



An inspection of Border Force operations at south coast seaports

January – May 2018

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**Independent Chief Inspector of
Borders and Immigration**

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Foreword

In my 3-year Inspection Plan published in April 2016 I signalled my intention to carry out a series of inspections of Border Force operations at seaports and around the UK coastline. The first of these, 'An inspection of Border Force operations at east coast seaports' (July to November 2016) was published in July 2017. This is the second report in the series.

This inspection examined the efficiency and effectiveness of Border Force immigration and customs operations at the seaports of Dover, Newhaven, Portsmouth, Southampton, Poole and Plymouth, and looked at its coverage of smaller ports, harbours and marinas along the south coast between Dover and Falmouth. The focus was on Border Force's strategy, capabilities, and understanding of and overall response to threats to the border, including its collection and use of intelligence and its collaborations with others.

The inspection also looked to establish what changes or improvements had been made as a result of the earlier inspection of east coast seaports, and the inspection of General Maritime (GM) published in January 2016.

In light of actions in northern France to increase border security and close down migrant camps, the east coast inspection looked for evidence of the suspected displacement of clandestine arrivals from the south east. This inspection also looked at whether there had been displacement from Dover to other south coast ports. The numbers of clandestines discovered at Portsmouth and Poole had indeed increased, suggesting that irregular migrants looking to enter the UK had been displaced from northern France to the ferry ports in Normandy and Spain. Meanwhile, "upstream" efforts by European authorities, encouraged and supported by Border Force, appeared to have reduced the overall numbers successfully boarding UK-bound ferries.

The volumes and variety of passengers and goods arriving at seaports, harbours, marinas and along the south coast present Border Force with serious challenges, not least in terms of where and how best to deploy its officers and other resources. Each of the larger seaports has its own particular passenger and goods traffic and character (size, layout, infrastructure), but from most perspectives Dover stands apart.

At Dover, Border Force concentrates on customs controls (immigration checks for passengers arriving at Dover are completed at the juxtaposed controls in France). Elsewhere, officers are "multi-functional". At all the ports visited, Dover included despite its significantly higher numbers and specialist teams, frontline officers believed they were understaffed, raising questions about whether the rationale for Border Force's staffing model was clear and made sense. Nonetheless, the morale of officers at south coast ports was generally good.

The east coast inspection contrasted the broadly efficient and effective management of fixed immigration control points and freight arrivals at the major seaports with the poor coverage of smaller ports, harbours and marinas. Border Force responded that it would increase its maritime

law enforcement presence and capability through the use of newly-acquired Coastal Patrol Vessels (CPVs), through partnership working and building better intelligence networks at a local level, and the re-launch of Project Kraken.

The south coast inspection again showed the scale of Border Force's task. It was clear that it had put considerable effort into improving its coverage, and with some success. But, this was a "work in progress", with much more to be done, particularly in freeing up officers to attend GM arrivals, and in effectively harnessing the "eyes and ears" of harbour masters, marina managers, the maritime and pleasure boating communities, and the general public to report unusual and suspicious activities along the south coast.

The report makes 7 recommendations for improvement, covering resourcing, equipment, the response to threats, clandestine arrivals, customers and stakeholders, GM, and the tracking of recommendations.

During 2019-20, I hope to complete the series of seaport and coastline inspections with an inspection of the west coast. By then, I hope to see that the lessons from this and the previous inspections have been applied.

This report was sent to the Home Secretary on 20 June 2018.

1. Purpose and scope

- 1.1 This inspection examined the efficiency and effectiveness of Border Force immigration and customs operations at the south coast seaports of Dover, Newhaven, Portsmouth, Southampton, Poole and Plymouth. It also looked at Border Force's coverage of smaller ports, harbours and marinas along the south coast between Dover and Falmouth.
- 1.2 The inspection focused on:
- Border Force's understanding and management of the threats and risks at south coast seaports and along the coast, including the collection and use of intelligence, and relationships with other government departments and agencies and with external stakeholders, including the public
 - resource planning and allocation, including staff, detection equipment, dogs and vessels
 - changes or improvements made, particularly in response to recommendations from the 2016 report 'An Inspection of General Aviation and General Maritime'¹ and the 2017 report 'An Inspection of Border Force operations at east coast seaports'.²
- 1.3 The inspection concentrated on Border Force's strategy, capabilities and overall response. It did not include an examination of immigration or customs casework or record keeping at south coast sea ports, nor did it include border activities at international airports or other general aviation sites within the region.

1 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/547695/ICIBI-report-on-GAGM-January_2016.pdf

2 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/631668/An-inspection-of-Border-Force-operations-at-east-coast-seaports.pdf

2. Methodology

2.1 Inspectors:

- made familiarisation visits to the ports of Portsmouth (on 9 February) and Dover (on 12 February) to gain an understanding of Border Force port functions, port layout and types of traffic
- on 13 February, made a familiarisation visit to the National Maritime Information Centre (NMIC)
- reviewed relevant past inspections and recommendations (referenced within the report), together with Border Force Operational Assurance Directorate (OAD) reports of its 'Spot Check' of compliance with directions and guidance at Newhaven, Poole, Portsmouth (including a revisit report of October-November 2017), Southampton, and also 'Deep Dive' reviews of Dover and of the Border Force cutters
- reviewed Home Office documentary evidence covering policies, operational guidance, performance statistics and staffing data, plus data about clandestine arrivals
- researched and analysed open-source material, including media reports
- engaged with stakeholders, including meetings and discussions with port and ferry operators
- met Border Force's delivery partners, including the Port of Dover police
- liaised with regional leads of the UK Harbour Masters Association, and visited marina managers and harbour masters at Brighton, Shoreham and Hayling Island
- between 18 March and 5 April 2018, conducted onsite inspections at NMIC and at 4 ports - Dover, Poole, Portsmouth and Southampton - including observation of ferry arrivals covering freight and non-freight (known as "tourist") traffic
- interviewed and held focus groups with Home Office managers and staff, including at Senior Civil Service (SCS) level

3. Summary of conclusions

- 3.1 Responding efficiently and effectively to the volumes and variety of passengers and goods arriving at seaports, harbours, marinas and elsewhere along the south coast of the UK presents Border Force with serious challenges, not least in terms of where and how best to deploy its officers and other resources.
- 3.2 Border Force's first priority is to deliver ministerially mandated immigration controls and Cyclamen checks.³ Beyond this, it applies threat and risk assessments to decide what to prioritise, and makes use of intelligence and officer experience to inform specific actions. This is a pragmatic approach, but it is undermined by the fact that Border Force's resources are stretched and its knowledge of the threats and risks is incomplete.
- 3.3 The inspection focused on the major seaports along the south coast: Dover, Newhaven, Portsmouth, Southampton, Poole and Plymouth. Each has its own particular passenger and goods traffic and character (size, layout, infrastructure), but from most perspectives Dover stands apart.
- 3.4 Structurally, Dover forms part of Border Force South East & Europe Region. The other ports fall within South Region. Functionally, while officers at the other ports are "multi-functional" and cover immigration and customs functions, Border Force at Dover concentrates on customs controls, since immigration checks on arriving passengers are conducted by its officers stationed at the juxtaposed controls in France. The main threats such as clandestine entry, class A drugs importation, smuggled (duty evaded) cigarettes and tobacco – are understood to be higher at Dover. Finally, Border Force has more officers deployed at Dover, and they are better equipped than at any of the other ports.
- 3.5 Staff numbers was raised as an issue at each of the seaports visited by inspectors (Dover, Portsmouth, Southampton and Poole). Managers reported that they had been "understaffed" throughout 2017-18. Regional senior managers confirmed that ports had been operating below their budgeted headcounts, but pointed to ongoing recruitment exercises aimed at rectifying this. A nationwide recruitment of 1,000 officers was intended "to meet normal staff turnover" and "support Border Force to respond flexibly to emerging requirements, including those resulting from EU Exit", while "an additional 300 frontline officers are also being recruited to provide a degree of resilience to the frontline, allowing existing staff to be trained in new requirements ahead of the UK leaving the EU".
- 3.6 At the ports, there was some cynicism about whether these new officers would materialise, and some managers argued that 'batch' recruitment would not provide a quick fix, and would create additional strains in the short term, as it took around 18 months for new recruits to become fully effective in their roles and during that period it was necessary to devote experienced officers to mentoring them.⁴ Here again, Dover was better equipped to absorb and mentor new officers, slotting them in to established specialist teams where they could learn alongside highly experienced colleagues.

³ In June 2004, in response to a Parliamentary Question, the then Home Secretary described Programme Cyclamen as providing "the capability to routinely screen all forms of traffic at UK points of entry for the illicit movement of radioactive materials".

⁴ At the factual accuracy checking stage, Border Force commented: "A new approach to training is currently being rolled out. This is a 14 weeks suite of modules to train people to be multi-skilled officers. For future recruits though there will be flexibility to pick and mix modules depending on the skills needed. Current recruits may spend fewer than 14 weeks training if they are not multi-skilled and do not do all of Core Skills 1, 2 and 3 depending on role."

- 3.7 The “all-consuming” nature of the Primary Control Point or “PCP”⁵ has been a recurring theme in airport and seaport inspections. The argument runs that PCP coverage leaves too little time for customs and other ‘core’ work. Dover aside, this inspection heard the same concerns expressed. Predictably, longer-serving officers who had begun as customs specialists felt most strongly that the priority given to immigration work was detrimental to Border Force’s customs functions.
- 3.8 From an immigration control perspective, passengers arriving at the PCPs, whether at the juxtaposed controls in France or at the permanently staffed south coast ports, are seen as low risk by frontline officers.⁶ The profile for cruise passengers is different, with a higher proportion being non-EEA. Cruise liners also pose a particular logistical challenge, as arrival times are not as fixed as they are for ferries, and vessels often arrive at locations where there is no permanent Border Force presence, meaning that if officers have to attend they must travel from the nearest staffed port.
- 3.9 Some cruise liners are pre-cleared, depending on where they arrive from, but Border Force was also looking at potentially introducing a “premium service” where operators could pay to have “crossing officers” on board to clear passengers before they dock. Hitherto, Border Force has chosen, on occasion, to deploy crossing officers on particular routes, typically where a vessel was arriving at a remote location. One stakeholder complained to inspectors that there was a lack of clarity about the basic (Border Force funded) level of service that could be expected, and this needed to be addressed before introducing a premium service option. Meanwhile, managers had concerns about their ability to resource a premium service if, as they expected, this proved popular.
- 3.10 In similar vein, stakeholders representing seaport operators along the south coast said that Border Force needed to “get to grips” with “good customer service” and clarify what level of service people could expect in terms of clearing arriving traffic. There was an acceptance that port infrastructure contributed to delays, but there was also a perception that Border Force was prioritising other areas of work, such as dealing with detections of clandestine entrants, which drew officers away and slowed down the processing of “legitimate passengers”.
- 3.11 These comments contrasted with views expressed by South Region management, who told inspectors that, as long as all available PCP booths were staffed, passengers and operators appeared to accept waiting times, and compliance with the queuing time Service Level Agreement (SLA) of a maximum time of 25 minutes was not an issue. However, one ferry operator expressed its frustration that, while it regularly received reports on SLA compliance, there was “no discernible action” following breaches. It did not help that Border Force did not have a consistent way of measuring queuing times.
- 3.12 At the beginning of 2018, Border Force assessed the clandestine entry threat as “very high”, and officers at all grades referred to this as the main threat to border security along the south coast. Based on data for clandestines detected at south coast ports and at “feeder ports” in France and Spain, “upstream” efforts by European authorities, encouraged and supported by Border Force, appeared to have reduced the overall numbers successfully boarding UK-bound ferries. Meanwhile, the numbers detected at Portsmouth and Poole suggested some displacement of irregular migrants looking to enter the UK clandestinely to Normandy and Spain, following improvements to port security at Calais, Coquelles and Dunkirk and the clearance of the nearby migrant camps.
- 3.13 Border Force had clearly recognised the importance of encouraging and supporting these upstream efforts. However, the inspection found that it also needed to do more at the south coast ports. In 2016-17, three quarters of all clandestines detected at a south coast port

⁵ The PCP is the control desk or booth where Border Force examines arriving passengers for immigration purposes.

⁶ At the factual accuracy checking stage, Border Force pointed out that passengers arriving with UK or EEA documents are not classified as low risk in the Border Force risk management process.

were found at Dover. In 2017-18, the numbers found at Dover had dropped by a third, to 503, but this still made up 57% of all south coast port detections. While more clandestines may attempt to enter via Dover, it seems likely that Dover's singular focus on detection, better equipment (a fixed scanner, compared with 3 mobile scanners shared between 5 ports, with one unavailable for much of 2017), and support (easy access to dog detection teams, short-term holding facilities and escorts), all play their part. In these respects, the other south coast ports are very much the poor relations.

- 3.14 The inspection looked at the Civil Penalty scheme for owners, hirers or drivers of vehicles found to have carried a clandestine entrant to the UK. The report details the findings, but, with the last fine imposed in July 2016, the system of imposing fines is broken and needs urgent attention.
- 3.15 Border Force aims to be a "data rich, technology enabled, and intelligence-led" organisation. This is particularly relevant to its customs functions, where the volumes of freight arrivals means that it has to be highly selective in what it searches. For the maritime environment, targeting activity (the selection in advance of their arrival of people or consignments of goods to be examined at the border) is directed by one of 5 hubs, including 3 that focus on freight. The hubs issue risk-based targets for frontline officers to action.
- 3.16 Border Force data showed that the vast majority (95+%) of targets issued to south coast ports since April 2016 have been actioned, and that detection rates were broadly comparable to those seen on the east coast in 2015-16. However, officers at south coast seaports did not share their east coast counterparts' view of improving target quality. At all the ports visited, they told inspectors that they were sceptical about the quality and said that, despite Border Force's ambition, "we are not intelligence-led".
- 3.17 In addition to targets identified by the hubs, frontline officers use previous intelligence, risk-based targeting and behavioural indicators to identify passengers and freight for further examination. Officers at all of the south coast ports visited by inspectors argued that there was no substitute for local knowledge of port traffic and of what looked suspicious. Where resources permitted, they were able to review manifests for arriving vessels and make "pre-selections" of freight to examine on arrival, and they claimed that this had produced notable successes. As Border Force did not record seizure quantities for targeted detections and for "officer-selected" detections separately, it was not able to assess the relative effectiveness of these methods of working.
- 3.18 In 2016, at the time of the east coast ports inspection, the Border Force 'Control Strategy' identified the highest priority threats in relation to General Maritime (GM)⁷ as clandestine entry and human trafficking (which it recognised may be linked), and the smuggling of heroin, cocaine, and lethal-type firearms. The 2018 'Control Strategy' does not refer specifically to GM, and lists "National Security at the Border", "Strategic Exports", "Clandestine Entry" and "Human Trafficking and Modern Slavery" together with the smuggling of Class A drugs and lethal-type firearms as the highest priority threats overall. Meanwhile, recent assessments note that small marinas and remote beaches along the south coast are at risk, and that heightened security at the juxtaposed controls could increase the GM threat in the case of clandestine entry.
- 3.19 Border Force's strategy for enhancing its knowledge and management of GM threats along the south coast comprised 3 main strands: better coordination of shore-based activity - including increased visits to small ports and marinas and risk testing of commercial GM vessel arrivals;

⁷ Border Force defines General Maritime (GM) as "non-scheduled, un-canalised and non-commercial maritime traffic", which includes vessels such as yachts, tugs, Rigid-Hull Inflatable Boats (RHIBs) and small motor boats, known as "pleasure craft" (where there are fewer than 12 passengers on board). GM also encompasses small (non-scheduled) commercial vessels that have been identified through intelligence as being used solely for smuggling purposes (whether bringing clandestine arrivals or commodities).

improving the flow of intelligence and information - including better cooperation with other government departments, maritime stakeholders and the general public; and, enhancing coverage of coastal and inshore waters - including through the use of new 'Coastal Patrol Vessels' (CPVs).

- 3.20 It was clear that Border Force had been making efforts to progress all 3: for example, through the appointment of more Field Intelligence Officers; the creation of and participation in various multi-agency bodies to co-ordinate information and resources to respond to threats; and through the acquisition and deployment of CPVs.
- 3.21 Equally clearly, this was a "work in progress", with much more to be done, particularly in freeing up officers to attend GM arrivals, and in effectively harnessing the "eyes and ears" of harbour masters, marina managers, the maritime and pleasure boating communities, and the general public to report unusual and suspicious activities along the south coast. Despite efforts to breathe new life into Project Kraken, reporting had been modest and of little operational value, not helped by reporting arrangements that were cumbersome and unencouraging.
- 3.22 Meanwhile, inspectors were told that access to small craft was getting easier and cheaper, creating more opportunities for criminals to involve themselves in the facilitation of clandestine entry and smuggling. It was therefore vital for Border Force to ensure that all 3 strands of its strategy for enhancing its knowledge and management of GM threats continued to move forward effectively and at pace.
- 3.23 Finally, it is important to note that inspectors found that the morale of Border Force officers at south coast ports was generally good. They appeared committed to their work, and at each of the ports visited officers demonstrated teamwork and respect for colleagues, whether relatively new joiners or "old hands". Managers took an interest in the welfare and development of their officers, as well as in Border Force's greater good, and were adopting a culture where individuals were not blamed for "honest mistakes". The Home Office's most recent People Survey (October 2017) suggested that the approach taken by managers was being appreciated. Staff engagement scores rose from 27% for South East & Europe and 32% for South Region in 2016 to 47% and 39% in 2017. The survey showed improvements across the board, except in respect of 'Pay and Benefits'.

4. Recommendations

The Home Office should:

1. In relation to workforce planning (staff budgets/allocations, filling of vacant posts, forecasting departures and new requirements, recruitment exercises, training and development):
 - a. conduct a zero-based review for south coast ports, taking account of passenger and goods traffic at each port and at the harbours, marinas and coastline for which each port is responsible, and factoring in known and unknown threats and risks, and Border Force's 'core' functions and priorities
 - b. ensure that Border Force senior managers at south coast ports are clear about their annual staff budgets/allocations and the functions and deliverables (including any targets) these are expected to cover/deliver, together with the mechanism(s) for raising issues about shortfalls in numbers and skills, and in-year pressures
2. In relation to operational support and equipment (including, but not limited to, vehicle scanners, overhead and under-vehicle cameras, dog teams), conduct a fundamental review of the requirements of each south coast port, taking account of: Recommendation 1; recent demand (e.g. met and unmet requests for such support and equipment); detection successes and failures (where these are known); and known or likely changes (e.g. an increase in cruise arrivals).
3. In relation to immigration and customs threats to the south coast:
 - a. regularly risk-test:
 - i. cruise liner crews
 - ii. Roll-on Roll-off (RoRo) freight arrivals at Southampton, including car transporters
 - iii. a representative sample of accompanied freight and tourist vehicles at all ports
 - iv. a greater proportion of commercial and non-commercial General Maritime arrivals
 - b. record information about searches and other activities conducted by Border Force at and from each port in a consistent format and in sufficient detail to improve knowledge of the threats and risks and of what works best in terms of prevention and detection (including an evidenced evaluation of the effectiveness of "hub-generated" targets and "officer selected" targets)
4. In relation to the detection of clandestine arrivals at south coast seaports:
 - a. ensure that the reviews (Recommendations 1 and 2) take note of the concern that

clandestine entrants are aware of and seek to exploit Border Force's difficulties in dealing with multiple detections from the same vessel

- b. resolve the issues with detention facilities and escorting services (keeping reliable records of contract compliance and managing non-compliance robustly) so that they do not impact adversely on the ability of port officers to carry out their core business, and, where required, ensure that contingency measures are formalised
- c. as a matter of urgency, fix the Civil Penalty scheme, so that Notices (fines) are issued wherever appropriate and payment is pursued promptly
- d. accelerate the publication of guidance from the consultation on the use of Personal Protective Equipment (PPE)

5. In relation to customer service and stakeholder engagement:

- a. publicise the Service Level Agreement (SLA) for queuing times for arriving passengers at south coast ports, including an explanation of how this is calculated (having first standardised the method of doing so)
- b. clarify for cruise operators and any other stakeholders who may be offered a premium service at their own cost what basic level of service they are entitled to receive from Border Force at no cost

6. In relation to General Maritime:

- a. ensure that the reviews (Recommendations 1 and 2) take note of the importance placed by harbour masters and marina managers on face-to-face contact with familiar officers as the best way of gathering information from the maritime and boating communities (making sure that Field Intelligence Officers and visiting port officers have sufficient time for this)
- b. look again at Project Kraken, in particular at the reporting arrangements, and identify if it could be made more effective
- c. ensure the business plan for the Border Protection Squadron captures all activity, so that the efficiency and effectiveness of the cutters and Coastal Patrol Vessels can be properly evaluated, in the meantime taking steps to increase the time at sea hours
- d. ensure a formal and transparent process is in place for the storage and disposal of vessels used for immigration offences, where this is not covered by existing legislation

7. Set specific deadlines for the implementation of recommendations made by the Inspectorate (and by the Border Force Operational Assurance Directorate), and put appropriate measures in place to ensure that these are met.

