



**THE UK BORDER AGENCY RESPONSE TO
THE INDEPENDENT CHIEF INSPECTOR'S REPORT
ON HOW THE UK BORDER AGENCY RECEIVES AND
USES INTELLIGENCE**

The UK Border Agency thanks the Independent Chief Inspector for advance sight of his report. The agency is pleased that the Chief Inspector notes the significant transformation programme that has taken place to build an intelligence service and support an intelligence-led agency. An operational model is now embedded across the agency's main operational groups which sets the standard for the collection, dissemination and use of intelligence.

The agency accepts eight of the Chief Inspector's ten recommendations in full, and accepts two recommendations in part.

The agency agrees that, building on the foundations already laid, there should be a continued focus on greater consistency and coherence in how intelligence is received, recorded, developed and used throughout the UK Border Agency.

In line with the report's findings, the agency strives to deliver intelligence in a way that emphasises Value For Money and customer service. The agency is introducing new ways of measuring intelligence performance in the UK Border Agency Business Plan 2011-15. These measures will demonstrate the value that intelligence adds to the agency's efforts to prevent and detect immigration and commodity related crime, and enable us to target resources more effectively.

The agency is committed to ensuring that targeting methods used to identify individuals or groups of individuals for further scrutiny are informed by sound decision making and carry no risk of unlawful discrimination. The agency takes decision quality very seriously, and has a programme of continuous improvement in this area.

The UK Border Agency response to the recommendations:

Recommendation 1: Records the outcome of allegations and assesses how often they lead to the development of intelligence and subsequent operations to prevent or detect immigration and customs offences.

The UK Border Agency accepts this recommendation.

1.1 The agency welcomes the Chief Inspector's appreciation of the scale and depth of the issues inherent in delivering significant improvements to allegations handling; we recognise the importance of allegations to the agency's work and therefore fully accept this recommendation.

1.2 Procedures do exist to record and evaluate allegations from members of the public. Information can be submitted via the UK Border Agency and Crimestoppers websites; it is assessed and prioritised by an intelligence officer, and may then be developed into intelligence to inform enforcement activity at the local level. We agree that these procedures should be improved in order to record consistently across the agency the outcome of operations that derive from such intelligence.

1.3 The agency established a project earlier in 2011 to improve the end-to-end process of allegations handling by making the reporting of allegations easier for the public, enhancing the quality of material received, and improving subsequent management and tasking, both within the agency and in its sharing with relevant partners. We plan to put in place a central data management system which will record the contribution that allegations make to the prevention and detection of immigration and customs offences.

1.4 This project has cross-agency support and will report interim findings in June 2011, which will include a revised allegation handling model and options for appropriate investments in processes and technology.

Recommendation 2: Provides guidance on the specific information to be collected, recorded and forwarded from enforcement operations and interviews of applicants/passengers so that intelligence can be developed consistently.

The UK Border Agency accepts this recommendation.

2.1 The agency published its first intelligence requirement in January 2010. This described the information required from our staff and partners about the key threats to the delivery of the agency's strategic objectives, and the priority assigned to collecting that information. Since then, we have measured intelligence flows against the themes of the intelligence requirement, and in April 2011 we assessed the agency's state of knowledge as a result of intelligence collection activities. We have refreshed our intelligence requirement for 2011/12, due for publication in May 2011.

2.2 Of course, the success of the intelligence requirement relies on effective communication of its contents to frontline staff and partners, and requires sustained effort at national, regional and local levels throughout the year. Our Field Intelligence Officers (FIO) continue to play a crucial role in communicating intelligence requirements.

2.3 Across the agency, there are examples of frontline staff routinely forwarding information to be developed into intelligence. Between 150 and 200 referrals a month are received by the Temporary Migration Intelligence Hub from caseworkers, leading to the identification and disruption of numerous scams by those trying to abuse temporary migration routes.

2.4 However, we recognise the need to achieve greater consistency of approach to the development of intelligence. Therefore, we will be implementing a learning and development programme for intelligence staff, to be accredited by a recognised professional body in late 2011, providing the skills and knowledge required to collect, assess and develop intelligence safely, securely and in accordance with the law. Staff will be supported by improved written guidance and more robust intelligence

standards for the conduct of intelligence business in the agency, the implementation of which will be monitored regularly by the Intelligence Management Board against the nine principles of the Intelligence Constitution.

2.5 We also recognise the benefits of broadening access to intelligence IT systems (known as Mycroft and Centaur) that were inherited from pre-merger organisations in order to enhance consistent sharing of information. Feasibility studies are now underway to enable agency staff working abroad to access Mycroft Athena at selected overseas posts and to provide our intelligence practitioners with access to both Centaur and Mycroft. The results of these studies will be reported to the UK Border Agency Board in June 2011.

