

IMB HANDBOOK

FOR

IMB MEMBERS

IN

**IMMIGRATION REMOVAL
CENTRES**

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SECTION 1. INTRODUCTION AND ROLE OF THE INDEPENDENT BOARD FOR IMMIGRATION REMOVAL CENTRES

1.1 Introduction

The aim of this handbook book is to provide members of Independent Monitoring Boards (IMB) working in Immigration Removal Centres (IRC) with information and key references to enable them carry out their duties effectively and to develop a clear understanding of their role at their individual establishments. It should be read in conjunction with the IMB Reference Book that contains topics of shared interest for IMBs in the Immigration Detention Estate (IDE) and the Prisons Estate.

This handbook is not a substitute for the Detention Centre Rules (DCR), Detention Service Orders (DSO) or DC and DBM letters issued by the IMB Secretariat or of instruction issue from time to time by the IMB Secretariat all of which take precedence over information contained in this handbook.

Web access to relevant documents is as follows:

IMB Reference Manual:

<https://www.imbacademy.org.uk>
(follow link to 'Shared Documents')

DSOs

<https://www.gov.uk/government/collections/detention-service-orders#documents>

DC and DBM letters:

<https://www.imbacademy.org.uk>
(follow link 'my home' then 'Library').

Members should be conversant with the Detention Centre Rules SI No 238 that became operational on 2nd April 2001, the Human Rights Act of 1998 and the Asylum Act 1999.

Queries on the content of this handbook should be addressed in the first instance to the Chair of the Board, who if necessary will refer the query to the Chair of the IDE Forum, to the relevant National Council Member or to the IMB Secretariat.

1.2 The Role

The Immigration and Asylum Act 1999 under Section 152 requires every Detention Centre (DC), now known as Immigration Removal Centres (IRC), to be monitored by an independent board appointed by the Secretary of State from volunteer members of the community in which the IRC is situated.

The Board, originally known legally as the Visiting Committee and now known as the Independent Monitoring Board (IMB), operates independently from immigration services and from the Management of the Centre.

The role of the Board Members is to satisfy themselves as to:

- The state of the Centre, i.e. the physical conditions in the Centre.
- The administration of the Centre where it may affect the detainees, e.g. welfare, regimes, purposeful activities etc and the treatment of detained persons.
- The humane, fair and respectful treatment of detainees.

The Board has right to report direct to the Secretary of State if conditions or treatment of detainees is not satisfactory.

To aid Boards to monitor Centres and detainees the National Council have introduced 'The IMB National Monitoring Framework' This document, which can be found on the Academy Web Site under DBM 02-16 June 2016, sets out standards and procedures for monitoring with the aim of realising an effective and consistent monitoring across the IDE. To support Boards in implementing the Framework an IDE 'Toolkit' has been introduced; this can be found in the library section of the Academy Web Site. The 'Toolkit' lists ways of effective monitoring and provides examples drawn from practical experience of a range of Boards.

To enable the Board to carry out these duties effectively its members have right of access to every detainee, every part of the Centre and also to the Centre's records (DCR Rule 63 (2) and 63 (3)). Important exceptions to access to records are:

- Confidential medical records.
- Records relating to the immigration status of a detained person (DCR 61 (6)), unless there are issues of concern which relate to the detained person's continued detention DCR 61 (5)).

Access to records can be complicated and further details along with Information assurance are given in Section 13.

1.3 UN Convention 1951

The UK is a signatory to the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol. The Immigration and Asylum White Paper published in 1998 committed the government to a fairer, faster and firmer immigration and asylum system.

1.4 Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)

The Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or degrading Treatment or Punishment (OPCAT) was adopted by the UN General Assembly in 2002 and came into force in 2006.

OPCAT establishes a system of unannounced and unrestricted visits to all places where persons are deprived of their liberty by independent international and national monitoring bodies. The basic premise is that the more open and transparent places of detention are, the lesser the risk for abuse.

The UK's National Preventive Mechanism (NPM) was established in March 2009 after the UK ratified the Protocol to ensure regular visits to places of detention in order to prevent torture and other ill-treatment, as required by OPCAT. The NPM is made up of 20 statutory bodies that independently monitor places of detention. HM Inspectorate of Prisons (England and Wales) was appointed to coordinate the NPM and the IMB is one of the 20 statutory bodies. The NPM protocol between HMCIP, IMB and PPO is at Annex A.

The NPM, as a minimum, has the powers to:

- Regularly examine the treatment of persons deprived of their liberty in all places of detention under the UK's jurisdiction and control;
- Make recommendations to relevant authorities with the aim of improving the treatment and conditions of persons deprived of their liberty;
- Submit proposals and observations on existing or draft legislation

SECTION 2 – RECRUITMENT, SELECTION, APPOINTMENT AND TERMINATION OF APPOINTMENT OF MEMBERS TO INDEPENDENT MONITORING BOARDS

2.1 Recruitment, Interview and Selection of Candidates

Members of the Board for a Removal Centre are appointed by the Secretary of State under Section 152 of the Immigration and Asylum Act 1999. Membership of an IMB is a recognised public duty under Section 509(2)(d) of the Employment Rights Act 1995, for which employers are expected to give reasonable time off.

A guide to the procedures and practice for recruiting, interviewing and selecting prospective members is contained in DBM 21 of 2016. This details the recruitment procedure. It is important to note that the Independent Interviewer now chairs the interview panel.

It should be noted that some requirements are designated mandatory and compliance is not optional. Any mandatory elements not adhered to will invalidate the panel's recommendations and such recommendations will not be submitted to the Minister for consideration. Elements designated as highly desirable should be complied with if possible, but failure to comply will not automatically invalidate the recommendation.

Before any recruitment campaign is initiated the Chair of the prospective interview panel must contact the IMB Secretariat for advice and authority to proceed. On no account should Boards proceed with any aspect of the recruiting campaign before approval by the IMB Secretariat Team.

The Board's complement is agreed with the IMB Secretariat, and approved by the Minister. The recruitment process should be started as soon as it is apparent that vacancies are likely to occur, as the recruitment process can be a protracted procedure.

2.2 Appointment

The appointment is for a period of three years or a lesser period as the Secretary of State may approve (DCR 59). A member may not be re-appointed as a member of the same Board for a period exceeding 15 years.

The first year of the appointment is a probationary year to provide a formal framework for the training and development of the newly appointed member.

At the end of the probationary year the appointment will be confirmed for the remainder of the three year appointment or the provisional appointment cancelled.

The appointment may be terminated or suspended at any time by the Secretary of State in accordance with DCR 59(3) and (4).

When a member resigns he or she should inform the Chair in writing. A copy of the resignation letter should be forwarded to the IMB Secretariat.

In the event of the death of a member of the Board, the Chair must inform the IMB Secretariat immediately giving the date, and the name and address of the next of kin.

SECTION 3 - THE PROBATIONARY YEAR AND TRAINING

3.1 First Appointment

On first appointment to a Board a new member will undergo a probationary period of 12 months on conclusion of which:

- The appointment may be confirmed.
- The Chair may recommend termination of the appointment.
- The member may terminate his/her membership of the Board of his/her volition.

New members are sent a Welcome Letter, which gives details of how to view the IMB Academy Website which includes details of the Probationary Year Guidance, National Induction Programme, Training Courses and expenses.

To be set up on the IMB Academy, new members should send an email to: imb@justice.gsi.gov.uk stating their name and board.

Information about National Training Courses and the process for claiming expenses, can be found on the IMB Academy web site at: <https://www.imbacademy.org.uk>.

SECTION 4 -THE BOARD AND MEMBERS

4.1 Appointment of Chair, Deputy Chair and Board Development Officer

Every Board must have a Chair and a Deputy Chair who shall be members of the Board (DCR 59(5)).

On the constitution of a Board for the first time the Secretary of State will appoint a Chair and a Deputy Chair to hold office for a period not exceeding 12 months (DCR 59(6)).

After the first year of formation of a Board and every year thereafter, the Chair and Deputy Chair are to be elected by all the members of the Board. The Secretariat will issue a 'Dear Chair' letter in June/July of every year detailing the procedure to be followed for the appointment of Chair, Deputy Chair and Board Development Officer (BDO).

Any casual vacancy of Chair or Deputy Chair is to be filled in accordance with DCR 59(6)(c).

The Chair, Vice Chair and Board Development Officer shall not normally hold office for more than three consecutive years in each post. Extension in excess of three years must be sanctioned by the IMB Secretariat.

The Secretary of State may terminate the appointment of a member as Chair or Vice Chair of the Board if he/she is satisfied that the member has:

- Failed satisfactorily to perform his functions as Chair or Vice Chair; or
- Has grossly misconducted him/herself whilst performing those functions.

(DCR 59 (7))

If a vacancy occurs before the end of the nominated appointment period then the Board will elect a replacement in the same manner as the annual election.

4.2 Board Meetings

The Board should normally meet at the Centre once a month. Less frequent meetings may be considered to be acceptable, in such instance the meetings should be a minimum of eight in a period of twelve months (DCR Rule 60).

In any 12-month period no member shall attend less than 75 percent of the monthly meetings without reasonable excuse. A sabbatical may be arranged with agreement of the IMB Secretariat if a member is unable to continue with the duties for a short period.

A quorum at a Board Meeting should normally half of the current membership, however Rule 60 (2) of the DCR permits the Board to decide its own quorum so long as it is not fewer than 3 members.

Decisions are normally made by consensus. In the absence of consensus the majority opinion shall prevail. In the event of a tie, the Chair shall maintain an existing position or when no position exists the chair should have a casting vote.

Minutes of the Board Meeting must be kept (DCR 60 (3)).

An agenda for the monthly meeting is to be prepared by the Secretary of the meeting in conjunction with the Chair and circulated to all members prior to the meeting. The following items, which are not exclusive, should always be included on the agenda:

- Names of attendees and apologies for absence.
- Minutes of the previous meeting.
- Matters arising from the previous meeting
- Reports from Rota Visits including detainee requests and complaints of specific concern.
- Monitoring of regimes and Reports from Welfare, Health and Safety, Race Relations Meetings etc.
- Report from the Centre Manager.
- Report from the Immigration Manager
- Report from the Chair.
- Future Rota Visits Programme
- .AOB.

It is best practice for the Board to meet in a closed session with only Board Members present prior to the formal monthly meeting. Minutes of the closed meeting may be kept at the discretion of the Chair.

The formal meeting should follow the agenda. The Centre Manager and the Immigration Enforcement Manager should be invited to attend for the whole or part of the meeting, according to the local arrangements, and report on their respective areas of interest.

4.3 Time off for public duties

Section 50(2)(d) of the Employment Rights Act 1996 requires employers to allow employees reasonable time off from their employment to perform their duties as a member of an IMB. The Act does not prescribe what constitutes 'reasonable' time off since this will vary depending on the nature of the duties and the effect the employees absence will have on the running of the employer's business.

The IMB Secretariat will, if requested, write to an employer on behalf of any IMB member who is experiencing difficulty in obtaining reasonable time off. Civil servants who are IMB members are allowed special paid leave, individual Departments and Agencies determining their own levels of paid and unpaid leave allowed.

4.4 Jury Service

Board Members are not specifically exempt from Jury Service by Schedule 1 to the Juries Act 1974.

4.5 Code of Conduct and Disciplinary Procedures

Board members should know the standard of conduct Ministers will expect from them when carrying out their IMB functions. If a complaint or allegation is received suggesting a member's conduct has fallen below what is expected of them it is important that the member is aware of the procedures that will follow for the investigation of the complaint and that those procedures will be fair and in accordance with natural justice.

The Code of Conduct and Discipline procedures for IMB members are set out in DBM 10/08 which can be found on the IMB Academy website IMB Members Section → Information for New and Current Members →Grievance Procedures. Please note, these are under revision at the publication of this document and advice should be sought from the Secretariat.

4.6 Legal Action against a Board or Board Member

In the event of a Board or any individual member of a Board being threatened with legal action as a direct result of any act undertaken as a legitimate part of their IMB duties, the Department through the IMB Secretariat will offer legal advice and support.

The member(s) concerned or Chair if action is threatened against the Board, should inform the Head of the IMB Secretariat without delay and before taking any action. It is important to set out the details of the problem clearly and in writing so that legal advisers can offer appropriate advice.

The Treasury terms of indemnity for Boards are that an individual member who has acted honestly and in good faith will not have to meet out of his or her personal resources any personal civil liability which is incurred in execution or purported execution of his or her IMB function, save where the member has acted recklessly. It should be noted that the cover excludes any personal criminal liability and will not protect those who have acted recklessly or in bad faith.

