



Independent Family Returns

# **Independent Family Returns Panel**

Annual Report 2019-20

## **Chair's Foreword**

Families with children who no longer have a legal right to remain in the UK, who have not chosen to depart voluntarily and who face the prospect of a required or enforced return to their country of origin, face a number of potentially difficult and daunting issues.

It is the task of the Independent Family Returns Panel (IFRP) to support and challenge the Home Office in ensuring that the welfare and safeguarding needs of children and families in these circumstances are appropriately met, in line with the duties arising from Section 55 of the Borders, Citizenship and Immigration Act 2009. The provision of a family returns process which is humane has an impact on the capacity of families to make a successful and effective return.

This report gives an independent view from a multi-professional panel consisting of members who have significant leadership and management experience in their various fields, on how well the welfare and safeguarding needs of families in these circumstances are being catered for. The report also makes recommendations to the Home Office for continuing improvement in relation to these important issues.

I took over as Interim Chair in April 2020 and was appointed as Chair in August 2020 post the departure of Paul Greenhalgh. Paul had carried out this role for three years and developed the panel substantially. He served well and contributed to the wider development of our role as a Panel in terms of its function. I wish to pass on our gratitude and best wishes to him for the future.

I want to express my gratitude to serving and past panel members who continue to work hard to ensure that our work continues to provide assurance to the public and to those families in the returns process, that the best interests of children are at the forefront of our minds in all our decision making.

I now present my first Annual report as chair of the Independent Family Returns Panel.

Helen Chamberlain

**Chair, Independent Family Returns Panel**

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## 1. Summary of recommendations presented in this report

### 1. Recommendation 1

It is recommended that the Home Office work with the Ministry of Justice, the Solicitors Regulation Authority (SRA) and the Law Society to ensure that solicitors and legal advisors are better regulated. This will ensure that unethical practice or breach of their professional code is minimised. Advice by some legal advisors, in some cases, promoting last minute claims to families where there are unrealistic prospects of successful appeal have long term negative effects on the well - being of children and their families.

### 2. Recommendation 2

It is recommended that the Government urgently agrees arrangements with EU member states, following the end of the transition period, in relation to the Dublin Convention. In considering the welfare and safeguarding of children in families who would have been placed in the returns process under the Dublin Convention, to have their asylum applications appropriately considered.

### 3. Recommendation 3

The Panel recommends specific activity be carried out through the Home Office and the newly formed Foreign, Commonwealth and Development office (formerly the Foreign and common wealth Office and Department for International Development) to provide assurance as to the reception and ongoing support for those families entering other Countries from the UK, as part of a Dublin or replacement Dublin return.

### 4. Recommendation 4

The Panel recommends that where there are third- party contracts with companies whose employees have direct contact with families during the returns process, that there is appropriate safeguarding training and for the HO to assure itself that this training is relevant, appropriate and tests out assumptions and bias.

### 5. Recommendation 5

The Panel recommends that the Home Office review the arrangements regarding returns support, specifically seeking assurance regarding the various agencies and charities that families are signposted to, and the efficacy of those arrangements, with particular attention paid to the plans for families identified as vulnerable e.g. single mothers, and children with special educational needs, who will need targeted support, and what that may look like.

### 6. Recommendation 6

The Panel recommends the presence of an interpreter at family welfare conferences and the arrests / onward transport of families where English is not the first or second language of a parent/carer in the family.

### 7. Recommendation 7

The Panel recommends that the Home Office invest in conference spider- phones in modern communications technology, such as visual teleconferencing to allow better

communication in what are difficult conversations in family conferences and family departure meetings.

## **2. Introduction**

2.1 The Independent Family Returns Panel (IFRP) provides advice to the Home Office on the safeguarding and welfare needs of families with children who face an ensured return to their country of origin, as part of the family returns process. This enables the Home Office to be confident that the welfare and safeguarding needs of such families are appropriately catered for. The formal remit of the IFRP is given in section 3 below. The panel comprises professionals with a range of relevant expertise across the professions of social care, education, the police and medical doctors. You can view the current Panel here -

<https://www.gov.uk/government/organisations/independent-family-returns-panel/about/membership>

2.2 The Family Returns Process encourages families who are at the end of their legal rights to remain in the UK, to return to their countries of origin voluntarily and it continues to be the case that a significantly greater proportion of families choose this route. Where families fail to return voluntarily, they are required to return to their country of origin and are given the opportunity to take responsibility for their own return by being able to use self-check-in arrangements at the airport. Families who fail to depart in this way are subject to an enforced return, which requires that the family be arrested and be subject to escorted travel arrangements both to the appropriate airport and during the flight. It is with required and enforced returns that the IFRP is concerned.

2.3 At the stage when the IFRP is consulted, the relevant Family Engagement Manager will have conducted at least two meetings with the family, will have sought relevant information from partner agencies, and will have developed detailed proposals for the return of the family. The detailed plans which are proposed by the Family Engagement Manager are considered by members of the panel. The panel provides advice, guidance and recommendations to the Home Office to ensure safeguarding arrangements are fully considered, appropriate and achievable. On very rare occasions the panel will and has advised that a removal cannot be carried out as the safeguarding risks cannot be safely mitigated. Latterly, the Panel have been working with the Family Returns Unit to assure themselves that during this process there is sufficient recognition of the 'voice of the child'. This has focussed on how the FEMs can improve engagement levels with children, and how relevant information about their current and longer-term needs can be obtained from all appropriate agencies involved with that child and then incorporated into the family welfare form. This work is in progress and hasn't been used operationally due to the lack of ensured returns during this current year due to the Covid-19 pandemic.

