



Home Office

## **Detention Services Order 02/2018**

### **Detainee Custody Officer and Detainee Custody Officer (Escort) Certification**

August 2018



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# Document Details

**Process:** To provide instructions and guidance to all staff operating in immigration removal centres (IRC), Gatwick pre-departure accommodation (PDA) and short-term holding facilities (STHF) and during in-country and overseas escort on the procedures of Detainee Custody Officer (DCO) certification.

**Implementation Date:** August 2018

**Review Date:** August 2020

**Version:** 1.0

## Contains Mandatory Instructions

**For Action:** Home Office staff and suppliers operating in immigration removal centres, short-term holding facilities and pre-departure accommodation, and during in-country and overseas escorts.

**For Information:** N/A

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**Processes Affected:** All processes within the immigration detention estate relating to DCO certification.

**Assumptions:** Centre and escort suppliers and DCOs/ DCO(E)s are aware of their duties under section 155 and 156 of the Immigration and Asylum Act 1999 and have received the appropriate training (control and restraint/ HOMES/ first aid and MMPR) as required for their role.

**Notes:** This guidance replaces DSO 10/2014 - Detainee custody officer certification and DSO 13/2011 - Wearing identity badges

# Instruction

## Introduction

1. This document sets out the Home Office's operational guidance and instructions to its IRC and escorting suppliers and their staff about:
  - How to apply for certification
  - Conditions of certification
  - Suspension and revocation of certification
  - Extended leave, resignation or changes of employment
2. The Home Office Detention & Escorting Certification Team ('Certification Team') fulfils functions relating to the certification of DCOs on behalf of the Secretary of State. In particular, it is responsible for the regulation and implementation of appropriate processes in order to comply with relevant legislation, including:
  - Receiving and processing applications for certification;
  - Overseeing background checks relating to applications;
  - Issuing certificates to DCOs once checks have been completed;
  - Making decisions on revocation and reinstatement of certificates;
  - Responsibility for processes and policies relating to certification and review of any policy documents as appropriate

## Policy

3. The Immigration and Asylum Act 1999 (the Act) provides for the appointment of DCOs to exercise custodial powers in order to hold individuals safely and securely, and to escort them both in the UK and overseas in order to enforce their removal.
4. Part VIII of the Act sets out the principles of certification, whereby individuals are recognised as DCOs by the Secretary of State. Part VIII of the Act sets out the requirements for the certification of DCOs undertaking custodial and escorting duties on behalf of the Home Office. Section 154 sets out that:
  - A person must apply to the Secretary of State for a certificate – a certificate cannot be issued automatically;

- The Secretary of State may not issue a certificate unless he is satisfied that the applicant:
  - i. Is a fit and proper person to perform the functions to be authorised; (section 154, 2a) and
  - ii. Has received training to such standard as the Secretary of State considers appropriate for the performance of those functions (section 154, 2b).

5. Paragraphs 154 and 155 of Part 8 of the Act provide for Prison Officers and Prison Custody Officers to work in IRCs:

- The Secretary of State may confer the functions of DCOs on Prison Officers or Prisoner Custody Officers (Section 154 (5))
- A Prison Officer or Prison Custody Officer may exercise custody functions at an IRC in accordance with section 154(5) or at a contracted out centre under section 150 (Section 155).

6. Schedules 11, 12 and 13 of the Act set out:

#### **Conditions**

- A Home Office manager may suspend a DCO's certification in certain prescribed circumstances where it appears that he or she is no longer a fit and proper person to carry out the functions of a DCO (Schedule 11, 7[2]);
- The Secretary of State may revoke a DCO's certificate where it appears to him/her that an individual is no longer a fit and proper person to carry out the functions of a DCO (Schedule 11,7[1]).

#### **Duties of a DCO (Schedule 11, 2)**

- To prevent escape, to prevent, detect or report on an unlawful act, to maintain good order and discipline, and to attend to a detainee's well-being.

#### **Powers of a DCO: (Schedule 11, 2)**

- To search both detainees and a person seeking to enter a place where detainees are held;
- To use reasonable force when necessary in exercising duties;
- To undertake drug and alcohol testing at a removal centre for which there is an authorisation in place, in accordance with the detention centre rules;
- To require detainees to submit to a medical examination in certain circumstances such as communicable diseases.

