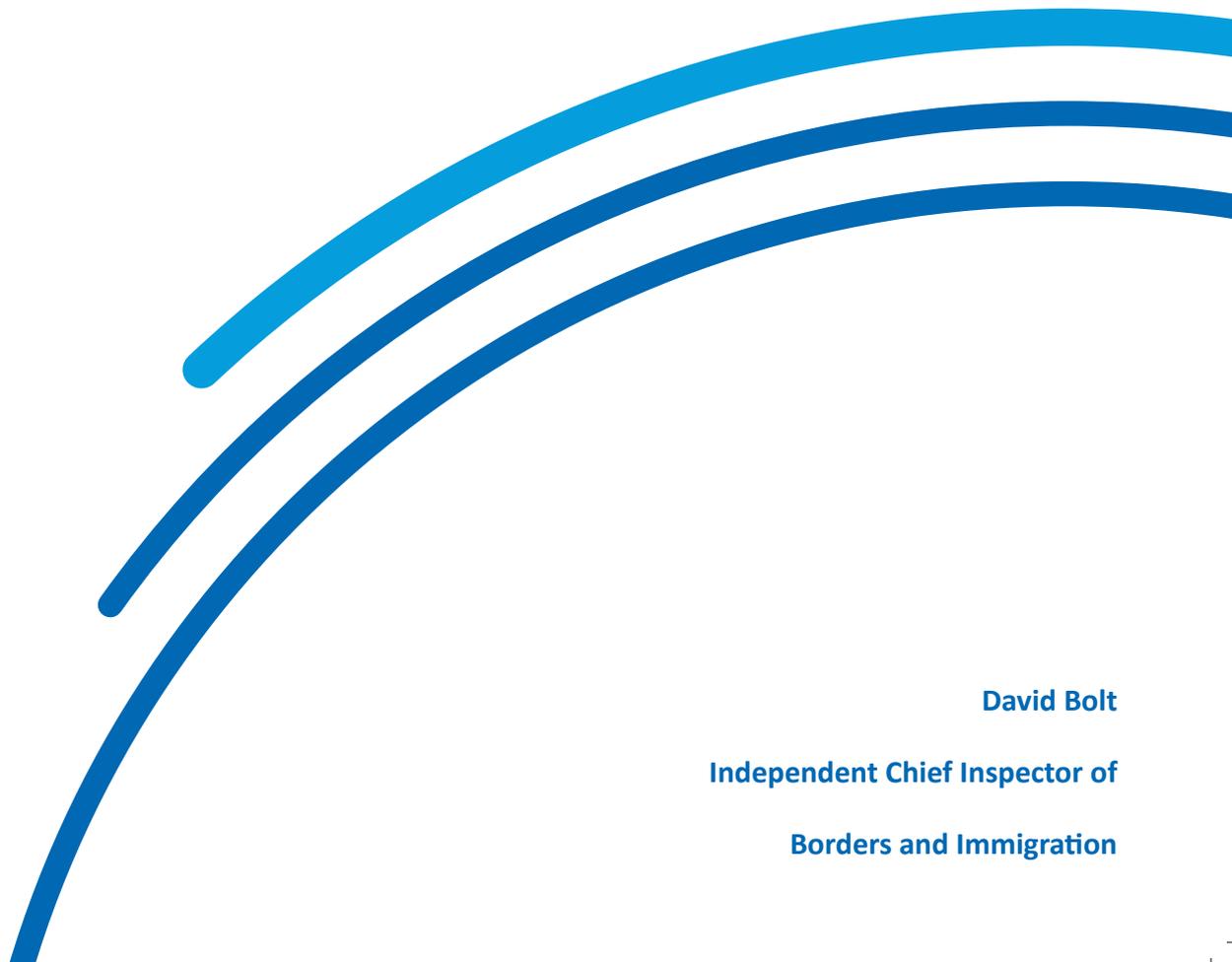




A re-inspection of Border Force's identification and treatment of Potential Victims of Modern Slavery

September – November 2017



David Bolt

Independent Chief Inspector of
Borders and Immigration

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Our purpose

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

In December 2016, I made 12 recommendations for improvements to the way Border Force identified and treated potential victims of modern slavery. These followed 4 key themes: record keeping and data collection; training for Border Force officers; decision making and managing effective outcomes; and, partnership working and awareness raising.

My report was published on 2 February 2017.

The Home Office “accepted” 9 of my recommendations, and “partially accepted” the other 3. This re-inspection examined what progress Border Force had made since my original report. As before, this work was carried out in cooperation with the UK Anti-Slavery Commissioner, and I am grateful to him and his team for their support.

The re-inspection found that Border Force had done a considerable amount of work towards implementing the recommendations, and I was satisfied that 7 of the 12 recommendations could now be considered “closed”, albeit in some cases, for example in relation to staff training, Border Force needed to ensure that it maintained the position it had achieved.

In the case of the other 5 recommendations, particularly those focused on improving record keeping and data collection, there was insufficient evidence that the work that had been done had been effective, and some improvements that were in train needed speeding up. These 5 recommendations therefore remain “open”.

This re-inspection report makes no new recommendations. It was sent to the Home Secretary on 30 January 2018.

David Bolt

Independent Chief Inspector of Borders and Immigration

1. Background

- 1.1 This re-inspection examined the progress made by the Home Office in implementing the 12 recommendations for improvement set out in 'An inspection of Border Force's identification and treatment of potential victims of modern slavery', published on 2 February 2017.¹ That inspection was carried out in co-operation with the UK Independent Anti-Slavery Commissioner, as was this re-inspection.
- 1.2 Border Force plays a key role as a 'first responder' in the identification of Potential Victims of Modern Slavery (PVoMS) and their subsequent referral to the National Referral Mechanism (NRM).² This is a challenging role. Border Force officers must ensure that only those eligible to enter the UK do so, while working to national agreements for passenger queuing times. Border Force officers therefore have a limited window of opportunity to observe behaviours indicating that person may be a PVoMS and to ask questions to illicit information which may identify them as such.
- 1.3 This challenge is made more difficult as individuals frequently do not recognise themselves as victims, in some cases believing that whatever awaits them in the UK will be better than their life at home. The 'Modern Slavery Annual Threat Assessment' produced by the Joint Slavery and Trafficking Analysis Centre (JSTAC), identifies this: "A common theme in recruitment across exploitation types is the promise of a better life: of greater financial security or well-paying employment."
- 1.4 While it is mandatory for all children identified as PVoMS to be referred to the NRM, adults must give their consent. For the latter, interventions by Border Force officers may be seen as obstructing their path into a new and better life, and they may see no advantage in agreeing to an NRM referral. However, the National Audit Office report 'Reducing Modern Slavery' (published 15 December 2017), noted that there had been a rise in adult NRM referrals from 1,669 in 2014 to 2,527 in 2015. Overall, the '2017 UK Annual Report on Modern Slavery'³ reported a total of 3,804 potential victims referred to the NRM in 2016, with around two thirds of those being adults.
- 1.5 Since the publication of the original inspection report, a number of cases of modern slavery in the UK have been given prominence in the media, and the scale of the problem has been reassessed. On 10 August 2017, the National Crime Agency (NCA) issued a press release stating: "Modern slavery and human trafficking (MSHT) in the UK is far more prevalent than previously thought." It went on to say that "A growing body of evidence resulting from an increase in law enforcement activity points to the numbers of victims being much higher than estimated, and the threat continuing to expand."⁴

1 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/614203/Potential-Victims-of-Modern-Slavery-Inspection-report.pdf

2 More detail on the National Referral Mechanism (NRM), including the list of 'first responders' is available at: <http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre/national-referral-mechanism>

3 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/652366/2017_uk_annual_report_on_modern_slavery.pdf

4 <http://www.nationalcrimeagency.gov.uk/news/1171-law-enforcement-steps-up-response-to-modern-slavery>

