



# An inspection of the EU Settlement Scheme

(April 2019 to August 2019)

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# Foreword

This is my second report on the EU Settlement Scheme (EUSS). It covers the period from the public launch of the Scheme on 30 March 2019 to the end of August 2019, although the majority of the inspection activity took place between April and June 2019.

My first report, published in May 2019, focused on the two private beta test phases. It identified a number of areas for improvement, but the overall picture of the Home Office's management of the Scheme was positive, reflecting the time and resources invested in its development and the organisational priority it enjoyed. My principal concern was whether this largely well-managed lead-in to the EUSS would be maintained once the Scheme went "live". This latest inspection suggested that, while the first few months of the fully open EUSS had thrown up some challenges, the Home Office was operating within itself, unlike in many other areas, and was managing relatively comfortably.

The first inspection made seven recommendations and this report is structured around those recommendations in order to provide an element of continuity. However, given the developing nature of the EUSS, this is not a re-inspection as such, and I have also made a number of new recommendations based on my latest findings.

This report makes nine recommendations. These cover a range of issues, including: the ancillary costs of making an application; messaging about timescales for decisions; reassurance that the impacts of the EUSS have been fully considered, in particular for vulnerable and hard-to-reach individuals and groups; foreign language support for applicants with limited English; quality assurance, including better data capture and analysis regarding complaints; staff training; and, clarification of what "reasonable enquiries" the Home Office will make (of other government departments) on behalf of individuals where they have difficulty in proving their entitlement to apply.

As well as looking to point the Home Office to where it needs to make improvements, this report is intended to provide external stakeholders with an independent view of the way the EUSS is working. I am conscious that the ICIBI's detailed inspection process and reporting arrangements cannot keep pace with the Scheme in terms of published reports. But, as I noted in my first report, ahead of the creation of a new Independent Monitoring Authority (IMA), I will continue to monitor, report and make recommendations to the Home Secretary regarding the EUSS in line with my statutory remit. And, as with all inspections, I will press the Home Office to implement my recommendations without waiting for the report to be published. Since it serves both the interests of the government and of stakeholders for there to be as much transparency about the Scheme as possible, I would also hope that in this instance publication could be expedited and not take the maximum eight weeks, or longer as is often the case.

This report was sent to the Home Secretary on 30 September 2019.

**David Bolt**  
**Independent Chief Inspector of Borders and Immigration**

# 1. Scope and purpose

- 1.1** This inspection is the second in a series of inspections by the Independent Chief Inspector of Borders and Immigration (ICIBI) of the Home Office’s Settlement Scheme for EEA and Swiss nationals, and their family members, known as the “EU Settlement Scheme” (EUSS).
- 1.2** The first ICIBI inspection of the EUSS, ‘An inspection of the EU Settlement Scheme’ (November 2018 – January 2019),<sup>1</sup> was published on 2 May 2019. It examined the Home Office’s preparations for the launch of the EUSS, focusing on the two private beta test phases completed between August 2018 and January 2019. This inspection follows the launch of the EUSS on 30 March 2019 and covers the period to 31 August 2019.
- 1.3** This inspection examined the Home Office’s progress in implementing the seven recommendations from the previous inspection report, all of which were “Accepted”. It also looked at how the EUSS was working since its public launch, including:
- overall governance of the Scheme
  - how the Home Office was coping with the volumes (given the substantial increase in applicant numbers compared with the private and public beta test phases)
  - Home Office communications about the Scheme, including direct engagement with stakeholders
- 1.4** The inspection also considered:
- the impact of removing the fee for an application, but charging for advice and local authorities charging for ID Document scanning
  - staffing assumptions and workforce planning and management, including training and guidance for caseworkers and call agents in the Settlement Resolution Centre (SRC)
  - the support provided to vulnerable applicants and hard to reach groups
  - the complaints procedure and Administrative Review process
  - guidance on evidential flexibility (and how this was being interpreted and applied)
  - how the risk of fraud and criminality was being addressed
- 1.5** To provide continuity with the first inspection, this second report is structured around the seven original recommendations.

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<sup>1</sup> [An-inspection-of-the-eu-settlement-scheme](#)



## 2. Methodology

### 2.1 Inspectors:

- reviewed relevant Open Source material, including guidance produced for applicants by the Home Office and available on GOV.UK, other Home Office and ministerial public statements, and reports on the EUSS by other official bodies
- reviewed internal guidance produced for Home Office staff, plus the information and data provided in response to inspectors' evidence requests
- on 29-30 May 2019, made an initial visit to the EU Settlement Scheme caseworking business area and the EU Settlement Resolution Centre (SRC) in Liverpool, returning
- on 18-19 June 2019 to conduct focus groups and interviews with managers and staff, including with the European Casework Director, who heads up all casework operations
- on 7 June 2019, interviewed the Vulnerability Lead for the EUSS
- on 20 June 2019, interviewed the Head of EU Exit Communications, who leads on the communications strategy for the EUSS
- on 25 June 2019, interviewed the Digital and Technical lead for the EUSS
- on 2 May 2019, published a 'call for evidence' on the ICIBI website, inviting anyone with relevant knowledge or experience of the EUSS to write in with their evidence
- on 31 May 2019, wrote to the 57 organisations<sup>2</sup> that had secured Home Office grant funding to support vulnerable applicants, asking for their views and any supporting evidence or case studies about how the EUSS was working and whether it was meeting the needs of vulnerable applicants
- on 27 June 2019, interviewed the four Home Office Relationship Managers supporting the 57 organisations
- on 1 July 2019, attended a meeting organised by The Children's Society<sup>3</sup> and the Refugee and Migrant Children's Consortium (RMCC)<sup>4</sup> on issues in relation to the EUSS affecting children and young people
- on 9 and 10 July 2019, interviewed the Immigration Enforcement Criminal Casework lead and the National Document Fraud Unit and the Suitability Assessment Team
- on 10 July 2019, interviewed the local authorities lead for the EUSS Communications team

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<sup>2</sup> <https://www.gov.uk/government/publications/eu-settlement-scheme-community-support-for-vulnerable-citizens/list-of-organisations>

<sup>3</sup> <https://www.childrenssociety.org.uk/>

<sup>4</sup> <http://refugeechildrensconsortium.org.uk/>

## 3. Summary of conclusions

- 3.1** Chapter 6 sets out the detailed Findings and Conclusions in relation to each of the seven recommendations from ICIBI’s first inspection report on the EU Settlement Scheme (EUSS). Collectively, these show that, both immediately prior to and since opening the EUSS fully at the end of March 2019 as planned, the Home Office has maintained the levels of energy and commitment required to make the scheme a success that were evident during the two private beta test phases.
- 3.2** Five of the seven recommendations can be considered to have been “closed”, subject in some cases to certain caveats, while two cannot sensibly be closed until the EUSS itself closes.
- 3.3** The Home Office stated in its formal response to the first inspection that the EUSS is subject to separate funding arrangements and that the lost income from the removal of the fee will not affect other BICS business areas. However, inspectors were told during this second inspection that some of the shortfall would come from re-prioritising spending from the Home Office’s core budget. In practice, pending the outcome of the next Spending Review, the Home Office cannot be certain that there will be no knock-on effect, and may need to revisit this when its future funding is agreed.
- 3.4** For applicants, while applications are now free, there are concerns about the “hidden” costs of applying, and especially how these affect vulnerable applicants, for example the cost of calls to the Settlement Resolution Centre (SRC), which may take longer because the case is complicated or because the applicant has difficulty understanding the advice. The Home Office needs to consider whether in removing the fee it has done enough to make the application process genuinely free and therefore accessible to all applicants and look at whether calls to the SRC should be free or “call backs” guaranteed after a fixed length of call. It should also look at whether it could absorb the costs of using an ID checking location.
- 3.5** The first inspection raised concerns about the EUSS being adequately resourced throughout its lifetime. Up to the end of August 2019, the Home Office had done as much as it could reasonably do to ensure that the EUSS had sufficient staff and that they were fully trained and equipped with Standard Operating Procedures, guidance in various forms, and fit-for-purpose IT. EUSS managers reported that they were content with their staffing levels. Moreover, the management style and culture within the EUSS business area was inclusive and encouraging, with good internal communications and a clear commitment to continuous improvement.
- 3.6** By the end of August 2019, the Home Office had received over 1.3 million applications.<sup>5</sup> The monthly totals have fluctuated. The June total, for example, was almost 270,000 lower than that of April, a drop of around two thirds. However, applications increased in July, and August saw almost 300,000 people apply, the biggest total since April. The unevenness creates a problem for resource planning and staff management. So far, the “slack” had meant that the Home Office had additional resources to apply to the ‘Work in Progress’ queue, which at

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<sup>5</sup> <https://www.gov.uk/government/statistics/eu-settlement-scheme-statistics-august-2019>

over 180,000 had grown relatively large, even with an estimated 40% (as at the end of June) awaiting further evidence from the applicant and therefore “on hold”. However, it remains a concern that resources will be re-allocated to other priority areas if they cannot be guaranteed to be fully occupied by the EUSS, while the falling off of applications also raises concerns about a possible last-minute rush of applications as the EUSS deadline approaches.

- 3.7** The Home Office’s best mitigations for these risks are an efficient process and effective communications. It is possible to improve both. For example, while stakeholders have indicated that SRC staff are friendly and customer-focused, they point to inconsistencies in how complex enquiries have been handled and how advice can change if someone presses their case. This needs attention.
- 3.8** Meanwhile, the message that “Applications usually take between 1 and 4 calendar days” needs qualification, so that the reasons why it may take longer are better understood. Regarding applications that are held up awaiting further information from the applicant, there needs to be clear messaging about the consequences of not responding within the specified timescales to ensure that applicants know where they stand.
- 3.9** The Home Office appears resistant to calls to publish its Policy Equality Statement (PES) for the EUSS. While it may be under no legal duty to do so, this is at best unhelpful and gives rise to accusations that it has not fully considered the impacts of the EUSS. In the interest of promoting the scheme, it should reconsider its position.
- 3.10** Internally, managers need to be clearer with caseworkers about performance targets and measurement and to ensure that these are recognised as rational and fair. There also needs to be definitive guidance and practical solutions for SRC staff dealing with applicants who are having difficulty in understanding English.
- 3.11** At the time of this second inspection the transition from the EUSS project structure to BAU was underway, with some details still to be finalised. However, the planned governance arrangements appeared to be robust and to cover the potential for the EUSS to affect other BICS business areas. In reality, the reverse has been true to date, as the EUSS has been able to release staff to other areas of UK Visas and Immigration (UKVI) on a temporary basis.
- 3.12** The new EUSS caseworking system, PEGA, together with BT Cloud for the SRC, provide EUSS managers with sufficient management information (MI) to enable them to allocate resources efficiently and to identify problems or issues quickly. MI drawn from PEGA and BT Cloud is also used to provide Home Office senior management and ministers with regular updates, and feeds into published statistics. However, more could perhaps be made of the MI, together with ‘lessons learned’ and ‘improvements made’ stories, to promote the EUSS.
- 3.13** Casework and the SRC both have quality assurance regimes that look to ensure that each member of staff has reached an acceptable performance standard. However, once a caseworker or call handler has satisfied their respective quality assurance team of the quality of their work the level of routine checking is minimal and less than in most other UKVI business areas. As such, it is of little value in preventing individual errors, but may spot bad practice or trends. The Home Office should look again at whether the regimes it has put in place are robust enough, particularly as it is likely to see more complex cases as time goes by.
- 3.14** At the time of this second inspection there was limited data available about vulnerable applicants. The 57 organisations that had received grants to assist vulnerable applicants were due to report on their first quarter of operations in August 2019. This should provide a clearer

picture of vulnerable groups and their particular difficulties in accessing the EUSS. However, the Home Office should not rely entirely on these organisations for its understanding of the issues and should do more to capture data about vulnerabilities, particularly from those contacting the SRC who are having problems applying.

- 3.15** The information provided to inspectors regarding data breaches was concerning, not least the increase in breaches each month between April and July 2019 (with a slight dip in August 2019), albeit most of those to the end of June were due to a postal company rather than EUSS staff or processes. Data breaches damage public confidence, and applicants will blame the Home Office, whether or not this is fair. It is therefore important for the Home Office to do everything it can to keep breaches to a minimum. Most appear to have involved document handling errors and these should be easiest to prevent with clear instructions and good organisation.
- 3.16** The first inspection found evidence of SRC staff providing incorrect advice regarding the qualifying period for Settled status, misinterpreting the scope for “evidential flexibility”. Although this second inspection did not involve any file sampling, based on documentary evidence provided and on discussions with EUSS managers and staff, inspectors were confident that this particular issue had been addressed.
- 3.17** However, they were not as confident that evidential flexibility regarding identity and eligibility was being applied consistently. Guidance stresses the importance of assisting applicants through the process and exercising discretion in their favour, which includes applying evidential flexibility at certain points. The guidance makes it clear that the examples it quotes are “non-exhaustive” and the Home Office’s reluctance to produce more definitive guidance is understandable. However, it introduces an element of uncertainty.
- 3.18** This is balanced by “in depth” training, support from managers and technical experts, and clear recording requirements, though inspectors heard that some trained caseworkers still struggled with evidential flexibility, and the support and recording requirements are relevant only where the caseworker thinks to apply evidential flexibility and not where it does not occur to them to do so.
- 3.19** The Home Office needs to ensure that decision making by caseworkers, including the application of evidential flexibility, is as consistent as it can be for the duration of the EUSS. Plans to introduce further “bitesize training” are welcome, but it might also look to do some analysis of the application of evidential flexibility, starting with the data available from PEGA notes. It also needs to listen to stakeholders where they are finding issues with the published guidance and provide clear explanations and make amendments where necessary. Feedback from the 57 grant-funded organisations assisting vulnerable applicants will be particularly important in this regard.
- 3.20** At the time of this inspection, if it determined it was necessary to interview an applicant face-to-face to decide an application involving a civil partnership, durable partnership or marriage between an EU national and a non-EU national the Home Office had the option of doing so in Liverpool, using its established Marriage Interview Team (MIT). As at July 2019, it had not exercised this option. With effect from “late September 2019”, it planned to introduce “digital interviewing via VFS interview hubs across the UK”, still using the specialist MIT, but giving applicants some choice about where to be interviewed. Meanwhile, most EUSS caseworkers lack the training, the experience and the tools to make such an assessment.
- 3.21** Based on the training and guidance materials inspectors reviewed, and discussions with managers and staff, it was clear that the EUSS was taking the issue of handling complaints

seriously, though the emphasis on resolving customer queries in one call however long that took continued to obscure whether applicants were being made aware of the complaints process. With Administrative Reviews it was sensible to recognise that cost was a consideration, especially since the EUSS application had been made free, and notwithstanding that the fee was reimbursed if the Administrative Review was successful. However, similar considerations apply to lengthy calls to the SRC.

- 3.22** Training materials and guidance should therefore be “tweaked” to ensure that applicants are informed of how to complain should they wish to do so, including about how their call/email has been handled. And, the Home Office should collect and publish data for EUSS complaints and Administrative Reviews.
- 3.23** In addition to its general communications about the EUSS, the Home Office has clearly put a considerable amount of effort into trying to ensure that vulnerable individuals are aware of and able to apply to the EUSS. Much of this relies on third parties. This is sensible, since the Home Office does not on its own have the necessary outreach. Where third parties are involved, whether commercially contracted or bound by funding agreements, the Home Office needs to ensure that it remains on top of their effectiveness, by closely monitoring their performance and ensuring that key data is captured and analysed, and sensitive to their needs, in terms of guidance and support as much as funding. Ultimately, it needs to own the outcomes. It also needs to recognise and respond to stakeholders’ concerns that the measures it has taken thus far will not reach some groups.
- 3.24** Meanwhile, the Home Office needs to be clearer about what it will do, beyond encouraging other parties, with regard to making “reasonable enquiries” on behalf of individuals, such as looked-after children, who find it difficult to prove their entitlement to apply. Some of this will rely on the cooperation of other government departments who hold relevant data, which in turn may raise data protection issues. However, this should not deter the Home Office from acting in the interests of vulnerable applicants.

## 4. Recommendations

### The Home Office should:

- 4.1 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.
- 4.2 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.
- 4.3 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.
- 4.4 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.
- 4.5 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.
- 4.6 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.
- 4.7 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.
- 4.8 Collect and publish data for complaints received in relation to the EU Settlement Scheme (EUSS) and for Administrative Review applications and outcomes.
- 4.9 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) on behalf of individuals where they have difficulty in proving their entitlement to apply.



## 5. Background

### Preparations for launch

- 5.1** The EU Settlement Scheme (EUSS) was opened to all eligible applicants on schedule on 30 March 2019, except for those wishing to apply from overseas, who could apply from 9 April 2019, and Zambrano carers, who could apply from 1 May 2019. This followed a series of live tests of the EUSS, beginning on 28 August 2018 with Private Beta Phase 1 (which ran until 17 October 2018), followed by Private Beta Phase 2 (1 November to 21 December 2018), and culminating with the Public Beta Phase (which ran from 21 January to 30 March 2019).<sup>6</sup>
- 5.2** Over the course of these three test phases, the Home Office received and processed over 200 thousand applications. In May 2019, the Home Office published its report on the Public Beta Phase.<sup>7</sup> The headline data from this report are set out at Figure 1.

