

**Believe in
children**



Barnardo's

Cedars: two years on

April 2014



Introduction

Barnardo's decision to provide welfare and social work services in Cedars goes right back to our core purpose – to support the most vulnerable children in the UK. We are in no doubt that these children are some of the most vulnerable. The very nature of Cedars as a last resort means that families who stay there often have complex and challenging needs.

The first family entered Cedars in September 2011. In the third year of its operation and at the point at which the Government has put this type of accommodation on the statute books, Barnardo's is putting on record where we think things are working well, and where we still have significant broader concerns. This is informed by our expert knowledge of working within the Family Returns Process and the experiences of the families and children we have been supporting.

The Immigration Act 2014, when passed¹, will place core elements of the Family Returns Process in statute. Barnardo's welcomes this endorsement by Parliament of the fundamental shift that has taken place in the treatment of children and their families in the immigration process. It cannot be underestimated how much progress has been made in the last few years.

But in our fight to protect some of the most vulnerable children in the UK it is our responsibility to improve both the Family Returns Process and the wider asylum and immigration system. Barnardo's will continue to advocate for improvements so that children are treated as children and their safeguarding and welfare needs are met.

Barnardo's is calling on the government to implement the following recommendations:

Recommendation 1: Arresting officers should only wear personal protective clothing where risk assessments indicate that this is necessary to protect themselves or others.² Where possible, officers should not wear uniform, and should transport families in unmarked vehicles.

Recommendation 2: The Home Office should put in place a specialist escort team specifically for family returns. This team should include in-country and overseas escorts; and be fully trained in safeguarding and working with children and families.

Recommendation 3: Physical intervention should not be used with children or pregnant women except to prevent harm to self or others. The Home Office should develop a behaviour management policy where the emphasis is on techniques that minimise the likelihood of using physical intervention, and use it only as a last resort. The policy must address the definitions and continuum of physical intervention, and be underpinned by shared training to promote consistency of practice. The behaviour management policy should be issued for public consultation.

Recommendation 4: Children should never be separated from their parent or parents for the purposes of immigration control. Children should only be separated from their parent or parents if there is a safeguarding or welfare concern.

Recommendation 5: Any potential family split should be included as part of the return plan or contingency, authorised by the Minister and scrutinised by the Independent Family Returns Panel. There should be clear plans in place for reunification, and any split should take place for the shortest possible time. Family splits should be clearly documented and the outcome reviewed by all agencies as part of 'lessons learned' meetings.

Background

In December 2010 the coalition government announced that the family unit at Yarl's Wood Immigration Removal Centre would close with immediate effect. Plans were set out for a new approach to returning families who have no right to remain in the UK and have refused to leave voluntarily.³ This was part of the commitment in the Coalition Agreement to end the detention of children for immigration purposes.⁴

The Family Returns Process has been introduced for family cases once their asylum claim has been refused and appeal rights exhausted. It includes a family returns conference to explain options for voluntary return and opportunities to apply for assisted voluntary return (AVR) schemes. If a family does not make arrangements to return voluntarily, then the Home Office makes arrangements for a 'required return'. Families are given at least two weeks' notice of their departure date (their removal directions) and are expected to self-check-in at the airport.

'Ensured return' is the last resort if these options fail. The Independent Family Returns Panel (IFRP) considers the information presented in a Family Welfare Form⁵. The Panel advises the Home Office on the proposed return plan, taking the welfare and safeguarding of the child into account, in line with the Home Office's obligations under section 55 of the Borders, Citizenship and Immigration Act 2009. Pre-departure accommodation is a last resort at this stage, where assisted and required options have been exhausted and other ensured options have been unsuccessful or are deemed to be inappropriate.⁶ The pre-departure accommodation is called Cedars⁷, and is located in Pease Pottage near Gatwick airport. The IFRP was established in March 2011, Cedars opened in August 2011 and the first family entered Cedars in September 2011.

Last resort and for the shortest possible time

Barnardo's believes that significant improvements have been made to reduce the numbers of children held with their families. Children were held in immigration removal centres such as Yarl's Wood for indefinite periods – days, weeks, months at a time prior to removal after the refusal of an asylum application, or for other immigration reasons. Now, accommodation at Cedars is a last resort, at the end of the immigration process, when other options for voluntary return have failed. It is for a limited time period of 72 hours, or with Ministerial authorisation for a maximum of one week.

