



Home Office

**The Home Office response to the Independent Chief  
Inspector's report:**

**An Inspection of Asylum Support**

**September 2013 – January 2014**

The Home Office thanks the Independent Chief Inspector (ICI) for his report and is pleased to note the positive findings made. This report provides a comprehensive review of our asylum support operations.

The Home Office is committed to providing accommodation and support to those who would otherwise be destitute while claims are considered. UK Visas and Immigration's security objective is to detect and deter threats and identify, protect and support victims as part of a zero tolerance approach to immigration abuse.

This report praises the dedicated staff in our Asylum Casework Directorate (ACD) and highlights the good decisions they make on asylum support applications. We are pleased that the report recognises that Home Office staff have a strong commitment to protecting vulnerable individuals.

The ICI raises concerns in the report about our current ability to combat fraud, the frequency with which we review asylum support cases and the speed of our decision making in deciding claims for asylum. We are already working on improvements in these areas, and the changes we are making to improve our operating model are helping us to standardise and streamline asylum processes across the country.

The ICI has made eleven recommendations. The Home Office accepts all of these in full. The Government's response to the report below makes clear how the recommendations will be implemented.

- 1. Takes urgent steps to resolve the backlog of outstanding further submissions, particularly where asylum support is in payment.**
  - 1.1. Accepted; partially implemented**
  - 1.2 This recommendation is being resolved through the allocation of additional resources. In October 2013 a new removals casework command was established within the Home Office to target post decision casework<sup>1</sup>.
  - 1.3 There will be a total of 44 full time equivalent decision makers in this command to focus on clearing further submissions and active reviews. Currently there are 37 decision makers in post and recruitment is ongoing to fill the remaining vacancies.
  - 1.4 While the main focus this year is on ensuring all claims receive an initial decision, we are committed to clearing outstanding further submissions to bring them within service standards with all new applications considered within six months of receipt. Further submissions are prioritised by vulnerability and cost directly contributing to asylum support cost reduction plans. For instance we are aiming to clear all outstanding active reviews of leave by December 2014 as these make up a significant proportion of the asylum support budget.
  - 1.5 Caseloads are being determined by team size and capacity, not along traditional regional boundaries. The team will pilot the electronic movement of further submissions casework via high speed scanners rather than relying on the traditional movement of large amounts of paperwork, a source of much delay.
- 2. Identifies its exposure to fraud and develops a credible strategy to address it.**
  - 2.1 Accepted**
  - 2.2 The Home Office is taking action to ensure it meets its duty to protect public expenditure and take action against fraud.
  - 2.3 We are updating our strategy to set out clearly Home Office policy towards sanctions, including criminal prosecutions, for offences relating to asylum support fraud. The Home Office is also implementing an operating model to standardise and streamline asylum support services across the country to:
    - Offer support only at the the right level of benefit<sup>2</sup> at the right time.
    - Reduce asylum support losses from fraud and error.
    - Drive up asylum support compliance activities to drive down fraud.
  - 2.4 The Home Office has so far introduced:
    - New national standard operating procedures for compliance.
    - New compliance performance measures and a revised fraud savings target.
    - New compliance management information reporting and a workflow database. This is starting to deliver data needed to monitor properly the department's exposure to fraud and increase criminal investigations.
    - New quarterly intelligence analysis of fraud in the asylum support population.
    - New data bulk checking agreement signed for asylum support cases with the Department for Work and Pensions (DWP) and Her Majesty's Revenue and Customs

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<sup>1</sup> Post decision casework relates to Asylum claims that have been refused and had that decision upheld at an appeal.

<sup>2</sup> Asylum support is provided under sections 98, 95 and 4 of the Immigration and Asylum Act 1999 to those who claim asylum and are proven to be destitute.

