



Home Office

The Home Office response to the Independent Chief Inspector of Borders and Immigration's report:

An inspection of Home Office (Borders, Immigration and Citizenship System) collaborative working with other government departments and agencies

February – October 2018

The Home Office thanks the Independent Chief Inspector of Borders and Immigration (ICIBI) for his report.

We are pleased the report notes and identifies a number of examples of good, productive partnership working between the Borders, Immigration and Citizenship System (BICS) and other government departments and agencies, in both individual operations and day to day activity. BICS' partnerships with other government departments and agencies, and other important stakeholders, are at the heart of how we work to successfully deliver our objectives.

We are grateful for the ICIBI's engagement with staff in the areas inspected, and for setting out the recommendations in his report. We welcome his proposals on how to improve BICS' partnership working, which align with our wider strategy to improve the overall effectiveness of the BICS.

It is worth noting first that BICS' partnership working falls broadly into three types:

- First, BICS engages in direct frontline joint working with other departments and agencies, often in the form of specific and sometimes very urgent operations, to better deliver public services. Much of Border Force's frontline work with HM Revenue and Customs (HMRC) falls into this category – Operation MANDERA, which was part of this inspection, is a good example of this;
- Second, BICS undertakes formalised partnership working with partners to deliver specific policies, operations and public services. This often involves data sharing (underpinned by formal agreements), governance processes, memoranda of understanding, and joint working to deliver legislation. This working often leads to ongoing 'business as usual' activity, rather than being time limited operations. Examples include partnership working with Cifas and the Driver and Vehicle Licensing Agency to prevent illegal migrants opening bank accounts or being issued with driving licences respectively, with HMRC and the Department for Work and Pensions on the EU Settlement Scheme, and with various departments to check an individual's status; and
- Third, BICS officials will 'collaborate' with their external counterparts every single day (just like Civil Servants across all of government), at all grades and across all areas of BICS business. This type of partnership working is the most widespread of the three, and also the most informal. Crucial to this working are flexibility, nimbleness and informality.

It is important to consider this report in this context. While we acknowledge that elements of BICS' partnership working would benefit from the stronger framework and central controls recommended by the ICIBI, we need to bear in mind that this approach would not be appropriate or effective for large elements of BICS' work.

We acknowledge this inspection was particularly wide ranging and broad in scope, covering both external partnership working by three operational commands and the role of policy functions, across the whole of the BICS. However, we note that the report focuses on a very limited set of examples of partnership working and does not reference a number of areas that play a crucial role in BICS' everyday work.

As such, we believe that, while the report is a useful inspection of eleven specific operations involving relationships with other government departments, it should not be viewed as a complete assessment of the full range of partnership working across the BICS.

We would also like to mention two specific parts of the report with which we have concerns. The first is around the data sharing memorandum of understanding (MoU) with NHS Digital and the Department of Health and Social Care (DHSC) (paragraphs 3.22 and 5.32-5.36). It is worth noting the inspectors did not discuss the MoU with officials in the Home Office, DHSC or NHS Digital, and the report does not include important context around the narrowing of its scope. The decision to narrow the MoU stemmed directly from discussions the government had been undertaking with the Health and Social Care Select Committee about the parameters for sharing data held by the NHS and was unrelated to the Windrush issue. Paragraph 5.35 is incorrect in that the DCMS Minister made a policy statement on the future scope of the MoU, rather than tabling a clause or amendment to the Data Protection Bill.

The second concern relates to general references to the Home Office's handling of personal data (e.g. paragraph 3.25). The inspectors did not discuss this issue with relevant officials in this area, like the Home Office Data Protection Officer or BICS local data protection practitioners, and on reflection we believe that engagement with these officials is necessary before drawing any clear conclusions relating to data protection.

For future inspections of partnership working, or any re-inspection of these particular areas, we would welcome the opportunity to talk to the inspectors in more detail about particular issues of interest, and also to assist them in scoping their future work in this area.

The Home Office partially accepts the ICIBI's first and second recommendations and does not accept the third.

Recommendation 1

Maintain a list of 'business as usual' collaborations between Borders, Immigration and Citizenship System (BICS) directorates and business areas and other government departments and agencies, with a brief description of their purpose and contact details for the BICS "owner" and publish this on the Home Office intranet as an aid to other potential users.

1. Partially accepted

- 1.1 We acknowledge that a central record of BICS' partnership working could be a useful tool for teams embarking on new work. It could also help to build a more strategic approach to partnership working and improve BICS' corporate memory in this area. However, in line with our explanation at the start of this response, this could only cover BICS' key, formalised, strategic working, rather than all day to day informal collaboration.
- 1.2 We will develop a high-level list of BICS' key strategic partnership working, including identifying a single point of contact for enquiries, and publish it on the Home Office intranet by the end of April 2019.¹ The list will be reviewed every twelve months.
- 1.3 Alongside this, we will consider publishing on the Home Office intranet a list of BICS' key formal data sharing agreements with other government departments and agencies, given the importance of data sharing to much of BICS' partnership activity.

