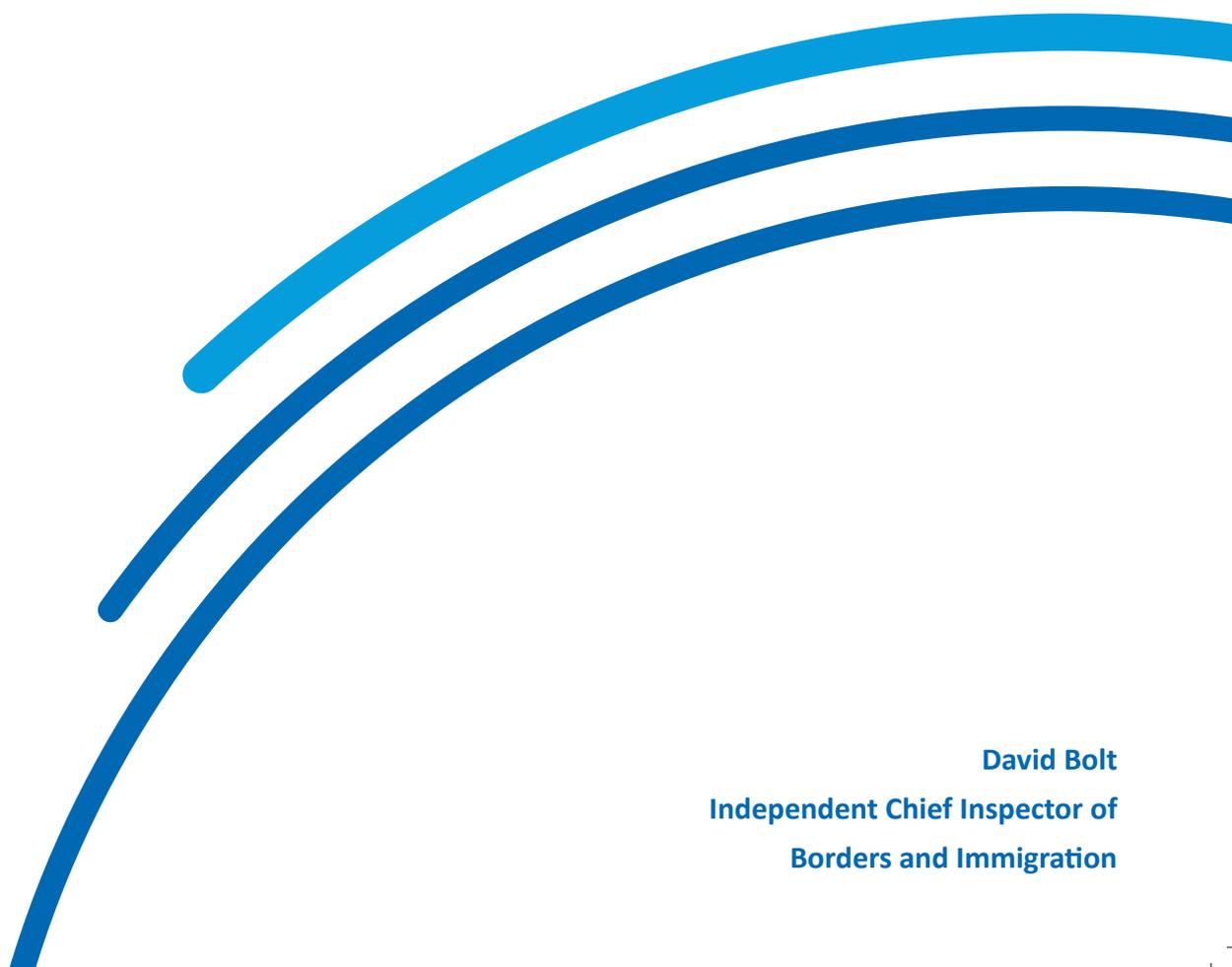




A re-inspection of Border Force operations at Heathrow Airport

May 2016



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Independent Chief Inspector of
Borders and Immigration

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May 2016

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To help improve the efficiency, effectiveness and consistency of the Home Office's border and immigration functions through unfettered, impartial and evidence-based inspection.

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Foreword

My inspection plan for 2016/17 – 2018/19¹ includes a new type of re-inspection. From 2016/17, the Inspectorate will re-inspect where the Home Office has accepted recommendations from previous reports and examine what has been done and what effect this has had.

