

## CHAPTER 45 - Family Cases

### Chapter 45 – Index

45	<a href="#">Family Cases</a>
45.1	<a href="#">The Family Welfare Form (FWF)</a>
45.2	<a href="#">Identifying operational risks and family welfare issues</a>
45.2.1	<a href="#">Contact Management</a>
45.2.2	<a href="#">Preparatory Visits</a>
45.2.3	<a href="#">Disabilities, Medical Conditions and Additional Needs</a>
45.2.4	<a href="#">Family History</a>
45.2.5	<a href="#">Educational Exams</a>
45.2.6	<a href="#">Welfare of Children</a>
45.2.7	<a href="#">Pregnant Women and New Mothers</a>
45.2.8	<a href="#">Breastfeeding Mothers</a>
45.2.9	<a href="#">UK born children</a>
45.2.10	<a href="#">Information Sharing With Local Child Welfare Agencies</a>
45.3	<a href="#">Voluntary Returns</a>
45.4	<a href="#">Family Detention</a>
45.4.1	<a href="#">Planning a Family Detention Visit</a>
45.4.2	<a href="#">Roles and Responsibilities</a>
45.4.3	<a href="#">Clothing and Personal Protective Equipment (PPE)</a>
45.4.4	<a href="#">Method of Entry (MoE)</a>
45.4.5	<a href="#">The Day before the Family Detention Visits</a>
45.4.6	<a href="#">The Family detention Visit</a>
45.5.0	<a href="#">Absent Family Members</a>
45.5.1	<a href="#">Absent Adults</a>
45.5.2	<a href="#">Absent Children</a>
45.5.3	<a href="#">Collecting Children from school or premises other than the family home</a>
45.5.4	<a href="#">Children unexpectedly encountered on Enforcement visits</a>
45.5.5	<a href="#">Control and Restraint</a>
45.5.6	<a href="#">Personal Effects and Baggage</a>
45.5.7	<a href="#">Pets</a>
45.5.8	<a href="#">Carriage of Families</a>
45..6	<a href="#">Removal and the Courts</a>
45.6.1	<a href="#">Removal in Deportation Cases</a>
45.6.2	<a href="#">Further representations following detention</a>
45.6.3	<a href="#">Detention and Removal of Incomplete Families and Splitting Families</a>
45.6.4	<a href="#">Same Day Removals</a>
45.7	<a href="#">Post Visit Actions</a>
45.7.1	<a href="#">Who to Notify of the Detention</a>
45.7.2	<a href="#">De-briefs and Written Records</a>
45.7.3	<a href="#">Post Removal Actions</a>
45.7.4	<a href="#">Staff Welfare</a>
45.8	<a href="#">Training</a>

## 45. Family Cases

### Introduction & Background

Family removals, and especially those involving children, are a particularly sensitive area of work. On the 2<sup>nd</sup> November 2009, S.55 of the Borders, Citizenship and Immigration Act introduced a new duty for safeguarding and promoting the welfare of children for those exercising UK Border Agency functions.

The duty requires the SSHD to make arrangements ensuring that UKBA functions will be discharged having regard to the need to safeguard and promote the welfare of children.

The following guidance provides advice to staff on how to discharge this duty with regard to the need to safeguard and promote the welfare of children, and details the policy regarding those people with dependant children (aged under 18) and young people, who are liable to be removed as either:

- Illegal entrants
- Overstayers
- Persons in breach of their conditions of leave
- A person who has gained (or attempted to gain) leave by deception.
- Deportees
- Persons refused leave to enter

A person in any of the above categories will become liable for removal, as will their spouse and/or dependant children, once their application has been considered and all avenues of appeal have been exhausted.

[Return to top](#)

## **45.1 The Family Welfare Form**

The Family Welfare Form (FWF) consists of three parts and is the basis upon which key operational decisions including job-specific risk assessments will be made for each family case.

**It is therefore imperative that a FWF included on each family case file from the start of each family claim,** and any changes to the family's circumstances be noted and considered at each stage of the process.

The first part must be completed by the case owner / worker from the start of the claim, and during the contact management process. It requires any known information regarding the health, welfare and education of each member of the family to be recorded.

The second part must be completed by the family team or Office in Charge (OIC) and must include **all** operational planning and any additional post-detention information. See [45.2](#) for further details.

The third part of the FWF must be completed by the removal centre, and should list any health / welfare concerns and any behaviour that has arisen during detention. This will assist in informing any future detention visit should the family be released.

[Return to top](#)

## **45.2 Identifying Family Welfare Issues and Operational Risks**

Any contact with families undertaken by UKBA throughout the life of the case, whether through reporting events, outreach or preparatory visits, is an opportunity to obtain information regarding the family's personal

circumstances and update any information already held on the health and well being of each family member.

Any Information suggesting that a child who is to be detained is vulnerable (through health, disability, a propensity to self-harm, or any other factor relating to a child's age or behaviour which requires special attention) should be **clearly** noted on section 2 of the Family Welfare Form in order that a properly informed consideration can be made on how best to approach removal in that particular case.

Family Team Managers and Officers in Charge (OIC) of operations should use Risk Assessments and Safe Systems of Working as supplementary tools to identify and control the risks associated with family enforcement work. Individual responsibility and accountability for ensuring risks are managed effectively for all operations remains with the OIC & Enforcement Managers.

[Return to top](#)

### **45.2.1 Contact Management**

Regional Asylum Teams will undertake contact management in order to inform families about the asylum process, their own responsibilities, of the possible outcomes to their asylum claim including the possibility of detention and an enforced removal should their application be refused and they choose not to leave the UK of their own volition, and to raise awareness of assisted voluntary return programmes and the benefits they can provide to families [see [45.3](#) ]

Contact management meetings should always be used to continuously gather information about the family's personal circumstances, health and the well being of each member of the family, with particular emphasis on identifying the welfare needs of any children.

During contact management sessions, medical consent forms will be obtained by case owners *where possible* together with details of any medication and special needs. Any associated costs for information requests should be met locally. Medical consent is a request, rather than a requirement. If a family member refuses to give medical consent, clearly note the FWF to that effect.

Documentation issues will also be addressed at an early stage to facilitate removal in the event of an unsuccessful application.

**Every attempt must be made to ensure information missing from the FWF or medical consent form is obtained.**

[Return to top](#)

#### **45.2.2 Preparatory Visits**

The need for preparatory visits to gather information regarding documentation, risk factors, health, medication, education, welfare needs (for each member of the family but particularly for children), should decrease given the enhanced contact management carried out by Regional Asylum Team case owners.

Authorisation to conduct a preparatory visit **MUST** be noted within section 2 of the FWF and authorised by an HMI. All officers involved in the visit should familiarise themselves with any family history already noted on file (See [45.2.4](#))

Although each case should be considered on an individual basis, family cases would normally fall within one of three categories which are indicative of the likelihood for the need for a preparatory visit.

Regional Asylum Team Cases should already be within the contact management system. If there is insufficient information on the completed

Family Welfare Form to make a consideration on appropriate method of removal, action as per CRD cases below.

