



Home Office

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

An inspection of the EU Settlement Scheme

April 2019 to August 2019

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

We welcome this detailed report into the operation of the EU Settlement Scheme (EUSS).

Following on from an initial inspection completed between August 2018 and January 2019 which focused on the two Private Beta Phases, completed between August 2018 and January 2019, the Department accepted all seven ICIBI recommendations.

We are pleased that five of the seven ICIBI recommendations from the previous inspection have now been closed by the ICIBI in this latest report. The two remaining recommendations need to remain open for monitoring during the life of the EUSS.

We have carefully considered this latest report along with its recommendations and the Department is grateful for the ICIBI's engagement with stakeholders, customers and our staff who operate the EUSS. We particularly welcome the recognition from the ICIBI of the positive attitudes from staff which underpin the EUSS. The report also notes the continuing culture of our staff focusing on providing world class customer service. Our key objective is to help customers evidence their residence, so we can grant applications made under the EUSS. We welcome the fact that this report has found evidence of this throughout our operations.

The Department welcomes the new recommendations arising from this latest inspection and has accepted or partially accepted eight of the nine recommendations contained in the report.

The overall success of the EUSS can be demonstrated by the total number of applications received which, as at 31 December 2019, had reached over 2.7 million, with over 2.45 million applications granted.

We are determined that EU, other EEA and Swiss nationals and their family members have full confidence in the EUSS and would like to clarify that the work in progress queue at the end of June 2019 was at approximately 103,000 cases and not the figure of 180,000 cases as quoted in this report.

The Home Office response to the recommendations:

1. Consider whether in removing the fee the department has done enough to make the application process genuinely free and therefore accessible to all applicants, looking at whether calls to the Settlement Resolution Centre should be free or “call backs” guaranteed after a fixed length of call and at whether it could absorb the costs of using an ID checking location.

1.1 Not Accepted

1.2 The Home Office does not charge for calls to the Settlement Resolution Centre (SRC). Calls are charged at the operator’s standard rate. Calls to the SRC from within the UK will cost the same as dialling any ‘01’ or ‘02’ number. This can be up to 10p per minute from a UK landline and between 30p and 40p from a mobile, depending upon the provider. Applicants may get free calls to some numbers as part of their call package. We also have an ‘02’ number available for those calling from overseas.

1.3 ID document scanning is a supplementary service provided by participating local authorities to support applicants applying to the EU Settlement Scheme (EUSS). It is not funded or arranged by the Home Office, nor is any income received by the Home Office. Any charge for the service is determined by the local authority and is set at cost recovery to provide the service. Many local authorities provide this service for free. A small number of local authorities offer the service to users who are not resident in the local authority area and charge a fee for this service.

2. Making best use of management information (MI) and ‘lessons learned’ and ‘improvements made’ stories, expand and regularly update its messaging regarding the length of time an application will take to process, making clear both how long it is taking for the majority of applications and the reasons why it may take longer for others. Regarding applications that are held up awaiting further information from the applicant, produce clear messaging about the consequences of not responding within the specified timescales (and apply them) to ensure that applicants know where they stand.

2.1 Accepted

2.2 The Home Office has recently made adjustments to the estimated processing times guidance on GOV.UK to reflect current performance, detailing when cases may exceed the stated ‘around five days’ to process.

2.3 We have also delivered Lessons Learned workshops to staff and continue to make improvements based on staff and customer feedback.

2.4 The standard letters requesting further information that are sent to customers are currently being reviewed by operational managers, in collaboration with policy colleagues to ensure the messaging is sufficiently clear and robust.

3. In the interests of promoting the EU Settlement Scheme (EUSS) and being recognised as its “authoritative voice”, publish the department’s Policy Equality Statement (PES)

for the EUSS or such parts of the PES that provide reassurance that the impacts of the EUSS have been fully considered, in particular for vulnerable and hard-to-reach individuals and groups.

3.1 Accepted

3.2 The Home Office has ensured that the equality impacts of the EU Settlement Scheme have been fully considered and is committed to publishing the Department's Policy Equality Statement by Spring 2020.