4.7 Compensation Against Accident or Injury

In the event of a Board member suffering personal injuries in exercising his/her duties, the Government's position is that the Crown does not normally take out insurance policies. However, as the occupier of the Detention Centre premises, the Home Office recognises a duty of care to those who visit such premises and it must take reasonable care to ensure their safety.

In cases where a Board member, engaged in the proper execution of his/her duties as an IMB member, is injured or suffers loss or damage to property as a result of negligence on the part of the Detention Centre authorities, the Home Office would be under a legal obligation to pay compensation.

In a case in which the Department is clearly liable it would expect to settle out of court. In other cases, where injury results without negligence on the part of the Home Office, claims for compensation are treated sympathetically on their merits on an ex gratia basis, taking into account the special position of members of Boards and the value of the public service which they render.

The Treasury accepts that members of Boards are covered by Part II of Section II of the Principal Civil Service Pension Scheme, and the injury benefit rules. In broad terms, this secures for an individual, or his/her dependants, a guaranteed minimum income from public funds if he or she is killed or injured in circumstances connected with the performance of official duties. All benefits and awards under the injury benefit rules are payable at the discretion of HM Treasury, who will consider each individual claim in the light of all relevant facts.

Any member who is injured while carrying out an official duty should complete the local accident book and inform the IMB Secretariat as soon as possible.

SECTION 5 – RESPONSIBILITIES OF THE BOARD AND BOARD MEMBERS

5.1 Responsibilities of the Chair

The Chair is responsible for ensuring that the duties of the Board are carried out. Although duties should be delegated, responsibilities will include:

- Conducting Board meetings.
- Liaising with the Clerk for the production of minutes.
- Ensuring that the rota for visits is prepared and known to members.
- Ensuring that a procedure for Board presence at serious incidents is in place and revised as necessary.
- Making monthly Visits Reports to the IMB Secretariat and managing the small budget allocated for sundry claims.
- Ensuring that all members receive appropriate training.
- Carrying out the triennial review when required.
- Preparation of the Board's Annual Report.
- Supervising the procedures for recruiting new members.
- Reporting to the IMB Secretariat any circumstances that might prejudice membership.
- Attending the New Chairs' training course when first appointed.
- Cascade to all Board members instruction, letters and procedures etc received from Immigration Enforcement, the NC and the IMB Secretariat as necessary.
- Attend the meeting of the Forum of Chairs.

5.2 Statutory Responsibilities of the Board

Statutory duties of the Board of a general nature are as follows:

- Satisfy themselves as to the state of the Centre premises, the administration of the Centre, in so far as it may affect the welfare of the detainees, and the treatment of detained persons (DCR Rule 61 (1)).
- Inquire into and report upon any matter which the Secretary of State asks them to inquire (DCR Rule 61 (2)).
- Direct the attention of the Centre Manager and Immigration Enforcement Manager to any matter which calls for his/her attention, and report to the Secretary of State any matter which they consider expedient to report (DCR 61 (3)).
- Inform the Secretary of State immediately of any abuse which comes to their knowledge (DCR 61 (4)).

The Board should not concern themselves with any issue directly relating to the immigration status of a detained person unless any aspect of the process causes concern in so far as it affects the detained person's continued detention; in such case the matter should be drawn to the attention of the Secretary of State (DCR Rules 61 (5) and (6)).

Before reporting any issue to the Secretary of State the Chair should discuss the issue with the Centre Manager and Immigration Enforcement Manager, especially when safety and security may be involved (DCR Rule 62 (7)).

Specific Statutory duties of the Board are as follows:

- To visit within 24 hours any detainee who is :
 - removed from association (DCR Rule 62 (1) (see note below).
 - placed in temporary confinement (DCR Rule 62 (1) (see note below).
 - subjected 'to Special Control and Restraint' (DCR Rule 62 (2)) (Note: the Secretary of State has not authorized the use of any 'Special Control and Restraint' techniques in IRCs).

Note: In Centres where the usage of Rules 40 and 42 is high and makes it impossible for detainees to be seen within 24 hours, written dispensation should be sought from Immigration Enforcement.

- To hear any request or complaint which a detainee wishes to make (DCR Rule 62 (1)). See Section 7.
- Inspect the food provided to detainees at frequent intervals (DCR Rule 62 (2)). See paragraph 6.3.
- For members of the Board to visit the Centre at frequent intervals and for a member of the Board to visit the Centre at least once during any week (DCR Rule 63 (1)).
- Investigate any report that a detainee's mental or physical health is likely to be injuriously affected by any conditions of his/her detention (DCR Rule 62 (3)).
- Submit a Report to the Secretary of State as reasonably as possible after 31 December each year to cover the period of the previous twelve months, subject to any direction of the Secretary of State to change the frequency or period of the report (DCR Rule 64). Details for the completion of the Annual Report are contained in Section 10.

5.3 Non Statutory Duties of Members and the Board

All areas of the Centre should be visited at least once in every 12 months.

The Chair should agree with individual Board members to be involved in areas of special interest and attend the various committees within the Centre (Security, Faith, Race Relations etc.).

Respond to any request made by the Chair (or his or her nominee) to attend the Centre in the event of the Centre Manager declaring a serious incident.

Report any mistreatment of detainees immediately to the Chair and to the Centre Manager.

SECTION 6 – ROTA VISIT

6.1 General

A programme for Rota Visits should be arranged in advance at the monthly Board Meeting and details advised to all Board members, Centre Manager and the Immigration Manager.

Rota Visits should take place at various times of the day and at weekends. Visits should be unannounced.

Security advice during a visit is contained in Section 12.

Contact with detainees should be based on mutual respect and understanding and Board members should be approachable and easily identifiable as a member of the IMB (name badge). Members should not assume a role more properly left to professionals, e.g. medical, legal. Members may be able to help detainees by providing:

- A link with the outside world.
- Advice on matters of private or general concern.
- A link between the Centre Management and the Immigration Manager.
- Explanation about rules, forms and documents, and assistance with completion of forms.

When talking to both staff and detainees, the following guidelines apply:

Remain impartial.

- Do not take sides with detainees or staff.
- Do not get involved with disputes between staff and management, although concerns of staff with their permission should be reported to Management.
- Do not undermine relationships with other members of staff or management.
- Be prepared to do no more than listen.

6.2 The Visit

It is important that all parts of the Centre are visited on a regular basis. To ensure that this is done members should check the records of earlier visits.

Members are expected to satisfy themselves as to the state of the Centre. Members should adopt a common sense approach and use acceptable standards to determine whether the conditions in which detainees and staff live and work are appropriate. Examples of things to be noted are:

- The general appearance of the whole Centre, including the buildings, the perimeter, paths, roads, open areas, gardens etc.
- The safety and security of detainees.
- The standard of repair and decorations of buildings.

- Food, dining and serving areas (see Paragraph 6.3).
-
- Nuisances, such as noise and unpleasant smells.
-
- Environment in the Centre, i.e. temperature, lighting and ventilation
- Ablution and toilet areas.
- Laundry.
-
- Activities in progress and attendance.
- Clean and adequate bedding.

6.3 Food

It is important that food meets the requirements of the many nationalities and ethnic groups in a Centre. The Board should arrange for the food of detainees to be inspected and tasted by a member at frequent intervals. It is usual for this to be done as part of a rota visit. Issues to be considered include the following:

- Does the menu reflect detainees' cultural and ethnic needs?
- How often is the menu changed?
- Is the food kept at the required temperature during serving?
- Does food look appetising and is there a choice of items?
- Are the quantities sufficient?

In exceptional cases where a detainee may be on a special diet for medical reasons, checks should be made to ensure that any special medical dietary needs are met.

Food storage arrangements and kitchen hygiene should be inspected on a regular basis. Issues to be considered include the following:

- Is cooked and raw food stored separately?
- Is food stored separately to meet ethnic requirements?
- Are storage areas, cold stores and refrigerators clean inside?
- Are deep freezes defrosted often and clean inside and out?
- General cleanliness should be noted e.g. equipment and utensils, work and storage areas, floors, lavatories and showers, waste disposal areas.
- Are special dressings used for wound coverings of kitchen staff?
- Are hats worn by kitchen staff?

6.4 ACDT

It is good practice to monitor the ACDT process whilst carrying out a Rota Visit. This includes checking:

- That the detainee is receiving the prescribed number of checks per shift.
- That records are properly completed.
- That staff are sufficiently responsive to detainee's emotional needs.

- That reviews are carried according to the plan.

See Section 9.

6.5 Complaints and Requests

There is a statutory obligation to hear any request or complaint which a detainee wishes to make (DCR Rule 62 (1)). It follows that the IMB member during his/her Rota Visit should follow up and such complaints or requests. See Section 7.

6.6 Removal from Association and Temporary Confinement

Whilst carrying out a Rota Visit it is good practice to check if any detainee is held under Rules 40 and 42 and if so, visit the detainee; this may eliminate the need to make a special visit to the Centre. During the visit as well ensuring that the welfare of the detainee is being addressed, checks should be made to ensure that the detainee is receiving sufficient food and drink, that paperwork is in order and that the detainee is aware of the reason for being held under Rules 40 or 42.

6.7 Reports

On completion of each Rota Visit it is essential that a written report is completed. There is no set standard for the format of a report although a recommended form exists. It is for the Board to decide on what form the report should take. Items which should be recorded include:

- The name of the Board member making the visit.
- The date and time of the visit.
- Areas of the Centre visited.
- Comments of note on areas visited.
- Any concerns.
- A brief report of all discussions and interviews with detainees and action taken.
- The mood of the Centre.

Care should be taken to avoid statements in reports which could be misinterpreted or which could cause offence. Personal comments or criticisms should be avoided. It should be remembered that reports could be made available to other agencies, for example, a coroner, the police or be the subject of a request under the Freedom of Information Act or subject to access request under the Data Protection Act.

A copy of the report should be given to the Centre Management and Immigration Manager according to local arrangements.

SECTION - 7 COMPLAINTS AND REQUESTS

7.1 Complaints and Requests to the IMB.

Under Rule 62 the IMB and any member must hear any complaint or request which a detainee wishes to make and detainees have an unrestricted access to the IMB; this is a statutory right of a detainee.

There are various ways through which request and complaints can be received, and members need to check on local policy agreed by the Board. The main avenues are.

- By application direct to a Board Member (this may be verbally made whilst carrying out a rota visit, or written and posted in the IMB box). These are confidential between the IMB and the detainee.
- By referral from a member of staff.
- By letter to the IMB Chair or to a member.
- By request from another detainee who may act as interpreter with the detainee's agreement.

Individual IMB members have the power to interview any detainee out of the sight and hearing of officers if the detainee so requests (Rule 63(2)), although in many cases detainees will not deem this to be necessary. When a separate interview room is used guidance by staff on personal security should be heeded. When interviewing detainees, in a separate room members should ensure that:

- As far as practical, furniture in interview rooms is arranged so that they have an unhindered route to the door.
- Interview rooms with static alarms are used if available or a personal alarm or a radio is provided. Alternatively staff should be close enough to see or hear difficulties and render assistance, but far enough away not to compromise the interview itself.
- Prior to an interview, the IMB member should receive a briefing from staff about any factors which may affect the behaviour of a detainee.

During all interviews the following general procedures should be observed:

- **Name and Identification.** It is essential that the detainee can be identified.
- **Problem.** Make sure the problem is understood.
- **Ascertain what the detainee has done.** Has the detainee obtained a solicitor? Has the detainee requested to see Immigration? Has he/she completed a DCF9? Has he/she been seen by Welfare?
- **Expectations by the Detainee.** Make sure the detainee understands the limitations of the IMB i.e. cannot help or interfere with immigration status.
- Never promise an outcome.
- **Close and promise to get back.** Verify the problem, and deal with the

- problem by speaking the appropriate member of staff if possible or refer to
- Management or Immigration for action.

When a written response is given, the response should be:

- **Legible and neat.** The detainee may have difficulty in reading English, handwriting should therefore be clear and legible. If possible the reply should be typed.
- **Style.** Colloquial expressions and abbreviations should be avoided. Short sentence are often more suitable, however the reply should not be condescending.
- **Comprehensive.** The reply should be concise, easily understood and without ambiguity.
- **Check.** A detainee may only tell half the story – check with Immigration, Healthcare, Management etc
- **Accuracy.** It is important that any response is accurate; only give information that is known to be correct. If necessary check and get back to the detainee.
- **Adequacy.** Ensure that the response deals with the problem or request.
- **Honesty.** All replies must be completely honest and promises outside the remit of the IMB must not be given, e.g. a firm date for removal, or a change that only Management can implement.
- **Further Action and Advice.** If appropriate any advice on further action should be given, i.e. submitting a DCF9, seek advice from Immigration Service or an appropriate Non-Governmental Organisation (NGO)

Boards should develop a system for recording of all request/complaints made to the Board. The record should include the following detail:

- Sufficient information to identify the detainee.
- Date of the request/complaint.
- Name of the IMB member involved.
- Brief summary of the problem.
- Summary of any verbal response given or action taken.
- A copy of any written response should be retained.
- Summary of any further action required.

