



An inspection of the Home Office's operations to effect the removal of Foreign National Offenders

October 2022 – February 2023

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Independent Chief Inspector of
Borders and Immigration

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Foreword

The Home Office frequently cites its determination to remove foreign national offenders (FNOs) from the country, pointing to its efforts to do so as one of the key ways it works to keep the public safe. I indicated my intention to examine Home Office operations to effect the removal of FNOs in my inspection plan for 2022 to 2023, after the topic was suggested to me by ministers.

This inspection took an overarching view of the Home Office's Foreign National Offenders Returns Command (FNORC) to assess whether the department is doing everything within its power to remove those foreign criminals who are, by law, subject to deportation. From the evidence of this inspection, it is clear that the Home Office's performance in this area is not efficient.

My inspection found FNORC to be a large and complex operation which lacked the ability to track and monitor the progression of cases, from initial referral to decision outcome. Staff did not have a clear sense of priorities, and there was a disproportionate focus on managing cases, rather than making decisions and progressing the removal of FNOs.

Of particular concern was the situation regarding data and management information, with staff working from unwieldy local spreadsheets rather than a reliable central database that meets the needs of the business area. This is something that the ICIBI has repeatedly

encountered and commented on in previous reports. It is therefore unsurprising that the Home Office was unable to provide consistent data sets or complete evidence returns for this inspection. It is unacceptable that the department cannot produce clear and reliable data on the FNOs for whom it is responsible.

To provide just one illustration of the shortcomings of the data being used to manage criminal casework, this inspection found that the only way for the Home Office to identify a nationality cohort awaiting deportation was to manually trawl through multiple spreadsheets. For an operation of this size to be run like this is unacceptable. For any operation to be effective, there needs to be a single version of the truth, and for FNOs it does not exist. Worryingly, I found no evidence of a strategy to build one.

Moreover, there is insufficient information to effectively identify which FNOs could be removed from the country today. The Home Office does not have an overarching view of its caseworking system. In order to establish the current state of a particular case, case owners have to manually interrogate individual case records. This is no way to run a government department.

The Early Removal Scheme (ERS) and the Facilitated Return Scheme (FRS), both designed to save money and free up prison spaces, are not being administered effectively. It is clear to me from this inspection that the Home Office is not making best use of the ERS, largely due to delays in caseworking. The FRS saw an improved

performance in 2022, mostly driven by a change in policy and the current focus on removing Albanian nationals. However, processes and management of the scheme could be clearer and more tightly managed.

Senior leaders in the command had a good awareness of the problems and were seeking to advance initiatives to address them. Measures to improve efficiency and effectiveness include an increase in resources to process more deportation decisions, an end-to-end review of caseworking, and plans to simplify processes. It is too early to assess the effectiveness of these initiatives, but they will need careful management if they are not to create more confusion over team structures, processes, and ownership of cases.

The report makes four recommendations and was sent to the Home Secretary on 13 April 2023.

A handwritten signature in black ink, appearing to read 'Neal', with a horizontal line underneath it.

David Neal

Independent Chief Inspector of Borders and Immigration

1. Key findings

Data and performance reporting

- 1.1 As at December 2022, the Foreign National Offenders Returns Command (FNORC) was responsible for the management of 21,094 active cases, relating to both detained and non-detained foreign national offenders (FNOs). The ability to efficiently manage and progress FNO cases, some of whom are classified as high-harm individuals, relies on meaningful and accurate data and management information (MI).
- 1.2 Inspectors found that the quality of data and MI had not improved since previous reviews and inspections (by the National Audit Office in 2014 and ICIBI in 2017 and 2019) highlighted this as a concern. Rather than improving the situation, the recent switchover from the Case Information Database (CID), the existing caseworking system, to Atlas, the replacement caseworking database, had compounded the Home Office's inability to produce accurate information to the extent that the department simply could not generate reports on certain cohorts. Where data was available, comparisons with other Home Office data sources revealed significant discrepancies.
- 1.3 The Home Office was unable to respond fully to data requests for this inspection, and the

quality of data provided was so poor that case sampling exercises could not be carried out with any reliability.

- 1.4** Interviews with staff across FNORC revealed significant frustration with the situation regarding data and MI, which had led to a myriad of spreadsheets being used to record case details, monitor workflow, and set priorities. In some circumstances, what should be a simple data retrieval to identify the number of FNOs of a certain nationality took staff days to complete. This is not an efficient use of resources and ultimately undermines both the efficiency and effectiveness of the operations in FNORC.

Immigration Prison Teams

- 1.5** Immigration Prison Teams (IPTs), which sit within FNORC, play a critical role as they are FNORC's first point of contact with an FNO and they continue to play a key liaison role throughout an FNO's time in prison. IPTs gather information on the identity and nationality of FNOs, serve deportation and removal paperwork, promote early removal through promotion of the Facilitated Return Scheme, conduct asylum and emergency travel document interviews, and update FNOs on the progress of their case. The quality of IPTs, their motivation, management, and how they

communicate with FNOs is critical for the effective and efficient management of FNOs in prisons.

- 1.6** IPTs were, in general, motivated and proactive in their approach, having developed good working relationships with prison-based staff. For IPTs in ‘FNO only’ and ‘hub’ prisons, their daily presence has been a significant factor in the building and maintaining of positive partnerships with prison staff at all levels, returning service levels to pre-pandemic performance expectations with staff routinely based in prisons again.^{1,2} In prisons where there is no permanent IPT presence, relationships with His Majesty’s Prison and Probation Service (HMPPS) staff were found to be more challenging.
- 1.7** The wide geographical spread of IPTs contributed to IPT staff feeling isolated and disconnected from FNORC. This sense of being ‘out on a limb’ is exacerbated by the lack of adequate facilities in some prisons, such as interview rooms or dedicated office space. This is especially the case for IPT mobile team staff (teams that cover a wide geographical area and not a specific prison) who also have less regular contact with their IPT

1 An FNO-only prison is a prison which accommodates foreign nationals only.

2 A hub prison is not exclusively for FNOs, but it will have a full-time IPT presence.

colleagues than those based in FNO-only or hub prisons due to the peripatetic nature of their work.

- 1.8** There were clear frustrations among IPTs that they were often held accountable by FNOs where case progression was slow. This was particularly evident where an FNO had applied for early removal from the UK.
- 1.9** IPT performance against the key performance indicators (KPIs) was mixed, and while IPT staff clearly see FNO inductions as a priority, they were not meeting any of their KPI induction targets at the time of the inspection.

Caseworking

- 1.10** FNORC is a large command, with complex structures spread across a number of Home Office sites. Caseworking teams are based in Croydon, Glasgow, Leeds, and Liverpool, with plans in place to create a new team in Stoke-on-Trent. While teams carried out the same tasks, the makeup of teams and allocation of work were handled differently in different locations which caused confusion for staff and resulted in some duplication and double handling of cases.
- 1.11** Inspectors found evidence of good collaboration at the start of the caseworking process between FNORC's Intake and Triage (I&T) Team and HMPPS staff. This had resulted in a willingness

by both parties to drive improvements, with a view to replacing the existing manual and resource-intensive referral of FNOs by individual email from prison staff to I&T to a more automated process providing a centralised weekly snapshot of data. Early indications were that the pilot of the new automated referral had improved the timeliness and accuracy of reporting changes in the FNO prison population and further plans were in place for HMPPS and I&T to have elevated data sharing, including access to respective databases.

- 1.12** While there was an inclination by FNORC staff to make decisions on FNO cases at an earlier stage than is currently happening, inspectors found that caseworkers were spending a significant amount of time on other activities, such as detention reviews and bail summaries. While these are important tasks, a greater throughput of Stage 1 and Stage 2 decisions (this will be covered in detail in chapter 8 of the Report) earlier in the caseworking process may lead to a reduction in the need for immigration detention reviews and bail summaries and increased numbers of returns within the early removal window.
- 1.13** Allocation and management of work was reliant on spreadsheets, which were held locally and nationally. FNORC lacks an overarching view of cases, which created inefficiencies and added to challenges in reporting on data and MI. There was

a mixed picture in terms of priorities, with staff reporting a feeling of constant firefighting.

1.14 Inspectors found that senior managers were acutely aware of issues with ownership and progression of cases, coupled with the need for more efficient decision making. These are not new or recent problems for FNORC and the majority of stakeholders who responded to the call for evidence raised concerns with the pace of decision making. A number of plans were in motion at the time of the inspection to increase the number of decision makers, review processes, and simplify deportation templates. These changes are certainly a step in the right direction towards increased efficiencies, but they need to be implemented and handled carefully to ensure that staff understand their key priorities and do not become overwhelmed by the scale of the changes.

Early Removal Scheme

1.15 The inspection gathered evidence from managers and staff in FNORC that the Early Removal Scheme (ERS) is underperforming. They were universally frustrated that they are still unable to fully maximise the ERS even after it had been extended by the Nationality and Borders Act in April 2022.

- 1.16** As casework teams are overwhelmed by constantly shifting priorities, they are often unable to progress cases that would enable removal as early as possible in the early removal window. This concern was raised by HMPPS as the delays in caseworking add to the significant costs of detaining FNOs when there are well-documented pressures on the prison estate. Inspectors found that little, if any, progress has been made since the National Audit Office made similar findings on caseworking delays in 2014.
- 1.17** There are significant concerns around the availability of ERS data. FNORC has been unable to report any ERS volumes in its FNORC monthly performance pack since September 2022. The unreliability of data was also a concern as inspectors found discrepancies between the FNORC performance pack, separate internal FNORC figures, and the transparency data published on GOV.UK. It is reasonable to conclude based on these discrepancies that there is no single version of the truth.
- 1.18** Although the initiative to create an ERS taskforce is a clear indication that FNORC is aware of the need to increase the use of the scheme, initial attempts to form the taskforce in April 2022 were unsuccessful. At the time of writing, plans were in place for the taskforce to be relaunched.

Facilitated Return Scheme

- 1.19** Inspectors found that the IPTs were aware of their responsibility to promote the Facilitated Return Scheme (FRS) in prisons and that they are currently fulfilling that expectation. Early engagement with FNOs during inductions allowed IPTs to discuss FRS and identify FNOs who were willing to sign up for the scheme.
- 1.20** At the time of this inspection, the FRS team was performing well, having met its KPIs from September 2022 to December 2022, though it should be noted that its performance targets had been relaxed in June 2022. However, inspectors found that the FRS hotline was not an effective service and FRS information factsheets, which are available on GOV.UK, contained incorrect information on response times for application handling.
- 1.21** In spite of these issues, FRS removal figures increased in 2022, with Home Office transparency data reporting the highest number of removals under the scheme since 2011. A deeper dive into the figures indicated that the increase had largely been driven by the change in policy allowing EEA nationals to apply for FRS and by the high uptake of the scheme by Albanian FNOs, whose removal has been prioritised by the Home Office in recent months.

1.22 Inspectors concluded that there is a lack of standardisation in expediting FRS cases. IPTs in particular complained about having to chase casework due to the length of time it takes for a deportation decision to be concluded in some FRS cases. With the extension of eligibility for FRS to EEA nationals, there is a danger that FNOs will gain early release and accept the financial incentive that is offered by the scheme and then return to the UK in breach of their deportation order.

2. Recommendations

Recommendation 1: Data

Produce a strategy, with timebound milestones, detailing how the Foreign National Offenders Returns Command (FNORC) will:

- a. consolidate the data that it holds
- b. reconcile its data with information managed by other agencies (such as His Majesty's Prison and Probation Service)
- c. rationalise its use of all available data so that it has ready access to clear, accurate, and consistent information on the cases for which it is responsible

Recommendation 2: Performance reporting

Undertake a review of the monthly FNORC performance pack to ensure future workflow measurements and key performance indicators focus on business objectives and on driving improvement.

Recommendation 3: Review of caseworking

Conduct a thorough end-to-end review of the FNORC caseworking functions to eradicate duplication, align team structures, and drive efficiencies in caseworking to enable more timely decisions within the early removal window. Ensure staff have a thorough understanding of any changes that are made and that priorities are clearly communicated and understood.

Recommendation 4: Case ownership and management

Develop a process which enables foreign national offender cases to be tracked and owned from referral to decision outcome, with clear ownership, timelines for key activities, and checks in place to ensure that cases are not overlooked.

3. Background

Definition of a foreign national offender

3.1 Section 32 of the UK Borders Act 2007 defines a foreign national offender (FNO) as “a person who is not a British citizen or Irish citizen, who has been convicted of an offence in the UK and sentenced to a period of imprisonment of at least 12 months”.³ The Immigration Act 2014 amended the definition to “a person who is not a British citizen, who has been convicted in the United Kingdom of an offence and who:

- has been sentenced to a period of imprisonment of at least 12 months
- has been convicted of an offence that has caused serious harm
- is a persistent offender”⁴

3.2 All FNOs who receive a custodial prison sentence in the UK are referred by the prison service to the Foreign National Offenders Returns Command (FNORC) of the Home Office. FNORC guidance

3 <https://www.legislation.gov.uk/ukpga/2007/30/crossheading/deportation-of-criminals>

4 <https://www.legislation.gov.uk/ukpga/2014/22/section/19/enacted>

states that “in addition to the referral of all foreign nationals in prisons, a referral must be made to FNORC for deportation consideration when a person is in the UK or applying to come to the UK and

- the person has, at any time, received a custodial sentence of 12 months or more for a single conviction for a single offence in the UK or overseas
- the person has been convicted in the UK or overseas of an offence which has caused serious harm
- the person is a persistent offender
- the person is the subject of an existing deportation order, exclusion direction or exclusion order made on criminality grounds
- the person has entered the UK in breach of a deportation or exclusion order and has lodged further representations
- a court has recommended deportation
- the person has been extradited from the UK or is the subject of an extradition request
- the person has been convicted of a criminal offence and received a sentence overseas

- there is compelling circumstantial evidence that the person’s conduct has caused serious harm or that their presence has caused serious harm, but the person has not yet been convicted of a criminal offence”⁵

Supporting legislation

3.3 The Home Secretary has the power to instruct the deportation of an FNO. The legislation underpinning these powers is well established but complex, having been subject to a number of changes.

3.4 The general grounds for deportation were introduced in the Immigration Act 1971.⁶ Section 3(5) of the Act allowed for the deportation of anyone who is not a British citizen where “the Secretary of State deems his deportation to be conducive to the public good”.

3.5 In 2007, the UK Borders Act placed a statutory obligation on the Secretary of State to make a deportation order for any FNO with a criminal

5 Conducive Deportation guidance, November 2021, p. 17, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1036336/Conducive_Deportation.pdf

6 <https://www.legislation.gov.uk/ukpga/1971/77/contents>

sentence of 12 months or longer subject to certain specified exemptions.⁷

EU/EEA nationals and family members

- 3.6** Similarly, the provisions for EEA nationals have been subject to change due to the UK leaving the European Union. The handling of FNOs from EEA countries is dependent on when any criminal activity took place and the immigration status of the individual at the time.
- 3.7** EEA nationals without EU Settled Status (EUSS) or other protections under the Withdrawal Agreement are treated in the same way as non-EEA nationals for the purposes of deportation.⁸ They are liable to deportation if the Secretary of State deems their deportation to be conducive to the public good under the Immigration Act 1971 or automatic deportation under the UK Borders Act 2007.
- 3.8** EEA nationals with EUSS or other protections and their non-EEA family members with EUSS family member status or other protections are liable to deportation under section 3(5) of the Immigration

7 UK Borders Act 2007.

8 <https://www.gov.uk/government/publications/new-withdrawal-agreement-and-political-declaration>

Act 1971 or automatic deportation under the UK Borders Act 2007 if their criminal conduct occurred after 31 December 2020.

- 3.9** If the conduct was before 31 December 2020, an EEA national would be subject to deportation under reserved EEA regulations, specifically section 23(6)(b) of the Immigration (European Economic Area) Regulations 2016.⁹ Such a decision may only be taken on grounds of public policy, public health, or public security in accordance with section 27 of the 2016 EEA Regulations.

Organisational structure

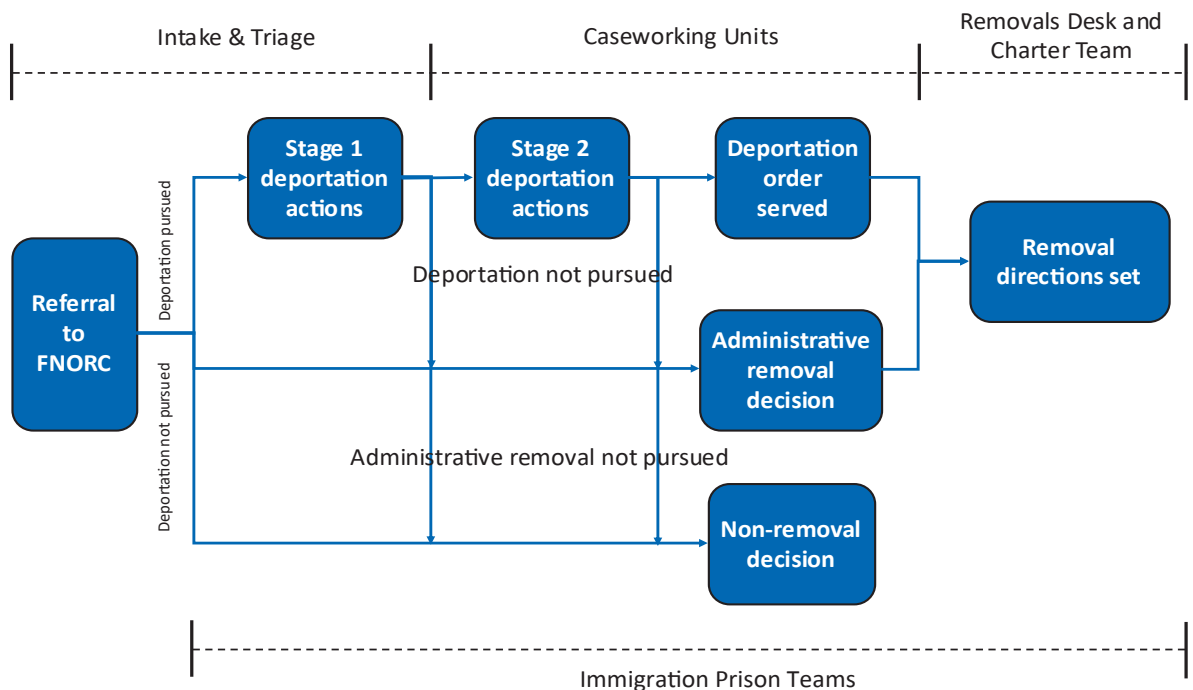
- 3.10** Foreign National Offenders Returns Command (FNORC) (formerly Criminal Casework) sits within the Home Office Immigration Enforcement directorate and has overall responsibility for the management and removal of FNOs. Its strategic objective is:

“To protect the public by removing FNOs who commit criminal offences, where legislation permits, and to actively monitor and manage FNOs released into the community pending their deportation.”

⁹ <https://www.legislation.gov.uk/ukxi/2016/1052/contents/made>

3.11 The command has a number of core functions which cover the referral and triage process for new FNO cases, caseworking teams who are responsible for managing and progressing cases to a final outcome, and specialist teams dealing with the early removal of FNOs. Supporting each of these functions are the Immigration Prison Teams (IPTs), who are responsible for interacting with FNOs in the prison estate throughout the UK. Figure 1 sets out the flow of cases from referral to the removal or other case outcome of an FNO.

Figure 1: FNORC case flows and team roles



3.12 If an FNO meets the threshold for deportation, a ‘Stage 1’ decision letter will be issued by the Intake and Triage Team. Once the decision letter has been served on an FNO, they have 20 working days to make any representations against this decision. If no representations are received, a

‘Stage 2’ deport decision letter and deportation order will be prepared by a caseworker.

3.13 FNORC is geographically dispersed, with staff based at Home Office sites around the country, including Croydon, Glasgow, Leeds, and Liverpool. In addition, the IPTs provide coverage to 145 prisons, either through a fixed presence or on an ad hoc basis.

Case volumes

3.14 According to Home Office figures, as of December 2022 FNORC had a work in progress (WiP) caseload of 21,094 cases, of which 7,066 were FNOs serving custodial sentences or were ‘time-served’ FNOs detained under immigration powers. In addition to these numbers, FNORC recorded a WiP of 470 cases involving foreign national prisoners on remand and 346 who are subject to restriction orders, restriction directions, or hospital directions made under the Mental Health Act 1983, the Criminal Procedure (Insanity) Act 1964, or the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991. See Figure 2.

Figure 2: Work in progress FNO cases June 2022 to December 2022

Detained¹⁰	June	July	Aug	Sep	Oct	Nov	Dec
Custodial detention	4,821	4,837	4,873	5,071	5,628	5,777	6,030
Immigration detention	1,073	1,040	1,090	1,013	954	1,028	1,036
On remand	379	366	381	364	375	454	470
Mental Health Act	349	354	356	360	331	348	346
Total	6,622	6,597	6,700	6,808	7,288	7,607	7,882
Non-detained¹¹							
	13,556	13,708	13,790	13,865	11,734	13,007	13,212
Total	20,178	20,305	20,490	20,673	19,022	20,614	21,094

10 The detained cohort includes FNOs in prison or immigration removal centres held under custodial or immigration powers.

11 The non-detained cohort refers to FNOs who have served their custodial sentence and are living in the community.

FNO prison population

- 3.15** According to the latest figures published on GOV.UK on 26 January 2023, the prison population in England and Wales as at 31 December 2022 was 81,806, of which 9,797 (12.0%) were classified as foreign nationals.¹² Volumes of FNOs in prisons in England and Wales have remained fairly static since 2010, during which time the totals have varied between 9,066 (11%) and 11,135 (13.1%).
- 3.16** Of the 9,797 foreign nationals in prison as at 31 December 2022, 2,951 (30.1%) were on remand, 6,261 (63.9%) had received a custodial sentence, and 585 (6.0%) were classed as ‘non-criminal prisoners’. This latter cohort relates to detainees being held in prison under immigration powers, typically where a prison sentence has been served but the Home Office has taken the decision to maintain detention.
- 3.17** A comparison with Home Office data, as set out in Figure 2 above, indicates differences in the figures recorded. This discrepancy is largely attributable to the different coverage of the data sets, since the GOV.UK data includes cases not yet referred to FNORC or where a decision has been taken not to pursue deportation; both of these cohorts are

¹² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1131446/Population_31Dec2022.ods

excluded from the FNORC WiP. It should also be noted that this is a continually changing population as FNOs enter or leave the prison estate and that the Home Office internal data covers FNOs throughout the UK, whereas published data reports on England and Wales.