**Figure 1: EU Settlement Scheme Public Beta Phase data**

Number of applicants	Decisions to grant by 16 April 2019	Granted Settled status	Granted Pre-settled status	Refused status	Did not result in a grant or a refusal <sup>8</sup>	Work in progress (WIP) <sup>9</sup>
200,420	187,959 (94%)	129,693 (69%)	58,266 (31%)	0	161	12,300

- 5.3** While the numbers of applicants in the two Private Beta Phases were significantly lower than the numbers eligible to apply, these together with the number who applied in the Public Beta Phase were sufficient for the Home Office to judge that the key components of the EUSS, in particular the automated checking against HMRC and DWP records for evidence of residency, and the end-to-end digital application process, had been tested sufficiently to proceed with the launch.

<sup>6</sup> The Public Beta Phase was limited to applications that used either an EU passport or a biometric residence card (containing a biometric chip) as proof of identity and nationality. This was to allow continued testing of the EU Exit: ID Document Check app as an integrated part of the online application process.

<sup>7</sup> <https://www.gov.uk/government/publications/eu-settlement-scheme-public-beta-testing-phase-report/eu-settlement-scheme-public-beta-testing-phase-report>

<sup>8</sup> See the Public Beta Phase report for further details.

<sup>9</sup> See the Public Beta Phase report for further details.



# Inspection by the ICIBI

## The ICIBI's role pending the creation of an Independent Monitoring Authority

5.4 The government indicated in the 'EU Settlement Scheme: statement of intent'<sup>10</sup> and in a subsequent statement<sup>11</sup> in response to a report from the Committee on Exiting the European Union that, pending the creation of an Independent Monitoring Authority (IMA) as envisaged in the draft Withdrawal Agreement, it expected the Independent Chief Inspector of Borders and Immigration (ICIBI) to "provide oversight of the operation of the EU Settlement Scheme" and report on its functioning, "enabling improvements to be made as appropriate".

## The first ICIBI inspection

- 5.5 The first ICIBI inspection ran from November 2018 to January 2019. The inspection report was completed and sent to the Home Secretary in March 2019 and published on 2 May 2019.<sup>12</sup> The inspection focused on Private Beta Phase 2 and looked specifically at governance of the development and delivery of the EUSS, at staffing, and at the learning the Home Office had gained from testing, including from the trialling of the EU Exit: ID Document Check app and from the inclusion in Private Beta Phase 2 of a small cohort of vulnerable applicants.
- 5.6 Noting a climate of mistrust of the Home Office's intentions and its competence, the inspection also looked at its communications about the EUSS. In doing so, it recognised that the EUSS provided an opportunity for the Home Office to demonstrate what it was capable of achieving with the right resources, appropriate input from other government departments and ministerial support for a new ("looking to grant") approach.
- 5.7 The inspection identified several areas for improvement and made seven recommendations, all of which were "Accepted" by the Home Office. However, the overall finding was that the EUSS stood out as having been afforded the preparation time, resources and organisational priority to succeed and that staff morale was high. But, it cautioned that it would be important to try to maintain the positive attitudes when the EUSS became 'business as usual' and workloads became more challenging.

## The second ICIBI inspection

- 5.8 In addition to seeing what progress had been made in implementing the previous recommendations, examining how the EUSS had been performing since its public launch on 30 March 2019, in terms of numbers of applications received, processing times and outcomes, and interviewing Home Office managers and staff, this inspection paid particular attention to the actions the Home Office had taken to meet the needs of vulnerable individuals and groups.
- 5.9 On 2 May 2019, ICIBI posted a public 'Call for Evidence' on its website, inviting anyone with knowledge and experience of the EUSS to write in with their evidence and (in line with ICIBI's published "Expectations")<sup>13</sup> asking specifically whether:
- information is easy to find, understand and use
  - processes are simple to follow and transparent

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10 <https://www.gov.uk/government/publications/eu-settlement-scheme-statement-of-intent>

11 <https://publications.parliament.uk/pa/cm201719/cmselect/cmexeu/1872/187202.htm>

12 [An-inspection-of-the-eu-settlement-scheme](#)

13 See Annex B.

- Home Office staff appear knowledgeable and competent
- decisions and actions are ‘right first time’
- errors are identified, acknowledged and promptly ‘put right’

**5.10** On the 31 May 2019, ICIBI made a further ‘Call for Evidence’ to the 57 organisations that had bid for and secured Home Office grant funding to support vulnerable applicants applying to the EUSS. These organisations were asked specifically about:

- the practical challenges with the process and any other obstacles that vulnerable applicants are likely to face
- the level of support and advice the organisation is providing to vulnerable applicants
- their views and experience of the Home Office’s efforts to promote the EUSS to vulnerable and hard to reach individuals

**5.11** ICIBI received eight responses from individual applicants, one from a University that had assisted staff and students to submit applications during the Beta Phases, and nine from Non-Governmental Organisations (NGOs). Of the nine NGOs, seven worked directly with applicants, and three had participated in the Private Beta Phase. Six of the NGOs had received grant funding and two sat on an EUSS User Group. Three further grant-funded local organisations wrote to say that as they were still in the mobilisation stage, they did not yet feel able to provide feedback on the Scheme.

**5.12** In addition, inspectors attended a meeting convened by the Children’s Society and the Refugee and Migrant Children’s Consortium (RMCC) and heard from stakeholders who had acted on behalf of children and young people applying to the EUSS.

**5.13** The individual applicants were mostly concerned about the length of time it had taken for them to receive a decision, up to six weeks in a few cases and in one case 10 weeks, and the lack of updates during this period. Some individuals and NGOs referred to the helpful and polite staff in the Settlement Resolution Centre (SRC),<sup>14</sup> with one of the latter commenting: “To date we have heard overwhelming positive feedback from those who used the Settlement Resolution Centre.” However, inspectors were told by stakeholders at a meeting convened by the Children’s Society and the Refugee and Migrant Children’s Consortium (RMCC) that they had been given different responses by the SRC and felt that if you called a few times and pushed a case the advice would change.

**5.14** The NGOs were concerned about the challenges vulnerable individuals faced in accessing the EUSS and the ability of the Home Office to raise awareness amongst hard to reach groups. One noted: “Those who engaged with us (or other services) were among the groups already predisposed to seek further information and clarity. The real challenge is to reach those groups who need support, but do not typically engage”. The need for detailed legal advice for children, young people and applicants with more complex cases was also highlighted, with one organisation remarking that this was particularly important for individuals with nationality issues, victims of domestic abuse, those with a criminal record, and those where the eligibility of their non-European family members is unclear.

**5.15** Although the response to the two ‘Calls for Evidence’ was lower than expected, and the reported experiences and concerns might not be representative of the majority of EUSS

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14 The Settlement Resolution Centre (SRC) has been set up to receive calls and emails to support applicants through the EU Settlement Scheme application process. It is open 0800 – 2000 Mondays to Fridays and 0930 – 1630 at weekends.

applicants, they usefully flagged up some of the more difficult issues the Home Office will need to overcome to ensure that the EUSS is readily accessible to everyone who is eligible to apply for settlement.

## 6. Inspection findings: Implementation of previous recommendations

### Introduction

- 6.1** While the Home Office provides ICIBI with quarterly updates on its progress in implementing recommendations, ICIBI would not normally look to re-inspect and test these within the first six months of submitting an inspection report, not least to allow any changes to bed in and to be able to discern the effects. In this instance, the Home Office received the first EU Settlement Scheme (EUSS) inspection on 6 March 2019, and it was published along with the Home Office's response to the seven recommendations on 2 May 2019. Although the dynamic and finite nature of the EUSS means the Home Office has to move more quickly to make improvements, inspectors were nonetheless mindful of the fact that some work was in progress rather than completed.

### Implementation of previous ICIBI recommendations

- 6.2** The seven recommendations from 'An inspection of the EU Settlement Scheme (November 2018 – January 2019)' and the Home Office responses are set out in full below, together with the findings from this second inspection and ICIBI's conclusions and assessment of whether the recommendations can now be considered 'Closed'.
- 6.3** The Home Office prefaced its responses by referring to "its commitment to a cultural change whereby we proactively support EU citizens through the application process" and continuing "to use feedback from users and from our regular engagements with other stakeholders to improve our processes". It also referred to working "closely with EU citizens' representatives and partners to ensure that the scheme is accessible and that we are able to reach all prospective applicants" and to its communication plans, and to the removal of the application fee. Finally, it noted that "the total number of applications received since the testing of the scheme began on 28 August 2018 is now well over 600,000, and we received over 50,000 applications in the first weekend the scheme was fully live."

### Recommendation 1

- 6.4** On 21 January 2019, while the original inspection report was being drafted, the Prime Minister announced that once the EUSS was launched fully, applications would be free and that applicants who had already paid the fee (£65 for adults and £32.50 for children) would be reimbursed.
- 6.5** Previously, in an EUSS Impact Assessment (IA)<sup>15</sup> signed by the Immigration Minister in July 2018, it was stated that between 2018-19 and 2021-22 the EUSS was expected to cost the Home Office £410 to £460 million, including £50 million Capital costs. Over the same period, the EUSS was expected to raise between £170 and £190 million. The costs and benefits were described

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<sup>15</sup> [Impact Assessment](#)

as “heavily dependent on the estimated volume of applicants which is highly uncertain”. However, it was noted that the primary benefits were “not monetised, but “the ability to give certainty and clarity to EU citizens and their family members living in the UK is in line with the draft Withdrawal Agreement.”

- 6.6** At the same time as conducting the first EUSS inspection, ICIBI had been working on ‘An inspection of the policies and practices of the Home Office’s Borders, Immigration and Citizenship Systems relating to charging and fees (June 2018 – January 2019)’. This informed Recommendation 1.

“Clarify the consequences of the decision to remove the fee for EU Settlement Scheme applications (and loss of offsetting revenue) for the resourcing and functioning of the Scheme and for any other Borders, Immigration and Citizenship (BICS) fees and services while the Scheme is in operation.”

## Home Office response: “Accepted”

- 6.7** In accepting the recommendation, the Home Office wrote:

“On 30 March 2019 the legislative changes giving effect to the Prime Minister’s announcement took effect, so that all applications to the EU Settlement Scheme from that date have been free of charge. We have now processed all relevant refunds through Home Office systems. Further information on the refunds can be found here: <https://www.gov.uk/guidance/eu-settlement-scheme-application-fee-refunds>

Refunds were managed through an automated process, so applicants did not need to take any action to request their refund. The fee will be automatically refunded to the card that was used to pay the application fee.

The removal of the fee will not have any impact on the resourcing and functioning of the scheme. Resourcing for the scheme has been secured through central Government funds.

We already have over 1,500 UK Visas and Immigration (UKVI) European Casework staff in post to process EU Settlement Scheme applications. In addition to this, we have a further 250 staff for the new customer resolution centre which proactively supports EU citizens through the application process.

The removal of the EU Settlement Scheme fee will not have a direct impact on other areas of Borders, Immigration and Citizenship System fees. This is a funded scheme and a unique arrangement that is part of a specific set of discussions and agreements around the UK’s exit from the EU. The Immigration White Paper sets out a framework for a future immigration system, including how the system will be funded. Income generation through fees and charges will continue to underpin our future system, and we will keep the level of fees under review.”

## Findings

- 6.8** The Home Office reiterated to inspectors that all relevant refunds had been processed and fees refunded automatically to the card used to pay the application fee. This was completed by April 2019. ICIBI received no evidence from applicants or stakeholders suggesting that refunds had not been made, nor did inspectors find any Open Source information suggesting this.

6.9 The Home Office also reiterated that the removal of the application fee had not adversely impacted the EUSS, stating in June 2019 that “at the moment, the Scheme is funded to a level that’s needed”. Resource costs, mostly salaries, make up almost 90% of the projected costs of the EUSS. As at 30 March 2019, the workforce requirement was 1,232 full-time equivalents (FTE)<sup>16</sup> casework staff to process applications, plus 266 FTEs in the Settlement Resolution Centre (SRC) which supports EU citizens through the application process – see Figure 2.

**Figure 2: Staffing requirement for EU Settlement Scheme Casework and Settlement Resolution Centre – 30 March 2019**

Grade	Casework FTEs	Settlement Resolution Centre FTEs
Senior Civil Servant (Grade 5)	1	
Grade 6	4	0
Grade 7	11	2
Senior Executive Officer (SEO)	23	5
Higher Executive Officer (HEO)	78	19
Executive Officer (EO)	482	75
Administrative Officer (AO)	571	165
Administrative Assistant (AA)	62	0
<b>Total</b>	<b>1,232</b>	<b>266</b>

6.10 Applicants and stakeholders welcomed the removal of the application fee. However, both have drawn attention to other costs associated with making an application, in particular the call charges for telephoning the SRC and the charges levied by the “ID document” scanner locations.

6.11 In January 2019, the Home Office had been unable to provide inspectors with the average length of calls to the SRC, which had opened in October 2018, but inspectors were told that staff were clear that “a call takes as long as it takes”. Figure 3 shows the SRC call and email volumes for the period 30 March to 31 August 2019, together with the average length of calls and time taken to respond to an email. At almost 10 minutes, the average length of calls was two and a half times the figure (four minutes) used to produce the AO staffing assumptions for the SRC.<sup>17</sup>

**Figure 3 Settlement Resolution Centre call and email volumes 30 March to 31 August 2019**

Calls received	Average length of call	Emails received	Average response time for emails
328,611	10 min	65,914	2 days

16 The full-time equivalent (FTE) figure represents the number of notional full-time employees working their standard hours who would be required to produce the total working hours of all actual full and part-time employees.

17 At the factual accuracy stage, the Home Office stated that: “Planning assumptions were that an average call time for EO agents would be 10 minutes and the average call time for AO agents would be four minutes”

- 6.12** In its report on the EUSS,<sup>18</sup> published on 14 May 2019, the Home Affairs Committee (HAC) noted that “recent media reporting” had revealed that calls to the SRC “cost up to 10 pence a minute from landlines and up to 40 pence per minute from mobiles”. If true, in the first three months from launch, average calls were costing £1 or £4. Meanwhile, the3million<sup>19</sup> told HAC that “some applicants have had to make several 20-minute calls to the helpline in the course of their application”.
- 6.13** The first inspection noted that “call handlers told inspectors that the training they had received had emphasised resolving customer queries in one call to achieve the Home Office’s aspiration of a ‘world class customer service’”. In June 2019, SRC staff made the same point. They told inspectors that “a once and done approach”, not being passed from team to team or person to person or needing to call back, was important. However, this can lead to lengthy conversations, especially when a case is complicated, and EUSS senior managers told inspectors that “calls are taking much longer than expected”. They also indicated that “call backs” were routine, however inspectors did not find any written guidance to confirm that this was standard practice.
- 6.14** The other cost affecting some applicants related to the use of an identity document scanner at one of the designated scanning locations. The latter provide access to an Android device loaded with the EU Exit: ID Document Check app, which applicants can be assisted to use to verify their identity document.
- 6.15** As at 30 June 2019, there were 82 ID document scanning locations in operation, several of which opened after the EUSS launched on 30 March 2019. In England, Scotland and Wales, the locations are provided by local authorities. In Northern Ireland, applicants can use the UKVI Shared Service Centre in Belfast. The identity document scanning locations are provided at the discretion of each local authority and the latter may charge for using the service. Of the 82 locations, a minority are free to all users, while some are free for local residents but charge residents from other local authority areas. Some charge for weekend appointments. The majority (53) charge a fee to all users. Fees are set by and payable directly to the local authority. According to the Home Office, “the highest fee is £25, the average is £14”.
- 6.16** The Home Office told inspectors that applicants who did not wish to pay to use an ID document scanning location had a range of other options available to them to verify their identity, including posting their document to the Home Office. The Home Office did not receive any revenue from this service and local authorities did not report the revenue they received to the Home Office. However, the Home Office understood that any fees were set at cost recovery.
- 6.17** Between 30 March and 31 August 2019, there were 14,293 appointments to attend an ID document scanning location.

## Conclusions

- 6.18** It was never intended that the EUSS would be entirely self-funding (unlike the wider Borders, Immigration and Citizenship System (BICS) system) and the estimated receipts from fees were heavily caveated. In the short-term (pending the next Spending Review) the removal of the fee does not appear to have any impact on the resourcing of the EUSS, nor from what the Home Office has said on other BICS business, since funding for the EUSS is subject to separate funding arrangements. However, at the Emerging Findings meeting for this inspection inspectors were

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<sup>18</sup> <https://publications.parliament.uk/pa/cm201719/cmselect/cmhaff/1945/194502.htm>

<sup>19</sup> <https://www.the3million.org.uk/>



told that some of the shortfall would come from re-prioritising spending from the Home Office's core budget, so the question of a possible knock-on effect has not been fully resolved.

