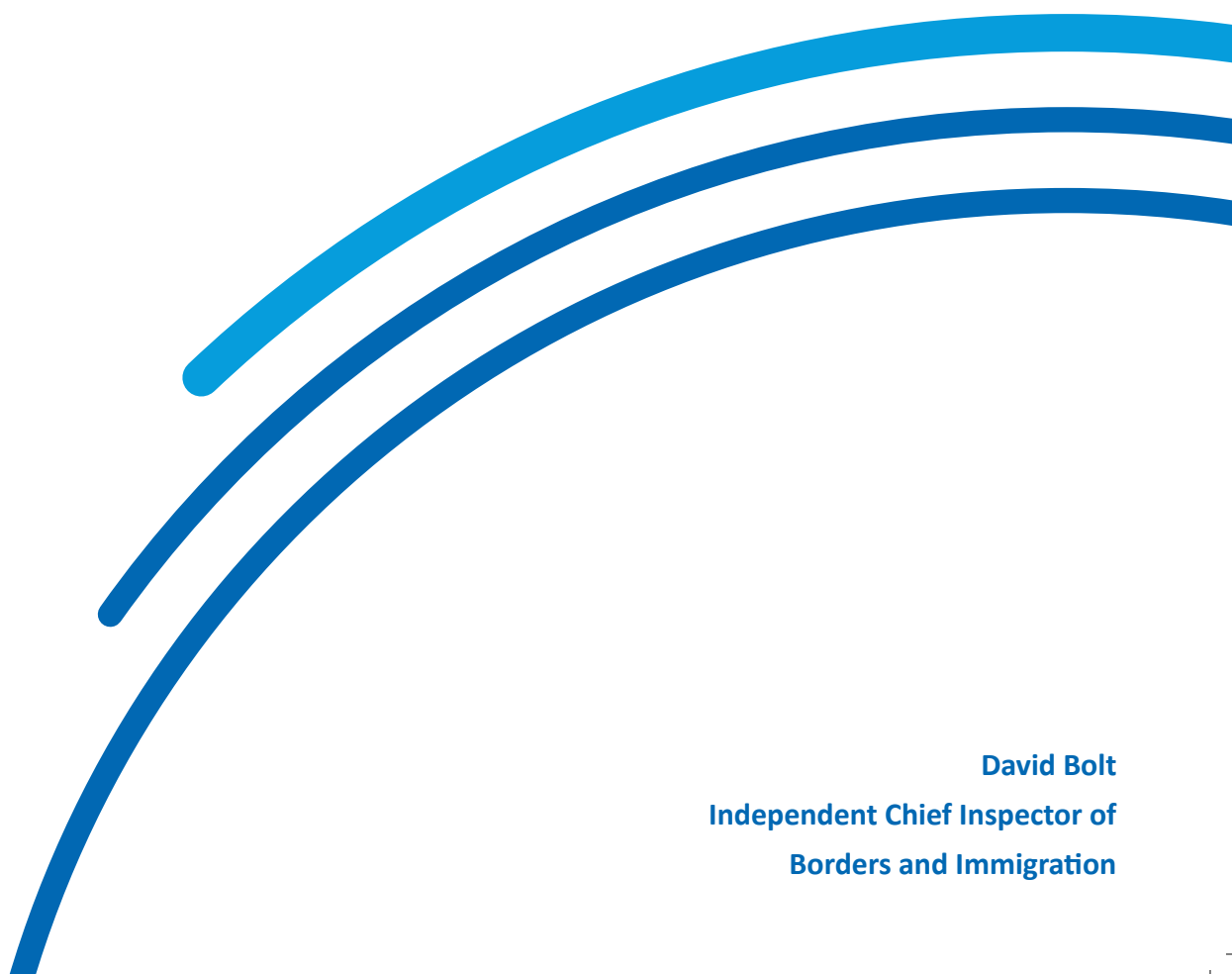




An inspection of the General Register Office for England and Wales, with particular emphasis on birth records

March – June 2016



David Bolt
Independent Chief Inspector of
Borders and Immigration

**An Inspection of the General Register Office
for England and Wales, with particular
emphasis on birth records**

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Presented to Parliament pursuant to Section 50 (2) of the UK Borders Act 2007

October 2016



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Foreword

Under section 50(1)(b) of the UK Borders Act 2007 the Home Secretary may request the Independent Chief Inspector of Borders and Immigration to report *'in relation to specified matters'*.

On 29 January 2016, the Home Secretary wrote requesting that I review the *'checking of immigration status within civil registration processes e.g. birth registration and status of parents etc.'* The review was incorporated into an inspection of the efficiency and effectiveness of the General Register Office for England & Wales (GRO), with a particular focus on birth registration.

GRO is part of Her Majesty's Passport Office (HMPO) and is involved in HMPO's drive for continuous improvement. With HMPO, GRO holds the Customer Service Excellence award.

The inspection found a strong customer service culture at GRO.

Despite having to operate within legislation that has failed to keep pace with the digital age, staff at GRO's Southport site deal effectively with around 23,000 requests for certified copies of records per week. Most requests are made online, but legislation requires that paper certificates are printed for despatch by post, which is labour-intensive, avoidably so if the legislation were amended. Similarly, the potential for cost recovery for GRO's services has not been realised, although work is now in hand to update the fees system after the Immigration Act 2016 provided enabling legislation.

False, fraudulently obtained and stolen birth records are used to enable a range of immigration and other frauds. Information about such frauds needs to be collated and analysed in order to combat them effectively. However, legislation to enable GRO to share public records has been enacted in a piecemeal way, leaving obstacles to comprehensive data-sharing.

Currently, the birth registration process does not include a check of the immigration status of the parent(s). The aim has been to encourage 100% registration of births. Birth registration plays a key role in child safeguarding, as it means that children are 'visible' to local authorities and services. It also informs national infrastructure planning, e.g. future demand for school places and other services. Any gains in relation to immigration control from the inclusion of an immigration status check in the process would need to be set against the risk that this would deter some parents from registering the birth of their child.

This report makes four recommendations for improvement. It was sent to the Home Secretary on 19 August 2016.

