

# Cedars

Recommendations  
for a new government

Believe in  
children



Barnardo's

March 2015

# Introduction

On 2 March 2015, Channel 4 News broadcast footage<sup>1</sup> from several months of undercover filming in Yarl's Wood Immigration Removal Centre (IRC)<sup>2</sup>. This footage was shocking, exposing the contempt shown by staff towards the women held there and low standards of welfare and support. In the week that followed more undercover footage was broadcast<sup>3</sup> of Harmondsworth IRC<sup>4</sup>, and a cross party group of MPs published a set of recommendations for 'a radical shift in current thinking' on immigration detention<sup>5</sup>.

This recent undercover footage of Yarl's Wood – which showed the appalling abuse of pregnant and vulnerable women – has given us a shocking glimpse of the world that children so recently inhabited prior to the Family Returns Process. Children being returned with their families have not been admitted to adult immigration removal centres like Yarl's Wood for five years now, since the Coalition changed the family returns process<sup>6</sup>. Barnardo's warns that we cannot return to the practices of children and families being held in these kinds of appalling conditions.

The UK has proved that we can be innovative, challenge and change culture and working practices, and redesign a process that does not prevent immigration control, but most importantly also keeps children safe and meets their welfare needs. Culture change has been the key. It is never easy and requires all involved to commit to shared values and principles, and have an openness to do things differently and try new approaches.

Barnardo's involvement in the establishment of the Family Returns Process, and the decision to provide welfare and social work services in Cedars pre-departure accommodation, was not without controversy. We took that decision, and remain in Cedars, because supporting the most vulnerable children goes back to our core purpose as a charity; and there is no doubt that these children are truly vulnerable.

Last year we put on record where we thought things were working well, and where we had concerns<sup>7</sup>, based on our unique knowledge of working within the Family Returns Process, and the experiences of the families and children we have been supporting. As a voluntary sector partner with a child-focused approach we are able to add real value to both practice and policy. There is no profit motive in what we deliver, or in what we propose in our recommendations to the next government.

We made recommendations to the government in four key areas: arrest, escorting arrangements, use of force and the separation of children from their parents. This new report updates on those recommendations and puts on record other areas of concern in respect of pregnant women, and support for families in the UK and post-return.

Keeping children safe in these most difficult of circumstances is challenging and risky, and whilst we must continue to push for improvements, we must not forget the significant progress that has been made. In the run up to the General Election, Barnardo's is sending a strong message to politicians across all parties that gains in welfare and social care provision that have been made for children and families in the immigration system must not be lost.

# Summary of recommendations

## Recommendation 1:

Barnardo's is sending a strong message to politicians across all parties that gains in welfare and social care provision that have been made for children and families in the immigration system must not be lost post-election. That is not to say that any system is perfect, but it is a radical contrast to the shocking and appalling conditions exposed in adult immigration removal centres, and must be built on as an example of good practice.

## Recommendation 2:

Arrest is a point of significant stress for children and families, whether they are returned via Cedars or a same-day return. The Home Office must implement practical solutions so that officers understand the potential impact of arrest on children and change their behaviour and engagement accordingly. There should be a reversal of the presumption that personal protective equipment (PPE) should be worn unless a risk assessment indicates otherwise, so that it is not worn unless a risk assessment deems it necessary.

## 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

Every step should be taken to ensure that pregnant women are not detained for immigration purposes. Barnardo's is calling on the Government to review the detention of pregnant women, including the adequacy and availability of ante-natal healthcare both within the immigration detention estate and in respect of medics who accompany families on flights (overseas escorts).

## Recommendation 6:

Housing for families seeking asylum should not fall below the standards of other publicly provided accommodation. The Home Office should work with housing contractors to ensure that all housing for families seeking asylum is fit for purpose.

## Recommendation 7

All families should be given a minimum package of support that ensures a safe return, regardless of whether they have taken up the option of voluntary return. Families returning at the ensured return stage should be put into contact with local NGOs which can provide support.

# Context

## Conditions in adult immigration removal centres

On 2 March 2015, Channel 4 News broadcast footage<sup>8</sup> from several months of undercover filming in Yarl's Wood Immigration Removal Centre (IRC)<sup>9</sup>. This footage was shocking, exposing the contempt shown by staff towards the women held there. One was filmed saying 'They're animals. They're beasts. They're all animals. Caged animals. Take a stick with you and beat them up. Right?' The investigation also revealed poor standards of healthcare, treatment and support, particularly for women who have been trafficked, have mental health needs or are pregnant.