2.4 The Annual report of the IFRP seeks to provide an independent view of the functioning of required and enforced family returns. This report covers the period April 2019 to March 2020. It provides a data overview and commentary of the high-level trends in the reporting period, provides a summary of visits undertaken by IFRP members, evaluates the impact of the panel, and summarises recent improvements made in the

processes undertaken by the Home Office, from a safeguarding and welfare perspective. It makes recommendations to the Home Office for making the work more effective. A summary of the Home Office response to recommendations made in the previous IFRP report, along with perceptions of the Panel as to how much progress has been made, is also provided.

2.5 2019-20 was a steady year for the panel:

- There have been more cases coming into the system where families have entered the UK from another European Country, known as Third Country Unit (TCU) cases. The majority of these have been due to the rise in 'small boat arrivals.
- The term of office of the Chair came to an end in April 2020. Prior to that a selection process for a new Chair began in September 2019. Given the length of time elapsed the decision was taken that an interim Chair should be selected. After an interview process by the minister an interim Chair was selected.

### **3. The role of the Independent Family Returns Panel**

3.1 Following the Government announcement to end the detention of children for immigration purposes in December 2010, the IFRP was established in March 2011. The purpose of the Panel is to provide advice on the welfare and safeguarding aspects of the removal arrangements made for families who are no longer legally entitled to reside in the UK and have refused to depart voluntarily. The IFRP makes recommendations to the Home Office on the best method of returning individual families to their home country, ensuring the specific welfare needs of the children and family as a whole are met, where families have no right to remain in the UK and have not departed voluntarily or via a self-check in process, and so become subject to an enforced return process. Section 54A of the Borders, Citizenship and Immigration Act 2009 as inserted by the Immigration Act 2014 requires the Secretary of State to consult the IFRP (a) in each family returns case, on how best to safeguard and promote the welfare of the children of the family, and (b) in each case where the Secretary of State proposes to detain a family in pre-departure accommodation, on the suitability of so doing, having particular regard to the need to safeguard and promote the welfare of the children of the family. It is important to highlight that the Panel have no decision-making responsibility in respect of whether a family is returned, the decision has already been taken. The Panel's role is to ensure that the return considers the best interest of children and the welfare of a family in that return process.

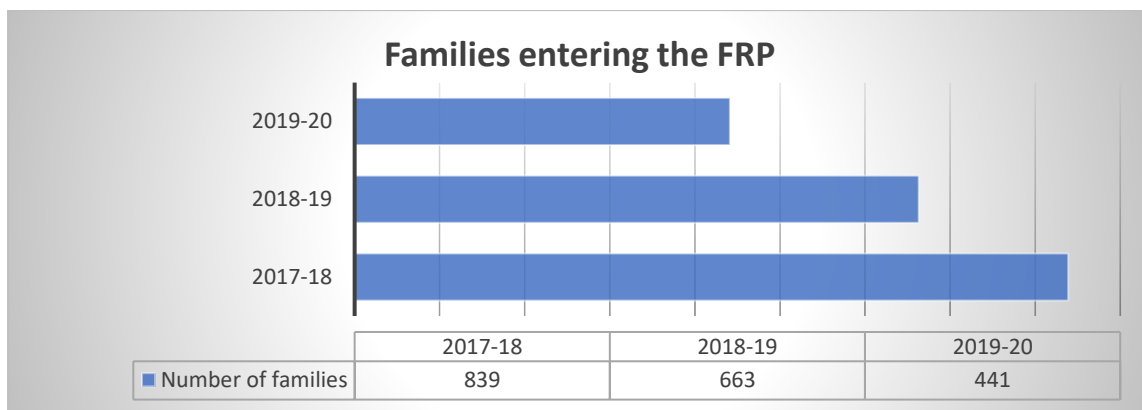
3.2 The panel has an additional, non-statutory role, relating to the occasional need to hold families with children at the border while enquiries are made as to whether they may be admitted and/or while they await a return flight. The family is held for the shortest possible time, usually in a holding room at the port of entry and where possible, families are held separately from other passengers. If a family is to be held overnight or for longer than 24 hours, they are normally removed to designated family accommodation in an immigration centre. The panel maintains an overview of the handling of families who are denied entry to the UK at the border, to ensure that detention in such cases is kept to a minimum.

## 4. Family returns data and analysis

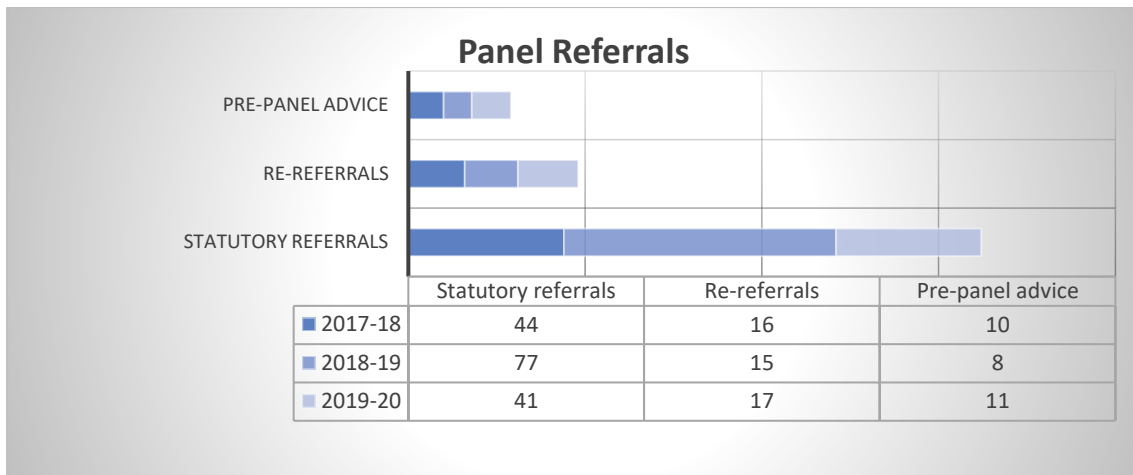
Figures in this section are as published under the Government's Transparency Agenda unless otherwise indicated with \*.

