



# An inspection of the global positioning system (GPS) electronic monitoring of foreign national offenders

March – April 2022

**David Neal**

Independent Chief Inspector of  
Borders and Immigration

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# Foreword

In July 2021, I announced my intention to conduct ‘An inspection of the Satellite Tracking Service Programme’ (STSP). I agreed with the Home Office to delay my inspection given the electronic monitoring service had yet to commence, and to avoid overlap with STSP project assurance reports.

The purpose of tagging is to reduce absconding and increase the number of foreign national offenders (FNOs) removed, the latter being a key Home Secretary priority. It also enables, in certain circumstances, the Home Office to see where an FNO has been. The service is still in the first 6 months of rollout and it cannot yet demonstrate it is achieving these aims.

My inspection team found staff in the Home Office’s Electronic Monitoring (EM) Hub (the Hub) to be hard-working, dedicated and ready to ‘muck in’ to get things done. They reported feeling well supported by managers, and inspectors noted a positive workplace culture. However, their efforts have been hampered by protracted government recruitment processes, a lack of training and an underestimation of the volume of legal challenges. Staff shortages meant that the Hub has had to prioritise certain areas of work to the detriment of others, leading to delays, for example, in the 3-monthly reviews of those who are on a tag and a lack of use of formal sanctions for breaches, including prosecutions. The latter point leads to multiple warning letters being sent out to individuals who have breached the conditions of their tag, which threatens to undermine the effectiveness of the whole programme. This requires urgent senior management intervention.

I am pleased that there appears to be some recent progress on recruitment and that new staff were due to start shortly after the onsite phase of the inspection concluded. However, the Hub needs to have a clear plan for what can be achieved with its current level of resources and as the Home Office expands its use of EM, including the delayed introduction of non-fitted devices, a key part of its strategy. This expansion should be supported by a comprehensive training package for both existing and new staff alongside the implementation of quality assurance processes and more effective performance management of the supplier, to help drive continuous improvement.

To see where improvements are to be made, where training deficiencies lie and how the Hub is performing requires the development of robust, assured data. Currently, staff rely on Excel spreadsheets they have created themselves and information from Home Office IT systems that they told inspectors they did not trust. There are inconsistencies in data across the Hub’s areas of activity, and no data quality framework is in place to assure that data is being properly managed, including the sharing of trail data.

This report was drafted in April 2022 and reflects the position at that time. It was sent to the Home Secretary on 5 May 2022.



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**Independent Chief Inspector of Borders and Immigration**

# 1. Background

## Introduction

- 1.1** The 2015 Conservative Party manifesto pledged to “introduce satellite tracking for every foreign national offender subject to an outstanding deportation order or deportation proceedings”.
- 1.2** The Immigration Act 2016 enacted several policies pledged both in the 2015 Conservative Party manifesto and further proposals from the Prime Minister’s immigration speech delivered immediately after the general election in 2015, which were aimed at supporting the Home Office to monitor foreign national offenders (FNOs), to reduce absconding, and to increase the number of FNOs deported.<sup>1</sup>
- 1.3** Paragraphs 2(2) and 2(3) of schedule 10 part 1 of the Immigration Act 2016 place a duty on the Secretary of State to electronically monitor those on immigration bail who could be detained because they are “subject to deportation proceedings or a deportation order”. Paragraph 2(7) further sets out that this duty will not apply where it is a) “impractical” or b) “contrary to the person’s Convention rights<sup>2</sup> to impose such a condition”. These provisions were brought into force on 31 August 2021 for those being released on or after this date in England and Wales, through Statutory Instrument 939.<sup>3</sup>
- 1.4** This legislation was extended on 31 January 2022, to include all those persons subject to deportation proceedings or a deportation order already on immigration bail in the community in England and Wales on 31 August 2021. From this date, the duty automatically applies unless the Secretary of State determines that it is either impractical or in breach of a person’s Convention rights. Where that person is an FNO, the Electronic Monitoring (EM) Hub (the Hub) will review their case to establish whether an exemption applies prior to arranging for EM to be imposed.
- 1.5** The statutory power to grant immigration bail is contained in paragraph 1 of schedule 10 of the Immigration Act 2016,<sup>4</sup> and is available to the Home Secretary (in practice, a person acting on behalf of the Home Secretary, including an immigration officer) if a person is detained, or liable to be detained, under any of the detention powers. If a detained person wishes to apply to the Home Secretary for a grant of immigration bail, the person must do so using the official immigration bail application. The application will be decided by Home Office staff without the need for a hearing.
- 1.6** The First-tier Tribunal (Immigration and Asylum Chamber) also has the power to grant immigration bail to a person already in detention. The application for bail is decided by an independent judge at a hearing.

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1 <https://www.gov.uk/government/publications/immigration-bill-2015-overarching-documents/immigration-bill-201516-overview-factsheet>

2 The European Convention on Human Rights (ECHR) is an international human rights treaty between the 47 states that are members of the Council of Europe.

3 <https://www.legislation.gov.uk/uksi/2021/939/made>

4 <https://www.legislation.gov.uk/ukpga/2016/19/contents/enacted>

- 1.7** According to the Home Office, an FNO is someone who is not a British citizen and has been convicted in the UK of any criminal offence, or abroad for a serious criminal offence. The removal or deportation of an FNO is pursued when an individual:
- has received a custodial sentence of 12 months or more
  - has committed an offence that caused serious harm
  - is a persistent offender
- 1.8** Until the UK's departure from the European Union (EU) on 31 December 2020, this process applied to non-European Economic Area (EEA) nationals only. From 1 January 2021, these deportation criteria also applied to those from the EEA.<sup>5</sup>
- 1.9** The Home Office refers to FNOs as either 'detained' or 'non-detained'. Detained FNOs include those in prison serving a custodial sentence following their conviction for a criminal offence, those held in prison following the completion of their custodial sentence under immigration powers, and those held in an Immigration Removal Centre (IRC) in anticipation of their imminent removal from the UK. If there is no imminent prospect of deportation or removal, FNOs who have completed their custodial sentence may be released into the community and are required to comply with bail conditions. These conditions may include regular reporting at a Home Office reporting centre or a police station.
- 1.10** Immigration Enforcement transparency data published on 24 February 2022 shows that between 1 October and 31 December 2021, the total population of FNOs living in the community who were subject to deportation action was 11,236.<sup>6</sup>
- 1.11** Inspectors were provided with data by the Home Office which showed that of the 1,732 FNOs on immigration bail who were subject to EM as of 18 March 2022, 1,622 people were being actively monitored by a fitted device, as shown in Figure 1.

**Figure 1: Number of FNOs subject to EM as of 18 March 2022**

<b>FNOs subject to EM</b>	<b>Number</b>
Number of individuals on immigration bail, subject to EM	1,732
Number of individuals actively monitored	1,622 <sup>7</sup>

- 1.12** The data shows the number of FNOs who were subject to EM bail conditions on this date but who were not being actively monitored. This, according to the Home Office, could be "due to non-compliance or they await induction", or for example, if the FNO had not charged the device or had absconded.
- 1.13** Individuals from 100 different nationalities were on immigration bail and subject to EM as of 18 March 2022, of which, Albanian nationals represented the largest proportion of these. The top 10 nationalities, which make up 61.2% of the total population of FNOs, are shown at Figure 2.

<sup>5</sup> <https://commonslibrary.parliament.uk/research-briefings/cbp-8062/>

<sup>6</sup> <https://www.gov.uk/government/publications/immigration-enforcement-data-q4-2021>

<sup>7</sup> Of the 1,622 fitted devices, 1,615 (99.57%) were GPS and 7 (0.43%) were radio frequency.

**Figure 2: Top 10 nationalities of FNOs subject to EM as of 18 March 2022**

Nationality of individual	Number of individuals	Percentage of total FNOs subject to EM <sup>8</sup>
Albania	465	28.1%
Jamaica	106	6.4%
Poland	75	4.5%
Zimbabwe	66	4%
Nigeria	59	3.6%
Vietnam	57	3.5%
Pakistan	53	3.2%
Iraq	45	2.7%
Somalia	44	2.7%
Portugal	41	2.5%

**1.14** The vast majority (98%) of FNOs on EM as of 18 March 2022 were male, as shown by Figure 3.

**Figure 3: Gender split of FNOs subject to EM**

Gender	Number (%)
Female	31 (2%)
Male	1,621 (98%)
<b>TOTAL</b>	<b>1,652<sup>9</sup></b>

## Electronic monitoring (EM) devices

**1.15** Prior to January 2021, the Home Office used radio frequency-based EM. This relied on a home monitoring unit (HMU), which “records the proximity of a device fitted to the ankle of the person being monitored (an ankle tag)”. This method relied on the use of a curfew.

**1.16** In January 2021, the Home Office transitioned from radio frequency technology to using fitted global positioning system (GPS) devices, also known colloquially as tags, which are secured around the ankle and use GPS tracking to record the person’s location at all times. The Home Office introduced GPS devices for the first time for those granted immigration bail under the legislative duty which commenced on 31 August 2021.

**1.17** A Home Office equality impact assessment for the transition between radio frequency and GPS devices states that this transition should: “allow for a more effective monitoring of the individual without the need to impose a curfew (although this remains a possible condition of immigration bail)” and, although acknowledging practical concerns surrounding the charging of a GPS device, “the use of GPS technology allows for the monitoring of those of no fixed abode”.

<sup>8</sup> These totals are calculated from a dataset provided by the Home Office, where the total sum of FNOs on immigration bail is broken down by nationality, with a total of 1,652.

<sup>9</sup> The totals in the data provided by the Home Office for Figure 1 and Figure 3 are not consistent.

- 1.18** The device, pictured below, is fitted by the contracted supplier, Capita Electronic Monitoring Services (EMS), either at the prison or an IRC, or if that is not possible, at the address of the person who is subject to EM. That person will also be provided with a mobile telephone, to enable the Hub and EMS to communicate with them and support their compliance. They are provided with an information booklet, with “dos and don’ts” for wearing and charging the tag and details of the monitoring conditions. The booklet is printed in English and is available in other languages. The EM Hub notifies the EM supplier within the monitoring order of any language requirement, in advance of the induction so that a translated copy may be made available. Telephone translation services are also available and used by EMS where language requirements are highlighted.