Recommendation 2

Develop a standard methodology for managing 'business as usual' collaborations and specific Operations and Projects involving Borders, Immigration and Citizenship System (BICS) directorates and business areas and other government departments and agencies that includes, as a minimum:

- a. a signed Memorandum of Understanding (MoU), or similar, that covers all aspects of the collaboration, including its legal basis, and sets out what both (all) parties are seeking to achieve from it**
- b. how the parties intend to work with one another, including the scope (and limitations) of any data-sharing, how data accuracy will be assured, process maps, Standard Operating Procedures (SOPs), staff guidance**
- c. nominated senior owners for both (all) parties, responsible for identifying and resolving any issues and managing risks, including to the resourcing of the work required to maintain the collaboration**
- d. a communication strategy, at management and at working level, including feedback mechanisms, meetings/dial-ins, intranet updates**
- e. performance measures, supported by the routine collection of data and evidence – the measures need to be capable of demonstrating not only that the collaboration is meeting its objectives, but that where data is being shared this is proportionate and necessary**
- f. regular joint reviews, with agreed improvement plans.**

¹ Some BICS partnership working will not be able to be published on the intranet for security and sensitivity reasons, but we will make this clear on the intranet page.

2 Partially accepted

- 2.1 We acknowledge the report's finding that consistent best practice for business as usual partnership working would help improve BICS' effectiveness. We are continually looking to identify, share and implement good practice, both formally through evaluation and post-implementation reviews, and more informally through staff collaboration and knowledge sharing.
- 2.2 We agree that the areas set out within the recommendation are a useful framework for large scale, long term partnerships. For major programmes like the EU Settlement Scheme, many of these elements are already in place, for example strong formal governance structures. We use established project and programme management techniques, such as risk management and the collection and appropriate use of performance data, to deliver them.
- 2.3 However, in line with our explanation of different types of partnership working at the start of this response, we believe that mandating a 'standard methodology' as set out in the report would be too prescriptive an approach for the way BICS delivers its partnership working at both an operational level and at an informal, day to day collaboration level. Individual business areas are (rightly) empowered to design their own partnership working arrangements in the most suitable and efficient way for their work. This is the most appropriate way of ensuring we deliver against our objectives in an operationally viable and financially effective manner.
- 2.4 The standard methodology set out would not, for example, be appropriate for a short term or short notice operation on the ground. This would need a lighter touch and more agile approach to reduce unnecessary burdens on frontline staff and avoid stifling local innovation (which is praised in the report). Even for larger scale partnership working, the methodology would not be appropriate for all examples of BICS' work. It could also inhibit data sharing on a case by case basis when requested by a partner organisation to assist in fulfilling their statutory duties, which sometimes needs to take place at very short notice (e.g. in response to a court order).
- 2.5 Despite this, though, we acknowledge that elements of BICS partnership working would benefit from access to the sorts of tools and approaches set out in the methodology. Therefore, we will produce a guidance toolkit covering the six elements set out, bringing together advice on best practice, examples of where this has worked well in previous joint working, and information on further sources of expertise within the Home Office (for example within the policy, project and programme management and operational delivery professions within the Department). The toolkit and associated resources will be placed on the Home Office intranet by the end of April 2019, in the same area as the list of strategic partnership working referenced in recommendation 1.
- 2.6 While the use of the toolkit will be voluntary, we will ensure it is widely communicated to BICS staff, and business areas will be required to consider it as they plan new partnership working.

Recommendation 3

Appoint a Senior Responsible Officer (SRO) to oversee all collaborations between Borders, Immigration and Citizenship System (BICS) directorates and business areas and other government departments and agencies (OGDs), and a brief to develop a strategy to improve the efficiency and effectiveness of BICS across all its functions (not just those linked to the compliant environment agenda) and to support OGDs to do the same.

3 Not accepted

3.1 We agree that the BICS needs a strong and clear strategy across all its individual elements to operate as an effective and coherent system; however, we do not think a single senior responsible owner for partnership working is the best way to do this. We are concerned that this would blur lines of accountability, reduce the onus on lead business areas to take full responsibility for their partnership working, and discourage innovation at a local level.

3.2 However, we feel that the spirit of the recommendation would be better delivered through existing and ongoing work to strengthen BICS as a system. This includes strengthening the capabilities of the central BICS strategy team, a renewed focus on embedding a single strategy across the BICS, and continually seeking out opportunities for individual business areas to work more closely together. Through this approach, we will seek to drive benefits like a more strategic approach to managing our key relationships with other departments and agencies.

3.3 To help test whether this approach is working, we will also discuss BICS' strategic partnership working at a future meeting of the BICS Board.