

Independent  
Examiner of  
Complaints

# Independent Examiner of Complaints (IEC) Annual Report

(17 October 2022 to 31 March 2023)





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# Our role and vision

We provide a free, independent complaint review and investigation service to those who have exhausted the relevant Home Office complaints process and remain dissatisfied with the outcome.

Our role is twofold. Firstly, to adjudicate on the merits of escalated complaints that cannot be addressed to the complainant's satisfaction, and where appropriate make case-specific recommendations for remedy.

Secondly (but not secondary), to provide feedback on the effectiveness of the Home Office's complaints process, and to identify any wider systemic issues or learning which have the potential to impact on the service the Home Office provides to its customers.

## **We can examine complaints about:**

- UK Visas and Immigration (UKVI)
- Immigration Enforcement (IE)
- Border Force (BF)
- Detention Service (DS)
- HM Passport Office (HMPO)
- General Register Office (GRO)

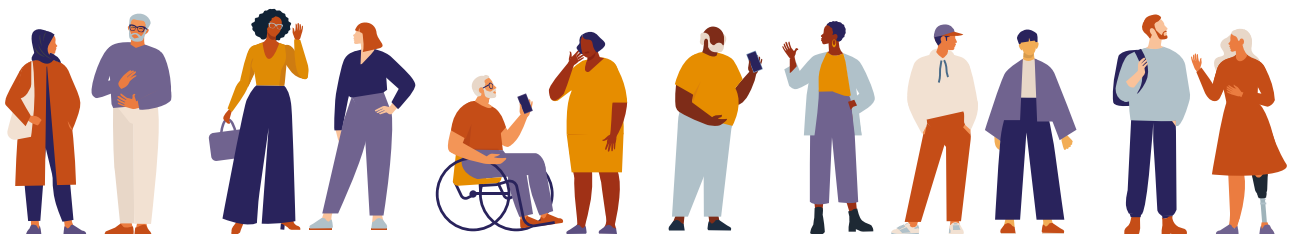
## **We look at complaints of maladministration (service failure) – for example:**

- delay
- error
- failure to follow the correct procedures
- poor service
- incorrect or misleading advice
- minor misconduct complaints about staff (as defined by the Home Office) from the public

## **We cannot look at complaints:**

- about decisions that carry review or appeal rights
- concerning policy or legislation
- that are being, or have been, investigated by the Parliamentary and Health Service Ombudsman
- about the Home Office as an employer
- that are, or have been, the subject of judicial review or other court proceedings
- which fall under the remit of the Windrush Compensation Scheme
- from the public about serious staff misconduct (as defined by the Home Office)

Our vision is to provide a first-rate service, delivering case-specific solutions to unremedied service failure and actionable insights to drive service improvements.



# Introduction

I am pleased to present my first annual report, although as the service did not go live until October when I took up the post, this report covers only the latter half of the 2022/23 reporting year.

As such, a large proportion of the complaints we accepted for examination during this period were still being processed at the year-end (March 2023). This means that we have only a limited amount of outcome information available for the reporting period, so my focus for this part-year is on our general approach to administering the complaints we accepted for examination, the volume of referrals, and my early observations on opportunities for service improvement.

The establishment of an Independent Examiner of Complaints (IEC) was a recommendation from Wendy Williams' The Windrush Lessons Learned Review published in March 2020. The review was set up in 2018 in response to the Windrush scandal, to identify the underlying causes of the difficulties encountered by the Windrush generation, as well as to identify key lessons for the Home Office.

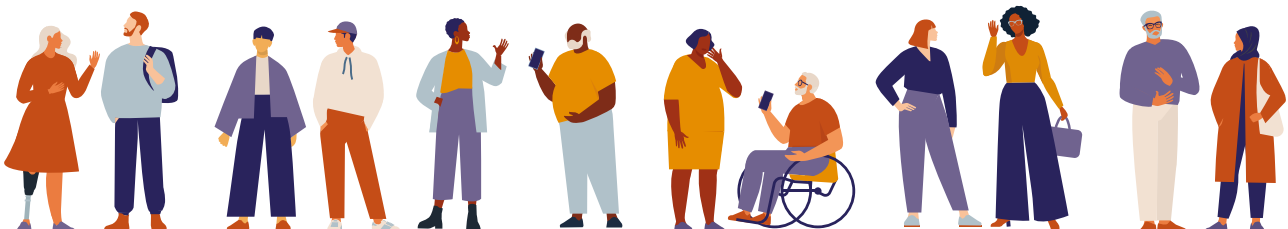
Recommendation 20<sup>1</sup> was one of a suite of recommendations under the heading 'Improve operational practice, decision-making and help for people at risk' aimed at helping the Home Office to: "make the department's culture less inward-looking, make its processes less complex for both its staff and the public, and to make it better at giving support to people who need it most."

We started from nothing. The initial tranche of staff joined the office in May 2022, and I am enormously grateful to Kathy Hoerty, Head of Office, for leading on the huge task of establishing a brand new service, ably supported by Alan Billington and Matthew Smith, Senior Operational Leads.