5. Background

Border Force

- 5.1 Border Force is a law enforcement command within the Home Office Borders, Immigration and Citizenship System (BICS) with responsibility for securing the UK border by carrying out immigration and customs controls of people and goods entering and leaving the UK.
- 5.2 In May 2018, the Home Office set out Border Force’s priorities as to:
- “Deter and prevent individuals and goods that would harm the national interests from entering the UK
 - Facilitate the legitimate movement of individuals and trade to and from the UK
 - Protect and collect customs revenues for trade crossing the border
 - Provide excellent service to customers
 - Provide demonstrable effectiveness, efficiency and value for money”⁸

South Coast Ports

- 5.3 For Border Force, the key ports along the south coast are Dover, Newhaven, Portsmouth, Southampton, Poole and Plymouth.
- 5.4 The Port of Dover is the busiest ferry port in Europe, and the second largest cruise terminal in the UK. In 2017, the port handled in excess of 11m passengers, 2m tourist vehicles and 2.6m freight vehicles.⁹
- 5.5 Newhaven sits at the mouth of the River Ouse in Sussex. It receives regular commercial arrivals, including a DFDS¹⁰ ferry from Dieppe, with 3 sailings a day in summer and 2 in winter. The harbour contains a large marina and is also home to a fishing community.
- 5.6 In 2017, Portsmouth International Port handled 66,989 shipping arrivals.¹¹ This included regular tourist and freight services from France and Spain, operated by Brittany Ferries, and from the Channel Islands, operated by Condor Ferries. Portsmouth is also a large cargo port and cruise terminal.
- 5.7 Southampton handles 14m tonnes of cargo each year, including 820,000 RoRo¹² vehicles and 1.5m ISO containers.¹³ Southampton is the largest liner port in the UK, with 4 cruise terminals,

8 <https://www.gov.uk/government/organisations/border-force/about#priorities>

9 <https://www.doverport.co.uk/about/performance/>

10 Det Forenede Dampskibs-Selskab.

11 http://www.portsmouth-port.co.uk/uploads/downloads/PIP_statistics_2017.pdf

12 RoRo (from ‘Roll-on Roll-off’) is an industry term for vehicles and freight driven onto and off a vessel either by the driver of the vehicle or, in the case of unaccompanied trailers, by a port-based driver.

13 Large unaccompanied shipping containers are lifted from ships onto the dock to await collection and removal. Once cleared for customs purposes by Border Force, most are loaded onto trailers and driven out of the port.

regular visits from some of the largest cruise ships in operation, and some 1.7m passengers per year. Southampton also has 6 large marinas and berths for in excess of 1,000 pleasure craft.

- 5.8 Poole receives regular tourist and freight arrivals from Cherbourg, operated by Brittany Ferries, and passenger services from the Channel Islands, operated by Condor Ferries. Poole also has a smaller cruise terminal and cargo processing facilities, including for containers and bulk goods.
- 5.9 Plymouth offers regular services to and from France and Spain via Brittany Ferries, carrying 450,000 passengers per year. It also handles approximately 250,000 tonnes of cargo each year, and has a small cruise terminal.

Figure 1: South coast ports



Smaller ports and marinas

- 5.10 There are many tens of small ports and marinas along the south coast. The busiest stretch for boating communities is between Dorset and Sussex. This has some 50 marinas, with over 14,000 berths.
- 5.11 These small ports and marinas differ in size and usage. The largest marina is at Brighton. It has around 1,550 berths and is part of a busy leisure and residential complex, with restaurants, shops and flats that overlook the marina – see Figure 2.

Figure 2: Brighton Marina



- 5.12 By way of contrast, Northney Marina (see Figure 3), on the sheltered north side of Hayling Island has 230 berths. This marina is staffed during business hours, and has 24-hour security. The manager described it as “quite sleepy”, and not somewhere that the non-boating public would have a reason to visit. From a border security perspective, it is the sort of small port or marina where Border Force would look to rely on the local boating community to report any unusual activities.

Figure 3: Northney Marina



Border Force structures and responsibilities

- 5.13 Border Force is divided into 5 regional commands covering the whole of the UK. Responsibility for the south coast is shared between 2 of these regions – South East & Europe (Dover, and the juxtaposed controls in France) and South (Newhaven to Falmouth). Border Force has

a permanent presence at the busier south coast seaports (Dover, Newhaven, Portsmouth, Southampton, Poole and Plymouth), while smaller ports (such as Weymouth and Falmouth) are covered on a visiting basis, as required.

- 5.14 The system of juxtaposed controls between the UK and France and Belgium means that immigration checks for anyone arriving at Dover are conducted by Border Force officers prior to embarkation, so its operations at Dover are focused on customs functions.
- 5.15 At Dover there are year-round night arrivals. Border Force has a 24/7 presence at Dover, where it operates a team-based approach, with officers specialising in particular fields of customs work. South Region Border Force officers based at ports along the south coast are expected to be “multi-functional” and perform both immigration and customs functions. A senior manager described South Region as a “super region”, in that it contains Gatwick Airport (the UK’s second largest airport) and Southampton (the UK’s largest cruise liner port and second largest container port).
- 5.16 While the 2 regions operate separately, they share a Regional Command and Control Unit (RCCU) and pool of mobile teams.¹⁴ The RCCU is the single point of contact for managing mobile resources and contingency planning. It monitors staffing levels at ports and levels of traffic, including seasonal pressures, and redeploys resources as necessary.
- 5.17 At the time of the inspection (January – May 2018), there were plans to create a separate RCCU for South Region. The Senior Civil Servant (SCS) lead for South Region advised that this was in order to give the region more control over the deployment of mobile teams. The new RCCU was scheduled to go live on 1 June 2018, but regional senior managers were concerned that it would not be fully functional in time for the summer “spike” in passenger numbers.¹⁵

Resourcing

- 5.18 South East & Europe Region was allocated a budget of £78.9m for 2017-18, while South Region was allocated £45.6m. Inspectors were told that “as a result of Finance restructuring and streamlining of processes” the regional budgets were not broken down by individual ports, so it was not possible to say whether Border Force was operating within budget at particular south coast seaports.
- 5.19 Staffing levels (and budgets) for each Border Force region are agreed annually, following a bidding process involving managers for the various commands – what one manager described as the “annual bun fight”.
- 5.20 Senior managers in South Region calculated their staffing requirements based on the minimum number of officers required to cover mandatory controls. Any seasonal fluctuations in demand, such as summer spikes in passenger numbers, were managed by drawing on a ‘seasonal workforce’ (SWF). The latter was used to cover the Primary Control Point (PCP)¹⁶ only. SWF were not trained to perform customs functions, Dover did not use them. In South Region, they were mostly deployed at airports. South Region managers told inspectors that where they used SWF they needed to deploy experienced officers alongside them to mitigate their lack of experience.
- 5.21 At each of the staffed seaports visited by inspectors (Dover, Portsmouth, Southampton and Poole), managers told inspectors that they had been “understaffed” throughout 2017-18. For example,

¹⁴ Mobile teams are deployable where required within or across Border Force regions.

¹⁵ At the factual accuracy stage, Border Force advised that the RCCU went live as planned on 1 June 2018.

¹⁶ See footnote 5.

managers at Portsmouth understood they had a budgeted headcount of 86, but began the business year (in April 2017) with only 58 full-time equivalents available,¹⁷ and ended it (in March 2018) with 70.22. When Border Force Operational Assurance Directorate (OAD) visited Dover in June 2017 it reported¹⁸ that the port was operating “at almost 60 below budgeted headcount (FTE), which local managers explained was as a result of the national recruitment freeze”.

- 5.22 Managers at the ports said that the staffing shortfalls had had an impact on Border Force’s ability to undertake core functions other than covering the mandated controls, and some were concerned that Border Force was “resourced to fail”. Meanwhile, officers told inspectors that there were not enough of them to meet increasing operational pressures, and one group commented that “the border is not secured by any stretch of the imagination”.
- 5.23 Senior managers for both regions accepted that there had been resourcing challenges and that ports had been operating below their budgeted headcounts. However, they pointed to ongoing recruitment exercises for all ports aimed at rectifying this, and contended that overall they were “in quite a good position” in terms of staffing. Figure 4 shows the position as at 31 March 2018.

Figure 4: Agreed establishment and FTEs in post for south coast seaports as at 31 March 2018¹⁹

Border Force Officer and Assistant Officer Grades	Agreed establishment (FTEs)	FTEs in post
Dover	270.00	251.12
Newhaven	27.43	24.14
Portsmouth	86.00	70.22
Southampton²⁰	40.00	33.80
Poole	35.39	34.39
Plymouth	28.91	20.41

- 5.24 Border Force informed inspectors that it was undertaking two major recruitment drives. The first was the nationwide recruitment of 1,000 officers intended “to meet normal staff turnover” and “support Border Force to respond flexibly to emerging requirements, including those resulting from EU Exit”. In 2017-18, there had been around 450 Border Force staff departures through retirements and resignations.
- 5.25 Regional managers had bid for a share of the 1,000, but at the time of the inspection had not received confirmation whether their bids had been successful. Managers responsible for south coast ports were unclear whether their commands would gain additional posts, or whether this was a rolling recruitment campaign to backfill vacancies as they arose.
- 5.26 In April, Border Force was in the process of recruiting “an additional 300 frontline officers to provide a degree of resilience to the frontline, allowing existing staff to be trained in new requirements ahead of the UK leaving the EU.” Border Force South East & Europe and South

17 A number of Portsmouth officers were out on loan to cover vacancies at other locations.

18 OAD ‘Deep Dive – Dover Summary of findings’ – an internal Home Office document. The full-time equivalent (FTE) figure represents the number of notional full-time employees working their standard hours who would be required to produce the total working hours of all actual full and part-time employees.

19 Figures provided by OAD on 26 March 2018.

20 Border Force at Southampton covers the seaport and airport; Border Force Plymouth covers Newquay and Exeter airports; Border Force Poole covers Bournemouth airport.

Region had each been allocated 60 new recruits from this 300. A regional senior manager described this as a “safety net”. Inspectors were told that the first intake was due to begin training in April 2018, and be ready for deployment in the summer, but this was later revised to May,²¹ with the first deployments in September/October.

- 5.27 Managers at south coast ports believed that these recruitment exercises would ultimately strengthen their teams, but they had concerns about when the new joiners would be in post, and some were taking an “I’ll believe it when I see it” approach. They were critical of how long the recruitment process took and cited this as a major factor in them being understaffed.
- 5.28 Some managers pointed out that batch recruitment would not provide a quick fix, and would create additional strains in the short term, as it took around 18 months for new recruits to become fully effective in their roles and during that period it was necessary to devote experienced officers to mentoring them.

Staffing profile

- 5.29 Border Force was facing the challenge of an ageing workforce at south coast seaports. An OAD ‘Deep Dive’ at Dover in 2017 highlighted that a large number of officers had passed retirement age and were expected to retire within the next 12 months. Border Force told inspectors that 25% of staff working in the International Trade area at Dover were aged over 60, and 15% were due to retire in the next 3 years. Succession planning was therefore particularly important, and Border Force had created teams where there was a mix of more and less experienced officers, so that the former could pass on their knowledge and expertise.
- 5.30 Officers at all grades told inspectors that Border Force needed to target its recruitment campaigns to appeal to younger applicants, not least because of the physically demanding nature of the job, particularly rummaging freight.²²
- 5.31 Senior managers told inspectors of a drive to visit colleges to raise awareness of Border Force as a potential employer. Border Force had also launched an apprenticeship scheme. South East & Europe had received 14 apprentices, 12 of whom had gone on to start permanent jobs with Border Force, none of which were at Dover.²³

Border Force values and working culture

- 5.32 Inspectors observed that the morale of Border Force officers at south coast ports was generally good. They appeared committed to their work, despite many of the longer-serving officers who had begun as customs specialists feeling strongly that the priority given to immigration work was detrimental to Border Force’s customs functions.
- 5.33 At each of the ports visited, officers demonstrated teamwork and respect for colleagues. This included officers who had joined relatively recently and those from before the merger of immigration and customs functions into a single agency. The former told inspectors that they were comfortable with their local “culture”, with one officer commenting that “everyone’s quite equal”.

²¹ Director General of Border Force speaking to the Independent Chief Inspector on 3 May 2018.

²² The term “rummage” is used to describe the in-depth searching of vehicles and freight for hidden contraband.

²³ At the time of the inspection, Border Force reported: “no current apprentices however c.20 apprentices expected to be received from current campaign subject to further affordability considerations. Posting location to be confirmed in due course dependent upon wider workforce plans.”

- 5.34 The notion of team-working extended beyond the immediate ‘team’ of officers based at a particular port. For example, members of a small, highly specialist freight team²⁴ had shown their commitment to sharing their expertise by rearranging or extending their shifts to attend other ports.
- 5.35 Managers took an interest in the welfare and development of their officers, as well as in Border Force’s greater good. Inspectors were given examples of where this had been displayed, including the championing of management impartiality (a Civil Service core value). As a result, some officers who had not previously considered applying for promotion had now done so. At one port, where Immigration Enforcement posts were being closed, the Border Force manager had arranged for the affected staff to apply to transfer, recognising that they had valuable skills and experience to offer Border Force, and that they might otherwise leave the Home Office altogether.
- 5.36 Inspectors found that managers had started to adopt a ‘Just Culture’ approach,²⁵ meaning that individuals were not punished for making “honest mistakes”, and account was taken of an individual’s training and experience. In effect, the opposite of a “blame culture”, which Border Force has often been accused of having.
- 5.37 The Home Office’s most recent People Survey (October 2017) suggested that the approach taken by managers in South East & Europe and South Regions was being appreciated. Staff engagement scores rose from 27% and 32% respectively in 2016 to 47% and 39% in 2017. The survey showed improvements across the board, except in respect of ‘Pay and Benefits’.

²⁴ The Freight Intensification Team based at Portsmouth.

²⁵ An idea developed by the European Union in the context of investigations into air accidents.

6. Inspection findings – Immigration controls

Mandatory controls

- 6.1 The Border Force 'Operating Mandate', agreed with Ministers, came into operation in July 2012. It was updated in December 2014, and:

“defines the mandatory checks that should be performed on individuals seeking entry to the UK, and specifies whether the check should be applied to all passengers or to a specific cohort of individuals.”

- 6.2 The 'Mandatory Checks Framework' comprises 4 principal “checks models” for arriving passengers, each reflecting a different operational environment and the technology available.
- 6.3 Border Force operates 3 of the 4 checks models along the south coast of England, except at Dover which operates Primary Check Point (PCP) clearance for cruise ships only:

a. Fully-networked Primary Check Point (PCP)

Border Force officers process arriving passengers at a fixed control point, for example a car booth or arrivals desk, with live access to Home Office systems to check travel documents.

This model is in use at all of the staffed ports along the south coast, except for Dover where the PCP is located at the juxtaposed controls in France.

Where airports normally have one arrivals channel, seaports have to cater for passengers arriving by car, foot passengers, and for accompanied freight (lorry drivers). These require different PCPs. For example, Poole and Portsmouth operate 3 sets of PCP controls, each requiring a minimum of 2 officers at a time.

b. Attended clearance at non-PCP locations

Border Force carries out remote checks of passenger information against Home Office systems in advance of their arrival and officers meet the arriving vessel to inspect the travel documents.

For the south coast this includes international cruise liner arrivals, where passenger manifests are checked in advance and officers meet the vessels on arrival. This model also applies to some General Maritime (GM) arrivals assessed as “high risk”.

c. Remote clearance at non-PCP locations

Border Force clears arriving passengers by checking passenger and document details against Home Office systems remotely. It does not attend the arrival(s) in person.

This model is applied to most south coast GM arrivals, and also to cruise liners that operate intra-UK, or depart from and return to the UK without collecting additional passengers, or arrivals from within the Common Travel Area (CTA).²⁶

Cyclamen

- 6.4 The 'Operating Mandate' also contains the 'Cyclamen Screening Protocol'.²⁷ This sets out the operating model for Cyclamen for all south coast ports, including the screening of arriving foot passengers and vehicles, the investigation of alarms and the escalation process.
- 6.5 Border Force told inspectors that a review was underway to establish whether it was practical to centralise Cyclamen monitoring and thereby free up local resources for other core activities. However, senior managers at the ports visited were unconvinced of the effectiveness of such an arrangement. Cyclamen alarms had to be responded to in person, and their frequency meant that officers were regularly called away to investigate. [redacted].²⁸

Organisation of teams

- 6.6 In order to provide sufficient cover for the mandatory controls, Border Force South Region was organised into "core teams" working in shifts. Non-mandated functions were performed when staffing levels allowed.

Profile of arriving passengers

- 6.7 Most of the passengers arriving at south coast ports are British or other EEA nationals – see Figure 5. While Border Force must still carry out checks to confirm their nationality and identity, these passengers do not require leave to enter the UK and are therefore quicker to process and generate less immigration casework than non-EEA passengers.²⁹

²⁶ The Common Travel Area (CTA) comprises the UK, Republic of Ireland, the Isle of Man and the Channel Islands. In principle, once a person has been granted leave to enter in one part of the CTA they will not normally require leave to enter for another part of it while that leave is still valid and provided they do not leave the CTA. This is set out in the Immigration Act 1971 and the Immigration (Control of Entry through Republic of Ireland) Order 1972 (SI 1972, No. 1610).

²⁷ See footnote 3.

²⁸ Officers stated this was due to the prohibition on freight vehicles travelling on French roads on Sundays, meaning that they usually travelled to the port in France on Monday and arrived in the UK on Tuesday.

²⁹ Border Force may refuse admission to EEA nationals in certain circumstances, for example on grounds of public policy, public health or public security, if they are subject to a deportation or exclusion order, or if there are reasonable grounds to suspect that admission would lead to the abuse of a right to reside – see <http://www.legislation.gov.uk/uksi/2006/1003/part/4/made>

Figure 5: Breakdown of passenger arrivals at south coast ports between 1 April and 31 December 2017

Port	Non-EEA Passengers	EEA Passengers	Total Passengers	Proportion Non-EEA
Dover	91,186	4,633,670	4,724,856	1.9%
Newhaven	2,825	163,479	166,304	1.7%
Portsmouth	7,924	789,304	797,228	1.0%
Southampton	187,059	855,546	1,042,605	17.9%
Poole	976	88,997	89,973	1.0%
Plymouth	4,271	397,813	402,084	1.1%
Total	294,241	6,928,809	7,223,050	4.1%

Cruise passengers

- 6.8 The high number of non-EEA passenger arrivals at Southampton is explained by the number of cruise liner arrivals (450-500 a year). While these passengers require an immigration interview to establish whether they qualify for leave to enter the UK, Border Force regards this cohort as low-risk in terms of Immigration Rules abuse.
- 6.9 Logistically, however, cruise liners pose a particular challenge for Border Force, especially as arrival times are not as fixed as they are for ferries. One liner operator recognised how Border Force coped with changes to arrival times: “They work hard to cover what we throw at them.”
- 6.10 In addition, cruise liners often arrive at locations where there is no permanent Border Force presence, meaning that officers have to attend from the nearest staffed port. For example, cruise liner arrivals at Portland (Dorset) are attended by officers based at Poole, 35 miles (1 hour) away. Meanwhile, on a visit to Falmouth (Cornwall) in April 2018 an inspector observed the ‘Viking Sky’ (capacity 930 passengers) berthed in the harbour, having arrived from Porto (Portugal) – see Figure 6. The nearest staffed port is Plymouth, 55 miles (2 hours) away.