(HMRC). A trial conducted with HMRC in March offered an 18% hit rate and 180 cases are being investigated. Early findings indicate that it is likely that there will be a realisation of 5% actionable cases. This may be an indication of ineligibility either to Home Office asylum support or mainstream benefits, or links to other forms of potential criminality. Analysis of this work will inform future bulk checking agreements with HMRC and DWP.

2.5 In the course of 2014/15 we will:

- Complete our updated counter-fraud strategy that sets out the department's asylum support policy on sanctions including prosecution.
- Implement new Compliance Officer practice for using finance systems to refer cases for recovery of overpayment.
- Have a mature evidence base of the true scale and nature of the risk fraud poses to the asylum system, in a manner to meet intelligence and prosecution evidence handling standards.
- Have ended the autonomous practice of different regional fraud and compliance teams.
- Have ensured training so most staff are suitably qualified and equipped to undertake investigative work.

**3. Implements an effective debt recovery strategy so that public funds are recovered in all cases where there is no entitlement to asylum support benefits, regardless of whether applicants are granted leave or not.**

**3.1 Accepted; partially implemented**

3.2 The Home Office has reorganised asylum support compliance operations to reinstate the process and resource needed to achieve an effective debt recovery strategy. New national compliance management information and reporting - launched in March 2014 - is allowing us to reinstate debt recovery mechanisms to pursue overpayments. Consistent management of operational data is now in place so staff can:

- Apply an agreed national definition of overpayments and national guidance consistently.
- Calculate an overpayment correctly.
- Apply agreements with debt collection agencies under Home Office contract.

3.3 This data will be applied through a pilot to recover overpayments by summer 2014. This involves asylum support casework applying the department's financial Adelphi system for operational purposes for the first time. Debt collection agencies are being asked to consider opportunities to recover assets held internationally as well as domestically to increase deterrent action.

**4. Provides sufficient resources across the UK to manage and implement effective counter fraud measures to deter abuse of the asylum support system.**

**4.1 Accepted; implemented**

4.2 The Home Office has reorganised teams to attract new staff and has reassigned experienced officers to compliance and fraud duties. Progress includes:

- The re-structure of asylum support operations by April 2014: 42 staff are now dedicated to compliance activity in locations across the UK, including in Scotland where we previously had no asylum fraud and compliance officers. Fraud and investigation capability in the South East, East of England, London and Midlands has been increased.
- An audit of the "safe systems of work" was conducted by end of 2013/14 to ensure that asylum support staff investigating potential fraud and safeguarding issues are suitably

equipped and trained. Consultation with staff and unions on the findings of the audit was undertaken in June 2014. The final requirements for equipment purchases and refresher training will be met during 2014/15. This initiative will ensure that all risks associated with keeping staff safe when out on visits or interviewing applicants on their own premises will be managed consistently across the UK. Provision of new uniforms and other equipment to compliance officers has already commenced and work wear will be ordered for all in line with the 2014/15 Home Office procurement programme.

- A transfer of COMPASS<sup>3</sup> contract compliance teams from Home Office Commercial to the Asylum Casework Directorate in April 2014. These staff visit asylum accommodation to inspect housing quality and residents' behaviour, and to report any asylum seekers' 'signs of wealth' at odds with the destitution criteria. Bringing this function into the national asylum financial support command will increase consistency and create economies of scale as resources are tasked according to national priorities, intelligence and targets.

## **5. Provides fraud training and up-to-date Standard Operating Procedures governing fraud investigations.**

### **5.1 Accepted; partially implemented**

5.2 We are pleased that the ICI found the compliance guidance appropriate in principle. To ensure it is adhered to, all Standard Operating Procedures governing fraud investigations have now been updated and re-written. These have been approved by the Home Office's Operational Policy and Rules Unit and have been issued to all compliance teams. A workshop for all compliance staff was held on 21 May to embed this guidance and offered management guidance and instruction. The Standard Operating Procedures have been released to compliance staff, will be placed on our internal website and will be subject to a maintenance regime.