4. Accelerate whatever work is in hand to produce foreign language versions of EU Settlement Scheme (EUSS) messaging, and in the meantime provide Settlement Resolution Centre (SRC) Staff with clear guidance and practical solutions for dealing with applicants who are having difficulty in understanding English.

4.1 Accepted

4.2 In January 2019, the Home Office informed the Independent Chief Inspector of Borders and Immigration that it planned to provide versions of EUSS guidance in all EU languages, plus Welsh, after the scheme launched in March 2019. The Home Office had not done so earlier as the guidance was continually changing in response to lessons learned from the Beta testing exercises. The EUSS guidance is now available on GOV.UK for 26 commonly used languages across Europe. We will also review guidance relating to callers who have difficulty understanding English.

5. Review the robustness of the quality assurance regimes in place for EU Settlement Scheme (EUSS) caseworkers and Settlement Resolution Centre (SRC) staff, in the process explaining to staff the basis for daily performance targets and dealing with their concerns about fairness.

5.1 Partially Accepted

5.2 As the Scheme is in its infancy, caseworker targets are continually reviewed as part of ongoing daily/weekly monitoring. Adjustments have been made to targets since the start of the EUSS. Following a recent timings exercise involving representative staff groups, potential further amendments are currently being considered by operational managers.

6. Review the training provided to caseworkers with regard to assessing family relationships involving a civil partnership, durable partnership or marriage between an EU national and a non-EU national to ensure it is adequate and refer such cases to a Senior Caseworker for sign off or, where appropriate, to the Marriage Interview Team for interview.

6.1 Accepted

6.2 The Home Office continues to review all casework training in line with performance, operational requirements, customer insight and policy changes (including changes to the Immigration Rules). The most recent review took place following the changes to the Immigration Rules, which were laid on 9 September 2019 and implemented on 1 October 2019.

7. Capture and analyse data in relation to the application of “evidential flexibility” throughout the EU Settlement Scheme (EUSS) process, in order to ensure that caseworkers are applying it consistently.

7.1 Partially accepted

7.2 Our IT systems are currently unable to capture data specific to the application of evidential flexibility. The Home Office does, however, operate within a robust quality assurance framework ensuring correct decisions are made and evidential flexibility is applied consistently and where appropriate.

8. Collect and publish data for complaints received in relation to the EU Settlement Scheme (EUSS) and for Administrative Review applications and outcomes.

8.1 Partially Accepted

8.2 The Home Office currently publishes complaints transparency data. This data provides overall totals of which complaints about the EUSS are a subset. Data relating to Administrative Reviews applications is not currently published. We will consider whether this data can be extracted accurately and, if it can, we will also consider the best format for publication.

9. Review and clarify the Home Office’s role in relation to vulnerable individuals and groups in light of the information and data provided by the 57 grant-funded organisations in their first quarterly return, in particular addressing the issue of what “reasonable enquiries” the Home Office will make (of other government departments etc.) on behalf of individuals where they have difficulty in proving their entitlement to apply.

9.1 Partially Accepted

9.2 We will continue to review how we support all customers, using feedback from a range of sources, including the Grant Funded Organisations (GFOs). The Home Office receives feedback from GFOs around the issues some vulnerable people face with their documentation, but this is not linked to their quarterly returns which are a measure of outcomes against their funding criteria.

9.3 Information and data provided by the 57 GFOs in their first quarterly returns did not specifically relate to the “reasonable enquiries” the Home Office would make where individuals are having difficulty in proving their entitlement to apply. The expectation would be that the Home Office would make “reasonable enquiries” on a case by case basis in line with the General Data Protection Regulation (GDPR), and other data sharing protocols, where an individual is having difficulty in proving their entitlement to apply. Should a GFO raise an issue relating to a specific case, the GFO would be advised to contact the dedicated Settlement Resolution Centre helpline in the first instance and where applicable, we will make further enquiries to assist applicants.