



Home Office

# **The Home Office response to the Independent Family Returns Panel report 2012 to 2014**

**9 October 2014**

## Introduction

In its 2012-14 report, the Independent Family Returns Panel has made new recommendations to the Home Office in relation to managing family returns. The Panel has also restated its commitment to recommendations made in its 2011-12 report<sup>1</sup>.

Since publication of the Panel's first report in September 2012, the Home Office has, where possible, worked with the Panel to action its recommendations. The Home Office considers recommendations to be closed where we have taken the necessary action.

---

<sup>1</sup> [www.gov.uk/government/publications/independent-family-returns-panel-annual-report-2011-to-2012](http://www.gov.uk/government/publications/independent-family-returns-panel-annual-report-2011-to-2012)

## The Home Office response to the 2011-12 Recommendations

### **1. Recommendation KR1a: The UK Border Agency should review the criteria for the use of Cedars and ensure that they are applied consistently.**

#### **1.1 Home Office response: accepted.**

1.2 The current guidance for Cedars requires that it be used as a last resort when other options have either been exhausted or are unsuitable. We have considered the criteria and consider them still to be appropriate.

1.3 Staff have been reminded of the criteria. The new Family Engagement Managers (FEMs) are a nationally managed team located around the country to bring consistency to the handling of the family returns process. FEMs are dedicated to working with families and taking them through the returns process, including developing the proposal for the most suitable option to effect the ensured return of each family.

#### **1.4 Status of recommendation: closed.**

### **2. Recommendation KR2: The UK Border Agency should develop a behaviour policy which includes as a last resort the use of physical intervention with children underpinned by a thorough training programme for officers and stringent guidelines for its use. It is important to stress that the Panel recommends that physical intervention should form part of a broader behaviour management policy and be used only in exceptional circumstances.**

#### **2.1 Home Office response: accepted.**

2.2 In light of a Judicial Review challenge in the case of Chen in February 2013, the Home Office republished guidance which clarified the circumstances when physical intervention can be used in relation to children. This makes clear that physical intervention on children by staff working in enforcement or detention roles is limited to harm situations only - where a child behaves in a way that poses an immediate risk to themselves/others/property. The position is under review and any changes will be the subject of public consultation.

#### **2.3 Status of recommendation: open.**

### **3. Recommendation KR3: The UK Border Agency should always involve children in major decisions that affect their lives.**

#### **3.1 Home Office response: accepted in principle.**

3.2 The new FEMs lead on engaging with children and families in the family returns process. They discuss with families their options for return and any concerns they may have about that. Children who wish to, have the opportunity to express their concerns and ask questions directly to the FEMs.

#### **3.3 Status of recommendation: closed.**

- 4. Recommendation KR4: The UK Border Agency should monitor the implementation of the contract with Reliance to ensure that the specification is being delivered as intended. In addition, the UK Border Agency should satisfy itself that:**
- Reliance staff have completed foundation level training before being tasked to accompany families on returns and that at least one member of the Reliance team accompanying families has higher level training experience.
  - There are appropriate escalation procedures and a whistle blowing process for Reliance staff in relation to safeguarding matters and that those are audited regularly by UK Border Agency staff.
  - All escorts accompanying family returns should be CRB checked and these checks are renewed every three years in keeping with best practice.
- 4.1 Home Office response: accepted in part.**
- 4.2 Up to 17 June 2013, a senior Home Office official worked with Tascor (formerly known as Reliance), the escort service provider, to ensure compliance with contract requirements. Tascor has since employed a specific child safeguarding manager.
- 4.3 Enhanced safeguarding training has been rolled out and all family moves now include at least one staff member who has received this.
- 4.4 Escalation and whistleblowing procedures are in place.
- 4.5 Escorts are subject to criminal record checks every five years in line with security clearance requirements.
- 4.6 Status of recommendation: closed.**
- 5. Recommendation KR5: The UK Border Agency should consider setting up a Children and Families Panel made up of key delivery partners such as the UK Border Agency itself, Barnardo's, Reliance, Refugee Action, G4S and the Panel to address issues as they arise and prior to the need for escalation.**
- 5.1 Home Office response: accepted.**
- 5.2 This group has been established as the Family Returns Improvement Partners Group. It has met quarterly since October 2012.
- 5.3 Status of recommendation: closed.**
- 6. Recommendation KR6: Border Force should provide the Panel with monthly data on the number of children detained in holding rooms at ports, and the lengths of time they are held.**
- 6.1 Home Office response: accepted.**
- 6.2 Border Force and Tascor have agreed a report with the Panel. This will be delivered quarterly. Dates for the report production are still to be agreed with the Panel Secretariat.
- 6.3 Status of recommendation: open.**