## Offences: (Schedule 11, 1)

- To obtain or seek to obtain a certificate by knowingly or recklessly making a false statement.

## Types of certificate

7. DCOs will be issued a certificate either to perform custodial and in-country escorting duties, or custodial and both in-country and overseas escorting duties, reflecting the differing training needs of these roles. Although legislation makes no distinction in their title, for the purposes of this document a person is issued a certificate to either work as a DCO – for a person who works in an IRC or STHF; or as a Detainee Custody Officer (Escort) – for a person who works as an in-country and / or an overseas escort (DCO(E)). Also for the purposes of this document DCO refers to both DCO and DCO(E)s unless otherwise stated.

## Certification process

### Applications

8. Persons who wish to work as DCOs must make an application via their employer to the Certification Team to be issued with a certification letter which will allow them to perform the duties of a DCO/DCO(E). **Under no circumstances can a certificate be issued without a formal application being made. It is the employer's responsibility to ensure that the applicant has the right to take up employment in the UK.**
9. An application must take the form of:
  - A covering letter of application from the individual's employer;
  - The Baseline Standard Verification Record / Vetting Nomination Form signed by the employer;
  - Photocopies of supporting identification documentation, such as a clear photocopy of the individual's passport bio-data page (where applicable), naturalisation certificate (where applicable);
  - Membership of Prohibited Organisations declaration;
  - An enhanced Disclosure and Barring Service (DBS) disclosure certificate dated within six months of the application, the level of check required is currently under review;
  - A signed declaration of the Official Secrets Act 1989

10. All photocopies must be certified and dated by the applicant's employer.

## **Nationality and residency guidance**

11. Before submitting an application, suppliers must satisfy themselves as to the identity of the applicant and that he or she has the right to work for the Home Office. Suppliers are reminded that it is an offence to employ someone who does not have the right or permission to take employment in the UK.

### **British Citizens and EU Citizens**

British and EU Citizens must produce the original bio-data page of their passport or a copy or the bio data page certified and signed by their employer in their supporting documents. EU Citizens must record their Home Office reference number on the Baseline Standard Verification Record/ Vetting Nomination Form (BSVR) (if applicable).

### **Naturalised British Citizens**

A naturalised British Citizen is an individual who was born another nationality but now has British citizenship. Applicants who are naturalised British Citizens must provide as part of this application evidence, of how they obtained their British citizenship, including their naturalisation certificate and/or any other appropriate documents. They should also include their Home Office reference number on the BSVR.

### **Right of Abode / Indefinite Leave to Remain**

Applicants who are not British Citizens but have been granted the Right of Abode in the UK, or Indefinite Leave to Enter/Remain in the UK must also produce evidence to show how they obtained this status in the UK. They should provide a copy of at least one of the following:

- Vignette sticker or stamp in their passport reflecting their indefinite leave to enter/remain in the UK.
- Right of abode sticker in their passport.
- Home Office letter reflecting their indefinite leave to enter/remain in the UK and/or a Home Office letter reflecting their right of abode.

### **Third Country Nationals**

A third country national is an individual who is a citizen of a country which is not in the EU and is not in the Commonwealth. These individuals are not permitted to work in the immigration detention estate, unless a business case detailing exceptional circumstances is accepted by Home Office security. This business case will need to be strong, clearly setting out the specialist



skills which these prospective employees possess (relevant to the role) and explaining why these skills cannot be found elsewhere.

