

**BORDER FORCE RESPONSE TO THE RECOMMENDATIONS OF  
THE INDEPENDENT CHIEF INSPECTOR OF BORDERS AND IMMIGRATION:  
AN INSPECTION OF BORDER FORCE FREIGHT OPERATIONS**

	<b>Recommendation</b>	<b>Border Force Response</b>	<b>Actions Planned/Underway /Implemented</b>
1.	<p>In conjunction with HMRC, strengthen the lines of communication between their organisations to ensure that:</p> <ul style="list-style-type: none"> <li>• relevant information is passed between teams; and decisions by either organisation are based upon the most up to date information available;</li> <li>• Border Force staff are given reasons why particular cases are not adopted for criminal investigation; and</li> <li>• referrals are made to HMRC in all relevant cases so that financial penalties can be imposed.</li> </ul>	Accept in full	<p>Recognising the good relationships at the strategic level, effort is already focused on improving these at the operational level. All operating protocols between Border Force and HMRC have been updated clearly to articulate referral and information exchange processes for front line officers. These protocols have been sent to every Border Force Regional Director and issued to all staff. Copies of the protocols are available to Border Force staff via the Home Office Intranet.</p> <p>The take up levels for excise related criminal investigations is being reviewed. On a related subject, Border Force is engaged in work to refresh HMRC's Tobacco Strategy.</p> <p>Recent work with HMRC has strengthened Border Force's operational guidance on referring cases that meet HMRC's referral criteria for excise wrongdoing penalties. The updated guidance has been issued to frontline staff.</p>
2.	Addresses poor record keeping by implementing a robust and consistent case-handling system for all activity undertaken in the freight environment.	Accept in full	<p>A new Operational Assurance capability is being introduced within Border Force to develop and implement a sustained programme to assure compliance with operational standards and requirements. This programme will include the assurance of case handling systems.</p> <p>The Border Force Transformation Programme includes modernisation of case handling processes and identifies the extent to which these can be automated.</p> <p>Border Force Regional Directors have been directed to ensure record keeping standards are achieved.</p>
3.	<p>Ensures that:</p> <ul style="list-style-type: none"> <li>• all staff who are arrest-trained comply with the requirements of PACE, and that managers test</li> </ul>	Accept in full	Action has been taken to deal with the two cases of PACE non compliance identified in the report. Indeed, one of the cases identified in the report had already been identified by Border Force as part of its routine assurance processes.

	<p>understanding and record-keeping in these areas, urgently; and</p> <ul style="list-style-type: none"> <li>assurance is carried out rigorously and consistently and that criminal investigation, PACE and arrest procedures within the detection environment are included within the framework.</li> </ul>		<p>Border Force Regional Directors have been directed to reiterate PACE compliance requirements and the levels of assurance required.</p> <p>The programme of Border Force's new Operational Assurance command will test compliance with legal requirements, including those required by the Police and Criminal Evidence Act and the Criminal Procedure and Investigations Act.</p>
4.	No longer uses the term "secondary control point" and considers reintroducing the word "customs" into Border Force corporate branding.	Accept in full	Included within Border Force's Transformation Programme.
5.	Conducts a training needs analysis of freight staff, identifying areas where benefits can be achieved from providing additional training.	Accept in full	<p>Work is underway with HMRC to conduct a training needs analysis for international trade related freight work.</p> <p>Border Force's new Training Strategy (which aligns with the Border Force 2013-15 People Strategy) will also identify what training is mandated for the various Border Force roles/grades. In particular it will address the backlog of refresher training for frontline officers.</p> <p>Border Force training will be delivered to the Civil Service Operational Delivery Profession model and Justice Sector Skills Council National Occupational Standards.</p>
6.	Develops an effective and consistent feedback process to ensure that intelligence is collected from frontline freight examination staff and passed to targeting teams to improve future targeting.	Accept in full	<p>Border Force intelligence and targeting officers engage with frontline operational staff across all modes of transport to improve intelligence feedback.</p> <p>Border Force is currently updating the guidance and process for notifying larger seizures or detections at the border. This will enable the provision of immediate debriefing opportunities and the ability to quickly share intelligence across teams.</p> <p>As part of the Border Force Intelligence Project the numbers of Field Intelligence Officers (FIOs) working with frontline Border Force staff will be increased to maximise intelligence collection in a more systematic way.</p> <p>Border Force is also fully involved in the development of Joint Border Intelligence Units (JBIUs) with the Border Police Command of the National Crime Agency to exploit intelligence gathering opportunities arising from Border Force activity.</p>

			In the longer term Border Force has a clear vision for how to improve intelligence at the border. New areas of focus include expanding how data is used and shared and further improvements to inter-agency co-operation and data sharing.
7.	Evaluates the merit of Category B and C targets and develops a strategy to target and test freight arriving from other low risk routes.	Accept in full	<p>Border Force will urgently review the deployment of resources across the range of category A, B and C targets.</p> <p>Areas where improvements to targeting capability need to be made have already been identified. This includes ensuring that the delivery of targets reflects both Border Force Control Strategy priorities and the right balance of structured testing of lower risk traffic. A new automated freight targeting system for sea container traffic is also being developed and is due to be delivered during the first quarter of 2014. It will replace the existing system and enable targeters to respond more quickly and effectively to new and developing demands and threats as they emerge.</p>
8.	Develops a credible strategy to address the issue of the increasing age of its workforce.	Accept in full	This is one of the key elements of Border Force's 2013-15 People Strategy. A workforce structure model will be produced, demonstrating what a sustainable Force looks like; and what is needed to provide it. Current work to refresh the Training Strategy and the Business Capability project with HMRC (Recommendation 5) will also contribute to addressing this issue.
9.	Develops formal processes for earlier engagement with investigators, to allow faster decision-making when detections are made.	Accept in full	This is being addressed through updated operating protocols with HMRC and the Border Policing Command of the new National Crime Agency.
10.	<p>Ensures that:</p> <ul style="list-style-type: none"> <li>• it complies with its obligations to physically examine all Route 2 alerts;</li> <li>• all feedback on CHIEF alerts is accurate and is provided in a timely manner; and</li> <li>• all breaches of rules and mis-declarations by importers are referred for further action when</li> </ul>	Accept in full	Border Force works with HMRC to improve response to CHIEF route 2 referrals. We have already updated the international trade operating protocol between Border Force and HMRC to ensure it is fit for purpose and clearly articulates latest agreed processes for handling CHIEF Route 2 referrals. This protocol has been sent to every Border Force Regional Director and staff. Copies of this and all other current operating protocols with HMRC are available to Border Force staff via the Home Office Intranet.

	necessary.		However, Route 2 referrals will not always necessitate a physical examination. The exact nature of the examination will be set out in the referral. But there will be occasions when it is compliant with policy for the check to be limited to documentation or for an officer to exercise discretion if it is an intelligence led, rather than a mandatory, check to comply with EU legislation.
11.	Ensures that it is meeting its disclosure responsibilities under the Criminal Procedure and Investigations Act (CPIA).	Accept in full	<p>Directions will shortly be given to Border Force Regional Directors reiterating CPIA disclosure compliance requirements and the levels of assurance required.</p> <p>The sustained operational assurance programme to be introduced by Border Force's new Operational Assurance Command will include testing compliance with legal requirements including those required by the Police and Criminal Evidence Act and the Criminal Procedure and Investigations Act.</p>