



Home Office

# **Detention Services Order 04/2018**

## **Management and security of night state**

December 2018



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# Document Details

**Process:** To provide consistent standards on the management and security of operating an immigration removal centre (IRC), residential short term holding facilities (STHFs) or the Pre-Departure Accommodation (PDA) at night (referred to as the “night state” in this DSO).

**Implementation Date:** December 2018

**Review Date:** December 2020

**Version:** 1.0

## Contains Mandatory Instructions

**For Action:** Home Office Detention and Escorting Services (Compliance) staff and suppliers operating in immigration removal centres (IRC), Gatwick pre-departure accommodation (PDA) and residential short-term holding facilities (STHF).

**For Information:** Home Office caseworkers, Detention Engagement Teams

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**Processes Affected:** This DSO sets out instructions to ensure the safe and secure operation of an IRC or STHF during the night state.

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

**Notes:** This Detention Services Order (DSO) is new and relates specifically to the operation of night state.

# Instruction

## Introduction

1. This Detention Services Order (DSO) provides instructions for all staff in Home Office IRCs, Gatwick PDA and residential STHFs, on the period in which detainees are limited to a residential area or their individual rooms overnight within the centre.
2. For the purpose of this guidance, “centre” refers to IRCs, residential STHFs and the Gatwick PDA.

## Purpose

3. The night state is defined as the period when detainees are limited to their rooms or their residential units during the night. The use of the night state creates a clearly defined day/night routine and offers detainees the opportunity to rest in a quiet and private space in contrast with the constructive activities available during the day time. This DSO outlines the general principles of how the night state should be operated across the estate to ensure a consistent approach is taken.
4. During the night state, the normal expectation is that detainee movement will be restricted to residential rooms, units or areas (depending on the physical constraints of the individual centre, such as access to sanitation facilities).
5. This instruction does not apply to operational circumstances where detainees need to be in their rooms such as safety/security reasons or roll-count lock in.

## Policy

6. Rule 3 of the Detention Centre Rules 2001 (the DC Rules), states the purpose of centres is to provide for the secure but humane accommodation of detained persons in a relaxed regime with as much freedom of movement and association as possible, consistent with maintaining a safe and secure environment. DC Rule 39 states that security shall be maintained in centres, but with no more restriction than is required for safe custody and well ordered community life.
7. The night state does not affect detainees’ right to access healthcare services. Both emergency and routine healthcare interventions, treatments or checks during the night state must be conducted by either escorting detainees to the healthcare facilities or by healthcare staff attending the detainee’s room.

8. In line with DC Rule 15 (2) and the published Detention Services Operating Standards, all rooms in centres used as sleeping accommodation must be individually certified in writing as allowing the detainee to contact an officer at any time – see DSO 04/2003 ‘Accommodation: Lighting, Heating and Ventilation’. Rule 13(2) of the Short-term Holding Facility Rules 2018 similarly requires that all rooms used as sleeping accommodation in residential STHFs must also be individually certified in writing that as allowing detainees to communicate with an officer at any time.

## Local procedures and impact assessments

9. Each centre supplier must have in place local Night Operating Procedures that clearly define and justify the timings for night state. The Night Operating Procedures must be agreed between the supplier centre manager and the Home Office Compliance Team Service delivery manager, or residential STHF contract monitoring senior manager, and be set out in the centre’s Local Security Strategy or Security Standard Operating Procedures. A summary of how the centre operates during the night and the availability of services and the expectations of detainee behaviour during night state must be included in the centre’s induction literature and explained to all detainees during the supplier induction process.
10. The following must be considered when agreeing the local Night Operating Procedures;
  - The management and security of night state must balance the need to maintain safety and security with the dignity and welfare of detainees.
  - The duration of the night state. Depending on the layout of each centre, this must be the minimum time necessary to ensure the safety and security of detainees during the night and deliver a normal daily cycle in the centre. The duration of night state at each centre must also reflect the local assessments conducted as per paragraphs 11-13.
  - The earliest start and end times of night state.
11. The restrictions of night state could have a potential impact on a number of the protected characteristics set out in the Equality Act 2010. An equalities assessment must be completed by the supplier centre manager when developing or revising the centre’s local Night Operating Procedures, and its findings must be approved by the local Home Office Compliance Team delivery manager, or residential STHF contract monitoring senior manager, when implemented or reviewed. This must include a consideration of any impact of the night state procedures on any protected characteristics<sup>1</sup>, such as a detainee’s right to practice their religion whilst

