



# **Inspection of Border Control Operations at Terminal 3, Heathrow Airport**

August - November 2011



**John Vine CBE QPM**  
**Independent Chief Inspector of Borders and Immigration**



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# Contents

Foreword from John Vine CBE QPM	2
Executive Summary	3
Summary of Recommendations	6
1. The Inspection	7
2. Inspection Findings – Operational Delivery	11
3. Inspection Findings – Safeguarding Individuals	38
4. Inspection Findings – Continuous Improvement	48
Appendix 1 Inspection Criteria	57
Appendix 2 Glossary	58
Appendix 3 Acknowledgements	66

# Foreword from John Vine CBE QPM



London Heathrow is by far the UK's busiest airport, handling a considerable volume of passengers, many of whom require entry clearance to enter the country. During my inspection, I found inconsistencies in the application of border security checks which I considered to be a threat to border security. I examined this issue in full in my report "*An investigation of border security checks*" which was laid before Parliament by the Home Secretary on 20 February 2012.

This inspection report focuses on other aspects of the operation at Heathrow's Terminal 3, particularly the quality of decision making by Immigration Officers in granting or refusing leave to enter the UK and how passengers are selected, challenged or searched in the pursuit of illicit goods.

In general, I found that staff were professional and courteous in their dealings with passengers and were aware of their responsibilities to safeguard children. In my examination of their decisions to refuse entry to the UK, I was pleased to see that they were correctly made in 97% of cases sampled.

However, I have significant concerns in three areas of work as a result of this inspection. Firstly, an examination of search of person records for the secondary detection area showed that, in two thirds of cases, the search was neither justified nor proportionate. A search of a person can be intrusive so the Border Force<sup>1</sup> must be able to show that it is acting with good reason and within the law.

Secondly, I found that the UK Border Agency was not systematically recording and analysing data on ethnicity in order to know whether its officers were targeting one group of passengers more than others, thereby fulfilling all its obligations under the Equalities Act 2010.

Thirdly, I found that the Agency was failing to proactively deal with absconders. While the number of absconders had increased significantly over the last three years, the rate of recovery had reduced considerably. This is an area where both the UK Border Agency and Border Force will have to work closely together in order to deliver an improved outcome.

Yet again, I have to report that there was poor provision of passenger information on how to make a complaint. Nor did I find any evidence that data on complaints was being used effectively.

Finally, I found that recent organisational changes had suffered from a lack of effective planning. Resources were not matched to demand, management oversight and assurance was lacking in many areas and staff were not always properly trained to undertake their duties. I remain concerned that this lack of planning had affected the Agency's ability to carry out its key function of maintaining an efficient and effective border control.

I have made 12 recommendations for implementation.



**John Vine CBE QPM**  
**Independent Chief Inspector of Borders and Immigration**

<sup>1</sup> On 1 March 2012, the UK Border Agency and the Border Force became separate organisations.

# Executive Summary

1. London Heathrow is the largest airport in the UK and the third busiest in the world. In 2010, it dealt with approximately 450,000 aircraft movements carrying 65 million passengers. It also dealt with 1.47 million metric tonnes of cargo. The airport, run by BAA, operates as a major hub within Europe. At the time of inspection it was served by four terminals, with Terminal 3 being the second busiest, handling 20.4 million passengers on 107,000 flights in 2010. This accounts for almost a third of all Heathrow passenger traffic.
2. The inspection of Border Force operations at Heathrow Airport Terminal 3 explored the efficiency and effectiveness of the UK Border Agency (the Agency) across immigration and customs (also known as detection) functions using the Independent Chief Inspector's published criteria. The main areas of focus were the:
  - quality of decision making in granting or refusing leave to enter the UK;
  - basis for challenging or searching passengers in the detection of illicit goods; and
  - passenger journey through the controls, including consistency of approach and treatment of passengers at the Primary Control Point<sup>2</sup> and in detection channels.
3. Generally, we found Immigration Officers were courteous and professional when dealing with passengers at the Primary Control Point, presenting a positive image of the Agency and also of the UK in general. This was often despite the significant pressure of a full arrivals hall, dealing with passengers who had been waiting for long periods of time.

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4. There was also good awareness amongst staff of all grades about the need to safeguard children. A senior manager held functional responsibility for children's issues and a number of immigration staff, trained in this area of work, provided specialist support to colleagues when children's cases were raised. Facilities for children were adequate and we received positive feedback from stakeholders regarding children's issues at Terminal 3.
5. We examined various categories of case files, including refusals of visa nationals, non-visa nationals and students. We found that 97% of refusal decisions were correct and had confidence that these types of cases were being dealt with effectively.

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*We also identified inconsistent application of border security checks, primarily related to the Level 2 pilot that was ongoing at the time of our inspection.*

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6. However, we also identified inconsistent application of border security checks, primarily related to the Level 2 pilot that was ongoing at the time of our inspection. We observed clear differences in the way passengers were treated during times when Level 2 was in operation and this included Secure ID<sup>3</sup> not being used for visa nationals. This resulted in our subsequent investigation and report entitled "An investigation into border security checks<sup>4</sup>," which was published in February 2012.

2 The Primary Control Point (PCP) refers to the immigration control area (arrivals hall) where passengers present their travel documentation and may be questioned by Immigration Officers about their reasons for entering the UK.

3 The biometric verification of passengers' fingerprints at the Primary Control Point which are then matched against prints they have previously provided as part of the immigration process, either overseas or in the UK.

4 <http://icinspector.independent.gov.uk/wp-content/uploads/2012/02/2012-02-20-Report-of-the-UKBA-ICI-Report3.pdf>

7. Although management oversight needed significant improvement in the secondary detection function, we found some good working practices in the detection channels. This included staff being professional and courteous when dealing with passengers. Staff also observed passengers either when they disembarked aircraft or were waiting at the baggage carousels in order to identify visual or behavioural indicators in advance of passengers entering the detection channels. We consider this was good practice.
8. However, we identified serious concerns with the way in which staff documented the reasons for conducting searches of passengers to detect concealed goods. We found that record keeping in this area was completely inadequate in two thirds of the cases we examined (31 cases) and failed to demonstrate that searches were justified, proportionate and in line with legislation<sup>5</sup> and Agency guidance. These were significant failings and identical to the problems we identified during our inspection at Gatwick North.
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- We identified serious concerns with the way in which staff documented the reasons for conducting searches of passengers to detect concealed goods.*
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9. Equalities considerations were not given sufficient attention within the detection function at Terminal 3. Investigation of approaches to race monitoring in detection operations revealed perceived ethnicity was only recorded in search of person forms and this information was not analysed. The Agency had no way of knowing if people of a particular race or ethnicity were targeted for examination more than others or whether particular officers or teams were targeting people from particular groups more than other detection staff. We could not therefore be confident that the Agency was fulfilling its duties in line with the Equality Act 2010.
10. The introduction of team based working in July 2011, coupled with a new shift working system and the amalgamation of immigration and detection roles at Heathrow was far too much organisational change during the busiest time of the year at Heathrow. These changes were further complicated by staff reductions of 15% at Terminal 3 over the preceding 12 months (46 full-time posts), against a backdrop of increasing passenger volumes. We found little evidence of a cohesive plan being in place to effectively manage the challenges that each of these organisational changes presented.
11. We identified significant reductions in the number of IS81s<sup>6</sup> issued and refusals at Terminal 3 in both 2010 and 2011. We believe that Border Force needs to establish precisely what factors were responsible for these reductions in order to determine whether organisational changes at Terminal 3 had undermined its work to maintain efficient and effective border controls.
12. The Agency was failing to proactively deal with absconders. We found that while absconders at Terminal 3 had increased by 62% between 2009 and 2011<sup>7</sup>, the number of absconders recovered had reduced from 40% in 2009 (48 cases) to just 16% in 2011 (30 cases). A key factor for this poor performance was ineffective joint working between Border Force staff and Immigration Group staff employed within Local Immigration Teams who were responsible for undertaking enforcement action.
13. Border Force Standards<sup>8</sup> are a sound basis for providing more senior managers with assurance that decisions to either grant or refuse entry to the UK were being made consistently, fairly and in accordance with the Immigration Rules. However, we found no evidence that these necessary quality control checks were being carried out effectively by front line managers at Terminal 3.

<sup>5</sup> Searches of person are permitted under S164 of the Customs and Excise Management Act (CEMA) 1979 and Section 32 of the Police and Criminal Evidence Act 1984.

<sup>6</sup> An Agency form which is issued to passengers if Immigration Officers wish to conduct further examinations.

<sup>7</sup> 115 absconders in 2009, 198 in 2010 and 185 in 2011 (up to July).

<sup>8</sup> A set of operational and non-operational standards produced by Border Force to ensure 'efficiency, effectiveness and consistency' across its business.

14. We identified problems between the Heathrow Central Caseworking Unit<sup>9</sup> and Immigration Officers working at the Primary Control Point, primarily linked to the absence of a quality assurance framework. This meant that errors made by Immigration Officers working at the Primary Control Point were not being addressed at an individual level, nor were wider issues and trends being identified to determine whether training or policy/guidance needed to be updated to improve decision making or raise performance levels more generally.
15. We found that the queue measuring techniques utilised by the Agency at Terminal 3 did not provide an accurate reflection of performance. They were arbitrary and reporting made no distinction between the very different outcomes experienced by EEA and non-EEA passengers, particularly during busy periods of peak travel.
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- We found that the queue measuring techniques utilised by the Agency at Terminal 3 did not provide an accurate reflection of performance.*
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16. Our findings on complaints mirror those that we have found in previous inspections across ports in the UK. We found a complete lack of documentation and information for passengers on how to make a complaint. We also found that there was no analysis of complaints at either a local or national level to identify trends and publish lessons learned.
17. Border Force was not working cohesively with International Group to improve decision making overseas when its staff refused entry to visa holders who arrived in the UK. We found that visa concern forms which Immigration Officers should complete (and send to International Group) when identifying a problem with a visa that had been issued, represented only 3.3% of all overturned visas for April to September 2011.

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<sup>9</sup> Provides a central caseworking function for all terminals at Heathrow, dealing with casework that cannot be resolved at the Primary Control Point within 24 hours.

# Summary of Recommendations

## **We recommend that the Border Force:**

1. Ensures that all arrests and searches of person are justified, proportionate and conducted with a legal basis in line with guidance and with proper documentary records maintained.
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.
3. Implements robust monitoring systems to provide assurance it is meeting its duties under the Equalities Act 2010, particularly in relation to Searches of Person and detection operations.
4. Carries out a full evaluation of the team working model at Heathrow 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
  - analysis of sickness levels are carried out to identify areas for improvement.
5. Establishes the circumstances behind the reduction in IS81s and refusals and takes any necessary action to ensure that only individuals entitled to enter the UK are allowed to do so.
6. Ensures and demonstrates compliance with Border Force Standards.
7. Implements a formal quality assurance framework to identify caseworking errors and provide regular feedback to immigration staff at the Primary Control Point to drive improvements in decision making quality.
8. Works with BAA to agree a single measurement tool for queue management, ensuring it accurately reflects queuing times and passenger experiences at the Primary Control Point.
9. Provides up-to-date complaint information at UK ports, with complaint posters and leaflets being available at the Primary Control Point and in the detection channels.
10. Records, analyses and learns from complaints and disseminates analysis to front line staff.

## **We recommend that the Border Force and the UK Border Agency:**

11. Take action to improve their performance in relation to absconder recovery action, ensuring that people who have lost their appeals are located and removed from the UK.
12. Strengthen the links between International Group and the Border Force so that all relevant information about visa concerns are shared to drive improvements in decision making quality.



# 1. The Inspection

## Role and remit of the Independent Chief Inspector

- 1.1 The role of the Independent Chief Inspector of the UK Border Agency (“the Chief Inspector”) was established by the UK Borders Act 2007<sup>10</sup> to examine the efficiency and effectiveness of the UK Border Agency in dealing with asylum, immigration and nationality functions. The statutory remit of the Chief Inspector was extended to include customs functions and the work of the Agency’s contractors by the Borders, Citizenship and Immigration Act 2009<sup>11</sup>.
- 1.2 On 20 February 2012, the Home Secretary announced that Border Force would split from the UK Border Agency from 1 March 2012, to become a separate operational command within the Home Office. The Home Secretary confirmed this change would not affect the Chief Inspector’s statutory responsibilities and that he would continue to be responsible for inspecting the operations of both the Agency and the new Border Force.

## Methodology

- 1.3 The efficiency and effectiveness of border control operations at Heathrow Terminal 3 were assessed against the Independent Chief Inspector’s ten inspection criteria listed in Appendix 1. Themes of particular interest were:
  - risks to border security;
  - resourcing and deployment;
  - quality of decision making;
  - consistency of practice and equality of passenger outcomes;
  - quality of passenger interactions;
  - use of technology; and
  - performance.
- 1.4 A number of stages were completed prior to the on-site inspection which took place between 26 September and 19 October 2011. The pre-inspection activities included:
  - review of the latest relevant policy and guidance;
  - review of management and performance information;
  - case file reviews of selected landed and refused cases, children’s cases and complaint files; and
  - review of documentary and electronic evidence submitted to the inspection team by the Agency.

<sup>10</sup> 2007 c.30, section 48

<sup>11</sup> 2009 c.11, section 28

1.5 Full details of the case file reviews are provided in the relevant chapters. The following case files were examined:

- 98 refusal decisions (relating to people refused entry to the UK) which were broken down as follows;
  - 40 Visa Nationals;
  - 37 Non-Visa Nationals;
  - 21 Tier 4 Students<sup>12</sup>;
- 16 landing decisions;
- 48 absconder files;
- 17 unaccompanied children’s cases;
- 5 age dispute cases;
- 50 complaint files; and
- 48 Search of Person Records.

1.6 During the on-site phase of the inspection, we conducted further file sampling, reviewing the completeness of 1,000 landing cards for quality and consistency purposes and assessing 47 carrier liability files to determine the effectiveness of financial recovery. We also interviewed (individually or as part of focus groups) 94 Border Force staff as part of this inspection. Figure 1 provides a breakdown by grade.

<b>Figure 1: Border Force staff interviewed at Terminal 3</b>	
<b>Grade</b>	<b>Number</b>
Immigration Officer (Officer) <sup>13</sup>	72
Chief Immigration Officer (Higher Officer)	10
Her Majesty’s Inspector (Senior Officer)	8
Assistant Director / Grade 7	2
Deputy Director / Grade 6	1
Director / Grade 5	1
<b>Total</b>	<b>94</b>

1.7 We conducted a number of staff observation sessions at the PCP<sup>14</sup> (40 hours) and the secondary detection areas (22 hours), primarily in the green channel, through which passengers arriving from non-EEA destinations exit after making the choice that they have nothing to declare. These exercises were predominantly focused on passenger interactions in addition to consistency of practice amongst staff. Thirteen detailed passenger case interviews were also observed. These interviews are a fundamental part of the decision making process in determining whether to grant or refuse entry to the UK for the passengers concerned.

1.8 We also conducted interviews with a variety of stakeholders during the inspection including:

- BAA, the port operator;
- Metropolitan Police / Special Branch;
- Hillingdon Borough Council Social Services; and
- Airline representatives.

<sup>12</sup> Tier 4 is a category specific to Students in the Points Based System.

<sup>13</sup> Denotes grade of staff who formerly worked in HMRC.

<sup>14</sup> The Primary Control Point (PCP) refers to the immigration border control point for passengers arriving on international flights.

- 1.9 Three drop-in sessions were also included in the inspection programme affording staff the opportunity to raise issues directly with the Chief Inspector.
- 1.10 The Agency was advised of high-level, emerging findings of the inspection on 14 November 2011.

### London Heathrow

- 1.11 London Heathrow airport is the largest airport in the UK and the third busiest airport in the world. In 2010, it dealt with approximately 450,000 aircraft movements carrying 65 million passengers. This is almost double the number of passengers dealt with at the UK's second busiest airport, London Gatwick. It also dealt with 1.47 million metric tonnes of cargo.
- 1.12 The airport, run by the BAA, operates as a major hub within Europe. At the time of inspection it was served by four terminals<sup>15</sup>, delivering services to 176 destinations on flights operated by 89 different airline companies.
- 1.13 Terminal 3 is the second busiest of the four terminals. In 2010, it handled 20.4 million passengers on 107,000 flights. This accounts for almost a third of all Heathrow passenger traffic. The breakdown of these passengers was split between 40% for non-EEA nationals and 60% for EEA nationals.

### Border Force

- 1.14 The Agency was formed in 2008 with the amalgamation of the Border and Immigration Agency, UK Visas and border operations from Her Majesty's Revenue and Customs (HMRC). Over 4000 staff were permanently transferred from HMRC on 5 August 2009, constituting a single Border Force within the Agency designed to *"create a multi-skilled integrated workforce to improve security at the border, facilitate legitimate travel and trade and provide increased flexibility to tackle areas of greatest risk and pressures"*.
- 1.15 Following the formation of Border Force, the Agency created a set of minimum standards for staff working in this area, covering **both operational and non operational disciplines**, to ensure efficiency and consistency across its Border Force business. These standards were referred to as the *"Border Force Standards"*, with the third edition being in operation during our inspection (issued April 2011). The standards document was structured into three main sections, primary examination (Primary Control Point), secondary examination (commodity seizures etc.) and general.
- 1.16 Integrating working practices from the legacy organisations has been a significant focus for the Agency since the transfer of HMRC staff in 2009, in order to provide consistency of approach and operational effectiveness. This has involved cross-training significant numbers of staff and also implementing a team-working model across Border Force during 2010 and 2011. The national team-working approach was intended to facilitate the creation of a *"single, cohesive and flexible workforce"*<sup>16</sup> to deliver the following benefits:
- *"better management of staff and their development – particularly in regards to cultural integration, performance and attendance etc;*
  - *increased levels of support to team members;*
  - *improved performance and efficiency; and;*
  - *greater flexibility for managers in resource deployment"*.
- 1.17 London Heathrow implemented the teamworking model in July 2011 and was the last port to do so within Border Force.

<sup>15</sup> Terminals 1, 3, 4 and 5.

<sup>16</sup> UK Border Agency – Border Force HR Transformation Programme: Team Working Principles Framework.

- 1.18 Within Border Force, Heathrow Airport is classed as a Region in its own right due to its size and scale of operation. Terminal 3 is part of a Command within that structure that covers both Terminals 1 and 3. At the time of the inspection, it was staffed by approximately 277<sup>17</sup> staff. This was a reduction against the total number of 322 from 12 months earlier, with the majority of losses being experienced at Immigration Officer (IO) grade. Figure 2 provides a breakdown of staff at the time of our inspection.

**Figure 2: Staff breakdown for Terminal 3**

Grade <sup>18</sup>	Number (FTE)
Administrative Assistant	2
Assistant Immigration Officer (Assistant Officer)	36.4
Immigration Officer (Officer)	200.3
Chief Immigration Officer (Higher Officer)	32.3
Her Majesty's Inspector (Senior Officer)	5.4
Assistant Director	0.5
<b>Total</b>	<b>276.9</b>

Note – Information Provided by the UK Border Agency.

- 1.19 As a result of the demographics of passengers and flights into Terminal 3, aligned with increasing passenger numbers and decreasing staffing numbers, we consider the Agency had some significant challenges to manage at Terminal 3. They included operating an efficient and effective border control, while at the same time delivering good customer service. These twin challenges were made more difficult by the large proportion of non-EEA passengers that were travelling through Terminal 3, to ensure they were travelling on the correct travel documents and/or had the correct entry clearance to allow entry into the UK.
- 1.20 The outcome was that large numbers of passengers were subjected to detailed scrutiny of their documents, impacting on the speed at which a passenger transited through the airport. We were told that the profile of passengers also generated significant demand for detection staff relating to the seizure of illicit goods.
- 1.21 Targets and Performance were set and measured at regional level against the regional business plan. Performance against these targets was reported at regional level, showing the performance of the whole of Heathrow combined. Monthly reports showing the performance for each individual terminal were also produced in order to show the contribution of each terminal towards the overall target.
- 1.22 Figure 3 shows key immigration information for Terminal 3 for 2009/10 and 2010/11.

