

LONDON BOROUGH OF BRENT

EXECUTIVE

15 NOVEMBER 2004

FROM THE DIRECTOR OF ENVIRONMENT

FOR ACTION

**NAME OF WARD
ALL**

REPORT TITLE : Citizenship Application Checking Service

Forward Plan Ref: ES-04/05-250

1.0 SUMMARY

1.1 This report seeks member approval to introduce a new service to check citizenship applications prior to dispatch to the Home Office. This service would speed up the decision making process for applicants by ensuring accuracy and completeness of the application form. The report also seeks member approval for a fee structure that recovers the full cost of providing the service.

2.0 RECOMMENDATION

2.1 Members to agree the proposal to introduce a check and send service for citizenship applications.

2.2 Members to agree a fee of £20 to recover the full cost of providing the service on a Best Value accounting basis.

3.0 FINANCIAL IMPLICATIONS

3.1 This will depend entirely on the take up of the service, which is not compulsory, and can only be estimated at this stage. A recent survey of successful citizenship applicants indicated that in excess of 70% of them would have been interested in using the local authority checking service had it been available at the fee of £20. This figure needs to be treated with extreme caution but if only 10% of the 3000 Brent citizenship applicants annually were to use the service the initiative would recover £6K per annum. This level of income equates to one day per working week of Citizenship Officer time (Scale 5) and this would be the time allocated to the task within the team. We have calculated the suggested fee in accordance with Best Value accounting principles. We have taken the mid point of scale 5, £17.03, and added an apportionment for Service Area and central charges of 24.3%. We have made a further addition for other office running costs of 23.5%, in accordance with the Best Value workbook, and a small addition for secure postage which will be necessary as we will be sending important documentation.

- 3.2 It is likely that the number of citizenship decisions made by the Home Office in the current financial year will be lower than they estimated previously. This will result in a shortfall of income of approximately £20K from citizenship and the introduction of this service will go some way to maximise the capacity of the team.
- 3.3 The time allocation and fee charged for operating the service would be reviewed on an annual basis. This review would ensure that the full cost of providing the service was being recovered or that if the income from the service had exceeded the cost of providing it this would be taken into account when setting the fee for the following year.

4.0 STAFFING IMPLICATIONS

- 4.1 There are no specific staffing implications. The Citizenship Team is staffed to cope with the number of applications the Home Office estimated we would receive annually. As mentioned previously they have not yet achieved their target and we would initially utilise any spare capacity to deliver this service. However, if as expected in the late autumn, the Home Office achieve their target of decisions we will have to supplement the resource in the Citizenship Team with our newly appointed sessional staff who are paid purely for the hours they work.

5.0 ENVIRONMENTAL IMPLICATIONS

- 5.1 None specific.

6.0 LEGAL IMPLICATIONS

- 6.1 There is no express provision in legislation regarding citizenship ceremonies that confers a power on Local Authorities to provide or charge for a service of this kind. While local authorities are responsible for carrying out citizenship ceremonies, it is the Home Office who in fact check applications for citizenship and grant that citizenship.
- 6.2 Notwithstanding the lack of an express provision in the citizenship legislation, the service can be provided under the wellbeing power (s2 of the Local Government Act 2000) if provision of such a service is considered likely to achieve the promotion or improvement of the economic, social and/or environmental well being of the area. This power can be exercised in relation to or for the benefit of the whole or part of a local authority's area, or all or any persons resident or present in a local authority's area. In exercising this power, a local authority must also have regard to its community strategy; in Brent this means the Brent Community Plan

