



Home Office

Immigration Returns, Enforcement and Detention
General instructions

Enforcement planning assessments

Version v2.0

Contents

Contents.....	2
About this guidance.....	4
Contacts	4
Clearance and publication	4
Changes from last version of this guidance	4
Enforcement planning assessment	5
Principles governing enforcement activities	5
Recording the EPA and showing due regard.....	6
Risk based planning	7
Green risk	8
Amber risk	9
Red risk	9
Significant risks and issues	10
Risk assessment of enforcement activities.....	12
Continuous assessment	12
Physical risks	12
Vulnerability, equalities and community impact.....	13
Record of assessment.....	13
Control point: risk assessment	14
Routine assessment.....	14
Fully documented ECIA	14
Operational planning: people at risk.....	16
People at risk: detention assessment	16
Tasking and authorisation	17
Tasking	17
Hot tasking.....	17
Authorisation.....	17
Record of authority.....	17
Community impact: out of hours visits.....	18
Authority for visit not given	18
Operational names	18
Report changes to operation dates.....	19
Contact with human intelligence sources.....	19
Pre-visit research, checks and surveillance	20
Mandatory checks.....	20

Control point: pre-visit checks	20
Return visits to addresses	21
Right to rent: pre-visit checks.....	21
Logging proposed visits: national operations database or PRONTO.....	21
Surveillance under the Regulation of Investigatory Powers Act.....	22
Requesting police assistance.....	24
Operation notification form (ONF).....	24
Completing the ONF	24
ONF not returned by police	25
Notification and checks: London Metropolitan Police (MET) area	26
Command structure: roles and responsibility	27
Gold commander	27
Silver commander.....	27
Bronze commander	27
Team roles	28
Officer in charge (OIC).....	28
Other team roles	29
Police support.....	29
Observers and interpreters	30
Vehicles	30
Operational briefing and operational order	31
Conducting an operational briefing	31
When to give a briefing	31
Timing and location	31
Full operational order: IIMARCH procedure.....	32
Reduced operational order: IPLAN procedure.....	34
Digitised operational order: PRONTO briefing procedure.....	35
Equality and Community Impact Assessment: definition and purpose	37
Ministerial Authorisation.....	38
Equality Act Nationality Assessment.....	38
ECIA: completion guidance	39
When a fully documented ECIA must be completed	39
Completing an ECIA.....	40
Discrimination: risks and mitigation	44
Explanation of protected characteristics.....	52

About this guidance

This guidance tells Immigration Enforcement officers how enforcement operations are planned, assessed, tasked and authorised. It sets out the preparation that is necessary before a visit or operation may proceed and how an operation is to be commanded and managed.

Contacts

If you have any questions about the guidance and your line manager cannot help you or you think that the guidance has factual errors then email Enforcement Policy.

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email the Guidance Rules and Forms team.

Clearance and publication

Below is information on when this version of the guidance was cleared:

- version **2.0**
- published for Home Office staff on **12 November 2018**

Changes from last version of this guidance

- extensive review and update of risk assessment prior to enforcement activities taking place
- deletion of references to tier system of operations – now discontinued.
- changes to criteria of numbers of expected suspects for green risk activities (previously lower tier)
- change in level of authority for red risk activities
- change in instruction on intelligence handling
- guidance on planning in relation to child safeguarding moved to new dedicated chapter
- new guidance on reporting changes to operation dates
- updated guidance on the authorisation of ‘out of hours’ visits
- updated guidance on disclosure and barring service (DBS) checks
- updates to reflect the rollout and use of the police and reporting notebook organiser (PRONTO)

Related content

[Contents](#)

Enforcement planning assessment

This section sets out the overarching policy relating to the assessment and planning of operations and visits and describes the processes and principles governing enforcement planning which, together, go to make up an enforcement planning assessment (EPA).

Principles governing enforcement activities

For the purposes of this guidance, a differentiation is made between visits and operations. 'Visit' is the terms used for business as usual, low -risk enquiries. 'Operations' require operational names, higher authorisation and a more detailed level of assessment. Operations meeting a red risk criterion must be assessed as described in [Equality and Community Impact assessment guidance](#).

Conducting immigration enforcement operations in the community is highly sensitive and the Home Office recognises that public reassurance and community safety are fundamental responsibilities. All immigration enforcement activity must be conducted sensitively and with full regard to our duty to assess the impact of the activity on affected individuals and groups. The overriding principles when conducting immigration enforcement visits and operations are that they must:

- not be speculative
- be risk assessed in accordance with this guidance
- be authorised by the correct grade having evaluated all necessary risks

And must record that an EPA has been conducted in accordance with these instructions and who has conducted the EPA.

In addition to visits and operations, other activities and initiatives must also be fully assessed. These may include temporary projects, pilots or the implementation of new policy.

Enforcement work, by its nature, may initially be tasked for investigation with little available information and any risks attached to conducting the activity may not be apparent until further research has been conducted. All activities must therefore only be authorised and implemented once the authorising officer is satisfied that all reasonable steps have been undertaken to identify risks.

Most enforcement activities are already governed by the considerations and requirements outlined in other areas of general instructions, Safe Systems of Work Assessments, National Generic Risk Assessments and existing Policy Equality Statements (PES).

The following guidance details the method by which activities should be considered, their risks identified and mitigated (if possible) and the level of detail required for each.

The enforcement planning assessment is, in most instances, an appraisal of the known risk factors against general instructions and the protocols mentioned above. Where the proposed activity and any associated risks fall within the policy constraints described and do not require additional mitigating actions, the activity is likely to be considered a 'green – business as usual' activity. The visit record must be noted to record and confirm that all the relevant risk factors have been considered in accordance with standing instructions.

Where the proposed activity sits within business as usual activity but with some additional, but manageable, complexity not already described in standing instructions, this is likely to be classed as an 'amber' risk. The additional risks and issues must be noted on the record of the visit along with any mitigating actions that have or will be taken.

Where the proposed activity carries what have been identified as 'significant' risks these must be fully documented within an [Equalities and Community Impact Assessment](#) (ECIA), including details of the risks and how they are to be managed. An ECIA is a full written assessment based on the Home Office PES template with additional sections to allow a general assessment of all risks and impacts, including the community impacts.

Any activity where significant and unmanageable risks have been identified, and no satisfactory mitigation should not be undertaken.

Recording the EPA and showing due regard

'Visit record' in this context is taken to mean the permanent paper or electronic record of the risk factors identified and the authorisation for the visits to proceed.

In all cases, the record must show who conducted the EPA and confirm that due regard has been given to general instructions and all related standing instructions and risk assessments as detailed here.

Related content

[Contents](#)

Risk based planning

Immigration enforcement operations are based on intelligence, risk analysis and threat-led information. They may only be mounted where relevant, current information suggests that individuals in breach of immigration law may be found at a particular location. 'Information' in this context means intelligence gleaned through research, surveillance or statistical analysis and may also include other information received, for instance as a result of public allegations. Intelligence to this effect must be passed to an appropriately authorised officer so it may be logged, tested against other available intelligence sources and be verified or rejected. It is imperative that all information is fully risk assessed and prioritised to ensure that:

- visits and operations are planned and executed according to national tasking priorities
- visits and operations have been properly assessed against known intelligence, risks and threats
- the information is verified as being true and accurate as far as reasonably practicable
- there is a clear record of how we assessed any issues and risks attached to the activity and what mitigating actions were taken
- obligations for safeguarding staff and public are met with respect to health and safety and community impact
- information relating to the planning, assessment and outcome of all enforcement (or non-enforcement) visits or operations (including police call outs) is fully recorded
- all enforcement activities are authorised at the appropriate level
- visits and operations are carried out only after obtaining the appropriate level of authority

Further guidance on the planning of operational visits to places of employment is contained in Illegal working operations.

