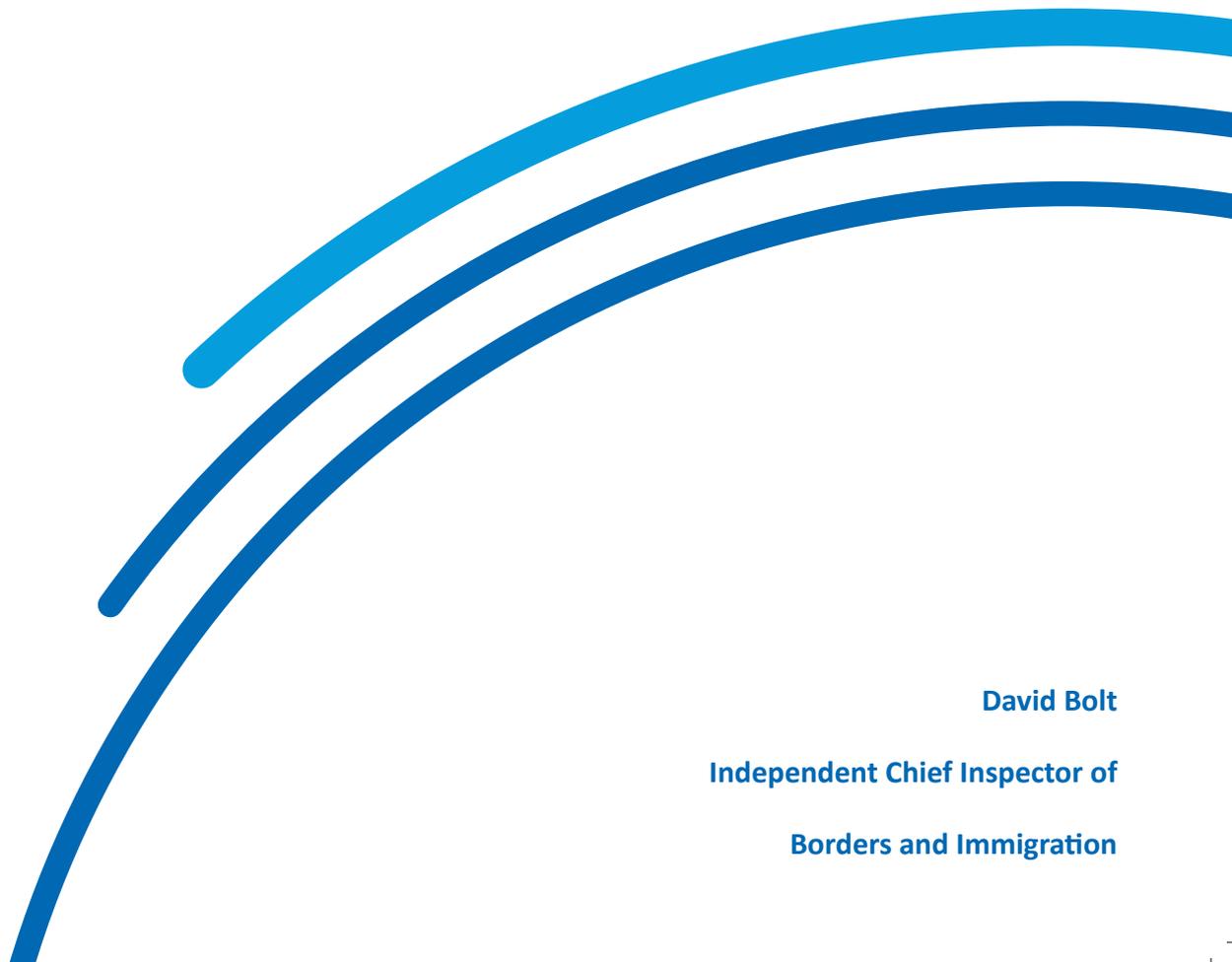




# A re-inspection of the complaints handling process

January – March 2017



David Bolt

Independent Chief Inspector of  
Borders and Immigration



# **A re-inspection of the complaints handling process**

**January – March 2017**

Presented to Parliament pursuant to Section 50 (2) of the UK Borders Act 2007

July 2017



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## **Our purpose**

To help improve the efficiency, effectiveness and consistency of the Home Office's border and immigration functions through unfettered, impartial and evidence-based inspection.

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# Foreword

My report 'An inspection of the Handling of Complaints and MPs' Correspondence' (July – September 2015)<sup>1</sup> was published on 1 March 2016. It contained eight recommendations. The Home Office accepted six and partially accepted two. The Home Office's formal response was published at the same time as the report (see Annex A).

How well a public body handles complaints about the service it provides, or about the conduct of its staff, is regarded as a key measure of its performance, and has a significant impact on public perceptions of its work. Monitoring and making recommendations about the handling of complaints is a named function of the Independent Chief Inspector within the UK Borders Act 2007.

This re-inspection examined the Home Office's progress towards making the improvements it committed to make in its response to the March 2016 report. It also looked at how the Home Office learned lessons from complaints in order to drive improved performance.

Of the original eight Recommendations, the re-inspection found that only three could be considered 'closed' for all the three immigration and borders directorates (UK Visas and Immigration, Immigration Enforcement and Border Force).

The re-inspection found that complaints handling by the UK Visas and Immigration Central Correspondence Team, and by Immigration Enforcement's Detention Services Customer Service Unit, had improved. Both had made significant changes to their processes in line with my Recommendations. Border Force, however, had a good deal more work to do to bring its complaints handling up to the required level of performance.

This report makes no new Recommendations, but I expect the Home Office to take the necessary actions to enable the original Recommendations to be closed as soon as possible, and I will return to them at an appropriate point to check this. In the meantime, I plan to include complaints handling, including lessons learned, as a standing item in future inspections wherever relevant.

This report was sent to the Home Secretary on 2 May 2017.

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<sup>1</sup> <http://icinspector.independent.gov.uk/wp-content/uploads/2016/03/ICIBI-report-on-Complaints-1-March-2016.pdf>.

# 1. The re-inspection

- 1.1 The re-inspection covered the period January to March 2017. At this time, there were three separate correspondence teams handling complaints<sup>2</sup> received by the Home Office's immigration and borders directorates:
  - Central Correspondence Team (CCT) within UK Visas and Immigration's (UKVI) Customer Service Operations (CSO) handled complaints about UKVI and Immigration Enforcement (IE).
  - Border Force Correspondence Team (BFCT) within the Border Force Director General's Office (DGO) handled complaints about Border Force.
  - Complaints made by immigration detainees were handled by the contractor responsible for the particular detention facility, but were managed and monitored by Immigration Enforcement's Detention Services Customer Service Unit (DS CSU).
- 1.2 The re-inspection examined the handling of 'service' and 'minor misconduct' complaints.<sup>3</sup> It did not look at complaints of 'serious misconduct', which were out of scope of the original inspection. The re-inspection also excluded MPs' correspondence from its scope as the original inspection found that this was generally well-handled (and had shown a marked improvement since last examined in January 2010), and none of the eight recommendations referred to it.
- 1.3 The re-inspection process involved examination of documentary evidence, including analysis of data, staff guidance and instructions, and an update report provided by the immigration and borders directorates on the progress made in relation to the eight recommendations from the original inspection.
- 1.4 On 7 February 2017, the re-inspection team received a briefing from the Senior Management Team (SMT) of each directorate on the current complaints handling structures and the progress made against the recommendations. The re-inspection team also sampled 90 complaints received between 1 September 2016 and 31 October 2016, 30 from each business area, including 'service' and 'minor misconduct' complaints at Stage 1 and Stage 2.<sup>4</sup>
- 1.5 The re-inspection team was onsite with the correspondence teams in London, Croydon and Dover between 13 and 22 March 2017, and interviewed staff from each business area from Executive Officer to Grade 6. As CCT and BFCT have staff based at different locations across the UK, the team also carried out telephone interviews with some of these individuals.<sup>5</sup>

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<sup>2</sup> 'Complaints guidance for UK Visas and Immigration, Immigration Enforcement and Border Force' Version 1.3, dated September 2016 and available at [gov.uk](http://gov.uk), defines a complaint as 'any expression of dissatisfaction that needs a response about the service we provide, or about the professional conduct of our staff and contractors.' Separate processes are in place for individuals who wish to challenge immigration or customs decisions.

<sup>3</sup> Home Office complaints guidance recognises three types of complaint:

- Service complaints ... 'about the way that [the directorates] and/or their contractors work [and] can relate to the actual service provided and/or the day-to-day operational policies behind them';
- Minor misconduct complaints ... 'about the professional conduct of [immigration and borders directorate] staff and/or contractors, which are not serious enough to warrant a formal investigation';
- Serious misconduct complaints are about 'any unprofessional behaviour which, if substantiated, could lead to serious or gross misconduct proceedings [and] 'could require formal management action such as written warnings, dismissal or other penalty.'

<sup>4</sup> The initial written complaint is Stage 1. Having received a response, if a complainant believes their complaint has not been dealt with properly they can request that the complaint is passed to a more senior member of staff. This is Stage 2.

<https://www.gov.uk/government/organisations/home-office/about/complaints-procedure>

<sup>5</sup> Team structures and locations are at Annex B.

## 2. Summary of conclusions

### Overall

- 2.1 Of the original eight recommendations, the re-inspection found that three (Recommendations 1, 3 and 7) can be considered 'closed'. These related to the review of complaints handling guidance, to informing complainants what to do if they remained dissatisfied, and to investigating complaints thoroughly and fairly.

