An inspection of illegal working enforcement

August – October 2023

David Neal

Independent Chief Inspector of
Borders and Immigration

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Foreword

The inspection looked at three areas of enforcement: planning of illegal working enforcement activity, operationalisation of illegal working enforcement activity, and post-illegal working enforcement aspects. I am pleased to report that this is an area of Home Office activity which is functioning reasonably well.

With the overall number of enforcement 'visits' increasing by 68% in 2023, this inspection found that Immigration Enforcement's (IE) planning activity was, for the most part, consistent with policy and guidance. Activity was intelligence-led, and plans were generally sound, although inspectors identified regional inconsistencies. Notably, mandated checks into the alleged offenders and their addresses varied in quality and detail. Additionally, there was a reliance on Google Maps for conducting reconnaissance, and the currency of this information was uncertain. This is concerning as the results of both mandated checks and reconnaissance are key to officers operating safely, as they are used to risk assess proposed operational activity.

Joint working with other government departments, local councils, and law enforcement agencies, in both planning and operationalising activity, was a mixed picture, with regional variations again being reported by stakeholders.

My inspectors observed operational activity, and reviewed records of illegal working enforcement activity, which demonstrated officers in charge were dynamically managing their teams. Inspectors observed officers using their coercive powers correctly, but second-line assurance checks showed this is an area for improvement as instances were identified where powers were either not correctly used or were mis-recorded. The Home Office should look at this more closely to ensure that officers are using the right powers accurately.

Illegal working enforcement activity was not solely focused on punitive measures, with education and engagement built into operations in line with the illegal working strategy's '4Es model'. Inspectors witnessed officers having an awareness of the need to 'enforce' but this was balanced against their duty to protect the vulnerable. Officers actively maintained privacy for those encountered and undertook their duties with courtesy and professionalism.

Illegal working enforcement activity is conducted out on the streets and the Home Office should put more effort into facilitating reach-back to legislation, standard operating procedures, and guidance in a mobile and user-friendly form.

Positively, IE's PRONTO system allowed for timely and consistent record keeping, and readily accessible data provided in this inspection was indicative of this. I have previously criticised PRONTO when employed by the Clandestine Channel Threat Command in 2021/2022 at Western Jet Foil but being used here, for the purpose for which it was procured, it works.

Post-enforcement activity could be improved, particularly post-op debriefs which were found to be inconsistent and lacking in sufficient detail. Second-line assurance activity was a mixed bag, with a well-designed system in place, but one that could be improved by looking more broadly across operational

activity, such as including checks of planning activity. At the time of this inspection, no formal first-line assurance system was in place. The re-introduction of a first-line assurance regime, which my team were advised was a matter of months away, is an important step that IE must take to better drive improvements where performance issues are identified.

This report makes six recommendations and was sent to the Home Secretary on 22 November 2023.

David Neal
Independent Chief Inspector of Borders and Immigration

1.   Key findings

Planning for enforcement visits

1.1   The planning process for enforcement visits was in line with operational guidance and procedures, but inconsistencies across different regions were noted in recording planning decisions.

1.2   The inspection found that various mandatory checks are conducted, but their consistency and thoroughness vary regionally, causing different teams to base their planning on different information sources. The quality and detail of 'Operational Notification Forms', used to obtain important information from the police, including key information about communities which might be affected by operations, again, was varied and lacked detail. While some forms lacked police signatures, others had incomplete sections. It was not clear how the information from these forms was used and recorded for planning and assigning risk ratings for proposed operational visits.

1.3   There was a reliance on open-source mapping in completing 'recces', or reconnaissance checks, of proposed visit locations, which might oversimplify the process. Inspectors found a lack of consideration of wider geographic factors, and reliance on local knowledge. It was not clear to inspectors that officers had considered the currency of information sources, such as Google Maps and 'Street View' checks of addresses.[1]

1.4   Inspectors found that 'PLAN' assessments were robust, adequately justifying the need for operational activity.[2] However, while community impact was considered, it was only recorded sporadically, resulting in a lack of clarity and consistency. Few operations were given red risk ratings in 'enforcement planning assessments', and therefore no formal community impact assessments were undertaken.

1.5   Stakeholders had mixed views about how well informed they were kept by Immigration Enforcement (IE) of its proposed operational activity at the planning stages, as well as the overall effectiveness of communications from IE. They also considered there to be greater opportunities for partnership working.

Operational enforcement activity

1.6   For operational staff, briefings were well constructed and explained operations, roles, and safeguards well. However, inspectors identified that briefings were not always 'accepted' on PRONTO (Police and Reporting Notebook Organiser), IE's digital pocket notebook system, used to plan and record operational activity. This poses legal and reputational risks should any issues

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1 'Street View' is a free-to-use open source application which uses panoramic images and 360 imagery to provide a virtual representation of surroundings on Google Maps. https://www.google.com/streetview/
2 "All actions must have a legal basis and should not interfere unnecessarily with an individual's human rights and freedoms. The mnemonic PLAN is a useful tool for those involved in the tactical planning process: proportionate, legal, accountable and necessary." https://www.college.police.uk/app/operations/operational-planning/tactical-planning

arise during operational activity, such as those which affect the safety of individuals or the Home Office's reputation.

1.7 Concerning resourcing, improvements have been made in recent years with an increase in staffing having a direct impact on IE's ability to undertake illegal working enforcement activity.

1.8 In terms of equipment, inspectors noted that staff spoke of issues in procuring personal protective equipment (PPE).

1.9 Inspectors noted that few critical incidents were reported, numbering six out of almost 4,000 operations undertaken over the reference period, 1 August 2022 to 31 July 2023.[3] Onsite, inspectors observed teams with good working relationships supported by strong communications between officers in charge (OICs) and other operational officers, as well as between OICs and their managers.

1.10 Officers dealt professionally and courteously with those encountered as the subjects of operational activity, as well as other members of the public, while ensuring they remained cognisant of their roles and objectives.

1.11 Although inspectors observed no misuse of powers during the inspection, checks undertaken at second-line assurance had identified some significant failures, either in the use, or recording, of powers. This represents potential legal and reputational risks to the Home Office, and it should review as a matter of urgency to ensure that it is using its powers correctly. In particular, inspectors identified concerns regarding the potential for theft allegations related to the seizing of belongings, where personal property seized as evidence was stored and transported in an unsealed exhibit bag and not subject to formal recording.

1.12 The PRONTO system was commended for maintaining consistent and high-quality records, providing good-quality measurable data to managers. But operational staff criticised it for being less adaptable in areas such as interviewing those encountered, where it was perceived as difficult to record questions that deviated from the list of pre-defined questions built into the proforma within PRONTO.[4]

1.13 Inspectors observed enforcement activities that were not solely focused on punitive measures, but involved encouragement and engagement, such as addressing, as far possible, immigration-related queries from those encountered, to handing out leaflets to provide further detail about what right to work checks entail.

1.14 During onsite operational activity, inspectors observed difficulties for officers in accessing current policy and guidance due to intermittent mobile phone signal, as well as there being an extensive range of guidance documents available on Home Office systems. Officers working in fast-paced and dynamic operational environments require easily accessible and concise guidance to support their decision making.

1.15 Joint working was shown to be effective between IE and other government departments, local councils, police, and local licensing teams. However, some stakeholders who also have a remit in enforcing labour market legislation spoke of not having undertaken any joint working with IE.

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3 In the context of local illegal working enforcement activity, a critical incident is defined as "any incident where the outcome or consequence of that incident is likely to result in serious harm to any individual, significant community, public confidence, or business impact; an incident that is likely to result in a significant impact on the confidence of the public in IE; an incident that will require special arrangements and professional incident management capability to respond".

4 In its factual accuracy response, the Home Office stated: "While the comment is acknowledged, officers do have the ability and are encouraged to customise and adapt their questions and questioning style at each encounter. When officers manually type their new question Pronto gives a simple yes/no pop-up option to save it to their pre-defined list. (It can also be removed)."

Post-operation activities

1.16   Where debriefs of operational activity were observed by inspectors, they were well delivered and collaborative, with team members being invited to contribute. However, recording of debriefs was found to be inconsistent and often considered as an afterthought. This could be due to there being no mandated format for recording, and with the potential to affect future operational activity where salient information about a premises, for example, might not otherwise be recorded.

1.17   Moreover, there were no measures of effectiveness to demonstrate the wider impacts of meeting strategic objectives.

1.18   There was no first-line assurance process in place as it had been suspended. While it was shortly to be reintroduced to the business area, this was a missed opportunity to drive operational improvements. However, second-line assurance was well structured and was able to identify operational performance issues, but did not cover all areas of operational activity, such as planning.

2. Recommendations

Planning for enforcement visits
The Home Office should:

1.   ensure that for each enforcement visit:
      • planning sufficiently considers and records the potential for impact on communities and vice versa
      • all mandatory checks are completed and fully recorded
      • reconnaissance is conducted in a manner that considers readily identifiable risks

Operational enforcement activity
2.   implement a system to allow operational staff access at all times to up-to-date and succinct guidance
3.   ensure that immigration officers are using and recording use of coercive powers accurately
Post-operation activities

4.   in relation to assurance:
      • as a matter of priority, re-introduce a formal first-line assurance process
      • ensure that second-line assurance covers all operational areas, including planning activity
      • review feedback delivery mechanisms at the operational level for second-line assurance to ensure it is driving improvements

5.   implement a standardised procedure for recording debriefing records on PRONTO
6.   set out clear objectives for illegal working activity and establish metrics to measure performance against those objectives

3. Background

Illegal working enforcement strategy

3.1   Countering illegal working is the responsibility of the Home Office's Immigration Enforcement (IE) department. It is undertaken by Immigration Compliance and Enforcement (ICE) teams. IE's vision is:

> "to tackle illegal migration, remove those with no right to be here, and protect the vulnerable."

3.2   IE's vision states that its core missions are to:

- "prevent people from entering the UK illegally or becoming non-compliant
- identify those in the UK without status, maintain contact with them and progress their cases to conclusion
- remove those with no right to be here"[5]

3.3   Historically, the Home Office's approach to illegal working "has been focussed on enforcement". However, "the size of the illegal migrant labour market and the resources available for enforcement, mean it isn't feasible to just enforce".[6]

3.4   The UK labour market, in recent years, has been affected by the COVID-19 pandemic and the UK's departure from the European Union, which now places a requirement on EEA nationals to obtain permission to work in the UK.[7]

3.5   Tackling illegal working remains a governmental high priority, and, in December 2022, the Prime Minister announced that "extra resources will free up immigration officers to go back to enforcement which, will in turn, allow us to increase raids on illegal working by 50%".[8] As of September 2023, the Home Office reported having increased visits by 68%, having conducted 4,721 visits between January and September 2023 compared to 2,808 for the same period in 2022.[9]

3.6   The work of IE is not limited to enforcement, and various initiatives exist that are designed to deter illegal working, such as the 'Right to Work' scheme and the 'Right to Rent' scheme.[10]

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5   https://www.gov.uk/government/organisations/immigration-enforcement/about
6   Home Office position statement.
7   The European Economic Area (EEA) includes EU countries and also Iceland, Liechtenstein, and Norway. It allows them to be part of the EU's single market. Switzerland is not an EU or EEA member but is part of the single market. This means that Swiss nationals have the same rights to live and work in the EEA as EEA nationals. https://www.gov.uk/eu-eea
8   https://www.gov.uk/government/speeches/pm-statement-on-illegal-migration-13-december-2022
9   https://www.gov.uk/government/statistics/statistics-relating-to-the-illegal-migration-bill/additional-statistics-relating-to-illegal-migration-to-end-september-2023
10   Employers and landlords in the UK have a responsibility to prevent illegal working or prevent those without lawful immigration status from accessing the private rented sector. Employers and landlords exercise their duty by right to work and right to rent checks before they employ someone or before the start date of a tenancy agreement. These checks make sure the individual is not disqualified by reason of their immigration status.