Pre-visit preparation must include an assessment of the strength of the available information and whether there are any issues under the following areas and any mitigating action required to address:

- possible direct or indirect discrimination under the [Equalities Act 2010](#)
- child safeguarding issues relating to [section 55, Borders Citizenship and Immigration Act 2009](#)
- safety risks (both general health and safety risks and potential harm from the suspect)
- community impact
- reputational risk
- deployment issues including numbers of staff, use of vehicles and equipment

More generally, the level of risk may also be determined by some or all of the following factors:

- number of suspects being sought
- number of addresses to be visited simultaneously and over what period
- number of officers (both police and Immigration Enforcement) to be used
- overall sensitivity and profile of the proposed visit or operation

The level at which the risk is assessed must be based on all available information and identifiable risks. For instance, a visit to a single address to detect one suspect may be considered to be a [red risk](#) if the suspect has a high political and/or media profile and their arrest is likely to result in community confrontation and disturbance. Conversely, a larger operation where there are clear equalities and discrimination issues might still be classed as [amber](#) and authorised as such where there is comprehensive existing guidance and consideration in dealing with that scenario or there is an existing ministerial authorisation to conduct the activity.

The following definitions are therefore guidelines that provide typical indicators of risk and the appropriate level of assessment and authorisation. Any Immigration Enforcement manager authorising an enforcement visit or operation is responsible for assessing the known information and ensuring that it has been assessed to the appropriate level of detail and that they are the appropriate grade, with the appropriate accreditation, to authorise the activity. The appropriate grade to authorise each level of activity is contained within the definitions of green, amber and red risk in the following section.

Green risk

Green: business as usual activities where no quantifiable risk has been identified or where any known risks are in accordance with mitigating actions detailed within existing operational guidance, risk assessments and Safe Systems of Work instructions (SSoW).

Any enforcement activity may be considered a green risk where either no quantifiable risks have been identified or the risks and issues are within the scope of mitigating actions and procedures contained within existing operational protocols. These include those mitigating instructions and actions described within general instructions, generic SSoW assessments and generic Policy Equality Statements.

These risks can include that there are people present whose characteristics are protected under the public sector equalities duty but, no additional mitigating actions are required over and above those contained in standard operating protocols, it is not necessary to duplicate the details described in general instructions, generic risk assessments or SSoW assessments. The authorising officer must however confirm on the operational planning document that they are satisfied that this is the case.

Green risk activities are likely to include visits or operations comprising a 'one-off' enquiry to residential or business premises where intelligence indicates that the level of deployment is proportionate to a 'business as usual' visit. Proportionate deployment in this respect is a decision made by the Chief Immigration Officer (CIO) according to the minimum number of team members required to safely carry out the visit based on the perceived number of suspects likely to be encountered and in line with generic risk assessments and SSoW assessments:

- NGRA 01: where arrest or detention is likely
- SSoW 01: where arrest or detention is likely

The minimum level of authority for visits and operations categorised as green risk is at least CIO grade.

See also: Illegal working operations.

Amber risk

Amber risk visits and operations are those where there are identifiable risks that require specific mitigation over and above that contained in existing operating protocols but are not considered to be '[significant](#)'.

Examples may include:

- circumstances where the numbers of officers deployed may attract local media interest or provoke adverse community reaction
- the number of suspects expected to be encountered requires additional deployment or police cooperation, but the numbers remain proportionate and provide a reasonable expectation of safely dealing with the expected numbers
- circumstances where the nature of the premises requires specific liaison and deployment considerations, for instance vice premises or care providers
- there are identifiable risks to people with [protected characteristics](#) under the Equality Act 2010 that are not already addressed within standard operating protocols, but these can be fully mitigated (see: [record of assessment](#))

Higher numbers of suspects alone are likely to make the operation an amber risk given the need to deploy more officers. Operations in partnership with other agencies may also increase the visibility and community impact attached to the activity.

Amber risk operations must have the prior authority of a Her Majesty's Inspector (HMI). The HMI must ensure that the Deputy Director is aware in advance that an amber risk operation is taking place and that they are advised as soon as possible of the outcome of the operation, particularly where media interest is likely. This will be of particular importance where suspects have been apprehended other than those identified in advance.

See also:

- Enforcement interviews
- Operational enforcement visits

Red risk

Red: any enforcement visit, operation or other activity that presents a '[significant](#)' risk as described within this guidance

Operations must be classed as a red risk ('major' operation) where operational planning identifies a ['significant'](#) risk. Any red risk operation must be assessed by means of a [full documented ECIA](#).

Such operations place the work of the police and Immigration Enforcement under the closest scrutiny and meticulous planning is essential.

A major operation may require a formal project structure including sponsor, manager, project management tools and documents, formal review, risk assessment and budgeting.

Red risk operations must be authorised by the relevant senior civil service (SCS) PB1 grade. Do not notify the police about a red risk operation until approval in principle has been obtained.

The Immigration Minister must also be informed and Press Office advised in advance of the operation.

See also:

- Project planning
- [ECIA template guidance](#)

Significant risks and issues

In addition to the circumstances described above, any activity, visit or operation that presents a significant risk must be considered a red risk and [fully documented](#). 'Significant' in this context is taken to include, but is not confined to:

- **risk to life and limb** – whether to members of the public or those conducting the operation – that is:
 - the risks are beyond the normal scope of standard procedures detailed in general instructions and SSoW (see risk assessment) guidance or are beyond the intended scope of existing training and/or equipment
 - intelligence suggests weapons may be at the location, plant or heavy machinery on site requires special training, the site presents particular hazards that require exceptional support and/or equipment
- risk of damaging community confidence or cohesion – significant damage in this context would include:
 - the operation requires a level of visible resource that is likely to cause the community alarm
 - operations or actions that are likely to be perceived by specific groups or the wider community as being culturally insensitive or discriminatory and that actions to mitigate this are unlikely to satisfy this disquiet
 - there is a risk of affecting community initiatives conducted by other agencies
 - there is good cause to believe that attempts may be made to obstruct the operation, prevent the lawful operation taking place and/or to incite community tension

- **high potential reputational and/or political risk** – there is good cause to believe that the operation will attract unusually high media attention and/or the operation, although necessary and proportionate, may be misrepresented, the operation may be perceived, or represented, as being illegal or departing from published policy
- **risk of failure to meet safeguarding, equalities and discrimination duties** – there is a risk that, despite mitigating action, the operation will breach the [Equality Act 2010](#), result in direct discrimination, fail to safeguard the best interests of children or act against Home Office policy to protect victims of trafficking and other vulnerable people:
 - the operation requires an Equality Act exemption or ministerial authorisation

Related content

[Contents](#)

Risk assessment of enforcement activities

This page tells Immigration Enforcement officers when and how to assess, and record, the possible risks associated with an enforcement activity.

Enforcement activities, especially arrest visits and operations, carry a wide range of possible risks. Some of these are known, generic risks that are detailed within general instructions. In addition, generic risks for different aspects of enforcement activity are described within Safe Systems of Work assessments (see: risk assessment).

Any planned enforcement activity must take account of the generic risk assessments and instructions described above but, in addition, the particular circumstances of each proposed activity must be individually assessed.

Continuous assessment

Risk assessment of any visit or operation, including the assessment of equalities and community impact, is a continuous process that starts with the initiation of a new policy or activity. Enforcement activities require careful planning and visits and operations are subject to a risk based tasking and authorisation process. The information gleaned from intelligence or research must be continuously re-assessed as new information emerges, not only in relation to equalities and community impact, but also in relation to other risks that have a bearing on the way that the activity is conducted or implemented.

The risks identified during the planning and preparation stage for visits and operations must clearly be flagged or cross-referenced within the material submitted to the appropriate tasking group for approval and authorisation.

Where further risks become apparent following EPA and authorisation, further authority must be sought to conduct the activity.

Physical risks

The first priority in planning any activity must be to ensure the safety of staff and anyone else associated with the activity or affected by it.

Particular reference must be made to the following parts of the general instructions:

- Enforcement visits: safety and personal protection guidance: all sections but, in the context of planning, particularly the section on safe deployment
- Arrest and restraint: particularly with reference to use of restraints, pursuit, method of entry and carriage of offenders
- Search and seizure: particularly in relation to searches of the person

- Critical Incident management

National general risk assessments (NGRA) provide specific considerations and control measures in respect of various common scenarios. They detail the training and equipment needed and any particular training needs that are required for each situation.

Safe systems of work assessments (SSoW) similarly provide guidance on safe working in relation to common enforcement scenarios.

Vulnerability, equalities and community impact

It is essential to assess fully the impact that our work has on vulnerable individuals and/or groups and individuals protected under the Equality Act 2010. As a public authority, we have a legal responsibility to assess our activities, and to set out how we will monitor any possible negative impact on equality in relation to particular [protected characteristics](#). We are also required to train our staff about relevant law, consult on proposed new policies in some circumstances and have a positive duty to promote good relationships among communities.

