Home Office

Equality Impact Assessment [EIA]

Section 1: Haslar Immigration Removal Centre (IRC)

An effective immigration detention system, as part of a fair and humane approach to immigration enforcement, is both a government requirement and an expectation of the public. To achieve this, we must provide a detention estate with enough resilience to ensure it can absorb fluctuations in demand, such as a change in in-flow of time-served Foreign National Offenders (FNOs) and short-term operational pressures.

The Home Office currently operates eight immigration removal centres (IRCs) throughout the UK (seven in England and one in Scotland) and three residential short-term holding facilities (RSTHFs) (one in Northern Ireland and two in England). The opening of Haslar IRC will mean there are nine IRCs.

The immigration removal estate is kept under ongoing review to ensure that the Home Office has sufficient resilience, geographical footprint and capacity for the men and women it is necessary to detain for the purposes of removal.

As part of the Government's plans to tackle illegal migration, the Home Office is expanding its detention facilities, to assist with the removal of those with no right to remain in the UK.

The Home Office is redeveloping an IRC at Haslar, in Gosport, which closed in 2015 as part of our modernisation and rationalisation programme. Development is being undertaken in two phases: refurbishment of existing buildings (Phase 1) and new build accommodation (Phase 2). Haslar will be a mixture of refurbished and new-build accommodation built to the latest standards, taking account of findings from external scrutiny reports and internal lessons learned reviews to provide modern, safe, secure and connected accommodation for 130 adult men in Phase 1 with further expansion in the future.

The new Haslar IRC will provide some of that new detention capacity, up to 600 beds for men. Haslar IRC was identified as a suitable option after reviewing a number of government-owned and private sites. When sites were assessed for suitability, the Equality Act 2010 was taken into account, with consideration being given to hospital access and suitability of any existing facilities for those with disabilities. Haslar IRC will house single adult males only.

Improvements to immigration detention have been made in recent years, with a programme of reforms introduced following Stephen Shaw's 2015 and 2018 reviews of welfare in detention as well the findings of the Brook House Inquiry. Both Mr Shaw's reports and our response to the Brook House Inquiry have informed our strategic and tactical approach to immigration detention and those liable for detention. Over time, the Government has necessarily adapted its strategic approach around the use of immigration detention in response to

the international challenge of illegal migration and the need to break the business model of people smuggling gangs.

Detention remains a key part of our immigration system, and we are committed to using detention only when necessary.

The new IRC will operate in line with the statutory framework established by the Immigration Act 1971 and a multi-layered framework of Statutory Instruments (the Detention Centre Rules 2001 (DC Rules) and Short-Term Holding Facility Rules 2018 (STHF Rules)), published Operating Standards for immigration removal centres (IRCs) and individuals under escort and a suite of Detention Services Orders (DSOs) published on gov.uk.
The Operating Standards Manual for IRCs set out the minimum auditable requirements for an IRC. DSOs are guidance documents containing operational instructions to be followed by Home Office staff and staff working on behalf of the Home Office, in relation to the management of specific issues within the removal estate. DSOs ensure that operational activity adheres to the DC Rules, STHF Rules where appropriate and the Operating Standards for IRCs.

The centre will provide safe, secure and fit for purpose accommodation for up to 600 single adult males, with a full range of appropriate activities to meet recreational and intellectual needs in line with Rule 17 DCR 2001. Healthcare facilities will be fully staffed and will ensure compliance against DC Rules 33-37. We will continue to ensure that these and all detention facilities are fit for purpose, and the safety, dignity and welfare of those detained is paramount.

The Home Office is committed to designing and operating the new IRC in a way that reflects and responds to the characteristics and needs of the population who will be detained there. Opening a new male-only IRC is not intended to impact negatively on people with protected characteristics; we are committed to implementing the change in a way which promotes and enhances equality of opportunity, respects diversity and takes into account protected characteristics. Where there may be a negative impact, we explain how this is justifiable and proportionate and explain the mitigating action being taken. This EIA does not consider the potential equality impacts of the SSHD's current detention framework in general.

Phase 1 of the IRC will provide up to 130 beds (compared to approx. 198 at the previous site). The 130 beds are part of the refurbished site, with 470 of the beds within new build site. The refurbished rooms are primarily twin-bedded (with a very small number either single occupancy or triple (one room). While primarily not having in-room sanitation, people staying in the refurbished rooms will have 24/7 access to toilets and showers; this is in line with accommodation in three existing IRCs (Campsfield, Dungavel, Tinsley House).

As with other IRCs, we anticipate the centre holding a mix of time served FNOs and immigration offenders.

All accommodation rooms within the IRC will be fully certified in accordance with Rule 15 of the Detention Centre Rules 2001, ensuring that all residential accommodation is formally assessed and approved as suitable for occupation before use. The rooms will provide a safe, secure, clean and well-maintained living environment, with appropriate standards of space, lighting, ventilation, heating and sanitation to support the welfare, dignity and wellbeing of residents.