- 6.19** After three months of operation post launch, EUSS managers were satisfied with their staffing levels, despite the AO staffing levels in the SRC having been based on the assumption that the average length of calls would be much shorter than was proving to be the case in practice.
- 6.20** While applications are now free, concerns persist about the "hidden" costs of applying for settlement, and especially how these affect vulnerable applicants, for example the cost of calls to the SRC, which may take longer because the case is complicated or because the applicant has difficulty understanding the advice.
- 6.21** Home Office senior managers pointed out that the service provided was consistent with other government call centres and that calls to the SRC from vulnerable applicants may now reduce as they started receiving assistance from the grant-funded organisations who could call the SRC on an applicant's behalf using a dedicated line.
- 6.22** Nonetheless, call charges can be costly and could act as a deterrent to those most in need of help to apply. And, while it remains unclear how many of the estimated 200,000 vulnerable people, including those who are "homeless, victims of domestic abuse or trafficking, living with a disability or who are elderly or isolated",<sup>20</sup> will receive help from one of the 57 grant-funded organisations, in the spirit of "cultural change" the Home Office should consider whether calls to the SRC should be free or that "call backs" are guaranteed after a fixed length of call.
- 6.23** Similar considerations apply to ID checking locations. While 14,293 appointments represent just 1.3% of the total number of applicants between 30 March and 31 August 2019, an average cost of £14 is high for what is intended to be a free application, particularly for poorer families with several applicants. Meanwhile, the total revenue to date (c. £200,000) is not material when set alongside the overall costs of the EUSS and could be absorbed by the Home Office.
- 6.24** Based on the above, Recommendation 1 can be considered "Closed". However, it may need to be revisited depending on future Home Office funding settlements. The Home Office should consider, however, whether in removing the fee it has done enough to make the application process genuinely free and therefore accessible to all applicants.

## Recommendation 2

- 6.25** Recruitment and training of EUSS staff ran ahead of demand during 2018, to the extent that some staff were loaned temporarily to other units and the remainder coped easily with the workload during the two Private Beta Phases. Morale was high and there was a palpable enthusiasm for the work. This set the EUSS apart from some other areas of BICS that ICIBI had recently inspected. But, so did the absence of a Customer Service Standard (CSS). Concern that this positive start should be maintained led to Recommendation 2:

"Dedicate sufficient resources to the EU Settlement Scheme throughout its life to ensure that all applications are processed efficiently and effectively, and that the lack of a Customer Service Standard does not affect the priority given to these applications when compared with other UKVI functions that do have such standards."

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20 [/immigration-minister-eu-settlement-scheme-wont-leave-vulnerable-people-behind/](#)



## Home Office response: “Accepted”

**6.26** In accepting the recommendation, the Home Office wrote:

“The EU Settlement Scheme has been developed to be as simple and customer-friendly as possible. To support this, we have designed a digital casework solution that automatically streams cases to appropriately trained caseworkers according to the applicant’s circumstances. These include:

- Applicants who have confirmed the automated checks of their residence period are correct, so no further evidence of residence is required or provided;
- Applicants where automated checks have not fully confirmed their residence period and they have provided supplementary evidence or this needs to be requested;
- Applicants that are family members who need to provide fingerprint biometrics and cases where safeguarding or vulnerability may be a factor.

Caseworkers are multi-skilled across these workstreams. Case flow workstreams are monitored dynamically using real time reporting so that caseworkers can be quickly assigned to higher demand during peak times.

We are committed to ensuring that our operational teams have the resources they need to run an efficient and effective migration system, tackle illegal immigration and keep the UK safe. Resource and staffing requirements are continually reviewed to meet operational demand. This means we are able to deploy extra resources flexibly as and when they are required.”

## Findings

**6.27** Recommendation 2 was not solely about staff numbers. It also picked up the ICIBI’s ‘Expectations’ that “Anyone exercising an immigration, asylum, nationality or customs function on behalf of the Home Secretary is fully competent” and that “Decisions and actions are ‘right first time’”. Meanwhile, the Home Office’s emphasis on the EUSS being “as simple and customer-friendly as possible” chimed with the ‘Expectation’ that “Processes are simple to follow and transparent”.

**6.28** In re-examining Recommendation 2, inspectors therefore also looked for evidence that these ‘Expectations’ were being met, which included checking that staff had received sufficient training and guidance and fully understood their roles, that the workplace culture was supportive with effective leadership in place, and that decisions were evidence-based and consistent.

**6.29** Figure 4 shows the throughput of applications since the beginning of Private Beta Phase 1 in August 2018 up to 31 August 2019. Apart from a small number of applications recorded as “Other outcomes”, which included those “Withdrawn”, this shows that all of the applications that had been resolved by 31 August 2019 had been granted either Settled status or Pre-settled status, consistent with the Home Office’s stated aim of “looking to grant, not for reasons to refuse”.<sup>21</sup> The data shows that the balance of grants of Settled status to grants of Pre-settled status remained fairly constant throughout the period to 31 August 2019, roughly two-thirds to one third.

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21 EU Settlement Scheme: Statement of Intent.

**Figure 4: Applications and outcomes – 28 August 2018 to 31 August 2019**

	28 August 2018 to 30 March 2019	30 March to 30 April 2019	May 2019	June 2019	July 2019	Aug 2019	Totals to 31 Aug 2019
<b>Applications received</b>	231,500	389,900	166,900	121,000	131,300	299,000	1,339,600
<b>Number of applications resolved</b>	207,100	237,900	223,000	137,600	146,100	199,300	1,151,000
<b>Granted Settled status</b>		66%	64%	60%	56%	57%	62%
<b>Granted Pre-settled status</b>		34%	35%	39%	42%	43%	37%
<b>Other outcomes</b>		0.1%	0.3%	0.7%	1.6%	0.7%	0.5%
<b>Work in Progress</b>				103,800 at 30 June			188,600

- 6.30** Figure 4 also shows that in the first three months following the public launch of the EUSS application numbers fell month on month, with almost 270,000 fewer applications received in June 2019 than between 30 March and 30 April 2019, a fall of around two-thirds. It is not possible to say with any certainty why this occurred, however Home Office senior management commented that “this is possibly because the UK didn’t leave on 30th March and it could be because of uncertainty with this cohort.” One concern for the Home Office is that there could be a “concertina effect” towards the deadline for applying for the EUSS, which is not yet fixed. However, applications increased in July, and August saw almost 300,000 people apply, the biggest total since April.
- 6.31** In January 2019, at the time of the first inspection, the Home Office indicated it was not intending to publish a Customer Service Standard (CSS) for the EUSS but planned instead to provide up-to-date information via GOV.UK about how long applications were taking to be processed, including ‘non-straightforward’ cases, so that applicants could make an informed decision about when to apply, which could be significant if they had to submit their travel documents. As at 12 July 2019, GOV.UK simply stated: “Applications usually take between 1 and 4 calendar days”.<sup>22, 23</sup>
- 6.32** In July 2019, the Home Office told inspectors that where applicants had used the “chip checker” to verify their identity and did not need to enrol their biometrics or provide further evidence of eligibility, most applications were processed within 1 to 4 days. However, week

<sup>22</sup> [eu-settlement-scheme-pilot-current-expected-processing-times-for-applications](#)

<sup>23</sup> At the factual accuracy stage, the Home Office commented that: “This processing time is kept under review: at the start of the Scheme in March 2019 the processing time was between 5 and 9 days The estimate of between 1 and 4 days was in place from 17 May 2019.”

commencing 8 July, the overall average processing time for all types of EUSS applications was approximately 23 days. The Home Office explained that:

“This was as a result of the case types being processed requiring evidence and/or increased complexity. These cases included

- Those where a caseworker needs to request more information
- minor applications not linked to an adult application
- cases with relevant criminal records
- a non-EEA or non-Swiss citizen cases applying based on a relationship not relied on in a previous application to the Home Office”

- 6.33** As with all large-scale BICS processes, at any one time the EUSS has a queue of “Work in Progress” (the “WIP”), comprising those applications that have been recorded as received but have yet to be resolved. As at 31 August 2019, the EUSS WIP stood at 188,600.
- 6.34** Inspectors were told that the WIP was reviewed daily and closely monitored via PEGA.<sup>24</sup> The Home Office estimated that c. 40% of the WIP could not be resolved until the applicant submitted further evidence: either proof of identity, of UK residence, and/or of their relationship to an EEA sponsor.
- 6.35** Applicants have 60 days at both the identity and eligibility stages to provide their evidence. The 60 days may be extended where an applicant indicates they require more time. Inspectors were told that “a significant proportion” of applicants using the ID postal route had not sent in their identity documents within 60 days. The Home Office was seeking ministerial approval to reject these applications as invalid.
- 6.36** A small number of cases required IT fixes or new functionality in order to be progressed. For example, there were over 1,000 cases where the applicant had submitted an invalid “selfie” image. These had to wait until new functionality was released at the end of July. There were also c. 2,000 duplicate applications, submitted in error, and work was underway with the Home Office’s Digital, Data and Technology (DDaT) team to resolve these. Meanwhile, a small number of complex cases were delayed as they required policy advice, guidance or new letter templates.
- 6.37** As at 23 July 2019, the oldest outstanding application was dated November 2018. It involved a non-EEA family member. The application was originally put on hold due to a lack of policy-cleared letter templates and the Home Office was working with the applicant to help them demonstrate their relationship to an EEA national sponsor.
- 6.38** As soon as an application is received it is recorded on PEGA. Consideration of the application is in four stages:
- Identity: where an applicant verifies that they are who they claim to be by providing a valid Identity document (either by using the IDV chip checker application or sent in the post), and a selfie photograph/image
  - Suitability: where all relevant security checks are run
  - Eligibility: where the documentation provided by an applicant is verified to confirm that they meet the residency and relationship requirements of the EUSS

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<sup>24</sup> PEGA is the programme used to view and progress cases. PEGA is an off-the-shelf software system which has been customised for the EUSS.

- Final decision: where all information and previous stages are reviewed

- 6.39** An application should progress through these stages in order. However, there were some exceptions, for example when further documentation was provided at the eligibility stage it required new security checks. Once the four stages were complete, PEGA records the type of leave granted.
- 6.40** Applications are divided into three workstreams, each with its own “daily target” per caseworker – see Figure 5.

**Figure 5: Application workstreams and caseworker “daily targets”**

RAG rating	Categories	Daily target
<b>GREEN</b>	Full 5-year footprint	90 decisions
	Partial footprint applying for Pre-settled status	
	Verified Permanent Residence(PR)/Indefinite Leave to Remain (ILR)	
<b>AMBER</b>	A non-EEA citizen already known to the Home Office	26 decisions
	Applications with intelligence markers	
	Applications with other adverse Special Conditions flags	
<b>RED</b>	A non-EEA citizen not already known to the Home Office	10 decisions
	Applicants under 21 years of age applying on their own	
	Applications with a safeguarding flag on PEGA	

- 6.41** At the start of each day, when caseworkers log on to PEGA. Work is routed to them by PEGA according to their skills profile, which is set by their manager. Should a GREEN application be routed to an AMBER caseworker the caseworker is able to go ahead and process it. Similarly, if a RED caseworker receives an AMBER or GREEN application they may process it.
- 6.42** Where a caseworker finds that an application is more complex than expected and believes that the Red Amber Green (RAG) rating may be incorrect they should refer it to a Senior Caseworker (SCW) to review and, if necessary, re-allocate.
- 6.43** Caseworkers told inspectors that they found PEGA user-friendly and intuitive and a huge improvement on the Casework Information Database (CID).
- 6.44** Inspectors were told that the “daily targets” were the result of a timing exercise undertaken by managers to understand workflow and workable numbers. However, caseworkers told inspectors they were “not sure how they got this target number”. There were no sanctions if a caseworker did not meet their target, but managers would have a conversation to establish why and to see what support the caseworker might need.
- 6.45** Staff in the casework teams felt that the AMBER daily target was the most difficult to meet. This was because if you were the first person to receive the application you would have to carry out the mandatory checks but might not be able to make a decision as further information was required. So, although you had done a lot of work it would not count towards your daily target. One caseworker explained that they had had an application with 93 pieces of evidence: “you might find the five year-residence requirement quite quickly, but you still have to check all the evidence in case you find an alias. I didn’t get a decision for that.”

- 6.46** Managers told inspectors that, initially, it had been estimated there would be around 30,000 applications per week to process. However, the numbers had fallen after the first month. This had enabled them to reallocate staff to help where there were backlogs, for example onto RED and AMBER applications and applications in the WIP. As at July 2019, managers said that, overall, there was enough work to keep everyone busy.
- 6.47** Staff in the SRC did not have targets. The ethos was to ensure that callers are dealt with effectively and efficiently the first time around. Senior managers told inspectors that agents are free to give “the customer” the time they need, “whether that’s 5 minutes or 20 minutes”. They argued that this was more efficient in the long run as otherwise people would just call the SRC again. While there were no targets, performance was monitored “in a more discreet way”, and managers looked at the lowest and highest performers and considered what could be learnt from the latter.
- 6.48** A number of Standard Operating Procedures (SOPs) had been issued to EUSS caseworkers, covering “Eligibility”, “Enquiries”, “Dispatch”, “PEGA Mailbox”, “Postal Allocation”, “Return of Documents”, and “Scanning and Document Banks”.
- 6.49** These SOPs were available on Horizon, the Home Office intranet. All of the SOPs had version control in place with all of them showing that they were last updated on 23 May 2019, except for the “Eligibility” SOP, which was last updated on 28 March 2019. Inspectors found the guidance contained within the SOPs to be generally clear and easy to follow.
- 6.50** A range of “desk aides” had also been produced, on “Criminality”, “Police National Computer”, and “Watchlist”. These were designed to support the SOPs and act as an aide memoire for staff. Staff were also encouraged to seek advice from managers if in doubt, and inspectors were told that “walk and talk with senior case workers is the preferred option”.
- 6.51** There was also a knowledge-sharing portal, referred to as “WIKI”. This tool had been set up to be a repository of information for all those working on the EUSS. WIKI was updated regularly, for example with any changes in policy, and staff were regularly reminded to check WIKI to ensure they were up to date.
- 6.52** The previous inspection was told that all EUSS staff (caseworkers and SRC staff) received a two-day Home Office induction and four-day EUSS induction. New recruits to the Home Office also received an introduction to the Civil Service. The common training programme, which included customer service, was intended to ensure consistency and emphasise that caseworkers and call agents were part of the same team. Management training was arranged locally for new and recently appointed managers to avoid them having to wait for centrally-arranged Home Office training courses.
- 6.53** SRC senior managers informed inspectors that the training for call agents, a lot of whom were new recruits, had been “robust” and had worked well. A “bespoke customer care three-day training [programme] has been developed, which is constantly reviewed and feedback taken on board”, and there was a training bay where staff could practise their skills. The ambition was to deliver a “world class customer service”. In addition, “bitesize training” had been introduced, so refresher training or training on new issues could be provided flexibly as the need arose.
- 6.54** Staff told inspectors that they “were well prepared and trained and have the resources they need”. Senior managers hold a weekly dial-in meeting to ensure consistency and encourage “walk-and-talks” from staff to provide support and feedback, and staff found them visible and approachable. There were daily briefings where any updates or new instructions were shared

by Senior Caseworkers (SCWs) and weekly “town hall” meetings.<sup>25</sup> Newsletters were used to report issues, trends and changes, and white boards to display key messages and statistics.

- 6.55** Inspectors were provided with a table summarising the “lessons learned” since August 2018. This was divided into three areas: “Communication/Training”, “Casework”, and “Processes/Technology” and by “What worked well”, “What could have worked better”, and “Next steps”. The inputs had come from staff forums held at each of the three Liverpool sites and attended by staff of all grades. Managers had added what they had learned from quality assurance checks.
- 6.56** In January 2019, the Home Office had told ICIBI that it planned to provide versions of EUSS guidance in all EU languages, plus Welsh, after the scheme launched in March 2019. It had decided not to do so earlier as the guidance was continually changing in response to lessons learned from the Beta testing exercises. Foreign language versions were posted on GOV.UK on 30 March 2019,<sup>26</sup> but were “temporarily unavailable” as at mid-July when inspectors came to check “as they were being updated”. At the time of writing (September 2019), they were again available on GOV.UK.
- 6.57** During this second inspection, inspectors were told that “language difficulties have been noted. A lot of customers do have difficulties”. However, people who needed help with interpretation appeared to be dealt with inconsistently. Some SRC staff who spoke other languages reported that they had used their language skills, but informally. Some managers were opposed to the idea and believed the applicant/caller should be advised to get someone (such as a family friend) to interpret on their behalf. Inspectors were told that “people have been told not to use their own language skills to assist because they do not have an officially recognised interpretation qualification, but this is not universal, some areas continue to assist and others not.”
- 6.58** Elsewhere within BICS there is clear guidance about when to use an interpreter and where to find one. For example, enforcement officers are instructed: “if there is doubt about a person’s ability to understand English, you must use an interpreter, recognised by the Home Office, to carry out the interview. This means either:
- a colleague accredited by the Home Office in that language
  - an official interpreting service, for example, Big Word, or
  - an interpreter from the national database of casual interpreters maintained by the central interpreter’s unit (CIU).”
- 6.59** However, inspectors found that EUSS managers and staff were uncertain whether they should use these other approved methods, since this could be expensive. Inspectors were told that: “We need clearer guidance on this. I have seen cases where at the start of the application the applicant will raise language difficulties and say they can’t understand and there will be further calls to the applicant by subsequent case work teams”.
- 6.60** In March 2019, the Home Office produced a ‘Strategy for handling vulnerability in the Settlement Scheme’. This internal document recognised two key vulnerable groups: “customers with limited English and/or low levels of literacy in their own language”. It observed that the estimate for the number of EU citizens who could be regarded as vulnerable by virtue of their age (elderly or children or young adults), physical or mental health, lack of permanent address,

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<sup>25</sup> Meetings open to all staff.

<sup>26</sup> Icelandic was added on 2 April 2019.



or because they are a victim of modern slavery, trafficking or domestic abuse, could be doubled if language and literacy barriers were taken into account.

