

## QUALITY INITIATIVE PROJECT 5<sup>TH</sup> REPORT – UKBA RESPONSE AND ACTION PLAN

### Recommendations of the 5<sup>th</sup> QI Report - March 2008

	Area of business and Recommendation	UKBA response	Progress	Owner	Due Date
	<b><i>Solihull Pilot</i></b>				
1.	UNHCR reiterates its support for the Solihull Pilot as a vehicle for the implementation of a number of concerns identified in its previous reports and recommends that the evaluation of the Pilot place due emphasis on the quality of decision making as set out in the Solihull Pilot Evaluation Strategy.	<b>Accept</b>	<p>The Early Legal Advice Project Board is conducting a rollout of the Solihull Pilot across the Midlands ahead of making a final decision on how best to proceed nationally.</p> <p>The Board will invite the UNHCR to participate in assessing a % of the interviews and decisions of this rollout and the results of the UNHCR's assessment will form one of the key success indicators of the rollout on which any decision as to further action will be based.</p> <p>We will discuss the methodology further in the context of the replacement for the QI Project.</p>	Helen Earner	<p>Finish rollout evaluation: TBC</p> <p>Autumn 2009</p>
	<b><i>Decision Template</i></b>				

2.	The decision template should be introduced to new and existing Case Owners (including Case Owners in the DFT) through in depth workshops that explain the purpose of the decision template and the RSD concepts outlined therein. In particular, introductory training on the template should include in depth training on assessing credibility and establishing the facts of the claim.	<b>Accept</b>	<p>The Quality Audit Team in conjunction with Senior Caseowners from the regions, will implement a revised template consistent with the principles of the Detained Fast Track Process. For technical reasons however this template will be issued not as a basis for refusal letters but rather as an <i>aide memoire</i>.</p> <p>Training on the template should be included in Case Owner training and be retroactive for existing Case Owners.</p> <p>For non DFT caseowners - content of existing template has been included in new Foundation Training programme as an <i>aide memoire</i>.</p>	<p>Decision template: Lea Jones</p> <p>Training: Anna Downing</p>	<p>Decision template: September 2009</p> <p>Training: Autumn 2009 onwards</p>
3.	Sufficient time should be dedicated to piloting and evaluating the decision template. The pilot evaluation should focus on the quality of decisions made using the template.	<b>Met</b>	One pilot has already been held and lessons learned to develop further versions. We believe NAM & DFT teams can now build a robust template without a further pilot. The templates should be “living” documents, subject to adaptation as new caselaw and policies are created and can thus adapt to any identified problems in the initial drafts. We will want to continue to assess and develop them with UNHCR.	Lea Jones	Ongoing

4.	The decision template should serve as a point of reference for all other available guidance on drafting and structuring asylum decisions.	<b>Agree</b>	The decision making template will reflect all up-to-date forms of guidance. Work has commenced to address the inconsistencies between some of the existing instructions, particularly those relating to the assessment of credibility in decision making. The Quality Team will address these and have revised instructions ready to issue by the end of July.	Lea Jones	July 2009 – and ongoing
	<b>Quality Assurance</b>				
5.	UNHCR peer reviews of QADT assessments should continue as a means of initiating dialogue between the two teams and facilitating the sharing of best practice approaches to quality assurance.	<b>Met</b>	This process continues to be a key principle of the formal joint work of the QI/QADT. We will ensure this remains a central element of the replacement for QI later in the year	Lea Jones	Ongoing December 2009
6.	Measures should be put in place to enable effective communication between relevant training and policy units and the QADT, to ensure that quality concerns identified through the QADT's audits are addressed through the provision of training and guidance.	<b>Met</b>	We believe that the current arrangements for the QADT team to raise their concerns are sufficient and working, but we continue to address and evaluate this as part of enhancing the role of the QADT. This includes strengthening its role with senior managers regionally and nationally.	Bill Brandon	Ongoing