Following a period of induction, the team developed its own processes, guidance and infrastructure. We had no complaint recording system, so the team developed an interim solution. At the time of writing, we are still waiting for the Home Office to provide us with an appropriate and affordable complaint management system.

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1 Recommendation 20 – The Home Secretary should commission an urgent review of the BICS (Borders, Immigration and Citizenship System) complaints procedure. Options could include establishing an Independent Case Examiner as a mechanism for immigration and nationality applicants to have their complaints reviewed independently of the department.



Our service became operational to all but HMPO customers on 17 October 2022, to coincide with my appointment. In the case of HMPO, they did not start signposting complaints to this office in their final complaint responses until late December 2022, following changes that were necessary to their complaint process.

Although my office is operationally independent of the Home Office, and I am not a civil servant, we aim to uphold the Home Office values (compassionate, collaborative, respectful and courageous) and ensure they are reflected in our work, including how we deal with complainants and the Home Office. We also consider how the Home Office applies its values in its handling of customer complaints.

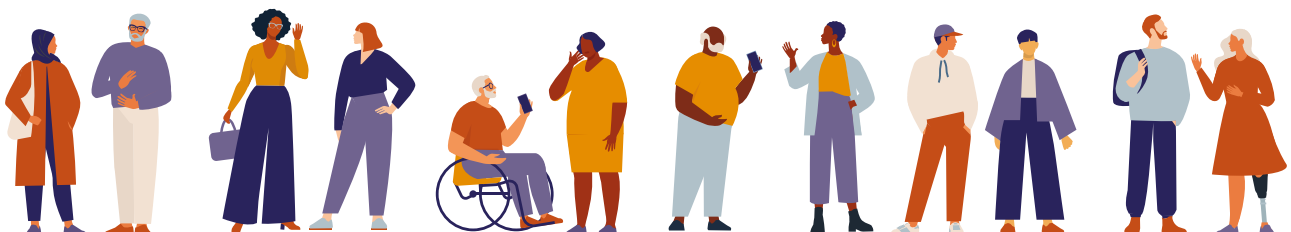
As a demand-led service, we cannot control workflows. We need to respond to what arrives in the postbag, and to do so in a timely way – especially as complainants have already had to navigate two layers of the Home Office’s internal process before they can use our service.

My expectation is that the Home Office will provide my office with sufficient resource to enable us to provide a first-rate service. Failure to do so will result in significant backlogs and unacceptable delays in resolving issues for complainants.

Our budget was set before the service was up and running, so demand levels were not known. Home Office estimates for our resource requirements were quite reasonably based on assumptions about how many complainants were likely to escalate their complaint for independent review. Based on actual referrals to the end of the reporting period, those assumptions significantly underestimated the likely volumes.

Despite the already difficult resource position in which we find ourselves, I was concerned when a 5% reduction on our budget was put in place for 2023/24. We entered the new financial year believing that the inevitable result would be longer waits for complainants. I was therefore grateful to learn in August that this expected budget reduction will not be applied in 2023/24.

Over and above the formal mechanisms we have developed to capture customer feedback, complainants often share their views on how we are doing while we are working on their complaint (you can see a sample of those comments throughout this report). It’s apparent both from this feedback, and from our conversations with complainants, that they appreciate the prompt and responsive nature of our service, and its easy accessibility by telephone and email. We sincerely hope, for complainants’ sake, that our under-resourcing is addressed as a matter of urgency.



From a standing start, with a brand new service and an all-new team to run it, we have hit the ground running. It is credit to the IEC team that despite under-resourcing, combined with more staff churn than we would have liked, we are providing a good level of service at the ‘front end’ – acknowledging complaints on time and agreeing the scope of our examination.

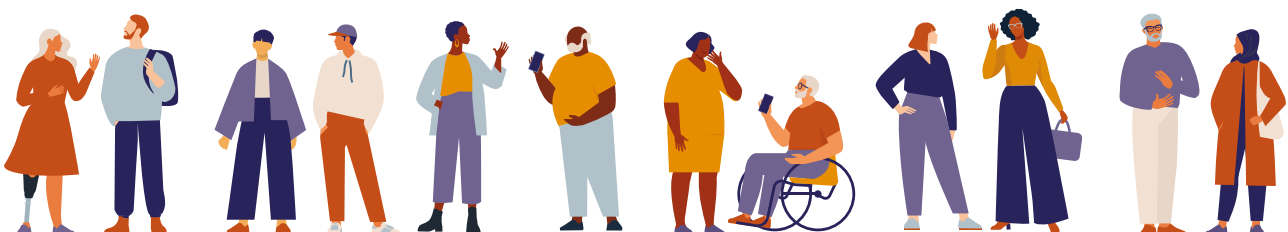
Unfortunately, the failure of the Home Office to meet many of its service level agreements (which you can read about elsewhere in this report) is having an impact on turnaround times for investigations.

Next year, with a full year of operation, we will have a better indication of complaint volumes and required resources, and any mismatch. While it is recognised that budgets across the Home Office are stretched, we hope to be able to report positive news following discussions with the Department around resourcing requirements.



