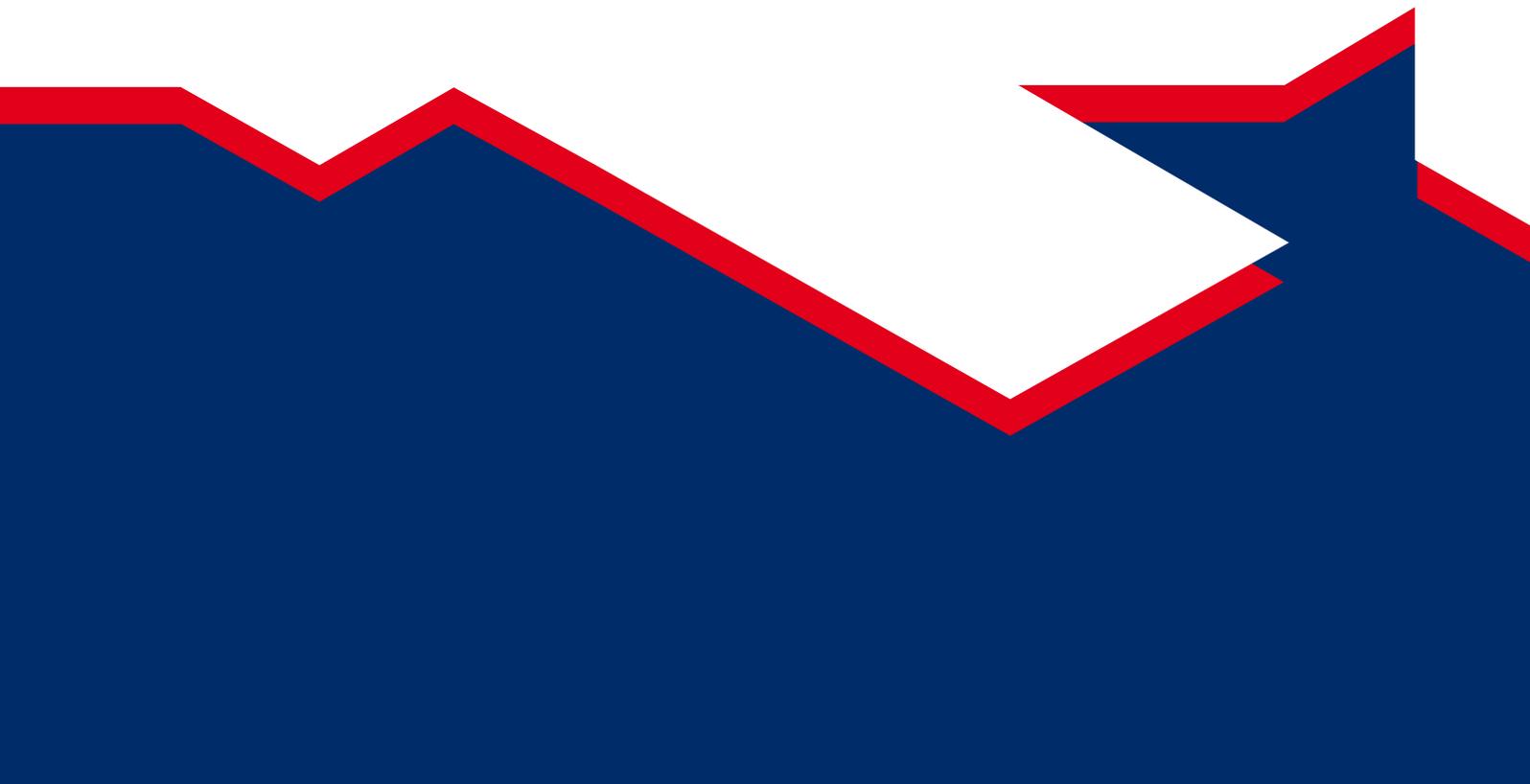




**UK BORDER AGENCY RESPONSE TO THE  
COMPLAINTS AUDIT COMMITTEE  
ANNUAL REPORT  
2007/2008**





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## FOREWORD FROM LIN HOMER



I would like to thank the Complaints Audit Committee (CAC) for this, their final Annual Report, and for their work and commitment as their 3 year tenure comes to an end.

There have been significant improvements to the way in which the UK Border Agency manages complaints over the past 3 years. The CAC has been a driving force for that change and has made a very significant contribution to the improvement of complaints handling across the Agency.

The UK Border Agency is committed to improving the service we deliver to our customers and how we handle complaints is a key part of this. To this end we have over the last year introduced a completely new complaints system based on Cabinet Office best practice advice. We have also strengthened independence and accountability by introducing a dedicated specialist team of trained investigators to deal with complaints involving allegations of serious misconduct and introduced oversight by the Independent Police Complaints Commission (IPCC) in the most serious cases. As part of our commitment to bringing our work closer to the communities we serve we have also established teams in each of our regions to deal with complaints locally.

We are beginning to see the benefits of this new approach and this has been recognised by the CAC. The Home Office Audit and Assurance Unit (HOAAU) have also noted this in the audit of the new complaints process that they carried out during August and September which gave us a positive rating.

This is encouraging progress but we are aware we have more to achieve and we remain committed to providing a good service to customers through on-going improvements to the way we manage complaints in the Agency. I look forward to working with the recently appointed Chief Inspector of the UK Border Agency who has taken on the role of overseeing our complaints processes as part of his wider remit.

A handwritten signature in black ink that reads "Lin Homer".

**Chief Executive of the UK Border Agency**

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## CHAPTER 1

# INTRODUCTION

- 1.1 The UK Border Agency's purpose is to secure our borders and control migration for the benefit of our country. We will do this by delivering on three strategic objectives which are to protect our border and our national interests, tackle border tax fraud, smuggling and immigration crime and implement fast and fair decisions for both those who have the right to stay and those who must leave.
- 1.2 In fulfilling this role we face many challenges. We deal with huge volumes of people and goods including 200 million movements through our ports last year, and we have to make and enforce tough decisions which are not always welcome. But whatever we do, we are providing a service and like any other public service, we strive to be efficient, effective and fair in doing so.
- 1.3 For our customers, this means doing what we say we will do, and when we say we will do it. It means providing the information and expertise they need and have a right to expect. It also means displaying professionalism and competence in everything we do.
- 1.4 In creating the UK Border Agency we are seeking to build a strong and trusted Agency and a key element of this will be improving the customer experience. We need to ensure that the services which we deliver are accessible, prompt, high quality, fair, transparent and responsive. We are committed to publishing service standards and targets. We are planning for Customer Service Excellence accreditation: a practical tool for driving customer focused change in public service organisations. Delivering for the public, one of our core values, requires us to put customers' needs at the heart of our business, to apologise for our mistakes and provide remedy where possible.
- 1.5 In an organisation dealing with millions of customers both in the UK and overseas, things will and do go wrong. Complaints about our service last year ranged from complaints about delays or poor communication to lost documents and processing errors and more serious allegations around misconduct of staff. It is important that we respond quickly and effectively to such complaints and crucial that we learn lessons from them. Complaints tell us about our customers' needs and expectations and our own shortcomings in meeting them. To meet the challenges we face in improving our performance and delivering our services we must not only handle complaints quickly and effectively, but demonstrate that we learn and improve as a result of listening to what they are telling us.
- 1.6 This response explains in more detail how we have gone about ensuring we have in place the capability to do this. In doing so we have listened carefully to the CAC and have acted on many of the recommendations they have made. We are now in a position to ensure we focus on resolving complaints quickly, investigate them properly and use them as a catalyst for improvement.

## CHAPTER 2 A NEW APPROACH

- 2.1 Over the past year we have designed and introduced a completely new system for handling all types of complaint received by the UK Border Agency. The new approach focuses on changing the way in which we think about and respond to complaints. It is designed to be open to customers' concerns, to treat complaints seriously and to deal with them effectively. It also focuses on resolving complaints promptly and informally wherever possible, learning from them and taking action to improve our services.
- 2.2 In line with our move towards regional delivery of services, allowing us to be more responsive and accountable to local stakeholders, we have devolved the responsibility for managing and monitoring complaints to Regional and Operational Directors. Each Director has established a Customer Service Unit (CSU) to manage and monitor complaints and to support front line staff responsible for dealing with complaints through nominated officers.
- 2.3 To ensure that this regionalised approach does not lead to fragmentation and inconsistency we have given clear accountability at Board level for the management of complaints and established a new directorate, the Complaints Standards & Performance Directorate (CSPD). The CSPD is responsible for:
- Monitoring the Agency's performance on complaint handling, working with Directors to drive up performance and reporting to the Agency Board.
  - Setting the policy and procedures, ensuring consistency and promoting best practice.
  - Identifying and resolving weaknesses in the system and identifying trends and patterns, ensuring that lessons are learned.
- 2.4 Central to monitoring and improving performance will be the new audit and assurance role of CSPD. This will provide assurance to the Agency's Board, the Chief Inspector and our stakeholders that we are complying with the new processes and that quality is being maintained.
- 2.5 In light of CAC recommendations and taking account of Cabinet Office best practice guidelines we have redesigned our complaint handling processes to make them quicker and simpler and to ensure a corporate approach and common standards across the Agency. Wherever possible we will try to resolve a complaint on the spot. Customers are encouraged to complain immediately to the business area concerned. We have also introduced a matrix to categorise complaints by type and severity to improve our management of risk. The three categories of complaints are:
- Serious misconduct complaints: those concerning the behaviour of our staff which may lead to disciplinary action under the Agency's Human Resource policies.
  - Minor misconduct complaints: those concerning behaviour which is not likely to result in disciplinary action but may for example identify a training need.
  - Service complaints: those relating to the way the Agency has delivered a service, for example those relating to delay, customer care or lost documents.
- At the same time we have widened accessibility by allowing customers to complain by phone, email, or by using a simple one page form.
- 2.6 With the support of the CAC we have introduced a process of Informal Resolution for resolving minor misconduct complaints. It is early days for this new process and there have been some issues around implementation. However, the Informal Resolution process will lead to more timely responses to these complaints and free up resources to focus on serious misconduct complaints. For serious

