



House of Commons
Foreign Affairs Committee

Support for British nationals abroad: The Consular Service

Fifth Report of Session 2014–15



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*Report, together with formal minutes relating
to the report*

*Ordered by the House of Commons
to be printed 4 November 2014*

HC 516
[Incorporating HC 905, Session 2013-14]
Published on 23 November 2014
by authority of the House of Commons
London: The Stationery Office Limited
£0.00

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Summary

The Consular Service of the Foreign and Commonwealth Office provides vital support to British nationals overseas. It offers a wide range of services, handling anything from lost passports to kidnap, a major crisis evacuation or verification of a document. It is the FCO's public face, and it is central to its reputation at home. It does not always receive the attention it deserves, and we welcome the current Government's decision to make consular services one of the FCO's three top priorities.

Britons undertaking more adventurous travel, large expatriate populations and a series of major overseas crises have tested the Consular Service in recent years. In 2013, the FCO dealt with over 450,000 consular customers, over 17,000 of whom received personal assistance. The Consular Service has responded with a "strategic shift" to provide a more standardised and professional service, with greater clarity on what it can and cannot provide, and a new focus on the most vulnerable. This has resulted in some welcome innovations, such as global call centres to remove the pressure from consular officers and a new crisis centre that can handle multiple concurrent crises. It has also meant a shift to a 'digital first' strategy, which has made the service more accessible to many, but risks leaving some older expatriates behind.

However, the strategic shift to a "smaller and better" consular service has also meant that some services have been limited or withdrawn where they could be provided by other organisations or governments, and standardisation has meant the end of so-called "over-service" as well as under-service. The FCO has consequently put great emphasis on encouraging self-help, managing expectations and explaining the limits of its assistance to British nationals. We found that despite these efforts to explain to the public what the FCO can and cannot do, there was still a significant gap between the high expectations of the public and the reality of what the FCO could provide. Less frequently but more worryingly, we also found that there was, on occasion, a gap between what the public could legitimately expect, and what the FCO currently provided.

The consular network and directorate have undergone substantial change: in staff terms it has more than halved in size, and over 90% of overseas roles are now filled by locally engaged staff. Locally engaged staff are a strength of the FCO and are particularly suited to consular work, which is advantaged by lower turnover and local networks. However, such an imbalance creates management challenges, risks the morale of UK based staff, and also risks creating a senior FCO leadership in the future which has no consular frontline experience at all. The FCO will need fully to address and plan for the consequences of this staffing change, and we recommend that it set a target of 20% of its overseas consular postings to be filled once again by UK-based staff. In addition, the closure of consular posts in Europe has not been matched by the equivalent number of openings elsewhere, nor has it been accompanied by substantial increases in alternative means of consular representation.

In cases of deaths abroad, we received substantial anecdotal evidence to indicate that FCO services to bereaved families are inconsistent and have at times fallen well below the expected standards of the FCO, with repeated failures of communication and compassion. We welcome the FCO's ongoing review of how it provides services in cases of suspicious deaths abroad, and give our support for a proposal for a specialised central unit to provide expert and dependable assistance.

Supporting British nationals who are arrested and detained overseas takes up a substantial amount of consular time, but the service is still judged by the FCO's NGO partners to be uneven and minimalist. There is serious disquiet about the FCO's closure of consulates and withdrawal of routine visits from British nationals imprisoned in EU states, as visits are seen as the main way to provide consular assistance and visible support. We were gravely concerned by allegations that consular officers had failed properly to respond to British nationals who alleged torture in foreign prisons. The newly updated internal guidance for handling torture cases is a big step forward, particularly if accompanied by comprehensive staff training, but we ask the FCO to investigate the allegations we received and report back to us.

We considered the transfer of responsibility for the issue of passports overseas from the FCO to HM Passport Office, which was completed in March 2014. We also considered the cause and impact of the passport delays in summer 2014. We found that service, and particularly waiting time, for overseas nationals had been poorly affected by the transfer, and that the FCO's reputation had been damaged.

We concluded that the FCO has put substantial resources into the improvement and professionalisation of the Consular Service, and that the benefits can already be seen, though it should continue to ensure that any inconsistencies and problems are identified and addressed. The general public often has unrealistic expectations of what the Consular Service can do for it, but we are satisfied that the FCO is rightly focused on the core areas where it has a unique and important role. The Consular Service provides vital help to British nationals in distress, and is a lifeline in times of great need. It can be proud of its work.

Conclusions and recommendations

Consular strategies

1. We welcome the elevation of consular services as a vital part of the FCO's work that can provide unique assistance to British nationals overseas. (Paragraph 16)

Major organisational changes since 2007

2. The Consular Contact Centres appear to be an efficient and effective innovation by the FCO that allows frontline consular officers to focus on their main work. (Paragraph 19)
3. The FCO has rightly dedicated significant resources to improving and developing IT systems capable of meeting the demands of consular services. (Paragraph 21)
4. Demand for online services will continue to grow, and it is right that the FCO has embraced this approach. However, the FCO's assurances that it continued to support those who could not access digital services via phone and in person were not borne out by the feedback we received. We are concerned that the digital strategy has resulted in a service that is harder for some expatriates to reach without third-party support. This could make vulnerable people even less able to operate independently. The Contact Centres should function as a genuine resource of consular information and support for people who have made the time and effort to call, rather than simply a 'signpost' to the FCO's online services especially when people are not in a position to access these easily. (Paragraph 22)
5. It is of the utmost importance to get the FCO's response right in a crisis. We believe that the FCO has responded to earlier serious problems in its crisis response with energy and the seriousness they deserved, and that lessons have been learned and effectively applied. By their nature, crises are often unpredictable and the FCO will require continuous vigilance to maintain and improve its crisis systems. (Paragraph 25)
6. There appears to have been a shift from attempting to keep track of British nationals abroad in normal circumstances so that they could be contacted if a crisis occurred, which proved difficult, to making it easier for British nationals to contact the FCO at times of crisis. This may be less reassuring for long-term expatriates who enjoyed the comfort of knowing that their embassy knows their number and address, but it is a sensible response to the problems encountered by previous systems. However, we remain concerned about potential over-reliance on internet-based services to distribute information in a crisis, when internet services might not be working, or the internet is deliberately cut off by the Government in question. In its response to this report, the FCO should set out the contingency measures it has in place to mitigate the loss of internet-based communication in a crisis, such as its surge capacity on phone lines. (Paragraph 28)

7. We conclude that there has been a net reduction in the size of the consular network on the ground, which is a concern. The closure of posts in Europe has not been replaced by the equivalent number of openings elsewhere, nor has it been accompanied by substantial increases in alternative means of consular representation, such as honorary consuls. We are concerned that vulnerable British prisoners abroad are reportedly receiving less assistance than before. The FCO should set out in its response how it intends to review allegations that the support it offers to prisoners has deteriorated as a result of the closures. (Paragraph 32)

Honorary Consuls

8. We consider Honorary Consuls to be an important and efficient part of the FCO's consular network, enabling it to extend its reach beyond capital cities. They do important work for British nationals at very low cost to the service. We understand concerns about potential conflicts of interest, and we recommend that the FCO consider recruiting Honorary Consuls on shorter contracts and that the FCO require Honorary Consuls to declare any relevant business interests throughout their tenure, and that the FCO ensure that training and supervision of Honorary Consuls in connection with potential conflicts of interest is standardised. We further recommend that, where the FCO replaces a consular office with an Honorary Consul, it sets out in public the duties it expects the Honorary Consul to perform. (Paragraph 36)

Reduction in documentary and notarial services

9. The FCO's notarial service must take officials' time away from more vulnerable and needy cases, so the FCO's decision to reduce this service wherever other providers are available is a sensible one. The FCO should carefully monitor any implications of the loss of income from this service, as it would not be advisable for the FCO to increase other fees for mandatory documents to make up the shortfall. (Paragraph 39)
10. We agree that there are circumstances in which it is not only compassionate but a most effective use of funds to help a national to return home, and prevent further problems. The FCO is right to review its debt recovery systems, and it should pursue repayment more rigorously in future. In its response to this report, the FCO should set out how it intends to improve its debt recovery systems. (Paragraph 39)

Consular staffing

11. Locally engaged staff are vital members of consular teams and have language skills and knowledge of local issues that are highly valuable in consular work. However, we are concerned that the reduction in UK-based overseas consular work to only 9% of overseas consular posts will have the short-term consequence of making consular work less attractive for younger FCO staff due to the lack of overseas postings, and a longer-term consequence that very few senior Ambassadors or FCO staff in leadership roles will have frontline consular experience. Such a significant change to

FCO careers should be carefully planned and reviewed, rather than an inadvertent result of a cost-cutting strategy. The FCO should make at least 20% of overseas consular positions available to UK-based staff. This would have cost implications, but it will ensure that valuable consular experience is maintained among the future leadership cadre in the Foreign Office. (Paragraph 47)

Public messaging and managing expectations

12. We agree that the expectations of the general public about what the FCO can do for them are often too high, and welcome the measures taken by the FCO to explain its services more clearly. (Paragraph 49)

Suspicious deaths abroad

13. The FCO's official guidance for families who have suffered a bereavement due to murder or manslaughter is timid and cautious in comparison to its guidance on its other services. It is understandable that support is tailored to each individual case, but the guidance gives the impression of very limited support and no guarantees of assistance. The FCO should update its guidance to be clearer and more generous about what the families can expect to receive. This should include the more extensive commitments that it has agreed internally. (Paragraph 54)

FCO's response to complaints

14. The submissions we received indicated that consular support for families in cases of deaths abroad is inconsistent and, at times, has left them feeling entirely let down. Many of the complaints we received were not focused on extra funding but rather on things that the FCO could and should do better, like consistently returning phone calls, and providing the clear advice set out in its own guidance, as well as responding with compassion and support. (Paragraph 57)
15. We recommend that the FCO review its training and guidance on handling non-suspicious deaths abroad, and engage in a consultation with families to discuss what went wrong, and the measures have been implemented to ensure that it will not happen again. (Paragraph 57)
16. We welcome the FCO's review of its services to families who have been affected by the murder or manslaughter of a relative overseas. The evidence we have received from families with cases throughout the last ten years shows that the review is long overdue. The review should address why repeated failures of communication and compassion have occurred, and should examine whether more staff or more training are required. The FCO should inform the Committee of the conclusions reached by its review and any policy changes or action subsequently undertaken. (Paragraph 59)

Assistance with funds

17. We understand that the FCO cannot commit to fund repatriation, legal fees, translation etc. especially where adequate insurance would have covered costs. The FCO's policy of working with partners who can provide funding where needed is sensible. However, more needs to be done to make the criteria and availability of third party funding more clear and consistent. When families must petition third party organisations for funding, it risks a situation in which the loudest voices will get the most funding, and a very inconsistent provision of help. The FCO provides funds to these bodies, so it is right that the public understand what they can and cannot expect from these organisations. (Paragraph 64)
18. The FCO or its partners should look to implement a mechanism by which they can provide short-term loans to families who want to repatriate the body of a loved one, or travel to attend a court case abroad, as a compassionate response in difficult times. In light of its current poor performance in recouping discretionary loans, the FCO should include more robust recovery mechanisms in this scheme. Although we sympathise with British nationals who are forced to pursue legal cases abroad, due to the length and uncertainty of court cases, FCO loans should not be provided to cover legal fees. (Paragraph 65)

