



Home Office

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

## **An Inspection of the Home Office Presenting Officer function**

**November 2019 – October 2020**

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

The Home Office is grateful to the ICIBI for the effort that he and his team have devoted to this inspection including the interactions at multiple, geographically spread locations.

The Home Office agrees with the Chief Inspector on the important role that this unit plays in terms of maintaining an effective and efficient immigration system.

A significant amount of positive work is already underway to raise standards within the Appeals Operation Presenting Officer Units and to learn from appeals outcomes. We have a constructive relationship with HM Courts and Tribunal Service on its Reform programme through which we can improve customer service through initiatives such as the appeals reconsideration inbox.

We agree there is significant room for further improvement. We recognise a need for greater focus on ensuring staff are clear on the standards of performance and professionalism that we expect and that we can monitor those effectively, recognising the need for relevant training and support to maintain it. Despite the adversarial system, we acknowledge the need to collect and use stakeholder feedback (including complaints) to drive further positive change.

The Department accepts the ICIBI's recommendations which align with the priorities of the leadership team in ALAR. We committed to making the improvements identified in this inspection and ensuring we provide the best possible service to customers and stakeholders.

In the medium term the work that we are doing with HMCTS on Reform presents real potential, in terms of efficiency and effectiveness. This will enable us to address the points that both our staff and stakeholders raised about giving Presenting Officers more time to prepare cases (and therefore improving quality in a sustainable and systemic way).

The Home Office response to the recommendations

The Home Office should:

- 1. Develop an engagement and communication strategy for each of Appeals Operations' key stakeholders, based on the principles of collaboration and transparency, that identifies: principal points of contact, goals, points of agreement and difference, actions**
  - 1.1 Accepted**
  - 1.2 Appeals Operation will continue to develop and enhance its engagement with key stakeholders. The value of a formal written strategy, incorporating goals and actions, is recognised. The communication strategy for each key stakeholder will be in place and shared alongside other internal business plans and priorities documents for 2021/22. The team will also collaborate with the Stakeholder and Community Engagement hub which is being created in response to the Windrush Lessons Learned Review. The intervening period will allow for consultation, agreement and production of any interim documents as appropriate.
- 2. Work with internal and external stakeholders to develop a published 'Code of Conduct' for (Senior) Presenting Officers, and to consider what form of oversight and complaints mechanism in relation to (S)PO conduct would be most appropriate.**
  - 2.1 Accepted**
  - 2.2 Meetings with external stakeholders have taken place and more are planned to widen the range of input. Consultation with staff and other internal stakeholders will also take place. There will be a published code of conduct in place for 2021/22 reporting year. Whilst Presenting Staff are not officers of the court, it is appropriate that the standards and expectations for those undertaking the Presenting Officer role are clear to all parties. Elements of professional codes will therefore be equally appropriate to Presenting Staff and should be included in the code of conduct. We will also draw on the Ethical Framework that is being developed in response to the Windrush Lessons Learned Review. The Code of Conduct will be in place for the 2021/22 reporting year and expected to be published in April 2021. The Home Office also notes that the ICIBI Inspection of Complaints handling, published 8 July 2020, and the recommendations being taken forward should provide an appropriate guide to developing a mechanism for dealing with complaints.
- 3. Involving (Senior) Presenting Officers, their managers, other Appeals Operations staff, and external and internal stakeholders, conduct a skills audit for the role(s) and define: the minimum qualifications, experience and qualities required for entry; initial ("Foundation") training and mentoring; consolidation and specialist training; continuation and refresher training (including "intensive mentoring"); and, professional development (including gaining legal qualifications). This should aim to take account of the increased emphasis on case reviews and withdrawals, plus changes to the role(s) resulting from the Reform Programme, for example the requirement to submit skeleton arguments.**
- 4. Use the results of the skills audit to carry out a training needs analysis and produce a training and development plan for each (Senior) Presenting Officer.**

#### 4.1 **Both accepted**

- 4.2 We are committed to providing our presenting staff with the necessary training and skillset to ensure that they are able to effectively carry out all aspects of the role and continue to develop their skills and approach. The restructure of training for new presenting staff has been impacted by COVID, and we recognise the need to conduct a skills audit as the next step. This will be completed by April 2021 for each of the areas defined in the recommendation. This work will also encompass the increased requirement for Presenting Staff to undertake review work in a consistent and thorough manner. The skills audit will also assist new and experienced staff as they reach each stage of their development.
- 4.3 A training needs analysis will be undertaken for each Presenting Officer, further to the skills audit being completed. This will allow the individual analysis to be tracked as part of the staff members development plan for 2021/22. We therefore hope to timetable this analysis to provide a development plan for all 210 presenting staff between April and June 2021. Individual plans will be actioned and monitored over the course of 2021/22.

#### 5. **Conduct a pilot to test whether a meaningful reduction in the “utilisation rate” produces an improvement in Presenting Officer performance (the assessment of which should not be based solely on the “win rate”) and wellbeing.**

##### 5.1 **Accepted**

- 5.2 The Home Office recognises the benefits of a further pilot, incorporating a larger group of staff and the requirement to undertake review work. We are planning to do this during Quarter 4 of 2020/21. It is planned that the new pilot will take place across two or more of the larger Presenting Officer Units and be project managed by one of the Appeals Operation Assistant Directors. The pilot will need to incorporate costs and wider risks in any findings or recommendations that emerge from the pilot.

#### 6. **Produce an internal communications plan for Appeals Operations that:** **a. reinforces the importance of effective feedback to decision-making areas and policy teams from (Senior) Presenting Officers and other Appeals Operations staff, and includes information about current efforts, what they are achieving, and what more POs can do to support them** **b. engages and informs Appeals Operations staff about initiatives that are looking to improve working practices, such as the “utilisation rate” and “intensive mentoring” pilots, interim guidance, and local innovations** **c. includes regular updates on the Reform Programme and Atlas roll-out, especially where there are delays or changes to published plans**

##### 6.1 **Accepted**

- 6.2 Appeals Operation is committed to increasing and improving its feedback mechanisms within decision making areas. The HMCTS Reform Programme provides a clear opportunity to produce feedback that is closer to the timing of decision and thus increases the opportunity for positive influence on decision making. We will agree a communications plan for 2021/22 to address each of the points made in the recommendation and we will be clear to our staff on how we intend to keep them updated on activities, including feedback, that will improve quality of decision making. The plan will ensure we value feedback and ensure regular updates to Presenting Officers on work undertaken, as well as Reform and ATLAS programmes.