- 6.61** The Home Office has not published a Policy Equality Statement (PES) for the EUSS. According to the 3 million, the PES has been “repeatedly requested since at least November 2018 but still not released. The standard advice from the Home Office is that “there’s a discussion” on whether to publish these as there’s no legal duty to do so, which appears to be a tactic to appease group members and not genuine engagement.”
- 6.62** Meanwhile, internal guidance for Home Office staff on ‘Public Sector Equality Duty and Policy Equality Statements’, produced in March 2019, was clear about the purpose of a PES, leaving little doubt that the EUSS would have required one to have been produced:

“‘Policy’ must be interpreted expansively and means any of the following: new and existing policy, strategy, services, functions, work programme, project, practice and activity – whether written, unwritten, formal or informal. It includes decisions about budgets, procurement, commissioning or de-commissioning services, allocating resources, service design and implementation.

A PES is the tool for demonstrating that due regard has been had in the exercise of our functions and delivery of our services. Evidence must be gathered as the policy is developed, so that it can inform decisions about the proposal and its future.”

## Conclusions

- 6.63** Since Recommendation 2 focused on ensuring that the EUSS was adequately resourced throughout its lifetime it cannot sensibly be “Closed” until the scheme itself closes. However, up to the end of August 2019 the Home Office had done as much as it could reasonably do to ensure that the EUSS had sufficient staff and that they were fully trained and equipped with Standard Operating Procedures, guidance in various forms and fit-for-purpose IT. Moreover, the management style and culture within the EUSS business area was inclusive and encouraging, with good internal communications and a clear commitment to continuous improvement.
- 6.64** By the end of August 2019, the Home Office had received over 1.3 million applications. The monthly totals have fluctuated. The June total, for example, was almost 270,000 lower than that of April, a drop of around two thirds. However, applications increased in July, and August saw almost 300,000 people apply, the biggest total since April. The unevenness creates a problem for resource planning and staff management. So far, the “slack” had meant that the Home Office had had additional resources to apply to the ‘Work in Progress’ queue, which at over 180,000 had grown relatively large, even with an estimated 40% (as at the end of June) awaiting further evidence from the applicant and therefore “on hold”. However, it remains a concern that resources will be re-allocated to other priority areas if they cannot be guaranteed to be fully occupied by the EUSS, while the falling off of applications also raises concerns about a possible last-minute rush of applications as the EUSS deadline approaches.
- 6.65** The Home Office’s best mitigations for these risks are an efficient process and effective communications. It is possible to improve both. For example, while stakeholders have indicated that SRC staff are friendly and customer-focused they point to inconsistencies in how complex enquiries have been handled and how advice can change if someone presses their case. This needs attention. Meanwhile, the message that “Applications usually take between 1 and 4 calendar days” needs qualification, so that the reasons why it may take longer are better understood. Regarding applications that are held up awaiting further information from the

applicant, there needs to be clear messaging about the consequences of not responding within the specified timescales to ensure that applicants know where they stand.

- 6.66** The Home Office appears resistant to calls to publish its Policy Equality Statement (PES) for the EUSS. While it may be under no legal duty to do so, this is at best unhelpful and gives rise to accusations that it has not fully considered the impacts of the EUSS. In the interest of promoting the scheme, it should reconsider its position.
- 6.67** Internally, managers need to be clearer with caseworkers about performance targets and measurement and to ensure that these are recognised as rational and fair. There also needs to be definitive guidance and practical solutions for SRC staff dealing with applicants who are having difficulty in understanding English.

## Recommendation 3

- 6.68** The original inspection looked for confirmation from the Home Office that any impacts the EUSS might have on the workloads of other BICS business areas had been considered. This led to Recommendation 3:

“Ensure that any additional demands the EU Settlement Scheme creates elsewhere in the Borders, Immigration and Citizenship System (BICS), for example in the Administrative Review team, are monitored and not allowed to have an adverse effect on the performance of these business areas.”

### Home Office response: “Accepted”

- 6.69** In accepting the recommendation, the Home Office wrote:

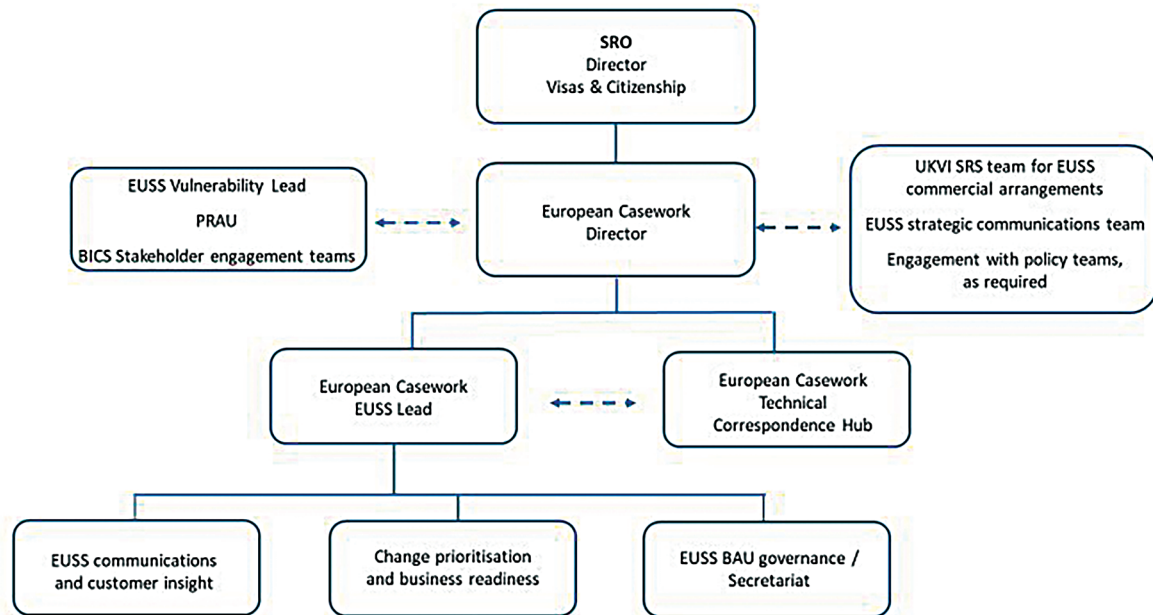
“Any additional demands the EU Settlement Scheme may create elsewhere within the Borders, Immigration and Citizenship System have been factored into the Department’s strategic planning. We will continue to monitor any potential impact and make the necessary adjustments as and when needed.”

## Findings

- 6.70** In June 2019, inspectors were informed by senior managers that the EUSS project structure that oversaw the three Beta Phases would soon be closed. From September 2019, a dedicated team in European Casework (UK Visas and Immigration) would assume responsibility for the “Business as usual (BAU)” live running of the EUSS.
- 6.71** The BAU function would initially run in parallel with the EUSS project in order to ensure a managed transition and the handover of governance. Under the BAU arrangements, the Grade 3 Director of Visas & Citizenship (one of four UKVI directorates) would be the Senior Responsible Owner (SRO), with the Grade 5 European Casework Director responsible for the live service, supported by a Grade 6 European Casework EUSS Lead – see Figure 6.



**Figure 6: EUSS Business as Usual (BAU) Structure**



**6.72** When the change is made, EUSS BAU will be responsible for managing:

- any issues, defects and changes
- (with communications and web guidance colleagues) coordination, timing, cadence and content of EUSS communications and web page updates
- analysis of customer insight metrics
- liaison with stakeholder engagement teams, press, policy and legal functions
- liaison with the Performance Review and Assurance Unit (PRAU) and performance teams for management information
- co-ordination of operational response for briefings, reports and correspondence (Parliamentary Questions, Freedom of Information Act requests)

**6.73** Inspectors were told that the vulnerability strand required considerable additional dedicated resource and expertise. Before the project closed, the EUSS Board would agree where this work should sit. The EUSS change management and prioritisation function for PEGA will transfer to European Casework, who will continue to work closely with Digital, Data and Technology (DDaT). The EUSS will retain capacity to make content changes and smaller IT enhancements as part of continuous improvement, but larger changes will need to be requested and approved by the BICS Board. Management of contracted out services will move to the UKVI Supplier Relationship Team, who manage UKVI’s commercial contracts.

**6.74** The BAU governance arrangements for the EUSS will comprise: a monthly Board meeting, with the same Board members as previously; twice weekly operational meetings with operational managers to discuss progress and issues; and, tri-weekly update calls, with the same invitation list as previously (listed as “ops, strategy, press office, policy, ID ops, IE etc.”). This will enable the EUSS to ensure that senior management and ministers are provided with briefings as necessary.

- 6.75** Senior managers told inspectors that key Home Office stakeholders, for example the Administrative Review team, would be represented at the EUSS Board, so that any areas affected by the EUSS would be able to flag this up.

## Conclusions

- 6.76** At the time of this second inspection the transition from the EUSS project structure to BAU was underway, with some details still to be finalised. However, the planned governance arrangements appeared to be robust and to cover the potential for the EUSS to affect other BICS business areas. In reality, the reverse has been true to date, as the EUSS has been able to release staff to other areas of UKVI on a temporary basis. Recommendation 3 may therefore be “Closed”.

## Recommendation 4

- 6.77** Influenced to an extent by the frequent difficulties of obtaining reliable data about the performance of BICS functions, ICIBI saw the PEGA system as providing the means to capture relevant management information about the EUSS from the outset. This led to Recommendation 4:

“Ensure that the EU Settlement Scheme’s customised IT system is capable, routinely, of producing comprehensive management information and data:

- a. to enable Home Office managers to set appropriate individual performance measures and to manage the Scheme’s overall performance
- b. to support an effective quality assurance regime for the Scheme
- c. to enable the Home Office to produce regular reports on how the Scheme is performing (not simply how long applications are taking to process, but a detailed breakdown of applications, outcomes, latest lessons learned, and improvements made) with the aim of securing the confidence of those eligible to apply and other stakeholders.”

## Home Office response: “Accepted”

- 6.78** In accepting the recommendation, the Home Office wrote:

“The EU Settlement Scheme utilises new technologies and throughout the testing phases as the IT system has been developed, a key theme has been to ensure we are able to produce effective management information.

The Performance Review and Planning Unit are developing and enhancing the current INSIGHT performance monitoring tool to allow the operational teams to monitor individual caseworker and team productivity. These reports will be independently produced by the Home Office PRAU (Performance Analysis & Review Unit) and can be accessed by line managers to monitor performance and productivity.

Across both private beta testing phases and into the public testing phase, UKVI has positively managed applications and through this, has begun to properly understand casework flows. Development of effective management information to ensure individual and wider scheme performance is ongoing. These will be properly tested and developed further as we progress through the process.

As noted in the report, inspectors saw evidence of extensive quality assurance across elements of the settlement scheme, including casework operations and the Settlement Resolution Centre. As the scheme moved from the testing phase and the caseworking operations move towards maturity, consideration to the decision quality measures has been further reviewed and aligned to other operational areas.

Following Private Beta 1 and 2 and the public testing phase, the Home Office produced reports on progress of applications, as well as reporting on a variety of other elements to Parliament, key stakeholders and the public. The delivery of wider more substantive data sets will take place at agreed intervals in line with wider Home Office transparency agenda.”

## Findings

- 6.79** The EUSS casework system, PEGA, went live on 1 November 2018. PEGA records the applicant’s biographical information, supporting documentation, UK residence footprint (through the interface with HMRC and DWP), any caseworker or SRC activity, consideration and outcome. During the first ICIBI inspection, inspectors were told that, although PEGA was able to provide a snapshot of current application volumes and their progress through the process, it was not able to inform managers how many applications a caseworker had completed. Caseworkers were required to record this manually. Senior managers recognised that enhancements to the system were needed in relation to management information and performance data, and ICIBI recommended that this should be a priority for the Home Office.
- 6.80** From the point the EUSS was launched in March 2019, PEGA was producing MI for the overall performance of the EUSS and for individual caseworkers. The MI is available to all managers and senior caseworkers. The PEGA “Live Dashboard” provides information about daily intake, output, outcomes and the size of the work in progress (WIP) pool. Managers can break these figures down to see intake and WIP by category (GREEN, AMBER, RED) in order to focus caseworking resources. Senior managers confirmed to inspectors that “Grade 7s use this data daily to allocate resource across each stream” and inspectors observed managers switching teams to different workstreams based on intake and WIP MI. Managers also accessed PEGA MI to monitor individual performance against the daily targets of 90 GREENs, 26 AMBERs, or 10 REDs.
- 6.81** MI was also used to monitor performance in the Settlement Resolution Centre (SRC). BT Cloud enables the creation of weekly team and individual reports that include: numbers of calls offered; calls accepted or abandoned; average call times and call waiting times; numbers of text messages sent; emails received and average speed of answer; and main reasons for contacting the SRC.
- 6.82** Figure 7 shows the weekly data from the PEGA “Live Dashboard” for the weeks beginning 13 May to 25 June 2019.<sup>27</sup>

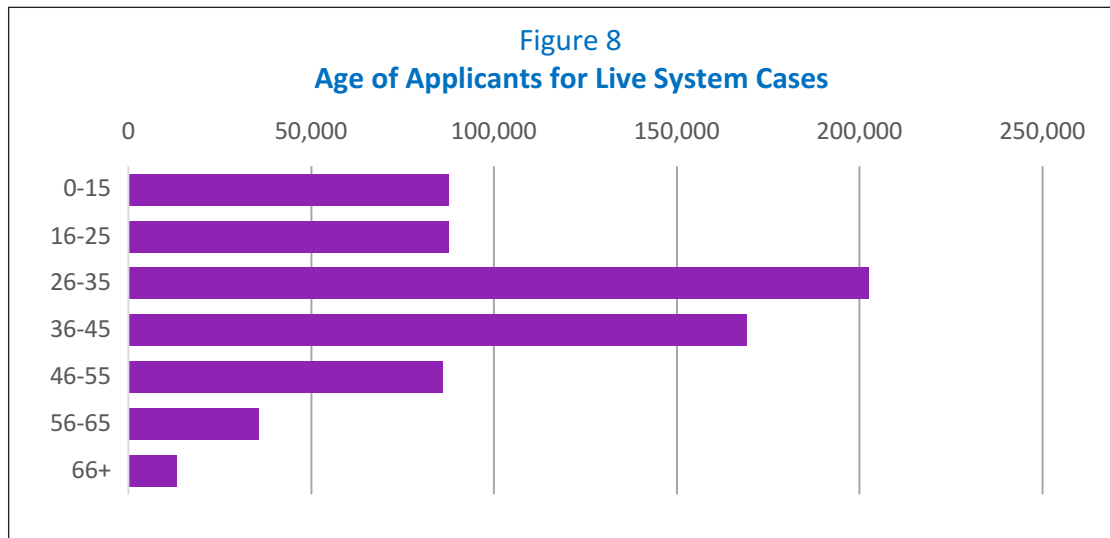
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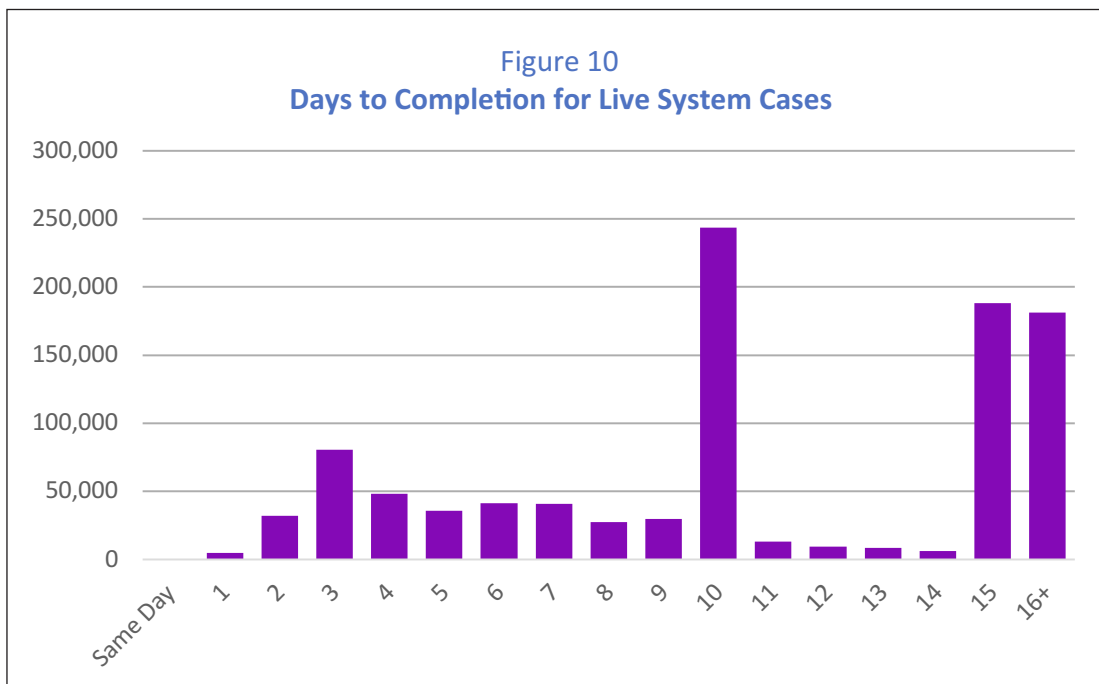
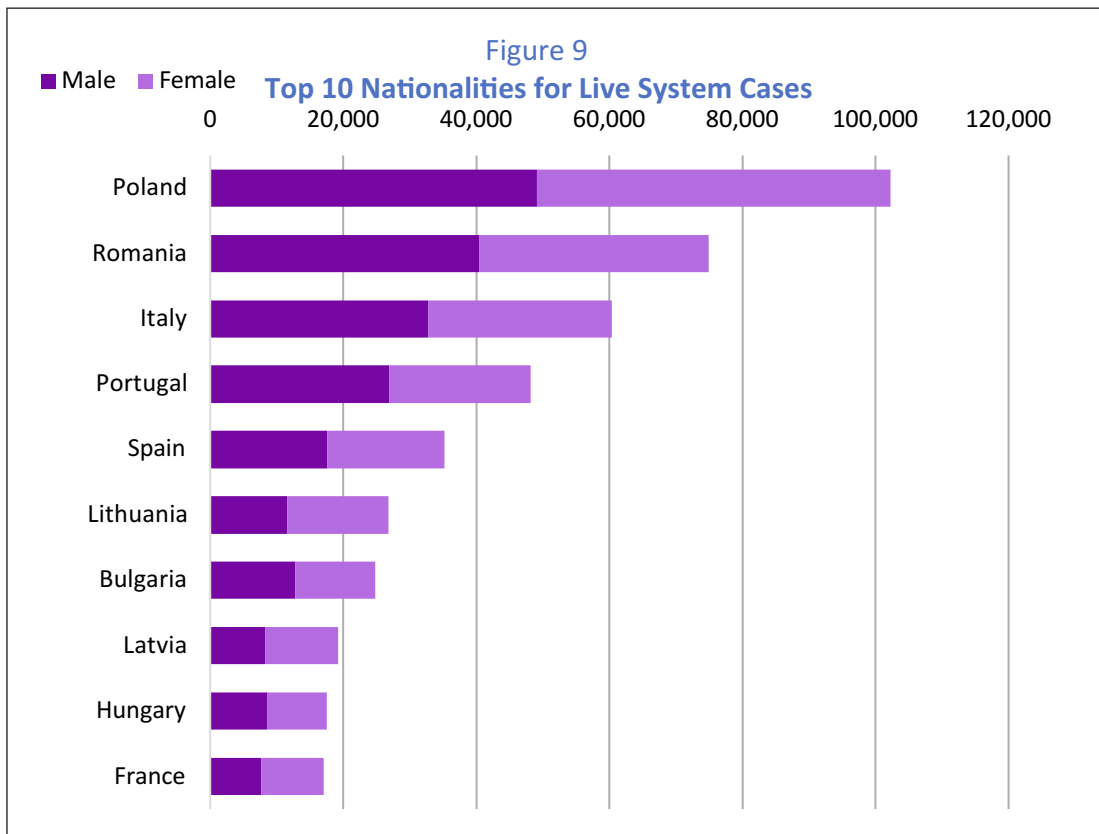
<sup>27</sup> The data quoted in Figures 7-10 is local Management Information rather than official Home Office statistics and as such is liable to change.