The new IRC will incorporate a purpose-designed Care and Separation Unit (CSU) to provide safe, secure and humane accommodation for residents who may need to be removed from normal association under Rule 40 or placed in temporary confinement under Rule 42 of the Detention Centre Rules 2001. The CSU will comprise of certified accommodation designed specifically for these purposes, with rooms that support dignity, welfare and continuous observation where required, while avoiding a punitive environment. The unit will include dedicated interview and consultation spaces, healthcare assessment facilities, access to outdoor exercise, and areas for visits and welfare support, ensuring residents continue to receive appropriate healthcare, legal access, faith provision and regime activities wherever possible. Operational procedures set out in Removal from association and temporary confinement - GOV.UK, will ensure that placement within the CSU is authorised, recorded, reviewed and managed in accordance with Home Office policy, with Rule 40 and Rule 42 measures used only, when necessary, proportionate and as a last resort, and for the shortest period possible. The design will facilitate regular welfare checks, multidisciplinary reviews and reintegration planning, enabling staff to balance safety and security requirements with the wellbeing and dignity of detained individuals.

The provision of a dedicated cultural kitchen and multi-faith facilities will support compliance with Rules 20-25 of the DC Rules 2001 by enabling residents to practice their religion and cultural traditions in a safe and respectful environment. The cultural kitchen will allow residents to prepare food in accordance with their religious and cultural beliefs, while the multi-faith facilities will provide appropriate space for worship, prayer, religious observance and pastoral support. Together, these facilities will promote equality, dignity and freedom of religion, ensuring that the IRC meets its obligations to accommodate the diverse faith and cultural needs of its resident population.

We are engaging with the Legal Aid Agency (LAA) to ensure that all men detained at Haslar have access to the Detained Duty Advice Scheme (DDAS), which provides access to legal advice to all detained individuals in English IRCs. The provision of dedicated facilities for confidential meetings with legal

representatives, together with secure Wi-Fi access and the permitted use of smartphones, will support compliance with Rules 26-31 of the DC Rules 2001 by enabling residents to maintain communication with legal advisers, family members and other external contacts. These facilities will ensure residents have appropriate access to legal advice, correspondence, visits, telephone communication and online resources, helping to safeguard their legal rights and maintain contact with the outside world while in detention.

The IRC will include dedicated search facilities designed to enable searches to be conducted safely, respectfully and in accordance with Rule 7 of the DC Rules 2001. These facilities will provide appropriate levels of privacy and dignity for residents while supporting the security requirements of the centre. Purpose-designed search rooms will allow staff to carry out routine and risk-based searches in a professional and controlled environment, ensuring that all searches are undertaken lawfully, proportionately and with due regard to the welfare of residents.

Section 2: Consideration of aim 1 of the duty: eliminate unlawful discrimination, harassment, victimisation, and any other conduct prohibited by the Equality Act 2010.

The need for significant long-term capacity with a wider national footprint reflects Immigration Enforcement's strategy of modernising the immigration removal estate.

The public sector equality duty under s149 of the Equality Act 2010 requires that in exercising their functions, public authorities must have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Under s149 the eight specified protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race (including ethnic or national origins, colour or nationality); religion or belief; sex; sexual orientation and marriage and civil partnership.

Schedule 18 to the 2010 Act sets out exceptions to the public sector equality duty. In relation to the exercise of immigration and nationality functions, s149(1)(b) – advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it – does not apply to the protected characteristics of age, race (insofar as it relates to nationality or ethnic or national origins) or religion or belief. Schedule 3 to the 2010 Act contains exceptions to the prohibition of discrimination in relation to

several protected characteristics including sex, race, so far as it relates to ethnicity or nationality, and gender reassignment

Direct discrimination is treating someone less favourably because of one or more protected characteristics, and indirect discrimination is doing something in a way that has a less favourable impact on someone who shares a protected characteristic than it does on others who do not share it, unless that treatment is objectively justified. The test to be applied is whether an individual would have received the less favourable treatment if they did not have the protected characteristic[1].

Further, detailed consideration in relation to this specific proposal is given to each of the characteristics below.

a. Direct discrimination

SEX:

By opening a male-only facility at this location, we have considered the risk that the policy constitutes direct discrimination on the grounds of sex.

We consider separating men and women gives an opportunity for dedicated whole site facilities which specifically meet the needs of that sex. The detention estate has long operated sex-segregated IRCs (see section 5 for figures on men in the detention estate). This is due to the significant evidence (and widely accepted principle) that female residents have needs that are different to and often more complex than men and so a sex specific approach is required to manage detained environments in a way that meets the needs of its population, particularly around issues of safeguarding and vulnerability. A full range of recreational and healthcare facilities and multi-faith/prayer will be available to residents and visits will be facilitated in line with those in other centres. Residents will have access to services catering to the particular needs of male populations, such as barbers. Greater physical security measures have been adopted across the IRC, considering the all-male population.

In line with other male-only IRCs, men may be expected to share rooms with other unrelated men. This will be managed and risk assessed on an individual basis in line with the published guidance Room sharing risk assessment (RSRA) - GOV.UK.

We are satisfied that this approach is a proportionate means of achieving the legitimate aim of ensuring that the detention estate is operated as a secure environment so far as is necessary to ensure the safety and security of detained people and staff, tailored to the circumstances of each centre with no more restrictions than are necessary.

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[1] Discrimination and differentiation guidance (page 6), v2.0, published on 22 March 2018 [horizon.fcos.gsi.gov.uk/file-wrapper/discrimination-and-differentiation]. Equality Act 2010, c. 15, 2(2)(13) [Equality Act 2010, c. 15, 2(2)(13). Available at: [https://www.legislation.gov.uk/ukpga/2010/15/section/13].