- 7. Recommendation 1: Regional variation in the level of engagement in the family returns process should be performance-managed centrally at UK Border Agency Board level to ensure that family work is given a consistently strong focus across the UK Border Agency. Each Region should have family specific targets.**
  - 7.1 Home Office response: accepted.**
  - 7.2 The transformation of Immigration Enforcement includes the introduction of a centrally owned and managed family returns process with dedicated staff under a single line management chain within Removals Casework – Family Returns.
  - 7.3 Status of recommendation: closed.**
- 8. Recommendation 2: The UK Border Agency should consider what level of specialisation is required within the Local Immigration Teams (LITs) to give family work a higher priority across the regions.**
  - 8.1 Home Office response: accepted.**
  - 8.2 Specialist roles have been developed. FEMs form part of the managed and owned process. Their specific role is dedicated to engaging with families to take them through the family returns process.
  - 8.3 Status of recommendation: closed.**
- 9. Recommendation 3b: The UK Border Agency should ensure that the future specification and tenders of the Assisted Voluntary Return contract demand a better balanced mix of persuasion and facilitation.**
  - 9.1 Home Office response: accepted.**
  - 9.2 This will be factored into the tender specifications for 2015-18.
  - 9.3 Status of recommendation: open.**
- 10. Recommendation 4: In areas where this is an issue, the UK Border Agency should raise it through the Local Safeguarding Children Board (LSCB) or through local Health and Well-Being Boards. Ultimately, the UK Border Agency could raise this with the Care Quality Commission and the General Medical Council, reminding General Practitioners (GPs) of their statutory safeguarding duties to share information that is in the best interest of the child.**
  - 10.1 Home Office response: accepted in part.**
  - 10.2 Evidence was collated in 2013 to identify where issues lie. It was noted in the sample of cases taken from 2010 to 2013 that a higher percentage of reports were received for the 2013 data set. The majority of GPs provided information within 21 days of the request.
  - 10.3 The transfer of the work to the Removals Casework Family Team in Leeds has helped ensure systematic and timely requests for information from GPs, closer monitoring of individual responses and to remind GP Practices of their obligations.

10.4 **Status of recommendation: closed.**

11. **Recommendation 5: The UK Border Agency should reinforce parental responsibility in providing protective medication for themselves and for their children throughout the returns process including the Family Returns Conference and the Family Departure Meeting. This should be documented in detail whenever discussed. This is particularly important for children who have been born in the UK and who may not have built up a natural immunity against conditions common to the country of origin. For younger children details of up to date inoculation contained in the “red book” is also useful information for the Panel to consider. If the family is returning via Cedars the GP should offer a final opportunity for medication prior to return.**

11.1 **Home Office response: accepted.**

11.2 FEMs are dedicated to working with families and taking them through the returns process including encouraging the parents to help prepare their children for their return.

11.3 **Status of recommendation: closed.**

12. **Recommendation 6: Where families are not in receipt of legal support, the UK Border Agency should offer advice to parents about where this can be accessed and this should be recorded on the family welfare form. UK Border Agency officers should make regular reference to the availability of legal support via the list of solicitors held by the UK Border Agency who offer services to families within the asylum process. Families removed via Cedars should be made aware of the availability of duty solicitor services.**

12.1 **Home Office response: accepted.**

12.2 The family returns guidance in chapter 45 of the Enforcement Instructions and Guidance has been updated to make it clear to staff when and how they should be supporting families to access legal advice. The legal representation section of the Family Welfare Form has also been updated.

12.3 **Status of recommendation: closed.**

13. **Recommendation 8: The UK Border Agency has agreed that the information presented to the Panel should be subjected to periodic independent audit. The Panel would now like to see this audit undertaken on an annual basis with a number of randomly selected cases.**

13.1 **Home Office response: accepted.**

13.2 The first such audit was sent to the Panel in March 2013. It concluded that the processes ensure that the information submitted to the Panel meets an acceptable standard. This has been carried out on an annual basis since.