### UKVI's Central Correspondence Team

- 2.2 UKVI's Central Correspondence Team (CCT) had made significant improvements since the original inspection and the re-inspection found that it had done enough to close all but one of the remaining recommendations. The exception was Recommendation 5, which referred to the acknowledgement of complaints and notification where the substantive response was likely to take longer than the 20 working days service standard. Here, CCT had recognised the problem and had taken steps to remedy it, but these were too recent for the re-inspection to confirm that they had been effective.

### Border Force Correspondence Team

- 2.3 In the case of Border Force, the re-inspection found that in addition to Recommendations 1, 3 and 7, Recommendation 2 relating to quality assurance checking processes could be closed, but Recommendations 4, 5, 6 and 8 remained open.
- 2.4 The open recommendations concerned performance against the service standard, acknowledgement of complaints and notifications of delayed responses, use of the Complaints Management System (CMS), and through-life ownership of complaints by a dedicated and empowered central team. However, taking the recommendations separately in this way obscured more fundamental issues with Border Force's response to the original inspection and current performance.
- 2.5 The re-inspection found that there was a considerable distance between Border Force's commitment to have the "most effective [complaints handling] model" in place and where it found itself. Opportunities to make improvements had been missed. Despite having worked with the other directorates to revise Complaints Guidance, Border Force Correspondence Team (BFCT) was still not complying fully with it.
- 2.6 BFCT was not using the CMS efficiently to record, track and manage complaints and responses, and was overly-reliant on paper files. Lack of effective workflow management led to unnecessary duplication of work, and Border Force regularly failed to meet the 20 working days service standard for complaint responses, despite setting 'Day 1' as the date it was satisfied it had all the information it needed from the complainant to investigate the complaint rather than the date the complaint was initially received. In July 2016, BFCT had been moved under the Director

General's Secretariat to integrate it more effectively into Border Force, but BFCT staff felt this had not worked. Overall, the impression created was that complaints handling remained a low priority within the directorate.

- 2.7 Border Force had recognised that work was needed to bring its complaints handling up to the required standard and had invited the Home Office Continuous Improvement Team (CIT) to assist it with a full review. This was due to begin on 13 March 2017 and to report on 3 April 2017, meaning that it came too late to be included in the re-inspection. Though belated, given the original inspection and the commitments made, it is to be hoped that this review produces a clear and agreed improvement plan and that this is put into action as a matter of urgency.

### **Immigration Enforcement Detention Services Customer Service Unit**

- 2.8 In the case of complaints from immigration detainees, responsibility for responding rests with the contractor responsible for managing the particular Immigration Removal Centre (IRC). This is made explicit in their contract. Immigration Enforcement Detention Services Customer Service Unit (DS CSU) therefore plays a different role from CCT and BFCT. However, to the extent that the original recommendations applied to DS CSU, it had reviewed its processes to meet them and the re-inspection concluded that all but two could be considered closed.
- 2.9 The two recommendations that remained open were Recommendations 2 and 5. In the case of Recommendation 2, DS CSU needed to improve the rigour and timeliness of its quality assurance checks. In relation to Recommendation 5, while it is true, according to the statistics provided for 2015–16 and 2016–17 to the end of December 2016, that Detention Services is meeting the service standard of 95% of substantive responses within 20 working days of receipt, file sampling identified a small number of cases where the 20 working days was exceeded. DS CSU must ensure that in these cases an interim response is provided. It also needs to ensure that quality assurance checks spot where this has not been done or not properly recorded.

### **Learning lessons from complaints**

- 2.10 The Parliamentary and Health Service Ombudsman's 'Principles of Good Complaint Handling' state that "public bodies should ensure that all feedback and lessons learnt from complaints contribute to service improvement." This goes to the heart of the matter.
- 2.11 The three immigration and borders directorates provided the re-inspection team with evidence of the mechanisms they had put in place to learn lessons. In CCT's case, this included providing a breakdown of resolved complaints by business area and theme for the UKVI and IE Senior Management Teams' weekly performance pack. BFCT also collated data on complaints received, including emerging trends, and fed this quarterly to Border Force Operational Assurance Directorate (OAD). OAD's meetings with BFCT were attended by port representatives, and were used to identify and progress areas for improvement.
- 2.12 DS CSU had developed a quarterly complaints report, which was used to provide senior managers with oversight of complaint performance, trends and continuous improvement initiatives. DS CSU had also held workshops with IRC contractors. At a local level, contractors acted upon issues identified in complaints to bring about improvements to service delivery, an example of which the re-inspection saw in one of its sampled files.

- 2.13 CCT had asked the Home Office Continuous Improvement Team to assist with identifying further possible improvements to processes and to customer engagement, such as improving 'signposting' for customers who wanted to make a complaint, including a review of the website, development of an online web form and exploring the use of web chat.
- 2.14 Border Force Senior Management Team had also asked the Continuous Improvement Team to conduct a fundamental review (beginning in March 2017) of the BFCT processes with the aim of improving performance. Border Force managers were also looking at how Border Force could engage better with its customers in order to reduce the number of complaints, and to ensure that complainants provided all essential information with their initial complaint. Areas such as signage, leaflets, and website content, including the development of complaint web forms, were under discussion.

## 3. Detail and findings

### Recommendation 1

- 3.1 The March 2016 inspection found that the principal guidance document, 'Complaints Management Guidance: version 7' was lengthy and internally inconsistent. The application of the guidance, and how this translated into substantive responses to complaints, varied between the immigration and borders directorates. Some aspects of the guidance covering local resolution, unresolved complaints from other business areas and the use of complaints referral forms, were not followed to the extent that they had become redundant. This led to Recommendation 1:

**Conduct a fundamental review of current guidance in relation to complaints handling and ensure that guidance is concise, unambiguous and practical, covering as a minimum:**

- **For customer-facing staff: the recording and reporting requirements for locally resolved complaints, for unresolved complaints and for complaints about other business areas;**
  - **For staff responding to written complaints about minor misconduct and service: the details to be included in the response regarding whether or not the complaint is upheld, what further steps (if any) will be taken and the option of requesting a review if not satisfied;**
  - **For staff responsible for maintaining the record of complaints: what needs to be recorded regarding whether or not the complaint is upheld and the actions that have or will be taken and by whom.**
- 3.2 The Home Office accepted Recommendation 1. It stated that a review of the guidance was underway and would cover all of the points raised.

### Findings

- 3.3 The review of the guidance had been completed and new guidance 'Complaints Guidance for UKVI, Immigration Enforcement and Border Force' (Complaints Guidance) had been published in May 2016. A revised third version was published in September 2016.<sup>6</sup> The guidance was developed collaboratively by all of the immigration and borders directorates to ensure that it fitted with their business needs. It was supplemented by revised UKVI Customer Service Operations and Border Force Standard Operating Procedures (SOPs), and by Immigration Enforcement's Detention Service Order 03/2015 – Handling of Complaints.<sup>7</sup>
- 3.4 In line with Recommendation 1, Complaints Guidance requires that all substantive responses should advise the complainant:

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<sup>6</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/553890/Complaints\\_Management\\_Guidance\\_September\\_2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/553890/Complaints_Management_Guidance_September_2016.pdf).

<sup>7</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/589147/DSO\\_03\\_2015\\_Handling\\_of\\_Complaints\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/589147/DSO_03_2015_Handling_of_Complaints_.pdf).

- whether or not the complaint is upheld
- what further steps will be taken in relation to the complaint
- what review options are available should the complainant remain dissatisfied.

3.5 The Guidance is clear that all steps taken and documents received or issued should be recorded on and/or uploaded on to the Complaints Management System (CMS).<sup>8</sup>

3.6 Inspectors found that the new Complaints Guidance was shorter, instructions were clearer and references to redundant processes had been removed. The re-inspection team was satisfied that it covered all of the points raised in the recommendation.

3.7 Staff across the three immigration and borders directorates told inspectors that they found the new Complaints Guidance useful and much easier to navigate through to relevant sections. Unlike the previous guidance, they found it assisted them in their role and considered it relevant and aligned to their needs.

## Conclusion

3.8 The recommended review has been completed and Recommendation 1 can be considered closed.

## Recommendation 2

3.9 The March 2016 inspection found that quality assurance mechanisms to ensure fair and thorough investigations of complaints, as well as the accuracy of substantive complaint responses, were inconsistent with guidance. While quality assurance processes were in place, they differed across the immigration and borders directorates and file sampling raised questions about their effectiveness. Recommendation 2 sought to address this:

**Put in place sufficient management and/or quality assurance checks to ensure that guidance is being applied as intended, that the investigation of complaints is thorough and impartial, that responses deal with the substance of the complaint, and that remedies are appropriate.**

3.10 The Home Office accepted Recommendation 2, and in its response stated that implementation was underway to introduce measures routinely to sample complaints caseworking to ensure compliance with the revised guidance.

## Findings

3.11 The re-inspection found that the three complaints handling correspondence teams had quality assurance processes in place, aimed at ensuring guidance was being correctly and consistently applied. The revised Complaints Guidance requires that:

“A thorough quality assurance process must be in place in all complaints teams. Cases must be routinely checked to ensure they are managed in accordance with SOPs, the Style Guide and other operational instructions. The outcome of any assurance must be recorded. The minimum frequency and grade at which assurance checks must be made will be set out in the locals SOPs.”

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<sup>8</sup> Home Office electronic management system for recording and managing complaints.

- 3.12 Complaints Guidance also requires that the Complaints Management System (CMS) is updated with details of who conducted the quality assurance check.

