



Home Office

Detention Services Order 03/2022

Adults at Risk: Detention of Potential or Confirmed Victims of Modern Slavery

June 2022



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Document Details

Process: To provide information for staff and suppliers on the care and management of potential and confirmed victims of modern slavery in detention.

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Contains Mandatory Instructions

For Action: All Home Office staff and suppliers operating in immigration removal centres, pre-departure accommodation and short-term holding facilities, and Home Office caseworkers who are responsible for reviewing and authorising detention and release.

For Information: N/A

Author and Unit: Matt Nesling – Detained Vulnerability Assurance and Advice Team

Owner: Michelle Smith, Head of Detention Operations

Contact Point: Shadia Ali, Detention & Escorting Services

Processes Affected:

Assumptions: All staff will have the necessary knowledge to follow these procedures.

Notes: N/A

Definitions

For the purposes of this DSO, please refer to the below definitions:

- Identified possible victim of modern slavery – any individual who has been identified as having possible indicators of modern slavery, and is awaiting either a referral to the NRM, or a Reasonable Grounds decision from the NRM.
- Potential victim of modern slavery – any individual who has received a positive Reasonable Grounds decision from the NRM and has not received a Conclusive Grounds decision or otherwise left the NRM.
- Confirmed victim of modern slavery – any individual who has received a positive Conclusive Grounds decision from the NRM.

Instruction

Introduction

1. This Detention Services Order (DSO) provides operational guidance for all Home Office, centre supplier and healthcare staff working in immigration removal centres (IRC), pre-departure accommodation (PDA) and residential short-term holding facilities (RSTHFs) and escorting staff on how to:
 - identify possible indicators of modern slavery;
 - refer the identified possible victim into the NRM; and
 - take the steps needed to ensure the individual receives the necessary support whilst detained, or on release.
2. This DSO also aids Home Office staff in making detention decisions for identified possible, potential and confirmed victims of modern slavery.
3. For the purpose of this guidance, “centre” refers to IRCs, RSTHFs, and Gatwick PDA. Any reference to “victims” is to be read as including identified possible, potential and confirmed victims of modern slavery, except where explicitly stated. Those detained in prisons will fall outside of the scope of this DSO, however Immigration Prison Teams (IPT) and HMPPS staff will be able to support, where necessary.
4. Two different Home Office teams operate in IRCs:
 - The Detention and Escorting Services Compliance team (Compliance team)
 - The Detention Engagement team (DET)

The **Compliance teams** are responsible for all on-site commercial and contract monitoring work. The **DETs** interact with individuals face-to-face on behalf of caseworkers within the IRCs. They focus on communicating and engaging with people detained in IRCs, helping them to understand their cases and detention.

There are no DETs at residential RSTHFs, or the Gatwick PDA. Functions which are the responsibility of the DET in RSTHFs are carried out by the Service Provider and overseen by the Escort Contract Monitoring Team (ECMT). In the Gatwick PDA, the role of detention engagement is covered by the local Compliance Team.

5. There are two different teams responsible for considering Reasonable and Conclusive Grounds decisions for potential victims of modern slavery, namely the Single Competent Authority (SCA) and the Immigration Enforcement Competent Authority (IECA).

6. The acceptance criteria of each team are as follows:
 - The IECA will accept all foreign national offender (FNO) cases detained in IRCs and prisons, and some non-detained FNO cases where action toward deportation is taken whilst the individual is in the community. The IECA will accept non-FNO cases where the individual has their detention managed by the National Returns Command (NRC), including those in the Detained Asylum Casework (DAC) Process, and all cases under the care of the Dublin Cessation Team (DCT), regardless of whether the individual is detained.
 - The SCA will accept responsibility for any cases that fall outside of the above criteria. This includes FNO cases where the individual is held on remand in a prison, and any individual who is encountered by other areas of the business (such as Returns Preparation, the Immigration Compliance and Enforcement (ICE) Teams, and the Reporting and Offender Management (ROM) Teams), and those detained and managed by Border Force who have been detained on arrival at the border.