2. Methodology

- 2.1 The original inspection made 12 recommendations covering 4 key themes:
- record keeping and data collection (by Border Force in relation to PVoMS)
 - training for frontline Border Force officers and officers then designated Safeguarding and Trafficking (SAT) officers and now renamed Safeguarding and Modern Slavery (SAMS) officers
 - decision making and managing effective outcomes
 - partnership working and awareness raising (of other port and airport workers to assist Border Force in combating modern slavery)
- 2.2 The Home Office “Accepted” 9 recommendations, and “Partially accepted” the other 3. The recommendations and the full Home Office responses are at Annex A.
- 2.3 This re-inspection examined the Home Office responses to all 12 recommendations and assessed the progress made in implementing the actions the Home Office said it would take. It looked in particular at:
- the expanded use of ePassport gates for 12 to 17 year olds, and its impact on the identification of PVoMS
 - identification at the border of potential human traffickers, and actions taken against them
 - progress towards establishing a multi-agency response to modern slavery, and Border Force involvement with the newly-formed Joint Slavery and Trafficking Analysis Centre (JSTAC), including the impact to date of joint operations
- 2.4 Inspectors did this by:
- reviewing Home Office documentary evidence, including published guidance
 - examining a sample of cases (see below), and analysing performance data
 - carrying out an onsite inspection of operations at Glasgow Airport, London Heathrow Airport Terminal 2 and the Port of Dover
 - canvassing the views of aviation and maritime stakeholders
- 2.5 Inspectors examined 26 cases from between 1 January 2017 and 31 August 2017. The sample comprised 7 adults or children who had been referred to the NRM, and 19 adults who had been considered as PVoMS but had not consented to their information being shared with the NRM. Examination focused on whether:
- records were sufficiently detailed, including noting observed indicators of modern slavery, relevant actions taken by the officer and the outcome of any suspicions
 - there was evidence that the case had been quality assured by a manager

- any welfare arrangements were made with Immigration Enforcement International (IEI)⁵ or an alternative agency in the individual's country of origin before removal

2.6 Between 31 October and 10 November 2017, the inspection team:

- made a familiarisation visit to Manchester Airport (the 2015 inspection of Manchester Airport had investigated the quality of Border Force's safeguarding activities)⁶
- conducted interviews with Border Force officers at all grades, from frontline officers to the senior manager with lead responsibility for Modern Slavery
- observed the immigration controls at Glasgow Airport and London Heathrow Terminal 2, shadowing officers when PVoMS were identified and observing the Roving Officer role and use of ePassport gates
- observed the tourist and freight examination areas at the Port of Dover

⁵ IEI staff are based overseas in a number of 'hub' countries.

⁶ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/549240/ICIBI_inspection_Border_Force_operations_Manchester_Airport_April_2016.pdf.

3. Inspection findings

Record keeping and data collection

Recommendation 1

The Home Office should 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 an NRM referral.

Background

- 3.1 In the original inspection, sampling of seaport and airport cases found that paper and computer records were inadequate. Paragraph 8.4 of the report said: "The notes contained within 'port files', and corresponding notes on the Case Information Database (CID),⁷ were insufficiently detailed to explain the regional variations in referral decisions⁸ following the identification of a potential victim." The report went on to state that "the 'port files' reviewed by inspectors lacked sufficient detail to draw any meaningful conclusions from them".
- 3.2 The quality of record keeping led to Recommendation 1. The Home Office accepted the recommendation, stating that from 1 February 2017 Border Force first-line assurance of PVoMS cases would include regular additional checks by regional safeguarding leads. This would be reinforced by the second level of assurance by line managers.

Re-inspection findings

- 3.3 The Home Office had made changes to the 'Border Force Assurance Standards: Assurance Checks (Scheme of Control)', the document which sets out the assurance requirements for Border Force operations. Under Standard 5 'Examination of Person', which includes activity regarding port files and CID updates, a detailed scheme of assurance for PVoMS cases had been added as a requirement for Border Force Higher Officers (BFHO) to complete in their role as immediate line managers.
- 3.4 The requirement to "Examine 100% of PVoMS (regardless of final outcome)" includes checking for evidence that the decision to subject the passenger to further examination has been justified, PVoMS indicators have been clearly minuted, the decision taken to treat the individual as a PVoMS, or not, was reasonable and in accordance with policy, guidance and legislation and full notes relating to the NRM interview, referral and 'duty to notify' action have been made.

⁷ The Case Information Database (CID) is an electronic records database used by all the Home Office directorates dealing with immigration functions.

⁸ Border Force officers are required to refer a consenting potential victim to the National Referral Mechanism (NRM) or, where no consent is given, to complete a Form MS1 and submit it to the Home Office as part of the 'duty to notify' the Secretary of State under Section 52 of the Modern Slavery Act 2015 - <http://www.legislation.gov.uk/ukpga/2015/30/section/52/enacted>

There is also a requirement to assure that a checklist has been fully completed and is on the file and all relevant paperwork has been countersigned by the BFHO.

- 3.5 Inspectors found that assurance of port files had become an embedded process at each of the ports visited. Staff were aware of the requirement for 100% checking. Inspectors also found that at Glasgow Airport and Heathrow Terminal 2, in order to ensure that the record was adequate for modern slavery purposes, the assurance check was completed by a BFHO who had received Tier 3 (the highest level of training).⁹
- 3.6 Inspectors were given a copy of a spreadsheet recording any “Exceptions and Issues” found through assurance checks. This showed that officers were still making some basic errors, for example, certain data fields were not being updated on CID, or the relevant minute not being added to a file. The spreadsheet also showed the action(s) taken by managers.
- 3.7 Inspectors examined a sample of 26 port cases from between 1 January 2017 and 31 August 2017. These showed that, in most cases, PVoMS indicators were being noted in paper and electronic records. However, there were examples where this did not happen – see Case Studies 1 and 2.

Case Study 1: Lack of appropriate action to pursue PVoMS indicators or to ensure welfare on return

The potential victim

On 12 May 2017, a 34-year old male non-EEA passenger presented himself at Glasgow Airport seeking entry as a visitor for 4 days. A baggage search revealed items that strongly suggested involvement in work of a sexual nature, and further checks identified the address next to the intended place of residence as closely linked to a facilitator for prostitution.

Border Force refused him entry on the basis of failing to satisfy officers that he was a genuine visitor and removed him next day.

Following a review of the case after removal, a note was placed on the electronic record highlighting the presence of the trafficking indicators and stating that Border Force should make more detailed notes relating to modern slavery if the passenger were to be encountered again.

Home Office comment

Border Force confirmed that records for this case did not show whether the indicators of modern slavery had been fully explored and, as the individual was not considered as a PVoMS, associated safeguarding actions were not taken.

Independent Chief Inspector’s comment

Failure to follow up the indicators of potential sexual exploitation and discuss NRM procedures with the passenger was compounded by failure to complete an intelligence report and to take action to ensure the passenger’s welfare on removal.

However, in this instance, review after removal identified these failings and prompted the appropriate action should this individual be encountered by Border Force again.

⁹ Tier 3 refers to the training required to become a fully trained SAMS officer.

- 3.8 Case Study 2 illustrates a lack of clarity about what actions were taken, despite the individual having sought entry twice within a month.

Case Study 2: Passenger refused entry twice for welfare reasons without PVoMS action

The potential victim

On 11 August 2017, a 24-year old female EEA passenger presented herself at Glasgow Airport seeking entry to attend a court hearing as a witness.

A baggage search revealed items that indicated involvement with work of a sexual nature, and she admitted to previous sex trade involvement in the UK.

Border Force established that she was not required in the forthcoming hearing on this occasion, and refused her entry based on concerns for her welfare and safety. She was removed 3 days later.

On 2 September 2017, she sought entry again for a 2-week visit (this time at Luton Airport) and was again refused entry on the same grounds and removed.

Home Office comment

Border Force confirmed that records did not detail whether all indicators of modern slavery had been fully considered. The passenger had not been treated as a PVoMS and no related action had been taken.

Independent Chief Inspector's comments

It is clear that Border Force had concerns about the individual's welfare on both occasions. Despite welfare concerns, NRM procedures were not discussed with her. The Border Force officers did not complete an intelligence report or liaise with relevant authorities in the receiving country on either occasion that she was removed.

The internal assurance process found that the indicators of vulnerability had not been noted clearly on file and the officer was provided with feedback to prevent this from recurring.

Conclusion

- 3.9 The Home Office responded quickly to the original recommendation and made a number of changes to the assurance regime for port activities and records. Staff awareness had been raised. However, inspectors found that there were still some cases of incomplete PVoMS actions, failure to record all of the actions taken, and failure to provide the reasons for decisions.
- 3.10 Inspectors concluded that more direct feedback was needed from the assurance process to frontline officers to ensure that they understand the impact of failing to carry out all relevant actions and to record them accurately and fully.¹⁰ Recommendation 1 remains open, pending evidence that an effective feedback mechanism is in place to stop such instances.