### Photograph of a fitted GPS electronic monitoring ankle tag



- 1.19** A ‘non-fitted’ GPS device was to be introduced in November 2021, to be considered for individuals who “may have vulnerabilities preventing a fitted tag” or “who are considered lower harm and demonstrate a history of compliance with their bail conditions”. This, inspectors were told, may be a removeable device, which would require individuals to “submit daily biometric returns at random intervals to ensure they have it with them”. Inspectors were told in March 2022 that these devices would not be available until autumn 2022 “at the earliest”.

## Ministry of Justice contract

- 1.20** EM was introduced in 1999 to support the police, courts, prisons and the wider justice system in England and Wales. The Ministry of Justice (MOJ) holds the current contract for EM across government and this is due to expire in 2024. It is used by the Home Office as a condition of immigration bail for FNOs and also by her Majesty’s Prisons and Probation Service as a condition of court bail, a requirement of a court sentence, or as a licence condition following release from custody.
- 1.21** The MOJ’s main contractor in relation to electronic monitoring is Capita Electronic Monitoring Services (EMS). The physical equipment used by EMS is provided by a further contractor, G4S. The EMS contract covers field services, including the fitting and monitoring of EM devices, initial response to breach, and collection and sharing of EM data. During the tenure of its contract, Capita has overseen the move from radio frequency devices to GPS devices.

- 1.22** As of March 2022, the Home Office received EM services as a third party to the MOJ contract with whom it had a memorandum of understanding (MOU).
- 1.23** In January 2022, Her Majesty’s Inspectorate of Probation (HMIP) published a report of its inspection of ‘The use of electronic monitoring as a tool for the Probation Service in reducing reoffending and managing risk’.<sup>10</sup> In summary, this report recommended improvements to the collection, analysis and use of data, the publication of a clearly defined policy, vision, strategy, and operational frameworks for the delivery of EM for probation practitioners, and improvements to the safeguarding of vulnerable offenders.

## Foreign National Offender Returns Command

- 1.24** Foreign National Offender Returns Command (FNO RC) is the team which is responsible for making the decision whether to detain a person, and on what conditions to release them. They therefore decide whether an FNO is subject to EM upon release and record this on the bail summary form. The FNO has 3 days in which to make representations to challenge the decision to impose EM, otherwise they are tagged and released from prison or IRC to be managed in the community by the Hub.
- 1.25** The wider FNO RC team is responsible for managing contact and compliance with FNOs whilst they are out in the community. The EM Hub is responsible for non-detained FNOs for the purposes of EM reporting. FNO RC case owners retain overall responsibility for the decisions.

## Satellite Tracking Services Programme

- 1.26** The Satellite Tracking Services Programme (STSP) was established following the Immigration Act 2016 and the commitment to electronically monitor individuals on immigration bail. The programme aimed to “transform the way in which FNOs are monitored and managed in the community, leading to quicker deportations”. The programme was tasked to develop an EM service, which included establishing the Hub, a dedicated team to track non-detained FNOs, and improve contact with them to support compliance whilst they remain in the community awaiting deportation.
- 1.27** The STSP designed and implemented the Target Operating Model (TOM), which sets out the processes and procedures that the Hub follows. The STSP holds overall responsibility for the delivery of the EM service for those subject to deportation and deportation proceedings, until it becomes business as usual. Closure of the Programme was anticipated to be autumn 2022.<sup>11</sup>
- 1.28** The STSP’s effectiveness is monitored by the Infrastructure and Projects Authority’s Gateway Review Process, and as of March 2022, it had been reviewed on 2 occasions. The Gateway 4 review<sup>12</sup> states the:

“Delivery Confidence Assessment is rated Amber. Whilst arrangements are encouraging, it is evident there remains significant challenges that, due to the timing of review, are either in their infancy or not yet in place and the time remaining is relatively short” ... “the Review Team considers that this review has been held slightly earlier than might otherwise

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<sup>10</sup> <https://www.gov.uk/government/publications/thematic-inspection-report-on-electronic-monitoring>

<sup>11</sup> The Home Office, in its factual accuracy response, stated that: “Closure of the Programme was, as of April 2022, anticipated to be by December 2022”.

<sup>12</sup> Gateway 1 and 2 reviews were not undertaken.

have been the case had these been usual circumstances”, which will have impacted on the review’s overall rating.<sup>13</sup>

## Electronic Monitoring Hub

**1.29** At the time of the inspection, the Hub comprised a team of 24 individuals (22.02 FTE),<sup>14</sup> based within FNO RC in Liverpool. The grades were:

- 1 Grade 6
- 1 Grade 7
- 1 Senior Executive Officer (SEO)
- 4 Higher Executive Officers (HEOs) (3.82 FTE)
- 15 Executive Officers (EOs) (13.2 FTE)
- 2 Administrative Officers (AOs)

**1.30** The Hub is the interface between FNO RC case work, the MOJ and their supplier, EMS. According to the Home Office, the main responsibilities of the Hub are:

- “liaison with the supplier to arrange for a tag to be fitted, either at the [prison or IRC] or at home
- liaison to remove a tag where appropriate and/or vary the conditions of the EM condition
- response to breaches of EM bail conditions and to bring the service user back into compliance or escalate towards prosecution
- undertake quarterly and ad-hoc reviews of EM to ensure the EM conditions remain appropriate and any vulnerabilities are taken into account
- respond to representations received, pre-application protocols and judicial challenges relating to the tag”.

## Stakeholder concerns

**1.31** Stakeholders raised several concerns relating to the use of EM devices, which fell into 4 broad categories: use of location (trail) data, technical issues with devices, stigma of wearing device, and increased anxiety and traumatisation for those subject to EM.

**1.32** The extent to which location data would be shared by EMS and used by the Home Office is a particular concern, and stakeholders highlighted potential issues with the Home Office using location data from somebody’s device to inform future claims for leave to remain made under Article 8 of the European Convention on Human Rights.

**1.33** Representatives from an organisation providing legal advice and support to migrants told inspectors that devices had to be charged more frequently than was initially advised to those who had been subject to EM. They also provided examples of clients who had received letters to say that they had breached their EM condition when they were either not aware they had, or where there had been a reason for doing so. When they provided written mitigation either to explain this or to challenge the breach, they received no response, so were unclear whether this breach would be on their bail record.

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<sup>13</sup> Gateway criteria description for ‘amber’: “Successful delivery appears probable. However, constant attention will be needed to ensure risks do not materialise into major issues threatening delivery. The programme is ready to proceed to the next stage, but some changes should be implemented”.

<sup>14</sup> Full-time equivalent.

- 1.34** Inspectors were told by representatives working with FNOs that their clients had reported several instances of devices being too tight, causing physical discomfort, and that EMS had not been responsive in coming to assist them to loosen the strap of their devices.
- 1.35** Organisations working with FNOs unanimously reported that their clients had reported feelings of anxiety and stigma, having to wear the tags, which are “big and bulky” and were concerned about how they would be perceived in society. This was said to be especially pertinent for those with a history of trauma.

## 2. Scope and methodology

- 2.1** This inspection examined the global positioning system (GPS) electronic monitoring (EM) of foreign national offenders (FNOs), with a particular focus on the processing and flow of information through the Electronic Monitoring Hub (the Hub) from September 2021 to March 2022. The inspection assessed the following workstreams: tagging on release, legal representations, EM reviews, breach management and prosecutions. The scope excluded the initial decision to fit a tag as this is not made by the Hub.
- 2.2** The inspection was informed by the ICIBI's expectations (see Annex B).
- 2.3** Inspectors undertook the following activities:
- reviewed publicly available information about the GPS tracking of FNOs
  - held a familiarisation call with the Satellite Tracking Services Programme (STSP) Programme Manager, the Head of Business Change and Delivery, and Hub managers on 8 March 2022
  - met with a range of stakeholders, including non-governmental organisations and government oversight bodies
  - formally notified the Home Office of the inspection on 14 March 2022
  - submitted a request for evidence
  - received and analysed 137 pieces of evidence
  - attended the Hub between 30 and 31 March 2022, conducting 4 focus groups, 4 interviews, onsite discussions with staff and observations of Hub operations, and reviewed 12 case records on CID and Atlas (case management databases)
  - between 25 March and 6 April 2022, undertook 10 virtual interviews with Home Office staff, from Executive Officer to Senior Civil Service grade, from the Hub, STSP and Foreign National Offenders Returns Command (FNO RC) and representatives from the Ministry of Justice (MOJ) and Capita Electronic Monitoring Services (EMS)
  - on 6 April 2022, held a feedback session, sharing initial thoughts and indicative findings from the onsite phase of the inspection, with the STSP Programme Manager, the Head of Business Change and Delivery, and the Hub Lead
- 2.4** The report was sent to the Home Office for factual accuracy checking on 25 April 2022 and returned on 29 April 2022.

## 3. Key findings

### Electronic Monitoring Hub operational readiness

- 3.1** The readiness of the Electronic Monitoring (EM) Hub (the Hub) to commence operations was identified as a key risk by the Satellite Tracking Services Programme in 2021, with recruitment difficulties as a central component of this risk. While mitigating actions were put in place, including attempts to advance internal recruitment processes, and despite the best efforts of staff in post, who numbered half the establishment identified as being required, some fundamental elements required to support operations had yet to be put in place, over 6 months after the duty to implement EM had commenced.
- 3.2** A consequence of the Hub's resourcing issues was that they were unable to process the volume of information across their different workstreams in a timely manner. Specifically, this affected EM breaches, EM reviews, prosecutions, and the uploading of various documents from email onto Atlas and this had resulted in foreign national offenders (FNOs) who had breached their conditions multiple times, receiving numerous warning letters rather than a more appropriate sanction.
- 3.3** Despite the recruitment difficulties, the Hub had managed to ensure that over 1,600 individuals on immigration bail had been fitted with an EM device by the end of March 2022 compared with the projected forecast (at February 2021) of 1,125 fitted devices and 1,421 non-fitted devices by March 2022.
- 3.4** As a result of the level of staffing, the Hub managers took what they considered to be a balanced and risk-based approach by prioritising the issuing of EM devices at source, breaches where individuals had been out of contact for 7 days or more, and responding to legal representations and challenges. There was a significant backlog of EM reviews of those subject to the tagging requirement, with these only being conducted in response to legal representations, and only limited consideration given to prosecutions.

