

# **Criminal casework**

## **Detention reviews (adults)**

This guidance is based on agreed working practices across different agencies

## Detention reviews (adults)

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This guidance tells criminal casework caseworkers how the Home Office reviews detention to make sure a detained person continues to meet the detention criteria and, if so, that detention is still the most appropriate course of action.

The Home Office has a statutory duty to review detention at least every 28 days. If detention is not reviewed in line with this time period it could be unlawful and the Home Office will be liable for damages.

Depriving a person of their liberty is a serious matter, and if it is done unlawfully it can mean damages paid are significant. Failure to review detention without a valid reason is treated as a performance issue.

It is the responsibility of either the caseworker, team leader or workflow manager to make sure all cases in their team are reviewed correctly and at appropriate intervals. They must also make sure the information provided on detention reviews is accurate and complete.

The 28 day notification to detainees (IS.151F) cannot be sent without the proper authorisation given to the 28 day detention review (ICD.3078). Completing a detention review is a process with several stages to it:

- A calendar event review date initiates the detention review.
- A review is completed by the caseworker.
- A review is signed off by the appropriate grade.
- An IS.151F is sent to the detainee.

Each one of these steps must be fully completed before the detention review is considered as complete.

Changes to this guidance – This page tells you what has changed since the previous version of this guidance.

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### Related links

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	<p>Contact – This page tells you who to contact for help if your senior caseworker or line manager can't answer your question.</p> <p>Information owner – This page tells you about this version of the guidance and who owns it.</p> <p>Safeguard and promote child welfare – This page explains your duty to safeguard and promote the welfare of children and tells you where to find more information.</p>	
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### Changes to this guidance

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This page lists the changes to the detention reviews (adults) guidance with the most recent at the top.

Date of the change	Details of the change
18 July 2013	Six month review by the modernised guidance team: <ul style="list-style-type: none"><li>• Minor housekeeping changes.</li></ul>
17 January 2013	Completely revised and modernised by the criminal casework operational process and policy team and the modernised guidance team.

**Related links**  
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## Detention reviews (adults)

### When detention must be reviewed

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## Detention reviews (adults)

### Calendar events for 28 day detention reviews

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## Detention reviews (adults)

### Undertaking a detention review

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## Detention reviews (adults)

### Responsibility for carrying out a detention review

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This page tells criminal casework staff the levels of responsibility for carrying out and authorising detention reviews.

On a day to day basis the executive officer (EO) caseworker, team leader or workflow manager is responsible for initiating the start of the detention review and preparing a draft ICD.3078 and IS.151F.

#### Quality assurance and authorisation

The requirement for quality assurance is not mandatory and is at the discretion of the assistant director. The grades set out below are advisory only. Quality assurance, if required, can be done at lower or higher grades.

28 day review	Quality assured by	Authorised by:
Initial decision to detain		Higher executive officer (HEO) or chief immigration officer (CIO) or assistant director (AD) in family cases
1	HEO	Senior executive officer (SEO) or Inspector
2		AD
3		HEO or CIO
4	SEO	SEO or Inspector
5	HEO	HEO or CIO
6		HEO or CIO
7		AD

#### Related links

Links to staff intranet removed



	8		HEO or CIO	
	9		SEO or Inspector	
	10		AD	
	11		Deputy director	
	12	SEO or AD	Director	
	13	HEO	SEO or Inspector	
	14		AD	
	15		Deputy director	
	16	SEO or AD	SEO or Inspector	
	17	HEO	AD	
	18		Director	
	19	SEO or AD	SEO/Inspector	
	20	HEO	AD	
	21		Deputy director	
	22	SEO or AD	SEO or Inspector	
	23	HEO	AD	
	24		Director	
	25 plus – return to cycle beginning at 13 months			

Authorisation must be completed at the grade listed above as a minimum.