Two days later, Channel 4 News broadcast footage<sup>10</sup> secretly filmed by a detainee at Harmondsworth IRC<sup>11</sup>. Again treatment of the men held there was brought into question in respect of the attitudes of staff, healthcare and conditions. New efficiency measures will mean that detainees are kept in rooms for 12 hours a day. One Detention Custody Officer, referring to the centre, said 'It's just going to break. There's only so much people can take'.

Later that same week a cross-party group of MPs published the results of their nine-month inquiry into the use of immigration detention in the UK<sup>12</sup>. Whilst the panel all have differing views on immigration policy – as is to be expected across the political parties that they represent – their united views on the need for 'a very radical shift in current thinking' on immigration detention offers hope for the future. Their recommendations are based on evidence of the way immigration detention is used in the UK and the conditions within removal centres.

The Channel 4 News investigation, backed by the recent calls from a cross-party group of MPs, has rightly called into question the decisions on when and who to detain for immigration purposes, the safety and welfare of those held, and the standards and accountability of those who run these centres.

The two companies involved – Serco and Mitie – have started internal investigations. The government stated that 'The dignity and welfare of all those in our care is of the utmost importance – we will accept nothing but the highest standards from companies employed to manage the detention estate... A sense of fairness must always be at the heart of our immigration system – including for those we are removing from the UK.'

In February 2015 the government announced the terms of reference for a review into the welfare in detention of vulnerable persons<sup>13</sup>. This review will consider the appropriateness of current policies and systems including the safeguarding of adults and children, provision of welfare support and identification of vulnerability and taking appropriate action. The review should report within 6 months of its agreed start date, and Ministers will make a public response to any recommendations made. Barnardo's welcomes this review and a focus on those who are vulnerable. However we hope this will build on and learn from the policies and practice introduced in the Family Returns Process.

## Barnardo's call: gains in welfare and social care provision for children must not be lost

This recent undercover footage of Yarl's Wood – which showed pregnant and vulnerable women undergo poor healthcare and appalling abuse – has given us a shocking glimpse of the world that children so recently inhabited prior to the Family Returns Process. Children being returned with their families have not been admitted to adult removal centres like Yarl's Wood for five years now, since the Coalition changed the family returns process<sup>14</sup>. Barnardo's warns that we cannot return to the practices of children and families being held in these kinds of appalling conditions.

We should remember the change that can happen if we take a solutions-focused approach, involve experts and commit to doing things differently. The situation for children and families in the immigration system is vastly different today from pre-2010. The UK has proved that we can be innovative, challenge and change culture and working practices, and redesign a process that does not prevent immigration control, but most importantly also keeps children safe and meets their welfare needs.

This was recognised by the cross-party group of MPs who stated that they believe that the Family Returns Process 'shows that reform is possible within the UK context and indeed that this reform does not prevent immigration control'. They recommended that 'the Home Office actively seek to learn from this example and apply the lessons more widely to the use of detention of adults'<sup>15</sup>.

## Recommendation 1

Barnardo's is sending a strong message to politicians across all parties that gains in welfare and social care provision that have been made for children and families in the immigration system must not be lost post-election. That is not to say that any system is perfect, but it is a radical contrast to the shocking and appalling conditions exposed in adult immigration removal centres, and must be built on as an example of good practice.

## The Family Returns Process

The Family Returns Process was introduced in 2011 for any family who has no legal basis to remain in the UK. It includes a family returns conference to explain options for 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 Form. 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 the 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<sup>16</sup>. The pre-departure accommodation is called 'Cedars'<sup>17</sup> 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.

The Immigration Act 2014 enshrines elements of the Family Returns Process in statute:

- A minimum 28 day reflection period, for families with children under the age of 18, after any appeal against a refusal of leave has been completed before any return can be enforced
- A statutory duty on the Secretary of State to appoint and consult an Independent Family Returns Panel for advice on how best to safeguard and promote the welfare of children in respect of enforced returns
- To give a separate legal basis for pre-departure accommodation distinct from Immigration Removal Centres and short-term holding facilities
- The limits of a maximum of 72 hours, or a week with Ministerial authorisation, on holding families in pre-departure accommodation

## Barnardo's role and approach

Barnardo's involvement in the establishment of the Family Returns Process, and in deciding to provide welfare and social work services in Cedars pre-departure accommodation, was not without controversy. We took that decision, and remain in Cedars, because supporting the most vulnerable children goes back to our core purpose as a charity; and there is no doubt that these children are truly vulnerable.

Barnardo's experience and expertise in delivering high quality children's services<sup>18</sup> enables us to help children and families when they are most in need at this highly stressful time. In July 2011 we established 'red lines'<sup>19</sup> which clearly outline the conditional terms of our involvement. Our role within Cedars is restricted to providing family support, social work and welfare services<sup>20</sup>, and we are not involved in the operational aspects of the accommodation, including security and transport within the UK and overseas<sup>21</sup>.

