



An Inspection of Overstayers: How the Home Office handles the cases of individuals with no right to stay in the UK

May – June 2014



John Vine CBE QPM

Independent Chief Inspector of Borders and Immigration

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Our Purpose

We provide independent scrutiny of the UK's border and immigration functions, to improve their efficiency and effectiveness.

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To drive improvement within the UK's border and immigration functions, to ensure they deliver fair, consistent and respectful services.

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Foreword from John Vine CBE QPM

Independent Chief Inspector of Borders and Immigration

Any failure to take action against foreign nationals who overstay their permission to be in the UK has the potential to undermine public confidence in immigration control. Since I first commented on this issue in 2012,¹ the Home Office has signed a contract with Capita plc to review, and where possible close, the records of migrants in the Migration Refusal Pool (MRP) who had been refused further leave but who had not left the UK or were not known to have done so. It has also restructured enforcement casework with a view to resolving outstanding cases and increasing the number of those who are removed.

At the start of this inspection I was informed of the existence of a further 223,600 records, predating December 2008, which had not previously been included within the MRP. As a result, I expanded the scope of my inspection to include the Home Office's management of these cases. I also examined how well the Home Office was dealing with cases passed to it by Capita for further action and looked at the Department's plans to deter overstaying and other forms of irregular migration.

I examined the business cases put forward by the Home Office to cover the work by Capita on the MRP. It is clear that considerable efforts had been made by both the contractor and the Home Office to manage this work. However, I found that many of the expected financial and strategic benefits have not materialised, with far fewer migrants having been persuaded to depart than anticipated. Of the 120,000 people whose cases were sent to Capita for contact to be made, I found that less than 1% had left as a result of Capita's intervention.

Capita's closure of 58,300 records by June 2014 has meant that the overall size of the post-2008 MRP has remained almost static, standing at 173,562 at that time. Without this intervention, the total would have been considerably higher, due to an increased flow of cases into the MRP. But this does not amount to the significant reduction in the overall size of the MRP that was anticipated when the contract was agreed.

I was disappointed to find a high level of inaccuracy in the classification of MRP records, with more than a quarter of departures in my sample being incorrectly recorded. Furthermore, I found that individuals had been wrongly recorded as immigration offenders, which could lead to their being stopped and delayed at the border.

I found inefficiencies in every part of Removals Core Casework. Workflow teams were not allocating cases optimally and cases were not being progressed as swiftly as possible. I also found that a lack of management information hampered managers from monitoring caseloads and case progression adequately.

I found a lack of co-ordination and co-operation within Immigration Enforcement, particularly between Removals Core Casework and Immigration Compliance & Enforcement Teams. This meant that case progression was being impeded by a lack of communication, an absence of shared targets and inconsistent processes.

¹ <http://icinspector.independent.gov.uk/wp-content/uploads/2012/06/ICIBI-Inspection-of-Hants-IOW-LIT.pdf>

The Home Office must make significant improvements if its strategy for reducing the number of overstayers is to succeed.

I have made thirteen recommendations for improvement.

A handwritten signature in black ink, reading "John Vine .". The signature is written in a cursive style with a period at the end.

John Vine CBE QPM
Independent Chief Inspector of Borders and Immigration

1 - EXECUTIVE SUMMARY

- 1.1 Large numbers of migrants who enter the UK do not depart when their leave expires or they are refused an extension of stay. The Home Office's handling of such cases is important in determining the level of public confidence in its operation of the immigration system.
- 1.2 In a previous inspection report,² we identified that the Home Office lacked an effective national strategy to deal with those who had been refused an extension of their stay in the UK but had not departed. At the time, there were 159,313 records of this type, referred to as the 'Migration Refusal Pool' (MRP). This inspection therefore focused on two specific aspects of the Home Office's operational management of MRP cases:
- cleansing, case working and contact management of MRP records by the contractor Capita, to whom this work was outsourced by the Home Office; and
 - progression of MRP cases, after Capita processing, by Home Office enforcement casework.
- 1.3 The inspection also examined the efficiency of the contract tendering process for the MRP work and the extent to which the benefits anticipated for the contract had been realised. It also looked at the Home Office's strategic approach to encouraging compliance with immigration legislation and reducing the number of overstayers in the UK.

Positive findings

- 1.4 We found that Capita's data cleansing had been useful. Capita was able accurately to identify duplicate records and to close records for migrants who were found to have already left the UK. Of the 150,000 records originally passed to Capita for review, 33,020 (22%) were found to have departed the UK.
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-
- 1.5 Capita had also processed some 16,000 outstanding reconsideration requests (where applicants had asked that a refusal decision be looked at again), and had been able to close off 7,327 of these (46%). Capita had identified 45,900 departures and duplicate records from a further 223,600 older MRP cases that, prior to our inspection, were not included in the Home Office statistics.
- 1.6 Immigration Enforcement was restructured in 2013, and additional staff were recruited to strengthen the Home Office's capacity to deal with enforcement casework arising from refusals of applications for leave. We noted that the caseworkers we spoke to were enthusiastic and dedicated to the task of producing quality work, despite encountering many difficulties in progressing cases to conclusion.
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- Caseworkers we spoke to were enthusiastic and dedicated to the task of producing quality work*
-
- 1.7 The Home Office was able to provide us with all the paper files that we asked for. This is a standard of file retrieval that we hope to see replicated in subsequent inspections.

² The Hampshire and Isle of Wight inspection report was published on 5 July 2012 and can be accessed on the Independent Chief Inspector's website at <http://icinspector.independent.gov.uk/wp-content/uploads/2012/06/ICIBI-Inspection-of-Hants-IOW-LIT.pdf>

Areas for improvement

- 1.8 The terms of the contract for management of the MRP records were defined on the basis of a pilot that we found had not accurately reflected the composition of the MRP. As a result, Capita's work took longer, and cost more, than was originally anticipated. We were concerned that the Home Office had not taken more care at the tendering stage to validate its requirements. The Home Office must do more to define requirements accurately and assure contract specifications rigorously, in order to ensure that outsourcing work to private contractors is an effective use of public funds.
- 1.9 The Home Office has, with the assistance of Capita, made considerable efforts to improve MRP data quality. However, the MRP still contained records that should have been excluded, such as records relating to asylum applications. This not only impacted on the Home Office's ability to pursue enforcement cases to conclusion, but also rendered the figures unreliable. The number of additional pre-December 2008 MRP records that the Home Office provided means that the total MRP figure has almost doubled, although this information had not been reported to Parliament at the time of our inspection.
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- The number of additional pre-December 2008 MRP records that the Home Office provided means that the total MRP figure has almost doubled, although this information had not been reported to Parliament at the time of our inspection*
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- 1.10 Our file sampling revealed significant inaccuracies in Capita's classification of MRP records and in its complaints handling. Sixteen of our sample of 57 records which were closed because the migrant had been found to have left the UK were completed in error, with the result that these wrongly counted towards Home Office removal statistics. In the light of this, we estimated that departures could have been overstated by more than 1,140 in 2013/14, more than a quarter of the total of 4,080 claimed by Capita in that year (28%). These errors arose because of incorrect use of Advance Passenger Information (API), which also meant that Capita misidentified some people as overstayers who had in fact complied fully with immigration legislation.
- 1.11 We were concerned that these mistakes had not been consistently identified and rectified by the Home Office's quality assurance mechanisms, particularly given that they led to inaccuracies in publicly reported immigration statistics and to people being unnecessarily stopped at the border. We also found that the API data available to Capita was incomplete, a potentially serious issue given that this information is needed for accurate monitoring of migrant movements into and out of the UK.
- 1.12 We found that the outsourcing of the MRP data cleanse had not fulfilled most of the benefits that the Home Office had claimed, in both its initial and subsequent business cases, would result. While the Capita work prevented numbers in the MRP from increasing, despite an inflow of 185,313 cases in 2013/14, there was no overall reduction. The overall number of post-2008 records in the MRP had fallen by only 3.6% between April 2013 and April 2014, and there was no evidence that Capita's work had increased the number of enforced removals that the Home Office had been able to achieve.
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- We found that the outsourcing of the MRP data cleanse had not fulfilled most of the benefits that the Home Office had claimed, would result*
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|------|--|---|
| 1.13 | We found that the casework element of the contract had contributed little to the Home Office's enforcement objectives. Further, our analysis of the figures for the number of migrants whom Capita had persuaded to depart voluntarily suggested that the success rate for contact management was approximately 20% of what had been anticipated; at the time of our inspection, less than 1% of those who had passed through the Capita contact management process (0.73%), that is, fewer than a thousand people against the 4-5,000 forecast, had departed after contact. It was disappointing that, despite this shortfall, the Home Office had not attempted to evaluate the efficacy of the contact management element of the contract. It should take steps, in the light of such an evaluation, to improve the contact management process so that more migrants are persuaded to leave the UK voluntarily. | <i>Less than 1% of those who had passed through the Capita contact management process (0.73%), had departed after contact</i> |
| 1.14 | Case conclusions for migrants without extant leave who do not leave voluntarily are the responsibility of Removals Core Casework (RCC). The average weekly flow of cases into RCC exceeded outflow by 82%. Managers maintained that process improvements would bring the system into balance by 2015; however, we found systemic problems that we considered made this objective unrealistic, especially given that our analysis showed that a 400% increase in output would be required. A lack of management information and ineffective workflow mechanisms were among the key factors preventing the Home Office from successfully getting a grip on this workstream. | |
| 1.15 | Case progression was not being effectively managed overall. Capita processes often did not accurately identify suitable cases for enforcement. Cases were not being allocated by workflow teams in line with national priorities, and once allocated were not being progressed efficiently. In the absence of standardised process guides, we found that basic procedures were being neglected. For example, in 22% and 29% of two file samples of cases passed to RCC casework teams for enforcement action, no attempt had been made to bring migrants into regular contact with the Home Office. | <i>Capita processes often did not accurately identify suitable cases for enforcement</i> |
| 1.16 | We considered that the metrics used to monitor performance were not transparent, and were sometimes misleading. RCC used the term 'conclusion' to cover a range of caseworking actions that did not lead to either grants or removals, but in fact were only transfers to another Home Office unit. We also found that caseworkers' targets were not differentiated in order to encourage pursuit of difficult cases to conclusion. More accurate measurement of caseworking activity that will also promote case completion is needed if a real reduction in the number of outstanding cases is to be achieved. | |
| 1.17 | RCC liaises with locally-based Immigration Compliance & Enforcement (ICE) teams, to progress cases that are ready for detention and removal or to obtain information from migrants face-to-face. We found a lack of alignment between these two areas, with both consistently claiming that tasks delegated were not being prioritised, leading to frustration and delay. In particular, both the volume and the accuracy of detention and removal requests had dropped off sharply since the restructuring of RCC into a centralised unit. The lack of a reliable flow of high-quality referrals is a key weakness that needs to be addressed. We also found that the mechanisms for tracing individuals who were out of contact were not effective, and consistent action was not being taken to locate absconders. | <i>The lack of a reliable flow of high-quality referrals is a key weakness that needs to be addressed</i> |

- 1.18 The Home Office's strategy for reducing the level of irregular migration is based on the creation of a 'hostile environment'. This strategy will be supported by additional sanctions provided in the Immigration Act 2014, but its effectiveness will depend on the Home Office's being able consistently and visibly to deploy these additional measures. Our review of Immigration Enforcement processes during this inspection suggests that the Home Office is not currently resourced to meet these challenges. Considerable improvements in the Home Office's capability to monitor, progress, and prioritise the immigration enforcement caseload will be needed if this strategy is to succeed.

2. Summary of Recommendations

We recommend that the Home Office:

MRP/Contact Management Recommendations

1. Reviews its contract specification and assurance processes to ensure that outsourcing proposals are adequately validated.
2. Improves the quality of MRP data so that it can report accurately to Ministers and Parliament on the number of cases that have been resolved as well as those that remain outstanding.
3. Undertakes analysis of Capita's contact management success rates in order to evaluate the benefits of the current process.
4. Improves the contact management process so that more migrants are persuaded to depart.

Capita Process Recommendations

5. Puts in place more effective quality assurance mechanisms so that Capita records departures correctly and removals statistics are not claimed in error.
6. Records the type of barrier present on individual MRP records so that they can be prioritised effectively.
7. Re-evaluates the casework element of the Capita contract to ensure that it is a cost-effective use of public resources.
8. Records complaints accurately to reflect the number of people who have been contacted in error.

Removals Core Casework Recommendations

9. Takes urgent steps to:
 - manage and monitor RCC workflow effectively; and
 - utilise experienced caseworkers to improve the process for selection and allocation of cases.
10. Establishes standard procedures for caseworkers to follow in progressing a case to conclusion.
11. Changes its performance management measures to ensure that case resolution is prioritised.
12. Produces management information that clearly distinguishes between cases that are transferred, closed, or in progress.
13. Ensures effective joint working between the different units within Immigration Enforcement, specifically:
 - improves communication so that tasking referrals are of sufficient quality and volume to meet ICE teams' needs;
 - improves tracking and monitoring of referrals; and
 - provides dedicated casework resources so that barriers that emerge at the point of detention are swiftly addressed.

3. The Inspection

Key terms used in this report	
Absconder	Immigration offender who has been informed of the requirement to report to the Home Office but has failed to do so and for whom we do not hold reliable contact details. Absconders' details should be placed on the Police National Computer (PNC).
Advance Passenger Information (API)	Passenger data provided to the Home Office by international airlines and maritime operators, which is used by Capita to determine whether migrants have departed from the UK.
'Barrier to contact'	Term used by Capita to classify records where contact management would be inappropriate. Examples include records with outstanding applications or appeals, and migrants under the age of 18. Capita pass 'barrier to contact' records back to the Home Office.
'Barrier to removal'	Term used by the Home Office to describe cases that require further work before they can proceed to removal. Barriers to removal can include outstanding casework or the lack of a valid travel document.
Case Information Database (CID)	Database containing details of all foreign nationals with whom the Home Office has come into contact, either through applications or enforcement action.
Central Reference System (CRS)	Database containing details of all foreign nationals who have applied for a UK visa and details of visas issued.
Contact management	Capita process where migrants are contacted by letter, telephone, email and text message with a view to encouraging them to depart the UK voluntarily.
Curtailment	The act of cutting short a migrant's leave to remain due to the migrant no longer meeting the requirements of the Immigration Rules under which the leave was granted.
Duplicate record	Where there is more than one record on CID for the same migrant.
Immigration Compliance and Enforcement teams	Regionally-based teams who undertake arrest and enforcement action against immigration offenders within their local area.
Illegal entrant	A foreign national who enters the UK clandestinely or through the use of deception, which can be verbal deception or document abuse.
Irregular migrant	A foreign national who does not have the right to remain in the UK. The term incorporates overstayers and illegal entrants.
Judicial Review (JR)	Judicial Review (JR) is a process by which individuals can challenge the lawfulness of decisions or actions of the Executive, including those of Ministers, local authorities, other public bodies and those exercising public functions.

Migration Refusal Pool (MRP)	Collection of CID records compiled by the Home Office to enable enforcement action against migrants who have received a non-positive decision (refusal, rejection etc.) and who are not known to have left the UK. Initially the MRP included only records with refusal decisions made on or after 15 December 2008, but it has since been expanded to include pre-2008 records.
'No contact'	Term used by Capita to classify a record where they have failed to contact the migrant and have not obtained a reliable tracing result.
'Out of contact'	Term used by Removals Core Casework to indicate that it is unable to progress the case because the migrant's whereabouts are unknown and an absconder breach has not been opened on CID.
Outcome (by Capita)	The final categorisation of an MRP record by Capita. An outcome may be recorded at the triage stage or only after the case has been through contact management. Capita outcome MRP records as either 'departure', 'duplicate', 'barrier to contact', 'no contact' or 'referral for enforcement action'.
Overstayer	A foreign migrant who has remained in the UK beyond the time period for which they were granted leave to enter or remain. A migrant who submits a valid application for an extension before their leave expires is not an overstayer until, and unless, their extension application is refused and any associated appeal is determined.
Pre-action protocol (PAP)	A pre-action protocol (PAP) is normally a letter sent to the Home Office which challenges an action taken, or in some cases a lack of action, and threatens that a JR will be lodged if a satisfactory response is not received within a certain timescale, normally 14 days. This gives the parties an opportunity to settle the matter without recourse to the courts.
Removals Casework	Consists of three strands: Capita Contract & Command, Removals Core Casework and Family Returns (Family Returns is out of the scope of this inspection).
Removals Core Casework (RCC)	At the time of the inspection, comprised 354 staff, of whom 251 were caseworkers across 8 locations nationally. Has responsibility for concluding the cases of migrants who have been refused leave to remain by the temporary migration and permanent migration team, and cases that are signposted from elsewhere.
Signposting (by reporting centres)	The process by which reporting centres flag to RCC cases of individuals who are reporting and who can be detained for removal once straightforward barriers to removal are cleared by RCC.
Tasking (to ICE teams)	RCC 'tasks' ICE teams to undertake enforcement and face-to-face action with migrants, such as arrest visits, detentions on reporting, method of entry interviews and documentation interviews.
Triage	Initial sifting process undertaken by Capita to determine whether an MRP record can be closed and if not, whether it can be passed to contact management. Records are closed where an API match shows that the migrant has departed from the UK or where there is a duplicate record. Records are passed to contact management where there is no 'barrier to contact'.

Purpose and aim

- 3.1 This inspection examined the efficiency and effectiveness of the Home Office's management of the cases of migrants who have been refused leave to remain in the UK, but who have not departed, or are not known to have done so. The Home Office refers to these cases as the 'Migration Refusal Pool' (MRP). The inspection focused on two specific aspects of the Home Office's operational management of these cases:
- The cleansing, case working and contact management of Migration Refusal Pool (MRP) records by the contractor Capita, to whom this work was outsourced; and
 - The progression of MRP cases, after Capita processing, by Home Office enforcement casework.
- 3.2 The inspection also examined the efficiency of the contract tendering process for the MRP cases and the extent to which the benefits anticipated for the contract had been realised. In addition, the inspection looked at the Home Office's strategic approach to encouraging foreign migrants' compliance with the conditions attached to their stay in the UK and reducing the number of overstayers in the UK.

Background

What is an overstayer?

- 3.3 An overstayer is a migrant who remains in the UK beyond the expiry date of their leave to enter or remain. Although the term has no official definition, it is generally taken to include individuals who:
- having originally entered as a non-visa national,³ or under visa waiver arrangements,⁴ have remained after their leave to enter has expired;
 - having been granted a visa, have remained beyond the period of validity of the visa;
 - have applied for and been refused further leave but have failed to depart; or
 - have had their leave curtailed so as to expire on a particular date and have remained in the UK beyond that date.
- 3.4 Other irregular migrants include illegal entrants who enter the UK using clandestine channels or by using deception.
- 3.5 The Home Office does not hold figures on the total number of irregular migrants, including overstayers, in the UK at any given time. Such research as exists provides only estimated figures, varying between 400,000 and 900,000. This compares to an estimated 10.8m irregular migrants in the US and 1.9-3.8m in the EU in 2008.⁵
- 3.6 The Home Office only reports on the number of migrants who, having applied for further leave, have been refused and have yet to depart or are not known to have done so. This is referred to as the Migration Refusal Pool (MRP).

3 A non-visa national is a national or citizen from any country that is not listed in Appendix 1 of the Immigration Rules. A non-visa national does not require a visa to enter the UK for less than six months unless it is a requirement of the immigration category under which they are entering.

4 Nationals of Oman, Qatar and United Arab Emirates can enter the UK using an Electronic Visa Waiver document if they are travelling to the UK for a visit of up to six months.

5 For a review of research in this area see, [Irregular Migration in the UK: Definitions, Pathways and Scale | The Migration Observatory](#)

What is the MRP?

- 3.7 Our 2011 inspection of the Hampshire and Isle of Wight Local Immigration Team⁶ identified the existence of a body of cases awaiting enforcement action, called the MRP.⁷ When we obtained figures at the time of that inspection, in December 2011, the MRP stood at 159,313 records. Figure 1 below shows changes in the size of the MRP between January 2012 and June 2014.

Figure 1: Quarterly figures 2012-2014

End of:	Q1 2012	Q2	Q3	Q4	Q1 2013	Q2	Q3	Q4	Q1 2014	Q2
Post-2008 MRP	161,538	174,057	181,541	190,615	182,492	193,881	182,251	179,932	175,839	173,562
Flow in	36,993	39,255	32,256	37,637	36,213	52,955	47,459	43,119	41,780	40,379
Flow out	34,218	26,735	24,772	28,563	44,336	41,566	59,089	45,438	45,873	42,656

- 3.8 The original purpose of the MRP was as an enforcement resource, providing the Home Office with a means of capturing the details of individuals who had not left the UK following a refusal. Records enter the MRP at the point where an application for leave to enter or remain in the UK has been refused.⁸
- 3.9 In 2011, the MRP was defined as including all records with a negative decision recorded on CID since 15 December 2008. However, during this inspection, the Home Office disclosed that there were an additional 223,600 records for pre-2008 MRP cases of which we were not previously advised. The Home Office informed us that this information had previously been excluded from publicly reported figures because there were data quality issues with the older records which had made accurate reporting difficult. As Capita had also been asked to undertake a limited data cleanse of these older records, we included such cases in our file sampling. By January 2014, the pre-2008 records had been reduced to 168,300.⁹
- 3.10 Our 2012 report found that there was no national strategy for dealing with the backlog of MRP cases, and we recommended that the Home Office put in place a plan to effectively manage all cases within the MRP.
- 3.11 The Home Office responded to this recommendation by announcing that, as part of an enhanced enforcement strategy, a four-year contract for contact management and casework services would be tendered, to provide support to in-house enforcement teams and increase volume removals.
- 3.12 In October 2012, the Home Office awarded Capita plc¹⁰ the contract to assist with the contact management of 150,000 MRP cases. Their remit included contacting individuals to encourage them to depart the UK. They were also tasked with closing and updating the CID records of those individuals who were known to have left the UK, and straightforward caseworking tasks on a further 50,000 cases to prepare these cases for a decision by Home Office staff. Capita's work has since been expanded to deal with a wider range of MRP cases, both current refusals and pre-2008 cases.