**Moi Ali**  
Independent Examiner of Complaints

As a demand-led service, we cannot control workflows. We need to respond to what arrives in the postbag, and to do so in a timely way – especially as complainants have already had to navigate two layers of the Home Office’s internal process before they can use our service.



# Complaint volumes

## Overview

Detailed below is an overview of the volume of complaints we received, accepted for examination and cleared during the reporting period.



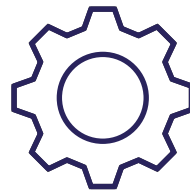
**1,840**  
complaints received



**243**  
complaints accepted  
for examination

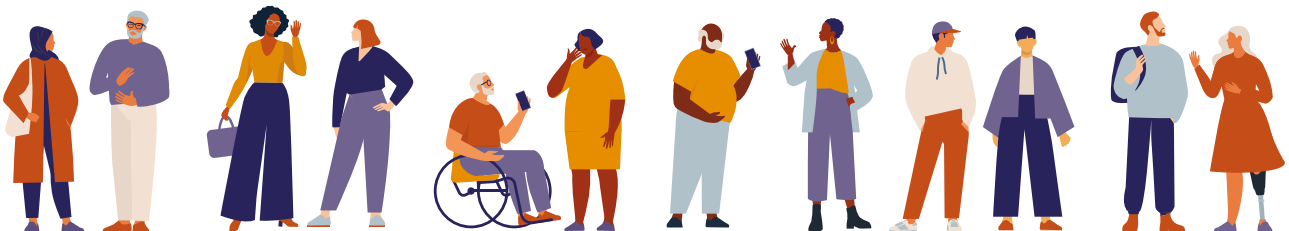


**55**  
complaints  
completed in-year



**191**  
live cases

Of the 1,594 complaints we were unable to accept for examination, the majority were from people who had yet to receive a final business response to their complaint.



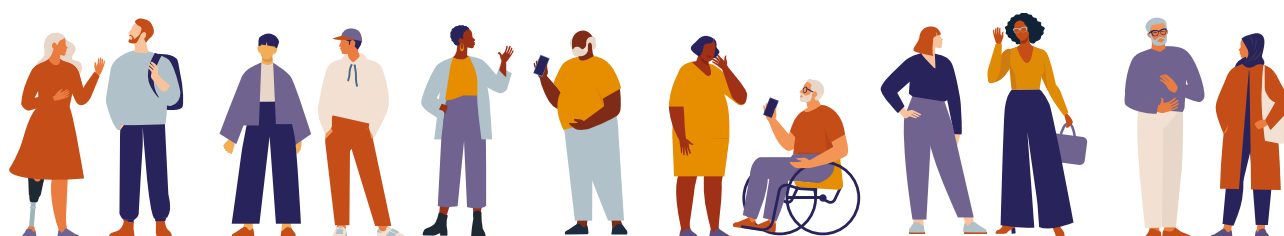


## Complaints activity by business area

A breakdown of complaint referrals, acceptances and case clearances by business area for the reporting period is set out below. We ended the reporting period with 191 live cases at various stages of our process.

	UKVI	IE	BF	DS	HMPO	GRO	Other	Total
<b>Intake and acceptances</b>								
Received	823	0	59	7	811	2	138	1840
Not accepted	700	0	15	4	735	2	138	1594*
Accepted	122	0	44	3	74	0	0	243
<b>Case clearances</b>								
Withdrawn	14	0	0	1	2	0	0	17
Resolved	27	0	1	1	4	0	0	33
Settled	0	0	0	0	0	0	0	0
IEC Report Upheld	0	0	2	0	0	0	0	2
IEC Report Partially upheld	0	0	0	0	0	0	0	0
IEC Report Not upheld	3	0	0	0	0	0	0	3
<b>Live cases at the end of March 2023</b>								
All live cases	78	0	40	1	69	0	3	191

\* There were three acceptance decisions outstanding at the end of the reporting period.



# Our process: finding a way through

## What can we accept for examination?

When we receive a complaint, we must ensure that the subject is one we can look at, and that the complainant has had a final response from the relevant business area within the Home Office.

Of the 1,840 complaints we received during the reporting year, we were unable to accept 1,594 (86.5%) for examination. Of those, 120 (7.5%) were outside the scope of our jurisdiction and the remaining 1,474 (79%) were from people who had yet to receive a final response to their complaint. A large proportion of this group of complainants expressed frustration at UKVI's or HMPO's failure to respond to them.

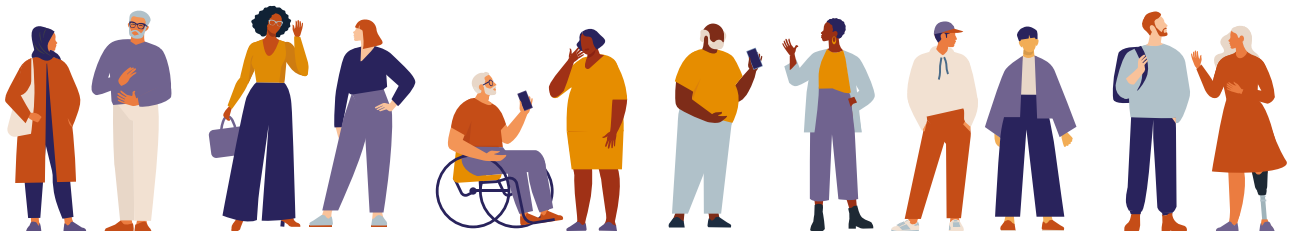
Where the complainant has received a final complaint response, we agree the scope of our examination in discussion with the complainant. Once we have done this, the complaint is accepted for examination.