We do not consider that this policy will result in direct discrimination in respect of this protected characteristic.

RACE: (includes ethnic or national origins, colour or nationality):

Home Office detention policy does not require individuals to be detained, or indeed exclude individuals from immigration detention, on the grounds of race, ethnic or national origins, colour or nationality. Any person who is without leave and requires it may, in principle, be subject to detention, provided that the statutory powers of detention apply and that their detention is in line with published Home Office policy on the use of detention. This principle will apply at Haslar.

The Operating Standards stipulate the minimum auditable standards on a range of issues, including race relations, concerned with the management and operation of IRCs. All IRCs are required to have anti-bullying systems and strategies in place to work towards minimising the occurrences of bullying and all other forms of threatening or anti-social behaviours. In addition, supplier staff, Detainee Custody Officers (DCOs) and Home Office staff working in IRCs receive training on equality and diversity.

On admission to an IRC, detained people are encouraged to sign a "Compact" setting out their responsibilities and rights whilst in detention. It makes clear that they are required to treat each other with respect regardless of (amongst other things) the individual's race or nationality background.

Published Home Office guidance 'DSO 06/2013 Reception and Induction Checklist and Supplementary Guidance' requires the contracted service provider operating immigration detention facilities to conduct primary and secondary language assessments of each detained individual during the arrivals and induction process. The outcome of which is recorded on the individual's detention profile on the contracted service provider's information database, to enable appropriate support with engagement throughout their time in the IRC. Professional interpreting facilities must be used whenever language barriers are identified on reception, induction or discharge.

To address potential language barriers that may be experienced by those of different nationalities, 'DSO 02/2022 Interpretation Services and use of Translation Devices' provides instruction and guidance on the use of interpretation services and electronic translation devices. It sets out the provisions, including interpretation services and translation devices available for individuals held in immigration detention, and the circumstances in which these should be used. This guidance requires that staff consider the individual needs of the detained individual and circumstances of the engagement when deciding which interpretation or translation method should be used. The service provider is contractually required to adhere to the instructions set out in DSOs.

We do not consider that this policy will result in direct discrimination in respect of this protected characteristic.

RELIGION / BELIEF & NON-BELIEF:

Home Office detention policy does not require individuals to be detained or exclude individuals from immigration detention by virtue of their religion or belief. Any individual may in principle be detained regardless of religion or belief (or absence of it), provided that one of the statutory powers of detention is engaged and their detention would be in line with published Home Office policy on the use of detention. This principle will apply at Haslar IRC.

Full provision will be made for a dedicated multifaith area as part of the phase 1 work and will be available residents.

Rule 22 of the DCR 2001 requires that a Minister of Religion (MOR) must be appointed at each IRC where the number of residents so warrants it and that arrangements must be made for MORs to meet every resident of their religion as soon as possible after their reception to detention. Under DC Rule 23 arrangements must also be made for Ministers of Religion to visit detained persons as often as they reasonably can, whilst the individual remains in detention. The Detention Services Operating Standards for IRCs set timescales for visits by Ministers of Religion. The Standards similarly require the establishment of a multi-faith team in each IRC and the publishing of a calendar of religious festivals and observances. These Rules will be adhered to in the operation of Haslar IRC.

Those who practice a certain religion or belief and have specific dietary requirements, will be offered meals suitable for their needs.

We do not consider that this policy will result in direct discrimination in respect of this protected characteristic.

GENDER REASSIGNMENT:

Home Office detention policy does not exclude individuals from detention by virtue of the fact that they are undergoing, or have undergone, gender reassignment. However, under the Adults at Risk policy, being a transgender person is specified as an indicator of risk of harm in detention. Someone who has undergone gender reassignment may therefore be detained only when the immigration control factors outweigh the evidence of their vulnerability.

Currently, an interim operational instruction Care and management of transgender individuals in the immigration removal estate (accessible) - GOV.UK) provides guidance on placement and risk assessment of transgender individuals in the detention estate. This will be replaced with a further interim instruction which aligns with the Equalities and Human Rights Commission Codes of Practice. This instruction will remain in place and apply to Haslar IRC unless / until substantive guidance is published.

Following the Supreme Court Judgment in the case brought by For Women Scotland against the Scottish Government on the issue of the meaning of "sex" in the Equality Act 2010, For Women Scotland Ltd (Appellant) v The Scottish Ministers (Respondent), the Home Office are developing an agreed cross-departmental approach on matters of accommodation and searching of transgender individuals in various settings, including immigration detention. The agreed approach will inform a new and substantive version of the DSO (11/2012) on the management of transgender individuals in detention.

We do not consider that this interim guidance, or more in-depth DSO (when published) will result in direct discrimination in respect of this protected characteristic, particularly as the DSO will be based on an agreed Home Office approach to the Supreme Court Judgment, based on legal advice. We do not consider that the implementation of these changes will directly discriminate against anybody due to gender reassignment status.

SEXUAL ORIENTATION:

It is a long-standing policy that being lesbian, gay or bisexual of itself is not grounds for exclusion from detention. In his 2016 review of resident welfare Stephen Shaw did not recommend any change to this position and the Home Office accepted this. Individuals who identify as LGB are therefore just as likely to be detained as their heterosexual counterparts provided that the statutory powers of detention are engaged, and their detention would be in line with published Home Office policy.

