



Learning lessons bulletin

PPO investigations issue 2

Immigration removal centres

Fatal incident emergency response and detainee property.

I am pleased to introduce this Learning Lessons Bulletin which looks at some of the recurring concerns from my investigations in immigration removal centres (IRCs) relating to both fatal incidents and complaints from detainees. This is the first of a series of learning lessons publications looking at immigration detention.

The bulletin first examines the adequacy of responses to medical emergencies in IRCs found in our fatal incident investigations. Thankfully there have been relatively few deaths in IRCs since my office began investigating fatal incidents in 2004, but unfortunately some of the same issues continue to emerge. In particular, it is disappointing that we have frequently had to highlight the lack of clear and effective systems to ensure that the nature of an emergency is correctly communicated, and that healthcare and detention staff working in IRCs are sufficiently trained and equipped to deal with medical emergencies.

Second, the bulletin examines the relatively few complaints that I receive from detainees in IRCs (just over 100 in 2012-13). The issues and concerns are not dissimilar from those raised by prisoners, but it is important to remember that IRCs contain administrative detainees subject to removal and their conditions and treatment should be commensurate with that status. For this reason, I have set up a dedicated team to investigate these complaints and ensure that any necessary learning is identified. Having said that, as with prisoners, the most common complaints relate to property. The bulletin illustrates that there is considerable scope for improvement in the appropriate care and consistent recording of detainee property. Improvement would not only benefit detainees but also save staff resources and cost to the public purse for compensation.

The Prison Service, while not immune from criticism itself, has detailed policies governing emergency response and management of detainee property. It is surprising that there has not been more learning from these sources across IRCs. Indeed, the Prison Service has recently published an instruction¹ dealing with emergency responses as a result of findings in investigations by my office – and from which the whole immigration detention estate needs to learn. Similarly, the Prison Service has more formalised property recording and storage procedures² than we find in IRCs.

I trust Home Office Immigration Enforcement will ensure that all IRCs learn the lessons from this bulletin.

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Prisons and Probation Ombudsman

¹ Prison Service Instruction (PSI) 03/2013 Medical Emergency Response Codes. ² As set out in PSI 12/2011 Prisoners' Property.

Immigration removal centres (IRCs) are used to hold foreign nationals awaiting decisions on their asylum claims and to detain people who do not have a legal right to live in the UK but have refused to leave voluntarily. They also serve to detain foreign national ex-prisoners who have completed their sentence and are held under immigration powers.

There are currently 12 IRCs³ (including two residential short-term holding facilities) and one pre-departure accommodation centre in the UK⁴ which had a total of 28,909 detainees entering them in 2012⁵. Turnover is high, with a population of around 2,900 across the detention estate at any one time.

1. Emergency response to fatal incidents

Since the PPO started investigating deaths in prisons, approved premises and IRCs in 2004, 15 investigations have been completed into the deaths of immigration detainees. This bulletin focuses on eight of the 15 deaths between 2004 and 2011, where there were concerns about the emergency response and about which we made recommendations.

A fast and efficient emergency response can mean the difference between life and death. It is crucial that those who are responsible for responding to a medical emergency have the training, equipment and systems in place to facilitate an effective reaction to the situation. It is, therefore, a major concern that similar recommendations about the need for improved emergency response were made in 2011 as were made after the very first death of an immigration detainee investigated by the Ombudsman in 2004. This apparent lack of progress is unacceptable.

The PPO is currently investigating three deaths in IRCs (including one in a short-term holding facility). These current investigations do not feature in this bulletin as the investigations are ongoing, but it is a concern that some similar issues are emerging about inadequate emergency response. These include the lack of an emergency code system, delays in calling an ambulance and healthcare staff not accessing emergency equipment quickly enough.