Figure 6: The ‘Viking Sky’ cruise ship at Falmouth



- 6.11 With cruise liner arrivals projected to increase, and with bigger vessels (cruise operators advised inspectors that from 2020 there would be 2 vessels arriving at Southampton with capacity for 5,600 passengers), the challenge for Border Force is growing. At Dover, there were 95 arrivals in 2017-18, but this was planned to increase to 125 in 2018-19. Border Force at Dover was expected to cover this increase without additional resources.
- 6.12 In order to process cruise arrivals efficiently Border Force had classified them into 5 “models”, which dictated the level and type of clearance required in line with the Operating Mandate.
- a. Modified Cruise Procedure**
- Cruise originates in the UK and returns without collecting any international passengers – passenger manifest is checked against Home Office systems and vessel cleared remotely
- b. International Arrival**
- Cruise arrives from outside the Common Travel Area (CTA) - passenger list is checked remotely against Home Office systems and officers attend vessel to do “face to document” checks
- c. International – intra-UK**
- International arrival that has already been cleared at previous UK port and is ‘coastal hopping’ – no clearance required
- d. Intra-CTA**
- Arrival from within the CTA – no clearance required
- e. International – CTA**
- Arrival from within CTA that originated from outside the CTA - Border Force establishes that cruise has been cleared to the required standard by CTA partner. If so, no clearance required. If not, ‘International Arrival’ checks required
- 6.13 Inspectors found that Border Force had been working towards centralising the pre-clearance checks of cruise liner passenger lists at the National Border Targeting Centre (NBTC). However, at the time of the inspection, port teams were still undertaking checks locally, as there appeared to be discrepancies in the number of passenger ‘hits’³⁰ returned by NBTC and those returned as a result of local searches.
- 6.14 The cruise liner lead for south coast ports, including Dover, told inspectors that there were issues with International - CTA arrivals, because Border Force did not have a single point of contact with An Garda Siochana in the Republic of Ireland. Therefore, it had to contact individual Irish ports to clarify whether a cruise had been cleared on arrival in the CTA. Often, insufficient information was received in time, so Border Force conducted full ‘International Arrival’ checks as a precaution.
- 6.15 There was also a lack of clarity about whether checks undertaken in Ireland and the Channel Islands satisfied the requirements set out in the Border Force Operating Mandate. Clarification had been sought from policy colleagues, but at the time of the inspection it was left to officers on the ground to interpret whether particular checks met “the required standard”, with the obvious risk of inconsistency.

³⁰ Where Home Office systems indicate further examination of a passenger may be necessary.

Crossing officer “pilot”

- 6.16 From 1 September to 30 November 2017, Border Force ran a cruise “pilot” that sought to “standardise the method by which arriving passengers to the UK by cruise ships are cleared”. This pilot explored the use of “crossing officers”³¹ to check passengers at sea under the ‘International Arrival’ model. As part of the pilot, cruise operators were able to request and pay for crossing officers as a “premium service”, which the cruise liner lead said aligned with premium services available at international airports.
- 6.17 Prior to the pilot, Border Force had deployed crossing officers to routes of its choosing. This could be viewed as giving a commercial advantage to those operators, and one stakeholder complained that there was a lack of clarity about the basic (Border Force funded) level of service that could be expected. According to South Region senior managers, this had always been the clearance of passengers “shore-side” when vessels arrived at port, but Border Force had had to provide crossing officers for some services where cruise liners were arriving at remote locations.
- 6.18 At the time of writing (May 2018), Border Force was still considering the outputs from the pilot. Inspectors were informed that the permanent introduction of a crossing officer premium service would require ministerial approval. Meanwhile, operational managers had pressed for policy clarification prior to the cruise arrivals summer peak, without which they were uncertain whether to deploy crossing officers at Border Force’s discretion. Managers at Southampton told inspectors that the introduction of a premium service, which they expected would be widely taken up, would have an impact on resource requirements and planning as 2 crossing officers would be required for each cruise liner and they were likely to receive more than one such request at a time.

Further examination under an IS81 and entry refusals

- 6.19 Any arriving passenger arriving in the UK, except via a juxtaposed control, and who is unable to satisfy a Border Force officer’s initial checks that they qualify to enter the UK may be required to submit to further examination. In such cases, the Immigration Act 1971 requires Border Force to notify the passenger in writing. Border Force uses Form IS81 to do so.

Figure 7: IS81s issued and entry refusals at south coast seaports between 1 April 2017 and 31 December 2017

Initiating Port	IS81s issued	Entry refusals
Dover	1	0
Newhaven	22	18
Portsmouth	226	153
Southampton	98	46
Poole	99	2
Plymouth	26	15
Total	472	234³²

³¹ Border Force officers travel on the cruise liner and carry out immigration checks on passengers before it arrives at a UK port.

³² Border Force advised that the Dover IS81 was issued to a passenger who arrived on a cruise liner and, having been issued with the IS81, elected to re-embark rather than be refused entry.

6.20 Border Force managers told inspectors that the vast majority of the IS81s and refusal notices were issued to individuals found attempting to enter the UK clandestinely rather than to passengers seeking leave to enter at the PCP.³³

Service Level Agreements (SLA)

6.21 For south coast seaports, except at Dover and Southampton,³⁴ Border Force operates to the same national Service Level Agreement (SLA) for passenger queue times at the immigration controls as at international airports: 25 minutes maximum wait for EEA nationals, and 45 minutes for non-EEA nationals. The south coast seaports operate a non-differentiated queuing system, and apply the EEA SLA of 25 minutes. The SLA requires Border Force to achieve this in 95% of cases.

Measurement and recording of queuing times

6.22 Inspectors found that the way queues were measured differed. For most of the seaports queuing time was measured from when the first passenger or vehicle arrived at the control to when the last one arrived. However, on the advice of the Home Office Performance Risk and Analysis Unit (PRAU), Border Force at Portsmouth was recording the times the first and last vehicles or passengers arrived at the PCP and dividing the elapsed time by 2. When OAD carried out a ‘Spot Check’ of Portsmouth, from 31 October to 2 November 2017, it expressed “concerns about the accuracy of this method of measurement”. However, at the time of the inspection there were no plans to revise it.³⁵

6.23 Ports send the SLA data they collect to PRAU for it to be collated and reported. However, inspectors were informed that Poole held local records that were “too large to send”. Inspectors asked to review these records while onsite but were advised that Border Force at Poole had stopped recording compliance with the SLAs. A local manager stated that, historically, the port had not been required to submit SLA data to PRAU, and they had “never been asked for it”.

Figure 8: Compliance with 25 minute SLA at Newhaven, Portsmouth and Plymouth from January to December 2017

2017	Newhaven		Portsmouth		Plymouth	
	Cars	Foot	Cars	Foot	Cars	Foot
Jan	100%	100%	98%	100%	40%	60%
Feb	100%	100%	98%	100%	57%	71%
Mar	100%	100%	99%	99%	58%	67%
Apr	100%	100%	55%	75%	27%	52%
May	100%	100%	96%	98%	50%	50%
Jun	100%	100%	90%	100%	72%	86%
Jul	100%	100%	96%	99%	46%	96%
Aug	100%	100%	91%	100%	6%	79%

³³ In July 2016, Border Force changed the process for dealing with clandestine arrivals discovered at ports, and they now fall under the IS81 process.

³⁴ Southampton receives cruise ship passengers only. These are excluded from the queuing time SLAs.

³⁵ At the time of factual accuracy checking, Border Force advised that both methods were in accordance with ‘Queue Measurement at the UK Border Instructions’.

Sep	100%	100%	98%	99%	8%	90%
Oct	100%	100%	91%	99%	24%	79%
Nov	100%	100%	98%	100%	17%	100%
Dec	100%	100%	99%	100%	25%	88%

- 6.24 Inspectors reviewed SLA compliance records for 2017 (Figure 8). These showed that Plymouth missed the 95% target for cars every month in 2017, and the foot passenger target in 10 months out of 12. PRAU advised that “Performance for Plymouth is based on a small sample size. One or two samples below service standard may have significant impact on the performance reported.”
- 6.25 However, a South Region manager commented that compliance levels at Plymouth were “rubbish”, mainly because the port’s infrastructure was not big enough to cope with the size of the ferries. Bottlenecks form where car lanes converge prior to the PCP booths, and if a ferry is full it can take 1 hour and 20 minutes to process all of the disembarking vehicles, assuming no delays. Border Force said it had never had any complaints from the public about queue times at Plymouth, and the port operator understood the situation.
- 6.26 Although unable to refer to records, managers at Poole told inspectors that the 25 minute SLA would be routinely breached on the car control in the summer due to the physical layout of the port.
- 6.27 South Region management told inspectors that as long as all available PCP booths were occupied passengers and operators appeared to accept waiting times, and SLA compliance was not an issue. However, one ferry operator expressed frustration to inspectors that, while it regularly received reports on SLA compliance, there was “no discernible action” following breaches. Stakeholders representing seaport operators along the south coast said that Border Force needed to “get to grips” with “good customer service” and clarify what level of service people could expect. There was an acceptance that port infrastructure contributed to delays, but there was also a perception that Border Force was prioritising other areas of work, such as dealing with detections of clandestine entrants, which drew officers away and slowed down the processing of legitimate passengers.
- 6.28 The Border Force SCS lead commented that there was a need for a consistent approach to the management and measurement of queuing times, but Border Force had to ensure that the system was fit for purpose and not used “as a beating stick”.

7. Inspection findings – Clandestine entry

Assessment of the clandestine entry threat

- 7.1 Border Force refreshes its ‘Control Strategy’³⁶ every 12 months, with quarterly updates on material changes to the threats. In early 2018, the ‘Control Strategy’ listed “clandestine entry” as “Priority A”, meaning that the threat was assessed as “very high”. During this inspection, Border Force officers at all grades referred to clandestine entry as the main threat to border security along the south coast.

Clandestine entrants encountered “in country” having arrived via a south coast port

- 7.2 Where individuals have been successful in entering the UK clandestinely and are subsequently encountered by the Home Office “in country” it is often not possible to know where they entered or from which port they embarked, not least as the clandestine entrants may not know these details themselves or may not be willing to say. Nonetheless, inspectors asked the Home Office for its best estimate of the number of clandestine entrants who had entered the UK via a south coast port in 2016-17.
- 7.3 The Home Office PRAU produced a figure of 2,366. This included individuals detected within the port of Dover, having evaded the juxtaposed controls in France and Belgium. The corresponding figure for 2017-18 was 1,832.
- 7.4 In both business years, Iraqi nationals made up the largest percentage (26% in 2016-17 and 31% in 2017-18) with Iranians second (18% and 13 %). In 2016-17, 595 of those encountered claimed to be minors, while in 2017-18 the figure was 439.

Detections at ports

- 7.5 Data provided by the Home Office for detections made at south coast ports is at Figure 9.

Figure 9: Clandestine detections at UK ports in 2016-17 and in 2017-18

Port (East-West)	2016-2017	2017-2018
Dover	792	503
Newhaven	74	7
Portsmouth	155	245

36 A ‘Control Strategy’ is a key component of any intelligence-led law enforcement agency’s business processes. It sets out the agency’s strategic priorities and assists managers when deciding resource allocation priorities. Border Force’s ‘Business Plan 2015 – 2018’ states that it aims to be “a fully intelligence-led organisation that targets its activities to greatest benefit”.

Southampton	3	5
Poole	83	117
Plymouth	12	5
Total	1,119	882

- 7.6 Under a bi-lateral ministerial agreement, signed in 2015, the UK and France have worked closely to improve the security infrastructure at those French seaports with juxtaposed controls.³⁷ As well as making improvements to physical security, in October 2016 the French authorities cleared the migrant camps that had established themselves in Calais and Dunkirk.³⁸
- 7.7 Border Force senior managers in South East & Europe Region told inspectors that this “upstream activity” had led to a reduction in the number of migrants attempting to enter the UK clandestinely through Dover. Data for clandestine entrants detected at Dover supported this view, with numbers falling from 792 in 2016-17 to 503 in 2017-18. However, senior managers in South Region believed that the efforts to secure Calais and Dunkirk had displaced irregular migrants looking to enter the UK clandestinely to Normandy and Spain – see Figure 10.

Figure 10: Port of embarkation for migrants detected at south coast seaports attempting to enter the UK clandestinely in 2016-17 and in 2017-18

Port of Embarkation (North-South)	2016-2017	2017-2018
Antwerp	0	1
Dunkirk	69	62
Calais	625	414
Coquelles	6	8
Dieppe	73	7
Le Havre	17	10
Caen/ Ouistreham	67	131
Cherbourg	39	28
St. Malo	9	0
Roscoff	11	2
Bilbao	73	145
Santander	22	39
Not Known	108	35
Total	1,119	882

- 7.8 Portsmouth and Poole had seen increases in clandestine detections in 2017-18, which officers at those ports believed was due to the direct ferry routes from Caen, Bilbao and Santander.

³⁷ Calais, Dunkirk and Coquelles (the Channel Tunnel).

³⁸ See <http://www.bbc.co.uk/news/world-europe-37773848>.

- 7.9 Plymouth also has a direct ferry service from Santander, but Border Force assessed this route as much lower risk than the Bilbao to Poole route, due to there being better security at Santander port, and the fact that the Santander to Plymouth ferry takes very little freight traffic so there are fewer opportunities for concealment.
- 7.10 There is no ferry service into Southampton, but in early 2018 Border Force Intelligence had flagged a renewed threat of migrants using car transporters to enter the UK clandestinely. Inspectors were told that Southampton was a major port for car importation. Despite this, officers at Southampton said that car transporters and other RoRo traffic were not routinely searched. Border Force had carried out 2 risk-testing operations on RoRo, in May and July 2016, and had found clandestines, but the exercise had not been repeated since. Border Force informed inspectors: “The risk of car transporters carrying clandestines into Southampton is currently classified as low risk but this is under review as part of a District review into GA/GM protocols.”

Further upstream collaboration

- 7.11 Inspectors were told that South East & Europe Region was working with the French to review security at Dunkirk, Dieppe, Le Havre, Caen/Quistreham, Cherbourg, St. Malo and Roscoff. The review aimed “to counter the threat of migrant displacement” by establishing where additional equipment and security measures could be introduced. Border Force explained:
- “All programmed security works are agreed following the completion of joint (UK/FR) port by port security reviews using subject matter experts. Individual projects are only taken forward after senior ratification by the joint UK/FR migration committee who provide the governance and oversight to support the administration of the joint agreement programme. Regular meetings are held between Border Force and French port leads to monitor programme progress on behalf of the migration committee.”
- 7.12 Border Force managers told inspectors that they had already seen the positive impact of this programme, particularly at Newhaven. In 2016-17, in Dieppe each month around 200 individuals attempting to enter the UK clandestinely were being offloaded from ferries before they sailed. Following significant investment in Dieppe’s port security, this had reduced to “a handful”, and detections at Newhaven had fallen dramatically in 2017-18.
- 7.13 South Region had sought to build relationships with French authorities at an operational level at the French “feeder ports” in an effort to improve intelligence sharing and align clandestine searching regimes. A Border Force Senior Officer from Portsmouth had been appointed as “clandestine lead” for the region, and had begun to engage regularly with the French authorities, including having visited Caen in January 2018 to meet the Gendarmerie, and a proforma for reporting clandestine detections had been agreed.
- 7.14 In light of the increased risk of illegal migrants boarding ferries at Santander and Bilbao, Border Force had appointed a senior manager to develop its relationships with the Spanish. The Foreign and Commonwealth Office (FCO) and the main ferry operator had helped to ensure contact was made with the Spanish authorities at the appropriate level. Meanwhile, Border Force had also sought to develop contacts on the ground at Bilbao with the authorities and with the port operator. Officers at Poole and at Portsmouth informed inspectors that recent improvements to security at Bilbao port had led to a decrease in their detections of clandestine entrants arriving on the Bilbao ferries.³⁹

³⁹ When inspectors visited Poole on 27-28 March 2018, Border Force stated that there had been “10 clear sailings” from Bilbao, which it put down to successful upstream activity in Spain, particularly the erection of a new fence at Bilbao port and the clearing of a migrant camp.

7.15 Border Force believed that improved relationships and information sharing were having a positive impact on upstream activity, and the data appeared to bear this out. Figure 11 shows the increased success of the French and Spanish authorities and port operators in preventing migrants from attempting to enter the UK clandestinely through the ferry ports from Dieppe to Santander.

Figure 11: Clandestine entry attempts foiled by French and Spanish authorities and port operators before vessels departed for the UK 2016-17 and 2017-18⁴⁰

	2016-17	2017-18
France		
Dieppe	112	189
Le Havre	12	265
Caen/Ouistreham	445	2,190
Cherbourg	132	445
Saint-Malo	16	184
Roscoff	18	35
Total	278	3,308
Spain		
Bilbao	319	2,131
Santander	68	331
Total	387	2,462

Clandestine search activity: Dover – “a layered approach”

7.16 South East & Europe senior management told inspectors that, despite the clearance of the migrant camps in 2016, numbers of migrants remained in and around Calais and Dunkirk, including unaccompanied children. They contended that Dover remained “the riskiest route” for clandestine entry into the UK, largely due to the short transit time, low cost passenger fares, and high volume of RoRo traffic.

7.17 Senior managers at Dover explained that there was no “silver bullet” for detecting clandestine entrants. Border Force applied “a layered approach”. Most of the searching for clandestines took place in France, including checks by the French authorities on vehicles and freight entering the ports of Calais and Dunkirk, immigration checks on passengers by Border Force at the juxtaposed controls,⁴¹ and searches of vehicles immediately prior to embarkation by a private contractor employed by Border Force, using detection dogs, supported by officers equipped with CO₂ probes and heartbeat monitors.

⁴⁰ Data has been drawn from manual records and, subject to assurance, may change.

⁴¹ Under the ‘Treaty of Le Touquet’ the UK is permitted to undertake immigration checks at the juxtaposed controls at Dunkirk and Calais, while the Sangatte Protocol governing the juxtaposed arrangement at Coquelles (Channel Tunnel) allows ‘full juxtaposition’ with Border Force conducting immigration and customs checks.

- 7.18 Inspectors did not examine the juxtaposed controls as part of this inspection, however Border Force data showed that, along with overseas agencies and contractors, it had prevented 53,005 attempts to enter the UK clandestinely in 2016-17 at ports with juxtaposed controls. The figure for 2017-18 (to 28 February 2018) was 27,900.⁴²
- 7.19 Notwithstanding the large numbers detected before embarking, 503 clandestine entrants were detected at Dover in 2017-18. Senior managers at Dover told inspectors that they did not direct officers to search specifically for clandestine entrants. Detection activity focused on “general border criminality”. Inspectors found that officers at Dover were aware that clandestine entry was assessed as a high risk, but regarded the detection of prohibited and restricted commodities as their main function, as clandestine entrants should have been identified at the juxtaposed controls.
- 7.20 Inspectors observed x-ray scanners being used on RoRo freight arriving at Dover and were shown recent images revealing clandestine entrants hiding in trailers. Officers told inspectors that vehicles were selected for scanning primarily for customs reasons.⁴³ South East & Europe Region senior managers argued that the only way to stop all clandestine entrants arriving in the UK through Dover would be to x-ray scan all vehicles, but this was not possible due to the volume of vehicles using the route. Meanwhile, Border Force was not able to use x-ray scanners to search for concealed migrants prior to embarkation from France as this was not permitted under French law.