¹⁰ Border Force subsequently explained that it plans, as part of routine checking of the Chief Inspector's recommendations, to review regional activity to ensure that the new check improves data quality. This would include checks against this standard as part of the port 'spot visit' programme and testing of port records.

Recommendation 2

The Home office should standardise data collection in relation to potential victims 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.

Background

- 3.11 In addition to poor record keeping in port files, the original inspection found that overall data collection was poor. It considered that “the poor standard of record keeping and different datasets in use mean that Border Force cannot be certain whether any targets are being met.” It also stated: “The priority must be to improve the collection, recording and analysis of data, in order to inform operational activity and the training and development needs of staff, and to ensure that Border Force is delivering what the Modern Slavery Act and Modern Slavery Strategy require of it.”
- 3.12 The finding related to inconsistent recording of data and differences in data held by Border Force and the NCA on the number of NRM referrals. Recommendation 2 sought to address this.
- 3.13 The recommendation was accepted. The Home Office responded that data collection already existed and provided statistics on the number of PVoMS identified, the number of those referred to the NRM and the number of traffickers identified. The Home Office also indicated that ‘End of Shift Reports’ would be used to record local statistics for central collation, but the success of this proposal was reliant on input from other agencies across the Criminal Justice network.

Re-inspection findings

- 3.14 Inspectors found that almost 8 months after the original inspection, Border Force had yet to ensure that data collection for PVoMS was consistent across all seaports and airports. The proposal to use ‘End of Shift Reports’ had not been progressed as managers had concluded that it would not satisfy the requirements to record accurate and consistent data.
- 3.15 Instead, a new template for recording information manually for subsequent central collation had been trialled at Heathrow in September 2017, but the trial identified weaknesses in the proposed system, such as low completion rates.¹¹
- 3.16 The lack of consistent data across all ports was highlighted when inspectors requested case reference numbers to make a random selection of cases to examine. Inspectors were told that part of the data from some of the Border Force regions was incomplete. Each region (and, in some cases, different ports within the same region) was recording different information in relation to PVoMS. For example, some ports recorded whether the identification was at a staffed desk or an ePassport gate, where others simply recorded it as ‘PCP’.¹² Similarly, there was no consistency in how outcomes were recorded, and some ports failed to record them at all.

¹¹ Border Force subsequently stated that PRAU had developed an automated process which would form the basis of a more informative quarterly summary report on PVoMS and traffickers from Quarter 1 of 2018.

¹² Primary Control Point, which comprises both the immigration control desks and the ePassport gates.

3.17 To test data consistency internally within the Home Office, inspectors requested Border Force’s own figures for referrals to the NRM between January and August 2017 and Border Force referrals as recorded centrally by the Home Office Performance Reporting & Analysis Unit (PRAU).¹³ See Figure 1.

Figure 1: Border Force NRM referrals recorded by Border Force and by PRAU January to August 2017

2017	Border Force data	PRAU data
January	8	8
February	11	14
March	20	12
April	11	4
May	9	8
June	7	6
July	22	18
August	14	6
Totals	102	76

3.18 Inspectors also requested data from Border Force and the Home Office Modern Slavery Unit (MSU) on the number of Form MS1s submitted under the ‘duty to notify’ requirement when an individual did not consent to an NRM referral. Again, there were significant disparities.

3.19 For example, between April and June 2017, MSU had recorded 5 MS1 submissions at Teesport, while Border Force data showed none; MSU had recorded a further 5 MS1 submissions at Luton Airport, where Border Force again showed none; and at Manchester Airport, MSU had recorded 7 MS1 submissions whereas Border Force showed 6.

3.20 For most regions, inspectors were unable to draw any meaningful conclusions due to discrepancies in records.

3.21 Border Force managers told inspectors that they were keen to ensure that data was as accurate as possible, with minimal duplication of effort and human error. As a result, a proposal had been developed to add a “vulnerability” flag to CID, and sent to the relevant boards for approval.

3.22 Under this proposal, an individual’s vulnerability would be ‘scored’ based on their needs and the action required by the Home office – see Figure 2. Inspectors understood that the aim for the new flag was to enable accurate data to be extracted automatically from CID: “Each person ID on CID will have a Special Condition flag with a Vulnerability score” with each person encountered by Border Force having a vulnerability assessment “if operationally possible and agreed by operational managers”.¹⁴

¹³ PRAU collates statistical evidence from around the Home Office and describes itself as providing “one single truth” for Home Office statistics.

¹⁴ Quotations taken from the ‘Outline of proposed changes to CID’ presentation to the Safeguarding the vulnerable and host communities mission board.

Figure 2: CID “vulnerability” scoring

Score	Definition
“V0	No vulnerabilities identified
V1	The individual would require some adjustments by the Home Office, for example, a female interviewing officer for a female genital mutilation (FGM) case; individual to be encouraged to sign on at a GP
V2	The individual needs help of support agencies / referral to NGOs / notifications made to social services / notifications made to health services, for example, an individual who has made at least one incident of threatened self harm or suicide and we notify SS or HS; an individual discloses domestic violence and information is provided about how to access a Women’s support group
V3	The individual has high level of vulnerability and risk – intervention by statutory agencies is required, such as Social Services, Health Services or Police, and the HO would hold a case conference, e.g. there should be no attempt at unsupported removal for IE; this category includes all potential child protection cases (evidenced or claimed or suspected); mental health conditions where a person presents as at risk to themselves or others (evidenced or claimed or suspected)”

Conclusion

- 3.23 While Border Force had looked at ways it might implement Recommendation 2, actual progress has been slow. Therefore, **Recommendation 2 remains open**. Inspectors were unable to assess whether the “vulnerability” flag on CID is the solution, but, if adopted, leaving the decision whether to complete a vulnerability assessment to operational managers would risk uneven and inconsistent use of this measure.¹⁵

Recommendation 3

The Home Office should 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.

and

Recommendation 8

The Home Office should 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.

¹⁵ Border Force provided an update that the project had been cleared for development. The aim would be a mandatory vulnerability assessment for every subject entered on CID. If adopted, it would be “operated across all directorates to ensure consistency”.

Background

- 3.24 In addition to the requirement to improve data collection in Recommendation 2, the original inspection also recommended that any data collected was analysed to ensure that frontline staff had the best possible information to assist them in identifying PVoMS.
- 3.25 The Home Office accepted Recommendation 3 and stated that Border Force Intelligence Directorate had developed a new process for frontline officers to share PVoMS information, which would be implemented during 2017-18.
- 3.26 This process was expected to improve the intelligence and analysis available in terms of location and type of crime, together with profiles of potential victims and perpetrators. The information would be shared with relevant partners to enable more effective targeting of resources and improve operational responses. Border Force would partner with the National Crime Agency (NCA) in the Joint Slavery and Trafficking Analysis Centre (JSTAC), to be set up in 2017-18, funded by the Police Transformation Fund and organised by the NCA, its purpose described by the Home Office as “to produce the single, authoritative picture of the threat posed by this type of crime”.
- 3.27 Under the thematic heading “Decision-making and managing effective outcome”, Recommendation 8 referred to risk profiles. It encompassed the inspection finding that Border Force had successfully used profiles to identify potential victims, and took account of the Independent Anti-Slavery Commissioner’s comments that training should include information on the “most recent trends on trafficking routes, modus operandi of the traffickers, and profiles of the victims”. In effect, Recommendation 8 built on Recommendation 3.
- 3.28 In accepting Recommendation 8, the Home stated that it would address these requirements as part of the work it was undertaking to implement Recommendation 3. The re-inspection therefore examined the two together.

Re-inspection findings

- 3.29 Inspectors found that the NCA had established JSTAC in April 2017, and Border Force had embedded an intelligence analyst within it. The aim of this multi-agency initiative was to “strengthen the strategic intelligence picture surrounding the Modern Slavery and Human Trafficking (MSHT) threat”.
- 3.30 At the time of the re-inspection, it comprised 10 intelligence officers and analysts from NCA, the police, Immigration Enforcement, HMRC, the Gangmasters and Labour Abuse Authority (GLAA) and Border Force. JSTAC provided a platform for collaborative working and for promoting a shared understanding of slavery and trafficking. Its analysts produce assessments of trends and threats from a broad range of intelligence and information, such as the ‘JSTAC Modern Slavery Annual Strategic Assessment’ and various intelligence briefings.
- 3.31 The Border Force representative at JSTAC told inspectors that, while frontline Border Force officers did submit PVoMS information, it was not routine and the level of detail was variable. Also, if local intelligence units did daily reviews of CID, they did not routinely relay every PVoMS case to JSTAC via Border Force analysts, thereby limiting the flow of intelligence from the frontline.
- 3.32 Inspectors were shown evidence of intensified information gathering and sharing as a result of Border Force’s engagement in multi-agency ‘operations’ where frontline staff worked with law enforcement agencies.