## Resolution: putting it right

Having accepted the complaint for examination, we consider (in discussion with the Home Office business area – 'the business' – and the complainant) whether the complaint can be resolved without having to request the case records.

If we can agree actions with the Home Office that satisfy the complainant that their concerns have been addressed, this generally represents the quickest outcome.

In such cases, we note that some initial Home Office complaint responses lacked the level of detail necessary to satisfy the complainant that their concerns were taken seriously.



Mr A complained that he applied for permission to stay in the UK under the Homes for Ukraine Sponsorship Scheme but had waited nearly six months for a response and was unhappy with the delay.

To resolve Mr A's complaint, we asked UKVI to explain to him what stage his application had reached, and if appropriate, what checks were outstanding and the timescales for completing them.

In response, UKVI confirmed they had received a valid application, had completed initial checks, and were waiting on the results of Disclosure and Barring Service checks for the sponsor and their family. They provided a link to their website with more information about the required sponsor checks. As the checks were being conducted with external agencies, UKVI was unable to say when they would be completed.

Mr A confirmed that the additional information from UKVI resolved his complaint, and his case with this office was closed. If UKVI had given this information as part of the application process, a complaint could have been averted.

“I wanted to thank you and your office for the prompt action taken to help me resolve my complaint.”

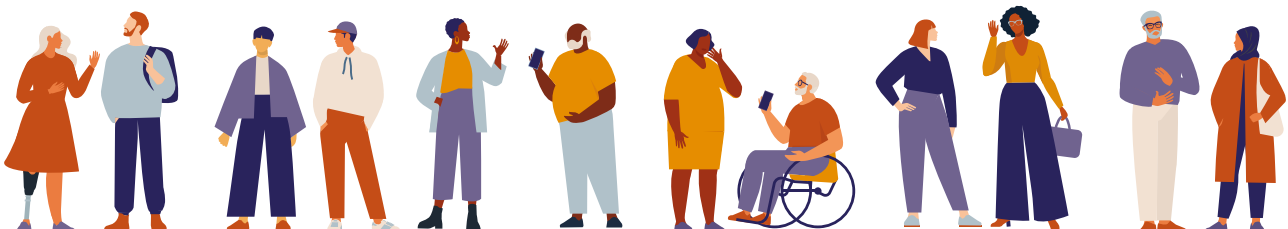
We found that the Home Office complaint response sometimes failed to consider appropriate remedy, even though service failures were acknowledged.

Mr B complained that he applied for a passport for his son in November 2022 and provided a copy of his birth certificate as a supporting document. He said this was not returned to him. Mr B said communications from HMPO had been poor and he was not satisfied that they had done a thorough investigation. He said he had received conflicting information about the birth certificate, initially being told it was lost and then that it had been destroyed.

In response to our representations, HMPO agreed to investigate the circumstances of the case and provide Mr B with a full explanation of what happened and why, apologise for their poor communications and reimburse the cost of a replacement birth certificate.

Mr B was satisfied with the outcome.

Escalation of the complaint could have been avoided if HMPO had explained what had happened and provided an appropriate financial remedy as part of their final complaint response.



“I would like to express my gratitude to you for the constant guidance and assistance provided to me. Finally, after six months of communications with various departments, the matter has been closed and the visas issued.”

Mr C complained that the documents he sent to UKVI in 2021 in support of his wife’s application under the EU Settlement Scheme had not been returned to him almost two years later. He said he had not been told whether the documents were lost, so he did not know whether he needed to apply for replacements.

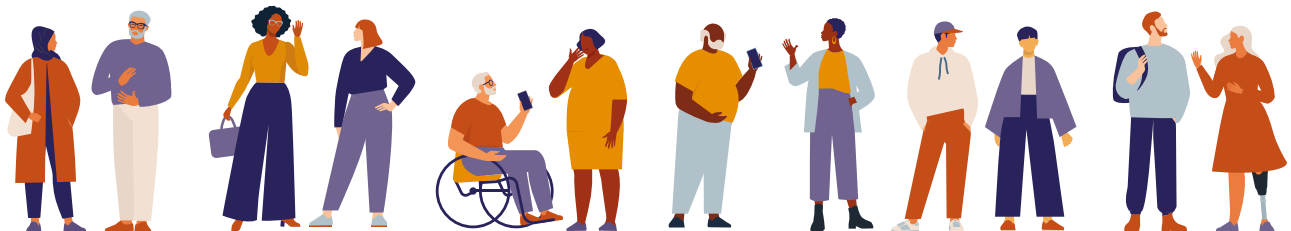
UKVI had previously upheld Mr C’s complaint, but their final complaint response did not directly address the issue of his missing documentation.