1.1 Policy context

All IRCs are the responsibility of Home Office Immigration Enforcement and are managed through private contract arrangements or by the Prison Service on behalf of the Home Office. All IRCs are governed by Detention Service Orders (DSOs) and an Operating Standards manual⁶. These set out the rules and operating procedures that IRCs should follow. Three IRCs are run by the Prison Service; Dover, Haslar and Morton Hall. Prison Service run IRCs are governed by DSOs and where explicitly stated Prison Service Instructions (PSI) – including the new PSI 03/2013 Medical Emergency Response Codes. This PSI was written in response to PPO investigations into deaths in custody which highlighted failings in emergency responses and recommended that a standard approach should be developed throughout the prison estate to deal with medical emergencies. The PPO has only investigated one death in a Prison Service run IRC. In the report, healthcare staff and discipline staff were both commended for the way in which they managed the emergency response and administered first aid.

There is no specific DSO which covers emergency response. The Operating Standards set out what control room staff should do in the event of an emergency, but they do not make clear what is expected of healthcare or detention staff in the event of finding a detainee in a critical state. The healthcare section of the Operating Standards manual states that:

³ This will shortly increase to 13 when The Verne re-opens as an IRC (run by the Prison Service) in March 2014.

⁴ In addition to facilities in England and Wales, the Ombudsman investigates deaths and addresses complaints from Dungavel IRC in Scotland and Larne House in Northern Ireland.

⁵ Immigration statistics, January-March 2013 <https://www.gov.uk/government/publications/immigration-statistics-january-to-march-2013>

⁶ UKBA (2011) Detention Services Operating Standards manual for immigration removal centres.

“Arrangements must be in place to ensure that when emergency treatment is required patients have appropriate and prompt access to care, such as ambulance, accident and emergency departments and through appropriately trained health care staff locally.”

The suicide and self-harm prevention section of the manual states that emergency first aid kits should contain specified equipment which must be accessible and appropriately maintained. It also states that the centre must ensure that staff are trained in the provision of emergency first aid. This is mentioned specifically in relation to an emergency following self-harm or attempted suicide, rather than broadly for any critical first aid situation which requires an emergency response, such as a heart attack or medical emergency. No more detail is given in terms of emergency response.

An emergency code system is a useful way to convey information quickly about the nature of an incident, who should attend and what they should bring. Such a system should be in place in all prisons and we have recommended their adoption in IRCs on a number of occasions.

The consequences of not having proper procedures in place for responding to medical emergencies are illustrated in case studies 1 and 2.

1.2 Standardised approach

The delivery of first aid in an emergency response situation can be the difference between life and death. Home Office Immigration Enforcement must ensure that IRCs learn the important and potentially life saving lessons from the issues raised in this bulletin. Specifically, there should be a standard approach developed (as in the prison estate) across the immigration estate to ensure a detainee is given the best chance of survival in a critical situation.

Case study 1

Mr A died of a heart attack while being held in an IRC. Mr A had complained of chest pains and his room mate pressed the emergency call alarm in their room. Healthcare staff attended and, despite Mr A complaining of chest pains and being grey in colour, an ambulance was not called. The healthcare staff thought his symptoms were from heartburn and he was advised that a doctor would see him the next day. Mr A's room mate pressed the emergency call alarm again that day, as Mr A was still suffering from chest pains. A detention officer arrived and found Mr A in his bed and unresponsive.

The officer radioed for medical help and waited outside Mr A's room. The officer did not administer first aid, despite being trained to do so. Two other detention officers arrived who were also first aid trained, but neither administered any first aid. Two nurses arrived carrying a resuscitation bag and oxygen cylinder and began cardiopulmonary resuscitation (CPR). One of the nurses went back to the treatment room to collect the defibrillator, which was not kept in the resuscitation bag. When the nurse arrived back at Mr A's room, she found that the defibrillator did not have a battery and could not be used. Mr A was taken to hospital by ambulance but could not be resuscitated and died on arrival.

The Ombudsman recommended that all detention officers should receive training in CPR and be confident in applying their training when necessary. He recommended that the Head of Healthcare should ensure that defective equipment should be securely stored separately until repaired, so that they could not be taken to an incident by mistake. The Ombudsman also recommended that there should be a safe, auditable operating procedure for checking that emergency healthcare bags are complete, that drugs are in-date and that equipment is operational.

