



A further inspection of the EU Settlement Scheme

July 2020 – March 2021

David Neal

Independent Chief Inspector of
Borders and Immigration

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ISBN 978-1-5286-2970-6

E02688847 01/22

Printed on paper containing 75% recycled fibre content minimum.

Printed in the UK by HH Associates Ltd. on behalf of the Controller of Her Majesty's Stationery Office.

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

This is the ICIBI's third report on the EU Settlement Scheme (EUSS).

This inspection has looked at the efficiency and effectiveness of the EUSS, focusing on how the Home Office has responded to the issue of vulnerability and sought to encourage and accommodate applications from those who are vulnerable or hard-to-reach. The majority of the inspection activity was overseen by my predecessor, David Bolt.

The first inspection report, published in May 2019, focused on the two private beta test phases, and identified several areas for improvement. However, the overall picture of the Home Office's management of the EUSS at that time was positive. Time and resources had been invested in its development and it had benefitted from being an organisational priority. The second inspection report, published in February 2020, found that despite some fresh challenges, "the Home Office was operating within itself, unlike in many other areas, and was managing relatively comfortably".

This third inspection is not a re-inspection as such, although progress with the previous recommendations has been considered, and it also includes a number of new recommendations based on a more detailed look at those eligible for the scheme who may be vulnerable.

The key findings in this report have led to seven recommendations. These include: progressing policy decisions causing casework to be held up; refresher training and guidance for caseworkers on assessing applications from children and young people and allocating linked applications to the same caseworker; expediting work with third parties, such as local authorities and other government departments, to enable all eligible applicants in their care to apply; empowering Settlement Resolution Centre staff to resolve or escalate enquiries on applications; making better use of data on vulnerability and protected characteristics; and completion of a lessons learned review of the EUSS to ensure learning is applied to other parts of the Home Office. The report also highlights further work required to address outstanding recommendations from the last inspection relating to customer service and quality management.

During the latter stages of this inspection, the new Independent Monitoring Authority for the Citizens' Rights Agreements (IMA) was launched and we will continue to collaborate with the IMA regarding the EUSS, in line with our respective statutory remits.

As with the previous inspections, this report identifies where the Home Office needs to make improvements, while providing external stakeholders with an independent view of how well the EUSS is working.

The COVID-19 pandemic presented significant challenges to the Home Office's operation of the EUSS, but it has responded well to minimise the disruption caused to applicants, as far as possible. However, this also impacted on how we undertook the inspection, which was entirely virtual in nature, and how long it took to complete.

While the deadline for applications to the EUSS was 30 June 2021, the scheme will remain in operation for late applications, joining family members and for those converting to settled status, for many years to come and so the findings and recommendations in this report have been framed to have an enduring relevance, as well as informing improvements that can be made now for those with vulnerabilities.

This report was mostly drafted in April 2021 and reflects the position at that time. It was sent to the Home Secretary on 15 July 2021.

David Neal
Independent Chief Inspector

1. Scope and purpose

1.1 The inspection looked at:

- Home Office strategies for ensuring that the EUSS is accessible to vulnerable and hard-to-reach applicants, including through the organisations and local authorities in receipt of funding to promote and support access to the EUSS
- how EUSS applications, and related enquiries, are handled by the Settlement Resolution Centre, EUSS Casework and Criminal Casework teams, including:
 - how vulnerable applicants (and those with protected characteristics) are identified and monitored
 - the process for paper-based applications
 - the exercise of 'evidential flexibility' and 'reasonable enquiries'
 - refusals and 'variation of leave' application outcomes
- progress against the recommendations from previous ICIBI inspections of the EUSS.

1.2 This inspection did not consider the processes in place to detect, report and address potential fraud in EUSS applications.

2. Methodology

2.1 Inspectors:

- reviewed open source material, including previous relevant ICIBI inspection reports
- on 3 July 2020, published a ‘call for evidence’ on the ICIBI website seeking submissions from anyone with knowledge or experience of the EU Settlement Scheme. 84 replies were received from academics (2), immigration/legal representatives (3), non-governmental organisations (NGOs) (35), another government department (1), local government bodies (2), regional strategic migration partnerships (5), trade/professional bodies (2) and members of the public (34)
- starting 29 July 2020, conducted ‘virtual’ familiarisation sessions with staff in EUSS Casework, the Settlement Resolution Centre (“SRC”), Suitability Assessment Team (SAT), Communications and Immigration Enforcement
- examined 150 EUSS case files, comprising 50 with refusal outcomes; 50 granted variation of leave outcomes during July 2020 and 50 cases held in work in progress (WIP) as at 1 October 2020 and aged over 6 months. The oldest application in the sample was 27 February 2019 and the most recent was 13 August 2020; most (129) had applied between September 2019 and March 2020
- on 30 October 2020, issued online surveys to:
 - SRC staff: approximately 248 staff were invited to take part in the survey and 73 (29.4%) surveys were completed
 - identity verification and front-end casework staff: approximately 296 staff were invited to take part in the survey and 56 (18.9%) surveys were completed
 - eligibility caseworkers: approximately 668 staff were invited to take part and 132 (19.8%) surveys were completed
- on 3 November 2020, an online survey was issued to the original 57 grant funded organisations (GFOs) and 24 replies were received
- between 23 November 2020 and 18 December 2020, held 69 interviews and focus groups (via Skype), with staff at grades from Administrative Assistant to Senior Civil Servant in the SRC, European Casework, SAT, Immigration Enforcement, Communications, Policy, Commercial and Home Office Analysis and Insight
- held meetings with key NGOs representing the interests of EEA citizens, children and local communities, a local authority and an academic institution
- in July 2020, September 2020 and February 2021 requested and, on receipt, analysed evidence from the Home Office
- on 3 March 2021, presented emerging findings to the responsible Home Office Senior Civil Servants and their teams.

2.2 A copy of the report was sent to the Home Office on 19 May 2021 for factual accuracy checking. The Home Office responded on 13 July 2021.

3. Summary of conclusions

- 3.1** For the majority, the EU Settlement Scheme (EUSS) continues to operate as a quick and efficient means of securing the rights of EEA citizens, and their family members, in the UK. The Home Office provides forums for feedback and has continually learned and adapted, but in its relatively short period of operation has not necessarily moved quickly enough to progress targeted strategies, and has done itself a disservice by not compiling data that demonstrates the extent to which it has ensured the needs of the most vulnerable and hard-to-reach groups have been met by the EUSS.
- 3.2** The numbers applying to the EUSS have far exceeded Home Office estimates. By the end of February 2021, almost 5.2 million applications had been received, with over 4.8 million concluded, against initial estimates of between 3.5 million and 4.1 million eligible to apply. While the Home Office had revised its overall estimates to a maximum of 4.6 million, little had been done to refine estimates of eligible vulnerable people or, likewise, to quantify how many vulnerable people have applied, and been granted status, under the EUSS.
- 3.3** Home Office reporting of the EUSS transparency data continued to be timely, some improvements had been made, such as the inclusion of paper applications, but some data that could be useful to grant funded organisations (GFOs), such as application numbers by sex, was not available. Published data still only gave the number of applications, and the Home Office had yet to eliminate repeat applications from datasets to provide a clear view of how many people have applied to EUSS and what the ultimate outcomes were.
- 3.4** The Home Office eventually published a Policy Equality Statement (PES)¹ for the EUSS in November 2020. Neither the delay nor the PES itself were well received by stakeholders. The PES provides a comprehensive account of the potential impact of the EUSS policy on those with protected characteristics, support mechanisms to mitigate the impact and a commitment to ongoing review. However, in the absence of data capture of applicants' protected characteristics, beyond age, sex and nationality insofar as that corresponds to race, it is difficult to see how the Home Office can demonstrate it has fully evaluated any actual impact or remained alert to unanticipated impacts. Consequently, it cannot be confident that any disadvantages are "proportionate".
- 3.5** The Home Office speaks with pride about the EUSS' 'comprehensive vulnerability strategy', and the vulnerability workstream had remained a key priority for the department. However, the strategy itself, produced in March 2018, had not been formally reviewed since inception, with no holistic monitoring or evaluation conducted of its impact on specific vulnerable cohorts, or of learning and improvement applied.
- 3.6** Work with GFOs has been a sustained effort by the Home Office, expanding outreach to vulnerable individuals, with over £21.5 million funding offered since April 2019, and more than 257,000 vulnerable people receiving GFO support to make their EUSS application.

¹ [EUSS Policy Equality Statement \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

- 3.7** The Vulnerability Team had engaged well with the GFOs, who were broadly positive about the support and training they received but were critical of the repeated delays to funding decisions, with the Home Office considered to have shown little regard for the logistics required to establish and maintain the EUSS grant funded workstream.
- 3.8** GFOs considered Home Office reporting requirements to be burdensome, and the data captured provided limited meaningful information, neither providing numbers of applications by type of vulnerable cohort, nor allowing the Home Office to monitor how it processed and decided those applications. While it is positive that the GFOs met or exceeded their predicted delivery outcomes in terms of numbers assisted overall, vulnerability data would be of greater benefit to evaluating the effectiveness of the GFOs and clarifying the Home Office's role in delivering the vulnerability strategy.
- 3.9** Going forward the challenge will be how the Home Office supports vulnerable citizens beyond the current round of grant funding, due to finish in September 2021, as cases are likely to become more complex and the consequences of vulnerable applicants not registering for the EUSS may be significant after 30 June 2021.
- 3.10** There was a disappointing uptake of New Burdens Funding designed to ease the financial burden on local authorities required to promote and support EUSS applications among looked after children and care leavers. Less than £100,000 was claimed of the £381,710 allocated, which was attributed to it being 'administratively intensive'. Although the funding was for a finite period, it had established a clear focus on the issue among local authorities, who were also able to apply for grant funding from October 2020.
- 3.11** Work with local authorities on looked after children and care leavers had been productive despite a relatively low application rate of 46% of those identified in autumn of 2020. Initial figures for eligible children had been provided by all but three local authorities across the UK, and analysis had identified the most common 'barriers' to application, resulting in themed workshops delivered to local authorities by the Home Office. By March 2021, the application rate had increased to 65%.
- 3.12** There was evidence of limited progress with local authorities in other areas, such as adults in care, those lacking mental capacity or with disabilities. Despite Home Office plans to conduct a survey and quantification exercise of adults in care, no date had been set for this. In a positive move the Association of Directors of Adult Social Services was among the recipients of grant funding announced in October 2020, but the Home Office needs greater impetus in advancing these areas.
- 3.13** The Home Office had continued significant activity in promoting the EUSS to EEA citizens in the UK despite curtailing its in-person events and conducting more virtual engagement due to the COVID-19 pandemic. Campaigns had been evaluated and messaging was being refined and adjusted as the deadline approached. A fresh 'marketing burst' had occurred in December 2020 and a further campaign was being considered for spring 2021.
- 3.14** Targeted action to address groups initially identified by the Home Office as underrepresented among EUSS applications, such as those aged under 16, had been underwhelming. Materials and engagement events were provided for local authorities working with children in care or previously in care, but little action had been taken to reach the broader under 16 cohort. A project to develop child-friendly communications, initiated in early 2019, had stalled.

- 3.15** Sensibly, the Home Office’s approach to communicating with vulnerable people relied heavily on its use of the GFOs, which allowed information about the EUSS to reach people that the Home Office struggled to access directly, such as Roma communities where literacy, language and digital barriers are common, as is a distrust of authorities. Tactical changes were made to increase the reach of GFOs by geographical area and cohort in the latter round of funding. The Home Office continued to provide promotional materials and support the organisations in developing their own.
- 3.16** While it is positive that the Home Office utilises the GFOs, it had little oversight of their communications with vulnerable groups. Furthermore, there had been no demonstrable review of the impact of communications and engagements strategies to enable more targeted messaging for specific vulnerable groups.
- 3.17** Monthly intake of EUSS applications varied significantly, but workflow had been managed effectively, despite limitations of the casework management system, PEGA. The department had moved to a casework ownership model that best utilised its workforce by ringfencing staff for specific cases. Average processing times and the volume of aged work in progress (WIP) had consistently reduced in the latter half of 2020.
- 3.18** Delays experienced in processing some applications were due to various factors; many were due to complexity, and others, such as derivative rights refusals and the broader cohort falling to be refused on eligibility grounds, had been delayed pending protracted policy development. Children under 21 due to be refused were, sensibly, held while the Home Office devised and implemented an extra step of contacting the local authority to prevent those most vulnerable being refused.
- 3.19** The suitability stage had the largest growing aged WIP, but the Home Office had a good understanding of this cohort, with processes in place to review cases, while recent changes to pending prosecution policy should have some positive impact. There were deficiencies in record keeping and, particularly where cases are referred to Immigration Enforcement for a criminality assessment, the Home Office needs to ensure notes and outcomes are recorded correctly to prevent an administrative burden further down the line.
- 3.20** Whether EUSS Casework and the Settlement Resolution Centre (SRC) remain sufficiently resourced is uncertain. After another peak of applications towards the end of 2020, the total WIP was substantial – around 400,000 applications. The SRC staffing plan had not been revised despite call volumes being significantly higher than planned; over a fifth of calls to the SRC went unanswered and average call duration had increased, reflecting more complex enquiries, while SRC agents were multitasked with new workstreams outside of the EUSS.
- 3.21** The SRC provides a service that is unique to the EUSS and overall, is valued by stakeholders, however, it had little remit to identify and progress cases delayed at eligibility stage. There was also little recognition by the Home Office of concerns that callers requesting paper application forms from the SRC were denied or dissuaded, and SRC staff must be clear on this policy to ensure that all those eligible for EUSS are given the opportunity to apply.
- 3.22** SRC agents and caseworkers found language barriers to be a challenge, and although they made best use of ‘soft skills’ and other communication methods, the Home Office had failed to provide any practical solution, such as an interpreter service. This in turn increased the burden on GFOs, and the Home Office needs to be clear that it has effectively outsourced this language support function and ensure that individuals with language support needs are included in its calculations of the ‘vulnerable’ people it intends to support through the GFOs.

- 3.23** During 2020, the volume of non-grant outcomes had increased and raised concern among stakeholders. The Home Office could not provide details of analysis of refusals, but local ‘deep dives’ were conducted to understand and learn from such workstreams, with steps taken, where possible, to prevent both rejections and refusals. Again, such exercises could be of greater benefit if a more systematic approach was taken, with comprehensive data, findings and oversight to demonstrate the impact.
- 3.24** Many refusals were due to an applicant failing to respond to requests for evidence of residency or relationship. Guidance and training for these circumstances was clear and inspectors saw, through examination of case files, applicants routinely given in excess of the required opportunity to reply.
- 3.25** Prior to the COVID-19 pandemic, the SRC and EUSS Casework had been office-based operations and the transformation to a remote model was a sizeable undertaking; the return to full capacity operations within six and eight weeks, respectively, is commendable. Across the department, inspectors were impressed by the enthusiasm and dedication seen in staff and there was a widespread sensitivity toward ‘vulnerability’, which was driven from the top down. It was not strictly defined but this provided flexibility to consider each case on its own merits, in line with the ‘minded to grant’ ethos.
- 3.26** Since the EUSS application process does not collect data on vulnerability, there was no simple way of identifying vulnerable applicants, and the Home Office is reliant on the vigilance of caseworkers who use manual flags to highlight issues of vulnerability. However, these flags could not be reported on to provide data which might identify trends in casework consideration of applications from vulnerable people.
- 3.27** Some workstreams in which vulnerable applicants were common, such as paper applications, benefited from ringfenced staff with more experience of applying ‘evidential flexibility’, but otherwise applications were distributed across the many casework teams. Staff were generally more confident and experienced in the use of evidential flexibility, but there was little to monitor the consistency, with a reliance on the “robust assurance regime”. Inspectors found some evidence of inconsistency in case files examined, specifically in the use of evidential flexibility in minors’ applications, where more needs to be done to achieve a standardised approach.
- 3.28** There was a pressure felt by some caseworkers to meet targets, monitored daily, at the expense of quality. Managers were clear that the focus is on quality and going forward this message needs to be reinforced as the department tackles a potentially more complex caseload.
- 3.29** The EUSS Casework quality assurance regime was considered by the Central Operations Assurance Team of UKVI to be on ‘an upward trajectory’ and there was evidence of learning applied as a result of quality assurance findings. However, the regime had weaknesses; including an overreliance on routine sampling of straightforward cases that provide no insight into use of evidential flexibility or decision making. Quality assurance in the SRC was more structured but lacked capacity to conduct the volume needed to provide confidence over consistency of advice.
- 3.30** In August 2020, the processing of refused applications became ‘business as usual’, reducing the oversight over those decisions. Staff who process refusals received additional training, locally, with additional assurance over some refusal decisions. While the increased training and oversight around refusal decisions is welcome, its dispersal across casework teams

increases the risk of inconsistency, and there was no second line assurance to validate the local approach.

- 3.31** Although the deadline to submit in-time applications to the EUSS is 30 June 2021, the Home Office is clear it still has work to do, with in excess of two million people granted pre-settled status who may apply for settled status, as well as joining family members and late applications. The consistency and effectiveness of application processing will remain of importance when considering whether to grant or deny EUSS status beyond June 2021.
- 3.32** Nine recommendations were made in the second ICIBI inspection of the EUSS of which the Home Office accepted eight: four in full and four partially. Inspectors found that of those accepted in full, three could be closed. While progress was evident in most, more could be done, as summarised in annex A.

4. Recommendations

The Home Office should

As a matter of urgency:

- 4.1** Begin collecting, collating and utilising data about vulnerability and protected characteristics from all sources, including grant funded organisations (GFOs), third party suppliers and EUSS Casework teams, on individuals assisted and the outcome of their applications to the EUSS, to identify the reasons for decisions, any trends in processing and to inform evaluation against strategies and the Policy Equality Statement.
- 4.2** Review and revise those areas of policy that are causing casework to be held up in the work in progress (WIP), including cases held at the suitability stage where foreign conviction certificates are required from countries that are failing to provide them and status review of EUSS grants of status.
- 4.3** Issue refresher training and guidance to caseworkers on assessing applications of children and young persons under 21, setting out clearly when evidential flexibility can be applied, and take steps to identify and allocate sibling/family member(s) to the same caseworker, wherever possible.
- 4.4** Expedite work in progress with third parties, including local authorities, health and social care trusts and HM Prisons and Probation Service, to identify all eligible adults under their care, and provide targeted guidance and support to facilitate those applications to the EUSS.
- 4.5** Clarify what success means for the Settlement Resolution Centre (SRC) in the context of the 'once and done' approach and how this can be measured, and empower SRC staff to resolve or escalate enquiries on applications where there has been a period of inactivity and no information to explain the delay.
- 4.6** Implement the recommendations from 'An inspection of the EU Settlement Scheme (April 2019 to August 2019)' that relate to customer service and quality management, specifically:
 - Recommendation 2:
Making best use of management information (MI) and 'lessons learned' and 'improvements made' stories, expand and regularly update its messaging regarding the length of time an application will take to process, making clear both how long it is taking for the majority of applications and the reasons why it may take longer for others. Regarding applications that are held up awaiting further information from the applicant, produce clear messaging about the consequences of not responding within the specified timescales (and apply them) to ensure that applicants know where they stand.

- Recommendation 5:
Review the robustness of the quality assurance regimes in place for EU Settlement Scheme (EUSS) caseworkers and Settlement Resolution Centre (SRC) staff, in the process explaining to staff the basis for daily performance targets and dealing with their concerns about fairness.
- Recommendation 8:
Collect and publish data for complaints received in relation to the EU Settlement Scheme (EUSS) and for Administrative Review applications and outcomes.
- Recommendation 9 (expanded to reflect latest findings):
Clarify what “reasonable enquiries” the Home Office will make (for example, of other government departments and other agencies) on behalf of individuals who have difficulty proving their entitlement to apply, and how and when this can be done to comply with data protection legislation.

By the end of September 2021:

- 4.7** Conduct a comprehensive lessons learned review of the EUSS strategy, communications, engagement, and SRC and casework operations, so that learning can be applied going forward and shared for the benefit of other Home Office departments.

5. Background

History of the EUSS and legislative outline

- 5.1** The objective of the EU Settlement Scheme (EUSS), as set out in the draft Withdrawal Agreement² with the European Union, was to provide a new immigration status to EU, EEA and Swiss citizens, and their family members by the time the UK exited the EU, so they could continue living and working in the UK after 30 June 2021, the end of the ‘grace period’.
- 5.2** The EUSS was formally launched on schedule on 30 March 2019, following private and public beta testing phases.
- 5.3** EEA citizens and their family members who, by 31 December 2020, reside in the UK can apply for:
- ‘settled status’ (‘indefinite leave to remain’) if they have been continuously resident in the UK for five years
 - ‘pre-settled status’ (‘limited leave to remain’) if continuously resident for less than five years, but then eligible for settled status after this period.
- 5.4** Close family members are also able to join EEA citizens resident in UK, where the relationship existed before 31 December 2020.
- 5.5** Applications can be ‘refused’ on either eligibility or suitability grounds, or assessed as ‘invalid’ if the prescribed process is not followed or proof of identity or biometrics (facial image and fingerprints) is not supplied.

Inspection by the ICIBI

The ICIBI’s role pending the creation of an Independent Monitoring Authority

- 5.6** In the ‘EU Settlement Scheme: statement of intent’³ and in a subsequent statement⁴ in response to a report from the Committee on Exiting the European Union, the government indicated that, pending the creation of an Independent Monitoring Authority for the Citizens’ Rights Agreements (IMA), as envisaged in the draft Withdrawal Agreement, it expected the ICIBI to “provide oversight of the operation of the EU Settlement Scheme” and report on its functioning, “enabling improvements to be made as appropriate”.
- 5.7** The purpose of the IMA⁵ is to monitor how public bodies in the UK and Gibraltar implement and apply the citizens’ rights parts of the EU UK Withdrawal Agreement and the EEA EFTA

² [Withdrawal Agreement](#)

³ [Statement of intent](#)

⁴ [The rights of UK and EU citizens: Government Response to the Committee’s Eighth Report](#)

⁵ ima-citizensrights.org.uk

Separation Agreement.⁶ The IMA became operational at the end of the transition period on 31 December 2020.

The first ICIBI inspection of the EUSS

- 5.8** The first ICIBI inspection ran from November 2018 to January 2019. The inspection report⁷ was sent to the Home Secretary in March 2019 and it was published on 2 May 2019. The inspection focused on the Private Beta Phase 2 and looked at governance of the EUSS's development and delivery, at staffing, and at the learning the Home Office gained from testing, including from the trialling of the EU Exit: ID Document Check app and from the inclusion of a small cohort of vulnerable applicants in Private Beta Phase 2.
- 5.9** The inspection made seven recommendations, all of which were "Accepted" by the Home Office. The overall finding was that the EUSS stood out as having been afforded the preparation time, resource and organisational priority to succeed and that staff morale was high. The challenge was to maintain the positive attitudes when the EUSS became 'business as usual' and workloads became more challenging.

The second ICIBI inspection of the EUSS

- 5.10** The second ICIBI inspection took place between April and August 2019. The inspection report⁸ was sent to the Home Secretary in September 2019 and it was published on 27 February 2020. It looked at the Home Office's progress in implementing the recommendations from the previous inspection and examined how the EUSS had been performing since its public launch on 30 March 2019, in terms of numbers of applications received, processing times and outcomes. It also considered the actions the Home Office had taken to meet the needs of vulnerable individuals and groups.
- 5.11** Five of the seven recommendations from the first inspection were considered by the ICIBI to have been "closed", subject to certain caveats, while two could not be closed until the EUSS itself closes. The first of these (recommendation two) related to ensuring that the EUSS was adequately resourced throughout its lifetime; it was noted that by August 2019 the Home Office had done as much as it could reasonably do to ensure that the EUSS had sufficient trained staff and that "the management style and culture within the EUSS business area was inclusive and encouraging, with good internal communications and a clear commitment to continuous improvement."
- 5.12** The other recommendation (recommendation seven) remaining open for the life of the scheme related to the Home Office recognising and accepting that it remains responsible for ensuring the scheme meets the needs of everyone who is eligible, including making 'reasonable enquiries' on behalf of those who find it difficult to prove their eligibility, and communicating this to stakeholders working with vulnerable individuals, including those in receipt of grant funding.
- 5.13** The second inspection made a further nine recommendations covering a range of issues, including:
- the ancillary costs of making an application

⁶ [Separation Agreement](#)

⁷ [An inspection of the EU Settlement Scheme Nov 2018 to Jan 2019](#)

⁸ [An Inspection of the EU Settlement Scheme Apr 2019 to Aug 2019](#)

- messaging about timescales for decisions
- reassurance that the impacts of the EUSS have been fully considered, in particular for vulnerable and hard-to-reach individuals and groups
- foreign language support for applicants with limited English
- robustness of quality assurance
- staff training
- better data capture and analysis regarding “evidential flexibility”
- complaints and Administrative Reviews
- clarification of what “reasonable enquiries” the Home Office will make (of other government departments) on behalf of individuals where they have difficulty in proving their entitlement to apply.

5.14 All recommendations other than the first, relating to ancillary costs, were either accepted in full or in part by the Home Office and progress against each of these was considered as part of this third inspection.

Governance of the EUSS since August 2019

5.15 For the Home Office, the EUSS project phase officially moved over to business as usual on 11 September 2019 when the EUSS Project Board agreed the ‘Closure Report and Business Case’. This marked the official handover of all responsibilities from the joint project leads (Senior Responsible Officers) from Borders, Immigration, Citizenship System, Policy and International (BICSPI) and UK Visas and Immigration (UKVI) to the Head of European Casework, Settlement and Customer Contact Centre, as the Service Owner for live operations.

5.16 The Home Office has held monthly EUSS business as usual (BAU) board meetings since October 2019, following official closure of the EUSS project. This board has predominantly the same membership as the predecessor project board, including senior stakeholders from UKVI; BICSPI; Communications; Digital, Data and Technology (DDaT); Border Force and Immigration Enforcement; all of whom provide a monthly highlight report. A Non-Executive Director of the Home Office Board also attended in the role of critical friend. Board minutes record actions and decisions made. In addition, there are regular meetings with operational managers to discuss progress and issues arising; and update calls to ensure senior managers are provided with appropriate briefings.

5.17 The terms of reference for the new board set out its overarching objectives, including:

- provide strategic direction
- manage progress against the BAU delivery plan
- monitor operational stability
- resolve any challenges requiring agreement of senior stakeholders
- review work progress against cost and time elements
- effective decision making and resolution of problems
- review risks.

EUSS developments

5.18 Since the EUSS came into effect, there have been several policy changes, often as a result of updates to the Immigration Rules Appendix EU⁹, including the following which sought to support a particular vulnerable cohort:

- From 24 August 2020, any family member within the scope of the EUSS (a spouse, a civil partner, durable partner, child, dependent parent or dependent relative) whose family relationship with a relevant EEA citizen, or with a qualifying British citizen, has broken down permanently as a result of domestic violence or abuse against them or another family member, will have a continued right of residence.

5.19 Figure 1 shows the latest published data¹⁰ for the EUSS at the time of writing. Up to the end of February 2021, over 4.8 million applications had been completed, with 4.6 million receiving either settled status or pre-settled status, and less than 3% receiving a non-grant outcome.

Figure 1:

EUSS outcomes since launch to 28 February 2021				
Settled	Pre-settled	Refused	Withdrawn or void	Invalid
2,553,900	2,099,200	45,500	55,300	54,100
(53.12%)	(43.66%)	(0.95%)	(1.15%)	(1.13%)

⁹ [Immigration-rules-appendix-eu](#)

¹⁰ [EU Settlement Scheme statistics \(www.GOV.UK\)](#)

6. Inspection findings: Application forecasts and vulnerability data

EEA citizens in the United Kingdom

- 6.1** The Home Office Analysis and Insight (HOAI) team provides analysis and insight to support ministers, policy and operations across all areas of the Home Office. The team has supported the EUSS since before the scheme was launched, providing application estimates for the EUSS Impact Assessment (IA).
- 6.2** HOAI also provide demand profiles, which estimate the total number of people who will apply to the EUSS each month, broken down by first time applicants and those who can apply for settled status. The demand profiles are used by operations and communications teams to help inform workforce planning and engagement.
- 6.3** HOAI draw their data from the Management Information (MI) which is produced by the Home Office Performance Reporting and Analysis Unit (PRAU). The HOAI extract a monthly snapshot of data from PRAU and compare this data with Office of National Statistics (ONS) figures. However, this was acknowledged by one senior manager to be less valuable now as the volumes that have been received are so much higher than the ONS population estimates.
- 6.4** HOAI estimated in the EUSS IA¹¹, dated March 2019, that “the total number of EEA citizens and their family members eligible to apply for the EU Settlement Scheme by the end of the planned implementation period on 31 December 2020 is likely to be between 3.5 million and 4.1 million.” The document notes that the data range is based on; an initial estimate that 3.4 million EEA citizens were resident in the UK between October 2017 and September 2018,¹² the resident EEA population’s non-EEA dependents (100,000 to 200,000), and long-term inflow of EEA arrivals who intend to stay in the UK for more than one year.
- 6.5** HOAI revised the figures in the EUSS IA in July 2020, estimating that 4 million to 4.6 million applicants would apply to the EUSS. This represented an uplift of 12-14% on initial estimates. In the revised EUSS IA, HOAI used an updated method for calculating the resident population, including short-term inflows of EEA arrivals that intend to stay in the UK for more than three months.
- 6.6** These figures were based on revised Office of National Statistics (ONS) Annual Population Survey (APS) data from January to December 2019 which indicated 3.45 million EEA citizens were resident in the UK. Estimated volumes of non-EEA dependents were 210,000 to 240,000 and the figures include up to 350,000 applications for short term migrants. Further allowances were made for inflows and outflows of long-term residents, which balanced out at up to 200,000 for each category.

¹¹ https://www.legislation.gov.uk/ukia/2019/74/pdfs/ukia_20190074_en.pdf

¹² [Annual Population Survey regression models - Office for National Statistics](#)

- 6.7** The analysis and insight behind the revised figures contained a caveat that they do not include estimates for family members of those resident in the UK before January 2021 that arrive from January 2021 onwards.
- 6.8** A number of risks in the modelling of figures were also noted, including:
- demand from short-term migrants intending to stay in the UK for less than 3 months
 - potential increase in non-compliant demand from January 2021 due to lack of awareness of the need to apply to the EUSS
 - potential increase in second, or repeat, applications as the end of the application window approaches.
- 6.9** Additionally, the impacts of the COVID-19 pandemic on overall demand or intake profiles were not included.

EU Settlement Scheme published statistics

- 6.10** As of 28 February 2021, the Home Office had received 5,175,100 applications to the EU Settlement Scheme (EUSS).¹³
- 6.11** The Home Office publish monthly and quarterly statistics on EUSS applications on GOV.UK. According to GOV.UK¹⁴, the purpose of the EUSS statistics are to “provide valuable insight into applications to the scheme. This helps to inform government policy and to ensure that the scheme has been effectively communicated to eligible EEA and Swiss citizens and their family members.”
- 6.12** The first monthly statistics report was published in May 2019, providing information on the total numbers of applications received since testing of the EUSS began. This covered the period from 28 August 2018 to 30 April 2019.
- 6.13** Monthly statistics covered four data sets: applications received, applications concluded, applications received by constituent parts of the UK and applications received by nationality.
- 6.14** In August 2019, the first quarterly statistics report¹⁵ was published, providing information on the total number of applications received between 28 August 2018 to 30 June 2019. In addition to the four data sets contained within the monthly statistics, the quarterly publication includes application outcomes by nationality, age and constituent parts of the UK. At the time of the first quarterly report, a further document was released by the Home Office detailing applications by region and local authority.
- 6.15** At the time of writing, the latest monthly and quarterly statistics were published in March and February 2021, respectively.

Changes in reporting of statistics since August 2019

- 6.16** In the second quarterly statistics, dated September 2019, changes were made resulting in: more detailed breakdowns of applications by nationality to the UK and each of its countries,

¹³ www.gov.uk/government/collections/eu-settlement-scheme-statistics

¹⁴ [Home Office EU Settlement Scheme statistics: user guide \(www.GOV.UK\)](https://www.gov.uk/government/publications/home-office-eu-settlement-scheme-statistics-user-guide)

¹⁵ www.gov.uk/government/statistics/eu-settlement-scheme-quarterly-statistics-june-2020

adjustments to the age brackets (changing the age of the lower band from under 16 to under 18 years of age) and more detailed data on application outcome by local authority.