Purpose

7. This order sets out instructions on the care and management of victims of modern slavery in detention. It will ensure that all staff are aware of the process to refer identified possible victims to the NRM and for additional support where appropriate, how to support and care for detained individuals who have been identified as a potential or confirmed victim of modern slavery, and support caseworkers in assessing the appropriateness of ongoing detention.

Policy

8. On 25th May 2021, the Adults at Risk in Immigration Detention policy was amended to bring detention decisions for victims of modern slavery fully within its scope.
9. Modern slavery is a serious crime that violates human rights. Victims are forced, threatened or deceived into situations of subjugation, degradation and control which undermine their personal identity and sense of self.
10. Modern slavery encompasses:
 - human trafficking; and/or
 - slavery, servitude and forced or compulsory labour.
11. Human trafficking consists of three basic components:
 - Action;
 - Means; and

- purpose of exploitation.
12. All three components must be present in cases of adult trafficking. In human trafficking cases, exploitation can take many forms, including:
 - sexual exploitation;
 - forced labour;
 - slavery;
 - servitude;
 - forced criminality; and
 - removal of organs.
 13. If individuals have been subject to slavery, servitude and forced or compulsory labour, they do not have to be victims of human trafficking to be considered victims of modern slavery.
 14. Section 52 of the Modern Slavery Act 2015 requires the Secretary of State to be notified of any person encountered in England and Wales who may potentially be a victim of modern slavery. For Scotland this is covered under the Human Trafficking and Exploitation Act 2015.

Indicators of a victim within detention

15. There are a number of factors or experiences which will indicate that an individual in detention may have been a victim of modern slavery prior to entering detention. These include:
 - Having limited or no social interaction
 - Being unable to communicate freely with others
 - Signs of psychological trauma
 - Not knowing home or work address
 - Showing signs that their movements have been controlled
 - Expression of fear and anxiety
 - Suffering injuries that appear to be the result of an assault
 - Being distrustful of the authorities
 - Having a false identity or false travel documents (or none at all)
16. The above list is not intended to be exhaustive. None of these indicators in isolation or combination can give you complete certainty, however you do not need to be certain to report your concerns. Further information can be found in the [Modern Slavery Statutory Guidance](#).

National Referral Mechanism (NRM)

17. The NRM is a victim identification and support process. It is designed to make it easier for all the different agencies that could be involved in a modern slavery case (for example, the police, Home Office – including Border Force, UK Visas and Immigration and Immigration Enforcement – and non-governmental organisations) to co-operate and facilitate access to advice, accommodation and support for victims. It is also one means of ensuring that adult victims receive the necessary support and assistance in the period immediately after their identification as a potential victim.
18. When an identified possible victim of modern slavery is acknowledged by supplier or Home Office staff, the detained individual should be informed of the support available through the NRM, as set out from paragraph 38. Consent is required to refer an adult into the NRM. Being recognised as a potential victim, or confirmed victim, through the NRM may allow the individual to access support. If the individual consents to entering the NRM, a referral should be made by a First Responder.
19. A ‘first responder organisation’ is an authority that is authorised to refer an identified possible victim of modern slavery into the National Referral Mechanism. Referrals into the NRM can only be made by a First Responder. The current statutory and non-statutory first responder organisations in the UK are:
 - Home Office¹:
 - UK Visas and Immigration
 - Border Force
 - Immigration Enforcement
 - Police forces
 - National Crime Agency
 - Local authorities
 - Gangmasters and Labour Abuse Authority (GLAA)
 - Health and social care trusts (Northern Ireland)
 - Salvation Army
 - Migrant Help
 - Medaille Trust
 - Kalayaan
 - Barnardo’s
 - Unseen
 - Tara Project (Scotland)
 - NSPCC (CTAC)
 - BAWSO
 - New Pathways

To note, not all of these organisations are expected to engage with individuals in detention, however this list is intended to provide a complete overview of first responder organisations.

