

DETENTION SERVICES ORDER 10/2011

Arrangements for Families to Undertake Activities Away from Cedars pre departure accommodation

Introduction

1. This Detention Services Order (DSO) provides operational guidance and instructions for the provision of a service to families with children aged under 18 years of age resident at Cedars pre departure accommodation to leave the centre for short periods of time to participate in an approved activity subject to a risk assessment and suitable supervision.
2. This Detention Services Order only remains extant so long as the UK Border Agency is able to identify individuals who are suitably vetted to act as companions to deliver the service. If no such individuals can be identified, the Deputy Director and Head of Operations may suspend the Order at any time until such time as suitable companions have been identified and appointed.
3. This is a new process and will be reviewed in six months.

Safeguarding

4. Section 55 of the Borders, Citizenship and Immigration Act 2009 requires the Secretary of State to make arrangements for ensuring that specific functions are discharged having regard to the need to safeguard and promote the welfare of children who are in the UK and requires those exercising such functions to follow guidance designed to meet this requirement.
5. It is essential that all those involved in delivering this service follow this guidance and the general guidance on section 55 and that they have completed the respective training in safeguarding and promoting the welfare of children provided by their organisation. This includes those who are appointed as companions.

Legislative framework

6. Children and adults resident in Cedars are detained persons under paragraph 16 of Schedule 2 or paragraph 2 of Schedule 3 to the Immigration Act 1971, or under section 62 of the Nationality, Immigration and Asylum Act 2002. They will remain so whilst temporarily outside the facilities, whether under escort, accompanied by a person appointed by the UKBA to act as a companion or otherwise.

Definitions

7. For the purposes of this DSO only:

Child	Person under the age of 18
Parent	Person with parental responsibility for a child
Family	<ul style="list-style-type: none">• Two parents who are living together, married or unmarried, and their dependent children; or• A single parent or other adult/ guardian with dependent children; or• An extended family unit that may include, for example, one or two parents with dependent children, plus grandparent(s), aunt(s), uncle(s) – or any combination of extended family members; or• An older sibling (18 or over) with dependent younger siblings who are themselves children. <p>For the purposes of this DSO, reference to the word “family” shall mean a family group as defined above or an individual member of a family, unless otherwise stated.</p>
Companion	Somebody appointed by UKBA to supervise families and children who have been authorised to leave the centre for short periods to undertake specified activities.
Activity	An activity taking place outside of the centre which has been approved by UKBA.
UKBA Manager	The person appointed as the Contract Monitor at Cedars.
Child Safeguarding Manager	The person with overall responsibility for the safeguarding of children at Cedars.

PART ONE: ARRANGEMENTS FOR THE SERVICE

Service Provision

8. The UK Border Agency recognises that in certain circumstances, children staying at Cedars may benefit from being able to leave the accommodation in order to take part in activities and will provide such opportunities to do so as a service to children where it is appropriate and suitable arrangements can be made.
9. The service will allow a family or children of a family to leave the centre for a short period of time to participate in an activity approved by the UK Border Agency (UKBA) subject to a risk assessment and suitable supervision by a companion appointed by UKBA.
10. The Deputy Director of Detention Services (Head of Operations) will approve and maintain a list of activities which may be offered to families. Such activities will be kept under review but may include things like a visit to a local:
 - Park;
 - Cinema;
 - Shops;
 - Swimming pool.
 - Café
 - Ten pin bowling
 - Youth club
 - Sports club or activity/event
 - Children's play centre

Other activities suggested by families will be assessed on a case by case basis

11. An activity will only be approved if it meets the following criteria:
 - It is appropriate for a child to participate in; and
 - It is within reasonable travelling distance of Cedars; (this will depend on anticipated duration of the activity and ages of the children taking part and will be decided by the UKBA manager)
 - There are a sufficient number of companions and transport available to support the activity

12. A family will only be authorised to leave the centre following a risk assessment led by the centre's UKBA Manager.
13. If authorised to leave, a family must be accompanied by the companion at all times.
14. Although family members may participate in the service individually (i.e. not all families members need request to leave the centre together), it is not available to those who are not accompanied by a child. A child may, however, participate in the service alone, but will require permission to do so from one parent, and will still be subject to supervision by a companion.
15. The ratio of companions to family members will be dictated by the risk assessment for the activity and number of participants. An appropriate gender mix of companions will be provided dependent on the gender of the family members taking part and the nature of the activity being undertaken.

