



The Home Office response to the Independent Chief Inspector's report:

## **An Inspection of Border Force's Identification and Treatment of Potential Victims of Modern Slavery**

July – October 2016

The Home Office thanks the Independent Chief Inspector of Borders and Immigration and the Independent Anti-Slavery Commissioner for this report.

Tackling human trafficking and modern slavery both in the UK and overseas is a priority for the government. World-leading action through the Modern Slavery Act 2015 gives law enforcement agencies the tools to tackle modern slavery and also provides new protections for victims. Over the last year the number of victims of modern slavery identified in the UK has increased, reflecting efforts to encourage victims to come forward. There have also been increases in the number of prosecutions and convictions for the perpetrators of modern slavery crime. The Modern Slavery Act includes new powers which enable law enforcement officers, including Border Force, to pursue modern slavery perpetrators at sea. Border Force has made use of these powers in its maritime operations, with further activity planned for 2017.

The Government Modern Slavery Strategy recognises the important role of Border Force in the law enforcement response to modern slavery. Border Force is in the unique position of being the first point of contact with UK authorities for many potential victims and the criminals who traffic them. Victims of modern slavery are not always immediately obvious and tend to be controlled or afraid to speak up which makes them difficult to identify during their short encounter at the border. Others may not view themselves as victims of exploitation. This is particularly true of children, who will often not have a clear understanding of what is happening to them or will be submitting to what they believe is the will of their parents or accompanying adults. Border Force relies on joint working and information sharing with a number of law enforcement and policy partners to inform interventions at the border. Border Force works closely with law enforcement agencies from across the UK to improve the operational response to modern slavery as part of the national Modern Slavery Threat Group.

The Border Force approach to combating modern slavery is threefold. Firstly, it is important that all frontline officers have a basic level of training and awareness so that they can recognise potential victims, and perpetrators, of modern slavery and respond in the right way. Border Force staff have undertaken 11,000 training sessions on modern slavery since April, including over a thousand since October

2016. Secondly, in addition to this baseline knowledge a network of 600 specially trained safeguarding officers provides an enhanced level of immediate support. This involves working with the police and other agencies to respond to a wide range of safeguarding issues such as female genital mutilation and to tackle modern slavery including labour exploitation, domestic servitude and sexual exploitation. Thirdly, joint operations and intelligence sharing with other law enforcement agencies provide intensified activity targeting specific types of offences. Such operations potentially save lives and prevent exploitation. During 2017 Border Force will be playing a key role in three further periods of National Crime Agency (NCA) led operational intensification to target labour exploitation, sexual exploitation and child trafficking.

The Government has already committed £8.5m to transform the operational response to modern slavery. This includes a new multi-agency unit to bring together analysts from operational agencies, including Border Force, to strengthen and improve intelligence and analysis capabilities leading to an agreed picture of the threat to the United Kingdom. This will further increase the understanding of the threat from modern slavery and provide enriched information to inform the frontline response.

Border Force accepts nine of the twelve recommendations and partially accepts three.

## **The Home Office response to the recommendations**

### **In relation to record keeping and data collection**

#### **Recommendation 1**

Quality assure 'port files' (and corresponding database entries), ensuring that all records are sufficiently detailed to determine why an individual was identified as a potential victim of modern slavery, what action was taken, and the outcome, including the reasons where the officer satisfied themselves that the individual was not, in fact, a potential victim and the rationale where concerns remained but the potential victim did not consent to a National Referral Mechanism (NRM) referral.

## **1.1 Accepted**

1.2 From 1 February 2017 Border Force first line assurance of Potential Victims of Modern Slavery (PVOMS) cases will include regular additional checks by regional safeguarding leads. This will be reinforced as part of the second line (port inspection) assurance programme.

## **Recommendation 2**

Standardise data collection in relation to potential victim of modern slavery so that there are robust data for, as a minimum, the number of potential victims identified (by location), the number referred to the NRM, the number removed from the UK (including the number of referrals to RALON or the receiving State in such instances), the profile of potential victims, the number of MS1 forms submitted, and the number of traffickers identified, prosecuted and convicted.

## **2.1 Accepted**

2.2 Border Force does already have internal management information on PVOMS cases and referrals to the NRM. That data shows that from 1 April 2016 to 30 November 2016 Border Force officers identified 265 potential victims of modern slavery and 44 potential traffickers and made 57 referrals into the NRM.