Both schemes are underpinned by a civil penalty regime which levies fines against those found to have failed to undertake the required checks and where no 'statutory excuse' exists.[11]

3.7 In 2019, IE developed its '4Es model', which underpins its illegal working strategy and focuses delivery beyond purely 'enforcement' action. The model defines the strategic approach as:

- "**Engage** with partners across government, employers, representative and trade bodies, and the community to exchange views and information and build a better understanding of the threat and ensure we are well positioned to tackle it

- **Encourage** compliance through raising awareness of the threat of illegal working and the responsibilities employers need to undertake

- **Enable** compliance by making it simple for employers to establish the status of migrants and comply with the Right to Work scheme maximising the use of digital status checking

- **Enforce** the full range of sanctions to deter non-compliance and change behaviours and at the same time disrupt organised crime and protect the vulnerable"[12]

3.8 Notably, three of the four arms of this strategy are focused on preventing, rather than countering illegal working.

Legislation

3.9 Section 24B of the Immigration Act 1971 creates the offence of working illegally and defines an 'illegal worker' as someone who is found working and "has not been granted leave to enter or remain in the UK, or whose leave to enter or remain in the UK either:

- is invalid

- has ceased to have effect (whether by reason of curtailment, revocation, cancellation, passage of time, or otherwise)

- is subject to a condition preventing him from accepting the employment"[13]

3.10 Immigration officers have a range of powers which enable them to exercise their duties. These include, but are not limited to, the powers of:

- entry

- search

- arrest

- seizure

- the use of reasonable force

3.11 These powers are drawn from various Acts of Parliament including the Immigration Act 1971, Immigration and Asylum Act 1999, Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, UK Borders Act 2007, and Immigration Act 2016.

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11 "A statutory excuse is an employer's defence against a civil penalty. In order to establish a statutory excuse against a civil penalty in the event that an employee is found to be working illegally, employers must do one of the following before the employee commences employment: a manual right to work check (all), a right to work check using IDVT: Identification Document Validation Technology and IDSP is digital identity service providers (British and Irish citizens only), a Home Office online right to work check (non-British and non-Irish citizens). Conducting any of these checks as set out in this guidance and in the code of practice will provide you with a statutory excuse." https://www.gov.uk/government/publications/right-to-work-checks-employers-guide/an-employers-guide-to-right-to-work-checks-6-april-2022-accessible-version#how-to-establish-a-statutory-excuse-for-right-to-work-checks

12 Home Office position statement.

13 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/537725/Illegal_working_operations_v1.pdf

PRONTO

3.12 The IT system that IE uses to record its operational activity, from planning through to debrief, is called 'PRONTO' (Police and reporting notebook organiser). Access to PRONTO can either be over the web, for those based in an office, or through an application which frontline officers access on their work-issued mobile phone.

3.13 Since December 2018, IE has used PRONTO, which is also known as a digital pocket notebook, as the default method of recording actions and information, and paper-based pocket notebooks should only be used at times when PRONTO is unavailable.

3.14 The version of PRONTO that is used by IE is an adaptation of the one used by police forces throughout the UK. It is based on a series of template 'forms' that, when applicable to the action being undertaken, officers must complete as contemporaneously as is practically possible, within the context of the activity being undertaken. Officers are then required to submit the completed forms into the system from their individual mobile phones, which are then collated centrally alongside all other equivalent forms submitted by colleagues. This collection of forms then provides an overarching record of the visit.

3.15 The forms available to officers encompass the full range of enforcement visit activity. They cover acceptance of intelligence packages, operationalisation, planning, authorisation to proceed, briefing, the visit itself, corresponding outcomes, debriefing, onward referrals, and feedback.

Staffing

3.16 Figure 1 shows the Immigration Compliance and Enforcement (ICE) teams by region and by team. Figure 2 provides a breakdown of the national full-time equivalence (FTE) of ICE resources by grade.

Figure 1: ICE team staffing by region as of August 2023

Team	Region
Scotland ICE	North
Northern Ireland ICE	North
North West ICE	North
Wales & West of England ICE	North
East Midlands ICE	North
North East, Yorkshire & Humber ICE	North
West Midlands ICE	North
South Central ICE	South
East of England ICE	South
South London ICE	South
South East ICE	South
West London ICE	South

Team	Region
Central London ICE	South
North East London ICE	South
Rapid Response Team ICE[14]	North

Figure 2: ICE team FTE by grade as of August 2023

Grade	FTE
Administrative Officers	51.73
Executive Officer (including immigration officers)	691
Higher Executive Officers (including Chief Immigration Officers)	144.1
Senior Executive Officers (including His Majesty's Inspectors)	46.49
Assistant Directors (including Grade 7 managers)	13
Total	**946.29**

14   The Rapid Response Team is a national resource based in the North which can be deployed flexibly with the ability to support all regions, as required.

4. Scope and methodology

4.1   This inspection, conducted under ICIBI's medium inspection methodology, examined the Home Office's illegal working enforcement activity including:

- the use of powers and policy
- the processes for operationalisation

4.2   This inspection did not consider:

- Home Office caseworking of immigration applications subsequent to enforcement activity
- civil penalty schemes
- any other 'compliant environment' policies, such as the Right to Rent scheme
- post-arrest activity, such as custody, bail, detention, or removal
- criminal and financial investigations
- complaints, appeals, or other representations

4.3   Inspectors undertook the following activities:

- reviewed open-source material, including Home Office guidance and Home Office migration transparency data
- submitted a formal evidence request to the Home Office, and analysed 15 pieces of documentary evidence provided in response to this request
- conducted familiarisation calls with Home Office teams involved in illegal working enforcement activity
- completed a file sample of activity records covering 24 enforcement visits between 1 August 2022 and 31 July 2023
- accompanied Immigration, Compliance and Enforcement teams on eight illegal working enforcement operations in the South West, North East and London regions of the UK
- conducted a survey of Immigration Enforcement's stakeholders to gain their views on its efficiency and effectiveness
- conducted interviews with a variety of stakeholders, including other government departments, non-governmental organisations, and other organisations, such as legal associations
- conducted 12 interviews and/or focus groups with Home Office staff from Executive Officer to Senior Civil Servant grades

5.   Inspection findings: planning for enforcement visits

Enforcement planning and risk assessment

5.1   Immigration Enforcement (IE) operations are intelligence-led and tasked according to available resources and identified priorities outlined in a priorities matrix. Tasking is primarily reviewed and approved at a National Tasking Board (NTB). This is informed by the Operational Working Group which provides a gate-keeping function, and reviews tasking and performance to inform decisions at the NTB. The Regional Tasking Board reviews and agrees tasking decided at the national level to determine local tasking. An initial risk assessment is made at the local level for each enforcement visit and is subject to further review by the allocated Immigration Compliance and Enforcement (ICE) team as part of the planning stage.

5.2   The Enforcement Planning Assessment (EPA) is the mechanism by which ICE teams plan, assess, task, and authorise each enforcement operation. It also forms part of the further risk review. Home Office guidance in relation to EPAs states that all available information should be assessed "as near as practicably possible to implementing the work", as well as being authorised at the appropriate level according to identified risks. It should also be treated as a continuous assessment, which may be subject to change throughout the planning and implementation phase.

5.3   Operational visits are subject to a three-level risk assessment based on an appraisal of the known risk factors, in relation to all aspects of the operation. A red, amber, or green rating is used to denote the level of risk.

5.4   Green risks include 'business-as-usual activities' where no quantifiable risk has been identified and where standard operating protocols can be used to limit the impact of any known risks. They must be authorised by an officer of at least Chief Immigration Officer (CIO) grade, equivalent to the Civil Service Higher Executive Officer grade.

5.5   Amber risks are visits and operations with identifiable risks that require specific mitigation over and above existing operating protocols and must be authorised by a HM Inspector, equivalent to the Civil Service Senior Executive Officer grade, or above.

5.6   Red risks are those that present a 'significant' risk which cannot be mitigated to a lower acceptable level that makes it safe to proceed. Where a decision is taken to proceed with an operational visit, authorisation by an Assistant Director or Grade 7 manager is required, and an Equalities and Community Impact Assessment (ECIA) must be completed (further detail on ECIAs can be found later in this chapter).

5.7   The authorising officer must be satisfied that the assessment has been conducted in accordance with guidance and to the correct level of detail before authorising the activity. Suitable measures to mitigate any identified risks should also be considered at the planning stage and in all cases recorded on PRONTO, indicating who has carried out the EPA and supporting risk assessment and who has authorised the visit.

5.8 There is no requirement in Home Office guidance for the details of any identified risks and mitigating actions to be subject to a formal written report or assessment for EPAs rated green. The only requirement is to record that an assessment has taken place and the risk rating, as well as the authorising officer and date of approval. Of the 24 enforcement records sampled by inspectors, only one visit was rated amber with the remaining 23 visits rated as green. While inspectors found that EPAs were recorded in accordance with guidance for the assessed level of risk, in the absence of a requirement to record any identified risks and mitigation for operations rated as green, questions were raised around the rigour of the risk assessment process. This is further discussed in the Equality and Community Impact Assessments section.

'PLAN' assessments

5.9 As part of the EPA and continuous assessment of known risks, IE officers responsible for preparing and authorising the operation must also consider whether the visit is proportionate, legal, accountable, and necessary (known as 'PLAN'). This forms the PLAN assessment and should be authorised at the appropriate grade according to the risk rating, and recorded in PRONTO.

5.10 For amber and red risk visits, a full IIMARCH briefing is required. The IIMARCH (information, intention, method, administration, risk assessment, communications, human rights and other legal issues) model is a recognised and structured format widely used by other emergency responders to prepare briefings.

5.11 Inspectors found that a PLAN assessment was recorded for each sampled record, in line with operational guidance. For the sampled visit risk assessed as amber, an operational order was documented and attached to the visit record outlining the full IIMARCH briefing (see chapter six for operational briefings and operational orders).

Pre-visit research and mandatory checks

5.12 Home Office guidance relating to enforcement planning assessments, control points, and data checks provides direction to officers on the preparatory gathering of information and intelligence, and the checks which must be carried out prior to an operational visit taking place. This is to ensure officers identify the correct premises, undertake checks in relation to suspected immigration offenders to identify whether any barriers to removal exist, and identify any potential risks which could have an effect on an ICE team and arresting officers.

