

Independent Examiner of Complaints (IEC) Annual Report

(1 April 2023 to 31 March 2024)





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Our Role

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 Services (DS)
- His Majesty's 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 (PHSO), or the Prisons and Probation Ombudsman (PPO)
- 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

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

Introduction

This is my first full-year annual report since the service became operational in October 2022, as last year's report covered just a part-year. We now have a full 12 months' worth of operational data, giving us a truer insight into complaints volumes than last year, and a fuller understanding of how long complaints take to investigate end-to-end.

During the year our understanding of the Home Office's business functions has continued to develop. I have made familiarisation visits to gain operational insights into a wide range of relevant Home Office functions, such as Border Force's work at airports and seaports, and the work of staff in HMPO and UKVI processing passports and visas. Staff from the IEC Office have also made familiarisation visits, which build a deeper understanding of the widely different business areas our service covers – from births, marriages, and deaths through to immigration enforcement. Insights gained on visits enable us to ask more informed and focused questions during our investigations. This kind of engagement not only builds knowledge: it forges relationships, without compromising the independence of my office. Sharing insights and issues at my regular one-to-one informal catchups with the Director Generals, is also important.

We have seen our working relationships with the various business areas take shape at an operational level too. Some parts of the Home Office clearly value the potential of an independent review of complaints, recognising that we can offer fresh insight to help shape service improvement. Regrettably, this sentiment was not universally evident during the reporting year – although we are seeing movement in the right direction.

An example of a relationship that improved dramatically during the year is BF. A high proportion of BF complaints accepted for examination this year concerned passengers' understandable frustration with their inability to use passport e-gates, their desire to understand why, and their wish for this to be remedied. BF's initial reluctance to engage with us about these complaints made investigation impossible. You can read later in this report how together we found a compromise that provides complainants with more detailed and tailored responses, while not revealing sensitive information.

The BF Director General was the first to agree to hold regular informal one-to-ones with me, and these have paid dividends in terms of the free and frank discussions we can have, sharing insights from my complaint investigations. I can also feed back my observations on the culture within BF, observed through the complaints process and on visits. BF undertook a cultural audit during the year, and invited me and my Head of Office to participate in providing feedback. I have also spoken at a BF event attended by 300 BF staff on the learning from complaints.

Relationships of this quality are yet to mature in all business areas. There have been instances of attempts to substitute my recommendations for redress, with the business's own view of what constitutes appropriate financial remedy. This is possibly due to the still relative newness of the service, and the slowness of some business areas to understand the wholly independent nature of my role. I do not provide an internal third tier in their complaints process, and the IEC staff, while Civil Servants, are operationally independent of the Home Office. Facts of the case can, of course, be challenged, but case specific recommendations on fact-agreed determinations are mine to make.

We take a customer-focussed, pragmatic approach to addressing complaints, to the complainant's satisfaction, at the earliest opportunity. Where it is necessary for me to adjudicate on the merits of the complaint, I expect that any recommendations for redress will be acted upon. Challenges and escalations lead to a prolonged process, which adversely impacts our service standards.

Unfortunately, a failure by some Home Office business areas to meet many of the agreed service level agreements for supplying information to us, or responding to fact checks (which you can read about later in this report), is negatively impacting timescales for concluding investigation reports. When a business area is slow to respond to us, we in turn are delayed in responding to the complainant, resulting in longer waits. Often we are missing our own service standards through no fault of our own.

During the reporting year, some business areas were very slow in responding to my systemic letters, which delayed any organisational learning and service development. Others provided insufficient detail in responses, so we were unable to understand whether a recommendation was accepted and what action would be taken – and we have been unable to close these recommendations. At the end of the reporting year, I sent the Director Generals a position report on outstanding systemics and sought their assistance in improving the quality and timeliness of responses.

Notable is the lack of a corporate lead on matters relating to complaints and financial redress policy, in favour of what the Home Office has referred to as a confederated system. This means there is no central point of engagement on such matters, which creates difficulties. I raised two corporate systemic issues about complaints and special payment guidance, which remain outstanding.



As a demand-led service, we cannot control workflows and must respond to whatever arrives in a timely way. Despite the significant challenges this poses, we maintained a high standard of service in registering and deciding whether complaints can be accepted for examination, but the number of cases awaiting investigation has grown.

In part, this reflects the vacancies we have carried during much of the reporting year, which I'm pleased to say we were able to fill during early 2024. Training new staff is time-consuming, and diverts others from their roles – but it is essential that we have a well-trained and highly motivated team. As our new staff gain experience of the complex areas that we cover, we expect the number of cases awaiting investigation to reduce, assuming referral levels remain broadly consistent. However, in the longer term I would like the Home Office to consider an activity-based funding model to ensure that we are adequately resourced to deal with the volumes of referrals we receive.

It is very clear from complainants' feedback, examples of which can be found throughout this report, that they value the quality of the service we provide and the outcomes we have achieved for them. I am very proud of the IEC team for providing outstanding service to complainants – and in particular I am grateful to my Head of Office, Kathy Hoerty, for leading that team and ensuring consistently high standards, ably assisted by Alan Billington and Matt Smith. Without them, and the rest of the team, I could not do what I do.



Moi Ali
Independent Examiner of Complaints

Key Facts and Figures for 2023-24



5,278 complaints were received.



790 complaints were accepted for examination.



426 complaints were closed or completed, of which:



49 were withdrawn



138 were resolved without the need for an investigation



87 were settled following a review of the evidence



152 IEC Reports were issued



We secured financial redress for complainants amounting to **£79,475**.



We had **542** live cases at the end of March 2024.



We sent **66** systemic letters, two of which concerned corporate matters in respect of complaints guidance and financial redress.

Our process: Finding a way through

What can we accept for examination?

When we receive a complaint, we 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 (“the business”).

Of the 5,278 complaints received during the reporting year, we could not accept 4,488 (85%) for examination. Of those, 4,061 (90.5%) were from people who had yet to receive a final response to their complaint and 427 (9.5%) were outside the scope of our jurisdiction. A large proportion of those who had yet to receive a response to their complaint, expressed frustration at how long it was taking UKVI or HMPO to respond.

Where the complainant has received a final complaint response, we agree the scope of our examination in discussion with them and then accept the complaint for examination.