Barnardo's approach is child-centred. We help 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.

Independent inspections illustrate the difference that has been made:

*Cedars is ‘an exceptional facility’ ‘designed around the needs of children and families’.*

*‘Barnardo’s staff played an important role in the centre and their involvement was a major factor in securing the safety and well-being of children while they were held.’*

*‘This inspection found conditions and treatment that exceed by some distance what families have previously experienced before removal.’<sup>22</sup>*

*‘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.’<sup>23</sup>*

## The numbers

International standards require the UK to use immigration detention for children as a last resort and for the shortest possible time<sup>24</sup>. Cedars is a last resort, at the end of the immigration process, when other options for voluntary return have failed. It is for a time limited period of 72 hours, or with Ministerial authorisation for a maximum of one week. These time limits, and the establishment of pre-departure accommodation distinct from Immigration Removal Centres or short-term holding facilities, have been enshrined in statute.

The number of children held in immigration detention has fallen by over 90% in the last five years. In 2009 (the year prior to the government announcement of the new Family Returns Process and the closure of Yarl’s Wood to families) 1,120 children were held in immigration detention, and around two-thirds of those at Yarl’s Wood. Official government figures show that 99 children were held under Immigration Act powers in 2014<sup>25</sup>.

In total over the last three years, 136 families and 271 children have stayed in Cedars. There has been a reduction in the number of children entering Cedars since the first year of operation. 58 families with 120 children stayed in Cedars in its first year, 50 families with 90 children in its second year, and 28 families with 61 children in the last year<sup>26</sup>. Most families stay for less than 72 hours, with around one-third of cases given Ministerial authorisation of an extension of up to a maximum of one week<sup>27</sup>.

Barnardo’s welcomes this reduction and has always advocated that families and children should be placed in Cedars as a last resort. It is likely that this has been driven by the rising numbers of families that leave the country voluntarily: figures show that the number of families leaving the country before the ensured return stage has increased from around a half in 2011/12 to three-quarters in 2012-14<sup>28</sup>. The introduction of individualised support through Family Engagement Managers has in our view significantly contributed to the increase in voluntary returns.

Nevertheless, the families for whom the Independent Family Returns Panel advise Cedars as a return or contingency are those who are most vulnerable with the most complex needs. Barnardo’s staff refer to local authority social care teams where they believe there is a safeguarding risk to either adults or children. The number of families who we have referred has almost trebled from 14% to 40% in the last year. It is clear that whilst the numbers of families entering Cedars has reduced, the needs of those families have intensified.

# Concerns and recommendations

Over the last three years Barnardo's has worked with the Government to propose and implement practical and pragmatic solutions to complex situations within the Family Returns Process.<sup>29</sup> As a voluntary sector partner with a child-focused approach we are able to add real value to both practice and policy. There is no profit motive in what we deliver, or in what we propose in our recommendations to the next government.

Barnardo's is a UK-based charity with a purpose of helping the most vulnerable children. The welfare and social work services are delivered at actual cost, and continuing this work year on year does not benefit us financially. The benefit is in continuously trying to improve the way children are treated by changing the processes and systems based on our real experience of working within them.

It cannot be underestimated what a fundamental shift has taken place in the treatment of children and families in the immigration process over the last few years. But in our fight to protect some of the most vulnerable children 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.

## Previous recommendations

In April 2014 we took the decision to put on record the significant progress that had been made in the Family Returns Process, but also areas for improvement. They were:

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

The Home Office acted swiftly to implement our recommendation about having specialist family escort teams, and it is welcome that the policy remains that physical intervention should not be used with children or pregnant women except to prevent harm to self or

others. However, there is still significant progress needed to minimise 'family splits' – the separation of children from one or both parents.

### 1. Arrest and escorting arrangements

If a family is subject to an '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 sub-contracts Tascor 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.

#### **Barnardo's made two recommendations to government that:**

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

#### **Arrest**

The Home Office has set up a task and finish group to consider family arrest activity<sup>30</sup>, and specifically points made by Barnardo's about risk assessment and personal protective equipment, the packing of belongings, the number of officers on an arrest and their behaviour and engagement with children and families. The work of this group is ongoing as there are a number of complex issues to examine. For example, in respect of packing there is a challenge about how to ensure families leave the UK with the belongings that they need, even if they are non-compliant during the arrest process.