In case of language difficulty, a telephone language line should be used. Alternatively with the detainee's permission, consideration can be given to use another detainee or member of staff with sufficient command of the complainant's language.

It is important that members respect the confidentiality and obtains the detainee's consent to the IMB member discussing his/her complaint with staff, management or immigration as appropriate. It is good practice to obtain written permission from the detainee.

7.2 Formal request raised by Detainees on DCF9s

A Detainee may raise a formal written complaint to Immigration using the form DCF9 (these forms should be readily available to all detainees in the Centre and in a variety of languages). Although the form is submitted to the Immigration Service, the subject of the complaint/request is not limited to matters relating to immigration but can relate to any matter related to their detention including issues relating to their first arrest, transit to an IRC and detention at an IRC. The procedure for the handling of complaints raised by detainees is contained in ~~the~~ DSO 03/2015 Handling of Complaints.

The role of the IMB is not to investigate complaints/requests submitted on a DFC9 but to monitor the complaints handling process to ensure that the response is satisfactory and the procedure for handling the complaint/request has been carried out correctly. It is therefore imperative that Board members are familiar with the complaints procedure. The procedure is not always straight forward and it is very advisable for a Board to appoint a member from the Board to be responsible for monitoring complaints/requests and to act as a single point of contact with Immigration.

When a detainee is not satisfied with the response received, he/she may refer the complaint to the Prisons and Probation Ombudsman (PPO) or the Parliamentary and Health Service Ombudsman (PHSO). It should be noted that the PPO will not investigate complaints relating to case issues or immigration status nor to complaints raised against Customer Service Units (CSUs) outside Detention Services. In the case of complaints against other CSUs a detainee may ask for a review and if still not satisfied raise the matter with the PHSO. Details are given in DSO 03/2015.

In IRCs managed by the Prison Serves all incidents of discrimination, harassment and victimisation must be raised on a Discrimination Incident Report Form (DIRF) and the procedure detailed in PSI 32/2011 followed. This is in addition to the investigation carried under the Immigration procedure; the two investigation will run in parallel resulting in the detainee receiving two response to the single complaint. If necessary the information on the DCF9 will be transcribed directly onto a DIRF.

SECTION 8 – USE OF FORCE

8.1 Authority for Use of Force.

Use of force should be seen as a last resort and every effort should be used to manage violent, refractory or disturbing behaviour through persuasion or negotiation. Force can be used to keep a detainee in custody, to prevent self harm, violence or destruction of property, to enforce lawful orders.

The Detention Centre Rule 41 permits the use of force with the following conditions:

- No more force than necessary should be used.
- The use of force must not be such as to deliberately provoke a detainee.
- Every incident of use of force is to be recorded on an incident report RCF2 and reported to the Secretary of State.

8.2 Use of Handcuffs

Although the use of force can include the use of handcuffs, the passive application of handcuffs may also be used, i.e. not as part of a use of force. It follows that handcuffs may be used during movements within the Centre or during journeys to and from external appointments and transfers to other establishments. The use of handcuffs must always be risk assessed and only staff fully trained in the use of handcuffs and first aid are permitted to apply handcuffs. The principles contained in DSO 6/2014, Risk Assessment Guidance for Escorting Monitors, apply when handcuffs are used in IRCs or STHFs.

Training of DCOs will include the application of one set of handcuffs to a detainee wrists at the front. Additionally they will be taught how to double cuff, which includes a second set of handcuffs being applied, with one cuff on the DCOs wrist and one on the detainee's wrist. Double cuffing will only take place when a risk assessment justifies the need and the risk is authorised by a senior manager.

8.3 Carrying, Drawing and Use of Batons

Batons are carried by DCOs in IRCs managed by the Prison Services (Morton Hall and The Verne). There is no provision in either the Detention Centre Rules or the Operating Standards for Immigration Service Removal Centres for withdrawing or use of batons. The use of batons in the IRCs is subject to the requirements of Prison Service Order 1600 for the use of force. Batons must only be used as a defensive implement.

8.4 Control and Restraint.

Control and Restraint (C&R) basic techniques are used by a team of three officers (with the option of having a fourth person involved to control the legs) in order to manage a violent or refractory detainee. Control and restraint techniques must not be used on a detainee when there are fewer than three officers present:

- Officer No 1. Protects the head, leads the team and talks to the detainee (unless someone else is deputed to do so).
- Officers No 2 and 3. Gain control by applying arm locks.
- Office No 4 (when used). When a detainee is grounded a fourth officer may be used to restrain the legs of the detainee.

During the use of C& R, officers should be alert to detainees who:

- Struggling to breathe.
- Feeling sick or vomiting.
- Have swelling, redness or bloodspots to face or neck.
- Are panicking.
- Are limp or unresponsive.

All use of force must be:

- Reasonable.
- Proportionate.
- Necessary.
- No more than is necessary under the circumstances.

Age, mental and physical health (diabetics, high blood pressure, asthmatic etc), physical strength of detainee, obesity, etc must be taken into consideration.

Officers must attempt to de-escalate the situation throughout the incident with the aim of releasing holds and locks. The application of C&R holds may cause pain to a detainee and if the detainee is compliant, the holds must be relaxed.

Training of staff in the actual techniques of C&R can only be carried out by qualified C&R instructors. All members of staff involved in the use of C&R (including the supervising officer) MUST complete a Use of Force Form after each incident. DCOs are required to justify the use of force and in all cases it must be reasonable according to the circumstances.

Planned interventions involving C&R are used when there is no urgency or immediate danger. In these situations, a supervisor will prepare staff for the incident and will notify a member of healthcare in advance who will attend and observe the planned intervention.

Unplanned incidents occur when there is an immediate threat to someone's life/limb or to the security of an establishment and staff need to intervene straight away. In these situations a member of healthcare and a supervising officer will attend as soon as possible.

Staff arriving as the 'first on the scene' at an incident involving violence (e.g. a fight between two detainees) must act in a common sense manner. An individual officer must not put him/herself in danger and it may be prudent for him/her to await the arrival of other staff.

When fewer than three officers are present (or in the case of multiple violent detainees, a ratio of less than three officers to one violent detainee) and it is necessary to use force immediately, staff will need to use whatever force is necessary to protect themselves and others - as long as such force is reasonable and proportionate in the circumstances as they see them. This advice also applies to incidents that may arise during the night where less than three C&R trained staff are on duty in the establishment e.g. a fire in a room and it is necessary for staff to intervene in order to get the detainee out of his/her room.

8.5 A Checklist for Monitors

When observing a Use of Force, members should note that there are authorized procedures which must be followed, as explained in this section.

A basic check list for monitoring C&R is:

- Record basic information: who, when, where.
- Recognise that everything will not be seen - record what is seen and also what is not seen.
- What de-escalation was tried?
- Had violence been threatened? weapons/improvised weapons?
- How did the officers communicate with the detainee, and the detainee with the officers – not just the words used but also how loud were people speaking and how fast were the words.
- What was there body language and eye contact?
- What were the barriers to communication, e.g. language, and how were they overcome?
- Did the officer ask what needed to be done to obtain compliance from the detainee? Did officers jump to conclusions rather than ask open questions? e.g. the detainee is frustrated by immigration case, there are family issues, food issues, medical issues, etc. Was an attempt made to resolve issues?
- Were the officers listening and able to demonstrate that they were listening?
- Were the consequences of non-compliance explained to the detainee?
- Were the officers confident in what they were doing? Calm? Did they create appropriate space around the detainee?
- A planned C& R operation will require 3 or 4 DCOs, a supervising officer (e.g. Duty Operations Manager) and Healthcare. Were all present?
- The detainee should not be confused by many voices. Who spoke? Generally we would expect there to be only three voices – the supervisor, the lead team member (generally the No 1 person looking after the detainees head) and the detainee. Plus communication from the nurse.
- If pain compliance is used was the detainee warned of this before its application?
- Was there a Senior Manager available/present (for example the Duty Manager) in the Centre?
- Were details of the detainee found out as soon as possible – medical problems especially heart issues, mental state, asthma sufferer etc?
- In a planned situation was there a briefing of the Control and Restraint team before the intervention?
- Was the necessity for other staff identified in advance – e.g. to open doors on route?

- In a planned event was the situation recorded from the start and did the officers identify themselves without helmets by name? In an unplanned event was the situation recorded as soon as possible?
- What was the role of Healthcare? Did they communicate with the detainee? Was the detainee checked over by Healthcare when Control and Restraint ended? How was the detainee?
- In all cases was there a de-briefing afterwards with all participants?

The Monitor should review the DCO's reports after the event including:

- The Incident Report.
- Use of Force Report Form 213 (identifying any injury to the detainee).
- Rule 40/42 paperwork if appropriate.
- ACDT paperwork if appropriate.

After the event was there a detainee support plan and explanation to the detainee as to what happened and why? Do the reports state what happened and why? What C& R techniques were used? Was there appropriate justification for the use of force?

Monitor should talk to the detainee after the event. IMB members need to make detainees aware that:

- IMB monitor procedures and do not carry out an investigative role.
- Of the formal Complaint procedure – possibly leading to an investigation by the Home Office Professional Standards Unit and then with the potential for referral to the Prisons and Probation Ombudsman.
- A detainee's right to complain to the Police.

SECTION 9 - ASSESSMENT, CARE IN DETENTION AND TEAMWORK (ACDT)

9.1 Process

The ACDT process is a means whereby staff can work together to provide individual care to detainees who are in distress in order to:

- Help defuse a potential suicide crisis.
- Help individuals with long-term needs (such as those with a pattern of repetitive self injury).
- Better manage and reduce the distress of individuals.

Any one working inside a Centre, and this includes members of the IMB, may open an ACDT plan. The ACDT process should be started before the risk of self harm becomes acute. It as a means of tackling problems before a crisis develops.

Detail of the ACDT process can be found at DSO 06/2008 "*Assessment Care in Detention Teamwork*"

SECTION 10 – ANNUAL REPORTS

10.1 The Report

Boards have a statutory duty under DCR 64 to report annually to the Secretary of State about the state of the Centre, its administration, and welfare of detainees. The report may include any suggestions and recommendations considered appropriate. Annual Reports of IMBs are valued for the independent view they give of the life in the Centres.

Instructions and the template for the Annual Report can be viewed on the IMB Academy, within the “Information for Chairs” section.

Responsibility for drafting the Report falls to the Chair in office at the time, who signs off the report although individual members should contribute. Draft Reports are sent to the Centre Manager and Immigration Enforcement as a matter of courtesy and for checking for factual accuracy. No Report should be submitted to the Secretary of State before it has been formally considered and approved at the IMB meeting.

Serious matters should be addressed immediately as they arise, and not left to the Annual Report. Care should be taken to avoid statements which could be misinterpreted or which could give offence. Personal comments or criticisms should also be avoided.

10.2. Publication

The Chair should submit the Report to the IMB Secretariat electronically in Word form for onward transmission to the Secretary of State and for distribution to other departments and to appropriate people in the Home Office and the Ministry of Justice. A response should come from the Home Secretary or the Immigration Minister after he/she has taken advice from Immigration Enforcement.

Ministers have indicated that they expect all Boards to publish their Annual Reports and make them available in the in the public domain. Apart from informing the general public of conditions in the Centre and treatment of detainees, the Report can:

- Increase the profile of the work of the IMB.
- Build closer links between the Centre and the local community.
- Encourage members of the public to volunteer for IMB membership.

A distribution list for the public should be drawn up should be drawn up which can include:

- Local press.
- Local Radio and TV.
- Local Members of Parliament.
- Local support Groups.

The time between submission of the Report to the IMB Secretariat and publication must be at least four weeks. The IMB Secretariat should be informed of the date of publication. Publication at weekends and Bank Holidays should be avoided. If the board decides not to publish the report, or publish only a summary, then the IMB Secretariat should be informed with the reasons. It is recommended that a short Press Release is provided to the media to accompany the Report. A copy of the Press Release should be sent to the Secretariat and Immigration Enforcement.