5.3 The ACD training team has been commissioned to produce a fraud and compliance training needs analysis to match the new national operating procedures. It will recommend a staff compliance training programme for implementation in 2015/16.

## **6. Works effectively with other government departments to ensure asylum support fraud is tackled.**

### **6.1 Accepted; partially implemented**

6.2 Since the inspection concluded, the Home Office has revised and agreed a Memorandum of Understanding with DWP and HMRC for bulk checking of data. The data set is the national database for asylum claimants on support (ASYS). In March 2014, a pilot data matching exercise with HMRC of 1,000 cases resulted in an 18% hit rate and 180 cases are being investigated for fraud and error. Early findings indicate that that it is likely that there will be a realisation of 5% actionable cases. This may be an indication of ineligibility either for Home Office asylum support or mainstream benefits, or links to other forms of potential criminality.

6.3 We have implemented new compliance management information reporting and a workflow database states what checks of other government departments' (OGDs) systems are needed to increase the effectiveness of cross-departmental working

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<sup>3</sup> COMPASS is the UKVI's contract with commercial providers (G4S, Serco, Cleare) to supply suitable accommodation for destitute asylum seekers and their dependants whilst their asylum claim is being considered.

arrangements. This is in line with wider commitments between the Home Office, DWP and HMRC.

- 6.4 The Home Office will also make new agreements with OGDs to increase the effectiveness of contact arrangements. The Home Office has placed a small team of seconded officers into HMRC with direct access to HMRC systems. This will enable the Home Office to increase the number of individual checks that are undertaken on immigration related cases and is an alternative to asking HMRC to carry out more checks on our behalf.
- 6.5 The report states that the Home Office is not conducting bulk data matching exercises with other government departments. This is not entirely correct as bulk checking took place in 2013 as part of a Home Office/DWP initiative, inclusive of asylum casework records.

## **7. Conducts eligibility reviews regularly and in accordance with Policy.**

### **7.1 Accepted; partially implemented**

- 7.2 The Home Office provides support for asylum seekers under sections 98, 95 and 4 of the Immigration and Asylum Act 1999. Current Home Office policy requires that these cases be reviewed at regular intervals and at least quarterly for those with further submissions outstanding.
- 7.4 The Home Office has created a single team to deal with section 4 support cases nationally. Cases are being handled more efficiently under this new arrangement; progress has been made towards achieving greater consistency, and reviews are being conducted in line with policy and by their due date.
- 7.5 Additionally, all section 4 cases are now being recorded on a single national database, offering the department greater visibility of the supported population than previously. This is helping us to more tightly control review work.
- 7.6 The Home Office has also created a new removals casework national command and all further submissions from asylum claimants to access support under section 4 are considered there. Weekly internal data sharing arrangements have been reviewed to ensure that as a further submission is concluded support is terminated promptly where appropriate. This system is proving more efficient.
- 7.7 Section 95 cases are reviewed on the basis of asylum status on each case handling and as a minimum every 6 months, as a national standard. Home Office policy does not currently require us to formally conduct a section 95 review on the basis of all qualifying criteria, but this is being re-assessed in line with our overarching aim of paying the correct support to the correct people at the correct time.
- 7.8 The Home Office is also running a pilot in the North East to contact applicants to check all asylum support claimants' details are updated regularly. Results from that pilot will inform operational practice in 2014/15.

