

## Responses to the consultation



1. Please tell us the extent to which you agree the code appropriately describes who is subject to the new power:			Response Percent	Response Total
1	Strongly agree	[REDACTED]	75.00%	3
2	Tend to agree	[REDACTED]	25.00%	1
3	Neither agree or disagree		0.00%	0
4	Tend to disagree		0.00%	0
5	Strongly disagree		0.00%	0
			answered	4
			skipped	0
<b>Answers for: Comments:</b>			<i>3 answers</i>	
1	23/12/14 10:18AM	Definition is clearly considered and set out for operational staff		
2	23/01/15 7:43AM	Agree, clearly defines the subjects to whom this power would refer		
3	29/01/15 8:33AM	Paragraphs 2 and 3 in the introduction are very clear about who is subject to the power		

**2. Please tell us the extent to which you agree the code appropriately describes who can exercise the new power:**

			Response Percent	Response Total
1	Strongly agree	[REDACTED]	50.00%	2
2	Tend to agree	[REDACTED]	50.00%	2
3	Neither agree or disagree		0.00%	0
4	Tend to disagree		0.00%	0
5	Strongly disagree		0.00%	0
			answered	4
			skipped	0

<b>Answers for: Comments:</b>			3 answers
1	23/12/14 10:18AM	Clear and concise direction provided.	
2	23/01/15 7:43AM	It is not clear as to whether UKBF officers are to be accredited. How will these accredited officers be identified to the police? Lack of clarity as to relevant procedures to be undertaken between the parties to implement the code	
3	29/01/15 8:33AM	Paragraphs 7 and 9 in key roles are clear about who can exercise the power	

**3. Please tell us the extent to which you agree the code appropriately describes the designation and training processes:**

			Response Percent	Response Total
1	Strongly agree		50.00%	2
2	Tend to agree		25.00%	1
3	Neither agree or disagree		0.00%	0
4	Tend to disagree		25.00%	1
5	Strongly disagree		0.00%	0
			answered	4
			skipped	0



<b>Answers for: Comments:</b>		2 answers
1	23/01/15 7:43AM	Based on the code, there is a lack of clarity; for Border Force it refers only to suitable training and expected that they will be prepared. There is no mention of accredited BF officers, or what training they will undertake
2	29/01/15 8:33AM	Paragraphs 10, 39 and 40 adequately describes the designation and training process.

**4. Please tell us the extent to which you agree the code appropriately describes the test for exercising the new power:**

			<b>Response Percent</b>	<b>Response Total</b>
1	Strongly agree	██████	25.00%	1
2	Tend to agree	██████████████████	75.00%	3
3	Neither agree or disagree		0.00%	0
4	Tend to disagree		0.00%	0
5	Strongly disagree		0.00%	0
			answered	4
			skipped	0

<b>Answers for: Comments:</b>			<i>2 answers</i>
1	23/01/15 7:43AM	Clear and straight forward	
2	29/01/15 8:33AM	Paragraph 20 clearly describes the reasonable suspicion test.	

**5. Please tell us the extent to which you agree the code appropriately describes how the exercise of the power is authorised:**

			Response Percent	Response Total
1	Strongly agree		50.00%	2
2	Tend to agree		25.00%	1
3	Neither agree or disagree		25.00%	1
4	Tend to disagree		0.00%	0
5	Strongly disagree		0.00%	0
			answered	4
			skipped	0

<b>Answers for: Comments:</b>			3 answers
1	23/12/14 10:18AM	Clear direction provided for operational staff	
2	23/01/15 7:43AM	Clear and straight forward	
3	29/01/15 8:33AM	This could be improved by setting out more clearly the role of the authorising officer. Consideration should be given to summarising the role of the authorising officer and review officer, with their respective ranks, in the introduction. The role of the authorising officer and review officer could be set out under its own headed section. Currently it is set out in paragraph 8 with key roles. At first glance/reading it is easy to miss them. In addition, the language in the code of practice jumps between authorising officer and senior police officer which could be confusing.	

**6. Please tell us the extent to which you agree the code appropriately describes the power to hold travel documents for up to 14 days or up to 30 days, if approved by a court:**

			Response Percent	Response Total
1	Strongly agree	[REDACTED]	75.00%	3
2	Tend to agree	[REDACTED]	25.00%	1
3	Neither agree or disagree		0.00%	0
4	Tend to disagree		0.00%	0
5	Strongly disagree		0.00%	0
			answered	4
			skipped	0
<b>Answers for: Comments:</b>			<i>3 answers</i>	
1	23/12/14 10:18AM	As above. Concern is over awareness by the Courts.		
2	23/01/15 7:43AM	Clear and straight forward, self-explanatory		
3	29/01/15 8:33AM	The information is clearly set out in the section 'retention of travel documents'		

**7. Please tell us the extent to which you agree the code appropriately describes how information is provided to people subject to the power:**

