



An inspection of the Border Force operation to deter and detect clandestine entrants to the UK

August 2024 – November 2024

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Independent Chief Inspector of
Borders and Immigration (Interim)

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Foreword

This inspection examined the Border Force operation to deter and detect clandestine entrants at the juxtaposed controls in northern France (Calais, Coquelles, and Dunkerque), focusing on how efficiently and effectively staff resources and detection techniques are used and on Border Force's engagement with security contractors, port and transport operators, and the French authorities.

It also examined the operation and management of the Clandestine Entrant Civil Penalty Scheme (CECPS), which seeks to ensure vehicle owners and drivers secure their vehicles to prevent access by clandestine entrants, and the Civil Penalty Accreditation Scheme (CPAS), which incentivises hauliers to operate an effective system for securing their vehicles and preventing the carriage of clandestine entrants through penalty reductions. It looked at the resources and systems used to manage the two schemes, engagement with the road haulage industry, the imposition and collection of penalties, and the impact of new legislation introduced in 2023.

Over the course of the last decade, the UK government has contributed hundreds of millions of pounds towards the strengthening of security measures in northern France with the aim of preventing migrants from entering the UK illegally. Since 2020, spending has been focused on combating 'small boat' crossings. Prior to that, the emphasis had been on improving the physical security measures at the juxtaposed ports, including through the

installation of many miles of fencing on the approach roads. This has made incursions into the ports and clandestine entry by concealment in vehicles much more difficult, which many argue is the reason why the small boat crossings began.

It is clear that the numbers of clandestine entrants detected at Calais, Coquelles, and Dunkerque have fallen substantially. In 2016, there were over 56,000. In 2024, there were around 5,000. However, the relationship between small boats and clandestine entry through the juxtaposed ports is not well understood. This needs more attention, not least to get ahead of any displacement effect if new measures to reduce small boat crossings begin to work.

Meanwhile, this inspection has shown that the threat of clandestine entry at the juxtaposed ports remains high and is unrelenting, both from organised facilitations and from opportunistic 'jump-ups'. Border Force resources and capabilities are stretched, and its operations and those of its security contractors are closely monitored by migrants and by smuggling gangs to identify and be ready to exploit any weaknesses. It is therefore vital that Border Force continues to invest in staff, detection equipment, and IT systems at the juxtaposed ports. To do so with confidence that it is investing in the right places, it needs to record and analyse what is working and where the gaps are much more systematically than is currently the case.

When the Independent Chief Inspector of Borders and Immigration (ICIBI) looked at the CECPS in 2018 it found that no penalties had been imposed since July 2016. The report described the system as “broken” and in need of urgent attention. It recommended that the Home Office should fix the scheme so that penalties were issued wherever appropriate, and payment was pursued promptly. The recommendation was accepted. In 2019, the ICIBI found that the Clandestine Entrant Civil Penalty Team (CECPT) had made significant headway with the backlog of referrals, but some cases had been waiting almost three years for a penalty notice to be imposed, calling into question the deterrent value of any eventual penalty. There was a problem with resourcing the CECPT, and the team did not have the IT it needed. At the time, Border Force indicated that it was aware of these issues and was already taking action to address them.

Given this history, it was all the more disappointing to find in this latest inspection that the CECPT is still not staffed appropriately and does not have the systems required to run the CECPS (and the CPAS) efficiently and effectively. This despite extension of the scope of the CECPS in 2023, accompanied by substantial increases to the penalties that can be levied.

Even if income-generation is not its primary purpose, and the monies recovered are not wholly retained by the Home Office, it is hard to excuse the perennial under-investment in the CECPT when the CECPS has

recovered over £10 million since the beginning of 2022, with another £26 million still to be recovered, albeit that some of this is uncollectible.¹ If the Home Office is unwilling or unable to resource the CECPS so that it works efficiently and effectively, ensuring that penalties are demonstrably consistent and fair, it should give serious consideration to reforming the scheme in line with the resources it is prepared to invest in it.

This inspection makes seven recommendations. These cover ‘ownership’ of clandestine entry and responsibility for ensuring that recommended improvements are implemented and embedded; an improved range of analyses, assessments and intelligence products to support decision-making about resources, investments, and operational deployments; the provision of training to frontline Border Force officers to enable them to be used more flexibly; the installation of an integrated Automatic Number Plate Recognition (ANPR) system linking the juxtaposed controls at Calais, Coquelles, and Dunkerque; a ‘root and branch’ review of the working practices and processes of the CECPT; production and publication of a CECPT ‘engagement plan’ for industry stakeholders;

1 The Home Office, in its factual accuracy response, stated that for the period 1 January 2022 to 4 September 2024, £10.1 million of the £36.5 million in penalties issued had been recovered. However, the total amount recovered during this period was £16.9 million, as penalties issued outside this period were also being recovered.

and publication of an annual report on how the CECPS is working.

Some of these recommendations may take time to implement. It will be important to see the implementation of each through, but, for the intended improvements to processes and practices to stick, the aim must be for them to be transitioned into 'business as usual' rather than being regarded as tasks that need to be completed to enable the recommendations to be closed.

This report was sent to the Home Secretary on 4 February 2025.

David Bolt
Independent Chief Inspector of Borders
and Immigration

1. Scope and methodology

Scope

- 1.1** This inspection examined the Border Force operation to deter and detect clandestine entrants at the juxtaposed controls in northern France (Calais, Coquelles, and Dunkerque). It also examined the Clandestine Entrant Civil Penalty Scheme (CECPS), which seeks to ensure vehicle owners and drivers secure their vehicles to prevent access by clandestine entrants. In addition, it examined the Civil Penalty Accreditation Scheme (CPAS), which incentivises hauliers to operate an effective system for securing their vehicles and preventing the carriage of clandestine entrants.
- 1.2** The inspection focused on the efficiency and effectiveness of:
- the resources and technology used by Border Force at the juxtaposed controls to deter and detect clandestine entrants
 - Border Force engagement with transport operators, contractors, and the French authorities at the juxtaposed controls
 - the operation and management of the CECPS and the CPAS, including:
 - Border Force engagement with the road haulage industry

- the resources and systems used to manage the schemes
- the imposition and collection of penalties
- the impact of new legislation introduced in 2023

Methodology

1.3 Inspectors:

- reviewed open-source material, including published reports
- requested documentary evidence and data from the Home Office and analysed the 785 documents provided
- on 11 and 12 July 2024, held three familiarisation calls with stakeholders and industry representatives
- between 26 July and 6 August 2024, undertook familiarisation visits to the Clandestine Entrant Civil Penalty team (CECPT) in Folkestone, the Immigration Enforcement National Command and Control Unit (NCCU) in Manchester, Immigration Compliance and Enforcement (ICE) North, the Illegal Migration Intake Unit (IMIU) in Leeds, and the juxtaposed controls in Calais, Coquelles, and Dunkerque

- on 22 August 2024, published a call for evidence on the Independent Chief Inspector of Borders and Immigration (ICIBI) website and subsequently analysed the 35 responses received, and undertook four remote interviews with respondents
- between 16 and 18 September 2024, examined a sample of 120 CECPT penalty cases selected from a list of 6,803 penalty cases relating to S31A and S32 incidents between February 2023 and August 2024²
- on 3 October 2024, attended a meeting of the ICIBI's Refugee and Asylum Forum

2 Of the 6,803 cases, 3,950 were S31A cases (58%) and 2,853 were S32 cases (42%). The number of cases that had been subjected to the different case stages was calculated to ensure proportionality was reflected in the case sample. For example, 30% of the 3,950 S31A cases had not yet been imposed. Therefore, the sample of 120 cases included 70 randomly selected S31A cases (58% of 120) and 21 randomly selected cases that had not yet been imposed (30% of 70 S31A cases). Absolute proportionality was not possible as some cases had been subjected to more than one stage (i.e., objected and appealed).

- between 7 October and 23 October 2024, held 67 in-person and remote interviews and focus groups in France and the UK with Home Office staff and stakeholders
- on 12 November 2024, held a feedback session with Home Office senior management, sharing initial thoughts and indicative findings from onsite activity

1.4 This report was sent to the Home Office on 15 January 2025 for factual accuracy checking prior to submission to the Home Secretary for laying before Parliament.

2. Key findings

Making and maintaining improvements

- 2.1** This inspection provided the Independent Chief Inspector of Borders and Immigration (ICIBI) with an up-to-date picture of efforts by Border Force and others at the juxtaposed ports to deter and detect clandestine entrants, and of the work of the Clandestine Entrant Civil Penalty Team (CECPT) to administer the Clandestine Entrant Civil Penalty Scheme (CECPS). However, few of the problems and underlying issues inspectors identified during the course of it are new. Most have been identified in previous inspection reports and other reviews. Over many years, the ICIBI has made numerous recommendations, most of which have been accepted by the Home Office, and all of which have since been closed. To the extent that they were implemented, it appears that resulting improvements have not stuck.
- 2.2** ‘Ownership’ of clandestine entry needs to be more clearly defined if improvements are to be made and maintained. At the time of writing, there was no senior operational leader with overall responsibility for the Home Office’s response to the deterrence, detection, and management of clandestine entry to the UK. This, despite

clandestine entry being identified as ‘Priority A’ (the highest) in both the Border Force and Immigration Enforcement control strategies, in line with other strategic documents. At the end of 2024, Border Force was in the process of reorganising itself, but the proposed new structure still saw responsibilities split between different commands and regions. The remit of the Border Security Command, established in summer 2024, was still being determined, but it was clear that its first priority would be small boat crossings.

Clandestine entry at Calais, Coquelles, and Dunkerque

2.3 The current scale and precise nature of clandestine entry to the UK are hard to determine. By its very nature, some part of this activity will always remain hidden. It is clearly in the interests of those involved in facilitating illegal entry that it should be so, and even when migrants are detected in the UK having entered illegally (as distinct from those who have entered legally but ‘overstayed’ their terms of entry) their accounts of how and when they did so are not necessarily reliable. There are good reasons to believe that some will have been coached to provide a false story about their journey, while others may not know where they crossed the UK border.

- 2.4** Given what is not known or knowable about clandestine entry to the UK, there is a premium on ensuring that what is discovered is recorded accurately and fully, and is readily retrievable by those who need it to plan and execute efficient and effective counter-measures. Unfortunately, this inspection identified once again that the Home Office’s processes and systems for capturing information and data are poorly designed, not followed, and obsolescent. At the same time, data capture and sharing by key partners, including the French authorities at the juxtaposed ports (Calais, Coquelles, and Dunkerque) and UK police forces, is at best patchy.
- 2.5** This has affected the ability of Home Office Intelligence to support clandestine entrant detection. Frontline Border Force officers told inspectors they found intelligence products to be mostly “generic” and of little practical use, telling them what they already knew. However, officers had developed a number of targeted operations based on data and trends they had identified for themselves.
- 2.6** One of the questions this inspection sought to answer was why some migrants choose clandestine entry over illegal entry by small boat. Both are hazardous and it would be naïve to think that migrants are unaware that they risk injury or death whether they hide in a vehicle or clamber

onto an inflatable dinghy. The evidence indicates that these risks are increasing, as more use is made of dangerous concealments, in refrigerated vehicles for example, and smuggling gangs are constructing boats from flimsier materials, at least in part due to successful enforcement measures.

2.7 The cost is obviously relevant. The reported cost of crossing by small boat varies and it would seem there is no set price. Overall, it appears to have reduced as the numbers making the crossing have increased. It is evident that a minority of small boat arrivals are willing and able to pay more to cross in smaller numbers in factory-made boats and equipped with genuine life vests. But most are crammed onto jerry-built vessels that are not seaworthy and with makeshift or no life-saving equipment, as the facilitators look to maximise their profits through a volume-based business model.

2.8 Clandestine entrants deliberately concealed in vehicles also have to pay, in cash or through informal ('hawala') banking, or in some cases by agreeing to work for the criminal gang once in the UK ('debt bondage'). How much they have to pay, again, varies, and previous reporting has indicated that in some cases the payment covers

further facilitated attempts should the first one not succeed.³

2.9 However, a significant proportion of clandestine entrants detected at the juxtaposed ports have jumped up opportunistically onto a vehicle, some no doubt because they do not have the means to pay for facilitated entry either by lorry or by boat. More recently, there have been indications that some migrants without the means to pay have ‘rushed’ small boats once launched and forced themselves aboard. Typically, these ‘opportunists’ are fit, young men or older teenagers.⁴

2.10 To explore further what influences the choice of clandestine entry or small boat, the ICIBI published a ‘call for evidence’ inviting contributions from anyone with knowledge or first-hand experience of clandestine entry to the UK. This was followed up with a request to members of ICIBI’s Refugee and Asylum Forum to assist in reaching out to individuals with lived experience of clandestine entry, or those working with

3 The Home Office, in its factual accuracy response, stated that there are fewer analysis and assessment products on the costs of vehicle clandestine methods, but the cost is higher than that for small boats.

4 The Home Office, in its factual accuracy response, stated that “fit, young men or older teenagers” largely describes the majority of all clandestine demographics.

them. Perhaps unsurprisingly, neither approach produced a response.

- 2.11** More work is clearly needed to try to plug this knowledge gap. However, it is reasonable to assume that a key point of difference is the intention of the vast majority of those arriving by small boat to claim asylum at the first opportunity, which over 90% have done, whereas a proportion of clandestine entrants hope to remain undetected in the UK for as long as possible.⁵
- 2.12** A commonly expressed view within the Home Office is that small boat crossings grew out of the success of strengthening the physical security measures at the juxtaposed ports, including the installation of many miles of secure fencing on the approach roads, which made incursions into the ports and clandestine entry by concealment in vehicles much more difficult. However, the timelines for the sharpest reduction in clandestine entrant detections and the fastest growth in small boat arrivals suggest that other factors were also at play, in particular the dismantling of

⁵ According to the GOV.UK website, since 2018, 94% of the people arriving by small boat have had an asylum claim recorded. <https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-september-2024/how-many-people-come-to-the-uk-irregularly>

the Calais ‘Jungle’ migrant camp by the French authorities in October 2016 and the impact of the COVID-19 pandemic on the volumes of Ro-Ro traffic in 2020.⁶

2.13 What is clear, as the ICIBI’s 2019 inspection report on ‘lorry drops’ and small boats noted, is that by 2019 small boats had become established in the minds of many migrants and facilitators as an effective method of illegal entry; by the beginning of that year it was already much harder to stop this threat from growing; and by the beginning of 2020 it appeared to be too late to do so, with the potential for the numbers to get much larger, as they have done.

2.14 This is relevant when considering whether success in deterring small boat crossings is likely to displace the problem ‘back’ to the juxtaposed ports, which is what some Border Force officers at the ports told inspectors they feared. Inspectors therefore looked for indicators of any interplay between clandestine entry and small boat crossings, for example, increased numbers of clandestine entry incidents at times of the year

6 Roll-on roll-off or ‘RoRo’ is a term used for wheeled cargo, such as cars, motorcycles, goods vehicles, and trailers that are driven on and off a ship on their own wheels or using a platform vehicle.

when small boat crossings reduced due to adverse weather conditions.

- 2.15** While both sets of figures showed some signs of ‘seasonality’ in 2023, with larger numbers of clandestine entry attempts detected at the juxtaposed ports in quarters 1 and 4, this wasn’t the case in 2022 and 2024, where the larger numbers of clandestine detections were in quarters 1 and 2. Inspectors concluded that there was no clear and compelling evidence of a direct relationship between the two methods of entry, although it is likely that a permanent reduction in small boat crossings would have some displacement effect, including to other European ports with ferry links to the UK.
- 2.16** Whatever might happen in future, based on the findings from this inspection, it is apparent that the threat of clandestine entry at the juxtaposed ports is already high and unrelenting, both from organised facilitations and from opportunistic ‘jump-ups’. Border Force resources and capabilities are already stretched, and its operations and those of its security contractors are closely monitored by migrants and by smuggling gangs to identify and be ready to exploit any weaknesses.
- 2.17** Nonetheless, in late 2024 Border Force was having to plan for reduced staffing levels at the juxtaposed ports, as part of a wider cost-cutting

exercise in anticipation of a reduced Home Office financial settlement from 2025-2026. Managers and officers at the juxtaposed ports were concerned that, even without any additional pressures from a successful clamp-down on small boats, a reduction in officers would mean fewer vehicle lanes being opened, a slower flow of traffic through the ports, queues on the approach roads with vehicles more vulnerable to 'jump-ups', and fewer vehicle checks.

2.18 In terms of Border Force's use of existing resources at the juxtaposed ports, inspectors were told that "significant improvements" had been made, and observed that officers were generally committed, enthusiastic, and focused on success. However, the inspection also identified a number of areas where officers and detection capabilities were not being used as efficiently and effectively as possible.

2.19 There were problems with access to essential skills training, which had an operational impact: some officers had been waiting for many months to attend the second stage of basic training for new officers, which restricted where and how they could be used; others were 'out of ticket' on their Public and Personal Safety Training, which also affected their deployability. The latter training is important when dealing with clandestine entrants, not least as some will have cut their way into soft-

sided vehicles and may still be in possession of a blade, as inspectors observed when onsite.

2.20 The Border Force Operating Mandate requires that 100% of arrivals at the UK border are subjected to an immigration check. At peak periods for travel, this affected how many officers were available to check vehicles for clandestine entrants and for customs purposes. This included the Pan-Juxtaposed (Pan-Juxt) team, a resource intended to float between Calais, Coquelles, and Dunkerque in response to the latest risk assessments and real-time staffing requirements. In practice, Pan-Juxt team members were mainly deployed at Calais and told inspectors that much of their time was spent manning the Primary Control Points (PCPs) and performing casework duties.⁷ Since 2023, the Pan-Juxt team has had sole responsibility for S31A referrals (of unsecured goods vehicles) at the juxtaposed ports, so, when the team is not deployed on vehicle checking, the effectiveness of the CECPS is directly affected.

⁷ The Home Office, in its factual accuracy response, stated: “There are more Clandestine events at Calais than at other ports and as such, the Pan-Juxt team will subsequently spend most of their time responding to the higher rates of activity, as opposed to manning PCPs whilst there.”

- 2.21** In addition to cuts to staff, senior managers were also concerned about potential cuts to investment in the tools and technology used at the juxtaposed controls. While how and where the different tools and technologies are used varied from port to port, in part due to the configuration of the port, Calais, Coquelles, and Dunkerque all took a layered approach to vehicle checking, with checks conducted by French law enforcement and port authorities before vehicles entered the UK control zone for further checking. Although there was a widespread view that detection dogs were particularly effective and were “hated” by the migrants, Border Force officers told inspectors that none of the tools or technologies was foolproof on its own, but that using them in this layered way maximised the likelihood that any clandestine entrants would be detected.
- 2.22** The Home Office had previously made an effort to assess the relative effectiveness of the different tools and techniques, but this had failed because there were too many gaps in the data. This was despite the Home Office having accepted a recommendation by the ICIBI in 2020 to produce a detailed monthly analysis of detections at ports, ‘failures’ (vehicles later identified in connection with in-country detections), and the factors over which Border Force had control, including staffing levels, targeted vehicles, and search techniques

used, “ensuring that the information provided by frontline staff is specific and complete”.

- 2.23** Accepting that the many variables (not least the weather) make it difficult to produce a reliable assessment of the effectiveness of current detection methods, the absence of a better understanding of what is working and why undermines the case for investing in particular tools and technologies, whether to maintain or enhance what is currently available or to develop new methods.
- 2.24** That said, the benefits of some investments are self-evident. At the time of this inspection, the three ports did not have a functioning Automatic Number Plate Recognition (ANPR) system that linked them and could be updated automatically with intelligence alerts. Instead, they were variously reliant on stand-alone vehicle recognition systems, emails, memory sticks (used for periodic data uploads), and individuals’ memories. By enabling data sharing, an integrated ANPR system would make the selection of vehicles for searching more efficient and effective, and help to mitigate against vehicles switching ports and drivers making last-minute ticket purchases to avoid detection. There had been some efforts to address this, but these needed to be accelerated.
- 2.25** As much as knowledge, skills and detection tools and technologies are important, the successful

detection of clandestine entrants at the juxtaposed ports also relies on Border Force maintaining effective working relationships with its own security contractors, contractors employed by the port operators, the port operators themselves, ferry companies, Eurotunnel, and the French police, customs and regional government representatives.

2.26 Border Force officers at all three juxtaposed ports described good working relationships with the staff employed by Serco, who search vehicles on behalf of Border Force. However, Serco managers told inspectors that inexperienced Border Force officers did not understand the role of their staff and they felt that communications were not passed down to frontline officers, including to Freight Search Liaison Officers (FSLOs), whose job is to be the liaison point between Border Force and port stakeholders when a clandestine entry attempt is detected, to brief Serco on intelligence profiles and trends, provide operational support, process drivers, and pass evidence to the CECPT.

2.27 Wagtail UK is contracted by Border Force to provide and handle the body detection dogs used to search for people in vehicles. They work closely with Serco staff. Border Force officers told inspectors that their working relationships with Wagtail were good, but shift working made it more difficult to build close relationships. However, Wagtail staff told inspectors that Border Force

officers seemed not to know who they were or how they worked, and sometimes questioned the ability of the search dogs, and that there was also no handover with the FSLO at the start of a shift. Inspectors believed that these issues were relatively easy to fix, through awareness training, briefings, and guidance about the use of detection dogs.

2.28 Though it would clearly be useful, there is no formal requirement for Border Force officers working at the juxtaposed ports to be able to speak French, and there is no recognition or reward for those who do. Recently, French-speaking officers at the Centre Conjoint d'Information et de Coordination (CCIC) had offered language training to Border Force officers.⁸ This initiative had proved popular and there was

8 The CCIC is “staffed by law enforcement officers from a range of British and French law enforcement agencies. It supports the fight against smugglers, human traffickers and related criminal networks in the North and Pas-de-Calais”. Border Force, ‘UK-France joint action plan on illegal migration across the Channel in small boats’ (updated 15 October 2019). <https://www.gov.uk/government/publications/uk-france-joint-action-plan-on-illegal-migration-across-the-channel/uk-france-joint-action-plan-on-illegal-migration-across-the-channel-in-small-boats-accessible-version>

a long waiting list for future courses. It should be fully and formally supported.

2.29 At an operational level, Border Force officers at Calais, Coquelles, and Dunkerque are in daily contact with the other teams working at the ports, and there are effective feedback loops when clandestine entrants are detected at the juxtaposed controls or after they have reached the UK. Inspectors also heard of initiatives to improve mutual understanding and collaborative working, for example, an intensification exercise with the port security agents that carried out vehicle searches in the French control zone at Calais. There is also regular formal engagement, including weekly operational and security meetings, monthly working groups, and quarterly security programme boards. Stakeholders told inspectors that this engagement provided opportunities to feed back and exchange information, discuss trends, and identify and resolve issues.

The Clandestine Entrant Civil Penalty Scheme

2.30 The CECPS was created from the Immigration and Asylum Act 1999 to reinforce efforts to combat clandestine entry to the UK by penalising vehicle drivers, hirers, and owners responsible for conveying a clandestine entrant. A Section 32 (S32) penalty of up to £2,000 per clandestine

entrant could be imposed on any responsible person connected to the vehicle, up to a combined maximum of £4,000 per clandestine entrant.

2.31 Previous ICIBI inspections have examined how the CECPS was working and have identified issues with the resourcing of the CECPT, its processes and systems. In 2018, the ICIBI described the CECPS as “broken” and in need of urgent fixing, to ensure that penalties were issued wherever appropriate, and that payment was pursued promptly. A later inspection found that from January 2019 there had been an improvement in terms of penalties issued. However, by that point there was a backlog of almost 5,000 referrals awaiting a recommendation as to whether to serve a penalty liability notice.

2.32 By 2022, the then government had concluded that the CECPS was not effective enough. The Nationality and Borders Act 2022 made significant changes to the scheme, introducing a Section 31A (S31A) penalty for failure to adequately secure a goods vehicle against unauthorised access. At the same time, the penalties the CECPT was able to impose were increased substantially. This followed a consultation exercise, in which the Home Office sought the views of private and commercial drivers, owners, and hirers of vehicles and trailers, including international drivers and businesses,

and held “three deep dive sessions with industry stakeholders and other interested parties”.

- 2.33** The Home Office reported that most respondents agreed with the premise that vehicles should be adequately secured, and most supported the majority of the proposed measures. However, most were opposed to an increase in the penalty, emphasising the possible adverse impacts on trade, supply routes, and recruitment if penalty levels were set too high. Despite this, the Home Office increased the maximum penalty from £2,000 to £10,000 for both the driver and owner per clandestine entrant found in a vehicle, and set the maximum penalty for failure to secure a goods vehicle at £6,000 for both the driver and the owner, even if no clandestine entrants were detected.
- 2.34** Haulage industry stakeholders felt that they had not been listened to, that policy makers did not understand the conditions drivers were operating in, and that the maximum penalties for drivers were disproportionate to their earnings. CECPT senior managers explained that government ministers had been keen to take a “very hard line” and to impose high penalty levels with strict liability rules, including narrowing the statutory defences against a penalty. They said that this had succeeded in raising security standards.
- 2.35** Stakeholders’ unhappiness with the CECPS has grown since 2023 as a result of what they regard

as its unfair application, and in January 2025 the Road Haulage Association (RHA) publicly urged the government to reform the scheme.⁹ In the course of this inspection, inspectors found a large amount of evidence of inefficiencies and inconsistencies in the way the CECPS was being applied, which raise genuine concerns about fairness. As before, the underlying cause of most of the problems with the scheme is that it has been under-resourced, both in terms of staff and systems.

2.36 When the new civil penalties legislation was introduced, in February 2023, the CECPT was given little time to prepare guidance, train staff, or engage with industry stakeholders. Projections for the staff numbers the CECPT required to manage the expanded scheme under-estimated the increase in referrals and subsequent appeals. Despite this, the agreed headcount was actually

9 Road Haulage Association, “Clandestines” in UK-bound vehicles – RHA urging penalty reform to protect compliant operators’ (published 7 January 2025). <https://www.rha.uk.net/news/news/detail/-clandestines-in-uk-bound-vehicles-rha-urging-penalty-reform-to-protect-compliant-operators>

reduced.¹⁰ Meanwhile, the CECPT had difficulty filling vacancies due to competition from other Border Force teams and had to rely on temporary staff to fill the gaps. At the end of 2024, senior managers were hoping that a recent change to 24/7 working and increase in shift working rates of pay would improve recruitment and retention, but this was not yet evident when this inspection concluded.

2.37 Especially since 2023, the CECPT has struggled to manage its workload. Some workstreams, such as appeals, have been prioritised, while routine casework functions have not, leading to delays and deadlines being missed. Perceptions of the unfairness of the scheme have been fuelled by long delays between a clandestine entrant 'incident' and notification of liability for a penalty, particularly where no paperwork has been issued to the driver at the port. The receipt of a penalty notice several months later often comes as a surprise to drivers and hauliers, who by then may have already removed or deleted evidence that they could have used in their defence. The belated notification also dilutes any deterrent effect of receiving a penalty. Haulage industry stakeholders

10 The Home Office, in its factual accuracy response, stated the CECPT never reached its headcount 'cap' and regional resource was being used more dynamically to support the CECPT.

also cited lengthy delays when corresponding with the CECPT, including responses to objections to a penalty, and said it was difficult to contact the CECPT to discuss issues with a member of staff.

- 2.38** In the evidence received from stakeholders and from their examination of a sample of CECPS cases, inspectors identified inconsistencies in the way in which the CECPT levied penalties. Seemingly identical cases received different penalties. [Redacted] the use of discretion was inconsistent, in terms of Border Force officers at ports being unaware that there was an option to [redacted] not refer incidents to the CECPT, which penalties were considered by the CECPT, and which were reduced and by how much.
- 2.39** Drivers and hauliers were particularly aggrieved about the lengths they were expected to go to in order to secure their vehicles and yet still being penalised as much as someone who had blatantly disregarded the regulations. This ‘one size fits all’ approach was a disincentive to stakeholders to implement costly security measures in order to demonstrate that they were complying with the regulations, and it stung all the more as migrants were not prosecuted for causing criminal damage to the vehicles and loads they entered.
- 2.40** Reasonably enough, drivers who suspect or encounter clandestine entrants in their vehicles are expected to report it. In some cases, the driver

does not know until after they have reached the UK. However, when they contact Border Force or the police to inform them, believing they are doing the right thing, in many instances they still receive a penalty. CECPT managers and policy staff agreed that such cases should not attract a penalty and, by imposing one, it made it less likely that drivers would report clandestine entrant incidents; however, the work required to codify the relevant guidance had not progressed due to a lack of resources.¹¹

2.41 Due to insufficient resources, there was a backlog of applications to join the Civil Penalty Accreditation Scheme (CPAS), which was an important way for industry stakeholders to demonstrate compliance and mitigate the risk of heavy penalties, with at least 60 applications waiting to be processed at the time of the inspection.

2.42 CECPT staff told inspectors they wanted to engage more with industry stakeholders but did not have the resources to do so. The CECPT had managed to do some presentations to raise awareness of the CECPS, including in Europe, but it was unclear how successful this engagement

11 The Home Office, in its factual accuracy response, stated that in such cases there are options to either impose a penalty or impose a reduced level of penalty.

had been, and there was a view that smaller transport companies were often still unaware of the scheme.

- 2.43** While it would clearly enhance the relationship with industry stakeholders, Border Force did not provide any training courses, training material, or indication of what should be included in the training for prospective members of the CPAS. This was despite one of the conditions of membership being that companies had to demonstrate that they provided every driver with initial training on how to secure a goods vehicle and how to prevent clandestine entrants. Again, it was a question of resources.
- 2.44** Inspectors' confidence in the efficiency and effectiveness of the CECPS was further undermined by CECPT data and management information, which is both limited and unreliable, in large part because of the CECPT's muddled use of paper files, spreadsheets, and an obsolescent database. A senior manager explained that paper records were used as "a failsafe" as they were unable to obtain management information about penalty notices and penalties imposed from the database. But the use of these alongside other systems meant there was no single version of the truth.
- 2.45** As a result of its outdated systems and working practices, the CECPT was unable to provide

inspectors with basic data in response to requests for evidence. The management information that was provided contained a number of inaccuracies. In several instances, inspectors had to request datasets again, pointing out where there were errors, only for the same errors to be repeated in the subsequent returns along with new ones.

- 2.46** Meanwhile, these data issues affected the efficiency and effectiveness of frontline officers searching for clandestine entrants and impacted drivers and haulage companies. Operation AFTERMATH targets vehicles belonging to companies who have an outstanding civil penalty. Vehicles are intercepted and impounded until payment is made or a payment plan agreed. However, the data passed to ports by the CECPT is often inaccurate, out of date, or incomplete, resulting in vehicles being stopped in error, causing costly delays and wasting officers' time.
- 2.47** CECPT managers believed that all of the data accuracy and management information issues would be resolved by the new Integrated Platform Management System (IPM), which was due to be delivered in January 2025. However, the original user requirements had been scaled back to a minimum viable product, and it was unclear to inspectors whether the latter would meet the CECPT's needs. Regardless of its functionality, it was evident that the CECPT will need to make

significant improvements to the accuracy of its data collection, processing, and assurance to make best use of the IPM. CECPT management will need to drive these improvements.

2.48 The concerns about data accuracy mean that the CECPT's figures for penalties imposed and debts recovered should be treated with caution, the more so as CECPT staff told inspectors that they found the Home Office finance system administratively challenging and had not received the training in using the system that they felt they needed in order to be able to do so with confidence. Given the sums involved and the potential consequences for drivers and hauliers, staff should have been better supported, and the Home Office should have been more concerned about getting this right.

2.49 Ultimately, even if income-generation is not its primary purpose, and the monies recovered are not retained by the Home Office, it is hard to excuse the perennial under-investment in the CECPT when the CECPS has recovered over £10 million since the beginning of 2022, with another £26 million still to be recovered, albeit that some of this is uncollectible. If the Home Office is unwilling or unable to resource the CECPS so that it works efficiently and effectively, ensuring that penalties are demonstrably consistent and fair, it should give

serious consideration to reforming the scheme in line with the resources it is prepared to invest in it.

3. Recommendations

Previous ICIBI inspections and recommendations

- 3.1** A number of previous Independent Chief Inspector of Borders and Immigration (ICIBI) inspections have examined the juxtaposed controls, clandestine entry to the UK, the use of civil penalties, and related issues. While inspectors did not approach this latest inspection as a re-inspection of previous findings and recommendations, the latter are important when considering what has changed over time and what further steps the Home Office should take to improve its efficiency and effectiveness in these areas.
- 3.2** The ICIBI's first ever annual report included the findings from a pilot inspection of freight searching at the juxtaposed controls in Calais and Coquelles conducted over summer 2009.¹² Against a background of rising detections, the report raised concerns about the lack of sufficient holding facilities for the numbers of people detected in

12 Independent Chief Inspector of Borders and Immigration, 'ICIBI annual report 2008 to 2009' (published 15 December 2009). https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/161111/icibi-annual-report-2008-to-2009

Calais, shortages of basic equipment, and slow IT systems. Operational staff were unaware of the targets they were working to, and business targets were difficult to quantify and measure. Performance data was not consistent and did not give a clear picture of the performance of the UK Border Agency (the precursor to Border Force).

3.3 The pilot inspection also examined the administration of civil penalty legislation. It found that what was then known as the Civil Penalty Central Administration Unit faced problems relating to a lack of visible leadership from senior management, insufficient performance targets to drive civil penalty activity and backlogs of work caused by insufficient resources and information technology. There was no effective debt recovery strategy in place and no assessment of the scheme had been undertaken since it was introduced in 2000. As this was a pilot inspection, the ICIBI did not make any specific recommendations to the Home Office.

3.4 An inspection of the juxtaposed controls conducted between November 2012 and March 2013 found that the processing and fingerprinting of clandestine entrants detected at Calais had ceased in early 2010 because of problems with

the availability of detention facilities.¹³ All detected clandestine entrants were transferred to the French police. The inspection noted that gathering biometric information, such as fingerprints, could “assist the decision-making process if these individuals were ultimately successful in reaching the UK and went on to claim asylum”. The cessation of processing clandestines at Calais and immediately transferring them to the French police had not been reviewed since its implementation, and the ICIBI recommended that the Home Office should reconsider this approach to ensure that it operated “the most effective method of protecting the UK border against clandestine entry”.

3.5 The operation of the civil penalty scheme was inspected at the same time and was found to have improved significantly since the 2009 pilot inspection. Debt recovery had been prioritised and Border Force had introduced intelligence-led operations to target vehicles that were the subject of unpaid penalties. However, the inspection also found that the setting of penalties was not consistent with the guidance used by Border Force officers to implement the Civil Penalty (Level of

13 Independent Chief Inspector of Borders and Immigration, ‘Inspection report on juxtaposed controls, August 2013’ (published 8 August 2013). <https://www.gov.uk/government/publications/inspection-report-on-juxtaposed-controls-august-2013>

Penalty) Code of Practice, and penalties were being set at levels significantly below the possible maximum, which diluted the deterrent effect of the scheme. The ICIBI recommended that the Home Office should improve the effectiveness of the scheme by “ensuring that the level of penalty imposed was appropriate and consistent with the examples set out in the guidance to implement the Code of Practice”.

- 3.6** Between October 2015 and January 2016, the ICIBI conducted a short-notice inspection of the Home Office response to ‘lorry drops’.¹⁴ The inspection found that the proportion of penalties issued when Border Force detected a clandestine entrant at a port of entry or the juxtaposed controls was much higher than those issued for ‘lorry drops’ encountered away from a port, where securing the scene and making it safe took priority over collecting evidence that the driver or haulier had failed to secure the vehicle. It also found that CECPT resources had been stretched by the increase in the number of clandestine entrants seen in 2015, and that British drivers were less likely to be prosecuted or issued with a civil penalty than other European Economic Area

14 Independent Chief Inspector of Borders and Immigration, ‘Inspection report on lorry drops, July 2016’ (published 21 July 2016). <https://www.gov.uk/government/publications/inspection-report-on-lorry-drops-july-2016>

(EEA) or non-EEA drivers, suggesting that British drivers and hauliers were more aware of, and took more care to comply with, the vehicle security measures required by the Home Office.

- 3.7** The report contained six recommendations covering resourcing, training, stakeholder engagement, and procedures, including one regarding the need for the Home Office to make full use of sanctions and penalties to encourage driver and haulier compliance. The Home Office accepted four of the recommendations and partially accepted two.¹⁵
- 3.8** Between January and May 2018, the ICIBI inspected Border Force operations at south coast seaports. Inspectors did not examine the juxtaposed controls as part of this inspection; however, Border Force data showed that in 2017-2018 over 28,000 attempts to enter the UK clandestinely had been detected at the juxtaposed controls. Meanwhile, 503 clandestine entrants were detected at Dover in 2017-2018. Senior managers at Dover told inspectors that they did not direct officers to search specifically for

15 UK Visas and Immigration, 'Home Office response to the report on a short notice inspection of lorry drops' (published 21 July 2016). <https://www.gov.uk/government/publications/home-office-response-to-the-report-on-a-short-notice-inspection-of-lorry-drops>

clandestine entrants. Detection activity focused on “general border criminality”. Inspectors found that officers at Dover were aware that clandestine entry was assessed as a high risk but regarded the detection of prohibited and restricted commodities as their main function, as clandestine entry attempts should have been identified at the juxtaposed controls.