To resolve Mr C’s complaint, we asked UKVI to explain what had happened to his supporting documents and whether they could be returned to him, and apologise for not having addressed this matter in their final complaint response.

UKVI confirmed that the documents had been located and returned to Mr C’s legal representative, and that they had written apologising to Mr C for misinterpreting his complaint.

Mr C confirmed the documents had been returned and agreed that the action taken by UKVI resolved his complaint.

When we close cases we have been able to resolve, we capture information about the subject of the complaint and the actions the business has agreed to take to address it to the complainant’s satisfaction.



The table below shows that the most common reasons for complaint were delay and error.

Complaint categories							
Business area	Communication	Delay	Error	Financial redress	Information	Loss, damage or destruction	Total
UKVI	0	15	7	3	2	0	27
IE	0	0	0	0	0	0	0
BF	0	0	0	0	1	0	1
DS	0	0	0	0	1	0	1
HMPO	1	0	1	1	0	1	4
GRO	0	0	0	0	0	0	0
Totals	1	15	8	4	4	1	33

The table below shows that business areas agreed a range of actions to address complaints to the complainant's satisfaction, the most common being putting errors right.

Resolution action								
Business area	Actual financial loss	Apology	Assurance	Consolatory payment	Explanation	Information	Rectify error	Total
UKVI	1	1	3	1	2	2	17	27
IE	0	0	0	0	0	0	0	0
BF	0	0	0	0	0	1	0	1
DS	0	0	0	0	0	1	0	1
HMPO	1	1	0	0	1	0	1	4
GRO	0	0	0	0	0	0	0	0
Totals	2	2	3	1	3	4	18	33

We welcome the co-operation of business areas in resolving complaints, but in many instances it should not have been necessary for the complainant to escalate their concerns to this office to receive a satisfactory outcome.

Mr D complained that UKVI failed to review all the documentation provided in support of his wife’s visit visa application. He said the certificate from the country of marriage and the civil registration of marriage in a second country had been provided, but the application had been refused on the basis the original marriage certificate wasn’t provided. Mr D said the same evidence had been provided for his son’s application, which had been granted.

To resolve Mr D’s complaint, we asked UKVI to recheck the evidence used when examining his wife’s visa application, to see whether the marriage certificate had been provided.

UKVI confirmed that it had, and that the decision maker had been mistaken. The decision was corrected and the visa granted. The dates on the son’s visa were amended to mirror those on Mr D’s wife’s visit visa.

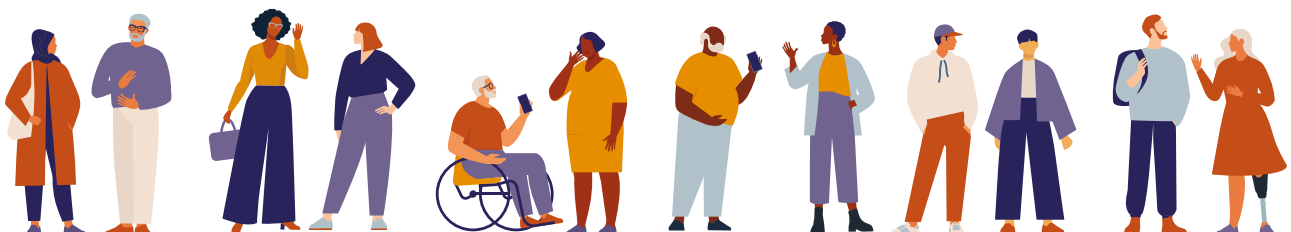
Mr D was satisfied that this action resolved his complaint.

“My sincere thanks to the Office for the Independent Examiner of Complaints which provided prompt and timely support.”

## Investigation: settling a case

If we cannot resolve the complaint at this early stage, we request the case records from the relevant business area. Once case records are received, the complaint is allocated to the next available investigator for examination.

Having examined the evidence, the investigator may ask the business to take action to address any unremedied service failures. If the business agrees, and the complainant is now satisfied that their concerns have been settled, the case is closed. We did not settle any complaints during the reporting period.



## IEC reports: the final phase

If the complaint cannot be settled, the IEC will reach a finding on the merits of the complaint and if appropriate, make recommendations for redress, which may include an apology, corrective action, an explanation or financial redress.

We concluded five IEC investigation reports during the reporting period. Some examples are detailed below.