7.	In view of the importance of the QADT – lying at the heart of the system of Quality Assurance in Asylum – it is essential that sufficient resources are allocated to enable the team to discharge its duties.	<b>Met</b>	The QADT performs a very valuable function within the UKBA; as such the team is currently undergoing expansion to allow it to carry out a more complete evaluation of not only initial decisions but of the end to end decision making process. Once the QADT reaches its enhanced staff numbers attention must be paid to ensure that its staffing level is not allowed to dip.	Lea Jones	September 2009
8.	UNHCR recommends that any proposed amendments to assessment forms be agreed jointly by the QADT and UNHCR.	<b>Met</b>	The QADT has and will continue to seek the full involvement of the UNHCR in any future amendments to the existing assessment forms.	Lea Jones	Ongoing
9.	UNHCR recommends that ongoing efforts be made to ensure that a minimum level of “live” interview sampling continues to take place for each caseowner.	<b>Met</b>	Current live interview assessment levels should be maintained and every effort made to achieve these targets. Furthermore the QDAT team will use its expanded staff numbers to begin to carry out assessments of the entire end-to-end process, rather than focusing solely on the initial interview and decision.	Lea Jones	Ongoing
	<b><i>Detained Fast Track</i></b>				
	<b><i>DFT Case Owners’ Skills and Experience</i></b>				

10.	Given the number of refusals produced within the DFT, there is a danger of Case Owners becoming “case hardened”, restricting their ability to respond to credibility and other refugee law concepts in an individualised manner. UNHCR recommends that DFT decision makers are rotated off DFT decision making duties in order to expose them to a fuller range of cases and other areas of the business.	<b>Accept in part</b>	UKBA agrees that the pressures of working in a detained environment can be particularly testing. It agrees that it would be valuable to seek to rotate caseowners through detained and non-detained teams in order to expose them to a wider range of case types. Due to the location of the detained facilities this will have to be subject to operational feasibility (particularly for Yarlswood). The UKBA will initially seek to rotate some caseowners between Harmondsworth and West London by the end of the year. However we believe it would be best not to move caseowners to non-decision making duties as this would lead to a reduction in skills	David Jull	December 2009
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11.	It is considered that decision makers working within accelerated procedures need to be highly skilled in the application of refugee law concepts in order to accurately assess such issues within reduced time frames. UNHCR recommends that only more experienced decision makers work within the DFT.	<b>Agree in part</b>	<p>UKBA seek to ensure that all asylum caseowners are equally skilled in applying refugee law concepts; and that we should ensure that those who work in the DFT should additionally be skilled in considering those concepts effectively in a fast track environment.</p> <p>However caseowners assessing asylum decisions should be of the same high standard across detained and non-detained estates. The UKBA believes that with the addition of the new training program all caseowners commencing employment in the DFT will reach the required high standard prior to being exposed to “live” cases. Local managers will ensure that all staff are given proper mentoring and other support to ensure that this happens.</p> <p>UKBA also believe that to meet other UNHCR concerns – such as the rotation of staff with West London, there needs to be some operational flexibility to allow for suitable new caseowners to be tested in the DFT as well.</p>	<p>Anna Downing</p> <p>David Jull</p>	<p>Ongoing</p> <p>Ongoing</p>
	<b><i>Training in the DFT</i></b>				

12.	<p>Given the challenges inherent in assessing claims for international protection within accelerated procedures and the findings of the DFT audit, UNHCR recommends that Case Owners working within the DFT should be highly skilled and trained in the application of refugee law concepts. UNHCR remains willing to assist in the design and content of this training and recommends that any training should include:</p> <ul style="list-style-type: none"> <li>a. The correct approach to assessing credibility.</li> <li>b. Identifying “complex” claims not suited to the DFT processes and the remedial action that should be taken by Case Owners in such cases.</li> <li>c. Reinforcing Case Owners’ understanding of key refugee law concepts identified as problematic in UNHCR’s DFT audit.</li> <li>d. How to correctly structure a decision and, where appropriate, argue in the alternative.</li> <li>e. How to correctly identify and assess gender issues in asylum claims.</li> </ul>	<b>Met</b>	<p>See also 11</p> <p>All of the issues identified here by the UNHCR are currently the subject of training for asylum caseowners entering the DFT, and have been since the inception of what has become known as the “55 day” training. We are keen to ensure that we continue to enhance our training provision at all levels to meet the required standard in preparing DFT caseowners for their operation roles.</p> <p>This training has been thoroughly reviewed in the context of the new NAM+ Foundation Training Programme and is central to the development and introduction - over the next couple of years - of the European Asylum Curriculum. This comprehensive review of training should allow us to continue to develop and focus our training interventions in the areas of concern raised by the UNHCR.</p> <p>We have welcomed input from the UNHCR in the content and style of the new training program – and their assessment of its delivery. We will continue to seek their expert views on the design of all new asylum training.</p>	Anna Downing	Ongoing
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	<b><i>DFT Guidance</i></b>				
13.	UNHCR urges the full implementation of the recommendations of the Working Group on Standard Paragraphs as a matter of priority. All Asylum decision makers should be informed of the incorrect standard paragraphs that have been removed from use. BIA should discourage the use of locally produced standard paragraphs.	<b>Accept</b>	<p>Once a nationally produced decision template has been created this should replace all locally produced paragraphs. The QADT will continue to remind caseowners of the importance of treating each claim on its own merits rather than relying on standard paragraphs. They will also look at ensuring compliance through revisions to the assessment template.</p> <p>The new template will be designed to cover all DFT specific issues, as well as those faced in the non-detained teams.</p>	Lea Jones	<p>Autumn 2009 – ongoing</p> <p>Autumn 2009</p>
14.	UNHCR recommends that guidance be produced for decision makers regarding the need to treat information obtained at screening with caution when making a decision on a claim for asylum. Such guidance would also be of benefit to decision makers working outside of the DFT.	<b>Met</b>	Guidance on how to use Screening Interviews when assessing an Asylum claim has been created and is fully covered as part of the new training program.	Lea Jones / Anna Downing	Ongoing