⁶ Now known as the Hampshire and Isle of Wight Immigration, Compliance and Enforcement Team.

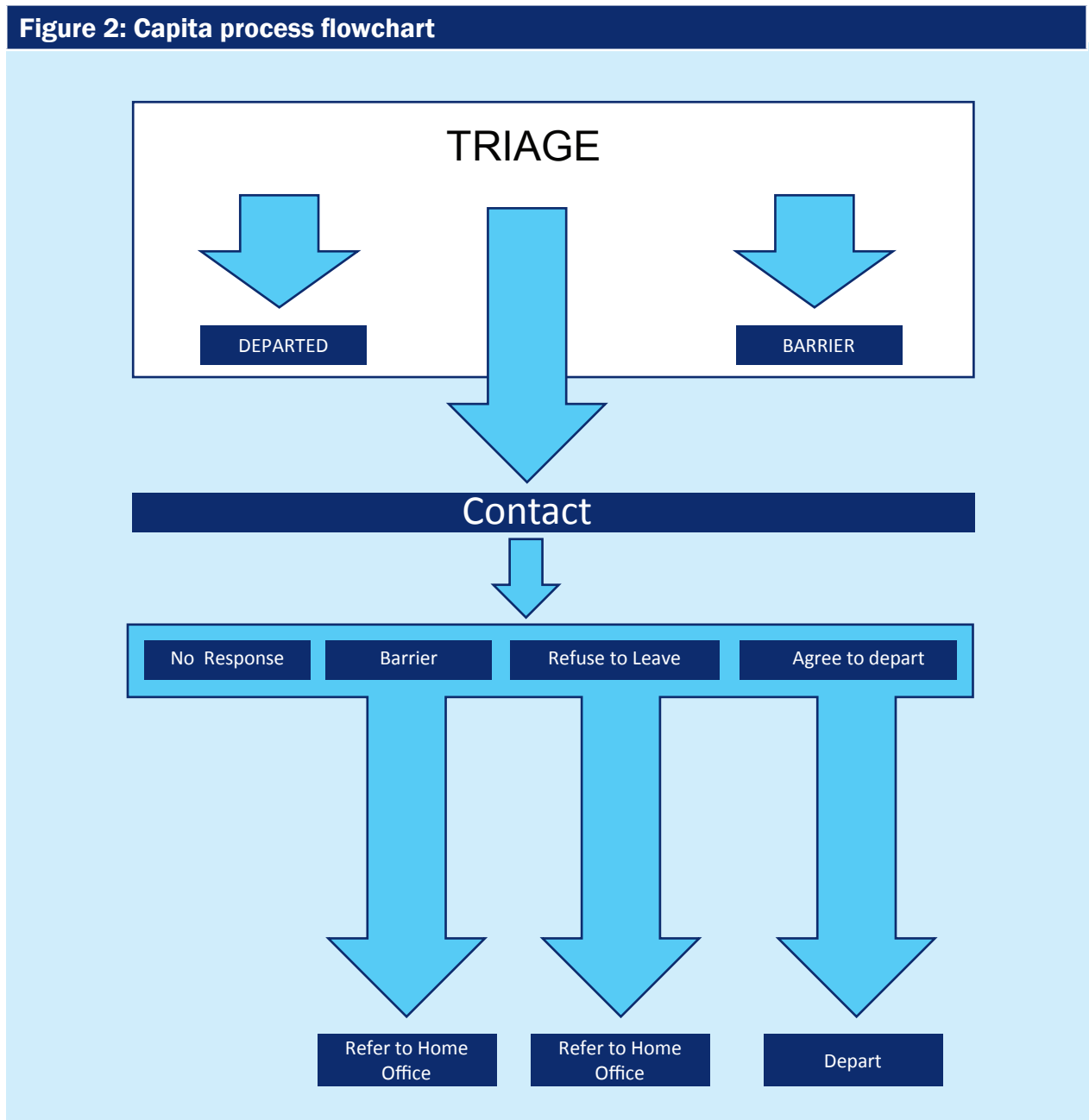
⁷ The Hampshire and Isle of Wight inspection report was published on 5 July 2012 and can be accessed on the Independent Chief Inspector's website at <http://icinspector.independent.gov.uk/wp-content/uploads/2012/06/ICIBI-Inspection-of-Hants-IOW-LIT.pdf> - see paragraphs 4.27-4.28.

⁸ Asylum applications are excluded from the MRP. The MRP also does not capture the cases of those who have overstayed their leave—whether with or without a visa—but have not applied for further leave to remain, nor those who entered the UK clandestinely, unless they are subsequently encountered by immigration officials.

⁹ The reduction in the pre-2008 pool was due mainly to identification of duplicate records and closures where a migrant was found to have left the UK. See Chapter 5 for details.

¹⁰ Capita plc currently holds a number of local and central government contracts in various fields, including health, education and transport.

3.13 The diagram at Figure 2 below details the contact management process for cases transferred to Capita.



- 3.14 All cases passed to Capita go through a ‘triage’ (review) stage. At this point, cases are checked against Advance Passenger Information (API) for evidence of voluntary departure, and where a match is found the case is closed. Any duplicate records are also closed at this stage. Cases where no evidence of departure is found are then checked for any ‘barriers to contact’, i.e. any factors present that would make contact management inappropriate. If any are found, these cases are passed back to the Home Office for further caseworking (‘barrier’ cases).¹¹ Cases where no outstanding actions are identified are passed into contact management.
- 3.15 Contact management involves attempting contact with migrants by email, letter, telephone or text message. Migrants who are contacted are encouraged to depart voluntarily; those who refuse to depart have their cases transferred for enforcement action.

¹¹ Pre-2008 cases are not currently passed to contact management after triage. See Chapter 5 below for details.

Removals Core Casework (RCC)

- 3.16 RCC became fully operational in July 2013; its primary function is to manage all casework arising from the MRP. A centralised structure, based in Sheffield, gathers oversight functions, including case allocation and prioritisation, in one location. In line with the move towards central control, from April 2014 Home Office enforcement priorities were defined nationally by the National Coordination and Tasking Board. A total of 354 Home Office staff (of which 251 are caseworkers) were working within RCC at the time of our inspection, the majority in the Sheffield hub.
- 3.17 RCC operates a hub and spoke as set out at Figure 3 below:

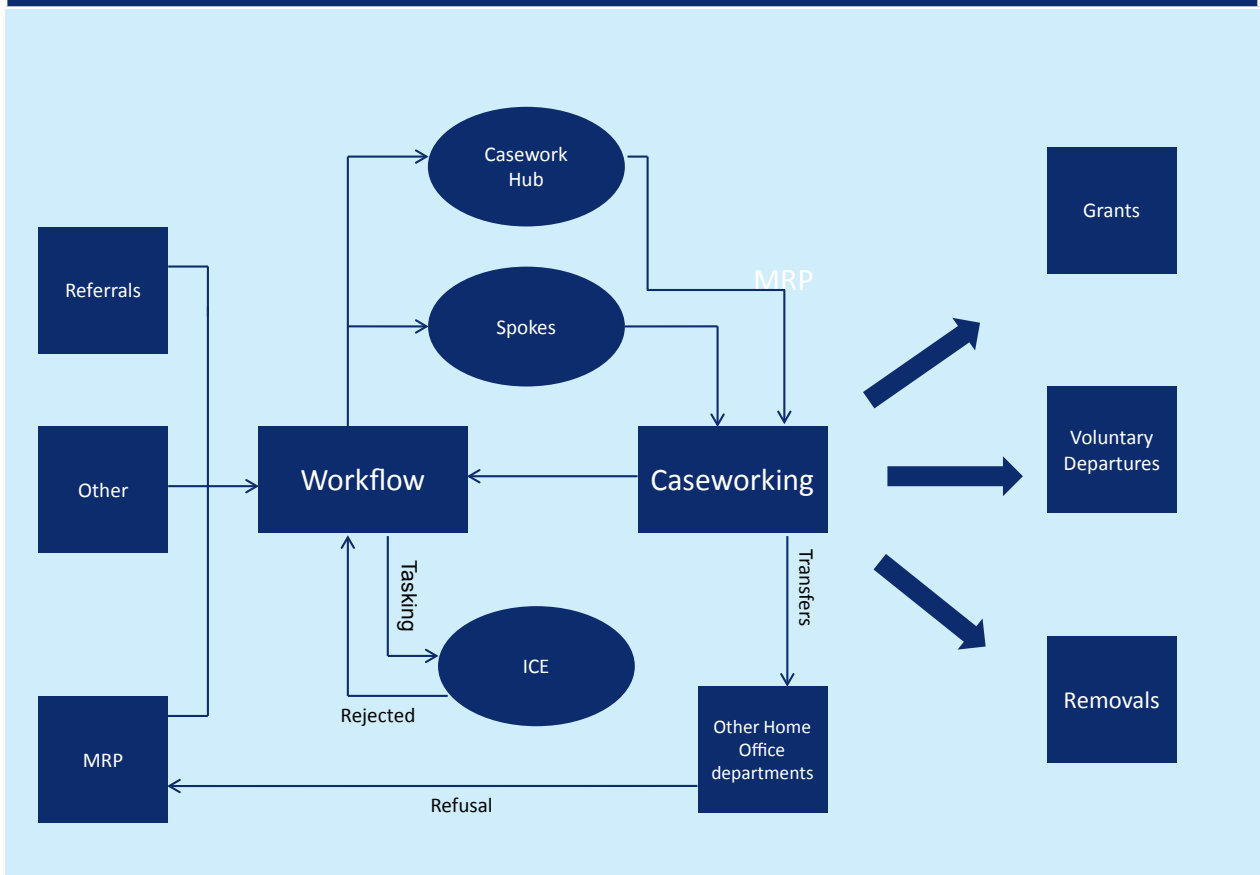
Figure 3: RCC hub and spoke locations



RCC Casework Processes

- 3.18 The flowchart at Figure 4 outlines the process for cases entering into RCC. All cases initially flow in to the Workflow team, which allocates cases to hub and spoke teams. If a case cannot be resolved at this stage, (for example because there is an outstanding appeal, or a further leave application) it can be transferred to other Home Office units for progression. Such cases can then flow back into RCC, if there is a further refusal, via the MRP.
- 3.19 A range of actions that may be required to conclude a case are carried out by local Immigration Compliance and Enforcement (ICE) teams, including for example a visit to a migrant's address. Where this is necessary, caseworkers will refer cases back to Workflow for 'tasking' to the ICE team in the migrant's local area. Any cases that are not suitable for action will be returned to Workflow.

Figure 4: Removals Core Casework flowchart



Methodology

- 3.20 Eight of the Chief Inspector's inspection criteria were used to assess the efficiency and effectiveness of the Home Office's management of overstayers and those who have been refused leave to remain in the UK under the themes of:
- Operational Delivery
 - Safeguarding Individuals; and
 - Continuous Improvement.¹²
- 3.21 In advance of the on-site phase, we analysed data provided by the Home Office and other sources on both the strategic approach to overstayers and the operational management of the MRP, including those elements contracted out to Capita. We also reviewed process guidance provided to contractors and internal staff on processing of cases in the MRP.
- 3.22 We sampled 296 records from the MRP processed by Capita in the last quarter of 2013 and the first quarter of 2014. These were broken down as follows:
- 50 pre-2008 records (departures/duplicates/no contact required);
 - 50 post-2008 departures (triage/post-contact);
 - 58 barrier outcomes;
 - 49 no barrier no departure outcomes;
 - 49 no contact outcomes;

¹² A full list of the criteria used in this inspection is at Appendix A.

- 25 reconsideration requests; and
- 15 complaints received by Capita (taken from log of all recorded complaints).

- 3.23 We examined records that had been through the Capita triage process to analyse the accuracy of Capita's review of the MRP and updating of CID, as well as the effectiveness of its casework processes and contact management procedures. We also looked at how effectively cases that were passed from Capita to Removals Casework and Home Office enforcement teams were progressed towards conclusion.
- 3.24 We reviewed records using a combination of Home Office and Capita electronic data sources, including the Home Office's Case Information Database (CID), paper files, and Advance Passenger Information (API).
- 3.25 We requested a total of 272 paper files.¹³ We were pleased to find that 100% of these files were delivered in a timely and efficient manner. This is a considerable achievement on the part of Home Office staff involved.
- 3.26 The on-site phase took place between 6 and 16 May 2014 at five locations. We spoke to Removals Core Casework staff in Sheffield, Manchester, and Portsmouth. In London, Sheffield and Portsmouth we interviewed Reporting Centre Managers. We also spoke to the ICE teams in London, Manchester, and Portsmouth and Capita representatives in Sheffield and Doncaster. We conducted interviews, focus groups and drop-in sessions with 49 Home Office and 26 Capita staff, as detailed below at Figures 5 and 6.

Figure 5: Home Office staff interviewed (by grade)

Grade (or equivalent)	Number
Senior Civil Servant (SCS)	4
Grade 6	4
Grade 7	10
Senior Executive Officer (SEO/HMI)	3
Higher Executive Officer (HEO/CIO)	5
Executive Officer (EO)	21
Administrative Officer (AO)	2
Total	49

Figure 6: Capita staff interviewed

Capita Managers	8
Capita Team Leaders	2
Capita Agents/Team members	14
Agency staff	2
Total	26

¹³ The remaining 24 records were examined without use of paper files, as in these cases no paper file had been created, or had previously been destroyed.

- 3.27 On 2 June 2014, 10 working days after the completion of the on-site phase of the inspection, the inspection team provided feedback on high-level emerging findings to the Home Office. The inspection identified 13 recommendations for improvement.
- 3.28 The final version of this report was submitted to the Home Secretary on 16th October 2014.

4. Inspection Findings – The Capita Contract

- 4.1 A major element of the effort to improve the accuracy of the MRP was the outsourcing of management of the data to the external contractor Capita in October 2012. As part of our inspection, we reviewed the tendering process for this contract, and how effectively the benefits claimed for the contract were realised.

The contract tender

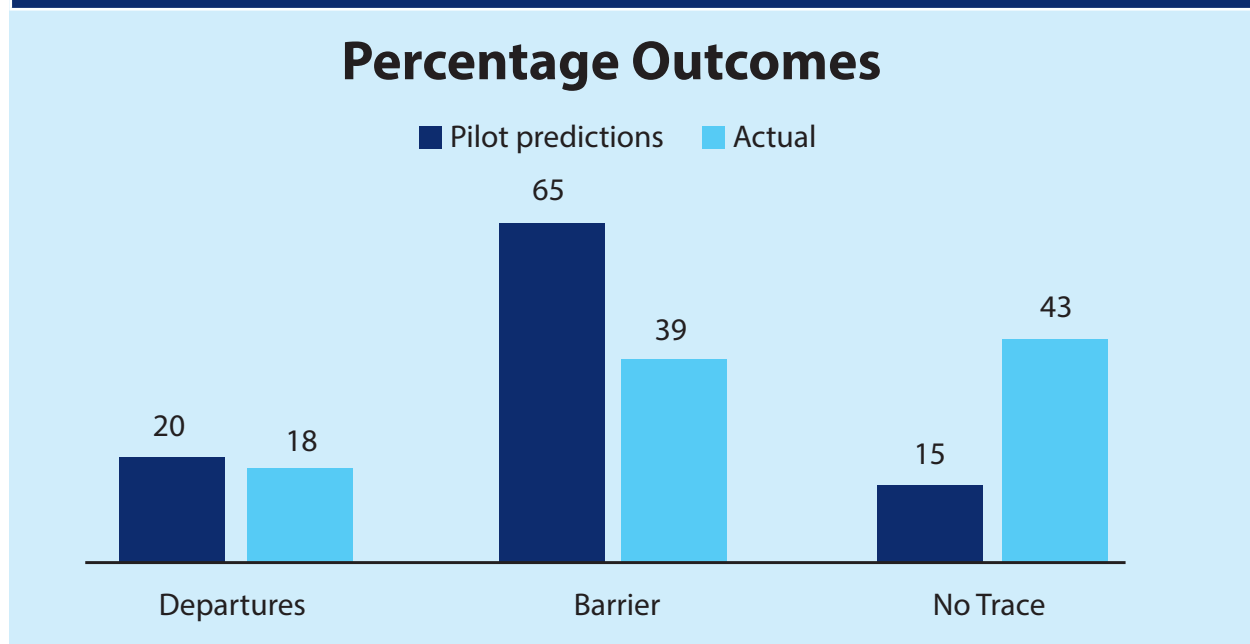
How the contract terms were defined

- 4.2 The original contract covered 150,000 post-2008 MRP records. The expectation was that records would be reviewed and sorted into three categories of cases, where:
- it was found that an individual had departed, and the case could be closed;
 - actions or decisions were still outstanding and which were therefore not suitable for action (called 'barrier cases'), and
 - individuals had not departed following a negative decision.
- 4.3 The last tranche would be suitable for contact management by Capita, who would seek to persuade individuals to regularise their status or depart. In addition, Capita would be expected to perform straightforward caseworking on barrier cases so that a proportion of these could move into contact management. Complex cases, and those who did not depart, were to be passed back to the Home Office for conclusion. It was anticipated that of those put through the contact management process, a small percentage would not be contactable (called 'no trace' cases). Percentage outcomes for the above categories of cases formed the basis of the pricing structure of the contract.

The Serco pilot and its consequences for the Capita contract

- 4.4 The terms under which this contract was tendered and signed were developed from a pilot exercise that reviewed over 5,000 cases. This was undertaken between January and July 2012 by an existing Home Office contractor, Serco. However, the pilot did not accurately predict either the percentage outcomes for each category, or the nature of the cases in the MRP.
- 4.5 The percentages outcomes predicted on the basis of the pilot, as compared to adjusted percentages agreed with Capita after the contract had been signed and work begun, are shown in Figure 7 below:

Figure 7: Original and revised percentage outcomes of Capita triage/contact management



- 4.6 The pilot overestimated the number of individuals whom it would be possible to contact by 28%. Fewer people, therefore, could potentially be persuaded to depart voluntarily. The increase in ‘no trace’ cases also entailed a corresponding reduction in the number of cases where a barrier could be identified and resolved, so fewer cases than anticipated could be sent through to casework and signposted on to RCC for enforcement action.

The pilot overestimated the number of individuals whom it would be possible to contact by 28%.

- 4.7 Managers told us that the discrepancy between the expected and revised percentage outcomes in each category was a result of considerable differences between the records chosen for the pilot and the composition of the MRP as a whole, as revealed by Capita when bulk review of records was undertaken.
- 4.8 The processes to allow for categorisation of the cases that were initially developed on the basis of the pilot turned out to be insufficient to deal with a range of data quality issues and case working anomalies found in the MRP. For example, several thousand individuals had had duplicate records created on CID, which resulted in duplication in the MRP, but this eventuality had not been included in the requirements for the Capita contract. As a result of this and many other similar omissions in the specifications, 50,000 cases had to be set aside while solutions were found and subsequently passed back through the Capita process. In all, 22 new processes, covering a wide range of possible scenarios – from a migrant having been found to have died to having been found to have left the UK with existing leave – had to be developed to allow Capita to progress these cases.
- 4.9 The change in percentage composition of the different categories had financial implications. In addition to the cost of the further work required to develop additional processes and rework cases, the rise in the number of ‘no trace’ cases led to both additional costs and decreased revenue for Capita. As the Home Office acknowledged that this shortfall in expected revenue was caused by the difference between the actual and expected MRP composition, rather than any failure of Capita processes, the Home Office agreed a revised pricing structure for the contract to reflect these issues, increasing the cost of each outcome by more than half (57%).¹⁴

¹⁴ The percentage increase in unit price per outcome is based on comparisons between the original and revised versions of the contract pricing structure provided by the Home Office in February 2014.