## **8. Decisions on Section 95 and Section 4 are made within the timescales that have been set.**

### **8.1 Accepted**

- 8.2 The establishment of a new national asylum financial support command means that all staff working on section 95, across nine locations, are now being managed to consistent standards and are being developed into a multi-skilled and flexible workforce. Managers' reviews have identified 20 section 95 process improvement work streams that are considered to be the highest volume and highest risk for the business. Caseworkers in all locations are being trained to national standards in these areas to move towards being consistently competent.
- 8.3 New staff productivity measures have been defined and were launched in April 2014. Further the first section 95 Home Office quality assurance audit has been completed by the quality assurance team. Results were received in May and mirrored the ICI's findings that the majority of decisions were correct. Consistent quality assurance "dip sampling" measures have been developed for use by all line managers. These will be put in place in June, enabling line managers to assess staff performance alongside the productivity measures.
- 8.4 Within the new national asylum financial support command, a workflow team has been created to oversee asylum support work. It is now assigning resource in each location to match demand to capacity to ensure that national performance measures are met and the correct support is offered to the correct people at the correct time. When demand is higher than available resource, contingency plans are applied to ensure this outcome is met.
- 9. Reduces the number of remitted appeals by reviewing all cases prior to the termination of support.**
- 9.1 Accepted; implemented**
- 9.2 The creation of a single team based in Leeds to deal with section 4 support cases nationally means we now review all cases prior to the termination of support. The team implements a review before making a decision to discontinue support.
- 9.3 This decision is then actively reviewed at key points during the appeal documentation process and again at the further directions stage of appeal to ensure that the decision to terminate support remains correct and that no other factors have arisen that may affect the original decision. If further information is provided during this process, eligibility is reassessed. This means the decision to discontinue is reviewed on a number of occasions with the emphasis on getting the decision right before it goes to court.
- 10. Creates simplified written instructions for asylum support caseworkers which set out advice clearly and concisely.**
- 10.1 Accepted**
- 10.2 We do not believe the guidance available to caseworkers is inaccurate, but agree that some of it is too long and that it could be clearer in places. We have started work to simplify the material and ensure that it is in a single format that is easy to access; we are concentrating on prioritising policy that is critical to the staff. Some extra resource has been added to the policy team to take this work forward. We expect the work to be completed by April 2015.
- 10.3 The Standard Operational Procedures (SOPs) used by our compliance staff have been thoroughly reviewed and published internally to our compliance staff.

## **11. Ensures staff use Section 55 and 57 legislative powers appropriately.**

### **11.1 Accepted**

- 11.2 We welcome the ICI's findings and have taken steps to address the root causes. We have tasked newly appointed asylum support senior caseworkers to define and implement improvements in practice and procedure to achieve optimum use of legislative powers to determine eligibility for asylum support.
- 11.3 Further investigation into the use of section 55 and section 57 legislative powers by the senior caseworkers has identified areas of inconsistency in the use of these powers as well as potential gaps being caused by incorrect application.
- 11.4 Last year the Home Office completed a national competition to provide funding for externally provided, independent advice for those wishing to apply for asylum support. In April this concluded with the appointment of a new national contractor – Migrant Help – to provide assistance in the submission of the application form for asylum support. The new contract requires the provider to assist eligibility checking by requesting relevant documentation about financial circumstances on our behalf. Migrant Help has introduced a new national application quality checking mechanism so that the Department receives completed applications in a common format. This is already reducing the number of speculative applications and increasing compliance with published standards for deciding support applications.
- 11.5 External bodies with a remit for supporting asylum seekers and refugees meet Asylum Casework Directorate regularly in a National Asylum Stakeholders Forum, asylum support sub-group. This group held a national workshop on asylum support application criteria and casework practice in March 2014. It identified examples where those working with asylum seekers and refugees could take steps to better anticipate the requirements of the Department. It also offered senior managers examples of inconsistent and poor caseworking practice including examples of the use of section 55 and section 57 legislative powers. Senior caseworkers are now delivering targeted staff training and guidance on this.
- 11.6 Measures taken by UKVI since this workshop include:
- Development of staff training on managing further information requests;
  - A pilot of a manager's checklist to ensure consistency in procedure and decisions;
  - Guidance to Migrant Help to perfect the understanding of its staff on what supporting documentation applicants must offer in order to receive asylum support.

The use of the section 55 and section 57 powers will therefore become more focussed during 2014/15.