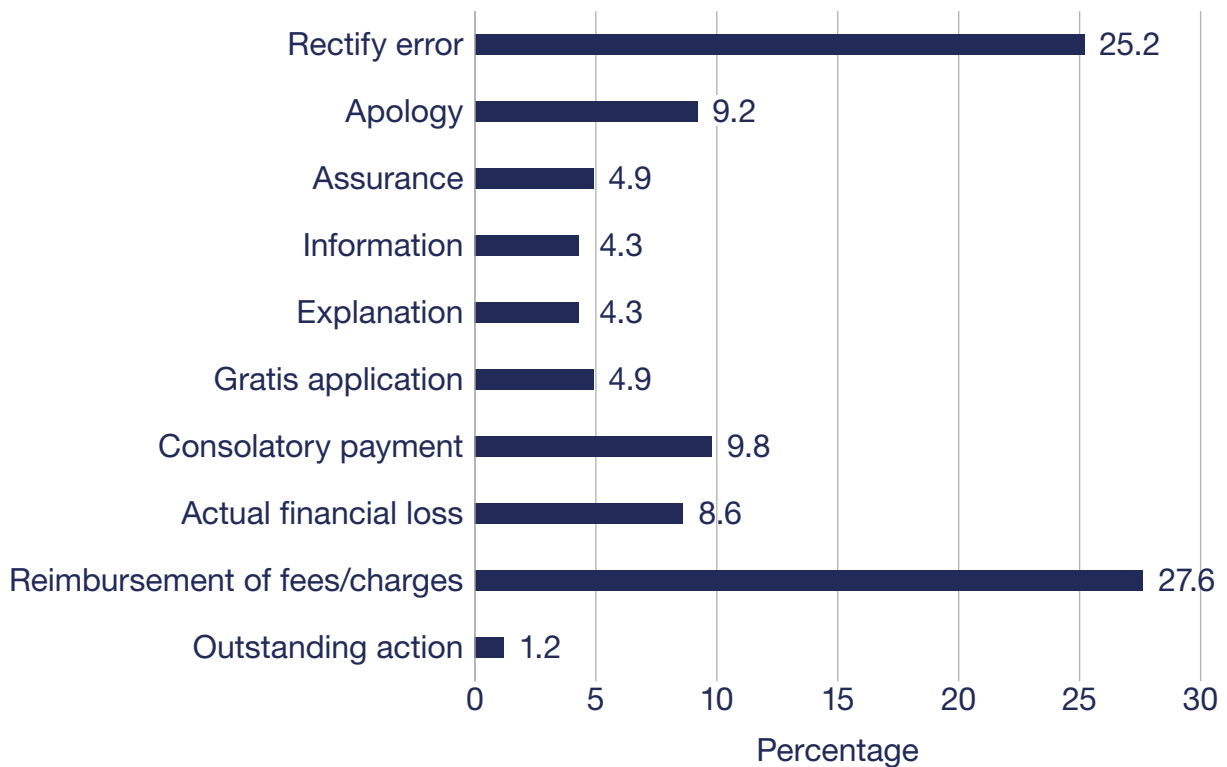
Resolution: Putting it right

Having accepted the complaint, we consider in discussion with the relevant business and the complainant, whether the complaint can be resolved without having to request the case records.

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

We resolved 138 complaints during the reporting year. The table below shows that the businesses agreed a range of actions to resolve complaints (in some cases more than one resolution action per case), the most common being the reimbursement of fees or charges and the rectification of errors.

Resolution Actions



“ Thank you for your assistance in resolving this complaint. I am very happy with the result, but regardless of that, even if that was not achieved, I am very satisfied with the level of service you’ve provided and with your communication during the entire process. ”

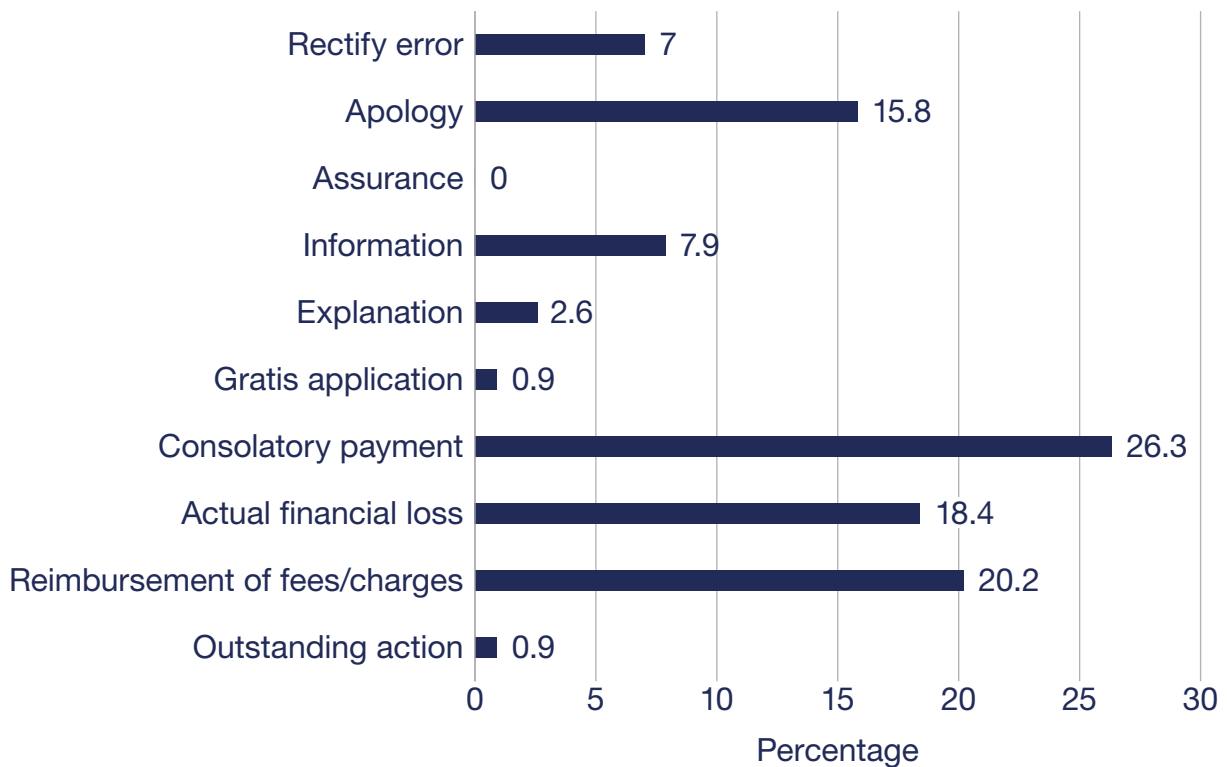
Investigation: Settling a case

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 satisfied that their concerns have been settled, the case is closed.

We settled 87 complaints during the reporting period. The table below shows that businesses agreed a range of actions to settle this group of complaints (in some cases more than one settlement action per case), the most common being a consolatory payment and the reimbursement of fees or charges.

