



**THE UK BORDER AGENCY RESPONSE TO THE
INDEPENDENT CHIEF INSPECTOR'S REPORT: AN
INSPECTION OF ENTRY CLEARANCE IN ABU DHABI AND
ISLAMABAD**

UK Border Agency response to Independent Chief Inspector's recommendations

1. Implements a clear operational strategy for the management of all three visa sections, so that an improved level of service is delivered to customers irrespective of where different parts of the application process are dealt with: The UK Border Agency accepts this recommendation.

- 1.1 The UK Border Agency is currently reviewing the shape of the Pakistan operation in the light of developments in Pakistan/Abu Dhabi and will take account of the Independent Chief Inspector's (ICI's) comments in considering the workload of the three visa sections. The review will be completed by the end of the year and the findings will be shared with the ICI.
- 1.2 Since April 2010, Abu Dhabi and Islamabad have been managed within a new regional command under the leadership of a Regional Director based in Abu Dhabi. The Regional Director has formulated a clear strategy for delivering customer service improvements. Data published on the UK Border Agency Visa Services website shows that since August 2010, Abu Dhabi have processed applications within customer service standards.

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

- 2.1 The UK Border Agency has been given clear and demanding obligations to reduce costs and ensure maximum value for money for the UK tax-payer. To achieve this, a change strategy has been developed that focuses on improving productivity and reducing unit cost. We do not see a trade-off between productivity and decision quality. A key factor in improving productivity is continually improving decision quality - striving to get decisions right first time, every time - in order to reduce the amount of unnecessary remedial work that is required as a result of poor decision quality.
- 2.2 The UK Border Agency accepts that there is an inconsistency in the way that benchmarks are set and reviewed across the overseas network. The UK Border Agency will issue guidance to all posts by the end of the year that will establish a requirement for the regular review of ECO productivity targets and provide a list of factors to be taken into account for those who set them. This guidance will stress that consultation with Entry Clearance Officers (ECOs) is to be encouraged.
- 2.3 ECO productivity benchmarks are routinely set at a level which seeks to strike a balance between the need to meet customer service standards, carry out adequate checks to ensure decision quality and the availability of resources. Customer service standards are designed so that ECOs may take longer to process cases that require additional checks.
- 2.4 Benchmarks are applied flexibly to allow ECOs to do tasks other than assessing visa applications, such as writing appeal statements, dealing with correspondence, and receiving and delivering training and to take account of variables such as IT availability - thus on any given day some ECOs will exceed their benchmarks, while others may not reach them. Over a longer operational period, benchmarks nevertheless provide a means of ensuring fair allocation of work and of reinforcing the expectation that each

team member will make a full contribution. It should be noted that in locations such as Abu Dhabi, cases go through a number of stages of pre-assessment, reducing the amount of work required of the ECO. Regional management in Abu Dhabi will formally review benchmarks across the operation in the autumn.

- 2.5 Posts have a number of targets and measures which they are expected to achieve, which cover all aspects of their work and our strategic commitments. There are measures for both productivity and decision quality and equal emphasis is placed on each. The UK Border Agency has a basket of assurance measures in place to monitor the quality of visa decision making. A minimum number of refused and issued visa decisions are subject to review by an Entry Clearance Manager (ECM). The review process is based on the ICI's own methodology. We analyse appeal outcomes, both centrally and in our posts, to evaluate lessons learned and use feedback from compliance exercises covering specific application categories. All these factors are taken into account when setting benchmark targets for decision makers.

3. Take immediate action to ensure it is operating in accordance with its duty under the Race Relations Act 1976 as amended by the Race Relations (Amendment Act) 2000: The UK Border Agency notes the recommendation and agrees to review this area of policy.

- 3.1 All ECOs receive equality and diversity training as part of their induction course. This covers the provisions of the Equalities Act (formerly the Race Relations Act) and its relevance to visa decision making. This training is reinforced once they have taken up post.
- 3.2 The imposition of visa regimes on certain nationalities is an inherently differentiated system but all visa applications are dealt with on a case by case basis. Applicants are not required to submit specified documentation (for non PBS cases) although we do publish guidance on the types of documents that could be submitted in order to support statements made on the visa application form. The obligation is to satisfy the ECO that they meet the requirements of the Immigration Rules.
- 3.3 ECOs make decisions on the balance of probabilities taking into account the evidence presented in support of an application. We have reviewed the cases highlighted in the report that led to this recommendation. We accept that there were some cases where ECOs made the wrong decision based on poor interpretation of the evidence and, where appropriate, have agreed to overturn the original decision as we have done in previous inspection reports where similar issues have been highlighted. These were examples of poor decision making rather than an indication of a policy to target a particular nationality group.
- 3.4 ECOs working in 'hub' posts (like Abu Dhabi) deal with applications from a number of different countries. The social and economic conditions pertaining to the applicant's country and the associated level of risk indicated by objective analysis of abuses of the immigration control are relevant factors for an ECO to consider when assessing the evidence presented in support of an application. ECOs are provided with background country information and risk indicators covering a wide variety of different factors to assist them when deciding applications. We are currently considering, as part of a wider review, whether changes are required to the Immigration Rules to bring greater transparency to our risk-assessed approach to decision making. We will review our current policy by the end of 2010.