### Data assurance

- 3.5** Hub staff had to work with multiple IT systems which provided different data that was not easily retrieved for workflow planning and analysis. Consequently, there was reliance by Hub staff on the use of Microsoft Excel spreadsheets, including by individuals to manage their own caseload. This resulted in limited assurance that data was being managed and shared appropriately.

### Training and awareness

- 3.6** Hub staff said they had received limited training to perform their roles and relied largely on their previous experience and the support of colleagues. Training was ad hoc, in part due to the drip-feed arrivals of new staff and impacted by COVID-19 restrictions, and some guidance

had not yet been formally approved. This left staff feeling ill-equipped to carry out certain activities, such as responding effectively to legal representations and challenges.

- 3.7** Foreign National Offenders Returns Command (FNO RC) case workers had, from the perspective of Hub staff, variable levels of understanding about EM and the Hub's role. This was confirmed by the results of a survey of FNO RC case workers in March 2022 on the use of EM. An action plan was to be prepared to address the findings, which included further training and awareness-raising for case workers.
- 3.8** There had been good engagement with other parts of the Home Office, including staff and contractors in prisons and Immigration Removal Centres (IRC), to develop Hub processes. Further work was planned to increase collaboration with Probation Service offender managers and with Reporting Offender Management teams to strengthen contact management with FNOs.
- 3.9** The Hub staff showed a desire to learn and develop their personal and collective knowledge to deliver a better quality of service. Staff members were supportive of each other, shared ideas and influenced change. This was evident with the proposed accumulated battery violations policy, which was suggested by a staff member.

## Performance management

- 3.10** The Hub lacked a performance management framework with performance objectives for individual staff linked to service priorities. It was therefore difficult for managers to assess the efficiency and effectiveness of the Hub, and to evaluate individual staff members' performance and identify training and development needs.
- 3.11** Hub managers were undertaking spot checks of certain decisions made by staff, including signing off EM reviews. However, a quality assurance framework had yet to be put in place to formally evaluate the consistency of decision-making in the Hub and to identify opportunities for improvement, as existed in other parts of the FNO RC. It was accepted by senior managers that this needed to be put in place, but they wanted to do so when they had a full complement of staff.
- 3.12** The Home Office was a third party to a contract held by the Ministry of Justice, which required Home Office EM cases to be considered within the wider context of all EM cases when contract performance was monitored each month. Hub staff reported significant issues with the performance of EMS and frustration that they had little influence when seeking to secure the improvements required.

## Business planning

- 3.13** Hub managers did not have a clear plan that reflected the current and projected level of staff resources, forecast service volumes and device availability (fitted and non-fitted devices), and there was a lack of clear milestones and success factors defined for the Hub.<sup>15</sup>
- 3.14** The level of staff resourcing meant that staff in the Hub were not able to fully implement the full range of key policies, strategies and procedures for the management of breaches, prosecutions and other workstreams.

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<sup>15</sup> The Home Office, in its factual accuracy response, stated: "... plans existed, but delays, especially in recruitment and in getting NFDs [non-fitted devices], have led to evolving workarounds and some degree of ad hoc modelling becoming necessary, however, these have all been built to utilise previous, more detailed work".

## 4. Recommendations

### Data assurance

1. Introduce a data quality strategy and framework for the Electronic Monitoring (EM) Hub (the Hub) to maximise the use of EM data and to ensure it is being managed properly and meets quality standards, in line with the Government Data Quality Framework.<sup>16</sup> This should include:
  - a. identification and mitigation of data quality issues, including any gaps in data such as vulnerabilities and protected characteristics
  - b. oversight of the handling of data-sharing requests including by Capita Electronic Monitoring Services (EMS)

### Quality assurance

2. Implement a quality assurance framework to evaluate the consistency of decision-making in the Hub and to identify opportunities for improvement.

### Training and awareness

3. Conduct a training needs analysis for the Hub and produce a training and development plan. This should consider:
  - a. provision of training to all Hub staff relevant to their specific roles and responsibilities
  - b. bespoke training to staff engaged in responding to legal challenges to better equip them to make evidence-based and accountable decisions
  - c. provision of guidance to Foreign National Offenders Returns Command case workers to ensure consistency and quality of referrals and requests to the Hub

### Supplier performance

4. Maintain a joint issues log and risk register with the Ministry of Justice to identify supplier performance issues and enable timely improvements.

### Business planning

5. Develop an operational plan for the Hub that reflects projected staff resources, forecast service volumes and device availability (fitted and non-fitted devices) with clearly defined milestones and success factors.

<sup>16</sup> <https://www.gov.uk/government/publications/the-government-data-quality-framework/the-government-data-quality-framework>

# 5. Evidence and analysis

## Electronic Monitoring Hub information flows

### Information systems

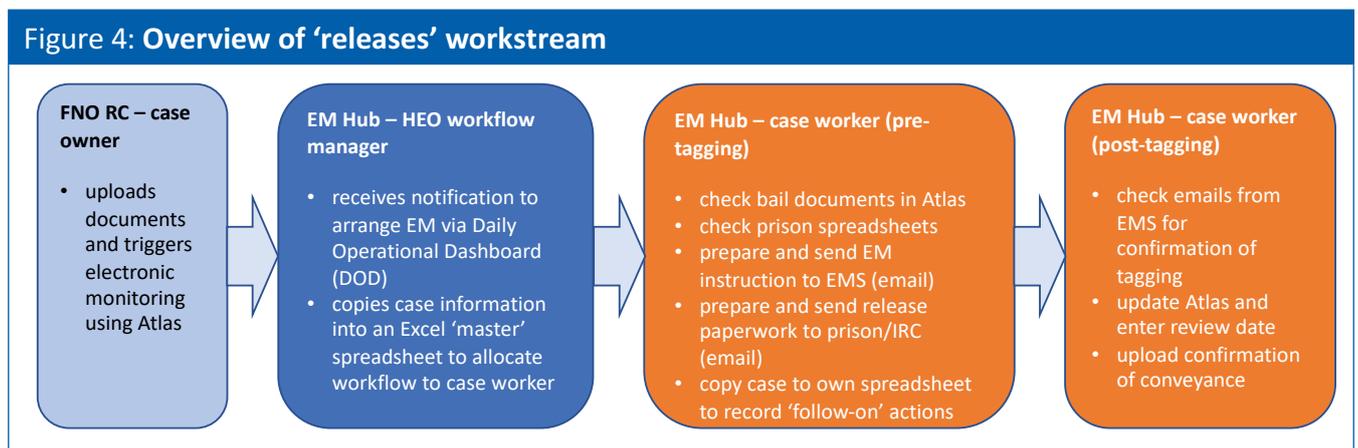
- 5.1** The Electronic Monitoring (EM) Hub (the Hub) utilises several information technology (IT) systems on a day-to-day basis to manage workflows and communicate with colleagues and partners.
- 5.2** Case Information Database (CID) was the main case working and operational database used by the Home Office to record personal details of all foreign nationals who pass through the immigration system. CID is being replaced incrementally by Atlas, the Home Office's new case working database. During the transition from CID to Atlas, staff are required to check information in both systems and enter information into both Atlas and CID (known as dual or double keying).
- 5.3** Foreign National Offenders Returns Command (FNO RC) case workers used Atlas to trigger the service of an Electronic Monitoring Order when immigration bail had been granted. Case workers completed all the relevant fields in the application, which generated a notification to the Hub. The Hub used this notification to request the fitting of an EM device by Capita EMS (EMS). Data extracted from Atlas was forwarded to EMS by email. EMS did not have access to the Atlas system. Hub staff recorded and maintained oversight of the case and uploaded documents onto Atlas.
- 5.4** The Daily Operational Database (DOD) was the key workflow tool used by the Hub and was populated from Atlas. The DOD provided information relating to all EM cases and identified the status of each case.
- 5.5** Due to a specific limitation of the DOD, staff in the Hub use a Microsoft Excel spreadsheet to record task allocations. The Hub has also decided to utilise Excel spreadsheets in other areas, specifically local data, breach management, contacts, and outcomes, along with general workflow information.
- 5.6** Power BI was the IT system operated by the Ministry of Justice (MOJ) which provided high-level data and reporting information relating to every individual subject to EM. Access to Power BI was limited to senior EM Hub managers. It was updated weekly and so could only be used to provide a look back at previous trends rather than support workflow management.
- 5.7** EMS use a case management system (CMS), which was used to record cases subject to electronic monitoring. One manager within the Service Delivery team had read-only access to this system but this was not currently available to the EM Hub. A change request has been accepted to obtain 5 devices that will provide the EM Hub with read-only access.

**5.8** The Hub used 6 mailboxes, and inspectors reviewed the information flows and the daily management of these. Each mailbox related to a specific area of business and included Inductions, IRC [Immigration Removal Centres] Prisons, Case Management Workflow Team EMS requests, EM Hub enquiries, Breaches, and EM Hub Pre-application Protocols (PAPs) and Judicial reviews (JRs). The mailboxes were used to manage enquiries and notifications relevant to each workstream.

## EM Hub workstreams

**5.9** The Hub has 4 main workstreams delivered by designated teams, each headed by a Higher Executive Officer (HEO). Staff often work on more than one workstream and are frequently moved from less urgent tasks to work on releases from detention and the subsequent EM requirements (referred to as ‘releases’), which must be conducted within 72 hours of the grant of immigration judge bail. There is no such time requirement for a release on Secretary of State immigration bail.

**5.10** The ‘releases’ workstream arranged the EM tagging for a person being released from prison or an Immigration Removal Centre on immigration bail. The process is outlined at Figure 4.



**5.11** Inspectors were told that the Hub typically receives around 55 to 60 release cases each week, and at a given time up to 20 will be awaiting a release. As of 10:00am on Tuesday 22 March 2022, there were 15 people in detention who were held pending the fitting of a GPS device, of whom 10 had been bailed by an immigration judge and 5 bailed by the Secretary of State. In total, there were 81 people who had been released and assessed as requiring a GPS device who had yet to receive one as of 18 March 2022.

