

The Home Office response to the Independent Chief Inspector's report:

## **An Inspection of Border Force operations at east coast seaports**

July – November 2016

**The Home Office thanks the Independent Chief Inspector of Borders and Immigration for this report.**

Border Force has a central role in protecting national security and countering other harm, whilst protecting the vulnerable. The varied frontline operations covered by this inspection include container only ports, passenger and vehicle traffic from ferries, cruise ships, fishing vessels and small pleasure craft. To deal with the operational challenges posed by such operating environments Border Force is transforming the way it uses information, intelligence and technology to maximise the frontline capability of its workforce. Although Border Force transformation has to date focused upon the strength of our air border and controls of scheduled traffic, the next phase of work is directed towards further strengthening our maritime border.

The Digital Services at the Border Programme (DSAB) will provide faster and more accurate data to those who need to access or use it including officers at the frontline. Border Crossing, currently being piloted, will improve frontline capabilities and provide new systems at the Primary Control Point at the border. The Advanced Freight Targeting Capability (AFTC) allows Border Force targeting staff to identify high risk goods and those transporting them in advance of their arrival in the UK resulting in focused activity at the frontline. Significant upgrades to the Cyclamen capability are under development which will improve the efficiency of this system.

As part of the operational response in the maritime environment, Border Force works in partnership with the National Crime Agency, local Police Force maritime units, Inshore Fisheries Conservation Authorities and the Marine Management Organisation with regular joint deployments and operations. Border Force has implemented an integrated command structure with improved access to a range of intelligence and surveillance capabilities. A Joint Maritime Operations Centre went live in August 2016, and has already begun to improve the arrangements across government for the sharing of intelligence and co-ordination of activity.

Border Force has maintained mobile capabilities in the East of England and intends to further extend this type of brigade team to allow a more flexible response. Border Force's capability to patrol small ports and harbours in General Maritime operations has recently been boosted through the addition of Coastal Patrol Vessels (CPV) and a rigid hull inflatable boat (RHIB) deployed in inland waters to provide a visible

deterrent to those engaged in criminal activity and reassure members of the public. The CPVs are smaller, faster and more agile than the existing larger cutters and will be dispersed around the UK, including the East Coast. They will increase maritime law enforcement presence and capability and directly help local staff in their patrols and engagement at small ports.

The work of the CPVs will complement Project KRAKEN, a public facing and commercial partner focused campaign to encourage the reporting of suspicious maritime activity. Project KRAKEN has also provided the opportunity to further improve lines of communication between Border Force and law enforcement partners. This means that visits to small ports will be better coordinated and more operationally focused.

### **The Home Office response to the recommendations**

**In determining what is mandated for Border Force as a whole, or is a global requirement that is subject to qualified exceptions, or is left to regional, local or individual officer judgement, ensure that:**

#### **Recommendation 1 (a)**

**Rules, instructions and guidance are explicit about any discretion, levels of authority, and how decisions and actions are to be recorded.**

1.1 Partially accepted

1.2 Comprehensive guidance is available to Border Force officers to support them across the full range of operational activities at the border. It is not always practical to address all scenarios within guidance and a proportionate approach must be taken. A recent review of all Border Force operational guidance made substantial improvements to the guidance in a number of areas. We will continue to keep this issue under review and take these findings into account in the development of new guidance.

### **Recommendation 1 (b)**

**Assurance regimes for mandated functions are rigorous and where failures are identified they are remedied immediately – in the case of port files, checking that IS81 forms have been correctly completed and filed should be prioritised to establish whether the non-compliance identified at east coast ports is a problem across Border Force.**

2.1 Accepted

2.2 An established second line assurance function is now in place in Border Force in the Operational Assurance Directorate (OAD). OAD has implemented a nationwide system of frontline assurance including a dedicated port inspection capability which tests compliance with operational policy, guidance and legislation and identifies cross Border Force risks and vulnerabilities. However Border Force accepts that there is more to do to embed a culture of assurance across its operations as part of day to day activity. Whilst arrangements are in place for management checks at a regional level, improving the rigour and thoroughness of first line assurance activity will be a key priority for OAD over 2017/18.

2.3 The inspection raises the specific issue relating to copies of IS81 forms. This is an administrative process rather than a legal or policy requirement. This inspection did not find any evidence that the correct forms were not served, in fact the electronic and other records confirmed that officers did comply with legal and policy requirements. OAD will work with policy colleagues to review whether this additional record keeping requirement is necessary and will adjust guidance, and the associated assurance activity, accordingly by the end of September 2017.

### **Recommendation 1 (c)**

**'Best practice' or improved ways of working (once tested and established) are quickly shared across Border Force and actively promoted – in terms of officer safety, ensuring that there are clear national guidelines on the use of personal protective equipment and these are followed at all times.**

3.1 Accepted

3.2 The Border Force lessons learned function within OAD will be made a separate Grade 7 command during 2017/18 to enable fuller focus on sharing and identifying best practice across operational areas.