Settlement Actions



“ We are so pleased that after all this time our voice finally was heard, and we thank you for that. ”

IEC reports: The final phase

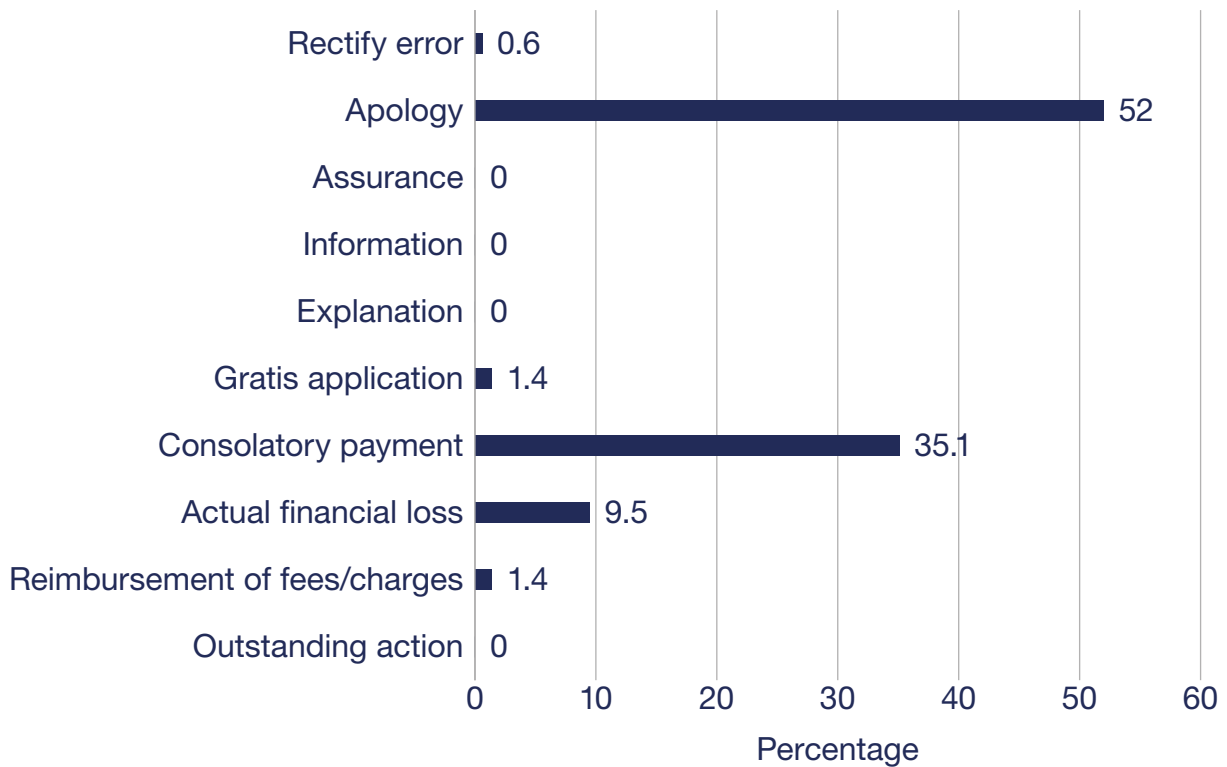
If the complaint cannot be settled, the IEC will reach a finding on the merits of the complaint and if appropriate, make recommendations for redress.

We concluded 152 IEC investigation reports during the reporting period. In two of those cases we were unable to reach a finding. Of the remaining 150:

- 36 (24%) were upheld
- 59 (39%) were partially upheld
- 55 (37%) were not upheld

The table below summarises the range of IEC recommendations to remedy fully or partially upheld cases (in some cases, multiple recommendations were made). The most common remedy was apology and a consolatory payment.

IEC Recommendations



“ I have just received a final report regarding my complaint. Having thoroughly read this report, I wish to express my gratitude to you and your team, for the outstanding job you have all done on this investigation. ”

Our live caseload

At the end of the reporting period we had 542 live cases, at various stages of our process:



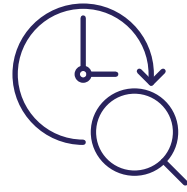
37
agreeing scope
of investigation



36
potential resolutions



34
awaiting evidence



337
awaiting
investigation



98
live investigations

Opportunities for service improvement

Where our work highlights a wider systemic issue or learning opportunity, the IEC writes to senior officials within the Home Office documenting her observations and inviting comment on the potential for improvement.

There were 66 such letters sent during the reporting period.

Further information can be found in the business specific sections of this report.



Performance

Service level agreements (SLAs) for the exchange of information

We have a range of SLAs with the business areas for the exchange of information to inform our examination of individual complaints. An overview of performance against the SLAs is detailed below. We received:

- 379 responses to resolution proposals: 256 (67.5%) met the agreed SLA
- 562 responses to evidence requests: 482 (85.5%) met the agreed SLA
- 232 responses to case history checks: 120 (51.5%) met the agreed SLA
- 105 responses to settlement proposals: 72 (68.5%) met the agreed SLA
- 136 responses to requests to agree the factual accuracy of IEC Reports and the timescale to implement any recommendations: 84 (61.5%) met the agreed SLA

Performance of each business area against the SLAs is detailed in the business-specific sections of this report.

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



Complaint activity and examples by business area

UK Visas and Immigration (UKVI)

UKVI is responsible for deciding who has the right to visit, study, work and stay in the United Kingdom.

Complaint activity:



2,033 Received
333 Accepted for examination
181 Cases closed, of which
• 28 Withdrawn
• 71 Resolved
• 40 Settled
• 42 IEC Reports, of which:
• 11 (26%) Upheld
• 14 (33.5%) Partially upheld
• 17 (40.5%) Not upheld

SLA performance:



162 responses to resolution proposals: 100 (61.5%) met the SLA
199 responses to evidence requests: 146 (73%) met the SLA
82 responses to case history checks: 17 (20.5%) met the SLA
43 responses to settlement proposals: 25 (58%) met the SLA
38 responses to requests to agree the factual accuracy of IEC Reports and the timescale to implement any recommendations: 11 (29%) within SLA

Most common complaint categories:



We record details of the subject of complaint at case closure. Over half of the complaints about UKVI we closed concerned delay, followed by the failure to provide appropriate financial redress, and error.

Financial redress:



UKVI paid financial redress to IEC complainants amounting to £41,028 comprising:
• £3,285 consolatory payments
• £36,529 reimbursement of fees or charges
• £1,214 actual financial loss

Systemic letters:



We sent **21** systemic letters to UKVI. At the end of March 2024, we had received **2** final responses; **6** partial / holding responses; and **13** remained outstanding.

Observations:

We have seen a significant amount of variety in the UKVI complaints we examined during the reporting year, as illustrated in the case examples we have provided.

We developed effective working relationships with the UKVI focal point, through which all our communications with UKVI are channelled. This has been instrumental in helping us resolve or settle a significant portion of the complaints we examined. However, sometimes securing sufficient information to allow us to conclude an investigation report has been protracted – as illustrated in the SLA performance data.