Communication

19. It is not sensible to expect bereaved family members to remember detailed information conveyed by phone. It should be standard practice for consular staff dealing with any kind of death abroad for all calls to family members to be followed by an email or letter re-stating the information provided, for reference. (Paragraph 66)

A new central unit for murder and manslaughter cases

20. The FCO's standards for what it will provide to families coping with deaths abroad are applied inconsistently by consular desk staff and consuls in posts for whom such cases are a small part of their overall jobs. This results in some exemplary experiences and some poor ones for families who are already going through a deeply traumatic time. (Paragraph 69)
21. We find the case for a small central unit on deaths abroad, particularly murder and manslaughter cases, to be persuasive. A central unit providing support for families in the UK would support, rather than undermine, consular work in country, and we recommend that the FCO implement this proposal. (Paragraph 69)

Detention abroad

22. Consular services are immensely important to British prisoners abroad. It is troubling to have such consensus among our witnesses that the quality and type of FCO services available to prisoners vary from post to post. (Paragraph 74)

Lawyers lists and legal information

23. We welcome the FCO's commitment to update and improve its lists of lawyers and prisoner packs, which have been the subject of many complaints to this inquiry. The FCO should also consider ways in which it can co-operate with other European and Western partners who have already produced comprehensive guides to share this information and pool resources. In its response to this report, the FCO should provide a deadline by which it expects to have updated all of these documents and placed them on its website. (Paragraph 79)

Torture allegations and FCO guidance

24. We are deeply concerned about the allegations we have received that the FCO has in some instances not responded adequately to protect and support those who said that they had been the victim of torture or ill-treatment. Any failure to support vulnerable nationals in such circumstances is deplorable. We recommend that the FCO launch an investigation into the allegations that have been raised during this inquiry, including identifying and interviewing staff involved, and that it present us with its findings, which we intend to review. (Paragraph 84)
25. We welcome the new guidance for consular staff on torture and mistreatment, which is a clear step forward. For the new guidance to be effective it should be accompanied by comprehensive training, and the FCO should set out how many staff have been trained on the new guidance so far, and in what countries. The FCO should also keep records of the number of complaints about alleged mistreatment it pursues with authorities abroad, and make these statistics available to the Committee and its NGO partners, in order to better assess the scale of the problem. (Paragraph 86)
26. Publication of the guidance would enable victims and their families to have a more full understanding of what can be expected, but we understand that these are internal guidelines meant for FCO officers' use. We recommend that the FCO produce a separate updated public document setting out what it can and cannot do in these cases, based on its revised internal guidance. (Paragraph 87)

Death penalty

27. There is a difficult balance to be struck when considering government support for death penalty cases. We were moved by the cases we heard. On one hand, such prisoners are among the most vulnerable of British nationals abroad, on the other, funding cases could mean that large amounts of public money go to a very small number of people. We do not recommend that the FCO singles out death penalty cases, many of which take years to reach a final judgment, for an open-ended commitment of funding. The FCO's approach of providing consular support to the family, as well as funding and working with the specialist organisation Reprieve, is the right one. (Paragraph 89)

A “lack of proactivity”

28. The FCO talks about the minimum services it can provide to prisoners, rather than doing the most it can to protect them. This policy does not align with its stated goal of focusing services on the most vulnerable. We recommend that the FCO prioritise fair trials rights training for its consular staff so that they can more intervene proactively, if necessary. (Paragraph 91)
29. Press interest should not affect the FCO’s decision making, but we have repeatedly been informed that media interest generates a more active response from the FCO. If true, this is unacceptable, as decisions about protecting prisoners should be made on the needs of each case, rather than how many people are watching. If the FCO has in fact been working behind closed doors on the national’s behalf, it must improve its communication with the prisoner and their family to make them aware of this. (Paragraph 93)

Passport transfer and crisis 2014

30. We do not question the security and cost efficiency rationale for the move to repatriate passports to the UK and end the process of issuing them abroad. However, it has been unpopular among expatriates, and the FCO has failed to make clear the benefits of the new system or to address its drawbacks. The reduction in the price of passports applications from overseas offers expatriates a chance to share in the benefits of the efficiency savings, and is warmly welcomed. (Paragraph 102)
31. The Government should offer expatriates an express service option, which would attract a premium price, as in the UK, or the possibility of keeping their passport while waiting for a new one to be issued, by submitting a certified copy of the passport instead. (Paragraph 103)

Passport crisis

32. The transfer and subsequent problems in passport processing for overseas nationals has caused reputational damage to the FCO. The speed with which the Passport Service ran into trouble just six weeks after the final transfer of responsibility from the FCO to HM Passport Office strongly suggests that planning was not properly done. The emergency measures were well-implemented, but should not have been necessary. The FCO should request that HM Passport Office reimburse any costs resulting from the increase in Emergency Travel Documents and other measures that the FCO took this summer. (Paragraph 107)

Complaints handling

33. The Committee will continue to monitor consular complaints handling and the FCO should include its customer satisfaction statistics in its annual reports. (Paragraph 110)

Conclusion

34. The FCO has made major improvements to its consular service over the last eight years, with sensible and effective innovations such as the call centres, the crisis centre, and the reduction in notarial services. (Paragraph 111)
35. We consider that the organisational changes have been generally well-handled, but further changes, particularly further reductions in staff or consulates, risk damaging morale. (Paragraph 112)
36. British nationals must share the responsibility for their own safety and security abroad. The FCO's public messaging campaigns to improve understanding of its services, and what British nationals can legitimately expect from such services, are a sensible measure. (Paragraph 113)
37. Setting clear core levels of service has undoubtedly brought improvement, and benefits can already be clearly seen, though the FCO should continue to ensure that inconsistencies and problems are identified and addressed. Nonetheless, as the Consular Directorate proceeds in implementing changes, it is important not to dehumanise and minimise the service in the pursuit of professionalisation or excessive cost-cutting. The FCO provides vital services with limited resources when nationals are suffering under difficult circumstances. To many, it is a lifeline and a comfort in times of great need. It should rightly be proud of its work. (Paragraph 114)

1 Our inquiry

1. Parliament last considered consular services in detail in 2006, when the Public Accounts Committee published a report into consular services to British nationals,¹ following a major National Audit Office (NAO) report on consular services in November 2005.² We and our predecessor Committee have since then continued to monitor major changes to consular services in some of our reports on the FCO's performance and finances.³ Like almost all of our fellow MPs, we also have an interest in consular services on behalf of our constituents, and many of us have had contact and worked with the FCO in recent times to raise and help solve specific problems.

2. We issued a call for written submissions in December 2013, and we took oral evidence from former Ambassadors, NGOs, travel representatives and others between January and June 2014, followed by the FCO Minister Mark Simmonds and FCO officials. We visited the FCO's new crisis centre in London in January 2014. In March 2014, we undertook a two-day visit to Malaga, the largest consular centre in Europe and the location of one of the three new global call centres. We were keen to hear from members of the public who had first-hand experience of consular services, and we hosted a web forum in January–February and held a private roundtable meeting with some of those who had submitted evidence or comments on the forum, to discuss their experiences in greater detail.

3. This report does not attempt to comment upon every element of the Consular Service's wide range of work, and there are some laudable developments in FCO consular services that we do not intend to cover in detail, such as its work on rescuing British victims of forced marriage abroad, or the important work it does with victims of kidnapping and hostage-taking, and their families. Based on the evidence received and our own experience in working with the FCO on such cases, we consider these to be admirable and impressive services run in extremely difficult circumstances. However, in the course of the inquiry we heard from many members of the general public who told us of disappointing and even distressing experiences of trying to access particular kinds of consular support when they needed it. This evidence is, by its nature, anecdotal, and we cannot extrapolate or infer wider FCO failure from it. It is also from a self-selecting group of people who had particular experiences that motivated them to respond, so it may not be representative of all experiences of the FCO's services. Yet the stories submitted to us via our web forum, roundtable, and written evidence, are of sufficient number and gravity that they give cause for concern and cannot be dismissed. We explore some of those areas in chapters 4–7.

4. As ever, we thank all of those who have participated in this inquiry. In particular, we thank the many members of the public who have taken time to engage with the inquiry and tell us about their experiences, some of which were clearly painful and distressing to revisit.

1 Committee of Public Accounts, Thirty-ninth Report of Session 2005–06, [Consular services to British nationals](#), HC 813

2 Report by the Comptroller and Auditor General, Session 2005–2006, [The Foreign and Commonwealth Office: Consular Services to British Nationals](#), HC 594, November 2005

3 See, for example, Foreign Affairs Committee, Second Report of Session 2008–09, [Foreign and Commonwealth Office Annual Report 2007–08](#)

The scale of the response reminded us once more how vital consular services are to British nationals, and how important it is to get them right.

2 The Consular Service

5. The Consular Service is the part of the UK Government to which British nationals turn when they encounter serious problems overseas, from lost passports to kidnapping, arrest, or the death of a loved one. It acts as an emergency service in the event of a crisis abroad and will arrange evacuation for British nationals. It also provides comprehensive travel advice and warnings, as well as more routine documentary and registration services for expatriates. With a broad range of services focused on nationals abroad, it is the main way in which the British public comes into contact with the Foreign and Commonwealth Office (FCO), and it provides unique and vital services to British nationals overseas.

6. Consular services are provided by a Directorate within the FCO. This Directorate consists of a network of more than 620 consular officers in embassies and consulates around the world, 49 (full time equivalent) call centre staff in three new global call centres, and a large consular team in London with over 200 staff. The activities of consular staff are governed by international agreements, including the Vienna Convention on Consular Relations, or bilateral consular conventions. These ensure that consular officers accredited to a particular country enjoy certain privileges and immunities, such as right of access to visit detainees, which other organisations do not.

7. Yet consular work does not always get the attention it deserves. When the Foreign Secretary made a speech on consular services in 2012, he was the first Foreign Secretary to have done so.⁴ The current Government elevated consular services to become one of the FCO's three main priorities in 2010–15, and the Department has instituted a succession of change strategies since 2007. In the light of the substantial changes that this key service was undergoing, we decided to examine the way in which the FCO was providing its consular services.

Facing high demand and new challenges

8. British nationals now travel and live abroad in large numbers. We make over 57 million individual trips overseas every year, and over 5 million British-born nationals live abroad. This naturally leads to large numbers of people encountering trouble abroad: approximately 6,000 British nationals are arrested abroad each year, and at any one time there are more than 3,250 British nationals in foreign prisons. Over 100 Britons die abroad each week.⁵

9. In 2012, the then Foreign Secretary, the Rt Hon William Hague MP, said that the high number of travellers and expatriates resulted in “an immense demand for our services”, adding that an average of 37,000 people contacted the FCO each week.⁶ Not all of those

4 Speech by the Foreign Secretary, the Rt Hon William Hague MP, [Looking after our own: strengthening Britain's consular diplomacy](#), 4 April 2012, Foreign and Commonwealth Office, London

5 Foreign and Commonwealth Office ([CON 19](#)) para 4

6 Speech by the Foreign Secretary, the Rt Hon William Hague MP, [Looking after our own: strengthening Britain's consular diplomacy](#), 4 April 2012, Foreign and Commonwealth Office, London

calls require significant consular help; the table below gives a sense of the number of people who have required serious consular assistance in each of the last five years.