The published guidance DSO - 02-2016 Lesbian, gay and bisexual detained individuals mitigates the risk of LGB individuals facing indirect discrimination through increased vulnerability to harassment, lack of tailored welfare support, and absence of clear complaint routes for homophobic behaviour. The published guidance sets out requirements for structured safeguards such as mandatory staff training, designated welfare officers, and confidential reporting mechanisms.

As referenced above, all IRCs must have an anti-bullying strategy in place to ensure a safe and respectful environment. The strategy must include advice to individuals on who to speak to if they are subject to bullying due to their sexual orientation and must provide information for staff on steps to take to detect, measure and monitor homophobia, and how to address concerns and challenge homophobic behaviour. The DSO requires dedicated welfare support through welfare officers and designated LGB leads, ensuring detained individuals have access to confidential advice and assistance. Mandatory equality and diversity training, including LGB awareness, equips staff to identify vulnerabilities and respond appropriately. Robust complaint systems encourage LGB detained individuals to raise concerns safely, while visibility and inclusion measures—such as diversity posters and education events-help create an environment where LGB detained individuals feel respected and included.

We do not consider that this policy raises issues of direct discrimination in respect of this protected characteristic.

PREGNANCY AND MATERNITY:

Section 60 of the Immigration Act 2016 provides that a pregnant woman detained pending removal or deportation may be detained only if her removal or deportation will take place shortly or there are exceptional circumstances to justify her detention. In either case, her detention may last for no more than 72 hours although, in exceptional circumstances, this may be extended up to an absolute maximum of 7 days if that extension is authorised by a Minister. During the short periods pregnant women are in detention they will receive the same treatment and access to services as though they were in the local community.

As the new centre will not house women, we do not consider that these proposals are directly or indirectly discriminating in relation to pregnancy and maternity.

AGE:

Where family groups with children under 18 are detained for removal, their detention will be governed by the limitations set out in the Immigration Act 2014 and managed in line with the published guidance Definition of a family for the purposes of accommodation - GOV.UK, Detention and escorting: safeguarding children - GOV.UK and Gatwick pre departure accommodation arrangements - GOV.UK. To secure the UK border, the Home Office may also detain families with children at ports pending a decision on whether to grant them entry or, having been refused entry, pending their return flight.

The Adults at Risk (AAR) policy specifies being aged 70 years or over as an indicator of risk of harm in detention. This policy introduced in September 2016 as part of the (then) Government's response to the first independent review into the welfare of people in immigration detention by Stephen Shaw, referred to above, strengthened the presumption against the detention of those who are regarded as being vulnerable to harm in detention. This includes people aged 70 years and over. The AAR policy will be replaced by the Assessing Detention for Vulnerable People (ADVP) policy before Haslar IRC opens. The new policy will maintain that being aged 70 or over is an indicator of vulnerability in detention. People falling into this age group will be detained only when immigration control considerations in their case outweigh their inherent vulnerability. These policies will apply to individuals detained at Haslar IRC.

Children will not be detained in the new IRC. A boy who is initially detained as an adult, but whose age is later disputed as being under 18 years, will have already been detained prior to the age dispute issue having arisen. As the published Assessing age guidance makes clear, where an individual's appearance and demeanour do not strongly suggest they are significantly over 18 and doubt remains, they are temporarily treated as a child and transferred to a local authority pending further consideration of their age. Where the individual in question meets the published Home Office "age dispute" criteria, the published guidance and instructions on the Care and management of post detention age claims - GOV.UK will be followed, an

individual risk assessment is completed without delay, within 3 hours safeguards are applied within the place of detention, including single occupancy accommodation where appropriate, and removal action is paused until the dispute is resolved. Safeguarding care plans are reviewed every 72 hours by relevant professionals so that welfare measures remain appropriate and are documented until the age dispute is resolved.

Individuals in detention who then claim to be under the age of 18 are either released into Local Authority care or determined to be an adult and their detention maintained.

We do not consider that opening the new IRC will raise direct discrimination issues in respect of age.

DISABILITY:

Home Office detention policy does not operate with absolute exclusions in relation to specific groups, such as those with either mental or physical disabilities or impairments. Under the Adults at Risk policy and the future ADVP policy an individual considered to be "at risk" will be detained only when the immigration control factors outweigh the evidence of vulnerability presented in their case. Having a serious mental or physical disability, including suffering from post-traumatic stress disorder, are specified as indicators of risk under the policy.

The Adults at Risk (AAR) policy and future ADVP policy both identify those who suffer from a "serious physical disability" as vulnerable in detention. They also stress the importance of considering any practical measures that may be required to meet specific needs or make reasonable adjustments in light of that disability as key factors, alongside the decision to detain or maintain the person's detention. Mental illness is covered in the AAR/ADVP policy. The policy sets out that the extent to which the condition and its associated impact on the individual should be factored into any consideration of detention and into consideration of their general management through the immigration process.

Detention Services Order 4/2020 "Mental vulnerability and immigration detention- nonclinical guidance" provides guidance on provision of support to those with mental vulnerabilities in detention.

A person with disabilities may be held at any IRC that can accommodate their needs. There is disabled access across the majority of the estate for those who are able to move independently and are capable of participating in the regime with minor assistance from others.