2.3 Border Force plans to use its End of Shift Reporting system to further improve the data available in relation to PVOMS cases and to address inconsistencies in the submission of MS1 forms. This work has been commissioned for completion in the next financial year. However full delivery of this recommendation requires input from across the Criminal Justice System to include outcomes of prosecutions and other enforcement action. Border Force will review by the end of March 2017 how best to achieve this through the established working group on PVOMS.

## **Recommendation 3**

Use the improved data to inform intelligence profiles, trend analysis, and to develop a better understanding of the scale of modern slavery at the border, sharing

information, data and analysis with other relevant agencies, specifically the National Crime Agency (NCA) and police forces, and working with the Police Transformation Fund project to develop improved intelligence and analytical capabilities.

### **3.1. Accepted**

3.2 Border Force Intelligence Directorate has developed a new process for frontline officers to share information relating to PVOMS. It will be implemented during 2017/18 and will improve the intelligence and analysis available both in terms of location, type of crime and the profile of potential victims and perpetrators. This information will be shared with relevant partners to allow more effective targeting of resources and to ensure an improved operational response. BF will partner with the NCA in the Joint Slavery and Trafficking Analytical Centre (JSTAC) which was funded through the Police Transformation Fund and which will be set up in 2017/18 by the NCA to better co-ordinate the cross agency response to this type of crime.

## **In relation to training**

### **Recommendation 4**

Ensure (and record) that all frontline staff have completed the mandatory e-learning packages 'Modern Slavery – Border Force' and 'Modern Slavery – NRM'.

### **4.1 Accepted**

4.2. Training records show that between 1 April 2016 and 31 December 2016 over 6500 Border Force staff completed the mandatory Border Force PVOMS e-learning package and over 4500 staff completed the NRM package. The lower figure for the latter is partly due to the fact that staff in the juxtaposed controls are not required to undertake the NRM course. Since this inspection Border Force managers have focused on ensuring that all appropriate front line staff have completed the necessary training.

### **Recommendation 5**

Ensure (and record) that only those Safeguarding and Trafficking (SAT) officers who have received SAT training are deployed on SAT duties.

### **5.1 Partially accepted**

5.2 There is no current single definition of a designated SAT officer for all Border Force locations. An agreed definition suitable for the various operating models will be agreed for implementation from 1 April 2017. Border Force is a highly mobile operation with 138 staffed locations. For example officers have recently been required to deal with immigration cases at freight only ports with no passenger controls and in the Border Force postal operations. All frontline officers must therefore have a baseline level of training to allow them to identify potential victims of modern slavery and respond quickly to protect that individual. This approach provides the most comprehensive operational response and ensures that Border Force identifies as many potential victims of modern slavery as possible.

5.3 Border Force does agree that some duties require more than the current baseline training and so the network of 600 specially trained SAT officers is in place to deal with complex casework, provide advice to colleagues and to act as a point of contact for other agencies and port and carrier staff. There is sometimes a delay between the recruitment and appointment of a SAT officer and the delivery of the specialist training and this was reported as part of this inspection. Complex SAT duties should only be conducted once the specialist training has been completed. Border Force is undertaking additional assurance on the levels of training of all SAT officers which will inform the development of further refresher training.

5.4 Border Force does not think it is operationally effective to introduce a specific log to record SAT duties. Electronic and paper records already detail which officers deal with a specific case.

### **Recommendation 6**

Review and revise the mandatory e-learning and SAT training packages, taking full account of the recommendations of the Independent Anti-Slavery Commissioner (at Appendix 5 to this report).

## **6.1 Accepted**

6.2 Both the e-learning training packages and the Tier 3 SAT training course material have now been updated to take into account the elements raised by the Independent Anti Slavery Commissioner.

## **Recommendation 7**

Provide training to frontline Border Force officers in evidence gathering in order to increase the prospect that suspected traffickers will be successfully prosecuted.

## **7.1 Accepted**

7.2 Many Border Force officers are already trained in evidence gathering and arrest as they operate under the Customs and Excise Management Act (CEMA) and the Police and Criminal Evidence Act (PACE) as part of their role in customs seizures at the border.

7.3 Border Force will modify its basic frontline training requirements in 2017/18 and will ensure that the new training package includes a baseline understanding of evidence gathering. Border Force will also work with Immigration Enforcement and, by the end of March 2017, identify what further knowledge might be required for established officers whose role is limited to the initial identification of a potential crime before the case is handed over to law enforcement partners.