As well as providing assurance that the Home Office is meeting whatever it committed to in its original response, these re-inspections will enable me to gauge whether inspections are having the desired impact and will help to improve the Inspectorate's own efficiency and effectiveness.

This report covers the first of these re-inspections.

Between June and October 2014, the Inspectorate examined Border Force operations at London Heathrow Airport (LHR), focusing primarily on Terminal 5. The report was published in July 2015.² It recognised that, for the most part, Border Force at LHR was operating efficiently and effectively. However, it identified some areas of poor performance and contained six recommendations for improvement. The Home Office accepted all six recommendations.³

This re-inspection found that Border Force had made good progress in relation to the majority of the recommendations, in particular in relation to improving the quality of notebook entries, and assuring decision quality and legal compliance regarding the detention and searching of passengers. However, some problems identified in the original report persisted, despite management efforts to address them, specifically failure to record the grounds for initially stopping and speaking to a passenger, notebook storage, and the consistent treatment of passengers in the customs channels. These areas require further attention, and senior managers will need to do more to win the 'hearts and minds' of frontline staff to achieve the necessary improvements.

This report makes no new recommendations. It was sent to the Home Secretary on 13 July 2016.

¹ Published with the 2015/16 Annual Report, and available on the ICIBI website.

² <http://icinspector.independent.gov.uk/wp-content/uploads/2015/07/Inspection-of-Border-Force-Heathrow-15.07.2015.pdf>.

³ The Recommendations and the written Home Office responses are listed at Annex A.

1. The re-inspection

1.1 The re-inspection process involved:

- examination of documentary evidence, including staff guidance and instructions, internal audit reports and reports on piloted projects related to the original recommendations and responses; and
- analysis of statistics relating to passengers detained and seizures made at LHR.

1.2 The re-inspection team was onsite at LHR Terminal 5 between 23 and 27 May 2016, during which time the team:

- interviewed Border Force staff at all grades from grade 6 to Border Force assistant officer;
- observed Border Force staff working in the customs channels;
- sampled 25 port files and 30 CID4 records to assess:
 - whether detention was lawful and the duration no longer than necessary;
 - the effectiveness of assurance activity;
- reviewed the documentation for 30 Search of Person (SoP) cases to determine:
 - whether all searches were lawful and proportionate and conducted in accordance with guidance, with proper documentary records being maintained;
- checked that right of appeal was afforded in all appropriate cases;
- checked that guidance on notebook completion was consistently followed; and
- checked the effectiveness of assurance activity.

2. Re-inspection findings

Recommendation 1:

Maintain adequate audit trails and undertake necessary assurance activity to:

- *ensure that detailed and accurate records are maintained of every passenger detention that demonstrate that the detention is lawful and the duration of the detention is no longer than is necessary.*⁵

- 2.1 The original inspection found that Border Force was not maintaining accurate passenger detention records in all instances. In some cases, Border Force was unable to demonstrate that the initial detention and time spent in detention were necessary.⁶
- 2.2 Border Force accepted that operational record keeping and assurance activity needed to improve across all frontline areas. The response referred to new operational standards introduced to give frontline managers the right tools to check and assure activity.
- 2.3 The re-inspection team confirmed that assurance checks had been introduced. The checks are listed in the Assurance Checks Scheme of Control.⁷ This covered all areas of frontline work. From the evidence provided to the re-inspection team and from onsite observations, regular assurance checks were being conducted in relation to detained passengers.
- 2.4 Assurance activity at terminal 5 went beyond that specified by Border Force Operational Assurance Directorate (OAD) in its Assurance Standards.⁸ The additional assurance activity (carried out by a Border Force senior officer) included checking twice during each shift that no passenger in the IS81 area⁹ has been held for more than 30 minutes (an internal target set by Terminal 5 managers).
- 2.5 Inspectors were shown evidence of recent audits and reviews, including an assurance exercise at Terminal 5 on landed cases following detention.¹⁰ Border Force's analysis of this exercise concluded that the majority of cases were completed to an acceptable standard; some training needs were identified and staff had received constructive feedback. The re-inspection team was also told about a detailed audit by OAD of all aspects of Terminal 3 work, which would report in summer 2016.

⁵ A second bullet point under recommendation 1 was ruled out of scope of the re-inspection because the original inspection had found the quality of refusal decisions was good. Recommendation 1 is shown in full at Annex A.

