



Home Office

**UK Border Agency**

Title	<u>Instructions on drafting replies to MPs' Correspondence</u>		
Process	Drafting of letters to enquiries from MPs' and their offices		
Implementation Date	26 November 2008	Expiry/Review Date	30 November 2009

**CONTAINS MANDATORY INSTRUCTIONS**

***For Action***

***Author***

All Ministerial drafting units within the UK  
Border Agency

***For Information***

***Owner***

To all units in the UK Border Agency  
handling correspondence. Jill Beckingham

***Contact Point***

***Processes Affected***

All processes relating to answering correspondence from Members of Parliament

***Assumptions***

Drafters have sufficient knowledge of their subject to accurately answer the questions raised by a Member of Parliament.

**NOTES**

Issued 26 November  
2008

Version 3.1

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## CHAPTER 1 – GENERAL ADVICE

### Basics of Writing a Letter

1.1 The letters that we send to MPs are signed off either by the Minister, Chief Executive or by a senior UK Border Agency official. In most cases the letters are forwarded by the MP to their constituent. It is therefore important to keep in mind that the final recipient may not have English as their first language.

- The letter must be easily understood, factual, clear and concise.
- It must briefly outline the facts of the case and illustrate that the rules have been applied appropriately and fairly.
- The letter must contain information that is factually correct, unambiguous, unsentimental and impartial.
- The overall tone of the letter can also influence how the reader will react to the words that are used so care must be taken.
- Ask yourself if you would be happy to receive this letter.
- Be polite and helpful.
- Explain any abbreviations, acronyms and technical terms used. Avoid jargon.
- Tell rather than communicate.
- Keep letters as short and to the point as possible.

### Letter Structure

1.2 The structure should be consistent for both Ministerial and Official Replies. The current requirement is that all letters should:

- Be single spaced.
- Use the Arial typeface.
- Use font size 12.

Justification of letters should be:

Meg Hillier	Left justified only
Home Secretary	Left justified only
Phil Woolas	Left and right justified
Lin Homer	Left and right justified
Official Replies	Left and right justified

### Addressing the Letter

1.3 When addressing the letter:

- Ensure that the MP's name is spelt correctly.
- Do not use the title, **Mrs**, **Ms** or **Mr** (e.g. Glenda Jackson MP).
- Do include **Rt Hon** or **QC** etc. Look at the MP's letter.
- When addressing Right Honourable MPs it should read **The Rt Hon *name* MP** not as **Rt Hon *name* MP**

- Do not use Esq.
- Ensure the address is correct – not all MPs use the House of Commons address. If the MP's letter asks for replies to be addressed to the constituency office you should do so.
- **Our Ref** should be the HO, Asylum Support, Employment Routes, Visa Reference or Port Reference number, not the CTS number. When using the HO reference do not use the sub number (e.g. A123456/2 should be kept to A123456)
- **CTS Ref** should be included on all letters
- **Your Ref** – you should always use the MP's reference when given.
- Do not put the applicant's name and details in bold above the opening paragraph.

### **Opening Paragraph**

1.4 The opening paragraph is a set format that should be used for every letter. The format to be used is:

Thank you for your letter of **(date of MP's letter)** on behalf of **(name of constituent)** of **(address of constituent)** about/regarding **(use whichever sounds best in context of the letter and state enquiry or what they have asked for)**. I apologise for the delay in responding to you. **(if the reply is overdue by more than 3 weeks)**.

If a Minister or Chief Executive is replying on another Ministers behalf the opening paragraph should reflect who the letter was originally sent to. The format is:

Thank you for your letter of **(date of MP's letter)** to **(Name of Minister the MP wrote the letter to (If written to the Home Secretary use her title not her name) ... followed by the rest of the sentence as above)**. Your letter has been passed to me to reply. **(Add apology for delaying as above if appropriate.)**

N.B - This is not the case when an MP has written directly to the UK Border Agency. In these cases we do not refer to who the MP wrote to or that someone else is replying.

Do not use the nationality of the person. Where the name supplied by the MP varies from that held on file include both versions.

### **Middle Paragraphs**

1.5 When drafting replies :

- Ensure that the constituent's name is spelt correctly throughout the letter and that their title (i.e. Mr, Miss, Ms etc) are consistent through the letter.
- All dates should be written in full (i.e. 2 March not 02/03/2005). Do not include the year unless you are referring to a date in the previous calendar year.
- Do not refer to different units within the UK Border Agency unless it is absolutely necessary.

- Any abbreviations should be fully explained on the first use. Only use the abbreviations if they are to be used again in the letter.
- *UK* does not need to be explained and should be used throughout the letter rather than *United Kingdom*.
- The UK Border Agency should never be abbreviated to UKBA except for website and e-mail addresses.
- Avoid terms like ‘You will be sorry to hear...’ We should not apologise for making a decision to refuse.
- We should apologise for delays – but we should not include ‘and for any distress and inconvenience that this may have caused’.
- Do not say ‘I am pleased to tell you that’ when the original MP’s letter was very neutral in tone or simply covering one from the constituent.
- Use of capital letters must be accurate, such as:
  - independent Adjudicator
  - British citizen
- Foreign words and phrases should not be used.
- Frequently used paragraphs or letters should be pre-approved by the relevant UK Border Agency Director or Minister. It is the responsibility of the Chief Caseworker covering the area to do this.
- We should not get the MP to do any work for us. For example, if further information is required then we should write direct to the applicant and say in the letter to the MP that we have done so.
- We should be aware of dates in the drafts that are close to expiry. For example, a letter drafted on 1 March that refers to an appeal hearing on 3 March – the letter will probably not be signed off until after the appeal hearing has taken place.
- Don’t involve the MP in explanations about who does what within the UK Border Agency. As far as the MP is concerned the UK Border Agency is a single organisation and he or she will not be impressed by being told that a case is with “Team X” or has been delayed by “Unit Y”.