4. Takes prompt action to improve its customer service in alignment with the commitments set out in its Customer Charter and Customer Strategy: The UK Border Agency accepts this recommendation.

- 4.1 The UK Border Agency is committed to a high level of customer service. Although both Customer Charter and Customer Strategy were withdrawn in April 2010, a summary of the documents has been placed on the 'Visa Services' website outlining the key points. The UK Border Agency is in the process of revising the documents and plans to republish both its Customer Charter and Customer Strategy by the end of 2010. International Group has been involved in the review process. Amongst other things, the documents will reflect the fact that from April, a new global standard that combined previous 'straightforward' and 'non-straightforward' application categories was introduced; new standards for biometric waiting times and for the conclusion of allowed appeal cases were also introduced. The documents will be made immediately available to staff overseas once they are finalised and the launch will be highlighted in the regular global staff bulletin.
- 4.2 Abu Dhabi is committed to reviewing the performance of its operation against the commitments set out in the Customer Charter and Customer Strategy and will conduct a review of their performance and processes against key elements of the revised documents once they have been published. The most recent statistics (from September) show that all applications are currently being processed within customer service standards in Abu Dhabi.

5. Sets out clear roles and responsibilities for correspondence and complaint handling and communicate these to key stakeholders and customers; and

- **identifies complaints correctly;**
- **trains staff appropriately and provide clear guidance – with examples – on what constitutes “an expression of dissatisfaction”;**
- **responds to customers appropriately;**
- **carries out effective quality assurance procedures to ensure complaint procedures are being complied with; and**
- **implements the service standards set out in its Customer Strategy**

The UK Border Agency accepts this recommendation and has already implemented it.

- 5.1 The roles and responsibilities for correspondence and complaints handling are clear and have been communicated to the key audiences. Guidance was revised in June and now states the following:

The UK Border Agency is committed to ensuring that customers' concerns are listened to and appropriate action taken. The UK Border Agency defines a complaint as “any expression of dissatisfaction about the services provided by or for the UK Border Agency and/or about the professional conduct of UK Border Agency staff, including contractors.”

The following will not be treated as complaints:

- *Letters relating to the decision to refuse a UK visa. Visa applicants are expected to raise this using the existing appeal channels.*
- *Letters chasing progress on an application unless it is outside our published processing times.*

5.2 A complaint can be about any aspect of the service unless it relates to the decision itself or if the application is still being considered within published Customer Service Standards for processing times. The definition is that taken direct from the central Agency's Customers Team to ensure that we are properly aligned with the Agency wide definitions, policies and procedures.

5.3 In addition, the following action has been taken

- Guidance on complaints has been expanded and the content is in line with the rest of the agency. The 'stages of dealing with a complaint received overseas' are now clearly detailed and available to all ECOs.
- 'Complaintbusters' (a series of tips for reducing complaint paperwork and resolving issues quickly) are also available
- A PowerPoint presentation on handling complaints was circulated to posts overseas in October.
- An E-Learning course on complaints will also be made available by the end of the year.

5.4 **All staff in Abu Dhabi understand the definition of a complaint and this understanding is regularly reinforced.** Officers follow a clear escalation policy, which instructs that all correspondence that may be considered a complaint is escalated. This includes any expression of dissatisfaction with customer service or conduct. The Casework Entry Clearance Manager decides on what falls to be handled as a complaint. The practice set out in guidance issued to staff in September 2009 has now been fully implemented and has been rigorously adhered to. Appropriate quality assurance procedures and regular analysis are in place. General correspondence is routinely responded to within Government targets. In recent weeks, Abu Dhabi has created revised correspondence and complaints guidance (for use across the region) which draws on the central guidance, local policies and a series of case studies that to demonstrate to staff what constitutes a complaint.