1. Purpose and scope

- 1.1 The inspection examined the efficiency and effectiveness of the Civil Registration Services provided in England and Wales by the General Register Office (GRO) and how it works with Local Registration Services. It focused in particular on Birth Records, because of the potential for their misuse in fraudulent claims relating to immigration status and/or nationality.
- 1.2 The inspection considered:
- legislation covering GRO, its duties and responsibilities;
 - steps taken by the Home Office to maintain the fabric of the legislation, particularly in light of the Government Digital Strategy;
 - the relationship between GRO and Local Registration Services;
 - whether officials performing civil registration functions, specifically birth registration, are identifying irregular immigrants;
 - whether civil registration processes are suited to this purpose;
 - GRO product delivery, fees and cost recovery; and
 - action by GRO to protect the public and to counter fraud.
- 1.3 Civil registration arrangements in Scotland & Northern Ireland are separate from GRO (and the Home Office) and were out of scope. Marriage (including civil partnership) was also out of scope.¹

¹ Two 2014 inspection reports covered 'sham marriage': <http://icinspector.independent.gov.uk/wp-content/uploads/2014/01/An-Inspection-of-a-Sham-Marriage-Enforcement-Operation-Web-PDF.pdf> and <http://icinspector.independent.gov.uk/wp-content/uploads/2014/06/European-Casework-Report-Final.pdf>.

A further inspection, covering the Immigration Act 2014's provisions in respect of sham marriage, is planned for later in 2016.

2. Methodology

2.1 Inspectors:

- researched legislation;
- analysed Home Office documentary and statistical evidence;
- observed processes, procedures and practices at GRO, Southport;
- held interviews and focus groups with managers and staff at Southport;
- interviewed the Registrar General and Deputy Registrar General;
- met the Chair of the National Panel for Registration;
- attended a National Panel for Registration meeting;
- met the Chair of the Local Registration Services Association; and
- visited two of the Local Registration Services – one large and diverse London borough, and one rural county service with distributed register office provision, including some part-time offices.

3. Summary of conclusions

- 3.1 The General Register Office for England and Wales (GRO) delivers a range of civil registration services. Since 2008, the GRO has been part of what is now Her Majesty's Passport Office (HMPO), itself a directorate of the Home Office. The Director General of HMPO is also the Registrar General for England and Wales.
- 3.2 Inspectors found GRO management and staff to have a strong customer focus (GRO holds the Customer Service Excellence award) and to be highly engaged with the work. As such, GRO is pursuing the wider HMPO vision, a theme of which is to *'provide a world class customer experience'*.
- 3.3 GRO deals effectively with high volumes of applications for copies of registration records, casework and despatches. Ninety-one per cent of applications are received online but legislation does not equip GRO's operation for the digital age. Staff have to operate a labour-intensive process redolent of the first half of the twentieth century, using rolls of microfilm to find register entries then transferring those images to pre-printed paper certificates which are despatched by post. Such processes are at odds with the drive by government for public services to be 'digital by default' and inhibit GRO from becoming more efficient.
- 3.4 GRO cannot fully satisfy its range of customers because relevant legislation has not been kept up to date. The National Panel for Registration, where GRO works closely with senior officials responsible for delivery of registration services in their local authority, sees modernisation of legislation and services as an imperative. Some legislative modernisation is happening, but in an uncoordinated way. So, the Deregulation Act 2015 enables copies of records to be provided in ways other than the pre-printed copy certificate, but the legal record remains the paper record in the register.
- 3.5 Currently, cost recovery arrangements are incomplete, and insufficient to cover even those services for which GRO is able to charge a fee. Senior managers at GRO plan to move to a modern cost recovery system, having been given enabling legislation in the Immigration Act 2016.
- 3.6 The drive for 100% birth registration means that GRO holds data that is vital for countering fraud and saving public money. For example, HMPO is projecting millions of pounds of cross-government savings from verifying passport applications against GRO-held birth registration data, rather than requiring applicants to submit hard copy documents. However, legislation enabling data sharing has generally progressed in a piecemeal way.
- 3.7 Since 2014, GRO (working with local registrars) has placed a stronger emphasis on countering fraud and safeguarding individuals. Again, this is in line with the wider HMPO vision *'Uncompromising in our approach to public protection'*. However, the inspection found that no dedicated statistics were kept on fraud cases involving birth records (such as passport applications found to be fraudulent or immigration prosecutions featuring misuse of birth records), so the opportunity to analyse and assess these specific threats was lost.

4. Summary of recommendations

The Home Office should:

1. Ensure that the General Register Office (GRO) has the necessary legislation to enable it to deliver its business in line with government policy for public services to be 'digital by default', and is resourced to complete the digitisation of its records.
2. Support the General Register Office (GRO) in ensuring that its fees reflect the true cost of the products and services it provides, except where there is an overriding public interest for these to be provided at a lower cost or free.
3. Ensure that any future role identified for the General Register Office (GRO) and its services in relation to controlling illegal immigration (e.g. within the 'hostile environment' programme) does not interfere with the contribution of birth registration to infrastructure planning for UK plc and to the safeguarding of children.
4. Ensure that where any Home Office directorate encounters any forged or fraudulently obtained genuine civil registration certificates, or the misuse of such certificates in connection with immigration or other offences, this is recorded and shared with the General Register Office (GRO) in order to enable analysis of trends and patterns.

5. Background and context

Civil registration

- 5.1 'Civil registration' is the formal recording of births, marriages, civil partnerships and deaths.² The public provides information to the Local Registration Service operated by the 174 local authorities across England and Wales. Records for England and Wales are passed to the General Register Office (GRO), which also holds a number of other registers, such as the adoption, surrogacy and gender recognition registers.³

Birth registration - legislation

- 5.2 Before 1 July 1837, births, marriages and deaths were recorded in local parish registers (they often recorded the baptism date rather than the date of birth). The Marriages in England Act 1836 and the Births and Deaths Registration Act 1836 paved the way for the appointment of a Registrar General for England and Wales and the creation of the GRO. The Births and Deaths Registration Act of 1874⁴ finally made birth registration compulsory and set a time limit of 42 days, which remains the case.
- 5.3 Current practice is based on the Births and Deaths Registration Act 1953⁵, the Registration Service Act 1953⁶, and the Marriage Act 1949⁷, as amended in some parts by subsequent legislation covering related areas of government business. Other legislation directly related to GRO duties and responsibilities covers aspects such as legitimacy, adoption and gender recognition. Guidance, including who should register births and deaths, is set out for the public on the gov.uk website, together with how to obtain certified copies of records.⁸ Local Registration Services also have websites with guidance on registering and obtaining copies of records.
- 5.4 While legislation sets out a range of people who may provide information to a registrar in order to register a birth, the representatives of Local Registration Services that we consulted told us that their preference is for the mother to be the prime informant.

Uses

- 5.5 Birth registration enables the establishment of identity and nationality. The United Nations Convention on the Rights of the Child contains two relevant articles. Article 7 says that '*All children have the right to a legally registered name, officially recognised by the government. Children have the right to a nationality...*' and Article 8 includes '*Children have the right to an identity – an official record of who they are.*'

² Births include stillbirths. References to marriage in this report include civil partnerships (which have greatly reduced in number since the Same Sex Marriage Act 2015).