13.3 **Status of recommendation: closed.**

- 14. Recommendation 9: The strategic and operational conferences should be repeated across the country in order to increase mutual understanding of the roles and responsibilities of the UK Border Agency and local authorities in relation to the safeguarding and wellbeing of children and young people generally, but particularly with regard to the families in the returns process.**
- 14.1 Home Office response: accepted in part.**
- 14.2 A national seminar with statutory partners took place on 25 March 2013 with the then Immigration Minister, Mark Harper, as the main speaker. There are no plans to hold additional local events.
- 14.3 Status of recommendation: closed.**
- 15. Recommendation 11: The UK Border Agency should work more closely with senior staff within schools to ensure that arrangements for missing children are followed. Where LITs are engaged in LSCBs this would provide a useful mechanism to ensure appropriate arrangements are emphasised in local policy and practice.**
- 15.1 Home Office response: accepted.**
- 15.2 New guidance was published in November 2013 which sets out Home Office roles and responsibilities when a child or vulnerable adult goes missing. This guidance also includes the roles of other agencies.
- 15.3 Status of recommendation: closed.**
- 16. Recommendation 13: UK Border Agency officers should only wear protective clothing where risk assessments indicate this necessary to protect themselves or members of the family.**
- 16.1 Home Office response: accepted.**
- 16.2 A full review of personal protective equipment on family visits was conducted in July 2012, and guidance on family cases is clear - see Enforcement Instructions and Guidance Chapter 45(a).
- 16.3 The physical appearance of the officer must be taken into consideration and covert or overt body armour should be considered in line with a visit-specific risk assessment. If handcuffs and batons are needed, the meeting with the family should, where possible, take place in our premises rather than the family home, in order to reduce the risk.
- 16.4 Handcuffs and batons must not be carried unless the intention is to arrest and this needs to be authorised at Assistant Director level.
- 16.5 Staff have been reminded of generic risk assessments and safe systems of work for non-arrest-based operational visits.
- 16.6 Status of recommendation: closed.**

- 17. Recommendation 14: The UK Border Agency should separate families only where there is no reasonable alternative, for example when there is a clear threat of disruption or a history of disruption that would adversely affect the children's wellbeing. Families should be reunited as soon as possible even during the return if a disrupting parent calms down and gives assurances about their behaviour.**
- 17.1 Home Office response: accepted.**
- 17.2 This is existing policy and already reflected in published guidance.
- 17.3 Status of recommendation: closed.**
- 18. Recommendation 15: The UK Border Agency should institute systems to ensure that the plans agreed are delivered not just by their own staff but also by contractors. In particular, families should be offered the appropriate number of rest stops if the vehicle used does not have on-board toilet facilities and a justified deviation from the plans on which the Panel has advised should be recorded with the reasons given for those deviations. An automatic feedback loop should be established so that any deviation from the plan presented is reported to the Panel.**
- 18.1 Home Office response: accepted.**
- 18.2 The contract with Tascor requires escorts to offer and provide detainees with comfort breaks after two and a half hours of any journey and at least every two and a half hours thereafter. The service provider must also provide comfort breaks on request. On completion of any family move, the service provider submits a report to the Home Office Contract Monitor who will check compliance and can levy service credits under the contract and can seek remedial action to avoid a recurrence. Escorts are now also provided with one hour pre-muster prep time to prepare team briefing.
- 18.3 A feedback process is now in place to flag deviations from the plan and to report this to the Panel. Monthly reports from Tascor are being provided to the Panel on a regular basis.
- 18.4 Status of recommendation: closed.**
- 19. Recommendation 16: The UK Border Agency and Reliance should reconsider the need for medics on all return journeys.**
- 19.1 Home Office response: accepted.**
- 19.2 The use of medics on family returns was monitored over a three-month period. This demonstrated that, although rarely needed for significant issues, medics were used consistently for more minor concerns and provided valuable reassurances. There are no plans to change the existing policy.
- 19.3 Status of recommendation: closed.**
- 20. Recommendation 17: The UK Border Agency should consider how specialist services such as paediatric nursing, midwifery and mental health services could**



**be made available on a need-to-access basis. While it is not considered appropriate for 24-hour cover on a value for money basis it might be possible to develop a pool of specialist services which could be accessed if the need arose.**

**20.1 Home Office response: accepted.**

20.2 Midwifery and mental health services are sourced via the local hospital and psychiatric services as needed. A qualified paediatric nurse and registered mental health nurses have been appointed by G4S Healthcare to support Cedars by providing on-site specialist care and support when needed. G4S Healthcare is continuing to scope further improvement in accessing these specialist areas. A Senior National Health Service nurse sits on the quarterly Cedars safeguarding panel meetings. G4S Healthcare have contacted the local Child and Adolescent Mental Health Services Team to arrange a meeting to scope mental health support provision for children staying at Cedars.