- 6.17** In February 2020 when the Home Office started to refuse applications to the EUSS on eligibility grounds,¹⁶ a more detailed breakdown of case outcomes was included in the monthly and quarterly statistics. This provided further transparency on cases that were not granted settled or pre-settled status, which are now listed as either refused, withdrawn/void or invalid.¹⁷
- 6.18** In June 2020,¹⁸ the Home Office announced that changes would be made to the next round of monthly and quarterly statistics. The monthly statistics were published on GOV.UK as a summary of the latest internal figures, rather than in a report format. The summary figures contained less information, with the breakdown of applications by nationality and reasons for refusal no longer reported on.
- 6.19** The Home Office explained that the changes ‘will allow for timelier releases of high-level figures on applications and outcomes.’ The changes to reporting led to less data being published monthly, however, inspectors noted improvements in the contents of the quarterly statistics. Significantly, the collection of data was expanded to include numbers of non-digital (paper) applications and further analysis of application outcomes. Revisions were also made to the previous monthly and quarterly figures to account for the 10,000 paper applications made to the EUSS through to 30 June 2020, providing a more comprehensive picture of applications received.
- 6.20** However, stakeholders raised concerns about these changes which “now include less data in its monthly releases. As of July, the EUSS uptake by nationality and reasons for refusal are no longer published as part of the monthly releases.”

Volumes still to apply

- 6.21** By 31 December 2020, 4.8 million EUSS applications had been received and the latest Home Office data showed that this had increased to 5.18 million applications by 28 February 2021. With a further four months to go before the application deadline of 30 June 2021, the overall figure will be considerably higher than initial estimates.
- 6.22** Inspectors found that there was a confused picture in relation to estimated volumes of EEA citizens who were yet to apply to the EUSS. Senior managers recognised the challenges of making accurate estimates. One said, “The question that is always asked is “has everyone applied?” It’s an impossible question...” and another commented that they “... didn’t know how many EU nationals were in the country or what customer behaviour would be.”
- 6.23** The data has been an area of concern for stakeholders who commented: “The biggest challenge has been the lack of data. We don’t know how many EU citizens live in the country, we don’t know where they live, and we don’t know what nationality they are.” “Good data can drive decision making.”
- 6.24** In response to an initial evidence request, inspectors were told in August 2020, that “in the region of up to 500,000 additional EUSS applications would still need to be granted.” This figure was based on the published EUSS IA estimated number of applicants of up to

¹⁶ Home Office EU Settlement Scheme statistics: user guide (www.GOV.UK)

¹⁷ EU Settlement Scheme Statistics, February 2020 (www.GOV.UK)

¹⁸ EU Settlement Scheme Statistics, May 2020 (www.GOV.UK)

4.1 million, and the 3.6 million granted applications to date (31 July 2020). However, an internal briefing pack presented to the EUSS Board in June 2020 showed an estimated 95% of EEA citizens had applied and 3% were yet to apply. This assessment was based on total applications received, from all nationalities, until the end of April 2020 of 3,536,804 (3,343,719 excluding Irish citizens),¹⁹ with an estimated c95,000 yet to apply. The slides did not reference the remaining 2%.

- 6.25** The EUSS Board papers for June 2020, which were protectively marked, contained some helpful analysis on who was yet to apply, using applicant age, nationality, area of the UK that they lived in and their local authority. Findings indicated that applications from EEA citizens aged 16 and under represented the largest estimated volume by age group yet to apply; this was contrary to the perception that the elderly population would require the most support. Data was also recorded on applicants aged 16 to 24 years, 25 to 49 years, 50 to 64 years and over 65.
- 6.26** According to the information presented to the EUSS Board, for nationality, the top three countries whose citizens were yet to apply were Poland, France and Germany. Meanwhile, applications from Romanian, Bulgarian, Italian, Portuguese and Spanish citizens in the UK were higher than estimated.
- 6.27** The Home Office had conducted this analysis to enable it to tailor its communication and engagement strategies. Stakeholders would welcome sight of the information to help target their communications and service provision: “We’ve been asking for more information, by different age groups and then we can target campaigns, but none of that has been forthcoming. Nearly 50% of children’s applications have not been registered.”

Limitations of estimates

- 6.28** The Migration Observatory in its paper ‘Not Settled Yet? Understanding the EU Settlement Scheme using the Available Data’²⁰, highlighted that “the official estimate of EU citizens in the UK is, by definition, a snapshot taken at a point in time”. The Observatory identified further issues with the estimates, based on ONS figures, which do not account for some people living in communal or residential homes, part year residents, new arrivals and people who were granted status but then chose to leave the UK.
- 6.29** Another factor which presented challenges in understanding the overall picture of who has applied is the double counting of applications. This occurs when an applicant has applied for pre-settled status and subsequently applied for settled status, or where an applicant had made a repeat application for status. The EUSS casework management system (PEGA) assigns a unique application number, but it does not assign a unique applicant identity and, therefore, the system has no record of repeat applicants.
- 6.30** At the time of the inspection, work was underway to provide more clarity on repeat applications which, according to GOV.UK, account for “fewer than 5 per cent of applications received.”²¹ The expectation was that this work would be completed in early 2021, with a view to this data being included in the quarterly reports from March 2021.²²

19 Irish citizens do not need to apply to the EUSS, as their residence in the UK is guaranteed under the Common Travel Area after Brexit.

20 [Not Settled Yet? - Migration Observatory \(ox.ac.uk\)](https://www.migrationobservatory.ox.ac.uk/publications/not-settled-yet/)

21 [EU Settlement Scheme quarterly statistics, December 2020 \(www.GOV.UK\)](https://www.gov.uk/government/statistics/eu-settlement-scheme-quarterly-statistics-december-2020)

22 As at 26 April 2021, no quarterly report had been published for March 2021.

Home Office data capture

- 6.31** In their responses to ICIBI’s ‘call for evidence’, stakeholders raised concerns over the lack of data captured by the Home Office on protected characteristics.
- 6.32** Of the nine protected characteristics,²³ the Home Office was able to collect data on age and race (as it relates to a person’s nationality). There is also an opportunity to collect some data on sex, although this is not a routine part of the application process.²⁴
- 6.33** The benefits of capturing more information on protected characteristics has been highlighted by the Migration Observatory as an indicator of who is and isn’t applying to the EUSS. This information would help inform the Home Office and its key partners as to who has applied to the EUSS and which cohorts of EU citizens may be facing barriers.
- 6.34** Inspectors found that managers within the Home Office were aware of their inability to report on protected characteristics, which was described as a “challenging issue which the Home Office continues to work on.” And noted the “biggest challenge with monitoring protected characteristics – is a lack of data.”

Home Office data on vulnerable applicants

- 6.35** Inspectors heard similar responses from the Home Office in relation to vulnerability data. In an interview, one senior manager commented: “What I don’t know today is how many vulnerable people have applied.”
- 6.36** Stakeholders were concerned about the lack of vulnerability data as they considered that those who are vulnerable or at risk are more likely to face challenges and may not be aware of the need to apply or understand the process for making an application. A clearer understanding of this data would help the Home Office and its support organisations target their communication and engagement efforts.
- 6.37** Ahead of the launch of the EUSS, the Home Office estimated that approximately 200,000 applicants would identify as vulnerable. According to the EUSS Vulnerability Strategy, the estimate was based on “5-10% of EU citizens already here” who could be regarded as vulnerable using the following cohorts: some elderly people, disabled people and people with serious health conditions, victims of modern slavery and/or trafficking, victims of domestic violence, those with no fixed abode and vulnerable children.
- 6.38** The Home Office identified that this figure could rise to around 20% if language and literacy barriers were taken into account, however, the figure of 10% of EU citizens already here was used for planning purposes. Importantly, the Vulnerability Strategy explained that “It will be critical to ensure our approach and resources are adequately scaled to meet demand. We will continue to develop our understanding of volumes, using analysis and engagement with representative groups.”
- 6.39** At the time of the inspection, the Home Office continued to refer to the figure of 10% of overall applications.

²³ [Equality Act 2010 \(legislation.gov.uk\)](https://legislation.gov.uk)

²⁴ Non-EEA applicants without a biometric residence card are asked to provide their sex, but it is not asked for in the main EUSS application process. If present, data on sex is collected automatically from identity documents verified using the verification app.

6.40 In evidence, inspectors were provided with a table recording estimated groups of vulnerable citizens broken down into cohorts, which it noted “cannot be treated as mutually exclusive. For example, it is likely that many people in the 75+ category are also non-internet users or have long-term health conditions. Each group must be treated as independent from the others.” See figure 2.²⁵

**Figure 2:
High level estimates of EU Citizens resident in the UK: Vulnerable EUSS applicants**

Vulnerable group	High level estimates
Aged 65-74	54,000
Aged 75+	56,000
Long-term health conditions (Aged 18-64)	181,000
Depression or mental illness and related illnesses (Aged 18-64)	45,000
Non-internet users (Aged 16+)	63,000
Victims of modern slavery and/or trafficking	643
Victims of domestic abuse (Aged 16-59)	87,000
Those of no fixed abode: Gypsy Roma and Traveller communities	Low estimate 5,520 High estimate 24,000
Those of no fixed abode: rough sleepers	900
Vulnerable children: children in care	4,980
Vulnerable children: language skills	New to English: 18,000 Early acquisition: 36,000 Developing competence: 66,000 Competent: 78,000 Fluent: 114,000

6.41 The sum of the figures in the table, using the range of 5,520 to 24,000 for those with no fixed abode in the Gypsy, Roma and Traveller communities, is 810,043 to 828,523. Accepting that there will be some double counting due to vulnerabilities not being mutually exclusive, there is a significant difference in the totals presented here and the estimate of 200,000 individuals identified as vulnerable by the Home Office.

6.42 In the Independent Chief Inspector’s second report on the EUSS, it was noted that “PEGA MI on vulnerable applicants is limited, since relevant personal data is not routinely captured either by caseworkers or by SRC staff. However, some MI had been produced for applicants who indicated that they sought assistance to complete the online application form.”

6.43 While this data confirms that the applicant has received assistance with their application, it is not a reliable indicator of vulnerability and therefore has limited use. The field within the application form is voluntary, and the results in the last report indicated most assistance (82.57%) was provided by family or friends, rather than third party support organisations.

²⁵ Figures within the table have been rounded.

Furthermore, the Home Office is unable to provide outcomes for these EUSS applications, meaning they cannot be used to monitor or identify any trends in casework processing.

6.44 Most EUSS applications are processed using PEGA, however, some may need to be transferred or logged on the Case Information Database (CID), which is the main casework database for the Home Office. The fact that application data is kept on two separate systems adds more complexity to the challenge of collating and reporting on vulnerability data.

Paper applications

6.45 In January 2019, the Home Office produced an internal paper, ‘EU Settlement Scheme: Estimating the number of paper applications from EU Nationals categorised as vulnerable who may be unable to access support for online applications, or who may be unable to obtain an ID document.’

6.46 It was estimated that 8,000 to 12,000 applicants would submit a ‘paper application’ to the EUSS. These volumes were based on EU (excluding Irish) nationals “categorised as vulnerable who may be unable to access support for online applications, or who may be unable to obtain an ID document.” The paper contained a caveat that the estimates were “highly uncertain” as there is little direct information on most cohorts that may need a paper form. The details underpinning the estimates by cohort are in figure 3.

Figure 3:

Estimates of paper application numbers by cohort	
Cohort	Estimate
Aged 65-74 with prevalent disability, no ID and/or access to internet	In the region of 1,000 to 2,000
Aged 75+ with prevalent disability, no ID and/or no internet access	In the region of 2,500 to 6,000
16-64: Long-term mental health conditions, no ID and/or internet access	In the region of 500
16-64: Long-term physical conditions, no ID and/or no internet access	In the region of 3,000
Homeless	Up to around 500
Total	In the region of 8,000 to 12,000

6.47 Children in care and victims of slavery and trafficking were referenced, but no corresponding data was provided as it was assumed that these cohorts would receive third party support and would therefore make an online application.

6.48 The paper observed that “For many of these cohorts there is little data available. In addition, some of these cohorts may overlap but this has been limited where possible through the applied assumptions.” This highlights a further problem with Home Office data collection. Applicants who face barriers may fall into more than one cohort of vulnerability; inspectors did not find any evidence that analysis or monitoring had been undertaken to understand these overlapping cohorts.

Estimates for looked after children and care leavers

6.49 The Home Office reported that there is no available nationality data for children in local authority care or care leavers, therefore estimates were made of the numbers of children in care and care leavers, who were EU citizens, based on the Annual Population Survey data from the ONS. These figures suggested that there were around 9,000 children in care and care leavers. Between 10 July and 26 November 2020, the Home Office conducted a survey of local authorities²⁶ across the UK to get a better understanding of how many eligible children in care and care leavers had yet to apply. The results of the survey indicated that the total number was significantly less than original estimate, with 3,300 children in care and care leavers identified, of which 46% (1,520) had made an application for the EUSS.

Conclusions

6.50 The Home Office has far exceeded expectations in terms of the number of applications it has received for the EUSS. By 28 February 2021, almost 5.2 million applications had been received, against initial and revised estimates of 3.5 to 4.1 million and 4.1 to 4.6 million. With four months remaining, the actual number of applications received prior to 30 June 2021 will be considerably higher than these estimates.

6.51 Since the launch of the EUSS, the Home Office has published headline statistics on application volumes. Over time, changes have been made to the published data, with some improvements noted, although the issue of double counting of applications was yet to be resolved. More insight into applicant data could have been provided, such as information on sex and nationality by place of application, which would have helped partner organisations to divert resources to where support is most needed.

6.52 Similarly, more clarity on vulnerable applicant data in relation to the cohort of applications that have applied would have assisted the Home Office and their key partners in reviewing and evaluating the success of their Vulnerability Strategy and the work of grant funded organisations. The initial survey of local authorities conducted in 2020 quantified the number of eligible children in care and care leavers. This is a positive initiative, although it has been conducted late in the lifetime of the scheme. Consideration could have been given to conducting surveys on other cohorts of applicants, for example, of the prison population or adults in care homes.

²⁶ [EU Settlement Scheme: looked-after children and care leavers survey \(www.GOV.UK\)](https://www.gov.uk)

7. Inspection findings: EUSS Policy Equality Statement

Publication of the Policy Equality Statement (PES)

7.1 The Independent Chief Inspector’s second report on the EUSS recommended (recommendation 3) that the Home Office:

“In the interests of promoting the EU Settlement Scheme (EUSS) and being recognised as its “authoritative voice”, publish the department’s Policy Equality Statement (PES)²⁷ for the EUSS or such parts of the PES that provide reassurance that the impacts of the EUSS have been fully considered, in particular for vulnerable and hard-to-reach individuals and groups.”

7.2 In accepting this recommendation, the Home Office responded²⁸ that it:

“...has ensured that the equality impacts of the EU Settlement Scheme have been fully considered and is committed to publishing the Department’s Policy Equality Statement by Spring 2020”.

7.3 At its meeting on 4 November 2020, the Home Affairs Select Committee²⁹ challenged why the PES had not been published and it was told by officials that it continued to be refreshed and was being finalised to include further policy changes and the view of the new government. It was finally published on 18 November 2020, reflecting the latest EU policy and the most recent published applications’ data. The delay in publication of the PES had also been highlighted by stakeholders, with a number instigating legal challenges relating to the EUSS during 2020 and early 2021. While this recommendation may therefore be “Closed”, the PES will clearly need to be reviewed on a periodic basis, as the EUSS will remain in operation for many years to come. Sharing the outcomes of such reviews will enable the Home Office to demonstrate it continues to monitor the impact of the scheme on those it has identified who may be disadvantaged.

Development and review of the PES

7.4 The PES supports consideration of the equalities impacts of the EUSS and its compliance with the Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010.³⁰ Initially drafted in 2017, the PES has been informed and developed by stakeholder engagement, published research and external publications. It is described as ‘a living document’ by the Home Office and the published version includes updates in light of feedback received and policy changes, for example, as a result of changes to the Immigration Rules Appendix EU.³¹ However, there were no previous amended versions of the PES made available for review by inspectors following the initial draft.

²⁷ [EUSS PES November 2020](#)

²⁸ [Home Office response to ‘An inspection of the EU Settlement Scheme April 2019 to August 2019’](#)

²⁹ <https://committees.parliament.uk/oralevidence/1135/pdf/>

³⁰ [The Equality Act 2010](#)

³¹ [Immigration Rules Appendix EU - Immigration Rules - Guidance \(www.GOV.UK\)](#)

- 7.5** The PES sets out how the Home Office has had due regard to the three limbs of the PSED³² (the need to eliminate discrimination; to advance equality of opportunity; and, to foster good relations between persons who share a protected characteristic and those who do not). For each protected characteristic³³ it identifies potential negative impacts of the EUSS and proposed mitigation, where it considers this is necessary.
- 7.6** The Home Office’s aim for the EUSS application process is for it to be as simple and streamlined as possible, for as many applicants as possible, and to avoid any unnecessary administrative burdens by only asking applicants for information relevant to the decision. Inspectors were informed that this was in line with Government Digital Service standards³⁴ which state “organisations should only ask citizens for the minimum amount of data that they need to deliver a particular service”. While this might minimise the burden on applicants, it means that the only data on protected characteristics that is collected is age and race (but only in so far as it relates to a person’s nationality), and in most cases, sex. The Home Office therefore is not able to fully assess the impact that the EUSS is having on those who share any of the other six protected characteristics (disability; gender reassignment; pregnancy and maternity; religion or belief; sexual orientation; and marriage and civil partnership).
- 7.7** The failure to collect, monitor and publish data on the 2010 Act protected characteristics of applicants to the EUSS was the subject of an unsuccessful legal challenge³⁵ from the Joint Council for the Welfare of Immigrants (JCWI), following submission of a pre-application protocol letter on 26 August 2020. This argued that the Home Office’s release of monthly EUSS statistics that break down applications based on age, nationality and geography “is not enough to expose and tackle inequalities in the operation of the scheme”. It further contended that the government risks breaching its equalities duties as it has no way of knowing who is slipping through the cracks in the EUSS, and therefore cannot make adjustments to address any issues.
- 7.8** The Home Office argued that the PES goes further than required by the PSED, not only showing due regard to the equalities impacts of the EUSS and taking action to mitigate these, but by also considering justification for all the proposals within it, regardless of whether any discrimination would be rendered lawful by operation of the 2010 Act. On 11 March 2021, refusing permission for JCWI’s Judicial Review claim to proceed, Justice Nathalie Lieven commented that the Secretary of State had made significant efforts to meet concerns that the EUSS might have discriminatory impacts, and decided that she had not failed in her public sector equality duty. It was also determined that there was insufficient evidence to say that there was any arguable discrimination, on any ground.³⁶
- 7.9** Separate to any of the legal challenges, in response to an Equality and Human Rights Commission (EHRC) assessment of compliance with equality law in implementing ‘hostile environment’ measures, in April 2021, the Home Office agreed to a two-year action plan of improvements which touches on this issue. One of the improvements in this action plan, which is part of a legal agreement with the EHRC, is demonstrating that the Home Office: “has a clear understanding of equality data and evidence that it uses it to inform decisions and policymaking at all levels, including of the potential impact of the departments work on different protected characteristic groups.”³⁷

32 [The Public Sector Equality Duty section 149 The Equality Act 2010](#)

33 [Chapter 1 The Equality Act 2010 The protected characteristics](#)

34 [Government Functional Standard GovS 005: Digital, Data and Technology \(www.GOV.UK\)](#)

35 [Public Law Project Pre-Action Protocol for Judicial Review JCWI 26 Aug 2020](#)

36 [High court rejects bid to extend UK’s EU settlement scheme](#)

37 [Home Office signs legal agreement \(equalityhumanrights.com\)](#)

7.10 Examples of potential disadvantage or discrimination that those with protected characteristics might experience and mitigating actions outlined in the PES are set out in figure 4, along with comments and observations from stakeholders and the Home Office.

Figure 4:

Mitigating actions in the PES		
Potential disadvantage/discrimination	Mitigating actions	Comments/observations
Difficulties experienced by some groups in producing documentation to evidence their UK residence	Evidential flexibility: Home Office published guidance ³⁸ has examples of where alternative evidence can be relied upon, including where an applicant is a victim of human trafficking or domestic violence, or lacks physical or mental capacity, making it impossible or unreasonable for them to obtain the required document.	Stakeholders reported inconsistent application of evidential flexibility by caseworkers, and case files examined for this inspection also identified instances of this. The Home Office did not have any data available to demonstrate the impact of this mitigating action.
Applicants unable to produce the required document to verify their identity	Evidential flexibility: Alternative evidence of identity and nationality may be provided, in “circumstances beyond their control or due to compelling practical or compassionate reasons”.	As above
Applicants using a gender or gender and name which is different to that on their identity or travel document ³⁹	Evidential flexibility: Alternative evidence of identity may be provided, and caseworkers are required to work flexibly with applicants to help them evidence their change of gender or gender and name.	As above
Reliance on a digital application process may put certain groups at a particular disadvantage	Among the mitigating actions identified is the option of paper applications: The Home Office considers the simple and streamlined digital application process to be a “proportionate means of achieving a legitimate aim”. Applicants can complete a paper application form as an alternative “in exceptional circumstances”, for example, where they need to rely on alternative evidence of identity and nationality.	Stakeholders reported difficulties obtaining paper applications, with inconsistent practice experienced in “gate-keeping” access to paper application forms by the Settlement Resolution Centre (SRC).

38 [EUSS Caseworker Guidance v11](#)

39 [EUSS Interim Guidance Gender identity and sex markers on documents Version v1.0 20 Nov 2019](#)

Potential disadvantage/discrimination	Mitigating actions	Comments/observations
Evidence of immigration status online only	<p>The Home Office sets out a range of mitigating actions on pages 54 and 55 of the published PES. The Home Office considers that a wholly digital system is “more secure and forward looking”,⁴⁰ and is in line with its intention to develop a border and immigration system which is ‘digital by default’ for all migrants, and replaces all physical documents with accessible, easy-to-use online and digital services. It also simplifies matters for employers, landlords and service providers when checking a person’s status.</p> <p>The PES says any disadvantage that is created is justified as it “represents a proportionate means of achieving the legitimate aim of ensuring that status is granted where appropriate and the risk of abuse is reduced.”</p>	<p>The PES states that users find the ‘view and prove’ online immigration status service simple and easy to use and user satisfaction is over 80%.^{41 42}</p> <p>However, half of the stakeholders who contributed to the inspection claim a lack of physical documentation leads to discrimination in areas such as employment or housing.</p> <p>On 5 May 2021, the 3million’s Judicial Review claim challenging⁴³ the Home Office’s policy of digital-only EUSS status was refused on a number of grounds, including that the claim was considered premature, with the policy not taking effect until 1 July 2021.</p> <p>Other stakeholder concerns include being unable to return to the UK after travel if access to a person’s online immigration status is not available.</p>

40 Home Affairs Committee, ‘EUSS: Government response to the Committee’s fifteenth report of session 2017-2019’, 22 July 2019, p9.

41 www.gov.uk/view-prove-immigration-status

42 www.gov.uk/government/publications/visas-and-citizenship-data-august-2020

43 [The 3million Ltd, R v Secretary of State for the Home Department \[2021\] EWHC 1159 obailii.org](https://www.thethirdmillions.com/cases/the-3million-ltd-v-secretary-of-state-for-the-home-department-2021/)

Potential disadvantage/discrimination	Mitigating actions	Comments/observations
Vulnerable individuals requiring additional support	<p>Grant funded organisation (GFOs):</p> <p>Since the 2019/2020 financial year, the Home Office has allocated over £21 million to GFOs across the UK to support vulnerable groups to apply to the EUSS. In particular, the PES identifies the following groups may need assistance from GFOs: Roma communities; victims of human trafficking or domestic abuse; those with severe mental health conditions; those without a permanent address; and those who are elderly and isolated.</p>	<p>The Home Office reports that GFOs have assisted over 275,000 people with their applications, but the Home Office does not have any data on the vulnerabilities of those supported, including the numbers from each of the groups identified in the PES.</p>
Applicants who lack the skills required to use information and communications technology to navigate the digital application process	<p>Assisted digital support:</p> <p>We are Digital⁴⁴ are contracted by the Home Office to provide a free service to support individuals unable to access the online application process. This is available via telephone, face-to-face appointment or home visit (visits have been suspended since March 2020 due to the COVID-19 pandemic).</p>	<p>The Home Office does not have any data on the vulnerabilities or protected characteristics of those supported by the Assisted Digital service.</p>

44 In early 2020, an estimated 2% or 42,000 non-Irish EU citizens said that they had never used the internet or had not used it in the last 3 months.

Potential disadvantage/discrimination	Mitigating actions	Comments/observations
<p>Some vulnerable eligible individuals will miss the June 2021 deadline for applications and become undocumented and may be liable for removal</p>	<p>Making an application after the required date:</p> <p>The PES includes a commitment, in line with Citizens' Rights Agreements, where there are 'reasonable grounds' for an application to the EUSS not having been made by the deadline of 30 June 2021, by a person resident here before the end of the transition period, that they will be given a further opportunity to apply.</p>	<p>Caseworker guidance, was updated in April 2021 to provide examples of such reasonable grounds for missing the deadline, including those:</p> <ul style="list-style-type: none"> • in abusive or controlling relationships and victims of modern slavery who were prevented from applying • who lack the physical or mental capacity and/or have care or support needs • with a serious medical condition • with other compelling or compassionate reasons • where a person or authority fails to apply on behalf of a child. <p>This has allayed some of the fears of stakeholders, but there remain concerns about the enforcement approach if a person is unable to apply before the deadline.</p>
<p>Application process only in English disadvantaging nationalities where competence in English is generally lower</p>	<p>Provision of guidance in all EEA official languages and Welsh, first published on 30 March 2019, as well as visual instructions, such as videos.</p> <p>The PES justifies this as providing an accessible and legally accurate process at an efficient cost to the taxpayer.</p>	<p>Stakeholders, EUSS caseworkers and SRC staff all highlighted the lack of practical support for applicants who had difficulty communicating in English, such as interpretation and translation services.</p>

Monitoring the impact of mitigating actions

- 7.11** As highlighted above, the Home Office does not collect data on protected characteristics, which makes it very difficult to assess the impact of mitigating actions put in place to minimise any potential disadvantages. While the PES refers to the latest data on applications, Office for National Statistics (ONS) estimated population data and published reports from other external bodies, it does not include any review of the effectiveness of the mitigating actions put in place to ensure they are working as intended. Inspectors were told by managers that: “Stakeholders feed into the PES all the time, at engagement groups, they do raise issues that we need to take into account.” However, there was no mechanism for this to feed into any review of the mitigating actions.
- 7.12** As the PES outlines, the Home Office reviews the performance of the EUSS through published statistics to try to identify under-participation among any groups which share a protected characteristic as part of the ‘advance equality of opportunity’ limb of the PSED. However, this is limited to the available data, which is essentially only on age and nationality. On 26 March 2021, the Home Office told inspectors it was considering: “how we can best tailor and target further communications and engagement activity to encourage those eligible for the EUSS in those age groups (under 18s and over 65s) to apply and to help them to do so. This will include communications aimed at ensuring parents apply on behalf of their children eligible for the EUSS.” Progress with planned targeted communications and engagement is considered in chapter 11 of this report (EUSS communication and engagement strategies).

Impact of the COVID-19 pandemic

- 7.13** The PES briefly refers to the impact of the COVID-19 pandemic in terms of restricted access to some support services, such as assisted digital support, but there is no analysis of the wider impact on applicants with protected characteristics of the restrictions due to the pandemic.

Conclusions

- 7.14** The PES for the EUSS has been the subject of much debate and challenge by stakeholders, as it was regarded as a critical document in demonstrating that the Home Office had considered all potential discrimination and disadvantage to those with protected characteristics.
- 7.15** The Home Office accepted the recommendation of the previous inspection to publish the PES to promote the EUSS and to enable it to be recognised as the “authoritative voice” of the EUSS, and it was finally published in November 2020, meaning this recommendation can now be “Closed”.
- 7.16** The PES considers the impact of the EUSS on those with protected characteristics, in line with the PSED, and sets out mitigating actions. However, as the Home Office only records the age, nationality (which can broadly be linked to race) and, if obtained, the sex of an applicant, it is not able to effectively monitor the actual impact and whether the mitigation has had the desired effect.

8. Inspection findings: Vulnerability Strategy

Vulnerability Strategy

- 8.1** At the time of the second inspection, the Independent Chief Inspector reviewed the ‘Strategy for handling vulnerability in the Settlement Scheme’. The strategy, which was dated March 2018, indicated that “between 5-10% of EU citizens already here could be regarded as vulnerable... However, this figure could rise to around 20% if language and literacy barriers were taken into account.”
- 8.2** The strategy sets out arrangements for the handling of vulnerable customers through three stages: “Application management”, “Enforcement response” and “Use of status”. The paper provided more detail on “Application management” and the planned direct and indirect support measures.
- 8.3** At the time of this inspection these support measures were well established, and stakeholders spoke positively about the assistance they were able to provide to vulnerable applicants. The use of grant funded organisations (GFOs) and local authorities had helped to increase outreach to EEA citizens, raised their awareness of the settlement scheme and provided support for making and completing applications.
- 8.4** The Home Office had developed good working relationships with a range of stakeholders who it had continued to meet through a number of forums. The Settlement Resolution Centre (SRC) provided assistance through a dedicated line for support organisations and the Assisted Digital service continued to offer assistance for applicants who could not access technology to complete an online application.
- 8.5** The strategy contains a section entitled “Evaluation of demand” which states:
- “It will be critical to review and iterate the direct and indirect support framework for application management proposed here once the scheme has gone live, taking into account:
- Analysis of applications received to review on a quarterly basis total demand and indicators of vulnerability as a proportion of the total intake;
 - Insight from the Customer Resolution centre as to customer needs;
 - Feedback from our direct support partners (Assisted Digital provider, other organisations playing a key role);
 - Feedback from indirect supporters as to challenges/barriers/opportunities.

We should be prepared to flex our approach to supporting vulnerable customers over the period available to make an application according to whether application volumes and other insight indicate that there are barriers to making an application. Where necessary we can scale or adapt the model.”

- 8.6** Inspectors were keen to understand if a review process had taken place in line with the recommendation in the strategy. In interviews, staff were asked about the strategy. While some members of the Vulnerability Team were unaware of its existence, others knew about it but commented that “they may have seen a draft a long time ago.” The senior manager in the team who was more familiar with the paper, described it as “a living, breathing document” but said the “focus has been getting on and delivering rather than staring at the strategy.”
- 8.7** The strategy, which was written by the EUSS project team, is now owned by the Vulnerability Team, although they do not own or oversee all the support activities outlined in the document. While the team has responsibility for the indirect support (GFOs and local authorities), the SRC is overseen by an operational lead in EUSS and the Assisted Digital contract is managed by a team that sits outside of European Casework. There has been no evidence of evaluation and review of the strategy drawing together the various strands of work to support vulnerability and adapting the approach as necessary.
- 8.8** Inspectors were aware of feedback from the GFOs that had resulted in communications toolkits, guidance and workshops being offered by the Home Office. Equally, the SRC had adapted their processes to reflect customer needs. However, there was a paucity of data on indicators of vulnerabilities, making any analysis a challenge. This was a further issue with the Assisted Digital service where no vulnerability data was collected, and no clear feedback loops were in operation.

Vulnerability Team

- 8.9** At the time of the second inspection, the transition was underway to move from the EUSS project structure to business as usual. Inspectors were told that the vulnerability strand required considerable additional dedicated resource and expertise and the EUSS Board would decide where it would sit.
- 8.10** A Vulnerability Team, which is led by a Deputy Director (Grade 6), was established in October 2019. The team is located in Liverpool, however, at the time of the inspection most team members were working from home due to the COVID-19 pandemic.
- 8.11** The Vulnerability Team has retained a ‘high profile’ and the Grade 6 reports directly to the Senior Civil Servant (Grade 5) who has overall responsibility for the EUSS.
- 8.12** A comparison of current headcount against the project team structure indicates that the number and grade composition of team members has changed. There has been a decrease in managerial roles in the unit and overall headcount has seen a minor reduction. See figure 5.