³ See list at Appendix 3.

⁴ http://www.legislation.gov.uk/ukpga/1874/88/pdfs/ukpga_18740088_en.pdf.

⁵ <http://www.legislation.gov.uk/ukpga/Eliz2/1-2/20>.

⁶ <http://www.legislation.gov.uk/ukpga/Eliz2/1-2/37/contents>.

⁷ <http://www.legislation.gov.uk/ukpga/Geo6/12-13-14/76/contents>.

⁸ <https://www.gov.uk/browse/births-deaths-marriages/register-offices>.

- 5.6 Birth registration is also key to providing demographic statistics for UK infrastructure planning; for example statistics for live births help to determine the need for nursery and school places, plus NHS provision.

Abuses

- 5.7 Copies of birth records provided by GRO must be printed on the official certificate form. This contains the statement in bold 'WARNING: A CERTIFICATE IS NOT EVIDENCE OF IDENTITY'. Nonetheless, birth certificates may be used to enable identity theft and immigration offences, such as fraudulently acquiring a genuinely issued British passport or obtaining leave to remain in the UK, and benefit frauds, such as claiming child benefit for fictitious or deceased children.

GRO responsibilities and duties

- 5.8 GRO is responsible for the certificates (known as 'the stock') used by the Local Registration Services and GRO to produce certified copies of registration records. These 'stock' documents are also used by those authorised to perform marriages at venues other than the Register Office (e.g. churches). Local registrars issue approximately five times as many certificates as GRO (in 2015/16 GRO issued over 1.2 million certificates itself, but supplied 5.75 million for local needs).
- 5.9 GRO is responsible for maintaining the national record of civil registration events, which are registered by registrars or others, such as 'authorised persons' for marriages. There is a range of electronic and clerical processes in place to ensure that GRO receives a complete copy of all events registered.
- 5.10 Under Section 30(1) of the Births and Deaths Registration Act 1953, GRO is required to keep an index of the records it holds so that anyone can trace a record and seek a certified copy of it.

'The Registrar General shall cause indexes of all certified copies of entries in registers sent to him under this Act or under any enactment repealed by this Act to be made and kept in the General Register Office.'

(1A) The Registrar General shall cause an index to be made and kept in the General Register Office of the entries in the register kept by him under section 3A of this Act.'

(2) Any person shall be entitled to search the said indexes at any time when the General Register Office is open for that purpose, and to have a certified copy of any entry in the said certified copies, on payment to the Registrar General or to such other person as may be appointed to act on his behalf of the following fees...'

- 5.11 Under Section 34(6) of the same act, GRO must provide its 'stock' certificates with either a seal or stamp. The requirement reflects a way of thinking that pre-dates the development of the Internet and television programmes encouraging ancestor tracing and reuniting lost relatives.

'The Registrar General shall cause any certified copy of an entry given in the General Register Office to be sealed or stamped with the seal of that Office; and, subject to the foregoing provisions of this section, any certified copy of an entry purporting to be sealed or stamped with the said seal shall be received as evidence of the birth or death to which it relates without any further or other proof of the entry, and no certified copy purporting to have been given in the said Office shall be of any force or effect unless it is sealed or stamped as aforesaid.'

6. Inspection findings – customer service and product delivery

GRO as part of Her Majesty's Passport Office and the Home Office

- 6.1 For much of its life, GRO was part of the UK's machinery for gathering statistical information. In 2008, when the Office for National Statistics⁹ was made an executive office of the independent UK Statistics Authority, GRO had to move to another department. It became part of what is now Her Majesty's Passport Office and the Director General of HMPO is the Registrar General for England and Wales.
- 6.2 GRO's function is referenced in HMPO's vision statement - *'We will be a world class passport and registration operation; delivering the right balance between public protection and customer excellence.'* Senior managers told inspectors of their mission to integrate GRO into *'the Home Office family'*. However, their priority for transformation was HMPO, as GRO had so many *'legislative constraints'*. The managers were satisfied that GRO currently *'works well as an entity'*.
- 6.3 Inspectors observed a continuous improvement (CI) ethos at GRO, which has its own dedicated CI manager. GRO is fully engaged in HMPO's drive to achieve the Operational Excellence model. A senior manager commented that *'Operational Excellence underpins everything we do'*. The 'Step One' milestone is expected by November 2016, with overall achievement planned for 2020.
- 6.4 Some GRO staff spoke to inspectors about their concern that GRO was at risk of losing its distinct identity. They pointed to the signage outside the GRO building in Southport, which shows 'HM Passport Office' – see figure 1 ('General Register Office' appears over the front door). Inspectors were told that from time to time GRO receives queries about passports from confused members of the public. Senior managers said they were clear that the overall 'brand' is that of HMPO.

Figure 1: The General Register Office, Southport



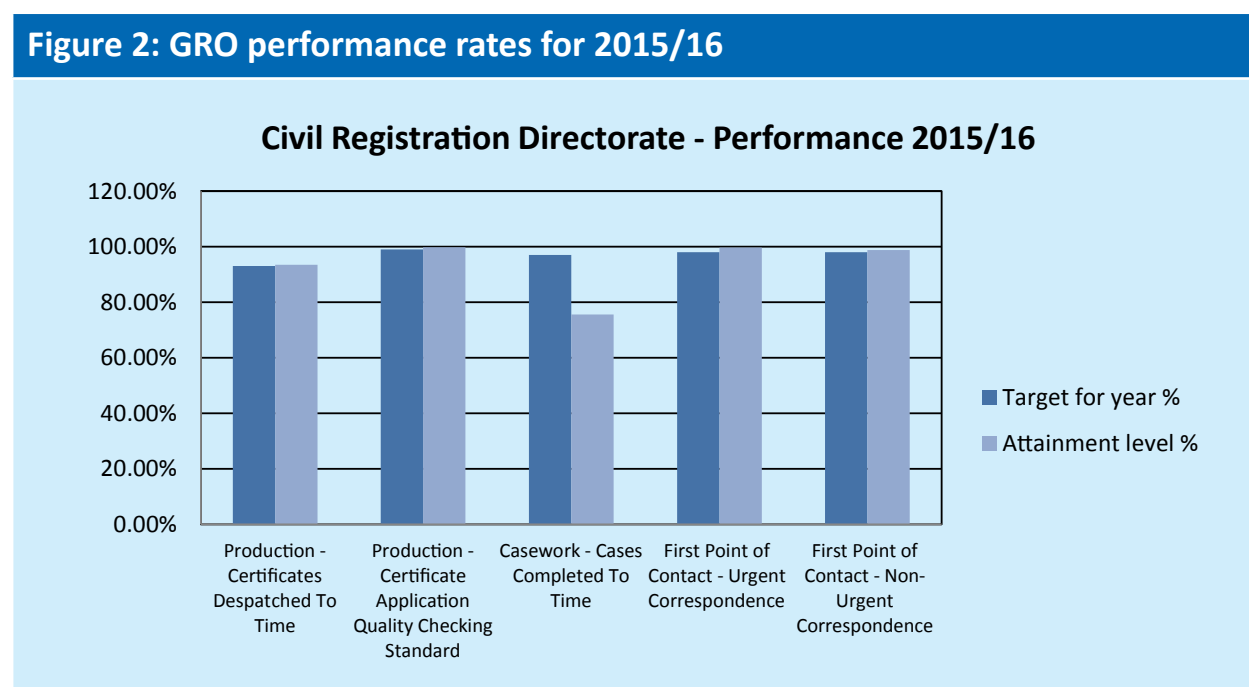
⁹ The Office for National Statistics describes itself as the 'UK's largest independent producer of official statistics and the recognised national statistical institute'.