Clandestine search activity: Border Force South Region

- 7.21 Border Force South Central Command, covering Newhaven, Portsmouth and Southampton, lists in its Risk Register (last updated in March 2017) “marked increase in the numbers [of clandestines] detected at Portsmouth ... as a result of the displacement of clandestines from South Coast feeder Ports, notably Caen, Bilbao, Santander and Le Havre”. The risk was rated “Red” for ‘likelihood’, ‘impact’ and ‘proximity’, with the potential to have a “Significant effect on an already challenged resource model”.⁴⁴ One of the agreed mitigations was to “Use intensification of Freight search/CO₂ probing scanner deployment and high visibility of BF and Police search activity”.
- 7.22 Inspectors observed CO₂ probes being used effectively to check unaccompanied RoRo for clandestine entrants at Portsmouth and at Poole. Senior managers at both ports stated that 100% of unaccompanied freight (trailers) was probed, while accompanied freight (loads with their own drivers) was “risk tested” where resources permitted.
- 7.23 Managers at Portsmouth informed inspectors that they had agreed with the port authority to “put a hold” on all unaccompanied freight arriving at the port to enable Border Force to complete full probing before drivers were permitted to collect the trailers. At Poole, in order not to compromise the commercial operation of the port, Border Force had agreed with the port operator to allow drivers to collect the freight trailers as soon as they arrived at the port. However, in line with its intelligence-led approach to freight searching, Border Force could request that any trailers identified as Category A or B targets were not released.⁴⁵

42 This data relates to detections made at the juxtaposed controls operating at Brussels, Calais, Coquelles, Dunkirk, Lille and Paris and to detections made. These statistics have been taken from a live operational database. As such, numbers may change as information on that system is updated. The figures show attempts at entry rather than individuals. An individual may make several attempts at entry, and therefore be recorded more than once. At the factual accuracy stage, Border Force stated “The significant reduction in juxtaposed clandestine detections in 2017/18 followed the closure of the Calais migrant camp in October 2016 and additional joint UK/France action to reduce the irregular migrant threat in Northern France.”

43 Vehicles are also scanned when subject of an intelligence alert, which could include information about facilitation of illegal entry.

44 South Central Risk Register, an internal Home Office document.

45 See Chapter 8.

- 7.24 Officers at Poole informed inspectors that there were not enough of them to carry out vehicle probing and staff the PCP at the same time. Probing was possible only after the accompanied freight and tourist vehicles had been processed. This meant it was often not possible to probe all unaccompanied freight trailers prior to their being collected. Border Force did not keep records, but the officers estimated that they probed 80-90% of them. Inspectors observed a morning arrival from Caen. Despite there being only 7 unaccompanied freight trailers on the ferry, by the time officers were free from PCP duties 2 had already been collected and a further 2 were hitched onto units and ready to depart.
- 7.25 Inspectors observed that Border Force's probing of unaccompanied trailers was made more difficult at Portsmouth and Poole because the port operators deposited newly arrived trailers among those left from the previous day. Officers therefore had to drive up and down freight lanes cross-referencing trailer numbers with the vessel manifests.
- 7.26 At Portsmouth, inspectors observed Border Force making use of the vehicle scanner to search accompanied freight vehicles for concealed illegal migrants. In one instance, the overhead camera picked up a tear in the top of the trailer's "skirt" and the scanner revealed an individual hiding near the rear doors.
- 7.27 Border Force called for police assistance before opening the doors. When the doors were opened, the individual, an Albanian national, surrendered himself to the waiting officers. He was refused entry and readily agreed to be returned to Spain, departing by ferry for Bilbao on the same day. The officers were certain this was because he intended to make another attempt to enter the UK clandestinely as soon as he was able. Officers at Portsmouth and at Poole told inspectors that they had detected the same individuals more than once.
- 7.28 When inspectors visited Poole on 27 and 28 March, there was no one on duty who was trained to operate the scanner, so it was not in use. The scanner was normally operated by the Mobile Tobacco Detection Team, but the team was deployed on an operation at Gatwick.⁴⁶
- 7.29 Local managers at Portsmouth and Poole informed inspectors that migrants were organised and quick to change their "tactics" in order to avoid detection, including "shifting loads" - moving from one freight vehicle to another prior to disembarkation to minimise the build up of CO₂ and frustrate Border Force's probing.
- 7.30 At Poole, senior managers reported that illegal migrants had responded to the introduction of 100% CO₂ probing by jumping down from trailers in a "starburst" effect as soon as they were unloaded from the ferry. Border Force had collaborated with the port authority to increase port security, including installation of a razor wire fence around the perimeter. On busier weekends, it had also enlisted the help of local police, who were able to deploy heat-seeking drones and dogs to detect clandestines hiding in the port.
- 7.31 Senior managers responsible for Portsmouth and Poole said that the intensification of CO₂ probing of unaccompanied trailers had improved the detection of clandestine entrants, but they were "not remotely confident" that they were preventing all clandestine entry attempts. They recognised that there was always more that could be done, but this was dependent on having the resources. South Central Command (covering Newhaven, Portsmouth and Southampton) hoped to intensify searching of accompanied freight and tourist vehicles once the staffing levels reached their agreed headcount.

46 At the factual accuracy stage, Border Force advised that "the scanner was not a dedicated Poole asset and was operated by the Mobile Tobacco Detection Team who were, at that time, deployed on an operation at Gatwick. Options for training local staff to use the scanner on such occasions when the scanner is not in use with the Mobile Tobacco Team were being explored."

- 7.32 While onsite at Portsmouth and Poole, inspectors heard from staff at all levels that the “spike” in clandestine entry activity had put a strain on resources, and they had limited capacity to deal with detections of more than one clandestine. Resilience was identified as an issue at both ports: a detection of a clandestine entrant would normally lead to all other detection work being suspended. While inspectors did not witness this, they did observe how a customs detection led to the suspension of CO₂ probing of freight trailers at Poole. This was because there were only 4 officers and 1 Higher Officer on shift to meet the late ferry arrival and safe working practices required at least 3 officers to conduct CO₂ probing and freight searching.
- 7.33 Similarly, during observations of the tourist vehicle controls at South Region seaports, inspectors noted that officers were not routinely inspecting the boots or the back seats of vehicles, including where the latter were obscured by tinted windows, despite the fact that Border Force’s ‘Control Strategy’ had [prevention of] clandestine entry as a “very high” priority. Officers told inspectors they had limited capacity to search tourist vehicles due to staff shortages.
- 7.34 Officers at Portsmouth told inspectors that migrants were well aware of Border Force’s limited resources, and they would split up and hide in different trailers in the belief that if one was detected Border Force would not have the capacity to search the other trailers as thoroughly. The officers were certain that groups of illegal migrant groups coordinated their entry attempts, and commented that “their intel is a lot better than ours”.

Detention space – Poole and Portsmouth

- 7.35 The 2016 inspection of Border Force operations at east coast seaports (published in July 2017) found that a number of the ports had inadequate facilities for accommodating and processing clandestine arrivals. It recommended Border Force:

“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”.

- 7.36 The recommendation was “Partially accepted”, with the following formal response:

“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.”

- 7.37 The south coast inspection team found a mixed picture, with no evidence of the “national standards” referred to in the formal response.⁴⁷
- 7.38 The February 2018 ‘Risk Register’ for Border Force South West Command (covering the ports of Poole and Plymouth), identified a risk of the “lack of detention accommodation across the region” causing:

⁴⁷ At the factual accuracy stage, Border Force advised that “the Short Term Holding Facility Rules would come into force in July 2018”.

“an increased likelihood of passengers absconding from the PCP; potential threat to the health and safety of officers... Increase in likelihood of illegal entrants detained trying to abscond due to limited detention space and staff to monitor such at Poole”.

- 7.39 Officers explained that the impact of the “resource intensive” process of detaining and processing clandestine arrivals, either to the point of removal or referral to an in-country caseworking team, was exacerbated by the fact that the detention services contractor did not have a local presence, so Border Force had to monitor anyone who had been detained until they were removed or collected and transported to an Immigration Removal Centre (IRC).
- 7.40 A similar situation existed at Portsmouth and Poole. Both ports had specialised holding facilities, but neither was operated by trained custody teams or by the detention services contractor. Instead, officers had to be delegated to “babysit” clandestine entrants until escorts arrived to transfer them to an IRC. This removed up to 3 officers from ‘core’ activities. A manager at Portsmouth told inspectors that he often monitored detained individuals, in order to release a frontline officer for other duties.
- 7.41 Inspectors were told that Portsmouth had once had a holding room staffed by a detention services contractor. However, this had been closed 4 years ago. At the end of March 2018, South Central senior management was sufficiently concerned about the increase in clandestine detections to submit a business case proposing the re-introduction of contracted detention services at Portsmouth. At the time of writing (May 2018), this proposal was still under consideration.
- 7.42 Inspectors were told that the strain on Border Force resources caused by having to monitor detained clandestine entrants was greater because the escort provider was slow to respond.⁴⁸ Inspectors reviewed data for detainee movement requests made by Border Force at Portsmouth and Poole and found that in 2017-18 (to 12 March 2018) the 2 ports made a combined total of 86 requests. Of these, 4 were recorded as “declined”, and 14 as “cancelled” or “not completed” with no further details.
- 7.43 Senior officers said that they had been “let down massively” by the escorting contractor. Escorts were meant to respond to ‘call-outs’ within 3 hours, but the contractor often took 5 or 6 hours to respond, and sometimes failed to turn up altogether. Inspectors requested data on call-out and response times, but Border Force did not hold records on compliance with this requirement.
- 7.44 Some South Region officers believed the contractor might find it “commercially advantageous” to incur a fine for failing to respond rather than travel from London to the south coast to collect immigration detainees. They said that Border Force’s “one size fits all” approach to detention and transportation did not make sense outside London, particularly since the closure of The Verne IRC in December 2017,⁴⁹ which meant that the nearest escorts were based at the IRCs at Gatwick and Heathrow.
- 7.45 At both Poole and Portsmouth, Border Force had sought local solutions, and Dorset Police and Hampshire Constabulary had agreed informally and on an ad hoc basis to transport clandestine entrants to a local custody suite, from where the escorts could collect them.

48 Escort services are provided to Border Force by a private company under contract.

49 The Verne Immigration Removal Centre, located on the Isle of Portland in Dorset, was closed on 31 December 2017. The facility will revert to a prison during 2018.

- 7.46 Between 1 April 2016 and 30 October 2017, Portsmouth made use of police custody suites on 108 occasions at a cost to Border Force of £76,697.27.⁵⁰ Managers at Portsmouth said they had a good relationship with the police, but availability of police custody at weekends was often limited and the only contingency was for officers themselves to transport immigration detainees to Tinsley House at Gatwick, which meant them having to extend their shifts.
- 7.47 Between 1 April 2016 and 12 March 2018, Poole made use of police custody for immigration purposes on 59 occasions. It had not been invoiced for this by Dorset Police. The Border Force South West 'Risk Register' contained the following mitigation: "MoU to be signed with local police constabulary for use of police detention accommodation in high-risk detention cases". At the time of the inspection, no MoU had been signed.⁵¹
- 7.48 The Senior Civil Servant lead for Border Force South told inspectors that she was not aware that there was a serious issue with local detention and transporting services. However, a new provider had been awarded the contract with effect from 1 May 2018, and it was hoped that this would lead to an improvement in the services.
- 7.49 By contrast with Portsmouth and Poole, Border Force at Dover did not experience any problems with the detention and transportation of clandestine entrants, despite dealing with much larger numbers of detections. In this case, the contracted escort service had staff based in Dover and the detention suite was at the Kent Asylum Intake Unit in the town centre. Managers said that the response time from referral to collection was typically around 30 minutes.

Civil Penalty Notices

- 7.50 Under section 32(2) of the Immigration and Asylum Act 1999 (as amended), the Home Secretary "may require a person who is responsible for [carrying] a clandestine entrant [to the UK] to pay a penalty". The penalty is set at up to £2,000. The Home Office's published 'Code of practice for vehicles' sets out the measures "the owner, hirer or driver" is expected to take "to secure vehicles against unauthorised entry" and thereby prevent "the carriage of clandestine entrants to the UK".⁵²
- 7.51 Where a vehicle is found to have carried a clandestine entrant to the UK, Border Force⁵³ decides whether to issue the driver and/or the owner or hirer with a Civil Penalty Notice (Form IS11). This states the amount of the fine and gives the recipient(s) 60 days to pay. Recipients have 28 days to object to or appeal against the penalty, including against the amount. It is a defence if the recipient can show that they did not know or have reasonable grounds for suspecting that a clandestine entrant was concealed in their vehicle, or that they had an effective system in operation for preventing the carriage of clandestine entrants and that they had used it.⁵⁴

50 Border Force explained that the police charged Border Force £500 per night, per individual in custody.

51 At the factual accuracy stage, Border Force advised that the MoU had since been signed.

52 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/342643/Civil_Penalty_code_of_practice.pdf

53 The Clandestine Entrant Civil Penalty team sits within Border Force South East & Europe region and is based in Folkestone

54 Guidance accessed at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/505766/CLANDESTINE_CIVIL_PENALTY_CONDOC_March_2016_Final_2.pdf

Figure 12 : Civil Penalty Notices issued for detections of clandestine entrants at south coast seaports in 2016-17 and 2017-18⁵⁵

Port	2016-17		2017-18	
	Civil Penalty Notices Issued	Fines Imposed	Civil Penalty Notices Issued	Fines Imposed
Dover	137	21	110	0
Newhaven	4	0	0	0
Portsmouth	41	6	35	0
Southampton	0	0	0	0
Poole	15	0	1	0
Plymouth	0	0	0	0
Total	197	27	146	0

- 7.52 Set against the numbers of clandestine entrants detected, the overall numbers of Civil Penalty Notices issued are small. In 2017-18, the numbers issued at Poole and Portsmouth reduced, while the numbers of clandestine entrants detected increased. Managers at Poole and Portsmouth told inspectors that it was “very difficult” to establish that drivers knew that someone was concealed in their vehicle or that they had not taken preventative measures. In addition, a number of the clandestine entrants were detected in unaccompanied trailers or underneath vehicles (known colloquially as “axle grabbers”), and, in such circumstances, it was not appropriate to issue a Civil Penalty Notice.
- 7.53 Portsmouth had launched a campaign with posters and leaflets handed out to raise awareness among drivers about vehicle security, and a manager had been designated with the task of revising local guidance for staff. However, inspectors were told that the decline in Civil Penalty Notices was also because of limited resources to complete such “administrative functions” when the priority was to deal with the individuals who had been detected.
- 7.54 The Clandestine Entrant Civil Penalty Team, part of South East & Europe Region, is responsible for imposing fines and collecting payment. Figure 12 shows that less than 14% of the Civil Penalties Notices issued in 2016-17 resulted in a fine being imposed. Of the 27 fines imposed, at the time of the inspection only 11 had resulted in a payment being received. In 2017-18, no fines were imposed.
- 7.55 Inspectors asked for an explanation. Border Force responded:
- “The Clandestine Entrant Civil Penalty Team has been undergoing a substantial restructure and process review to make the unit more efficient and effective and, therefore, better able to manage the increase in case loads which have been seen in recent years. This necessitated a temporary reduction in penalty imposition to allow for the recruitment and training of new staff and the move to a single site unit. The re-structure is now complete and penalty imposition throughput rates are increasing. This work will continue until all outstanding penalties have been issued.”

⁵⁵ Data correct to end March 2018.

- 7.56 Inspectors noted that the Home Office had run “a consultation on proposals to improve the civil penalty regime”,⁵⁶ inviting feedback from stakeholders. The consultation formally closed on 18 April 2016, and the GOV.UK webpage advised interested parties to “Visit this page again soon to download the outcome to this public feedback”. However, at the time of writing (May 2018), nothing further had been published.⁵⁷

Personal Protective Equipment (PPE)

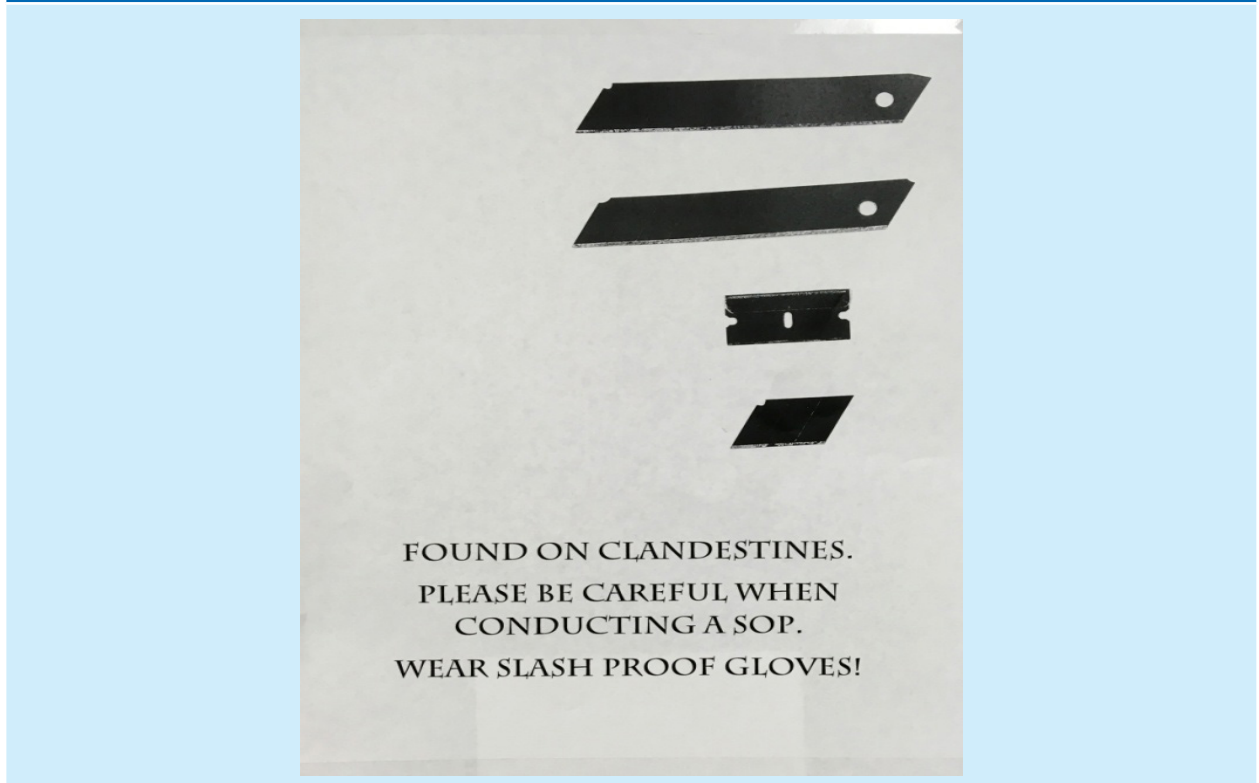
- 7.57 The 2016 ‘Inspection of Border Force operations at east coast seaports’ (sent to the Home Secretary on 1 February 2017 and published on 12 July 2017) identified that there was an inconsistent approach to the wearing of personal protective equipment (PPE) when searching freight. It recommended Border Force ensure that:
- “‘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” .
- 7.58 This recommendation was “Accepted”. In February 2018, inspectors asked for an update. Border Force reported:
- “OAD conducted a high level review of the use of PPE across Border Force which identified inconsistencies in its use. This led to the establishment of a project through the COO led⁵⁸ Health and Safety Steering Group.
- An initial report has been drafted and is with the COO for consideration pending a discussion and sense-check session with the operational Regional Directors. It should be noted that any changes to current policy will need to be routed via the Border Force Board which is likely to lengthen any sign-off process.”
- 7.59 The Health and Safety lead for the Public and Commercial Services Union (PCS) took part in the PPE project. Their recommendation was that protective (“stab”) vests should be used when searching for clandestine arrivals in remote locations at ports, for example when probing for CO₂ where it was dark.
- 7.60 During onsite visits to south coast ports, inspectors noted that the approach to wearing protective vests was inconsistent. There was no central guidance, and local managers delegated the decision to the officers on the ground, for them to make a “dynamic risk assessment”.
- 7.61 The Senior Officer at one seaport had ordered a number of protective vests, so that they were available to officers if they felt they were needed when searching freight. However, managers and officers at other ports visited stated that vests were not available, and were not suitable in any event for this type of work as the vest could be a “hindrance” in confined spaces. Although clandestine entrants were often found carrying a blade or sharp instrument for cutting their way into and out of soft-sided freight, none of the officers had experienced aggressive behaviour.
- 7.62 Meanwhile, at Poole inspectors saw a locally-produced notice showing recent examples of blades found on clandestine entrants, and advising officers to wear “slash proof gloves” when conducting a Search of Person (SOP) – see Figure 13.