Case Resolution Directorate (CRD) cases are asylum claims, made before 5<sup>th</sup> March 2007. They are not being processed by Regional Asylum Teams and the level of recent contact can vary. Information regarding health, medication, education, welfare needs of children and documentation may not be current and consideration should be given to contacting Asylum Team 5 to conduct an outreach visit to obtain any missing or outdated information required. **Only in cases where essential information cannot be obtained in any other way should a preparatory visit be conducted.** It remains the responsibility of the Officer in Charge to confirm with CRD whether the family is removable, including the consideration that CRD has given to the section 55 duty to the children involved.

Managed Migration Cases are non asylum cases which may be routed through the Tasking and Co-ordination process or come to light through Intelligence. They would normally be cases where the head of household has entered the United Kingdom legally, either accompanied or joined by their dependants, and who has been refused an extension. They may or may not have been served with papers as overstayers.

Before deciding the manner in which to progress the case, due consideration should be given to the facts in each case, i.e. family history, whether they all entered legally, in what capacity and whether they have had previous extensions granted.

Unless there is a risk that the family may not comply, consideration should be given to establishing contact by telephone and/or inviting the head of household to an interview. **A preparatory visit may be necessary in these cases to inform the need to visit to detain, in which case all relevant information should be obtained as for failed asylum seekers.**

[Return to top](#)

### **45.2.3 Disabilities, Medical Conditions and Additional Needs**

Disabilities, medical conditions and additional needs may not always be obvious. As such, it is vital to establish *prior* to any enforcement action, whether any family members (adult or child) have disabilities or are in need of additional support.

Where the family have given consent, details of any medication and special need can be obtained from the family doctor; however medical consent is a request, rather than a requirement. If a family member refuses to give medical consent, clearly note the FWF to that effect.

Where disabilities are identified, it is vital that case owners

- Establish what the individual's needs are
- Give consideration to, and plan how those needs can be met during each stage of any enforcement action (eg. Arranging transport suitable for carrying additional medical or mobility equipment)

Where a child is identified as having a disability, Case Owners can approach the Local Authority to clarify the nature of the child's disability, ensuring that the child's needs, and how they must be met, are clearly understood.

The case owner should forward all relevant information of family cases involving individuals with disabilities, medical conditions or special needs to the Family Detention Unit (FDU). They will, in turn, liaise with the Removal Centre and obtain confirmation from the Centre that the individual's needs can be met in detention, before accommodation is booked. Failure to alert the FDU and IRC of special needs may result in the individual having to be released immediately if the IRC is unable to cater for those needs.

**It is the Case Owner's responsibility to ensure all relevant information is clearly presented within the FWF** as all staff involved in any operation relating to the family must be made aware of the individual's disability, and responsibility for looking after the child during the operation can be clearly allocated.

[Return to top](#)

#### **45.2.4 Family History**

The OIC should familiarise themselves with the basis of the claim for asylum when dealing with asylum applicants, and should consider the potential impact of any unannounced visit on the children, when planning to detain. It may benefit the Officers involved on family cases to familiarise themselves with the case, in order that they can address each child by name.

Where operationally possible, steps should be taken to alleviate repetition of negative experiences the family may have had in the past. (eg. adjusting the timing of visits, method of entry to premises, or considering the physical appearance of officers in personal protective equipment).

See [45.4.3](#) Clothing and Personal Protective Equipment

See [45.4.4](#) Method of Entry

Any decisions to amend standard operating procedures should be clearly noted in section 2 of the FWF.

[Return to top](#)

#### **45.2.5 Educational Exams**

In planning the timing of the detention and removal of a family, each family's personal circumstances will have been considered under paragraph 395 of the Immigration Rules.

Where any of the children in the family are studying GCSEs, A levels (or their equivalents), removal should not normally be planned to take place in the *three months* before they are due to sit any *final* exams.

If the educational course is vocational or based on modular coursework completed over a number of years, careful consideration should be made about the stage at which the child is currently studying. Whilst these courses would not normally be the sole reason for a delay in removal action, under the duty to safeguard and promote the welfare of children UKBA must weigh up the impact of removal action upon the welfare and development of the child at their current stage of education, against the possible effects of delaying removal for an extended period during which additional ties to the UK may be formed. This is particularly important where there is any indication that the child has a special needs statement.

See Chapter 53: Extenuating Circumstances

AD authority **must** be obtained where it is proposed to depart from this policy and the reasons recorded on the Family Welfare Form.

[Return to top](#)

#### **45.2.6 Welfare of Children**

S.55 of the Borders, Citizenship and Immigration Act requires the SSHD to make arrangements ensuring that UKBA functions will be discharged having regard to the need to safeguard and promote the welfare of children. A child's welfare (in addition to the assessment of the family as a whole) should therefore be considered at each stage of the process.

At all stages of the family case it is important to allow ample opportunity for parents, as the main providers of communication, to provide care and

reassurance to their children, to provide explanation of the reason for detention in a way their child can understand. If a parent's inability or unwillingness to provide reassurance is causing distress to the child, the officer in charge must seek to engage a qualified social worker is consulted so that professional consideration is given to ways of reducing the child's anxiety.

Prior to detention: Case owners are responsible for recording information on health, education and special welfare needs of each member of the family on the Family Welfare Form, with emphasis on the needs of each child. Case owners must liaise with Children's Services to ensure that each member of the family is not at risk nor has come to their notice.

During the detention visit: the Officer/s nominated by the OIC to deal with the children should be familiar with the case details in advance, and observe and record their behaviour during the visit. This should be recorded in section 2 of the Family Welfare Form and should be provided to the removal centre Social Worker via the Family Detention Unit. The purpose is to establish that removal is achieved as humanely as possible bearing in mind the child's safety and welfare needs.

If during a detention visit, an officer becomes aware of any child protection issues such as abuse or neglect, or where it is clear the child/ren are in a situation where they are in need of support; the circumstances **must** be referred to the police and local social services immediately. The officers nominated to each child during the visit will have completed appropriate training to cover such eventualities. See [45.8](#)

See 26.5.2 (Actions to take if a child is unexpectedly encountered during a visit - Children at risk or in need of support)

During Detention: Once in detention, case owners retain responsibility for conducting the required reviews of detention. Detention Services staff and their contractors, in conjunction with the FDU and the OCC, will monitor and review the welfare of children detained as part of a family unit and will feed

this information back to case owners to be considered as part of the detention review.

[Return to top](#)

#### **45.2.7 Pregnant women & new mothers**

Both during contact management and operational visits, every member of the family should be asked if there has been a change to their health or general well-being e.g. recent diagnosis of a medical condition or confirmation of pregnancy.

##### Pregnant Women

For the purpose of enforcement action, a pregnant woman is any individual who has been medically certified as being pregnant, or who claims to be pregnant unless a medical assessment has found no evidence of pregnancy. Case Owners and OICs can ask for sight of confirmation of the pregnancy and for the medical notes from the hospital which would include the due date. The Family Detention Unit should be notified in advance using the Family Welfare Form of the pregnancy, the due date and any complications.