Customer Service Excellence and performance

- 6.5 In 2015/16, GRO printed and despatched over 1.2 million certified copies of records. Just over 50% of applications each year are for birth certificates, with roughly equal numbers of applications received for marriage and death certificates, and a small number (possibly around 30,000) where GRO can find no record and the applicant receives a full refund, despite the search work involved.
- 6.6 GRO handles around 23,000 applications per week, rising to 27,000 or more when especially busy. Family history tracing is particularly open to fluctuation; it tends to be a winter hobby, and is more popular when television series on tracing ancestors or lost family members are being broadcast.
- 6.7 HMPO has nine Primary Performance Measures (PPMs). GRO's PPM is to '*despatch certificates within our service standards*'. These standards are:
- four working days where an applicant provides the register volume and page number of the record (known as a 'quoted' request) and if the application is received by 4pm; and
 - 15 days for an 'unquoted' request.

GRO also provides a priority service, where a certificate is despatched the next day if the application is received by 4pm.

- 6.8 To find the register volume and page number, the public can refer to the GRO indexes to all records. These are available on microfiche at seven locations, fulfilling the legal requirement to make these public records accessible to all.¹⁰ Meanwhile, parts of the indexes have been digitised by *FreeBMD*, a registered charity, and placed on the Internet.¹¹ Inspectors ran a 'mystery shopper' test of each of the PPM despatch standards for the two non-priority services. The correct records were despatched within the stated timescales.
- 6.9 GRO's 2015/16 performance figures are set out in Figure 2.



¹⁰ Library of Birmingham, Bridgend Local and Family History Centre, City of Westminster Archives Centre, Manchester Central Library, Newcastle City Library, Plymouth Central Library and The British Library.

¹¹ *FreeBMD* is an ongoing project, the aim of which is to transcribe the Civil Registration index of births, marriages and deaths for England and Wales using volunteers, and to provide free Internet access to the transcribed records. <http://www.freebmd.org.uk/>.

- 6.10 GRO also measures the rates of abandoned telephone calls: those abandoned before a first responder answers; and those more complex queries which are being passed to a second responder but are abandoned before a second responder answers. The rates were 5.13% and 7.97% respectively. Since GRO works to a 10% tolerance, both rates exceeded the performance target.
- 6.11 HMPO, including GRO, holds the Customer Service Excellence (CSE) award.¹² CSE operates on three levels of performance to drive continuous improvement, to develop skills and to provide an independent validation of achievement. GRO's customer service focus includes:
- segmenting customers and managing their expectations;
 - dealing with the particular needs of business account holders, who are trusted partners managed via the Customer Risk Management System; and
 - providing:
 - a simple online application process (used for 91% of applications);
 - a 'contact centre' (telephone call centre) open for 12 hours a day during the week and for seven hours on Saturdays;
 - contact by letter and email; and
 - a collection service (used particularly by heir hunter companies via their local agents).¹³

Customer segmentation

- 6.12 GRO has segmented its customers based on their reasons for making applications. Most applications are made for family history tracing purposes, and most of these concern deceased persons. The applicants divide between individuals and professional genealogists. By contrast, and for reasons that are obvious, heir hunter companies generally seek records for the living. GRO works with them as commercial bodies, and has no concerns that any certificates provided will be misused for immigration offences or other criminal purposes.
- 6.13 While around 80% of applications to GRO are for tracing reasons, some 20% are for replacement certificates. For applications to local registrars, these proportions are reversed, with many of the applications being for replacement birth certificates, an original of which may be needed in order to interact with officialdom, either within the UK or overseas.

Processes

- 6.14 Only a paper certificate with a stamp or seal is recognised as a legal document in addition to the paper register entry. Legislation has not kept pace with the digitised age, and a digitised version of a register record does not have the same status.¹⁴
- 6.15 GRO is therefore obliged to operate a factory-like process of printing and despatch by post of certified paper copies of records, particularly birth records. There are 270 million microfilmed records. Inspectors observed that GRO staff go to racks of microfilm to locate and retrieve the requested records, lift them from the microfilm and print them onto the official paper certificates. Checking is done at various stages. The room was busy and the work labour-intensive, requiring large numbers of junior-graded staff. Staff were engaged with their work and were industrious.

¹² Introduced by the Cabinet Office in 2008. A range of companies now produce CSE assessments under licence. Over 570 organisations across all sectors hold the CSE award.

¹³ These firms seek to locate living heirs to persons who have died without leaving a will ('intestate') and whose estates would otherwise go to the State.

¹⁴ To digitise is to convert a record into a digital form that can be processed by a computer and transmitted between computers.

