BORDER FORCE

DESIGNATION PRINCIPLES AND PROCESS

DESIGNATED IMMIGRATION OFFICERS

UK BORDERS ACT 2007
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1. Sections 1-4 of the UK Borders Act 2007 (“the act”) introduce new powers for immigration officers to support the police to tackle criminality. Section 1 of the act allows the Secretary of State to designate immigration officers at ports in England, Wales and Northern Ireland for the purposes of exercising the powers in section 2 of the act. The powers in section 2 allow a designated immigration officer at a port in England, Wales or Northern Ireland section to detain an individual who they think may be liable to arrest by a constable or is subject to a warrant for arrest. The designated immigration officer who detains an individual must arrange for a constable to attend as soon as is reasonably practicable and the maximum period for which an individual may be detained is 3 hours.

2. A designated immigration officer may search a detained individual for, and retain, anything that might be used to assist escape or to cause physical injury to the individual or another person. The designated immigration officer must also retain anything found on search which he thinks may be evidence of the commission of an offence and, when the constable arrives, deliver the individual and anything found on search to the constable.

3. In exercising a power under section 2, the designated immigration officer may use reasonable force. Where an individual whom the designated immigration officer has detained or attempted to detain leaves the port, the immigration officer may pursue the individual and return him or her to the port.

4. Section 3 of the act establishes offences and associated penalties where an individual absconds from detention or assaults or obstructs an immigration officer in the course of exercising the power of detention under Section 2.

5. Section 1 of the act allows the Secretary of State to designate immigration officers for the purposes of exercising the power to detain and the associated powers as set out in section 2.

6. These designation principles and processes have been developed in consultation with police colleagues and trade unions.
General Principles

1. The Secretary of State may designate immigration officers for the purposes of section 2.

2. The Secretary of State may designate only officers who the Secretary of State thinks are fit and proper for the purposes of section 2 and suitably trained.

3. In practice, designations will be made by a senior manager of at least Assistant Director level on behalf of the Secretary of State.

4. Designations may be permanent or for a specified period subject to business need and the officer will be required to pass yearly refresher training and health and fitness assessment to maintain designation.

5. Designations may be revoked at any time and revocation may be on a temporary or permanent basis.

6. A decision to revoke a designation will be taken by a senior manager of at least Assistant Director level; in certain circumstances, revocation will be mandatory.
Fit and Proper Person Test

1. In order to establish that an immigration officer is fit and proper for the purposes of section 2 and suitably trained, a designation process has been established. This will measure an officer’s suitability, ensure that he or she is suitably trained and, ultimately, determine if designation is appropriate.

2. Prior to being designated for the purposes of section 2, an immigration officer must
   (a) Hold valid security clearance of at least SC level;
   (b) Have undergone a Criminal Records Bureau (CRB) check; and
   (c) Undergo a selection process for the designated immigration officer role.

      o The selection process is broken down into 4 stages:
        • Application
        • Applicant Testing
        • Pass/Fail Training
        • Designation

3. In the case of officers who already possess a number of the skills relevant to the designated immigration officer role, a different process may be followed. This is detailed at Annex C.
1. Senior managers at ports will be responsible for establishing the business requirement for designated immigration officers.

2. Having established the business requirement, a notice inviting applications from immigration officers at the port will be published.

3. The notice must include the following details
   - That upon designation, officers will be expected to undertake designated duties for at least 18 months (except where the designation is for a specified period of less than this duration);
   - That applicants must have successfully completed probation and 6 months in the immigration officer role subsequently;
   - Information about the designated role;
   - That full time, part time employees and job sharers are all eligible to apply;
   - That the role requires the officer to pass a health and fitness assessment;
   - An equal opportunities statement;
   - That the officer must pass a training course prior to being designated;
   - That designated immigration officers will be required to undertake annual officer safety refresher training and pass an annual health and fitness assessment.
   - Standard competencies.
   - Local information as appropriate.

4. Applications will be assessed by managers at the port and applicants invited for interview where appropriate.
Selection Process Stage 1- Application

5. Managers will confirm during interview that the applicant understands that, if successful at interview, he or she will be required to undertake and pass a health and fitness assessment prior to being trained as a designated immigration officer.

6. Following interview, the assessing manager(s) will decide if the applicant has demonstrated the potential to perform the designated role.

7. Officers not successful at the interview stage will not be eligible to re-apply for designation until 6 months has passed.

8. Applications submitted after this 6 month period will be treated on the same basis as a first time application.

9. Successful candidates at the interview stage will progress to Stage 2 of the selection process.
Selection Process Stage 2 – Assessment

1. Stage 2 of the selection process involves the applicant undergoing a Health and Fitness Assessment.

2. Applicants will be required to attain a pre-determined health and fitness standard before being able to progress to Stage 3 of the selection process.

6. The nature of the training officers will receive and the role they will be required to perform necessitates officers to have and maintain a certain level of fitness.

7. In order to progress to Stage 3 of the selection process, officers must meet the standard of level of fitness required to undertake the appropriate level of officer safety training and to exercise their functions under the act.