**Figure 7: PEGA “Live Dashboard” data – weekly**

w/c	13 May	20 May	27 May	3 June	10 June	17 June	24 June
Intake	34,749	31,437	35,110	29,645	27,511	28,838	25,825
Output	46,996	36,083	34,184	31,247	36,856	38,518	28,531
Work Pool	127,329	122,683	123,609	122,007	112,662	102,982	100,276
Settled	30,161	22,225	21,685	19,732	23,377	22,898	15,833
Pre-settled	16,730	13,678	12,362	11,257	13,335	15,404	12,403
Withdrawn	105	180	137	258	143	216	295
Rejected	0	0	0	0	1	0	0
Refused	0	0	0	0	0	0	0

**6.83** In fact, the “Live Dashboard” reports data on a daily basis, and the data for the Monday of the next week (1 July 2019) was: Intake 4,135; Output 6,692; Work Pool 97,719; Settled 3,610; Pre-settled 3,036; Withdrawn 46; Rejected 0; Refused 0. It also provides “snapshots” showing, for example, a breakdown of applicants by age range, and by nationality and gender, and the number of days taken to complete cases. The “snapshots” for these three datasets for 1 July 2019 are at Figures 8, 9 and 10.





**6.84** PRAU uses PEGA and BT Cloud MI to prepare a weekly note for ministers. This includes data for: application numbers and outcomes; paper applications requested and received; numbers applying for Settled status who were granted Pre-settled status; postal volumes; calls and emails received in the SRC; average response times and call duration; and main reasons for contacting the SRC.

**6.85** The original inspection saw evidence of quality assurance across elements of the EUSS, including casework operations and the SRC. In June, inspectors visited the Casework Quality

Team (EUSS casework) and the Quality, Policy and MI Team (SRC) and interviewed staff to understand the quality assurance processes used in the EUSS.

- 6.86** The Casework Quality Team (CQT) comprises three Higher Executive Officers (HEOs) and six Executive Officers (EOs). The first eight cases that a newly trained caseworker decides are quality assured by the CQT. If they pass the caseworker is deemed ready to continue decision making (mentored by a more experienced colleague) under the general quality assurance framework. If not, 100% of the caseworker's decisions are quality assured until the CQT is satisfied they have reached the required standard.
- 6.87** The general quality assurance framework involves the CQT checking a minimum of 1% of all decisions by all caseworkers, which with a performance target of 90 GREENs a day equates to five decisions per fully competent caseworker per week. Feedback is passed to line managers to pass on to the caseworkers.
- 6.88** The Quality, Policy and MI team (Quality Team) comprises two Senior Executive Officers (SEOs), seven HEOs and seven EOs. SRC managers told Inspectors that quality assurance focuses primarily on call handlers' customer care and knowledge of the EUSS process. New SRC staff are mentored for the first week, after which their first eight calls are quality assured by the Quality Team. For staff who meet the required standard, the Quality Team then assures three calls every month.
- 6.89** The EUSS project estimated that 75% of applicants would call the SRC and that it would receive 23,500 calls per week. As at July 2019, only 35% of applicants were calling the SRC, however calls were taking much longer than originally expected. Inspectors were told that the SRC was rolling out speech analytic software. Following a period of testing, this was expected to be in place by September or October 2019. It will be used to identify key words used during calls, enabling managers to spot and react to common issues and concerns more quickly. It will also provide an extra quality assurance function.
- 6.90** Inspectors were told that, since March 2019, MI data had been used to highlight issues and remedy them. For example, the latest version of the Polish ID card has three different numbers on it. PEGA MI identified that this was creating confusion for applicants. Guidance on GOV.UK was therefore updated to help Polish applicants to select the correct number. Similarly, a batch of Latvian passports contained faulty biometric chips, which was identified through MI and the Home Office worked with the Latvian authorities to create a pathway that allowed holders of such passports to apply online using the "chip checker" service.
- 6.91** PEGA MI on vulnerable applicants is limited, since relevant personal data is not routinely captured either by caseworkers or by SRC staff. However, some MI had been produced for applicants who indicated that they sought assistance to complete the online application form – see Figure 11.

**Figure 11: Applicants who indicated on the online application form that they had sought assistance from a third party – 30 March to 31 August 2019**

Type of assistance	Number
Assisted Digital	2,579
Charity/Community Group	6,737
Employer	2,832
Family or friend	142,872
Immigration Adviser	11,388
Other	6,300
Social Worker/Local Authority	314
<b>Total</b>	<b>173,022</b>

- 6.92** PEGA does not capture calls to SRC staff from a local authority or social worker, or from one of the 57 grant-funded organisations assisting vulnerable clients, where an application has not yet been made, since no PEGA record exists at that stage. However, inspectors were told that SRC staff could recommend that vulnerable applicants call back for advice once the application has been made, when case notes can be made on PEGA.
- 6.93** On 7 April 2019, the Home Office revealed that the EUSS had been responsible for a serious breach of General Data Protection Regulation (GDPR). An SRC staff member had sent three emails to over 240 recipients without using the ‘Blind Copy’ function, thus revealing all of the email addresses to all of the recipients. Senior managers told inspectors that: “It was human error. We have now changed our process on bulk emails. We now have to notify management if we are going to send bulk emails or texts and carry out checks to make sure the data has been correctly protected.”
- 6.94** Inspectors asked about any other data breaches and were told that between 30 March and 31 August 2019 there had been 100 GDPR breaches in total – see Figure 12.

**Figure 12: EUSS data breaches – 30 March to 30 June 2019**

Month	Breaches	Number of breaches
April	<ul style="list-style-type: none"> <li>• 240 emails addresses included in bulk email</li> <li>• Proformas sent to five customers in one email</li> <li>• ID card returned to the wrong applicant</li> <li>• Documents returned to the wrong address</li> </ul>	4
May	<ul style="list-style-type: none"> <li>• ID documents misplaced – four passports should have been posted in the same package, but it contained only three</li> <li>• ID documents sent to the right applicant at the wrong address – three occurrences</li> <li>• ID documents sent to the wrong applicant – six occurrences</li> </ul>	11
June	<ul style="list-style-type: none"> <li>• Documents misplaced by postal company – 15 occurrences</li> <li>• ID documents misplaced within EUSS office – six occurrences</li> <li>• ID documents misplaced, responsibility unknown</li> <li>• ID documents returned to the wrong address</li> <li>• Unauthorised disclosure of information to third party (without the applicant’s permission)</li> </ul>	24
July	<ul style="list-style-type: none"> <li>• Documents misplaced by postal company – 23 occurrences</li> <li>• ID documents misplaced within EUSS office – four occurrences</li> <li>• ID documents sent to the right applicant at the wrong address – three occurrences</li> <li>• ID documents sent to the wrong applicant – one occurrence</li> <li>• ID Docs returned to correct address and signed for by someone with the same name as the applicant but declared not received by applicant – one occurrence</li> </ul>	32
August	<ul style="list-style-type: none"> <li>• Documents misplaced by postal company – 15 occurrences</li> <li>• ID documents misplaced within EUSS office – three occurrences</li> <li>• ID documents sent to the right applicant at the wrong address – five occurrences</li> <li>• ID Docs sent to address provided by applicant but address typed in incorrectly by applicant – six occurrences</li> </ul>	29

**6.95** Commenting on the data breaches, the Home Office wrote:

“We regularly review all processes and procedures to mitigate against data breaches. These are reviewed regularly and amended if needed. We are also in discussion with the heads of security, integrity and data protection to ensure our processes are aligned to GDPR compliance. Bulk email processes have changed so there will be no errors going forward.

GDPR awareness training has been delivered as part of the new-starter induction training since 25 May 2018. GDPR awareness sessions are held regularly for all staff. There is an e-learning training module which is mandatory for all staff to complete. We have on-boarded large numbers of new staff across the department in the last 18 months. All will have attended induction training.”



## Conclusions

- 6.96** PEGA and BT Cloud provide EUSS managers with sufficient MI to enable them to allocate resources efficiently and to identify problems or issues quickly. MI drawn from PEGA and BT Cloud is also used to provide Home Office senior management and ministers with regular updates, and feeds into published statistics. However, more could perhaps be made of the MI, together with ‘lessons learned’ and ‘improvements made’ stories, to promote the EUSS.
- 6.97** Casework and the SRC both have quality assurance regimes that look to ensure that each member of staff has reached an acceptable performance standard. However, once a caseworker or call handler has satisfied their respective quality assurance team of the quality of their work, the level of routine checking is minimal and less than in most other UKVI business areas. As such, it is of little value in preventing individual errors, but may spot bad practice or trends.
- 6.98** At the time of this second inspection there was limited data available about vulnerable applicants. The 57 organisations that had received grants to assist vulnerable applicants were due to report on their first quarter of operations in August 2019 which should provide a clearer picture of vulnerable groups and their particular difficulties in accessing the EUSS. However, the Home Office should not rely entirely on these organisations for its understanding of the issues and should do more to capture data about vulnerabilities, particularly from those contacting the SRC who are having problems applying.
- 6.99** The information provided to inspectors regarding data breaches is concerning, not least the increase in breaches each month between April and July 2019 with a slight dip in August 2019, albeit most of those in June were due to a postal company rather than EUSS staff or processes. Data breaches damage public confidence, and applicants will blame the Home Office, whether or not this is fair. It is therefore important for the Home Office to do everything it can to keep breaches to a minimum. Most appear to have involved document handling errors and these should be easiest to prevent with clear instructions and good organisation.
- 6.100** As originally expressed, Recommendation 4 can be considered largely “Closed”. However, further improvements are both possible and necessary, both in what data is captured and how it is used. With regard to quality assurance, the Home Office should look again at whether the regimes it has put in place are robust enough.

## Recommendation 5

- 6.101** The EUSS ‘Statement of Intent’, published on 21 June 2018, made it clear that “a principle of evidential flexibility” would apply, and caseworkers would be able “to exercise discretion in favour of the applicant where appropriate”. This included engaging with applicants and giving them “a reasonable opportunity to submit supplementary evidence or remedy any deficiencies where it appears a simple omission has taken place”. However, the first ICIBI inspection discovered that some SRC staff had misinterpreted “evidential flexibility” and had given the wrong advice in relation to whether the five-year qualifying period for Settled status was flexible – it is not. This led to Recommendation 5:

“Provide EU Settlement Scheme (‘Scheme’) caseworkers and Settlement Resolution Centre (SRC) staff with clear guidance about ‘evidential flexibility’ in relation to settled status via the EU Settlement Scheme and ensure that they understand and apply it consistently.”

## Home Office Response: “Accepted”

**6.102** In accepting the recommendation, the Home Office wrote:

“Comprehensive caseworker guidance is already available to caseworkers and Settlement Resolution Centre (SRC) staff, along with a range of additional material on gov.uk and a suite of ‘lines to take’. This guidance is continually reviewed, with both operational and policy colleagues working together to ensure that there is sufficient clarity in relation to evidential flexibility.

We will also ensure that this is covered in the training provided to SRC staff and that the requisite quality assurance mechanisms are implemented for senior caseworkers and line managers to confirm that evidential flexibility is exercised consistently.

Training modules have been successfully developed and rolled out to all existing caseworkers, SRC staff and new recruits. The modules include: policy training, case working guidance and customer service. The common thread through the practical scenarios is focussing on customer service to assist the culture shift. The training will continue to be reviewed and updated following feedback and changes. To consolidate the training and further support staff, along with the network of senior caseworkers on hand for advice, they are provided with desk aides, Standard Operating Procedures and an e-learning package.”

**6.103** The Home Office also commented that:

“the principle of evidential flexibility applies to almost all aspects of [EUSS] case consideration .... Other UK immigration routes, and indeed other routes for applying for documentation under EU law, are inherently more prescriptive about what evidence is required. It is therefore necessary for the Rules and guidance for these routes to be explicit about the specific and limited circumstances in which evidential flexibility can be applied, with the assumption being that it cannot be applied outside of those circumstances. This assumption is not true of the EU Settlement Scheme. Trying to document explicitly all the circumstances in which evidential flexibility can be applied limits the flexibility to apply it anywhere else, which is contrary to the intended approach.”

## Findings

**6.104** Speaking to inspectors in June 2019, EUSS managers were clear that the misapplication of evidential flexibility found by the original inspection team had been an error:

“the published guidance says, in this case, that the applicant must have been resident for five years. We will not be flexible on that. Where we do employ evidential flexibility is what we might accept to evidence that.”

**6.105** The principal guidance document for caseworkers considering applications under the EUSS, ‘EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members’, was published on 29 March 2019 and is accessible via GOV.UK but with some ‘Home Office eyes only’ sections removed.<sup>28</sup> Further guidance on ‘EU Settlement Scheme: suitability requirements’<sup>29</sup> was

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<sup>28</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/791153/Main-EUSS-guidance-29-March-v1.0.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791153/Main-EUSS-guidance-29-March-v1.0.pdf)

<sup>29</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/791597/EUSS\\_suitability\\_guidance\\_v1.0.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791597/EUSS_suitability_guidance_v1.0.pdf)

published on 1 April 2019, with guidance for applicants with a derivative right to reside,<sup>30</sup> family members of a qualifying British citizen,<sup>31</sup> and Zambrano cases<sup>32</sup> published separately in June and August 2019.