FCO table of consular assistance cases

Overview of total worldwide figures of Consular assistance over the last five years

	Total Consular assistance cases	Drug Arrests	Arrests (Including drug arrests)	Deaths ¹	Hospitalisations	Rapes	Sexual Assaults	Other Assistance ²	Lost and stolen passports/Emergency travel documents
2009/10	19,839	994	6,439	5,930	3,689	132	140	3,509	27,272
2010/11	19,228	799	5,700	5,972	3,752	115	163	3,526	25,969
2011/12	19,874	816	6,015	6,237	3,739	127	154	3,707	28,659
2012/13	19,244	669	5,435	6,193	3,599	138	172	3,602	28,783
2013/14	17,517	708	5,418	4,110	3,157	106	152	4,488	31,134

¹ We no longer record death notifications (where we have had no other involvement) as consular cases. This has affected the number of cases recorded in 2013/14

² "Other assistance" includes a number of additional attributes compared to the British Behaviour Abroad 2013 Report, which accounts for the size of the increase in this column in 2013/14

Source: *British Behaviour Abroad 2014*⁷

10. British nationals are also visiting and living in more distant countries with very different institutions and services. According to the FCO, destinations in southern Europe and North America (Spain, France and the USA) remain the most popular for UK travellers and continue to drive the greatest volume of consular assistance calls; but the FCO told us that "many of our most challenging cases come from outside those countries, including places like Thailand, the UAE and South America."⁸ Nevertheless, we note that the data shows that there is no clear upward trend in the number of consular assistance cases over the last five years.

11. Changing demographics in the UK and more frequent cross-border relationships has also meant the growth of new challenges, such as abduction of children by a parent abroad, or forced marriage of British nationals while in other countries. In 2012, the FCO assisted in 356 child abduction cases, and led the rescue overseas of 205 victims of forced marriage.⁹ The FCO has responded by setting up dedicated teams to tackle these issues. The Forced Marriage Unit (FMU), a joint FCO and Home Office unit that was set up in 2005, operates in the UK and overseas to support and protect British nationals at risk of forced marriage, including (in extreme circumstances) by conducting rescues of victims held against their will overseas. In 2012, it gave advice, support or assistance in almost 1500 cases of possible forced marriage.¹⁰ The FCO also funds NGOs to provide assistance, giving £150,000 in 2013/14 to NGOs carrying out domestic projects tackling forced marriage, in addition to £25,000 to Southall Black Sisters, which provides a repatriation service to victims of forced marriage who have received consular assistance.¹¹

7 Foreign and Commonwealth Office, [British Behaviour Abroad Report 2014](#), July 2014, p.1

8 Foreign and Commonwealth Office ([CON 19](#)) para 27

9 Speech by the Foreign Secretary, the Rt Hon William Hague MP, [Looking after our own: strengthening Britain's consular diplomacy](#), 4 April 2012, Foreign and Commonwealth Office, London

10 Foreign and Commonwealth Office ([CON 19](#)) paras 93–98

11 Foreign and Commonwealth Office ([CON 29](#))

Structure and financing

12. The Consular Service network is unique in that it is entirely fee-funded and does not derive any financing from taxation. There is a Treasury requirement to set fees at a level that enables income to match costs. In 2012-13, its network cost £87.2 million to run. The Consular Service's income is largely derived from a levy on the passport fee of around £15 on every adult passport, which accounts for two thirds of its income. The rest of the funding comes from services that the FCO charges for, including Emergency Travel Documents (ETDs) and documentary services. We asked Mark Simmonds MP, Minister, if this was effectively a 'cap' on spending. He said:

The day-to-day consular service provision is entirely funded in the way I described. There are, of course, examples where there may be a crisis and where we have to pull in staff from across the Foreign and Commonwealth Office broader family and liaise with other Government Departments. In that case, we have an agreement with the Treasury that those additional top-up costs will be provided, with the Treasury's agreement, by structures outside the normal funding for the consulate finance.¹²

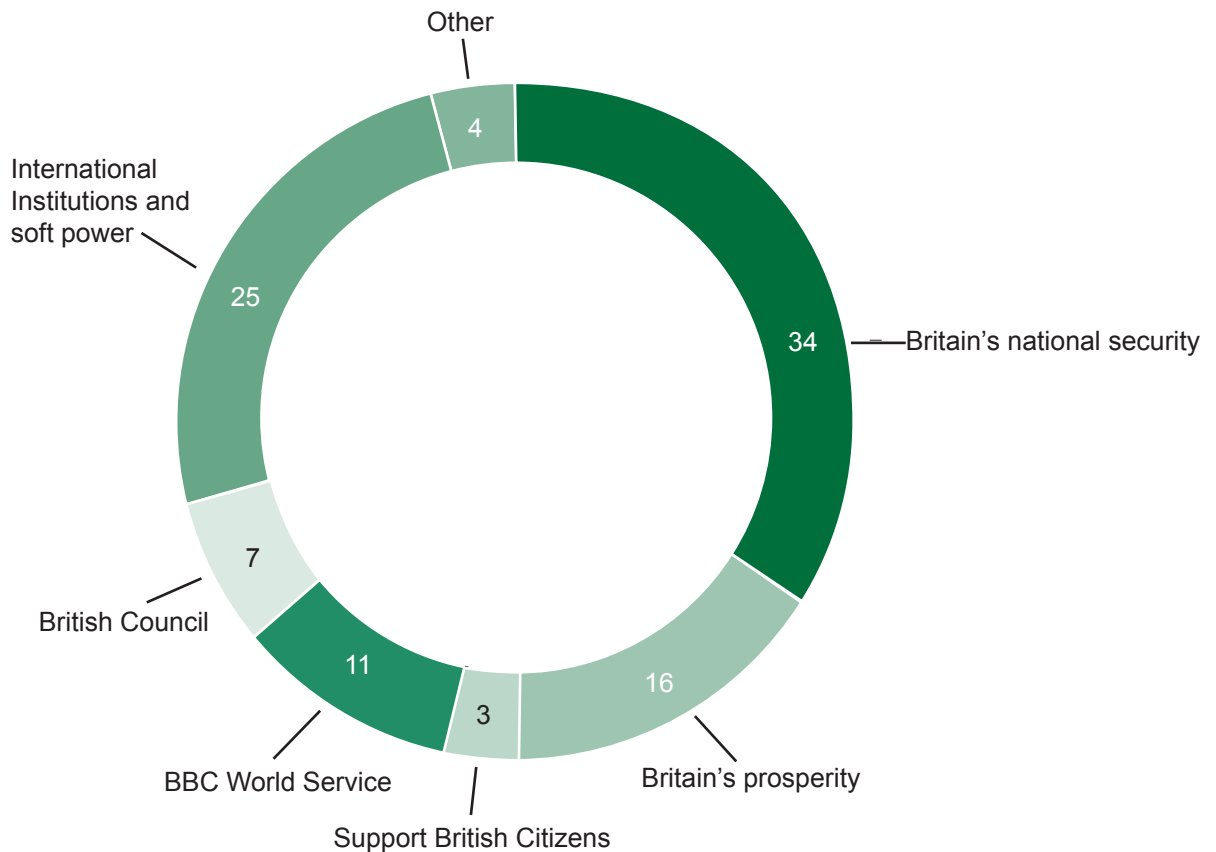
Limited resources

13. Consular work is a relatively small part of the FCO's expenditure. The chart below shows that consular work ('Support British Citizens') accounts for just 3% of all FCO spending in 2013-14, less than a fifth of its spending on supporting Britain's prosperity.¹³

12 Q143

13 Foreign and Commonwealth Office, [Annual Report and Accounts 2013-14](#), July 2014, p.21

FCO spend by foreign policy priority 2013-14



One of the FCO's 2012–13 priorities is “delivering a smaller and better consular service by managing resources more effectively to meet our customers’ needs”.¹⁴ The Consular Directorate told us that it had experienced pressure on resources along with the wider public sector, and said “We will have to do more with less, which means clear prioritisation and more flexibility in where (and when) we put our resources.”¹⁵ However, when we asked the Minister whether the reforms were about saving money or providing better service, he argued that it was the latter: “It is what I call a realigned, more focused service: one that is focusing on the most vulnerable.”¹⁶

14 Foreign and Commonwealth Office (CON 19) para 1

15 Foreign and Commonwealth Office (CON 19) para 30

16 Q141

3 Reforms to the Consular Service

14. Since a widely-criticised response to the Asian tsunami in 2004, and reports by the National Audit Office (NAO) and Public Accounts Committee (PAC) in 2005 and 2006, the FCO has put a lot of work at a management level into how best to run the Consular Service and to meet the multiple demands on it. This has resulted in what the FCO terms a “strategic shift” in consular work and how it is done.

Consular strategies

15. As part of the strategic shift, since 2007, the FCO has published three consecutive multi-year strategies for transforming and improving consular services. The 2007–10 strategy focused on creating consistent standards and professionalising the service, following criticism in the NAO and PAC reports of an inconsistent and variable service between posts. There was some emphasis on ending both under- and over-delivery, to achieve greater consistency and fairer expectations, stating “if we regularly offer help beyond our publicly-stated framework we should not be surprised that we are asked to deliver such help again and again, placing extra pressure on our resources”.¹⁷ The 2010–13 strategy focused on providing what customers needed via better information management and continued professionalisation, as well as implementing some major organisational changes, such as the transfer of passport responsibility and embedding new technology. The 2013–16 strategy raises ambitions still further, aiming to be “the best consular service in the world” by 2016. It describes a more flexible service focused on identifying and helping the most vulnerable, including more assistance “for customers who need it most, the customers who are most at risk because of who they are, or where they are.”¹⁸ The Committee suggests the FCO examine what comparable countries provide in terms of key consular services and also aim to adopt best practice.

17 Foreign and Commonwealth Office, *Consular Services strategy 2007–10*, p.20

18 Foreign and Commonwealth Office, [Consular Strategy: Consular Excellence](#), 2013–16, p.6

2013-2016 Consular Strategy: Consular Excellence

SUMMARY OF AIMS AND PRIORITIES

- *Improving services*: more assistance for those who need it; assistance that customers want; offering specialised services through partners; removing bureaucracy; streamlining notarial services; more local awareness raising activity.
- *Delivery of services*: more services online; more ways for customers to contact the FCO; a global network of call centres; faster and more professional responses; closer aligned fees and services; online payments for services.
- *Crisis response*: encourage travellers to use caution; better use of social media; improved FCO IT system to provide a reliable database.
- *Passport handover* : repatriate all overseas passport provision to HM Passport Office in the UK
- *Assessing progress*: develop mechanisms for obtaining regular direct feedback from customers; engage with special interest groups.