**Figure 3: Key immigration information for Terminal 3 – 2009/10 and 2010/11**

Data	2009/10	2010/11	Variance (%)
People Refused Entry at the Border	3107	2500	-19.5%
People Removed following Refusal	2612	1885	-27.8%
Percentage of Passengers dealt with at the Primary Control Point (Primary Control Point) within the target time	99.3%	98.3%	-1%
No. of People Claiming Asylum	377	379	0.5%

Note – Information Provided by the UK Border Agency.

<sup>17</sup> Data correct as of August 2011.

<sup>18</sup> The grades shown in brackets refer to the job titles of staff who were former Customs staff. For ease of reference in this report, Border Force staff working in immigration operations are referred to as immigration staff and those involved in detection operations are referred to as detection.

## 2. Inspection Findings – Operational Delivery

### Decisions on the entry, stay and removal of people should be taken in accordance with the law and the principles of good administration

- 2.1 The inspection considered a number of issues concerning the efficiency and effectiveness of immigration services at the Primary Control Point, including :
- the professionalism of immigration staff when dealing with passengers to determine whether entry to the UK should be granted or refused;
  - the effectiveness of immigration decision making, including the quality of paperwork and file management linked to those decisions; and
  - management oversight of decisions, including any quality systems used to identify issues and encourage continuous improvement.
- 2.2 We also examined the work undertaken by the Heathrow Central Caseworking Unit – a unit that deals with all ‘post control’ casework. This is typically any case that cannot be resolved by immigration staff at the Primary Control Point within 24 hours, including cases where temporary admission to the UK has been granted, or where passengers have been detained awaiting removal, or where Passengers have absconded.
- 2.3 Finally, we reviewed the methods used at Terminal 3 to monitor and measure passenger queues and reviewed the performance of eGates.

#### **Primary Control Point (Primary Control Point)**

- 2.4 Immigration Officers and the decisions they make are important in ensuring that only legitimate travellers are allowed to enter the UK. The interaction between IOs and passengers takes place at the Primary Control Point. IOs are responsible for:
- checking all passengers against the Home Office Warnings Index system (WI)<sup>19</sup>;
  - examining travel documents to ensure they are genuine and are presented by the rightful holder; and
  - questioning passengers to determine whether they should be allowed entry into the UK.

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*Immigration Officers and the decisions they make are important in ensuring that only legitimate travellers are allowed to enter the UK.*

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<sup>19</sup> A database containing names available to the Agency of those with a previous history of immigration offences and those of interest to detection staff, police or other government agencies.

- 2.5 In making these decisions, IOs call upon their training and experience and have the use of technological tools to provide additional information and scrutiny of passengers and their travel documents. These tools include passport scanners which read the biometrics in chipped passports. They also conduct automatic searches of the WI, to ascertain whether passengers are of interest to the Agency, the police or other government departments. IOs also have access to Secure ID, a system used to verify that the fingerprints of a visa holder match those given at the time the UK visa application was made.
- 2.6 When an IO 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. The IS81 form outlines the need for the passenger to wait and gives a brief reason for the delay. In these cases, IOs will note the issue of the IS81 form in a log which is maintained in the watchhouse<sup>20</sup>. This may result in simple background enquiries being made on Home Office databases, after which, the passenger may be asked some further questions at the desk, before being granted entry to the UK. Alternatively, the passenger may be detained for further questioning by way of a formal interview. In both cases, the IO will make a decision whether to grant or refuse entry to the UK and issue a refusal notice if appropriate. These decisions must be authorised by a Chief Immigration Officer (CIO) or an Inspector (Her Majesty's Inspector).
- 2.7 In Terminal 3, the layout of the immigration desks was split so that there were different desks for EEA and non-EEA passengers. During specific busy periods, for example, in the summer when there are large numbers of arriving students, there may also be specific desks to deal with students. At the time of our inspection, the student desk was in operation as was a specific desk to deal with passengers who had medical or mobility issues. There was also a fast track desk for business and first class passengers, for participating airlines, who paid a premium in order to be dealt with quickly on their arrival. Finally, at the end of the arrivals hall there were three automated gates. These allowed EEA passengers with 'chipped'<sup>21</sup> passports to be scanned electronically, who are either allowed entry or are referred to an IO. The automated gates required two IOs for their operation, one to monitor the gates and the other to deal with referrals from the gates.
- 2.8 Under normal conditions, all passengers arriving into the UK should be subjected to all relevant checks, including document checks (passports and visas) and Secure ID checks for visa nationals. Passengers can also be subjected to additional questioning at the discretion of IOs.
- 2.9 We examined how these checks were carried out at Terminal 3. We found that a pilot scheme was in operation at the airport to trial a reduction of checks for some EEA passengers during the busy summer period. The pilot scheme, known as 'Level 2', set out risk based measures that IOs could routinely cease. These were:
- opening the chip within EEA passports; and
  - checking all EEA nationals under 18 years against the WI where they were travelling in clear family units or as part of a school party.
- 2.10 During observations of the Primary Control Point we observed clear differences in the way passengers were treated during times when Level 2 was in operation. This included Secure ID not being used for visa nationals. We also found a significant number of IOs were unable to define Level 2 measures correctly during interviews and focus group sessions. As a result

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*we found that Level 2 measures were being applied inconsistently and that guidance issued by the Agency was not always followed.*

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<sup>20</sup> A dedicated room which provides an overall view of the Primary Control Point and contains relevant IT equipment, including Home Office databases, CCTV monitors to assess the volume of arriving passengers and Civil Aviation Authority (CAA) systems which show the status of flight arrivals and the number of passengers on board.

<sup>21</sup> Passports which contain an electronic microchip which store biometric information about the passport holder, including their photograph.

we found that Level 2 measures were being applied inconsistently and that guidance issued by the Agency was not always followed.

- 2.11 Due to the seriousness of this finding and its implications for wider border security, the Chief Inspector raised this issue with the Chief Executive of the Agency. This prompted an investigation commissioned by the Home Secretary and led by the Chief Inspector which resulted in a separate report entitled ‘An Investigation into Border Security Checks.’ This was laid in Parliament by the Home Secretary on 20 February 2012.
- 2.12 We spent 40 hours observing IOs working at the Primary Control Point. We found that, in the majority of cases, IOs were courteous and professional when dealing with passengers, presenting a positive image of the Agency and also of the UK in general. This was often despite significant pressure from a full arrivals hall, dealing with passengers who had been waiting for long periods of time.
- 2.13 However, we also identified some opportunities for improvement. These included ensuring that IOs explain the purpose of an IS81 when issuing them to passengers, and not being too abrupt during their exchanges with passengers. We also observed a few isolated incidents of poor customer service. Therefore, while our overall view of customer service was positive, we believe that better management oversight by CIOs is necessary to raise customer service standards further.

### **Management Oversight on the Primary Control Point**

- 2.14 Operational management of the Primary Control Point rests with CIOs who are based in a ‘watchhouse’ at the rear of the control. Due to construction work being undertaken at Terminal 3 during the inspection, the watchhouse was a temporary structure at the rear of the Primary Control Point (behind the immigration desks where passengers present their travel documents to IOs).
- 2.15 IOs were responsible for recording the issue of all IS 81 forms in a log which was kept in the watchhouse. This log records the details of all passengers who are held at the Primary Control Point and lists the time of detention, name, nationality, flight and a brief reason of the need to detain the passenger. The log helps CIOs maintain oversight of the number of people held at the PCP and the potential level of casework which may develop.
- 2.16 We saw evidence that this log was being maintained for all IS81s that were issued. When an entry was being made on the log, the IO usually provided the CIO with a brief outline of the reasons why the IS81 was issued, although we noted that this was not always the case.
- 2.17 The job description for a CIO states that their core responsibility is “*Line management responsibility for Border Force Officers, Border Force Assistant Officers and Border Force Administrative Assistants.*” It includes specific responsibilities surrounding leading teams, managing resources and engaging local stakeholders. There was also a responsibility for making decisions on operational issues. One element of this responsibility was as follows, “*make decisions on operational issues such as:*
- refusal, removal and temporary admission of EEA and non-EEA nationals in response to referrals from Officers”.
- 2.18 In addition to the roles specified in this job description, CIOs also had a responsibility to conduct management checks based on the “Border Force Standards”, most notably covered in the section on “Primary Control”. This set out a number of activities that they were responsible for completing to minimise risks of managers failing to “identify and act on inappropriate actions and decisions, leading to indefensible and inaccurate decisions, unnecessary delays and complaints, resulting in possible threats to the integrity of our borders and reputational damage.” Some of the factors that CIOs should use to mitigate these risks included:
- observing the primary checkpoint for at least one hour twice daily and maintaining records of this;

- randomly sampling 10% of controlled landing cards<sup>22</sup> and 0.5% of non-controlled landing cards to check that they were completed properly;
- approving decisions to detain passengers; and
- sampling 10% of passenger detention/removal cases each month for quality purposes, to ensure detention and removal direction information was recorded accurately on files, forms and the Casework Information Database (CID)<sup>23</sup>.

2.19 We examined how CIOs fulfilled their responsibility in relation to these standards. We observed them ‘walking the floor’ behind the Primary Control Point, but found this was typically to manage resourcing issues around meal and tea breaks. CIOs also managed deployment of staff, particularly when the volume of passengers dictated that additional IOs were required at the Primary Control Point to alleviate queues. This was good practice.

2.20 However, CIOs were not providing management oversight of the decisions being made by IOs at the Primary Control Point. While they were usually given a verbal update on cases that were issued with an IS81, we found that CIOs had no oversight of the questions IOs were asking passengers or the decisions they were making, most notably in cases where passengers were granted leave to enter the UK. Figure 4 highlights this point and involves two similar cases that received very different outcomes. The first was a case we examined as part of our file sampling, while the second was observed by us at a non-EEA desk at the Primary Control Point.

**Figure 4: Example of different decision outcomes**

Passenger 1	Passenger 2
Case File analysis	Passenger dealt with at the desk
Arrived from the USA	Arrived from the USA
Visiting a boyfriend she had never met – met via the internet	Visiting a girlfriend he had never met – met via the internet.
Had funds of \$100	Had limited funds and was unemployed
Had children who were left with their father in the US	Did not know girlfriends address or Telephone Number
Outcome	
Issued with a Form IS81 and after further questioning of passenger and sponsor, passenger was refused entry	Passenger was landed because “he seemed genuine enough to me”

2.21 The two cases above were very similar, in that after initial questioning, both had sufficient grounds to detain to allow further questioning (or inquiries) to ascertain the reasons for their entry into the UK. In the first case the passenger was detained for further questioning/inquires to be made and was subsequently refused entry. However, in the other case the passenger was not issued an IS81 and was not detained, rather they were granted entry to the UK.

2.22 We discussed this lack of oversight with CIOs and were informed there were a number of factors which impacted against their ability to manage IOs at the Primary Control Point, in addition to reviewing detention/removal paperwork effectively. These factors included:

- a reduction in the number of CIOs on duty, due to the reduction in immigration staff numbers;

<sup>22</sup> Controlled landings refer to the following categories of arriving passenger: those arriving with an Entry Clearance (other than for a visit), where leave to enter is being conferred (granted) for the first time; those being granted leave to enter, or having their existing leave varied to an arrival code that includes restrictions, e.g. length of stay or employment restrictions

<sup>23</sup> CID is the Case Work Information Database, an IT based administrative tool, used by the Agency to perform case working tasks and record decisions.



- the introduction of team based working, which brought in changes to shift patterns and the number of staff on duty; and
- increased sick absence levels affecting some of their colleagues, caused by increased stress levels.

2.23 We report on the impact of the new team working model later in this report in the section on Team Based Working.

2.24 When IOs decide to grant entry at the Primary Control Point, as in the case study referred to in Figure 5, a landing card is completed by the passenger and endorsed by the IO. However, we established that the requirement for quality control of these landing cards was not being completed at Terminal 3. As a result we found there was very limited management oversight in relation to the overwhelming number of decisions made by IOs at the Primary Control Point, and this would include the majority of decisions made relating to non-EEA nationals. We report on quality control later in this chapter.

2.25 We also identified concerns with the way in which CIOs provided managerial oversight on decisions to either grant or refuse entry to the UK in those cases where IOs had conducted formal interviews with passengers after issuing IS81s. This was because in all the cases that we observed during the inspection (13), CIOs authorised the decision made by IOs based upon a verbal update by the IO – they did not review any hard copy evidence, the case file or examine the formal written interview notes. CIOs did not participate in any of the 13 interviews that we observed and IOs told us they rarely sat in on formal interviews that they conducted.

### Decision Quality/File Sampling

2.26 Under this section, we assessed the quality of decision making at Terminal 3. We also considered the volume of case work that was produced and examined the recent reductions in the number of people being stopped, questioned and refused entry to the UK.

2.27 We requested a number of port files before we arrived on-site. This included 120 cases where passengers were Refused Leave to Enter (RLE) and 30 cases where Leave to Enter (LTE) had been granted. The Agency was unable to provide a significant number of these files because they could not be located, either because they had been sent to another unit and could not be found, or could not be located within Terminal 3. File management has been a recurring theme in our inspections, most recently during our inspection of Gatwick North where we experienced similar problems in obtaining files. Figure 5 provides information about the files we requested and the actual numbers we received.

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**Figure 5: Breakdown of files requested and received for file sampling**

Case Type	Requested	Received
RLE - Visa Nationals	40	40
RLE – Non-Visa Nationals	40	37
RLE – Tier 4 Students	40	21
Leave to Enter	30	16
<b>Total</b>	<b>150</b>	<b>114</b>

- 2.28 Following examination of the refusal files we agreed with all decisions made in respect of visa nationals and 36 (out of 37) of the non-visa nationals. We also agreed with 19 out of 21 refusal decisions in relation to Tier 4 students. This represented a good performance (97% accuracy level) and demonstrated that refusal decision making was generally sound at Terminal 3.
- 2.29 In contrast, we only agreed with 69% (11 out of 16) of decisions to grant entry to the UK. In the remaining five cases, we disagreed with the decision in two cases (13%) and were unable to determine the accuracy of the decision in three cases (19%), because the information held on the file was insufficient for us to form a judgement. Although this was a small sample of cases, it demonstrates the importance of effective management oversight to ensure that decisions to allow individuals into the UK are subject to some form of quality assurance. Figure 6 is an example of one of the cases where we disagreed with the decision to grant entry into the UK.

**Figure 6: Leave to enter case study – Case Ref: TN3/3773975**

**Case circumstances: The Passenger:**

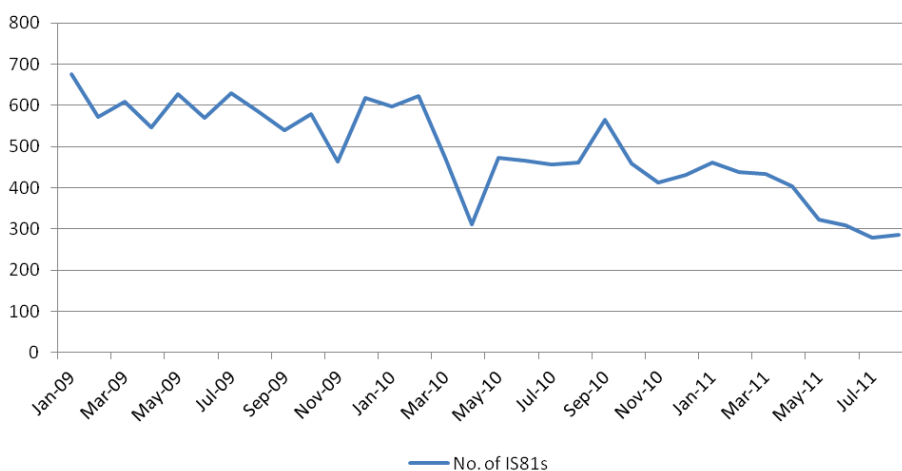
- sought leave to enter for up to three weeks to have a gall bladder operation on the NHS.
- was in possession of a general visitor visa but had previously been in the UK as a student (their studies ceased in 2009).
- had attended GP and hospital appointments in the UK.
- had a criminal record with convictions for driving without a licence and driving an uninsured vehicle.
- was granted temporary admission and was subsequently granted leave to enter on the basis that they provided evidence that the treatment would be funded privately and not by the NHS.

**Chief Inspector's comments:**

- there is a note on file stating that the Department of Health guidance to GPs allows discretion about who to treat and it is not the decision of the UK Border Agency – but of course it is the Agency's decision about whether to grant entry to the UK or not.
- the passenger should have applied to enter the UK as a medical visitor at a minimum because they were drawing on public services.
- The passenger should have been refused leave to enter the UK.

- 2.30 We found that the volume of casework created at Terminal 3 had been in steady decline over the last two years. In January 2009, the number of IS81s issued at the control was 677. By August 2011, this figure had reduced to 286, a reduction of 58%. Figure 7 shows how performance has declined over this period.

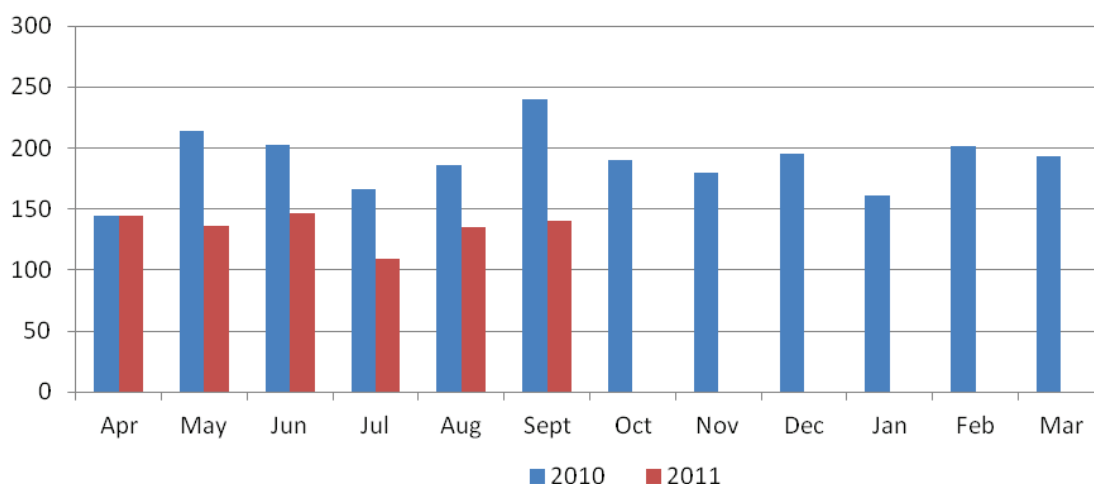
**Figure 7: Graph showing number of IS81s issued at Terminal 3 between January 2009 and July 2011**



Note – Information provided by the UK Border Agency.

- 2.31 We did not find any specific evidence to identify the reasons for the significant reduction in the number of IS81s that had been issued. The perception of staff was that this reduction coincided with the introduction of team based working and the reduction in staffing. While this was a possible factor for recent reductions in the number of IS81 forms being issued, we noted that the decline in overall numbers started before these changes had taken effect.
- 2.32 We also examined whether there was any correlation between the reduction in the number of IS81s issued and the number of refusals of leave to enter at Terminal 3, covering the period April 2010 to September 2011. This information was provided by the Agency as part of the initial evidence that we requested – Figure 8 refers.