A check should be made with the airline before setting removal directions but usually airlines will carry pregnant women up to 30/32 weeks. If a pregnant woman claimed she was having problems which would preclude her from flying, the onus is on her to produce medical evidence that this is the case. This would apply at any stage in the pregnancy.

If a pregnancy is only revealed during the visit to detain, the authority of the AD **must** be obtained if the OIC feels that the detention should go ahead and this should be noted in the written record of the visit. All information should be noted on the Family Welfare Form which should be sent to the Family Detention Unit while the family is en route.

The woman should be advised to take any records relating to her pregnancy. She should also be advised that she will have access to medical care while at the place of detention.

See [45.5.7](#) for control and restraint of pregnant women

### New Mothers

For detention and removal purposes, it is imperative that UKBA officers discharge the duty to safeguard and promote the health and well-being of the newborn baby and mother by giving consideration to any possible negative impact that detention and removal may have upon the mother and baby unit. All alternatives to detention prior to removal must be investigated and the consideration fully noted on the FWF.

The removal of mothers who have recently given birth and their newborn baby **must** be considered on a case by case basis and authorised at AD level. Due to the wide variation in individual circumstances, it is impossible to establish absolute guidelines on how soon after a birth of a child it may be safe and appropriate to detain and/or remove the mother and child. Each case will be unique.

Both the mother and child should be signed off by their respective obstetrician-midwife or equivalent medical professional. Difficult births and maternal or child health problems may require longer periods for recovery, or longer term treatment, which should be discussed with health staff at Yarl's Wood prior to making the decision to detain.

Documentation for the newborn (i.e. both registration and travel documents) and assurance of acceptance of carriage on the flight for both the mother and baby must also be secured prior to detention.

[Return to top](#)

### 45.2.8 Separating Breastfeeding Mothers and Children

Breastfeeding babies, infants, and in some cases children, **must not** be separated from their mother purely for immigration purposes. If there are compelling and exceptional circumstances at any stage of the process which indicate that separation may be appropriate, in order to keep the child safe (i.e. an accompanying parent has threatened to harm the child, or the need to attend to immediate health needs), advice must be sought from the local authority and the separation authorised by a Deputy Director only if the Local Authority and a doctor agrees.

It should not be inferred from the presence of bottles/baby food in the house that a mother is not breastfeeding her child. Neither should it be assumed that just because she does not state that she is breastfeeding, she is not doing so. The age of a child is not always an indicator that the mother may or may not be breastfeeding. It is not uncommon in some cultures for mothers to breastfeed their children into their formative years. Officers **must** ask the question to the mother directly.

[Return to top](#)

### 45.2.9 UK born children

The following procedures should be followed in respect of children who are encountered who:

- Have been born in the United Kingdom.
- Whose presence in the UK was not previously known to the UKBA.

Children of persons refused leave to enter and illegal entrants: Paragraph 10A of Schedule 2 to the Immigration Act 1971 (“the 1971 Act”) (inserted by section 73(1) of the Nationality, Immigration & Asylum Act 2002 (“the 2002 Act”)) states that where directions have been given in respect of a person

under any of paragraphs 8 to 10 (i.e. persons refused leave to enter and illegal entrants) equivalent removal directions may be given in respect of a member of that person's family. This enables us to enforce the removal of the spouse and/or dependent children aged under 18 of a person refused leave to enter or an illegal entrant.

UK born children of individuals refused leave to enter, or who have had leave to enter / remain cancelled should be served with form IS92(UK). For UK born children of illegal entrants use form IS 151A and IS 151A part 2.

Children whose parents are liable to administrative removal: Section 10(1)(c) of the Immigration & Asylum Act 1999 (as amended by section 73 of the 2002 Act) allows for removal directions to be served on the family members of those who have had directions served on them under the section (i.e. overstayers, those in breach of their conditions of leave, those who have had their indefinite leave revoked under section 76 of the 2002 Act and those who have obtained (or have attempted to obtain) leave to remain by deception). Section 10(4) of the 1999 Act (as amended by section 73 of the 2002 Act) states that a family member cannot be removed as such if more than eight weeks have elapsed since the removal of the main offender.

United Kingdom born children should be served with form IS151A in line with their parents, followed by form IS151A part 2. Form IS151D should be served once removal details are known.

Children of deportees: Section 3(5) (b) of the 1971 Act allows us to deport the non-British family members of a person who has been deported or has been ordered to be deported. Reference should be made to the relevant casework section to ascertain current procedures and forms.

[Return to top](#)

#### **45.2.10 Information Sharing With Local Child Welfare Agencies**

The duty for safeguarding and promoting the welfare of children introduced by s.55 of the Borders, Citizenship and Immigration Act, requires UKBA officers to make timely and appropriate referrals to agencies that provide ongoing care and support to children, and for UKBA to foster effective working with partner agencies to ensure the best interests of the child.

Statutory children's services have been devolved to each of the devolved administrations of Scotland, Wales, and Northern Ireland. Referrals to children's services must be made to the relevant public authority by the UK Border Agency when members of staff have identified children as being in need or at risk.

Throughout the United Kingdom, (except for Northern Ireland), principal responsibility for safeguarding the welfare of children rests with local government:

- England: the local authority Children's Services Departments;
- Scotland: the local authority Social Services;
- Wales: the local authority Social Services;
- Northern Ireland: Health and Welfare Trusts.

All contact managers dealing with family cases should foster good working relationships with local health, education and welfare services. UKBA's policy is to take account of any concerns these agencies may have about particular children and to ensure they are aware of and understand immigration legislation and rules.

Staff should make allowances for the fact that welfare workers may have developed a strong bond with children and may therefore be upset at the prospect of their removal from the UK. Nevertheless, it is important that welfare workers make plans with the children that take account of their immigration situation.

In particular, it is important that welfare agencies are informed after any family is detained or removed from the UK. This will prevent unnecessary concerns about missing children.

Children's Services/Social Services: Children's Services should have an in-depth knowledge of any child in the area that has needs over and above the norm. Their information is therefore crucial to planning an arrest, detention or removal. It may be that an information sharing agreement has already been set up with children's services which will help with the task. In any case children's social workers will generally be anxious to share information if it means children are better planned for in UKBA decisions and operations. The information gained should be included in the FWF and considered as part of planning for arrest, detention and removal.

Throughout the UK, Directors of Children's Services are responsible for setting up umbrella bodies that encourage co operation between agencies who deal with local children. Health, education and the local police are required by law to attend. UKBA is not. In England, Wales and N.Ireland with by far the largest number, they are called Local Safeguarding Children Boards (LSCB). These boards can provide opportunities to,

- Ensure immigration legislation, rules and processes are understood
- Enable the maximum appropriate information sharing with UKBA
- Overcome difficulties with particular agencies.

UK Border Agency staff working in Scotland should seek to be guided by the [Scottish Children's Charter](#) which sets out what children and young people need and expect to help protect them from harm.