3.33 For example, Border Force had played a key part in ‘Project Aidant’. At the time of the re-inspection, there had been 9 phases of this NCA-led multi-agency project focused at the border on cases of potential exploitation. The intensification activity had concentrated on particular themes. For example:

- ‘Phase 1’ of Project Aidant (13 to 19 February 2017) had focused on the disruption of trafficking of Romanian nationals into the UK, which had enabled Romanian risk profiles to be refreshed
- ‘Phase 2’ (20 to 26 March 2017) had focused on border activity associated with the disruption of trafficking Romanian, Lithuanian and Slovakian nationals into the UK and had identified 61 PVoMS and 16 potential traffickers
- ‘Phase 4’ (15 to 19 May 2017) had targeted labour exploitation and focused on use of forged and counterfeit supporting documentation which led to several passengers fitting this profile being identified and adding to existing intelligence

3.34 Inspectors also observed ‘Operation Outrun’ at Glasgow Airport.¹⁶ This was a joint operation involving Border Force, IE, NCA, Police Scotland, and seconded police officers from Romania, using profiling to identify Eastern European females vulnerable to sexual exploitation.

3.35 ‘Operation Louisiana’ which ran during the same period had targeted labour exploitation at the Calais juxtaposed controls¹⁷ and led to the identification of 3 PVoMS in possession of falsified supporting documents, such as letters of employment and payslips.

3.36 The information gathered from these intensification exercises was being fed into the analysis of threats and trends, and inspectors found, for example, that the ‘Border Force Core Skills 1: Protecting the Vulnerable’ training package had been updated with risk profiles from 2016 and 2017, including updates on EEA nationals and sexual exploitation, and labour exploitation via fraudulent documentation.

3.37 On 19 September 2017, Border Force initiated a 2-week Gatwick Airport trial, producing a risk profile for all passengers and using algorithms derived from analysis of the characteristics of known PVoMS to identify passengers of interest. At the time of the re-inspection, this trial was still being evaluated. However, it was evidence of Border Force’s commitment to improving risk profiles.

Conclusion

3.38 Since the original inspection, there have been a number of multi-agency intensification operations to identify PVoMS entering the UK, and these had improved data collection and sharing, as had the creation of JSTAC. However, as yet, not all of the information Border Force was collecting about PVoMS was being passed routinely and in a consistent form to JSTAC. Therefore, **Recommendation 3 remains open.**

3.39 Despite this, inspectors were satisfied that Border Force had made considerable progress in reviewing and refreshing risk profiles for PVoMS within various passenger groups. Therefore, **Recommendation 8 can be closed.**

¹⁶ <http://www.bbc.co.uk/news/uk-scotland-glasgow-west-41037257>

¹⁷ Juxtaposed controls were first established in 1994 in France to speed up entry and exit procedures on the Channel Tunnel route and subsequently extended to the Eurostar route and ferry ports in northern France.

Training

Recommendation 4

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

Background

- 3.40 The original inspection found that, despite Border Force making two e-learning packages ('Modern Slavery – Border Force' and 'Modern Slavery – NRM') mandatory for frontline staff, and committing to completing their training by 18 October 2016, it was unable to say how many had actually completed it by that date.
- 3.41 The inspection also found that a "large proportion" of frontline officers to whom inspectors spoke reported that they and their colleagues had not completed the e-learning training as they had "forgotten" or had not had the time. These findings led to Recommendation 4.
- 3.42 The Home Office accepted the recommendation stating:

"Training records show that between 1 April 2016 and 31 December 2016 over 6,500 Border Force staff completed the mandatory Border Force PVoMS e-learning package and over 4,500 staff completed the NRM package. The lower figure for the latter is partly due to the fact that juxtaposed controls staffs 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."

- 3.43 Later, Border Force told inspectors that, by 31 October 2016, 5,502 of a total of 7,735 Border Force staff had completed the 'Modern Slavery – Border Force' package, while 3,642 had completed the 'Modern Slavery – NRM' package. Border Force had extended the deadline for completion of both packages to 31 December 2016.

Re-inspection findings

- 3.44 Border Force did not provide the re-inspection team with new figures for staff who had completed the mandatory e-learning packages. Instead, it stated that "as part of mandatory learning ALL of our staff are trained in MS, NRM, Keeping Children Safe/FGM".¹⁸ It explained: "There is no single source of national training figures however it is the responsibility of all SAMS teams to ensure all frontline officers in the regions have undergone appropriate safeguarding training."
- 3.45 The evidence provided to the re-inspection team included a copy of an email sent to SAMS leads from the Safeguarding and Modern Slavery team on 14 December 2016, reminding them that all staff must complete the mandatory training by the extended deadline of 31 December 2016. The same email included a separate notification reminding staff of the 'duty to notify' with a link to a poster which could be downloaded and printed or circulated electronically.
- 3.46 Inspectors asked staff during onsite visits if they had completed the e-learning courses. Everyone who attended a re-inspection focus group said they had completed the e-learning, although some referred to it as a "tick box exercise".

¹⁸ Female Genital Mutilation.

- 3.47 Inspectors conducted observations at the immigration controls at Glasgow and Heathrow Terminal 2, as well as observing the tourist traffic arriving by ferry at Dover. From the questions asked and interactions with passengers, these observations demonstrated that frontline officers recognised that modern slavery was a high priority. At Dover, where opportunities to interact are fewer because immigration controls take place when leaving France, officers demonstrated a high level of awareness of modern slavery and safeguarding issues when searching vehicles.

Conclusion

- 3.48 Border Force had made efforts to ensure that all frontline staff completed the mandatory e-learning packages. Therefore, **Recommendation 4 can be closed**. However, Border Force needs to ensure that staff do not treat the completion of any mandatory training as a “tick box exercise” through clear messaging about its importance and relevance.

Recommendation 5

The Home Office should ensure (and record) that only those Safeguarding and Trafficking (SAT) officers who have received SAT training are deployed on SAT duties.

Background

- 3.49 The original inspection found that some of the staff assigned to the then Safeguarding and Trafficking (SAT) duties had not received SAT training, and in some cases the training had not yet been arranged. Many of those who had been trained had received their training in 2014, but had not received any refresher training since then. SAT officers at Heathrow Terminal 2 informed inspectors that they had not received the full training.
- 3.50 The Home Office partially accepted Recommendation 5. It stated that there was no single definition for a ‘SAT Officer’, but committed to agreeing one for implementation from 1 April 2017. It acknowledged the role played by SAT officers, and referred to a “network of 600 specially trained SAT officers” that was “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”.
- 3.51 However, it also stated that Border Force’s varied functions and dispersed workforce required that all frontline officers had “a baseline level of training to allow them to identify potential victims of modern slavery and respond quickly to protect that individual”. It explained that Border Force was undertaking additional assurance on the levels of training of all SAT officers, which would inform the development of further refresher training.
- 3.52 The Home Office rejected recording SAT officer deployments, stating: “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.”

Re-inspection findings

- 3.53 During the re-inspection, the Border Force Safeguarding lead told inspectors that there was no formal, single definition for a Safeguarding and Modern Slavery (SAMS) officer. In response to Recommendation 5, Border Force had produced (by 1 April 2017) a set of performance goals. This took the form of 11 bullet points, including, for example, “provide direct support and advice to frontline colleagues...” and “undertake complex cases involving children, PVoMS, and vulnerable adults”.

- 3.54 The Safeguarding lead also told inspectors that only those who had completed the Tier 3 training (delivered via 2 or 3 classroom days, depending on region) were considered to be fully trained SAMS officers.
- 3.55 Border Force figures for the number of SAMS officers in each region and the training levels achieved are set out in Figure 3.