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- misconduct complaints which require full investigation we have responded to suggestions for independent and specialist investigation resources by establishing within CSPD a new central team, the Professional Standards Unit (PSU), where dedicated staff have the skills and training to investigate such complaints from all areas of the Agency thoroughly and equitably.
- 2.7 In support of this new approach we will be implementing IT in the first half of 2009 which will provide full management of all complaints. This means we will be able to track all complaints from when they are received through to resolution and monitor progress against target response times. In addition we will be able to gather, analyse and collate the data we need to report on performance, analyse trends and manage risks.
- 2.8 These new procedures have only been in place since February of this year and are therefore reflected in only the later quarters that the CAC have audited. Additionally the CAC's practice of auditing complaints on their completion means that the majority of cases reported on were dealt with under previous arrangements. However there is already clear evidence of benefits of the new arrangements. The CAC has acknowledged that the quality of investigations has improved and timeliness figures reflect a gradual improvement since the introduction of the new system. There is evidence that the CSUs are adding real value in managing and supporting local complaint handling and ensuring that lessons are learned.
- 2.9 We have worked closely with the CAC to address the concerns they have expressed about the quality of file and data management. For each quarterly audit we have focused on accounting for the status of all files due for audit; and by March 2008 all file records from last year's forensic audit had been reconciled. In addition new processes for file and data management were introduced from February 2008 which provide tight controls over the issuing, tracking, closure and destruction of files, to ensure such problems do not recur in the future.
- 2.10 We are keen to seek feedback on our new procedures. Whilst we accept that sometimes our customers will be unhappy with the tough decisions that we need to make as part of enforcing the immigration rules, we still want to provide excellent customer service. Complaints handling is a part of this. We have put in place a new telephone based survey to gain meaningful feedback on how well we are handling complaints. This replaces our previous postal survey which was restricted to serious misconduct complaints and of limited value due to very low response rates. For example, in 2007 the response rate was 25%, a significantly low rate comprised of only 38 responses. To draw any conclusions from a survey with such a low response is extremely difficult. We hope that the new survey will provide a firmer evidence base.
- 2.11 An important new development for the UK Border Agency this year has been the appointment of the Agency's first Chief Inspector, John Vine, in July. The Chief Inspector will provide an independent external assessment of our systems, the effectiveness of enforcement, and our treatment of individuals, including complaints handling. He will inform MPs and the public on these matters through an Annual Report which will be laid before Parliament.
- 2.12 The Chief Inspector's role will encompass that of the CAC as well as the Race Monitor, Non-Suspensive Appeals Monitor and the Advisory Panel on Country Information. Bringing these roles together as part of an overall programme of inspection will ensure an effective end-to-end analysis of our systems.
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## CHAPTER 3

# SERIOUS MISCONDUCT COMPLAINTS

- 3.1 Whilst serious misconduct complaints are relatively small in number compared to service complaints, they can have a profound effect on those involved and can pose a huge risk to the Agency's reputation. In recognition of this we have implemented the CAC's recommendation that all such complaints should be investigated by a dedicated team of specialist trained investigators. These new arrangements were introduced on 25 February 2008 by extending the remit of the PSU to include the investigation of all serious misconduct complaints across the Agency.
- 3.2 We have taken a number of other steps to improve performance in this area, which are set out below. Our aim in doing so has been to ensure that we identify serious cases accurately and quickly, handle them professionally, investigate them thoroughly and equitably, and resolve them as quickly as possible. However, our ability to do all this quickly is affected by a number of factors, which may include the volume of complaints received, the complexity of some individual cases, and the often varying degrees of co-operation we receive from the complainant.
- 3.3 The PSU dealing with all serious misconduct cases has allowed us to deliver the independence, professionalism and quality of investigation which the CAC has sought. All investigators who join the PSU now complete the National Investigative Interviewing Tier 2 level course or equivalent. Greater emphasis is now placed on ensuring that all complainants and witnesses are interviewed where practical, although sometimes this will not be possible, for example where the complainant has been removed from the UK or refuses to participate in an interview. This improvement can be seen by the PSU's performance in the second quarter of this year, where 79% of complainants were interviewed. The remaining 21% had either been removed from the UK or refused to be interviewed.
- 3.4 We have also made better use of additional sources of evidence, including the use of CCTV and expert witnesses where appropriate, such as to validate whether appropriate Control and Restraint (C & R) techniques were used where there is an allegation of assault. The rigour of the PSU's investigations is supported by the fact that the Prisons and Probation Ombudsman (PPO) has not sought to alter our findings in any of the cases his office has reviewed in the past two years.
- 3.5 We have also put in place processes to help to prevent further complaints, by ensuring lessons are learned and that business areas are fully accountable for implementing them. To support this full investigations and summary reports are provided on a regular basis to Regional and Operational Directors.
- 3.6 Conducting high quality and rigorous investigations takes time. In recognition of this and following advice from the CAC we increased our target for completing serious misconduct investigations from 8 weeks to 12 weeks, bringing us in line with those adopted by the police. We have not in the past always met our targets in this area. As a result of this the PSU have been working to address the older outstanding complaints whilst seeking to meet the timeliness targets on the newer cases.
- 3.7 We take all allegations of racism seriously. We have strengthened our approach by introducing a matrix that filters all complaints alleging racism to the PSU. In some instances these complaints may be better dealt with on the PSU's behalf by trained Race Relation Liaison Officers (RRLOs) in the Detention estate. In such cases the PSU will retain responsibility for oversight of the investigation.
- 3.8 Every misconduct complaint where a crime is alleged to have been committed is notified to the police to consider, and we are keen to secure a partnership with the police to take forward such complaints jointly in future. We are now working to achieve a joint protocol that meets the needs of our customers, the police and our own staff to deal with these cases more effectively.

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3.9 New arrangements have been put in place to ensure effective independent oversight of the most serious cases. On 25 February 2008 the IPCC took on statutory jurisdiction for incidents and misconduct matters involving UK Border Agency officers exercising police-like powers. Five cases have been referred to date, of which three were then subsequently remitted to the PSU for local investigation, and two in which the investigation has been managed by the IPCC. We are looking to extend these arrangements to Scotland and Northern Ireland, working with the Police Complaints Commissioner for Scotland and Police Ombudsman for Northern Ireland respectively.

## CHAPTER 4

# MINOR MISCONDUCT COMPLAINTS

- 4.1 A process of Informal Resolution was introduced across the UK Border Agency in February, as part of the new complaints system.
- 4.2 Informal Resolution is designed to provide a quick and simple way of resolving complaints of minor misconduct against Agency staff. All serious allegations, which if substantiated might lead to disciplinary action or criminal proceedings, continue to be handled through full, formal investigations by the PSU.
- 4.3 Like any service provider, we find that many complaints can be resolved without recourse to a lengthy, formal and rigorous investigation process. What the customer wants is an acknowledgement of their concern and frustration, and action to address it. This can often best be achieved by seeking to resolve the issue there and then rather than by instituting a lengthy formal investigation.
- 4.4 As long as this approach follows a clearly defined process which is understood by the customer, it can offer both us and them significant benefits. For us, it provides the freedom to apologise where appropriate, to explain and to offer immediate remedy, whilst still recording the complaint so it can be used to drive improvement. For the customer, their concern is addressed immediately with a clear explanation of what has happened and why, and what action can be taken to remedy it.
- 4.5 Our target for concluding all such cases is 15 days. In many cases, however, managers are able to resolve the case on the spot there and then. This is in contrast to full, formal investigations, which can take up to 12 weeks.
- 4.6 The CAC responded to a ministerial directive to provide guidelines for a system for Informal Resolution. We took full account of the CAC's experience and insight in developing our new process.
- 4.7 Our approach differs to the CAC's proposal in one important respect in that we do not ask the complainant's consent to use Informal Resolution. We believe that in cases where this is the proportionate approach to handling a minor complaint then it is right to pursue this. To seek the complainant's consent would mean offering the alternative of a full, formal investigation where this was withheld. It implies that Informal Resolution is a second best procedure rather than an integral part of our system which is right for certain types of complaint. Offering full investigation of minor matters would not benefit the complainant and would not represent good use of public money. Any complainant who is dissatisfied with the way the process has been managed can ask for the local CSU to review the handling to ensure it was appropriate.
- 4.8 The CAC has criticised the working of our Informal Resolution process in its early days. We will take full account of the CAC's views in reviewing policy in the future. We accept in particular the need to involve complainants more closely in planning the path to satisfactory resolution. Informal Resolution represents a major shift in our approach to minor misconduct complaints, and we will continue to support front line staff in developing the tools and techniques to deliver it effectively.

