

Detention Services Order 06/2016

Women in the immigration removal estate

April 2024



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Any enquiries regarding this publication should be sent to us at DSOConsultation@homeoffice.gov.uk

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Document Details

Process: To provide information regarding the consistent standards for the treatment of women in the immigration removal estate, and during under escort.

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Contains Mandatory Instructions

For Action: All staff working in immigration removal centres, pre-departure accommodation and short-term holding facilities (residential and non-residential) that detain women, in addition to escorting officers.

For Information: Border Force (Whilst this DSO includes mandatory actions for Home Office Immigration responsible caseworkers, this guidance is for information purposes only)

Author and Unit: Dean Foulkes, Detention Services.

Owner: Michelle Smith, Head of Detention Operations

Contact Point: <u>Detention Services Orders Team.</u>

Processes Affected: This DSO sets out instructions, to ensure that the needs of women are consistently identified and met within the immigration removal estate and under escort. Some of the issues covered here (such as the legislation and policy) apply equally to men and are included 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; Guidance on the detention of pregnant women is provided in the <u>Adults at Risk in Immigration Detention guidance</u>, <u>Chapter 55a Detention of Pregnant Women guidance</u> and DSO 05/2016 Care and Management of Pregnant Women in Detention.

Instruction

Introduction

- 1. This Detention Services Order (DSO) provides operational guidance for all Home Office and contracted service provider staff working in Immigration Removal Centres (IRCs), pre-departure accommodation (PDA) and short-term holding facilities (STHFs) (residential and non-residential) where women are or may be detained, as well as escorting staff. It outlines instructions to ensure that the needs and experiences of women are consistently recognised and met within the immigration removal estate and under escort, in order to help guarantee their safety and rights, and prioritise their welfare.
- 2. For the purpose of this guidance, "centre" refers to IRCs, the PDA and STHFs. 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.
- 3. This instruction **does not** apply to Residential Holding Rooms (RHRs).
- 4. 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
- 5. Two different **Home Office teams** operate in IRCs:
 - Detention Services Compliance team (Compliance team)
 - Detention Engagement team (DET)

The **Compliance team** are responsible for all on-site commercial and contract monitoring work. The **DETs** interact with detained individuals face-to-face within the IRCs on behalf of responsible case workers. They focus on communicating and engaging with people detained at IRCs helping them to understand their cases and detention.

There are no DETs at Residential Short-term holding facilities (RSTHFs) and the Gatwick PDA; functions which are the responsibility of the DET in RSTHFs are carried out by the contracted service provider and overseen by the International and Returns Services (IRS) Escorting Contract Monitoring Team (ECMT). In the Gatwick PDA, the role of engagement with detained individuals is covered by the local Compliance Team.

Purpose

6. This order will ensure that all staff are aware of the particular risks and needs specifically associated within the detained female population. It sets out actions required to ensure that those specific needs are identified and met.

Policy

- 7. The Detention General Instructions (DGIs) state 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 a grant of immigration bail." This applies to both men and women. The DGIs make no specific comment on the detention of women, with the exception of pregnant women.
- 8. The DGIs 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 dependent children should be recorded in the detained individual's file by the Contracted Service Providers and made available to the onsite Compliance team upon request.
- 9. The Detention Services Operating Standards manual for <u>Immigration Removal</u>
 <u>Centres</u> includes a standard "to provide a safe and secure environment, which meets
 the needs of women." In this document, the Minimum Auditable Requirements are as
 stated:
 - "Women must only be housed in accommodation certified as suitable under the terms of Rule 15 of the Detention Centre Rules 2001 (Certification of accommodation).
 - The centre must inform female detained individuals that they are entitled to ask to be examined by a medical practitioner of the same sex i.e., a female nurse/doctor (Rule 33 (10) DC Rules).
 - 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) DC Rules), except where the detained individual 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 area¹.

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¹ Some centres do not have a dedicated female dining area.

- The centre must ensure that female detained individuals are accompanied by at least one female 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, where possible. (Any rationale for difference e.g., centres containing a larger male population should be justified in the Equality Impact Assessment and supported by evidence)
- The centre must provide female detained individuals 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 detained individuals in the process of identifying appropriate activities.

