Handling MPs’ and ‘treat as official’ correspondence for CC cases
Handling MP’s and ‘treat as official’ correspondence for CC cases

About this guidance

This guidance tells criminal casework (CC) caseworkers how MPs’ correspondence must be managed.

The guidance also covers the ‘treat as official’ process for correspondence from other sources.

A ‘treat as official’ letter comes from a member of the public to one of the following people:

- the Queen
- the Prime Minister
- a minister
- a member of the Home Office senior board.

Changes to this guidance – This page tells you what has changed since the previous version of this guidance.

Contacts – This page tells you who to contact for help if your senior caseworker or line manager can’t answer your question.

Information owner – This page tells you about this version of the guidance and who owns it.

Safeguard and promote child welfare – This page explains your duty to safeguard and promote the welfare of children and tells you where to find more information.

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Links to staff intranet removed
Handling MP’s and ‘treat as official’ correspondence for CC cases

Changes to this guidance

This page lists the changes to the ‘Handling MP’s’ and ‘treat as official’ correspondence for criminal casework cases’ guidance, with the most recent at the top.

<table>
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<th>Date of the change</th>
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<tr>
<td>03 December 2013</td>
<td>Six month review by the modernised guidance team:</td>
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<tr>
<td></td>
<td>• Plain English and minor housekeeping changes throughout.</td>
</tr>
<tr>
<td>19 June 2013</td>
<td>Six month review by the modernised guidance team:</td>
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<tr>
<td></td>
<td>• Minor housekeeping changes.</td>
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<tr>
<td>18 December 2012</td>
<td>Six month review by the modernised guidance team:</td>
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<td></td>
<td>• Minor housekeeping changes.</td>
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<tr>
<td></td>
<td>For previous changes you will need to access the archived guidance. See related link:</td>
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<tr>
<td></td>
<td>Handling MPs correspondence and treat as official correspondence for criminal casework</td>
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<td>directorate cases - Archive.</td>
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Related links

See also

Contact

Information owner

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**Correspondence response targets**

<table>
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<tr>
<th>About this guidance</th>
<th>This page tells you the deadlines for replies to correspondence received by criminal casework (CC) from MPs.</th>
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<tr>
<td></td>
<td>MPs deal directly with the Home Secretary, ministers, or a director, to request information on individual CC cases or casework policy and processes.</td>
</tr>
<tr>
<td></td>
<td>The Home Office uses the Cabinet Office target to deal with correspondence in 20 calendar days, and a drafting target of 12 days for:</td>
</tr>
<tr>
<td></td>
<td>• MPs’ correspondence</td>
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<td></td>
<td>• Treat as official (TO) correspondence.</td>
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<tr>
<td></td>
<td>CC send the ministerial correspondence teams weekly ‘league tables’ to senior directors every month.</td>
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</table>
### Handling MP’s and ‘treat as official’ correspondence for CC cases

#### Receipt and allocation of correspondence

- **About this guidance**
  - This page tells you the step-by-step process for receiving and allocating MPs’ and ‘treat as official' correspondence relating to criminal casework (CC) cases.
  - **MPs’ letters** are sent to the Home Office and tracked through the correspondence tracking system (CTS) to CC.
  - **Treat as official correspondence** is sent separately to the CC briefing and correspondence team (BCT).
  - The BCT manager decides if the letter is considered a barrier to removal. If it is, they update the CID record to reflect this.
  - The manager finds out if the case has a current owner and emails you and your team leader a copy of the letter to ask for information to allow BCT to draft a reply. You must complete the required actions to allow BCT to draft a response.
  - Team leaders are expected to action or allocate any cases to an alternative team member if you are absent. Assistant directors must make sure the team leader’s role is covered in their absence.

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Contributions to replies from case owners

This page tells the briefing and correspondence team (BCT) how to handle incoming correspondence relating to criminal casework (CC) cases.

The BCT forward the letter to you by email, after checking CID, for a contribution to allow for a more informed response to the letter.

You must provide full information to the BCT within four working days. These timescales must be met so CC can meet target deadlines and allow the following areas enough time to review responses before issue:

- ministerial correspondence units
- ministers and their private offices, or
- Home Office directors.

If a decision or action is required, you must agree a reasonable deadline, and include it in the letter. Once you have agreed the deadline you must make sure you meet it. In these cases, the letter must be copied to the assistant director for information. BCT must include a diary entry to check the action or decision is taken by the agreed deadline.

You must make sure contributions are accurate and a full response is provided to prevent any possible delays.

A key task is to assess the information contained in the MP’s enquiry, particularly if they are making representations. This will allow the BCT to include the following statements in the response:

- ‘These representations have now been taken into account’, or
- ‘These representations have already been taken into account and refused in our letter'
If the response to the MP gives details of a decision expected to be made in the future the MP must be informed when that decision is made. For CC ‘a decision’ is defined as:

- deportation
- asylum
- removal, or
- grant of leave.

BCT will contact the MP’s office by telephone or email to notify the decision made.
Handling MP’s and ‘treat as official’ correspondence for CC cases

Effect on the removals process

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<tr>
<th>About this guidance</th>
<th>This page tells you how correspondence from MPs or treat as official sources, affects the removals process for criminal casework (CC) cases.</th>
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<tbody>
<tr>
<td>Correspondence response targets</td>
<td>An MP’s letter can be a barrier to removal and a reply must be sent to the MP by email or fax before the removal process continues.</td>
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<tr>
<td>Receipt and allocation of correspondence</td>
<td>Briefing and correspondence team (BCT) staff make every effort to make sure a reply is sent quickly to allow a removal to go ahead, and private office arrange a ministerial signature if appropriate.</td>
</tr>
<tr>
<td>Contributions to replies from case owners</td>
<td>In all cases if the letter constitutes a barrier to removal and CID shows removal directions (RDs) are set for that day, the correspondence manager must work with operational support and certification unit (OSCU). This is to negotiate further action in line with the service level agreement between OSCU and CC.</td>
</tr>
<tr>
<td>Effects on removals process</td>
<td>Home Office policy is to encourage contact from MPs by email or telephone. If an MP sends an email or makes a telephone call to the MPs hotline, they must be directed to BCT and dealt with urgently.</td>
</tr>
<tr>
<td>Drafting a response</td>
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<td>Actions following a response from case owners</td>
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Drafting a response

This page tells you what information is required for replies in MPs’ and treat as official correspondence relating to criminal casework (CC) cases.

