



Border Force

BORDER FORCE RESPONSE TO THE JOINT HM INSPECTORATE OF PRISONS AND HM INSPECTION OF CONSTABULARY REPORT:

An announced inspection of Border Force
customs custody suites in England and
Scotland

The Home Secretary and The Director of Border Revenue welcome the publication of the second joint report by HM Inspectorate of Prisons and HM Inspectorate of Constabulary on Border Force customs custody suites in England and Scotland, and are pleased to publish the Border Force response.

Comment	Area of business	Recommendation	Border Force response	Actions planned/implemented
Recommendation	Main recommendation	Border Force should ensure that staff are skilled, competent and confident in their ability to ensure the continued welfare and safe custody of all detainees in their care. (2.36)	Accept	<p>Annual refresher training is mandatory for officers who only infrequently undertake the role of Custody Officer and officers at busier suites must take this refresher training at least every two years - but can opt to do this more regularly, or repeat the full Custody Officer course if they or their managers deem it necessary.</p> <p>Since the inspection, we have put in place arrangements for staff in smaller suites to shadow custody officers at busier suites or at local police custody. We will also be reminding all suite managers of the national training policy that all officers in low throughput suites should undertake annual refresher training.</p>

Recommendation	Main recommendation	Border Force should ensure that detainees are handcuffed only when it is necessary, justified and proportionate, using a risk assessment, in all suites. (2.37)	Accept	Use of handcuffs at all suites is determined by a thorough risk assessment. At Birmingham and Glasgow, as in all suites, a risk assessment in line with PST training is conducted to assess whether handcuffing is justified and proportionate. Transporting a detainee in an airside location carries significant risks to the detainee, officers, airport staff, official vehicles and aircraft, and it is therefore commonly concluded by these suites that handcuffing is necessary.
Recommendation	Main recommendation	Border Force should ensure the dignity of all detainees, especially women during close proximity observation. Border Force should provide an alternative to the one-piece suit for detainees. (2.38)	Accept	This is currently subject of risk assessment and low risk detainees are allowed to retain an item of clothing. We are working to standardise this nationally. Since the inspection, we have also commissioned a pilot that will investigate and trial the use of special safety t-shirts. Any proposal will need to be stringently risk assessed to assure the safety of the detainees; providing clothing for detainees who are not low-risk is considered a significant health and safety risk by BF and detainees have been known to secrete packages about their person whilst using the SIU facility.

Recommendation	Strategy recommendation	Custody refresher training should be delivered at least annually and should be informed by quality assurance, critical incidents, use of force, and complaints procedures. (3.15)	Partially Accept	Annual refresher training is already compulsory for COs infrequently deployed on custody duties. Custody officers based at larger suites can complete the ½ day e-learning course at any point if they feel their skills are lacking, or attend the full 5-day course if they or their managers feel this is required. We have re-iterated this policy to all suites. Feedback from trainers and delegates is used by lead trainers who regularly fine-tune training material, but we are working to ensure that information derived from the quality assurance process, critical incidents, use of force or complaints procedures is formally used to adapt training.
Recommendation	Strategy recommendation	The procedure for the dip sampling of custody records should be reviewed to improve the quality of completion and to develop an audit trail of feedback to individuals and wider organisational learning. This quality assurance should be cross referred to CCTV recordings and the person escort record (PER). (3.16)	Accept	We are evaluating existing guidance and forms to encourage better dip sampling. We are also considering how best to use CCTV and PER forms for cross-referencing purposes.

Recommendation	Strategy recommendation	The national PER form should be used for all transfers of detainees, to ensure that risk information is consistently passed to other agencies. Policy on the use of the form should be clarified and communicated to staff. (3.17)	Accept	At Birmingham, the suite HMIC identified as not completing PER forms regularly, the recent introduction of packs of custody forms and an aide memoir to form filling has now raised the number of PERs forms used on transfer to 95%. A reminder will be re-sent out to officers to ensure this rises to 100%. PER forms are in place in Glasgow, and officers receive training on how to complete them accurately. Suite managers have been made aware of some discrepancies and have reiterated the policy on PER forms to all officers.
Recommendation	Strategy recommendation	A form should be introduced for the recording of critical incidents to ensure all details are recorded at the earliest opportunity, and at the location of the incident. (3.18)	Accept:	We are working to develop a form and guidance for the initial recording of a critical incident in partnership with Border Force National Operations Command Centre.
Recommendation	Treatment and conditions recommendation	The safety implications of the lack of escape hatches in cellular vehicles should be established and, if necessary, vehicles should be adapted to allow a means of egress in the event of fire or collision. (4.11, repeated recommendation 4.13)	Accept	We have sought advice from expert police colleagues as to the specification required for their prisoner transports. Early responses indicate that roof hatches do not pose significant risk, as Border Force vehicles already have two doors through which a detainee could leave in an emergency. However, we will assess the feasibility of implementing any recommendations following a full review of the findings.