SECTION 11 – EQUALITY

11.1 The 2010 Equality Act

The 2010 Equality Act which came into effect in stages from October 2010, replaces all existing legislation with a single new comprehensive Act. It makes it unlawful to discriminate directly or indirectly against anyone on grounds of protected characteristics. These are:

- Age
- Disability
- Gender-Reassignment
- Marriage and Civil Partnership (does not extend to not being Married or in a Civil Partnership)
- Pregnancy and Maternity
- Race (includes ethnic or national origins, colour and nationality)
- Religion or Belief (includes lack of belief)
- Sex
- Sexual Orientation

Guidance about the Act as it applies to IMBs is contained in the “*IMB Equality Handbook*” which can be found at:

www.justice.gov.uk/about/imbmembers/equality

IMBs should actively review their practices and activities, remove any disadvantages to protected persons and encourage participation where they are under-represented. In monitoring, IMBs should have regard to how these duties are met in their establishments.

IMBs in carrying out their duties are required to have due regard to eliminating discrimination and advancing equality of opportunity, and to foster good relations between people with protected characteristics and those who do not.

11.2 Disability

Within the Act disability is defined as an impairment with a substantial and long term adverse effect on the ability to carry out normal day to day activities, however a detainee may have a short term disability which does not fall within the definition in the Act. In such cases the detainee should be afforded the same duty of care as a detainee falling within the definition of the Act.

The Centre has a duty of care to provide access to facilities which are useable by all disabled detainees even though the disability may not fall within the definition in the Act. Such facilities should be of the same standard and available on no less favourable terms to those of other detainees.

A register should be maintained of all disabled detainees.

A Personal Emergency Evacuation Plan (PEEP) must be in place for all detainees with a disability. Detainees who are subject to PEEP must be known and identifiable to staff.

SECTION 12 – SECURITY

12.1 Rota Visit

A minimum of personal property should be taken into the Centre when carrying out rota visits and the need to carry such items as wallets, handbags, keys, jewellery etc should be considered.

The Centre Identification Card and IMB name badge should be carried/worn at all times.

Board members should avoid situations where safety is put at risk and be aware of the safety implication of their actions. Advice from staff on security matters should always be heeded. If a member feels threatened or intimidated in a particular area they should leave the area immediately and seek advice from the Centre Management.

Members should be made aware of potential dangerousness of certain detainees and should seek advice from the security staff on any detainee who poses a threat.

Except when new members are being introduced, the central budget only allows for solo rota visits by members. However, it is a matter for the Board as to whether or not solo rota visits are carried out in areas where security concerns exist or are potentially dangerous when it is deemed necessary to visit such areas.

12.2 Keys

All Board members must undergo 'key training' by the Centres' security officer before drawing keys for the first time.

Keys must be carried on a chain attached to a substantial belt around the waist and retained in a pouch when not in use.

Keys should be kept out of sight.

Keys must not be handed over to anyone else.

Any door found locked must be re-locked after passing through.

If a key jams or breaks in a lock the member should remain with it and summon assistance.

Detainees should never be let through a door which is being unlocked.

SECTION 13 – OFFICIAL SECRETS ACT, INFORMATION ASSURANCE, DATA PROTECTION AND ACCESS TO RECORDS

13.1 Official Secrets Act 1989

Board members are subject to the provisions of the Official Secrets Act 1989. Under the Act it is an offence to disclose, without lawful authority, official information in six specified categories if the disclosure is damaging to the national interest. Non-Crown agents or government contractors, this includes IMB members, are covered by the Act if they have in their possession official information in one of the six protected categories, and the information has:

- Been disclosed to them without lawful authority.
or
- Been entrusted by a Crown servant or government contractor on terms requiring it to be held in confidence.

Of the 6 protected categories, the one most likely to be encountered by IMB members is "information which might lead to the commission of crime". This category covers official information the disclosure of which could have one of the following outcomes:

- Results in the commission of an offence.
- Facilitates an escape from legal detention, or the doing of any other act prejudicial to the safekeeping of persons in legal custody.
- Impedes the prevention or detection of offences, or the apprehension or prosecution of suspected offenders.
- Its unauthorized disclosure would be likely to result in any of the above.

Offences of unauthorised disclosure carry a maximum penalty of two years imprisonment.

13.2 Information Assurance

Advice issued by the IMB Secretariat on information assurance and on the handling of documents and data protection is contained in IMM 25/12 dated 9 October 2012 which can be found in the 'Library Section of the IMB Academy website. An e-learning module, entitled "Protecting Information," can also be viewed and completed.

Information divulged to Board members is generally disclosed in the expectation that it will be held in confidence and used only for the purpose for which it was disclosed namely to enable members to monitor the welfare of detainees and report to the Secretary of State. There will, for example, be some information which is disclosed to Board members which it would not be right to pass to a third party or to refer to in any report which is to be published. Although Boards have a legal entitlement to see documents under Rule 63 (3), this must be used only for the purpose of properly carrying out their functions. Centre Managers are entitled to refuse access if they have reasonable grounds to suspect that access is being requested for an improper purpose. The following paragraphs provide guidance on some areas in which doubts have arisen about the disclosure of documents. The coverage is not intended to be exhaustive. In cases of doubt advice should be sought from the IMB Secretariat.

Most information relating to security in a Centre carries no security classification or a low classification, such as 'official'. However, there may be documents which carry a higher security classification which will be divulged only on a 'need to know' basis. Boards will

not usually need to have access to such documents. However, if in a particular case there is a need for a member to have access, the originator of the document should be consulted about the possibility of disclosure.

13.3 Records

The phrase 'the records of the Centre' in Rule 63 (3) does not include all the documents in the Centre. It is intended to cover records which are properly held by the Centre Manager or other officers or staff of the Detention Centre in their official capacity. It does not include purely personal records, nor records which are improperly held.

It will not normally be necessary to copy documents, although there may be occasions when it is desirable for copies to be provided.

13.4 Immigration Documents

There is no right of access to records of the Secretary of State. In this context, 'Secretary of State' includes Area Managers, and Immigration Staff and there is therefore no right of access to records on immigration matters. However, to assist Boards to fulfil their Monitoring role, it is desirable for Immigration Enforcement to be as open as possible and to allow access to all records which may reasonably be required by the Board in the exercise of its duties. Where a Board is denied access to any document, or access is delayed, the Board should be given the reasons.

13.5 Medical records

Health professionals have a duty to keep personal health information confidential. Disclosure of medical records is governed by the Access to Health Records Act 1990. The Act provides patients and their representatives with a statutory right of access to health records made by or on behalf of a health professional on or after 1 November 1991.

The Board has no right of access to the medical records of detainees. However, the detainee may obtain a copy of his/her record, (as he or she is entitled), and, if he or she wishes, show it to a member of the Board. Alternatively, the detainee may authorise a member of the Board in writing to apply for access to his/her or her record. Section 5 of the Act describes circumstances in which access to some parts of a health record may be denied. Briefly, this relates to information which, in the opinion of the holder of the record, would cause serious harm to the physical or mental health of the patient or another person, or may reveal details provided by a third party who could then be identified by that information.

If a detainee requests an IMB member to help them with their health care needs, a note signed by the detainee stating that he or she authorises Health Care staff to share medical information with the IMB should be obtained and given to the HealthCare staff.

13.6 Tender and Contract Documents

Boards do not have right of access to documents relating to the tendering process, which must be regarded as "commercial in confidence". However, so that they may monitor the Contract which is eventually awarded, the Board should be given access to documents which allow them to assess whether the required output is being achieved in terms of quantity and quality. Financial aspects of the contract will not be revealed.

13.7 Death

Where a death has occurred, access to the dead person's medical record may be applied for by his or her personal representative or any person who may have a claim arising out of the death of a detainee. Information which is not relevant to such a claim is not disclosable.

There is no provision which would enable the Board to seek access to the dead person's medical records.

13.8 Staff Records

Board members may only have access to the personal records of a member of staff with the written permission of the individual concerned.

13.9 Incident Reports

When an incident occurs in a Centre an incident report will be generated. The Board will have access to this report if a request is made. However some reports may contain sensitive information above the level of security clearance of the Board and in such cases the Centre Manager has discretion to withhold access to the report. In such circumstances an explanation as to why the report cannot be made available and agreement may be reached to brief the Chair of the Board more fully on a 'need to know' basis.

If disciplinary or criminal charges are likely to occur it would not be right for the Board to have access to the report until the individual concerned has been made aware of the charges.

SECTION 14 - TRIENNIAL REVIEW

14.1 Purpose and Procedure

The purpose of the triennial review is to assist the Minister in deciding whether or not to reappoint an individual member to their Board. Every year approximately one third of all Boards members, including the Chair and those members in their probationary year, on a rolling basis, are subject to review by their Chair or Deputy Chair as appropriate to identify those:

- Recommended for reappointment.
- Recommended for non-appointment.
- Recommended for transfer.
- Wishing to transfer.
- Not seeking reappointment.

Each year a Dear Chair (DC) letter is issued by the IMB Secretariat to those Chairs whose Board members are due for triennial review. Guidance, including transfers and dual membership can be found in Section 8 of the IMB Manual.

SECTION 15 - ANNUAL TEAM PERFORMANCE REVIEW

15.1 Purpose and Procedure

Annual Team Performance Review is designed to help the Board manage itself and its work and involves team based self-appraisal.

Each year the Board should conduct a review of its performance and develop an action plan in order to maintain or improve its effectiveness in carrying out its monitoring role.

Details of the procedure to be carried out can be found at DC 06/16 dated 21 February 2016.

The Head of the IMB Secretariat may ask to see a sample of the summaries each year in order to ensure that there is consistency in the operation of the scheme around the country.

SECTION 16 - FINANCE AND BUDGETS

16.1 Subsistence and Financial Loss Allowance

Whilst Board work is voluntary, members are entitled to claim expenses to offset some of the unavoidable costs of membership.

Members are expected, wherever possible, to rearrange their normal work to accommodate their duties, and Boards should in turn try to organise themselves to minimise the financial loss incurred by any member. It is accepted that there may be occasions where incurring an actual loss of earnings is unavoidable and it is for such occasions that Financial Loss Allowance (FLA) is designed.

These regulations for claiming of expenses and for FLA are contained in the IMB Finance Manual which can be found on the IMB Academy web site within the Information for Board Chairs Section.

SECTION 17 - IMB SECRETARIAT

17.1 Role and Responsibilities

The role and responsibilities of the IMB Secretariat can be found in Section 15 of the IMB Reference Manual

SECTION 18 - THE NATIONAL COUNCIL

18.1 Membership

The National Council (NC) is made up of area representatives for prison Boards and one representative for the Immigration Detention Estate. Each representative is elected for a 3-year term by the Board members in their respective constituencies.

The President is appointed by the Secretary of State and chairs and sets the agenda for NC meetings.

18.2 Role

The role of the NC is to provide leadership, guidance, training policy and essential quality control to Boards and to help them fulfil their statutory duties. New policies may not be implemented without the agreement of both the NC and the IMB Secretariat.

Each elected NC member may be assigned special areas of responsibility by the President. NC representatives have joint responsibility for their geographic area and areas of special interest. It is a duty of each member of the NC to keep in regular and close contact with the Boards in their constituency.

The Constitution for the NC is at Annex B.

SECTION 19 – THE FORUM OF CHAIRS IN THE IDE

19.1 Membership

The Forum is made up of the Chairs IMBs in all IRCs and STHFs. The President of the NC, the NC representative for Boards in the IDE, a representative from the IMB Secretariat and a representative from Immigration Enforcement will be invited to attend the meetings of The Forum.

The Forum may co-opt any Board Member of a participating IMB in the Detention Estate whose particular experience and expertise can assist them in the attainment of their objectives.

19.2 Role

The role of the Forum is to provide a platform for Chairs of Boards in the IDE to discuss and pursue common issues in order to achieve best practice in the discharge of their duties.

The objectives are:

- To ascertain, co-ordinate and express the interests of Boards in the IDE to Government Ministers or Agencies, Home Office Immigration Enforcement, the National Council (NC), the IMB Secretariat or other Government Bodies.
- To support the NC representative in raising and maintaining the profile of IMBs in the IDE within the overall structure of the NC.
- To take such action in the public interest as circumstances may require.

Constitution for the Forum is at Annex C.

SECTION 20 - THE CLERK AND SUPPORT FACILITIES TO THE BOARD

20.1 Role

The role of the Clerk is to provide the Chair and the Board with the administrative and the organisational support they need to perform their duties efficiently and effectively. When carrying out IMB duties the Clerk is responsible to the IMB and not to the Centre. However Board members must recognise that the Clerk has Centre duties to perform and cannot always be available to deal with IMB matters. A good working relationship is essential to the smooth running of the Board.