Figure 3: Border Force regional training records for designated SAMS staff (figures received in January 2018)

Region	Fully Trained	Partly trained	Awaiting training
North	92	15	1
Central	123	0	3
Heathrow	103	16	12
South	55	0	1
South East & Europe	77	0	9
Maritime	65 ¹⁹	0	0
Totals	515	31	26

- 3.56 From these figures it appeared that the previous claim of a “network of 600 specially trained SAT officers” was exaggerated, but 90% of the total cadre of 572 had received the full training and a number of further training courses were in the pipeline. Border Force said that ports had been advised not to schedule the new and untrained volunteers but it was less clear how ports were to deploy officers who were partly trained or what they were to do if they had no fully trained SAMS officers.
- 3.57 Inspectors found that SAMS specialists who had been trained in 2014 had yet to receive any formal refresher training. The classroom-based SAMS training had been updated to reflect the Modern Slavery Act 2015, but while new recruits were expected to complete this updated training, attendance was only recommended for existing SAMS officers rather than mandated. However, Modern Slavery Act content was available to all officers in the updated e-learning package.
- 3.58 During observations at ports, inspectors saw that managers made efforts to ensure that a SAMS officer was available at all times to assist frontline officers when requested. Inspectors observed SAMS officers advising and supporting colleagues, often with a second opinion on a particular passenger. However, some frontline officers were strongly of the view that more needed to be done to equip them to progress cases themselves.
- 3.59 Inspectors also observed SAMS officers ‘floor walking’ behind the immigration controls, assessing the behaviour of queuing passengers as they approached the controls.
- 3.60 Inspectors found that Glasgow Airport and Heathrow Terminal 2 had Senior Officer SAMS leads in place. This role had also recently been introduced at Dover, in order to develop safeguarding and modern slavery processes within both its tourist and freight traffic. This included seeking to improve relationships with agencies operating outside the port, for example, local Social Services.

¹⁹ Staff on the seagoing patrol vessels (the ‘cutters’) receive bespoke training.

Conclusion

- 3.61 The 572 officers in Border Force's SAMS network included officers who were not yet fully trained and fully deployable. As at January 2018, 90% of these officers were fully trained and so met Border Force's own 'definition' of a SAMS officer. At the ports visited, inspectors found that general awareness of safeguarding and modern slavery among Border Force officers at ports was good. **Recommendation 5 is therefore closed.** Border Force must ensure that it maintains momentum on training new SAMS officers.

Recommendation 6

The Home Office should review and revise the mandatory e-learning and SAT training packages, taking full account of the recommendations of the Independent Anti-Slavery Commissioner. (The Commissioner's recommendations are at Annex B.)

Background

- 3.62 As well as training records, the original inspection examined training content. Inspectors examined both mandatory e-learning packages and the SAT training, in collaboration with the Independent Anti-Slavery Commissioner who gave his expert assessment of the training available.
- 3.63 The inspection found that SAT training content had not been reviewed and revised to take account of the Modern Slavery Act 2015, and the Commissioner concluded that the training was outdated, insufficiently victim-focused, and failed to equip frontline staff with the skills needed to identify PVoMS. He found the SAT content on indicators of human trafficking to be "too general...only in the case of sexual exploitation and forced labour are there more details about what indicators potential victims can reveal at the border", and information on the NRM was "very limited and process focussed, rather than victim-focussed".
- 3.64 He drew similar conclusions about the e-learning packages. He found the 'Modern Slavery' package to be "a generic one, focussing on theory rather than practical advice and recommendations" and failing to provide frontline officers with "the necessary tools to spot the signs and symptoms that potential victims or traffickers may show on entry to the UK".
- 3.65 The 'Modern Slavery –NRM' package gave "clear guidance to frontline staff on what to do if they encounter a suspected modern slavery case", but the course was "too process focussed rather than victim-focussed" and did not provide "an understanding of the victim's needs, rights and entitlements". No information was provided regarding what to do if someone refused the assistance and support they were entitled to through the NRM.
- 3.66 The Home Office accepted Recommendation 6, stating: "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."

Re-inspection findings

- 3.67 Inspectors were shown the latest training material.
- 3.68 Both e-learning packages had been amended in line with the Independent Anti-Slavery Commissioner's recommendations. Similarly, both the Tier 3 material and Core Skills 1 module (parts 1 and 2) for new recruits had been updated in response to specific recommendations,

ensuring the inclusion of recent trends and scenarios from 2016-17. The Tier 3 material also contained updated legal and policy developments to assist with identification and treatment of EEA nationals, and a list of expert organisations that could be of help to a PVoMS.

Conclusion

- 3.69 Border Force had responded positively and swiftly to Recommendation 6, making changes to e-learning packages and classroom-based training which incorporated the Commissioner's points. Therefore, **Recommendation 6 can be closed**. However, Border Force must ensure that it continues to update training content regularly, and stays abreast of trends. It should also not lose sight of the Independent Anti-Slavery Commissioner's recommendation to provide personal training sessions to officers as a more effective method than e-learning.

Recommendation 7

The Home Office should provide training to frontline Border Force officers in evidence gathering in order to increase the prospect that suspected traffickers will be successfully prosecuted.

Background

- 3.70 The original inspection found that the quality of evidence provided by frontline Border Force officers when referring cases of potential traffickers to Criminal and Financial Investigation (CFI) teams was generally poor.
- 3.71 At paragraphs 9.5 and 9.7, the report highlighted that "Most of the referred cases were closed by the CFI team because there was insufficient evidence to proceed" and that "CFI staff said they were often unable to progress cases due to the quality of the evidence provided by Border Force".
- 3.72 It was also apparent that Border Force officers were reluctant to refer cases, assuming they would not be adopted. The report concluded that "both Border Force and CFI need to 'up their game' to pose a credible threat and deterrent to the trafficker".
- 3.73 The Home Office accepted Recommendation 7. In its response, it noted that "many Border Force officers operate under the Customs and Excise Management Act 1979 (CEMA) and the Police and Criminal Evidence Act 1984 (PACE)" meaning that they "are already trained in evidence gathering and arrest". However, "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." In addition, 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".

Re-inspection findings

- 3.74 Inspectors found that the updated Tier 3 training incorporated 2 modules with sections on evidence gathering. One of these advises officers to make a notebook entry and to consider referring a case to the NCA or CFI if they believe that a passenger is accompanied by a potential trafficker.
- 3.75 The other module focuses on how to handle suspected traffickers. It advises that such cases should be referred to CFI and gives detailed guidance. This includes asking the right questions, avoiding unnecessary handling of evidence, and recording all details in notebooks. It also advises

officers to apply the 'golden hour' principles of investigation to obtain good quality evidence and maximise the chances of prosecution.²⁰ It lists the various types of evidence an officer should collect (with the ongoing advice of CFI) and refers to the need to prepare statements.

- 3.76 Inspectors noted that a module within the Core Skills 1 training for new staff had also been updated with a summary of this information.
- 3.77 Between 1 April 2016 and 31 March 2017, 17 individuals had been referred for further investigation for trafficking offences (all by Border Force North). Of these, 4 had had no further action taken by the Crown Prosecution Service (CPS), 10 remained under investigation at the time of the re-inspection, and 3 had been referred to the NCA for further investigation. However, in the 5 months from 1 April to 31 August 2017, only 2 cases of potential traffickers had been referred to CFI. Both were at the investigation stage.

Conclusion

- 3.78 The updated Tier 3 training emphasises 'chain of evidence' and the need to ensure that any records made are admissible as evidence, if required, so that any SAMS officers not already trained in CEMA and PACE are aware of the fundamentals of evidence gathering. The change to the CS1 module raises awareness with new recruits. At the same time, in 2016-17 only one Border Force region made any referrals, and in the first half of 2017-18 the numbers had dropped away.
- 3.79 Since the purpose of the recommendation was "to increase the prospect that suspected traffickers will be successfully prosecuted", until the training can be shown to have had a positive effect on the number of referrals and the quality of the evidence supporting them, **Recommendation 7 remains open.**

Decision making and managing effective outcomes

Recommendation 9

The Home Office should 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.

Background

- 3.80 The original inspection looked at the use of ePassport gates by 12 to 17 year olds and the key safeguarding role of the 'Roving Officer'.
- 3.81 The report stated:

"Border Force had been trialling the use of e-gates by accompanied 12–17 year olds. At the time of the inspection, the trial was ongoing. As a safety measure, Border Force had created a 'Roving Officer' role, to observe and interact with passengers in the arrivals hall and identify anyone using the e-gates who should be re-directed to a PCP desk where an officer can speak to them and satisfy any safeguarding concerns...

²⁰ The 'golden hour' is the period immediately following the detection of an offence during which it is believed most likely that an investigating officer will have opportunities to gather good quality evidence.