**Figure 8: Refusals at Terminal 3 – April 2010 to September 2011**



Note – Information provided by the UK Border Agency.

- 2.33 As can be seen the number of refusals also dropped between April 2010 and September 2011 – the point at which we commenced the on-site phase of our inspection at Terminal 3. We noted also that our recent investigation into Border Security checks also highlighted a significant drop in both the number of IS81s issued and the number of refusals across all four Heathrow terminals (21%) when the Level 2 pilot was in operation (29 July to 4 November 2011).
- 2.34 While the Level 2 pilot might explain the more recent drop in the number of IS81s issued, this did not explain the gradual decline in the issue of IS81s between January 2009 and July 2011. We recognise other factors may have influenced a reduction in the issue of IS81s more generally. This included the introduction of biometric collection overseas from all visa applicants (fingerprints and photographs), aligned with the introduction of Secure ID at Heathrow in March 2010. This meant that IOs verified the fingerprints of all visa passengers against those that they had provided overseas at the time of their visa applications.
- 2.35 We consider that the introduction of biometrics overseas was a contributing factor to this reduction. Since May 2010, the Agency told us the system had taken over 3.7 million fingerprints for visa applications, resulting in over 17,000 hits against crime and immigration databases, with more than 1,500 cases of identity swapping being identified. We consider that this technology, aligned with the introduction of Secure ID at Terminal 3, was clearly a possible factor in the reduction of IS81s being issued, not least because of the deterrent factor that the introduction of this technology could be having.
- 2.36 However, Border Force needs to establish whether this technology was the sole contributor to these reductions, or whether other, more negative factors also played a role. For example, poorly planned organisational changes, the ongoing reductions in staff numbers and the integration of immigration and detection staff.

#### **We recommend that Border Force:**

Establishes the circumstances behind the reduction in IS81s and refusals and takes any necessary action to ensure that only individuals entitled to enter the UK are allowed to do so.

#### **Heathrow Central Caseworking Unit (HCCU)**

- 2.37 HCCU, located in Terminal 3, provided a central caseworking function for all four terminals at Heathrow, receiving approximately 200-300 cases a month. The unit dealt with all ‘post control’ casework which, in effect, was any case that could not be resolved by immigration staff at the Primary Control Point within 24 hours. This included cases where:
- temporary admission had been granted because further information was required before a final decision on entry to the UK could be made. For example, where enquiries by IOs could not be completed because they were unable to contact a sponsor; and
  - passengers had been refused entry but had an in-country right of appeal and were either detained or granted temporary admission while their appeal was progressing.
- 2.38 Despite the close proximity of the HCCU to the Primary Control Point at Terminal 3, we found that both functions operated in isolation from each other. Staff employed within HCCU told us that the quality of files received from IOs was sometimes variable and that it was not unusual to see the same type of mistakes being made. This included IOs:
- incorrectly notifying a right of appeal;
  - failing to provide information on refusal notices setting the date by which any appeal needed to be submitted; and
  - failing to ensure all relevant information was contained within the file.

- 2.39 Staff also told us that CIOs were not always identifying errors being made by IOs and that the quality of decision making was deficient in some cases. This confirmed some of our findings made earlier in relation to the lack of management oversight by CIOs at the Primary Control Point and in relation to casework.
- 2.40 We found no evidence of any quality framework or process within HCCU to record and feedback on these issues to either IOs or CIOs. This meant that errors made by IOs working at the Primary Control Point were not being addressed at an individual level, nor were wider issues and trends being identified to determine whether training or policy/guidance needed to be updated to improve decision making or raise performance levels more generally.
- 2.41 Although we noted that the unit was meeting its target to achieve success in 80% of the appeal cases that it was responsible for, we found that there was no mechanism within HCCU to analyse the results of lost appeals (a recurring theme in previous inspections). In order to improve its performance further, we believe that Border Force should embed quality systems that will help it to continuously review and improve its decision making. Without any formal process in place to feedback on appeals, we consider that Border Force is missing opportunities to improve its overall efficiency.
- 2.42 This issue was raised in our thematic report, Asylum: “Getting the Balance Right”, which we published in 2010. This included the recommendation that the Agency should “Systematically analyse the reasons for allowed appeals and link this with its overall quality assurance framework”. It was therefore disappointing to note that the principle of the recommendation had not been applied within HCCU at Heathrow.

#### **We recommend that Border Force:**

- Implements a formal quality assurance framework to identify caseworking errors and provide regular feedback to immigration staff at the Primary Control Point to drive improvements in decision making quality.

#### **Landing Cards**

- 2.43 All non-EEA arriving passengers are required to submit landing cards to IOs at the Primary Control Point. The card should be completed by the passenger before they arrive at the control and contain their details and their reasons for coming to the UK. IOs are required to verify the details on the card with the passenger and ensure that the card is completed properly. Once satisfied, the IO will assign a landing code to the card.
- 2.44 Some arrival categories are classified as ‘controlled landings.’ This means that the information about the passenger and their journey must be recorded on CID<sup>24</sup>. In these cases, an IO must add notes to the reverse of the landing card, stamp it with their individual number and assign a landing code. Notes are required for all controlled landings (except for passengers with non-visit visas, for example a Tier 4 Student, conferring leave to enter for the first time) outlining the exchange with the passenger, the circumstances leading to granting or varying leave to enter and any information which might later prove useful to the Agency if an extension of stay is requested.
- 2.45 During the inspection, we examined 1000 controlled landing cards from an overall volume of 4009 covering five separate days. We examined the cards for completeness and accuracy. Our findings were as follows;
- 876 (87.6%) contained no errors on the cards;
  - 62 (6.2%) contained an illegible number from the IOs stamp making it unclear which IO dealt with the passenger;

<sup>24</sup> This activity is carried out by the Landing Card Unit which is part of Immigration Group.

- 46 (4.6%) did not have the visa expiry date recorded on them;
- 7 had not identified that police registration was required;
- 4 were incomplete;
- 3 contained an inaccurate or unclear category;
- 2 had no landing stamp; and
- 1 had insufficient notes to determine the reason for the landing.

2.46 These results show that the majority of landing cards had been completed and processed properly. However, the Border Force Standards placed a responsibility on CIOs to examine a random sample of landing cards that had been completed by IOs. The Border Force Standards state that;

- *“a minimum random sample of 10% per cent of controlled cards and 0.5 per cent of non-controlled cards is checked signed/dated daily by a CIO/HO, to check that:*
  - *the officer’s stamp is legible;*
  - *the handwriting is legible;*
  - *the information on the back of the card (especially visa expiry dates) matches the coding;*
  - *all the necessary boxes, nationality, date of birth etc are completed; and*
  - *persistent landing card errors are highlighted to the individual and their line manager and a record kept”.*

2.47 The Border Force Standards also stated that a minimum random sample of 5% of all checked and signed/dated landing cards were counter-checked by an Inspector each week, with a record being maintained to show that this activity had taken place. We examined the Border Force Standards return made by Inspectors at Terminal 3 to determine whether they were complying with these standards. The return was in the form of an excel spreadsheet and was completed following self-assessment by the management team at Terminal 3.

2.48 In the return dated April 2011, the status relating to landing card checks was shown as Red (control not met) with the following comment being made *“process being finalised, to be introduced at earliest opportunity”* with a completion date for the process shown as May 2011. The return for September 2011, covering April to September 2011, showed that performance in this area was now Green (control fully met).

2.49 However, during our inspection, both through observation and during interviews and focus groups, we found no evidence that the necessary quality control checks were being carried out by either CIOs or Inspector’s. We also found no evidence that any process had been implemented as indicated in the April 2011 return. It was therefore clear that reporting against these standards was not accurate.

2.50 The Border Force Standards are a sound basis for providing more senior managers with assurance that quality standards are being maintained in this important area of work. In particular they ensure that decisions to either grant or refuse entry to the UK are made consistently, fairly and in accordance with the Immigration Rules. It is therefore fundamental that managers completing self assessment models, such as the Border Force Standards, take their responsibilities seriously to ensure performance is accurately reflected to more senior managers.

#### **We recommend that Border Force:**

- Ensures and demonstrates compliance with Border Force Standards.

## Carrier Liability Fines

- 2.51 “Carrier’s liability” is a type of charge made against an airline under section 40 of the Immigration and Asylum Act 1999. It is also known as a “Section 40” charge. A fine of £2,000 can be made against the owner of a ship or aircraft for every passenger who arrives in the UK without an immigration document which is in force and which satisfactorily establishes the identity and nationality or citizenship of the passenger and, where one is required, a valid visa. This legislation means the carrier should ensure that:
- all passengers have a valid passport or travel document which is acceptable in the UK;
  - the passenger is the rightful holder of the document;
  - the document is valid; and
  - if the person requires a visa, that the visa is of the required kind and is valid for the holder and any other accompanying persons named in the visa.
- 2.52 Some carriers can apply for ‘Approved Gate Check status’ on particular routes. Approved Gate Check status is an arrangement between the carrier and the Agency. The carrier must apply to the Agency for Approved Gate Check status on each route and must be able to demonstrate an audited high standard of document checking and security procedures at the relevant port of embarkation. They must also demonstrate a good level of co-operation with the Agency. When Approved Gate Check status is granted, the carrier is entitled to two waived charges per quarter per individual route.
- 2.53 We examined 47 Carrier Liability files relating to Terminal 3 for accuracy, completeness and appropriateness of charges. Where charges had been waived, we examined whether the waiver was in accordance with Agency policy and guidance. The most common reasons for issuing charges was for passengers:
- not holding a valid visa (15 cases); and
  - arriving with no travel document (12 cases).
- 2.54 Of the 47 files we examined:
- 22 fines had been paid;
  - 18 were cancelled or waived under the existing policies;
  - 5 had the charge cancelled at the port following representation by the airline to the Agency; and
  - 2 fines were awaiting payment.
- 2.55 We identified no concerns in the administration of these cases and were satisfied that policy and guidance had been applied effectively in all cases.

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## Queue Management

- 2.56 All UK ports are assessed on queuing performance against the following national targets which are set by the Agency:
- 95% of EEA passengers are cleared within 25 minutes; and
  - 95% of non-EEA passengers are cleared within 45 minutes.

- 2.57 In order to measure the timeliness of a queue, the Agency took a measurement every hour on the hour. The measurement was taken by handing a card to waiting passengers in both the EEA and the Non-EEA queues. The time the card was given to the passenger is noted on the card, along with the number of desks that are staffed at that precise time.
- 2.58 When the passenger arrives at the desk, they hand the card to the IO at the desk who notes on the card the time that they received it. The card is then handed to a CIO who collates the information.
- 2.59 We found that this method was arbitrary and did not always provide a true reflection of the volume of passengers in the hall during the hourly period. For example, if the card was handed out on the hour when the hall was not busy, it would indicate a low queuing time. However, if a large flight arrived five minutes later (or a number of flights arrived at the same time shortly thereafter), the immigration hall would fill up and the queuing time for passengers would be considerably longer. However, the recorded statistic would not reflect this change in the volume of passengers. We noted that when passengers' queues exceeded the national queuing time targets, this was referred to as a 'breach'.
- 2.60 This anomaly in the method was highlighted by the Border Force Assurance, Performance and Resource Directorate in an audit report it produced in August 2010 entitled '*Queue Measurement and Management Review*.' This report stated that while the queue measurement methodology was being followed correctly at Heathrow, it recognised the deficiencies associated with this method. As a result it recommended that staff should endeavour to take measurements at the busiest point during the hour to provide a clearer picture of the pressures on the Primary Control Point. At the time of the inspection, this recommendation had not been implemented. However, we were subsequently informed that the Border Force Performance and Reporting team had agreed that Terminal 3 could continue to capture data on the hour, rather than at the busiest periods.
- 2.61 We received copies of the queue monitoring forms for the period 18 to 30 September 2011 inclusive. From these forms, we noted that the queues were breached on a regular basis. During the period covered by these forms we noted that the EEA queue target was breached three times, while the non-EEA queue target was breached 62 times, with the longest time recorded being 2 hours and 15 minutes. We also noted that on one day, 27th September, the Non-EEA queue target was breached for seven consecutive hours.
- 2.62 Staff informed us that the current queue breaches were a result of staff cuts and the inflexibility of the new team based working model, claiming that resources were not matched to passenger volumes. Figure 18, in the section on team based working, illustrates a snapshot of passenger flows and staff on duty, which shows that resourcing was not matched effectively to demand. The current queue monitoring forms record the current time in the queue and the number of people on the desks at a fixed time, they do not record the passenger volumes in the hall at the time or the changes in staff resource at the Primary Control Point during the time when queue measurements were being taken.
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- Staff informed us that the current queue breaches were a result of staff cuts and the inflexibility of the new team based working model, claiming that resources were not matched to passenger volumes.*
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- 2.63 We also noted that when performance was being reported, either to Border Force Senior Managers, or to the weekly Airline Operators Committee meeting, an aggregated figure for the whole of Terminal 3 was provided. Hence for 2011 up to the time of the inspection, performance was showing that 95% of all passengers were processed within target times. This report did not differentiate between EEA and Non-EEA queues and we considered this was misleading and did not lend credibility to the process, particularly as non-EEA nationals were experiencing very different outcomes in relation to queuing times during peak times.



- 2.64 If this method of queue measurement is maintained, an improved reporting mechanism must be introduced to more accurately reflect the information being gathered, along with the level of customer service being provided to passengers. Information on EEA and non-EEA queues should also be reported separately. Border Force would also benefit by reporting the information on a month by month basis as opposed to a cumulative result throughout the year. This will ensure that any fluctuations in performance are more easily identified.
- 2.65 While on-site, we observed BAA contracted staff carrying out their own analysis of queuing times. We found that they took measurements every 15 minutes as opposed to the hourly measurement taken by the Agency.
- 2.66 The information recorded by BAA and the Agency was used at monthly Airline Operators Committee meetings in order to provide airlines with information about the processing times at immigration control. We found that due to aggregation of the performance by the Agency, the information it provided conflicted with that produced by BAA, which showed that performance was in fact worse than the Agency was claiming.
- 2.67 We believe a better use of resources would be to work collaboratively with BAA to measure passenger processing times on a more frequent basis. This would lead to more accurate reporting with more emphasis being placed on delivering a better passenger experience. We noted during our inspection of Gatwick North that this action had been taken with the Agency moving away from its 'one measurement per hour' method. We noted the new approach adopted at Gatwick had released CIOs from this task which allowed them to focus more on core immigration work.

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*We believe a better use of resources would be to work collaboratively with BAA to measure passenger processing times on a more frequent basis.*

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#### **We recommend that Border Force:**

- Works with BAA to agree a single measurement tool for queue management, ensuring it accurately reflects queuing times and passenger experiences at the Primary Control Point.

#### **eGates**

- 2.68 Electronic facial recognition gates, known as eGates have been in use by the Agency since 2008. They offer a self-service immigration control for EEA passengers who have a chipped passport. The gates operate by scanning the passenger's face using a camera and matching this to the image stored on the passport. If there is a match, the gates open and the passenger is allowed through, theoretically removing the need to speak to an Immigration Officer.
- 2.69 We have reported previously on their use in our inspection reports covering Manchester Airport<sup>25</sup> and Wales and the South West.<sup>26</sup> They also featured in our report of Gatwick North Terminal. When considering queue management, we considered the operation of eGates and the contribution they made in providing an efficient and effective border control.
- 2.70 Three eGates were located at one end of the arrivals hall in Terminal 3. When in operation, BAA provided staff to greet passengers and prompted them to use the eGates if they had appropriate biometric passports. At the time of the inspection, the gates had been in operation for approximately six weeks, requiring two IOs to operate them, a monitoring officer and one officer to deal with any referrals from the gates

<sup>25</sup> An inspection of Border Control at Manchester Airport' - <http://icinspector.independent.gov.uk/wp-content/uploads/2010/03/An-inspection-of-border-control-at-Manchester-Airport.pdf>

<sup>26</sup> 'UK Border Agency's operations in Wales and the South West' - <http://icinspector.independent.gov.uk/wp-content/uploads/2010/07/Inspection-of-UK-Border-Agency-operations-in-Wales-and-the-South-West.pdf>

2.71 We observed the eGates in operation and found a number of issues regarding their operation. This included one gate being regularly out of service, while others went offline at times for periods up to five minutes. Staff told us about the problems experienced by passengers, most noticeably from Scandinavian countries, because the eGates had difficulty reading their passports. We also observed this problem which saw a high rejection rate when passengers should have been allowed entry.

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*We observed the eGates in operation and found a number of issues regarding their operation.*

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2.72 IOs also told us that the eGates had allowed passengers through who had the wrong passports. One example provided was of a husband and wife who had got their passports mixed up. The gates allowed the female through with her husband's passport, but the IO monitoring the screen noticed the error and intercepted the passenger.

2.73 We could not verify this claim but similar concerns were noted by the police. Through interviews and focus groups, we heard numerous times that the 'tuning' of the gates had been turned down. The term 'tuning' was used to describe how accurate the image on the passport had to be to match the image captured of the passenger at the time. Staff stated that when the tuning was turned up, the gates refused a lot of people. This technical element of the gates was out of scope of our inspection nevertheless, we believe that it is something that Border Force should investigate further to ensure eGates are providing adequate security.

2.74 In terms of the eGates, we also examined the time it took to process passengers and compared this to the total number of passengers that could be processed by two IOs at manual desks. We did this at times when there were sufficient passengers using both types of control and compared how many passengers two IOs could process, either manually, or through the eGates, when a minimum of two gates were working. At all times when we carried out the comparison, the manual desks processed more passengers than the eGates. This was the case even when all three eGates were in operation. Figure 9 shows the results of our analysis.

**Figure 9: Comparison of passenger throughput using manual desks versus eGates**

Time Spent Monitoring in Minutes	No. of Passengers Processed at Manual Desks	No. of Passengers Processed through eGates (no of eGates in operation in brackets)	Volume of Passengers dealt with at desks – shown as percentage of those dealt with by eGates
4	36	16 (2)	+125%
15	66	22 (2)	+200%
13	84	70 (2)	+20%
8	57	47 (3)	+22%
7	44	27 (3)	+63%
9	59	27 (3)	+199%
9	66	39 (3)	+69%

2.75 The Agency's website states that eGates "are a secure and convenient self-service alternative to the conventional border control process"<sup>27</sup>. The feedback from staff and our observations indicate that at present this is not the case. While we recognise these eGates had only recently been installed at Terminal 3, we were concerned at the issues this inspection highlighted, particularly as this technology has been in operation at other ports for some considerable time. We believe that Border Force needs to ensure that this technology provides the correct level of security in conjunction with ease of use by passengers.

<sup>27</sup> <http://www.ukba.homeoffice.gov.uk/customs-travel/Enteringtheuk/e-passport-gates/>

# Customs and immigration offences should be prevented, detected and investigated and, where appropriate, prosecuted to ensure the law is upheld.