[Return to top](#)

### **45.3 Voluntary Returns**

The voluntary return processes including the Assisted Voluntary Return of Irregular Migrants (AVRIM) and the Voluntary Assisted Return and

Reintegration Programme (VARRP) will have been explained to families throughout the contact management process. See Chapter 46 for full guidance to Voluntary Returns.

Before proceeding to a visit to detain, the OIC should check if the family have made an application for a voluntary return or indicated any wish to do so; If they have, every effort should be made to facilitate this.

Any decision to go ahead with a detention visit (for example if the family history shows there have been abandoned requested for a voluntary return in the past or a strong likelihood of absconding) should be fully documented on the Family Welfare Form, giving the reasons why it is deemed necessary to detain to effect removal.

[Return to top](#)

#### **45.4 Family Detention**

S.55 of the Borders, Citizenship and Immigration Act requires the SSHD to make arrangements ensuring that UKBA functions will be discharged having regard to the need to safeguard and promote the welfare of children.

The detention of families with children will only be used as a last resort and for the shortest possible period of time. This reflects UKBA obligation under the UN Convention on the Rights of the Child. However, families, including those with children, can be detained on the same footing as all other persons liable to detention, and in line with the general detention criteria (55.1)

The decision to detain an entire family should always be taken with due regard to Article 8 of the ECHR and the UKBA's duty to safeguard and promote the welfare of children. See 55.9.4.

The following alternatives must always be considered primarily:

- Voluntary Returns

- Self check in removal directions
- Detention of head of household but see [45.6.3](#) for Splitting families

**Detention of families with children should be used only as a last resort and full consideration as to why it is considered the only option to effect removal must be recorded on Section 2 of the FWF.**

[Return to top](#)

#### **45.4.1 Planning a Family Detention Visit**

The case owner / OIC **must**:

- Obtain all relevant local and home office files and ensure there are no barriers to removal
- Obtain Enforcement Visit (EV) number on NOD MMX
- Conduct local checks: CID, Warehouse and NOD
- For regional asylum team cases, check that all relevant information has been obtained through contact management. If not, consider asking regional asylum team to conduct a preparatory visit.
- For CRD cases, ensure the case has been reviewed and that the family is removable. Consider if all relevant information is available. If not, refer to Asylum Team 5 for a possible preparatory visit [see [45.2](#)]
- Contact the accommodation provider/benefit provider to establish/confirm where the family live and obtain keys where possible.
- Send off VENs requesting PNC checks on all members of the family. For London offices ensure that police checks have been done by the Borough Intelligence Units or UKBA Joint Intelligence Units.
- Contact Children's Services to check if any member of the family is known to them and if so, obtain details. Depending on the result of these checks, a case conference may be necessary. If a child is on the protection register or the Local Authority has serious concerns in relation to the welfare of the child should they be removed with their

parents, the HMI should invite a representative from the Local Authority to a meeting to discuss how best to progress the case.

- Familiarise yourself with any medication and associated medical equipment required by any of the family members as listed on the FWF (which should, as far as possible, have been identified in advance through contact management) and prepare for any operational amendments or special needs that may need to be met during the visit.
- Conduct reconnaissance ensuring that a description of the property and photographs are attached to the Operational Order
- Complete a full risk assessment
- Familiarise yourself with the reasons for claiming asylum which may inform the risk assessment. Consider the potential impact of any unannounced visit in relation to any past experience the family, and in particular any children, may have had and take steps to avoid replicating painful events and to minimise the distress that may be caused to children present
- Obtain AD authority for the visit, and to detain and remove.
- Obtain a search warrant from a Magistrate or Sheriff's court.
- See [45.6.3](#) for splitting families and [45.6.4](#) for same day removals.
- Book family detention accommodation with the Family Detention Unit
- Check with the Family Detention Unit that the family's needs can be met in detention
- Set removal directions, with medical and/or security escorts if required
- Arrange suitable transport, including a van swap if required. See [45.5.8](#) for full details
- Ensure an appropriately trained Method Of Entry team is available (if appropriate).
- All visits should, as far as is reasonably practicable, include both male and female staff. Numbers of staff will be determined through the risk assessment and on information established through contact management. Designate the role of children's monitor to an officer appropriately trained in Keeping Children Safe.

- All operational planning should be documented on the Family Welfare Form
  - Write Operational Order
  - Planning should allow sufficient time for a family to pack their personal effects. A *minimum* of 30 minutes is envisaged however this can be curtailed or extended subject to a dynamic risk assessment during the course of the visit by the OIC. Where risk assessment allows, families with children may benefit from an extended period for packing, in order to reassure and promote the welfare of any children during a difficult transition period, and to allow sufficient time to pack items that are necessary for the child's health, development, or emotional well-being. The time allowed should be noted. See [45.5.6](#) for full details on personal belongings.
  - Note NOD
  - Complete the FWF on CID , tick the FDU box, and forward the booking form to FDU to book accommodation
  - Once FDU has noted CID of which IRC has been booked, highlight any special needs of the children involved on the FWF, and email the form to the contract manager of the IRC (via the dedicated inbox address) to ensure they are fully able to meet any special needs
- 
- A copy of the FWF must also be given to the escort staff and their attention drawn to any issue which may be of relevance during the journey to the removal centre.

[Return to top](#)

#### **45.4.2 Roles and Responsibilities**

**The OIC should ensure that all the factors in [45.2](#) above have been taken into consideration and noted on the Family Welfare Form. S/he should update the Family Welfare Form with a record of decisions and**

**reasoning for action taken/action planned, together with the correct levels of authority. The reasoning behind the number of officers and the time of day planned for the visit should be noted.**

The OIC should allocate appropriately trained officer/s to deal with the child/children. The parents should be advised first of the reasons for the visit and what is to happen. The parents should be asked to explain the situation to the children. The officers dealing with the child/children should then assess if it is appropriate to explain the process to them further. [See [45.2.6](#) Welfare of children]

They should observe and record the behaviour of the child during the detention visit. They should ask the scribe to note any serious considerations at the time and write up in their VRB or notebook the behaviour of the child.

[Return to top](#)

#### **45.4.3 Clothing and Personal Protective Equipment (PPE)**

PPE **must** be worn in line with the operational risk assessment for family detention visits; however, it is necessary to consider the physical appearance of officers wearing the equipment and any potential impact on children. Any proposed amendments to wearing standard PPE should be fully risk assessed prior to the visit and authorised at RD level

It is not envisaged that handcuffs and batons carried as part of PPE would be used in relation to children

As preparatory visits are purely conducted to obtain information and not to arrest or detain, covert or overt anti stab vests should be considered where they are available, as dictated by visit-specific risk assessment. If belt kit (e.g. handcuffs & baton) are identified as a control measure through visit-specific risk assessment, non-arrest trained staff should not conduct the visit on their

own. The visit should be cancelled, or officers should be accompanied by police officers.

