

Detention services order 02/2012

Deaths in detention

Introduction

1. This instruction provides instruction and guidance for service providers and all UK Border Agency staff operating in immigration removal centres (IRCs), the pre-departure accommodation (PDA), short-term holding facilities (STHFs) and the detainee escorting and population management unit (DEPMU) about their responsibilities if a detainee or resident dies whilst in UK Border Agency detention or whilst under escort (including when under bed guard/watch) or in hospital following release from UK Border Agency detention.

Service providers' responsibilities

2. IRC centre managers in both contracted out IRCs and those run by NOMS are responsible for developing, implementing and maintaining their own local contingency plans and protocols (for NOMS operated IRCs this will include informing NOMS National Operations Unit via the NOMS single incident line) for handling the aftermath of a death in detention and ensuring that lessons are learnt. This also applies to contracted out STHFs, the PDA and escort service suppliers.
3. The service providers' contingency plans are to include but not be limited to:
 - acting as the first person on scene summoning help and requesting local emergency clinical assistance
 - summoning an ambulance, police and alerting key personnel
 - clearing the area of other detainees/residents as soon as possible after the discovery of an apparent death, whilst considering the need to preserve evidence for the police investigation
 - reporting immediately the death to the appropriate UK Border Agency area manager (or on-call senior manager) and the Independent Monitoring Board (IMB)
 - inviting the relevant faith chaplain or religious leader to administer official rites, prayers or other ritual observation
 - communicating the death to other detainees/residents within the facility in an appropriate manner
 - providing detainee/resident support where required.
4. The facility must comply fully with instructions from the police and coroner about the transfer of the body to hospital for a post mortem.

5. A death at an IRC, or at hospital following release from an IRC, must be reported **immediately** to the UK Border Agency area manager, a death at the PDA to the UK Border Agency area manager with responsibility for the centre, and a death on escort or at the STHF to the DEPMU on-call senior manager. If he/she cannot be reached, the death must be reported to the on-call senior manager for detention services, as recorded on the weekly on-call duty sheet.
6. So immediate lessons may be learnt, contractors should conduct an internal management review of the death, and share the review report with the UK Border Agency. The terms of reference for the review must be agreed by the Prisons and Probation Ombudsman (PPO) to ensure the review does not hamper, or attempt to shadow or duplicate, the PPO's own investigation.
7. When a death occurs, all assessment care in detention and teamwork (ACDT) files open in that centre should be reviewed immediately. This is because a death can have an effect on the whole population of an establishment. IRC centre managers at other centres should consider whether all ACDT files in their centre should also be reviewed immediately.

UK Border Agency's responsibilities

8. The UK Border Agency contact (as specified at paragraph 5) will notify the following people of the death:
 - on-call senior manager (if this is not themselves)
 - on-call duty director
 - detainee's case-owner
 - Rapid Response Team (RRT) in the Chief Executive's office.
9. The UK Border Agency contact (as specified at paragraph 5) will agree press lines with RRT and will be responsible for drafting a submission to the Chief Executive and Immigration Minister about the death for duty director clearance. If the deceased was an asylum applicant, details of this must **not** be disclosed in the press lines.
10. The duty director will advise the:
 - strategic director
 - command and control unit (CCU);
 - Foreign and Commonwealth Office (FCO) duty number (the FCO should be asked to contact the relevant embassy or high commission, although if the deceased was an asylum applicant details of this must **not** be disclosed)
 - Prisons and Probation Ombudsman (PPO, see paragraphs 18 – 20).
11. RRT will be responsible for informing the Chief Executive, Permanent Secretary, Ministerial private offices and the Home Office press office of the details of the death.

12. The head of operations (deputy director) in detention services should be appointed immediately as the named UK Border Agency point of contact for the family of the deceased. If she is unavailable, the on-call senior manager for detention services should be appointed as the UK Border Agency point of contact as an **interim** measure, handing over to the head of operations as soon as possible.
13. The head of operations (deputy director) in detention services should ensure that the next of kin, and any other person the deceased has provided as a point of contact, (for example their legal representative) are informed. In most cases, the police would inform the next of kin/point of contact, but the head of operations should satisfy themselves that this has been done.
14. If a detainee dies in hospital after being released from detention, the UK Border Agency contact (as specified at paragraph 5) should take the actions at paragraph 8 and agree with the detainee's case-owner which of them will be responsible for the actions at paragraph 9. The head of operations (deputy director) in detention services should ensure that either they or the detainee's case-owner are acting as the UK Border Agency point of contact for the family.
15. If they request, the deceased's family should be allowed to visit the centre as soon as possible after the death and UK Border Agency should be represented at this visit.
16. Unless there is an ongoing criminal investigation into the death, any request for full copies of UK Border Agency and contractor records relating to the detainee/resident, from either the family or legal representative, must be met. The personal details of any other detainees should **not** be disclosed within these copies.
17. All UK Border Agency staff affected by a death in detention have access to the Employee Assistance Programme (EAP). Details of the EAP are available on Horizon or from line management.

Role of the Prisons and Probation Ombudsman (PPO)

18. The Prisons and Probation Ombudsman (PPO) is responsible for investigating all deaths in Immigration Removal Centres (including death on escort) in the United Kingdom. (For the avoidance of doubt, this includes Scotland and Northern Ireland.)
19. The duty director should immediately inform the PPO of the death by contacting the PPO Fatal Incident Line (numbers in Annex A). The PPO will then commence a fatal incident investigation.
20. During the course of the PPO's investigation (which will often include a review of clinical care commissioned by the relevant Primary Care Trust, or equivalent), they will require copies of all paperwork relating to the deceased including medical records, documents, incident reports and case files (both

detention services' and the case owner's). These should be gathered as soon as possible after the death and provided to the PPO investigator.

Funeral and repatriation arrangements

21. Returns directorate will either meet the cost of a funeral or cremation within the UK (up to £3,000) or provide a set amount (approximately the same as UK funeral costs) towards the cost of repatriating the body or cremated remains to the country of origin.
22. Once the appointed funeral director has made contact with the UK Border Agency first point of contact, an invoice for estimated costs should be requested. This should then be passed immediately to the UK Border Agency director of returns for approval.
23. Once approval has been received, the funeral director will need to provide the bank name, address, sort-code and account number on company headed paper. This, plus the invoice, will need to be passed to Commercial Section to approve as a one-off expenditure and to finance section to set up an urgent requisition order.
24. Once the funeral, cremation or repatriation date has been set, RRT should be re-contacted and press lines agreed.

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