
STATUTORY INSTRUMENTS

2001 No. 238

The Detention Centre Rules 2001

PART II

DETAINED PERSONS

HEALTH CARE

Medical practitioner and health care team

33.—(1) Every detention centre shall have a medical practitioner, who shall be vocationally trained as a general practitioner and a fully registered person within the meaning of the Medical Act 1983(1).

(2) Every detention centre shall have a health care team (of which the medical practitioner will be a member), which shall be responsible for the care of the physical and mental health of the detained persons at that centre.

(3) Each member of the health care team shall (as far as they are qualified to do so) pay special attention to the need to recognise medical conditions which might be found among a diverse population and the cultural sensitivity appropriate when performing his duties.

(4) The health care team shall observe all applicable professional guidelines relating to medical confidentiality.

(5) Every request by a detained person to see the medical practitioner shall be recorded by the officer to whom it is made and forthwith passed to the medical practitioner or nursing staff at the detention centre.

(6) The medical practitioner may consult with other medical practitioners at his discretion.

(7) All detained persons shall be entitled to request that they are attended by a registered medical practitioner or dentist other than the medical practitioner or those consulted by him under paragraph (6), so long as—

- (a) the detained person will pay any expense incurred;
- (b) the manager is satisfied that there are reasonable grounds for the request; and
- (c) the attendance is in consultation with the medical practitioner.

(8) The medical practitioner shall obtain, so far as reasonably practicable, any previous medical records located in the United Kingdom relating to each detained person in the detention centre.

(9) The health care team shall ensure that all medical records relating to a detained person are forwarded as appropriate following his transfer to another detention centre or a prison or on discharge from the detention centre.

(10) All detained persons shall be entitled, if they so wish, to be examined only by a registered medical practitioner of the same sex, and the medical practitioner shall ensure that all detained persons of the opposite sex are aware of that entitlement prior to any examination.

(11) Subject to any directions given in the particular case by the Secretary of State, a registered medical practitioner selected by or on behalf of a detained person who is party to legal proceedings shall be afforded reasonable facilities for examining him in connection with the proceedings.

Medical examination upon admission and thereafter

34.—(1) Every detained person shall be given a physical and mental examination by the medical practitioner (or another registered medical practitioner in accordance with rules 33(7) or (10)) within 24 hours of his admission to the detention centre.

(2) Nothing in paragraph (1) shall allow an examination to be given in any case where the detained person does not consent to it.

(3) If a detained person does not consent to an examination under paragraph (1), he shall be entitled to the examination at any subsequent time upon request.

Special illnesses and conditions (including torture claims)

35.—(1) The medical practitioner shall report to the manager on the case of any detained person whose health is likely to be injuriously affected by continued detention or any conditions of detention.

(2) The medical practitioner shall report to the manager on the case of any detained person he suspects of having suicidal intentions, and the detained person shall be placed under special observation for so long as those suspicions remain, and a record of his treatment and condition shall be kept throughout that time in a manner to be determined by the Secretary of State.

(3) The medical practitioner shall report to the manager on the case of any detained person who he is concerned may have been the victim of torture.

(4) The manager shall send a copy of any report under paragraphs (1), (2) or (3) to the Secretary of State without delay.

(5) The medical practitioner shall pay special attention to any detained person whose mental condition appears to require it, and make any special arrangements (including counselling arrangements) which appear necessary for his supervision or care.

Notification of illness or death

36.—(1) If a detained person dies, becomes seriously ill, sustains any severe injury or is removed to hospital on account of mental disorder, the manager shall inform the Secretary of State without delay and the Secretary of State shall at once inform:—

- (a) the detained person's spouse or next of kin (if he knows of their contact details); and
- (b) any other person who the detained person may reasonably have asked should be informed.

(2) In any case in which the Secretary of State is under a duty to inform the detained person's spouse or next of kin under paragraph (1), this shall be done in person by the appropriate officer wherever it is reasonably practicable to do so.

(3) Without prejudice to paragraph (1), if a detained person dies, the manager shall give notice immediately to the police, to the coroner or procurator fiscal having jurisdiction, to the visiting committee and to the Secretary of State.

Medical examinations required in the interests of others

37.—(1) This rule applies where a detainee custody officer, acting under an authorisation given by the manager under Schedule 12 to the Immigration and Asylum Act 1999, requires a detained person to submit to a medical examination for the purposes of determining whether he is suffering from a disease specified by order under paragraph 3(7) of that Schedule to that Act.

(2) A detained person who has been required to submit to a medical examination shall, so far as is reasonably practicable, be asked to consent to the examination and be informed by the examining medical practitioner—

- (a) that he is being required to submit to a medical examination in accordance with Schedule 12 to the Immigration and Asylum Act 1999;
- (b) of the nature of the disease from which there are reasonable grounds to believe he is suffering; and
- (c) that a refusal, without reasonable excuse, to submit to the medical examination is an offence under that Act.