### 4.1 Families entering the Family Returns Process

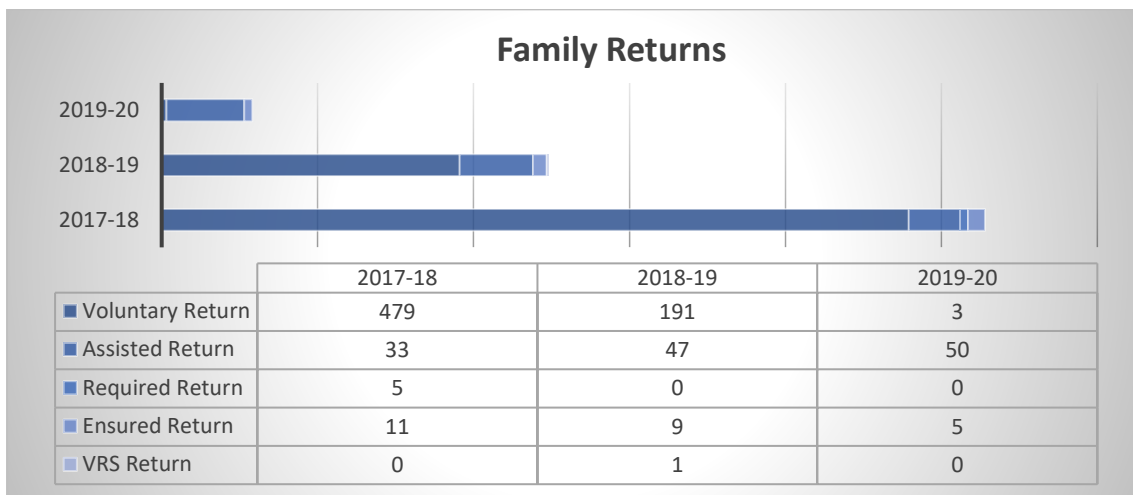
Most families entering the Family Returns Process leave the country voluntarily: The Independent Family Returns Panel reviews only the small minority of families who are being considered for a required or ensured return. Data is provided here about the total number of families entering the returns process, as a context for the work of the panel. As shown in the graph below, there has been a year-on-year fall in the number of cases entering the Family Returns Process. It was during the latter half of the reporting year that work involving families choosing to depart voluntarily transferred from the Family Returns Unit to the Voluntary Returns Service Directorate, within the Home Office, and the associated change in how those cases were handled meant that they were no longer considered to have entered the Family Returns Process, accounting for the significantly lower number having entered compared to the previous year.



4.2 Families who wish to depart the UK voluntarily do not now routinely enter the Family Returns Process. The number of families entering the process during the last two reporting years is therefore considerably lower than in previous years. The number entering the process this year has also been impacted by the suspension of the process due to Covid-19 lockdown measures.

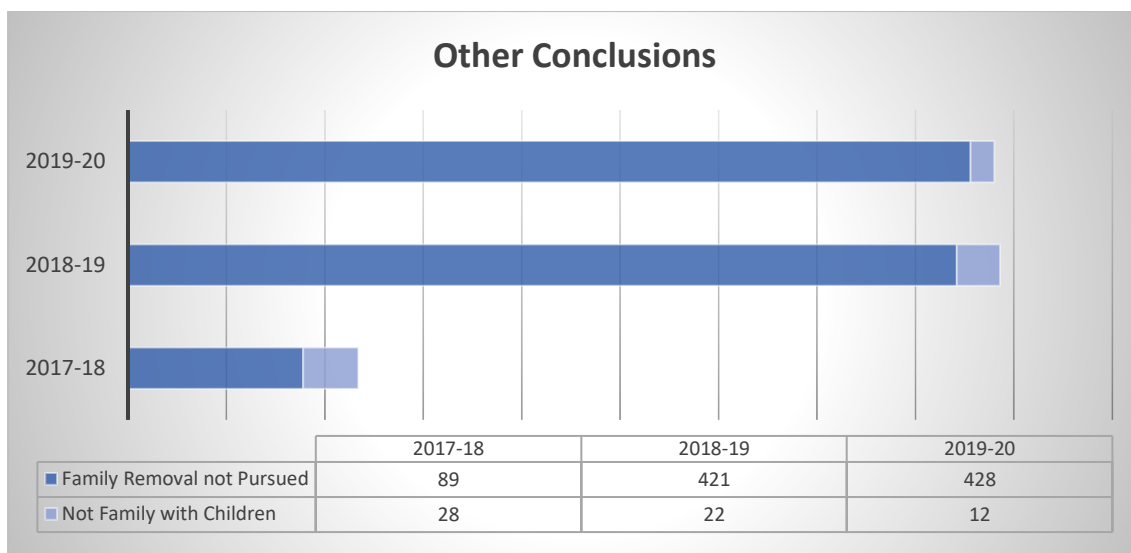


4.3 Referrals to the Panel are lower than in the previous reporting year. That is partly due to the number of cases that have required further work before being ready for an ensured return. This has been most noticeably seen in Third Country cases including families who have arrived via a Channel crossing and reflects the complex nature of these cases.