## E-vetting

12. All suppliers need to complete their clearance requests via e-vetting. This process requires that all applicants have access to a valid email address, as the security questionnaire is completed online.
13. The applicant should enter their email address on the Home Office vetting nomination form, given to the employee by the employer. The email address must be entered correctly as the security questionnaire link is sent to the email address as it is written on the applicant's form. If an applicant or an employee changes their email address, the Certification Team must be informed, as this email address will be used for all correspondence.
14. Original copies of the Baseline Standard Verification Record / Vetting Nomination form must be submitted to the Certification Team and must be signed and dated by a representative of the supplier. The Certification Team cannot accept photocopies, unsigned or incorrectly completed forms or forms provided without the correct supporting identity documentation. Incorrectly completed forms will be returned.
15. Applicants and suppliers should be reminded that it is an offence to make a false statement when applying for certificates as a DCO, either for themselves or on behalf of any other person.
16. Security questionnaires can only be sent to a personal email address used by the applicant as opposed to a group or generic email address and should not be completed by anyone acting on their behalf.
17. It is a matter for the supplier to decide whether or not to employ an individual before a certificate is issued. However no person may commence work as, or exercise the powers of, a DCO or otherwise have contact with detainees without a valid certificate issued by the Certification Team. In addition, they are not permitted to work on a Home Office contract or access Home Office premises until such time as they are certified.

## Counter terrorist check (CTC) security clearance

18. The Certification Team is responsible for the overall certification process of an applicant and will liaise with counterparts who will carry out security checks on the applicant and grant Counter Terrorist Check (CTC) security clearance (or Security Check (SC) clearance, if appropriate). The supplier, or employer if different, should only liaise with the Certification Team during the security clearance process, unless they are contacted directly by the Home Office Security Team ('Home Office Security') or UK Security Vetting (UKSV).

19. Home Office Security is responsible for conducting national security checks on the applicant. These checks will commence when the Certification Team forwards the required forms and documents to Home Office Security and the applicant has submitted the completed security questionnaire link. When all enquiries are completed, Home Office Security will inform the Certification Team of the outcome of the e-vetting. Once all this information is available, the Certification Team will make a final decision on whether to certify the applicant.

## Security clearance refusals

20. If Home Office Security decides not to grant CTC (or SC clearance) to an applicant, the Certification Team will write to the applicant's employer, stating that the applicant has failed their pre-employment checks. The applicant may write to the Certification Team to request the reasons for refusal. Home Office Security or their counterparts will respond, but only to the applicant directly. **There is no right of appeal against pre-employment check refusals.**

## Membership of prohibited organisations

21. DCOs are prohibited from being members of or affiliated with groups or organisations which have racist or anarchic philosophies, principles, aims or policies or which overtly campaign against immigration controls or the Home Office's policies. Such organisations include, but are not limited to:

- British National Party
- National Front
- Combat 18
- No Borders
- Coalition of Anti-Deportation Campaigns
- Anti-Nazi League

22. Affiliation with such organisations includes membership by a spouse, partner or other individual who lives permanently with the applicant.

23. Applicants are required to declare such membership or affiliations at the time of their application for a certificate (Annex A). This information will be taken into consideration when assessing whether someone is a 'fit and proper' person.

## Official Secrets Act 1989

24. DCOs have a duty to protect official information with which they come into contact and are also bound by the provisions of the Official Secrets Act 1989. DCOs are therefore required to sign and return a copy of the Official Secrets Act Declaration

(Annex C) with their application. Certification to work as a DCO will not be issued unless a signed declaration is received.

## Training

25. Before issuing a DCO certificate the Certification Team requires confirmation that an individual has completed and (where appropriate) passed all elements of the initial training course including:

- An overview of the work of the Home Office
- An overview of Detention Service Operating Standards for Immigration Removal Centres and escorts
- An overview of Detention Centre Rules 2001
- An overview of Detention Services Orders
- Powers and duties of a Detainee Custody Officer
- An overview of the Human Rights Act 1998 and European Convention on Human Rights
- Safeguarding of children, including Section 55 to the Borders, Citizenship and Immigration Act 2009
- Self-harm and suicide prevention
- Control and restraint training
- Home Office Manual for Escorting Safely (HOMES) (only required for DCO Escorts)
- First Aid at work (3 year duration – only required for DCO Escorts)
- Minimising and Managing Physical Restraint (MMPR) (6 month duration – only required for DCOs who work specifically with children and/or families)
- Diversity (including race relations and cultural awareness)
- Interpersonal skills and communication
- Report writing
- Data protection, information management and all relevant legislation

26. Detention and Escorting Services, Home Office will be responsible for either making arrangements to deliver training on the work of the Home Office or for providing training material. This will include:

- Immigration control
- Powers of detention
- Powers to remove a person from the UK
- Organisation of Home Office and Detention and Escorting Services
- Role of the Home Office Manager
- Reporting incidents

## Certificates

27. Before issuing a certificate the Certification Team will confirm the applicant:

- Has passed all preliminary security checks;
- Has no convictions (according to the enhanced DBS certificate) that would suggest he or she could pose a risk to detainees, other staff or the safety of an IRC or other place of detention;
- Has CTC (or SC, if appropriate) security clearance;
- Has completed and passed all elements of the required training courses (see paras 47 – 51 below);
- Has submitted all of the compulsory supporting paperwork (including the membership of prohibited organisations form and the Official Secrets Act declaration)

28. Following confirmation of the above the Certification Team will issue the applicant with a certificate.

29. The supplier for DCO(E)s should apply for an identity card for each DCO(E). The DCO(E) must read and sign the identity card agreement (Annex B). A copy will be held by the supplier and a copy will be given to the DCO(E).

30. The DCO certificate will remain in force, unless it is suspended or revoked, for as long the person is employed as a DCO and;

- A CTC (or SC, if appropriate) clearance and DBS certificate is in place both of which must be renewed every 5 years (7 years for SC). It is the

responsibility of the DCO to renew their CTC (or SC, if appropriate) clearance and DBS prior to the expiry date. Applications for renewals should be submitted three months in advance to ensure they are completed in time. If CTC, SC or DBS lapses, the DCO certificate lapses at the same time. The individual concerned will have to apply for a new certificate.

- The DCO has completed the minimum training requirements (initial training course, annual Control and Restraint or HOMES refresher training and valid first aid training and MMPR where appropriate)

31. Failure to meet these requirements will render the DCO certificate invalid and the officer will no longer be permitted to work in a DCO role and/or have contact with detainees until the appropriate training has taken place and a valid certificate has been issued. If an individual's security clearance has lapsed then they are not permitted to work on a Home Office contract or access Home Office premises until such time as they are re-cleared. If an officer's DBS lapses they will no longer be authorised to work as DCO or have detainee contact.

## DCO identity cards

32. Identity cards issued by Home Office Security will only be issued to DCO(E)s who work on the in-country and overseas escorting contract. DCOs working within an IRC do not require a Home Office identity card. They should ensure they wear and prominently display their supplier's identity card.

33. All DCO(E)s must wear this identity card face up and prominently on their person when on duty in order that their identity may be seen at all times. The identity card should not be obscured by clothing nor unsecured so that normal movement leads to the reverse side being displayed.

34. At the beginning of each DCO(E) induction training course, suppliers should take a photograph of each DCO(E) for their identity card. This photograph should be in line with the following Home Office Security Pre Employment Team guidelines:

- Head and shoulders only of staff member;
- Plain white background;
- Colour image;
- Adequate lighting;
- Suggested size of image: 640 x 480 pixels;
- Do not crop, this will be done by the Home Office security Pass Team;
- To be free from 'redeye'

35. The supplier must forward the photographs of the DCO(E)s to the Certification Team with the new application or renewal if the individual's appearance has significantly altered. The Certification Team will submit the pass application to Home Office Security who will record these on the computer system and issue the identity cards to the supplier for onward distribution to the DCO(E)s.
36. The DCO(E) identity card is an official Home Office document. If a DCO(E) loses their identity card or it is stolen they must notify their employer, who will notify the Certification team by completing a Breach Report form. Home Office Security will then issue the DCO(E) with a Breach Letter. The DCO(E)'s employer should make an application to the Certification Team for a new card to be issued.
37. DCO(E) identity cards expire after two years. The supplier should notify the Certification Team on a monthly basis of all DCO(E) identity cards due to expire within the next two months so that the cards can be renewed. Suppliers should advise the Certification Team if the appearance of the DCO(E) has changed significantly and forward an updated photograph for the identity card. It is the supplier's responsibility to inform the Certification Team if a DCO(E)s badge is nearing its expiry date, has expired or has become defaced.
38. Suppliers must ensure that if a staff member leaves their employment (for what ever reason) all identity cards and building passes are returned to the Certification Team. If suppliers have any queries regarding DCO(E) identity cards, they should raise these with the Certification Team.