### **Sign-off**

1.6 Not every Minister or Director likes their name formatted in the same way, nor do they always use yours sincerely before signing their name. Check the templates for [Phil Woolas](#), [Meg Hillier](#), [Jacqui Smith](#) and [Lin Homer](#) on how they should look.

1.7 The Minister or Director’s name and signature should not be on a separate page from the body of the letter. Where it does extend onto a new page the last paragraph of the letter should be moved onto the last page as well.

### **Enclosures**

1.8 If there are enclosures to be sent out ‘ENC’ should be put at the bottom of the letter to indicate that enclosures are to be sent out with the letter. You should also list the enclosures to be sent.

## **Background Notes**

1.9 Even in the most straightforward cases (for example, if an MP is simply asking for an update) the draft should be accompanied by an appropriately worded minute (or covering submission) which provides the person signing with sufficient information in order that they may properly consider the draft response. This may include:

- background on the case especially a complex one;
- any sensitive aspects which cannot be included in the draft reply;
- if the reply has been delayed the reasons why this has occurred; or
- if an application or documents have been lost what efforts have been made to retrieve it.

1.10 In all cases the drafting officer (or the person who has “signed off” the reply) should include details of their name, location and telephone number. It is important that this information is included in all cases, so if necessary the person signing can get in touch to discuss aspects of the case or changes to the draft reply.

## **Parliamentary Conventions**

1.11 While Ministers expect MPs to respect the convention that they should not take up cases involving other MPs’ constituents there is no legal bar on them doing so. If the MP is writing on behalf of the applicant they are considered as an authorised representative and a full substantive reply should be given.

## **More than one MP has written about the same person**

1.12 Where more than one MP has written about the same person a substantive reply should be sent to one of them and a copy of that reply, with a short covering note, to the others. The constituency MP, where involved, should receive the substantive reply. Some Ministers prefer to send substantive replies to each MP. In cases of doubt please contact the MPCS enquiry line for guidance.

## **Interim replies**

1.13 Interim replies should only be used in the most exceptional circumstances and the advice of MPCS should be sought in every case where this is proposed.

## **Requests from MPs for meetings**

1.14 An MP may request a meeting with an official to discuss an individual case. Phil Woolas and Meg Hillier would not meet with MPs on casework issues. The following lines should be used where an MP asks to meet regarding an individual case:

*“Regarding your request to meet, I am always happy to meet with Members of Parliament to discuss individual cases. I find it is most practical to do this on an informal basis in the lobby”.*

Phil Woolas and Meg Hillier might agree to a meeting on policy issues. In this instance the drafting unit will need to refer to the relevant private office.

## CHAPTER 2 - ADVICE ON MINISTERIAL CORRESPONDENCE

### **Signing of Ministerial Letters**

2.1 Under Cabinet Office guidelines where an MP has written about the day to day operations of an Executive Agency the Minister can authorise the appropriate Chief Executive to reply.

2.2 As such the majority of letters written to Ministers by MPs are now being replied to by the Chief Executive of the UK Border Agency or her deputy.

2.3 Ministers will continue to sign letters relating to some government policy, sensitive cases, requests for meetings as well as all correspondence from Cabinet Ministers and Privy Counsellors. They also sign a representative sample of letters from all drafting units.

2.4 The Home Secretary will only reply to letters written directly to her from the MPs in [Annex 2.D](#). However, if an MP on this list has written directly to a junior Minister rather than the Home Secretary then the reply should come from the junior Minister.

### **Drafting for Ministers**

2.5 When drafting for a Minister:

- The response should be drafted from the Minister's perspective not from the unit that has responsibility for drafting the letter. In other words, if the reply deals with issues on multiple issues the unit leading on the case has responsibility to obtain contributions from other parts of the UK Border Agency so that the response is a consolidated one. The Minister has responsibility for the whole of the UK Border Agency and the MP will expect an appropriate response in these circumstances.
- The reply must be written in a way which indicates that the Minister has personally considered the case and, if the application is to be refused, indicate that there are no compelling or compassionate reasons why the original decision should be changed;
- refer to the UK Border Agency at all time. This should never be abbreviated except in e-mail addresses.
- refer to *the* UK Border Agency rather than just UK Border Agency and also bear in mind that it is a single entity so references to it should be "*the UK Border Agency has*" rather than "*the UK Border Agency have*";
- When drafting for the Chief Executive the UK Border Agency should be referred to as 'we' and 'our' and not as the UK Border Agency. (i.e. 'We are investigating your complaint' or 'You can contact us on'.)

2.6 Drafts should be QAed and cleared at a minimum of SEO level (it is recommended that all drafts are cleared by a G7 or above) before they are submitted to Private Office for signing.



## **Annex 2.A – Phil Woolas Template**

***(10 line spaces between top of set margin and first line of addressee)***

John Smith MP  
House of Commons  
London  
SW1A OAA

Our Ref: ***[When necessary – delete if not]***

CTS Ref:

Your Ref: ***[When quoted – delete if no reference on MP’s letter]***

***(7 line spaces in here, no “Dear”)***

Thank you for your letter of 15 July on behalf of Mr Joe Bloggs of 7 Pea Avenue, Cabbage Village AZ1 2BY about his immigration status.