Arresting officers do not have powers to pack on behalf of families if they refuse to do so themselves, and indeed may face legal challenge if they try to do this against the expressed wishes of the family. This even includes legal documents such as birth or marriage certificates, children's red books<sup>31</sup>, and medical equipment/physical aids e.g. glasses, mobility equipment etc. A lack of belongings or documents will not prevent return, so families who do not pack or give consent for officers to help them pack may

leave the country without things they need. This is particularly the case for same-day returns, as those who go via Cedars will have some essentials provided by Barnardo's dependent on need.

In *Cedars: two years on* we highlighted the situation of one family who were due to be returned the same day; Cedars was a contingency plan that was subsequently used. They arrived in their pyjamas, and Barnardo's staff provided them with clothes to wear for their journey and further items suitable for the climate in their country of return. Some families arrive at Cedars with items packed in plastic bags and laundry bags – not in bags suitable for travel. Others do not bring essential items, things that have significance or importance to them, or legal or other documents. We have provided essential items for babies, such as baby food, formula, bottles, bottle sterilisers, breast pumps, nappies and wipes, for half of the families that arrived at Cedars in the last year. Again for over half of the families we provided basic items of clothing including underwear and night wear, and hygiene products.

Family A: The mother had travelled to Cedars in a nightie and trousers as she was handcuffed and unable/non-compliant on arrest to get dressed. Items provided by Cedars included: suitcases/holdalls, baby food, formula, babygrows, toiletries, night clothes, underwear, socks, fleece, cardigan, mobile phone and top-up.

In respect of the wearing of personal protective equipment (PPE), Barnardo's wants to see a reversal of the presumption that PPE should be worn unless a risk assessment indicates otherwise, so that PPE is not worn unless a risk assessment deems it necessary. We are not aware of a single family arrest where PPE was not worn, and we believe that to change this practice there would need to be a significant culture shift and assessment of risk posed to arresting officers. We are exploring further the impact of arrests on children and what other practical steps could be taken to minimise distress; the work of the task and finish group is still ongoing.

## Recommendation 2

Arrest is a point of significant stress for children and families, whether they are returned via Cedars or a same-day return. The Home Office

must implement practical solutions so that officers understand the potential impact of arrest on children and change their behaviour and engagement accordingly. There should be a reversal of the presumption that personal protective equipment (PPE) should be worn unless a risk assessment indicates otherwise, so that it is not worn unless a risk assessment deems it necessary.

### Escort arrangements

The Home Office responded quickly to put in place a specialist escort team specifically for family returns. This is provided by the current escort provider, Tascor, and the team can conduct two overseas returns per week either via Cedars or a same-day return. Barnardo's advocated that this would make a significant difference to the consistency of approach, and to the experience of families. Escorts can build on their training by applying it on a regular basis, and maintain the culture and approach by being solely focused on work with children and families. This has proven to be the case, and is another example of an improvement based on tailoring an approach to the needs of children and families, whilst effecting immigration objectives of return. This needs to continue to be embedded so that any occasional instances of poor practice are minimised further.

## 2. Managing non-compliant behaviour

Barnardo's recognises 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.

Whilst 'use of force' on adults may be authorised for potential scenarios to manage behaviours and compliance, it has been used in around 10% of Cedars cases, and has remained consistently at this level over the past three years. In general force is more likely to be used on arrest or at the airport, and in particular we have concerns about the use of handcuffs in front of children, and the need for a greater emphasis on consistency of approach and de-escalation. 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 – and we have done so on three occasions<sup>32</sup>, but none in the last year.

Barnardo's believes that force must not be used against pregnant women or children except to prevent harm to self or others. In February 2013 the government reinstated a previous policy to this effect, which we welcome, but no broader behaviour management policy with consistency of definitions has been developed. Therefore our previous recommendation still stands:

### 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 some cases 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.

However 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. Barnardo's believes that if the government continues to use family splits as a means of immigration enforcement, the potential separation 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 outcomes reviewed by all agencies as part of the 'lessons learned' meetings.

Over the three years of Cedars operation family splits have occurred in around one sixth of cases. In the last year we have seen a decrease in the actual number and proportion of family splits, which is positive; but family splits still feature too frequently as a contingency plan for immigration enforcement.

In response to our concerns, the Home Office has established a task and finish group<sup>33</sup> to consider specific operational aspects of family separations in the Family Returns Process and identify improvements. The work of this group is ongoing and Barnardo's will continue to support this in respect of the development of guidance and training. Family Engagement Managers must consider the impact on children and their needs, and incorporate this into the returns plan if they are to recommend a family split.

Given that there is still significant progress to be made in this area, our recommendation still stands:

### 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.

## 4. Not the end of the process

Barnardo's 'red lines' set out our concern that pre-departure accommodation should not become a revolving door for families, as 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. Breach of our red line is predicated on the basis that this should not happen as a result of a Home Office, or sub-contractor's procedural error – for example not booking enough seats on the flight for the family and the escorts – because this leads to unnecessary repeat detention of children, which could have been prevented.