Figure 5:

Headcount for the project phase and current team for vulnerability

Grades	July 2019	December 2020
Grade 6	1	1
Grade 7	1	1
Senior Executive Officer (SEO)	3	1
Higher Executive Officer (HEO)	4	3
Executive Officer (EO)	0	2
Total	9	8

Roles, resources and training

- 8.13** In October 2019, there were three people in the Vulnerability Team. Headcount increased to eight by December 2020, although most team members were on loan from other areas of the EUSS and there was uncertainty as to the future of their roles in the team. At the time of the inspection, team members were nearing the end of their appointment and were waiting to hear whether their temporary cover would be extended.
- 8.14** Work allocation in the team is split between management of GFOs, which is led by one SEO, supported by an HEO and EO and oversight of local authority work, which is led by a Grade 7, supported by an HEO and EO. The other HEO manages correspondence and draft responses to parliamentary questions. With the change in headcount and increased focus on local authority work, job titles have also changed, and team members are no longer referred to as Relationship Managers.
- 8.15** Typically, tasks for the team involve managing the mailbox, responding to stakeholder queries, assisting with monthly GFO reports and follow up meetings, authorising payment for grant recipients and providing support for meetings and stakeholder forums. The two EOs are each line managed by an HEO, who acts as their point of escalation if further assistance is needed. Examples of other activities where the team provided ‘ad hoc’ support were in the administration of local authority surveys and organisation of stakeholder workshops.
- 8.16** The SEO and Grade 7 oversee each of the strands within the team and are involved in more strategic outreach and engagement work. They represent the team on a number of stakeholder forums, including the Safeguarding User Group, the Consular User Group and local authority teleconferences, while the Grade 6 sits on the EUSS Board.
- 8.17** Inspectors found team members to be enthusiastic about their roles and there was a strong sense of working collaboratively with each other. When one side of the team was challenged by work pressures, for example, when the monthly reports were received from the GFOs, the local authority team would provide support. This has helped to build resilience and foster good working relationships within the team.
- 8.18** Overall, the team considered that they were sufficiently resourced to do their jobs. Inspectors heard comments such as “I have never been on a team where I have felt so supported” and in the busier times “It’s all hands on deck, we all help out.”

Training and guidance

- 8.19** There was no formal training for team members on how to fulfil their roles or manage the grant funding process, though most had previously been part of the EUSS project team or had casework experience. Those with EUSS casework experience had undergone the formal induction training when they started their role and understood the application process.
- 8.20** Inspectors heard that induction learning had mainly been ‘on the job’, which took the form of: other team members talking them through processes, listening into calls, reading guidance which had been prepared for stakeholders and familiarising themselves with templates and trackers.
- 8.21** There was a similar story in relation to guidance, where no formal documents had been produced for internal use. Some team members found published guidance for stakeholders to be helpful to them, but did not consider a need for internal guidance as “the type of queries are different all the time, you can’t pinpoint the types to be able to write guidance.”

Measuring team performance and feedback loops

- 8.22** While the performance of individual team members was assessed using the annual Home Office reporting mechanism, the Head of the Vulnerability Team considered that the performance and success of the team overall was measurable in terms of their external stakeholders. In particular, reference was made to the quantitative outcomes delivered by the GFOs from April 2019 to March 2020. The extension to funding for GFOs was also seen as a measure of success, as was the number of interested bidders and subsequent recipients for the grant funding available from October 2020 to March 2021. Further measures of success were identified as the opportunity for external organisations to have a direct means of communication with the Vulnerability Team and positive feedback from engagement with local authorities and GFOs. This was considered to be more significant in the face of the COVID-19 pandemic, when all parties had continued to work together.
- 8.23** Inspectors heard about other opportunities for members of the Vulnerability Team to receive feedback through their representation at stakeholder forums, such as the Safeguarding User Group, the Consular User Group, the EUSS User group and local authority teleconferences.
- 8.24** Each of these forums aimed to meet on a monthly basis and were attended by a wide range of stakeholders, including: EEA Embassy officials, third sector organisations and representatives from local authorities throughout the United Kingdom. The Home Office chaired the meetings and divided the agenda between updates on the EUSS and a question and answer session. Inspectors heard examples of how feedback from these forums had driven improvements, most recently through targeted workshops on barriers to making applications, such as a lack of identity document and criminality. Overall, stakeholders were generally positive about the engagement opportunities they had with the Vulnerability Team.

Escalation/expediting cases

- 8.25** Where feedback on individual cases was concerned, matters were not so clear. While inspectors heard that the Vulnerability Team offered to support stakeholders where applications were facing delays, this was not always a consistent process. Inspectors found that there was a lack of guidance within the team on how to handle escalations or requests to expedite cases.

- 8.26** Team members told inspectors that they relied on their own contacts to follow up on applications with caseworkers. Where a vulnerability had been identified, the team said they were often successful in ‘unblocking’ applications, although they recognised that cases with criminality may face lengthy delays and, in this situation, they would forward the enquiry directly onto the relevant casework team to respond. All team members had access to PEGA, which allowed them to view the status of an application and routinely check on cases which had been highlighted to them.
- 8.27** In interviews and focus groups, some team members explained that they would flag requests in the team’s inbox where an escalation was required, whereas others monitored the progress of escalated cases by logging them on spreadsheets. During review of case files, inspectors identified an application where the Vulnerability Team had noted interest in a case, but no follow up action appeared to be taken. See case study 1.

Case Study 1:

Vulnerable applicant facing delays in application processing

The application

The applicant, an adult male, had applied for settled status in July 2019, he did not declare his criminal history at the time of his application and his case could not be decided, due to a pending prosecution.

A total of 13 calls were made to the Settlement Resolution Centre (SRC) between August 2019 and December 2020, by the applicant and his representative, to request a status update on the case.

In January 2020, the SRC was notified that the applicant had been threatened with eviction unless he was able to prove his status under the EUSS. Two months later, contact was made again to advise that all criminal charges against the applicant had been dropped. The system had not been flagged to show the potential vulnerability, nor was any follow up action noted in relation to the dropped charges.

In June 2020, the case file notes were updated to show that the case could be conceded, and no deportation order was to be pursued. The Vulnerability Team noted an interest in the case two months later and requested to be notified when a decision was made. There are no further notes to reference any follow up checks by the Vulnerability Team.

Although there were no outstanding criminal charges, the case was not decided until February 2021, and there is no further reference to the Vulnerability Team either being notified of the outcome or making any further checks in the next six months.

ICIBI comment

Inspectors sought clarification from the Home Office about the updates received by the Vulnerability Team and the current status of the case.

Home Office comment

The Home Office responded that the applicant had been issued settled status in February 2021 and that the Vulnerability Team had been contacted on behalf of the applicant by a grant funded organisation. No further details were provided regarding updates between the Vulnerability Team and decision makers.

Stakeholder engagement

- 8.28** 'Basecamp' is another resource that the Vulnerability Team used to manage feedback and communications with GFOs. It is a project management and communication tool, which is available as an 'off the shelf' package. While it had been previously managed by the Strategic Communications Team, the Vulnerability Team took over as the administrators in October 2020 when the new round of grant funding was awarded. The team saw this as an opportunity to liaise directly with their stakeholders allowing for quicker response rates to enquiries.
- 8.29** Basecamp allows the Home Office to share details of EUSS application statistics, guidance and templates for monthly reporting and communication materials, which can be downloaded and printed. It is also routinely used as a message board, both for the Vulnerability Team to provide updates to the GFOs and for the GFOs to ask questions of the Home Office and each other. Recognising that "Basecamp is an open platform, so you do need to be quick" the team aim to respond to enquiries within one to two days. Where they are not able to do so, a holding reply is posted.
- 8.30** Inspectors found this to be a useful tool, which helped the Vulnerability Team identify any common issues among stakeholders. It also encouraged GFOs to share examples of best practice and provide support to each other.
- 8.31** GFOs considered the benefits of Basecamp to be "very useful in keeping up to date" and it "provided support, translated posters and leaflets from HO." Another GFO responded:
- "Basecamp is a positive communication tool enabling grant funded organisations to obtain peer support and share information."
- 8.32** In addition to the regular forums and Basecamp, the Vulnerability Team demonstrated a willingness to engage with stakeholders through visits to GFOs offices and participation at outreach events organised by the Communications and Engagement Teams. While the COVID-19 pandemic had prevented face-to-face outreach over the last 12 months, the team continued to maintain a presence through virtual workshops.

Conclusions

- 8.33** Since the last inspection, the Home Office has established a Vulnerability Team which has taken the lead on management of local authorities and GFOs. This has ensured that the vulnerability strand has remained a key priority for the EUSS. Overall, there was evidence of a good level of engagement with stakeholders, particularly through established forums and user groups and interactive communications tools, such as Basecamp.
- 8.34** The team works well together, enjoying regular engagement with each other and an ability to divert resources to each work strand where required. However, the team could benefit from more certainty and governance. Team members are mainly appointed on a temporary basis, no

formal training or guidance was available to them, nor was there any clear division of roles and responsibilities between grades.

- 8.35** The Vulnerability Strategy is owned by the Vulnerability Team, however, there was a lack of awareness of this among team members. More transparency of the strategy and a mechanism for review and evaluation would have helped to keep track of the initial strategy and monitor performance.

9. Inspection findings: Partnership working – grant funded organisations

- 9.1** In the second EUSS inspection, the Independent Chief Inspector made a recommendation on part of the Vulnerability Strategy, which involved the use of 57 grant funded organisations (GFOs) to support vulnerable applicants. Recommendation nine:

“Review and clarify the Home Office’s role in relation to vulnerable individuals and groups in light of the information and data provided by the 57 grant-funded organisations in their first quarterly return, in particular addressing the issue of what “reasonable enquiries” the Home Office will make (of other government departments etc.) on behalf of individuals where they have difficulty in proving their entitlement to apply.”

- 9.2** This recommendation was partially accepted by the Home Office

“We will continue to review how we support all customers, using feedback from a range of sources, including the Grant Funded Organisations (GFOs). The Home Office receives feedback from GFOs around the issues some vulnerable people face with their documentation, but this is not linked to their quarterly returns which are a measure of outcomes against their funding criteria. Information and data provided by the 57 GFOs in their first quarterly returns did not specifically relate to the “reasonable enquiries” the Home Office would make where individuals are having difficulty in proving their entitlement to apply.”

- 9.3** This section will examine how the Home Office has worked with GFOs, looking at the first part of this recommendation to consider whether they have adapted their approach to vulnerable groups and individuals based on the feedback received from GFOs.

Grant funding – April 2019 to March 2020

- 9.4** In November 2018, the Home Office launched a tender for grant funding of £9 million for voluntary and community sector organisations, to help vulnerable or at-risk EU citizens needing additional support when applying for the EU Settlement Scheme (EUSS). It was estimated that the funding would provide support to approximately 200,000 people.
- 9.5** Applications for the funding would be awarded to successful organisations, through an open and fair competition, using the Crown Commercial Services eSourcing portal. The deadline for applications was 1 February 2019, to cover the period April 2019 to March 2020. Bidders were asked to base their submission for funding on one of two award levels: projects between £5,000 to £39,999, or between £40,000 to £750,000.
- 9.6** The application process required full details of the bidder’s budget, broken down into projected direct costs, including staff salaries, training and marketing and indirect costs, such as contributions to the organisation’s head office salaries.

9.7 The Home Office also requested information on the number of beneficiaries from ‘the vulnerable or at-risk list’ they expected to provide support to. This list included:

- Gypsy, Roma and Traveller Communities
- homeless/rough sleepers
- people with disabilities and/or serious health conditions (e.g. physical or mental impairments)
- victims of modern slavery and/or trafficking
- victims of domestic abuse
- elderly
- young adults who have left care
- other vulnerable or at-risk communities, which they were asked to specify.

It also included details of the geographical areas the organisations planned to cover in England, Scotland, Northern Ireland and Wales. In receiving this information, the Home Office was able to get a better understanding of the geographical coverage and type of vulnerable or at-risk citizens the organisations would be able to offer support to.

9.8 Further information to be provided with the bid included project plans, risk registers, organograms, case studies outlining relevant experience and information regarding the current or planned Office of the Immigration Service Commissioner (OISC) registration held by the organisation.

9.9 While the Home Office did not seek to prescribe how the organisations would design their services, they did offer suggestions as to the type of activity they could carry out. This included raising awareness of the EUSS, providing language and digital support and offering immigration advice.

9.10 Funded organisations would, however, be expected to report on three key outcomes:

- the number of individuals that have accessed their services
- the number of applications that have been supported
- the number of applications that have been completed.

9.11 By the deadline of 1 February 2019, the Home Office had received 83 bids for grant funding.

9.12 An evaluation team, representing members of the EUSS team and enablers from other areas, including commercial, financial and legal, was established and bids examined. The evaluation team assessed the bids using a combination of pass/fail marks and scores which were allocated to individual components of the submission. Scrutiny of the budget proposals formed part of the evaluation to ensure that value for money would be achieved. Following the evaluation, a moderation process was conducted to ensure consistency of marking.

9.13 Of the 83 bid submissions, 57 were successful in receiving grant awards. The two main reasons for bidders being unsuccessful were failure to meet the Home Office financial assessment or the required score that qualified them for a grant award.

9.14 In total, £8.8 million was awarded with individual grant allocations ranging from £8,000 to £749,489.

9.15 Following scrutiny and challenge by the Home Office, as part of the quarterly and end of project financial reporting process, actual expenditure for this period was reported to be £7.485 million.

Extension of grant funding – April to September 2020

9.16 On 6 March 2020, the Home Office announced⁴⁵ that a further £8 million of grant funding would be made available for the 2020/2021 financial year. The GOV.UK website stated that “Supporting vulnerable EU citizens and their families is at the forefront of our approach to the EU Settlement Scheme. This new funding means no stone will be left unturned in ensuring everyone gets the help they need.”

9.17 Initial plans were to award further funding from the £8 million to the existing 57 organisations, for a three-month period. All except one of the 57 organisations applied for and received the continued funding.

9.18 This extension was to allow for a competitive bidding process to be launched for new grant funding available from June 2020. However, the onset of the COVID-19 pandemic meant that there were challenges in meeting the revised timelines and the decision was taken to extend funding for a further three months, to the end of September. The extended deadline was also seen by the Home Office as an opportunity to allow organisations more time to prepare their bid submissions for the next round of grant funding from October 2020.

9.19 While the Home Office adopted this pragmatic approach to allow the continuation of grant funding and further time for bidders to prepare their submissions, stakeholders were largely negative about the handling of the process and the impact this had on their operations. One GFO noted:

“Confusion around new funding for Q1 of the year 2020/2021 meant that we were stuck in limbo for a couple of months, not knowing whether or not to take on new cases, and when we were finally given a new funding offer in mid-April, we had to let one of our staff members go.” Another stated: “Unfortunately, there was a delay in finding out about onward funding beyond March 2020, which meant services had to plan for the funding to end and restrict intake of new referrals for a period. This also led to some staff leaving across the partner organisations due to job insecurity.”

9.20 Inspectors conducted a survey of the GFOs which produced similar findings. Over half of the respondents, 14 out of 24 organisations, considered that notification of the extension funding did not allow time to keep or put in place the necessary staffing and logistics to support the funded operations.

9.21 Although, it was acknowledged by one stakeholder that the delays were not entirely caused by the Home Office:

“At times, key announcements, such as prolonging the funding for the service, came late, temporarily disorganising the service, but any delays seem to be caused by external factors and legal ramifications in the UK, not from the grants team.”

9.22 Funding for the first six months of the financial year was originally estimated to be £3.8 million, based on £1.9 million for each of the first two quarters. However, following engagement

⁴⁵ [£8 million to help vulnerable people apply to the EU Settlement Scheme \(www.GOV.UK\)](https://www.gov.uk/government/news/8-million-to-help-vulnerable-people-apply-to-the-eu-settlement-scheme)

with all the GFOs there was an agreement to reduce some indirect costs, and the overall expenditure was reported to be £3.19 million for April to September 2020.

Further grant funding – October 2020 to March 2021

- 9.23** In May 2020, the Home Office launched a further grant funding opportunity for the EUSS, using the Home Office’s eSourcing portal. From the £8 million of funding for this business year, £4.5 million was offered for the period from 1 October 2020 to 31 March 2021.
- 9.24** Conscious of the delays with the extension funding bid process, the Home Office demonstrated a willingness to engage early with potential bidders, holding a ‘Grant Funding Teleconference’ on 28 and 29 April 2020. The conference provided an opportunity for interested bidders to hear more about the funding and the timelines for the competitive process.
- 9.25** The tender process allowed bidders until 13 July 2020 to submit their applications. Notably, this round of funding had been split into two lots, one for voluntary and community sector organisations and the other for local authorities. Local authorities had not been included in the earlier round of grant funding for EUSS application support, although they were able to apply for separate funding for supporting children in care and care leavers.
- 9.26** The award levels were significantly reduced from the upper limit of £750,000 offered in the 2019/20 grant funding to a maximum of £150,000, while the lower limit remained the same at £5,000.
- 9.27** The reduction could be partially attributed to the funding period being cut to six months, but there was also a tactical plan by the Home Office to provide more grants for a lower amount so smaller organisations, at a more local level, would apply. Taking this approach allowed the Home Office to reach out to a wider geographical spread of organisations. See figure 6.

Figure 6:

Grant award level options for funding from October 2020 to March 2021

GFOs	Local authorities
Projects between £5,000 and £24,999 or Projects between £25,000 and £150,000	Projects between £5,000 and £150,000

- 9.28** Inspectors saw the timeline for delivery, which indicated that the evaluation and moderation stage, leading to the selection of preferred bidders, would be completed by 4 September 2020. Governance processes would follow with a view to Grant Agreements being issued from 21 September, and go-live was to commence from 1 October.
- 9.29** 93 bids were received and following the evaluation and moderation process, a new round of grant funding was awarded to 72 organisations in October 2020. This included 30 new grant recipients, the majority of which comprised Citizens Advice Bureaux (CAB)/Law Centres and local authorities.
- 9.30** Grant funding ranged from approximately £11,000 to £150,000 for the six-month period, with 23 recipients receiving between £11,000 and £25,000 and 49 receiving between £25,000 and £150,000. The data presented by the Home Office indicated that GFOs were to deliver “Estimated outreach” to 811,184 EU citizens and provide “Estimated support” to 95,200. Comparisons with the previous funding were difficult as the data was presented in a different

format. Typically for the earlier awards, the key deliverables were broken down into the number of vulnerable individuals: supported, submitted or engaged.

- 9.31** Of the original 57 organisations, 42 were successful in obtaining further funding. While some organisations opted not to bid again, others applied as part of a consortia, rather than as an independent bidder. In some cases, this was due to the reduced funding being “insufficient to continue to deliver the same level of service that we were able to provide in 2019/20.”
- 9.32** Inspectors asked managers about the organisations that had received grant funding for 2019 to 2020 but did not apply for this round, however, they were unable to provide any detailed information. Inspectors considered this to be a missed opportunity to gather feedback to help drive improvements.
- 9.33** Where a bidder applied for funding, but was unsuccessful, feedback was provided by the Home Office.
- 9.34** While existing GFOs welcomed the continuation of grant funding, again they felt that the delays in announcing the award presented logistical challenges. In reply to the inspectors’ survey, one GFO commented:
- “The award of the Grant for 20/21 was very late in being awarded, 29th September 2020 for a start date of 1st October. As you can imagine this placed a great deal of pressure on both the team and the organisation to deal with the very late grant award. As a charity the board agreed to fund staff salaries for an additional month (October) to ensure that staff remained in post. This was at a cost of several thousand pounds and was a great risk for the charity. It could have all been avoided if the grant award had been made in sufficient time. This was a poorly thought out grant application process which impacted on staff mental wellbeing.”
- 9.35** Inspectors learnt that the evaluation and moderation of bids was completed on time, however, delays in internal governance meant that the awards were offered slightly later than expected. This was acknowledged by managers in the Home Office who told inspectors: “They still received the notification quite late. We put in months of work... We did the evaluation in the right time frames.”
- 9.36** To help mitigate for the short timescales, support organisations were offered 20% of their grant funding upfront, with flexibility over the following two payments, due in December 2020 and March 2021.

Delivery outcomes

- 9.37** In addition to the increased coverage for the new round of funding from October 2020, the Home Office made changes to the key delivery outcomes:
- 1) the number of individuals that have accessed their services general support
 - 2) the number of individuals who go on to independently apply following general support
 - 3) the number of applications that have been directly supported (requiring more assistance than is required within point 1 and 2)
 - 4) the number of individuals who go on to independently apply following direct application support from a funded organisation.

- 9.38** Guidance within the Grant Agreement, dated 1 October 2020 to 31 March 2021, explained that engagement activity should “complement practical application support and spend in this area should be at most 20% of the allocated budget.” Methods and volumes of engagement activity were to be recorded and practical support evidenced, including the range/nature and volume of support services delivered. Organisations were also asked to evidence the practical support they offered leading to EUSS applications.
- 9.39** While the agreement provides examples of what practical support may be, including: information giving, improving understanding of the settlement scheme, provision of technology and direct assistance, there is no corresponding guidance on engagement.
- 9.40** The rationale for the change in key outcomes was for the Home Office to “better understand the delivery detail and ensure that delivery for the second year was more focused on support and applications.” By making this change, the Home Office wanted to reduce the amount of engagement, which one manager explained as “irrelevant if you don’t know if they have gone on and submitted.”

Reporting requirements

- 9.41** For each grant funded period, GFOs were required to provide quarterly and end of project reports. Organisations were asked to report quarterly on their expenditure and the volumes of applicants they had supported based on the three key outcomes: individuals that have accessed their services, applications that have been supported and applications that have been completed.
- 9.42** To assist with reporting during the extension period (April to September 2020), the Home Office initiated a change requiring GFOs to record key outcomes on a monthly rather than quarterly basis. The reason for the change was to make the reporting process less burdensome for GFOs. The requirements for reporting on expenditure remained unchanged.
- 9.43** On receipt of the monthly and quarterly reports, the Vulnerability Team record the data on a master spreadsheet which is prepopulated with the forecast volumes and funding taken from the GFO’s Grant Agreement. This allows the team to track performance of each of the GFOs, allocating a red, amber, green (RAG) risk rating based on actual versus forecast figures.
- 9.44** Inspectors examined the spreadsheet for 2019/2020. Of the 57 organisations, 45 exceeded their predicted delivery outcomes, but 11⁴⁶ failed to meet them. While three of the 11 were within 95% of their predicted delivery outcomes, six were recorded at less than 50%. Managers told inspectors that where organisations were underperforming, they would arrange a meeting to discuss issues. Typically, this would be a telephone call, followed by a visit in person from the head of the Vulnerability Team.
- 9.45** For the extension period from April to September 2020 and the new grant funding period from October to December 2020, the performance data provided to inspectors was in a different format, so detailed comparisons with the earlier period were difficult. The returns highlighted the funding amount and headline figures for vulnerable individuals supported, vulnerable individuals submitted, and vulnerable individuals engaged.

⁴⁶ Data was redacted for one of the 57 organisations.

9.46 Data supplied by the Home Office indicates that to end December 2020 the GFOs had engaged with at least one million people, supported 160,896 applications and submitted 96,669 application.⁴⁷

9.47 Taking the total figures for the three key outcomes from the data provided by the Home Office, comparisons can be made across each of the three grant periods. The data, at figure 7, shows an upward trajectory in terms of GFOs’ engagement with applicants, ranging from 73% in the period April 2019 to March 2020 to 91% from October 2020 to December 2020. In contrast to the increasing engagement figures, the data for applications supported and submitted indicate a downward trend. While inspectors only saw three months of data for the latest round of grant funding, this represented the mid-way point of the grant funded period and does not indicate that the Home Office will meet its aim to increase focus on applications supported and submitted.

Figure 7:
Breakdown of key GFO deliverables from April 2019 to December 2020

	Vulnerable individuals engaged	Vulnerable individuals supported	Vulnerable individuals submitted	Total contacts by funded period
April 2019 to March 2020	502,621 (73%)	112,856 (16%)	75,717 (11%)	691,194 (100%)
April 2020 to September 2020	215,184 (84%)	29,881 (11%)	12,211 (5%)	257,276 (100%)
October 2020 to December 2020	285,729 (91%)	18,159 (6%)	8,741 (3%)	312,629 (100%)

9.48 The Home Office noted in its guidance to GFOs that “Care would be taken to avoid monitoring and evaluation from being burdensome and detracting from delivering the funded services.” However, the views of stakeholders reflected the challenges they faced with the application and reporting process. One organisation found “The grant funded process from application to reporting to contract extensions has been a significant burden for a small charity such as ours. We would urge the Home Office to seek to reduce the administrative burden on grant funded organisations so that our limited resources can be better directed at supporting vulnerable people to apply to the EUSS.” And others reported the process to be “deeply frustrating” and “such a burden”.

Vulnerability data limitations

9.49 While the monthly reporting process requires GFOs to report on key delivery outcomes, inspectors found limitations in the data provided. This was highlighted by one stakeholder who commented:

“The form is purely designed around addressing ‘how many numbers were processed’ and that is all the Home Office are interested in and that is frustrating because we are supposed to be helping vulnerable people, hard to reach communities and hard to reach people. The

⁴⁷ Data was supplied listed by GFO; some data was redacted by the Home Office due to commercial sensitivity. For the first year, results of one GFO were redacted; for the period April 2020 to September 2020, one GFO discontinued EUSS operations and two were redacted; and for the last quarter two GFOs were redacted.

form is not designed to capture that type of information, nor is it reflected anywhere on it. Sometimes a client's case may be more complex in that we may be required to carry out a home visit. It is just not that straight forward and there is nowhere to record that type of information anywhere on the form."

- 9.50** The reporting system does not allow for data to be recorded on the type of vulnerabilities displayed by applicants who have received support from the GFOs. While managers told inspectors that some estimates could be made using judgements based on the GFO providing the service to the applicant, for example, where a GFO works exclusively with homeless persons, this did not present a reliable indicator overall, nor could it be applied to GFOs who support multiple vulnerable cohorts.
- 9.51** The new Grant Agreements for 2020/2021 contained a requirement for GFOs to note Unique Application Numbers (UANs) for applicants who had received support and completed an application, although this did not form part of the monthly reporting process. Inspectors heard that a suggestion had been made by one member of staff to ask GFOs to include UANs of applicants that had been helped in the monthly report, but this was not taken forward on the basis that "it's a grant not a contract so that level of detail is not required."
- 9.52** However, this is a missed opportunity as the UAN would directly identify an application on PEGA, allowing for further collation and analysis of data by the Home Office.

Future funding

- 9.53** In February 2021, the Home Secretary announced a further £4.5 million of funding for the GFOs. While the announcement did not make it clear what period this would cover, additional funds would be welcomed by GFOs. In the GFO survey, 18 of 24 (75%) respondents raised concerns about long-term funding and support to make applications. This was also evident in the responses to the ICIBI's 'call for evidence', where a number of stakeholders expressed concerns about the funding beyond 30 June 2021.
- 9.54** One stakeholder noted that applicants who have received their help would often return as they had forgotten how or where to access their digital status. Others had concerns about the level of support that would be needed to help vulnerable applicants with pre-settled status apply for settled status once they met the eligibility criteria. And where an application hasn't been made by 30 June 2021, applicants may face the additional burden of having to demonstrate they had good reasons for failing to apply to the EUSS. These cases could typically be more complex where the practical support of a third-party organisation and legal expertise may be required.

GFO support during the COVID-19 pandemic

- 9.55** Since March 2020, the COVID-19 pandemic has impacted on the support provided to vulnerable applicants, reinforcing stakeholders' calls to extend grant funding. In their survey responses, 21 organisations acknowledged that the COVID-19 pandemic had limited their ability to provide the necessary support to vulnerable applicants. One GFO explained:

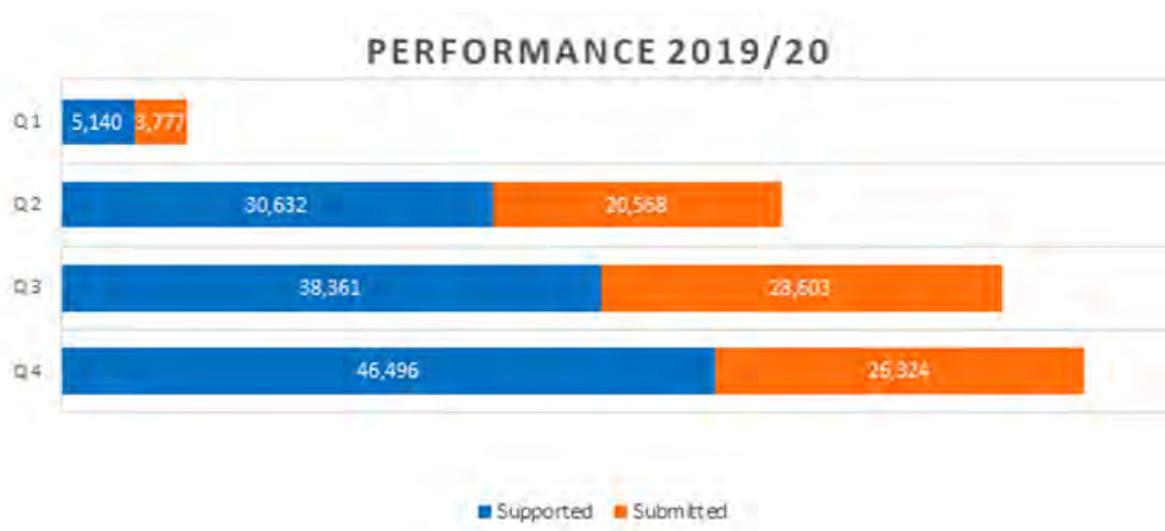
"The coronavirus outbreak has limited our outreach activity to online events and support. This means that there are many vulnerable people that we have not been able to reach and help, either because they don't have access to the Internet or other devices, they are not active in social media, or they simply do not feel comfortable or confident online."

- 9.56 GFOs had to find new ways to get the message across to potential clients about how services had changed. For example, with support from the Home Office, the Royal Association for Deaf People produced videos in British Sign Language explaining the support available to help their clients complete their application.
- 9.57 The lack of face-to-face appointments, meant that language and digital support services were reduced, while other common issues reported by GFOs included difficulties obtaining documents to evidence identity or residency rights and limited biometric enrolment appointments. Further concerns were that the COVID-19 pandemic had created additional hardships for vulnerable families and their focus may be on securing their employment and housing, rather than making an application to the EUSS.

GFO support for vulnerable applicants

- 9.58 Inspectors saw examples of the positive impact of the GFO network. In July 2020, the Vulnerability Team presented a slide pack on the ‘Grant Funded Network FY 2019/20’ to the EUSS Board. This internal, protectively marked, presentation highlighted that the GFOs had either supported or submitted 199,000 applications between April 2019 and March 2020. This was reported to represent 102% of their target of 195,000, although there is no means to track applicants that have received support who proceed to an application being made to verify this figure.
- 9.59 A breakdown of supported and submitted applications, at figure 8, indicated that, following a slow start, performance continued to improve over the year.

Figure 8: GFO performance for the business year 2019-20



- 9.60 In the GFO survey, respondents were asked if “Grant funding has enabled the organisation to support vulnerable EUSS applicants it would not have been able to otherwise.” Of the 24 respondents, 22 (91.6%) said that it had, while one respondent remained neutral and the other strongly disagreed. Although half of all respondents said that demand for their service had exceeded their capacity.
- 9.61 The survey also asked GFOs to rate the level of service needs required by their users, see figure 9. The highest proportion of needs were language and digital barriers, followed by help identifying the need to apply to the EUSS.

Figure 9:

Estimates given by GFOs of the proportion of their service users that have the following needs

Application support due to language barriers	78.58%
Application support due to digital barriers	72.58%
With identifying the need to apply to EUSS	67.79%
Assistance proving residency	57.04%
Assistance proving identity	43.92%
Other needs	29.96%
More complex advocacy	24.50%
Assistance with derivative right to reside (such as Zambrano) applications	13.79%

9.62 Further benefits were observed where support organisations demonstrated expertise in working with different groups of people. This may be through language skills or a knowledge of the ways to reach out to different audiences. For example, one organisation who supported the Roma community said that Roma citizens were more likely to use sources of information on social media which are accessible to them, such as videos in the language of their country of origin rather than Home Office communications. Inspectors also heard about the benefits of GFOs having Office of the Immigration Services Commissioner (OISC) accreditation, which helped them to support customers with their applications.⁴⁸

9.63 Other positive outcomes were highlighted by stakeholders where an applicant who received assistance for their EUSS application went on to benefit from other means of support, see case study 2.