- 6.106** In all cases, there are three stages to a consideration of an EUSS application: “identity”, “suitability” and “eligibility”. Evidential flexibility applies differently at each stage.
- 6.107** At the first stage, all applicants have to prove their identity and nationality. This is usually done with a passport, national ID card, a valid biometric residence card or residence permit. If the applicant is unable to present any of these, the principal guidance document covers “Alternative evidence of identity and nationality, or of entitlement to apply from outside the UK.” This lists other acceptable forms of evidence, but makes it clear that:
- “The following lists are not exhaustive and there may be other circumstances beyond the control of the applicant, or other compelling practical or compassionate reasons, why they cannot obtain or produce the required document. Each case must be considered on its individual merits and you must refer to a senior caseworker in all instances where this guidance is engaged.”
- 6.108** The guidance provides a number of scenarios, again non-exhaustive, in which an applicant, for reasons beyond their control, may not be able to evidence his or her identity and nationality. Relevant to vulnerable applicants, these include: where the documents of a Potential Victim of Modern Slavery (PVoM) or of a victim of domestic abuse are held by the authorities or by an abuser; where an applicant’s serious medical condition or mental capacity makes it unreasonable to expect them to obtain an identity document from their national authority; and, where a child under the age of 18 is in local authority care.
- 6.109** Caseworkers are instructed to:
- “work flexibly with the applicant to try to obtain sufficient supporting information or evidence to satisfy you of their identity and nationality”.
- 6.110** Since forged or fraudulent documents might be used to support applications, all EUSS caseworkers undergo a two-day bespoke training course designed by the National Document Forgery Unit (NDFU) covering: document forgery identification techniques, including comparison of forged and genuine documents; identifying impostors; current trends in forgery; and where to find further information and how to refer a suspected case of fraud or forgery. Inspectors were told: “The staff love the training. The caseworkers are engaged and asking questions”.
- 6.111** The EUSS has its own Permanent Migration Fraud Verification Team (PMFVT), comprising three staff, one of whom has received advanced forgery training from NDFU. Caseworkers refer suspect cases of forgery or fraud to the PMFVT, who conduct an initial examination. The PMFVT told inspectors that it had verified 50 suspected forged supporting documents with the respective issuing bodies, one of which was confirmed as a forgery. PMFVT is supported by a team from NDFU, comprising of five EO Document Inspecting Officers and one HEO Team Leader located in the same building as the majority of the EUSS caseworkers. The

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30 Known as “Chen and Ibrahim/Teixeira cases” [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/815460/EUSS-derivative-right-to-reside-Chen-IbrahimTeixeira-v1.0.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/815460/EUSS-derivative-right-to-reside-Chen-IbrahimTeixeira-v1.0.pdf)

31 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/815466/Family-Member-qualifying-Brit-cit-v1.0ext.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/815466/Family-Member-qualifying-Brit-cit-v1.0ext.pdf)

32 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/823680/euss-zambrano-guidance-v1.0-ext.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/823680/euss-zambrano-guidance-v1.0-ext.pdf)

NDFU team estimated that, including training new caseworkers, it spent 60% of its time on EUSS-related work.

- 6.112** NDFU maintains records of stolen blank documents and fraudulently obtained genuine documents and provides regular reports to caseworkers about these and other forgery trends. These updates have led to the identification of two genuine European identity documents that had been fraudulently issued to applicants. Inspectors were told that actions were in hand in relation to these two applicants.
- 6.113** Inspectors were told that the ID chip checker is a secure process that automatically authenticates an identity document. This includes automated likeness checks which negates the need for forgery checks on the identity documents of the majority of applicants. Online applications also perform an automated likeness check that has identified a number of anomalies. Meanwhile, NDFU had alerted caseworkers to a particular type of forged document that contained a working chip.
- 6.114** Non-chipped identity documents must be submitted and are examined by comparing them with official records as set out in the 'Standard Operating Procedure: Eligibility, v1.0'. NDFU is able to contact the relevant authorities for additional verification if required. Again, NDFU had alerted caseworkers to a particular type of ID document where high-quality forgeries were known to exist.
- 6.115** Inspectors were told in June 2019 that seven instances of forged or fraudulent documents had been identified by PMFVT/NDFU: one counterfeit EU passport; one counterfeit EU ID card; one unofficially altered non-EU passport; two fraudulently obtained genuine EU passports (referred to above); one counterfeit HMRC document; and one imposter using a stolen EU passport. Official statistics show that up to 30 June 2019, there were 260 invalid applications and that no applications had been refused. The Home Office told inspectors that: "where appropriate, fraud and forgery cases will be referred by NDFU to other teams across Immigration Enforcement to take necessary action".
- 6.116** The second stage of the process, checks the applicant's "suitability". This is done by a Suitability Assessment Team (SAT), based in Sheffield, comprising a Grade 7, two Senior Executive Officers and 50 Executive Officers working in shifts to provide 24/7 coverage.
- 6.117** Applicants aged 18 or over must provide information about previous criminal convictions in the UK or overseas, but not where offences are spent or cautions or "alternatives to prosecution for example fixed penalty notices for speeding.". All applications aged 10 and over are checked against the UK Police National Computer (PNC) and Warnings Index (WI) and "caseworkers can where appropriate consider evidence of criminality that they encounter on the PNC and WI even if that evidence was not declared by the applicant."
- 6.118** SAT staff told inspectors that, between 30 March and 30 June 2019, there had been 50,395 matches against the PNC and 11,473 against the WI. Of these, 386 cases had been referred to Criminal Casework (part of Immigration Enforcement) to consider further action – see Figure 13.

**Figure 13: Number of cases referred by SAT to CCD between 30 March and 30 June 2019**

Reason for referral	Number referred	Outcome of referral		
		Accepted	Rejected	Pending
The applicant has, in the last five years, received a conviction which resulted in their imprisonment	15	0	6	9
The applicant has, at any time, received a conviction which resulted in their imprisonment for 12 months or more as a result of a single offence	86	6	47	33
The applicant has, in the last three years, received three or more convictions (including non-custodial sentences) unless they have lived in the UK for five years or more	18	5	10	3
The applicant is the subject of an existing deportation or exclusion order	9	2	0	7
Cases which breach on more than one of the above thresholds	119	25	43	51
<b>Self-declared:</b> The applicant has received an overseas conviction for a violent or drug-related offence	53	1	46	6
<b>Self-declared:</b> The applicant has an overseas conviction which resulted in a prison sentence of 12 months or more	86	3	58	25
<b>Totals</b>	<b>386</b>	<b>42</b>	<b>210</b>	<b>134</b>

- 6.119** The published guidance refers to the sections of the Immigration Rules (IRs) that provide the basis on which an application may be refused on suitability grounds. The guidance makes no reference to “evidential flexibility”. Where a deportation or exclusion order is in place or a decision to make one should be taken, the guidance states that “the application must be refused”. However, where the applicant has provided false or misleading information, consciously or not, the guidance does require decision makers to satisfy themselves that it is “proportionate” to refuse the application on this basis.
- 6.120** When considering a referral, CC has regard to published guidance ‘EEA Decisions taken on grounds of public policy and public security’,<sup>33</sup> but this does not refer to specific levels of criminality that should result in deportation action and the Home Office told inspectors that CCD take a “contextual and proportionate view of the prospect of deportation action succeeding. This would cover a wide range of circumstances for example offending committed soon after arrival, to offences committed after many years of residence, strength of ties to the UK etc.”
- 6.121** Normally, CC would trigger deportation action where an EEA national had received a 12-month or longer single custodial sentence in the UK, or three custodial sentences in the last three years, or was a persistent low-level offender. In the case of overseas criminality, CC would take action over: any criminal offence that attracted a custodial sentence of four or more years regardless of when the offence took place; a custodial sentence of between one and four years within the last 10 years; all sex offences that attracted a custodial sentence, regardless of length or when the offence was committed.

<sup>33</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/668087/EEA-Decisions-taken-on-grounds-of-public-policy-3.0EXT.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/668087/EEA-Decisions-taken-on-grounds-of-public-policy-3.0EXT.pdf)

- 6.122** Where CC accepts a referral, the EUSS application is “closed” on PEGA. As at 9 July 2019, 66 cases had been accepted by CC.
- 6.123** Where CC rejects a referral, it is passed back to the SAT with an explanation of why deportation is not being pursued, and the applicant may receive a “warning letter” stating that they have been considered for deportation action and although their criminality was not deemed serious enough to warrant such action at the present time any further offending will lead to a re-consideration. Cases involving serious criminality are referred to ministers for information.
- 6.124** Stakeholders have raised concerns about children who have had contact with the criminal justice system, pointing out that EUSS guidance for child applicants is inconsistent. The guidance document ‘EU Settlement Scheme: Looked after children and care leavers – Local Authority and Health and Social Care Trust Guidance’ appears to exempt all under-18s from declaring any criminal convictions but instructs staff to carry out criminal record checks on all applicants aged 10 or over.
- 6.125** Meanwhile, the step-by-step guide for applicants available on GOV.UK is arguably misleading by omission. “What you need to apply – If you have a criminal conviction” opens with the sentence “If you are 18 or over, the Home Office will check you have not committed serious or repeated crimes, and that you do not pose a security threat. You’ll be asked to declare convictions... You’ll also be checked against the UK’s crime databases.” It makes no reference to checking applicants aged 10 or over.
- 6.126** Stakeholders were looking to the Home Office for clarification and have urged that all childhood offending be removed from consideration of EUSS suitability for applicants who have reached adulthood, pointing out that many EU nationals may have received childhood convictions under stricter criminal justice systems, particularly in Eastern Europe.
- 6.127** Inspectors raised these issues with the Home Office. A senior manager responded:
- “I have since clarified that our internal systems are configured to run criminality checks on everyone over the age of 10 (and Warnings Index on all applicants as well). However, if a criminality result is found for someone under 18, then it is ignored by SAT. As such I believe the guidance is correct on both gov.uk and in the suitability guidance as they both say If you’re 18 or over, the Home Office will check you have not committed serious or repeated crimes, and that you do not pose a security threat.”
- 6.128** The third stage of the EUSS application process checks the applicant’s “eligibility”, specifically the length of residence in the UK (and in the case of Third Country Nationals, the relationship to the relevant EU, EEA or Swiss national). This is where some SRC call handlers had mistakenly believed that evidential flexibility could be exercised regarding the length of qualifying period for Settled status (five-year continuous residence), whereas it applies only to the types of evidence that may be used to demonstrate continuous residence.
- 6.129** The guidance explains the ways in which evidence of residence may be provided, including automatically via checks with HMRC and DWP or by the applicant submitting further evidence where there are gaps in these records. Annex A ‘Evidence required to establish residence in the UK’ covers “preferred evidence”, “alternative evidence” and “unacceptable evidence”.



**6.130** The Annex includes “non-exhaustive” examples of the three classes of evidence:

- Preferred evidence includes: annual bank statements, business accounts, mortgage or tenancy agreements, council tax bills, various proofs of employment or of attendance on an accredited training course or at a school, college or university, or residence in a care home.
- Alternative evidence includes: dated bank statements, payslips, invoices, utility bills, letters from a UK GP, other healthcare professionals, UK government departments, other public bodies, or UK charities, a passport entry stamp or used travel ticket for inbound travel to the UK, each of which will be treated as evidence of residence for the month in question.
- Unacceptable evidence refers to documents “not from an official or other impartial source”, including character references or testimonials from family and friends, photographs of a wedding or other special occasion, greetings or postcards, or a personal scrapbook.

**6.131** Caseworkers are informed that the guidance:

“is not prescriptive or definitive. Some applicants may lack documentary evidence in their own name for various reasons; you must work flexibly with applicants to help them evidence their continuous qualifying period of residence in the UK by the best means available to them.”

**6.132** Caseworkers also assess applications from non-EU nationals who are dependent family members of EU nationals. These applications can be straightforward if the applicant has already been granted status in the UK on the basis of their relationship with an EU national. However, where the applicant does not already hold a residence document, the caseworker must assess the application on the basis of the family relationship, which in many cases will be a civil partnership, durable partnership or marriage.

**6.133** ‘Standard Operating Procedure – Eligibility. v.1.0.’ outlines the procedure caseworkers must follow if they suspect that the relationship is one of “convenience”, entered into as a means of circumventing the right to enter or remain requirements. The SOP states:

“There will be occasions when Eligibility caseworkers deem it necessary for a marriage interview to be conducted. This section of the guidance provides advice on how to escalate a case to marriage interview through the appropriate channels.”

**6.134** The SOP goes on to outline the process for referring the case to the Marriage Interview Team, who will interview the applicant and decide whether the relationship is one of convenience, in which case the application will be returned to the caseworker to refuse.

**6.135** As at July 2019, the Marriage Interview Team, based in Liverpool, had not conducted any EUSS-related interviews, leaving caseworkers to make decisions on potentially complex cases. The Home Office told inspectors that it had received legal advice that, given the nature of the EUSS, applicants should be offered a choice rather than required to travel to Liverpool for an interview. It therefore planned to introduce “digital interviewing via VFS interview hubs”:

“We will – ultimately – be expanding to undertake interviews in the Scheme and will be widening to a digital interviewing function – but as yet there have been no marriage/relationship interviews under Scheme.”<sup>34</sup>

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34 On 19 July 2019, the Home Office informed inspectors that: “We are currently awaiting the installation of equipment and digital interview roll-out which is scheduled for late September.”

**6.136** By 30 June 2019, caseworkers had assessed 42,300 applications of non-EU nationals who had applied on the basis of their relationship with an EU national. Inspectors were given to understand that no “sham” marriages had been identified so far.

**6.137** With the ICIBI ‘Expectation’ that “Background and explanatory documents are easy to understand and use” in mind, inspectors sought stakeholders’ views about the published guidance for the EUSS. One commented:

“We do not consider this guidance sufficient to ensure transparent, consistent and fair decision making and are of the view more needs to be done to protect vulnerable applicants during the process. One of our greatest concerns is that the burden of proof remains fixed on the applicant to prove their entitlement. This burden will be too great for many vulnerable people.”

**6.138** Meanwhile, EUSS senior managers told inspectors in June 2019 that more definitive guidance in relation to evidential flexibility would not necessarily be helpful:

“We have had conversations with policy officials [about producing guidance around evidential flexibility]. We agree that if we provide a written document that becomes the norm, it is no longer flexibility.”

**6.139** Along with the published guidance documents, the Home Office has produced unpublished material for use internally, including Standard Operating Procedures (SOPs) and training materials.

**6.140** Inspectors reviewed ‘Standard Operating Procedure: Eligibility’ for references to evidential flexibility or discretion in the decision-making process. There were no explicit references to either, but the SOP contains a long section on when and how information should be requested from an applicant, and how this information should be submitted.

**6.141** Inspectors also reviewed training materials for EUSS caseworkers and for SRC staff. These consistently championed customer service and assisting applicants to evidence their residence, including applying evidential flexibility in order to do so. General training packages, such as the “EUSS Ethos for Case Workers – March 2019” and the “1-Day Customer Care” course, and more specific caseworker training packages, such as “EUSS Effective PEGA notes” and “EUSS Use of the Hold function”, are clear that caseworkers and SRC staff should take a proactive and customer-focused approach to evidential flexibility – see Figure 14.

**Figure 14: Slide from “EUSS Ethos for Case Workers” training pack (March 2019)**

**“Culture of the scheme**

- The Home Office will work with applicants to help them avoid any errors.
- Enable caseworkers to engage with applicants.
- Using evidential flexibility allowing caseworkers to exercise discretion in favour of the applicant.
- Recognising that applicants may lack documentary evidence and supporting them to provide what’s necessary.”

**6.142** During June 2019, inspectors interviewed and held focus groups with caseworkers and SRC staff at all grades. Everyone said they were familiar with the need to apply evidential flexibility



where relevant and that their induction training had covered this in depth. However, some said they would welcome clearer guidance on it, commenting that “some people are still struggling with evidential flexibility and how to use it” and that “it comes down to your own opinion... I would hope to get more guidance.” Meanwhile, casework managers told inspectors that “no uniform flexibility guidance exists that staff can pull out to check to ensure consistency.”

**6.143** The training materials identify two main ways of ensuring consistency. The first is that all caseworkers should discuss individual cases where they are considering applying evidential flexibility with a HEO Senior Caseworker or an EO Technical Specialist. This is known as a “walk and talk” and is an opportunity for the caseworker to seek advice without having to put the application formally on hold. Technical Specialists told inspectors:

“We actively encourage walk and talks and make sure that caseworkers follow that information. We always feedback at the 10 at 10 [daily caseworker team meeting] to ensure consistency”

Similarly, a Senior Caseworker told inspectors:

“I always make sure they run these by me. I remind them it’s a tool we should be using. We are trying to get the right decision for the applicant”

**6.144** The second way of ensuring consistency regarding evidential flexibility was by recording each time it was applied in PEGA notes. Technical Specialists told inspectors that:

“PEGA notes should say what has been discussed with the SCW and the decision made. Any extra evidence that has been used to make the decision should be noted too.”

**6.145** Figure 15 shows the slide from the “Effective PEGA notes” training pack that refers to evidential flexibility.

**Figure 15: Slide from “Effective PEGA notes” training pack (March 2019)**

**“Notes are added to PEGA when actions are taken, including when:**

- Operating Mandate and CID/CRS checks have been performed by the **first eligibility caseworker** (only when the person checking this is not making the decision there and then)
- An Alias is added
- The case has been escalated
- There has been contact made with the applicant
- If the caseworker has exercised discretion/evidential flexibility/spoken to a SCW
- Safeguarding action has been carried out
- The case is subject to an adverse decision including issue of LLR when the applicant is seeking ILR”

**6.146** The Home Office did not collect data on the use of evidential flexibility. However, the data for refusals (none to the end of June 2019) and for applicants who applied for Settled status but were granted Pre-settled status suggested that caseworkers are looking to grant Settled status wherever they can. The significant reduction in the monthly total for the latter may also indicate that caseworkers have become more skilled at assisting applicants to obtain

Settled status, though it would require further analysis to test this and to isolate other possible factors – see Figure 16.