3.9 The 2018 inspection looked again at the civil penalty scheme and found that no fines had been imposed since July 2016.¹⁶ The report described the system as “broken” and in need of urgent attention. It recommended that the Home Office should fix the civil penalty scheme so that penalties were issued wherever appropriate, and payment was pursued promptly. The recommendation was accepted.

3.10 Between May and December 2019, the ICIBI conducted an inspection of the Home Office’s response to in-country clandestine arrivals (‘lorry drops’) and to irregular migrants arriving via

16 Independent Chief Inspector of Borders and Immigration, ‘An inspection of Border Force operations at south coast seaports’ (published 12 November 2018). <https://www.gov.uk/government/publications/an-inspection-of-border-force-operations-at-south-coast-seaports>

‘small boats’.¹⁷ The report noted the significant reduction in migrants encountered at each of the juxtaposed ports, especially Calais, between 2016 and 2017, since when annual figures for each port had remained relatively stable. It acknowledged that physical security improvements at and around the ports had contributed to a reduction in the numbers making it as far as the juxtaposed controls but found it difficult to draw any firm conclusions about the effectiveness of these measures alongside the effect on migrant flows and intentions of other factors, notably the dismantling of the Calais ‘Jungle’ migrant camp by the French authorities in October 2016, after which monthly detections fell sharply.

3.11 In order to identify the resources and tactics required to drive up detections and reduce ‘lorry drop’ numbers, the ICIBI recommended that the Home Office should:

17 Independent Chief Inspector of Borders and Immigration, ‘An inspection of the Home Office’s response to in-country clandestine arrivals (‘lorry drops’) and to irregular migrants arriving via ‘small boats’ (published 11 November 2020). <https://www.gov.uk/government/publications/an-inspection-of-the-home-offices-response-to-in-country-clandestine-arrivals-lorry-drops-and-to-irregular-migrants-arriving-via-small-boats>

“Produce a detailed monthly analysis of clandestine entry attempts detected at the juxtaposed controls and at UK ports, and ‘failures’ (vehicles later identified in connection with ‘lorry drops’), and the factors over which Border Force had control, including staffing levels, targeted vehicles, and search techniques used, (ensuring that the information provided by frontline staff is specific and complete).”

- 3.12** The Home Office accepted this recommendation, noting that it had “recently produced analysis in relation to clandestine activity which partly addresses this recommendation” and that “[a]s a priority, Border Force will build on this work through establishment of a dedicated performance team over the course of 2020/21 which will, as part of its remit, work to deliver better management information on lorry drops and clandestines.”
- 3.13** The 2019 inspection found that the Clandestine Entrant Civil Penalty Team (CECPT) had made significant headway with the backlog of referrals awaiting a recommendation as to whether to impose a penalty. However, some cases awaiting imposition of a penalty notice were almost three years old, calling into question the deterrent value of any eventual penalty. Resourcing the team had been a problem, as had the transfer of the payment collection system to a new Home Office

application, Metis.¹⁸ The Access database used by the team did not have the functionality required to process penalty notices efficiently and was not designed for what the team needed it to do. From the data provided, it appeared that most “clandestine detection events” at the juxtaposed ports were not pursued for a civil penalty. The ICIBI did not make a recommendation specific to the civil penalty scheme as Border Force indicated that it was aware of the issues and was already taking action to address them.¹⁹

- 3.14** All of the recommendations from these previous ICIBI inspections have since been closed by the Home Office.

New recommendations

- 3.15** In light of the above, and of the findings from the current inspection, the ICIBI recommends that the Home Office should:

18 Metis is the Home Office system used to conduct all financial and procurement transactions, as well as all human resources processes.

19 The ICIBI has also conducted two other inspections on related themes, but they did not look at the areas covered in the scope of this inspection: ‘An inspection of the Home Office’s use of sanctions and penalties’ in 2020, and ‘An inspection of the juxtaposed controls’ in 2022.

Recommendation 1

Designate a Home Office-wide ‘owner’ for clandestine entry, with overall responsibility for the efficiency and effectiveness of the Migration and Border System’s efforts to deter, detect, and manage clandestine entry to the UK, including responsibility for ensuring that recommended improvements are implemented and embedded.

Recommendation 2

Review the range of analyses, assessments, and intelligence products dealing with clandestine entry that are currently produced and check (at least quarterly) with ‘end users’ that these support strategic and tactical decision making, including decisions about resources, investments, and operational deployments. This should include:

- a. revisiting the ICIBI’s previous recommendation to “[p]roduce a detailed monthly analysis of clandestine entry attempts detected at the juxtaposed controls and at UK ports, and ‘failures’ (vehicles later identified in connection with ‘lorry drops’), and the factors over which Border Force had control, including staffing levels, targeted vehicles, and search techniques used, (ensuring that the information provided by frontline staff is specific and complete)”; as a first step, to supplement the revised CLEAR (Clandestine Entrants and

Attempts Report) report, conducting a series of shorter, more-focused exercises to capture this information would enable Home Office Intelligence and frontline teams to review and refine what is required, how it is best reported, and to identify particular gaps and any sticking points.

- b. specifying what information the Home Office requires from partner agencies, including those conducting checks prior to the UK control zone, and UK police forces, in order to create a better overall understanding of and response to clandestine entry, and supporting them to provide it (including through regular dialogue and feedback, and by creating easy reporting mechanisms)
- c. commissioning research into the reasons why illegal migrants choose particular methods of entry to the UK, with a view to assessing the likely effects of the successful disruption of specific methods and routes, including displacement

Recommendation 3

Overhaul training provision for frontline Border Force officers at the juxtaposed ports to ensure that they are as far as possible multi-functional and can be deployed flexibly, in particular:

- a. providing immigration foundation course part 2 training within three to six months of completion of immigration foundation course part 1
- b. extending the training to enable all IFC-P2-trained officers to make S31A referrals (first reissuing guidance on the exercise of discretion not to refer incidents to the CECPT)
- c. including in the training for vehicle searching briefings on the roles and responsibilities of the contractors working alongside Border Force and how best to work with them
- d. ensuring that the level of Public and Personal Safety Training (PPST) required to fulfil specific roles is clearly documented and communicated to all staff, that staff are trained and certificated to the correct level, and that officers do not go 'out of ticket' because they have not been able to access PPST refresher training
- e. encouraging officers to acquire French language skills, for example, by granting them study time and identifying opportunities to use the language

Recommendation 4

Install an integrated Automatic Number Plate Recognition (ANPR) system linking the juxtaposed

controls at Calais, Coquelles, and Dunkerque, enabling real-time checking of all vehicles arriving in the UK control zones against Home Office watchlists and the sharing of vehicle information between the three ports and with UK ports.

Recommendation 5

Within three months of the introduction of the new Integrated Platform Management (IPM) system, conduct a root-and-branch review of the Clandestine Entrant Civil Penalty Team (CECPT) working practices and processes to eliminate duplication and maximise efficiencies, with a view to re-setting staffing levels and revising structures so that the CECPT is sufficiently resourced to manage all of its functions concurrently, consistently, within deadlines and to an acceptable standard, including: casework (processing referrals, issuing penalties, and responding to new information and appeals), accurate record-keeping, routine quality assurance, and stakeholder engagement. This review should include identification of the training and guidance documents CECPT staff require to perform their role, including training in the use of the Home Office finance system (Metis) and guidance on the application of discretion [redacted].

Recommendation 6

Produce and publish an ‘engagement plan’ for industry stakeholders, which includes seeking regular feedback about the impacts that the Clandestine Entrant Civil Penalty Scheme (CECPS) is having on drivers, owners, and hirers of vehicles, and starting with ‘quick wins’, including:

- a. publishing a telephone number and email address for the CECPT to receive and answer queries from anyone notified of liability to a civil penalty
- b. improving the information provided to drivers, owners or hirers of vehicles stopped at a port for a suspected Section 31A or Section 32 incident, providing the driver with written notification that they may be liable to a civil penalty (that they can share with the owner, hirer, or operator, as appropriate), setting out the reasons why, and including the date by which they can expect to receive the notice of liability (form IS11D or IS11E)
- c. producing, and keeping up to date in light of clandestine entrant incidents, a training ‘toolkit’ and guidance on the minimum standards Border Force expects in terms of the measures drivers and hauliers should take to secure vehicles against clandestine entry

- d. clearing the backlog of Civil Penalty Accreditation Scheme (CPAS) applications and starting processing all new applications to join the CPAS within 30 days of receipt

Recommendation 7

Produce and publish an annual report on how the CECPS is working, informed by the feedback received from drivers, owners, and hirers of vehicles (not limited to industry stakeholders), and including:

- a. data about the numbers of vehicles searched, number of clandestine entrant incidents, number of clandestine entrants detected, number of goods vehicles found not to have been adequately secured, plus any other relevant data
- b. the level of penalties imposed, numbers of successful and unsuccessful challenges to a penalty and the reduction in penalties imposed, and the amounts of collected and uncollected debt
- c. an assessment of the deterrent effect of the scheme
- d. planned amendments and improvements, with dates

4. Inspection findings: Strategies and tactics to deter and detect clandestine entrants at the juxtaposed ports

‘2025 UK Border Strategy’

4.1 In December 2020, the then government published its ‘2025 UK Border Strategy’.²⁰ This contained six ‘strategy transformations’, including:

“Establish resilient ‘ports of the future’ at border crossing points to make the experience smoother and more secure for passengers and traders, while better protecting the public and environment.”

4.2 Along with this strategy transformation, the government committed to “reviewing and strengthening our detection capability at ports to improve accuracy and speed of checks”. It recognised the importance of detection capabilities at ports, describing them as “critical for keeping

20 Cabinet Office, ‘2025 UK Border Strategy’ (published 17 December 2020). <https://www.gov.uk/government/publications/2025-uk-border-strategy>

the UK secure and identifying a range of threats from both people and goods”, and highlighted that existing detection equipment was ageing, and lacked modern technology and IT support. It added that, with the predicted increase in freight and passenger traffic, more effective scanning equipment was critical to the effective operation of the UK’s ports.

4.3 There was also an aim to increase the “clandestine entrant detection capability at the border to reduce the harm caused by attempted and successful illegal entry”.

4.4 Another of the six strategy transformations was:

“Use upstream compliance to move processes away from the actual frontier where appropriate, both for passengers and traders.”

4.5 The government stated that migrants were willing to undertake increasingly high-risk tactics to get into the UK. Part of the response was to improve border security through deterrence, detection, and the disruption of migrant flows before migrants reached the UK’s borders, and the government committed to developing:

“a joint long-term response with nearby neighbours to disrupt clandestine entry through agreement of strategic and operational plans, as well as working together to improve

physical border security and reduce border vulnerabilities at near border ports.”

The Home Office’s clandestine entry strategy

- 4.6** In light of the ‘2025 UK Border Strategy’, inspectors requested a copy of the Home Office’s departmental strategy for the deterrence, detection, and management of clandestine entrants. The Home Office stated: “Whilst there is not one overarching Home Office departmental strategy which specifically relates to clandestine entrants, [the ‘Border Force 2025’ strategy and the ‘2024-25 Border Force business plan’] set out our overall approach.”
- 4.7** ‘Border Force 2025’ was published in May 2021. It set out the strategic aims of Border Force under three objectives of “Protect, Facilitate and Adapt”. Relevant to clandestine entrants, under the ‘Protect’ objective, Border Force seeks to:
- “Improve the UK’s ability to **identify potential threats before** they reach the border to enable targeted and effective interventions through co-ordinated multi-agency operations
 - **Reduce vulnerabilities at the border** to prevent illicit or dangerous goods and individuals from entering or leaving the country

- Strengthen the UK border to **deter those who seek to do us harm** and those who attempt to abuse or circumvent the UK’s migration system
- **Safeguard vulnerable individuals** and reduce the risk to life to those attempting to cross the border illegally”

While under the ‘Adapt’ objective it seeks to:

- “Develop Border Force’s **ability to innovate** with industry and across Government to improve services at the border
- Build the **capability and versatility of staff by investing in people, equipment and systems** to improve our efficiency and effectiveness
- Enhance Border Force’s **ability to pivot to new threats and challenges**, such as public health, whilst managing change in a unified way
- **Expand our international collaboration** to enhance our global picture of emerging risks, and to do more of our work upstream”

4.8 The Border Force Control Strategy 2023 pulled together the Home Office’s corporate understanding of the threats at the border to identify the priority level for each thematic area of responsibility. It was produced by Home

Office Intelligence (HOI) and used a risk scoring methodology to prioritise individual threats at the border by mode of transport and theme. Clandestine entry was listed as a ‘Priority A’ level theme – the highest priority.²¹ The strategy:

“particularly comes into play when resources are limited (such as a critical incident being called) and decisions need to be taken by Senior Managers as to which threats take priority over others. The BFCS [Border Force Control Strategy] can also inform Senior Managers in developing regional action plans to address the priorities within the strategy, as some regions will be able to have a greater impact in mitigation against certain threats compared to other regions, who are less likely to be impacted by such a threat.”

4.9 The ‘2024-25 Border Force business plan’ sets out how it will deliver a “secure, efficient and protected UK border”. The plan mentions clandestine entry only once when it describes how Border Force works “in conjunction with partner agencies to

21 The other ‘Priority A’ threats listed in the 2023 Control Strategy were: national security at the border, Class A drugs including cutting agents and precursors, modern slavery, human trafficking, child sexual abuse and exploitation and harmful practices, cash and listed assets, small boats, and lethal firearms.

continually assess threats at the border”. The business plan quotes the prioritisation of thematic threat areas from the Border Control Strategy and notes that clandestine entry is rated as a ‘Priority A’ area.²²

- 4.10** The ‘UK immigration facts’ section on the GOV.UK website provides information on the risks of illegal migration and the dangers of travelling to the UK illegally. It lists the risks and dangers involved in travelling by small boat and lorry, the risks of being caught and detained, and the risk of becoming a victim of modern slavery. It also acknowledges that the “length of the UK’s coastline and the sheer volume of passengers and freight entering the UK every year make identifying shipments containing illegal migrants a significant challenge.”

Understanding the threat

- 4.11** The Home Office uses a number of intelligence products to assess and manage the threat of clandestine entry.
- 4.12** The ‘Strategic Threat Assessment 2023’ (STA) identified the strategic threats to the UK border

²² The other ‘Priority A’ themes were: national Security at the border, Class A drugs including cutting agents and precursors, modern slavery, human trafficking, child sexual abuse and exploitation and harmful practices, cash and listed assets, small boats, and lethal firearms.

and immigration system. It was the first time HOI had produced a single assessment that covered borders and immigration threats. The assessment noted that migrants using clandestine methods continued to be at high risk of harm, particularly when using dangerous modes of transport, such as refrigerated lorries. Detections of high-risk concealments (for example, inside engines) were increasing, mostly in the loads of refrigerated or hard-sided heavy goods vehicles (HGVs). The STA stated it was “a realistic possibility this is a result of the Illegal Migration Act, which is encouraging migrants to find modes with the greatest chance of concealing entry to the UK”.²³ These enclosed spaces posed a major risk to life, with a high risk of injury from shifting loads or suffocation.

4.13 In February 2024, seven clandestine entrants were detected in a vehicle that had arrived on the ferry from Dieppe to Newhaven. The migrants had been hidden in a specially constructed compartment barely large enough for them to fit in. They were heard banging and calling for help in the over-heated van on board the ferry as they were starved of oxygen. They were later taken to hospital and treated for heat exhaustion. The

23 Home Office, ‘Illegal Migration Act 2023’ (last updated 22 April 2024). <https://www.gov.uk/government/collections/illegal-migration-bill>

driver was arrested and subsequently sentenced to ten years for assisting unlawful entry to the UK.

- 4.14** Following this incident, Home Office Analysis and Insight (HOAI) was commissioned to produce an ‘evidence pack’ that outlined Border Force’s understanding of factors that influence the risk to life of migrants seeking to enter the UK clandestinely.
- 4.15** The evidence pack produced by HOAI acknowledged that there was a risk that a fatality could take place every time a migrant attempted to enter the UK in a lorry, and that this risk was owned by Border Force. The risk could be exacerbated by several factors, including the nature of the concealment and vehicle type, and yet high-risk containment methods inside lorries continued to be used to attempt clandestine entry to the UK. It said that the prevention of attempted crossings at the point of embarkation was the most effective option to reduce the risk to life.
- 4.16** The evidence pack noted the particular risks associated with refrigerated HGVs but recognised that different trailer types and other factors can increase the risk of serious harm, injury, or death, and that there is also a risk to life when attempting to gain access to lorries, especially where this is not facilitated or organised.

4.17 The evidence pack listed the operational and policy interventions Border Force had implemented since the 2019 Purfleet incident, and analysed the roll-on roll-off (RoRo) routes to the UK, and the detection capabilities at the originating ports in Europe and ports of arrival in the UK.^{24,25}
[Redacted].

4.18 The evidence pack highlighted the evidence gaps that limited the Home Office's ability to understand the threat, including limited data capture about detections and high-risk concealments. It also noted that there was a lack of understanding of the effectiveness of Border Force's detection capabilities (what works and whether they are deployed effectively), and of which routings, ports and threat types are high-risk.

24 On 23 October 2019, 39 Vietnamese nationals, aged between 15 and 44, were found dead in the back of a lorry at Purfleet, Essex. The victims, and their families, had paid an organised crime group significant sums of money to be transported to the UK. The victims died of oxygen starvation after being sealed in the air-tight container for nearly 12 hours. The lorry had travelled from Zeebrugge in Belgium to the Port of Purfleet, in Essex.

25 Roll-on roll-off or 'RoRo' is a term used for wheeled cargo, such as cars, motorcycles, goods vehicles, and trailers that are driven on and off a ship on their own wheels or using a platform vehicle.

- 4.19** The evidence pack made a number of recommendations, including: to improve engagement with port operators and French law enforcement to understand why prevention numbers are higher in some ports than others; to improve data recording on Home Office systems on the method of concealment; and to gather evidence to understand the risk tolerance of migrants undertaking crossings in RoRo, and the adaptability of organised crime groups to use high-risk concealment methods.
- 4.20** The Border Force ‘Strategic Risk Report’ for August 2024, produced by the Border Force Risk Team, recognised that people attempting to arrive in the UK by dangerous methods could cause Border Force significant reputational damage if it were seen to have failed in its duty of care. Mitigations included a layered approach to searching at the juxtaposed ports, working closely with the French authorities, and the use of contractor screening, such as search dogs and motion detectors.

Physical security enhancement at Calais, Coquelles, and Dunkerque

- 4.21** Strengthening physical security at the juxtaposed ports of Calais, Coquelles, and Dunkerque has long been seen as key to deterring and detecting clandestine entrants. This has been a collaborative

effort between the UK and French governments, in which Border Force has played a leading role, and has involved the UK providing funding for various security improvements.

4.22 The exact amount that the UK government has provided to the French authorities is difficult to calculate. A 2024 House of Commons research briefing stated that, between 2014 and the end of the 2022-2023 financial year, the UK had committed more than £232 million to try and prevent irregular migration to the UK.²⁶ The £232 million, as recorded in published agreements, did not include an additional £87 million referenced in answers to Parliamentary Questions, indicating that the true total is in excess of £300 million. Figure 1 details the timeline of payments made to the French authorities for the prevention of irregular migration to the UK.

26 House of Commons Library Unauthorised migration: Timeline and overview of UK-French co-operation', Research Briefing, (published 6 December 2024). <https://commonslibrary.parliament.uk/research-briefings/cbp-9681/>

Figure 1: Timeline of payments made to the French authorities for the prevention of irregular migration to the UK

Year	Purpose	Cost/amount
2014	A new Joint Intervention Fund for the strengthening of security in the Calais port areas including improved fencing and security in the freight zone at Calais ²⁷	£14.7 million (£4 million per year for three years and an additional £2.7 million for Calais freight zone fencing)
2015	Security enhancements of the juxtaposed controls (the majority to Eurotunnel), and to moving migrants into reception centres across France; the creation of a joint command and control centre in Calais	£55.96 million (£10 million in a joint declaration, £45.96 million in a House of Lords response)
2016	To be spent in Calais on priority security infrastructure; moving migrants out of camps and into reception facilities across France; and joint work to return people not in need of protection to their home countries	£17 million
2017	To strengthen the border and maintain juxtaposed controls	£36 million

27 UK Parliament, written questions, answers, and statements, ‘Asylum: English Channel – Question for the Home Office (answered 2 October 2020). <https://questions-statements.parliament.uk/written-questions/detail/2020-09-18/HL8269>

Year	Purpose	Cost/amount
2018	To support the objectives of the Sandhurst Treaty, a reinforcement of co-operation for the co-ordinated management of their shared border ²⁸	£44.5 million
2019	The UK contribution for new security equipment and deployment of gendarme reservists and further strengthening of security measures	£5.5 million (£3.25 million in a joint action plan and an additional £2.25 million in a House of Lords response)
2020	To support France's efforts against small boats in Boulogne and Dunkerque	£28.1 million
2021	To help France expand its enforcement and technological capabilities including infrastructure, surveillance, and law enforcement deployments along the French coast	£54 million

28 The 'Sandhurst Treaty' was a 2018 summit between the United Kingdom and France setting out plans for closer co-operation between the two countries including the "reinforcement of co-operation for the co-ordinated management of their shared border". Further information on the treaty can be found here: <https://www.gov.uk/government/publications/uk-france-summit-2018-documents>

Year	Purpose	Cost/amount
2022	To intensify co-operation with a view to making the small boat route unviable, save lives, dismantle organised crime groups, and deter illegal migration in transit countries and further upstream	£62.2 million
2023	A joint multi-year funding arrangement was agreed: UK funding will pay for 500 more officers in France and new infrastructure and surveillance equipment; UK money will also be used to increase France's capacity for managing irregular migrants.	£476 million over 3 years: 2023-2024 £124 million 2024-2025 £168 million 2025-2026 £184 million

4.23 The multiple layers of fencing around the perimeters of the ports in Calais, Coquelles, and Dunkerque present a highly visible deterrent. The use of technology, such as drones to monitor the perimeter, has further increased port security and reduced the risk of incursions by migrants.²⁹ The security measures extend beyond the perimeters of the ports to the main roads leading to them, including on road bridges to prevent migrants from jumping onto the roofs of passing vehicles.

29 Border Force define a port incursion as being where “clandestine entrants may breach the port perimeter defences and be encountered at the berths, but not ‘linked’ to a vehicle”.

Nonetheless, Border Force and port security managers told inspectors that migrants continued to attempt to cut, ‘rush’, and tunnel under the fencing.³⁰

- 4.24** Where vulnerabilities are identified, such as CCTV blind spots where clandestine entrants were able to exit a vehicle prior to searches and then re-enter it after checks had been carried out, [redacted] these are addressed at monthly management meetings between Border Force, French border police (Police aux Frontières (PAF)) and the Centre Conjoint d’Information et de Coordination (CCIC) and solutions found.
- 4.25** Border Force officers, port authorities, and security contractors told inspectors that the increased security in and around the ports had forced migrants to change their behaviour and had contributed to the rise in small boat crossings.
- 4.26** A senior port security manager told inspectors: “Every time you increase security, the migrants modify their MO [modus operandi].” For example, opportunistic attempts to gain access to lorries were taking place further inland from the ports. This was also highlighted by haulage industry

30 When migrants attempted to breach perimeter fencing as part of a larger group or as multiple smaller groups this was described as a ‘rush’ or ‘rushing the fences’.

stakeholders who responded to the Independent Chief Inspector of Borders and Immigration's (ICIBI's) call for evidence for this inspection.³¹

4.27 Industry stakeholders told inspectors that migrants were now attempting to enter vehicles and trailers up to 200 miles from the Channel ports. To try to prevent this, some drivers did not stop within a four-hour drive of the ports, and some companies were advising their drivers to adopt tactics such as stopping as far away from the ports as possible, and only stopping near the ports in an emergency. A haulier told inspectors that they advised their drivers to drive past the port to create the impression that the lorry was not bound for the UK, so that it would be less likely to be targeted by migrants, and then doubling back. This tactic had added many miles to their journeys.

'Onion skin' security layers

4.28 The juxtaposed controls in Calais, Coquelles, and Dunkerque were created through a series

31 Independent Chief Inspector of Borders and Immigration – 'Call for evidence: An inspection of the Border Force operation to deter and detect clandestine entrants to the UK', news story (published 11 August 2024). <https://www.gov.uk/government/news/call-for-evidence-an-inspection-of-the-border-force-operation-to-deter-and-detect-clandestine-entrants-to-the-uk>

of treaties agreed between the UK and France. These permit Border Force officers to carry out immigration checks within a UK control zone at Calais and Dunkerque on passengers looking to embark on a ferry to the UK. At Coquelles, Border Force is empowered in addition to conduct customs checks on vehicles looking to use the Eurotunnel.

- 4.29** The technology and equipment available to Border Force differs at the three ports, in part due to these different checks and also due to the configuration of the ports. However, all three ports process take a layered, ‘onion skin’ approach to the checking of travellers and vehicles.
- 4.30** Prior to reaching the UK control zones, a tourist or freight vehicle will pass through controls operated by the port and French authorities, involving one or more checks by the port authority, security contractors working on its behalf, PAF, or Douanes (French Customs).
- 4.31** On entry into the UK control zone, a vehicle may be searched by Border Force (UKBF), its security contractors (Serco and Wagtail), or both.
- 4.32** The ‘onion skin’ approach is designed to ensure that 100% of freight vehicles are searched prior to boarding a ferry or Eurotunnel train. Figures 2 to 7 show the differences in search layers between the ports, the technology in use for each layer, and

the different processes used to check freight and tourist vehicles.

Figure 2: [Redacted]

[Redacted]

Figure 3: [Redacted]

[Redacted]

Figure 4: [Redacted]

[Redacted]

Figure 5: [Redacted]

[Redacted]

Figure 6: [Redacted]

[Redacted]

4.33 Dunkerque also has an advanced parking area for freight vehicles and an unaccompanied RoRo freight area where Wagtail detection dogs are used for screening, with Serco providing support. CO2 probes can also be deployed if required.

Figure 7: [Redacted]

[Redacted]

4.34 Border Force officers and security contractors working at the ports told inspectors that none of the tools deployed to search for clandestine entrants were 100% successful, but that the multi-layered approach increased the chances of successfully detecting clandestine entrants as well as acting as a deterrent.

Search technologies and equipment

Passive Millimetre Wave Imaging

4.35 French legislation does not permit ionising radiation (such as x-ray) to be used on the human body except for medical purposes. The use of ionising technologies to detect clandestine entrants concealed in vehicles is therefore prohibited in France. Border Force therefore financed and provided Passive Millimetre Wave Imaging (PMMW) scanners, which do not emit radiation, to the French authorities in [Redacted] and [Redacted] for use in freight areas before goods vehicles reach the UK control zone. [Redacted].

4.36 The design of the scanners enables an image of the load of a soft-sided goods vehicle to be obtained while it passes through the scanner, without the vehicle having to come to a complete stop. This has the advantage of maintaining the flow of vehicles through the port. If the scanner operator suspects that the image indicates the presence of clandestine entrants, the vehicle

will be referred for further checks by the French security contractors. If the security contractors are unsure whether the vehicle is clear of clandestine entrants, they will refer it to Border Force and their contractors for additional checks.

- 4.37** Border Force and contractor staff told inspectors that the scanners needed to be updated. Although they were seen as efficient, the images could be difficult to interpret and factors such as the density of the load, where a clandestine entrant had hidden themselves, and the speed the vehicle passed through the scanner could affect the clarity of the image.
- 4.38** Despite these limitations, between January 2022 and November 2024, PMMW scanners in the French-controlled areas of Calais and Coquelles were the single most successful method of detection at these ports, accounting for almost a

third of all detection incidents and the detection of almost 2,000 clandestine entry attempts.^{32,33,34}

4.39 [Redacted]

Border Force customs scanner in Coquelles

4.40 At Coquelles, Border Force uses a Nuctech scanner to carry out customs checks on vehicles entering the UK control zone. This provides a more detailed image than a PMMW scanner and is used to detect illegal commodities such as drugs.³⁵ The Nuctech scanner can be used on cars, coaches, and goods vehicles, but due to staffing levels it does not operate on a 24/7 basis. Staff working in the scanner hall receive specialist radiation awareness training, and one officer

32 [Redacted].

33 Data provided to inspectors showed that 42.36% (1,644 of 3,881) of detections in the French-controlled areas of Calais, Coquelles, and Dunkerque had “Not known” recorded as the method of detection.

34 The Home Office, in its factual accuracy response, stated that PMMW scanners lead to a higher proportion of people detections than ClanTect. This is due to PMMW scanning a substantially higher proportion of vehicles at these ports.

35 Nuctech, Homepage (accessed 20 November 2024). https://www.nuctech.com/?lang=en_US

on duty must be a trained radiation protection supervisor.

- 4.41** Although not designed for this purpose, the Nuctech scanner may detect clandestine entrants when scanning for customs commodities. On rare occasions, the scanner team had used the scanner to detect people when there was a potential threat-to-life situation. The team told inspectors of an example of a tanker in which clandestine entrants were concealed.
- 4.42** Inspectors were told about reliability issues with the Nuctech scanner, due in part to the age of the equipment, which meant that it could be out of operation for a couple of hours to a couple of weeks at a time, depending on the fault. In October 2024, staff told inspectors that the scanner was due to undergo a refurbishment, which meant that it would not be operational for approximately three to five weeks.
- 4.43** The scanner team told inspectors that it had a collaborative relationship with the Douanes, engaging in joint training and learning from each other's detections. This meant that the Border Force scanner team and the Douanes could provide cover for each other if either of their scanners was out of action, although this required a temporary extension of the respective control zones to be agreed.

- 4.44** Although the Nuctech scanner was used primarily to detect commodities, between January 2022 and November 2024, it was responsible for just over 10% of the clandestine entrant detection incidents recorded by Border Force at Coquelles.
- 4.45** Border Force officers at Calais and Dunkerque told inspectors that having an x-ray scanner similar to the one at Coquelles would improve their ability to make clandestine entrant detections and make the ports more secure, but they knew that this would not be permitted under French law.

ClanTect Motion Detection Technology

- 4.46** ClanTect Motion Detection Technology (ClanTect), known colloquially as ‘heartbeat’ or ‘motion’ detection, was in use at Calais and Coquelles. This tool was developed for Border Force by the University of Southampton’s Institute of Sound and Vibration Research.

“[ClanTect] uses advanced algorithms, signal processing and systems logic to eradicate any background interference (such as vibration from passing traffic). This ensures that the readings are interpreted correctly. So, even the faintest noise or vibration, emanating from the

vehicle, will be detected, such as an agitated heartbeat.”³⁶

- 4.47** A Border Force senior manager told inspectors that, when ClanTect was first introduced, it was “not very good”. Border Force took steps to improve its operational performance, including burying sensors in the ground to remove human error when attaching sensors to vehicles, and installing floating floors in the search sheds to minimise the effect of vibrations from the surrounding environment.
- 4.48** Border Force officers told inspectors that ClanTect was sensitive and could detect small movements, for example, it had detected a kitten in the back of a lorry, but it had its limitations. Officers at Calais and Coquelles described it as “very hit and miss”, as its effectiveness was impacted by the weather and by the type of load in the vehicle. They said that the system could produce false positives and could also fail to register the presence of clandestine entrants later found when the vehicle was searched.
- 4.49** A Calais Standard Operating Procedure (SOP) for the searching of vehicles stated: “Referred vehicles MUST always be searched with ClanTect/

36 ClanTect MDT, System Highlights (accessed 15 November 2024). <https://www.clantect.com/system-highlights/>

Wagtail and then opened and subjected to a full visual search. Even if ClanTect gives a green reading the vehicle must be opened.” This meant time and effort spent searching vehicles which the technology had declared clear of clandestine entrants.

- 4.50** Managers at Coquelles told inspectors that ClanTect was prone to malfunctions and could “mess up”. On one of the days inspectors were present, the ClanTect equipment was broken and awaiting repair.
- 4.51** As part of the layered search regime at Coquelles, Eurotunnel’s security contractors also operate a ClanTect system, funded by Border Force. Any ‘red’ results, indicating a possible clandestine entrant in a vehicle, are referred to Border Force for additional checks. However, Border Force has just one ClanTect search shed at Coquelles compared to Eurotunnel’s four, which can create a queue of vehicles at the Border Force shed and has previously caused delays and blockages in the port.
- 4.52** In February 2024, Border Force identified a “risk” in relation to the ClanTect operated by Eurotunnel, in that it was active on only three days a week. In March 2024, this risk was reclassified as an “ongoing issue”. At the end of July 2024, Eurotunnel and its security contractors had changed their operating model to increase the

number of hours the system was in operation and also varied the operating hours to make it difficult for those seeking to evade the controls to predict when it would be in use.

- 4.53** The port operator told inspectors that a combination of geological ground conditions and the vibrations created by ferries and moving vehicles meant that ClanTect could not be deployed at Dunkerque. Border Force officers at Dunkerque concurred, but they did not see it as a disadvantage as they were aware of the false positives the system could produce. They told inspectors that the lack of technology at Dunkerque meant that they did not become complacent when searching vehicles.
- 4.54** Between January 2022 and November 2024, ClanTect was responsible for around 11% of detection incidents at Calais and Coquelles combined, leading to the detection of almost 2,000 clandestine entry attempts.³⁷ The system was therefore seen as a useful tool in the layered approach to deterrence and detection.

37 The Home Office, in its factual accuracy response, stated that this was indicative of the capability's effectiveness, as it screens a lower proportion of total flow at the border due to it being a referral-led detection capability, compared with PMMW and Wagtail.

Body detection dogs

4.55 Wagtail UK is contracted by Border Force to provide detection dogs and handlers (Wagtail staff) across the three juxtaposed ports. They assist with search operations in the search sheds, at the tourist controls, and the areas where vehicles wait for embarkation to a ferry or train. Border Force officers and security contractors told inspectors that the dogs were a visible deterrent and the best means of detecting clandestine entrants concealed in a goods vehicle. They said that the dogs were “hated” by clandestine entrants.

Vehicle recognition systems

4.56 At the time of the inspection, there were two vehicle recognition systems in use, Cleartone at Coquelles freight and the Dunkerque Traffic Management System (DTMS) at Dunkerque.

4.57 Border Force officers described the Cleartone system in the Coquelles freight area as “very good”. However, it was not connected to the internet, so vehicle registration numbers (VRNs) of interest had to be centrally downloaded to a secure memory stick three times a day and then downloaded individually at each of the control lane booths. When additional information from French checks or intelligence teams was received, the VRN had to be inputted manually into Cleartone.

- 4.58** [Redacted]. A senior manager accepted that there had been under-investment in some of the technology in Coquelles.
- 4.59** In November 2024, Border Force reported that an ANPR system for Coquelles freight and tourist had been in a test phase for six months. The system checks the VRNs of all vehicles arriving in the UK control zone at Coquelles against a list of Border Force intelligence targets and provides automated alerts to vehicles of interest, enabling them to be intercepted. The system was expected to be fully operational in Spring 2025 after final testing was completed.
- 4.60** Automatic Number Plate Recognition (ANPR) cameras were also installed at Calais [redacted]. Home Office Intelligence told inspectors that if the Dunkerque system was replicated at Calais it would assist in detecting more clandestine entrants. Managers in Calais told inspectors that a resolution was “imminent”.
- 4.61** [Redacted]
- 4.62** Drivers were able to purchase ferry tickets on the day of travel, or open tickets with no set date or time of travel, and to arrive at the port an hour prior to check-in time. Border Force officers told inspectors that they were sent intelligence or details about vehicles of interest via emails or written notes that they often did not have time to

read. The reliance on emails, notes, and officers' memories, the lack of advance manifest data, and the ability of drivers to purchase tickets shortly before sailing argued for an integrated online ANPR system at the three juxtaposed ports.

4.63 A Border Force senior manager told inspectors:

“We would all love ANPR, even if it’s on a closed loop system. Then the VAL [vehicle action list] is loaded on, and it could just ping on the officer’s booth to say it is wanted.³⁸ It could then just alert the CECPT that it is coming through the port. If you enable this technology, then you do not need Operation AFTERMATH, as it would just be business as usual.”³⁹

Technology advances and upgrades

4.64 Responsibility for the deployment, servicing, and research and development of technology and infrastructure at Calais, Coquelles, and Dunkerque

38 The Vehicle Action List (VAL) is a CECPT spreadsheet that holds records of goods vehicles belonging to companies that owe an outstanding S31A or S32 penalty.

39 Operation AFTERMATH is the Border Force operation to intercept vehicles belonging to companies with outstanding civil penalties, with a view to obtaining payment for those penalties.

sits with the Border Force Detection Projects and Technology Team (known as Pro Tech). Border Force described Pro Tech as:

“A specialist unit charged with identifying groundbreaking technology to assist Border Force in detecting illegal clandestines and goods. They have forged an excellent reputation within Industry and generated partnerships with innovative technical universities and commercial designers. Their remit also includes designing bespoke detection technology, advising and training ports in the use of equipment and maintaining Border Force technical equipment provided to our European counterparts and outside contractors.”

4.65 Pro Tech told inspectors about research they had undertaken on technology that could be used to increase detection rates. They had looked at what was in use in other countries and what could be adopted for use in the UK and at the juxtaposed ports, and had tested other equipment that had shown potential. The harsh working environments of the ports, and factors such as the heat produced by goods vehicles, limited the effectiveness of some of these technologies. They were also hampered in developing new technologies and equipment as they were working in a “niche market, with not many players”.

