



**THE UK BORDER AGENCY RESPONSE TO THE
INDEPENDENT CHIEF INSPECTOR'S REPORT: AN
INSPECTION OF THE VISA SECTION IN GUANGZHOU**

UK Border Agency response to Independent Chief Inspector's recommendations

1. Strategically assesses whether the existing focus on the achievement of numerical targets is impacting negatively against decision making quality: The UK Border Agency accepts this recommendation.

- 1.1 The UK Border Agency sets productivity targets in consultation with staff which balance the need to meet customer service standards and allow staff to carry out adequate checks to ensure decision quality. The UK Border Agency's customer service standards (concluding 90% of non-settlement decisions in 15 working days; 95% of settlement decisions in 12 weeks) allow Entry Clearance Officers (ECOs) time to process cases that require additional checks.
- 1.2 The UK Border Agency applies the benchmarks flexibly to allow ECOs to do tasks other than assessing visa applications, such as writing appeal statements, dealing with correspondence, receiving and delivering training and to take account of variables such as IT availability. Thus on any given day some ECOs will exceed their benchmarks, while others may not reach them. Over a longer operational period, benchmarks provide a means of ensuring fair allocation of work and of reinforcing the expectation that each team member will make a full contribution.
- 1.3. The UK Border Agency places a high priority on decision quality and making the right decision first time, every time. In this report the Independent Chief Inspector (ICI) did not find that any visa had been issued incorrectly. In exceptional cases the UK Border Agency can suspend productivity targets. As the report notes, during the period sampled, the UK Border Agency had suspended targets and introduced interviews to the decision-making process following a surge in fraudulent student visa applications. The UK Border Agency reintroduced productivity targets for Guangzhou in May 2010.
- 1.4 This recommendation first appeared in the ICI inspection report on Abu Dhabi and Islamabad (published November 2010). In the formal response to that report, the UK Border Agency accepted that there was an inconsistency in the way that benchmarks are set and reviewed across the overseas network. To enable the strategic assessment recommended in this report, the UK Border Agency will issue guidance to all Posts by the end of the year on the setting of ECO benchmarks. This will include a list of factors to be taken into account for those who set productivity targets including consultation with ECOs in the process. These benchmarks and Post performance against them will be monitored alongside decision quality indicators such as appeals performance and the results of Entry Clearance Manager's (ECM) reviews of decisions.
- 1.5 Against the background of the comprehensive spending review, deploying more staff overseas to enable lower productivity targets is not an option. However, the UK Border Agency's electronic Integrated Case Working System (ICW, due to be rolled out overseas from 2011) will support advanced checks and risk profiling leading to further improvements in decision quality.

2. Determines whether its 28 day completion target for administrative reviews is realistic, and if it is, takes action to ensure its overseas visa sections routinely meet it: The UK Border Agency accepts this recommendation.

- 2.1 The UK Border Agency recognises that the 28 day target for an administrative review is important for applicants and it can not be extended without inconveniencing them. In October 2010, the UK Border Agency started a review of performance against administrative review targets. The review will include an analysis of why the target is sometimes missed and what improvements may be required to processes to ensure that the target is consistently met. The results of this review are expected to be published by the end February 2011.
- 2.2 In April 2010 the UK Border Agency amended the caseworking systems to enable ECMs to monitor the progress of administrative reviews. Performance against the target can now be monitored regionally and centrally allowing the UK Border Agency to identify where remedial action is required.

3. Ensures entry clearance staff retain relevant supporting documents on file to support the decisions they make: The UK Border Agency accepts this recommendation.