### **UKVI Central Correspondence Team**

- 3.13 During the date range of the files sampled (1 September to 31 October 2016), UKVI's Central Correspondence Team (CCT) was conducting 100% quality assurance checks on substantive responses before they were issued. Later, in January 2017, this was reduced to a 10% dip sample for those responders who had produced substantive responses with no major errors for a continuous period of 4 weeks.
- 3.14 At the time of the re-inspection, CCT's quality assurance checks at Stages 1 and 2 were completed by a Higher Executive Officer (HEO). At Stage 2, the Grade 7 manager of the relevant business area carried out a further quality assurance check and was required to sign off the substantive response. The reply was then signed off by the relevant G6. In addition, the Correspondence Quality Team (CQT)<sup>9</sup> was dip sampling 10% of the previous week's substantive responses.
- 3.15 HEO quality assurers provided feedback directly to CCT staff, and CQT provided weekly feedback to CCT managers to disseminate to the relevant responder. Both CCT and CQT made use of a survey tool, the results from which were incorporated in a weekly performance pack for managers to assess the quality of substantive responses.
- 3.16 File sampling confirmed the effectiveness of the quality assurance measures in place. Where applicable, complaints had been investigated thoroughly, and all elements of the complaint had been addressed. The overall tone and structure of the substantive responses were of a good standard. One of the 30 complaints sampled contained a minor grammatical error in the substantive response.
- 3.17 However, although quality assurers updated the quality assurance field provided on CMS, for audit purposes it was not easy to identify who had undertaken the checks. During the onsite phase of the re-inspection, managers told the re-inspection team that they had since revised their processes to ensure that the name of the quality assurer was added in the notes field of CMS, so that the information was readily available in line with the guidance.

### **The Border Force Correspondence Team (BFCT)**

- 3.18 The Border Force Correspondence Team (BFCT) quality assurance process consisted of a 100% peer review of Stage 1 complaints, and a 100% review of Stage 2 complaints by HEO managers. Stage 2 complaints which involved minor misconduct required an Assistant Director / Grade 7 of the relevant business area to review the investigation completed at Stage 1 to provide assurance of accuracy.
- 3.19 File sampling confirmed that quality assurance was being conducted effectively. The re-inspection team found a minor grammatical error in two of the 30 sampled substantive responses. All 30 had been investigated effectively, and the substantive responses addressed all elements of the complaint and were written in an appropriate tone. A paper record of the quality assurance check had been retained in all cases. However, CMS had not been updated with a note to explain that the response had been quality assured.<sup>10</sup>

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<sup>9</sup> The Central Quality Team is part of CSO and conducts and reports on retrospective quality assurance checks on substantive responses issued across CSO correspondence handling operations.

<sup>10</sup> When a complaint is closed on CMS the case officer is required to enter the initials of the person who conducted the Quality Assurance in the quality assurance box otherwise the system does not allow them to proceed with closing the case. However, on re-opening a closed case, CMS does not then show this box or the initials of the person who completed the quality assurance.

3.20 BFCT staff and managers told the re-inspection team that they thought 100% quality assurance checking was the correct level and was manageable. They did not consider it necessary to add a note to CMS detailing who had undertaken the quality assurance as they completed a paper record of the quality assurance check (see footnote 10).

### **Immigration Enforcement Detention Services Customer Service Unit (DS CSU)**

3.21 Immigration Enforcement's Detention Services Customer Service Unit (DS CSU) had adopted a three-tier quality assurance process, which followed the standard set out in the revised Complaints Guidance. Firstly, the relevant contractor was required to conduct quality assurance checks of the investigation and substantive response for 100% of complaints. This check was to be completed by a member of staff of a higher grade than the person who responded to the complaint. Secondly and thirdly, the relevant regional DS Assistant Director dip sampled up to 20% of the substantive responses each month jointly with DS CSU.

3.22 The re-inspection team was provided with records evidencing the DS CSU process and completion of quality assurance checks for the period 1 September 2016 to 31 October 2016. File sampling revealed that the overall tone and structure of substantive responses had greatly improved since the original inspection, and that CMS had been updated following DS CSU quality assurance checks. However, it raised several questions about the effectiveness of quality assurance. Of 30 sampled complaints:

- Two substantive responses did not address all elements of the complaint
- 12 substantive responses contained minor grammatical and/or spelling mistakes, (seven of the 12 had been further quality assured by DS CSU, and six of these had been classified as satisfactory)
- 11 DS CSU quality assurance checks had been conducted over two months after the substantive response had been issued.

3.23 DS CSU managers told the re-inspection team that no timescales were in place to enforce when the dip sample should be done. They acknowledged that there was work to do to ensure that quality assurance checks were effective in identifying all errors in substantive responses and accepted that timely feedback could help to drive improvement. Managers were looking at how this could be achieved.

### **Conclusion**

3.24 UKVI's Central Correspondence Team (CCT) and Border Force Correspondence Team (BFCT) both now have effective quality assurance processes in place and, subject to recording quality assurance checks on the Complaints Management System in line with Complaint Guidance, both can consider Recommendation 2 closed.

3.25 Recommendation 2 remains open for Immigration Enforcement's Detention Services Customer Service Unit, who still need to improve the rigour and timeliness of their quality assurance checks.

### Recommendation 3

- 3.26 The original inspection found inconsistencies in the application of the guidance requiring that the substantive complaint response state the options available for review should the complainant remain dissatisfied. Recommendation 3 sought to ensure adherence to this guidance, bringing the immigration and borders directorates into line with the Parliamentary and Health Service Ombudsman's 'Principles of Good Complaint Handling':

**Ensure that, where requested, the response to a request for a review of the handling of a complaint notifies the complainant of their options should they remain dissatisfied.**

- 3.27 The Home Office accepted Recommendation 3, and stated that it had amended its standard text to ensure that all complainants were notified of their options in writing at each stage should they remain dissatisfied with the response received.

### Findings

- 3.28 Inspectors found that the new Complaints Guidance was clear that all substantive responses, including at Stage 2 for UKVI and Border Force, should notify the complainant of their options should they remain dissatisfied. This was further reflected in UKVI and Border Force Standard Operating Procedures, and Immigration Enforcement's DSO 03/2015<sup>11</sup> and response templates. File sampling revealed that, where applicable, all substantive responses contained the required notification. Onsite, all staff were clear that this was mandatory and must always be followed.

### Conclusion

- 3.29 The recommended actions have been taken and Recommendation 3 can be considered closed.

### Recommendation 4

- 3.30 The Parliamentary and Health Service Ombudsman's 'Principles of Good Complaint Handling' state that public bodies should:

"Deal with complaints promptly, avoiding unnecessary delay, and in line with published service standards where appropriate."

- 3.31 The original inspection team found that in 2014–15<sup>12</sup> complaints to all three immigration and borders directorates regularly failed to meet the published service standard of providing a substantive response to 95% of complaints within 20 working days of receipt. This was true of both service and minor misconduct complaints.<sup>13</sup> Recommendation 4 sought to ensure that the directorates recognised the importance of meeting published service standards:

**Review the stated aim to respond to all complaints within 20 working days and either take steps to ensure it is achieved in 95% of cases, in line with the published service standard, or revise it to provide complainants with a realistic timescale for a response.**

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<sup>11</sup> Detention Services Order 03/2015 <https://www.gov.uk/government/publications/handling-complaints-in-immigration-removal-centres>.

<sup>12</sup> The last full year for which figures were available.

<sup>13</sup> UKVI's Central Correspondence Team (CCT) responded to 63% (14,773 of a total of 23,383) service and minor misconduct complaints against UKVI and Immigration Enforcement (excluding Detention Services) within the 20 working days service standard. Border Force Correspondence Team did so in 46% (2,599 out of 5,659) of cases.

3.32 The Home Office accepted Recommendation 4, and in its response stated that it would review this service standard by July 2016.

## Findings

3.33 The new Complaints Guidance requires that all written complaints are registered on CMS and that, for the purpose of the 20 working days service standard, 'Day 1' is the date the initial complaint is received by the Home Office. In instances where further information is required for an investigation to take place, the updated guidance states that, if it is not possible to obtain the information by phone, the responder should write to the complainant with a deadline by which the complainant must provide it. If the claimant does not do so, the responder should issue a substantive response based on whatever information they have within the 20 working days service standard and close the CMS record.

3.34 The re-inspection team found that UKVI Central Correspondence Team (CCT) and Immigration Enforcement's Detention Services Customer Service Unit (DS CSU) were following the guidance. Border Force Standard Operating Procedures and processes deviated from Complaints Guidance in that complaints were not recorded as received until all the information required to respond to the complaint had been provided. Complaints where BFCT determined that further information was required from the complainant were not set up on CMS until the further information had been received. This then became 'Day 1' for the purposes of the service standard.