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## CHAPTER 5

# SERVICE COMPLAINTS

- 5.1 Service complaints make up the largest proportion of complaints received about the Agency. They relate specifically to the way the Agency provides its service rather than the conduct of officials working for the Agency. The categories of these complaints range from delays in the delivery of our services to issues of lost documentation.
- 5.2 The Agency is committed to providing a very good service to our customers and managing complaints is a core element of that service. Effective management of service complaints provides us with the opportunity to assess how well we are doing and identify areas for improvement and this has been a key driver for the changes we made to complaints processes on 25 February 2008.
- 5.3 In previous years the CAC has criticised the handling of service complaints and reported findings of poor quality control, lack of clear guidance and wasted resources that created serious weaknesses in systems and procedures. The UK Border Agency has addressed all these issues with the introduction of the new complaints system.
- 5.4 Under our new processes responsibility for receipt, allocation, logging and monitoring service complaints is devolved to regional and business area CSUs across the country and is no longer centralised.
- 5.5 This is to ensure that responsibility and accountability for resolving these complaints sits with the most appropriate owners providing the best possible service to the customer. In addition the aim of our new procedures is to maximise the opportunity to learn lessons from these complaints and in doing so reduce them, making improvements to the experience of our customers.
- 5.6 The new procedures also encourage those receiving complaints to resolve them immediately where possible or to acknowledge receipt and provide a resolution within a target of 20 working days. The benefit of this is to avoid unnecessary delay, to provide the best possible service to the customer and to keep them informed. This is a positive step forward and although monitoring of immediately resolved cases will not be fully available until 2009 it is a principle which we will continue to embed within the business.
- 5.7 Under the new procedures a new set of categories for service complaints were also introduced, eliminating the previously used 'miscellaneous' category which the CAC has expressed concern about.

## CHAPTER 6

# COMPLAINTS AUDIT COMMITTEE ROLLING REGISTER OF RECOMMENDATIONS

- 6.1 During the CAC's tenure they have made a total of 84 recommendations about the ways in which the Agency needs to improve its complaint management. The Agency has accepted all but 5 of these and agreed the action it would take, specifying timescales and ownership for each.
  
- 6.2 To date a total of 42 have been completed including the most fundamental recommendation relating to an overhaul of the complaints system, new guidance and procedures and the handling of the most serious complaints by one central, specialised team. These have been significant improvements although the Agency accepts that there is still work to do.
  
- 6.3 The following register provides details of the work that has been done and that which is continuing to improve the system even further.

**\*Risk:**

-  - Low impact risk to the UK Border Agency and/or low probability of some failure
-  - Medium impact risk to the UK Border Agency and/or medium risk of some failure
-  - High impact risk to the UK Border Agency and/or high risk of some failure

No risk rating is shown in respect of recommendations where action has been completed, or a recommendation has not been accepted.

MASTER NUMBER	DATE OF AUDIT	RECOMMENDATION	CURRENT POSITION	OWNERSHIP	TARGETS	RISK*	CAC PRIORITY
1	Q1 and Q2 2005	<p><b>Completed.</b></p> <p>The Complaints Audit Committee (CAC) should audit a sample of operational complaints so that we may be satisfied as to the effectiveness of the procedures for investigating these complaints and may draw the UK Border Agency's management's attention to any weaknesses in these procedures and to any quality of service deficiencies within established procedures and working practices.</p>	<p><b>Completed.</b></p> <p>The CAC have discussed this with key business areas and been given support in their audits. Operational complaint data has been provided to the CAC to assist with their audits when requested.</p> <p>The CAC have continued to audit a sample of operational complaints.</p> <p>From July 2008 the Chief Inspector and Performance and Assurance Unit (PAU) will have responsibility for quality assurance of the complaints process.</p>	<p>CAC</p> <p>Owner: Patrick Goulder</p> <p>Delegate: Jane Moore</p>			
2	Q1 and Q2 2005	<p><b>Completed.</b></p> <p>We recommend that CCTV cameras be installed in all public areas in UK Border Agency facilities and detention centres and escort vans.</p>	<p><b>Completed.</b></p> <p>Accepted. All public areas of all 4 Public Enquiry Offices (PEO) are covered by CCTV (except washrooms). Croydon carry out all interviews at the counter under CCTV surveillance. Liverpool, Birmingham and Glasgow very rarely take people to private interview rooms. When they do there are no recording devices in these rooms. Birmingham and Glasgow usually ensure there is more than one UK Border Agency person present for security reasons. The Home Office Departmental Security Unit (DSU) has previously insisted that all PEO counters and money handling areas are covered by CCTV.</p> <p>Asylum Screening Unit (ASU) Liverpool and ASU Croydon have CCTV in public areas. They do take people into meeting rooms for interviews. These are not covered by CCTV or recorded.</p> <p>All removal centres have CCTV in public areas. CCTV is also installed in all escort vans used by contractors.</p> <p>See also recommendation 82.</p>				

MASTER NUMBER	DATE OF AUDIT	RECOMMENDATION	CURRENT POSITION	OWNERSHIP	TARGETS	RISK*	CAC PRIORITY
3	Q3 2005	<p>Service complaints to be handled on a simple, swift service recovery basis through which complaints are acknowledged but primary action is directed towards resolving the service failure which prompted the complaint.</p> <p><b>CAC additional comment:</b></p> <p>Guidance has been formulated and procedures were implemented on February 25th. However, the CAC remains concerned about correct categorisation and escalation procedures and will continue to audit the implementation of systems and procedures. This should be monitored by the Chief Inspector from 9/2008.</p>	<p>Accepted. New processes have been introduced from 25 February 2008 to make handling of service complaints simpler and quicker. These processes have been communicated to all staff, and a training programme delivered to key customer-facing staff.</p> <p>Quality assurance of this process will be undertaken by the Chief Inspector and PAU from July 2008.</p>	<p>Owner: Patrick Goulder</p> <p>Delegate: Jane Moore</p>	On-going		
4	Q1 and Q2 2005	<p>We recommend that all asylum interviews be tape-recorded and video-recorded.</p>	<p>Accepted in respect of tape-recording.</p> <p>Data from a trial at Oakington has been used to develop a business case to bid for funding for a digital audio recording system to audio record all asylum interviews. The project is quite advanced, but awaits full budgetary agreement.</p> <p>Not accepted in respect to video-taping. Any introduction of video which has an inherent cost needs to be risk focused. Asylum interviews are low risk in comparison to removals (where we use video). There is no history of problems in asylum interviews that video tape could address, so we do not accept that there is any need to video record asylum interviews nor are there any plans to do so.</p>	<p>Owner: Nicola Thomas</p> <p>Delegate: Jo Elliott</p>	On-going		

MASTER NUMBER	DATE OF AUDIT	RECOMMENDATION	CURRENT POSITION	OWNERSHIP	TARGETS	RISK*	CAC PRIORITY
5	Q1 and Q2 2005	<b>Completed.</b> We recommend that systems be put in place to ensure that detainees are fully and properly informed of complaints procedures.	<b>Completed.</b> CAC accept that this recommendation has been met.				
6	Q1 and Q2 2005	<b>Completed.</b> We recommend that complaint forms are readily available in Immigration Removal Centres (IRCs).	<b>Completed.</b> CAC accept that this recommendation has been met.				
7	Q1 and Q2 2005	<b>Completed.</b> We recommend that the right of detainees to submit complaints is respected by staff and management.	<b>Completed.</b> CAC accept that this recommendation has been met.				
8	Q1 and Q2 2005	<b>Completed.</b> We recommend that the contract monitor, contract manager, staff and members of the Independent Monitoring Board (IMB) are made aware of the importance of the complaints process and the need to create and sustain an environment in which it works effectively.	<b>Completed.</b> CAC accept that this recommendation has been met.				
9	Q1 and Q2 2005	<b>Completed.</b> We recommend that detainees be provided with a confidential means of relaying forms directly to the central Complaints Unit.	<b>Completed.</b> CAC accept that this recommendation has been met.				