***[When discussing the background use the line “I thought it might be useful to set out my understanding of the background to this case.”]***

***[Do not include ‘Yours Sincerely’]***

***[8 spaces to sign]***

**PHIL WOOLAS MP**

## **Annex 2.B – Meg Hillier Template**

***[10 line spaces between top of set margin and first line of addressee]***

John Smith MP  
House of Commons  
London  
SW1A 0AA

Our Ref: ***[When necessary – delete if not]***

CTS Ref:

Your Ref: ***[When quoted – delete if no reference on MP’s letter]***

***[7 line spaces in here, no “Dear”]***

Thank you for your letter of 15 July to Phil Woolas on behalf of Mr Joe Bloggs of 7 Pea Avenue, Cabbage Village, PE1 5LT, who has appealed against the decision to refuse him asylum in the United Kingdom. I have been asked to reply

***[Do not include ‘Yours Sincerely’]***

***[8 spaces to sign]***

**MEG HILLIER**

## **Annex 2.C – Jacqui Smith Template**

***[10 line spaces between top of set margin and first line of addressee]***

John Smith MP  
House of Commons  
London  
SW1A 0AA

Our Ref: ***[When necessary – delete if not]***

CTS Ref:

Your Ref: ***[When quoted – delete if no reference on MP’s letter]***

***[7 line spaces in here, no “Dear”]***

Thank you for your letter of 15 July on behalf of Mr Joe Bloggs of 7 Pea Avenue, Cabbage Village, PE1 5LT, who has appealed against the decision to refuse him asylum in the United Kingdom.

***[Do not include ‘Yours Sincerely’]***

***[8 spaces to sign]***

**Jacqui Smith**

## Annex 2.D – Chief Executive Template



MPs' Liaison Unit  
PO Box 1586  
Croydon  
Surrey  
CR9 2XZ

[www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk)

Jim Cousins MP  
42, 7-15 Pink Lane  
Newcastle upon Tyne  
NE1 5DW

Our Ref: *[Delete if appropriate]*  
CTS Ref: *[Always include this]*  
Your Ref: *[Delete if appropriate]*

*(Month and Year that  
letter will be dispatched.  
The CEO's office will  
manually enter the day it  
was sent so leave space  
at the start for them to do  
so. For example:  
July 2009 )*

Dear Mr Cousins *[Must Include MP's name here]*

Thank you for your letter of *[Date of Letter]* to *[Name of Minister]* about *[Name of Constituent]* of *[Constituent's Address]* regarding *[concerns of constituent]*. Your letter has been passed to me to reply.

*[In the body of the letter do not use:  
'However...' or 'I can assure you that..']*

Yours sincerely *[Must always include this]*

Lin Homer  
Chief Executive

Enc: *[Include this and list all enclosures if any are to go out with the letter]*

## ANNEX 2.E – Home Secretary Stop List.

### Cabinet Members

<b>Cabinet</b>	<b>Name</b>
<b>Prime Minister</b>	Rt Hon Gordon Brown MP
<b>Chancellor</b>	Rt Hon Alistair Darling MP
<b>Foreign &amp; Commonwealth</b>	Rt Hon David Miliband MP
<b>Environment &amp; Rural Affairs</b>	Rt Hon Hilary Benn MP
<b>Energy &amp; Climate Change</b>	Rt Hon Ed Milliband MP
<b>Transport</b>	Rt Hon Geoffrey Hoon MP
<b>Defence</b>	Rt Hon John Hutton MP
<b>Leader of HoC, Lord Privy Seal</b>	Rt Hon Harriet Harman MP
<b>Health</b>	Rt Hon Alan Johnson MP
<b>Culture, Media &amp; Sport</b>	Rt Hon Andy Burnham MP
<b>Chief Whip &amp; Parliamentary Sec.</b>	Rt Hon Geoff Hoon MP
<b>Northern Ireland</b>	Rt Hon Shaun Woodward MP
<b>Wales</b>	Rt Hon Paul Murphy MP
<b>Scotland</b>	Rt Hon Jim Murphy MP
<b>Lord President of the Council &amp; Leader of the HoL</b>	Baroness Royall of Blaisdon
<b>Ministry of Justice and Lord Chancellor</b>	Rt Hon Jack Straw MP
<b>International Development</b>	Rt Hon Douglas Alexander MP
<b>Business, Enterprise and Regulatory Reform</b>	Rt Hon Lord Mandelson
<b>Children, Schools and Families</b>	Rt Hon Ed Balls MP
<b>Work and Pensions</b>	Rt Hon James Purnell MP
<b>Innovation, Universities and Skills</b>	Rt Hon John Denham MP
<b>Chief Secretary to the Treasury</b>	Rt Hon Yvette Cooper MP
<b>MoS for Local Government &amp; Communities</b>	Rt Hon Hazel Blears MP
<b>Chancellor of the Duchy of Lancaster &amp; Minister for the Cabinet Office</b>	Rt Hon Liam Byrne MP
<b>Attorney General</b>	Rt Hon Baroness Scotland QC PC
<b>Communities and Local Government</b>	Rt Hon Hazel Blears MP
<b>Minister for the Olympics and London</b>	Rt Hon Tessa Jowell MP
<b>Minister for Housing</b>	Rt Hon Margaret Beckett MP
<b>Minister for Africa, Asia and the UN</b>	Sir Mark Malloch Brown KCMG
<b>Parliamentary Private Secretaries to the PM</b>	John Trickett & Angela E Smith MPs
<b>Chief Whip</b>	Nick Brown MP
<b>Lord Chief Whip</b>	Lord Bassam of Brighton

