced on the basis that no more than three families would be accommodated at any one time. We note that on each of our visits no more than two families were accommodated at the time.

## 2.3 Population Profile during 2015

The number of families accommodated at Cedars during 2015 was slightly higher than in 2014 but was still markedly lower than in the previous years, as the number of individuals has clearly fallen as a result of changes in procedures. 21 families were accommodated during the reporting period.

|                               | 2015            | 2014            |
|-------------------------------|-----------------|-----------------|
| Total families accommodated:  | 21              | 18              |
| Adults                        | 26              | 22              |
| Children                      | 41              | 32              |
| Average length of stay        | 2.16 days       | 3.25 days       |
| Number of pregnant women held | 2               | 1               |
| Longest length of stay        | 130 hrs 39 mins | 111 hrs 27 mins |

The families represented 13 different nationalities of which the top three were Albanian, Chinese and Nigerian. The top two religions were Islam and Christianity.

Of the 21 families, six were removed from the UK, ten were released into the community, and five were released due to disruption or non-compliance. One adult male was transferred to an Immigration Removal Centre. We consider that this intervention was proportionate.

Assessment, Care in Residence and Teamwork (ACRT) procedures were initiated 11 times, and there were no recorded incidents of actual self-harm. On two occasions residents needed to be placed on constant watch: on one exceptional occasion an ACRT was appropriately opened for a child.

## Section 3

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### 3.1 Executive Summary

This is the IMB's third report of Cedars and our overall findings are positive. Despite the relatively low proportion of families who actually leave the country, we have observed only professional and appropriate practice in regard to their management. A particular strength of the provision is the effective cross-discipline working of all agencies within the Centre. The concerns and recommendations outlined below are not all specific to Cedars, but rather to wider immigration policies and procedures to which the PDA is subject.

In general, healthcare services at Cedars provided adequate care and support for resident families. However, we had grave concerns over the lack of suitable mental health assessment facilities for children. We met children who told us of feeling frightened and upset by the arrest in the early hours of the morning and families with very young children who were facing transport to the airport at extremely unsocial hours.

Last year we reported anecdotally our concern that there might have been heavy-handed/disproportionate treatment of family members either at the point of arrest or during transportation to Cedars or both. We hope strongly that our 2014 recommendation that the Immigration Compliance Engagement Team should undertake safeguarding training, or refresher training is being fulfilled. However, this year we were aware of four residents' complaints about such matters (see page 10). Only one of these complaints was responded to while the complainant remained in detention. We feel it is important that complaints to the Home Office are responded to in a timely fashion and that all concerned should be made aware of the outcomes. We also believe that it is part of our monitoring duty to observe meetings and/or conference calls that involve plans being made for families in residence at Cedars.

We reported last year about detention of pregnant women. In alignment with Stephen Shaw's report, and through our own experience, our concern continues.

## **3.2 Recommendations**

### **1. Healthcare**

We recommend that:

- 1.1 a Registered Mental Health Nurse (RMN) or other suitably qualified person should as a matter of priority see children in cases where there is concern about a child's mental health. Where no such person is available it would seem reasonable for a RMN trained to work with adults to see the child. (see page 11).

### **2. Transfer and Night moves**

We recommend that:

- 2.1 wherever possible, families with young children should not be arrested or transferred in the early hours of the morning or at night (see page 11).

### **3. In-country arrest and escort**

We recommend that:

- 3.1 urgent steps are taken to investigate complaints by residents while they are still at Cedars, and
- 3.2 the results of complaints made from Cedars should be reported back to Cedars and the IMB even if they relate to in-country arrest or transport (see page 11).

We also recommend that:

- 3.3 the IMB should be allowed to observe all meetings and conference calls which concern the welfare and care of the resident families and related matters. This includes issues relating to the in-country arrest and transportation of families destined for, or being removed from, Cedars (see page 10).

### **4. Detention of pregnant women**

We recommend that:

- 4.1 pregnant women should not be detained, or be resident at Cedars (see page 10).



