



HOUSES OF PARLIAMENT

Joint Committee on Human Rights

Oral evidence: Human rights of asylum seekers in the UK, HC 821

Wednesday 16 November 2022

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Members present: Joanna Cherry MP (Chair); Lord Dubs; Florence Eshalomi MP; Lord Henley; Baroness Ludford; Baroness Massey of Darwen; David Simmonds MP; Lord Singh of Wimbledon.

Questions 18 - 23

Witnesses

[II](#): Charlie Taylor, HM Chief Inspector of Prisons, HM Inspectorate of Prisons.

Examination of witness

Charlie Taylor.

Q18 Chair: We will now move on to the second panel and to our new witness, Charlie Taylor, who is appearing remotely. Charlie was appointed Chief Inspector of Prisons in 2020 in a very distinguished line of forebears, going back to Stephen Tumim and David Ramsbotham, who is in this House. He has a statutory responsibility to inspect the conditions for and treatment of detainees in all places of immigration detention in the UK, reporting on this to the Home Secretary. Welcome, Charlie.

Charlie Taylor: Thank you very much.

Chair: In the absence of our Chair and in her place, I will start by putting the first question to you. In July this year, you inspected the conditions of detainees at the short-term holding facilities at Western Jet Foil, Lydd Airport and Manston, which our Chair, Joanna Cherry, and my colleague Lord Dubs visited only last week. At those facilities, for how long were any asylum seekers being detained and, in your view, what was the reason for this?

Charlie Taylor: I apologise for not being there in person but we are on inspection in a prison at the moment.

We found that the average detention time for people coming into Manston was about 15 hours; that was about standard. However, we found a number of individuals who had been held for substantially longer than that. More than 600 had been held for 24 hours and the longest of all that we found had been held for 70 hours. We also found that the small number of unaccompanied children tended to be held for longer. That was partly because of an anomaly during the time when we were visiting: the facilities at the Kent intake unit, which are next to Western Jet Foil, were closed at the time because there was some industrial action going on at the Port of Dover. Nevertheless, what we found with children was that they were spending an average of 27 hours at Manston, and the longest we came across there was 48 hours—so some quite substantial periods of time at the centre.

In terms of the reasons why people were spending long periods of time there, it was really just the amount of time it was taking to process people through. There are various bureaucratic stages that happen from the moment when people arrive at Manston. They are searched. They are assessed for medical needs. They have an interview with Home Office staff to assess and gather information about their immigration status. They are then passed into the marquees, which are the holding rooms. They are passed through the Mitie staff, who are the contractors there. They then find themselves in the holding rooms. They are also waiting for accommodation to be found for them and for transport to turn up as well. Those appear to be the main reasons.

Chair: Thank you. I will ask Lord Dubs to ask the next question.

Q19 **Lord Dubs:** To follow on from that, when you inspected the facilities, what would you say the conditions were like?

Charlie Taylor: At the time of the inspection, they were not too bad. We had a number of concerns about some of the things that we saw at Manston. We had seen some improvements at Western Jet Foil, for when people come off the small boats, and we were also reasonably impressed with some of the things that we were seeing at Manston. The marquees that the migrants are housed in when they first arrive were in a pretty decent state. They were clean, well ventilated and reasonably comfortable—but with a caveat, which is that they were comfortable for short stays. This was not appropriate accommodation for people to be spending longer periods of time in.

As a result of that, we found things like a lack of access to open air; I gather that has changed a bit recently but, at the time, they certainly did not have any access to open air. Again, if someone is there for a couple of hours, that would not be overly concerning. We found things such as the shower facilities being reasonably good. The lavatories were reasonably good. People had access to clean and dry clothes, and there was a decent supply of baby food and things for babies and families. On the other hand, we were concerned that the food was fairly inappropriate.

In the longer term, in particular, what worried us was that there were detainees sleeping on the floor mats between rows of chairs, which simply was not an appropriate place. It is not a centre that should be accommodating people and what we found was that people were staying for longer than they should have been.

Lord Dubs: I will ask a supplementary question based very much on the last comment you made. The impression I got visiting Manston—I have not been to the other two—was that, for 24 hours, the facilities were not bad but, beyond 24 hours, the facilities were found wanting. Is that a distinction that you would make?

Charlie Taylor: Yes, that is absolutely right. One of our concerns that we flagged about the place was the fact that people were already being held for too long when we inspected. As you say, for short periods of time, it was adequate but, for any longer than that, we were certainly concerned.