However it is much more common that families are released following disruption by the family, judicial review or further legal challenge, or due to a safeguarding concern or health reason. In these circumstances the family may have a further stay at Cedars if this is advised as the return plan by the Independent Family Returns Panel.

These factors can only be addressed through constructive engagement prior to any enforcement action. Dr Alice Edwards<sup>34</sup>, in her oral evidence

to the cross-party immigration detention inquiry, ‘described five factors that make up an effective alternative approach:

1. Treating people humanely and with dignity throughout the process;
2. Ensuring that people are given the information they need to understand the process and to understand their rights and responsibilities and the consequences for not complying with those responsibilities;
3. Ensuring that adequate legal advice is available;
4. Providing material support to allow the individual to live in the community;
5. Individualised case management<sup>35</sup>

The Family Returns Process includes many of these factors, but this happens once a person has been refused asylum or status in the UK. Family Engagement Managers in particular provide the individualised case management, and build understanding with families about what will happen next and what options are available to them. Barnardo’s believes that further increased take up of voluntary returns, reduced likelihood of last-minute legal challenge, and reduced disruption can only happen by tackling underlying causes in the asylum and immigration process. This means asylum seekers and irregular migrants believing that they have been through a fair and transparent process, which they understand, supported by competent and adequate legal advice. Having a clear behaviour management policy with an emphasis on de-escalation techniques<sup>36</sup> that is consistently applied would also help to minimise disruption.

## New recommendations

There are two further areas where Barnardo’s wishes to put on record suggestions for further improvement to better protect families and children. The first is the detention of pregnant women with children in the Family Returns Process, and in particular the need for appropriate and timely healthcare. The second is the support available to families whilst they are in the UK and post-return. Where families are released from Cedars, Barnardo’s transports them back to their accommodation in the UK. Through this we have seen poor housing standards unsuitable for

children. We are also concerned about the support available for children and families in countries of return. This includes immediate material support such as the first few nights’ accommodation and subsistence and onward travel and broader resettlement support that could be provided by an accredited NGO. Although families in an ensured return have refused the opportunity of a Government-assisted voluntary return, the chances of immediate physical safety and longer-term resettlement would be enhanced through some practical support based on individual family need.

## Pregnant women and healthcare

The detention of pregnant women, and examples of unsafe practice in their treatment and healthcare have recently been highlighted by the undercover filming in Yarl’s Wood. Whilst small numbers of pregnant women have also been detained in Cedars, some lessons have been learnt over the past three years.

In respect of Cedars, pregnant women are held as a last resort, they must have been deemed fit to fly, and return would be within 72 hours or a maximum of one week<sup>37</sup>. It is difficult for us to make an assessment about the overall treatment of pregnant women in the Family Returns Process, as we do not have data on those who return voluntarily, through required return, or through same day return.

There have been eight pregnant women in Cedars over the last three years reducing from five in the first year, to just one in the last year.<sup>38</sup> As with any family in Cedars there have been unique and complex needs both related and unrelated to pregnancy. However, the experiences of these women give rise to four areas of concern that warrant further attention both in Cedars and in the wider detention estate and immigration process:

- Creating a culture where women are believed when they raise concerns about their health
- Provision of appropriate and timely ante-natal healthcare including improved knowledge, training and responsiveness of medics and other health professionals in respect of pregnancy and foetal development
- Support for pregnant women during arrest, escorting and travel
- Understanding of the impact of pregnancy on other family members and the greater potential impact of family splits

## **Belief**

The culture and attitudes of staff working in Cedars are based on a shared set of principles, and are distinct from that in other parts of the immigration detention estate. Respect towards children and families is key to that, and means that when concerns are raised, they are responded to. Barnardo's staff are also able to advocate on behalf of families if needed. We are aware that this culture is unfortunately the exception. There is still a too commonly held belief that pregnancy will be used to stop or delay removal. This is unacceptable. Women should always be believed when raising pregnancy-related concerns and should be examined and provided with treatment as a matter of urgency.

## **Ante-natal healthcare**

One factor that is vital is the availability of appropriate ante-natal healthcare in Cedars. Women need to feel comfortable in accessing healthcare, with female staff if requested, and that their needs will be responded to appropriately and in a timely manner. This may need to include access to a midwife, not simply a nurse or GP, and the ability to monitor a baby's heartbeat or have an ultrasound scan. Because of the limited time period spent in Cedars, and the nature of pregnancy related conditions, access to this specialist provision needs to happen without delay. Assessment, examination and if necessary, medical treatment, must take precedence over any other activity with the family, including preparations for departure.