MASTER NUMBER	DATE OF AUDIT	RECOMMENDATION	CURRENT POSITION	OWNERSHIP	TARGETS	RISK*	CAC PRIORITY
10	Q1 and Q2 2005	<p><b>Completed.</b></p> <p>We recommend that all formal complaints from detention centres be immediately forwarded to the Operational Support Unit (OSU) for possible referral to the police or the CAC, for cataloguing and for investigation.</p> <p><b>CAC additional comment:</b></p> <p>We accept that misconduct complaints from the detention estate are being forwarded to the central OSU for possible referral to the police, but we remain concerned that they are not being catalogued by PAU until the investigation is complete resulting in a delay in consolidating management information</p>	<p><b>Completed.</b></p> <p>On 25 February 2008 UK Border Agency introduced new complaints procedures and guidance. This requires that all serious misconduct complaints are recorded and faxed to the Professional Standards Unit (PSU) within 24 hours of receipt.</p>	<p>Owner: Alan Kittle</p> <p>Delegate: John Thomson</p>			
11	Q1 and Q2 2005	<p><b>Completed.</b></p> <p>We repeat the recommendation of the previous CAC that the grade of contract monitors be adequate to ensure that they are sufficiently experienced and have enough confidence to maintain their independence in relating to contract managers and staff and in fulfilling not only their care of contract duties, but also their care of detainee responsibilities.</p> <p>We note this and suggest that it be subject to a future audit.</p>	<p><b>Completed.</b></p> <p>CAC accept that this recommendation has been met.</p>				

MASTER NUMBER	DATE OF AUDIT	RECOMMENDATION	CURRENT POSITION	OWNERSHIP	TARGETS	RISK*	CAC PRIORITY
12	Q1 and Q2 2005	We recommend that a review of the training needs of contract monitors be conducted and that a programme of instruction be devised and implemented to ensure that monitors are appropriately skilled in key competencies.	<p>Accepted. A training package for contract monitors was being developed prior to the change in complaints procedures on 25 February 2008.</p> <p>Following acceptance of an Audit and Assurance Unit recommendation the training needs of contract monitors were re-examined and taken forward in the light of implementation of the recommendation that contract monitors take receipt of complaints.</p> <p>The Detention Estate were in discussion with the CAC on the content of a training programme for complaints investigators, elements of which may be applicable to UK Border Agency staff in the IRCs.</p> <p>From 25 February 2008 all serious misconduct complaints requiring investigation, including those from within the Detention Estate, are dealt with by the PSU's fully trained investigating staff.</p> <p>A new Detention Service Order 13/2008, which addresses complaint handling within the detention estate, was issued in December 2008 following a period of consultation with stakeholders. The training needs of the UK Border Agency Managers and Contractors will be reviewed in the light of that finalised document.</p>	<p>Owner: Alan Kittle</p> <p>Delegate: John Thomson</p>	December 2008		

MASTER NUMBER	DATE OF AUDIT	RECOMMENDATION	CURRENT POSITION	OWNERSHIP	TARGETS	RISK*	CAC PRIORITY
13	Q1 and Q2 2005	<p><b>Completed.</b></p> <p>We recommend that the head of the OSU maintain an open line of communication with contract monitors so that they feel more supported by UK Border Agency management than they currently do and so that they are in a position to forward information about possible abuses occurring in their centres without reference to contract management.</p>	<p><b>Completed.</b></p> <p>CAC accept that this recommendation has been met.</p> <p>OSU has become part of PSU but ensure they maintain contact with UK Border Agency Contract Managers.</p>				
14	Q1 and Q2 2005	<p><b>Completed.</b></p> <p>We recommend that all allegations of criminal behaviour be reported to the police immediately upon receipt at the OSU. This should be the responsibility of the officer who receives the complaint.</p>	<p><b>Completed.</b></p> <p>CAC accept that this recommendation has been met.</p>				
15	Q1 and Q2 2005	<p>We recommend that all communications with the police should be in written form and that a clear audit trail be provided in all cases.</p>	<p>Accepted and implemented. Verbal communication is noted in the case-file and a copy of the later written communication regarding the case attached. The need for a written audit trail is still being reinforced to the police involved. However, the majority of cases will contain these, and all relevant action is being captured on file.</p>	<p>Owner: Colin Harbin</p> <p>Delegate: Mark Hartley-King</p>	Ongoing	 	

MASTER NUMBER	DATE OF AUDIT	RECOMMENDATION	CURRENT POSITION	OWNERSHIP	TARGETS	RISK*	CAC PRIORITY
16	Q1 and Q2 2005	<p><b>Completed.</b></p> <p>We recommend that a crime reference number be secured if the police register the criminal allegation. If the police decide to take no further action, reasons should be sought and fully recorded in writing.</p> <p><b>CAC additional comment:</b></p> <p>We accept that a crime reference number is being obtained, but we have found little evidence of reasons being recorded for the police to no further action (NFA) a case.</p>	<p>CAC do not accept that this recommendation has been fully met (see below).</p> <p>In general the police's view is that the UK Border Agency is not the victim and whilst they will advise us of NFA cases they will not disclose routinely why this judgement was taken. In order to overcome this, a formal protocol of joint working is now being developed and should be in place by April 2009.</p>	<p>Owner: Colin Harbin</p> <p>Delegate: Mark Hartley-King</p>	April 2009		
17	2004/05 Annual Report	<p><b>Completed.</b></p> <p>Methods of record keeping should be examined to improve the safekeeping and secure handling of customers' property. In particular the record of any transfer of property to another agent should be fully documented. Any new procedures should be made known throughout the service.</p>	<p><b>Completed.</b></p> <p>CAC accept that this recommendation has been met.</p>				
18	Q1 and Q2 2005	<p><b>Completed.</b></p> <p>We recommend that the CAC work with officials to refine the matrix.</p>	<p><b>Completed.</b></p> <p>Accepted. A matrix of different resolution paths for different types of complaint has been refined following consultation within the business and forms part of the new complaints handling procedures which were introduced on 25 February 2008.</p>	<p>Owner: Patrick Goulder</p> <p>Delegates: Jane Moore Helen Hawthorn</p>			

MASTER NUMBER	DATE OF AUDIT	RECOMMENDATION	CURRENT POSITION	OWNERSHIP	TARGETS	RISK*	CAC PRIORITY
19	Q1 and Q2 2005	<p>We recommend that the CAC work with officials to develop a Code of Conduct with a view to submitting it to a consultation process by September 2006.</p> <p><b>CAC additional comment:</b></p> <p>We assessed the need to refer the code to the unions as a top priority in the Annual Report and we do not accept that this recommendation is complete as yet.</p>	<p>Accepted. We agree in principle with the merit of a Code of Conduct for staff. It will need to take account of the existing Civil Service Code of Conduct and of the UK Border Agency's own Professional Standards Guidance, and of emerging work on UK Border Agency's values.</p> <p>Chapter 14 of the new guidance <i>Dealing with Customers: Our Values and Principles</i> covers these issues. This guidance was implemented on 25 February 2008, however consideration will be given to amending the guidance to ensure a closer link to line managers' responsibility to take disciplinary action if required.</p>	<p>Owner: Patrick Goulder</p> <p>Delegate: Jane Moore</p>	January 2009		
20	Q1 and Q2 2005	<p>We recommend that the CAC work with officials to develop a Code of Service with a view to submitting it to a consultation process by September 2006.</p>	<p>The Complaints Change Programme included a communication strategy for internal and external customers.</p> <p>Service standards in relation to complaints were published on the web and in the complaints leaflet on 25 February 2008.</p> <p>Complaints categories will be linked to the matrix in the complaints guidance when it is next updated.</p>	<p>Owner: Patrick Goulder</p> <p>Delegates: Jane Moore</p> <p>Sharon Pearce</p>	January 2009		

MASTER NUMBER	DATE OF AUDIT	RECOMMENDATION	CURRENT POSITION	OWNERSHIP	TARGETS	RISK*	CAC PRIORITY
21	Q1 and Q2 2005	<p><b>Completed.</b></p> <p>We recommend that the UK Border Agency adopt a standardised format of file assembly for complaint cases</p> <p>We reiterate our recommendation that there be one system of complaints management centrally managed and standardised across the entire business.</p> <p><b>CAC additional comment:</b></p> <p>Our audits have demonstrated significant inconsistencies and flaws in file numbering.</p> <p>PAU has given instructions but current audit evidence suggests that implementation has not been fully completed. CAC will therefore continue to audit.</p>	<p><b>Completed.</b></p> <p>A new numbering and file management system was introduced on 25 February 2008, whereby only PAU and PSU have the authority to raise complaints files. This new system enables easy identification of location within detention services, addressing the CAC's main concern. Additionally, the system allows us to identify which CSU (Customer Service Unit) the complaint relates to.</p>	<p>Owner: Patrick Goulder</p> <p>Delegate: Jane Moore</p>			
22	Q1 and Q2 2005	We recommend that the UK Border Agency adopt a computerised internal report system.	Accepted. PAU continues to work on this. A new case management system for complaints is being procured and will be configured and rolled out across the UK Border Agency in the latter part of the financial year. This will standardise the approach to record keeping.	<p>Owner: Patrick Goulder</p> <p>Delegate: Lindsey Ithell</p>	Pilot in Spring 2009 followed by full implementation	 	
23	Q1 and Q2 2005	We recommend that the UK Border Agency adopt a computerised file movement and tracking system.	<p>Accepted for complaints files (such a system already operates for personal files).</p> <p>A requirement of the new case management system is for complaints to be electronically stored and tracked and available to all who require access through the case management system.</p>	<p>Owner: Patrick Goulder</p> <p>Delegate: Lindsey Ithell</p>	Pilot in Spring 2009 followed by full implementation	 	

