



Home Office

# Detention Services Order 19/2012 Safeguarding Children Policy

August 2018



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# Document Details

**Process:** Safeguarding and promoting the welfare of children under the age of 18.

**Implementation Date:** May 2016 (reissued August 2018)

**Review Date:** August 2020

**Version:** 2.0

## Contains Mandatory Instructions

**For Action:** Home Office staff and suppliers operating in immigration removal centres (IRC), Gatwick pre-departure accommodation (PDA) and short-term holding facilities (STHF), Detainee Escorting Population Management Unit (DEPMU) staff and escort supplier staff.

**For Information:** Home Office caseworkers

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**Processes Affected:** Safeguarding and promoting the welfare of children under the age of 18.

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

**Notes:** This Detention Services Order (DSO) replaces DSO 19/2012 version 1.0, which is cancelled.

## Introduction

1. Section 55 of the Borders, Citizenship and Immigration Act 2009 requires the Secretary of State to make arrangements for ensuring that specific functions are discharged having regard to the need to safeguard and promote the welfare of children who are in the UK. “Children” means persons under the age of 18.
2. The specific functions covered by the duty include: immigration, asylum and nationality functions of the Secretary of State; functions conferred by virtue of the immigration acts on an immigration officer; as well as general customs functions, and customs functions conferred upon designated customs officials. Services provided by contractors have to be provided having regard to the need to safeguard and promote the welfare of children. Detention under Immigration Act powers is an “immigration” function and therefore covered by the duty.
3. Staff working in the immigration detention estate (including escorting) may have contact with children in the following circumstances:
  - in Gatwick pre-departure accommodation (PDA), where they may be held with at least one accompanying adult family member as a last resort under the final stage of the family returns process;
  - in Tinsley House Immigration Removal Centre (IRC), where the Borders Accommodation may be used to hold families with children in very limited prescribed circumstances;
  - when accompanied or unaccompanied children are held briefly at a short-term holding facility (STHF);
  - when families with children are under escort;
  - when children visit the immigration detention estate; and
4. when children are detained in the belief that they are adults but it subsequently emerges, on the basis of new evidence, that they are children.
5. All references to centres holding families with children in this document should be taken to mean Tinsley House IRC and Gatwick PDA.

## The role of Pre-Departure Teams

6. Two different Home Office teams operate in IRCs only: the Detention and Escorting Services Compliance Team (Compliance Team) and Immigration Enforcement Pre-Departure Team (PDT). In STHFs, PDA and IRCs where PDTs are not yet fully

operational, all actions for Home Office staff in this instruction must be completed by the local Compliance Team.

7. The primary responsibilities of the Home Office towards people in its care are to ensure that they:
  - are held securely and safely;
  - are treated with humanity and respect;
  - understand the clear benefits of departing the UK voluntarily; and
  - are assisted with making the most productive use of their time while in Home Office care.
  
8. **The duty to have regard to the need to safeguard and promote the welfare of children with whom they come into contact during the course of their duties also applies to detention and escorting suppliers as well as HM Prison and Probation Service staff carrying out these duties on behalf of the Home Office.**
  
9. The key safeguarding needs arising as a result of children staying in centres holding families with children or while under escort are: effective protection from abuse and/or neglect; monitoring and reducing any negative impact of their stay on parenting ability; normalising children's stay as far as possible; and clarifying and helping the children prepare for onward arrangements.
  
10. While the section 55 duty applies to **all** immigration detention facilities and escorting arrangements, this safeguarding policy has different implications for units that hold or escort children under immigration powers and those whose primary purpose is the detention and/or escorting of adults. Staff dealing with adults are required nevertheless to consider the duty and make suitable arrangements proportionate to the level of contact with children (see [section 2](#) below).

## **Fulfilling the Section 55 duty across the immigration detention estate (including pre-departure accommodation and during escort)**

11. All immigration detention facilities have a duty to:
  - a) have regard to the need to safeguard and promote the welfare of the children with whom staff have routine contact – when in contact with those children, whether or not the children are detained, e.g. visiting children;

- b) ensure that no unreasonable obstacles are placed in the way of contact being maintained between detainees and their children outside the facility; and
- c) minimise the risks of harm to children in the community by detainees who have been identified as presenting such a risk, which could occur during any form of contact with a child, including telephone calls, email exchanges and visits.

(Note: Supplier Centre Managers should take care to follow the requirements of DSO 04/2012 concerning visits).

**12. Centres holding families with children, short-term holding facilities and the escorting supplier must implement a safeguarding children policy, which should be consistent with the template at Annex A. The template includes requirements concerning the Safeguarding Children Manager and links with Local Safeguarding Children Boards (Child Protection Committees in Scotland and Northern Ireland) and should be adapted to meet the functions of the detention facility/escort supplier as necessary.**

**13. Centres that do not normally hold children must implement a safeguarding policy, which should be consistent with the template at Annex A1. The template should be adapted to meet the functions of each of these centres as necessary.**

## **Fulfilling the section 55 duty in centres holding families with children**

14. The duty to have regard to the need to safeguard and promote the welfare of children applies equally to all Immigration Enforcement (IE) staff, both Home Office Compliance and Pre-Departure Teams (PDT), the centre supplier's staff and the staff of any partner organisation with direct involvement in the operation of the centre. Robust links must be maintained between the Supplier Centre Manager and suitably senior (no lower than Area Manager level) officials in Compliance, and between the Compliance Manager and a designated member of the centre supplier's management team, to ensure that the approach of both is compatible in terms of both strategy and day to day operations. The responsibility for implementing all elements of the safeguarding policy, and ensuring the suppliers' fulfilment of the section 55 duty, rests with the Supplier Centre Manager or welfare/support provider in centres holding families with children.