Healthcare within Cedars is now commissioned by NHS England; previously it was operated by G4S who also run the operational and security aspects at Cedars. It is hoped that this recent change might provide an opportunity to strengthen the service and treatments provided.

## **Arrest, escorting and travel**

Whilst any detention, even with the support provided in Cedars, will have an impact on pregnant women, it is likely that the process of arrest, escorting and travel will also have a significant impact. It is vital that medics who are present on arrest, and those who travel as part of the in-country and overseas escort teams understand foetal development, symptoms of pregnancy-related conditions and are confident in responding quickly and appropriately. Female medics should be available, particularly where a female is likely to be requested for religious or cultural reasons.

The Family Return Plan should also take account of the travel needs of pregnant women beyond whether they are simply 'fit to fly'. This should include, for example, the use of direct flights, extra comfort breaks and any dietary needs or nausea.

## **Family Splits**

As detailed above, Barnardo's believes that children should never be separated from their parent or parents for the purposes of immigration control. This is an even greater concern for us in respect of pregnant women. Family splits happen more frequently in two parent families, often following disruptive behaviour. This can lead to one parent, usually the father, being returned separately to the other parent and the children. We do not believe that this should happen where the mother is pregnant. The mother should not be subject to the additional stress of being separated from the father, and looking after their other, often young, children on the journey by herself.

## **Recommendation 5**

Every step should be taken to ensure that pregnant women are not detained for immigration purposes. Barnardo's is calling on the Government to review the detention of pregnant women, including the adequacy and availability of ante-natal healthcare both within the immigration detention estate and in respect of medics who accompany families on flights (overseas escorts).

## **Support for families in the UK and post-return**

### **Standards of accommodation in the UK for asylum seekers**

If a family is released from Cedars, Barnardo's offers to transport the family back to their community and this is often taken up. On arrival at the property our staff inspect the accommodation to confirm that it is secure and support families to settle back into their homes. Too often we have seen families returning to accommodation that has fallen below even the most basic of standards. In the worst cases, we have come across cockroach infestations, broken windows, leaking pipes and gaps in external-facing walls. One family reported to have been without heating and hot water for three months between December 2014 – February 2015. We have come across examples where families

have said their complaints to housing providers have been ignored and only addressed after our staff have taken up their concerns. It is clear to us that this type of accommodation is not acceptable for any family living in the UK.

Home Office policy on accommodation for asylum seekers sets out four basic standards that must be met. Accommodation should be: safe, habitable, fit for purpose, and correctly equipped. From our experience, there have been too many occasions where these standards are not being met. Barnardo's believes that housing for asylum seeking families should not fall below the standards of other publicly provided accommodation. The Home Office should work with housing contractors to ensure that all housing for families seeking asylum is fit for purpose. We will be carrying out further investigation on this issue, focusing on the difficulties faced by families seeking asylum in this type of accommodation.

## Recommendation 6

Housing for families seeking asylum should not fall below the standards of other publicly provided accommodation. The Home Office should work with housing contractors to ensure that all housing for families seeking asylum is fit for purpose.

### Support post-return

Recent figures show that around three-quarters of families left the country without an ensured return in the last two years, and that around a fifth of families took up the option of Assisted Voluntary Returns (AVR) for Families and Children – a scheme whereby families are provided with financial support upon their return<sup>39</sup>. Whilst Barnardo's welcomes this progress, we have become increasingly worried about the situation of the remaining quarter of families who leave the country through an ensured return. These families are often the most vulnerable and are most afraid of return, and we are worried that the support given to these families is currently insufficient.

Families often only receive a few hundred pounds, with slightly more given in exceptional circumstances. However there is also no guarantee

of accommodation when they immediately return and families report that if they are able to secure this the monies provided often only pay for one to two nights. Families also report that they can have problems accessing the money upon return. Both these factors significantly increase the risk and vulnerability of the families, especially children and young people, potentially meaning no safe accommodation and no finances to purchase even the most basic of necessities. There are examples of good practice that should be replicated: families returning to Pakistan are put into contact with Weldo – a charity that meets families at the airport, arranges accommodation, and puts in place a plan for long-term re-settlement including support for education and training.

The financial difficulties that families can face upon return can sometimes be exacerbated if their money is seized upon arrest. Home Office immigration officers have powers to seize cash found on arrest, usually over £1,000, that they believe may be a proceed of crime or intended for use in crime amongst those who are unlawfully in the UK<sup>40</sup>. In the last year two families have arrived in Cedars in an anxious state having lost what they regarded as long-term savings of several thousands of pounds, which they intended to use when they were returned from the UK. These families showed a lack of understanding as to why their money had been taken away, adding to their anxiety. We believe that Family Engagement Managers should work with families to make them aware of the policy to seize large amounts of cash. If families know that seizure is a possibility, they may take steps to provide evidence of where their money has come from, and at the very least may be more prepared at the time of arrest if their cash is seized.

