



Detention Services Order 03/2016

Consideration of Detainee Placement in the Detention Estate

Process: To provide instructions on the correct process for completing a risk assessment before a detainee is placed in an immigration detention facility.

Implementation Date: April 2016

Review Date: April 2018

Contains Mandatory Instructions

For Action: Immigration removal centres, pre-departure accommodation and short-term holding facilities and escorting officers.

For Information: Border Force and Home Office immigration case owners

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Processes Affected: This DSO sets out instructions on the use of the detainee risk assessment system to inform the placement of detainees in the detention estate.

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

Notes: This DSO replaces DSO 01/2003 which has been withdrawn.

Issued: April 2016
Version: 2.0

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Introduction

1. This order provides guidance for all staff in Home Office immigration removal centres (IRC), pre-departure accommodation (PDA) and short-term holding facilities (STHF), as well as escorting staff. It sets out instructions for staff on the requirement to complete a structured risk assessment before a detainee is placed in an immigration detention facility. This assessment must be updated as necessary to ensure all interested parties are aware of any potential risk associated with that individual. References to “centre” in this document cover IRCs, STHFs and PDA.

Purpose

2. This order will ensure that all staff within the Home Office immigration detention estate are aware of the roles of Border Force, Immigration Compliance and Engagement (ICE) and Criminal Casework (CC) teams in identifying an individual’s risk factors and the responsibility of the Detainee Escorting and Population Management Unit (DEPMU) for carrying out the actual risk assessment for placing that individual in an immigration detention facility.

Policy

3. Allocation of detention beds is based upon a number of criteria. It is important that DEPMU and case owners **are fully informed of all potential risks** associated with any individual. This is necessary to ensure the appropriate management of all detainees, including their health and welfare needs, and to maintain the security and safety of detainees and the detention estate.
4. The presence of risk factors do not in themselves preclude detention. They may, however, mean that individuals need to be managed in a particular way once detained and/or require careful placement in the detention estate to manage or mitigate the risks in question. It is important to ensure that possible risks that may make a person particularly vulnerable are identified accurately and notified appropriately. More generally, careful consideration must be given to whether the risk factors may engage the policy on suitability for detention as set out in section 55.10 of the Enforcement Instructions and Guidance. Where that policy is engaged, consideration must be given as to whether there are very exceptional circumstances present that justify detention in what would otherwise normally be an unsuitable case.

Procedures

5. DEPMU will risk assess a detainee’s suitability to be detained within the detention estate, and in which centre, as part of the initial referral process undertaken by the detaining officer.
6. In cases of individuals with a disability, consideration will be given to whether reasonable adjustments can be made to accommodate them at a centre. This

should be in line with the Public Sector Equality Duty, to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation.

7. Pre-planning for anyone being detained with a known physical or mental disability or other condition, such as drug or alcohol dependency, should be undertaken by the case owner/Border Force/ICE team, and a multi-agency planning exercise prior to detention should be considered with DEPMU and the proposed IRC. This will ensure detainees with such a condition will be transferred to the nearest centre on initial detention that can accommodate their needs, where possible. Consideration should also be given to the impact of the centre location, particularly in relation to the location of friends and family.
8. There are other risk factors to consider when allocating a detention bed, which include;
 - (i) Early Release Scheme (ERS) cases – those referred into immigration detention pending removal are ‘detained persons’ within the meaning of Part VIII of the Immigration and Asylum Act 1999. As such, location within the centre should be determined based on usual risk assessment processes;
 - (ii) Co-location of couples – checks should be made on the Casework Information Database (CID) and with the caseworker to establish if the claimed relationship is genuine e.g. not a sham relationship, and whether or not there are any concerns about co-location;
 - (iii) MAPPA cases (see DSO 20/2012);
 - (iv) Transsexual detainees (see DSO 11/2012); and
 - (v) Escape risks and other security risk factors.
9. DEPMU can refuse to accept a detainee into the detention estate if the risk assessment has deemed them unsuitable. Foreign National Offenders (FNOs) in the prison estate are subject to separate arrangements via DEPMU. Justification for a refusal should be provided in writing to the detaining officer/team. DEPMU will keep a record of all refusals and statistics will be provided quarterly to the Head of Detention Operations.
10. If any special conditions are identified following admittance to an IRC, it is the responsibility of the IRC supplier to consider and record relevant information on an IS91RA part C and fax/email to DEPMU who will update CID, and also on the room sharing risk assessment where appropriate, as set out in DSO 12/2012 ‘Room sharing risk assessment’.
11. Transfers for those with identified vulnerabilities should be kept to a minimum with regular breaks in the interests of the detainee’s comfort. Centre supplier staff must ensure a safer detention referral (annex a) is made with the receiving centre prior to a transfer taking place for those with identified vulnerabilities. All known information and risks must be shared and accurate records must be kept on local systems. Medical records (DSO 01/2016 Medical Information Sharing refers), Assessment Care in Detention and Teamwork (ACDT) records, prison files and any other records should accompany detainees at all times when transferred from one centre to another.

12. All staff working with detainees should undergo equality and diversity and mental health awareness training, which should be annually refreshed.