In part, this can be explained by the complexity of some of the cases we examined; but in some instances, a reluctance to agree the IEC recommendations for redress has necessitated our engagement in what can be a lengthy escalation process, in order to secure UKVI's agreement to implement the recommendations.

A number of the cases we examined during the reporting year concerned the time taken by UKVI to conclude necessary checks, before a decision could be made on an application. The type and scale of the checks UKVI must undertake depends on the application, and may involve agencies external to the Home Office.

For us to determine whether delays were the result of service failure on the part of UKVI, we need to establish when checks were requested; whether they were made to external agencies; and the mechanisms in place to follow up on outstanding responses.

UKVI initially asked us not to refer in our reports to checks having been sent to external agencies.

This group of investigations exposed potential shortcomings in UKVI's processes and guidance, prompting the IEC to send two systemic letters. The first highlighted that there was no guidance for UKVI staff on how frequently they should chase outstanding responses from external agencies, and no clear escalation arrangements if responses remained outstanding. The second referred to the lack of guidance for staff on whether the requirement for external checks can be disclosed to an applicant, with decisions on disclosure being made on a case-by-case basis. These issues led to a lack of transparency when communicating with applicants, who were not told why their applications were delayed, or what action was being taken to progress matters.

In response, UKVI agreed to produce guidance for caseworkers on what can and cannot be disclosed to an applicant when further checks with an external agency are required, and to provide direction as to when external agencies should be approached for further information. UKVI told us they have initiated a review of current processes and intend to implement improvements to: caseworker guidance; internal and external relationships, including escalation routes; and tighter operational controls on managing cases where referrals to external agencies have been made. This work was ongoing at the end of the reporting year.

Resolution Example

Mr A contacted UKVI for advice on what application his partner should make, to join him in the UK. He was advised that his partner should apply for settlement, which she did. However, she was notified that she had applied for the wrong route, and that UKVI had changed the application to a different visa, which cost less. Mr A complained that his partner made the wrong application, based on incorrect advice. He requested a refund for the difference in cost between the two applications and provided further details when asked to do so by UKVI. He did not receive a refund. To resolve the complaint, we asked UKVI to issue the refund and reimburse the cost of the numerous calls Mr A made to them, during his attempts to address the issue. UKVI agreed to these actions. Mr A was happy that this resolved his complaint.

Resolution Example

Mr B contacted UKVI for advice on potential delays in processing student visa applications, as a result of the Ukrainian conflict. UKVI advised Mr B to submit his application as early as possible to try and avoid any such delays. Mr B did so, but his application was refused on the grounds he had submitted it prematurely. Mr B reapplied, incurring further costs, but UKVI refused his request for a refund of the cost of the first application. He told us his request had not been robustly considered. To resolve this, we asked UKVI to refund the first application fee, as Mr B had acted on their advice. UKVI agreed, and Mr B was satisfied this action resolved his complaint.

“ Thank you so much for your intervention. Words honestly fail me, but I am truly grateful for how you’ve been able to rectify in a matter of one week what I’ve been trying to do for 18 months! ”



Settlement Example

Ms C applied for a graduate visa, which UKVI notified her had been approved. However, the Biometric Residence Permit (BRP) which should have been issued never arrived, causing Ms C to complain.

We discovered that UKVI's explanations about what happened were inaccurate. We found that Ms C's application was due to be rejected as her photo did not meet the requirements, but it was incorrectly approved. Ms C received notification of the approval, which said her BRP was on the way.

Ms C complained about the missing BRP and was misadvised on several occasions. For example, she was incorrectly informed that a technical issue delayed the BRP. On another occasion, she was told she would not receive a physical BRP, but would instead get a digital version. UKVI confirmed to us that no BRP card was ever produced, as the application was incorrectly approved.

Following our intervention, Ms C's application was reconsidered, without our or Ms C's knowledge. This reconsideration led to her application being refused. Ms C received a notification of rejection, without any explanation. She contacted us and UKVI for an explanation, which led to a second reconsideration, where Ms C was asked for new photos. Her visa was granted and her BRP arrived shortly after.

To settle the complaint, UKVI agreed to offer a consolatory payment, an explanation of what happened, and to apologise for their errors, delay and miscommunication. Ms C was satisfied that this settled her complaint.



IEC Report Example

Mr D applied for naturalisation, and a decision should have taken six months. After four months, UKVI discovered their requests for his security checks had failed due to a technical issue, and they asked the relevant teams to resolve this. Two months later, Mr D was told that his application would not be processed on time, as it was exceptionally complex. Mr D contacted his Member of Parliament (MP) to complain of delays. The response his MP received was generic.

Seven months after he applied, the original technical issue was resolved. Mr D was notified about the technical issue, but another then occurred. Despite the new technical issue being known, it went unreported for two months, and it was a further two months before Mr D was notified. Meanwhile, when he asked for updates and estimated timeframes, he again received generic responses. He complained about this.

Mr D received a complaint response 20 months after he complained. UKVI partially upheld his complaint in recognition of the technical issues and delays, but did not elaborate further. Mr D wanted more information about the nature of the delays and technical issues. UKVI said they could not detail the technical issues, but suggested Mr D make a freedom of information request. He did so, but remained dissatisfied and escalated his complaint.

We found that UKVI's communication around the technical issues was poor, and they failed to regularly update Mr D while his complaint was looked into, as required by their guidance. The IEC investigation report explained the nature of the technical issues that occurred and upheld that aspect of Mr D's complaint. However, as there was no guidance requiring UKVI to resolve technical issues within set timeframes, the IEC did not uphold Mr D's complaint about the delay. The IEC recommended UKVI apologise for their communication failures and make a consolatory payment.

IEC Report Example

Ms E applied for a European Economic Area Family Permit (EEA FP) for herself and her children, but did not enrol their biometric information for ten months (which exceeded the 240-day deadline). Ms E told us she intended to do this earlier, but upon legal advice, had decided to obtain further evidence to support the applications, and that the impact of the pandemic caused further delay. We found no evidence she explained this to UKVI.

After enrolling her family's biometrics, Ms E received an acknowledgement that the applications had been forwarded to UKVI. Twelve months later, having heard nothing further, Ms E's legal representative complained to UKVI. UKVI were initially unable to locate the applications and advised Ms E to make new ones. Ms E's representative challenged this, saying the EEA FP route was no longer open (it closed to new applications on 30 June 2021). UKVI explained that the applications were invalid as the biometrics were enrolled late, and the applications had been closed.

During our investigation, UKVI confirmed there was no procedural requirement to send reminders to enrol biometrics: the onus was on the applicant. Moreover, they explained that applicants were not notified when an application is closed. The IEC did not uphold Ms E's complaint, as the family's biometrics were not enrolled on time, but was critical of UKVI's poor communication, which led to unnecessary worry for Ms E. The IEC suggested that had there been a requirement for UKVI to remind customers to enrol biometrics and to explain what would happen if they did not, this would have allowed Ms E to make an informed decision.