See also:

- Equalities Duty
- [section 55 Borders, Citizenship and Immigration Act 2009 – statutory guidance](#)
- Discrimination guidance

Planning, tasking and authorisation must comply with the equalities duty. An assessment of known risks must be conducted before a decision is made to proceed. In the context of immigration enforcement work, this includes changes to published operational policy and operational activities such as:

- tasked enforcement visits and operations (including ‘hot tasking’)
- programmes of activities intended to target categories of immigration offences
- programmes of activities based on a targeted geographic area

Prior to any enforcement activity, both the equality duty and community impact must be assessed together with consideration of any additional factors related to the duties contained in [section 55 of the Borders, Citizenship and Immigration Act 2009](#). This places a duty on the Secretary of State to make arrangements for ensuring that immigration, asylum, nationality and customs functions are discharged having regard to the need to safeguard and promote the welfare of children in the UK.

Record of assessment

EPAs of any level of detail are conducted by the officer proposing the operation or activity. EPAs are not undertaken by tasking groups as part of the tasking process but they may commission a documented assessment at the outset.

All risks and issues relating to equalities duty, community impact and/or risks relating to operational deployment must be clearly recorded together with details of how it is proposed to mitigate or eliminate the risk.

Control point: risk assessment

The tasking group and/or authorising officer must be satisfied that the assessment has been conducted in accordance with guidance and to the correct level of detail before authorising the activity or new policy.

Routine assessment

An assessment is rated 'green' where no '[significant](#)' risk is identified and any mitigating actions for those risks that have been identified are in accordance with existing published protocols and guidance. In this case, the details of any identified risks and mitigating actions need not be subject to a formal policy equality statement (PES) but must still be recorded as having been completed as part of the business as usual visit tasking and authorisation process. That is, the details of checks, any identified risks and necessary mitigation must be recorded, for example, as part of an email chain, intel package or within CID notes.

In considering whether the assessment is routine, reference must be made to standard operating protocols and guidance. These are:

- Immigration Enforcement: general instructions – especially the information contained within this guidance and Enforcement Visits
- any current ministerial authorisation relating to exemptions in relation to direct or indirect discrimination
- national generic risk assessments
- safe systems of work assessments
- any relevant, published, generic PES that contain overarching instructions on the mitigating actions that have been taken or must be taken in relation to various enforcement related scenarios
- [section 55 Borders, Citizenship and Immigration Act 2009 – statutory guidance](#)

Where the identified risks, impacts and issues are within the scope of the above protocols, that is, they are subject to standing instructions on how the risks should be mitigated and the operational plan is in accordance with these, then the assessment may be considered to be routine

Fully documented ECIA

'Fully documented' in this context means an assessment completed on an ECIA PES template where:

- information suggests there is a '[significant risk](#)' in relation to discrimination, child welfare, safety, community impact, public policy or reputation
- the risk of direct or indirect discrimination is above and beyond the mitigations described in standard operating protocols, a 'significant' risk is identified

Where risks are identified in the ECIA, but it is proposed to continue despite these, or it is proposed to continue action following the grant of a ministerial authorisation, the ECIA must include the grounds on which an authorisation might be given. Proposals to seek an authorisation, or an amendment to an existing ministerial authorisation, must be made in consultation with Enforcement Policy.

See: [Fully documented ECIA completion guidance](#)

Related content

[Contents](#)

Operational planning: people at risk

This page tells Immigration Enforcement officers what additional considerations to make if pre-visit checks indicate that a targeted individual, or other person linked to the address to be visited is a vulnerable adult or child.

People at risk: detention assessment

See also:

- Identifying people at risk
- Detention guidance
- Detention of pregnant women
- Adults at risk in immigration detention

If, during pre-visit checks, you find that the targeted individual, or any other linked to the address, is shown on CID special conditions as vulnerable owing to mental health issues, contact your local safeguarding coordinator immediately to check whether the individual has been referred to the local health authority. Take appropriate action as detailed in guidance on suicide and self-harm. This applies to any visit you are carrying out, whether arrest, non-arrest or compliance.

The officer in charge (OIC) must take account of the vulnerability of the individual and decide on any actions to take during the operation to protect their wellbeing.

Related content

[Contents](#)

Tasking and authorisation

This page tells Immigration Enforcement officers how visits and operations are tasked and authorised.

Tasking

All visits will be tasked by the local, area or regional tasking and co-ordination group (TCG) which will allocate work according to the priorities outlined in the current priorities matrix.

Tasking is governed by the following tiered structure:

- National tasking Board (NTB): reviews and approves tasking based on priorities and commitments on resources, attended by business area directors (G5)
- Operational Working Group (OWG): reviews tasking and performance to help inform decision making at the NTB, provides a gate-keeping function on tasking and is attended by operational leads (G6)
- Regional Tasking Board (RTB): reviews and agrees tasking and determines local tasking

A minuted record must be kept of all 'tasked' work to demonstrate and ensure that all visits are lawful, auditable and necessary. Other than under the [hot tasking](#) exception, no operational activity must be undertaken unless authorised by the TCG.

The definition of lawful, auditable and necessary in this regard is as noted at [IPLAN](#).

Hot tasking

In certain exceptional circumstances, such as when the justification for a visit is urgent and awaiting authorisation from the next scheduled TCG would be inappropriate, you may seek authority from a manager not below the rank of Her Majesty's Inspector (HMI). That authority, if granted, must be given in writing and recorded on the case file and notes before any visit takes place. As above, once 'hot tasked' and recorded by the HMI, final authorisation for the visit will be given by a warranted grade appropriate to the level of visit.

Note that 'hot tasking' is not the same as 'hot pursuit' (also referred to as a reactive enforcement visit). See Enforcement visits for full details.

Authorisation

Record of authority

You must record the results of all checks and received authorisations from all relevant authorities on the [operation notification form](#) (ONF), or authorised equivalent recording system in areas where the ONF is not used. The completed record must be retained for 6 years.

Regardless of which system is used, you are required to seek the following written authorities:

- police checks on people sought and the address to be visited must be signed and dated as having been conducted, this is to avoid direct or collateral intrusion on the operations of other law enforcement agencies (see also: [Requesting police assistance](#))
- equalities and community impact assessment or equivalent authorised assessment must be signed and dated as having been conducted and authorised by the Chief Immigration Officer (CIO) within the 14 days prior to the planned date of the visit

Immigration checks need to be signed and dated as having been conducted and the minimum authority of an arrest trained CIO as having been granted in writing for the visit to proceed.

Community impact: out of hours visits

You must obtain specific approval for any visit to residential premises outside normal hours. 'Normal' hours are generally defined as being between 6:30am and 9:30pm. There is no prohibition on visits outside this period, but each case must be decided on its own merits and it is for the officer to consider if the visit would be frustrated if carried out at a different time. Managers must bear in mind the sensitivity of immigration enquiries when authorising and agreeing times for visits and ensure that the rationale for the timing of the visit is recorded.

Enforcement visits involving cases with children should normally be conducted after 6:30am unless a specific risk assessment indicates that an earlier visit is operationally necessary.

In family returns cases, the timing of all enforcement visits will be considered by the Independent Family Returns Panel (IFRP) as part of the return plan specific to each family. Any visit which is to take place before 6:30am or after 9:30pm must be detailed in the return plan presented to the IFRP, it must give specific reasons to explain why a visit time outside these hours is proposed.

Authority for visit not given

All decisions not to undertake an operation for health and safety or other reasons at any particular time must be documented and submitted to the tactical tasking and coordination group.

Operational names

Red risk operations require an operational name. Operational names are allocated by Strategic Operations Command. Use e-form: Home Office operation or project name request.

Green and amber risk enforcement visits do not require an operation name.

Report changes to operation dates

The operations database, the mechanism for Immigration Enforcement to obtain operation and project names, provides the capability effectively to measure enforcement activity against key immigration threats identified in the control strategy.

If the campaign dates for the operation change, leads who have obtained an operation name through the database must email details of the change to Strategic Operations Command (Tasking and Operational Planning). This enables the Strategic Operations Command to continue to effectively measure and evaluate operations and projects.

