



Border Force

**THE BORDER FORCE RESPONSE TO THE
INDEPENDENT CHIEF INSPECTOR'S REPORT:
INSPECTION OF BORDER CONTROL
OPERATIONS AT HEATHROW TERMINAL 3**

Border Force thanks the Independent Chief Inspector (ICI) for advance sight of his report on Border Security Operations at Heathrow Terminal 3.

Border Force response to the recommendations:

1. **RECOMMENDATION 1:** Ensures that all arrests and search of person (SOP) are justified, proportionate and conducted with a legal basis in line with guidance and with proper documentary records maintained.
 - 1.1 Border Force accepts this recommendation.
 - 1.2 Searches of person are permitted under S164 of the Customs and Excise Management Act (CEMA) 1979 which provides the powers to search any person where there are reasonable grounds to suspect the person is carrying an article which is either chargeable with any duty which has not been paid or secured or is prohibited or restricted. Powers to search an arrested person are also provided under Section 32 of the Police and Criminal Evidence Act (PACE) 1984 which permits search where there are reasonable grounds for believing that the person may present a danger to themselves and others, has anything which may be used to assist escape from lawful custody or which might be evidence relating to an offence. Detection officers use these powers in the course of their duties in detecting concealed goods and in supporting the prosecution of criminal offences. Officers' work is intelligence led, and Border Force staff are experienced in identifying potential risks. This ensures that activity is targeted at the highest risk, though in some cases individuals will be searched and found to be innocent.
 - 1.3 The Inspection Team reviewed the SOP records conducted at Terminal 3 during April and May 2011. All SOP forms reviewed were completed appropriately, however notebook records appeared to indicate a lack of understanding of the evidential requirements for undertaking searches, the differential grounds for undertaking rub down and strip searches and an indication that some person searches were being undertaken without authorisation having been recorded. We accept that in the cases identified our recording of search of person fell below the standards laid down in the HMRC Enforcement Handbook resulting in an inability to provide evidence that the searches were justified and proportionate. The inspection team did however observe a proactive and tactical approach to passenger profiling and selection and that officer's consistently demonstrated their understanding of passenger risk and profiling skills.
 - 1.4 Border Force has detailed guidance for officers to follow when conducting searches of person and realise this is one of the most invasive examinations officers undertake on passengers. The Border Force Professionalism Group are currently working with HMRC, the owners of the Enforcement Handbook, to improve the guidance and the analysis of data collected on these searches to ensure we are applying our powers proportionately.

- 1.5 To address these shortcomings we have conducted a detailed internal review of SOP to fully understand the issues and inform a clear programme of action. We have identified that officers have been including and recording some selection indicators which should be used for interception purposes only as their grounds for SOP. We have issued an instruction to all detection team leaders reminding them of their responsibilities and the records they and their teams are required to keep. We are also undertaking 1 to 1 meetings or team leader briefing sessions with detection managers to emphasise the importance of rectifying the issues raised.
- 1.6 In addition we have introduced a higher level of independent scrutiny in respect of strip searches. All strip searches will now be authorised by an independent team leader or senior officer.
- 1.7 Our detection activity is a key part of our Border Force Assurance Standards which have been revised to include specific requirements to conduct regular checks on notebooks including reasons for searches. We will also invite the Border Force assurance team to undertake independent assurance on this area of our work in 6 months time to ensure the required improvements have taken place.
- 1.8 We have planned refresher training for all secondary and mobile staff which will be conducted within the next month. In the interim we have already held discussions with our staff ensuring that best practice is used when conducting SOP's. An independent assurance exercise will be conducted by October 2012.
2. **RECOMMENDATION 2:** Takes urgent remedial action to ensure managers working in the detection channels are properly trained and authorised to carry out their roles and responsibilities in relation to legislative requirements for arrest and searching purposes.
 - 2.1 Border Force accepts this recommendation.
 - 2.2 The Chief Inspector found that there was a significant shortage of skills at the manager level in the detection function. This was as a result of the reduction in numbers across Terminal 3 and the need to provide short term cover either on a temporary promotion basis or by the movement of immigration staff to the detection function.
 - 2.3 We accept that proper training is essential to ensure that managers can confidently and reliably take decisions on important legislative matters including authorising searches of person but recognise that there may have been an inconsistent approach to the training for these staff.
 - 2.4 We have now appointed staff on a permanent basis and are conducting a training needs analysis of our managers in this area. We will be delivering secondary examination training to our Chief Inspectors/Higher Officers where required and are working with our Learning and Development colleagues to

identify the appropriate level of training for our managers at Inspector/Senior Officer level including search of person and notebook keeping in order to build our expertise and drive improvement in this part of the business.