MASTER NUMBER	DATE OF AUDIT	RECOMMENDATION	CURRENT POSITION	OWNERSHIP	TARGETS	RISK*	CAC PRIORITY
24	Q1 and Q2 2005	<p><b>CAC accept that this recommendation is now closed.</b></p> <p>We recommend that the current target of two days between receipt of a file letter and acknowledgement be extended to five working days and that this registration period includes an assessment of the complaint according to the matrix and the inauguration of the appropriate investigation.</p>	<p><b>Closed.</b></p> <p>Not accepted as it stands. The UK Border Agency would not want to extend acknowledgement targets if possible as this will impact on the overall target for investigation.</p> <p>New complaints procedures were introduced on 25 February 2008 which require either a substantive reply or acknowledgement within 2 working days of receipt.</p>	<p>Owner: Patrick Goulder</p> <p>Delegate: Jane Moore</p>	February 2008		
25	Q1 and Q2 2005	<p><b>Completed.</b></p> <p>We recommend that end-to-end targets be set according to the complexity and impact of the complaint as assessed through use of the matrix.</p>	<p><b>Completed.</b></p> <p>New targets were introduced across the Agency on 25 February 2008. These are:</p> <ul style="list-style-type: none"> <li>• 20 working days for service complaints</li> <li>• 15 working days for minor misconduct complaints</li> <li>• 12 weeks for serious misconduct complaints</li> </ul>	<p>Owner: Patrick Goulder</p> <p>Delegate: Jane Moore</p>			
26	Q1 and Q2 2005	<p><b>Completed.</b></p> <p>We recommend that clear standards of best practice in complaints investigations be established as a matter of importance and urgency.</p>	<p><b>Completed.</b></p> <p>Accepted. The guidance was rolled out and implemented on 25 February 2008.</p> <p>This is linked to recommendations 28, 29, 31, 32, 33, 49 and 55.</p>	<p>Owner: Patrick Goulder</p> <p>Delegate: Jane Moore</p>			
27	Q1 and Q2 2005	<p><b>Completed.</b></p> <p>We recommend that the current guidance on complaints procedures be replaced by a manual of procedures derived from these standards.</p>	<p><b>Completed.</b></p> <p>New complaints guidance was published on 25 February 2008.</p>	<p>Owner: Patrick Goulder</p> <p>Delegate: Jane Moore</p>			

MASTER NUMBER	DATE OF AUDIT	RECOMMENDATION	CURRENT POSITION	OWNERSHIP	TARGETS	RISK*	CAC PRIORITY
28	Q1 and Q2 2005	<p><b>Completed.</b></p> <p>Significantly, but not exclusively, we recommend that the new guidance requires a personal interview of the complainant.</p> <p>We recognise that OSU and PSU are now interviewing complainants but we remain concerned that other areas of the business are not doing so even in cases of alleged serious misconduct. In our view a complainant should always be interviewed unless it is physically impossible.</p>	<p><b>Completed.</b></p> <p>From 25 February 2008 all serious misconduct complaints are investigated by PSU and an interview of the complainant is undertaken unless it is not practical to do so.</p> <p>This is included in the new complaints guidance at section 8.4.1.</p>	<p>Owner: Patrick Goulder</p> <p>Delegates: Jane Moore</p> <p>Peter Barratt</p>			
29	Q1 and Q2 2005	<p><b>Completed.</b></p> <p>We recommend the discontinuance of interviews by telephone and pro-formas.</p>	<p><b>Completed.</b></p> <p>The new guidance introduced on 25 February 2008 requires interviews with complainants and witnesses unless it is not practical to do so.</p>	<p>Owner: Patrick Goulder</p> <p>Delegate: Jane Moore</p>			
30	Q1 and Q2 2005	<p>We recommend the tape-recording of interviews. We recommend the timely collection of all supporting evidence.</p>	<p>Accepted in relation to the timely collection of evidence. New processes ensure that evidence gathering begins immediately after a case is received and registered.</p> <p>PSU now routinely uses tape recording of interviews with complainants, contractors and, with their agreement, UK Border Agency staff. PSU is awaiting confirmation of changes in Human Resources Policy to facilitate the compulsory tape recording of UK Border Agency staff. Each case will still be assessed on its merits to decide the most appropriate method of evidence recording.</p>	<p>Owner: Colin Harbin</p> <p>Delegate: Mark Hartley- King</p>	Ongoing		

MASTER NUMBER	DATE OF AUDIT	RECOMMENDATION	CURRENT POSITION	OWNERSHIP	TARGETS	RISK*	CAC PRIORITY
31	Q1 and Q2 2005	<p>We recommend the timely identification of all independent witnesses.</p> <p><b>CAC additional comment:</b></p> <p>We accept that guidance on this has been included in the complaints manual but assess it as important that implementation be monitored on an on-going basis, particularly during transition.</p>	<p>Accepted. This will be built into the Standards of Best Practice (recommendation 26).</p> <p>This is in the new complaints guidance which was rolled out on 25 February 2008.</p>	<p>Owner: Colin Harbin</p> <p>Delegates: Mark Hartley-King</p>	Ongoing		
32	Q1 and Q2 2005	<p>We recommend the timely collection of all supporting evidence.</p> <p><b>CAC additional comment:</b></p> <p>We accept that guidance on this has been included in the complaints manual but assess it as important that implementation be monitored on an on-going basis, particularly during transition.</p>	<p><b>Completed.</b></p> <p>This is in the new complaints guidance which was rolled out on 25 February 2008.</p>	<p>Owner: Colin Harbin</p> <p>Delegates: Mark Hartley-King</p> <p>Peter Barratt</p>	Ongoing		
33	Q1 and Q2 2005	<p><b>Completed.</b></p> <p>We recommend clear guidance on the conduct of interviews with complainants, witnesses and officials who are the subject of complaint.</p>	<p><b>Completed.</b></p> <p>This is in the new complaints guidance which was rolled out on 25 February 2008.</p>	<p>Owner: Patrick Goulder</p> <p>Delegates: Jane Moore</p> <p>Peter Barratt</p>			

MASTER NUMBER	DATE OF AUDIT	RECOMMENDATION	CURRENT POSITION	OWNERSHIP	TARGETS	RISK*	CAC PRIORITY
34	Q1 and Q2 2005	<p><b>Completed.</b></p> <p>To ensure that investigations are conducted to a high standard we recommend that they be undertaken in regard to formal complaints only by a small group of properly trained investigators supervised from the central complaints unit.</p>	<p><b>Completed.</b></p> <p>All serious misconduct complaints are now investigated by PSU.</p>	<p>Owner: Patrick Goulder</p> <p>Delegate: Jane Moore</p>			
35	Q1 and Q2 2005	<p><b>Completed.</b></p> <p>We recommend that clear guidance be provided in a new complaints manual on writing reply letters which weigh evidence from the complainant and from the official(s) against whom a formal complaint has been made on the balance of probabilities and which supply unambiguous, well explained reasons why an allegation either meets the required standard of proof and is therefore substantiated or fails to meet the standard and is therefore unsubstantiated.</p>	<p><b>Completed.</b></p> <p>Guidance on the consideration and response to complaints is contained within the complaints guidance which was rolled out on 25 February 2008.</p>	<p>Owner: Patrick Goulder</p> <p>Delegates: Jane Moore</p> <p>Peter Barratt</p>			
36	Q1 and Q2 2005	<p><b>Completed.</b></p> <p>We recommend that reply letters be written under the supervision of the senior officials in the central complaints unit and with quarterly monitoring by the CAC.</p>	<p><b>Completed.</b></p> <p>Accepted in part. Currently all serious misconduct replies are supervised by officials of at least Senior Executive Officer (SEO) level within PSU.</p> <p>Complaints guidance specifies that all other complaints replies must be checked by an appropriate manager.</p>	<p>Owner: Colin Harbin</p> <p>Delegate: Mark Hartley- King</p>	Ongoing		

