



THE GOVERNMENT RESPONSE TO THE
SEVENTEENTH REPORT FROM THE
HOME AFFAIRS COMMITTEE SESSION 2010–12
HC 1647

UK Border Controls

**Presented to Parliament
by the Secretary of State for the Home Department
by Command of Her Majesty**

April 2012

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Government response to the Committee's Seventeenth Report of Session 2010-2012: UK Border Controls

The Committee published its report 'UK Border Controls' on 19 January and included a number of recommendations. The UK Border Agency has considered the recommendations and the Government response is provided below.

1. We are very concerned that the Home Office Warnings Index Guidance 2007 might be being used inappropriately at local level as a management tool instead of an emergency provision. We recommend the Agency conduct a full review of its use of the Guidance since its introduction, clarify to all ports the limits of authority which they have to implement it and ensure that robust reporting and monitoring mechanisms are in place for its continued use. (Paragraph 12)

We agree with this recommendation. We will set out a new operating mandate for the Border Force. We will amend Border Force governance and tasking structures to make it clear that their role is to deploy against this mandate. We will define clearly the procedures for suspending mandatory checks. In particular, the mandate will set out in some detail what constitutes a "health and safety" emergency that can lead to a suspension, the public authorities entitled to certify that such a threshold has been met, and the levels of authorisation within Border Force and the records that must be consistently kept around such suspensions.

2. It would appear that senior officials had been made aware of the suspension of Secure ID and that there was potential for the pilot to become routine activity yet both situations carried on unchecked. Officials ought to be in constant communication and the effectiveness of the departments of the UK Border Agency ought to be the responsibility of all senior staff, not just the department heads. (Paragraph 21)

3. The chain of communication from Ministers, to senior management, to front-line staff of the UK Border Agency is a long and convoluted one, and it seems to have become seriously fragmented. We recommend that the Chief Inspector of the UKBA carry out a thematic review of the Agency's internal communications and report to Ministers as a matter of urgency. (Paragraph 23)

We agree with these recommendations. We will be setting out in the operating mandate the record keeping standards to be maintained at all ports, and in particular how to record any unplanned suspension of checking or technical failures. As part of this we will be setting out a new suite of key indicators that provide information about missed checks; checks not followed up; and derogations, as well as finds and detections. These will replace the measures previously reported upon to the UK Border Agency board and to the Home Office.

The new Border Security Board will agree a programme of internal audit work for Border Force, including a new system for auditing front-line compliance and will receive all reports from the Independent Chief Inspector. John Vine recognised in his report in February on Border Security Checks (pages 75-76) the improvements that

have been made to the internal communications processes in Border Force since November. These need to continue and be maintained. We would welcome any further inspection on internal communications should the Independent Chief Inspector decide to pursue recommendation 3.

The operating mandate will also:

- detail the minimum level of checks which are mandatory on passengers travelling to the UK. It will set out which mandatory checks apply to which groups of passengers. At its heart the policy will specify a core security and crime check (the Warnings Index Check). It will also cover opening of chips on passports; the use of interviews for visa holders and the use of fingerprint checking (Secure ID).
- detail which derogations from this mandatory level of checks are permitted because of known limitations on technology and the physical layout of ports. The Home Office - through its international work, policy development and technology programmes - will aim to reduce the number of these derogations over time in order to improve border security.
- set out in that light mandatory arrangements for checks at juxtaposed controls; on international rail services; on maritime services; on direct scheduled air routes and on general aviation and general maritime traffic.
- set out explicitly that border officers - acting with their own expertise and in compliance with equalities and immigration law - have the discretion to subject passengers to additional checks, but not to waive mandatory checks.

4. We recommend that systems of accountability, responsibility and communications be clarified and that the use of words such as "Agency" in the title of an organisation be only used in future when that organisation is institutionally separate from the Department. (Paragraph 24)

As the Home Secretary announced on 20 February, Border Force has been constituted as a separate operational command within the Home Office to ensure a clearer line to Ministers on its mandate, increased management focus on border security and compliance as well as transparency.

This will also allow the UK Border Agency to focus, for example, on removals of illegal migrants or those we wish to send home, such as Foreign National Offenders or failed asylum seekers.

In making these changes, the aim is to provide much stronger management of the border with clearer accountability to ministers, while avoiding unnecessary disruption for front line staff.

5. We recommend that the Home Secretary deposit copies of all the documents that have been made available to the three internal investigations in the Library of this House. This will allow this Committee to reach an informed conclusion of our own and would be consistent with the Government's commitment to transparency and accountability. (Paragraph 27)

Publishing the underlying evidence would mean that sensitive operational information would become public and could assist those who seek to evade our border controls.

The Independent Chief Inspector had full access to all documents in the course of his investigation and his report has been published in full apart from two small redactions on national security grounds.

The management investigations carried out by David Wood and Mike Anderson were internal management reports and will not be published.

6. The UK Border Agency, in common with the rest of the public sector, must learn to deliver its services with fewer resources. Making "smarter" use of its own staff, giving officers on the ground the freedom to make their own judgements, is part of this and the risk-based pilot could be a promising framework for a new approach. Ministers must ensure that this episode does not discourage staff from using their own initiative consistent with the Government's policies and Ministers are informed within a reasonable period of time. (Paragraph 30)

7. The risk-based pilot must not be scrapped because of this controversy. We recommend that the findings and analysis of the pilot be published in full, with a clear commitment to further action if the initial findings suggest that it indeed has been a success. (Paragraph 31)

We welcome the Home Affairs Select Committee's agreement that the concept of risk-based controls was promising, as long as they are authorised and based on a proper risk assessment.

The risk based pilot has been stopped. The Chief Inspector's report demonstrated that the record-keeping and management oversight were not good enough. Instructions to staff did not reflect accurately what ministers had approved. Reports sent to ministers were inaccurate, unbalanced and excluded key information. The report also made clear that due to the unauthorised suspension of checks, it is impossible to know what effect the pilot had. As a result, while we can remain open-minded about the principle of intelligence-led and risk-based checks, we cannot know whether the pilot was a success or not.

There are many hard-working and dedicated members of staff in Border Force. They want to get on with their work securing our border. We want to give them the discretion to use their expertise. This is why the operating mandate will set out explicitly that border officers - acting with their own expertise and in compliance with equalities and immigration law - have the discretion to subject passengers to additional checks, but not to waive mandatory checks.



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