- 6.3 For the reasons set out in this report and alluded to in the partial equalities impact assessment, it is considered that the service will in fact promote the social well being of the area. The service is intended to be provided to 'any persons present in the local authority's area'. In addition, officers have had regard to the Community Plan in proposing the use of the wellbeing power recommended in this report. One of the priorities identified within the Community Plan is to 'Promote community cohesion and social inclusion'. The acquisition of citizenship has been identified by government as an important aspect in promoting community cohesion and if the local authority is able to make the process of applying for citizenship less problematic it will contribute to this aim.
- 6.4 Section 3(2) of the 2000 Act prohibits the use of the well being power to raise money and this is generally considered to prevent any charge being made for services provided based on the wellbeing power. However, Section 93 of the Local Government Act 2003 has introduced a general power for local authorities to charge for the provision of discretionary (as opposed to mandatory) services.
- 6.5 In order to charge for a discretionary service, certain conditions or requirements must be met. These include:
- (i) The recipient of the service must agree to its provision and payment of it.
 - (ii) Income from the discretionary service must not (taking one year with another) exceed the costs of provision i.e. no profit is allowed (see financial implications above).
 - (iii) A charge cannot be made if other legislation prohibits the authority from charging for the services or confers a specific power to charge for the service.
- 6.6 Section 93 expressly allows authorities to disregard the restriction on raising money in section 2 in the case of the use of the wellbeing power. This means charges can, subject to the limitations in the 2003 Act, be made for provision of services using the well being power.
- 6.7 The ODPM has issued guidance on the charging for discretionary services provisions. This guidance sets out the reasoning for providing the power which is to *"encourage authorities to provide those sorts of services they would otherwise decide not to provide (or improve) at all because they cannot justify or afford to provide them for free or to improve them. The aim is not to provide a new source of income for authorities, but to allow them to cover their costs."*
- 6.8 As set out in this report, there is a recommendation that members agree a £20 charge for the service to be provided.
- 6.9 The authority must use the power so as to secure *that "taking one financial year with another"* the income from charges does not exceed the costs of provision of the service. The guidance suggests that the authority set out their methodology for achieving this. As is set out in the financial implications above, the methodology adopted in respect of the service proposed in this report is that of Best Value Accounting Practice. The proposed annual review will be a mechanism for adjusting changes to ensure costs are recovered but no overall profit is made.

6.10 This will be the first time that Brent will be taking advantage of the new charging powers under the Local Government Act 2003.

7.0 DIVERSITY IMPLICATIONS

7.1 We have conducted a Partial Equalities Impact Assessment on this proposed new service. We did not identify any significant adverse impacts on any members of the community and concluded that the service would enhance the well being of those members of the community who are intending to make application for Citizenship. The Partial Equalities Impact Assessment is attached at Appendix 1 of this report.

8.0 DETAIL

Background

8.1 With effect from 1st January 2004 all applicants for British Citizenship have been required to go through a ceremony prior to citizenship being conferred upon them. These ceremonies are delivered by local authorities and, in the large majority of cases, the ceremony takes place within the local authority area of the applicant's residence.

8.2 Local authorities were provided with indicative figures of the number of ceremonies they were likely to have to deliver, based upon historical data of the number of decisions made over the previous year. However, the expected through flow decided cases requiring a ceremony, has not been realised as yet due to a number of factors that are detailed below:

- Applicants submitting the incorrect fee.
- Applicants failing to submit appropriate documentation. In many cases applicants do not submit the passport that details their movements in and out of the country over the appropriate time period.
- Application forms are not completed correctly or have not been signed.

These factors would require the Home Office to write out to the applicant and delay processing of the case.

8.3 We have been advised that only 10% - 15% of cases are deemed to have been completed correctly and accurately and these can generally be decided within 1 month of receipt. The processing time of the remainder is totally dependant on the applicant returning the required information/documentation quickly.

8.4 In order to improve the processing times for our customers we need to improve the quality of the application forms submitted and this report sets out how we could achieve this.

Proposed Solution

- 8.5 We have suggested to the Immigration and Nationality Division (IND) that local authorities should hold stocks of citizenship application forms on behalf of the Home Office. This would enable applicants to obtain forms more quickly as the Home Office unit currently responsible for distribution struggles to cope with the demand. This proposal has been accepted by IND.
- 8.6 We would offer an application form checking service to those applying for citizenship that would ensure, as far as possible, that the application form has been completed fully and accurately. We would check to ensure the passport(s) submitted covered the movements of the applicant during the relevant period and ensure the correct fee was being submitted with the application. We are not suggesting that we could offer citizenship or immigration advice. It would be a similar service to that provided by the Post Office for passport applicants and we would simply act as a front of house service for the Home Office.
- 8.7 We have proposed that the Home Office would empower the Council to photocopy, and certify as true copies, passport pages, marriage certificates, birth certificates etc. so that applicants would not have to submit original documents. This would be extremely advantageous to applicants who often have to contact the Home Office requesting the return of documents for travel purposes, particularly during holiday periods.
- 8.8 It is expected that each applicant would require approximately 45 minutes of Citizenship Officer (Sc 5) time. We also have made an allowance for copying, secure postal costs and other office running expenses. We are therefore suggesting a fee of £20 to recover the full costs of providing the service as set out in the financial implications section of the report.