- 4.66** A senior manager in the Pro Tech team told inspectors that they were working to replace ageing technology and continued to monitor and assess any new technology. However, taking into account the limited number of commercial suppliers of the types of equipment that Border Force could make use of, and French legislation regarding the use of radiological equipment, Border Force teams were equipped with the best technology that was available currently.
- 4.67** That said, they believed Border Force would benefit from a research and development arm and a budget to enable it to test and trial equipment. The development and deployment of ClanTect was cited as an example of how joint working with commercial partners could produce a useable tool.

Beyond the juxtaposed ports

- 4.68** In addition to the work to secure the juxtaposed ports against clandestine entrants, the Border Force European Engagement Team (BFEET) has been working to enhance the security at other ports in the UK and Europe. A BFEET manager told inspectors that for 81% of the clandestine entrants detected in the UK their route was unknown, and BFEET was seeking to identify other high-risk routes.
- 4.69** [Redacted] was created in November 2023 to improve detection capabilities at several UK ports

and assess the vulnerabilities and risks on the routes into them. Activities were co-ordinated with overseas colleagues. [Redacted]. The results of [Redacted] were expected to be evaluated in December 2024 to help Border Force understand weaknesses being exploited by clandestine entrants and to inform intelligence and analysis about the maritime routes being used.

4.70 Another example of overseas collaboration was [redacted]. When clandestine entrants are detected at UK ports on this route, Border Force is able to share and exchange information with [redacted].

5. Inspection findings: Clandestine entrant detection data

Clandestine entrant detections at UK ports

5.1 Section 32 (S32) of the Immigration and Asylum Act 1999 defines a person as a clandestine entrant if they:

- arrive in the UK concealed in a vehicle, ship, or aircraft
- arrive in the UK concealed in a rail freight wagon
- pass, or attempt to pass, through immigration control concealed in a vehicle
- arrive in the UK on a ship or aircraft, having embarked:
 - concealed in a vehicle; and

- at a time when the ship or aircraft was outside the UK and claim, or indicate that they intend to seek, asylum in the UK, or if they evade, or attempt to evade, the immigration control.⁴⁰

5.2 The Home Office also uses the term “irregular arrivals”, who include persons who:

- “enter concealed in a vehicle or other conveyance
- stow away aboard ships and then enter without leave
- arrive at ports of entry but then wittingly evade the control
- arrive at an uncontrolled point aboard a small boat or light aircraft”⁴¹

40 Immigration and Asylum Act 1999. <https://www.legislation.gov.uk/ukpga/1999/33/section/32>

41 UK Visas and Immigration, and Immigration Enforcement, ‘Irregular or unlawful entry and arrival’ (updated 14 November 2024). <https://www.gov.uk/government/publications/powers-and-operational-procedure/irregular-or-unlawful-entry-and-arrival-accessible>

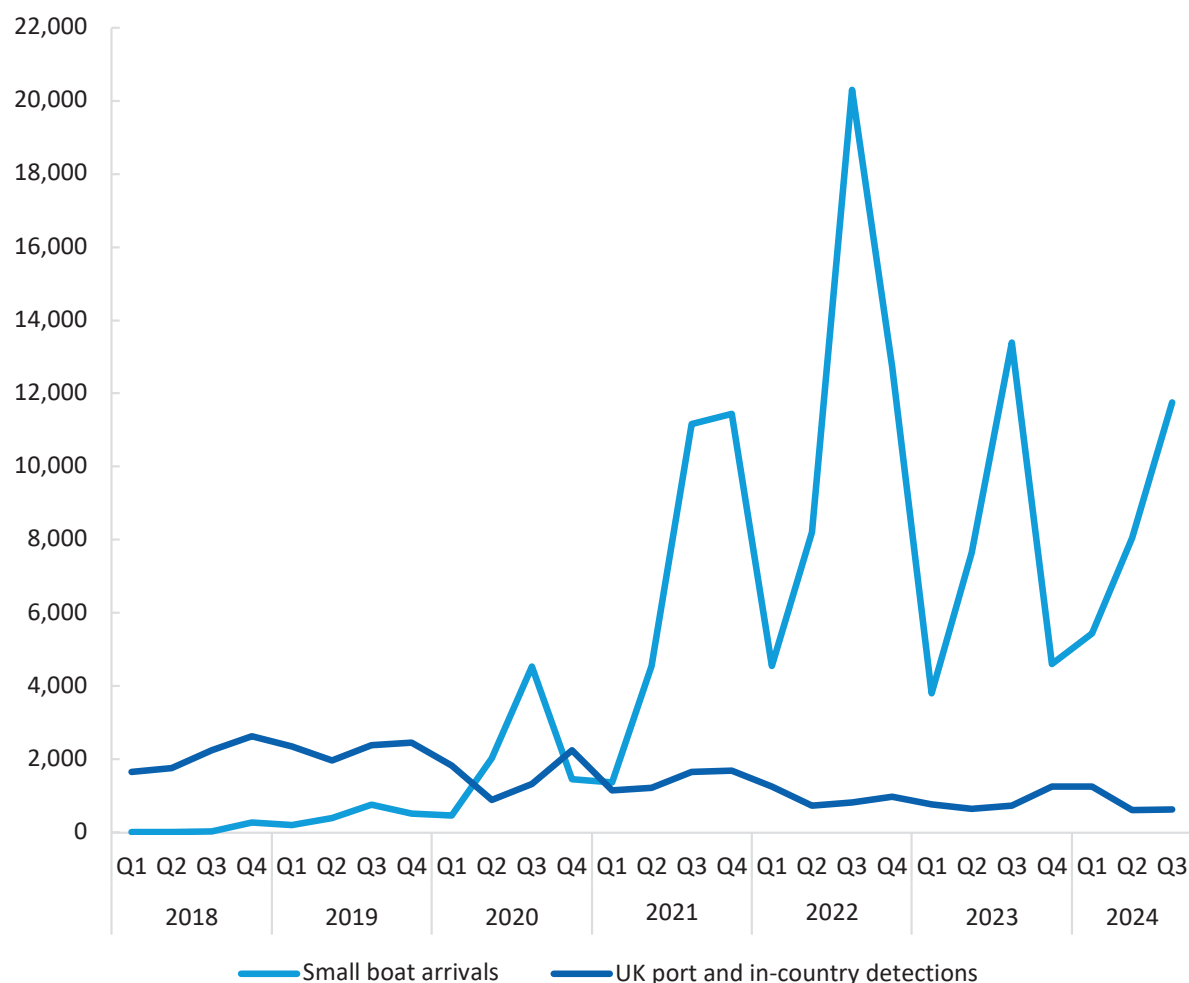
5.3 The GOV.UK website publishes statistics on people who come to the UK irregularly.⁴² These include clandestine entrants; those who arrive on small boats having crossed the English Channel; and other groups who arrive without prior lawful permission. The irregular migration statistics:

“relate to the number of people detected on, or shortly after, arrival to the UK through various irregular methods of entry. They do not include all those who enter the UK through irregular methods, nor the number of irregular migrants currently present in the UK. It is not possible to know the exact number of people currently resident in the UK without permission, nor the total number of people who enter the UK irregularly...”

5.4 Figure 8 shows the number of detections of small boat arrivals and detections of clandestine entrants at UK ports and within the UK since January 2018. The sharp rise in the number of small boat arrivals is evident and reached a peak of 20,301 arrivals in quarter 3 of 2022.

42 Home Office, ‘Immigration system statistics quarterly release’, (last updated 28 November 2024). <https://www.gov.uk/government/collections/immigration-statistics-quarterly-release>

Figure 8: Clandestine entrant detections and small boats arrivals (quarter 1 2018 to quarter 3 2024)⁴³



5.5 The statistics show that since 2020 the majority of those recorded as irregular arrivals have arrived on small boats. The GOV.UK website states that small boat arrivals increased rapidly, while detections of other methods declined, “likely in part due to the COVID-19 pandemic making other

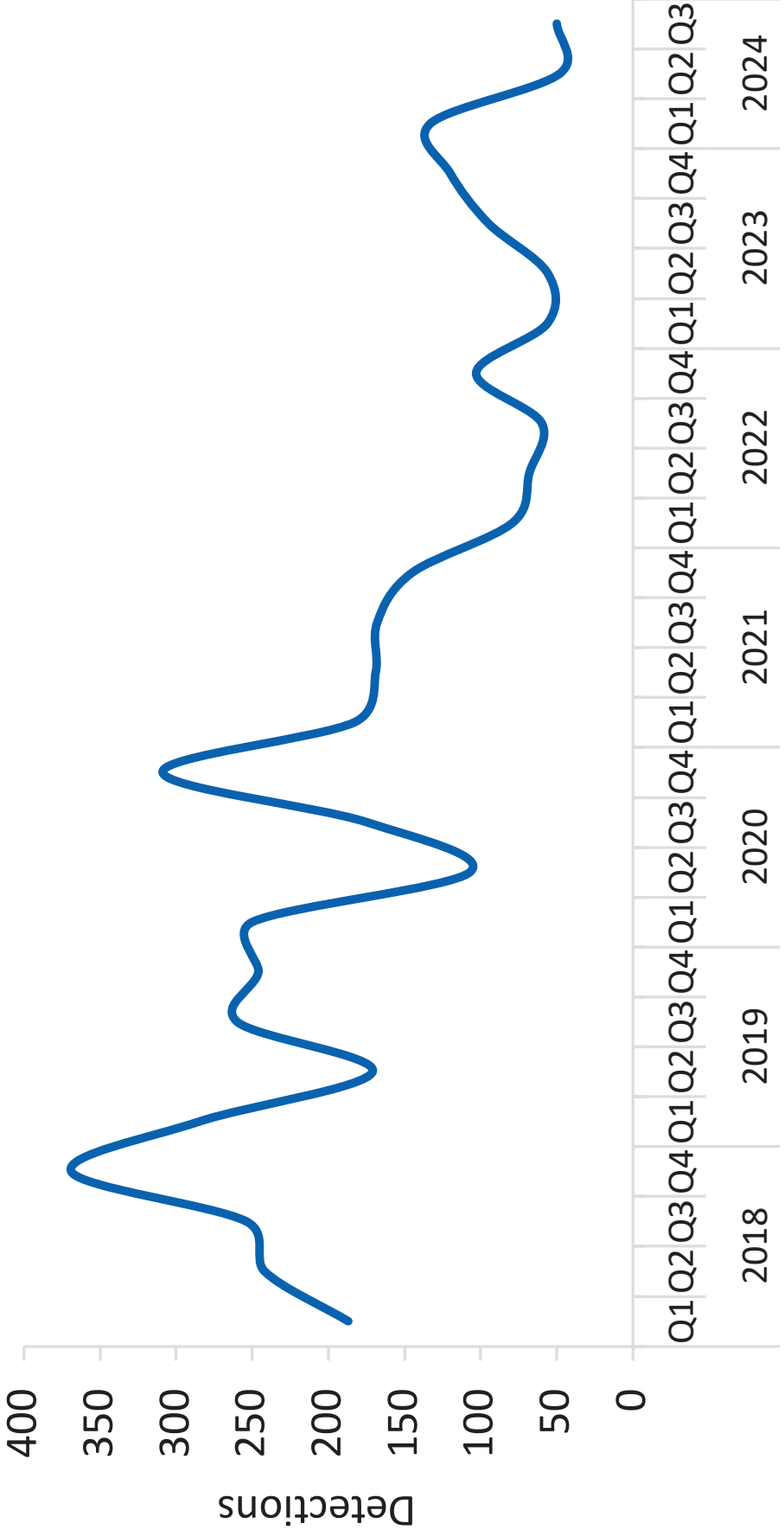
43 The Home Office published its data with the following caveat: “It is not advisable to directly compare recorded detections on different methods of entry as different datasets have different levels of coverage.”

methods of entry, such as air or ferry, less viable”. The website also states that “small boat arrivals are also the most visible of the irregular methods of entry, so the most likely to be recorded”.

- 5.6** When small boat arrivals were first detected, in late 2018, the Home Office contended that this was a consequence of the extensive investment over recent years, in collaboration with the French authorities, in strengthening security at and around the ports in northern France. Following a spike in attempts by migrants to enter those ports in 2014 and 2015, the British and French governments agreed funding packages to secure the ports and the approaches to them, and to provide enhanced searching and detection capabilities within them. This dramatically reduced the number of incursions into the ports and attempts to access vehicles, trains, and ferries en route to the UK.
- 5.7** Nonetheless, the number of irregular arrivals encountered in the UK having entered concealed in a lorry increased in 2019 by a third over the previous year, indicating that clandestine entry was still the major threat, notwithstanding the strengthened security measures, and it was not until early 2020 that small boats became the favoured method of irregular entry, supporting the view that the COVID-19 pandemic played a key part in the shift in the modus operandi of the people-smuggling gangs.

- 5.8** While small boat crossings continue throughout the year, the statistics show that the number of attempted crossings drops in the winter months (quarter 1 of each year in figure 8), when the weather is worse. Border Force officers (BFOs) told inspectors that there was an increase in detections at the juxtaposed controls when the number of small boat crossings decrease, and they were concerned that, should measures to reduce the number of small boat crossings succeed, the problem will be displaced to the juxtaposed controls.
- 5.9** Between January 2018 and September 2024, 4,388 clandestine entrants were detected at UK ports. See figure 9. The Home Office caveated its data on detections at UK ports by saying that “the level of detail included on the location descriptions can make it challenging to be confident that every entry is a clandestine detected in the border zone of a port and not elsewhere”. It also said that the “data will include stowaways as they are recorded as ‘UK port’ however these are attempts and not detections”. The data did not include detections at the juxtaposed controls.

Figure 9: Number of clandestine entrants detected at UK ports (quarter 1 2018 to quarter 3 2024)



Clandestine entry attempts at the juxtaposed controls

Number of attempts

- 5.10** The Home Office distinguishes between prevented attempts to reach the UK border, for example detections at the juxtaposed controls in France and Belgium, and detections at the UK border or in the UK. Prevented attempts are not reported in the irregular migration data because “[t]he data currently captured on juxtaposed attempts is limited and could risk misinterpretation if published.”
- 5.11** However, Home Office Intelligence (HOI) assessed that the number of preventions of clandestine entry at the juxtaposed controls increased at the end of 2023. This assessment included data on the number of monthly preventions at the juxtaposed controls between January 2018 and January 2024, which showed increases in October and November 2023 followed by a decrease in December 2023. HOI concluded that the increase in preventions was not indicative of a long-term change in the modus operandi of the migrants and was not driven solely by displacement from small boats.
- 5.12** [Redacted]

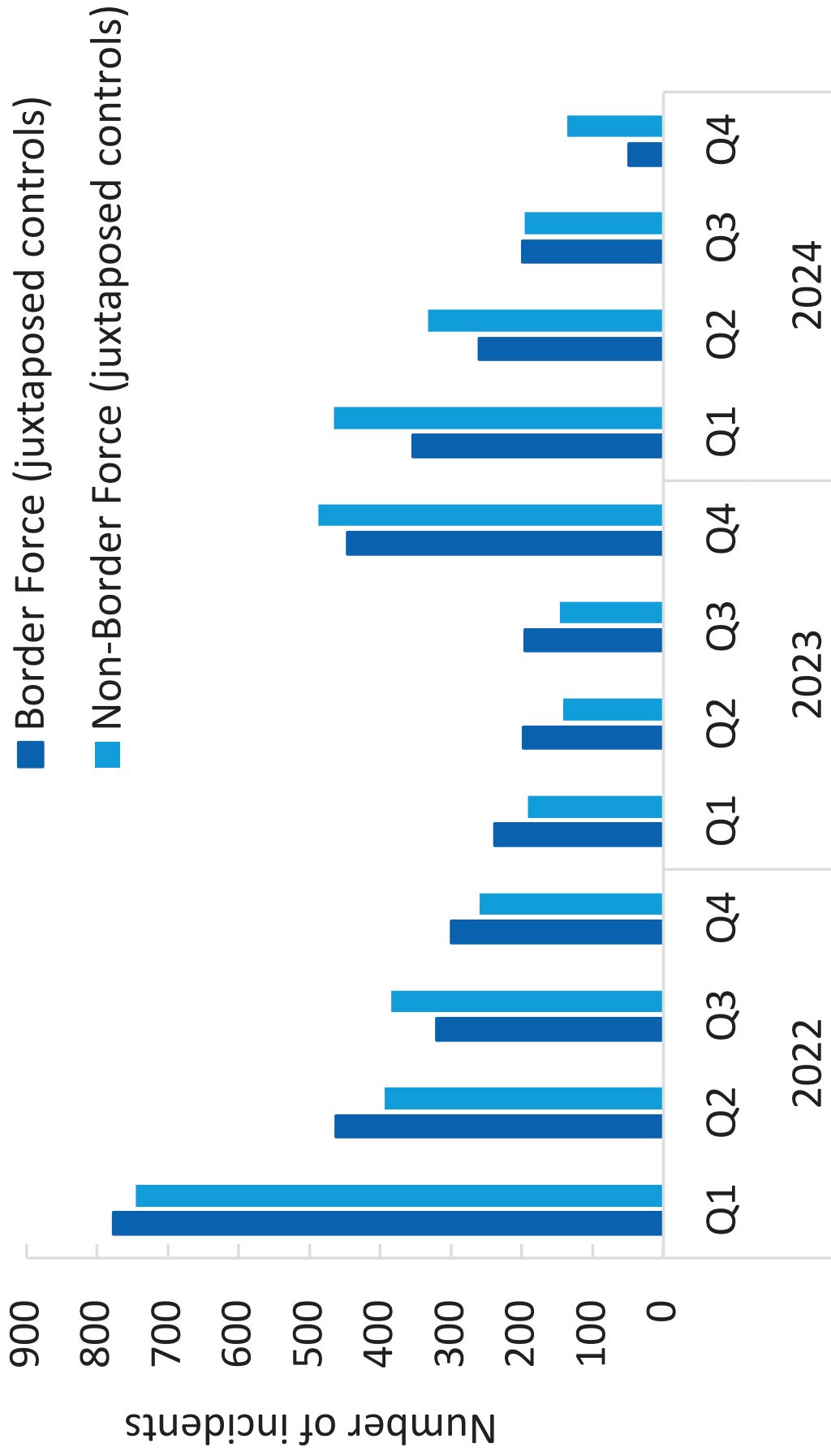
[Redacted]⁴⁴

[Redacted]

44 [Redacted] listed as “other”.

5.13 The split in terms of whether the clandestine entry attempts were detected at Border Force juxtaposed controls or controls managed by the French authorities or port operators ('non-Border Force juxtaposed controls') is shown in figure 11.

Figure 11: Clandestine entry attempts at Border Force and non-Border Force juxtaposed controls (January 2022 to November 2024)⁴⁵



⁴⁵ For the purposes of these statistics, location data only includes Calais, Coquelles, and Dunkerque, and does not include three detections listed as “other”.

Effectiveness of different clandestine entrant detection methods

5.14 In 2018-2019, Border Force undertook work to review the effectiveness of the clandestine detection capabilities at the port of Calais. It evaluated the different technologies used by the French and UK authorities at the port, but its findings were based on what the Home Office described as “partial datasets”. Border Force told inspectors that work was still going on to refresh the review. The Home Office said there was potential to expand the work to look at Dunkerque and Coquelles, “subject to discussions on Border Force prioritisation”.

5.15 [Redacted]

[Redacted]⁴⁶

[Redacted]

5.16 [Redacted]

[Redacted]^{47,48}

[Redacted]

47 [Redacted]

48 [Redacted]

5.17 [Redacted]

[Redacted]⁴⁹

[Redacted]

[Redacted]⁵⁰

[Redacted]

Successful clandestine entries via the juxtaposed ports

- 5.18** The Home Office told inspectors that it was not possible to provide an estimate of the number of clandestine entrants who successfully evaded the layers of security at the juxtaposed ports and made it to the UK as “by its very nature, measuring unobserved flow is very difficult”.⁵¹
- 5.19** Border Force and Home Office Analysis and Insight (HOAI) were working to improve the evidence base and analytical capability to provide such estimates. This included:
- “the roll out of a wider Risk-Testing programme that will enhance our understanding of [the] underlying flow of illicit goods and people. This evidence building, alongside intelligence analysis, will continue to build a holistic view of undetected flow at the Juxtaposed Controls.”
- 5.20** Border Force officers at the juxtaposed controls aim to screen 100% of freight vehicles for clandestine entrants. They also aim to screen 100% of coaches either visually and/or using body

51 The Home Office, in its factual accuracy response, stated: “[T]he Home Office does categorise and record those who claim asylum in-country and has a process in place for reconciling them against clandestine entry depending on criteria presented.”

detection dogs. Border Force does not have a target for the screening of tourist vehicles at the juxtaposed ports. Inspectors asked about Border Force’s performance against these standards but were told that Border Force did not have a central record of all searches undertaken that would provide accurate or meaningful data.

Detections at Dover

5.21 Inspectors asked for the number of clandestine entrants detected at Dover. The Home Office was unable to provide this data. It classified clandestine entrants at Kent ports as in-country detections because they are dealt with under in-country protocols and was unable to differentiate between detections at Kent ports, including Dover, and those made throughout the rest of the UK.

In-country detections

5.22 Home Office guidance explains that “an individual who enters the UK concealed in a commercial vehicle in order to evade examination by an immigration officer on entry is an illegal entrant”.⁵²

52 UK Visas and Immigration, and Immigration Enforcement, ‘Irregular or unlawful entry and arrival’ (updated 14 November 2024), <https://www.gov.uk/government/publications/powers-and-operational-procedure/irregular-or-unlawful-entry-and-arrival-accessible>

Typically, individuals who enter the UK in this way are released or escape from the vehicle when it stops at a service station, lorry park, industrial park, on an isolated road, or at its destination, and this may be reported to the police by the driver or an eyewitness. Some of these illegal entrants disappear, some are apprehended at or near to where they exit the vehicle, and others later walk into a police station or Home Office building to claim asylum. If a police or immigration officer is satisfied that an illegal entrant when first encountered has entered the UK clandestinely within the last 72 hours, the event is classed as a 'lorry drop'. The term covers all types of road vehicle, not just lorries.

5.23 Border Force officers told inspectors that most of those encountered at the roadside, or having walked into a police station, state that they entered the UK through Calais in the previous 72 hours, as “that is what they had been told to say” [by the people smugglers]. Officers questioned the credibility of these claims given the measures in place to secure the northern French ports. They pointed instead to the lack of any routine immigration controls on routes within the Common Travel Area (CTA) as the greater vulnerability and cited recent media reports that spoke of migrants filling hotels in Irish ports awaiting ferry

crossings to the UK, where their arrival would go unrecorded.^{53,54,55}

5.24 Between January 2022 and August 2024, 8,225 individuals were detected in-country. See figure

53 “The CTA is an administrative arrangement between the UK, Ireland, and the Crown Dependencies (Isle of Man, Guernsey, and Jersey) which is implemented in UK domestic law in statute. Under the CTA, British and Irish citizens can move freely and reside in either jurisdiction.” UK Visas and Immigration, ‘Common travel area’ (updated 16 October 2024). <https://www.gov.uk/government/publications/common-travel-area/common-travel-area-accessible>

54 The Guardian, ‘Hundreds detained in Northern Ireland in crackdown on people smugglers’ (published 5 December 2024). <https://www.theguardian.com/uk-news/2024/dec/05/hundreds-detained-in-northern-ireland-in-crackdown-on-people-smugglers>

55 The Telegraph, ‘Hundreds of migrants detained trying to reach UK via Ireland in apparent reversal of Rwanda trend’ (published 6 December 2024). <https://www.telegraph.co.uk/news/2024/12/05/hundreds-migrants-detained-trying-to-reach-uk-via-ireland/>

16. Of those, 501 were detected attempting to leave the UK.⁵⁶

56 The Home Office, in its factual accuracy response, stated: “Data extracted from the live MI system in January 2024 [inspectors believe this should read January 2025] found that 8,154 individuals were detected in-country, of those 524 were detected attempting to leave for the same period. This discrepancy may be due to the timing of the data extraction, as the figures come from a live operational system that is subject to change.”

Figure 16: Clandestine entrants found in-country (January 2022 to August 2024)⁵⁷



⁵⁷ For the purposes of these statistics, location data only includes Calais, Coquelles, and Dunkerque, and does not include three detections listed as “other”, broken down into one “not known”, one “PMMW”, and one “Visual”.

Analysis and intelligence

5.25 In its 2019 inspection of the Home Office’s response to in-country clandestine arrivals (‘lorry drops’) and to irregular migrants arriving via ‘small boats’ (May 2019 to December 2019) the Independent Chief Inspector of Borders and Immigration (ICIBI) recommended that the Home Office should:

“Produce a detailed monthly analysis of clandestine entry attempts detected at the juxtaposed controls and at UK ports, and ‘failures’ (vehicles later identified in connection with lorry drops), and the factors over which Border Force had control, including staffing levels, targeted vehicles, and search techniques used, (ensuring that the information provided by frontline staff is specific and complete), and use this analysis to identify the resources and tactics required to drive up detections and reduce lorry drop numbers.”⁵⁸

58 Independent Chief Inspector of Borders and Immigration, ‘An inspection of the Home Office’s response to in-country clandestine arrivals (‘lorry drops’) and to irregular migrants arriving via ‘small boats’ (published 11 November 2020). <https://www.gov.uk/government/publications/an-inspection-of-the-home-offices-response-to-in-country-clandestine-arrivals-lorry-drops-and-to-irregular-migrants-arriving-via-small-boats>

5.26 This recommendation was partially accepted. The Home Office’s response said that it had “recently produced analysis in relation to clandestine activity which it said partly addresses this recommendation.” The recommendation was closed by the Home Office on 29 November 2023. The closure report stated:

“There is a detailed CLEAR [Clandestine Entrants and Attempts Report] analysis report produced by PRAU [Performance Reporting and Analysis Unit], which is circulated within frontline teams on a weekly basis and used to inform activities.”

5.27 CLEAR provides data on small boat arrivals, clandestine detections, in-country detections, port detections in the UK, and detected entry attempts at the juxtaposed controls. It is based on data recorded in the Police and Reporting Notebook Organiser system (PRONTO).⁵⁹ A Border Force senior manager told inspectors that, while they “struggled” with the quality of data on some Border Force systems, PRONTO was “the Home Office system of record” for clandestine entry attempts

59 PRONTO is a mobile phone app which allows officers to record information online. The app is supported by the web manager, which allows officers to task and create visits, view all the details recorded on a visit, and create visit reports without the need to rekey information.

and they considered PRONTO data to be “very accurate”.

- 5.28** However, a 2016 Government Internal Audit Agency report identified issues with CLEAR, noting that it was not fully utilised by business areas, which preferred to produce their own reports as it did not meet their business needs. In 2024, production of CLEAR was paused. A senior manager from the Border Force Data Cell (a team consisting of officers from Border Force and the Performance Reporting and Analysis Unit) told inspectors that CLEAR was “not fit for purpose”. As of October 2024, the senior manager was waiting for an interim, shorter version of it to be approved. No timescale was given for this.
- 5.29** In November 2024, inspectors were provided with a copy of the interim, shorter version of CLEAR. The report provided figures and trends for UK ports, in-country, and small boat detections. It also contained figures and trends for entry attempts at the juxtaposed controls, and nationality trends for those detected in the UK and those seeking to enter the UK clandestinely or via small boats.
- 5.30** Border Force told inspectors that its aim was to have clandestine entry management information integrated into Vantage, the Home Office application used to extract management information from Home Office databases. This

would make clandestine entrant data available in interactive Power Business Information reports.⁶⁰

Intelligence alerts

- 5.31** BFOs working on the frontline at the juxtaposed controls told inspectors that, when they received intelligence alerts about specific vehicles or people, they were able to arrange for them to be stopped and searched, and this had led to the detection of clandestine entrants.
- 5.32** However, officers felt that too often the intelligence reports they received were too generic to be of use. One explained: “It’s not great. We will get an email saying that they suspect the clandestine entrants are in a tyre load and it will not tell you what lorry, what nationality. We might have 60 tyre loads that day.”
- 5.33** Wagtail staff and managers also told inspectors about their frustrations with the generic and minimal nature of the intelligence they received from the Home Office. One manager told inspectors:

60 A Power Business Information (BI) report is a collection of charts, tables, and data visualisations that are created from one or more datasets. Power BI reports are designed to provide detailed, interactive data analysis.

“The process is terrible. You’ll get ‘white lorry, hard-sided’. The ridiculousness to look for something so vague. Some are our finds that we’ve fed in, and it comes back to us from intel with a security marking that we cannot share, but the French and security can have it ... Everyone else gets it digitally or in a paper document. We have written on it ‘verbal brief only’.”

5.34 BFOs also told inspectors that the intelligence they received frequently told them about trends or patterns they were already aware of or had provided to the intelligence teams themselves through the HOI workflow systems. When the issue of generic intelligence reports was raised with a senior HOI manager, they told inspectors:

“I can understand that Border Force staff think that, but the best way to ensure across the board that everyone has the same knowledge is to issue a product like that, so Calais knows exactly the same as Dunkerque. It’s better for them to say they already know it rather than they did not know it and you’ve missed an opportunity. I would take that criticism as an occupational hazard.”

5.35 Border Force has run a number of operations to improve intelligence sharing and the detection of clandestine entrants. These operations have used and reviewed information and data from Home

Office systems, the French authorities, and port authorities to create local products that target specific trends, which have been used to direct teams and resources to intensify the searching of matching vehicles or drivers.

5.36 Officers told inspectors that these operations and intensification exercises had been beneficial and had led to an increase in the number of clandestine detections. A senior intelligence manager told inspectors that the operations had also brought benefits in terms of improving connections and engagement with officers at the juxtaposed controls.

Reporting from detections at Dover and in-country

5.37 When a clandestine entrant is found by BFOs in Dover or elsewhere in the UK, efforts are made to learn from those events. Border Force managers at Dover told inspectors that information would be sent to the port of departure so that checks could be made to see whether the vehicle had been searched by Border Force. Feedback and information on clandestine entrant detections in Dover were described as valuable by officers at the juxtaposed controls as they provided an opportunity to learn and identify potential weaknesses in their search regime.

- 5.38** When a lorry is stopped and a clandestine entrant is detected by police anywhere in the UK, a phone call should be made to the National Command and Control Unit (NCCU). NCCU is the central point of contact for Immigration Enforcement and should be notified of every inbound and outbound clandestine event. Information about how a clandestine entrant evaded checks to enter the UK should be recorded by the police officer dealing with the incident using the 'clandestine event script'. The script contains questions about the location of the incident, driver details, vehicle details, journey details (including whether the vehicle was searched en route), and the details of any clandestine entrants encountered.
- 5.39** A senior intelligence manager told inspectors that, when there was an in-country find of clandestine entrants in an unaccompanied trailer, it was often the case that the police would take the details of the driver and the clandestine entrants but would not record the specific details of the trailer. The manager added that they were not receiving the right information from inland vehicle stops and that this missing intelligence was the biggest issue they faced.
- 5.40** Staff told inspectors that intelligence teams had worked with the NCCU to ensure that the clandestine event script contained the information that was needed. They had also worked with the

National Police Chiefs' Council to "tighten up" the information the police provided to the NCCU.

5.41 Apart from any potential intelligence value, details from in-country detections were important to the Clandestine Entrant Civil Penalty Team (CECPT). CECPT staff told inspectors that the scripts were often incomplete, with the majority described as "terrible" and "poor". While the CECPT made requests for further information, responses from the police officers that had dealt with the 'lorry drop' were limited. This was not a new issue. The ICIBI's 2019 inspection identified a "low set up rate" of Civil Penalty Liability Notices for in-country detections, the most common reason for which was that no details of the driver or vehicle, or time of arrival in the UK, had been provided.

6. Inspection findings: Staffing at the juxtaposed ports

Border Force organisational structure

- 6.1** The Border Force operation in northern France, known as ‘Northern France Operations’, is part of the Border Force Europe. It is overseen by a senior civil servant who also has responsibility for Eurostar Operations, Business Change & Infrastructure, Strategy, and the CCIC (Centre Conjoint d’Information et de Coordination).⁶¹
- 6.2** Previously, Border Force Europe and Border Force South East were one region, but the work became too large and complex, which necessitated them

61 The CCIC is “staffed by law enforcement officers from a range of British and French law enforcement agencies. It supports the fight against smugglers, human traffickers and related criminal networks in the North and Pas-de-Calais”. Home Office and Border Force, ‘UK-France joint action plan on illegal migration across the Channel in small boats’ (updated 15 October 2019). <https://www.gov.uk/government/publications/uk-france-joint-action-plan-on-illegal-migration-across-the-channel/uk-france-joint-action-plan-on-illegal-migration-across-the-channel-in-small-boats-accessible-version>

being split into two. At the time, the Clandestine Entrant Civil Penalty Team (CECPT), which oversees the administration of the Clandestine Entrant Civil Penalty Scheme (CECPS), was part of the joint region but remained in the Border Force South East Region.

- 6.3** During the course of this inspection, Border Force was in the process of a major reorganisation to “transform the organisational structure to deliver greater accountability”, and to “ensure clearer lines of command and prepare the organisation for border transformation”. The new structure, which was expected to be in place, divides the main operational areas into two “Sectors”, each under a PB2 Senior Civil Servant.⁶² In the proposed new structure, Border Force South East and Border Force Europe (including the juxtaposed controls) will sit in different sectors.

Staffing

- 6.4** According to data provided by the Home Office in September 2024, around 876 Border Force officers from grades AO to HEO (Higher Executive Officer) were deployed to the northern French

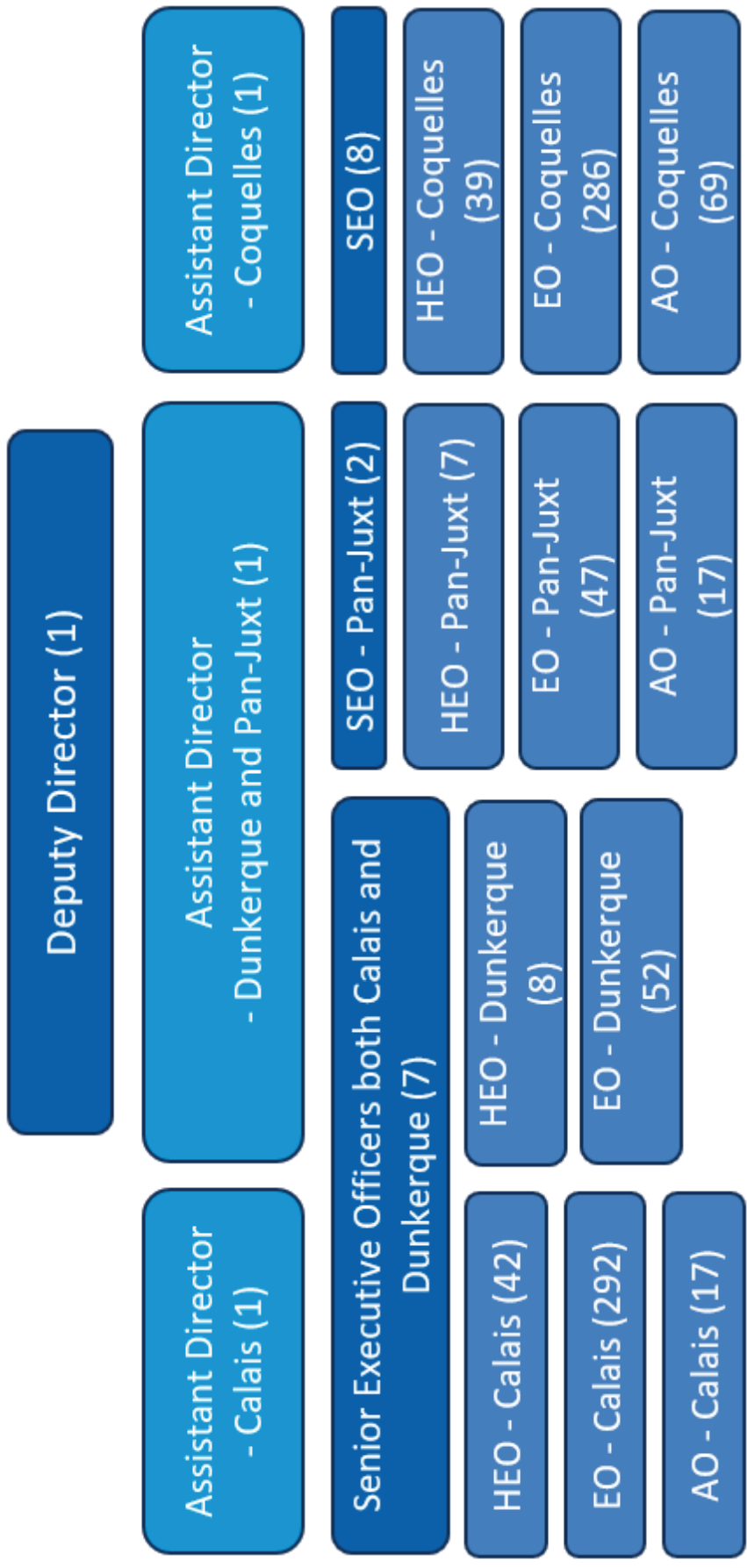
62 Pay Band 2 (PB2) is the next level below the Director General Border Force.

ports. Coquelles had the largest complement of officers, followed by Calais and Dunkerque.⁶³

6.5 Figure 17 sets out the management structure and staffing numbers for the three ports. The figure includes the Pan-Juxtaposed (Pan-Juxt) team, which serves as a mobile resource that can be deployed across all three sites.