56 <https://www.gov.uk/government/consultations/the-uks-clandestine-civil-penalty-regime>

57 <https://www.gov.uk/guidance/secure-your-vehicle-to-help-stop-illegal-immigration>

58 The Chief Operating Officer for Border Force.

Figure 13: Local signage on display in Border Force accommodation at Poole, showing cutting instruments found



Use of handcuffs

- 7.63 Inspectors were told that there was also no central policy or guidance regarding the use of handcuffs when a clandestine arrival was detected. Local guidance at one port advised officers to “consider using handcuffs when transporting individuals”. Officers at this port stated that this was a personal decision, based on perceived risk.
- 7.64 At another port, following a local risk assessment, officers were advised that it was “best practice” to apply handcuffs to enable safe transportation and a proper search for weapons. However, a manager reported that it was not always possible to follow this guidance and gave a recent example where 15 clandestine entrants were detected but there were only 12 Border Force staff on shift and therefore only 12 sets of handcuffs available. Since that incident, a lockable box had been installed containing extra handcuffs.
- 7.65 When OAD visited Dover in June 2017 it found that there was no local policy regarding the carrying of handcuffs. Officers were left to decide for themselves whether to carry them. OAD was concerned at the number of officers who chose not to carry them, and recommended the introduction of a “consistent local policy.” When inspectors visited Dover in March 2018, managers stated that carrying handcuffs was now mandatory for operational staff. However, inspectors observed a number of on duty officers who did not appear to be carrying their handcuffs.

8. Inspection findings – Customs controls

Background

- 8.1 In its 'Business Plan 2015 – 2018', Border Force states that it aims to be “a fully intelligence-led organisation that targets its activities to greatest benefit”. Its 'Control Strategy' is key to this aim.
- 8.2 The 2018 'Control Strategy' assesses the threats at the border and to the UK. It is broken down by types of goods, for example “Class A” and “Cigarettes and tobacco”, and categories of people, including “Clandestine entry”.
- 8.3 Border Force senior managers use the 'Control Strategy', together with current intelligence from Border Force Intelligence Directorate, to target resources at the highest identified risks.

Resourcing to risk – Dover

- 8.4 Senior Managers for South East & Europe and for South Regions were in agreement that the greatest risk in terms of commodity smuggling along the south coast was at Dover, due to the volume of RoRo traffic, proximity to the continent, and routes from Eastern Europe.
- 8.5 Border Force was resourced in line with the assessed level of risk at Dover. Dover had been allocated funding for 384 “core” operational officers (Border Force Assistant Officer to Higher Officer grades). With this level of staff resource, Dover was able to dedicate 240 officers to the freight and tourist customs controls. This compared to 246 funded operational officers at Newhaven, Portsmouth, Southampton, Poole and Plymouth combined, who were responsible for conducting both immigration and customs checks.
- 8.6 Senior managers told inspectors that Dover made a “very significant contribution” to customs seizures nationally. With regard to the south coast, seizures at Dover far exceeded the other ports' combined totals in almost all commodities – see Figure 14.

Figure 14: South Coast Ports customs seizures 2017-18

Commodity	Control Strategy Priority	South Coast Ports Total	Dover Total	Dover %
Cigarettes (sticks)	Very High	145,310,651	135,263,289	93%
Hand Rolling Tobacco (KGs)	Very High	147,431	146,064	99%
'High Risk' Class A drugs (KGs)	Very High	717	601	84%
Firearms – lethal (units)	Very High	15	11	73%

Strategic Exports (number)	Very High	4	3	75%
Cash (£)	High	£6,448,832	£6,448,238	100%
Alcohol (litres)	Medium	4,609,096	4,566,477	99%
Other Class A (KGs)	Medium	85	59	69%
Intellectual Property Rights (units)	Medium	56	11	20%
CITES ⁵⁹ (units)	Medium	5	0	0%
Weapons (units)	Medium	571	86	15%
Cannabis (KGs)	Low	8,283	6,235	75%
Products of animal origin (KGs)	Low	7,848	7,130	91%
Firearms – non-lethal (units)	Low	174	151	87%

Targeting

- 8.7 For the maritime environment, targeting activity (the selection in advance of their arrival of people or consignments of goods to be examined at the border) is directed by one of 5 modal hubs.⁶⁰ The hubs issue risk-based targets for frontline officers to action. The targets are produced by “making checks against a broad range of law enforcement and automated systems to identify known and unknown individuals or goods which may present a risk to the UK”.⁶¹ Targets for customs examination are categorised A, B or C – see Figure 15.

Figure 15: Categorisation of targets for customs examination

Category A	<p>Targets relate to movements where there is a high expectation of smuggling or criminal activity.</p> <p>Border Force designated customs officials must action all Category A targets.</p>
Category B	<p>Targets relate to movements where risk indicators suggest a higher risk consignment.</p> <p>Designated customs officials must action all Category B targets.</p>
Category C	<p>Targets relate to movements where links to known problem routes; or to source or destination countries assessed as high risk; or other available information provide reasonable grounds to suspect that an intervention may result in a positive outcome.</p> <p>Border Force designated customs officials should action Category C targets wherever available resource permits. Such decisions on intervention should be based on an informed assessment of the resources available to conduct mandatory checks and activity in relation to higher category targets and control strategy priorities.</p>

59 Convention on International Trade in Endangered Species of Wild Fauna and Flora.

60 The modal hubs Felixstowe, with a satellite team based in Portsmouth (for containers), Humber (for unaccompanied RoRo freight), Dover (for accompanied RoRo freight), Maritime Information Bureau – Portsmouth (for General Maritime), and National Border Targeting Centre – Manchester (for people).

61 Border Force Operating Mandate – an internal Home Office document.

- 8.8 All targets are quality assured by a manager before being issued to frontline officers to ‘action’. Officers must record all seizures on an internal system (CENTAUR), which allows the targeting hubs to see the outcome.

Completion of targeted searches

- 8.9 Border Force data for south coast ports for 2016-17 and 2017-18 is shown in Figure 16.

Figure 16: Targets issued to and actioned by Border Force at south coast seaports in 2016-17 and 2017-18, with outcomes

Category	Year	Targets issued	Targets actioned	% actioned	Detections	% detections
A	2016-17	70	70	100.0%	30	42.9%
	2017-18	54	53	98.1%	32	59.3%
B	2016-17	1,008	979	97.1%	191	18.9%
	2017-18	710	687	96.8%	159	22.4%
C	2016-17	14,922	14,246	95.5%	445	3.0%
	2017-18	14,738	13,968	94.8%	322	2.2%

- 8.10 During 2017-18, only 1 category A target issued to South East & Europe and South Regions was not actioned. This was issued to Portsmouth. In the same period, 23 category B targets were not actioned: 11 at Dover; 6 at Southampton; 5 at Portsmouth; and 1 at Plymouth. South Region senior managers told inspectors that the failures to respond were because resources were busy with the mandated immigration controls and [redacted].

Target quality

- 8.11 The 2016 ‘Inspection of Border Force operations at east coast seaports’ found that officers perceived there had been an overall improvement in the quality of customs targets. The report noted a detection (“success”) rate of 81%, 18% and 3% respectively for category A, B and C targets issued to the east coast seaports in 2015-16. The figures indicated a general improvement of targeting accuracy since a previous ‘Inspection of Border Force Freight Operations’ (March 2013 – July 2013),⁶² particularly in the quality of category A targets.
- 8.12 While south coast detection rates for category B and C targets in 2016-17 and 2017-18 were broadly comparable to those on the east coast in 2015-16, and had improved significantly for category A targets in 2017-18 (against a 13% reduction in the number of targets issued), officers at south coast seaports did not share their east coast counterparts’ view of improving target quality. At all the ports visited, they told inspectors that they were sceptical about the quality and said that, despite Border Force’s ambition, “we are not intelligence-led”.
- 8.13 The officers said that they often struggled to understand the rationale for category C targets. One gave the example of a category C target that was selected on the basis that the company “usually carries broccoli but [is] now carrying cauliflower”. Officers at Poole stated that they searched

⁶² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/546853/An-Inspection-of-Border-Force-Freight-Operations-Nov_2013.pdf

category C targets as directed, but it felt like “just going through the motions”. However, a manager responsible for targeting commented that frontline officers had unrealistic expectations of success rates and said that the main purpose of category C targets was to gain further intelligence.

- 8.14 Meanwhile, a regional senior manager told inspectors that he would like to see a higher ratio of detections to searches for category C targets, but accepted that it was a difficult area of work and “in freight you have to kiss a lot of frogs”.
- 8.15 Targeting officers informed inspectors that they relied on feedback from frontline officers to complete the circle and improve future targeting. However, feedback for category C targets in particular was poor, with frontline officers normally recording simply “nil result” on CENTAUR where nothing had been found.
- 8.16 Border Force had sought to improve feedback loops at south coast seaports and had trialed requiring officers to discuss category C targets with the targeting officer before releasing them from the port. Local managers had found this to be a waste of time, and it had undermined their authority to decide to release targets without further checks.
- 8.17 Inspectors saw examples of effective feedback loops, particularly at Dover, where the co-located RoRo Targeting Hub regularly deployed officers to the freight lanes. Border Force had also seconded targeting officers from the hubs to other ports along the south coast. This had been mutually beneficial, helping frontline officers to understand the rationale behind targets and ensuring they took the most appropriate action, and enabling targeting officers to gain real-time, local intelligence about port traffic and an understanding of how operational teams undertook searches.

“Officer-selected” detections

- 8.18 In addition to targets identified by the targeting hubs, frontline officers use previous intelligence, risk-based targeting and behavioural indicators to identify passengers and freight for further examination. Officers at all of the south coast ports visited by inspectors reported that making these “officer-selected” further examinations remained an important part of their job, and argued that there was no substitute for local knowledge of port traffic and of what looked suspicious.
- 8.19 Where resources permitted, officers were able to review manifests for arriving vessels and make “pre-selections” of freight to examine on arrival. They said that there had been notable successes at all the south coast ports using this approach.

Case study 1: Detection at Poole as a result of local officer selection

Summary

On 12 March 2018, Border Force officers at Poole made a detection of 20 kg of cannabis through local pre-selection.⁶³

Prior to arrival, Border Force

- reviewed the manifest for a ferry from Bilbao and cross-referenced this with Home Office systems

⁶³ http://www.bournemouthecho.co.uk/news/16114642.Cannabis_worth_250k_is_discovered_by_officials_aboard_lorry_at_Poole_Port/

- pre-selected a driver for further examination, as he had been previously subject to a cash seizure and had not been stopped by Border Force since

Upon arrival, Border Force:

- referred the pre-selected driver and vehicle, an open top truck, to the secondary examination area, where the driver was questioned
- decided to undertake a full vehicle examination due to inconsistencies in the driver's account and lack of documentation for the machinery being transported
- discovered a concealment of 20 kg of cannabis inside a refrigerator motor carried by the vehicle
- also examined a category C target from the same ferry, but found nothing

Chief Inspector's Comment

This detection shows the value of officers selecting vehicles for further examination based on local knowledge. Given his prior history, it is not clear why the driver was not identified as a target by the targeting hub when another vehicle arriving on the same ferry was identified as a category C target. However, this is likely to have fuelled whatever scepticism the officers already felt about the value of category C targets.

- 8.20 Border Force did not record seizure quantities for targeted detections and for "officer-selected" detections separately, so the contribution made by the latter to overall seizure totals was not known. However, senior manager told inspectors that they had had "huge success" from "officer-selected" further examinations, both in terms of seizures and intelligence to feed to the targeting hubs through 'Immediate Event Notifications' (IENs) to enable the hubs to refresh their intelligence profiles.
- 8.21 Senior managers said that while resources were devoted primarily to responding to category A, B and C targets there was also capacity to undertake "officer-selected" examinations. Inspectors saw that this was the case at Dover, where customs detection is a primary function. However, it was less evident at other south coast ports, where the officers also had to cover the immigration controls.

Dover – visual selection

- 8.22 Faced with up to 10,000 freight arrivals a day, the challenge for Border Force at Dover was to maintain an effective scheme of control while keeping traffic moving through the port.
- 8.23 Between 2011 and 2014, Border Force was in consultation with the port operator at Dover about a redesign of border control processes and infrastructure for customs examinations. This led to the port operator constructing a new car examination hall with capacity for in excess of 30 vehicles. According to senior management at Dover, as part of the overall plans to balance security with the fluidity of legitimate traffic, Border Force agreed to move to an initial "non-verbal selection" regime from June 2014. This meant officers no longer interviewed the occupants of vehicles in the car lanes, but instead selected vehicles to direct to the hall for further examinations based on initial visual indicators.
- 8.24 Border Force told inspectors that this change in approach "more appropriately reflect[ed] the Border Force intelligence led operating model", with one senior manager commenting that "it works well and hasn't had any negative impact on performance and we got better facilities".

However, frontline officers said that the arrangement had impacted their ability to make meaningful selections of tourist cars for examination. For example, they were no longer able to identify rental vehicles from their key fobs.⁶⁴

- 8.25 Officers reported that the positioning of the observation point, where they stood to screen arriving vehicles, also made it difficult to make effective visual selections for further examination – see Figure 17. They said that cars approached the selection point at up to 20 miles per hour, and it was often difficult to see into vehicles when the sun was reflected on their windscreens.⁶⁵
- 8.26 Inspectors were told that the intention had been for cars to be directed to a temporary waiting bay where an officer could ask a few questions without impeding the flow of traffic. Inspectors saw that this bay was not being used. Instead, cars were being referred directly into the car examination hall. The officers explained that there were not enough of them on duty to cover the forward selection post, the examination hall and the temporary waiting area at the same time.

Figure 17: Photograph of view from the forward selection post at Dover



Dover – Specialist teams

- 8.27 Senior Managers at Dover stressed the importance of having skilled and experienced officers and that this has delivered high levels of seizures and enabled “a number of very sophisticated finds”.
- 8.28 In order to foster the required skills and experience, Dover officers worked in teams specialising in searching either tourist vehicles or freight. Freight was considered to pose the higher risk and had therefore been allocated more resources: 15 dedicated teams, comprising 170 officers. The teams included tourist search teams, plus Commercial Smuggling Development Teams (CSDT) working on freight and on tourist traffic, providing an experienced and skilled detection and rummage capability, and a place for officers to learn and develop their skills.⁶⁶

64 [redacted].

65 At the factual accuracy stage, Border Force reported that “Port Police have undertaken a number of speed analysis trials at the observation point at various times of the day and reported the average speed as 12 miles an hour.”

66 Roughly half of the members of the CSDTs are newer or less experienced officers.

- 8.29 Inspectors were impressed by the commitment and knowledge shown by the specialist teams. Managers at Dover told inspectors that having these teams enabled them to plan better and to provide more focused line management, while South East & Europe senior management said that the model had been followed for 15 years and was “the secret to Dover’s success”. Dover officers said they felt specialisms were the way forward for Border Force, and inspectors noted that officers from other Border Force regions had been sent on detached duty to gain experience from the specialist teams at Dover.

Dover – Dedicated team for outward bound checks

- 8.30 In 2017-18, only Dover (£6,448,238) and Portsmouth (£594) made any cash seizures. Most of the Dover seizures were made by a team dedicated to checking outward bound traffic.

Case Study 2: ‘Operation Essen’: intensification of checks on outward bound controls

Risk assessment

During the summer and autumn of 2016, Border Force made a number of large cash detections in outward bound traffic, indicating that the risk had increased.

What Border Force did

Recognising that Dover did not have enough officers itself to create a team to tackle this issue, South East & Europe Region:

- brought together 11 officers from Dover, Calais, Coquelles, and mobile resources, including a dedicated dog team, to form a regional team
- on 5 December 2016, launched ‘Operation Essen’ to focus on outward bound traffic
- following initial success, extended the Operation on an open-ended basis
- worked closely with the intelligence hubs and generated its own selections for outward bound vehicles for searching, primarily at Dover and Cheriton (for the Channel Tunnel)

The results

In the 15 months to March 2018, the team:

- made cash detections to the value of c. £6m,⁶⁷ including a seizure on 5 October 2017 of between £1.6m and £1.8m, believed to be the laundered proceeds of cigarette smuggling from Poland, which was concealed under rolls of fabric in a freight vehicle at Dover Eastern Docks⁶⁸
- established close working relationships with the National Crime Agency (NCA), Her Majesty’s Revenue and Customs (HMRC), Kent Police and Home Office Immigration Enforcement, including an effective referral process for cash detections, which led to 48 detections being adopted for prosecution

⁶⁷ This figure covers all ports in South East & Europe. Border Force explained that due to the unique security requirements for counting cash seizures the actual amount can change significantly and often the final figure is not available until 3 to 6 months after the detection, which can cause delays in establishing the final value for reporting/statistical purposes.

⁶⁸ This was the largest cash seizure made by Border Force (inbound or outbound) in the past 5 years.

- identified and disrupted other outward bound criminal activity, including identification of an overseas crime gang that was exporting vehicles purchased with the proceeds of crime; seizure of stolen and counterfeit goods, and detection of individuals who presented a terrorist threat
- submitted high quality intelligence reports to other Border Force regions and to stakeholders, leading to the detection of a number of offences, including tax fraud, suppression of income and illegal working

Training

- 8.31 Border Force new recruits at Dover undergo 11 weeks of learning activities. This includes Core Skills 2, mandatory e-learning, Personal Safety Training, and ‘on the job’ mentoring.
- 8.32 Some officers also receive supplementary training at the search of vehicle ‘Centre of Excellence’ at Dover.⁶⁹ The courses offered by the Centre are recognised nationally and internationally, and attended by UK and foreign law enforcement agencies. Border Force also contracted a third party to provide more advanced technical training to selected officers to equip them to disassemble and reassemble vehicles.⁷⁰ Officers at Dover were extremely positive about the training they had received, and told inspectors that it gave them the confidence to make customs selections, spot anomalies in vehicles, and carry out searches.
- 8.33 Officers in South Region were also positive about their training, but less enthusiastic about being “multi-functional”. The phrase “jack of all trades and masters of none” was used repeatedly.

South Region ports – Multi-functionality

- 8.34 One senior manager told inspectors that the specialist teams model employed at Dover worked there because of the volumes of traffic and levels of risk, commenting that “6 months at Dover is like 2 or 3 years in another port”. The manager said that the Dover model would not be appropriate for smaller, lower risk seaports.
- 8.35 While the majority of South Region officers were “multi-functional” in that they had received Core Skills 2 training,⁷¹ and those interviewed all expressed enthusiasm for customs work, the priority was the mandatory immigration controls and Cyclamen.
- 8.36 Inspectors observed officers working on the PCP at Poole on 27-28 March and at Portsmouth on 3-4 April. There were no officers dedicated to making customs selections in the tourist lanes, and responsibility for doing so sat with the officers in the booths.
- 8.37 Inspectors were told that there was often no one in the secondary examination area to deal with any selections. At Portsmouth, when a vehicle is referred for further examination due to a customs interest, but no-one is available to carry out the search, the driver will be asked to park in front of the examination area and wait in their vehicle. However, in such cases, in terms of a Border Force presence or physical barriers there is nothing to prevent the drivers from slipping away unchallenged.

⁶⁹ Border Force’s ‘Centre of Excellence’ for search of vehicle (both tourist and freight) is at Dover. Other Border Force ‘Centres of Excellence’ for searching are at Ramsgate (pleasure craft); Felixstowe (containers); Heathrow (baggage and aircraft); and Liverpool (deep rummage of commercial vessels).

⁷⁰ At Dover, managers aimed for 2 officers per team of 10 to receive this training.