Recommendation	Treatment and conditions recommendation	Custody suites should be fully accessible to detainees with disabilities. (4.12, repeated recommendation 4.12)	Partially accept	When the current refurbishment works are complete, all suites except Glasgow and Manchester will comply with wheelchair accessibility requirements. Structural and financial limitations mean that it is currently not possible for Glasgow and Manchester to meet these standards but local mitigations are in place to ensure that detainees would not be taken to an unsuitable facility. All Border Force suites are fully accessible to detainees with other disabilities.
Recommendation	Treatment and conditions recommendation	Pre-release risk assessments should be thorough and based on an ongoing assessment of detainees' needs while in custody. The custody record should reflect the position on release and any action that needs to be taken. (4.20, repeated recommendation 4.20)	Accept	Existing policy makes clear that PRRA should be based on ongoing assessment of detainees needs whilst in custody. We will review our PRRA policy to consider whether a revision is necessary for detainees being transferred to alternative custody provision.
Recommendation	Treatment and conditions recommendation	Person escort record should be kept with the detainee custody record. (4.21)	Accept	We will update policy to clarify this (only one site was identified where this is not already taking place and this has been addressed).
Recommendation	Treatment and conditions recommendation	Handovers should include all incoming and outgoing staff. (4.22)	Accept	Existing policy states custody officers and custody support officers (if relevant) should attend the handover. Custody managers have been reminded to ensure this is taking place.

Recommendation	Treatment and conditions recommendation	Replacement clothing should be available at all suites. (4.43)	Accept	We accept this principle but believe our existing policy is sufficient. Financial and spatial constraints mean that it is not feasible for a variety of clothing to be held in all suites but the location of our suites in international ports means that officers can purchase clothes 24/7 if the detainee was not travelling with their own suitcase. The nature of international travel is such that the majority of detainees have their own luggage and custody officers will source items as appropriate.
Recommendation	Treatment and conditions recommendation	There should be facilities for outdoor exercise. (4.44)	Partially accept	This is already in place where possible. The positioning and layout at 3 suites mean that this is not structurally possible. However detainees would not be held beyond 24 hours at 2 of these suites except in exceptional circumstances. Custody Officers have been advised to review what mitigations may be appropriate for longer term detainees on a case by case basis.
Recommendation	Treatment and conditions recommendation	A range of reading material should be available and routinely offered, including books and magazines in easy-read format and suitable for young people. (4.45)	Accept	The range required (different age groups, languages etc) mean that it is not appropriate to stock a range of material at all times, as reading material can be swiftly accessed in the airports. We have reminded officers that this should routinely be offered.
Recommendation	Treatment and conditions recommendation	Visits should be allowed in exceptional circumstances for vulnerable detainees or those held for long periods. (4.46)	Accept	We will give consideration to what these circumstances might be and seek to develop an appropriate national policy.

Recommendation	Individual rights recommendation	Steps should be taken to ensure that detainees are not held in custody for longer than necessary. (5.16)	Accept	<p>We are confident that suites are not holding detainees unnecessarily and that transfer to police custody is as swift as possible. We have introduced videolink in two of the busiest suites. This helps to avoid the delays, identified by HMIC, caused by the need to transport detainees to a police station for charging.</p> <p>In all suites, Border Force will continue to work in conjunction with police forces to minimise delays.</p>
Recommendation	Individual rights recommendation	Custody staff should be provided with a written guidance document to assist family or friends acting as appropriate adults (AAs), which should be routinely issued where relevant. (5.17)	Accept	Guidance already exists and is accessible in all suites. We have reminded custody managers of the location of this, and requested that they alert all custody officers to the importance of issuing this to appropriate adults.
Recommendation	Individual rights recommendation	Custody facilities should ensure conversations between legal representatives and detainees are conducted in private and cannot be overheard. (5.30)	Accept	All suites, with the exception of Glasgow, will comply with this following the completion of the planned refurbishments. We are currently assessing options for custody provision in Scotland.