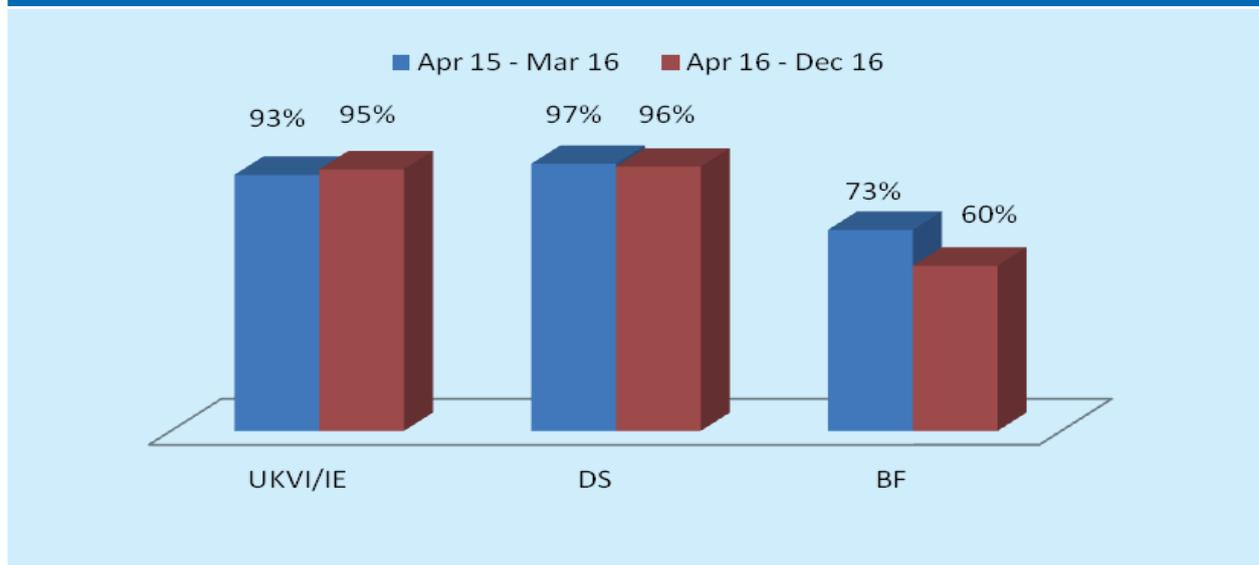
3.35 Onsite, BFCT staff and managers told the re-inspection team that they received a high volume of complaints that did not contain the basic information needed to enable them to proceed with an investigation. They considered that inputting these complaints on to CMS would create unnecessary work as complainants often failed to reply when asked to provide further information. Border Force managers told inspectors that they were looking at ways they could better advise the public about what information they should provide if they wanted to make a complaint. This included reviewing information on the website, and looking at introducing a web-based form with mandatory fields that would have to be completed before it could be submitted.

3.36 Performance data for 2015–16 and for the period 1 April to 31 December 2016 in respect of the 20 working days service standard for substantive responses showed that:

- CCT had improved since the original inspection, and in 2016–17 year to date was meeting the service standard
- BFCT had also improved, but, even allowing for its non-compliant recording of 'Day 1', in 2015–16 BFCT still fell well short of the service standard and its performance had fallen away in 2016–17 year to date
- Immigration Removal Centre (IRC) contractors (monitored and managed by DS CSU) had met the service standard in 2015–16 and were continuing to do so in 2016–17 year to date.

**Figure 1** shows the percentage of all Stage 1 and Stage 2 complaints received between 1 April 2015 and 30 December 2016 that met the 20 working days service standard.

**Figure 1: Performance against service standards**



- 3.37 The re-inspection team sampled 30 complaints handled by CCT, out of which five did not meet the 20 working days service standard. Of 30 sampled complaints that had been managed by DS CSU, one did not meet the service standard.
- 3.38 Of the 30 BFCT complaints sampled, 17 had led to requests for further information from the complainant. These complaints were uploaded onto CMS on the date that the further information was received, which became 'Day 1'. Of these 17, nine did not receive a substantive response within 20 working days of the date recorded as 'Day 1' on CMS. However, had BFCT complied with Complaints Guidance and uploaded the complaint when it was initially received, 24 out of 30 sampled complaints would have failed to meet the service standard.
- 3.39 BFCT staff told the re-inspection team that, historically, they had operated with a high volume of work in progress (WiP),<sup>14</sup> which increased in size and age during the busiest months of passenger flows through UK ports, and led to them 'playing catch up' in quieter periods.
- 3.40 Of the 27 Stage 1 complaints in the Border Force file sample, 24 had had an investigation form issued. In these 24 cases, the business area investigation had taken between 1 and 49 days to complete.
- 3.41 BFCT staff and managers told inspectors that meeting the service standard was made more difficult because of constraints in the operational environment. Ports were given nine days to return completed investigation forms, however there were often delays due to local complaints managers and relevant officers working different shifts, so the investigation could not proceed. BFCT staff said they considered the 20 working days service standard to be unrealistic given the operational nature of Border Force and the fluctuation in the volumes of complaints they received.
- 3.42 Border Force provided the re-inspection team with details of an improvement plan that had been initiated in December 2016. The plan included a full review of BFCT processes to identify any changes that could be made to improve performance against the service standard. The review was due to begin on 13 March 2017, with the findings and diagnostic recommendations to be delivered by 3 April 2017. Senior Managers told inspectors that the review would be conducted by the Home Office Continuous Improvement Team (CIT) and would also look at whether the service standard was set at the appropriate level for Border Force.

<sup>14</sup> The term Work in Progress (WiP) is used by the Home Office to denote casework (in this instance complaints received) that managers are aware of and have consciously allowed to accumulate, typically because resources are required for higher priority work. The WiP will also include cases that cannot currently be progressed because a barrier exists.

## Conclusion

- 3.43 UKVI's Central Correspondence Team (CCT) and Immigration Enforcement's Detention Services Customer Service Unit (DS CSU) have reviewed their processes and improved their performance. In doing so, they have demonstrated that they are able to meet the service standard of providing a substantive response to 95% of complaints within 20 working days of receipt, and have effectively closed Recommendation 4.
- 3.44 Recommendation 4 must remain open for Border Force Correspondence Team (BFCT). Not only has no meaningful progress been made towards meeting the Recommendation, BFCT is also failing to comply with the new Complaints Guidance. Though much belated, it is hoped that the full review of BFCT processes planned with the Home Office Continuous Improvement Team finds a workable solution as a matter of urgency.

## Recommendation 5

- 3.45 Guidance in place at the time of the original inspection required that a written or email acknowledgement be sent to the complainant if a complaint could not be resolved within two working days of receipt by the Home Office. In addition, where it was likely that a response would not be provided within the 20 working days service standard, the acknowledgement should tell the complainant when they could expect to hear from the Home Office. The inspection found that neither UKVI Central Correspondence Team (CCT) nor Border Force Correspondence Team (BFCT) routinely acknowledged receipt of complaints as required by the guidance, and CCT was also failing to send interim responses to complainants when it was unlikely to meet the service standard. Recommendation 5 sought to address these failings:

**Ensure that complaints are acknowledged in line with guidance, and where it is likely that the 20 working day target for a substantive response will not be met that complainants are notified and provided with regular updates until they are provided with a substantive response.**

- 3.46 The Home Office accepted Recommendation 5, stating that all email complaints would receive an automatic acknowledgement setting out the service standard, and committed to contacting the complainant in advance where a complaint was unlikely to be resolved within the service standard and keeping them updated until the complaint was concluded.

## Findings

- 3.47 The new Complaints Guidance states clearly that all written complaints should receive an acknowledgement. It also highlights that, where a complaint will not be answered within the 20 working days service standard, the complainant should be informed before 'Day 20' and continue to receive appropriate updates until the case is closed.

### UKVI Central Correspondence Team (CCT)

- 3.48 CCT receives the vast majority of complaints via the Home Office Complaints Inbox, details of which are published on both UKVI's and Immigration Enforcement's complaints web pages.<sup>15</sup> When a complaint is received through the Complaints Inbox, an automatic email acknowledgement is sent to the complainant, referring to the 20 working days service standard. This process was demonstrated to inspectors, and was seen to be effective in ensuring that all email complaints received prompt acknowledgement.
- 3.49 The guidance applies equally to complaints sent by post. During the re-inspection team's familiarisation visit, CCT managers highlighted that their own quality assurance checks had identified that acknowledgements were not being sent when complaints were received by post. CCT worked with the Complaints Allocation Hub (CAH) to rectify this, and in January 2017 CAH had introduced a standard process for acknowledging postal complaints.
- 3.50 Inspectors tested whether CCT was notifying and updating complainants when their complaint would not be answered within the service standard. File sampling identified five out of 30 complaints about UKVI and IE that did not meet the service standard and therefore required an interim response. Of these, three complaint records contained no evidence that an interim response had been sent. CCT managers told inspectors that they had also identified this issue during their own quality assurance checks, and staff had been reminded of the requirement to send holding replies to complainants. An IT-supported 'Bring Forward' process had been introduced, managed by a dedicated triaging team, and managers and staff believed that this ensured an interim response was now sent in all cases.

### Border Force Correspondence Team (BFCT)

- 3.51 BFCT also receives most complaints by email. They arrive either in the Home Office Complaints Inbox, which is fielded by the Central Point of Receipt Team,<sup>16</sup> or in the Border Force Compliments and Complaints Inbox, which is fielded by BFCT. Details of both are published on Border Force's complaints web page.<sup>17</sup> Acknowledgements are sent automatically from these inboxes, referring to the 20 working days service standard. The re-inspection team found that this process was effective in ensuring that all email complaints received prompt acknowledgement. However, for the complaints where BFCT determined that further information was required from the complainant, the complainant was not informed in the auto-acknowledgement that 'Day 1' of the service standard would not begin until the Home Office had received this information (see paragraph 3.34).
- 3.52 Two of the 30 sampled Border Force complaints were not sent to one of these inboxes. One was an email complaint forwarded to BFCT by the Foreign and Commonwealth Office, the other was a letter addressed to the Home Office. Neither had received an acknowledgement.
- 3.53 Based on the file sample, BFCT was regularly failing to issue interim responses where the complaint would not be answered within the service standard. Twenty four of the 30 sampled Border Force complaints were not resolved within 20 working days, but in 14 cases there was no evidence that an interim response had been issued. BFCT managers reported that interim

<sup>15</sup> <https://www.gov.uk/government/organisations/uk-visas-and-immigration/about/complaints-procedure> and <https://www.gov.uk/government/organisations/immigration-enforcement/about/complaints-procedure>.