Recommendation 3: Decides whether its powers to use people as Covert Human Intelligence Sources are necessary to prevent or detect immigration and customs offences.

The UK Border Agency accepts this recommendation.

3.1 On its creation as a full executive agency of the Home Office in 2009, the UK Border Agency was granted the power to authorise covert human intelligence sources (CHIS). The management of CHIS requires sensitive handling and appropriate resources; the agency recognises its responsibilities towards all human sources of intelligence, and strives to protect such information, and those who provide it, in full compliance with statutory requirements and best practice. In September 2010, we established a National Source Unit (NSU) to develop and implement human intelligence source (HIS) and CHIS policy and procedures for the agency. This has strengthened our capability to handle human intelligence, and will assist the agency in identifying the benefits and costs of authorising CHIS in more detail.

3.2 The NSU is currently working with other parts of the agency to design and deploy a CHIS pilot involving two small operational teams. Part of this work includes determining appropriate success criteria for the project; indicators include:

- Intelligence collected mapped against the UK Border Agency and Home Office intelligence requirements on organised crime
- Number of persons charged and crimes detected
- Weight and value of drugs seized
- Value of cash forfeited / Penalty Notices served
- Number of immigration offenders identified and processed
- Quantity of actionable intelligence generated in response to specific tasking.

3.3 At the end of the one year pilot in May 2012, the results will be carefully assessed and reported to the UK Border Agency Board, who will then decide how the agency should continue to exercise its CHIS powers.

Recommendation 4: Demonstrates how effective intelligence has been in preventing and detecting immigration and customs offences through appropriate performance measures.

The UK Border Agency accepts this recommendation.

4.1 The agency welcomes the Chief Inspector's acknowledgement of our new performance framework, which delivers our commitment in the Intelligence Constitution to 'rigorously challenge and regularly assure our performance against the Nine Intelligence Principles'.

4.2 In its Business Plan for 2011-15, the agency has introduced new operational performance measures which focus on how intelligence adds value and contributes to agency strategic objectives. These measures include:

- Becoming a better informed organisation: measured by the extent to which the Border Intelligence Service has filled information gaps identified in the UK Border Agency intelligence requirement;
- Customer service: measuring whether intelligence products are timely, relevant and add value to operations overseas, at the border and within the UK, through structured customer surveys and questionnaires;
- Improved hit-rates: measured through performance metrics and management information and outcomes of intelligence led operations (using the business planning and deployment/ tasking and coordination systems)

4.3 These measures will be reported to the UK Border Agency Board on a quarterly basis beginning in May 2011 and will provide evidence of how intelligence activity contributes to operational performance, including the prevention and detection of immigration and customs offences.

Recommendation 5: Ensures rigorous adherence to tasking methods in order to bring consistency to intelligence led operations across the Agency.

The UK Border Agency accepts this recommendation.

5.1 The agency agrees that tasking processes need to be clear and adhered to. This is as important for the UK Border Agency, as it is for other law enforcement agencies. We need to be robust in our own processes to enable us to work effectively in a multi-agency environment, and ensure that agency staff are aware of and understand our tasking processes.

5.2 The Chief Inspector's report highlighted the 2010 summer enforcement activity, codenamed Operation Golding, as an example of the agency's tasking processes working effectively. The campaign brought together all of the agency's law enforcement and investigation capability, both inland and at the border, to focus on a coordinated and sustained period of action against illegal working, sham marriages, bogus colleges and organised crime. The operational successes achieved show what can be delivered through clear national direction, while the Golding campaigns also allowed us to test and refine the processes for cross-agency tasking. By aligning with tasking processes applied across other law enforcement agencies, and by applying best practice, as identified by the National Police Improvements Agency, the UK Border Agency will ensure rigorous adherence to tasking methods.

5.3 The Home Office Audit and Assurance Unit will examine the efficiency and effectiveness of the agency's tasking and coordination processes later this year to ensure we are achieving value from intelligence and are directing our priorities and resources appropriately.

Recommendation 6: Analyses trends to determine the resources required to develop intelligence.
AND

Recommendation 7: Decides the level of resources for developing intelligence based on analysis of new and emerging trends.

The UK Border Agency accepts both of these recommendations.

7.1 Intelligence plays a key role in supporting the agency's delivery, by using information from all sources, including the most sensitive, to understand better the behaviours of those that target and abuse our controls. Through the UK Border Agency Strategic Threat Assessment (STA), the agency assesses the threats which inform the agency Business Plan and its control strategies, and enables us to deliver a range of operational outcomes. Our intelligence analysis already sets the direction for a wide range of frontline activity in each of the operational groups through the tasking and coordination process. In doing so, it must both identify existing trends *and* seek to predict new and emerging trends to ensure that our processes to gather, analyse and develop intelligence are properly focused to have the greatest impact.