Case study 2

Mr B was found to have hanged himself in the shower when he was being held in an IRC. The detention officer who found him shouted for another officer to radio for a medical response team. He was about to start cardiopulmonary resuscitation (CPR) when two nurses arrived. The nurses had brought emergency equipment but one of them had to go back to the healthcare centre to get some oxygen. The nurses placed Mr B in the recovery position, but did not perform CPR or administer oxygen.

A detention officer called for an ambulance and the emergency services asked whether the IRC had a defibrillator on site. The officer asked one of the nurses to bring the defibrillator. The nurse attached it to Mr B but still neither nurse performed CPR and they seemed unsure what to do. An ambulance arrived and the paramedics pronounced Mr B dead. The investigation found that no emergency code had been used to communicate the nature of the emergency which nurses would have found helpful.

The Ombudsman recommended that Home Office Immigration Enforcement should ensure that an emergency code system was introduced to notify responding staff about the nature of an emergency. The Ombudsman also recommended that there should be sufficiently trained healthcare and other staff on duty in the IRC at all times competent to administer CPR.

2. Detainee property complaints

Complaints from detainees in IRCs are administered by the Detention Services Customer Service Unit in the Home Office and investigated either by the Immigration Enforcement Manager, Centre Manager, Healthcare Manager, or, where the complaint is related to serious misconduct, the Immigration Enforcement Professional Standards Unit. If the detainee is not satisfied by the response to their complaint, they can ask the Ombudsman to investigate.

Between April 2010 and March 2013, the PPO received 397 complaints relating to IRCs. Of these, 247 (62%) were considered eligible for investigation but 49 were either withdrawn or were not investigated in line with Paragraph 15⁷ of the Ombudsman's terms of reference.

At the time of writing 180 investigations had been completed, of which 45 were upheld.

Upheld complaints covered a diverse range of topics with the most common (14) relating to the loss of items of property and post (including valuables and money) and so this is the focus of this bulletin.

2.1 The recording of detainees' property

The rules governing detainees' property are different from those governing prisoners' property. There is less restriction on the items that detainees can hold in their possession as there is no formal 'facilities list'⁸ and detainees also have freer day to day access to their stored property.

However, unlike the prison estate, where detailed policies govern the handling, storage and recording of property, IRCs only have general instructions. The IRC Operating Standard on Detainees' Property (2004) and Detention Services Order (DSO) 06-2012 set out instructions relating to detainee property. In contrast to the prison estate, these instructions specify that IRC staff only have to record items held in storage and staff are not required to record individual items placed

⁷ Paragraph 15 of the Ombudsman's terms of reference states that the "Ombudsman may decide not to accept a complaint otherwise eligible for investigation, or not to continue any investigation, where it is considered that no worthwhile outcome can be achieved or the complaint raises no substantial issue."

⁸ Facilities lists are the 'menu' of items that prisoners can have in their possession with restrictions associated with regime level and security needs.

inside luggage, for instance. The Operating Standard states that “it is sufficient to give a broad description (e.g. ‘one black holdall with contents’)”.

IRCs deal with a significant throughput of detainees, some of whom have very large amounts of property. A less detailed approach to recording property may, therefore, be appropriate. There do, however, need to be basic standards which are consistently applied. The Ombudsman’s investigations have often found that the recording of property is haphazard, with IRCs using a variety of reports and receipts. This matters because the lack of a clear audit trail means that IRCs often cannot show that they have stored and handled detainees’ possessions responsibly, leaving them unable to rebut complaints raised against them. It also provides opportunities for dishonesty by staff, particularly where valuable items are concerned. It can also mean that a detainee may not be able to prove that they had items of property with them when they entered the IRC. As a result, although a detainee may have a legitimate complaint, the Ombudsman may not be able to uphold it if there is no evidence that the detainee ever had the missing item.

