

From the Chief Executive Officer **Amanda Campbell CBE**

**In Confidence**  
Sir Philip Rutnam  
Permanent Secretary  
Home Office  
2 Marsham Street  
London  
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12th December 2018

**RE: Information on the complaints we handled about the Home Office in 2017-18**

Dear Sir Philip

I am writing to provide you with information about the complaints we handled about the Home Office and its agencies in 2017-18.

This year, instead of publishing an annual report with a detailed breakdown of the complaints handled about government departments and agencies, we have decided to write to the Permanent Secretaries of the four departments that account for the majority of our investigations.

### **The numbers of complaints we handled**

Together with the Department for Work and Pensions, the Ministry of Justice and HM Revenue and Customs, the Home Office and its agencies continue to make up around three quarters (74%) of the investigations we complete. On its own the Home Office made up around 18% (74) of the total 403 complaints we investigated about government departments and agencies. The number of complaints we investigated more than halved, however, from 163 in 2016-17.

In 2017-18 we fully or partly upheld 45% of our investigations about the Home Office and its agencies (seven were fully upheld and 26 partly upheld). This means the uphold rate has continued to fall over successive years, with 60% (twenty-two fully upheld and 75 partly upheld complaints) in 2016-17 and 75% (eleven fully upheld and 44 partly upheld) the previous year.

As with last year, the directorate we received most enquiries about was UK Visas and Immigration (UKVI). In 2017-18 we received 622 enquiries, assessed 155 complaints, and accepted 40 complaints in principle for investigation. We fully or party upheld 37% of the complaints we investigated about UKVI (five fully upheld and 14 partly upheld). More widely, UKVI accounted for around 58% of the total complaints we fully or partly upheld about the Home Office.

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Over the last year we have been making important changes to our service. We have recruited a significant number of new caseworkers and made changes to our casework allocation process by assigning each case to a single caseworker. This helps to reduce hand-offs and improve timeliness, but the new processes and staff have taken time to bed in. We have also placed a greater emphasis on giving complainants a decision as quickly as possible and resolving more cases informally without the need for a full investigation. This means we have concluded fewer investigations.

### **Issues and themes from our casework**

When we conduct an investigation we record data about the specific issues we are considering in the complaint. This means we are able to provide detail about both the overall decisions we have made about a particular organisation and the types of issue we most commonly see occurring.

#### *Issues regarding services*

Complaints about decisions made by the Home Office and its agencies (including incorrect, miscalculated or discretionary decisions) made up 1 in 5 (15) of all complaints we investigated, and represented almost a third (11) of the investigations we fully or partly upheld. This was a slightly higher proportion compared to 2016-17 where decision-making represented 28% of cases we fully or partly upheld.

In one case we fully upheld in 2017-18, we found that UKVI applied guidance incorrectly, which subsequently altered the outcome of the complainant's family's visa application (see the case summary enclosed). As a result, the individual's family were unable enter the UK and assist the complainant in setting up a business.

Communication (including misdirecting people and giving wrong or unclear advice) made up around 1 in 5 (7) of the total investigations we fully or partly upheld about the Home Office. This represented an increase from around 15% in 2016-17, although the actual number of investigations this related to was slightly lower in 2017-18 (from 13 to 7).

#### *Issues regarding complaint handling*

The two most common areas of complaint handling remained consistent with previous years. The largest areas we investigated and upheld complaints about were the organisation's responses to complaints being wrong and/or incomplete, and individuals receiving an insufficient personal remedy or apology.

### **Annexes**

I have attached in an annex a full statistical breakdown of the complaints we handled about the Home Office and its agencies in 2017-18. A table containing the complaints we handled about all government departments and agencies in this period is also available on our website and in line with our commitment to transparency a copy of this letter will also be placed online on 17 December. In a separate annex I have also included for your information a case summary involving UK Visas and Immigration where failings occurred. I hope this provides a useful example of the types of issues we can see in our casework.