**Figure 5: Number of FNOs not in detention awaiting a GPS device on 18 March 2022**

Reason	Total
Attempted and unsuccessful	34
Not yet attempted – pending	42
Pending that have been arranged (includes 3 radio frequency transition tags)	5
<b>Total requiring a GPS device</b>	<b>81</b>

- 5.12** The process of release posed a challenge for Hub staff due to the preference of EMS staff for scheduling inductions at source no earlier than 2:00pm for logistical reasons and prisons were unlikely to release after 5:00pm. This created a small window for an EM device to be fitted before the person was released; however, the EM Hub can schedule morning appointments for any case where an afternoon appointment is not appropriate.
- 5.13** The breaches workstream responds to notifications from EMS when a person breaches the EM conditions of their bail. Sixteen different breach types were identified by the Home Office. However, data supplied showed that in the last 6 months 4,967 (69.7%) had been battery breaches, shown at Figure 6, which occurred when a device runs out of charge for any period. Inspectors were told that in an unspecified number of those cases, the device had been placed back on charge prior to a breach notification being received. Monthly breach levels have more than doubled since September 2021 as the number of devices in use has increased.

**Figure 6: Breaches by type from 1 September 2021 to 28 February 2022**

Breach type	Sept. 21	Oct. 21	Nov. 21	Dec. 21	Jan. 22	Feb. 22	Total
Battery breach	314	498	670	966	1,156	1,363	4,967
15-minute absence	191	190	127	128	155	124	915
Full curfew missed	133	81	70	76	26	7	393
Interference PID <sup>17</sup>	25	43	54	59	91	75	347
Not available for installation (unable to locate or uncooperative)	41	41	47	58	67	67	321
Other <sup>18</sup>	12	23	32	23	38	60	188
<b>Total monthly breaches</b>	<b>716</b>	<b>876</b>	<b>1,000</b>	<b>1,310</b>	<b>1,533</b>	<b>1,696</b>	<b>7,131</b>

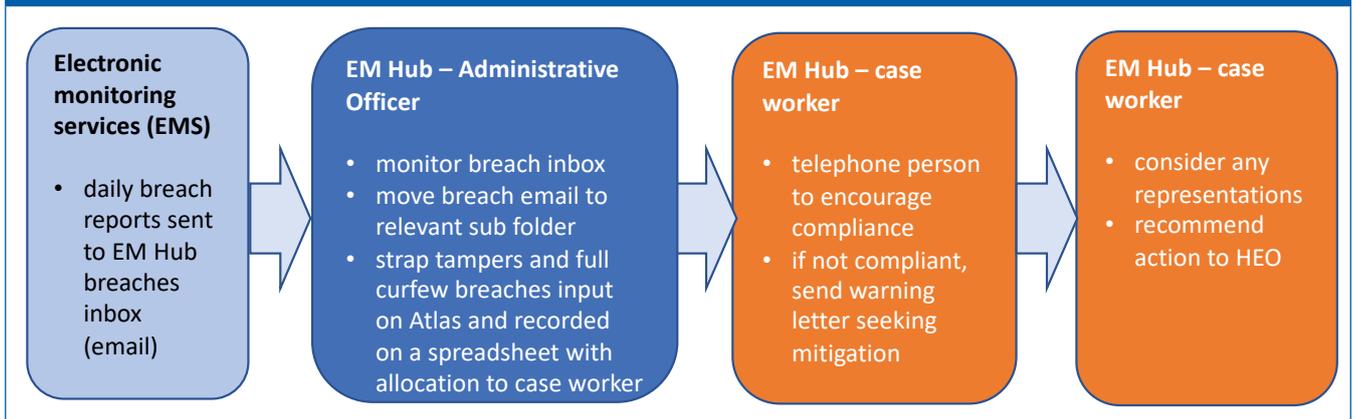
- 5.14** Managers within the Hub recognised that the volume of breaches occurring and the subsequent need for a response by Hub staff were unsustainable, time-consuming and “... not manageable”, with each breach requiring a staff member to spend 20 to 30 minutes entering the information into Atlas. Individuals who had been out of contact for more than 7 days were prioritised for action, as well as strap tamper<sup>19</sup> and those who had full curfew breaches.
- 5.15** The breaches workstream, as operating at the time of the inspection, is set out at Figure 7.

<sup>17</sup> Perimeter intrusion detection systems (PIDS) are systems used in an external environment to detect the presence of an intruder attempting to breach a perimeter.

<sup>18</sup> ‘Other’ includes inability to monitor, strap tamper, interference with home monitoring unit, AC power loss and monitor movement, moved without variation, abusive behaviour, negative Random Access Memory (RAM) and unsuccessful visit for induction. There had been no instances of 2 further breach types: failed enrolment and location breach.

<sup>19</sup> Strap tamper breaches are where a person attempts to tamper with the ankle tag.

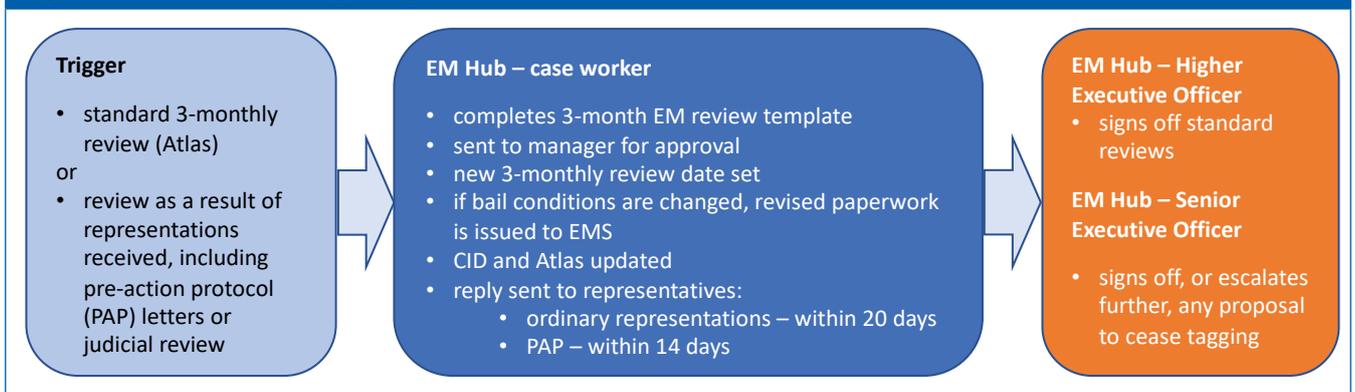
Figure 7: Overview of breaches workstream



**5.16** A proposal by a Hub staff member in January 2022 had been submitted to senior management in March 2022 regarding accumulated battery violations, which recommended an alternative approach to battery breaches. This involved the adoption of an accumulative threshold of 12 hours out of contact in a rolling 7-day period, resulting in one breach report from EMS. It was estimated this would reduce breach report volumes by 75% but would require changes to EMS’s systems. It was difficult for inspectors to understand the impact that this would have on resourcing in the short term as battery breaches are not currently investigated by the Hub.<sup>20</sup>

**5.17** People on EM as a condition of bail should have their cases reviewed every 3 months. Additionally, if representations are received on behalf of a person, this would trigger a review by an EM case worker. These areas are combined into the legal representations and EM review workstream, set out at Figure 8.

Figure 8: Overview of legal representations and EM review workstream



**5.18** Home Office data showed the outcome of 73 representations made to the Hub for the removal of bail conditions between August 2021 and March 2022. EM ceased as a result of 2 representations (less than 3%) and so it appeared that there was a high bar for removal of tags. Other outcomes of the representations included 28 curfew removals and 3 curfew amendments. The continued unavailability of non-fitted devices meant there was no de-escalation option from a fitted device for staff to consider.<sup>21</sup>

20 The Home Office, in its factual accuracy response, stated that this proposal had “secured agreement from EMS and G4S as a viable solution and was approved by senior management in April 2022”. It added: “The long-term saving once the IT solution is available is 12 AOs per year. A saving in the region of £300,000”.

21 The Home Office, in its factual accuracy response, stated: “All EM Reviews are conducted in line with the published bail policy and if factors exist that deem continued application of EM is inappropriate then it will be ceased. The duty to impose EM is now in place and a decision to depart from that requirement and to justify an exemption must be appropriately and clearly evidenced”.

- 5.19** The prosecutions workstream was intended to take forward prosecutions of those who persistently breach the EM conditions of their bail. At the time of the inspection, inspectors were told that the workstream was temporarily “on hold” with staff diverted to the releases workstream. Inspectors were told there had been 7 cases that had been submitted to the Criminal and Financial Investigations (CFI) team for consideration. All were pending a decision as to whether a prosecution would ensue. A senior manager said: “We have tried to focus on achieving compliance without the need to prosecute”. Inspectors were told that staff sought to achieve compliance by contacting the individual directly.<sup>22</sup>
- 5.20** In addition to the main workstreams, Hub case workers were tasked with monitoring the email inboxes and managing the enquiry phone line, a task which was shared on a rota basis.

## Data limitations and assurance

- 5.21** The Hub relied on multiple IT systems with different data sources within the Home Office, the MOJ, EMS and G4S, to manage its operations. These systems were not aligned and could not be easily interrogated to provide robust, assured and auditable data. As a result, data provided to inspectors was accompanied with various caveats as to its accuracy, and figures provided were often estimates. A senior manager confirmed this: “I accept, at the moment, it’s an imperfect number of systems all coming together to provide the data. It’s early days for what it means, what it tells us, and process changes we need to make as a result”.
- 5.22** The Home Office was unable to provide data on how many people have been exempted from the requirement for GPS EM, saying: “This data is not currently captured in a way that can be easily reported upon”. This meant the Home Office could not differentiate cases where consideration had been given to EM from those where it had not.
- 5.23** Inspectors were advised that the management information (MI) for the Hub was being brought together retrospectively, after the mobilisation of the service. At the time of the inspection, Hub managers extracted data provided from the various systems to create their own Excel spreadsheets of MI for each workstream. This was then used by managers to coordinate their team’s workflow and for local reporting within the Hub. MI for the Hub had yet to be developed to the stage that it fed into wider FNO RC management reporting.
- 5.24** There was no overall data governance framework<sup>23</sup> in place to provide assurance that data being collated by the Hub met quality standards to assure the consistency and validity of data. This is particularly important where use of multiple spreadsheets introduces an additional risk of error with data entry and processing.
- 5.25** There was no systematic monitoring of trends or themes within the data. For example, to establish if there was a relationship between breaches or compliance, and those with vulnerabilities or protected characteristics. Similarly, there was no monitoring or recording of instances where the process did not go smoothly. For example, when FNO RC make incorrect referrals, or when EMS fails to do something that has been requested, such as fitting a device, these are not collated. Consequently, it was not easy to quantify or illustrate the impact of these issues or the progress towards improving these areas in discussions about supplier performance.