## Opposition Members

<b>Position</b>	<b>Opposition</b>	<b>Liberal Democrats</b>
<b>Leader</b>	Rt Hon David Cameron MP	Rt Hon Nick Clegg MP
<b>Shadow Home Sec</b>	Rt Hon Dominic Grieve MP	Chris Huhne
<b>Shadow AG</b>	-	David Howarth
<b>Lords Home Affairs</b>	Viscount Bridgeman	Baroness Miller of Chilthorne Domer
<b>Lords AG Spokesman</b>	-	Lord Thomas of Gresford QC
<b>Former Leader/PM/HS</b>	Rt Hon Sir John Major (PM)	Rt Hon Menzies Campbell MP
	Baroness Thatcher (PM)	Rt Hon Charles Kennedy MP
	Rt Hon Michael Howard MP (HS)	Lord Ashdown PC
	Rt Hon. Kenneth Clarke MP (HS)	Lord Owen PC (Liberal)
	Lord Baker PC (HS)	Lord Steel PC (SDP)
	Lord Waddington PC (HS)	
	Lord Hurd PC (HS)	
	Lord Brittan PC (HS)	

## Others

<b>Leader Plaid Cymru</b>	Elfyn Llwyd MP (lead at Westminster)
<b>Democratic Unionists</b>	Rt Hon Peter Robinson MP
<b>SDLP</b>	Mark Durkan MP MLA
<b>Ulster Unionists</b>	Sir Reg Empey MLA  Lady Sylvia Hermon MP (only Westminster MP)
<b>Speaker</b>	Rt Hon Michael Martin MP
<b>Chair HASC</b>	Rt Hon Keith Vaz MP
<b>Chair ISC</b>	Rt Hon Paul Murphy MP
	Rt Hon Gerald Kaufman MP
	Lord Kinnock PC
<b>Scotland – First Minister</b>	Alex Salmond MP
<b>Wales – First Minister</b>	Rt Hon Rhodri Morgan AM

**Former Cabinet Ministers (Commons and Lords) and their most recent post since 1997 (not exhaustive)**

<b>Name</b>	<b>Post</b>
<b>Rt Hon David Blunkett MP</b>	SoS Work& Pensions
<b>Rt Hon Ruth Kelly MP</b>	Transport
<b>Rt Hon Des Brown</b>	Defence and SoS for Scotland
<b>Rt Hon Helen Lidel</b>	SoS Scotland
<b>Lord Irvine PC</b>	Lord Chancellor
<b>Baroness Jay PC</b>	Leader HoL
<b>Rt Hon Charles Clarke</b>	Home Secretary
<b>Rt Hon Alan Milburn MP</b>	Chancellor, Duchy of Lancaster
<b>Rt Hon John Reid MP</b>	Home Secretary
<b>Rt Hon Andrew Smith MP</b>	SoS Work & Pensions
<b>Baroness Taylor of Bolton PC</b>	Chief Whip (chaired ISC)
<b>Rt Hon Alun Michael MP</b>	SoS Wales
<b>Lord Robertson PC GCMG</b>	SoS Defence
<b>Lord Smith of Finsbury PC</b>	SoS Culture, Media & Sport
<b>Rt Hon Stephen Byers MP</b>	SoS Transport, Local Gov & Regions
<b>Rt Hon Paul Boateng</b>	Chief Secretary to the Treasury
<b>Lord Cunningham PC</b>	Chancellor, Duchy of Lancaster



## **CHAPTER 3 - ADVICE ON OFFICIAL REPLIES**

### **Use of Official Reply Template**

- 3.1 [Annex 3.A](#) is the template that all Official Replies should be drafted on.
- 3.2 Each drafting unit should use their own Director's name and title as the signatory at the bottom of the letter.
- 3.3 Directors should not use their own postal addresses. They must use the MPs' Liaison Unit postbox address on the template.

### **Drafting Official Replies**

- 3.4 When referring to the UK Border Agency you should use 'we' and 'our' and not as the UK Border Agency. (i.e. 'We are investigating your complaint' or 'You can contact us on'.)
- 3.5 When referring to policies it is 'the Government's policy' not 'our policy'.

### **Signing Official Replies**

- 3.6 It is the responsibility of each area's Director to identify the appropriate grade that can sign replies to MPs. While this is likely to be dependent on volumes within areas it is recommended that they should not be signed off lower than SEO level.
- 3.7 Replies from Ministers and the Chief Executive go out on cream paper and in cream envelopes. The Agency has decided that to reduce costs replies to MPs can go out on normal white paper and envelopes.
- 3.8 Where the MP writes in about a case-working issue it's the drafting unit's responsibility to ensure a signed copy of the letter is put on the casework file.

## Annex 3.A – Official Reply Template



MPs' Liaison Unit  
PO Box 1586  
Croydon  
Surrey  
CR9 2XZ

[www.ukba.homeoffice.gov.uk](http://www.ukba.homeoffice.gov.uk)

**[Name of MP]** MP  
House of Commons  
London  
SW1A 0AA

Our Ref: **[HO Reference –  
Delete if not applicable]**  
CTS Ref:  
Your Ref: **[Delete if not  
applicable]**

Dear **[MP Name]**

Thank you for your email of **[Date of MP's letter]** about **[Name of constituent]** of **[Constituent's address]** regarding **[reason for writing]**.

Yours sincerely

**[Director Name]**  
**[Title, Directorate]**

## CHAPTER 4 – THIRD PARTY REPLIES

### What is a third party?

4.1 Third party replies are used where it would be inappropriate to disclose case information to a correspondent. Third party replies would be appropriate in the following cases:

- Person who wrote to the MP is not the applicant or an authorised representative of them. (See [Annex 4.A](#) for standard reply.)
- The person used to be a sponsor to the application but that relationship has now ceased, e.g. Estranged partner.
- The person has been a victim of a foreign national offender.

4.2 Full guidance on how to respond to third parties who were previously sponsors of an applicant or a victim of a foreign national offender can be found in [IDI Chapter 24, Section 4](#) on disclosure of information to third parties.