3.18 The same data set indicates that of the total 9,797 FNOs, 5,595 (57.1%) were nationals of European countries. Figure 3 sets out the top five FNO nationalities held in prisons in England and Wales on 31 December 2022.

Figure 3: Top five nationalities held in prisons in England and Wales

Nationality	Total	% of FNO prison population
Albanian	1,317	13.4
Polish	804	8.2
Romanian	781	8.0
Lithuanian	395	4.0
Jamaican	390	4.0

3.19 A longer-term view of the prison population, from Ministry of Justice (MoJ) data published annually on 30 June, shows that while volumes of most of the top ten nationalities have remained reasonably constant, the number of Albanian nationals has increased by 80% over the four years from 2018 to 2022.

3.20 Figure 4 sets out the top ten nationalities of foreign nationals held in prisons in England and Wales, measured annually on 30 June, for 2018 to 2022 inclusive.¹³

Figure 4: Top ten nationalities of FNOs held in prisons in England and Wales

Nationality	Number of FNOs (as measured at 30 June each year)					
	2018	2019	2020	2021	2022	Total
Albanian	742	876	1,144	1,528	1,336	5,626
Polish	822	754	903	868	830	4,177
Romanian	644	734	731	732	752	3,593
Jamaican	483	460	411	403	395	2,152
Lithuanian	382	415	467	401	414	2,079
Pakistani	333	295	260	271	277	1,436
Somalian	293	295	280	268	257	1,393
Portuguese	253	223	239	255	248	1,218
Nigerian	239	238	203	203	198	1,081
Indian	244	203	173	185	208	1,031
Totals by year	4,435	4,493	4,811	5,114	4,915	

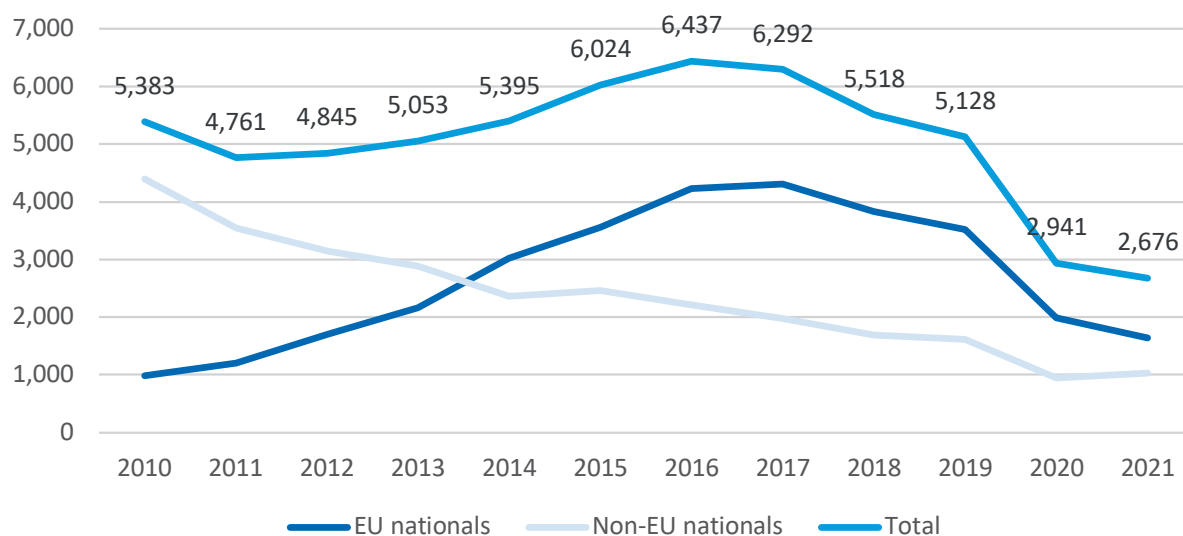
Removals data

3.21 From 2011 to 2016, FNO removals from the UK increased steadily from 4,761 to 6,437 per annum. Since then, the number of FNOs removed from the UK has dropped each year with a total of 2,676

¹³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1094517/Population_30June2022_Annual.ods (Tab A1_12i).

being recorded in 2021. Figure 5 shows the latest published data on the removal of FNOs at the time of writing.¹⁴

Figure 5: FNO removals



3.22 According to the Home Office, the reasons for the downturn are “likely to be many”. These include a change in legislation in June 2017 following a judgment in the Supreme Court in the case of *Kiarie and Byndloss*.¹⁵ This judgment led to the removal of powers which had allowed

14 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1118059/returns-datasets-sep-2022.xlsx

15 <https://www.supremecourt.uk/cases/docs/uksc-2016-0009-judgment.pdf>

the Home Office to ‘deport now, appeal later’.¹⁶ In 2019, charter flight operations, which the Home Office uses to target the removal of a particular nationality, were disrupted due to a legal challenge on returns notices, and more recently the COVID-19 pandemic meant that there were restrictions on the Home Office’s ability to remove FNOs.

3.23 Alongside this, there are a number of barriers which may prevent or delay the removal of an FNO, including the need to secure travel documentation, asylum or human rights claims, and considerations for leave to remain under the Modern Slavery Act 2015.

Removal schemes

3.24 This inspection focused on two removal schemes, the Early Removal Scheme (ERS) and Facilitated Return Scheme (FRS), that are operated by the Home Office. The schemes are designed to encourage and facilitate the early removal of FNOs and to reduce the associated prison costs.

3.25 There are two other early removal schemes that were not in scope for this inspection, the Prison

¹⁶ ‘Deport now, appeal later’ enabled the Home Office to deport FNOs ahead of any appeal in the UK. Those removed under the scheme had a right to appeal from their own country.

Transfer Agreements (PTAs) and the Tariff Expired Removal Scheme (TERS). For the PTAs, the FNO is transferred to a prison in their country of origin to serve the remainder of their sentence. The TERS allows the early removal of FNOs without a fixed-length sentence, such as a life sentence, to be removed from the UK at any point after the expiry of their tariff (the minimum period which the prisoner must serve before being considered for release).

- 3.26** Responsibility for the policy underpinning the ERS lies with the MoJ, but FNORC and MoJ have joint responsibility for operating the scheme along with His Majesty's Prison and Probation Service. The Home Office has responsibility for, and operates, the FRS.
- 3.27** The Criminal Justice Act 2003 introduced the ERS in June 2004.¹⁷ The legislation provided that any FNO serving a custodial fixed-term prison sentence could be removed up to 135 days before their earliest release date. This period is known as the early removal window. In April 2008, the early removal window was increased to 270 days before section 47 of the Nationality and Borders Act 2022 (NABA) amended this further and increased the window to a maximum of 12 months, depending

¹⁷ <https://www.legislation.gov.uk/ukpga/2003/44/contents>

on the length and type of sentence received. The relevant provisions of NABA entered into force on 28 June 2022 with the aim of increasing removals in the early removal window.¹⁸

3.28 Section 47 of NABA also introduced the ‘stop the clock’ provision. The effect of this addition to the policy is that an FNO’s sentence will be paused rather than cancelled when they are removed in their early removal window. As a result of this change, an FNO who subsequently returns to the UK would be required to serve the remainder of their sentence.¹⁹

3.29 The FRS was first introduced in 2006 and runs parallel to the ERS, but it is not mandatory. The purpose of the FRS is to incentivise FNOs to comply with the deportation process by offering a financial package. If an FNO applies for and is accepted onto the FRS during their custodial sentence, FNORC will look to remove them in the early removal window, which is the point at which early removal can proceed.

18 <https://www.gov.uk/government/publications/nationality-and-borders-bill-speeding-up-removal-of-foreign-criminals-factsheet/nationality-and-borders-bill-speeding-up-removal-of-foreign-criminals-factsheet>

19 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1123959/The_Early_Removal_Scheme_ERS_.pdf

Previous inspections

- 3.30** This inspection follows a number of previous inspections of the management and removal of FNOs by the ICIBI, National Audit Office (NAO), and His Majesty's Inspectorate of Prisons.
- 3.31** In 2014, the NAO produced a report titled 'Managing and removing foreign national offenders'.²⁰ In this report, the NAO concluded that "the Department had made limited progress since 2006 in removing FNOs who have completed their sentences". Of particular concern, which is relevant to this inspection, was the Home Office's inability to prioritise casework to realise the benefits of the ERS, and a lack of readily available and reliable management information.
- 3.32** In 2016-2017, the ICIBI completed 'An inspection of the Home Office's management of non-detained Foreign National Offenders' (December

20 NAO, 'Managing and removing foreign national offenders' (October 2014), <https://www.nao.org.uk/reports/managing-and-removing-foreign-national-offenders>

2016 – March 2017).²¹ This report drew similar conclusions in relation to the Home Office’s ability to accurately record and report data, which was partly due to an over-reliance on the use of local spreadsheets. The inspection also highlighted concerns with ownership of cases and efficiency of hand-offs between Home Office units involved in decision making.

3.33 Issues with reliability of data and over-utilisation of local spreadsheets were also identified, more recently, in the ICIBI’s ‘Inspection of the global positioning system (GPS) electronic monitoring of foreign national offenders’ which was conducted between March and April 2022.²² That inspection concluded that there were inconsistencies in data across different areas within FNORC and a dependency on locally created spreadsheets,

21 ICIBI, ‘An inspection of the Home Office’s management of non-detained Foreign National Offenders’, (December 2016 – March 2017) (published November 2017), <https://www.gov.uk/government/publications/inspection-report-on-non-detained-foreign-national-offenders-november-2017>

22 ICIBI, ‘An inspection of the global positioning system (GPS) electronic monitoring of foreign national offenders’, (March – April 2022) (published July 2022), <https://www.gov.uk/government/publications/an-inspection-of-the-global-positioning-system-gps-electronic-monitoring-of-foreign-national-offenders-march-april-2022>

due to staff's lack of confidence in the information available on Home Office IT systems.

4. Scope

4.1 This inspection examined the Home Office's operations to effect the removal of foreign national offenders (FNOs). The inspection looked at the following areas, with a focus on FNOs in detention:

- the effectiveness and quality of the services provided by the Immigration Prison Teams
- the prioritisation of cases for removal and the effectiveness of the Early Removal and Facilitated Return Schemes
- the Home Office's strategy for the collection, monitoring, and reporting of FNO data, and how this data is used to capture best practice and drive improvements
- the role of caseworking teams in prioritising and progressing FNO cases towards removal

4.2 The inspection did not consider the management of non-detained FNOs.

5. Methodology

5.1 Inspectors undertook the following activities:

- reviewed open-source material, including previous relevant ICIBI inspection reports
- conducted familiarisation sessions with Home Office staff in the Foreign National Offender Returns Command (FNORC), Performance Reporting and Analysis Unit, and policy teams. Inspectors also met representatives from His Majesty's Prison and Probation Service, His Majesty's Inspectorate of Prisons, non-governmental organisations, and charities
- visited HMP Wormwood Scrubs on 12 October 2022
- on 27 October 2022, published a 'call for evidence' on the ICIBI website and social media, seeking submissions from anyone with knowledge and experience of the Immigration Prison Teams, the prioritisation of cases for removal, the effectiveness of the Early Removal and Facilitated Return Schemes, and the Home Office's strategy for the collection, monitoring, and reporting of data on foreign national offenders (FNOs)

- analysed seven submissions to the ‘call for evidence’ from a range of stakeholders, including non-governmental organisations, law firms, and members of the public
- in September 2022, October 2022, and January 2023, requested and, on receipt, analysed more than 680 pieces of documentary evidence from the Home Office
- in December 2022 visited HMP Huntercombe, HMP Risley, HMP Maidstone, and HMP Highpoint and conducted 11 interviews and focus groups with 21 prison staff and four FNOs
- between 7 December 2022 and 12 January 2023 conducted 47 interviews and focus groups with 117 staff at grades from Administrative Officer to Senior Civil Servant (Grade 5) in the following teams: Intake and Triage, Immigration Prison Team, Casework, Performance and Data, Policy, and Removals.
- on 27 January 2023, presented the inspection’s emerging findings to the responsible Home Office senior civil servants

6. Inspection findings: Data and performance reporting

Data

Data quality

- 6.1** The issue of data quality has been the subject of a number of inspections into the Home Office's handling of foreign national offenders (FNOs).
- 6.2** In 2014, the National Audit Office's report on 'Managing and removing foreign national offenders' found that "better data and management information would help improve the process throughout.²³ The data currently collected, such as the number of cases removed each month, is not detailed or robust enough to help inform managers how to improve processes."
- 6.3** The ICIBI's 'An inspection of the Home Office's management of non-detained Foreign National Offenders' conducted between December 2016 and March 2017 identified further issues with data quality and made a recommendation (Recommendation 4) that the Home Office should "systematically quality assure all case notes in respect of Foreign National Offenders to ensure

23 'Managing and removing foreign national offenders', p. 32.

that accurate, up-to-date records are being maintained”.²⁴

6.4 The Home Office partially accepted this recommendation and, in its response, stated that “Criminal Casework is committed to the extension of the existing Quality Assurance Framework checks by September 2017 which will dip sample case notes to ensure CID records are up to date and accurate.”^{25,26}

6.5 In May 2019, the ICIBI’s ‘Re-inspection of the Home Office’s Reporting and Offender Management processes and of its management of non-detained Foreign National Offenders’ reported that little action had been taken in relation to Recommendation 4.²⁷ Specifically, inspectors

24 ‘An inspection of the Home Office’s management of non-detained Foreign National Offenders’, p. 9.

25 FNORC was formerly known as Criminal Casework.

26 CID was the caseworking database in use by the Home Office at this time.

27 ICIBI, ‘A reinspection of the Home Office’s Reporting and Offender Management processes and of its management of non-detained Foreign National Offenders’ (October 2018 – January 2019) (published 9 May 2019), <https://www.gov.uk/government/publications/a-re-inspection-of-the-home-offices-reporting-and-offender-management-processes-and-of-its-management-of-non-detained-foreign-national-offenders>

found that: “Despite a good deal of preparatory work having been done the dip sampling referred to in the response to this recommendation had still not begun, some 15 months after the Home Office said that it would. Given the importance of having accurate records as the basis for action, especially in the case of FNOs where the risks are typically higher, this was particularly poor.”

- 6.6** Inspectors were keen to understand what improvements had been made since the previous inspections and asked the Home Office for an update on progress against Recommendation 4. Inspectors were informed that the recommendation was closed in March 2021 as the Home Office stated it was unable to complete the action “in either the letter or the spirit of the recommendation”. At the time the recommendation was closed, officials had hoped that the move to Atlas, the Home Office’s new caseworking system, and a new Quality Assurance Framework would help to improve data quality overall.

Change of case management system

- 6.7** At the time of the inspection, Foreign National Offender Returns Command (FNORC) was transitioning from the Case Information Database (CID), its existing case management system, to Atlas, the new system. Although the roll-out of Atlas within Immigration Enforcement had

commenced in 2019, due to a combination of a prolonged project delivery plan and the impact of COVID-19, staff were required to 'dual key' data into both Atlas and CID for nearly three years. The process of dual keying ended on 17 October 2022, after which time staff could access information on CID, but were required to use only Atlas for progressing cases.

- 6.8** The switchover to Atlas presented FNORC with significant challenges in relation to its ability to extract data and produce management information (MI) from the system.
- 6.9** In addition, staff members reported issues with the quality assurance (QA) of data. While FNORC had a pool of local data quality managers (LDQM) from across the command, whose role was to identify problems with data on systems or cases and make recommendations for improvement, the switch to Atlas had impacted their ability to fulfil this role. Monthly meetings of the local data quality managers were suspended for a period during the Atlas change programme. During this time, FNORC informed inspectors that they instead conducted targeted exercises to deal with data quality issues raised by central teams. However, one manager summarised the problems: "Getting people to fill it [Atlas] in right is a problem ... data quality is a challenge."

Over-reliance on spreadsheets for data and MI

- 6.10** In addition to its caseworking systems, FNORC relies on an extensive array of locally and nationally held spreadsheets to monitor case workflow and staff productivity. These spreadsheets have evolved over many years to meet the command's need for MI that has not been available directly from either CID or Atlas and for which the Performance Reporting and Analysis Unit (PRAU) has been unable to produce the necessary reports.
- 6.11** This has been a long-standing issue for FNORC. The ICIBI's 'An inspection of the Home Office's management of non-detained Foreign National Offenders', published in November 2017, highlighted concerns with data reporting.²⁸ Recommendation 3 of the report said that the Home Office should:
- “Prioritise the development of the Person Centric View for non-detained Foreign National Offender caseworking records, fixing a date for its delivery, and ensuring in the meantime that Criminal Casework [the previous name for FNORC] information management is not reliant on disparate spreadsheets.”

28 ICIBI, 'An inspection of the Home Office's management of non-detained Foreign National Offenders', p. 9.

The Home Office informed inspectors that this recommendation had been closed in March 2021.

- 6.12** Throughout the course of interviews held with staff across FNORC, inspectors heard about multiple spreadsheets, produced at an individual, team, and command level, to record data on FNOs.
- 6.13** Staff told inspectors that the spreadsheets were considered to be a “safety net”, as the centralised IT systems could not be relied upon for statistical analysis or meaningful MI reporting. This was summarised by one manager, who said, “information will be correct on my spreadsheet but not necessarily on Atlas. Atlas is not great, so we are using workarounds. Atlas is a barrier to removal because the data is not accurate.”²⁹

Impact of Atlas

- 6.14** Added to the challenges of MI reporting, inspectors found an overwhelming dissatisfaction with Atlas among FNORC staff who were using

29 The Home Office, in its factual accuracy response, stated: “Atlas is a case-working platform through which case owners progress their cases. Atlas data is, however, pulled through to DOD (Daily Operational Dashboard) which we acknowledge has had issues with data. In the interim, teams have created localised spreadsheets whilst migration is ongoing. These will be later decommissioned.”

it routinely for data entry, information retrieval, or case progression. Some reported that regular tasks such as recording a change of custodial or detention location were taking several times longer to complete on Atlas when compared to the same action being undertaken on CID.

- 6.15** A member of staff described the system as being “click heavy”. Another told inspectors, “Atlas is a slow system to do anything with, and this is a fast-paced job. My work is piling up because I am trying to play catch-up doing the Atlas actions.”
- 6.16** While inevitably staff will become more familiar with Atlas, the productivity gains which should have been realised by the cessation of dual keying were not being achieved at the time of the inspection. This was partly due to the additional time it was taking staff to perform basic tasks, but also due to the need to record data on separate spreadsheets as a backup for any data that may not be captured on the caseworking systems.

Data migration

- 6.17** The requirement to ultimately move over to a single system, Atlas, meant that cases that had been entered on CID, but had not received a decision outcome at the time of the switchover, needed to have case information migrated over to Atlas.

- 6.18** FNORC informed inspectors that over a three-month period, around 15,000 ‘CID-only’ cases were ‘migrated’ onto Atlas via a central exercise which involved 20 staff.
- 6.19** The manual migration of this data has the potential for transcription errors between the two systems which could result in incorrect data being entered into Atlas.
- 6.20** Inspectors noted that the October 2022 edition of the FNORC performance pack highlighted concerns with the transfer of data from CID to Atlas and that “the migration project was still in progress, there were some 3,000 cases still in the process of being migrated”.
- 6.21** By December 2022 the situation had improved but was not fully resolved, with ‘commentary’ notes in the pack highlighting “still around 1,000 cases to migrate” and “it is likely that some of the 21,094 cases are not ‘live’ cases and are showing on the work in progress (WiP) caseload as a result of DQ [data quality] errors”.
- 6.22** The information within the pack demonstrates that there is still some way to go before FNORC has fully reconciled and quality assured data. Until then the production of accurate MI for FNORC remains a significant challenge.

Data discrepancies

- 6.23** Based on the evidence provided to inspectors, there was a fundamental issue with some data that was recorded on both CID and Atlas during the months of dual keying not being identical. It was unclear to inspectors how this specific issue was being addressed, quantified, and resolved so that FNORC could assure itself that the data it was using on Atlas was consistent with what had been on CID and, more importantly, correct.³⁰
- 6.24** With the potential for two different items of data recorded for one individual to be held on the two

30 The Home Office, in its factual accuracy response, stated: “There is a specific workstream dedicated to resolving apparent data quality issues associated with ‘record primacy’ (which has arisen during the period of double keying), and so we refute the lack of evidence as to how the issue was being ‘addressed, quantified and resolved’. As part of this, PRAU’s Data Primacy reports exist for the purpose of quantifying DQ errors, and the DQ Project which has just commenced within FNORC will involve working through these reports and addressing them, to ensure that the data between CID and ATLAS matches where required. However, it should also be noted that it won’t always be appropriate to ensure CID and ATLAS contain identical data. Cases have moved on since mid-October and that progress will now only be recorded on ATLAS in most cases.”

systems, and the heavy dependency on locally maintained spreadsheets, inspectors found that there is currently no reliable 'single version of the truth' for data recorded by FNORC for caseworking and reporting purposes.

- 6.25** This is of particular concern given the high-profile nature of immigration caseworking that is managed within FNORC. When asked about the risks this presented, in relation to the publication of data for this cohort, one staff member told inspectors: "I wouldn't be comfortable sending data out in the public domain, but thankfully that's not my job."
- 6.26** Inspectors found several instances where figures reporting on the same data set, either contained in the published transparency data on GOV.UK or provided as evidence for this inspection, were different. This included the data displayed in Figure 6 on FNO removals.

Figure 6: Removals of FNOs from the UK

Calendar year	Figures provided by FNORC			Figures published on GOV.UK
	Deported	Administratively removed	Grand Total	Total FNO returns ³¹
2016 (Qs 2 to 4 inc.)	4,749	224	4,973	4,925
2017	5,579	811	6,390	6,292
2018	5,141	517	5,658	5,518
2019	4,943	284	5,227	5,128
2020	2,846	122	2,968	2,944
2021	2,648	50	2,698	2,677
2022 (Qs 1 to 2 inc.)	1,438	40	1,478	1,464
Total	27,344	2,048	29,392	28,948

6.27 In this instance, FNORC reported greater volumes of removals in its evidence (none of which was assured by PRAU before release to the ICIBI) than the government reports as part of its statistical data sets on GOV.UK. FNORC stated that it did not “consider this level of difference between the published data and internal MI on returns particularly unusual”. It explained that the internal MI would alter over time as records were updated with current circumstances whereas transparency data was more of a static snapshot in time and would not reflect such updates.