63 The full-time equivalent (FTE) figure was 832 and did not include staff working in the Pro-Tech, Projects & Infrastructure, CCIC, and European Engagement Teams.

Figure 17: The management structure and headcount for the Calais, Coquelles, Dunkerque, and Pan-Juxt teams



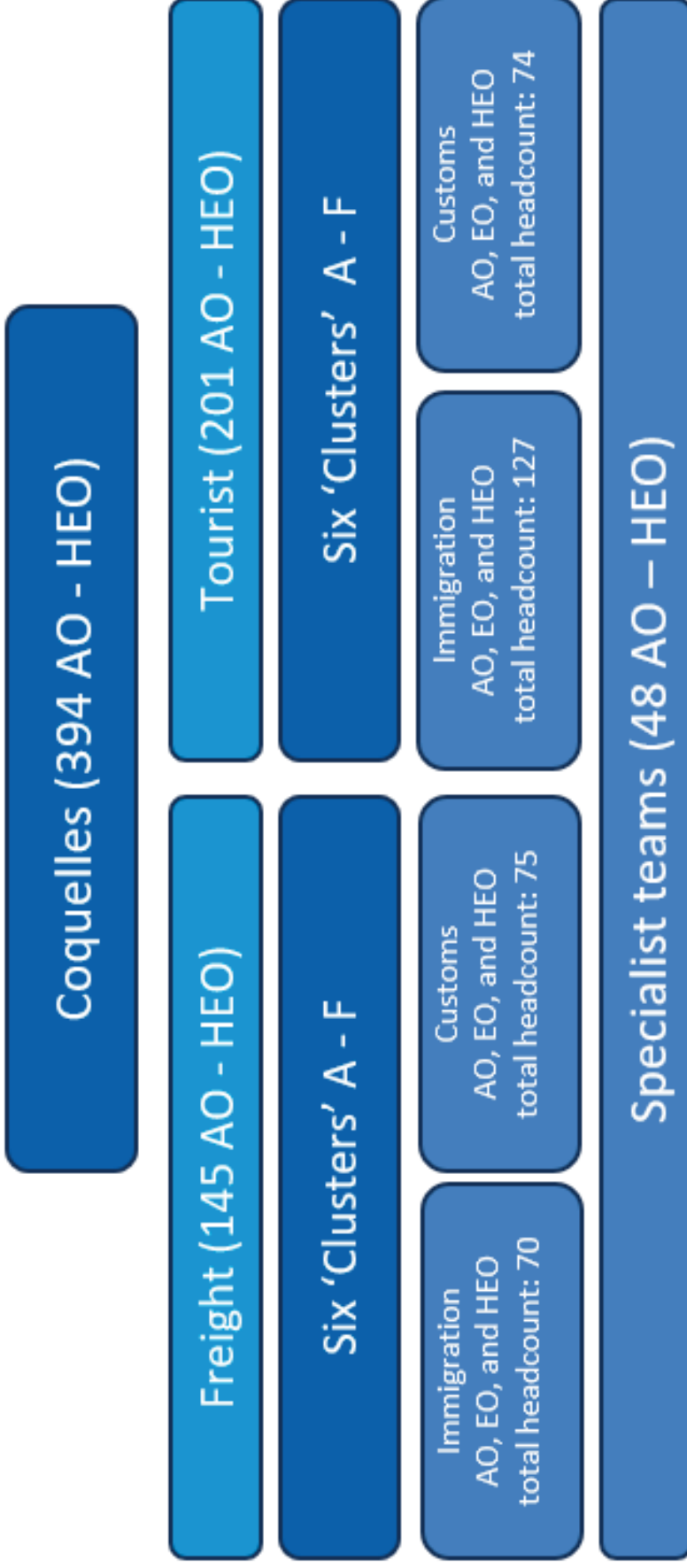
6.6 As shown in figure 18, the Calais Command covered both Calais and Dunkerque ports. Each port had eight teams made up of HEOs and Executive Officers (EOs). In Calais, the teams also had AOs. The Assistant Director (Grade 7) for Dunkerque also had responsibility for the Pan-Juxt team, which was led by two Senior Executive Officers (SEOs), with 71 HEO to AO grade officers divided into six teams.

Figure 18: Calais command structure and AO to HEO staffing headcount



6.7 As Border Force in Coquelles also performed a customs function, the teams were organised differently. They were split into two workstreams, freight and tourist, each separated into six 'clusters', and each with an immigration and customs function. As shown in figure 19.

Figure 19: Coquelles team structures and AO to HEO staffing headcount



- 6.8** The Pan-Juxt Command consisted of six teams that provided 24/7 coverage for the juxtaposed controls in northern France. Staffing was increased to deliver specific tasks under the New Plan for Immigration (NPI), including:⁶⁴
- processing and capturing the fingerprints of illegal entrants to capture biometrics at the earliest possibility and thereby assist potential returns programmes
 - enforcing the Section 31A (S31A) offence of failing to secure a vehicle, as well as stricter liability of the Section 32 (S32) offence for carriage of clandestine entrants
 - supporting the Primary Control Point at the juxtaposed controls during busy periods, processing passengers accordingly, completing case files, and conducting targeted threat-based intensification exercises

64 Home Office and UK Visas and Immigration, 'New Plan for Immigration: legal migration and border control' (updated 25 November 2022). <https://www.gov.uk/government/publications/new-plan-for-immigration-legal-migration-and-border-control-strategy/new-plan-for-immigration-legal-migration-and-border-control-accessible>

Recruitment

- 6.9** Senior managers told inspectors that there had been a “massive” recruitment campaign in February and March 2023, which was followed by an announcement of staffing cuts. Senior managers told inspectors that resourcing issues were exacerbated by the “boom and bust” way in which Border Force recruited.
- 6.10** Senior managers also told inspectors that a constant “drip feed” of new officers was required to fill vacancies. A constant flow of new officers would allow for the gradual training and upskilling of new recruits, rather than mass recruitment campaigns, which placed additional pressures on the training teams, managers, and other team members.

Planned headcount reductions

- 6.11** The ‘2024-25 Border Force business plan’ noted the challenges it faced in terms of headcount targets and reduced resources. The plan set out Border Force’s headcount target of [redacted] full-time equivalent (FTE) for March 2025, with a milestone cap of [redacted] FTE by September 2024. Border Force Europe region had been set a headcount cap of [redacted] by March 2025, a reduction of approximately 7%.

6.12 In response to the Independent Chief Inspector of Borders and Immigration’s (ICIBI’s) call for evidence for this inspection, the Immigration Services Union (ISU) told inspectors that Border Force had been severely under-resourced, and the ministerial priority on small boats had led to the deprioritisation of the clandestine migrant response. Their submission said:

“Border Force do not currently have the strategic suppleness or front-line resourcing to flex operational priorities sufficiently to maintain effective deterrent regime [sic] ... Our members very much believe stronger performance on both detection and deterrence is achievable, with greater strategic focus and investment.”

6.13 Senior managers were concerned about the cuts to staffing levels and the impact they could have on border security and operations at the juxtaposed controls. One told inspectors: “When there’s cuts, which there are now, I worry there’ll be an impact on us. If the priority shifts away from us, OCGs [organised crime groups] will find a chink in our armour and take advantage of that.” Senior managers said that cuts should be based on the pressures and challenges faced by an individual business area, rather than an arbitrary reduction across the board.

6.14 In September 2024, the Home Office told inspectors: “There are currently no vacancies

held within the [Border Force Europe] region, as a result of the regional headcount caps introduced in early 2024.”

Flexibility and stretch

- 6.15** Border Force managers at the juxtaposed controls were able to flex resources to cover staffing shortfalls in any of the three ports. Senior managers at the three ports had a close working relationship and were able to have “adult conversations” about rebalancing resources where needed.
- 6.16** Although there were no vacancies in the region, frontline officers told inspectors that, with more resources, they would be able to search more vehicles and therefore find more people attempting to enter the UK clandestinely.
- 6.17** Officers thought they were adequately resourced to cover the “day-to-day ask”, but when a detection of a commodity or a clandestine entrant was made it stretched their ability to cover the ‘core’ aspects of their role. The pressures on officers and contractors were exacerbated if multiple clandestine entrants were detected in a load, or several loads containing clandestine entrants were detected over a short period of time, resulting in officers having to stop searching vehicles while they processed the detection.

6.18 Security contractor managers had similar concerns. They told inspectors they were unable to open both search sheds in one of the ports due to a lack of resources. One explained:

“We’re not exploiting the full capacity of the port in [port name]. The current level of staff is just to do daily operations. Yesterday there was a big find of 14 people. As soon as you get that, it mobilises one or two teams and stops the searching in the sheds. Capacity is fine until there’s a find.”

6.19 Security contractor managers were concerned that Border Force’s decision in August 2024 to reduce the staffing levels of security contractors at another port had reduced their search capability there by 20%. They told inspectors that this port “was always the safest port” as they had the capacity to check 100% of all goods and tourist vehicles. They felt that the higher levels of searching at the port meant that organised crime groups had been pushed towards other ports with less advanced searching capabilities and observed: “If you want to make the border stronger, you need the resource.”

6.20 Senior Border Force managers told inspectors that changes to the detention management contract in one port had resulted in a surplus of contractor staff there. The surplus staff were redeployed within the port, which already had an

efficient searching regime, so Border Force made a risk-based decision to reduce the number of contractor staff. [Redacted]. One told inspectors that the impact of the reduction would be monitored and, if detections at the port increased, there was flexibility in the contract to increase resourcing levels.

- 6.21** Port operators told inspectors that Border Force did not have the resources to open all of the available lanes to deal with the freight and tourist traffic, particularly during peak periods such as the summer months. Consequently, there were delays at the juxtaposed controls in processing vehicles through passport control and search regimes, which had a knock-on effect on vehicles waiting to enter the ports. Stationary or slow-moving vehicles were vulnerable to migrants attempting to board or break into them. A port operator told inspectors: “In order to protect the UK border, we need to ensure Border Force have enough resources to open the lanes and to keep the traffic moving.”
- 6.22** Inspectors found that port operators and Border Force managers understood the pressures each were facing. A port operator described how their relationship with senior Border Force managers had improved. When resources allowed, Border Force managers were now proactive rather than reactive in opening passport control and

search lanes to help with the flow of traffic through the port.

Pan-Juxtaposed team flexibility

- 6.23** The resourcing model at the juxtaposed controls relied on the flexibility provided by the Pan-Juxt team. Pan-Juxt resources are deployed on a priority basis, with a focus on clandestine detection, Primary Control Point (PCP) coverage, and casework.⁶⁵ To ensure effective deployment of the Pan-Juxt team, the incoming shift manager contacts the current Pan-Juxt shift leader and the managers of the Border Force core teams at the juxtaposed controls to see where officers are required. The Pan-Juxt team can readjust and move between ports if needed, including splitting the team to cover different workstreams at different locations.
- 6.24** Pan-Juxt managers told inspectors that the team was deployed to Calais more frequently than Coquelles and Dunkerque, partly due to the volume of traffic and the superior search facilities there. When deployed to help the core teams, it was normally to staff the PCPs or to undertake

65 The Home Office, in its factual accuracy response, stated: “The current Pan-Juxt priorities for deployment are Civil Penalty, clandestine detection/screening, and clandestine fingerprinting/processing.”

casework. Inspectors were told that delays to the delivery of the second stage of the Immigration Foundation Course (IFC-P2) meant that some core team officers were unable to complete casework duties.

- 6.25** Pan-Juxt officers told inspectors that using them as a flexible resource to cover shortfalls in core team staffing levels and capabilities took them away from what they saw as their core responsibilities. Officers told inspectors that the requirement to cover the PCPs was more of an issue in the summer months. This meant the Pan-Juxt team had less capacity to conduct searches for clandestine entrants or to conduct Section 31A checks.
- 6.26** Under the NPI, ministers had decided that all clandestine entrants over the age of 18 detected at the juxtaposed controls should be fingerprinted. Fingerprinting in Calais had not been carried out since 2010 due to problems with the availability of detention facilities. The Pan-Juxt team was upskilled to carry out this work and, from early 2024, had been delivering training to the core teams to enable them to take the fingerprints of those who were detected at the juxtaposed controls.
- 6.27** The decision to fingerprint those detected had increased the need for Pan-Juxt officers to be present at Calais (where higher numbers of

detections were made), while the core teams there were upskilled. This reduced the ability of the Pan-Juxt team to deploy to the other juxtaposed controls.

- 6.28** Uncertainty over the future funding of the Pan-Juxt team was described by one senior manager as the biggest challenge they faced. Reduced funding for the Pan-Juxt team would limit its ability to deploy across the juxtaposed controls, assist with the fingerprinting of clandestine entrant detections, and carry out S31A and S32 checks. This could undermine the impact of the civil penalty scheme.

Seasonal workforce

- 6.29** For some years, in the summer and at other peak periods for passenger travel, Border Force has supplemented its permanent officers at airports and ports, including the juxtaposed ports, with a seasonal workforce, often retired officers or others with law enforcement backgrounds. Seasonal workers were limited to working on the PCPs and did not carry out customs or arrest functions.
- 6.30** Senior managers at the juxtaposed ports told inspectors that the use of seasonal workers was due to end in early 2025. An alternative shift pattern for new officers was being introduced,

which would mean they would be expected to cover shifts over the summer months.⁶⁶

6.31 Managers were concerned about how many alternative shift pattern officers would be available. They told inspectors that insufficient numbers could mean [redacted] that it would not be possible to open additional lanes at the PCPs.

6.32 A senior manager told inspectors about the difficulties that losing the seasonal workforce at the same time as officer reductions could have:

“The impact will be significant around the PCP, and the knock-on to illegal migration work in vehicles/freight. We’ve had seasonal workers for ten years, and had up to 120-130 in our pool ... To lose them when we are also reducing core headcount will make the loss more difficult.”

6.33 Senior managers were also concerned that the loss of the seasonal workforce would impact other operational activities. They believed that the flexibility provided by the Pan-Juxt team would mean that a greater proportion of that team’s time would be spent covering the PCPs, reducing its

66 Home Office, ‘Overview of Roles’ (accessed 28 November 2024). <https://homeofficejobs-sscl.co.uk/bf-role-overview.html>

ability to carry out S31A checks on goods vehicles. They told inspectors:

“When seasonal workers end, Pan-Juxt staff will have to support the PCP, which is our mandated work and will lead to more clandestine entrants. It will put more pressure on us. We could be called more to do PCP work. Section 31A work will decrease, and we will not be able to do it.”

6.34 Despite these concerns, senior managers were cautiously optimistic that the new alternative shift pattern plan would work if officers were recruited and trained in sufficient volume, and that those officers would be more effective than seasonal workers. A senior manager told inspectors: “This could be great but there are a lot of ‘ifs’ at the moment. Needing to surge people in is always a problem, but there is a gap to be filled.”

Training

6.35 In order to undertake all aspects of their role, most Border Force officers (BFOs) working at the juxtaposed controls are required to have completed the Immigration Foundation Course level one (parts one and two) (IFC-P1 and -P2) as well as level three Public and Personal Safety Training (PPST).

6.36 IFC-P1 trains Border Force staff in questioning arriving passengers up to the point at which they make the decision to issue them with an IS81 form (notification to a passenger they are being subjected to further examination). IFC-P2 trains staff to further examine, detain, or bail passengers, and handle immigration casework. The full IFC takes six weeks to complete, with P1 and P2 each taking three weeks. See figure 20.

Figure 20: The functions and tasks a Border Force officer can undertake on completion of IFC-P1 and IFC-P2

IFC-P1	IFC-P2
Examine a range of passengers at the PCP	Initiating detention in a short-term holding facility (STHF) (or temporary detention facility)
Grant permission to enter (where necessary) to a range of passengers at the PCP	Completing relevant documentation and baggage searches
Allow entry to those passengers who do not require permission to enter	Completing relevant documentation and taking the biometrics of detained passengers
Where necessary submit a passenger to further examination	Conducting and recording sponsor interviews
Refer a passenger from the PCP for a customs examination and complete the associated notebook entry	Conducting and recording further interviews

IFC-P1	IFC-P2
Administratively detain a passenger when required under Detention at Port Powers	Conduct and recording asylum screening interviews
Safeguard potentially vulnerable passengers and refer them into the NRM [national referral mechanism]	Conducting referrals to Higher Officers/Senior Officers where required
Refer potential risks to national security to the relevant authorities	Completing relevant documentation to refuse a passenger
	Completing the relevant risk assessments and documentation to grant a detained passenger Secretary of State Bail
	Completing a port case and all associated documentation
	Add case details to Atlas ⁶⁷

6.37 BFOs must complete IFC-P2 training to process immigration cases (casework) beyond the issuing of an IS81. BFOs must complete an additional, bespoke training course before they can undertake freight searching at port.

6.38 As shown in figure 21, PPST consists of three levels.

67 Atlas is the Home Office case-working system designed to replace the Caseworker Information Database (CID).

Figure 21: Public and Personal Safety Training

Level	Description
1	<ul style="list-style-type: none"> • Staff who come into contact with members of the public in a controlled area • Delivered through online e-learning course • No refresher requirement
2	<ul style="list-style-type: none"> • Operational staff who do not exercise powers of arrest but do operate in potential conflict and confrontational environments • Two-day course • Refreshed annually
3	<ul style="list-style-type: none"> • Operational staff who exercise powers of arrest or carry out full detention powers under detention at port powers • Five-day course⁶⁸ • Refreshed annually

6.39 The Border Force Learning and Development (L&D) team manages the delivery of both IFC and PPST. Previously, the team operated as part of the Home Office’s centralised human resources function and used a detached duty delivery model, recruiting detached duty trainers from within Border Force to support training. When the L&D team moved back to Border Force from Human Resources, the detached duty trainers returned to their roles in Border Force operations and now support L&D with the delivery of training through

68 From April 2025, the level-three (PPST) initial course will be scenario-based training, following College of Policing guidance, which may increase its duration.

a BET model (where staff remain in Border Force operations but work collaboratively alongside L&D to support the delivery of training).

Delays to Immigration Foundation Courses

- 6.40** Managers at the juxtaposed ports told inspectors there was no clear recruitment and training plan for Border Force, and criticised the lack of planning, which meant new officers were having to wait between six and 12 months before accessing training. However, a senior manager in the L&D team explained the planning that had been completed prior to the previous large recruitment round, which aimed to identify when new officers would join Border Force. Despite this, the programme needed frequent adjustments due to delays in officers receiving their security clearance. These delays resulted in lower levels of attendance on courses and meant that officers were only notified at short notice when spaces on courses became available.
- 6.41** Officers at all three juxtaposed ports reported difficulties in accessing the training required for their roles. Some BFOs had been in post for over a year without completing the full training. Officers noted that add-on courses, like safeguarding training, were available only to those with

IFC-P2 training, leaving many unable to develop additional skills.⁶⁹

- 6.42** Managers described the training backlogs as “frustrating” and told inspectors that “getting the basics” of training delivered was one of their biggest challenges. Border Force’s “boom and bust” recruitment cycles overwhelmed the training system, which they described as “extremely inefficient”. In addition, L&D resources had been diverted to train military staff to cover strike action by BFOs.
- 6.43** Some BFOs had left due to boredom from not being able to carry out the full range of duties. To prevent further attrition, and to cover the gap caused by training the military, senior managers had created their own regional training teams who delivered training using materials which they said had been “reluctantly” given to them by L&D.
- 6.44** After completing the training for military staff, the L&D team resumed delivery of IFC-P1 and IFC-P2 for new recruits, to allow them to undertake operational duties. However, this created the perverse situation of new recruits being trained

69 The Home Office, in its factual accuracy response, stated: “Safeguarding training is an e-learning module that can be undertaken at any time without a need to have done the IFC-P2.”

ahead of BFOs who had been with Border Force for two years but had yet to complete IFC-P2.

Delays to Public and Personal Safety Training

- 6.45** Officers are required to complete yearly refresher training for PPST levels two and three. At the time of this inspection, the level-two refresher course was one day in duration, and the level-three refresher course was two days.
- 6.46** Some frontline BFOs had been trained as Business Embedded Trainers (BETs) to deliver personal safety refresher training, following initial training provided by the L&D team. BETs perform their training role in addition to their frontline BFO role. They are expected to deliver approximately 30 days of training annually. However, managers told inspectors that scheduling this was often challenging due to the high attrition rate of BFOs trained as BETs. This also created additional work for fully trained BFOs, who had to manage extra cases.
- 6.47** A senior manager from the L&D team also commented on the attrition rate of BETs, which affected the delivery of PPST. As of October 2024, approximately 70 frontline officers were on the development pathway to become PPST trainers, but completing this process typically took 12 to 18

months, depending on when business areas could release officers from their duties.

- 6.48** Inspectors heard that there were significant issues when PPST accreditation expired, a situation described as putting officers ‘out of ticket’. This meant that officers working at the juxtaposed controls were unable to perform certain aspects of their role. The L&D team told inspectors that during 2023 data had been entered incorrectly into the Excel spreadsheet used for PPST scheduling, resulting in some officers being recorded erroneously as ‘in ticket’ for 18 months instead of 12 months. The scheduling error came to light only in September 2024, after Border Force managers had started to query with the L&D team why some officers had not been allocated refresher training.
- 6.49** A senior manager at the juxtaposed controls described the situation as a “massive curveball” for the Border Force Europe region, with approximately 150 officers affected in Calais alone. By mid-September 2024, a recovery plan was implemented to ensure BFOs received an extension to remain ‘in ticket’. The L&D team told inspectors that the training recovery plan was completed by the end of November 2024, with 773 spaces on PPST refresher courses delivered. However, BFOs explained that the usual refresher course, when still ‘in ticket’, required only two days, whereas officers who were ‘out of ticket’

were required to complete the full seven-day training course.

6.50 A senior manager voiced their dissatisfaction with the PPST approach, saying:

“I do not understand the way we do PPST training. It is absolutely insane. If you include Immigration Enforcement, we have 11,000 staff who need PPST every year and we are scrambling around looking for village halls to train people in. The police forces across the country have a grip on it, why can we not? We are in constant crisis mode, and it needs investment.”

6.51 The Pan-Juxt team, which focused primarily on managing S32 clandestine entrant finds or undertaking vehicle search activities to ensure compliance with S31A, was granted special permission to enable officers who were ‘out of ticket’ to continue carrying handcuffs. Speaking to inspectors in October 2024, managers warned that this exemption would expire in November 2024, potentially causing further issues if training backlogs remained. Unlike other teams, PPST level three is the minimum level required to undertake the Pan-Juxt role, and officers were concerned that they could lose this ability if training was not completed in time.

- 6.52** BFOs had raised concerns regarding the specific tasks that required PPST level three training and had asked what they were to do if a clandestine entrant needed to be restrained but there were no officers available who were trained or accredited to level three. In response to these concerns, senior managers issued an email in September 2024 which BFOs said amended the PPST levels required for certain tasks and responsibilities.⁷⁰
- 6.53** Officers told inspectors this email was the only guidance provided. Meanwhile, many reported being unable to perform tasks requiring the use of handcuffs (level three) due to being ‘out of ticket’. Consequently, officers’ confidence in being able to carry out their roles was affected. A senior manager expressed frustration at the lack of autonomy they had to fix the issue, stating: “It is an awful situation to be in for staff, as it does not look like people value them.”
- 6.54** BFOs reported that their training was previously scheduled a year in advance. In October 2024, staff told inspectors they had received only about

70 The Home Office, in its factual accuracy response, stated: “The email [of September 2024, the wording of which was provided as evidence to the inspection] ... clarified the position from SSoWs [safe systems of working] which are well established. Border Force did not change the requirement based upon the lack of PPST.”

two weeks' notice of courses, while some said that they were told about their refresher courses only two days before the start date. This often forced BFOs to cancel leave to stay 'in ticket' and avoid having to attend the longer course.

6.55 The L&D team told inspectors that they operated on the basis that course dates would be sent out six weeks in advance, but staff who took up cancellation places sometimes received only two weeks' notice. The L&D team said they always attempted to accommodate leave requests where possible, but BFOs said that this was rarely filtered through to them. They usually found out through an email informing them of their booking, and they needed Assistant Director approval if they wanted to change the dates of the course. BFOs also told inspectors that they experienced frequent course cancellations due to a lack of trainers.

Meeting business needs and demand

6.56 Senior managers at the juxtaposed ports told inspectors that the L&D team "provides for the business what they think we need. They do not ask what we know we need." They said: "We need to be driving this as we understand what the pressure is. There has been no two-way communication with L&D." They described the training model as "broken" and said that there were "real fundamental issues in the system".

While acknowledging that the L&D team had a clear vision to professionalise training delivery, they suggested that moving too quickly had caused the system to “fall over”.

- 6.57** A manager in the L&D team disagreed, stating that their approach was guided by input from the business areas, which indicated the training that was required. The manager also highlighted efforts to improve engagement with frontline staff and to introduce a new approach to identifying training gaps and pressure points. A recovery plan was in place, focused on more efficient use of BETs and detached duty trainers. The team currently operated with separate regional and national delivery plans but aimed to merge them into a unified system to increase training capacity and enable staff to deliver more courses. Additionally, they were refreshing the IFC to make it “more flexible and easier to deliver”, with greater reliance on self-directed learning. They believed that achieving this would significantly improve future training delivery.
- 6.58** Despite the negative feedback from staff at various grades, a member of the L&D team told inspectors that the team was meeting the current demand for IFC and PPST courses. Evidence provided to inspectors showed that, across the juxtaposed ports, nine officers had been waiting over six months for IFC-P1 training and 18 officers had

been waiting over six months for IFC-P2 training. In addition, 23 officers had been waiting over six months for PPST level-three training, with a further 13 officers awaiting PPST level-two training.

7. Inspection findings: Border Force engagement with stakeholders at the juxtaposed controls

Introduction

7.1 Inspectors examined the nature and extent of Border Force engagement with stakeholders at the juxtaposed controls, including port and transport operators, contractors, French law enforcement, and government stakeholders.

Engagement with port operators and ferry companies

7.2 Port operators are responsible for port security, the flow of traffic through a port, and initial port search facilities. The port operator at Calais is the Société d'Exploitation des Ports du Détroit, and at Dunkerque it is the Grand Port Maritime de Dunkerque. Eurotunnel is both the port operator and transport operator at Coquelles.

7.3 Three ferry companies operate at Calais: P&O, DFDS, and Irish Ferries. Only DFDS operates at Dunkerque.

7.4 Inspectors found evidence of regular engagement at the three ports between Border Force and port and transport operators, all of whom confirmed that they had positive professional relationships with Border Force senior managers.

Formal engagement

7.5 At Calais, Border Force officers (BFOs) attend weekly 'berth side' meetings with port operators and contractors to discuss operational issues and traffic management in the port. Weekly port security meetings are held with port security and the Police aux Frontières (PAF) to discuss detections of clandestine entry attempts, problems in the port, potential risks, and opportunities for further collaboration. BFOs also attend bi-monthly working group meetings on physical and verbal abuse in the port, a quarterly stakeholder meeting with the ferry companies, and a separate meeting with the Douanes (French customs).

7.6 At Dunkerque, there are monthly meetings involving DFDS, Border Force, PAF, the Douanes, contractors, and French and Belgian police. There are also ad-hoc meetings to discuss any issues and joint working initiatives.

7.7 At Coquelles, there are weekly meetings between Border Force senior managers and the Eurotunnel freight team operations manager to discuss operational issues and upcoming challenges.

There are also monthly and quarterly meetings to discuss staffing, structural changes, and operational matters.

- 7.8** BFOs (representing all three juxtaposed controls) attend fortnightly calls between Eurotunnel, the ferry companies, the Préfet, and the PAF.⁷¹ Additionally, the Joint Security Programme Board (JSPB), which is jointly chaired by the Border Force Regional Director and the Préfet for zonal security and defence, meets every quarter. The JSPB focuses on infrastructure projects funded by the UK and delivered by France under UK funding agreements.
- 7.9** The Centre Conjoint d'Information et de Coordination (CCIC) consists of Border Force and PAF staff working closely together and sharing an office in Calais. They hold a weekly meeting at which information is exchanged with local government and law enforcement staff on migratory pressures in the Pas de Calais area. This includes discussions about migrant statistics, camp clearances, small boats issues, facilitation trends, and public order events. The CCIC also holds an operational round table meeting which provides a platform for all commands in the region, both UK and French, including judicial elements, to

71 The Préfet is a government official who represents the French state in a department or region.

share pertinent operational information and ensure joint oversight of current threats at the juxtaposed ports and elsewhere overseas.

- 7.10** Stakeholders confirmed that these meetings and feedback loops are effective in providing opportunities for all parties to exchange information freely, to discuss trends and clandestine attempts to enter the UK, and to resolve problems regarding port security and infrastructure. They also allow all parties to highlight any upcoming issues.

Operational engagement

- 7.11** BFOs and stakeholders described meetings and a monthly report that enabled information about detections of clandestine entry attempts at the juxtaposed controls and clandestine entrant detections in the UK to be fed back to the ferry companies and port operators.
- 7.12** Port operators told inspectors that they had regular day-to-day contact with BFOs, for example to request the opening of additional Primary Control Points and traffic lanes to enable customers to be processed and board their ferries or trains as quickly as possible. It also helped to avoid traffic build-ups and traffic jams on the roads leading to the ports, which increased the risk of migrants gaining access to vehicles. Stakeholders said that Border Force would explain the reasons if it was

unable to open more lanes. They also described productive joint working, such as Border Force “lending” a carbon dioxide (CO₂) probe and a scanner to the port operator at Dunkerque to assist with the detection of clandestine entrants.

Engagement with Serco

- 7.13** Serco is contracted by Border Force to search vehicles for clandestine entrants in the Border Force control zone at the juxtaposed controls. Inspectors found that the relationship between Border Force and Serco was generally good, however, there were some areas where it could be improved.
- 7.14** The Serco contract is managed by the Border Force Detection Projects and Technology Team (Pro Tech) based in the UK. Pro Tech manages juxtaposed control contracts, maintains Border Force detection equipment, and researches new detection technologies. Border Force Higher Officers at the juxtaposed controls assured Serco staff performance daily, ensuring that they complied with Standard Operating Procedures (SOPs) and ‘safe systems of working’. Border Force Senior Officers and contract managers also visited Serco onsite. A monthly report was sent to Serco containing details of lorries containing clandestine entrants in the UK that had entered via the juxtaposed controls, so that they could check

their records as to whether they had conducted a search. There were also regular monthly meetings between local BFOs, Serco, PAF, and French contractors.

- 7.15** Serco managers told inspectors they had a named contact for Border Force at Calais, but they were unsure who to contact at Coquelles. A senior Border Force manager confirmed that there was a nominated point of contact at Coquelles but acknowledged that the relationship there was not as strong as it could be.
- 7.16** BFOs and Higher Officers (BFHOs) at Coquelles told inspectors that the relationship with Serco at the tourist control zone was very positive and friendly, and that Serco had made referrals to the Border Force Commercial Smuggling Development Team that had resulted in some good customs detections. BFOs in Calais and Dunkerque also described good working relationships with Serco.
- 7.17** Serco managers commented that Border Force lacked experienced staff, and that some BFOs were unfamiliar with searching and therefore did not understand their work, which had led to some “misunderstandings”. They believed that communications were not always passed on to frontline BFOs. Both Border Force and Serco said they were working hard to improve communication between their teams, which included a briefing

with a BFHO or the Border Force Freight Search Liaison Officer (FSLO) at the start of the Serco shifts.

7.18 The FSLO role was created c.2015 to provide a liaison point between Border Force and Serco (previously ECS) when a clandestine entry attempt was detected. In October 2024, staff told inspectors that there was an FSLO at both Calais and Coquelles, but there was no FSLO at Dunkerque.⁷² The FSLO is also responsible for briefing Serco staff on intelligence profiles and trends, providing operational support, processing drivers, and passing evidence to the Clandestine Entrant Civil Penalty Team. Although Serco staff did not always know the name of the FSLO on duty, they were able to contact them by radio if necessary. Serco managers said that some of the FSLOs were slow to deal with clandestine entry attempts, with a basic detection, where a clandestine entrant had cut the roof of a lorry to enter the vehicle, taking three hours to process. They also said that some FSLOs were

72 The Home Office, in its factual accuracy response, stated: “There is an FSLO at Calais but there is no FSLO at Coquelles and Dunkerque. The FSLO role is based on the requirements of each port, not the size of ports / officer volume. Border Force are currently reviewing port requirements.”

inexperienced and had to ask Serco for advice about what they should do.

Engagement with Wagtail

- 7.19** Border Force has contracted Wagtail, a UK company, to search for people using body detection dogs. BFOs at all grades told inspectors that Wagtail detection dogs are the best method of detecting clandestine entrants. Wagtail work more closely with Serco staff, but BFOs and Assistant Officers told inspectors that their engagement with Wagtail was generally good; however shift working made it difficult to build relationships.
- 7.20** There is a board on the wall of the Border Force office in Calais displaying the names and photographs of the Wagtail handlers and dogs. Despite this, Wagtail staff said that BFOs frequently did not seem to know who they were, and they often felt “ignored”. Wagtail handlers confirmed that the FSLO normally came to greet them, and they were complimentary about one of the FSLOs based in Calais. However, there were now lots of FSLOs and they changed frequently, making it more difficult to establish relationships.
- 7.21** There was also a perceived lack of awareness of Wagtail’s ways of working. Wagtail managers told inspectors that BFOs sometimes doubted the abilities of a dog that had made a detection and requested a second dog to confirm the detection

prior to conducting a physical search of a vehicle, which the managers thought was unnecessary. This led to the handlers feeling that the dogs were not trusted.

- 7.22** At Calais, Wagtail handlers had previously been accompanied by three members of Serco staff when searching coaches with their dogs. Since July 2024, they had been accompanied by a BFO. The new process was unpopular with Wagtail staff, who found that BFOs were not always sure of their role during a search or when a dog made a detection. One handler said: “Quite often you search and they’re there at the start but when you finish, they’re not there.” It was important for the officer to stay with the handler, as dogs were trained to sit still to indicate a detection and only received their reward once the person was found. If the detection was not acknowledged and the dog was not quickly rewarded for making the detection, the dog could potentially become deskilled and demotivated.
- 7.23** An example was given of a BFO taking a coach driver’s passport to the passport control during a Wagtail search. The dog had to sit still for several minutes until the officer returned, during which time it became frustrated. This was contrary to Border Force SOPs for working with Wagtail, which stated: “When working in the coach lanes the Wagtail dogs will require one UK Border Force

officer or ASO [Serco Authorised Search Officers] with them at all times.” It also put the safety of both the handler and dog at risk, leaving the handler feeling that their safety was not of primary concern to Border Force.

7.24 Serco staff were aware that when Wagtail made a detection they should leave the clandestine entrants in place in a vehicle to give the dogs the opportunity to detect them. While they accepted that there may be circumstances where it was necessary to remove migrants from the vehicles immediately, the handlers believed that in most cases they were removed only to have to wait around to be taken to the custody area by van, and it was a wasted opportunity to train the dogs.

7.25 Handlers said they had felt confident in telling Serco staff what to do and where to stand, but they felt reluctant to do so with BFOs, as BFOs were supposed to be in charge. Wagtail staff were able to raise issues through the Border Force contract lead, but this improved matters only for a short time before things deteriorated again.

Engagement with French security contractors

7.26 The search team based in the French control zone for the port operator at Calais is Détection Recherche Instruments (DRI). Weekly meetings

are held between Border Force, DRI managers, and other port stakeholders to discuss detections of clandestine attempts and other port security issues.

7.27 Border Force has also taken part in joint working initiatives [redacted], an intensification exercise that has “been in place for several years” and had restarted in July and September 2024 for two days at a time. The aims of [redacted] are to:

- promote teamwork and joint initiatives
- streamline referrals between [redacted]
- reduce false positive results
- provide an opportunity to educate staff and drivers on civil penalty and security measures
- provide feedback on search technology performance

7.28 To facilitate [redacted]. BFOs told inspectors they believed [redacted] had been beneficial, as it had improved knowledge of both parties’ ways of working and had upskilled [redacted] staff.

Language barrier

7.29 Engagement between frontline BFOs and Serco, DRI, and other French-speaking port stakeholders is hampered by the fact that few BFOs speak French. Serco staff said it would be “helpful” if

more BFOs spoke French. A senior Border Force manager considered it “arrogant” that Border Force worked in another country but did not “bother” to learn the language.

- 7.30** At a senior level, port stakeholders told inspectors that the language barrier was not a significant issue, as a Border Force interpreter was used for official meetings, but they appreciated it when senior Border Force managers made the effort to speak French.
- 7.31** French was widely spoken in the CCIC, where all BFOs spoke some French and senior managers were fluent in the language. In order to address the lack of French speakers among other BFOs, the CCIC had introduced French language courses. Since April 2024, CCIC staff with experience of teaching a foreign language had cascaded a one-week basic French course. The course had been delivered to 120 officers, with a further 400 officers on the waiting list. The feedback was that it was “outstanding”, and they had received requests to train other Border Force teams. A senior CCIC manager told inspectors: “We want to invest in our people. Officers are gaining knowledge to be able to communicate with partners and tourists.”
- 7.32** A language allowance was previously paid to some legacy BFOs (for Assistant Officer to Higher Officer grades only) who used their knowledge of

foreign languages in the course of their work for the benefit of the Home Office.