<sup>16</sup> The CPR team monitor the Home Office Complaints Inbox and are responsible for registering on CMS all the complaints they receive and attaching any relevant electronic copies of documents. CPR will then allocate the complaint to the relevant complaints team on CMS for them to manage the remainder of the process. This is with the exception of BFCT who upload their own complaints onto CMS after CPR allocates the complaint to them.

<sup>17</sup> <https://www.gov.uk/government/organisations/border-force/about/complaints-procedure#stage-1>.

responses had not been issued as they had focused available resources on clearing the backlog of complaints from summer 2016. One informed inspectors that a member of staff had now been recruited to send interim responses to complaints that were in the backlog and still required a response. BFCT highlighted that the Home Office-wide Continuous Improvement Team would be looking at how interim responses could be better managed by BFCT during their planned visit in March 2017.

### **Immigration Enforcement's Detention Services Customer Service Unit (DS CSU)**

- 3.54 Most complaints from immigration detainees are made using a DCF9. This is a paper form, which the detainee fills out and places in the complaint box at the Immigration Removal Centre (IRC). The box is opened daily by IE staff, and complaints are scanned and sent by email to Immigration Enforcement Detention Services (IE-DES), who forward them to the Complaints Allocation Hub (CAH) within one working day. CAH logs the details of the complaint on CMS within two working days of receipt, generating the target date for response.
- 3.55 As soon as the complaint is logged on CMS, CAH forwards it to Immigration Enforcement's Detention Services Customer Service Unit (DS CSU). On receipt, DS CSU allocates the complaint to the contractor responsible for that IRC for them to conduct the investigation and provide the response. DSO 03/15 states that in all cases the complainant must receive an acknowledgement from the 'responder' (the contractor) within two working days of allocation and a copy of the acknowledgement sent to DS CSU for uploading onto CMS.
- 3.56 During file sampling, inspectors identified two out of 30 complaints where there was no evidence that the complainant had received an acknowledgement of their complaint. There were a further seven instances where it was not clear that an acknowledgement had been issued within the correct timescale. This was because the acknowledgement had been uploaded onto CMS after the substantive response had been sent to the complainant. DS CSU managers told inspectors that this was due to an administrative error in uploading the acknowledgements onto CMS and not because an acknowledgement had not been sent to the complainant.
- 3.57 DSO 03/15 also includes a requirement for Immigration Enforcement Detention Services to undertake regular dip sampling of CMS to identify and rectify any instances where complaint records are incomplete. Inspectors found that since January 2017 DS CSU had begun implementing this requirement and managers had been working back through CMS to sample historic records.

### **Conclusion**

- 3.58 At the time of the re-inspection, Recommendation 5 had been partially implemented, but remains open in relation to acknowledgements where the complaint is not received into a designated Complaints Inbox. The timing of the re-inspection meant it could not confirm whether the new process for handling complaints received by post introduced by UKVI's Complaints Allocation Hub (CAH) in January 2017 is effective.
- 3.59 Recommendation 5 also remains open in relation to interim responses. CCT had recognised that it was failing to provide interim responses where a complaint would not be answered within the 20 day service standard and had introduced an automated 'Bring Forward' system to remedy this. Again, the re-inspection was unable to confirm that this was working effectively, but since it is semi-automated there is no reason to doubt that it will.

- 3.60 Border Force Correspondence Team (BFCT) had also recognised the need to improve performance in respect of interim responses, which had not been prioritised and which file sampling suggested were regularly not issued. This failing is all the more serious because of Border Force's inability to meet the 20 day service standard for substantive responses in a large percentage of cases. BFCT's plan to work with the Continuous Improvement Team to address interim responses needs to find an urgent solution that is not affected by the seasonal pressures felt by Border Force.
- 3.61 While it is true, according to the statistics provided for 2015–16 and 2016–17 to the end of December 2016, that Detention Services is meeting the service standard of 95% of substantive responses within 20 working days of receipt, file sampling identified a small number of cases where the 20 working days was exceeded. DS CSU must ensure that in these cases an interim response is provided. It also needs to ensure that quality assurance checks spot where this has not been done or not properly recorded.

## Recommendation 6

- 3.62 The March 2016 inspection found that the Complaints Management System (CMS) was not being used to record the full history of the complaints received. Poor record-keeping on CMS meant that it was often difficult to determine whether complaints had been investigated, what had been done during any investigation, or even whether the complainant had received a response. Inspectors also found that UKVI's Central Correspondence Team (CCT) was routinely closing CMS complaints records before investigations had been completed and a substantive response issued. Recommendation 6 sought to bring consistency and improve the quality of records on CMS:

**Ensure that the Complaints Management System (CMS) is used to track the full history of a complaint from receipt to resolution, keeping the CMS record open until a substantive response has been provided to the complainant, recording accurately the details of any investigation and its findings, and retaining a copy of the original complaint and the response on the system.**

- 3.63 The Home Office partially accepted Recommendation 6, stating that it would amend its guidance to ensure that all complaint details are recorded on CMS. It also committed to ensuring that all cases would remain open on CMS until a substantive response had been provided to the complainant. The Home Office highlighted that, in exceptional circumstances, some information relating to complaint investigations would need to be recorded on other systems, for instance where sensitive information required more restricted access. In relation to Immigration Enforcement's Detention Services, the Home Office also noted that third party contractors managed their own case records in line with contractual requirements.

## Findings

- 3.64 The new Complaints Guidance states clearly that all complaints relating to the immigration and borders directorates must be recorded on CMS, unless there are exceptional circumstances that require the record to be kept on another system with more restricted access. Standard Operating Procedures for UKVI's Central Correspondence Team (CCT) and those for Border Force Correspondence Team (BFCT) state that the CMS record should not be closed until the complainant has received a substantive response, and that responders should ensure CMS holds the full case handling history, including details of when investigations are conducted.

### **UKVI Central Correspondence Team (CCT)**

- 3.65 Since the original inspection, CCT had embraced CMS as a way of keeping a robust audit trail of complaints. In focus groups, staff were clear that CMS should record all steps taken in the handling of a complaint. The team had introduced a process whereby it retained ownership of all service and minor misconduct complaints until their conclusion, where necessary commissioning the relevant business area to provide a contribution to the complaint response. CCT now took responsibility for drafting and sending substantive complaint responses. Inspectors found no instances in the file sample where the CMS record had been closed before the complainant had received a substantive response, nor any instances where the original complaint and complaint response had not been uploaded onto CMS by CCT.
- 3.66 CCT demonstrated it was making good use of CMS to create an accurate record of the details of investigations and their findings. Inspectors found multiple examples of responders recording CMS notes when they had sent complaints to the relevant business areas for investigation, and staff were routinely uploading email chains onto CMS that detailed the steps taken in an investigation.

### **Border Force Correspondence Team (BFCT)**

- 3.67 Complaints Guidance applies equally to BFCT. However inspectors found that BFCT was not using CMS to record a full audit trail of its handling of complaints. File sampling showed that BFCT was uploading complaints and responses to CMS, and keeping the CMS record open until a substantive response was sent to the complainant. However, it was failing to make an accurate record of investigations and their findings on CMS.
- 3.68 The CMS record was incomplete in 25 of the 30 Border Force complaints sampled. Mostly, the CMS records lacked details of the steps taken to investigate the complaint. Instead, BFCT routinely used paper files to record details of the investigation. This deviated from the guidance, which required there to be “exceptional circumstances” to justify using a system other than CMS.
- 3.69 BFCT staff told the re-inspection team that they did not record details of the investigation of a complaint on CMS due to the sensitive nature of Border Force complaints. For instance, minor misconduct complaints could include the names of Border Force officers or details of Home Office systems. (This did not align with CCT’s practice. CCT staff were required to upload minor misconduct investigation documents that named officers onto CMS.)
- 3.70 A senior manager responsible for BFCT admitted that there was a “reluctance [from BFCT staff] to use CMS” and felt that the team’s record keeping processes needed to be “modernised”. The manager did not agree that paper files were necessary, and believed that most investigations could be recorded electronically on CMS. Inspectors were told that the Continuous Improvement Team would be evaluating BFCT’s use of paper files in March 2017.
- 3.71 Inspectors found that BFCT’s failure to maintain a full audit trail on CMS created an extra administrative burden for responders. For example, BFCT staff working away from Dover re-created paper files from the complaints inboxes and CMS, as they did not have access to the original paper files. As a result, staff told inspectors that those working remotely tended to carry out triaging work on complaints rather than writing full responses.

### Immigration Enforcement's Detention Services Customer Service Unit (DS CSU)

- 3.72 CMS recording requirements differed for Immigration Enforcement's Detention Services Customer Service Unit (DS CSU). While they had responsibility for ensuring complaints were investigated and responses drafted and checked before being sent to immigration detainees, Immigration Removal Centre (IRC) managers were not Home Office employees and did not have access to CMS.
- 3.73 There was no requirement for complaint investigation documents retained by the IRC contractor to be recorded on CMS. However, DSO 03/15 stated that DS CSU should receive and upload complaints, complaint acknowledgement letters and complaint responses from contractors. Inspectors found only one of the 30 sampled files where the complaint response had not been uploaded onto CMS. Sampling indicated that DS CSU was maintaining an audit trail of its monitoring of complaints handling, and uploading email chains to demonstrate when complaints were sent to contractors for investigation, and when the complaint response was received back from the service provider.

### Conclusion

- 3.74 Recommendation 6 has been implemented by UKVI's Central Correspondence Team (CCT) and by Immigration Enforcement's Detention Services Customer Service Unit (DS CSU) to the extent that the latter is able, and can therefore be closed for both.
- 3.75 Border Force Correspondence Team's (BFCT) routine use of paper files to record complaint investigations is neither compliant with Complaints Guidance, nor is it efficient as a full audit trail is not readily accessible to all members of the team. Recommendation 6 therefore remains open for Border Force.