31 <https://www.gov.uk/government/statistical-data-sets/returns-and-detention-datasets>

6.28 Discrepancies were also found in the data sets provided for the Facilitated Return Scheme (FRS), as shown in Figure 7.³²

32 The primary aim of the scheme is to encourage FNOs to leave the UK at the earliest possible opportunity, thereby reducing the resources and costs associated with time spent in prison and immigration detention. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1043444/The_Facilitated_Return_Scheme_FRS_.pdf#:~:text=The%20Facilitated%20Return%20Scheme%20%28FRS%29%20was%20established%20on,with%20time%20spent%20in%20prison%20and%20immigration%20detention.

Figure 7: Differences in FRS returns figures

Calendar year	FRS removals (data provided by FNORC)	FRS returns figures (data from GOV.UK) ³³	% difference to FNORC data
2016 (Qs 2 to 4 inc.)	396	395	-0.3%
2017	436	431	-1.2%
2018	375	362	-3.6%
2019	493	491	-0.4%
2020	303	303	0.0%
2021	413	583	+41.2%
2022 (Qs 1 to 2 inc.)	665	804	+20.9%
Total	3,081	3,369	+9.3%

6.29 It was not clear to inspectors why the discrepancies in years 2021 and 2022 were so significant, even taking into account the different data sources which may have been used to provide the information. Concerns about the production and publication of data sets within this command have been highlighted in previous

33 <https://www.gov.uk/government/publications/immigration-enforcement-data-q3-2022> – published August 2022 (data from FNO_09).

inspections, yet there is little to indicate that any improvements have been made.³⁴

6.30 The ICIBI's 'An inspection of the Home Office's management of non-detained Foreign National Offenders', published in November 2017, raised concerns over discrepancies in data sets:

“ ... the effect of the markedly different numbers referred to as the 'total reporting population' and the different periods covered is to raise questions about how well the data was understood by Gold Group members and

34 The Home Office, in its factual accuracy response, stated: “This discrepancy actually arises from a previous unspotted error in the published Migration Transparency data for FNOs (Table FNO_09). After investigation, it appears that the correct figure for Q2 2021 was missed and figures for each subsequent quarter have been transposed to a quarter earlier than they should have been. (We believe that this may have been an error introduced to the publication when the approach to publishing data on returns was changed to release data a quarter in arrears.) Errors do occasionally arise in the published data, and now that it has been identified we will revise the published figures. The data provided by FNORC as part of the inspection was correct.”

by readers of its reports, and about whether all non-detained FNOs were identified”.³⁵

Difficulties with data provision

6.31 Inspectors encountered further problems with the data provisions within FNORC in their responses to evidence requests. As part of a formal submission to the Home Office on 26 October 2022, inspectors requested data sets, for the period from 1 January 2019 to 30 September 2022, for all:

1. Time-served FNOs (both detained and non-detained) who had not been removed from the UK as at 26 October 2022
2. Non-detained FNOs who had been removed/returned from the UK³⁶

35 ICIBI, ‘An inspection of the Home Office’s management of non-detained Foreign National Offenders’, p. 6.

36 For the purposes of this question, a ‘non-detained FNO’ was defined by the ICIBI as an individual who had been removed/returned from the UK direct from the community or had spent less than 28 days in an immigration removal centre (IRC), or prison, on immigration detention directly prior to removal/return from the UK.

3. Custodially detained FNOs who had been removed/returned from the UK direct from prison³⁷
4. FNO administrative removal cases

- 6.32** In seeking this information, inspectors wanted to analyse the FNO casework cohort to better understand: prison occupation rates, barriers to removal, patterns in completed removals, and any link between prison location and FRS removals.
- 6.33** In line with Home Office procedures for ICIBI data requests, FNORC asked colleagues in the PRAU to provide the information for the return. The Home Office was unable to provide this information to the inspection team.
- 6.34** A note explained that the final data matching was taking place between staff in PRAU and FNORC, which would look to “fill in the gaps” to “attack the outstanding questions” before it went through a quality assurance and clearance process. Inspectors were advised that “the data is going to be heavily caveated as it’s being pulled together from a number of different and completely

37 For the purposes of this question, a ‘custodially detained FNO’ was defined by the ICIBI as an individual who had been removed/returned from the UK direct from prison, or an IRC where the detention duration was of no more than 72 hours following release from prison to effect the removal/return.

separate sources, some of which are live, some of which are now more than a month out of date, and which are, in many cases, going to be best approximations of what's being asked". No such data was ever submitted as evidence for this inspection.

- 6.35** Similar challenges were encountered with a data request for the purpose of a case sampling exercise on FNO records. Inspectors planned to review all cases of FNOs who had completed their criminal custodial sentence between 1 October 2021 and 31 July 2022 inclusive, but who had not been removed from the UK by 17 October 2022.³⁸ This exercise was designed to ascertain what factors or barriers were causing FNOs not to be removed, within a relatively short timeframe, after their custodial sentence had come to an end.
- 6.36** To facilitate the case sampling exercise, FNORC provided inspectors with a spreadsheet containing 558 lines of data. Following initial analysis of the information, inspectors removed 242 duplicate records, which had been highlighted by FNORC

38 The date of 17 October 2022 was selected by inspectors to ensure that all the references and associated data for the case sampling exercise could be drawn from one system, CID, as this was the cessation date for dual keying.

but not removed from the data set. This left 316 unique cases to assess.

- 6.37** An examination of the 316 cases revealed that 49 pertained to individuals recorded as being British citizens and one related to an Irish national (against whom deportation action is not taken as a matter of policy) and in one other case, the subject had died.
- 6.38** Of the remaining 265 cases to review, the majority showed that deportation action had not been pursued by the Home Office for a variety of reasons, with common ones being that the FNO did not meet the deportation criteria, had an established form of entitlement to reside in the UK, was exercising EU treaty rights, or had an appeal allowed.
- 6.39** In 38 cases deportation action had been pursued, and from this number there were three cases where a deportation order had been enforced. Further examination of the three cases revealed that the FNOs had all been removed – one in 2016 and the other two in 2020. This was despite the data request specifying the return to include FNOs who had not been removed from the UK.
- 6.40** Given the quality of the return provided to inspectors, the data was not considered to be sufficiently reliable for the intended purpose and,

as a result, the scheduled case sampling exercise did not proceed.

Awareness of data quality issues

- 6.41** In interviews and focus groups, staff across FNORC repeatedly raised concerns about the quality of FNO data to inspectors. One manager said: “The biggest risk and what worries me the most is the inability to pull data from Atlas... We are having to use local spreadsheets. I hate it.” Another FNORC staff member stated, “The standard of data we hold has always been a challenge, more so now with a new database [Atlas].”
- 6.42** Senior management clearly recognise the issue of poor quality and inconsistent data, which is captured in some detail in the FNORC risk register. Of the nine ‘live’ risks contained within the register from October 2022, three list DQ issues as a factor, as shown in Figure 8.

Figure 8: FNORC risks related to DQ

Risk title	Risk cause (FNORC description)	Residual risk impact (as rated by FNORC)
FNO Case Management	Poor Data Quality	Significant
Atlas Implementation and Delivery	The migration of data from CID to Atlas may be adversely impacted by existing, historical data quality issues	Critical
Data Quality	<p>Failure to enter data on CID and Atlas in accordance with guidance and instructions, resulting in inaccurate data</p> <p>Lack of clarity in the definitions used within the FNO RC such as FNO and absconder</p> <p>In the absence of DQ information/reports from Atlas, there is a risk of creating a DQ issue that may require significant resource to resolve</p> <p>Lack of compliance in failing to adhere to QAF (Quality Assurance Framework) and Atlas assurance strategy</p>	Major

Proposals to tackle data quality issues

- 6.43** As part of a further evidence request, inspectors asked FNORC to provide its proposals for how it intended to address DQ issues.
- 6.44** The response, received on 3 February 2023, explained that the local DQ managers network had been relaunched with monthly meetings recommencing from mid-February. Representatives from across FNORC will form the network, whose initial objectives are to ensure:
1. Vantage accurately reflects the cases being dealt with by FNORC³⁹
 2. Vantage accurately reflects the case ownership of those cases⁴⁰
- 6.45** In the longer term, FNORC's Performance Analysis and Data Team (PADT), which produces data and MI for the command, will also use the monthly performance pack to highlight key DQ concerns.

39 Vantage is a Home Office application which extracts management information from Atlas.

40 The Home Office, in its factual accuracy response, stated: "A DQ Project has also been launched. Further DQ flags have been built into Vantage to enable easier identification."

Performance reporting

Management information reporting challenges

- 6.46** Traditionally, FNORC had derived management information (MI) from CID. While CID allowed for basic searches and enquiries, the interrogation of case data for more complex analysis had to be undertaken by selected staff who had been trained in a specialist application known as ‘Business Objects’.⁴¹
- 6.47** Alongside this, a request could be made of PRAU to set up routine report generation on defined activities within FNORC; for example, how many sentenced FNOs serving a custodial sentence had yet to be served with a deportation order.
- 6.48** The difficulties of undertaking data analysis and production of meaningful MI have been compounded by the move to Atlas as a single caseworking system. The issue is not with Atlas as a system per se, but rather that reporting tools and reports tailored to FNORC needs had not been developed and provided by the time that dual keying ended.
- 6.49** As a replacement for Business Objects, the Home Office uses Vantage to produce strategic MI from the data recorded in Atlas. At the time of

41 Business Objects is an application which extracts management information from CID.

the inspection, Vantage was not able to replicate the data reporting that had been produced from CID. It was of particular concern to inspectors, given the high-profile nature of the work managed by FNORC, that detailed MI reports could not be produced.

- 6.50** Asked if ministers were aware of this ‘void’ in MI, senior managers said that they had been told about the impending situation and were content to proceed with Atlas ‘going live’ in the knowledge that the system was ‘a minimum viable product’.

FNORC Performance and Data Team

- 6.51** The PADT was established in 2016 to act as an intermediary between FNORC’s secretariat and the Home Office’s Performance Reporting and Analysis Unit (PRAU). The team is responsible for providing data analysis and MI to managers in FNORC where PRAU does not, or cannot, deliver such services.
- 6.52** It is led by an Assistant Director (Grade 7) who also has responsibility for a newly formed caseworking team, the Custodial Decision Team, and the Atlas Operational Change Team, and is supported by a Senior Executive Officer, four Higher Executive Officers, and an Executive Officer.
- 6.53** Staff told inspectors that the team’s main product was the FNORC ‘performance pack’, a monthly

reporting pack which provides a snapshot of data displaying the current position and performance trends for teams across the command.

6.54 The majority of the data that the PADT uses to inform the performance pack is taken from Vantage and manual data gathering. In addition, the 'Performance Tool', a bespoke Excel spreadsheet developed by the team specifically to capture performance information, is used to report information relating to timeliness of detention reviews and bail summaries for Key Performance Indicator (KPI) 6, as at present, PADT cannot interrogate data held on Atlas to provide this insight.

6.55 Every time a caseworker progresses an FNO case, they are required not only to enter data and notes on Atlas, but also to update the Performance Tool. This is time-consuming and open to user error or users neglecting to complete it. One manager told inspectors: "Sometimes I wonder why they want to capture the info they do and other times I think, they should be counting and taking different data. The EOs and AOs [Executive Officers and Administrative Officers] spend more time capturing stuff than doing work."

Development of the FNORC performance pack

6.56 Immigration Enforcement (IE) has introduced a number of reporting packs over the past five years

to monitor and report on performance. In March 2018, IE's Strategic Operations Command (SOC) commissioned Criminal Casework to create a command-level performance pack which became a monthly 'CC performance pack' reporting to IE's senior management team. By January 2021, a wider review of performance had led to a refocused cross IE performance pack for all IE activity, not solely FNORC. SOC continues to produce that report monthly.

- 6.57** In March 2020, work began on a 'Criminal Casework Performance Analysis Report' for internal performance. This was produced in draft format only and was discontinued in October 2020.
- 6.58** Plans were then set in motion to create the current senior management team (SMT) monthly performance pack. The first editions were provided to the SMT between April 2021 and August 2021. At this point the current KPI-based report began development, the first edition of which was formally launched in April 2022.
- 6.59** Inspectors reviewed copies of the current version and its two previous iterations. While the performance reports have been subject to significant redesign and amendment since 2018, it is of some concern that it has taken four years to implement a process which allows FNORC to track and manage performance across the command in the form of KPIs.

6.60 Inspectors examined the April 2022 to December 2022 editions of the current monthly performance pack. FNORC reports on 14 KPIs and two WiP holds. The WiP holds provide details of:

- the overall number of cases that FNORC units are working on at any stage
- the number of cases that are awaiting Stage 1 action and the number that are awaiting Stage 2 action (post-Stage 1)

6.61 The WiP data gives some representation as to the overall volume of work faced by FNORC and where this work lies within the process, which is necessary for resource planning and overall performance measurement. However, the report contains some caveats of concern related to the migration of data from CID to Atlas which demonstrate the potential for inaccuracies in the figures. These included:

“Migration [from CID to Atlas] should be completed next month, at which stage we can start to properly assess anomalies” and “Little value in comparing with previous months data. Hopefully we can recommence analysing trends in the new year once the migration work is complete and the numbers begin to settle.”

Current pack – key performance indicators

6.62 As part of the evidence submitted for this inspection, FNORC included the following statement in relation to the performance pack:

“FNORC’s Key Performance Indicators were introduced on 1 April 2022, following a 3-month consultation within the Senior Management Team, and were signed off by the then Director. The KPI’s were designed to report on the main areas of work undertaken by FNORC, with a particular eye on returning performance to pre-pandemic levels. The KPI’s are heavily focussed on measuring and encouraging case progression and in servicing agreements we have with colleagues within the Home Office and other external stakeholders.

Progress and performance against the KPI’s are reported on each month within the monthly performance pack. Each KPI has a slide. This is shared in advance of a monthly meeting along with a limited amount of raw level data to enable the teams to query or investigate some elements of the data. Any areas of strong performance or concern are flagged in advance of the meeting to allow senior managers time to consult and prepare to discuss. At the meeting discuss each KPI with a focused discussion on best practice, issues, blockages, and resolutions.”

6.63 The 14 current KPIs are set out in Figure 9.

Figure 9: FNORC’s current KPIs

No.	Name/ descriptor	Measurable
1	Increase the number of FNO returns	<p>Increase returns to match pre-pandemic levels (using April 2019 to February 2020 as the monthly comparison).</p> <p>20% increase in number of FNOs returned during their ERS window (as compared to 2021/22).</p>
2	Intake & Triage – Data Preparation & casework referral	Serve more Stage 1 decisions than in 2021-22.
3	Deportation Decisions – Keeping pace and exceeding flow August 2022	<p>The number of Stage 2 decisions (or conclusion decisions) made by FNORC’s mainstream casework is at least equal to the number they receive from Intake and Triage in 2021-22.</p> <p>Casework areas to strive to make 20% more Stage 2 (or conclusion) decisions than the number of cases received from Intake and Triage in 2022-23.</p>
4	Deportation Decisions – Early Removal Scheme	Increase the number of Stage 2 decisions made before the ERS window opens by 25% (compared to 2021-22).

No.	Name/ descriptor	Measurable
5	Deportation Decisions & Further Submissions	<p>Reduce the number of FNOs in the community awaiting a Stage 2 decision by 20% within 2022-23.</p> <p>Reduce the number of FNOs in the community awaiting a Further Submission decision by 10% within 2022-23.</p>
6	Performance, Detention Reviews, Bail Summaries & Case Progression Board	<p>90% of detention decisions (IS91s) are made and communicated to HM Prisons and FNOs at least 30 days prior to the end of their custodial sentence.</p> <p>Ensure detention is reviewed (and IS151Fs served) every 28 days in 95% of cases.</p> <p>Ensure bail summaries are shared with Presenting Officers at no later than 12pm the day before a hearing in 95% of cases.</p> <p>Ensure mandatory post-Case Progression Panel actions are completed on time in at least 90% of cases.</p>
7	Quality assurance framework (QAF)	<p>Line Managers/SCWs (senior case worker) to conduct an average of 2 QAF assessments per member of staff each month.</p> <p>90% of work assessed under the Framework deemed to meet the required standard.</p>

No.	Name/ descriptor	Measurable
8	Immigration Prison Team (IPT) – undertaking taskings quickly	<p>Undertaking 75% of inductions within 10 days of notification from HMPPS.</p> <p>Conducting 85% asylum screening interviews within 28 days of referral (where the individual is held under custodial or immigration powers).</p> <p>Conducting 85% substantive asylum interviews within 50 days of the claim (where the individual is held under custodial or IS powers).</p>
9	Intake & Triage – CCR (Cancellation, Cessation and Revocation) measures	Intake and Triage should make 75% of all CCR referrals within 10 working days and 95% with 30 working days of receiving notice of a newly sentenced prisoner.
10	Non-detained caseload reduction	Reduction of the non-detained caseload to pre-pandemic levels (9941) within 2 years (end of 2023/24).
11	High Profile Tracker – reduction of the current caseload	Conclude at least 10% of the cases identified on the High Profile Tracker on 1 April 2022 (542) within 2022/23.

No.	Name/ descriptor	Measurable
12	Foreign Convictions Team – case triage & tasking	85% of referrals will be triaged and allocated for Pre-decision assessment within 24-48 hours of referral -24 hours for serious harm cases (indicators of imminent risk to the public) and 48 hours for all other cases. 85% of viable cases are tasked within 72 hours of the pre-decision assessment.
13	Facilitated Return Scheme – application processing times	80% of applications to be allocated for a decision within 20 working days. 80% of applications to be decided within 15 working days (of allocation).
14	Removal Directions – processing times	90% of removal packs to be allocated within 2 working days. 90% of removal directions to be requested within 3 working days (of allocation).

KPI review

6.64 The overall strategic objective of FNORC is: “To protect the public by removing FNOs who commit criminal offences, where legislation permits, and to actively monitor and manage FNOs released into the community pending their deportation.” It was clear that the monitoring of the two measurable items in KPI 1 (increase the number of FNO returns) were directly aligned to this objective.

Similarly, KPIs 2 to 5 aim to drive improvements in the timeliness of caseworking decisions, with the ambition of achieving a more efficient removal process.

6.65 Inspectors found that some of the current KPIs were less aligned to FNORC’s strategic objective. KPI 6, which reports on detention reviews, bail summaries, and case progression boards, reflects work undertaken in relation to FNOs who remain in detention at the end of their custodial sentence. As of December 2022, immigration detention cases (1,036) represented 4.9% of FNORC’s overall case load (21,094 cases). The fact that detention KPIs feature on four of the 18 slides of the performance pack that cover the KPIs, and that the Early Removal Scheme, which encourages the early removal of FNOs, only features on two, calls into question whether the focus of the KPIs is correct. Inspectors also questioned the inclusion of reporting on ‘high profile’ cases in KPI 11 (High Profile Tracker – reduction of the current caseload).⁴²

42 A ‘high profile’ case is defined by FNORC as one that “is a criminal case which attracts the attention of the press, public or Parliament and has the potential to cause reputational damage to the Home Office and/or illustrate perceived failings of the department”.

- 6.66** In some instances, the current KPIs seem to be potentially driving outcomes that are working contrary to FNORC’s overarching aims. KPI 13 (Facilitated Return Scheme – application processing times) was amended in June 2022 when the total number of working days for allocation and decision making for an FRS application was extended from seven to 35. A reconsideration of a KPI target is understandable where it is consistently failing, however inspectors considered the increase by 500% to be excessive. Additionally, it lessens focus from an area where the department should be concentrating its efforts in expediting the removal of those FNOs expressing a desire to leave the UK.⁴³
- 6.67** KPI 13 currently stands on its own and has not been linked to the wider process to give a more outcome-focused indicator. The FRS performance

43 The Home Office, in its factual accuracy response, stated: “The KPI was amended because the metric was unattainable with the resources on the team. The timescales for allocation of FRS cases increased from 2 to 20 working days. This was to enable the gatekeepers to undertake the relevant checks and to prioritise according to ERS dates. Decision making KPI increased from 5 to 15 working days. This enabled the case owners to effectively prioritise and manage their caseloads, and also take on additional last-minute applications.”

outcomes, in this instance, are not connected to service of Stage 2 papers. There is no indication in the current KPIs as to how long after an FRS application is accepted the FNO is served with their deportation order. This would give some measurement as to how efficiently this part of FNORC's overall process is working.

Future review of KPIs

- 6.68** Inspectors found the current performance pack to be a significant improvement on earlier iterations, but a review of the alignment of the current KPIs with core FNORC objectives would provide a clearer focus on outcomes, areas of shortfall, and improvements needed.
- 6.69** In acknowledgement of this, managers told inspectors: "As the monthly performance review is now embedded an actions log has been created which is circulated after the meeting with an expectation of progress by the following meeting" and "Given the recent adoption of these KPI a full review as to whether they are properly targeted to assist with performance management will take place at the end of the financial year with engagement of the SMT and Director."

Lack of MI reports currently on Vantage

- 6.70** The switchover from CID to Atlas presented further problems for FNORC in the production of

the performance report. This meant that FNORC could not produce bespoke reports from Atlas or have required reports produced centrally for it by PRAU.

6.71 Specifically, in the October 2022 performance pack FNORC could not report on four of its 14 KPIs:

- KPI 2 – which measures Stage 1 deportation decisions
- KPIs 3, 4, and 5 – which measure performance of Stage 2 deportation decisions and further representations and submissions

6.72 Commentary notes in the October pack set out the root of the problem:

“Currently Data from Vantage does not differentiate between a Section 1 completion date for a Stage 1 served and a Section 1 completion for a Stage 1 to be served at a later date” (KPI 2) and “Decision Data is currently unavailable on Vantage.” (KPIs 3 and 4)

“The data for pre decision is taken from the case status entered on Atlas, the high number could be as a result of this field being incorrectly or not completed on Atlas” and “There is no further reps function currently on Vantage so this graph has been removed.” (KPI 5)

- 6.73** Reporting on KPIs 2 and 3 resumed in the November 2022 Performance Pack but collation of the data relied on a “manual return from the casework teams”. A narrative statement supplied by FNORC explained the limitations of this approach: “We do not have access to an automated decision report at this time. Whilst we have no reason to doubt casework teams’ ability to record the volume of their decisions, it is clearly our preference to pull performance data from Vantage.”
- 6.74** The lack of availability of such fundamental and vital reporting via Vantage is a huge failing and risk for FNORC and the wider Home Office.