Q20 **Chair:** Use of force, body searches or physical restraints should be used only as an absolute last resort where proportionate or necessary. Were you satisfied that that was the case? What safeguards were in place to protect further the personal autonomy and physical and psychological integrity of individuals?

Charlie Taylor: It is worth saying to start with that use of force had been rare at the centre during the time we inspected. There had not been very many cases, as we understood it. However, the record-keeping and oversight of the use of force was not good so we could not be entirely assured about the numbers on use of force.

On our finding, we found that there had been four uses of force: two by Border Force and two by Mitie staff. What they did not have were good governance arrangements. They could not explain the justification for use of force, which is something that we would expect to see in an immigration removal centre or if we were inspecting a prison. There was not a proper log being kept or a sense that uses of force were being overseen by managers. Although the numbers were fairly low, I think it is fair to say that the record-keeping was not good.

We also saw some slightly concerning things. For example, we saw one very vulnerable detainee being handcuffed while being taken to hospital. It may have been that there was a good reason for that but we could not find a justifiable risk assessment for handcuffing that particular individual. Again, if we were visiting a prison, there are some prisoners you would certainly want to be handcuffed if they were visiting hospital but there are others—for example, somebody in a wheelchair—where the risk is perhaps slightly less. That was what we saw at Manston as well.

In terms of use of force, the summary is that it was rare but the governance and oversight were not as good as they should have been.

Chair: Presumably, for the use of something like handcuffs where it is proportionate or necessary, the standard is slightly different in a prison compared to here?

Charlie Taylor: Yes. We would not expect handcuffs to be being routinely used, and they were not. That was an example that we came across and there was no proper justification. I think someone had decided that, if a detainee was going to hospital, they felt obliged to put handcuffs on them, but we did not see a risk assessment to know whether there was any reasonable justification for doing that.

Q21 **Florence Eshalomi:** Good afternoon. I am the Labour Member for Vauxhall.

One of the things that you highlighted were the unacceptable conditions in the centres that you visited. We have heard a lot this afternoon about some of the vulnerabilities of some of the detainees. To what extent are you satisfied that the specific needs of vulnerable people, including children, pregnant women and potential victims of modern slavery, were being met at the facilities that you inspected?

Charlie Taylor: This was one of our areas of concern and one of our areas of risk as well. The first thing was that, in the initial screening they have when they arrive, there was not really an opportunity for them to disclose vulnerabilities privately. The initial screening process is done in a fairly public and noisy arena, particularly where there is a language barrier and, therefore, where staff are having to use translation devices or, as we saw sometimes, simply sign language. What we found is that people did not get a private interview until they had had their asylum screening interview, and that was sometimes hours after they had arrived. There was a real concern there because those interviews and

understanding the vulnerabilities of detainees should happen as quickly as possible.

We were also worried that vulnerability was not being clearly recorded. There was not a system in place for being clear about how to record vulnerabilities. At busy times, asylum screening was also not going on at Manston. They were trying to get people through so quickly that they simply could not have the asylum screening interviews.

There is something called a vulnerable adult warning form, which is a way of staff at the centre being able to flag up if they are concerned about somebody, for example if they are displaying some behaviours or they disclose something that they are concerned about. What we found was that only 25 of those had been opened, which was less than 1% of the detainees. In particular, they were all about physical health concerns. We were worried that some of the other vulnerabilities that some of the detainees inevitably would have had were not being picked up. For those ones who did have physical health concerns, there was not a level of engagement that we would have wanted to have seen. There was not enough assessment of their needs or sufficient care planning.

To go on, the Home Office has a process for assessing or categorising adults at risk. This is for people who, in effect, have a red flag next to them and will certainly require additional support. What we found is that, despite a number of detainees going through the centre who we were concerned about—people who appeared to have mental health issues, one person who was a wheelchair user and people who were victims of trafficking—the paperwork was not being followed up and filled in so the assessment was not happening satisfactorily enough. The Home Office was also not able to provide us with consistent data on the number of referrals to the national referral mechanism so we could not be sure about the extent to which that process, which ought to be streamlined in a place such as Manston, was going ahead.

Finally, on staff, although we found in general that staff were pleasant and polite with detainees, they only had very basic awareness of the sorts of vulnerabilities that they ought to be looking for. There was a danger that people could have gone through the centre, and those vulnerabilities certainly were not being picked up in a way that we would have wanted.

Florence Eshalomi: On the staffing again, recognising some of the challenges that they face, would you say that, because the staff were not adequately trained, they were not then able to look at providing the right level of care and support for those detainees or make the right referrals?