**In terms of resourcing seaports and maritime functions in general, ensure that:**

**Recommendation 2 (a)**

**Regions/ports have trained and experienced officers, and ready access to essential IT and other technologies (including hand-held fingerprinting devices), needed not only to meet their mandated responsibilities efficiently and effectively, but also to create genuine possibilities for them to exercise local initiative and to respond to opportunities.**

4.1 Accepted

4.2 Border Force works with policy and commercial support to review available technology and assess its viability for use in the operational environment bearing in mind the need to offer value for money to the UK taxpayer. Border Force's current technology procurement exercise represents a multi-million pound capital investment in East Coast ports: new mobile x-ray scanners for freight are being procured for Harwich and Immingham, with one of the replaced scanners at those ports being moved to Teesport to improve capability there.

4.3 The specific issue raised in the report about out of date fingerprinting equipment is under urgent review and a solution to improve the local fingerprinting process is due to be put in place by summer 2017.

**Recommendation 2 (b)**

**The impact on other tasks of prioritising certain activities (for example the primary screening of Cyclamen alarms) is fully understood, and does not**

**cause inefficient, last-minute reallocations of officers from planned work resulting in tasks such as vehicle searches being suspended because teams are no longer functional.**

5.1 Accepted

5.2 Through the Border Force Control Strategy, Tasking and Co-ordination process and the Border Force Operating Mandate, Border Force already has a clear structure through which operational checks, planning and deployment are prioritised and managed. As part of planning for 2017/18 regions are reviewing their operational planning and will build the findings of this inspection into that process.

**Specifically in relation to the east coast:**

**Recommendation 3 (a)**

**Ensure that the facilities and arrangements in place at each port for accommodating and processing clandestine arrivals are fit for purpose, and that all east coast ports have created and tested (at least annually) contingency plans for dealing with mass clandestine arrivals.**

6.1 Partially Accepted

6.2 Border Force accepts that facilities must be of an acceptable standard to match operational use and will develop national standards over the course of 2017. The provision of facilities in holding rooms at ports is the responsibility of the port operator and improvements must be secured through negotiation and take account of the frequency and type of use. Border Force regularly reviews detention accommodation at sea ports and works with port operators to prioritise improvements and refurbishments as needed. These facilities are also subject to inspection by other external review bodies.

6.3 Border Force East Coast operations includes a number of diverse locations including freight only ports where there are no passenger arrival facilities, and general maritime activity. Whilst Border Force recognises the intention behind this recommendation, each arrival, intervention or operation needs to be dealt with as circumstances dictate and often in conjunction with law enforcement partners.

### **Recommendation 3 (b)**

**Review the different practices at Hull and Harwich in relation to the searching of tourist vehicle arrivals from the Hook of Holland, and decide what level of reliance Border Force should place on pre-departure checks for concealed migrants by the Dutch authorities.**

7.1 Partially accepted

7.2 Border Force does not agree with the description of the operational searching activity set out in this report. Officers at Harwich do conduct risk based passenger vehicle searches in addition to checks conducted pre departure by the Dutch. The operational response on arrival at ports is determined by local risk assessment including cooperation with overseas authorities. Border Force will review its operational practices at Hull and Harwich by the end of June 2017 to assess whether any mandated changes need to be introduced as a response to the findings of this inspection.

### **Recommendation 3 (c)**

**Prioritise visits to those smaller, unmanned ports and other locations where vessels can land people and goods that have not been visited for more than 12 months in order to collect any relevant local intelligence and to provide a visible Border Force deterrent to any criminal or non-compliant use of them.**

8.1 Accepted

8.2 Border Force is already increasing its visibility at small ports and building better intelligence networks at a local level and will continue to do so. A key part of this is the re-launch of Project KRAKEN, but as the report acknowledges, the introduction of local shore-based maritime teams around the UK, including in the Humber, has also delivered an increase in local understanding. The introduction of new coastal patrol vessels (CPVs) at key locations around the UK, including the East Coast, will also increase visibility and the number of visits to smaller ports. Border Force is also deploying a rigid hull inflatable boat (RHIB) in inland waters to provide a visible presence on the water. We are also working in routine partnership with local Police Force maritime units with regular joint deployments.

#### **Recommendation 4**

**Discuss and agree with Her Majesty's Revenue and Customs either the discontinuance of Form C1331 (the required customs declarations by pleasure craft) or an effective way of ensuring a meaningful level of compliance with the current requirement to complete and file it.**

9.1 Accepted

9.2 Form C1331 under current arrangements is of limited use to Border Force. Border Force and HMRC will jointly review the information requirements and systems for General Maritime by the end of June 2017.