5.13 Pre-visit research should include mandatory checks of the following systems, as well as other security checks, as a minimum:

- **Case Information Database (CID) or Atlas** are the main caseworking and operational databases used to record personal details of foreign nationals who pass through the immigration system for any reason; searches can be conducted on named individuals and postcodes
- **Central Reference System (CRS)** holds records of all entry clearance information from visa applications
- **Police National Computer (PNC)** contains a variety of information about people and addresses that IE staff may have an interest in as well as details of any charges and convictions
- **Police reporting and notebook organiser (PRONTO)**

5.14   During the review of the 24 visit enforcement records, inspectors noted wide disparities and a lack of consistency in relation to the number and types of checks undertaken by ICE teams. Not all mandatory checks were completed in some instances and checks were not always recorded in line with guidance. For example, while some visit records indicated that final status checks had been undertaken within 24 hours of the intended visit, this was not universal.

'Operational Notification Forms'

5.15   In addition to mandatory checks, ICE teams are required to send an 'Operational Notification Form' (ONF) to the relevant local police force, with the exception of the Metropolitan Police where alternative arrangements are in place. The purpose of an ONF is to enable ICE teams to notify the police of a planned enforcement visit and to request police assistance where required. It is also the mechanism by which intelligence held by police forces is gathered in relation to subjects and addresses and allows the police commander to advise on any potential community tensions or issues likely to impact ahead of the proposed visit. The ONF should be sent to the police no fewer than three days before the visit is due to take place. The police have 72 hours to complete the relevant checks and return the ONF, which is valid for one calendar month.

5.16   Although completion of the ONF is a nationally agreed process, where the police fail to return the ONF in time, a visit can still be authorised provided the ICE teams contact the local police intelligence unit, by telephone. This is to establish whether there are any relevant warning markers on police systems against named subjects or addresses to be visited, as well as any adverse information or community tensions. Any additional checks and decisions should be recorded on PRONTO and, where no issues are identified, the visit can proceed as planned.

5.17   Inspectors noted disparities regarding the application of this process. In some regions, senior operational managers told inspectors that this was based on "implied consent", as such, if the police did not inform IE of any issues, then they would infer that it was fine to operate in that area. In other regions, the guidance appeared to be followed closely with teams not deploying until either the ONF had been signed off or a call had been made to police on the day to confirm that there were no issues.

5.18   Similarly, inspectors found in their review of sampled visit records a willingness by some ICE teams to accept incomplete and unsigned ONFs from the police, which could have implications should an incident occur during operational activity.

5.19   A senior operational manager told inspectors that there was "no recognised mechanism for understanding community tension" and spoke of a nervousness around the process due to the time which can lapse between the ONF being sent to the police and the date of the visit, with the prospect of community tensions arising in that time. They also explained how ICE teams used to receive weekly police notices about the local and national view of community issues and tensions, but that this had ceased.

Reconnaissance

5.20   The primary objective of reconnaissance (or a 'recce') is to gather accurate and timely information to provide a clear understanding of the operational environment to assist in planning enforcement visits, as well as mitigating risks. The Home Office 'Safe system of work 03' guidance states that, in addition to carrying out all mandatory checks and completion of the ONF, reconnaissance must be conducted for all operational arrest visits. In planning

a visit, consideration should be given to factors such as the number of occupants, entry and exit points of locations, as well as the type of reconnaissance required. The guidance further outlines the various forms reconnaissance can take, which include a "walk-by", "drive-past", or "virtual recce".

5.21   Home Office guidance in relation to EPAs does not require physical reconnaissance visits to be carried out in advance of all operational visits. The guidance suggests that available systems such as "[Google] Maps and [Google] Street View" may be sufficient, with the caveat that a physical drive-by recce may be deemed necessary to mitigate specific risks (such as risks to officer safety) identified during the risk assessment. Where a reconnaissance visit is required, authorisation under the Regulation of Investigatory Powers Act 2000 (RIPA) must be considered if the activity is covert and there is a likelihood of obtaining private information, with each proposed operation considered on its own merits. However, the 'Safe system of work 03' guidance cautions against officers using digital media to conduct recces, due to its limitations, including that the information may not be accurate. Despite this guidance, inspectors found that a virtual recce was the predominant form of reconnaissance activity undertaken by ICE teams. Of the 24 visit records sampled, there was just one example of a physical reconnaissance conducted, complete with RIPA considerations for the purpose of ensuring officer safety and determining the resources required for an operation.

5.22   Given the importance of reconnaissance, from both a public and officer safety perspective, inspectors found a largely arbitrary approach, contrary to the guidance, with limited research and an over-reliance on open-source information, such as Google Maps. This did not always demonstrate sufficient understanding of the wider geographical context and consideration of the potential risks. This was evident during observations of live enforcement visits by inspectors. In one instance, the entrance to the target property had moved from the front to the rear of the property since the last recorded visit in 2018, which ICE officers had not anticipated as Google Street View images still reported entrance at the front of the property, potentially affecting the effectiveness of that visit. In a separate instance, ICE officers arrived at the target premises to find it had been extended into a neighbouring property, again, initially confusing officers present and raising questions around the currency of the research and the effectiveness of remote reconnaissance.

Equality and Community Impact Assessments

5.23   As part of the EPA and pre-visit preparation, consideration must also be given to community impact as well as vulnerabilities and equality duties (including the potential for discrimination and safeguarding issues), deployment issues, and reputational risks. Equality and Community Impact Assessments (ECIAs) are used to identify such issues and risks, which may have a bearing on planning and implementing new enforcement activities or policies. In most cases, the officer authorising the activity is only required to consider any identified risk and issues against published guidance and protocols, to confirm that assessments have been conducted to the correct level, and to decide whether an ECIA is required. An ECIA is only required where a 'significant' risk, denoted by a 'red' EPA rating, has been identified.

5.24   Red risk visits and operations are defined as those that present a significant equalities or community impact beyond the scope of existing published protocols. This includes activities that directly discriminate against a protected group and require ministerial authorisation; activities that have a disproportionate effect on community groups; or locations or high-profile activities that present a political or reputational risk to the Home Office.
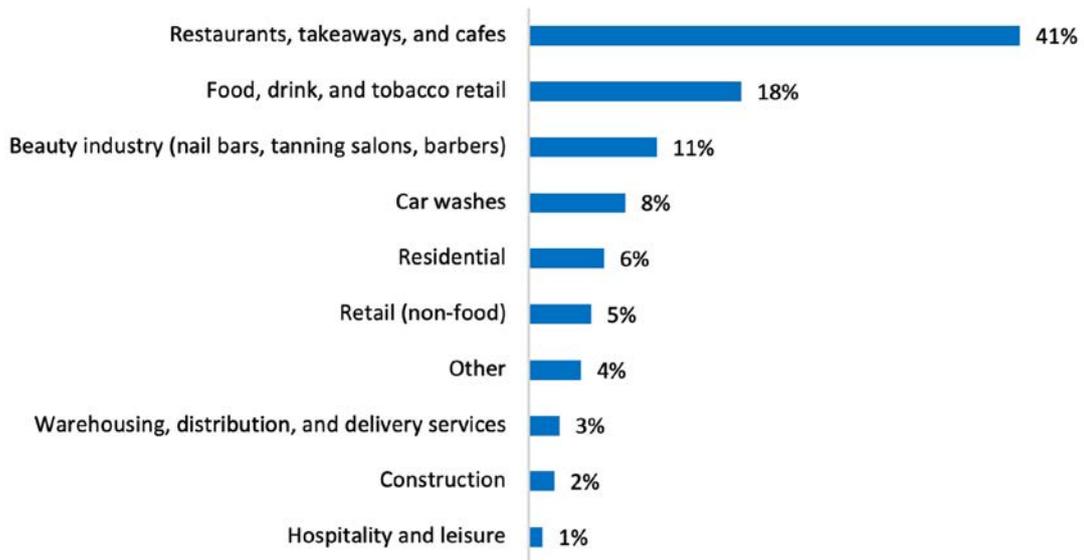
5.25   Inspectors found a lack of clarity in how information obtained via the ONF in relation to known community information was used in the planning process as part of EPA ratings. Operational managers told inspectors that they have good links with the local police and relied on the ONF form to indicate any warning markers ahead of a visit to a premises. They also explained that "knowledge passes between CIOs and IOs who have visited areas and premises or have been in the job for a long time". However, in the absence of a central repository for capturing such information in a more formalised way, regional teams risked losing that operational knowledge as experienced officers leave the team.

5.26   Of the 24 enforcement records sampled by inspectors, only one visit was rated amber with the remaining 23 visits rated as green. On that basis, and in line with guidance, none of the sampled records contained an ECIA. Inspectors were therefore unable to provide further comment on the standard of ECIAs carried out by ICE teams.

5.27   The Home Office provided data showing illegal working enforcement activity and inspectors considered the EPA ratings of this data. Of the total number of illegal working operations (3,796) for the period 1 August 2022 to 31 July 2023, 35 were rated amber, 3,312 were rated green and 449 had no clear EPA rating on PRONTO, with no apparent rationale as to why this was the case, which has significant implications for the robustness of ICE team risk assessment processes. The percentage figures are illustrated in figure 3.