20.3 G4S healthcare are awaiting the results of the Health Needs Assessment undertaken in February 2014. All staff have undertaken or have future dates for safeguarding children training and further training courses in child development and children's physical and mental health needs is planned. All nurses will complete this by December 2014.

**20.4 Status of recommendation: closed.**

**21. Recommendation 18: The UK Border Agency should consider providing access to Skype facilities to families so that they are able to talk to their solicitors directly. This facility could also be used to contact family members in the country to which the family are being removed.**

**21.1 Home Office response: under consideration.**

21.2 A review of access to the internet and social networking sites is under way. This recommendation is being considered within that review.

21.3 This recommendation forms part of a wider consideration and review of internet access and monitoring.

**21.4 Status of recommendation: open.**

**22. Recommendation 19: It may help to reassure the family if their family support worker from Cedars travelled with them to the airport on the day of departure.**

**22.1 Home Office response: rejected.**

22.2 Only a small proportion of families returned through the Family Returns Process stay at Cedars prior to their removal. We have an on-going commitment to continue to look for ways to improve the returns experience for all families whatever the method of their return. Changes have been made to Tascor's contract, which involved specialist family escort teams going live on 19 May 2014.

22.3 Either the Immigration Compliance and Engagement team, for same day returns, or staff at Cedars fully brief the Tascor family escorting team prior to their departure from Cedars with a family to ensure that the escorts have an up to date picture which will enable them to respond to the needs of individual family members.

- 23. Recommendation 21: When it is necessary to deviate from the plan approved by the Panel there should be a report which outlines the nature and reason for the deviation. The report to the Panel could provide important information which could improve subsequent returns. The Office of the Children's Champion within the UK Border Agency could also distribute learning from these incidents to the Regions to inform future plans.**
- 23.1 **Home Office response: accepted in part.**
- 23.2 See response to recommendation 15.
- 23.3 **Status of recommendation: closed.**
- 24. Recommendation 22: The UK Border Agency should try to resolve the issue of sub-standard facilities for holding families at the border through negotiations with operators such as BAA from whom they lease the facilities. This would mean that where families arrive early to catch their flight they can wait in comfort with appropriate facilities at their disposal. LITs in constructing their plans should also seek to minimise waiting times at airports for families.**
- 24.1 **Home Office response: accepted.**
- 24.2 Negotiations continue with operators to improve family facilities in all holding rooms at the border.
- 24.3 **Status of recommendation: open.**
- 25. Recommendation 23: The UK Border Agency should consider whether it is appropriate to remove families on a charter flight where there are returning foreign national offenders and, if so, stringent measures must be undertaken to ensure that children are shielded from any disturbance.**
- 25.1 **Home Office response: accepted.**
- 25.2 Charters are no longer used for family returns.
- 25.3 **Status of recommendation: closed.**
- 26. Recommendation 24: While it is acknowledged that the UK Border Agency responsibility ends when the family arrive on home soil continuing to support the family during the immediate post return period is an important wellbeing issue for the children involved. Where parents agree and have a forwarding address it would be good practice to follow up a small number of families for suggestions about how return support could be improved.**
- 26.1 **Home Office response: accepted.**
- 26.2 Feedback on return support was provided for the evaluation of the family returns process published in December 2013 by one family who had returned via AVR. Should the

opportunity arise, we will seek to follow up with families their experiences of the returns process, including their views on support provisions provided in the UK.

**26.3 Status of recommendation: open.**

**27. Recommendation 25: Any outcomes of complaints received from members of families within the process of being removed that are investigated by the UK Border Agency Professional Standards Unit should be made available to the Panel including a full copy of the report to Panel Chair.**

**27.1 Home Office response: accepted.**

27.2 The Panel Chair continues to receive reports of complaints made by families in the returns process.

**27.3 Status of recommendation: closed.**

**28. Recommendation 26: The Panel has visited several holding rooms over the past 12 months and considers the use of some of them for anything more than a few hours to be inappropriate. They are not always family friendly. Often they are shared spaces with single adults. There is little available to keep children engaged in purposeful activity. Neither are there sufficient fixtures and fittings for rest and recuperation. It is the view of the Panel that families would be more appropriately held at Tinsley House if the port of entry is either Heathrow or Gatwick. The alternative would be for the UK Border Agency to renegotiate the leasing of more suitable space at the busier ports of entry with airport operators.**

**28.1 Home Office response: accepted.**

28.2 Where appropriate, for example if there is sufficient time for the journey, families will be moved to Tinsley House. The holding rooms are designed for short periods of stay and the Home Office is subject to the space constraints imposed by the individual port authorities but will continue to work with Tascor and the port authorities to identify improvements to regime and facilities. At Heathrow, we recognise that the holding rooms require improvement and are working with the port authority to deliver a suite of changes during the course of this financial year which will deliver holding areas which have separate family rooms with enhanced facilities.