**Figure 16: Applicants seeking Settled status but granted Pre-settled status**

Month	Pre-settled granted (Settled refused)
April	4,739
May	2,242
June	709
<b>Total</b>	<b>7,690</b>

## Conclusions

- 6.147** Inspectors found no further evidence of the incorrect application of evidential flexibility to the qualifying period for Settled status. Although this second inspection did not involve any file sampling, based on documentary evidence provided and on discussions with EUSS managers and staff, inspectors were confident that this particular issue had been addressed.
- 6.148** It was not possible to be as confident that evidential flexibility regarding identity and eligibility was being applied consistently. Guidance stresses the importance of assisting applicants through the process and exercising discretion in their favour, which includes applying evidential flexibility at certain points. The guidance makes it clear that the examples it quotes are “non-exhaustive” and the Home Office’s reluctance to produce more definitive guidance is understandable. However, it introduces an element of uncertainty.
- 6.149** This is balanced by “in depth” training, support from managers and technical experts, and clear recording requirements, though inspectors heard that some trained caseworkers still struggled with evidential flexibility, and the support and recording requirements are relevant only where the caseworker thinks to apply evidential flexibility and not where it does not occur to them to do so.
- 6.150** Therefore, although the Home Office has done enough to close Recommendation 5, it needs to ensure that decision-making by caseworkers, including the application of evidential flexibility, is as consistent as it can be for the duration of the EUSS. Plans to introduce further “bitesize training” are welcome, but the Home Office might also look to do some analysis of the application of evidential flexibility, starting with the data available from PEGA notes. It also needs to listen to stakeholders where they are finding issues with the published guidance and provide clear explanations and make amendments where necessary. Feedback from the 57 grant-funded organisations assisting vulnerable applicants will be particularly important in this regard.
- 6.151** At the time of this inspection, the Home Office’s Marriage Interview Team (MIT) had yet to conduct any interviews to assess family relationships involving a civil partnership, durable partnership or marriage between an EU national and a non-EU national, pending the roll out of technology to enable the team to do so without requiring the applicant to travel to Liverpool. Meanwhile, most EUSS caseworkers lack the training, the experience and the tools to make such an assessment. Notwithstanding the EUSS aim of looking to grant rather than find reasons to refuse, given the rights and benefits Settled and Pre-settled status bring, it seems anomalous that family relationship is likely to be more rigorously tested in the case of a Visitor Visa application than it is in an EUSS application.

## Recommendation 6

**6.152** An effective complaints system is one of the keys to good customer service. In the first inspection, inspectors were concerned that, in their efforts to assist applicants regardless of how long calls might take, SRC staff might not recognise when it was appropriate to advise an applicant how to make a complaint or challenge a decision via an Administrative Review. This led to Recommendation 6:

“Without discouraging them from trying to help applicants resolve any problems they are having with their application, ensure that Settlement Resolution Centre staff are trained to recognise when an applicant should be advised how to make a formal complaint or to apply for an administrative review.”

### Home Office response: “Accepted”

**6.153** In responding to this recommendation, the Home Office wrote:

“SRC staff have been fully trained in EU Settlement Scheme call resolution, and so in most cases, agents will deal with a customer’s concerns in a ‘once and done’ approach at first point of contact.

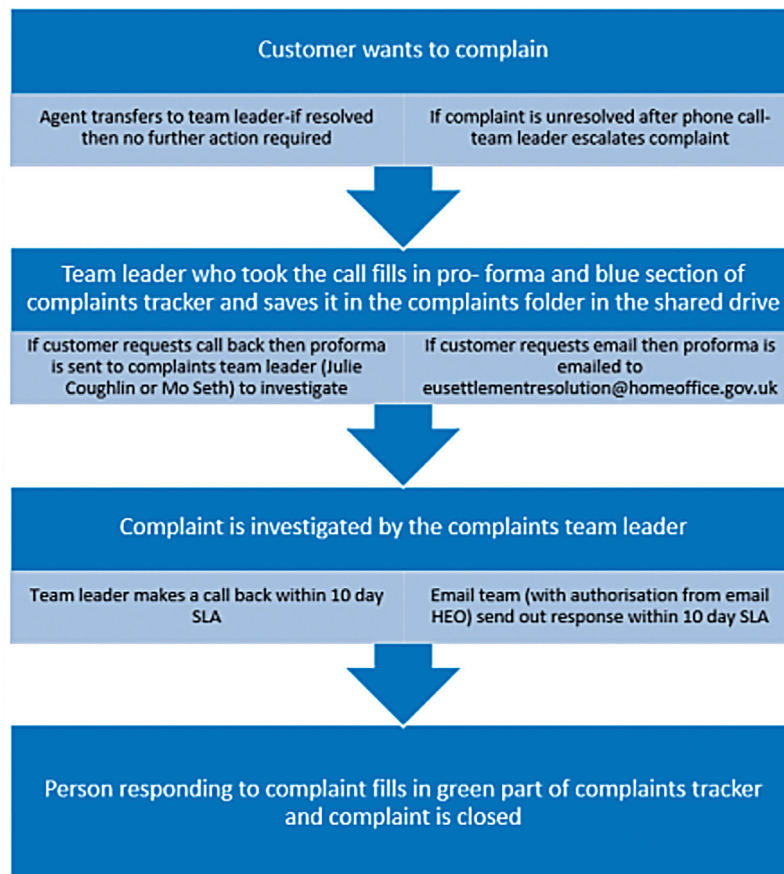
Should a customer wish to lodge a formal complaint, SRC agents have access to a standardised complaints procedure, where the customer’s concerns/complaint can be logged, triaged and escalated accordingly for response.

If a customer has received an adverse decision and the SRC is unable to provide further assistance through usual channels, SRC agents will direct customers via the administrative review route to enable an independent review of the EU Settlement Scheme decision made. The information above is on the internal information portal for SRC staff to refer to.”

## Findings

**6.154** Inspectors were given access to the internal portal, “WIKI”. This contained flowcharts for the different complaints procedures for calls, emails and external services. The flowchart for calls is at Figure 17. WIKI also contained guidance on the Administrative Review process. All of this information is set out clearly and is easy to follow.

**Figure 17: Flowchart of complaints procedure**



**6.155** Inspectors also reviewed the EUSS training material. The information about the Administrative Review process – covering eligibility, costs and timescales, was incomplete. For example it did not note that ‘looked-after’ children were not required to pay the fee. The information about how to recognise and handle complaints was limited, although the ‘Customer Care’ training pack included how to handle dissatisfied customers – see Figure 18.

**Figure 18: ‘Customer Care’ training pack – ‘Complaints’ slide**

**“Complaints**

- If a customer wishes to make a complaint then the following do’s and don’t’s should be adhered to:

**Do:**

- Stay calm
- Reassure customer you are doing everything you can
- Control the call
- Remain polite and professional
- Provide the complaints details

**Do not:**

- Match the customer’s annoyance or tone
- Become hostile or rude
- Refuse to help”

**6.156** 'Standard Operating Procedure: Eligibility' also contained guidance on how to handle complaints:

"If an applicant wishes to make a complaint, a caseworker should try to resolve a complaint with the support of a [Senior Caseworker] SCW. If this is not possible, the applicant should be directed to a SCW, or via the published complaints process which can be found on GOV.UK."

**6.157** Inspectors held a number of focus groups with caseworkers and SRC staff. Attendees gave a clear explanation of when an applicant should make a complaint or apply for an Administrative Review. A senior manager told inspectors:

"Following your report, they now know how to signpost for complaints and Administrative Review, the processes are all on 'WIKI'. We've taken that recommendation on board."

An SRC manager commented:

"The agents are offering the customer the option of an Administrative Review, but we don't force them down that route because there is a cost."

**6.158** Inspectors spoke to the EUSS Administrative Review Team and were told that the lessons learnt from Administrative Reviews were regularly shared with staff in the SRC and with EUSS caseworkers via weekly dial-ins with the Deputy Chief Caseworker (DCCW), Policy and SRC colleagues, monthly feedback error reports and dial-ins with the DCCW team and Central Operational Assurance Team (COAT), and local surgeries with the Senior Caseworkers and caseworkers.

## Conclusions

**6.159** Based on the training and guidance materials inspectors reviewed, and discussions with managers and staff, it was clear that the EUSS was taking the issue of handling complaints seriously, though the emphasis on resolving customer queries in one call however long that took continued to obscure whether applicants were being made aware of the complaints process.

**6.160** With Administrative Reviews it was sensible to recognise that cost was a consideration, especially since the EUSS application had been made free, and notwithstanding that the fee was reimbursed if the Administrative Review was successful.<sup>35</sup> However, similar considerations apply to lengthy calls to the SRC.

**6.161** Recommendation 6 can therefore be considered "Closed", but with two caveats: firstly, that the training materials and guidance are "tweaked" to ensure that applicants are informed of how to complain should they wish to do so, including about how their call/email has been handled; and, secondly, that the Home Office collects and publishes data for EUSS complaints and Administrative Reviews.

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<sup>35</sup> At the factual accuracy stage, the Home Office commented that it was incorrect to say that all successful Administrative Reviews result in a refund. It provided no further details about when this might not apply in the case of EUSS applications.

## Recommendation 7

**6.162** The ability of the Borders, Immigration and Citizenship System to identify and deal appropriately with vulnerable individuals has been a theme of several recent ICIBI inspections and is an abiding concern for many stakeholders. The importance of trying to get this right from the start of the EUSS led to Recommendation 7:

“Be clear in its communications with stakeholders dealing with vulnerable groups and individuals that while it is keen to encourage them to provide advice and practical assistance to applicants, including with the aid of grant funding where appropriate, that it recognises and accepts that it remains responsible for ensuring the EU Settlement Scheme meets the needs of everyone who is eligible and this includes making ‘reasonable enquiries’ on behalf of those (for example, ‘looked after’ children) who find it difficult to prove their eligibility.”

### Home Office response: “Accepted”

**6.163** In response to Recommendation 7, the Home Office wrote:

“We recognise and accept the responsibility for ensuring the scheme meets the needs of everyone who is eligible. We will make reasonable enquiries and work flexibly with applicants to help them evidence their continuous residence in the UK by the best means available to them.

We are committed to helping vulnerable individuals obtain their status under the scheme, and we are providing a range of direct and indirect support to enable this, such as the telephone advice from our customer support centre and face-to-face assisted digital support. Details of the service and the locations where this service is available can be found on gov.uk: <https://www.gov.uk/government/publications/eu-settlement-scheme-assisted-digital-service>.

The Home Office has made up to £9 million available in funding which will be used to help organisations both inform vulnerable individuals about the need to apply for settled status and support them to complete their applications to protect their status as the UK exits the EU. The successful organisations, including disability and homeless charities and a wide range of community organisations will provide support to an estimated 200,000 people, who may be marginalised or in need of extra help.”

## Findings

**6.164** In March 2019, a ‘Strategy for handling vulnerability in the Settlement Scheme’ was presented to the EUSS Board. This internal, protectively-marked document set out “plans and arrangements” to “accommodate the needs of the diversity of customers” expected to apply to the EUSS. The plans included promoting awareness of the EUSS sufficiently to engage hard-to-reach applicants, putting direct and indirect support in place to enable everyone to apply in time, and considering the needs of vulnerable individuals when planning any future actions.



- 6.165** The paper recognised that defining vulnerability as a particular set of characteristics or groups risked missing particular individuals, but listed groups “who may have additional needs to enable them to apply:
- some elderly people, disabled people and people with serious health conditions (e.g. physical or mental impairment, digitally or socially excluded)
  - victims of modern slavery and/or trafficking
  - victims of domestic violence
  - those with no fixed abode (e.g. Gypsy, Roma and Traveller communities, rough sleepers)
  - vulnerable children (e.g. in foster or local authority care, children in need, children or young adults who have left care).”
- 6.166** The paper repeated the figure of 200,000 quoted in the response to Recommendation 7 as its best estimate for “the scale of vulnerability”, not including a similar number who might experience “language and literacy barriers”. But, it referred to ongoing work by external bodies, including organisations representing the interests of EU citizens and vulnerable groups, that it hoped would provide further insights into the numbers and the particular needs of vulnerable applicants, and referred to the setting up of a “user group specifically aimed at developing the design for how we best handle vulnerable customers within the Settlement scheme”.
- 6.167** The remainder of the paper rehearsed the arrangements that would need to be in place to handle vulnerability, breaking this down into three stages: “Application management”, “Enforcement response” and “Use of status”, the latter two being brief and high-level and concerned respectively with vulnerable individuals who fail to apply on time or who have secured status and need to access services and therefore have their status checked.
- 6.168** Under “Enforcement response”, it noted that Immigration Enforcement already undertook a vulnerability assessment to ensure that vulnerable individuals were not put at risk through planned enforcement action, but that the Home Office needed to engage with other government departments to ensure a consistent approach. Under “Use of status”, it recognised that some vulnerable individuals might find it challenging to enable their status to be checked but did not offer any firm solutions.
- 6.169** The paper provided more detail under “Application management” about the planned direct and indirect support measures. The former included: “clear targeted messaging to raise awareness”, focusing on hard to reach groups; translations of “communications materials in key languages”, and identification of “key [foreign language] media channels”; “clear and concise information” about how to apply, presented in various formats and languages; sensitive and flexible policies, for example regarding a “fee waiver” (for children in care);<sup>36</sup> accessible technology; signposting of ‘Assisted Digital’<sup>37</sup> provision; training for SRC staff on handling vulnerable applicants, and training for caseworkers to recognise vulnerability indicators, with a specialist team to handle complex cases; a mobile team to run “pop-up” events to support

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<sup>36</sup> Overtaken by the decision to remove the fee for all applicants.

<sup>37</sup> ‘Assisted Digital’ is an outsourced service which delivers basic digital skills to support the use of UKVI online services by anyone without appropriate access, skills or confidence to complete an online application form. The services offered are: telephone support from a skilled adviser who will help applicants complete their application form online; face-to-face support at a centre to access and complete the online form – applicants must contact the provider, We are Digital, to book an appointment; face-to-face support at home to complete the form – a We Are Digital tutor will visit the applicant in their home and help them complete their online application form. The service does not provide immigration advice, and applicants cannot use it to get an update on the progress of an EUSS application. The service is provided across the UK, with 300 face-to-face locations and more than 60 tutors who can make home visits. The Assisted Digital service is designed to meet the Government Digital Service standards for assisted digital support. <https://www.gov.uk/service-manual/helping-people-to-use-your-service/assisted-digital-support-introduction>

hard-to reach individuals, plus targeted Private Beta testing in locations such as care homes and day-care centres.

- 6.170** The indirect support, provided by third party organisations, included signposting and informing individuals and, in some cases, assisting them to make an application. The paper identified some “potential partners” (Citizens Advice, the Ministry of Housing, Communities and Local Government, Local Authorities, and Embassies and Consulates) with whom the Home Office planned to engage to agree the level of assistance they were able to offer. It also expected “a significant number of other organisations (“charities, faith groups and community groups”) to offer their support in reaching out to vulnerable customers”, which the Home Office would look to harness, starting with “a call to arms” in May/June.
- 6.171** In June 2019, inspectors interviewed the EUSS Vulnerability Lead, who said that the EUSS had adopted a “needs-based approach” to the support provided to vulnerable applicants. Different “needs” requiring help had been identified: awareness of (and reassurance about) the scheme; access to and use of technology; English language and basic literacy; ability to evidence eligibility (for example, homeless individuals and trafficking victims); and, end-to-end support (for the elderly, children, those lacking capacity).
- 6.172** The EUSS Vulnerability Lead told inspectors that the Home Office had established a Safeguarding User Group (SUG) in April 2018, comprising organisations and charities representing the interests of vulnerable groups:
- “Their insight has helped identify challenges that vulnerable applicants may encounter. The SUG are committed to monitor the Scheme closely and continue to give insights in to how the Scheme can be adapted to meet the needs of individuals that have particular difficulties”.
- 6.173** While the application process did not ask applicants to declare themselves as vulnerable, because the Home Office believed that many of those who might be considered vulnerable would not self-declare, the EUSS Vulnerability Lead told inspectors that the application form did allow applicants to state if they had received third party support to complete the form and if so, from whom. This provided an indication of vulnerability. Between 30 March and 31 August 2019, 173,022 applicants noted that they had received support in completing their application.
- 6.174** Data for ‘Assisted Digital’ usage for the same period is set out in Figure 19, showing that roughly 0.2% of the c. 1,339,000 applicants to 31 August 2019 sought to use the service. The Home Office told inspectors that it was working with the service provider to understand the reasons why almost a third of booked appointments were not attended.

**Figure 19: Assisted Digital usage – 30 March to 31 August 2019**

Type of support	Appointments booked	Appointments attended
Telephone support	347	230
Face-to-face centre	1,918	1,382
Tutor	65	40
<b>Total</b>	<b>2,330</b>	<b>1,652</b>



- 6.175** The Assisted Digital service supports a range of needs, and applicants may have more than one need. Data is not recorded against the type of need or vulnerability and the Home Office told inspectors that not all of the users of the service will have been vulnerable.
- 6.176** The service provider collects feedback at the end of each appointment – see Figure 20.<sup>38</sup> The data is not specific to the EUSS but refers to all immigration routes where Assisted Digital support is available.

**Figure 20: Feedback about the Assisted Digital service – 30 March to 30 June 2019**

	How confident did you feel about the online application process before your session?	How much more confident do you feel now?
Not at all confident	721	50
A bit confident	593	340
Quite confident	332	547
Very confident	85	793
<b>Total</b>	<b>1,731</b>	<b>1,730</b>

- 6.177** Recommendation 7 referred to the Home Office making “reasonable enquiries” on behalf of vulnerable applicants. In June 2019, a stakeholder reiterated the importance of this to inspectors:

“Some vulnerable people, victims of domestic abuse, trafficking and modern slavery included, will need the State to share the responsibility of proving their eligibility for settled status. We have repeatedly advised the Home Office that one of the most important safeguards to preventing vulnerable people from failing to secure status under the EU Settlement Scheme, is for the Home Secretary to accept a responsibility to make reasonable enquiries on behalf of an applicant to satisfy himself, where it is necessary to do so, of the applicant’s own identity and nationality and continuity of residence and, where necessary, on behalf of a non-EU citizen, the identity, national and residence of an EU citizen family member.”