Figure 3: Percentage EPA risk rating for illegal working activity for the period 1 August 2022 to 31 July 2023
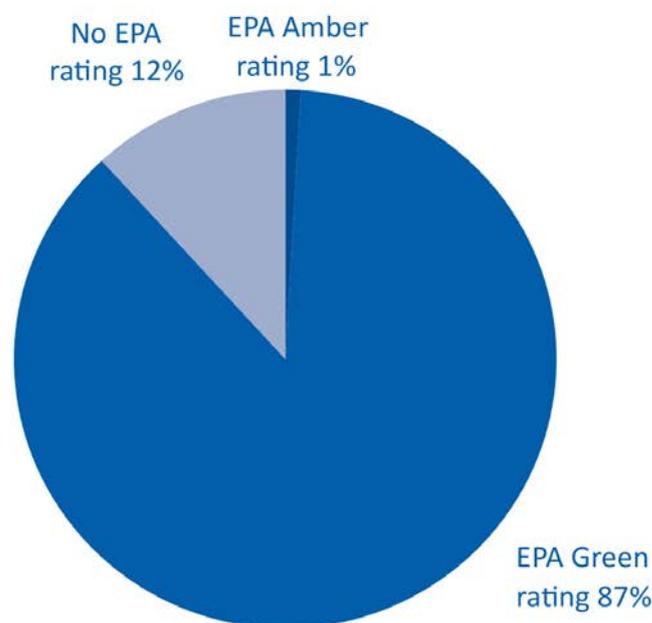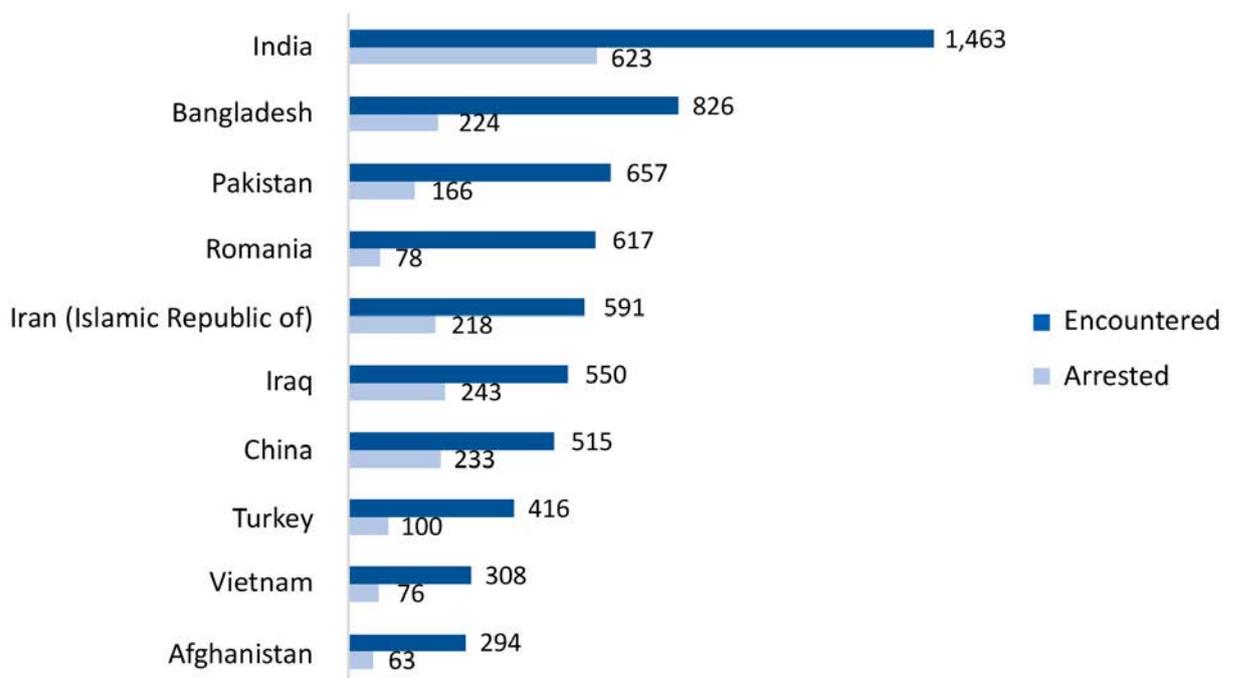

5.28   In addition, the Home Office provided nationality and sectoral data in relation to illegal working activity for the period 1 August 2022 to 31 July 2023. Figure 4 indicates the top ten sectors for illegal working visits for the same period.

Figure 4: Percentage of illegal working visits by sector for the period 1 August 2022 to 31 July 2023

Sector	Percentage
Restaurants, takeaways, and cafes	41%
Food, drink, and tobacco retail	18%
Beauty industry (nail bars, tanning salons, barbers)	11%
Car washes	8%
Residential	6%
Retail (non-food)	5%
Other	4%
Warehousing, distribution, and delivery services	3%
Construction	2%
Hospitality and leisure	1%

5.29   Figure 5 highlights the top ten nationalities encountered as part of illegal working enforcement activity for the period 1 August 2022 to 31 July 2023.

Figure 5: Top ten nationalities encountered and arrested for the period 1 August 2022 to 31 July 2023[15]

Nationality	Encountered	Arrested
India	1,463	623
Bangladesh	826	224
Pakistan	657	166
Romania	617	78
Iran (Islamic Republic of)	591	218
Iraq	550	243
China	515	233
Turkey	416	100
Vietnam	308	76
Afghanistan	294	63

15   In the nationality data provided by the Home Office, British citizens were the most encountered nationality (1,656) during the period 1 August 2022 to 31 July 2023. As there are no restrictions on the right to work for British citizens in the UK, they have been removed from the data in figure 5.

5.30   One stakeholder told inspectors that IE "take[s] enough notice of the impact on business, but that's not the same as the community". The same stakeholder further commented: "You can tell by a simple analysis of who a civil penalty is being applied to, that it's the high street, takeaways, fast food restaurants, nail bars and car washes. We've not seen them going into construction sites or factories, or at least we've not seen that for many years."

5.31   In April 2023, IE introduced a sector-based action plan to target a wider spectrum of sectors. Data supplied by the Home Office (seen in figures 4 and 5) indicated a higher concentration of illegal working activity in some sectors and nationalities when compared to others. While Home Office guidance sets the threshold as high for activities assessed as a 'significant' or red risk, and therefore requiring an ECIA, in the absence of further detail regarding community impact considerations, inspectors were unable to assess any mitigation or rationale for the outwardly higher concentration of activity among particular sectors and nationalities.[16]

Stakeholder consultation

5.32   Inspectors surveyed various stakeholders including the police, local authorities, licensing teams, and other relevant agencies. The survey asked over 50 respondents questions around the effectiveness of communication by IE, as well as the impact of ICE team activity on their area of work and the local community. Eleven stakeholders responded across three different agencies and departments.

5.33   Stakeholders surveyed had mixed views about the effectiveness of communication by local ICE teams and being informed of operational activity. Some emphasised a good working relationship while others referenced infrequent or sporadic interaction. The short notice of planned operations and requests for information resulted in some stakeholders being unable to provide support, while others felt they did not always receive an update on the outcomes from visits.

5.34   Of the respondents, 55% were confident that ICE teams considered the impact of their activity on stakeholders' areas of responsibility. The remainder were somewhat less confident, citing a need for better integration and partnership working between IE and their own organisation. One local authority stakeholder suggested that licensing reviews[17] could be used to a greater extent as an effective preventative tool. However, there appeared to be some confusion around the process for licensing referrals where ICE teams have gathered the evidence, with local authorities believing this to be the remit of IE to take such referrals forward.

5.35   In contrast, one regulatory stakeholder told inspectors during interview that their organisation regularly received intelligence for information or possible action, with referrals submitted and triaged on a case-by-case basis according to the level of risk and priority. They further recounted 17 referrals made by IE, two of which were requests for information. They welcomed

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16   In its factual accuracy response, the Home Office stated: "The sector plans were only started in April 2023 and so only cover the latter end of the period. The restaurant sector was focused on in June 2023 inflating the number of visits to the sector within the reporting period. A risk assessment was conducted by HO Immigration Intelligence with input from wider labour market enforcement bodies and operational leads. The assessment ranked employment sectors from the highest threat to the lowest. This assessment informed IEs priorities for; engaging with partners to develop our understanding of the threats in sectors; work with employers and regulatory bodies to encourage compliance; and undertake enforcement activity. While this assessment ranked sectors risk strategically, it was not an assessment of risk in delivering a specific enforcement visit within a sector. It therefore would not require an ECIA. There is an overarching Equality Impact Assessment for the illegal working strategy. In many visits there is no named offender, and therefore officers will be unaware of who we encounter until the visit is in progress. The high concentrations of some nationalities should be considered against the wider diaspora of those nationals[s] in the UK."

17   Section 179 of the Licensing Act 2003 provides a right of entry to immigration officers in respect of immigration act offences suspected at premises licensed for the sale of alcohol and late night refreshment. If immigration offenders are located in licensed premises, the ICE team will consider whether to request that the licensing authority review the licence in place.

the intelligence from IE with regards to keeping them informed and used this in their decision making around supporting operations.

5.36   When stakeholders were asked whether ICE teams considered the impact of illegal working enforcement activity on the wider community, there was an even spread of responses ranging from extremely confident to not at all. One respondent referenced the need for the "police to be involved in the earliest stages of planning and part of deployment with a clear plan for dealing with any fallout".

5.37   One industry stakeholder recalled a lack of engagement by IE over the last five years and had no awareness of the illegal working enforcement strategy until recently, describing the Home Office as having a "fortress mentality". However, they did note how this had recently improved and spoke positively of a recent meeting between the Home Office and the agricultural sector.

5.38   Another stakeholder described how IE appeared to approach illegal working enforcement operations "in an investigative and respectful way" and, while they understood the need for an element of enforcement, to protect individuals and law-abiding employers, they also shared their view that there needed to be greater safeguards to protect vulnerable individuals encountered during enforcement visits and a greater awareness of safeguarding. They further stated that published guidance was not always clear for employers and that better guidance was required.

5.39   Interviews with Home Office operational officers and managers further highlighted varying degrees of stakeholder partnerships across the country, dependent upon the relationship with regional ICE teams. Where partnership collaboration existed, operational officers spoke of this working well. Of the 24 visits sampled by inspectors, five involved a joint visit with agencies such as the police, licensing authority, and Gangmasters and Labour Abuse Authority. Inspectors also observed positive stakeholder engagement during onsite observational visits with a local authority accompanying the team on one visit.

5.40   However, some operational staff felt there was silo working and scope for greater collaboration with other agencies. Clear disparities existed regarding relationships with local authorities which some officers described as "anti-IE" while others referenced a "very good relationship" leading to several 'closure notices' being issued.[18] Similarly, senior operational managers described the challenges in engaging with the police, emphasising the need to build local relationships and embed IE officers within police teams to improve co-operation.

5.41   Senior managers further explained how they used to have a responsibility for a sector which they would regularly engage with, but that this responsibility had moved to another IE department. As such, engagement at a local level now fell to IOs on compliance visits, handing out leaflets, which was described as "rather piecemeal". Another manager highlighted the need for analysis and an understanding of what the key threats are geographically to facilitate focused engagement but was not aware that such information existed.

5.42   Inspectors noted that nearly all interactions that took place between IE and other governmental departments on illegal working were at senior-managerial level and were almost exclusively strategic in nature. Inspectors were informed that IE is considered a 'key partner' alongside the Department of Work and Pensions and the Health and Safety Executive as part

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18   A closure notice is a power which may be used to close premises where an employer (or a person connected with the employer) operating at the premises is found to be employing illegal workers and has been previously non-compliant with illegal working legislation. https://assets.publishing. service.gov.uk/media/5a81f28ae5274a2e8ab56af7/Closure_notice_and_compliance_order_guidance_Jan_17.pdf

of a cross-departmental strategic co-ordination group set up by the office of the Director of Labour Market Enforcement (DLME).[19]

5.43   Those partners felt that they were well sighted on IE's illegal working strategy, including the business sector-based approach that IE was using to focus its activity each month under Project STERLING.[20] This mirrored and complemented the approach taken by the DLME.

5.44   In general, there was an overriding feeling by all stakeholders of the value and importance of a multi-agency approach, involving relevant government departments and law enforcement agencies. One senior IE manager commented: "Cross government illegal working … it can't just be us. It has got to be a whole system approach." Another senior official stated: "On a strategic level I would like to see greater government buy in … It is a cross-government issue … but I still get the sense we are driving this solely. We are driving this with people interested, as opposed to a concerted effort across government."