⁶ Para 2.10 of the July 2015 report.

⁷ The Scheme of Control is available via the Home Office intranet, and is marked 'Official Sensitive'. At the time of the inspection, issue 5.0 was in use. This was dated April 2016.

⁸ Border Force Assurance Standards are published on the Home Office intranet and designed to help managers identify risks to Border Force operations and enable continuous improvement.

⁹ Terminal 5 has a holding area at the PCP where passengers served with form IS81 are initially asked to wait.

¹⁰ The exercise was conducted between 25 Jan and 29 Feb 2016.

- 2.6 During the onsite phase of the original inspection, inspectors identified that passengers were being issued with an IS81 and then transferred into the holding room with little investigation other than initial questioning, often resulting in them being granted leave to enter many hours later.
- 2.7 The re-inspection team requested 30 port files, selected at random from those cases where an IS91 had been issued and the passenger had subsequently been granted leave to enter. The aim was to identify any unjustified delays in decision making. Border Force provided 25 of the requested files¹¹ and inspectors examined these, together with all 30 CID records. There was only one case where the time taken to decide to grant entry was considered unreasonable.
- 2.8 However, file sampling did identify that CID records were sometimes incomplete. In some cases, it was unclear why the IS81 was issued, and in others the rationale to grant leave to enter was unclear. In one of the 30 cases there were no CID notes, and the CID notes were incomplete in a further six cases.
- 2.9 When a passenger is detained, as well as the port file and CID record, there are a number of logs that together comprise the audit trail of the detention: PCP holding area log; IS81 log; SEA log; Holding Room (SEA) log; and TASCOR log (the contractor's record of detention). However, this information is stored in many different places.
- 2.10 In response to recommendation 1, Border Force made a commitment to develop and pilot a new single reporting log for all detentions at the PCP over the course of 2015.
- 2.11 The PCP log trial took place in November and December 2015, and looked at the benefits of using a defined set of data fields to capture activity at the PCP. A hard copy and Excel version of the log were trialled, and the evaluation report¹² concluded that an agreed dataset would be used, but ports would be free to choose to use a paper log or electronic version. At the time of the re-inspection, LHR was using a manual paper log, which is assured daily. Inspectors learned that testing of the electronic log in a live environment (at Heathrow Terminal 4) was due to start shortly.

Conclusion

- 2.12 Based on the evidence provided, Border Force had made good progress in relation to recommendation 1. The layers of assurance activity at LHR, including the additional measures at Terminal 5, provide a high degree of confidence that detained passengers are being treated in accordance with the law and guidance. File sampling supported this, but also indicated that basic record keeping on CID still needed attention.

Recommendation 2:

Ensure that all searches of person are lawful and proportionate, and have been conducted in accordance with guidance, with proper documentary records maintained.

- 2.13 During the original inspection, Border Force was unable to demonstrate that all Search of Person (SoP) activity within the customs channels at LHR Terminal 5 was lawful and proportionate.¹³ In its written response, Border Force stated that, having been informed of the inspection's initial findings, it had instigated a regime to quality assure every SoP over a 3-month period.

¹¹ The re-inspection team was informed that issues with the tracking system at Iron Mountain (the Border Force's file storage facility) had resulted in five files being requested but not delivered.

¹² Provided as part of the evidence request and dated February 2016.

¹³ See para 2.11 of July 2015 report.

- 2.14 The re-inspection found that Border Force managers had quality assured all SoP activity¹⁴ across all LHR terminals from 1 February to 30 June 2015 (5 months). They had reviewed all relevant documentation from 420 SoP cases, and produced a written record of their findings. After 30 June 2015, Border Force returned to quality assuring a minimum of 10% of all SoP cases on a monthly basis in accordance with the National Assurance Checks Scheme of Control.
- 2.15 No trends were identified from the 100% exercise. However, Border Force considered the enhanced assurance activity had resulted in an improvement in the quality of searches being conducted. Any specific issues were raised with individual officers and their line managers. A system was introduced to provide an audit trail of all SoP assurance, which could be used to monitor individual performance. The re-inspection team confirmed that officers had received the relevant powers training.
- 2.16 The re-inspection included a review of 30 SoP cases, to establish whether searches were lawful, proportionate and conducted in accordance with guidance. Figure 1 compares the findings from the original inspection with the re-inspection findings.