## Section 4

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### **4.1 Operational management and IMB monitoring**

We are pleased to report that the Cedars Centre was managed and operated efficiently to the benefit of residents during 2015. This is largely attributed to the collaborative efforts of the three agencies, (Home Office Immigration, G4S and Barnardo's). The agencies each have very distinct roles, and in our opinion staff worked effectively together in promoting the care and welfare of the residents at Cedars. We have observed all related duties being carried out effectively.

A key feature of the inter-agency working arrangement is the good practice of holding regular joint reviews after difficult and often challenging family circumstances or removal. 'Lessons Learned' practice reviews were attended by representatives from the three agencies to discuss the issues, and where appropriate develop action plans for improvement. The IMB were notified of all Lessons Learned reviews, and had the opportunity to observe other meetings, with one exception detailed in the following paragraph.

On one occasion a conference call was booked with the Families Return Unit of the Home Office to discuss arrangements for the removal of a family. The Families Return Unit representative stated they were not willing to have the IMB present during the call to observe the matter (notwithstanding the previous practice of the IMB observing all such calls) because the call 'would be dealing with operational matters'. The IMB have subsequently protested vigorously about this exclusion. We do not believe the Families Return Unit were asserting that in-country arrest and transport of families to Cedars is outwith the scope of any independent monitoring or review (as this would place the UK in breach of at least one treaty dealing with the handling of detainees by stating there were no National Preventative Measures for arrest and transport of persons destined for Cedars) but were simply wrong in refusing to allow the IMB to observe the conference call in question. We call for confirmation that any IMB member is entitled to observe and monitor any meeting or conference call dealing with plans affecting families at Cedars.

## **4.2 Arrest, Escort and Transfer**

Residents generally speak highly about their treatment at Cedars and IMB members have observed positive and supportive treatment from Tascor transport staff towards families being collected for removal from the Centre. However, the IMB have also been informed of heavy-handed treatment by other escort and arrest staff. Three of the four occasions on which the IMB became involved with formal complaints raised serious allegations of inappropriate conduct such as: putting a mother in handcuffs in front of her children and transporting her from the North of England in handcuffs; of giving incorrect information (the arrest team telling the mother they were just taking her and family to a meeting with the Home Office), and of bad practice (keeping the warrant covered so the family had no opportunity to read it or know what was really going on). We do not know the truth of these matters but feel they need to be fully investigated by the appropriate authority. We were told that although Cedars staff document and forward complaints they do not hear anything further.

We also have concerns about the well-being of young children who are picked up from home or collected from the centre in the very early hours of the morning. For example: children told us of the upset they experienced when arrest teams arrived at their home at 05.00; a single mother and a three- year-old child were picked up at 03.00 for a flight.

We do not monitor the arrest or in-country escort teams, or the methods they use to expedite the removal process. This is outside our remit. However, we have raised the above concerns on behalf of the residents in the expectation that arrest and escort procedures will improve.

## **4.3 Care, Healthcare and Mental Health Care**

The Centre has access to healthcare facilities including registered mental health nursing. A registered children's nurse is also available. We consider, with one exception outlined below, that the quality of healthcare was of an acceptable standard and included provisions for residents with stress-related behavioural problems. Good care is extended to pregnant women, including arranging hospital visits, but overall the Board feels that this is not an appropriate environment for them. During the reporting period a total of 11 ACRT plans were opened for residents to enable staff to better manage and reduce their distress. Barnardo's provided updated child protection and safeguarding training for staff and the IMB. Quarterly meetings involved all internal and external agencies and underpin the Centre's commitment

to safeguarding. Initiatives such as this enabled families to be catered for in a safe and caring environment during the year.

After one of the complained-about incidents, on arrival at Cedars a child wrote a letter detailing an intention to commit suicide. Clearly it was right for Cedars staff to initiate the ARCT process and they requested a Registered Mental Health Nurse on the premises to assess the child. We understand that the nurse refused on the basis that s/he was only qualified to deal with adults. We feel it must be clarified that a RMH Nurse or other qualified professional must see children in such cases. If no paediatric RMN is available we would recommend that one qualified to work with adults could be utilised with support from a children's nurse, rather than leave a child with no professional assessment.