20.2 Appointment.

As set out in the Memorandum of Understanding between the NC and Immigration Enforcement the Clerk is appointed by the Immigration Manager.

20.3 Support.

The support and facilities to be provided to the Board are also set out in the Memorandum of Understanding and Service Level Agreement drawn up between the NC and Immigration Enforcement in May 2014 and promulgated by DSO 04/2014 dated May 2014.

SECTION 21 - PUBLIC RELATIONS

21.1 General

Although a Board's primary responsibility is to fulfil its statutory functions within the Centre, Boards may usefully explain aspects of their work and that of the Centre to the public. The term "public relations" covers formal press, radio and television interviews and written articles. It also includes links with the local community. The Board may initiate contact with the public because of general interest in the Centre or as a result of a particular event; contact may be initiated by the media.

It is appropriate to inform the Centre Manager, Immigration Enforcement and the IMB Secretariat in advance of the release of a public statement made by the Board.

Detailed information about this topic can be found in Section 18 of the IMB Reference Manual.

SECTION 22 - SERIOUS INCIDENTS

22.1 Types of Incidents

There is a requirement for all senior managers in IRCs to attend 'The Command of Serious Incident Course' operated by HMPS. It therefore follows that Centres should all have similar contingency plans for serious incidents but tailored to meet condition in individual Centres. All Board Members should be familiar with the plan associated with their own Centre.

A serious incident is one which the Centre has designated as 'serious' and in which the Incident or Command Suite is opened. Serious incidents may include:

- Full close down search.
- Serious assault on any person.
- Breach or attempted breach of security or control by outsiders.
- Barricade / prevention of access.
- Serious fire.
- Concerted indiscipline (active or passive).
- Escape and attempted escape from Centre or escort.
- Hostage taking.
- Death of detainee or other person.
- Roof climbing.
- Bomb threat / explosion.
- Firearm / ammunition /chemical spray /explosives find.

The Chair and the Centre Manager should agree what circumstances constitute an incident requiring the presence of a Board Member. When such an incident occurs, the Centre will notify the IMB member on call that week, the Chair, or in the absence of the Chair, the Vice Chair or other member according to the Centre Contingency Plan. It is the responsibility of the Chair to draw up a roster of members to observe and report on the incident.

Subject to any advice on safety or security grounds from the Incident Commander, members should be allowed access to any part of the Centre. (Rule 63 (4)).

22.2 Contingency Plans and Incident Pack.

Every Board should draw up contingency plans which outline the role of the Board in the event of a serious incident. There should be an agreed policy on first contacts and a subsequent rota of attendance with plans and procedures being reviewed regularly. The Board's Incident Pack should be kept in a secure and accessible place, preferably in a locker at reception but may be held in the IMB office. It should comprise:

- A copy of the IMB (IRC)'s Contingency Plan.
- Map of the Centre (if permitted).
- Addresses and contact numbers of IMB (IRC) members.
- Log Book (not loose leafed and not to be removed from control area).
- Notebook (for on the spot notes).
- Separate notepaper and envelopes, pen/pencils

- Torches/batteries.
- Identification badges/tabards.
- If possible, dictating machine with spare batteries.
- Hard hats should be available if required.

Every Board member should be familiar with the Centre's Contingency Plans and know where they are located. It should include addresses and telephone numbers of Board members. It should state who should be contacted and by whom.

Members should be familiar with Control and Restraint procedures, as it may be necessary to observe control and restraint procedures during the course of an incident. All members should be familiar with the terminology used during incidents e.g. Tornado, Gold, Silver and Bronze Commanders etc.

22.3 Before Attending an Incident.

Before attending a serious incident members should:

- Ensure that family/friends know the location of the incident and that access to a telephone may not be available.
- Ensure that the Centre pass and IMB name badge are taken.
- Ensure that suitable clothing is worn taking into consideration the weather and possibility that the incident may continue for a long time. Wear comfortable shoes.
- Ensure that an accurate and reliable watch is taken.
- Ensure adequate refreshments are taken (note refreshments will normally be provided but it is useful to take chocolate, sugar sweets etc).
- Ensure that any medication needed is taken and that on arrival the incident commander is aware of the medication requirements.
- Ensure that a personal incident pack (as a backup in the event that the pack at the Centre not be available). The pack should include:
 - Copy of Board's Contingency plan.
 - Copy of members addresses and phone numbers.
 - Notebook and pens.

22.4 Action at the Incident.

On arrival at the Centre the member should collect the incident pack and report to the Incident Commander in Silver Suite and receive a briefing on the situation as soon as convenient but without detriment to actions being taken.

The object of a member's presence during a serious incident at a Centre is to:

- Observe procedures and assess the atmosphere.

- Safeguard the rights and interests of both staff and detainees.
- Provide officials and Ministers with an independent account of the incident.

The Board member attending the incident has no executive authority and should not intervene in management areas.

The member attending should keep a careful and accurate record of their involvement in any serious incident. As it is most important to retain these records for future reference, for example for post-incident investigations, a notebook should be used in preference to a loose-leaf file. All entries in the logbook must be made in ball point pen, with each page numbered, dated and signed. The following should be entered in the log:

- Your name, time of arrival, briefing details.
- A concise and accurate description of each subsequent event, noting the time of each event.
- Where possible, the names and details of staff and detainees involved.
- Details of any injuries to detainees or staff.
- Details of any damage to the fabric of the Centre
- Details of any allegations of injury or abuse, physical or verbal.
- Details of complaints concerning detainees' personal property.
- Eventual location of detainees moved within the Centre and the destination of those being moved out.

When completing the log at the end of the incident, or when ending your duty period, check that you are satisfied with what you have written:

- Is it accurate?
- Is it sufficiently full and detailed?
- Is it consistent?
- Does it record everything relevant that you have seen and heard?

When you have carefully read over your log and feel satisfied with it, put your signature to it, together with the date and time. Initial any alterations. It is useful to retain a photocopy of your log.

If staff withdraw labour or an incident cannot be controlled by the Centre staff, mutual aid may be requested from the Prison Service or the police. This assistance can only be authorised by the appropriate Home Office representative with responsibility for managing the IRC contract. The Chief Constable has authority in law to take control, if he/she considers that necessary to regain control and restore lawful authority. It is likely that the police will take command of any firearms incident.

The Chair should be aware of procedures in the event of staff withdrawing labour and the prison service or police assisting the Centre Manager to run the Centre; these procedures need to be understood and clear to the Board.

The Centre Manager or his representative meets regularly with the Police Liaison Officer to discuss their respective contingency plans. Whether or not the Chair is able to attend the liaison meeting, the Board, through its Chair, must be confident that the police

understand the role of the IMB.

Board members should understand the local Fire Brigade's role in the event of fire breaking out.

22.5 At the end of the Incident.

Action to be taken at the end of the incident:

- Contact members of the IMB at any receiving Centres to notify them of the transfer of detainees.
- Check that the relatives have been informed concerning the health and safety and whereabouts of staff and detainees.
- Check security arrangements for detainees' property and arrangements for the transfer of personal effects to another Centre.
- Check that detainees' private cash is transferred to the receiving Centre with minimum delay.
- Check the availability of counselling. Counselling should be available to anyone involved in a serious incident including Board members.
- Carry out a general inspection and note damage to fabric Attend staff debrief at the end of the incident.
- Inform the IMB Secretariat and the NC representative.

22.6 Post Incident.

If a press conference is held and a Board members attends, his/her sole function is to note any areas where the Centre Manager's version differs from that of the Board. The Member should not be an active participant.

The Centre Manager should invite a member of the Board to attend any post incident debrief.

The Board should:

- Agree any statement issued on its behalf.
- Discuss the general handling of the incident.
- Consider whether it needs to make any changes to Contingency Plans.
- Consider what, if any, recommendations it wishes to make to the Centre Manager, incident Commander, Area Manager, Centre Service Officials, Minister, or Secretary of State.

Following an incident, action may be taken against staff or detainees, or there may be an inquest. The involvement of the Board in such action will vary from case to case. The main possibilities may be summarised as follows:

- Disciplinary action against staff. The Incident Investigation Report may highlight

the possibility of disciplinary proceedings against staff. A separate disciplinary investigation report will be commissioned to look into that possibility. The Board may have access to the 'notification of result of disciplinary hearing' which sets out the findings if the officer has been 'found guilty. If the case is dismissed there are no documents to record this, but the Board may be told the results. Where staff involved in disciplinary proceedings request that certain material be kept from the Board, the Board should be asked to exercise sensitivity in respecting this request

- Criminal prosecution. The Board may not have access to any police records of a criminal investigation which may be held in the Centre (e.g. statements taken by the police).

22.7 Death in Custody.

Although Death in Custody is classified as a serious incident it is unlikely that an IMB Member will witness the event, nevertheless the IMB should be informed of the event as soon as possible.

Even though it may appear to be so, a Death in Custody must not be referred to as 'a suicide'; the cause of death can only be determined by the Coroner.

The role of the IMB is to monitor and record the situation and not to take up any other role, in particular IMB members must not accompany staff on home visit to next of kin.

Comprehensive information has been issued by the National Council under cover of DC 02/13 and by Immigration Enforcement in DSO 02/12.

SECTION 23 - THE IMB AND HOSTAGE INCIDENTS

23.1 General Principles.

The Centre Manager will have been given detailed guidance about the handling of a hostage incident. Material support and expert advice are available. It would be inappropriate to divulge detailed information on how an incident will be handled as such information could be disclosed either inadvertently or under duress to a hostage taker.

The hostage can make a very important contribution to the successful outcome of the incident. Although each hostage incident is unique there are some consistent themes. Due to the publicity given to hostage incidents and the measures taken to deal with them, hostage takers may be aware of the sort of tactics described in this instruction. This should not deter you from following the advice given. The longer the incident continues it is more likely that a hostage taker will establish a relationship. Experience indicates that in the main the longer the relationship continues, the less likely it is that the hostage will come to harm.

23.2 Role of the IMB at a Hostage Incident.

Boards should confirm with the Centre Manager that the Chair or the Chair's nominee will be informed of every hostage incident. Hostage incidents are by their very nature sensitive and Chair or nominee must be guided by the Incident Commander on whether or not to attend the scene of the incident while negotiations are taking place.

The role of a member attending a hostage incident is that of an independent observer. Members must not become involved in the negotiation process. The presence of a member at the close of a hostage incident can allay the hostage takers fear of reprisals and also provide protection for staff against false allegations of mistreatment of the perpetrator.

23.3 IMB Member being Taken Hostage

If you are taken as hostage you should co-operate as far as possible with the hostage taker:

Do not:

- Be hostile.
- Withdraw into a state of inactivity.
- Refuse to communicate with the hostage taker. Refusing to cooperate will hinder rather than help. It may antagonise the hostage taker, at best hindering the negotiations, at worst endangering your life.
- Take any action which may aggravate the situation.
- Attempt to bring the incident to an end, this will add to the tension and increase the hostage taker's hostility, possibly enhancing the danger of the situation.
- Try physical intervention.
- Worry about your immediate family. They will be kept informed of the situation and will be receiving support.

Do:

- Try to establish a relationship with the hostage taker.
- In the early stages both of you are likely to be acutely anxious. Try to reduce tension by talking and showing some understanding of the perpetrator's problems.
- Try to remain seated yourself as this helps reduce tension.
- Try to appear calm and relaxed as the perpetrator is less likely to use violence in a calm situation. Your calmness will ease the hostage taker's tension. You may feel that you have been forgotten; you will not know what is happening outside. In fact, every kind of expertise, including medical and psychological, will be devoted to ending the incident quickly and without harm to you.
- Never interrupt or intervene in discussions between negotiator and hostage take.
- Try to maintain your concentration.
- Continue to talk to the perpetrators as the incident may continue for a long time. Negotiations are more likely to succeed if you are able to cooperate with the perpetrator, however, be careful not to become identified with his/her demands. Be empathetic but not sympathetic.
- Maintain a positive morale.
- As a last resort the Incident Commander may decide it is necessary to physically intervene to resolve the incident. If this occurs try to remain alert. If forced entry is being effected, retreat to the furthest corner of the room if you can.

SECTION 24 - DETENTION CENTRE RULES

This Section is intended to be a quick reference guide to the DCR it is essential that reference is made to the actual rules when information is required.

Accommodation. Rule 15. All rooms for sleeping must be certified as being suitable and specify the number of detainees who may be accommodated in the room.