Whilst it is appreciated that dates change for a variety of reasons, it is vital that the database holds the correct dates so that live operations are reported accurately. Use e-form: Home Office operation or project name request.

Contact with human intelligence sources

Official – sensitive: start of section

The information on this page has been removed as it is restricted for internal Home Office use.

Official – sensitive: end of section

Related content

[Contents](#)

Pre-visit research, checks and surveillance

This page tells Immigration Enforcement officers about the preparatory gathering of intelligence that must take place before an operational visit or operation.

Mandatory checks

Control point: pre-visit checks

As part of preparing for an arrest visit or operation, you must complete all the checks listed under 'control point 8' in the Control points and data checks 'Table of control points' and record the results. The list is not exhaustive but is a minimum requirement.

These checks enable you, while preparing the case, to:

- ensure that officers identify the correct premises and to ensure that the right address is named on the warrant
- check information relating to suspected immigration offenders and people liable to detention to ascertain that no barriers to removal exist and that the person sought does not have any legal basis of stay that would prevent removal if encountered and arrested or detained
- identify any warning signals or potential risks that could impact on an arrest team visit, potentially endangering the officers involved, the subject of the visit and any third parties:
 - this information enables the officer in charge (OIC) to evaluate the potential risk associated with the visit and, as part of the risk assessment process, put into place measures to reduce this risk to an acceptable level
- identify any personal circumstances or special needs the subject may have that may need to be taken into account as part of the risk assessment process, such as the existence of a previously unknown European Union (EU) or European Economic Area (EEA) partner, children or that the subject is on medication

You must record the findings on the file minutes and, where applicable, on the special conditions screen on CID. You must bring them to the attention of the OIC to allow them to accurately risk assess and manage the visit.

When a decision has been made to conduct an enforcement visit, you must ensure that you:

- have exhausted all reasonable avenues for determining the immigration status of those people known or believed to be at the premises
 - you must conduct a final status check, to include CID and central reference system (CRS), within 24 hours of the intended visit

- where you are relying on a power of entry, you have reasonable cause to suspect that the person still resides at the target address

In addition, you must, as far as is reasonably practicable, eliminate any other person from your enquiries who may be present at the address and is of no immigration interest. You must undertake these enquiries as close as possible to the timing of the visit, and at least within 7 days.

Return visits to addresses

Visits to premises form a sensitive area of immigration work and one cause of complaint is alleged harassment by officers who have conducted repeated visits to the same address. The national operations database (nodMMX) or police and reporting notebook organiser (PRONTO) will indicate whether an address has been visited before and must be fully completed to record all visits. Especially where more than one visit is made to an address, each visit must be fully justified as being proportionate and necessary.

Right to rent: pre-visit checks

See also: Right to Rent: landlords' penalties.

Logging proposed visits: national operations database or PRONTO

As the police reporting and notebook organiser (PRONTO) is rolled out, it will gradually replace nodMMX and the pocket notebook (PNB).

Visits recorded on nodMMX or PRONTO are split into 3 categories:

- enforcement visit (EV) – a visit where the apprehension of an immigration offender is intended, this visit starts with an intelligence package, and must be authorised by the tasking and co-ordinating group (TCG)
- non-enforcement visit (NEV) – a visit where the intention is not to arrest
- police call-out (PCO) – a reactive visit where officers attend an office (police station) to deal with a suspect who is (potentially) already under arrest

The 3 categories of visit currently on nodMMX will be recorded on the PRONTO Webmanager.

Official – sensitive: start of section

The information on this page has been removed as it is restricted for internal Home Office use.

Official – sensitive: end of section

Surveillance under the Regulation of Investigatory Powers Act

The [Regulation of Investigatory Powers Act 2000](#) (RIPA) governs intrusive investigative techniques such as the interception of communications, covert surveillance and covert human intelligence sources.

Part II of RIPA covers covert surveillance and covert human intelligence sources.

Official – sensitive: start of section

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Official – sensitive: end of section

Related content

[Contents](#)

Requesting police assistance

This page tells Immigration Enforcement officers how to request police assistance for an operational visit.

Operation notification form (ONF)

The ONF has been devised to standardise enforcement visit documentation and has been introduced to all Immigration Compliance and Enforcement (ICE) teams outside of the Metropolitan Police (MET) area.

Its purpose is to enable:

- Immigration Enforcement to request local police assistance for an enforcement visit
- Immigration Enforcement to notify the police of a planned enforcement visit where no additional local police assistance is required
- Immigration Enforcement to gather all the intelligence held by the police forces regarding the subjects and the addresses they plan to visit
- the local police commander to carry out an equalities and community impact assessment (ECIA) of the proposed visit
- Immigration Enforcement to collect data in respect of the best value performance indicator (BVPI) 191 (police assistance to Immigration Enforcement)
- Immigration Enforcement to notify police of the result of the visit using the intelligence feedback report

Completing the ONF

The ICE or local intelligence team will be responsible for ensuring the operation notification form is completed, liaising with local police forces to complete the relevant sections highlighted on the form. Arrangements over responsibility will be agreed at a local level. Before conducting a visit or requesting police assistance, you must consult the intelligence unit and obtain authorisation from a Chief Immigration Officer (CIO) or above. For arrest team visits the authorising officer must be arrest trained.

The local ICE or intelligence team complete sections 1 to 5. You must then send the completed ONF to the relevant local police force no less than 3 days before the visit is due to take place, to a:

- seconded police officer for the relevant police force
- locally agreed point of contact at the relevant local police force

Either the seconded police officer, or the nominated officer in the relevant local police force complete sections 6 to 10 (police checks), to show the results of the police checks. If the police officer is aware of any reasons why the visit should not take place, they will indicate this in section 9.

Once the completed ONF is received back from the police force, it is the responsibility of the Immigration Enforcement police regional liaison officer (RLO) to discuss any concerns and options which are raised with the nominated police officer. RLOs must document any discussions on section 9 of the ONF.

Once the seconded police officer or the nominated officer in the relevant local police force has completed their checks, they need to return the ONF within 72 hours from when they received the form. However, this may vary according to local procedures. It is important to note that the ONF is valid for **one calendar month** from the date when the police intelligence checks have been completed. This is the date that appears at the end of section 10.

Only in exceptional circumstances can the ONF be sent less than 3 days before the proposed date of the visit. If there are exceptional circumstances, these must be discussed and documented by a CIO (arrest trained for arrest team visits) or above, to explain the reasons why. The intelligence unit must then send the ONF to their local police force, but must follow this up immediately by telephone to confirm receipt of the form.

If you require police assistance on the visit, the intelligence unit will need to indicate this in section 1 of the ONF. In most cases, where a request is made for police assistance, discussion will take place between the intelligence unit and local police officers to agree resources and tactics for the planned operation. For amber or red risk operations, this will normally be a formal planning meeting and will require approval from the local tasking and co-ordination group (TCG).

ONF not returned by police

Whilst police completion of sections 6-10 is a National Police Chiefs' Council (NPCC) (previously Association of Chief Police Officers (ACPO)) agreed national process, there may be instances where local police forces fail to return the ONF in time. It must be remembered that the police ONF checks do not constitute an authorisation for ICE team visits to proceed, but form part of the ICE team risk assessment for the visit. Therefore, visits can be conducted if police fail to complete and return the ONF, as long as the ICE team:

- contacts their local police intelligence unit for any Police National Computer (PNC), Police National Database (PND), or other systems markers against:
 - named suspects
 - address to be visited
 - any adverse information or community tensionsWhere no issues are identified, visit can proceed as planned. Where an issue is raised, for example a warning marker, refer to the duty CIO or silver command to consider whether to proceed in light of new information
- updates nodMMX on the notes screen through the tasking page, or the comments box on the police and reporting notebook organiser (PRONTO) tasking page, to record all additional checks and decisions made following non-return of ONF

Notification and checks: London Metropolitan Police (MET) area

In the MET area, checks and notification for operations are conducted by the Central London Research Unit (CLRU).

Those who are outside of London and who require research carried out in the MET area must send an email with the enforcement visit (TS) reference number and the proposed visit date to Central London Intelligence Unit.

Related content

[Contents](#)

Command structure: roles and responsibility

This page tells Immigration Enforcement officers about the command structure that will be set up for an operational visit.