The IEC sent UKVI a systemic letter highlighting these issues. UKVI acknowledged this and implemented reminders to customers to enrol their biometrics, as well as ensuring that visa centre staff checked the validity of applications before enrolling biometrics. If the 240-day timescale for providing biometrics has passed, staff now advise customers to make a new application.



Border Force (BF)

BF is a law-enforcement command within the Home Office, responsible for frontline border control operations at air, sea and rail ports in the United Kingdom.

Complaint activity:



153 Received

94 Accepted for examination

51 Cases closed, of which:

- **4** Withdrawn
- **6** Settled
- **41** IEC Reports
 - **1 (2.5%)** Unable to reach a finding
 - **2 (5%)** Upheld
 - **13 (31.5%)** Partially upheld
 - **25 (61%)** Not upheld

SLA performance:



3 responses to resolution proposals: all **3 (100%)** met the SLA

88 responses to evidence requests: **74 (84%)** met the SLA

41 responses to case history checks: **31 (75.5%)** met the SLA

5 responses to settlement proposals: all **5 (100%)** met the SLA

37 responses to requests to agree the factual accuracy of IEC reports and the timescale to implement any recommendations: **29 (78%)** within SLA

Most common complaint categories:



We record details of the subject of complaint at case closure. Approximately half of all the BF complaints we closed concerned the quality or lack of information provided to complainants, followed by delay, and complaints about staff.

Financial redress:



BF paid financial redress to IEC complainants amounting to **£2,808** comprising:

- **£1,325** consolatory payments
- **£553** reimbursement of fees or charges
- **£930** actual financial loss

Systemic letters:



We sent **8** systemic letters to BF. At the end of March 2024, we had received **1** final response and **7** partial / holding responses.

Observations:

We have had high levels of engagement with BF around providing evidence and information to inform the progression of casework. They have also been willing to explore the opportunities we identify for wider service improvements.

We were unable to resolve any BF complaints, which we welcome, as it suggests that opportunities for resolution have already been explored and exhausted as part of the business complaints process.

A high proportion of the BF complaints we accepted for examination, concerned dissatisfaction with the information provided in response to complaints about problems with the use of ePassport gates. They reflected passengers' frustration when they are unable to use ePassport gates and their desire to understand why. BF was initially reluctant to engage with us about this group of complaints. They declined to set out the processes associated with border checks and the internal arrangements for considering and responding to complaints of this type, citing concerns around national security. We explained that without an understanding of what happened and what should have happened, we would be unable to reach a decision on whether they administered the complaint in accordance with standard procedures.

When we concluded the first ePassport gates investigation report, the IEC sent a systemic letter to BF, raising concerns that responses to this type of complaint were not tailored to the points the complainant had made. This is because BF complaints handlers do not conduct any investigation into complaints of this nature; rather, they are instructed on how to respond by a specialist team within

their Intelligence Directorate, who look at any issues raised. This rigid process left complainants frustrated that their concerns had not been appropriately considered or addressed, and fuelled complaint escalations.

While acknowledging the sensitive and restricted nature of the information used by BF to decide whether a passenger can enter the UK, the IEC suggested there may be merit in exploring whether current procedures for responding to complaints about border checks could be improved. For example, without revealing sensitive information or compromising national security, it may be possible to explain how the ePassport gates process works; the reasons why they may have been unable to use them; and the processes for ensuring that all complaints of this type prompt a review of any information associated with the individual to ensure it is accurate.

In response, BF acknowledged that more information could be given to complainants, while still maintaining border security. They created an interim taskforce to assess how this could be achieved, whose work was ongoing at the end of the reporting year.

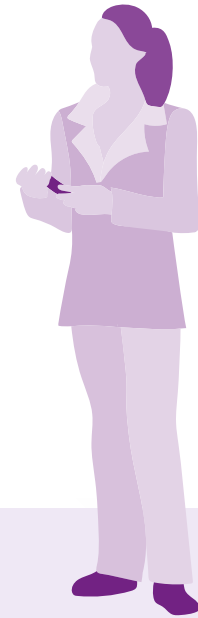
More informative complaint responses are unlikely to satisfy those who want to understand precisely why they are unable to use ePassport gates, but it demonstrates that complaints of this type are taken seriously and that there is a mechanism for correcting or updating information which may have been causing problems for the complainant.



Settlement Example

Ms F was detained by BF prior to being granted entry to the UK. During her detention a BF Officer (BFO) damaged her passport, ripping several pages and damaging her UK visa. Ms F complained about this, and BF agreed to reimburse the cost of a replacement passport. However, they gave no consideration to the costs associated with obtaining the replacement, which involved Ms F having to return to Nigeria using an Emergency Travel Certificate.

In response to our representations, BF agreed to reconsider reimbursing all reasonable costs associated with replacing the documents that had been damaged. Ms F was satisfied that this settled her complaint.



“ I wanted to thank you for hearing our voices and actioning this. It has been a long battle. ”

Settlement Example

Mr G complained that the BFO who inspected his travel documents on arrival at Gatwick airport, refused to recognise his Irish ID card as a valid travel document. He said the questions he was asked were irrelevant to his situation. In responding to his complaint, BF offered assurances that the BFO involved had received further training, but they did not uphold Mr G's complaints. They justified the BFO's questioning as part of their duty to maintain the UK border.

We found that had the BFO recognised Mr G's Irish ID card, the questions asked would have been unnecessary. To settle this, we asked BF to apologise, to overturn their previous decision and fully uphold his complaint and offer a consolatory payment. BF agreed and Mr G was satisfied that this settled his complaint.

Report Example

Mr H complained to BF that his passport had been rejected at the ePassport gates on multiple occasions, requiring him to queue to have his passport manually inspected. He said on one occasion, a BFO told him his passport had cosmetic damage, so he obtained a new one. This did not resolve the issue. On a separate occasion he said he was told his name was similar to an individual of interest, and that he had a "stop indicator" on his profile. Mr H said he was told to complain if he believed this was incorrect.

BF referred his complaint to the Intelligence Directorate. On their advice, BF explained to Mr H in broad terms how the ePassport gates worked, why a person's passport may be rejected at ePassport gates, and that they were unable to guarantee that he would not be stopped in the future. They did not uphold his complaint.

Mr H escalated his complaint because BF had not addressed the question of whether there was a stop indicator on his profile. In their final complaint response, BF said they could not disclose information about Home Office records for security reasons.

The IEC acknowledged Mr H's frustration, but did not uphold his complaint. It was explained that BF's response was in line with their complaint handling guidance and that they could legitimately refuse to share information in the interests of national security. However, the IEC explained that she had written to BF about their current procedures for responding to complaints and had asked them to consider whether improvements could be made, without revealing sensitive information.

