

DETENTION SERVICES ORDER 01/2013

Paid work

Introduction

1. This instruction concerns the conditions under which detainees may be provided with opportunities to engage in paid work within immigration removal centres.
2. For the purposes of this DSO, 'centre' refers to immigration removal centres.

Policy

3. Paid work opportunities may be provided under Rule 17 of the Detention Centre Rules.
4. Detainees are exempt from the provisions of the minimum wage by way of Section 59 of the Immigration, Asylum and Nationality Act 2006.
5. Detainees will/are not allowed to work more than 30 hours per week.
6. There are two tiers of pay rate: routine work will be paid at a rate of £1.00 per hour, and specified projects (as authorised by the UKBA Centre Manager) will be paid at a rate of £1.25 per hour.
7. The UKBA Centre Manager must authorise each detainee's access to paid work activities.
8. Centres may not operate their own paid work schemes outside the scope of this instruction.
9. Centres may not pay bonuses or other additional rewards to reward or incentivise detainees in relation to paid work opportunities.

Level of Compliance

10. Provision of opportunities to work should be directly linked to a level of compliance by the detainee on two levels:
 - a. With the centre operator – only detainees who are on the enhanced level of the incentives scheme may be allowed to engage in paid work. Detainees should be advised on taking access to paid work that work opportunities confer a position of responsibility and that security or medical concerns or a reduction

in IEP (Incentives and Earned Privileges) status (in those centres which operate different IEP levels) or non-compliant or violent behaviour (i.e. a move to R40/42) will prevent them from continuing to qualify for this entitlement. They will automatically lose their paid work opportunity.

- b. With the UK Border Agency – only those detainees who are actively co-operating with the Agency in relation to resolution of their immigration case may be allowed to engage in paid work. Detainees should be advised on taking paid work that work opportunities confer a position of responsibility and are subject to their active co-operation. They will no longer qualify for work opportunities if they cease to actively co-operate with the Agency.
11. Examples of not actively co-operating with the Agency would include, but are not restricted to, a refusal to complete emergency travel document application forms, a failure to attend an interview without good reason, disruptive behaviour either in the centre or during attempts to remove them.
 12. Exercising a legal challenge to an immigration decision (e.g. submitting an appeal, applying for bail, seeking a Judicial Review) does not constitute an example of not actively co-operating.
 13. Any decision by the centre operator to refuse a detainee right to work shall be authorised by the UKBA Centre Manager.
 14. Any decision by the centre operator to withdraw a detainee's right to work shall be authorised by the UKBA Area Manager. In those centres which do not operate differing IEP levels, the service provider must inform the UKBA Centre Manager of the withdrawal of paid work.
 15. Detainees who have been removed from paid work following a reduction in IEP status will have to complete a period of one month at enhanced before being eligible to re-apply for paid work.

Rates of Pay

16. Any payment for paid work shall be over and above the daily allowance paid to detainees.
17. There are two tiers of pay rate:
 - a. Routine work will be paid at a rate of £1.00 per hour.
 - b. Specified projects will be paid at a rate of £1.25 per hour.
18. Detainees may not be paid at any other rate.
19. A project shall generally relate to a finite piece of work (e.g. painting a set of rooms) and require a minimum of six hours work to complete (whether during the course of one day or spread over a number of days).

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