Figure 1: Comparison of Search of Person file sampling results – notebook records

	Original inspection	Re-inspection
Number of search of person records reviewed	46	30
Number where the notebooks for both the requesting officer and the authorising officer were presented for review	8	25
Number not completed to the required standard	31	1*
Number where there was no record that a second officer had witnessed the search in accordance with the guidance	23	0
Number where officers had not made notes at the time of, or shortly after, the event	10	0
Number where legislation used to conduct the search was not recorded	n/k**	1

*In this one case the name of the authorising officer was not clearly recorded in the notebook.

**The precise number was not stated in the original inspection report.

Conclusion

- 2.17 The significant increase in the number of notebooks made available for the re-inspection was indicative of an improvement in this element of record keeping. The quality of the notebook entries themselves showed a marked improvement. Based on file sampling, the 100% checking exercise had successfully addressed the concerns raised by the original inspection, and the continued 10% quality assurance regime appears to be proportionate.

¹⁴ Revenue and Detection (RDC) and Tactical Response Commands (TRC) conducted a 100% assurance check of all Search of Person actions as per Assurance Checks 5.1.1 and 5.1.2.

Recommendation 3:

Ensure that passengers are informed about their right to appeal prior to a search of their person being conducted under Customs and Excise Management Act 1979 powers, and that the Border Force paperwork accurately reflects this, together with the justification for the search and any supporting information.

- 2.18 In response to recommendation 3, alongside the management assurance exercise referred to above, Border Force is developing a new structured approach to assessing the performance of individual Border Force Officers (BFOs) through an internal accreditation scheme, including the observed assessment of an officer’s technical performance.
- 2.19 The observed assessment of officers’ technical performance at the PCP has been piloted in a number of Border Force locations, and by mid-December 2015, 85 Border Force officers had been assessed. Feedback from the observations highlighted areas for development, in order to improve the performance standards of officers working at the border. Border Force Operational Assurance Directorate (OAD) reported that Border Force is now considering whether to roll this model out nationally and extend it to customs work.
- 2.20 The re-inspection review of 30 Search of Person (SoP) cases also considered whether passengers were being informed of their right of appeal prior to a SoP being carried out and whether this was being recorded correctly. Figure 2 compares the findings from the original inspection with the re-inspection findings.

Figure 2: Comparison of Search of Person file sampling results – Right of Appeal notifications		
	Original inspection	Re-inspection
Evidence of passengers who, having been served with documentation advising that they could appeal against an imminent S.164 CEMA SoP, were arrested, when PACE applied rather than CEMA.	Yes	None
Number of cases where the grounds for initially stopping and speaking to the passenger were not recorded	30 out of 46	16 out of 30*
Number of cases where the justification for the SoP was clearly recorded and the SoP was properly authorised	Documentation provided by Border Force was insufficient to assess whether the justifications for requesting SoPs were reasonable, or that the SoPs were properly authorised.	30 out of 30 records gave a clear justification for the SoP. 28 out of 30 records showed that the SoP had been properly authorised.

Evidence that the passenger had been informed of their right of appeal against an SoP	32 out of 46 SoP records had not been signed by the passenger, so there was no evidence they had been informed of their right of appeal.	20 out of 20 SoPs carried out under CEMA recorded that the passenger had been informed of their right of appeal.
Evidence of acting prematurely	2 out of 46 SoP records were not dated/timed and signed by the passenger until after the SoP had been completed.	1 out of 30 SOPs was authorised after the search had taken place.

*In 3 cases the notebook was not available for re-inspection, and in 13 cases the reason was not recorded.

Conclusion

- 2.21 File sampling indicated a notable improvement in relation to Search of Person (SoP) record keeping, in particular in respect of notification to passengers of their right of appeal, justification for the SoP, and authorisation. However, in more than half (16 out of 30) of the cases sampled, the record failed to show the grounds for initially stopping and speaking to the passenger.¹⁵ This needs further attention.

Recommendation 4:

Produce (keep updated) and disseminate to all affected Border Force staff a single, written set of notebook guidance, and put measures in place to ensure this guidance is followed consistently in order to improve the reliability of its records and to enable managers to undertake more effective assurance activity.