Case Study 2:

Stakeholder case study: Applicant receiving support beyond assistance for the EUSS

“Client is an Eastern European man in his sixties who has lung cancer. He had been living in the basement below his place of employment where he worked cash in hand. He was hospitalised because he needed an operation for his lung cancer but it couldn’t go ahead because he didn’t have anywhere to stay to recover afterwards. He was supported to apply to the EU Settlement Scheme and was granted settled status. This meant he was now eligible for housing benefit and homelessness assistance from his local authority. The local authority provided accommodation and he was able to have the operation he needed.”

9.64 In the call for evidence, inspectors heard how the grant funded network had connected organisations, providing a forum for them to engage with each other over ‘similar issues’. This engagement had taken place through formal events organised by the Home Office and Basecamp. Stakeholders spoke about the benefits of these forums which allowed them to offer and receive peer support and exchange ideas. In some instances, offers of translators and legal assistance were made.

48 Bidders are asked to ensure that they are fully compliant with the requirements of the Office of the Immigration Service Commissioner (OISC) in the services they deliver.

Conclusions

- 9.65** Since the last inspection, the Home Office has continued to develop its third-party support network using grant funded organisations. The tactical changes in the latest round of funding have increased the number of GFOs, allowing the Home Office to reach out to a wider geographical area and raise awareness of the EUSS among local authorities and community support groups. While stakeholders expressed some frustrations around the administration of the grant funding process, notably delays in the announcement of awards and burdensome reporting processes, overall, they were positive about the role that they played in supporting vulnerable EU citizens.
- 9.66** In relation to recommendation nine in the second EUSS inspection, there was clear evidence that the GFOs had met or exceeded their predicted delivery outcomes in terms of the number of vulnerable applicants they serviced. However, the level of data captured within monthly reports prevented the Home Office from assessing whether applicants who had received support went onto make an application. This, combined with the lack of information about applicant's vulnerabilities, presented challenges to measuring the success and effectiveness of the GFOs and the Vulnerability Strategy.
- 9.67** Feedback from the GFOs has helped to drive improvements and create learning opportunities through workshop and outreach events. The challenge going forward will be how the Home Office supports vulnerable citizens beyond this round of grant funding, as arguably cases will be more complex and the consequences of vulnerable applicants not registering for the EUSS will be far greater beyond 30 June 2021.

10. Inspection findings: Partnership working – local authorities

Grant funding to support looked after children and care leavers

- 10.1** Local authorities were identified as a potential partner for the Home Office to engage with to promote the EUSS in a ‘Strategy for handling vulnerability in the Settlement Scheme’. The main role envisaged was supporting vulnerable children, such as those in foster or local authority care, children in need, and children or young adults who have left care.
- 10.2** A New Burdens Funding impact assessment was undertaken by the Home Office in June 2019 to assess the impact on local authorities of supporting this vulnerable cohort of children to apply to the EUSS. This indicated there were approximately 5,000 children in care (looked after children) and 4,000 care leavers eligible who were EEA citizens in the UK. On 18 July 2019, in response to the assessment, the Home Office allocated a total of £482,307 to the 152 English local authorities with responsibility for children’s services, for the period April 2019 to June 2021. This funding was to be used to promote and support applications for children in care and care leavers and to submit applications on behalf of those children for who they have parental responsibility. The funding was based on the number of cases identified by local authorities and top-loaded in the first year (2019/20 financial year) with £381,710 (79% of the total) allocated, and with individual grant amounts ranging from £638 to £10,039. The remaining £100,597 was allocated for the remainder of the period.
- 10.3** A similar funding formula was used to provide funding to the devolved administrations in Scotland (£66,000) and Wales (£12,000), with Northern Ireland declining funding as numbers of eligible children were so low.

Effectiveness of partnership working with local authorities

- 10.4** The success of the New Burdens Funding for English local authorities was to be measured by the number of applications they submitted and supported. Inspectors were provided with a document, ‘LA New Burdens Progress Tracker v6 tracker’, which revealed only 81 out of 152 local authorities (54%) submitted a return for the period to the end of March 2020. This identified a total of 1,557 looked after children, with 410 applications submitted and 400 applications supported.
- 10.5** In total, only £99,630 had been claimed by 60 local authorities (just under 40%) by the deadline for submission of claims in April 2020, amounting to just 26% of the funding for the first year. A senior manager informed inspectors that the New Burdens process had proved to be “administratively intensive” and provided local authorities with very little autonomy to plan their own projects; as a result the funding allocations for the 2020/21 financial year were not made.

- 10.6** While the Home Office should be credited for recognising the additional burdens that the EUSS would place on local authorities in supporting applications for these cohorts of children, with so little funding claimed and a limited return rate of data from local authorities, it is difficult to take a positive view about the effectiveness of this funding process.
- 10.7** Data on children supported within the devolved administrations has not been published. Inspectors were informed that the funds were not distributed to local authorities in Scotland and Wales, but used instead to employ EUSS coordinators to organise the delivery of advice services.
- 10.8** Local authorities were subsequently able to apply for alternative funding for October 2020 to March 2021, along with other organisations, through the grant funding network. While 11 local authorities received funding, this is clearly a very small proportion of the 408 principal (unitary, upper and second tier) councils in the UK. However, some local authorities may well have been active partners with other organisations who did receive grant funding.

Home Office survey of local authorities – looked after children and care leavers

- 10.9** To obtain a more accurate number of looked after children and care leavers eligible to apply to the EUSS, the Home Office undertook a survey⁴⁹ in 2020 of the 210 local authorities in England, Wales and Scotland and Health and Social Care Trusts in Northern Ireland, with responsibility for children services. With a response rate of 99% (three English local authorities did not provide responses), as of 26 November 2020, the survey identified 3,300 looked after children and care leavers were eligible to apply. Of these, 1,520 (46%) applications to the EUSS had been received and 980 (64%) of these applications had been decided, of which 840 (86%) had resulted in a grant of settled status and 140 (14%) in a grant of pre-settled status. Provisional data from a follow up Home Office survey, undertaken in the first quarter of 2021, indicated over 65% of identified eligible children had applied to the EUSS (with just one local authority declining to submit a response).
- 10.10** Some stakeholders have expressed concerns about the methodology used for the Home Office survey as councils do not always hold a record of the nationalities of children in their care, as it is not a requirement. The Home Office's revised estimate of 3,300 eligible looked after children and care leavers is closer to the figure of 3,690 that the Children's Society obtained from the local authorities who responded to a Freedom of Information request.⁵⁰ Published in March 2021, this showed 1,426 applications had been submitted for these children, which is just over 39% of those identified (compared to the latest Home Office figure of 65%). Just over 1,000 of these had been processed, with 838 children obtaining settled status (82%) and 189 granted pre-settled status (18%). While the difference in the application rates provided by the Children's Society (39%) and the Home Office (65%) may partly be explained by the different methodologies used to collect the data, there remains a significant number of identified children whose applications have yet to be made.
- 10.11** Other stakeholder concerns were that for many children in their care, local authorities are not aware of their current immigration status and had not previously attempted to resolve any immigration issues; social workers are already overstretched, unclear about the application process and lack practical support to make applications. Furthermore, children accommodated

⁴⁹ [EU Settlement Scheme Home Office Looked after children and care leavers survey 2020](#)

⁵⁰ [Looked After Children and the EUSS \(www.childrensociety.org.uk\)](#)

under section 20⁵¹ make up 73% of the looked-after children in England, and for this cohort of children, authorities are only expected to raise awareness of the EUSS or signpost to support 'where needed'.⁵²

- 10.12** Inspectors were told that the Vulnerability Team were proactive in working with local authorities to track progress in supporting and completing applications based on results from the survey.
- 10.13** The survey also asked local authorities to indicate the barriers to making an EUSS application for looked after children and care leavers. The top three barriers identified were the 'lack of sufficient identity documents'; 'resistance or lack of co-operation by the applicant and/or their family members', for example, where a care leaver has refused to complete an application, or where parents have refused to provide the relevant identity documents for looked after children; and 'a delay in obtaining the relevant identity documents'. The Home Office held workshops with local authorities, from December 2020, to discuss these issues, as well as childhood criminality – another common concern identified separately from the survey – and provided further information and advice on overcoming these barriers. One of the key messages highlighted in these workshops was that applications to the EUSS can be made without the required identity document, where the applicant is unable to obtain or produce one due to 'circumstances beyond their control or due to compelling compassionate or practical reasons'.

Other engagement with local authorities

- 10.14** Local authorities and health and social care trusts have continued to receive a variety of support from the Home Office, including guidance to assist with applications for looked after children and care leavers.⁵³ There have also been regular teleconferences, initially with directors of Children's Services, but more recently involving front-line social workers who are responsible for making applications. Local authorities were complimentary about the SRC dedicated helpline which has enabled delayed cases to be flagged to caseworkers for progression, and complicated cases involving vulnerable applicants to be escalated to senior management.
- 10.15** A programme of nine regional roundtables were hosted by the Home Office in September and October 2019, involving 40 local authorities, strategic migration partnerships and other local agencies, including grant funded organisations to gather insights into issues experienced in local areas. Evaluation of these events by communications staff indicated that they had improved the knowledge and understanding of the EUSS as a whole, of local challenges drawing on geographic applications' data, and of the application process. It also highlighted areas for improvement, including editable social media content and more targeted communications, such as translations of materials, in particular in non-EU languages.
- 10.16** While the primary focus of the Home Office's work with local authorities, in terms of vulnerable groups and the EUSS, has been with looked after children and care leavers, they also provide a range of services to other vulnerable groups, often in conjunction with the NHS. This includes adults in care, those lacking mental capacity, or with a learning or physical disability. However, there was limited evidence of outcomes of joint working with local authorities to target these

51 Under section 20 of the Children Act 1989, a local authority can provide accommodation for a child within their area if that child is in need of it, due to the child being lost/abandoned or there is no person with parental responsibility for that child.

52 [EUSS Looked after children and care leavers guidance April 2020](#)

53 <https://www.gov.uk/government/collections/eu-settlement-scheme-local-authorities-toolkit>

groups. Inspectors were advised in March 2021 that the Vulnerability Team is looking to work with stakeholders, such as the Association of Directors of Adult Social Services, who are one of the 72 organisations receiving grant funding support from October 2020, to see what more can be done to identify the adults in care who may be eligible to apply.

Conclusions

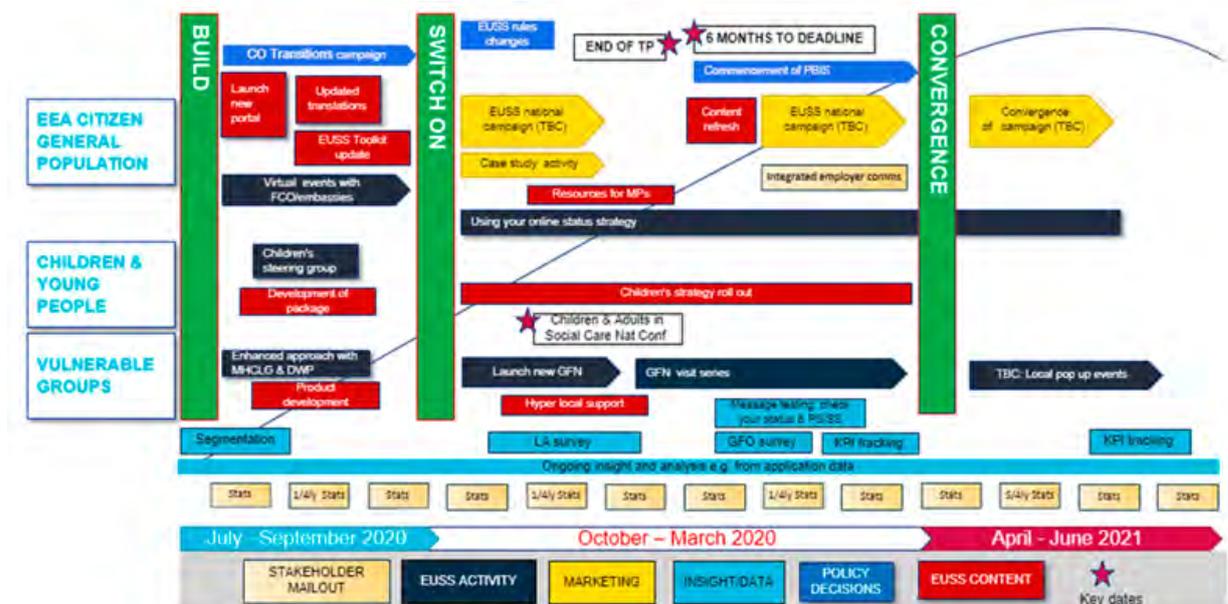
- 10.17** The Home Office's partnership with local authorities has primarily focused on ensuring that all eligible looked after children and care leavers obtain EUSS status before the June 2021 deadline. While the New Burdens Funding to support local authorities to do this was for a finite period, it did provide a much-needed focus on the issue and the Home Office has built on this in the form of workshops for local authorities to help them overcome the common barriers to making applications on behalf of these cohorts of children. The survey of local authorities has also provided a better understanding of the scale of the work needed to ensure all receive the appropriate status under the EUSS.
- 10.18** However, partnership working with local authorities and other statutory agencies, such as health services, to target other vulnerable groups, including adults with long-term conditions, and physical and mental disability is far less well developed. This is significant given the EUSS has been live since March 2019 and the deadline for applications is the end of June 2021. Moreover, there is a lack of data to assess whether applications received from these groups have been broadly in line with Home Office estimates.

11. Inspection findings: EUSS communication and engagement strategies

Ownership for EUSS communications

11.1 In July 2020, inspectors asked for the latest version of the communications and engagement strategy for the EUSS and were provided with a PowerPoint slide entitled Communications Story Arc (dated July 2020) – see figure 10. This provided an outline of activities and key dates for three core audiences, namely the EEA citizen general population, children and young people, and vulnerable groups (grant funded network).

Figure 10: EUSS Communications Story Arc



11.2 In addition, separate ‘OASIS’ plans were provided for two of the three core audiences: children and young people, and the grant funded network (GFN). These were also single PowerPoint slides and set out broad statements about the intended approach to engaging these groups during the phases of the EUSS, under the headings: “desired mindset”, “objective”, “audience”, “strategy” and “implementation”. These OASIS plans include a brief description of key performance indicators (KPIs), but these are not SMART⁵⁴ – for example, ‘stakeholder engagement levels’ and ‘Grant Funded Network amplification of core products’. Inspectors were not provided with any further details of these, nor any monitoring reports showing performance against these KPIs to track progress and achievements.

54 SMART: S – Specific; M – Measurable; A – Agreed; R – Realistic; T – Time-bound.

Evaluation of communications and engagement strategies

- 11.3** Inspectors requested reports or evaluations of communications and marketing initiatives and stakeholder engagement strategies. Inspectors were told that “the communications strategy has evolved throughout the life of the EUSS to ensure that it appropriately caters for changing and developing audience needs” and “paid communications activity is also constantly evaluated and adjusted to ensure impact, effectiveness and value for money, and is subject to rigorous Cabinet Office Professional Assurance (‘PASS’) approval before it is allowed to commence.” However, inspectors were not provided with any evidence of how the effectiveness of the communications strategy and supporting plans has been monitored, for example, what has worked well and what has changed to ensure messaging about the EUSS is getting through to those with vulnerabilities.
- 11.4** Inspectors were told that: “strategic communications activity is subject to the governance of the EUSS board...whilst different teams within the communications directorate seek to communicate with different audiences all are unified under a single management structure.” However, inspectors were provided with no evidence of how the different strands of EUSS communications and engagement are drawn together so that the learning and insights from these informs a more targeted approach to vulnerable and hard-to-reach groups, as was envisaged by the ‘convergent’ phase of the communications story arc.
- 11.5** The Home Office has undertaken evaluations of individual marketing and engagement events and media campaigns it has run. These have included:
- A national radio, TV and social media and outdoor paid communications campaign between 10 February 2020 and 8 March 2020, which resulted in 150 million impressions (the number of times adverts were displayed) and 2.4 million online engagements (including likes, comments, shares and searches). It also included adverts in community print (nine foreign language titles). There was a reported increase in the number of applications made during this campaign.
 - An EUSS national conference in February 2020 involving 263 delegates representing local authorities, grant funded organisations (GFOs), umbrella bodies, chambers of commerce, academics, embassies and other government departments, including Department of Work and Pensions (DWP), Department of Health and Social Care (DHSC) and Ministry for Housing, Communities and Local Government (MHCLG). Delegates shared ideas about how they planned to work in a more targeted manner with other agencies to reach vulnerable groups.
- 11.6** Inspectors were provided with a list of 193 engagement events between June 2019 and July 2020 and a further 64 events between August 2020 and February 2021, at which Home Office staff promoted the EUSS. These included local authority roundtables, user group meetings, industry specific and sector-wide events and meetings led by other government departments. These events provided a platform for networking and collaboration, and for partners to ask questions and share their views. Prior to the COVID-19 pandemic restrictions, pop up events involving Home Office staff supporting individuals to complete the application process at a venue were also held, and these were particularly well received.

Communications informed by data and research

11.7 Communications staff attend meetings of the EUSS Board to provide updates on the latest communications and engagement activities. These are informed by monthly profiles of applications by location, nationality and age group compared to annual population survey data and insights from the Home Office's commissioned research partner, BritainThinks. For example, in June 2020, the EUSS Board received a presentation which identified children under 16 to be the most underrepresented age group, with an estimated 34% yet to apply. Qualitative research with the parents and guardians of under 16s (in March 2020) highlighted their lack of knowledge of the impact that the UK leaving the EU will have on their rights (and the children's) and parents expected to be clearly told how to apply for their children. The presentation also provided the approximate geographic locations of Gypsy, Roma and EEA Traveller communities in the UK. However, it is not clear how these analyses have resulted in more targeted communications for such groups.

The impact of the COVID-19 pandemic on communications and engagement

11.8 From March 2020, due to the COVID-19 pandemic restrictions, many planned engagement events were either postponed or declined, including pop up events. However, the Home Office managed to switch to a virtual communications and engagement programme, including using video conferencing and webinars, in place of physically attending a venue. An engagement manager said: "We are more of an on-commission resource now." The programme included events with, for example, regional strategic migration partnerships and other government departments, such as the Foreign and Commonwealth Office on EU citizens' rights. Inspectors heard that the move to attending events virtually had enabled Home Office staff to participate in more events as no travel was needed.

11.9 Inspectors were told that feedback from engagement events is used to update and inform 'frequently asked questions' and the standard slide pack used for future events, with communications and policy staff providing specialist input. Moreover, information packs on the EUSS have also been provided for other government departments to use in their own engagement initiatives.

11.10 The Home Office has continued to engage with stakeholder user groups to receive feedback about the EUSS and to develop and refine its communications. This has included the Safeguarding User Group (SUG), with representatives from organisations supporting vulnerable groups, civil society groups and representatives from consulates and embassies. As a result, the Home Office has been able to draw on information from stakeholders about the impact of COVID-19 pandemic restrictions on applicants' ability to obtain identity and travel documents from their country of origin and apply 'evidential flexibility' as appropriate. The Home Office also updated its guidance to include details of those countries that had extended the validity period of their identity documents in response to the COVID-19 pandemic.

11.11 On 15 December 2020, the Home Office issued guidance for EUSS applicants both within or outside the UK, who had been affected by restrictions associated with the COVID-19 pandemic.⁵⁵ This reiterated that alternative evidence of identity would be considered where an applicant was unable to provide documentation. It also confirmed that a person's continuous qualifying period will not necessarily be affected if travel restrictions meant they were absent

⁵⁵ www.gov.uk/guidance/coronavirus-covid-19-eu-settlement-scheme-guidance-for-applicants

from the UK for longer than planned (providing the period does not exceed 12 months). While this provided much needed clarity which stakeholders had called for, it was published just two weeks before the end of the transition period (on 31 December 2020), which was a critical date for some applicants, such as those needing to restart any continuous qualifying period to be eligible for status under the EUSS.

EUSS messaging for the general EEA population

11.12 The Home Office has provided a wide range of guidance and promotional materials for the EUSS aimed at the general EEA population resident in the UK, in addition to its ongoing public marketing campaign which was supported with £4.5 million funding to December 2020. Guidance is embedded in the online application pages at the GOV.UK website⁵⁶ and there is specific guidance, for example, on the types of evidence accepted to prove residency⁵⁷ and relationship.⁵⁸ General assets for promoting the EUSS, such as sample social media posts, animations and videos, and also posters, are available from the Brandworkz website.⁵⁹ Figure 11 shows how the colour scheme used for these materials has changed from blue to yellow and finally to red, to reflect the increasing level of urgency to apply before the deadline.

Figure 11: EUSS marketing materials



Foreign language messaging

11.13 The Home Office provided versions of EUSS guidance in all EU languages, plus Welsh, after the EUSS launched in March 2019. Downloadable materials which include a factsheet, poster and videos have also been provided in these languages.

11.14 The Home Office marked the 'one year to go' milestone on 30 June 2020 with a package of social media content, including: an animation; a graphic translated into seven languages to reflect data on nationalities that appeared underrepresented in those applying, based on its best estimates of eligible groups and nationalities; and suggested posts for stakeholders, including embassies and other partners for use on their social media channels. Stakeholder communications were sent to 372,000 EU citizens (with an open rate of 64%); a mailing list of 490 community sector organisations with an open rate of 41% (these open rates appear to compare well to the average for newsletters related to government of 28.77%); the grant funded network; local authorities; devolved administrations; EU embassies in the UK; and other key partners. A series of media appearances by the Minister for Immigration and Borders have also included interviews with Polish, Romanian and Scottish GFOs.

⁵⁶ www.gov.uk/settled-status-eu-citizens-families

⁵⁷ www.gov.uk/guidance/eu-settlement-scheme-evidence-of-uk-residence

⁵⁸ www.gov.uk/guidance/eu-settlement-scheme-evidence-of-relationship-to-an-eu-citizen

⁵⁹ Brandworkz.com

11.15 The Home Office has also continued to promote the EUSS among Home Office staff via internal communications on its intranet pages and through the Home Office’s EU Nationals’ staff Network, to ensure all eligible staff apply in time.

EUSS messaging for employers

11.16 Throughout the life of the scheme, stakeholders have consistently raised issues with a low level of awareness of the EUSS in general and the difference between settled and pre-settled status among employers, landlords, banks, the NHS and other government departments, including the DWP. Several stakeholders highlighted that EEA citizens had been asked for proof of their immigration status, even though this is not a requirement before July 2021.⁶⁰

11.17 The Home Office’s engagement with employers during 2019 and 2020 focused on the top 50 employers of EU citizens, who were estimated to employ 15.6% (336,000) of the total EU population working in the UK. This was through a series of teleconferences and webinars prior to the launch of the EUSS. This led to the development of guidance⁶¹ and communications materials for employers, published in January 2020, including a toolkit,⁶² and information on how to check an applicant’s right to work,⁶³ and right to rent⁶⁴ (for landlords). These guides emphasise that an EU citizen can continue to use their passport or national identity card to prove their immigration status in the UK until 30 June 2021. From late summer 2020, messaging about the EUSS was incorporated into Brexit Readiness roadshows run by the Department for Business, Energy and Industrial Strategy (BEIS). Through these events the government has reached well over 2,500 businesses directly, and others indirectly via business consultants and advisers.

11.18 Inspectors were told that, building on the engagement with the top 50 employers of EU citizens, a small and medium enterprises (SMEs) advisory group had been established in the summer of 2020 to inform the development of an SME strategy and delivery plan, but these were still not available in March 2021, despite being identified as necessary as far back as June 2019.

EUSS messaging for vulnerable groups

11.19 The Home Office’s approach to communicating with vulnerable audiences has been “to harness its partnerships with the grant funded network (GFN), civil society organisations and embassies to create targeted outreach and engagement.” As covered elsewhere in this report, the use of the GFN has enabled the Home Office to extend its reach into local communities and to support specific vulnerable groups who would otherwise have struggled to apply to the EUSS. One GFO explained: “Our service has been advertised in community media, across social media platforms, directly to clients and through leafleting in community hot-spots, such as ethnic shops, churches, libraries, community centres, and others.” The Home Office has also supported GFOs with development of their own communications and engagement, including for example, videos produced by a GFO to raise awareness of the EUSS among its client group.

11.20 GFOs reported good interaction with the EUSS and were positive about the publicity and marketing materials provided and the Basecamp portal, which had been used to share

⁶⁰ 10 respondents to the call for evidence indicated that employers and/or landlords were already asking for proof of EUSS status.

⁶¹ [Employers EUSS Introduction pack](#)

⁶² www.gov.uk/government/collections/eu-settlement-scheme-employer-toolkit

⁶³ www.gov.uk/check-job-applicant-right-to-work

⁶⁴ www.gov.uk/check-tenant-right-to-rent-documents/how-to-check

experiences and best practice. However, feedback from some non-GFO stakeholders has been that it is not clear how messages are getting to the most vulnerable. One stakeholder described “a lack of adapted information to the different audiences that need to know about the scheme.... which results in lack of awareness among many groups.” There was a desire for additional targeted communications, as one stakeholder put it: “more active awareness-raising actions about the scheme, especially now, when the key dates have been confirmed and are unlikely to be extended.”

- 11.21** Inspectors found that there had been less progress with development of niche products for communications, for example, with children and prisoners, despite these being mooted as priorities for engagement by the EUSS Board as far back as 2019.

EUSS communications and engagement plans to June 2021 and beyond

- 11.22** Inspectors requested details of the proposed communications and engagement plans for the EUSS up to the end of the grace period for applications in June 2021 and beyond. A communications manager described how the messaging was being refined from ‘protect your rights’ to ‘you need to apply, and this is the assistance available’. A fresh ‘marketing burst’ took place in December 2020 and a further multi-media campaign was in progress for March/April 2021, with the intention of further targeting nationalities who have not applied in the numbers expected.
- 11.23** The expectation of Home Office managers was that GFOs would be relied upon to engage with those vulnerable groups who hadn’t applied yet, making use of Home Office communications materials, but without any direction or oversight from the Home Office. There was an acknowledgment by one senior communications and engagement manager that “hard-to-reach applicants have become harder reach, but it is difficult to track progress without any data”. Without this data, it is difficult to devise effective targeted communications, especially as hard-to-reach groups will typically not be among those likely to seek help from local agencies.

Late applications to the EUSS

- 11.24** Another concern of stakeholders was the lack of guidance on the Home Office’s approach to those who miss the June 2021 deadline, in particular vulnerable groups,⁶⁵ who could potentially become subject to enforcement action and removal. Following several Parliamentary questions⁶⁶ on this topic, caseworker guidance⁶⁷ was updated in April 2021, setting out what constitutes “reasonable grounds” for failing to apply before the deadline, for example, being unaware of the requirement to apply to the EUSS by the deadline is given as a compelling and compassionate reason.
- 11.25** Some stakeholders have called for the deadline to be extended beyond the end of June 2021, as the COVID-19 pandemic restrictions have presented significant challenges to vulnerable and hard-to-reach groups in accessing the support services and public agencies necessary to obtain evidence to support their application. The Home Office has maintained the position that the deadline will not be extended, and this was confirmed by the Minister for Future Borders and Immigration in response to a Parliamentary question on 25 March 2021:⁶⁸

65 18 respondents to the call for evidence considered that potential applicants were still not aware of the deadline or that the deadline is unrealistic.

66 www.theyworkforyou.com/search/?q=EUSS+late+applications

67 [EU Settlement Scheme caseworker guidance \(www.GOV.UK\)](https://www.gov.uk/guidance/eu-settlement-scheme-caseworker-guidance)

68 [Immigration: EU Nationals: 25 Mar 2021: Hansard Written Answers - TheyWorkForYou](https://www.theyworkforyou.com/immigration/eu-nationals/25-mar-2021-hansard-written-answers-theyworkforyou)

“There are no plans to extend the deadline for applications to the EUSS... In line with the Withdrawal Agreement, the Government has been clear, where a person has reasonable grounds for missing the 30 June 2021 deadline for applications to the EUSS by EU citizens and their family members resident in the UK by the end of the transition period, they will be given a further opportunity to apply.”

11.26 Building on the Home Office’s work to integrate EUSS messaging into the operational processes in other government departments, a further initiative aimed at preventing late applications that the Home Office has been developing is a data exchange project with the DWP and HMRC. This involves DWP and HMRC identifying individuals who are accessing their services who could be without status during the grace period. This could then inform targeted communications to encourage those yet to apply to the EUSS to do so before the deadline.

Transition from pre-settled to settled status

11.27 Inspectors were told that the Home Office will remind applicants with pre-settled status when they need to apply for settled status, but that will rely on their contact details remaining the same, or being updated by the individual. Stakeholders had concerns that this would not be the case for some vulnerable groups, particularly those who had support with their application, where there would not be an enduring relationship. The EUSS Board received a governance highlight report at its 16 July 2020 meeting stating that work was ongoing to include information on GOV.UK and within pre-settled status grant letters to signpost/ encourage applicants to apply for settled status when they reach five years continuous residence, as opposed to the expiry date of their pre-settled status. A communications manager subsequently informed inspectors, in December 2020, that targeted communications using demographic reporting with community groups, as well as a dedicated mail shot, were also being considered. This communications initiative had yet to be implemented by the end of March 2021.

Children’s Strategy

11.28 From the outset of the scheme, stakeholders have drawn attention to the potential for children to fall through the gaps when it comes to applying to the EUSS.⁶⁹ This is supported by research from children’s charities suggesting children are overrepresented in the groups yet to apply.^{70 71} Common issues highlighted include:

- a lack of awareness by children, their parents or carers of the need to be registered
- EEA parents with a mistaken belief that their UK-born children are automatically UK citizens
- parents who are not aware their children qualify for British Citizenship and register under the EUSS instead (the high fee for the former might also encourage EUSS applications instead, among those unable to afford the fee)
- a lack of documentary evidence to prove their nationality and residence which is required to meet the eligibility criteria.

11.29 The Home Office’s main focus has been on looked after children and care leavers through collaboration with local authorities, as covered in Chapter 10, but there are many other groups

69 <https://prcbc.org/information-leaflets/>

70 [CCLC Children-left-out July-2020](#) Lagrue, M. Bourthoumieux, C. and Layonu, J.

71 [CCLC Uncertain futures the EUSS and children and young people’s right to remain in the UK](#)

of vulnerable children who have less contact with public authorities. As one stakeholder put it: “not every vulnerable child has a social worker”.

- 11.30** In interviews, several managers referred to the ‘Children’s Strategy’ and to a child-friendly communication strategy, but the only strategy document provided to inspectors was the undated OASIS plan for children and young people (referred to in 11.2 above). At the Consular User Group in January 2020 there was a communications update which included the comment: “The children’s strategy will be launched in late March/April”, but no evidence has been provided of this, nor of any evaluation of the approach to targeted communications with children or their parents or guardians.
- 11.31** The European Children’s Rights Unit (ECRU) of the University of Liverpool was commissioned by the Home Office in early 2019 to develop child-focused communications to raise children’s awareness of the EUSS and to supplement the existing EUSS information available which is adult-focused. The first phase of the project involved consultation with vulnerable children. As well as children in care and leaving care, this included children outside of mainstream education; children in Roma communities; young carers; and children with special educational needs and disabilities.
- 11.32** Piloting of child-friendly information resources for 11- to 18-year-olds, developed in light of the consultation, was due to commence in September 2019. However, this was delayed by the Home Office due to the forthcoming general election, and then again due to the COVID-19 pandemic lockdown. ECRU has since adapted these materials to enable it to pilot the information resources on its own website, but the Home Office has yet to confirm its intention to complete this project.
- 11.33** In December 2020, inspectors were told that the Home Office had recently completed a stakeholder mapping exercise of organisations working with children to inform “a packaged offer of information” for distribution via these organisations, with engagement work to continue up to the June 2021 deadline. With the deadline fast approaching there is a diminishing opportunity for these materials to have an impact on applications from children.
- 11.34** Another initiative that inspectors were told about that is aimed at improving the uptake of the EUSS from children, is guidance for schools in the form of a toolkit. This was being developed with the Department for Education but had not yet been produced at the time of writing.