[Return to top](#)

#### **45.4.4 Method of Entry (MoE)**

Staff should have regard to the need to safeguard and promote the welfare of children before effecting forced entry, since this may increase the distress caused to the child by the family visit. Staff should consider whether forced entry is actually necessary under all the circumstances.

Forced entry should only be effected by appropriately trained and accredited officers. Entry without consent, with a warrant and no force (i.e. door unlocked, keys held) can be effected by arrest trained Immigration officers, subject to Health and Safety and operational risk assessments.

[Return to top](#)

#### **45.4.5 The Day before the Family Detention Visits**

- Check CID to ensure that there are no last minute barriers to removal or late representations.
- Confirm with the Family Detention Unit that family accommodation is booked and that they have requested transport.
- Ensure removal directions and escorts, if required, are booked
- Check with the Family Detention Unit that the removal centre is able to meet any special needs highlighted on the FWF.

[Return to top](#)

#### **45.4.6 The Family detention Visit**

Immigration Officers will research the circumstances of each family prior to planning a visit in order to ascertain what time of day everyone is normally present. Visits should not normally be conducted before 0630hrs unless a specific risk assessment indicates that an earlier visit is required. When a visit is proposed before 0630hrs or after 2100hrs, this **must** be authorised by an AD.

- The OIC should brief the team and ensure all members are aware of the risk assessment, the information obtained through contact management, the basis for the asylum claim and any welfare needs for each member of the family, with particular emphasis on the needs of any children.
- If it is an arrest team visit, open a log number / CAD reference with the local police control room.
- Ensure NOD is completed before leaving the office.
- Prior to leaving the office, ensure that you have all relevant items: warrant, paperwork, fully functional camera, quick check unit.
- All officers are to wear full PPE with stab vests provided for any observers; unless in exceptional cases, where reducing anxiety and promoting the welfare of any children is considered to outweigh the risk to an officer's safety. Any exceptions to standard PPE **must** be fully risk assessed and authorised at Regional Director level.
- After entry to the property has been effected, ensure the accommodation is swept by appropriately trained staff and is secured.
- Ascertain whether any family members have any medical conditions/special needs not previously identified on the FWF.
- If unforeseen circumstances arise on a detention visit that have not been identified during the planning stages, e.g. pregnancy or illness, then consideration **must** be given by the officer in charge (OIC) as to whether the visit/arrest should be abandoned. Officers must consider the need to safeguard and promote the welfare of the child, in particular to the possibility that detention could exacerbate the illness or condition and thus be contrary to the child's welfare. Authority **must**

be sought from an **AD** in the first instance if it is intended to carry on with the arrest and detention of the family in light of the unforeseen circumstances. A record of the decisions **must** be kept for audit purposes, both in a decision log and on CID, in line with critical incident policy.

- Explain the reason for the visit to the adult members of the family and ask them to explain to the children in simple terms. **The children should not be used to interpret.** If there is a language barrier, use the designated telephone interpreting service. It will be up to the officer dealing with each child to decide how best to communicate with the child.
- Serve any appropriate paperwork and arrest the family as a whole [including dependants] under Para.17 of Schedule 2 to the 1971 Act which will allow the family to be taken to a designated place of detention. Guidance on the completion of form IS91R is available in Chapter 55.6.3
- Explain to the family where they are being taken, how long the journey will take, what facilities there are at the removal centre and that they will have the chance to telephone their representative from the removal centre.
- Families should be allowed a minimum of 30 minutes to dress, pack documents & baggage, use bathroom facilities and feed very young children. Families should be advised of the commercial baggage allowance which is generally 20 kilos per person, but no allowance for children under the age of two. This time can be extended or curtailed dependant on the dynamic risk assessment. For full details on personal effects see [45.5.6](#).
- It is important to make sure that all members of a family are managed as they prepare themselves to leave the house. A female officer should be present where a female is dressing, as should a male officer where a male is dressing. The kitchen and bathroom should be cleared of any potentially dangerous items. If a person wishes to use the bathroom, a check should be made first for any items which could be used to self–

harm or injure others. Any doors should not be allowed to be locked from the inside. Officers should be sensitive to the sensitivities/embarrassment of children whilst they are changing/using the bathroom, and should endeavour to observe as discretely as possible.

- All medication should be logged and kept separate by the officer designated with that task. It should be sealed in such a way to prevent access without breaking the seal and handed to the escorts.
- Every effort should be made to determine whether medication has recently been taken by the detained person/s and whether it is required to be taken before or during the journey. Specific Instructions, i.e. to be taken with food, should be noted and appropriate arrangements made. Care should be taken to check that any necessary medication is available until the family reach the place of detention and that sufficient medication is available for the duration of the detention and removal period.
- It is the responsibility of the OIC to update the Family Welfare Form with details of any medication, illness or special considerations. They should provide a full verbal handover together with a copy of the updated Family Welfare Form to the holding room staff or in country escorts to pass to the contract manager of the IRC. Hand written additions are acceptable if the handover time to the escorts is short.
- The OIC should update the FWF on CID, and email it to the contract manager of the IRC via the dedicated inboxes, while the family is en route and highlight any significant new facts.
- The family should be consulted prior to leaving the address to ensure that they have packed all relevant and important personal effects and their responses should be noted.
- A full written record should be kept by one member of the team detailing the process of the operation. This should be retained securely.

- The checklist ICD. 3630 on CID under after entry forms should be completed by the OIC to ensure that all appropriate actions have been undertaken and a copy kept on the file.

[Return to top](#)

## **45.5 Absent Family Members**

Contact management will have highlighted the best time of day to pick up a family as an entire unit, and the OIC should have identified the principle carer. However, there may be occasions when a member of the family is not present at the address. Each case must be considered on its merits and consideration should be given to the appropriateness of continuing with the operation. If it is decided to continue with the operation the following options should be considered:

[Return to top](#)

### **45.5.1 Absent Adults**

When an adult family member is not present at a detention visit, consideration should be given to the following options:

- Where very young children (or those deemed in need of adult supervision) are on their own without an adult, every attempt should be made to locate and arrest the principal carer (i.e. the adult family member who normally has principle care of the child). If this can be done within a short timescale, the adult should be brought to the address and the whole family arrested together. If they cannot be located, contact the police and Children's Services to ensure appropriate care arrangements are made for the children.
- If the children are with an adult who is not their principal carer, every effort should be made to locate and arrest the absent adult. If this can

be done within a short timescale, the adult should be brought to the address and the whole family arrested together. If this is not possible, the detention should be postponed. Checks should be made on the adult present, with possible reference to Children's Services, to ensure they are an appropriate person with whom to leave the children.

- If the absent adult is not the principal carer of the children and their whereabouts are not known, the family members (including at least one adult) present should be arrested and a message (in the individual's own language) should be left for the absent individual on official UKBA headed note paper, detailing the whereabouts of their family and contact details. Once contact is made, inform the individual concerned that their family is in immigration detention awaiting removal. They should be given the opportunity to join their family in detention prior to removal of the family as a whole or to report in time to be removed on the same flight.
- If the whereabouts of the individual concerned are known, consider whether or not to visit the location in order to effect an arrest. Refer to guidance on removing incomplete family units [45.6.3](#).
- If the individual's whereabouts cannot be established, refer to guidance on removing incomplete family units [45.6.3](#).