Conclusion

5.45   This inspection found that illegal working enforcement planning was largely carried out in line with operational guidance and procedures, but with some regional inconsistencies in aspects of planning. There was a nationally agreed system in place for obtaining information and intelligence from the police as part of the risk assessment process. However, disparities existed in the quality and detail of mandatory checks performed by ICE teams prior to deployments and there was an over-reliance on the police to provide intelligence. There was also a lack of clarity around how community impact and tensions were risk assessed, with a high proportion of illegal working enforcement activity risk rated 'green', or low to no risk, which in the absence of a formal ECIA raised questions around the robustness of the risk assessment process. Where collaboration existed with external agencies this appeared to work well, although there were regional differences with partnership working largely dependent upon the relationships developed with local ICE teams. The importance of a multi-agency and cross-governmental approach was shared by IE and key stakeholders alike, with scope for greater collaboration.

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19   The Immigration Act 2016 created the position of Director of Labour Market Enforcement to assess the extent of labour market exploitations, identify routes to tackle exploitation, as well as to provide strategic direction to organisations responsible for 'policing' and regulating the UK labour market. This includes the three main enforcement bodies: HM Revenue and Customs National Minimum Wage Unit, the Gangmasters and Labour Abuse Authority, and the Employment Standards Inspectorate.

20   Project STERLING is a strategic IE project to build a clear intelligence picture of illegal working using a business sector-based approach, as well as identifying and disrupting illegal working, safeguarding victims of labour exploitation, and engaging with industry representatives and community stakeholders to increase awareness around illegal working.

6. Inspection findings: operational enforcement activity

Operational briefings and operational orders

6.1 According to Home Office guidance relating to enforcement planning assessments, all operational visits must be properly tasked and have a clear command structure with a single officer in charge (OIC) and named gold (strategic role), silver (tactical role), and bronze (operational role) commanders. The bronze commander is usually the OIC and must be an arrest-trained officer of at least immigration officer (IO) grade, equivalent to the Civil Service Executive Officer grade.

6.2 It is the role of the OIC not only to ensure that risk assessment procedures have been completed, but that the necessary authorisations are in place and are still valid. It is also the responsibility of the OIC to ensure that information is current and accurate; the local police have been notified of all planned visits; all relevant equipment is available and in working order; a gold, silver, bronze structure is in place for the management of any critical incident; an operational order[21] has been compiled and circulated, where required; and that roles have been allocated to team members.

6.3 Home Office guidance in relation to enforcement planning also requires the OIC to ensure a briefing is provided to the team and that all officers taking part in the operation are invited. The guidance also states that it is best practice for briefings to take place immediately prior to any operation. Use of a full operational order using the IIMARCH procedure is reserved for red and amber risk visits.

6.4 Briefings for visits assessed as green are recorded digitally as operational orders on police reporting and notebook organiser and should cover details of the visit, including an overview of the intelligence received; details of the address to be visited; power of entry and a link to the map of the area; information regarding the subjects of the visit including the immigration offence and photograph; and designated roles and authorisation.

6.5 Once the briefing notes are complete, the OIC sends them to the digital notebooks of the officers assigned to the visit. Upon receipt, officers are required to record in the briefing section on PRONTO that they have read, understood, and accepted the briefing information. This should also be supplemented with a verbal briefing on the day of the visit. While there is no requirement to provide a full briefing on the day of the operation, it is the responsibility of the OIC to discuss any salient risks during the briefing.

6.6 Inspectors observed four 'live' briefings during the inspection and overall found them to be well prepared and detailed. Officers were briefed as to their responsibilities, with roles clearly defined and assigned including the OIC and gold, silver, and bronze command structure. Travel

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21   An operational order is used as part of the planning phase of an operation to provide structure and clarity to the operation. For red and amber risk visits it takes the form of the IIMARCH procedure (information, intention, method, administration, risk assessment, communications, human rights and other legal issues). For green risk visits the operational order is recorded in a digitised format on PRONTO and includes visit details, subject details, roles, and authorisation.

and parking were largely pre-planned as well as property layout and plans for entry to cover all known exits. All briefings were disseminated and accessed via PRONTO and officers with additional information were invited to share their knowledge. Reminders were provided around safeguarding and possible vulnerabilities, and further briefings onsite conducted dynamically, with care taken to ensure members of the public were not in a position to overhear.

6.7 Inspectors also noted, during sampling of enforcement visit records, that briefings were not always accepted on PRONTO by officers assigned to a visit. This could have serious implications should officers engaged in an operation be unaware of safety and critical incident procedures or wider organisational responsibilities around safe systems of working and safeguarding the public.

Resourcing – kit

6.8 On all the accompanied visits, inspectors observed officers equipped with Android smartphones and Personal Protective Equipment (PPE) including stab vests.

6.9 However, inspectors were told in interviews by operational staff that Immigration Compliance and Enforcement (ICE) teams struggle to obtain new, bespoke stab vests. Inspectors were told of officers having to wait up to a year to have their own properly fitted stab vest. This can lead to officers in the ICE teams having to use poorly fitting spare vests which may not provide adequate protection.

6.10 The operations observed were all undertaken in vehicles which were clean, modern, and a mix of marked and unmarked vehicles.

6.11 Biometric checking of those encountered on illegal working enforcement visits is done using a mobile system called 'Grabba', using specialist hardware.[22] Officers told inspectors this can be awkward to use and relies on mobile signal which is not always available on visits, and which has an influence on the effectiveness of operational activity.

Resourcing – people

6.12 People resourcing for illegal working enforcement activity is generally positive, with some areas for improvement.

6.13 ICE teams must compete with other Immigration Enforcement (IE) departments for staff, as the pay and conditions offered by different types of work vary.

6.14 Conversely, when asked about people resourcing in their area, a regional senior manager told inspectors:

> "[We are] … in a good place. Lots of new and engaged members of the team. About 18 months ago we had about three IOs in our area and we are at 16 now with plans to get up to about 35. Really keen and enthusiastic people and morale is good."

6.15 Inspectors noted when accompanying visits that some staff were still being mentored as they were relatively inexperienced but were being guided by more experienced officers and appeared enthusiastic and keen to learn.

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22   Checking individuals' biometric information against Home Office records.

6.16 Overall, inspectors observed that, as with all areas of the Home Office, ICE teams have to deal with resource pressures, but they have benefited from the recruitment of enthusiastic new officers. This meant that operational activity appeared to be well resourced. Additionally, the 24 cases sampled by inspectors also recorded having a similar number of officers engaged in visits, usually between six and 12.

Operations management

6.17 Inspectors observed during the briefings and visits that officers and managers had good working relationships. There were strong operational communications among the team and between teams on the ground and colleagues in the office, and a good attitude towards teamworking. While accompanying an operation in the South region, inspectors witnessed the OIC dynamically managing an evolving situation onsite, with multiple pressure points including a large number of staff in a busy restaurant, remote checks being made, and customers interacting with officers. The OIC was calmly overseeing this activity, actively standing officers up and down to manage public perception and communicating clearly with the duty Chief Immigration Officer.

6.18 Inspectors observed use of PRONTO, live telephone interpretation via 'The Big Word' interpretation service, and the procedure of requesting additional checks via officers based at the team's base office all working well.

Professional standards

6.19 Inspectors noted the professionalism of officers while observing enforcement operations. At all the visits attended, inspectors observed officers being calm, unthreatening, polite, and treating people being questioned with respect. Inspectors observed officers speaking to individuals in quieter areas where they could not be overheard, where possible, and not crowding around individuals in a manner that could cause the individuals to feel threatened or intimidated. In one instance, officers politely asked a curious member of the public to move away from them as they undertook an interview with an arrested person.

6.20 Inspectors observed the awareness of ICE teams of the need to minimise their impact on legitimate business. Checks to establish the status of an individual or their right to work were undertaken as quickly as possible to allow 'legitimate' workers to go back to their work. Additionally, this kept the team presence as low-key as is possible.

6.21 Analysis of PRONTO records showed that consideration was given to public perception of proportionality in visits, by ensuring an appropriate number of officers attended sites. For example, a team of five officers were deployed for a visit to a small premises and, in another example, there was an illegal working enforcement visit to a residential property, a terraced house, where only a smaller team was used to undertake the visits out of the whole team of nine officers. Using all available resources could have presented a heavy-handed approach and likely have caused logistical problems within the property due to space constraints and the optics of a large team descending on a small premises.

Public encounters

6.22 By their nature, IE operations are highly visible and are considered controversial by some members of the public. While onsite with the Bristol ICE team, inspectors observed officers

speaking professionally and in a non-confrontational manner with a potential protester who had interrupted the operation.

6.23 During file sampling, officers noted a critical incident that developed following entry to the premises. The OIC became aware of a growing protest. The situation escalated further when more protestors gathered, eventually reaching a significant number, causing concern about potential blockages to exits. Recognising the potential impact on the visit, the safety of arrested persons and officers, and the ability of the official vehicles to leave safely, the OIC declared a critical incident[23] and called for police assistance.

6.24 The protest grew to over 30 individuals, posing further challenges for the safety of officers as the premises was in a cul-de-sac. Throughout the event, the protestors were reported to be non-confrontational, but continued to surround the officers' vehicles, speaking with staff and taking photographs, demanding the release of arrested persons. The staff and manager of the business did not wish for the protestors to be on the premises, and this prompted the protestors to move away from the front of the business.

6.25 The OIC's swift actions included communicating with the necessary authorities to seek assistance, recognising the potential risks, and taking steps to ensure the safety of all involved. This proactive and dynamic management of the situation helped ensure the safety and eventual departure of all involved in a growing and potentially challenging and dangerous situation.

6.26 Despite this, officers told inspectors that there was no set procedure for how to deal with potentially disruptive members of the public, but rather, it was considered part of the job and to be managed dynamically on a case-by-case basis.

Safe systems of work

6.27 The Home Office has guidance covering enforcement visits, including safety and personal protection. It outlines the processes to be followed and equipment to be used in various types of enforcement visits, including:

1. responsibility for safety (the duties of both employees and their managers)
2. mandatory safety training
3. planning risk assessments
4. personal protective equipment (PPE)
5. safe searches of premises and people
6. environmental risks
7. dealing with people
8. use of vehicles
9. first aid
10. post-incident support

This list is not exhaustive but indicates the emphasis that is placed on the safety of both officers and those encountered by IE.

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23   Declaring a critical incident allows the OIC to access additional resources quickly.

6.28 Inspectors observed safe systems and ways of working both onsite and when examining PRONTO records. Inspectors did not observe any critical incidents while accompanying enforcement teams onsite. However, file sampling conducted for this inspection included analysis of six critical incidents. In all six examples, inspectors noted good, detailed notes being taken, outlining the actions taken by OICs and the rationales for decisions made. These notes allowed for post-incident analysis and for lessons to be learned. Safety issues were actively considered and largely in line with guidance.

6.29 Between July 2021 and August 2022, around 4,000 illegal working enforcement visits took place, meaning that, with only six critical incidents having been called, operations appear to be executed in as safe a way as possible.

PRONTO – record keeping

6.30 Officers spoke positively about IE's PRONTO system. The user interface guides users through each 'form' to record the specific enforcement activity or work being undertaken, that is, an encounter with a person suspected of working illegally, or a search of premises, task by task. Officers open the relevant form when undertaking an activity. The system then guides the officer through set or proforma questions, which are then completed by the officer. This ensures officers complete all the necessary tasks during any encounter.