- 6.16 Other teams dealt with the priority requests and applications for sensitive records, such as original birth records of adoptees etc. Regardless of the type of record requested, all the certified copies of records had to go out on paper.
- 6.17 Senior managers described the GRO operation as *'extremely old-fashioned'* and staff agreed that *'people see us as very antiquated and outdated'*. Staff told inspectors that they wanted updated IT, particularly to avoid workflow issues like duplication of work and to make better use of resources. They explained that, currently, a request for multiple copies of the same record could result in the request being split across several staff so identical certificates would be produced by different members of staff, and then posted separately attracting unnecessary postage costs. This process also meant that no consideration was given to whether such requests for multiple copies were in any way suspicious. Senior managers said they were working to cut duplication from the processes.
- 6.18 GRO holds some digitised records, produced through a contract with Siemens that ran for three years. Digitisation was discontinued after the change of government in 2010. The genealogy business had been seen as the driver, so digitisation started at the oldest records. Death records are digitised up to 1957 and birth records only up to 1934. This leaves a gap in computer-held information between those dates and when local registrars started to log new registrations via the online registration system (known as RON) in 2009.
- 6.19 In 2015/16, 339,194 of certificates printed (28% of the total issued) were generated from records held digitally. Inspectors found that staff dealing with records held in digital format worked in much calmer and less factory-like conditions than those working with the microfilm records. However, GRO was still required by legislation to produce paper certificates for despatch.
- 6.20 Senior managers argue that, in the digital age, the record in digital format should have the same standing in law as the record printed onto paper. An attempt was made to bring this about in a planned update of civil registration following a 2002 White Paper *'Civil Registration: Vital Change Birth, Marriage and Death Registration in the 21st Century'*.¹⁵ Change was planned in two stages by use of the order-making powers in the Regulatory Reform Act 2001¹⁶, but the two Parliamentary committees that considered them decided that the regulatory order procedure was not appropriate for the planned changes.
- 6.21 GRO believes it would be possible to satisfy some customers without having to provide them with a paper certificate, even if the *'product'* could not serve as a legal document. Family historians to some extent, and heir hunters to a great extent, may require sight of a large number of records before they find the particular one(s) they are seeking. Calling for certified copies is expensive and their needs could be met by printouts on plain paper or emailed PDFs.¹⁷
- 6.22 The following extract from the Home Office Digital Strategy Update 2015/16 closely describes GRO's needs and the benefits (particularly cost savings) that could be realised with appropriate legislation and completion of the digitisation of GRO records:
- *'in partnership with the rest of the organisation and delivery teams, we will build measures into services to articulate the following:*
 - *real cost savings projected and achieved at each phase*
 - *the downstream cost savings of digital services*

¹⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/250928/5355.pdf.

¹⁶ <http://www.legislation.gov.uk/ukpga/2001/6/contents>.

¹⁷ Portable Document Format - sends an electronic document in a format controlled by the sender.

- *achieving the Digital by Default service standard*
- *customer satisfaction for public transactions*
- *public time saves through digital transactions*
- *digital uptake and channel shift*
- *staff time saved*
- *service efficiencies through data-led decision making*
- *customer satisfaction of the business areas that we enable’.*

6.23 Some progress was made when the Home Office was able to insert an amendment to the Births and Deaths Registration Act 1953 into the Deregulation Act 2015. Section 98 of the Deregulation Act makes provision for bringing in new regulations.¹⁸

*‘(3) The regulations may make provision –
 (a) as to how a request for a search or a record may be made;
 (b) as to the forms in which a record may be provided.’*

6.24 HMPO reflects the opportunity provided by Section 98 in its 2015/16 Business Plan, which includes its intention *‘To take forward implementation activity on provisions included within the Deregulation Bill allowing for civil registration records to be accessed in different formats.’* GRO senior managers said they intended to run a pilot and take *‘baby steps’* to test customer appetite. Moving too fast could risk the existing customer service that GRO has built up in spite of having to operate outdated processes. GRO was applying its customer segmentation insights, and recognised for example that family historians want a cheaper product, but what is more important to heir hunters is speed of response.

¹⁸ <http://www.legislation.gov.uk/ukpga/2015/20/section/98/enacted>.

7. Inspection findings – fees and cost recovery

- 7.1 The inspection looked at the commercial context in which GRO operates, and at the fees it charges and whether these cover its costs.
- 7.2 Many people seeking a particular record turn first to the registration service for the area where the event was initially registered. This is the only option where registration happened recently (before the local register has been verified by the Superintendent Registrar for formal notification to GRO). Local registrars generally charge around £10 for a certified copy of a register entry. Some provide a search function so that the applicant can make a ‘quoted request’. Otherwise, there may be a further fee for local staff to search.
- 7.3 People may also use commercial companies who advertise their services online, and are often ranked ahead of gov.uk, GRO or local authority entries in response to Internet searches. These companies must still obtain the certificate from GRO, or from a local registration service, and their fees incorporate this and, generally, start at around double those of GRO or the local authorities.
- 7.4 The last review of GRO’s fees was in 2010, when HM Treasury agreed a two-tier fee. The basic fee of £9.25 for the ‘standard’ despatch time applies whether an applicant provides a ‘quoted request’ or not, and so does not reflect the cost of GRO searching the indexes for the latter. The fee for a priority service, where the certificate is despatched the next day for an application received by 4pm, is £23.40. Figure 3 breaks down the 2015/16 despatch times for certificates.

Figure 3: Certificates despatched in 2015/16

‘Standard’ despatch time	981,595
Priority despatch	225,891
Total	1,207,486

- 7.5 Senior managers would like GRO to be self-funding, but pointed out that a quarter of customers dropped out when fees were last raised, noting that family history tracing is a hobby, and is therefore ‘discretionary’ expenditure. They were aware that family historians wanted a low cost service, but commented that a ‘world class customer experience does not mean cheap as chips’. They would also like to reduce GRO’s costs where possible, for example by maximising the number of ‘quoted requests’, thereby reducing staff time spent searching for records.
- 7.6 Fees for the third party commercial companies typically start at £25 - £30 for England and Wales records. Most companies promise despatch within 10 working days, which means that they will do the index search and use the ‘quoted request’ service. Faster services are also available at a higher cost; for example one company promises to return the certificate within three working days for an additional £15. These companies use GRO’s services and products (or those of the Local Registration Services) and add their own premiums, but, for a further fee, some will email a scanned copy of the certificate before putting it in the post.

- 7.7 It was unclear how aware the users of third party companies were of GRO's priority service, which was typically cheaper and which the inspection found was efficient. Senior managers saw a dynamic tension between marketing GRO's service more aggressively in order to increase income, and being sure of its ability to meet any subsequent increase in demand with existing resources while still having to print and post all certificates.
- 7.8 Senior managers referred inspectors to the Scottish model. National Records of Scotland (NRS) takes a different approach to those customers interested in family records. NRS offers electronic access to their statutory records through their *ScotlandsPeople* brand, which is available at their website¹⁹ and in their search rooms and local family history centres via a network. Customers can access both the modern day records (e.g. births less than 100 years old) and the historic records in their search rooms and at local family history centres by paying a daily search fee. Their website offers access to the images of their historic statutory records and also allows customers to search the indexes of their modern day records.
- 7.9 Customers can purchase official certificate copies of any of the statutory records.

Services with low or no fee

- 7.10 GRO provided inspectors with a list of 30 products and services not covered by the fee arrangements set in 2010, where the costs fall entirely on the public purse. This is in contrast to the passport issuing service, which more than covers its costs.