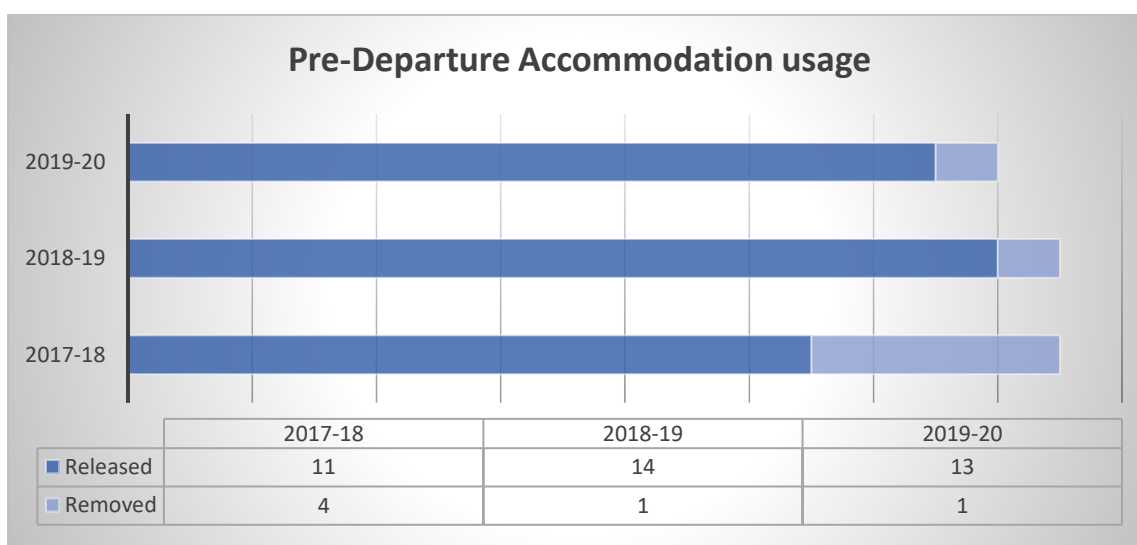


4.4 The decreased number of cases being heard by the panel is reflected in the lower number of ensured returns. Several factors such as further legal challenges have seen cases stalling before reaching this stage of the process and this has particularly been the case in Third Country cases. It is now the second consecutive year that no family has returned at the Required Return stage of the Family Returns Process. Assisted Returns have seen year on year increases and Voluntary Returns are now at levels expected given that area of work is no longer routinely progressed under the Family Returns Process.



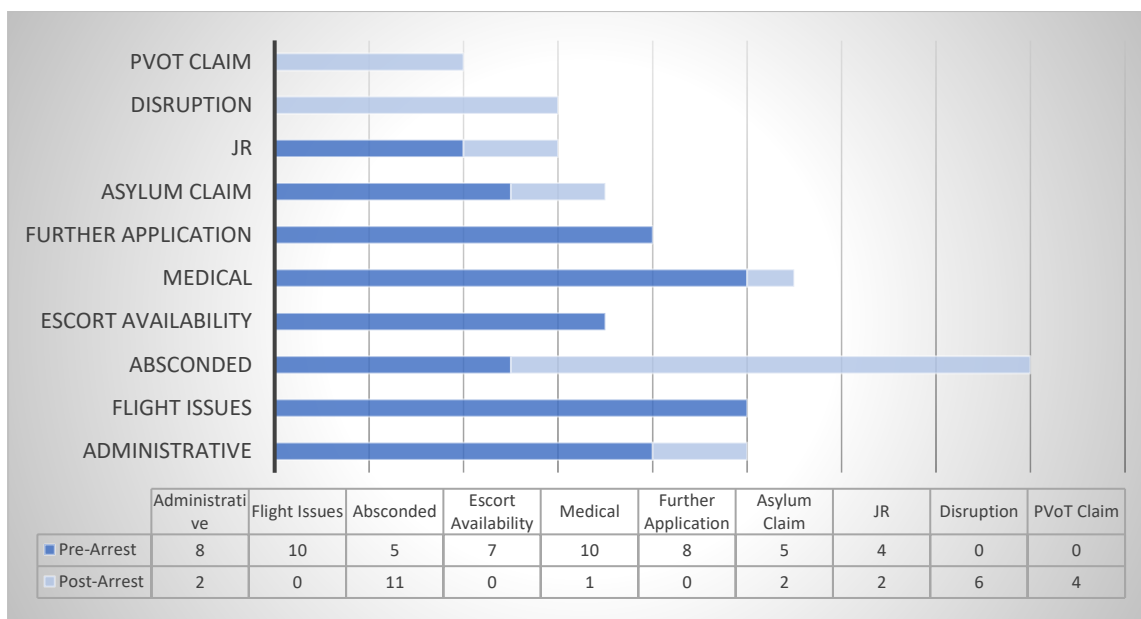


4.5 The number of other case conclusions this reporting year are at expected levels. Cases mainly drop out of the Family Returns Process because the family has been granted either temporary or permanent basis of stay in the UK. Increased numbers of cases where return is not pursued seen in the last two reporting years reflects the length of residency of children here and where it would not be in their best interests to return them to their parents' country of origin.