#### **4.4 Catering**

The food available to residents was of a consistently high quality throughout most of the year. Families were able to dine together in the dining area, eat in their apartments or cook for themselves in the well-equipped kitchens, Every effort was made to meet family's individual dietary requirements and residents were regularly consulted to ensure their preferences were catered for. Towards the end of the reporting period the canteen facility was closed and replaced by a system of microwaveable meals. Response to these microwaveable meals has so far been variable.

#### **4.5 Complaints**

Complaint forms are available in a range of languages, and information on how to raise a complaint is readily available to residents. Cedars processed four complaints to the Home Office during 2015. As described above, towards the end of the year the IMB became involved with three families, each making a complaint about the treatment they received at the hands of the in-country arrest and transport agencies.

As Cedars is pre-departure accommodation where it is a possible outcome that families will leave the UK shortly after arrival (generally within 72 hours) the failure of any investigation authority to contact the families immediately while they are at Cedars to investigate their complaint is a very serious shortcoming. We therefore recommend that urgent steps are taken to investigate quickly any complaints made by residents to the Home Office and the results reported back to Cedars and the IMB even if they relate to in-country arrest or transport.

The IMB have not received any complaints about Cedars since the PDA opened in 2011. Families have in the main been consistent in complementing staff on the care and attention they received.

#### **4.6 Diversity, Equality and Inclusion**

The Board can confirm that the Cedars ethos of diversity, equality and inclusion has been a common theme across all the Centre's activities.

The Diversity and Equality Committee was set up under the leadership of the Cedars chaplaincy and performs well. The committee meets quarterly and comprises representatives of the Home Office, G4S, Barnardo's, G4S Healthcare providers, and Aramark Catering services. These meetings were sampled by IMB members and found to be proactive in planning for, and meeting, the needs of the residents. Throughout the reporting period the Equality and Diversity team were actively involved during the family arrivals process. Residents have good access to staff, and Care Officers are responsive to their welfare needs. Religious observance plays an important part in the life of the Centre, and spiritual and pastoral support was available, and demonstrably helpful, on request.

#### **4.7 Education, Learning and Purposeful Activities**

There is a good range of facilities and equipment available to Cedars' residents. Cedars does not provide schooling facilities for children due to families' average length of stay of 72 hours. This generally does not allow sufficient time to receive school reports or make continuing education arrangements. Where possible the Family Returns Team try to obtain up to date school reports in advance or during the family's stay, and if requested Barnardo's will develop educational activities specific to the needs of a family within the time constraints. IMB members have observed children and young people taking part in age-appropriate learning and play activities during their stay. We noted that this purposeful activity often helps to alleviate anxieties they have about their situation.

#### **4.8 Family Separation**

Where there is the potential for a family member to become disruptive and frustrate the removal process the family may be separated in order to foster compliance. According to Home Office policy, families may be separated: 'where there is potential for an ensured return to fail as a result of disruptive behaviour by the family, and it is considered in the best interests of the children to be temporarily separated from their parent(s) in order to safely

ensure the family's return'. In our experience Cedars Immigration Enforcement team have sought wherever possible to avoid separating families during their stay at the PDA, and during the removals process from the PDA. The process was used sparingly in 2015, and on the occasion family members were separated the resident concerned was transferred to an IRC on the advice of the Family Returns Panel. The number of families separated during the removal and returns process was not recorded locally and was not available at the time of reporting. However, we are aware of at least one occasion when separation from their parents on transport caused distress to the children concerned.

#### **4.9 Residential Environment, Safety and Security**

Cedars operates a safe and secure regime within a family-friendly environment. The PDA is surrounded by boundary fences, and families are occasionally allowed pre-arranged supervised trips outside the grounds, subject to a satisfactory risk assessment.

It is our opinion the residential services were provided to a good level, and the facilities maintained to a high standard. The Centre's low occupancy during the reporting period has enabled staff to focus on regular contingency exercises including training in security procedures. Time was spent reviewing policies, and increasing staff's professional attainment thus making good use of the available time. A total of 35 contingency exercises and reviews were conducted during 2015 with any necessary alterations to practice made appropriately.

