

Instruction

Introduction

1. This detention services order (DSO) provides operational guidance for all Home Office, centre supplier and healthcare staff working in immigration removal centres (IRC), pre-departure accommodation (PDA) and residential short-term holding facilities (STHFs) and escorting staff on the care and management of adults in detention who are identified as being at risk.
2. Facilities in STHFs tend to be more limited than those in IRCs; however this guidance should be followed as far as possible.

Purpose

3. This order will ensure that all staff working with detainees who have been identified as adults at risk are aware of the particular risks and needs of those detainees. It sets out instructions on the care and management of adults at risk in detention.

Policy on detention of adults at risk

4. The adults at risk in detention policy for caseworkers is set out in the Immigration Enforcement General Instructions (<https://www.gov.uk/government/publications/offender-management>) and within the Border Force guidance document - Detention in port cases. Essentially, the policy sets out a process for determining whether an individual would be particularly vulnerable to harm in detention and, if so whether they should be detained for the purpose of immigration removal. This is based on a weighing of the risk factors (set out below) against immigration control considerations. The presumption is that adults at risk will not be detained and that, on a case-by-case basis, detention will only become appropriate at the point at which immigration control considerations outweigh the risk factors identified.

Definition of an adult at risk

5. In accordance with the new adult at risk policy, an adult will be regarded as being at risk:
 - if they declare that they are suffering from a condition, or have experienced a traumatic event (such as trafficking, torture or sexual violence), that would be likely to render them particularly vulnerable to harm if they are placed in detention or remain in detention; or

- if a case owner considering or reviewing detention becomes aware of medical or other professional evidence, or observational evidence, which indicates that an individual is suffering from a condition, or has experienced a traumatic event (such as trafficking, torture or sexual violence), that would be likely to render them particularly vulnerable to harm if they are placed in detention or remain in detention. In these circumstances the individual will be considered as an adult at risk whether or not the individual has highlighted this themselves.
6. On the basis of the available evidence, the Home Office case owner will reach a view on whether a particular individual should be regarded as being “at risk”. If so, the presumption will be that the individual will not be detained.

Indicators of risk within detention

7. There are a number of factors or experiences which will indicate that an individual may be particularly vulnerable to harm in detention. These include:
- suffering from a mental health condition or impairment
 - having been a victim of torture
 - having been a victim of sexual or gender based violence, including female genital mutilation
 - having been a victim of human trafficking or modern slavery
 - suffering from post traumatic stress disorder (which may or may not be related to one of the above experiences)
 - being pregnant
 - suffering from a serious physical disability
 - suffering from other serious physical health conditions or illnesses
 - being aged 70 or over
 - being a transsexual or intersex person.
8. It cannot be ruled out that there may be other, unforeseen, factors or experiences, that may render an individual particularly vulnerable to harm if they are placed in detention or remain in detention. In addition, the nature and severity of a condition, as well as the available evidence of a condition or traumatic event, can change over time and must be regularly assessed.