6.31 Before the introduction of PRONTO, operational staff were instructed to record all details of an enforcement visit individually in their pocket notebooks, with the whole team's actions recorded in a visit record book. Both formats were handwritten.

6.32 The fact that the mobile PRONTO system records a time stamp and adds a 'geolocation tag' on entries made means that its value for evidential and auditability purposes is greatly increased compared to the previous paper records.[24] It also enhances the safety of team members within the operational environment. For example, as it can record the entry and exit from premises, it allows for both the operational OIC and any manager live-monitoring the system remotely to account for the whereabouts of their staff at any given time.

6.33 Once a visit has taken place, regardless of whether entry into the premises was achieved or not, it must be 'closed' on the system by the OIC. At this stage, departmental instructions state that the OIC "must ensure that all officers have completed all relevant forms and that all officers have marked themselves as 'Departed' before closing the visit". Guidance states: "There is the option to add any closing comments/debrief information" and: "It is essential visits are checked and closed at the earliest opportunity, but no later than 48 hours after they have taken place."

6.34 In the main, both operational and managerial staff within IE were positive about the use of PRONTO for recording visit information. It was considered by staff to be a useful platform that was quick and easy to use, that evidenced accountability for actions, and was auditable. In particular, managers spoke of the ease with which they could retrieve management information from operational systems and records.

6.35 There were some minor criticisms by staff of PRONTO. Some said that the layout of the system was not intuitive, with officers having to move back and forth in the hierarchy to get to commonly used forms. IE managers commented that the process-driven nature of PRONTO provided little room for variation in questioning. A focus group of officers told inspectors that

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24   A geotag is an electronic tag that assigns a geographical location to digital record when it is made.

this prescriptive feature means newer officers do not get the opportunity to widen their skill set and meant they were often spending a lot of time looking at their smartphones.

6.36 Staff of all grades questioned why PRONTO did not connect directly with other Home Office systems as this would enable operational outcomes to be automatically linked to overall immigration case outcomes. Inspectors noted that analysis of such information would be beneficial for better directing work and processes in the future.

6.37 Inspectors noted that PRONTO helps to facilitate mostly consistent, standard, and timely record keeping. This means data is of a high quality, which is consistent with the ICIBI's expectations that decisions 'are recorded and communicated accurately … and can be readily retrieved' and that Home Office 'owners' are accountable for performance (informed by routine collection and analysis of management information.[25]

Use of powers

6.38 Immigration officers have at their disposal the ability to exercise several coercive powers. Such responsibility requires that powers are used appropriately and that, when used, their use is recorded to demonstrate that they are exercised in a way that is proportionate, legal, accountable, and necessary.

6.39 Executing illegal working enforcement operations involves using a number of coercive powers from a number of pieces of legislation. A key example is the power to enter a premises, which can be done in a number of ways, such as:

1. under Section 179 of the Licencing Act 2003, which allows officers to enter a licensable area

2. by 'informed consent' where the owner or manager of the premises is informed that immigration officers would like to enter and gives permission

3. with a warrant obtained from either a magistrate (in England and Wales) or a sheriff (in Scotland) under paragraph 17(2) of schedule 2 to the Immigration Act 1971

6.40 Data provided by the Home Office detailed the intended powers of entry to be used in enforcement visits, as shown in figure 6:

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25 https://www.gov.uk/government/publications/icibi-expectations-for-inspection

Figure 6: The intended power of entries to be used as a percentage of all illegal working enforcement visit undertaken between 1 August 2022 and 31 July 2023

Power of entry	%
Informed consent	59.0%
Section 179 Licensing Act 2003	22.6%
Warrant	16.9%
Assistant Director letter (Section 28CA Immigration Act 1971)	0.1%
Other or not recorded	1.4%

6.41   In accompanying operations, inspectors observed teams using their powers of entry correctly and appropriately. However, analysis of second-line assurance reports by managers showed discrepancies where either the wrong powers have been used, powers have not been used properly, or where these have been mis-recorded. Examples include officers apparently not gaining consent while entering premises using informed consent, and seizing goods without making the proper declarations, which would lead officers open to allegations of theft.

6.42   Although inspectors observed a high level of compliance with power of entry procedures during visits, second-line assurance data provided by the Home Office shows a different picture. This suggests inconsistencies across illegal working enforcement visits and/or poor record-keeping on PRONTO entries. It is important that officers' use of powers of entry are used and recorded properly, as they are ultimately a coercive power.

6.43   Inspectors concluded that second-line assurance, was identifying issues in the use of powers as well as other areas.

Focus on 'encourage' and 'engage'

6.44   In line with the 4Es model, inspectors observed officers taking time both to engage with individuals at the premises they were visiting during operations, and to encourage compliance. In one location, an individual who had been checked and determined to have the right to work in the UK, was explaining that his application to the Home Office for permission to remain in the UK was significantly beyond published service-level agreements. The officers took the time to listen to him and directed him to official sources of information, such as contacting his Member of Parliament or Citizens Advice Bureau.

6.45   On other visits, inspectors observed officers taking the time to engage with business owners and encourage compliance through reminding them of their obligations to check that employees have the right to work. This is in line with the Home Office's strategy not to focus solely on punitive measures, but to encourage compliance.

Safeguarding

6.46   As well as having regard to safeguarding and vulnerability issues, immigration officers must also act appropriately when they encounter suspected modern slavery. This is generally via the government's National Referral Mechanism (NRM) which is a framework for identifying and

referring potential victims of modern slavery to ensure they receive the appropriate support. Referrals are made through an online form.

6.47 Examination of evidence provided for this inspection showed IE joint working with other government departments as part of Operation AIDANT, a multi-agency operation specifically targeting modern slavery.

6.48 The Immigration Enforcement National Safeguarding Engagement and Co-ordination Team (IE NSEC) was formed in 2018 to oversee safeguarding within IE. IE NSEC's primary responsibility is equipping ICE teams with tools and knowledge to protect vulnerable individuals, setting strategies, and collaborating with both internal and external partners on safeguarding issues.

6.49 The IE NSEC is supported by Safeguarding Champions across various business areas, acting as initial points of contact for colleagues dealing with vulnerable individuals. These champions offer guidance and support but can escalate complex issues to the NSEC for further assistance. This safeguarding model empowers individual areas to manage and respond to vulnerability risks they encounter.

6.50 The IE approach to mitigating vulnerability risks involves a five-step 'Person-Centred Approach', including:

- risk identification
- response selection
- referrals
- comprehensive record-keeping
- assurance through review processes

6.51 The IE NSEC collaborates with illegal working enforcement activity to embed safeguarding within operations. Staff undergo mandatory training on vulnerability, including modules on Child Safety and Modern Slavery. Moreover, the IE NSEC provides additional resources, maintains guidance, and offers operational instructions to aid frontline teams in responding to safeguarding concerns effectively. During onsite visits, inspectors noted that officers were approaching their operational activity with an awareness of their duties in regard to safeguarding. Inspectors concluded that the work of the IE NSEC could be considered to have added value to safeguarding within IE.

6.52 Between 1 August 2022 and 31 July 2023, IE made 24 referrals to the NRM for those encountered during illegal working enforcement activity.

Guidance on the go

6.53 The ability to access policy and guidance 'on the go' is an issue for ICE teams. Inspectors observed the Microsoft SharePoint-based system being difficult to navigate. This was raised in several interviews conducted with IE staff, with one employee saying:

> "Accessibility of guidance is a real issue for me, and I talk as somebody who refers to the guidance pretty much every day. Horizon was awful and SharePoint isn't much better in my opinion. You need to know which area to look or where that document is to find it. Given that I struggle to find them when I know where most documents are, I think your average officer has got no chance."

6.54   This compares poorly with the on-the-go guidance available in other areas of the Home Office, such as to Border Force officers who are able to access, via a bookmark on their Home Office-issued smartphones, the Border Force Ocelot Guidance Hub. This system is highly searchable and provides logically laid-out information.

6.55   While onsite with the Bristol ICE team, inspectors witnessed immigration officers attempting to seek guidance about a lesser-encountered type of potential immigration offence, sham marriage or sham civil partnership.[26] The officers returned multiple documents from a search of both Microsoft SharePoint and the Migration and Borders Guidance sites.

6.56   Furthermore, once the relevant documents were identified, they were in PDF or Microsoft Word format rather than being presented in a mobile-friendly format.

Operational partnership working

6.57   There was limited evidence that ICE teams were actively undertaking joint operational working routinely with a number of their counterparts in other government departments (OGDs). For example, inspectors were informed that no joint working had been undertaken between the Health and Safety Executive (HSE) and IE between April and October 2023. The HSE did describe the working relationship as "good" and stated that in the same period it had received 15 referrals of information and two requests for information from ICE teams. ICE teams have access to a table of powers held by labour market enforcement bodies and can use this when considering joint activity.

6.58   An exception to the paucity of joint working with OGDs was the participation of IE in Operation AIDANT. This is co-ordinated by the National Crime Agency (NCA) and run nationally every year. It involves local police forces working alongside partner agencies to focus on vulnerability, exploitation, and modern slavery. Two of the 24 visit records that this inspection reviewed featured this joint working.

6.59   Conversely, there was plenty of evidence in PRONTO records that ICE teams were routinely undertaking working with partner agencies, particularly the police and local authorities including licensing and environmental health departments.

6.60   The Gangmasters and Labour Abuse Authority, which is an arm's-length body sponsored by the Home Office, stated that it had conducted several joint operations with other agencies including UK police forces, the NCA, UK Border Force and IE. These operations have covered various industries/sectors ranging from the garment industry, the care sector, and the agriculture sector to car washes.

6.61   On one of the visits that the inspection team observed in Sheffield an environmental protection officer had an interest in the business being visited and attended jointly with the ICE team.

6.62   Statistics from visits undertaken by ICE teams nationally between 1 August 2022 and 31 July 2023 showed that on 15% of occasions, a joint operation had taken place.[27]

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26   Under section 24 and 24A of the Immigration and Asylum Act 1999 a sham marriage or civil partnership is one in which all of the following apply: one or both of the parties is not a relevant national; there is no genuine relationship between the parties; either or both of the parties enter into the marriage or civil partnership for the purpose of circumventing UK immigration controls. https://www.gov.uk/government/publications/marriage-and-civil-partnership-referral-and-investigation-scheme

27   HO data compared to extracted data from PRONTO.

Conclusion

6.63   Inspectors found that illegal working enforcement operations were well managed and dynamic. Staff engaged in operations observed by inspectors were clear as to their individual roles, the environment in which the operation would be taking place, and the overall aim of the operation. Equipment appeared adequate and inspectors observed good use of PRONTO, which allowed a live interface with colleagues in the office. IE would benefit from better mobile equipment to check biometrics, and access to easier-to-navigate guidance on the go.