Conclusion

- 8.9 There does not appear to be any obvious disadvantages to the proposal from the perspective of the applicant for citizenship, the local authority or the Home Office. The applicant for citizenship gains from the prospect that his/her application is likely to be considered more quickly and does not have to submit original documentation in support of the application. The Council is able to offer a value added service to its potential citizens and is able to recover the full cost of providing it. We also have the probability of getting a quicker turnaround of citizenship decisions that will enable us to plan ceremonies more efficiently. The Home Office receives better quality applications that require less follow up action which means their resources can be devoted to making quicker decisions on cases.

9.0 BACKGROUND INFORMATION

Details of Documents:

- 9.1 Proposal to Enable Local Authorities to Provide Advice on Completion of Citizenship Applications dated 8th June 2004. LACORS (Local Authority Co-ordinators of Regulatory Services) paper prepared by Brent Registrars Service Director.

9.2 Any person wishing to inspect the above papers should contact Mark Rimmer, Registrars Unit, Brent Town Hall, Forty Lane, Wembley, Middlesex HA9 9EZ.
Telephone: 0208 937 1011

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APPENDIX 1

Partial Equality Impact Assessment Citizenship Application Checking Service

1. What is the name of the service to be assessed?

Citizenship Application Checking Service.

2. Briefly describe the aim of the service? What needs or duties is it designed to meet? How does it differ from any existing services in the area?

Brent Registration Service would like to introduce a new service for the Brent residents and customers of Brent services. This new service is to check the British Citizenship application forms of those who wish to attain British nationality. It is proposed that members of our Citizenship Team will check application forms and documents prior to their dispatch to the Home Office. The service will be of great benefit to the customer as it will speed up the decision making process for applicants by ensuring accuracy and completeness of the application form.

The new service will meet the needs of the customer as it will provide a local facility for the community. Currently application forms are sent direct to Liverpool for a back office service, where the customer's only interaction with the service is via telephone or in writing. There is no face-to-face facility available for applicants to gain assistance in form filling or opportunity to discuss their needs. The new service will greatly assist those that may need assistance with the form filling process, where English may not be their first language or form filling is a daunting process due to their literacy skills.

This service will also benefit the customer when applying for other services where original documentation is required. This service will check their original documents and certify that originals have been produced. The benefit to the customer is they can then take their documents home with them to be used for other requirements, such as signing on with a doctor, making an application for a driving licence or,

in the case of a passport, travel out of the country. Mark Rimmer, Service Director for Brent Registration Service and a LACORS representative has been assisting the Home Office in their development of the citizenship process. Customers are inconvenienced where original documentation is required for other purposes. There is also a cost implication to the customer, as it can take as many as two to three lengthy telephone calls to the Home Office to request original items such as passport or birth certificates back from the Home Office. The customer is then required to pay a special delivery charge for the return of items in advance. So to reiterate, with the checking service locally, Brent residents have a facility in the community, where the necessary information can be presented and the items returned to them immediately.

Mark Rimmer has also been advised by the Home Office that many applicants suffer delays to their application because incorrect documentation has been submitted. The Home Office would be required to contact the applicant by phone or in writing for any missing items. The application would then be placed in a pending state, delaying the customer's application. Customers of the new checking service will benefit from Brent Council officers ensuring that correct documentation is submitted. The cost to the customer will be minimal as only the journey to our offices is required, for the necessary information to be provided, rather than the documents being sent to Liverpool, usually by special delivery, which does incur a charge of around £5.

There is currently no facility like this new service proposed for Brent Residents. On checking the Market for services provided, we found that the Post Office offer a 'Check and Send' service for passport applications. Below is an extract from the Post Office website advertising the service:

'Check & Send' service

Once you've filled in your application form we recommend you use our Check & Send service, available at selected Post Office™ branches.

For just £6*, Check & Send:

- Checks your application form for common errors
- Sends your application form to the appropriate passport office
- Provides you with a receipt
- Provides you with a phone number so you can track the progress of your application
- Returns your passport to you in approximately two weeks

The customer's original documents in this process would be sent with the application. Only where it is a renewal passport would the old passport be given back to the customer at the time of the checking service. However, this document is invalid and would not be usable for travel, hence the reason for renewal.

3 Is there any evidence to suggest that this could affect some groups of people? Is there an adverse impact? What are the reasons for this adverse impact?

All applicants have the right to go through the normal route of applying straight to the Home Office. This new service offers Citizenship applicants an alternative for making their application.