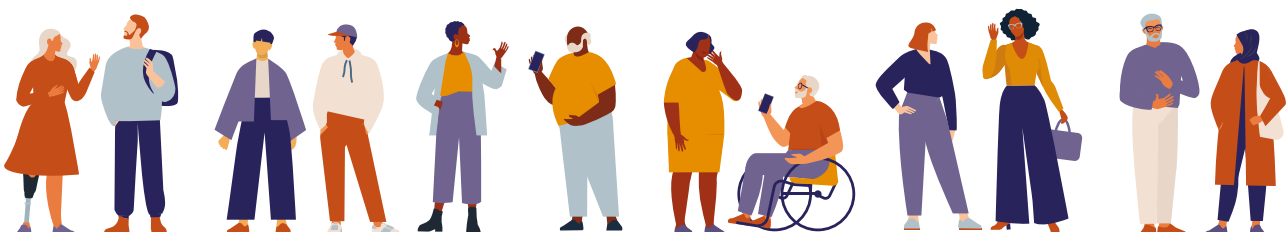
Mr E complained that he applied for leave to remain before his previous leave had expired, but heard nothing from UKVI on his application until a year later. He said this was an unreasonable timescale which left him unable to accept offers of employment or pay bills. Mr E said UKVI could speed up applications in certain circumstances, but this policy was not applied to him, leaving him unable to travel overseas to attend his mother's funeral.

We found no evidence to show Mr E applied for leave to remain before his previous leave expired, resulting in his right to work and access to public funds being withdrawn. We also found no evidence to show that Mr E had informed UKVI of his mother's death, or his intention to attend her funeral.

We acknowledged the sad circumstances that gave rise to elements of this complaint. We offered our condolences to Mr E, but concluded that UKVI could not have been expected to consider a request to speed up his application if they were unaware of the funeral or Mr E's intention to attend.

As our investigation showed that UKVI followed relevant policies and procedures in the administration of Mr E's complaint, it was not upheld.

“Thank you for your time. Absolute pleasure to finally hear a voice to whom I could raise my concerns.”



“I am very pleased with the results – thanks for the support.”

Mr F complained that Border Force did not provide a sufficiently detailed response to his complaint that passengers were unreasonably asked to wear face masks during the pandemic, while Border Force officers were not. He also complained at having to wait 15 months for a final response to his complaint.

In their initial complaint response, Border Force referred to having safe systems of work (SSoW) in place, which were regularly reviewed. They did not explain what they were or how they operated in practice.

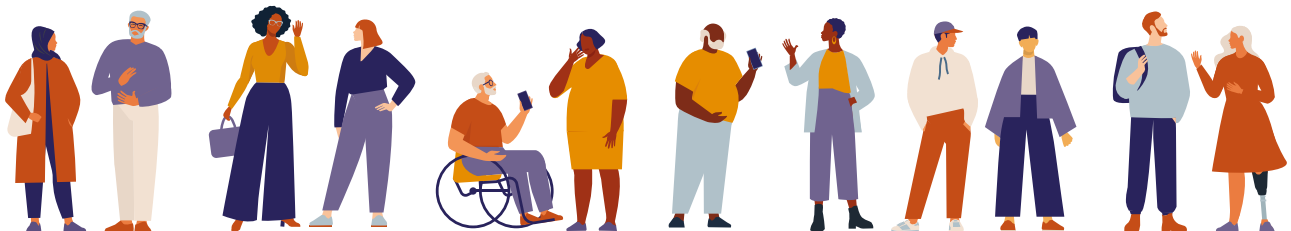
In escalating his complaint, Mr F asked Border Force what SSoW meant and whether officers should have been wearing facemasks.

Border Force have a 20-working-day target for responding to complaints, but it took them 15 months to respond to Mr F’s escalated complaint.

The response said officers working behind Perspex screens satisfied their COVID-19 SSoW requirements, and their COVID-19 risk assessment mandated which personal protective equipment was required by Border Force staff and when.

We upheld Mr F’s complaint. Border Force’s original complaint response lacked detail and their escalated complaint response did not explain the delay in responding. Of significance, there was no investigation into whether the officers Mr P encountered had adhered to the SSoW requirements in place at that time, and the opportunity to do so had been lost due to the passage of time.

The IEC recommended that Border Force explain to Mr F why it took so long to respond to his escalated complaint, and why there was no investigation into whether the officers he encountered had followed the SSoW guidance, and to make a consolatory (goodwill) payment to Mr F in recognition of the poor complaint handling he experienced.





## Our live caseload

At the end of the reporting period we had 191 live cases, at various stages of our process, as detailed below.



**3**

acceptance decisions  
yet to be made



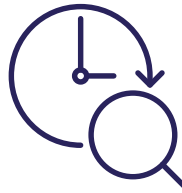
**20**

awaiting evidence



**33**

agreeing scope  
of investigation



**52**

awaiting  
investigation



**24**

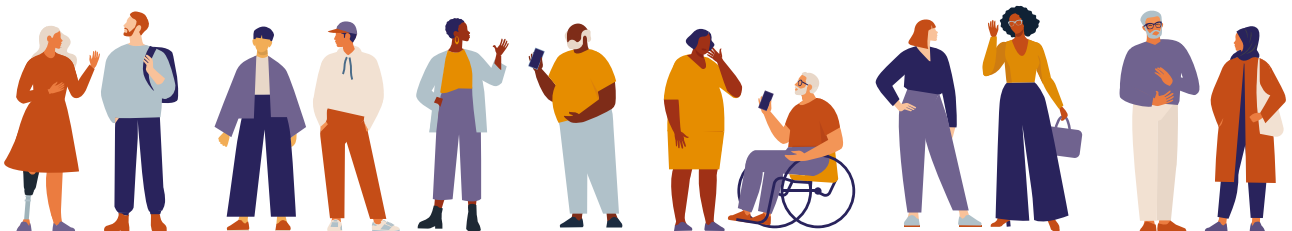
potential resolutions



**59**

live investigations

A large proportion of the complaints we accepted for examination during the reporting period were still being processed at the year-end (March 2023).