... Officers told inspectors that the 'Roving Officer' role was a difficult one to perform effectively, and many questioned the efficiency of deploying resources in that way."

3.82 Paragraph 7.18 reported that the role was:

"also to look to identify any passengers attempting to use the e-gates to evade Border Force scrutiny, for example terrorists or criminals. When ministerial approval was given for the extension to the trial, it was made clear to Border Force that the additional safeguard provided by the 'Roving Officer' role was a requirement."

3.83 The Home Office accepted Recommendation 9, stating:

"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."

Re-inspection findings

3.84 The Home Office had developed guidance for the Roving Officer role, which was shared with inspectors. At the time of the re-inspection, the guidance had not been circulated to Border Force frontline officers.

3.85 According to the new guidance, the function of the Roving Officer is "to mitigate the risk of vulnerable children and adults passing through e-Passport gates undetected". However, deployment of a Roving Officer is mandatory only where there are more than 5 gates (they are installed in banks of 5).

3.86 The guidance is explicit about what action should be taken if the Roving Officer identifies a "passenger who gives rise to any concern" and advises officers of the powers available to them. It sets out the "essential" and "desirable" training for the role. Under "essential" training it lists:

- "tier 1 of the Keeping Children Safe (KCS) training - it is recommended that managers provide opportunities for officers to be trained up to tier 2 and tier 3 of the KCS course
- modern slavery training (Modern Slavery – Border Force 2017 and Modern Slavery – BF Only and National Referral Mechanism Process 2017)
- Personal safety training (level 1) as a minimum before deployment – it should be assessed by local Health and Safety or Risk Assessment officers whether level 1 is sufficient for Roving officers to be deployed in relation to your specific port environment
- you must be up-to-date with relevant target profiles (including, but not limited to, Modern Slavery, female genital mutilation, counter terrorism indicators) and should use your judgement in line with your training whilst deployed"

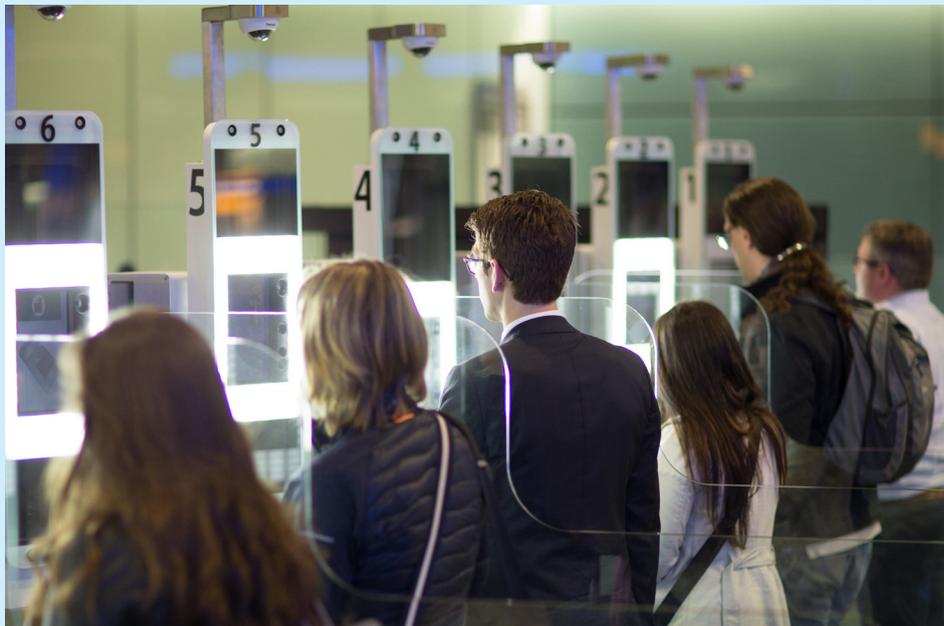
3.87 Inspectors were told that there was a "dedicated" Roving Officer always present at the following airports: Birmingham main terminal; Bristol; Edinburgh (East arrivals hall); all Heathrow terminals; both Gatwick terminals; Luton; Stansted; and Manchester terminals 1 and 2. At other airports, including Glasgow, which had only 5 ePassport gates, Roving Officers were deployed on a "dynamic" basis, according to risk.

3.88 The Roving Officer is expected to intercede where they have concerns about any child or young person, or adult, who is about to use the gates. Inspectors observed that, in practice, it may be the

airport presenter²¹ who is on hand to check that a child or young person is accompanied and may use the gates. Conversely, inspectors observed that Roving Officers were often approached by passengers asking for directions or with general enquiries, particularly if the presenter was busy.

- 3.89 Where a Roving Officer has concerns, or where an individual is rejected by an ePassport gate, the passenger should be redirected to a 'referral desk' staffed by a Border Force officer. The gates are monitored via screens, and at some of the airports inspected²² the Monitoring Officer was alerted via a 'pop-up' message to any 12 to 17 year old using a gate and had to open the gate by touching the screen, having satisfied themselves that they have no safeguarding concerns. At Heathrow Terminal 2, the Monitoring Officers did not receive these 'pop-up' messages.
- 3.90 Inspectors observed that Monitoring Officers at both Glasgow and Heathrow Terminal 2 had no means of promptly alerting the referral desk (or another colleague) to any passengers they had stopped from entering via an ePassport gate, or of communicating any concerns they had. For the officer on the referral desk, 'rejected' passengers were not differentiated, and included those who had simply failed to operate the gates correctly as well as individuals about whom a Roving Officer or Monitoring Officer had concerns.
- 3.91 At Heathrow Terminal 2, the mandatory Roving Officer duty was positioned at the busy point where British and EEA passport holders divided to go through the ePassport gates or to a staffed control desk. For each shift, 2 officers alternated between the Roving Officer role and periods on an immigration control desk. Border Force senior managers told inspectors that a Roving Officer should be able to identify PVoMS, but frontline officers said it was harder to spot adults and those under 18s who looked older than it was younger children. A manager described Terminal 2 as frequently "crammed to capacity".

Figure 4



- 3.92 When faced with a steady stream of 'adults', the Roving Officer needs to look for known profiles and behavioural indicators. Behavioural indicator detection is considered a "desirable" skill in the Roving Officer guidance, but training had not been widely rolled out. Officers who had received the training were strong advocates of it.

²¹ Presenters are airport employees who guide passengers to the appropriate immigration control points and help passengers to use the ePassport gates efficiently.

²² At Glasgow and at Stansted (the latter was the subject of a separate inspection during the same period).

- 3.93 Senior SAMS specialists told inspectors that ePassport gates were currently a weak spot for identifying PVoMS, particularly adults. A frontline officer described them as “a gaping loophole”. There was also concern that the Roving Officer was being asked to “wear so many hats”, such as identifying potential terrorists as well as PVoMS.
- 3.94 At Glasgow, inspectors observed Border Force close the ePassport gates for passengers on flights profiled as high-risk for PVoMS (‘Operation Outrun’). All passengers from these flights had to use a staffed immigration control desk. During these observations, inspectors witnessed Case Study 3.

Case Study 3: A PVoMS identified by closing the ePassport gates at Glasgow Airport

Background

On 2 November 2017, as part of ‘Operation Outrun’, Border Force closed the ePassport gates at Glasgow Airport for a high-risk flight.

The potential victim

A 22-year old female, from an EEA country whose nationals habitually enter the UK using identity cards rather than passports, was found to be carrying not only her identity card but also an ePassport issued only 13 days earlier.

A Border Force officer considered that she was exhibiting a number of indicators of vulnerability and that there were signs she might be coming to work in the sex trade. Further checks, and an NRM interview, alleviated these concerns and she was admitted. (However, the officer gave her some leaflets about trafficking in order to raise her awareness of the risks.)

Later the same day, Border Force received adverse information about her sponsor’s address. This was referred to Border Force Intelligence Unit (North) immediately and a police welfare visit to the address was arranged.

Independent Chief Inspector’s comments

Had the ePassport gates not been closed by Border Force, it is unlikely officers would have spoken to the woman and have identified the indicators of vulnerability. Although she was allowed to enter, she did receive an NRM interview and was provided with information about trafficking, which may have been of help to her had things developed differently.

When Border Force received new information that changed its assessment of the risks to the woman, it acted promptly and appropriately in the interests of her welfare.