- 2.22 The original inspection found that Border Force officers were not always completing notebooks to the standard set out in guidance.¹⁶ In its response to recommendation 4, Border Force stated that updated notebook guidance had been published, which it expected would help frontline managers assure the quality of notebook entries.
- 2.23 The re-inspection team confirmed that updated notebook guidance had been published as an Interim Operational Instruction¹⁷ in July 2015. This updated all existing customs and immigration notebook guidance and brought it together in a single set of instructions.¹⁸
- 2.24 The re-inspection team also confirmed that Border Force Operational Assurance Directorate's (OAD) Assurance Standards included notebook etiquette, and checks relating to notebook entries were included in the Assurance Checks Scheme of Control.

¹⁵ In 3 cases the intercepting officers notebook was not available and in 13 cases the reason was not recorded.

¹⁶ Paras 5.88 – 5.100 of the July 2015 report.

¹⁷ IOI 78 – 15 (BF).

¹⁸ Notebook guidance is found in the Border Force Enforcement Handbook, which is accessed via the Home Office intranet.

- 2.25 As notebook records are an integral part of any Search of Person (SoP) record, much of the 100% assurance regime run from 1 February to 30 June 2015 concerned notebook entries. Inspectors saw evidence that quality assurance of notebooks was continuing, that exceptions were reported to OAD, and that staff concerned were reminded of best practice.
- 2.26 The re-inspection team reviewed the notebook entries of the officers involved, including the SoP authorising officer, as part of the file sampling of 30 SoP records. This showed that most were following the updated notebook guidance and the general standard of entries was good. Figure 3 summarises the review of notebook etiquette.

Figure 3: Search of Person file sampling results – adherence to notebook guidance

	Yes	No	N/A
Each new entry starts at the top of the page	30	0	0
Notes are legible	30	0	0
All blank spaces are ruled through	28	1	1
Notebook entries are signed off correctly	30	0	0
Any sensitive entries are correctly completed	8	4	18

- 2.27 One issue raised by the original inspection¹⁹ concerned the use of landing cards rather than notebooks by primary control point (PCP) staff when referring passengers for customs checks.
- 2.28 It remained the case that not all PCP staff were issued with notebooks or had received the relevant training to use them. However, managers informed the re-inspection team that this was no longer an issue as guidance now permitted PCP staff to record information on a landing card. The updated notebook guidance contains the following instruction:²⁰

If you need to interrupt an immigration examination to refer a passenger from the PCP to a customs official for a customs purpose (before deciding whether or not to grant or refuse leave) and have been issued with a notebook you should use this to record these referrals. If you have not been issued with a notebook you must record your decision on a landing card setting out the reasons for the referral.

Conclusion

- 2.29 Border Force has put a single set of notebook guidance in place, and based on file sampling staff are complying with the guidance. The work done on quality assurance appears to have raised standards, and the continuing quality assurance regime should identify any compliance issues going forward and enable Border Force to address them at an early point.

Recommendation 5:

Ensure that all notebooks are stored on official premises and are easily retrievable.

- 2.30 The original inspection found that Border Force officers were not always storing their notebooks on official premises. This was in breach of Border Force guidance. Some managers had been aware of this practice but had taken no action.²¹

¹⁹ Covered in paragraphs 5.99 and 5.100 of the July 2015 report.

²⁰ 'Special Provisions for Notebook Use' section of the guidance.

²¹ See para 2.14 of the July 2015 report.

- 2.31 The Border Force response to recommendation 5 stated it had already adjusted its approach to address this issue, and that national processes would be reinforced through the updated guidance (recommendation 4 refers).
- 2.32 The updated notebook guidance contains instructions on storing notebooks:
- Official notebooks must be treated as “Official-Sensitive” material. When they are not required for use or have been taken out of use they must be stored securely on official property in a locked safe, cabinet or cupboard. Completed notebooks must be stored in a way that allows them to be identified and retrieved at short notice.*
- 2.33 The re-inspection team’s onsite review of 30 SoP records incorporated a check of the notebook entries for all of the officers involved, including the officer who authorised the SoP. In six of the 30 cases Border Force was unable to produce all of the relevant notebooks as some officers were absent and their notebooks were stored in personal lockers. In two of these six cases, the officer was on detached duty overseas, while in another case the officer was on paternity leave. Managers agreed that they needed a process whereby the notebooks of staff on planned absences were held centrally.
- 2.34 A few weeks before the re-inspection, Border Force at LHR had created a central storage area for closed notebooks. This is located in Terminal 5 and is a small locked room with locked cabinets, with prosecution and non-prosecution case notebooks separated. An audit of notebooks had taken place in preparation for them being housed in this way, and a process was underway to locate and retrieve closed notebooks currently held offsite.
- 2.35 Group interviews with managers and staff revealed some confusion about the storage area. Some managers and staff believed it was full and that alternative accommodation was being sought. Others were uncertain about its location.
- 2.36 Group interviews also revealed some divergence from published guidance with regard to the storage of current notebooks. Some staff told inspectors they were still taking notebooks home with them because they did not have lockers, and that they had made managers aware of this. Senior managers reported that a full locker review had been undertaken and all staff should now have lockers. It was suggested that because of a recent restructure some staff were now based in a different terminal and this may have led to some of them not having a locker, but this would be rectified.