15.	Guidance should make explicit that it is not appropriate for caseowners to make medical judgments under any circumstances.	<b>Met</b>	Such guidance has been created and is fully covered as part of the new training program. The UKBA completely accept that that caseowners should never make medical judgments relating to the detail of individual applications when assessing claims. The QADT will continue to examine the use of Medical Reports as part of their wider assessment of decisions.	Anna Downing	As part of new training programme
16.	Guidance should make clear that it is inappropriate for caseowners to suggest that medical reports will have no evidential value in deciding the asylum claim.	<b>Agree</b>	It is for caseowners to consider what level of evidential value a medical report would provide. The UKBA agrees however that it is wrong to suggest that a medical report will offer no evidential value whatsoever. Existing guidance will be revised to ensure this is clear.	Richard Honeyman	September 2009
17.	There should be consolidated and clear guidance to caseowners on the circumstances in which an applicant should be given time to commission medical evidence in support of the asylum claim.	<b>Met</b>	Guidance has been created which clearly lays out the circumstances in which it would be appropriate for a caseowner to allow time for the commission of medical evidence. This guidance will be fully covered as part of the new training program. The UKBA will undertake to share the DFT guidance regarding the circumstances in which a subject should be allowed time to produce medical evidence with the UNHCR for their consideration.	Lea Jones / Anna Downing	Ongoing

18.	<p>UNHCR recommends that the planned AI on DFT suitability set out clear parameters for those cases considered suitable for the Fast Track, including clear guidance as to those cases which are considered overly complex and not amenable to a quick decision. UKBA staff responsible for routing cases to the DFT should be provided with all the information required to come to a sustainable conclusion as to whether the claim can be decided quickly. UNHCR remains willing to assist in the drafting of this guidance.</p>	<b>Met</b>	<p>Guidance has been created which sets out clear parameters for deciding whether a case is considered suitable for the DFT. This guidance forms the basis of routing of all cases into the DFT.</p> <p>UKBA are aware that UNHCR still feels that in some areas it could be more explicit. UKBA has agreed to discuss any remaining concerns with UNHCR to ensure the guidance is as effective as possible.</p>	Karen Gallagher	<p>Ongoing</p> <p>September 2009</p>
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19.	UNHCR recommends that, once an instruction is issued on those cases considered suitable (and unsuitable) for the DFT, UKBA ensure that all relevant staff are equipped with the necessary skills and provided with adequate training to ensure that the guidance is interpreted and applied correctly.	<b>Met</b>	The UKBA has fully trained all relevant staff in the correct application of the guidance specified above. The UKBA will undertake to provide full details of this training to the UNHCR.	Karen Gallagher	Ongoing
	<b><i>Effective use of DFT procedures</i></b>				
20.	UNHCR recommends that, as per the Solihull Pilot model, when a Case Owner feels that more evidence is needed to come to a decision, Case Owners should communicate this to the applicant and legal representative so that together all parties can ascertain and identify what further evidence might be obtained and whether timescales should be extended to allow for its procurement.	<b>Met</b>	This system currently operates in the DFT. However due to DFT timescales often a case must be dropped out if granted extra time to produce evidence. The QADT is currently considering how best to monitor case handling, including these issues, as part of their enlarged remit. The QADT will continue to highlight instances where it is felt that additional evidence ought to have been sought and bring this to the attention of both case owners and DFT managers during feedback. Where this is considered a significant issue, it will be included in the region specific report along with other areas of concern.	Lea Jones	Ongoing

