



Home Office

## **Detention Services Order 02/2016**

Lesbian, gay and bisexual detained individuals

July 2023



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# Contents

Document Details	4
Instruction	5
Introduction	5
Purpose	5
Equality Act	6
Data Protection Act	6
Procedures	6
Same sex couples	8
Support	8
Revision History	8

# Document Details

**Process:** To provide instructions outlining the consistent standards for the treatment of lesbian, gay, and bisexual detained individuals in the immigration removal estate and under escort.

**Implementation Date:** April 2016 (reissued July 2023)

**Review Date:** July 2025

**Version:** 2.0

## Contains Mandatory Instructions

**For Action:** Home Office staff and suppliers operating in immigration removal centres (IRCs) and pre-departure accommodation (PDA), residential short-term holding facilities (RSTHFs) and escorting suppliers

**For Information:** Home Office responsible caseworkers

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**Processes Affected:** All Home Office processes relating to the needs of lesbian, gay, and bisexual detained individuals in the immigration removal estate and under escort.

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

**Notes:** [DSO 11/2012](#) refers to the care and management of Transgender detained individuals.

# Instruction

## Introduction

1. This Detention Services Order (DSO) provides instructions and operational guidance for all staff in Home Office immigration removal centres (IRCs), pre-departure accommodation (PDA), residential short-term holding facilities (RSTHF) and escorting staff, on managing lesbian, gay, and bisexual (LGB) detained individuals to ensure equality of treatment. This DSO includes details of general requirements that apply to all detained individuals, in addition to LGB specific requirements.
2. For the purposes of this guidance, references to “centre” in this document cover IRCs, PDA. and RSTHFs
3. This DSO does not apply to those detained in a non - residential STHF or Residential Holding Rooms (RHRs). Instead local procedures apply in line with the [Short-term Holding Facility Rules 2018](#) .
4. Two different **Home Office teams** operate in IRCs:
  - Detention Services Compliance team (Compliance team)
  - Immigration Enforcement 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 on behalf of responsible officers within the IRCs. 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 STHFs, or the Gatwick PDA. The functions which are the responsibility of the DET in RSTHFs, are instead carried out by the supplier and overseen by the International and Returns Services (IRS) Escorting Contract Monitoring Team (ECMT). In the Gatwick PDA, the role of detention engagement is covered by the local Compliance Team.

## Purpose

5. This order will ensure that all staff working within the Home Office immigration removal estate who work with LGB individuals, are aware of the actions required to ensure that the needs of LGB individuals are identified and appropriately met.

## Equality Act

6. Section 12 of the Equality Act 2010 identifies sexual orientation as a protected characteristic. Discrimination and indirect discrimination on the grounds of sexual orientation therefore breach the Act.

## Data Protection Act

7. The Data Protection Act 2018 (DPA) sets out the circumstances in which personal data can be processed (including whether it can be shared with other organisations). Information about an individual's sexual orientation would be considered special category personal data under the Act. Therefore, any processing of this data must be in line with the common law duty of confidentiality, the DPA, including meeting one of the conditions in Schedule 2 and Schedule 3 to the Act and Article 8 of the ECHR.
8. In most cases the Home Office (and centre suppliers acting on the Home Office's behalf) would be able to process this data as it is required for the exercise of government functions. However, staff will also have to ensure that any processing is proportionate and for a legitimate aim.

## Procedures

9. Centres should create a positive environment and encourage diversity, for example through education events, posters with positive depictions of different lifestyles and celebrations of this aspect of diversity. Centres should also take action to address negative attitudes and behaviours and to promote a safe environment for LGB individuals.
10. Detained individuals may choose to disclose their sexual orientation to centre supplier/ healthcare staff, however, this is at the discretion of the detained individual. Both Supplier and healthcare staff should provide opportunities (including in a discreet manner), for those detained to safely disclose their sexual orientation and ensure that individuals who choose to disclose, can easily access support and assistance with options for both internal and external support that can operate independently should the detained individual wish. Any such disclosures must be treated in the utmost confidence and staff should ensure that this information is treated sensitively in line with the UK GDPR.
11. If a detained individual discloses their sexual orientation to an onsite HO Compliance team or DET staff member, the centre supplier and relevant HO team (DET or Compliance Team) should be notified so that they can undertake the support and assistance actions outlined above. The onsite Compliance team or DET should also update Atlas. The IS91RA part C: Supplementary Information form is used for any

subsequent notification in escalation or reduction in risk factors. An IS91RA Part C should be created in Atlas to show the change in risk and recorded under 'Manage Contact'.

12. All detained individuals should be made aware, during the supplier induction and information placed around the centre, that discrimination/homophobia will not be tolerated. Local antibullying strategies for each centre should include advice to those in detention on who to speak to in the event that they are subject to bullying due to their sexual orientation. The strategies should also provide information for staff on steps to take to detect, measure and monitor homophobia, and how to address concerns and challenge homophobic behaviour. Detained individuals should be signposted to anti-bullying information as part of their supplier induction and information should be displayed prominently around the centre in a variety of languages.
13. Detained individuals must be made aware of the complaints system and have had explained to them how to raise a formal complaint if subject or witness to homophobic bullying/harassment ([DSO 03/2015 Handling of Complaints](#) refers). Detained individuals should also be encouraged to raise concerns about homophobic comments or behaviour towards them or others.
14. Centre supplier staff must inform those in detention of the role and availability of the welfare officer (or designated LGB lead) should they want to seek any advice or assistance. The detained individual should be reassured that it is safe to advise staff that they are LGB and that they can share any concerns such as reporting bullying or harassment.
15. Centre supplier welfare / support services should provide tailored LGB support on request (i.e. not unfairly discriminate against LGB detained individuals either directly or indirectly). This may include provision of internet access in the welfare office to provide privacy for those looking up LGB support organisations. Detained individuals must be given the opportunity to request such support in private. Welfare / support staff should also take steps to engage with LGB support organisations.
16. Any specific needs should be considered as part of standard risk assessments, for example room sharing risk assessment ([DSO 12/2012 Room Sharing Risk Assessment](#) refers), in order to manage and lower any risk of vulnerability. Any risks associated with the management in a centre of a LGB detained individual must be identified and managed appropriately, as would be the case with any other detained individual. Centres must put in place measures to manage the risk of homophobic harassment. This may necessitate re-visiting their violence reduction strategy. [DSO 08/2016 Management of Adults at Risk](#) refers
17. All Centre supplier, healthcare, DET and Home Office Compliance staff must undertake equality and diversity training, and any other relevant training courses, to equip them with the skills to sensitively handle LGB issues.

18. Centre supplier staff are required to conduct regular equality monitoring and trend analysis for detained individuals with protected characteristics.

## Same sex couples

19. A same sex couple should be treated in the same manner as a heterosexual couple, as outlined in [DSO 01/2014 Definition of a Family for the purposes of accommodation](#).
20. Detained individuals have the right to enter into a marriage or civil partnership. Such instructions should be followed from [DSO 06/2015 on facilitating the Marriage/Civil Partnership of a detained individual](#).

## Support

21. Welfare/support services must keep an up-to-date list of LGB support organisations, and telephone numbers from which detained individuals can seek further help, advice and support. The following web pages can be accessed via the centre's internet suite:
- UK Lesbian and Gay Immigration Group <http://uklgig.org.uk/>
  - United Nations High Commissioner for Refugees <http://www.unhcr.org.uk/>

## Revision History

Review date	Reviewed by	Review outcome	Next review
July 2023	T Amisu	General Update and reformat  Update in terminology from detainee to detained individual  Amended to include the roll out of DET teams	July 2025