8. On an annual basis, officers will be required to demonstrate a similar level of health and fitness before attending subsequent refresher training.

9. Further information about the health and fitness assessment is contained at Annex A.
Selection Process Stage 3 – Training

1. Officers who successfully complete Stage 2 of the selection process will be required to undergo and pass a training programme, developed specifically for performing the designated immigration officer role.

2. The key areas covered by the training are:
   - Officer safety skills
   - Emergency life saving
   - Theory and legislative background
   - Use of reasonable force
   - Diversity

3. To ensure applicants reach the required standard for all elements of the training, they will undergo an examination which they must pass in order to progress further towards designation. Officers will have one opportunity to re-sit if they fail the examination.

4. Designated immigration officers will be required to undertake an annual refresher course and health and fitness assessment in order to retain their designation. This will also be on a pass/fail basis.
1. Applicants who successfully complete all aspects of the training programme will be recommended for designation.

2. Programme tutors will monitor progress throughout the training and will feed back results of the pass/fail and practical elements.

3. Designation recommendations will be considered by a senior manager of at least Assistant Director level.

4. Having satisfied him or herself that the immigration officer is fit and proper for the purpose and has been suitably trained, the senior manager will, acting on behalf of the Secretary of State, designate the officer for the purposes of section 2.

5. The immigration officer will receive written confirmation of his or her designation.

6. The designation will be subject to annual refresher training and assessment, but may be revoked in the meantime. Further detail is contained in the sections on Monitoring and Oversight and Enforced Revocations.

7. Once designated for the purposes of section 2, an immigration officer will be permitted to exercise the detention at ports powers.
Monitoring and Oversight

1. An immigration officer designated for the purposes of section 2 will receive written confirmation of his or her designation and, where applicable, its expiry date.

2. A central record of all designations will be kept. This record will include dates of designation and expiry, health and fitness assessment results, details of refresher training and any revocation of the designation.

3. A designation may be reviewed up to 2 months in advance of the annual refresher training and health and fitness assessment. This process will include a re-examination of the fit and proper standard and consideration of whether there is a business need for the designation to be maintained.

4. It is the responsibility of the designated officer and his or her management chain to ensure that immediate steps are taken to reflect in the central record any change in circumstances that may impact on the officer’s continuing suitability to perform the designated immigration officer role. Factors which may impact include but are not limited to:
   - Criminal convictions or arrest;
   - Misconduct investigations, regardless of whether they relate to the officer’s designated role; and
   - Performance or attendance issues that are being addressed through formal processes.

5. It is the responsibility of the port Assistant Director to monitor the operational requirement for designated officers. Designations should not normally be maintained in the absence of a clear business requirement at the port.
Revocation

1. In certain circumstances, designation may be revoked.

2. The decision to revoke must be taken by a senior manager of at least Assistant Director level.

3. The Assistant Director is responsible for ensuring that the central record is updated to reflect the revocation.

4. Following a decision to revoke the designation, a letter to the officer in question will be sent informing them of the revocation and, where applicable, the period for which the revocation will remain in place.

5. Designation may be revoked if an officer’s fit and proper status is called into question, including, but not limited to, where
   - The officer no longer fulfils one or more of the relevant criteria;
   - The officer is subject to a misconduct investigation, pending the final outcome;
   - An allegation or complaint is made against an officer in connection with the exercise of powers under section 2, pending the outcome of the investigation;
   - An allegation or complaint is made that results in a criminal investigation and/or arrest of the officer;
   - An allegation or complaint is made or an incident occurs which results in an investigation by the IPCC and where the officer is regarded as a principal officer;
   - An officer receives a criminal conviction.

6. The above list is not exhaustive and there may be other circumstances in which revocation will be considered; in all circumstances this will be on a case by case basis.

7. In cases involving either an internal or external investigation, the decision to reinstate designation will be based on the final outcome of that investigation.
8. Officers who have had their designation revoked may not have to repeat the selection process before designated status can be reinstated. The Assistant Director will need to decide if the fit and proper and suitably trained criteria are met.

9. Where an officer has received an internal penalty such as a written warning, designation will not normally be reinstated until the penalty period has been served and only if the fit and proper and suitably trained standard can be maintained.

10. In some cases where minor misconduct unrelated to exercising designated powers and a penalty has been imposed, designation may be reinstated before the penalty period is served.

11. A letter will be sent to the officer when designation is reinstated.
Annex A

Health and Fitness Assessment

The Health Assessment

Applicants will be screened by an Occupational Health Advisor (OHA) prior to the fitness assessment. The OHA's role is to ensure that the candidate is sufficiently fit and healthy to take the fitness assessment.

The candidate’s height, weight, lung capacity, eyesight and blood pressure will be checked and a urine sample will be taken to test protein, glucose and blood.

The candidate will be required to complete a health screening questionnaire and may be asked questions about their medical history and general health.

Applicants who fail the health assessment will be informed on the day they are assessed. The OHA will offer general advice to the applicant and/or refer the applicant to his or her General Practitioner (GP).