¹ The Home Office is changing and relevant Directorates will soon be Borders and Enforcement, Customer Service and Asylum and Protection

20. Where an individual does not consent, a public authority First Responder still has a 'Duty to Notify' the Home Office that they have encountered a potential victim. In practice, this will be for DET staff to complete (or Compliance team staff in RSTHF), except where casework or other staff have been informed in written representations, at which point it will become their responsibility. A notification must be made through the Modern Slavery Portal: <https://www.modernslavery.gov.uk/start>.
21. Healthcare professionals cannot refer directly into the NRM. Instead they should follow the same procedures as all centre staff as outlined in paragraph 28 to refer an identified possible victim into the NRM.
22. Following a referral to the NRM, the relevant competent authority (CA) will review the evidence provided and provide a "Reasonable Grounds decision". This decision is indicative of whether, on the evidence provided, the relevant CA 'suspects but cannot prove' the individual is a victim and further assessment of the alleged slavery is warranted. The Reasonable Grounds decision will either be positive or negative, with a positive Reasonable Grounds decision meaning that further assessment is warranted. A negative Reasonable Grounds decision will mean the individual is not considered to be a victim of modern slavery and the individual will leave the NRM process, and enforcement action may be pursued where appropriate. Where an individual receives a negative Reasonable Grounds decision, they are still able to apply for a review, during which time removal action is prohibited.
23. Where a positive Reasonable Grounds decision is received, the individual will enter into a minimum 45-day recovery period, except where public order grounds prevent it, where the potential victim is protected from removal or deportation from the United Kingdom. Caseworkers must review detention on receipt of a positive Reasonable Grounds decision and make a decision on the appropriateness of ongoing detention in light of this information.
24. The recovery period concludes when the Conclusive Grounds decision is made or 45 days after the Reasonable Grounds decision, whichever is later. Following a positive Reasonable Ground decision, the CA may need to request further information from professionals and agencies involved in the individual's case, in order to make the Conclusive Grounds decision on whether the individual is a victim of modern slavery. Where a positive Conclusive Grounds decision is made, the individual will be acknowledged as a confirmed victim of modern slavery and a decision to grant discretionary leave may be appropriate. For those who have a negative Conclusive Grounds decision, they will not be considered victims of modern slavery.

Procedure

Fulfilling Section 52 duty across the immigration detention estate (including pre-departure accommodation and during escort)

25. [Section 52 of the Modern Slavery Act 2015](#), places a positive obligation on specified first responder organisations to inform the Secretary of State (or relevant body acting on their behalf) of any concerns or suspicions that someone may be a victim of modern slavery.
26. All first responders must raise concerns about any issue or suspicion of modern slavery at the earliest possible stage. In IRCs, this can be done during the induction into detention, and during the subsequent Rule 34 appointment with the medical practitioner on site, however victims may disclose concerns at any stage.
27. For sites outside of the IRCs, staff should engage with their professional curiosity and ensure that any potential indicators of modern slavery are sufficiently explored (see paragraph 15 above). This can occur during health screenings or inductions, or at any other stage as appropriate. Where potential indicators of modern slavery are identified, and where the individual consents, Home Office staff should complete a referral into the National Referral Mechanism (NRM) at the earliest opportunity (see paragraph 31 below), update Atlas (and CID until its decommission) and notify the casework team. Where consent is not given, staff must still complete the Duty to Notify (see paragraph 20 above).
28. Supplier and/or Healthcare staff should notify concerns to DET staff (or Compliance team if no DET officer is available), on receipt of which DET staff should speak with the individual and complete the NRM referral.
29. If the concern is raised by a third party such as a visitor (whether social or a member of an independent visitors group) the member of staff to whom the vulnerability has been raised should complete an IS91RA Part C on their behalf and notify the local DET team (or Compliance team if no DET officer is available) as soon as possible.

Safeguarding

30. Where concerns are raised that an individual may be a victim of modern slavery, an NRM referral should only be completed where the individual consents. The referral should be made online at <https://www.modernslavery.gov.uk/start?hof-cookie-check>. Where an individual does not consent to the NRM referral, then staff still have a Duty to Notify (see Paragraph 20 above).
31. A referral into the NRM engages the Adults at Risk in Immigration Detention (AAR) policy and the individual's Adult at Risk level should rise to, at least, Level 1 and any

detention decision made in light of this. The individual's AAR level may be higher than level 1 where other indicators of risk apply or where other evidence has been provided which amounts to a higher Adults at Risk level under the AAR policy.