2.5 In parallel we have begun a program of 1 to 1 meetings and team leader briefings with detection managers to ensure we identify and address any immediate concerns. It is important that we acknowledge that the Chief Inspector found that Higher Officers have a good oversight of the work being conducted by their teams and that they work alongside them and direct activity on a day to day basis. This was recognised as good practice.

3. RECOMMENDATION 3: Implements robust monitoring to ensure it is meeting its obligations under the Equalities Act 2010, particularly in relation to searches of person and detection operations.

3.1 Border Force accepts this recommendation in part.

3.2 Border Force is subject to the Equality Act 2010 which came into effect in October 2010 and has been required to meet the general public sector equality duty since April 2011. The public sector equality duty requires that in exercising its functions Border Force has due regard to the need to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act. In addition we are required to advance equality of opportunity and foster good relationships between people who share a protected characteristic and those who do not.

3.3 Immigration functions are exempt from aspects of the general equality duty in relation to race, religion, age and the advancement of equality. Border Force's detection functions are however subject to all aspects of the general public sector duty. The Inspection Team found that the majority of passenger interactions in the arrivals hall and detection channels reflected positively on Border Force and exchanges were generally professional and courteous.

3.4 Border Force currently record ethnicity data for passengers arrested or subject to a search of their person and this data is captured in line with current guidance and policy. However, to record ethnicity data for all passengers who we make contact with as part of our detection operations would require a change in policy, new technology to record the data (for example handheld computers) and would need to be implemented at a national level. We do not consider that this is proportionate and for these reasons accept this recommendation in part.

4. RECOMMENDATION 4: Carry out a full evaluation of the team working model at Terminal 3 ensuring that: resources are matched effectively to demand; the level of management oversight is improved; staff are trained correctly to fulfil their roles; and an analysis of sickness levels are carried out to identify areas for improvement.

4.1 Border Force accepts this recommendation.

- 4.2 Border Force introduced a team working model from October 2010 based on the principle that staff would work with the same colleagues and their managers in predefined teams and shift patterns. Terminal 3 implemented team working in July 2011. The Chief Inspector concluded that these changes, which were implemented as part of a wider programme of change to rosters and shift patterns had led to operational difficulties in the deployment of staff at the Primary Control Point.
- 4.3 Heathrow is evaluating the team working model and is making changes to the rostering system for officers deployed to the Primary Control Point to ensure it better meets business demands and provides greater flexibility for staff. Management oversight will be retained as each officer will be deployed with at least 1 manager from a known and predefined cluster.
- 4.4 Border Force has a comprehensive National Training Plan to ensure delivery of the right knowledge and skills to our staff and that all legal, mandatory and business critical needs are met according to agreed priorities. We will underpin the Heathrow regional training plan with a requirement that all managers ensure training is completed and evaluated via a robust system of management assurance.
- 4.5 Sickness absence is proactively managed and monitored through the regional head quarters meeting (a monthly senior management team meeting with a particular focus on HR and finance issues). We are working with our HR colleagues to review policies which will enable us to manage known issues more effectively.
5. **RECOMMENDATION 5:** Establishes the circumstances behind the reduction in IS81s and refusals, and takes any necessary action to ensure that only individuals who are entitled to enter the UK do so.
 - 5.1 Border Force accepts this recommendation in part.
 - 5.2 Border Force officers perform a critical role in ensuring border security at the primary control point, determining who should be allowed into the UK without further consideration and who merits closer attention. Passenger response to questioning and behaviour are key to this decision making, in addition to prior adverse immigration or criminal history, authenticity of travel documentation and possession of appropriate entry clearance where required.
 - 5.3 When a Border Force officer is not satisfied that a passenger is suitable for immediate clearance, the passenger is detained at the primary control point with the issue of an IS81 form. This may result in simple background checks and further questions at the desk and then the passenger is granted entry. Alternatively the passenger may be detained for further questioning and the officer will decide whether to grant or refuse entry to the UK. Refusal has to be with the approval of a Chief Immigration Officer. The Chief Inspector found that

the quality of decision making at Terminal 3 was good and that decisions to refuse entry were correctly made in 97% of the cases reviewed.