			Response Percent	Response Total
1	Strongly agree	██████████	50.00%	2
2	Tend to agree	██████████	50.00%	2
3	Neither agree or disagree		0.00%	0
4	Tend to disagree		0.00%	0
5	Strongly disagree		0.00%	0
			answered	4
			skipped	0

<b>Answers for: Comments:</b>			3 answers
1	23/12/14 10:18AM	Access to paper copies and briefings to subject's solicitors.	
2	23/01/15 7:43AM	Comprehensive list of what must be issued and information that must be provided	
3	29/01/15 8:33AM	: The sections headed 'notification requirements' and 'written notification' clearly set out the information to be provided. It is noted that written disclosure as to the reasons for exercising the power should be provided where requested. The caveat is that this disclosure should not prejudice national security. The issue of disclosure is difficult. People will probably want an explanation for the seizure of their documents but the response from the police may be very limited. In addition, if reasons for exercising the power are given there may be issues in respect of disclosure for any future prosecution.	

**8. Please tell us the extent to which you agree the code appropriately describes the new criminal offence related to this power:**

			<b>Response Percent</b>	<b>Response Total</b>
1	Strongly agree	██████████	50.00%	2
2	Tend to agree	██████████	50.00%	2
3	Neither agree or disagree		0.00%	0
4	Tend to disagree		0.00%	0
5	Strongly disagree		0.00%	0
			answered	4
			skipped	0

<b>Answers for: Comments:</b>			<i>2 answers</i>
1	23/01/15 7:43AM	Clear and straight forward	
2	29/01/15 8:33AM	Paragraph 32 sets this out very clearly	



**9. Please tell us the extent to which you agree the code appropriately describes the judicial oversight provisions:**

			Response Percent	Response Total
1	Strongly agree		0.00%	0
2	Tend to agree		50.00%	2
3	Neither agree or disagree		25.00%	1
4	Tend to disagree		25.00%	1
5	Strongly disagree		0.00%	0
			answered	4
			skipped	0

<b>Answers for: Comments:</b>			3 answers
1	23/12/14 10:18AM	Issue will be briefing and increasing awareness for judicial system.	
2	23/01/15 7:43AM	Unable to identify this in the code clearly	
3	29/01/15 8:33AM	On first reading paragraph 58 may be confusing. Consideration should be made to making it clear at the start of paragraph 58 that it is a criminal and not civil process.	

**10. Please tell us the extent to which you agree the code appropriately describes the safeguards against repeated use of the power:**

			Response Percent	Response Total
1	Strongly agree		25.00%	1
2	Tend to agree		75.00%	3
3	Neither agree or disagree		0.00%	0
4	Tend to disagree		0.00%	0
5	Strongly disagree		0.00%	0
			answered	4
			skipped	0

<b>Answers for: Comments:</b>			<i>3 answers</i>
<b>1</b>	23/12/14 10:18AM	Each intended repeated use will have to be judged in terms of ECHR. Agree the code sets this out.	
<b>2</b>	23/01/15 7:43AM	Clear and straight forward, notable restriction in time limit	
<b>3</b>	29/01/15 8:33AM	This is clearly set out in paragraphs 64 and 65	

**11. Please tell us any additional comments you may have about this Code of Practice:**

			Response Percent	Response Total
1	Open-Ended Question		100.00%	2
1	23/01/15 7:43AM	None		
2	<p>It is noted that there will be a briefing for police constables and guidance for Superintendents and Chief Superintendents. However, as the Chief Superintendent's review will be sent to the Chief Officer they too should receive guidance.</p> <p>There would seem to be an error in paragraph 13 where the text is underlined. It states 'in summary, any Border Force officer who is neither designated nor accredited may on direction of a police constable ....' However, the point of this paragraph appears to be that the Border Force officer should retain the documents they are lawfully in possession of to raise their concerns with the police.</p> <p>The timescales are not clear in the code of practice for when the Authorising officer needs to authorise the seizure of the documents. It states authorisation is required to seize the documents for up to 14 days, however, this decision to seize could presumably be made sometime much later than when the documents were first taken by the officers.</p> <p>Paragraph 8 states that the superintendent's authorisation must be provided verbally or in writing. Suggest that this should be in line with many PACE authorisations, ie if given verbally should be recorded in writing as soon as practicable.</p>			
			answered	2
			skipped	2

**12. The final question is to provide some context to your consultation response and to enable us to assess interest from different stakeholder groups. Which of the following best describes you or the organisation or sector that you belong to?**

			Response Percent	Response Total
1	Police		100.00%	4
2	Border Force		0.00%	0
3	HM Passport Office		0.00%	0
4	Devolved Administration		0.00%	0
5	Travel Industry Group		0.00%	0
6	Legal profession		0.00%	0
7	Other Government Department		0.00%	0
8	Human Rights group		0.00%	0
9	Charity / Voluntary group		0.00%	0
10	Member of the public		0.00%	0
11	Prefer not to say		0.00%	0
12	Other (please specify):		0.00%	0
			answered	4
			skipped	0
<b>Answers for: Other (please specify):</b>			<i>0 answers</i>	
No answers found.				