Conclusion

- 2.37 Border Force has taken some steps towards addressing recommendation 5. Updated guidance on the storage of notebooks was clear, and the creation of a secure storage area for closed notebooks was an improvement, albeit it may not be large enough and there was confusion about its availability and location. However, based on file sampling and on comments made by managers, the practice in relation to notebook storage was still inconsistent and, in some cases, poor. This area needs further attention.

Recommendation 6:

Ensure that all detection staff are reminded of the requirement, without exception, to enforce the law in relation to passengers attempting to enter the UK with any goods in excess of non-EU allowances, and that managers assure that this is happening.

2.38 In the original inspection, observations in the customs channels revealed that Border Force officers were not always enforcing the law when passengers travelling from outside the EU were detected carrying goods in excess of their duty free allowance.²² This was despite the UK Border Agency (UKBA) having accepted a recommendation made in 2012 to stop this practice.²³ The law does not give Border Force officers any discretion in this matter.

2.39 In response to recommendation 6, Border Force stated that relevant guidance issued to officers was clear and that everyone arriving in the UK must be treated equally and expect the same level of treatment wherever and whenever they arrive. Border Force stated it had re-issued the guidance nationally and would test compliance regularly.

2.40 Inspectors confirmed that the guidance had been re-issued. An interim operational instruction was published in September 2014²⁴ reminding staff of their legal responsibilities. The first paragraph of that instruction states:

When a passenger or crew member is intercepted arriving from a non EU country and is found to be carrying undeclared alcohol or tobacco goods in excess of their duty free allowance, you must seize all of the goods of the same type as the excess irrespective of volume or quantity.

2.41 Senior Border Force managers told the re-inspection team that following the 2015 LHR inspection a 'zero tolerance' approach to passengers with goods in excess of allowances had been adopted and remained in place.

2.42 All of the Border Force managers and staff interviewed by the re-inspection team were aware that it was unlawful to exercise discretion in this area. Nonetheless, some felt that there were circumstances in which it would be appropriate to exercise discretion, for example:

- where a passenger held amounts marginally over the allowance; and
- where elderly or vulnerable travellers were encountered with goods in excess of allowances.

2.43 Officers stated that they were told by managers to target large seizures, and were afraid of becoming tied up dealing with low-level seizures and missing high-risk passengers or flights. They said that the paperwork involved in a seizure of 200 cigarettes was the same as for a seizure of 200,000 cigarettes. Some managers and staff questioned the cost effectiveness of making smaller seizures.

2.44 In group interviews, most managers and staff said that they should be allowed to exercise discretion when discharging their powers. Comparisons were made with the National Crime Agency (NCA) who had a threshold for prosecutions, and with the police who do not serve speeding notices for driving at 31mph in a 30mph zone. Staff also felt that a 'zero tolerance' approach could alienate members of the travelling public, leading to more confrontations.

2.45 Staff stated that prior to the formation of UKBA²⁵ customs officers had operated with discretion. Many felt that the effectiveness of the customs function had since been damaged, and with staff often called away from the customs channels to the immigration controls (PCP), they could not function efficiently if they did not exercise discretion. Senior managers did not accept this, and told the re-inspection team that customs work was now more intelligence-led and risk based, which meant that staff were often not required in the customs channels.