### Recommendation 7

- 3.76 The original inspection found that some minor misconduct cases were not being investigated thoroughly and fairly. In particular, Border Force Correspondence Team (BFCT) was failing to pursue all reasonable lines of enquiry to identify the subject(s) of a complaint. Border Force was also misleading complainants by responding that it had not been possible to identify the officer(s) concerned in minor misconduct complaints when, in truth, it had decided not to check systems that would provide this information on grounds of proportionality. Recommendation 7 therefore urged the Home Office to:

**Ensure that a thorough and fair investigation is conducted of all minor misconduct complaints, taking all reasonable steps, including checks against Home Office systems and records, to identify the subject of the complaint where this is in doubt.**

- 3.77 The Home Office accepted Recommendation 7, committing to ensuring that all reasonable steps were taken to identify the subject of a complaint by reviewing guidance and ensuring that robust audit and assurance processes were employed. The Home Office stated that Border Force would implement new processes to support the commitment to the thorough and fair investigation of complaints.

## Findings

- 3.78 The new Complaints Guidance states that the immigration and border directorates should endeavour to investigate complaints fully and respond to all the issues raised in a complaint.

### UKVI Central Correspondence Team

- 3.79 While Recommendation 7 focused on Border Force's investigation of minor misconduct complaints, the re-inspection team found that UKVI's Central Correspondence Team (CCT) had also improved this aspect of their handling of complaints.
- 3.80 When it receives a complaint related to UKVI or Immigration Enforcement, CCT is responsible for ensuring that the correct business area is contacted for a contribution. UK-based business areas have up to three working days to investigate and provide contributions to the response, while overseas Entry Clearance Posts are given up to five working days.
- 3.81 File sampling found that 25 out of 30 of the complaints handled by CCT had been investigated thoroughly and fairly. The CMS records of the remaining five complaints did not contain enough information for inspectors to ascertain whether the investigation had been thorough and fair.
- 3.82 CCT staff and managers told the re-inspection team that the quality of investigations undertaken by business areas had improved since the original inspection. In particular, Stage 2 complaints now require sign off by the business area Grade 6, which had increased senior management's interest in complaints and in how complaints could be used to drive improvement. Managers and staff were comfortable about challenging the business area if they felt an investigation did not appear thorough and fair, and there was evidence of this in the sampled files.

### Border Force Correspondence Team

- 3.83 Standard Operating Procedures for Border Force Correspondence Team (BFCT) state that cases requiring an investigation should be identified and a commissioning email sent to the Secretariat of the relevant business area, attaching the complaint and a proforma to be completed and returned. The proforma requires the business area to provide details of the steps taken to identify the subject of a complaint and details of the investigation.
- 3.84 In order to address the recommendation that 'all reasonable steps' are taken to identify the subject of a minor misconduct complaint, BFCT had introduced Interim Instructions,<sup>18</sup> dated 24 February 2016. These instructions detailed which Home Office systems should be checked if the subject(s) of a complaint could not be identified from their stamp or epaulette numbers, or from the complainant's physical description of the officer(s). File sampling showed that Border Force business areas were routinely using Home Office systems to identify the subject(s) of a minor misconduct complaint, and this had significantly improved the quality of the investigation of complaints. In the 30 Border Force complaints sampled, there were no instances where inspectors considered that the complaint had not been investigated thoroughly.
- 3.85 BFCT had established a process whereby Stage 2 minor misconduct complaints now had Assistant Director (AD)/Grade 7 sign off at port. The AD of the relevant business area was required to review the investigation completed at Stage 1 to provide assurance of thoroughness and fairness. Inspectors also found that BFCT staff were confident in challenging business area contributions if they did not appear to be thorough and fair.

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<sup>18</sup> Internal Home Office document.

- 3.86 BFCT staff and managers told the re-inspection team that the investigations had improved since the original inspection, but there was room to improve further. They felt that the quality of contributions varied according to the business area. Some contributions were “still not great”, and some business areas could be “defensive and unhelpful” when contributions were sought.
- 3.87 BFCT had taken steps to tackle this. The team had worked with Heathrow Secretariat to drive improvement, as Heathrow Airport receives a large proportion of Border Force’s complaints. At the time of the re-inspection, Border Force at Heathrow was in the process of appointing an Border Force Higher Officer to be responsible for investigating complaints. BFCT managers thought this would make contributions ‘more impartial and less defensive’ and hoped that this role would be replicated at other ports.

### **Immigration Enforcement’s Detention Services Customer Service Unit**

- 3.88 In relation to complaints from individuals detained at an Immigration Removal Centre (IRC), DSO 03/2015 states that “every IRC supplier is required to appoint a manager with responsibility for ensuring effective systems and processes are in place for managing and investigating complaints relating to service provision or the behaviour of their staff”.
- 3.89 File sampling indicated that in most cases DS CSU was maintaining a clear audit trail, uploading email chains to record when a complaint was sent to the contractors for investigation, and when DS CSU received the complaint response from the contractor. DS CSU managers told inspectors that Grade 7 delivery managers at IRCs had oversight of the contractor’s investigation and this process ensured that any issues with the investigation are identified early.

### **Conclusion**

- 3.90 Based on the evidence seen by the re-inspection team, Recommendation 7 can be closed. However, all complaints correspondence teams need to continue to challenge business areas where they believe any investigation into a complaint has not been thorough and fair, and need to be able to rely on the support of senior management to reinforce the importance of robust complaint investigations.

### **Recommendation 8**

- 3.91 The original inspection found that UKVI’s Central Correspondence Team (CCT) and Border Force Correspondence Team (BFCT) had adopted different complaint handling procedures, despite the same guidance applying to both. The inspection identified differences in their complaints handling models; for instance, BFCT retained ownership of a complaint until a substantive response was sent to the complainant, whereas CCT sent the complaint to the relevant business area and closed the complaint on CMS. The inspection concluded that the complaints handling should be more uniform across the immigration and borders directorates. Recommendation 8 stated:

**In order to ensure compliance with guidance, greater consistency, and better quality assurance, retain ownership of complaints and responsibility for providing a substantive response within an appropriately resourced, dedicated correspondence team, which is empowered to require contributions from the relevant business area where necessary.**

- 3.92 The Home Office partially accepted this recommendation, stating that it would ensure that all complaints were handled within a centrally assured framework of quality and timeliness.

Central correspondence teams would draft the majority of complaint responses, and audit and assurance processes would be strengthened to ensure responses were of an equivalent standard. The Home Office also committed to reviewing the structures of the two central complaints correspondence teams to ensure that they had the most effective model.

## Findings

- 3.93 The review of Complaints Guidance aimed to give staff a clearer set of instructions about complaints handling. The intention was for complaints to be handled more consistently across UK Visas and Immigration (UKVI), Immigration Enforcement (IE) and Border Force. Managers from CCT, BFCT and Immigration Enforcement's Detention Services Customer Service Unit (DS CSU) told inspectors that they had worked closely together following the original inspection to revise the guidance so that it was relevant for all three immigration and borders directorates.

### UKVI's Central Correspondence Team

- 3.94 CCT had transformed the way it carried out its work. The re-inspection team found that the processes that had been implemented for handling complaints were robust and were generally working well. As a result, the team was consistently meeting the service standard for responses. CCT had taken responsibility for all Stage 1 and Stage 2 complaints about UKVI and IE<sup>19</sup> from receipt to resolution, including complaints relating to overseas Entry Clearance Posts, and it was able to assure the quality of all responses.
- 3.95 CCT responders had individual caseloads of complaints, and managers allocated complaints to specific responders via CMS. Staff had a daily target of 7-8 complaint responses, which responders and managers agreed was challenging but manageable. Using CMS to allocate work allowed managers to monitor the productivity of their team members, as well as to allocate complaints with the service standard deadline in mind.
- 3.96 In February 2017, CCT began piloting a triaging team. The pilot was ongoing when the re-inspection team was onsite, and had been successful up to that point. The complaints handling process during the pilot is as follows:

#### Step 1

Central Point of Receipt (CPR) uploads UKVI and IE complaints received in the Home Office Complaints Inbox onto CMS, before routing them to CCT, where they are allocated to the triaging team.

#### Step 2

triating team assesses the complaints, identifying those complaints that require more information and sending them to the relevant business area for their contribution, so that they are ready for responses to be drafted.

If possible, the triaging team closes the complaint by phone.

<sup>19</sup> Excluding complaints from individuals detained in an Immigration Removal Centre.

### Step 3

When the complaint is 'response ready', the triaging team allocates it to a queue on CMS, which managers use to allocate caseloads of complaints to responders.

### Step 4

Complaint responses are drafted by a dedicated responder and sent to the complainant.

- 3.97 Staff and managers agreed that accessing complaints and getting them 'draft ready' earlier in the 20 working days target timescale had freed up time for dedicated responders to draft high-quality complaint responses. CCT had also set up a new process for responding to some complaints by phone, for which the triaging team had taken responsibility. Phone responses increased productivity in terms of the number of complaints CCT could close, as time was saved that would otherwise have been spent on drafting a written response. CCT also felt that responding to complaints by phone helped it to deliver a better customer service, with staff reporting that complainants "appreciated speaking to a real person".
- 3.98 The CCT staff and managers inspectors met onsite were engaged with their work and clear about what was expected of them, in terms of both quantity and quality of work. Bringing all complaints 'in-house' had empowered the team to take responsibility for the quality of the complaint responses, and CCT was continuously reviewing its processes to make further improvements.