All operational visits must be properly tasked and have a clear command structure comprising a single officer in charge (OIC) and qualified named officers providing the gold, silver and bronze command structure for when a critical incident is declared.

Gold commander

The gold commander must have received the appropriate gold commander training and has responsibility for:

- handling and the outcome of the critical incident
- setting out the overall strategy for the recapture of a high harm person
- a key role in making sure there are enough resources available

It is essential that one manager takes the role of gold commander from the beginning. In some circumstances there may already be a gold commander, for example if a high harm individual is already known to the Home Office.

Silver commander

The silver commander is responsible for making a tactical plan to achieve the gold commander's strategy.

Bronze commander

The bronze commander, usually the officer in charge (OIC), makes the operational decisions necessary for the tactical plan to work as the incident is being dealt with. There may be more than one bronze commander, for example:

- bronze investigation commander who runs the investigation in practical terms
- bronze intelligence commander to manage the long-term intelligence needs
- bronze media commander to manage internal and external communications
- bronze enforcement commander to arrange enforcement resources required

You must not perform any of these roles unless you have received the relevant training.

Related content

Section 'The command structure' of Critical incident management

[Contents](#)

Team roles

This page tells Immigration Enforcement officers about the roles and responsibilities that may be allocated for an operational visit.

Officer in charge (OIC)

In order to comply with the [Police and Criminal Evidence Act 1984 \(PACE\) codes of practice](#), there must be an OIC for every visit. They must be an arrest-trained officer of at least Immigration Officer (IO) grade except for public operations where the OIC must be Chief Immigration Officer (CIO) grade or above.

The OIC will usually assume the role of [Bronze commander](#) within the overall command structure of any operational visit.

[Code B of the PACE codes of practice](#) places certain obligations on the OIC in the searching of premises. It is the responsibility of the OIC to ensure that these obligations are fulfilled.

Before undertaking any operational visit, the OIC must ensure that they have read the intelligence package and have a competent overview of the visit intention. The OIC must ensure:

- the risk assessment procedures outlined have been completed and the necessary authority has been given
- the risk assessment and authority is still valid
- consideration has been given to obtaining a search warrant
- the information is current and accurate
- the local police are aware of all the planned visits
- the officers on the visit are advised of the time of the briefing
- the following equipment is available and is in working order:
 - police and reporting notebook organiser (PRONTO) enabled mobile phone and/or airwave radio
 - warrant card
 - handcuffs
 - baton
 - first aid equipment
 - pocket notebook (PNB) where PRONTO is not available
 - notices to occupiers and/or arrested persons
 - vehicles, with sufficient fuel
- the premises search officer has sufficient consent forms, evidence bags and notebooks
- a 'gold, silver and bronze' (GSB) structure (see [Command structure: roles and responsibility](#)) is in place for the management of any potential critical incident
- an operational order has been compiled and circulated, in advance, to everyone in the GSB hierarchy
- roles have been allocated to team members

- they have fully briefed and equipped the team and anyone else accompanying the team

See also OIC's duties about:

- [Operational briefing and operational order](#)
- [Vehicles](#)

And guidance relating to:

- [Enforcement visits](#)
- [Post enforcement visit actions](#)

Other team roles

Under no circumstances may an IO undertake an operational activity visit under these procedures unless accompanied by at least one other arrest-trained officer.

In practice, the number of officers deployed will depend upon the type and scale of the activity being carried out and will be determined by the OIC having regard to the risk assessment.

Once a safe and secure environment is established, then you may be expected to be involved in any of the following:

- dealing with people encountered on the premises - establishing their identity and immigration status
- conducting arrests and subsequent actions (where appropriate)
- conducting person or premises searches

See also:

- Arrest and restraint
- Search and seizure
- Enforcement visits

Police support

If risk assessment or operational requirements show the need for a police presence on an arrest team operation, the OIC will allocate specific roles to the police officers and must ensure that they, too, receive the [operational briefing and operational order](#).

The OIC must ensure that all officers present are aware of any legal limitations or restrictions affecting police officers on immigration enforcement visits.

Where appropriate the police may take charge to manage or control any incident they believe poses a threat to life or property, or to detect or prevent a (non-

immigration) criminal offence. Once this is resolved, they should return control to the OIC.

See also Partnership working.

Observers and interpreters

If observers are to be present during arrest team operations, the OIC must use national generic risk assessments (NGRA) and safe systems of work (SSoW) to put in place suitable risk management methods to ensure the safety of the observers. See NGRA 04 Interpreters and other officials and SSoW 04 Interpreters.

The observer or interpreter must be assigned to a dedicated arrest trained cover officer and attend the operational briefing so that they are aware of the risk management procedures for the visit.

Observers and interpreters will only enter premises once the OIC believes it is safe for them to do so.

It is mandatory for observers and interpreters to wear personal protective equipment and clothing (PPE) in line with the risk-assessed control measures for the operation.

See also 'Use of interpreters: administrative interviews' of Enforcement interviews.

Vehicles

The OIC is responsible for ensuring that sufficient and appropriate vehicles are available to undertake the visit, and that drivers hold a current and valid UK driving licence for the category of vehicle being driven.

The OIC is responsible for ensuring that drivers are aware of, and comply with, NGRA 05 Driving fleet vehicles on official business and SSoW 05 Driving fleet vehicles on official business on driving fleet vehicles on official business.

You must park vehicles only where it is legal to do so and make every effort to allow officers and detainees to leave the area swiftly upon completion of the visit.

Drivers must comply with the Fleet and driver policy. See also 'Carriage of detainees' of Arrest and restraint.

Immigration Compliance and Enforcement (ICE) teams must regularly inspect car seats for damage and decommission and replace seats where required.

Related content

[Contents](#)

Operational briefing and operational order

This page tells Immigration Enforcement officers about the briefing that must take place before an operational visit.

Conducting an operational briefing

When to give a briefing

You must give a briefing to your team before any operational deployment takes place outside of the office or port control area, if possible.

There may be times, however, when you are unable to prepare a written briefing or hold a full briefing, for example on a deployment taking place at short notice. In these circumstances, you must:

- still give a verbal briefing
- record details as soon as you can, in your pocket notebook or on police and reporting notebook organiser (PRONTO) Webmanager

Timing and location

When deciding what time to hold your briefing, consider whether the briefing needs to take place immediately before the deployment. This is best practice because the information will be fresh in everyone's minds, but it is not mandatory, and you should ensure that you maximise the time available for the deployment itself

Briefings can be conducted either in the office before the visit takes place, or at a secure location along the way, including Home Office official vehicles. After the first visit, the officer in charge will designate a suitable briefing area before each subsequent visit. You must take care to ensure that the briefing is not overheard by third parties.

It is normally your responsibility as OIC to prepare and conduct the briefing, but, you may decide that parts of the briefing are given by someone else. For example, you may:

- ask a more senior manager to make an introduction
- ask individual team leaders to give the briefing for their particular deployment when you are conducting a large operation with several teams
- ask an expert who is better qualified to give part of the briefing
- be working with teams who wish to give their own briefing, for example, a police unit for part of the deployment

You must invite:

- all officers taking part in the deployment including police officers if they are to provide additional support
- interpreters who will be assisting
- any other experts you may need on the deployment, for example, social workers

Consider:

- how many copies of the operational order you will need
- how you will account for each copy (as they all have to be returned at the end of the briefing), for example you can:
 - number copies
 - use a sheet to sign them out and back in
- when you are going to hand them out, for example:
 - at the start of the briefing
 - at the end of the briefing
 - by email before the briefing itself (see bullets below)
- clearly marking the operational order 'official - sensitive' so that officers do not remove or take on deployment

You may decide it is best not to hand them out at the start of the briefing, so everyone will concentrate fully on what you are saying.

If you send the operational order by email you must:

- bear in mind you will have no control over officers printing copies
- make it clear in the email the document is marked 'official - sensitive' as well as marking the document itself

Full operational order: IIMARCH procedure

For use in red and amber risk (upper and middle tier) visits.

Each arrest team visit requires an operational order as part of the planning phase of the operation. Its format is that of the 'IIMARCH' procedure and it is the responsibility of the officer in charge (OIC) ([bronze commander](#)) to ensure its completion.