MI entries on the FNORC risk register

- 6.75** Similar to poor and inconsistent data quality previously discussed, the issues with MI provision are included on the FNORC risk register. Specifically, FNORC has listed “Failure to replicate the existing MI report and analysis functionality currently available via On Demand to Vantage”.
- 6.76** The impact of this was noted to be that staff were unable to produce accurate MI and there was an increase in caseworking errors. Associated consequences were anticipated to be “Reputational damage, financial damage”.
- 6.77** A lack of core MI clearly hampers senior managers in their efforts to increase the efficiency

and effectiveness of FNORC. As one member of staff said, “We can’t get the data we need to show us which of our people are performing and where the gaps are”, adding that the lack of MI “makes it really difficult, if not impossible, to run the unit effectively”.

Stakeholder viewpoint on FNORC data

- 6.78** External stakeholders who responded to a call for evidence for this inspection agreed that the Home Office’s collection and monitoring of data is poor and that the department is reluctant to disclose information to interested parties. One stakeholder commented, “there is a theme that the data is poor, and we can’t make any meaningful conclusions [from it]”.
- 6.79** Another said that “it is not evident that the HO uses any specific data on time-served FNOs for practice improvement”.

Future for KPI and MI reporting in FNORC

- 6.80** As part of the evidence submitted in relation to the current performance pack, a synopsis was given for the changes required for reporting on each KPI in the immediate future. Figure 10 details the changes anticipated by FNORC.

Figure 10: FNORC’s current KPIs and required changes

No.	Name/ descriptor	Required changes to reporting mechanism
1	Increase the number of FNO returns	The ERS issue has been logged with the Data Services & Analytics (DSA) Team and we’re expecting a fix in February 2023. We anticipate being able to run retrospective reports to fill the post-DKC (Double Keying Cessation) gap.
2	Intake & Triage – Data Preparation & casework referral	DSA are developing a Vantage decision report for us which should provide performance data for Stage 1, Stage 2 and Further Reps (Stage 3) decisions. We anticipate being able to run retrospective reports to verify earlier manual returns. We hope to have access to this report in mid-late February 2023.
3	Deportation Decisions – Keeping pace and exceeding flow August 2022	DSA are developing a Vantage decision report for us which should provide performance data for Stage 1, Stage 2 and Further Reps (Stage 3) decisions. We anticipate being able to run retrospective reports to verify earlier manual returns. We hope to have access to this report in mid-late February 2023.
4	Deportation Decisions – Early Removal Scheme	As part of the Vantage decision report DSA are developing we have asked them to include ERS dates as a data point. We hope to have access to this report in mid-late February 2023.

No.	Name/ descriptor	Required changes to reporting mechanism
5	Deportation Decisions & Further Submissions	DSA are working on correcting Vantage's ability to determine case stages in conjunction with the work they are doing for us on decision performance.
6	Performance, Detention Reviews, Bail Summaries & Case Progression Board	There are no new/alternative reports being built for us at present, because there are higher priority areas of MI development. Longer term it is FNORC's intention to request a more automated solution to collating this data, most likely via Vantage.
7	Quality assurance framework (QAF)	There are no plans to fundamentally alter the QAF process or recording at this time.
8	Immigration Prison Team (IPT) -undertaking taskings quickly	The induction interview data is likely to continue to be captured manually for the foreseeable future. Asylum interview dates are now captured on Atlas which provides the potential for the data to be automated. This is likely to be part of Continuous Improvement.
9	Intake & Triage – CCR (Cancellation, Cessation and Revocation) measures	It is possible that the data points could be captured from Atlas and built into a bespoke report. Likely to be part of Continuous Improvement efforts.
10	Non-detained caseload reduction	No change anticipated.

No.	Name/ descriptor	Required changes to reporting mechanism
11	High Profile Tracker – reduction of the current caseload	No changes anticipated.
12	Foreign Convictions Team – case triage & tasking	The way FCT record cases continues to evolve, so it is possible that Atlas can be further adapted to capture these cases and enable future reporting.
13	Facilitated Return Scheme – application processing times	It is possible that this is something that could be built into Atlas and reported upon in the longer term, but it's not a current priority.
14	Removal Directions -processing times	It is possible that this is something that could be built into Atlas and reported upon in the longer term, but it's not a current priority

6.81 It is clear from the shortfalls in data quality, the inability to report on KPIs, and the required changes specified to current reporting mechanisms, that a great deal of work is needed to provide FNORC with the data it requires to fulfil its function effectively. In addition to this, a suite of tailored reports generated by the Vantage application are required to give FNORC managers the core oversight MI that is currently lacking.

6.82 The evidence submitted by FNORC in relation to the future of its KPI reporting shows that some of the required changes have already been

requested by senior managers, with an expected resolution date of February 2023.

7. Inspection findings: Immigration Prison Teams

- 7.1** Immigration Prison Teams (IPTs) are the first point of contact Foreign National Offender Returns Command (FNORC) has with a foreign national offender (FNO). IPT standard operating procedures specify that all FNOs are seen by an IPT officer, within ten days of the start of their custodial sentence. Thereafter, they are the key liaison point between FNOs, prison staff, and FNORC casework teams while the FNO is in prison.
- 7.2** The IPT network is comprised of 13 individual teams, some of which are permanently based in specific prisons, while others provide support on an ad hoc basis through the use of ‘mobile teams’. The teams are split into two commands, Immigration Prison Team South and Immigration Prison Team North. Each command is led by an Assistant Director (Grade 7) reporting to a Deputy Director (Grade 6) with overall responsibility for IPTs. Individual teams are managed by a Chief Immigration Officer overseen by a His Majesty’s Inspector and are staffed mainly by Immigration Officers, Assistant Immigration Officers, and Administrative Officers.

- 7.3** The IPT at the time of this inspection had a headcount of 118 staff (113.72 full-time equivalent staff) and was carrying 25 vacancies.
- 7.4** Across the UK prison estate of 141 locations, three are classified as ‘FNO-only’ prisons: HMP Huntercombe, HMP Maidstone, and HMP Morton Hall. In these establishments, the entire population is made up of FNOs and there is a permanent IPT staff presence. IPT staff at FNO-only prisons also have responsibility for FNOs at a number of other prisons and attend these on a routine basis.
- 7.5** In addition, there is a permanent IPT presence at 11 other prisons known as ‘hub’ locations. The remainder of prisons in the UK are covered either by a team embedded at the prison (hub) or by IPT staff routinely attending prisons that do not have an embedded IPT presence (spoke). IPT staff who attend the spoke prisons are either part of one of the mobile teams or are from one of the FNO-only or hub prisons.
- 7.6** IPT staff’s responsibilities include:
- conducting induction interviews with FNOs who are newly arrived in prison
 - serving immigration paperwork such as deportation and administrative removal notices
 - carrying out asylum screening and asylum interview records (AIRs)

- undertaking emergency travel document interviews
- promoting the Facilitated Return Scheme (FRS)
- serving as a liaison between prison staff, FNOs, and FNORC
- maintaining accurate records and updating Home Office casework systems
- providing case updates to FNOs, answering their queries and holding regular surgeries

Performance

7.7 The performance of the IPT is measured by Key Performance Indicator (KPI) 8 in the FNORC monthly performance pack. KPI 8 is titled ‘Undertaking taskings quickly’ and is broken down into three parts:

- “undertake 75% of inductions within 10 days of notification from HMPPS [His Majesty’s Prison and Probation Service]
- conduct 85% of asylum screening interviews within 28 days of referral (where the individual is held under custodial or immigration powers)

- conduct 85% of substantive asylum interviews – also known as Asylum Interview Records (AIR) – within 50 days of the claim for asylum (where the individual is held under custodial or immigration powers)”

Inductions

- 7.8** An induction is the first formal point of contact between an IPT officer and an FNO. This allows the IPT to capture a range of important information, including the nationality and identity of an FNO, at a very early stage. It is also an opportunity for the IPT to explain the deportation process, introduce themselves and the service they provide, and to discuss the FNO’s intentions regarding early or facilitated removal.
- 7.9** IPTs are required to undertake an induction with every newly sentenced FNO. While the KPI requires this induction to be carried out within ten days of FNORC being informed by HMPPS of the arrival of a new FNO, IPT’s SOP version 3.0 dated November 2022 states that the induction should be completed within 15 days of sentence.
- 7.10** According to the IPT SOP, the stated aim of the induction is to establish the identity, nationality, and immigration status of the FNO, as well as ascertain personal details such as family, travel, and employment history and any health issues. It is also an opportunity for the IPT officer to

promote the FRS and to ascertain any mitigating circumstances the FNO may have that would impact upon their removal from the UK. IPT officers are required to complete an induction form to capture details of the conversation, which should take place in a “suitably private location”. The FNO’s biometric information, including fingerprints and photographs, is also captured during the induction.

Asylum screening and AIR interviews

- 7.11** IPTs are tasked by FNORC caseworkers via the IPT Asylum Team. KPI 8 sets a target for 85% screening interviews to be completed within 28 days of referral and 85% of AIRs within 50 days.
- 7.12** Asylum screening is the general term used by the Home Office for the process of registering an asylum claim. As part of this process, an initial contact and asylum registration questionnaire – more commonly referred to as a screening interview – is completed using Home Office form ASL 3211. The form captures basic information about the FNO’s asylum claim, immigration and travel history, and details about their family members. IPT staff are required to conduct screening interviews in a suitable and private location and to use interpretation services, either by telephone, in person, or video link if required. On completion of the interview, a copy of the

completed screening form should be provided to the FNO and uploaded onto Atlas. There is no requirement for the FNO to be given any advance notice that a screening interview is to be conducted, and they are not entitled to have a solicitor or legal representative present.

7.13 The asylum interview, also known as an AIR, is the main opportunity for an FNO to provide evidence about why they need international protection. It is also the main opportunity for the Home Office to help draw out relevant evidence from the applicant and to test the evidence provided. Unlike the screening interview, the FNO should be given at least five working days' notice of the time and date of the AIR, and any legal representative recorded as acting for the applicant should also be advised. The interview should also take place in a suitable, private location and professional interpretation services should be used if required. Once completed, a copy of the AIR should be provided to the applicant and to their legal representative and uploaded onto the Home Office casework database. AIRs are more complicated than screening interviews and require staff who are conducting them to be trained in how to undertake them.

7.14 Inspectors found that IPT staff and managers had a good awareness of the KPIs and that they were used to prioritise work, with all teams spoken to by

inspectors able to explain what the KPIs are and what their team’s performance was against them.

Performance against KPIs

7.15 Data used to collate the KPIs is drawn from spreadsheets maintained by the individual IPTs. IPT performance between April 2022 and December 2022 is set out in Figure 11.

Figure 11: IPT performance year to date

KPI	Target	Year to date
Inductions	75% (within 10 days)	72%
Screening interviews	85% (within 28 days)	52%
Asylum interviews (AIRs)	85% (within 50 days)	54%

7.16 As the data indicates, IPTs were not meeting any of their KPIs at the time of this inspection.

7.17 Inspectors found that IPT staff at all levels recognised the importance of inductions and that the induction KPI was helpful in driving performance. A senior IPT manager told inspectors, “Inductions are the main KPI because they are crucial for the FNO to know what is going on.” Another described inductions as a “critical part of the process”.

7.18 IPT staff and managers told inspectors that inductions were a high priority for them as their importance in establishing the identity and intentions of the FNO, as early as possible, helped in progressing cases to removal. IPT

managers considered that the induction KPI was helpful in maintaining performance and ensuring FNOs are supported at the earliest opportunity. While IPT officers stated that the induction KPI “puts pressure on” them to make sure they are conducted quickly, the reasons for inductions being a priority are clear and well understood by staff. Delays in conducting inductions impact on the ability of IPTs to promote the FRS at the earliest opportunity.

7.19 IPT staff and managers’ views of the KPIs measuring screening and AIR performance were less positive. Staff told inspectors of the difficulties they face in arranging suitable rooms in prisons in which to conduct the interviews, which impacts upon their ability to meet their KPI targets. According to staff, the lack of availability of interpreters was also negatively impacting upon IPTs’ ability to conduct screenings and AIRs.

7.20 In addition, IPTs are also tasked with the completion of AIRs in immigration removal centres. IPT managers told inspectors that, in their view, the asylum KPIs were too reliant on the performance of other parts of FNORC, such as casework, that IPTs do not have any control over their allocation, and that prioritising screenings or AIRs for an FNO who has a long custodial sentence was not an effective use of resources. The challenges around screening and

AIR performance were recognised by IPT senior management who told inspectors that the KPIs were, at the time of this report, under review as a significant number of factors that impact upon service delivery are out of their control. Delays in conducting screening and AIR interviews impact on the ability of FNORC to deal with an asylum claim in a timely fashion which makes progressing cases to removal within the early removal window more challenging.

Training

7.21 IPT staff raised with inspectors the lack of access to the training required to conduct AIRs as an additional factor in why performance against the screening and AIR KPIs were not meeting the required level. IPT staff stated that in a number of locations they had not received asylum interview training. An IPT manager told inspectors that the lack of asylum training led to staff in their team creating their own asylum training. This was further reinforced by an IPT senior manager who told inspectors, “We do our own asylum training. Each training we’ve had to adapt ourselves because it wasn’t given to us.” This risks a lack of consistency in the training received by staff and a divergence of approach across IPTs nationally. When IPT staff do receive formal asylum training it is based on a package which has been reviewed and agreed by Asylum Policy. It is delivered by business-

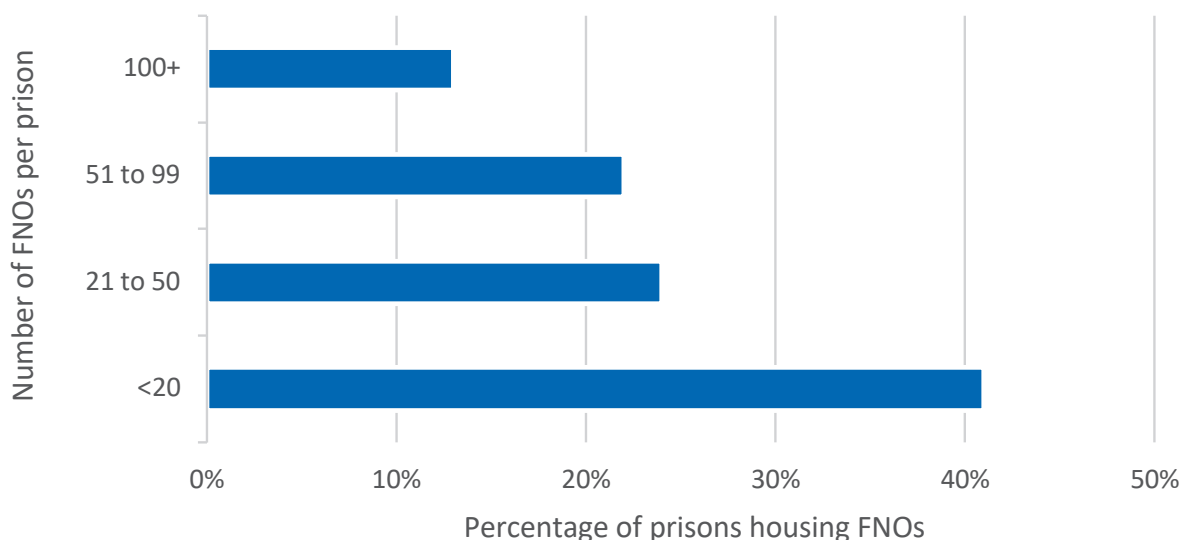
embedded trainers in order to ensure that the training delivered adheres to national standards.

7.22 Senior managers told inspectors that at the time of this inspection IPT had 70 staff out of a full-time equivalent of 113.72 (62%) staff, in all roles, trained to conduct asylum interviews and that they considered this number to be sufficient to cover the work required, but that performance against the KPI target was negatively impacted by factors beyond their control such as room and interpreter availability.

FNO prison allocation

7.23 The disparate geographic locations of the UK prison estate housing FNOs places considerable demands on IPTs and the service they provide. As Figure 12 shows, 41% of prisons have fewer than 20 FNOs detained in them.

Figure 12: Distribution of FNO population in UK prisons



7.24 Senior IPT managers acknowledged the challenge of managing FNOs across a large number of individual prisons. One told inspectors that in October 2021 there was “at least one FNO in 130 plus prisons”. A senior HMPPS manager told inspectors, “It is the remote prisons and the ones and twos that cause us problems.” Another senior IPT manager stated, “It’s very challenging having prisons in remote locations with only one or two FNOs in them.” To help address these issues, FNORC has established an Allocations Working Group with HMPPS. This has seen an increase in occupancy in FNO hub prisons from approximately 70% to 90%. FNORC told inspectors that:

“it is accepted that there will always be some FNOs in remote prisons and IPT are acutely aware of the challenges this presents. Where possible, IPT works closely with Offender Management Units to move FNOs into more accessible locations, as well as to put support into place for more remote prisons, which includes the single point of contact network, an online FNO Hub resource and awareness sessions for prison staff.”

7.25 Where IPTs are not able to provide regular coverage in the more remote prisons, they are reliant on prison staff to serve immigration paperwork, such as Stage 2 decisions and deportation orders. This presents challenges as

prison staff are not immigration officers and do not have the knowledge required to understand and explain the documents to FNOs. FNORC provides outreach presentations to HMPPS staff to increase their knowledge and awareness of immigration paperwork. However, inspectors heard that prison staff are reluctant to serve immigration paperwork given their lack of knowledge. In some instances, the issue of prison staff serving immigration paperwork has led to it having to be 're-served' by IPT staff with the obvious negative impact on the FNO and inefficient use of resources this brings.

- 7.26** The wide geographical spread of prisons also impacts on IPTs' ability to run regular surgeries, conduct inductions, and carry out screening and AIR interviews. An IPT operational manager commented to inspectors, "If we could get more foreign nationals into less prisons ('my biggest wish') – we could offer a better service for all."
- 7.27** IPT senior management acknowledged that there are limitations on how many FNOs can be placed in FNO-only or hub prisons. HMPPS staff told inspectors that there were strict criteria on the type of prisoner that was suitable for FNO-only prisons. FNO-only prisons are all Category C prisons so are only able to detain those who have been assessed as suitable for such prisons. It is also HMPPS policy not to detain FNOs serving long sentences in an FNO-only prison as this effectively

takes up a place that could be used for an FNO who can be removed once they have passed their early release date (ERD).⁴⁴ In addition, prisoners on short sentences or who have criminal matters outstanding are also not suitable to be detained in an FNO-only prison.

7.28 Inspectors were told that, at the time of this report, of the suitable FNO population, approximately 80% were detained in FNO-only prisons. While this is a high proportion of eligible FNOs, the wide geographical spread of the remaining 20% continues to have a negative impact on performance. IPT managers told inspectors that more needed to be done to minimise the number of prisons housing FNOs and that, while on an operational level there was co-operation and effective joint work being undertaken, they were not confident that the issue was seen as a priority for senior FNORC and HMPPS management.

Facilities for IPTs in prisons

7.29 Inspectors found a mixed picture when it came to the facilities and physical infrastructure available for IPTs to carry out their work. IPT staff stated that in HMP Maidstone, POISE (HO IT system)

44 The ERD is the earliest point at which an FNO can be removed or deported from the UK (up to 12 months before the custodial release date) if authorised by the prison governor.

had not been installed meaning they were having to 'tether' their laptops to their mobile phones. An IPT manager told inspectors that "IT in prisons is awful". Others described the facilities available as inadequate. In contrast, facilities in HMP Huntercombe were adequate for IPTs, who had access to IT systems and an office where FNOs could come and see them.

7.30 FNORC senior managers recognised that this is an issue. They reflected to inspectors that while the relationship between FNORC and HMPPS at a senior level is very positive, it is a more mixed picture at a local level, particularly in prisons with a low FNO population. They stated that while prison governors in FNO-only and hub prisons see the benefits of close working relationships with FNORC and IPTs, it is harder to encourage them to invest time and resources in prisons with low numbers of FNOs.

Language services

7.31 In their response to the call for evidence for this inspection, a number of stakeholders expressed concerns regarding the use of professional language services in prisons by both prison and IPT staff. Stakeholders told inspectors that services are available in prisons but that, in their experience, they were not being routinely used by staff, with reports of immigration paperwork

(including deportation orders) being pushed under cell doors without any assistance from an interpreter. This presents a number of challenges for FNOs, including difficulties in understanding the contents or significance of the paperwork, which may lead to potential delays in their seeking legal advice or raising any representations against their deportation. Such delays may also impact on FNORC's ability to deal with any potential legal issues at the earliest opportunity making removal in a timely manner more challenging. To help mitigate these concerns, FNORC has produced leaflets in the ten languages most frequently spoken by FNOs, which explain all aspects of the deportation process, including paperwork.

7.32 This observation is consistent with the findings of His Majesty's Inspector of Prisons' 'Short thematic review: The experience of immigration detainees in prisons'.⁴⁵ That inspection found that although IPT staff regularly use language services when speaking to FNOs, this was not the case in all

45 His Majesty's Inspector of Prisons (HMIP), 'Short thematic review: The experience of immigration detainees in prison' (September 2022), <https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2022/10/The-experience-of-immigration-detainees-in-prisons-web-2022.pdf>

prisons inspected, particularly for more routine contact such as serving paperwork.⁴⁶

7.33 Inspectors found that there was a good awareness among IPT staff they spoke to of the need to use language services in their interactions with FNOs. ‘Thebigword’ was frequently mentioned by staff as the primary mode of contact, but where formal interpretation services were required, such as for full asylum interviews, they would arrange for an interpreter to attend.⁴⁷

Team culture

7.34 Inspectors found that individual IPTs had a positive attitude to their work and that they demonstrated a collaborative team culture. It was clear to inspectors that the IPTs they visited in prisons and interviewed on Microsoft Teams were supportive of each other and took pride in their role and the work that they do.

7.35 IPT staff told inspectors that they felt supported by their local managers who were “open to challenge”, “listened to their feedback”, and “empowered them to decide how they should best use their time”. Local managers were equally

46 HMIP, ‘The experience of immigration detainees in prison’, p. 17.

47 Thebigword offers translation and interpretation services.

positive about team culture, with one IPT manager telling inspectors, “I think IPT is a really good, challenging place to work ... we are open to change and improvement which is what we are trying to achieve.”

7.36 IPT staff were less positive regarding relationships with FNORC’s senior managers. In particular, staff told inspectors that they did not feel that senior managers listened to them as much as they would like. An IPT member of staff stated, “Rarely are the foot soldiers listened to; the instructions are coming from people who don’t know how to do the job.”

7.37 This was echoed by an IPT manager who told inspectors, “I don’t think people at higher positions like being challenged; I think they would rather be told everything is wonderful.” More widely across IPTs, a senior IPT manager acknowledged that staff engagement could be better and that it “is not where it should be”.