Strategies for other vulnerable groups

Vulnerable adults including those in care/lacking mental capacity

- 11.35** Stakeholders identified a range of other groups whose vulnerabilities mean that they face significant barriers to obtaining status under the EUSS. Of particular concern were vulnerable adults (mainly older adults, but not exclusively) living alone, in residential or nursing care settings, or supported housing. They may have a degenerative condition, such as dementia, or a physical or learning disability, or lack mental capacity.⁷² During the current COVID-19 pandemic, these groups are also more likely to be in isolation or shielding. While EU citizens in the UK are relatively young compared to the general population, an estimated 58,000 were aged 75 or above in 2019.⁷³ Such groups are also more likely to have a lower level of digital

⁷² The Migration Observatory estimated around 226,000 people aged 18-64 years had a long-term health condition, depression or a mental or related illness in 2017 Unsettled Status?

⁷³ <https://migrationobservatory.ox.ac.uk/resources/reports/unsettled-status-2020/>

literacy and/or access to the internet. A chief concern of stakeholders was a lack of targeted communications for vulnerable adults and for those caring for them. Many may be long-term residents who are fully settled in the UK (some with Permanent Residence status) but not realising they are required to apply to the EUSS, presenting a risk that they will lose their right to remain in the UK.

- 11.36** The Home Office acknowledges the need to provide more targeted communications for older people. The published Policy Equality Statement (PES) for the EUSS states it is “reflecting on what the available data tells us about the numbers of those aged.... over 65 who have so far applied to the EUSS to consider how we can best tailor and target further communications and engagement activity to encourage those eligible for the EUSS.... to apply and to help them to do so.” The PES also recognises that older people may not retain records which could present difficulties proving residency.
- 11.37** Inspectors were told in March 2021 that “Further work is currently underway to liaise with local authorities and members of the GFN to help ensure that adults in care receive EUSS messaging” and “a dedicated older people’s workstream has also been established to ensure that older applicants are made aware of the scheme and encouraged to apply.” As part of this, an exercise was planned to identify numbers of eligible persons in care homes, discussions were being held with the Association of Directors of Adult Social Services, and a communications plan was being developed to target over 65s, following a stakeholder mapping exercise. However, these communications and engagement plans had not been formulated into a clear strategy for older people and other vulnerable adults with the deadline for applications approaching.
- 11.38** In November 2020, the Home Office received a pre-application protocol letter (a pre-cursor to an application for Judicial Review), in respect of a “failure to put in place a lawful system for application to the EUSS for vulnerable EU citizens and their family members who may have impaired mental capacity”. In December 2020, the Home Office issued an updated version of its main guidance for caseworkers to include a section on adults with mental capacity and/or care and support needs. This provides guidance for caseworkers on the circumstances in which a third party can apply on someone’s behalf, including those who may be residing in a residential care home, or receiving care and support services in their own home, with long-term physical or mental health needs or a disability. However, there has been limited communications or outreach targeted at those providing care and support for potential applicants with impaired mental capacity, such as those with a power of attorney.

People with criminal records or in prison

- 11.39** Stakeholders fed back that the Home Office’s approach to applicants with a criminal record, or who are serving a custodial sentence, is extremely unclear. It was also reported that many applicants with minor convictions were scared of applying as they were afraid of deportation, despite clearly being eligible to be granted status according to the caseworker guidance. Stakeholders also considered that there was a lack of information and support to EEA citizens in prison who are long-term residents and guidance to prison service staff on how to support their applications. Moreover, it was noted that immigration advice is often not available in prisons, and access to phones and computers may be extremely limited. Prisoners are also more likely to suffer from mental health problems than those in the general population.⁷⁴
- 11.40** One stakeholder summed up their experience of dealing with cases involving minor criminality:

⁷⁴ <https://publications.parliament.uk/pa/cm201719/cmselect/cmpubacc/400/400.pdf>

“The Home Office seem to have a blanket policy of putting all applications on hold where the applicant has a pending prosecution, regardless of the severity of the alleged offence. For one homeless client, this led to a delay of over a year for an offence relating to begging and he has recently died without having received settled status. For another client with a serious mental health condition, her application was put on hold due to a shoplifting offence and the stress was so great that she ultimately chose to leave the UK. Neither of these offences were serious enough to trigger any suitability concerns, and the long periods on hold have been wholly unnecessary”.

11.41 In June 2019, a steering group, including the Home Office and other government departments, had been convened to determine the specific needs of prisoners and their families, make policy recommendations and advise on communications. The PES refers to work “being in hand with HM Prison and Probation Service and others on the process for such applications”, and inspectors were informed that the Home Office was scoping communications for prisoners in conjunction with the Ministry of Justice and the Devolved Administrations to ensure that those eligible to apply under the EUSS while in prison are able to do so. However, there had been no outcome from this work, for example, in terms of communications and guidance, by the end of March 2021.

Homeless persons and those with no fixed abode

11.42 EEA citizens who are homeless or have no fixed abode are another vulnerable group that stakeholders were concerned would not be aware of the EUSS. For example, of the stakeholder groups responding to the call for evidence, more than a third (21) had concerns about the multiple barriers Roma, Gypsy and Traveller communities face, including not having sufficient understanding of the English language to access available information. As one stakeholder said: “The experience of this group is that they are very much cut off from mainstream services and methods of communication.”

11.43 A number of charities working with the homeless have received grant funding from the Home Office and were positive about how this has enabled them to support many more people experiencing homelessness to apply to the EUSS.

11.44 Invariably, organisations supporting homeless people reported that their clients have little awareness of the EUSS. Some presume they aren’t eligible due to their homelessness, ill-health or unemployment and others are reluctant to apply due to mistrust of statutory agencies. Another concern is that many do not understand the difference between settled and pre-settled status, with some accepting the latter in error, not realising this could negatively impact on their entitlement to welfare benefits and housing support, as those with pre-settled status must demonstrate that they have an existing qualifying ‘right to reside’, such as worker status.⁷⁵

11.45 The public health restrictions brought in to tackle the COVID-19 pandemic had a significant impact on the ability of GFOs to assist homeless people with applications. Advice had to be provided over the phone only, organisations found it harder to maintain contact with clients, and with physical services closed it was more difficult to gather supporting information and submit applications. Those supporting homeless people also highlighted that they are increasingly seeing people with more complex cases, which can take a long period of time and involve multiple engagements to support a person to obtain the required documentation. The Home Office also commented that applications generally had become more complex over the

⁷⁵ 12 (of 84) stakeholder replies raised concern about applicants accepting pre-settled status in error and not being clear as to the difference between pre-settled status and settled status.

life of the EUSS. Organisations reported losing contact with homeless clients, with some giving up when they realise it will be challenging to apply; as a result, they did not know whether they had gone on to make a successful application.

- 11.46** Paradoxically, the COVID-19 pandemic restrictions also provided more opportunities for charities and other organisations to support homeless individuals to apply. This is because, in March 2020, the government enacted the 'Everyone In scheme', which required all councils to place an estimated 15,000 rough sleepers into emergency accommodation, such as hotels, supported with emergency funding. Stakeholders reported that this enabled EEA citizens to be identified and supported to obtain EUSS status, with specific guidance provided for them by the Home Office. As a result of this intervention, those accommodated were also able to access other support, including advice about welfare benefits, housing and employment and access to health services and providing a route out of homelessness.

Conclusions

- 11.47** Since the last inspection, the Home Office has maintained its considerable efforts in its general communications about the EUSS, despite the challenges faced with restrictions due to the COVID-19 pandemic. It has continued to invest in the grant funded network which it relies heavily upon to ensure that vulnerable individuals are aware of and able to apply to the EUSS. This clearly remains appropriate as the Home Office does not have the necessary outreach into communities. However, there has been no overall review of the impact of communications and engagement strategies on vulnerable groups. This means that there has been a missed opportunity to use the results of such an analysis to inform more targeted messaging for specific vulnerable groups that stakeholders have highlighted risk being left behind when the deadline of 30 June 2021 passes.

12. Inspection findings: EUSS Casework and the Settlement Resolution Centre – efficiency

Stakeholder feedback

- 12.1** Inspectors issued a ‘call for evidence’ about the EUSS via the ICIBI website on 3 July 2020. 84 replies were received from stakeholders, including academics, immigration representatives, non-governmental organisations, local government bodies, regional strategic migration partnerships, and individuals.
- 12.2** The Home Office approach to the EUSS was recognised by stakeholders who replied as “unique across all the borders, immigration and nationality areas under its remit” and “while there is considerable scope for improvement... the EUSS can be regarded as the standard for all other areas to work toward.” The process was described as “brilliant”, “easy and straightforward” for young and working adults, who are confident using technology.
- 12.3** However, delays to the processing of EUSS applications were raised by almost half of stakeholders responding, and in its (published) submission the Immigration Law Practitioners’ Association (ILPA) commented “it is notable that almost every practitioner who responded to our call for evidence raised delays as a problem”.⁷⁶
- 12.4** Applicants that experienced most delay, as identified by stakeholders, included those with issues of criminality, and those who cannot apply using the digital route so must submit a paper application, such as those with a Zambrano or other derivative right to reside⁷⁷ or applicants who do not have valid proof of identity.
- 12.5** There were also reports across stakeholders of applications being delayed “with no apparent reason” or which “ought to be entirely straightforward”. For some, delays cause anxiety while for others, such as those who are homeless, delays to a grant of settled status can prevent their access to welfare benefits. Delays increase the risk of vulnerable applicants, who may often lead “itinerant and chaotic lifestyles”, falling out of communication which in turn could lead to a non-grant outcome.
- 12.6** A third of stakeholders who mentioned delays said the absence of published timescales and lack of transparency about waiting times contributed to the uncertainty.

⁷⁶ [20.07.31-ILPA-submission-to-ICIBI-on-EU-settlement-scheme.pdf](#)

⁷⁷ ‘EUSS derivative right to reside’ guidance describes ‘derivative rights’ as “rights derived from wider EU law rather than from the Free Movement Directive 2004/38/EC and have been confirmed by CJEU judgements”.

Staffing

12.7 The first ICIBI inspection of EUSS highlighted the resourcing of the Settlement Resolution Centre (SRC) and the EUSS Casework teams, and made recommendation two, that the Home Office:

“Dedicate sufficient resources to the EU Settlement Scheme throughout its life to ensure that all applications are processed efficiently and effectively, and that the lack of a customer service standard does not affect the priority given to these applications when compared with other UKVI functions that do have such standards.”

12.8 The second ICIBI inspection found that while the Home Office had done as much as it reasonably could to ensure it had sufficient trained staff, this recommendation could not sensibly be closed until the EUSS itself closed.

12.9 By the end of July 2020, the EUSS had received 3,814,520 applications compared to the original Home Office estimates of between 3.5 to 4.1 million expected to be eligible for the scheme. The capacity plan had been adjusted since the second inspection and, in August 2020, EUSS Casework had been allocated 28 staff more than previously. However, the SRC plan remained the same, shown in figure 12.

Figure 12:

EU casework and EU SRC capacity plans and staff in post

Grades	Capacity plan March 2019		Capacity plan August 2020		Staff in post August 2020 ⁷⁸			
	EUSS plan	SRC plan	EUSS plan	SRC plan	European Casework	European Casework variance	SRC	SRC variance
Grade 6	4	0	5	0	5	0	0	0
Grade 7	11	2	12	2	12	0	2	0
Senior Executive Officer (SEO)	23	5	32	6	29	-5	5	-1
Higher Executive Officer (HEO)	78	19	90	19	104	-11	19	0
Executive Officer (EO)	482	75	472	69	649	29	66	-2
Administrative Officer (AO)	571	165	583	171	651	-8	154	-17
Administrative Assistant (AA)	62	0	67	0	88	-35	0	0
Total	1,232	266	1,260	266	1,538	-31	246	-20

⁷⁸ Staff in post figures are given for European Casework section, including EUSS, Legacy and EU international casework, consequently the variance does not relate specifically to EUSS casework.

- 12.10** EUSS casework is handled in the European Casework section of UKVI, which also handles, separately, EU Legacy and EU International workstreams. The EU Legacy workstream closed to applications on 31 December 2020, and those staff moved onto the British National Overseas visa route from February 2021. The section will also perform the ID checker function for the new points-based immigration system cases.
- 12.11** EUSS casework is managed in two sections: Identity Verification and Front End (IDV), and eligibility, reflecting the stages of the EUSS application process which assess against the identity, suitability,⁷⁹ and eligibility requirements.
- 12.12** The Home Office contact list for European Casework shows 34 casework teams covering EUSS, comprising six IDV casework teams and 28 Eligibility casework teams. Inspectors were told by casework staff that several teams had been trained in both IDV and eligibility work and were flexed according to workflow demand. Senior managers considered this beneficial to both staff development and the business from a continuous improvement perspective.

Operational impact of and response to the COVID-19 pandemic

- 12.13** Since their launch, EUSS Casework and the SRC were both fully office-based operations, but following the Government's 'stay at home' announcement on 23 March 2020, the SRC was forced to suspend operations and casework was significantly reduced. A huge effort was made to establish a working from home model, which required equipment to be issued to most of the workforce. Despite some delay obtaining laptops, the SRC was functioning at full capacity by 4 May 2020 and EUSS Casework by 26 May 2020.
- 12.14** Business critical staff, such as those scanning documents received by post, had returned to the office during the initial lockdown period, and afterwards these roles were prioritised for office space, which was more limited due to social distancing measures. Some caseworkers returned to the office for a couple of days a week as restrictions eased. The route for submitting evidence of identity by post had been suspended while essential staff caught up with processing accrued post but, in line with casework, was fully reopened by 26 May 2020. In October 2020, inspectors were told that a recent rule change had allowed paper applications, which previously had to be sent by post, to be submitted by email in "exceptional circumstances".
- 12.15** In November 2020, caseworkers continued to work from both the office and home. Those inspectors spoke to were happy with this arrangement and reported a range of keep in touch initiatives, such as weekly team meetings, frequent individual welfare chats with managers, weekly 'state of the nation' meetings delivered by their senior manager and virtual Skype groups for raising queries during the day. Senior managers reported the move had led to "more empathetic leadership".
- 12.16** In summer 2020, EUSS Casework borrowed around 100 staff on loan from HM Passport Office, Border Force and other areas of UKVI where staff were temporarily surplus due to the COVID-19 pandemic, to supplement the local resource in processing the WIP that had accumulated. Senior management hoped that these staff would remain in post until at least

⁷⁹ Suitability assessment, the midpoint of the process, is handled outside of EUSS Casework, by the Suitability Assessment Team (SAT) which sits in the Immigration Checking and Enquiry Service of the UK Visas and Immigration directorate.

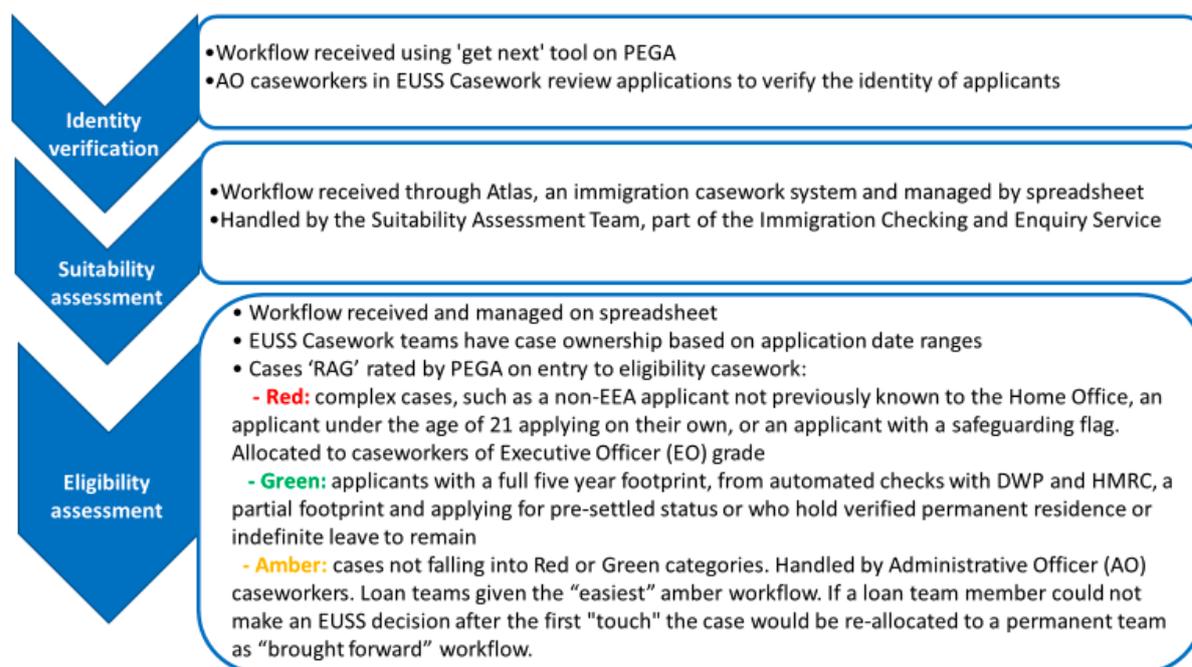
March 2021 so that they could support EUSS Casework with any spike in applications in the run up to June 2021.

12.17 In December 2020, most casework teams felt they were sufficiently resourced to do their work, that extra staff were available if needed, although senior managers found it a “difficult” question as applications were already one million over expectation “with no sign of slowing down”, and HR issues, such as managing staff wellbeing remotely, were putting a “strain on the teams”. Application numbers had increased significantly during the year and in December 2020, “voluntary overtime” was being offered to staff.

Workflow management

12.18 Digital EUSS applications are received automatically into PEGA, the EUSS casework management system and flow through the three-stage application process shown in figure 13.

Figure 13: EUSS Casework workflow process



12.19 Eligibility casework moved to a case ownership model from March 2020, in part to address difficulties caused when hold periods of bulk WIP expired and obscured new work as it fell back into the ‘get next’ queue. A senior manager said case ownership was welcomed by caseworkers, it gave them greater accountability and was “more productive” in ring fencing resource so applications were handled more effectively.

12.20 Applications intake is constantly monitored, reports on workflow are run and reviewed three times a day and operations managers could respond quickly to spikes in RAG ratings by re-allocating staff. Specific teams work on cases over six months old, considered “aged”, to ensure they are understood and progressed.

Targets and quality standards

12.21 The second ICIBI inspection of the EUSS made recommendation five which touched on both quality assurance and staff performance targets:

“Review the robustness of the quality assurance regimes in place for EU Settlement Scheme (EUSS) caseworkers and Settlement Resolution Centre (SRC) staff, in the process explaining to staff the basis for daily performance targets and dealing with their concerns about fairness.”

12.22 The Home Office partially accepted the recommendation and responded, in relation to the matter of targets:

“As the Scheme is in its infancy, caseworker targets are continually reviewed as part of ongoing daily/weekly monitoring. Adjustments have been made to targets since the start of the EUSS. Following a recent timings exercise involving representative staff groups, potential further amendments are currently being considered by operational managers.”

12.23 The Home Office provided an update in August 2020, adding “further amendments were made late 2019 and following analysis of the applications being received, targets were reviewed again August 2020.”

12.24 Eligibility caseworkers had daily targets for decisions made according to the workstream they worked, they reported that these changed “quite a lot”⁸⁰ and comparisons are shown at figure 14 of the targets at the time of the last inspection, in August 2019, provided in evidence in August 2020 and during onsite interviews in November 2020.

Figure 14:

Eligibility caseworker daily decision targets by workstream			
	Aug 2019	Aug 2020	Nov 2020
Red	10	10	12
Amber	26	12	22 (new cases) 12 (aged cases)
Green	90	90	90

12.25 For performance reporting purposes, targets were combined and recognised in terms of full-time equivalent (FTE) days of work. For the business year end 2020, European Casework achieved an overall output of 97% against expectation. Expectations were revised due to the COVID-19 pandemic, based on staff availability, but output still reduced to 83% for quarter one of 2020-21, and for June 2020 the monthly output was 79%.

12.26 Some eligibility caseworkers said targets were “generally achievable” and most agreed managers would “rather we get it right” than meet targets. Others worried they received more “cases with issues” than other caseworkers which prevented them meeting targets, such as second “touch” cases unresolved by other teams. It was felt amber casework had become more complex in 2020, with more documents that took longer to review, and more actions needed to reach a decision. There was a sense that while it may be acceptable if targets

⁸⁰ In July 2021, in its factual accuracy response the Home Office explained that “targets were regularly reviewed and adjusted as the profile of applications to the scheme changed over its lifetime.”

were not met, it was demoralising, as “people have the number in the back of their head all the time”.

- 12.27** Inspectors sent a survey to approximately 960 EUSS caseworkers and received 188 replies. Around a third offered additional comments at the end which were positive, expressing pride in their work, their team, and the support they received from colleagues. However, a fifth cited the “biggest challenge” in performing their role to be workload and “stats”. Caseworkers described targets as “stressful”, “unmanageable” and “unrealistic”. There was concern that the “target driven environment” drove poor behaviour, with staff rushing work “for fear of being performance managed”.
- 12.28** Casework managers acknowledged that doing “aged” cases was “tough” and affected morale, but said they could see, from daily monitoring, if caseworkers were making the effort and did not “just” assess them on numbers. Senior managers were clear that the focus is on quality over quantity, however, while targets were monitored daily, quality was reviewed less often, by local checks and routine sampling in around 1% of cases.
- 12.29** In contrast, IDV managers told inspectors that staff targets had changed from 80 identity verifications to 80 ‘actions’ a day. ‘Actions’ include write outs and calls to gather further information on an application, as well as verifications that progress an application to the next stage. This appeared to be a more appropriate target for assessing performance. Other targets in IDV for the electronic case creation of paper applications, ten a day, were said by staff to be “realistic”, while return of physical documents to applicants was being achieved in around four days.
- 12.30** Staff in the SRC did not have performance targets. Evidence provided in August 2020 and March 2021 shows SRC call volumes fluctuated significantly and had increased in the last quarter of 2020 (figure 15), with 128,291 calls received in December, of which only 43,285 (33.74%) were handled.

Figure 15:
SRC call volumes by calendar year (January 2019 to December 2020)

	2019				2020				Total
	Qtr1	Qtr2	Qtr3	Qtr4	Qtr1	Qtr2	Qtr3	Qtr4	
Calls received	5,002	207,286	239,454	276,735	259,081	97,203	203,182	321,767	1,609,710
Calls handled	4,292	168,442	178,020	224,596	237,949	94,282	174,794	170,626	1,253,001
Calls not handled	710	38,844	61,434	52,139	21,132	2,921	28,388	151,141	356,709
% not handled	14.19%	18.74%	25.66%	18.84%	8.16%	3.01%	13.97%	46.97%	22.16%

- 12.31** The average call duration in July 2020 was 8 minutes and 27 seconds; by December 2020 it had increased to 10 minutes and 10 seconds. The second EUSS inspection highlighted that the average call time to August 2019, of almost ten minutes, significantly exceeded the assumption used to produce the staffing plan,⁸¹ but despite this, staffing had not been increased.

81 The staffing plan was based on an assumption that an average call time for EO agents, which account for approximately a third of agents, would be ten minutes and for AO agents, four minutes.

- 12.32** Inspectors issued a survey to approximately 250 SRC staff and 73 replied. Over a fifth identified time pressures as the “biggest challenge” in their work, four of whom alluded to “stats” and echoed comments of one SRC agent who said, the “role is stats driven, not quality driven”. SRC agents spoken to in November 2020 reported calls were “through the roof”, some colleagues had been taken off calls to help casework and call wait time was “about 45 minutes”. But, once on a call, an agent would “take as long as you take” and instances of calls lasting up to two hours were reported.
- 12.33** Senior managers maintain that “no pressure” is put on SRC agents, but they constantly monitored “key performance indicators” including call, wrap up and break times, partly to fulfil a duty of care function which was important when managing a remote workforce. According to one senior manager, resource was “never” able to balance against spikes in demand, and although agency staff were used, the SRC couldn’t always get them in “quick enough” to manage peaks. If a peak was sustained the intention was to recall SRC staff who were temporarily assisting casework teams.
- 12.34** In November 2020, SRC team leaders said staff were “stretched” learning a new telephony system and being taken off calls at times for training to handle four new workstreams outside of the EUSS that were going live in December.
- 12.35** In March 2021, the SRC had a recorded message stating it was experiencing high call levels and if calling for a progress update “we will not be able to provide any further information at this time”. If the progress update option was selected, the call was terminated after a recorded message.
- 12.36** EUSS Casework and the SRC aspire to “deliver a world class customer service” by delivering a “once and done” approach, but there was no measure of whether this was achieved in the SRC. No data was available to show if an SRC agent resolved a matter first time or if a caller made repeat calls, and instead the SRC relied on stakeholder feedback from user groups to gauge performance.
- 12.37** Customer feedback is gathered by survey after contact with the SRC. By the end of September 2020, 17,302 telephony (uptake of 1.6%) and 2,086 email (uptake of 0.8%) survey responses had been received. 82% of callers and 63% of email enquiries reported their query was resolved, though it may be expected that those whose query had not been resolved might be more likely to give feedback and the low uptake gives little confidence in the data.

Casework processing times

- 12.38** Recommendation two of the second ICIBI inspection of the EUSS recommended that the Home Office should:
- “... expand and regularly update its messaging regarding the length of time an application will take to process, making clear both how long it is taking for the majority of applications and the reasons why it may take longer for others. Regarding applications that are held up awaiting further information from the applicant, produce clear messaging about the consequences of not responding within the specified timescales (and apply them) to ensure that applicants know where they stand.”
- 12.39** The recommendation was fully accepted, and the Home Office responded in February 2020:

“The Home Office has recently made adjustments to the estimated processing times guidance on GOV.UK to reflect current performance, detailing when cases may exceed the stated ‘around five days’ to process... The standard letters requesting further information that are sent to customers are currently being reviewed by operational managers, in collaboration with policy colleagues to ensure the messaging is sufficiently clear and robust.”

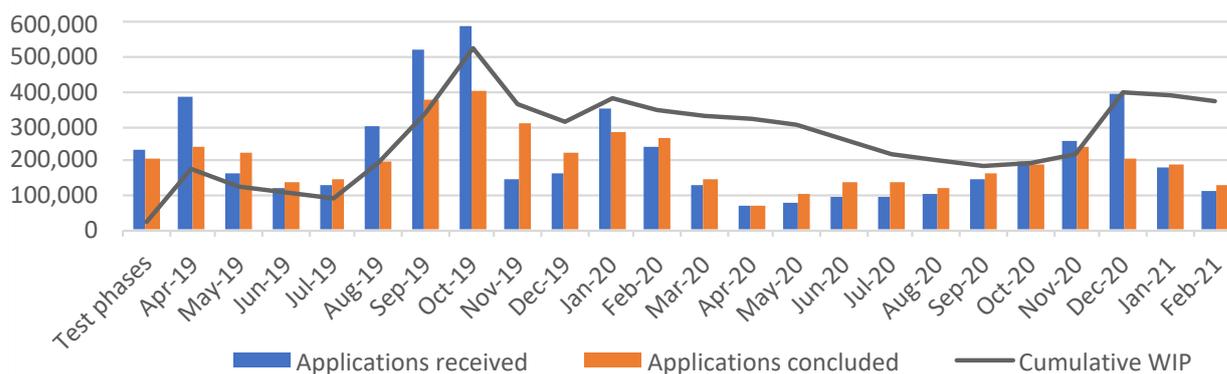
- 12.40** On 27 March 2020, the estimated processing time page on GOV.UK⁸² was updated, it still displayed the five-day processing time but stated: “There will be delays in processing your application due to coronavirus”. Document return times were removed as they were no longer being accepted by post.
- 12.41** As of April 2021, GOV.UK was last updated on 22 May 2020. It stated: “based on current performance”, “It usually takes around 5 working days for complete applications to be processed if no further information is required, but it can take up to a month.” It gives five scenarios where applications are “likely to take longer than a month”, including paper applications, relevant criminal records, children’s applications not linked to an adult, and non-EEA citizens relying on a relationship not previously assessed by the Home Office. The scenarios are unchanged since July 2019, but in January 2020 adjustments to the wording and timeframes, including references to “a month”, added some clarity.
- 12.42** The Home Office clarified to inspectors in March 2021 that the information on GOV.UK was not a formal calculation and “only intended to give an expectation of the potential waiting time for customers”.
- 12.43** Almost half of customers responding to a Home Office post application survey, collated in February 2020, were unclear about what happens next with their submitted application. While the GOV.UK processing times were considered by some SRC staff as being “a hindrance rather than a help” causing “every customer” to expect an EUSS decision within a month.
- 12.44** Data provided by the Home Office in November 2020 showed the monthly average time from receipt to conclusion of a digital application for October 2020 was seven days, having reduced from a peak of 59 days in November 2019. There was little difference in overall average processing time of digital applications for male (33 days) versus female applicants (31 days). Digital applications from those aged 18 to 64 had the shortest overall average time (31 days) compared to over 65-year-olds (35 days) and under 18-year-olds (53 days). The Home Office was unable to supply data for applications from children not linked to an adult, which might allow closer scrutiny of this sub-group.
- 12.45** Processing times for cases concluded in the Case Information Database (CID), which include all paper applications and other cases transferred off PEGA for reasons such as technical issues or criminality, were significantly longer. In October 2020, the monthly average was 236 days, although this had reduced, monthly, from a peak of 295 days in July 2020.
- 12.46** In terms of messaging, the standard letter requesting further information at eligibility stage had changed to explain why the information was needed. The final letter is clear that if an applicant doesn’t reply by the specified date, the “application will be decided based on the evidence we have available”, however, it gives no indication whether this will be a grant, variation of leave or a refusal, the latter of which may be more likely to elicit a reply.

82 [EU settlement scheme current expected processing times for applications \(www.GOV.UK\)](https://www.gov.uk/guidance/eu-settlement-scheme-current-expected-processing-times-for-applications)

Work in progress (WIP)

12.47 Intake of EUSS applications fluctuates, shown at figure 16, with applications increasing near key dates, such as when the UK was due to leave the EU on 31 October 2019 and when it did leave on 31 January 2020, or when otherwise subject to greater media attention. Despite the COVID-19 pandemic, EUSS WIP reduced from a peak of 528,940 in October 2019 to 181,630 at the end of September 2020, although this had rebounded to 402,050 by the end of 2020 and case conclusions had yet to achieve pre-pandemic levels.

Figure 16: EUSS applications received, concluded and WIP at month end



12.48 Evidence provided to inspectors showed that aged WIP – cases over six months since application – had reduced significantly in the latter half of 2020 and, where previously most aged WIP had been awaiting decision in eligibility casework, by December 42% was held at the suitability stage; see figure 17:

Figure 17:

WIP over six months since application, by stage of application process

	Identity	Suitability	Eligibility	Final decision	CID	Total
04/08/2020	3,913 (5.60%)	6,797 (9.73%)	54,870 (78.53%)	341 (0.49%)	3,952 (5.66%)	69,873
01/10/2020	2,236 (4.28%)	7,743 (14.83%)	37,135 (71.12%)	1,110 (2.13%)	3,990 (7.64%)	52,214
31/12/2020	792 (3.82%)	8,811 (42.47%)	7,290 (35.14%)	250 (1.21%)	3,603 (17.37%)	20,746

12.49 Around 27% of the aged WIP at October 2020 were applicants aged under 18. Applications from that age group typically made up around 15% of all applications signifying delays in processing that age group.

12.50 Inspectors examined case files of 150 EUSS applications made between 27 February 2019 and 13 August 2020. These showed evidence of irregular review, with less than a fifth (28) reviewed at least once every six weeks throughout the application. A third (49) experienced a gap of 6-12 weeks at least once, while 45% (68) had at least one gap of more than 12 weeks.