	<p>For the sign off process, the detention review must be seen by a maximum of three people, these are:</p> <ul style="list-style-type: none"> <li>• The EO caseworker who drafted the review.</li> <li>• An intermediate manager (only where necessary - refer to the table above).</li> <li>• The person who authorises the review.</li> </ul> <p>It is vital these reviews are carried out within set deadlines. Therefore each person involved in the process must make every effort to complete their work on the day they receive it in order to meet the set detention review timescales.</p> <p>When a detention review is emailed for authorisation, the deadline for sign off and the correct Home Office reference number must be included in the email subject box.</p>	
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## Detention reviews (adults)

### Detention review paperwork

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## Detention reviews (adults)

### Completing the detention review template (ICD.3078) and checklist

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	<p>needed to resolve these</p> <ul style="list-style-type: none"> <li>• new circumstances brought to light since the last review, for example the person may have become a parent or contracted a serious illness which may require lengthy or specialist treatment.</li> </ul> <p><b>Actions taken to progress the case</b>  You must clearly describe any action taken to progress the case since the last review and any recommendations made by the authorising officer at the last review must also be listed along with an account of what action has been taken.</p> <p><b>Action plan</b>  You must set out the steps to be taken in the next period to progress the case. It is important when defending unlawful detention claims that the Home Office can show positive steps to achieving removal. Judges pay particular attention to this section when they look for evidence to show there is a reasonable prospect of removal. It is not enough to simply repeat the same courses of action at every detention review.</p> <p><b>Risk of absconding</b>  This assessment must be based on evidence of previous failures to comply with temporary release or bail, or other failures to comply with immigration control. Risk factors for absconding must be weighed against possible indicators of compliance. These will include previous history of compliance, responsibility for dependants and ongoing treatment for health problems. Factors such as an outstanding appeal, an application for judicial review or further representations may also provide an incentive to keep in touch with the Home Office.</p> <p><b>Risk of harm to the public</b>  This is assessed by the national offender management service (NOMS) unless there is no offender assessment system (OASys) or pre-sentence report available. Where a NOMS assessment is not available the review must make clear who carried out the assessment and the factors considered in arriving at the assessment of risk.</p> <p><b>Medical issues</b>  This must include references to any mental health issues and give details of all factors you</p>	
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	<p>consider when assessing if detention is appropriate, including if the condition can be managed within the immigration removal centre (IRC), and if alternatives to detention have been considered. For more information see chapter 55.10 of the related link: 55 Detention and temporary release.</p> <p>If a rule 35 report is received, detention must be reviewed within two days. For more information see chapter 55.8A of the related link: 55 Detention and temporary release.</p> <p><b>Children</b>  In line with the Home Office's duty under section 55 of the Borders, Citizenship and Immigration Act 2009, where a parent is detained, you must consider where the best interests of children lie. Where the offender is a lone parent and there is a subsisting relationship between the parent and child, and unless there are child protection concerns, this will almost always be in the liberty of the parent. In this case you must consider whether there are any lawful grounds on which the best interests of the child can be overridden.</p> <p>You must get advice from the office of the children's champion (OCC) on whether continued detention is appropriate. Assistant director authority to separate the family must also be obtained where appropriate. For more information on these, see related link: Children and family cases.</p> <p><b>Compassionate circumstances</b>  This section must set out other compassionate circumstances considered when assessing if detention is appropriate.</p> <p><b>Previous applications for bail or temporary release</b>  This must include the number of applications but only give details if the judge's remarks are relevant to the current consideration of detention.</p> <p><b>Recommendation (the reasons to maintain detention or to release)</b>  In this section you must summarise the position of the case with regard to removal and give a recommendation for release or continued detention. It must reflect the presumption to release.</p>	
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	<p>The proposal must clearly state the argument for detention or release, with an assessment of risk of public harm and likelihood of non-compliance weighed against the current length of detention, time-scale for removal and any exceptional compassionate circumstances.</p> <p>The proposal must also state if release has previously been refused by the criminal casework director. You must consider section 55.3.2 of the related link: 55 Detention and temporary release.</p> <p>If your assessment is that continued detention remains lawful and appropriate, you must use the standard wording to make it clear all relevant factors were taken into account when considering the need for initial or continued detention:</p> <p>‘I have assessed this case in accordance with current policy and guidance and conclude that he/she is not suitable for release under conditions of rigorous contact management’.</p> <p><b>Missed review</b></p> <p>A missed review should be a rare occurrence, but if a review is missed it is important to state here the position of the case at the point the missed review was due. If detention would have been maintained it is important to insert the line ‘The missed review made no material difference to the lawfulness of continued detention’. If you do not feel detention would have been maintained, you must immediately consult your manager for advice.</p> <p>The form must then be completed with the caseworker’s signature, name, team and date, together with the details of actions undertaken with regards the IS.151F.</p> <p><b>The detention review checklist</b></p> <p>You must refer to the detention review checklist when carrying out reviews. See related link: Detention review checklist.</p>	
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## Detention reviews (adults)