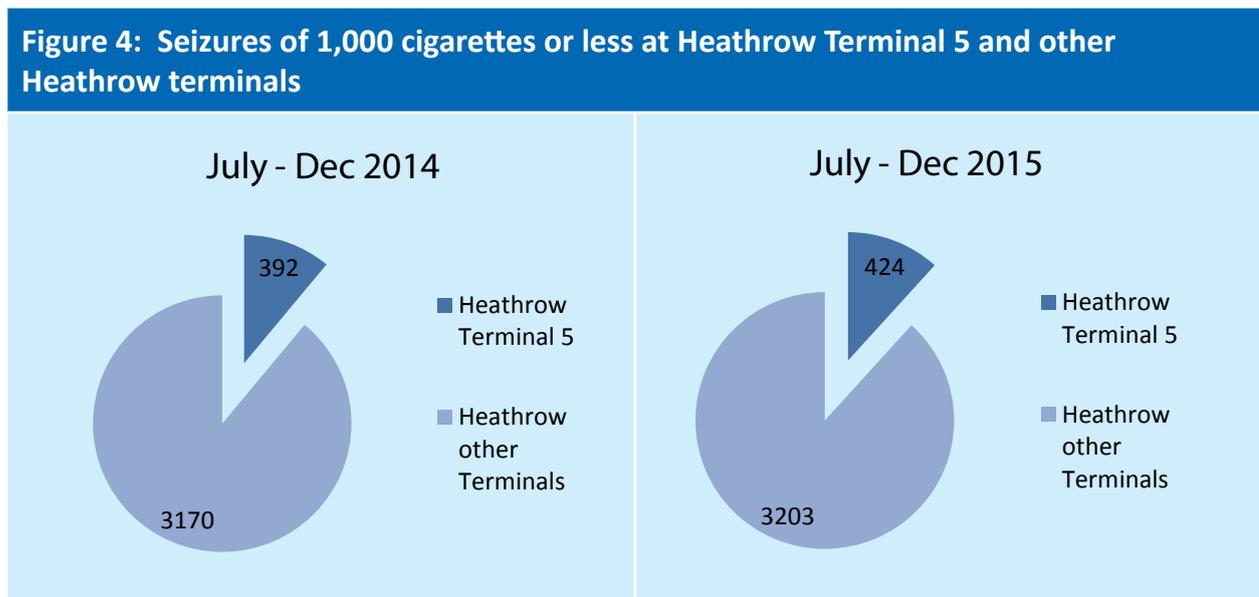
²² See para 2.17 of the July 2015 report.

²³ An Inspection of Gatwick North Terminal, published 10 May 2012. <http://icinspector.independent.gov.uk/wp-content/uploads/2012/02/Inspection-of-Gatwick-Airport-North-Terminal.pdf>.

²⁴ IOI 151 – 14 (BF) 16.09.14.

²⁵ The UK Border Agency was formed in 2008 and dissolved in 2013.

- 2.46 While observing the green channel, the re-inspection team witnessed discretion being exercised in two cases. In one case, the passenger was marginally over the alcohol allowance and was allowed to proceed. In the other, two ladies were found to be carrying excess cigarettes and tobacco. One of them was elderly, and they were allowed to move into the red channel and pay the duty on the excess goods.
- 2.47 When these findings were shared with senior managers they expressed disappointment, and said that it was difficult to assure that the 'zero tolerance' approach was enforced. They sometimes joined their teams in the customs channels, but had never seen discretion being exercised.²⁶
- 2.48 The re-inspection team was shown statistics for the periods July to December 2014 and 2015 for overall seizures and seizures of 1,000 cigarettes or less at Terminal 5 and across all LHR Terminals. Total seizures at LHR fell by 19.8% from 2014 to 2015²⁷ and at Terminal 5 by 16.1%, whereas seizures of 1,000 cigarettes or less rose slightly for both (+1.8% for LHR, and +8.2% for Terminal 5) – see figure 4. The data is insufficient to draw any firm conclusions about the effect of the 'zero tolerance' approach, but the inference is that it is producing more seizures.



Conclusion

- 2.49 Border Force senior management had moved to ensure that officers in the customs channel complied with the law. However, the 'zero tolerance' approach was not supported in principle by some of those working in the channels, and not applied in practice in all cases. In 2012, the then Independent Chief Inspector identified that the problem was in part 'cultural', and the re-inspection demonstrated that more work is clearly needed to win the hearts and minds of those officers who believe that the old customs ways were best.

²⁶ At the time of the re-inspection, OAD was carrying out a detailed audit of all aspects of Terminal 3 work, which would look specifically at the question of discretion being exercised. This work was due to report in summer 2016.