7.2 We will review responsibility for the delivery of intelligence and the services required to support it, including resources. This review, due to take place over 2011, will be informed by the intelligence performance measures described above and by further value for money analysis of how intelligence contributes to the outcomes sought by the agency. The results will inform decisions on the appropriate level of intelligence resource to support a range of functions in the agency.

Recommendation 8: Establishes national points of contact for the sharing of intelligence with other law enforcement agencies.

The UK Border Agency accepts this recommendation in part.

8.1 The agency recognises the opportunities for effective action that can arise from the secure and timely exchange of intelligence with law enforcement agencies and other partners. We accept the importance of having clear intelligence sharing arrangements with our partners, but to be effective, we believe such sharing needs to take place not only at the national level, but at regional and local levels also. Therefore the agency accepts this recommendation in part.

8.2 The agency has long term, established processes for sharing tactical and strategic intelligence with national law enforcement partners, notably the Serious Organised Crime Agency (SOCA), the effectiveness of which we keep under regular review. We also rely on the effective exchange of intelligence with partners to meet our business objectives that are not related to tackling crime. We have clear and established agreements for sharing intelligence and data with other organisations, including Her Majesty's Revenue and Customs (HMRC), Department of Work and Pensions (DWP), and Registrars, which are also subject to regular review.

8.3 The agency acknowledges the need to keep partners informed of organisational changes that may impact upon them; we have produced a directory of agency intelligence contacts for the benefit of partnership working. We accept that we could and should do more to publicise such information-sharing arrangements; therefore the agency will review the appropriate channels for disseminating the directory among our law enforcement partners. This year, we will also explore the use of an existing online stakeholder engagement tool to support more effective information sharing between intelligence contacts in the multi-agency environment.

Recommendation 9: Ensures its intelligence assessment takes account of the overall quality of decision-making when seeking Ministerial authorisations to discriminate.

The UK Border Agency accepts this recommendation in part.

9.1 The agency takes decision quality very seriously, and has a programme of continuous improvement in this area. It accepts that the overall quality of decision-making should have an impact on the overall assessment of risk in the methodology it uses to identify higher risk nationalities.

9.2 There are however challenges to taking account of the overall quality of decision-making in its intelligence assessment. In many cases decisions are not subject to a full right of appeal, or where they are, such appeal rights are not always exercised. In many cases, when assessing decision quality, there are practical considerations regarding the availability, quality and timeliness of data which need to be examined.

9.3 The agency will therefore examine the implications and the extent to which it is practicable and feasible to take account of the quality of decisions in the methodology for identifying higher risk nationalities, and will share its thinking with the Chief Inspector before the end of October 2011.

Recommendation 10: Assesses why people and vehicles are subject to further examination at ports and how this results in the detection of immigration and customs offences.

The UK Border Agency accepts this recommendation.

10.1 UK Border Agency Border Force officers act in accordance with both immigration and customs legislation as appropriate in order to secure the border against threats to the UK and to perform regulatory and fiscal functions. For immigration purposes, officers examine passengers in accordance with the Immigration Act 1971 (Schedule 2) to establish whether they require leave to enter and if so whether they qualify for entry to the UK. For Customs purposes, officers carry out examinations of passengers, freight and post for anti-smuggling, regulatory and fiscal reasons in accordance with the customs and excise Acts and European legislation, and consistent with enforcement standards guidance.

10.2 Both forms of intervention, and any secondary examination subsequently deemed necessary, are informed by specific intelligence and/or following pre-arrival selection or on-arrival visual selection as a result of wider intelligence based on trends and current threats.

10.3 Enforcement standards are mandatory and are based on an independent assessment of commitments in the Race Equality Scheme for enforcement relating to search of person, selection and linked activities which was carried out in April 2005 by Mary Coussey (Independent Immigration Race Monitor 2002 – 2008 and member of HMRC Race Equality Advisory Panel). Recommendations were made relating to the way in which officers selected passengers for customs purposes to ensure that they use their powers of stop and search effectively, appropriately and proportionately. Enforcement standards must be applied by all officers when carrying out pre-arrival and visual selection of passengers and all UK Border Agency Border Force managers have within their responsibilities an assurance role. The agency considers that it has robust assurance measures in place in relation to selection. However in the light of the Chief Inspector's recommendation, it will review these measures to ensure their continued effectiveness as part of the next bi-annual review of the Border Force Standards, beginning in May 2011. The refreshed Standards are due to be published in October 2011.

10.4 UK Border Agency Border Force currently analyses data relating to successful outcomes resulting from pre-arrival selection. From April 2011 onwards, an 'End of Shift Report' will be rolled out more consistently across Border Force and will be completed for both customs and immigration interventions. This report will record the number of examinations that are intelligence/pre-arrival selection-led compared to the number of visual on-arrival interceptions. It will also record the number of successful interventions for both categories to inform analysis of outcomes and the value of pre and on-arrival selections.