⁷¹ Border Force has 3 core training courses: Core Skills 1 – equips officers to undertake immigration duties to the point of further examination; Core Skills 2 – equips officers with to undertake customs work including selecting and searching vehicles and persons; Core Skills 3 – equips officers to undertake further examination for immigration purposes.

Case Study 3: Observation of car bypassing secondary examination area

Summary

Inspectors observed officers processing passengers at the PCP for the car control at a south coast seaport shortly after a ferry arrival from France.

Inspectors observed

- an officer questioning a passenger regarding the contents of a car in which cartons of cigarettes were partially visible through the back-seat window
- the passenger acting nervously and claiming to be carrying 5,000 cigarettes for “personal consumption”
- the officer checking and returning the driver’s passport, and instructing her to proceed to the secondary examination area for further checks
- the officer radioing another team, stationed in the secondary examination area car hall, but receiving no response as the only officer in the car hall was already occupied with another vehicle
- the driver bypassing the car hall and driving for the port exit
- a Higher Officer on duty attempting to chase the car on foot unsuccessfully, and the car exiting the port

What Border Force said

“The incident has been investigated and follow up action taken. Intelligence has been generated for future action as appropriate. An instruction reinforcing the correct procedures to be followed has been sent to all operational staff.”

Chief Inspector’s comment

In this case, a passenger suspected of carrying a large quantity of restricted goods managed to enter the UK without further examination. This was possible because there were no officers available in the secondary examination area to take control of the vehicle once it had been selected.

Southampton – Dedicated Container Team trial

- 8.38 Border Force South had trialled the use of dedicated teams at Southampton in 2017-18. A team of 7 officers was established from the core staff at the port to focus on container searches, in an attempt to boost cigarette seizures. The officers assigned to this team were positive about the initiative and told inspectors that, as a result, they had developed their skills and experience in rummaging. They estimated that before the trial they had been spending only 5% of their time on customs work.
- 8.39 However, the trial had not produced the hoped-for increase in seizures – see Figures 18 and 19. Only containers identified by the targeting hub had been searched, and the detections had been mostly goods in breach of intellectual property rights. Regional senior management was reassured that containers were being examined properly, and could not explain the marked reduction in cigarettes and hand rolling tobacco seized at Southampton in 2017-18. At the time of the inspection, the Southampton team was due to be disbanded and officers returned to multi-functional duties.

Figure 18: Volume of cigarettes (sticks) seized at South Region ports for 2015-16, 2016-17 and 2017-18

Port	2015-16	2016-17	2017-18
Newhaven	200	5,502,740	8,399,800
Portsmouth	72,400	67,499	56,280
Southampton	43,266,140	20,520,300	1,358,596
Poole	92,493	41,600	202,346
Plymouth	52,840	33,620	30,340
Total	43,484,073	26,165,759	10,047,362

Figure 19: Volume of hand rolling tobacco (kilograms) seized at South Region ports for 2015-16, 2016-17 and 2017-18

Port	2015-16	2016-17	2017-18
Newhaven	112	0	0
Portsmouth	30	111	1,050
Southampton	12,868	20,245	274
Poole	64	69	26
Plymouth	10	60	18
Total	13,084	20,485	1,368

South Region – Mobile Tobacco Detection Team

- 8.40 In September 2016, the Treasury agreed to fund Border Force “to form a dedicated group of border officers and intelligence officials to tighten the government’s grip on the most prolific smuggling routes and intercept smugglers as they try to adapt their tactics”. The total funding was £31m, of which Border Force South received an initial £1.3m to create 10 new posts to form a “Mobile Tobacco Detection Team”.⁷² This later became 9 posts (8 Officers and 1 Higher Officer), all based at Poole but deployable across the region.
- 8.41 While the team was intended to be a ring-fenced resource to improve Border Force’s tobacco searching capability, during Qs 3 and 4 of 2017-18 it was re-deployed to assist with a joint Her Majesty’s Revenue & Customs (HMRC) - Border Force operation, which impacted activity in the region.

South Region – Dog Teams

- 8.42 When South Region seaports wish to deploy detection dogs they have to make a request to the regional Dog Unit based at Gatwick Airport. This regional resource has a budgeted headcount of 10 dog teams.⁷³ However, between May and December 2017 only 6 teams were available. In February 2018, this increased to 7.⁷⁴

⁷² As part of the £31 million, Border Force South East & Europe secured 50 Assistant Officer posts. As at January 2018, 21 Assistant Officer posts at Dover were filled. Border Force also created 30 “Intelligence and Targeting posts”, 4 of which were allocated to South East & Europe region.

⁷³ Dog teams normally comprise of 1 Border Force Assistant Officer ‘handler’ and 1 dog.

⁷⁴ The unit had a full complement of 10, but 1 handler was on detached duty at another unit, and 1 handler was on maternity leave.

- 8.43 South Region Higher Officers told inspectors they were required to submit deployment requests 3 weeks in advance, so they could use dog teams only on planned operations. The Dog Unit considers a number of factors when deciding its response to tasking requests, including the opportunity costs of deploying to more distant (from Gatwick) ports, such as Plymouth.
- 8.44 Between 1 April 2017 and 28 February 2018, in addition to 8 General Maritime deployments to the south coast, the Dog Unit deployed 179 times to Newhaven, Portsmouth, Southampton, Poole or Plymouth. However, it turned down a further 133 deployment requests from all ports and airports across the region, including Gatwick Airport.⁷⁵ In the same period, dogs were deployed to Gatwick Airport 468 times (61% of all deployments for the unit) – see Figure 20.

Figure 20: Dog team deployments by the South Region Dog Unit between 1 April 2017 and 28 February 2018 broken down by location

Location	Deployments
Gatwick	468 (60.8%)
Other South Region airport (including General Aviation)	41 (5.3%)
South Region seaport	179 (23.2%)
General Maritime - south coast	8 (1%)
Other South Region seaport (west coast)	20 (2.6%)
Assistance to other regions	37 (4.8%)
Other Operation	17 (2.2%)
Total	770 (100%)

- 8.45 Officers at the south coast seaports visited by inspectors stated that they valued the dog teams, but did not work with them regularly. There had been a dog unit based at Southampton but since this had been centralised the number of times they worked with dogs had reduced. Officers said that this had impacted the effectiveness of the dogs, as they needed to be familiar with the different types of traffic at different ports.
- 8.46 Inspectors were informed that a handler and dog had been recruited with the intention of deploying them to Poole to trial “home kenneling”. This deployment had been delayed as secure storage and CCTV for Class A drug samples (required for scent training) had to be installed. At the time of writing (May 2018), Border Force expected the trial to begin by “summer 2018”.

South East & Europe Region – Dog Teams

- 8.47 The South East & Europe regional Dog Unit was located at Priory Court in Dover town centre. At the time inspectors visited, the Unit had 9 handlers, with another awaiting training. Dogs were deployed to Dover on a “business as usual” basis to assist the freight and tourist search teams, and less frequently to other ports, including Cheriton, St Pancras and Coquelles. One South East & Europe dog team had been attached permanently to ‘Operation Essen’, and officers working on this Operation commended the dog team’s role in making some “impressive” seizures, particularly of cash – see Case Study 2.

⁷⁵ Border Force stated: “Assistance has been sought to meet these requests from Border Force resource outside the region, from the NCA dog handler or Police but alternative resource has only been able to assist on 6 occasions throughout the year”.

- 8.48 Officers at Dover regarded dogs as a useful tool, particularly when embedded with a search team. This allowed dogs to become accustomed to the type of work and enabled better coordination between officers and the dog teams. Inspectors witnessed 3 dogs being used to check arriving freight vehicles. Using the dogs provided a more immediate and quicker method of checking than sending all vehicles to be scanned.

Equipment – vehicle scanners

- 8.49 Senior managers told inspectors that scanners gave them “a massive advantage”, enabling them to assess the contents of freight vehicles quickly without undertaking more time-consuming physical searches. Resources could then be focused on those vehicles that the scan identified as warranting further examination.
- 8.50 Dover had a fixed scanner which was in constant use while inspectors were on site. This produced an x-ray image of freight vehicles. All 170 of the officers involved in freight examination at Dover were trained to a basic level of image interpretation, while 140 were trained to advanced level.
- 8.51 Border Force South Region had 3 mobile scanners to cover the 5 staffed seaports. These were normally based at Portsmouth, Southampton and Poole.⁷⁶
- 8.52 Newhaven was reliant on a scanner being deployed from Portsmouth, Southampton or Poole, when required. Border Force told inspectors that this happened for “regular risk testing exercises” and scanners “would also be deployed should a specific target be identified in advance that required scanning”. However, Border Force data showed that between 1 April 2016 and 12 March 2018 a scanner had been deployed to Newhaven on average less than once a month.⁷⁷
- 8.53 The scanner assigned to cover Poole (and Plymouth) was attached to the Poole-based Mobile Tobacco Detection Team. There were no other trained drivers or image readers based at Poole (or Plymouth) at the time of inspection. Therefore, when the Mobile Tobacco Detection Team was deployed to another port, or detached on special operations, this scanner could not be used.

Assessing the risks from crew activity

- 8.54 Border Force South Region’s ‘Tactical Threat Assessment’, updated in February 2018, noted an intelligence gap regarding the extent of Class A drugs importations into Southampton on cruise liners. It recommended “risk testing the threat from the cruise liners and intensifying activity in the winter cruise season”. Inspectors were told of similar work that had already been done on the south coast to test the risk from ferry crews.
- 8.55 In 2017-18, cruise ship crews had been examined on fewer than 10 occasions, and only in response to specific intelligence. Meanwhile, a team from Dover had undertaken a “small onboard exercise” on a cruise liner in Southampton, focusing on commodity and immigration abuse. South Region management told inspectors that they would like to do “loads more” with cruise liner crew but this had not been possible with current resources.

⁷⁶ At the factual accuracy stage Border Force advised that “the use of scanning technology is part of a suite of detection equipment, intelligence work and targeting techniques. The use of mobile scanners is intelligence-led, and deployed in line with risk.”

⁷⁷ A scanner was deployed to Newhaven on 21 occasions between 1 April 2016 and 12 March 2018. At the factual accuracy stage, Border Force commented that “the use of scanning technology is part of a suite of detection equipment, intelligence work and targeting techniques. The use of mobile scanners is intelligence-led, and deployed in line with risk.”

9. Inspection findings – General Maritime

Definition of General Maritime

- 9.1 Border Force defines General Maritime (GM) as “non-scheduled, un-canalised⁷⁸ and non commercial maritime traffic”, which includes vessels such as yachts, tugs, RHIBs and small motor boats, known as “pleasure craft” (where there are fewer than 12 passengers on board). GM also encompasses small (non-scheduled) commercial vessels that have been identified through intelligence as being used solely for smuggling purposes (whether bringing clandestine arrivals or commodities).
- 9.2 While some GM vessels might arrive at large ports, many will arrive at smaller ports, wharves, marinas and jetties that cater for pleasure craft, and where there is no permanent Border Force presence.
- 9.3 All GM arrivals are subject to the Immigration Act 1971, which requires the captain of any ship arriving in the UK not to allow passengers to disembark “unless they have been examined by an immigration officer, or they disembark in accordance with arrangements approved by an immigration officer”.⁷⁹ Furthermore, all vessels arriving from or departing to destinations outside the EU (and the Channel Islands and Canary Islands) are subject to fiscal and anti-smuggling controls.

Threats from GM traffic

- 9.4 In 2016, at the time of the east coast ports inspection, Border Force “identified the highest priority threats in relation to General Maritime (GM) as clandestine entry and human trafficking (which it recognised may be linked), and the smuggling of heroin, cocaine, and lethal-type firearms. The 2018 ‘Control Strategy’ does not refer specifically to GM, and lists “National Security at the Border”, “Strategic Exports”, “Clandestine Entry” and “Human Trafficking and Modern Slavery” together with the smuggling of Class A drugs and lethal-type firearms as the highest priority threats overall. Meanwhile, recent assessments note that small marinas and remote beaches along the south coast are at risk, and that heightened security at the juxtaposed controls could increase the GM threat in the case of clandestine entry.

Understanding and managing the GM threat

- 9.5 In discussions with inspectors, officers at all grades at all south coast ports confirmed that they saw clandestine arrivals and Class A drugs as the highest GM threats. However, they said that not enough was known about the frequency and location of GM illegal activity. Regional management commented that “There is a need to come up with a solution in the GM world – problem is it’s vast and lots of movements”.
- 9.6 There appeared to be 3 main strands to Border Force’s strategy for enhancing its knowledge and management of GM threats along the south coast:

⁷⁸ Not following a designated shipping lane.

⁷⁹ This also applies to any commercial arrival.

- better coordination of shore-based activity - including increased visits to small ports and marinas and risk testing of commercial GM vessel arrivals
- improving the flow of intelligence and information - including better cooperation with other government departments, maritime stakeholders and the general public
- enhancing coverage of coastal and inshore waters - including through the use of new 'Coastal Patrol Vessels' (CPVs)

Shore-based activity: GM teams

9.7 The 2016 east coast inspection report recommended:

“better engagement by Border Force with small port authorities as a key source of information about GM vessels arriving into the UK, including routine visits to harbours and marinas, in addition to attending known GM arrivals, to ensure authorities have, understand and display the latest Border Force information and instructions.”

9.8 Responsibility for covering GM activity along the coast is divided between the staffed seaports:

- Folkestone⁸⁰ covers from Faversham to Rye
- Newhaven covers west of Rye to Chichester
- Portsmouth covers Chichester to Netley
- Southampton covers Ocean Village and Shamrock Quay marinas⁸¹
- Poole covers from Totton to Exmouth
- Plymouth covers the rest of the south coast of Devon and Cornwall

9.9 Of the ports on the south coast, only Dover had a team dedicated to GM, although this team, which was part of the Flexible Resources command, also covered General Aviation (GA), the mandatory PCP clearance of passengers arriving at Ashford International and immigration clearance of cruise passengers. Elsewhere, GM work was fitted around port duties. At Portsmouth for example, GM work was resourced from a pool of about 20 officers, for whom GM visits could take up about 20% of their time. Because of ferry arrival times, these officers had limited windows for any GM work. This restricted the distances they were able to travel and the time they could spend on a visit.

9.10 Having to fit GM visits into short gaps between port duties meant GM visits were irregular and short, making it harder to build meaningful relationships with harbour masters, marina managers and maritime communities. Despite this, inspectors heard from stakeholders that Border Force’s visibility along the south coast had increased. Inspectors were told by Border Force that GM (and GA) work was now better co-ordinated as information about visits was stored in a shared folder.

9.11 However, inspectors also found that planned GM activity had to be cancelled because of insufficient resources. For example, [redacted] officers planned 154 visits between 1 April 2017 and 25 February 2018, but over half (78) of these had been cancelled, the majority due to “lack of staff”.

⁸⁰ South East & Europe Region.

⁸¹ Both in Southampton.

- 9.12 Between May and October 2016, Border Force South had run a pilot with a GM team dedicated to Devon and Cornwall. This increased visits to small harbours and marinas and Border Force concluded that “the consistent visibility of Border Force led to increased information flows and joint working with maritime partners”. However, it was decided to discontinue the pilot due to cost and “limited operational outcomes” (low commodity seizures), and responsibility for managing Devon and Cornwall GM reverted to officers based at Plymouth.

Shore-based activity: Risk testing of commercial GM arrivals

- 9.13 The masters, agents and operators of unscheduled commercial GM traffic⁸² are required under the ‘Convention on Facilitation of International Maritime Traffic’⁸³ to provide specific information about the ship, voyage, crew, stores, and cargo. This information must be submitted prior to arrival by a form to the National Clearance Hub⁸⁴ or local Border Force officers, or electronically via the ‘National Maritime Single Window’ (NMSW), a web-based application administered by the Department for Transport (DfT).
- 9.14 The 2016 east coast inspection report noted that Border Force had been piloting a ‘Maritime Priority Assessment Tool’ (MPAT) to provide a consistent method of assessing the risk posed by all “known” unscheduled commercial vessels.⁸⁵ Since then, in line with what was recommended, Border Force had completed an evaluation and rolled MPAT out with supporting guidance and information on “the mandated and discretionary actions that flow from the risk assessment”.
- 9.15 When Border Force receives the Advance Passenger Information (API)⁸⁶ from a commercial GM vessel, a duty officer at the responsible seaport is required to record the answers to a series of questions about the arrival and the results of checks of Home Office systems. MPAT then allocates a priority rating of 1, 2 or 3, denoting the assessed level of risk for that vessel, which is intended to inform the operational response, specifically whether the vessel can be cleared remotely or officers need to be deployed to meet it.
- 9.16 Border Force guidance, published on 18 March 2016, states that “all priority 1 unscheduled commercial vessels or pleasure craft should be met on arrival at the border where feasible”. In the case of priority 2 and 3 arrivals, whether to deploy or to clear remotely is left to local discretion. However, Border Force should “periodically deploy to priority 2 or 3 unscheduled commercial vessels and pleasure craft, to undertake spot checks and assure that the MPAT accurately assesses the priority of vessels and pleasure craft”.⁸⁷
- 9.17 It was difficult to gain an overall picture of MPAT priority ratings and Border Force responses for the south coast. There was no national log of GM arrivals at unmanned ports, and no consistent format to the local logs maintained at staffed seaports. While South East & Europe recorded MPAT priority ratings for each vessel, Newhaven and Southampton did not. Portsmouth’s log had

82 Unscheduled commercial GM vessels include small vessels engaged in commercial trade, either by transporting cargo or passengers.

83 The International Maritime Organisation (IMO) ‘Convention on Facilitation of International Maritime Traffic’ (FAL Convention) requires masters, agents and operators of vessels other than pleasure craft, and war vessels to provide certain information via FAL forms within 3 hours of the ship reaching its berth (if the designated place is closed, within 1 hour of its opening, 24 hours after the ship’s arrival within port limits if it is still at anchor or has not yet reached its berth, or when requested by an officer visiting a vessel).

84 The National Clearance Hub (NCH) handles the movement of third country goods and processes goods transiting the EU, see <https://www.gov.uk/guidance/national-clearance-hub-for-goods-entering-leaving-or-transiting-the-eu>

85 Border Force GM guidance defines as follows: “‘Known arriving unscheduled commercial vessels and pleasure craft’ are those which either: have submitted FAL forms or service information to Border Force prior to arrival in the UK; or, Border Force has identified as having arrived in the UK from the Channel Islands, from an international location, or from outside the 12 mile UK territorial waters limit on a non-landing voyage, at the time of, its arrival in the UK.”

86 API refers to the information collected from passengers and crew travelling to and from the UK. It typically mirrors the details contained within an individual’s passport/travel document and of their journey, and in the case of arriving ships must be provided at least 24 hours before arrival (unless the voyage time is less than 24 hours, in which case the information must be provided no later than when the ship leaves its last foreign non-UK port). In the case of departing ships, API must be provided no later than the time at which the ship departs.

87 General Maritime guidance published on 18 March 2016 – an internal Home Office document.

fields to indicate whether an MPAT had been completed, but these were not always populated. Inspectors were also notified that officers at Portsmouth had been mistakenly using a version of the MPAT tool that had been superseded, but that this had since been rectified.

- 9.18 Where the method of clearance had been recorded, inspectors found that it was rare that officers met the vessel. At [redacted], in 2016-17, officers attended 11 out of 257 GM arrivals, with a further 2 recorded ambiguously as “possible attendances”. Of 17 arrivals during this period rated as priority 1, 10 were met and 7 cleared remotely. Data for 1 April 2017 to 28 February 2018 showed that [redacted] had attended 25 out of 273 GM arrivals, including 7 out of 19 rated as priority 1.⁸⁸
- 9.19 While [redacted] log did not record MPAT ratings, it showed that only 19 of 3,032 commercial GM arrivals had been met in 2016-17. Between 1 April 2017 and 28 February 2018, the figure was 19 out of 2,724.
- 9.20 Border Force did not record the reason(s) for not attending a GM arrival, but officers at all south coast ports cited lack of available resources. One officer commented that failure to enforce the MPAT process more rigorously left Border Force with “no idea of what the risk is”.