- 12.51** There were no targets for progressing casework. If an applicant supplied evidence of identity, the case moved to the “get next” queue and was worked “in strict date order”. The Home Office could not give timescales for review or processing of casework as they “vary” depending on intake, WIP, customer compliance and the impact of the COVID-19 pandemic. In eligibility, caseworkers said that review dates were ‘built in’ to their local casework spreadsheets.
- 12.52** A casework manager acknowledged cases “were being missed” in IDV, but the Quality Team had been tasked with review of IDV cases aged over five months, to ensure these were attended to by local casework teams. Aged WIP in eligibility had reduced significantly, by 87% between August and December 2020. A senior manager explained that although cases could “drop out” of ‘get next’ workflow, case ownership addressed this by ensuring all cases were captured, though casework teams needed to manually refresh listings to ensure cases recently progressed were identified.
- 12.53** Senior managers said that some cohorts of applications had accrued due to a “blockage” in policy and legal. This included refusals on eligibility grounds which had not been anticipated or planned for by the EUSS; this was referred to ministers as a policy position needed to be established before decisions could be issued. Cases requiring leave to be varied (where an applicant applied for settled status but was only eligible for pre-settled status) without an applicant’s consent were also held, as the application for settled status needed to be formally refused before pre-settled status could be granted. Cases falling for refusal on eligibility grounds due to exhausted contact started to be processed in February 2020.
- 12.54** Refusals of Zambrano applications started in September 2019 once refusal letter wording was cleared. But these were paused, along with other derivative right applications, in November 2019 to allow changes to the CID system to capture reasons for refusal; they recommenced in March 2020.
- 12.55** Refusals of applications from children, where contact had been exhausted were, sensibly, held longer, which would have contributed to the lengthier processing times for applications from under 18-year-olds, while a plan for handling these was agreed with ministers. They started to be processed in summer 2020. In December 2020, inspectors were told that most policy issues causing cases to be held had been resolved.

Conclusion

- 12.56** Whether EUSS Casework is adequately staffed is difficult to determine since there is an absence of service standards that might provide a benchmark. There was a large WIP, around 400,000 at the end of 2020, and cases were becoming less straightforward. There is a risk that the “fluid” delivery timescales could become more protracted.
- 12.57** Some EUSS applications took longer to be decided due to their more complex nature, but others were held awaiting policy or amendments to the IT, which prevented decisions being issued. Intake was frequently monitored, and resource could be flexed accordingly. Application processing times and aged WIP have reduced significantly, while the move to case ownership should help address cases seemingly delayed without reason.
- 12.58** As with the previous inspection, recommendation two of the first EUSS inspection cannot sensibly be closed for the duration of the scheme. It is questionable whether the SRC is adequately resourced, since over the course of two years it has failed to answer over a fifth

of all calls received. The SRC staffing plan had not been altered since March 2019 despite call volumes far exceeding anticipated levels, and staff were struggling with the workload.

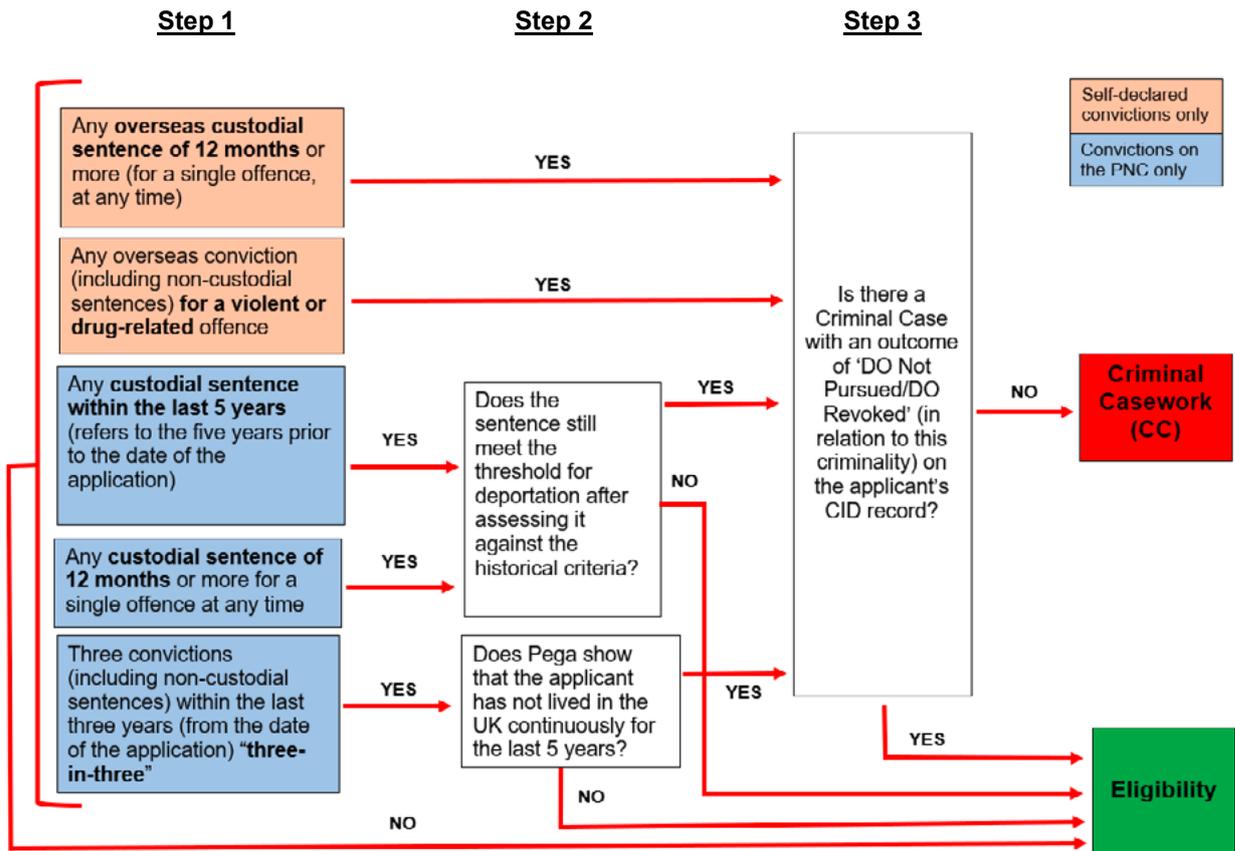
- 12.59** There was little evidence that the Home Office had addressed the matter of target fairness in eligibility casework, raised by the second inspection, though regular review and adjustment of targets was evident. This needs to continue as the EUSS moves into a potentially more complex phase, however, the move by IDV to targets on ‘touch’ rather than IDV decision is a positive step.
- 12.60** While the Home Office had addressed recommendation two from the second EUSS inspection by refining wording and clarifying expected processing times for most applicants, more could be done to refine this messaging, such as illustrating potential timescales for the different types of cases expected to take longer than a month and providing greater transparency as to how casework is progressed and why timescales can fluctuate, to better manage expectations as a whole. Recommendation two therefore remains open.

Suitability assessment

- 12.61** Once an applicant’s identity has been verified by IDV, a case progresses to automated suitability checks to ensure they meet the suitability requirements of the EUSS.⁸³ If an applicant declares criminality, or if their details ‘match’ against an entry on the Police National Computer (PNC) or ‘Watchlist’, the case is triaged by Administrative Officers (AOs) in the Suitability Assessment Team (SAT).
- 12.62** AOs verify that matched records relate to the applicant, review the detail and route cases using a traffic light system: ‘green’ cases that do not hit any thresholds are forwarded to eligibility casework; ‘amber’ cases are escalated to SAT managers; and ‘red’ cases are referred to Foreign National Offenders Returns Command (FNORC) of Immigration Enforcement (IE) to assess whether enforcement action should be considered further.
- 12.63** Local SAT guidance for assessing against criminality thresholds is clear, detailed narrative is summarised in flow charts, see figure 18, there are desk aides which are easy to understand and staff said they “don’t think they leave any room for error.” The process is monitored by the quality assurance team and in the 11 months to September 2020 of 12,750 cases checked, only 60 errors (less than 0.5%) were found in handling of FNORC referrals.

83 [EU Settlement Scheme: suitability requirements \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Figure 18: SAT process for determining if a case falls into the red category



- 12.64** By 14 February 2021, SAT had referred 6,819 cases to the FNORC triage team for consideration. Of these:
- 3,084 (45%) did not meet FNORCs criteria for consideration, so were rejected and the EUSS application referred by SAT to eligibility
 - 1,955 (29%) were accepted by FNORC for further consideration by IE caseworkers
 - 1,543 (22.6%) remained under consideration by FNORC triage team
 - 237 were refused by FNORC but remained in SAT for another reason.
- 12.65** SAT staff said the high rate of rejections by FNORC was due to differing thresholds applied; while it could seem SAT were “wasting their time” it was recognised that SAT act “as a filter”, allowing FNORC to “refine the assessment”. While AOs in SAT triage and refer cases to FNORC, triage on those referrals in FNORC is performed at a higher grade, by Executive Officers (EOs). FNORC triage staff had a flow chart directing them how to consider and manage referrals and cases were accepted if they “satisfy the EEA Regs (2016) or if the case is already owned” within FNORC casework.
- 12.66** Inspectors were told the service standard for FNORC to accept or reject referrals from SAT was 14 days and this was being met, although there had been “obstacles” impacting this, including “ministerial interest which led to a surge in unsuitable referrals” due to a brief tightening of the referral criteria which was subsequently reversed.

- 12.67** Cases accepted by FNORC are allocated to criminal caseworkers across the directorate. FNORC triage staff did not keep a central record of EUSS outcomes on accepted referrals but, according to the Home Office, there is a weekly “spreadsheet which is filled out and returned”. However, when asking for this data, inspectors were told it “is not available” and that “other than a manual check we cannot determine the outcome of these cases”; inspectors understand this to mean a full record had not been maintained.
- 12.68** Among the case files examined by inspectors, nine cases were paused at the suitability stage, and five had gone for over six months without any note of review in PEGA. PEGA notes are monitored by quality assurance and were the fourth most common trend of error – 219 of 1910 issues identified related to errors or deficits in notes.
- 12.69** Cases accepted by FNORC should have EUSS decisions recorded in CID, not PEGA. Of three cases inspectors saw, two did not have EUSS CID cases open, despite being accepted months earlier, however, there was no service standard for case creation.
- 12.70** If FNORC subsequently decides to deport an individual and there is an outstanding EUSS application, it should be refused and served at the same time as the deportation decision by FNORC. One case file examined by inspectors showed an outstanding EUSS decision despite the applicant having been deported. There was some uncertainty among staff around how EUSS applications were handled once accepted by FNORC if a decision to deport was not made, and EUSS guidance for FNORC supplied to inspectors in March 2021 was in draft format with unresolved comments.
- 12.71** Evidence provided to inspectors showed that by February 2021 two thirds of escalated WIP was held in SAT awaiting results of pending prosecutions (figure 19), and the oldest task in the pending prosecution WIP was dated 6 January 2019; other WIP was held awaiting information from other agencies or departments to inform SAT’s assessment.

Figure 19:
SAT breakdown of escalated WIP at 11 October 2020 and 14 February 2021⁸⁴

	FNORC	ACRO	Pending prosecution	Extradition	NCA	Other	Total
14/02/2021	1,543	568	10,526	863	2,045	182	15,727
11/10/2020	1,261	226	7,872	952	1,546	201	12,058

- 12.72** Pending prosecutions are only held “where maximum sentence would breach RED thresholds”; SAT AOs have guidance on how to check this based on Sentencing Council guidelines and, rightly, there is no remit for AOs to apply discretion. AOs notify an applicant in writing if a pending prosecution is identified and write to the relevant police force. The case is escalated to the Operational Support Unit within SAT and is monitored on a “brought forward” spreadsheet which triggers a review on a “re-check cycle”, every six months, while the inboxes are monitored for replies in the meantime.

84 ACRO Criminal Records Office (ACRO); National Crime Agency (NCA)

- 12.73** Lack of timely updates to the PNC with the outcome of concluded prosecutions was cited by EOs as a difficulty, which worsened due to the COVID-19 pandemic, as was the lack of response from some police forces. SAT could make a suitability decision about an application involving a pending prosecution if the police force confirmed the position, but otherwise could not progress a case until the PNC was updated.
- 12.74** From commencement of the EUSS to 14 February 2021, 19,089 applications had been received which had a pending prosecution, 10,526 remained in WIP, and 8,563 had been concluded. Only around 3% of concluded pending prosecutions breached the threshold for referral to FNORC. Of 8,563 concluded, 7,988 were referred to eligibility; 313 were referred to “other”; and 262 were referred to FNORC, of which 107 had been accepted, 64 rejected and 91 were awaiting decision.
- 12.75** In December 2020, SAT staff told inspectors that pending prosecutions “remains an issue”. They were aware of the “very high rate” of EUSS applications with resolved pending prosecutions which did not meet the criteria for referral to FNORC, and were liaising with policy for guidance from ministers. The published suitability guidance was updated in March 2021 to reflect changes to pending prosecution handling, stating that “applications paused for at least six months must be progressed” where: there is only one pending prosecution, the maximum potential sentence is less than 12 months and there are no previous convictions. The Home Office estimated this would result in a reduction of approximately 20% in the pending prosecution WIP.
- 12.76** Criminal Records Office (ACRO) requests are made for conviction certificates if an applicant has previously been extradited, or self-declared overseas criminality which breaches thresholds. FNORC initially made the ACRO requests, but in summer 2020 SAT arranged with ACRO to submit new requests directly; one manager reported this worked “much better”, “increased the clearance rate” and “helped morale”.
- 12.77** EOs in SAT raised issues of countries to which ACRO requests were ‘unsendable’; there was no policy for progressing these cases and until an ACRO certificate was provided, the case could not be assessed or moved forward. The Home Office confirmed it is not possible to conduct checks in four EU countries while two further EU countries were subject to restrictions, and said:

“The current process requires SAT to await the return of the ACRO results in order for it to make a full assessment of the applicant’s suitability against the Scheme Thresholds. If the results of an ACRO check are required to enable SAT to make that assessment, then the case must remain on hold until such time as that information is available.”

Conclusion

- 12.78** The suitability WIP is the fastest growing of aged EUSS WIP. The section had detailed management information allowing a good understanding of the WIP, and the Home Office has addressed some areas where policy is causing WIP to accrue, such as the pending prosecutions. However, the position on ‘unsendable’ ACRO searches is unsustainable and should be addressed.
- 12.79** The suitability referral to FNORC is an established procedure and leaves little room for inconsistency, likewise the pending prosecution process. The applicant is informed of the pending prosecution and has the opportunity to intervene where it appears the PNC has

not been updated, but the Home Office needs to ensure regular review of those cases and proactive engagement with police forces to ensure it discharges its own responsibility.

- 12.80** Once an EUSS case is accepted by FNORC, it effectively disappears, as cases are dispersed and considered separately across FNORC. There is no apparent assurance, or oversight, that these EUSS applications are being captured or concluded correctly. Although this may be of little consequence to an applicant if deported, the Home Office risks an administrative burden of mounting undecided EUSS applications.

13. Inspection findings: Identification of and support for vulnerable EUSS applicants

Stakeholder feedback

- 13.1** The Home Office created the EU Settlement Resolution Centre (SRC) to resolve telephone and email queries relating to the EUSS. The SRC was widely valued by stakeholders responding to the call for evidence as “often being able to speak directly to the Home Office can resolve minor or technical issues”, while “the EUSS teams are significantly more helpful and approachable than other Home Office departments”.
- 13.2** Some examples were given of “very helpful” efforts by EUSS caseworkers to expedite applications in “extreme circumstances”; one stakeholder reported:
- “a client who was homeless and had recently had part of his foot amputated, and if discharged to the street would not have been able to keep the dressing dry and doctors predicted this would result in losing his leg. We presented medical evidence of this to the Home Office, and his settled status was granted the following day.”
- 13.3** Nevertheless, over a third of stakeholders who raised the SRC drew attention to its limitations; it was only “supportive to a point”, it was “less helpful”, issued “inconsistent” and even “incorrect” advice where enquiries became more complex. Organisations found that communication “tends to break down” when asked about the reason for delay, and applicants not “given a meaningful explanation, which causes stress and anxiety”. Many gave examples of delayed cases not progressed despite numerous calls to the SRC.
- 13.4** Stakeholders described the SRC as performing a “gate keeping” function when it came to issuing paper application forms for applicants with no valid proof of identity. Requests for forms could be “resisted” by SRC agents and callers must “persuade” staff to provide them.
- 13.5** Stakeholders were concerned about the ‘hidden costs’ of an EUSS application, including the expense of obtaining identity documents which could require travel and an overnight trip, sometimes for a family, to attend a consulate in person. One grant funded organisation (GFO) highlighted a Polish family of three receiving benefits who had to pay £412 for replacement documents alone, including a penalty fee for replacing a damaged passport.
- 13.6** There was widespread concern about how people who do not speak English well can manage their EUSS application, especially if compounded by illiteracy, digital or social exclusion. Stakeholders worried that applicants do not understand the ramifications of accepting pre-settled status and were wrongly accepting it. One homeless charity explained:
- “Pre-settled status does not provide someone with the entitlement to welfare and housing support that settled status does, and this can leave people trapped in homelessness, unable to access the support that would help them move on into a settled home.”

- 13.7** Another GFO gave an example of a client they helped apply for settled status who, due to family conflict and homelessness, could not evidence five years of residency and was asked to accept pre-settled status:

“For a long time because of the language barrier she couldn’t understand why in her case it was very important to get a settled status instead of pre-settled, how life changing it could be.”

Awareness of vulnerability

- 13.8** Inspectors found a strong awareness among EUSS caseworkers and SRC agents of applicant’s potential vulnerabilities, and staff were encouraged to be alert for any potential indicators. Of the 261 caseworkers and SRC staff responding to surveys, only nine (3%) were unclear how to identify vulnerability in customers. Vulnerability was considered “fairly fluid”, caseworkers could give examples but were mindful that “anyone can be classed as vulnerable”, and made assessments on a “case by case” basis.
- 13.9** Caseworkers receive induction training – vulnerability and safeguarding are covered during this – and staff said they had been on further workshops in recent months. Caseworkers rely on EUSS guidance⁸⁵ and internal Standard Operating Procedures (SOPs). SRC staff have access to an online “knowledge base” of guidance. While the published guidance covers safeguarding, SOPs give more detail on how to assess and process cases involving vulnerability.
- 13.10** In September 2020, a bespoke e-learning package, ‘Face behind the Case’, was rolled out across UKVI in response to the Windrush Lessons Learned review.⁸⁶ The training “aims to improve knowledge about who our customers are, how we communicate with them and to be clear about the culture we want to create in UKVI – placing focus on **people, not cases.**” The training was mandatory for staff to complete by 31 December 2020 and the Home Office said completion rates ranged from 86% to 100% across the EUSS areas.

Prioritisation and routing in casework

- 13.11** The EUSS application process does not ask applicants to identify if they are vulnerable or have any special needs, and the department relies on staff to identify and manually flag any such issues.
- 13.12** Section 55 of the Borders, Citizenship and Immigration Act 2009⁸⁷ requires “any function of the Secretary of State in relation to immigration, asylum or nationality” to be “discharged having regard to the need to safeguard and promote the welfare of children”. Many applications pass through IDV without caseworker intervention if identity verified by automated checks, but staff told inspectors that applicants with potential age related vulnerabilities were subject to greater oversight; for example, those aged under 21⁸⁸ were stopped in IDV and checked for an adult sponsor, if one could not be identified they were manually flagged in PEGA so that they would be routed into eligibility as a ‘red’ case to be administered by Executive Officer grade caseworkers.

⁸⁵ [EU Settlement Scheme caseworker guidance \(www.GOV.UK\)](http://www.GOV.UK)

⁸⁶ [HO Windrush Lessons Learned Review WEB v2.pdf](#)

⁸⁷ [Borders, Citizenship and Immigration Act 2009 \(legislation.gov.uk\)](http://legislation.gov.uk)

⁸⁸ A child is defined as under the age of 21 by the [Immigration Rules Appendix EU](#).

- 13.13** In July 2020, following a ‘deep dive’ review of cases from applicants aged over 70, given the impact of the COVID-19 pandemic on this group, the IDV Quality Team were asked to “monitor and assist in the end to end process of applicants over 70 from identity through to the decision of the application to ensure the applicants are receiving as much support as required.” By February 2021, 455 cases had been reviewed, of which 344 had been decided and 25 applicants had been assisted with mobile biometric enrolments.
- 13.14** IDV caseworkers were alert for any indication in selfie images and identity photos of abuse or neglect, and would flag and escalate them accordingly. They were clear that if they found evidence of this, it would be referred to a manager for potential escalation to a named Deputy Chief Caseworker. Recent casework instructions were saved locally in an easily accessible “Quick Guide” which guided caseworkers in the escalation process.

Escalation in the SRC

- 13.15** The SRC has two telephone lines, one of which is dedicated to organisations which help others to apply,⁸⁹ these calls are directed to SRC agents of Executive Officer grade and prioritised ahead of other calls.
- 13.16** SRC agents have access to PEGA case files, but expressed frustration at not being able to provide meaningful updates in progress chasing calls, as they were prevented from giving timescales to callers. The SRC knowledge base states: “Customer expectations should be managed – you must NOT state that there is a backlog, that there is a six-week threshold, or that there are any technical problems. Providing definite timescales must also be avoided.” Some SRC agents felt they were more of a “call centre” than a “resolution” centre, given their inability to progress or escalate eligibility cases.
- 13.17** In cases involving criminality, SRC agents were reluctant to disclose information for fear of saying something they shouldn’t. In most cases, SRC agents are not empowered to discuss criminality matters, though guidance states that if a caller has received a pending prosecution email from SAT, SRC agents can advise callers to liaise with the police if the PNC has not been updated and can notify SAT if a caller confirms the PNC has been updated.
- 13.18** The EUSS SRC escalation process SOP allows SRC agents to escalate enquiries about applications held at IDV stage after four weeks in the “get next” queue, or after a month at suitability stage, if there are no SAT notes in PEGA. These timeframes differed to those on the SRC knowledge base, of six weeks and three weeks, respectively. Escalations are made to the SRC Quality Team who decide if it should be referred to EUSS Casework. There is no similar process to escalate cases in eligibility purely on time held.
- 13.19** Applications at any stage can be “expedited” by the SRC if there is a “genuine, urgent and pressing reason”. There is “no strict definition” of this, it is considered on a case-by-case basis, and “discretion should be exercised”. If SRC agents do not find a “genuine, urgent and pressing reason” they can consider whether there are “compassionate/compelling reasons that may warrant intervention”. Examples include serious illness; death; vulnerabilities (such as domestic abuse or threat of homelessness); and financial hardship.
- 13.20** Case files examined by inspectors showed instances of customer contact not escalated by the SRC to suitability or eligibility, in line with guidance but where there was no obvious reason

⁸⁹ [eu-settlement-scheme-frontier-worker-or-service-provider-from-switzerland-visa-applications](#)

for such a long delay and escalation would have been helpful, such as case study 1. The Home Office confirmed:

“Agents are generally advised to manage calls and if there is no compelling/compassionate reason to escalate we would not do so purely on timescales – this was primarily due to the spike in intake.”

Paper applications

- 13.21** Under some circumstances, set out on GOV.UK,⁹⁰ individuals cannot apply to the EUSS online and must submit a paper application. There is also a paper application form that can be used for applicants with no valid proof of identity (‘no valid ID’) or who have “significant difficulty” applying online. None of the paper forms are published online and potential applicants are signposted to the SRC to “find out how to apply”.
- 13.22** In October 2020, the Home Office told inspectors that 19,556 paper application forms had been issued by the SRC, of which 3,066 were for customers with no valid ID. By March 2021, this had risen to “over 26K forms issued, more than 14,800 received (4K without ID)”. The Home Office did not say how many customers had been refused a paper application form, stating: “There is no refusal to issue paper applications, the number of requested paper applications are the number of issued paper applications.”
- 13.23** However, the SRC does have a paper “triage” process to check whether a customer is eligible for a paper application form. The ‘no valid ID triage’ process says if a customer simply does not have proof of identity, or if they hold an expired document, “they must attempt to obtain a new ppt [passport] or ID card via their UK Embassy or Consulate DO NOT ISSUE FORM”, but if there are exceptional circumstances, “e.g. Domestic Violence, Court proceedings etc are preventing obtaining documents”, the form can be issued.
- 13.24** Some SRC agents said they would “never” refuse to issue a paper application form, but others would, and if, for example, a customer could not obtain valid proof of identity SRC agents would “encourage them to keep trying”. Inspectors were told “cost doesn’t come into it” when asking if it was a valid reason for not being able to provide valid ID. SRC staff did not record refusals to issue a paper application and there is no assurance over those actions.
- 13.25** Home Office projections for total paper application forms required were 8,000 to 12,000. Senior managers recognised that demand had exceeded projections, but they were adamant requests were not refused, adding that when they had asked stakeholders for evidence of refusal none had been forthcoming. There was a low return rate of paper forms, with around 50% returned completed, but there was “no way” of contacting those who did not complete their form as no record is kept.
- 13.26** In casework, specific teams are dedicated to processing paper applications at the “front end”, in IDV, and in eligibility, those teams were especially conscious of issues of vulnerability. In IDV, these applications are considered by EO technical specialists who do not have productivity targets, while targets for caseworkers deciding paper applications are two decisions a day, compared to ten a day for ‘red’ cases, due to their added complexity. Paper applications are triaged so that any priority vulnerable cases are escalated immediately to a senior caseworker.

⁹⁰ [Applying-for-settled-status \(www.GOV.UK\)](https://www.gov.uk)

- 13.27** Contrary to SRC agents, EUSS caseworkers considered financial hardship could “definitely” be a vulnerability and, provided proof of financial situation was supplied, would work with the applicant and exercise evidential flexibility. Although financial hardship is not explicitly stated as a vulnerability, examples of potentially vulnerable applicants in the EUSS vulnerability instruction include “anyone whose circumstances would make it difficult for them to complete the application process and provide the range of evidence we would normally expect”. This would include those whose financial means limit access to certain documentation.
- 13.28** Paper application forms are also available for people who may qualify for EUSS under a derivative right rather than the Free Movement Directive. These are “complex” applications. While most derivative routes have a higher rate of refusal (Chen: 2.83%; Lounes: 1.59%; Ibrahim/Teixeira: 0%) than mainstream EUSS applications (0.76%), the Zambrano⁹¹ route had the highest, with almost two thirds (1,660 of 2,540) of those concluded by December 2020 refused. Inspectors were told that this was because many were often not eligible due to holding leave in another category. This had been identified and the SRC triage changed to help reduce the number. While the SRC “wouldn’t stop” people applying, callers were warned they are likely to be refused.
- 13.29** EUSS caseworker guidance on GOV.UK⁹² for ‘a person with a Zambrano right to reside’ is clear that “the person must be without leave to enter or remain in the UK granted under another part of the Immigration Rules” and “If the applicant does (or did) have leave to enter or remain granted under another part of the Immigration Rules you must refuse the application”.

Language barriers

- 13.30** Recommendation four from the second ICIBI inspection of the EUSS was that the Home Office should:
- “Accelerate whatever work is in hand to produce foreign language versions of EU Settlement Scheme (EUSS) messaging, and in the meantime provide Settlement Resolution Centre (SRC) Staff with clear guidance and practical solutions for dealing with applicants who are having difficulty in understanding English.”
- 13.31** The Home Office accepted the recommendation and responded on 27 February 2020:
- “In January 2019, the Home Office informed the Independent Chief Inspector of Borders and Immigration that it planned to provide versions of EUSS guidance in all EU languages, plus Welsh, after the scheme launched in March 2019. The Home Office had not done so earlier as the guidance was continually changing in response to lessons learned from the Beta testing exercises. The EUSS guidance is now available on GOV.UK for 26 commonly used languages across Europe. We will also review guidance relating to callers who have difficulty understanding English.”
- 13.32** The Home Office had published two translated documents about the EUSS; an EU Settlement Scheme factsheet⁹³ and more detailed guidance on “Settled status for EU citizens and their families”.⁹⁴ The guidance was published in 26 languages throughout March and April 2019, but was unavailable between 23 November 2020 and 26 March 2021 as it had been removed for

91 Applications under the Zambrano route can be made by the primary carer of a British citizen who, without the care provided by the primary carer, would be compelled to leave the UK and the EEA.

92 [EU settlement scheme person with a zambrano right to reside \(www.GOV.UK\)](http://www.GOV.UK)

93 [EU settlement scheme factsheet \(www.GOV.UK\)](http://www.GOV.UK)

94 [Settled status for eu citizens and their families translations \(www.GOV.UK\)](http://www.GOV.UK)

updating. Similarly, the translated factsheet was published in January 2020, in response to a need identified by stakeholders for more simple guidance, but unavailable between October 2020 and 10 March 2021.

- 13.33** One law firm said,⁹⁵ the previous version of some EUSS leaflets had been mistranslated, causing “the mandatory nature of the Scheme” to be lost as “in some languages the word ‘must’ has been mistranslated as ‘can’”. Stakeholders also highlighted that there was an unmet demand from Third Country Nationals for translated materials in non-EEA languages, such as Arabic. Non-EEA family members often have challenges in proving eligibility as their cases are generally more complex. In the absence of Home Office translations, some GFOs produced their own guidance in other languages.
- 13.34** The Home Office was asked to provide data on SRC calls received where an interpreter was required; it replied:
- “N/A as we do not provide an interpreter service. We ran the figures for one of our busiest weeks. W/C 13th October 2019. This is using wrap code information from agents. 10 customers calls could not be completed due to language barriers. We handled 21,780 calls. That’s 0.05% of customers.”
- 13.35** The wrap code data relates to calls terminated due to a language barrier and is based on a call agent’s assessment; it may not reflect whether a caller has understood the conversation. SRC staff surveyed gave estimates of customers spoken to who could not “communicate effectively” in English. These varied from zero to 86%, and the average across all responses was 28%, suggesting that language barriers were more common than the Home Office recognises and almost a fifth said they would like an interpreter service. One SRC agent echoed concerns of stakeholders about complex messages, saying:
- “I have had to relay important messages where we changed from settled status to pre-settled status and I know that they haven’t understood what I’ve said”.
- 13.36** The SRC only handles calls in English or Welsh, there are no interpreter services. The policy across EUSS Casework and the SRC is that even if staff are native speakers of another language, they cannot use those skills, as managers would be unable to quality assure the conversation. In the absence of language facilities, SRC agents did the best they could, moderating their speech, asking if the applicant could get a helper, sending an email, signposting to support organisations or sending applicants ‘live links’ to the GOV.UK foreign language guidance by email.
- 13.37** Language barriers did not just affect the SRC; EUSS caseworkers faced similar difficulty and those surveyed gave estimates ranging from zero to 95% of applicants they spoke to could not communicate effectively in English, with an average across replies of 40%. The higher estimates given by caseworkers compared to SRC agents suggests those who do not speak English well may, understandably, be deterred from calling the SRC.
- 13.38** Over a quarter of caseworkers (49 of 188) responding to the survey were unclear how to support applicants who could not communicate effectively in English. Over half reported no training (92) or clear guidance (118) to help with this. Language barriers were stated as the “biggest challenge” in their work by 14 caseworkers, while lack of evidence and no response

95 www.goldsmithchambers.com Call for Evidence EU Settlement Scheme Inspection 20200731.pdf

from applicants was cited by 19 caseworkers, which in turn could be linked to a lack of understanding. One caseworker commented:

“More than half of the applicants I speak to cannot speak English and the only other alternative is for them to contact SRC; as far as I am aware SRC staff also speak English and there isn’t anything clear on what processes we should follow if the applicant cannot speak English – these cases will probably fall for refusal due to them being too worried to get in touch with us.”

- 13.39** When it came to practical solutions, there are none, though Caseworkers were clear they would send letters (in English), sometimes by post to allow easier translation, but otherwise would adopt a similar approach to SRC staff.
- 13.40** Senior managers were under the impression that language barriers were “not so much of an issue now” since the scheme had become established. An interpreter service had been discussed in planning but had been decided against, and there was little appetite to revisit this as senior managers considered it would be a “disproportionate” effort given the low numbers of calls recorded as abandoned due to language barriers.

Conclusion

- 13.41** There was a strong awareness of vulnerability within EUSS Casework and some processes to help identify and support applicants with potential age related vulnerabilities through the process.
- 13.42** SRC restrictions on escalating cases are unhelpful and better use could be made of the SRC to catch applications at any stage that might have ‘slipped through the net’ and not been progressed.
- 13.43** Senior managements’ position that a paper application form is never refused to a caller is at odds with its guidance, testimony of stakeholders and some of its staff. Whether callers are refused or dissuaded, the result is the same. While there is sense in triaging requests for derivative rights forms and making callers aware of their eligibility, it is not for SRC agents to make a decision. For those potential applicants who believe they cannot use the digital route, due to lack of valid proof of identity or lack of skill, and are not represented or bullish enough to demand a form from the Home Office, it must be aware that it risks potentially denying people access to the EUSS.
- 13.44** Although initially acting on recommendation four of the previous EUSS inspection and publishing foreign language guidance, this was not regularly updated and was taken offline for four months at a critical point. Beyond ‘soft skills’, SRC agents and caseworkers are ill-equipped to manage language barriers.
- 13.45** The Home Office estimated that vulnerable applicants could make up to 20% of the population eligible for the EUSS if language and literacy difficulties were to be included. With applications already in excess of five million, there could potentially be one million ‘vulnerable’ applicants, of which 500,000 could need language or literacy support. The absence of Home Office support in this area significantly increases the burden on the GFOs and the Home Office must recognise this when considering the adequacy of GFO funding and support going forward.