4.6 As in the last reporting year only one family departed the UK via Pre-Departure Accommodation. All other families who were accommodated at PDA were released and the breakdown of the reasons for release are: Medical (1), Disruption (4) and Further Application (8) which would be potentially a further legal challenge.

4.7 The overall low usage reflects the view in that PDA is only recommended as part of a return plan as a last resort or where it is used as a contingency to a same-day removal that has failed.



4.8 Like the last reporting year, absconding during the Family Returns Process is the single most common reason for a return being cancelled. Again, this is most usually seen when the family have been served notice of their return and they were not then encountered at the time of the arrest visit. This issue has been highlighted in previous recommendations by the panel and whilst there have been discussions within the HO, about ramifications of the policy, it still applies.

## 5. Evaluation of the work of the panel

5.1 Panel members have evaluated the work of the panel in relation to its strengths, its impact and the areas of work which it needs to develop and improve. The outcomes of this evaluation are provided below.

### 5.2 Strengths of the Panel's work

The Panel plays a specific part in a larger system which is managed by the Family Returns Unit of the Home Office. In order to fulfil its remit, the panel has to work collaboratively with a range of staff within the Home Office, with both operational and policy remits. Panel members also need to be aware of developments taking place in related work by NGOs.

5.3 The ongoing programme of visits relating to various elements of the work of the Family Returns Unit (see appendix 1 for list of visits undertaken in the reporting year) provides an opportunity for Panel members to provide feedback to managers. In addition to formal feedback through the recommendations of its Annual reports (and progress made on these is reported in section 9 below), the Panel also provides informal feedback to managers, which is designed to support the continuous improvement of the service. Given below are some examples of the impact of informal feedback by Panel members which has led to system improvement.

- 5.4 The Panel systematically assesses its impact at the end of each panel meeting. The Panel's impact can be evaluated both in relation to the advice it gives on system processes and the difference it makes in individual cases.
- 5.5 The Home Office has continued to systematically monitor its implementation of the recommendations it agreed in the Panel's 2017-18 Annual Report and report progress to the Panel's quarterly business meeting. Progress has been achieved, in particular, in relation to late legal challenges, the consistency of support by ICE teams for arrests. However, given these were 2017/18 recommendations, progress has been slow. With regard to absconding, the Home Office is proposing to make changes to notice windows, which the Panel supports; as yet these changes have not been implemented. Some progress has recently been made in the data provided by the Home Office to the Panel, about the holding of children at ports in systems managed by Border Force. (It is a non-statutory role of the panel to monitor this.
- 5.6 The Panel's 2018-19 Annual Report made formal recommendations in relation to late legal claims, information provided to the Panel about families who had experienced trafficking, absconding, the information provided to families about the returns process, third country returns to Italy, the quality of holding room provision at ports and meet and greet provision at return airports.
- 5.7 The Chair has continued to have quarterly meetings with the senior sponsor and has provided written briefings at each meeting, which has enabled the senior sponsor to support, where appropriate.
- 5.8 Examples of system improvements in the returns process as a result of informal feedback from panel members are as below: -
- Discussions with FEMs to explain what the panel is looking for and what, from the panel's perspective, to emphasise on the Family Welfare Form (FWF). Panel members have noted improvements in the FWF during the year: FWFs have become more specific, with a strengthening of the community aspects of the evaluation and better explanations about how the proposed arrangements have been arrived at. Written observations of the children when observed in family meetings have become more frequent and better in quality.
  - A request for a reminder to be given to FEMs about the meet and greet arrangements available in Albania.
  - A request was made that TCU cases should also be given access to contingency funds.
  - A revised letter to schools was further developed and agreed to encourage schools to provide information to the FRU, emphasising the statutory safeguarding duties that apply to schools.
- 5.9 Some examples of ways in which the Panel's recommendations made a difference to individual families: -

- The Panel strengthened the return support provisions for the single mother who was vulnerable and potentially subject to abuse by ensuring Hibiscus ( an organisation that supports and empowers vulnerable Foreign Nationals (FNs), Black, Minority Ethnic and Refugees (BMER), primarily women, who are affected by the criminal justice system and immigration systems) work with the mother providing specific support for the country of return and an advance referral, if appropriate.
- The Panel strengthened the return support provisions for the single mother who was vulnerable and potentially subject to abuse by asking for a meet and greet service to be available on the family's return and possibly for a shelter to be arranged.
- The Panel wanted to ensure the child's learning needs were met on return and so asked for all speech and language therapy reports to be available for the family to take with them.
- The Panel recommended the Family Engagement Manager make direct links with Domestic Violence and Trafficking support agencies in a return country, relating to planning for a particular case.
- Panel recommended that due to the family's precarious position, that they did not know enough to safely evaluate the safeguarding and welfare risks to endorse the return. The panel provided several further recommendations so the plan could be brought back to panel at a later date, noting the TCU removal date was unlikely to be met, if this was not possible.

5.10 In recent Annual reports the Panel has expressed its concern about the proportion of cases where families have previously lodged appeals, Judicial Reviews and other representations which have been dismissed and then go onto lodge last-minute Judicial Reviews or other representations. The Home Office has become more effective in managing these processes and can now request expedition for JRs submitted by families in the Family Returns Process. However, during the year the proportion of cases where removal does not take place due to JR or other representations has increased, there were only 5 ensured removals this reporting year meaning this process is still not efficient.