## **In relation to decision-making and managing effective outcomes:**

## **Recommendation 8**

Review and refresh risk profiles for victims of modern slavery within all passenger 'groups', ensuring this includes EEA Nationals, and individuals with adverse immigration or criminal histories.

## **8.1 Accepted**

8.2 This will be addressed as set out in 3.2 above.

## **Recommendation 9**

Determine whether the 'Roving Officer' role is required to safeguard accompanied 12 to 17 year olds using the ePassport gates and, if so, ensure that officers fulfilling that role are trained appropriately and have the confidence to do it effectively.

### **9.1 Accepted**

9.2 An evaluation of the role of the roving officer has been completed, and found that it can be useful in some cases in providing additional safeguarding capability. We will take the findings of this ICIBI report into account as part of the development of future ePassport gates operational planning.

## **Recommendation 10**

Ensure that the accommodation and facilities at ports used with individuals identified as potential victims of modern slavery are conducive to gaining their trust and consent to being referred into the NRM.

### **10.1 Partially accepted**

10.2 Border Force accepts that holding rooms in passenger terminals must be of an acceptable standard to match operational use. The provision of facilities in holding rooms at ports is the responsibility of the port operator and improvements must be secured through negotiation and take account of the frequency and type of use. Border Force regularly reviews detention accommodation at air and sea ports and works with port operators to prioritise improvements and refurbishments as needed. Recently facilities at a number of locations including Heathrow Airport have been upgraded. These facilities are also subject to inspection by other external review bodies.

10.3 Although the fieldwork for this inspection focused on passenger ports, Border Force officers may be required to deal with potential modern slavery cases, as with other immigration cases, at operationally diverse locations including freight only ports where there are no passenger arrival facilities, in postal operations or in the general

maritime environment. Whilst Border Force recognises the intention behind this recommendation, each arrival, intervention or operation needs to be dealt with as circumstances dictate and often in conjunction with law enforcement partners.

### **Recommendation 11**

Develop a consistent, documented process for managing the removal of potential victims of modern slavery to each country of origin or permanent residence, detailing where RALON and/or others, including agencies in the receiving country, must be involved in order to provide the victim with appropriate support on their return and reduce the risk of re-trafficking.

#### **11.1 Partially accepted**

11.2 Any adult potential victim of modern slavery who consents to referral into the NRM process will not be removed from the UK whilst that process is ongoing. When an adult refuses to engage with the process Border Force has no powers to compel that engagement. Information is routinely provided to such passengers on wider support available but they must be treated within the law, and in the absence of a referral into the NRM process, may fall to be refused entry to the UK and removed.

11.3 Border Force will improve its guidance and approach in relation to the removal of potential victims of modern slavery and information sharing with RALON (now known as Immigration Enforcement International or IEI) by the end of March 2017. There are areas of best practice in this area already to build on. However IEI officers are not present in all countries and there are a number of regimes with which it would not be lawful, operationally practical, or in the best interests of the individual to share personal information; the review of guidance will cover these circumstances. Separate guidance and oversight is in place to ensure the welfare of children being removed from the UK. This sets out the requirements for detention, recording and reception arrangements that have to be in place ahead of a removal taking place; this guidance will also be reviewed by the end of March 2017.

## **In relation to partnership working and awareness raising**

### **Recommendation 12**

Develop a systematic approach to raising the awareness of port and airport workers of modern slavery and how they can assist Border Force in its functions, including what to do and who to contact should they identify a potential victim of modern slavery, and with regular updates on case studies and trends to reinforce the messages.

#### **12.1 Accepted**

12.2 Border Force already has in place a programme of engagement with airlines, ferry companies and other port workers to raise their awareness of vulnerable passengers and how to report any concerns to the Police or a Border Force officer. An information leaflet designed and produced by Border Force was distributed to all airlines and ferry companies operating to the UK in April 2016. A specially adapted e-learning tool for airlines and their contractors has been developed and will be distributed by the end of March 2017. Border Force also holds awareness days with key partners to mark events such as Anti-Slavery Day and to highlight other safeguarding issues.

12.3 Work is already underway within the Training Sub Group of the Modern Slavery Human Trafficking Threat Group to raise awareness across a range of public and private bodies through the distribution of targeted media over the course of 2017.