- 3.1 The UK Border Agency accepts the need to evidence decision making and that sight of supporting documentation considered by the ECO aids the ICI when assessing decision quality. Guidance to entry clearance staff states that ECMs should *“ensure that only documents that are specifically required are retained. This should include copies of all relevant supporting documents and documents addressed to the visa section”*.
- 3.2 All applicants complete an application form which provides comprehensive detail on all aspects of the application. These are retained in all cases. ECOs also make notes on the caseworking system justifying their decision. Relevant supporting documents are also kept but the amount of documentation retained has to be balanced against a critical shortage of space to store visa application documents securely at certain Posts. The UK Border Agency already stores vast quantities of case files across its global network – it is estimated that there are approximately 5 million such paper records in total. Due to the large volumes of paper some Posts (particularly in China) recently began to run out of secure storage space. In these circumstances not all documents that the ICI may consider to be relevant will be retained although the UK Border Agency would still expect them to be referenced in ECO visa issue notes or refusal notices. The UK Border Agency will issue an instruction to all Posts by the end of 2010.
- 3.3 The roll out of ICW from 2011 onwards will give the facility to visa Posts to retain scanned electronic copies of all supporting documentation submitted with applications.

4. Makes it clear to customers what evidence they are required to produce to support their Tier 4 application, and ensures that no local interpretations are allowed, unless they are authorised by the respective policy team and communicated to all parties (stakeholders; customers and entry clearance staff): The UK Border Agency accepts the recommendation, but does not agree that Guangzhou wrongly interpreted guidance.

- 4.1 The UK Border Agency is committed to improving the provision of information to applicants on the points based system. The UK Border Agency has developed standardised information on supporting documentation covering each tier of the points based system. This information has been uploaded onto the Visa Services website. The information is centrally provided and monitored to ensure there are no local interpretations.

- 4.2 The UK Border Agency has reviewed the comments in the report relating to Guangzhou's interpretation of the permissible length of a pre-session course and the number of courses that could be placed on a visa letter.
- 4.3 The UK Border Agency will not issue a visa to an applicant who holds only a conditional offer for a course of study. The relevant Tier 4 policy guidance in effect (since withdrawn) when the applications in question were made was issued in June 2009. It stated "*Your education provider will give you a visa letter which is an official and unconditional offer of a place on a course of study*". Furthermore, the guidance said that pre-session courses are of less than six months duration.
- 4.4 Guangzhou identified many cases where the pre-session course was of such a long duration, that it was improbable that the second course was entirely unconditional. Where Guangzhou assessed that there was a condition, the application was refused on the basis that the visa letter did not represent an unconditional offer. In this instance the visa letter was considered invalid. Whilst refusal wordings might not have made this sufficiently clear, the UK Border Agency is satisfied that the decision to refuse was correct although it is acknowledged that refusal wordings could have made this clearer.

5. Provides clear guidance to staff on what constitutes a complaint, and ensures complaints are accurately recorded in line with the Agency's complaint handling procedures: The UK Border Agency accepts this recommendation.

- 5.1 This recommendation is repeated from the ICI's recent inspection report on Abu Dhabi and Islamabad published in November 2010. The UK Border Agency's guidance on complaints handling was revised in June 2010 to reflect that a complaint can be about any aspect of the service unless it relates to the decision itself or if the application is still being considered within published Customer Service Standards for processing times. In addition, the UK Border Agency has:
- Expanded guidance on complaints to all overseas staff.
 - Produced 'Complaintbusters' - a series of tips for reducing complaint paperwork and resolving issues quickly.
 - Produced a powerpoint presentation on handling complaints that was circulated to Posts overseas in October 2010.
 - Begun to develop an e-learning course on complaints which will be circulated to all staff by the end of 2010.
- 5.2 Customer complaints in Guangzhou are dealt in line with the UK Border Agency's complaint handling procedures. ECMs have primary responsibility for dealing with complaints. Entry Clearance Assistants (ECAs) only respond to general enquiries. Since the ICI's inspection all complaints and ECM responses, together with all other correspondence is linked to the applicant's electronic case working file. Additionally hard copies of all complaints and their responses are held locally for 18 months.