- 4.10 Staff and managers accepted that more could have been done to identify issues with data quality prior to the tender. Capita managers told us that neither they nor the Home Office knew initially what was in the MRP; that the number of duplicate records, for example, was entirely unexpected. Senior Home Office managers also agreed that expectations about the percentage of people who had overstayed that would be contactable had been pitched unrealistically high.
-
- Capita managers told us that neither they nor the Home Office knew initially what was in the MRP*
-
- 4.11 We have commented in many previous inspection reports on CID data quality issues. In our report on the Home Office's handling of legacy asylum cases, we noted widespread inaccuracies in updating CID, including the fact that 30% of all records reviewed were duplicates.¹⁵ Given the Home Office's previous experience with the difficulties of older case records, it is disappointing that a more thorough interrogation of the MRP was not performed prior to tendering.
- 4.12 Some Home Office managers and staff questioned whether sufficient use had been made of relevant caseworking expertise when the contract requirements were defined. They considered that if greater responsibility for the pilot had been delegated to experienced caseworkers, issues with data quality and hard-to-resolve cases would have been raised and considered at an earlier stage.
- 4.13 Senior managers explained that the pilot was outsourced, because the Home Office did not have the capability to conduct bulk contact management. However, we could find no evidence that Serco's results had been subjected to adequate assurance and analysis to confirm their applicability to the MRP as a whole.
- 4.14 While managers agreed that there had been an over-reliance on the Serco pilot to define the terms of the subsequent MRP cleansing contract, we were not able to establish where responsibility for this decision, and for the failure to either assure or validate the findings of the pilot adequately, lay. Senior managers currently responsible for the management of the Capita contract, and for the MRP in general, explained to us that their involvement with contract management post-dated the tendering process, limiting their knowledge of and accountability for the weaknesses in the original contract specifications.
- 4.15 In summary, the pilot did not provide a useful guide to either what was in the MRP at the time of the tender, or what results in terms of contact could be expected from the data cleanse and contact management processes. The tender therefore proceeded on the basis of inaccurate requirements and insufficient knowledge. This led to unnecessary delays in Capita's completion of the contract. We are also concerned, given the extra costs incurred by the Home Office due to the flaws in the original tender, that the original contract did not provide the expected value for money.
-
- The pilot did not provide a useful guide to either what was in the MRP at the time of the tender, or what results in terms of contact could be expected from the data cleanse and contact management processes*
-

We recommend that the Home Office:

Reviews its contract specification and assurance processes to ensure that outsourcing proposals are adequately validated.

¹⁵ <http://icinspector.independent.gov.uk/wp-content/uploads/2012/11/UK-Border-Agencys-handling-of-legacy-asylum-and-migration-cases-22.11.2012.pdf>

Evaluation of Capita contract benefit realisation

- 4.16 The Home Office's business case for the outsourcing of contact management and casework functions for the MRP set out a series of anticipated benefits of the planned project at both strategic and operational level. They were to deliver:
- a reduction in net migration as a result of an increase in voluntary departures;
 - a reduction in the numbers of cases in the MRP; and
 - an increase in the volume of removals overall.
- 4.17 In addition, it was expected that Capita would provide caseworking services to enable further efficiencies in enforcement cases, and would be developing casework processes that could be applied to this and other areas in the Home Office.
- 4.18 The original contract approved in 2012 was expected to run for four years, with an optional extension of a further two years. We reviewed data provided by the Home Office and Capita, as well as the evidence provided by our file samples, to establish to what extent the benefits set out in the contract had been realised to date.

Reduction in net migration through increased voluntary departures

- 4.19 A central justification for outsourcing the management of the MRP was contractors' experience in and capacity for bulk contact management. The increase in voluntary departures was expected to flow directly from the contractor's ability to persuade migrants to depart.¹⁶ The evidence for this, as referenced in the business case, was the contact management pilot conducted by Serco, where approximately half of all the recorded departures followed contact management, representing some 10% of outcomes for the pilot overall. Senior managers told us that this compared favourably with local Home Office teams' performance in persuading overstayers to depart.
- 4.20 The 2012 business case did not give precise figures for the numbers that it expected that the contractor would persuade to depart under the contract, as these numbers were folded into a general intention that recorded departures for 2012/13 would rise overall by both this means and by the closure of records in the MRP of those who were found already to have departed. However, the subsequent business case, submitted in February 2014 to cover the expansion of Capita services, claimed that of 38,000 individuals who had departed voluntarily by the end of October 2013, 4-5,000 had been persuaded to leave the UK by Capita.¹⁷

Effectiveness of contact management: sample findings

- 4.21 We asked the Home Office to provide us with examples of cases where a voluntary departure had been made following contact by Capita. Of the 25 cases that we sampled, only two (8%) were cases where departure had taken place after the case had been put into the Capita contact management process.¹⁸ The remainder were cases where API data or other evidence had been used to establish that a departure had taken place prior to contact management. Of the two cases where departure did occur after contact, the degree of contact was limited to a letter having been sent out by Capita; it was not possible to say whether the receipt of this letter was instrumental in promoting a departure.
- 4.22 After establishing that there were no examples in our sample where contact management amounted to more than a letter having been sent to a migrant's address prior to departure, we asked the Home Office to provide some cases where contact had definitely been made and a departure had resulted. We were told that there was no way of identifying such cases. We were surprised that the Home

¹⁶ Contact Management and Casework: Full Business Case, V1.1 Aug 2012: paragraph. 2.2.

¹⁷ Contact Management and Casework Services: FBC V1.12 February 2014, paragraph 3.3.

¹⁸ One further case, included in the post-2008 Triage Departure sample, was also a post-contact departure where a letter had been sent out by Capita.

Office was not monitoring this aspect of the contact management contract. Although Capita is paid at the same rate for a voluntary departure whether it occurs before or after contact, it would nonetheless seem essential to establish the success rate for departures that follow Capita contact in order to evaluate whether this is a cost-effective part of the process.

The effectiveness of contact management: evidence of the Progressive Enforcement Pilot

- 4.23 Between April and July 2013, the Home Office ran a pilot, the Progressive Enforcement Pilot (PEP) to test the effectiveness of contact management in persuading those whose leave was about to expire either to depart voluntarily or otherwise to regularise their status. This involved sending a series of notifications to over 2,000 individuals, beginning two months before their leave would expire. The degree of compliance was evaluated against a control group who did not receive any notifications, using API data to confirm voluntary departures.
- 4.24 The results of this pilot identified a very high rate of non-compliance (defined as a failure either to depart voluntarily or to seek to regularise a continued stay by applying for further leave) in both groups. This amounted to 50% (1023 of 2043 individuals) in the contacted group and 53% (1108 of 2073 individuals) in the control group. While this data would appear to indicate that contact management had very little effect in promoting departure, Home Office analysis suggested that the figures might not be reliable, in that the rate of non-compliance in both groups was overstated.
- 4.25 The evidence for this was in part that 117 individuals (0.5% of the group contacted by Capita) responded by claiming that they had either already departed, or, in a small number of cases, had never entered the UK. The analysis also pointed to a general problem with the reliability of API data, noting that gaps in API coverage were extensive enough to affect any future attempts to measure the effectiveness of approaches to compliance.¹⁹ Senior managers confirmed to us that the design of the pilot, and issues with API coverage, had meant that the PEP could not be used as a basis for designing future approaches to compliance or evaluating the effectiveness of contact management as a means to promote departure.

Contact management: the figures

- 4.26 Despite the increase in voluntary departures as a result of contact management that is claimed in both business cases, the Department told us that it was unable to provide exact figures for voluntary departures following Capita contact. We accept that it is not possible to identify precisely why a migrant who has previously overstayed has chosen to depart, or to what extent Capita contact management might have played a part in that decision. It should, nonetheless, be possible to establish how many migrants left the UK following Capita contact. We were therefore surprised that no further effort had been made by the Home Office to produce data that could support a key claimed benefit or to trace performance against expectations for the 2014 business case.
- 4.27 We did, however, obtain data from Capita on the cases departing after contact management for records that they had handled for the period from October 2012 to May 2014. These are set out at Figure 8.

¹⁹ Taken from 'Progressive Enforcement Pilot: Report for Phase 1', July 2013. A planned Phase 2 was not implemented.

Figure 8: Capita figures for voluntary departure after contact management: October 2012- 9 May 2014



4.28 The figure for ‘Total departures where contact made’ includes both cases where people had already left before their case entered Capita’s contact management process and who then provided Capita with documentary evidence of that departure, and those who left after being contacted. The ‘Total departures after contact made’ figure includes only those cases where a letter or email had been sent, or a telephone conversation had been held, and the individual subsequently departed.

4.29 On the basis of these figures, Capita had at best succeeded in persuading only 1,165 individuals (884 plus 281 unconfirmed) of the 4-5,000 people whom the Home Office claimed in the February 2014 business case that Capita had persuaded to depart. Even this assumes an improbably close causal link between Capita contact and the individual’s decision to leave the UK. This is a poor performance, suggesting that the Home Office significantly over-estimated both the willingness of migrants who had been refused further leave to depart voluntarily and Capita’s ability to persuade them to do so.

The Home Office significantly over-estimated both the willingness of migrants who had been refused further leave to depart voluntarily and Capita’s ability to persuade them to do so

4.30 While the original 2012 business case was primarily constructed on the grounds that outsourced contact management provided strategic rather than monetary benefits to the Home Office, the February 2014 case also ascribed a financial value to increased voluntary departures. In this case, the Home Office estimated that each additional departure saved the public purse £7,240, and 50% of

this potential benefit was offset against Capita set-up and running costs. This amounted to a benefit of £18.1m in 2013/14 (50% of 5000 anticipated extra voluntary departures at £7,240 each), and £9m in the following two years (50% of 2,600 anticipated departures). These benefits were offset against Capita costs of £7.5m in 2013/14 and £4.6m in 2014/15, giving a net benefit for the contract of £10.6m in 2013/14 and £11.9m in 2014/15.

- 4.31 The Capita data above at Figure 31 shows that, at best, including all departures that had yet to be confirmed, the 1,165 departures as a result of contact management have, using this formula, (50% of 1,165 departures at £7,240 each) produced a saving to the public purse of £4.2m for FY 2013/14 (October 2012 – May 2014), rather than the £18m anticipated for that year.
- 4.32 When we raised the question of whether contact management had produced the expected benefits in terms of additional departures with the Home Office, senior managers emphasised the difficulty of identifying with certainty whether contact led directly to voluntary departures, and pointed to the rise in voluntary departures overall since the inception of the Capita contract as indicative of a positive effect.
- 4.33 As our analysis of post-contact departure success rates indicates, however, the rise in voluntary departures was very largely attributable to data matching against API for individuals who had already departed, rather than successful persuasion by Capita. Both Home Office and Capita managers stated that success rates could be expected to rise as Capita moved into management of more recent MRP cases, and that any shortfall was related to the unexpected mix of cases that had been found in the older cases. They also noted that contact management scripts had been changed, shortly before our on-site visit, to give greater emphasis to the need for overstayers to depart. We consider, however, on the basis of the available evidence, that a substantial element of the claimed benefit of the outsourcing of management of the MRP, that contact management would persuade more overstayers to leave the UK, has not been realised.

Reduction in the number of records in the MRP

- 4.34 The August 2012 business case gave a figure for post-2008 MRP cases of more than 170,000 and stated that Capita management of the MRP aimed to ‘*significantly reduce the numbers of unconcluded cases in the actionable MRP*’.²⁰ At the time of our inspection, however, Home Office management information showed that there had been no consistent reduction in the total number of records in the post-2008 tranche of the MRP. Senior managers explained that this was partly due to an increased flow of cases into the MRP. Efficiency improvements in other caseworking areas had increased the volume of decisions, including refusals, which then moved the case automatically into the MRP.
- 4.35 Capita and Home Office managers and staff also told us that another reason why overall numbers remained static, despite considerably increased movement in and out, was that case progression was often circular rather than linear: rather than being permanently closed, a case could move out of the MRP only to reappear repeatedly as another application was made. This pattern was confirmed in our analysis of cases flowing out of RCC. Capita managers said that the tendency of migrants to make new applications had come as a surprise to them, and had not been factored in sufficiently when projections were made of a substantial reduction in overall MRP numbers.
- 4.36 The objective of substantially reducing the post-2008 MRP had not been met. However, while overall numbers had remained static, the Capita data cleanse had, nonetheless, enabled closer scrutiny of the MRP, resulting in a much more accurate record of the data overall. In addition, as a result of this work, a much larger percentage of current MRP records were recent cases – the average length of time that a record remained in the MRP had been reduced; 39% of records (69,000 records) had been in the MRP for less than a year by April 2014. Capita’s work on the MRP had significantly improved data quality, and this is a worthwhile strategic benefit which will potentially enable the Home Office to manage its enforcement operations more efficiently in the future.

²⁰ 2012 FBC, paragraph 1.1.

Overall increase in volume of removals

4.37 Annual immigration statistics published in May 2014 showed a 25% increase in voluntary departures overall compared to the previous year, from 29,883 to 37,227.²¹ Of these departures, 23,617 (63%) are cases where departure had been confirmed as a result either of embarkation controls or data matching. The Capita triage of the MRP can be seen to have had a positive effect on these figures, in line with the expectation in the business case.

4.38 However, our file sampling suggested that these figures may considerably overstate the number of actual voluntary departures. A voluntary departure should only be claimed by the Home Office where an individual no longer has the right to stay in the UK. Our sample showed that 28% of cases closed by Capita as departures (16 of 57 records), had been incorrectly claimed because they had been erroneously recorded as overstayers, when the individuals concerned had in fact left with extant leave. Home Office statistics show that Capita claimed 4,080 departures in 2013/14. Extrapolating from our file sample results, over 1,140 could have been claimed in error, rendering these figures very unreliable. We consider that, given the evidence of our sample, the degree of benefit in terms of additional voluntary departures has been overstated. The Home Office should take steps to correct these errors in order to ensure that immigration statistics are an accurate reflection of actual departures by overstayers.

A voluntary departure should only be claimed by the Home Office where an individual no longer has the right to stay in the UK. Our sample showed that 28% of cases closed by Capita as departures (16 of 57 records), had been incorrectly claimed

Additional benefits: casework and process improvements

4.39 The Home Office's strategy, as stated in the 2012 business case, for reducing the overall numbers in the MRP also included an element of casework to be undertaken by Capita in order to increase the number of outstanding 'barrier' cases that could be progressed. It was envisaged that these cases would be passed on to the Home Office for enforcement action after being prepared by Capita. This was projected to apply to 50,000 MRP cases.

4.40 Senior managers confirmed, however, that the casework element of the MRP project had not met expectations. Very little had been achieved, and development had been much slower than expected. Capita had not so far provided the hoped-for support to Home Office caseworking, and as a result the anticipated benefit had only partially been realised.

4.41 It was also expected that the development of 'lean' casework processes by Capita would provide an additional benefit to the Home Office, in that these processes could be used as a model for other forms of casework and applied to different areas of work. However, managers told us that Capita had struggled to come up with streamlined casework processes, and that this benefit had not been realised.

Why have benefits not been realised?

4.42 A significant reason why the projected benefits have been realised only in part is that they were projected based on a fundamentally mistaken understanding of the composition of the MRP. This was a serious flaw in project planning and conception, and led directly to increased costs, failure to reduce the numbers in the post-2008 MRP as expected, and delays in achieving the project's aims.

A significant reason why the projected benefits have been realised only in part is that they were projected based on a fundamentally mistaken understanding of the composition of the MRP

²¹ [Immigration statistics, January to March 2014 - GOV.UK](#). All figures are provisional, and are likely to rise as additional departures are confirmed.

- 4.43 The effectiveness of contact management as a means of persuading people to depart has not, on the evidence we have reviewed, been proven. While the Serco pilot data showed that 5.3% of individuals departed after contact management, this figure had not been replicated by Capita when scaled up to the MRP as a whole. As of May 2014, only 0.73% of those put through the contact management process were confirmed as having departed after contact was made.
- 4.44 The contract with Capita runs until the end of October 2016, with the option of a further two-year extension, but the expected financial and strategic benefits of contact management have not been realised to date: far fewer migrants have been persuaded to depart than anticipated. We were very surprised that the Home Office had not sought to gather data on the success rate of Capita's contact management and had no means to evaluate the effectiveness of the process. Given the fact that less than one per cent of those contacted by Capita have left following that contact, it also needs to take urgent steps to improve the process itself with a view to securing more voluntary departures.

We recommend that the Home Office:

Undertakes analysis of Capita's contact management success rates in order to evaluate the benefits of the current process.

Improves the contact management process so that more migrants are persuaded to depart.

5. Inspection Findings – Capita Processes

Capita processes overview

- 5.1 Figure 9 describes how Capita's work on MRP records was divided into three key stages at the time of our inspection.

Figure 9: Capita's work on MRP cases	
Triage	The triage agent closed the record as a duplicate or as a departure if applicable; if the record could not be closed, the agent checked whether there was a 'barrier to contact' ²² and if not, the record would be 'passed to contact' ²³ .
Contact	The contact agent attempted to contact the migrant by various methods including letter, email, telephone and SMS text message; if contact was achieved, the agent would explain to the migrant that they had no lawful basis of stay in the UK and discuss with them their plans for departure; if contact was not achieved, the record would be referred for Capita tracing checks. ²⁴
Post-contact	Follow-up work was carried out by the post-contact team. This included providing assistance to migrants who agreed to depart, recording tracing results for those who were not contacted, and referring relevant cases to Immigration Enforcement where they had either refused to depart or where contact had not been achieved but there was a reliable tracing result.

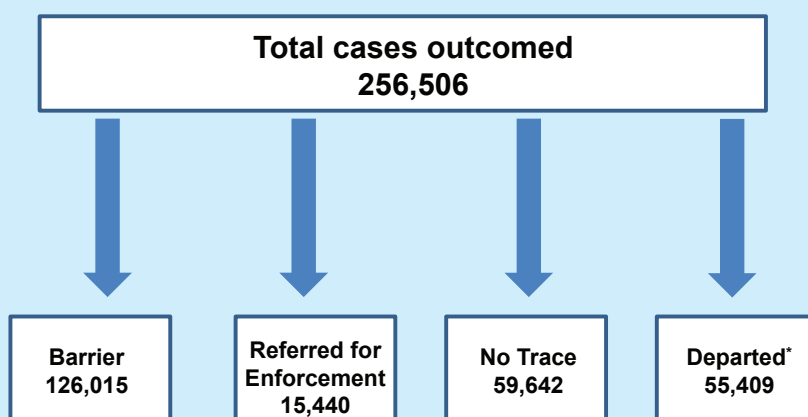
- 5.2 Records were outcomed by Capita as 'departed', 'barrier', 'no trace' or 'referred for enforcement'. Outcomes were recorded either at the triage stage, or after they had been through the entire Capita process. Figure 10 below shows the total Capita outcomes up to 27 April 2014.

²² Capita used the term 'barrier to contact' where there were circumstances present that would have made contact management inappropriate; for example, where the migrant had an outstanding application, had an ongoing judicial challenge or where the migrant was under 18 years of age.

²³ Note that pre-2008 records were not passed to contact at the time of our inspection and were outcomed instead as 'no contact required'.

²⁴ Capita carried out bulk tracing checks on those migrants whom they were unable to contact in order to identify alternative contact addresses. Tracing is discussed in greater detail later in this chapter.

Figure 10: Diagram showing Capita outcomes



* The outcome 'Departed' consists of departures that occurred before Capita was passed the MRP record, as well as departures that occurred after Capita attempted or achieved contact with the migrant.

5.3 Our file sampling assessed whether Capita was following Home Office assured processes to outcome and update MRP records accurately. Specifically, we examined whether Capita:

- identified duplicate records correctly;
- recorded departures correctly;
- identified barriers to contact correctly;
- recorded cases as 'no contact' correctly; and
- referred the correct cases to Immigration Enforcement.

Duplicate records

- 5.4 Each individual on CID should have only one CID record, covering all the immigration-related applications they have made in the UK. There are often instances, however, where an individual has more than one CID record. It is important that these duplicate records are identified and closed, because not only do duplicates inflate the number of records in the MRP, they can also cause confusion as to the current immigration status or whereabouts of the individuals to whom they relate.
- 5.5 Capita identified a total of 7,561 duplicate records from the pre-2008 cohort of the MRP out of a total of 49,448 outcomes. Duplicates therefore accounted for 15% of the pre-2008 cohort that Capita had worked up to 16 March 2014.
- 5.6 We sampled 15 duplicate records from the pre-2008 cohort that had been closed by Capita. We found that all 15 had been correctly identified as duplicates and that Capita had updated CID correctly to remove these duplicate records from the MRP.

Recording departures

- 5.7 Records are removed from the MRP where there is evidence that the migrant has departed from the UK. The Capita triage agent checks individual MRP records against Advance Passenger Information (API) and, where there is a data match, the record is closed as a departure. At the time of our

inspection, Capita's instructions were to update the removals screen on CID for departures that occurred within the same removals year (year ending 31 March) as the triage took place and where the migrant was an immigration offender.²⁵ The removals screen entries were counted towards the Home Office removals target.

- 5.8 We requested 60 records where Capita had assessed that the individuals had departed. These were broken down as follows:
- 35 records (25 post-2008 and 10 pre-2008) that had been outcomed as departed at the Capita triage stage ('triage departures');
 - 25 records that had been closed as departed following contact by Capita ('post-contact departures').
- 5.9 We found that, of the 35 triage departures we sampled, one was in fact a post-contact departure; and of the 25 post-contact departures, 23 were in fact triage departures. As a result, we sampled only three post-contact departures, with the remaining 57 records being triage departures.
- 5.10 We were told by the Home Office that they could not distinguish between triage departures and post-contact departures on CID and that they were therefore unable to provide us with the sample of 25 post-contact departures that we had requested.
- 5.11 We found it very surprising that the Home Office did not have statistics on how many migrants had voluntarily departed following Capita contact. This is particularly concerning given that an increase in the volume of voluntary departures was cited as one of the main benefits of the Capita business model, as discussed in Chapter 4 above.

Gaps in Advance Passenger Information (API) data

- 5.12 We were supplied with the corresponding Advance Passenger Information (API) data for each of our sample departure records. We found that in 25 out of the 60 records the API data was incomplete with either some inbound, some outbound, or both inbound and outbound journeys missing from the data. Given that Capita is heavily reliant on accurate API data to close records as departures, we were concerned to find such significant gaps in the data. It is highly probable that some migrants in the MRP have departed from the UK but that their outbound journeys are not recorded on the API, and therefore their record cannot be closed by Capita. The effect of this on the accuracy of the MRP is discussed in Chapter 8.