Companions

16. Only those appointed by the Deputy Director of Detention Services (Certification) may act as companions.
17. Companions may only be appointed upon application.
18. Before appointing an individual as a companion, the Deputy Director must be satisfied that the person:
 - Is sponsored by an organisation which has partnered with UKBA to provide the service and which has satisfactorily completed pre-employment checks to confirm the suitability of the individual to undertake the role, including an appropriate level of child safeguarding training;
 - Holds Home Office CTC Security Clearance;
 - Holds an enhanced CRB certificate issued within the last 3 months;
 - Holds adequate indemnity insurance
 - If taking children out without their parents: Can provide evidence of recent professional experience of working with children and young people
19. Persons wishing to be appointed as companions must make an application to the Deputy Director through the Detention Services' Certification Team via their nominated HR point of contact. Applications must include:
 - An application form;
 - Security clearance forms, namely Baseline Standard Vetting Form (BSVR) and Home Office vetting form

- Original enhanced CRB certificate issued within the last 3 months;
- Copy of indemnity insurance;
- Details or evidence of child protection/safe-guarding qualifications and/or experience as outlined above.

20. Persons appointed as companions will be issued with a letter by the Certification Team confirming their appointment for 3 years unless otherwise suspended by the UKBA Manager at the Centre or cancelled by the Deputy Director.

Supervision of children

21. Parents remain legally responsible for their children when they accompany them outside of the centre. They therefore remain responsible for their supervision and welfare.

22. The companions role will be to ensure the family only undertakes the activity approved by the UKBA Manager and that they return to the centre at the given time.

23. However, where a child is allowed to leave the centre without a parent present, the companion additionally takes on additional responsibility for his/her supervision and welfare and will be expected to act in accordance with this guidance and to have regard to the need to safeguard and promote the welfare of the children on the activity at all times.

24. A child will only be allowed to leave the centre without his or her parent/guardian where written parental consent is given for the child to do so.

25. Parents/guardians may change their mind at any stage, including after the child has left the centre. In such circumstances, the centre will contact the companion to return the child as quickly as is reasonably possible, although it is recognised that this may not be able to happen immediately depending on the nature of the activity and number of people participating.

PART TWO: PROVIDING THE SERVICE

Considering requests from families to leave the centre

26. Families must be informed of the service on arrival at the centre. Specifically they should be advised:

- How the service operates;
- The nature of the activities approved by UKBA; and
- How to make a request.

27. Given the limited timescale that families will be resident in the accommodation, it is essential that requests are considered promptly in order to ensure that children and families are able to take advantage of the service wherever possible.

28. Requests must be submitted to the UKBA Manager in writing using the Activity Request form at Annex A. Forms may be completed by a parent or by a member of staff on behalf of the child using an interpreting service if necessary.

29. The form must set out:

- The name and age of the family members who wish to participate in the service;
- The activity they wish to undertake;
- Where parents are not accompanying, written parental consent for the child to be taken out of the centre, including permission for the companion to act in the event of an emergency.

30. Once a family has indicated a desire to participate in the service, the Child Safeguarding Manager or their deputy should speak to the parent/guardian, using an interpreting facility if necessary, to ensure that they understand how the service is provided, to identify any information relevant to the risk assessment which will be conducted, and to confirm that they and their children will follow the instructions of the companion at all times. Feedback from this interview should be recorded on the request form.

31. The request form should be signed by the Child Safeguarding Manager and then passed to the local UK Border Agency Manager for consideration and completion of the risk assessment.

Specifically where a child is not to be accompanied by his/her parents:

32. Children may make an application on their own behalf, but the request must also be signed by a parent to give consent and to confirm that they have instructed their child to comply with the instructions of the companion accompanying them on the activity.

Risk Assessment

33. No family will be authorised to leave the centre without having first undergone a risk assessment. Responsibility for conducting the assessment will rest with the UKBA Manager at the centre who will then decide whether or not to grant the request to leave.

34. Although the decision as to whether or not a child or family may leave the centre will be taken by the UKBA Manager, he or she must consult other relevant professionals to consider all relevant information. In particular, this should include input from healthcare and any other relevant staff working with the family in the family unit. The input of other relevant professionals who are currently, or have previously been involved with the family should also be considered where this information can be obtained in a reasonable time frame without preventing the activity from proceeding.

35. The assessment should consider:

- The nature of the proposed activity;
- Previous levels of compliance by the family with requirements to report to UKBA as a condition of temporary admission and/or bail;
- Any known child protection issues with the family or the proposed activity;
- Any health issues which might affect the family's ability to complete the activity and whether these can be reasonably managed;
- Any views of the organisation providing welfare support to the family in the accommodation;
- The behaviour of the family since its arrival at the centre or in previous engagement with UKBA or another agency;
- Any criminal record on the part of a family member which would indicate a risk to the public;
- Any intelligence relating to the family and their likelihood to comply with any restrictions placed upon them while away from the centre and a requirement to report back at a given date and time;
- The timing of the activity in relation to any scheduled event such as an interview or discharge from the centre for removal;

- The proposed transport arrangements for the family to and from the activity;
- The supervision arrangements in place by a companion.

In deciding whether or not to allow the activity to take place, the UKBA manager should balance the findings of the risk assessment against the benefits to the family members of undertaking the activity.

36. Permission to leave the centre may be withdrawn at any time should new information become available which is relevant to the risk assessment.

Refusing a request

37. A request must be refused if the risk assessment indicates that:

- There are reasonable grounds to suspect that the family will fail to comply with a restriction placed upon them, in particular a requirement to report back to the centre at a given date and time;
- There is a risk to the welfare of any child;
- There are inappropriate or inadequate arrangements in place for their supervision while away from the centre;
- There is insufficient time for the activity to take place before the family is required either to attend an interview or is scheduled to leave the centre for removal.
- The activity requested is unsuitable or dangerous.

38. Where the risk assessment indicates that it is not appropriate to agree to a whole family leaving the centre together, the UKBA Manager must consider whether the assessment would change if individual members were allowed out at different times and where appropriate offer this as an alternative to the family in order to ensure that wherever possible, children are able to benefit from the service.

39. Where a request is to be refused, the UKBA Manager must also consider whether the proposed activity could be satisfied in another way without the need for the family to leave the centre.

40. Parents/guardians must be advised in writing of the decision using the decision form attached to the Activity Request form.

41. Parents must be advised that they may ask for the decision to be reviewed by the UKBA Area Manager (SEO).

42. Where the Area Manager upholds the decision of the UKBA Manager, there is no formal right of appeal thereafter. Families should, however, be advised of their right to make a complaint in accordance with Detention Services' Complaints Procedures.

Preparation

Where a child is being accompanied by a parent

43. The UKBA Manager must notify the family and service provider in writing where a request to leave the centre has been approved. The notification must set out clearly:

- The details of the approved activity;
- The date and time when the family will be allowed to leave the centre and the date and time by which they must have returned to the centre;
- The name of the companion who will supervise them while away from the centre;
- Any requirements or conditions to be placed upon them.

44. Where one or both parents have been authorised to leave, they must sign a Parental Responsibilities Agreement agreeing to those requirements and to their responsibilities while outside of the centre, including:

- That they remain responsible for the supervision and welfare of their children;
- Only to undertake the activity for which they have been approved to leave the centre;
- To meet any costs associated with the activity not agreed in advance with the UKBA Manager;
- That they and the family remain detained and in the custody of UKBA at all times and are aware of the requirement for them to return to the accommodation at the end of the activity as agreed or as instructed by the companion and that they are to follow the companion's instructions throughout the activity.
- To advise the companion immediately of any incident affecting any family member whilst out of the centre.

Where a child is not being accompanied by his/her parents

45. Where a child is being allowed to leave the centre without a parent in the care of a companion, written parental consent must be obtained for the child to leave the centre and for any emergency medical treatment to be administered if required, prior to the activity taking place.

46. Notification of the planned activity should be given by the Child Safeguarding Manager to the dedicated points of contact with the police and the Local Authority's Children's Services in accordance with locally agreed protocols.

47. Once organised, written confirmation of the arrangements should be given to the UKBA Manager including:

- Date and time the family/child will be leaving the centre;
- Name of the companion;
- Details of the activity the family/child will be undertaking;
- Time the family/child is due to return to the centre or holding facility.

48. Arrangements should be made to enable the parents to meet the companion before the activity takes place. An interpreter should be provided if necessary. This will ensure parents understand who will be supervising them/their child, where they will be going, what they will be doing, and that they continue to give consent for the child to participate in the activity.

Undertaking an activity/temporary discharge

49. Only the approved companion/s will be allowed to take the family/child on the activity. The activity will be cancelled where other or additional person/persons arrive to collect the child or seek to participate in the activity.

50. The Centre must confirm the companion:

- Knows how to contact the Centre, including the name and contact telephone number of a given member of staff. The companion should ensure these numbers are stored in their mobile phone which should be checked for charge;
- Has the full postal address of the Centre;
- Understands the date and time by which the family must return to the Centre;
- Understands their responsibilities, namely:
 - To use the time allocated for the activity solely for the purpose for which approval has been given and not take the family/child anywhere which has not previously been authorised without approval;
 - To only engage in activities which are lawful and appropriate to the age of any children present;
 - To meet any costs associated with the activity not agreed in advance with the UKBA Manager;
 - To ensure that the family/child is returned to the centre on time;
 - To advise the centre immediately of any incident affecting the family/child;
 - To follow missing persons protocols if necessary
 - To work within agreed and authorised care and control policies and procedures

- To advise the centre on return of any welfare concerns that have arisen during the activity
- To return if requested to do so

And specifically where a child is not being accompanied by his/her parents:

- To supervise, safeguard and promote the welfare of the child whilst in their care and to have regard to the UKBA guidance on Section 55 of the Borders, Citizenship and Immigration Act when doing so; and
- To have responsibility for the welfare of the child from the point of leaving the centre until he or she returns and responsibility is transferred back to the parents.

51. The centre must provide the family with:

- The name and telephone number of their companion(s);
- The full postal address of Cedars;
- The date and time by which they must return to Cedars;

52. The Centre must ensure the family understands the above arrangements, using an interpreter as necessary.

53. Older children who are not being accompanied by their parents must also sign the declaration so long as they are old enough to understand what they are doing.

54. Apart from small toys and music or other entertainment items eg iPods or other small items, the child/family will only be permitted to take with them property necessary for the purpose of the activity.

55. Where a child is not being accompanied by his/her parents, they should be provided with the mobile telephone number of the companion so that they can contact the child at any time if they so wish.

The activity

56. The UK Border Agency will meet the reasonable costs of any travel, entrance fees or incidentals incurred by the family or the companion during the activity but these must be agreed with the UKBA Manager in advance. This may include a small amount of pocket money for the children, at the discretion of the UKBA manager.

57. Where pocket money is to be given to a child, it will be given in cash. The child may retain any money unspent at the end of the activity.

58. Payment for all other expenses will be made in arrears and must be receipted.

59. During the activity, the companion has responsibility for the welfare of any child not accompanied by his/her parents. They should remain with the child at all times, including discrete supervision if the child asks to go to the toilet.
60. Once out of the centre, the companion should conduct the escorting of the family with sensitivity and flexibility in order to ensure that all children present gain maximum benefit from the experience without jeopardising their safety or wellbeing. So for example it may be appropriate to stop en route to an activity to enable the children to watch animals, street entertainment etc.
61. Should it transpire that the planned activity cannot be undertaken the companion should consider if there is any alternative activity in close proximity which the family could do and if so, seek agreement from the UKBA for the alternative to be undertaken.
62. Should a child become unwell, distressed or indicate a wish to return to the centre, the companion must act upon this immediately, advise the centre and make arrangements to return the child.
63. In the event of an emergency, including a member of the family separating or running away, the companion must initiate an emergency response by calling the nominated member of staff at the Centre. He or she will arrange for assistance to be provided as quickly as possible. The companion should seek to ensure the family stays together, but if this is not possible, (s)he must ensure (s)he is aware of their whereabouts and notify the centre as soon as possible.
64. In the event of a child attempting to run away or otherwise becoming separated from the companion, the companion should do all they reasonably can to maintain contact and care of the child in order to safeguard and promote their welfare.
65. Should a child succeed in running away or otherwise become separated, the companion must contact the police at once, followed by the designated member of staff at the centre for assistance. The centre will provide immediate assistance and arrange for any other children participating in the activity to return to the centre.
66. Under no circumstances should any kind of force be used on any child at any time (e.g. to prevent a child from absconding) other than to protect him/her or others from immediate harm.

Return to the centre

67. The companion must seek to ensure that the family returns together to the centre at the agreed time. Any delays caused by an unforeseen emergency must be notified as soon as the situation allows to the designated member of staff at the centre. The UKBA Manager will then consider what further action should be taken.

68. Upon return, all family members will be searched with sensitivity in line with normal arrival procedures before returning to their apartment.

END OF DOCUMENT

Annex A

Activity Request Form, including:

**Parental Responsibilities form,
Risk assessment form
Decision letter**

(Please see attachment)