### MPs acting on behalf of a relative of an applicant

4.3 MPs will occasionally write to the UK Border Agency on behalf of a family member of a UK Border Agency applicant e.g. the brother or sister of the applicant. This may occur where the applicant is unable to approach the MP directly for example if they are in detention. In such cases where:

- a) The applicant is a minor and the relative is legally responsible for them; or
- b) The relative is the appointee for the applicant (and has provided evidence to that effect); or
- c) The applicant has provided written consent to the UK Border Agency to disclose information to the relative;

the request should be handled as a subject access request made by the applicant. In the case of either (a) or (b) above there should be written evidence on the file to support the fact. There may be cases where points (a)-(c) do not apply and the relative has asked for **limited** information about an applicant e.g.:

- a case progress update;
- for confirmation of receipt of a document; or
- whether the applicant can have a decision reconsidered.

4.4 Where the relative clearly supports the applicant's case, there is evidence (either from the correspondence or in UK Border Agency records) which confirms the familial relationship between the 'relative' and applicant, there is a legitimate reason why the relative and not the applicant has written in, and there is no information in our records relating to the case which would indicate that disclosure of the information would have an adverse effect on the applicant e.g. evidence of a forced marriage, staff may disclose the information requested. However if there is any doubt about the disclosure staff should contact the Information Access Policy Team for assistance.

4.5 Where the relative asks for more detailed information (e.g. the decision made in a case or reasons for a refusal) or sensitive personal information (e.g. information about an applicant's political opinions, criminality etc.) about a case, staff are unsure of the relative's relationship to the applicant, there is no apparent reason why the applicant could not have written themselves, or there is evidence on file which suggests information should not be disclosed e.g. it's a forced marriage case, staff should refuse to provide the information requested. Staff should reply to the MP stating that no information can be provided but that the (requested) information has been provided to the applicant directly. **Likewise if an MP requests the address of the applicant that information must not be disclosed** and staff should inform the MP that we have written to the applicant giving details of the MP's interest for the applicant to contact the MP if he/she wishes to do so.

#### **"In confidence" replies**

4.6 If it is proposed to provide an MP with information which would not be appropriate for him to pass on to his constituent an "in confidence" reply should be prepared. This should always be accompanied by a separate reply, to be sent under cover of the "in confidence" letter, which the MP **can** forward to his constituent. It should be borne in mind that an "in confidence" reply may put an MP in a difficult position by requiring him to withhold from a constituent information the constituent would wish to know. Therefore such replies should be used very sparingly and **only** where it is essential both for the information to be passed to the MP and for it not to be disclosed to the constituent.

4.7 "In Confidence" reply should be clearly marked so that the MP is aware the information is not for disclosure to their constituent. See [Annex 4.B](#) for suggested template.

#### **Support Letters**

4.8 Where an MP is writing in on behalf of someone other than the applicant and they are solely expressing their support for a particular outcome (not asking for information about a case) then it is inappropriate to issue the standard third party letter.

4.9 In these cases we should acknowledge the constituent's support for a particular outcome and tell the MP that their letter will be placed on the applicant's file to inform any future consideration of their case.

## **ANNEX 4.A - Person/body writing to MP is not authorised representative**

A N Other MP  
House of Commons  
London  
SW1A 0AA

Our Ref: ***(if applicable)***  
CTS Ref:  
Your Ref: ***(If applicable)***

Thank you for your letter and enclosures of [DATE] on behalf of [NAME OF CORRESPONDENT] of [ADDRESS OF CORRESPONDENT] about [UKBA APPLICANT] concerning his/her immigration matters.

I regret to inform you that any information contained in applications to the UK Border Agency is treated as being strictly confidential and is not normally disclosed to third parties. This is, of course, unless they are authorised representatives of the applicant. I hope that you will understand that this is not a question of secrecy for its own sake, but simply a matter of protecting the privacy of the individual.

Please be reassured that the information you have submitted will be placed on file and will be fully considered by the UK Border Agency and any further consequence to this case will be carefully investigated.

**PHIL WOOLAS MP**

## **ANNEX 4.B – “In Confidence” Template**

A N Other MP  
House of Commons  
London  
SW1A 0AA

Our Ref: *(if applicable)*  
CTS Ref:  
Your Ref: *(If applicable)*

### **IN CONFIDENCE**

Dear Mr Other

Thank you for your letter and enclosures of [DATE] on behalf of [NAME OF CORRESPONDENT] of [ADDRESS OF CORRESPONDENT] about [NAME OF PERSON THEY ARE ENQUIRING ABOUT] concerning his/her immigration matters.

Please note that this reply is provided to you in confidence and should not be disclosed to [NAME OF CORRESPONDENT] who is to be regarded as a third party to the case. I have enclosed a reply that you can send onto [NAME OF CORRESPONDENT].

[SUBSTANTIVE REPLY]

**PHIL WOOLAS MP**

## **CHAPTER 5 – MEMBERS OF THE DEVOLVED LEGISLATURES MEMBERS OF THE EUROPEAN PARLIAMENT AND PEERS**

### **Members of the Devolved Legislatures (MDLs)**

5.1 The devolved legislatures are the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly.

5.2 In accordance with Cabinet Office guidance, within the UK Border Agency a substantive reply will be provided to the initial enquiry from an MDL on any constituency case. The following form of words – drawn substantially from the guidance - should be included in the reply:

*“Matters of immigration and asylum remain the provenance of Westminster MPs’ and I would be grateful if, should your constituent require further assistance, you would direct them to their Westminster MP.”*

5.3 In the event of the MDL writing again to the UK Border Agency about the same individual case drafting officers should consider the content of the representations before deciding whether to reply substantively or not.