Given that Capita is heavily reliant on accurate API data to close records as departures, we were concerned to find significant gaps in the data

Departures inaccurately recorded

- 5.13 We were concerned to find that in 16 of the 57 triage departures (28%) the Capita agent had completed the removals screen in error and consequently these departures had been wrongly counted towards the Home Office removals target. As a result, the Home Office has overstated the number of removals in 2012-13 and 2013-14, because Capita was incorrectly recording as current removals cases where migrants had in fact departed years before. The potential impact of this on official immigration statistics and benefits realisation for the Capita contract is discussed in Chapter 4. We explore the different categories of Capita errors below.

Departing migrants with valid leave

- 5.14 In seven cases (12% of the sample of triage departures), Capita had failed to identify that the migrant

²⁵ On 1 April 2014 an amendment was made to the Capita guidance and as of 1 April 2014 all departures are entered onto the removals screen, including those that took place in previous years.

had valid leave when they left the UK. These records were in the MRP because they had received a negative decision or rejection of an application in the past, but the migrant either continued to have extant leave to remain or had been granted a fresh period of leave subsequent to the negative decision. In these cases, Capita completed the removals screen in error.

- 5.15 These departures should not have been recorded on the removals screen and should not have been counted towards the Home Office removals target, because the migrants were not immigration offenders. An example of one such case is set out at Figure 11 below.

Figure 11: Case study: Migrant had valid leave at the time of departure from the UK

The individual:

- was an Armenian national who entered the UK with a Tier 1 (Post Study) Partner visa valid until 15 June 2013;
- was refused an extension of leave on 13 May 2013 in line with her husband;
- departed from the UK on 2 June 2013 according to API data.

Capita:

- closed this record as a departure on 6 November 2013 using the departure date of 2 June 2013;
- completed the removals screen, with the result that this departure was included in the Home Office removals statistics.

Chief Inspector's Comments:

This individual departed from the UK before her leave had expired. She had not overstayed and was not an immigration offender.

Her departure should not have been recorded on the removals screen and should not have been counted as a Home Office removals statistic.

CID should have been updated to show that this individual had embarked with leave.

Incorrect departure date used

- 5.16 In eight cases (14% of the sample), Capita used an incorrect departure date. Five of these were curtailment cases and the other three were ones where Capita failed to identify that the individuals had made visa applications overseas.
- 5.17 In the first category, the migrants' leave had been curtailed following notification from their employer that they had either ceased employment or they had been transferred outside the UK. API data showed that they had departed shortly after their employment in the UK ended and well before the curtailment decision was taken. API data also showed that the migrants subsequently travelled into and out of the UK for short visits, as they were entitled to do as non-visa nationals.
- 5.18 Rather than use the departure date that followed the end of the UK employment, the Capita agent used a much later date and recorded the departures on the removals screen. The inaccurate recording of these departures resulted in these migrants, who had complied fully with the terms of their leave, being recorded as having overstayed when they had not done so. These departures were also erroneously counted towards the Home Office removals target. An example is shown at Figure 12 below.

Figure 12: Case study: Curtailment case - Capita agent used an incorrect date to record the departure

The individual:

- was a US national who had been granted leave to remain as a Tier 2 (Intra-company transfer) migrant until 25 April 2013;
- had, according to his employer, ceased employment in the UK as of 1 October 2012 as he had returned to the US.

The Home Office:

- curtailed the individual's leave on 13 February 2013 so as to expire on 14 April 2013.

Capita:

- updated the individual's record on 20 November 2013 to confirm that he had departed from the UK;
- used 29 May 2013 as the departure date, although API data indicated that the individual had in fact departed from the UK on 26 August 2012 and had made a number of short visits since, the last ending with an outbound flight on 29 May 2013;
- completed the removals screen, with the result that this departure was included in the Home Office removals statistics.

Chief Inspector's Comments:

This individual had complied with the terms of his leave by departing from the UK as soon as his employment ceased. He had not overstayed and was not an immigration offender.

CID should have been updated to show that this individual had embarked with leave.

5.19 Where CID shows that someone has overstayed their leave, Border Force should refuse entry at port. In cases such as the one above, where the record incorrectly shows that an individual has overstayed, this will mean that someone who has fully complied with immigration requirements will, at the least, be unnecessarily subjected to delay and inconvenience at the border until the mistake is identified. This is unacceptable, especially given the potential number of people affected.

5.20 Of our file samples of post-2008 MRP cases closed by Capita as departures, 54% (27 of 50 records) were curtailment cases. In all but five of these cases, the individual departed with valid leave. But in eight of these 22 cases (36%), the Capita agent used incorrect API data to close the case on CID, with the result that the individual appeared to have overstayed when they had not done so. Our sample suggests that significant numbers of people will have been affected by this error. In February 2014, the Home Office reported that 21% of the 182,800 cases processed by Capita from December 2012–October 2013 were departures. Potentially, over 6,000 individuals who left with valid leave may have been recorded as overstayers as a result of Capita processing of cases over this period alone.²⁶

Potentially, over 6,000 individuals who left with valid leave may have been recorded as overstayers as a result of Capita processing of cases over this period alone

²⁶ Of the 21% of 182,800 records closed by Capita as departures (38,388), based on our sample 54% were curtailment cases (20,729), and of these 81% (16,790 approximately) departed with valid leave. An error rate of 36% would affect over 6,000 records.

- 5.21 Where the migrant has made a subsequent visa application from overseas, this is accepted by both the Home Office and Capita as evidence that the migrant has departed from the UK. For the purposes of closing MRP records, the visa application date is used as the date of departure.
- 5.22 We found that in three records (5% of the sample) Capita had used an incorrect departure date because they had failed to identify visa applications made overseas. Rather than use the visa application date to close the records as departures, they had used a much later API date. The Capita agent had completed the removals screen, with the result that these departures were erroneously counted as Home Office removals statistics. An example is shown at Figure 13 below.

Figure 13: Case Study: Capita agent failed to identify overseas visa application

The individual:

- was a Jordanian national who had been granted leave to remain as a student until 28 February 2005 following two rejected applications;
- applied for a student visitor visa in Amman on 3 October 2005, which was refused. The visa application notes indicate that the individual had left the UK in mid-June 2005.

Capita:

- used API data linking the individual to a flight from the UK to Amman on 21 June 2013 as the date of departure; and
- updated the removals screen on CID so that this departure counted towards the Home Office removals target.

Chief Inspector's Comments:

It was clear from the visa application date and the accompanying notes that the individual departed from the UK in 2005.

In accordance with Capita guidance, the agent should have used the visa application date as the departure date in order to close the case. It should not therefore have been included in Home Office removals statistics for 2013-14.

The Home Office:

- Accepted that an error had been made by the Capita agent. The record has now been rectified and the case has been closed on the basis of the visa application date. The record no longer counts towards the Home Office removals target.

Quality assurance

- 5.23 Capita is contractually bound to provide an appropriate level of quality and the Home Office MRP internal quality framework states that Capita must carry out internal sampling by a manager of 10 to 20 cases per month. The same document states that Capita agents have 100% of their work checked for the first five days; if they achieve 100% accuracy, this drops to 5%. After a further five days, the percentage of records checked drops to 2%. Capita staff told us that generally they sample 5-10% of records.

- 5.24 The Home Office also checks a random 5% sample for accuracy. This is divided into a 2.5% sample across all records, plus a 2.5% sample of records that have already been checked by Capita managers.
- 5.25 We asked for sight of the minutes of the weekly quality meetings that took place between the Home Office and Capita. We noted from the minutes of the meeting on 17 December 2012 that the Home Office's quality checks had identified that one of the main error types was Capita using the most recent flight on the API data to close the case, rather than the flight closest to the refusal date. The Home Office had also identified that Capita was not always identifying visa applications made overseas to close cases.
- 5.26 Over a year later, and in line with our file sample findings, the same issues were still being identified as Capita errors. For example, Home Office sampling for the week commencing 20 January 2014 showed that Capita had only achieved a 73% pass rate for departure cases, and that incorrect flights being used, and overseas visa applications being missed, continued to be identified as errors. While the records show that the Home Office assurance process is identifying errors, it is disappointing that nothing had been done to resolve these recurring issues.
- 5.27 When we spoke to Home Office managers, they confirmed that there had been issues with the quality of Capita's work and that a significant dip in quality towards the end of 2013 had resulted in their delaying payment of Capita invoices until the quality scores had improved. Managers were, however, satisfied that the Capita quality issues had since been addressed.
- 5.28 When we raised the error rate with Capita managers, they told us that they had been forced to redeploy staff from casework to triage in response to changes in workload. They conceded that the redeployment of these less experienced staff had contributed to the dip in quality scores.
- 5.29 As stated above, we found that 28% of our triage departures sample had been claimed as departures in error, through the incorrect completion of the removals screen by Capita. In January 2014, the Home Office's own quality assurance had a year-to-date pass rate on departures of 83%. However, our sampling would equate to only a 72% pass rate based on this type of error alone.²⁷ In the light of the high number of errors we identified in our sample, and the direct effect such errors have on official Home Office removals statistics, we make the following recommendation.

We recommend that the Home Office:

Puts in place more effective quality assurance mechanisms so that Capita records departures correctly and removals statistics are not claimed in error.

Barriers to contact

- 5.30 During the triage process, Capita staff identify whether the record can proceed to the contact management stage. There are a number of reasons why a record may not be suitable to proceed to contact management, such as where the migrant has an outstanding application or ongoing legal proceedings. Where Capita staff assess that they cannot proceed to contact management, they class the record as one where there is a 'barrier to contact'. We sampled 58 records that had been classed by Capita as having a 'barrier to contact'. We found that in 55 cases (95% of the sample) Capita had identified the barrier to contact correctly.
- 5.31 We found two cases where Capita had identified a barrier to contact but in fact CID showed that the further submissions had already been resolved. In the third case, the barrier identified by Capita had already been resolved, but there was a further barrier that Capita had failed to identify.

²⁷ The Home Office quality checks look at many additional factors, such as the updating of CID notes

- 5.32 The same Capita outcome is used to record any type of barrier to contact, which is ‘refer to UKBA – barrier’. Our own analysis of the types of barrier to contact we identified in our sample is shown in Figure 14.

Figure 14: Breakdown of barriers to contact in our file sample	
Pre-Action Protocol (PAP) letter outstanding	15
Reconsideration request/further submissions outstanding	15
Ongoing Judicial Review	8
Application/appeal outstanding	8
Minor	5
Asylum case	3
Recent Home Office activity	2
Total	56

- 5.33 The Home Office had not asked Capita to create a process that would distinguish between these different types of barrier. This was surprising, given that greater differentiation would assist Removals Casework in identifying cases that required action. Categorisation of the different types of barrier would enable RCC workflow to be more effective at prioritising cases that were either urgent or had straightforward barriers that would be quick to clear.
- 5.34 We also noted that records of minors were classed as having barriers to contact, because contact management was not undertaken for individuals under 18 years of age. We consider that the standard Capita outcome, ‘Refer to UKBA – barrier’, is not helpful in these cases, as all it means is that the migrant is too young to be contacted, rather than being an indication that some sort of action is required on the case.

We recommend that the Home Office:

Records the type of barrier present on individual MRP records so that they can be prioritised effectively.

Capita tracing

Background

- 5.35 The original contract for the MRP work did not contain a tracing element. This was introduced after Capita had begun work on the MRP, when it was found that far fewer migrants were proving contactable than had been anticipated. Capita suggested that records for which they failed to make contact should be sent for bulk tracing checks, to maximise the chances of achieving contact.

Tracing process

- 5.36 If Capita staff fail to make contact with a migrant using the details available on CID, they carry out basic tracing checks, including Equifax, to identify possible alternative contact addresses. Capita categorises the tracing results as ‘platinum’, ‘gold’, ‘silver’ or ‘bronze’ according to their reliability.
- 5.37 We found that there was a lack of clarity among both Home Office and Capita staff surrounding the tracing categorisations used by Capita and their definitions. Initially when we asked the Home Office for definitions of the different tracing categorisations used, we were told that Capita had not shared this information with Home Office staff and so they did not know what the different categorisations

meant. Subsequently the Home Office did provide us with a definition of a ‘gold’ tracing result,²⁸ but this differed from the definition provided to us by Capita managers when we carried out our on-site inspection,²⁹ as shown in Figure 15.

Figure 15: Capita tracing process

Tracing category	Definition
Bronze	Telephone number registered in the provided surname at the provided address
Silver	Two financial transactions in last six months
Gold	Three or more financial transactions in last six months
Platinum	Three or more financial transactions in last three months.

- 5.38 We were concerned that the Home Office had very little knowledge of the tracing checks being carried out by Capita and the reliability categorisations used. Given that Capita was referring cases to the Home Office for enforcement action where it deemed that positive tracing was reliable and that the Home Office was potentially dedicating resource to pursuing enforcement action in those cases, we were disappointed that the Home Office had not sought to establish exactly what the tracing terms meant.
- 5.39 Capita staff told us that if a new address was identified through tracing and the result was a platinum or gold level hit, the address details were added to CID notes and the record was put through the Capita contact process again using the new details. If contact was achieved and the address verified, the address field on CID was then updated.
- 5.40 Where Capita fails to make contact but has a platinum or gold level tracing result, the case is referred to RCC. All other cases where Capita has failed to make contact are outcomed as ‘No contact’. It was unclear to us why cases with silver level tracing results, which show that there has been financial activity at the address, were not referred also.
- 5.41 To assess the effectiveness of the tracing process, we sampled 49 records that had been outcomed by Capita as ‘No contact’ after completion of the tracing process. We found that Capita had failed to update CID notes with highly reliable (platinum/gold) tracing results in 4 out of 49 cases (8%) – this was contrary to its own guidance. Three of these cases related to new addresses, identified through tracing, which had not been noted on CID, while the fourth case related to a migrant who had been found to be living at the address stated on CID. Not only was Capita failing to follow its own processes in these cases, but its failure to record the tracing results meant that valuable information about the migrants’ whereabouts was not being made available to the Home Office. In one case, Capita’s note was actively misleading, stating that no new contact details had been found when in fact a new address had been identified.
- 5.42 There were a further 19 records (39%) with silver results for new addresses identified and one record (2%) with a silver result for living as stated. As Capita deemed these to be low reliability results, there were no notes on CID for these records either. Again, this meant that potentially valuable information was not being recorded on Home Office systems.
- 5.43 It was disappointing to find that Capita was failing to record tracing results in a significant number of cases. Had positive results been accurately recorded, they could have been used to inform a

²⁸ At least two evidenced financial activities at the address provided within the last three months, plus a minimum of one other evidenced data source, e.g. edited Electoral Roll (ER).

²⁹ However, Capita agents provided different definitions of ‘silver’ (one financial activity) and ‘gold’ (two or more financial activities) tracing results.

decision on whether enforcement action could have been successfully pursued. Where no results had been recorded, the Home Office would have assumed that no evidence had been found that linked the migrant to the address held on CID, or to a new address, and would be unlikely to try to progress such cases. Based on our file sample findings, the consistent failure to update CID accurately rendered Capita tracing largely ineffective.

- 5.44 The Home Office had not identified that Capita was not following the agreed process for cases with highly reliable tracing results. This suggested that the quality assurance mechanisms in place at the time of our inspection were insufficient.

The Home Office had not identified that Capita was not following the agreed process for cases with highly reliable tracing results

- 5.45 When we raised our file sampling results with the Home Office, showing that tracing results were not being put onto CID by Capita, it introduced a new process for Capita agents. We were told that Capita now placed a note on CID for all cases that had been through tracing, stating whether there was a positive result and if so, upon what this was based, i.e. the number of financial transactions identified. We welcome this positive initiative.

Cases not referred after tracing

- 5.46 Five of the ‘no contact’ cases we sampled (10%) had highly reliable tracing results but had not been referred to RCC as they should have been, an example of which is shown in the case study at Figure 16.

Figure 16: Case Study: Migrant with highly reliable tracing result not referred to RCC

The individual:

- was a Ghanaian national whose EEA residence card application was refused on 22 December 2009;
- had submitted his passport, valid until 2018, which was retained on the Home Office file.

Capita:

- passed the individual’s record to the contact team on 22 April 2013;
- attempted to contact the individual by letter, telephone and text message without success;
- sent the record for tracing checks and found that the individual was living as stated with a gold level of reliability;
- updated the record on 25 November 2013 with a ‘no contact’ outcome and noted CID to the effect that no new contact details had been identified after tracing.

Chief Inspector’s Comments:

As there was a gold tracing result for this individual, Capita should have referred the case to RCC rather than recording it as ‘no contact’. The tracing result should also have been recorded in the CID notes so that it was available to Home Office staff.

Due to Capita error, the case was not picked up by RCC workflow and a potential opportunity to remove the individual was missed, even though a valid travel document was held on file.

Cases incorrectly referred to RCC after tracing

- 5.47 Conversely, we found that 11 (22%) of our 49 barrier-free sample had been referred to Immigration Enforcement in error. Capita had failed to contact these 11 migrants and tracing had yielded results with low reliability (9 silver and 2 bronze). These records should have been classified as ones where Capita had failed to make contact with the migrants concerned. An example is shown in the case study at Figure 17 below.

Figure 17: Case Study: Migrant with very low reliability tracing result referred to RCC

The individual:

- was a Bangladeshi national whose application for leave to remain outside the Rules was refused on 31 December 2010; and
- did not have a travel document.

Capita:

- passed the record to the contact team on 13 March 2013;
- attempted and failed to make contact with the individual by letter;
- after tracing, found the individual to be living at the stated address but with a very low reliability tracing result based on telephone number only (bronze result);
- updated the case to show 'refer to UKBA - no barrier' on 26 November 2013.

The Home Office:

- accepted the case on 10 December 2013 and allocated it to a caseworker on 21 January 2014;
- issued overstayer papers and reporting restrictions to the address on CID but the individual failed to report.

Chief Inspector's Comments:

Capita failed to make contact with this individual and as the tracing checks failed to elicit a platinum or gold result, Capita should have updated the case to show 'no contact' rather than referring the case to RCC.

The Capita error resulted in the Home Office undertaking nugatory work on this case given that the address was not reliable.

- 5.48 Capita has a potentially important role to play in identifying and signposting cases that could be pursued for enforcement action. Our evidence showed, however, that this process was not working effectively. Cases with reliable tracing results, which could have been pursued for enforcement action, were not referred by Capita, while others with low reliability tracing results were referred. Incorrect signposting by Capita led to potential removals being lost and to waste of RCC casework resource on other cases where a successful outcome was unlikely.

Capita has a potentially important role to play in identifying and signposting cases that could be pursued for enforcement action. Our evidence showed, however, that this process was not working effectively

Capita tracing – unreliability

- 5.49 We found concern among Home Office staff that the Capita tracing results were not reliable. Staff in RCC told us that Capita had recorded positive tracing results for addresses that did not exist and for migrants who had long since departed from the UK. They also said that they would usually carry out their own tracing checks as they could not rely on those undertaken by Capita.
- 5.50 Managers and staff in RCC told us that the results of two recent operations, Operations Abbess and Bascomb, had highlighted that Capita tracing results were not as reliable as individualised checks carried out by RCC caseworkers.
- 5.51 Operation Abbess and Bascomb took a cohort of 200 cases, all of which had been through Capita tracing checks. One hundred of these cases were tasked to ICE teams without further tracing checks being undertaken (Abbess cases), while the remaining 100 cases were subject to a further tracing check using Experian (Bascomb cases). All the cases were then tasked to ICE teams, who used the information resulting from the tracing checks to conduct enforcement visits to the residential addresses.
- 5.52 In the Abbess tranche, ICE teams encountered only one of the target individuals out of 75 visits (1% success rate). In the Bascomb tranche, ICE teams encountered 22 target individuals out of 75 visits (29% success rate). The results of this operation indicate that the Capita tracing results cannot be relied upon and that additional tracing carried out prior to referring a case to an ICE team for an enforcement visit creates a much higher chance of encountering the individual.
- 5.53 Senior Home Office officials acknowledged that bulk tracing was not as reliable as individual tracing checks, but they said that there was a significant cost and resource implication to conducting individual tracing on every case. They also acknowledged that there was often a significant time lag between the receipt of Capita tracing results and the case being prepared for enforcement action, which diminished the reliability of the Capita tracing results due to the passage of time. Following the outcome of Operation Abbess & Bascomb, senior officials told us that consideration was being given to implementing a procedure in which RCC would undertake an Experian check immediately prior to tasking a case for enforcement action. This would mean that ICE teams should have up-to-date address details and would be more likely to encounter the individual at the address.
- 5.54 Based on our analysis and file sampling, it would appear that the Capita tracing process added little value. The Home Office should therefore assess whether it is a useful and cost-effective addition to the contract.

Conclusion

- 5.55 Capita was correctly identifying duplicate records and closing them accordingly. It was also generally identifying barriers correctly, although we believe that more could be done to distinguish between the different types of barrier to assist RCC in prioritising casework.
- 5.56 We were very concerned with Capita's high error rate in the recording of departures. This has led to a significant number of removals having been erroneously claimed by the Home Office. It must therefore take urgent action to ensure that Capita only records MRP cases as removals when it is appropriate to do so. Capita must also ensure that it records the outcomes of positive tracing results in all cases on CID and that it correctly identifies those cases that should be referred to the Home Office for enforcement action.
- 5.57 In the light of the many issues that our inspection identified with the delivery of the Capita contract, the Home Office must assure itself that the contract is being adequately audited and that improvements in quality standards are being made.