In 2009 (the year prior to the government announcement of the new Family Returns Process and the closure of Yarl's Wood) 1,120 children were held in immigration detention, and around two-thirds of those at Yarl's Wood.⁸ Fifty eight families with 120 children stayed in Cedars in its first year, reducing to 50 families with 90 children in the second year.⁹

International standards require the UK to use immigration detention for children as a last resort and for the shortest possible time¹⁰; Barnardo's believes that the Government must be held to that commitment. Barnardo's welcomes that the time limits for pre-departure accommodation are being placed in statute.¹¹ In the first two years of operation, approximately 80 per cent of families spent less than 72 hours at Cedars.¹² In practice the time limits have worked well, and the time families spend in Cedars is carefully planned in advance based on the needs of the family and logistical arrangements such as the availability of flights. Barnardo's spoke out when, on one occasion early in Cedars operation, a family stayed between two and 27 minutes longer than the one week maximum. The Home Office updated their procedures so that this could not happen again.¹³

Barnardo's role

In March 2011 Barnardo's agreed to provide family support, social work and welfare services within the pre-departure accommodation. In July 2011 we established 'red lines'¹⁴ which clearly outline the conditional terms of Barnardo's involvement. Barnardo's experience and expertise in delivering high-quality children's services¹⁵ enables us to help children and families when they are most in need at this highly stressful time. Our role is clearly defined and Barnardo's is not involved in the operational aspects of the accommodation, including security and transport overseas.

Safeguarding

Barnardo's is a safeguarding organisation and we have overarching delegated responsibility for safeguarding within Cedars. Barnardo's employs experienced people with a range of professional qualifications including social work, teaching, youth and community work and nursery nursing. All staff at Cedars receive a detailed induction and training in safeguarding with annual refresher courses and workshops. All Cedars staff have also had the opportunity to be trained to understand child sexual exploitation and trafficking. We're supporting some members of G4S staff to undertake diploma in childcare and education; this is also being completed by a few of our own staff who have experience but not a formal professional qualification. Other training has included cultural competency, equality and diversity, working positively with families and brief solution therapy (a technique focused on looking for positive outcomes and how to work at the individual's pace, especially within short timescales). All agencies have had development time together and work around a set of values of putting the child and family at the centre and meeting their needs while they're there.

Cedars has a memorandum of understanding with West Sussex Children's Services, police, health and the Local Safeguarding Children Board (LSCB). We established an independent safeguarding group which meets quarterly and is chaired by a West Sussex Children Services Principal

Manager who is also a member of the LSCB. Membership of group includes the Home Office, G4S, Barnardo's, Tascor, health, child protection and the police. In addition to informal discussions with local authorities for advice or information, Barnardo's has made over 20 safeguarding referrals.

Advice from the start

We have made a practical difference by being in Cedars from the start. Our advice on the look and feel of the accommodation, ethos and training of all staff working in Cedars, and our continued strive for improvements make a positive impact on the experience of families.

Barnardo's staff advised on the layout and conversion of the building, including the apartments for families, communal areas and catering facilities. We challenged the Home Office on security elements, and often asked why things needed to be done in a certain way, offering alternative solutions to achieve dynamic security while still giving families as much free movement and choice around the centre as possible. We chose the paint colours to create a calm environment, and all of the furniture and equipment. Child-friendly and tasteful murals have been painted around the centre, mainly in the corridors and communal areas. This has made essential elements of security in the departure area - similar to that seen in airports - much less stark and intimidating; even the archway scanner has been painted with a mural. And children's artwork is displayed around the centre.

Each apartment is specially prepared for the family that is due to arrive; age appropriate toys and books are placed in the apartment, and the artwork and bed linen changed in the bedrooms to cater for the age and gender of the child. Each apartment has a kitchen, lounge area, bathroom and up to three bedrooms. Families may cook in their apartments or eat in the communal areas. Welcome packs are provided in each apartment to give families information about their stay and the facilities; and these are available in 16 languages.

Barnardo's offer off-site activities to families, and so far this has included a visit to a park and nature centre and to the hairdressers. Often families decline the offer, as there are many activities within Cedars and because there is a short period of time to prepare for return. Based on a Home Office assessment of risk of absconding, some families may not be offered the opportunity of an off-site activity.

There are large indoor and outdoor play areas with toys, games and play equipment suitable for toddlers and older children. A sensory garden has been created by staff, where residents can help with the growing of vegetables and plants; parents have commented about how calming this area feels. A sensory room is available for all residents, but is particularly suitable for children with disabilities. There is a library with a wide range of DVDs, books, audio books and music. These materials are available in other languages as well as English. Notice boards around the centre are changed regularly with various themes and many of them include activities for children to take part in. There are also computers with some access to the internet, exercise facilities, and pastoral support, prayer room and multi-faith facilities.