## Detection Channels

- 2.76 There were a number of detection teams operating at Heathrow T3, focusing on the seizure of illicit goods carried by passengers. This included prohibited and controlled drugs, offensive weapons, obscene material and products of animal origin in addition to cigarettes and alcohol beyond permitted allowances or for undeclared commercial purposes. This inspection primarily focused on the work of the terminal detection teams, which were largely based within the detection channels at each terminal. However, the activity of other teams with a detection remit was also considered to enable us to better understand the approach and co-ordination between different teams in providing detection coverage across the airport.
- 2.77 We spent over 22 hours in the Green channel observing detection officers and detection teams, their interactions with passengers and how they selected passengers for interception.
- 2.78 We witnessed 149 passengers being stopped and questioned by detection officers. We were satisfied by the professionalism and courtesy displayed by these teams. We asked officers for the reasons they had selected passengers for questioning and, with their considered responses, they consistently demonstrated their understanding of passenger risk and profiling skills, in line with visual selection criteria set out in the Enforcement Handbook<sup>28</sup>.
- 2.79 The detection teams also demonstrated a proactive and tactical approach to passenger profiling and selection. During observation sessions, we observed detection officers discussing tactics in advance of high risk flights landing. Tactics included dispatching officers to meet and observe passengers immediately upon disembarking the plane and observing passengers at the baggage carousel in order to detect possible suspicious activity or other behavioural indicators. This information was then used to determine potential passengers for further questioning as they entered the Green channel. This approach confirmed officers' appreciation and use of the full range of tools and knowledge available for risk profiling of passengers.
- 2.80 However, there were a number of issues impacting the operational effectiveness of these teams. The impetus provided by targets and clarity of priorities had a key bearing on directing and aligning activity, while operational resilience and resourcing levels were key to maintaining an active detection presence and ensuring sufficient coverage of flights. The quality, effectiveness and consistency of interactions with passengers was at the heart of achieving successful seizures and in delivering equitable outcomes.
- 2.81 Airport detection teams were not assigned specific seizure targets at terminal, team or individual levels. There were commodity seizure targets in place for Heathrow Airport and each Terminal, team and individual detection officer was required to contribute to these overall targets.

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<sup>28</sup> A book of operational instructions, policies and processes relating to all areas of detection.

- 2.82 Staff confirmed that Class A drugs were their overriding priority in line with the Border Control Strategy, and showed a strong commitment to ensuring these drugs were detected and seized. They also considered that Heathrow made a key contribution to the Agency's Class A targets. Other priorities included tobacco goods and Prohibited and Restricted goods, including weapons and products of animal origin.
- 2.83 However, the detection staff we interviewed were not aware of the Heathrow commodity targets for 2010/11, nor performance in the year to date of their own team at Terminal 3 against these targets. They accepted that these targets and indeed the commodity seizure figures were communicated regularly on the Airport Daily Briefing Sheet, but commented that individual and team performance was not measured or discussed within teams or by team leaders.
- 2.84 We report later in this chapter about the absence of properly trained middle management at Higher Officer (HO) grade. This appeared to be a significant factor in widely reported communication problems and lack of assurance of operational duties. For example, the Daily Briefing Sheet was seen by the Senior Management Team (SMT) as a key tool in keeping staff at all levels informed of important policy issues, operating procedures, planning strategies and the rationale behind management decisions.
- 2.85 During the inspection, we reviewed these Daily Briefing Sheets and considered they were a key communication tool containing important information. However, we found that Daily Briefing Sheets were not cascaded below HO level to the staff that would benefit most from the information. We pointed this out to Assistant Directors (AD) who were not aware of the breakdown in the communication chain – they told us they would address this issue immediately.

2.86 We found there was a lack of shared understanding and clarity about what constituted good individual performance. Many of the detection officers were unclear about what they should be aiming to achieve overall across the range of commodities and wanted clearer direction on this issue. Most were of the view however that while individual targets may help to provide greater clarity on what officers should be striving to achieve, these would not help to improve individual seizure successes. They added that:

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*We found there was a lack of shared understanding and clarity about what constituted good individual performance.*

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- successful detection activity was based around the strong culture of team working and contributing as a team member. There was a risk that the introduction of individual targets may create competition between detection officers to the detriment of team successes;
- with the increased focus on intelligence driven detection activity, individual officers could not influence the number of nor the success rate of intelligence alerts allocated to them to action. These alerts invariably require contribution of a number of detection officers to intercept a passenger and secure a seizure of illicit goods and therefore success could not be attributed to an individual officer; and
- “*detection officers can only detect what’s there*” – they cannot influence the activities of passengers or potential smugglers, nor the shifts during which they are present in the Terminal, therefore the level of seizures may be limited by the amount of goods coming through the Terminal at particular times.

2.87 While we agree that these factors support team rather than individual targets in relation to seizures of illicit goods, we noted that when operating in the detection channels, detection staff were responsible for determining who to stop, using their training and experience. We therefore believe that Border Force needs to examine more closely what types of targets are appropriate for its detection staff, whether at individual, team or terminal level. Whatever is decided, Border Force must ensure that its staff are aware of and receive effective communication about their performance against these targets.

2.88 During the inspection we noted the almost constant presence of detection officers in the Terminal 3 green channel. This included early morning and late nights when we attended the airport at unexpected times to observe activities. In addition to the focus on high risk flights, we were satisfied that this “high visibility approach” contributed to both deterring potential smugglers and improving public perception of border security.

2.89 During arrival periods of high risk flights secondary teams were often bolstered by the presence of Mobile Teams<sup>29</sup>, Tarmac Teams<sup>30</sup> and Detection Dog Teams. We found however that these additional teams also regularly attended flights which were selected for intensification activity. We found that these activities were consistently over-resourced with little success. We did not consider this was an efficient use of resources and believe that Border Force should review these activities to ensure that they are necessary and appropriate.

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*During arrival periods of high risk flights secondary teams were often bolstered by the presence of Mobile Teams , Tarmac Teams and Detection Dog Teams.*

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2.90 The Central Deployment Unit played an important role across Heathrow in directing secondary, mobile and tarmac teams with regard to the flights which must be covered on a daily basis, including key messages around which commodities should be targeted, along with seizure trend alerts relevant to detection activities. High risk flights were selected through:

- direction from the Regional Tasking and Co-ordination Group;
- analysis of previous seizures across Heathrow;
- national directives;
- known high risk routes; and
- specific intelligence alerts.

2.91 There was also scope for front-line staff to influence the content of the Deployment Sheet, for example by suggesting additional flights to be included in exercises or testing flights which may previously have been deemed as “lower risk”. These directives were provided to the detection teams on a Daily Deployment Sheet which was included within the Daily Briefing Sheet, produced by the Central Deployment Unit and sent to all Heathrow managers above Higher Officer level.

2.92 A Senior Officer (Inspector level) was appointed to perform the role of “Alpha 1” on a daily basis, to co-ordinate and manage the day-to-day deployment of teams, including the re-allocation of detection staff (who were immigration trained) to the Primary Control Point when necessary. They directed resources to flights that were not included in the Daily Deployment Sheet, when resources permitted this. They were also responsible for requesting the assistance of dog teams when necessary. There was a twice daily conference call on shift changeovers with Higher Officers to confirm what resources were available and the known demands for a particular shift, for example, high risk flights or intelligence alerts. We found that the Alpha 1 role and handover process worked well and ensured an appropriate level of co-ordination of resources and priorities across the work areas and teams.

### **Detection Skills Shortages at HO Grade**

2.93 Following the reduction of staffing numbers across Terminal 3 and the introduction of team working, we found that there was a significant shortage of skills at Higher Officer level in the detection function. This was as a result of the limited training that was available to train immigration staff on detection duties (and vice versa).

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<sup>29</sup> Mobile are not assigned to specific terminals but provide 24/7 support to respond to demand in the detection channels or at the PCP.

<sup>30</sup> Tarmac teams carry out detection activity in areas away from the detection channels, for example at the back of the baggage carousels or on the tarmac where aircraft park at an arrival gate.

- 2.94 Records provided by the Agency showed that during the reporting period 2011/12, up to September 2011, only 11 staff had received any form of convergence training. Convergence Training was the term given to training staff in order to make them multi-skilled. For example, IOs being trained on detection work, and detection officers being trained to undertake immigration work. This included staff at management and middle-management grades.
- 2.95 We also identified a problem with Inspector and CIO grades moving to Secondary and Mobile teams without sufficient detection training and mentoring. A number of managers stated that they had received convergence training in 2008 when integration of roles was first developed. Some of these managers received the full Secondary Examination Area Training (SEAT) which consisted of a period of pre-course study followed by four weeks of classroom based training. Other staff stated they had only received the three day convergence training. However, all stated that they had not had the opportunity to use the skills or consolidate the knowledge until their role was integrated into new team structures in August 2011, some two to three years later, at which point they received a one day refresher course.
- 2.96 We believe sufficient training is essential to ensure that managers can confidently and reliably take decisions on important legislative matters, for example, authorising a search of person or strip search, as such actions have an impact on a passenger's freedom, dignity and human rights. Due to the period of time that had elapsed between the different types of training being delivered (with no use of the skills in the intervening period), we believe that the one day refresher course was insufficient to meet the needs of managers new to this type of work. We also found no evidence of any training needs analysis being completed before this refresher training was provided to measure what knowledge may have been lost in the intervening period by managers undertaking this work.
- 2.97 There was a significant number of short-term appointments for Officers being temporarily promoted to Higher Officer within the Secondary and Mobile teams. We found that in some cases these staff were in place to supplement existing HO staff who had not yet received the appropriate training. In the majority of cases where we carried out observations, these temporary Higher Officers appeared to be in place to authorise searches by officers in accordance with the Enforcement Handbook guidance, e.g. search of persons, and did not carry out other management functions. The existence of temporary HO staff in the same team as a substantive HO was not an efficient use of resources. Improved planning for the training requirement would have removed the need for this duplication of roles in a single team.
- 2.98 Despite the duplication of roles and lack of training, we found that officers at HO grade had a good oversight of the work being conducted by their teams. The structure of the teams was such that HOs worked alongside their team and directed their activity on a day to day basis. The only other area for improvement was in relation to equality monitoring. Here we found that managers did not employ any processes to ensure that their staff were not operating in a discriminatory manner. We comment on this aspect later in this report in the section on *Equality*.

#### **We recommend that Border Force:**

- 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.

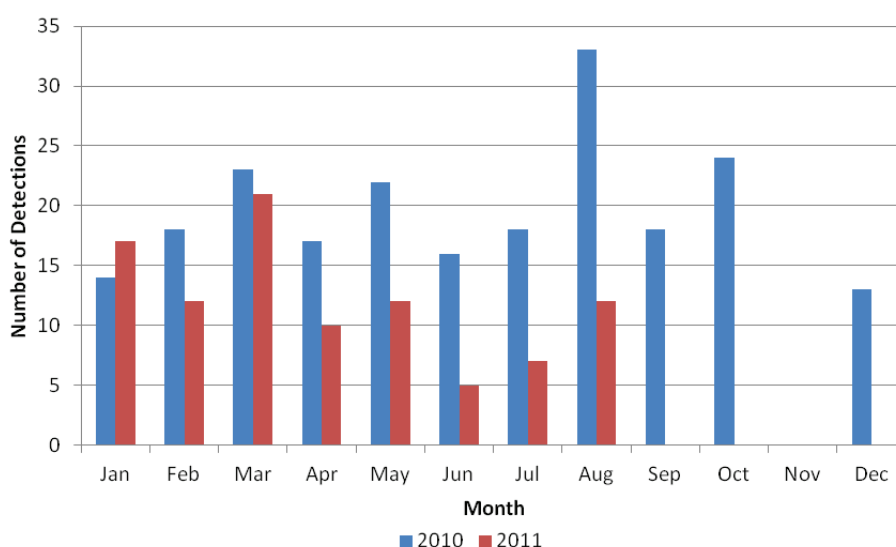
#### **Forgery Officers**

- 2.99 Forgery Officers are specially trained officers at IO and CIO ranks, who assist other immigration staff at the Primary Control Point when they suspect that documents being presented are not genuine, either through the document itself being forged or being obtained through fraudulent means. Historically, the role of Forgery Officer's was 'ring-fenced,' meaning that individuals carrying out

these roles were protected from being utilised in other areas of the business. This ensured there was always coverage when suspicions arose about any documents.

- 2.100 We were told that prior to the introduction of team based working, Forgery Officers used to walk the floor behind IOs working on the Primary Control and were available to provide advice or assistance as necessary. It also meant that if a document required a detailed examination, a Forgery Officer could carry out this function without having an impact on the rest of the Primary Control Point.
- 2.101 During our onsite inspection, we found that the role of the Forgery Officer, while still deemed to be a specialist role, had been subsumed into the general day to day business of the Primary Control Point and was no longer 'ring-fenced'. The result was that the individual carrying out this role usually worked on the Primary Control Point at a desk along with other IOs. There was less floor walking and if advice was required by another IO, they had to go to the Forgery Officer and either interrupt them or wait until they had finished dealing with the passenger in front of them.
- 2.102 We raised this with staff during focus groups and they informed us that there was often a reluctance to seek the advice of the Forgery Officer when they were working at the Primary Control Point. It was only when a document was clearly not genuine that they referred the documents to them. We also found there was not always a Forgery Officer on duty at Terminal 3. The Border Force Standard states that *'the border zone should have at least one trained forgery officer on duty each day.'* We believe that Border Force should reconsider this standard, particularly at locations such as Terminal 3, where high volumes of passengers were experienced across different parts of the day, both during the morning and later in the evening.
- 2.103 Statistics provided by the Agency showed that the number of forgery checks was reducing. In February 2011, when approximately 650,000 passengers arrived into Terminal 3, there were 105 forgery examinations. By July 2011, when staff reductions as a result of the voluntary early release scheme had taken place and the new team working model was being introduced, the number of examinations had reduced to 66 against passenger volumes of just under 1.1 million. There was a slight increase during August 2011 to 86 examinations but again, this was against a much higher passenger volume of 1.1 million.
- 2.104 The chart at Figure 10 shows the results of these examinations in terms of forgery detections. It clearly shows the reduction in identifications during 2011 against the same period in 2010.

**Figure 10: Forgery detections at Terminal 3 – 2010/11**



Note – Information provided by the UK Border Agency (no data available for November 2010).

- 2.105 Although the role of Forgery Officers was a specialist one, IOs who work on the desks also receive forgery training. This is supplemented by refresher training, for example, to learn new techniques being employed by fraudsters, in order to keep IOs up to date on current trends. Specialist Forgery Officers are responsible for delivering refresher training to other IOs.
- 2.106 We found that due to the demands of the Primary Control Point and the use of Forgery Officers on the desks, the availability of forgery training, including refresher training had diminished. At the time of inspection there was no refresher training being provided. This was raised as a concern to us by staff because of the current strategy to integrate legacy customs and legacy immigration roles. The current strategy meant that detection staff, who were directed to work on the Primary Control Point (when passenger volumes were high or staffing was low), were not always properly trained to identify forged documents. Staff raised the concern that without refresher training, forged documents may be missed at the PCP by inexperienced staff working at the desks. European ID cards were highlighted as a particular risk area because they did not carry biometric data.
- 2.107 In July 2011, the National Document Fraud Unit (NDFU), a unit within the Agency, visited Terminal 3 to assess the forgery capability that existed. This unit subsequently produced a report which highlighted its concerns about the deployment of designated forgery staff who were not always being used for forgery duties. The report highlighted the lack of ‘floor walking’ and the lack of time available for forgery staff to assist other IOs on the control. NDFU, which was also responsible for sending out information on current tactics used by fraudsters, raised concerns about the lack of ability of forgery staff to remain up-to-date on current trends and added that it considered insufficient time was given to forgery staff to read relevant information.
- 2.108 Given that the concerns we raised were shared by NDFU, we believe that Border Force must determine how to obtain the most benefit from the investment it has placed in forgery staff. This will require some detailed analysis of forgery statistics, in comparison with passenger traffic profiles and intelligence information.

## Absconders

- 2.109 The Agency defined an absconder as “*an individual who leaves the border control area without permission, escapes from detention, breaches one or more of the conditions imposed as a condition of Temporary Admission (TA), Temporary Release (TR), Bail or release on a Restriction Order (RO) and whose current whereabouts is unknown.*”
- 2.110 We reviewed the process and outcomes of the strategies used by the Agency at Terminal 3 to measure how effective it was in managing absconders. In doing so, we collected data on the numbers of absconders, received documents from working groups and carried out analysis of 48 absconder files.
- 2.111 HCCU was responsible for monitoring the outcome of absconder cases. However, it was not responsible for carrying out any activity in tracing absconders, rather this was the responsibility of Immigration Group, through staff at the Command and Control Unit and Local Immigration Teams. Staff in the Command and Control Unit conducted desktop research of government databases to identify if absconders had changed address without notifying the Agency, while Local Immigration Teams were responsible for carrying out enforcement work to detain and remove absconders from the UK when a referral had been made.

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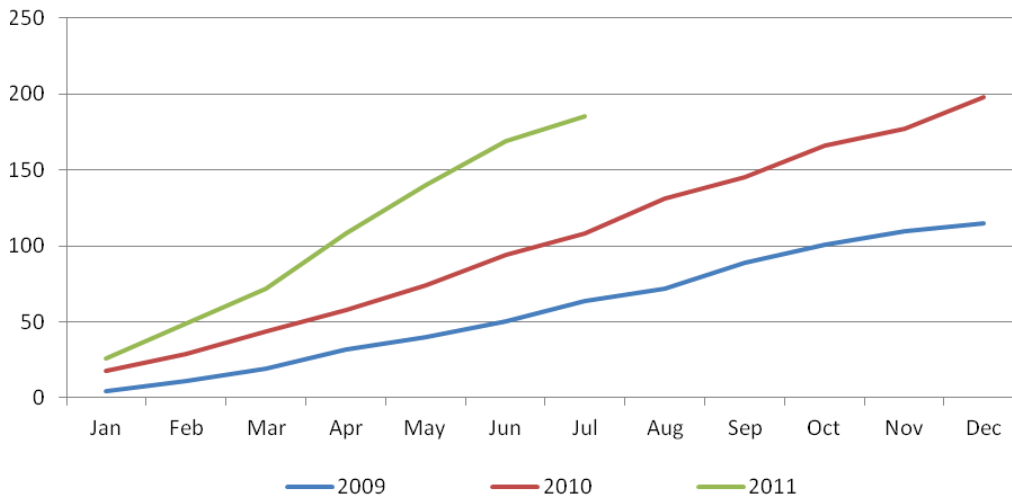
*We established that the number of absconders had increased significantly over the last three years, particularly at Terminal 3 which had the highest rate of absconding across all Heathrow terminals.*

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2.112 We established that the number of absconders had increased significantly over the last three years, particularly at Terminal 3 which had the highest rate of absconding across all Heathrow terminals. In 2009, the total number of absconders from Terminal 3 was 115. This rose to 198 in 2010 and by July 2011, the number was already recorded as 185. The chart at Figure 11 shows the cumulative growth for each year, clearly highlighting the increased rate during 2011.

**Figure 11: Number of Absconders – Cumulative per year**



Note – Information provided by the UK Border Agency.

2.113 Based on the current trend for 2011, we estimate that the total figure of absconders for the year could be between 300 and 350, significantly higher than previous years. In contrast, we also examined the number of absconders who were recovered during the same periods. This showed that more absconders were recovered in 2009, when the total number was the lowest of the last three years. Figure 12 records the number of absconders and those recovered between 2009 and 2011 (up to July).

