



Home Office

# Detention Services Order 01/2013

## Paid Activities

April 2019



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# Document Details

**Process:** To inform staff and suppliers of the conditions under which detainees may be provided with opportunities to engage in paid activities within immigration removal centres.

**Implementation Date:** March 2013 (reissued April 2019)

**Review Date:** April 2021

**Version:** 2.0

## Contains Mandatory Instructions

**For Action:** All Home Office staff and suppliers operating in immigration removal centres.

**For Information:**

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**Processes Affected:** Paid activities

**Assumptions:** N/A

**Notes:** This DSO replaces DSO 01/2013 version 1.0

# Instruction

## Introduction

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

## Policy

3. The opportunity to engage in paid activities may be provided to detainees under Rule 17 of the Detention Centre Rules 2001.
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 not be allowed to engage in paid activities for more than 30 hours per week.
6. There are two tiers of pay rate: routine activities will be paid at a rate of £1.00 per hour, and specified projects (as authorised by the on-site Compliance Manager) will be paid at a rate of £1.25 per hour.
7. Whether or not the opportunity to engage in paid activities is provided to detainees, all centres must have arrangements in place to provide all detainees with the opportunity to participate in activities to meet, as far as possible, their recreational and intellectual needs.
8. Centres may not operate their own paid activity 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 activities.

## Level of Compliance

10. Provision of paid activities should be directly linked to a level of compliance by the detainee on two levels:
  - a. With the centre operator – only detainees who comply with the rules of the relevant centre may be allowed to engage in paid activities. Detainees should be advised on accessing paid activities that these opportunities confer a position of responsibility and that security or medical concerns or non-compliant or

violent behaviour will result in them automatically losing the opportunity to engage in paid activities.

- b. With the Home Office – only those detainees who are actively co-operating with the Department in relation to the resolution of their immigration case may be allowed to engage in paid activities. Detainees should be advised on taking a paid activity that opportunities confer a position of responsibility and are subject to their active co-operation. They will no longer qualify for opportunities if they cease to actively co-operate with the Department.
11. Detainees who are excluded from undertaking paid activities may reapply to be included in the provision after a period of one month following the decision to exclude them.
  12. Examples of not actively co-operating with the Department 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, or disruptive behaviour either in the centre or during attempts to remove them.
  13. 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.
  14. Any decision by the centre operator to withdraw a detainee's opportunity to engage in paid activities shall be authorised by the Detention and Escorting Services Area Manager and confirmed in writing to the detainee. The service provider must inform the Compliance Manager of the withdrawal of paid activities.

## Rates of Pay

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

## Revision History

Review date	Reviewed by	Review outcome	Next review
April 2019	S Ali	General reformat and update	April 2021