6. Implements a formal review to determine the main reasons for allowed appeals and uses this analysis to drive improvements in decision making quality: The UK Border Agency accepts this recommendation from previous reports and is in the process of implementing it.

6.1 An appeals outcome study along the lines of this recommendation was completed in February 2010 and contained a number of recommendations aimed at improving decision quality. The report included an analysis of a number of cases assessed in Abu Dhabi and the findings have been shared with the ICI. The file study and report was commissioned by UK Border Agency's Visa Services Director to identify reasons as to why entry clearance appeals are dismissed. Key recommendations from the report that have been implemented include

- Updating guidance and training on targeted ECM reviews of refusal decisions and notices
- A requirement for ECM reviews of all appeals lodged.

- A requirement for ECMs to quality assure this work in a similar way that they carry out issue checks and reviews of refusal decisions when applications are initially considered.
- A requirement for comprehensive lists of documents considered by ECOs at the time of decision and by ECMs at the time of appeal review.

6.2 Abu Dhabi will conduct an appeals study in the winter with a focus on the review of the initial decision, a review of asylum cases linked back to allowed appeals, and a review of the reasons that appeals are allowed, including the consideration of the impact of documents submitted direct to Immigration Judges (thereby circumventing verification procedures).

7. Ensures guidance issued to customers sets out clearly the supporting documentation they need to provide in support of their applications: The UK Border Agency accepts this recommendation.

7.1 Following a number of similar previous recommendations from the ICI, the UK Border Agency has completed a review of supporting documentation guidance. The aim of the review was to standardise and simplify, as far as possible, the information provided to visa applicants on supporting documents, striking a balance between the need for consistency and flexibility to allow for local conditions.

7.2 Standardised guidance for all categories of visa application is being produced and rolled out via the UK Border Agency's Website Integration and Improvement Project. This project has received Cabinet Office approval and completion of the Integration project is expected in Summer 2011.

7.3 In the mean time, category specific supporting document guidance will be included on the recently updated Visa Services website. Applicants will be directed to this information from the Commercial Partners website. Any country specific suggested documentary requirements will be detailed on the Commercial Partner website. The confirmation email for online applicants will provide a link to the new suggested supporting documents page on the rebranded website as well as providing any country specific suggested documentary requirements provided on the Commercial Partner website. This work is scheduled to be completed by the end of 2010.

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

5.24 Staff told us that an obstacle to joint working between all three visa sections were time zone differences; different local holidays and different working week patterns (Abu Dhabi works Sunday to Thursday, while Islamabad and the UK work Monday to Friday). We were told that in an effort to mitigate these difficulties, the visa section in Abu Dhabi was about to introduce some late shifts for staff. We fail to understand how issues as basic as these were not foreseen and mitigated at the outset when the work was transferred. We were also concerned that these issues had been allowed to continue for the amount of time that they did.

The difficulties regarding working times were not unforeseen and the UK Border Agency has operated in similar circumstances for a number of years. The staff interviewed may not have

been used to joint working under these constraints, but modern communication systems (Email, Blackberrys, Mobile phones) have made it far easier. Senior management are available at all times. The 'late duty' for staff were introduced to make the best use of resources - not to mitigate against differences in time zones.

6.104 states “we were surprised that appeals lodged with the tribunal (as opposed to those lodged with the visa section), were prioritised by the appeals team. We were told this was because while the visa section had a target to process appeals lodged with the tribunal, it had no target to meet in relation to appeal lodged at the visa section. We were concerned that the interpretation of this target resulted in appeals lodged directly with the tribunal having the decision in their case reviewed more quickly than those who appealed to the visa section. We question whether this meets the UK Border Agency’s aims to prove services that are equally accessible to all as set out in its Customer Strategy”

The UK Border Agency considers that there was a misunderstanding. When notification of the appeal is received in Abu Dhabi, it is date stamped with the day of receipt and case working records are immediately updated. Applications are stored (and processed) according to the date that they are received. The only occasions that any appeal may be processed out of this sequence is upon receipt of additional representations, for example, from MPs. All staff in Abu Dhabi are aware of the published customer service standards that apply to all appeals.

