



Report on the handling of complaints at UKvisas' London headquarters: March 2008

Background information:

- **Complaint processes:** Complaints, whether from applicants or their sponsors, may be made to the relevant overseas visa Post. Posts are expected to record and respond direct, other than to complaints and correspondence from MPs (and presumably MSPs and AMs) which are forwarded to London. UKvisas' headquarters receives complaints from UK elected members, from what it describes as stakeholders in the UK, and from applicants and sponsors who live in the UK and for whom it is sensible to correspond with a UK address.
- **Demand:** In headquarters, Visa Customer Services received 15,110 letters in the 2007 calendar year, 8,780 from MPs; 5,827 from members of the public and 503 via Ministers. It received 52,154 emails in 2007; these are recorded separately. VCS also has a number of other responsibilities, including responding to Parliamentary Questions, providing written and oral briefing for Ministers and handling Freedom of Information and Data Protection requests. It conducts outreach visits to MPs and other stakeholders. VCS oversees UKvisas' global complaints handling policy and procedures, receiving and monitoring quarterly overseas complaints register returns from posts, alerting senior management to risks to the business. It is now expected to prepare a quarterly complaints analysis for UKvisas' Business Improvement Board.
- **Complaint Rates:** In 2007, VCS classified 276 letters as complaints, 1.8% of letters received. From 1 January to 28 February 2008 it recorded 55 letters as complaints.
- **Staffing:** The Head of VCS is supported by 3 desk managers (Entry Clearance Manager equivalent), 13 desk officers (Entry Clearance Officer equivalent) and 17 administrative staff.
- **Costs:** UKvisas' Finance team was unable to provide a detailed cost breakdown for VCS because the cost figures cannot be separated from the remainder of Business Development Group's budget. I note that most businesses would be able to know how much they spent on consumer feedback, partly because that helps them balance the costs against the benefits.

The programme

Many formal inspectorates work with staff seconded from the mainstream business for short periods. This has the advantage of a steady flow of fresh eyes and the team member takes learning points from his or her participation back into the business. At my request, UKvisas asked its regions and HQ projects to nominate people on the basis of excellent performance. From the applications submitted to me I selected 10 people of varying grades. For this review, two overseas Deputy Directors of Visa Services worked with me.

In advance, the team members benchmarked UKvisas' complaint handling policies with those of the Australian and USA Governments. Applications for visas in the US are made on line and there is guidance on service process. The system advises that processes vary throughout the US and that applicants can expect to wait several weeks for their visas with no specified targets.

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There is no mention of complaints and nothing to encourage feedback. In response to a public inquiry, the Australian Department of Immigration and Citizenship now has a major focus on customer service, with good information and plenty of open doors for feedback.

The team members started the week with visits to the Office of the Parliamentary and Health Service Ombudsman and an Independent Case Reviewer who works with a number of public sector organisations. This set the scene, establishing what is complaint handling good practice in the public sector. I also record here that my former role was as Scottish Legal Services Ombudsman, handling complaints about the way legal services professional bodies had dealt with a complaint.

We met with a MP's senior caseworker, with the Border and Immigration Agency's Customer Focus Unit and with the Foreign & Commonwealth Office Minister responsible for visa matters. We examined a randomly selected sample of correspondence received by VCS on two dates in January, allowing time for the cases to be concluded under the 20 working day target.

I did not look into the work of the Public Enquiry Unit which deals with e-mails from members of the public. The Unit also answers a quota of miscellaneous letters referring to policy issues and where no post is named. I was, however, concerned to learn after the feedback meeting that the Unit thinks it does handle complaints which are not then recorded on the normal database. If that is correct, **I recommend** that this apparent anomaly is put right.

[UKBA International Group's response:](#)

[Recommendation accepted. Complaints received by e-mail are now being recorded on the database. Staff have been reminded of the correct procedures for complaint handling.](#)

Information

Website: UKvisas website has a Complaints section in which it invites people to write to or email headquarters, confirming the aim to respond within 20 days in accordance with the Government service delivery standards. It provides, on a separate page, information on how to escalate a complaint to the Head of UKvisas: the page was last updated in May 2006 and this job title no longer exists, though the website as a whole is soon to be updated. Readers are also told that they can raise their complaint with their Member of Parliament. **I recommend** that "20 days" should be clarified as 20 working days excluding weekends and Bank Holidays.