Liaison with casework teams

7.38 IPT officers are the only FNORC staff that FNOs are able to interact with on a routine basis. They receive their taskings from caseworkers and in turn they may contact caseworkers if they have a query or if they have been asked to provide an update on a case by prison staff or an FNO. IPT staff also contact FNORC casework teams to

notify them of a change in circumstances and to update them if an FNO states a desire to leave the UK or wishes to be considered for an early removal scheme. Inspectors found that IPT staff had a proactive approach to their work and would frequently ‘self-task’ if they assessed an individual FNO or case required action.

7.39 Inspectors found that IPTs had a good understanding of the cases in their prisons and had an awareness of the removability of FNOs in the prisons for which they have responsibility. IPTs spoken to by inspectors knew both the ERD and custodial release date (CRD) for FNOs imminently approaching those key dates and, in the prisons visited by inspectors, the dates were prominently displayed in their offices.⁴⁸ The approach taken by an IPT officer shared with inspectors was representative of what inspectors observed. They stated that “we know our priority cases, who is coming up to CRD, who wants to go”. Another team told inspectors that in the prison they cover they have “a list of those coming up to ERD” and they bring these cases to the attention of caseworkers.

48 The CRD is the date that the custodial element of a criminal sentence ends and the prisoner is deemed to have served their prison sentence.

7.40 IPT staff told inspectors that they now have a single point of contact in FNORC casework that they use to notify caseworkers of any new cases that wish to make a voluntary departure or apply for FRS. IPT staff stated that this had made “a massive difference” in their ability to bring an FNO’s desire to leave the UK to the attention of the relevant casework team, which they felt should lead to a greater chance of removal taking place in the early removal window.

Impact of slow case progression

7.41 While inspectors found that IPTs were generally positive about their working relationships with casework teams, they expressed frustrations with the lack of case progression and the impact that had on their work and relations with FNOs and prison staff. Case progression will be discussed in more detail in chapter 8.

7.42 As IPT officers are the only FNORC staff FNOs interact with routinely, they found that they were the focus of FNOs’ frustrations with the Home Office. One IPT member of staff told inspectors that “we are the ones getting it in the neck”. Another stated that “IPTs take the rap for the lack of case movement”. These concerns were also shared by prison staff as outlined by His Majesty’s Inspector of Prisons in his thematic review into the experience of immigration detainees in

prison.⁴⁹ This review found that operational staff in prisons “bore the brunt of detainees’ frustration”, which was exacerbated by the inability to receive meaningful updates from the Home Office.⁵⁰

7.43 Prison staff spoke positively to inspectors about the role IPTs play in chasing and highlighting cases for progression as well as seeking updates on individual cases. A member of prison staff told inspectors: “I think one of the benefits of having them [IPTs] here, [is that] they see the prisoners as individuals, they see them as people rather than just a case.” IPT staff also reflected that they perceived that caseworkers being physically distanced from the FNOs whose cases they are working on meant that the impact of slow case progression may not be fully understood by them. An IPT manager summarised this: “[I] don’t think they [caseworkers] realise how it [slow case progression] affects the individual.”

Relationship with wider FNORC

7.44 The geographical spread of teams and the locations in which IPTs work meant that they felt “isolated” and “distant” from the wider FNORC command. This was especially the case for mobile

49 HMIP, ‘Thematic review: The experience of immigration detainees in prison’, p. 12.

50 HMIP, ‘Thematic review: The experience of immigration detainees in prison’, p. 12 .

IPTs who may not work in the same prison on a daily basis or physically work with other members of their team routinely. This was described to inspectors as “isolating. We chat online, but you do work on your own quite a lot.”

7.45 FNORC senior managers recognised the risk of IPTs feeling isolated from the wider command, with one telling inspectors, “The team I feel that are out on a limb is the IPTs, as they are very spread out.” To help address the feeling of isolation, Grade 7 managers conduct regular visits to FNO hub prisons where they hold in-person meetings with staff.

7.46 In recognition of this and in an attempt to forge greater working relationships and build more awareness of roles, FNORC senior managers told inspectors that plans were underway to create links between IPTs and larger casework hubs in FNORC requiring caseworkers to visit prisons.

IPT relationship with His Majesty’s Prison and Probation Service (HMPPS)

FNO-only and hub prisons

7.47 Inspectors found that relationships between IPTs and prison staff were generally positive, especially in FNO-only and hub prisons. IPT and HMPPS

staff at all levels commented favourably on the strong and co-operative relationships they enjoyed in the prisons where IPT staff had an embedded presence. HMPPS staff at FNO-only and hub prisons told inspectors that IPT staff are available and responsive to any queries prison staff may have. One prison governor told inspectors “they are here every day and someone will always help”.

7.48 Prison staff considered service provision to be good where prisons are regularly covered by mobile IPT teams, with staff noting “even if they [IPT staff] are not in, but they mostly are, we just email them and they get back to us straightaway”.

7.49 His Majesty’s Inspectorate of Prisons’ inspection into HMP Maidstone published on 23 January 2023 supported these views. The inspection found that the co-location of IPT and prison staff in the same office has “helped to form good links”.⁵¹ Similarly, representatives from a charity that works to support FNOs in prisons told inspectors that the IPT staff were very “responsive”, that they had a daily visible presence in the prison, and that they considered the team to be “very good”.

51 HMIP, ‘Report on an unannounced inspection of HMP Maidstone’ (3–14 October 2022), p. 49 <https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2023/01/Maidstone-web-2022.pdf>

7.50 Inspectors found that there was a good degree of engagement at a senior level between IPT and HMPPS senior management. IPT senior managers routinely attend the monthly Prison Reference Group meetings and their presence there is considered by HMPPS to be “valuable”. IPT senior managers echoed that routine engagement with HMPPS has helped to improve relationships between IPTs and HMPPS, particularly following the return of IPT staff to prisons after the COVID-19 pandemic. A charity working in a hub prison told inspectors that relationships had deteriorated when IPT staff had withdrawn from prisons during the pandemic. However, IPTs had now almost fully returned to working in the prisons.

Spoke prisons

7.51 Inspectors found working relationships were more challenging in prisons that do not have an embedded IPT presence. The difficulties of maintaining positive relationships in these prisons were acknowledged by both IPT and HMPPS staff and steps are being taken to move FNOs into more accessible locations, where possible. One HMPPS member of staff working as an FNO single point of contact (SPOC) told inspectors that their prison “struggles with routine presence” of IPT staff. HMPPS introduced FNO SPOCs who recognised that FNOs have specific needs and would benefit from a member of prison staff

being dedicated to their care. Another SPOC told inspectors that “the link between the IPT and us is quite weak”. A third SPOC stated that they “really do need more support” from IPTs.

- 7.52** A charity that works with FNOs identified the lack of presence of IPTs in spoke prisons as an area of concern. A representative from the charity told inspectors that their clients find it hard to contact the IPTs and, as a result, find it difficult to get an update on their case. In their view, the fact that FNOs are “spread thinly” across the prison estate means that the Home Office does not have adequate resources to cover all prisons effectively.
- 7.53** IPT staff told inspectors that, despite generally positive relationships with staff, relationships with prison management could be challenging. IPT staff reflected to inspectors that they did not always feel part of the wider prison team and that their presence was tolerated as opposed to being welcomed as part of an integrated team.

8. Inspection findings: Caseworking operations in FNORC

Intake and Triage

- 8.1** Within the Foreign National Offenders Returns Command (FNORC), a large network of teams manage and progress the immigration casework of foreign national offenders (FNOs). The Intake and Triage (I&T) Team receives referrals of FNOs from prisons and other government departments and makes an initial assessment of their cases.
- 8.2** At the time of the inspection, the I&T Team had a headcount of 100 staff operating out of the FNORC office in Croydon. The team is overseen by a Deputy Director (Grade 6) who has overall responsibility for I&T. The Deputy Director also has oversight of the charters and returns teams, which manage flight bookings and transport arrangements for FNOs, and of performance and operational capability within FNORC. Figure 13 shows a breakdown of staff, by grade, within the I&T Team.

Figure 13: Staffing levels across the I&T Team

Grade	Number
Administrative Assistants	17
Administrative Officers	42
Executive Officers	29
Higher Executive Officers	8
Senior Executive Officers	3
Assistant Director	1
Total	100
FTE	90.42

8.3 A further 14 posts were vacant, but recruitment activity was underway to fill them, at the time of the inspection.

Referrals

8.4 The majority of referrals (around 90%) into the I&T Team are made by His Majesty’s Prison and Probation Service (HMPPS). The remaining 10% are referred internally, for example by Immigration Enforcement or EU Settlement Scheme caseworking teams, or externally by the police or courts service.

8.5 Working arrangements between the Home Office and HMPPS in relation to the management and removal of FNOs are governed by a service level agreement (SLA) which states:

“HMPPS is responsible for referring all sentenced FNOs within ten working days of sentencing to HO FNO RC, irrespective

of sentence length. If release is due within one calendar month, the referral must be made immediately following sentencing. If the offender is time-served at court, or release is within 5 working days, prison staff must send the referral form immediately and telephone HO FNO RC ... to advise of the urgency.

All newly sentenced FNOs must be referred within this period within the agreed time frame. Performance will be measured against an overall target of 90% referred in time.”

8.6 HMPPS also has a responsibility to notify FNORC “as soon as reasonably practicable” of any prison transfers or changes to a sentenced FNO’s key dates, including their Early Removal Scheme eligibility date (ERSED), custodial release date, parole eligibility date, and automatic release date.

8.7 The SLA goes on to set out the Home Office’s obligations:

“The HO is responsible for acknowledging the referral within ten working days of receipt and providing the contact details of the case owner within FNORC who will be dealing with the FNO’s case.”

8.8 HMPPS published data shows that it has consistently met its obligations to report 90% of all newly sentenced referrals within ten working

days, each year, since 2017.⁵² However, the Home Office's performance against the SLA was not found to be as satisfactory. HMPPS staff reported that they were not provided with details of individual case owners, and Home Office staff did not routinely acknowledge the referral email. To satisfy themselves that the notification had been received, prison staff requested a 'read receipt' on any emails that they sent to the I&T Team.

Referral mechanism

8.9 Traditionally, the referral mechanism from HMPPS to FNORC has been by individual notification from prisons via an electronic referral form to the I&T Team. The manual process presents some risks and challenges as it relies on prison staff to make the referral in a timely manner. Further, uncertainties over an FNO's nationality cause some inaccuracies in data which may not be corrected later in the process.

8.10 To drive improvements in the referral process, FNORC was running a pilot at the time of the inspection whereby HMPPS sends a weekly snapshot of FNO data, extracted from the prison national offender management information system

⁵² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1126660/HMPPS-annual-digest-2021-22.pdf

(P-NOMIS).⁵³ The information is captured in a password-protected spreadsheet and lists every FNO currently in the UK prison estate. The data set provides a range of information including prison location, gender, date of birth, age, nationality, marital status, home country, release date, release date type, first convicted date, first sentenced date, time to serve, sentence length, sentence status, offence, and ERSED.

- 8.11** The pilot had been introduced in the summer of 2022 allowing the Home Office and HMPPS to review and monitor performance over time. The Home Office reported the benefits of the new referral process to be “timeliness” as the weekly snapshot delivers the information on FNOs within five working days, which is comfortably within the ten days required by the SLA. Accuracy was also found to be improved upon, as the data provided in the weekly snapshot resulted in a significantly increased number of referrals of transfer and date changes for FNOs, indicating that these cases were often missed in the existing referral process.
- 8.12** The introduction of the weekly snapshot also made possible the more effective interrogation of data sets. Examples given were the ability to use the

53 NOMIS is the HMPPS database used in prisons for the management of offenders.

spreadsheet to search by nationality of an FNO or length of sentence.

- 8.13** The Home Office planned a further review of the pilot in early 2023, following which it would decide whether to fully switch over to the new automated system.

Access to HMPPS systems

- 8.14** The I&T Team also has direct access (read-only) to P-NOMIS via standalone laptops, which allows staff to access further information regarding FNO visitor details, family information, photographs, and any court dates. Staff told inspectors that access to the system “contributes to the overall swift process for preparing cases to conclusion or for allocation to casework”.
- 8.15** P-NOMIS will shortly be moving to a cloud-based system, and the FNO Taskforce, a joint working group between the Home Office and Ministry of Justice, is exploring the feasibility of developing reciprocal access between the Home Office and HMPPS systems. This would allow HMPPS staff to access Atlas, the Home Office’s caseworking system, with the aim of both organisations developing more efficient processes for data sharing.

Case management

8.16 Once a referral is received, the I&T Team undertakes an initial criteria assessment of a case to determine whether deportation action is appropriate. The I&T Team divides activities into five sub-teams:

- Team 1 receives the referrals, completes initial checks, and creates a digital file. An initial triage assessment is then undertaken to determine whether a Stage 1 deportation decision is appropriate. At this stage, a case that is not suitable for deportation may be concluded on the grounds that the subject is found to be a British citizen or that the circumstances of the case means that they do not meet the criteria for deportation
- Team 2 is responsible for data preparation which involves creating a case on Atlas. Where a case has not met the criteria for deportation, this team will close the triage process and complete any necessary paperwork which may include a notification to HMPs that the subject is British or a warning letter served on the FNO. At this stage, cases are directed to Team 4 to continue with assessment or Team 5 to be kept in a hold for assessment at a future date

- Team 4 leads on the drafting and service of Stage 1 deportation decisions⁵⁴
- Team 5 acts as a hold for FNOs who have more than 36 months until their ERS date. The team aims to retrieve cases from the hold 38 months prior to the ERS date, at which point they are sent back to Team 4 for a Stage 1 decision to be completed
- Team 6 is responsible for document collation, where further information is required, and the allocation of cases to caseworking teams

8.17 If a foreign national meets the threshold for deportation, the I&T Team will make a Stage 1 deportation decision and issue a Stage 1 decision letter setting out the reasons for the deportation.

8.18 The I&T Team will forward any deportation paperwork to the relevant prison for the Immigration Prison Team, or in their absence a prison officer, to serve the Stage 1 notice on the FNO. From the point of service of the notice, the FNO has 20 days to make any representations they may have, setting out why they should not be deported. This may be, for example, human rights considerations around Article 3 or Article 8 of the European Convention on Human Rights, or a claim for asylum.

54 Intake and Triage does not have a Team 3.

- 8.19** At the expiry of the 20 days, the I&T Team makes a further consideration of whether deportation is appropriate in light of the response to the Stage 1 decision letter.
- 8.20** An average of 197 cases were referred to the I&T Team weekly by HMPPS and in turn it has a target to send 100 cases on to caseworking teams. Alongside this measure, the I&T Team has an internal goal of ten working days to triage a case and decide whether deportation should be pursued.
- 8.21** At the time of the inspection, a senior manager said that the team was not meeting these targets, due to a number of reasons such as additional work being “pushed” to the team and insufficient resources. However, they considered it was preferable to “miss the targets and have the quality, rather than quantity”.

I&T performance on production of Stage 1 decisions

- 8.22** The FNORC performance pack includes Key Performance Indicator (KPI) 2 which reports on ‘Intake and Triage – data preparation and casework referral’. The team has been set a target “to serve more Stage 1 decisions than in 2021-22”.
- 8.23** The pack indicates that the I&T Team is tracking above the outputs for 2021 to 2022 as can be

seen in Figure 14. However, from a position in April 2022 where the team was “on course to serve over 5,600 Stage 1s” by the end of the period, which would have exceeded the total of 4,673 decisions served in 2021 to 2022, performance had dipped significantly by December.⁵⁵

55 The Home Office, in its factual accuracy response, stated: “Performance dips are unexplained in the narrative, but are expected in December due to high annual leave uptake both in FNORC and across the criminal justice system. Performance continues to track ahead of 2021/22 and we expect to meet this KPI for 2022/23, with 209 more decisions issued before the end of February 2023 when compared to the previous reporting year.”

Figure 14: Cumulative totals for Stage 1 decisions for 2021-2022 and 2022-2023

	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec
2021-2022	389	779	1,168	1,558	1,947	2,337	2,726	3,115	3,505
2022-2023	471	946	1,252	1,679	2,157	2,587	2,903	3,227	3,563
Cumulative increase	82	167	84	121	210	251	177	112	58
% increase	21.0%	21.5%	7.2%	7.8%	10.8%	10.7%	6.5%	3.59%	1.65%

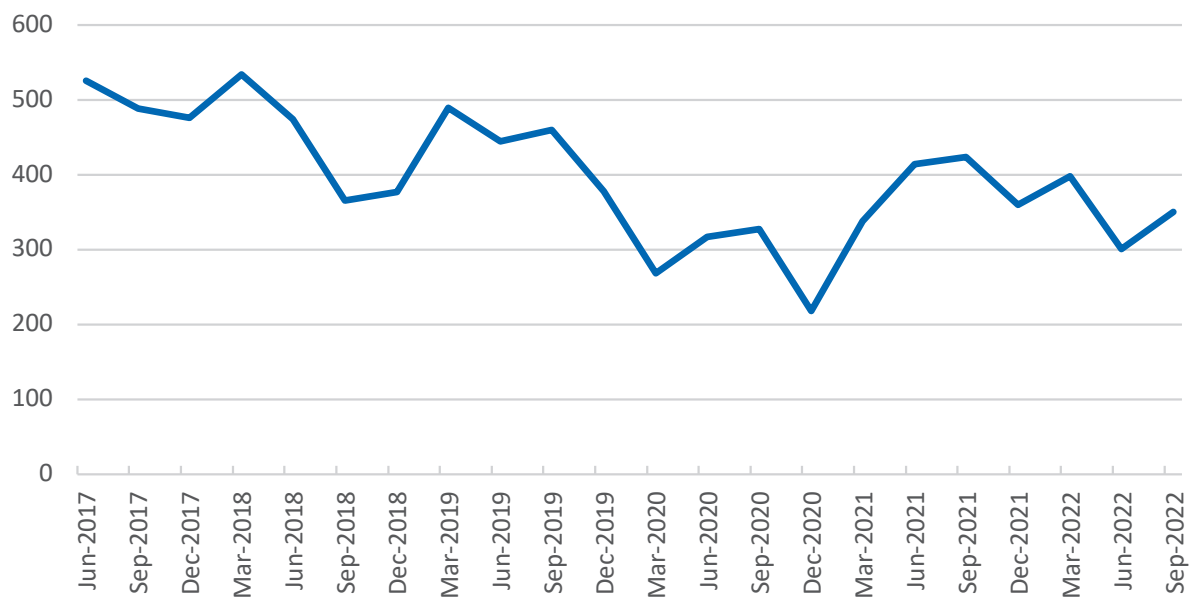
8.24 Tracking the cumulative performance, month by month, from April 2022 the team had served 58 more decisions by the end of December 2022 when compared with the same period in the preceding year.

Longer-term view of performance

8.25 Figure 15 below tracks performance of Stage 1 decisions over a longer-term picture and, while performance is an improvement on 2021-2022, there is still some way to go before the team is meeting pre-pandemic levels. The data in this format was only available to September 2022.⁵⁶

⁵⁶ The Home Office, in its factual accuracy response, stated: “There are dependencies outside the control of FNORC to deliver Stage 1 decisions to pre-pandemic levels, however FNORC are working to reduce the number of cases within the pre-Stage 1 cohort that they do manage and locally held data supports this effort. These will be reflected in the KPIs and this will ensure it is reflected in Vantage. Within Intake and Triage, individual targets have been reviewed since DKC, increasing expected output. This should be evident when reviewing KPI 2 at the end of the performance year.”

Figure 15: Stage 1 decisions (end of quarter)



Prioritisation

8.26 Team members were consistent in their view that the Early Removal Scheme date is what they would like to work to and that they have a commitment to prepare cases, where sentence lengths permit, to hand on to caseworking teams 36 months prior to this. However, attempts to meet this target were hampered by cases that were due for imminent release which needed to be prioritised. This meant that the default for the I&T Team was to work to the custodial release date.

8.27 Backlogs in the judicial system were the key driver for increases in imminent releases due to cases taking longer to come to trial. The impact of this was additional pressures on the team which adversely affected its capability to focus on making decisions earlier. Other priorities identified by staff members were charter flight cases, which

were deemed to be urgent, and FNOs who had signalled an intention to leave the UK at the earliest opportunity.

Caseworking teams

Location of teams and team structures

8.28 FNORC caseworking teams responsible for making Stage 2 decisions are split across sites in Croydon, Glasgow, Leeds, and Liverpool. With an overall headcount of 411 staff, the teams are overseen by two Deputy Directors (Grade 6), one with responsibility for the 'North' (Glasgow, Leeds, and Liverpool) and the other with responsibility for the 'South' (Croydon). Figure 16 shows the number of caseworkers and managers by location.

Figure 16: Staffing levels across caseworking teams

Grade	Region/Location			
	Glasgow	Casework North		Casework South
		Liverpool	Leeds	Croydon (detained and non-detained)
Administrative Assistants	0	0	0	7
Administrative Officers	1	22	20	12
Executive Officers	9	86	47	117
Higher Executive Officers	3	23	11	34
Senior Executive Officers	0	5	3	6
Assistant Directors	0	1	1	3
Total	13	137	82	179
FTE	12.77	129.45	77.81	159.71

8.29 At the time of the inspection, a further 69 staff were being recruited to work in the Leeds office, and plans were in place to recruit 32 staff to work at a new Home Office site in Stoke-on-Trent.

8.30 Inspectors heard that the I&T Team distributes cases across the caseworking teams based on a percentage allocation. This was calculated on a headcount basis to allow for flexibility in line with

changes in resource. At the time of the inspection, the I&T Team was allocating 40% of cases to the team in Croydon, 19% to Leeds, and the remaining 31% to Liverpool and Glasgow.

Case management

- 8.31** Inspectors found a complex picture in relation to structures, workflow, and case ownership within FNORC. Casework that is allocated out from the I&T Team in Croydon is received by teams who have their own intake and triage function. Confusingly, this process is referred to as Case Management in Croydon, Intake and Triage in Liverpool, and Initial Consideration and Allocation in Leeds.
- 8.32** While the caseworking teams carry out the same functions overall “to manage cases where deportation of FNOs is being pursued”, team structures were not consistent between the commands in the north and south. The Croydon team divides casework into detained and non-detained cohorts, while caseworkers in Glasgow, Leeds, and Liverpool are responsible for a mix of detained and non-detained cases.
- 8.33** Inspectors heard that allocations of cases were managed differently across each of the sites: “Glasgow does a free for all, they do everything”, while teams in Liverpool are split into caseworkers and decision makers. Staff told inspectors that this

allowed for the more straightforward cases to go to the caseworkers, while more complex work was directed to the decision-making team.