Figure 4: GRO products and services with no cost recovery in 2015/16

Service	Number of times provided
Provision of marriage certificates to Local Registration Services (LRS)	543,130
Provision of disposal certificates to LRS	484,800
Provision of prescribed forms to LRS e.g. medical certificates of cause of death, disposal certificates for cremation/burial	383,825
Searches in the birth, death, marriage, civil partnership, stillbirth, or adoption index, following an application for a certificate, where no trace is found and the full fee paid is then refunded	30,000
Applications to correct a birth/death/marriage/civil partnership or stillbirth entry	18,022
Processing of Adoption Orders and provision of a new short birth certificate to adoptive parents	6,130
Provision of marriage registers to the LRS	6,065
Clearing of foreign divorces/civil partnership dissolutions and provision of letters	4,064
Applications for late death registration	3,232
Noting and recording the appointment of authorised persons at buildings registered for marriage	2,994
Maintaining a register of approved premises	2,719

¹⁹ www.scotlandspeople.gov.uk.

Applications for the registration of a building for marriage	2,428
GRO Anniversary service	1,820
Provision (to any person) of the name of the adoption agency for an adoption order granted after 30 December 2005	1,408
Provision of access to birth record information to an adopted adult via a third party (social services) or directly to the adopted person	1,318
Others (those less than 1,000)	2,749
Total	1,494,704

- 7.11 Senior managers were aware that the introduction of new charges or increases to existing charges was a sensitive issue. For example, GRO is responsible for the arrangements for ‘death bed weddings’,²⁰ for which a suitably trained member of staff must be on call 24 hours a day. It is able to charge only £15, the fee having been fixed in 1970. This is a shared process between GRO and the Local Registration Service and the current estimate of the full cost is £350. Managers believe that, notwithstanding the actual costs, any changes to this fee would have to be made gradually.
- 7.12 The Immigration Act 2016 contains powers to make new regulations to set and control fees across a number of statutes, including the Births and Deaths Registration Act 1953 and the Registration Service Act 1953. GRO plans to be ready to apply these regulations from January 2017. The accompanying explanatory statement on gov.uk says that ‘*Civil registration costs £160m each year... The Act will introduce modernised and flexible fee-raising powers in respect of services provided, enabling fees to be set for a wider range of products and services than is currently possible. This will reduce the burden for providing registration services on the taxpayer by allowing such services to become increasingly self-sufficient*’.²¹

²⁰ An emergency marriage ceremony, frequently held in a hospital or hospice, and arranged because of terminal illness. It usually involves a couple who have been together for some time.

²¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/537256/Immigration_Act_-_Part_8_-_Fees_and_Charges.pdf.

8. Inspection findings – countering fraud and providing public protection

- 8.1 Birth registration is the first stage in establishing an individual’s identity and, with the widely acknowledged increase in identity theft and related crimes, the security of GRO’s records and integrity of its processes are critical to its efficiency and effectiveness. As well as enabling immigration offences, false or fraudulently obtained birth certificates have been used to commit child benefit and tax credit frauds, some perpetrated over many years.
- 8.2 In 2002, a report by the Inspector General of the Department of Health and Human Services, which oversees US civil registration, set the risks out clearly:

‘Over the last 25 years, a number of studies have addressed problems related to false identification and the misuse of birth certificates.’ ... ‘They also conclude that stolen, counterfeit, and altered birth certificates are often used as “breeder documents” that allow the holder to obtain documents needed to create new identities.’²²

- 8.3 Staff at GRO agreed with the ‘breeder document’ point, but added that even government departments had tended, until quite recently, to accept birth certificates at face value as proof of identity, despite the certificate stating in bold red lettering ‘WARNING: A CERTIFICATE IS NOT EVIDENCE OF IDENTITY’.

National Panel for Registration

- 8.4 GRO works closely with Local Registration Services at a range of levels, including the Local Registration Services Association and the National Panel for Registration, the latter being the key group for GRO and others to liaise with the registration service at a national level. Inspectors attended a meeting of the Panel and looked at the Panel’s business plan for 2015/16. This contains strong support for the modernisation of registration, including giving registrars the option of refusing to register where they suspect fraud.

Increased GRO focus on countering fraud

- 8.5 The Chair of the National Panel for Registration told inspectors that previously GRO had emphasised customer service and that ‘counter fraud was not as high on the radar as it is now’. For example, the NHS provides notification that a birth has taken place so the local registrar knows to expect the registration within the 42 days allowed or chases it up. A local registrar made some fictitious birth registrations which an NHS assurance process picked up. The NHS alerted GRO caseworkers to two suspicious registrations, but separately. Two GRO caseworkers then wrote to the registrar (unknown to one another) seeking an explanation. Luckily, the Superintendent Registrar opened both letters and made the connection. The registrar was found to be involved in an organised child benefit fraud, and was prosecuted and convicted.
- 8.6 The same National Panel representative described local registrars as having an ‘innate sense’ when it came to spotting a potential fraud, and GRO senior managers agreed. Registrars told inspectors that GRO used not to engage fully with them on many of the concerns they raised

²² <http://oig.hhs.gov/oei/reports/oei-07-99-00570.pdf>.

regarding potential frauds, but this had been changing. GRO's Data Unit now works with local registrars to help identify and look into anything suspicious, and acts as an intelligence hub. Any queries from GRO are now sent directly to the Superintendent Registrar.

- 8.7 A GRO manager told inspectors that it was rare for a fictitious birth to get through the system (citing only four in 10 years), but GRO was taking the approach of '*uncompromising public protection*'. Inspectors were shown evidence that GRO is moving quickly to develop a wider range of counter-fraud measures, including fraud indicators to help staff to identify frauds. A team of four is in place, using counter-fraud expertise gained in relation to passports, and which has been developed over a period of years.
- 8.8 Counter-fraud training is now in place for GRO staff. GRO is also working with partners, such as the National Police and Identity Crime Working Group. GRO is looking to take local registrars along with it in terms of its counter-fraud agenda via an annual conference and frequent counter-fraud communications.

Casework

- 8.9 GRO casework staff deal with 70,000 pieces of casework per year, covering a wide range of matters. These include making types of correction that local registrars are not permitted to make. Some may be corrections of fact, such as a name having been misspelt in the register. Others are more in the nature of additions, such as adding a father's name, perhaps if the parents have since married. This area of casework is complex, and is vulnerable to fraud. GRO and local registrars are alive to this. It forms part of the National Panel for Registration's argument for local registrars to have the power to refuse to register a claim or make a correction.
- 8.10 GRO's 2015/16 performance figures (Figure 2) show Casework as the only area not meeting its target. As counter-fraud awareness increases, there will be more complex cases to deal with, and performance targets will need to be reviewed and may need to be adjusted.