When they draft a reply, the briefing and correspondence team (BCT) will ask you for the information they require. You must pass the response to a senior caseworker to review before it is submitted to BCT if the query involves a:

- contentious issue, or
- a matter of policy or law.
Handling MP’s and ‘treat as official’ correspondence for CC cases

Actions following a response from case owners

This page tells the briefing and correspondence team (BCT) what actions to take after they request information from a criminal casework (CC) case owner.

It is the CC caseworker’s responsibility to make sure the information is concise and accurate as BCT do not perform secondary checks.

The BCT drafting officer produces a file minute and a response letter based on the information CC provide. If they require further information they will contact CC directly.

The letter and file minute are passed to a BCT senior caseworker to quality assure. If approved, the letter is sent to the correspondent by the correspondence manager using the correspondence tracking system (CTS).

Once the letter is answered, BCT send the CC caseworker a copy of the final reply for information. You must file the copy of the response, with a copy of the original letter, on the Home Office file.
Enquiries from family members or sponsors

This page tells you how MPs deal with enquiries from representatives of an applicant’s family member or a sponsor.

MPs often write on behalf of a family member of an applicant or the sponsor. This happens if the applicant is unable to approach the MP directly, for example:

- if they are in detention, or
- abroad applying for entry clearance.

Limited information can be given when all of the following apply:

- The relative or sponsor clearly supports the applicant’s case.
- There is evidence to confirm the relationship.
- There is no evidence disclosure would have an adverse effect on the applicant.

The information disclosed must be limited to factual details about the immigration case. For example:

- what is currently happening on a case, or
- when a decision is likely.

Information must not be disclosed if it is reasonable to assume the applicant would not want this to be disclosed. For example:

- a criminal record, or
- an adverse immigration history.

Information about a refusal decision and the reasons for it can be disclosed but under no circumstances must you disclose the address of an applicant.
<table>
<thead>
<tr>
<th></th>
<th>If the briefing and correspondence team (BCT) decide the information must not be disclosed they will contact the MPs office and inform the MP they will receive a third party response and the reason why.</th>
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<tbody>
<tr>
<td></td>
<td>For more information see related link: 04.0 - Disclosure of personal information to third parties.</td>
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Handling MP’s and ‘treat as official’ correspondence for CC cases

‘In confidence’ replies

This page tells you about ‘in confidence’ replies sent to MPs, and the background to them.

In some cases, it may be appropriate to provide an MP with information about a case which they must not pass onto their constituent. In these cases a reply can be provided to the MP in confidence.

‘In confidence’ replies are appropriate if the constituent is either:

- the applicant themselves, or
- a third party to the case.

You must send the MP:

- the confidential reply, and
- a separate reply they can forward to their constituent.

‘In confidence’ replies must only be used when it is essential for the information to be passed to the MP, but not disclosed to the constituent because it may put the MP in a difficult position.

In these cases the briefing and correspondence team (BCT) will contact the MP’s office to inform them they will be receiving an ‘in confidence’ reply.

For more information see related links:

- 04.0 - Disclosure of personal information to third parties
- Disclosure of personal information to victims of foreign national offenders.
Handling MP’s and ‘treat as official’ correspondence for CCD cases

Cases without a case owner

This page tells you how to deal with correspondence received about a criminal casework (CC) case where no case owner is allocated.

If there is no case owner when a letter is received, the briefing and correspondence team (BCT) and the CC workflow team decide whether to allocate the case to a case owner to provide the required response.

BCT will then let the case owner, and their team leader, know of the timescale for a response. For more information, see related link: Annex C: Sending urgent cases to workflow.

If a case is not due for deportation consideration, BCT request the file from workflow. They complete the form, and draft the response making sure the form and a copy of the response are attached to the file before they return it to workflow.
Handling MP’s and ‘treat as official’ correspondence for CC cases

Contact

This page explains who to contact for more help when handling MPs’ and treat as official correspondence for criminal casework (CC) cases.

If you have read this guidance and still need more help with this category, you must first ask your senior caseworker or line manager.

If the question cannot be answered at that level, they or you may contact Criminal casework operational process and policy (CCOPP), see related link: Email: CCD process team.

Changes to this guidance can only be made by the modernised guidance team (MGT). If you think the policy content needs amending you should contact CCOPP who will ask the MGT to update the guidance, if appropriate.

The MGT will accept direct feedback on broken links, missing information or the format, style and navigability of this guidance. You can email these using the link: Email: Modernised guidance team.

Related links

Changes to this guidance

Information owner

Links to staff intranet removed
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This page tells you about this version of the ‘Handling MP’s and treat as official correspondence for criminal casework (CC) cases’ guidance and who owns it.

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<th>Version</th>
<th>6.0</th>
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<td>Valid from date</td>
<td>03 December 2013</td>
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<td>Cleared by director</td>
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<tr>
<td>Director’s role</td>
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<td>Clearance date</td>
<td>20 June 2011</td>
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<tr>
<td>Approved for publication by</td>
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