5.11 During the year, arrivals in small boats across The Channel increased markedly. Where ensured removal becomes appropriate to consider in these cases, the Home Office has generally processed the planning for these families quickly. Whilst in a minority of cases there have been particular welfare concerns which have required more time to secure needed assessments, generally the panel considers that the speed of processing these families has been helpful for their continued welfare. The Home Office has responded appropriately where it has been necessary for a minority of families to undergo further assessments, relating to safeguarding or welfare issues.

- 5.12 Previous Annual Reports have commented on the paucity of information provided to the Panel relating to Human trafficking allegations. This has now been positively addressed and the National Referral Mechanism (NRM) Single Competent Authority has agreed to provide a more appropriate set of information to the Panel for these cases, this approach will be assessed once the returns process is able to re start.
- 5.13 **Strengths in staffing and staff development issues.** The chair of the Panel was granted leave of absence for the first four months of this financial year. During this period the Panel continued to function well, working through a distributive leadership model, a few panel members volunteering to chair panel meetings and taking responsibility for additional areas of work. Panel members enjoyed the distributive leadership model, which enabled them to increase their experience and take on additional roles.
- 5.14 There were a few changes in panel members during the year; a panel member becoming interim and subsequent Chair and a resignation, various changes of personnel in the Home Office's Family Returns Unit took place. Despite some 'bumps', the FRU's support for, and interaction with the Panel, it has continued to take place in an effective manner.
- 5.15 Contribution to staff training: As in previous years, Panel members continue to contribute to the training of Home Office Family Engagement Managers (FEMs) and have conducted two training events this year.

## 6. Budget

- 6.1 The Panel completed its year within its annual budget which is managed through the Home Office Sponsorship unit.

## 7. Panel Development

- 7.1 The Panel continues to review the way it works, it's impact and how it can work better together.
- 7.2 The 'Voice of the Child' is reported in Family Welfare Forms based on observations and short conversations with Family Engagement Managers, or comments from other agencies, particularly schools. Strengthening mechanisms to present the 'Voice of the Child' in the FWF would help the panel in its role of assessing risk.
- 7.3 There was no away-day opportunity for panel members during 2019-20. Panel members met face to face for quarterly business meetings. More face to face opportunities for panel members to meet face to face and to further strengthen relationships would be appreciated.

- 7.4 More opportunities for panel members to share with each other their backgrounds and strengths would help in their general understanding and skill areas.
- 7.5 Stronger co-ordination of panel member visits and discussion of the links between these in order that visits are beneficial for both the panel and the host and that feedback from all visits is shared and discussed with the Panel
- 7.6 Ensure the visits programme considers more systematically the issue of training provided on children's safeguarding and welfare issues to both FRU and contractor staff.
- 7.7 Further strengthen engagement with those NGOs interested in the family returns issue.
- 7.8 There was a lack progress in the appointment of a new substantive chair: The term of office of the current chair came to an end at the end of April 2020. A recruitment process began in a timely manner in September 2019, but, after the purdah period for the election, the recruitment process was not restarted. However, the process for recruiting an interim chair was finalised in April 2020.
- 7.9 There is a pressing need to appoint a replacement medical member of the panel. All returnee families are asked to give consent to the sharing of medical records. There are two medical members of the panel who take turns to evaluate the medical records of families being considered by the Panel. This is an essential component of the Panel's function of evaluating welfare and safeguarding risks to the children in the family. One of the medical members of the panel has recently given notice and has indicated that she is prepared to continue panel meetings for an extra six months beyond her period of notice, i.e. to the end of October 2020. The panel will not be able to function with just one medical member so it is essential that another medical member of the panel is recruited and is ready to work from October if possible.
- 7.10 Lack of observation of the arrest and travel arrangements for a returning family: The Panel has been aware that its programme of visits has not recently included the observation of an arrest and travel arrangements for a family. It has sought to address this. Due to the rate of cancelled removals, the Panel was not able to observe an arrest or travel arrangements during this financial year.
- 7.11 Data on children held at ports for over 20 hours: The non-statutory remit of the Panel involves having an overview on children held at ports for over 20 hours. The Panel's last two annual reports have flagged up concerns about the data-set provided by the Home Office to enable the panel to fulfil this aspect of its role. Recently the Home Office has made some good progress on this issue working alongside a Panel member who has taken the lead on this, although there remains more to do in relation to context and presentation of the data , there have been really promising improvements in the way that the data is presented and analysed.

## **8. International recognition of the work of the panel**

- 8.1 Over recent years the IFRP has been requested by various inter-governmental organisations to share information on the creation and operation of the IFRP. Particular

interest has been shown in how the safeguarding of children and families in the returns process impacts upon removal issues and how returns can be carried out whilst minimising the use of detention in the removal of accompanied children. The Panel's last report (covering the period 2016-2018) acknowledged how various international organisations and reports had acknowledged the IFRP as a model of good practice in improving the safeguarding and welfare of children in the returns process.