7. Inspection findings: post-operation activities

Debriefing consistency

7.1 Debriefing, in illegal working enforcement terms, is the process of self-reflection and record keeping following a completed visit. It usually takes place in two phases:

1. Feedback is given by means of a team discussion on the conduct and actions taken during an operation. Following a visit, each member of the team will have the opportunity to state what they thought went well, what aspects could be improved upon, and provide any other salient items arising from the visit. This can be done verbally at a debrief session after the visit (often the same day, but sometimes the following day) but, if that option is not possible, feedback can also be provided by email to the officer in charge (OIC) in the days following the completed operation. In the case of written returns, the OIC can then collate and summarise any submissions before disseminating to the officers involved in the visit

2. The OIC will take the feedback provided by the team plus any other relevant outcomes and observations and enter a summary in free text on PRONTO in the associated area for that visit record

7.2 The Home Office does not have guidance or templates for officers on how a debrief note should be structured and what the department's minimum expectations for the contents of the note are.

7.3 A well-recorded debrief has many benefits for the department including providing feedback on intelligence supplied, noting of practical information for future visit planning, generating onward referrals, and acting as a form of self-assessment of record keeping.

7.4 The fact that there is no standardisation of the structure and contents of a debrief, at present, means that many of the benefits noted above risk being missed. This was borne out during inspectors' review of a random sample of 24 visit records from operations conducted between 1 August 2022 and 31 July 2023. In general, the debrief notes for these visit records were minimal and gave no detail of the operational resource, activity undertaken, or other potentially useful information. A typical note, in its entirety, was 'X2 staff encountered, both cleared.' Another was 'no offenders encountered'. These contrasted with the following anonymised (by ICIBI) debrief record shown in figure 7.

Figure 7: A debrief case study

A visit was conducted at ****** ** ****** Street ******** *** *** on **/**/****. The OIC of the visit was Immigration Officer ******* and officers were deployed in full PPE. There was a named target on this visit the individual was no trace on H.O systems. Home office received intelligence suggesting that ******* IND Male was employed at ****** ** ****** Street ******* *** ***. Female present provided her name as ******* who stated manager ********* is at a dental appointment. Call made to ******** to seek consent who stated **** would not give it **** would have to speak to then owner who **** can't call as **** is having dental treatment. ****** was asked about the named individuals- denied knowing ****** but acknowledged ****** and disappeared to the kitchen for a few mins before returning and stating she didn't know of ***. Approx 7 females seen present 2 of whom were at front counter. None appeared to have an adverse reaction and were seen continuing to work. A customer told officers that the owner has 2 more shops, one in ******* and one on the same road- further details not known. Rear cover officers encountered a male and female at the rear of premises who were coming down from residential premises above the shop to enter via rear however on sight of officers attempted to return back into the premises. Officers engaged with the pair due to what they believed was an adverse reaction – both cleared as students with valid leave. Officers stood down at 1338hours. The following list are the people encountered: 1) ********** IND **/**/****. Issued with a student visa on **/**/** valid until **/**/**. VAF ********* 2) ********** IND **/**/****. Issued with a student visa valid from **** to ****. All Officers vacated the premises at approx. 13:38 7hrs. An operational debrief was conducted upon return to Lunar House as mentees on visit.

7.5 The level of detail in this more fulsome debrief record gives the reader a better understanding of exactly what activity was undertaken on that visit, who was encountered, and also a clear picture as to the reasoning behind the eventual outcomes.

7.6 The stark discrepancies between these examples of debrief recording show that there is no clear expectation or standardised process for this work. This inconsistency in debriefing returns did not feature within the current assurance regime.

7.7 One of ICIBI's 'expectations' is that decisions and actions are 'right first time' including being recorded and communicated accurately, in the required format and detail, and can be readily retrieved. [28] Currently, debrief recording does not meet this expectation.

Measures of effectiveness

7.8 While the Prime Minister's announcement in December 2022 to increase raids on illegal working by 50% was exceeded by achieving an increase of 68%, this is an objective that relates purely to activity rather than outcome or effectiveness.

7.9 To be able to measure the effectiveness of its Immigration Compliance and Enforcement (ICE) teams against illegal working activity, the Home Office must first have clarity about what the objectives of its illegal working strategy are.

7.10 In addition to Immigration Enforcement's (IE) core missions, there is an 'Illegal Working Strategy' document, published within IE in January 2021, wherein three reasons are offered as to why action is required to counter illegal working:

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28 https://www.gov.uk/government/publications/icibi-expectations-for-inspection

- deter illegal migration
- safeguard the vulnerable
- protect the UK economy

7.11 There is no priority assigned to these three objectives, and, currently, there are no specific operational objectives flowing from these at either a national or individual ICE team level.

7.12 The deterrence effect of any enforcement function is hard to quantify in isolation, but especially so when the issue is as complex and multifaceted as the topic of 'illegal migration'. 'Safeguarding the vulnerable', unless further defined, means different things to different people, while measuring the impact of illegal working operational activity in protecting the UK economy is indirect at best.

7.13 The strategy document goes on to link the 4Es model (which has four 'strands' with the titles 'engage', 'encourage', 'enable', and 'enforce') to its delivery while acknowledging that "three out of the four strands relate to prevention, and only those businesses who steadfastly refuse to comply will be subject to enforcement action".

7.14 The 'enforce' strand has four objectives listed:

- disrupt organised crime
- use of full range of sanctions
- protect the vulnerable
- encourage voluntary returns but enforce where necessary

7.15 As with the overarching objectives of the strategy, none of these are prioritised and no metrics of success are defined.

7.16 The section in the document that deals with evaluation of the strategy consists of two paragraphs which are as follows:

> "In order to assess the effectiveness of our efforts to counter illegal working, evaluation will be crucial. We will look to Home Office Analysis and Insight colleagues to monitor the impact of the 'Right to Work' scheme as one of a suite of measures to deter illegal migration."

And:

> "In addition, any campaign, prolonged intensification, or other defined operational activity will include objectives and an evaluation plan in the planning. Evaluation can take many forms but will link directly to the objectives of the activity that were agreed in the planning. Ultimately the objectives of any activity must be to drive long term behavioural change."

7.17 This wording gives an indication of the difficulties that IE has in quantifying its effectiveness when it comes to illegal working enforcement activity.

7.18 Senior managers in IE have access to the illegal working strategy quarterly dashboard which attempts to measure and compare performance, from a recent historical perspective, in a quantifiable manner. The dashboard is a Microsoft Excel spreadsheet containing seven tabs, of which the two most relevant, to this inspection are labelled 'Success Criteria' and 'Enforce'.

7.19   The 'Success Criteria' tab sets the 4Es model into three groups by combining the encourage and engage strands into one. For the enforce strand, there are six objectives listed:

- disrupt organised crime
- "enforcement visits are conducted" against those suspected of being non-compliant
- apply sanctions against non-compliant employers
- remove people with no right to work from the labour market
- promote voluntary departure or enforce return where appropriate
- protect the vulnerable

7.20   As with the strategy document, there are no metrics set for the objectives on the dashboard and, hence, all of the 'success criteria' are assessed in a subjective, narrative fashion.

7.21   The 'Enforce' tab goes into greater detail for each of the six listed objectives. Despite there being no 'success' metrics against any objective, data is used to assess national performance in five of the six of them.

7.22   The objective that doesn't have any data assessed for it is number five: 'promote voluntary departure or enforce return where appropriate'. The narrative that accompanies this in the June 2023 dashboard is as follows:

> "Returns continue to be limited. Voluntary return conversations are happening where appropriate. Changes to system in 2022 have impacted on our ability to report on returns associated with illegal working at this time making analysis of any trends currently limited."

7.23   The Home Office explicitly acknowledged here that linking enforcement operational outcomes such as arrests, papers served on illegal entrants or overstayers, and detentions, which are recorded on the PRONTO system, with returns, which are recorded on the caseworking Atlas system, is complex and not currently happening.[29]

7.24   For the other five objectives, the data analysed is as shown in figure 8 below:

Figure 8: A summary of enforcement metrics and their red, amber, green (RAG) ratings

Objective	Data used for analysis	Current RAG rating (June 2023)
1. Disrupt organised crime	• Criminal and financial investigations – live and closed • Cash seizures and forfeitures • 'Confiscation orders'	Green
2. Enforcement visits are conducted against those suspected of being non-compliant	• Illegal working visits closed/completed – enforcement & other	Green

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29   In its factual accuracy response, the Home Office stated: "Until an automated solution is implemented this would have to be undertaken through a manual and time-consuming process."

Objective	Data used for analysis	Current RAG rating (June 2023)
3. Apply sanctions against non-compliant employers	• Civil Penalty Referral Notices given to employers by ICE teams • Civil penalty issued following ICE team referrals • Civil penalty debts collected • Licencing referrals • Closure Notice referrals • 'Director Disqualifications'	Green
4. Remove people with no right to work from the labour market	• Foreign national encounters & arrests	Green/Amber
5. Protect the vulnerable	• Social services referrals • National Referral Mechanism referrals • Section 55 (safeguard and promote the welfare of children) issues encountered	Green/Amber

7.25 The fact that these five objectives are currently self-rated green, or green/amber, indicates that IE managers are broadly satisfied with their performance in this business area.

7.26 Operational enforcement work, in itself, has a limited number of outcomes such as visits undertaken, arrests or detentions made, Civil Penalty Referral Notices (CPRNs) issued, safeguarding issues identified, and information gathered for onward referral.

7.27 Each of these can be measured but none, in themselves, demonstrate the effectiveness of the activity being undertaken. This is not surprising given the uncertain, dynamic nature of the real world in which this work takes place. Visits will not always result in arrests, detentions, or CPRNs being issued. This could be due to:

- businesses closing, changing owner, moving location, or other similar reasons
- intelligence packages issued on information that is now out of date, is erroneous, or even sent in with malicious intent, for example, to potentially cause reputational damage to a rival business
- physical access to a premises not being possible or consent not being granted by the person managing that premises when consent is required

7.28 Following on from operational work, when arrests and detentions are made on a visit and/or CPRNs are issued, the resultant caseworking is undertaken by another part of IE. ICE teams do not consider applications for permission to remain in the UK made after somebody has been encountered, nor do they arrange any subsequent removal directions if those applications are refused.

7.29 Similarly, CPRNs are considered by a specialist team and ICE teams have no further influence after the initial encounter, evidence gathering, and subsequent referral have been completed.

7.30 Three of the aims of illegal working activity that operational teams could be seen to directly influence by their own actions are:

- deter illegal migration (and, in this case, specifically, illegal working)
- safeguard the vulnerable
- apply sanctions against non-compliant employers

7.31 Each of these areas could be measured in a specific manner to show that operational and educational activity is influencing compliant business behaviour and that recording of consideration of safeguarding issues and CPRNs recordings and retain as are clearly made for every visit.

7.32 An example of this might be that positive observations (or otherwise) or presentation of statutory defenses, (such as identity and permission to work record keeping) being made readily available to ICE teams by businesses are included as part of a debrief expectation. This would enable an element of their deterrent effect to be recorded and trends noted.

7.33 Since March 2023 the Home Office has published figures concerned with illegal working activity as part of an ad hoc statistical release of data relating to the Illegal Migration Act.[30] The latest of these statistics, updated on 24 October 2023, showed that the number of enforcement visits to counter illegal working, subsequent arrests and detentions and civil penalties issued all increased during the period January 2023 to September 2023 when compared to the same period in 2022.