8.20 states that “We consider the lack of post-specific induction training impacted negatively against quality of decision making, particularly for those staff in Abu Dhabi who, unlike staff in Islamabad, had no easy access to locally engaged staff”

From the outset it was acknowledged that access to local knowledge would present challenges. To mitigate this, the UK Border Agency:

- Exchanged a number of ECOs from Islamabad to Abu Dhabi. These ECOs worked exclusively on applications from Pakistan. Several other ECOs who were not eligible for exchange went to Abu Dhabi on short term postings to ensure the transfer of knowledge.
- Utilised the skills and experience of these staff familiar with living and working in Pakistan to draw together the induction pack and background information to support decision makers in Abu Dhabi
- Retained the majority of document verification in Pakistan to use the skills and experience of the locally engaged staff to advise which documents are likely to be forged.
- Utilised the abilities of RALON colleagues in both Abu Dhabi and Pakistan collaboratively to develop and communicate risk profiles and where possible conduct field visits and interviews.
- Encouraged ECOs to provide relief coverage in Pakistan when the operational need arose.
- Encouraged staff with experience of applications from Pakistan to assist in the development of risk profiles.
- Encourage all staff visiting from Pakistan to brief/provide an update to ECOs on the Pakistan workstreams. This has included the High Commissioner and Political Section as well as other UKBA colleagues.

Since the inspection visit the Pakistan country background brief has been reviewed and updated. RALON updates and risk trends are now available on a Post wide intranet to support decision making and a process of short term secondments to RALON to support compliance and risk initiatives is currently being developed.

Paragraphs 6.26- 6.30 give details on the handling of the funding element in two PBS Tier 4 applications where points were not awarded because Entry Clearance Officers cited that the company sponsoring the customer was not “internationally recognised”.

Abu Dhabi no longer decline to award points on this basis. Maintenance, including ways in which evidence of maintenance funds can be demonstrated, will be evaluated as part of a wider review of the student system. This will include consideration of the points of concern around official financial sponsorship, such as the definition of an “international company”.

All centrally issued guidance to staff is covered in the communications brief that is circulated to ECOs and ECMs on a weekly basis. This forms the basis for team briefings. In addition, ECOs receive PBS training as part of their induction programme. For Tier 4 student applications, this takes the form of classroom based training (2-3 hours) followed by a two day mentoring period. Refresher training is offered periodically for staff who have not worked on PBS applications for some time, or following major changes in the rules/guidance. There is a continuous PBS refresher training programme. All ECOs in the Gulf region took part in PBS refresher sessions organised as part of the dedicated training week run in January 2010 and in the run-up to the peak Tier 4 period.

Paragraph 6.44 gives details of seven cases where the decision was not accordance with the evidence provided. Three of these had also failed against the ICI’s criteria on ‘use of reasonable judgment’.

As the ICI notes, four of these cases were highlighted because the evidence taken in relation to the decision had not been retained on file. The UK Border Agency wishes to emphasise that this does not necessarily demonstrate that the decision to issue was incorrect. The UK Border Agency understands that in one of the three remaining cases, the ICI had concerns with the visa letter; specifically that it stated that one of the qualifications seen to assess the applicant's suitability for the programme of study was a higher secondary school certificate and that the highest qualification submitted with the application was only an intermediate secondary school certificate. Under the Pakistan school system, the Higher Secondary School Certificate is also known as the Intermediate Certificate so no further action has been taken with this case. In the two remaining cases, the applicant’s details have been placed on watch lists and the sponsoring institution contacted.

8.29 states “We remain concerned that the one IT tool all staff can access, whether in Abu Dhabi, Islamabad or the UK Visa Section, was not being completed properly, usually driven by a need to manage increasing queues of work (backlogs). However, while some staff in Islamabad thought that contingency plans had been put in place to mitigate against such actions, we found this was not always the case, as set out in our UK Visa Section inspection report. This demonstrated a lack of intelligence support for Entry Clearance Officers, coupled with staff uncertainly about the information the Decision Support Tool was supposed to provide” Whilst paragraph 8.30 states “We therefore believe the UK Border Agency needs to consider much more carefully the impacts across all three locations of decisions made to stop completing certain parts of the Decision Support Tool in Islamabad. This is particularly true in light of the absence of risk profiles that are regularly reviewed and updated”

The Decision Support Tool contains a risk profile 'tab' but it was not being used due to difficulties created by the IT infrastructure at the time. The report states that there was "a lack of intelligence support for entry clearance officers." However, risk profiles remained available in hard and electronic copy and were in use by ECOs during the period covered by the file sample.

8.31 We were told work had taken place to improve the IT systems which should improve the speed of the system. However, given previous experiences many staff lacked confidence that they would be sufficiently robust to cope with the demand that the visa section would be expected to handle in 2010, particularly during the summer peak.

There were no major IT outages during the 2010 summer peak. There has been a significant improvement in the regional IT systems since March 2010, and measures were taken to improve the speed of the Decision Support Tool by 50%.