- 8.2 International acknowledgement of the UK model and the work of the Panel was highlighted when it was asked to submit evidence to the development of two reports, both of which positively acknowledge the UK model and the work of the Panel:

*The Council of Europe report, 'Promoting child-friendly approaches in the areas of migration standards, guidance and current practices' and*

*The UNICEF report (Nov 2019), 'Child sensitive return: upholding the best interests of refugee and migrant children in return and reintegration decisions and processes in the UK'.*

## 9. Progress in implementing the recommendations of the Panel's 2018-19 report

- 9.1 Of the 7 recommendations made in the report, the Home Office accepted five fully and the other two in principle/in part. The recommendations made by the Panel in 2018/19 are given below, along with a summary of the formal Home Office response and the Panel's view of progress being made in the Home Office's implementation of those recommendations.

- 9.2 **Late claims:** The IFRP recommends that, in order to reduce uncertainty and the experience of multiple arrests, the Home Office takes further action to reduce the incidence of removals being cancelled due to very late claims.

**Home Office response:** Accepted.

The Home Office is committed to reducing the incidence of returns being cancelled at a late stage, particularly recognising the negative impact this has on the wellbeing of children. We will continue to utilise the expedited Judicial Review process and ensure late claims are dealt with as quickly as possible, whilst ensuring full consideration is given to the individual circumstances of each family.

- 9.3 **Trafficking:** The IFRP recommends that, in order for the Panel to be able to properly fulfil its role in cases which have been referred to the National Referral Mechanism (NRM), the full NRM record (NRM referral form and contractors' exit from services reports) be made available to panel members.

**Home Office response:** Accepted.

The Single Competent Authority has agreed a process with the Family Returns Unit (FRU) for sharing all relevant NRM records with the IFRP from January 2020.

- 9.3 **Abducting:** The IFRP recommends that in order to reduce the incentive to abscond, the notice period of removal given to families should be extended.  
**Home Office response:** Accepted in principle.

The Home Office shares the IFRP's concerns about families absconding. The policy on notice periods prior to removal sets out a "minimum" period and so it is open to extend this in individual cases where it can be justified.

- 9.4 **Information for families about the family returns process:** The IFRP recommends that the standard letter to families explaining the family returns process be made easier to understand for families with limited English.  
**Home Office response:** Accepted.

The FRU is working to design an easy to understand guide to the Family Returns Process to use with all families. The FRU will work with the IFRP and the Office of the Children's Champion (OCC) to complete this.

- 9.5 **Third Country returns to Italy:** The IFRP recommends that the Home Office continues to seek robust assurance from the Italian authorities about the quality of provision (health, education and legal representation) for migrants being returned on a 'third country' basis to have their asylum claim considered there.  
**Home Office response:** Accepted.

The Home Office maintains close links with its counterparts across Europe to ensure the safe return of families under the Dublin III Regulations. The Home Office acts in accordance with the relevant jurisprudence, such as the Tara Khel ruling from the European Court of Justice on family transfers to Italy and the rulings on Dublin transfers to Italy in general in NA (Sudan) EWCA Civ 1060 and SM and others [2018] UKUT 00429 (IAC), seeking relevant assurances as required.

- 9.6 **Quality of holding room provision:** The IFRP recommends that provision in holding rooms at Cayley House (Heathrow), and other holding rooms as appropriate, be improved in line with the standards set out in line with the OCC's 2018 report.  
**Home Office response:** Accepted.

The Home Office is committed to ensuring that families are accommodated in suitable holding rooms. Work remains ongoing on the recommendations made by the OCC. This includes working to review current standards and explore how to further improve the quality of infrastructure and facilities for those in our care.

- 9.7 **Return support:** The IFRP recommends that the Home Office continue to improve return support provision (in line with its acceptance of our 2018 recommendation), particularly in relation to the universal delivery of meet-and-greet provision for families being returned on an enforced basis.  
**Home Office response:** Accepted in principle.

FEMs will continue to incorporate the use of meet and greet services into individual return plans when returning families to countries where such a facility is available.



## 10. Conclusions and Recommendations

- 10.1 The Panel's statutory remit is to make recommendations to the Home Office on the best method of returning individual families to their home country to ensure the welfare needs of specific children and families subject to an enforced return process. In undertaking this work Panel members become aware of general patterns in the effectiveness of the family returns process. Panel members are therefore well placed to comment on improvements and areas for development of systems to support the return of families who may be subject to enforced return, and so to contribute to the continuous improvement of the service. Based on their experience of ongoing work with the Family Returns Unit, the Panel would like to acknowledge the following perceived recent improvements in the work of the unit.
- 10.2 There was a continued Improvement in evaluation and analysis by Family Engagement Managers, as evidenced by the improving quality of completed Family Welfare forms provided to the panel. An example of this would be the provision of more detailed notes on observations of children's behaviour during family interviews.
- 10.3 There have been increasing difficulties in securing bookings with airlines, the system does not appear equitable where some operators refuse to take returning families, it is advised that the Home Office work with the airline industry to ensure that there is an equitable arrangement across all airlines to support the process.
- 10.4 Planning for support for families in their country of origin has improved, as evidenced on the Family Welfare Forms considered by the panel. For example, tailored information to support return to a number of countries is now routinely provided to families.
- 10.5 During the process of formulating this Annual Report I went through each previous Annual report to ascertain the progress or otherwise of previous recommendations, to assess where there are continued or repeated recommendations and where there are emerging themes. This process reminded us about the slow or ineffective progress of some previous recommendations and the slow progress of last year's report through the Home Office system before it was eventually published. The IFRP chair made available his Annual Report for 2018/2019 to the Home Office in early September 2019. In April 2020 the Home Office still had not published this report. Due to the late acceptance of the report and whether or not it accepts the recommendations has meant there has been a missed opportunity for improvement in relation to its recommendations in an earlier timescale. This perceived inactivity to the recommendations made by the panel causes some consternation particularly for those panel members who have been on the panel for more than one term and have seen these issues come around full circle. The Panel asks that these recommendations are received and treated with some urgency in order that continued improvements can be made to the system of family returns.