7.34 Overall, the current suite of measures within the dashboard does allow senior managers to review some trends and aspects of operational delivery and these are useful from an internal perspective to understand how this business area is operating. However, measuring trends is not the same as measuring the effectiveness of ICE teams' work.

Assurance

7.35 ICIBI expectations state: "Safeguards, management oversight, and quality assurance measures are in place, are tested and are seen to be effective" in order for errors to be "identified, acknowledged and promptly 'put right'.[31]

First-line assurance

7.36 At the time of this inspection, formal first-line assurance procedures within ICE teams remain suspended following the impact of the COVID-19 pandemic on ICE team operations. This, however, is not to say that managers were not assuring their team's work. Managers of all grades spoke of assurance taking place and expressed feeling regularly and thoroughly assured, both externally and internally.

7.37 Chief Immigration Officers (CIOs) and His Majesty's Inspectors (HMIs) told inspectors that assurance activities occur regularly, that standard monthly management checks involve reviewing various 'forms' on PRONTO, and that they also conduct further 'local' weekly

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30   https://www.gov.uk/government/statistics/statistics-relating-to-the-illegal-migration-bill
31   https://www.gov.uk/government/publications/icibi-expectations-for-inspection

assurance checks covering operations from the previous week, reviewing their teams' job performance to identify areas that require attention:

> "Quality assurance checks are documented within the system itself, either through an assurance tab or by inspecting visits. These checks are ideally performed once a month, with no separate spreadsheet used."

7.38 As part of this inspection, inspectors examined the case files for 24 illegal working enforcement operations undertaken by ICE teams nationally. For each operation, inspectors considered whether the notes on PRONTO showed any evidence of quality assurance checks having taken place. Nine of 24 (35.7%) cases had such evidence. However, inspectors were not able to determine who had undertaken these checks, for example, managers as first-line assurance or by members of the Operational Assurance Team (OAT) as second-line assurance.

7.39 The OAT considered that: "First-line assurance is the responsibility of line management …. The onus is on line managers and operational staff to resolve issues if their staff are not complying with guidance."

7.40 Managers spoke of performance issues, such as powers used for entry and for search, changing on a month-to-month basis, but shared a view that the volume of work that staff have to complete is affecting performance. Furthermore, inspectors noted managers' commonly held belief that rather than poor operational performance, assurance outcomes are a greater reflection of the quality of record-keeping rather than actual performance activity. Inspectors considered both to be indicative of poor performance. This is consistent with onsite observations made by inspectors. One manager stated:

> "The responsibility for assurance mainly lies with CIOs and HMIs. Staff members have a heavy workload, making record-keeping a challenge. Despite this, the assurance process is seen as helpful in identifying issues that can be addressed."

7.41 Another explained: "The challenge is remembering to do this, and while good IT can assist, it has added to the difficulties. Many issues revolve around record-keeping, not job performance." Inspectors' findings from both onsite observation and case file examination are consistent with this assessment that record-keeping in relation to first-line assurance is suboptimal and that managers are, even on an ad hoc basis, applying some assurance checks within illegal working enforcement operations.

7.42 Inspectors were advised that a first-line assurance programme was set to be re-introduced for ICE teams over the following two to three months and with the range of checks being aligned to those being undertaken by the OAT at second-line assurance.

Second-line assurance

7.43 Second-line assurance activity is overseen by the Operational Assurance Team which sits in the Risk Assurance and Performance Team of the recently formed Operational Capabilities Command. The team "conducts second-line assurance of ICE operational activity including:

- observation of ICE operations and ROM (Reporting and Offender Management) counter activity
- reviewing illegal working and public operations
- thematic reviews and deep dives into the use of certain practices or powers"

7.44 The OAT is led by a Grade 7 member of staff and comprises seven CIOs and two Higher Executive Officers.

7.45 Assurance checks are based on checklists which cover current published guidance, legislation, and processes. Different checklists exist for observations and reviews.

Observations

7.46 Observation visits conducted by the OAT result in each ICE team being given a rating of either red, amber, or green (RAG). While each team is to be visited at least two times per year, the rating achieved determines when the ICE team would be re-visited. For example, a green rating will result in a re-visit after around six months; an amber rating, where some issues are noted, will result in a further visit after about two to three months; and visits which result in a red rating, with a higher number of recommendations or a legal breach, will result in a re-visit within one month of that report being published. Figure 9, below, shows the outcomes of visits conducted between 1 August 2022 and 31 July 2023 for each ICE team.

Figure 9: A breakdown of OAT observational visits by ICE team and by RAG outcome

	Red	Amber	Green	Total
Central London			1	1
East Midlands		2	4	6
East of England		1	3	4
North East London		1	1	2
North East, Yorkshire & Humber		1	5	6
North West			3	3
Northern Ireland		1	1	2
Rapid Response Team	1		1	2
Scotland		1	1	2
South Central		1	1	2
South East			4	4
South London			2	2
Wales & West of England		3	4	7
West Midlands		1	1	2
Total	1	12	32	45
%	2%	27%	71%	

7.47 The majority of visits resulted in a green rating. Reassuringly, only one observation visit resulted in a red rating. These results are largely consistent with what inspectors identified during onsite observations.
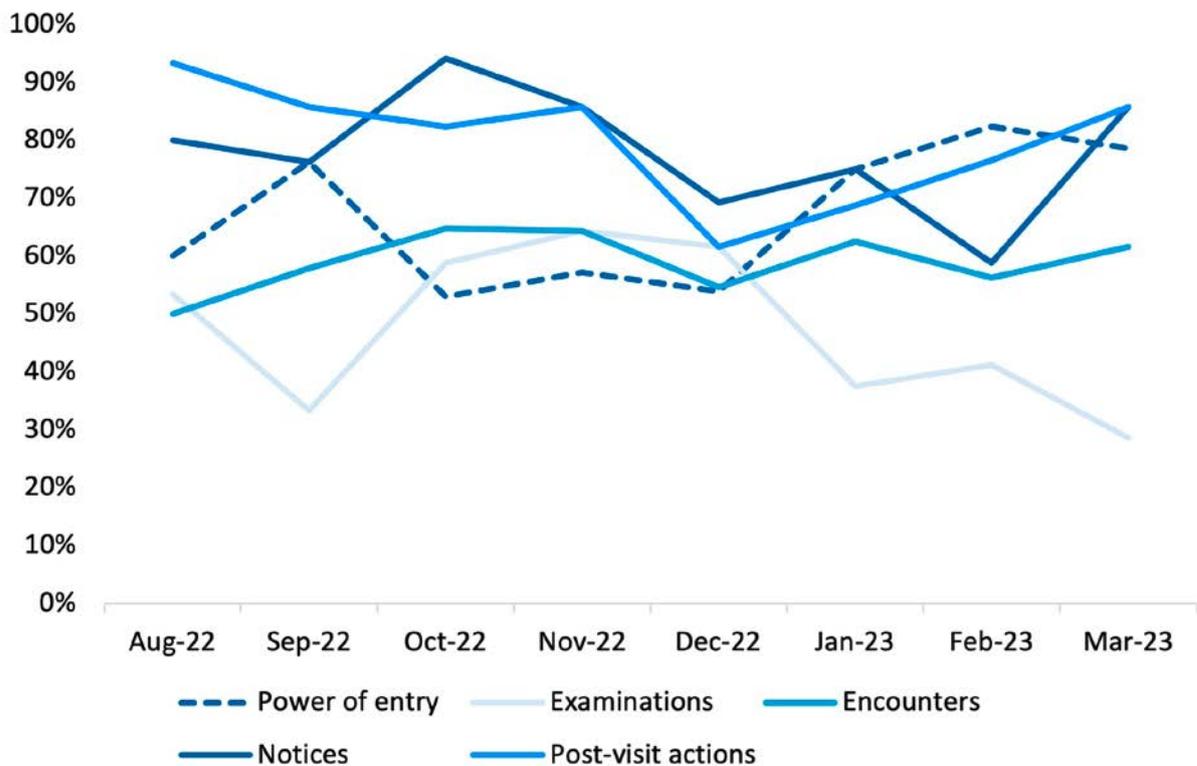
Operation Assurance Team reviews

7.48 The OAT also conducts monthly reviews of operational visits undertaken by ICE teams. It does this remotely, accessing case records through PRONTO and marking them against a checklist of various criteria.

7.49 Between 1 August 2022 and 31 July 2023 the OAT undertook 127 reviews. Inspectors sampled the outcomes of those reviews, with a particular focus on whether:

- a referral notice or a no action notice under the illegal working civil penalty scheme was served in line with guidance
- all completed interviews were recorded in line with guidance
- the power of entry was completed in line with guidance
- all examinations were recorded in line with guidance
- post-visit actions were completed in line with guidance

7.50 As part of its reviews the OAT uses a detailed checklist to consider whether actions across these five areas are applicable to a specific deployment and, if so, whether they are completed in line with guidance. Inspectors noted that ICE team performance in these areas were inconsistent. While there were some upward trends suggesting an apparent improvement, on the whole scores fluctuated from month to month, as shown in figure 10.

Figure 10: Month compliance trend with policy and guidance by ICE teams recorded as a percentage across five visit metrics

Feedback loops

7.51 For both operational visits and reviews conducted, the OAT provides feedback to individual teams and also reports to senior management to take forward issues identified following assurance, as well as working with the Training and Skills Unit and policy teams to identify and address any gaps in training or guidance. A manager working in assurance explained:

> "Reports are initially shared with the ICE lead and then circulated to their Grade 6s. The reports are also seen by the individuals involved in the visit, including the officers in charge. Line managers are responsible for taking action on the reports and implementing the recommendations."

7.52 The responsibility for addressing issues sits with operational line managers, as first-line assurance. Managers told inspectors that:

> "… learning gaps are typically addressed quickly. We identify knowledge gaps through debriefs, one-on-one discussions, and similar methods."

7.53 Senior managers spoke of their confidence in the assurance regime and of how this fitted into the wider system to ensure that it drove activity, saying:

> "The assurance team conducts a monthly check-in with the senior management team, ensuring consistency. Best practice forums with the Assurance team help address flaws in reports, foster innovation, and share best practices. The considerable number of CIOs in different regions enables on-site assessments."

Assurance of planning

7.54 In reviewing evidence related to assurance, inspectors noted that checks undertaken by the OAT did not incorporate checks at all planning stages of operational activity. As discussed in chapter one, mandatory checks were often not recorded as having been undertaken, and 'recces' of addresses to be visited were suboptimal.

7.55 Inspectors concluded that the current second-line assurance regime is identifying operational performance issues. However, it was not apparent, at the time of this inspection, that this was driving improvements in operational performance, a matter that is arguably being affected by the absence of a formal first-line assurance programme and a more robust feedback loop into operations.

Conclusion

7.56 The quality of debriefs and other post-visit activity was inconsistent and, consequently, did not ensure that the informing of future activity and accurate recording of IE's activity were best maintained to protect both the Home Office and the public. While the department is able to record its measures of effort, it does not have a consistent approach to measures of its effect. While a good second-line assurance process exists, the lack of a formal first-line process is inhibiting the driving of continuous improvements.

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 At 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)

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