Alcohol. Rule 14. Detainees are not allowed alcohol with the exception of a written order by a medical practitioner or for the observance of religious festivals and sacraments with the agreement of the Centre Manager.

Appointment of Chair and Deputy Chair of the Board. Rule 58. A Chair and Deputy are to be appointed by the Secretary of State. Similarly the Secretary of State may terminate any such appointment.

Board Meetings. Rule 60. Frequency and quorum for a Board Meeting are prescribed. Minutes of the meeting to be kept.

Clothing. Rule 12. Detainees may wear clothing of their own or must be provided with clothing as necessary including release. Laundry facilities will be provided.

Compact. Rule 4. The 'Compact' is a document which sets out the rights and responsibilities of a detainee whilst in an IRC. A copy of the document should be issued to all detainees as soon as possible after arrival and so far as is reasonably practical, in a language which he/she can understand.

Correspondence. Rule 27. There are no restrictions on the number of letters or facsimiles a detainee may send or receive at his/her expense. If a detainee does not have sufficient funds then the Centre will bear the expense of a reasonable number of letters.

Custody outside an IRC. Rule 8. When outside a Centre, detainees must be escorted and exposed as little as possible to the general public.

Detention Reviews. Rule 9. Every detainee is to be provided with written reasons for their detention and receive a monthly update of his/her case.

Disqualification for Membership of the IMB. Rule 58. Relates to conflict of interests.

Duties of the IMB. Rule 61, 62 and 63. See also Section 5.

Families and Minors. Rule 11. Detainees under 18 years and families are to be provided with accommodation suitable to their needs.

Female Detainees. Rule 10. Female detainees are to be provided sleeping accommodation separate from male detainees.

Finger Printing and Photographic Record. Rule 5. All detainees may be finger printed and photographed on arrival at a Centre. Finger printing of minors is not allowed without the presence of the parent, guardian or someone in loco parentis (not immigration or Centre staff – Section 141 of the Asylum Act 1999 outlines who should be present).

Food. Rule 13. Food provided is to be wholesome, nutritious, well prepared, varied, and

sufficient in quantity and meet all religious, dietary, cultural and medical needs.

Health Care. Rules 33 to 37. Every Centre is to have a health care team responsible for the physical and mental health of all detainees.

Hygiene. Rule 16. Every detainee is to be provided with toilet articles for his/her health and cleanliness. Facilities will be provided to permit every detainee to have a daily bath or shower and to have his/her hair cut on a regular basis.

Incoming Mail – Cash and Articles. Rule 32. The detainee must be advised.

Legal Advisors. Rule 30. Legal advisers are to be afforded reasonable facilities for interviewing detainees in confidence. This maybe in the sight of an officer.

Medical Assessment. Rule 33 and 34. Every detained person shall be given a physical and mental examination by a medical practitioner within 24 hours of being admitted to a Centre. A detainee can decline to be examined. (Note: *The Operating Standards for Immigration Service Removal Services*, additionally requires that detainees receive a medical screening within two hours of admission).

Outside Contacts and Visits. Rules 26 and 28. All detainees shall be allowed visits subject to the interests of safety and security.

Paid Work. Rule 17. Detainees are entitled to participate in paid work at a rate set by the Secretary of State. Paid work is not compulsory.

Privileges Rule 19. A privilege system is to operate in every Centre.

Property. Rule 6. Detainees may retain property subject to security, safety and local requirements, the balance being held in safe custody by the Centre.

Regime. Rule 17. A library, educational classes and other activities to relieve boredom are to be provided at every Centre. Attendance at education classes and other regime activities is not compulsory but should be encouraged.

Religion. Rules 20, 21, 22, 23, 24 and 25. A Manager of Religious Affairs is to be appointed at every Centre who will make arrangements for a minister of religion to see every detainee soon after arrival if he/she so wishes.

Removal from Association. Rule 40. The rule gives authority to remove a detainee from association for a period of up to 24 hours and beyond. Details should be recorded on form RCF1, a copy of which should be given to the Board. A member of the Board should visit the detainee within 24 hours of the removal and at intervals if the period is extended beyond 24hours. The maximum period for removal from association is 14 days.

Searching. Rules 7 and 55. Every detainee may be subject to a search when taken into custody and on reception in to an IRC. Any person or vehicle entering an IRC may be stopped, examined and searched.

Serious Illness or Death. Rule 36. If a detained person dies, becomes seriously ill, sustains a serious injury or is removed to a hospital on account of mental disorder then the Secretary of State is to be notified who will arrange for the next of kin to be informed. If a detained person dies the IMB is to be informed.

Special Control or Restraint. Rule 43. This rule refers to the use of 'Special Control or Restraint', however it should be noted that the Secretary of State has not authorised use of 'Special Control or Restraint' in IRCs.

Telephones. Rule 31. All detainees are to have access to a public telephone with a separate system for incoming calls. A detainee with insufficient funds may be provided with telephone calls free of charge. (Note: detainees, staff and visitors may be permitted to take mobile phones into Centres, details can be found in DSO 08/2012).

Temporary Confinement. Rule 42. Detainees can be held in temporary confinement for up to 3 days. The reason for their confinement must be recorded on form RCF3, a copy of which is given to the Board. No person should be kept in temporary confinement for any longer than is necessary. The IMB (IRC), medical practitioner and manager of religious affairs, must be notified immediately of the temporary confinement. The IMB (IRC) should visit within 24 hours and at intervals thereafter, i.e. when routine rota visits are made. A detained person must not be removed from association or placed in temporary confinement as a punishment.

Tenure of Office for IMB Member. Rule 59. Initially a member will be appointed for a period of three years or lesser period. The maximum period a member may remain on the same Board is 15 years (note this maximum limit is not in the DCRs but is Government policy for all public appointees).

Termination of Board Appointment. Rule 58. Under certain circumstances the Secretary of State may terminate the appointment of a member.

Testing for Drugs and Alcohol. Rule 44. Testing for controlled drugs or alcohol can only be undertaken when there are reasonable grounds that a detained person has a controlled drug or alcohol in his/her body.

Time in the Open. Rule 18. Detainees must be given the opportunity to spend at least one hour a day in open air and may only be refused on exceptional circumstances in the interests of safety and security.

Torture Claims. Rule 35(3). The medical practitioner is to report to the Centre Manager on any detained person who he/she is concerned may have been the victim of torture.

Use of Force. Rule 41. Use of force is seen as a last resort, and every effort must be used to manage violent, refractory, or disturbed behaviour through persuasion or other means. Reasonable force can be used where necessary to keep a detainee in custody, to prevent self-harm, violence or destruction to property and effect removal. This also includes application of handcuffs during removal from one part of the Centre to another, or on journeys to and from external appointments. Each member of staff involved must complete an incident report RCF2 a copy of which is given to the Board. Only those members of staff fully trained in the use of handcuffs and first aid are allowed to apply handcuffs. When C&R is necessary, special teams of staff fully trained in the use of C&R procedure are used. An incident report must be completed, a copy of which is given to the IMB (IRC).

SECTION 25 – ASYLUM POLICY AN OVERVIEW

25.1 Legal Position

Under the 1951 UN Convention relating to the status of refugees, and the 1967 protocol on refugees, the UK must consider all applications for asylum made in this country unless the application is a third country case.

The UN considers someone to be a refugee if they are forced to flee their own country because of “a well founded fear of persecution due to race, religion, nationality, political opinion or membership of a social group”.

25.2 Asylum Seeker

Asylum seekers are people who flee their home country and seek refugee status in another country. They make a claim for refugee status because they believe they have a well-founded fear of persecution in their own country due to their race, religion, nationality, political opinion or membership of a social group. An asylum seeker will retain such status until they either receive a final decision on their application or withdraw their application.

The Home Office makes decisions on asylum claims. They will assess claims on the basis of an asylum seeker's credibility, the current political situation in their country, evidence on the country's human rights record and, if applicable, medical evidence of torture and abuse. The asylum applicant will have to show that they meet the criteria laid down in the 1951 Convention relating to the Status of Refugees. If the asylum application is refused, the applicant still has further appeal rights with the Immigration and Asylum Tribunal.

In the UK, a person who has applied for asylum and is considered by the Home Office to meet the criteria will be awarded refugee status. They will also usually be given Indefinite Leave to Remain (ILR) in the UK and qualify for all rights as a British national.

The definition of a refugee is ‘*Someone who has fled to another country because of a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion” (Article 1 1951 Refugee Convention) and who has been granted refugee status by the national authorities*’.

Young people under the age of 18 who enter a country without a parent or guardian and apply for asylum in their own right are classed as ‘Unaccompanied asylum seeking children’ (UASC).

25.3 Exceptional leave to remain, Humanitarian protection, Discretionary leave to remain.

After making a claim for asylum a person may be found not to meet the conditions for refugee status, but there may be humanitarian reasons why the Home Office considers the person should be able to stay in the UK. Until April 2003 such people were given the status of Exceptional Leave to Remain (ELR). Since April 2003 such people have been given the status of either humanitarian protection or discretionary leave to remain.

Exceptional leave to remain

Exceptional leave to remain was applied under earlier immigration laws and now only exists for those who claimed asylum some time ago. It was granted for four years, after which time people could apply for ELR, which was usually granted. In some case ELR

lasted only until the asylum seeker's 18th birthday. There should now be very few, if any migrants with ELR as all those granted such leave ought to have applied for ELR some time ago or left the UK.

Humanitarian protection

Humanitarian protection comes from the European Convention on Human Rights (ECHR) to which the UK is a signatory. Article 3 of the ECHR prohibits torture, intrusion and degrading treatments. Returning someone back to a country where this would occur would also breach Article 3. Sometimes even when people are not entitled to full refugee status, they may still be covered by the European Convention.

Humanitarian protection is granted to asylum seekers if it is accepted that they face a serious risk in their home country. Humanitarian protection normally allows asylum seekers leave to stay in the UK for five years. After the expiry of the period granted they may apply for an extension or ELR. This is not granted automatically, and the Home Office is becoming stricter in returning cases after the humanitarian protection period if they feel the risk in the home country has reduced to such an extent that the person is no longer in need of protection and they do not qualify under any other provisions of the Immigration Rules.

Discretionary leave to remain

If someone does not qualify for refugee status or humanitarian protection, they may still be allowed to stay under 'discretionary leave'. This is only granted in special circumstances following careful consideration of the individual's case. The period they are allowed to remain varies and depends on the particular circumstances of the case. Unaccompanied children (UASC) may be allowed to stay until their 18th birthday where they do not qualify under any other provisions of the Immigration Rules but there are no adequate reception arrangements to allow return to their own country. After the period granted, including that for UASC, application must be made to remain in the country.

25.4 Economic migrant

Someone who migrates to another country in search of economic betterment.

25.5 Illegal immigrant

A foreign national who travels to and remains in a country without declaring him/herself to the authorities. Anyone who:

- Enters the UK clandestinely.
- Passes through immigration control without having obtained leave to enter.
- Gains entry or leave to enter through deception (verbal or documentary).
- Is in breach of an extant Deportation order or Exclusion Order.
- Overstayed their visa or leave to enter or otherwise breached their conditions of stay

25.6 Internally displaced person

Someone who flees for the same reasons as a refugee but who remains displaced in another part of their country of origin, rather than crossing an internationally recognised border.

SECTION 26 - THE DETENTION ESTATE

26.1 Immigration

Immigration Enforcement is the Home Office Department responsible for the:

- The provision of detention facilities.
- The provision of escorting services.
- The delivery of service standards.
- Operational requirements.
- The management of detention and escorting contracts.
- Liaison with the Prison Service.

The Department has responsibility for contingency planning, response to operational incidents, implementation of the Detention Centre Rules and the development of operational instructions.

26.2 Detainee Escorting and Population Management UNIT (DEPMU)

The Detainee Escorting and Population Management Unit (DEPMU) operates a 24-hour service for transport to Ports, Removal Centres, Contractors and Police stations, but has no dealings with the public, solicitors or the detainees themselves.

DEPMU processes all requests for detention from other Home Office staff, places detainees in an appropriate location, sets up movements to court, flights, and interviews for all detainees. They have responsibility for the monitoring of overseas and in-country escorting contracts.

DEPMU has offices in West London, 9 Amadeus House and Manchester (GTI Building).

26.3 Immigration Removal Centres

The capacity of the Detention Estate is about 4000 bed, split across nine IRCs (eight in England and one in Scotland). Seven of the Centres are operated by private sector suppliers and two are managed on behalf of the Home Office by the National Offender Management Service (NOMS).