Case study 3

Mr C complained that the contents of a parcel he had been sent had been given to another detainee by mistake. IRC staff helped Mr C to track down the other detainee and retrieve most of his items, but money and a phone sim card were missing.

The IRC accepted that they had given the contents of Mr C’s parcel to the wrong detainee, but they were not prepared to pay compensation for the loss of the money and sim card as Mr C could not provide receipts.

After investigating, the Ombudsman asked the Centre Manager to reconsider the decision not to compensate Mr C for the loss, as it was clear that IRC staff had been at fault in giving his property to another detainee. A mediated settlement was subsequently agreed.

Case study 4

Mr D complained to the Ombudsman that clothing and CDs were missing following his transfer to another IRC. Mr D had been moved to a secure unit at his first IRC for a week prior to the transfer and staff had cleared his room. He said that not all his property had accompanied him to the secure unit nor had it been forwarded on to his new IRC.

In addressing Mr D’s complaint, IRC staff said that they could not match the items reported missing with his property cards. They asked Mr D to provide receipts and the names of staff who handled his belongings before and after his move to the secure unit. As Mr D could not, the IRC would not uphold the complaint.

The Ombudsman’s investigation found that the property record cards showed that Mr D had transferred with items of clothing and footwear but did not provide detail of what they actually were. The IRC also did not keep room clearance records meaning it was not possible to establish whether the clothing was in Mr D’s possession at the time of his transfer. As a result, the complaint was upheld and a mediated compensation settlement was agreed.

Poor procedures for handling property have also led to complaints. For example, the Ombudsman has upheld detainees’ complaints where their property has been given to another detainee or to escorts in error, such as in the case of Mr C.

In case study 4 the failure to maintain room clearance records led to an upheld complaint as the IRC could not show what had happened to his property when he was transferred.

2.2 Money and valuable items

Many detainees, particularly if they have just arrived in the UK, enter an IRC in possession of money, in some cases substantial amounts. Detainees may also be carrying valuable items such as jewellery, watches and electronic items (for example, stereos, mobile phones and personal music devices).

Case study 5

Mr E complained that, following three transfers between different IRCs in eight days, his camera mobile phone (an expensive model) had gone missing. Mr E said he had not had the phone in his possession, but that he knew that it had travelled in a rucksack when he was transferred and he had seen it in reception on arrival at the final IRC.

When he complained, the IRC said that there was no record on their computer system or the escort paperwork that Mr E had had the mobile phone when he arrived at the IRC and they, therefore, refused to compensate him.

The Ombudsman's investigation established that Mr E would not have been allowed to have a camera phone in his possession. There was a record of the phone leaving the first IRC with a rucksack – which showed that Mr E had owned it – but there were no records to show what had happened to it after that.

The Ombudsman upheld Mr E's complaint. There was evidence that the phone had existed and, as Mr E could not have it in his possession, its safe storage and transfer was the responsibility of the IRCs. The Ombudsman recommended that compensation be paid to Mr E for the loss of the phone. The recommendation was accepted by Home Office Immigration Enforcement, who arranged for compensation to be paid by one of the IRCs.

DSO 08-2012 prohibits the possession of devices with cameras or internet access in IRCs, meaning that detainees must place such items in storage. IRCs are required to provide appropriate facilities for detainees' money and valuables should they want or need to store them.

This means that IRC staff become responsible for storing and moving high value property and the Ombudsman has received complaints about valuable items going missing. As the Ombudsman's recent thematic report on prisoners' property⁹ showed, a transfer from one establishment to another is a particularly risky time for items to go missing. The poor recording practices in IRCs exacerbate these problems, as the case of Mr E illustrates.

The Ombudsman has also upheld complaints related to money being lost after being posted into IRCs.

Case study 6

Mr F complained to the Ombudsman that he had not received a letter containing money, sent to him by a relative.

The Ombudsman's investigation established that the letter had been sent to Mr F by recorded delivery but that, by the time it arrived, he had been transferred to another IRC. Records showed that the letter had been received by the first IRC. A manager said he had then sent the letter on to Mr F at the new removal centre, but that he had not used recorded delivery and had not made any record. The investigation also found that Mr F had received previous letters from the same relative containing money.

