



Home Office

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

'A further inspection of the EU Settlement Scheme'

July 2020 to March 2021

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

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

The overall success of the EUSS can be demonstrated by the total number of applications received which, as at 30 November 2021, had reached more than 6.3 million, with more than 5.9 million applications concluded and more than 5.5 million grants of status.

The Home Office has carefully considered the latest report along with its recommendations and we are grateful for the ICIBI's engagement with stakeholders, customers and officials who use and operate the EUSS. We particularly welcome the ICIBI's recognition of the positive attitudes from staff and the continuing culture and focus on providing a world class customer service. These underpin the EUSS. Our key objective is to help eligible customers evidence their relevant UK residence and, where appropriate, family relationship, so we can grant their application under the EUSS. We are pleased the ICIBI reports having found evidence of this throughout our operations.

The Department has accepted or partially accepted six of the seven recommendations contained in the report.

The Department is pleased the ICIBI considers four of the eight ICIBI recommendations from the second inspection closed. Since receiving this report, the Home Office has implemented all outstanding recommendations from previous ICIBI reports on the EUSS.

The Home Office response to the recommendations:

1. As a matter of urgency begin collecting, collating and utilising data about vulnerability and protected characteristics from all sources, including Grant Funded Organisations (GFOs), third party suppliers and EUSS Casework teams, on individuals assisted and the outcome of their applications to the EUSS, to identify the reasons for decisions, any trends in processing and to inform evaluation against strategies and the Policy Equality Statement.

1.1 Not Accepted

1.2 The Home Office has sought to limit the data requested from applicants to the EUSS to that necessary to decide the application, to keep the process simple and streamlined as required by the Citizens' Rights Agreements¹. The compliance of the EUSS with the public sector equality duty was considered in the case to which the report refers; the courts found the grounds of challenge to be unarguable and upheld the Home Office approach, refusing permission for the judicial review challenge to proceed. The Court of Appeal recognised that the Secretary of State had produced a detailed equality analysis (the Policy Equality Statement²) for the EUSS, exploring potential discriminatory impacts and setting out mitigation measures, and had made significant efforts to meet discrimination concerns, including investing significant amounts of money in working with a number of organisations to assist those with protected characteristics to apply to the EUSS.

1.3 The Home Office collects a wide range information from a variety of statistical and qualitative sources about the experience with the EUSS of applicants in protected groups, for example through the published EUSS statistics, the network of GFOs, engagement with the user groups for the EUSS, and feedback from the Settlement Resolution Centre and from caseworkers. The Home Office continues to focus efforts on reaching out to those eligible to apply to the EUSS through the GFOs, tailored communications and digital assistance.

1.4 Following recommendations in the Windrush Lessons Learned Review, we are exploring the collection of protected characteristics data in certain immigration routes to assess its value in improving the design and delivery of future immigration products and services. We will reflect on whether there is relevant learning from that work for the operation of the EUSS.

2. Review and revise those areas of policy that are causing casework to be held up in the work in progress (WIP), including cases held at the suitability stage where foreign conviction certificates are required from countries that are failing to provide them and status review of EUSS grants of status.

2.1 Accepted

2.2 The Home Office works collaboratively across operational, policy and communications teams to identify solutions and remove barriers to case completion, and the EUSS monthly programme board regularly discusses policy or operational issues affecting the scheme. We are currently considering changes to the process for contacting certain applicants which we expect will help reduce the time their cases spend in the WIP.

2.3 It is a requirement of the suitability assessment process to confirm the details of overseas convictions with relevant foreign law enforcement agencies. The Home Office requests this

¹ The Withdrawal Agreement with the EU, the EEA EFTA Separation Agreement and the Swiss Citizens' Rights Agreement.

² [EU Settlement Scheme: policy equality statement - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/equality-policy)

information through agreed channels, but is unfortunately unable to further influence the speed with which foreign conviction certificates are returned. As part of the internal review of the options available to the Home Office, where a request has been directed to a foreign agency which is known to be slow to reply, the Suitability Assessment Team will advise the applicant accordingly, so the applicant can decide whether to engage directly with that agency to progress the request. This process change is part of the operational WIP reduction plan and is scheduled to be implemented in January 2022.

3. Issue refresher training and guidance to caseworkers on assessing applications of children and young persons under 21, setting out clearly when evidential flexibility can be applied, and take steps to identify and allocate sibling/family member(s) to the same caseworker wherever possible.

3.1 Accepted and completed

3.2 The Home Office continually reviews and revises all training and guidance in line with performance, operational requirements, customer insight and policy changes (including changes to the Immigration Rules). Where appropriate, refresher and/or bitesized training is delivered to caseworkers.

3.3 A training package referencing the published guidance was reissued to caseworkers on 7 October 2021. This detailed the process for contacting customers and highlighted opportunities for appropriate caseworker discretion whilst considering a case.

3.4 Within the confines of the application and casework system, attempts are made to consider linked applications concurrently and this will continue wherever possible.

4. Expedite work in progress with third parties, including local authorities, health and social care trusts and HM Prisons and Probation Service, to identify all eligible adults under their care, and provide targeted guidance and support to facilitate those applications to the EUSS.

4.1 Accepted

4.2 The Home Office is committed to working collaboratively with third parties and trusted voices within communities to identify and support eligible persons through the EUSS application process. To help expedite the work in progress, the EUSS Vulnerability Programme Team and senior Home Office officials will write to counterparts across other Government departments, and the Devolved Administrations, Local Authorities and Health and Social Care Trusts, as well as supporting organisations such as the Association of Directors of Adult Social Services. The letter will set out the requirement for eligible individuals to apply to the scheme and direct the organisations to the relevant support services available. This will be sent in January 2022. Through direct work and wider engagement with key stakeholders in forums such as the Safeguarding User Group, the Home Office will continue to ensure this remains a priority for all.

5. Clarify what success means for the Settlement Resolution Centre (SRC) in the context of the 'once and done' approach and how this can be measured, and empower SRC staff to resolve or escalate enquiries on applications where there has been a period of inactivity and no information to explain the delay.

5.1 Accepted and completed

- 5.2 The SRC measure of success is based on customer satisfaction. Home Office IT systems are unable to capture specific data to measure the success of the 'once and done' approach
- 5.3 SRC agents are empowered to escalate enquiries following customer contact and the guidance on how to do this is regularly communicated across relevant teams, most recently in December 2021.

6. Implement the recommendations from 'An inspection of the EU Settlement Scheme (April 2019 to August 2019)' that relate to customer service and quality management, specifically:

- Recommendation 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 18 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.

- Recommendation 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.

- Recommendation 8:

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

- Recommendation 9 (expanded to reflect latest findings):

Clarify what "reasonable enquiries" the Home Office will make (for example of other government departments and other agencies) on behalf of individuals who have difficulty proving their entitlement to apply, and how and when this can be done to comply with data protection legislation. 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.

6.1 Accepted and completed

- 6.2 The Home Office responded to these recommendations in its formal response published on 27 February 2020. The Home Office has since provided the ICIBI with the confirmation of the closure of these recommendations.

7. (By end September 2021) Conduct a comprehensive lessons learned review of the EUSS strategy, communications, engagement, and SRC and casework operations, so that learning can be applied going forward and shared for the benefit of other Home Office departments.

7.1 Partially Accepted

The Home Office is committed to conducting a review to identify lessons learned which will go to the EUSS programme board. This will not be possible until Spring 2022. The Home Office recognises the successes of the scheme and is committed to sharing learning points across the Department.