
STATUTORY INSTRUMENTS

2018 No. 409

The Short-term Holding Facility Rules 2018

PART 4

MAINTENANCE OF SECURITY AND SAFETY

Removal from association

35.—(1) The Secretary of State may make arrangements for a detained person to be removed from association with other detained persons, either generally or for particular purposes, where it appears necessary in the interests of the security of the short-term holding facility or the safety of the detained person or other persons.

(2) In cases of urgency, the manager may assume the responsibility of the Secretary of State under paragraph (1) but must notify the Secretary of State without undue delay after making the necessary arrangements.

(3) A detained person must not be removed under this rule as a punishment.

(4) A detained person must not be removed under this rule for a period of more than 24 hours without written authorisation of the Secretary of State.

(5) Authorisation under paragraph (4) must not be for a period exceeding seven days from the time of reception of the detained person into the short-term holding facility.

(6) Authorisation under paragraph (4) may be renewed from time to time for a further period not exceeding seven days from the time of reception of the detained person into the short-term holding facility.

(7) Authorisation under paragraph (4) must state the grounds for the removal and the period during which it may continue.

(8) Written reasons for the detained person's removal from association must be given to the detained person—

- (a) within two hours of the initial removal, and
- (b) within two hours of any authorisation under paragraph (4),

unless, in exceptional circumstances, to do so would be contrary to the interests of the security of the short-term holding facility or the safety of the detained person or other persons.

(9) The manager must record the particulars of each removal from association.

(10) Notice of a detained person's removal from association under this rule must be given to a member of the Visiting Committee.

(11) The manager must visit a detained person who is removed from association at least once every 24 hours for the duration of that removal.

(12) The manager must arrange for a health care professional to visit a detained person who is removed from association at least once every 24 hours for the duration of that removal.

(13) Subject to paragraph (14), arrangements for the detained person to resume association with other detained persons may be made at the manager's discretion.

(14) The manager must make arrangements for a detained person to resume association with other detained persons if the health care professional notified in accordance with rule 31(3) or the health care professional visiting the detained person under paragraph (12) of this rule so advises on medical grounds.

Use of force

36.—(1) A detainee custody officer or an immigration officer dealing with a detained person must not use force unnecessarily and, when the application of force to a detained person is necessary, no more force than is reasonable may be used.

(2) No officer may act deliberately in a manner calculated to provoke a detained person.

(3) Particulars of every case of use of force must be recorded by the manager and must be reported to the Secretary of State without undue delay.

Temporary confinement

37.—(1) The Secretary of State may order an unmanageable or violent detained person to be confined temporarily in special accommodation until satisfied that the detained person is no longer unmanageable or violent.

(2) In cases of urgency, the manager may assume the responsibility of the Secretary of State under paragraph (1) but must notify the Secretary of State without undue delay after making the necessary arrangements.

(3) A detained person must not be confined in special accommodation as a punishment.

(4) A detained person must not be confined in special accommodation for a period of more than 24 hours without written authorisation of the Secretary of State.

(5) Authorisation under paragraph (4) must not be for a period exceeding 48 hours but may be renewed from time to time for a further period not exceeding seven days from the from the time of reception of the detained person into the short-term holding facility.

(6) Authorisation under paragraph (4) must state the grounds for the confinement and the time during which it may continue.

(7) Written reasons for the detained person's temporary confinement must be given to the detained person—

- (a) within two hours of initial confinement, and
- (b) within two hours of any authorisation under paragraph (4),

unless, in exceptional circumstances, to do so would be contrary to the detained person's safety or the safety of another person at the short-term holding facility.

(8) The manager must record the particulars of each case of temporary confinement.

(9) Notice of a detained person's temporary confinement under this rule must be given to a member of the Visiting Committee.

(10) The manager must visit a detained person in temporary confinement at least once every 24 hours for the duration of that confinement.

(11) The manager must arrange for a health care professional to visit a detained person in temporary confinement at least once every 24 hours for the duration of that confinement.