Improving the flow of intelligence and information – API for pleasure craft arrivals

- 9.21 ‘An inspection of General Aviation and General Maritime’, published in January 2016,⁸⁹ found “no systematic collection of information about any aspect of GM”. It contended that “Advance Passenger Information (API) was key to Border Force making well-informed risk-based decisions about operational deployments”, and the absence of adequate API was “arguably the most significant gap in terms of Border Force’s ability to manage the risk from GM arrivals efficiently and effectively”.
- 9.22 The report recognised that obtaining API for GM pleasure craft arrivals was challenging and relied on gaining the support of industry stakeholders, such as the Royal Yacht Association (RYA).⁹⁰ Border Force accepted the report’s recommendation that it should develop and implement:

“ways to encourage greater voluntary reporting by GM craft, working with the Royal Yacht Association to explore solutions to the practical difficulties for pleasure craft in providing advance notification of arrival into the UK”.

- 9.23 The report also found that compliance with the system of flying a Q-flag on entering UK territorial waters and submitting a C1331 customs declaration form was low,⁹¹ and the same recommendation referred to:

“ways to encourage better compliance with existing reporting requirements, including customs declaration and the Q-flag system”.

88 A further record stated “possible attendance”.

89 See footnote 1.

90 The Royal Yacht Association (RYA) is the British national governing body for all forms of boating sport, including dinghy and yacht racing, motor and sail cruising, RHIBs and sports boats, powerboat racing, windsurfing, and personal watercraft.

91 The owner or person responsible for pleasure craft arriving from, or departing to, a destination outside the EU (including Channel Islands and Canary Islands) is required to make a customs declaration by submitting form C1331 and flying a ‘Q-flag’ on entering the UK’s territorial waters as a signal that those on board need to see a Border Force officer; vessels arriving from within the EU are not required to make a declaration unless there are goods to declare.

9.24 Having looked again at C1331 non-compliance, the 2017 report on east coast ports went further and recommended that Border Force should:

“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.”

9.25 Again, this recommendation was “Accepted”, with the response “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.”

9.26 Despite its acceptance of these recommendations, inspectors found that Border Force had yet to develop and implement an API reporting system suited to GM pleasure craft or to effect any discernible changes to the C1331 process.⁹² With regard to the latter, only 174 C1331 forms relating to the south coast had been submitted in 2016-17, and 148 in 2017-18 up to 7 March 2018.⁹³ There is no way of estimating what proportion of arrivals these figures represent, but Border Force cited the arrival of several thousand yachts from outside the EU for the annual Cowes Week⁹⁴ as an indication of the scale of non-compliance.

9.27 One stakeholder, representing harbour masters along the south coast, described the C1331 system as no better than a “dead letter box”, and said that compliance had “gone by the board” since compliant visitors had often waited a considerable time for a response only to be informed that no further checks were required. Stakeholders felt that there was neither an incentive to comply nor a sanction for not doing so.

9.28 Border Force said that it was working to introduce “a reporting system for GM which is underpinned by legislation”, and was looking to utilise provisions in the Immigration Act 1971 as amended by the Counter-Terrorism and Security Act 2015⁹⁵ to mandate the provision of API for GM. At the time of the inspection, this proposal was “unfunded, and awaiting a decision on prioritisation from BF Change fund.” In any event, it would not directly address the problem of non-compliance, and as one senior manager told inspectors: “without enforcement action you will never know what the level of compliance is”. This applies equally to the risk of false declarations.

Improving the flow of intelligence and information – Project Kraken

9.29 Border Force told inspectors that it hoped to mitigate the risks from GM arrivals by supplementing the inadequate formal reporting mechanisms with improved flows of intelligence and information about GM movements and suspicions about particular vessels from port authorities, seafarers and members of the public.

9.30 Project Kraken was first launched by Hampshire Police in 2008, before being passed on to the National Crime Agency, and was subsequently re-launched by Border Force in late summer 2016. Its aims are to enhance the flow of information from the general public by encouraging reporting of suspicious activity, and to improve engagement with people working in the marine sector.

92 At the factual accuracy stage, Border Force commented: “It is factually inaccurate to say that Border Force has not yet addressed the recommendation. Border Force has agreed with HMRC the discontinuance of form C1331.”

93 As a precursor to submitting C1331 forms, pleasure craft operators can call the National Yacht-line to give notification and information about arrival. HMRC received 70 such notifications between 1 April 2016 and 31 March 2017 and 118 between 1 April 2017 and 7 March 2018. Border Force figures stated that such figures may duplicate the C1331 data.

94 Oldest and largest annual sailing regatta in the world, lasting 8 days with 8,000 racing competitors and 100,000 spectators (watching from the shore or spectator boats).

95 <http://www.legislation.gov.uk/ukpga/2015/6/contents/enacted>

- 9.31 Several stakeholders told inspectors that the “re-launch after re-launch” of Kraken had “wearied people” and had resulted in a loss of credibility. However, inspectors found that Border Force had been more active in promoting Kraken since its re-launch in 2016 in the hope of reconnecting with the maritime community. This included the distribution of 15,000 Project Kraken leaflets, national and regionalised posters (including Welsh and Gaelic versions), articles published in boating magazines and presentations at stakeholder conferences – see Figure 21.

Figure 21: National poster for Project Kraken



- 9.32 Stakeholders confirmed that they displayed the updated Kraken material and felt it was pitched at the right level to increase engagement from the maritime sector. Border Force had sought to measure this through a targeted survey.⁹⁶ Of 101 respondents 82% reported that they had taken in the top-line messaging and objectives. Despite this, Kraken reporting had been modest since the re-launch. Border Force data for the south coast showed it had received only 49 referrals under Kraken in 2016-17, and 25 between 1 April 2017 and 28 February 2018.⁹⁷ A manager working in GM intelligence told inspectors that only 2 of these were considered “actionable”.
- 9.33 Anyone wishing to make a Kraken report had to call ‘101’ or ‘Crimestoppers’. One stakeholder described this as “slow, ineffective and cumbersome”, while another had fed back concerns from harbour masters that calls were “lost in the ether”, with police call operators often appearing

⁹⁶ The survey ran from 14 February 2018 to 2 March 2018. Of the 101 respondents, 23% were from a police force, 4% were a representative/membership body, 33% were Harbour Masters, 5% were an organisation licensing and regulating maritime activities, 3% were a recreational sailing school/club, 5% were a commercial maritime partner, 18% were another law enforcement government agency, and 9% were unspecified.

⁹⁷ Border Force notified the inspection that these figures excluded Kraken referrals forwarded to Dover since “There is currently no system in place to log referrals. This is being taken forward.”

uninterested or unaware of Kraken - “they shrug their shoulders”. Border Force’s survey showed that only 34% of respondents were confident that action would be taken by the relevant authority in a timely manner following a reported incident.

- 9.34 Counter-terrorism police in the south of England told inspectors that they recognised the reporting arrangements were disjointed, and thought that police operators may not understand what information is likely to be important to Border Force. The Border Force lead for Project Kraken acknowledged the challenges with the current call system, accepting that “101 calls are handled by police call centres where call volumes, call waiting times and staff turnover are high”.
- 9.35 Harbour masters and marina managers consulted during the inspection said that the boating community generally preferred talking directly to someone they knew and trusted, such as a local Border Force officer or police officer, rather than using a call line. They had been visited by Border Force officers, and wanted to see more local engagement. 62% of respondents to the survey wanted more engagement with a Border Force Officer and specifically “more interaction locally”.

Improving the flow of intelligence and information – Field Intelligence Officers

- 9.36 GM work is also undertaken by Field Intelligence Officers (FIOs), whose function is to gather and generate intelligence. The 2016 report ‘An inspection of the intelligence functions of Border Force and Immigration Enforcement’⁹⁸ found that FIOs were “weighed down with administrative office based duties and did not have the capacity to get ‘into the field’ and collect feedback and newly acquired intelligence from frontline staff to pass back to intelligence colleagues”.
- 9.37 The current inspection noted that South East & Europe had 30 FIOs dedicated solely to maritime work, focusing on port criminality, with 3 more covering GM and GA. South Region, meanwhile, had only 9.7 full-time equivalent FIOs.⁹⁹ There were dedicated FIOs for Hampshire, Dorset,¹⁰⁰ and Devon and Cornwall, all 3 of whom had all been recruited within the previous 6 months.
- 9.38 Inspectors reviewed the job advertisement for the 3 posts and noted the broad remit: “successful candidates will be responsible for managing Intelligence flows within RoRo (ferry) ports, Containers Ports, Regional Airports, GA and GM environments to gather and generate intelligence which leads and supports successful front line deployments”.
- 9.39 The FIOs interviewed were enthusiastic about their new roles, but there was a strong consensus that it was a very full job for one person, especially given the number of sites to visit and time spent travelling between them. One FIO argued that there was more than enough work for their area to have a dedicated FIO for liner traffic, one for containers, one for GA/GM, and another for ferries.
- 9.40 FIOs were networked via monthly command meetings. Inspectors noted those along the south coast sought out opportunities to collaborate and share information. The amount of time they spent “in the field” varied. For some it averaged 2 days a week, while for others it was 2 days a month. Those interviewed said they aimed to spend as much time as possible “in the field”, and this was improving, but it was a challenge due to other demands, such as responding to referrals, planning and attending training. FIOs were also involved in joint operations with other government departments and agencies, such as NCA, HMRC and DWP, and in GA work.

98 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/549247/ICIBI_inspection_intelligence_functions_Border_Force_IE_July_2016.pdf

99 The 9.7 FTEs comprised 14 officers, some of whom were part-time employees.

100 The Hampshire and Dorset FIOs each cover half of the Isle of Wight.

9.41 Talking about their GM liaison work, FIOs echoed comments made by port managers – that Border Force was still working to get liaison with the maritime community back to where it was some years ago. A number of officers and stakeholders spoke about “lost ground” after customs functions were transferred from HM Revenue & Customs (HMRC). HMRC had been more active about speaking to members of the maritime community, such as chandlers. There had been some progress as more FIO posts were filled. However, the overwhelming view from port staff and FIOs was that not enough resources were going into GM work, particularly risk assessments, and that there was a long way to go to build the necessary relationships.

Improving the flow of intelligence and information – Working with partners

9.42 The 2015 General Aviation and General Maritime report recommended in relation to GM that “sufficient priority is given by Border Force to improving the knowledge and understanding of the threats and risks” and that Border Force “put processes in place to capture, enhance and analyse information received about General Maritime ... in order to improve knowledge of threats and risks and to inform operational and resourcing decisions”.

9.43 The recommendation was accepted. To achieve this, as well as extending its FIO network, Border Force aimed to make significant improvements in its intelligence on GM through its involvement in the multi-agency National Maritime Information Centre (NMIC), with its embedded Border Force Maritime Information Bureau (MIB), and the co-located Joint Maritime Operations Coordination Centre (JMOCC).

National Maritime Information Centre (NMIC)

9.44 The National Maritime Information Centre (NMIC) is a multi-agency information development and sharing hub, created to enable a cross-government response to maritime threats. Under the 2014 ‘National Strategy for Maritime Security’¹⁰¹ it is designated as the UK lead for maritime domain awareness. At the time of the inspection, Border Force provided the NMIC Director and the Royal Navy provided the Deputy Director. The following government departments and agencies are stakeholders and are represented at NMIC, either full-time or on an ad hoc basis:¹⁰²

- Border Force
- Ministry of Defence (Royal Navy)
- National Crime Agency (NCA)
- Her Majesty’s Revenue & Customs (HMRC)
- Police (Special Branch)
- Foreign and Commonwealth Office (FCO)
- Marine Management Organisation (MMO), through which Inshore Fisheries and Conservation Authorities (IFCA) maintain links with NMIC
- Maritime Coastguard Agency (MCA), through which the Royal National Lifeboat Institution (RNLI) and National Coastwatch Institution (NCI)¹⁰³ maintain links with NMIC
- Department for Transport (DfT), through which an industry liaison is maintained
- Defence Science and Technology Laboratory (DSTL)

101 <https://www.gov.uk/government/publications/national-strategy-for-maritime-security>

102 The following are also NMIC stakeholders, but did not have a representative at NMIC as at May 2018: Office of Security and Counter Terrorism, Cabinet Office, National CT Policing, Department for Culture, Media and Sport (DCMS)

103 The National Coastwatch Institution (NCI) is a voluntary organisation, established to assist in the protection and preservation of life at sea and around the UK coastline by maintaining a visual watch.

- 9.45 NMIC liaises with many overseas partners globally and participates in a number of international maritime security initiatives. This includes participation in the ‘North Sea and Channel Maritime Information Group’, along with representatives from France, Belgium, Germany and the Netherlands. This Group aims to “increase cooperation amongst member countries on matters related to maritime safety and security in the region”. Inspectors were told that NMIC’s involvement in the Group enables a constant flow of information between participating countries.

Joint Maritime Operations Coordination Centre (JMOCC)

- 9.46 At the time of the inspection, the Joint Maritime Operations Coordination Centre (JMOCC) was still relatively new. Its future funding had yet to be secured. It had 12 key partners, including NMIC and its stakeholders (with the exception of HMRC, FCO, DSTL, and DCMS), and Marine Scotland. Its interim head is a Deputy Director from Border Force.
- 9.47 JMOCC falls within the Security Minister’s portfolio. It serves as a “coordinating authority” with the aim of prioritising, leading and overseeing joint activities. Its role is to assess the ongoing tasks within the various agencies, prioritise them, and determine how the tasks will be met by coordinating the deployment of key resources, so that joint operations are delivered, with the by-product of operational intelligence being shared across the agencies.

Border Force Maritime Information Bureau (MIB)

- 9.48 Inspectors visited the Border Force Maritime Information Bureau (MIB), a unit embedded within NMIC, consisting of a Senior Officer, 2 Higher Officers, 9 Officers, and a team of 4 Assistant Officers. It sits within the command of the Assistant Director responsible for GM and GA.
- 9.49 MIB was formed by the merger of NMIC’s Border Force Intelligence Officers and Border Force Vessel Targeting Officers. At the time of inspection, it was operating on a 24/7 basis. It aimed to enhance information relating to maritime activity received from a range of sources by conducting checks on vessels, owners, companies and crew through intelligence databases. There were 2 main outputs from this work:
- “enhanced intelligence” in the form of information reports, briefings and alerts sent to the appropriate team within Border Force (or another agency)
 - commercial vessel targets for the National Deep Rummage Team¹⁰⁴ and other suitably trained teams
- 9.50 Inspectors were shown figures for MIB’s output. In 2015, prior to the merger, a regional team of 6 officers produced 304 intelligence reports. By the end of 2016, following the creation of MIB, this increased to 1,750. In 2017, MIB produced 2,631 intelligence reports. Inspectors were told that this increase was due to an improved flow and quality of information received from NMIC partners, as well as from frontline GM teams and FIOs.
- 9.51 For commercial vessel targeting, MIB had a range of tools and good access to information. Senior management explained that 80-90% of commercial vessels complied with the requirement to provide information to DfT’s ‘National Maritime Single Window’, and for those vessels that did not comply the team was able to track them through their Automatic Identification System (AIS) transponders.¹⁰⁵ In instances where transponders were deliberately switched off, Border Force could use MCA’s radar capability or task surveillance resources to track the vessels.

¹⁰⁴ This team is deployable nationwide to meet commercial GM arrivals.

¹⁰⁵ AIS is an automatic tracking system used on ships. It provides identification and supplements marine radar to avoid collisions. The IMO’s ‘Convention for the Safety of Life at Sea’ requires AIS to be fitted on all ships making international voyages weighing 300 gross tonnes or more, and all passenger ships regardless of size.

9.52 [redacted]

9.53 The MCA officer embedded in NMIC acted as the conduit for reports from NCI and from the RNLI - an arrangement that representatives from both organisations said worked well. Data provided by Border Force showed that between 1 April 2017 and 12 March 2018 there were 78 referrals relating to the south coast received via MCA.¹⁰⁶

Partnership working with the police

9.54 As well as benefiting from closer relationships with partner agencies through NMIC and JMOCC, Border Force had established a multi-agency 'GA/GM forum'. This brought together representatives from Border Force Maritime Command, Border Force Intelligence and from counter-terrorism and border police. The forum met monthly to discuss the previous month's activities, intelligence and trends, and to plan and align future activities.

9.55 In addition, Border Force participated in a quarterly, police-led 'Joint Agency Group' (JAG), where attendees shared information, discussed emerging threats, and tracked the progress of ongoing joint deployments and operations. A 'Tactical Borders Group' (TBG) ran alongside the JAG, putting together joint operations mandated by it. Police representatives from the south west region described this as "an activity generator", and referred to Border Force as "trusted colleagues", stating that joint working had become "ingrained".

Patrolling of coastal and inshore water: Border Force Maritime Command Centre (MCC)

9.56 Officers at all the ports visited during this inspection were clear that clandestine entry was the greatest threat they faced, and that the length of the coastline and plethora of places for small boats to land, or to anchor offshore and land passengers by tender, posed particular challenges. They recognised the value of patrolling coastal and inshore waters.

9.57 Border Force Maritime Command Centre (MCC) is responsible 24/7 for the command, control and tasking of all GM operational activity. MCC manages maritime and coastal surveillance, including day-to-day tasking of the cutter fleet,¹⁰⁷ Coastal Patrol Vessels (CPVs) and other assets. This includes high visibility patrols, joint operations with partner agencies, and support to search and rescue operations. MCC collates and feeds information into the Border Force MIB.

9.58 MCC works closely with both NMIC and JMOCC. During familiarisation visits, inspectors were told that memoranda of understanding and protocols were in place to enable Border Force to make use of the assets of NMIC and JMOCC military and law enforcement partners, as well as enabling the deployment of Border Force vessels to assist other agencies, when required.

Cutters – capacity and deployment

9.59 At the time of the inspection, MCC operated a fleet of 5 seagoing cutters. Inspectors were told that 2 of these cutters were deployed on a continuing basis to a Frontex¹⁰⁸ operation in response to the migrant crisis. One was stationed in the Mediterranean, the other in the Aegean. The

¹⁰⁶ Border Force informed inspectors that this figure also included referrals from the Royal National Lifeboat Institute (RNLI) and the National Coastwatch Institution received via MCA.

¹⁰⁷ Traditionally known as 'cutters' because the historical approach to preventing smuggling and apprehending perpetrators was based on using a type of boat which is built for speed.

¹⁰⁸ The European Border and Coast Guard Agency, known as Frontex, is an agency of the European Union. The deployment of the Border Force cutters is funded under the Migration Returns Fund, managed by the FCO.

other 3 cutters were stationed in home waters. However, only 2 of these were operational. The third was kept “on standby”.¹⁰⁹

- 9.60 Each cutter has 2 crews that rotate on a fortnightly basis. Each crew comprises 10 to 15 operational officers with a range of skills. This provides a 24/7 capability. Cutters work within a maximum range of 2,300 nautical miles, and are expected to be able to respond within 30 minutes of a call. Each cutter carries a RHIB.

Cutters – priorities and success measures

- 9.61 In August 2017, Border Force Operational Assurance Directorate (OAD) undertook a ‘Deep Dive’ assurance check of the cutter fleet. OAD found that MCC was working to an outdated business plan that lacked measurable success criteria. At the time of this inspection, the business plan had still not been updated and the only tangible success criterion it contained, referred to as the “Concept of Operations”, was that cutters would be “deployed to maximize time at sea”. The ‘Concept of Operations’ dated from 2015, and senior managers reported that a new business plan was to be drafted factoring in the CPVs.
- 9.62 OAD found that cutter time at sea on operations had decreased from 11,137 hours in 2015 to 8,086 hours in 2016.¹¹⁰ Border Force data for 2017 showed an increase to 9,497 hours.¹¹¹ Senior managers informed inspectors that the cutter fleet had undergone major engineering work in 2017, including the installation of new radar, and this had impacted on its operational sea hours – see Figure 22.