Procedures

Searching

- 10. Detained women must be searched on admission, on removal and on transfer to or from a centre, and subsequently as the contracted service provider manager thinks necessary/as the Secretary of State may direct (Rule 7 (1) DC rules). Additionally, some local procedures may also demand pat down searches for specific circumstances or activities, such as women leaving workshops/kitchens or to gain access to certain areas of the centres. These procedures are subject to local risk assessments and must be visibly publicised in the areas affected. DSO 09/2012 Searching Policy outlines more general guidance for staff on the policy regarding searching detained individuals, including in holding rooms.
- 11. Detained women must only be searched by female staff and where possible, only in the presence of female staff members. Searches on women should be carried out with due regard to sensitivity and vulnerability, and enquiries / considerations should be made of any religious or cultural needs. Searches should be carried out in a private area and the reason for the search explained in a language that can be understood by the woman, using interpretation services where necessary (DSO 02/2022 Interpretation Services refers). 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 Compliance team on a monthly basis on request, to identify and address any trends.
- 12. Detained women, as with all detained individuals may be searched on entry to and departure from the designated visits area (out of sight of members of the public), in accordance with the searching procedures of each contracted service provider and all visitors are liable to be searched as a condition of entry to a centre.

Escorted moves

- 13. A detained woman being transferred should be accompanied by at least one female escort. Where possible, detained women should be transported separately from men.
- 14. 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.
- 15. DSO 07/2016 Use of restraint(s) for escorted moves All staff, 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

- 16. All detained women within the centre must have access to a telephone/appropriate telephone facilities to make calls, (i.e. in the event she wishes to communicate with her spouse, partner or other family members, including to make any necessary childcare arrangements for children under 18 or relative to other caring responsibilities), and the means to receive incoming telephone calls (DSO 05/2018 Mobile phones, internet enabled devices, and cameras refers).
- 17. Detainee custody officers (DCOs) in the holding room should ensure that there is adequate provisions to address the specific personal needs of women, such as providing free access to a choice of sanitary provisions including tampons and sanitary towels without the need for women to request them from a member of staff.

Pre-departure accommodation and short-term holding facilities

- 18. Women with children may be detained at the Pre-Departure Accommodation for a maximum of 72 hours. This can be extended in exceptional circumstances to an absolute maximum of one week, where there is Ministerial authorisation in place for the extension.
- 19. In RSTHFs, women may be detained for the normal 5 day maximum that applies to detention in such places of detention, though this is extendable to an absolute maximum of 7 days if removal directions are set during the two days following the expiry of the normal five day maximum. Although RSTHFs may have more limited facilities than those in an IRC, the requirements of this DSO should be followed as far as practicable.
- 20. In RSTHFs, a female specific induction **must** be carried out by the contracted service provider, and detained women must be advised of specific items and arrangements which are in place; this will include the provision of underwear and sanitary provision, information about escorting arrangements etc.
- 21. Detained women in STHFs may be held alongside men and have access to shared communal areas. In such cases, detained women should be asked if they are content to be in communal areas with unrelated men, and if they refuse, then alternative appropriate arrangements should be put in place, if practicable. Female staff must be on duty at all times. Sleeping accommodation for detained women must be separate from that provided for detained men. Toilets and showers must have lockable doors to ensure privacy.

Immigration Removal Centres

Reception

- 22. <u>DSO 06/2013 Reception, Induction and Discharge Checklist and Supplementary</u>
 <u>Guidance</u>, 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 provisions.
- 23. All detained women within the centre must have access to a telephone/appropriate telephone facilities to make calls, (i.e. in the event she wishes to communicate with her husband, partner or other family members, including to make any necessary childcare arrangements for children under 18 or relative to other caring responsibilities), and the means to receive incoming telephone calls. Detained individuals should, where possible, be able to retain their own SIM card. If they do not have a SIM card, or their SIM card is not compatible with the device provided, centres are required to provide one where a SIM enabled device is being used. Detained individuals must be able to choose their mobile phone service provider or where SIM enabled devices are not available, use the centre's secure wireless network phones (DSO 05/2018 Mobile phones, internet enable devices, and cameras refers).
- 24. Detained women in IRCs may be held alongside men and may have access to shared communal areas. In such cases, detained women should be asked if they are content to be in communal areas with unrelated men, and if they refuse, then alternative appropriate arrangements should be put in place, if practicable. Female staff must be on duty at all times. Sleeping accommodation for detained women must be separate from that provided for detained men. Toilets and showers must have lockable doors to ensure privacy.

Healthcare

- 25. Healthcare staff are expected to see all detained individuals 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 detained individuals. Detained individuals 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. Detained women should be offered a free pregnancy test on arrival.
- 26. In line with Rule 30 of the Short-term Holding Facility Rules 2018 (STHF Rules), every detained individual in a RSTHF must be screened by healthcare professional within 2 hours of admission. In line with STHF Rule 31 the manager must ensure a detained person has access to a healthcare professional, and any request to be seen by a healthcare professional must be passed on to the manager and arrangements made

for the healthcare professional to see the detained person as soon as practicable. Individuals are entitled to request to be seen by a healthcare professional of the same sex as themselves.