[UKBA International Group's response:](#)

[Recommendation accepted. The UKBA website will be amended by 30 April](#)

Finally if someone has gone through the complaints procedure and is still not satisfied, there is information on asking the MP to take up the case with the Parliamentary Commissioner for Administration (the Ombudsman). **I recommend** that this section should be clearer and more helpful, explaining that the route to the Ombudsman is limited in the context of the visa business as a whole. Complaints to the Ombudsman, via a MP, may only be made by someone resident in the UK at the time of the complaint or present in the UK at the time of the incident

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and if not resident or present in the UK, only citizens of the UK may complain about consular (visa) activity abroad. It would also be useful to have a hyperlink to allow readers to skip to a site that can identify who their MP is.

UKBA International Group's response:

Recommendation accepted. The relevant page on the UKBA website has been revised to specify the correct route to the Ombudsman and restrictions to that route. A hyperlink will be added as suggested by 30 April.

Complaint handling file sample

As with decision quality sampling for visa applications, I looked at whether the process was efficient and responsive. I did not examine or record whether a complaint should have been upheld or not. I also note that UKvisas does not record whether a complaint or correspondence is related to an application within my remit, that is with limited appeal rights. I have, therefore, with UKvisas' express consent, examined complaint handling generally. I found that 17% of letters related to applications within my remit.

We examined all correspondence received on two days in January 2008, allowing time for the case to be concluded in the 20 working day target; this amounted to 106 cases. The most striking finding was that UKvisas had recorded 6% of the cases as a complaint, but our analysis found that 39% constituted a complaint using UKvisas' own definition, **any expression of dissatisfaction about the services provided by UKvisas and/or professional conduct of UKvisas' staff**, including complaints of delay, of being issued with the wrong visa endorsement, of abusive and racist treatment. Many of the unrecorded cases had been handled as complaints and 10% of all correspondence had had a complaint upheld, confirming that the problem lies with accurate data entry.

Correspondence

Source: only 4% of correspondence was from applicants and a further 10% was from sponsors, all but one of whom lived in the UK. The remainder was from MPs on behalf of constituents and from solicitors acting for an applicant or sponsor. I think more should be done to convince ordinary people that they have a route to raise a grievance directly and that the organisation will listen and respond to them as carefully as it does to elected members and paid advisers.

We looked at the **purpose of correspondence** – *what did the writer want?* - it is important to understand that in order to manage expectations. We found that 22% of letter writers wanted to exercise influence on the outcome or on the speed of outcome. 21% of letter writers wanted advice and in these I suggest that the reply should indicate sources of independent advice if information on general policies are not enough. 21% wanted the decision to refuse to be reconsidered and I commend UKvisas on its recent more appropriate line in that complaints or correspondence relating to cases which are in the appeals process (68% of the sample), or where there is a full right of appeal, receive a response that says *direct your comments to the appeals process*. 15% made a simple comment, that is feedback rather than a complaint to be investigated.

Complaints

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Of the cases which we considered were complaints, we classified them as complaints about

- UKvisas Commercial Partners = 7%
- The provision of information = 44%
- Delay = 56%
- The use of evidence = 10%
- Conduct by a member of staff = 17%
- Maladministration = 22%

We found that no complaints were solely about the decision, that is the judgement exercised by an Entry Clearance Officer.

Complaint handling process

I thought, to put it bluntly, that the handling process was messy. We started off trying to count the number of times that a piece of correspondence was handled, but had to give up because it was impossible to count. From an audit point of view, I could not establish who was the author of various emails and **I recommend** that UKvisas requires all internal emails to have an autosignature which confirms the author's role and location.