8. Inspection findings: Clandestine Entrant Civil Penalty and Civil Penalty Accreditation Schemes

Creation of the Clandestine Entrant Civil Penalty Scheme

8.1 The Clandestine Entrant Civil Penalty Scheme (CECPS) was brought into effect by the Immigration and Asylum Act 1999.⁷³ The aim of the scheme is to incentivise vehicle owners, drivers, hirers, and operators to secure their vehicles to prevent unauthorised access by clandestine entrants. Failure to do so can result in a penalty. Section 32 (S.32) of the Act states:

“A person is a clandestine entrant if—(a) he arrives in the United Kingdom concealed in a vehicle, ship or aircraft, (aa) he arrives in the United Kingdom concealed in a rail freight wagon,
(b) he passes, or attempts to pass, through immigration control concealed in a vehicle, or

73 Immigration and Asylum Act 1999. <https://www.legislation.gov.uk/ukpga/1999/33/section/32>

(c) he arrives in the United Kingdom on a ship or aircraft, having embarked—

(i) concealed in a vehicle; and

(ii) at a time when the ship or aircraft was outside the United Kingdom, and claims, or indicates that he intends to seek, asylum in the United Kingdom or evades, or attempts to evade, immigration control.”

8.2 The Act gives powers to the Secretary of State to “require a person who is responsible for a clandestine entrant to pay—

(a) a penalty in respect of the clandestine entrant;

(b) a penalty in respect of any person who was concealed with the clandestine entrant in the same transporter.”

8.3 A penalty can be reduced if “the responsible person can show that they took the actions specified in regulations ... in relation to the securing of the transporter against unauthorised access”. Those actions are listed as:

“(a) actions in relation to checking a person has not gained unauthorised access to the transporter,

(b) actions in relation to the reporting of any unauthorised access to the transporter, and

(c) actions in relation to the keeping of records to establish that other actions specified in the regulations have been taken.”

8.4 The Act also stipulates that the employee and employer are “jointly and severally liable for the penalty imposed on the driver (irrespective of whether a penalty is also imposed on the employer)”, and this also applies where the driver is driving a vehicle under contract to the vehicle’s hirer or owner.

8.5 When the Act was introduced in 1999, a penalty of up to £2,000 per clandestine entrant could be imposed on any responsible person connected to the vehicle in question (the owner, hirer, or driver of the vehicle), up to a maximum aggregate of £4,000 in total per clandestine entrant.

Nationality and Borders Act 2022 amendments

8.6 Information about the scheme published on GOV.UK stated that “during the financial year 2020-2021, there were 3,145 incidents where clandestine entrants were detected concealed in vehicles, despite the COVID-19 pandemic causing

a lower volume of traffic”.⁷⁴ This rose to 3,838 incidents in 2021-2022.

- 8.7** The government stated on GOV.UK that it was concerned that the penalty level had not changed since 2002 and noted that the scheme was “not having enough of an effect” in ensuring that drivers were securing their vehicles and that clandestine entrants were “continuing to use these routes to enter the UK”.
- 8.8** As a result, the government sought to overhaul the scheme as part of its New Plan for Immigration (NPI) and proposed to introduce changes to the scheme under the Nationality and Borders Act 2022, including narrowing the statutory defences available to those who had carried a clandestine entrant. This meant that, where a clandestine entrant had been carried, it would “no longer be a statutory defence to say that an effective system for preventing the carriage of clandestine entrants was in operation”, and that person could still be issued with a penalty. However, if the person had complied with the regulations to secure their transporter, reported unauthorised access, and

74 Home Office, ‘Consultation document: Clandestine Entrant Civil Penalties’ (updated 13 February 2023). <https://www.gov.uk/government/consultations/clandestine-entrant-civil-penalty-scheme/consultation-document-clandestine-entrant-civil-penalties-accessible>

kept records to show they took those steps, the level of the penalty could be reduced.

- 8.9** The only statutory defence remaining would be that the driver was acting under duress, in that “somebody was forcing them to carry the clandestine entrants later found”. In all other cases, the presumption would be that a penalty would be issued, unless it was not in the public interest because there were exceptional circumstances.
- 8.10** The 2022 Act also introduced a new civil penalty “for failing to adequately secure a goods vehicle”, regardless of whether a clandestine entrant has been detected in it, under Section 31A (S31A) of the Immigration and Asylum Act 1999 (as amended).

Equality Impact Assessment

- 8.11** In February 2023, the government published an equality impact assessment (EIA).⁷⁵ This summarised the evidence considered in demonstrating due regard to the Public Sector Equality Duty (PESD) in relation to the proposed changes to the civil penalty scheme. It considered the potential impact of the proposals on two

75 Home Office, ‘Consultation outcome: Clandestine Entrant Civil Penalty Scheme’ (last updated 13 February 2023). <https://www.gov.uk/government/consultations/ clandestine-entrant-civil-penalty-scheme>

cohorts: “responsible persons” and clandestine entrants. The EIA provided the following information:

- the government does not routinely gather data about the characteristics of “responsible persons”
- the number of people in the UK employed as heavy goods vehicles (HGV) drivers between July 2020 and June 2021 was estimated at 268,000, down from a peak of 321,000 during the year ending June 2017
- the government does not routinely gather data about the characteristics of detected clandestine entrants

8.12 Where there was potential for positive or negative impact on the protected characteristics of age, disability, pregnancy and maternity, race, and sex, the EIA stated:

“changes to the Scheme may prompt people who are vulnerable because of factors linked to their [protected characteristic] to decide not to attempt a dangerous clandestine journey to the UK, to claim asylum in a safe country and so to get quicker access to any help and support they may require. This could advance their equality of opportunity.”

8.13 The EIA did not identify any evidence of direct discrimination against persons with protected characteristics. Where indirect discrimination was identified, the EIA stated:

“we do not consider that the changes we are making will amount to indirect discrimination against this cohort – any remaining adverse impact is in our assessment proportionate in order to achieve our legitimate policy aim of increasing the proportion of responsible persons complying with vehicle security standards, thereby contributing to governmental objectives to tackle illegal migration to the UK.”

8.14 The EIA said it would:

- mitigate the risk of negative impact on responsible persons from countries where incomes are lower by implementing a means testing policy
- mitigate the risk of responsible persons not being able to read and understand guidance in English by providing materials translated into other languages

8.15 The EIA did “not identify any further specific actions to address negative impact” and added:

“Any remaining adverse impact is in our assessment proportionate in order to achieve our legitimate policy aim of increasing the

proportion of responsible persons complying with vehicle security standards, thereby contributing to governmental objectives to tackle illegal migration to the UK.”

Exceptionality policy

- 8.16** While the assumption under the new legislation is that all those found with an unsecured vehicle or with a clandestine entrant in or on their vehicle will receive a penalty, [redacted] Border Force officers at ports do not have to refer an incident involving an unsecured vehicle or clandestine entrants detected in vehicles to the Clandestine Entrant Civil Penalty Team (CECPT).
- 8.17** Border Force officers at ports have general discretion not to refer a S31A or S32 incident to the CECPT for a penalty. This covers what is described as “a range of situations where it would not be in the public interest to impose a penalty”, such as extenuating personal circumstances, including ill health, a criminal investigation or prosecution arising from the same incident being under way, or resource pressures meaning that “all Border Force resource must be directed at mandated activities”, such as resourcing the primary control point.

Operation AFTERMATH

- 8.18** If a driver or company does not pay a penalty by the required date, they are placed on the CECPT Vehicle Action List (VAL), which is circulated to the police and Border Force officers three times per week. The Immigration and Asylum Act 1999 provides for vehicles that are operated or owned by any of the companies on the VAL to be intercepted and detained pending payment of a penalty.
- 8.19** The CECPT oversees the interception of such vehicles by carrying out selections on inbound arrivals and random interceptions and paperwork checks on inbound and outbound vehicles. This activity is known as Operation AFTERMATH. It is carried out nationally by Border Force teams, but effort is concentrated on the south-east where it is led by the CECPT, with assistance from other Border Force teams and Immigration Enforcement Rapid Response Teams.

Civil Penalty Accreditation Scheme

- 8.20** The CECPT also manages the Civil Penalty Accreditation Scheme (CPAS), which existed prior to the change in legislation but was relaunched in February 2023. The scheme recognises “hauliers who take measures to operate an effective system for securing goods vehicles and for preventing the carriage of clandestine entrants. It also recognises

those coach companies that run an effective system in the prevention of clandestine entrants.”⁷⁶

The scheme is free to join and is open to all hauliers and coach companies travelling to the UK.

8.21 Information on the GOV.UK website lists the benefits of scheme membership as:

- a 50% discount from the maximum penalty starting point for each offence
- running an effective system means that hauliers “are less likely to encounter incidents involving clandestine entrants” (which can also lead to damaged goods and delays at the border)
- details of those accredited to the scheme are published on the You.Gov website

8.22 Applicants must submit an application form and evidence to the CECPT. The form is available on the website in 21 different languages. The documentation required includes evidence of:

- the company’s European Operator’s Licence (EOL)
- the security devices that are issued to drivers

76 Border Force, ‘Civil penalty accreditation scheme’ (updated 3 May 2023). <https://www.gov.uk/government/publications/civil-penalty-accreditation-scheme/civil-penalty-accreditation-scheme>

- the instructions provided to drivers
- the training provided to drivers (including training content, registers of attendance, and knowledge checks/tests)
- completed checklists detailing the checks made by drivers (the number required increases with the number of drivers employed by the company)

8.23 The CECPT assesses the effectiveness of the system operated by a company in five areas:

- provision and maintenance of vehicle security
- provision of a document to check records
- driver instructions
- driver training
- reviewing driver performance

8.24 The website does not provide any information about how long it will take the CECPT to reach a decision on an application, but during the inspection CECPT staff told inspectors that there was a seven-month delay in reviewing applications due to resourcing pressures.

- 8.25** The website says that the CECPT reserves the right to review membership of the scheme if:
- the company has had three or more instances of clandestine entrants detected in their vehicles within a 12-month period
 - there has been a clandestine entrant incident in a company vehicle and there is evidence to suggest that the company is not meeting the requirements of the scheme
 - a company vehicle is identified as being unsecured on three or more instances within a 12-month period
- 8.26** If a member company fails to pay any penalties it incurs by the required payment date, it will be suspended from the scheme for 28 days. If payment is not received after 28 days, it will be removed from the scheme and will no longer benefit from the discount to any penalties they receive. A period of three months must elapse before a company that has been removed from the scheme can apply to rejoin it.

9. Inspection findings: The resources and systems used to manage the Clandestine Entrant Civil Penalty Scheme and Civil Penalty Accreditation Scheme

Clandestine Entrant Civil Penalty Team

9.1 The Clandestine Entrant Civil Penalty Team (CECPT) is responsible for administering the Clandestine Entrant Civil Penalty Scheme (CECPS) and Civil Penalty Accreditation Scheme (CPAS). The CECPT is part of the Border Force South East region and is overseen by a Border Force senior civil servant.

Staffing levels, pressures, and morale

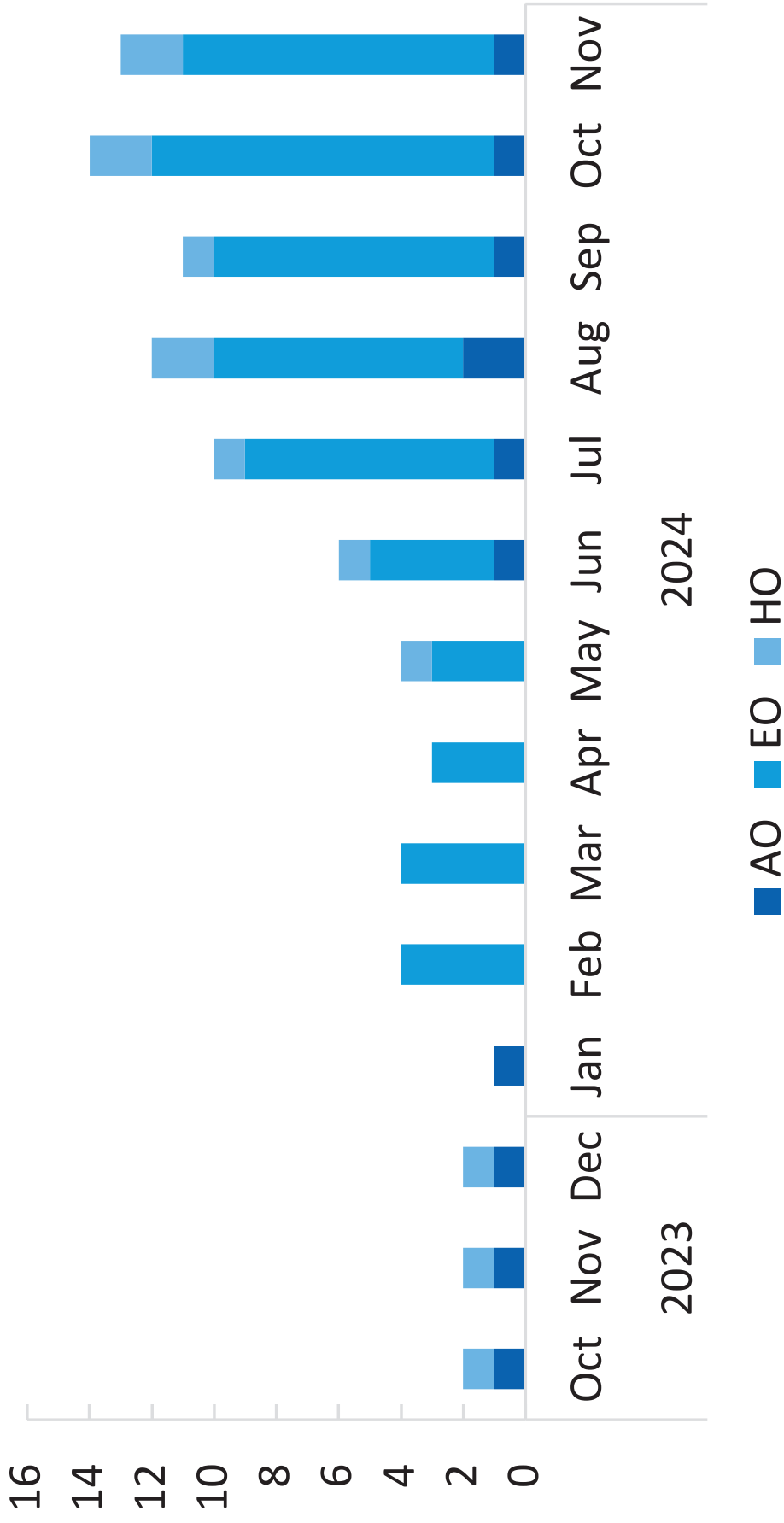
9.2 The changes introduced to civil penalties legislation in February 2023 were expected to increase the CECPT's workload due to the addition of a penalty, under Section 31A (S31A) of the Immigration and Asylum Act 1999, for failing

to secure a goods vehicle.⁷⁷ In preparation for this, a CECPT senior manager worked with the Home Office Analysis and Insight team and an economist to predict the level of staffing the CECPT would need. An uplift to 75 full-time equivalent (FTE) staff was agreed.

- 9.3** The CECPT struggled to fill vacancies and operated with approximately 37 to 40 staff for the first year after the introduction of the new legislation. This led to the use of temporary staff on detached duty to fill vacancies from October 2023. By October 2024, the number of staff in post was 55 FTE, 14 of whom were temporary staff.
- 9.4** Between October 2023 and November 2024 temporary staff were used to cover Assistant Officer (AO), Executive Officer (EO) and Higher Officer (HO) roles. See figure 22. Temporary staff worked in the CECPT for an average of just over three and a half months during this period, and the high attrition rate meant that they were not a long-term solution to the staffing shortages in the CECPT.

⁷⁷ Immigration and Asylum Act, 1999'. <https://www.legislation.gov.uk/ukpga/1999/33/part/II>

Figure 22: Number of temporary staff in the CECPT by grade



- 9.5** Some CECPT staff told inspectors that there had been friction between the staff at different grades. This was said to be due to a lack of understanding of the pressures on different roles, and some staff said that the reliance on temporary staff had exacerbated this. Managers were aware of the issue and were seeking to address it.
- 9.6** CECPT managers told inspectors they had found it difficult to recruit and retain staff due to competition from other Border Force teams that received a higher rate of Annualised Hours Working allowance (AHW).⁷⁸ Senior managers hoped that a recent change in working patterns to provide 24-hour coverage in the CECPT, introduced in October 2024, would improve the CECPT's ability to recruit and retain staff, as it meant an increase in the AHW rate from around 13-17% to 33% of CECPT staff salaries.
- 9.7** In reality, the increase in referrals was greater than expected, and in addition more appeals were received than expected. By January 2024, it had become clear that the figure of 75 FTE was insufficient. Senior CECPT managers estimated

78 Annualised Hours Working (AHW) is an attendance system where staff work an agreed number of hours for the year rather than weekly conditioned hours. It gives managers greater flexibility in the use of attendance to meet the demands of the work.

that 95 FTE staff was a more realistic number for the team to be able to deal with the increased workload. However, by October 2024 the 75 FTE figure had actually been reduced to 65 FTE, as a result of Border Force headcount reductions and a recruitment freeze.

9.8 Managers were frustrated that they were unable to resource workstreams sufficiently. A manager told inspectors: “We’ve spent the last few years fighting fires.” While some tasks were prioritised: “Now we have so many tasks that are ringfenced, we cannot resource them.”

9.9 Inspectors requested copies of the CECPT ‘maywork’, a daily roster of staff allocations to tasks. This showed that there were 26 administrative, casework and finance roles to be filled across early and late shifts. In addition, staff were allocated to operational shifts, night shifts, and training courses. Staff numbers in the CECPT made it impossible to cover all the roles, leaving many gaps in the roster. However, there was flexibility within the team as all staff could perform all the roles at their grade. Staff told inspectors that they were sometimes allocated to one role but were then given other urgent tasks to complete instead.

9.10 The pressures on staff were reflected in the results from the Civil Service People Survey 2024, where 46% of CECPT staff who responded

to the question did not agree that they had an acceptable workload.

- 9.11** Prior to August 2023, CECPT managers had held ‘all staff’ meetings. These had stopped as managers had not found them to be productive and said that some staff had felt uncomfortable about speaking up in front of others. Instead, Senior Officers held drop-in sessions that staff of any grade could attend, either individually or as a group. There were also separate managers’ meetings, during which they discussed current issues and ensured a consistent approach to them.
- 9.12** Despite the pressures of work, staff told inspectors that line managers were generally very supportive, and the Assistant Director was praised for being the “driving force” of the team. The People Survey 2024 results indicated that 79% of CECPT staff who responded to the question had confidence in their managers’ decisions, with 18% neither agreeing nor disagreeing and only 3% disagreeing.
- 9.13** Senior managers were proud of the work of CECPT staff and praised their work ethic, saying they worked “incredibly hard in challenging circumstances”. The People Survey 2024 results indicated that there was a high level of team-working and positivity. Of the CECPT staff who responded to the question, 82% believed that

their colleagues worked together to find ways to improve the service they provided.

Preparation for the changes

- 9.14** The changes to the civil penalty legislation were finalised less than 30 days prior to its implementation in February 2023.⁷⁹ This meant that the CECPT did not have time to prepare fully for the changes or the increased volume of work. Managers had to create new Standard Operating Procedures and guidance. The CECPT was also responsible for creating and delivering training on the new requirements for its own staff and other Border Force teams, and for engaging with the haulage industry to raise awareness of the changes. CECPT managers told inspectors that in the run-up to and immediately after the changes in legislation, they had worked very long hours to put new processes in place, with no recognition or support from the wider Border Force operation.
- 9.15** To avoid working on penalty cases raised under two different sets of legislation, the CECPT worked hard to clear the previous backlog of cases before any new penalty cases were raised under the new legislation.

79 Immigration and Asylum Act, 1999'. <https://www.legislation.gov.uk/ukpga/1999/33/part/II>

‘Soft launch’

- 9.16** Following the changes, referrals to the CECPT included both Section 32 (S32) referrals for clandestine entrants and S31A referrals for unsecured goods vehicles. A senior manager in the CECPT told inspectors that they had opted for a ‘soft launch’ for the new legislation, which involved a “deliberate step back” from issuing penalties in the first few months. The ‘soft launch’ gave the CECPT time to engage with the haulage industry and speak to drivers about the security requirements under the CECPS and allowed industry stakeholders time to comply with the new regulations.
- 9.17** During the ‘soft launch’, CECPT and Border Force officers (BFOs) handed out leaflets to drivers advising them of the legislative changes. These were translated into a number of languages. The leaflets directed drivers to the CECPS page on the GOV.UK website via a QR code.⁸⁰ During the onsite phase of this inspection, inspectors observed a poster displaying the QR code in a search shed in one of the ports in northern France. Its location meant that it would be seen only by

80 Home Office and Border Force, ‘Clandestine entrant civil penalty scheme’ last updated 4 April 2023). <https://www.gov.uk/guidance/clandestine-entrant-civil-penalty-scheme>

drivers who had already been stopped by Border Force, by which point it would be too late for them to take action to avoid a penalty.⁸¹

9.18 Also available online is a ‘Lorry crime prevention’ leaflet, aimed at lorry drivers who transport freight to and from the UK.⁸² It provides information and advice to make them aware of the potential threats to their vehicles and how to minimise the risk of becoming a victim of crime. The leaflet was produced in 2011 by the UK Border Agency, the precursor of Border Force, in partnership with the Serious Organised Crime Agency, the precursor of the National Crime Agency.

9.19 The GOV.UK website provides general information on the civil penalties legislation, with sections on how to comply with UK law, what to do if you receive a penalty, what to do if your vehicle is detained, details on the CPAS, and how to contact the CECPT. There is a link to more specific guidance telling drivers how they should secure

81 The Home Office, in its factual accuracy response, stated: “Not all vehicles stopped incur a penalty. This clarifies that for some drivers, the poster still had an education value and could prevent them receiving a penalty in future.”

82 UK Visas and Immigration, ‘Lorry crime prevention leaflet’ (published 1 April 2011). <https://www.gov.uk/government/publications/lorry-crime-prevention-leaflet>

their vehicle, the checks they need to undertake, and how they should be recorded.⁸³ Further links direct stakeholders to other pages of guidance, such as for unaccompanied trailers and the CPAS.

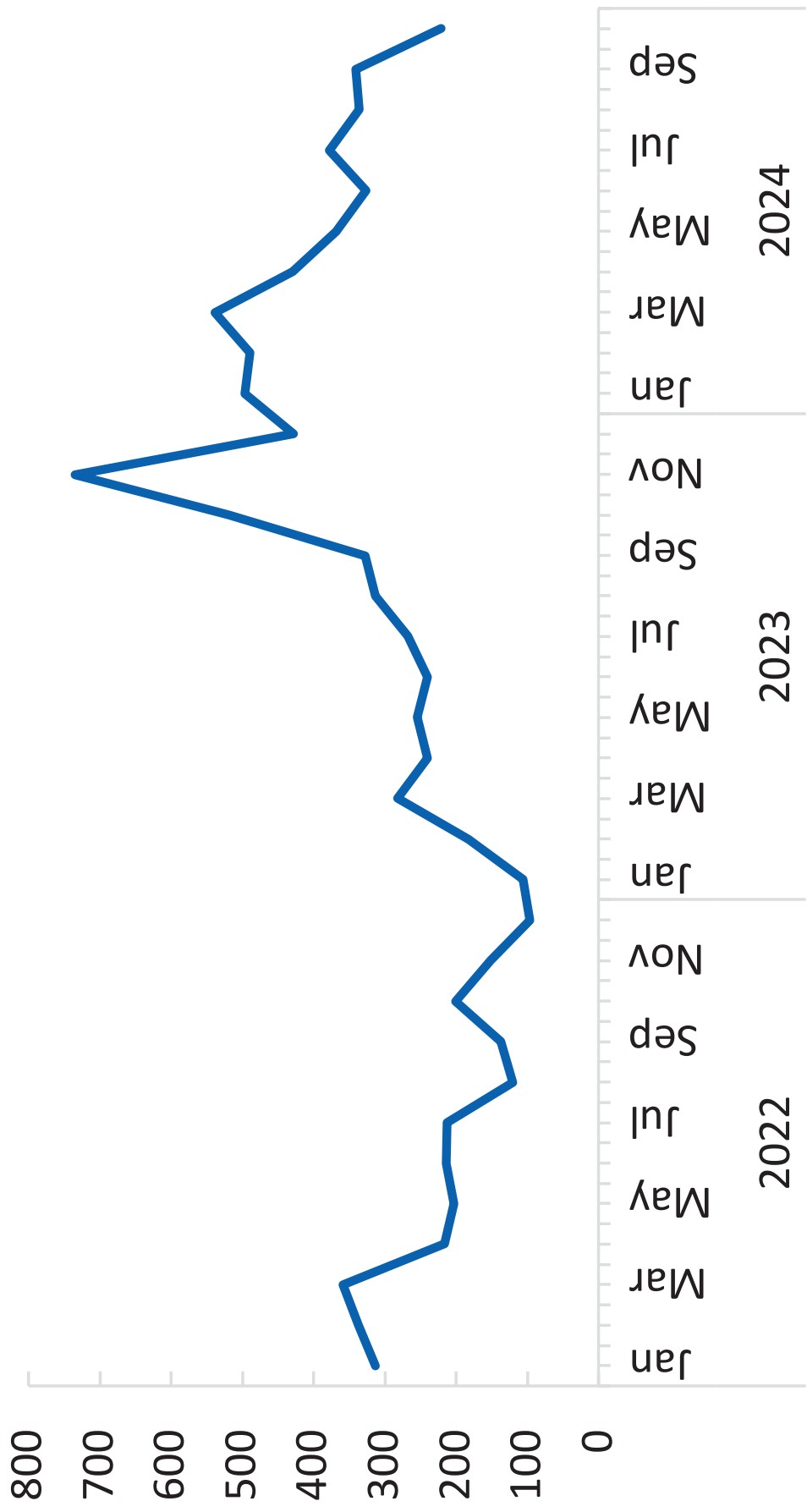
Referrals to the CECPT

9.20 Following a lag created by the ‘soft launch’, the number of referrals increased during the course of 2023, peaking at 735 referrals in November 2023.⁸⁴ However, since then, they have fallen, and by October 2024 they were back to levels seen before the new legislation was passed. See figure 23.

83 Border Force, ‘Guidance on preventing clandestine entry’ (updated 9 May 2023). <https://www.gov.uk/government/publications/preventing-clandestine-entrants/guidance-on-preventing-clandestine-entry-english-accessible>

84 The Home Office, in its factual accuracy response, stated: “In line with figures extracted in January 2025, the figure was 736 referrals in November 2023. The number of referrals / impositions may have been retrospectively revised.”

Figure 23: Total referrals to the CECPT (January 2022 to October 2024)



Delays in notifications of potential liability to a penalty

- 9.21** The increase in workload and shortage of staff had a negative impact on the ability of the CECPT to manage casework. A backlog of cases had led to delays in notifying drivers and owners of their potential liability to a penalty. CECPT staffing records showed that, although at least one member of staff was normally allocated to work on new cases every day, this had not always been possible.
- 9.22** Drivers were not given any paperwork to indicate that they could be liable to a penalty at the time of an incident. Industry stakeholders reported that in some cases BFOs at the port had assured drivers that they would not receive a penalty. A BFO told inspectors that it was “horrific” that the first time the driver would know about a penalty was when they received the penalty notification letter, which could be several months later.
- 9.23** Industry stakeholders told inspectors that delays in receiving penalty notifications meant that evidence that drivers and hauliers could have used in their defence may have been lost or destroyed.
- 9.24** Stakeholders told inspectors that they were unhappy about the way penalty cases were managed and about the level of communication they received from the CECPT. A senior Home

Office manager said that, although relationships between the CECPT and industry bodies were quite good, “individual hauliers are quite angry and upset”.

- 9.25** Stakeholders said that, even if their vehicles were fully secured, and this was confirmed by the CECPT, they could still receive a penalty. An example was given of a haulage company that had a trailer that was so well secured that a clandestine entrant had been unable to gain access to it, so had been found lying on top of it. The company had still received a penalty. They said they had been told by the CECPT that the vehicle should have been secured more effectively but were given no details as to how this was possible, leaving them unsure about how they could avoid a similar penalty in future.
- 9.26** A senior CECPT manager told inspectors that now they were confident that the legislation had been successful in improving haulage industry security standards, they could start to look at the “nuances” in the system. They intended to create a training package for staff to deal with situations in which stakeholders had taken all reasonable security measures.

180-day imposition deadline

- 9.27** Regulation 16 of The Carriers’ Liability (Amendment) Regulations 2023 came into force

in February 2023. It states that: “A penalty notice relating to a penalty under S31A(1) or S32(2) of the Act must be issued before the end of 180 days beginning with the date on which the person became responsible for a clandestine entrant.”

- 9.28** The CECPT explained that there are several reasons why this deadline might be missed, but chief amongst these was staff numbers. Staffing records indicated that an officer was allocated to conduct checks for any cases reaching the 180-day deadline at least once a week. In October 2024, a CECPT senior manager said that the CECPT was “just about keeping pace” with this work and “those cases that fall out of time now are ones where they’ve fallen through the cracks”. However, they said they were likely to see more cases missing the deadline in the future due to the lack of resources.⁸⁵
- 9.29** The other reasons for missing the deadline included insufficient detail to progress a case and referral of a case for investigation and potential prosecution. However, the CECPT’s records of the reasons why a case missed the deadline were incomplete. Between 8 December 2023 and 13 November 2024, there were 61 cases where no reason was given for the breach of the deadline

85 The Home Office, in its factual accuracy response, stated: “96% of cases were processed in time.”

(other than that a penalty decision had not been made by the 180-day deadline).

Notification letters and handling of objections

- 9.30** The initial notification of liability to a penalty sent to a driver or haulier does not provide them with any information about why the vehicle was deemed to be unsecured by BFOs at the port. CECPT managers agreed that it would be useful to set out the reasons why the vehicle had failed to comply with the requirements in the notification but said it would take too long to do so, and that they were already struggling to keep up with the workload. Detailed information is included in the final penalty notice; however, an industry stakeholder told inspectors that the initial lack of specific information in the initial notification meant that hauliers were unable immediately to take appropriate measures to secure their vehicles and educate their drivers.
- 9.31** Upon receipt of the initial notification of liability to a penalty, drivers and owners are asked to complete a questionnaire containing 19 questions about the security measures, processes, and procedures they undertake to secure their vehicles. Some industry stakeholders described the questionnaire as a “fishing expedition”, from which minor errors in processes or record keeping that were not

identified at the time of the incident could be used as part of the CECPT's justification to impose a penalty. This left some stakeholders reluctant to complete the questionnaire, with one saying, "the haulier is providing evidence to hang themselves".

- 9.32** Considering initial evidence and objections can require the CECPT to review a large amount of documentation, CCTV footage, or other evidence. This is time-consuming work. Stakeholders described delays in receiving a response to their objections to a penalty. For example, a haulage company said they had waited almost six months for a response to their objection. They then received paperwork containing the incorrect date of the incident, which was recorded as a date in the future. They advised the CECPT of the error by email but received no further communication from them for three months.
- 9.33** Industry stakeholders could write to a generic CECPT email address but said that they did not always receive a reply or even an acknowledgement, and it was very difficult to speak to a member of staff about their case by telephone. The CECPT told inspectors it did not keep records of answering times for incoming telephone calls.
- 9.34** Stakeholders were also critical about the lack of explanation why objections were not accepted and

lack of information about how they could improve security on their vehicles.

Appeals

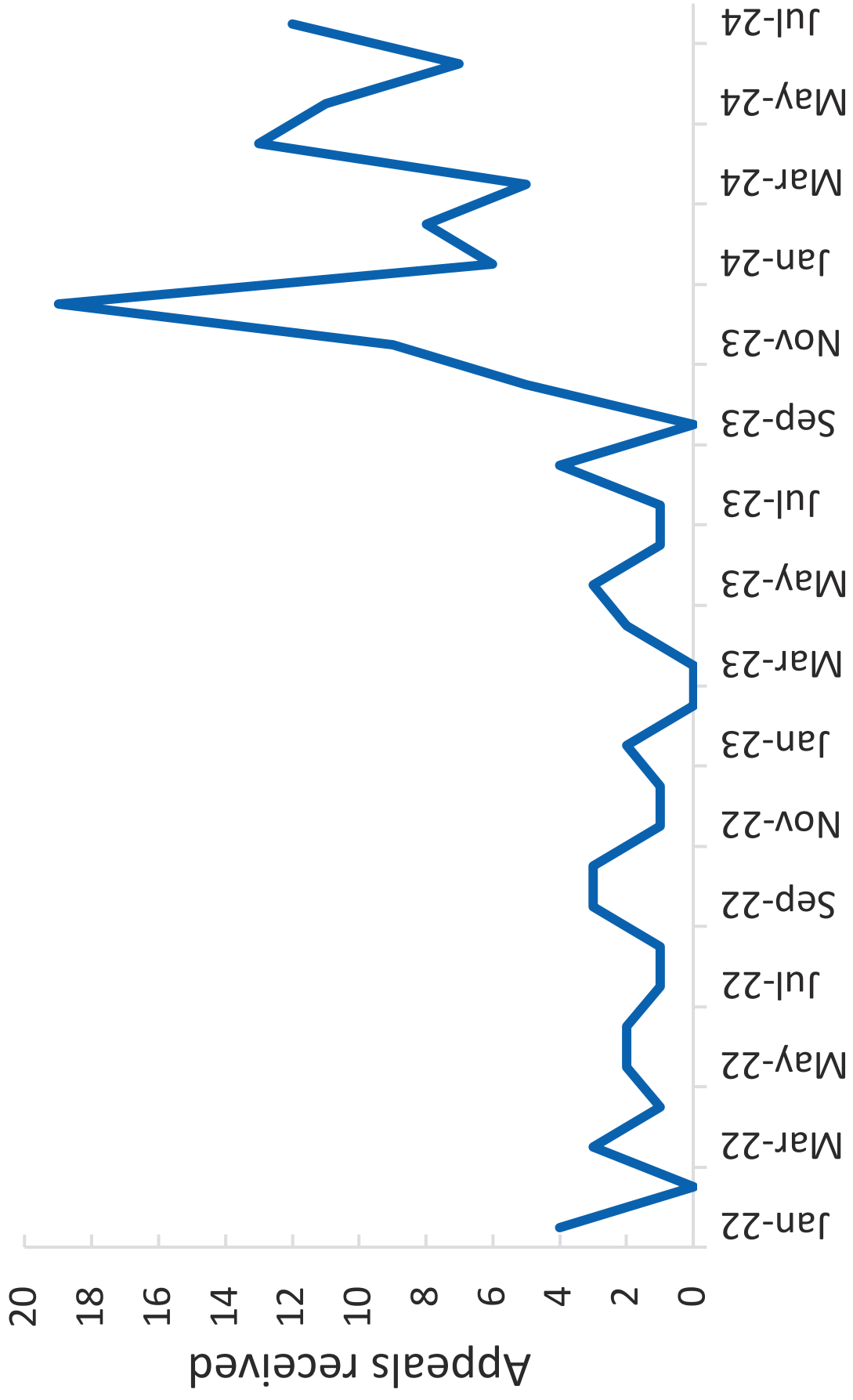
- 9.35** Regardless of whether they object to the penalty, drivers and owners are entitled to appeal to a County Court against the penalty imposed, or its amount. This must be done within 28 days of the date of issue of the penalty notice or, if they have objected, within 28 days of the date of the decision on the objection. Guidance is available on GOV.UK regarding the process for appealing.⁸⁶
- 9.36** If the appeal to the County Court is unsuccessful, the court may order the appellant to pay the Home Office a reasonable amount to cover its costs for resisting the appeal. If the appeal is successful, the court may order the Home Office to pay the appellant a reasonable amount to cover the costs of the appeal.
- 9.37** CECPT staff told inspectors that appeals work was another area that had “grown massively” since the change in legislation. A senior manager said that, before the change in legislation, the CECPT had

86 UK Visas and Immigration, ‘Objection and appeals notice: clandestine entrants’ (last updated 4 January 2022). <https://www.gov.uk/government/publications/objection-and-appeals-notice-clandestine-entrants>

received around 30 appeals a year. As of October 2024, there were 111 live appeal cases.

9.38 Figure 24 shows the total number of appeals received from January 2022 to July 2024. The majority of the appeals were for S32 penalties, with only three appeals relating to S31A penalties during this period.

Figure 24: Number of appeals received by the CECPT (January 2022 to July 2024)



- 9.39** CECPT staff told inspectors that the increase in appeals was due to the introduction of higher penalties in February 2023 and the narrowing of defences against the imposition of a penalty. Prior to February 2023, drivers and hauliers could use the defence that they had fully complied with the requirement to secure their vehicles. After February 2023, the only defence available in law was that of ‘duress’.
- 9.40** When an appeal is received by the CECPT, the case is allocated to a BFO who had not previously dealt with the case to review, compile the appeal bundle, and write a witness statement. They can also be called to court as a witness, for which they may need training. This means that work on appeals is often time-consuming and is governed by court-ordered deadlines. As a result, appeals must be prioritised over other tasks, including non-deadline driven casework and reviewing applications to join the CPAS.

Means testing

- 9.41** Drivers and vehicle owners are also able to apply for ‘means testing’ at any stage in the consideration of a penalty. CECPT staff examine wage slips, business accounts, and other documents. Documents that are not submitted in English are rejected and a request is made to resubmit them in English, which adds to the

administrative work involved and the time taken to consider the request.