Barnardo's approach

*'Cedars appears to be effective in helping families to prepare for their return, both practically and emotionally: parents have reported to staff that they felt a positive benefit from their stay there ... safeguarding and welfare of families while at Cedars is very good ... the whole ethos of Cedars is child-centred and decision-making is focussed on the needs of the child and his or her best interests.'*¹⁶

Barnardo's decision to provide welfare and social work services in Cedars goes right back to our core purpose – to support the most vulnerable children in the UK. We are in no doubt that these children are some of the most vulnerable.

Each child has his or her own individual needs, but there are common themes of vulnerability. Most children have not been prepared for the possibility of return to another country, and are dealing with shock and a sense of loss for their current life, as well as trying to understand what life will be like for them in a different country. They may not remember the country to which they are returning, and for those who have been born in the UK, they may never have seen their parents' country of origin. Parents are often anxious as well, and may not be able to provide positive parental engagement with their children because of the situation they are in; some may be receiving emotional support from their children. We have also come across specific issues such as child sexual exploitation, trafficking, reunification of children with a parent who has been in prison, and dealing with the temporary separation of parents and children.

At the start of the family's stay at Cedars, the children had interacted well with staff and appeared to enjoy their time doing activities and playing. However, staff witnessed the children becoming concerned about their stay at Cedars. They said that they were confused, did not understand why they

were missing school and wanted to know what was happening to them. Staff spoke to the children's mother about this, she explained that she did not want the children to be upset by the news that they would be returning to their country of origin.

Staff supported the mother and the children through separate activities at the same time. One member of staff sat with the mother and explained to her the benefits of giving her children the opportunity to come to terms with their return before the departure date. Another member of staff sat with the children to do drawings to express how they were feeling. After approximately an hour, both groups returned to the lounge in the family's apartment at Cedars and the children were given the opportunity to explain how they were feeling to their mother. They said that they were confused, and that they were worried about their mother because she was so upset. Staff supported the mother so that she could explain the situation to the children in a calm, safe and reassuring manner.

The Family Welfare Form¹⁷ contained information regarding previous indicators of child sexual exploitation and the local authority's assessment. Barnardo's submitted questions to the Home Office for more detailed information from the local authority; and it appeared from that information that the local authority did not think there was any further risk of sexual exploitation. On engaging with the 15-year-old girl in Cedars, Barnardo's staff observed new safeguarding concerns and that there were still significant risk factors, including her having a significantly older boyfriend. Based on our expertise in

tackling child sexual exploitation, we were concerned that she may still be at risk of exploitation and/or trafficking without further assessment and support prior to any return. The return plan was halted, the girl and her mother were taken to their accommodation in the UK, and a referral was made to the local authority who carried out a safeguarding assessment.

*The HMIP report stated that Cedars was 'an exceptional facility' 'designed around the needs of children and families'. 'Children were well occupied and said they enjoyed the care and stimulation they received at the centre; the level of care provided by the enthusiastic staff group was exceptional.' 'Parents said that if they were to be removed forcibly, they would rather be held in Cedars for a short time, both to provide time for applications for judicial review, and to help them settle and prepare their children'. 'Barnardo's staff played an important role in the centre and their involvement was a major factor in securing the safety and wellbeing of children while they were held.' 'It is to the considerable credit of staff at Cedars that children held in these circumstances were, in general, happily occupied, and that parents were able to concentrate on communication with solicitors, family and friends. This inspection found conditions and treatment that exceed by some distance what families have previously experienced before removal.'*¹⁸

Barnardo's work helps families come to terms with what is happening and prepare for their return. We provide a package of support tailored to the family to meet both their basic needs and address their emotional well-being.

We provide clothing if families need it, especially that which is appropriate to the climate to which they are returning. We have also purchased other essential items,

for example a double buggy for a family with two young children. Every family is provided with their own tailored country information pack. This includes information about the airport, local hotels if needed on arrival, education provision, support organisations, taxi and transport information, and the current weather and currency information. One of the conditions of our grant agreement with the Home Office was that a hardship fund was established so that no family was left destitute.¹⁹

Support work at Cedars is extremely flexible and adaptable. Cultural, participatory and therapeutic activities are designed for each child, and this includes options for activities that are child-led. Play, role-play and therapeutic activities allow staff to engage with children in a way that allows them to feel safe and comfortable enough to have meaningful conversations. Examples of cultural activities include Positive images, craft activities, question and answer session and Packing a suitcase. Positive images allows children to see pictures of their country of return and explore themes around their culture such as people, cuisine, clothing and traditions. Solution-focused sessions have been used for children to ask staff about the country of return. Staff may have specialist knowledge, expertise or language skills, or may help children find out answers and allay their fears. Packing a suitcase allows children to explore the idea of travel and journeys whilst opening up a conversation with staff about their hopes and fears.