[UKBA International Group's response:](#)

[Recommendation accepted. Guidance will issue by 31 May.](#)

VCS asks Posts to provide information that allows headquarters to respond to correspondence. It was not uncommon for there to be 6 plus exchanges with the overseas Post that handled the visa application. The fact that some Posts need repeated reminders to respond, Islamabad and Dhaka for example, should be referred to senior management who need to make it clear that such discourtesy is unacceptable. I contrast excellent detailed responses from Paris, Islamabad and Jakarta with the one line from a Middle East Entry Clearance Manager who said *the information is on the central reference system, you do it*, a perfect example of lack of ownership. Paris, Islamabad and Jakarta learnt something from their investigation and accepted that complaints are a vital source of feedback; their service will improve as a result of taking responsibility.

I see little merit in VCS administrative staff cutting, pasting and editing the Post's response in to a letter which has then has to be quality checked by a manager. **I recommend** a simpler process in which VCS records a complaint, summarises the issues raised and passes it to the Post to respond. That will also be in accord with my recommendation that a complaint relating to a visa decision should be handled by a qualified decision maker, which UKvisas accepted. The response letter to the complainant should be emailed from the Post to VCS which can print it and post it in the UK.

[UKBA International Group's response:](#)

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IG accepts the benefits of this recommendation in principle, but it has significant implications for resources and training, particularly at overseas posts. IG will consider the issues and provide an update to the Independent Monitor by 31 July.

I do note concern that overseas staff may not write in a way that is suitable for external consumption but if that is true, they need to learn how to: complaints should not be used for internal whinging to headquarters. I do note that in earlier reports I have commented that UKvisas provides very little training in responding to complaints. There are some simple rules that improve the quality of responses and reduce repeat correspondence and **I recommend** that UKvisas ensures that all staff who respond to complaints are familiar with best practice. I note in particular that complaints can only be adequately investigated if the organisation knows what is *good enough* service, so that the complaint can be assessed against that for any gaps or failures.

UKBA International Group's response:

Recommendation accepted. IG will consider how to implement a training strategy for complaints handling and issue guidance by 31 July.

Disclosing personal data

In 2006, I provided UKvisas with the Information Commissioner's 2002 guidance on disclosing personal data to MPs. I was concerned that personal data on applicants who had been refused a visa was being disclosed when the exemption from obtaining specific consent applied to constituents, who will normally be the sponsor rather than the applicant. I found that VCS was not following that guidance and **I recommend** that UKvisas obtains further guidance from the Information Commissioner and ensures that all staff are aware of the restrictions and exemptions. As an example, I noted a complaint of delay in which the UK based wife's MP was told that the husband's visa had been issued many months earlier. I thought that it was inappropriate for UKvisas to express surprise that the wife did not know, and I also suspected that the MP would pass the information on to his constituent. UKvisas should have simply confirmed that a decision had been made and there had been no delay.

UKBA International Group's response:

Recommendation accepted. IG will approach the Information Commissioner for advice after establishing the policy in other areas of UKBA by 31 May

Outcomes

The practical complaint handling process is heavily focused on MP's correspondence and, in the interests of **fairness and equal treatment**, I commend the move to direct correspondence on appealable cases to the Asylum and Immigration Tribunal process so that limited appeal right cases are not doubly disadvantaged. The different timescales to respond make allowances for the MP to respond to the constituent, and as such are not unfair. I noted that the Head of VCS does handle correspondence addressed to him personally and his name will probably not be known to applicants and sponsors.

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In the file sample, we found 3 cases (3%) that should have, under UKvisas **risk management** policies, been referred to other headquarters' departments. I am not, therefore, satisfied that complaint handling staff are adequately briefed on the circumstances that require a referral.

Only 75% of responses to complaints were of adequate **quality**, in that they responded to all of the issues raised. In terms of appearance, 93% of letters were good, being free from typos and spelling mistakes. I was, however, concerned that in 9% of cases VCS made an error that was significant, for example referring to a wife being under investigation when it was the husband. This led to angry exchanges over some months until a very good VCS caseworker spotted and apologised for the mistake.

I also note that there is little or no guidance on **redress**, for example in one well handled complaint where the Post accepted that a mistake had been made and provided corrective action, there was no payment for the costs that would be incurred to send the passport for the visa to be amended.

I recommend that compensation and redress policy should be clearer, and handled by VCS at headquarters level to ensure consistency. I also note that the policy should cover redress in its widest sense as many complainants want an apology and an acceptance of responsibility so it's not just about money and compensation.

