



Home Office

Information Access Team

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Mr KM Butler
request-127318-
fbea94d2@whatdotheyknow.com

Our Ref 24026

Date 19 November 2012

Dear Mr Butler

Freedom of Information request (our ref. 24026): internal review

I am writing further to our e-mail of 28 September 2012, about your request for an internal review of our response to your Freedom of Information (Fol) request about FLR(M) application processing times.

I apologise for the length of time this review has taken.

I have now completed the review. I have examined all the relevant papers, including the information that was withheld from you, and have consulted the policy unit which provided the original response. I have considered whether the correct procedures were followed and assessed the reasons why information was withheld from you. I confirm that I was not involved in the initial handling of your request.

My main conclusion is that the original response was correct although, due to a typographical error, the information was misrepresented. The correct response to your first question should have informed you that the average processing time for FLR(M) applications decided in June 2012 was 154 calendar days.

The attached report contains the findings of this internal review, including my conclusions about the average processing times for all the applications still outstanding.

This completes the internal review process by the Home Office. If you remain dissatisfied with the response to your Fol request, you have the right of complaint to the Information Commissioner at the following address:



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The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Yours sincerely

Martin Riddle
Information Access Team



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Internal review of response to request under the Freedom of Information (Fol) Act 2000 by Mr K M Butler (reference 24026)

Responding Unit: UK Border Agency

Chronology

Original Fol request: 28/08/2012

Acknowledgement: 29/08/2012

UKBA response: 27/09/2012

Request for internal review: 27/09/2012

Subject of request

1. On 28 August 2012 Mr Butler submitted a Freedom of Information request asking for the following information relating to FLR(M) applications:
 1. *the average processing time for postal applications completed during August 2012, or the most recent month for which data is available*
 2. *The proportion of postal applications received in May 2012 which have been completed.*
 3. *The proportion of postal applications received in June 2012 which have been completed.”*
2. Further correspondence on this matter was received and dealt with as a new request, under reference 24535 which is currently outstanding.

The response by UKBA

3. Mr Butler was provided with answers to each of the three of his questions. For question one, the figure of 154 calendar days was provided, with an explanation that this represented the average processing time of FLR(M) applications ‘received’ in June, the most recent month UKBA held figures for.
4. The answers to questions 2 and 3 were provided in full.

Request for an internal review

5. The response to question 1 is the subject of Mr Butler’s complaint, because he does not believe his request was answered correctly. Mr Butler asked for the average processing time for postal FLR(M) applications *completed* in the most recent month, not the average processing times for applications *received* in a certain month. Furthermore he argues that “The average processing times given



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to me do not include all the applications still outstanding, and hence are not a true reflection of the waiting times.”

Procedural issues

6. The original request was received on 28 August 2012 and a response was issued on 27 September 2012. This represents a period of 22 working days between receipt of the request and the response being issued. This means that the response was outside the target deadline of 20 working days as specified in section 10(1) of the Act.
7. Mr Butler was informed in writing of the right to request an independent internal review of the handling of the first request, as required by section 17(7) (a) of the Act. The response also informed Mr Butler of the right of complaint to the Information Commissioner, as set out in 17(7) (b) of the Act.

Consideration of the response

8. The response to Mr Butler’s first question provided him with the average processing time for FLR(M) applications received in June 2012. Mr Butler pointed out that he had asked for the average processing time for postal FLR(M) applications completed in the most recent month”.
9. The answer provided for question 1 was incorrectly expressed and contained a typographical error. It should have explained that June was the most recent month for which data could be provided. It should also have stated that the average processing time for applications *decided* in June 2012 was 154 calendar days. The word “received” was a drafting error
10. Mr Butler has also complained that the average processing time (154 calendar days) does not include outstanding applications. His complaint is somewhat unclear in this respect, as his initial FOI request asked for the average processing times for applications completed in August (or the most recent possible month), not for the average processing times of pending applications.
11. As part of this review I can confirm that UKBA is unable to report on the average processing time of cases which have not yet been completed. It can, however, report on the length of time pending applications have been waiting for a decision. If Mr Butler is interested in this information, he should please let us know which months he is interested in – UKBA will then be able to run a report on the basis of applications *received* within a certain month, but still outstanding.