Barnardo's has developed a set of outcomes for our work with children and families in Cedars. Even within such a limited period of time to work with them, it is important to be clear what can be achieved in the short and medium term. We think of the family's journey in five defined stages: pre-arrival, reception, residency, departure and post-departure; and about what we can do to anticipate and plan for their needs, reduce anxiety, and provide appropriate care, support and preparation.

The family comprised a mother, father and four children aged seven and above. The family welfare form, which provides information about families before arrival, suggested that the family were a high absconding risk and that they may present negative behaviours and cause disruption to their removal.

On arrival the family were extremely distressed, the children were concerned about their father who appeared to have fainted in the coach on the way to Cedars. The father was monitored by medical professionals, and he rejoined his family in their apartment after medical examination. The children were very shy, but spoke of their reluctance to return to their country of origin. The mother was initially reluctant to engage at all.

Over the course of the next few days the family began to form positive relationships with Barnardo's staff, the children enjoyed engaging in leisure and educational activities. Both parents also took part in leisure activities with staff. As the day of departure approached, Barnardo's staff worked with the family to help them with arrangements in their country of origin. The mother contacted her parents and they arranged to collect them from the airport, and we sourced further support from a non-governmental organisation for the family in the country of origin. All the children wrote letters to their friends in the UK to say goodbye. At the time of departure the children had prepared for the return, they had dressed in their best clothes, they were looking forward to seeing their family and told us that the first thing they would do when they arrived would be to go to the beach. The family had been provided with a care and welfare package that allowed them to come to terms with their departure and prepare

for it both emotionally and logistically. We received a thank you email from the family after their departure.

*'The two families who had spent time at Cedars commented that this had helped them at least to begin to prepare. In particular, they reported that it had helped their children through the work of Barnardo's at Cedars.'*²⁰

Concerns and recommendations

Barnardo's involvement in Cedars came about because of our belief that children should be treated as children, whatever their circumstances, and our desire to influence the UK asylum system so that, wherever children are affected by it, they are treated as such. Barnardo's involvement has given us a unique opportunity to influence the government as we work with them to propose and implement practical and pragmatic solutions to complex situations. As a voluntary sector partner with a child-focused approach we are able to add real value to practice, and to policy.

Despite significant progress, there are four areas where there are still improvements that can be made to better protect children and their families. We believe our recommendations will put children and families' welfare at the heart while still achieving the government objective of immigration control. These areas are:

1. improving the arrest and escorting arrangements for transporting families to Cedars, or to the airport, and then overseas;
2. providing clarity and consistency around managing non-compliant behaviour
3. ensuring children are only separated from their parents when there are safeguarding or welfare concerns
4. challenging the numbers of families for whom Cedars is not the end of the process, and who potentially face re-arrest, transport and return at a later date

1. Arrest and escorting arrangements

If a family is subject to 'ensured return' they will be arrested by a team of Home Office staff, served with removal directions and taken to a police station or Home Office building. The Home Office presently subcontracts Tascor²¹ to escort families from this point to Cedars or directly to the airport (in-country escorts), and to travel with the family to the country of return (overseas escorts). These transitions are points when children and families can become

more distressed as their care is transferred between different teams of people, and as their proximity to return becomes closer.

The arrest team and the Tascor teams have the family's return plan in advance. Potential amendments to the plan based on possible scenarios are also planned for, but any deviation should be based on a dynamic assessment of the situation. All staff should be briefed about the composition, needs and disposition of the family, and this should be updated at each stage in the process.

Arrest

At the earliest stages of our input into Cedars and the new Family Returns Process, Barnardo's advised on how the arrest process could be conducted to minimise distress for children. We advised that officers should only wear personal protective equipment where risk assessment showed this would be necessary and even then this should be as discreet as possible, because uniforms and personal protective equipment can be very intimidating to children. The number of officers should be proportionate to the number of members of the family and to any additional needs that there may be, for example interpretation. Transport should be in an unmarked and unobtrusive vehicle.

Families should have time to dress, pack and in particular gather any medication, documents and personal items that they need. One family who were to be returned the same day (Cedars was a contingency plan) turned up in their pyjamas, and our staff provided them with clothes to wear for their journey and further items suitable for the climate in their country of return.