16. Taken together, the strategies show the FCO having gone from a service that was often high-quality but inconsistent and unclear, to a more defined but clear set of standard services that are provided transparently at all posts, and is now moving toward additional help focused on the most vulnerable. It also aims to deliver services in a more flexible way, including through the use of better technology and increased use of partner organisations. **We welcome the elevation of consular services as a vital part of the FCO's work that can provide unique assistance to British nationals overseas.**

Major organisational changes since 2007

Creation of consolidated call centres

17. Between June 2013 and March 2014, the FCO moved to a model in which all phone calls to local consular posts during their office hours are routed to one of three 'Consular Contact Centres' (CCC) based in Malaga, Ottawa and Hong Kong. Urgent out-of-hours calls continue to be answered by the 24 hour London-based Global Response Centre. The three new Consular Contact Centres provide a point of initial contact and aim to resolve many of the standard questions, such as what to do about a lost passport, at this stage. For more complicated or urgent cases that require local assistance, the call centre 'escalates' the call to the consular team at the relevant Post. The FCO told us that the centres allowed tailored training for staff, enabled better information management as repeated requests about the same issue are noticed and addressed by providing better information online, and most importantly, they freed up consular officers in post to spend time on consular cases.

18. The FCO told us that many calls are not related to consular work (for example, asking about visas, or commercial concerns) and that the Centres aim to resolve 80% of consular calls. When we asked Susan Caldwell, Head of Strategy and Network, to explain how the FCO defines "resolution" for such a high proportion of calls, she told us that of the calls that are not escalated to posts, "35% of those other calls are signposting people and helping

them get access to other government services, such as passports and visa services.” A further 17% of calls were about notarial issues¹⁹ where people wanted to understand the service and make an appointment. She agreed that this “signposting” could include call centre staff telling callers to go online for a service, but she said that the FCO had taken time to survey customers to understand better how they could find that information more easily online.²⁰

19. We visited the call centre in Malaga to see it in action. We were impressed by the multi-lingual staff who handled calls with professionalism. We also noted the comprehensive data system that enabled staff to access detailed information from each post’s consular team in order to answer queries. **The Consular Contact Centres appear to be an efficient and effective innovation by the FCO that allows frontline consular officers to focus on their main work.**

Move to digital by default

20. The FCO’s call centres are part of a broader strategy of ‘digital transformation’. This is part of the Government’s Digital by Default agenda, which requires that services be moved online for easier access and more efficient provision. The FCO’s Digital Strategy is both inward and outward-facing: internally, the FCO states that it is making better use of technology for example in its Compass system for recording consular cases; its Crisis Hub (see below); and its call centres. Externally, the FCO states that it is working to put more services for the public online, such as booking appointments and submitting applications for certain services, as well as making better use of technology and social media.

21. There are many advantages to this approach. The FCO reports success in its internal systems and we heard praise from members of FCO staff who used both the consular and crisis systems, though we noted that consular officers in post in Malaga were asked to enter all information about cases into a database but were not equipped with mobile devices with which they could access and update the files while working remotely (for example, on a visit to a hospital or a detention centre). This suggested that the system had added an extra time-consuming task—the need to enter information into an IT system in the office—rather than removed one. Further to increase the benefit of these systems for staff, the FCO could conduct a trial issuing mobile devices (such as a compatible tablet) to a group of consular officers to evaluate whether it increases efficiency, though the benefits of such a move would have to be calculated against costs. **The FCO has rightly dedicated significant resources to improving and developing IT systems capable of meeting the demands of consular services.**

Are online services leaving some nationals behind?

22. We acknowledge that there will undoubtedly be increasing demand for FCO services to be available online, and that online services will make them more accessible to the majority

19 British Consulates provide a range of legal documents for British nationals, such as registering births and deaths, providing certificates of ‘no objection’ to a marriage or adoption, witnessing a signature, etc.

of British nationals. However, we received some indications that there was an over-reliance on online services (for example, one man went to a Consulate to ask how to obtain a document and was told to go online to book an appointment at the same consulate);²¹ and that the system was causing distress to some older members of expatriate populations, who do not have access to or expertise in using digital services.²² This was confirmed on our visit to Malaga, where Spanish local authorities told us that British nationals often come to them to ask for help in filling in the British Government’s new online forms. When we asked FCO officials about this, we were told that services had not been withdrawn, and that British nationals could go to posts or call by telephone.²³ Susan Caldwell explained further how FCO staff respond to such a situation:

When citizens are facing exactly that scenario—they have said “I am old; I don’t have access to the internet, or I struggle with it”—we support them and talk them through it. “Actually, can you get somebody?” Often, people have friends, family or others around them in the community who can help them access online services.²⁴

She added that the FCO was “linked in” to the Government’s work on digital inclusion, and said that the FCO worked with local communities in areas where there were large elderly expatriate populations to provide support. **Demand for online services will continue to grow, and it is right that the FCO has embraced this approach. However, the FCO’s assurances that it continued to support those who could not access digital services via phone and in person were not borne out by the feedback we received. We are concerned that the digital strategy has resulted in a service that is harder for some expatriates to reach without third-party support. This could make vulnerable people even less able to operate independently. The Contact Centres should function as a genuine resource of consular information and support for people who have made the time and effort to call, rather than simply a ‘signpost’ to the FCO’s online services especially when people are not in a position to access these easily.**

Consular response to major crises

23. When a crisis occurs abroad, the Consular Service is the UK’s emergency response for its nationals. Depending on the form of crisis, the local and wider consular service work to locate missing, injured and deceased British nationals; provide support and care; and organise evacuation if necessary. It will also provide public information and support to families at home. Perceived failings in the FCO’s response to various consular crises in the first half of the 2000s saw what one witness called “quite radical thinking”²⁵ about crisis response, resulting in a number of major developments, including:

21 Foreign Affairs Committee, [Consular Services Web Forum: Routine consular services to British citizens who live/work abroad](#), Jan–Feb 2014, page 2

22 Foreign Affairs Committee, [Consular Services Web Forum: Routine consular services to British citizens who live/work abroad](#) Jan–Feb 2014

23 Q189

24 Q192

25 Q93 [Sir Michael Arthur]

- the establishment of a new crisis centre to coordinate consular responses
- the establishment of Rapid Deployment Teams (RDTs) of experts (for example, from the Red Cross) to support the consular teams in post;
- increased professionalisation of consular staff including Honorary Consuls; and
- the Global Response Centre (GRC), which handles out-of-hours calls from members of the public who need urgent consular assistance.

24. Nonetheless, in 2011 the FCO's crisis response was heavily criticised for failings in its handling of the Arab Spring, particularly in relation to a delayed evacuation of British nationals in Libya.²⁶ Following an internal review, the FCO again overhauled its consular crisis response mechanisms to increase capacity to handle "multiple, concurrent crises".²⁷ This included:

- the launch of an expanded consular crisis centre in London in October 2012, following £2m of investment, with 50% more staff (31 staff).²⁸
- A new crisis IT system, 'Crisis Hub', with improved ability to record cases and share information.
- New crisis decision-making structures based on the system used by emergency services.
- Expanded crisis training and mandatory crisis planning for posts.
- Increased number of crisis management experts, and enlarged surge capacity of trained crisis response volunteers.
- An extra Rapid Deployment Team for the Middle East and North Africa.

Each FCO post has its own Crisis Management Plan taking note of the risks specific to their country or region and detailing how to respond. These plans are reviewed and tested annually.

25. Mark Tanzer, Chief Executive of ABTA,²⁹ was positive about the FCO's efforts to improve its crisis response, telling us that his colleagues who had been involved in FCO crisis simulation exercises "said that it was a very effective simulation of what would happen, especially if two big crises happened simultaneously. Both our members and the Foreign Office will have learned a lot from that simulation."³⁰ Former Ambassador Giles Paxman was strongly supportive of the changes, telling us:

26 See, for example, Foreign Affairs Committee, Second Report of Session 2012–13, *British foreign policy and the 'Arab Spring'*, HC 80, Chapter 3

27 Foreign and Commonwealth Office ([CON 19](#)) para 103

28 HC Deb, 11 Dec 2013, [col 272W](#)

29 ABTA (previously the Association of British Travel Agents) is a UK trade association for travel agents and tour operators

30 Q20

I am absolutely convinced that we are now much, much better prepared than we were, particularly before the tsunami in Thailand. We have much better structures. We have clearer policy and better organisation. We have a fully equipped and well-staffed crisis centre. We have much better tools. We have regional rapid deployment teams with the right skills. We have the right partnerships with the emergency services. We have the right planning—better planning—overseas, and better liaison with the local authorities overseas.³¹

However, he warned that, “we will never be totally prepared. There will always be situations that arise in places where we will not expect them to arise”.³² We visited the new crisis centre at the FCO in London in January 2014 and were briefed in detail on the expanded resources and facilities for handling crises. Since then, the centre has dealt with crises in South Sudan, Iraq and Libya. We note that, unlike in 2011, we have received no complaints and seen very little media criticism about more recent crisis responses. **It is of the utmost importance to get the FCO’s response right in a crisis. We believe that the FCO has responded to earlier serious problems in its crisis response with energy and the seriousness they deserved, and that lessons have been learned and effectively applied. By their nature, crises are often unpredictable and the FCO will require continuous vigilance to maintain and improve its crisis systems.**

Changing the way information is communicated in a crisis

26. As part of its reforms, the FCO has moved away from some of its previous means of distributing information to British travellers and expatriates in a crisis. Most notably, in April 2013 it scrapped a global online registration database of British nationals in each country called LOCATE, which had been operational since 2007. The LOCATE system was intended to make it easier for FCO officials to get in touch quickly with British nationals in times of crisis, but the FCO said fewer than 1% of British nationals abroad had registered with the service. An FCO blog in 2013 by the Ambassador to Lebanon explained:

Last year, the FCO reviewed LOCATE worldwide—and found it actually hindered rather than helped our recent crisis responses in Japan and the Arab Spring. We had teams of people calling out-of-date mobile numbers, and contacting families who had long since returned home. Those teams could have been out there, helping the people who really needed them.³³

Mark Tanzer told us that customers of ABTA companies did not use the LOCATE system in great numbers, and said the FCO was right to scrap it, “although it was a good initiative.”³⁴

31 Q128

32 Q128

33 Foreign and Commonwealth Office, Ambassador’s Blog, [‘The Brits are coming...but please stay in touch’](#), 20 May 2013

34 Q18

27. In addition, more long-standing means of keeping track of expatriates appeared to have been quietly dropped. Registration of expatriates at the local Embassy or post has ended; and we were surprised to find no mention of the FCO's networks of voluntary wardens in their submission to this inquiry. Warden networks have been used for decades to help distribute messages from the Embassy to their local communities of British nationals about their safety and security. Commenters on our web forum also expressed regret that warden networks were no longer available in their country of residence.³⁵ When we asked the FCO about wardens, it confirmed that in fact some 69 countries continued to have warden networks, and the Minister praised the volunteers: "they are still extremely helpful and many of them are very dedicated and committed British citizens, often in extremely challenging areas." The Minister highlighted in particular the work of wardens in Kaduna in northern Nigeria.³⁶ It is unclear why the latest consular strategy does not mention wardens at all, while the previous 2010–13 strategy planned to update and extend the networks.