Conclusion

12. There was a procedural breach of section 10(1). The response was not issued inside of the 20 day deadline.
13. Due to a typing error UKBA accidentally misrepresented the information they held. Technically, however, there was no breach of section 1(1)(a) or 1(1)(b) as UKBA held the average processing time of applications completed in June and provided this.



14. UKBA was not in breach of the Act for not providing the average processing times of applications still pending. This is because this information was not requested originally.
15. UKBA was not in breach of section 1(1) in relation to Mr Butler's second and third questions, as UKBA advised Mr Butler that it held the information and communicated it to him.
16. I am satisfied there was no procedural breach of section 17(7) (a) and 17(7) (b).

**Information Access Team
Home Office
19/11/2012**



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Annex A – Original request in full

Dear UK Border Agency,

I'd like to know:

- 1.the average processing time for postal FLR(M) applications completed during August 2012. If the data for august isn't available, then average processing time for the most recent available month please.
- 2.the proportion of postal FLR(M) applications received in May 2012 which have been completed.
3. the proportion of postal FLR(M) applications received in June 2012 which have been completed.

Yours faithfully,



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Annex B – Original response in full

Dear KM Butler,

I am writing further to my e-mail of 3 September, about your request for volumes and processing time for postal FLR(M) applications. Your request has been handled under the Freedom of Information Act 2000. We are now in a position to provide a full reply to your request.

I am able to disclose the following information.

1) The average processing time for postal FLR(M) applications completed during August 2012. If the data for august isn't available, then average processing time for the most recent available month please.

The most recent month we are able to provide data for is June 2012. The average processing time for FLR(M) applications received in June 2012 was 154 calendar days

- (1) All figures quoted are management information which has been subject to internal quality checks.**
- (2) Figures relate to main applicants only.**
- (3) Figures relate to postal applications only.**
- (4) Figures relate to applications created on UKBA's Case Information Database between 1 and 30 June 2012.**
- (5) Processing time based on the average number of days between the case creation and decision despatched date.**

2) The proportion of postal FLR(M) applications received in May 2012 which have been completed.

46% of the FLR(M) applications received in May 2012 have been completed.

- (1) All figures quoted are management information which has been subject to internal quality checks.**
- (2) Figures relate to main applicants only.**
- (3) Figures relate to postal applications only.**
- (4) Figures relate to applications created on UKBA's Case Information Database between 1 and 31 May 2012.**

3) The proportion of postal FLR(M) applications received in June 2012 which have been completed.

17% of the FLR(M) applications received in June 2012 have been completed.

- (1) All figures quoted are management information which has been subject to internal quality checks.**
- (2) Figures relate to main applicants only.**



(3) Figures relate to postal applications only.

(4) Figures relate to applications created on UKBA's Case Information Database between 1 and 30 June 2012.

I hope that this information meets your requirements. I would like to assure you that we have provided you with all relevant information that the Home Office holds.

If you are dissatisfied with this response you may request an independent internal review of our handling of your request by submitting a complaint within two months to the address below, quoting reference 24026. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

Information Access Team
Home Office Ground Floor, Seacole Building
2 Marsham Street
London SW1P 4DF
e-mail: FOIRequests@homeoffice.gsi.gov.uk

As part of any internal review the Department's handling of your information request will be reassessed by staff who were not involved in providing you with this response. If you remain dissatisfied after this internal review, you would have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

Yours sincerely

UKBA Freedom of Information Team.



Annex C – Internal review request in full

Dear UK Border Agency,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of UK Border Agency's handling of my FOI request 'FLR(M) processing averages.'.

I requested the average processing time for postal FLR(M) applications completed in the most recent month, not the average processing times for applications received in a certain month.

The average processing times given to me do not include all the applications still outstanding, and hence are not a true reflection of the waiting times. Could someone answer my original question please.

The A full history of my FOI request and all correspondence is available on the Internet at this address:

http://www.whatdotheyknow.com/request/flrm_processing_averages

Yours faithfully,



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