We are concerned that enforcement guidelines specify that officers should wear full personal protective equipment with body armour provided for any observers; any exceptions should be risk assessed and authorised by a Director.²² We have heard from families examples of where uniforms and protective personal clothing have been worn by officers and that this has caused distress.

Barnardo's **recommends** that arresting officers should only wear personal protective clothing where risk assessments indicate that this is necessary to protect themselves or others.²³ Where possible, officers should not wear uniform, and should transport families in unmarked vehicles.

Escorting

Anxiety for families can be minimised with careful planning and preparation for the needs of each family, team members who understand and carry out their role with respect, and who are trained to spot and deal quickly and effectively with safeguarding and welfare needs. Minimising anxiety and distress at this stage can help both the families and escorts to maintain a calm approach, and reduce the likelihood of non-compliant behaviour from families.

During a particularly difficult departure, the staff from Tascor came and spoke with Barnardo's staff and a handover took place where the child's likes and dislikes were explained. Each member of Tascor staff allocated to a child then spent time playing with the child and their Barnardo's key worker. This allowed the child to get to know their allocated escort and start to form a relationship with them. A child who was particularly reluctant to leave the building was encouraged to do so by playing a game with the member of the escort team. This good practice minimised the distress that a difficult removal may have had on the child.

Despite good intentions, basic expectations are not always met, let alone the good practice highlighted above. Periods of waiting and delay can quickly heighten anxiety levels, particularly if it is unexplained. Preparation, good and timely communication and respect can mitigate this. Small things can have a cumulative effect on the amount of time taken, and on the demeanour of the family. We have seen repeat examples of escorts not

turning up on time to collect a family. This has happened for each of the last five families taken to the airport from Cedars with delays ranging from 15 minutes to two hours. Other delays have occurred due to not having the right equipment (for example bringing and fitting the correct car seat for the child), and not having fully read the details about the family so that they can give the right support, tailored to the family's needs.

All families staying at Cedars who are returning to a malaria endemic country have mosquito nets packed in their luggage on departure by healthcare staff. On one occasion this did not happen, and the escorts waited with the family in the coach at a service station for mosquito nets to be brought from Cedars. This was in addition to the delay caused by the escorts turning up late to collect the family. Longer than necessary trips to the airport and continued delays cause distress to the family. Waiting for malaria nets to be delivered was a poor solution to the problem when there were potentially other options to get malaria nets for the family once they reached the airport. To prevent this happening again, the medics in the escort teams now carry spare malaria nets in their kit.

These types of issue should be easily preventable, but we feel that more significant change is needed to make sure escort staff have the skills and expertise to deal with children and families appropriately.

At an operational level, Barnardo's staff in Cedars speak to the team leader in charge of collecting the family before the Tascor team's arrival to provide up to date information about the family, and offer advice on how to minimise distress and anxiety, tailored to that family.

Barnardo's **recommends** that the Home Office put in place a specialist escort team

specifically for family returns. This team should include in-country and overseas escorts; and be fully trained in safeguarding and working with children and families.

This is not about renaming existing workers. This is about the recruitment and selection of people with the skills and inclination to work with children and families, who will be provided with comprehensive tailored training on safeguarding and family engagement. We believe that this will make a significant difference to consistency of approach, and to the experience of families. It will allow escorts to build on their training as they will be applying it on a regular basis, working solely with families. These escorts should be used for all ensured returns, including same day returns where a family is not accommodated in Cedars.

2. Managing non-compliant behaviour

We recognise that managing the behaviour of families can be challenging, particularly if there are instances of violence or physical resistance in an attempt to stop the return from happening. However, any physical intervention must be appropriate to the risk posed, used by staff who are trained in line with a clear and up to date policy, and be a last resort as part of a broader behaviour management strategy.

Definitions and policies on physical intervention

One element that contributes to the difficulty in managing non-compliant behaviour is that although there are Home Office guidelines backed up by training, different agencies have different understandings and interpretation. This is not helped by the term ‘use of force’, which is used to describe every instance where physical contact is made and covers guiding or shepherding someone by the arm through to holds. These are very different interventions across a wide spectrum, and should be recognised by all agencies as such. Because of this continuum, there does not always appear to be consistency within or across agencies about

the interpretation of what physical intervention should be used, when, and how to avoid it. The Home Office should develop a behaviour management policy where the emphasis is on techniques that minimise the likelihood of using physical intervention, as physical intervention should be a last resort. The policy must address the definitions and spectrum of physical intervention, and be underpinned by regular shared training to promote consistency of interpretation. The behaviour management policy should be issued for public consultation.