On reviewing the new service it would suggest that the adverse impact to our users would be minimal. However, as a fee is charged for the service, it could be construed that there will be an adverse impact on those who cannot afford to pay for the service such as low income families. This is a potential disadvantage to the customers who are most likely to be making applications to the Home Office i.e. former asylum seekers. However as suggested this group are likely to be disadvantaged by the current process, if they have not completed their forms correctly or because they have to send original documents off to the Home Office, they may not be able to gain access to the vital services they need.

The new service can break down the adverse impact for those customers where English may not be their first language. Although all applicants for citizenship are required to have a knowledge of English to an acceptable standard completion of complicated application forms can sometimes be a daunting prospect. The proposed service should eliminate any fears the applicant may have about properly completing the documentation.

The 'Check and Send' service in the Post Office means that the customer has to queue with all other post office users and then stand at the counter whilst the checks are made. This can take up to five minutes if all the correct documentation is present. However, if there is outstanding documentation the process could take longer as the Counter Assistant explains what documentation is required. The Brent Registration Service will be offering a service where the customer is offered an appointment and will have the benefit of having a private interview in our Citizenship Team office. Applicants will be seated whilst

the checking process takes place and will therefore also be beneficial to customers with a disability.

4. Please describe the evidence you have used to make your judgement. What existing data has formed your judgement. Please supply the evidence.

We have been working in consultation with the Home Office on the development of this service which would be of benefit to the citizen, the Home Office and the local authority. We have also surveyed 50 recent citizenship applicants who have been through the process to gauge how well the service would be received. Full results of this survey are supplied with this assessment.

5. Have you consulted externally, who have you consulted? What method used? What has been done with the results?

Mark Rimmer as a representative of LACORS attends regular Home Office meeting on Citizenship. From these meeting the Home Office have supplied data on the current situation that indicates only 10%-15% of applications are received comprehensively and accurately completed.

We carried out some market research to see if there was any other service like this available and as pointed out earlier the only service that come close is the 'Check and Send' service in the Post Office. We contacted their telephone help line and used the website to collate our information. The Post Office currently charge £6.00 for their Check and Send service for passport applications. This service is available at designated Post Offices only. There is no personal application for the customer, they are required to queue in the main PO queue and then stand at the counter while their documents are checked. The fee from the customer is taken at the time of checking. If the customer has not met the requirements they are provided with a receipt and given one month to return with the information. If documentation is returned outside this time span then a new fee is charged again to process the same application.

Our service will be more user friendly as the following will be offered

- Seating area for applicants
- Private room for checking
- Whole process will be conducted with no extra charges

- Opportunity for interpreters to be present
- Advice on the form filling requirements

We also have conducted a telephone survey with new British citizens who attended ceremonies at the Brent Town Hall. Using a sample of 50 people our findings were as follows:

98% of those surveyed said that a check and send service for Citizenship applications would have been of interest to them.

34% said that they requested documents to be sent back to them during the application processing period.

70% of applicants said they thought £20 was a reasonable fee to pay for the service.

86% said they would have appreciated the face to face interaction with an officer locally.

The results from above have been used to make a decision whether a citizenship application checking service is viable. It was felt that from the evidence the new service could run along side the existing service. A committee report has been compiled for member approval for the service to commence. There are significant benefits to stakeholders. The Home Office would benefit from receipt of better quality application forms which could be processed straight away. Users of the service would get quicker processing of their application which could, in the longer term, be less of a cost implication for them.

6. Have you Published the results of any consultation?

The published results will be presented to the November meeting of the Executive when approval will be sought to introduce the service.

7. Is there public concern?

There is no public concern involved with this new service been offered as this service offers an alternative to the current process for Citizenship application. The service in fact offers customers a more value added service as it provides them with choice.

8. If in your judgement it does have an adverse impact can the impact be justified?

The only adverse impact is that detailed above relating to applicants who may not be able to afford the new service. These applicants will still have the

option to apply direct to the Home Office without reference to the service offered by Brent Council. However, if they do not provide a properly completed application form or if they want original documentation returned to them they will still incur a cost that is likely to be equivalent to the service offered by the Council. We believe therefore that the possible adverse impact is justified.

10. How will it be monitored in the future?

We intend to issue all customers of the service with a survey form to monitor the quality of service delivery. We also will review, on an annual basis, the charge levied for the service. If it is discovered that we are recovering more than the full cost of providing the service we will reduce the fee payable to ensure that the income generated over a two year period accurately reflects the costs.