The Centres differ considerably in their build but all provide the basic and similar facilities. The range of activities, including paid work, varies from centre to centre. Some Centres are more suitable for higher risk detainees.

The accommodation also varies from centre to centre. Morton Hall has single rooms with en-suite facilities, some have two bedded rooms with a toilet and washbasin others have a combination of single and multiple bedded rooms and dormitory accommodation.

The Centres are as follows:

- Brook House - Perimeter Road South, Gatwick Airport, RH6 0PQ.
- Campsfield House - Langford Lane, Kidlington, Oxon OX5 1RE.
- Dungavel - Strathaven, South Lanarkshire, ML10 6RF.
- Heathrow, (formerly Colnbrook) - Colnbrook Bypass, West Drayton, UB7 0FX.
- Heathrow (formerly Harmondsworth) Colnbrook Bypass, West Drayton, UB7 0FX.
- Morton Hall - Swinderby, Lincolnshire, LN6 9PT.
- The Verne - Portland, Dorset, DT5 1EQ
- Tinsley House - Perimeter Road South, Gatwick Airport RH6 0PQ.
- Yarl's Wood -Twinwoods Business Park, Thurleigh Road, Milton Ernest, Bedfordshire, MK41 6HL.

26.4 Short Term Holding Facilities (STHFs)

Two Residential Short Term Holding Facilities (RSTHFs) and 31 holding rooms are located through the UK and France. Detainees may be held in RSTHFs for either five or up to seven days with removal directions. While there are no statutory time limits for use of holding rooms, individuals are usually only held for a maximum of 24 hours.

- Pennine House (RSTHF)
- Larne House (NI) (RSTHF)
- Heathrow Terminal 2
- Heathrow Terminal 3
- Heathrow Terminal 4
- Heathrow Terminal 5
- Heathrow Airport Cayley House
- Gatwick North
- Gatwick South
- Dover Seaport
- Birmingham Airport
- Manchester Airport
- Luton Airport
- Stansted Airport
- London City Airport
- Bristol Airport
- Cardiff Airport
- Glasgow Airport
- Edinburgh Airport
- Beckett House (London)
- Eaton House (London}
- Lunar House (Croydon)
- Festival Court (Glasgow)
- Drumkeen House (Belfast)
- The Capital (Liverpool)
- Dallas Court (Salford)

- Loughborough
- Sandford House (Solihull)
- Vulcan House (Sheffield)
- Waterside Court (Leeds)
- Coquelles - Freight
- Coquelles - Tourist
- Calais - Tourist

Not all facilities are currently monitored by the IMB.

SECTION 27 – GLOSSARY OF ABBREVIATIONS

ACDT Assessment, Care in Detention and Teamwork
AO Administrative Officer
ATPR Annual Team Performance Review
AMIMB Association of Members of Boards of Visitors
ASU Asylum Screening Unit
AVID Association of Visitors to Detainees
AVR Assisted Voluntary Return
AVRIM Assisted Voluntary Return for Irregular Migrants
AW Asylum Welcome
BIA Border and Immigration Agency
BID Bail for Immigration Detainees
CCD Criminal Casework Directorate
CIO Chief Immigration Officer
CM Contract Monitor or Centre Manager
CSE Customer Service of Excellence
CSU Customer Service Unit
C&R Control and Restraint
DC Detention Centre
DCC Detainee Custody Committee
DCF9 Detainee Complaint Form
DCO Detention Custody Officer
Det Rep Detainee Reception
DSO Detention Services Order
DSPU Detention Services Policy Unit
DEPMU Detainee Escort and Population Management Unit (Immigration)
DLR Discretionary Leave to Remain
ELR Exceptional Leave to Remain
EO Executive Officer
EOO Equal Opportunities Office
EOB Enhanced Observation Book
EPU Enforcement Policy Unit
FAS Failed Asylum Seeker
FRS Facilitated Returns Scheme
FNO Foreign National Offender
FT Fast Track
HMCIP Her Majesty's Chief Inspector of Prisons
HMP Her Majesty's Prison
IAS Immigration Advisory Service
IDE Immigration Detention Estate
LLE/R Limited Leave to Enter/Remain
ILR Indefinite Leave to Remain
IO Immigration Officer
ILPA Immigration Law Practitioners Association
IS Immigration Service
JCWI Joint Council for the Welfare of Immigrants
JR Judicial Review
IND Immigration Nationality Department
IMB Independent Monitoring Board
IOM International Organisation for Migration
IRC Immigration Removal Centre
KPI Key Performance Indicator
LEO Local Enforcement Officer

LSC Legal Services Commission
MODCU Management of Detained Case Unit (Immigration)
NAC National Advisory Council
NASS National Asylum Support Agency
NC National Council
NGO Non-Governmental Organisation
NOMS National Offender Management Services
NPM National Preventive Mechanisms
NRC National Refugee Council
OISC Office of the Immigration Services Commissioner
OPCAT Optional Protocol for the Convention Against Torture
Ppt Passport
PSI Prison Service Instruction
PSO Prison Service Order
PSU Professional Standards Unit
PPO Prisons and Probation Ombudsman
R & C Requests & Complaints
RC Removal Centre
RCU Residual Case Unit
RDs Removal Directions
RFA Removal from Association
RLC Refugee Legal Council
RRLO Race Relations Officer
SASH Suicide and Self Harm
SDCO Senior Detention Custody Officer
SLA Service Level Agreement
STHF Short Term Holding Facility
TA Temporary Admission
TC Temporary Confinement
TCU Third Country Unit
TR Triennial Review (of Board Members by Chair)
UASC Unaccompanied Asylum Seeking Children
UKBA United Kingdom Border Agency, (now called Immigration Enforcement)
UNHCR United Nations High Commission for Refugees
VC Visiting Committee (legal name for IMBs in the Detention Estate).

**national
preventive
mechanism**

PROTOCOL

BETWEEN

HER MAJESTY'S CHIEF INSPECTOR OF PRISONS



INDEPENDENT MONITORING BOARDS



and

PRISONS AND PROBATION OMBUDSMAN



Purpose of the Protocol

1. This protocol sets a broad principle for how Her Majesty's Inspectorate of Prisons (HMIP), Independent Monitoring Boards (IMBs) National Council and the Prisons and Probation Ombudsman (PPO) will work together to protect any prisoner/ detainee from sanctions or other prejudice arising from their, or someone acting on their behalf's, communication with either party and to provide reassurance that they can freely communicate with HMIP, IMBs and the PPO without fear of sanctions or other prejudice.
2. Staff who have similar concerns are protected by the relevant agencies 'reporting wrong doing' and public interest disclosure policies to which they should be directed.
3. This protocol has been endorsed by HMIP, IMB National Council and the PPO.

The role of HMIP

4. HMIP is an independent inspectorate whose duties are primarily set out in section 5A of the Prison Act 1952 as amended by section 57 of the Criminal Justice Act 1982. HMIP has a statutory duty to report on the treatment of prisoners and detainees and the condition in prisons, young offender institutions (YOIs) and immigration detention facilities. HMIP also inspects court custody, police custody and customs custody (jointly with HM Inspectorate of Constabulary), and secure training centres (with Ofsted). Prison inspections are led by HMIP but include colleagues from HMI Probation, Ofsted and the CQC who inspect functions within their respective remits. HMIP does not deal with individual complaints.

The role of IMBs

5. The role of IMBs is to monitor day-to-day life in their local prison or removal centre and ensure that proper standards of care and decency. IMB members are independent and unpaid.
6. Members have unrestricted access to their local prison or immigration detention centre at any time. They can also talk to any prisoner or detainee they wish to, out of sight and hearing of a member of staff, if necessary.
7. Board members also play an important role in dealing with problems inside the establishment. If a prisoner or detainee has an issue that he or she has been unable to resolve through the usual internal channels, he or she can put in a confidential request to see a member of the IMB.
8. The IMBs National Council's primary purpose is to provide leadership, guidance, training and quality control to boards and to help them fulfil their statutory and other duties. The National Council is required by the Secretary of State, through and on the advice of the Secretariat, to ensure boards work in accordance with policies and good practices where it is considered necessary for standard procedures to be operated by all boards. The Secretary of State also requires the

National Council to protect the independence of boards in making their proper enquiries and reporting fully the conclusions they reach.

The role of the PPO

9. The Prisons and Probation Ombudsman investigates complaints from prisoners, children in Secure Training Centres those on probation and those held in immigration detention. The Ombudsman also investigates all deaths that occur in prison, secure training centres, secure children's homes, immigration detention and in probation hostels (approved premises).
10. The Ombudsman is appointed by the Secretary of State for Justice and is completely independent of the Prison Service, Probation Trusts, the Home Office, the Youth Justice Board and the Department of Health.

Obligations arising from Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and HMIP's and IMBs' status as part UK National Preventative Mechanism (NPM)

11. The UK is a party to the UN Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). At the local level OPCAT requires each state party to maintain, designate or establish one or several independent national preventative mechanisms (known as the NPM) for the prevention of torture¹.
12. HMIP and IMBs are two of the organisations that deliver the UK government's obligations arising from its status as a party to OPCAT. At the international level, OPCAT established the Subcommittee for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) which also conducts visits to places of detention within the jurisdiction of state parties. SPT visits to the UK are likely to be rare events.
13. The UK ratified OPCAT in December 2003 and designated its NPM on 31 March 2009. The UK NPM is made up of 18 different inspection/ monitoring bodies which covers the whole of the UK. The bodies monitor various types of detention including prisons, police, court and customs custody, children in secure accommodation, immigration, mental health and military detention, across all jurisdictions.
14. OPCAT requires State Parties to "ensure that no authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the SPT or NPM any information, whether true or false, and no such person or organisation shall be prejudiced in any way²
15. The SPT has made references to the obligation of State parties to ensure that there are no reprisals following either their or NPM visits; this has been in their

¹ *Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment: Article 17*

² *Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment: Articles 15 and 21.1*

Annual Reports, country visit reports and specific mention is also made in revised NPM guidelines.

16. HMIP inspection evidence suggests that there have been rare instances when prisoners/ detainees have been subject to informal, unauthorised sanctions for engaging with inspection teams or to prevent such engagement. This is a particular concern for those prisoners who lack the competence to advocate on their own behalf. These concerns are likely to be exacerbated for prisoners/detainees who have been or fear being subject to sanctions arising from their contact with HMIP, IMBs, PPO or the SPT.

The Protocol

17. This protocol is intended to assist joint working between the three organisations with a clear focus on ensuring that prisoners/ detainees are protected from any victimisation/ sanctions which might take place for communicating or trying to communicate with the IMB, HMIP or the PPO.
18. Nothing in this protocol will supersede the obligations of parties to ensure the safety and security of individuals and establishments as set out in their existing policies and procedures.
19. HMIP will:
- Make clear to all prisoners/detainees in its written and verbal communication prior to, during and after an inspection that they may communicate freely with inspectors and may not be subject to sanctions for doing so and that they may raise any concerns about this, at any time, with the inspectorate or IMB;
 - If allegations are made to HMIP that such sanctions have been applied, obtain the permission of the prisoner/detainee to inform both the IMB and the PPO;
 - If such permission is obtained, inform relevant members of both the IMB National Council through the IMB Secretariat and either the Prisons and Probation Ombudsman or his Deputy;
 - In exceptional circumstances, where it appears that there may be a risk to the prisoner concerned, other individuals or the security of an establishment, pass the allegation directly to the Chief Executive of NOMS;
 - Where the issue raised is a general concern that sanctions might be applied, rather than a specific allegation, obtain permission from the prisoner/detainee to pass the concern to the local IMB and the PPO;
 - Treat allegations concerning sanctions relating to a prisoner's/detainee's contact with the IMB or PPO in the same way as allegations relating to an inspection;
 - Log all incidences where a sanction is reported to have taken place to allow for follow-up and analysis; and
 - Ensure all members of HMIP are aware of the provisions of this protocol...
20. The IMB National Council will pass any concern about the use of sanctions it receives from HMIP to the relevant local IMB and have in place and oversee national procedures that require individual IMBs to:

- Make clear to all prisoners/detainees in its written and verbal communication that they may communicate freely with the IMB, the inspectorate and the PPO and may not be subject to sanctions for doing so and that they may raise any concerns about this, at any time, with the IMB;
- If allegations are made directly to the IMB that such sanctions have been applied or they are informed about them by the establishment, speak confidentially to the prisoner/detainee concerned, and if such allegations are not evidently spurious or trivial, obtain the permission of the prisoner/detainee to inform HMIP and the Prisons and Probation Ombudsman (PPO);
- If allegations are passed to them by HMIP via the IMB National Council, obtain further information as necessary from HMIP, speak confidentially to the prisoner/detainee concerned, and if such allegations are not evidently spurious or trivial, obtain the permission of the prisoner/detainee to inform the Prisons and Probation Ombudsman (PPO) and to update HMIP;
- When such permission is obtained from the prisoner/detainee, refer the complaint to the PPO;
- Where such a complaint was initially made to HMIP, keep HMIP informed of any action they take;
- In exceptional circumstances, where it appears that there may be a risk to the prisoner concerned, other individuals or the security of an establishment, pass the allegation directly to the Chief Executive of NOMS and inform HMIP;
- Where the issue raised is a general concern that sanctions might be applied, rather than a specific allegation, obtain permission from the prisoners/detainee to inform the HMIP and the PPO of the concern;
- Closely monitor the treatment and conditions of any prisoner/detainee who has made allegations or raised concerns about sanctions, either with the IMB or HMIP and report any further concerns to HMIP and PPO;
- Ensure HMIP is copied into all correspondence to ensure the incident is logged; and
- Ensure all members of the IMB are aware of the provisions of this protocol.