- 8.34** Managers were not clear as to why the structures were different between the teams, and there was a general feeling among staff that this added to challenges of understanding where cases are in the system. This was reinforced by a feeling that no one had an overarching view tracking cases from ‘end to end’. One team manager told inspectors, “There’s that many teams involved, once you’ve done your bit it moves on and it’s not your case anymore.” Another said, “I have never really understood the structures within FNORC. Never understood why all detained casework doesn’t happen in one unit in one place with one person running it.”

Ownership and management of cases

- 8.35** The ability to own and manage cases within the command is made more difficult by an over-reliance on local spreadsheets. The lack of any centralised tool that allows caseworkers to track and monitor progress of cases from end to end has resulted in a multitude of spreadsheets, both at individual and team level. This concern has been raised previously in ICIBI inspections.
- 8.36** The ICIBI’s ‘An inspection of the Home Office’s management of non-detained Foreign National

Offenders' conducted between December 2016 and March 2017 identified the use of multiple spreadsheets as a risk, and little improvement had been noted at the time of the ICIBI's 'A reinspection of the Home Office's Reporting and Offender Management processes and of its management of non-detained Foreign National Offenders' in October 2018 to January 2019.

- 8.37** The current structures and reliance on spreadsheets mean that FNORC is managing its work in silos, with no strategic view of its caseloads. One caseworker commented that there is “no overarching view of case ownership“. Others felt that there is “too much double handling”, with staff members “not knowing who to go to about a case”.
- 8.38** From a senior management perspective, inspectors heard that: “Teams are still using spreadsheets due to the deficiencies [with the current IT systems], but we should not be doing that in 2023.” Another described this approach to managing work as: “The safety net that is keeping the ship going.”
- 8.39** While the Performance Tool had been created by the Performance, Analysis and Data Team (PADT) to provide a snapshot of current activities for performance reporting across the command, staff members told inspectors that not everyone was recording their cases on it. This demonstrates the

continued concerns that the ICIBI has raised on the over-reliance on spreadsheets within FNORC, and that the greatest risk is the 'human factor'.

Allocation spreadsheet

- 8.40** At a team level, caseworkers have access to an 'allocation spreadsheet' which is used to track when a case has been received by the unit and provides basic case information.
- 8.41** Inspectors examined a copy of the allocation spreadsheet for the Leeds caseworking team, which was dated 'April 22-March 23'. This contained a 'stock' of 2,081 cases, listing where the case had come from, date received, case owner, ERS, CRD, detention status, case status (i.e. the current point in the deportation process), who the case was allocated to, the volume of cases they currently hold, and the maximum number of cases the caseworker should have. The list of 2,081 cases contained entries for FNOs recorded as detained and non-detained, including those whose whereabouts were not known to the Home Office.
- 8.42** For each case listed on the spreadsheet, there were 19 separate data fields to complete. While many of the data fields had drop-down box options for ease, there were a significant number of options on offer. For instance, for the data field 'Case Status' there were a total of 30 different

possible outcomes from the associated drop-down list to choose from.

- 8.43** The oldest case was recorded as being received in August 2014 and the most recent 30 September 2022. Of the 2,081 cases allocated to Leeds, 1,711 (82%) were held with the Intake, Consideration and Allocation Team (ICAT), 202 (10%) were marked to one named individual as they were awaiting appeal outcomes and 168 (8%) were allocated to caseworkers for action.
- 8.44** A deeper dive into the cases allocated to case owners highlighted that 128 (76%) of the 168 were recorded as detained in immigration detention. This appeared to inspectors to be a disproportionate allocation of workload given that only 13% of all FNO cases in detention were held under immigration powers. The remaining 87% were classified as custodial, remand, or MHA cases in the work in progress allocation for September 2022. MHA cases refer to those individuals who are held under certain provisions of the Mental Health Act or the Criminal Procedure Insanity Act and analogous provisions in Northern Ireland.
- 8.45** The Leeds allocation of custodial cases amounted to 22.58% (470) of the overall stock of 2,081 cases. A study of those cases revealed that 41 had an ERS date listed in 2022 and were showing a case status of 'Pre-Stage 2 (no reps)',

indicating that, from an initial review, a decision could be made on them. The earliest ERS date was recorded as 17 January 2022 and the latest 22 December 2022. Two of the 41 were currently allocated to a caseworker, but the remaining 39 were in the ICAT hold, meaning that they were not allocated to a named caseworker for conclusion of their deportation action.

8.46 A further examination of the data highlighted that there was action outstanding on 40 of the 41 cases. While eight were on hold awaiting a decision on their application to remain in the UK under the EU Settlement Scheme, the remaining 33 cases could have been progressed as highlighted in Figure 17.

Figure 17: Actions to be completed on cases logged as ‘Pre-Stage 2 (no reps)’

	Total	UK Letter needed ⁵⁷	Emergency Travel Document needed ⁵⁸	Emergency Travel Document ready
Awaiting decision checks	30	17	12	1
Decision checks ongoing	3	3	0	0

8.47 While securing a travel document is a necessary part of the process for the removal of FNOs, this should not prevent caseworkers from making a Stage 2 decision, particularly on the cases that were ‘awaiting decision checks’ or had ‘decision checks ongoing’. To continue these activities in tandem would result in a more efficient caseworking operation. Inspectors felt that the allocation spreadsheet should not be viewed in isolation, given the complexities of caseworking in FNORC, but it did support the assertions by staff and stakeholders that there are issues with the prioritisation of work in the command.

57 A UK letter is a document issued by the Home Office, in lieu of a passport or other travel document, for the removal of an individual to another country.

58 An emergency travel document is issued by another country, where a UK letter is not acceptable, and the individual has no other passport or travel document.

Caseworking performance

FNORC priorities

8.48 FNORC has a set of priorities which are aligned to the overall strategic objective, “To protect the public by removing FNOs who commit criminal offences, where legislation permits, and to actively monitor and manage FNOs released into the community pending their deportation.” In relation to caseworking, the priorities focus on:

“Performance

- Maximising conclusions – these include both removals and concedes
- Improving decision making output – linked to maximising conclusions is increasing the number of deportation decisions

People

- Capability – Helping our people to deliver and ensuring they have the tools to do this
- Capacity – Recruiting to fill vacancies and increasing our footprint in Leeds and Stoke (as part of IEs Places for Growth)”

8.49 However, it was apparent from interviews with staff across caseworking teams that they did not have a clear sense of these priorities. Overall, inspectors heard 15 different examples of what staff considered to be their priority. These included

the FNO's custodial release date, upcoming charter flights, detention reviews, cases involving Albanian nationals, high harm/high risk cases, judicial reviews, safeguarding concerns, and any FNO who was of interest to the media.

- 8.50** Caseworking staff told inspectors that: “The trouble is everything is considered a priority”, and “It feels like everything is communicated as a priority.” This led to a sense that staff were constantly firefighting and working in a reactive, rather than proactive, manner.
- 8.51** The issues of ownership and spreadsheets also resonated within responses. Inspectors heard “Albanians are a priority, I spent four days trying to find all Albanian cases”, and “We then create our own priority spreadsheet as there so many priorities.”
- 8.52** Almost every stakeholder who responded to the call for evidence expressed concerns about prioritisation of cases by the Home Office. There was a sense of frustration that insufficient work is carried out while the FNOs are in prison to expedite the return of removable cases. One stakeholder felt that the lack of prioritisation of

cases leads to the “increased and unnecessary use of detention”.⁵⁹

8.53 Others commented that they “see no evidence that the Home Office prioritises cases and that there is a general slowness of caseworking” and “a lack of urgent progress” during the custodial part of an FNO’s time in prison. Worryingly, one stakeholder told inspectors that they have had clients who were desperate to be removed but faced lengthy delays, which they described as “extraordinary”. They were of the view that the Home Office needs to assess an FNO’s desire to be removed at a much earlier stage than is currently happening.

Delays in decision making

8.54 The SLAs between HMPPS and FNORC in relation to the management and removal of FNOs state that FNORC has the responsibility for: “Making timely decisions on the case management of detained FNOs.” However, performance by the Home Office was found to be lacking in this area.

59 The Home Office, in its factual accuracy response, stated: “There are a number of external factors outside of the control of FNORC that mean removal cannot be achieved by the custodial release date and so immigration detention is required. Many of these are delays in the criminal justice system and immigration tribunal.”

- 8.55** Delays in Home Office decision making have been well documented in previous reports. The National Audit Office (NAO) found in their report on ‘Managing and removing foreign national offenders’ that caseworkers referenced the FNO’s release date from prison as their target for removal, rather than the earliest point of removal.⁶⁰
- 8.56** The NAO report found that the Home Office “should prioritise work to improve casework productivity and better align the Department’s processes with schemes to increase take up of early removal”.⁶¹
- 8.57** While caseworkers and senior managers all pointed to the ideal of working to the ERS date and achieving ‘prison to plane’ for FNOs who have completed their sentence, delays in serving Stage 2 decisions were hampering their ability to do so.
- 8.58** Stakeholders in HMPPS commented that, “When the immigration system doesn’t work as well as it could, it really compromises our position”, and “We’d like earlier decisions”, which would help with managing expectations of FNOs, who see the ERS as the date that they will be returned to their home country. Added to this are the significant

60 NAO, ‘Managing and removing foreign national offenders’.

61 NAO, ‘Managing and removing foreign national offenders’, p. 10.

costs associated with keeping FNOs in prisons in the UK when they could be removed.

Performance of caseworking teams

8.59 Whereas the I&T Team has shown a slight increase in the volume of Stage 1 cases being processed, caseworking teams were not meeting performance expectations for Stage 2 decisions.

8.60 The FNORC performance pack reports on the ‘Decision Stage WiP [work in progress]’ to show that the command had 4,529 ‘post stage 1 – pre-stage 2 cases’ in April 2022, a volume that has increased, month on month, to December 2022, where 6,595 cases were awaiting caseworker action. This represented a 45% increase in this cohort of cases.

Key performance indicators

8.61 Another area captured in the performance pack is Key Performance Indicator (KPI) 3, which seeks to measure ‘Deportation Decisions – keeping pace and exceeding flow’. This assesses caseworking teams’ performance on two factors:

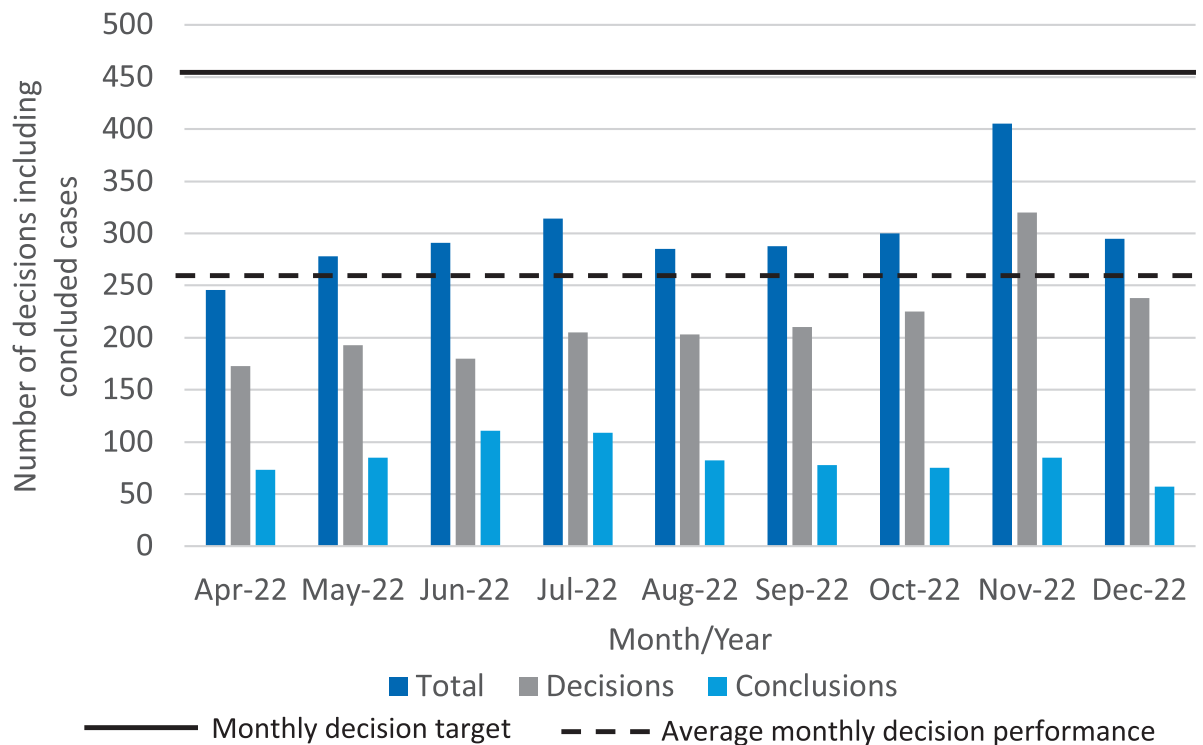
- the number of Stage 2 decisions (or conclusion decisions) made by FNORC’s mainstream casework is at least equal to the number they receive from Intake and Triage in 2021-2022

- casework areas to strive to make 20% more Stage 2 (or conclusion) decisions than the number of cases received from Intake and Triage in 2022-2023

8.62 An average monthly target of 450 deportation decisions (or conclusion decisions) has been used to measure whether caseworking teams are matching the 'flow in' from I&T. 'Decisions' indicate where a Stage 2 notification is served, whereas conclusions report where a decision is taken not to deport an individual as the case has been conceded.

8.63 As displayed in Figure 18, for the period from April 2022 to December 2022, outputs were significantly below the target that has been set, with a monthly average of 300 decisions being made.

Figure 18: KPI performance on Stage 2 decisions



8.64 Throughout the period, a significant proportion of overall Stage 2 deportation decisions were made by the Expedited Removals Unit, the team that facilitates the early removal of FNOs who want to leave the UK. While this demonstrates that there is a process in place to direct some of the casework to a specialist unit, it also indicates the extent to which the other caseworking teams have been struggling to meet their performance targets.

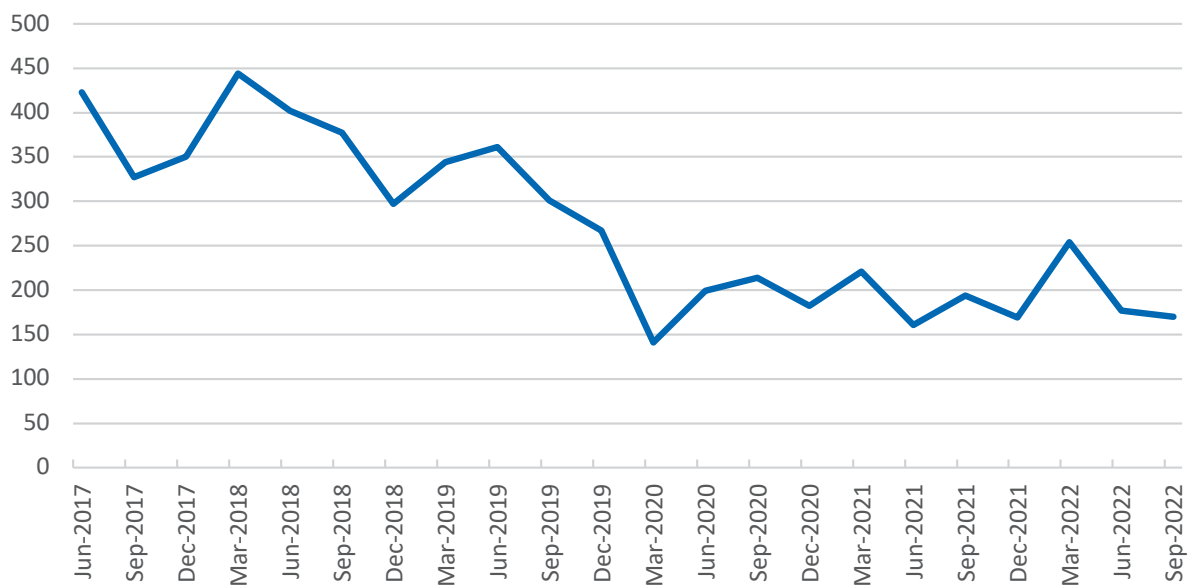
8.65 Senior managers acknowledged that there was a need to “close the gap” between the performance by the wider caseworking teams and the expectations of the KPIs. A recent increase in targets, from two to four Stage 2 decisions, per month, per decision maker had been introduced to

help achieve this and the early indications from the performance pack show increased performance for November and December 2022. Managers considered that the ability to use the pack to drive performance was beneficial, as it helped them to set team and individual targets so that caseworkers knew what was expected of them.

8.66 For their part, caseworkers had limited awareness of the KPIs and of the reporting pack. Inspectors felt that a better understanding of the ambition of the KPIs may help to support greater ‘buy in’ from teams.

8.67 FNORC monitors its performance on Stage 2 decisions over a six-year period, and while the command is broadly keeping pace with the previous two years of data (2020-2021 and 2021-2022), the number of decisions is still significantly below pre-pandemic levels, as shown in Figure 19. Again, this data was only available to September 2022.

Figure 19: Stage 2 decisions



Focus on detention reviews

8.68 Across each of the teams in Croydon, Leeds, and Liverpool staff expressed frustration that they are prevented from ‘caseworking’ cases and progressing Stage 2 decisions, as they spend a significant amount of time completing detention reviews. A detention review is mandatory for anyone who is detained under immigration powers, whether that is within a prison or an immigration removal centre (IRC). For FNOs, this may occur when a custodial sentence has been served, but where a decision has been taken by the Home Office not to release them. While not the focus of this inspection, the continued detention and associated release referral was a topic that was raised with inspectors in interviews and focus groups with Home Office staff. The decision to release an FNO who has completed their custodial

sentence sits with the strategic director within Immigration Enforcement, to whom decision makers must refer when they consider that an FNO should be released once their sentence has been completed. Staff at all grades felt that often decisions were taken to maintain the detention of an FNO where there was little prospect of removal. This presented a significant number of challenges for FNORC, not least the additional time taken to prepare a release referral, the shift of focus to managing cases rather than progressing them, and the potential for unlawful detention claims to be made.

8.69 The SLA between the Home Office and HMPPS for the managing and removal of FNOs is clear on expectations between the two parties.

“Immigration Detainees should generally only be held in a prison when they present specific risk factors that indicate they pose serious current risk of harm to the public or to the good order of an Immigration Removal Centre, including the safety of staff and other detainees, which cannot be managed within the regime applied in IRCs, which operate to Detention Centre Rules.”

8.70 One of the particular challenges for HMPPS and the individuals involved, aside from occupying prison beds which are often at a premium, is that immigration detainees held in prison are subject

to prison rules. Stakeholders told inspectors that immigration detainees are not afforded the same access to telephones or immigration legal advice as they would be if they were being held in an IRC. These issues were highlighted in a research paper ‘CATCH 2022- accessing immigration legal advice from prison’ by Bail for Immigration Detainees. The paper reported that 70% of FNOs who responded to their survey did not have legal representation for their immigration case. However, FNORC advised inspectors that “all individuals detained in prisons under immigration powers are provided a functional equivalent to the service currently available in IRCs”.

8.71 The impact on caseworkers is significant as the time taken to produce release referrals and undertake detention reviews, monthly progress reports, and bail summaries detracts from decision making, creating a vicious circle. Inspectors felt that more efficient caseworking with decisions being made earlier in the sentence period, where possible, would lead to fewer cases requiring immigration detention at a later stage. This would in turn free up the capacity of caseworkers to progress more Stage 2 decisions. Staff agreed that this approach would allow time for information to be raised, further applications (asylum, human rights) to be dealt with, and any necessary court proceedings to take place while the FNO is serving their custodial sentence.

- 8.72** Caseworkers in one team told inspectors that “90% of our cases are in immigration detention, so we’re mainly doing detention reviews”. A manager in another team commented that “maybe 70% or higher of my team’s work is detention reviews”. Added to this there was a feeling that staff were “firefighting” to keep people in detention, which prevented them from making decisions. Of particular concern were comments by managers that they were not able to allocate decisions to caseworkers, due to a lack of capacity in the team and the need to prioritise detention reviews.
- 8.73** The data in the Leeds allocations spreadsheet supports the view that there is a significant focus on managing detained cases.
- 8.74** Concerns over the volume of immigration detention cases within the prison estate were also felt by stakeholders. One told inspectors that this was a “reflection of the failures in the system to take timely decisions”. Another commented that, “I feel strongly that the Home Office use the prison service as a holding pen.”

Culture

- 8.75** The People Survey for FNORC 2021-2022 had reported poor results around culture, particularly in response to whether staff felt “safe to challenge”. Overall, FNORC scored 31% on this metric, which was 24% below the Civil Service benchmark.

This concern was captured under the People, Capability and Wellbeing section on the FNORC risk register with associated impacts considered to be low staff buy-in to raising concerns/risks and people not feeling valued or appreciated by senior managers.

- 8.76** Inspectors referenced the survey results in interviews and focus groups with staff in caseworking teams, and overall feedback did not mirror the concerns raised in the survey. Inspectors noted a broadly positive culture among the staff they spoke to. Staff said they felt supported by their managers, that feedback was encouraged, they were confident in raising concerns, and managers were open to challenge.

Forward look

- 8.77** Inspectors found senior managers to be acutely aware of the challenges facing them in relation to the management and progression of deportation decisions. This was summarised in an evidence return provided to inspectors, which stated:

“The decision-making process for Stage 2 decisions within FNORC has become protracted with increased checks and hand-offs meaning that decisions are not processed quickly enough to keep up with new flow, and a wip has consequently built up of outstanding decisions.”

- 8.78** During interviews, managers referred to the recovery period following the pandemic, staff shortages, and the numerous and often complex barriers to removal as all contributing to their ability to meet performance targets. There was an acknowledgement that there is too much duplication across teams and that more could be done to realise efficiencies.
- 8.79** Senior managers told inspectors about a number of initiatives that were being worked on at the time of the inspection to help drive up this performance. These included smaller, more subtle changes, such as revisions to the deportation decision templates, which FNORC managers hoped would speed up the drafting process for caseworkers, as well as the onboarding of additional staff and creation of new teams.