Charlie Taylor: Yes; this was a risk we highlighted. There were some people who were obviously presenting as people who were at risk but, for whatever reason, they were not being picked up necessarily within the system there. Similarly, we found with children at Manston that we had a concern that not all staff had DBS checks. Some staff had DBS checks that were pending but they were being allowed to work around children,

which was a concern for us. There also was not any central oversight of DBS in a way that you would have with a school. There was not a single central record that you could refer to to have a sense of that assurance. In some of those governance arrangements, where you had Home Office staff, Border Force, contractors and even subcontractors, there was not that clarity of governance that we would have liked to have seen.

Q22 Lord Singh of Wimbledon: I am a Cross-Bench Member of the House of Lords and, incidentally, head of the Sikh Prison Chaplaincy Service. Can you give us an indication of the recommendations you would like to make to the Government about the facilities at Western Jet Foil, Lydd Airport and Manston?

Charlie Taylor: Certainly. Our first concern that we raised was that too many people were spending too long at the centre. This is a short-term holding facility. It is not supposed to be somewhere where people are staying, yet we were concerned that people were simply spending too long at the centre. That was our first concern.

Secondly, we were worried about the quality of healthcare screening. We did not think that that was happening in an adequate way, which meant that people's vulnerabilities were potentially not being picked up. Some of the governance arrangements with healthcare were also not clear.

We were worried, as I said earlier, that detainees' vulnerabilities were not being recorded properly; that was something that we raised a concern on. We were concerned that children were there for too long. We were also concerned about the way in which interpretation was being used inconsistently. You cannot get people to disclose vulnerabilities unless they are able to communicate them in a reasonable way. Sometimes, we found that the interpretation system they were using either was not working or was not being used properly.

Again, we made a recommendation about the oversight of staff security, clearance and training not being robust enough at those sites. For example, one of the subcontractors had staff who were not trained. Although the Mitie staff and Border Force staff were trained in custody, some of the subcontractors who were overseeing detainees were not trained in custody. Therefore, had there been an incident, they would not have had sufficient training to have been able to physically intervene had there been a problem.

I have a couple more concerns to raise. A concern that has come out on a number of the points I have made is that there is not a sense of a single oversight when it comes to Manston. There are lots of different agencies and organisations involved at the centre, but what we did not see was a real sense of oversight and accountability. Our worry about that is that, where that happens, the danger is that things can slip between the cracks, where different people think each other is responsible for different things and, therefore, things do not get picked up. That was a concern for us.

Finally, we felt that the way in which interviews were being conducted meant that it was potentially very difficult for detainees to be able to disclose vulnerabilities, which is something that ought to be being done as soon as possible.

I have one more thing, on adequate access to telephones. When I visited the site, I talked to four young women, probably in their late teens—they were 19 or 20-ish—who had not had any access to telephones. They had been at the site for more than 24 hours and they were desperate to let their family know that they were okay, that they had survived the crossing and that they were in Britain. There was a shortage of phones to be used. Detainees were having their phones removed but there was a shortage of phones provided by the centre. There was some real anxiety from people who were not able to let family members know where they were and what was happening to them.

That is probably a summary of the main risks that we exposed and the recommendations that we made to the Home Office and to the centre.

Lord Singh of Wimbledon: I am particularly concerned about vulnerability and the lack and difficulty of communication, the interpreters and so on. What do you feel are the chances of your recommendations being taken on board in a speedy way?

Charlie Taylor: We have been very concerned by the reports we have heard coming from Manston, from Dave Neal at the ICIBI, one of our sister inspectorates. We have been concerned about letters that we have had from staff associations, and we have been concerned about issues that have been flagged up by Sir Roger Gale and other visitors to the centre. What I have said is that it seems to us—again, I would not want to prejudge an inspection—that some of the vulnerabilities and risks that we exposed in July, at a time when things were running reasonably well, appear to have materialised. That is why I have said that we will return in the near future. We will not announce when that inspection will be but it will be in the near future.

Lord Singh of Wimbledon: Thank you; that is very helpful.

Chair: Could I ask one further question on that point? Your visit was in July, as you said earlier. You then made a report. When was the report made to the Home Secretary?

Charlie Taylor: What happens with our reports is we do the initial report then a shortish summary document, which we then share with the centre and the Home Office. Off the back of that, we then complete our full, longer version of the report. That was published at the beginning of this month or the end of last month.