6. Places greater focus on staff personal development by ensuring that:

- **all managers create a personal development plan for staff which sets out their training and development needs for the year:** The UK Border Agency accepts this recommendation

- 6.1 All staff are subject to performance management procedures. Staff work to objectives and are appraised against these on a regular basis. In Guangzhou, all staff have personal development plans. A review of objectives for ECOs in Guangzhou has been carried out since the inspection and these have now been updated.
- **and resource planning takes into account the need for staff to have time to focus on their personal and professional training and development** : The UK Border Agency accepts this recommendation.
- 6.2 The training course postponed in Guangzhou during the summer was reinstated during the quieter period and all staff who had originally planned to attend have now done so. Several members of staff are attending other formal training courses during the winter months and a programme of refresher training is planned for the spring.
- 6.3 To support its Posts overseas, the UK Border Agency has made available a number of development courses via e-learning, including mandatory modules covering the data protection act and the use of paragraph 320 (7A) and (7B) of the Immigration Rules in visa decision making. In addition, staff overseas are able to access courses available at regional training centres. Since 2009, line management performance training has been provided to all Entry Clearance Managers before they take up their posting. The relevant HR team have developed a range of workshops to enhance line manager capability in managing attendance, performance, misconduct and selection procedures.

The UK Border Agency offers the following comments on other observations made in the report for further clarification.

Paragraph 5 of the Executive Summary states “Our file sampling identified problems with decision making, and we believe the continuing strong focus on the achievement of productivity targets was having a detrimental effect on the quality of decision making”

During the period of the file sample, hundreds of interviews were conducted on suspect Tier 4 cases and productivity targets were temporarily suspended. The fact that so many interviews were undertaken demonstrates the desire to ensure the correct decision was made. New productivity targets were introduced shortly before the inspection, so the issue was fresh in the mind of ECOs, which could explain why it arose during focus groups. However, these new targets were implemented several months after the file sampling exercise. The new productivity targets implemented from May did not have any bearing on decision quality in December-February.

4.5 states “Entry Clearance Officers (and ECAs) told us that they did not feel there were effective arrangements to manage demand, particularly during the peak period. This was apparent during our file sampling exercise, where we identified considerable delays in processing applications, particularly administrative review applications. This view was supported by representatives from the Chinese Foreign Affairs Office, who told us that they felt the visa section needed to address increased demand in the peak period to maintain its reputation for delivering high levels of customer service” whilst 4.12 states “This in turn led to an influx in administrative review applications, which could not all be dealt with within the published timescales. We believe the UK Border Agency should

have planned more effectively for the surge in administrative review applications, as this was a likely outcome after clearing the backlog of Tier 4 applications”

There were resourcing issues in Guangzhou during the previous summer (2009). The UK Border Agency made arrangements for the appropriate numbers of staff to arrive in Guangzhou; however, some new staff arrived later than expected because there were delays to security clearances in the UK. The issue was further compounded by a significant and unexpected increase in demand in applications for Tier 4.

During the summer period, the UK Border Agency put a contingency plan in place which diverted several thousand applications from Guangzhou to Beijing for processing. Additional resources were sent from the UK to Beijing to deal with the additional workload. Not all staff interviewed were in Post during this period and would not have been aware that these arrangements had been made.

The paragraph continues by referencing the file sampling exercise. This exercise related to decisions taken between December 09 and February 10. This is not a peak period for Guangzhou. The period when the file sampling was undertaken did represent an anomaly because 2,500 suspect Tier 4 applications that had been delayed from summer were processed during this period. In a high proportion of these applications the applicant was interviewed, which required significant additional work.

The report does not identify the contingency planning that had taken place to deal with these suspect applications. To assist in dealing with the additional 2,500 applications in Guangzhou, summer relief staff were maintained in Guangzhou during the period of the file sampling exercise. However a further 5,000 applications were diverted to Beijing to relieve the pressure on Guangzhou. A far larger exercise of interviewing was undertaken in Beijing. Additional entry clearance officers were also drafted into Beijing to assist with this work and locally engaged summer relief staff had their contracts extended.