#### **4.10 Use of Force**

Force was used on one occasion. We deem that the force employed was proportionate and used for the safety of the individual.

## Section 5

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### 5.1 Progress with previously reported matters

In 2014 our recommendations concerned the following.

**1. Detention of Pregnant Women**

This concern continues (see page 10).

**2. Family Splits**

We expressed concern about the number of family splits based on anecdotal evidence in 2014. For 2015 we are only aware of two occasions when this occurred (one at Cedars, and one during transport to Cedars), so the incidence of family splits may have declined. However, we cannot be sure of this as we do not see reports of families separated during transport to or from Cedars so lack hard data on which to report more fully (see page 12).

**3. Night Moves**

This concern continues (see page 10).

**4. Safeguarding Training**

In 2014 we said the Immigration Compliance Engagement Teams should receive Safeguarding Training or refresher training based on concerns expressed about the treatment of Cedars residents during arrest and transport to (and from) Cedars. Those concerns remain (see page 10).

## Section 6

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### **6.1 Statutory Role of the IMB**

The Immigration and Asylum Act 1999 requires every Immigration Removal Centre (IRC) to be monitored by an independent board appointed by the Secretary of State. The board is represented by members of the community in which the Centre is situated.

The Board is specifically charged to:

- (1) satisfy itself as to the humane and just treatment of those held in Immigration Removal Centres and Pre-Departure Accommodation (PDA).
- (2) inform promptly the Secretary of State, or any official to whom s/he has delegated authority as it judges appropriate, any concern it has;
- (3) report annually to the Secretary of State on how far the Immigration Removal Centre has met the standards and requirements placed on it, and what impact these have on those held in the Centre.

To enable the Board to carry out these duties effectively its members have right of access to residents, the centre, and also to the centre's records.

This report has been produced to fulfil our obligation under (3) above.

### **6.2 IMB Diversity Statement**

Members of the Cedars Independent Monitoring Board (the Board) are committed to an inclusive approach to diversity, and one which promotes interaction and understanding between people of different backgrounds. Our commitment encompasses race, religion, gender, nationality, sexuality, marital status, disability and age. The Board also recognise that a full and inclusive approach to diversity must respond to differences that cut across social and cultural categories such as: mental health, literacy and substance abuse.

This approach to diversity is incorporated in our recruitment procedures and Board development practices. The Board aims to increase its repertoire of skills and awareness and ensure it is able to positively reflect the diverse needs of the population within Cedars.

All members of the Board endeavour to undertake their duties in a manner that is acceptable to everyone within Cedars regardless of their background or social situation. The Board sees

its primary role as ensuring that all residents of Cedars are cared for with respect and humanity and that interaction between staff, residents and visitors is fair and without prejudice. Where this is not the case, the Board commits to alert appropriate authorities and individuals including the respective managers, Director of the Returns Directorate, and the IMB Secretariat.

### **6.3 IMB visits**

The IMB make at least one unannounced weekly visit in our role as independent monitors. We make further visits to observe family arrivals and removals, attend meetings, and for other activities as required. During 2015 the number of IMB Board members remained below the full complement of 12. We started the year with eight members and ended with five (two resignations and our previous chair stepping down to take a sabbatical). However, our current membership represents a reasonable cross-section of the community, and members bring a good balance of skills and experience to the task entrusted to them. It is a credit to serving members that we were able to maintain the regular Board meetings, attend national conference and training events, and fully discharge our monitoring role without interruption or complaint. In the fourth quarter of 2015 we initiated a recruitment exercise with some success.

During 2015 we made a total of 65 visits to Cedars, including attendances at meetings. The Board has appreciated the positive relationship we have been able to maintain with Cedars staff throughout the year. We would also like to extend our thanks to our IMB Clerk for her continued support and assistance during the reporting period. Despite current uncertainties about its future, we are pleased to highlight the work that all staff have done to extend the care given to the residents at Cedars.

Anne Duffy

Chair

On behalf of the Independent Monitoring Board