21.	<p>DFT Case Owners should be required to proactively consider, at regular intervals, whether fair and stringent consideration of the claim requires the exercise of flexibility or removal of the case from the DFT – particularly in the case of vulnerable applicants. Guidance should explicitly require that these safeguards be considered whether or not an express request has been made by the applicant or their legal representative.</p>	<b>Met</b>	<p>Caseowners already consider whether a case remains suitable for detention in the “detention reviews” which are completed on the 1<sup>st</sup>, 3<sup>rd</sup>, 5, 7<sup>th</sup>, 14<sup>th</sup>, 21<sup>st</sup> &amp; 28<sup>th</sup> day of detention and monthly thereafter. These reviews are carried out irrespective of any request from an asylum applicant or their legal representative and the reasons committed to paper and added to the case file. If a caseowner no longer feels a subject is suitable for detention then their case will be removed from the fast track process. This practice will continue.</p> <p>In practice about 30% of cases are removed from the DFT process</p>	David Jull	Ongoing
22.	<p>When considering whether to apply flexibility or remove a case from the DFT, Case Owners should be required to clearly minute their reasoned consideration of the application of either safeguard.</p>	<b>Met</b>	<p>If a caseowner decides to remove a case from the DFT or exercise flexibility then their reasons for doing so should be clearly laid out in file minutes. If a case is considered suitable for DFT then the reasons will be recorded in the detention reviews.</p> <p>The QADT will - subject to resources - undertake an assessment of file minutes to raise standards across all asylum teams.</p>	Lea Jones	<p>Ongoing</p> <p>Spring 2010</p>

23.	UNHCR recommends that staff responsible for routing cases to the DFT must explicitly minute the reasons why the claim meets UKBA's published DFT suitability criteria.	<b>Met</b>	Staff routing cases to the DFT already minute the file stating the criteria for detention which the subject meets. Minuting is based on the existing guidance on suitability. If these criteria are updated in the future then the training provided to UKBA staff will be likewise updated to reflect this.	Karen Gallagher	Ongoing
	<b><i>Training and Accreditation</i></b>				
24.	UNHCR strongly recommends that in depth, facilitated training on assessing credibility should be provided to new and existing Case Owners. Such training should seek to raise awareness of the AI on Credibility and the concepts outlined therein.	<b>Accept – partly Met</b>	<p>Training on credibility forms a key part of the new training programme. Additional emphasis on credibility and the AI will be included as part of the new asylum caseowner training.</p> <p>We will then seek to extend this in consolidation to existing caseowners.</p> <p>We will continue to review it's effectiveness through the QADT's work</p>	Anna Downing	<p>As part of new training programme</p> <p>Through 2010</p> <p>Ongoing</p>

25.	<p>Case Owners should be required to pass a formal competency assessment of decision making and interviewing skills at the end of the first stage of the AFT and prior to being exposed to “live” cases.</p>	<b>Met</b>	<p>The UKBA is committed to assessing its new asylum caseowners prior to allowing them to deal with “live” cases unsupervised.</p> <p>A formal process for assessing knowledge and skills has been written for the end of the NAM+ Foundation Training programme and all caseowners will be expected to complete this assessment at the end of the mentoring period when they should have a broader understanding of the main principles in assessing issues such as credibility, internal relocation, sufficiency of protection and objective material to assess risk on return.</p> <p>The QADT have been involved in the assessment’s development in time for this to be rolled out to new caseowners by the first week of July when the first tranche of trainees are due to go live. The QADT team will be assessing the decisions and scoring them.</p> <p>As part of a formal evaluation of the course we will consider whether this is a sufficient mechanism to test new caseowners ability to make decisions without constant support and mentoring.</p>	Anna Downing	<p>As part of new training programme</p> <p>July 2009</p> <p>Ongoing</p>
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26.	<p>UNHCR reiterates the importance of effective and close monitoring and supervision of trainee Case Owners and recommends that UKBA should make every effort to ensure that adequate resources be dedicated to this purpose. UKBA should also ensure that measures are put in place to ensure consistency in access to and quality of supervision.</p>	<b>Met</b>	<p>Mentoring of new caseowners throughout their probation period is an essential tool used widely during and after training.</p> <p>The new Foundation Training Programme embeds it throughout the training and only releases recruits to live casework subject to successful mentoring. Even afterwards it remains an important management tool to maintain quality and address issues raised during quality audits, when issues of consistency will also be raised.</p>	<p>Anna Downing</p> <p>Regional Managers</p> <p>Lea Jones</p>	<p>As part of new training programme</p> <p>Ongoing</p> <p>Ongoing</p>
27.	<p>All initial and Consolidation Training on decision making should make appropriate reference to the decision template. Asylum Foundation Workbooks should refer to the template which should be used as a training tool for facilitated training in structuring and drafting a decision.</p>	<b>Accept</b>	<p>See 2, 3 and 4 above. When a standard decision template is created this will be placed at the heart of the new training program. We will also ensure that we provide retrospective training to all existing caseowners.</p>	<p>Anna Downing</p>	<p>As part of new training programme, and any consolidation.</p>

