
STATUTORY INSTRUMENTS

2018 No. 409

The Short-term Holding Facility Rules 2018

PART 3

DETAINED PERSONS

Health Care

Medical screening

30.—(1) Subject to paragraphs (2) and (4), a detained person must be screened by a health care professional within two hours of admission to a short-term holding facility.

(2) A detained person's consent must be obtained before screening.

(3) Subject to paragraph (4), a detained person is entitled, if they so request, to be screened only by a health care professional of the same sex and the manager must ensure that a detained person is aware of that entitlement prior to any screening.

(4) In the event that a health care professional of the same sex is not available within the two hour time period, the manager must ensure that the screening is conducted as soon as practicable.

General medical care

31.—(1) The manager must ensure that a detained person has access to a health care professional.

(2) A request by a detained person to see a health care professional must—

- (a) be recorded by the officer to whom it is made; and
- (b) be promptly passed to the manager.

(3) The manager must ensure that a health care professional is promptly notified of any request made by a detained person to see a health care professional.

(4) The health care professional notified under paragraph (3) must see the detained person as soon as practicable.

(5) Subject to paragraph (6), a detained person is entitled, if they so request, to be seen only by a health care professional of the same sex.

(6) In the event that a health care professional of the same sex is not immediately available upon request, the manager must ensure that one is available as soon as practicable.

(7) Subject to the conditions in paragraph (8), a detained person is entitled to have access to a health care professional other than the health care professional notified under paragraph (3) or those consulted by that health care professional under paragraph (11).

(8) The conditions are—

- (a) the detained person pays any expenses incurred;
- (b) the manager and the Secretary of State are satisfied that there are reasonable grounds for the request, and

(c) the attendance is in consultation with the health care professional notified under paragraph (3).

(9) Subject to any directions given in a particular case by the Secretary of State, a health care professional selected by or on behalf of a detained person who is party to legal proceedings must be afforded reasonable facilities and opportunity for examining that detained person in connection with those proceedings.

(10) A health care professional at a short-term holding facility must observe all applicable professional guidelines relating to medical confidentiality.

(11) A health care professional at a short-term holding facility may consult with other health care professionals.

(12) A health care professional at a short-term holding facility must obtain, so far as reasonably practicable, medical information relating to each detained person in the short-term holding facility.

(13) A health care professional at a short-term holding facility must ensure that—

(a) a summary of any medical condition affecting a detained person and any treatment which a detained person has received since being detained, or continues to receive, is forwarded as appropriate following the transfer of the detained person or on discharge from the short-term holding facility, and

(b) a copy of all medical records relating to a detained person is also kept in the discharging short-term holding facility to enable effective audit.

(14) Where a member of staff has any concern about the physical or mental health of a detained person they must notify a health care professional at the short-term hold facility of that concern.

Special illnesses and conditions

32.—(1) A health care professional at a short-term holding facility must report to the manager in relation to the case of any detained person whose health is likely to be injuriously affected by continued detention or any conditions of detention.

(2) If a health care professional suspects a detained person of having suicidal intentions—

(a) this must be reported to the manager;

(b) the detained person must be placed under special observation for so long as those suspicions remain, and

(c) a record of the detained person's treatment and condition must be kept throughout that time.

(3) Where a health care professional has concerns that a detained person may have been a victim of torture this must be reported to the manager.

(4) Where a report has been made under paragraphs (1), (2) or (3) the manager must send a copy of any relevant written reports to the Secretary of State promptly.

(5) A health care professional must pay special attention to a detained person whose mental condition appears to require it and make any special arrangements which appear necessary for the detained person's supervision or care.

(6) For the purposes of this rule, "torture" means any act by which a perpetrator intentionally inflicts severe pain or suffering on a victim in a situation in which—

(a) the perpetrator has control (whether mental or physical) over the victim, and

(b) as a result of that control, the victim is powerless to resist.

Notification of illness or death

33.—(1) If a detained person dies, becomes seriously ill, sustains a severe injury or is removed to hospital, the manager must inform the Secretary of State without delay.

(2) Upon receipt of the information in paragraph (1) the Secretary of State must at once inform—

(a) the detained person's spouse, civil partner or next of kin (if their contact details are known), and

(b) any other person whom the detained person has reasonably asked to be informed.

(3) In any case in which the Secretary of State is under a duty to inform the detained person's spouse, civil partner or next of kin under paragraph (2), this must be done in person by an official of the Secretary of State if it is reasonably practicable to do so.

(4) Without prejudice to paragraph (1), if a detained person dies at a short-term holding facility, the manager must give notice without delay to—

(a) the police;

(b) the coroner or, in Scotland, the procurator fiscal having jurisdiction, and

(c) the Visiting Committee⁽¹⁾ responsible for the short-term holding facility.

(1) See section 152 of the Immigration and Asylum Act 1999.