Revisions to deportation templates

- 8.80** The review of deportation templates is being carried out by the Migration Criminality Policy Team as part of the wider programme to simplify the Immigration Rules. For deportation decisions, the aims of the review are “to ensure templates:
- are easy to use and, where possible, improve functionality

- are clear to understand (for both the caseworker and recipient), in particular in setting out the consequences and actions attached to a deportation decision
- comply with the simplification principles
- avoid any unnecessary duplication
- are legally correct and robust to challenge.”

8.81 The revised Stage 1 and 2 templates are expected to be available for publication by August 2023.

Additional resources

8.82 As part of its response to the further evidence request, FNORC shared plans for the recruitment and onboarding of additional staff to help tackle the backlog of Stage 2 cases in the WiP. These plans included the addition of a ‘surge team’ from HMRC in January 2023 comprising 30 Executive Officers and ten Administrative Officers. A further 60 caseworkers were being recruited for the Leeds caseworking team with a view to having them onboarded by April 2023.

8.83 In addition to these resources, the Custodial Detention Team (CDT) had recently been created. Located in Leeds under the management of the head of the Performance and Data Team, the CDT is to be tasked with making Stage 2 decisions from the caseworking WiP to help drive up productivity.

The recruitment and onboarding of staff for this team was expected to be completed by April 2023.

Review of processes

- 8.84** In conjunction with the recruitment of extra resources, FNORC has engaged a consultant who has been tasked with “identifying any waste in the system which can be removed and any process improvements which can be put into place, to address ... shortcomings and increase the decision-making process”.
- 8.85** The remit for the consultant is to investigate the end-to-end decision-making process within FNORC Casework North teams. This was with a view to recommending changes to increase productivity and to create a new ‘model’ of working that could be replicated across the wider command. The primary focus for the new model is to be Albanian cases, reflecting the increasing attention by the Home Office on this cohort.
- 8.86** Inspectors were encouraged by the energy and renewed focus displayed by the senior management team. While in principle the plans sought to drive up productivity and performance, inspectors were concerned that there was a significant amount of change taking place across the command, which could add to the confusion and complexities of the existing structures and the already considerable challenges of owning

and managing cases. Any changes will need to be carefully managed to prevent any increase in levels of dissatisfaction among caseworker colleagues, who were already feeling the impact caused by the onboarding and training of new staff in other teams.

9. Inspection findings: Early Removal and Facilitated Return Schemes

Early Removal Scheme

- 9.1** Introduced in 2004, the Early Removal Scheme (ERS) allows foreign national offenders (FNOs) to be removed from the UK ahead of their earliest release date.
- 9.2** The Ministry of Justice (MoJ) owns the ERS, but it is administered and managed by the Home Office, as well as His Majesty's Prison and Probation Service. This sharing of responsibility means that guidance has been produced by both the MoJ and the Home Office.
- 9.3** The Home Office sets out its requirements in 'The Early Removal Scheme' (version 9) guidance which states:
- “The purpose of the scheme is to enable the removal or deportation from the UK of foreign

national offenders at an earlier point in their sentence than would otherwise be possible.”⁶²

9.4 While the ERS is mandatory, the Home Office guidance specifies that it does not include FNOs who are:

- “serving an indeterminate sentence (who are considered under the Tariff-Expired Removal Scheme)
- on remand
- detained under immigration powers
- subject to a term of imprisonment for example non-payment of fines, confiscation order or civil forfeiture
- subject to Service Detention in the Military Corrective Training Centre
- subject to a Detention and Training Order
- serving sentences for terrorism offences and subject to the release provisions of Section 247A of the CJA 2003”

62 The Early Removal Scheme guidance, December 2022, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1123959/The_Early_Removal_Scheme_ERS_.pdf

- 9.5** FNORC must consider all FNOs serving a fixed-term custodial sentence for removal under the scheme, if deportation action is being pursued.

Ownership

- 9.6** There are three main areas of responsibility in the administering and management of the ERS. These lie with the Foreign National Offender Returns Command (FNORC), His Majesty's Prison and Probation Service (HMPPS), and the governor of each prison.
- 9.7** The process begins with HMPPS staff calculating the ERS date, post sentencing, for each FNO entering the prison estate, and informing FNORC through the referrals process. HMPPS is responsible for continually monitoring the date and informing FNORC of any changes that may occur.
- 9.8** If a decision is made to pursue deportation, FNORC has responsibility for progressing the case and informing HMPPS whether removal in the early removal window will be possible.

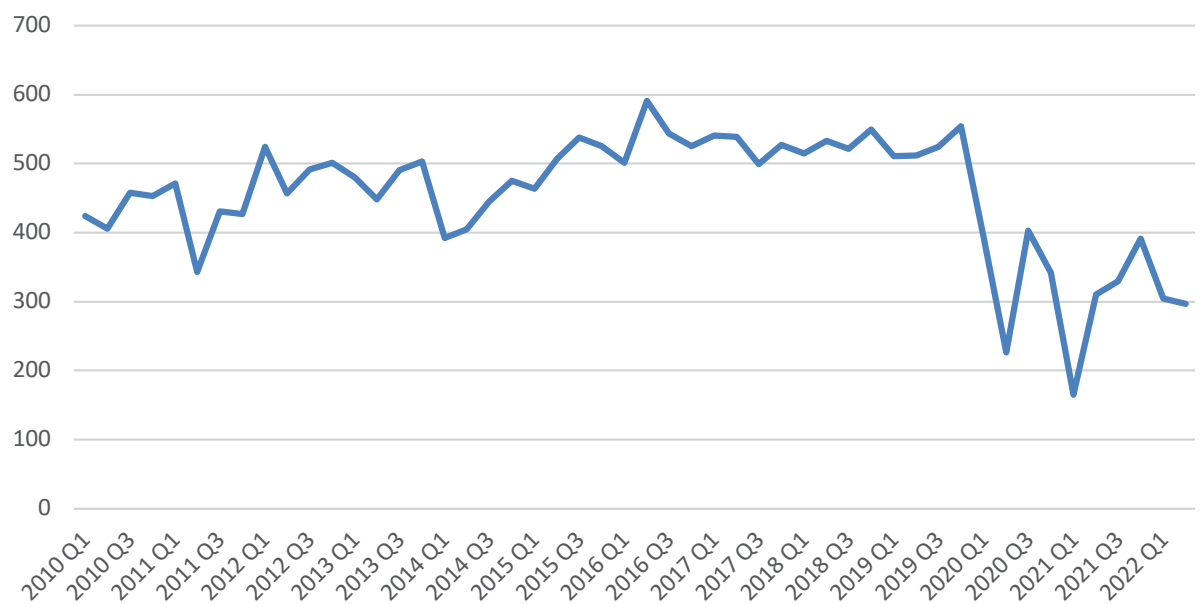
9.9 The prison governor has the final say on whether an FNO will be removed during their early removal window and must authorise all removals under the scheme. A prison governor may refuse early release where:

- there is evidence the prisoner is planning further crime, including plans to evade immigration control and return to the UK unlawfully
- there is evidence of violence or threats of violence in prison, on a number of occasions
- the FNO has been dealing in class 'A' drugs in custody
- the FNO has outstanding criminal charges or an outstanding confiscation order
- there are serious concerns for public safety if the person is released early

ERS performance

9.10 The Home Office publishes quarterly data on ERS removals. Figure 20 shows the Home Office's performance in relation to ERS removals from Quarter 1 of 2010 to Quarter 1 of 2022.

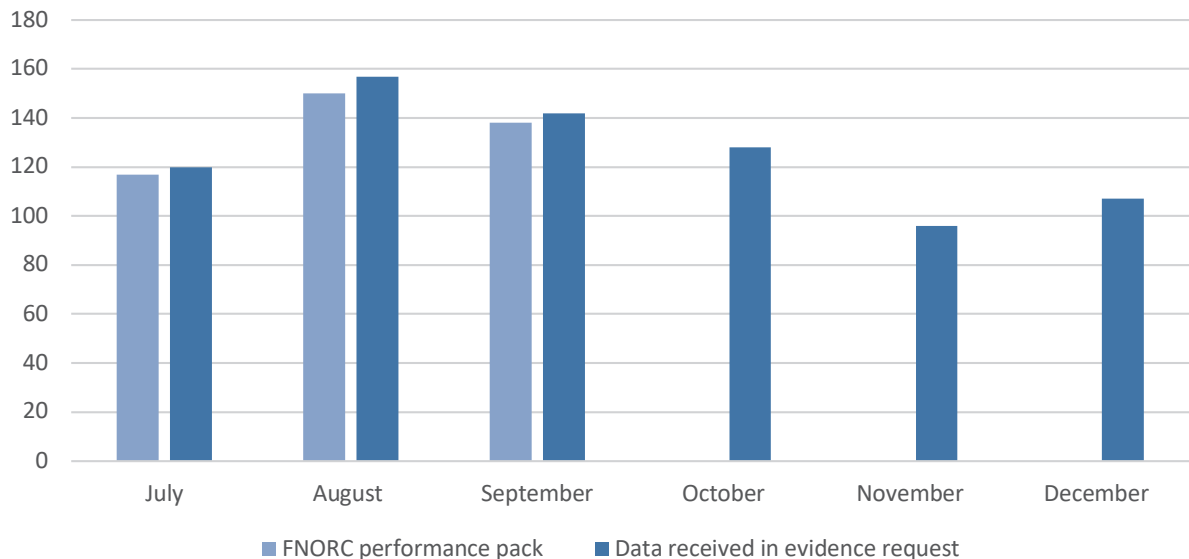
Figure 20: FNOs removed under the ERS



- 9.11** While removals were fairly constant between 2016 and 2019, there was a significant decline in 2020 and 2021 due to COVID-19, and performance is yet to reach pre-pandemic levels.
- 9.12** The challenges that FNORC was facing with data and management production, at the time of the inspection, meant that the Home Office was unable to report on ERS data beyond September 2022 (Quarter 3) as it “was unavailable from Vantage”. However, inspectors were provided with data from the internal FNORC performance pack which reported that 405 FNOs were removed in Quarter 3 of 2022, indicating a significant uptick in removals.
- 9.13** While the Home Office had not included any ERS data in the performance pack from October 2022 to December 2022, inspectors received a separate internal data report as part of an evidence request.

The report provided ERS data for July 2022 to December 2022, which is highlighted in Figure 21.

Figure 21: ERS removal data – July 2022 to December 2022



9.14 Figure 21 shows that there are discrepancies between the two data sets for the months of July, August, and September. These inaccuracies are another example highlighting inspectors' concerns that FNORC is unable to produce reliable and accurate data and, therefore, unable to use it effectively to monitor and drive ERS performance.

Key performance indicators (KPIs)

9.15 The FNORC performance pack includes two key performance indicators (KPIs) that assess the performance of ERS:

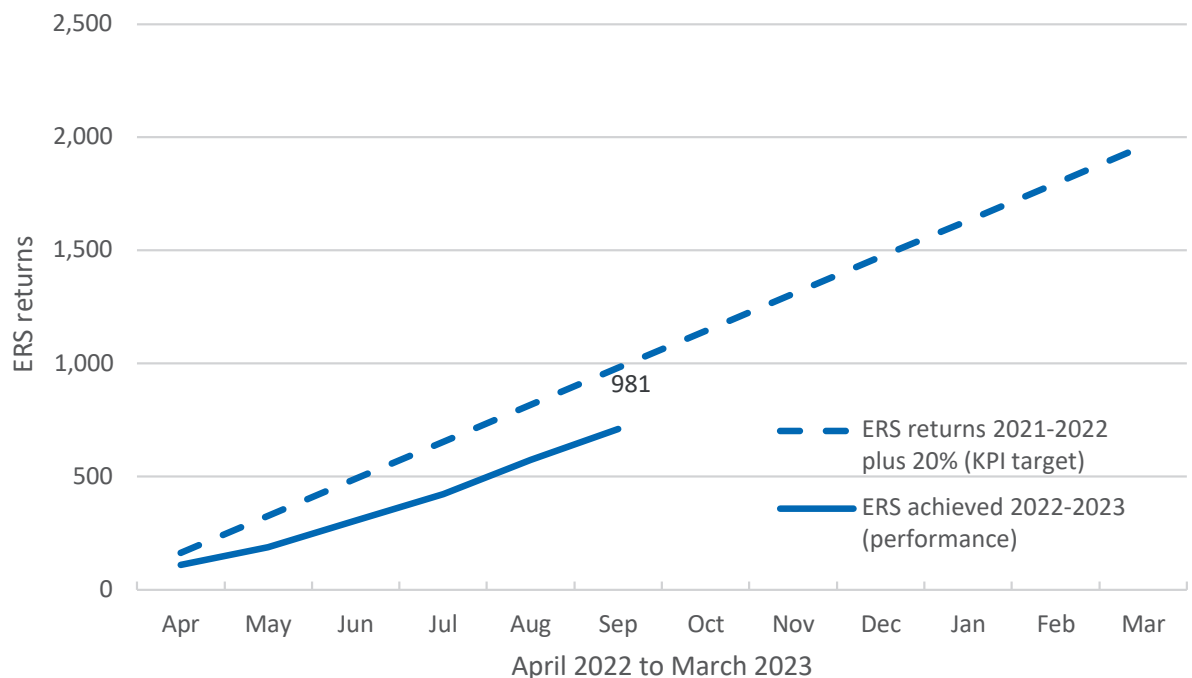
- KPI 1b) – 20% increase in FNOs returned during their ERS window (as compared to 2021-2022)

- KPI 4 – increase Stage 2 decisions before ERS window opens by 25% (as compared to 2021-2022)

9.16 It should be noted that the only available ERS data in the pack at the time of this inspection is up to September 2022. October 2022 figures were initially included in the October performance pack; however, they were later removed due to issues with Vantage and accuracy of reporting.

9.17 Figure 22 provides a snapshot of FNORC performance against KPI 1b), which sets a target of 20% more FNOs returned during their early removal window in 2022-2023 than was achieved in 2021-2022.

Figure 22: Cumulative ERS returns

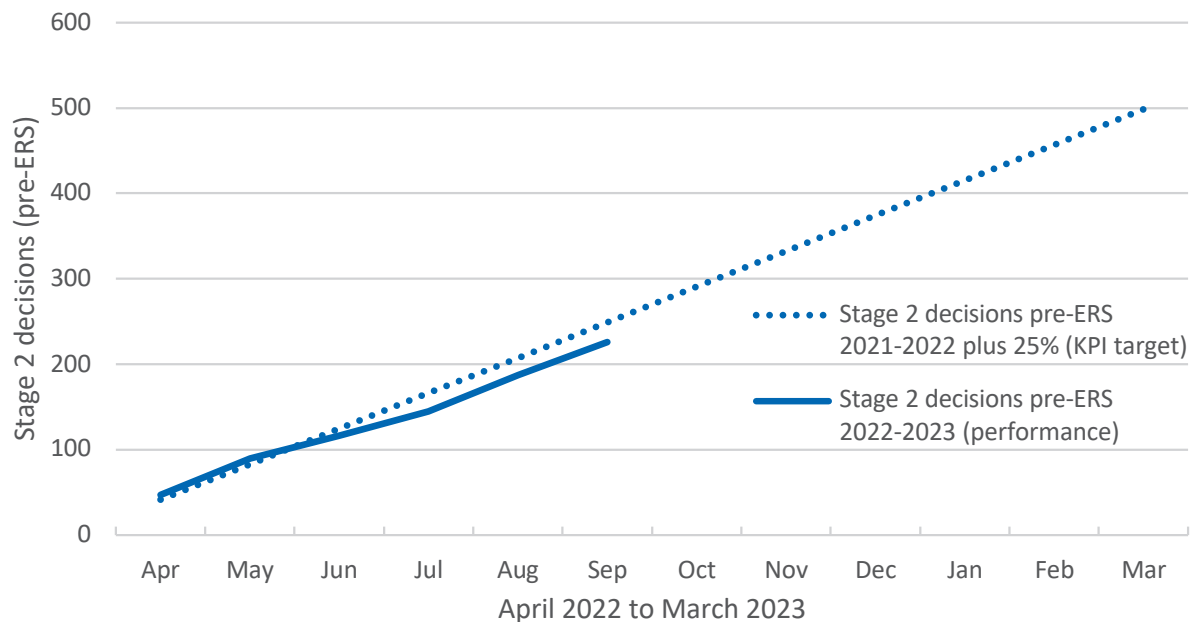


9.18 For FNORC to achieve this KPI it would need to have made at least 981 removals by September

2022. As the data demonstrates, 711 removals had been completed. A monthly average of 208 FNOs would need to be deported within the early removal window to meet the KPI metric of 1,962 by March 2023. The highest amount of ERS removals achieved in one month since April 2022 was 150 removals in August 2022.

9.19 KPI 4 aims to increase Stage 2 deportation decisions before the early removal window opens by 25%. For FNORC to achieve KPI 4, 249 Stage 2 deportation decisions pre-ERS would need to be made by September 2022. However, as shown in Figure 23, FNORC had made 226 Stage 2 deportation decisions pre-ERS at this time. While performance on this metric had tracked above 2021-2022 levels throughout the reporting period, FNORC teams were not yet meeting either of the ERS KPIs.

Figure 23: Cumulative Stage 2 decisions – pre-ERS



9.20 The Expedited Removals Unit, the team that facilitates the early removal of FNOs who want to leave the UK, was responsible for 56.6% of the Stage 2 deportation decisions made in the early removal window between April 2022 and September 2022. The second most productive casework unit made 46 pre-ERS Stage 2 deportation decisions, which is 20.4% of the total.

Continuous improvement

9.21 The amendments to the early removal window, introduced by the Nationality and Borders Act (NABA) in April 2022, increased the maximum early removal period for an FNO from nine to 12 months. The purpose of the scheme was to drive improvements and increase the number of removals in the early removal window.

- 9.22** Inspectors sought to understand the impact of the new legislation and the extent to which it had increased removals. However, at the time of the inspection, no plans had been implemented to review and evaluate the scheme. An FNORC senior manager told inspectors that the introduction of NABA should have been “delayed”, as FNORC was not able to meet the revised window.
- 9.23** Although ownership and responsibilities of the ERS are set out in the Home Office ERS guidance, inspectors found that there was a lack of clarity around responsibility for reporting data and continuous improvement of ERS.⁶³ MoJ staff told inspectors that they don’t report and gather data on ERS separately and the data they receive is from the Home Office. However, as already highlighted, a manager in FNORC told inspectors that the data sets for ERS are not currently available.
- 9.24** Inspectors found that there was a confused picture over ownership of the ERS policy and recent changes in legislation. When asked about ERS data and the impact of the amendments made by NABA to the early removal window, FNORC staff advised that “MoJ might be able to help as it is their policy”. However, when MoJ staff were asked

63 The Early Removal Scheme guidance.

about their responsibility in relation to NABA, inspectors were told, “We were consulted, but it is a Home Office piece of legislation.” This further highlights the uncertainty around the monitoring and effectiveness of ERS.

ERS taskforce

- 9.25** The ERS taskforce was initially set up in a joint operation between FNORC and HMPPS in April 2022. The purpose of the ERS taskforce was to help drive improvements in performance by reviewing the “blockers” of ERS removals with a view to maximising removals in the early removal window. In July 2022, the taskforce was closed down following discussions between FNORC and HMPPS, as it was no longer considered appropriate due to other ongoing initiatives.
- 9.26** An update provided by FNORC, at the time of writing, reported that the taskforce was relaunched in January 2023. The stated purpose of the “reinvigorated” taskforce is to “drive forward work aligning departmental data to provide improved system analysis and streamline operational processes across prisons and immigration for effective administration of the Early Removal Scheme (ERS)”.
- 9.27** FNORC aims to achieve this through:
- “improved process and case level analysis, increased collaboration between operational

staff and focused short-term projects this taskforce will:

- Rationalise data and performance monitoring across departments
- Reduce inefficiencies in the overall ERS process
- Increase process capacity to maximise removals
- Evaluate and mitigate common barriers throughout the process
- Ensure the most efficient use of Home Office prison based resource”

9.28 FNORC has also disclosed a high level delivery plan for the ERS taskforce which is split into three separate strands. It will:

- improve system and case analysis by:
 - rationalising performance measurement
 - developing a case tracking solution
- streamline the process across prisons and immigration by
 - increasing casework capacity
 - improving Home Office access to criminally detained FNOs
 - maximise FNO estate

- improving detained appeals process
- deliver short-term focused projects by
 - designing a process to identify FNOs who want to return to their country of nationality on entry to the prison estate
 - improving utilisation of video conferencing within the prison estate

9.29 The prison governor of an FNO-only prison presented inspectors with a monthly performance pack containing information and data on the FNOs within their prison. The pack contained a breakdown of FNOs who were approaching, or currently in, their early removal window. Data highlighted that for January 2023 the cost of keeping FNOs in prison post their early removal window had risen by £671,746 from December 2022, with the total cost of all post early removal window imprisonment rising to £4.2 million in this FNO-only prison alone.

9.30 Further information in the pack revealed that there were over 200 FNOs in the prison whose ERS date had passed, representing almost 50% of the FNO population within that prison.

9.31 This performance pack adds a further level of scrutiny on ERS performance and highlights to the Home Office the financial impact of not removing FNOs in the early removal window.

Facilitated Return Scheme

Legislation

- 9.32** The Facilitated Return Scheme (FRS) was introduced in 2006 to provide an incentive for FNOs to comply with the deportation process. The scheme is owned by the Home Office and operated by FNORC, but agreement to release an FNO must be given by a prison governor.
- 9.33** Successful applicants to the scheme would receive a financial package of £5,000. A 2010 amendment to the FRS policy reduced the payment from £5,000 to £1,500. For FNOs who had completed their prison sentence, a reduced payment of £750 is offered.
- 9.34** In 2014 the policy criteria was tightened to exclude FNOs:
- with a custodial sentence of four years or more
 - who committed their first criminal offence within 12 months of arrival in the UK
 - who pursued an immigration appeal beyond the First-tier Tribunal⁶⁴

64 The First-tier Tribunal is responsible for handling appeals against decisions made by the Home Office including deportation from the UK.

9.35 In April 2021, the Home Office relaxed the earlier restrictions and reopened FRS to all non-EEA nationals who had been given a custodial sentence in the UK. Eligibility for the scheme was further changed following the UK withdrawal from the European Union allowing EEA nationals to apply for FRS from 1 January 2022.