Refurbished buildings in Phase 1 are old and therefore do not comply with modern DDA standards. To gain full compliance, a full-redesign and restructure of the works would have been required which would have incurred time and cost implications to the refurbishment. This would have applied to the bedrooms as well as the rest of the Phase 1 space.

We will continue to use the existing compliant DDA accommodation within the rest of the IRC estate until DDA compliant accommodation and facilities are delivered within Phase 2 (new build construction). The design of the Haslar Phase 2 development has been prepared to ensure full compliance with the Equality Act 2010 and the principles of inclusive design as set out in Approved Document M of the Building Regulations. The scheme seeks to provide equitable, safe, and dignified access for all users, including staff, visitors, and residents with disabilities.

We do not consider that opening the new IRC will pose direct discrimination issues in respect of disability.

MARRIAGE AND CIVIL PARTNERSHIP:

Home Office detention policy does not exclude individuals from immigration detention by virtue of their being married or in a civil partnership. Any individual may in principle be detained regardless of their marital/civil partnership status provided that one of the statutory powers of detention is engaged and their detention would be in line with published Home Office policy on the use of detention.

Where operationally possible, heterosexual married couples who are both being detained would be defined as a family and would be accommodated together in a mixed-sex IRC. Male partners in heterosexual couples are therefore unlikely to be detained in Haslar.

A same sex male couple may be detained in Haslar. In line with the published guidance Definition of a family for the purposes of accommodation - GOV.UK all efforts will be made to accommodate them in the same centre and in the same room or in the same sleeping area.

Where it is necessary to separate members of a family after they have been detained, the family separation policy will be adhered to.

Any requests to marry from individuals detained in Haslar IRC will be managed in line with published guidance Marriage or civil partnership in the immigration removal estate - GOV.UK.

We do not consider that opening the new IRC will pose direct discrimination on the grounds of marriage/civil partnership.

b. Indirect discrimination

SEX:

We have considered whether this policy position in relation to sex could result in indirect discrimination as the policy of segregating by sex in IRCs means that one gender is always likely to be disproportionately impacted by the characteristics of a particular regime or location of a given centre. If this policy were to result in indirect discrimination, it is considered that the proposals are

a proportionate means of achieving a legitimate aim for the same reasons as set out above: seeking to ensure that the immigration detention estate is tailored to the needs of women and men as appropriate, has the right amount of capacity, is fit for purpose and flexible, and serves the whole of the UK whilst minimising the cost to the public purse where possible.

RACE: (includes ethnic or national origins, colour or nationality)

Where individuals in detention consider they are experiencing discrimination, or other negative treatment as a result of their race, nationality or ethnic origins they will continue to be able to request transfers to another IRC in the estate, in line with arrangements set out in DSO 3/2016 "Resident Placement". By expanding the detention estate footprint we are providing more flexibility and scope to meet such requests.

We do not consider that opening this new IRC will have any disproportionate impact on persons of a particular race, however, in the event there were any disproportionate impact the decision to open this IRC is justified as a proportionate means of achieving the legitimate aim of developing the detention estate in an appropriate manner across the UK, as set out above.

RELIGION / BELIEF & NON-BELIEF:

As a Minister of Religion will be appointed to the new IRC, along with a multi-faith team, it is reasonable to assume that if issues arise specifically connected to a particular individual's religion/belief the relevant Minister of Religion should be available to provide assistance to resolve them. We do not consider that these changes will have a disproportionate impact upon people of different religions or no religion, but to the extent that they do, we consider that this is a proportionate means of achieving the legitimate aim set out above.

GENDER REASSIGNMENT:

Home Office detention policy does not completely exclude individuals from detention by virtue of the fact that they are undergoing, or have undergone, gender reassignment. However, under the Adults at Risk policy, being a transgender person is specified as an indicator of risk of harm in detention. Someone who has undergone gender reassignment may therefore be detained only when the immigration control factors outweigh the evidence of their vulnerability.

The future guidance in relation to the care and management of transgender individuals is expected to set out that transgender individuals require separate sleeping accommodation and washing facilities and may require alternative or supervised access to regime activities based on their circumstances, risk and need. In order to manage this operationally, it is expected that transgender individuals will only be detained in mixed-sex locations. It is expected that this

guidance will apply when Haslar opens and therefore, transgender individuals will not be detained at the IRC.

The above referenced guidance is not yet in force. Accordingly, in the alternative position where transgender individuals were to be detained in Haslar, the following mitigations would be in place. The existing interim instruction on the care and management of transgender detained individuals requires that a vulnerable adult care plan is opened for each respective individual, and a multi-disciplinary team (MDT) meeting scheduled, to consider the individual's circumstances. The purpose of the care plan is to provide clear information for the individual and staff about the preferences, requirements, obligations and entitlements in respect of the individual and will cover issues such as accommodation and facilities.

The Home Office acknowledges that detained persons with this protected characteristic may be more susceptible to being bullied by other people in detention. They may also have other welfare issues stemming from their gender identity, and these are supported through relevant staff attendance at the MDT and agreement of provisions based on the individual's circumstances and needs.

We do not consider that this approach will have an adverse impact upon transgender people as compared to people who are not transgender. To the extent that it does impact upon them, we consider that this is a proportionate means of achieving the legitimate aim set out above.