9.42 It was unclear from responses to the ‘call for evidence’ for this inspection whether all stakeholders were aware that they could apply to be means tested. A senior CECPT manager said they would like to undertake more communications with industry stakeholders to tell them about the provisions available to reduce penalties and explain the timeframes involved. They said they had asked for funding for this work in advance of the change in legislation in February 2023, but it had been deemed unnecessary.

Civil Penalty Accreditation Scheme resourcing

9.43 The Civil Penalty Accreditation Scheme (CPAS) was relaunched in February 2023. Before the changes to the civil penalty legislation in February 2023, penalties could be reduced to zero for members of the CPAS. In their responses to the Home Office consultation on the proposed changes to the penalty scheme, hauliers highlighted that this was a key benefit of membership of the CPAS. Despite this, when the legislation changed, the reduction to a penalty available to CPAS members was reduced to 50%.

9.44 CECPT senior managers told inspectors that the CPAS had been “deprioritised” as they did not have the resources to manage it. Consideration of each application involved a lengthy process of reviewing company documents, providing advice and possibly visiting the company. Following the changes in February 2023, a surge of applications to the CPAS created a processing backlog. In November 2024, the CECPT had 64 outstanding CPAS applications, the oldest of which had been submitted seven months previously.

9.45 To comply with the conditions of membership for the CPAS, companies had to demonstrate that they provided every driver with initial training on how to secure a goods vehicle and how to prevent clandestine entrants. Most respondents to a government consultation (discussed later in this chapter) believed that companies could be encouraged to join the CPAS if Border Force provided educational tools and increased its engagement with industry.⁸⁷ Although CECPT staff provided individual advice to those applying for accreditation, Border Force did not provide any courses or training material, or an indication of what should be included in the training. Haulage

⁸⁷ Home Office, ‘Consultation outcome: Clandestine Entrant Civil Penalty Scheme’ (last updated 13 February 2023). <https://www.gov.uk/government/consultations/clandestine-entrant-civil-penalty-scheme>

companies had to create their own training programmes or source training from others. As such, there was no set standard of training or recognised accreditation or qualification for drivers.

- 9.46** One haulage industry stakeholder who responded to the ‘call for evidence’ for this inspection said that they were unaware of the CPAS, suggesting that there was still a lack of awareness despite the industry engagement work undertaken by the CECPT. A senior CECPT manager told inspectors they would “love” to do more work with industry to educate them about the CECPS, but this was not possible due to a lack of staff.
- 9.47** The CECPT had no capacity to carry out assurance checks on accredited companies to ensure their ongoing compliance.

Operation AFTERMATH resourcing

- 9.48** The change to 24/7 working from October 2024 enabled the CECPT to receive referrals and queries from BFOs at ports at any time. A CECPT senior manager told inspectors that this had given the CECPT more credibility within Border Force. It also meant that CECPT staff could deploy on Operation AFTERMATH outside office hours.
- 9.49** Under Operation AFTERMATH, Border Force can stop and potentially impound heavy goods

vehicles (HGVs) arriving at UK ports belonging to companies that have failed to pay a civil penalty by the deadline stipulated in their penalty notification letter. Vehicles are identified through the Vehicle Action List (VAL), which is the list of vehicles belonging to companies that have outstanding penalties.

- 9.50** In addition to the original penalty, companies can incur costs for a vehicle being impounded and stored. An industry stakeholder described this as a “heavy-handed” tactic as it could happen outside business hours, making it difficult for Border Force to contact the company, and putting undue pressure on the haulier. There was a concern that more companies could be affected as 24/7 working by the CECPT could result in more vehicles being stopped outside normal working hours.⁸⁸
- 9.51** HGVs are sometimes stopped in error by Operation AFTERMATH, wasting time for drivers

88 The Home Office, in its factual accuracy response, stated: “Detaining a vehicle (this is the legal term for the action taken by Border Force) is taken as a last resort and a small proportion of vehicle referrals result in a formal detention (that incurs costs). The move to 24/7 working has not resulted in an increase in out of hours detentions, as the CECPT works with ports and hauliers to ensure pragmatic decisions are made.”

and hauliers, causing unnecessary delays and costs, and damaging the relationship between Border Force and the haulage industry. It also wasted CECPT time and resources and potentially diverted Border Force teams from clandestine entry detection work.⁸⁹

9.52 Errors can happen for a variety of reasons, including failure by the CECPT to update the VAL. In October 2024, a CECPT manager told inspectors that the VAL had not been updated since June 2024. Border Force reported that 415 vehicles were stopped erroneously between February 2023 and November 2024.

9.53 A stakeholder told inspectors that on two occasions their lorries had been “impounded for

89 The Home Office, in its factual accuracy response, stated: “The CECPT referral log shows that, over the course of the last 12 months, less than 5% of referrals have come from port teams. Over 95% of referrals are either self-generated by CECPT or come from the dedicated, NPI funded team, who are funded specifically for AFTERMATH activity. Border Force considers the resource ‘wasted’ by VAL inaccuracy could not otherwise be spent conducting clandestine searches. The vast majority of low volume referrals made by search teams are made when the vehicle has been stopped for other reasons (like clandestine searches), which are then checked against the VAL.”

penalties that had already been paid” but they did not receive an apology from Border Force. CECPT staff said that, in some cases, drivers could become aggressive as their vehicle was also their home, and impounding it left them with nowhere to stay. CECPT staff were aware of this and tried to handle these situations as sensitively as possible.

9.54 An industry stakeholder told inspectors that, although haulage companies are advised when a penalty has been imposed on their driver, company owners are not informed whether the driver has paid their penalty. As the owner is jointly responsible for penalties imposed on drivers, it means that a lorry could be impounded even though an owner was unaware that the driver had failed to pay a penalty.

Engagement with industry bodies and other stakeholders

Initial consultation on changes to the CECPS

9.55 Before statutory regulations setting out final changes to legislation can be made, the Secretary of State has a legal duty to consult with such persons as they think appropriate.⁹⁰ From 18 July

90 Home Office, ‘Consultation outcome: Clandestine Entrant Civil Penalty Scheme’ (last updated 13 February 2023). <https://www.gov.uk/government/consultations/ clandestine-entrant-civil-penalty-scheme>

2022 to 12 September 2022, the Home Office ran a consultation exercise regarding changes to the CECPS with individuals, companies, and representative organisations, from within the UK and from countries across the European Union.

9.56 The consultation attracted 136 responses, and the Home Office also held “three deep dive sessions with industry stakeholders and other interested parties”. The response to the consultation, published in February 2023, noted:

“Most respondents agreed with the basic premise that vehicles should be adequately secured. There was more support than not for each of the measures we proposed with one exception, which was a requirement that drivers should supervise the securing of their vehicle. Insight from deep dive sessions suggests this is because drivers are not always present when a vehicle is secured.”

9.57 While respondents understood the need to impose penalties, most wanted the penalty to remain unchanged at £2,000 or less for carrying clandestine entrants, and a penalty of £2,000 or less imposed for failing to adequately secure a goods vehicle. Stakeholders emphasised the possible adverse impacts on trade, supply routes, and recruitment if penalty levels were set too high

or if the scheme was regarded as being overly punitive.⁹¹

9.58 Despite this, the Home Office decided to increase the maximum penalty for the existing offence of carrying clandestine entrants, as it had not changed since 2002. The penalty was increased to up to £10,000 per clandestine entrant found in a vehicle for both the driver and owner.⁹² The Home Office also said it had set “meaningful levels” of penalty for the new offence of ‘failure to secure a goods vehicle’, to “incentivise compliance with our security standards”.⁹³ The maximum penalty was set at £6,000 for an unsecured goods vehicle. This penalty is applied to both the driver and owner, even if no clandestine entrants are detected.⁹⁴

91 Home Office, ‘Consultation outcome: Clandestine Entrant Civil Penalty Scheme’ (last updated 13 February 2023). <https://www.gov.uk/government/consultations/clandestine-entrant-civil-penalty-scheme>

92 Immigration and Asylum Act, 1999. <https://www.legislation.gov.uk/ukpga/1999/33/part/II>

93 Home Office, ‘Consultation outcome: Clandestine Entrant Civil Penalty Scheme’ (last updated 13 February 2023). <https://www.gov.uk/government/consultations/clandestine-entrant-civil-penalty-scheme>

94 Border Force, ‘Level of penalty: code of practice’ (last updated 1 December 2023). www.gov.uk/government/publications/level-of-penalty-code-of-practice

9.59 Senior managers in the CECPT explained that government ministers had been keen to take a “very hard line” and to impose high penalty levels with strict liability rules. An industry stakeholder told inspectors: “The industry was not listened to at all.” Industry stakeholders felt that policy makers did not understand the conditions that drivers were operating in, and the maximum penalties for drivers were disproportionate to their earnings. The perceived failure to listen to stakeholder concerns undermined their trust in the Home Office.

Awareness events

9.60 CECPT staff told inspectors that they attended various events and delivered presentations to raise awareness of the CECPS in the haulage industry, both in the UK and overseas. For example, they attended the Security and Policing Exhibition in 2024 and delivered a presentation to industry stakeholders in Glasgow. Overseas, they had delivered presentations in Spain, Belgium, the Netherlands, France, Turkey, and Ireland, and were due to deliver one in Poland. One of the CECPT staff involved in the events said that large companies had attended these presentations, none of which had any prior knowledge of the CECPS, so these events were important for raising awareness of the scheme overseas.

- 9.61** A CECPT senior manager said they had attended high-level meetings with French hauliers and the Préfet (a French government official) regarding security at Calais. The meetings had been “boisterous and challenging”. They had also visited international haulage associations with the assistance of the Foreign, Commonwealth & Development Office.
- 9.62** In the UK, the CECPT had also worked with the Road Haulage Association and the Confederation for Passenger Transport (representing the coach industry) to create vehicle security checklists. Further examples of CECPT industry engagement included speaking to the British Association of Removers and providing advice to companies on security issues.
- 9.63** CECPT staff told inspectors that, while larger UK companies were usually aware of the CECPS, smaller companies were often not. A port operator told inspectors that they had informed all of their customers about the changes to the civil penalty legislation in February 2023 and said they were able to communicate more easily with customers than Border Force.
- 9.64** CECPT managers acknowledged that more could be done to engage with companies but said that they did not have funding for engagement work. There was no dedicated engagement team, so any engagement work had to be balanced against the

day-to-day priorities of processing penalties and completing other key tasks.

Future engagement with the haulage industry

- 9.65** One of the CECPS's main aims is to change behaviour and encourage the use of increased security measures by drivers. In June 2024, Home Office Analysis and Insight (HOAI) produced 'Reforms to the Clandestine Entrant Civil Penalty Scheme, Immigration & Asylum Act 1999: 12-month status update to Feb-24'. This suggested that engagement with the haulage industry was required to understand the impact the higher level of penalties was having, and the industry's ability to pay them. It also suggested there was a need to analyse the reasons why appeals are raised against penalty decisions, which could involve engagement with stakeholders. As of November 2024, no such analysis had been produced.
- 9.66** Several stakeholders told inspectors that it would be useful to receive information from Border Force about current trends and migrant hotspots. Stakeholders suggested a quarterly meeting between Border Force and industry trade bodies to discuss any issues and the latest guidance to the industry that could be fed back to their members. This would also provide a good opportunity for Border Force to listen to stakeholders, understand their operational issues, and create workable

solutions. For example, some stakeholders suggested the creation of a secure area for drivers to conduct final checks in the juxtaposed control zone and more secure parking areas near Calais. The latter was not within Border Force's gift but could be something that Border Force could raise with the port authorities.

Guidance

For staff

- 9.67** The CECPT SharePoint site contains a large amount of guidance, including step-by-step guides, checklists, and templates. CECPT staff told inspectors that guidance was easy to find and helpful, but it was not always updated when processes changed. Staff sometimes received notifications of changes by email, but the guidance was not updated to reflect the changes.
- 9.68** One area of work not included in guidance was the use of discretion. Stakeholders raised concerns with inspectors about drivers and owners being penalised even when it was the driver who reported the presence of clandestine entrants in their vehicle to the authorities. The decision to impose penalties in such cases acted as a disincentive for drivers to report clandestine entrants, particularly if the driver had already reached the UK. An industry stakeholder told inspectors: "It would not be surprising if drivers

do not report illegal entrants because of fears of fines.” Another commented: “By alienating the trucker, the British State has lost a useful ally.”

9.69 CECPT senior managers said they had not had the time or resources to codify use of discretion in guidance.⁹⁵

For drivers

9.70 Guidance for drivers who suspect someone is hiding in their vehicles is available on GOV.UK. It says:

“You should not approach anyone hiding in a vehicle. You should contact the local police, port security or inform Border Force.

95 The Home Office, in its factual accuracy response, stated: “CECPT senior managers now felt that there may be scope to work with ministers and HO policy to further codify the use of discretion (broadening the [redacted] policy and gaining agreement on some set approaches to certain cases) but were concerned that a lack of resources would make the design and delivery of such work problematic. At the time of the inspection, no work had been commenced on this due to both the very clear direction set by ministers during the NPI [New Plan for Immigration] programme and the infancy of the legislation.”

You must not go through UK border control, or board transport to the UK, if you suspect there is someone hiding in your vehicle.”⁹⁶

9.71 Industry stakeholders told inspectors that, when drivers suspected the presence of migrants in their vehicles, there should be clearer guidance on how they could seek assistance from French and UK officials and the steps they should take, without the fear of a penalty for them or their employers. The guidance provides a link to the Police.UK website through which drivers can find a local police contact. However, there is no Border Force hotline, and the guidance does not make clear that drivers may receive a penalty as a result of reporting their suspicions. A stakeholder suggested that, rather than penalising drivers for providing information, the Home Office should introduce a system that rewarded them for doing so.

Learning and development for CECPT staff

Public and Personal Safety Training

9.72 CECPT staff are required to complete Public and Personal Safety Training (PPST) at level three so

96 Home Office and Border Force, ‘Clandestine entrant civil penalty scheme’ (last updated 4 April 2023). <https://www.gov.uk/guidance/clandestine-entrant-civil-penalty-scheme>

that they can undertake Operation AFTERMATH work. The CECPT experienced similar issues to those of BFOs at the juxtaposed controls in relation to delays to the delivery of PPST training. CECPT data showed that there were 14 staff who were 'out of ticket' in November 2024. They had all been waiting for training for over six months, and one had been waiting 15 months.

- 9.73** A CECPT senior manager told inspectors that PPST training was “desperately needed”. They felt that the Learning and Development (L&D) team had prioritised other departments over the CECPT. The lack of training demotivated staff and prompted them to look for other roles, as they could not develop the skills necessary to perform their duties in full. A senior manager explained that the prioritisation of PPST level three for BFOs in customs roles at ports had left CECPT staff with fewer opportunities compared with other BFOs.
- 9.74** CECPT managers told inspectors that they had evaluated the feasibility of reducing the PPST requirements to level two to ensure staff could be trained more quickly, while maintaining the health, safety, and risk standards for Operation AFTERMATH work. They had been informed by L&D that this would not mean that the training would be provided any more quickly than waiting for the level-three training.

Finance training

- 9.75** The CECPT relied on the Home Office Metis finance system to undertake finance tasks, including monitoring penalty payments. Staff described the Metis system as “complicated” and “not user friendly”. A member of staff who had used the system for several years admitted that they still did not fully understand it, calling it “very clunky”. Users had to navigate multiple windows, which often merged and mixed data between different cases. Staff frequently struggled to determine the correct information.
- 9.76** CECPT managers told inspectors they had not received training on the Metis system from Shared Services Connected Limited (SSCL), the contractor responsible for delivering finance and accounting services for the government.⁹⁷ They had requested that SSCL, as the experts, provide training for the team, but SSCL proposed training two or three members of the CECPT who could then cascade the training to the rest of the staff.
- 9.77** The managers were concerned that the proposed approach could mean the team would miss out on critical information. The lack of proper training placed a significant burden on staff, affecting their confidence to manage penalties for thousands

⁹⁷ SSCL, Shared Services Connected Limited (accessed 10 January 2025). <https://sscl.com/>

of pounds. Managers were concerned given the sums of money involved, and emphasised how comprehensive training directly from SSCL experts would empower the team and alleviate these concerns. They also suggested that an e-learning programme could help staff to build their confidence.

- 9.78** A Senior Civil Servant told inspectors that, while no significant issues with Metis-based account management had been reported, the system was “not fit for purpose”. They described it as overly time-consuming and administratively challenging and re-emphasised the need for proper training.

IT systems

Limitations of the Access database

- 9.79** The details of drivers and hauliers stopped for a S31A or S32 offence are added to the CECPT’s Access database. The database was in use prior to the February 2023 legislative changes and is now outdated. It was not designed for the volume of work it has to handle, is slow to use, and prone to crashing. Staff told inspectors that using the database is one of their biggest problems when processing penalty cases, describing it as “beyond its life”, “frustrating”, and “awful”.
- 9.80** The database has very specific data entry requirements. For example, the use of punctuation

marks when inputting a driver name, company name, or vehicle registration details will prevent information from being recognised during a database search and previous offences and penalties being identified.

- 9.81** The initial design of the database means that it cannot be changed and updated. As the database was designed only for S32 cases where a clandestine entrant has been detected in a vehicle, a record cannot be created if the 'No. [number of] Clandestines' field is left blank or contains a zero. To get around this issue, all S31A cases have to record that one clandestine entrant was found, despite none being detected, as shown in figure 25. Although this workaround allowed the CECPT to add S31A cases to the database, it built data errors into all S31A cases.

Figure 25: Screenshot of the CECPT Access database showing the 'No. Clandestines' box that must be populated with a number '1' for Section 31A cases

CECPT

Port Ref: [] CECPT Ref: []

Case Vehicle Person Diary Notices

Case Details

Port Ref: [] Emp

Incident Date: []

Arrival Date/Time: []

Arrived From (Port): []

Carrying Company: []

No. Clandestines: **1**

Facilitation Pursued:

CO2 Check Conducted:

Scanner Check Conducted:

Port File Received: []

Review Date: []

Comments: []

Update Case

Use of spreadsheets as a workaround

9.82 The lack of functionality in the Access database required the CECPT to create and maintain a number of separate spreadsheets as workarounds. Spreadsheets were developed for basic CECPT functions, such as recording notices of objections, and cases in which an appeal had been received. This resulted in staff having to manipulate and filter data manually between the database and various spreadsheets to obtain the information they required, increasing the time it took and the risk of data errors.

Monitoring of the 180-day penalty imposition deadline

9.83 As the CECPT's Access database was designed prior to the introduction of the 180-day deadline to serve a penalty notice, it did not automatically alert managers when the deadline was approaching. Staff told inspectors that, to mitigate this, they had attempted to set a diary action 160 days from the date of the incident to allow time to process the case prior to it reaching the 180-day deadline. This diary action has to be added manually. Staff told inspectors that errors occurred, as a result of which penalty cases missed the 180-day deadline and had to be written off.

9.84 To monitor cases that are approaching the deadline, managers have to export data from the

database into an Excel spreadsheet. Once the raw data has been extracted, it is filtered and sorted, and additional columns are added to list the 180-day date and the dates for cases that are one week and two weeks before the deadline. Comments are then added on the spreadsheet to provide the latest update.

- 9.85** Once this spreadsheet has been created, the paper files for the relevant cases are retrieved from storage. A Post-it note is then added to the front of each file to record the CECPT reference number, the 180-day deadline date, and the action that needs to be completed. The files are then passed to a CECPT officer to action.
- 9.86** The limitations of the database and lack of automation require staff to manipulate data manually to identify those cases approaching the 180-day imposition deadline. The reliance on hard copy files with Post-it notes on them increases the risk of data and processing errors, which can result in penalties being written off if they miss the deadline.

Database replacement – the Integrated Platform Management System

- 9.87** Work to replace the database began in 2020. A Senior Civil Servant told inspectors that securing finance for the replacement database had been challenging and that they had to intervene in 2023

to secure the funding for its development. Staff at all grades expressed frustration at the delays in delivering the replacement, telling inspectors that it was needed two and a half years ago when the legislation changed.

9.88 As of October 2024, the proposed replacement database, called the Integrated Platform Management System (IPM), was expected to be delivered in January 2025, but it had been scaled back from what was originally envisaged and would provide only a minimal viable product. See figure 26.

Figure 26: The core functions provided by the IPM minimum viable product

Core function	Function description
Create cases	IPM will integrate with Central Operations Platform’s Events At the Border Form, automatically creating a new case on the IPM platform. ⁹⁸
Case lifecycle	Where needed, the platform informs the caseworker of what the next expected step is to progress the case.
Tracking time-critical tasks	IPM tracks case timelines, advancing cases to appropriate phases to facilitate prompt actions. Key events are presented in an activity timeline.

98 The Central Operation Platform (COP) is the Home Office’s intelligence workflow system.

Core function	Function description
Case types and linking cases	The system supports both CECPS and vehicle interception cases, which can be linked where appropriate.
Recommendations	Users can link liability cases, record recommendations, and respond to changes requested by assurers (HOs and Senior Officers (SOs)).
Assurance	HOs and SOs can assure the decisions drafted by officers, providing suggestions and amendments where needed.
Impositions and payments	Users can generate penalty forms (IS11) letters using the available templates. The templates are autofilled with the information provided in the case details. Once sent, the user can record the correspondence with the liable parties that automatically advances the case to the next stage.
Penalty calculations	The system automatically calculates the penalty amount based on the case details entered. The amount can be manually adjusted as required.
Payment received	Users can record payments along with the METIS invoice reference number. Partial payments adjust the overall outstanding amounts.
Due date	The penalty due dates are auto filled to allow for tracking of overdue penalties.
Objections	The CECPT can manage objections, calculate action deadlines, and issue IS11A (penalty cancelled)/IS11B (determination of notice of objection) letters.

Core function	Function description
Vehicle interceptions	CECPS penalties can be linked to interception case types. Users can manage debt recovery decisions, and record vehicle release information.
Search option	Users can search for CECPS/vehicle interception case ID, driver's date of birth, company name, and vehicle registration number.
Case notes	Additional case notes can be added at any point during the case lifecycle.
Intuitive dashboard	The platform will have an intuitive dashboard giving a snapshot of the backlog and the stages that cases are currently at, highlighting cases with upcoming deadlines.
Management reporting solution	A temporary solution to address the management information reporting needs will be in place to provide information needed by senior management in the form of periodic CSV extracts of the database. ⁹⁹

9.89 A senior manager told inspectors they hoped that the IPM would help to reduce errors in the CECPT as there would be fewer spreadsheets and systems for staff to check when considering a penalty case. They added:

99 A CSV (Comma-Separated Values) file is a form of simple data storage used to store and exchange tabular data in a plain text format. CSV files are used in data storage, data exchange, and data analysis.

“We all make mistakes. We’re human and working under pressure, but some of the tools we need to minimise these mistakes aren’t there yet and when we get them, I think the number of mistakes will reduce.”

- 9.90** However, there will be a need to migrate cases over from the Access database to the IPM. During this migration there will be a ‘bedding-in period’, when the CECPT will be reliant on the current database, spreadsheets, paper and e-files, as well as the IPM.
- 9.91** Meanwhile, the MVP offers only a temporary solution to the issues managers face in obtaining management information. The IPM will provide periodic management information extracts but will not provide a “proper reporting tool” in the form of a data dashboard which could provide insights for senior managers about how the CECPS is working.

10. Inspection findings: The imposition and collection of clandestine entrant civil penalties

S31A referrals to the Clandestine Entrant Civil Penalty Team

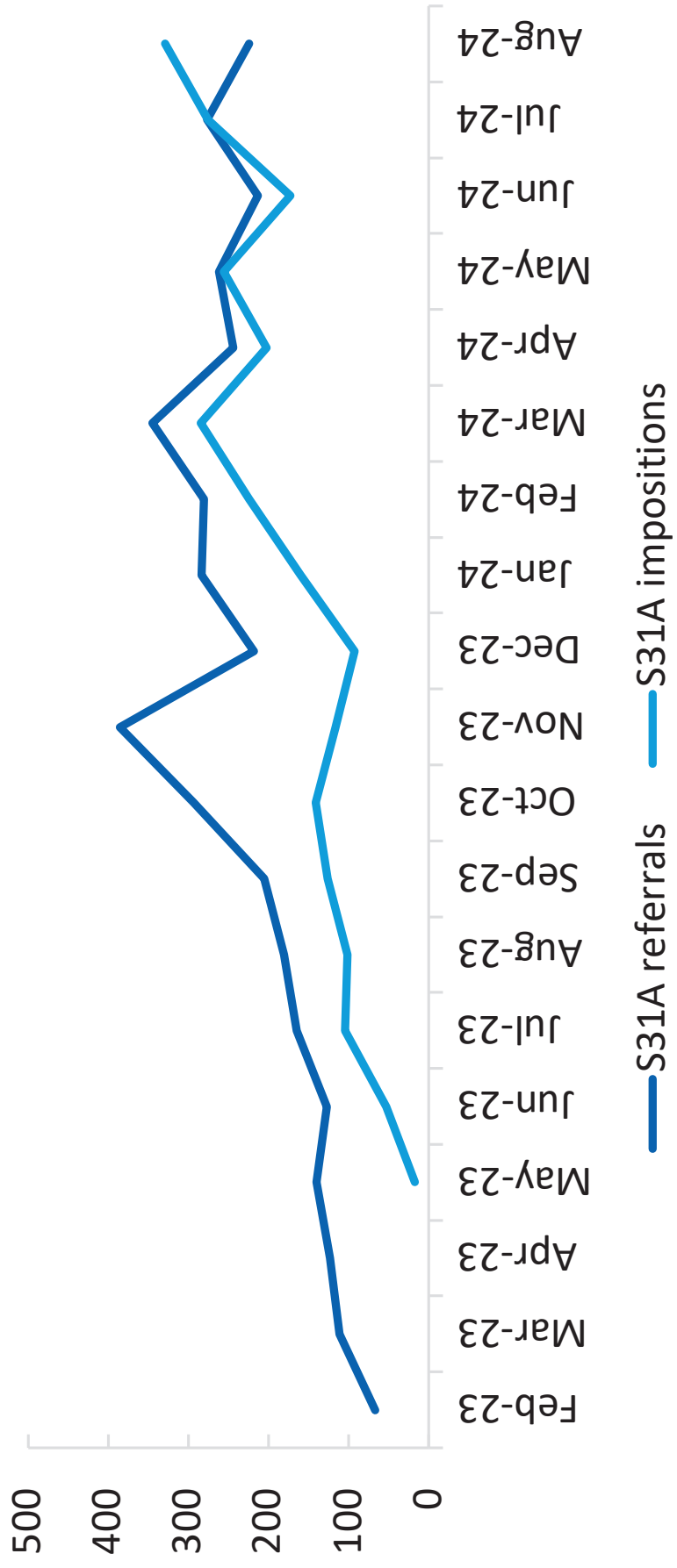
- 10.1** Section 31A (S31A) of the Immigration and Asylum Act 1999 states that when a “vehicle is not adequately secured against unauthorised access” a financial penalty can be applied to the driver and the owner of the vehicle.¹⁰⁰ This legislation came into effect on 13 February 2023.
- 10.2** S31A referrals are sent to the Clandestine Entrant Civil Penalty Team (CECPT) to assess and impose a penalty on the vehicle’s driver and owner. The referrals are sent to the CECPT by the Pan-Juxtaposed (Pan-Juxt) team working at the juxtaposed controls, and by Border Force officers (BFOs) working at UK ports. Figure 27 shows the number of S31A referrals received and the

100 Immigration and Asylum Act, 1999. <https://www.legislation.gov.uk/ukpga/1999/33/section/31A>

number of S31A penalties imposed by the CECPT, between February 2023 and August 2024.¹⁰¹

101 These figures do not include 234 referrals that were not yet entered onto the CECPT database at the time this data was received. The CECPT was unable to tell inspectors which of these 234 cases were S31A and which were S32 cases.

Figure 27: S31A referrals and impositions (February 2023 to August 2024)



10.3 The monthly total of referrals increased during 2023, peaking at 386 in November.¹⁰² Between February and December 2023, there were 2,022 referrals in total, and 756 impositions, the latter starting only from May 2023.¹⁰³ From January to August 2024, there were 2,131 referrals.¹⁰⁴ The monthly totals ranged between 214 (in June)

102 The Home Office, in its factual accuracy response, stated: “The earliest date CECPT can consider imposing a penalty is six weeks from the date of the incident therefore there will always be a ‘mismatch’ between the number of referrals received in a month and the number of penalties imposed.”

103 The Home Office, in its factual accuracy response, stated: “Between February and December 2023, there were 2,026 referrals in total”, based on the latest CECPT data extracted in January 2025, as “the number of referrals/impositions may have been retrospectively revised.”

104 The Home Office, in its factual accuracy response, stated: “From January to August 2024, there were 2,139 referrals”, based on the latest CECPT data extracted in January 2025, as “the number of referrals/impositions may have been retrospectively revised.”

and 345 (in March), averaging 266.¹⁰⁵ From February 2024, the monthly total of S31A penalty impositions followed a similar pattern to referrals, though it was lower until August 2024, when impositions exceeded referrals for the first time. Between January and August 2024, there were 1,906 impositions in total.¹⁰⁶

Pan-Juxtaposed team referrals to the CECPT

10.4 At the juxtaposed controls, only the Pan-Juxt team is responsible for identifying unsecured vehicles and making S31A referrals to the CECPT. While BFOs in the core immigration teams and contractor staff also regularly observe unsecured vehicles, none of them is trained to issue S31A referrals. If these officers identify an unsecured

105 The Home Office, in its factual accuracy response, stated: “The monthly totals ranged between 214 (in June) and 348 (in March), averaging 267”, based on the latest CECPT data extracted in January 2025, as “the number of referrals/impositions may have been retrospectively revised.”

106 The Home Office, in its factual accuracy response, stated: “Between January and August 2024, there were 1,924 impositions in total”, based on the latest CECPT data extracted in January 2025, as “the number of referrals/impositions may have been retrospectively revised.”

vehicle, they can advise the driver but cannot make a S31A referral.

- 10.5** When the new offence was introduced, a limit was imposed on the number of lorries that could be searched: 50 lorries in Calais, 50 lorries in Coquelles, and 17 in Dunkerque. Once the practice of S31A referrals was embedded, the limit was removed. Between February 2023 and October 2024, a total of 3,163 referrals were made from Calais (2,098), Coquelles (654), and Dunkerque (411), representing 70% of the 4,517 referrals received by the CECPT.
- 10.6** Pan-Juxt officers are allocated to attend the juxtaposed controls based on a rota which considers the expected volumes of traffic and passengers, and provides flexibility for resources to be reallocated to any critical incidents. As the likelihood that a vehicle will undergo a S31A check is dependent on the presence of the Pan-Juxt team, there is little consistency in the checking regime.
- 10.7** Pan-Juxt officers told inspectors that it was difficult to achieve the aim of undertaking S31A checks during every shift. They are frequently reallocated to assist BFOs in the core immigration teams to undertake passenger checks at the Primary Control Points (PCPs), especially during busier summer periods. PCP work and casework is prioritised over S31A checks. One Pan-Juxt

manager told inspectors that the level of demand meant requests to help “PCP or casework [occurred] 90-95% of the time”. When clandestine entrants were found, work to process them understandably took priority over S31A checks. During night shifts, most of the Pan-Juxt team’s time was spent on casework due to resourcing issues in the core immigration teams.

10.8 Border Force managers said it was “potluck” whether a driver was referred for a S31A check, as there were not enough resources to cover all three juxtaposed controls. However, a Border Force senior manager told inspectors that the random nature of S31A checks gave the checks more “power”, as any vehicle could be subjected to a check. They said that the intention was to train core immigration teams to undertake S31A checks. At the time of this inspection, this had not happened, as the decision had been made to ensure that all core immigration officers should first be trained in every mandatory function, such as the IFC-P2¹⁰⁷ casework function.

107 IFC-P2 is the second stage of the immigration foundation course. Staff are trained to further examine, detain or bail passengers, and to handle immigration casework.

UK port referrals to the CECPT

10.9 At UK ports, S31A checks are conducted by BFOs in the core immigration teams. BFOs at UK ports told inspectors that the referrals process to the CECPT worked well. Figure 28 shows the number of S31A referrals made to the CECPT by ports between February 2023 and October 2024. The total of 1,354 represents 30% of the 4,517 referrals received by the CECPT in this period.

Figure 28: Referrals made from the juxtaposed controls and UK ports to the CECPT (February 2023 to October 2024)

Port	Number of S31A referrals
Dover Eastern Docks	490
Portsmouth	231
Newhaven	160
Tilbury	90
Harwich	85
Holyhead	56
Liverpool South Docks	48
CECPT detection at ports	37
Immingham	36
North Shields	25
Hull	21
Heysham	20
Plymouth	16
Teesside	14
Felixstowe	12
Poole	10

Port	Number of S31A referrals
Purfleet	3
Grand total	1,354

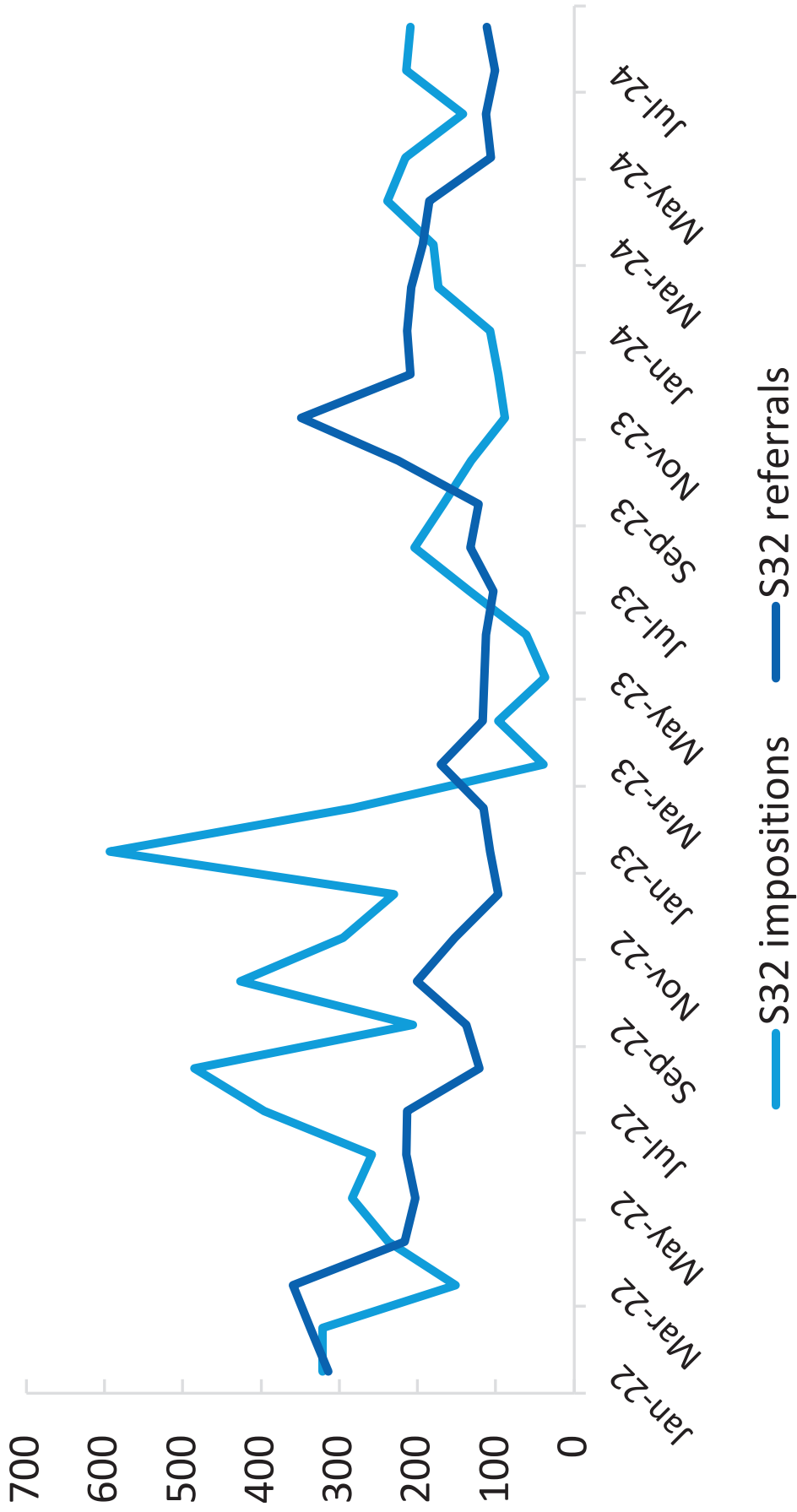
Section 32 referrals to the Clandestine Entrant Civil Penalty Team

- 10.10** Section 32 (S32) of the Immigration and Asylum Act 1999 refers to the penalty that can be imposed on drivers, owners, and hirers of vehicles for carrying clandestine entrants.¹⁰⁸
- 10.11** At the juxtaposed control ports, both Pan-Juxt officers and BFOs make S32 referrals to the CECPT. At UK ports and within the UK, BFOs and police officers handling ‘lorry drop’ incidents also make S32 referrals.¹⁰⁹ Figure 29 shows the number of S32 referrals received and the number of S32 penalties imposed by the CECPT between January 2022 and August 2024.

108 Immigration and Asylum Act, 1999. <https://www.legislation.gov.uk/ukpga/1999/33/section/32>

109 If a police or immigration officer is satisfied that an illegal entrant has entered the UK clandestinely within the last 72 hours, the event is classed as a ‘lorry drop’. A ‘lorry drop’ can mean by any means of transport, not just by lorry.