Where adults in the family are compliant, physical contact should not be used at all to avoid inflaming otherwise calm situations. In one recent case, a father was calm when walking the short distance from Cedars to the coach within a secure area; however the escort placed a hand on his shoulder to guide him. This action caused the father significant distress and his behaviour became non-compliant. This situation was preventable, because it had been observed in Cedars that the father did not like any physical contact at all. It was also disproportionate to any risk of absconding. It demonstrates how even ‘light touch’ physical interventions can be inappropriate when not considered in the wider context of behaviour management and dynamic risk assessment. Physical intervention of any kind should be a last not a first resort.

Red lines

One of Barnardo’s red lines is that we would speak out if force used to or en route from Cedars was disproportionate to the family circumstances. Whilst ‘use of force’ on adults may authorised to manage their behaviours and compliance, it has only been used in a small proportion of cases.²⁴

In April 2012 we issued a statement²⁵ in respect of disproportionate use of force on an adult en route from Cedars. The individual in

question also complained to the Home Office and the Professional Standards Unit upheld the complaint. The Home Office took the action required following the investigation.

We have since expressed our concerns to the Home Office about the force used with two further adults in separate families prior to their arrival at Cedars. Both cases have been the subject of Professional Standards Unit investigations. In one, the investigation has concluded that staff operated within the policy and that their interventions were appropriate. However recommendations were made to promote better practice, and lessons need to be learnt. Barnardo's is still awaiting the outcome from one further Professional Standards Unit investigation.

Children and pregnant women

When Cedars was first opened, government policy was that in exceptional circumstances where there was evidence of previous violent behaviour, Ministerial authorisation could be sought to use physical intervention on children. In February 2013 the government reinstated a previous policy that force must not be used against pregnant women or children except to prevent harm.

We welcome the reinstatement of that policy. Barnardo's believes that physical intervention should not be used with children or pregnant women except to prevent harm to self or others. The Home Office should formally include this as part of a revised behaviour management policy.

Recommendation 3: Physical intervention should not be used with children or pregnant women except to prevent harm to self or others. The Home Office should develop a behaviour management policy where the emphasis is on techniques that minimise the likelihood of using physical intervention, and use it only as a last resort. The policy must address the definitions and continuum of physical intervention, and be underpinned by shared training to promote consistency of practice. The behaviour management policy should be issued for public consultation.

3. Family splits

Barnardo's considers family splits to occur in circumstances in which one, or both, of the parents have been separated from their children for any period from a few minutes to a few days. In the first two years of Cedars operation a family split has occurred in just under one sixth of cases. Family splits were more frequent in two parent families. In most cases the separation occurred because of the disruptive behaviour of one or more of the adults; however in some cases the separation was justified for safeguarding or health reasons. It is rare for a family split to take place within Cedars, most happen prior to arrival or at the airport.

Current Home Office guidance lists potential scenarios for a family separation as:²⁶

- 'Detention of one parent only, where the rest of the family remain in the community and the return of the whole family is being pursued
- Head of household return, with intention that family members will be returned within a reasonable timescale to be reunited in country of return
- Separation of one parent from rest of family for arrest and transportation where the return of the whole family at the same time is being pursued
- Reactive temporary separations
- Exceptional temporary separations within pre-departure accommodation to minimise disruption and safely manage the family's return; to safeguard children by preventing them from witnessing disruptive behaviour; Or in response to medical emergencies (where a decision to continue to pursue return is made)
- Where the family remain in pre-departure accommodation, but one adult is separated from the family and managed in a conventional removal centre until their return which may be on a separate flight to be re-united with their family in their own country.'

In some cases the separation is an appropriate response to a safeguarding concern, health issue or in the best interests of the child for example to shield them from witnessing violence. During the first two years of operation separation has been used appropriately in cases where for example: a father threatened escorts with a knife; a father was physically violent towards the mother and she felt unsafe; a father was violent towards himself and property; and in circumstances where adults in the family have had health concerns and needed treatment.

However, as can be seen from the list above, family splits are often a plan or contingency in response to actual or potentially non-compliant behaviour. As a child welfare organisation this concerns us, as we do not think a family split should be used for the purposes of effecting immigration enforcement.

In one complex case, a mother was arrested by police and taken into custody for an offence against property; her children were placed in the care of the local authority. It was subsequently established that she was subject to immigration enforcement, and the mother was served with removal directions and held in an immigration removal centre pending reunification with her children prior to leaving the UK. This breached Home Office policy as it is clear that the Home Office should not take single parents into immigration detention if it results in the children being taken into care.²⁷ Barnardo's is extremely concerned about this separation of the children from their mother, and the breach of Home Office policy. We recognise that this was a very complex case and have participated in a Home Office led 'lessons learned' process to assist with identifying learning points; we are now working with all agencies to take these actions forward.

