Detention Services Order 06/2016

Women in the Detention Estate

Process: To provide consistent standards for the treatment of women in the immigration detention estate and under escort.

Implementation Date: June 2016
Review Date: June 2018

Contains Mandatory Instructions

For Action: Escorting officers and staff working in immigration removal centres, pre-departure accommodation and short-term holding facilities holding women.

For Information: Border Force and Home Office immigration case owners.

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Processes Affected: This DSO sets out instructions to ensure that the different needs of women are consistently identified and met in the detention estate and under escort. Some of the issues covered here (such as the legislation and policy) apply equally to men and are included here for completeness.

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

Notes: This guidance does not cover the specific needs of pregnant women. Those needs are addressed in DSO 05/2016.

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Introduction

1. This order provides guidance for all Home Office, NOMs and centre supplier staff working in immigration removal centres (IRC), pre-departure accommodation (PDA) and short-term holding facilities (STHF) where women are or may be detained, as well as escorting staff. It sets out instructions for staff on ensuring that the different needs and experiences of women are consistently recognised and met in the detention estate and under escort, in order to help guarantee their safety and rights. It does not cover the specific needs of pregnant women which are covered in DSO 05/2016.

2. Facilities in STHFs tend to be mixed sex (other than bedrooms) and will be more limited than those in IRCs, however this guidance should be followed as far as possible. For mixed sex adult families this guidance should also be followed as far as possible.

3. The full list of DSOs, applicable to both men and women, can be found on the gov.uk webpage at the following link: https://www.gov.uk/government/collections/detention-service-orders

Purpose

4. This order will ensure that all staff working with women detainees are aware of the particular risks and needs specifically associated with the women detainee population. It sets out actions required to ensure that those specific needs are identified and met.

Policy

5. Chapter 55.1.1 of the Home Office enforcement instructions and guidance (EIG) states that “detention is most usually appropriate: to effect removal; initially to establish a person's identity or basis of claim; or where there is reason to believe that the person will fail to comply with any conditions attached to the grant of temporary admission or release.” This applies to both men and women. The EIG makes no specific comment on the detention of women, with the exception of pregnant women.

6. Chapter 55.9.2 states that “where there are dependent children under the age of 18, special consideration must be given to the requirement to have regard to the need to safeguard and promote children’s welfare in line with the guidance given above.” This will have implications for the care and management of detained women who have dependent children under 18 years of age, for example visit arrangements. Any such issues concerning women with dependant children should be recorded by centre supplier staff and made available to the onsite Home Office Immigration Enforcement (HOIE) team upon request.

7. The Detention Services Operating Standards manual for Immigration Service Removal Centres includes a standard “to provide a safe and secure
environment, which meets the needs of women.” The stated Minimum Auditable Requirements are:

- “Women must only be housed in accommodation certified as suitable under the terms of Rule 15 of the Detention Centre Rules (Certification of accommodation).
- The Centre must inform female detainees by means of house rules and by any other method that they are entitled to ask to be examined by a female nurse/doctor (Rule 33 (10) of the DC Rules refers).
- The Centre must ensure that women are not required to undress within sight of another detained person or within sight of a male member of staff (Rule 7(3) of the DC Rules refers), except where the detainee has consented to be treated by a male member of the healthcare team.
- The Centre must provide for women to be served their meals within the dedicated female dining area. If they wish to do so, women will be allowed to eat their meals in association with men in a communal dining room.
- The Centre must ensure that female detainees are accompanied by at least one female detainee custody/escorting officer when being escorted to or from the removal centre.
- The Centre must ensure that the female population has equal opportunity of access to all activities within the Centre.
- The Centre must provide female detainees with the option of e.g. single sex gym sessions and other activities appropriate to their needs and interests and monitor take up to ensure that those provided are appropriate.
- The Centre must involve female detainees in the process of identifying appropriate activities.
- Females must only be searched by a member of staff of the same sex (Rule 7 (3) refers).”

Procedures

Searching

8. Women detainees should be searched on admission, on removal and on transfer to a centre, and may be liable to ad hoc searching in accordance with the searching procedures of each centre supplier. DSO 09/2012 sets out more general guidance for staff on the policy regarding searching detainees, including in holding rooms.