### Border Force Correspondence Team

- 3.99 Following the original inspection, in March 2016, Border Force Operational Assurance Directorate (OAD) carried out a review of the Border Force complaints process to assess whether the most effective complaints handling model was in place. Following the review, the decision was taken to move the management of BFCT from Home Office Communications Directorate and place it under the direct management of Border Force.
- 3.100 Since 1 July 2016, BFCT had been managed by the Border Force Director General's (DG's) Secretariat, overseen by the Chief of Staff. The move was expected to streamline processes, while embedding complaints handling and an emphasis on customer service within the culture of Border Force. It was also thought that the move would provide BFCT with leadership support, and help it to feel part of the "wider Border Force team".
- 3.101 At the time of the re-inspection, Border Force's complaints handling process was as follows:

### Step 1

The Central Point of Receipt (CPR) re-routes all emails received in the Complaints Inbox with minor misconduct or service complaints to BFCT for action. Complaints received in the Border Force Complaints & Compliments Inbox are accessed directly by BFCT.

### Step 2

A triage team within BFCT assesses the complaint, identifying whether or not it is for BFCT to respond to and requesting further information from the complainant if necessary.

### Step 3

A member of the Dover BFCT team is rostered daily by managers to monitor the complaints inbox.<sup>20</sup> They print and assess complaints, indentifying whether they are 'service' or 'minor misconduct', key the complaint onto CMS, and create a paper file. Where necessary, they commission the relevant business area to investigate the complaint. When a response is received, the complaint is marked as 'ready to draft' on an Excel spreadsheet.

### Step 4

A BFCT responder selects a complaint from the 'ready to draft' Excel spreadsheet and produces a response. After peer review, the complaint response is sent to the complainant.

- 3.102 Rather than the Central Point of Receipt (CPR) uploading complaints onto CMS on initial receipt, BFCT was uploading them, but only **after** the complaint was considered ready for investigation, that is once any additional information had been sought and received from the complainant. Onsite, BFCT staff and managers stated that they had chosen not to use CPR to upload complaints as they believed CPR would not know where to send BF complaints, and there was a risk that CPR would upload complaints onto CMS that were not relevant to Border Force. Despite this, staff admitted that uploading complaints onto CMS was resource-intensive and created an "admin burden" on staff who could otherwise focus on responding to complaints.
- 3.103 When a complaint had been marked ready for investigation, it was picked up by BFCT in the Complaints Inbox, which was monitored Mondays to Friday by two BFCT responders, who would set up each complaint on CMS and send it to the relevant business area for investigation, usually giving the business area nine working days to reply.
- 3.104 Once BFCT had received the business area's reply, the complaint was entered on an Excel spreadsheet as 'ready to respond'. BFCT responders selected the complaints they wished to work on from this spreadsheet. Inspectors found there was also a backlog of 'ready to draft' complaints kept in a filing cabinet, which a manager stated "had fallen off the spreadsheet".
- 3.105 BFCT staff thought that this process of triaging and getting complaints 'response-ready' meant that there was "lots of double-handling" and the same complaint would be read on multiple occasions by different members of the team before it reached the drafting stage.
- 3.106 BFCT responders had no performance targets, and did not have allocated caseloads. A BFCT manager told inspectors that this was because there was a mix of full-time and part-time staff in the team, and some complaints were more complex than others, so it would be difficult to allocate work fairly. However, a Border Force senior manager thought that the lack of targets made it difficult to monitor the productivity of team members and was looking into changing this with the assistance of the Continuous Improvement Team.
- 3.107 Recommendation 8 highlighted the need for complaints to be handled by an "appropriately resourced, dedicated correspondence team" to ensure greater consistency. At the time of the re-inspection, BFCT staff were spread across a number of locations. One manager reported that there was an "us and them" culture between Dover-based staff and those working from another office. The latter also found it difficult not having access to managers in person on a daily basis. One responder felt that because the team was spread across different locations it "didn't gel" and more needed to be done to generate a team spirit within BFCT.

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<sup>20</sup> When inspectors were onsite there were two members of the team on duty monitoring the complaints inbox.

- 3.108 With regard to the move to the DG's Secretariat, BFCT staff and managers tended to agree that it had not raised the profile of complaints. BFCT staff felt they working on their own and complaints were not prioritised within the business.

### **Immigration Enforcement's Detention Services Customer Service Unit**

- 3.109 Immigration Enforcement's Detention Services Customer Service Unit (DS CSU) fulfilled a different role from CCT and BFCT, and therefore its processes were also different. However, DS CSU managers confirmed to the re-inspection team that they had been consulted during the review of Complaints Guidance, and had reviewed their own guidance to align with this where possible, publishing an updated Detention Services Order in February 2017.
- 3.110 Inspectors examined the contractual obligations of Immigration Removal Centre (IRC) contractors relating to complaints. The terms and conditions of all contracts specified that the contractor must abide by the latest version of all guidance throughout the life of a contract. This helped to ensure that contractors investigated complaints thoroughly and fairly, and within service standards.

### **Conclusion**

- 3.111 Recommendation 8 has been implemented by UKVI's Central Correspondence Team (CCT) and by Immigration Enforcement's Detention Services Customer Service Unit (DS CSU) to the extent that the latter is able, and can therefore be closed for both.
- 3.112 In the case of Border Force, Recommendation 8 remains open. The re-inspection found that there was a considerable distance between Border Force's commitment to have the "most effective [complaints handling] model" in place and where it found itself. Regrettably, opportunities to make improvements had been missed. Despite having worked with the other directorates to revise Complaints Guidance, Border Force Correspondence Team (BFCT) was still not complying fully with it. BFCT was not using the Complaints Management System (CMS) efficiently to record, track and manage complaints and responses. The lack of effective workflow management led to unnecessary duplication of work, and Border Force regularly failed to meet the 20 working days service standard for complaint responses. BFCT's move to the DG's Secretariat had not achieved the aim of integrating it into Border Force, and the impression created was that complaint handling remained a low priority within the directorate.

# Annex A: March 2016 Inspection Report: Recommendations and Home Office responses

## Recommendation 1

Conduct a fundamental review of current guidance in relation to complaints handling and ensure that it is concise, unambiguous and practical, covering as a minimum:

- For customer facing staff, the recording and reporting requirements for locally resolved complaints, unresolved complaints and for complaints about other business areas
- For staff responding to written complaints about minor misconduct and service, the details to be included in the response regarding whether or not the complaint is upheld, what further steps (if any) will be taken, and the option of requesting a review if not satisfied
- For staff responsible for maintaining the record of complaints, what needs to be recorded regarding whether or not the complaint is upheld, and the actions that have or will be taken and by whom

## Response

1.1 Accepted; implementation underway.

1.2 A review of guidance is underway and will be completed by May 2016. It will cover all the areas listed in the report recommendation.

## Recommendation 2

Put in place sufficient management and/or quality assurance checks to ensure that guidance is being applied as intended, that the investigation of complaints is thorough and impartial, that responses deal with the substance of the complaint, and that remedies are appropriate.

## Response

2.1 Accepted; implementation underway.

2.2 We will put in place measures to routinely sample cases to ensure full compliance with the revised guidance.

### **Recommendation 3**

Ensure that, where requested, the response to a request for a review of the handling of a complaint notifies the complainant of their options should they remain dissatisfied.

3.1 Accepted; implemented.

3.2 We have amended our standard text so that all customers are notified of their options, including escalating to a Stage 2 Complaint, or escalating to the PHSO via their MP.

### **Recommendation 4**

Review the stated aim to respond to all complaints within 20 working days and either take steps to ensure it is achieved in 95% of cases, in line with the published service standard, or revise it to provide complainants with a realistic timescale for a response.

### **Response**

4.1 Accepted.

4.2 We will review our service standard for Service and Minor Misconduct by July 2016 when the first two quarters of published performance data are available. The timing of the review will take account of the performance uplift that we expect to be an outcome from our Correspondence Improvement Programme. Any change to service standards would need to be agreed in consultation with Cabinet Office.

### **Recommendation 5**

Ensure that complaints are acknowledged in line with guidance, and where it is likely that the 20 working day target for a substantive response will not be met that complainants are notified and provided with regular updates until they are provided with a substantive response.

### **Response**

5.1 Accepted; implementation underway.

5.2 Future guidance will confirm that all email complaints will receive an automatic acknowledgement setting out our service standards. For any case that is likely to be resolved out of our service standards, we will contact the customer in advance and keep them updated until the complaint is concluded.

### **Recommendation 6**

Ensure that the Complaints Management System (CMS) is used to track the full history of a complaint from receipt to resolution, keeping the CMS record open until a substantive response has been provided to the complainant, recording accurately the details of any investigation and its findings, and retaining a copy of the original complaint and the response on the system.

## Response

6.1 Partially Accepted.

6.2 All cases will remain open on the CMS until a substantive response has been provided to the customer. We will amend our guidance to ensure relevant complaint details are recorded on CMS. In exceptional circumstances we may record some information relating to the investigation on alternative systems which have more limited access. This would be, for example, where there is sensitive information that requires more restricted access. Such information would still be fully accessible for audit and assurance purposes. Third party suppliers manage their own case records in line with contractual requirements.

## Recommendation 7

Ensure that a thorough and fair investigation is conducted of all minor misconduct complaints, taking all reasonable steps, including checks against Home Office systems and records, to identify the subject of the complaint where this is in doubt.

## Response

7.1 Accepted; implementation underway.

7.2 We will ensure all reasonable steps are taken to identify the subject of a complaint. In Border Force (which is the area in which the report raises this issue) new processes will be put in place to support this. Our commitment to thorough and fair investigation will be implemented through the review of guidance and the proposed changes to audit/assurance checks.