The Panel makes the following formal recommendations to the Home Office which in the Panel's opinion require further improvement.

1. There is growth in trafficking claims as apparent blocks to removal: As the number of cases in which Judicial Review and other representations have reduced as apparent blocking mechanisms to removal, the number of last-minute claims of having been trafficked, just prior to removal, has increased. Given the challenges to capacity in the system to consider such claims, the return planning for such families is subject to considerable delay, these delays create further and unnecessary anxiety for families which can be further detrimental to the health and well-being of families. **It is recommended that the Home Office work with the Ministry of Justice, the Solicitors Regulation Authority (SRA) and the Law Society to ensure that solicitors and legal advisors are better regulated. This will ensure that unethical practice or breach of their professional code is minimised. Advice by some legal advisors, in some cases, promoting last minute claims to families where there are unrealistic prospects of successful appeal have long term negative effects on the well - being of children and their families.**
2. Third country' returns to Italy: Signatories of the Dublin Convention are required to return migrants making asylum claims to the country of first entry. During the autumn of 2019, due to the testimony of families in the return process, and supporting evidence from NGOs, the Panel became concerned about the nature of the support provided by the Italian authorities. The available evidence indicates that some returnee families were subject to poor treatment, such as being held at arrival airports for inappropriately long times, significant delays in the allocation of accommodation, and hold-ups in being able to pursue asylum claims. However, the Panel is not aware of any evidence which suggests that the situation for returnee families in Italy has improved. **It is recommended that the Government urgently agrees arrangements with EU member states, following the end of the transition period, in relation to the Dublin Convention. In considering the welfare and safeguarding of children in families who would have been placed in the returns process under the Dublin Convention, to have their asylum applications appropriately considered.**
3. **The Panel recommends specific activity be carried out through the Home Office and the newly formed Foreign, Commonwealth and Development office (formerly the Foreign and common wealth Office and Department for International Development) to provide assurance as to the reception and ongoing support for those families entering other Countries from the UK, as part of a Dublin or replacement Dublin return.**
4. There have been concerns raised by Panel members during visit to Cayley House Holding Facility at Heathrow Airport and with the overseas escort team specifically in relation to the training they may have had on child safeguarding issues. **The Panel recommends that where there are third- party contracts with companies whose employees have direct contact with families during the returns process, that there is appropriate safeguarding training and for the HO to assure itself that this training is relevant, appropriate and tests out assumptions and bias.**
5. Return support: The Panel's last two annual reports have raised issues relating to return support and the quality of that. Although there have been some individual examples of good arrangements being provided for immediate support on return to country of origin,

this is not systematic, and there remains more to do on this issue. **The Panel recommends that the Home Office review the arrangements regarding returns support, specifically seeking assurance regarding the various agencies and charities that families are signposted to, and the efficacy of those arrangements, with particular attention paid to the plans for families identified as vulnerable e.g. single mothers, and children with special educational needs, who will need targeted support, and what that may look like.**

6. The Panel discuss the process of using interpreters at a family welfare conference and scenes of arrest and subsequently on the onward journey to a family's departure. Quite often there is a reliance on 'Big Word'. During the very difficult process for families and to help with what may be distressing communication that an interpreter should always be sought where there is a concern that there is not a good understanding of the English language by any parent, bearing in mind there may be occasions that the parents are not always together. **The Panel therefore recommends the presence of an interpreter at family welfare conferences and the arrests / onward transport of families where English is not the first or second language by a parent/carer in the family.**
7. Having observed a number of family conferences there is a lack of decent conference 'spider-phones' in all rooms used for FRC/FDM. These are not expensive in relative terms and are vital to ensuring the best possible communication in less than perfect circumstances. FEMs should not have to rely on using a mobile on loud speaker. **The Panel recommends that the Home Office invest in conference spider- phones in modern communications technology, such as visual teleconferencing to allow better communication in what are difficult conversations in family conferences and family departure meetings.**

## **Appendix 1 - Visits and observations by Panel members**

This programme of visits has continued to generate helpful evidence about the functioning of services involved in the family returns process and the perspectives of relevant partners. Visits by panel members during the year were organised partly generically, and partly around panel members' own personal development. The Panel has previously used a 'lead structure' which helped maximise the impact of the visits by focussed assessment and ensuring our scrutiny and challenge is appropriately gauged.

All visits are written up and discussed at the following quarterly business meeting. Visits during the year included:

1. Observations of the Family Returns Conferences and one Family Departure meeting.
2. Visit to Pre-Departure Accommodation and Hibiscus.

3. Observation of Border Force practices in relation to vulnerable children at Heathrow Terminal 5, which indicated generally positive practice.
4. Visit to Cayley House Holding Facility at Heathrow Airport. Significant improvements were observed since the previous visit, the provision having become more family-friendly. Note there were also two concerns which are listed below.
5. Visit to the Dover Holding Facility and the Atrium, Port of Dover. Very positive processes and practice were observed in relation to the safeguarding of children.
6. Visit to the National Referral Mechanism team.
7. Presentation about the work of the Panel to the Law Society.
8. Meeting with a voluntary organisation pressing for Bail for Immigration Detainees.
9. Observation of a First Tier Immigration Tribunal