## Recommendation 7

All families should be given a minimum package of support that ensures a safe return, regardless of whether they have taken up the option of voluntary return. Families returning at the ensured return stage should be put into contact with local NGOs which can provide support.

# Conclusion

In the run-up to the General Election Barnardo's is sending a strong message to politicians across all parties that gains in welfare and social care provision that have been made for children and families in the immigration system must not be lost.

The recent undercover footage of Yarl's Wood – which showed the appalling abuse of pregnant and vulnerable women – has given us a shocking glimpse of the world that children so recently inhabited prior to the Family Returns Process.

That is not to say that any system is perfect, but it is a radical contrast to the conditions exposed in the adult immigration detention estate. It must be built on as an example of good practice, and we must continue to make improvements.

The recommendations in this report are based on Barnardo's unique knowledge of working within the Family Returns Process and the experiences of the children and families we have been supporting. Barnardo's calls on the next government to implement these recommendations and in doing so make a real difference to these vulnerable children and families.

# References

- 1 [www.channel4.com/news/yarls-wood-immigration-removal-detention-centre-investigation](http://www.channel4.com/news/yarls-wood-immigration-removal-detention-centre-investigation) (accessed 23/03/15)
- 2 Yarl's Wood IRC in Bedfordshire holds nearly 400 detainees, mainly single adult women, some adult families and a separate short-term holding facility for men (mainly as a reception centre for those who have been found in 'lorry drops').
- 3 [www.channel4.com/news/harmondsworth-immigration-detention-centre-undercover-video](http://www.channel4.com/news/harmondsworth-immigration-detention-centre-undercover-video) (accessed 23/03/15)
- 4 Harmondsworth IRC near Heathrow holds around 600 male detainees, including those who have claimed asylum and are waiting for a decision, and those who have served prison sentences and are waiting to be deported.
- 5 *The report of the Inquiry into the Use of Immigration Detention in the United Kingdom; A Joint Inquiry by the All Party Parliamentary Group on Refugees and the All Party Parliamentary Group on Migration* (March 2015) <https://detentioninquiry.files.wordpress.com/2015/03/immigration-detention-inquiry-report.pdf> (accessed 23/03/15)
- 6 In May 2010 the Coalition Agreement (*The Coalition: our programme for government*, May 2010, p.21) committed to the ending of detention of children for immigration purposes, and in December 2010 the coalition government announced that the family unit at Yarl's Wood IRC would close with immediate effect (Office of the Deputy Prime Minister speeches, Child Detention Speech, 16 December 2010).
- 7 *Cedars: two years on* (April 2014) Barnardo's [http://www.barnardos.org.uk/16120\\_cedars\\_report.pdf](http://www.barnardos.org.uk/16120_cedars_report.pdf) (accessed 23/03/15)
- 8 [www.channel4.com/news/yarls-wood-immigration-removal-detention-centre-investigation](http://www.channel4.com/news/yarls-wood-immigration-removal-detention-centre-investigation) (accessed 23/03/15)
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- 10 <http://www.channel4.com/news/harmondsworth-immigration-detention-centre-undercover-video> (accessed 23/03/15)
- 11 Harmondsworth IRC near Heathrow holds around 600 male detainees, including those who have claimed asylum and are waiting for a decision, and those who have served prison sentences and are waiting to be deported.
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- 13 [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/402206/welfare\\_in\\_detention\\_review\\_tors.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/402206/welfare_in_detention_review_tors.pdf) (accessed 23/03/15)
- 14 In May 2010 the Coalition Agreement (*The Coalition: our programme for government*, May 2010, p.21) committed to the ending of detention of children for immigration purposes, and in December 2010 the coalition government announced that the family unit at Yarl's Wood IRC would close with immediate effect (Office of the Deputy Prime Minister speeches, Child Detention Speech, 16 December 2010).
- 15 *The report of the Inquiry into the Use of Immigration Detention in the United Kingdom; A Joint Inquiry by the All Party Parliamentary Group on Refugees and the All Party Parliamentary Group on Migration* (March 2015), p.32 <https://detentioninquiry.files.wordpress.com/2015/03/immigration-detention-inquiry-report.pdf> (accessed 23/03/15)
- 16 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 servicing 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.
- 17 'Cedars' stands for the principles staff will work to – compassion, empathy, dignity, approachability, respect and support.
- 18 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 (LSCBs) 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.
- 19 [www.barnardos.org.uk/news/media\\_centre/press\\_releases.htm?ref=70802](http://www.barnardos.org.uk/news/media_centre/press_releases.htm?ref=70802) (accessed 23/03/15)
- 20 For further detail please see *Cedars: two years on* (April 2014) Barnardo's [www.barnardos.org.uk/16120\\_cedars\\_report.pdf](http://www.barnardos.org.uk/16120_cedars_report.pdf) (accessed 23/03/15)
- 21 Security and operation of Cedars is currently provided by G4S, and transport (escorting) both in country and overseas is currently provided by Tascor.
- 22 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* [www.justice.gov.uk/downloads/publications/inspectorate-reports/hmipris/immigration-removal-centre-inspections/cedars/cedars-2012.pdf](http://www.justice.gov.uk/downloads/publications/inspectorate-reports/hmipris/immigration-removal-centre-inspections/cedars/cedars-2012.pdf) (accessed 24/03/15)
- 23 IFRP (2012) Annual Report, Independent Family Returns Panel 2011/12 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/257175/ifrp-report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257175/ifrp-report.pdf) (accessed 24/03/15)
- 24 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'.
- 25 This figure includes children accommodated at Cedars, children held at the border for a short period, and children who were age-disputed and held in adult Immigration Removal Centres. Official Statistics, Children held solely under Immigration Act powers by place of initial location
- 26 Barnardo's management data.
- 27 Barnardo's management data.
- 28 Independent Family Returns Panel (2014) Annual Report: 2012-14., p7 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/360431/Independent\\_Family\\_Returns\\_report\\_2012\\_to\\_2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/360431/Independent_Family_Returns_report_2012_to_2014.pdf) (accessed 25/03/15)
- 29 For further detail on Barnardo's approach, please see *Cedars: two years on* (April 2014), Barnardo's [www.barnardos.org.uk/16120\\_cedars\\_report.pdf](http://www.barnardos.org.uk/16120_cedars_report.pdf) (accessed 23/03/15)
- 30 The task and finish group is set up under the auspices of the Family Returns Improvement Partners Group (for agencies involved in the Family Returns Process to consider improvements). The task and finish group includes representatives from the Home Office (at both policy and operational perspectives), the Independent Family Returns Panel and Barnardo's.
- 31 The 'red book' is a Personal Child Health Record given to the parent around the birth of the child. The child's development, contact with health services, vaccinations etc are all recorded here; and would be useful for providing an official record and information to any healthcare provider in the country of return.
- 32 For more detail, see *Cedars: two years on* (April 2014), Barnardo's [www.barnardos.org.uk/16120\\_cedars\\_report.pdf](http://www.barnardos.org.uk/16120_cedars_report.pdf) (accessed 23/03/15)