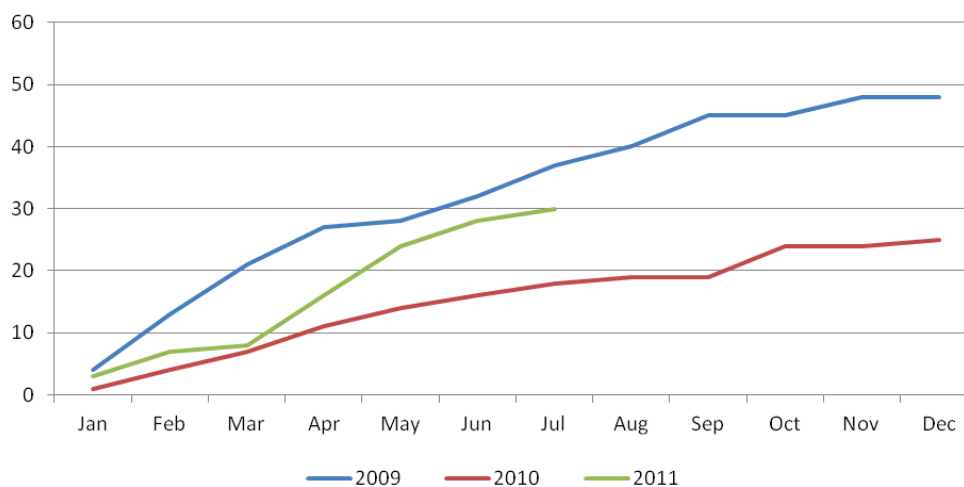
**Figure 12: Number of absconders and those recovered between 2009 and 2011 (up to July).**

Year	No. of Absconders	No of Recovered Absconders	Rate of Recovery
2009	115	48	40%
2010	198	25	13%
2011 (to July)	185	30	16%

Note – Information provided by the UK Border Agency.

2.114 Figure 13 shows that 48 absconders were recovered in 2009 (40%), dropping to 25 in 2010 (13%), with 30 being recovered in 2011 (up to July – 16%). The current trend for 2011 indicates that approximately 55 absconders will be recovered for the whole year (between 16 – 18%), if our trend forecast is correct. Figure 14 below shows the rate of recovery of absconders for these periods.

**Figure 13: Number of recovered absconders - cumulative per year**



Note – Information provided by the UK Border Agency.

- 2.115 While performance in 2011 shows a slight improvement in performance over 2010, our overall findings show a significant reduction in absconder recovery rates for Terminal 3 since 2009. We consider that Border Force and the Agency need to take much more proactive action to improve performance in this area.
- 2.116 Further analysis from the statistics showed that as the number of absconders had increased, Tier 4 students had become prominent as the category of person absconding. In 2009, two out of 115 (2%) of absconders were first time students, e.g. arriving in the UK for the first time. In 2010 this had increased to 45% (89 out of 198), increasing further to 88% for 2011 (162 out of 185 up to July).
- 2.117 The nationalities of those absconding had also changed during 2011. Figure 14 shows the breakdown of the top three nationalities for absconding in 2009, 2010 and 2011 (to date).

**Figure 14: Number of absconders and those recovered between 2009 and 2011 (up to July).**

	2009	2010	2011
1	Pakistan (35.7%)	India (31.8%)	Philippines (38.9%)
2	India (9.6%)	Bangladesh (23.2%)	India (38.4%)
3	Bangladesh (8.7%)	Pakistan (19.2%)	Bangladesh (12.4%)

Note – Information provided by the UK Border Agency.

- 2.118 One reason for the rise in student absconders was that Tier 4 students arrive on a valid visa. If the visa is overturned on arrival into the UK, the student receives a suspensive right of appeal<sup>31</sup>, which means they are unlikely to be detained. An alternative to detention is Temporary Admission which allows student passengers conditional entry to the UK. This is time-limited until they have exhausted all rights of appeal.
- 2.119 We found that the Agency had identified the growing number of absconders as an issue. An Absconder Working Group had produced a report, dated 26 September 2011, which analysed absconding rates at UK ports. This report considered issues such as trends in absconding, the authorisation of temporary admission, how to prevent absconding and what action to take when an

<sup>31</sup> The term used when a person cannot be removed until they have exhausted all appeal rights.

individual does abscond. The report made 12 recommendations for improvement.

- 2.120 However, while the report recognised the growing number of students who accounted for absconding, it made no mention of the sudden influence of Philippine nationals on the statistics in 2011, hence there was no recommendation to investigate this issue in the report.
- 2.121 In our report on the Command and Control Unit<sup>32</sup>, we reported that this unit was responsible for managing the circulations on the Police National Computer (PNC). We also reported that they provided a locate function, trawling numerous databases to try and identify addresses for people that had absconded.
- 2.122 Although the locate function had not changed, the way that circulations were entered onto the PNC had. Previously, all requests for update to the PNC took approximately 10 days (between an individual absconding and their details appearing on the PNC). However, we found that under the new process, updates were being made within 24 hours of the Command and Control Unit receiving the information from ports – a significant improvement.
- 2.123 Despite an established process being in place between ports and the Command and Control Unit for circulation of absconder details onto the PNC, we found a formal process had not been put in place for referring cases to Local Immigration Teams. When a passenger arrives in the UK on a visa, they supply an address where they will be staying in the UK. Consequently, if they abscond, the Agency has an address on file which can be used as the basis for their investigations and tracing. This address is used to determine which Local Immigration Team the case is referred to.
- 2.124 During our file sample, we found evidence of a referral being made in only six (12.5%) of the cases we sampled. In these cases, once the referral had been made, there was no further indication on the file describing what action had been taken to try and identify the offender. We found no evidence, either through our file sampling or during interviews and focus groups of any co-ordination or joint working between Border Force staff in HCCU and Immigration Group staff working in Local Immigration Teams. We consider this was unacceptable. Border Force and the Agency need to ensure that they embed effective working relationships and shared targets, to ensure individuals who commit immigration offences (such as absconders), are located and removed from the UK. The following case study at Figure 15 from our file sample highlights this point.

<b>Figure 15: Case Study</b>	
Details of Passenger:	Student
Reason for Refusal:	College Withdrew Sponsorship due to poor level of English
Date Identified as Absconder by Port	15/10/2010
Date Circulated on PNC	16/10/2010
Referral to Immigration Group noted on File	No
Action by Immigration Group	Cleansing Exercise of CID records carried out, identified passenger as an absconder, absconder action initiated 23/05/2011.
ICI Notes:	Action by Immigration Group duplicated what had already been done by the port. The absconder was already on PNC and absconder action had already been initiated, albeit this was only a circulation on the PNC. There was no mention on the file of any dialogue between the port and Immigration Group and no evidence of proactive work to locate and remove the absconder. The absconder remained at large at the time of our inspection.

32 <http://icinspector.independent.gov.uk/wp-content/uploads/2010/03/An-inspection-of-the-command-and-control-unit.pdf>.

### **We recommend that Border Force and the Agency:**

- Takes action to improve their performance in relation to absconder recovery action, ensuring that people who have lost their appeals are located and removed from the UK.

### **National Border Targeting Centre (NBTC) Alerts**

- 2.125 NBTC alerts are about individuals who could be arriving on flights who may be of interest to Border Force, or to other agencies, for example the police or the Serious Organised Crime Agency (SOCA). The alerts are generated by the Agency's NBTC where flight manifest data is analysed against numerous Home Office databases to see whether any passengers need to be intercepted on their arrival into the UK.
- 2.126 When a person is identified, NBTC will pass this information to a single point of contact at the port. In the case of Heathrow, the details were passed to the Intelligence Unit who in turn forwarded details to a CIO, at the relevant terminal where the flight was due to arrive.
- 2.127 We observed this process while we were on site and identified similar concerns to those we have previously reported in our inspection of Manchester Airport. This included slips of paper with the name of the target being handed out to IOs working at the Primary Control Point. IOs were then responsible for intercepting the individual if they arrived at their desk.
- 2.128 In a very busy environment with multiple nationalities arriving from destinations around the world at the same time, we consider there were risks that some targets could be missed using this process. We also found other factors which could impact on the potential identification of an individual when slips of paper were used. This included IOs:
- frequently moving between desks, either as a result of meal breaks or dealing with IS81 cases;
  - meeting demands in the arrivals hall, for example, moving from EEA to non-EEA desks, so they may not be aware of the target or the slip of paper; and
  - coming on duty that may not be aware of a target, or the existence of a slip of paper.
- 2.129 We questioned why alerts could not be placed onto the WI system so that the alert would flag up on screen when IOs scanned the travel document. We were informed that strict data quality protocols existed for the WI which meant that partial information on an individual (i.e. where there was an incomplete date of birth), could not be entered onto the system. We were also informed that the infrastructure on which the WI operated did not allow real time (immediate) updates to all port locations.
- 2.130 We believe that Border Force should examine this issue in greater detail to ensure that it minimises the risks of alerts being missed.

### **Complaints procedures should be in accordance with the recognised principles of complaints handling**

- 2.131 The UK Border Agency defines complaints as *“any expression of dissatisfaction about the services provided by or for the Agency and / or about the professional conduct of UK Border Agency staff or contractors”*. Complaints were categorised as either service complaints, minor misconduct or serious misconduct complaints. Serious misconduct complaints are complaints which if upheld would lead to disciplinary or criminal proceedings against the staff member(s) involved. The Complaints policy states that all serious misconduct complaints and any complaints perceived to involve an element of discrimination must be referred to the Professional Standards Unit (PSU) for investigation.

- 2.132 We have previously reported on the Agency's handling of complaints in our thematic inspection: "*Lessons to learn: The UK Border Agency's handling of complaints and MPs' correspondence*"<sup>33</sup>, (published July 2010). This inspection made a number of recommendations for improvement in complaints handling which were accepted by the Agency. Complaints have also featured significantly in previous reports about the operations of Border Force in other regions.
- 2.133 Complaints made at Terminal 3 were managed in two ways, depending on how the complaint was made. Verbal complaints made to IOs were dealt with in the terminal, either by immediate resolution by the IO or through intervention of a CIO. Formal written complaints were managed by the Border Force Customer Service Unit based in Dover, who were responsible for all written complaints for Border Force nationally.
- 2.134 In Terminal 3, we found similar findings to those in our previous inspection at Manchester Airport, in that documentation and information for passengers about how to complain was virtually non-existent. We also found similar evidence in our report of Gatwick North Terminal. There were no complaints leaflets in either the Primary Control Point area or the secondary examination areas. The only literature we saw that related to complaints was a single A3 sized poster in a corridor that led to the arrivals hall. The poster was on a side wall alongside a selection of other posters offering information, for example, about the potential for long queues during busy periods because more stringent checks were being conducted. It was obvious to us that this poster was not located in the right place, because passengers:
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- In Terminal 3, we found similar findings to those in our previous inspection at Manchester Airport, in that documentation and information for passengers about how to complain was virtually non-existent.*
- 
- had yet to arrive in the immigration arrivals hall; or
  - engage with immigration staff as part of the entry clearance process.
- 2.135 The poster provided information about how to make a written complaint. It also contained a website address and a telephone contact number. However, when we called the telephone number, it had a pre-recorded message stating that the number was no longer available to take complaints.
- 2.136 With no leaflets or other relevant information on complaints being available, IOs told us that passengers "*frequently*" complained to them verbally when they arrived at their desks, usually about the length of queues. When this occurred, IOs told us they tried to resolve the matter themselves, but in some cases, where they were unable to deal with a passenger's complaint, they referred such passengers to the CIO.
- 2.137 We found that some verbal complaints were recorded in an incident book, typically when staff considered passengers might subsequently make a formal complaint. The incident book is a log of compliments and complaints, or other incidents which may require to be referred back to in the future and was located in the watchhouse.
- 2.138 Border Force complaints guidance states there was no expectation that all complaints made verbally at the border should be recorded to the same extent as a formal written complaint. However, there was an expectation for "local managers to keep simple records of complaints so that trends could still be spotted and addressed."

<sup>33</sup> [http://icinspector.independent.gov.uk/wp-content/uploads/2010/07/Lessons-to-learn\\_The-UK-Border-Agency's-handling-of-complaints-and-MPs-correspondence.pdf](http://icinspector.independent.gov.uk/wp-content/uploads/2010/07/Lessons-to-learn_The-UK-Border-Agency's-handling-of-complaints-and-MPs-correspondence.pdf)

- 2.139 During our inspection, other than the incident log, which was a chronological handwritten log, we found no evidence that the number of verbal complaints was being collated. The incident log did not allow easy analysis of the information it contained, so there was no way for local managers to understand and verify the number of complaints being made, or the nature of these complaints. The only records of complaints held were those made formally to the Customer Service Unit based in Dover.
- 2.140 We found that formal written complaints were managed by a Inspector at Terminal 3, who had responsibility for ensuring they were investigated and that the written response provided was adequate before being returned to the Customer Service Unit at Dover, who would in turn respond to the complainant.
- 2.141 Prior to the on-site phase of our inspection we randomly selected 50 files relating to formal complaints that we were told originated from Terminal 3. As with the case files that we analysed for decision making, we found poor file management and administration in respect of complaint files. Despite asking for complaints that related solely to Terminal 3 we found that 31 (62%) of the files were out of scope, either because they were from other Heathrow terminals or because some of the complaint files related to Agency operations at Hull, Coventry and Terminal 3 at Manchester Airport.
- 2.142 We were only therefore able to review 19 files (38%) to consider whether the compliant process was carried out in accordance with the Agency's complaint policy. We found that three cases should not have been classified as complaints because they concerned requests for information from the Agency. In one of these cases, the writer specifically stated "*this is not a complaint,*" but it was still dealt with as a complaint. In another the case related to an exchange of letters between a complainant and an MP which should not have been handled through the normal complaints procedure. We found similar evidence of this in our inspection at Gatwick North Terminal.
- 2.143 We also noted one case were a passenger, refused entry to the UK, alleged that they had been treated in a racially discriminatory manner. This complaint was categorised as a minor misconduct case because the Inspector considered that the racial element of the complaint surrounded the refusal decision and so was not dealt with. This contravenes the Agency's guidance on complaints which states that "*if there is any doubt whether an allegation is about discrimination the CSU must refer the matter to PSU*". Again, this was similar to our inspection findings at Gatwick North.
- 2.144 The remaining 15 complaints were categorised correctly and were dealt with in a timely manner in accordance with the standards set out by the Agency. However, we noted that in one of these cases, the complainant had asked for information under the Freedom of Information Act because they were being continually stopped by IOs at the Primary Control Point. This information was personal information and therefore should have been dealt with using a Subject Access request under Data Protection legislation. The Agency failed to identify this and gave the complainant a response stating that action had been taken to prevent further stops on the same grounds in the future.
- 2.145 Overall, we found a passive approach to the management of complaints. This approach was consistent with the findings we have made in previous inspections at other Border Force locations. In the majority of cases, the Agency dealt with and managed formal written complaints adequately. However, there was insufficient information available to passengers to make a complaint in the first place. There were just 48 complaints recorded in total for Terminal 3 in 2010, a terminal that processed in excess of 20 million passengers during the same period. We do not find this figure credible. We believe that the lack of information about how to complain, together with inconsistent and inaccurate recording of information, were prime contributing factors to this low level of complaints.

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*Overall, we found a passive approach to the management of complaints. This approach was consistent with the findings we have made in previous inspections at other Border Force locations.*

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- 2.146 There are obvious benefits of having an inclusive complaints system both for the Agency's reputation and for the satisfaction of those that the Agency comes into contact with. Good complaints handling provides the opportunity for redress in individual cases. Importantly, any investigation and subsequent outcomes of complaints can also highlight where the Agency is complying with published standards and where it needs to learn from any mistakes it or its staff have made.
- 2.147 This learning extends beyond complaints that are made formally in writing and must include verbal complaints. There is a need to collate information and analyse these complaints so that Border Force can take appropriate action when necessary.

**We recommend that Border Force:**

- Provides up-to-date complaint information at UK ports, with complaint posters and leaflets being available at the Primary Control Point and in the detection channels.
- Records, analyses and learns from complaints and disseminates analysis to front line staff.

# 3. Inspection Findings – Safeguarding Individuals

All people should be treated with dignity and respect and without discrimination in accordance with the law

## Equality

### Background

- 3.1 The Equality Act 2010 imposes a requirement on the Agency to meet the general public sector equality duty which came into effect in April 2011. This duty requires the Agency to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - advance equality of opportunity between people who share a protected characteristic<sup>34</sup> and those who do not; and
  - foster good relations between people who share a protected characteristic and those who do not.
- 3.2 This involves:
- removing or minimising disadvantages suffered by people due to their protected characteristics;
  - taking steps to meet the needs of people from protected groups where these are different from the needs of other groups; and
  - encouraging people from protected groups to participate in public life or in other activities where their participation is particularly low.
- 3.3 We found through our observation at both the Primary Control Point and in the detection channels that in general, people were treated fairly and without discrimination. However, we did identify one particular area for improvement regarding the conduct of IOs when delivering decisions about immigration cases away from the Primary Control Point.
- 3.4 In six of the 13 cases where we observed passengers being subjected to formal interviews, we found that subsequent decisions on their entry to the UK were given in inappropriate places, typically in corridors, in the arrivals hall around other passengers or in the reception area of the holding room around contracted staff and other detainees. Given the potential emotional impact a decision can have on a passenger, for example, if they are refused and subsequently removed from the UK, we feel that all decisions should be given in private. Interview rooms allow adequate levels of privacy for this purpose and we believe they should be used in all cases.

<sup>34</sup> Protected characteristics under the Equalities Act 2010 are: Age, Sex, Race, Religion & Belief, Disability, Gender Reassignment, Marriage & Civil Partnership, Pregnancy & Maternity and Sexual Orientation.



- 3.5 With regards to practices in detections channels, our observations did not identify any significant failures with the way passengers were treated when they arrived in the channels. Nevertheless, there is still a requirement for Border Force to have robust data collection and monitoring systems in place to provide assurance that people from protected groups are not being adversely treated, that service delivery outcomes are appropriate for different groups and that any differential treatment is justified. This requirement came as a result of recommendations made by the former Independent Immigration Race Monitor, Mary Coussey.
- 3.6 The 2005 Coussey report made eight recommendations to improve the monitoring of race equality for the legacy customs function. Central to this were recommendations around the collection and analysis of data to ensure that equality issues were identified and addressed as necessary. The recommendations made included;
- monitoring of all passenger interceptions (defined as physical searches including baggage) and Search of Person by ethnicity and outcomes must be continued and developed;
  - as part of the normal quality assurance procedures there should be regular local evaluation of all interceptions and the outcome, whether successful or not. Quality assurance should assess information from notebooks, and discuss selection with officers, with the aim of analysing how far selection matched intelligence and risk assessments. There should be specific consideration in quality assurance of any potential racially adverse impact; and
  - statistical ethnic monitoring of all interceptions, including baggage search, should be formally recorded and reported. Analysis of the data will indicate whether there is any racially adverse impact, and this impact should also be reviewed against current profiles and intelligence. The aim should be to establish whether interceptions are successful or not, and whether targeting closely relates to profiles. In this way the risk assessment may be validated, enabling any adverse impact to be justified. If this analysis indicates that targeting was not justifiable and not closely based on intelligence, selection methods would need to be reviewed.
- 3.7 We found no evidence that these recommendations had been implemented at Terminal 3. The only time ethnicity was recorded during detection interactions was on the Search of Person form, a form used when a more extensive search was required when suspicions were raised during a search of baggage. Despite the ethnicity being recorded on this form, we found no evidence that the information was analysed or used in any way to monitor racial discrimination. This was also confirmed during interviews and focus groups with staff and managers. This similarly reflects the findings we made in our recent inspection of the Gatwick North Terminal.

**We recommend that Border Force:**

- Implements robust monitoring systems to provide assurance it is meeting its duties under the Equalities Act 2010, particularly in relation to Searches of Person and detection operations.