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<sup>1</sup> The Equality Act 2010 defines protected characteristics as: age; disability; gender reassignment; pregnancy and maternity; race (includes ethnic or national origins, colour or nationality); religion or belief (includes lack of belief); sex; and sexual orientation.

in detention. Any impact identified locally must be documented in the assessment, as well as any mitigating factors or reasonable adjustments adopted.

12. Reasonable adjustments that mitigate against any identified impact must be considered as part of the initial impact assessment on any of the protected characteristics. This should include:
  - a. Where reasonable and appropriate, the location of a group of detainees in a residential area of the centre where the night state restrictions are better suited to their needs.
  - b. Consideration of extra support being provided to a group of detainees during night state, which may include increased monitoring during the night.
  - c. Consideration of room sharing arrangements in relation to a group of detainees that may benefit from either peer support or isolation during the night.
  - d. Consideration of suitability of a group of detainees whose welfare, healthcare or support needs cannot be met by the local night state procedures – see DSO 03/2016 ‘Consideration of Detainee Placement in the Detention Estate’.
13. The reasonable adjustments detailed at paragraph 12 must be considered towards mitigating impact against any protected characteristics of a defined group of detainees. Individual assessments of suitability and adjustments made to ensure the appropriate conditions of detention are covered at paragraph 15-16.
14. The Night Operating Procedures and Local Security Strategy, or Security Standard Operating Procedures, must cover specific night state contingencies for any appropriate incidents, such as escape, attempted escape, death in custody, fire, or any other contingency such as a loss of common services (water, electricity etc).

## **Safeguarding detainees during night state**

15. The Night Operating Procedures must cover fully what arrangements must be in place for an effective handover of security and other information from staff on day shift to those on night shift. This should include arrangements for observing at-risk detainees such as:
  - Those on an open, post closure, ACRT or recently closed Assessment Care in Detention and Teamwork (ACDT). In accordance with DSO 06/2008 - ACDT, the local self harm and suicide prevention policy statement must detail the protocols, actions or procedures needed to safeguard detainees managed under ACDT. These must include any additional safeguarding measures required during the night state.

- Adults at Risk in detention. In accordance with DSO 08/2016 – ‘Management of Adults at Risk in Immigration Detention’, a care plan or supported living plan must be considered for all detainees who have a condition that may affect their daily experience of detention. Where a detainee requires additional support throughout the night, or reasonable individual adjustments to the night state procedures, such measures must be documented in the detainee’s careplan (or Vulnerable Adult Warning Form at residential STHFs) and the local Compliance team, DET Team and caseworker notified as detailed in DSO 08/2016.
- Any other detainees on a higher than normal observation level for other reasons - such as being subject to Removal from Association, Temporary Confinement or for medication purposes (as per DSO 02 2017 Removal from Association (Detention Centre Rule 40) and Temporary Confinement (Detention Centre Rule 42). The Night Operating Procedures must also cover the provision of first aid during night state.

16. The Night Operating Procedures, local Security Strategy or Security Standard Operating Procedures must clearly state the local protocol that staff should follow if faced with a potentially life-threatening situation. Staff must have access to the local security protocols and be made aware of the implications of this for their role in maintaining security during the night state. All staff have a duty of care to detainees, to themselves and to other staff. The preservation of life must take precedence and where there is, or appears to be, danger to life, then rooms may be unlocked without any further authority and an individual member of staff may assess the risks and enter the room on their own.