### **Prison Officers (POs) and Prison Custody Officers (PCOs)**

39. Prison Officers and Prison Custody Officers working in the immigration detention estate or on the Escorting Contract, must also be authorised to act as DCOs.
40. HM Prison and Probation Service (HMPPS) is responsible for ensuring that all Prison Officers, working within an HMPPS prison establishment, are appropriately cleared and authorised to carry out their function. These officers must be issued with a certificate from the Centre Manager (acting on behalf of the Secretary of State) giving the Prison Officer grade the authority to act as a DCO while working within an IRC or on escort with a detainee. A copy of this certificate will be given to the Prison Officer and a copy will be held on his or her personnel file.
41. Staff employed as Prison Custody Officers will on occasion be required to act as a DCO performing either custody or escort duties. Prior to a PCO working as a DCO, the Certification Team must be informed by the HMPPS centre manager of the intention to do so and provide evidence to confirm that the PCO is cleared, authorised and trained to perform the DCO function. Only on receipt of such evidence will a PCO be permitted to work with detainees.

## Notifications to the Certification team

42. DCOs or the supplier must notify the Certification Team in writing immediately of any changes in circumstances since a certificate was issued, including:

- A change in name, address, living with a new partner or financial circumstances;
- Any arrest, police investigation, charges, cautions or convictions for criminal offences;
- Changes to health or fitness which may affect their ability to work as a DCO
- New membership or affiliation with racist groups and organisations;
- Change in role/grade and the date of change

43. DCOs are reminded that they must not work as a DCO once their certificate, security clearance, DBS, control and restraint, HOMES training and/or first aid training (if required) has expired. They must not work with families and/or children if their MMPR has expired.

44. Certificates are not re-issued automatically; therefore the onus is on the individual to apply for a new one in good time.

## Certification re-issue process

45. DCOs are required to renew their security clearance (CTC and DBS every 5 years or SC every 7 years). A DBS certificate is valid as long its issue date is within six months of the re-issue application date.

46. If an individual's security clearance expires they are not permitted to gain access to Home Office premises or work on a Home Office contract until they are re-cleared. If an officers DBS lapses they will no longer be authorised to work as DCO/DCO(E) or have detainee contact until they obtain a new DBS.

## Maintenance of training schedule

47. DCOs are required to undergo a minimum of 8 hours annual refresher training in control and restraint, delivered by approved Control and Restraint instructors. DCO instructors are required to complete refresher training every 3 years. DCOs whose Control and Restraint training has expired must not work as DCOs, or be used in any planned use of force until they have undergone and passed their refresher training.

48. DCO (Escorts) are required to undergo and pass HOMES training every 9 months, delivered by approved HOMES instructors. DCO(E)s whose HOMES training and /

or First Aid training has expired must not work as DCO (Escorts) or be used in any planned use of force until they have undergone and passed their refresher training.

49. DCOs who work specifically with children and/or families must complete the approved MMPR training course to gain certification and complete a refresher training course every 6 months. A DCO who fails to complete the refresher will no longer be permitted to work with children and/or families but can still work as a DCO in another part of the business.
50. Suppliers are required to inform the Certification Team of all Control and Restraint, HOMES, MMPR or First Aid refresher training completed by DCOs immediately after the completion of the course in order that central records can be updated
51. DCOs must complete the Home Office counter terrorism training while on the initial training course and complete a refresher every two years.

### **Control and restraint / HOMES training**

52. Following confirmation that an individual has undergone refresher training, the Certification Team will record the new expiry date of the Control and Restraint or HOMES refresher training.
53. If the Certification Team do not receive confirmation that Control and Restraint/ HOMES refresher training has been completed by a DCO before it expires, the DCO certificate will become invalid and the officer cannot work as a DCO or be used in any planned use of force.
54. When the DCO completes the Control and Restraint/HOMES refresher training the Certification Team must be notified immediately, at which point the certificate will become valid and the DCO will be able to return to full duties.
55. If the DCO fails to undertake Control and Restraint/HOMES refresher training their certificate will become invalid until such time as they complete the refresher training. If the DCO fails to undertake MMPR training, they are no longer permitted to work with children or families, until such time they complete MMPR refresher training.