Figure 29: The number of S32 referrals received and the number of S32 penalties imposed by the CECPT (January 2022 to August 2024)



10.12 Prior to the implementation of the new legislation in February 2023, the monthly total of impositions was generally higher than the number of referrals received, as the CECPT worked to clear a backlog of historic cases. Between January and December 2022, there were 3,613 impositions, with a further 593 and 283 in January and February 2023.¹¹⁰ From there the monthly total fell away dramatically. Between March and December 2023, the total was 1,056. Since the beginning of 2024, there has been a small recovery, and between January and August 2024 there have been 1,480 impositions.

10.13 Monthly referrals have also fluctuated over the same period, although not by as much. For most of 2022 and until mid-2023 the trend was generally downwards from a high of 359 in March 2022 to 103 in July 2023. The next few months saw a reversal of this trend, with referrals peaking at 349 in November 2023, since when the numbers have been falling again. In August 2024, there were 112 referrals.

110 The Home Office, in its factual accuracy response, stated: “Between January and December 2022, there were 3,617 impositions, with a further 595 and 283 in January and February 2023”, based on the latest CECPT data extracted in January 2025, as “the number of referrals/impositions may have been retrospectively revised.”

10.14 As with S31A referrals, the majority of S32 referrals came from Calais (4,019), Coquelles (527), and Dunkerque (437). Together they accounted for 4,983 (85%) out of a total of 5,874 S32 referrals received by the CECPT. The number of ‘inland’ referrals and the numbers from UK ports are shown at figure 30.

Figure 30: S32 ‘inland’ referrals and referrals by UK ports (January 2022 to October 2024)

Port	Number of S32 referrals
Inland ¹¹¹	650
Dover Eastern Docks	148
Portsmouth	66
Newhaven	17
North Shields	8
Tilbury	1
Immingham	1
Grand total	891

Vehicle security checklist

10.15 When a clandestine entrant is found in a vehicle, officers should ask the driver for details, including proof of identity and a vehicle security checklist. The driver uses this checklist to document the security checks completed throughout their journey, such as confirming whether a TIR or tilt

111 ‘Inland’ refers to locations outside of the port environment, and within the UK.

cord was deployed to secure the load.¹¹² If a driver is unable to provide a completed vehicle security checklist, this could affect the level of penalty imposed by the CECPT.

10.16 Inspectors noted stakeholders' concerns that drivers were not consistently made fully aware of the implications of being asked to provide this checklist. Solicitors representing the haulage industry raised concerns that drivers could "panic" and not fully understand that a checklist was being asked for, and also highlighted that BFOs did not always ask for the checklist.

10.17 Border Force published an example checklist on the GOV.UK website which was translated into 22

112 "TIR represents 'Transport International de Marchandises par la Route' and is a Customs Agreement concerning the international transport of goods. TIR cables are commonly used on 'Tilt' trailers, open-top containers and in the tarpaulin industry. The anti-theft TIR cable is typically a plastic-coated steel cable which can be threaded through holes located on each curtain buckle once they are closed. This prevents the buckle from being opened without first breaking a seal and unthreading the cable again." From: <https://donbur.co.uk/features/security/tir-security-cable.html>

languages.¹¹³ Despite this, industry stakeholders told inspectors that there was confusion over security checklists and inconsistencies in what was deemed to be compliant. For example, one stakeholder said that electronic checklists were not always accepted as proof that the necessary security checks had been completed, which contradicted previous advice they had received from Border Force. One industry stakeholder said that, in some cases, the CECPT had unfairly assessed that the checklist had not been correctly completed due to minor issues. For example, a driver may have left a question blank instead of answering “N/A” to a question that did not apply or that they did not understand.

10.18 Language barriers could also be a problem. One BFO told inspectors: “We do the best we can to translate on our phones, but it doesn’t always work.” Another BFO said that, while information was requested from drivers, “language issues can affect if a driver knows this is for a penalty”.

113 Border Force, ‘Vehicle security checklist: road transport companies and drivers (updated 20 September 2024). <https://www.gov.uk/government/publications/vehicle-security-checklist-road-transport-companies-and-drivers>

Notification of liability for a penalty

10.19 Previously, when a driver was stopped for a S32 incident, an initial notification of liability for a penalty to be served (IS11D) was provided to the driver. A Border Force senior manager told inspectors that paperwork was no longer issued at this stage due to the capacity of frontline resources. Instead, notification paperwork is issued by the CECPT team after the incident. Managers acknowledged that, by not receiving any paperwork referring to a potential penalty at the time of an incident, drivers may be uncertain about whether they will be penalised, and it may be several months before they receive a penalty notification.

[Redacted] and discretion

10.20 An interim operational instruction issued to BFOs on 10 February 2023 regarding the changes to legislation stated:

“Border Force retains discretion not to refer incidents in certain very limited circumstances.
[Redacted]

10.21 A Border Force Senior Officer (SO) may therefore approve that a S31A or S32 incident is not referred, exercising operational discretion. Approval is not required if [redacted] or if a driver has reported to Border Force that they suspect a

clandestine entrant is in their vehicle (known as a self-declaration).

10.22 However, inspectors found that operational discretion was not used by BFOs at all ports regarding referral decisions. Officers in all teams and at all grades appeared to be unaware that this was an option. One manager told inspectors: “we do not have discretion”. And another said that there had been “no discretion at all for the last couple of years ... discretion was taken away.”

10.23 [Redacted]

10.24 In the case of self-declarations, there was a risk that, if a driver informed Border Force of a suspected S32 incident and a CECPT referral resulted in a penalty being imposed, this could disincentivise drivers from reporting potential S32 incidents in the future.

10.25 At one port in the UK, inspectors found that S32 incidents in tourist traffic were not being referred to the CECPT. A Border Force manager told inspectors: “No one ... has been doing that. We did not know we could penalise people.” Inspectors found that incorrect advice was being followed at this port, as only transport companies were subject to a S32 referral, and not private vehicles. Inspectors made officers aware that the S32 policy also applied to tourist vehicles.

Referrals to Criminal and Financial Investigations

- 10.26** Criminal and Financial Investigations (CFI) is a directorate in Enforcement, Compliance and Crime, part of Immigration Enforcement. CFI is responsible for the investigation of immigration crime with the aim of disrupting organised crime groups that facilitate illegal entry to the UK.
- 10.27** S32 cases are referred to CFI where facilitation is suspected.¹¹⁴ Between 1 February 2023 and 25 November 2024, CFI teams received 130 such referrals. Cases were referred quickly, with 120 referred on the date of the incident, seven the following day, and two within two weeks. One case did not contain enough data to determine when it was referred.
- 10.28** When CFI decides not to adopt a referral for investigation, it is routed back to the CECPT, via the referring port or National Command and Control Unit, to consider the imposition of a financial penalty. CECPT managers were aware of the risk that the opportunity to impose a penalty could be missed if a case is dropped by CFI but not referred to the CECPT within 180 days. Border Force was unable to provide inspectors with the

114 Immigration and Asylum Act, 1999. <https://www.legislation.gov.uk/ukpga/1971/77/section/25A>

number of cases not progressed by CFI and subsequently passed to the CECPT as this data was not collected.

10.29 Between 1 January 2022 and 23 July 2024, CFI adopted 242 criminal investigations concerning S32 incidents, which resulted in 168 individuals being charged and 147 being convicted of assisting unlawful immigration.

The CECPT penalty referral process

10.30 Prior to March 2024, when a vehicle or driver was stopped by Border Force at a port for a S31A incident, the officer at the port created a physical file containing the details of the incident. The file included printouts of the officer's notebook, images of the vehicle, and copies of the driver's papers. The file was sent to the CECPT, who created a record on the Access database. Following a three-month trial, from March 2024 BFOs have been completing an electronic 'Events at the Border' referral on the Central Operations Platform (COP). Referrals can also continue to be sent via a port log stored on SharePoint, or through the post on an initial notification form (IS11R).

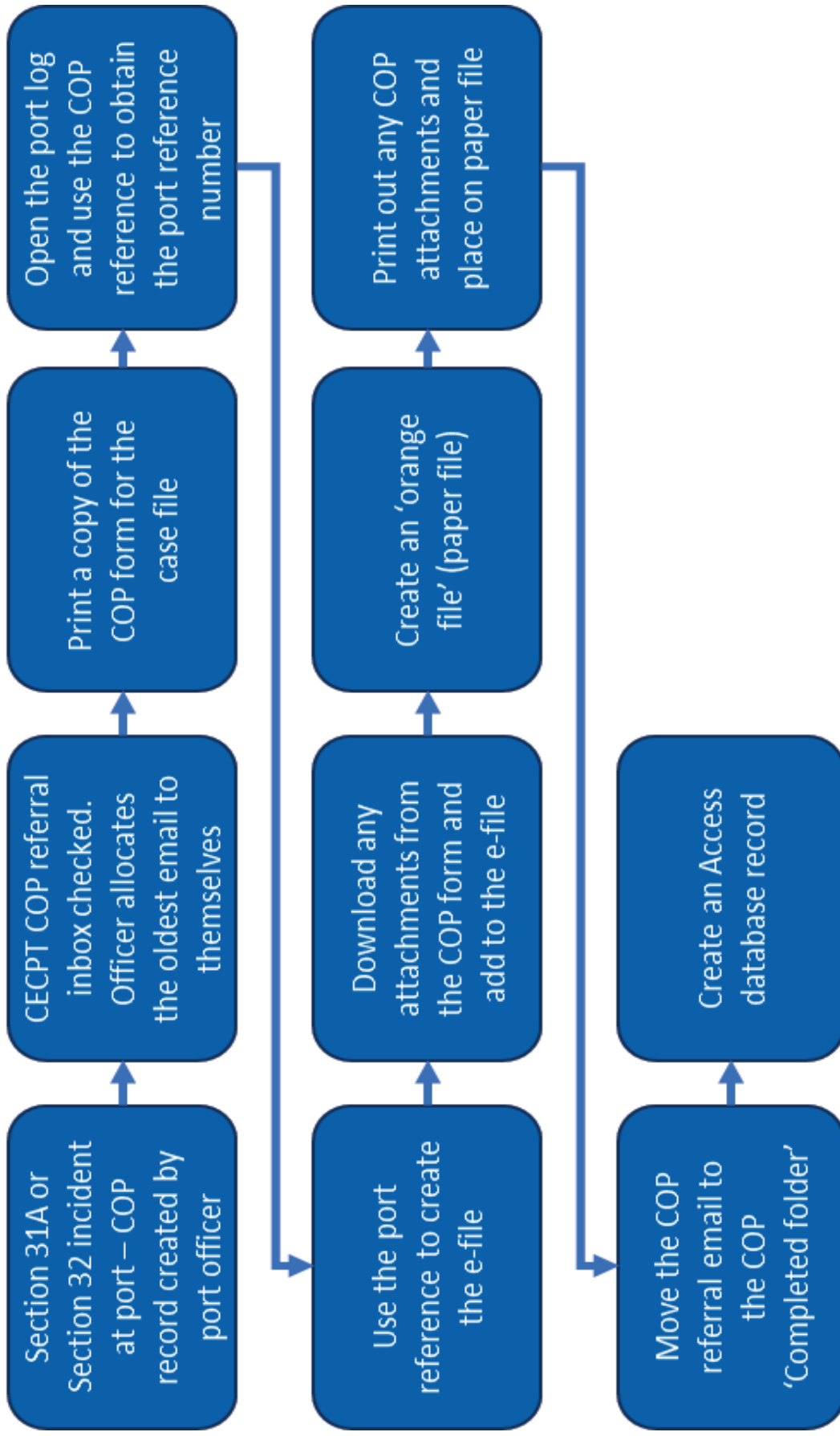
10.31 In addition, every port is required to record each incident on a port log Excel spreadsheet against a unique case reference number. The port logs are saved on the SharePoint site so that CECPT staff

can access them. A small number of ports use only this log to notify the CECPT of new referrals.

10.32 COP referrals are checked by CECPT staff against the corresponding port log to obtain the unique case reference number. Inspectors found that this double handling was prone to data errors. If a data entry error occurs on one case reference number it causes “hundreds” of case records to be “out of sync” as case reference numbers become muddled, and drivers and owners can potentially receive duplicate penalty notifications as a result. CECPT staff told inspectors they had spent four days trying to fix several cases in one port log alone, caused by a single error. To combat this issue, the CECPT had created a workaround port log for their own use. At the time of this inspection, the information had not been reconciled and the port and the CECPT continued to use two separate logs.

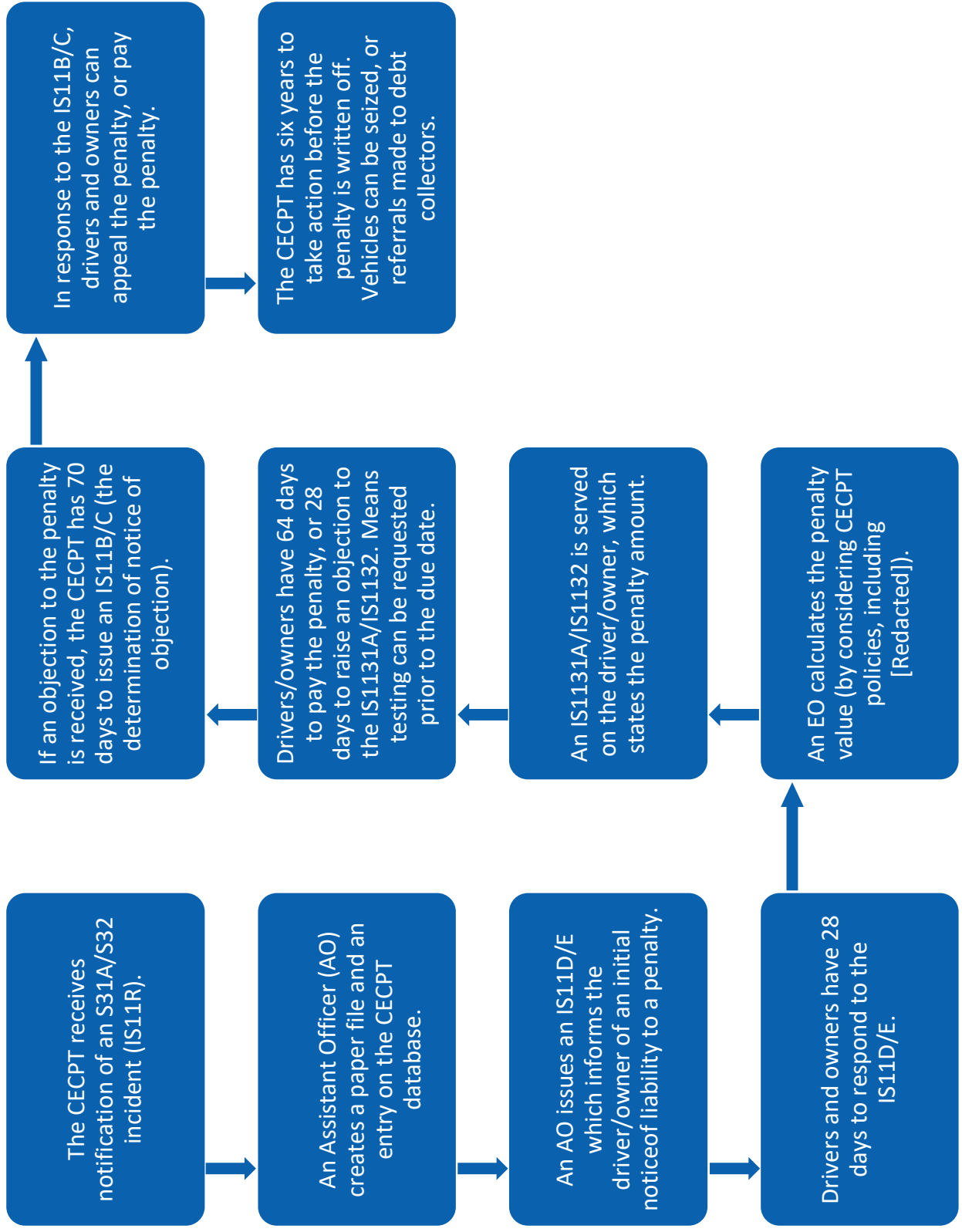
10.33 Figure 31 outlines the case creation process.

Figure 31: The CECPT case creation process



- 10.34** Once a referral is received, CECPT Assistant Officers (AOs) prepare a paper file and create an entry on the CECPT database. Staff said there was no benefit in duplicating information on the paper file and the CECPT database and that it would be quicker to remove paper files from the process. They believed that paper files were used because the team had “always done it that way so need to keep doing it that way”. Concerns were also raised about the accuracy of the paper files, as the information on them was not consistently in date order and was often incomplete. To process a case, both the paper file and the database had to be checked.
- 10.35** The new Integrated Platform Management System (IPM) will remove the need for paper files and this duplication of effort.
- 10.36** Figure 32 outlines the CECPT’s case progression process for S31A and S32 incidents.

Figure 32: The CECPT case progression process



10.37 There were data quality issues with CECPT's management information, which affected the accuracy of its 'work in progress' (WIP) data. In November 2024, the CECPT initially told inspectors that there were 6,127 WIP cases, but as 234 of them were not on the CECPT database at that stage, data could be provided for only 5,893 cases. However, the spreadsheet provided by the CECPT to show the 5,893 cases contained 11,499 erroneous and duplicate records. Once cleansed by inspectors, there were 13,260 cases, 7,367 more than the 5,893 the CECPT had said were in the WIP. Inspectors asked the CECPT to confirm what these additional 7,367 cases were. The CECPT did not provide an answer but stated that there had been an error with just one case and that the total number of cases in the WIP was 5,892.¹¹⁵

10.38 The CECPT subsequently provided a second list that contained 5,892 cases, but inspectors found that 38 of these were not on the original list of

115 The Home Office, in its factual accuracy response, stated that the civil penalty database showed multiple lines of data for each penalty case as each case could generate several responsible parties. It stated that these were not duplicate or erroneous cases and the 5,893 figure was correct. The 7,367 additional either were over six years old or had been closed, and were no longer considered part of the WIP.

5,893 cases, raising further concerns about the accuracy of WIP data.¹¹⁶

CECPT case sample

10.39 Inspectors examined a sample of CECPT penalty cases to consider the timeliness and accuracy of its processes. Of 6,803 cases generated between February 2023 and August 2024, 120 were selected for examination. The sample contained 70 S31A cases and 50 S32 cases, reflecting the proportion of S31A and S32 cases in the 6,803 case list. The sample was also shaped to include the different stages of the process. See figure 33.

Figure 33: Breakdown of case sample by S31A and S32 cases and the number of cases at each stage in those cohorts

Case stage	S31A	S32
Pre-imposition	21	11
Imposed but not objected to	33	11
Objected to – penalty maintained	10	12
Objected to – penalty reduced	5	13
Appealed	1	3
Total number of cases	70	50

116 The Home Office, in its factual accuracy response, stated: “The information was taken from a live database and as such the information on the system may have changed during the period in question, with cases being concluded and removed or late referrals being added.”

10.40 While 120 cases were selected to be examined, only 103 cases were analysed, as the CECPT was unable to locate some case records and others had been sent to an archive.¹¹⁷

Timeliness

10.41 Of the 103, 96 case records contained enough information to calculate the time taken to create a CECPT database entry from the date the CECPT received the referral. Over a third of the cases sampled took more than 21 days to be entered onto the CECPT database. The timeliness of this process worsened during the course of this inspection. During a visit to the CECPT team on 22 October 2024, inspectors found cases being created on the CECPT database that had been referred six weeks earlier. Staff told inspectors that the delay in entering cases was compounded by issues with port logs.

10.42 The inefficiency of this first stage of the CECPT process delayed the imposition of any penalties.

Accuracy

10.43 Border Force AOs in the CECPT are responsible for issuing the IS11D/E, which informs the driver or owner of a vehicle of an initial notice of liability for a penalty. The accuracy and completeness of the

117 Completed cases were sent to a storage facility, referred to by CECPT staff as “the layby”.

information contained in the initial notification of a S31A/S32 incident (IS11R) affected the CECPT's ability to process the IS11D/E efficiently. CECPT staff told inspectors that common issues included case notifications from BFOs at ports that lacked photographs, notebooks with missing information, and illegible handwriting. Requests for the missing information took "weeks" to be answered. S32 referrals of inland incidents ('lorry drop') by police forces also often lacked key information.

10.44 It is obviously critical that a driver's or owner's address is recorded accurately. Many of the postal addresses seen by the CECPT are in eastern Europe and their formats can be difficult to interpret. Inspectors found inconsistencies in how the CECPT dealt with cases where documents were undeliverable to a driver's postal address. When available, email addresses were also used to send notices to drivers and owners.

10.45 In the 103 cases inspectors examined, two driver penalties were cancelled due to incomplete or inaccurate postal addresses. CECPT staff explained that, when an incorrect address was identified, it may be too late to impose a penalty within the 180-day deadline, which would cause the penalty to be cancelled. An IS11D could be sent to the vehicle owner's postal address for them to pass on to the driver, but the driver may have left the company since the penalty incident.

In such cases, the owner became liable for the driver's penalty.

- 10.46** CECPT managers confirmed that addresses could be researched online, but approval was needed to amend an address from its original entry. Not all CECPT staff were aware that they were permitted to verify addresses in this way, which caused inconsistencies when processing IS11D/Es.
- 10.47** Case study 1 highlights the importance of checking the accuracy of addresses and of following correct procedures.

Case study 1: CECPT process not followed

Summary

An unsecured goods vehicle was identified at Coquelles.

The driver was sent an initial notice of liability to a penalty (IS11E) in September 2023, but it was sent to the wrong address. Recommendations for liability to a penalty were then completed by CECPT staff and sent to a Higher Officer for assurance, noting that neither the driver nor the company had responded to the IS11E in time.

A data breach was subsequently identified when it was noticed that the IS11E had been sent to the wrong address. A risk assessment was completed, and data breach letters were sent to the driver and the recipient of the wrongly-addressed IS11E.

A second IS11E was sent to the driver on 6 February 2024 with a 28-day response deadline of 5 March 2024. Notices of liability to a penalty (IS1131A) were sent to the driver and the company on 19 February 2024.

Independent Chief Inspector of Borders and Immigration (ICIBI) comment

The CECPT's process for considering a penalty did not appear to have been followed correctly. The recommendation was completed and the IS1131A was sent to the driver prior to the deadline to respond to the second IS11E.

Home Office response

“The correct process has not been followed. The recommendation was written while the 28-day period for the IS11E response was still open. In theory, this by itself is not an issue, as normally it would be held as a draft and only finalised once the 28 days had passed (and altered if there was any additional information), but in this case the imposition was finalised and sent out too early. This case will now be reviewed – as yet no IS11E response, objection or other communication has been received.”

Recording and managing the 180-day deadline to impose S31A/S32 penalties

- 10.48** A 180-day deadline to issue a notice of liability for a penalty to be served (S31A/S32) was introduced in February 2023. Prior to that, there was no deadline. This had led in some cases to initial penalty notices being sent to drivers and hauliers for incidents that had occurred up to six years previously.
- 10.49** At the time of this inspection, a weekly report containing the cases approaching the 180-day deadline was being manually created and sent to CECPT staff to process. Cases within one week of the 180-day deadline are marked for “urgent processing”. Managers told inspectors that the IPM should provide the functionality to identify cases approaching the 180-day deadline, replacing the manual process.
- 10.50** Staff reported that it was “a struggle” to meet the 180-day deadline consistently due to the number of cases in the CECPT system. Inspectors asked Border Force for the number of cases that had not been processed because they had missed the 180-day deadline. The data returned showed that, between 8 December 2023 and 29 August 2024, 101 cases had missed the deadline, nine in 2023, and 92 in 2024. However, the data contained several inaccuracies, and inspectors concluded it could not be relied upon. For example, for

23 cases, the date recorded for when the case had been written off for missing the 180-day deadline was before the date of the incident. Fifty-eight cases were written off before the 180-day deadline, 26 of which were written off more than 100 days before the deadline. Due to the number of data inaccuracies, inspectors asked Border Force to review the data. It was returned still containing most of the same errors.¹¹⁸

10.51 In November 2024, the CECPT provided an updated list of 136 cases that had missed the 180-day deadline, covering the period from February 2023 to 13 November 2024. This updated list contained 13 cases with write-off decision dates between 8 December 2023 and 29 August 2024 that had not been included in the original

118 The Home Office, in its factual accuracy response, stated: “If a case reaches a point where it is clear it will not be concluded within 180 days, then it will be written off early. There are certain circumstances where a case is written off before the 180-day deadline. For example, if there are less than 28 days before the 180 deadline is reached (so day 152 or later) and the IS11D/E needs to be resent, there is not enough time for the responsible party to be given the 28 days right of response and the case must therefore be written off. It is also possible for newer cases to be written off if the Home Office is given information from law enforcement that there are criminal investigations underway.”

list provided to inspectors. Eight cases on the original list were missing from the updated list. In the updated list, four cases had no incident date recorded.

10.52 Figure 34 shows the write-off decision dates for the 132 cases for which an incident date was recorded.

Figure 34: Dates of decisions to write off cases due to the 180-day deadline (February 2023 to November 2024)

Number of days between the incident date and the decision date to write off the case	Number of cases
181 days and over	63
180 days	5
Between 161 days and 179 days	47
Between 101 days and 160 days	7
100 days or fewer	10
Total cases	132

10.53 Inspectors asked the CECPT to revisit the data to check its accuracy. The original list contained 23 incident dates recorded as having occurred after the decision to write off the case. Despite this, the updated list contained three more examples of this, plus three cases with no decision date recorded.

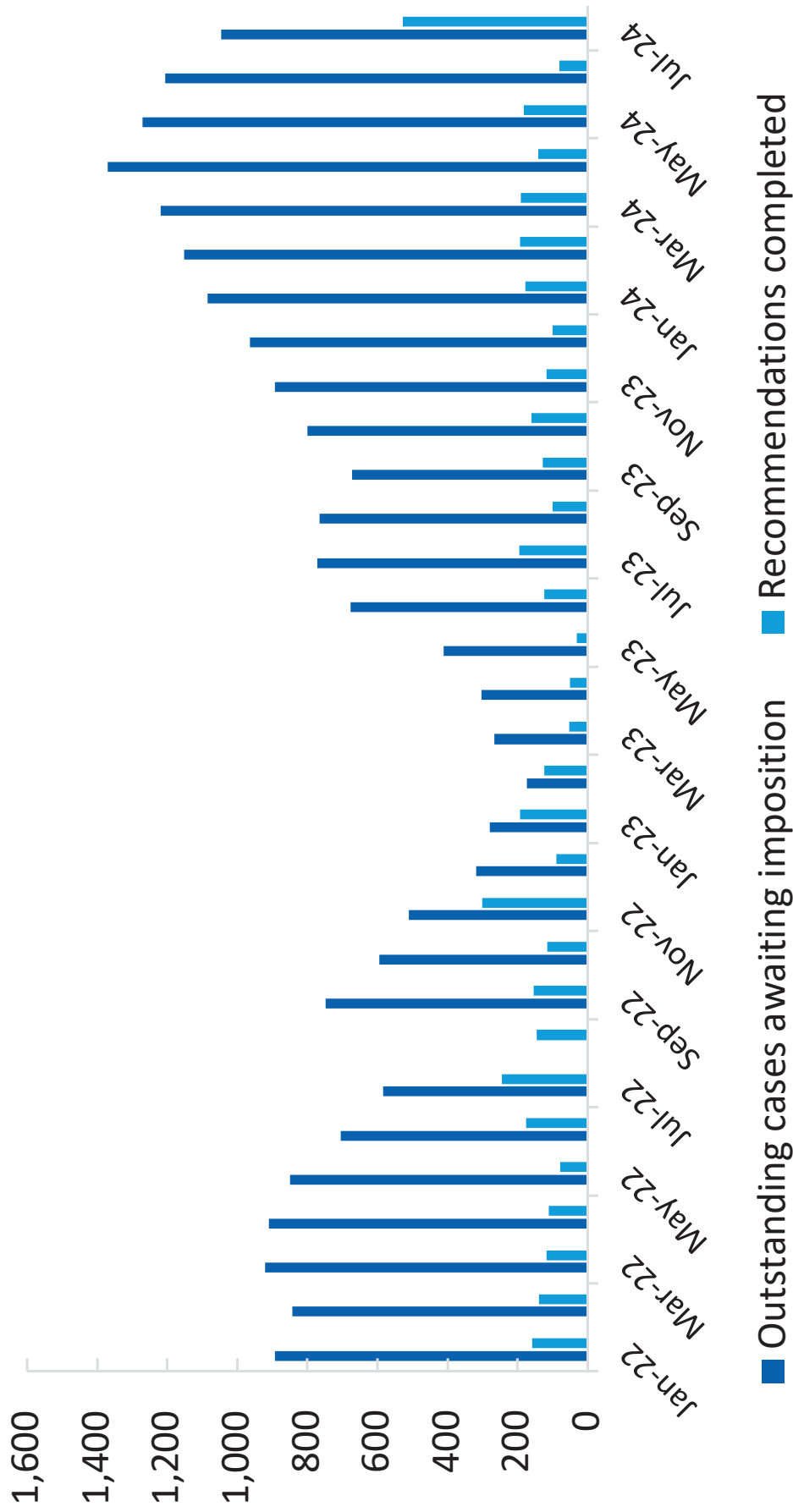
10.54 An industry stakeholder told inspectors that they had received a notice of liability that contained an incorrect incident date, which resulted in the penalty being imposed after the deadline. The

company intended to appeal the penalty (over £80,000) on that basis.

Cases awaiting imposition of a penalty

10.55 Since the legislative changes in February 2023, the monthly totals of cases awaiting imposition of a penalty had been on an upward trend until April 2024, when it peaked at 1,369 cases. Since then, the totals have been falling and in July 2024 it was 1,046. See figure 35. In November 2024, the figure had reduced further to 915 cases.

Figure 35: The number of cases awaiting the imposition of a penalty and the number of penalty recommendations made (January 2022 to July 2024)



Penalty values

10.56 Penalty values are set out in the ‘Level of penalty: code of practice’ on the GOV.UK website.¹¹⁹ See figure 36.

Figure 36: Factors affecting the initial penalty value for S31A and S32 incidents¹²⁰

Consideration	Impact on S31A penalty value	Impact on S32 penalty value
The responsible person is a member of the Civil Penalty Accreditation Scheme (not available to drivers)	50% reduction	50% reduction
The responsible person is not the driver and was not present during the journey to the UK, but they acted to ensure regulations were complied with	50% reduction	50% reduction
The responsible person is the driver and was not present during the journey to the UK, but they acted to ensure regulations were complied with	50% reduction	50% reduction

119 Border Force, ‘Level of penalty: code of practice’ (updated 1 December 2023). <https://www.gov.uk/government/publications/level-of-penalty-code-of-practice/level-of-penalty-code-of-practice-accessible>

120 Border Force, ‘Level of penalty: code of practice.’

Consideration	Impact on S31A penalty value	Impact on S32 penalty value
The responsible person has <i>not</i> previously received a penalty of the same type (S31A/S32), within the five years prior to the incident date	Reduction from £3,000 to £1,500.	Reduction from £10,000 per clandestine entrant to £6,000 per clandestine entrant.
The responsible person has <i>not</i> previously received two or more S31A penalties within the five years prior to the incident date	Reduction from £6,000 to £1,500.	No reduction

10.57 CECPT staff use the IS1131A/IS1132 forms to calculate penalties for both drivers and owners. To determine the penalty value, they consider the following: the case details, whether security procedures were followed by the driver/owner, whether the owner is a member of the accreditation scheme, the results of any financial means testing, any objections raised, and whether the responsible party has previously received a S31A/S32 penalty.

10.58 In addition, the Secretary of State is “able to take into account any other factors [she] thinks appropriate in finalising the level of penalty to be levied” and retains “discretion not to impose a penalty at all”.

- 10.59** The Carriers' Liability Regulations 2023 outline the mandatory security regulations required to try and prevent clandestine entry.¹²¹ These include the requirement to check any fabric cover on a vehicle for cuts, tears, or damage, and to check that each seal used on a goods vehicle has not been tampered with and has a unique number.
- 10.60** All the security regulations must be complied with for consideration of a 50% reduction in the penalty value. CECPT guidance was issued to staff to help them assess whether each security regulation had been adhered to. CECPT staff refer S32 cases to SOs for review when drivers meet all the requirements, but this usually still results in a penalty, which staff felt was "unfair".
- 10.61** Haulage industry stakeholders raised concerns about how this 'test' was applied. For example, if there were two separate S32 offences with the same circumstances, but in one case the driver had complied with all but one of the security regulations, and in the other the driver had not complied with any security regulations, the same penalty could be imposed on both drivers. Stakeholders told inspectors that this was not a proportionate response, as there was no recognition of the efforts made by the first driver,

121 The Carriers' Liability (Amendment) Regulations 2023. <https://www.legislation.gov.uk/uksi/2023/29/made>

who had undertaken all possible actions to secure their vehicle.

[Redacted]

- 10.62** The CECPT has [redacted] discretion to be applied when considering whether to impose a penalty and the amount to impose. The CECPT duty SO must approve its use. [Redacted]
- 10.63** A reduction in penalty due to the application [redacted] “can be made in addition to a subsequent financial means review”.
- 10.64** The CECPT provided inspectors with documents to explain [redacted]. One said that “the only defence against the imposition of a Penalty for both offences is duress”. The same document also stated that “[c]ases in which a driver or company have self-declared may qualify for exceptionality,” before concluding that “the only defence is duress”.
- 10.65** Case study 2 shows [redacted], even though all the regulations had been adhered to.

Case study 2: Penalty imposed despite driver compliance with regulations

Summary

A clandestine entrant was detected in a goods vehicle in Calais.

The haulage company provided evidence, including CCTV footage from the vehicle, which showed that security staff at a truck stop in Calais had ushered the migrant from the compound but did not take them out via the pedestrian entrance. When the vehicle stopped briefly to be allowed through the gate, the clandestine entrant was able to creep alongside the vehicle and crawl under and onto the chassis, just as the gates opened and the driver pulled away.

The company noted that many of the questions on the initial notice of liability to a penalty (IS11D) relating to the seals and locks on the vehicle were irrelevant in this case, as the clandestine entrant was not able to access the load and was found externally on the chassis of the vehicle. The driver also noted that the clandestine entrant climbed onto the vehicle after he had completed his checks.

An initial penalty of £3,000 was imposed for both driver and company. The company penalty was subsequently reduced by the CECPT to zero as it had fully complied with the regulations and was a member of the Civil Penalty Accreditation Scheme (CPAS). The driver's penalty was subsequently reduced to £1,843 following means testing.

ICIBI comment

Inspectors considered that it was unreasonable to impose a penalty in this case when the clandestine entrant was not detected inside the vehicle. It was difficult to understand what more the driver could have done to prevent a clandestine entrant gaining access to the vehicle in these circumstances.

Home Office response

“Both the driver and company were awarded a 50% discount for compliance, with the company gaining an additional 50% discount for CPAS membership.

Imposing a penalty in these circumstances is appropriate according to the stricter liability stance of the regime. There is nothing more the driver could have done in this circumstance.

We are now referring all incidents such as this, involving ‘axle finds’ to Senior Officers so they can be reviewed on a discretionary basis, as often there is nothing the driver could have done to prevent this and there is an argument that it is not in the public interest to pursue such cases, as it could act in detriment to the aims of the regime. There is no ‘one size fits all’ response and we assess each case on its merits.”

10.66 [Redacted]

[Redacted]

10.67 [Redacted]

10.68 In November 2024, the CECPT provided an updated list of [redacted] cases between January 2022 and October 2024. However, this list did not contain all the cases recorded in the first list. For example, between 1 January 2024 and 31 July 2024, there were 54 cases on the first list, and just 35 cases on the updated list. Due to the CECPT's inability to provide accurate management information, inspectors were unable to analyse the updated list with any confidence.

10.69 The inconsistent application of [redacted] policy is illustrated in a number of case examples identified by inspectors. See figure 38.¹²²

122 The case studies referenced are based on data supplied as evidence by the Home Office during the inspection. The Home Office originally stated that for Case B there was a “25% reduction for the driver for alerting the Police”, and for Case C, the “[d]river called police inland, however no checks or checklist. 75% REDUCTION FOR COMPANY AND DRIVER.” The Home Office, in its factual accuracy response, provided amended details and stated: “Case B received a 75% discount, 50% for compliance and 25% for alerting the authorities once in the UK. Case C received a 50% discount, for alerting the authorities (no compliance was found). The differences of when/where Border Force/ Police were notified, and compliance demonstrate the varying levels of penalty reduction, rather than an inconsistent approach.” The amended penalty amounts reflect the inconsistent application of discretion, as Case C received a 50% reduction and Case B received a 25% reduction for alerting the authorities to the presence of a clandestine.