14. Inspection findings: Assessing and determining EUSS applications

Stakeholder feedback:

- 14.1** Stakeholders responding to the call for evidence broadly concur that for the majority who have “digital skills, the right documentation, a consistent work record and an easily tracked residency, the process is straightforward and fairly easy to manage”. The “flexibility” of EUSS caseworkers is “appreciated” and examples were provided of where this had benefited those most vulnerable, including:
- “an EU citizen, a victim of human trafficking, who was granted settled status after submitting a bus ticket he had arrived to the UK with in 2007 and a paperwork from the National Referral Mechanism that he was a recognised victim of human trafficking.”
- 14.2** However, half of all replies to the call for evidence highlighted the challenge faced by vulnerable groups in providing the necessary evidence of identity, described as a “hurdle” which is often “insurmountable”, and residency.
- 14.3** Over a third of replies specifically reported difficulty obtaining identity documents from embassies, consulates or home countries, particularly amid the COVID-19 pandemic. The requirement to submit non-chip identification documents to the Home Office for verification was particularly problematic for some, such as those in the ‘gig economy’ or insecure employment, where “Even being without their national ID card for a short period of time can impact on their ability to earn a living and therefore given the choice, they will retain the ID card for work and will not apply to the EUSS”, or those who are homeless and fear they may not receive it back.
- 14.4** Consequently, stakeholders worried about the volume of non-grant outcomes and applications where pre-settled status was issued when settled status had been applied for. Stakeholders questioned whether these outcomes were more often received by vulnerable applicants, or certain demographics, such as women and the elderly who may be less economically active and therefore may find proving their residency harder.
- 14.5** Consistency of processing and decision making was also raised, with reports of family members, applying at the same time, frequently receiving outcomes weeks or months apart, and on occasion receiving different outcomes.

Refused and invalid outcomes

- 14.6** The statement of intent for the EUSS published in June 2018 made a commitment that: “Throughout, we will be looking to grant, not for reasons to refuse”. In line with this approach, EUSS continues to grant most applications. By 28 February 2021, 96.78% of applications had been granted status, 1.15% were void or withdrawn, 1.13% invalid and 0.95% refused.⁹⁶

⁹⁶ [EU Settlement Scheme quarterly statistics, December 2020 \(www.GOV.UK\)](https://www.gov.uk/government/statistics/eu-settlement-scheme-quarterly-statistics-december-2020)

- 14.7** Refusals of EUSS applications on eligibility grounds began in February 2020. Volumes were low initially, while casework processes were tested and embedded, but have remained steady since August 2020 when the current, ‘business as usual’ process was adopted. Rejections of invalid EUSS applications peaked during June and July 2020, with 20,950 processed in those months, but these have since reduced significantly.
- 14.8** The Home Office provided outcome data, including applicants who applied for settled status but received pre-settled status (‘Variation of Leave’ or ‘VOL’), by sex. In many instances, the applicant’s sex could not be supplied,⁹⁷ the ‘other’ in figure 20. The data suggests that females are marginally more likely to obtain a grant of status and less likely to be rejected, refused or have their application for leave varied.

Figure 20:
Number of EUSS applications received and concluded, by sex, to 31 December 2020

	Received	Concluded						Total
	Total	Pre-settled	Settled	Variation of leave	Refused	Rejected	Other ⁹⁸	
Female	2,100,725	812,539	1,054,285	48,773	15,171	12,562	19,661	1,962,991
Male	2,140,441	823,615	1,032,738	54,194	19,066	19,757	20,825	1,970,195
Other	408,544	139,267	199,194	8,425	452	17,323	17,032	381,693
Total	4,649,710	1,775,421	2,286,217	111,392	34,689	49,642	57,518	4,314,879

- 14.9** Although applications identified as vulnerable are manually flagged in PEGA, the Home Office stated that this flag is “not reportable” and data could not be provided to show either the number of applications flagged as vulnerable, the time taken to process those applications, or their outcomes, which would allow comparison to applications not identified as vulnerable.
- 14.10** The Home Office told inspectors: “Refusals still only make up 0.4% of overall outcomes on EUSS and so, operationally, no formal analysis has been conducted”. The Home Office could not provide data on reasons for refusal for most applications “as there is no searchable and therefore reportable field for this in PEGA.”
- 14.11** Reason for refusal data was available for applications decided in the Case Information Database (CID). Data provided in October 2020 had detail for 1,652 CID refusals, out of 18,956 total refusals: 938 were due to extant leave held, 475 due to ‘eligibility – relationship’, 182 due to ‘eligibility – residence’ and 57 on suitability grounds.
- 14.12** Caseworkers told inspectors that work was done locally to look at applications falling for rejection and refusal to identify common themes. EUSS Casework acted on issues identified in local ‘deep dives’. Inspectors were told about a cohort of “about 400” under 18s falling for rejection due to inadequate selfie images, where efforts to obtain a new image had been exhausted. These applications were reviewed, and further efforts made, including checking all Home Office immigration casework systems, to get a usable image. Of 220 applications reviewed, 120 obtained the required information and the case progressed; 100 were rejected.
- 14.13** Applications falling for refusal were initially all escalated to one team. Casework staff said that most cases falling for refusal on eligibility grounds occurred where attempts to communicate

⁹⁷ See footnote 24.

⁹⁸ The majority of these are ‘withdrawn’, but it also includes void and transferred applications.

with the applicant, to obtain the necessary evidence, had been exhausted, and this was supported by inspectors' examination of case files.

Evidential flexibility

14.14 Appropriate use of evidential flexibility is important to enable applicants who cannot provide the preferred proof of identity or residence, due to circumstances beyond their control, to obtain status under the EUSS. Both previous ICIBI inspections of the EUSS made recommendations around evidential flexibility, raising concerns about the guidance and consistency of its application. This led to recommendation seven in the second inspection:

“Capture and analyse data in relation to the application of “evidential flexibility” throughout the EU Settlement Scheme (EUSS) process, in order to ensure that caseworkers are applying it consistently.”

14.15 The Home Office partially accepted this, and replied:

“Our IT systems are currently unable to capture data specific to the application of evidential flexibility. The Home Office does, however, operate within a robust quality assurance framework ensuring correct decisions are made and evidential flexibility is applied consistently and where appropriate.”

14.16 Where paper applications were submitted due to an absence of valid ID, the EO technical specialists were “as flexible as we can be”, typically accepting full birth certificates or expired identity documents as an alternative. Data provided by the Home Office in November 2020 indicates that of 2,588 ‘no valid ID’ paper applications concluded, only 35 (1.4%) were rejected due to not being able to prove identity, as shown in figure 21.

Figure 21:

Outcomes of ‘No-valid ID’ paper applications to the EUSS by 4 November 2020

Decision	Total
Grant settled status	1,235
Grant pre-settled status	951
Refuse settled status, grant pre-settled	85
Refuse status – eligibility – relationship	113
Refuse status – eligibility – residence	1
Refuse status – suitability – do	1
Reject – application route	11
Reject – evidence of id	35
Withdrawn/Void/Duplicate application	150
Outcome to be reconsidered by the Home Office	6
Total	2,588

14.17 Of the 132 eligibility caseworkers responding to the inspectors' survey, the vast majority were clear on how to apply evidential flexibility, and confirmed they had access to guidance. This was echoed by caseworkers spoken to during onsite focus groups who considered it had become

“more lenient” over time and they had become more confident giving applicants the “benefit of the doubt”. Caseworkers relied on the balance of probability when assessing evidence and would “definitely be more flexible” when reviewing applications from vulnerable applicants.

- 14.18** Evidential flexibility is covered in the induction training package; in December 2020 “bitesize” refresher training had recently been issued and examples circulated by senior caseworkers. The topic is covered in guidance, including the main caseworker guidance and instructions issued to teams which gave plenty of scenarios. A vulnerability instruction endorses “there should be a ‘culture of belief’, and applicants’ claims should be treated as credible where there is no reason to believe otherwise.”
- 14.19** The Standard Operating Procedure (SOP) for eligibility casework does not provide detailed illustrations of evidential flexibility, it defers to caseworker guidance for this, but reiterates that evidential flexibility must be “fully considered, particularly where the applicant is vulnerable”, and where an under 21-year-old is known to the local authority “evidential flexibility should be rigorously applied”.
- 14.20** There was no clear guidance on the limitations of evidential flexibility. Caseworkers emphasised that if they were unsure, they would ‘walk and talk’ a case with a senior caseworker or technical specialist for advice, but some said this could be inconsistent. Beyond a fortnightly consistency meeting of senior caseworkers across EUSS and the SRC, there was limited means of ensuring consistency of this advice or its application. While use of evidential flexibility is reviewed during routine sampling and second line assurance checks, for the reasons discussed in chapter 15, this is not considered sufficient to ensure widespread consistency.

Handling of minors’ applications

- 14.21** Of the case files examined by inspectors, almost a third had at least one related application for a family member. Inspectors reviewed these related applications and found that most were processed by different caseworkers, resulting in duplication of effort, especially when requesting evidence about siblings’ applications and decisions being issued at different times.
- 14.22** In casework, there was no process to route family applications to the same reviewer and it fell to caseworkers to be proactive. The eligibility SOP says if related family members are identified, “you should look to decide these as well where possible. This is irrespective of whether the other applications were submitted at the same time or on a different date from the application you were initially considering.”
- 14.23** Caseworkers said they were encouraged to handle family applications together, but “don’t have to” as each is considered on its own merits, and efforts varied across teams. It could be difficult if an applicant failed to link their case to that of a family member at the time of application, as PEGA cannot be searched by some common connectors, such as an applicant’s address.
- 14.24** While inspectors saw no evidence among case files examined of misapplication of evidential flexibility in adults’ applications, handling of minors’ applications was less consistent. Inspectors found two separate instances where a minor’s application received a different outcome to that of a sibling under identical circumstances, which starkly illustrated an inconsistent approach, shown in case study 3. A third instance of evidential flexibility wrongly applied resulted in a minor granted settled status in line with an adult to whom their relationship had not been proven, when instead a safeguarding referral ought to have been made.

Inconsistent handling of minors' applications

The application

A parent applied for settled status in January 2020, but they later consented to a variation confirming they arrived in the UK in 2016 and were granted pre-settled status.

The applicant had a spouse and two children who applied two weeks later. Different caseworkers worked the family's applications and each sought proof of residency and relationship for the children. Full birth certificates were provided in reply, but no proof of residency was supplied for either child.

One child was issued a final written request for proof of residency and, when evidence was not received, their application was refused. For the other child, a caseworker applied "evidential flexibility and balance of probabilities" to grant pre-settled status.

A local authority referral was not made for the child whose application was refused.

ICIBI comment

Inspectors sought clarification from the Home Office about why the children were treated differently, why the siblings' applications were not handled together and why a referral was not made to the local authority for the refused child.

Home Office comment

"Applications to EUSS are submitted separately and considered as such. Each caseworker has applied evidential flexibility in accordance with the evidence received.

"Applications to EUSS are submitted separately and at times will be considered by different caseworkers depending on who the case has been allocated to. Caseworkers are advised to try and consider family groups together but at times this is not always possible.

"Local authority referral not required, application did not meet any indicators for a mandatory referral and as the birth certificate has been submitted and relationship to sponsor established, safeguarding referral not required as a means of establishing the child's residence in the UK".

- 14.25** Caseworkers spoken to said that while proof of residence was not required to grant a child settled status "in line" with their sponsor, it was needed for pre-settled status. This is in line with guidance but seems contrary since greater rights are bestowed with settled status. Some caseworkers said that if both parents lived together, they could apply evidential flexibility as the probability was that the child lived there too, but others did not take this approach.

Reasonable enquiries

14.26 Recommendation seven from the first ICIBI EUSS inspection, was kept open by the second EUSS inspection. It recommended that the Home Office:

“...recognises and accepts that it remains responsible for ensuring the EU Settlement Scheme meets the needs of everyone who is eligible and this includes making ‘reasonable enquiries’ on behalf of those (for example, ‘looked after’ children) who find it difficult to prove their eligibility”.

14.27 To the extent that it related to “reasonable enquiries”, that recommendation was superseded by recommendation nine of the second EUSS inspection:

“...in particular addressing the issue of what “reasonable enquiries” the Home Office will make (of other government departments) on behalf of individuals where they have difficulty in proving their entitlement to apply.”

14.28 In its partial acceptance of the recommendation, the Home Office said of “reasonable enquiries”:

“The expectation would be that the Home Office would make “reasonable enquiries” on a case by case basis in line with the General Data Protection Regulation (GDPR), and other data sharing protocols, where an individual is having difficulty in proving their entitlement to apply. Should a GFO raise an issue relating to a specific case, the GFO would be advised to contact the dedicated Settlement Resolution Centre helpline in the first instance and where applicable, we will make further enquiries to assist applicants.”

14.29 There are four references to ‘reasonable enquiries’ in the published EUSS caseworker guidance, each states:

“In consultation with a senior caseworker, you can, where necessary and appropriate, make reasonable enquiries on behalf of the applicant on a case by case basis, and in line with the General Data Protection Regulation (GDPR) and other data sharing protocols, where an applicant is having difficulty in proving their eligibility.”

14.30 For verifying identity, where other steps are exhausted, caseworkers “may refer to the embassy, consulate or high commission in the UK” of the applicant, to seek information. Caseworkers said that while letters from embassies or consulates could be accepted for those struggling to prove their identity, the onus generally fell on the applicant to supply that evidence.

14.31 The eligibility SOP provides little further guidance, except that before refusing an applicant a caseworker must have considered “whether it is appropriate to undertake further checks on the applicant’s behalf, such as a Section 40 HMRC check”. There was no further guidance on this.

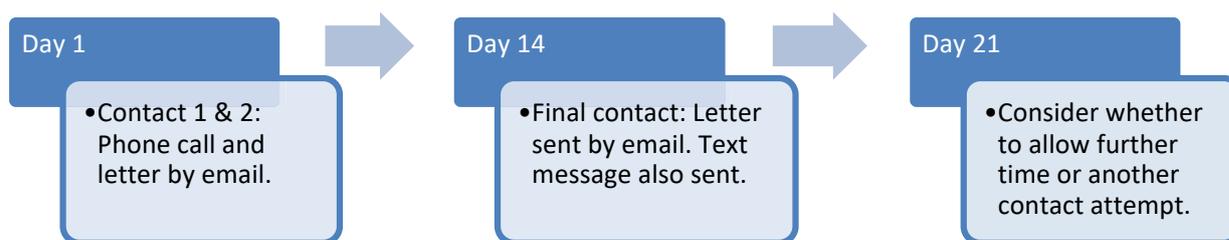
14.32 Speaking with eligibility caseworkers, inspectors found limited evidence that staff would make ‘reasonable enquiries’ on behalf of applicants, caseworkers considered ‘reasonable enquiries’ more often to be the efforts that they made with the applicants themselves. Some were aware of the gateway with HMRC to obtain information in specific circumstances, such as domestic violence, but few had experience of doing this and there was widespread uncertainty about how such enquiries would fit with GDPR compliance.

- 14.33** In July 2020, there was a ‘pot’ of over 1,000 applications from children under 21 falling to be refused where contact had been exhausted. The Home Office liaised with the ministers over handling and it was agreed that caseworkers would contact the local authority to identify any known to be in a vulnerable situation to ensure they were given appropriate consideration.
- 14.34** Caseworkers reported that this check is a “burden” on local authorities and achieved varying rates of success, with up to 90% not replying and needing a follow up call. While a follow up with the local authority is good practice there is no process to ensure staff did this.
- 14.35** Among the case files examined by inspectors, ten referrals were made to local authorities and three received information which allowed the caseworker to issue a grant of status to the child. However, inspectors found no other evidence of ‘reasonable enquiries’ and there were missed opportunities where further effort may have prevented refusal of a minor, such as case study 3, earlier, and an instance where a simple enquiry with a boarding school was not made.
- 14.36** It is unclear from case study 3 why a local authority referral was not conducted. The Home Office response seems contrary to the eligibility SOP, which is clear that, irrespective of safeguarding concerns:
- “At the point which an application is identified as a refusal (and contact is exhausted where applicable), the caseworker must contact the Local Authority to confirm whether or not they have any involvement with the child/young person... The purpose of this contact is to ensure that we are not refusing a child without being aware of any vulnerability which has made it necessary for the Local Authority to support the child and/or family.”
- 14.37** The Home Office was asked for data on these referrals to local authorities; it provided data which showed, by March 2021, 913 referrals made “due to a lack of relationship evidence”. This is significantly lower than the number of children under 18 refused – 4,570 by December 2020, indicating a referral is not made, or recorded, in all cases. Results of referrals were not centrally monitored or recorded, so the Home Office cannot demonstrate the completeness, consistency, or success of the measure.

Exhausted contact process

- 14.38** The EUSS Statement of Intent promised that “Caseworkers will have scope to engage with applicants and give them a reasonable opportunity to submit supplementary evidence or remedy any deficiencies where it appears a simple omission has taken place.”
- 14.39** The “reasonable opportunity” is underpinned by the “exhausted contact” policy, which commits to a minimum of three contact attempts, over a three-week period, by two different methods (known as “332”). Timescales have been refined and the current model, summarised at figure 22, has been operational since August 2020. The process is set out in the eligibility SOP and was the subject of bitesize training. Guidance is clear that caseworkers must apply a “reasonableness test”; no examples are given, but caseworkers are instructed, if “in any doubt that we have not acted reasonably, then we need to offer a further opportunity to provide additional information”.

Figure 22: The exhausted contact process



- 14.40** The exhausted contact process should be applied in all cases where further information is required to progress an application, at identity or eligibility stages. It is not applied to cases where the applicant is not eligible for another reason, such as being an undocumented non-EEA family member or a “Zambrano” applicant holding extant leave.
- 14.41** Caseworkers surveyed and spoken to were clear about the exhausted contact process. Of the refusal case files examined by inspectors, all those requiring further evidence were given in excess of the required opportunity to reply, averaging at over seven contact attempts per person, but as the files reviewed included early refusals this number may reduce. Most applicants failed to respond to any contact. Six applicants were spoken to but ultimately none provided the necessary evidence to progress their application, although language difficulties were recorded in three of those.
- 14.42** There was some inconsistency among caseworkers as to who they approach for evidence. The default position was to use the applicant contact details in PEGA, which could belong to the applicant or a helper. A helper may also be recorded separately, but this is not easily locatable in PEGA and caseworkers did not always seek to identify or contact these. In March 2021, the Home Office was awaiting changes to PEGA that would flag cases with helpers, but no timescale was given for this improvement. At refusal stage, it is checked that the exhausted contact process was followed, but while an applicant is afforded multiple contact attempts, just one contact attempt to a listed helper (in addition to the 332) meets the Home Office requirements.

Assessing relationships

- 14.43** Non-EEA applicants need to evidence the relationship they are relying on to apply to the EUSS, and this is assessed by eligibility caseworkers. The second ICIBI inspection of the EUSS made recommendation six, about assessing relationships:

“Review the training provided to caseworkers with regard to assessing family relationships involving a civil partnership, durable partnership or marriage between an EU national and a non-EU national to ensure it is adequate and refer such cases to a Senior Caseworker for sign off or, where appropriate, to the Marriage Interview Team for interview.”

- 14.44** The recommendation was fully accepted, and the Home Office replied:

“The Home Office continues to review all casework training in line with performance, operational requirements, customer insight and policy changes (including changes to the Immigration Rules). The most recent review took place following the changes to the Immigration Rules, which were laid on 9 September 2019 and implemented on 1 October 2019.”

14.45 In August 2020, the Home Office provided an update, adding:

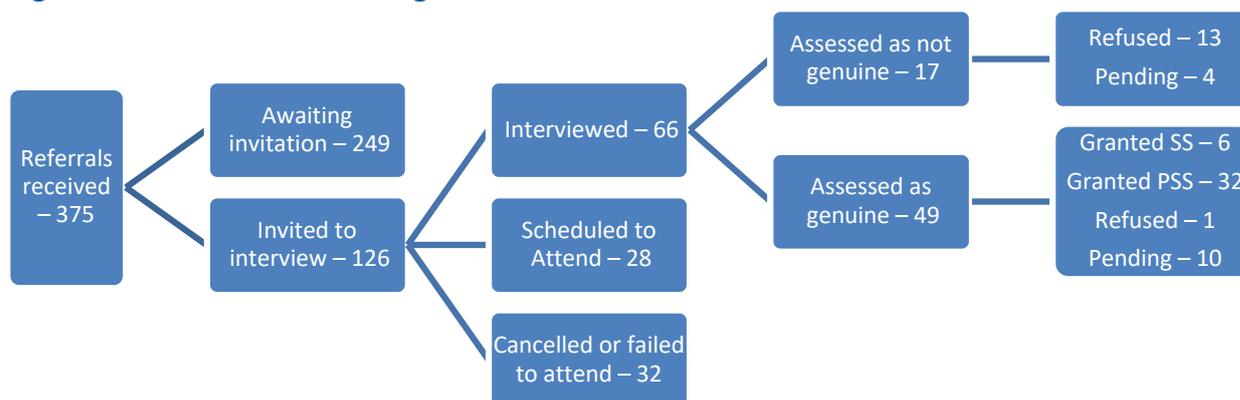
“The most recent review took place following the restrictions imposed in relation to COVID-19 which meant that caseworkers were working almost entirely from home and any training delivery is through Skype.”

14.46 Since the last inspection, a marriage interview checklist had been developed to give caseworkers a clear indication of when a case should be referred for a marriage interview, “bitesize” refresher training had been issued and caseworkers were confident in how to assess those relationships.

14.47 When it came to assessing other relationships, such as a durable relationship, caseworkers said it would have to have been previously accepted through another immigration route to be eligible for EUSS, otherwise they would be refused as “undocumented”.

14.48 In October 2020, the Home Office stated that 375 individual EUSS applicants had been referred for a marriage interview, a third of whom had been invited to interview; the outcomes are illustrated at figure 23. Less than half those invited had been interviewed.

Figure 23: Outcomes of marriage interview referrals as at October 2020



Status Review Unit

14.49 The Status Review Unit considers cases where an individual has received a grant of immigration status which subsequently needs to be reviewed due to new information, such as evidence that the status was fraudulently obtained, or a change of circumstance, including, in some circumstances,⁹⁹ the termination of a marriage or civil partnership on which the applicant relied to obtain the status. Status issued under the EUSS may be curtailed, in the case of pre-settled status, or settled status revoked.

14.50 When inspectors spoke to the team onsite in December 2020, no applications had been revoked or curtailed as the team were awaiting approval of guidance by criminal and enforcement policy teams. At the time, there were 450 settled status cases and 60 pre-settled status cases awaiting review and the oldest case had been received in July 2019.

99 Annex 1 of the [Immigration Rules Appendix EU](#) sets out in the definitions when a family member has a retained right of residence under the EUSS.

Conclusions

- 14.51** By December 2020, over 97% of EUSS applications decided had received a grant of status. Although refusals increased significantly in August 2020, this was due to changes in working practices and processing of accumulated WIP. Work had been done locally to understand cases due to be rejected and refused and, where possible, actions taken to avert this.
- 14.52** The Home Office does not collect data on evidential flexibility, as it is not easily captured. The reliance on the quality assurance regime to ensure consistency is not entirely satisfactory and the issues around handling of minors' applications require some proactive effort to improve. To the extent that the Home Office only partially accepted recommendation seven, of the previous inspection, with the intention to monitor through quality assurance, it can be considered closed, though the Home Office could consider how else it might improve monitoring and consistency. This will be important in the coming phase when the Home Office will need to apply such flexibility fairly and consistently when considering reasonable grounds for late applications.
- 14.53** The second inspection found that recommendation seven from the first inspection of EUSS ought to remain open for the duration of the scheme. This meant the Home Office recognising and accepting that it remained responsible for ensuring the scheme meets the needs of all who are eligible to apply. This recommendation was effectively superseded by recommendation nine of the second inspection that the Home Office clarify its role in relation to vulnerable individuals and groups. However, the spirit remains the same, and requires the ongoing proactive oversight and evaluation of the Home Office's efforts in encouraging and supporting applications from vulnerable applicants.
- 14.54** There had been no noticeable change to guidance, policy or staff awareness in respect of recommendation nine, the 'reasonable enquiries' a caseworker can make, other than the introduction of the local authority referral for under 21s. This is a positive step and provides added protection for young applicants potentially facing refusal, but the Home Office must ensure it is applied consistently.
- 14.55** Since the second inspection there has been progress in guidance and training on processes for assessing relationships, and recommendation six from the previous inspection can be considered closed.

15. Inspection findings: Quality assurance

- 15.1** Recommendation five of the previous ICIBI inspection of the EUSS raised the issue of quality assurance regimes:
- “Review the robustness of the quality assurance regimes in place for EU Settlement Scheme (EUSS) caseworkers and Settlement Resolution Centre (SRC) staff...”
- 15.2** The Home Office partially accepted the recommendation and responded:
- “As the Scheme is in its infancy, caseworker targets are continually reviewed as part of ongoing daily/weekly monitoring. Adjustments have been made to targets since the start of the EUSS. Following a recent timings exercise involving representative staff groups, potential further amendments are currently being considered by operational managers.”
- 15.3** In its response to recommendation seven about evidential flexibility, the Home Office said it relied on its “robust quality assurance regimes” to ensure it is consistently applied, where appropriate. In August 2020, the Home Office updated: “This quality assurance framework is also regularly reviewed and updated, most recently July 2020.”

Quality Team sampling

- 15.4** The EUSS Quality Team was set up in December 2018 to assure EUSS Casework decision quality. An IDV Quality Team was set up in early 2020 to review casework quality at IDV stage. Due to the scale of the EUSS it was agreed that 1% of casework would be sampled, despite a 2% formal assurance target set by UKVI. For IDV quality assurance, a manual selection process is used, while for eligibility, cases are automatically selected at random, by PEGA. The selection process does not distinguish by workstream, so the 1% selected would reflect the distribution of green, amber and red cases across workflow.
- 15.5** Suitability assessment is not covered by the EUSS Quality Teams’ work, the Suitability Assessment Team (SAT) manages this quality assurance. Initially, SAT operated to a 3% target sampling rate, but this was subsequently reduced and brought in line with the UKVI standard of 2%.
- 15.6** In addition to daily productivity targets, caseworkers are expected “To produce work and make decisions to a fully effective standard. This will be assessed through feedback from quality samples from the Decision Quality Framework (DQF).”
- 15.7** The Quality Teams are responsible for ‘routine’ quality sampling of casework. In eligibility, a caseworker is unable to make the final decision while a case is being assured. All caseworkers receive the results of their sampled cases and have an opportunity to challenge if they consider the review has been unfair.

- 15.8 European Casework reports to the UKVI Central Operations Assurance Team (COAT) on its quality assurance and receives a six-monthly report assessing its delivery against the expected standards.
- 15.9 In the year to March 2020, of 49,506 EUSS cases sampled, 23,825 (48%) were 'green' cases which COAT identified as "leaving an assurance gap on higher risk and paper applications".
- 15.10 In its report for the six months to September 2020, COAT recognised that targeted sampling had been conducted on "high-risk" applications but repeated that it may be "beneficial" to consider amending the sampling selection algorithm of PEGA. The overall assessment in the report considered EUSS Casework quality assurance to be 'moderate' and on an 'upward' trajectory, as had the previous report.
- 15.11 In summer 2020, the Quality Team were testing new marking standards aimed at strengthening the assurance process. Quality Team reviewers assess eligibility casework for Operating Mandate (OM) checks, the first write-out and the final decision, outlined in figure 24.

Figure 24: Quality assurance marking standards

Operating mandate	Write-outs	Final decision
<ul style="list-style-type: none"> • All required checks have been conducted • Includes checks of other Home Office systems, aliases' and safeguarding checks 	<ul style="list-style-type: none"> • Existing information was fully reviewed • The request for information was necessary, accurate, clear and recorded in PEGA 	<ul style="list-style-type: none"> • Given "correct consideration" to use of evidential flexibility • Has correctly followed processes and arrived at the correct outcome

- 15.12 The marking standards require a reviewer to consider whether the final decision was appropriate. However, for a significant proportion of centrally performed routine sampling, there will be little to assess, since 'green' applications have evidenced their right to status through automated checks. Assurance of those cases provides no insight into use of evidential flexibility or consistency of decision making.
- 15.13 Assurance conducted within the Quality Team is subject to a "check the checker" system, where sampled cases are regularly checked by a second person to ensure consistency of approach across the team.
- 15.14 In the six months to September 2020, 10,730 routine quality assessments were made of EUSS cases, from 728,315 applications decided, an overall sample rate of 1.5%. However, this is a combined figure, it includes sampling at IDV and eligibility stage, neither assesses the quality of work carried out at the other stage. Only 5,372 routine assessments were made of eligibility casework, including the final application decision – a sample rate of 0.74%.
- 15.15 A senior manager acknowledged that the distribution of assurance across the workstreams was "probably not" enough, but considered the overall volume sampled when supplemented by local sampling was "sufficient".
- 15.16 While some routine assurance had moved from local casework teams to the central Quality Teams, which had increased in size, routine sampling is not conducted specifically on paper applications, rejections or refusals (other than a small number selected by chance), and the section relies on locally performed quality assurance to supplement the assurance process.

Local sampling and review of casework

- 15.17** All EUSS caseworkers have induction training and are subject to 100% checks while training. A caseworker must have ten cases assessed as DQ1s (the highest rating) by the Quality Team before they can be 'signed off'.
- 15.18** Initially, in February 2020, applications due to be refused on eligibility grounds, including those needing a variation of leave without consent, were subject to "a robust assurance process" requiring clearance by the senior civil servant responsible for the EUSS. As caseworkers became familiar with the process, oversight reduced gradually, to every refusal being assured by a senior caseworker, before moving to a "business as usual" model in August 2020. AO caseworkers could process "straightforward" exhausted contact refusals, subject to 100% assurance checks by a senior caseworker, and EO caseworkers could process refusals subject to routine sampling by the Quality Team.
- 15.19** AO and EO caseworkers have additional training before they can process refusal and variation of leave decisions. During training they are subject to local review by senior caseworkers who determine their competency. There is no guidance available for senior caseworkers conducting these assessments.
- 15.20** There is a separate Standard Operating Procedure (SOP) for the refusal process. At the point of refusal, a caseworker conducts a full review of the application. This checks: that the exhausted contact process was followed; whether enquiries on an applicant's behalf are needed; that all available evidence, including from other Home Office systems, has been obtained and reviewed; and, that possible evidential flexibility has been considered. Caseworkers who only review cases falling for refusal have a target of four decisions a day, increased from three in August 2020, in recognition of the time required to fully review an application.
- 15.21** The SOP directs that "If you plan to refuse a vulnerable applicant, you must seek authorisation from a DCCW [deputy chief caseworker] before doing so" and contains embedded guidance about vulnerability. This instruction does not identify children, other than those in care, as potentially vulnerable.
- 15.22** Team managers, technical specialists and senior caseworkers conduct local sampling, including the 100% checks of refusals by AO caseworkers. Other sampling and checks are also conducted, either at random, checking on discrete identified issues, or monitoring a staff member if they are seen to be "struggling", to "locally manage team's performance".
- 15.23** In the six months to September 2020, 8,848 applications were subject to local 100% sampling in eligibility.¹⁰⁰ Combined with the routine sampling, this equates to a sampling rate of 1.95% for the period. However, with refusals by EO caseworkers no longer subject to 100% sampling, this rate could reduce.
- 15.24** Rejections, where an applicant fails to prove their identity, are escalated to EO technical specialists once contact has been exhausted by the caseworker. EO technical specialists do not have targets, and conduct a full review of a case to ensure it is appropriate for rejection. For the team considering no valid ID paper applications, all refusals are reviewed by the deputy chief caseworker and sent to a senior manager (Grade 6 or Grade 5) for review.