### **First aid training**

56. Following confirmation that an individual has undergone refresher training, the Certification Team will record the new expiry date of the first aid training.
57. Without in date first aid training the DCO(E) will not be permitted to work as a DCO(E)
58. Suppliers must ensure that when escorting using vehicles at least one member of the team has in date first aid training.



59. The supplier at each IRC must ensure that they maintain a sufficient number of operational grades who are up to date with First Aid training.
60. This training must be included in the DCO/DCO(E) training schedule and must be made available to the IRC Compliance Team manager on request.

## **Transfer of employment**

61. Where a DCO transfers from one supplier to another, the new employer must notify the Certification Team of the transfer. Providing security clearance, DBS and training are all up to date the individual will be issued with a confirmation of certification letter allowing them to work for the new supplier.
62. A DCO(E) who wishes to take up a position as a DCO or a DCO who wishes to take up a position as a DCO(E) must undergo all elements of the relevant training before a new certificate can be issued that authorises them to carry out the custodial and escort functions.
63. The Certification Team must be advised if a DCO intends to move place of employment (e.g. from one centre run by a supplier to another run by them) even if there is no change of employer.

## **Decision not to re-issue, to suspend or to revoke a certificate**

### **Decision not to re-issue a certificate**

64. The Certification Team may decide not to re-issue a certificate where:
  - A DCO fails to complete Control and Restraint, HOMES or First Aid refresher training or MMPR refresher training if applicable.
  - A DCO fails to pass security clearance
  - A DCO no longer has the right to take employment in the UK
65. Any decision not to re-issue a certificate must be given in writing to the applicant by the Certification Team. A copy of the letter must be sent to the relevant IRC Compliance Team manager and the supplier. The applicant shall have 28 days from the date of the letter in which to appeal to the Certification Team. The Certification Team will consider the appeal and notify the applicant in writing of the outcome of their appeal within 14 days of receipt
66. Where an appeal is allowed, the DCO must be issued with a certificate once all other requirements for certification have been met. A copy of the certificate should be sent to the relevant IRC Compliance Team manager and the supplier.

67. Where an appeal is dismissed, the applicant must be given full grounds in writing. A copy of the letter should be given to the relevant IRC Compliance Team manager and the supplier. There will be no further right of appeal.

### Decision to suspend a certificate

68. Paragraph 7 of Schedule 11 of the Act allows the relevant IRC Compliance Team manager or Contract Monitor at Depmu for escorts and short term holding facility or holding room staff to suspend a DCO certificate where the DCO is not a fit and proper person to perform his or her duties, pending a decision by the Secretary of State on whether to revoke the certificate.

69. A DCO's certificate may be suspended by the relevant IRC Compliance Team manager where:

- There is an allegation of serious or gross misconduct behaviour made against a DCO as outlined in DSO 03/2015 - Handling complaints in immigration removal centres
- The DCO is by reason of physical or mental illness or for any other reason incapable of satisfactorily carrying out his or her duties
- The DCO's immigration status changes and he or she no longer has the right to take employment in the UK

70. Examples of serious misconduct include, but are not limited to:

- Bringing discredit to the Home Office, or acting in a way likely to do so;
- Unauthorised disclosure of official information;
- Unauthorised publication, whether formal or informal, of information about the work of the Home Office or the work of a DCO
- Using Home Office property and resources for private purposes without permission;
- False statements or forgery;
- Breaches of security, including non-compliance with security policies;
- Offensive personal behaviour;
- Inappropriate, excessive or unnecessary use of force on a detainee;
- Neglect of duty;
- Membership of or association with a racist organisation;

- A failure to report arrest or conviction;
- Being unfit to work through use of alcohol or drugs.
- Losing, mislaying or accidentally giving others access to Home Office information;
- A failure to notify the Certification Team of a change in circumstances which is material to the individual's certificate to work as a DCO