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<sup>22</sup> The Home Office, in its factual accuracy response, stated: “The prosecutions stream works cases through in granular detail to eliminate all possible compliance opportunities, as directed by the courts in a recent successful prosecution, before a prosecution can be referred to CFI”.

<sup>23</sup> <https://www.gov.uk/government/publications/the-government-data-quality-framework>

- 5.26** Staff highlighted the challenges of the introduction of Atlas within the Hub. One person summed up the issues they faced: "... it's still relatively new and people are still getting used to it, so not everyone uploads everything to there ... CID has a lot of information, you can easily view someone's case and notes. Atlas doesn't allow that, it's not easily viewed". This means that when CID is decommissioned, there is a risk that Atlas will not have a complete record of a person's EM history, which could impact on the ability of the Home Office to take appropriate action. A senior manager recognised the impact of these omissions and advised inspectors that Hub staff would be supported in the office by other Home Office staff with additional training in Atlas (known as 'Atlas super users').
- 5.27** The Daily Operational Database (DOD) allocated new release cases to staff. Staff reported that once allocated they would also maintain their own individual spreadsheet of actions taken and this had resulted in duplication of effort on occasion as someone else had already started working on the case. A staff member said: "It's happened to all of us at some point. Sometimes we will get an influx, and everyone is jumping on. It gets very busy ... colour coding has fallen into arrears". Inspectors were also advised that Atlas errors prevent cases appearing on DOD "a couple of times a week".
- 5.28** Emails were the main route by which Hub staff received information from external parties, including EMS, and a manager stated: "Much of the process relies on email notifications, [there is] no automated workflow to EMS". One member of staff was generally responsible for managing all the inboxes, but all staff were required to check the inboxes to see if they needed to take any action on their cases in response to an email.
- 5.29** Email inboxes were also used to archive cases that were not considered a priority, but this could result in bail forms and other documents attached to an email not being uploaded to CID or Atlas, so staff from other Home Office teams would not have sight of these. As of 31 March 2022, a total of 787 Confirmation of Conveyancing<sup>24</sup> records were held in a sub folder of the IRC Prisons email inbox which were yet to be added to Atlas.
- 5.30** In March 2022, the Home Office was developing a new IT system, called 'Identify and Prioritise Immigration Cases' (IPIC), to assist Hub staff to make decisions on whether a person should be subject to EM, and if so, which type of device, and for how long, by applying a set of business rules to existing data held on Home Office systems. This system will provide a recommendation to the case worker based primarily on a harm score and sentence length, although other Home Office structured data will also affect recommendations, including breach history and certain vulnerability features. The case worker will have to take account of other factors relating to the person's circumstances, which cannot be assessed from structured data, including more nuanced vulnerability assessments, before making a final decision. However, further development work was required with Atlas before this could be introduced (planned for later in 2022).<sup>25</sup> In terms of device type, this recommendation will only be feasible when NFDs become available.

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<sup>24</sup> A Confirmation of Conveyance is served by an immigration officer on a person in prison who signs it to confirm they have been tagged and notified of their bail conditions.

<sup>25</sup> Breach information added to ATLAS cannot currently be transferred into the data set used by IPIC to generate recommendations, limiting IPIC usefulness presently. Home Office data also does not currently include an unambiguous data point for when an FNO was released into the community from prison or an IRC, meaning alternative prioritisation tools for device determination were needed.

**5.31** The Hub was also reliant on other enhancements being made to the contractor’s IT systems to provide essential data. For example, G4S’s case work management system did not include the location of the tagging induction or whether after an EM device had been installed the person remained subject to location monitoring. A change request had been made but this had been outstanding since October 2021.

## Sharing of EM data

**5.32** Inspectors were told by non-governmental organisations (NGOs) that the use of GPS data by the Home Office exceeds the aim of preventing individuals from absconding and they raised numerous concerns about how the information is collected, used, and stored.<sup>26</sup>

**5.33** GPS devices track and record the location of all wearers at all times and the data was stored by EMS on their internal servers. The Home Office did not have access to these systems, which was a concern as it had limited oversight of how this data was managed, protected and shared.<sup>27</sup>

**5.34** According to the Data Protection Impact Assessment, “authorised Home Office staff may request access to GPS trail data for a specified period and review that data in the event of any of the following occurrences:

- breach of immigration bail conditions
- individual absconds
- Article 8 representations/further submissions from the individual
- allegations of EM breaches or intelligence of immigration bail condition breaches received
- subject access requests (SAR) or legal challenge”<sup>28</sup>

**5.35** A senior manager told inspectors that anonymised trail data to “identify trends and how to improve the use of EM” was currently being explored. This was to assess its feasibility, but no anonymised trail data had been obtained at the time of the inspection.

**5.36** The Hub received external requests for access to the data mainly from the police and probation services. Inspectors were told that when this happened, the person making the request was provided with an external agency request (EAR) form and instructed to complete and forward this to EMS. Individuals could also request their personal information including GPS data via a subject access request (SAR) or freedom of information (FOI) request.

**5.37** Inspectors were told that between September 2021 and March 2022 a total of 36 requests for GPS data had been received by EMS. Only 2 requests had been received from the Home Office, with 18 from the police and 16 from probation staff. Data or partial data was provided in response to 26 of the requests. The remaining 10 requests were either rejected or withdrawn by the requestor without any data being provided. As Figure 9 below shows, 25% of requests were rejected in their entirety.

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<sup>26</sup> The Home Office, in its factual accuracy response, stated: “The HO have developed a DPIA [Data Protection Impact Assessment], approved by the ODPO [Office of the Data Protection Officer], that has been shared with numerous NGOs following FOI [Freedom of Information] requests”.

<sup>27</sup> The Home Office, in its factual accuracy response, stated: “We do not have direct access to the GPS location data system, but we can request access to the data when certain criteria is satisfied. But we plan on getting SDT [Service Delivery team] staff full access to EMS systems and eventually EM Hub staff”.

<sup>28</sup> Data Protection Impact Assessment (DPIA)

Figure 9: GPS data requests responded to from 13 September 2021 to 9 March 2022

	Attendance	Trail monitoring	Total
Data provided	2	22	24
Partial data provided	0	2	2
Rejected – insufficient justification	0	1	1
Rejected – other reason	1	5	6
Rejected – too broad in scope	0	2	2
Request withdrawn	1	0	1
<b>TOTAL</b>	<b>4</b>	<b>32</b>	<b>36</b>

- 5.38** A senior manager informed inspectors that EMS staff had been provided with training on the process for sharing data, which included parameters defining when to release data on the Home Office’s behalf, and that there were process maps in place for auditing and assuring the released data.
- 5.39** The Service Delivery team (SDT) works alongside the Hub and provides the direct interface with EMS. This team has direct access to the EAR list and a senior manager told inspectors that they “would like to do more assessment of where the information is going”. The SDT should comprise 4 members of staff but at the time of the inspection only the G7 manager was in post and had been unable to collect any management information and audit the end-to-end process.

## Staffing and resourcing

### Staffing of the Electronic Monitoring Hub – current challenges

- 5.40** The Electronic Monitoring Hub (the Hub) acts as the interface between FNO RC case work, the MOJ and their supplier, EMS. It is responsible for liaison with the supplier to arrange for a tag to be fitted or removed, responding to breaches of EM bail conditions, undertaking quarterly reviews of EM and responding to representations received as to why a tag should not be fitted and judicial challenges relating to tags.
- 5.41** The forecast requirement for the level of staffing and grade mix for the Hub was initially determined as part of the ‘Satellite Tracking Services Target Operating Model Design’ document produced in September 2021. This was based on an assessment of each process mapped against expected volumes of individuals requiring tagging.
- 5.42** At the end of March 2022, there were 22.02 (FTE) staff in post, with a further 10 staff due to start in April and May 2022 to bring the team up to a full complement of 40.6 (FTE) staff. This was the projected staff requirement that was due to be in place for November 2021. Inspectors were informed the significant shortfall in staff was due to the ministerial decision to introduce the GPS EM of FNOs 9 months earlier than originally planned,<sup>29</sup> difficulties in recruiting staff, and an underestimation of the volume of work involved in responding to legal representations and challenges. Therefore, the context in which this inspection took place was

<sup>29</sup> Inspectors were informed that, on 21 September 2020, the Home Secretary notified the Satellite Tracking project team that she would like to see the programme delivered jointly with the Ministry of Justice by 1 January 2021. It was originally planned to commence in August 2021.

one of extremely stretched staff, particularly at Administrative Officer (AO) grade, unable to deliver a full service.