Barnardo's **recommends** that children should never be separated from their parent or parents for the purposes of immigration control. Children should only be separated from their parent or parents if there is a safeguarding or welfare concern. A new behaviour management policy should prioritise de-escalation techniques that do not involve separating a child from their parents for enforcement reasons.

Currently most family separations are authorised by an assistant director in the Home Office, and are usually overseen by the Independent Family Returns Panel. There is guidance in place that emphasises that splits should be used for the shortest possible time, the family informed about the separation and plans for reunification.²⁸ We have seen examples where one of the parents is separated from their children for a number of days, often being returned on different flights. This not only means that there is a significant period of time apart from the children, but reunification is potentially more difficult to ensure overseas. Barnardo's believes that if the government continues to use family splits as a means of immigration enforcement, these should be authorised at a more senior level to ensure compliance with existing guidance.

Barnardo's recommends that any potential family split should be included as part of the return plan or contingency, authorised by the Minister and scrutinised by the Independent Family Returns Panel. There should be clear plans in place for reunification, and any split should take place for the shortest possible time. Family splits should be clearly documented and the outcome reviewed by all agencies as part of 'lessons learned' meetings.

4. Not the end of the process

One area that continues to concern us is the significant number of families for whom, in practice, Cedars is not the last stage in their return. In some cases families have been released due to a safeguarding concern or a health reason, and assessment and treatment in the UK should obviously take precedence.

Concerns and recommendations

In other cases this is because of a further legal challenge. Barnardo's role in Cedars is not to comment on the legitimacy of the Home Office's decision making process, or on the specific legal advice families may have received. However, when a return is to happen, particularly where it involves a stay at Cedars; this should be a true last resort.

The Home Office has recently brought in the dedicated roles of Family Engagement Managers to work with families throughout the returns process. We are hopeful that by having staff who work solely with children and families, they will provide skilled support to help families to understand the process and enable them to take informed decisions. In turn this may lead to greater take up of voluntary returns and to families submitting any further judicial review or legal challenge prior to enforcement action.

In other circumstances, disruption by family members leads to the return failing and families being released. In many cases, the family is re-arrested a few days or weeks later and returned – sometimes through Cedars, but often with a same day return. We believe that the process of re-arrest, transport and return, whether or not this includes a stay in Cedars, is not in the best interests of children.

If a family is released from Cedars, Barnardo's offers to transport the family back to their community; in most cases this offer is accepted. Families are accompanied by at least two members of Barnardo's staff to their UK accommodation. We drive families back in an unmarked vehicle, and families can request a stop whenever they wish. At a minimum comfort breaks are made regularly with stops for meal times, and food and drink is provided during the journey. On route children can watch DVD's, sleep or play games.

On arrival at the property, Barnardo's staff inspect the accommodation to confirm that there is running water,

heating and electricity. We also confirm that the property is secure and suitable. In some circumstances where this is not the case we have arranged for families to stay in a hotel whilst the Home Office arranges repairs or alternative accommodation. Barnardo's also takes the family shopping for food to guarantee that the children and their parents have enough to eat until they receive any asylum support payments.

In one extreme case, when one of our workers inspected a family's accommodation, we found it to be infested with cockroaches – they were throughout the property, particularly in the kitchen and even in the fridge. The Home Office acted quickly to provide the family with other accommodation and deal with the infestation. Barnardo's has broader concerns about the standards of accommodation for asylum seekers in respect of properties being free from damp, mould, infestation and in other ways being secure and suitable for families, and this is an area we will continue to investigate.

Conclusion

The Government has made significant and radical improvements in the way that children and families are treated within the asylum process. The days when more than a thousand children were held for indefinite periods in removal centres such as Yarl's Wood have now gone. However, there is still much work to do to improve the Families Returns Process and the wider asylum and immigration system. The recommendations in this report could make a significant difference to this vulnerable group. We ask the Government to ensure that it lives up to its moral responsibility to these children and implements these recommendations.

