

Process Communication

To: E&R staff

Subject: Revised instructions for handling injunctions against removal

Approved by: Dave Roberts

Approved on: 16 August 2006

This note sets out a new system for handling injunctions. The courts have made it clear that it is the responsibility of individual members of staff to take all reasonable steps to verify that an injunction has been granted. If staff do not take all reasonable steps to confirm an injunction has been granted and take action to cancel the removal they risk being personally held in contempt of court. E&R staff should also note the revised process instructions when setting removal directions and when removing claimants.

Injunctions

Where an injunction has been obtained or alleged to have been obtained it is the responsibility of staff in the LEO to carry out the following actions:

1. If an injunction is alleged by the representatives or by the person subject to removal, the LEO should normally seek to confirm this by fax with the legal representative. Staff should be aware that the written confirmation from the representative is unlikely to be anything beyond "Mr Justice X has granted an

injunction barring removal – this is the phone number of the clerk of the judge who can be called to confirm the existence of the order”. If the person subject to removal makes any claim that some form of injunction has been obtained to prevent their removal, the onus is on staff to contact the legal representative to confirm what action has been taken in order to prevent the removal going ahead, using the emergency contact number available. If there is any reason to believe an injunction may have been granted the LEO must make every effort to check with the duty judge to confirm verbally that an injunction has been issued. When confirmation is obtained, the removal must be halted. In instances where the removal is imminent or is in progress all reasonable steps should be taken to ensure that the removal is stopped.

2. Where the escorting agency or DEPMU is contacted directly by the legal representative or alerted by the person being removed they will refer the case to the relevant LEO to complete the actions noted above. If this allegation is received outside of the LEO's business hours, DEPMU or the escorting agency must refer the allegation & details of the removal directions to the Command & Control Unit on **0161 261 1640** who will complete the actions noted above.
3. Once an injunction is confirmed the LEO / Command & Control Unit must immediately notify escorts (via their Central Control Centre), DEPMU and other relevant personnel that removal is to be deferred and confirm to

representatives or the court that the removal process has been cancelled.

Staff handling allegations of injunctions must maintain a clear audit trail of all the actions taken on both the file minutes and on CID. Staff must include the following details as part of their notes:-

- I. The source of the allegation of an injunction and the time the allegation was received.
- II. Whether confirmation was received from the legal representative or the judge and, if so, the time confirmation was obtained.
- III. Units / personnel that were contacted to cancel the removal in the escorting agency / DEPMU / Removals Facilitation Unit. Include the time these units were notified to cancel the removal and the time they confirmed removal was cancelled (if times are different)

Out of hours injunctions

Representatives should routinely be given contact details for the LEO for all removals. They should also be provided the contact details for the Command & Control Centre for urgent last minute queries regarding removal. The Command & Control Unit operates 24 hours a day, 7 days per week and will follow the same instructions as those noted above for LEOs. OSCU should be contacted by the LEOs regarding last minute judicial review threats/applications where Removal Directions have been set. OSCU is available from 7 am to 9 pm (weekdays) &

7am to 7pm (weekends).

E&R caseworkers

An amendment will shortly be made to the Forms IS151D and IS82D on DocGen to incorporate the following lines. Staff should manually insert the number for the correct LEO.

All queries between the hours of 9am and 5pm on weekdays should be made to the office handling your case on *(insert telephone number of LEO)*

Outside of these hours and during weekends or Bank Holidays urgent queries referring to any injunction against an imminent removal should be made to the emergency hot line on 0161 261 1640.

To all offices

All answer phone messages for all areas should be updated to include the following:

For LEOs – “This office is now closed and will re-open at *(insert time)*, for out of hours assistance, please call the Command and Control Unit on 0161 261 1640”.

Other areas – “This office is now closed and will re-open at (*insert time*), for assistance with the service of injunctions or last minute Judicial Reviews please call the Command and Control Unit on 0161 261 1640”.