71. Examples of Gross Misconduct include, but are not limited to:

- Theft, corruption, fraud, forgery or other acts of dishonesty including the deliberate falsification of records;
- Corruption, including offering and accepting bribes;
- Violent, threatening, or abusive behaviour towards detainees, staff or visitors;
- Very serious breaches of security;
- Gross negligence;
- Unauthorised disclosure of official information;
- Actions bringing or likely to bring serious discredit on the Home Office;
- Being in possession of drugs while on duty or being unfit to work through use of drugs or alcohol.
- Being cautioned or convicted for possession of drugs;
- Breach of the Home Office's security data policy or neglect resulting in the loss of confidential data
- The importation of goods over personal allowance

72. Cases of serious and gross misconduct which involve detainees must be referred to the Home Office Professional Standards Unit (PSU) for investigation by the relevant IRC Compliance Team manager. All other investigations will normally be conducted by the employer.

73. The decision to suspend a DCO's certificate will be taken by the relevant IRC Compliance Team manager or escorting contract monitor. The manager's decision to suspend a certificate must always be independent from any precautionary or disciplinary action on the part of the employer.

74. A decision to suspend an individual's certificate is a serious matter and must only be taken where the situation warrants such action. The circumstances of the allegation, including the weight of any evidence available, should be considered carefully before taking a decision.
75. A decision to suspend an individual's certificate must not be taken purely because his or her employer is taking disciplinary action against him or her.
76. Suspension of a person's DCO certificate does not remove an individual's right to work for their employer. However, he or she is no longer a DCO does not have the powers of a DCO and must not work with detainees or have access to Home Office property or work on Home Office contracts.
77. The IRC Compliance Team manager must inform the DCO of the decision to suspend his or her certificate in writing using the template letter (Annex D). A copy of the letter must be sent to the employer and to the Certification Team.
78. If an individual resigns before an investigation into his or her conduct is completed, all efforts should be made by the supplier to ensure as much participation and involvement as possible in the ongoing procedures, both before and after termination of employment.
79. The employer must take steps to recover any Home Office property including identity cards and building passes, if applicable, and pass these to the IRC Compliance Team Manager.
80. There is a right of appeal against the decision to suspend an individual's certificate. Appeals should be addressed to the relevant IRC Compliance area manager in the case of a DCO employed in an IRC or to the Head of Contract Monitoring at DEPMU in the case of an escort and must be received within 28 days of the decision to suspend a certificate. The certificate remains suspended throughout the appeal process.
81. Appeals will only be considered on paper and the DCO notified in writing of the outcome within 14 days. A copy of the letter (Annex E) should be sent by the relevant IRC Compliance Team area manager to the individual's employer and the Certification Team. Where a decision is taken to allow the appeal, the original certificate is re-instated. There is no need to issue a new certificate.

## **Decision to revoke a certificate**

82. Home Office IRC Compliance Team managers are not empowered to revoke a DCO's certificate, they may only refer the matter to the Certification Team manager, acting on behalf of the Secretary of State, to consider such a decision. The decision to revoke a DCO's certificate will therefore be taken by the Certification Team Manager or other Detention & Escorting Services senior manager on behalf of the Secretary of State.

83. Where a Professional Standards Unit or supplier's investigation finds that there is a case to answer against a DCO, he or she should be advised that the matter (whether or not to revoke the certificate) is to be referred to the Certification Team Manager and that any representations should be received within 2 weeks.
84. The relevant IRC Compliance Team manager should then submit a copy of the investigation report, including full details of the case against the DCO and their recommendation on whether to revoke or reinstate an individual's certification to the Certification Team Manager.
85. Before taking a decision, the Certification Team Manager must:
- Consider the weight of the evidence, including the findings of the investigation report;
  - Consider any recommendations made by the IRC Compliance Team Manager;
  - Consider any representations made by the DCO and/or his or her employer
86. The decision to revoke a certificate must be given in writing by the Certification Team Manager, setting out the reasons for the decision and a right of appeal.
87. The supplier is responsible for returning to the IRC compliance team manager or HO Contract Monitor the DCO(E)'s identity card if applicable and certificate where they have not already been recovered. These must be sent to the Certification Team for cancellation.
88. A DCO whose certificate has been revoked shall have 28 days from receipt of the letter in which to submit an appeal. An appeal should be made, in writing, to the Head of Security, Detention & Escorting Services. Their decision will be final and the certificate remains revoked throughout the appeal process. The DCO must be notified in writing of the outcome of the appeal.
89. Once a certificate has been revoked and the appeal process has been concluded, an individual will not normally be considered for re-certification for a period of two years.