28. The FCO has replaced the LOCATE and registration systems with an increased focus on social media channels such as Twitter and Facebook to help British nationals in times of crisis.³⁷ The FCO has also introduced a new mobile registration system for British nationals caught up in a crisis, which will enable people to register with the Foreign Office by phone call, email or text message from their mobile phones.³⁸ British nationals can also sign up to the FCO's country-specific travel advice alerts via email or social media, and updates will then be sent to them.³⁹ *There appears to have been a shift from attempting to keep track of British nationals abroad in normal circumstances so that they could be contacted if a crisis occurred, which proved difficult, to making it easier for British nationals to contact the FCO at times of crisis. This may be less reassuring for long-term expatriates who enjoyed the comfort of knowing that their embassy knows their number and address, but it is a sensible response to the problems encountered by previous systems. However, we remain concerned about potential over-reliance on internet-based services to distribute information in a crisis, when internet services might not be working, or the internet is deliberately cut off by the Government in question. In its response to this report, the FCO should set out the contingency measures it has in place to mitigate the loss of internet-based communication in a crisis, such as its surge capacity on phone lines.*

Closure of posts

29. Since May 2010, the FCO has permanently closed 15 consular posts, nine of which were in Europe. In the same period, it has opened four embassies which have consular functions, and "upgraded" the consular capacity of three embassies and one consular post. A further

35 Foreign Affairs Committee, [Consular Services Web Forum: Routine consular services to British citizens who live/work abroad](#), Jan–Feb 2014, page 4

36 Q195

37 "[FCO axes expat register and turns to Twitter](#)", The Telegraph, 3 May 2013

38 Speech by the Foreign Secretary, the Rt Hon William Hague MP, [Looking after our own: strengthening Britain's consular diplomacy](#), 4 April 2012, Foreign and Commonwealth Office, London

39 HC Deb, 12 December 2013, [col 55WS](#)

eight posts that do not have a consular function have also opened or been upgraded since 2010.⁴⁰ This has resulted in a net loss to the consular network. In 2012, the Foreign Secretary made a speech in which he acknowledged these new embassies and upgraded consulates, and promised six further new consulates in emerging economies. Embassies containing consular offices have since opened in Laos and Paraguay, but the remaining four promised consulates are yet to open.

Consular openings and closures since 2010

Year	Posts with consular functions closed	Posts with consular functions opened	Posts with consular functions upgraded
2010	1	0	0
2011	3 (+ 1 suspended)	1	1
2012	4(+ 1 suspended)	1	1
2013	4	2	2
2014	3 (+ 1 suspended)	0	0
Total	15 (+ 3 suspended)	4	4

Source: Foreign and Commonwealth Office⁴¹

In the speech in April 2012, the then Foreign Secretary said that the closures of consulates had allowed new consular offices to be opened elsewhere, adding: “We will always ensure that our diplomatic network is configured in the best way to support British nationals as well as our wider interests.”⁴² A full list can be found below:

40 Foreign and Commonwealth Office ([CON 36](#)); See also Foreign and Commonwealth Office, [Committee Correspondence](#), 4 November 2014 for information on the latest closure of an Honorary Consulate building in Bodrum, Turkey.

41 Foreign and Commonwealth Office ([CON 36](#))

42 Speech by the Foreign Secretary, the Rt Hon William Hague MP, [Looking after our own: strengthening Britain's consular diplomacy](#), 4 April 2012, Foreign and Commonwealth Office, London

Consular closures since 2010:

Country	Post	Type	Status	Date
Switzerland	Geneva	Consulate-General	Closed	2010
France	Lille	Consulate-General	Closed	2011
Italy	Venice	Consulate-General	Closed	2011
Italy	Florence	Consulate	Closed	2011
Iran	Tehran	Embassy	Suspended	2011
Syria	Damascus	Embassy	Suspended	2012
Iraq	Basra	Consulate-General	Closed	2012
France	Lyon	Consulate-General	Closed	2012
Portugal	Funchal	Consulate	Closed	2012
Portugal	Oporto	Consular Office	Closed	2012
Greece	Thessaloniki	Consular Office	Closed	2013
Andorra	Andorra	Consular Office	Closed	2013
Curaçao	Willemstad	Consulate	Closed	2013
Thailand	Pattaya	Consulate	Closed	2013
Colombia	Cartagena	Consulate	Closed	2014
Colombia	Cali	Consulate	Closed	2014
Afghanistan	Lashkar Gah	PRT	Closed	2014
Libya	Tripoli	Embassy	Suspended	2014

Source: Foreign and Commonwealth Office⁴³

Consular openings since 2010:

Country	Post	Type	Status	Date
South Sudan	Juba	Embassy	New	Jul-11
Brazil	Recife	Consulate General	Upgrade	Nov-11
Cote d'Ivoire	Abidjan	Embassy	Upgrade	May-12
Kyrgyzstan	Bishkek	Embassy	New	Jul-12
Laos	Vientiane	Embassy	New	Mar-13
Madagascar	Antananarivo	Embassy	Upgrade	Mar-13
Liberia	Monrovia	Embassy	Upgrade	May-13
Paraguay	Asuncion	Embassy	New	Oct-13

Source: Foreign and Commonwealth Office⁴⁴

30. The FCO told us that consular services had not deteriorated as a result of the closure of these offices. The Foreign Secretary explained in 2012 that the “re-shaping” of the European consular network via the closure of 12 consular offices in Europe was a result of “changing customer demands and the opportunities of new technology”, which meant that the UK no longer needed established consulate offices where the bulk of routine services were provided by “hubs” in major cities.⁴⁵ The FCO told us that “Honorary Consuls are still present in all the major locations for British tourists and residents. They continue to

43 Foreign and Commonwealth Office ([CON 36](#))

44 Foreign and Commonwealth Office ([CON 36](#))

45 Speech by the Foreign Secretary, the Rt Hon William Hague MP, [Looking after our own: strengthening Britain's consular diplomacy](#), 4 April 2012, Foreign and Commonwealth Office, London

provide an invaluable emergency response to crises or urgent consular cases, which are then reinforced and taken on by the consular teams in Posts.”⁴⁶ However, we received evidence from Prisoners Abroad, an NGO providing support to British prisoners in detention overseas and which is part-funded by the FCO, expressing concern about the withdrawal of an FCO presence from some parts of the world, including Europe:

Closures of consular posts around the world have already resulted in loss of support to prisoners, for example reduced visits or increased complications in receiving funds, and Prisoners Abroad is deeply concerned about deterioration of conditions even in European countries.⁴⁷

The Minister rejected the suggestion that services had deteriorated, telling us that prisoners were a consular priority, and that the FCO would look into any specific complaints about this. Susan Caldwell added that “Some [consulates] have been replaced by honorary consuls where those consulates were originally present, to ensure that we still have a presence for those who are most vulnerable.”⁴⁸ However, the FCO also told us that Honorary Consuls did not carry out routine consular work.

31. We conclude that there has been a net reduction in the size of the consular network on the ground, which is a concern. The closure of posts in Europe has not been replaced by the equivalent number of openings elsewhere, nor has it been accompanied by substantial increases in alternative means of consular representation, such as honorary consuls. We are concerned that vulnerable British prisoners abroad are reportedly receiving less assistance than before. The FCO should set out in its response how it intends to review allegations that the support it offers to prisoners has deteriorated as a result of the closures.

Honorary Consuls

32. Honorary Consuls are volunteers (paid a stipend) who help Posts provide some forms of consular assistance to British nationals in areas where the FCO judges it does not require a full consular presence. Their duties may include crisis response, consular assistance, local authority liaison, or assisting official consular visits, but do not usually include routine consular services. The time devoted to consular matters varies widely between Posts, but Honorary Consuls are expected to work on average no more than 4 hours a week. At present, the FCO has 224 Honorary Consuls in its global network and has provided a full list of their locations.⁴⁹ By comparison, France has 500 honorary Consuls and Germany has 350.⁵⁰

46 Foreign and Commonwealth Office ([CON 19](#)) para 64

47 Prisoners Abroad ([CON 07](#)) para 5

48 Q206-207

49 Foreign and Commonwealth Office ([CON 35](#))

50 Foreign and Commonwealth Office ([CON 19](#)) para 32

33. The FCO states that Honorary Consuls provide a good, more accessible and responsive service in places where it could not justify a consular presence.⁵¹ It adds:

many [Honorary Consuls] are British expatriates who have lived overseas and have built up valuable local knowledge and contacts. Honorary Consuls are potentially our public face in the crucial first hours of a crisis, and are considered Consular Officers under the Vienna Convention on Consular Relations (VCCR). They are a cost effective way of maintaining a high standard of customer service. Other Honorary Consuls are host country or third country nationals with strong ties to the UK. They have a good standing in the local community, and many are also in paid employment elsewhere.⁵²

Honorary Consuls are paid a small honorarium (to an annual maximum of £2,300) in recognition of their services. This honorarium has not increased since 2005.

34. Our web forum comments on Honorary Consuls have been mixed, with some contributors writing rather scathing comments about the English language skills, effectiveness and knowledge of certain Honorary Consuls, while others have been highly complimentary about particular individuals' work.⁵³ Prisoners Abroad was critical of the perceived lack of clarity about the role of an Honorary Consul:

It has never been clear [...] what guidance applies to Honorary Consuls, and which posts can provide which services. Their presence is relied upon in many areas of the world but they seem to receive different levels of training or supervision from employed consular staff, which can lead to inconsistency of service and—in the worst cases—lack of notification regarding very serious issues.⁵⁴

As a result, Prisoners Abroad recommends clearer guidance on the remit and responsibility of Honorary Consuls and more regular training.

35. The FCO states that Honorary Consuls work under the supervision of superintending posts, and “their work is carefully managed and monitored by trained Consular staff who assess whether the task is appropriate for delegation to an Honorary Consul or whether a full time member of staff ought to be deployed.” The only mandatory training consists of three ‘e-learning’ courses, though the local manager at the superintending post is responsible for determining whether any additional training is needed.⁵⁵ Former Ambassadors Giles Paxman and Sir Michael Arthur both told us that the Honorary Consuls were now better trained, and Sir Michael told us that the FCO had “got better at finding the right people to do it”, adding that this had not previously been the case.⁵⁶

51 Foreign and Commonwealth Office ([CON 19](#)) para 150

52 Foreign and Commonwealth Office ([CON 19](#)) para 151

53 Foreign Affairs Committee, [Consular Services Web Forum: Routine consular services to British citizens who live/work abroad](#), Jan–Feb 2014

54 Prisoners Abroad ([CON 07](#)) para 9

55 Foreign and Commonwealth Office ([CON 35](#))

56 Q120

36. One contributor to our web forum raised the potential conflict of interest arising from Honorary Consuls' business interests.⁵⁷ We have previously questioned the FCO on this during our Report on FCO Performance and Finances 2011–12, and the FCO told us that:

As Honorary Consuls are not our employees, there is no specific requirement for them to disclose their financial and business interests prior to appointment. They are however required to undertake a formal interview with the Embassy/High Commission staff prior to taking up their appointment, and to inform senior management at post of any perceived conflict of interest that may arise.⁵⁸

Former Ambassador to Spain, Giles Paxman, acknowledged that there were benefits to being an Honorary Consul in terms of contacts and status:

It is also fair to recognise that being the British honorary consul gives you a certain status locally that you might not have. I think that it also gives you a certain amount of access to the local authorities that you might not otherwise get. So if you are working, for example, as a local lawyer, it can be advantageous to your business also to be the honorary consul and have access to the mayor and the local authorities.