32. Where an individual receives a positive Reasonable Grounds decision, they must be considered as, at least, an Adult at Risk Level 2. Other vulnerabilities may apply or there may be supporting evidence to suggest that further detention may cause harm, thereby engaging Adult at Risk Level 3.
33. All Home Office staff who interact with the individual, or who have responsibility for the individual's case, must ensure that the individual's wellbeing is given the utmost consideration in any ongoing decisions, related to detention or otherwise. Victims of modern slavery may have been subjected to distressing experiences that can have an impact on their physical or mental health, and staff are encouraged to consider whether ongoing detention is appropriate, in line with the [Adults at Risk in Immigration Detention policy](#), and [DSO 08/2016 Management of adults at risk in immigration detention](#).
34. In line with the [Adults at risk: detention of potential or confirmed victims of modern slavery](#) guidance, where continuing detention is being considered, caseworkers should request a Modern Slavery Needs Assessment, which includes an assessment of the person's physical and mental health care needs, in order to make a decision on the individual's suitability for detention. Where release has been agreed, then a Modern Slavery Needs Assessment is not required.
35. When there are concerns about a person's capacity to make a decision about whether or not to enter the NRM independently, consideration must be afforded to [DSO 04/2020 Mental Vulnerability and Immigration Detention – Non-Clinical Guidance](#).
36. Where an individual receives a positive Conclusive Grounds decision, they must be considered as, at least, an Adult at Risk Level 2. Other vulnerabilities may apply or there may be supporting evidence to suggest that further detention may cause harm, thereby engaging Adult at Risk Level 3.
37. Any person who receives a negative reasonable or Conclusive Grounds decision will no longer engage with the Adults at Risk policy, unless the individual has another condition or vulnerability that would otherwise engage it.

Care and support in immigration detention

38. Following referral to the NRM, if an individual receives a decision that there are "Reasonable Grounds" to believe that they may be a victim of modern slavery, that person is entitled to a minimum period of recovery and reflection as set out in Modern Slavery: Statutory Guidance for England and Wales (under s49 of the

Modern Slavery Act 2015) and Non-Statutory Guidance for Scotland and Northern Ireland . In the UK, this is a minimum of 45 days, [except where public order prevents it, or the individual is deemed to have claimed improperly](#). During this period, it is not possible to remove the person from the UK (although other actions, including asylum decisions, can continue) and the individual is entitled to support. Any support needs will be identified through the Modern Slavery Needs Assessment, where detention is being maintained. Support may include:

- Accommodation
- Material assistance
- Translation and interpretation services
- Medical treatment, assistance and counselling
- Information on rights and services
- Assistance during criminal proceedings
- Voluntary returns

39. These support mechanisms are available for those who have received a positive Reasonable Grounds decision. Individuals who are awaiting a Reasonable Grounds decision will not be eligible for this support, except where it is already provided to all residents within the detained estate, or where they are to be released and would otherwise be destitute, at which point they may be eligible for accommodation.
40. Where an individual remains detained following receipt of a positive Reasonable Grounds decision, it will be for the DET/caseworker to ensure that any recovery needs as identified through the Modern Slavery Needs Assessment are met. Please see [Annex B](#) for further information on who is responsible for the provision of support, and what this may entail.
41. Detention may constitute appropriate accommodation for those observing the recovery and reflection period, however due to the short term nature of RSTHF and Gatwick PDA, it is unlikely that the requisite support will be available in these accommodation suites. Where victims are identified whilst detained in either a RSTHF or the Gatwick PDA, caseworkers must make a decision on the appropriateness of ongoing detention. Where ongoing detention is deemed appropriate, caseworkers must submit a request to DEPMU to have the individual moved to a centre capable of providing the required standard of care, as soon as it is practicable to do so. Where detention is not considered appropriate, the individual will be released, as appropriate.
42. Where consideration is being given to maintaining detention of a potential victim, the following process must be followed:
 - Upon receipt of the positive Reasonable Grounds decision, caseworkers must inform DET, who are required to carry out a Modern Slavery Needs Interview to identify whether they have any specific recovery needs arising from their experience

of modern slavery. This interview should occur no later than 5 working days after receipt of the referral from the caseworker.