5.4 Border Force consider that a number of factors may have impacted on the reduction in IS81s and refusals including the introduction of biometric collection overseas from all visa nationals. We will seek to review IS81 performance and refusals as a standard part of our Tasking and Co-ordination Group to identify future trends and carry out appropriate analysis.

6. RECOMMENDATION 6: Ensures and demonstrates compliance with Border Force Standards.

6.1 Border Force accepts this recommendation.

6.2 Border Force has an agreed set of centrally owned operational and non-operational standards to ensure efficiency, effectiveness and consistency across its business. These nationally agreed standards are assured across 6 monthly cycles supported by ad hoc validation exercises led by the central Inspectorate Team.

6.3 Heathrow's new senior management has recognised the need to develop an enhanced Management Assurance Framework for Heathrow Airport which covers both the areas in the Border Force standards but also others where there are clear statutory obligations, a risk of political or reputational damage, or the risk that managers may be compromised through not having adequate sight of activity are covered. This overarching framework will deliver evidence based, validated management assurance across all areas of the business and places responsibility and accountability for effective management assurance within each command. This is to be underpinned by specific Schemes of Control which require detailed evidence of action taken. The new Management Assurance Framework was implemented on 1 April.

6.4 We have also appointed a full-time Risk and Assurance Manager to set the direction for and co-ordinate assurance activity across the region, lead a network of functional managers and drive compliance. They will also establish and implement additional validation and testing exercises driven by our risk register.

7. RECOMMENDATION 7: Implements a formal quality assurance framework to identify case working errors and provide regular feedback to immigration staff at the PCP to drive improvements in decision making quality.

7.1 The Border Force accepts this recommendation.

7.2 The Chief Inspector reviewed the Heathrow central caseworking unit, which handles all cases that cannot be resolved by the officer at the Primary Control Point within 24 hours. He found a lack of evidence of a formal quality framework or process within the central caseworking unit to record and feedback on cases that had been referred from officers on the control. This meant that issues and

trends were not being identified to determine whether training or policy/guidance needed to be updated to improve decision making. In addition, whilst the unit was meeting its 80% success target for appeal cases there was no evidence of analysis to support continuous improvement.

- 7.3 The Home Secretary announced in response to the Chief Inspector's report "*An Investigation of Border Security Checks*" that Border Force would officially move out of the UK Border Agency and into a new Home Office Command. She stated the Agency's caseworking capability would be reviewed as part of the transition to agree the best model to manage this function going forward. Ensuring the quality of caseworking and feedback loops with the frontline will be key in consideration of the future model. In parallel we are conducting a review of caseworking in the Heathrow central unit and we will ensure that we feed our findings into the broader programme of work.
- 7.4 We are also reviewing our current training programme and will conduct a training need analysis for our managers in relation to passenger interviews and supporting casework. We will undertake robust assurance on our interviews and decision making on the Primary Control Point as part of our Heathrow Management Assurance Framework.
8. **RECOMMENDATION 8:** Works with BAA to agree a single measurement tool for queue management ensuring it accurately reflects queuing times and passengers experiences at the Primary Control Point.
 - 8.1 Border Force accepts this recommendation in part. Border Force's priority is to maintain border security by checking passengers and goods as they enter the country. During peaks of passenger arrivals, people may wait longer while we carry out full checks.
 - 8.2 All UK ports are assessed on queuing performance and the Border Force queue measurement methodology is based on capturing data on the hour every hour. Information is captured separately for EEA nationals and non-EEA nationals and weighted against the respective 25 and 45 minute key performance indicators. Using this system enables Border Force to produce consistent statistical information to an agreed standard and enables comparisons against historical performance data and on-going comparisons across regions.
 - 8.3 BAA also collect data which is used at Heathrow in a complementary way, it is not however gathered in line with Border Force policy. We will continue to explore opportunities to improve the quality of the data that we collect in line with our centrally driven standards and are consulting with BAA, as well as others, about measuring queues.
9. **RECOMMENDATION 9:** PROVIDES UP TO DATE COMPLAINTS INFORMATION AT UK PORTS, WITH COMPLAINT POSTERS AND LEAFLETS BEING AVAILABLE AT THE PCP AND IN THE DETECTION CHANNELS.