But there is a very big element of public-spiritedness in it as well. I think the motivation for most of our honorary consulates is certainly not financial.⁵⁹

He agreed that there may be a need for greater transparency about the business interests of Honorary Consuls before their appointment (contracts are renewed every five years, and they are security vetted every seven years). However, both Giles Paxman and Sir Michael Arthur both highly praised the work of Honorary Consuls as “a tremendous extension of our own network”⁶⁰ who provide “eyes and ears on the ground, liaison with local authorities and providing that first advice in times of crisis.”⁶¹ Both also considered that Honorary Consuls were usually motivated by a genuine desire to perform a public service.⁶² *We consider Honorary Consuls to be an important and efficient part of the FCO's consular network, enabling it to extend its reach beyond capital cities. They do important work for British nationals at very low cost to the service. We understand concerns about potential conflicts of interest, and we recommend that the FCO consider recruiting Honorary Consuls on shorter contracts and that the FCO require Honorary Consuls to declare any relevant business interests throughout their tenure, and that the FCO ensure that training and supervision of Honorary Consuls in connection with potential conflicts of interest is standardised. We further recommend that, where the FCO*

57 Foreign Affairs Committee, [Consular Services Web Forum: Routine consular services to British citizens who live/work abroad](#), Jan–Feb 2014, page 1

58 Foreign and Commonwealth Office, [Government Response to the House of Commons Foreign Affairs Committee Report HC 690 of Session 2012–13](#), Cm 8636, June 2013

59 Q124 [Giles Paxman]

60 Q118 [Sir Michael Arthur]

61 Q118 [Giles Paxman]

62 Q124

replaces a consular office with an Honorary Consul, it sets out in public the duties it expects the Honorary Consul to perform.

Reduction in documentary and notarial services

37. The FCO provides certain documentary and notarial services to British nationals abroad. It charges for these services: for example, in France, it costs £20 to witness a signature, £30 to make or verify a copy of a document, and £65 to issue a certificate that no impediment exists to an intended marriage. In its 2013–16 consular strategy, the FCO announced that it would be taking steps to reduce this service. It intends to end the services where they can be provided by local alternatives, such as lawyers, often at lower costs; and to lobby local governments to limit the amount of such documents they require from the embassy of a foreign citizen.

38. According to the feedback we received, unsurprisingly, the FCO’s fees for the provision of such documents are unpopular.⁶³ Given that the fees from such services make up around one third of the Consular Services’ income, we asked the FCO how much income it expected to lose. Mark Simmonds MP responded that the FCO’s aim was to reduce notarial services by “up to 30%” between 2013–16, and that the FCO had assessed the impact on income to be a £1 million reduction in income. This had been factored in to the annual review of consular fees, and would not have a “material impact” in the context of £90m total consular income. He added that increasing demand for legalisation services would further offset the lost income.⁶⁴ **The FCO’s notarial service must take officials’ time away from more vulnerable and needy cases, so the FCO’s decision to reduce this service wherever other providers are available is a sensible one. The FCO should carefully monitor any implications of the loss of income from this service, as it would not be advisable for the FCO to increase other fees for mandatory documents to make up the shortfall.**

Discretionary loans to British nationals

39. The FCO updated its policy in 2013 on providing loans to British nationals who are in difficulty abroad. As a general rule, the FCO does not provide financial assistance and focuses on facilitating funds from friends or relatives. However, when all other options have been exhausted, it can, in certain circumstances, provide a loan to enable a British national to get home. These loans are provided on a discretionary basis, to the most vulnerable cases. The recipient of a loan signs up to an Undertaking to Repay, and their passports are stopped until the loan is repaid in full. The data provided by the FCO shows that less than a third of approximately £275,000 of loans paid out since 2009 have been repaid:

63 Foreign Affairs Committee, [Consular Services Web Forum: Routine consular services to British citizens who live/work abroad](#), Jan–Feb 2014

64 Foreign and Commonwealth Office ([CON 29](#))

FCO lending against Undertakings to Repay, 2010-2014

Year (Sept–Aug)	Amount lent	Average loan	Amount repaid
2009/10	£23,912	£116	£1,853
2010/11	£82,400	£340	£1,218
2011/12	£25,236	£231	£63,775
2012/13	£33,173	£286	£7,304
2013/14	£110,374	£492	£13,055

Source: Foreign and Commonwealth Office⁶⁵

Since the policy was relaxed in 2013, the FCO has lent £110,374 in 2013/14, more than three times its spend in the year before. However, this still accounts for only 0.13% of the Consular Service’s annual budget. The FCO said it was “currently reviewing the debt recovery mechanism”. At present, its enforcement mechanisms are limited. Aside from the confiscation of a passport, a 10% surcharge is levied at six months, then an annual letter is sent to remind nationals of their undertaking.⁶⁶ **We agree that there are circumstances in which it is not only compassionate but a most effective use of funds to help a national to return home, and prevent further problems. The FCO is right to review its debt recovery systems, and it should pursue repayment more rigorously in future. In its response to this report, the FCO should set out how it intends to improve its debt recovery systems.**

Consular staffing

40. The last nine years have seen substantial changes to consular staffing. There are currently 667 consular staff in the network of 230 posts and 210 staff in London.⁶⁷ Consular staff in posts overseas carry out ‘frontline’ tasks supporting British nationals abroad, under the supervision of nine Regional Managers. The Consular team in London is made up of four departments, which handle the implementation of the consular strategy and modernisation; the overseas passport service; senior support to Posts on casework and the lead on specific issues such as forced marriage and human rights; and the Crisis management response.⁶⁸

41. This compares to over 2,000 staff delivering consular services overseas and 220 staff in the consular directorate in London in 2007.⁶⁹ The proportion of locally engaged and UK-based staff in consular posts has also changed dramatically. In 2005, the NAO report on consular services stated that “staff undertaking consular work overseas comprises two-thirds locally engaged staff and one third United Kingdom based career diplomats on

65 Foreign and Commonwealth Office ([CON 35](#))

66 Foreign and Commonwealth Office ([CON 35](#))

67 Foreign and Commonwealth Office ([CON 19](#)) para 6

68 Foreign and Commonwealth Office ([CON 20](#))

69 Foreign and Commonwealth Office, *Consular Services strategy 2007–10*

postings which last two to three years on average”.⁷⁰ In 2014, 91% of consular staff posts overseas were filled by locally engaged staff, with only 9% being UK-based.⁷¹ The proportion of UK-based staff in overseas consular roles had therefore dropped over the last nine years from approximately 33% of consular posts abroad to only 9%.

42. We understand that some of this change can be explained by the fact that visa and passport functions have been transferred away from the consular service. This would have substantially reduced the overall number of positions required abroad. In addition, it would have affected the UK-based staff positions particularly, as the majority of staff involved in issuing passports were UK-based staff, for security reasons.⁷² We also note that the overall number of consular staff, located both in London and abroad, is split at 32% UK-Based staff and 68% Locally Engaged staff.

43. Nonetheless, the current percentage of 91% locally engaged staff for posts abroad is startling, particularly in comparison to an FCO-wide percentage of just under 70% locally engaged staff overall. We have previously called for the FCO to cap the proportion of locally engaged staff at 70% of total staff.⁷³ The FCO has made a concerted effort to use more locally engaged staff in positions abroad, for reasons of cost effectiveness (because the FCO does not need to pay for housing or transport, they are usually around one third the cost of a UK-based staff member);⁷⁴ local knowledge of institutions and systems; and (often) native language skills.⁷⁵ It appears that consular staff roles have been most heavily affected by this strategy, with approximately 607 of the 667 overseas consular roles now going to locally engaged staff. Only 7% of UK-based staff now work on consular issues, which is half the amount of those working on each of the other two FCO priorities of prosperity (14%) and security (16%).⁷⁶

44. We have noted before that locally engaged staff are a major strength of the FCO, and that they provide impressive and dedicated service in their roles as consular officers. We also recognise that consular work may be particularly suited to locally engaged staff, who can bring networks of contacts and who can also stay in the roles in the long term and build up valuable experience. We are nonetheless concerned about the consequences of making so few frontline consular roles available to UK-based staff for the career path of a UK-based FCO diplomat, as well as the long-term consequences for the FCO of such limited experience of frontline consular experience in senior roles. We asked former

70 Report by the Comptroller and Auditor General, Session 2005–2006, [The Foreign and Commonwealth Office: Consular Services to British Nationals](#), HC 594, November 2005

71 Foreign and Commonwealth Office ([CON 35](#))

72 Report by the Comptroller and Auditor General, Session 2005–2006, [The Foreign and Commonwealth Office: Consular Services to British Nationals](#), HC 594, November 2005

73 Foreign Affairs Committee, Sixth Report of Session 2013–14, [FCO performance and finances 2012–13](#), HC 696, paras 30–32

74 Foreign Affairs Committee, Sixth Report of Session 2013–14, [FCO performance and finances 2012–13](#), HC 696, para 31

75 Ibid.

76 Foreign and Commonwealth Office, [Mid Year Report to Parliament: 1 April to 30 September 2013](#), p.15. The remaining 63% is made up of 29% working on ‘Management and Support’ and 34% working on ‘Our purpose’.

Ambassadors Giles Paxman and Sir Michael Arthur about this reduction in consular roles abroad. Giles Paxman said:

One of the slightly paradoxical situations that we are in at the moment is that although consular work has a higher profile and there are some extremely rewarding and challenging jobs to be done in the consular field, the number of those jobs for UK-based officers is considerably less now than it was in the past, and we are finding that it is becoming quite difficult to get some of those jobs. Meanwhile, we have a big cadre of locally engaged staff, who are taking more and more senior jobs.⁷⁷

He added that in Spain, there were 55 consular officers, only one of whom was UK-based. Sir Michael Arthur cautioned that “one of the big motivators for people who come into the foreign service is the possibility of going overseas”, and expressed concern about the effect on future leadership:

I would try to make as many as possible of the people who are going to become ambassadors learn consular young—do some consular on the ground—and get that experience. Quite often, the first time you really come face to face with real life consular problems is when you are an ambassador. That is not right as a preparation.⁷⁸

45. We asked FCO officials whether they were concerned that the reduced overseas consular opportunities for UK-based diplomats to gain first-hand experience of overseas consular work risked creating a parallel track of consular and political careers, in which senior leaders were unlikely to have consular experience. Joanna Roper, Director of Consular Services, argued that, in fact, increasing numbers of senior staff were getting some form of consular experience, even if not on the frontline:

We have people who have gone through, for example, fast track or more political work coming in. They do a stint in consular, because they want the experience of leading big teams, of public service delivery, which is a big piece of what we do, and understanding what it means, when you go into more senior roles, to help people—British nationals—overseas. If you look at some of our more senior roles these days, people will have had more experience and exposure to consular-type roles even if they have not played a consular role themselves, and I think that that can only be to the good.⁷⁹

46. Both former ambassadors noted that having such large cadres of locally engaged consular officers created management challenges. Giles Paxman said the locally engaged officers were very highly qualified and highly trained, and had “perfectly legitimate career aspirations”, adding that two main challenges to the system were keeping locally engaged consular staff motivated and securing mobility and opportunity for advancement.⁸⁰ The

77 Q99

78 Q102-103

79 Q215

80 Q99

FCO appears to have recognised this in its 2010–13 consular strategy, which said the FCO would look for ways to maximise the capabilities of local staff, including “opportunities for greater career and geographical mobility.”⁸¹ However, there has been limited progress in this area so far. The FCO told us that in the last two years only one locally engaged consular staff member had transferred into the central diplomatic service, and this was as a result of external recruitment rather than internal transfer. There is slightly more movement between locally engaged roles in different posts: in the same period, one locally engaged staff member had transferred, while 15 had successfully applied for roles in different posts.⁸²

47. Locally engaged staff are vital members of consular teams and have language skills and knowledge of local issues that are highly valuable in consular work. However, we are concerned that the reduction in UK-based overseas consular work to only 9% of overseas consular posts will have the short-term consequence of making consular work less attractive for younger FCO staff due to the lack of overseas postings, and a longer-term consequence that very few senior Ambassadors or FCO staff in leadership roles will have frontline consular experience. Such a significant change to FCO careers should be carefully planned and reviewed, rather than an inadvertent result of a cost-cutting strategy. The FCO should make at least 20% of overseas consular positions available to UK-based staff. This would have cost implications, but it will ensure that valuable consular experience is maintained among the future leadership cadre in the Foreign Office.