### Completing the IS.151F

<a href="#">When detention must be reviewed</a> <a href="#">Calendar events for 28 day detention reviews</a> <a href="#">Undertaking a detention review</a> <a href="#">Responsibility for carrying out a detention review</a> <a href="#">Detention review paperwork</a> <a href="#">Completing the detention review template (ICD.3078) and checklist</a> <a href="#">Completing the IS.151F Detention review authorisation</a> <a href="#">Completing the review</a> <a href="#">Notifying the detainee on IS.151F</a> <a href="#">Updating CID to show the detention review is complete</a> <a href="#">Storing detention review paperwork in the Home Office file</a> <a href="#">Detention review timetable</a> <a href="#">Quality assessment forms</a>	<p>This page tells criminal casework caseworkers how to the complete the IS.151F form when reviewing detention. A new IS.151F must be used for every detention review.</p> <p>Monthly reviews of detention must be timely and show balanced consideration of all factors relevant to continuing detention. The review letter must include a subheading that refers to progress since the last report to make sure this issue is addressed and reasons are given to explain any lack of progress.</p> <p>Reasons for detaining will change over time and only those that apply in a particular month must be used. The template on Doc Gen must be used in all cases.</p> <p>The first section of the form covers the personal details of the subject. You must take care not to include aliases which are not confirmed. You must only include aliases you are sure the subject has used.</p> <p>The next section lists the legislative basis and reason for detention. You must choose the relevant option for the subject.</p> <p><b>Reasons for deportation</b></p> <p>This should be a short paragraph on the criminal history that has led to deportation action being taken including the offence and sentence.</p> <p><b>Brief immigration history</b></p> <p>You must insert a brief narrative description of all the key immigration events in chronological order, including:</p> <ul style="list-style-type: none"><li>• the date the decision was served</li><li>• the status of any appeal</li><li>• any appeal decision dates</li><li>• the date the deportation order was issued if this has been done.</li></ul>	<p><b>Related links</b></p> <p>Links to staff intranet removed</p>
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	<p>You must make sure the immigration history is linked to the reasons and factors for maintaining detention, if relevant. For example, dates and details of any failure to comply with conditions, absconding or deception.</p> <p><b>Current barrier to removal</b> You must provide details of the barrier(s) to removal in this section.</p> <p><b>Progress since the last review</b> This follows the barriers to removal section. You must give the stage the barrier is at, together with any actions the subject might take to expedite matters. You must make sure this issue is addressed and reasons are given when there is a lack of progress.</p> <p><b>Travel documentation</b> Following on from these sections are two paragraphs regarding travel documentation. You must use these sections if the subject is obstructing the documentation process. The first paragraph must be tailored to the individual circumstances of the case.</p> <p><b>The facilitated returns scheme (FRS)</b> The next paragraph in the document concerns the facilitated returns scheme (FRS). If the subject cannot be returned forcibly to their country of origin and has so far failed to agree to return voluntarily, FRS must be considered. If FRS is offered the review must include full details of when FRS was offered and what the response was. You must note that European Economic Area (EEA) cases are not eligible for FRS. Instructions on FRS can be found using the related link.</p> <p><b>Reasons and factors for maintaining detention</b> The final section of the document is the list of reasons for detention and relevant factors. You must select the reasons your decision to maintain detention was based on. If possible every reason used must be supported by an appropriate factor. For example if you have said 'There is reason to believe you would fail to comply with any conditions attached to the grant of temporary admission or release', you must select the factors which cover the past behaviour or current position of the case.</p> <p>The option 'There is a risk of further re-offending' replaces the previous option of 'Your</p>	
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	<p>release is considered non conducive' and must be based on a risk assessment completed by the offender manager.</p> <p>The document ends with two sentences of information for the detainee which must not be amended.</p>	
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## Detention reviews (adults)