### **Decision to re-instate a certificate**

90. Where the Certification Team decides not to revoke a certificate, the DCO must be notified in writing that their certification has been reinstated and that the original certificate remains valid. Depending on the circumstances of the case, the Certification Team may attach reasonable requirements to the decision, including guidance or refresher training. The letter must be copied to the relevant IRC Compliance Team manager and the supplier.

## Re-instating a certificate following a successful appeal

91. Where the Certification Team allows the appeal against a decision to revoke a certificate, the individual must be notified in writing. The letter must be copied to the relevant IRC Compliance Team manager and the supplier. So long as the DCO remains in the same employment and meets all the other conditions of certification (i.e. he/she holds valid security clearance and his/her training is up to date), they must be issued with a new certificate. The DCO must not work with detainees until such time as they receive a new certificate.

## Disciplinary action against a DCO

92. The decision on whether or not to suspend or revoke a DCO's certificate is entirely separate from any decision whether or not to initiate disciplinary action against him or her. The consideration of disciplinary action is a matter for the supplier and the supplier alone.

## Resignation, dismissal and re-employment

### Resignation

93. The supplier is required to notify the Certification Team and the relevant IRC Compliance Team manager within 2 working days when a DCO resigns, including the date of the last working day and the reason for leaving.

94. The Certification Team will write to the individual notifying them of a decision to suspend their certificate for a period of 6 months from the last working day, after which it will be automatically revoked.

95. The employer is responsible for collecting the DCO(E)s identity card, if applicable, and certificate and surrendering them to the relevant IRC Compliance team manager on the last day of service. The card and certificate must be forwarded to the Certification Team for cancellation.

### Dismissal

96. The employer is required to notify the Certification Team and the relevant IRC Compliance Team manager within 2 working days where a DCO is dismissed from their employment, including the date of the last working day.

97. A DCO who has been previously dismissed may still apply to become a DCO with another employer. The Certification Team must have been notified of the reasons for the dismissal and have received any associated investigation report. The reasons for dismissal will be taken into consideration when deciding if the individual is a 'fit and proper' person to be a DCO. However if a DCO's certification has been revoked, two years must pass before re-applying to work in an IRC or work on an escorting contract.

## Re-employment

98. A DCO whose certificate is suspended due to resignation and who secures new employment as a DCO within 12 months may apply to the Certification Team for their certificate to be reinstated. Before re-instating a certificate, the Certification Team will need confirmation that the individual:

- Holds valid security clearance; and
- Has undertaken control and restraint or HOMES refresher training within the last 12 months (9 months for HOMES) and holds valid First Aid training and MMPR (where applicable)
- Has a new enhanced DBS disclosure dated within six months (requested by the new supplier)
- Is still a fit and proper person

## Periods of absence from duty

### Annual leave

99. DCOs are not required to notify the Home Office when they take annual leave within the terms of their employment. They must, however, ensure the security of their identity card and or building pass if applicable when on leave. Under no circumstances must identity cards be taken overseas while not on duty.

### Maternity, Paternity, Adoption or other Unpaid Leave including career breaks and long term sick absence

100. Where a DCO goes on extended leave for more than 28 days, the relevant IRC Compliance Team manager must be notified. The identity card if applicable must be surrendered for the duration of the leave. It will be returned when the DCO(E) comes back to work.

101. The Certification Team must be advised by the relevant IRC Compliance Team manager of the leave and confirmation that the identity card has been surrendered. The Certification Team must be advised when the member of staff returns to work.

## Compliance monitoring

102. IRC Compliance Team managers will undertake regular spot checks of DCOs to confirm they hold a valid certificate, that training records are up to date and that when on duty they are wearing their identity cards openly. Suppliers will be notified of the outcome of these checks and are required to take appropriate remedial action, where appropriate.