- 9.1 Border Force accepts this recommendation.
 - 9.2 Border Force defines complaints as any expression of dissatisfaction about the services provided by or for Border Force and/or about the professional conduct of Border Force staff or contractors. Complaints are categorised as either service complaints, minor misconduct or serious misconduct complaints.
 - 9.3 Border Force takes complaints from the public seriously and has robust national procedures for recording and replying to all complaints received. During the Inspection the provision of complaints information was restricted by the freeze on marketing and advertising materials. Updated copies of posters and leaflets are now available and simplified procurement processes are being introduced for operational managers to place orders. We are also exploring the use of the existing plasma information screens at Heathrow to promote information on complaints.
10. **RECOMMENDATION 10:** Records, analyses and learns from complaints and disseminates analysis to frontline staff.
- 10.1 Border Force accepts this recommendation.
 - 10.2 Border Force has a centralised approach to complaints handling. Complaints are monitored at a national level by the Complaints Oversight Policy team in the UK Border Agency. Trends in complaints or significant one-off complaints are also notified to the Border Force Professionalism Manager by the Border Force Complaints Team and any action is led through the professionalism network. However we are seeking to improve the capture, analysis and use of complaints data as part of our goal to provide a fast and fair service. The complaints team will be providing a 6 monthly review of the national trends/themes and actions taken and the Border Force performance data will be shared with Regional Directors.
 - 10.3** At a local level we will also put a process in place for analysing data including exploring how local trends or themes can be identified via the complaints management system. We will consider ways we can better analyse verbal complaints bearing in mind that it is not proportionate to formally record these complaints unless they meet specific criteria. We will also work with the central team to share information and consider trends. We will include a standing complaints agenda item at our Senior Management Team meetings and increase awareness of how we are handling complaints across the region.
11. **RECOMMENDATION 11:** Take action to improve performance in relation to absconder recovery action, ensuring that people who have lost their appeals are located and removed from the UK.
- 11.1 Border Force accepts this recommendation.
 - 11.2 The Chief Inspectorate identified that the numbers of absconders had increased over the last 3 years and the highest rate (185 in July 2011) was at Terminal 3.

This rise in absconders was matched by a significant reduction in absconder recovery rates.

11.3 This is an important issue for the UK Border Agency and Border Force. The new Enforcement and Improvement Directorate within the UK Border Agency has developed a strategy which will tackle the issue of absconding immigration offenders. The strategy includes measures to prevent absconding; trace absconders and agree sanctions which will include doing more to quickly remove those we trace. We have revised the guidance around how staff will deal with absconder cases and Enforcement and Crime Group have upgraded the central absconder tracing teams so that we have a dedicated resource who deals with absconder referrals quicker and more effectively. In addition Border Force are revising existing plans for recovery at the Primary Control Point and will re-issue clear instructions to staff including the agreed escalation process. Closer working between all parties will drive performance.

12. **RECOMMENDATION 12:** Strengthen the links between International Group and Border Force so that relevant information about visa concerns are shared to drive improvements in decision making quality.

12.1 Border Force accepts this recommendation.

12.2 International Group have improved the functionality of the UK Border Agency's Central Reference System to enable the direct input of Border Force visa concerns. This enables information to be fed straight back to International Group who can use this to develop intelligence to identify trends, drive improvements in decision making and produce management information. This practice is being rolled out across Border Force and will be supported by an operational instruction to ensure staff are aware of the new procedures. Sharing information and intelligence is key to our operations and we must continue to drive closer working and strengthen the links with our colleagues across the Agency and beyond to improve performance.