9. Women detainees must only be searched by female staff and where possible only female members of staff should be present. Women should be searched sensitively, and any religious or cultural needs should be taken into account. Searches should be carried out in a private area and the reason for the search explained in a language that can be understood. Details of all searches must be recorded, including details of any item that was found. These records must be made available to the Home Office IRC team on request.

1 Some centres do not have a dedicated female dining area.
10. Women detainees may be searched on entry to and departure from the visits area in accordance with the searching procedures of each centre supplier, and all visitors are liable to be searched as a condition of entry to a centre.

**Escorted moves**

11. A woman detainee being transferred should be accompanied by at least one female escort. Where possible, women detainees should be transported separately from men.

12. Dignity and confidentiality needs of women during escort, in particular around hospital appointments and admissions, must be preserved and cultural issues taken into account. Sufficient comfort breaks must be offered.

13. DSO 06/2014 provides details on the risk assessment process and use of restraints during escort.

**Initial detention in holding rooms and transfer to residential Short Term Holding Facility or Immigration Removal Centre**

14. In the event that a woman wishes to communicate with her husband, partner or family, including to make any necessary childcare arrangements for children under 18 or in relation to other caring responsibilities, she must be provided with access to appropriate telephone facilities. Detainees are able to retain their own security compliant mobile phones or be provided with a dummy into which they can insert their SIM card or/and have unrestricted access to a payphone.

15. Detainee custody officers (DCOs) in the holding room should ensure that there is adequate provision to address the specific personal needs of women, such as providing free access to a choice of sanitary provision including tampons and sanitary towels without the need to request them from a member of staff.

**Pre-departure accommodation and short-term holding facilities**

16. Women may be detained for a short period of time in pre-departure accommodation (as part of a family group) or in STHFs. Although residential STHFs may have more limited facilities than those in an IRC, the requirements of this DSO should be followed as far as possible.

17. Although a personalised care plan is not drawn up at STHFs, a female specific induction **must** be carried out and women detainees must be advised of specific items and arrangements which are in place; this will include the provision of underwear and sanitary protection, escorting arrangements etc.

18. Women detainees in STHFs may be held alongside male detainees and have access to shared communal areas. In such cases, women detainees should be asked if they are content to be in communal areas with unrelated men, and if
they are not then alternative appropriate arrangements should be put in place, if practicable. Female staff must be on duty at all times. Sleeping accommodation for women detainees must be separate from that provided for men detainees. Toilets and showers must have lockable doors to ensure privacy.

**Immigration Removal Centres**

**Reception**

19. DSO 06/2013 provides a mandatory checklist and supplementary guidance on specific areas which must be addressed by reception and induction officers when admitting a new arrival. This includes the provision of toiletries; there must be free access to a choice of sanitary protection.

20. In the event that a woman wishes to communicate with her husband, partner or family, including to make any necessary childcare arrangements for children under 18 or in relation to other caring responsibilities, she must be provided with access to appropriate telephone facilities. Detainees are able to retain their own security compliant mobile phones or be provided with a dummy into which they can insert their SIM card or/and have unrestricted access to a payphone.

**Healthcare**

21. Healthcare staff are expected to see all detainees within two hours of admission for a health screening. The screening must take place in a private room away from the sight and hearing of all other staff and detainees. Detainees arriving late at night who do not wish to have a full health screening at that time should receive a basic screening within 2 hours of arrival with a full screening the next day. In line with Rule 34 of the Detention centre Rules, every detainee must be offered a GP’s appointment within 24 hours of admission at an IRC and women detainees must be advised that they are entitled to ask to be examined by a female nurse/doctor; where possible this must be arranged but detainees should be advised that if a female doctor is not employed by the centre, the appointment may take longer to arrange. Detainees being assessed or screened by a male have the right to request a female chaperone.

22. Healthcare services are available to women with new or ongoing needs while in detention, including advice and guidance specifically relating to women’s health needs. Detainees are encouraged to stay healthy while detained and there is a range of services and activities which allow them to understand their health needs better, for example primary care clinics, screening for infectious diseases, healthy living events etc., and to manage them while detained and once released.

**Induction**

23. Centre staff and healthcare staff must undertake a risk assessment of the detainee within 24 hours and a Room Sharing Risk Assessment (RSRA) must be
completed as part of the reception process when detainees are first received into detention (DSO 2/2012).