Capita casework – reconsideration requests

- 5.58 The MRP cleansing and contact management contract awarded to Capita also included simple preliminary casework tasks, expected to cover 50,000 cases, to support Home Office enforcement caseworkers. However, we were told by senior managers that, because cases in the MRP had turned out to be far more complex than had been anticipated, Capita were not able to undertake the original type of casework envisaged. As an alternative, the Home Office asked Capita to process the department's backlog of reconsideration requests, which Capita could clear in accordance with the Home Office's reconsiderations policy introduced on 13 November 2012.³⁰
- 5.59 However, the Home Office was able to identify only approximately 19,000 reconsideration requests, a shortfall of over 30,000 cases compared to the volume specified in the contract. In addition, in December 2013, around 3,000 reconsideration cases were put on hold at the request of the Home Office because the policy position on how to deal with reconsideration requests that raised human rights lacked clarity and was under review.³¹
- 5.60 The Home Office told us that the policy would be clarified but, at the time of our inspection, it had yet to decide whether the cases already considered by Capita would need to be reworked. It was disappointing that the HR policy issue had not been identified earlier, given that a significant number of reconsideration requests cite their right to a family and private life in the UK as a reason why their application should be reconsidered.³²
- 5.61 When the contract was originally signed, the estimated cost of Capita casework was £2.5 million, but because of the shortfall in the number of cases available to work and the decision to hold back a significant category of casework, Capita managers told us that they were not achieving anywhere near the volume of outcomes they had expected: Capita had achieved 16,100 casework outcomes up to 27 April 2014, compared to the 50,000 originally anticipated. Home Office managers told us that they were considering options for additional casework that would make up the shortfall in the volume of cases. We were concerned that the Home Office had not clearly identified sufficient casework for a contractor to undertake before tendering for this contract.

Capita casework process

- 5.62 At the time of our inspection, the Capita casework process consisted of two stages. Initially, a Capita agent established whether the reconsideration request could be closed or rejected. Requests were closed where, for example, the migrant had left the UK or had been granted leave. Requests could be rejected where, according to the policy, the reconsideration request was not valid.³³ Where the reconsideration request was closed or rejected, there was no further action for Capita casework other than to inform the migrant, where appropriate.
- 5.63 Where the reconsideration request could not be closed or rejected, it was passed to a caseworker to consider whether to recommend that the request be accepted or refused.³⁴ The caseworker completed a pro-forma which was added to the Home Office file. We were told by Capita caseworkers that the process took about 90 minutes per case. A flow chart of the process is shown in Figure 18.

30 Applicants can ask for a temporary migration or permanent migration refusal to be reconsidered if they believe that the decision was incorrect. A significant backlog of these requests had built up by 2012 because there was no Home Office resource allocated to respond to the requests. A new policy was introduced on 13 November 2012 which clarified the circumstances in which a reconsideration of a decision would be undertaken.

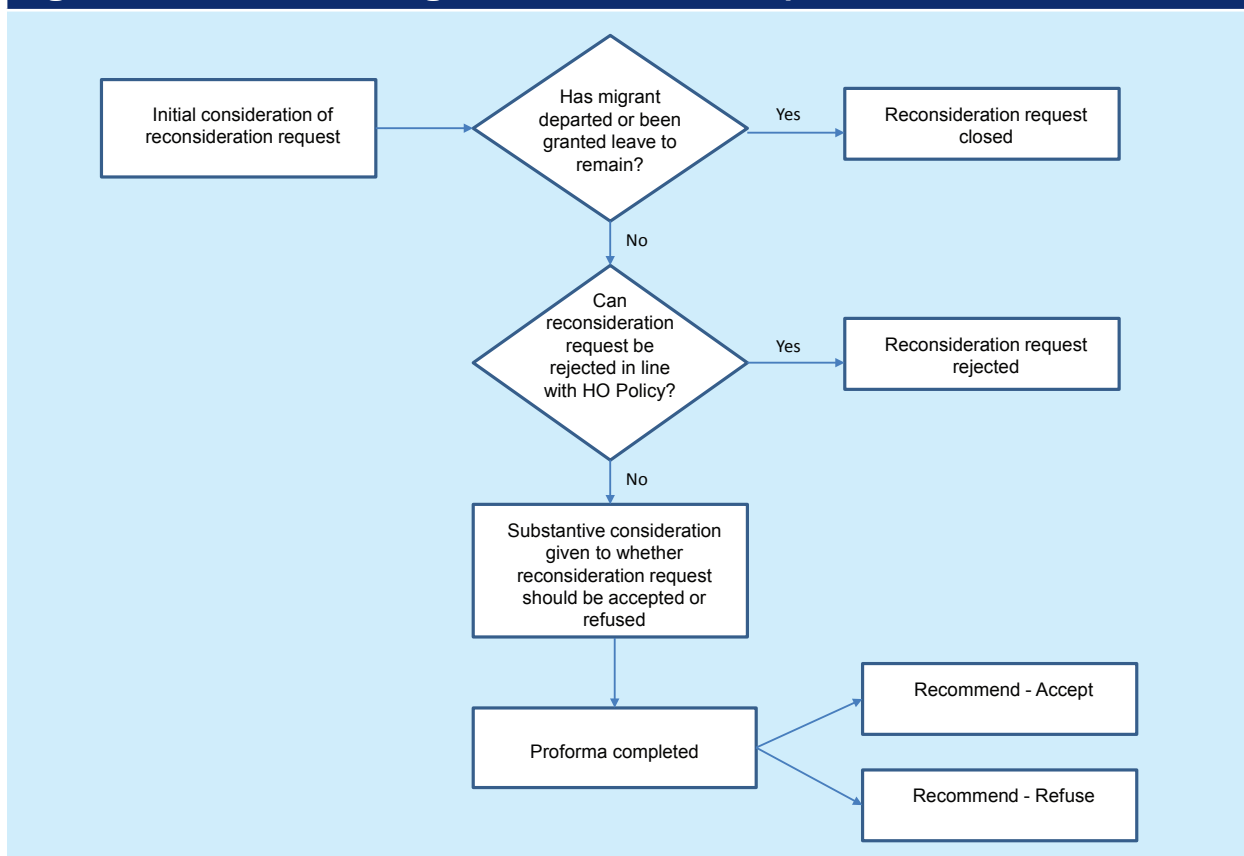
31 From 23 December 2013 all reconsideration requests raising human rights have been put on hold because the Home Office reconsiderations policy was unclear with regard to how representations on human rights grounds would be handled in these circumstances.

32 Article 8 of the European Convention on Human Rights states that everyone has the right to respect for private and family life.

33 The Home Office reconsiderations policy sets out the requirements for a valid reconsideration request to be accepted. There are different requirements depending on whether the request was submitted prior to the introduction of the policy on 13 November 2012 ('legacy' requests) or on or after 13 November 2012 ('new' reconsideration requests).

34 Capita agents did not make a decision on any reconsideration requests; the recommendation made by Capita would be reviewed by a Home Office caseworker who would be responsible for issuing a decision.

Figure 18: Process for dealing with reconsideration requests



Capita's assessment of reconsideration requests

5.64 Figure 19 sets out the casework outcomes achieved by Capita as at 27 April 2014.

Figure 19: Capita casework outcomes as at 27 April 2014

Total cases worked	19,022
Completed	16,100
Of those:	
Reconsideration request rejected	4,393
Reconsideration request closed	2,934
Admin task closed	1,150
Referred	1,655
Recommend accept	478
Recommend refuse	5,490

Quality and accuracy of Capita recommendations

5.65 We sampled 25 of Capita's casework files where they had made a recommendation as to whether to accept or reject the reconsideration request. We assessed whether Capita were considering the reconsideration requests correctly and examined what action had been taken by RCC following the Capita recommendation.

- 5.66 We found that in five cases (20%) Capita had made an incorrect recommendation. Two should have been rejected at the outset, the reconsideration requests having lapsed because judicial reviews had been lodged, while three that Capita had assessed as 'recommend – refuse' should in fact have been accepted because there were valid grounds on which to reconsider the original decision. An example is shown in Figure 20.

Figure 20: Case study: Capita made an incorrect recommendation to refuse the reconsideration request

The individual:

- was a Pakistani national who submitted an application for leave to remain based on his marriage to a British citizen;
- was refused on the basis that documentation requested by the Home Office to evidence his marriage and co-habitation had not been received;
- submitted a reconsideration request on 10 December 2013 and enclosed evidence that the package of documents requested was signed for by the Home Office on 7 November 2013.

Capita:

- was passed the reconsideration request on 18 December 2013;
- made a recommendation on 21 January 2014 that the reconsideration request should be refused;
- completed a reconsideration recommendation pro-forma that stated that the original decision to refuse was correct; giving no consideration as to whether the evidence provided by the applicant on 10 December 2013 affected the validity of the original decision.

Chief Inspector's Comments:

Capita should have recommended that this application be reconsidered. The original decision was clearly flawed, as it was based on the applicant's failure to comply with a request for information when in fact he had produced evidence of his marriage and co-habitation.

This evidence was with the Home Office prior to the date of refusal but was not taken into account.

- 5.67 In the three cases where Capita had made an incorrect recommendation to refuse the reconsideration request, the Capita caseworker had failed to consider the reasons for the request cited by the applicant and had failed to assess whether the original refusal decision was flawed. We found that the pro-forma that Capita caseworkers completed was primarily focused on a lengthy consideration of whether the migrant would qualify for leave under the Rules relating to family and private life, a consideration which was not relevant to the assessment of whether a reconsideration of the original decision was required. Although the pro-forma had sections covering the basis of the reconsideration and whether the original decision was correct, we found that Capita caseworkers were routinely entering stock phrases and were not giving substantive consideration to these issues. This meant that they were not giving proper consideration to the issue of whether a reconsideration of the original decision was required in line with Home Office policy.
- 5.68 Home Office managers told us that they had been disappointed with Capita's capability on the casework function. There was a consensus among Home Office managers that Capita staff had found the work difficult and that Capita's strength lay in dealing with straightforward volume work, rather than assessing more complex cases. They acknowledged that progress had been slower than anticipated and there had been issues with quality.

- 5.69 We were provided with Home Office quality assurance scores up to the week commencing 3 February 2014, which showed that Capita casework had achieved a pass rate of 84%. Capita's own quality assurance scores showed that the pass rate was 64% for that week, although it had risen to 86.9% for week commencing 17 February 2014. Capita managers said that the long lead-in time for the casework function was due, in part, to delays in getting processes agreed with the Home Office; it often seemed to take a long time to establish exactly what the Home Office wanted them to do.

Value of Capita casework

- 5.70 The RCC caseworkers whom we spoke to said that the pro-forma completed by Capita casework was of very limited value. As reconsideration cases were often very old by the time the case was allocated to them, they would have to write out again to the migrant for up-to-date information. Even if the information provided by Capita was up to date, the caseworkers said that they would still need to do a further consideration themselves. Many considered that Capita's involvement led to double-handling of cases, which was inefficient and costly. While some managers felt that the reconsideration pro-formas should be used by RCC caseworkers with less scrutiny, the majority agreed that Capita's casework added little value.

Action taken by RCC

- 5.71 RCC managers told us that 'recommend – accept' outcomes were being prioritised, but all other cases were allocated in accordance with the national tasking priorities.³⁵ This was not borne out by our sample, however. We found that only five cases in our sample (20%) had been allocated to an RCC casework team following completion of the Capita recommendation. Although one of the cases allocated to RCC was a 'recommend – accept' case and one was a charter national, the other three cases were undocumented non-charter nationals with 'recommend – refuse' outcomes. Of the cases that were not allocated to an RCC casework team, ten were charter nationals and three of these were documented. This was disappointing, given that such cases are more likely to result in early removal.

Conclusion

- 5.72 We highlighted the fact that the Home Office had a large backlog of reconsideration requests in our report on spouse and civil partnership applications in 2013.³⁶ We were therefore pleased to note that Capita had closed off 7,327 reconsideration requests. Had Capita not been doing this work, it is likely that many of those 7,327 requests would have remained open as the Home Office did not have a dedicated resource to deal with them.
- 5.73 Nevertheless, we were concerned about the value of Capita's casework overall, particularly the recommendations it makes to the Home Office on whether to accept or refuse reconsideration requests. Our review of the evidence available suggests that this work is of no significant benefit.

We recommend that the Home Office:

Re-evaluates the casework element of the Capita contract to ensure that it is a cost-effective use of public resources

³⁵ The national tasking priorities include individuals with valid travel documentation and charter nationals, both of which categories are deemed easier to remove, so we would have expected to have seen these types of cases being prioritised alongside the 'recommend – accept' cases.

³⁶ The Independent Chief Inspector's report on an inspection of applications to enter, remain and settle in the UK on the basis of marriage and civil partnerships was published on 24 January 2013 and can be found on the Independent Chief Inspector's website at: <http://icinspector.independent.gov.uk/inspections/inspection-reports/2012-inspection-reports-2/>

Complaints about Capita's performance

Timeliness of complaints handling

- 5.74 The Home Office Complaints Management Procedure states that Capita should provide a written or verbal response to the individual within 10 working days of it being raised to Capita. Where further investigation, either by Capita or by the Home Office is required in order to resolve the complaint, an interim response should be provided at 10 working days, with the aim of responding in full within 20 working days.
- 5.75 Capita responded to the majority of complaints in our sample, but five were transferred to the Home Office for a response. We found that the majority of complaints were responded to within the target timescales, although in one case Capita took 27 days to send a response, while in another the Home Office took 46 days. Overall we found that the timeliness of complaints handling was acceptable.

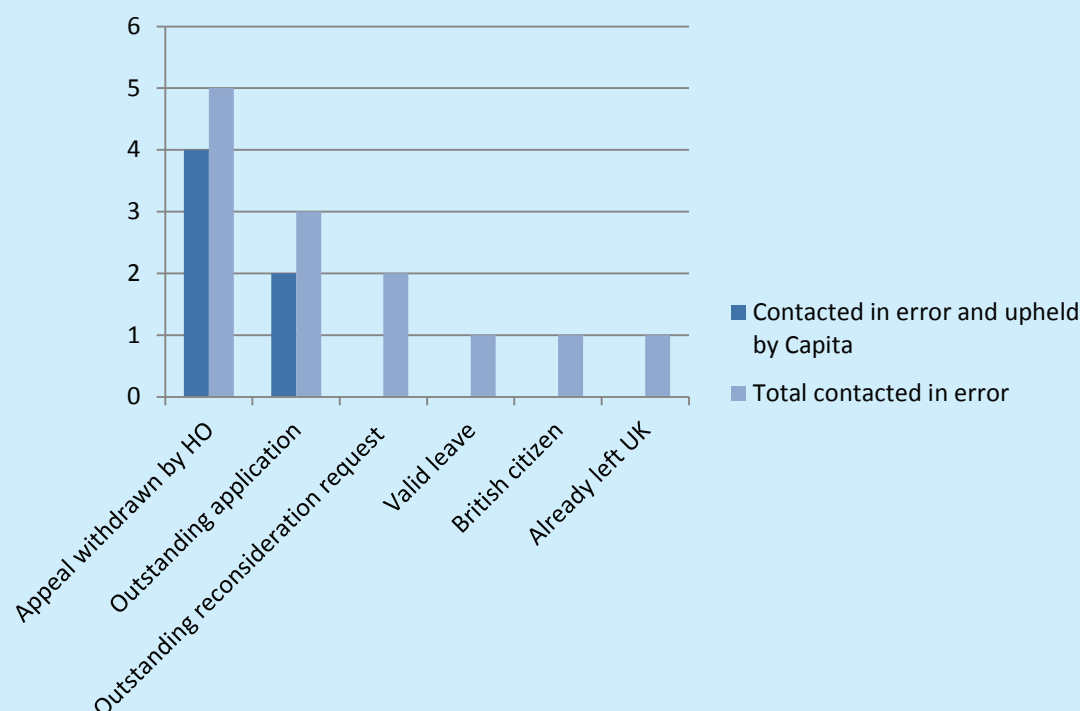
Quality of complaints handling

- 5.76 We were informed that Capita had received 199 complaints³⁷ between 10 December 2012, when Capita commenced contact management of MRP cases, and 31 December 2013. We were informed by the Home Office that each complaint had been investigated and that 'individuals have been contacted in error in 31 of the 199 cases'.
- 5.77 We were provided with the Capita complaints log that covered the period 6 January 2013 until 17 January 2014. This showed 126 complaints, with 31 being upheld as 'Capita errors'.³⁸ We sampled 15 complaints selected at random from the complaints handled by Capita since October 2012.
- 5.78 We found that six out of the 15 complaints in our sample (24%) were upheld by Capita as being due to Capita errors. In assessing whether to uphold a complaint, Capita examined whether all their processes had been followed correctly in determining whether the record should have been passed to contact management. If Capita had followed their processes correctly, they did not uphold the complaint. We were, however, told by Capita staff that they would still write to the complainant to apologise if they had been contacted in error through no fault of Capita.
- 5.79 We analysed our complaints sample on the basis of whether the individual should have been contacted by Capita, i.e. we assessed whether at the time of the Capita contact, the person was still in the UK, was without valid leave to remain and had no applications or appeals outstanding. We found that, in 13 of the 15 complaints in our sample (87%), the complainant had been contacted in error.
- 5.80 The bar chart at Figure 21 below shows the types of case in our sample in which Capita contacted people in error and whether they accepted that this was as a result of not following their own processes correctly.

³⁷ The majority of complaints made to Capita were on the basis that the migrant should not have been contacted because they either had leave to remain or had an application outstanding. Other reasons for complaints included migrants having already left the UK, Capita contacting migrants direct rather than their legal representative and poor customer service.

³⁸ 'Capita errors' were defined as instances where Capita agents had not followed Capita process guidance correctly.

Figure 21: Capita complaints handling: Individuals contacted in error



5.81 We found, therefore, that in our sample of 15 complaints, seven of the 13 complainants (54%) who had been contacted in error did not have their complaints upheld by Capita. A specific example of a complaint that was not upheld by Capita is described in the case study at Figure 22.

Figure 22: Case study: British citizen contacted in error by Capita

The individual:

- had two records on CID; one showed that she was an Afghan national who was linked to an invalid application made in September 2004; the other showed that she had been naturalised as a British citizen in June 2004.

Capita:

- was passed the September 2004 record on 5 December 2012;
- did not identify a duplicate record at triage and passed the record to contact;
- sent the individual a standard letter informing her that she was an overstayer and should leave the UK without delay;
- received an email from the individual on 13 February 2013 in which she complained about Capita's letter on the basis that she had Indefinite Leave to Remain (ILR);
- reviewed the case and found that the individual had a duplicate record on CID that confirmed she had been granted ILR in 2002 and citizenship in 2004; but
- still failed to uphold the complaint on the basis that they had followed their own processes and could not therefore have identified she was a British citizen.

Chief Inspector's Comments:

Capita contacted a British citizen telling her that she was an overstayer and should make arrangements to leave. Clearly she should not have been contacted.

Regardless of whether Capita had carried out its processes correctly or not, this complaint should have been upheld as the British citizen was contacted in error.

- 5.82 On the basis of our findings, many more people may have been contacted in error than is reflected in the Capita complaints data. While we accept that Capita may want to assess complaints based on whether or not their agents followed the correct processes, we consider that this does not provide an accurate picture of whether the complainant was contacted in error.

On the basis of our findings, many more people may have been contacted in error than is reflected in the Capita complaints data

We recommend that the Home Office:

Records complaints accurately to reflect the number of people who have been contacted in error.

6. Inspection Findings – Removals Core Casework

Introduction

- 6.1 We looked at:
- the efficiency of the allocation of individual cases flowing in to RCC and out to caseworkers;
 - how successfully cases were being progressed to conclusion; and
 - how effectively the reorganised and centralised RCC was managing its caseload overall.
- 6.2 We noted that the majority of cases coming into RCC were MRP cases that had been processed by Capita.
- 6.3 One of the anticipated benefits of the outsourcing of data cleansing and contact management of the MRP was an increase in removals as a result of more cases suitable for enforcement action being referred into RCC. Capita processes only resolve cases where a voluntary departure has taken, or will take place. Caseworking of the remainder will still be required if there is to be a substantive reduction in the number of outstanding cases where those who have no leave to remain have not complied with immigration regulations. We therefore also looked at whether cases suitable for enforcement were being correctly referred to RCC.
- 6.4 As part of our file sample, we looked at how RCC caseworkers had dealt with cases that Capita had designated as ready for conclusion by RCC ('no barrier no departure cases' [NBND]), and cases where further casework was required before conclusion ('barrier cases'). We also looked at cases where Capita had not received a response to efforts at contact and had not been successful in confirming a migrant's current location ('no contact cases') to see how these were being managed.

Case allocation

- 6.5 Between 50-80% of cases (up to 1,500 a week) referred into RCC come from Capita. Other sources of referral include Immigration Compliance and Enforcement (ICE) teams and Reporting Centres, who may, for example, identify a case that requires caseworking before further enforcement action can be taken locally.
- 6.6 All cases are sifted manually by a workflow team, which allocates them to casework teams on the basis of nationally-defined priorities. These priorities encompass a range of issues, varying from public interest (for example, cases that have attracted MPs' attention) to ease of removability (individuals from certain nationalities whose governments have agreed can be sent home on regular charter flights). Charter nationalities are consistently prioritised by the Home Office, because regular charters require a flow of referrals in order to ensure that flights are well-used. In March 2014, approximately 40% of cases awaiting conclusion in RCC were charter nationals.