Irregular migrants and birth registration

- 8.11 As part of HMPO, GRO sits with the Home Office directorates responsible for borders and immigration functions, under the Second Permanent Secretary. The Home Office legislated in the Immigration Act 2014 to tighten up the civil registration procedures for marriage in order to tackle immigration abuses via sham marriages. This raises the question of whether similar steps should be taken with other forms of civil registration, specifically birth registration.
- 8.12 GRO senior managers explained that the UK's overall aim is 100% birth registration in order to meet its infrastructure planning needs and to ensure that all children are visible to local authorities for safeguarding reasons. There are no reliable statistics for numbers of irregular migrants in the UK who might be registering births. However, if a visit to the registrar could lead to a migrant without the right to remain in the UK being detained and removed, it would soon become common knowledge, and it would act as a powerful disincentive to register a child, with the result that children would remain invisible to local authorities and potentially be at risk.
- 8.13 If legislation were brought in, for example to require a non-UK national interacting with a registrar to present a passport, it would rely on an Immigration Enforcement (IE) response from the Home Office to be effective. Given IE's priorities and limited resources, as recently reported,²³ it seems unlikely that it would easily find the capacity to attend register offices when required or to conduct follow-up visits to any addresses given.

²³ <http://icinspector.independent.gov.uk/wp-content/uploads/2016/07/ICIBI-report-on-Lorry-Drops-210716.pdf>.

Pre-printed certificate security

- 8.14 The US Inspector General's report highlighted that over 6,000 US local registration offices issue certificates and *'all vital records offices issue birth certificates on security paper, but the security features vary from State-to-State'*. She concluded that this made fraudulent birth certificates hard to detect.
- 8.15 GRO controls all blank certificate 'stock', thereby avoiding the problem of a multiplicity of security features. Inspectors examined the pre-printed 'stock' that GRO uses and sends to the 174 Local Registration Services in England and Wales (for their register offices and local places of worship or other venues licensed for marriages and civil partnerships).
- 8.16 The current design has been in use since 1999. Text is pre-printed in red, and there is an individual serial number and a printed 'seal' to meet the legislative requirement. The red print makes clear it is *'certified to be a true copy'* and includes two clearly wording warnings at the bottom - *'Caution: there are offences relating to falsifying or altering a certificate and using or possessing a false certificate'* and then emboldened below **'WARNING: A CERTIFICATE IS NOT EVIDENCE OF IDENTITY'**.
- 8.17 In light of the increase in identity fraud, inspectors asked senior managers whether there were any plans to upgrade the existing security features. Any updating of the existing security features has to be compatible with the range of printers in local authority offices, but there are plans to include further security features from early 2017.
- 8.18 GRO and local registration staff had told inspectors that the current stock was vulnerable to a particular form of forgery, which was discovered from time to time. Senior managers said that if they were enabled to provide some records digitally or on plain paper, fewer pre-printed certificates would be needed, so the cost of further security features could be partially absorbed.

Physical security within the GRO building

- 8.19 Teams within GRO are located in separate rooms, accessed with suitably enabled electronic passes. The visiting inspection team was required to sign in and out of each room, in common with GRO staff. The room containing sensitive registers, including those relating to adoption and gender reassignment, employed the simple but effective measure of housing those registers at the far end from the door, so that any unauthorised staff approaching them would be noticed.
- 8.20 A blank certificate would be of great value to criminals. Inspectors found that control of the individually numbered 'stock' was meticulous. Staff described supervisor checks, and even a lockdown of the large 'factory' room to conduct a full search, including reopening post ready for despatch, if a certificate were mislaid.

Safeguarding of 'current' records

- 8.21 GRO has an in-house policy, aimed at protecting the public. If a birth record is requested for anyone born within the last 50 years, the policy empowers staff to require the applicant to give the full registration details rather than just what is in the index, in order to dissuade 'fishing expeditions'. However, if the applicant persists with the request, the legislation does not permit GRO staff to refuse to provide the record.

- 8.22 Inspectors were told that it is not unusual for local registrars to receive multiple requests for the birth or death record of a celebrity. Many collectors of royal memorabilia applied for and received, perfectly legally, certified copies of Prince George's birth record.
- 8.23 GRO's rationale for choosing 50 years as the threshold for 'current' records was unclear. It is too low to serve as a protective measure for everyone who is still living, and for this reason Scotland sets its 'current' records threshold at 100 years. GRO staff explained that, notwithstanding the desire to protect people, these are public records.

Protecting GRO's reputation

- 8.24 GRO looks at commercial third party websites to ensure that they are not posing a risk to its reputation. In 2011, the Advertising Standards Authority (ASA) upheld complaints from GRO that two third party websites were misleading customers into believing that they were ordering directly from the government website. The then Registrar General said *'The ASA has sent a very clear message to customers and those companies that mislead them: there is just one official online certificate ordering service for England and Wales.'*²⁴

Data sharing

- 8.25 GRO provides a daily feed of data to the Office for National Statistics.²⁵
- 8.26 Civil registration data also has the potential to identify and prevent fraud in a number of areas, such as improper access to UK passports²⁶, or to UK residence and benefits, such as child benefit and tax credits. For many years, GRO was not empowered to share bulk data from registers.
- 8.27 Progress on data sharing has been piecemeal. For example, the Police and Justice Act 2006²⁷ provided a legal means to share death data to assist in the prevention, detection and prosecution of crime. GRO administers this data on behalf of all three Registrars General (England and Wales, Scotland and Northern Ireland), providing regular feeds of death data to specified organisations.
- 8.28 In 2004, HMPO (then known as the Identity and Passport Service - IPS) launched 'Operation Wisdom' to investigate any use at that time of the loophole familiar to the British public via Frederick Forsyth's 1971 novel 'The Day of the Jackal' (and the 1973 film). This involved using the birth certificate of someone who had died in childhood to apply fraudulently for a British passport. IPS told the Parliamentary Public Accounts Committee in 2007 that 'Operation Wisdom' had found this route to be still in use, so it had instigated prosecutions and worked with GRO's parent department of the time to establish a checking database of infant and child deaths.
- 8.29 From 2010, the Identity Documents Act²⁸ provided HMPO with a statutory means of verifying births and deaths directly against data held by the three Registrars General when processing passport applications.
- 8.30 From the customer service perspective, the Home Office Information Digitisation Project is looking shortly to introduce Life Events Verification (LEV), which will verify information provided against what is already held by trusted sources rather than requesting customers to submit hard copy evidence. LEV should also produce a range of savings and efficiencies for HMPO (for example by reducing handling, storage and posting of documents) and for other government departments.

24 <https://www.gov.uk/government/news/dont-be-fooled-by-unofficial-certificate-websites>.