# Opportunities for service improvement

Where our work highlights a wider systemic issue or learning opportunity, the IEC will write to senior officials within the Home Office documenting her observations and inviting comment on the potential for improvement. Two such letters were sent during the reporting period.

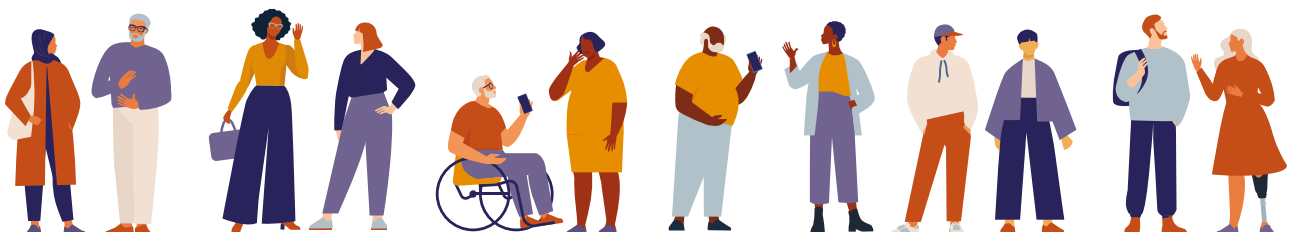
The first commented on the lack of corporate leadership around the complaints and financial redress policy and the limited amount of published complaints data, including details of the costs arising from maladministration (service failure).

The IEC suggested the Home Office may wish to consider establishing a single corporate complaints and financial redress lead, to provide leadership and expertise in bringing about improvements in operational delivery. The role could, for example, co-ordinate the implementation of and compliance with the UK Central Government Complaint Standards.<sup>2</sup>

In response, the Home Office agreed to look at their published complaints information and consider drafting additional guidance on financial redress in customer cases. However, they said that there was insufficient evidence to support the benefits of a corporate lead on complaints and financial redress, in what they referred to as a confederated system, but agreed to keep the matter under review.

The second letter pointed to the lack of a reconsideration mechanism, in those cases where a visit visa application is refused because of an administrative error on the part of the Home Office. In the absence of such a mechanism, applicants should be able to raise a complaint if they believed an error or oversight had led to a refusal decision. However, UKVI's GOV.UK complaints website includes no information on how to make a complaint about an immigration decision which does not offer a reconsideration mechanism. The expectation seems to be that if the applicant wishes to pursue the matter, they can submit a new application, along with the corresponding fee, in order to have their application reconsidered. This seems inherently unfair. At the time of writing, the IEC had not received a final response to this.

2 Central government complaint standards – [www.ombudsman.org.uk/organisations-we-investigate/uk-central-government-complaint-standards/uk-central-government-complaint-standards-guidance](http://www.ombudsman.org.uk/organisations-we-investigate/uk-central-government-complaint-standards/uk-central-government-complaint-standards-guidance)



# Performance

## Service level agreements (SLAs) for the exchange of information

We have a range of SLAs with business areas for the exchange of information to inform our examination of individual complaints. During the reporting period, some Home Office business areas struggled to routinely meet the SLAs – in particular, the timescales for responding to resolution proposals, and the provision of evidence to inform investigations.

### To illustrate:

- we received 61 business responses to resolution proposals during the reporting period, of which only 37 (60.5%) were within the agreed SLA
- we received 119 business area responses to evidence requests during the reporting period, of which 93 (78%) were provided within the agreed SLA
- we sent three IEC reports to businesses asking them to agree the timetable to implement IEC recommendations for redress, before the report was sent to the complainant and the complaint closed – only one (33%) met the agreed SLA

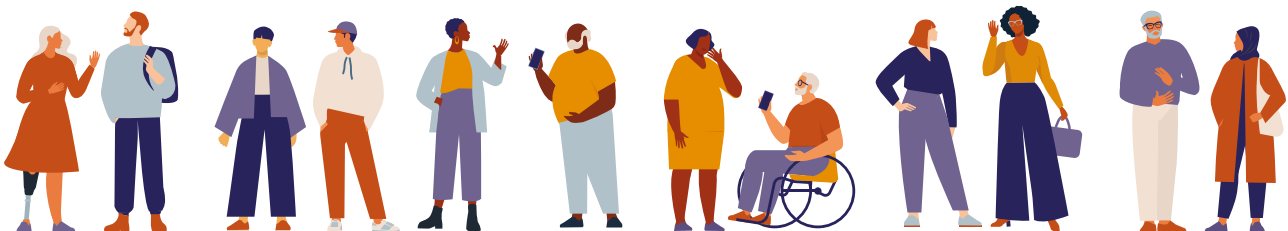
The SLAs will be reviewed annually, in discussion with business areas, to ensure they are achievable and support the delivery of our service standards.