- 6.178** Caseworker guidance, issued in March 2019, refers to three circumstances in which further enquiries can be made on behalf of the applicant:<sup>39</sup> where an applicant cannot find their permanent residence document or reference number; where an applicant is unable to provide documentary evidence showing they have Indefinite Leave to Remain (or Indefinite Leave to Enter); and where the Home Office or another government department is holding the required document.
- 6.179** The guidance contains scenarios where vulnerable applicants, including victims of trafficking or domestic abuse, or individuals with a serious medical condition, may not be able to provide the required documents to prove their eligibility. It also gives examples of when a child in the care of a local authority may not have the necessary documents, or it may not be in the best interests of the child to attempt to obtain the documents, or there are significant barriers to obtaining the required document. In these circumstances, the caseworker is not empowered to make enquiries on behalf of the applicant but is instructed to “refer the case to a Senior Caseworker and local Safeguarding Lead and make a decision on whether to accept alternative

38 The before and after numbers do not match as one person declined to answer how confident they felt after.

39 Caseworker guidance – ‘EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members’

evidence of identity and nationality based on all the information and evidence available, taking into account the sensitivities of the case.”

**6.180** In May 2019, the Home Affairs Committee (HAC) published a report on ‘The EU Settlement Scheme, which noted:

“the issue for vulnerable people is often not in proving their identity but in finding and accessing historical documents (such as bank statements or employment payslips) which may be required to demonstrate continuous residence. The willingness to accept alternative evidence also still places the onus on the applicant to find and provide documentation, potentially from a time of trauma or abuse.”

**6.181** Stakeholders made the same point to inspectors. One referred to the challenges “where a child is making an application separately from their family (for example in the case of family breakdown), or in cases where one parent holds all paperwork in their name (including in cases of domestic abuse)”. Several others raised concerns that some vulnerable groups will have difficulties obtaining alternative documents, for example “often important documents will have been lost or stolen when someone is homeless, whether they are living on the streets or moving between different temporary places.” See Case Study 1.

#### **Case Study 1: Non-EU citizen family member unable to provide documentary evidence**

##### **A stakeholder reported:**

Our caller was a non-EU citizen woman trying to flee her abusive EU citizen husband. She had applied to the EU Settlement Scheme with the help of a domestic violence support worker. She had been waiting some time for a decision and had received emails from the Home Office asking for further evidence. The emails from the Home Office asked her to provide a copy of her husband’s valid passport or nationality ID card and documents to prove her husband’s residence for a five-year period. The Home Office asked her to reply to their email with the documents requested attached.

Some of the evidence the Home Office asked her to provide would have been held in their own records because she had applied for and received a residence card a few years earlier. Despite this, the Home Office made no attempt to check their records to minimise the administrative burden that they placed on her. Nor did they offer in their email to assist her to obtain the evidence relating to her husband.

**6.182** Stakeholders pointed to caseworker guidance ‘Free Movement Rights: direct family members of European Economic Area (EEA) nationals’,<sup>40</sup> as being more helpful than the EUSS guidance. This not only encouraged a pragmatic approach to the availability of documents but also referred to enquiries that the caseworker can make:

“If there has been a breakdown in the relationship between the applicant and their EEA national sponsor, it may not always be possible for them to get the documents needed to support their application ... You must take a pragmatic approach if the applicant provides proof to show they were the victim of domestic violence and cannot provide evidence relating to their EEA national sponsor’s nationality or free movement rights. Asking them to do so in these circumstances could put the applicant at risk ...

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40 [‘Free Movement Rights: direct family members of European Economic Area \(EEA\) nationals’](#)

There are a number of enquiries you can make if you receive an application for a registration certificate or residence card from family members of European Economic Area (EEA) nationals who suffer domestic violence.

If it is agreed by your senior caseworker that you can make additional enquiries, the applicant must give you as much detail as they can about the EEA national sponsor:

- if they cannot provide proof of the EEA national sponsor's identity, nationality or proof of relationship, then you must check existing records on CID to see if their identity has been established in any previous applications
- if known, you can contact the employer or educational establishment to enquire if the EEA national sponsor is working or studying there.
- the decision to contact the employer or educational establishment must be made according to the facts of the individual case and along with a senior caseworker and you must not mention the domestic violence to the employer or educational establishment."

**6.183** In May 2019, 57 organisations were awarded Home Office funding, initially for one year, to reach and give practical support to vulnerable individuals and their families. Each of the organisations has its own written agreement with the Home Office, but the overall aims of this initiative are:

- to provide practical support to vulnerable and at-risk individuals in completing their EUSS application, including those who are unable to access existing services
- to ensure an inclusive approach to dealing with vulnerable or at-risk citizens signposting or referring them to another organisation who can give them support
- to ensure UK-wide coverage, so that support is available to everyone who needs it
- to monitor and report quarterly on the number of citizens engaged and of completed applications

**6.184** Before the 57 organisations can provide immigration advice they must acquire Level 1 accreditation from the Office for the Immigration Services Commissioner (OISC). A bespoke EUSS accreditation has been designed and the Home Office has engaged with an external training provider to deliver training to the organisations on the EUSS policy and what OISC Level 1 (EU Settlement Scheme) accreditation covers. As at 21 June, 23 organisations had been accredited by OISC and 13 were awaiting accreditation. The remainder already had Level 3 accreditation. The Home Office expected that all 57 organisations would have the necessary accreditation by September 2019.

**6.185** The Home Office has told the 57 organisations that it is looking to establish a strong partnership with a shared sense of responsibility, and for the organisations to share best practice, experiences and encourage local collaborations, including a referrals process where more complex cases can be referred to an organisation with more immigration experience and Level 3 accreditation.

**6.186** The Home Office is also looking to capture evidence of the impact the network is having in targeting at-risk and hard-to-reach individuals. Each organisation is required to report quarterly on its spend and its outcomes, with the first reports due in July 2019. The Home Office did not intend publishing this information. Each organisation will have a Relationship Manager to

track delivery and risks and to act as the Single Point of Contact for the Home Office. As at June 2019, four Relationship Managers were in post, covering the 57 organisations.

- 6.187** Inspectors requested copies of grant agreements for the 57 organisations but were informed that these contained confidentiality clauses which prevented the Home Office from sharing them without permission from each organisation.
- 6.188** The role envisaged for local authorities in supporting vulnerable individuals is set out in a Home Office guidance document ‘EU Settlement Scheme Looked After Children and Care Leavers Local Authority and Health and Social Care Trusts’. This undated document, which is not accessible via GOV.UK, describes the role as:
- “to identify eligible children, including
    - i. those where the authority has parental responsibility
    - ii. those where there are shared care arrangements, and
    - iii. care leavers.
  - to identify adequately trained resource to manage and make applications.
  - to prepare to make applications to the Scheme by gathering the relevant information and evidence.
  - to determine whether you will be applying for each child online and whether you can use the EU Exit: ID Document Check app or will be posting documents to the Home Office (HO).
  - to keep an adequate record of each application made, including the status and which email address and phone number were used. You should also note the answers given to memorable questions, in case the HO needs to authenticate you or the child in the future.”
- 6.189** The EUSS Communications Team told inspectors that local authorities were provided with a range of support, including bespoke guidance, toolkits on GOV.UK designed specifically for ‘Looked After Children’ and regular teleconferences with the directors of Children’s Services. The SRC has a dedicated line for local authorities and calls are prioritised. Inspectors reviewed the guidance. As well as information about the EUSS, it contained information about British citizenship, data recording requirements and useful contacts.
- 6.190** In July 2019, the Home Office told inspectors that a ‘New Burden Impact Assessment’ had been produced for the impact of the EUSS on local authorities across England. A total of £482,000 was being made available to English local authorities to enable them to make applications on behalf of eligible children in care and care leavers. Using a similar costing model, £66,000 has been allocated to Scotland. The Home Office did not intend producing a New Burden Impact Assessment for Northern Ireland because of the low number of eligible children and it was awaiting confirmation from Wales about whether an assessment was required, again due to the low numbers.
- 6.191** Local authorities are required to capture information about the ethnicity of children in care but do not systematically collect nationality data. The Home Office had therefore worked with them to model the numbers of eligible children in care and care leavers using Office for National Statistics data on migrants and Department for Education data on children entering care.
- 6.192** The total number of children in care in March 2018 was 75,420 (England). The modelling produced an estimate of 4,364 eligible children in care as dependents of EU citizens (5.8%) plus

4,330 care leavers. Between 30 March and 30 June, only 197 applicants had indicated that they had applied for the EUSS with the support of their local authority or social worker, not all of whom will have been children in care or care leavers. Local authorities are required to keep a record of applications made on behalf of a looked-after child, and when they have signposted or supported someone to make an application for a looked-after child or care leaver. The first formal return of this data was due at the end of July 2019.

**6.193** Inspectors spoke to stakeholders about the direct and indirect support available for vulnerable applicants. Several of them raised concerns that support relied on what one described as “self-selection”:

“A key problem we encountered in trying to facilitate the rollout of the Settled Status scheme was the likelihood that those who engaged with us (or other services) were among the groups already predisposed to seek further information and clarity.”

**6.194** Inspectors met and received written evidence from members of the Safeguarding User Group. They highlighted a lack of representation of smaller groups outside London and, initially, a lack of representation from voluntary sector organisations dealing with homelessness, mental health, and offenders. One NGO reported:

“Mental health was not covered until Mind joined in March 2019, and offenders were not covered until Unlock joined. It appears the Home Office strategy for user engagement is entirely reactive and not proactive.”

Another told inspectors:

“They are gatekeeping who can go to this group and then basing vulnerability on those groups.”

**6.195** The Home Affairs Committee report published in May 2019 noted the Committee’s “serious concerns” that “many EU citizens currently resident in the UK are at risk of being left out” ... “either because they are unaware that the Scheme applies to them or because they are unable adequately to evidence their entitlement to status”. Stakeholders fear these people risk falling foul of the ‘compliant environment’. The challenge is to reach the groups who do not typically engage.

**6.196** Inspectors were shown the Home Office’s engagement strategy, which extended through the life of the EUSS. This includes a publicity campaign planned for Autumn 2019. As at the end of June 2019, it had delivered “events targeted at community organisations, voluntary sector and diasporas, reaching out to over 600 individuals ... [plus events] hosted by the local councils (Bradford, Peterborough), Wales Office in Cardiff and Wrexham council”. There had also been user email alerts, group meetings, customer insight work, conferences, and messaging from ministers.

**6.197** Inspectors were told about an extensive programme of engagement with employers to promote the EUSS and provide clear information about employers’ obligations concerning non-discrimination. Presentation materials and the employer toolkit reiterate that employers must not discriminate against EU citizens and that there have been no changes to ‘right-to-work’ checks. The EUSS has also published a guide on employing EU citizens after the UK leaves the EU which signposts information on avoiding unlawful discrimination.

- 6.198** Similar guidance has been published for landlords on ‘right-to-rent’ checks for EU citizens after EU exit. This informs landlords that EU citizens continue to be able to prove their right-to-rent in the UK using an ID card or passport. In April 2019, the Immigration Minister attended the Landlords’ Consultative Panel, where inspectors understand the topic of EU citizens was discussed. Minutes of the meeting have not been published.
- 6.199** The Home Office told inspectors about its communications strategies for prisoners and for care leavers. The former included engaging stakeholders involved with prisoners and families of prisoners, while in June 2019 a Steering Group, comprising the Ministry of Justice, Her Majesty’s Prison and Probation Service, Scottish and Northern Ireland Prison Service, and others, was convened to determine the specific needs of prisoners and their families, make policy recommendations and advise on communications.
- 6.200** In the case of care leavers, the Home Office had been working with the University of Liverpool and other leading academics and organisations to develop child-friendly information products, drawing on research with EEA children aged 11-18 “from a range of demographics”. The products were expected to be ready in September and will explain what the EUSS is and why it is important to apply. The Home Office was also working with stakeholders, including children’s rights bodies, using their insights and networks to reach out to children and young people. It also planned to use “a mixture of earned and paid media channels to drive and amplify engagement with our content”.
- 6.201** More generally on communications, senior managers were looking to address the decline in applications between April and June 2019:
- “We need to manage demand through communications ... messages drive our intake. Daily calls with project and workstream leads. Communication handling plans going to ministers. We want to boost intake early in the scheme.”
- 6.202** Inspectors were told that an EUSS “go-live” marketing campaign in March 2019 had been successful in driving EU citizens to the campaign page on GOV.UK. However, since the end of the campaign, visits had returned to pre-campaign levels. Meanwhile, the Home Office was looking to use data analysis to understand the behaviours of eligible applicants who had yet to apply, some of whom it believed were experiencing “Brexit fatigue”, or thought that “Brexit would never happen”, and others who were affected by arguments about the legal status of the EUSS and a lack of clarity about the consequences of non-compliance. The results would be used to target future campaigns, which would include national and regional events to try to influence demand.
- 6.203** Senior managers told inspectors they were concerned about the amount of “misinformation” in the public domain about what will happen to EU nationals living and working in the UK after EU exit. They were keen to be recognised as the authoritative voice in relation to the EUSS and inspectors were told that the Home Office was exploring whether social media might be used to correct “myths and false information”.

## Conclusions

- 6.204** In addition to its general communications about the EUSS, the Home Office has clearly put a considerable amount of effort into trying to ensure that vulnerable individuals are aware of and able to apply to the EUSS. Much of this relies on third parties. This is sensible, since the Home Office does not on its own have the necessary outreach. Where third parties are involved, whether commercially contracted or bound by funding agreements, the Home Office needs to



ensure that it remains on top of their effectiveness, by closely monitoring their performance and ensuring that key data is captured and analysed, and be sensitive to their needs, in terms of guidance and support as much as funding. Ultimately, it needs to own the outcomes. It also needs to recognise and respond to stakeholders' concerns that the measures it has taken thus far will not reach some groups.

**6.205** The nature of Recommendation 7 is such that it will not be "Closed" while the EUSS remains open. Meanwhile, the Home Office needs to be clearer about what it will do, beyond encouraging other parties, with regard to making 'reasonable enquiries' on behalf of individuals, such as looked-after children, who find it difficult to prove their entitlement to apply. Some of this will rely on the cooperation of other government departments who hold relevant data, which in turn may raise data protection issues. However, this should not deter the Home Office from acting in the interests of vulnerable applicants.

# Annex A: Role and remit of the Independent 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
- whether 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.

# Annex B: ICIBI's expectations

## Background and explanatory documents are easy to understand and use

(For example: Statements of Intent (both ministerial and managerial), Impact Assessments, Legislation, Policies, Guidance, Instructions, Strategies, Business Plans, intranet and GOV.UK pages, posters, leaflets).

- They are written in plain, unambiguous English (with foreign language versions available, where appropriate).
- They are kept up to date.
- They are readily accessible to anyone who needs to rely on them (with online signposting and links, wherever possible).

## Processes are simple to follow and transparent

- They are IT-enabled and include input formatting to prevent users from making data entry errors.
- Mandatory requirements, including the nature and extent of evidence required to support applications and claims, are clearly defined.
- The potential for blockages and delays is designed out, wherever possible.
- They are resourced to meet time and quality standards (including legal requirements, Service Level Agreements, published targets).

## Anyone exercising an immigration, asylum, nationality or customs function on behalf of the Home Secretary is fully competent

- Individuals understand their role, responsibilities, accountabilities and powers.
- Everyone receives the training they need for their current role and for their professional development, plus regular feedback on their performance.
- Individuals and teams have the tools, support and leadership they need to perform efficiently, effectively and lawfully.
- Everyone is making full use of their powers and capabilities, including to prevent, detect, investigate and, where appropriate, prosecute offences.
- The workplace culture ensures that individuals feel able to raise concerns and issues without fear of the consequences.

## Decisions and actions are ‘right first time’

- They are demonstrably evidence-based or, where appropriate, intelligence-led.
- They are made in accordance with relevant legislation and guidance.
- They are reasonable (in light of the available evidence) and consistent.
- They are recorded and communicated accurately, in the required format and detail, and can be readily retrieved (with due regard to data protection requirements).

## Errors are identified, acknowledged and promptly ‘put right’

- Safeguards, management oversight, and quality assurance measures are in place, are tested and are seen to be effective.
- Complaints are handled efficiently, effectively and consistently.
- Lessons are learned and shared, including from administrative reviews and litigation.
- There is a commitment to continuous improvement, including by the prompt implementation of recommendations from reviews, inspections and audits.

## Each immigration, asylum, nationality or customs function has a Home Office (BICS) ‘owner’

- The BICS ‘owner’ is accountable for:
  - implementation of relevant policies and processes
  - performance (informed by routine collection and analysis of Management Information (MI) and data, and monitoring of agreed targets/deliverables/budgets)
  - resourcing (including workforce planning and capability development, including knowledge and information management)
  - managing risks (including maintaining a Risk Register)
  - communications, collaborations and deconfliction within the Home Office, with other government departments and agencies, and other affected bodies
  - effective monitoring and management of relevant contracted out services
  - stakeholder engagement (including customers, applicants, claimants and their representatives)

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