**Figure 10: Hub current staffing level compared with requirement (FTE)**

Grade	G6	G7	SEO	HEO	EO	AO	Total
As of 31 March 2022	1	1	1	3.82	13.2	2	22.02
Requirement as of November 2021	1	1	1	3.7	17.2	16.7	40.6

- 5.43** Prior to the introduction of the Hub in early 2021, ‘EM Hub Operational Readiness’ was identified in the Satellite Tracking Services Programme (STSP) risk register as a key risk due to delays to recruitment of staff. Mitigating actions set out in the register included borrowing of staff from Immigration Enforcement teams, using the internal ‘expressions of interest’ process to fill posts, the use of overtime and the reprioritisation of deliverable activities. Despite these actions, recruiting sufficient numbers of staff remained a significant challenge.
- 5.44** A senior manager told inspectors that delay to recruitment was the result of: competition for internal candidates, the slowness of Government Recruitment Service’s processes for external or other government department candidates, a perception that Home Office salaries are not competitive relative to other government departments, and having to await the outcome of the government’s Comprehensive Spending Review to confirm the funding for the posts. The manager commented that this issue had significantly impinged upon what the Hub had been able to deliver and said: “What it means is you are prioritising what you need to do, rather than offering the full service”.
- 5.45** Staff expressed frustration at the current level of staffing. Inspectors were told: “We could do so much more with appropriate resources, but we just get staff in dribs and drabs and it’s not enough”. Another member of staff said, “It’s a worry that we could fall behind at any moment. People are getting released without a tag, or prisons are holding them for even longer [leading to concerns of] unlawful detention or more and more FNOs being released untagged”. Managers acknowledged that low staffing levels were negatively impacting existing staff, noting this resulted in staff having to rush work, staying over their contracted hours and requests made to work on weekends. Staff at all levels described this approach as “fire-fighting”. Despite this, Hub staff consistently said it was a great team to work in and how well they supported each other. Inspectors observed that staff were clearly passionate about their jobs.
- 5.46** In operational terms, the Hub was focusing its efforts primarily on the tagging of persons on release from detention, on more serious breaches, such as individuals being out of contact for 7 or more days, and on responding to representations about a person subject to EM and legal challenges in the form of pre-application protocol letters and judicial reviews. This was at the detriment of other areas of work, such as EM reviews and prosecutions. This presents a risk that a person may remain on a tag even though there may be evidence to suggest that this is no longer appropriate, for example due to a vulnerability or medical condition. It also meant that the Hub was not progressing cases through the full range of enforcement processes in response to breaches of EM conditions. A shortage in the AO grade in particular resulted in Executive Officers (EO) having to undertake more administrative work, which was not an efficient use of limited staff resources.

## Staffing of the Hub – future resourcing

**5.47** Inspectors were informed by a senior manager that funding had been approved for a campaign for the external recruitment of an additional 64 posts for the Hub, comprising 4 Grade 7s (G7), 8 Senior Executive Officers (SEO), 7 Higher Executive Officers (HEO), 36 EOs, and 9 AOs, as well as use of contingency (agency) staff while this recruitment was undertaken. This was intended to meet both the existing demands on the service and plans for expansion, including an imminent pilot for the EM of migrants arriving via small boats across the English Channel and the introduction of EM in Scotland and Northern Ireland, and non-fitted devices anticipated in autumn 2022. It was anticipated that these additional posts would not be filled until towards the end of summer 2022, and the Hub would therefore remain under considerable pressure in the coming months.

## Devices – fitted devices and non-fitted devices

- 5.48** The Home Office moved from the use of radio frequency ankle tag devices to GPS fitted ankle tag devices (FDs) in August 2021. It had planned to introduce a second type of GPS device from October 2021, a non-fitted portable device (NFDs) which requires the person to verify that they have it with them during the day, by means of biometric verification, such as facial recognition or fingerprints. The NFD would, in time, also enable the holder to receive text messages and telephone calls from the EMS Monitoring Centre. The purpose of the introduction of the NFD was to provide a means of de-escalation from an FD on the basis of compliance with EM conditions, or as an alternative due to a person's medical condition which would make an FD unsuitable. It may also be issued to those already in the community who are considered to be a lower harm level.
- 5.49** The Home Office began procurement for this NFD in 2020, but this was aborted in February 2022, principally due to concerns that the chosen technology did not meet government security standards. A new procurement process led by the Ministry of Justice (MOJ) was in progress in March 2022. However, this will mean that NFDs will not be available until October 2022 at the earliest, and this is new technology that the Home Office has not used previously in the manner proposed. Therefore, a key strand of the Home Office's strategy for EM of FNOs was not being delivered. Some managers were sceptical about the value that NFDs would add, with one stating: "I don't believe we should have NFDs; FDs is a success story, and I see more problems with NFD than solutions".
- 5.50** To support the Secretary of State's statutory duty, which came into force on 31 August 2021, the Home Office introduced a policy of issuing an FD at the point of release from either prison or an Immigration Removals Centre (IRC) unless there was a practical reason why this could not be achieved within a reasonable timeframe. In the case of those persons granted immigration bail by an immigration judge, that timeframe is usually 72 hours from the grant of that bail.<sup>30</sup>
- 5.51** On 31 January 2022 the statutory duty was extended to those in England and Wales already on immigration bail on 31 August 2021. As part of the Home Office's policy on immigration bail, the Secretary of State must determine whether an exemption to the statutory duty applies on a case-by-case basis. The Home Office originally intended a 3-pronged approach to this cohort, with lowest harm/high compliance given no device, medium harm and/or low compliance given an NFD, and the highest harm and/or lowest compliance individuals given a fitted device.

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<sup>30</sup> In accordance with paragraph 2 of schedule 10, the Secretary of State may decide not to impose an EM condition if the Secretary of State considers that to do so would be impractical.

However, as NFDs are not yet available, it has only been possible to begin to prepare for highest harm individuals to be placed on FDs. As of 31 March 2022, there remained 9,006 persons on immigration bail in the community whose circumstances had yet to be reviewed.

**5.52** Inspectors were informed of a pilot which was due to commence in the spring of 2022 to identify a small number of non-detained FNOs on immigration bail<sup>31</sup> whose circumstances were to be reviewed to consider whether they should be subject to EM. Those assessed as posing a high level of harm to the public were to be targeted.

**5.53** In February 2021, the Home Office had projected that by March 2022 there would be 1,421 persons issued with an NFD and 1,125 issued with an FD. It also referred to a projected ‘end state’ (December 2023), when there would be approximately 3,500 on NFDs and 1,000 on FDs. As of March 2022, with NFD not yet available, the Home Office estimated that there were approximately 1,732 persons on immigration bail subject to EM via a fitted device.<sup>31</sup> This was an increase of 1,482 from the 250 persons subject to EM in August 2021 when the duty was introduced.

**Figure 11: EM devices – projected and actual volumes in use by type**

	<b>Projected for March 2022 (at February 2021)</b>	<b>Actual number in use as of 31 March 2022</b>	<b>Projected by December 2023 (at February 2021)</b>
Non-fitted devices (NFD)	1,421	0	3,500
Fitted devices (FD)	1,125	1,732	1,000

**5.54** Published immigration bail guidance<sup>32</sup> states that “...there will be fewer devices available than the number of individuals subject to the duty. As a result, there will be a need to regulate the use of devices”. The guidance identifies those who should be prioritised for EM conditions, principally according to the level of harm posed to the public. The guidance refers to 4 levels of harm (very high, high, medium and low); followed by foreign nationals subject to deportation with assurances; foreign nationals who have entered in breach of a deportation order; and the lowest priority being European Union nationals and/or their family members subject to deportation.

**5.55** Inspectors asked about the funding and availability of GPS devices and were advised by a senior manager that funding had been allocated to 2024 and that tackling illegal migration remains a key government priority and satellite tracking was seen as crucial to facilitating this. The Home Office had also ordered additional FDs in place of NFDs. The MOJ also confirmed that its supplier, G4S, had not reported any issues with the supply of FDs and it had moved to more frequent ordering due to the increased number of devices required by the Home Office.

<sup>31</sup> The Home Office stated that this estimate is “...compiled using multiple data sources. These do not align perfectly (e.g. different sources have different refresh points)”.

<sup>32</sup> <https://www.gov.uk/government/publications/offender-management>

- 5.56** A senior manager also highlighted other initiatives aimed at facilitating more efficient return of FNOs that were being expanded to reduce the numbers required to be tagged. These included the facilitated returns scheme for FNOs with a determinate sentence, which was extended to European Economic Area nationals from 1 January 2021 and more efficient removal of FNOs directly from prison.

## Guidance and training

### Hub guidance

- 5.57** The Satellite Tracking Services Programme (STSP) had developed detailed process maps and process control documents that set out the proposed workstreams for the Hub as part of the Target Operating Model (TOM). This work had been informed by engagement with internal and external stakeholders and was commended by the Infrastructure and Projects Authority Gateway 4 Review in June 2021 as an “exceptional piece of work”.<sup>33</sup>
- 5.58** Immigration bail guidance, published on 31 January 2022, provides guidance for decision-makers about immigration bail as provided for under schedule 10 to the Immigration Act 2016.<sup>34</sup> This includes details of the implementation of EM and the handling of breaches of immigration bail conditions.
- 5.59** Inspectors found that Hub staff were not referring to these approved process maps and control documents and not all guidance had been fully operationalised. Staff relied heavily on their own, and colleagues’, previous case working experience when beginning their roles. Inspectors were told by EOs that “...guidance is a work in progress – it’s not where it should be” and “... sheer experience is keeping us going and building a process to get where we want”.
- 5.60** Inspectors found inconsistent practices in the application of the breach management process, for example when Bail 204 mitigation/warning letters should be issued. Inspectors were provided with 2 documents setting out the breach management process, both dated March 2022. The first was entitled ‘Proposed Breach Management Process’, which provided guidance on a 2-stage approach to dealing with FNOs out of contact for 7 days or more, with template emails for notifying offender managers, legal representatives and FNO RC case workers. The second was the standard operating procedure for management of breaches. Neither document was specific about how many warning letters should be issued before further action is taken. Staff were also unclear what the threshold was for prosecutions for breaches such as refusal to comply with induction onto EM, and deliberate attempts to remove or damage a device, or tamper with it so that it fails to work correctly.

### Hub training

- 5.61** Staff consistently said they had not been provided with adequate training for their roles. Managers said that staff training had been impacted by COVID-19 public health restrictions preventing face-to-face learning.<sup>35</sup>

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<sup>33</sup> Satellite Tracking Services Gateway 4 Report by the Infrastructure and Projects Authority assessed the readiness for the implementation of the EM service.

<sup>34</sup> <https://www.gov.uk/government/publications/offender-management>

<sup>35</sup> The Home Office, in its factual accuracy response, stated: “All staff received training on their specific roles when joining the Hub including during COVID, when the training was delivered virtually. Training for all aspects of the Hub tasks will be provided as individuals move from task to task”.