MASTER NUMBER	DATE OF AUDIT	RECOMMENDATION	CURRENT POSITION	OWNERSHIP	TARGETS	RISK*	CAC PRIORITY
37	Q1 and Q2 2005	Duplicate of recommendation 13.  <b>Completed.</b>					
38	Q1 and Q2 2005	Duplicate of recommendation 14.  <b>Completed.</b>					
39	Q1 and Q2 2005, Q3 2007, Q4 2008 and Q1 2008	We recommend that a protocol for referral from the unit to the police be drawn up to ensure consistency and quality assurance.  <b>CAC additional comment:</b>  We reiterate our recommendation to develop a memorandum of understanding with the police to agree standards and procedures for the referral of criminal allegations and the creation and maintenance of a written audit trail to facilitate obtaining witness statements and evidence as quickly as possible and to ensure that UK Border Agency benefits from findings of the police made during their consideration of the case.	Whilst all allegations of criminal behaviour and assault are being referred to the police some forces have been reluctant in the past to have a protocol which would require them to investigate all allegations.  PSU have begun to develop with the Metropolitan Police Service (MPS) (as per recommendation 16) a joint working protocol, which if agreed under the auspices of the Association of Chief Police Officers (ACPO) could be duplicated with all forces UK wide.  Draft protocol has been cleared with Human Resources and Legal Advisors Branch and contact made with the MPS. MPS have stated that they wish to delay agreement of the protocol whilst changes arising from the Taylor report are implemented. PSU are now trying to identify a new officer within the MPS's Professional Standards Unit with whom they can meet to discuss further development of the protocol. It is intended that agreement with the MPS will be reached before the wider ACPO protocol is agreed.	Owner: Colin Harbin  Delegate: Mark Hartley-King	January 2009	 	

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40	Q1 and Q2 2005	<p><b>Completed.</b></p> <p>As soon as the Independent Police Complaints Commission (IPCC) has assumed jurisdiction over enforcement and removals, all allegations of death, serious injury and breaches of Articles 2 and 3 of the European Convention on Human Rights (ECHR) should be referred by the complaints unit to the police as set down in the matrix. The most serious cases should be brought to the attention of the CAC, who will refer them immediately to the IPCC according to regulations currently being formulated.</p> <p><b>CAC additional comment:</b></p> <p>We accept that this has been completed and that implementation should be monitored by the PSU and the Chief Inspector.</p>	<p>Accepted in part.</p> <p>These cases will be referred to the relevant authority as quickly as possible and this means the most serious cases must be tendered to the IPCC first.</p> <p>As of the 25 February 2008 the regulations regarding referrals took effect and extended the IPCC's remit over the whole UK Border Agency. The CAC will be provided with a copy of these regulations and will be made aware of all cases that meet the mandatory referral criteria.</p> <p>Critical incidents will be reported to Enforcement &amp; Compliance's Command and Control Unit (CCU) as a first point of contact. CCU will then pass on the details to IPCC rather than CAC but will also inform PSU immediately to facilitate any subsequent investigation.</p>	<p>Owner: Colin Harbin</p> <p>Delegate: Mark Hartley-King</p>	Ongoing		
41		<p><b>Completed.</b></p> <p>We recommend that a single, holistic, more responsive complaints system be introduced. This should include a system of informal resolution.</p>	<p><b>Completed.</b></p> <p>The new complaints system implemented on 25 February 2008 introduced a corporate approach and common standards in complaints handling across the UK Border Agency, managed by customer service functions within each region or business area. The new system included processes for learning lessons from complaints and promotes the practice of informal resolution for minor misconduct complaints.</p>	<p>Owner: Patrick Goulder</p> <p>Delegate: Jane Moore</p>			

MASTER NUMBER	DATE OF AUDIT	RECOMMENDATION	CURRENT POSITION	OWNERSHIP	TARGETS	RISK*	CAC PRIORITY
42	Q3 2005	Guidance and procedures to be designed in liaison with the police to ensure that evidence is seized and preserved as quickly as possible after a complaint has been made.	Accepted. See responses to recommendations 16,32 and 39.  Decisions on UK Border Agency procedures for handling serious complaints need to be reached through consultation with SACU, Police and legal advisors especially where seizure is concerned. It is being considered as part of the UK Border Agency/Police joint working protocol development	Owner: Colin Harbin  Delegates: Mark Hartley-King	January 2009		
43	Q3 2005	<b>Completed.</b>  Remove the sentence "When the investigation of a formal complaint is complete and we have sent you a response with our findings, the complaint file will be audited by the Complaints Audit Committee" from formal replies and complaints leaflets.	<b>Completed.</b>  CAC accept that this recommendation has been met.				
44	Q3 2005	Quality assurance is not sufficiently robust. It should be introduced at an early point in a complaints investigation as a management function and not relegated to the end when a final letter to the complainant is being drafted.	Accepted. From July 2008 the Chief Inspector and PAU will have responsibility for quality assurance of the complaints process. This is in addition to local assurance which for all serious misconduct complaints is provided in PSU and for all other complaints by appropriate managers.	Owner: Patrick Goulder  Delegate: Jane Moore	On-going		
45	Q3 2005	We recommend the establishment of professional standards through the articulation of values.	<b>Completed.</b>  The complaints guidance includes guidance on professional standards and values. See responses to recommendations 19 and 20.	Owner: Patrick Goulder  Delegate: Jane Moore			

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46	Q3 2005	We recommend the formulation of protocols and operating procedures derived from these values and the Code of Conduct to guide the selection, training, assessment, discipline and promotion of officials within the UK Border Agency.	Not accepted as it stands. This recommendation covers every area of the UK Border Agency and cannot be implemented through complaints processes.	Owner: Patrick Goulder  Delegate: Jane Moore			
47	Q3 2005	<b>Completed.</b>  We recommend the development of an intelligence capability to support the complaints process.	<b>Completed.</b>  The changes brought in under the Complaints Change Programme implemented on 25 February 2008 introduced a formal system for identifying and reviewing lessons to be learned from complaints. They also ensure that complaints intelligence is fed into the business risk assessment processes.	Owner: Patrick Goulder  Delegate: Jane Moore			
48		We recommend the introduction of a hotline to facilitate the transmission of information on a confidential basis.  (This recommendation is for Detention Services).  CAC accept that the resources are not available to provide such a service but recommend that it is still considered.	Not accepted as it stands. The resources are not available to provide such a service.  The UK Border Agency currently has numerous complaints helplines throughout the regions, an allegation hotline and the Immigration Enquiry Bureau.  Detainees have easy access to telephones in Removal Centres and can contact whomever they wish.  Detention Services has also introduced a dedicated fax service specifically for the receipt of confidential access complaints.	Owner:  SACU HR  Delegate:			

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49	Q1 and Q2 2005	<p><b>Completed.</b></p> <p>To provide quality control we recommend that investigators submit an investigation strategy to a senior official in the unit for initial approval, that s/he report any major problems or changes to that plan in the course of the investigation and that s/he submit the report for checking at the end.</p>	<p><b>Completed.</b></p> <p>This is included in the new complaints guidance which was rolled out on 25 February 2008.</p>	<p>Owner: Patrick Goulder</p> <p>Delegates: Jane Moore</p> <p>Peter Barratt</p>			
50	Q1 and Q2 2005	<p>The investigation of criminal allegations and misconduct allegations should be co-ordinated insofar as is possible. Our audit indicates that Human Resources guidance (see HR Policy: Misconduct Investigations) is not being followed. In every case which we have audited and which contains criminal/misconduct allegations, the complaints investigation has been suspended while the police consider the referral or conduct their investigation.</p>	<p>Accepted. The current HR guidance advises that when managers are dealing with misconduct allegations where criminal behaviour may have occurred, the matter may be referred to the police. HR advice should be taken at the earliest possible stage in such cases. Criminal proceedings will not normally delay disciplinary action unless it is decided that such action might prejudice the outcome of the criminal case. The presumption should be that disciplinary action will be taken in parallel to any criminal proceedings but HR advice must be obtained in all such cases.</p>	<p>Owner: Frances Ackland</p> <p>Delegate:</p>	On-going	 	

MASTER NUMBER	DATE OF AUDIT	RECOMMENDATION	CURRENT POSITION	OWNERSHIP	TARGETS	RISK*	CAC PRIORITY
51	Q1 2006	<p><b>Completed.</b></p> <p>We recommend that the use of emails to provide speedy and effective contact with complainants should formally be considered by PAU.</p>	<p><b>Completed</b></p> <p>Prior to the changes implemented on 25 February 2008, PAU received complaints by email and also used this method to obtain additional information.</p> <p>The new complaints procedures and associated publicity include the acceptance of complaints and the sending of responses by email.</p> <p>We will look at implementing a process of acknowledgements by email where appropriate when the new case management system is introduced as part of the Complaints Change Programme.</p>	<p>Owner: Patrick Goulder</p> <p>Delegate: Lindsey Ithell</p>			
52	Q1 2006	<p>We recommend that all officials who have contact with the public should wear name badges.</p>	<p><b>Completed</b></p> <p>The UK Border Agency Board agreed, in principle, to the recommendation to introduce identification badges for all UK Border Agency staff.</p> <p>Both the Immigration Services Union and the Public and Commercial Services Union had concerns about health and safety risks. It has therefore been agreed that badges will be worn when appropriate.</p> <p>Badges are already required for counter staff in PEOs.</p>	<p>Owner: Paul Rhodes</p> <p>Delegate:</p>			
53	Q1 2006	<p>We recommend that the integrity of data sent to the CAC should be quality assured.</p>	<p>Accepted. PAU quality assures all data sent to the CAC.</p>	<p>Owner: Patrick Goulder</p> <p>Delegate: Jane Moore</p>	Ongoing	 	