25 'The UK's largest independent producer of official statistics and the recognised national statistical institute of the UK.' <https://www.ons.gov.uk/>.

26 HMPO estimates that a UK issued passport could enable frauds running into tens of millions of pounds.

27 <http://www.legislation.gov.uk/ukpga/2006/48/contents>.

28 <http://www.legislation.gov.uk/ukpga/2010/40/contents/enacted>.

The scale of birth record frauds and related prosecutions

- 8.31 Inspectors asked for the numbers of birth record frauds identified by HMPO in passport applications, and for the numbers of prosecutions for immigration offences involving the fraudulent use of birth records. However, statistics had not been collected in this way.
- 8.32 HMPO collects fraud data according to where in its processes the fraud is identified (e.g. by the issuing officer) and not by the type of fraud. Senior managers told inspectors that all cases of fraud involving a birth certificate are referred back to GRO, but no figures for this were kept either by HMPO or GRO. Equally, while Immigration Enforcement keeps data on prosecutions in relation to sham marriages, it does not keep dedicated data on prosecutions involving other civil registration frauds, such as use of fraudulent or stolen birth records, so it was not possible to inspect whether such frauds were being identified and prosecuted.

Appendix 1 – Role and remit of the Chief Inspector

The role of the Independent Chief Inspector of Borders and Immigration (until 2012, the Chief Inspector of the UK Border Agency) was established by the UK Borders Act

2007. Sections 48-56 of the UK Borders Act 2007 (as amended) provide the legislative framework for the inspection of the efficiency and effectiveness of the performance of functions relating to immigration, asylum, nationality and customs by the Home Secretary and by any person exercising such functions on her behalf.

The legislation empowers the Independent Chief Inspector to monitor, report on and make recommendations about all such functions. However, functions exercised at removal centres, short-term holding facilities and under escort arrangements are excepted insofar as these are subject to inspection by Her Majesty's Chief Inspector of Prisons or Her Majesty's Inspectors of Constabulary (and equivalents in Scotland and Northern Ireland).

The legislation directs the Independent Chief Inspector to consider and make recommendations about, in particular:

- consistency of approach
- the practice and performance of listed persons compared to other persons doing similar activities
- the procedure in making decisions
- the treatment of claimants and applicants
- certification under section 94 of the Nationality, Immigration and Asylum act

2002 (c. 41) (unfounded claim)

- the law about discrimination in the exercise of functions, including reliance on section 19D of the Race Relations Act 1976 (c. 74) (exception for immigration functions)
- the procedure in relation to the exercise of enforcement powers (including powers of arrest, entry, search and seizure)
- practice and procedure in relation to the prevention, detection and investigation of offences
- the procedure in relation to the conduct of criminal proceedings

- customs functions have been appropriately exercised by the Secretary of State and the Director of Border Revenue
- the provision of information
- the handling of complaints; and
- the content of information about conditions in countries outside the United Kingdom, which the Secretary of State compiles and makes available, for purposes connected with immigration and asylum, to immigration officers and other officials.

In addition, the legislation enables the Secretary of State to request the Independent Chief Inspector to report to her in writing in relation to specified matters.

The legislation requires the Independent Chief Inspector to report in writing to the Secretary of State. The Secretary of State lays all reports before Parliament, which she has committed to do within eight weeks of receipt, subject to both Houses of Parliament being in session. Reports are published in full except for any material that the Secretary of State determines it is undesirable to publish for reasons of national security or where publication might jeopardise an individual's safety, in which case the legislation permits the Secretary of State to omit the relevant passages from the published report.

As soon as a report has been laid in Parliament, it is published on the Inspectorate's website, together with the Home Office's response to the report and recommendations.

Appendix 2 – Inspection criteria used in this inspection

Inspection criteria
Operational Delivery
1. Customs and immigration offences should be prevented, detected, investigated and where appropriate, prosecuted.
2. Resources should be allocated to support operational delivery and achieve value for money.
Safeguarding individuals
3. All individuals should be treated with dignity and respect and without discrimination in accordance with the law.
4. Personal data of individuals should be treated and stored securely in accordance with the relevant legislation and regulations.
Continuous improvement
5. The implementation of policies and processes should support the efficient and effective delivery of border and immigration functions.
6. Risks to operational delivery should be identified, monitored and mitigated.

Appendix 3 – Other registers and records kept by GRO

Source: <https://www.gov.uk/government/publications/events-recorded-in-england-wales-and-overseas/events-recorded-in-england-and-wales>

Events recorded in England and Wales		
Record held	Content	Dates
Thomas Coram register	A record of all births and deaths recorded	1853 to 1948
Adopted children register	A record of all adoptions granted by courts	1927 to present
Still birth register	A record of all still births recorded	1927 to present
Parental order register	A record of all births that have been re-registered on production of a court order where a child has been born via a surrogacy agreement	1994 to present
Abandoned children register	A record of all abandoned babies whose parentage is unknown	1977 to present
Presumption of death register	A records of all events recorded in the presumption of death register where a declaration has been issued by a court in England and Wales	2015 to present
Gender recognition register	A record of all births re-registered following gender recognition where the original birth is held by GRO	2005 to present
Gender recognition marriage/civil partnership register	A record of marriages and civil partnerships re-registered following gender recognition of one or both parties where the original entry is held at GRO	2015 to present
Events recorded abroad		
Record	Content	Dates
Regimental records	Birth/baptisms, marriages and some deaths relating to British Army regiments	1761 to 1924
Chaplain returns	Army chaplains' records of baptisms, marriages and deaths	1796 to 1880

Ionian islands records	Births, marriages and deaths at British Garrison, Corfu	1818 to 1864
Marine records	Births and deaths at sea	1837 to present
Consular records	Births, marriages, civil partnerships and deaths of British subjects registered at British Consulates	1849 to 12 months prior to the present date (births, marriages and deaths) 2005 to present date (civil partnerships)
Army records	Births, marriages and deaths of members of the British Army or their families which took place abroad	1881 to 1965
War deaths	Boer War	1899 to 1902
	War World 1	1914 to 1921
	World War 2	1939 to 1948
Aircraft records	Births and deaths on board British registered aircraft	1947 to present date
Foreign marriage and civil partnership certificates	Certificates deposited with the GRO	1948 to 2013 (marriages)
		20015 to 2013 (civil partnerships)
High Commission records	Births and deaths of British subjects registered at British High Commissions	1949 to present date
Armed forces records	Births, marriages, civil partnerships and deaths of members of the British armed forces or their families	1965 to present (births, marriages and deaths)
		2005 to present (civil partnerships)
Installation deaths	Deaths of workers on British oil and gas rigs	1971 to present
Hovercraft records	Births and deaths on British registered hovercraft	1972 to present

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