5.4 The general presumption would be that we would not reply substantively unless the MDL was providing further information which would assist with making a decision on the case. As it is difficult to provide an exhaustive list of when units should reply substantively to second or subsequent interventions by a MDL on the same case, further advice on these cases should be sought from the MPs’ Liaison Unit.

5.5 Please note that the limitation on normally providing a substantive reply only to the MDL’s initial letter does not extend to correspondence which is not about individual UK Border Agency cases (e.g. policy correspondence).

5.6 Ministers will respond to the following MDLs:

- a) Leaders of the devolved administrations (including the Deputy Leader of the Northern Ireland Assembly) and the Minister for Criminal Justice in the Scottish Parliament will receive replies from the Home Secretary; and
- b) Cabinet Members of the devolved Scottish, Welsh or Northern Ireland administrations.

5.7 Letters from any of the above written direct to the UK Border Agency should be treated in the same way as other Official Reply correspondence.

5.8 Constituency correspondence received from an MDL should not normally be copied to the constituent’s Westminster MP without the constituent’s agreement.

5.9 Where a constituent has written to both a Westminster MP and MDL and both letters have been forwarded to the UK Border Agency, a

substantive reply should be sent to the Westminster MP and a copy sent to the MDL.

5.10 If an MDL complains about our policy of only providing a substantive reply to the first letter the following wording has been cleared for use:

*'Regarding your desire to assist your constituents should they approach you about the reserved matter of immigration and asylum, our current policy is to provide a substantive reply to the first letter we receive about any case from a member of a devolved legislature but then to request, as I did in my previous letter, that further representations are made by the appropriate Westminster MP. I hope that you understand our desire to ensure that the lines of parliamentary scrutiny and accountability are clear.'*

### **Members of the European Parliament (MEPs)**

5.11 MPs represent constituencies, whilst MEPs are elected on a regional basis so their interests sometimes overlap. If, on behalf of a constituent, an MEP takes up a case with little or no EU content, the following rules apply:

- a) if there are both EU and domestic aspects, the reply may note the constituency interest of the Westminster MP;
- b) if there is no EU dimension you should urge the MEP to advise their constituent to refer the matter to his/her Westminster MP. You can depart from this rule if:
  - the case is urgent and referral would cause unacceptable delay;
  - it involves personal information which would not properly be revealed to others without the constituent or MEP's consent; or
  - the constituent clearly chooses not to approach his or her MP.

5.12 In no circumstances should correspondence on constituency cases be copied to an MP without the constituent's agreement.

### **Peers**

5.13 Members of the House of Lords should be sent substantive replies on individual cases only when the constituency MP has not already made representations. Where the constituency MP has made representations the Peer should be sent a copy of the reply provided to the constituency MP.



## CHAPTER 6 – INTERVENTIONS FROM MPs

### Overview of Interventions

6.1 Members of the House of Commons have a unique and long-established constitutional role in promoting the concerns and interests of their constituents. Ministers are committed to reflecting this by responding quickly, fully and helpfully to concerns raised by MPs. Doing so also makes good business sense for the UK Border Agency since it can save further work arising from follow-up enquiries; and the work done in responding to an intervention may put us in a position to reach an immediate decision.

6.2 The broad approach to responding to MP interventions should be based on a distinction of treatment between the two basic classes of intervention:

- an enquiry about the status of an application, seeking information about it or an update on progress, or
- a representation which engages with the details of a case, supplying new evidence or invoking compassionate factors, or expressing support for a particular outcome.

6.3 Our response to the first type of intervention (status enquiry) should be to advise the MP of the current position and supply any information which he or she seeks. Where possible we should indicate when a decision is likely to be made. The only exception to this approach is where such an intervention reveals that an application had been mishandled in some way – for example where it has been wrongly allocated, overlooked, a mistake has been made or it has been significantly delayed for no good reason. In such cases we should, in fairness to the applicant, attempt to reach an immediate decision.

6.4 Our response to the second type of intervention (substantial engagement) should be more substantive. It should address the specific concerns raised, assessing whether any new information supplied about the application or compassionate factors relating to it justify exceptional treatment or priority processing. Where it is judged that accelerated consideration is merited, a decision should be reached if possible, or any evidence lacking should be sought and a timescale for a decision should be given.

6.5 This approach is designed to take proper account of the weight of an MP's intervention and their level of engagement with a case. It is fair to all applicants because it prevents leapfrogging by those who persuade an MP simply to write on their behalf, unless there is real merit for priority treatment in the case they put forward.

6.6 Most interventions received in enabling units – for example policy, human resource or finance units – will not relate to individual applications. Such interventions will not therefore raise the same questions of equity of treatment or business impact as those relating to individual applications.

## **Recording of interventions**

6.7 In all cases where there is an intervention, staff must ensure they follow local recording and tracking procedures so that a clear audit trail is established. This should explain fully the nature of the intervention, and the reasons for any decisions or actions taken in direct response to the intervention.

## **Enforcement cases**

6.8 If an MP intervenes in a case no removal action will be taken until a reply has been sent. Where the MP's correspondence engages with the substance of the case, provides new information, or the case has been subject to mishandling/misallocation or unreasonable delay, a full response will be issued to the MP. If the above factors are met any barriers to removal, e.g. an outstanding application, should be disposed of wherever possible to enable enforcement action to proceed if the MP's representations are unsuccessful. When the above criteria are not met, the MP's representations will be responded to but the applicant's case will not receive full consideration unless it meets removability criteria.