Public messaging and managing expectations

48. The FCO has battled over the last eight years to lower public expectations and clarify its core tasks. In 2006, the FCO for the first time published a guide which set out for the public a general statement of what it could and could not provide: *Support for British Nationals Abroad: A Guide*. This was seen by the FCO as a “turning point” that let the public know what they could expect from the FCO, and it was anticipated and welcomed by the PAC in its report.⁸³ The Guide (most recently updated in June 2014) continues to provide a framework for consular work. The FCO has also published various documents outlining their services with respect to different issues (such as ‘In prison abroad’; ‘Abduction’; and ‘Deaths abroad’).

49. To put its services in context, the FCO has occasionally released lists of “ludicrous requests” that were made to consular staff (such as help with booking a restaurant for Christmas, or translating a love note), in an attempt to make clear that it is not, in the words of then-Minister Jeremy Browne, “a concierge service”.⁸⁴ **We agree that the**

81 Foreign and Commonwealth Office, *Consular Services strategy 2010–13*, p.20

82 Foreign and Commonwealth Office ([CON 35](#))

83 Foreign and Commonwealth Office, *Consular Services strategy 2007–10*, p.19

84 “*British Consulate: We're not directory enquiries*”, Foreign and Commonwealth Office [press release](#), 10 November 2011

expectations of the general public about what the FCO can do for them are often too high, and welcome the measures taken by the FCO to explain its services more clearly.

4 Deaths abroad

50. The death of a loved one is always distressing, but when the death takes place abroad then the need to navigate unfamiliar and often foreign-language institutions and bureaucracy can make the experience feel overwhelming. In 2012–13, 6,193 British nationals died abroad;⁸⁵ and on average, more than one hundred British nationals die abroad each week.⁸⁶ This is in part due to high numbers of elderly expatriates abroad, although crime plays a role: at least 10% of all the murders of Britons in the last two years took place overseas.⁸⁷

Non-suspicious deaths abroad

51. In 2013–14, consular assistance was required in 4,110 cases of deaths abroad.⁸⁸ In its Guide to Support for British Nationals, the FCO sets out the assistance that it can provide to the partners or relatives of a British national who has died abroad. This includes: doing “everything it can” to ensure that the next of kin is informed before the media (including informing them by phone, if necessary); trying to ensure that the family’s wishes about handling the body are communicated to the local authorities and carried out; advising on how to register the death with the local authorities, as well as the cost of burial or cremation; providing lists of local lawyers, interpreters and funeral directors; and helping with the transfer of money from the UK, if necessary, though it will not contribute to costs.⁸⁹ The FCO also provides a 24-page Guide for Bereaved Families, which provides more detailed information for families both in the immediate aftermath of a death and longer-term issues such as investigation and court cases.

Complaints about the FCO’s handling of cases

52. It was hard to reconcile the FCO’s accounts of its provision of services and support in the case of deaths abroad with the submissions we received from the general public. The vast majority of complaints about FCO services submitted to our inquiry have come from family members of victims of accidental or violent deaths abroad. Many of the comments suggest that the poor service from the FCO actually added to their trauma and distress. Some common themes emerged among the submissions, including:

- A lack of compassion from staff
- Failure to communicate reliably and effectively

85 Foreign and Commonwealth Office, [British Behaviour Abroad Report 2013](#), August 2013

86 Foreign and Commonwealth Office ([CON 19](#)) para 4

87 Foreign and Commonwealth Office ([CON 19](#)) para 4

88 Foreign and Commonwealth Office, [British Behaviour Abroad Report 2014](#), July 2014, p.1. It is not possible to calculate this number as a percentage of the total because the FCO no longer records death notifications (where it has had no other involvement) as consular cases.

89 Foreign and Commonwealth Office, [Support for British Nationals Abroad: A Guide](#), updated June 2014

- Failure to provide clear advice on how to handle the foreign state's institutions / bureaucracy
- Reluctance to challenge the authorities of another state, for diplomatic or political reasons⁹⁰

The full web forum complaints can be found on the Committee's web pages, but some samples can be found below. This evidence is, by its very nature, anecdotal, and we cannot extrapolate or infer wider FCO failure from it. It is also from a self-selecting group of people who had particular experiences that motivated them to respond, so it may not be representative of all experiences of the FCO's services. Yet the stories submitted to us via our web forum, roundtable, and written evidence, are of sufficient number and gravity that they give cause for concern and cannot be dismissed.

Some comments about FCO handling of deaths abroad

"When my son was found dead in Tenerife, we had no contact with the British Police, no contact was allowed with the Spanish Police, no Liaison Officer, there was no framework, no one to take responsibility for care of a broken hearted family trying to muddle through a chaotic system whilst in terrible grief and confusion. The FCO say in their statements that they are helping the family when someone dies abroad, but most of what they do can be found on internet information websites."—*Karen Walchester*

I was really disappointed with the consular support I received when my partner of over 8 years was killed in a plane crash in Nepal on 28 September 2012. I experienced several errors of communication/ incompetence that adding to my distress in the most traumatic of circumstance anyone can ever find themselves in. Examples are as follows:

- (1) In the first instance I heard about the accident on the radio. I rang up the FCO and gave [***]'s contact details, DOB and passport details. I was told that they did not yet know the names of the passengers on the flight but that they would call me as soon as they had any information. I never received a follow up call confirming [***] was indeed one of the passengers. Neither did [***]'s parents. We both found out [***] was a victim via journalists campaigning at our doors.
- (2) I actually went out to Nepal to visit the crash site—an event I think must be quite rare in these situations. The Ambassador did not meet me (despite having said on TV that they would do everything to help). One of his juniors did. They arrived in shorts and T-shirts. They hadn't even been to visit the crash site. When I asked why not they explained that it was because of "staff cuts".
- (3) He had made no effort to make any research to answer my questions and was very flippant in his responses when he was dealing with a bereaved widow.
- (4) We have had no property returned from the crash despite the fact that we have seen photos of the plane with bags of luggage undamaged outside. We have repeatedly been told by Sita Air that all the property was destroyed even though we know that is not the case. The FCO has done nothing to help us. This may just seem like property to them but to us it is personal items that are all we have left from our loved ones. We were not allowed to see their bodies and so this is the only connection we have. I also saw several credit cards and personal photos at the crash site (I was there 6 weeks after the accident) that still had not be cleared up. In fact several victims suffered from fraud on their accounts.
- (5) [***]'s bag which had been locked in the hotel was returned to me with writing all over it. This was a bag that had travelled round the world with us that I wanted to keep. The FCO would not help me find who was accountable.

⁹⁰ See, for example, SAMM Abroad ([CON 23](#)), Julie Love ([CON 37](#)), and comments on the Foreign Affairs Committee, [Consular Services Web Forum: Assistance for individuals who encounter difficulties abroad](#), Jan–Feb 2014

[continued]

In summary I found them completely without empathy at a time in my life when I really needed them. As a British citizen I had faith that the FCO was one of the strongest in the world and it used to resonate a sense of pride with me. In reality I was completely let down and made to feel I was a complete inconvenience to them.- *Anonymous*

"My 28 year old son was living and working in Guangzhou in PR China. Whilst my wife and I were on a Baltic cruise, he contacted us to say he had gone into hospital with a chest infection. Unfortunately whilst there he suffered a fatal heart attack. The ship we were on docked in Amsterdam and we were informed by relatives via text messages. Although distraught we attempted to contact the local consulate office by telephone from the ship. The response was awful. Eventually we decided to take a taxi to the office to seek assistance.

Initially we were met with a cold attitude, but once the staff became aware of our problem they were extremely helpful. My wife and I simply wanted to get to China as soon as possible. Obviously with Visa issues we were unable to do this.

Eventually after returning home and obtaining the appropriate visa we were able to get to Guangzhou, where we were assisted via the consulate there, particularly by a member of staff who had been flown in from Beijing specifically to help us. This had been organised by the contact in Amsterdam contacting the FCO in anticipation of our visit.

I can only say a big thank you to this individual he was by our side for the majority of our time in Guangzhou and can only be described as our rock, without him the repatriation process would have been made more difficult than it actually was." *Wesley M*

"My mother was found dead in France. I feel that at times that certain diplomats I have dealt with were rude. I felt like a nuisance calling to ask for information. I felt that certain diplomats did not do their job to the full potential, they didn't chase up the French authorities on a regular basis. At times I was waiting weeks for replies to my questions which caused me a massive amount of stress on top of my loss.

I also feel that the British government do not do enough to help victims' families. There is no financial assistance, yet someone stuck in a foreign country with no means of getting home can be given an interest free loan to get home, so what makes my mum any different."—*Jeanette Rooney*

"I have not met one family who feel that they want another family to go through what they have, and it is not only about the circumstances of the death, it is the treatment in the aftermath and how families are made to feel, as if their loved one's death is insignificant, as if their feelings are immaterial, as if their rights are not important, their grief and heartache is exhausting and sometimes debilitating yet they still battle to ensure changes are made and that other families are not left feeling like they do, Many speak of being treated as neurotic or made to feel like a nuisance when all they are trying to do is get answers."—*Julie Love*

Suspicious deaths abroad

53. It was notable that many complaints came from family members of people who had died in violent or suspicious deaths abroad. Such cases are particularly traumatic, and also place additional burden on family members, who may face a long fight for justice in a country whose legal systems are very different from those of the UK. In cases of suspicious circumstances, such as murder or manslaughter abroad, the FCO states in its guide that it can offer further assistance, including: advice on raising concerns with local authorities; "basic information" on the local police and legal system, lists of local lawyers and interpreters, and details of support groups; and consular staff in London can meet family members and contact them to pass on any information received from local authorities. The

Guide also suggests that the FCO might help in more active ways, though this is addressed in more cautious and conditional language:

We **will consider** making appropriate representations to the local authorities if there are concerns that the investigation is not being carried out in line with local procedures; if there are justified complaints about discrimination against the person who has died or their family; or where we judge that a local delay or decision creates significant distress to the bereaved, ensuring that we do not interfere in the investigation or judicial processes of that country.

[...] **Where possible**, if you visit the country during the early stages of the investigation and initial court hearings related to the death, our staff there **may** be able to meet you.