- DET refer the individual to Healthcare for an assessment of their physical and mental health care needs, and whether these can be met in detention.
 - DET ensure the individual has assistance in accessing any support required as identified through the Modern Slavery Needs Assessment.
 - Where appropriate, a multi-disciplinary meeting should be arranged and chaired by DET, with representation from all relevant areas including IRC supplier, healthcare and casework, to determine any onward actions and ensure that all needs that have been identified are met. Meetings are to be conducted where the individual reaches an Adult at Risk Level 3, or where DET officers decide to on a pragmatic basis.
 - All meetings with DET and Healthcare to be noted on Atlas (and CID until it is decommissioned). All support that is offered should be recorded, as well as whether it is accepted by the person or not.
43. Where a potential or confirmed victim refuses to go through the Modern Slavery Needs Assessment, this must be noted on ATLAS (and CID until it is decommissioned). A potential or confirmed victim can request to have a Modern Slavery Needs Assessment at any point after the initial assessment, for example if they feel their needs have changed.

Releases from detention

44. Where potential or confirmed victims of modern slavery are to be released from detention, staff should consult the [Release of detainees from immigration detention DSO](#) for support on how to safely release individuals.
45. Casework staff should liaise with The Salvation Army where the individual has given their consent, for ongoing assessment of the recovery needs and to determine eligibility for Modern Slavery Victim Care Contract support.
46. Where an individual is able to provide a release address, casework staff must ensure that the premises they are being released to are appropriate and would not put the individual at any undue risk. Casework staff should liaise with the relevant police force for where the address is located via a PNC Check, to ensure there are no ongoing concerns over the provided address, and the Salvation Army should be contacted to ensure that the individual is able to access all of the support they may need from that location.
47. Where a potential or confirmed victim is in need of accommodation, casework staff should liaise with the Salvation Army for them to conduct an assessment as to whether they need to be referred for safehouse accommodation. Where this is necessary, the Salvation Army can then provide this safehouse accommodation. Where the potential or confirmed victim has an outstanding protection claim, asylum

accommodation should be sought to ensure that any ongoing time in detention is kept to a minimum.

48. Upon the release of potential or confirmed victims to secure accommodation, caseworkers must provide the police with a contact number and the release address to allow their onward investigation to proceed. Staff must ensure that they comply with the [Release of Detainees from Immigration Detention DSO](#).
49. Where an individual declines for their information to be passed to the police, this must be clearly recorded, alongside any reasons provided, on ATLAS (and CID until it is decommissioned).

Accepting confirmed victims of modern slavery into detention

50. Individuals who are recognised as being confirmed victims of modern slavery will not be automatically entitled to leave on this basis alone. Acknowledgment and acceptance of being a confirmed victim of modern slavery will lead to consideration of whether to afford Discretionary Leave, and may support an existing application for leave, such as an asylum application. However recognition of an individual's past experience will not preclude them from enforcement action should the relevant CA determine that the victim is not eligible for a period of Discretionary Leave, or should any leave then expire without any attempts to regularise stay.
51. Where confirmed victims of modern slavery are the subject of enforcement action and referred for detention, any referrals must go via the Detention Gatekeeper and must be signed off at minimum SEO level.
52. Where individuals are accepted for detention, these individuals must be considered as a minimum as an Adult at Risk Level 2, unless there is evidence to suggest the individual is an Adult at Risk Level 3. Any detention considerations must be made in light of this assessment, and any period of detention kept to a minimum.

Training

53. All Home Office staff working in Immigration and Protection, and Borders and Enforcement, who have responsibility for interacting with, or progressing the cases of, individuals in detention are first responders. Every centre must ensure their first responders undertake training in the identification and referral of identified possible and potential victims of modern slavery.
54. All Home Office staff must successfully complete the mandatory e-learning training on modern slavery. All Home Office staff should undertake refresher training every 2 years.

55. Suppliers should continue to deliver training to both new Detainee Custody Officers and as part of a refresher training programme , as set out in their individual contracts.