Our file sampling showed that there were clear inconsistencies between the Home Office's stated priorities and the way cases were actually allocated

- 6.7 Our file sampling showed that there were clear inconsistencies between the Home Office's stated priorities and the way cases were actually allocated. In our sample of cases classed as 'no barrier, no departure', for instance, half of the charter cases (7 out of 14 cases from a total file sample of 49) were awaiting allocation, while in the same sample, 21 cases involving non-charter nationals had been allocated to casework teams.
- 6.8 The progression of cases where a valid travel document is available is another national priority, and this should have been reflected in the proportion of documented cases allocated to caseworkers in our file samples. We found, however, that documented cases were not consistently prioritised. In our NBND sample, for example, the 13 non-charter nationals that had been allocated to caseworkers were all without valid travel documentation. In interviews, staff confirmed that they received a high proportion of undocumented cases, which were often hard to progress.
- 6.9 We also found that 29% of our 'no barrier, no departure' sample that had not been allocated to casework teams (6 out of 21 cases) were, in our view, ones that merited swift allocation. The case below at Figure 23 is one that could have been swiftly progressed, had it been identified correctly at the workflow allocation stage.

Figure 23: Case study – charter national not allocated

The individual:

- was a Nigerian national whose appeal against the refusal of an EEA residence card had been dismissed in August 2013 and whose expired passport was held by the Home Office.

Capita:

- made contact with the migrant, who said that he was not willing to depart as he still believed that he had an appeal outstanding;
- referred the case to RCC on 18 December 2013.

The Home Office:

- accepted the case into RCC workflow on 24 January 2014; but had failed to allocate it to a casework team.

Chief Inspector's comments:

Given that this individual was a charter national and had an expired passport that would enable expedited processing of an Emergency Travel Document, this case should have been allocated swiftly to a casework team.

I am concerned that this did not happen and that, as result, an opportunity to remove the individual was lost.

- 6.10 Some Home Office staff commented that the overall quality of cases allocated to them had deteriorated with the introduction of a centralised workflow system. We explored with managers the reasons behind these difficulties. They acknowledged that allocations had not always been optimal when RCC first became operational, because the workflow team was inexperienced and lacked a caseworking background. They felt, however, that improvements had been made, and that these would continue as further staff were trained.
- 6.11 Workflow managers noted, however, that the software currently available to them had significant limitations which meant that both sifting cases for allocation to casework teams and having an effective overview of the progression of the RCC caseload were challenging. They explained that the software available to sift cases could not be used to identify, for example, cases with valid travel

documents, which was a key issue in determining how quickly and easily a case could be progressed to removal. Manual sifting was therefore the main allocation mechanism, which depended heavily on the knowledge and experience of the workflow team. A lack of case progression data also made it difficult to identify both pinch points and areas for improvement.

- 6.12 Appropriate selection of cases for allocation is key to the efficient working of RCC as a whole, and impacts directly on the ability to progress and conclude cases. The predicted timescale to completion will vary depending on the type of case. Without an effective selection and allocation mechanism that takes account of the case mix and the varying predicted times to completion, as well as the capacity to monitor the progress of the caseload overall, RCC will not be able to use its caseworking resource effectively or maximise either removals or case closures.

We therefore recommend that the Home Office:

Takes urgent steps to:

- manage and monitor RCC workflow effectively; and
- utilise experienced caseworkers to improve the process for selection and allocation of cases.

- 6.13 Units referring cases to RCC, as well as workflow managers, told us that there was no mechanism in place to prioritise cases on the basis of where they came from. RCC receives referrals, for example, from local ICE teams, usually where an enforced removal has been delayed due to a casework barrier. Referrals are also made by the Interventions and Sanctions Unit (I&SU), based on data from other government departments.
- 6.14 We consider that these are examples where the capacity to filter these cases for quick progression, and to ensure that cases are followed through to closure, could provide both operational and strategic benefits for RCC. In the case of I&SU referrals, this will become increasingly important when provisions in the Immigration Act 2014³⁹ are implemented, as in many cases the proof that new sanctions enacted in this legislation are effective will depend on action being taken promptly by RCC.⁴⁰

Case Progression

- 6.15 We looked at how effectively RCC caseworkers had progressed cases that were allocated to them. Our sampling showed that, as of 28 April 2014, 18% (5 of 28 records allocated) of our 'no barrier, no departure' sample had had no further action after allocation, while only 62% of barrier cases (36 cases of 56 cases allocated) that had been allocated had been progressed at all by casework teams. The case at Figure 24 is an example of one that should have been progressed after allocation, but where no action had been taken.

³⁹ See Chapter 9 for details of the provisions in the Immigration Act 2014.

⁴⁰ See Chapter 9 for discussion of the possible effect on RCC of implementation of the Immigration Act 2014.

Figure 24: Case study –Allocated case not progressed by casework team

The individual:

- was an Indian national who was refused a Tier 1 Highly Skilled student visa in July 2013 having provided fraudulent documents with his application. He was detained in August 2013 pending removal, but released following an application for Judicial Review (JR).

Capita:

- reviewed the case in October 2013;
- correctly identified the JR as a barrier; and
- passed the case to RCC workflow.

The Home Office:

- allocated the case immediately;
- resolved the JR and a subsequent Pre-Action Protocol promptly; but
- had taken no action on the case since February 2014.

Chief Inspector's comments:

The prompt allocation of the case by RCC Workflow indicated this was initially recognised as a priority case.

As the individual and his wife were reporting, they could have been re-detained on a number of occasions with a view to removal.

It is unacceptable that prompt enforcement action was not taken by RCC, particularly given that this individual had obtained leave by deception and had valid travel documents.

Absence of standard procedures for caseworking

- 6.16 In other cases, while work had been begun on the case, 29% (8 cases) of NBND and 22% (11) of the barrier cases allocated to teams had not been set up on reporting.⁴¹ Setting an individual up on reporting requires that they be in regular contact with the Home Office. This mechanism is important in enabling the Home Office to keep track of migrants without leave to remain, and would normally be a routine part of case management.
- 6.17 Another basic task, the issuance of a removal decision, was not being routinely completed by caseworkers. Removal decisions are an essential first step in enforcement casework, as they inform an individual that they are potentially the subject of enforced removal, and provide an opportunity for an appeal against this decision.⁴² Yet we found that 54% (15 cases) of our NBND cases had not had a removal decision.
- 6.18 Managers, and some caseworkers, agreed that putting reporting restrictions in place soon after a case was allocated and issuing a removal decision at an early stage were best practice in a majority of cases. But they told us that there was no standard procedure that caseworkers were expected to follow in progressing a case.
- 6.19 In many cases the above actions had not been taken, but caseworkers had instead chosen to pursue

41 In these statistics, percentages and numbers of cases do not always refer to the total file sample, but to a subset of cases. This is because cases where, for example, setting up reporting would not have been appropriate, or where a barrier could not have been progressed by a casework team, have been excluded.

42 The Immigration Act 2014 will provide for a removal decision to be incorporated into refusals issued by other areas, so this process will not be required for cases that post-date the implementation of these provisions.

other routes that we thought likely to lead to further delay rather than to aid case progression. Figure 25 provides an example of a case that could have been progressed more swiftly, and where standardised procedures might have produced a better result.

Figure 25: Case study—ineffective and delayed case progression

The individual:

- was an Albanian national who entered the UK in 2006 and was granted a Residence Card as the husband of an EEA national, which expired in May 2012;
- made an application for further leave in June 2012, which was refused in August 2013. A Pre-Action Protocol (PAP) letter was received a week after the decision was issued.

Capita:

- took receipt of the case on 30 September 2013 and correctly identified the existence of the PAP as being a barrier to contact management;
- passed the case back to the Home Office on 18 October 2013.

The Home Office

- accepted the case into RCC Workflow on 30 December 2013, who allocated it to a casework team the following day;
- took no further action until 4 March 2014, when the casework team wrote to the applicant's representatives asking if they wished to submit any further information prior to a removal decision being made;
- did nothing further thereafter to progress the case.

Chief Inspector's comments:

This is an example of failure to progress a case efficiently at every stage. RCC handling of the case has accomplished only several months of delay and ineffective use of casework resource;

The applicant was not set up on reporting;

The caseworking action taken was unnecessary, as up-to-date information was available on the paper file;

Travel documentation does not present a barrier in this case, as the migrant is removable on an EU letter.⁴³

- 6.20 Overall, we judged that over two-thirds of the NBND cases in our sample (37 of 49 records – 76%), and nearly half of those in the barrier cases sample (27 of 58 records – 47%) had not been progressed as far as possible by caseworkers. This is ineffective use of caseworking resource. In order to minimise delays in case progression we make the following recommendation.

We recommend that the Home Office:

Establishes standard procedures for caseworkers to follow in progressing a case to conclusion.

⁴³ The UK government has negotiated agreements with countries that allow undocumented migrants to be returned using a simple pro-forma letter, known as an EU letter, produced by the Home Office.

Lack of case progression —‘no contact’ incorrectly identified

- 6.21 Under the processes in place at the time of our inspection, if an individual did not respond to Capita attempts at contact, and if Capita were not able to find a positive trace of financial activity at either the address known to the Home Office, or another, the case was outcomed as ‘no contact’. These cases were not being allocated to casework teams, pending a strategic decision on how to manage them. Options under consideration included attempting further tracing or creating a ‘controlled archive’ of untraceable cases similar to that used for legacy asylum cases.⁴⁴
- 6.22 In our file sample of ‘No Contact’ cases, we found two individuals (4% of the sample of 49 cases) who were currently reporting, and one further case where an individual had begun reporting after having been assigned a ‘No Contact’ outcome. As in the case shown in Figure 26, this misallocation led to unnecessary delays in case progression.

Figure 26: Case study – no contact case not progressed

The individual:

- was a Pakistan national who originally entered the UK in 2002; the most recent application for further leave was refused in 2009;
- was detained with a view to removal in November 2011 but subsequently released. An application for an ETD had been made but was not pursued after release.
- was reporting to the Home Office on a monthly basis.

Capita

- took receipt of the case on 30 September 2013, and sent a letter to the applicant on 3 October 2013, which was returned unopened;
- classed its tracing result as a ‘bronze’ hit – assessing that the new address had a low level of reliability;
- outcomed the case as ‘no contact’ on 10 December 2013.

The Home Office:

- initially did not allocate the case to a casework team due to the ‘no contact’ outcome; but
- allocated it to a casework team in May 2014, after querying the lack of activity on the case.

Chief Inspector’s comments:

This case had not been progressed since November 2011, despite the fact that the individual was reporting. No attempt had been made to acquire an ETD.

Capita’s process reduced the likelihood that this case would ever be identified as suitable for progression.

This is the type of case that a centralised workflow process should have been able to pick up and allocate for progression.

Home Office Response:

- the case was not allocated by RCC Workflow because it had been outcomed as ‘no contact’.
- the case should have been signposted into RCC Workflow by the Reporting Centre.
- the case has now been allocated to a casework team for action.

44 <http://icinspector.independent.gov.uk/wp-content/uploads/2012/11/UK-Border-Agencys-handling-of-legacy-asylum-and-migration-cases-22.11.2012.pdf>

- 6.23 It is reasonable to give untraceable cases a lower priority. However, the failure to include a step in the Capita process that checked to see whether an individual was reporting to the Home Office has meant that cases where enforcement action could otherwise be progressed were not being passed to casework teams.

Overall management of the RCC caseload

Management information

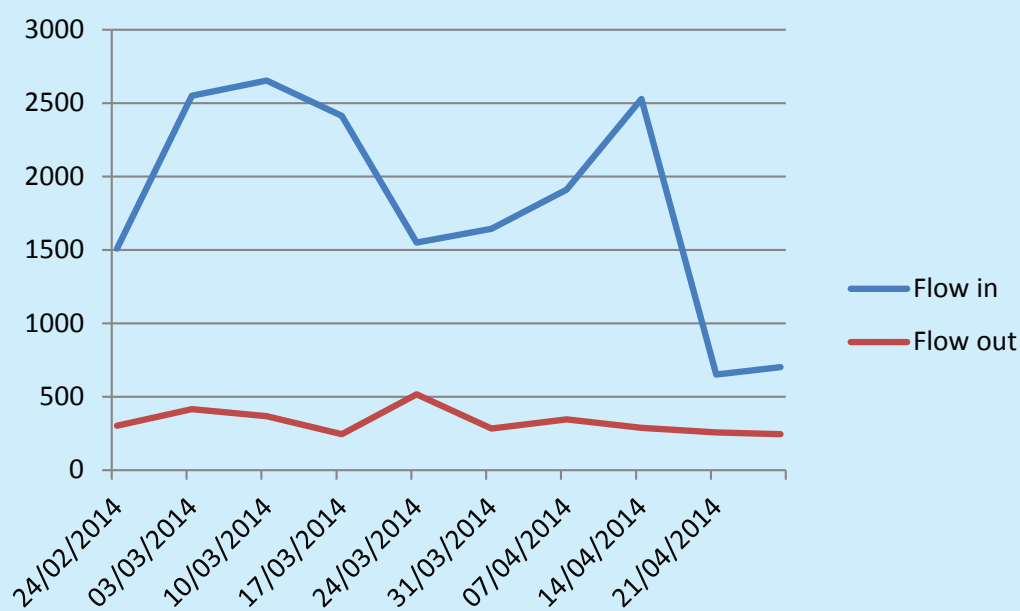
- 6.24 We asked the Home Office to provide us with management information to show how many cases were currently with RCC, and the rates of flow in and out. Although RCC became operational at the end of July 2013, the Home Office told us that automated performance and management statistics were not available until the end of February 2014. We were disappointed that, even with a centralised system, the Home Office had been unable to generate adequate statistical data for seven months.
-
- We were disappointed that, even with a centralised system, the Home Office had been unable to generate adequate statistical data for seven months*
-
- 6.25 The continuing lack of adequate management information was commented on by staff at all levels. While some casework team leaders told us that they had created spreadsheets to track cases and individual and team performance, there was no standard means to achieve this oversight, or a central mechanism to ensure consistency between teams.
- 6.26 Managers were unable to track overall case progression. Senior and workflow managers said that the lack of the capability to track tranches of cases, or the means to monitor the progress of case volumes at different stages, significantly hampered their ability to identify and resolve major issues. There was, for example, no way to track how many removals were being achieved.
-
- Managers were unable to track overall case progression*
-
- 6.27 The absence of adequate data management tools should be addressed urgently. This is an issue that we have highlighted repeatedly in earlier inspection reports.⁴⁵ Central oversight, a key motivator for the restructure of RCC, cannot be fully effective without the capacity to analyse and disaggregate case flows.

Caseload held in Core Casework

- 6.28 By the end of the 2013/14 financial year, the stock of cases in Removals Casework had reached 35,415. Based on the statistics available to us, covering the period from 24 February 2014 to 27 April 2014, we estimated that an average of approximately 1,811 cases flow into RCC weekly, while an average of 327 flow out, as set out in Figure 27.

⁴⁵ See, for example <http://icinspector.independent.gov.uk/wp-content/uploads/2013/01/An-inspection-of-how-the-UK-Border-Agency-and-Border-Force-handle-customs-and-immigration-offences-at-ports-FINAL-WEB.pdf>

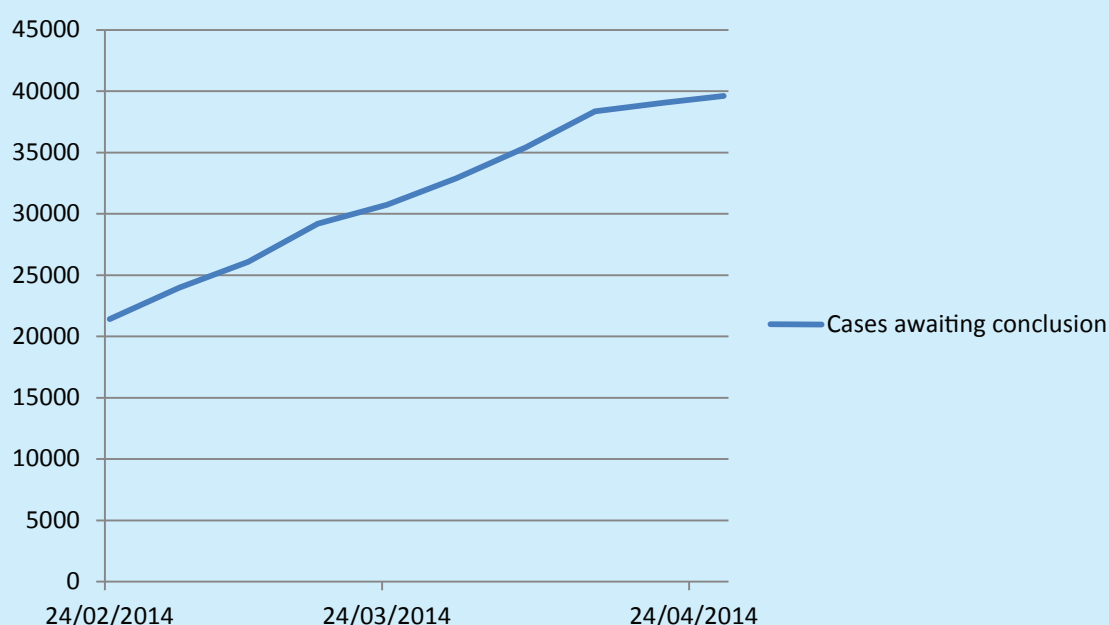
Figure 27: Weekly flow in & out of RCC cases



6.29 Should inflow continue to exceed outflow by this amount, the stock of cases in RCC will amount to over 76,000 by the end of the FY 2014/15. In order to maintain stock at its April 2014 level, outflow would need to increase by more than 400%.⁴⁶ Figure 28 shows the rate of increase in stock cases between February and April 2014.

Should inflow continue to exceed outflow the stock of cases in RCC will amount to over 76,000 by the end of the FY 2014/15. In order to maintain stock at its April 2014 level, outflow would need to increase by more than 400%.

Figure 28: Increase in cases in RCC '24 February – 27 April 2014



⁴⁶ See paragraphs 6.37-39 for further analysis of the difference between outflow rates and case resolution rates

- 6.30 We asked whether this situation had been anticipated and what plans were in place to deal with the imbalance of inflow against outflow of cases. Managers told us that planning for RCC had been based on an expectation that most outstanding cases would be of certain case types, mainly involving human rights claims, and that these would be fairly readily resolvable. Training for incoming RCC caseworkers had been organised on this assumption.
- 6.31 The Home Office had expected that the new centralised RCC model and additional caseworking resources would significantly reduce the number of outstanding cases. However, the caseload had not turned out according to the model: cases required many additional types of casework or other procedures and took longer to process than anticipated.
- 6.32 We were also told that resourcing of RCC had been based on what turned out to be unrealistic expectations of conclusion rates: a target rate of one conclusion per day per caseworker had been used for modelling purposes, whereas as a result of the actual as compared to the expected mix of case types and tasks required, current performance at the time of our inspection was approximately 0.3-0.4 conclusions a day.⁴⁷
-
- Resourcing of RCC had been based on what turned out to be unrealistic expectations of conclusion rates*
-
- 6.33 Managers expected performance to improve gradually over 2014-15 as RCC moved away from an initial training and development phase and as caseworking processes were developed and improved to align with the new centralised model. They acknowledged that some cases would prove very difficult to resolve. However, some managers expressed confidence that, with growing caseworker experience, improvements in efficiency through streamlined case processes, and the planned delegation of case preparation tasks to Capita, productivity would rise, with the result that inflow and outflow of cases would be in balance by the end of FY 2014/15. Others thought that increased resources would be needed to manage the caseload effectively and achieve this result.
- 6.34 We have serious concerns about the achievability of this objective. We found a number of factors that were affecting productivity and which we consider that the Home Office needs to address if the caseload is to be managed successfully and the aim of balancing flows in and out is to be met. These are examined in detail below.