Recommendation	Individual rights recommendation	Video-enabled court links should be made available in all custody suites to reduce the incidence of suspected internal drug trafficking detainees needing to be conveyed to court for Section 152 Criminal Justice Act 1988 remand applications. (5.31)	Accept	This is in place in Dover and Heathrow but the costs of set-up outweigh the potential benefits in sites with a lower throughput.
Recommendation	Health care recommendation	All health services should be based on a regular health needs assessment and meet national clinical governance requirements. Service contracts should include appropriate performance measures, penalties and robust monitoring arrangements. (6.7)	Accept	This will be addressed through NHS commissioning.
Recommendation	Health care recommendation	All suites should have a dedicated medical room that meets NHS infection control standards. (6.8)	Accept	All suites bar Glasgow have a designated medical room, and NHS commissioning will ensure that this is in line with NHS infection control standards. We are currently reviewing our custody estate in Scotland.

Recommendation	Health care recommendation	Detainees who are seen by a health professional should have a clinical record which includes an assessment and care plan conforming to professional guidance from regulatory bodies and in line with Caldicott guidance on the use and confidentiality of personal health information. (6.18, repeated recommendation 6.16)	Accept	This requirement forms part of the specification for NHS commissioning of healthcare.
Recommendation	Health care recommendation	There should be safe pharmaceutical stock management and safe prescribing, and medications should only be administered by staff competent to do so. (6.19)	Accept	This requirement forms part of the specification for NHS commissioning of healthcare.
Recommendation	Health care recommendation	Nicotine replacement therapy should be offered to all detainees who smoke within an agreed protocol which is regularly reviewed. (6.20)	Accept	We will review our policy in conjunction with our healthcare providers.
Recommendation	Health care recommendation	Custody staff should have access to regular training and standardised protocols based on current national guidance to identify and manage drug and alcohol withdrawals promptly. (6.23)	Accept	Existing Custody Officer training involves familiarisation with some symptoms of drug withdrawal and Custody Officers are aware that FME may prescribe medication to manage this. NHS commissioning will put in place the Liaison and Diversion pathway for detainees with alcohol/substance misuse problem.

Housekeeping points	Strategy	Staff should be made aware of how and where to access custody policy. (3.19)	Accept	Custody managers have reminded all staff how to access custody policies online.
Housekeeping points	Individual rights	Legal representatives present in the custody suite in that capacity should not be used as an appropriate adult (AA). (5.18)	Accept	We have updated appropriate adult guidance to make it explicitly clear that the legal representative cannot act as the appropriate adult.
Housekeeping points	Individual rights	Up-to-date versions of the detainees' rights and entitlements should be available at all custody suites. (5.19)	Accept	These are now in date, and accessible to all staff.
Housekeeping points	Individual rights	Staff should be made aware of the availability of the easy-read pictorial format version of the rights and entitlements information. (5.20)	Accept	We will add this version to the other translations already stored on Horizon, and notify all suites of where this is stored.
Housekeeping points	Individual rights	The nationality and ethnicity of all detainees should be recorded in custody records. (5.21)	Accept	We will update the custody record guidance to reflect this requirement.
Housekeeping points	Individual rights	If detainees decline the offer of legal advice, they should be invited to give their reasons which should be noted in the custody record. (5.32)	Accept	We have updated the custody record guidance to reflect this requirement.

Housekeeping points	Individual rights	If custody staff fail to contact the detainee's nominated person, custody records should indicate that attempts have been made and an offer has been made to the detainee to nominate another person. (5.33)	Accept	We have updated the custody record guidance to reflect this requirement, and ensure that custody managers are aware of this.
Housekeeping points	Health care	All records should be legible. (6.21)	Accept	We have commissioned a project to assess the viability of computerised custody records.