After consultation with his or her GP, the applicant will be offered a further opportunity to undertake the health and fitness assessment. If the applicant is deemed not healthy enough to take the fitness assessment, he or she will receive advice on what action is required to enable them to attain the necessary level of health.

If the applicant does not pass the second assessment then they will be removed from the current selection process. This will not prevent the applicant from re-applying to be designated in the future.

As part of the health screening, officers will be advised if they are required to seek the advice of their GP before undertaking the fitness assessment and subsequent Officer Safety Training and refreshers.

In some cases the advice of the GP may be that the officer should not undertake the fitness assessment or subsequent training. In these circumstances the advice of the GP will always be followed and the candidate will not be allowed to progress further. Having demonstrated the skills to progress this far into the selection does not mean that officers could not re-apply for designation, but managers and officers alike will need to satisfy themselves in advance of an application that the medical advice would support the fitness levels required for the process.

The Fitness Assessment

The fitness assessment consists of four elements and is described below:

1) Grip strength
Grip strength will be assessed by the use of a grip strength dynamometer. This involves simply gripping the dynamometer with one hand and squeezing as hard as possible. The dynamometer will then record the maximum force exerted in kilograms. Both hands will be assessed and officers will need to exert a minimum force of 25 kgs for each hand.

2) Endurance shuttle run (also known as “Bleep Test”)
The endurance fitness assessment involves running to and fro along a 15 metre track and placing the leading foot on each end line in time with a series of audio bleeps. If officers arrive at the end line before the bleep they should turn around, wait for the bleep before resuming running and adjust their speed accordingly. The bleeps start off slowly but become faster so that it becomes more difficult to keep up with the required speed. An officers will run until he or she reaches the minimum level of 4 shuttles at level 5
3) Dyno Strength
In order to carry out this assessment officers will be required to sit on a machine called a Dyno and carry out 5 seated chest pushes and 5 seated back pulls. Officers must achieve an average score of no less than 30kgs for the pushes and 30kgs for the pulls.

4) Speed Agility Run
Officers must satisfactorily complete a 13 metre course, running and manoeuvring around 6 cones, in a maximum of 34 seconds. The total distance of course including turning around the cones is approximately 92 metres.

Officers who fail the fitness assessment will be allowed two attempts to retake and pass the test. Depending on the nature of the failure, the retake may be on the same day, or at a later stage. Advice and feedback will be provided to those officers who fail the test, along with tips for improving their level of fitness for their retake.

Officers who are unsuccessful at the retakes will not progress further through the selection process. An officer who fails the retakes will not be permitted to apply again for designation until 6 months have elapsed.
Annex B

Coaching

Following their training and designation, immigration officers will undergo a period of active coaching, whilst carrying out the role of a designated immigration officer.

During the active coaching period, designated immigration officers must demonstrate that they meet the required standard in a number of competency areas. The competencies are:

- Information Handling and Identification
- Accurately Complete Records
- Preservation of Evidence and Handling Property
- Safe Handling of Dangerous Objects
- Safe Detention and Search
- Duty of Care
- Lawful Detention and Police Referral

The coach will continually assess against each competency and provide guidance and feedback during the process. The Coach will support the process with written records of performance and provide a final assessment for managers that will allow them to “sign off” the officer.

It is not possible to put an exact timescale on the coaching period, as this will ultimately depend on the opportunities the officer has to demonstrate their skills in meeting the competencies, but it is expected that the coaching period will last at least 1 month.
Designation Process for Officers with relevant skills and competencies

In order for ports to make the most of the diverse skills set of their staff, it is likely that we will wish to designate officers who have already demonstrated in another role the competencies attributed to a designated Immigration Officer and who possess a number of the skills required to perform this role. In such cases it would not necessarily be appropriate to commence the designation process from Stage 1.

When considering designating officers under this process, managers must be satisfied that the officer meets the fit and proper person criteria for designation. To ensure this, the manager must be able to verify that the officer undertook a competency based selection for the role (current or previous) where they gained and practised the skills that can be applied in the designated officer role.

Examples of other roles where officers must demonstrate similar competencies and skills to a designated officer are:

- Arrest trained Immigration Officers
- Criminal Investigation Team Officers

When assessing the most appropriate starting point for the designation process, managers should consider the following:

- Whether the competencies demonstrated match those of the designated officer, and when these competencies were tested. If satisfied, there would be no need to start at Stage 1.
- Whether the officer has valid SC security clearance.
- Whether the officer has undergone a health and fitness assessment and whether it remains valid.
- Whether Level 3 Officer Safety Training remains valid/ certified.
- The skills gap that would need to be addressed by "top up" training. If significant, it may be more efficient to undergo full training at Stage 3.
- The above will be subject to the officer having up to date SC clearance and having met the probation requirements.

The closure of the skills gap should be the final stage of confirming the fit and proper person and suitably trained requirement. It is the responsibility of the port Assistant Director to ensure the process and the training provided to meet the skills requirement is of a standard that is considered no less than what is needed to designate the officer and that they are fit and proper and suitably trained.