### Detention review authorisation

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## Detention reviews (adults)

### Completing the review

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## Detention reviews (adults)

### Notifying the detainee on IS.151F

<a href="#">When detention must be reviewed</a> <a href="#">Calendar events for 28 day detention reviews</a> <a href="#">Undertaking a detention review</a> <a href="#">Responsibility for carrying out a detention review</a> <a href="#">Detention review paperwork</a> <a href="#">Completing the detention review template (ICD.3078) and checklist</a> <a href="#">Completing the IS.151F Detention review authorisation</a> <a href="#">Completing the review</a> <a href="#">Notifying the detainee on IS.151F</a> <a href="#">Updating CID to show the detention review is complete</a> <a href="#">Storing detention review paperwork in the Home Office file</a> <a href="#">Detention review timetable</a> <a href="#">Quality assessment forms</a>	<p>This page tells criminal casework caseworkers how to notify the offender of the decision for them to continue to be detained.</p> <p>Once continued detention is properly authorised (and not before), detainees must be notified of the reasons for their continued detention at 28 day intervals.</p> <p>This is done by sending the IS.151F to the place of detention together with an ICD.2967 - confirmation of conveyance form.</p> <p>If a disclaimer is not already signed and held on file it is good practice to include the standard disclaimer form (ICD.3066) with all detention review notifications, unless the subject is appeal rights exhausted or there is a signed deportation order on file.</p> <p>The IS.151F must be faxed to the detention centre or prison to be given to the detainee and a copy must be retained on the file.</p>	<b>Related links</b>  Links to staff intranet removed
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## Detention reviews (adults)

### Updating CID to show the detention review is complete

<a href="#">When detention must be reviewed</a> <a href="#">Calendar events for 28 day detention reviews</a> <a href="#">Undertaking a detention review</a> <a href="#">Responsibility for carrying out a detention review</a> <a href="#">Detention review paperwork</a> <a href="#">Completing the detention review template (ICD.3078) and checklist</a> <a href="#">Completing the IS.151F Detention review authorisation</a> <a href="#">Completing the review</a> <a href="#">Notifying the detainee on IS.151F</a> <a href="#">Updating CID to show the detention review is complete</a> <a href="#">Storing detention review paperwork in the Home Office file</a> <a href="#">Detention review timetable</a> <a href="#">Quality assessment forms</a>	<p>This page tells criminal casework caseworkers how to update CID when the detention review is complete.</p> <p>After issuing the IS.151F you must complete the calendar event detention review on CID and a diary event for confirmation of conveyance.</p> <p>When confirmation of conveyance is received the diary action must be updated on CID.</p> <p>For more information on carrying out these updates see related link: DR CID diary updates.</p>	<b>Related links</b>  Links to staff intranet removed
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## Detention reviews (adults)

### Storing detention review paperwork in the Home Office file

<a href="#">When detention must be reviewed</a> <a href="#">Calendar events for 28 day detention reviews</a> <a href="#">Undertaking a detention review</a> <a href="#">Responsibility for carrying out a detention review</a> <a href="#">Detention review paperwork</a> <a href="#">Completing the detention review template (ICD.3078) and checklist</a> <a href="#">Completing the IS.151F Detention review authorisation</a> <a href="#">Completing the review</a> <a href="#">Notifying the detainee on IS.151F</a> <a href="#">Updating CID to show the detention review is complete</a> <a href="#">Storing detention review paperwork in the Home Office file</a> <a href="#">Detention review timetable</a> <a href="#">Quality assessment forms</a>	<p>This page tells criminal casework caseworkers how to store detention review paperwork.</p> <p>You must place all documentation relating to detention in a plastic wallet on the left hand side of the Home Office file and filed in date order. This includes, though may not be limited to:</p> <ul style="list-style-type: none"><li>• the authorised minute to detain (ICD.3079)</li><li>• subsequent detention reviews (ICD.3078)</li><li>• the 28 day notification to the prisoner (IS.151F)</li><li>• the confirmation of conveyance (ICD.2967), and</li><li>• the detention review checklist (part of ICD.3078).</li></ul>	<b>Related links</b>  Links to staff intranet removed
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## Detention reviews (adults)