# Decisions to detain people must be lawful & Enforcement powers should be carried out in accordance with the law and by members of staff authorised for that purpose

## Search of Person (SOP) Records

- 3.8 Searches of person are permitted under S164 of the Customs and Excise Management Act (CEMA) 1979. This provides powers to search any person where there are reasonable grounds to suspect they are carrying an article which either is chargeable with any duty which has not been paid or secured or is prohibited or restricted<sup>35</sup>. Powers to search an arrested person are also provided under Section 32 of the Police and Criminal Evidence Act 1984. This permits post-arrest searches where there are reasonable grounds for believing that the person may present a danger to himself and others, has anything which may be used to assist escape from lawful custody, or which might be evidence relating to an offence.
- 3.9 Detection officers use the powers of search and arrest in the course of their duties in detecting concealed goods and in supporting the prosecution of criminal offences. Officers need to be fully aware of the relevant legislation including the limitations of applicable powers and to act within these boundaries. The application of powers in relation to person searches was therefore included as part of the inspection by undertaking a review of recent search of person records. Documentation was reviewed to determine whether searches were justified and proportionate, in line with both legislation and Agency guidance and also whether recording procedures matched expected standards required to evidence the legality of the search and support any subsequent criminal proceedings.
- 3.10 The importance of acting under the appropriate legislation and following the correct recording procedures is described in the Agency's Enforcement Handbook, which states: *"It is essential that officers carry out the search under the appropriate legislation and observe the correct recording procedure. Failure to do so could render any evidence of an offence discovered during that search inadmissible and may also leave them open to criticism in court and even to charges of assault."*
- 3.11 The reasonable grounds for conducting a person search under Section 164 of CEMA require a firm basis beyond mere suspicion. The Enforcement Handbook states: *'Officers must be aware that, in order to conduct a Search of Person under CEMA Section 164, they must have reasonable grounds to suspect that a person is concealing goods on their body. Reasonable grounds, in contrast to mere suspicion, must be grounded on fact. There must be some firm basis for this belief that can be considered and evaluated by a third person.'*
- 3.12 Figure 16 describes the indicators that can lead to reasonable grounds for suspicion. These are taken from the Enforcement Handbook which states that officers *"normally require more than one of the following indicators to obtain authority to carry out a Search of Person."*

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<sup>35</sup> Examples of these articles are cigarettes, tobacco, alcohol, controlled drugs, offensive weapons and products of animal origin.

### Figure 16: Indicators which can lead to reasonable grounds for suspicion

- Canine detection – where a dog has identified something by scent on the passenger and / or baggage.
- Intelligence – where verified (Category A) information exists that a passenger is involved with the importation of prohibited or restricted goods.
- Behaviour –the passenger exhibits negative body language (i.e. overt signs of nervousness, avoiding eye contact, flushed face) or the actions of a known drug user.
- Provable lies –there are provable discrepancies in the passenger’s verbal statements which have been successfully challenged.
- Inconsistencies –there are discrepancies in the documentation provided by the passenger or unsatisfactory reasons for travel.
- Observations –physical discrepancies or anomalies in a passenger’s appearance exist which include clothing and or baggage inappropriate to the traveller or the journey undertaken.
- Search of baggage –a search of baggage reveals evidence of possible prohibition and restriction offences including cash and drugs.
- Ion trace Indication – positive indication of drug contamination.

3.13 The Enforcement Handbook states that each ground should be clearly explained. It was not sufficient to simply list each ground in notebook records. The need for officers to be able to distinguish between the initial grounds for intercepting passengers (pre-arrival and visual indicators) and those required for search of person was also highlighted in this guidance:

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*“Officers must be careful not to confuse these grounds (to justify Search of Person) with the grounds required for “Pre Arrival and Visual interceptions of passengers”. The Pre Arrival and Visual indicators are an aide to alert officers to considerations for initially challenging a passenger.”*

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3.14 Searches of person can involve either a rub down search in which the person is fully clothed or a strip search in which clothing is removed. All searches must be authorised by a Higher Officer or above, ensuring that the grounds for the search have been evaluated by an officer of a sufficient grade before the search is allowed to proceed. Although not a legal requirement, the Enforcement Handbook states *“post arrest searches carried out under PACE S32 should normally also be authorised by an officer of HO or above<sup>36</sup>. This is to ensure equity of treatment with those searched under Section 164 CEMA. This authorisation requirement may be waived in exceptional circumstances but the circumstances and rationale for the decision to proceed without authorisation must be recorded in the officer’s notebook”*.

#### Documentation Requested

3.15 We requested the records of all searches of person conducted at Terminal 3 during April and May 2011. A number of records are created for each search of person conducted, including:

- search of person form. This form sets out key information in relation to the search and specifies a unique reference number for the case. Basic passenger details are provided including ethnicity identified by an IC code. The form also requires confirmation that both the search and right of appeal has been explained to the passenger and sets out the details of the officers involved. The reasons for the search, type of search and outcome of the procedure should also be specified; and

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<sup>36</sup> This requirement is set out in the Enforcement Handbook guidance – it is not a legal requirement under section 164 CEMA.

- notebook records of the requesting officer and search officer (often the same person), witnessing officer and authorising officer. All searches must be witnessed by an additional officer to that undertaking the search.

3.16 Our review of documentation involved consideration of:

- the completeness of the search of person records;
- the quality of notebook record keeping;
- the justifications provided for the search undertaken; and
- that all searches of person were authorised at an appropriate level.

3.17 There was clear guidance setting out the level of information that must be provided in the notebook entries of the various officers involved. All officers must identify the passenger, type of search, legislation used, names of other officers involved and the grounds for the search. Both the requesting and authorising officers are also required to provide a number of additional details about the case.

3.18 Records were provided for 46 person searches conducted during April and May 2011. For each person searched, complete records, i.e. SOP form, and notebook entries for the Search Officer, Witnessing Officer and Authorising Officer were requested.

3.19 Eleven of the cases involved a strip search and 35 cases involved a rub down search. In addition, further checks of these individuals, deemed as searches of person by the Enforcement Handbook, included 11 Compass body scans<sup>37</sup>, 13 urine tests and 11 X-rays (taken by radiologists at Hillingdon Hospital).

### **Documentation review**

3.20 All search of person forms reviewed were completed appropriately and included perceived ethnicity details identified by IC category. In contrast, we identified a number of prominent operational failings when reviewing notebook records. These failings included:

- a lack of understanding of the evidential requirements for undertaking person searches;
- a lack of understanding of differential grounds for undertaking rub down and strip searches; and
- person searches being undertaken without authorisation being given.

3.21 We also identified concerns regarding the use of arrest powers in cases where a physical search revealed a negative result.

3.22 The search of person documentation provided did not indicate sufficient grounds for conducting person searches in a high proportion of the cases we examined. Person searches were not considered to be justified and proportionate in 31 of the 46 (67%) cases that we reviewed. In many cases officers cited grounds (using pre-arrival and visual indicators) that would justify initially stopping a passenger but which did not provide necessary and reasonable grounds for undertaking a search of person. We found that authority was being granted for some searches when there were insufficient grounds to do so, with evident confusion amongst Officers and Higher Officers in regard to the appropriate grounds for conducting searches.

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*The search of person documentation provided did not indicate sufficient grounds for conducting person searches in a high proportion of the cases we examined.*

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<sup>37</sup> A device that carries out a full body scan using low dose X-ray transmission. The scan can detect items that have been concealed not only under clothes, but also body cavities and prosthetic devices.

- 3.23 It was evident from our findings that managers (and staff temporarily promoted to Higher Officers) were not fulfilling their role and responsibilities in relation to these activities, with a key contributing factor being that they had not been trained appropriately.
- 3.24 The following are examples of reasons given for the different types of searches in our file sample of 46 cases.

#### Rubdown Searches

- “Single traveller, source country (Turkey), change of booking, reason for travel;
- Source country, nervous, 3 day visit Panama, 3rd party booking;
- Vague about reason for their trip, small amount of cash, source country for drugs, ticket bought by 3rd party; and
- Unemployed, no money, nervous, sweating & avoiding eye contact, no luggage, 3rd party paid ticket & spending money”.

#### Strip Searches

- “Recent trends, source country, inconsistent story, change of travel, ticket booked shortly before travel, nervous behaviour at bench;
- Source country, short trip, very reluctant to answer any questions put to her, nervous - fidgeting - walking up and down, change of booking. Negative Ion test and negative Compass; and
- Travelling alone, drug source country, appeared evasive and with a rehearsed story”.

3.25 In all of the cases above, the reasons provided were pre-arrival or visual indicators plus some additional grounds to conduct an initial search of a person’s bags. None of the above examples included any justifiable grounds for conducting a search of person.

3.26 We identified serious issues with decision making, authorisations and record keeping in respect of all 11 strip searches. In eight of these cases we did not consider there was sufficient evidence to justify any type of search of person, let alone a strip search. In two further cases, we considered that while there were reasonable grounds to support a rubdown search, there were insufficient grounds to support a strip search. In the final case, we were satisfied that there were grounds to support a strip search. However, we found that the HO on duty had failed to make a notebook entry to confirm authorisation had been given for this strip search to take place.

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*We identified serious issues with decision making, authorisations and record keeping in respect of all 11 strip searches.*

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3.27 As set out in the Enforcement Handbook a strip search “can be extremely distressing” and should only be conducted where there are strong grounds for suspecting an internal or external bodily concealment. The finding that unjustifiable strip searches may be taking place at Terminal 3 replicates our inspection findings from Gatwick North. This indicates that this problem is not isolated to one terminal and as a result we believe that Border Force needs to take action to address this issue promptly.

3.28 In our report of Gatwick North Terminal, we found a disproportionate number of female passengers were subjected to a strip search compared to male passengers. We did not find any evidence of such disproportionality in our inspection of Terminal 3. Of the 44 search of person records we reviewed, 25% of both male and female passengers were referred for a strip search.

3.29 We reported earlier about the lack of training for CIOs who had moved into management roles on detection teams. We also found a number of teams with Officers being temporarily promoted to

the higher grade because of a lack of management resources or to support an immigration manager who did not have the necessary authority to sanction searches. Conducting searches of passengers is intrusive. Searches should therefore only be carried out when there are clear grounds to support such action, which are in line with legislation and Agency guidance. Border Force must therefore take all necessary steps to ensure that its managers know the law and are trained appropriately.

- 3.30 The review of documentation also revealed that in seven of the cases where a passenger was searched with a negative outcome, the person was arrested and subjected to further checks (such as a body scan or X-ray), without any clear explanation as to the increased level of suspicion or grounds for arrest, other than to further detain them.
- 3.31 It is a legal requirement that arrests are made at the earliest opportunity in accordance with an appropriate level of evidence. However, reasons were not provided regarding any change in the level of suspicion leading to arrest following the negative person search. This would appear to be an abuse of the power to arrest under Section 138 of CEMA, which states “*arrests cannot be legitimately undertaken simply to enable further examinations in this way*”. This issue requires urgent action by Border Force to ensure its staff are fully compliant with the legislation governing their work and act within these boundaries.
- 3.32 The following are examples of the grounds used to arrest passengers in the cases we examined:
- routing/country of origin, large amount of cash \$1000, last minute cash paid ticket, known travel agent used. Passenger was strip searched and then arrested following negative urine test and inconclusive Compass “*in order to obtain a hospital x-ray*”; and
  - source country, 1st trip to UK, £1000 funds, knows no-one in the UK, staying in a hotel which is not close to London tourist sites (Hemel Hempstead). Passenger was arrested as officer suspected that beads worn by him contained drugs. Beads were drilled and tested negative, however the passenger remained under arrest and a strip search was carried out.
- 3.33 Although there was clear guidance in place regarding the level of detail to be recorded in individual notebooks of the different officers involved in a search process, the notebook records reviewed failed to meet the requirements set out by the Agency. We found that staff had not recorded all passenger information as required in their notebook, neither had they recorded the legislation under which the passenger was initially stopped and the legislation under which they were searched. This raises the possibility that officers may be unaware of the legislation under which they are operating.
- 3.34 It was also apparent that nine (20%) of the 46 searches were conducted without the appropriate level of authority being granted in advance. In a number of these cases, the authorising officers provided ‘late notebook entries’, but these are dated after the notebooks were requested by the Inspection team and appear to have only been completed for Inspection purposes. Of these nine searches, eight were carried out under S164 of CEMA and therefore may be deemed as illegal searches without the relevant authority. The remaining search was carried out under S32 PACE. As previously stated, the Enforcement Handbook states that such searches should also be authorised by an officer of HO or above to ensure equity of treatment with those searched under Section 164 CEMA.

### **Search outcomes**

- 3.35 Only one out of the 46 search of person cases reviewed resulted in a positive outcome i.e. the detection of illicit goods (2%). This is a very low number of positive outcomes and supports our finding that many of the person searches were conducted without sufficient grounds. Analysis of person search outcomes should routinely be undertaken by Border Force to assess the effectiveness of its approaches in order to ensure they are lawful, fair and above all proportionate. This will ensure that it achieves better overall outcomes from person searches, i.e. more seizures of illicit goods.

### **We recommend that Border Force:**

- Ensures that all arrests and searches of person are justified, proportionate and conducted with a legal basis in line with guidance and with proper documentary records maintained.

## Functions should be carried out having need to safeguard and promote the welfare of children

### **Safeguarding Children**

- 3.36 Section 55 of the Border, Immigration and Asylum Act 2010 set out the requirement for the Secretary of State to make arrangements to ensure that immigration, asylum, nationality and customs functions are exercised having regard to the need to safeguard and promote the welfare of children in the United Kingdom.
- 3.37 In considering the effectiveness of how the Agency discharges this responsibility, we considered the levels of awareness amongst staff on the need to safeguard children, the facilities provided to children, detention of children and casework of unaccompanied asylum seeking children. We also discussed the Agency's management of children with Hillingdon Borough Council Social Services Department.
- 3.38 At Terminal 3, we found the management of cases and passengers who were considered to be Children or Young People, commonly referred to as 'CYP cases' was very positive. An Inspector had functional responsibility for all CYP issues and there was a dedicated CYP team consisting of approximately 20 IOs working across a number of teams in the new team based working structure. There was also a police team known as Operation Paladin who examined child cases for any child trafficking issues. We were told that all cases where there was a suspicion that a child may be at risk of trafficking would be referred to the Paladin team for investigation.
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- At Terminal 3, we found the management of cases and passengers who were considered to be Children or Young People, was very positive.*
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- 3.39 We found that all staff had received mandatory training in Safeguarding Children, with members of the CYP team receiving advanced training which included matters such as referrals to Social Services, child trafficking and the identification of potential victims.
- 3.40 The knowledge and awareness of staff was highlighted during our observations of staff when we noted the following good examples:
- IOs paying particular attention to family groups and asking relevant questions of families, for example, one IO asked the father of a child the date of birth of the child once the passport was in the hands of the IO; and
  - where the surname of a child differed from that of the parent or adult with the child, IOs asked more detailed questions about the child.

- 3.41 In terms of facilities for children who arrived unaccompanied, we found that the Terminal had a specific room set aside for them. The room was equipped with toys and books and children were chaperoned by a Border Force officer when placed in the room. For children who were being held as part of a family group, there was also a family room just off the main detention room, again equipped with relevant items for children and young people.
- 3.42 We reviewed the detention room logs to ascertain whether the Agency was detaining children for long periods. We found that of the 57 records we reviewed for the period between 11 May 2010 and 11 April 2011, four related to unaccompanied children. In these four cases, all were 16/17 yrs. One was wanted by the police so was held until they arrived, the second was an age disputed case who was released to Social Services, the third was held until their details could be verified by a college and the last was held until his brother could be contacted. The 17 year old in this final case was held for the longest period - just over 24 hours. This was the only case involving a child, whether accompanied or not, where detention exceeded 24 hours.
- 3.43 There were 141 cases involving unaccompanied children at Terminal 3 in 2010. Statistics also showed that for the first six months in 2011, there were 47 cases at Terminal 3. We examined the files of eight unaccompanied asylum seeking children (UASC) cases. We examined these files for quality and consistency and to assess whether the correct procedures were followed in all cases. We were satisfied that the correct procedures were followed in all cases and we did not identify any concerns with the management or outcome of these cases.
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- We were satisfied that the correct procedures were followed in all cases and we did not identify any concerns with the management or outcome of these cases.*
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- 3.44 Staff told us that trafficking had reduced and that the number of CYP cases was also falling. Statistics for unaccompanied children indicated that the trend for 2011 was down on 2010 figures. The enhancement to child visas, showing 'accompanied' with restrictions on who the accompanying adult was, was mentioned as a positive move by most staff.
- 3.45 These visas place restrictions on who can travel with the child, ensuring that only approved adults can do so. The restriction should be checked at the point of embarkation by airline check-in staff, but we noted that if this had been missed, Agency staff at Terminal 3 were aware of the restrictions and took appropriate action to satisfy themselves that children were accompanied by the adults named on the visa.
- 3.46 We also found IOs were aware of this fact through our examination of Carrier Liability files where Section 40 charges were raised because check-in staff at the port of embarkation had failed to notice the restriction. We consider action such as this helps to reinforce to carriers the importance of conducting these checks prior to children travelling.
- 3.47 Finally, we examined the relationship between the Agency and the local Social Services where any child cases would be referred. Both the Agency and Hillingdon Borough Council commented that the working relationship was excellent. There was a Local Safeguarding Children Board (LSCB) which was attended by the Agency. This board had a number of sub-groups which looked at issues such as child exploitation, trafficking, intelligence and trends. Hillingdon Borough Council confirmed that the Agency were active in all these areas.



# Personal data should be treated and stored securely in accordance with the relevant legislation and regulations

## File Management Concerns

- 3.48 We have already reported on the different types and number of files that we examined as part of this inspection. As previously stated the Agency was either unable to find a number of the files we requested or sent us files that were out of scope. It was also slow in responding to our request for files which meant we had to make several further requests for them to be sent to us.
- 3.49 We identified concerns about the way in which files were stored and managed at Terminal 3. While on-site we observed large numbers of files being left in pigeon holes in staff locker rooms. Upon examination of these files, we found that some were up to nine months old. We established that these files were typically awaiting completion of a form IS125a. This relates to decisions that have been made to either grant or refuse entry to the UK and is completed by IOs. It should contain a summary of the case, and set out the reasons for the decision to either grant or refuse entry to the UK.
- 3.50 The completion of form IS125a was not critical to the decision to grant or refuse entry to the UK, so it could be dealt with a later date. However, this information was required for scanning on to the Warning Index for access by other departments, most notably entry clearance staff overseas who do not have access to CID, which is updated by IOs at the time the decision to grant or refuse entry to the UK is made. IOs told us this form was not being completed due to pressure of work and a lack of resources. CIOs confirmed this, adding they did not consider the completion of IS125a's were a priority.
- 3.51 There is a clear need for Border Force to adopt a better approach to file management so it can easily identify where files are located and retrieve them accordingly. There is also a need for managers to ensure that all files are kept up to date and are completed in a timely manner, minimising the impact on passengers and the work of other parts of the Agency.