[Return to top](#)

#### **45.5.2 Absent Children**

If a child is not with the family when the arrest takes place, every effort must be made to reunite the child with their family as soon as possible. The following should be considered:

- take all of the other family members to collect the separated child on the way to the place of detention, following risk assessment on the new address.

- take the other family members to the place of detention, then ask a parent to accompany you to collect the separated child
- if it is not possible to take one of the options above, visit the address where the child is and ask a responsible or appropriate adult (who should not be an employee of the United Kingdom Borders Agency) to accompany the child to be re-united with his/her family.

When recovering a child who is separated from an arrested family, the power of arrest should be used only as a last resort and with sensitivity. UKBA has a duty of care for the welfare of the child even if the child accompanies officers voluntarily. Once the child has been reunited with their family, the formalities of arrest, detention and removal should be carried out at the same time as the other family members. However if the parents or the adults who are found to be caring for the separated child refuse to assist and the child is also refusing to co operate then arrest may be necessary.

It should be explained to the child/young person that it would be preferable for them to go voluntarily to be reunited with the family unit. If they refuse to go voluntarily, explain that they will have to be formally arrested which simply means that operational staff have the power in law to require the child/young person to accompany them. The control and restraint of children and young people **must** be limited to circumstances where it is necessary for an officer to use physical intervention to the child or any individual present. Officers must familiarise themselves with the policy on control and restraint in [45.5.5](#)

Should compulsion be required to prevent harm, the authority of an AD **must** be sought. The AD should be informed of:

- the likely impact on the child;
- the likely impact on any other child who is present;
- the likely impact on and possible reactions of any adults who are present; and
- the likely impact on the community.
- This should be recorded in the officer's notebook and on NOD.

Where staff find themselves compelled to arrest a child in this way, managers must make staff aware of Health & Welfare Services available to them and should ensure that a thorough debrief is carried out to help manage their reactions to a potentially disturbing experience. A written report of the debrief should be prepared and forwarded to the Office of the UKBA Children's Champion.

[Return to top](#)

### **45.5.3 Collecting Children from school or premises other than the family home.**

Officers should always have regard to the need to safeguard and promote the welfare of the child before deciding to collect the child from school, and should consider what impact collection from school might have on the child concerned (distress, adverse effect on emotional well-being) and on other children present.

As such, collecting a child from school will be **the exception rather than the rule** and requires the authority of the Regional Director, with requests routed through ADs, after a full risk assessment for attending the new address. Officers should record why this course of action was considered necessary and why alternatives were considered impracticable. Preference must always be given to try and conduct visits to families, in order to detain and remove them, at a time when it is envisaged that all members of the family will be at home together.

If a child is not present at the family house at the time of a visit, you **must** attempt to reunite the child with her/his parent as soon as possible. If this requires a visit to a school [or other premises] in order to collect a child, you **must** attempt to ensure that a parent accompanies staff to collect the child. If this is not possible, you **must** ensure that the child's safety and welfare is our

priority. Further, you **must** endeavour to reunite the family with the minimum disruption or upset to the child concerned and to the rest of the family.

Should we need to collect a child from school, you **must** contact the head teacher and explain why we need to visit the school to collect the child. Ask if the child can be brought out of the class by an adult they know and brought to the head teacher's office. Where possible, following a full risk assessment, staff should try to avoid wearing PPE when visiting a school. Given the sensitivities around visiting a school, RD authorisation should be sought and noted on the FWF, prior to the visit.

The UKBA will always prefer not to have to collect a child from school as officers do understand the difficulties faced by teachers and other staff and the possible upset to students caused by a visit to a school. However there will be occasions where it will be appropriate to do so e.g. in cases where the family has been obstructive and postponing the removal may cause the family to abscond.

[Return to top](#)

#### **45.5.4 Children unexpectedly encountered on Enforcement visits**

See Chapter 26.5

[Return to top](#)

#### **45.5.5 Control and Restraint**

All family members, including children, should be arrested as a whole unit and the arrest should be made as soon as practicable, to ensure that the family is legally in immigration custody for conveyance to a designated place of detention. It will normally be that arrests in such circumstances will be under administrative powers contained in paragraph 17 of schedule 2 of the 1971 Act and **not** under criminal powers.

In all cases, if restraint is considered necessary, it must be overseen by a supervising officer who is not personally directly involved in the application of force and he or she should record events appropriately. Force must be age appropriate, only be used for the shortest possible period and de-escalated at the earliest opportunity when either the individual starts to comply or the officers' objectives (of securing the safety of the individual or others, or, in the cases of adults only, to overcome resistance) have been fulfilled. The officer's objectives behind the use of force must be clarified and limited.

#### Use of force on adults

It remains the Agency's position that force on adults (i.e. any type of physical intervention) should only ever be used when it is immediately necessary to secure the safety of the individual or others, or to overcome resistance, and that it should be used only as a last resort when all other avenues of seeking voluntary compliance by way of persuasion have been exhausted.

#### Use of force on Children and Young People:

The control and restraint of children and young people **must** be limited to circumstances where it is necessary for an officer to use physical intervention to prevent harm to the child or any individual present whilst ensuring they comply with a requirement to leave to UK.

Physical intervention must **not** be used simply to enforce the removal of children where there is no threat of violence. In the vast majority of cases there will not be a need for officers to exercise physical control or restraint of minors.

UKBA staff must give consideration to the need to safeguard and promote the welfare of the child concerned, and of any potential adverse impact to their physical or emotional wellbeing. Children who have been identified as having additional vulnerability, such as learning difficulties, medical conditions, etc, may be more adversely affected by the use of force and staff give due consideration to this.

In cases where there is active physical resistance, and physical intervention is deemed absolutely necessary **to prevent harm**, Officers must ensure that any action is age appropriate, limited to the minimum level of force required in that particular circumstance, justifiable and proportionate. All physical interventions should be in line with officer safety training and it is imperative that restraint must only be used for the shortest possible period and de-escalated at the earliest opportunity.

At all times, officers are accountable for and have to justify any decisions and actions they take. Force must only ever be used by staff trained in the use of Control and Restraint (C&R), and who have received re-fresher training within the last 12 months.

On every occasion when force has been used against a child, a comprehensive incident report must be completed as soon after the operation is practicable. A copy of this report must be sent to the officer of the Agency's Children's Champion.

Both CID & NOD must also be fully updated with details of the incident.

#### Use of force in the presence of children:

The wellbeing of children within our care is paramount; as such, the restraint of adults during a family detention visit should **not** be routine, given the possible impact that this may have any child/children present.

#### Use of force on pregnant women:

Force should only ever be used on a pregnant woman to prevent her from harming herself, any member of her family or any member of staff. Any force used must be appropriate, justified and proportionate. Staff must complete the use of force form detailing and justifying the reasons for using force.