MASTER NUMBER	DATE OF AUDIT	RECOMMENDATION	CURRENT POSITION	OWNERSHIP	TARGETS	RISK*	CAC PRIORITY
54	Q1 2006	We recommend that PAU should manage the timeliness more robustly to address this important aspect of any good complaints handling system, as defined in the Cabinet Office Guidance.	<p>Accepted. Prior to the changes implemented on 25 February 2008, PAU were not able to enforce target dates but did chase formal complaints and escalated them if required. PAU also chased operational complaints when resources allowed.</p> <p>Robust procedures for managing timeliness are built into new complaints handling procedures implemented in February 2008.</p> <p>High level reporting for complaints handling, including performance, is now in place across the UK Border Agency. This includes detention estate data.</p> <p>PAU have an overview of all the processes and collate monthly statistics and high level reports. Action has been taken with underperforming areas and support given where needed. This is now a key area of PAU's new function and they will continue to work closely with PSU and the CSUs to ensure targets are met.</p>	<p>Owner: Patrick Goulder</p> <p>Delegate: Jane Moore</p>	Ongoing		
55	Q1 2006	<b>Completed.</b>  PAU to target resources to promote improvements in standards of investigations.	<b>Completed.</b>  The PSU has been established to conduct serious misconduct investigations.	<p>Owner: Patrick Goulder</p> <p>Delegate: Jane Moore</p>			
56	Q2 2006	<b>Completed.</b>  There should be a clear policy setting out when force or restraints (especially leg restraints) can be used, what authority is required to use them and what records must be made about their use.	<b>Completed.</b>  Detention Services Order 1/2002 provides guidance on the use of force, including the application of handcuffs, and leg restraints when Detainees are under escort by the in country and overseas escorting contractors. This sets out the authority required for such use and when such incidents of use should be recorded.				Awaiting confirmation from CAC

MASTER NUMBER	DATE OF AUDIT	RECOMMENDATION	CURRENT POSITION	OWNERSHIP	TARGETS	RISK*	CAC PRIORITY
57	Q4 2006	<b>Completed.</b>  All 128-138 arrest team cases must be referred to the CAC for advice and guidance.	<b>Completed</b>  All arrest team cases are, and will continue to be, referred to the CAC and where appropriate the IPCC.  The PSU manage all these cases since the changes in complaint procedures on 25 February 2008 and they are confident all such cases are referred to the CAC.  Since the Chief Inspector subsumed the role of the CAC, he has stated he will not be monitoring such cases.	Owner : Mark Hartley- King			
58	Q4 2006	File numbers from the General Registry should be checked to ensure that there are no outstanding cases to be audited by the CAC.	Procedures and resource have now been put in place in PAU to check that appropriate files are sent to the CAC for audit.  Under the new complaints procedures, PAU and PSU are the only departments able to raise complaint files to ensure all such cases are monitored accordingly.	Owner: Patrick Goulder  Delegates: Jane Moore  Sharon Pearce	Ongoing		
59	Q4 2006	Guidance should be circulated to all complaints handlers clarifying the remit of PAU.	The new complaints system was implemented on 25 February 2008. The change has been communicated to all Agency staff, the new guidance is available on the intranet and training courses have been run.  A communication strategy is being developed to ensure all staff and stakeholders are fully informed of the complaints procedures and any changes made.	Owner: Patrick Goulder  Delegates: Jane Moore  Helen Hawthorn	Ongoing		
60	Q1 2007	<b>Completed.</b>  PAU should document and flow-chart the entire process of handling service delivery complaints from the receipt of the letter at the first point of entry at UK Border Agency to its ultimate resolution.	<b>Completed.</b>  This was done as part of the business analysis element of the Complaints Change Programme.	Owner: Patrick Goulder  Delegates: Jane Moore  Helen Hawthorn			

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61	Q1 2007	<p><b>Completed.</b></p> <p>Enforcement and Compliance, Borders and PAU should continue to explore activities which are currently being duplicated unnecessarily.</p>	<p><b>Completed.</b></p> <p>PAU and the Management Support and Workflow Team (MSWT) worked closely together to minimise duplication of work and improve processes.</p> <p>MSWT functions were taken on by the PAU in October 2007.</p>	<p>Owner: Patrick Goulder</p> <p>Delegates: Jane Moore</p> <p>Sharon Pearce</p>			
62	Q1 2007	<p>The investigation of misconduct complaints in the detention estate should be undertaken exclusively by UK Border Agency officials. Contract staff should have no involvement in these investigations.</p>	<p><b>Completed.</b></p> <p>Accepted in part. We accept in principle that interviews should take place in all such cases.</p> <p>A complaint alleging serious or gross misconduct by staff will be investigated by a member of PSU staff. In virtually all cases the interviews are conducted solely by PSU investigators.</p> <p>However, on extremely rare occasions, contractors interview staff where they have conducted an investigation, prior to a complaint being received by UK Border Agency. If the interview did not meet our requirements, when we became aware of the complaint, then the officer would be interviewed again. There have been only 2 investigations where contractors interviewed on our behalf. Both of these were thorough and it was not necessary for PSU to re-interview the staff.</p> <p>Complaints of minor misconduct against a member of staff will be conducted by a Contractor although the UK Border Agency Manager retains the right to be involved in any such investigation to such an extent as they consider necessary.</p>	<p>Owner: Colin Harbin</p> <p>Delegate: Mark Hartley-King</p>			

MASTER NUMBER	DATE OF AUDIT	RECOMMENDATION	CURRENT POSITION	OWNERSHIP	TARGETS	RISK*	CAC PRIORITY
63	Q1 2007	Contractors should be awarded penalty points for failing to register and manage service delivery complaints, to collate management information from these complaints and to demonstrate the use of this information to improve systems and procedures.	<p>Detention Services cannot legally penalise a contractor, but may seek to impose performance deductions as appropriate. Detention Services do currently reflect these requirements within contracts. Performance points are awarded to contractors if:</p> <ul style="list-style-type: none"> <li>• a complaint is substantiated</li> <li>• they fail to register a complaint (failure to self audit)</li> <li>• they fail to use the information from the complaints system (failure to self audit)</li> <li>• they fail to disclose a complaint (failure to report)</li> </ul> <p>The issue of complaints is discussed at the quarterly contract meetings and senior managers seek to be reassured that when a complaint is upheld appropriate lessons are learned.</p>	<p>Owner: Alan Kittle</p> <p>Delegate: John Thomson</p>	Ongoing		
64	Q2 2007	PAU should ensure that all formal, misconduct complaint files are sent for audit to the CAC and then the Chief Inspector of UK Border Agency even if they have been cancelled, withdrawn or reclassified as service delivery complaints. This is crucial to data integrity. This is rated red due to its severe impact on UK Border Agency's complaints systems and procedures. This is a high priority meriting urgent attention.	<p>Accepted. PAU has put procedures in place to ensure that files are sent to CAC in accordance with their recommendation.</p> <p>Arrangements with the Chief Inspector are to be finalised.</p>	<p>Owner: Patrick Goulder</p> <p>Delegates: Jane Moore</p> <p>Sharon Pearce</p>	January 2009		

MASTER NUMBER	DATE OF AUDIT	RECOMMENDATION	CURRENT POSITION	OWNERSHIP	TARGETS	RISK*	CAC PRIORITY
65	Q2 2007	<p>PAU should work with General Registry to clarify the numbering system to facilitate tracking, monitoring, analysing and producing good quality, reliable management information by complaints category, department and region.</p> <p><b>The CAC wish to continue to audit this.</b></p>	<p>Accepted. PAU took this forward with General Registry. The issue of complaints files was also considered further as part of the Complaints Change Programme.</p> <p>A new numbering system for the whole of the Agency was introduced on 25 February 2008. In addition procedures have been agreed with General Registry that complaints files can only be raised by PAU or PSU and only PAU has the authority to cancel or destroy files.</p>	<p>Owners: Patrick Goulder</p> <p>Jill Beckingham</p> <p>Delegates: Jane Moore</p> <p>Sharon Pearce</p>	On-going		
66	Q2 2007	<p>PAU should work with General Registry to check the status of files on a regular basis – at least quarterly – to identify those which have not yet been completed: those for which a number has been given but no action has as yet been taken; those which are being investigated; and those which have been withdrawn and the reasons for their withdrawal.</p>	<p>Accepted. PAU will take this forward with General Registry.</p>	<p>Owners: Patrick Goulder</p> <p>Jill Beckingham</p> <p>Delegates: Jane Moore</p> <p>Sharon Pearce</p>	On-going		
67	Q2 2007	<p><b>Completed.</b></p> <p>PAU should work with General Registry to produce guidelines on how file numbers are issued and how file movements are tracked and monitored within the UK Border Agency.</p>	<p><b>Completed.</b></p> <p>Accepted only in relation to complaints files as other files are outside PAU's remit. Procedures have been put in place with General Registry.</p> <p>See response to recommendation 65.</p>	<p>Owners: Patrick Goulder</p> <p>Jill Beckingham</p> <p>Delegates: Jane Moore</p> <p>Sharon Pearce</p>			