- 27. In line with Rule 34 DC Rules 2001, every detained individual in an IRC must be offered a physical and mental examination by the medical practitioner (GP) within 24 hours of their arrival at an IRC. Detained women must be advised that they are entitled to ask to be examined by a female nurse/doctor; where possible this must be arranged but detained individuals should be advised that if a female doctor is not employed by the centre, the appointment may take longer to arrange.
- 28. For centres holding detained individuals who are being assessed or screened by a man, all detained persons shall be entitled, if they so wish, to be examined only by a registered medical practitioner of the same sex, and the medical practitioner shall ensure that all detained persons of the opposite sex are aware of that entitlement prior to any examination (Rule 33 (10) DC Rules).
- 29. 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. Individuals are encouraged to stay healthy whilst detained, and there are a range of services and activities within the IRC 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 those needs whilst detained and once released.

Induction

- 30. Centre and healthcare staff must undertake a risk assessment of the detained individual within 24 hours and must complete a Room Sharing Risk Assessment (RSRA) as part of the reception process, when detained individuals are first received into detention (DSO 12/2012 Room Sharing Risk Assessment refers).
- 31. 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.
- 32. A female specific centre induction must be carried out and it should be provided in a range of accessible formats and should be conducted in a language understood by the detained individual (<u>DSO 02/2022 Interpretation Services</u> refers). Inductions should be undertaken in an area of the centre that is quiet and free from interruption.

Hygiene and personal care

- 33. Where possible in IRCs, en-suite facilities with doors should be provided and officers / other detained individuals must not be able to observe individuals 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. Detained individuals must be able to launder their own clothes (in line with DC Rule 12(4)) and should be able to change their bedding regularly.
- 34. Women must have easy access to a range of hygiene products including sanitary provisions, reusable and sustainable products such as menstrual cups, period underwear and re-usable towels. 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 to enable them to maintain their own hygiene and personal care, and suitable enough for cultural and other requirements. Detained individuals should be consulted about the types of products that are available.

Diet

- 35. Catering providers should hold regular consultation with detained individuals 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 in IRCs should stock a range of healthy snacks.
- 36. Healthcare and catering staff must work together to ensure that the needs of detained women with eating disorders or who are refusing food/drink are met (<u>DSO 03/2017</u> Care and management of detained individuals refusing food and/or fluid refers).

Activities and association

- 37. Recreational and physical activities in IRCs, the PDA, and STHFs should be promoted to meet the needs of all detained women, which may 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 detained women and promoted, including by identifying and addressing any barriers such as age, body consciousness and lack of confidence. Where possible, single sex gym sessions in IRCs should be available.
- 38. Where possible, detained women 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 detained individuals to socialise with others throughout the day and night should they choose. Detained individuals 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.
- 39. Constant supervision of women who are subject to an Assessment Care in Detention and Teamwork (ACDT) plan, should wherever possible, be undertaken by a female DCO (i.e., someone of the same sex as the detained individual). If this is operationally impossible, for reasons of safety/security, the details for this decision must be fully documented by the duty manager on the ACDT plan (DSO 01/2022 Assessment Care in Detention and Teamwork refers).

Visits

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

Religion and faith

41. Detained women should, where possible, be able to practise their faith separately from detained males. 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

- 42. 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 detained women who have experienced violence or abuse or trafficking. This should be made easily accessible to detained individuals.
- 43. Detained women should be made aware of any welfare, counselling, and support groups within the IRC, and they should have equal opportunity to participate.

 Wellbeing support may also be available via the healthcare service.

Staff and training

44. 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, cultural and privacy issues when supervising detained women. For example, staff must always knock and wait for an answer before entering detained individual's rooms, unless an exceptional operational need makes this inappropriate. Additionally, prior to opening the door, officers should verbally announce their gender. Procedures around privacy

and decency should be set out in a local protocol and all staff should be made aware of it.

Complaints

45. DSO 03/2015 Handling of Complaints, sets out the arrangements for making complaints relating to detention, including the process for confidential and anonymous complaints. It makes clear, that all detained individuals are to be treated fairly, openly and with respect at all times and must not be penalised for making a complaint. Additionally, DC Rule 38 and Rule 34 STHF Rules, outline the legislative provision on the complaints process and that a detained individual can make a complaint/request, in confidence, either orally or in writing respectively.

Revision History

Review date	Reviewed by	Review outcome	Next review
June 2016	Emily Jarvis	General reformat and update	June 2018
April 2024	Dean Foulkes	 Updated to reflect: The roll out of Home Office teams and individual responsibilities The addition of DC Rule 38 and Rule 34 STHF rules, relative to the complaints process The addition of Rule 30 and 31 STHF rules and DC Rule 34, relative to the Healthcare process The time limits for the detention of women at the PDA 	April 2026