[Return to top](#)

### **45.5.6 Personal Effects and Baggage**

A *minimum* of 30 minutes should be allowed for a family to pack their belongings dependant on a dynamic risk assessment. This timescale can be extended where the risk is considered to be low with there being no maximum time limit, or it can be curtailed should the risk of remaining in the property be high. When deciding how much time a family needs, UKBA staff must give regard to the need to safeguard and promote the welfare of any children involved

Families should be encouraged to pack official UKBA documents, solicitor's details, health records, educational certificates, sufficient clothing for each member of the family whilst in detention as well as post removal, baby equipment such as nappies and formula milk and toys and books for children. In the interest of promoting continuity of welfare and emotional support within detention, children should also be encouraged to pack contact details for friends and a favourite toy or belonging. Families should be encouraged to pack only one bag each to meet the baggage restrictions, as UKBA has no responsibility for arranging or paying for excess baggage.

Officers must ensure that the property is left secure, and that that families are advised of the need to make contact with someone to take responsibility for their belongings. Where a family has been privately renting property, or housed within UKBA accommodation, the landlord has a legal obligation to secure and store property for a reasonable period of time. Families will have access to telephones at the removal centre to make arrangements for the rest of their belongings. Families will be given the public telephone number for the IRC to assist them with making arrangements for their belongings whilst in detention.

Families should be made aware of the baggage allowance limited by airlines and the facility for friends/family to arrange this on their behalf whilst they are in detention. United Kingdom Border Agency has no responsibility for arranging or paying for excess baggage. The OIC should use the checklist

referred to at [45.4.1](#) to ensure that all important documents, medication and belongings have been packed.

[Return to top](#)

### **45.5.7 Pets**

Where pets are found in the property, every attempt should be made to contact a member of the family, a friend or a neighbour to take care of the animals. Failing that, there are four options dependant upon the pet and any risk factors posed by the animals.

- Leave the animal if it is safe, has access to food and water and arrangements can be made for someone to care for it within a reasonable timescale.
- If police are present, they may be able to take a dog to kennels at a local police station where they have arrangements with local authority rescue centres. In those areas where the police no longer take responsibility for lost & found dogs you, refer to the RSPCA.
- Have the subject sign care of the animal over to the RSPCA and contact the RSPCA on 08705 555 999.
- Take the animals to a local pet rescue centre

Whichever option is chosen, the family should be provided with contacts details of any individuals or organisation assuming responsibility of the animal. Within the IRC the family will have access to a Welfare Officer who can assist the families in contacting people and agencies in order to make further provision for their pets should this be required.

[Return to top](#)

### **45.5.8 Carriage of Families**

### Children and caged vans

Families with children should **not** be transported in caged vans unless, exceptionally, the risk assessment dictates otherwise; For example where an older child who has previously caused disruption on a level that threatens the safety of the officers or the child whilst in transit.

Alongside the risk assessment, Officers must also assess whether travelling in a caged van would cause the child distress and fear and undermine their emotional well-being, and is therefore contrary to their welfare.

In those very exceptional cases where it is deemed necessary, the authorisation of the Regional Director is required.

### Family splits for transportation

Families should not be separated during transportation unless there is good reason for doing so, where for instance an adult has threatened to harm a child, or where specialist transport is required for the carriage of medical equipment.

Where the family unit is too large to be accommodated in a single vehicle consideration must be given accommodating the family as a whole in people carriers or coaches appropriate to the size of the family party, ensuring a split during transport is only undertaken in exceptionally circumstances. These decisions should be taken by the OIC but any decision to maintain the splitting of a family once reaching the place of detention should be referred to the Regional Director.

### Child seats

Where the children are too young to sit in and fasten the child seat or booster themselves, the principle carer should be asked to seat and fasten the child into the car seat. Where the principle carer refuses and there is a risk of harm to the child UKBA staff must comply with the policy on control and restraint of children. See [45.5.5](#).

Approved child seats, booster seats and booster cushions **must** be used to transport children and young people safely. Car seats must be suitable for the age and weight of the child concerned and the vehicle in which they are being fitted and must confirm to European Safety Standards R44.03.

UKBA staff **must** ensure that children under 3 years use the child restraint appropriate for their weight. Children aged 3 or over, up to a height of 135cm or 12 years old, whichever they reach first, must use the correct child restraint.

Children aged 14 years and above will have to use seat belts or child restraint depending on their height.

Only [appropriately](#) trained persons may install Child Car seats. All necessary training will be provided locally, either directly by the manufacturer or cascaded down via trained colleagues.

### Escorting Children

Whenever staff are escorting families with children, and particularly when they are acting in the place of contracted escorting staff, they should follow the published guidelines for escorts, which includes guidance on refreshment breaks.

[Return to top](#)

## **45.6 Removal and the Courts**

See IDIs chapter 8, section 5A, Annex M which is being revised.

### **45.6.1 Removal in Deportation Cases**

Refer to CCD guidance

[Return to top](#)

#### **45.6.2 Further representations following detention**

Any further representations should be referred to OSCU if the removal directions are within 72 hours. If removal directions are set beyond the 72 hours or have yet to be set, refer the case to a barrier caseworker.

If the representations cannot be considered before the removal directions, reset the removal directions for the next available flight and ensure that a barrier caseworker deals with the outstanding representations.

If in the opinion of the barrier caseworker the representations are likely to be protracted or entitle the family to a further right of appeal, the case should be referred to an HMI to review if detention remains appropriate.

The detention reviews for families are at 24 hours (HMI), 7 days (CIO), 14 days, 21 days and 28 days (all at AD level). At 28 days each case becomes part of a weekly conference call held each Monday.

The decision to review and continue detention must have regard to the need to safeguard and promote the welfare of any children concerned; including the question of whether continued prolonged detention may have an adverse effect on the child's welfare.

[Return to top](#)

#### **45.6.3 Detention and Removal of Incomplete Families and Splitting Families**

When administrative immigration powers are used to detain a family, the principle, underpinned by Article 8 of the HRA, is that the members of the family remain together: Therefore splitting families for detention and removal

purposes, should only occur in exceptional cases, must have regard to the need to safeguard and promote the welfare of any children concerned, and **must** be authorised at a senior level within UKBA. This authority must be recorded with the reasons for the decision.

#### Levels of authority for family splits

- Family splits are a sensitive activity and will continue to be authorised at RD/CCD Director level in line with the UKBA's duty to promote and safeguard the welfare of children.

The following guidance explains clearly the level of authority needed, and proposes how we can give effect to this decision without hampering operational decision-making but ensuring proper accountability.

Although it is preferable to keep the family together at all times, it is still possible, where it is a two-parent family, to detain one parent and set self check-in removal directions for the rest of the family, where this is in the best interest of the child/children. Due consideration must be given as to which parent is the most suitable to care for the child/children. If no additional risk factors for the welfare or safety of the child are highlighted, the split would require RD authority.