Risk Assessment Process

13. The risk assessment process consists of two forms (IS91RA part A: Risk Factors and IS91RA part C: Supplementary Information). When requesting detention, the caseowner must notify DEPMU of all risk factors using form IS91RA part A and must place the up to date form on CID DocGen. DEPMU cannot allocate detention until the risk factors have been notified. In cases where the detainee may have specific accommodation requirements, it is important that the risk is made clear on the IS91RA part A and that DEPMU are made aware at the earliest opportunity.
14. In addition to completion of the risk assessment form(s), in all cases other than families in the Family Returns Process (FRP), form IS91R (Reasons for Detention) should be served on the detainee and form IS91 (Authority to Detain) should be served on the authority with custody of the detainee i.e. police, prison service or escorting supplier. This should happen as soon as the individual's detention status becomes the sole responsibility of the Home Office, for example in cases in which the custodial sentence has been completed.
15. If additional risks are identified during detention then existing risk assessments must be reviewed by DEPMU and the caseworker to ensure that detention remains appropriate and the centre can still manage the needs of the detainee.

Process for Ports

16. Border Force should complete the IS91 and send to DEPMU via fax/email. Where risk factors are identified, an up to date IS91RA part A must also be sent to DEPMU and placed on CID DocGen. In addition Border Force should also complete and submit the IS89 (request for detention form). If a bed is allocated DEPMU will update the special conditions screen on CID with all relevant risk factors and these will be included on the IS278 Movement Order sent to the escort supplier and receiving IRC.
17. Any additional relevant information about the detainee that the port subsequently discovers, such as a female detainee's pregnancy, prior to admittance at an IRC, should be recorded on an updated IS91RA part A and faxed/emailed to DEPMU.

Process for Ports in family cases

18. Except for limited periods of detention in a short term holding facility at the border, families with children can only be detained at Tinsley House, the only IRC that can accommodate families detained at the border or high harm families with children in the detention estate. The IS91, including the risk assessment, should

be completed for each family member together with a Border Force family booking form.

19. Authorisation to detain must be obtained from the Border Force Director, or the out of hours Duty Director through Command and Control, where any child is to be detained at Tinsley House, or in excess of 24 hours, or overnight. The Director's authorisation will be obtained through completion of the Request for Director Authorisation form. Any welfare and safeguarding issues should be highlighted on this form.
20. A request for detention space at Tinsley House should be made, at the earliest opportunity, to the Family Returns Unit (FRU) during the hours of 0800 hrs – 1700 hrs and to DEPMU outside of these hours. A completed family booking form should accompany any request for detention space.

Process for Immigration Compliance and Engagement (ICE) Teams

21. In all cases ICE teams should transfer the IS91 to the police, escort or supplier at the point of transferring custody with a completed IS91RA. The NRC referrals pro-forma should be completed and sent to the NRC Gatekeeper for their consideration by email to the NRC Referrals inbox, unless otherwise agreed by the Gatekeeper, ensuring that IS91RA is completed and available for viewing on CID DocGen.

Application for pre-departure accommodation for families in the Family Returns Programme (FRP)

22. Requests for pre-departure accommodation should be made to the Family Returns Unit Inbox by the Family Engagement Manager. Bookings are confirmed on receipt of the completed Family Welfare Forms (FWF) within the published deadlines. Although the FWF is sufficient to book a bed in pre-departure accommodation the family will not be accepted if the IS91 RA is not completed before their arrival.
23. FWFs should contain all known, medical, safeguarding and risk information that the Family Engagement Manager is aware of at the point of referral. If information later becomes available the Family Engagement Manager must ensure that pre-departure accommodation staff are made aware of this information via the FRU inbox.
24. In all FRP cases form IS91 is served on the escorting contractor and form IS91R (Reasons for Detention) is served on each family member, including each child, at a designated place of detention. This should happen as soon as the individual's detention status becomes the sole responsibility of the Home Office.
25. Allocation of family suites in the PDA will only be made following the receipt of advice from the Independent Family Returns Panel (IFRP). The PDA cannot accept individuals who are serving a criminal sentence and are leaving under the early removals scheme (ERS), or who may present a risk to staff/residents at the

PDA or, if they were to abscond, to the public. There may be rare occasions where it would be appropriate to use Tinsley House Family Unit to accommodate a family. These cases must be referred to the IFRP for advice and require ministerial authorisation. If an individual in the family is subject to MAPPA arrangements (refer to DSO 20/2012 MAPPA), the family engagement manager must consult the MAPPA offender manager to assess the suitability of that individual for the PDA. This information must form part of the return plan in the FWF.

Transfer Requests to Detainee Escorting and Population Management Unit (DEPMU)

- 26. If the centre manager assesses that a detainee needs to be transferred from their centre to another centre or to HM Prison Service custody, they should make their concerns known to the onsite Home Office Immigration Enforcement (HOIE) Manager/Deputy Manager.
- 27. If it is agreed that a transfer is necessary then the HOIE Manager/Deputy Manager will make a representation to DEPMU, providing sufficient evidence on an IS91 Part C Risk Assessment form to enable DEPMU to arrange a transfer.
- 28. If there has been no action by the HOIE Manager/Deputy Manager or DEPMU within 48 hours and the centre manager has serious concerns about the detainee, then the transfer request can be escalated to the HOIE Delivery Manager or Head of DEPMU, as appropriate. If they are unavailable the request should be escalated to the Head of Detention Operations.

Revision History

Review date	Reviewed by	Review outcome	Next review

Annex A – Safer Detention Referral form



Immigration
Enforcement

Safer Detention Referral- Transfer Information

From (name centre transferring from):	
To (name of centre transferring to):	
Contact details for additional information:	
Date:	
Forename(s):	
Surname:	
Nationality:	
Age:	
CID reference:	
Other reference(s):	
Reason for transfer e.g. positioning for flight, interview, suitability of accommodation etc.:	
Specific concerns, risk level, known self harm triggers, level of supervision and CAREMAP requirements:	
Positive aspects are e.g. wishes to transfer, vol dep, accommodation near family etc.:	
Date of last review:	Date next review due: