

Refugee Children's Consortium

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HM INSPECTORATE OF PRISONS
1st floor, Ashley House,
2 Monck Street
London, SW1P 2BQ
alice.reid@hmiprisons.gsi.gov.uk

Dear Alice Reid,

Many thanks for the opportunity to comment on the draft of HMIP's 'Family Detention Expectations.'

Below, we set out indicators which, in our view, ought to be added to this document or carried over from the current Immigration Detention Expectations. We appreciate that the Inspectorate is seeking to reduce the number of expectations and indicators worked to in inspections, so that the process does not become unwieldy. However, we feel that the additions set out below are necessary to ensure that provisions for children and families' health, welfare and access to legal rights are properly monitored.

In addition, it is our view that it would be helpful to have a specific expectation in relation to healthcare, and to include indicators on:

- Identification and care of detainees with substance use issues.
- Therapeutic, counselling and advice services being provided either directly or through external providers, and parents and children being referred to these when appropriate.
- Mental health services including access to primary, secondary and tertiary services; Detainees with mental health problems being transferred to specialist secondary and tertiary care if clinically indicated.
- Specialist mental health services being provided by community mental health services in liaison with the primary care team and residential staff.
- Where families give their consent, up-to-date information about health conditions suffered by parents and children, and GP details, are provided to the centre in advance of a family's arrival.

Section 1.2

We recommend that indicators here should include:

- arrests of families should not take place before 6am, or late in the evening;

- family members should not be expected to get dressed or go to the toilet in front of immigration officers of the opposite sex.

Section 1.8

We recommend that this indicator is carried over from the current 'Expectations':

- Separation and/or strip conditions are not used to manage the risk of self-harm.

Section 1.10

The following indicator should be added:

- All relevant information about child welfare is gathered by staff in the centre and, where parents and children give their informed consent, sent to UKBA decision makers and the Family Returns panel to feed into future decisions, including decisions about whether to continue detention.

Section 1.12

We recommend that the following indicators are carried over from the current 'Expectations':

- Allegations of assault on detainees during removal attempts, which are supported by medical evidence, are thoroughly investigated with a view to prosecution, and removals delayed for this purpose.
- Those in single separation are allowed access to religious ministers, books, education staff, phones, exercise, social and legal visitors and a daily shower.

In addition, we suggest that the following indicators are added:

- Clear guidance for staff on use of C&R and other methods of managing non-compliance is published.
- Detainees are proactively informed that they can request photographs to be taken by healthcare staff of any injuries which occur during C&R, and this process is facilitated promptly if the detainee requests it.
- Detainees and their legal representatives are able to access records which staff hold of incidents where C&R has been used on them.
- Where C&R is used against the relative of a child and/or in the presence of a child, the impact on the child should be assessed appropriately and recorded in any incident report.

Section 1.13

We recommend that the following indicators are carried over from the current 'Expectations':

- Detainees are informed in a language they understand of their rights to apply for legal aid and for legal representation, as well as appeal rights, within the first 24 hours of arriving at the centre.

- Detainees receive information in a language they understand, informing them of the expected standard of legal advice, and how to complain if they do not receive it.

In addition, we note with concern that there is a current lack of clarity about whether detained families are able to access half an hour's free face-to-face legal advice through a duty legal advice surgery. We would recommend that access to such an advice surgery is added to the indicators.

Section 2.2

We note that the Operating Standards for the new family detention facility in Pease Pottage state at paragraph 7 of Annex S:

'The duty manager may, however, authorise access to a family's apartment without the family's consent for reasons of safety or security, including in connection with securing the family's compliance with legitimate instructions.'

We would therefore suggest that where staff enter a family's apartment without the family's consent an incident report should be written, setting out the reasons for this action and what the impact was on children and their parents.

Section 2.5

We are concerned to note that the Operating Standards mentioned above provide for children and other detainees to translate for parents. We are pleased to note that the draft 'Family Detention Expectations' stipulate that professional interpreters should be used. It would also be helpful for the Expectations to also specify that incidents in which children or other detainees translate for detainees ought to be logged with reasons why this happened and, in the case of children, what the impact on the child was.

Section 2.7

In most cases, families will have left the detention facility before the process of investigating their complaint is concluded. We are pleased to note that the Expectations require that 'Concerted efforts are made to communicate responses to families who have left the centre'. However, we would suggest that efforts should also be made to continue to investigate the complaint fully before families leave the centre, or after they leave where this is not possible.

Section 4.1

We recommend that the following indicators are carried over from the current 'Expectations':

- Detainees' visitors are given information about how to get to the centre, its visiting hours and details about what to expect when they arrive.
- If public transport stops some distance from the establishment, transport arrangements are in place for visitors to get to and from the centre.

In addition, we would recommend that indicators are added:

- Internet sites which detainees need to access, for example for legal reasons, are not blocked inappropriately.
- Confidentiality is respected and information is not appropriately shared for example in situations where staff are opening detainees' mail.

Section 4.2

We would recommend that indicators are added either here or under an expectation on healthcare to ensure that detainees are provided with adequate supplies of any essential medication and provisions, such as anti-retrovirals or anti-malarials and bed nets where these will be needed.

We would also like to add that while we have set out above our current thinking on the 'Family Detention Expectations', numerous changes have occurred to the Family Returns Process in the last year, and we have not yet had the opportunity to read the report of HMIP's recent inspection of the new family detention facility in Pease Pottage. There may therefore be further issues which come to light, and we would welcome the opportunity to comment on the Expectations again when the new Family Returns Process has been in operation for a longer period.

Yours sincerely,

Sarah Campbell
Research and Policy Manager
Bail for Immigration Detainees
28 Commercial Street
London E1 6LS
Email: sarahc@biduk.org
Telephone: 0207 650 0727

The Refugee Children's Consortium (RCC) is a group of NGOs working collaboratively to ensure that the rights and needs of refugee children are promoted, respected and met in accordance with the relevant domestic, regional and international standards. Its members are:

Action for Children, Asphaleia Action, Asylum Aid, AVID (Association of Visitors to Immigration Detainees), Bail for Immigration Detainees, BASW – The College of Social Work, BAAF (British Association for Adoption and Fostering), Catch 22, Children and Families Across Borders, Children's Legal Centre, Child Poverty Action Group, Children's Rights Alliance for England, The Children's Society, DOST, Family Rights Group, The Fostering Network, The Immigration Law Practitioners' Association (ILPA), JCORE, Medical Justice, The Medical Foundation for the Care of Victims of Torture, National Care Advisory Service, NCB, The Prince's Trust, RAMFEL, Refugee Council, Refugee Support Network, Royal College of Paediatrics and Child Health, Scottish Refugee Council, Student Action for Refugees (STAR), Voice, The Who Cares Trust, Welsh Refugee Council.