#### Decision to split at point of arrest

Sometimes it may be necessary to “split” the family at the point of arrest, for example where a member of the family is not at home, absconds, is disruptive or behaves dangerously. The decision to split at this point should be made by the officer in charge (OIC) of the operation. As soon as practicable after the arrest, that officer must record the reasons for making this decisions. These must be submitted to the RD within 12 hours to endorse the decision.

#### Decision to split, or continue to split, in detention

Occasionally it may be necessary to split a family after they have been detained - for example, if a family member has to be admitted to hospital or if

a family member becomes violent and poses a threat to the safety of other family members, to other families or to staff: the decision to authorise these 'splits' will be taken by the contractor's staff.

- When such a split is expected to last for longer than 12 hours, the contractor must obtain the authority of the Detention Services' Duty Director to continue the split.
- Where the split involves the removal of a single parent from the child or children in his/her care, the contractor must immediately obtain the authority of the Detention Services' Duty Director.
- Where the split involves the removal of a mother from a child she is breastfeeding the authority of the Detention Services' Duty Director must be obtained.

In all cases Detention Services staff must ensure that the relevant RD is informed of the split and the reasons for it are taken into account in regular detention reviews— that is, at 24 hours and 7 days after the arrest and weekly thereafter. The outcome of those reviews must be submitted to the RD for authorisation if the split is to be continued. The authority for the continued split rests with the RD.

#### Splitting a family at the removal stage

Every decision to remove a family from the UK by splitting some of its members must be authorised at the appropriate level. If children are involved, the office of UKBA's Children's Champion must be consulted first and their advice made available to the RD.

#### Detention of a single person who later reveals they are part of a family

If a single person who has been detained claims to be part of a family, their claims must be investigated immediately. If it is discovered that they are part of a family, consideration to reuniting them with their family must be given as part of the detention review process. The continued detention of this person

until the outcome of the detention review is known will not require the authority of the RD.

If circumstances about the person's background are discovered which cast a completely different light on their family circumstances - especially if these suggest that their Article 8 rights may be being infringed – then a review of their continued detention or separation from their family must be conducted within 48 hours. If that review recommends the person remains in detention and separated from their family, the RD must authorise this.

#### Review of detention where a family split has occurred as a consequence of action by the family or a family member e.g. someone absconding

Whenever reviewing the continued detention of a family for whatever reason, RDs must satisfy themselves that the family cannot be reunited in detention and that detention remains appropriate, and must take into account the impact of detention on children. Attempts must be made to locate missing family members to reunite the family.

#### Delegated powers

RD's must make these decisions personally. When they are on leave or absent, they must ensure that the senior manager designated to exercise their authority as RD takes these decisions.

[Return to top](#)

#### **45.6.4 Same Day Removals**

The process of same-day removal is not a blanket one and each case must be considered on a case-by-case basis, balancing the possible impact (in child welfare terms) of same-day removal against the risk of absconding (with its impact on UKBA's ability to carry out its core function of enforcing the Immigration Laws).

Where it is considered that there are exceptional circumstances in a case and same day removal is necessary, the **agreement of the OCC** (for family cases with children) and the authority of a **Deputy Director (DD) must be obtained**. If it is not possible to obtain written authorisation in the first instance, oral authority can be given. Written authority **must** be sought as soon as practicable afterwards.

'Exceptional circumstances' would include:

- Cases where prompt removal would in the best interests of the child/ren or of the family e.g. medically documented cases of potential suicide.
- Some Third Country Dublin removals of unaccompanied children or young people in liaison with Social Services and the receiving country (refer to TCU for advice)
- Specially arranged charter flights **not** routine charter flights.
- Certain port cases (refer to BFPI enquiries).

In cases where same day removals are delayed, the authority of a DD should be obtained to maintain detention. This would not however apply to unaccompanied children/young people as they should not be detained.

[Return to top](#)

#### **45.7 Post Visit Actions**

- Send updated Family Welfare Form to the IRC while the family is en route.
- Conduct debrief as outlined in [45.4.2](#)
- Note CID
- Note NOD.
- Complete file minutes
- Complete IS93 and diary detention reviews
- Book equipment back in as per local procedures

[Return to top](#)

#### **45.7.1 Who to Notify of the Detention**

Staff should notify Children's Services, the Education Authority, the doctor, the case owner and the accommodation provider.

[Return to top](#)

#### **45.7.2 De-briefs and Written Records**

A debrief of every visit should be held as soon after the visit as possible and a written record retained. The debrief should cover every aspect of the visit. It **should** focus particularly on the children, as well as on what has been done well and lessons which could be learned. The OIC should ensure that staff have the opportunity to discuss their concerns and emotions following any difficult visit, with advice given on how to contact Health and Welfare services for further support. Where information relating to safeguarding children arises from the visit, this must be recorded on the FWF on CID for audit purposes, and sent to the Family Booking Unit (FDU) and copied to the IRC.

The debrief section of NOD **must** be updated with any Intelligence. CID **must** be fully updated. Minutes on the file should reflect the notes made on CID.

If it is an arrest team visit, copies of VRBs and/or notebooks must be passed to the OIC. The OIC should ensure that the 101 book is signed off by a CIO and filed with copies of notebooks in the arrest folder.

Copies of executed warrants and warrants which have not been served must be returned to the court within 28 days. The warrant log must be updated.

[Return to top](#)

#### **45.7.3 Post Removal Actions**

Inform Children's Services, the Education Authority, the doctor, the case owner and the accommodation provider. Complete clearance report.

[Return to top](#)

#### **45.7.4 Staff Welfare**

Family removal work is a difficult, sensitive area of work. Officers involved, particularly in visits where there have been difficulties should be aware that there may be occasions when they need support.

Staff should use the opportunity of the debrief to explore any issues or concerns to help them work through any emotions.

Care teams are available in some locations and 24 hour Health and Welfare provision is in place. In the meantime staff should not hesitate to seek support from their line manager or from colleagues.

[Return to top](#)

#### **45.8 Training**

In line with the duty to safeguard and promote the welfare of children, any officer involved in cases involving children should hold enhanced CRB disclosure and undertake relevant training which is proportionate and relevant to the roles and responsibilities of each officer

Tier 1 is a short e learning package designed to raise awareness of child abuse and trafficking and is mandatory for all staff up to and including Grade 6.

Tier 2 is a two day course on child abuse, trafficking, private fostering arrangements, referrals to Children's Services and basic communication with children and young people. The first 2 tiers are designed for all staff who may

come into contact with children either in person or in writing. Tier 2 is mandatory for staff up to and including AD

Tier 3 is a one day practical course designed for those who may encounter children and young people either during family detention visits or unexpectedly on visits to residential or commercial premises. Staff may also encounter children and young people who have entered clandestinely or have been arrested by the police. **Tier 3 is mandatory for operational staff up to HMI working within a family context**, and optional for caseworkers, policy staff, intelligence staff, criminal investigators and seconded police officers.

There is also a two- day course on the screening of children and young people delivered by Learning and Development in Liverpool for those who require this training.

[Return to top](#)