**28.3 Status of recommendation: open.**

## The Home Office response to the 2012-14 Recommendations

### **29. Recommendation KR1: Where a family has offered medical consent, the case should not come to Panel until the information is available for consideration.**

#### **29.1 Home Office response: accepted in part.**

29.2 This is best practice. The responsibility for requesting medical information now rests with the Removals Casework Family Returns Unit in Leeds. This has helped ensure systematic and timely requests for information are made to GPs and closer monitoring of individual responses.

29.3 There are a small number of occasions when the GP practice has been uncooperative despite being reminded of their obligations and we would reserve the right to present these cases to the Panel rather than risk the consequences of a lengthy delay in progressing the return of the family.

#### **29.4 Status of recommendation: closed.**

### **30. Recommendation KR2: The Home Office should meet the cost of anti-malarial protection for returning families.**

#### **30.1 Home Office response: Accepted in part.**

30.2 Malarial protection is discussed with the family during the Family Returns Process.

30.3 Current Home Office policy already requires that impregnated mosquito nets be issued free of charge to the following categories of people who are returning to malaria risk countries:

- Children under the age of 18 years.
- Pregnant women.
- Adults who are particularly vulnerable (immuno compromised) and who are unable to make their own provisions to access medication or mosquito nets.

30.4 This helps provide longer term protection to families on their return. The policy also extends to chemical prophylaxis (anti-malarial pills) in certain cases, where suitable for the person.

#### **30.5 Status of recommendation: closed.**

### **31. Recommendation 1: The Home Office should consider extending post return follow up for a small number of vulnerable families in order to learn how similar families can be insulated from the risks which they face following return.**

#### **31.1 Home Office response: rejected.**

31.2 As the Panel report acknowledges, the Home Office does not believe it can accept responsibility for a person once they have returned to their country of origin. We have concerns about attracting undue attention on a person or family after they have returned as well as the more fundamental issue of potential interference with another country's

sovereignty (in much the same way as the UK would be concerned about other countries monitoring our own nationals on return to the UK).

- 32. Recommendation 2: In all cases where trafficking was suspected or where an individual was referred into the National Referral Mechanism (NRM) for consideration by a competent authority the Competent Authority's decision and reasoning should be included as part of the papers submitted to the Panel.**

**32.1 Home Office response: under consideration**

- 32.2 The NRM is currently subject to review. This review is due to report in October 2014. Once the findings of the review are made available, the Home Office will consider this recommendation and respond.

**32.3 Status of recommendation: open.**

- 33. Recommendation 3: Case owners receive additional training in human trafficking risk mitigation and child safeguarding where human trafficking is suspected.**

**33.1 Home Office response: accepted.**

- 33.2 Home Office decision makers already receive specialist training in child safeguarding where human trafficking is suspected. This includes specific e-learning courses on human trafficking and the NRM as well as wider e-learning on keeping children safe. This training is ongoing.
- 33.3 As part of a comprehensive programme of activity, we are taking action to include modern slavery in relevant training packages to front-line staff. This includes awareness training not only for border and immigration officials but also the police, healthcare staff, prosecutors, labour inspectors, and social workers.
- 33.4 Specifically, the College of Policing is creating training packages to ensure that every front-line officer can recognise the indicators of slavery and trafficking. In addition, we are looking at how we can standardise the training currently available, to raise standards across all front-line staff.
- 33.5 The Anti-slavery Commissioner will also have a role in improving training provision.
- 33.6 Status of recommendation: open.**

- 34. Recommendation 4: The Home Office should develop a behaviour policy which includes as a last resort the use of physical intervention with children underpinned by a thorough training programme for officers and stringent guidelines for its use. It is important to stress that the Panel recommends that physical intervention should form part of a broader behaviour management policy and be used only in exceptional circumstances. Physical intervention should perhaps only be used in circumstances where the family have frustrated a previous return by a child's non-compliant behaviour.**

**34.1 Home Office response: accepted.**

- 34.2 See above response to KR2 of Panel report 2011-12.

34.3 **Status of recommendation: open.**