Chair: So you would expect a response from the Home Office by when?

Charlie Taylor: What we expect more than anything, Chair, is that, when we return to the site, it will have acted on the risks that we flagged up.

Chair: But they will not know—no one will know—when that will be?

Charlie Taylor: No.

Chair: Quite right. For our final question, I turn to Baroness Ludford.

Q23 **Baroness Ludford:** I am a Liberal Democrat Member of the House of Lords. Thank you very much, Mr Taylor, for your very interesting testimony.

In your role, you have conducted several inspections of both immigration removal centres and short-term holding facilities in the UK. To what extent, if any, is there a widespread problem with the conditions of detention for asylum seekers? If there is a widespread problem, in what ways can this be addressed? I add that I was struck by your answer to Lord Singh that there was no sense of a single oversight and accountability in the short-term holding facilities that you visited in Kent. I wonder whether you could include that theme in your response.

Charlie Taylor: Yes, certainly. That is a concern that we have raised particularly about short-term holding facilities in the past as well. We previously did two very critical inspections of Western Jet Foil where we found that the facility's treatment and conditions were woefully inadequate. At this last inspection, which also included the work we did at Manston, we found that things at Western Jet Foil had improved substantially. Again, there is a long way to go but things were better than they had been.

What we find generally across the immigration removal estate is that treatment and conditions are reasonably good. Most of the time, the detainees are kept in reasonable conditions with staff who look after them fairly well. Our concerns are particularly about the time it takes to process cases. This is where we get more concerned because there are a lot of people who are held not only in immigration removal centres but also in prison beyond the tariff of their sentence because the Home Office has not processed their claims for long enough. When you talk to detainees or prisoners in our prisons, what they often say is that the uncertainty is the thing that they find most difficult and most stressful. That is particularly where these people may already have been victims of torture and may have had an incredibly stressful and difficult time anyway; it is the uncertainty that particularly feeds into that in these sorts of cases.

As we came off the back of Covid at Harmondsworth and Colnbrook—both at Heathrow—and a bit less so at Brook House, which we did a bit later on at Gatwick, what we found was that it was those delays in engagement from Home Office staff, even the inability to make contact with people from the Home Office, that was the cause of the biggest levels of frustration. We had a number of other criticisms about things like the level of activity that was on offer and whether that was appropriate, as well as some of the conditions that detainees are held in. Many of them were very low-risk people, to use prison terminology, who were in conditions that are incredibly prison-like: people were being

locked up in their cells at night and people were being locked on to the wing at times during the day. We have concerns about that.

In terms of the general treatment and conditions and the relationships between staff, they are, I would say, reasonably good, with the number of caveats that we have made.

Baroness Ludford: Can you address that point on the sense of oversight and accountability? I was very struck by it; it seemed to me elementary that there should be co-ordination. I cannot remember whether it was one or more of the facilities that you inspected in July where you had the Home Office, Border Force—the other escapes me.

Charlie Taylor: Mitie, the contractor.

Baroness Ludford: Yes, Mitie. I think that there was another official agency, then Mitie had subcontracted, presumably to another commercial firm. It seems quite shocking to me that there were people dealing with children who had not yet had their DBS check result, and that there was no overview. You made the analogy of a school, where you would have an overview of who had been DBS-checked and the records. That seems absolutely basic and fundamental. If the Home Office is incapable of providing that oversight and accountability, is that something that is unique to the scenario in these so-called short-term facilities in Kent? Does it happen elsewhere in the immigration detention facilities you have inspected?

Charlie Taylor: It is certainly less of an issue. There are issues in immigration removal centres in the interface between Home Office staff and the staff who are running the centre, but it is less of an issue. It is less chaotic than we see at times in short-term holding facilities. When they walk into a site, my inspectors ought to be able to see a single record of DBS training. They ought to be able to know which staff have been trained in custody management; those things ought to be available easily to hand. Instead, what we have to do is go to the different agencies and talk to the different parties involved to get those bits of information from them.

It is similar with use of force where, again, we would like to see some clear governance of the use of force. Thankfully, use of force seems to be low but that does not mean that there is not the risk that some very serious issue could happen. If the governance is not there, that gives us and the committee no assurance that use of force is being done in a proportionate way.

Chair: Thank you. That concludes our questions. I thank you very much for coming along this afternoon. We hope that, in subsequent unannounced visits, you see improvements in conditions there as a result of your reports, and we hope that the Home Office acts on them. I extend my thanks to all the previous witnesses and formally close this meeting.