## **Room Sharing Risk Assessment (RSRA) (IRCs & Residential STHFs)**

17. In accordance with DSO 12/2012 Room Sharing Risk Assessment, the RSRA process is an essential tool to assist identifying risks to detainees when locked in a shared area. This area may be a room or a residential unit (where detainee movement is restricted to a corridor with communal sanitary facilities, for example).
18. Healthcare professionals in centres will complete a health screen process as part of reception procedures. Following this screening, a member of the healthcare team must complete the healthcare assessment part of the RSRA, recording any information gathered, either through observation or available in records (including medical records).
19. The local Night State Procedures must be considered when assessing the suitability of a detainee sharing a room with another detainee.



20. Where during the RSRA process, concerns are raised by supplier or healthcare staff of a detainee's suitability to cope with the local Night State Procedures, consideration must be given to a transfer request – see DSO 03/2016 'Consideration of Detainee Placement in the Detention Estate'. In such cases, the detainee's welfare must be managed by opening a Care plan (or Vulnerable Adult Warning Form at residential STHFs) – see DSO 08/2016 'Management of Adults at Risk in Immigration Detention'. Such concerns must be raised by supplier staff with both local Home Office teams (where available at IRCs) and the Detention and Escorting Population Management Unit (DEPMU) by completing a form IS 91 RA Part C.

## Operational Instructions

### Going into night state

21. The supplier centre manager must ensure that the Local Security Strategy or Security Standard Operating Procedures contain clear guidance on the hand-over procedures that must take place before the centre can enter the night state. This should include:

- A full roll check;
- A briefing to the supplier night staff of any ongoing or potential issues; and
- A documented briefing on detainees considered "at risk" who may require additional support or a higher than normal level of observation during the night;

### During the night state

22. The local Night Operating Procedures must cover what security checks need to be carried out by night supplier staff. These include roll checks and ensuring all doors, gates and room doors are secure.

23. As set out in DSO 05/2015 'Reporting and communicating incidents out of hours' the local Compliance Team on call officer must be on call throughout the night. He / she must be informed immediately of any serious event at the centre such as an emergency discharge to hospital or use of Rule 40 or Rule 42 -in accordance with DSO 02/2017 – 'Removal from Association and Temporary Confinement'.

24. There must be local arrangements set out in the local security protocols for the discharge and reception of detainees during the night.

25. On handover from the day shift, supplier night staff must receive a clear briefing on any detainees who are identified as requiring a high level of individual

observations. This may include detainees on an open or post closure ACDT plan, those considered a high security risk, for healthcare reasons, or the need for regular observations or consultations during the night. These actions must be recorded by supplier staff in the relevant documentation such as an open ACDT plan or care plan. See paragraphs 16-17.

26. Staff should be aware of the local contingency plans which set out how to manage various types of incidents and are competent to carry out such plans, if required. Night staff must be fully briefed and trained in the establishment's local incident contingency plans. This should cover the procedures for summoning assistance (from both internal and external sources), containment of the incident (where possible) and, in extreme circumstances, the evacuation of residential accommodation. The centre supplier Duty Manager and the local Compliance Team on-call manager must be informed immediately if an incident occurs to comply with the establishment's contingency plans.
27. Where a call system is installed, the centre supplier or expert contractor must confirm that it is capable of attracting the attention of staff. Where an alternative means to summon assistance is relied upon, each room must provide detainees with an effective means of communication with staff. There must be staff presence in each residential area or unit at all times to ensure an appropriate and timely response in case of an emergency. Supplier staff night managers must visit areas of the centre where night staff are based and such visits must be recorded and be available for audit by the local Home Office Compliance Team.
28. To maintain a safe and secure environment, the Night Operating Procedures must clearly state how many staff must be present before detainee accommodation can be unlocked.

## Coming out of night state

29. Centre suppliers must ensure that the Local Security Strategy, or Security Standard Operating Procedures, contains clear guidance on the hand-over procedures that must take place before the centre can come out of the night state. This should include:
  - A full roll check;
  - A verbal briefing to the oncoming day staff of any ongoing or potential issues;
  - A verbal briefing on detainees considered "at risk" detailing their behaviour and any additional support that they received during the night; and
  - A complete log of any incidents that may have occurred ensuring that all hand-over paperwork is properly completed and signed for.