It is important you give the briefing in the following sequence because it:

- gives structure and clarity
- makes it easier to understand
- is a uniform format familiar to all law enforcement agencies

If possible, you must prepare a separate briefing document for each deployment.

I – information

The information section informs officers who the subject or subjects of the visit are. It gives the address where the visit is to take place and the reason for the operational visit, detailing where appropriate the reasons for seeking arrest.

I - intent

The intent section states what officers intend to do if they find the subject or subjects and how to deal with any other persons found on the premises. It also states the strategy for the operational activity as set by the [gold commander](#).

M – method

The method section details the tactics set by the OIC (bronze commander) and [silver commander](#), specifying roles and responsibilities as well as detailing the way in which entry, arrest, search and transportation to custody will be effected.

A – administration

The administration section details legislative, administrative, procedural and operational factors affecting the operational visit.

R - risk assessment

This section highlights potential risks associated with an operational visit and details what risk management methods are in place. It details actions to be taken if an incident occurs.

C – communications

This section details how officers will communicate within a team, and with the police and other agencies that are involved in the visit or may need to be contacted in the course of the operation. It also details contingency plans for communications failure or difficulties.

H - human rights

This section states whether the visit is justified, proportionate and necessary and complies with the Human Rights Act 1998.

Most police forces now add on 'E' and 'R' at the end which stands for 'evaluate' and 'review'. Although the Home Office does not use these at present you need to know about them in case you attend a police briefing. These sections cover a general evaluation and review of the operation.

The briefing documents, operational orders, operation notification form (ONF) and intelligence packs carry a security classification of 'official - sensitive' which must be

clearly marked on the header and footer of all documents. Once a briefing has been held, the documents must be left in Home Office or police premises or secured in a locked Home Office official vehicle if multiple dynamic briefings are planned to be held after each subsequent visit.

The documents must not under any circumstances be taken into the premises visited as it can compromise the intelligence and source.

Reduced operational order: IPLAN procedure

For use in green risk (lower tier) visits.

A reduced operational order is used for green or low risk visits only and whilst the same requirements exist in respect of preparation and completion by the OIC, the format is different to that of the full operational order.

I – information

This gives relevant details of:

- intelligence, brief details of the immigration history, and the suspected offence
- mitigating circumstances, such as family in the UK, any known illness or ongoing medical issues
- risks or warning signals in respect of the person, premises and surrounding area
- deployment of the team, that is where each member will go on arrival and what they will do

Details need to be entered to show that all relevant checks have been completed within the 24-hour timescale. The OIC should also print out maps to aid understanding of the location and deployment.

P – proportionate

This will detail how the visit is proportionate:

- related to intelligence or information known, for example violence markers
- rationale for the timing of the visit, especially if an unreasonable hour or if children are known to be present
- team size, including gender make-up, and why needed (for example search or religious reasons)

L – lawful

An explanation as to why the visit is lawful, such as details of the power of entry, and that officers are acting in line with immigration law and policy.

A – auditable

An explanation as to how the visit is accountable, having been agreed by an assistant director (AD) and authorised at the correct level (Chief Immigration Officer (CIO) or Her Majesty's Inspector (HMI)). There should be a note of the recording of the visit on nodMMX or PRONTO, giving the reference number, and that there is a clear audit trail of all decisions made on the visit pack.

N – necessary

This will give:

- an example of how the visit is necessary, such as identifying and apprehending immigration offenders and that all actions will be compliant with the Human Rights Act 1998
- if alleged illegal working is taking place, an explanation that the only way to verify this is to visit the premises
- if the subject's history suggests they will not leave the UK voluntarily, a visit to the premises is the best opportunity to encounter them.

The authorising officer (CIO) needs to write their name, sign and date.

As for full IIMARCH operational orders, this document must not under any circumstances be taken into the premises visited

Digitised operational order: PRONTO briefing procedure

For use in green risk (lower tier) visits.

As the operational use of the PRONTO is rolled out, the IPLAN procedure will be replaced by a briefing application on PRONTO. The OIC will complete the following 4 pages on the PRONTO Webmanager:

Visit details

This section details tasking and police references, date and time of visit, subject details, address to be visited, link to map of area, overview of intelligence received, and power of entry.

Subjects

Additional information related to the subject(s) of the visit, including immigration offence and photograph.

Roles

Roles assigned to individual officers, such as OIC, Arrest 1, Cover 1 and the names of any known third-party agents and observers

Authorisation

The name of the officer who authorised the visit.

Once the briefing notes are complete, the OIC sends the briefing notes to the digital notebooks of the officers that are assigned to the visit (either to the Pronto App for ICE team officers or via e-mail for other enforcement agencies and observers) Upon receipt of the briefing notes from the OIC, the ICE team officer opens, reads and annotates the 'Briefing' section to confirm that they have read, understood and accepted the briefing information.

On the day of the visit, the OIC gives a verbal briefing to all officers due to go out on the visit in order to test their understanding of the briefing they have received through PRONTO.

Related content

[Contents](#)

Equality and Community Impact Assessment: definition and purpose

An Equality and Community Impact Assessment (ECIA) is the process whereby full consideration is made of particular issues and risks relating to equalities duties and community impact that may have a bearing on the way that we plan and implement a new enforcement activity or policy.

The general purpose of an ECIA is to ensure that we comply with our public sector equality duty but the nature of our work makes it more likely that any equality issues will also apply to and have an impact on the wider community. We must consider all aspects of how our work may affect a community's confidence that Immigration Enforcement (IE) is acting lawfully and proportionately. This helps, in turn, to inform national efforts to build community confidence and learn lessons for the future. It assists to:

- promote all aspects of equality
- identify any direct or indirect discrimination
- assess if there is any adverse (negative) impact on particular groups
- promote good relations between people of different equality groups
- act as a method to better plan enforcement activity

An understanding of factors contributing to possible inadvertent discrimination or vulnerability enables proactive identification of, and improved responsiveness to, threat, risk and harm within communities. An effective ECIA:

- provides additional context to inform the decision of whether it is right to proceed with the operation or activity
- identifies vulnerable individuals and groups
- provides an assessment of risks to community confidence
- develops community intelligence

In most cases, the assessment of the activity is part of business as usual operational planning and requires only that the officer authorising the activity:

- considers any risks and issues that have been identified against published guidance and protocols
- confirms that the assessments have been conducted to the correct level (red, amber, green)
- decides whether a fully documented ECIA is required

See [risk based planning](#) for full details of the relevant factors that must be considered and further information on how to determine the required level of detail and authorisation.

In cases where, during planning for any activity or operation, a 'significant risk' is identified, then the ECIA must be fully documented on an IE PES template in

accordance with the completion guidance within this document. For an explanation of what constitutes a significant risk in this context, see [significant risks and issues](#).

Whilst undertaking the PES considerations, of which the list is not exhaustive, the decision may be reached that a [Ministerial Authorisation](#) is preferable (see Discrimination guidance).

Ministerial Authorisation

Ministerial authorisations (Mas) may be granted under Schedule 3, part 4, paragraph 17(4)(a) of the Equality Act 2010

Equality Act Nationality Assessment

Official sensitive – start of section

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Official sensitive – end of section

ECIA: completion guidance

This guidance concerns the completion of an ECIA template in relation to conducting enforcement ECIA.

When a fully documented ECIA must be completed

An ECIA is the means of providing a comprehensive assessment of an enforcement operation or IE project where [significant risks and issues](#) have been identified in relation to our equalities and section 55 duty or in relation to community impact.

It may become a publicly accessible document and full consideration must be given to whether it is appropriate to redact references to sensitive intelligence. An ECIA must be completed and submitted by an officer not lower than Her Majesty's Inspector (HMI) or Senior Executive Officer (SEO) and cleared by an officer not less than Grade 5.

A fully documented ECIA must be completed for:

- [Red risk visits and operations](#):
 - the visit, operation or other activity presents a significant equalities risk or community impact that requires detailed assessment above and beyond the scope of existing published protocols contained in IE general instructions and other operating protocols
 - the visit, operation or other activity potentially directly discriminates against a protected group and requires ministerial authorisation (see: Discrimination guidance)
 - a programme of operations or activities is planned that has a disproportionate effect on a particular community group or location
 - an initiative, operation or other activity is predicted to have a high profile – that is, that it presents a predictable political and/or reputational risk

Other circumstances in which a fully documented ECIA is required:

- a pilot or exercise that has a significant impact on other business areas
- an activity that significantly alters a standing workflow or process
- an activity that requires ministerial authorisation
- a proposed policy change: a major policy change or initiative is planned that presents a material change to published policy and practice
- implementing a policy change

- when conducting a strategic assessment

Completing an ECIA

The following provides general indicators for what might be included within an Immigration Enforcement ECIA.