Approach to performance management

1: Lack of targets

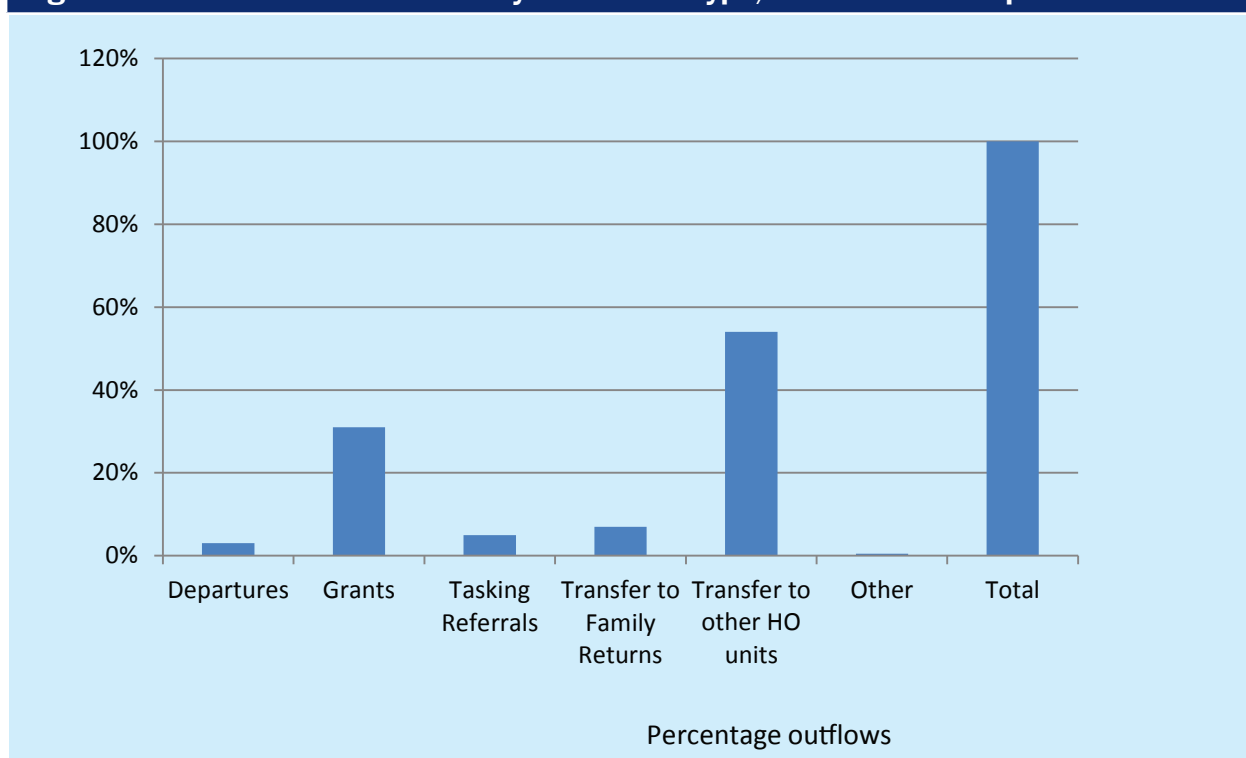
- 6.35 Staff and managers told us that caseworkers did not have formal targets for the number of cases that they were expected to conclude. Nonetheless, many caseworkers understood that there had originally been an expectation that RCC would generate conclusions (removal; grant of leave; completion of outstanding barrier; or transfer to another Home Office unit) at the rate of 1 per caseworker per day. They thought that this target was not being enforced because the actual cases had turned out to be so much harder to resolve than had originally been anticipated.
- 6.36 Many Home Office and Capita staff remarked on the difference between how the two organisations were performance-managed, with Capita performance being much more target-driven and the Home Office placing more emphasis on quality than output. It was notable that Capita processes were very clearly defined at every stage, while there was no equivalent step-by-step guidance for Home Office removals casework. While we welcome the Home Office's focus on quality casework, we consider that a greater focus on productivity should be possible without undue sacrifice of accuracy if processes are streamlined and a systematic procedure is followed.

⁴⁷ The term 'conclusion' refers to one of a series of actions on a case, rather than to its having necessarily been finally closed, by for example a grant of leave or a departure. See paragraphs 6.37-6.39 below for details.

2: Use of conclusion rates

- 6.37 Measurement and management of individual and team performance is currently provided by gathering conclusion rates for cases allocated to teams and individuals. Conclusion rates measure flow, not case closures: while a conclusion can be an action such as a grant of leave that closes a case, it can also be the transfer of a case to another Home Office caseworking area for progression.⁴⁸ In many instances, therefore, cases are only temporarily removed from the overall caseload and flow back into RCC following a refusal elsewhere.
- 6.38 We looked at whether cases flowing out of RCC were being transferred or closed. Figure 29 below breaks down outflows over the period 31 March 2013 to 27 April 2014.

Figure 29: Outflows of RCC cases by conclusion type, 31 March – 27 April 2014



- 6.39 933 cases flowed out of RCC during this time. 31 of these were removals or departures (3%), and a further 284 were closed by a grant of leave (31%) – a total closure rate of 34%. Of the remainder, 501 cases (54%) were transfers to other units. This, in our judgement, represented a very high degree of circularity, rather than progression to conclusion, with many cases potentially caught in a perpetual loop. The MI produced by removals casework did not, however, make a clear distinction between cases that had been finally resolved, and those that had been passed elsewhere. This potentially created a misleading impression that more cases were being resolved than was in fact the case.

The MI produced by removals casework did not, however, make a clear distinction between cases that had been finally resolved, and those that had been passed elsewhere. This potentially created a misleading impression that more cases were being resolved than was in fact the case

⁴⁸ 'Conclusions' cover a wider range of actions than do 'outflows', so conclusion rates will be higher than outflows. Outflows are cases that no longer remain the responsibility of RCC, either because the case has been granted, tasked to an ICE team for enforcement action or transferred to another unit to progress. A conclusion can be claimed where the caseworker has cleared all casework barriers on a case, but the case remains the responsibility of RCC, for example where an appeal is outstanding.

- 6.40 At the time of our inspection, the 251 RCC caseworkers were generating an average of 527 conclusions a week. Managers told us that conclusions were a more equitable and less demoralising way to measure performance than would be provided by measurement of case closures. Some caseworkers told us, however, that the current structure was not an incentive to progress difficult cases and see them through to closure. Some procedures that would be required to progress a case were much more time-consuming and complex than others, yet were not weighted differentially in measuring conclusion rates.
- 6.41 We consider that the term ‘conclusion’ is used in a misleading way in RCC, as even where caseworking actions are being taken, the result is not necessarily, or even usually, the closure of a case. Conclusions can, for example, be claimed for issuing removal decisions with rights of appeal, but this action is only one of many further steps that would be needed to effect a removal. ‘Conclusion’ should mean that a case is fully resolved by means either of a grant of leave or a departure from the UK.

We recommend that the Home Office:

Changes its performance management measures to ensure that case resolution is prioritised.

- 6.42 We consider that conclusion rates as currently measured have limited utility in assessing individual performance and even less value as a means to measuring the rate of case closure being attained by RCC. In order to provide more transparent information on how the caseload is being managed and how many cases are being resolved, as well as to enable better performance monitoring, we make the following recommendations.

Conclusion rates as currently measured have limited utility in assessing individual performance and even less value as a means to measuring the rate of case closure being attained by RCC

We recommend that the Home Office:

Produces management information that clearly distinguishes between cases that are transferred, closed, or in progress.

Lack of re-documentation processes

- 6.43 Where a migrant without leave to remain in the UK does not have a valid passport to facilitate return home, an Emergency Travel Document (ETD) must be applied for from the relevant foreign embassy in order to enforce removal. The majority of cases held within RCC at the time of our inspection were undocumented. The percentage of those with travel documents varied between approximately 22-25%. For example, in the week of 14 April 2014, of the 39,063 cases awaiting conclusion, nearly three-quarters did not have a valid document (30,429).
- 6.44 In our report into the Home Office’s management of ETDs, we noted that planning for re-documentation had not been included in RCC development planning.⁴⁹ Although we were assured at the time of that inspection that steps were being taken to address the lack of resource dedicated to re-documentation, we found during our current inspection that resources to enable re-documentation work to be handled efficiently were not in place.
- 6.45 Caseworkers told us that time-consuming efforts to re-document migrants were a major source of delay and failure of case progression. We were also told that the centralising of casework functions in RCC had led to a loss of expertise in re-documentation. Those previously responsible had been

⁴⁹ <http://icinspector.independent.gov.uk/wp-content/uploads/2014/03/An-Inspection-of-the-Emergency-Travel-Documents-Process-Final-Web-Version.pdf>

reassigned to other roles, so there were no longer experts who could either progress applications or provide advice.

- 6.46 Managers acknowledged that the lack of a dedicated resource had meant that undocumented cases were not progressing quickly enough. However, we were assured that provision was being made centrally within RCC to train specialists to assure and monitor ETD applications. In addition, it was planned that re-documentation processes would form part of the case preparation work delegated to Capita, as had already occurred in other caseworking areas.
- 6.47 It is very disappointing that, despite the gap in provision in this area having been apparent in August 2013, very little progress towards addressing this issue had been made by the time of our inspection in May 2014, some nine months later. While Capita may be able to provide useful additional resource to enable re-documentation to be more speedily processed, the effectiveness of this for RCC cases has yet to be proven. Given the percentage of cases in the RCC caseload where an ETD would be required if enforced removal were to take place, we consider that this is an issue that the Home Office must take urgent steps to resolve.

Conclusion

- 6.48 RCC was reorganised and given additional caseworking resource in order to enable the Home Office to manage its enforcement caseload more effectively and increase case closures. On the basis of the evidence we reviewed, this objective had yet to be achieved. We found inefficiencies in every part of RCC that we examined. We found that workflow teams were not allocating cases optimally. There were no standard processes for caseworkers to follow, and cases were not being progressed as swiftly as they could have been.
- 6.49 The majority of case activity that we saw did not result in case closure, and we judged that insufficient weight was being given to encouraging an emphasis on case resolution. We found a lack of management information that hampered managers at every level from monitoring caseloads and case progression adequately. Finally, the reporting methods used to evaluate performance, whether for individuals or for RCC as a whole, were not transparent and did not promote accurate evaluation of progress toward the objective of increasing case closures.

*We found
inefficiencies
in every part
of RCC that
we examined*

7. Inspection Findings – Co-ordination between Removals Core Casework and Wider Immigration Enforcement

Tasking referrals to ICE teams

- 7.1. Once it has been decided that enforcement action is appropriate on a case, RCC is responsible for clearing casework barriers to removal. When a case is ready for detention and removal, RCC makes a tasking referral to the relevant ICE team to either carry out an arrest visit to the migrant's address or to detain the migrant at a reporting event, known as a 'detention on reporting'.⁵⁰
- 7.2. RCC also tasks ICE teams to carry out certain interviews with migrants, such as establishing the migrant's method of entry to the UK with a view to serving illegal entry papers. RCC tasks reporting centres to carry out travel document interviews with migrants who are undocumented.
- 7.3. Our file sampling examined the volume of RCC's tasking referrals for enforcement action and whether appropriate cases had been tasked. We sampled 49 records that had been through the Capita contact process and had then been referred for enforcement action because either the migrant was in contact but had failed to depart, or there was a reliable tracing result to show the migrant's whereabouts. The records in our 'no barrier no departure' (NBND) sample consisted of:
 - 30 migrants with whom Capita had achieved contact but who had failed to depart; and
 - 19 migrants with whom Capita had failed to make contact but for whom they had obtained a tracing result.⁵¹
- 7.4. None of the cases in our NBND sample had been tasked to an ICE team for an arrest visit or detention on reporting. Not all cases signposted by Capita will be barrier-free; they may require travel documentation or other casework. We were concerned, however, to find three cases in our sample (6%) that were not tasked to ICE teams for enforcement action as they should have been.
- 7.5. Two of the three cases, both documented and with positive tracing results, were referred to the RCC workflow team as 'ready for tasking', but the workflow team failed to refer the cases to the relevant ICE teams. Instead, the cases were updated as being 'out of contact' and sent to storage. This was in spite of the fact that one of the migrants was reporting to the Home Office fortnightly. The third case, also documented, had been in contact with Capita but had failed to depart. It was not referred for tasking even though all barriers had been cleared and there was a reliable address for the migrant.
- 7.6. We also found three cases in our sample of barrier cases (5%) in which the barriers were no longer outstanding and so were ready for tasking, but RCC had failed to refer them. All three were documented and reporting regularly to the Home Office.
- 7.7. Given that ICE teams identified a lack of suitable referrals as a key issue, we consider that identification and tasking of suitable cases must be improved. We refer back to the recommendation we made in Chapter 6 concerning the need for RCC to utilise experienced caseworkers within its workflow function, so that cases that are ready for tasking are identified and referred swiftly.

⁵⁰ In London, the reporting centres are no longer part of an ICE team and tasking referrals for detentions on reporting are now sent direct to the relevant reporting centre within London.

⁵¹ According to Capita staff, migrants with platinum and gold tracing results are referred to RCC but those with silver or bronze results are not referred. In our sample, however, we found that 17 records with silver or bronze level results had been referred to RCC.

Volume of tasking referrals

- 7.8. We requested statistics on the number of tasking referrals made by RCC to ICE teams together with a breakdown of the type of referral. The numbers of referrals are set out at Figure 30.

Figure 30: Tasking referrals made by RCC to ICE Teams	
	Number of referrals
August 2013	221
September 2013	230
October 2013	246
November 2013	260
December 2013	237
January 2014	231
February 2014	424
March 2014	222
April 2014	203
Total	2,274

- 7.9. RCC could not tell us how many of these referrals were for arrest visits or detentions on reporting, rather than non-enforcement action. This is very poor, as statistics on the number of cases referred for enforcement tasking would provide a valuable measure of how well RCC is progressing cases to removal.
- 7.10. We asked the three ICE teams we visited to provide us with their statistics for tasking referrals received from RCC. A monthly breakdown from Manchester and East London of tasking referrals for detentions on reporting⁵² and enforcement visits is provided in Figure 31. Portsmouth ICE team told us that they had received 84 tasking referrals from RCC, but they could not provide a breakdown by tasking type.

Figure 31: Tasking referrals from RCC to Manchester and East London ICE teams				
	Manchester ICE team	East London ICE team		
	Detention on reporting	Enforcement visit	Detention on reporting	Enforcement visit
Sep 2013	4	2	28	47
Oct 2013	14	3	8	34
Nov 2013	19	4	17	16
Dec 2013	15	3	2	45
Jan 2014	24	10	-	27
Feb 2014	9	1	-	27
Mar 2014	7	2	-	9
Apr 2014	16	2	-	10
Total	108	27	55	215

⁵² Note that from January 2014, referrals for detentions on reporting were not referred to the London ICE teams but were referred to the relevant reporting centre. The reporting centre statistics are not broken down by ICE team and so figures for DOR referrals to East London ICE team were available only up to December 2013.

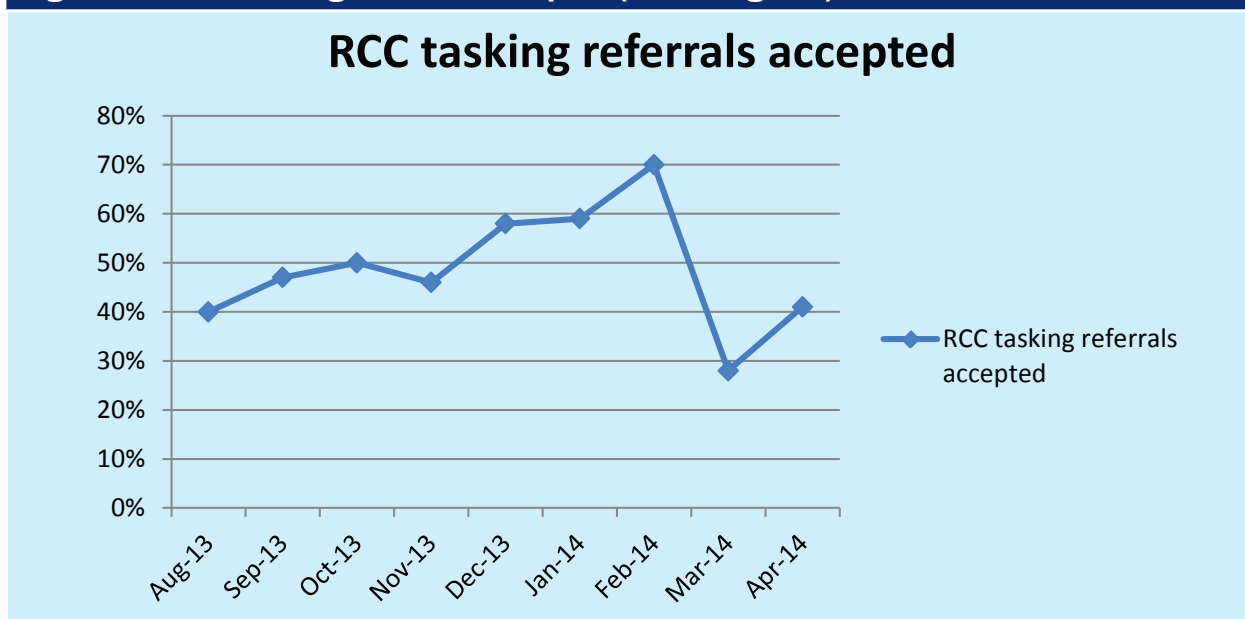
- 7.11. ICE staff told us that they were receiving an insufficient number of tasking referrals from RCC and far fewer than they had when Immigration Enforcement was organised regionally. One manager told us that they were not receiving the volume of detention on reporting referrals required to meet their targets, so they were having to find their own cases, even though that was not in the original operating model.
- 7.12. The RCC workflow team had no targets in place for the amount of tasking for enforcement action it should refer to ICE teams. Workflow managers said that they saw no need for targets, because they would refer for tasking all work that came through to the Workflow team. Our sampling shows, however, that this is not the case, as we found cases that had not been referred, even though they should have been. Currently there appeared to be little incentive for RCC to progress cases to tasking and refer cases to ICE teams, as it is not measured on this aspect of its performance. This is having a detrimental impact on ICE teams and their ability to meet targets, as well as delaying progression of cases to conclusion.
- 7.13. We also found that the RCC workflow team did not have reliable information available on the number of cases that were awaiting tasking. Statistics provided to us up to the week commencing 31 March 2014 showed that there were 4,618 such cases. However, the Home Office told us that the figure included all cases that had ever been updated as ready for tasking on CID, not just those which were at that stage of the process currently. We found it disappointing that RCC Workflow was unable to monitor how many cases were coming through to them for tasking at any one time.

Currently there appeared to be little incentive for RCC to progress cases to tasking and refer cases to ICE teams

Quality of tasking referrals

- 7.14. Progression of RCC cases to removal is dependent on ICE teams accepting the RCC tasking of cases for enforcement action. ICE teams reject tasking for a number of reasons, including outstanding casework, lack of reliable information about the migrant's whereabouts and ICE capacity.
- 7.15. We asked RCC and the three ICE teams we visited to provide statistics on the number of RCC referrals that were accepted for tasking for either detention on reporting (DOR)⁵³ or an enforcement visit. The percentage of RCC tasking referrals accepted is shown in Figures 32 and 33.

Figure 32: RCC tasking referrals accepted (overall figures)



⁵³ We only have statistics for DORs accepted by East London up to December 2013 – see footnote 34.

Figure 33: RCC tasking referrals for detention on reporting (DOR) and enforcement visits accepted by Manchester and East London ICE teams



- 7.16. According to the statistics provided by RCC, 51% of RCC tasking referrals were accepted by ICE teams. However, RCC were unable to provide us with a breakdown of the different types of tasking, which includes tasking ICE teams to undertake migrant interviews as well as enforcement action. Therefore, we do not know how many of the 1,155 tasking referrals accepted related to enforcement referrals.
- 7.17. The statistics from Manchester and East London ICE teams show that they rejected a significant number of tasking referrals from RCC. ICE staff told us that the quality of referrals from RCC was very poor in the early stages and that, although there were signs of improvement, there continued to be a lack of expertise within the RCC workflow team with regard to identifying cases that were ready for tasking. Apart from an improvement in the acceptance rate of Manchester visit referrals, we saw no pattern with regard to the ICE acceptance rate of RCC tasking referrals between September 2013 and April 2014.
- 7.18. ICE staff told us that the quality of tasking for enforcement visits had improved since the introduction of a revised tasking referral pro-forma in April 2014. We were told that, prior to the introduction of the pro-forma, the level of detail provided in the tasking referral varied greatly from caseworker to caseworker, and sometimes relevant information was omitted. ICE staff told us that referrals were now more consistent and provided the information required by the ICE team. The timing of our inspection means that we do not have statistics post-April 2014, so we are unable to comment on whether acceptance rates improved post-April.
- 7.19. We were told by RCC that the most common reason for rejection of tasking was the ICE team having a lack of confidence in the validity of the migrant's address. However, RCC caseworkers were unclear as to the evidence that ICE teams required in order to show that the address was reliable.

- 7.20. We concluded that ICE teams' requirements in respect of accepting tasking for enforcement visits were not being communicated effectively to RCC caseworkers. Although we were pleased to be told that a new referral pro-forma had been introduced, which had improved the information that RCC provided to ICE teams, we consider that more could be done to communicate the ICE team requirements to RCC workflow and caseworkers. Increased understanding of the tasking process by RCC should ensure that more cases are progressed to the tasking referral stage, that the tasking referrals are of a high quality and that more cases are ultimately accepted for tasking.

ICE teams' requirements in respect of accepting tasking for enforcement visits were not being communicated effectively to RCC caseworkers

Feedback on tasking referrals

- 7.21. Feedback from ICE teams is key to enabling RCC to understand the reasons for rejection in order to improve the quality of its referrals. We were told that the feedback mechanism was poor initially and that feedback on rejected tasking referrals was not being provided by ICE teams as a matter of course.
- 7.22. We were told that RCC now had a commitment from ICE teams that they would provide feedback on the reasons for rejected tasking referrals. ICE staff told us that the new referral pro-forma had a section for feedback and that this had made it much easier for them to provide feedback to RCC.

Lack of casework resources available to ICE teams and reporting centres

- 7.23. There was a widely held view among staff that potential removals were being lost because of the lack of responsiveness of RCC in respect of ICE encounters. Both RCC and ICE staff told us that, under the former regional structure, operational staff on an arrest visit could ascertain quickly from office-based staff whether a barrier could be lifted swiftly, and in some cases could clear the barrier there and then, so that an arrest and detention could proceed. Staff told us that this facility no longer existed under the centralised RCC. We were told that ICE teams had no contacts within RCC whom they could approach for swift removal of barriers.