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34 Senior Legal Coordinator, United Nations Commissioner for Refugees

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35 Dr Alice Edwards, 3rd Oral Evidence Session, 18 November 2014, *The report of the Inquiry into the Use of Immigration Detention in the United Kingdom; A Joint Inquiry by the All Party Parliamentary Group on Refugees and the All Party Parliamentary Group on Migration* (March 2015), p.26 <https://detentioninquiry.files.wordpress.com/2015/03/immigration-detention-inquiry-report.pdf> (accessed 23/03/15)

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36 See Recommendation 3 above

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37 Home Office policy is that decisions to detain are made on an individual basis. The Immigration Minister recently stated that 'The Home Office does not normally detain pregnant women. Where pregnant women are detained it is only normally in two limited circumstances: where the woman's removal is imminent and medical advice does not suggest her baby is due before the removal date, or for pregnant women of less than 24 weeks gestation as part of the detained asylum Fast Track process.' Only the first condition applies in Cedars. Minister for Immigration Written Evidence, para 23 submitted to *The report of the Inquiry into the Use of Immigration Detention in the United Kingdom; A Joint Inquiry by the All Party Parliamentary Group on Refugees and the All Party Parliamentary Group on Migration* (March 2015) <https://detentioninquiry.files.wordpress.com/2015/03/immigration-detention-inquiry-report.pdf> (accessed 23/03/15)

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38 Barnardo's management data.

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39 Independent Family Returns Panel (2014) *Annual Report: 2012-14.*, p7 [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/360431/Independent\\_Family\\_Returns\\_report\\_2012\\_to\\_2014.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/360431/Independent_Family_Returns_report_2012_to_2014.pdf) (accessed 25/03/15)

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40 Crime and Courts Act 2013, Section 55

## **Cedars**

### Recommendations for a new government

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Head Office, Tanners Lane  
Barkingside, Ilford  
Essex IG6 1QG  
020 8550 8822

Barnardo's Registered Charity Nos.  
216250 and SC037605

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