## Recommendation 8

In order to ensure compliance with guidance, greater consistency, and better quality assurance, retain ownership of complaints and responsibility for providing a substantive response within an appropriately resourced, dedicated correspondence team, which is empowered to require contributions from the relevant business area where necessary.

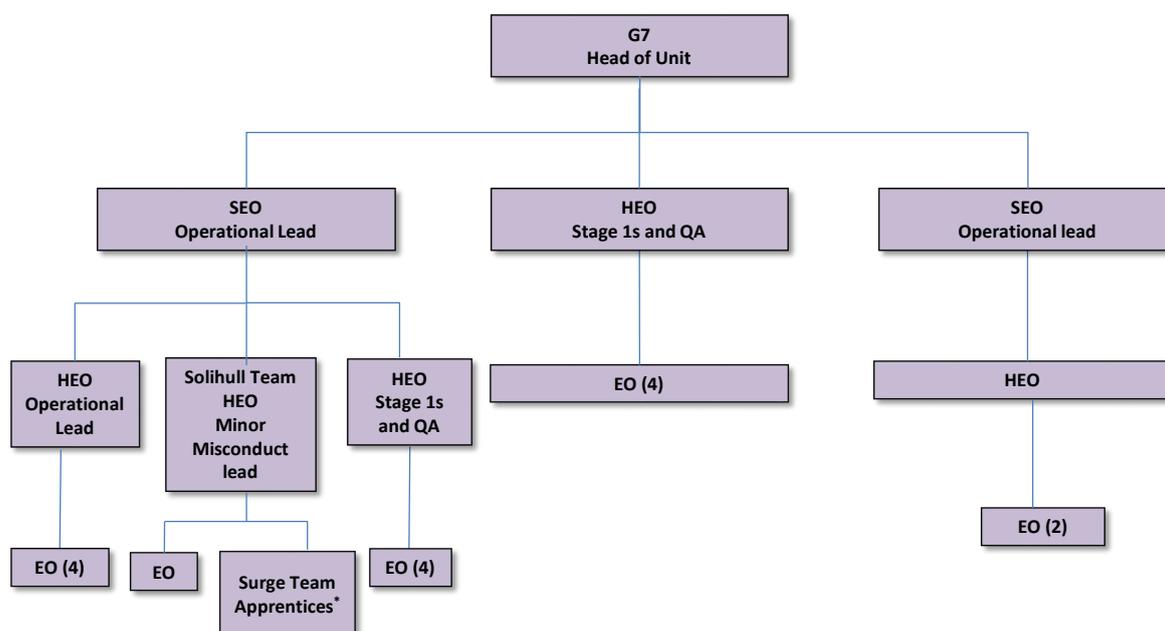
## Response

8.1 Partially Accepted.

8.2 Border Force complaints have been handled differently to UKVI and IE. We will ensure that all complaints are handled within a centrally assured framework of quality and timeliness. For cases that are not currently drafted by responding officers in our central correspondence teams, we will either transfer these cases into the central correspondence teams, or strengthen our audit and assurance to ensure the responses are of an equivalent standard. We will also review the structures of the two central complaints correspondence teams by the end of March 2016 to ensure we have the most effective model. This will include an end to end process review of complaint handling in Border Force to inform a decision by Border Force Senior Management.

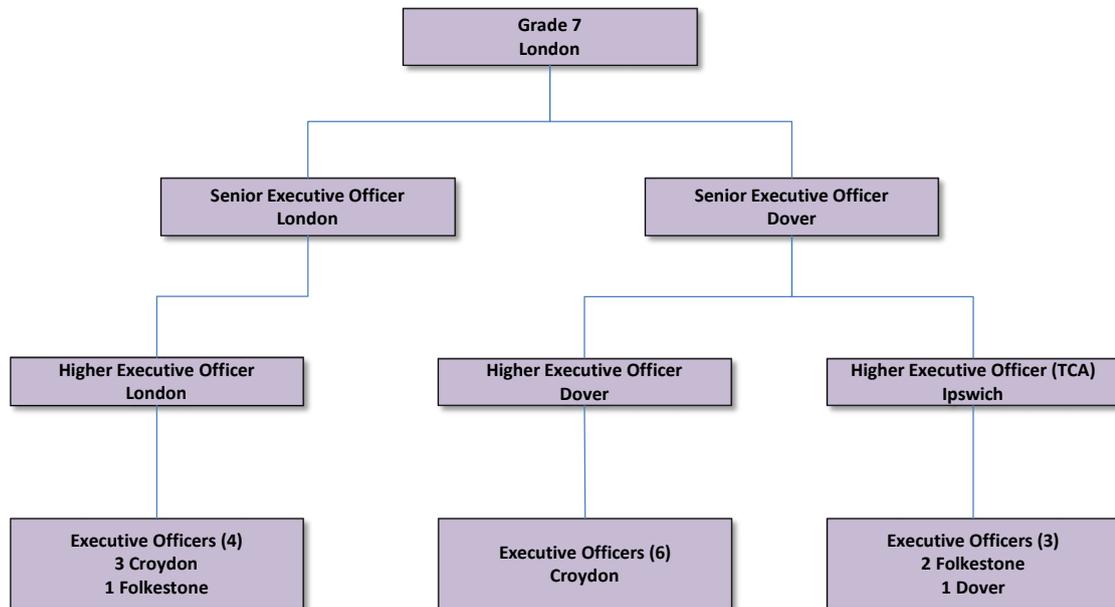
# Annex B: Structure of Complaints Correspondence Teams

## Central Correspondence Team (Croydon)

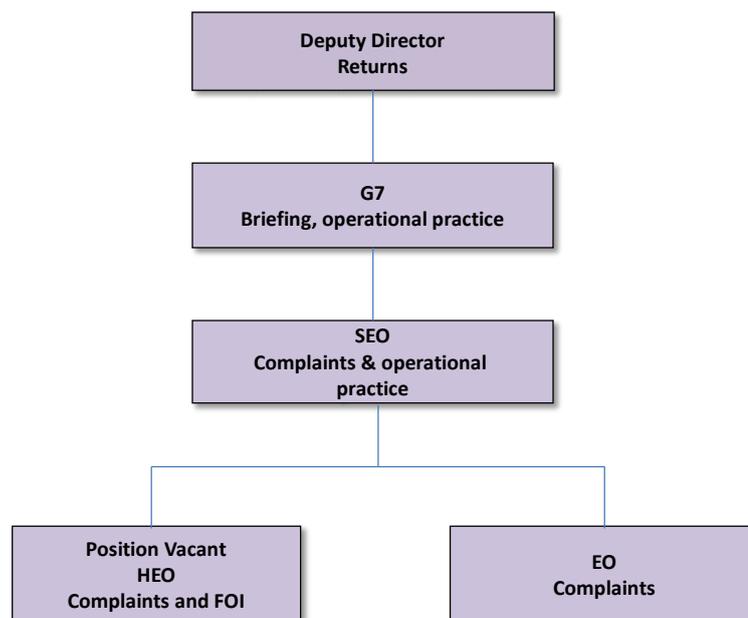


\* Temporary resource which left the unit in April 2017

## Border Force Correspondence Team



## Detention Services Customer Service Unit (Croydon)



# Annex C: Role and remit of the Independent Chief Inspector of Borders and Immigration

The role of the Independent Chief Inspector of Borders and Immigration (until 2012, the Chief Inspector of the UK Border Agency) was established by the UK Borders Act 2007. Sections 48-56 of the UK Borders Act 2007 (as amended) provide the legislative framework for the inspection of the efficiency and effectiveness of the performance of functions relating to immigration, asylum, nationality and customs by the Home Secretary and by any person exercising such functions on her behalf.

The legislation empowers the Independent Chief Inspector to monitor, report on and make recommendations about all such functions. However, functions exercised at removal centres, short-term holding facilities and under escort arrangements are excepted insofar as these are subject to inspection by Her Majesty's Chief Inspector of Prisons or Her Majesty's Inspectors of Constabulary (and equivalents in Scotland and Northern Ireland).

The legislation directs the Independent Chief Inspector to consider and make recommendations about, in particular:

- consistency of approach
- the practice and performance of listed persons compared to other persons doing similar activities
- the procedure in making decisions
- the treatment of claimants and applicants
- certification under section 94 of the Nationality, Immigration and Asylum act 2002 (c. 41) (unfounded claim)
- the law about discrimination in the exercise of functions, including reliance on section 19D of the Race Relations Act 1976 (c. 74) (exception for immigration functions)
- the procedure in relation to the exercise of enforcement powers (including powers of arrest, entry, search and seizure)
- practice and procedure in relation to the prevention, detection and investigation of offences
- the procedure in relation to the conduct of criminal proceedings
- whether customs functions have been appropriately exercised by the Secretary of State and the Director of Border Revenue
- the provision of information
- the handling of complaints; and
- the content of information about conditions in countries outside the United Kingdom, which the Secretary of State compiles and makes available, for purposes connected with immigration and asylum, to immigration officers and other officials.

In addition, the legislation enables the Secretary of State to request the Independent Chief Inspector to report to her in writing in relation to specified matters.

The legislation requires the Independent Chief Inspector to report in writing to the Secretary of State. The Secretary of State lays all reports before Parliament, which she has committed to do within eight weeks of receipt, subject to both Houses of Parliament being in session. Reports are published in full except for any material that the Secretary of State determines it is undesirable to publish for reasons of national security or where publication might jeopardise an individual's safety, in which case the legislation permits the Secretary of State to omit the relevant passages from the published report.

As soon as a report has been laid in Parliament, it is published on the Inspectorate's website, together with the Home Office's response to the report and recommendations.