- 5.62** Among the areas that staff considered they required further training were on responding to representations and legal challenges (pre-application protocol letters and judicial reviews), in particular assessing independent medical evidence, vulnerability, Convention rights and harm levels. Use of harm levels<sup>36</sup> by Hub staff was still in development at the time of the inspection. Managers acknowledged that “The staff have received little to no formal training”.
- 5.63** Inspectors were advised that a new training package was being put in place for new recruits to the Hub which would cover immigration bail in detail and all EM workstreams, before they progressed to shadowing more experienced staff on the job. This is clearly needed to address the training needs highlighted by staff.

## Performance

### Capita Electronic Monitoring Service

- 5.64** Service levels for the delivery of EM services are set out in the MOJ contract with Capita EMS (EMS), which the Home Office has access to through a memorandum of understanding (MoU) dated 13 March 2018. The MoU was being updated in March 2022 to include new working arrangements in view of the duty to introduce EM for FNOs in August 2021. Performance was measured in terms of service levels for telephone response times, installation, induction, reinstallation and removal of equipment, breach notification and reporting.
- 5.65** Three NGOs, with experience of representing individuals subject to EM, told inspectors that common issues they saw in their case work were faulty or ill-fitting devices, and that getting those remedied was challenging. EMS field officers who visit to deal with technical faults with devices could arrive without warning. An example was given of a visit made at 11:00pm, which was perceived by the individual as “quite threatening”. Hub staff also raised concerns about EMS’s working practices, saying “EMS tagging teams turn up at all times” which is “not acceptable” for people with families.
- 5.66** EMS performance was measured as a whole across the entire MOJ contract – the Home Office currently accounts for approximately 10% of devices issued through this contract. Disaggregated performance data was only recently made available to the Home Office, for the first time, for 6 of the 16 service levels, covering the period October to December 2021. This showed EMS’s performance for the Home Office part of the contract fell significantly below the target for 3 of the service levels, while a fourth fell below the target for 2 of the 3 months, as shown in Figure 12 (in red text).

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<sup>36</sup> The Home Office informed inspectors that “Harm tiers are under development. The exact thresholds will be adjusted to balance risks with affordability”.

**Figure 12: Performance of EMS against service levels for electronic monitoring services provided to the Home Office**

SLA	Target	Oct. 21	Nov. 21	Dec. 21	Average
Equipment re-installation	95%	81.8%	72.2%	83.3%	79.1%
Visit for removal of equipment – non-bail cases	95%	75.0%	85.7%	100.0%	86.9%
Visit for removal of equipment (tamper related)	85%	60.0%	57.1%	83.3%	66.8%
Requesting information	85%	100.0%	100.0%	100.0%	100.0%
Informing authorities of enforcement action	85%	96.0%	83.3%	82.4%	87.2%
Attendance at court	100%	100.0%	100.0%	100.0%	100.0%

- 5.67** Inspectors were told by a senior manager that although EMS’s performance fluctuated, and despite breaching the service level agreement for services to the Home Office, service credits would not be issued until the Home Office has a larger share of the contract (currently it is at around 10%) and only when performance dipped across the entire MOJ contract. One manager reflected “it’s not our contract so we have little right of reply”, and it “can be frustrating”.
- 5.68** Some limitations in performance data stemmed from shortcomings in the EMS case work systems, for example the systems could not distinguish between tagging and induction at home or at source and so could not be reported on. Although anecdotally the Home Office said it “knows” that a tag is successfully issued in over 99% of cases, it was unable to demonstrate this with data. Inspectors were told that a request had been made for a change to EMS systems to provide this information in October 2021 and was still awaiting implementation in March 2022.
- 5.69** Due to a lack of staff on the SDT, little was done to monitor or investigate breaches of service levels for Home Office cases, although managers told inspectors that they intended to explore this when staffing became available.<sup>37</sup>
- 5.70** Inspectors requested data held on technical faults and equipment failures. The Home Office stated that although such data was available for the whole contract: “It has not been possible to distinguish between Home Office, acquisitive crime or other cohorts using GPS devices as they all have the same serial number ranges, so it is impossible to tell how many of these were Home Office cases”.
- 5.71** The Home Office provided estimated data calculating Home Office Immigration Enforcement GPS orders as a percentage of the total GPS orders under the contract. This was then applied to the total faults recorded across the contract. This resulted in the following analysis: “The main reasons for these technical faults were charging Issues (81%), SIM [card] (9%) and communication failure (6%) across all cohorts”.

<sup>37</sup> The Home Office, in its factual accuracy response, stated: “The MOJ have an experienced contract management team who audit, assure and performance manage all cohorts of electronic monitoring cases, including the Home Office caseload”.

**Figure 13: Estimated number of Home Office electronic monitoring equipment faults September 2021 to February 2022**

	Sept. 21	Oct. 21	Nov. 21	Dec. 21	Jan. 22	Feb. 22	Total faults
Number of Home Office Immigration Enforcement faults (extrapolated)	22	33	45	316	67	44	527

- 5.72** Instances of faults in December were exceptionally high across the whole of the MOJ contract, with 1,195 devices returned, which included “907 SOLO [EM devices]” which “[Capita EMS] had to recall and return due to a charging fault which all had to go back for repair”. This could explain the concerns raised by stakeholders regarding technical problems with devices.
- 5.73** Staff at the Hub told inspectors that when EMS is instructed to fit or check equipment, they provide EMS with a time and date to attend. Hub staff receive no confirmation of whether or not this slot can be accommodated by EMS. EMS send daily reports by email, which case workers must manually check to verify whether an induction or equipment check was successful after the event.
- 5.74** Other issues raised by Hub staff at different grades about EMS included its failure to answer the phone, and a failure to avert battery breaches. Staff comments included: “When it’s on 20% battery, they [EMS] should call the FNO, but they don’t call... if they did this, it would reduce the numbers [of breaches] and we could focus on the ones that are properly breaching”. The Hub were also only alerted to issues by prisons, such as EMS not attending to fit a tag, as “EMS don’t communicate”. Hub staff had escalated matters but were resigned to the fact that “it won’t go anywhere”, and they had become “desensitised to the issues with EMS”.
- 5.75** Although the EMS contract was directly managed by the MOJ, a Home Office manager acted as a conduit between EMS, MoJ and the Hub and attended regular weekly meetings with the MOJ contract manager and EMS. While there was some disconnect between the experience of the Hub staff and the perceptions of those managing performance of EMS, it was acknowledged that EMS had “performance challenges”. Inspectors also noted that a planned joint risk register between the Home Office and the MOJ, which would cover the contract and the relationship with EMS, had yet to be developed. This could help to ensure underperformance was properly assessed and agreed improvements implemented.

## Hub performance

- 5.76** Inspectors asked staff and managers in the Hub about how staff performance was managed. Staff did not have individual objectives and there was a lack of formal feedback on performance. A senior manager explained that the priority was to operationalise the service and, given the stretched staff resource, it was not considered appropriate to set service delivery standards for staff. However, without clarity on the expectations and the quality of service to be provided, inspectors noted that it was difficult for managers to assess the efficiency and effectiveness of the EM Hub and evaluate individual staff members’ performance, and training and development needs.
- 5.77** The Hub had also not implemented a quality assurance framework for its decision-making. Managers had been provided with the FNO RC quality assurance framework, but this had not yet been considered. Senior case workers (HEOs) were, however, able to undertake spot

checks, for example when commenting on responses to legal representations and authorising an EM review.

- 5.78** The main limiting factor affecting Hub staff performance was the level of staff resource available to deal with the volume of case work. Managers had ensured that the tagging of individuals on release was prioritised in line with the Secretary of State’s duty and that legal representations and challenges, pre-application protocol letters (PAPS) and judicial reviews (JRs) were responded to within specified timescales. However, this resulted in a backlog in other areas of case work.
- 5.79** Home Office data showed that 901 out of 1,124 people (80.2%) initially granted bail by an immigration judge between September 2021 and March 2022 received an EM condition on their bail, compared with 157 out of 231 (68%) of people granted immigration bail by the Secretary of State. This was skewed by particularly low figures in September; however, for the quarter ending March 2022, the respective percentages were 89.8% and 81.4%, despite being required by legislation. A senior manager attributed this to: “The first 3 months were probably user error, people not aware of the duty, even judges were not imposing it”.
- 5.80** The Home Office had yet to undertake any review of the circumstances of those FNOs already in the community on immigration bail as of 31 August 2021, reflecting a duty on the Secretary of State from 31 January 2022. EM reviews of those already fitted with a tag, which should be undertaken at 3-monthly interviews, were only being conducted when representations were received in respect of an individual.
- 5.81** There was a backlog of 818 EM reviews (out of 1,622 active EM cases) which should have had a 3-monthly review (Figure 14). Managers said they were “unable” to do EM reviews due to lack of resources, and that PAPS and JRs were prioritised due to the set reply times. The effect of this was that only those persons with access to legal advice would have the benefit of a such a review.<sup>38</sup>

**Figure 14: Numbers of completed and outstanding responses to legal representations and EM reviews from 1 September 2021 to 28 February 2022**

	<b>Completed</b>	<b>Outstanding</b>
EM reviews	338	818
EM reviews – ceased/tagging removed/varied	162	0
Judicial reviews	2	3
Pre-application protocol letters	16	3
Representations	77	8
<b>TOTAL</b>	<b>595</b>	<b>832</b>

- 5.82** The lack of Administrative Officers (AOs) meant that Executive Officers (EOs) were not able to focus on managing breaches. Staff stated that, “There was also reliance on breach information provided by EMS which they only checked if dates don’t align, or something is missing”. One manager confirmed, “Performance on that side has completely fallen down. We can get that back, move EOs over when we get AOs in”. Many of the breaches received were not processed

<sup>38</sup> The Home Office, in its factual accuracy response, stated: “Scheduled Reviews are undertaken in line with Policy as resources allow. This has been a challenge, but a plan is in place to address this. All service users irrespective of having access to legal advice or not, will have their case reviewed to ensure the application of EM remains appropriate”.

or reviewed and so risks associated with non-compliance would not be considered. One of the other impacts of this was that individuals who had breached their EM bail conditions, for whatever reason, would not have the opportunity to provide mitigation close to the time of the breach.