As there was no record to show that the letter had been sent on from the original IRC, the Ombudsman upheld Mr F's complaint and a settlement was agreed to compensate for the lost money.

⁹ Learning lessons from PPO investigations: Prisoners' property complaints, February 2014.

2.3 Compensation

As with the prison estate, where the Ombudsman finds the IRC liable for the loss or damage of detainees' property, he will either recommend compensation or agree compensation through mediation. He expects that the compensation offered will reflect the value of the missing items, taking wear and tear into account, where this is appropriate. It is also particularly important that compensation is provided promptly as detainees may leave the country at short notice.

In the example of Mr G, although the IRC had accepted that it was responsible for the loss of Mr G's property, the Ombudsman considered that he had not been offered an appropriate level of compensation.

Case study 7

When he arrived at the IRC, Mr G had valuables taken from him and placed in a storage bag. When he was released, he found that two gold rings were missing. Mr G said that the rings had significant financial and sentimental value.

The IRC carried out an investigation which examined CCTV footage and documentation and interviewed staff. The investigation found that the rings had existed and had gone missing from the stored property bag while they were in the IRC's care. The IRC offered compensation, although it was substantially lower than Mr G's valuation.

Mr G felt that the offer was insufficient and approached the Ombudsman. The Ombudsman agreed that the compensation offered was not reasonable and an increased settlement was agreed between Mr G and the IRC.

Lessons to be learned

Emergency response

1 – A DSO should set out the requirement for every IRC to implement an emergency code system to communicate the nature of the emergency. It is recommended that a simple two-code system is used, with 'Code Red' indicating blood/burns and 'Code Blue' indicating breathing difficulties/collapses. Managers should ensure that all staff are clear about the code system and how to respond in an emergency response situation.

2 – Every IRC should be equipped with working emergency medical equipment. It should be stored in an accessible area and tested on a regular and audited basis to ensure that it is working. Faulty equipment should be disposed of immediately and replaced as soon as possible.

3 – All IRCs should have sufficiently trained healthcare and/or discipline staff on duty at all times who are able to administer CPR. Training should be kept up to date and refresher training provided where needed. Staff should be confident as well as competent in first aid training and prepared to use it in an emergency situation.

4 – All members of staff should immediately call an ambulance when a detainee presents with any of the following signs; chest pain, difficulty breathing, unconsciousness, severe blood loss,

severe burns or scalds, choking, fitting or concussion, severe allergic reactions or a suspected stroke. This is in line with NHS ambulance service guidance.

Detainees' property

5 – Home Office Immigration Enforcement should require all IRCs to develop more detailed and consistent practices for recording detainees' property in storage, in possession and on transfer, paying particular attention to valuable property. Given the throughput of detainees and the volume of property, any recording system will need to be proportionate and achievable.

6 – IRCs should ensure that staff follow the correct procedures for handling property and post. Appropriate management of these items, alongside effective recording processes, will reduce complaints.

7 – Where property is damaged or lost when in the care of an IRC, appropriate compensation should be offered promptly. Compensation should reflect the actual value of the property involved, subject to a reasonable deduction for wear and tear as appropriate. With detainees leaving the country at relatively short notice, effective and timely resolution of compensation agreements is critical.

The Prisons and Probation Ombudsman investigates complaints from prisoners, young people in secure training centres, those on probation and those held in immigration removal centres. The Ombudsman also investigates deaths that occur in prison, secure training centres, immigration detention or among the residents of probation approved premises. These bulletins aim to encourage a greater focus on learning lessons from collective analysis of our investigations, in order to contribute to improvements in the services we investigate, potentially helping to prevent avoidable deaths and encouraging the resolution of issues that might otherwise lead to future complaints.

The Prisons and Probation Ombudsman's vision is:

To be a leading, independent, investigatory body, a model to others, that makes a significant contribution to safer, fairer custody and offender management.

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