²⁷ Note that figures for Terminal 1 were included in the 2014 statistics but not the 2015 statistics as Terminal 1 was not operating at that time.

Annex A

Recommendations from the original inspection and Home Office responses

Recommendation 1

Maintain adequate audit trails, and undertake necessary assurance activity to:

- ensure that detailed and accurate records are maintained of every passenger detention that demonstrate the detention is lawful and the duration of the detention is no longer than is necessary; and
- records are created and retained in all cases in line with guidance, and fully justify and evidence the rationale for decisions.²⁸

Home Office response (accepted)

Border Force accepts that operational record keeping and assurance activity need to be improved across all frontline areas. This includes enforcing compliance with guidance and also reducing record keeping (and updating the associated guidance) where the current process creates duplication or unnecessary burden on the frontline managers. Work to tackle this is being led by the Operational Assurance Directorate. New operational standards began to be enforced in August 2014 and an updated version was launched on 1 April 2015 to ensure frontline managers have the right tools to check and assure operational activity and record keeping. This process is being reinforced by regular port inspections.

The length of detention and further examination for any individual case will depend on operational priorities at the time and the need for comprehensive security checks. To improve the quality and accessibility of frontline detention records, Border Force will develop and pilot a new single reporting log for all detentions at the PCP over the course of 2015. This will ensure that all records of detention at the PCP are accurate, assured daily and accessible. In the longer term, the strategic vision of Border Systems is to provide a digital solution to record, manage and assure detention at the PCP. Options for delivering enhanced capability are being considered as part of the Comprehensive Spending Review.

Recommendation 2

Ensure that all searches of person are lawful and proportionate, and have been conducted in accordance with guidance, with proper documentary records maintained.

Home Office response (accepted)

Border Force has clear guidance setting out how searches of person must be conducted. Any officer carrying out this activity must complete specific training before being able to exercise Search of Person powers.

²⁸ This second part of recommendation 1 was not in scope for the follow up inspection.

Following the initial findings of the inspection, Border Force Heathrow instigated a 100% assurance regime where every single Search of Person was further scrutinised by an appropriate manager over a 3 month period. This heightened assurance process has been successful in improving the consistency and quality of management activity and in driving up standards from the officers undertaking the searches. A full evaluation is underway and any changes in practice identified will be applied nationally as appropriate over the course of 2015/16.

Recommendation 3

Ensure that passengers are informed about their right to appeal prior to a search of their person being conducted under Customs and Excise Management Act 1979 powers, and that the Border Force paperwork accurately reflects this, together with the justification for the search and any supporting information.

Home Office response (accepted)

Border Force takes the exercise of its Search of Person powers very seriously and recognises the intrusive nature of this activity and the need for clear and accurate records. The evaluation of the enhanced assurance activity described under recommendation 2 above will also apply to this recommendation. In addition, Border Force is developing a more structured approach to the ongoing professional training and operational management of frontline officers through an internal accreditation scheme which will be piloted over the course of 2015.

Recommendation 4

Produce (keep updated) and disseminate to all affected Border Force staff a single, written set of notebook guidance, and put measures in place to ensure that this guidance is consistently followed in order to improve the reliability of its records and to enable managers to undertake more effective assurance activity.

Home Office response (accepted)

Guidance and training is provided to Border Force officers on the use of notebooks for both customs and immigration purposes to ensure that accurate and timely records of events are kept. The use of notebooks is an effective operational tool for the retention of essential information in certain operational circumstances. Border Force has now published updated notebook guidance. This improved single guidance will help frontline managers assure the quality of notebook entries and will be further enforced by OAD port inspections.

Recommendation 5

Ensure that all notebooks are stored on official premises and are easily retrievable.

Home Office response (accepted)

Border Force Heathrow has already adjusted its approach to address this. National processes will be reinforced through the updated guidance developed in response to recommendation 4.

Recommendation 6

Ensure that all detection staff are reminded of the requirement, without exception, to enforce the law in relation to passengers attempting to enter the UK with any goods in excess of non-EU allowances, and that managers assure that this is happening.

Home Office response (accepted)

Guidance issued to officers is clear on this matter. All people arriving in the United Kingdom must be treated equally and expect the same level of treatment wherever or whenever they arrive in the UK. Border Force has recently re-issued guidance at Heathrow and nationally to emphasise this point. Compliance will be tested regularly.