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*There is a clear need for Border Force to adopt a better approach to file management so it can easily identify where files are located and retrieve them accordingly.*

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## 4. Inspection Findings – Continuous Improvement

The implementation of policies should be continuously monitored and evaluated to assess the impact on service users and associated costs

### Team Based Working

- 4.1 Following the move towards integration of the legacy customs and immigration functions, the Agency introduced team based working in Border Force, stating this would “*create a single, cohesive and flexible workforce*” which would allow:
- *“better management of staff and their development – particularly in regards to cultural integration, performance and attendance etc;*
  - *increased levels of support to team members;*
  - *improved performance and efficiency; and*
  - *greater flexibility for managers in resource deployment”.*
- 4.2 Guidance produced by Border Force stated that team working was “*a group of staff who work together on a permanent basis who are led by a manager at HEO level. The team manager will have responsibility for operational deployment, day to day line management and performance development of their teams*”. The guiding principle was that staff would work with the same colleagues in predefined teams all of the time, bringing together both immigration and detection functions in multi skilled teams. Team working was introduced across Border Force between October 2010 and July 2011. Heathrow Airport, including Terminal 3, was the last port to change to this new way of working in July 2011.
- 4.3 As well as team structures, the rostering and shift patterns of staff were also changed – this meant significant changes for most members of staff. The new shift patterns were based on team sizes of approximately eight to nine staff, including one CIO, with 21 teams being created at Terminal 3. The new shift pattern was based on a 21 week rolling shift pattern ensuring that the organisation and staff knew in advance what their working pattern would be over the 21 week rolling timeframe, with changes to shift patterns requiring six weeks advance notice to staff. However, during our inspection discussions were underway to reduce this to four weeks in order to add more flexibility to the new system. The introduction of team working and new shift patterns had to take into account a number of factors, including:

- various terms and conditions for staff, with some staff working under conditions relating to the former Immigration Service, while others worked under conditions introduced by the former Borders and Immigration Agency (BIA), with yet others working under a new scheme referred to as Annualised Hours Working (AHW)<sup>38</sup>;
- part-time working; and
- existing Flexible Working Arrangements.

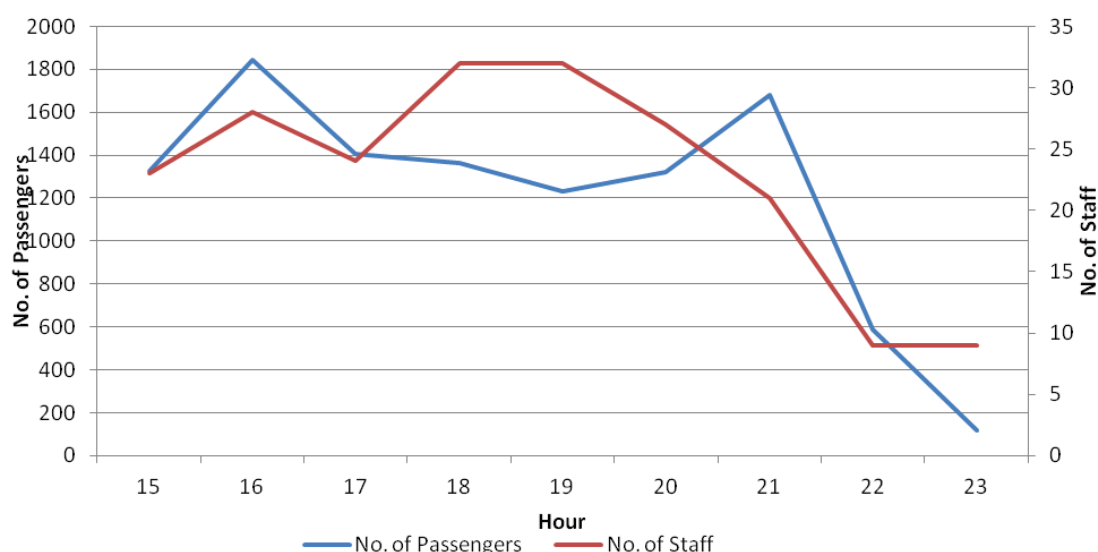
4.4 The introduction of team working and new shift patterns also came at a time when the number of staff was being reduced. In July 2010, the number of full time equivalent (FTE) staff at Terminal 3 was 322. By August 2011 the FTE total had reduced to 277, a reduction of 15%.

4.5 We found that the team working approach had led to operational difficulties in the deployment of staff at the Primary Control Point. In detection, where team working was an embedded part of the function, the deployment and resourcing of staff was less problematic.

4.6 A critical aspect that differentiated the two disciplines was that detection staff are selective about which passengers they interact with, either through visual profiling or intelligence alerts. This was not the case for IOs, who are mandated to perform 100% checks on all arriving passengers. It was therefore important that the Agency had the right number of resources available at the right time to deal with expected passenger volumes. We observed numerous occasions when there were lengthy queues in the arrivals hall but limited staff on desks. During interviews and focus groups, we were informed that team based working had resulted in a lack of flexibility, with staff being allocated to a team and working fixed times. The result was that in some cases, staffing numbers were high when passenger numbers were low and vice versa.

4.7 Figure 17 illustrates this through a snapshot of passenger flows and staffing numbers for the afternoon of 9 October 2011. It shows that when passenger numbers fell between 17:00 and 19:00, the number of staff increased. Conversely, when passenger numbers started to increase at 19:00, the number of staff started to fall.

**Figure 17: Passenger flows and staffing numbers – 9 October 2011**



Note – Information provided by the UK Border Agency.

<sup>38</sup> Annual Hours Working (AHW) is an attendance system where staff work an agreed number of hours for the year rather than weekly conditioned hours.

- 4.8 The passenger figures in the above example were provided as a forecast by the airport operator BAA on 29th September, 10 days before the flights arrived. However, due to the rigidity of the new system and the lengthy periods of notice required to change shifts, there was not enough time to change the staffing to align the staff to the volume of passengers. This was not an effective response to demand – it placed additional pressure on the Primary Control Point which was not sufficiently resourced and also impacted against passengers who had to wait longer to be seen by an immigration official.
- 4.9 Staff told us that as a result of the inflexibility of the system, there were high levels of sick absence and also a large number of ‘shift swaps’ each week. We requested information on sick absences between December 2010 (before teamworking commenced) and August 2011 (when team working had been introduced). We found that while sick absence levels as a whole had in fact reduced (17% in December 2010, compared to 12% in August 2011), the number of days lost at IO grade for the same periods had increased as a percentage of all IOs, from (63%) in December 2010 (276 days) to 86% in August 2011 (229 days). This therefore reflected the concerns raised by front line immigration staff during our inspection.
- 4.10 We also noted significantly higher sick absence levels at Terminal 3 when compared against overall sick absences for all four terminals at Heathrow. This showed that in December 2010, the sick absence rate for the whole of Heathrow was 5% (17% at Terminal 3), rising slightly to 5.81% in August 2011 (12% at Terminal 3).
- 4.11 Shift swaps occurred when one officer changed duty with another – so in effect they did each other’s shift. Shift swaps required the approval of a CIO. We examined the number and types of shift swaps that were being made and identified some weaknesses in the way the system was being applied. During one week of the on-site inspection, we were told that 289 shift swaps were taking place. We consider this was a very high number and would have resulted in significant levels of administration for the Agency. Of greater concern was that we found that some of these shift swaps were approved despite one of the individuals being on long term sick leave. This left one of the team with an unplanned absence. This type of shift swap was unacceptable and should be eradicated to enable effective planning of resources.
- 4.12 The Director of Heathrow informed us about the impact that team working was having on staff. At the time of the inspection, there were 35 employment tribunal cases ongoing because the working arrangements of staff had changed. An example of one of the reasons given was that fixed hours had an impact on staff arranging childcare.
- 4.13 We noted that continuous discussion was evident within the Heathrow command about the effect that team working was having, with numerous e-mails and documents being provided to us highlighting concerns. We also found evidence that a central review of team working was being carried out by the Agency’s Border Development Programme, but this had yet to report.
- 4.14 At the time of the inspection, a new electronic shift rostering system was being introduced at Terminal 3. We were told that this system would simplify the administration of shift management and staff attendance arrangements. It was also envisaged that the system would be used for forecasting to assist in the development of future shift patterns.
- 4.15 We found that the introduction of team based working, coupled with the new rostering system and the amalgamation of immigration and detection roles at Heathrow was simply far too much organisational change during the busiest time of the year at Heathrow. As a result we consider that the Agency had failed to plan and implement these organisational changes effectively.

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*We found that the introduction of team based working, coupled with the new rostering system and the amalgamation of immigration and detection roles at Heathrow was simply far too much organisational change during the busiest time of the year at Heathrow.*

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### **We recommend that Border Force:**

- Carries out a full evaluation of the team working model at Heathrow 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
  - analysis of sickness levels are carried out to identify areas for improvement.

### **New Operating Model**

- 4.16 The introduction of team based working was followed in August 2011 by the introduction of a new Operating Model. The new model introduced mobile teams who were demand led and focussed on detection activity. The mobile teams were made up of staff skilled either in detection or immigration work, with some being skilled in both functions – these were often referred to as multi-skilled officers.
- 4.17 The staffing of these teams was developed using expressions of interest whereby staff had to submit requests to join these mobile teams.
- 4.18 In addition, when the new operating model was introduced, a protocol for supporting activity at the Primary Control Point was introduced to ensure passengers were processed in good time and that the impact on detection functions was minimised. Figure 18 describes the priority for resourcing the Primary Control Point.

### **Figure 18: Order of priority for staff to resource the Primary Control Point**

1. Intra Command Primary Control Point to Primary Control Point – e.g. T1 and T3 is one command, T4 and T5 is another command. This instruction meant Primary Control Point staff being moved from one terminal (T1) to another (T3) in the same command if passenger volumes permitted this.
2. Cross Command Primary Control Point to Primary Control Point – e.g. Primary Control Point staff being moved from any terminal to meet demand in another terminal
3. Secondary detection staff to Primary Control Point (Intra command only)
4. Mobile Teams to Primary Control Point
5. C2IC<sup>40</sup> staff to Primary Control Point

- 4.19 During focus groups with mobile teams, we were informed that most had taken the option to join these teams because their time at the Primary Control Point would be reduced and they could either gain or enhance their skills on detection duties. However, the reality was that once the new model began and staff had been allocated to their respective teams, the mobile teams were being used as the number one priority to assist at the Primary Control Point. Similarly, staff that had requested to work in the secondary detection areas rather than in mobile teams found they were fulfilling some of the duties that had originally been designated for mobile teams.
- 4.20 As a result we found staff were disillusioned. This was because they were not undertaking the roles and responsibilities that they had been allocated to. When we questioned senior managers about this they stated that a communication had been sent to front line managers, informing them that this change in priorities was a temporary measure to deal with high volumes of passengers, and that the original roles would eventually be honoured. Unfortunately this note had not been communicated to frontline staff and as a result there had been an impact on morale within the teams.

## Internal Communication

- 4.21 We were told repeatedly during the inspection that the level of communication between managers and staff was in need of improvement. This was confirmed during our conversation with staff on various matters when we received mixed views about their understanding on particular issues. For example, when Level 2 was introduced, there was inconsistent understanding of what this actually meant. We also found inconsistencies in the messages received by staff when the new operating model (introduction of Mobile teams) was introduced.
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- We were told repeatedly during the inspection that the level of communication between managers and staff was in need of improvement.*
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- 4.22 The main form of communication used to keep staff updated on issues was either e-mails sent direct to individuals or NOVUS, a local intranet site for Heathrow based staff.
- 4.23 Managers reported to us that the onus was on staff to keep themselves up to date on all matters that were being communicated, either by reading through their e-mails or browsing through the updates on the intranet site. We were also told that the new team based working model meant that managers would be keeping staff informed of significant changes.
- 4.24 In contrast, frontline staff said they were unable to spend time catching up and reading all of the relevant information, some of which they reported was quite detailed and lengthy. Historically, staff had been given 15 minutes at the beginning of every shift to read through their e-mails, checking for updates to working procedures etc. However, since the reduction of staff and the increased demands on the Primary Control Point, immigration staff told us they frequently had to go straight onto the Primary Control Point to deal with passengers when arriving for duty.
- 4.25 We were also told that the principles of the team working model were not being realised in the reality of day to day operations. The aspiration of the model was to ensure that managers worked with the same team members who would come on duty at the same time. This would allow managers to deliver team briefings to convey appropriate messages. However, we found that due to the demands of the Primary Control Point, the number of shift swaps and the different times that team members came on duty, this type of communication had not taken place.
- 4.26 We also found that communication in the detection teams was in need of improvement. Earlier in the report, we stated that targets and performance were not being communicated effectively to frontline staff. This was because the Daily Briefing Sheet was not being cascaded to frontline detection staff. This meant that although the HO would direct a team based on the Daily Briefing Sheet, additional information held on the sheet, for example, intelligence on new trends, was not always communicated to staff.
- 4.27 Overall, we found that internal communications were not effective in ensuring staff were always aware of information relevant to their role and responsibilities. We accept that staff have a clear responsibility to keep themselves informed about changes to guidance and working processes, but management also have a duty to ensure that staff are aware of and understand the messages that are being communicated to them, whatever type of communication tool is being used.
- 4.28 We believe that communication from Senior Managers to Operational Managers was also lacking. The Senior Management Team (SMT) at Heathrow met every week. Minutes from these meetings were not produced, either to the inspection team in the form of evidence, or to operational managers (Inspector's) at Heathrow, apparently because none were taken. As a result, Inspector's were unaware of decisions that had been made at the SMT.

## Visa Concern Forms

- 4.29 Visa operations overseas are managed by the Agency's International Group. Decisions to issue visas are made by Entry Clearance Officers using documentation provided by applicants, who generally are no longer required to attend interviews. As a result, IOs at UK ports are often the first immigration official to have personal interaction with a visa holder once the visa has been issued.
- 4.30 If IOs have an issue or concern over the issue of a visa when they are carrying out checks at the Primary Control Point, the Agency had issued guidance and forms in order that the issue or concern can be communicated to International Group via a National Tasking and Co-Ordination Group (TCG) based in Croydon. This ensures that all visa concerns can be fed back to Entry Clearance Posts overseas so they are aware of issues being encountered by IOs at the Primary Control Point. This in turn allows visa sections overseas to review cases to assess whether there is any action they need to take to improve their processes or alternatively to identify trends, for example relating to forged documentation. However, this process was reliant on IOs at UK ports submitting the relevant visa concern form to the TCG.
- 4.31 Guidance identifies areas of concern that should be referred to the TCG using the Visa Concern Form. They include;
- the use of forged documents to obtain visas;
  - heavily pregnant females who have failed to disclose their pregnancy to the entry clearance officer;
  - Direct Airside Transit Visas issued to people who are travelling on to the Republic of Ireland;
  - passengers who are shown on the Warnings index as failed asylum seekers or illegal entrants; and
  - high numbers of unaccompanied children with visas.
- 4.32 The guidance states that the above examples are not an exhaustive list and that any circumstances where "staff have a concern or query over a visa issue", should result in the completion of a visa concerns form which should be sent to the TCG. We found that the number of Visa Concern Forms raised from Terminal 3 was low in comparison to the number of visa decisions that were overturned by IOs. Visa decisions can be overturned in two ways. IOs can cancel:
- entry clearance when the visa holder arrives in the UK for the first time on that visa; and
  - continued leave when a visa holder arrives back in the UK after leaving and returning on the same visa.
- 4.33 Staff told us that demands on the Primary Control Point, typically due to significant volumes of passengers, meant that some ancillary functions were not being carried out and this included completion of the visa concern form. So, while IOs continued to make decisions and identify concerns with visas that had been issued, in many cases, feedback was not provided to International Group. This is evidenced in Figure 19 which shows the number of visas at Terminal 3 which had been cancelled and the number of Visa Concern Forms that had been raised.

**Figure 19: Visas cancelled versus number of visa concern forms raised**

	Number of Visa Cancelled	Number of Visa Concern Form Raised	Percentage of Cancellations Resulting in Visa Concern Form
April 2010 – March 2011	658	57	8.7%
April 2011 – September 2011	359	12	3.3%

Note – Information provided by the UK Border Agency.

4.34 As a result International Group was not being informed in many cases about the reasons for visas being cancelled by IOs at Terminal 3, nor was it receiving the intelligence of any emerging trends that it needed to be aware of. Feedback from visa concern forms is essential to ensure that current policy/guidance is up to date and that lessons learned can be disseminated, not only across the Agency in the UK, but also to Agency staff across the world. The impact of this is that incorrect decisions could continue to be made overseas, causing unnecessary administrative pressures on the Agency and allowing passengers to travel who may be refused entry once they arrive in the UK.

4.35 It is important that the Agency uses information effectively across its entire span of operations in order to improve knowledge and decision making, whether in the UK or abroad. Border Force and the Agency need to take action to ensure there is effective communication between International Group and Border Force so that entry clearance decisions, whether they are made in the UK or overseas, take account of all relevant information that either it or Border Force possesses.

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*It is important that the Agency uses information effectively across its entire span of operations in order to improve knowledge and decision making, whether in the UK or abroad.*

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**We recommend that Border Force and the UK Border Agency:**

- Strengthens the links between International Group and Border Force so that all relevant information about visa concerns are shared to drive improvements in decision making.

## Risks to the efficiency and effectiveness of the UK Border Agency should be identified, monitored and mitigated

### Corporate Governance Risks

4.36 To assess the how risks were managed we were provided with risk registers for Terminal 3, together with a Heathrow-wide risk register.

4.37 Eight risks were recorded on the Terminal 3 risk register which was dated July 2011. The register covered risks relating to the impact on the arrivals hall from building work, lack of detention space and lack of staff awareness in relation to some of the functions of their role. Corporate risks, for example, those relating to the team working, training, legislative changes and the Olympics were contained in the Heathrow-wide risk register.

4.38 Three of the Terminal 3 risks were considered to be high risk, two were medium risk and three were considered low risk. The risk registers included any contingencies in place to counter the risk, mitigating actions and a summary of actions to manage the risk. This was good practice.



- 4.39 However, when we examined how the risks were being managed by senior managers, we found that managers had not maintained any formal record of senior management team meetings. We were provided with a summary of Senior Management Team Meetings (SMT) which showed that three meetings held between 4 April 2011 and 11 July 2011 were dedicated to 'Risk & HR'. Unfortunately, because no minutes of the meetings were made we were unable to determine what these meetings discussed or what actions were taken as a result.
- 4.40 We also found that results of SMT meetings were not shared with operational managers on the Primary Control Point. Inspector's told us that unless one of them attended the SMT in the place of the Assistant Director, they would not find out about the outcomes of meetings. They also confirmed that no minutes were produced from these meetings.
- 4.41 Given the extent of organisational change at Heathrow, we consider the lack of communication between the SMT and operational managers was a key failing. All managers should have been kept informed of decisions that affected the efficient running of Agency operations at the airport. There was also a need to ensure that new risks were being captured and reported to the SMT. Without SMT minutes, we were unable to confirm whether this had been the case.

### Heathrow Risk Model

4.42 The Risk Model being developed at Heathrow was a system which was at the latter stages of design when the inspection was carried out. It was designed to assist the effective deployment of resources to particular flights based upon previous results for commodity seizures and/or immigration offences. The model used a concept of awarding points for certain risks with the total number of points resulting in a colour coded risk profile as follows:

- 0-50 points – GREEN – Low Risk;
- 51-100 points – AMBER – Medium Risk; and
- 101-150 points – RED – High Risk.

4.43 The points were awarded using a number of factors associated with the flight, including the:

- origin of the flight;
- origin of any flights that connected to the flight;
- previous immigration offences that had been detected from the flight; and
- previous commodity seizures that had been secured from the flight.

4.44 Each element carried its own value in terms of points. The first two remained fixed based on Border Force Intelligence Profiles. The remaining two were dynamic and were dependant on what activity took place in respect of flights arriving at Terminal 3. When points were awarded for seizures or immigration offences, they were given an expiry date. If no new seizures or offences were detected from a particular flight, the dynamic score started to reduce, enabling managers to see that a flight may no longer be a significant risk. If the score dropped considerably, for example, from 150 to 90 points, the risk could change from Red to Amber allowing managers to decide whether the number of resources allocated to that flight should be changed.