28	UNHCR recommends that the accreditation of existing Case Owners should be pursued as a matter of priority.	<b>Accept</b>	UKBA remains committed to introducing a formal accreditation system for new and existing caseowners. Work is currently in hand to develop an externally assessed process. We are looking at this to see how this can also then be delivered nationally. An accreditation process will be in place for caseowners to work towards by the end of 2009 and be rolled out in full during 2010	Bill Brandon	Begin rollout by December 2009.  Ongoing
29.	UNHCR recommends that consideration be given to incorporating an independent element to the marking of accreditation exams.	<b>Agree</b>	See 28		
	<b><i>Workloads and Targets</i></b>				
30.	Given UNHCR's understanding of increasing workloads and targets, the Office reiterates its recommendation that workloads and output targets be kept to a reasonable level, with a sufficient degree of flexibility built into the decision making system, to ensure that the quality of decision making and the caseowner model are not compromised.	<b>Met</b>	Targets on concluding asylum applications are likely to remain stretching, but UKBA remain committed to keeping asylum teams staffed to a level which allows for a reasonable caseload per caseowner. This is why we are now completing a major national recruitment campaign. We are devolving responsibility for future recruitment to Regional level to ensure swift action can be taken to meet local needs.	Regional Managers	As required

31.	Qualitative and quantitative targets should be given equal emphasis by UKBA when assessing performance. Where qualitative targets are not achieved, adequate steps should be taken to address these concerns both at an institutional level and with individual performance.	<b>Accept</b>	The UKBA is committed both to a high level of quality and a high case conclusion rate and see those two aims as supportive rather than mutually exclusive. Both quality and quantity measures are set out in the UKBA Business Plan.	Regional Managers	Ongoing
32.	UNHCR recommends that UKBA carefully monitor the potential impact of developments such as increased targets and the recruitment of large numbers of new decision makers on the quality of decision making and stand prepared to take appropriate remedial action if necessary.	<b>Met</b>	See 30 above.  The expansion of the QADT in terms of staffing and function additionally demonstrates a clear commitment to the importance UKBA places on ongoing assessment and improvement of asylum decisions.	Regional Managers  Bill Brandon	Ongoing  Ongoing
33.	UNHCR recommends further consideration be given to the previous recommendation that decision makers should be rotated off decision making duties for a short period of time.	<b>Not accepted</b>	See 10 above.		

	<b>Case Ownership</b>				
34.	UNHCR recommends that the distinctions between the various Case Owner roles, i.e. as an objective fact finder at the decision making stage as opposed to an advocate at appeal, be emphasised through training and subsequent supervision in order to prevent any negative effect on the quality of decisions.	<b>Met</b>	<p>This factor will be heavily emphasised during training.</p> <p>As not all caseowners currently cover all roles, further emphasis will be at Regional level as appropriate.</p>	<p>Anna Downing</p> <p>Regional Managers</p>	<p>As part of new training programme.</p> <p>Ongoing – where appropriate</p>
	<b>Provision of Information to asylum applicants</b>				
35.	UNHCR reiterates its recommendation that information for applicants on the asylum and interviewing process be introduced. UNHCR stands ready to assist in the drafting of UKBA’s planned adult “pointofclaim” leaflet in this regard.	<b>Met</b>	<p>We published an English version (which UNHCR have seen) in January and have just published versions in the top 17 languages. They will be widely available.</p> <p>DFT already produce similar guidance which draws out specific issues related to the detained environment.</p> <p>We keep all documents under review to ensure they are accurate and meet need.</p>	Karen Gallagher	<p>January 2009</p> <p>June 2009</p> <p>Ongoing</p>
	<b>Interpreters</b>				

36.	It is recommended that the CIU continue to carefully monitor regional use of the interpreters monitoring form and ensure its continued and proactive use in the identification of poor performance by interpreters.	<b>Accept</b>	We will ensure this continues to happen.	Tracey Hassett	Ongoing
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