SEXUAL ORIENTATION:

In his review of resident welfare Stephen Shaw made some criticisms about the general treatment of lesbian, gay and bisexual people in detention and recommended that the Home Office should consider drawing up a Detention Services Order to address their needs. He also recommended that anti-bullying policies should explicitly reference lesbian, gay and bisexual residents. In response to these comments, where a gay, lesbian or bisexual individual chooses to declare or express their sexual orientation openly there are established procedures, set out in DSO 2/2016 "Lesbian, gay and bisexual residents in the detention estate" for dealing with vulnerabilities associated with sexual orientation, in particular the fact that lesbian, gay and bisexual people may be more likely to experience bullying/harassment from other people in detention. Where a gay, lesbian or bisexual individual's sexuality is openly expressed, the Home Office acknowledges that people with this protected characteristic may be more susceptible to being bullied by other people in detention.

To mitigate these disadvantages, all centres must have an anti-bullying strategy in place to ensure a safe and respectful environment. The strategy must include advice to individuals on who to speak to if they are subject to bullying due to their sexual orientation and must provide information for staff on steps to take to detect, measure and monitor homophobia, and how to

address concerns and challenge homophobic behaviour. The DSO 2/2016 requires dedicated welfare support through welfare officers and designated LGB leads, ensuring detained individuals have access to confidential advice and assistance. Mandatory equality and diversity training, including LGB awareness, equips staff to identify vulnerabilities and respond appropriately. Robust complaint systems encourage LGB detained individuals to raise concerns safely, while visibility and inclusion measures—such as diversity posters and education events-help create an environment where LGB detained individuals feel respected and included.

Additional support is available for LGB detained individuals who have other vulnerabilities, such as disability, age, or mental health conditions. By fostering a safe and inclusive environment, the DSO reduces barriers to engagement and ensures detained individuals can exercise their rights and access support on an equal basis.

We do not consider that this policy will have a disproportionate impact upon people of any particular sexual orientation, but to the extent that they do, we consider that this is a proportionate means of achieving the legitimate aim set out above.

PREGNANCY AND MATERNITY:

Section 60 of the Immigration Act 2016 provides that a pregnant woman detained pending removal, or deportation may be detained only if her removal or deportation will take place shortly or there are exceptional circumstances to justify her detention. In either case, her detention may last for no more than 72 hours although, in exceptional circumstances, this may be extended up to an absolute maximum of 7 days if that extension is authorised by a Minister. During the short periods pregnant women are in detention they will receive the same treatment and access to services as though they were in the local community. As the new centre will not house women, wo do not consider that these proposals are directly or indirectly discriminating in relation to pregnancy and maternity.

AGE:

Although any person may experience health problems whilst in detention, such issues are likely to be more common in elderly people, given that infirmity increases with age. Where the elderly are detained the provision of round-the-clock IRC primary healthcare from doctors and nurses ensures that any existing health issues the individual may have, or which may arise whilst in detention, will be identified and treated as per the Adults at Risk in Immigration Detention Guidance. We do not consider that these changes will have a disproportionate impact upon people with this protected characteristic, but to the extent that they do, we consider that this is a proportionate means of achieving the legitimate aim set out above.

DISABILITY:

Following publication of DSO 08/2016 "Management of adults at risk in the detention estate" a consistent approach is taken by all Home Office, supplier and healthcare staff working with those in detention to identify and record changes to the physical or mental health of a person in detention, or a change in the nature/severity of any previously identified vulnerability, alongside the current IS91RA risk assessment process. Any vulnerability that may impact on the safety and wellbeing of an individual must be addressed and reasonable adjustments be put in place, which must be documented in the care plan.

The Detention Engagement Team in the IRC aim to conduct an induction for all people entering detention within 48 hours of arrival as well as regularly engaging with each individual throughout their detention. Their one-to-one interactions support the wellbeing of people in detention, particularly in identifying any signs of vulnerability and / or signs of deterioration in physical or mental health.

The new IRC will be able to accommodate people with disabilities in line with the rest of the estate once phase 2 construction is complete.

MARRIAGE AND CIVIL PARTNERSHIP:

Detained individuals who are married or in a civil partnership may well be anxious as a result of being separated from their partner because of detention, though this is not automatic and is equally likely to apply to any detained person in a long-term relationship. We will facilitate visits on a daily basis in line with other IRCs.

Accordingly, we do not consider that these changes will have a disproportionate impact upon people of any particular marital status, but to the extent that they do, we consider that this is a proportionate means of achieving the legitimate aim set out above.

Section 3: Consideration of aim 2 of the duty: Advancing equality of opportunity between people who share a protected characteristic and people who do not share it.

The Equality Act specifies regard to three specific aspects:

- removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and

- encouraging persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Schedule 18 to the 2010 Act sets out exceptions to the public sector equality duty in relation to the exercise of immigration and nationality functions – s149 (1)(b), advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it – does not apply to the protected characteristics of age, race (insofar as it relates to nationality or ethnic or national origins) or religion or belief.

Therefore, the following protected characteristics have been considered:

- disability:
- gender reassignment
- pregnancy and maternity
- sex
- sexual orientation

As stated elsewhere in this document, by opening a male-only IRC we are inevitably making different arrangements for people being detained, on the basis of their sex. Otherwise, individuals who share and do not share protected characteristics will be equally subject to the same regime within the new IRC, the exception being those with a disability, with policies in place as outlined above to ensure that a protected characteristic does not impede an individual's ability to take advantage of the activities and facilities available.