Conclusion

- 3.95 Allowing eligible 12 to 17 year olds to use the ePassport gates when accompanied by an adult is now “business as usual”.
- 3.96 Border Force has produced guidance defining the Roving Officer role and specifying the “essential” training required. While some officers remain concerned about the practicalities of performing the role, reasonably so based on inspectors’ observations, **Recommendation 9 can be closed.**

3.97 However, it was clear from this re-inspection, and from the parallel inspection of Stansted Airport, that a number of issues in relation to the safeguarding of individuals (not only PVoMS) using the ePassport gates still require attention. These include (but are not limited to):

- the deployment of more than 1 Roving Officer when the volume of arrivals and/or configuration of the arrivals hall mean that 1 person cannot do the job effectively
- ‘pop-up’ alerts for 12 to 17 year old users of ePassport gates at all airports
- the provision of behavioural indicator detection training to more frontline staff, including Roving Officers, Monitoring Officers and officers who staff the immigration control desks
- effective real-time communications between Roving Officers, Monitoring Officers and the staffed referral desk
- greater use of targeted closures of ePassport gates (for high-risk flights) at airports where this is practicable²³

Recommendation 10

The Home Office should ensure that the accommodation and facilities at ports used for individuals identified as potential victims of modern slavery are conducive to gaining their trust and consent to being referred into the NRM.

Background

3.98 Border Force managers and stakeholders told the original inspection that building trust with a PVoMS was essential to getting their consent to an NRM referral. Aside from uniforms, and handcuffs and batons for those authorised to carry them, the accommodation available for interviewing PVoMS was cited as a potential barrier to gaining their trust.

3.99 The inspection reported at paragraph 8.11 that:

“At larger ports, potential victims are typically taken to a ‘holding area’, which stakeholders likened to detention. Many smaller ports have only a small interview room in which to accommodate potential victims, with officers having to ‘stand guard’, thereby further reducing any chance of building trust. Border Force officers at smaller ports felt that these arrangements did not promote a sense of support or protection, and this was exacerbated by the fact that officers often had to scramble around to provide essentials, such as food, which they had to buy themselves from local shops.”

3.100 The Home Office partially accepted Recommendation 10. In response, it stated:

“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.

²³ Closing the ePassport gates in order to manage the safeguarding and PVoMS risks from particular flights is likely to be practicable only where passenger volumes and flows are such that Border Force can identify the passengers from high-risk flights as they approach the controls, and therefore not at the largest and busiest UK airports.

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.”

Re-inspection findings

- 3.101 Inspectors found that accommodation for holding and interviewing PVoMS varied considerably at the ports visited. At Manchester Airport and at Heathrow, for example, there were rooms with soft furnishings, and toys for children. These were located away from the holding areas and interview rooms.
- 3.102 In contrast, Glasgow Airport, which is smaller with fewer facilities, had use of a holding room and 2 interview rooms, none of which was ‘soft’. Inspectors were told that interview rooms often had to be used for PVoMS in order to separate them from suspected traffickers. Inspectors were satisfied that Border Force management at Glasgow had been active in engaging the port operator and had reached an agreement to reconfigure the entire area available to Border Force behind the main controls. This would provide the flexibility to add ‘soft’ areas for interviewing PVoMS and other vulnerable passengers.
- 3.103 Border Force told inspectors about 2 other planned reconfigurations:
- at Edinburgh Airport, a ‘soft holding room’ has been incorporated into the expansion plan, which will be for the short-term holding of vulnerable persons
 - at Manchester Airport, negotiations with Manchester Airport Group (MAG) about space for Border Force were “ongoing”, but the latter’s plans include “1 family room and 4 other interview rooms of which one will be an allocated ‘softer’ interview/holding room suitable for vulnerable people.”
- 3.104 At Dover, where Border Force is most concerned with freight traffic during the winter months, it has no ‘soft’ facilities. Officers explained that, on occasion, they had moved children awaiting transfer to Social Services to their staff room as this was considered the most suitable accommodation available. The port Special Branch team did have ‘soft’ facilities, so adults were often transferred to them. Clandestine entrants were referred to the Kent Intake Unit (KIU), which had a facility run by Refugee Action that incorporated ‘soft’ areas. Managers at the KIU told inspectors that these facilities were available to Border Force “on a case by case basis”.

Conclusion

- 3.105 Inspectors were satisfied that Border Force was aware of the need for ‘soft’ facilities for interviews, particularly for building trust when discussing NRM referrals. There was evidence that Border Force was working with port operators to provide the best facilities possible within existing space or where airport expansions created new opportunities. Border Force must ensure that providing appropriate facilities for vulnerable passengers remains a priority. However, **Recommendation 10 can be closed.**

Recommendation 11

The Home Office should 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 RALON²⁴ 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.

Background

- 3.106 The original inspection found that the 'Modern Slavery Strategy'²⁵ placed the onus on Border Force to work with other law enforcement agencies and source countries to "provide enhanced support and protection against re-trafficking". It found that, in reality, Border Force had established links only in countries where there was a Home Office presence, usually Immigration Enforcement International (IEI).
- 3.107 In 21 out of the 52 refusals of entry and removals of a PVoMS examined by inspectors there was no evidence that any reception arrangements had been put in place, either through intelligence colleagues or by "any alternative means".
- 3.108 The Home Office partially accepted Recommendation 11, stating:

"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."

- 3.109 However, Border Force undertook to improve its guidance and approach to the removal of PVoMS, and its information sharing with IEI, by the end of March 2017. It felt it had "areas [of] best practice to build on", but pointed out that IEI was not present in all countries and there were "regimes with which it would not be lawful, operationally practical, or in the best interests of the individual to share personal information". Separate guidance and oversight was already in place to ensure the welfare of children being removed, but this would also be reviewed by the end of March 2017.

Re-inspection findings

- 3.110 The re-inspection team looked at the current guidance to see what information was available to support Border Force officers when refusing and removing vulnerable persons.
- 3.111 The guidance 'Modern Slavery (including Human Trafficking)' was updated on 30 June 2017. Where a PVoMS fails to consent to an NRM referral, the guidance states that:

"officers must make sure that onward referrals are made to the protection agencies in the country of removal, and where there is the presence of an immigration liaison officer and the passenger has provided written consent, officers should refer to IEI to see if they are able to assist with facilitating the passenger's safe return."

²⁴ RALON has been renamed Immigration Enforcement International (IEI).

²⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/383764/Modern_Slavery_Strategy_FINAL_DEC2015.pdf

- 3.112 Border Force provided evidence of an agreement between its Operational Policy team and IEI about the sharing of intelligence on PVoMS. The guidance flowchart states that, when no NRM consent is given, the officer should “complete form MS1, send the referral to local intel, and resume normal immigration procedures”.
- 3.113 The ‘Children’s Guidance’ was updated on 14 June 2017. The procedure for removing an unaccompanied child states that:
- “a child must never be removed from the UK without ensuring safe and adequate reception arrangements – these should be discussed with Children’s services in the UK/the country to which the child is travelling”.
- 3.114 Inspectors also reviewed the ‘Adult Modern Slavery’ and ‘Child Safeguarding’ checklists. These ask officers to indicate whether or not reception arrangements were made, but do not provide any contacts or what to do if the country of removal does not have an IEI presence. Officers would be expected to make contact with IEI via its duty office but inspectors noted that there was no mention of other organisations that could be contacted, apart from the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) in Nigeria.²⁶
- 3.115 Border Force managers told inspectors that the return of a vulnerable person can be a complex business. They explained that there was no formal agreement (for example, Memorandum of Understanding) or arrangements in place between Border Force and protection agencies in any country without an IEI presence.
- 3.116 However, Border Force in Glasgow had started to engage with the Romanian Consulate because of the large number of Romanian nationals identified as potential victims at Glasgow Airport. Managers told inspectors that they routinely sent the details of Romanian PVoMS removals to the Romanian Consulate, and inspectors saw evidence of this in the files they examined. Inspectors were told that all Romanian removals were “referred to the Romanian Consulate as a matter of course”.
- 3.117 Inspectors examined 10 cases where PVoMS had been identified but had not consented to an NRM referral, and had been refused entry and removal arrangements made. Half had no paper or electronic record to show whether they had or had not consented, and whether Border Force had attempted to contact IEI or another agency about their removal– see Case Study 4.

Case Study 4: Removal of a PVoMS without contacting the receiving country

The potential victim

On 4 July 2017, a 34-year old non-EEA male presented himself at Teesport, seeking to join a ship as a seaman.

The Border Force officer identified a number of concerns relating to the man’s circumstances, and deemed him potentially vulnerable to labour exploitation.