Report Example

Ms J told us that she landed at a UK airport with her daughter, who she explained has severe autism, associated learning disability, and challenging behaviour. They wore sunflower lanyards, as part of the scheme to help others identify hidden disabilities, and queued in the special assistance lane.

Ms J said they were called to the passport control point (PCP) by a BFO, following which her daughter – due to her condition – reached into the PCP and grabbed an item from inside. Ms J complained that the BFO behaved aggressively, rudely, and insensitively to the situation and threatened to contact the police.

BF interviewed the BFOs on duty at the time, before responding to the complaint. BF then apologised to Ms J for the upsetting experience, but based on the BFOs' statements, denied there had been any shouting, except for 'raised voices', or that there had been threats to call the police. They did not explain how they assessed the conflicting accounts offered by Ms J and the BFOs.

We found that the interviews conducted with BFOs were not recorded in detail, and were undated. Despite BFO comments about there being 'raised voices' during the incident, there was no further investigation into this aspect. In the absence of CCTV or an audio recording of the incident, we were unable to reach a finding on the behaviour of the BFO.

In a systemic letter to BF, the IEC set out the difficulties in dealing with complaints in which there were conflicting accounts of events. It was suggested that in such instances a balance of probabilities determination may be appropriate, which sets out the reasons for reaching a conclusion. This might involve explaining why one account is considered to be more credible than another. This did not happen in Ms J's case, possibly because the Complaints Guidance required complaint handlers to reach a definitive conclusion (uphold, not uphold, or partially uphold). In response BF agreed to review their guidance for complaint handlers.

Immigration Enforcement (IE)

IE is the operational arm of the Home Office responsible for reducing the size of the illegal population and the harm it causes.

Complaint activity:



5 Received

2 Accepted for examination

1 Closed (withdrawn)

SLA performance:



1 response to evidence requests, SLA met

General comments:

Given the difficult and sensitive nature of the work undertaken by Immigration Enforcement, the low volume of complaint referrals is surprising.

This may in part be explained by the fact that at the end of the reporting year, the information on GOV.UK about how to escalate a complaint about Immigration Enforcement did not include information about the IEC.

We understand that at the end of the reporting year, work was ongoing to review the IE complaint handling arrangements, including the information in the public domain.

Detention Services (DS)

DS is responsible for the management of a network of immigration removal centres.

Complaint activity:



- 6** Received
- 4** Accepted for examination
- 5** Cases closed, of which:
 - **2** Withdrawn
 - **1** Resolved
 - **2** IEC Reports, both partially upheld

SLA performance:



- 1** response to a resolution proposal: SLA not met
- 1** response to an evidence request: SLA met
- 1** response to a case history check: SLA not met
- 2** responses to requests to agree the factual accuracy of IEC reports and the timescale to implement any recommendations: SLA not met

Most common complaint categories:



We record details of the subject of complaint at case closure. The complaints we closed concerned staff behaviour and the loss, damage, or destruction of property.

Financial redress:



DS paid financial redress to IEC complainants amounting to **£450**, actual financial loss.

Systemic letters:



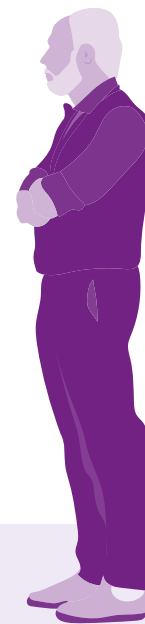
We sent **1** systemic letter and received a partial / holding response.

Observations:

The DS complaint escalation process differs from other Home Office business areas. Once the IEC process has been concluded, DS complainants are signposted to the Prisons and Probation Ombudsman (PPO), who in turn will signpost to PHSO at the end of their process. This provides for an unusually lengthy and inconsistent complaint escalation process for this group of complainants.

Resolution Example

Asylum seeker Mr K was staying in an Immigration Removal Centre (IRC), while awaiting a decision on his claim. During a move to a different part of the IRC, staff cleared his belongings and placed them in a holding room. Mr K complained that his dentures went missing in the move. DS responded to his complaint, denying the existence of his dentures, despite them having been issued by the Prison Service. To resolve the matter we asked DS to either locate the dentures or pay for their replacement. DS agreed to pay for their replacement. Mr K was satisfied that this resolved his complaint.



“ I really appreciate the work you have carried out on my behalf.

”

Report Example

Mr L was an asylum seeker residing in an IRC, who said he had been pushed by another resident. He complained that an IRC officer who intervened did not check on him or ask for his side of the story.

As part of their investigation into the complaint, DS interviewed the officer and other staff who were present. The officers said they had no recollection of seeing any physical assault during the altercation. DS also reviewed the CCTV footage, conducted health and welfare checks, and assessed records to see if any injuries were reported after the incident. In their complaint response, DS said that the officer's main focus had been on defusing the altercation, and they had done all they could in the situation.

The IEC was unable to uphold Mr L's complaint that the officer did not check up on him or listen to his story after the incident, as there was no procedural requirement for them to do so. Mr L's complaint that DS did not robustly investigate his concerns was upheld to the extent that the response did not explain why the officer did not speak to him after the incident, or acknowledge the impact it had on him. The IEC recommended that DS apologise to Mr L.

In a systemic letter to DS, the IEC highlighted the lack of any requirement to check on the wellbeing of residents who experienced verbal or physical aggression by a fellow resident. The IEC said it would have been good practice for an officer to have spoken to Mr L after the incident and enquired about his wellbeing. Had they have done so, he may not have felt the need to complain. The IEC emphasised that such an enquiry was an opportunity to identify at the earliest stage any physical or mental injury. She recommended expanding the guidance on when a welfare check should be undertaken, to include situations of this type.

In response, DS agreed to undertake a review of their complaint guidance, to consider how best to ensure that all relevant parties involved in complaints are spoken to by the investigating officer, and that appropriate support and welfare checks are put in place following an incident of violence or assault.

HM Passport Office (HMPO)

HMPO is responsible for providing passports for British nationals worldwide.

Complaint activity:



2,633 Received

354 Accepted for examination

187 Cases closed, of which:

- **14** Withdrawn
- **66** Resolved
- **41** Settled
- **66** IEC Report:
 - **1 (1.5%)** Unable to reach a finding
 - **23 (35%)** Upheld
 - **30 (45.5%)** Partially upheld
 - **12 (18%)** Not upheld

SLA performance:



212 responses to resolution proposals: **152 (72%)** met the SLA

271 responses to evidence requests: **258 (95%)** met the SLA

107 responses to case history checks: **71 (66%)** met the SLA

57 responses to settlement proposals: **42 (74%)** met the SLA

59 responses to requests to agree the factual accuracy of IEC reports and the timescale to implement any recommendations: **44 (74.5%)** met the SLA

Most common complaint categories:



We record details of the subject of complaint at case closure. The most common causes of complaint about HMPO were error and delay, followed by the loss, damage or destruction of documentation.