With reference to administrative review, the UK Border Agency put plans in place to deal with the expected surge, by sending additional staff to Guangzhou to assist with processing the reviews. In these exceptional circumstances it was not possible to process all the administrative reviews within the 28 day target and so in some cases targets were missed.

Paragraph 13 of the Executive Summary states “We believe the Agency needs to work more proactively to show its commitment to the development of its staff in Guangzhou. We say this because we found training courses were sometimes cancelled, or staff were not allowed to attend, due to volumes of work. We appreciate that workloads and busy periods can limit training opportunities, but we consider more effective planning around these issues would allow staff to develop their skills and competencies, while demonstrating the Agency’s commitment to the development of its staff. However, we did note a real improvement in local induction training for Entry Clearance Officers, and believe this provides a good foundation on which to build a more effective training programme”

7.15 reports “We found that there were limited opportunities for more formal training and development within the visa section, and several Entry Clearance Officers told us that they did not have a personal development plan. We were told that Consular-wide training courses were run throughout the year, but visa section staff were encouraged not to attend courses during the busiest periods (May to October)”

7.16 states that “Staff told us that they would welcome more training, but informed us that work pressures and budgetary restraints often meant that they were unable to attend courses that would be important for their development. This was corroborated by local

managers, who told us that even though there was a regional training centre in Hong Kong, cost and volume of work prevented them from sending staff to Hong Kong for training”

A formal training course was postponed immediately prior to the arrival of the inspection team. Formal training does not take place during May – September inclusive (the peak period for applications) but is encouraged at all other times. The course was rescheduled and held outside the peak period.

5.102 States that “we believe it is important for the UK Border Agency to make it clear to customers where they have met the requirements of the immigration rules, as well as where they have not.”

The UK Border Agency’s policy, guidance and staff training focuses on the need to provide applicants with clear reasons for refusal. This ensures that an applicant clearly understands which areas of any future application will need to be addressed and enables the most efficient use of ECO time and resources.

Figure 6 and Paragraphs 5.9, and 5.11 - 5.13 concern the issue of applying additional evidential requirements that the applicant may be unaware of

Although standardised guidance has been produced to assist applicants when deciding how they will evidence their application, there are no prescriptive documentary requirements for non-Points Based System visa applications. The onus is on the applicant to satisfy an ECO that they meet the requirements of the immigration rules. The UK Border Agency does not agree that Guangzhou were applying additional evidential/documentary requirements to applicants.

6.22 states “We found that the Entry Clearance Assistant had no way of knowing when an Entry Clearance Manager had responded to such correspondence. As there was no central contact monitoring when all correspondence had been responded to, we found that there was a risk that some correspondence could be overlooked”

6.22 notes “As there was no central contact monitoring when all correspondence had been responded to, we found that there was a risk that some correspondence could be overlooked”

6.23 states “We found there was no mechanism for managers to monitor the quality of this outgoing correspondence”

The UK Border Agency considers that there was ‘central contract monitoring’ in place. At the time of the inspection, correspondence sent to applicants was copied to the ‘Guangzhou Visas’ inbox and was randomly sampled by ECMs. This continues to be the case. Since the inspection, all written correspondence received in Guangzhou is attached to the relevant casework record.

7.19 states “Due to budget restraints, the same Entry Clearance Officer received training for points-based system Tier 2 and Tier 3, using a CD training aid, which was limited in terms of the practical application of the points-based system. This made it even more difficult for them to train other Entry Clearance Officers.”

Its is not clear why the ICI would expect training on Tier 3 of PBS to have been delivered as it has not been introduced and there are no immediate plans to do so.

7.19 reports “We were also told that new Entry Clearance Officers were not given specific points-based system training”

One of the three weeks of the ECO induction training course is devoted to the Points Based System. All ECOs are required to take and pass this course before arriving at Post.