The passenger refused an NRM referral, so the officer completed Form MS1 and submitted an intelligence report.

The seaman was refused entry and removed on the same day.

²⁶ Border Force subsequently stated that it had been circulating information to SAMS leads as it became available – notably for Romania, Vietnam and Nigeria. This work is ongoing and Border Force is working with the Home Office Modern Slavery Unit to create a complete list of NGOs which can be circulated.

Home Office comment

Border Force confirmed “no contact was made with IEI”.

Independent Chief Inspector’s comments

Despite Border Force’s concerns of potential exploitation, and the newly updated guidance, no attempt was made to ensure the welfare of the passenger following removal.

Conclusion

- 3.118 In response to Recommendation 11, Border Force had updated its guidance, albeit later than it had intended. It had reached an agreement with IEI about data sharing, but without facilitating frontline officers to deal directly with the relevant IEI overseas post. Border Force had made efforts to engage with other authorities in order to offer some protection to returning PVoMS.
- 3.119 However, the evidence from the files examined by inspectors showed that application of the new guidance was ‘hit and miss’. Overall, and not underestimating the difficulties, Border Force needs to adopt a more structured and active approach to this issue. Therefore, **Recommendation 11 remains open.**

Partnership working and awareness raising

Recommendation 12

The Home Office should 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.

Background

- 3.120 The original inspection found that Border Force had committed to raising the awareness of other staff working at ports, such as airline employees, ground crew and check-in staff.
- 3.121 The inspection accepted that Border Force had recognised the importance of partnership working in order to maximise its effectiveness in dealing with the threat of modern slavery at the border. It had begun to work with port and airport employers to raise the awareness of their employees and what they could do to assist Border Force, essentially acting as additional ‘eyes and ears’ to spot potential victims. Given the challenges that officers will continue to face at the controls, the inspection concluded that it was important that this sensible initiative was extended and embedded.
- 3.122 The Home Office accepted Recommendation 12. It responded:

“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.”

3.123 The Home Office also said that the relevant training group was working with 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”.

Re-inspection findings

3.124 Border Force’s national SAMS lead is responsible for raising the awareness of modern slavery of other agencies and stakeholders who work alongside Border Force.

3.125 Inspectors found that Border Force had adapted its e-learning tool, and had started distributing this to airlines, port operators, and ferry companies on USB memory sticks.

3.126 Border Force had received positive feedback from three prominent operators of international tours and holidays, who had “found the resources very helpful”. A large airline had found the e-learning tool very informative and intended incorporating it into its crew training programme. At Heathrow, other stakeholders were similarly positive about the e-learning tool, and had cascaded the information to their landside and airside teams. Within the Home Office, the EU Migration directorate also complimented the tool.

3.127 Inspectors asked seaport and airport stakeholders for their views on Border Force’s efforts to raise awareness. Here, the response was mixed.

- One airline had now incorporated the e-learning tool, briefing pack and leaflet provided by Border Force into its ‘Ground Handling Manual’ used to train all crew. It had also added a section on modern slavery to its web ‘portal’, based on the Border Force information. The representative described the material as “extremely useful” and “very clear and concise”, and reported receiving updates with new profiles and trends via email
- A provincial airport operator supported this view, stating that Border Force had provided posters and stickers, and an airport manager was “readily promoting this through meetings and trying to raise awareness”. In addition, Border Force had run several awareness stands
- However, another airport operator reported that they were yet to receive any PVoMS training material or to see any awareness-raising activity from Border Force

3.128 During ‘Anti-Slavery Day’ (18 October 2017), inspectors observed a presentation to Foreign & Commonwealth Office (FCO) staff by Border Force, UK Visas and Immigration and Immigration Enforcement, aimed at raising awareness of modern slavery. FCO is a key on-the-ground partner for victims and agencies abroad.

3.129 The presentation provided some background on Border Force’s role in combating modern slavery, and included current indicators and real-life case studies. It also included information about how to contact Border Force should a PVoMS be identified.

Conclusion

- 3.130 Border Force has been active in raising stakeholders' awareness of modern slavery, including information about indicators, and up-to-date case studies, and the details of who to contact if an individual encountered is suspected of being a PVoMS. Feedback from stakeholders has been almost entirely positive, excepting those that Border Force has yet to reach, and the adoption of Border Force's training materials in stakeholders' own training programmes is testimony to the usefulness of the former.
- 3.131 **Recommendation 12 can be closed.** However, to ensure that it continues, at some future point Border Force should look to evaluate the awareness programme, both in terms of quantifiable outputs (such as the number of PVoMS identified by stakeholders and referred to Border Force), and of more qualitative measures (stakeholder relationships).

Annex A: Recommendations from the original inspection and Home Office responses

In relation to record keeping and data collection²⁷

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.

Home Office response - Accepted

"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.

Home Office response - Accepted

"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.

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."

²⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/588860/HO_response_-_ICI_Victims_of_Modern_Slavery_inspection_-_February_2017.pdf

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.”

Home Office response - Accepted

“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 Analysis 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’.

Home Office response - Accepted

“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.

Home Office response - Partially accepted

“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.

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.

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).

Home Office response - Accepted

“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.

Home Office response - Accepted

“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.

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.

Home Office response - Accepted

“This will be addressed as set out in [the response to Recommendation 3] 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.

Home Office response - Accepted

“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.

Home Office response - Partially accepted

“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.

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 9 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.

Home Office response - Partially accepted

“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.

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.

Home Office response - Accepted

“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.

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.”

Annex B: The Independent Anti-Slavery Commissioner's recommendations on Border Force training materials

E-learning and Tier 3 SAT awareness training materials should be:

1. Tailored to the specific role of the Border Force officers by providing more specific examples, scenarios and indicators to look for, in order to more efficiently identify potential cases of modern slavery at the border. They should also include information on the most recent trends on trafficking routes, modus operandi of the traffickers, and profiles of the victims.
2. Made more victim focused by including further information on the profile of victims, their rights and entitlements in the UK, informed consent, reasons why a potential victim may be reluctant to engage in a dialogue and consent to receive assistance, traffickers modus operandi, as well as possible risks if a potential victim is refused leave to enter the UK and is sent home, or allowed to proceed and not removed from the trafficker who may be accompanying the victim.

In addition, the e-Learning courses should include:

3. More information about how to properly treat and interview a potential victim of modern slavery at the border, but also how to deal with the trafficker who may be accompanying the potential victim when crossing the border. This is important because the e-learning training modules have a much wider reach and therefore more Border Force officers will be made aware and better equipped to respond to potential cases of modern slavery.

Tier 3 SAT awareness training should be:

4. Urgently updated with information on the most recent legal and policy developments.
5. Strengthened with more relevant materials on how to identify a potential victim at the border, what risks are present for the potential victim, and how to better safeguard and protect the victim from further abuse. This should also include a list of resources and contact details for expert organisations that could be of help as needed.

Other related issues:

1. It is important to provide more train-the-trainer sessions and sessions for SAT officers across all ports and entry points in the UK. Whilst e-learning undoubtedly has a wider reach, the risk that it may be treated as a tick-box exercise by frontline staff is very high. Personal training sessions are much more effective to ensure better results for the frontline officers. Therefore, Border Force needs to be provided with necessary resources to implement such training.
2. It is important to monitor and evaluate the results of the e-Learning and Tier 3 training on a regular basis. This includes periodically testing the knowledge of Border Force officers, for example through exercises such as the mystery shopping research technique. When asked for data on how many Border Force frontline officers have completed the mandatory e-learning training courses, the response was that such data was not collated. Therefore, it is impossible to establish the reach of the training, let alone its effectiveness.

3. It is important to regularly update training materials and provide follow-up training sessions to refresh and strengthen the knowledge on issues around modern slavery, as it is a fast changing phenomenon in terms of modus operandi, exploitation techniques and trends, etc.

Annex C: 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 her behalf.

The legislation empowers the Independent Chief Inspector to monitor, report on and make recommendations about all such functions. However, functions exercised at removal centres, short-term holding facilities and under escort arrangements are excepted insofar as these are subject to inspection by Her Majesty's Chief Inspector of Prisons or Her Majesty's Inspectors of Constabulary (and equivalents in Scotland and Northern Ireland).

The legislation directs the Independent Chief Inspector to consider and make recommendations about, 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 section 19D of the Race Relations Act 1976 (c. 74) (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 her 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 she has 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.

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