## IEC service standards

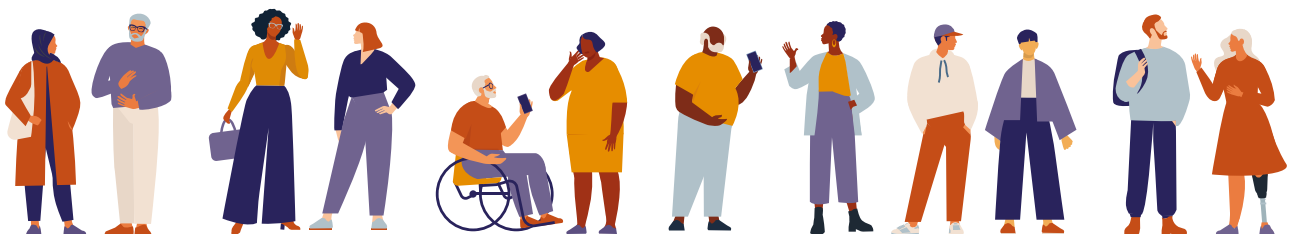
Our performance against our 2022/23 published service standards is set out below. The Home Office's failure to meet the agreed SLAs in many cases had a direct impact on our performance.

We make every effort to complete IEC investigations within published service standards, but we will not compromise the thoroughness of an investigation in order to do so.

We review our published service standards annually to ensure they are challenging but achievable, for the purpose of managing the expectations of complainants.



Service standard	Performance
If we cannot look at the complaint, let the complainant know within two working days of receipt	Achieved in 98.8% of cases
If the complainant has had a final response from the relevant business area, contact them within five working days of receipt to agree the scope of our examination	Achieved in 86.5% of cases
Complete cases that can be resolved within 20 working days of agreeing the scope of our examination	Achieved in 51.5% of cases
Complete those cases that require an IEC investigation report within 60 working days of the complaint being allocated to an investigator	Achieved in 40% of cases



# Voice of the complainant

We are committed to providing complainants with a first-rate service and welcome all feedback on how we are doing – both good and bad.

## Complaints about our service or the outcome of an IEC investigation

We aim to provide a first-rate service, but if we fail to meet the expectations of complainants, we make every effort to try and understand what went wrong and why so we can avoid the problem reoccurring.

We have procedures for dealing with complaints about our service or the outcome of an IEC investigation.

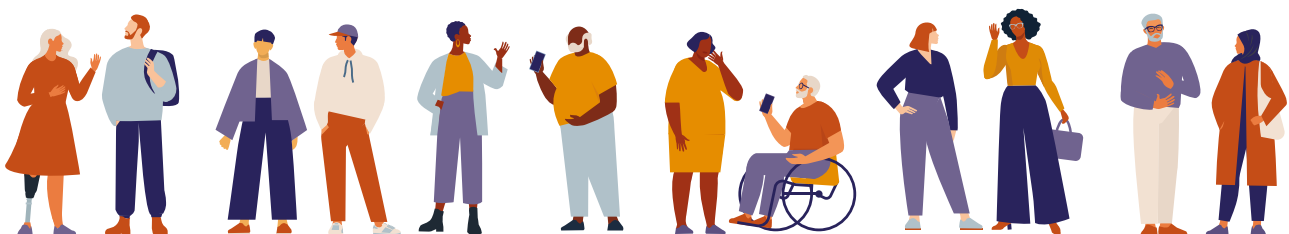
During the reporting period we received nine complaints about our service, four of which we upheld. We used the learning from the service complaints we upheld to improve our operational procedures. For example, in response to one complaint about jargon in our correspondence, we arranged an all-staff awareness session on the use of plain English principles.

We received one complaint about an IEC investigation. As it concerned a difference of opinion about the outcome, rather than any failure in the thoroughness of our investigation, the complaint was not upheld. The complainant was reminded that they could escalate their complaint to the Parliamentary and Health Service Ombudsman's Office if they were dissatisfied with the outcome.

## Customer satisfaction

We routinely issue customer satisfaction surveys to complainants after we have closed their complaint with this office, inviting them to comment on the quality and responsiveness of our service.

Complainants' views often reflect how they feel about the outcome of their complaint, rather than their experience of using our service.



Of the 38 customer satisfaction questionnaires we issued during the reporting period, five were returned, of which:

- two said our service was “excellent”
- one said it was “satisfactory”
- one said they were unable to comment until the business had completed all the agreed actions
- one said our service was “awful”

We are exploring how we can increase the response rate, including developing an electronic survey.

## Parliamentary and Health Service Ombudsman (PHSO) investigations

If a complainant is dissatisfied with the outcome of our investigation, they can escalate their concerns to the PHSO. This is explained to the complainant within all final IEC investigation reports.

The PHSO has yet to accept a complaint for investigation concerning the service provided by the office for the IEC, or the outcome of an IEC investigation.