- 5.83** On 31 March 2022, the breaches inbox had 87 breaches awaiting allocation, the oldest of which was received on 18 March 2022. Inspectors were told that breach notifications relating to batteries and partial curfew breaches were archived and not processed, meaning systems were not updated and the information was not visible to other parts of the Home Office, with the potential that action against an individual for non-compliance could be missed. The process for issuing warning letters was unclear, and a member of staff said this had changed to every fifth breach resulting in a warning letter, but this was not consistent practice.
- 5.84** The prosecutions workstream was on hold and so there had been very little activity in this area, with staff reviewing just one case by the end of March 2022. While those working on the prosecutions workstream anticipated that less than 5% of cases would result in a prosecution, it involved a significant investment of staff time to prepare a case for submission to the Immigration Enforcement prosecution team and currently this was deemed a low priority compared with other workstreams. However, this meant that an essential element of the strategy for dealing with breaches was not available for use in the most serious cases of non-compliance with EM conditions. A senior manager acknowledged the limitations of a person receiving numerous warning letters: “It’s being used to some extent as a deterrent but is it one if people don’t believe anything happens if they breach?”
- 5.85** In addition to focusing on tagging FNOs on release, Hub staff were tasked with responding to the telephone hotline and the 6 email inboxes. The general enquiries inbox was used by internal and external parties and had a 5-day turnaround target for responses, but this was 6 weeks in arrears on 31 March 2022 and had 313 unanswered emails. There were no records maintained of emails for monitoring workflow or trends, or for quality assurance purposes. Emails were processed sequentially and by the time an enquiry was reviewed it may already have been dealt with, or there may have been several follow-up emails on the same matter. Staff reported that the same email was often sent multiple times and even to several inboxes, as legal representatives and FNO RC case owners knew that there was a large backlog in responding.

## Engagement with FNO Returns Command (FNO RC) case owners

- 5.86** The Hub described good working relationships with case worker teams based locally to the Hub and with FNO RC case workers based nationally who were designated ‘GPS Champions’ and thus understood the work of the Hub. However, relationships, and understanding of EM, were much less well-developed with teams without these ‘Champions’. Hub staff reported variable levels of understanding of EM and the role of the Hub by FNO RC case worker teams. This was reflected in the quality of referrals and the provision of incomplete or insufficient information, which then required escalation to FNO RC managers, extending timelines.
- 5.87** The variable understanding of EM was confirmed by a recent survey of FNO RC staff in relation to their role in the process, when EM should not be applied for, and the purpose of a curfew. This was acknowledged by Hub managers who were putting in place an action plan to address this, including developing additional guidance for FNO RC case workers.

- 5.88** Staff in the Hub felt that there was scope for better awareness raising of their unit, “Our unit has never really advertised what we are ... There is confusion from everyone as to who we are”.

## Engagement with other Home Office teams

- 5.89** Inspectors were told that a close working relationship had been established with the Reporting and Offender Management (ROM) teams. This relationship had been effective in resolving emerging issues, for example, with those FNOs with no fixed abode, where EMS needed an address in case of any issues, so it was agreed to use the address of the ROM that they report to. Hub staff told us that they had entered into discussions with ROMs to assess the feasibility of fitting devices at the ROMs in the future, where a person is reporting there, and it has not been possible to fit in the place of detention.
- 5.90** The Probation Service was recognised as a key stakeholder for the EM Hub, as offender managers can use their own intervention powers where a person is still subject to Her Majesty’s Prison and Probation Service (HMPPS) licence conditions, in cases where there is a breach of immigration bail. EM Hub staff said they had a good relationship with some offender managers and had named contacts.
- 5.91** Other Home Office staff and contractors, including Immigration Prison teams, MOJ employees, Detention Engagement teams, the Detention and Escorting Service, and Immigration Removal Centre service providers had been provided with briefing sessions and briefing packs ahead of the introduction of the Hub. This was undertaken by staff in the Satellite Tracking Services Programme (STSP). This engagement resulted in refinements to processes including the provision of contractors’ staff names to prisons in advance to meet the security access requirements and the introduction of a dedicated email inbox with the Hub, enabling 2-way communications.

## Engagement with FNOs

- 5.92** Inspectors were told that the primary purpose of the Hub was to improve contact management with those subject to EM. One member of staff attempted to contact individuals directly where there had been a first breach of EM conditions. There was anecdotal evidence that this enabled the early resolution of issues where people were getting used to the tag and how to charge it. However, Hub staff said that they were not routinely provided with the number of the mobile phone issued with the EM device on induction. Inspectors reviewed a case where this was an issue and noted that staff had to rely on an individual’s email contact details, which was less likely to result in a response from the individual. The mobile phone number is primarily used by EMS to manage contact with the individual and is only provided to the EM Hub within the breach report if a breach occurs. The EM Hub can then utilise the number to engage in managing the breach.

**5.93** In response to a request for details of complaints made about the Hub, inspectors were informed that the Home Office “was not aware of any, either from the public or internally within the Home Office”. Persons issued with an EM device are given a booklet by EMS which included details of how to complain about the service received. A complaint could be made via the EMS helpline or enquiries email. Inspectors noted that legal representations received by the Hub might also constitute a complaint but would not be recorded as such.

# Annex A: Role and remit of the Independent Chief Inspector

The role of the Independent Chief Inspector of Borders and Immigration (until 2012, the Chief Inspector of the UK Border Agency) was established by the UK Borders Act 2007. Sections 48-56 of the UK Borders Act 2007 (as amended) provide the legislative framework for the inspection of the efficiency and effectiveness of the performance of functions relating to immigration, asylum, nationality and customs by the Home Secretary and by any person exercising such functions on her behalf. The legislation empowers the Independent Chief Inspector to monitor, report on and make recommendations about all such functions, in particular:

- consistency of approach
- the practice and performance of listed persons compared to other persons doing similar activities
- the procedure in making decisions
- the treatment of claimants and applicants
- certification under section 94 of the Nationality, Immigration and Asylum Act 2002 (c. 41) (unfounded claim)
- the law about discrimination in the exercise of functions, including reliance on section 19D of the Race Relations Act 1976 (c. 74) (exception for immigration functions)
- the procedure in relation to the exercise of enforcement powers (including powers of arrest, entry, search and seizure)
- practice and procedure in relation to the prevention, detection and investigation of offences
- the procedure in relation to the conduct of criminal proceedings
- whether customs functions have been appropriately exercised by the Secretary of State and the Director of Border Revenue
- the provision of information
- the handling of complaints; and
- the content of information about conditions in countries outside the United Kingdom, which the Secretary of State compiles and makes available, for purposes connected with immigration and asylum, to immigration officers and other officials

In addition, the legislation enables the Secretary of State to request the Independent Chief Inspector to report to her in writing in relation to specified matters.

The legislation requires the Independent Chief Inspector to report in writing to the Secretary of State. The Secretary of State lays all reports before Parliament, which she has committed to do within 8 weeks of receipt, subject to both Houses of Parliament being in session.

Reports are published in full except for any material that the Secretary of State determines it is undesirable to publish for reasons of national security or where publication might jeopardise an individual's safety, in which case the legislation permits the Secretary of State to omit the relevant passages from the published report.

As soon as a report has been laid in Parliament, it is published on the Inspectorate's website, together with the Home Office's response to the report and recommendations.

# Annex B: ICIBI's 'expectations'

**Background and explanatory documents are easy to understand and use (e.g. statements of intent (both ministerial and managerial), impact assessments, legislation, policies, guidance, instructions, strategies, business plans, intranet and GOV.UK pages, posters, leaflets etc.)**

- They are written in plain, unambiguous English (with foreign language versions available, where appropriate)
- They are kept up to date
- They are readily accessible to anyone who needs to rely on them (with online signposting and links, wherever possible)

**Processes are simple to follow and transparent**

- They are IT-enabled and include input formatting to prevent users from making data entry errors
- Mandatory requirements, including the nature and extent of evidence required to support applications and claims, are clearly defined
- The potential for blockages and delays is designed out, wherever possible
- They are resourced to meet time and quality standards (including legal requirements, Service Level Agreements, published targets)

**Anyone exercising an immigration, asylum, nationality or customs function on behalf of the Home Secretary is fully competent**

- Individuals understand their role, responsibilities, accountabilities and powers
- Everyone receives the training they need for their current role and for their professional development, plus regular feedback on their performance
- Individuals and teams have the tools, support and leadership they need to perform efficiently, effectively and lawfully
- Everyone is making full use of their powers and capabilities, including to prevent, detect, investigate and, where appropriate, prosecute offences
- The workplace culture ensures that individuals feel able to raise concerns and issues without fear of the consequences

**Decisions and actions are 'right first time'**

- They are demonstrably evidence-based or, where appropriate, intelligence-led
- They are made in accordance with relevant legislation and guidance
- They are reasonable (in light of the available evidence) and consistent
- They are recorded and communicated accurately, in the required format and detail, and can be readily retrieved (with due regard to data protection requirements)

### **Errors are identified, acknowledged and promptly 'put right'**

- Safeguards, management oversight, and quality assurance measures are in place, are tested and are seen to be effective
- Complaints are handled efficiently, effectively and consistently
- Lessons are learned and shared, including from administrative reviews and litigation
- There is a commitment to continuous improvement, including by the prompt implementation of recommendations from reviews, inspections and audits

### **Each immigration, asylum, nationality or customs function has a Home Office (Borders, Immigration and Citizenship System) 'owner'**

- The BICS 'owner' is accountable for:
  - implementation of relevant policies and processes
  - performance (informed by routine collection and analysis of Management Information (MI) and data, and monitoring of agreed targets/deliverables/budgets)
  - resourcing (including workforce planning and capability development, including knowledge and information management)
  - managing risks (including maintaining a risk register)
  - communications, collaborations and deconfliction within the Home Office, with other government departments and agencies, and other affected bodies
  - effective monitoring and management of relevant contracted-out services
  - stakeholder engagement (including customers, applicants, claimants and their representatives)

# Acknowledgements

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