References

- 1 The Immigration Bill is currently in its final stages of its passage through Parliament, and is expected to receive Royal Assent in May 2014.
- 2 Barnardo's advised this in 2011 and we support a similar recommendation made by the IFRP in their annual report (recommendation 13) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257175/ifrp-report.pdf
- 3 Office of Deputy Prime Minister speeches, Child Detention Speech, 16 December 2010
- 4 HM Government, *The Coalition: our programme for government*, May 2010, p.21
- 5 The Family Welfare Form includes information on 'the composition of the family, their immigration history, a description of any medical conditions, an account of the children's development including school records where children are of school age, the family's disposition at key contact events (including any assessment of risk to themselves, each other or officers) and whether the family are legally represented. Finally, the return plan is presented including any significant contingencies and the return support to be offered the family upon their return'. (p.16 IFRP (2012) Annual Report, Independent Family Returns Panel 2011/2012) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257175/ifrp-report.pdf
- 6 Chapter 45, Enforcement Instructions and Guidance. In exceptional circumstances if a required return is not appropriate, pre-departure accommodation may be used. Cedars cannot be used for an individual who is serving a criminal sentence and leaving under the Early Removals Scheme; or who may present a risk to the public if they abscond, or a risk to staff or other residents of Cedars.
- 7 'Cedars' stands for the principles staff will work to – compassion, empathy, dignity, approachability, respect and support.
- 8 Home Office (2010) Control of Immigration: Statistics United Kingdom 2009 data tables, London: Home Office
- 9 Numbers of families from Barnardo's management data; numbers of children from Home Office official statistics published on a monthly basis: Children entering detention under Immigration Act powers. Year one of operation: September 2011 – August 2012 (120 children); Year two of operation: September 2012 – August 2013 (90 children). <https://www.gov.uk/government/statistical-data-sets/children-entering-detention-under-immigration-act-powers>
- 10 Article 37(b) United Nations Convention on the Rights of the Child (1989) 'No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time'.
- 11 The Immigration Bill is in its final Parliamentary stages and is expected to receive Royal Assent in May 2014. The clause *Pre-departure accommodation for families* amends s.147 Immigration and Asylum Act 1999 to insert the following definition: "pre-departure accommodation means a place used solely for the detention of children and their families for a period of (a) not more than 72 hours or (b) not more than seven days in cases where the longer period of detention is authorised by a Minister of the Crown (within the meaning of Ministers of the Crown Act 1975)"
- 12 Barnardo's management data
- 13 http://www.barnardos.org.uk/news/media_centre/Statement-on-use-of-pre-departure-accommodation/press_releases.htm?ref=75517&&year=2011&month=12&topic=1&pageno=1
- 14 http://www.barnardos.org.uk/news/media_centre/press_releases.htm?ref=70802
- 15 Barnardo's supports 200,000 children per year in over 900 services across the UK. Services include over 120 children's centres where we support families with a wide range of needs; early intervention; assessment and treatment services where there are safeguarding concerns, tackling child sexual exploitation and trafficking; support for unaccompanied asylum seeking children; and support for children in and leaving care including specialist fostering and adoption provision. Safeguarding, support and outcomes-led practice underpin our work. All Barnardo's services work within statutory guidelines, many working closely with Local Safeguarding Children Boards (LSCB) and statutory agencies; as well as being members of LSCBs and their sub groups. Barnardo's provides specialist child protection consultancy and training to statutory agencies, other voluntary organisations and the private sector.
- 16 IFRP (2012) Annual Report, Independent Family Returns Panel 2011/2012 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257175/ifrp-report.pdf
- 17 See footnote 5 above
- 18 HMIP (2012) Report on an announced inspection of Cedars Pre-Departure Accommodation 30 April – 25 May 2012 by Her Majesty's Chief Inspector of Prisons <http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmipris/immigration-removal-centre-inspections/cedars/cedars-2012.pdf>
- 19 This is a small amount of money, based on the family's circumstances, but is considerably lower than a family would receive if they returned voluntarily through the Assisted Voluntary Return scheme.
- 20 Home Office (2013) Evaluation of the new family returns process
- 21 Formerly Reliance
- 22 Chapter 45 Enforcement guidance and instructions; Families and children, section (a) general guidance, section 12.1. <https://www.gov.uk/government/publications/chapter-45-families-and-children>
- 23 Barnardo's supports a similar recommendation made by the IFRP in their annual report (recommendation 13) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257175/ifrp-report.pdf
- 24 Barnardo's management data for the first two years of operation suggest that this is around 10 per cent
- 25 http://www.barnardos.org.uk/news/media_centre/press_releases.htm?ref=78396
- 26 Chapter 45 Enforcement guidance and instructions; Families and children, section (b) family returns process operational guidance, section 8. <https://www.gov.uk/government/publications/chapter-45-families-and-children>
- 27 Ibid
- 28 Ibid

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