We do not consider any further action is required to advance equality of opportunity, as there are clear justifications for the proposal.

This is justifiable under the Equality Act 2010.

Those in immigration detention's ability to participate in public life is inevitably constrained by virtue of their detention, though as indicated elsewhere in this document, they will continue to have access to telephones, the internet, Skype and other forms of communication including visits.

Section 4: Consideration of aim 3 of the duty: Fostering good relations between people who share a protected characteristic and persons who do not share it.

The Equality Act specifies that having due regard to this limb involves considering the need to:

(a) tackle prejudice; and,

(b) promote understanding

Individuals who share and do not share protected characteristics will be equally subject to the policy, with the potential only for discrimination on the basis of sex. We regard the policy overall of expanding the estate with due regard for the needs of the detained population overall as a proportionate means of achieving a legitimate aim. As a result, we do not consider there to be a risk to good relations.

We do not believe that opening a male-only IRC will adversely affect or impact people who share a protected characteristic nor will it affect good relations between people who share a protected characteristic.

Section 5: Ongoing compliance with the PSED.

In opening the new IRC, we are broadening the detention estate footprint, providing greater flexibility whilst ensuring sufficient detention capacity for both men and women.

IRCs have a range of long-standing welfare arrangements in place to support people in detention, including a range of specific DSOs about the management and support of those with protected characteristics. Service providers in IRCs provide health and welfare services; with 24-hour healthcare available to all detained persons.

The introduction of Home Office Detention Engagement Teams (DETs) in IRCs as a result of Stephen Shaw's review into the welfare of people in detention has improved the ability of those detained to seek advice, help or support. Having an on-site engagement officer enables any issues raised to be addressed quickly and signposting to Legal Advice Surgeries where required.

Ministers of Religion offer a source of welfare support; the new IRC will cater to all major religions and requests can be made for any Minister who is not readily available.

Evidence considered

Home Office records show that the number of men entering detention over recent years were as follows:

2016	Total 24,810
2017	Total 23,289
2018	Total 21,129
2019	Total 21,114
2020	Total 13,808
2021	Total 24,072
2022	Total 20,000
2023	Total 16,785
2024	Total 18,393
2025	Total 20,681

Source: "Immigration system statistics data tables," *GOV.UK*, published on 24 August 2023, last updated 27 August 2026:

https://www.gov.uk/government/statistical-data-sets/immigration-system-statistics-data-tables#detention

His Majesty's Inspectorate of Prisons (HMIP) Reports

HM Inspectorate of Prisons (HMIP) and other external monitoring bodies have made comments which are relevant to our decision to open a new IRC on the site of the former Haslar IRC. Some of these are reproduced below.

The published HMIP Expectations for Immigration Detention (https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2018/03/Immigration-Expectations-FINAL.pdf) set out the detailed criteria used by the inspectorate for assessing the conditions for and treatment of immigration residents.

The final inspection by HM Inspectorate of Prisons of the former Haslar IRC took place in February 2014 (published in July 2014) found that "*Haslar was a respectful institution. Residential units were old and worn, and the environment in the exercise yard could be improved, but facilities were adequate and the centre was reasonably clean. Good relationships between staff and residents underpinned many of the centre's strengths and offset some of the frustrations caused by detention."* And that *"Arrangements for family and friends to visit residents were good. Most residents had a mobile telephone but poor reception hindered their ability to keep in touch with the outside world, as did the lack of access to Skype or social networking sites……. Despite these criticisms, Haslar is one of the better centres that we have inspected. Its strengths are derived in large part by the sound relationship between staff and residents, which in turn are driven by the active and visible management team. We have identified areas for improvement but, overall, this is a good report".*

Independent Monitoring Board report 2014

The final report by the Independent Monitoring Board for Haslar (covering the calendar year 2014), stated that "*This Report from the Independent Monitoring Board (IMB) is generally positive… This has been a year of continuing steady progress, to a more customer focused regime, but with no loss of authority of the staff nor a diminution of security. The chairing of the weekly Resident Consultative Meetings by senior staff has sent a powerful message to the residents about the commitment of the staff to their needs. The significant reduction in applications to see and speak to members of the IMB this year by residents is considered to be because of this change of emphasis, and the quicker throughput of residents ….. Accommodation, although much improved in the past four years, remains basic. The re-siting of the HOIE staff, and the conversion of their office accommodation to an extended dormitory has allowed the operational maximum number of residents to rise to 197. Recently, the resident population has nearly reached full capacity on occasions.*
Board members often take the opportunity to ask residents leaving the Centre how they feel they have been treated. During 2014 the response was usually

positive, with Officers described as being helpful, and comparing Haslar favourably against other IRCs.

Shortcomings in heating, plumbing or cleanliness are soon attended to. Residents are encouraged to report these directly to Dormitory Officers or to the DCM meetings."

Former Prisons and Probation Ombudsman, Stephen Shaw's, reports on welfare in immigration detention

Haslar was not reviewed in detail by Stephen Shaw in his reviews of welfare in immigration detention as the IRC was decommissioned shortly after Mr Shaw commenced his first review; the review mentions Haslar only a handful of times (primarily in relation to statistics covering periods prior to closure).

In developing plans for the new site, we will be taking Mr Shaw's reports into account, providing a mix of refurbished and new-build accommodation meeting modern standards and guidance in relation to the occupancy, size and layout of rooms and the provision of facilities and services.