Financial redress:



HMPO paid financial redress to IEC complainants amounting to **£35,189**, comprising:

- **£11,318** consolatory payments
- **£5,634** reimbursement of fees or charges
- **£18,237** actual financial loss

Systemic letters:



We sent **32** systemic letters to HMPO. At the end of March 2024 we had received **21** partial or holding responses and there were **11** responses outstanding.

Observations:

HMPO demonstrated high levels of engagement throughout the reporting year, with their performance against the SLA improving as the year progressed. We welcome their focus on resolving or settling as many complaints as possible, and their willingness to review any barriers to doing so.

We initially struggled to resolve some complaints because HMPO would not consider making small consolatory payments to customers, in recognition of any distress or inconvenience experienced as a result of HMPO's service failures. In part, this was because guidance on payments was drafted in such a way that it was being interpreted as meaning smaller payments, below the level of £200, could not be considered. HMPO subsequently revised their approach.

HMPO investigations have given rise to more systemic letters than any other business area, mainly concerning the clarity and completeness of information and guidance to customers and staff.

As explained, the third most common cause of complaint in the cases we examined during the reporting year was the loss, damage, or destruction of documentation, amongst them complaints that HMPO had lost documents sent to them in support of digital passport applications.

HMPO have a process for requesting and reminding customers of the need for supporting documents. Guidance to staff says that a 42-day countdown will begin from the date HMPO raise the request for additional information. Should the customer fail to provide the additional documents within this timeframe,

their application will be automatically withdrawn. In the cases we examined, we found that reminders to customers to send supporting documents told them – quite reasonably – to ignore the reminder if the information had already been sent.

Unfortunately, we found that where documents are misplaced by HMPO, the applicant will ignore the reminder as instructed, not realising that their documents have gone missing. It is the same when documents are lost en route to HMPO. Believing the applicant has not sent the documents, HMPO will issue a reminder which the customer will ignore. No one is aware that documents are missing until the customer makes contact enquiring about their application, or in response to notification that it has been withdrawn. They then face the worry, frustration, delay, and inconvenience of having to reapply if the application has been withdrawn.

In a systemic letter to HMPO, the IEC suggested it may be helpful if their final reminder: explained that the required documentation had still not been received; explained that if it had been sent, it may have gone astray; and asked the applicant to contact them by a specified date, otherwise their application would be withdrawn. HMPO agreed that changes were required to their messaging and said they would refer the matter to their guidance team.

Resolution Example

Mr M applied for an additional passport. In dealing with his application, HMPO cancelled his existing passport in error while he was overseas, which prevented him from returning to the UK. He had to remain abroad until he obtained emergency travel documents for his return. Mr M asked HMPO to reimburse his costs and losses as a result of his passport being cancelled in error. HMPO refused.

To resolve Mr M's complaint, we asked HMPO to apologise, reimburse any reasonable costs or losses resulting from their error and make a consolatory payment. Mr M was satisfied that these actions resolved his complaint.

Resolution Example

Ms N renewed her passport and paid for her supporting documents to be returned by secure delivery, but her original passport was missing from the documents she received.

HMPO told Ms N her original passport was lost in transit, but the passport was subsequently returned to HMPO and destroyed. HMPO did not notify Ms N of this for three months. Ms N complained about poor communication and complaint handling, and a lack of accountability on the part of HMPO.

In response to our representations, HMPO offered to provide Ms N with an explanation of what had happened to her old passport and to make a consolatory payment. Ms N was satisfied that this resolved her complaint.



“ I want to express my gratitude for the role your office has played in bringing this matter to a close. The experience with HMPO has been quite stressful, and your intervention has played a crucial role in resolving the issues at hand. ”

Settlement Example

Mr O, who lives in Australia, applied for a British Passport, believing that he had British nationality through his father. HMPO refused Mr O's application, saying that when his father became an Australian citizen in 2000, he had automatically renounced his British citizenship. Mr O complained this was incorrect, that HMPO's complaint responses were delayed, and their overall communication was poor.

We identified that there was no legislation or guidance which required non-Australian nationals, who wished to acquire Australian citizenship prior to 4 April 2002, to renounce their original nationality. HMPO accepted their error in refusing the passport application. They agreed to offer Mr O a free passport application, a consolatory payment, and an explanation of their error. Mr O was satisfied that this action settled his complaint.

The IEC sent a systemic letter to HMPO about the issues raised by Mr O's complaint and sought an assurance that guidance to staff on how to administer applications of this type was clear and accurate. The IEC asked whether HMPO's misinterpretation meant that other, similar applications may have been incorrectly refused, and if so, what corrective action they intended to take.

In response HMPO said the guidance to staff was now accurate. They said they did not intend to conduct a retrospective exercise, as there was no evidence that errors of this type were common. However, they recognised the need to prevent such errors and said they would have regard to this example in planning their quality improvement work.

Report Example

Mr and Ms P made a passport application for their adopted son. In support of the application, Ms P submitted her valid passport and her son's adoption certificate. Two months later, Mr P chased the application as they were due to travel. His son's passport was issued, and his adoption certificate was returned, but Ms P's valid passport was not.

There were delays by HMPO in initiating a search for the missing passport, which they were unable to find. Prior to the completion of the search, HMPO recorded that Ms P had agreed to declare her passport lost in order to obtain a new one using HMPO's fast-track service. Reporting the passport as lost resulted in its cancellation.

Twelve days before her fast-track appointment, Ms P's passport was found. However, because it had been cancelled, HMPO destroyed it. Having obtained her new passport, Ms P complained that this had caused her to miss planned travel. In their response, HMPO explained why her passport had been destroyed. As she had a new passport, they closed her complaint.

Ms P was dissatisfied with HMPO’s response and escalated her complaint. She challenged their lack of accountability, and their failure to explain why her passport was not linked to her son’s application. She asked for the costs associated with missed travel to be reimbursed. In response, HMPO confirmed her passport had not been linked to her son’s application but did not explain why. They said Ms P was not asked to send her passport, and that it had been destroyed in line with standard procedures. They did not consider reimbursing the cost of missed travel.

We found there were delays by HMPO in searching for the passport, and that contrary to HMPO guidance, Ms P was advised to cancel her passport prior to the completion of the search. Guidance on HMPO’s website said that applicants must send a child’s adoption certificate, along with one of four other options, including the: “passport that was valid at the time of the child’s birth for either parent.” HMPO had not specifically asked Ms P to send her passport, but she followed the guidance on HMPO’s website. As HMPO guidance says unrequested documents should still be linked with an application or returned, HMPO’s failure to link the passport was maladministrative.

