



**THE UK BORDER AGENCY RESPONSE TO
THE INDEPENDENT CHIEF INSPECTOR'S REPORT
OF A UK BORDER AGENCY ARREST TEAM (CROYDON)**

The UK Border Agency thanks the Independent Chief Inspector (ICI) for advance sight of his report.

The UK Border Agency accepts the Chief Inspector's recommendations in full. Significant steps have already been taken to implement changes in the way our Croydon Arrest Team carries out operational visits, including reminders to staff and better record keeping when visits take place. The UK Border Agency's Professional Standards for Enforcement Unit has been closely involved in the implementation of these changes. Detailed responses in relation to each of the Chief Inspector's recommendations can be found below.

The UK Border Agency response to the recommendations:

1. Recommendation 1: Ensures proper written authority for an arrest team visit is obtained in accordance with the Agency's own guidance

1.1 Accepted

1.2 We accept that the written authority for one of the visits had been obtained in December 2010 and had expired by the time of the visit on 8 February 2011. Managers in Croydon Local Immigration Team have reminded staff that they must hold current Chief Immigration Officer (CIO) authority for operations in writing and that this written authority must be recorded in the visit pack. Local managers are ensuring adherence to this guidance. CIOs now quality check all visit packs to ensure that appropriate written authority has been recorded and the Arrest Team manager is now sampling 20% of visit packs each week. A reminder has been issued to teams nationally.

1.3 An amendment to the Enforcement Instructions and Guidance Chapters will clarify the levels of authority and training required for a CIO to sign off a risk assessment, to enable a team to visit with effective control measures in place. The current guidance has been changed to differentiate sufficiently when an arrest trained CIO is required to sign a risk assessment and the circumstances when a non arrest trained CIO can authorise a visit.

2. Recommendation 2: Ensures Officers in Charge comply with guidance when preparing and delivering operational briefings

2.1 Accepted

2.2 We accept that there was a significant omission from the information that the officer in charge initially shared. This resulted from a failure to fully update the National Operations Database (NOD) on a previous occasion. Managers in Croydon Local Immigration Team have brought the findings of the Chief Inspector's Report to the attention of staff and have reiterated to staff that they must complete NOD debriefs fully and accurately to mitigate the potential risk to staff and the public during any future visits. This incident will also be shared nationally as an example of the potential implications of a failure to fully and accurately update the NOD database.

2.3 Croydon LIT CIOs are now checking NOD entries against all visit packs (which contain Operational Orders, Officer statements, copies of Officer Notebooks and Premises Search Book) to ensure that all salient information has been recorded on NOD.

2.4 Professional Standards for Enforcement are extending their processes for advising operational staff of changes and updates to new policies and guidance. Operational staff

are currently advised of changes via Global email and direct messages to senior operational managers but work is underway to develop a dedicated page on the UK Border Agency Intranet to advise staff of operational changes and keep staff fully up to date. This is due to be published soon.

- 2.5 Recent changes to operational guidance in Chapter 61.9.3 describe procedures to be followed when an operational briefing takes place outside of UK Border Agency accommodation and advises officers in charge of operations to keep briefing copies secure at all times to avoid their loss.
- 2.6 Operational staff have been reminded to include a description of the powers of arrest expected to be used on an operation and where an expected arrest uses Immigration Act powers not normally exercised on the vast majority of UKBA arrest visits, a more detailed description of the use of the expected powers is delivered within the operational briefing.

3. Recommendation 3: Clarifies the actions Immigration Officers may take to control the movement of people in a property

3.1 Accepted

- 3.2 Professional Standards for Enforcement have clarified that an operational team has more power to control persons within a property when the appropriate search warrant is available for the visit. If officers rely on entry using informed consent, this may present difficulties if that consent is then withdrawn. This will be incorporated into published guidance once Home Office Legal Advisors have provided written advice. In the interim the UK Border Agency has taken a decision to use search warrants in as many cases as possible until the guidance is published.

4. Recommendation 4: Ensures that all arrest teams comply with guidance relating to informed consent

4.1 Accepted

- 4.2 We accept that the guidance on obtaining informed consent was not followed on the visit in question. In light of this, officers in Croydon Local Immigration Team are now required to record in their Officer Notebooks that they have taken the steps outlined in the guidance and as part of the post-visit checks now carried out, CIOs in Croydon LIT will check officer notebooks to ensure compliance with the guidance. The arrest team manager now samples 20% of visit packs which will give a further opportunity to ensure compliance with this guidance.
- 4.3 The Enforcement Instructions and Guidance are clear in Chapter 61.9.6 of the procedures to be followed when entry by informed consent is the agreed method of entry to a premises.

5. Recommendation 5: Clarifies, and ensures compliance with, the guidance relating to the documentary records an arrest team must complete.

5.1 Accepted

- 5.2 We accept that a Premises Search Book was not opened and that this was contrary to the guidance. It was clear from the Chief Inspector's Report that staff in Croydon LIT were unsure as to when a Premises Search Book must be opened. Managers have

clarified for staff that a Premises Search Book must be opened whenever an arrest team search for people or property. As part of the post-visit checks, conducted by CIOs in Croydon LIT, all visit packs are now checked to ensure that the necessary information, including the Premises Search Book, have been completed and these packs are subject to a further sample check by the arrest team manager.

- 5.3 Enforcement Instructions and Guidance Chapter 61.11.2 describes the usage of a pocket notebook and 61.11.5 describes the circumstances when a Premises Search Book should be opened.