## **Interventions by Ministers with a constituency interest**

6.9 Where a Home Office Minister wishes to raise a case acting as a constituency MP, he or she will normally write from the constituency office to the responsible Minister. Such an intervention should be dealt with like any other MP case. In no circumstances should the Minister raising the case take the decision on the case. A second Minister has been designated to deal with the constituency cases of the Minister, so, for example, Alan Campbell will deal with any immigration cases raised by Phil Woolas as a constituency MP. If a constituency case goes to a Minister's Private Office they will keep a record of when it arrived and what action was taken.

## **Other interventions by a Minister**

6.10 It is also perfectly proper for Ministers to look into cases which are drawn to their attention by MPs, representative groups or by individuals who write to them or approach them in their Ministerial capacity. Normally the right course will be to send the case to the relevant Minister to respond (for example Phil Woolas for immigration matters). In all such cases the Minister's Private Office should record when and where the case was raised and what action was taken.

6.11 Particular care needs to be taken over cases in which a Minister may have a personal interest or connection. If, exceptionally, a Minister wishes to raise questions about the handling of such a case they should write to the Minister responsible, as with constituency cases, but they should make clear their personal connection or interest. The responsible Minister should ensure that any inquiry is dealt with rigorously and without any special treatment.

## **Interventions on behalf of UK Border Agency Staff**

6.12 Care should be taken when responding to any MP who is writing in on behalf of an existing member of UK Border Agency staff. Representations will generally fall into one of two areas.

- The UK Border Agency staff member has asked the MP to intervene about an on-going dispute with the UK Border Agency; i.e grievance or pay dispute.
- The staff member is writing in about an ongoing case; i.e they are the sponsor of someone claiming Leave to Enter.

6.13 It is a long established rule that civil servants should not attempt to bring political or other outside influence to support your own personal claims as a civil servant. The MP should still receive a substantive reply to their constituent's question but it should also be flagged with the staff member's line manager to investigate if they have breached the Civil Service Code by engaging their MP.

6.14 No preferential treatment should be given to any case solely because a member of UK Border Agency staff is involved. Particular care needs to be taken if the staff member has access to the Correspondence Tracking System as they should not have advance knowledge of any answer that might be sent out to the MP. In these cases it would be normal practise for the case to be answered off of CTS. Further advice on these can be sought on a case by case basis from the MPs' Liaison Unit.

## CHAPTER 7 – OTHER CORRESPONDENCE ISSUES

### Correspondence during a General Election

7.1 Handling correspondence and telephone calls from “MPs” during the dissolution of Parliament over the May 2005 General Election caused some difficulties for the UK Border Agency because of our large volume of case-related interventions. This chapter outlines the approach which we took after considerable deliberation with the Cabinet Office, the Permanent Secretary and the UK Border Agency Board.

7.2 Before each General Election the Cabinet Office issues guidance on the implications of the electoral process for Government departments and civil servants. The guidance includes advice on replying to constituency enquiries and changed little between 2001 and 2005 (or indeed between 1997 and 2001).

7.3 The principle underpinning this guidance is that once Parliament is dissolved a MP’s constitutional right to represent his or her constituents’ grievances to Government disappears. All candidates for an Election – whether or not they were MPs in the dissolved Parliament – are strictly speaking on an equal footing. The Cabinet Office guidance makes clear, however, that this doctrine should be applied in a reasonable way.

7.4 The pragmatic approach adopted by the UK Border Agency (with the consent of Ministers and the Cabinet Office) during the 2005 Election period was as follows :

- letters written on constituency cases by MPs before the date of dissolution (whether to Ministers or direct to the UK Border Agency) were answered in the normal way, except that some Ministerial letters were converted to Official Replies once Ministers began to concentrate on the election campaign. (NB it is important to omit “MP” after the addressee’s name once Parliament is dissolved).
- letters written after the dissolution but responding to requests for Further Particulars made before the dissolution were also answered in the normal way
- other letters written after dissolution by prospective Parliamentary candidates – including those who had been MPs pre-dissolution – were treated as third party interventions and answered with a polite reply explaining why we were unable to send a substantive response. An exception was made, however, for letters from former MPs about cases on which they had already made representations previously. If they were already familiar with a case it would have been unreasonable to refuse to engage with them further about it until after the Election (and then only if they were re-elected)
- where the third party reply related to a case in respect of which removal action was imminent a sentence was added to confirm

that the case had been reviewed in the light of the candidate's intervention to see whether there were grounds for deferring removal

- Parliamentary candidates who had been sent third party replies during the Election period and who were subsequently elected as MPs were sent follow-up substantive replies without needing to write to us again after the Election
- letters sent by successful candidates which were dated after the date of the Election were treated in the normal way
- where letters were still outstanding from former MPs who had stood down or were not re-elected replies were copied to the new MP unless it was clear from the correspondence (and this was specified in the Cabinet Office guidance) that this would have been unwelcome to the constituent

### **Death of MPs in office**

7.5 Where an MP dies in office the MPs' Liaison Unit will inform the drafting units. In such instances :

- Locate all the letters in your unit relating to that MP.
- A prompt reply to the letter is advisable in the interim period before a by-election takes place.
- Letters should be addressed to 'The Office of the late XXXXX' and started with ' Dear secretary'.

OR

- During the period until a by-election takes place, constituency offices may introduce individual interim arrangements, such as constituency office staff write in or get a neighbouring MP to take on the casework. In these cases it is essential that a 'third party' letter is not sent to the person who has taken on this work.

Once the by-election has taken place and a successor has taken office, then procedures for correspondence will resume as normal.

For instance, where a letter for an absent MP is replied to after the by-election, the letter should be sent to the constituency address:-

Start the letter: 'Dear Sir'

The opening paragraph of the letter should begin with:

'Mr/Ms XXXXXX previously wrote on *date of late MP's letter* about.....'.

The rest of the letter will be as normal.