Figure 38: Self-referral cases with penalty reductions of 100% to 25%

Case	Outcome
<p>Case A</p> <p>A driver called the police in another country, and again after they reached the UK, as they suspected there was a clandestine entrant in their vehicle. Any compliance with security checks is not recorded by the CECPT, and therefore unknown.</p>	<p>100% reduction for the driver and owner</p>
<p>Case B</p> <p>A driver called the police after they had arrived in the UK as they suspected a clandestine entrant was in their vehicle. The driver had complied with all security checks and had a completed security checklist.</p>	<p>25% reduction for the driver</p>
<p>Case C</p> <p>A driver called the police and notified ferry port staff after they had arrived in the UK as they saw a clandestine entrant in their vehicle. The driver did not have a checklist and had not completed any checks.</p>	<p>75% reduction for the driver</p>
<p>ICIBI comment</p> <p>In all three cases, the driver reported a suspected clandestine entrant in their vehicle. If the driver in Case A did comply with the security checks, the circumstances are the same as Case B. Despite this, Case A was given a 100% reduction, while Case B was given a 25% reduction. Case B had complied with all the security checks and Case C had not, yet Case C received a higher reduction.</p>	

10.70 The inconsistency in the application of [redacted] policy for self-referral cases is further demonstrated in a case highlighted in the media,

in which a driver was given a penalty after alerting the police to a clandestine in his vehicle.¹²³

Inspectors became aware of this case through a news article. A clandestine entrant was discovered in a van after arriving in the UK on a crossing from Calais. The driver alerted the police following the discovery and maintained that the vehicle had been cleared by UK customs staff. The CECPT file minutes recorded that a 50% discount was applied to the penalty amount as the driver had alerted the police. The driver objected to the penalty, but the objection was received out of time. An instalment plan was set up to enable the £3,000 penalty to be paid.

10.71 Inspectors became aware of another case through a news article, in which Secretary of State discretion applied, and also highlighted the inconsistent application of [redacted] policy.¹²⁴ A clandestine entrant was detected in the trailer of a camper van during a random search by BFOs at Calais. A notice of liability to a penalty was issued to the driver for £6,000. The driver objected to the penalty in time. An article in the media

123 BBC News, 'Couple fined £3,000 after finding migrant in van' (published 26 September 2024). <https://www.bbc.co.uk/news/articles/c1l4denrr9eo>

124 BBC News, 'Couple 'destroyed' over £6k fine for stowaway' (published 31 October 2024). <https://www.bbc.co.uk/news/articles/cdd09d23gzvo>

reported that the driver had written to their MP, who was also a government minister. A minute on the CECPT database recorded that this was now a high-profile case, and that the driver should be given advice on the financial means testing process. An SO in the CECPT and the Assistant Director reviewed the case following receipt of the driver's financial documents. Based on their income, it was decided to reduce the driver's penalty to £400. In addition to this, the managers applied "a discretionary discount of 75% ... leading to a final penalty of £150".

10.72 When asked about this case, the Home Office stated:

"Border Force cannot issue guidance that describes every potential scenario where discretion could be applied... the Code of Practice makes clear that the Secretary of State has discretion to consider anything she feels relevant when setting the level of penalty, and it is this discretionary power that has been applied. There is no exhaustive list of scenarios in which discretion can be applied – each case is considered on its merits/circumstances."

10.73 In contrast to the above case, in the example below the responsible person had adhered to all the security requirements but nonetheless a penalty was imposed.

10.74 In another example, inspectors identified a case in which a penalty was levied to provide educational value.¹²⁵ Two clandestine entrants were discovered in a camper van by its owner on a crossing to Portsmouth in October 2023. The owner reported the find to Brittany Ferries who informed Border Force when the ferry arrived in Portsmouth. It appeared that the clandestine entrants had gained access to the van through a small window. The minutes on the CECPT file recorded that, although the penalty amount should have been £12,000, it was reduced to £3,000 as the driver had fully complied with the civil penalty regulations and had notified the authorities of the presence of clandestine entrants in his vehicle. A minute on the CECPT database on the same date, written by a Senior Officer, states: “I am prepared to reduce the penalty exceptionally due to the driver notifying authorities. Please reduce the driver penalty to £3,000 total (£1,500) per clandestine.”

10.75 It was unclear to inspectors how this figure was arrived at. The CECPT exceptionality log contained an entry on the same date which stated: “Small penalty still levied in order to provide educational value.” Inspectors could find no reference to the levying of penalties for this

125 mywelshpool.co.uk, “I thought it was the right thing to do!” (published 18 June 2024). <https://www.mywelshpool.co.uk/viewernews/ArticleId/25957>

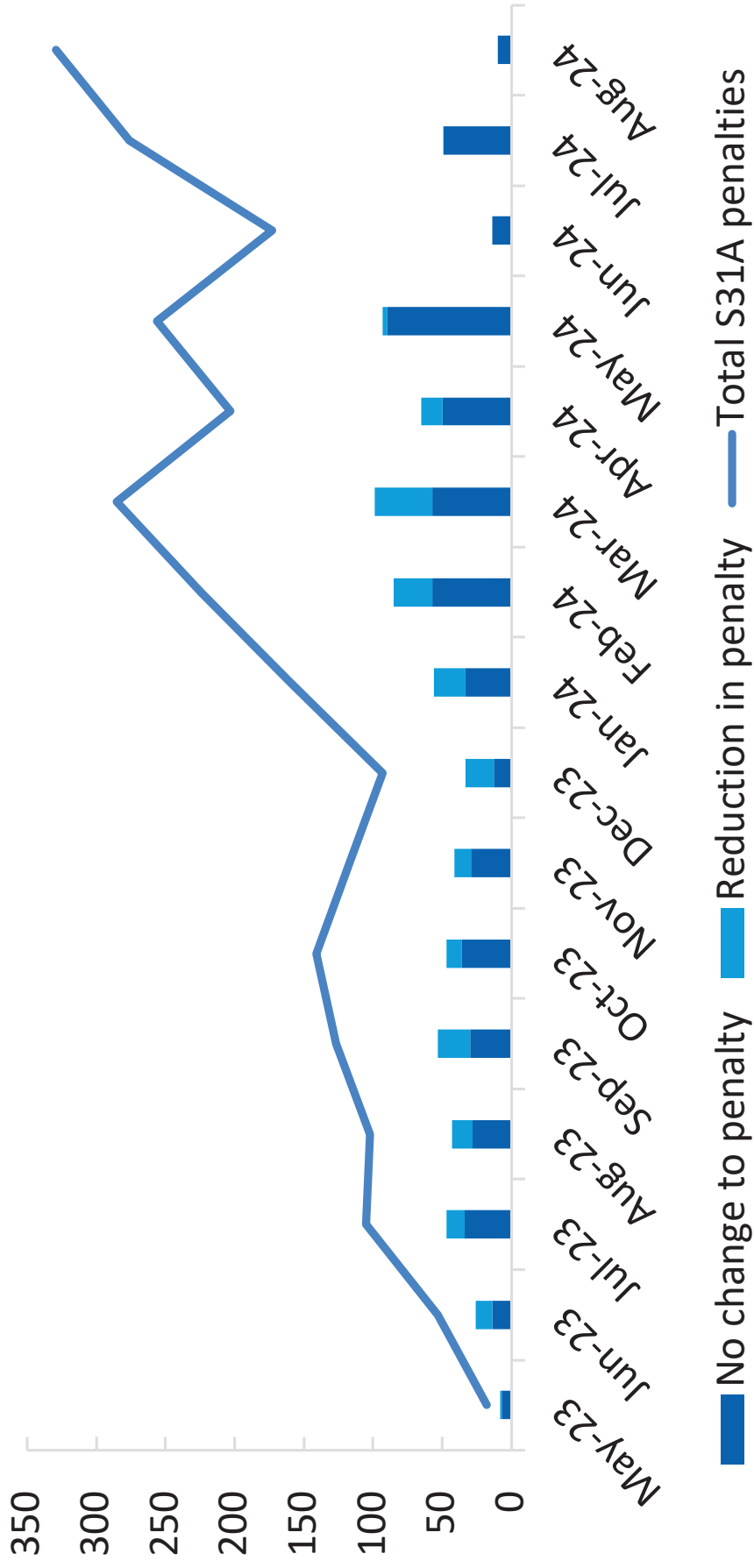
purpose in the guidance. A media article about the case was published in June 2024. The driver appealed against the penalty. The Home Office subsequently cancelled the penalty and reached an out-of-court settlement with the driver for the costs of their legal fees.

10.76 A senior Border Force manager told inspectors that, following the legislative changes and the direction from the then ministers on the hardline to take on penalties, [redacted] was “not flexible enough to make sensible decisions”.

Objections

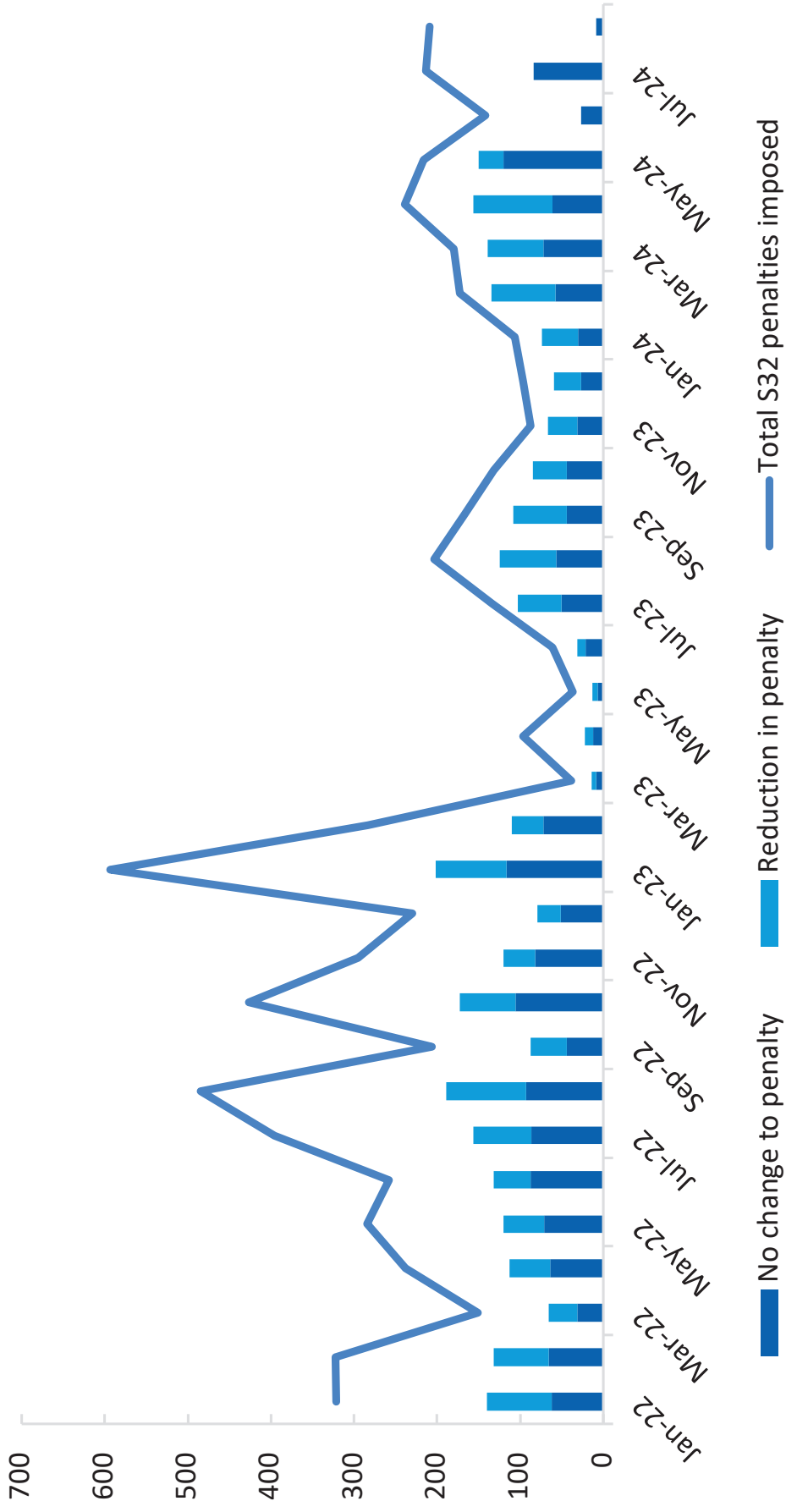
10.77 Of the 2,662 S31A penalties imposed between May 2023 and August 2024, 769 (29%) produced a formal objection from the recipient. Of these objections, 551 (72%) did not result in a change to the penalty amount. In 218 (28%) cases the penalty was reduced. See figure 39.

Figure 39: The number of S31A penalties imposed and the number of S31A objection outcomes by imposition date (May 2023 to August 2024)



- 10.78** The total for the period from June and August 2024 was expected to rise as not all objections may have been received at the time the data was extracted. May 2024 saw the lowest number of objections resulting in a reduction in the penalty amount, as just three of the 93 objections received resulted in a reduced penalty.
- 10.79** From January 2022 to August 2024, 7,025 S32 penalties were imposed, and 3,221 (57%) were objected to. Of these objections, 1,797 (56%) did not result in a change to the penalty amount. In 1,424 (44%) cases the penalty was reduced. See figure 40.

Figure 40: The number of S32 penalties imposed and the number of S32 objection outcomes by imposition date (January 2022 to August 2024)



- 10.80** As with S31A cases, none of the objections received between June and August 2024 had resulted in a reduction to the initial penalty amount at the point at which the data was extracted.
- 10.81** In contrast to S31A objection outcomes, S32 objections saw more penalties reduced than maintained. As part of an evaluation of the impact of the new legislation, Home Office Analysis and Insight (HOAI) conducted an analysis of the number of objections between February 2023 and February 2024. This found that the number of objections received had remained stable since the legislation change.
- 10.82** CECPT staff had a 70-day deadline to issue an IS11B/C (determination of notice of objection) in response to an objection, which was calculated from the date the objection was received. CECPT staff were concerned that decisions and responses to objections had to be “done so quickly. They [CECPT managers] just want them out, so things are being missed sometimes because it is more a of stat [sic] than quality.”

Financial means testing

- 10.83** Prior to the penalty due date, drivers and owners can provide evidence of their inability to pay the penalty, or the financial hardship it would cause, by requesting a financial means assessment. If this causes the penalty amount to be changed,

a credit memo is submitted to the Home Office Metis finance system, which is subject to line management approval and assurance. The recipient of the penalty can also propose to pay the penalty in monthly instalments.¹²⁶

10.84 Means testing can result in substantial penalty reductions. For haulage companies, the size of the business (‘micro’, ‘small’, or ‘medium’) dictates the amount of reduction applicable after other discounts have been applied (such as a first incident or membership of the CPAS). See figure 41.

Figure 41: Means testing reductions for companies

Business size	Turnover or balance sheet total	Headcount	Starting point for reduction of any remaining level of penalty
Micro	Less than or equal to €2 million or €2 million	Less than 10 employees	75% reduction

126 UK Visas and Immigration, ‘Objection and appeals notice’, (updated 4 January 2022). <https://www.gov.uk/government/publications/objection-and-appeals-notice-clandestine-entrants/objection-and-appeals-notice-accessible-version>

Business size	Turnover or balance sheet total	Headcount	Starting point for reduction of any remaining level of penalty
Small	Less than or equal to €10 million or €10 million	Less than 50 employees	50% reduction
Medium	Less than or equal to €50 million or €43 million	Less than 250 employees	25% reduction

10.85 Means testing is mentioned briefly in the CECPS guidance published on GOV.UK: “You may also be eligible for means testing.”¹²⁷ To obtain further information it is necessary to click on the link to the code of practice, which contains guidance on applying for means testing.¹²⁸

10.86 Guidance about means testing is also provided on the IS1131A and IS1132 notice of liability to a

127 Home Office and Border Force, ‘Clandestine entrant civil penalty scheme (last updated 4 April 2023). <https://www.gov.uk/guidance/clandestine-entrant-civil-penalty-scheme>

128 Border Force, ‘Level of penalty: code of practice (last updated 1 December 2023). www.gov.uk/government/publications/level-of-penalty-code-of-practice

penalty letter, under the section titled ‘Objection to liability or level of penalty’:

“The Secretary of State will consider requests from responsible persons to apply financial means testing to the level of penalty. To be able to assess this effectively for companies, evidence and/or balance sheets must be submitted, and three consecutive months’ payslips/wage slips for individuals concerned. Requests concerning financial means evaluation must be submitted prior to the payment due date.”¹²⁹

10.87 CECPT guidance states that the driver penalty amount should be “reduced by the same amount as the Company penalty. If Driver means are submitted separately, assess these following the Driver means guidance. Reduce the penalty by the lowest amount.” Archived guidance from 2019 stated: “Guidance received from the county courts indicates that for a driver with a first imposition, the penalty which would be viewed as reasonable and proportionate would be in the region of two weeks’ gross income.” CECPT staff provided inspectors with an example of an initial driver penalty of

129 Border Force, ‘Level of penalty: code of practice’, (published 1 March 2004, last updated 1 December 2023). www.gov.uk/government/publications/level-of-penalty-code-of-practice

£64,000 which was reduced to £180 following means testing.

- 10.88** A Higher Officer (HO) assures all financial means testing. CECPT staff told inspectors they were not trained on how to determine the final means-tested penalty value and a spreadsheet created by the CECPT is used to determine the penalty values based on the driver's financial means.¹³⁰ Some CECPT staff were not confident about this process.
- 10.89** For penalties raised against vehicle owners, company turnover and balance sheets are used to calculate a revised penalty amount, if appropriate. However, a CECPT manager told inspectors they were not confident about interpreting the financial paperwork provided. The owner can also provide a 'statement of fact', but there were no assurance checks in place to validate the information provided in such statements.

130 The Home Office, in its factual accuracy response, stated: "[A]ll CECPT staff are trained [on] how to complete means assessment before they are expected to do so. The training guidance was provided to the ICIBI. The training for staff consists of 1-2-1 mentoring on the means process by more experienced staff."

Efficiency of collecting penalties

- 10.90** Between 4 January 2022 and 4 September 2024, the CECPT imposed 9,751 penalties. Of these, 2,714 were S31A penalties and 7,035 were S32 penalties. In two instances the type of penalty was not recorded.
- 10.91** Of these 9,751 penalties, 4,600 were imposed on drivers and 4,849 were imposed on the vehicle's owner, while 302 penalties did not have a responsible person recorded.
- 10.92** Figure 42 shows the total amount of initial penalties imposed, the final penalties totals, and the total value of penalties collected and outstanding.

Figure 42: Total value of initial and revised penalties imposed, and total value of penalties collected and outstanding (1 January 2022 to 4 September 2024)

	Number of penalties imposed	Total value of initial penalties imposed	Total value of final penalties imposed	Total value of penalties collected	Total value of penalties outstanding
Driver	4,600	£19,210,808	£13,990,101	£3,274,209	£10,715,892
Owner	4,849	£24,822,310	£21,220,420	£6,728,517	£14,491,902
Recipient unknown	302	£1,405,150	£1,291,333	£103,607	£1,187,726
Total	9,751	£45,438,268	£36,501,854	£10,106,333	£26,395,520

- 10.93** Between 1 January 2022 and 4 September 2024, the total value of initial penalties imposed was reduced by £8,936,414 (19.7% of the initial value). Over the same period, the total amount of outstanding penalties was £26,395,520 (72.3% of the revised value). Payment plans were in place for some drivers and owners, and the outstanding debt as part of those agreed payment plans is included in this figure.
- 10.94** A Border Force senior manager told inspectors: “We are racking up debt that we will never recover.” They estimated that £18 million of the debt was recoverable and predicted that, by the end of 2025, up to £30 million could be recoverable, subject to the outcome of pending court cases. Another manager described the “challenge” of the growing debt, commenting: “Huge lumps of debt are going on our books, and people are happier at paying small [amounts] than large, so that debt is harder to recover than it was before. Some of the debt that they owe is potentially not sustainable to small companies.”
- 10.95** Payments are received through the Metis system, which CECPT staff use to update CECPT records manually. Border Force data showed that, between 1 January 2022 and 4 September 2024, a total of

£10,106,333 was collected.¹³¹ However, this figure included payments made by drivers and owners who had inadvertently overpaid their penalty and were still awaiting refunds from the Home Office.

10.96 In November 2024, 63 CECPT penalties were under investigation for overpayment, which totalled £47,190 to be either reallocated or refunded. Of those awaiting investigation, the oldest payment had been waiting eight months.

10.97 In addition, 26 payments totalling £39,451.98 were confirmed as overpayments, and were awaiting reconciliation. After assessment by a HO or SO, the CECPT would send a refund letter to those affected. The CECPT noted that some of these refunds “may be allocation errors rather than overpayments. All these cases have been initially reviewed and CECPT are now either awaiting further information from SSCL [the Home Office

131 The Home Office, in its factual accuracy response, stated: “The report is correct in that for the period 01/01/22 – 04/09/24, £10.1 million of the £36.5 million in penalties issued has been recovered. However, the total amount recovered during this time period is £16.9m, as penalties issued outside of this time period were also being recovered.”

finance and accounting system provider] or waiting for a file to be returned from layby.”¹³²

Vehicle Action List

- 10.98** Operation AFTERMATH is a Border Force operation to deploy, detect, and intercept vehicles where there is an outstanding civil penalty. The CECPT uses a Vehicle Action List (VAL) to record heavy goods vehicles (HGVs) belonging to companies that have an outstanding S31A or S32 penalty.¹³³ The VAL is used only for HGVs and no other types of vehicle. Between 1 February 2023 and 13 November 2024, an average of 124 HGVs were referred to the VAL each month.
- 10.99** At the juxtaposed control ports, if an HGV that is on the VAL is detected, BFOs will contact the CECPT. The CECPT will undertake checks on the owner and driver and, if there is an outstanding payment, they will contact the owner to arrange for the payment to be made. The owner is informed that, without a payment agreement, the HGV will be detained on arrival in the UK. If no payment is made, BFOs can seize the HGV on arrival and the owner will be contacted again to pay the penalty to release the vehicle.

132 Completed cases were sent to a storage facility, referred to by CECPT staff as “the layby”.

133 Only HGVs were recorded on the VAL.

- 10.100** CECPT staff told inspectors that Operation AFTERMATH was an effective means of debt recovery, but more resources were needed to increase Border Force’s capability to detain HGVs.
- 10.101** Border Force provided inspectors with a sample of Operation AFTERMATH HGV stops over an eight-day period in July 2024. Of the 29 HGVs stopped, four had already paid the penalty (either in full or in part through a payment plan); in nine cases the penalty related to a different company; one vehicle that should have been stopped was not stopped; and one case was not taken forward for an unspecified reason.
- 10.102** Between 1 February 2023 and 13 November 2024, 415 HGVs were stopped erroneously by Operation AFTERMATH. See figure 43.

Figure 43: Reasons for erroneous stops of HGVs (1 February 2023 to 13 November 2024)

Reason for erroneous stop	Number of HGVs
The penalty had already been paid in full	207
The driver/owner had an agreed payment by instalment plan, or had requested instalments	100
The CECPT had not yet responded to a means assessment	22
CECPT case errors	21
Company names and addresses were incorrectly recorded	17

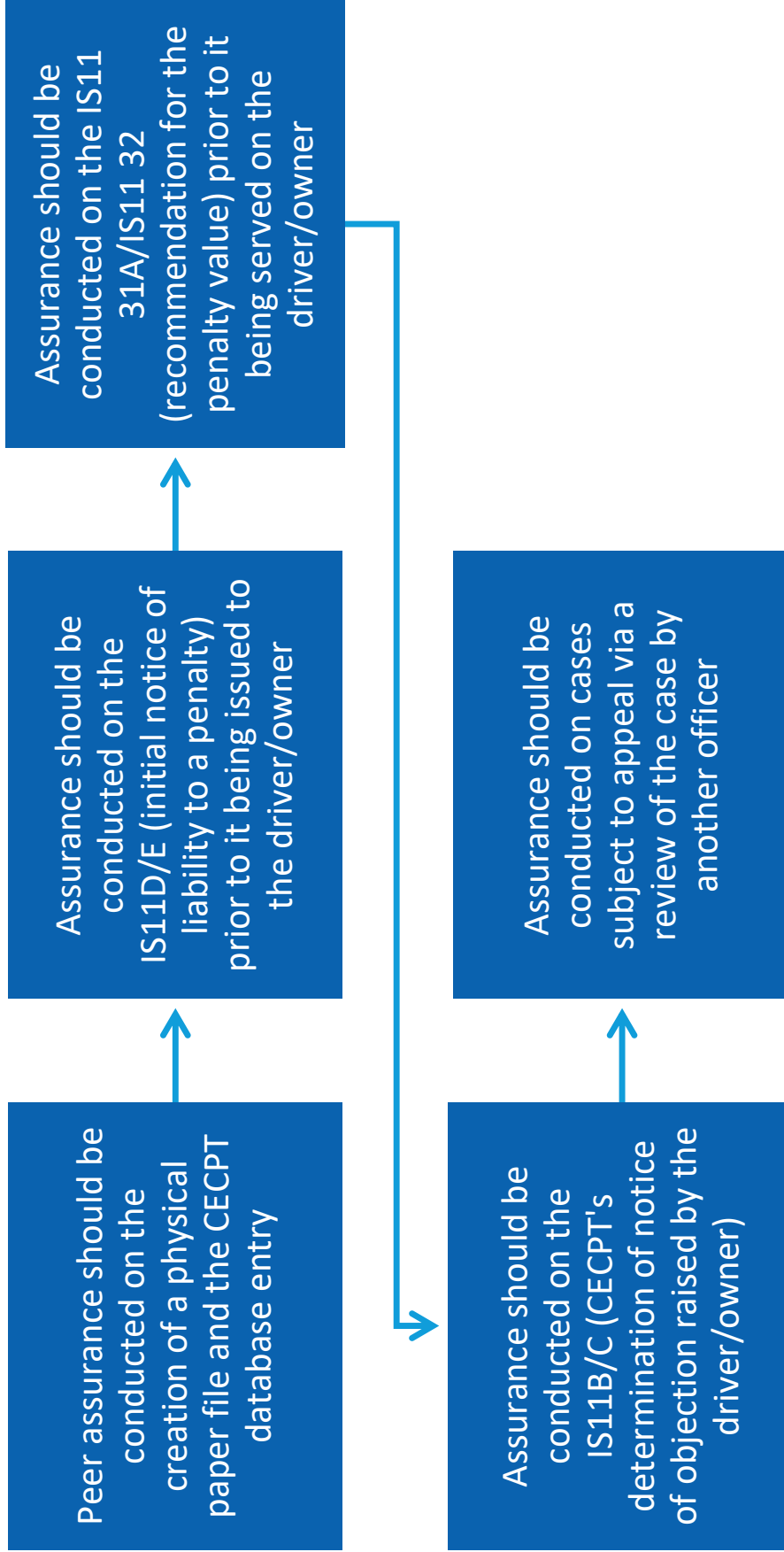
Reason for erroneous stop	Number of HGVs
Other	16
The case was subject to further review by the CECPT	11
An incorrect payment due date had been recorded	9
The penalty was previously cancelled	8
The penalty was subject to an appeal	4
Total	415

- 10.103** The ‘other’ category included instances in which the company had objected to the penalty but this had been missed by the CECPT, another vehicle from the same company had already been detained, and a penalty had been imposed more than six years previously.
- 10.104** Inaccurate data recorded on the VAL affected the effectiveness and efficiency of Operation AFTERMATH. There were multiple records for the same company due to differences in spellings, which meant those duplicate records could not be merged. Metis was not linked to the CECPT database or the VAL, so all updates on payments and payment plans had to be manually processed. If a payment was made on Metis, it did not lead to the automatic removal of an HGV from the VAL, leaving the vehicle at risk of being stopped erroneously. This took up the time of the driver, the owner, BFOs, and CECPT staff.

Assurance

10.105 At each stage of the case progression process, CECPT staff should document the assurance checks that have been completed. The stages of assurance process are summarised in figure 44.

Figure 44: Stages of CECPT assurance process



10.106 A Border Force AO conducts the first stage of assurance by reviewing the database entry and paper file. This process was new at the time of this inspection. It focused on the accuracy of the names and addresses of companies and drivers. This peer assurance was introduced following data breaches in which penalty notifications were sent to the wrong address. Staff told inspectors that this peer assurance was not routinely undertaken or checked.

10.107 The next assurance check was on the initial notification of liability to a penalty (IS11D/E). In the sample of 103 penalty cases examined by inspectors, 53 had documented this assurance check, 47 had not, and in three cases it was unclear whether assurance had been carried out.¹³⁴ Of the assurance conducted, only one error was recorded by CECPT staff. However, inspectors identified a further five errors concerning incorrect names and addresses that had been missed by CECPT staff during the assurance process.

10.108 Border Force told inspectors that assurance conducted on the recommendation for a penalty (IS1131/IS1132) was assured by a CECPT HO.

134 For these three cases, it appeared an HO may have seen the file, but there were no notes of assurance having taken place.

If [redacted], an SO assured the case. Staff were confused about who was responsible for this assurance. Executive Officers believed that their work was assured by an HO, and this was confirmed by a senior manager. However, the HOs told inspectors that the review of a recommendation was the responsibility of the SO. This confusion may have arisen because experienced caseworkers did not have their decisions assured. CECPT staff raised concerns that while the application of penalties was “mostly” consistent, the recommendations for penalty amounts were “subjective” and depended on which HO reviewed the case.

10.109 In the sample of CECPT cases examined by inspectors, of the 75 that contained recommendations for penalties, 69 had been assured, five had not, and for the remaining case the situation was unclear. Despite this, inspectors found errors that had been missed in ten of the recommendations made that had been subject to assurance. Two of these errors concerned the penalty amount imposed on a driver. In both instances, the driver’s compliance with security measures had not been considered by CECPT staff to enable them to accurately calculate the final penalty amount.

10.110 The remaining eight errors referred to the liability amount for companies, which required a check

to establish whether a company had previously received the same type of penalty within five years of the incident date. Inspectors found that eight companies had previously received a penalty, which CECPT staff had missed. Accuracy is paramount, given the implications for the penalty value, which doubles if there has been a S31A penalty within the previous five years, and quadruples if there have been two or more S31A penalties in the five years prior to the incident date. See case study 3.

Case study 3: Previous penalties missed by the CECPT

Summary

Two clandestine entrants were detected in a goods vehicle in Coquelles.

CECPT staff completed a recommendation for liability to a penalty and stated that this was the company's first Section 32 offence.

Inspectors conducted a search on the CECPT database, which identified a number of potential matches on the company. In one case, the company name was identical to the company name in this incident, but the address given was different.

The letter of objection from the company in both cases was formatted identically and was signed by the same person. The BFO's notebook entries at the time of the incident also referenced nine matches to the company name.

ICIBI comment

CECPT staff appeared to miss the previous penalties imposed on this company. This meant that the incorrect penalty amount was imposed on the company, and that it was lower than it should have been.

Home Office response

“The previous penalties were missed. The addresses differed on the records, but this should still have been flagged as previous liability. The penalty level starting point was therefore incorrectly set for the company.

A Senior Officer will review this case and look at the staff involved, to ensure they are carrying out correct liability checks. We would not look to revise the penalty as there is no mechanism under the legislation for us to do this.”

- 10.111** Objections to driver and owner penalties are recorded on a ‘notice of objection’ (NOO) spreadsheet. The spreadsheet is subject to an assurance check to ensure the accuracy of the dates recorded. Assurance checking of the consideration of driver and company objections is conducted by an HO and noted on the NOO. It focuses on whether the level of penalty applied is appropriate and in accordance with the CECPT guidance. It also checks that the objection process has been followed correctly in terms of the adjustment made to any penalty.
- 10.112** Inspectors examined 41 cases for which objections had been received. Of these, 39 had documented assurance and two did not. Inspectors found no errors in these two cases. In 31 of the 39 cases the assurance process had

corrected any errors identified. In the remaining eight cases, inspectors found additional errors, which included incorrect dates, two cases that missed that the driver had provided a vehicle security checklist, and one case that had an incorrect penalty amount.

- 10.113** While assurance was conducted on the recommendations for penalties and objections to penalties, staff described the assurance feedback as “subjective” and “inconsistent”. There is no written guidance available for CECPT staff to undertake assurance on the quality of casework, and managers admitted the assurance process was “inconsistent”.
- 10.114** If a penalty is subject to an appeal, the case is allocated to an officer who has had no prior involvement with that penalty. An SO assesses all case reviews. Four cases that had been subject to the appeal process were part of the sample of cases examined by inspectors. All four had been assured by CECPT staff. Inspectors found one error which concerned the penalty amount imposed on a driver.

Limitation Act 1980

- 10.115** The Limitation Act 1980 states that any action as a result of debt “shall not be brought after the expiration of six years from the date on which the cause of action accrued”. The “cause of

action” refers to the last date any action occurred, which could refer to any payment made towards the penalty, or any correspondence from the recipient of the penalty to confirm they were liable for the debt.

- 10.116** Despite this, a CECPT manager told inspectors that civil penalties were written off six years after the incident date had elapsed, irrespective of whether any communication had been received from the driver or owner, or any payment had been made since the incident. Border Force was therefore writing off some debts earlier than it was required to.
- 10.117** Between January 2022 and August 2024, 417 penalties were written off by the CECPT on the basis that they were “over six years since imposition”. Of these, 213 were imposed on owners, 200 were imposed on drivers, and four did not specify which. The initial value of the 417 penalties was £1,476,300.
- 10.118** S31A and S32 penalties were also written off after consideration of whether debt recovery was economically viable. Companies House and the Insolvency Register were used by CECPT staff to determine whether a debt was recoverable, by identifying whether a business had been declared bankrupt, liquidated, or dissolved. Border Force data showed that, between January 2022 and August 2024, 31 penalties were written off due

to businesses being declared bankrupt and 75 penalties were written off after being deemed uneconomical to recover.

- 10.119** The CECPT told inspectors it carried out an annual review of all outstanding civil penalties to determine whether further debt recovery work could be undertaken or whether efforts to recover the debt had been exhausted and the penalty could be written off. The aim was to ensure litigation work was undertaken only on cases for which there was a reasonable prospect of debt recovery.
- 10.120** In February 2024, HOAI produced a status update report on the reforms to the CECPS following the introduction of the new legislation in February 2023. It recommended further investigation and monitoring of uncollected penalties and debt collection to ensure “the scheme does not have the unintended consequence of increasing uncollectible debt”.
- 10.121** Border Force told inspectors that its Debt Recovery Action Plan, including the launch of CECPT operations in mid-2021, had “significantly” improved its capability to recover debt. As part of the Debt Recovery Action Plan, the CECPT works with the Home Office Debt Strategy team to pass outstanding debt to Qualco, an external debt collection company. However, the CECPT was unable to provide inspectors with details of

any actions taken to recover the amount owed for each case over and above the standard actions of inclusion on the VAL and referral to Qualco, citing the time it would take to check the paper files for the information.

Annex A: Case sampling breakdown

The Clandestine Entrant Civil Penalty Team (CECPT) provided a list of 6,803 penalty cases relating to S31A and S32 incidents between February 2023 and August 2024. Inspectors selected a case sample of 120 cases from this list.

Of the 6,803 cases, 3,950 were S31A cases (58%) and 2,853 were S32 cases (42%). The number of cases that had been subjected to the different case stages was calculated to ensure proportionality was considered in the case sample.¹³⁵ For example, 30% of the 3,950 S31A cases had not yet been imposed. Therefore, the sample of 120 cases included 70 randomly selected S31A cases (58% of 120) and 21 randomly selected cases that had not yet been imposed (30% of 70 S31A cases).

Percentages were rounded to a whole number, to allow a whole case to be selected. While proportionality was considered, absolute proportionality was not possible as some cases had been subjected to more than one

¹³⁵ The stages were: cases that had not yet been imposed, cases that had been imposed and not objected to, cases that had been objected to and the outcome was to maintain the level of penalty, cases that had been objected to and the outcome was to reduce the penalty, and cases that had been appealed.

stage (i.e., objected and appealed). Furthermore, as only two S31A cases were subject to an appeal in the case sample, this only equated to 0.05% of the 70 S31A cases. One case that had been subject to an appeal was still selected so that the case sample could consider all case stages.

Each case from the list of 6,803 cases had a random number applied to it using a random number generator. This ensured that, when a certain number of a specific case type had to be selected, they were selected randomly.

Annex B: Role and remit of the Independent Chief Inspector

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

- consistency of approach
- the practice and performance of listed persons compared to other persons doing similar activities
- the procedure in making decisions
- the treatment of claimants and applicants
- certification under section 94 of the Nationality, Immigration and Asylum Act 2002 (c. 41) (unfounded claim)

- the law about discrimination in the exercise of functions, including reliance on paragraph 17 of Schedule 3 to the Equality Act 2010 (exception for immigration functions)
- the procedure in relation to the exercise of enforcement powers (including powers of arrest, entry, search and seizure)
- practice and procedure in relation to the prevention, detection and investigation of offences
- the procedure in relation to the conduct of criminal proceedings
- whether customs functions have been appropriately exercised by the Secretary of State and the Director of Border Revenue
- the provision of information
- the handling of complaints; and
- the content of information about conditions in countries outside the United Kingdom, which the Secretary of State compiles and makes available, for purposes connected with immigration and asylum, to immigration officers and other officials.

In addition, the legislation enables the Secretary of State to request the Independent Chief Inspector to report to them 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 they have 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 C: 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 ‘owner’

The Home Office ‘owner’ is accountable for:

- implementation of relevant policies and processes
- performance (informed by routine collection and analysis of management information (MI) and data, and monitoring of agreed targets/deliverables/budgets)
- resourcing (including workforce planning and capability development, including knowledge and information management)
- managing risks (including maintaining a risk register)
- communications, collaborations and deconfliction within the Home Office, with other government departments and agencies, and other affected bodies
- effective monitoring and management of relevant contracted out services
- stakeholder engagement (including customers, applicants, claimants and their representatives)

Acknowledgements

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