Potential removals were being lost because of the lack of responsiveness of RCC in respect of ICE encounters

- 7.24. The lack of RCC contacts was also cited as an issue by reporting centre managers. We were told that a recent operation to test joined-up working between RCC and reporting centres had led to a significant increase in the number of detentions on reporting. Operation Euphemus saw RCC support embedded into the Lunar House reporting centre in Croydon and dedicated RCC telephone support provided to Becket House reporting centre in central London. During the period of the operation, detentions on reporting increased by 144%, with failure rates reducing by 24% at Lunar House and by 16% at Becket House. It is apparent that making RCC resources available to reporting centres has had a significant impact on the success rate of detentions on reporting and RCC should consider making this resource available on a permanent basis.

Signposting of cases by reporting centres to RCC

- 7.25. Reporting centres confirmed, as noted in Chapter 6, that cases that they signposted were not prioritised by RCC. These are cases that are identified by reporting centres as being potentially good detention cases once a barrier to removal is cleared. There was also a perception among some staff that RCC were focusing too much of their effort on cases that were not currently reporting, rather than clearing barriers on the cases of individuals who were complying with a reporting regime and who could be easily detained on reporting once they were barrier-free.

RCC tasking of ICE teams and reporting centres for non-enforcement action

- 7.26. RCC caseworkers told us that they often experienced lengthy delays when tasking ICE teams and reporting centres with non-enforcement work. This caused frustration among RCC caseworkers who were unable to progress cases because interviews were not being scheduled. ICE managers confirmed that status interviews were given low priority because the ICE team's focus was on enforcement action.
- 7.27. RCC managers should ensure that caseworkers are only requesting method of entry interviews in the circumstances specified in the policy.⁵⁴ They should also ensure that travel document interviews are triaged, so that only those cases where removal is to be actively pursued are referred.
- 7.28. RCC caseworkers told us that they were responsible for ensuring that their cases were set up on reporting, but that reporting centres varied widely in respect of how reporting should be set up and monitored. RCC caseworkers expressed frustration at the inconsistencies in procedures across the reporting centres and the delays caused by their inaction in some cases. A more consistent approach across the reporting centres would be helpful.

Conclusion

- 7.29. Our file sampling, statistical analysis and interviews with RCC caseworkers, ICE teams and Reporting Centre managers all show that case progression was being impeded by lack of communication and shared targets, inconsistent processes, and a failure to share resources effectively. While there was some evidence that improvements had been made, for example in providing feedback on referrals, it was clear that further action was needed to improve efficiency.

Case progression was being impeded by lack of communication and shared targets, inconsistent processes, and a failure to share resources effectively

We therefore recommend that the Home Office:

Ensures effective joint working between the different units within Immigration Enforcement, specifically:

- improves communication so that tasking referrals are of sufficient quality and volume to meet ICE teams' needs;
- improves tracking and monitoring of referrals; and
- provides dedicated casework resources so that barriers that emerge at the point of detention are swiftly addressed.

Absconders – lack of joined-up approach and creation of backlogs

- 7.30. Overstayers who have been informed of the requirement to report to the Home Office, but fail to do so without a reasonable excuse and whose whereabouts is unknown, should, according to Home Office policy, be recorded as absconders. Local practice is that migrants who fail to report on three consecutive occasions should be considered for absconder action. Absconders' details are circulated on the Police National Computer (PNC) so that if and when the absconder is encountered by police, he or she will be referred to Immigration Enforcement.
- 7.31. During the course of our inspection, staff told us that overstayers who had failed to report on three consecutive occasions were not routinely being recorded as absconders and their details were not being recorded on the PNC. We were told that there was a backlog of around 10,000 cases in London alone, who were absconders but had not been recorded as such.

⁵⁴ Chapter 4 of the Enforcement Instructions and Guidance entitled 'No Evidence of Lawful Entry' sets out the circumstances in which illegal entry contention cases do not require an interview by an immigration officer under caution. The policy sets out that there are circumstances in which caseworkers can serve illegal entry papers where there is no evidence of lawful entry and this should be done wherever possible to avoid using enforcement resources unnecessarily.

- 7.32. We tried to verify this with the Home Office. When we asked for statistics on the number of absconders who had not yet been recorded on the PNC, we were only provided with figures showing the number of migrants who had failed to report on three consecutive occasions between January and July 2014 and who had not been recorded as absconders. These showed that there were 1,100 such cases. Given that the Home Office figures provided to us cover only a six-month period, the total number of absconders who have not been recorded as such will be significantly higher than 1,100 and likely to be in excess of the 10,000 cases that we were quoted if cases outside London are included.
- 7.33. We were concerned that thousands of cases were not being actioned in accordance with the absconder policy. Had any of these migrants been encountered by the police, a check of the PNC would not have identified the migrant as having absconded from immigration control.
- 7.34. There was widespread confusion among staff about the absconder policy and specifically about the process that had to be followed in order to record an absconder. Many staff across RCC, ICE teams and reporting centres had been under the impression that the ICE team was required to visit the migrant's address, to confirm that the overstayer was not living there before recording them as an absconder, but this was not in fact the case.⁵⁵ Managers confirmed to us that there had been widespread misinterpretation of the absconder policy by staff and that steps had already been taken to clarify the policy with staff.
- 7.35. The confusion had led to a large backlog of cases where an overstayer had failed to report and had not been recorded as an absconder. It is important that the Home Office takes steps to ensure that the absconder backlog is recorded onto the PNC and that the absconder policy is communicated correctly to staff so that cases are actioned appropriately. As we have made a recommendation on absconder tracing in our recent report on the non-suspensive appeals process, we make no further one here.⁵⁶

⁵⁵ We were told that a visit to the overstayer's address was required only in limited circumstances, such as where the overstayer was a high harm case, was vulnerable or was imminently removable.

⁵⁶ The Non-Suspensive Appeals report was published on 15 July 2014 and can be found on the Independent Chief Inspector's website at: <http://icinspector.independent.gov.uk/2014-inspection-reports/>

8. Inspection Findings – Strategic Management of the MRP

Introduction

- 8.1. This chapter examines the Home Office's efforts to improve the accuracy of the data in the MRP.

Accuracy of the MRP

- 8.2. When the MRP first came to our attention at the time of our inspection of the Hampshire and Isle of Wight Local Immigration Team, we were informed that data in the MRP was reviewed in order to exclude cases that were not suitable for enforcement action. Although it was recognised that the records of some applicants who had voluntarily departed the UK since their refusal would remain in the MRP, it was thought that other cases where, for example, applicants had had further leave granted, or where an appeal or other decision was outstanding, had been excluded.
- 8.3. However, at the time of this inspection we were informed by the Home Office that significant data quality issues with the MRP had become apparent. These impacted both on the efficiency of the work done by Capita and on the accuracy of the publicly released MRP figures. As part of our inspection, we looked at the problems with compilation of the MRP, and the measures being taken to resolve them.
- 8.4. Potential issues with the accuracy of the MRP were of three main types:
- Data entry errors – examples included duplicate records, as a result of which a migrant might be counted more than once;
 - Parameter errors in creating the MRP report – this had led to the inclusion of cases in the MRP that should have been excluded; and
 - Entries that could not be closed due to lack of API data.

Data entry errors

- 8.5. As noted in Chapter 5, the Capita cleanse of the MRP had resulted in elimination of a large number of duplicate records. This had significantly improved the accuracy of MRP reporting.

Parameter errors

- 8.6. We were told by the Home Office that the Capita work had revealed that there were extensive problems with the parameters for entry into the MRP, such that cases that should not have been counted were being included in error. These included, for example, live asylum cases, 4,000 of which were still in the MRP in May 2014. When we explored the reasons for the persistence of this problem with Home Office managers, it was explained that this was due to IT limitations. We were told, for example, that 371 data fields in CID can cause a record to be registered in the MRP, giving many opportunities for this type of error to occur.

Cases that remain in the MRP due to data gaps

- 8.7. Cases fall out of the MRP when an individual's status changes: when they are granted leave, for example, or their removal from the UK is enforced. In these instances, CID will be updated by the caseworker making the decision and the MRP will swiftly reflect the change. However, the Home Office will not generally be informed when individuals voluntarily depart from the UK without its assistance. The record of most individuals who have left the country will therefore not routinely be updated.
- 8.8. A large percentage of MRP records, before the outsourcing of the data cleanse to Capita in October 2012, accordingly related to individuals who had left the country, possibly several years earlier. This is reflected in the figures for the results of the Capita cleanse of the original 150,000 stock cases, which show that 33,020 (22%), were closed as having already departed.⁵⁷
- 8.9. While this issue can be addressed if Capita continues to review records and close off those where a departure can be shown, the accuracy of the process is dependent on successful data matching using API data. The majority of cases, therefore, will not be closed unless an API match can be found.
- 8.10. The Home Office figures for the percentage of routes into the UK for which API data is available rose from 57% in 2009 to 79% in 2013.⁵⁸ We found in our file sampling that the availability of API data, even for routes where it is theoretically provided, was inconsistent. Of the 60 departures in our sample for which we had access to matching API data, in 25 cases (42%) the data was incomplete. In 80% of these cases, (20 of 25 records), one or more outbound flights were missing, which would mean that CID could not have been updated accurately with a departure date, should an individual's record have needed to be closed.
-
- We found in our file sampling that the availability of API data, even for routes where it is theoretically provided, was inconsistent. Of the 60 departures in our sample for which we had access to matching API data, in 25 cases (42%) the data was incomplete*
-
- 8.11. Senior managers at the Home Office confirmed that, despite increases in coverage, not all carriers were routinely delivering the required data, making reliance on API only partially effective as a means to confirm departure. This is another issue affecting the accuracy of the MRP.

What has been done to improve the accuracy of the MRP?

- 8.12. Home Office managers and staff were well aware of the limitations of the MRP as an accurate instrument for both public accounting and enforcement purposes. Managers assured us that significant steps were being taken both to improve the quality of the existing data and to reduce the number of cases that flowed into the MRP unnecessarily.
- 8.13. We saw evidence that work to review the case types in the MRP, to rationalise the pool by preventing inflow of cases that need not be there, and to improve data quality, had been in progress since before the abolition of the UK Border Agency in March 2013. We accept that some improvements to the accuracy of MRP data had been made; for example, while curtailment cases, as our file sampling has shown, were regularly being reported on in the MRP even where an individual had departed with valid leave, process changes had been made that would reduce the number of these errors in future.

⁵⁷ This figure includes all voluntary departures after triage; see below 8.24-8.31 for discussion of post-contact departure numbers.

⁵⁸ The figures for API coverage quoted here are taken from HO data supplied 11/03/14. In July 2014, Sir Charles Montgomery stated in evidence to HAC that as of April 2014, 96% of air passengers and 20% of maritime passengers travelling into and out of the UK were covered by API. These percentages are not reflected in our file samples.

- 8.14. More than a year later, however, while we were on-site in May 2014, many of the case types identified as needing to be excluded from the MRP data set were in fact still included, and data quality continued to be an issue.
- 8.15. The Home Office had made disappointingly slow progress overall on improving the quality of MRP data, given the importance of this work and the time available. At the time of our inspection the MRP still contained thousands of records that, for one reason or another, should have been excluded or removed from it. This gives a false picture of the size of the ‘backlog’ of unresolved cases, and makes effective enforcement more difficult for the Home Office.
- The Home Office had made disappointingly slow progress overall on improving the quality of MRP data, given the importance of this work and the time available*
- 8.16. We accept that the MRP was not originally designed as a way of accounting publicly for either the number of unresolved overstayer cases, or the Home Office’s progress against case conclusion targets. However, we note that the MRP has, in practice, become one of the key indicators that is available to Ministers and Parliament to assess the Home Office’s success in resolving cases involving overstayers, whether by granting them leave, persuading them to depart, confirming they have departed, or enforcing their removal. In the absence of any alternative, the MRP should continue to be used as a means to report on progress against overstayer caseload targets. In that light we make the following recommendation.

We recommend that the Home Office:

Improves the quality of MRP data so that it can report accurately to Ministers and Parliament on the number of cases that have been resolved as well as those that remain outstanding.

9. Inspection Findings – Home Office Strategy on Overstayers: Beyond the MRP

- 9.1 Although the primary focus of this inspection was on the management of the MRP, we also looked at the Home Office strategy for managing the wider population of irregular migrants, only a small proportion of whose cases feature in the MRP.⁵⁹
- 9.2 Senior Home Office managers told us that, while there were no reliable estimates of the total numbers of irregular migrants currently in the UK, the planned introduction of exit checks in April 2015 would allow for more accurate measurement. In the meantime, it was not useful to guess at the size of this population. We were surprised and concerned by this complacency, as the public would expect the Home Office to obtain good estimates of the number of irregular migrants in the UK. Without such information, it is difficult for the Department to define the scale of the problem and to devise policies to tackle it. The Home Office approach was to take the right measures so that overstaying became a less viable option, leading to a decrease in overall numbers.

Strategic Approach

- 9.3 Senior managers confirmed that the cornerstone of the current approach was the creation of a ‘hostile environment’ in-country. This approach had three interconnecting strands:
- reducing barriers to enforced removal;
 - encouraging compliance; and
 - imposition of sanctions.

Reducing barriers

- 9.4 Several measures in the Immigration Act 2014 are intended to simplify the caseworking procedures that are undertaken by the Home Office when a migrant is refused further leave to remain. These include a reduction in the types of cases that will attract an in-country right of appeal, and provisions for amalgamating the refusals process so that fewer caseworking steps are needed to progress a case to enforced removal. This was expected to enable RCC to achieve removals at a faster rate, as well as encouraging migrants without leave to depart from the UK.

Encouraging compliance

- 9.5 Senior managers told us that the Home Office would be increasingly putting an emphasis on finding effective ways to encourage migrants to comply with immigration legislation, rather than simply taking enforcement action against those who failed to comply. The aim was to alter migrant behaviour. The key to the success of this method would be both finding the best way to persuade overstayers to depart, and convincing them that the Home Office would act effectively against those who did not comply. The further development and refinement of contact management was seen as a major element of this approach; we were told that further work was in hand to refine target audiences and the tools used to reach them.

⁵⁹ In March 2014, the Home Office calculated that approximately 10,000 records in the MRP related to illegal entrants.

Imposition of additional sanctions

- 9.6 The Immigration Act 2014 introduces many new measures intended to discourage overstaying and irregular migration, including the capability to revoke driving licences, to prevent access to bank accounts, and to require that landlords check the immigration status of prospective tenants. We were told that these additional elements of the ‘hostile environment’ were intended not only to encourage those without status to leave the UK, but also to discourage prospective illegal immigration by making the UK a less attractive destination.

Evaluating the operational effectiveness of the Home Office strategy

- 9.7 The Home Office told us that its enforcement strategy for the future will depend on creating an impression that it is both aware of immigration offenders, and able to enforce removal and other sanctions successfully against those who do not comply with regulations. The threat of sanctions will not be effective in reducing overstaying if the Home Office is not able to deploy, and is not seen by immigration offenders to be making use of, the additional provisions in the Immigration Act 2014.
- 9.8 We have noted in several earlier reports that legislation previously enacted in order to encourage compliance or enforce against non-compliance with immigration regulations is often not well used.⁶⁰ Section 24 of the Immigration Act 1971, under which those without leave to remain may be prosecuted as overstayers, is seen as ineffective by enforcement staff and is very rarely used: annual convictions for overstaying, for example, have been in single figures for the last five years.⁶¹

Interventions and Sanctions Unit

- 9.9 A new operational unit, the Interventions & Sanctions Unit (I&SU), has recently been set up to improve the operational effectiveness of existing sanctions, and to ensure that the Home Office is promoting effective use of the provisions in the Immigration Act 2014. I&SU coordinates interactions with other government departments to improve the government’s ability to prevent migrants from accessing services to which they are not entitled and to sanction individuals who have accessed such services. In line with existing legislation and to dovetail with the provisions in the 2014 Immigration Act, I&SU promotes data sharing between the Home Office and other government departments and public sector agencies such as the DVLA and the NHS. I&SU acts as a referral and enquiry unit for partner organisations. I&SU told us that increasing data sharing across government was a priority.
- 9.10 At the time of our inspection, I&SU was at an early stage of developing referral procedures and data sharing arrangements with partners across the public sector. Referrals from the DVLA, for example, had led, by May 2014, to over 300 driving licence applications being refused after an applicant was found to have no leave to remain. While we welcome this evidence of increasing use of data sharing, the development of comprehensive arrangements across government will be crucial if the ‘hostile environment’ is to have an effect.
- 9.11 Data sharing from partner agencies can also be used directly to assist the Home Office in tracing individuals without leave to remain, and such cases can be referred on to RCC. Of the total number of referrals received from other agencies where an individual had been identified as falling into this category, approximately 30%, some 600 cases, had been referred to RCC for further action. These referrals had so far resulted, in May 2014, in one enforced removal and 72 grants of leave.⁶²

60 Our recent report on Travel Documentation found, for example that the power to prosecute for non-compliance with re-documentation requests was very rarely used: <http://icinspector.independent.gov.uk/wp-content/uploads/2014/03/An-Inspection-of-the-Emergency-Travel-Document-Process-Final-Web-Version.pdf>

61 Figures provided by the Home Office 11 April 2014 show that an annual average of 20 prosecutions between 2005 and 2012 resulted in an average of 5 convictions per year.

62 Sourced from data provided by I&SU in May 2014.

- 9.12 Given that these are priority cases, which will usually have been identified because the individuals concerned are being supported by local authorities at considerable cost, we were concerned that closure rates for these cases were low, at 12%.⁶³ Although I&SU told us that cases were prioritised by RCC Workflow based on a manual flagging procedure, they noted they were not able to monitor progress once cases had been assigned.
- 9.13 Senior managers said that it had not been practical to model the likely impact of the provisions in the Immigration Act 2014, in terms of the effect either on irregular migration or on the enforcement caseload. While it is therefore not possible to put a figure on how the sanctions in the Act will affect the rate of referrals, either into I&SU or onwards to RCC, it is reasonable to assume that there will be a substantial increase in traffic once the provisions for limiting access to bank accounts, driving licences, and accommodation are implemented.
- 9.14 The denial of services can be expected to go some way towards creating the 'hostile environment' which is the Home Office's strategic objective. But effective enforcement against immigration offenders who are traced as a result of the new checking procedures will be essential if the Home Office is to succeed in its stated aim of persuading migrants that the Home Office is aware of them and is able to take action to ensure their removal or persuade them to depart voluntarily.
- 9.15 Our review of Immigration Enforcement processes during this inspection suggests that the Home Office is not currently resourced to meet this challenge. Significant improvements in the capability to monitor an increasing caseload, more efficient prioritisation of cases, more streamlined caseworking procedures and an increase in caseworking and enforcement resources will all be required if RCC is not to become a point of failure in the strategy for driving down irregular migration.

63 Most cases referred to I&SU are 'No Recourse to Public Fund' cases where migrants are being supported by local authorities on human rights grounds, although they are not entitled to benefits under the immigration legislation.

Annex A: Role & Remit of the Chief Inspector

The role of the Independent Chief Inspector ('the Chief Inspector') of the UK Border Agency (the Agency) was established by the UK Borders Act 2007 to examine and report on the efficiency and effectiveness of the Agency. In 2009, the Independent Chief Inspector's remit was extended to include customs functions and contractors.

On 26 April 2009, the Independent Chief Inspector was also appointed to the statutory role of independent Monitor for Entry Clearance Refusals without the Right of Appeal as set out in section 23 of the Immigration and Asylum Act 1999, as amended by section 4(2) of the Immigration, Asylum and Nationality Act 2006.

On 20 February 2012, the Home Secretary announced that Border Force would be taken out of the Agency to become a separate operational command within the Home Office. The Home Secretary confirmed that this change would not affect the Chief Inspector's statutory responsibilities and that he would continue to be responsible for inspecting the operations of both the Agency and the Border Force.

On 22 March 2012, the Chief Inspector of the UK Border Agency's title changed to become the Independent Chief Inspector of Borders and Immigration. His statutory responsibilities remain the same. The Chief Inspector is independent of the UK Border Agency and the Border Force, and reports directly to the Home Secretary.

On 26 March 2013 the Home Secretary announced that the UK Border Agency was to be broken up and brought back into the Home Office, reporting directly to Ministers, under a new package of reforms. The Independent Chief Inspector will continue to inspect the UK's border and immigration functions, as well as contractors employed by the Home Office to deliver any of these functions. Under the new arrangements, the UK Visas and Immigrations department (UKVI) was introduced under the direction of a Director General.

Annex B: Inspection Criteria

The criteria used in this inspection were taken from the Independent Chief Inspector's Inspection Criteria, revised and updated in August 2013. Figure 34 refers.

Figure 34: Inspection criteria used for this inspection

Operational Delivery

1. Decisions on the entry, stay and removal of individuals should be taken in accordance with the law and the principles of good administration.
2. Customs and immigration offences should be prevented, detected, investigated and, where appropriate, prosecuted.
3. Resources should be allocated to support operational delivery and achieve value for money.
4. Complaints procedures should operate in accordance with the recognised principles of complaints handling.

Safeguarding Individuals

5. All individuals should be treated with dignity and respect and without discrimination in accordance with the law.
8. Personal data of individuals should be treated and stored securely in accordance with the relevant legislation and regulations.

Continuous Improvement

9. The implementation of policy and processes should support the efficient and effective delivery of border and immigration functions.
10. Risks to operational delivery should be identified, monitored and mitigated.

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