## **Freedom of Information (FOI) Requests**

7.6 If an MP writes in making a FOI request then you must immediately contact the Information Access Team so that the request is properly recorded.

7.7 All FOI requests have to be cleared by the FOI team, and potentially Ministers, before they are sent out so no unit should be responding before clearance is given.

7.8 FOI requests are not answered on CTS. If the MP has made an FOI request then it should be cancelled on CTS and answered separately.

7.9 If a letter contains non-FOI aspects as well as an FOI request we should respond to the non-FOI part of the MP's letter as normal and in our reply state that the FOI request will be answered separately.

## **CHAPTER 8 – QUALITY ASSURANCE**

All drafts completed by the drafter should be 100% quality assured by the team leader on the team. The leader ensures that the response is accurate, whilst making sure it is in the correct format and that appropriate language and tone has been used. Any error identified should either be amended by the leader or returned to the drafter for the requested change. In both scenarios the drafter should be made fully aware of what is required to ensure the draft is effective. All major and minor amendments receive substantive feedback.

Below is the criteria to be assessed plus a sample monitoring form.

### **Quality Assessment Standards**

#### **Personal Details**

- This section deals with ensuring that the personal information of both the applicant and the MP has been recorded correctly.
- Although some details may be recorded incorrectly, this may be a simple typing error. All correspondence should be proof read to ensure accuracy, however if the error is minor it may be more appropriate to make reference to the error in the comments box rather than marking the section as not effective.
- If the error is minor and all other references were correct a note in the comments box makes the case worker aware of the error:
- All four areas of the criteria to be assessed under personal details require the assessor to consider if the error made detracts from the effectiveness of the reply.

#### **Content**

- The letter must address all the key points raised in the MP's letter.
- some people may choose to incorporate more details into the letter than others and both may be effective as long as the essential points are considered, however if the caseworker includes unnecessary detail the case will not have been dealt with in the most efficient way and this should be commented on
- There will be differences relating to which facts people regard as relevant and judgement will be required.
- Where standard wordings are used they should be tailored to fit the individual circumstances of the case where appropriate.

#### **Style and Presentation**

- Style and presentation is important as although the content of the letter may be correct poorly presented letters using incorrect logos and address details can undermine confidence in the information we are providing.
- Use of an incorrect template may not affect the quality of the information we are providing but if the signatory is not happy with it, this may cause a delay in getting the reply sent out.
- Letters that do not meet this standard may be seen as not fully effective although consideration should be made for typing errors which may not warrant the letter being marked down.

## **Case Background**

- The case background section is important as it is the basis for the replies that are drafted.
- It is important to use the correct template as it helps to ensure all relevant information is included.
- If there is an error with the applicant's personal details the assessor should consider whether this due to a typing error.
- Failure to include details at all may require a marking of less effective.
- Box 16 will require the assessor to use their judgement, if something is missed out, it could be that it is not relevant.
- Boxes 17 and 18 are clear and unambiguous

## **CTS and CID Actions**

- The areas covered by section 5 are clear and unambiguous
- All boxes in this section require that the action being assessed has been carried out correctly to prevent either the wrong letters being sent out or barriers being left on the system that prevent the case working teams from progressing the cases effectively.



**QUALITY ASSESSMENT STANDARDS - MP CORRESPONDENCE**

<b>CASEWORKER:</b>		<b>CTS Ref.</b>	
<b>HO FILE REF:</b>		<b>ASSESSOR:</b>	
<b>ASSESSED ON:</b>		<b>FEEDBACK ON:</b>	
<b>MP Correspondence</b>	<b>Criteria to be Assessed</b>		<b>COMMENTS</b>
	<b>Personal Details</b>		
1	Has the MP's name been spelt correctly and the reply sent to the same address on the MP's letter?	0	
2	Are the applicant's details recorded correctly (name, address, family members)?	0	
3	Are the HO reference, CTS reference and MP's reference numbers recorded correctly on the replay?	0	
4	Has the caseworker correctly identified who is replying to the letter (I.e. Minister, Chief Executive, Head of Unit)?	0	
	<b>Content</b>		
5	Does the response identify and address all the key points raised by the MP on behalf of their constituent?	0	
6	Does the response detail the applicant's immigration history correctly, or note that the MP is aware of the background to the applicant's case?	0	
7	Does the response include all the relevant facts and are they correct? (e.g. criteria for Section 4 support etc)	0	
8	Does the response use standard wordings, tailored appropriately, to address the MP's enquiry?	0	
9	Is the response clear, focused and helpful?	0	
10	Where necessary, does the response provide contact points for the MP or constituent to obtain further advice?(e.g. UKBA website, IOM, INEB number etc.)	0	
	<b>Style/ Presentation</b>		
11	Has the correct template been used to compose the response?	0	
12	Is the response grammatically correct, written in clear English, and in the appropriate tone?	0	
13	Is the response in the correct font, logo, UKBA address details?	0	

<b>Case Background</b>			
14	Has the correct template been used for the background note?	0	
15	Are the applicant's personal details recorded correctly?	0	
16	Does the background note provide a correct and complete summary of the case history?	0	
17	Has the correct location for onward movement of the file been identified?	0	
18	Are the drafter's contact details recorded on the background note?	0	
<b>CTS/CID actions</b>			
19	Has the correct draft response been checked in on CTS?	0	
20	Has the correct background note been included as a Note for SEG/Note for Minister?	0	
21	Has CID been updated correctly, including any barriers and outcomes?	0	
22	Is the file in order and been properly arranged?	0	
<b>Minimum Standard Required = 95%</b>			<b>Overall % Achieved =</b> 0
	<b>TS Comments</b>		
	<b>Caseworker/other comments</b>		