## Children separated from their parent(s)/guardian(s) and unaccompanied children

15. Staff may encounter children who have been separated from their parent(s)/guardian(s) in a range of different circumstances. This may include, but will not necessarily be limited to, the following:

- 1) Where the sole parent/guardian with whom the child/children was/were held is unwell and is admitted to hospital.
- 2) Where it is discovered that the child/children are not related to the accompanying adult(s) as claimed.
- 3) Where the child/children are temporarily separated from the parent/guardian while they are held as a family unit - for example, while the parent/guardian is interviewed.
- 4) Where a person previously treated as an adult provides evidence that they are under the age of 18, or is accepted as such following a local authority age assessment.
- 5) Where unaccompanied children are held in a port holding room, pending transfer into local authority care.

16. Where children are encountered following separation under the circumstances outlined in paragraph 15 1) or 2), the detention supplier should take the following actions:

- Allocate an officer to the child/children to ensure that their immediate welfare needs, such as feeding, comfort breaks, nappy changing etc, are met.
- Refer the case to the local authority (see section 3 of [Home Office guidance on making safeguarding referrals](#)).
- Complete a risk assessment to enable an appropriate support plan to be initiated. This should, as a minimum, seek to identify:
  - ✓ suitable accommodation for the safeguarding of the child/children;
  - ✓ key staff to provide interim care;
  - ✓ health concerns, including contingencies for breast-fed children;
  - ✓ special needs, including disabilities or learning;
  - ✓ access to regime and activities;



- ✓ process for maintaining open communication with parent/guardian, if appropriate;
  - ✓ potential length of separation;
  - ✓ family in the community who may be able to provide interim guardianship;
  - ✓ process for ensuring ongoing monitoring;
  - ✓ next steps and a review date.
- Agree completed support plans in consultation with the local authority social work team, having consulted the child where practicable and appropriate, to ensure that they understand and are as satisfied as possible with the safeguarding arrangements in place.
  - Notify the Border Force/IE/UKVI caseworker to ensure early consideration of immigration bail for family or child/children where appropriate, or to clarify parental responsibility if family relationship status is in question.
  - Notify the Independent Monitoring Board.
  - Open a safeguarding record/log to document all actions and monitoring observations.
  - Ensure that regular, informative and age-appropriate discussions take place with the child/children, including discussions about proposed arrangements where the child has sufficient understanding. Ensure that parent(s)/guardian(s) are informed of the arrangements made.
  - Ensure continual management and monitoring of the situation through to a successful outcome, which might be (re-)unification with parent(s)/guardian(s) or a community placement for the child/children, either with foster parents or family members.
  - Ensure that onward arrangements are appropriate e.g. social services' agreement with community placement and chaperoning of children to the location at which they will be staying.

17. Where children are encountered following separation in the circumstances outlined in paragraph 15 3) above, the detention facility should take the following actions:

- Where there are existing crèche or similar facilities at the place of detention, aim to obtain care for the child/children in these facilities in the first instance.
- In the absence of crèche/similar facilities, nominate an officer, with suitable childcare qualifications where possible, to look after the child/children during

the period of separation, and identify a suitable location in which to accommodate the child/children.

- Keep changes to nominated staff to a minimum during the period of separation to ensure continuity of care, and to minimise any distress to the child/children.
- As far as is possible, minimise the period of separation and keep the child/children informed of the whereabouts of their parent/guardian.
- Ensure, subject to age and level of understanding, that the child is informed of the reason for the separation, how long it is likely to last and what is going to happen to the family unit next.
- An individual first encountered as an adult who later claims to be, or presents evidence that they are, a child, should be treated as outlined under section 55.9.3.1 of the Enforcement Instructions and Guidance and DSO 14/2012.
- Where children are encountered in the circumstances under paragraph 15 (5) above, arrangements should be made to meet their welfare needs during the brief period the children remain in the holding room, pending collection by local authority children's services.

## Removal of Children to an Area of Safety

18. There may be circumstances in which it may be necessary to separate a child from other families in the centre in order to ensure the safety of that child and other children in the establishment. The decision to separate the child must be taken with due regard to the section 55 duty and the child must not be placed in accommodation designated for removal from association or temporary confinement.
19. Centres holding families with children must make a decision on where to place the child, with at least one of the parents/guardians in attendance at all times, when such a need arises. This should be based on the individual circumstances of the child, the child's family and the centre at that time.
20. Where there is more than one child in the family group, but only one parent/guardian, the entire family unit must be located in the area of safety.
21. Alternatives may include transfer to another establishment or social services, if the incident warranting separation is sufficiently serious.

## Revision History

Review date	Reviewed by	Review outcome	Next review
05/2016	Sheri Yusuf	Rationalisation of contents, including deletion of original: Annex A: Appendix 1; Annex B; and Annex B: Appendix 1. Addition of new Annex A1 (more proportionate safeguarding children policy template for non-children IRCs).	05/2018
08/2018	Jose Domingos	Amended to include the roll out of PDT teams and individual responsibilities	08/2020