MASTER NUMBER	DATE OF AUDIT	RECOMMENDATION	CURRENT POSITION	OWNERSHIP	TARGETS	RISK*	CAC PRIORITY
68	Q2 2007	PAU should work with General Registry to agree the authorisation levels for those allowed to request files and should ensure that these officials are trained in the guidelines recommended above.  <b>The CAC wish to continue to audit this.</b>	Accepted only in relation to complaints files as other files are outside PAU's remit. Procedures have been put in place with General Registry.  See response to recommendation 65.	Owners: Patrick Goulder  Jill Beckingham  Delegates: Jane Moore  Sharon Pearce	On-going		
69	Q3 2007	We recommend that General Registry and PAU align their definitions of complaints. The matrix could facilitate cross-departmental categorisation and file management.  <b>PAU should ensure that when files are raised the title relates to the appropriate complaint category.</b>	Not accepted. General Registry will only create complaints files on instruction by PAU or PSU. They do not have the authority to create files themselves and therefore are not required to define correspondence as complaints. PAU have developed complaints guidance which has been approved by the CAC and includes instructions on categorisation and the matrix which became available to all complaints handlers and managers from February 2008.  PAU & PSU will ensure that files raised by General Registry are titled in accordance with the complaint category	Owners: Patrick Goulder  Jill Beckingham  Delegates: Jane Moore  Sharon Pearce			
70	Q3 2007	We recommend that the policy on the management of allegations of racism are compliant with ECHR and other relevant British and European legislation.	<b>Completed.</b>  The new complaints guidance refers to legislation on Racism and specifies the procedures for dealing with complaints of racism. Sections 5.8 and 5.12 refer.	Owner: Patrick Goulder  Delegates: Jane Moore  Peter Barratt			

MASTER NUMBER	DATE OF AUDIT	RECOMMENDATION	CURRENT POSITION	OWNERSHIP	TARGETS	RISK*	CAC PRIORITY
71	Q4 2007	When a complaint is sent by email, the date on the email should be the date of receipt. A consistent and fair policy must be established by PAU and implemented in the regions and non-devolved business areas.	<p><b>Completed.</b></p> <p>Accepted and implemented. The new complaints procedures require the following:</p> <ul style="list-style-type: none"> <li>• the date of emails will be taken as date of receipt into the business</li> <li>• the date of a call will be recorded on a Complaint Registration Form (CRF). That date will be treated as the date of receipt</li> <li>• the date that letters are stamped as received into the business will be taken as the date of receipt.</li> </ul>	<p>Owner: Patrick Goulder</p> <p>Delegate: Jane Moore</p>			
72	Q4 2007	The matrix included in the Complaints Registration Form (CRF) and currently being rolled out across UK Border Agency should be adopted by detention services as a mechanism for categorising complaints and identifying the appropriate mode of resolution.	<p><b>Completed.</b></p> <p>Accepted. Consideration will be given to ensure that the handling of detention complaints is in line with the new UK Border Agency complaints system.</p> <p>A revised guidance manual for the use of Contractors and UK Border Agency staff was published in December 2008.</p>	<p>Owner: Alan Kittle</p> <p>Delegate: John Thomson</p>			
73	Q4 2007	A box marked 'confidential access' should be inserted on the Complaints Investigation Record to ensure that its use is prominently displayed and captured for management information purposes.	Accepted. Response as at 72 above.	<p>Owner: Patrick Goulder</p> <p>Delegate: John Thomson</p> <p>Jane Moore</p>	November 2008	 	
74	Q4 2007	The Race Relations Liaison Officer (RRLO) in each detention centre should be properly trained in the use of the matrix, in mechanisms for using confidential access and in conducting appropriate investigations.	Not accepted. It is considered that RRLOs are trained to the appropriate standard as they are trained to HM Prison Service standards.				

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75	Q4 2007	The RRLO in each centre should be supported in categorising, investigating and reporting outcomes and management information by the contract monitor, who should quality assure the management of racist complaints and ensure that serious risk complaints are escalated to the Professional Standards Unit (PSU) for investigation, whether or not they are made through the confidential access process.	<p>Not accepted. UK Border Agency managers do quality assure the management of complaints dealt with by the contractor. Complaints of a sufficiently serious nature are referred to PSU in accordance with new complaints procedures.</p> <p>In addition a process has been introduced where all complaints relating to racism are checked initially by PSU which will either conduct a full investigation or refer the case to be investigated by the RRLO under PSU supervision. CAC has agreed this process.</p>				
76	Q1 2008	It is imperative that completed files are transferred to PAU and then submitted to the CAC/Chief Inspector for audit in the quarter during which they are completed. Failure to do so results in a corruption of management information for that quarter.	Accepted. As of 25 February 2008 PSU now investigate all serious misconduct complaints. PSU hold all the files which will enable PAU to have tighter control when preparing for audits.	<p>Owner: Patrick Goulder</p> <p>Delegate: Jane Moore</p>	On-going		
77	Q1 2008	A policy should be formulated for cases in which key paperwork is established as missing. Immediate efforts should be made to recover as much information as possible, and a risk assessment should be conducted to ensure that appropriate mitigating action is taken. The file should be marked accordingly and senior officials should be notified in high risk cases.	Accepted. The Complaints Standards and Performance Directorate (CSPD) will take this forward.	<p>Owner: Patrick Goulder</p> <p>Delegate: Jane Moore</p>	On-going		

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78	Q1 2008	When two or more files are created to consider different parts of one complaint, a mechanism should be established to ensure that the reply to the complainant is quality assured so that all aspects of the complaint are covered.	Accepted. The CSPD will take this forward.	Owner: Patrick Goulder  Delegate: Jane Moore	On-going		
79	Q1 2008	Where a file is resubmitted for audit because further investigations have been conducted, the file should be clearly marked to alert auditors that it has been previously audited.	Accepted. PAU will do so when preparing files for audit.	Owner: Patrick Goulder  Delegate: Jane Moore	On-going		
80	Q1 2008	Where duplicates are identified as part of PAU's internal audit processes, the CAC/Chief Inspector should be informed of any investigation undertaken to discover how the duplication occurred and the measures put in place to ensure the problem does not recur.	Accepted. PAU will ensure there is a clear audit trail on the files when submitted for audit.	Owner: Patrick Goulder  Delegate: Jane Moore	On-going		
81	Q1 2008	If there are conflicting medical assessments in high risk cases, the evidence should be submitted to an independent medical examiner.	Accepted. PSU have made contact with the doctor used by the New Asylum Model (NAM) teams. He has agreed to offer independent professional advice for complaints cases when needed.	Owner: Colin Harbin  Delegate: Mark Hartley- King	On-going		
82	Q1 2008	Escort vans should be equipped with audio recording equipment for use during transfers between Detention Centres and ports for removal.	<b>Completed</b>  After a trial was conducted by G4S into the cost effectiveness to the UK Border Agency and contractors, the UK Border Agency issued a contractual notice on 16 September 2008 requiring the audio recording in the transport fleet.	Owner: Colin Harbin  Delegate: Mark Hartley- King			

MASTER NUMBER	DATE OF AUDIT	RECOMMENDATION	CURRENT POSITION	OWNERSHIP	TARGETS	RISK*	CAC PRIORITY
83	Q1 2008	We repeat our recommendation from previous audits that a protocol be formulated between the UK Border Agency and ACPO to ensure that there is an agreed procedure for the referral of criminal allegations to the police and for a written response to be returned to the UK Border Agency. We have been assured that a protocol is currently being finalised between the UK Border Agency and the Metropolitan Police.	Repeat of recommendation 39. Please see response to that recommendation.	Owner: Colin Harbin  Delegate: Mark Hartley-King			
84	Q1 2008	PSU should ensure that, whenever possible, complainants are interviewed before removal and consent to disclose medical records is obtained from them.	Accepted. PSU try to interview wherever possible, however a complaint will not delay a scheduled removal and medical evidence will be obtained when practical but getting consent is not always straightforward. There are resource and cost implications which have to be discussed at a higher level.	Owner: Colin Harbin  Delegate: Mark Hartley-King	On-going		