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*The move towards a risk based system was a positive one which will enable resources to be used more effectively in the long term.*

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4.45 The move towards a risk based system was a positive one which will enable resources to be used more effectively in the long term. The development included the production of Standard Operating Procedures and instructions on use, and the demonstration provided to the inspection team showed

that update access for users would be limited to the risk model team members who would be selected when the system went live. Other managers would have 'read only' access to enable them to see the status of individual flights. This would ensure the integrity of the information being recorded.

- 4.46 While this was a positive move, we had concerns about the development of the system. For example, work had been carried out by members of staff who had a good working knowledge of Excel. They were not I.T. programmers. The points system used did not appear to have any links with overall Border Force strategic aims, e.g. all seizures of Heroin and Cocaine were awarded the same number of points, regardless of the size of the seizure. In contrast, there was a sliding scale for the number of points awarded for cigarette seizures depending on the number of cigarettes seized. The same applied for tobacco, with a sliding scale for the amount of tobacco seized.
- 4.47 We believe that the risk model will be a useful tool for Terminal 3, indeed it was surprising that such an approach was not already embedded within the operation to ensure resources were targeted at high risk flights – a factor that was noticeably absent in relation to immigration risks. Moving forward Border Force needs to determine whether this approach would be sensible to replicate at other major UK ports to ensure consistency of approach in dealing with risks to immigration and customs control.

# Appendix 1

## Inspection Criteria

1. Decisions on the entry, stay and removal of people should be taken in accordance with the law and the principles of good administration.
2. Customs and immigration offences should be prevented, detected, investigated and, where appropriate, prosecuted to ensure the law is upheld.
3. Complaints procedures should be in accordance with the recognised principles of complaints handling.
4. All people should be treated with dignity and respect and without discrimination in accordance with the law.
5. Decisions to detain people must be lawful.
6. Enforcement powers should be carried out in accordance with the law and by members of staff authorised for that purpose.
7. Functions should be carried out having regard to the need to safeguard and promote the welfare of children.
8. Personal data should be treated and stored securely in accordance with the relevant legislation and regulations.
9. The implementation of policies should be continuously monitored and evaluated to assess the impact on service users and associated costs.
10. Risks to the efficiency and effectiveness of the UK Border Agency should be identified, monitored and mitigated.

# Appendix 2

## Glossary

Term	Description
<b>A</b>	
Absconder	The Agency defines an absconder as “an individual who leaves the border control area without permission, escapes from detention, breaches one or more of the conditions imposed as a condition of Temporary Admission (TA), Temporary Release (TR), Bail or release on a Restriction Order (RO) and whose current whereabouts is unknown”.
Agency	Refers to the UK Border Agency which, following the separation of Border Force on 1 March 2012, is responsible for immigration casework, in-country enforcement and removals activity, the immigration detention estate and overseas immigration operations.
Airside	The area of an airport beyond the security procedures – where passengers, crew or airline staff have passed security checks.
Assistant Director	Senior manager within the UK Border Agency equivalent to a civil service Grade 7 position.
Assistant Immigration Officer	Junior grade, equivalent to an administrative officer. Supports Immigration Officers in carrying out administrative and operational tasks.
Automated Clearance System (ACS gates)	Border security technology which scans each passenger’s face against the digital photo recorded in their passport. If there is a match, the automatic gates allow the clearance of EU passengers across the border. Also known as eGates.
<b>B</b>	
Biometrics	All customers are now routinely required to provide ten digit finger scans and a digital photograph when applying for a United Kingdom visa. There are some minor exceptions to this rule, e.g. Heads of State and children aged under five.
Border and Immigration Agency (BIA)	The name of the Agency responsible for immigration functions prior to creation of the UK Border Agency.
Border Force	Following the separation of Border Force and the UK Border Agency on 1 March 2012, Border Force became a Home Office operational command responsible for immigration and customs, including UK passport controls in France and Belgium.
Border Force	
Control Strategy	This document sets out the priorities for Border Force operational activity, according an assessment of the risk posed to the UK by the UK border from irregular migration, organised crime, terrorism and smuggling. The strategy guides management decision making and resource allocation at all ports.

C	
Case Work Information Database (CID)	The Case Work Information Database is an administrative tool, used by the UK Border Agency to perform case working tasks and record decisions.
Centaur	Legacy customs IT system used by the UK Border Agency to collate and manage information and intelligence. Details of seizures made at ports are stored on this system.
Chief Immigration Officer (CIO)	Team leader equivalent to Higher Executive Officer grade responsible for the effective running of the primary control (immigration) point.
Commodities	This refers to goods such as drugs, cigarettes and money.
Complaint	Defined by the UK Border Agency as 'any expression of dissatisfaction about the services provided by or for the UK Border Agency and/or about the professional conduct of UK Border Agency staff including contractors'.
Complaints management guidance	The formal UK Border Agency guidance for the management and handling of complaints.
Complaints Management System (CMS)	Electronic system for the management of complaints. Launched in October 2009 and bespoke to the UK Border Agency.
Customer Service Unit (CSU)	UK Border Agency unit created in February 2008 to manage and monitor customer complaints in each region and operational business area of the Agency.
Customs	Collecting and safeguarding customs duties and controlling the flow of goods including animals, transport, personal effects and hazardous items in and out of the UK. This function is carried out by Border Force staff. See also Detection.
D	
Daily Deployment Plan	An activity schedule setting out the requisite tasks for the day. For detection staff this will include the flights which must be attended for the detection of illicit goods during the day.
Data Protection Act 1998	The Data Protection Act requires anyone who handles personal information to comply with a number of important principles. It also gives individuals rights over their personal information.
Detection	A function carried out by Border Force staff to detect the illicit trade or importation of illegal goods. See also Customs.
Direct Airside Transit Visas	<p>The requirement for the nationals of some countries and holders of non-national documents to hold a visa may be waived for passengers arriving by air, whose sole intention is to pass in direct transit through the UK. This concession may only apply where:</p> <ul style="list-style-type: none"> <li>• they have a confirmed booking on a flight departing within 24 hours to their country of destination;</li> <li>• they have entry facilities for that country and transit visas for any country en route which requires them.</li> </ul> <p>The visa waiver concession does not apply to the nationals of certain countries. These nationals require a Direct Airside Transit Visa even when transiting airside without passing through the immigration control.</p>

E	
e-Borders	A multi-agency programme being delivered by the UK Border Agency in partnership with the police and the security and intelligence agencies. It focuses on the capture and analysis of passenger and crew data from carriers, in advance of movements into and out of the UK by air, sea and rail.
eGates	Border security technology which scans each passenger's face against the digital photo recorded in their passport. If there is a match, the automatic gates allow the clearance of EU passengers across the border. Also known as automated clearance system (ACS) gates.
Entry Clearance	<p>A person requires leave to enter the United Kingdom if they are neither a British nor Commonwealth citizen with the right of abode, nor a person who is entitled to enter or remain in the United Kingdom by virtue of the provisions of the 2006 European Economic Area Regulations. Entry clearance takes the form of a visa (for visa nationals) or an entry certificate (for non-visa nationals).</p> <p>These documents are taken as evidence of the holder's eligibility for entry into the United Kingdom and, accordingly, accepted as "entry clearances" within the meaning of the Immigration Act 1971. The United Kingdom Government decides which countries' citizens are, or are not, visa nationals. Non-visa nationals also require entry clearance if they seek to enter the United Kingdom for purposes other than to visit and/or for longer than six months.</p> <p>More detailed information about Entry Clearance can be found on the UK Border Agency website: <a href="http://ukba.homeoffice.gov.uk/">http://ukba.homeoffice.gov.uk/</a></p> <p>The Immigration Rules say that a customer making an application for an entry clearance as a visitor must be outside the United Kingdom and Islands at the time of their application and must apply to a Visa Section designated by the Secretary of State to accept applications for entry clearance for that purpose and from that category of applicant.</p>
Equality Act 2010	<p>The Equality Act 2010 has been in place since October 2010 and harmonises and integrates previous legislation governing equality and discrimination issues. Section 149 of the Act imposes a 'general equality duty' on all public bodies covered by the Act to have due regard to the need to:</p> <ul style="list-style-type: none"> <li>• eliminate unlawful discrimination, harassment and victimization;</li> <li>• advance equality of opportunity between different groups; and</li> <li>• foster good relations between different groups.</li> </ul> <p>This duty came into effect in April 2011 and fully applies to eight protected characteristics: age; disability; gender; gender reassignment; race, religion or belief; pregnancy and maternity and sexual orientation. Marriage / civil partnership status is also protected from unlawful discrimination.</p> <p>Immigration functions of the UK Border Agency are exempt from aspects of the general public sector duty and nationality based differentiation is permitted at UK border entry points and at visa posts according to nationalities specified in line with the Ministerial Authorisation issued in February 2011 (see below).</p>

European Economic Area (EEA)	<p>The European Economic Area (EEA) was established on 1 January 1994 following an agreement between the member states of the European Free Trade Association (EFTA) and the European Community, later the European Union (EU).</p> <p>All European Economic Area (EEA) nationals enjoy free movement rights in the EEA. This means that they are not subject to the Immigration Rules and may come to the United Kingdom and reside here in accordance with the 2006 Regulations. They do not require permission from the UK Border Agency to enter or remain, nor do they require a document confirming their free movement status.</p>
European Economic Area (EEA) Family Permits	<p>All European Economic Area (EEA) nationals enjoy free movement rights in the EEA. This means that they are not subject to the Immigration Rules and may come to the United Kingdom and reside here in accordance with the 2006 Regulations.</p> <p>They do not require permission from the UK Border Agency to enter or remain, nor do they require a document confirming their free movement status. An EEA family permit is a form of entry clearance issued to the non-EEA national family members of an EEA national who is in, or intends to come to, the United Kingdom in order to exercise a Treaty right.</p>
<b>F</b>	
Final response letter	Letter sent to a complainant that states the outcome of the UK Border Agency's investigation into a complaint.
Floorwalking	Floorwalking describes the process of monitoring passenger clearance at the primary control by walking behind the desks while the Immigration Officers are processing and interacting with passengers.
<b>G</b>	
General Aviation	Non-commercial private craft.
<b>H</b>	
Her Majesty's Inspector of Immigration (Inspector)	The UK Border Agency senior manager (equivalent to Senior Executive Officer grade) with overall responsibility for the effectiveness of legacy immigration operations on shift.
Her Majesty's Revenue and Customs (HMRC)	UK government department responsible for customs and taxation. The HMRC customs function was one of the legacy organisations that made up the UK Border Agency. The function is now carried out by Border Force staff at air, rail and sea ports.
Holding room	Temporary, non-residential holding facility operated at some ports and enforcement locations.
Home Office	The Home Office is the lead government department for immigration and passports, drugs policy, crime, counter-terrorism and police.
<b>I</b>	

Identity Codes	<p>This is a shorthand classification system used by organisations such as the police to describe a person's apparent or perceived ethnicity. Six categories are defined.</p> <p>IC1 – White  IC2 – Mediterranean / Hispanic  IC3 – African / Afro-Caribbean  IC4 – Pakistani, Indian, Bangladeshi, Nepalese or other South Asian  IC5 – Chinese, Japanese or other South-East Asian  IC6 – Arabic, Egyptian, Tunisian, Algerian or Maghreb  IC0 – Origin unknown</p>
Immigration Officer (IO)	Immigration Officers are employees of the Border Force, appointed by the Home Secretary, whose powers are conferred by the Immigration Act 1971 and who act in accordance with Immigration Rules. They have the power of arrest and detention conferred on them by the Immigration Act 1971, both at ports and inland.
Inadequately documented passengers	Passengers who attempt to travel to the UK without a valid visa or with forged documents.
Independent Chief Inspector of Borders and Immigration	The role of the Independent Chief Inspector of Borders and Immigration was established by the UK Borders Act 2007 to examine the efficiency and effectiveness of the UK Border Agency. The Chief Inspector is independent of the UK Border Agency and the Border Force and reports directly to the Home Secretary.
Integration	Term used to describe the process of integrating immigration and customs functions within the Border Force.
Intelnet	UK Border Agency database providing up-to-date information by product on intelligence, threat assessments, recent seizures, trend alerts and more.
<b>L</b>	
Landside	This refers to areas of the airport which are not within the security controlled boundaries.
Legacy customs functions	Term used to describe the customs detection functions undertaken by the UK Border Agency and more recently Border Force since integration.
Legacy immigration functions	Term used to describe the immigration functions undertaken by the UK Border Agency and more recently Border Force since integration.
Legacy organisations	The three organisations that formed the UK Border Agency: the Border and Immigration Agency, UK Visas and HMRC Detection.
<b>M</b>	
Management Information (MI)	Data which provides information about business / operational effectiveness and can be used to inform management decisions.



Ministerial Authorisation	Nationality based differentiation is permitted at the UK border based on the Ministerial Authorisation issued under schedule 3, Part 4 paragraph 17 (4) (a) of the Equality Act 2010. The Equality (Transit Visa, Entry Clearance, Leave to Enter, Examination of Passengers and Removal Directions) Authorisation 2011 came –into force on 10 February 2011 and provides that persons of a particular nationality may be subject to a more rigorous examination than other persons in the same circumstances where that nationality is included on a list personally approved by the Minister for the purposes of the Authorisation. The identification of nationalities allowing differentiation at the border in this way is dependent on the number of breaches of immigration law / adverse decisions for every 1000 admissions during the previous 3 months or is related to specific intelligence / trends regarding that country.
Minor misconduct	Category of complaint concerning isolated instances of rudeness or unprofessional conduct that are not serious enough to warrant formal investigation and, if substantiated, would not lead to criminal or disciplinary proceedings.
Minors	Unaccompanied children under the age of 17.5 years.
<b>N</b>	
National Border Targeting Centre (NBTC)	A central hub staffed by the UK Border Agency and the Police, undertaking operational activities integral to the e-Borders programme.
Non-visa nationals	A national or citizen of any country that is not listed on the UK Border Agency website (Appendix 1 of the Immigration Rules). A non-visa national does not need a visa to come to the United Kingdom for less than six months, unless it is a requirement of the immigration category under which they are entering. A non-visa national coming to the United Kingdom for more than six months will need a visa.
<b>O</b>	
Omnibase	This is an IT database allowing authorised users to view passport records.
<b>P</b>	
Points-based system (PBS)	<p>On 29 February 2008, a new immigration system was launched to ensure that only those with the right skills or the right contribution can come to the United Kingdom to work or study. The points-based system was designed to enable the UK Border Agency to control migration more effectively, tackle abuse and identify the most talented workers. The system:</p> <ul style="list-style-type: none"> <li>• combines more than 80 previous work and study routes to the United Kingdom into five tiers; and</li> <li>• awards points according to workers' skills, to reflect their aptitude, experience and age and also the demand for those skills in any given sector.</li> </ul> <p>Employers and education providers play a crucial part in making sure that the points-based system is not abused. They must apply for a licence to sponsor migrants and bring them into the United Kingdom; and meet a number of duties while they are sponsoring migrants.</p>
Police and Criminal Evidence Act (PACE)	PACE, and the PACE codes of practice provide the core framework of police powers and safeguards around stop and search, arrest, detention, investigation, identification and interviewing of arrested people.
Police National Computer (PNC)	The PNC holds details of people, vehicles, crimes and property that can be electronically accessed by the police and other criminal justice agencies.

Primary Checkpoint or Primary Control Point (Primary Control Point)	The area in an arrivals hall where Immigration Officers make an initial decision on whether a passenger should be allowed entry into the UK without delay. All passengers must submit their passports / travel documentation to the officer making this decision.
Professional Standards Unit (PSU)	Team within CCSPD, responsible for investigation of all serious misconduct complaints.
<b>R</b>	
Removal	The process by which a person or person(s) voluntarily, through assistance or through enforcement by UK Border Agency staff, physically leaves the UK.
Risk Assessment	Process by which the Agency assesses the risk to the UK border of particular activities / flights / passenger profiles.
Risk Profile	An outline that determines the relative potential harm (to the UK of a visa applicant / travelling passenger) based on characteristics of an individual when compared to existing evidence of adverse activity either in the UK or overseas.
Risk Register	Document setting out the key operational / business risks with assessments of the likelihood of occurrence and likely business impact that also outlines appropriate mitigating actions or preventative measures.
Rostering	This refers to the process of assigning frontline staff to particular shifts.
<b>S</b>	
Secondary Examination Area (SEA)	An area where UK Border Agency officials may be involved in the questioning of passengers or the searching of persons, baggage, freight or vehicles.
Secondary Examination Area Training (SEAT)	This is a course undertaken by detection staff to ensure they are fully trained in all aspects of detection work.
Senior Customs Officer (SO)	The UK Border Agency senior manager (equivalent to Senior Executive Officer grade) with primary responsibility for legacy customs staff on shift.
Serious and Organised Crime Agency (SOCA)	An Executive Non-Departmental Public Body of the Home Office responsible for proactive operations against serious and organised crime.
Serious misconduct	Category of complaint concerning any unprofessional behaviour which, if substantiated, would lead to disciplinary action.
Service complaint	Category of complaint concerning the way the UK Border Agency works or the level of service provided, for example delay, lost documents or administrative failings. These complaints can include concerns about the actual service provided and the operational policies in place.
Strategic Threat Assessment (STA)	A document which describes and assesses the threats to the UK border from irregular migration, organised crime, terrorism and smuggling and considers how these threats might develop.
<b>T</b>	
Targeting and selection (T&S) hub	A central hub where staff scrutinise flight manifests to identify those whose routing or other indicators suggest that an individual/s may be importing illicit goods.

Tasking and Coordination Group (TCG)	A group which is engaged in prioritising threats, setting objectives and in planning resources and action for an operational area. In essence, a business process supported by intelligence.
Teamworking model	A working approach which means that frontline officers attend shifts in accordance with team rather than individually based rostering patterns. The intention is to build closer relationships with colleagues and support closer managerial oversight.
Temporary Admission	Individuals may be granted leave to enter the UK on a temporary basis while a case for entry is being decided or in compassionate circumstances where a person has been refused entry to the UK. Such admission will involve conditions for reporting back to the Agency or for removal.

## U

United Kingdom and Islands	The United Kingdom is made up of England, Scotland, Wales and Northern Ireland. The Channel Islands and the Isle of Man are not part of the United Kingdom. The geographical term 'British Isles' covers the United Kingdom, all of Ireland, the Channel Islands and the Isle of Man.
United Kingdom Border Agency (UKBA)	The agency of the Home Office which, following the separation of Border Force on 1 March 2012, is responsible for immigration casework, in-country enforcement and removals activity, the immigration detention estate and overseas immigration operations. The UK Border Agency has been a full executive agency of the Home Office since April 2009.

## V

Visa Nationals	<p>Visa nationals require a visa for every entry to the United Kingdom. A visa national is a national of a country listed on the UK Border Agency website (Appendix 1 of the Immigration Rules). Some visa nationals may pass through the United Kingdom on the way to another country without a visa, but in some circumstances they will require a direct airside visa or visitor in transit visa. Visa nationals must obtain entry clearance before travelling to the United Kingdom unless they are:</p> <ul style="list-style-type: none"> <li>• returning residents;</li> <li>• those who have been given permission to stay in the United Kingdom and, after temporarily leaving the United Kingdom, return within the duration of that permission to stay;</li> <li>• school children resident in a European Union member state who are on an organised school trip from a general education school and accompanied by a teacher.</li> </ul>
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## W

Warning Index (WI)	A database of names available to the Border Force of those with previous immigration history, those of interest to detection staff, police or matters of national security. Also known as the Home Office Warnings Index.
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# Appendix 3

## Acknowledgements

We are grateful to the UK Border Agency and the Border Force for their help and co-operation throughout the inspection and appreciate the contributions of all staff and stakeholders who participated in the inspection process.

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