The ECIA may be used to describe a new policy, an operational activity or programme of operations. Each of the following points below corresponds to the numbered section on the form.

Part 1: Background

Introduction

Briefly describe the aims, objectives and purpose of the policy, activity or strategy. Provide a description of the operational activity including:

- name of operation
- type of operation
- aims and objectives
- intended outcomes:
 - what will the operational activity look to achieve
 - why do you want to conduct this activity
- intelligence basis (without duplicating material that is included in section 3)

Attach relevant operation notification form (ONF), Operational Order, risk assessment, check list as appropriate.

Cite references to appropriate generic policy equality statement (PES), national generic risk assessments (NGRAs), chapters of general instructions.

The most likely relevant chapters of general instructions are:

- Enforcement visits
- Identifying people at risk
- Critical incident guidance

Purpose

Define what sort of assessment you are writing and indicate whether this is the first ECIA in relation to this activity. Similarly, indicate if it an interim or supplementary assessment. Cross-reference to any relevant existing ECIA, PES or national generic risk assessment.

Outline why an ECIA is necessary. State what exactly you have been asked to assess. Summarise:

- what is known about the situation

- what is the potential problem or
- what are the likely or potential consequences of undertaking the activity

You will provide details of the impact against each protected group later on but you should now specify:

- who particularly, in terms of specific communities or protected groups, might be affected by the proposed action and how
- why this is considered to be a significant risk or impact

Powers

Specify the legal basis on which the activity is being conducted.

Highlight where and why particular consideration is required in relation to:

- [Equality Act 2010](#)
- [Human Rights Act 1998](#)
- [Every child matters: statutory guidance \(section 55 of the Borders, Citizenship and Immigration Act 2009\)](#)

Information

Use this section to provide an overview of the available information, how it was gathered and evaluated.

Provide an assessment of known intelligence (both open source and closed), and environmental scanning. Where appropriate, describe any consultation with community members including the nature and extent of the consultation and the conclusions drawn.

This section might be formatted to reflect the following key issues:

- experienced - (how do communities feel)
- evidenced - (what does our information tell us is happening)
- potential - (what might happen)

It may be useful to tabulate the results of each in turn to give a numerical assessment of community tension, where 1 is the highest and 6 is assessed as no anticipated community tension.

Provides an assessment of the strength of available information. Highlight and, if possible, explain any contradictory information.

This may also give details of any avenues that have not yet been explored or are planned for the future. Give details of why possible actions have not been undertaken.

This assessment is based on a 'snapshot in time'. Where information is not current, it is worth less but may still provide useful context. Ensure it is clear where information may require updating. Any significant change in circumstances or events must necessarily trigger a new or updated assessment to reflect those changed circumstances.

What does our information tell us is happening?

The information given here should be factual and the source of the information indicated. This may refer to:

- statistical data
- reports by other agencies
- the results of a consultation exercise
- surveys
- field intelligence
- assessments into related operations and visits

Part 2: Risks and mitigating action

Operational and deployment: risks and mitigation

This section summarises the proposed operational plan with details of:

- numbers of officers to be deployed
- other people expected to be present (such as police and other government departments (OGDs))

Give details of particular operational risks and the planned actions to mitigate them by type:

- safety
- Method of Entry
- timing
- deployment
- communications

Assessment of protected groups and characteristics

This section requires that you consider whether and to what extent the policy or operation could foreseeably have an impact on people who share [protected characteristics](#) compared with those who do not. You will need to consider direct discrimination and indirect discrimination. See: Discrimination guidance.

Carry out the exercise for each of the protected characteristics in turn. The protected characteristics are:

- age
- disability

- gender reassignment
- pregnancy and maternity
- race (includes ethnic or national origins, colour or nationality)
- religion or belief (includes lack of belief)
- sex
- sexual orientation

Tips:

- you must thoroughly analyse, based on evidence, the consideration of each of the impacts of your policy on each of the protected characteristics listed above
- do not make unrealistic assumptions
- as the proposals are implemented, any emerging impacts can be observed, recorded and analysed when the PES is reviewed
- people have multiple characteristics: for example, a person may be black and a woman, or disabled and a gay man

Related content

[Contents](#)

Discrimination: risks and mitigation

This section concerns consideration of the duty to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act.

Brief evaluation

Evaluation of the impact on the individual or group according to the following characteristics, (as many that apply to the circumstances of the case):

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – this includes lack of belief
- sex
- sexual orientation

Where impacts have been identified above, you should go through these in turn and explain why we do not consider them to be unlawful. If impacts have been identified, you must consult HOLA and Legal strategy team who can advise further on these points.

However, the following are a summary of the exceptions and circumstances in which discrimination is lawful. If any of these apply to the impacts you have identified, you should explain why they apply. If you are justifying a discriminatory impact, you should follow the step by step process below and draw on any evidence, research or analysis available to support your reasoning.

Direct discrimination is not unlawful:

- if the measure is for the purposes of safeguarding national security and is proportionate for that purpose
- on grounds of age if it can be objectively justified (see below)
- on grounds of:
 - **nationality**, place of ordinary residence and duration of presence or residence
 - **national or ethnic origins**, if done in the exercise of immigration functions under certain immigration legislation

If the discriminatory measure is contained in legislation or Immigration Rules, or has been personally approved by a Minister (a 'Ministerial Authorisation' or 'Ministerial Arrangement'). It must be rational, (fair and reasonable), which is the same as the [objective justification](#) below.

Indirect discrimination in relation to any of the protected characteristics is not unlawful if it can be objectively justified.

Objective justification

Objective justification requires examining the rationale for the policy in detail. The following step-by-step approach may assist in breaking down the issues you need to consider:

- what issue is the policy intended to address (the reason for it)
- what is the intended outcome of the policy (the aim, what will change)
- how will the policy tackle the issue identified
- what will be done
- how will that take effect on the issue identified
- what discriminatory effect will the policy have (detriment large or small, widespread or limited)
- compare the effect to the benefits of the intended outcome
- adjustment: how could any identified discrimination be reduced
- does the policy have any negative ancillary effects, and how could they be reduced
- can any positive ancillary effects be increased and/or worked into the justification

Whether something is justified will depend on the circumstances: a more serious disadvantage caused by a discriminatory provision will require a more convincing justification.

Harassment and Victimisation

These issues will not always arise in the formulation of policy. However, you should consider whether there is potential for these issues to arise and how you will address that possibility.

Mitigation

Summary of actions to mitigate the impact on the above groups. If no mitigating action is possible explain why. State **which** impact each mitigation will address and **how**, and the **extent** to which, it will reduce the negative impact.

What mitigations are being put in place to address the discrimination or other risks identified? This might include training for decision-makers, policy-formulators and service-deliverers.

Policies and guidance to cover equalities issues, such as:

- complaints systems to be instituted, amended or reviewed
- procedures to be amended or reviewed in operational contexts
- service agreements with contractors and service providers must have all relevant policies and procedures in place:

- these bodies are required to comply with the law themselves but the public sector equality duty (PSED) requires us to take reasonable steps to ensure that this happens
- consultation may need to take place, and the data collected used to inform mitigation
- a pilot or trial period should be considered so that data can be gathered, and lessons learnt, thus informing mitigation:
 - carefully plan communication with groups with protected characteristics to ensure that the right people are reached, for example, support groups and legal aid services for persons in detention

Experienced

What has led you to the assessment you have made and is there anything that you want to flag up to the person reading this document. Remember to make reference to the previous sections as you explain your reasoning.

Possible inclusions are benefits to:

- public policy including Home Office strategic benefits and benefits to other government departments (OGDs)
- non-enforcement business objectives

Community impact – fostering equality and good relations

This section is about how we consider the impact of the proposed activity or policy on communities in general and on protected groups within the communities in particular.