24. In the event that a woman does not have suitable clothing, the IRC induction/reception/welfare team must assist with providing clothing (including underwear such as pants and bras, which must be new). A good stock of clothing in a range of sizes must be maintained.

25. Centre inductions should be provided in a range of accessible formats and should be conducted in a language understood by the detainee. Inductions should be undertaken in an area of the centre that is quiet and free from interruption.

Hygiene and personal care

26. Where possible, en-suite facilities with doors should be provided and officers and male detainees must not be able to observe women using toilets or showers. Where en-suite facilities are not available, access to bathrooms must be provided and women must be able to shower or bathe as often as they wish. Detainees must be able to launder their own clothes (in line with Detention Centre Rule 12(4)) and should be able to change their bedding regularly.

27. Women must have easy access to a range of hygiene products including sanitary protection. These products should be freely available without the need to ask a member of staff. On-site shops in IRCs where women may be detained should additionally be stocked with a range of toiletries, hygiene and beauty products sufficient to enable them to maintain their own hygiene and personal care and suitable for the cultural and other requirements of the detainees held in the centre; detainees should be consulted about the types of products that are available.

Diet

28. Catering providers should hold regular consultation with detainees and the dietary requirements of different groups - such as older women and women with specific religious, health or cultural requirements - must be met as far as reasonably practicable. There should be access to cultural kitchen facilities (where provided) and self-catering facilities. The on-site shop should stock a range of healthy snacks.

29. Healthcare and catering staff must work together to ensure that the needs of women detainees with eating disorders or who are refusing food/drink are met (see DSO 03/2013 Food and Fluid Refusal).

Activities and association

30. Activities should be promoted to meet the needs of all women detainees – these might include improving health and fitness, weight management and the opportunity to undertake social activities with other women. Physical activities should be appropriate to the needs and interests of women detainees and
should be promoted, including by identifying and addressing any barriers such as age, body consciousness and lack of confidence. Where possible, single sex gym sessions should be available.

31. Where possible, women detainees should be able to move freely around the female residential units and general association areas. Association rooms on female units should be open on a 24/7 basis, enabling detainees to socialise with their friends throughout the day and night should they choose. Detainees should be consulted about activities they would like to access and the equipment available to them in association rooms and libraries and stocks of games, crafts, books etc should be appropriate. Suitable paid work opportunities should be available.

32. Constant supervision of women subject to an Assessment Care in Detention and Teamwork (ACDT) plan must be undertaken by a female detainee custody officer (see DSO 06/2008 ACDT).

Visits

33. Unless a risk assessment highlights a specific risk to the contrary, women detainees should be allowed to hug family members and to hold young children on their laps during visits.

Religion and faith

34. Women detainees should, where possible, be able to practise their faith separately from male detainees. Where a chaplain certifies that a woman needs, on the basis of her faith, to practise her faith separately from men, this must be facilitated.

Welfare, counselling and support groups

35. Every centre should keep a list of organisations and their contact numbers who provide gender specific support, and of organisations that support the needs of women detainees who have experienced violence or abuse. This should be made easily accessible to detainees.

36. Women detainees should be made aware of any welfare, counselling and support groups within the centre, and have equal opportunity to participate.

Staff and training

37. Issues of decency, the need for close observation and women’s safety and rights should be considered when deciding the gender balance of staff and managers. Managers need to ensure all staff are aware of the need to respect decency and privacy issues when supervising women detainees. For example, staff must always knock and wait for an answer before entering detainees’ rooms, unless an exceptional operational need makes this inappropriate. Processes around
privacy and decency should be set out in a local protocol and all staff should be made aware of it.

38. All staff and volunteers working with women detainees must receive appropriate gender specific training (such as the protocol for entry to bedrooms), in addition to any generic training they receive when they undergo initial training. Appropriate refresher training should be undertaken, to include equality and diversity, human trafficking and modern slavery.

Complaints

39. DSO 03/2015 sets out the arrangements for making complaints relating to detention, including the process for confidential and anonymous complaints. It makes clear that all detainees are to be treated fairly, openly and with respect at all times and must not be penalised for making a complaint.

Revision History

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