### Detention review table

<a href="#">When detention must be reviewed</a> <a href="#">Calendar events for 28 day detention reviews</a> <a href="#">Undertaking a detention review</a> <a href="#">Responsibility for carrying out a detention review</a> <a href="#">Detention review paperwork</a> <a href="#">Completing the detention review template (ICD.3078) and checklist</a> <a href="#">Completing the IS.151F Detention review authorisation</a> <a href="#">Completing the review</a> <a href="#">Notifying the detainee on IS.151F</a> <a href="#">Updating CID to show the detention review is complete</a> <a href="#">Storing detention review paperwork in the Home Office file</a> <a href="#">Detention review timetable</a> <a href="#">Quality assessment forms</a>	<p>This section provides an overview of the process for detention reviews in foreign national offender (FNO) cases.</p>	<p><b>Related links</b></p> <p>Links to staff intranet removed</p>																									
	<table border="1"> <thead> <tr> <th>Step</th><th>Actions</th><th>Comments</th><th>When to be done</th></tr> </thead> <tbody> <tr> <td>1</td><td>Set up calendar events on CID for detention reviews.</td><td>The calendar event must be set for the due date and be, 'CCD 28 day Detention Review'.</td><td>After decision to detain.</td></tr> <tr> <td>2</td><td>Complete draft detention review (DR) – ICD.3078 and IS.151F CCD.</td><td>New templates must be used for each subsequent review. Make sure you use form IS.151F CCD.</td><td>Deadline minus three days.</td></tr> <tr> <td>3</td><td>Pass to team leader or workflow manager for quality assurance and onward transmission for sign off (where appropriate).</td><td>Refer to the authorisation table for appropriate grade. See link on left: Responsibility for carrying out a detention review.</td><td>Deadline minus three days.</td></tr> <tr> <td>4</td><td>Where appropriate, team leader or workflow manager quality assures and passes to authoriser.</td><td>If ICD.3078 is not signed follow instructions as appropriate. For example, redraft the ICD.3078 and IS.151F if necessary, or make release arrangements. Complete detention review checklist (section 17) for authoriser.</td><td>Deadline minus two days.</td></tr> <tr> <td>5</td><td>Authoriser reviews ICD.3078 and approves continued detention.</td><td>If ICD.3078 is not signed follow instructions from the team leader or senior caseworker as appropriate. For example, redraft the ICD.3078 and IS.151F if necessary, or make release arrangements.</td><td>Deadline minus one day.</td></tr> </tbody> </table>	Step	Actions	Comments	When to be done	1	Set up calendar events on CID for detention reviews.	The calendar event must be set for the due date and be, 'CCD 28 day Detention Review'.	After decision to detain.	2	Complete draft detention review (DR) – ICD.3078 and IS.151F CCD.	New templates must be used for each subsequent review. Make sure you use form IS.151F CCD.	Deadline minus three days.	3	Pass to team leader or workflow manager for quality assurance and onward transmission for sign off (where appropriate).	Refer to the authorisation table for appropriate grade. See link on left: Responsibility for carrying out a detention review.	Deadline minus three days.	4	Where appropriate, team leader or workflow manager quality assures and passes to authoriser.	If ICD.3078 is not signed follow instructions as appropriate. For example, redraft the ICD.3078 and IS.151F if necessary, or make release arrangements. Complete detention review checklist (section 17) for authoriser.	Deadline minus two days.	5	Authoriser reviews ICD.3078 and approves continued detention.	If ICD.3078 is not signed follow instructions from the team leader or senior caseworker as appropriate. For example, redraft the ICD.3078 and IS.151F if necessary, or make release arrangements.	Deadline minus one day.		
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	<b>6</b>	Caseworker receives signed ICD.3078.	If ICD.3078 is not signed follow instructions from the team leader or senior caseworker as appropriate. For example, redraft ICD.3078, and IS.151F if necessary, or make release arrangements.	Deadline minus one day.
	<b>7</b>	Send IS.151F or ICD.2967 or ICD.3066 to prison or immigration removal centre (IRC).	Must be despatched by due date.	Due date.
	<b>8</b>	Set calendar event for confirmation of conveyance.	Two working days in advance.	Due date.
	<b>9</b>	Change monthly review calendar event to 'completed'.	The detention review is not complete until the ICD.3078 is signed and the IS.151F has been sent to prison or IRC.	Due date.
	<b>10</b>	Create new calendar event for next review.	The calendar event must be set for the due date and be, 'CCD 28 day Detention Review'.	Due date.
	<b>11</b>	Confirmation of conveyance received, update calendar event to 'confirmation of conveyance received'.	Follow up with prison if not received and it must be stored on Home Office file.	Two days after due date.