Annex A – Further Guidance

Please consult the guidance below in conjunction with this document to find more information to assist in the care of potential and confirmed victims of modern slavery. Not all guidance will be relevant for all who interact with this DSO, however it will be at the discretion of the user to review any relevant guidance that will assist in the management of victims of modern slavery within a detained setting:

- [Modern Slavery Statutory Guidance](#) – This guidance is available on gov.uk for competent authorities across the UK, to support them in making decisions for the purpose of the National Referral Mechanism (NRM) and on whether an individual is a victim of modern slavery.
- [Adults at risk in immigration detention policy](#) – This policy sets out the process for identifying and making decisions on the appropriateness of the detention for vulnerable adults.
- [Adults at Risk: Detention of potential or confirmed victims of modern slavery](#) – This policy sets out the process for making decisions on the appropriateness of detention for adults considered to be potential or confirmed victims of modern slavery.
- [Detention Services Orders 08/2016 Management of Adults at Risk in Immigration Detention](#) - This Detention Services Order (DSO) assists all staff dealing with at risk individuals, consolidating the above policy into operational guidance.
- [DSO 01/2018 Release of detainees from Immigration detention](#) – This DSO assists and guides all relevant staff to the effective release of individuals from detention.
- [DSO 04/2020 – Mental vulnerability and immigration detention: non-clinical guidance](#) – This DSO provides guidance to all those involved in working with those detained on how to progress challenging cases where individuals suffer from severe mental health difficulties, signposting to the correct processes and assurance measures.
- [DSO 07/2013 – Welfare provision in immigration removal centres](#) – This DSO provides an overview of the remit, expectations and services provided to those detained by the welfare staff in IRCs.
- [DSO 09/2014 – Medical emergency response codes](#) – This DSO explains the relevant procedures for the administration of emergency healthcare within IRCs.
- [DSO 06/2013 – Reception and induction checklist and supplementary guidance](#) – This DSO provides an overview of the expectations of staff when inducting individuals into an IRC.
- [Trauma Informed Code of Practice](#) – Useful guidance from the Helen Bamber foundation for all professionals working with survivors of trafficking and/or modern day slavery.

- [Salvation Army Plan of Support](#) – Useful leaflet provided by the Salvation Army.

Annex B – Available Support within Detention

<u>Support</u>	<u>Responsible Team</u>
Accommodation	<p>DES Compliance Team/DEPMU – where appropriate, room sharing risk assessments should be consulted and utilised to ensure that potential victims are provided with single occupancy accommodation.</p> <p>Healthcare – will need to provide any onward mental health assistance and highlight any further needs, as necessary. Where appropriate, Healthcare should provide a Rule 35(1) report where detention, linked to their modern slavery experience, will be detrimental to their mental health/wellbeing.</p>
Material assistance	<p>Supplier – in line with DSO 06/2013 Reception and induction checklist and supplementary guidance, supplier staff will provide materials such as clothing or hygiene products.</p>
Translation and interpretation services, when appropriate	<p>Healthcare and Centre Services (Welfare) can provide translation and/or interpretation services as required. There may be additional support available from external partners, such as NGOs, available in certain centres who can also support.</p> <p>DET/Supplier – will need to provide relevant literature on arrival in a preferred language, where available.</p>
Medical treatment, assistance and counselling	<p>Healthcare – in line with DSO 09/2014 Medical emergency response codes, healthcare must provide emergency medical treatment, as appropriate.</p> <p>Welfare – will need to provide any counselling services, as required, in line with DSO 07/2013 Welfare provisions in immigration removal centres (IRCs). Faith leaders attending the IRC may also provide some counselling, as appropriate.</p>
Information on rights and services	<p>DET – DET to provide literature, including OISC approved literature, in a preferred language, where appropriate and available.</p>

	Welfare –will be able to assist in finding relevant legal advice and representation, including alerting the individual to the Detained Duty Advice scheme, or registering a complaint regarding existing legal representation.

Please note this is not an exhaustive list of all of the services available in an IRC in relation to victim support. Where any requirements are identified outside of the above, these will need to be catered for on an ad hoc basis by the relevant team in the centre.