The site will be a secure IRC. People will be detained under immigration powers and will not be free to leave the centre. A full range of recreational, educational and healthcare facilities will mirror those currently operated at other IRCs holding men and will include a gym, cultural kitchen, barbers, the ability to purchase items from a shop, access to a computer suite, education, well-being services, welfare and access to legal services. Multi faith/prayer rooms will also be available to detained individuals.

Options for an effective travel plan to facilitate visits to residents (including transport from the Gosport/Portsmouth ferry to the centre) are being explored. As such, we do not anticipate the centre having a significant negative impact on local residents but will continue to engage local stakeholders and listen to their views as our plans develop. Careful consideration has been given to the build stages to ensure that there is sufficient regime and activity space for those at Haslar at Phase 1 of the build and before the site is fully completed. There will be full access to all amenities as the site opens for Phase 1. We have reviewed the timeline for provision of DDA compliant rooms within Haslar IRC.

The Detention Centre Rules 2001 make provision for the regulation and management of IRCs. They provide for matters such as:

- Welfare and privileges of detained persons,
- Certification of accommodation,
- Time in open air,
- Diversity of religion, religious denomination in detention and religious services,
- Security and safety,
- Duties of Detainee Custody Officers

Detention Centre Rule 3 defines the purpose of IRCs as to provide for the secure but humane accommodation of detained persons in a relaxed regime with as much freedom of movement and association as possible, consistent with maintaining a safe and secure environment, and to encourage and assist detained persons to make the most productive use of their time, whilst respecting in particular their dignity and the right to individual expression.

The Detention Services Operating Standards manual - GOV.UK (www.gov.uk) for IRCs stipulates minimum auditable standards on a wide range of issues concerned with the management and operation of IRCs. These include specific sections related to disability, women, race relations and religion.

Regarding operational practice in immigration detention more generally, the Home Office has published a range of mandatory guidance (Detention Services Orders) which gives focused and specific consideration to the treatment of individuals who possess certain protected characteristics. This guidance includes:

- An interim instruction on the care and management of transgender detained individuals which requires consideration of individual needs through vulnerable adult care plans and MDT discussions, considering preferences, requirements in respect of the individual and covers decisions as to accommodation and facilities.

- As referenced above, this will be superseded by substantive guidance (replacing the previous DSO 11/2012) following an agreed departmental approach on the interpretation of the aforementioned Supreme Court Judgment.

- Detention Services Order 14/2012, and IOI 07/2026 on the care and management of age dispute cases in the detention estate, which provides guidance for staff on how to safeguard individuals in the detention estate who claim to be under 18 years of age, including when there is a lack of physical or definitive documentary evidence to prove that this is the case.

- Detention Services Order 02/2016, on LGB residents, which sets out standards for the treatment of LGB persons in the immigration detention estate.

- Detention Services Order 4/2020 "Mental vulnerability and immigration detention-nonclinical guidance" which provides guidance on provision of support to those with mental vulnerabilities in detention.

- Detention Services Order 08/2016 'Management of adults at risk in immigration detention' which provides guidance on the care and management of adults in detention who are identified as being at risk in line with the Adults at Risk in Immigration Detention Policy. This includes (but is not limited to) those identified as those suffering with a

mental health condition or impairment, suffering from a serious physical disability, suffering from other serious physical health conditions or illnesses, being aged 70 or over and being a transexual or intersex person.

- Detention Services Order 9/2012 on searching policy provides guidance on the searching of detained individuals, staff, visitors, vehicles and mail and makes specific reference to religious/cultural considerations. It is acknowledged that this guidance is expected to be updated following the agreement of a departmental approach on the interpretation of the aforementioned Supreme Court Judgment.

- Detention Services Order 6/2026 provides guidance about facilitating marriage or civil partnership of detained individuals outside immigration removal centres.

The statement of requirements for the site and services at Haslar IRC will conform to the Immigration Removal Operating Standards and DSOs

Section 6: Section 55 duty (for immigration, asylum, and nationality considerations only).

Children will not be detained in the new IRC. A boy who is initially detained as an adult but whose age is later disputed as being under 18 years, may have already been detained prior to the age dispute issue having arisen. Where the individual in question meets the published Home Office "age dispute" criteria, they will be released from detention to the care of local authority children's services at the earliest opportunity, whilst their age is established. The Interim Operation Instruction 07/2026 provides guidance on the care and management of age-disputed individuals within the immigration removal estate, pending publication of the revised DSO .

Section 7: Risks to vulnerable individuals and other groups *(*if applicable).*
As per other IRCs , men detained at Haslar IRC will only be detained where this is in accordance with the Adults at Risk in immigration detention policy and general detention policy. Further Adults at Risk guidance is in place which provides instructions to staff who are involved in making decisions about the immigration detention of adults considered to be potential or confirmed victims of modern slavery.

Adults at risk in immigration detention.docx

Section 8: Declaration and sign off.

I have read the available evidence, and I am satisfied that this demonstrates compliance, where relevant, with section 149 of the Equality Act 2010 and that due regard has been had to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.

This EIA will be reviewed on: **12/10/2027**

SCS Name & Title: Frances Hardy, Deputy Director

Directorate/Unit: Immigration Detention, Detention Services

Lead contact: [redacted]

Date: 12/10/2026