## Detention reviews (adults)

### Quality assessment forms

<a href="#">When detention must be reviewed</a> <a href="#">Calendar events for 28 day detention reviews</a> <a href="#">Undertaking a detention review</a> <a href="#">Responsibility for carrying out a detention review</a> <a href="#">Detention review paperwork</a> <a href="#">Completing the detention review template (ICD.3078) and checklist</a> <a href="#">Completing the IS.151F Detention review authorisation</a> <a href="#">Completing the review</a> <a href="#">Notifying the detainee on IS.151F</a> <a href="#">Updating CID to show the detention review is complete</a> <a href="#">Storing detention review paperwork in the Home Office file</a> <a href="#">Detention review timetable</a> <a href="#">Quality assessment forms</a>	<p>This page tells criminal casework caseworkers about the quality assessment form.</p> <p>This form must be used by the team leader or workflow manager for feedback to the caseworker after quality assuring a detention review.</p> <p>For a copy of the form see related link: Quality assessment form.</p>	<b>Related links</b>  Links to staff intranet removed
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## Detention reviews (adults)

### Contact

<a href="#">When detention must be reviewed</a> <a href="#">Calendar events for 28 day detention reviews</a> <a href="#">Undertaking a detention review</a> <a href="#">Responsibility for carrying out a detention review</a> <a href="#">Detention review paperwork</a> <a href="#">Completing the detention review template (ICD.3078) and checklist</a> <a href="#">Completing the IS.151F Detention review authorisation</a> <a href="#">Completing the review</a> <a href="#">Notifying the detainee on IS.151F</a> <a href="#">Updating CID to show the detention review is complete</a> <a href="#">Storing detention review paperwork in the Home Office file</a> <a href="#">Detention review timetable</a> <a href="#">Quality assessment forms</a>	<p>This page explains who to contact for more help with a specific case on detention reviews (adults).</p> <p>If you have read this guidance and still need more help with this category, you must first ask your senior caseworker or line manager.</p> <p>If the question cannot be answered at that level, you may email the criminal casework operational process and policy team (CCOPPT), using related link: Email: CCD process team, for guidance on the policy.</p> <p>Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact CCOPPT, who will ask the MGT to update the guidance, if appropriate.</p> <p>The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: Email: Modernised guidance team.</p>	<p><b>Related links</b></p> <p><b>See also</b></p> <p><a href="#">Information owners</a></p> <p><a href="#">Changes to this guidance</a></p> <p>Links to staff intranet removed</p>
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## Detention reviews (adults)

### Information owner

[When detention must be reviewed](#)  
[Calendar events for 28 day detention reviews](#)  
[Undertaking a detention review](#)  
[Responsibility for carrying out a detention review](#)  
[Detention review paperwork](#)  
[Completing the detention review template \(ICD.3078\) and checklist](#)  
[Completing the IS.151F Detention review authorisation](#)  
[Completing the review](#)  
[Notifying the detainee on IS.151F](#)  
[Updating CID to show the detention review is complete](#)  
[Storing detention review paperwork in the Home Office file](#)  
[Detention review timetable](#)  
[Quality assessment forms](#)

This page tells you about the detention reviews (adults) guidance and who owns it.

Version	2.0
Valid from date	18 July 2013
Policy owner	Criminal casework operational process and policy team (CCOPPT)
Cleared by director	Sonia Dower
Director's role	Director, operational policy and rules unit
Clearance date	16 January 2013
This version approved for publication by	Richard Short
Approver's role	Assistant director, modernised guidance team
Approval date	8 July 2013

Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you must contact CCOPPT, using related link: Email: CCD process team, who will ask the MGT to update the guidance, if appropriate.

The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can send these using the link: email: modernised guidance team.

### Related links

#### See also

[Contacts](#)

[Changes to this guidance](#)

Links to staff intranet removed