UKBA International Group's response:

Recommendation accepted in principle. This will require further work to implement and IG will provide a substantive response by 30 June.

I recommend that the final response should provide, where appropriate, information on making a complaint to the Ombudsman. UKvisas can refer to my 2005 parliamentary Report for guidance or clarify matters directly with the Ombudsman's office.

UKBA International Group's response:

Recommendation accepted. IG will co-ordinate with UKBA colleagues and issue guidance by 31 May

Overview

As with most parts of the visa business, VCS has focused its performance measures on *How fast?* Its achievements are impressive and in three years it has improved turnround times from 50% within target to 91%, a well deserved Good performance. Given the pressures placed on Entry Clearance Officers to complete a set number of visa applications each day, I was concerned to find that there are few if any performance targets for VCS staff who seem to focus on completing cases that are due that day in order to meet the time targets. In any event, I think that 20 working days is a long time to wait and **I recommend** that if a substantive reply cannot be sent within a day or two, then VCS should acknowledge receipt, confirm that the matter is being investigated and by whom, and confirm the anticipated reply date in real terms, for example, *by 20th April*.

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UKBA International Group's response:

Recommendation accepted in principle. However, given the additional resource implications of issuing acknowledgements for what would be, in effect, every complaint, IG will determine within two months how the recommendation can be implemented and will report further to the Independent Monitor by 30 June.

I find that there is significant under-recording. VCS is not recording complaints adequately and it may not be accurately recording complaints made by email or telephone. On that basis, its performance is Poor and it cannot fully be using complaints to improve the service provided, or improve the conduct of UKvisas' staff. **I recommend** that further training is provided to ensure that front line staff who assess and classify correspondence understand what might constitute a complaint so that accurate records can be kept and analysed. I am pleased to record, however, that complaints about UKvisas' commercial partners are accepted as complaints and investigated in the normal way.

UKBA International Group's response:

Recommendation accepted. As mentioned in previous responses, IG will adopt a training strategy for complaint handling by 31 July, liaising with other UKBA colleagues, including the Customer Focus Team

UKvisas issued new complaint handling guidance in January this year. I declined to comment at the time as I knew I was about to conduct this review. In my view, it is focused too heavily on process, rather than principle and policy. Given the imminent merger into the UK Border Agency, **I recommend** that UKvisas should immediately adopt the recently revised complaint handling principles and policies established by the Border and Immigration Agency last month and which will become those of the UK Border Agency. Many of the process guidelines will also transfer easily. This was a huge piece of work which has at its heart two vital tenets; that complaints are important and that if someone complains then the responsibility to explain and put it right if necessary lies with the person who provided the service. UKvisas/UKBA International Directorate will need to decide how its part of the business should be divided up into Customer Service Units, though I commend the regional focus set by BIA. There is an urgent need to convince, and if necessary direct, Posts and regions to take this part of the business seriously, especially as appeal rights will become increasingly restricted when the Points Based System rolls out over the next 12 months.

UKBA International Group's response:

Recommendation accepted in principle. IG recognises the strength of the new UKBA complaints policy approach, which IG fully endorses and will adopt immediately. The former UKvisas' policies are broadly aligned with this already. IG will work with UKBA colleagues to map the areas in which further alignment will be needed, and will define a timetable by 30 June for the full implementation of UKBA's complaints procedures across the former UKvisas' network.

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I am concerned that the current Balanced Scorecard metric counts more complaints as bad news. Generally, organisations which record very little feedback are thought to be those that block access so less is not necessarily good. **I recommend** that UKvisas develops a better metric that can record the quality of response to a complaint, as well as the proportion that are upheld. Regions and headquarters have a vital role in ensuring that is done fairly and accurately and senior managers need to take the lead in confirming that complaint handling is an everyday part of a running a good business or providing a good public service.

UKBA International Group's proposed response:

Recommendation accepted. The Balanced Scorecard metric has been amended to shows complaints upheld, rather than the volume of complaints. IG will consider within two months whether and how to introduce a "quality of response " metric and will report back to the Independent Monitor by 30 June.

Finally, we found the VCS operational team delightful to work with. They were open to comments, receptive to change, motivated and enthusiastic. That is a very sound foundation on which to build.

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