FRS Team

- 9.36** FNORC has a dedicated team which is responsible for making decisions on FRS applications. With a headcount of 25 staff, the team operates from offices in Croydon and Liverpool. The team is led by a Senior Executive Officer, supported by two Higher Executive Officers, nine Executive Officers, and 13 Administrative Officers. At the time of the inspection, six additional posts were vacant.
- 9.37** The FRS team will either accept, partially accept, withdraw, or reject an FRS application. The FRS team also works closely with the Expedited Removals Unit (ERU), which has responsibility for dealing with “quick-win cases”. These cases include FNOs who have expressed an interest in complying with deportation, have not responded to their Stage 1 notice of liability, and have no barriers to removal.
- 9.38** Following the Intake and Triage (I&T) Team assessment and completion of any Stage 1

paperwork, FRS applications are forwarded to the ERU or FRS team. On receipt, a “gatekeeper” will review the application. If the application is accepted, the gatekeeper will forward the case to an FRS team member to carry out any tasks required before it goes to the case owner. Given the circumstances of these cases, when an FNO has signalled their intention to leave the UK, ERU and FRS teams work to the ERS dates rather than custodial release dates. Any case that is not approaching the ERS date will be held by I&T until closer to the ERS date.

Guidance and eligibility

9.39 The Home Office has developed internal guidance – ‘The Facilitated Return Scheme (FRS)’ (version 10).⁶⁵ This guidance underpins the policy and regulations and confirms that any FNO accepted onto FRS will receive:

- £1,500 where the application is made while the FNO is serving their custodial sentence
- £750 for FNOs who apply after completing their custodial sentence

65 Facilitated Return Scheme (FRS) guidance, December 2021, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1043444/The_Facilitated_Return_Scheme_FRS_.pdf

- £1,500 for qualifying family members

9.40 The objective of the scheme is to incentivise FNOs to comply with deportation and to assist with their reintegration into their home country when deported.

9.41 FRS guidance states, “FRS is available to all FNOs who are serving, or have served, a custodial sentence regardless of the sentence length. This includes FNOs who are subject to enforcement action (either deportation or administrative removal) and who:

- are British overseas citizens, British protected persons, British nationals (overseas) or British subjects with no automatic right to reside in the UK, provided they can show there is a country or territory where they can be voluntarily removed to and will be lawfully admitted to that country or territory
- the spouse or partner of a British citizen, person with settled status (indefinite leave to remain) or person who is exempt from immigration control
- non-EEA nationals and EEA nationals (regardless of whether they are protected by the European Union (Withdrawal Agreement) Act 2020 or not)

- are detained under mental health legislation as a result of a criminal offence, where appropriate arrangements for their care and reception are available and have been made
- are under the age of 18, irrespective of length of sentence, provided:
 - suitable reception and accommodation arrangements are in place
 - the Home Office's duties under section 55 of the Borders, Citizenship & Immigration Act 2009 (to safeguard and promote the welfare of children in the UK) have been met
 - The Office of the Children's Champion agree"

Non-eligibility

9.42 If an application is not within the scope of the FRS it will be rejected by the Home Office. Reasons for rejection include an individual who has an outstanding claim to remain in the UK (this may be a protection claim, judicial review proceedings, or an appeal outstanding) or where they are subject to extradition or a European Arrest Warrant. In addition, a claim will be rejected if the FNO has previously been removed from the UK having been given financial support under the FRS or the Voluntary Returns Scheme.

Making an FRS application

9.43 An FNO may notify FNORC of their intention to make an application for FRS by contacting the team directly or by informing an IPT or prison officer.

9.44 The application process requires an FNO to complete an expression of interest form and sign a disclaimer. By doing so, they confirm their intention to apply for FRS and that they will comply with conditions of acceptance which are to:

- “disclaim all appeal rights and withdraw any outstanding representations against any decision made by the Home Office
- agree to be removed at the earliest possible date
- comply with any process for obtaining travel documentation, which may require the applicant to:
 - provide any existing passport not in the Home Office’s possession
 - accept responsibility for making an application to the relevant high commission or embassy where a personal application will speed up the process.”

9.45 While the FRS disclaimer form is not legally binding, and does not prevent the applicant later lodging an appeal or raising further

representations against deportation or removal (either in the UK or after departure), where an applicant does submit any further representations of any kind against a Home Office decision, their application for FRS will be rejected.

Consideration of applications

9.46 The FRS guidance confirms that the “FRS team must follow wider Home Office and FNORC guidance and process instructions when they consider applications, review immigration detention and arrange the departure of FNOs under the FRS. This includes making sure it is lawful to deport an FNO. When considering whether to accept or reject an application for the FRS, the FRS team case owner must:

- assess the applicant’s eligibility for the FRS against the eligibility criteria
- if not already determined, decide whether the FNO meets the threshold for deportation
- where deportation is not being sought, establish whether administrative removal will be pursued
- check if there are any barriers to removal
- obtain approval at the appropriate level, including from the FNORC Director if the FNO has been convicted of a serious offence

- assess whether the application should be rejected on the grounds of previous conduct or non-compliance
- determine if the applicant has a valid travel document – if not, acceptance onto the FRS must be provisional subject to them meeting all other criteria
- determine the applicant’s earliest release date:
 - if this is more than six months away, acceptance onto the FRS must be provisional subject to them meeting all other criteria”

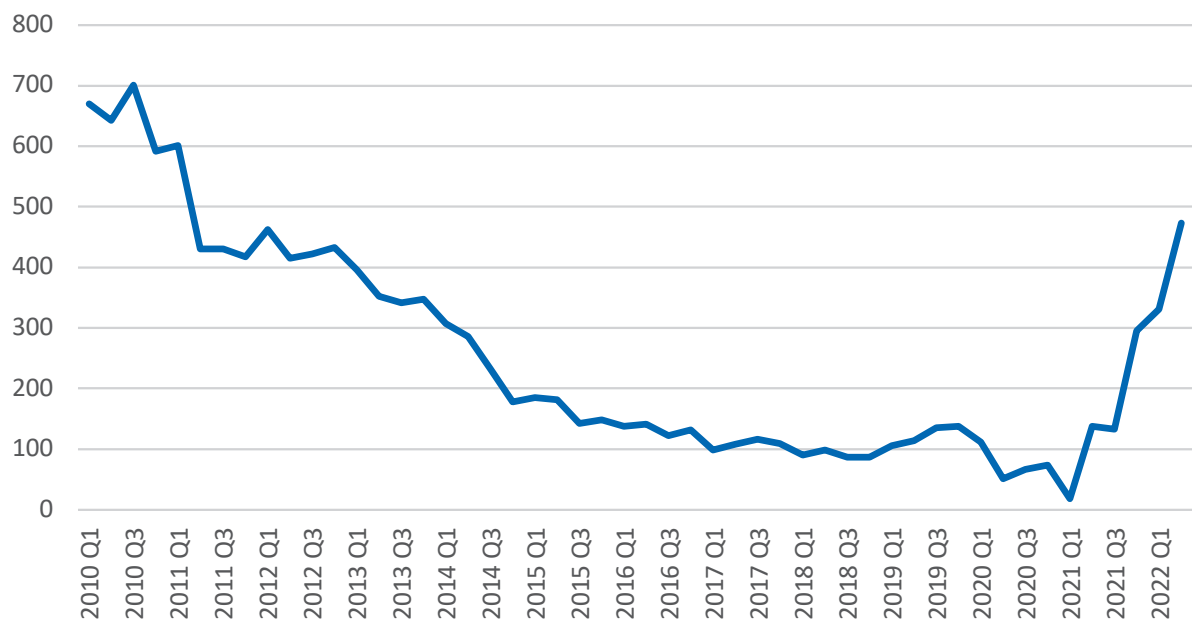
FRS removal figures

9.47 Home Office ‘transparency data’ published on the GOV.UK website provides a breakdown of FRS removals from 2010 to early 2022. The latest data was published on 24 November 2022. In the factual accuracy check of this report in April 2023, the Home Office identified an error with the FRS removals data set, explaining: “After investigation, it appears that the correct figure for Q2 2021 was missed and figures for each subsequent quarter have been transposed to a quarter earlier than they should have been.”⁶⁶

66 As at 13 April 2023, this reporting error had not been amended.

9.48 Figure 24 shows that FRS removals saw a steady decline from 2012 to 2021, when they hit the lowest point recorded. However, since this time FRS volumes have spiked, with 473 removals recorded in Quarter 2 of 2022 (due to the publication error noted in paragraph 9.48, this should be Quarter 3 data), the highest volume in any quarter since 2011.

Figure 24: FNOs returned under the FRS



9.49 A deeper dive into the data provided revealed that of the 335 FRS removals recorded in the Home Office data for Quarter 2 of 2022, 45.47% (152) were non-EEA nationals. Of this cohort 62.5% (95) were Albanian. In comparison, the Quarter 1 internal Home Office data (January to March 2022) showed 300 FRS removals, of which 64.67% were non-EEA nationals (194). In this period, Albanian nationals made up 73.2% (142) of the cohort. A further discrepancy was noted when

comparing these figures with transparency data. For Quarter 1 of 2022, the Home Office provided a different FRS removal figure, stating that there were 331 removals.

9.50 Between 1 April 2022 and 31 December 2022, internal Home Office data reports a total of 1,222 FRS removals, of which 84.78% were EEA nationals and Albanians. It is clear that the dramatic increase in FRS removals is not owing to an improvement in the effectiveness of the efficiency of the FRS, but rather down to the change in policy that allowed EEA nationals to apply from 1 January 2022 and the continued focus on Albanian nationals.

Promotion of FRS in prisons

9.51 Inspectors visited HMP Wormwood Scrubs as part of the familiarisation for this inspection. A further four visits were made during the onsite phase to HMP Highpoint, HMP Huntercombe, HMP Maidstone, and HMP Risley. Inspectors spoke with Immigration Prison Teams (IPTs) and prison staff in these establishments. In addition, focus groups and interviews were held with IPT staff members, at all grades, in the North and South regions.

9.52 Although concerns had been raised by some stakeholders about the promotion of the FRS, both IPT officers and prison staff told inspectors that FRS was well promoted in prisons,

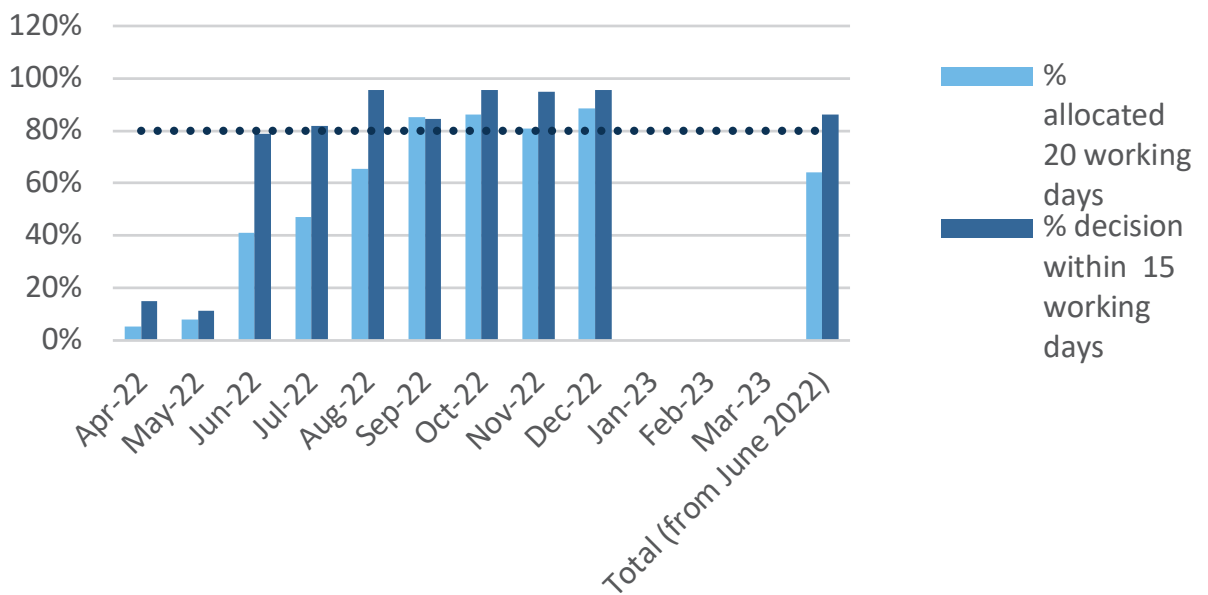
with signposting starting from the point of FNO induction.

- 9.53** IPT staff demonstrated a good awareness of their responsibility to promote FRS and felt that it is actually “oversold”. IPT staff told inspectors that in some instances, FNOs knew about FRS well before they spoke with a member of the team as awareness of the scheme was spread by “word of mouth” throughout the prison estate.
- 9.54** Inspectors observed that there were posters and notices visible in the prisons they visited providing information on FRS. The extent of promotion of the FRS, and levels of awareness of the scheme, will likely vary across prisons, however, depending on whether there is an embedded IPT and on the composition of the population at a particular facility.

Key performance indicators (KPIs)

- 9.55** The FNORC performance pack includes two KPIs which report on the FRS team. KPI 13a) requires that 80% of applications are to be allocated for a decision within 20 working days and KPI 13b) requires that 80% of applications are to be decided within 15 working days (of allocation).
- 9.56** Figure 25 highlights the information included in the FNORC performance pack for KPIs 13a) and 13b) from April 2022 to December 2022.

Figure 25: FRS – application processing times



9.57 The KPI measurements for FRS were altered in June 2022. Prior to this date, 80% of applications were to be allocated for a decision within two working days with a decision to be made within five working days following this allocation. From June 2022, the seven-working-day timescale was increased to 35 working days. The relaxation of timescales meant that the team continued to improve its performance against this metric and, from September 2022 to December 2022, the team was meeting both elements of the KPI.

FRS hotline and information factsheet

9.58 The information factsheets for FRS, which are provided to EEA and non-EEA nationals, advise that an FNO may contact the FRS hotline or speak to an immigration officer in their prison, reporting centre, or immigration removal centre for more information about the scheme.

- 9.59** The factsheets are available as handouts for FNOs in prisons and online through the GOV.UK website. The hotline is owned by FNORC and responsibility for manning it sits with the FRS team.
- 9.60** Inspectors attempted to contact the hotline on 18 separate occasions between 19 October 2022 and 2 December 2022, at various times between 9am and 5pm. Of the 18 calls, only one was answered. From the remaining contact attempts, eight were directed to a voicemail which advised that calls should be made between the hours of 9am and 5pm, despite inspectors calling between these times. On six occasions there was an engaged tone before the line disconnected. On a further attempt a voice message stated that any queries should be forwarded by email or post and on two other occasions inspectors were on hold for 20 minutes and 25 minutes before hanging up. Given that the objective of the FRS is to incentivise FNOs to leave the UK, inspectors found this to be a poor service.
- 9.61** Concerns over the hotline were shared by IPTs. Staff members told inspectors that they regularly receive complaints from FNOs about this issue, which inevitably puts pressure back on them as the frontline point of contact for FNORC. The challenges with the hotline are particularly difficult for FNOs in prisons as they are restricted on the amount of time that they can leave their cells

and their ability to access a phone. For FNOs in prisons without an embedded IPT, or where there is a small FNO population, this may be the only option open to them.

- 9.62** The information factsheets and FRS guidance explain that a response to an application will be provided within 72 hours, confirming whether the application has been accepted or rejected. Inspectors found this to be misleading when comparing it to FNORC's internal KPIs, which state the FRS team has 35 working days to make a decision.
- 9.63** The issues with the hotline and factsheets were raised with senior managers in the FRS team at the time of the inspection. A manager in FNORC informed inspectors that the hotline was temporarily closed due to its unreliability but had now reopened and that new factsheets were being rolled out that would remove the reference to a 72-hour timescale. However, the most recent version of the FRS guidance (version 10) which was published on 31 December 2021 has not been

altered to reflect the internal FNORC target of 35 working days.⁶⁷

Expediting FRS cases

9.64 Inspectors found that there was a lack of a standardised process for FRS cases to be flagged and expedited from IPTs to casework teams and the FRS team. Guidance sets out that the FRS team will deal with FRS applications but does not specifically refer to the responsibility of making a deportation decision on an FRS case or clearing any other outstanding barriers, such as issues with obtaining a travel document, or a pending prosecution. This means that even if an FNO has their FRS application accepted, they may still experience long delays on their case. Deportation decision delays can be a result of several factors, such as decision backlogs, other case types taking priority, and availability of resources in casework teams.

9.65 IPT staff told inspectors of the difficulties they face in trying to expedite FRS cases. One officer commented that “people want to go, we can only do so much.... We have to chase caseworkers.”

67 The Home Office, in its factual accuracy response, stated: “FNORC is in the process of transferring its telephony correspondence to National Command and Control Unit (NCCU). This will be the first point of contact for FNOs and stakeholders.”

Another told inspectors, “Every prison has a big whiteboard with a list of every case who wants to go home, and we push and push and push for these cases to be progressed. We fill in a spreadsheet every week with cases that want to go home, and we push them every week.”⁶⁸

- 9.66** Similar to the concerns raised by caseworkers, staff in the FRS team told inspectors that there are shifting priorities, which include ERS, charter flights, Albanian nationals, and detention reviews. Again, inspectors heard that detention reviews take priority over other work, and this impacts case owners’ ability to work on other cases which “takes time away from actual casework”.
- 9.67** Inspectors were keen to understand how FRS applications were progressed, and an evidence request was submitted asking FNORC to provide any guidance or standard operating procedures that instruct caseworkers on how to prioritise FRS cases that have outstanding deportation decisions, as well as information about how cases are referred to the ERU/FRS team. However, FNORC

68 The Home Office, in its factual accuracy response, stated: “There is a dedicated Single Point of Contact for voluntary departure cases, intended to ease some of the difficulties IPT staff discussed with inspectors about trying to expedite FRS cases.”

advised that it does not currently have any material to meet this request.

Potential abuse of FRS

9.68 FRS guidance explains that:

“FRS is a voluntary scheme, those who depart under it are subject to enforcement action (deportation or administrative removal). Departure under the FRS is not an alternative to deportation. All decisions to deport or remove a foreign national under the terms of the scheme must be considered in accordance with Home Office policy and must comply with the UK’s international obligations.”

9.69 This means that any FNO removed under the FRS will still be subject to a deportation order (DO) and this will, by law, prevent them from being able to return to the UK. Where an FNO does return to the UK with a DO against them, this is known as a ‘return in breach’. If a returning FNO is found to have done so, then they will be sentenced to prison to serve the remainder of their sentence (if they were previously removed in the early removal window), in accordance with the ‘stop the clock’ provision, introduced by NABA.

9.70 As part of the evidence return, inspectors were provided with a breakdown of reasons why FRS applications were rejected. Inspectors received a first batch of evidence which provided a

breakdown of FRS rejections between January 2022 and September 2022. The second batch of evidence covered FRS rejections from 1 September 2022 to 31 December 2022.

- 9.71** For the period from January 2022 to December 2022, 715 applications were rejected. The first batch of evidence (January to September) provided a breakdown of how many rejections were non-EEA and EEA nationals. In this period, the most prolific rejection reason for EEA nationals was due to a return in breach of a DO which totalled 87 rejections. There were a further 22 rejections for non-EEA nationals who had returned in breach of a DO.
- 9.72** Between October 2022 and December 2022, the evidence request does not provide a breakdown of non-EEA and EEA nationals but does report that there were a further 29 breach of DO FRS rejections, taking the total for the year to 138 (19.11%). Although 19.11% could be considered as a relatively small percentage of the total it should be noted that there are 32 separate rejection reasons for non-EEA nationals and 20 rejection reasons for EEA nationals. While it is not clear if these cases were previously removed under the FRS, it still emphasises the ease with which some nationalities can return to the UK, particularly those from EEA countries.

Annex A: 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 her behalf. The legislation empowers the Independent Chief Inspector to monitor, report on and make recommendations about all such functions and 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 paragraph 17 of Schedule 3 to the Equality Act 2010” (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 her 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 she 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.

Annex B: ICIBI ‘expectations’

Background and explanatory documents are easy to understand and use (e.g. statements of intent (both ministerial and managerial), impact assessments, legislation, policies, guidance, instructions, strategies, business plans, intranet and GOV.UK pages, posters, leaflets etc.)

- They are written in plain, unambiguous English (with foreign language versions available, where appropriate)
- They are kept up to date
- They are readily accessible to anyone who needs to rely on them (with online signposting and links, wherever possible)

Processes are simple to follow and transparent

- They are IT-enabled and include input formatting to prevent users from making data entry errors

- Mandatory requirements, including the nature and extent of evidence required to support applications and claims, are clearly defined
- The potential for blockages and delays is designed out, wherever possible
- They are resourced to meet time and quality standards (including legal requirements, Service Level Agreements, published targets)

Anyone exercising an immigration, asylum, nationality or customs function on behalf of the Home Secretary is fully competent

- Individuals understand their role, responsibilities, accountabilities and powers
- Everyone receives the training they need for their current role and for their professional development, plus regular feedback on their performance
- Individuals and teams have the tools, support and leadership they need to perform efficiently, effectively and lawfully
- Everyone is making full use of their powers and capabilities, including to prevent, detect, investigate and, where appropriate, prosecute offences

- The workplace culture ensures that individuals feel able to raise concerns and issues without fear of the consequences

Decisions and actions are ‘right first time’

- They are demonstrably evidence-based or, where appropriate, intelligence-led
- They are made in accordance with relevant legislation and guidance
- They are reasonable (in light of the available evidence) and consistent
- They are recorded and communicated accurately, in the required format and detail, and can be readily retrieved (with due regard to data protection requirements)

Errors are identified, acknowledged and promptly ‘put right’

- Safeguards, management oversight, and quality assurance measures are in place, are tested and are seen to be effective
- Complaints are handled efficiently, effectively and consistently
- Lessons are learned and shared, including from administrative reviews and litigation

- There is a commitment to continuous improvement, including by the prompt implementation of recommendations from reviews, inspections and audits

Each immigration, asylum, nationality or customs function has a Home Office (Borders, Immigration and Citizenship System) ‘owner’

- The BICS ‘owner’ is accountable for:
 - implementation of relevant policies and processes
 - performance (informed by routine collection and analysis of Management Information (MI) and data, and monitoring of agreed targets/deliverables/budgets)
 - resourcing (including workforce planning and capability development, including knowledge and information management)
 - managing risks (including maintaining a Risk Register)
 - communications, collaborations and deconfliction within the Home Office, with other government departments and agencies, and other affected bodies
 - effective monitoring and management of relevant contracted out services

- stakeholder engagement (including customers, applicants, claimants and their representatives)

Acknowledgements

The inspection team is grateful to the Home Office for its co-operation and assistance during this inspection and for the contributions from the staff who participated. We are also grateful to His Majesty's Prison and Probation Service staff for their crucial assistance during the inspection.


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