21. The PPO will

- Accept any referrals by an IMB member or HMIP suggesting that an allegation of sanctions has been applied;
- Depending on the seriousness of the allegation, decide whether to conduct an investigation;
- Keep both HMIP and the IMB informed of their decision;
- Inform HMIP and IMB if the PPO received complaints direct about the application of sanctions; and
- Ensure all members of the PPO are aware of the provisions of this protocol.

22. Organisation leads will be:

- HMIP: Danielle Pearson (HMIP policy officer)
- IMB: John Thornhill (Chair IMB National Council)
- PPO: Louise Falshaw (Deputy Ombudsman)

Organisation leads will reconvene on a six monthly basis to discuss potential findings which may emerge from this piece of work.

CONSTITUTION OF THE IMB NATIONAL COUNCIL

Rule No 1 – Name

The name of the council shall be “The National Council for Independent Monitoring Boards”.

Rule No 2 – Purpose and role

The National Council's primary purpose is to provide leadership, guidance, training and quality control to boards and to help them fulfil their statutory and other duties. The National Council is required by the Secretary of State, through and on the advice of the Secretariat, to ensure boards work in accordance with policies and good practices where it is considered necessary for standard procedures to be operated by all boards. The Secretary of State also requires the National Council to protect the independence of boards in making their proper enquiries and reporting fully the conclusions they reach. The National Council shall, in cooperation with the Secretariat :-

- (i) Give leadership to boards by providing members with clear direction where necessary and comprehensive advice, and by devising and monitoring effective operating standards.
- (ii) Provide support to boards and individual members to enable them to work as effectively as possible.
- (iii) Meet at regular intervals with the prison service, UK Border Agency, NOMS, YJB and other organisations/agencies to raise issues of concern to boards, to influence central policy making and to keep boards up to date with developments in all parts of the prison and immigration detention systems.
- (iv) Promote the interests of the IMB organisation and ensure as far as possible that its work and concerns are properly and widely understood.
- (v) Develop and implement policy on membership recruitment through national and local advertising, and work with individual boards or clusters of boards to build membership levels.
- (vi) Develop and implement a suitable and focused training policy for boards and individual members, and ensure that members undertake training which is agreed by the Council to be mandatory.
- (vii) Develop and implement effective policies and procedures for measuring and monitoring the performance of boards and members of boards.
- (viii) Develop and implement effective procedures for ensuring that disputes involving board members and complaints against members are resolved with fairness and despatch.
- (ix) Discuss with the Head of Secretariat the allocation of the annual budget for IMBs.
- (x) Ensure that Council members liaise closely and regularly with the boards in their constituencies by attendance at board and area chairs' meetings and from time to time at the meetings of individual boards, by telephone,

correspondence and other means of communication.

- (xi) Raise with the Secretary of State issues of concern at a national level relating to the prison service and immigration detention estates, and within its discretion develop policies in areas requested by the Secretary of State.
- (xii) Publish an Annual Report.
- (xiii) Organise an Annual Conference giving the opportunity for IMBs to propose motions to be addressed.

Rule No 3 – Membership

- (i) The membership of the Council shall be:
 - (a) A President, appointed by the Secretary of state, to carry out the functions listed in 3a below, and any other functions to which the Council may agree. The Secretary of State shall make the appointment, or any extension to the appointment, taking into account the views of the National Council which shall be represented in the appointment process.
 - (b) Nine members elected to represent prison IMBs elected by and from the IMB members in the regions of England and Wales designated under 3(i)(d).

Rule No 4 – Election of National Council

- (i) The election of the members of the National Council shall take place by secret ballot of all members of boards in relevant areas as designated under 3 (i)(d). The elections shall be supervised by officials or agents appointed by the Secretary of State.
- (ii) The newly elected members of the National Council shall take office at the beginning of the year following the election.

Rule No 5 – Nominations

- (i) Nominations for National Council membership shall be submitted in writing by the specified date to the official or agent appointed by the Secretary of State to oversee the election. Valid nominations will be distributed to boards at least 30 days prior to the closure of the ballot.
- (ii) Each candidate for nomination shall be a serving board member and shall have completed a probationary period, where applicable, and shall be nominated by at least two board members, one of whom shall be from a different board in the same Council region from the one on which the candidate is serving.
- (iii) Nominations will be from board members; one member as proposer, and one other member as seconder. The written consent of the nominee must be obtained before a nomination is valid.
- (iv) If there is no candidate at the close of nominations, the National Council shall give second opportunity for nominations to be received. If there is no candidate at the end of this second nomination period the National Council may co-opt a member to represent the relevant Council region.

Rule No 6 – Management and organisation

- (i) The National Council shall meet not less than six times each calendar year, and such meetings shall normally be attended by the Head of the IMB Secretariat.
- (ii) There shall be a secretary to the National Council appointed by the Head of the IMB Secretariat with the agreement of the National Council.
- (ii) A quorum of any meeting of the National Council shall consist of a majority of voting members eligible to attend the meeting.
- (v) In the event of failure to reach agreement, the President shall put the proposal to the vote; in the event of an equality of votes the proposal shall be deemed lost.
- (vi) Minutes shall be kept of meetings of the National Council.
- (vii) Minutes of the National Council meetings shall be distributed by the Head of the IMB Secretariat to all chairs of boards, for the information of board members.
- (viii) The National Council may in its discretion shall establish any sub-committee that the Council determines as necessary for the efficient and effective conduct of work.

Rule No 7 – Amendments to this constitution

- (i) Proposals for amendments to this constitution may be submitted for debate at the Annual Conference by individual boards, or the National Council, in the form of motions.
- (iii) A majority of two thirds of those voting at the annual conference will be required to put forward for consideration by the Secretary of State a proposed amendment to this constitution.
- (iv) The Secretary of State may make such amendment to this constitution as he sees fit.

Rule No 8 – Interpretation of the Rules

- (i) The President shall interpret the meaning of this constitution subject to a right of appeal to the Secretary of State whose decision shall be final.

**THE FORUM OF CHAIRS
OF INDEPENDENT MONITORING BOARDS
IN THE IMMIGRATION DETENTION ESTATE**

THE CONSTITUTION

1. FORMATION

- 1.1 The Chairs of the Independent Monitoring Boards (IMBs) appointed by the Home Secretary in terms of Section 152 Immigration and Asylum Act 1999 and Rule 59(6) (a) (b) of Detention Centre Rules 2001, are resolved that a formal Committee be formed which will be referred to in this document as "The Forum of Chairs of Independent Monitoring Boards in the Immigration Detention Estate" or "The Forum".

2. AIM

- 2.1 To provide a Forum in which the Chairs of IMBs in the United Kingdom Immigration Removal Centres (IRCs) and Holding Rooms (HRs) may discuss and pursue common issues in order to achieve best practice in the discharge of their role.

3. OBJECTIVES

- 3.1 To ascertain, co-ordinate and express the interests of such Boards to Government Ministers or Agencies, the Directorate of Detention Services, the National Council (NC), the IMB Secretariat or other Government Bodies.
- 3.2 To raise and maintain the identity of IMBs in the Immigration Detention Estate (IDE) within the overall structure for IMBs of the NC.
- 3.3 To participate with the IMB Secretariat and the NC in the provision of appropriate training for Board Members, together with the supply of guidance notes and other supportive items or material as necessary to their particular duties.
- 3.4 To take such action in the public interest as circumstances may require.

4. MEMBERSHIP OF THE FORUM

- 4.1 Membership of The Forum shall be by persons elected Chairs at IRCs and HRs in the UK.
- 4.2 If a member is unable to attend the Forum meeting, another member of the same Board may instead be nominated to attend The Forum meeting and voting rights will be transferred to the nominee.
- 4.3 The President of the NC, the NC Representative for Boards in the IDE and National Tutors who are members of an IMB represented at the Forum will be invited to attend the meetings of The Forum.
- 4.4 The Forum members shall have the right to co-opt any Board Member of a participating IMB whose particular experience and expertise can assist The

Forum in the attainment of its objectives.

- 4.5 The Vice Chair of the Board of which the Chair of The Forum is the Chair, would normally be co-opted as a member of The Forum, with the proviso that there will be only one vote for each Board save that the Chairman will have a casting vote in the event of a tied vote.

5. ELECTION OF OFFICE-BEARERS

- 5.1 The Members of The Forum shall elect a Chair and a Vice-Chair annually from among the Chairs of the participating IMBs, at the meeting held in October (or the meeting held on the closest date to October), "The October Meeting", for a term of one year, starting from the following January.
- 5.2 Chairs and Vice-Chairs may be re-elected but will serve no more than three consecutive terms unless exceptional circumstances require it.
- 5.3 Only members of the Forum or, in their absence, their nominee, shall have the right to vote in the elections.
- 5.4 Nomination papers would be issued by the Secretary prior to the start of "The October Meeting". Elections will be held as the first agenda item at that meeting.

6. VOTING RIGHTS

- 6.1 Any issue will be settled by a show of hands with a casting vote to the Chair. Voting rights will be considered exclusive to members of The Forum.

7. MEETINGS

- 7.1 Meetings shall normally be held not less than four times annually and shall be arranged by the Secretary to the Forum in consultation with the Chair on dates and at intervals to be agreed by members. A member of the NC shall be in attendance for the purpose of liaison at each meeting.
- 7.2 A quorum shall be four members with a casting vote to the Chair on any vote called.
- 7.3 The agenda of meetings shall be prepared in advance by the Chair and secretary to the Forum.
- 7.4 Copies of all minutes shall be supplied to the Directorate of Detention Services, the NC and the Head of the IMB Secretariat.

8. SUB-COMMITTEES

- 8.1 In order to achieve its objectives The Forum may appoint sub-committees with any particular remit and powers which they decide to confer, provided that The Forum is fully advised of the progress of business conducted.
- 8.2 Any sub-committee so formed may appoint a Chair who shall assume responsibility for the successful discharge of its given remit.

9. STANDING ORDERS

- 9.1 The Forum shall prepare and adopt standing orders for the proper conduct of its meetings. These orders shall also apply to sub-committees.
- 9.2 Standing orders may be changed, as appropriate, and shall take effect on the date of change agreed.

10. ALTERATION TO CONSTITUTION

- 10.1 Any proposal to alter the Constitution must be agreed by at least two-thirds of membership, and shall take place immediately, following such agreements .

Agreed at the Forum Meeting in October 2009 and approved at the Meeting in January 2010.

STANDING ORDERS

1. The Forum will normally meet four times a year and shall be conducted as set out in Articles 7 and 9 of the Forum's Constitution.
2. Business transacted at meetings shall be the business stated on the Agenda. Matters of urgency which members of The Forum may wish to raise should be brought forward immediately after the minutes of the previous meeting have been approved. An agreed matter of urgency shall permit of the Agenda's suspension for its immediate inclusion.
3. It shall be the duty of the Chair to ensure good order. The Chair may restrict the number of times a member may speak on the same subject.
4. It shall be competent for any member to move that The Forum proceed to next business. The motion shall be put to the meeting without discussion and, if agreed by the majority, the meeting will proceed to next business.
5. Meetings shall be conducted free of any political, religious or ethnic bias.
6. Members should, at all times, carefully observe the sensitivity of information coming into their possession.
7. Members should not make, directly or indirectly, any unauthorized communication to the press or media or to any person matters which have become known in confidence.
8. The Secretary shall ensure that a copy of the Constitution and Standing Orders are available at each meeting for the purpose of reference.

Agreed at the Forum Meeting in October 2009 and approved at the Meeting in January 2010.