I would be happy to discuss further any of the information contained in this note if you would find this helpful. We have sent a copy of this letter to the Chairs of the Home Affairs Select Committee and Public Administration and Constitutional Affairs Committee to help inform Parliament's scrutiny work.

Yours sincerely

A handwritten signature in black ink that reads "Amanda Campbell". The signature is written in a cursive, flowing style.

Amanda Campbell  
**Chief Executive Officer**  
**Parliamentary and Health Service Ombudsman**

## Annex A: Statistics about the Home Office and its agencies in 2017-18<sup>1</sup>

Organisation	Enquiries received	Complaints assessed	Complaints resolved through intervention	Complaints accepted in principle for investigation <sup>2</sup>	Investigations upheld	Investigations partly upheld	Investigations not upheld	Investigations resolved without a finding	Investigations discontinued	Uphold rate
<b>2017-18</b>										
Home Office	1102	241	4	49	7	26	35	4	2	45%
Border Agency	11	2	0	0	0	0	0	0	0	n/a
Border Force	61	26	1	2	0	4	3	0	0	57%
Gangmasters and Labour Abuse Authority	65	7	0	0	0	0	0	0	0	n/a
General Register Office	1	0	0	0	0	0	0	0	0	n/a
HM Passport Office	92	27	2	3	1	5	1	0	0	86%
Home Office	218	17	0	1	0	0	0	0	0	n/a
Metropolitan Police Service	2	1	0	0	0	0	0	0	0	n/a
Police	15	1	0	0	0	1	0	0	0	100%
Security Industry Authority	54	6	0	1	0	0	1	0	0	0%
The Disclosure and Barring Service	16	2	0	1	0	0	2	0	0	0%
UK Immigration Enforcement	5	2	0	1	1	2	1	0	0	75%
UK Visas and Immigration	622	155	1	40	5	14	27	4	2	37%

<sup>1</sup> Please note that in some instances due to different methods of calculation and grouping of data for this year's figures, some of the figures for 2016-17 were re-calculated for comparison and may differ to those use in our 2016-17 report.

<sup>2</sup> Our casework management system records the date on which we have proposed to investigate a case, rather than when we confirm an investigation. In some cases, following comments from the parties, we may decide not to investigate. The number of complaints we accept for investigation in a financial year differs from the number of investigations that we complete in that same year. This is because our statistics only provide a snapshot of our casework flow at a given time. For example, we may have accepted a complaint for investigation in 2017-18 but may not complete it until the following year, 2018-19. Similarly, we may have completed an investigation in 2017-18 which we originally accepted for investigation in the previous year 2016-17.

## **Annex B: Case summary**

### **Headline**

Family unable to enter UK after UKVI failed to follow their own visa policy.

### **Background**

Ms O complained that during a call to the UKVI enquiry line on 13 January 2015, she was provided with incorrect information regarding the validity of tuberculosis (TB) screening certificates that she had submitted as part of visa applications for her sister and her sister's family. She also complained that the reasons for the decision to refuse the visas on the basis of expired TB certificates contradicted the information and guidance provided on the UKVI website.

Ms O said that due to UKVI's failure to provide correct information and follow the correct guidance, the visa applications were declined unfairly. Ms O told us that, as a result, she had to resubmit the applications at additional cost and time.

### **What we found**

We fully upheld this complaint.

According to the immigration rules and published guidance at that time, the TB screening certificates supplied with the applications were valid. We saw that the Entry Clearance Officer did not apply the rules and guidance correctly and therefore reached an incorrect decision. We considered that UKVI's failure to properly follow and apply the policy was so serious as to amount to maladministration.

As a result of this error, Ms O's family were unable enter the UK in early 2015 and assist Ms O in setting up their business. Ms O also incurred the cost of two long distance phone calls from China to the UKVI enquiry line prior to lodging the visa documentation.

UKVI complied with our recommendations to pay Ms O almost £4,000 to cover the costs of the four visa applications including currency exchange charges and two phone calls to the enquiry line.