Cutters – tasking

- 9.63 Management told inspectors that they did not have targets for seizures. They decided on deployments against 7 priorities outlined in the ‘Concept of Operations’:
- Priority 1: Live intelligence driven operations/interdictions
 - Priority 2: Planned deployments and exercises including tactical deployments co-ordinated with other law enforcement agencies
 - Priority 3: Patrols in high risk areas as defined by the quarterly risk assessment
 - Priority 4: Coastal, inshore and in port activity to deliver a border security enforcement presence
 - Priority 5: Stakeholder engagement (key intelligence provider/KRAKEN)
 - Priority 6: Staff training (key operational capability enabler)
 - Priority 7: Logistics (key operational capability enabler)
- 9.64 Every fortnight, as the crew changes, the new commander of the cutter is given a Prioritising Engagement Plan (PEP), factoring in the 7 priorities and the latest ‘Zonal Intelligence

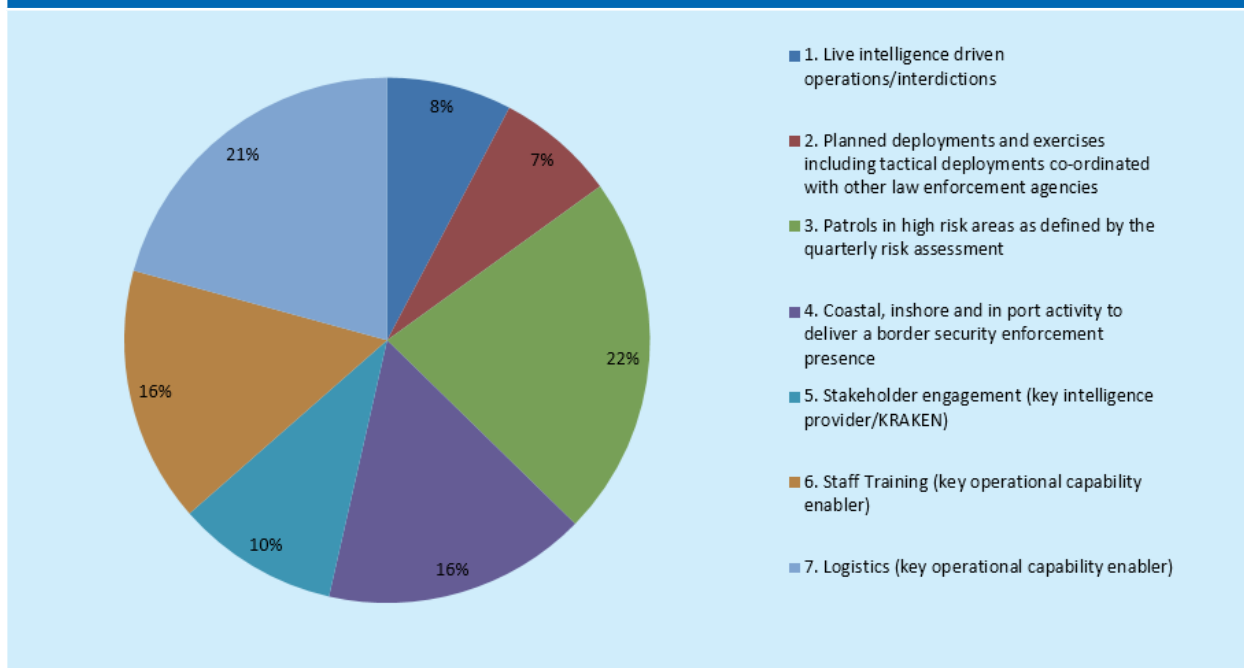
109 At the factual accuracy checking stage, Border Force advised that the third cutter was “operationally deployable within 24-48 hours if required”.

110 The figures for 2015 and 2016 included hours at sea for the cutters deployed to the Mediterranean and Aegean.

111 The figure for 2017 included hours at sea for the CPVs.

Assessment'.¹¹² The PEP provides instructions on day-to-day business, in practice determining where the cutter operates and what it focuses on. Commanders report back on progress, and may be tasked dynamically to respond to emerging intelligence. Data showed that in 2016 there had been 22 cutter deployments in response to intelligence on potential clandestine landings. Between 1 April 2017 to 12 March 2018, there had been 15 such deployments.

Figure 22: Proportion of cutter hours spent per priority in 2017



9.65 Around three-quarters (76%) of cutter deployments in 2017 were to one of the 3 ‘sea areas’ adjoining the south coast.¹¹³ Managers explained that this was a reflection of the risk. However, it was hoped that the introduction of CPVs would free up the cutters to cover other parts of the UK.

Coastal Patrol Vessels (CPVs)

9.66 In 2016, Border Force purchased 8 CPVs to “offer a quicker and more nimble alternative to the OPVs (Operational Patrol Vessels) and cutters in territory closer to shore but with a capability to deploy up to 60 nautical miles off-shore as high transit and surge capacity”.¹¹⁴

9.67 The May 2016 business case for purchasing the CPVs stated that £2.9m would deliver 4 boats into operational service by the end of 2016, with the first 2 coming online by the end of July 2016, and the remainder stored to provide “surge capacity”.

9.68 The first 2, ‘Eagle’ and ‘Nimrod’, were actually brought into service in September and October 2016, and deployed to the Dover Straits and South West. Initial feedback was that operating conditions were cramped, particularly the crew sleeping quarters. The conclusion was that they were not suitable for their intended purpose.¹¹⁵ As a result, the deployment of the next 2 CPVs, ‘Active’ and ‘Alert’, was delayed while the accommodation was upgraded. They entered into full operational service in July 2017.

¹¹² The General Maritime (GM) Zonal Intelligence Assessment is commissioned in order to better understand the threats from GM to the UK border and ultimately inform the Border Protection Squadron (BPS) and other operational teams of these threats, enabling them to conduct intelligence led tactical deployments. This product is a ‘live’ document which will be updated with new information/intelligence on a monthly basis and assessed on a quarterly basis.

¹¹³ Eastern Channel, Western Channel, and South West Approaches.

¹¹⁴ From the business case for purchasing CPVs, dated May 2016 – an internal Home Office document.

¹¹⁵ The vessels were sourced from an oil and gas production company and were originally used as short distance rescue vessels.

- 9.69 At the time of the inspection, CPVs '5' and '6' were being refitted with suitable accommodation. When completed these would replace 'Eagle' and 'Nimrod'. Border Force had no plans to refit 'Eagle' and 'Nimrod', and nothing had been agreed regarding CPVs '7' and '8'.
- 9.70 The operational CPVs were crewed on a 24/7 basis, with a crew of 4. They had a range of 280 miles, and were expected to respond within 60 minutes of a call. MCC senior management described the CPVs as a "game changer". They provided an 'inshore' capability to patrol, and enabled Border Force to cover areas such as marinas, small harbours and inlets that were inaccessible to cutters. They also increased Border Force's visibility in the marine community, adding a deterrent value.

Port deployments of Rigid Hull Inflatable Boats (RHIBs)

- 9.71 Inspectors were told that the RHIBs on the cutters were being replaced and that 3 south coast Commands (Dover, South Central and South West) had lodged business cases to operate an ex-cutter RHIB to enhance the capability and reach of their shore-based GM teams. GM officers at ports believed that arrangements had been finalised and told inspectors that they had expected delivery in April 2018. However, Border Force informed inspectors that, as at the end of April 2018, the business cases were still under consideration.¹¹⁶

Access to small craft for clandestine entry and other criminal activities

- 9.72 Border Force officers told inspectors that access to small craft was getting easier and this created opportunities for criminals involved in facilitating clandestine entry or smuggling.
- 9.73 There is no UK central register of pleasure boats. Owners may choose to register their vessel, for example to obtain a marine mortgage (Part I registration) or "to prove the boat's nationality when sailing outside UK waters" (Part III Small Ships Register for private boats under 24 metres in length). However, registration is not mandatory, and in practice vessels can be purchased anonymously as far as the authorities are concerned.¹¹⁷
- 9.74 Inspectors were also told that fewer young people were taking up boating as a hobby, and picking up an ageing pleasure boat that was no longer wanted, but was still seaworthy, was getting easier and cheaper. In some cases, there was no cost involved as the mainly fibreglass shells cannot be recycled and some owners were stripping out any identification and simply abandoning them.
- 9.75 Meanwhile, boats can also be chartered from commercial companies with minimal documentation. Border Force officers told inspectors that they were surprised that charter companies were not more alert to the risks of not checking the bona fides of their customers. They pointed to local media reports of Eastern European nationals facilitating clandestine entries, and of suspicious late night comings and goings. One FIO considered chartering to be a particular vulnerability and had plans to visit charter companies to raise their awareness.
- 9.76 Officers told inspectors that the increasingly easy access to pleasure craft argued for Border Force to have a presence on the water, patrolling, intercepting vessels, and providing a visible deterrent.

¹¹⁶ At the factual accuracy checking stage, Border Force advised that: "since the inspection ... RHIB deployments had been authorised and were due to be operational late Summer 2018".

¹¹⁷ <https://www.gov.uk/register-a-boat/the-uk-ship-register>

9.77 However, inspectors noted a gap in legislation when it comes to dealing with pleasure vessels used for criminal purposes – see Case Studies 4 and 5.¹¹⁸

Case study 4: Border Force interception of an attempted clandestine landing by facilitators¹¹⁹

Encounter

In May 2017, 2 Ukrainian nationals attempted to land 6 other Ukrainians clandestinely having arrived off the Hampshire coast by yacht. A Border Force coastal patrol vessel (CPV) intercepted the yacht near Hayling Island.

Outcome

Portsmouth Crown Court convicted the 2 Ukrainians of assisting unlawful immigration and jailed one for 6 years and the other for 3 years and 9 months.

The 6 passengers on the yacht were removed from the UK.

The judge ordered the forfeiture of the yacht under Proceeds of Crime Act procedures.¹²⁰

Pending the trial, the vessel was berthed at Northney Marina. The Marina had to threaten legal against Border Force before it was able to get the boat removed and recover the berthing fees.

Case study 5: Attempted 'shared endeavour' clandestine landing

Encounter

In June 2017, a vessel attempting to land on the south coast came to Border Force's attention. The clandestine entrants on board appeared to be making the crossing without an agent or facilitator, or anyone in charge of sailing the vessel.

Outcome

All of the boat's occupants were removed from the UK.

As there was no prosecution and no criminal finding, the Proceeds of Crime Act did not apply.

The boat was left for some 5 months with Northney Marina, taking up a berth that would normally attract over £500 per month in fees. Border Force provided the marina manager with the overseas address details of the removed occupants, expecting him to pursue the matter of the fees with them.

118 At the factual accuracy stage, Border Force commented: "This is not a new risk and is one that has been identified in the South East for some time."

119 <http://www.bbc.co.uk/news/uk-england-hampshire-43143979>

120 <https://www.legislation.gov.uk/ukpga/2002/29/section/47C> Sub section 6(B) of section 47c refers to an immigration officer.

9.78 While in both cases the enforcement operation was a success, the handling of the berthing fees potentially undermined Border Force's efforts to build relationships with marinas and harbours and encourage reports of suspicious events. Northney Marina was twice left with a vessel blocking a commercial berth, with no recourse to prompt payment for its use or for removal of the vessel. Since similar situations are likely to recur, some remedy needs to be found.

Annex A: Relevant recommendations from previous inspections

An inspection of Border Force operations at east coast seaports – July to November 2016

Recommendation 1c

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:

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.

Home Office response: Accepted

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.

Home Office update 2018 (see paragraphs 7.56 and 7.57): Ongoing

OAD conducted a high level review of the use of PPE across Border Force which identified inconsistencies in its use. This led to the establishment of a project through the COO led Health and Safety Steering Group. An initial report has been drafted and is with the COO for consideration pending a discussion and sense-check session with the operational Regional Directors. It should be noted that any changes to current policy will need to be routed via the Border Force Board which is likely to lengthen any sign-off process.

Independent Chief Inspector’s comment

The recommendation remains “Open”. Implementation is taking far too long.

Recommendation 3a

Specifically in relation to the east coast:

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.

Home Office response: Accepted in part

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.

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.

Home Office update 2018 (see paragraphs 7.35 and 7.36): Closed

These recommendations were partially accepted because of the diverse operational environments in which we may encounter clandestine arrivals and the fact that the provision of facilities in holding rooms at ports is the responsibility of the port operator. Border Force has systems in place for ensuring new accommodation is fit for purpose and this was endorsed and the second recommendation closed as part of the recent ICI PVOMs re-inspection.¹²¹

Independent Chief Inspector's comment

Based on the findings from the south coast ports inspection, it is not sufficient that “systems are in place for ensuring new accommodation is fit for purpose”. Border Force needs actively to engage south coast seaport operators wherever existing accommodation is “not fit for purpose” and agree plans to remedy this, or to have formally agreed contingency plans in place to use police, or other suitable accommodation, away from the port.

Recommendation 4

In relation to General Maritime (GM), 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.

Home Office response: Accepted

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.

¹²¹ This refers to 'A re-inspection of Border Force's identification and treatment of Potential Victims of Modern Slavery (September – November 2017), where Recommendation 10 was "Ensure that the accommodation and facilities at ports used with individuals identified as potential victims of modern slavery are conducive to gaining their trust and consent to being referred into the National Referral Mechanism." This re-inspection noted "Inspectors were satisfied that Border Force was aware of the need for 'soft' facilities for interviews, particularly for building trust when discussing NRM referrals. There was evidence that Border Force was working with port operators to provide the best facilities possible within existing space or where airport expansions created new opportunities. Border Force must ensure that providing appropriate facilities for vulnerable passengers remains a priority. However, **Recommendation 10 can be closed.**"

Home Office update 2018: (see paragraphs 9.23 – 9.27)

See also response to GA/GM Recommendation 7 below.

Independent Chief Inspector's comment

Based on the evidence collected during the south coast ports inspection, C1331 was still in use, but wholly ineffective. The recommendation remains "Open".

An inspection of General Aviation and General Maritime – February to July 2015

Recommendation 7

Develop and implement a strategy to improve the flows of information about General Maritime (GM). This should cover, both nationally and locally:

- ways to encourage better compliance with existing reporting requirements, including customs declarations and the 'Q' flag system
- ways to encourage greater voluntary reporting by GM craft, working with the Royal Yacht Association (RYA) to explore solutions to the practical difficulties for pleasure craft in providing advance notification of arrival into the UK
- better engagement by Border Force with small port authorities as a key source of information about GM vessels arriving into the UK, including routine visits to harbours and marinas, in addition to attending known GM arrivals, to ensure authorities have, understand and display the latest Border Force information and instructions.

Home Office response: Accepted

To support the wider law enforcement response to this area, Border Force will coordinate the development of a cross-agency strategy to improve the flow of information about GM. This will be in place by summer 2016. As set out in the response to Recommendation 2, Border Force is developing a network of field intelligence officers. Border Force is also emphasising the important role played by every Border Force officer in reporting suspicious activities.

Border Force will have increased public confidence as a key objective of its maritime security strategy. The public, and marine personnel at small harbours and marinas, have an important role to play in the gathering of information about movements at the coast, and Border Force will develop a programme of work in the coming months which harnesses this capability in a more systematic way. This will be supported by a more agile workforce, thereby, enabling more frequent attendance by Border Force at more remote locations, either by land or sea."

Home Office update 2018 (see paragraph 9.22): Partially addressed

An operational delivery plan has been delivered and this recommendation is partially addressed. The current strategy is based on developing a reporting system for GM which is underpinned by legislation. The GA reporting system which is currently being developed could be modified at relatively little cost to allow GM to report too. The 2015 Counter Terrorism and Security Act contained provisions which would allow us to mandate the provision of API for GM. Taken

together this would significantly improve the flow of intelligence/information about GM. The proposal is currently unfunded, and awaiting a decision on prioritisation from BF Change fund.

The alternative offered by Q flag system, under which vessels arriving from outside the EU fly a flag which informs the authorities (within a visible range) that the vessel requires clearing, is ineffective. Similarly a customs declaration (c1331) only needs to be completed after entry by vessels arriving from outside the EU, so is of little use to BF where information is needed in advance of arrival to plan deployments.

The risk is being mitigated by improving the flow of intelligence and information by other means. For example Project Kraken is promoted to both professionals in the sector such as harbour masters and the public as a way of reporting suspicious activity. BF's new CPVs mean that small and more remote ports are now more frequently visited. And work is underway to better coordinate visits by BF and law enforcement partners to small ports. If funding is not agreed these will be the contingencies we will rely upon to close the recommendation."

Independent Chief Inspector's comment

As noted in the south coast inspection report, Border Force has made efforts to improve its understanding of and response to the GM threat. The report also notes where this needs to improve. The recommendation therefore remains "Open".

Recommendation 9

Put processes in place to capture, enhance and analyse information received about General Maritime (GM), including evidence of criminal activity, and management information, in order to improve knowledge of the threats and risks and to inform operational and resourcing decisions.

Home Office response: Accepted

As stated in the response to Recommendation 2, Border Force will review its approach and identify the most effective method of data capture for General Maritime. Border Force works closely with both law enforcement and other partners at the border, to develop and maintain a dynamic intelligence picture to inform resource deployment. Additionally, the implementation of an improved intelligence-led approach to the deployment of the cutter fleet will ensure that available resources are used efficiently to counter threats.

Home Office update 2018: Closed (see paragraphs 9.42 and 9.43)

Significant improvements in the intelligence response to GA and GM, including through the Maritime Information Bureau, Field Intelligence officers and the General Aviation Information Bureau led to the closure of these recommendations in March 2017.

Independent Chief Inspector's comment

While the creation of the MIB and appointment of additional FIOs are important steps towards improving knowledge of GM threats and risks and informing operational and resourcing decisions, knowledge is far from complete and resourcing GM (and GA) remains problematic for Border Force. I disagree with the decision to close this recommendation, and I regard it as still "Open".

Annex B: Role and remit of the Independent Chief Inspector

The role of the Independent Chief Inspector of Borders and Immigration (until 2012, the Chief Inspector of the UK Border Agency) was established by the UK Borders Act 2007. Sections 48-56 of the UK Borders Act 2007 (as amended) provide the legislative framework for the inspection of the efficiency and effectiveness of the performance of functions relating to immigration, asylum, nationality and customs by the Home Secretary and by any person exercising such functions on his behalf.

The legislation empowers the Independent Chief Inspector to monitor, report on and make recommendations about all such functions. However, functions exercised at removal centres, short-term holding facilities and under escort arrangements are excepted insofar as these are subject to inspection by Her Majesty's Chief Inspector of Prisons or Her Majesty's Inspectors of Constabulary (and equivalents in Scotland and Northern Ireland). The legislation directs the Independent Chief Inspector to consider and make recommendations about, in particular:

- consistency of approach
- the practice and performance of listed persons compared to other persons doing similar activities
- the procedure in making decisions
- the treatment of claimants and applicants
- certification under section 94 of the Nationality, Immigration and Asylum act 2002 (c. 41) (unfounded claim)
- the law about discrimination in the exercise of functions, including reliance on section 19D of the Race Relations Act 1976 (c. 74) (exception for immigration functions)
- the procedure in relation to the exercise of enforcement powers (including powers of arrest, entry, search and seizure)
- practice and procedure in relation to the prevention, detection and investigation of offences
- the procedure in relation to the conduct of criminal proceedings
- whether customs functions have been appropriately exercised by the Secretary of State and the Director of Border Revenue
- the provision of information
- the handling of complaints; and
- the content of information about conditions in countries outside the United Kingdom, which the Secretary of State compiles and makes available, for purposes connected with immigration and asylum, to immigration officers and other officials.

In addition, the legislation enables the Secretary of State to request the Independent Chief Inspector to report to him in writing in relation to specified matters.

The legislation requires the Independent Chief Inspector to report in writing to the Secretary of State. The Secretary of State lays all reports before Parliament, which he has committed to do within eight weeks of receipt, subject to both Houses of Parliament being in session. Reports are published in full except for any material that the Secretary of State determines it is undesirable to publish for reasons of national security or where publication might jeopardise an individual's safety, in which case the legislation permits the Secretary of State to omit the relevant passages from the published report.

As soon as a report has been laid in Parliament, it is published on the Inspectorate's website, together with the Home Office's response to the report and recommendations.

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