The IEC upheld the complaint and recommended HMPO apologise, refund the fast-track application fee, reimburse the cost of lost travel and make a consolatory payment.

In response to the issues raised in Ms P’s case, the IEC sent a systemic letter to HMPO saying the guidance on their webpage about supporting documents for an adopted child’s passport application was insufficiently clear. HMPO accepted the guidance needed to be reviewed and said it would be progressed by their guidance team.

“ Thank you for all the work you have put into our case, your report is incredibly well written and highlights some major let downs we were unaware of from HMPO. ”

General Register Office (GRO)

GRO is part of HMPO. It oversees civil registration in England and Wales and maintains a national archive of births, marriages, and deaths.

Complaint activity:



- 11** Received
- 3** Accepted for examination
- 1** Case closed:
 - **1** IEC Report, not upheld.

SLA performance:



- 1** response to a resolution proposal: SLA met
- 2** responses to evidence requests: SLAs met
- 1** response to a case history check: SLA met

Systemic letters:



We sent two systemic letters to GRO, one of which originated from an investigation into a complaint about HMPO. At the end of the reporting year, our records showed there was one partial/holding response, and an outstanding response to a GRO systemic letter. GRO provided evidence that they had, in fact, prepared a response and sent it to the team responsible for co-ordinating responses to IEC systemic letters, in October 2023. Regrettably, due to a breakdown in communications, the response did not reach us before the end of the reporting year.

Observations:

Whilst complaint referrals concerning GRO have been limited, it is pleasing to note that they responded to all SLA requests within the agreed timeframe.



Report Example

Ms Q applied to re-register her child's birth to include the name of its father. GRO told her they could not action her request because she had not met the relevant procedural requirements. In response, Ms Q asked for an explanation, and advice on her next steps.

GRO's response provided a detailed explanation and step-by-step advice on options to remedy the situation. Ms Q did not accept GRO's explanation. She persisted with her complaint over a number of years, challenging GRO's policies and position, long after receiving their final response to her complaint. The IEC was satisfied the position had been clearly and accurately explained to Ms Q and that all the issues she raised had been fully addressed. The complaint was not upheld.

A systemic letter was sent to GRO following the completion of Ms Q's case. The IEC highlighted the absence of guidance to staff on how to disengage with persistent complainants in a professional and courteous manner, if they repeatedly try to revisit their complaint after a final response has been provided. GRO acknowledged this, and will commission a review of this staff guidance, aligning with the wider Home Office guidance for such complaints.



IEC service standards

Our performance against our 2023/24 service standards is set out below.

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.

Regrettably, the failure by some business areas to routinely meet the agreed SLAs has in many cases had a direct impact on our performance.

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
Let the complainant know within 2 working days of receipt if we can look at their complaint.	Achieved in 97% of cases
If the complainant has had a final response from the relevant business area, contact them within 5 working days of receipt to agree the scope of our examination.	Achieved in 98.5% of cases
Complete cases that can be resolved within 30 working days of agreeing the scope of our examination.	Achieved in 71% of cases
Complete cases that we can settle within 40 working days of the complaint being allocated to an investigator.	Achieved in 60% of cases
Complete those cases that require an IEC investigation report within 70 working days of the complaint being allocated to an investigator.	Achieved in 42% 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.

“ It made a big difference for me to be aware that my case was being actively dealt with instead of wondering what was going on. Thank you! ”

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 29 complaints about our service, 4 of which we upheld and 5 of which were partially upheld. We used the learning from the service complaints we upheld, to improve our operational procedures.

Example: We tried to resolve Mr R’s complaint about UKVI without success, so we moved his complaint to the investigation stage. Mr R complained that we did not adequately explain why our attempts at resolution had failed. We upheld his complaint, as our correspondence lacked detail, and provided Mr R with a detailed explanation of why we had been unable to resolve his complaint. We also reviewed our process, to ensure we routinely provide complainants with a clear explanation of why we have been unable to resolve their complaint.

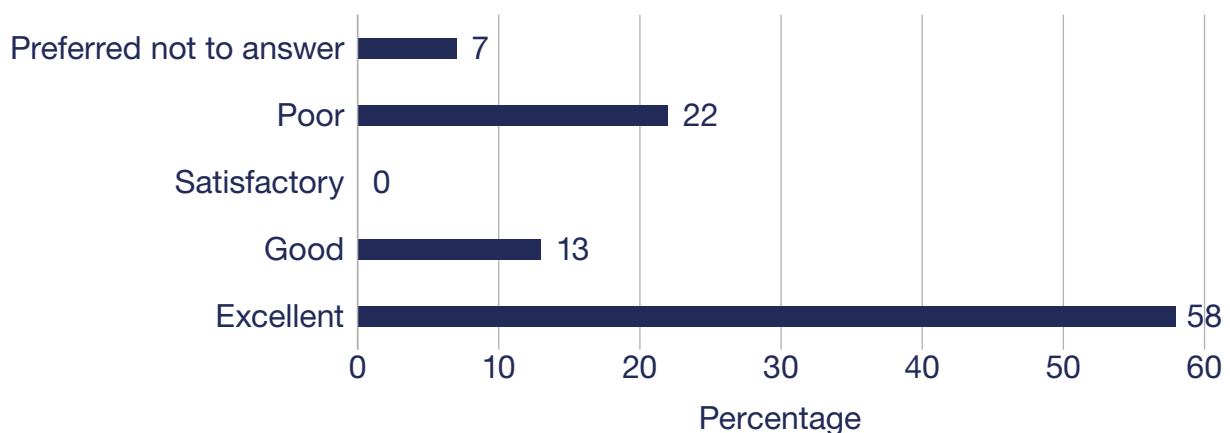
We also received 12 complaints about the outcome of IEC investigation reports. One was partially upheld, on the grounds we had not considered all aspects of the complainant’s request for the reimbursement of costs associated with HMPO service failures. We apologised and revisited our recommendations for redress.

In responding to internal complaints we remind the complainant that if they are dissatisfied with the service provided by the Office of the IEC, or the outcome of an IEC investigation, they can escalate their complaint to the PHSO, or in the case of outcome complaints about Detention Services, to the PPO.

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.

This chart below shows the results of the customer satisfaction questionnaire responses we received:



“ The professionalism, empathy, and diligence displayed throughout the process were highly commendable. From the onset, communication was clear, and I felt heard and understood. I was kept in the loop at every stage of the process, providing timely updates and detailed explanations. This transparency was crucial in building trust and providing reassurance during a stressful time. ”

Ombudsman investigations about the IEC

At the end of the reporting year there had been no Ombudsman investigations concerning the service provided by the office for the IEC, or the outcome of an IEC investigation.