Our equalities duty requires that we have due regard to the need to foster good relations between people with different protected characteristics. The Equality Act specifies that this includes both:

- tackling prejudice
- promoting understanding

This part of the equalities duty does not have to be considered in relation to immigration and nationality functions in respect of race (excluding colour), religion or belief and age.

The equality duty ([section 149\(1\) of the Equality Act 2010](#)) requires public bodies to have due regard to what are termed 3 'limbs', these are the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people who share a relevant protected characteristic and those who do not
- foster good relations between people who share a relevant protected characteristic and those who do not

[Section 149\(3\) of the Equality Act 2010](#) specifies that 'limb 2' involves having due regard to 3 specific aspects:

- removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- encouraging persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

Fostering equality requires addressing 4 points:

- first: what (if any) disadvantages, needs and under-participation exist:
 - consider whether there is any evidence that different groups have different needs which may be affected by your proposals, for example, if you have previously received more complaints from women or BAME groups about the existing policy or service, do you understand why this is the case?
- second: is there anything that can be done to address these:
 - consider whether there any changes to the policy you could make that would positively advance equality of opportunity
- third: are any mitigating measures possible:
 - can any negative impacts be reduced by introducing mitigating measures particularly communication, consultation and targeted efforts
 - are there any positive steps which could be taken to better advance equality
- fourth: justification:
 - if there is a negative impact, can it be justified

Positive action measures may be included in any plan to advance equality of opportunity (see second and third points above).

The duty doesn't require a particular outcome: the policy may have a neutral or negative impact on advancing equality of opportunity.

What matters is that the impact of the proposal must be identified fully and consideration given to whether a more positive impact could be achieved.

Community impact

How do communities feel? Include, where appropriate, the views of those consulted and the experience of those making the assessment and:

- a summary of the known or suspected risk
- any historical basis for considering there to be an unusual impact
- details of any community consultation or enquiries made to examine and evaluate the impact, for instance with health professionals, community leaders, social workers
- details of the risk of direct or non-direct discrimination against the protected groups listed below

If the implementation of the policy is likely to arouse strong feelings in any part of the community, either among groups of people who share protected characteristics or groups of people who do not. Can any negative impacts be reduced by introducing mitigating measures? In this context, consultation and improved and/or tailored communication and delivery of the policy may address feelings of distrust or disadvantage. Consider whether there any changes to the policy you could make that would positively foster good relations.

If there is a negative impact, can it be justified?

The duty doesn't require a particular outcome: the policy may have a neutral or negative impact on fostering good relations.

What matters is that the impact of the proposal must be completely identified, and that consideration is given to whether a more positive impact could be achieved.

What has brought you to the assessment you have made and is there anything that you want to flag up to the person reading this document. You need to make clear the justification for your assessment.

Options and conclusion

There are several possible decision outcomes in light of the considerations set out above:

- no change to the proposed policy or service, either:
 - it appears to have no adverse or disproportionately negative impact on people who share a relevant protected characteristic ('limbs 1, 2 and 3')
 - although it does not advance equality of opportunity and/or foster good relations ('limbs 2 and 3'), the decision maker is content that due regard has been made to both limbs.
- adjust the proposed policy or service, either:
 - it has a potentially adverse or disproportionately negative impact on people who share a relevant protected characteristic ('limb 1')
 - it does not advance equality of opportunity or foster good relations but there are measures that could potentially be taken to further either or both of these aims ('limbs 2 and 3'), consider whether you can address this through mitigation action either in part (with the remaining disproportionate impact justified) or in full
- continue with the proposed policy or service despite its negative impact, either:
 - there may be times when you (with legal advice) decide to continue despite potential negative impacts although there are good arguments that the impacts are justified ('limb 1')
 - the evidence shows that it does not advance equality of opportunity or foster good relations because of other countervailing factors (for example availability of funds or more pressing policy priorities) but the decision maker is content that due regard has been had and the negative impact is justified ('limbs 2 and 3')

- the proposed policy or service will not go ahead unless an alternative approach is found, it has an adverse and disproportionate impact that cannot be justified or mitigated

Before reaching a conclusion, consider whether further information is needed to complete the assessment. A Court will not accept lack of the right evidence as a valid reason for not complying with the PSED. You must:

- consider whether other data (anything held by other government departments, local authorities, local or national research publications etc) is available to you and could be of use
- consultation – with stakeholders, users, the public – may be appropriate
- in particular, engage with at-risk groups (persons who hold particular [protected characteristics](#)) or their representatives, to gather their views on how the policy will affect them, may be particularly valuable

Whether obtaining further information is proportionate in the circumstances will depend on the quality of information that you have already and the depth of the analysis that you have been able to carry out so far. Gathering further information may not always be costly or resource-intensive

How can the identified impacts and risks be reduced:

- what action has already been taken to do this
- what action can be taken during and after the activity
- what options are you recommending to mitigate the issues you have identified in any of the sections:
 - these may be community led, inter agency or simply enforcement options

List all options for mitigation and link these to the protected characteristics described above where appropriate.

Provide a conclusion based on a balance of all factors. For example:

‘The operation and/or activity is based on a legitimate aim to effectively apply immigration law (with expanded justification based on following):

- it is objective because it is based on data that include real indicators of harm or risk
- it is proportionate because it does no more than is necessary to identify abuse or is cost effective or allows you to provide a more effective and efficient service overall’

Review

Insert the date on which the PES will be reviewed. This may refer to anticipated dates for the review of the policy itself, or the date when further research or data will be received.

In the absence of significant milestones ahead, long-running policies or operations must be reviewed against the above equalities considerations and the PES periodically updated.

Equalities and Community Impact Assessment (ECIA) sign off and submission

The draft ECIA must:

- indicate whether the ECIA has been made subject of legal advice and what the advice was
- be approved by a senior officer of at least G5 level

The PES can be completed throughout the development of a policy or during the tasking and research process, but is only signed at the point the policy or activity is authorised for implementation.

To assist in evaluating whether there is robust evidence that could withstand legal challenge, the following questions must be asked prior to sign-off.

Q. Has 'due regard' been made to the 3 aims of the General Duty ([section 149 of the Equality Act 2010](#))? To:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act
- advance equality of opportunity between people who share a protected characteristic and people who do not share it
- foster good relations between people who share a protected characteristic

Q. Have all the [protected characteristics](#) been considered – age, disability, gender reassignment, pregnancy and maternity, race (includes ethnic or national origins, colour or nationality), religion or belief (includes lack of belief), sex, and sexual orientation?

Q. Have the relevant stakeholders been involved and/or consulted?

Q. Has all the relevant quantitative and qualitative data been considered and been subjected to appropriate analysis?

Q. Have lawyers been consulted on any legal matters arising?

Q. Has a date been established for reviewing the policy?

Further resources including: Case Law, Equality Assurance Table and examples of best practice are available on Horizon.

All ECIA and PES forms must be copied to the Home Office Central Diversity team and Community Engagement Lead.

Sensitive intelligence and information

Particular consideration must be given to including information that is sensitive intelligence or protected data. This may include intelligence reports, or other information that might compromise the source of information. This information may be included within the PES or attached as a supporting annex but, where this information is to be redacted from any published version, the information to be protected must be clearly marked 'official sensitive' at the beginning and end of the section in question.

Related content

[Contents](#)

Explanation of protected characteristics

The [Equality Act 2010](#) protects people from discrimination and harassment based on 'protected characteristics'. The protected characteristics are:

- age: refers to a person belonging to a particular age (such as 32 year olds) or range of ages (such as 18 - 30 year olds)
- disability: A person has a disability if they have a physical or mental impairment that has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities
- gender reassignment: The process of transitioning from one gender to another
- marriage and civil partnership:
 - marriage is defined as a 'union between a man and a woman'
 - same-sex couples can have their relationships legally recognised as 'civil partnerships'
 - civil partners must be treated the same as married couples on a wide range of legal matters
- pregnancy and maternity:
 - pregnancy is the condition of being pregnant or expecting a baby
 - maternity refers to the period after the birth, and is linked to maternity leave in the employment context
 - in the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding
- race: Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins
- religion and belief: Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (such as atheism), generally, a belief should affect your life choices or the way you live for it to be included in the definition
- sex: a man or a woman
- sexual orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

See also: [Equality Act guidance – gov.uk](#)

Related content

[Contents](#)