¹⁰⁰ This data is unpublished local information provided by the Home Office. It has not been quality assured to the level of published National Statistics so should be treated as provisional and therefore subject to change.

15.25 Senior caseworkers across EUSS and the SRC hold “consistency meetings” once a fortnight which the deputy chief caseworkers also attend. However, there were no consistency checks of senior caseworkers’ sampling or guidance to ensure they were taking the same approach to sampling, particularly where assessing more subjective issues of evidential flexibility.

SRC Customer Assurance Team (CAT)

15.26 The SRC quality assurance model was last reviewed in September 2020. According to the SRC quality assurance framework, the CAT will complete two randomly selected calls or emails per agent each month.

15.27 Calls are assessed against a score card of 17 points, falling within three areas: ‘caller interaction’, ‘soft skills’ and ‘process and systems’. Only one area considers whether the agent gave the “correct call resolution and outcome”, including that advice and information provided was factually correct.

15.28 The SRC has around 200 SRC agents. From March 2019 to end September 2020, the CAT had completed assessments on 8,342 of the 1,258,432 (0.68%) calls handled. Of those assessed, 228 (2.73%) received a “fail”.

15.29 The monthly sampling had increased in volume and rate, from 0.34% in April 2019, the first full month of operation, to 1.07% in September 2020 and had, on average, exceeded 1% for the quarters ended June and September 2020. However, historically, when call volumes have spiked, although volume of quality sampling has increased the rate has reduced.

15.30 CAT staff told inspectors that their EO agents also provided telephone support at times of high demand, so when spoken to in November 2020 they said quality sampling had “taken a hit” and they were particularly “stretched” because of a new call system and training for new workstreams being rolled out, in addition to the high volume of calls they were experiencing.

15.31 Every three to four weeks SRC quality checkers conduct a calibration exercise to benchmark and ensure consistency in their approach to sampling.

Conclusion

15.32 The volume of applications and enquiries managed by EUSS presents a logistical challenge in providing suitable assurance for both the SRC and casework. However, the expectation would be that this is factored in and resourced accordingly to ensure appropriate levels of assurance.

15.33 The department is subject to oversight by COAT who has assessed that the casework assurance regime is on an upward trajectory. Although the overall volume of assurance conducted exceeds the local 1% target, the distribution of the centrally assessed routine sampling does little to reinforce the quality of decision making. Assurance of refusals had reduced and the dispersal of local sampling across teams risks inconsistency, particularly as there is no regular process for checking the sampling. As a tool to ensure the consistency of use of evidential flexibility, the quality assurance regime has limited value.

15.34 In terms of assurance of SRC call handling, the centralised set up and consistency checking processes ensured a cohesive approach to assurance; the challenge was time and resource, and the low volumes of checks provide little confidence that SRC agents are conveying the same information to the same standard, particularly in the more complex enquiries.

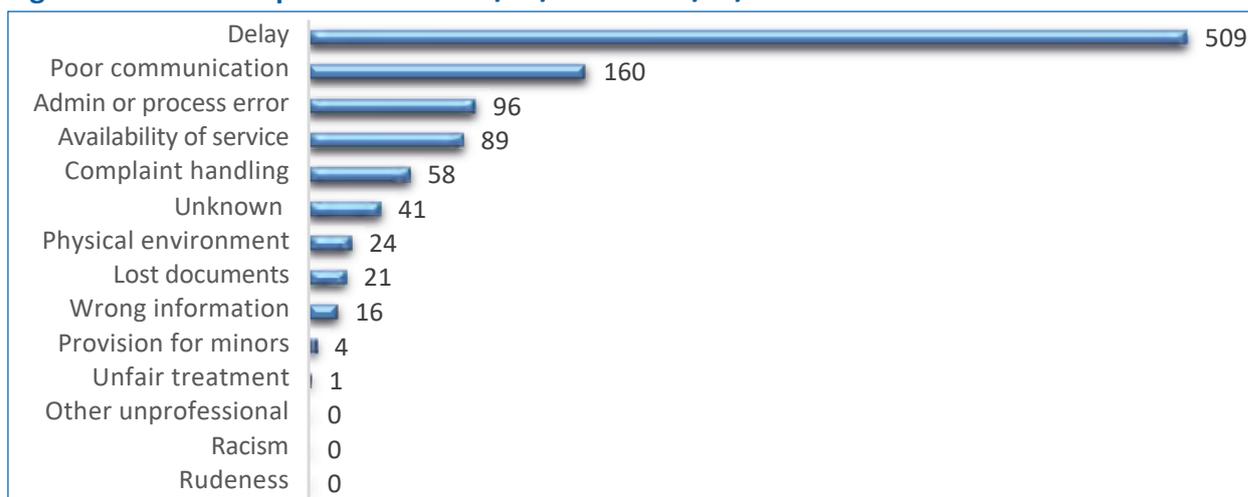
16. Inspection findings: Complaints, Administrative Reviews and lessons learned

Complaints and Administrative Reviews

- 16.1** In the second EUSS inspection report, the Independent Chief Inspector recommended that the Home Office:
- “Collect and publish data for complaints received in relation to the EU Settlement Scheme (EUSS) and for Administrative Review applications and outcomes.”
- 16.2** In partially accepting this recommendation, the Home Office responded:
- “The Home Office currently publishes complaints transparency data. This data provides overall totals of which complaints about the EUSS are a subset. Data relating to Administrative Reviews applications is not currently published. We will consider whether this data can be extracted accurately and, if it can, we will also consider the best format for publication.”
- 16.3** Complaints are limited to the service provided by the Home Office and the professional conduct of its staff. Where an applicant is challenging a decision on an EUSS application, this would not be considered as a complaint, but may be pursued through an Administrative Review (AR) process.
- 16.4** The Home Office has continued to publish data on complaints,¹⁰¹ however, this is for UKVI overall and no subset of data is available for EUSS complaints, nor is there any published data relating to ARs. Therefore, this recommendation has not been met in full.
- 16.5** In response to a request for data, the Home Office provided a log of all complaints on EUSS applications received between 1 April 2019 and 30 July 2020, see figure 25. Complaints are logged under 14 broad headings and one item of correspondence may result in a complaint being logged under more than one heading.

¹⁰¹ [Customer service operations data: February 2021 \(www.GOV.UK\)](https://www.gov.uk/customer-service-operations-data)

Figure 25: EUSS complaints data – 01/04/2019 to 30/07/2020



- 16.6** The raw data showed that the level of complaints had increased from four in April 2019, to its highest monthly volume of 111 in June 2020. Of this number, 90 were based on ‘delays’, which was the most common reason for complaint overall. In addition to this, of the 160 complaints categorised as ‘poor communication’, 111 were in relation to delays. This data supports stakeholder feedback about the absence of communications explaining delays.
- 16.7** For ARs, the Home Office had received 1,009 between 31 March 2019 and 30 July 2020. Of this number, 25% (249) resulted in the decision being maintained and in 47% (474) of cases the decision was overturned. The remaining ARs were recorded as rejected (187), withdrawn (25) and awaiting a decision (74).
- 16.8** Complaints are recorded centrally using the Home Office Complaints Management System (CMS). They are then forwarded to the Briefing and Response Team (BRT), a dedicated unit within the European Casework area. ARs are processed by the Appeals, Litigation and Administrative Review (ALAR) directorate within UK Visas and Immigration.

Role of Briefing and Response Team

- 16.9** The BRT was established on 1 August 2019 to continue the work of the EUSS Programme Office and Communications Team. The team is overseen by a Deputy Director (Grade 6) who is the Head of eligibility casework, supported by one Grade 7, two SEOs, two HEOs and three EOs.
- 16.10** Inspectors were told that: “The dedicated Briefings and Response team, staffed by technical experts, are responsible for:
- Queries on/from MP/Private Office/DGs Office/Complaints
 - Parliamentary Questions on operational matters
 - General Freedom of Information Requests on operational matters
 - Operational briefings & operational briefing contributions for cross-cutting responses
 - Scheme queries from MP/Private Office/DGs Office on operational matters
 - Press Queries on operational matters
 - DNA related issues
 - Media handling/Links to Press Office.”

- 16.11** By appointing a designated team, the Home Office aimed to ensure consistent and timely responses to enquiries. To facilitate this, work is monitored as it comes in and allocated to the appropriate team member. Where team members are not able to handle the enquiry, they refer to individual teams or units within European Casework, for draft lines to assist them with a response.
- 16.12** An added benefit of receiving all correspondence in one place was that emerging themes could be identified by the team and used to drive improvements. One example of this was in the early life of the EUSS when applicants who had been granted pre-settled status believed they had settled status. Changes were made to the online application form to help avoid further confusion. Similarly, trends in application processing are fed back to deputy chief caseworkers for training and performance management issues to be addressed.
- 16.13** In July 2020, the BRT took over responsibility for Standard Operating Procedures (SOPs). Again, this was with a view to retaining central ownership and ensuring consistency in guidance to internal teams.

Feedback loops for Administrative Reviews and complaints

- 16.14** Feedback from complaints and ARs present learning opportunities for caseworkers, although inspectors heard limited evidence from interviews and focus groups of how this was working in practice. Typically, staff referenced the BRT as the team handling complaints and commented that they were mainly in relation to “people wanting to know where their case is.” Managers received reports detailing volumes of complaints and ARs, but weren’t aware of any changes or improvements that had taken place based on feedback.
- 16.15** This was supported by the ICIBI surveys which asked staff whether they “receive regular updates about lessons learned from customer feedback and complaints about the EU Settlement Scheme.” In the eligibility caseworker survey, out of 132 respondents to this question, 101 (c77%) replied “no”. Similarly, in the SRC ICIBI survey, 51 out of 73 (70%) respondents said they did not receive regular updates about lessons learned from customer feedback and complaints about the EUSS.
- 16.16** Inspectors did, however, see minutes from a meeting between EUSS Casework representatives and the AR Team, in July 2020 which noted “19 errors had occurred in the last six months”. Details of a couple of cases, where errors were noted, were discussed and the EUSS Casework representatives agreed to follow up on these errors by cascading messages to the casework teams.

Lessons learned and continuous improvements

- 16.17** The second recommendation from the previous ICIBI inspection of the EUSS included that the Home Office:
 - “making best use of management information (MI) and ‘lessons learned’ and ‘improvements made’ stories, expand and regularly update its messaging regarding the length of time an application will take to process...”
- 16.18** In accepting the recommendation, the Home Office confirmed it had recently adjusted the estimated processing times guidance on GOV.UK to reflect current performance, and said in relation to lessons learned:

“We have also delivered Lessons Learned workshops to staff and continue to make improvements based on staff and customer feedback.”

16.19 While the Home Office had made changes to guidance on GOV.UK, the complaints data and feedback from stakeholders suggests that messaging regarding the length of time applications are taking remains a problem. One stakeholder noted: “Although, there may be more information on the gov.uk about the types of situations that will lead to an application taking longer to be decided, the information is still woefully inadequate.” Another stated:

“While there may be more information now on the gov.uk website about the types of situations that will lead to an application taking longer to be decided, the information is still not sufficiently useful for applicants. It provides information about situations where processing may take more than one month, but it does not explain cases taking significantly longer, such as six or 12+ months. The reference to “more than one month” has the effect of confusing applicants for whom the process will take significantly longer, causing further anxiety and stress.”

16.20 In relation to feedback loops and continuous improvements, the department has various formal and informal initiatives. For IDV and eligibility, feedback on individual performance is routinely provided by line managers and results from the quality assurance checks used to guide discussions. More broadly, the Quality Assurance Team use a number of methods to improve decision making quality based on any trends or issues they identify. Inspectors saw an example of the “EUSS Quality Assurance report”, dated February 2020, which highlighted feedback loops including Team Meetings, senior caseworker ‘huddles’, EUSS Quality Team Newsletter, MI and Training. The document went on to list the ‘bitesize’ training that had been delivered “following trends or requests from caseworkers”. This list comprised: Letter drafting, evidential flexibility, PEGA notes, Residency Proving Service (RPS), Case Information Database (CID) verification, CID refresher training, British citizens, continuity of residence, granting in line, Lounes and operating mandate.

16.21 Similarly, with Settlement Resolution Centre (SRC) staff, calls are monitored by the Quality Assurance Team and feedback provided individually and collectively. Where common errors are identified, refresher training is provided, through updated guidance in emails, team meetings or through formal training courses.

16.22 Feedback loops are also used for different teams to engage with each other with a view to making improvements. Inspectors heard how representatives from the SRC and EUSS Casework met regularly and examples were given of the improvements that had resulted. One such improvement was the need for more detailed notes from caseworkers explaining reasons for variation of leave or the need for further documents to better equip SRC agents who handled follow up telephone enquiries from customers.

16.23 For the applicants, both the online application process and the SRC service provide an opportunity for feedback. The SRC also conduct telephone and online surveys which ask applicants to feedback suggestions for improvements. In addition to this, the Customer Insight Team launched a survey in March 2019 which captured data from 8,400 customers. The survey results, dated February 2020, highlighted areas where customers felt the application process could be improved, see figure 26.

Figure 26:

Top five areas for improvement	
Issues raised	Action taken in response to issues raised
Application journey	<ul style="list-style-type: none"> • Application form flow, content and outcome screens have changed to make it clearer to the applicant what it is they are applying for. • Application form has also been updated to ask the applicant other names they have used – this will improve the API/RPS results.
IDV Applicant (Android/iPhone issue)	<ul style="list-style-type: none"> • Improvements in the IT and processes on the ID teams have led to cases being progressed quicker and with fewer handoffs. • The app for the iPhone has been launched.
Prove residency/ Upload my docs/ Update my details	<ul style="list-style-type: none"> • Changes have been introduced to enable customers to update their own details, such as change of address. Improvements to the flow of the application form make it clearer when an applicant is required to upload evidence of residence. • Link to the upload screens to improved residency proving service.
Post submission update	<ul style="list-style-type: none"> • Feedback from customers around processing times has been taken on board and amendments made to reflect a more realistic SLA.
Telephone/In person/Email help	<ul style="list-style-type: none"> • SRC Wiki pages with current guidance, lines to take for call handlers have helped deliver excellent customer service. • Technology improvements within SRC, such as the text service and BT cloud, has improved the ability to communicate with customers while dealing with increased demand for inbound contact. • Introduction of the SRC call back facility.

Staff suggestion schemes

- 16.24** EUSS Casework teams are taking part in Operational Excellence (Opex), which the Home Office intranet describes as “a cultural transformation programme, driven by everyone” where “Everybody is encouraged not only to share their ideas but also to take responsibility in helping create the change they want to see.”
- 16.25** Inspectors were told about various initiatives, including a ‘Bright ideas scheme’ where staff are encouraged to “pitch ideas” and if successful, they will own the action to implement them. Managers explained, “The staff have a free reign to come up with ideas – we just need to ensure they are consistent.” The ‘Bonkers Board’, another staff suggestion scheme brought in by the SRC agents, has “driven changes following feedback from customers, wording on the application form, wording on the chip checker are things that have been changed based on this. It was introduced about 11 months ago.”
- 16.26** Other good examples of initiatives that had been taken forward were: ‘bitesize training’ which presented guidance or reminders on processes in a more concise form, ‘live links’ to support applicants with language barriers who contact the SRC, and ‘casework corner’ where support is provided to caseworkers for complex cases.

Conclusions

16.27 Compared to other areas of the Home Office, the EUSS is generally considered by stakeholders to be more efficient, responsive and straightforward to deal with. As one stakeholder put it:

“We have a very good relationship with the Head of the Euro and Settlement Team who regularly assists us with queries and with cases that may require escalation where

something has gone wrong, for which we are grateful. In particular, such links proved very useful during the height of the COVID-19 pandemic, when our queries as to the processes in place were always responded to promptly. We very much hope that the good practice that has been established in the EU settlement scheme could eventually be mirrored across other areas of UK Visas and Immigration.”

16.28 There is, however, potential for the EUSS to be a victim of its own success by having provided so many contact points for applicants and their representatives, such as the SRC, Vulnerability Team, BRT and user groups, to have made the escalation procedure unclear. The function of the BRT is helpful, but it could consider increasing its remit to include issues raised through other channels before they reach the stage of a formal complaint.

16.29 In terms of recommendation eight from the second inspection, the Home Office has continued to publish complaints data, although this has not been broken down into subsets and more could be done to drive improvements using this information. AR data is not published and therefore this recommendation cannot be closed.

16.30 The Home Office has partially met recommendation two from the second inspection in terms of its efforts in continuous improvement, however, more could be done to improve messaging to customers who are facing delays in their applications and to raise awareness among all staff of the learning from ARs and appeals.

Annex A – Summary of updates to accepted recommendations from previous ICIBI inspections of the EUSS

'An inspection of the EU Settlement Scheme' (November 2018 to January 2019)
<p>ICIBI recommendation 2:</p> <p>Dedicate sufficient resources to the EU Settlement Scheme throughout its life to ensure that all applications are processed efficiently and effectively, and that the lack of a customer service standard does not affect the priority given to these applications when compared with other UKVI functions that do have such standards.</p>
<p>Home Office response: Accepted</p> <p>The EU Settlement Scheme has been developed to be as simple and customer-friendly as possible. To support this, we have designed a digital casework solution that automatically streams cases to appropriately trained caseworkers according to the applicant's circumstances. These include:</p> <ul style="list-style-type: none">• Applicants who have confirmed the automated checks of their residence period are correct, so no further evidence of residence is required or provided;• Applicants where automated checks have not fully confirmed their residence period and they have provided supplementary evidence or this needs to be requested;• Applicants that are family members who need to provide fingerprint biometrics and cases where safeguarding or vulnerability may be a factor. <p>Caseworkers are multi-skilled across these workstreams. Case flow workstreams are monitored dynamically using real time reporting so that caseworkers can be quickly assigned to higher demand during peak times.</p> <p>We are committed to ensuring that our operational teams have the resources they need to run an efficient and effective migration system, tackle illegal immigration and keep the UK safe. Resource and staffing requirements are continually reviewed to meet operational demand. This means we are able to deploy extra resources flexibly as and when they are required.</p>
<p>ICIBI Inspection update:</p> <p>Whether EUSS Casework and the Settlement Resolution Centre (SRC) remain sufficiently resourced is uncertain. After another peak of applications toward the end of 2020 the total WIP was substantial – around 400,000 applications. The SRC staffing plan had not been revised; despite call volumes being significantly higher than planned, over a fifth of calls made to the SRC went unanswered and average call duration had increased, reflecting more complex enquiries, while SRC agents were multitasked with new workstreams outside of the EUSS.</p> <p>Open.</p>

ICIBI recommendation 7:

Be clear in its communications with stakeholders dealing with vulnerable groups and individuals that while it is keen to encourage them to provide advice and practical assistance to applicants, including with the aid of grant funding where appropriate, that it recognises and accepts that it remains responsible for ensuring the EU Settlement Scheme meets the needs of everyone who is eligible and this includes making 'reasonable enquiries' on behalf of those (for example, 'looked after' children) who find it difficult to prove their eligibility.

Home Office response: Accepted

We recognise and accept the responsibility for ensuring the scheme meets the needs of everyone who is eligible. We will make reasonable enquiries and work flexibly with applicants to help them evidence their continuous residence in the UK by the best means available to them.

We are committed to helping vulnerable individuals obtain their status under the scheme, and we are providing a range of direct and indirect support to enable this, such as the telephone advice from our customer support centre and face-to-face assisted digital support. Details of the service and the locations where this service is available can be found on gov.uk: <https://www.gov.uk/government/publications/eu-settlement-scheme-assisted-digital-service>.

The Home Office has made up to £9 million available in funding which will be used to help organisations both inform vulnerable individuals about the need to apply for settled status and support them to complete their applications to protect their status as the UK exits the EU. The successful organisations, including disability and homeless charities and a wide range of community organisations will provide support to an estimated 200,000 people, who may be marginalised or in need of extra help.

ICIBI Inspection update:

While this recommendation cannot sensibly be closed for the duration of the EUSS, it has effectively been superseded by recommendation nine of the second inspection.

Closed.

An inspection of the EU Settlement Scheme (April 2019 to August 2019)**ICIBI recommendation 2:**

Making best use of management information (MI) and 'lessons learned' and 'improvements made' stories, expand and regularly update its messaging regarding the length of time an application will take to process, making clear both how long it is taking for the majority of applications and the reasons why it may take longer for others. Regarding applications that are held up awaiting further information from the applicant, produce clear messaging about the consequences of not responding within the specified timescales (and apply them) to ensure that applicants know where they stand.

Home Office response: Accepted

The Home Office has recently made adjustments to the estimated processing times guidance on GOV.UK to reflect current performance, detailing when cases may exceed the stated 'around five days' to process.

We have also delivered Lessons Learned workshops to staff and continue to make improvements based on staff and customer feedback.

The standard letters requesting further information that are sent to customers are currently being reviewed by operational managers, in collaboration with policy colleagues to ensure the messaging is sufficiently clear and robust.

ICIBI Inspection update:

There was evidence of improvement and learning as a result of customer feedback, lessons learned, quality assurance and staff suggestions, however, more could be done to raise awareness among all staff of the learning from Administrative Reviews and appeals.

The Home Office had updated GOV.UK messaging about the time taken to process applications, but this lacked clarity, it had not been regularly revised, and it could be improved to manage the expectations of those who do not have a straightforward application.

Open.

ICIBI recommendation 3:

In the interests of promoting the EU Settlement Scheme (EUSS) and being recognised as its “authoritative voice”, publish the department’s Policy Equality Statement (PES) for the EUSS or such parts of the PES that provide reassurance that the impacts of the EUSS have been fully considered, in particular for vulnerable and hard-to-reach individuals and groups.

Home Office response: Accepted

The Home Office has ensured that the equality impacts of the EU Settlement Scheme have been fully considered and is committed to publishing the Department’s Policy Equality Statement by Spring 2020.

ICIBI Inspection update:

The Home Office published a Policy Equality Statement (PES) for the EUSS in November 2020 and in doing so fulfilled recommendation three. Neither the delay nor the PES itself were well received by stakeholders. The PES provides a comprehensive account of the potential impact of EUSS policy on those with protected characteristics, support mechanisms to mitigate the impact and a commitment to ongoing review. However, in the absence of data capture of protected characteristics, beyond age, sex and nationality insofar as that corresponds to race, it is difficult to see how the Home Office can demonstrate it has fully evaluated any actual impact or remained alert to unanticipated impacts. Consequently, it cannot be confident that any disadvantages are ‘proportionate’.

Closed.

ICIBI recommendation 4:

Accelerate whatever work is in hand to produce foreign language versions of EU Settlement Scheme (EUSS) messaging, and in the meantime provide Settlement Resolution Centre (SRC) staff with clear guidance and practical solutions for dealing with applicants who are having difficulty in understanding English.

Home Office response: Accepted

In January 2019, the Home Office informed the Independent Chief Inspector of Borders and Immigration that it planned to provide versions of EUSS guidance in all EU languages, plus Welsh, after the scheme launched in March 2019. The Home Office had not done so earlier as the guidance was continually changing in response to lessons learned from the Beta testing exercises. The EUSS guidance is now available on GOV.UK for 26 commonly used languages across Europe. We will also review guidance relating to callers who have difficulty understanding English.

ICIBI Inspection update:

EUSS guidance was published in 26 European languages and Welsh in March 2019. However, this was recently taken offline for four months, for revision, at a critical point and stakeholders note that it lacks languages common to third country nationals applying to the EUSS.

Managing language barriers remains a difficulty for caseworkers and SRC agents. While staff made best use of 'soft skills' and other communication methods to manage these barriers, the Home Office has failed to provide any real practical solution, such as an interpreter service. This in turn increases the burden on GFOs and the Home Office needs to be clear that it has effectively outsourced this language support function and ensure it is factored into its expectation of the GFOs.

Closed.

ICIBI recommendation 5:

Review the robustness of the quality assurance regimes in place for EU Settlement Scheme (EUSS) caseworkers and Settlement Resolution Centre (SRC) staff, in the process explaining to staff the basis for daily performance targets and dealing with their concerns about fairness.

Home Office response: Partially accepted

As the Scheme is in its infancy, caseworker targets are continually reviewed as part of ongoing daily/weekly monitoring. Adjustments have been made to targets since the start of the EUSS. Following a recent timings exercise involving representative staff groups, potential further amendments are currently being considered by operational managers.

ICIBI Inspection update:

The department had adjusted its quality assurance framework since the last inspection, and it was considered by the Central Operations Assurance Team of UKVI to be on 'an upward trajectory'. However, the regime has weaknesses, including an overreliance on routine sampling of straightforward cases, that provide no insight into use of evidential flexibility or consistency in decision making.

Additional assurance is conducted over some refusal decisions, however, its dispersal across so many casework teams increases the risk of inconsistency, and there is no second line assurance to validate the local approach.

Quality assurance in the SRC was more structured, but lacked capacity to conduct the volume needed to provide confidence over consistency of advice.

Casework targets were regularly reviewed and adjusted, with those in IDV casework re-expressed to recognise tasks rather than simply a decision. The issue of fairness had not been fully addressed and there was a pressure felt by some caseworkers to meet targets, monitored daily, at the expense of quality monitored less frequently through quality assurance. Managers were clear that the focus is on quality, and going forward this message needs to be reinforced as the department tackles a potentially more complex caseload.

Open.

ICIBI recommendation 6:

Review the training provided to caseworkers with regard to assessing family relationships involving a civil partnership, durable partnership or marriage between an EU national and a non-EU national to ensure it is adequate, and refer such cases to a Senior Caseworker for sign off or, where appropriate, to the Marriage Interview Team for interview.

Home Office response: Accepted

The Home Office continues to review all casework training in line with performance, operational requirements, customer insight and policy changes (including changes to the Immigration Rules). The most recent review took place following the changes to the Immigration Rules, which were laid on 9 September 2019 and implemented on 1 October 2019.

ICIBI Inspection update:

Guidance, ‘bitesize training’ and tools had been devised and issued to aid caseworkers in assessing relationships and when to make marriage referrals.

Closed.

ICIBI recommendation 7:

Capture and analyse data in relation to the application of “evidential flexibility” throughout the EU Settlement Scheme (EUSS) process, in order to ensure that caseworkers are applying it consistently.

Home Office response: Partially accepted

Our IT systems are currently unable to capture data specific to the application of evidential flexibility. The Home Office does, however, operate within a robust quality assurance framework ensuring correct decisions are made and evidential flexibility is applied consistently and where appropriate.

ICIBI Inspection update:

In December 2020 “bitesize” refresher training had recently been issued. The topic is covered in guidance, including the main caseworker guidance and instructions issued to teams which gave plenty of scenarios. Staff were more confident and experienced in the use of evidential flexibility, however, there was little to monitor the consistency. Inspectors found some evidence of inconsistency in case files sampled, specifically in minors’ applications, where more needs to be done to achieve a standardised approach, and this is the subject of a new recommendation.

To the extent that the Home Office indicated it would address this recommendation, through relying on its quality assurance, it had done so, and the adequacy of the quality assurance regime is considered in recommendation five.

Closed.

ICIBI recommendation 8:

Collect and publish data for complaints received in relation to the EU Settlement Scheme (EUSS) and for Administrative Review applications and outcomes.

Home Office response: Partially accepted

The Home Office currently publishes complaints transparency data. This data provides overall totals of which complaints about the EUSS are a subset. Data relating to Administrative Reviews applications is not currently published. We will consider whether this data can be extracted accurately and, if it can, we will also consider the best format for publication.

ICIBI Inspection update:

The Home Office has continued to publish complaints data, for UKVI, Immigration Enforcement and Border Force combined, although more could be done to drive improvements using this information. Administrative Review data has not been published.

Open.

ICIBI recommendation 9:

Review and clarify the Home Office's role in relation to vulnerable individuals and groups in light of the information and data provided by the 57 grant-funded organisations in their first quarterly return, in particular addressing the issue of what "reasonable enquiries" the Home Office will make (of other government departments etc.) on behalf of individuals where they have difficulty in proving their entitlement to apply.

Home Office response: Partially accepted

We will continue to review how we support all customers, using feedback from a range of sources, including the Grant Funded Organisations (GFOs). The Home Office receives feedback from GFOs around the issues some vulnerable people face with their documentation, but this is not linked to their quarterly returns which are a measure of outcomes against their funding criteria.

Information and data provided by the 57 GFOs in their first quarterly returns did not specifically relate to the "reasonable enquiries" the Home Office would make where individuals are having difficulty in proving their entitlement to apply. The expectation would be that the Home Office would make "reasonable enquiries" on a case by case basis in line with the General Data Protection Regulation (GDPR), and other data sharing protocols, where an individual is having difficulty in proving their entitlement to apply. Should a GFO raise an issue relating to a specific case, the GFO would be advised to contact the dedicated Settlement Resolution Centre helpline in the first instance and where applicable, we will make further enquiries to assist applicants.

ICIBI Inspection update:

While grant funding for third party organisations has provided support to vulnerable individuals and groups, overall responsibility must remain with the Home Office. The level of support is quantifiable, to an extent within the monthly and quarterly reporting. However, limitations in the data sets mean that the Home Office cannot accurately assess how effective the GFOs have been in reaching the vulnerable and at risk cohorts in society, or how these applications have been progressed and determined by caseworkers.

Routine enquiries of local authorities in cases of minors due to be refused is a positive move, but a lack of central monitoring by the Home Office means it cannot demonstrate the completeness, consistency, or success of this measure.

There have been no significant developments in guidance, policy or staff awareness around when and how to make 'reasonable enquiries', with a common concern from caseworkers as to how such enquiries would fit with data protection legislation.

Open.

Annex B – Role and remit of the Independent Chief Inspector

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 Inspectorate of Constabulary and Fire & Rescue Services (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.

Annex C – ICIBI’s ‘expectations’

Background and explanatory documents are easy to understand and use (e.g. statements of intent (both ministerial and managerial), impact assessments, legislation, policies, guidance, instructions, strategies, business plans, intranet and GOV.UK pages, posters, leaflets etc.)

- They are written in plain, unambiguous English (with foreign language versions available, where appropriate)
- They are kept up to date
- They are readily accessible to anyone who needs to rely on them (with online signposting and links, wherever possible)

Processes are simple to follow and transparent

- They are IT-enabled and include input formatting to prevent users from making data entry errors
- Mandatory requirements, including the nature and extent of evidence required to support applications and claims, are clearly defined
- The potential for blockages and delays is designed out, wherever possible
- They are resourced to meet time and quality standards (including legal requirements, Service Level Agreements, published targets)

Anyone exercising an immigration, asylum, nationality or customs function on behalf of the Home Secretary is fully competent

- Individuals understand their role, responsibilities, accountabilities and powers
- Everyone receives the training they need for their current role and for their professional development, plus regular feedback on their performance
- Individuals and teams have the tools, support and leadership they need to perform efficiently, effectively and lawfully
- Everyone is making full use of their powers and capabilities, including to prevent, detect, investigate and, where appropriate, prosecute offences
- The workplace culture ensures that individuals feel able to raise concerns and issues without fear of the consequences

Decisions and actions are ‘right first time’

- They are demonstrably evidence-based or, where appropriate, intelligence-led
- They are made in accordance with relevant legislation and guidance
- They are reasonable (in light of the available evidence) and consistent
- They are recorded and communicated accurately, in the required format and detail, and can be readily retrieved (with due regard to data protection requirements)

Errors are identified, acknowledged and promptly 'put right'

- Safeguards, management oversight, and quality assurance measures are in place, are tested and are seen to be effective
- Complaints are handled efficiently, effectively and consistently
- Lessons are learned and shared, including from administrative reviews and litigation
- There is a commitment to continuous improvement, including by the prompt implementation of recommendations from reviews, inspections and audits

Each immigration, asylum, nationality or customs function has a Home Office (Borders, Immigration and Citizenship System) 'owner'

- The BICS 'owner' is accountable for
 - implementation of relevant policies and processes
 - performance (informed by routine collection and analysis of Management Information (MI) and data, and monitoring of agreed targets/deliverables/budgets)
 - resourcing (including workforce planning and capability development, including knowledge and information management)
 - managing risks (including maintaining a Risk Register)
 - communications, collaborations and deconfliction within the Home Office, with other government departments and agencies, and other affected bodies
 - effective monitoring and management of relevant contracted out services
 - stakeholder engagement (including customers, applicants, claimants and their representatives)

Acknowledgements

The inspection team is grateful to the Home Office for its cooperation and assistance during the course of this inspection and for the contributions from the staff who participated. We are also grateful to the stakeholders who contributed.

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