[...] Where legal systems differ significantly from the UK, or proceedings are conducted in a language you do not understand, we **may** help to arrange, or attend, an initial round of meetings with the authorities. And we **may** accompany you to certain days of a trial and verdict where it is appropriate. [*emphasis added*]

The FCO also strongly recommends that the family get professional legal advice, and supplies lists of lawyers in the relevant country, though it does not specifically recommend any.

54. The FCO has signed a Memorandum of Understanding (MOU) in 2012 with the Association of Chief Police Officers (ACPO), and the Coroners' Society of England and Wales, to "ensure that a minimum standard of assistance is provided by UK authorities". The MOU, which is publicly available but not included in the FCO's public guidance, "sets out how the FCO, UK Police and Coroners will work together to provide assistance to families when a British national dies as a result of murder, manslaughter or infanticide abroad."⁹¹ This includes how families will be notified of the death, and how the three organisations will communicate. The responsibilities of the FCO set out in the Memorandum go further than those in any of the Guides, including, for example, that the FCO will ensure that families are not misinformed due to translation errors; that next of kin are "clearly informed that if the body does not get repatriated to England or Wales there will be no Coronial inquest"; and that FCO posts abroad will hold a "bereavement pack" containing information about local procedures and customs, police and legal procedures, and much more, and that this will be available on the Embassy Website; the FCO will hold "regular communication with the family[...] regardless of how long the investigation has been going on, at a frequency as agreed with the next of kin"; and that it will provide, if the family requests it, of a chronology of what the FCO has done in cases running for longer than 12 months. In return, the ACPO states that it will, in certain circumstances, provide a Senior Investigating Officer and Family Liaison Officer to

91 'Murder, manslaughter and infanticide of British Nationals Abroad', [Memorandum of Understanding](#) between the Foreign and Commonwealth Office, Association of Chief Police Officers (ACPO) and Coroners' Society of England and Wales, 2011, para 1.1–1.2

support the families and the investigation.⁹² *The FCO's official guidance for families who have suffered a bereavement due to murder or manslaughter is timid and cautious in comparison to its guidance on its other services. It is understandable that support is tailored to each individual case, but the guidance gives the impression of very limited support and no guarantees of assistance. The FCO should update its guidance to be clearer and more generous about what the families can expect to receive. This should include the more extensive commitments that it has agreed internally.*

Complaints about FCO services in cases of murder or manslaughter abroad

55. Many of the submissions echoed the same complaints as in any case of death abroad regarding a lack of compassion and failures in communication, and added the following problems specific to murder and manslaughter cases:

- Failure to appoint a suitable person to help (i.e. a caseworker or Family Liaison Officer), or
- Failure to provide services set out in the Memorandum of Understanding (even, in some cases, FCO staff having no knowledge of the MOU)
- Failure to inform families that if the body is not repatriated then there will be no inquest in the UK (and in some cases actively recommending cremation as an easier alternative to repatriation)
- Refusal or failure to provide long-term assistance in the case of lengthy investigations or trials
- Failure to keep useable, updated lists of lawyers/interpreters⁹³

92 'Murder, manslaughter and infanticide of British Nationals Abroad', [Memorandum of Understanding](#) between the Foreign and Commonwealth Office, Association of Chief Police Officers (ACPO) and Coroners' Society of England and Wales, 2011, paras 3.7, 3.8 and 3.12

93 See, for example, SAMM Abroad ([CON 23](#)), and comments on the Foreign Affairs Committee, [Consular Services Web Forum: Assistance for individuals who encounter difficulties abroad](#), Jan–Feb 2014

A selection of complaints can be found below:

Some comments about FCO services in cases of suspicious deaths abroad

"We are the family of [***], a talented teacher, loyal friend, beloved daughter and sister. [***] was murdered in March 2012 in Havana, Cuba. In the aftermath that followed, the FCO were at best wholly incompetent.

- They provided untimely and inaccurate advice a direct consequence of which was our family being unable to appoint a lawyer or attend the trial.
- They sat on reports from the Cuban authorities, a direct consequence of which was delay of vital information for the UK Coroner's Office.
- They were indiscreet, a direct consequence of which was press attention.

We had an expectation that in such a time of crisis there would be an infrastructure of solid support, with efficient robust consular assistance. This was not the case. The FCO added significantly to the trauma and confusion following [***] death. By contrast, the consular assistance we received in Cuba and the Cuban authorities were extremely helpful, transparent and sensitive."—*Anonymous*

"When my nephew and niece were murdered by their mother in Turkey in December of 2011, the British consular staff, particularly "Willi" went out of their way to be helpful. The whole family is very grateful for the kindness, understanding and practical, unbureaucratic help my brother received from them. We have a direct comparison with the German consular staff (the kids were bi-national) who not only did nothing, but even withheld information."—*Lucy Mellersh*

My 43-year old sister, Lianne (Lee) Burns, a British citizen, was murdered in Marigot on the French side of the Caribbean island of St. Martin on 27 April 2011. The murder trial took place in 28 February and 1 March 2013 in Guadeloupe. Below is a summary of our dealings with the FCO:

1. We were first contacted by the FCO on Friday 29 April 2011. We were referred on to a Consular Desk Officer for France. He emailed us a standard response, getting the country of Lee's death wrong. He attached some information about international funeral directors and a document called "Deaths in France" which was dated July 2005 and gave us a link to the online FCO Guide for Bereaved Families.
2. The Desk Officer spoke with us on the telephone on 4 May 2011 and offered someone to meet us at the airport when we arrived in St. Martin. This was the only practical help we were offered.
3. On 6 May 2011, desperately trying to find answers, I emailed the Desk Officer with some simple questions relating to autopsy protocol; the conditions stipulated about the release of my sister's body; the necessity to engage a lawyer in readiness for trial; the existence of any publications/resources that could help us understand the French legal process. He replied seven days later, saying he had been on leave, with the below response and re-attached the Deaths in France document: *As we are not legally trained we can't answer your questions. I have emailed our Honorary Consul in Guadeloupe to see if they can supply some details for English-speaking lawyers in St Martin. I will pass them to you when received.*

He wrote back later that day to then say: *I'm afraid that my colleague in Guadeloupe or colleagues in Paris carry [stet] a list of lawyers in St Martin. You may however find the below website useful and may find the ordre des avocats who are based in Guadeloupe may be able to assist.* <http://www.village-justice.com/articles/Pointe-Pitre,786.html>

4. The FCO did not attempt to engage with us after this. In May 2012, I contacted my MP to raise concerns over the lack of official help we had been given and the failings in the FCO-funded Victim Support's National Homicide Service. Two months later, I received a reply from The Rt Hon David Lidington MP re-iterating that: *Consular staff are not legally trained so are unable to give legal advice or specific details on local legal procedures.*

[continued]

The letter said that a list of local lawyers was not currently available but that work was being done to compile one. I chased in October 2012 to see whether the list was completed. A month later I received a response explaining how complex a task it was to find English-speaking lawyers in Guadeloupe, with an attachment of three names and contact details.—

Kim Spooner

“My son, Stephen Ashton, was killed aged 22 at a Full Moon Party on Koh Phangan, Thailand, on New Year’s Eve 2012/13. [...] In the immediate aftermath of Stephen’s death, the majority of contact with the FCO was by telephone communication with relatively short emails giving very little detail. We did not receive a personal visit which would have been greatly welcomed. My experience is that the FCO particularly in London, rely on detailed information being given over the telephone with no follow up in writing. Taking in this detailed information and then remembering this days later is a huge task when you are in complete state of shock. I recall at the time that I was in disbelief and found it quite incredulous that we had received more formal correspondence from the Met Police regarding my daughter’s mobile phone that had been stolen just before Christmas than we had received from any public body about the death of Stephen. I find this totally unacceptable. Further, I strongly believe that where a victim has been seriously injured or killed abroad there should be a Family Liaison Officer automatically appointed within the FCO. In these early days, it needs a personal visit to the family to sit down with them and go through all details from the information known about the incident, repatriation of the body, help with insurance claims, and continuing assistance through the process of the investigation and the trial. This needs to be followed up with official correspondence from the FCO for ease of reference.”—

Diane Ashton

My sister [***] was murdered in April 2010, whilst holidaying in Goa, India. My family and I were devastated at the loss of our beloved [***], but to confound our situation further we were met with almost complete incompetence by staff at the FCO.

To begin with we told staff at the FCO that we had been told on Facebook what had happened to [***], it took agonising days to finally get confirmation from the FCO and this was not delivered in a sensitive face to face conversation.

The FCO failed to inform my family or I that if [***] body is not repatriated there would be no Inquest, this was a huge failing and a fact we did not find out until nearly a year later.

The information the FCO did supply us with was a list of lawyers which included a known corrupt individual. 2 years later we were given a brochure. After 2 years of struggling to get anyone in our own government (and India’s) to listen to us we went to the press and within a few weeks we had a visit from a Police liaison officer, a face to face meeting at the FCO and a murder investigation opened up in India.

Our face to face meeting was filled with promises, to which nothing has come of. I could list all of my grievances here but as I am sure you can imagine it is hard to write all of this with my little sister [***] gone, we as a family feel helpless in a world in of politics, we just want help in any way at all and not to hear “I’m sorry we can’t help we have no jurisdiction” —

Anonymous

FCO’s response to complaints

56. The FCO provided copies of several emails and letters that it has received from other members of the public which described much more positive experiences of consular support, including in cases of deaths abroad, and expressed thanks for the assistance provided. The then Minister Mark Simmonds MP told us:

There may well be instances where, as we said earlier, the level of consular support was not as we would all wish and expect. But I think generally the level of support

that is provided to those whose families suffer bereavement abroad is very efficient, effective, and very supportive[...].⁹⁴

The Minister said that there was often “misunderstanding”, adding “There is sometimes an expectation that the Foreign and Commonwealth Office will pay, and of course that is not part of the consular service that we provide.” He added that the FCO was good at “signposting” external organisations that provide “support mechanisms”, such as Brake, an NGO that provides support to victims of road traffic accidents.⁹⁵ However, many of the submissions called only for the services set out as standard by the FCO’s own guide. Some families reported not even receiving the FCO’s useful Guide for Bereaved Families.⁹⁶

57. The FCO assists in over 4,000 cases of deaths abroad each year, but for each individual family it is one of the most traumatic experiences they may have. We acknowledge that the evidence we received is unlikely to be representative of the FCO’s overall level of service, and we note that we also received some positive feedback, which we have included in the examples above, and the FCO also provided substantial evidence of positive feedback it had received. However, **the submissions we received indicated that consular support for families in cases of deaths abroad is inconsistent and, at times, has left them feeling entirely let down. Many of the complaints we received were not focused on extra funding but rather on things that the FCO could and should do better, like consistently returning phone calls, and providing the clear advice set out in its own guidance, as well as responding with compassion and support.** Mistakes and failures do happen, but it was notable that many of those who submitted comments or evidence to us felt that the FCO not only had made mistakes, but had since ignored their complaints. *We recommend that the FCO review its training and guidance on handling non-suspicious deaths abroad, and engage in a consultation with families to discuss what went wrong, and the measures have been implemented to ensure that it will not happen again.*

58. With regard to murder and manslaughter cases, the FCO was more forthcoming about problems. In its submission, the FCO stated that “murder/manslaughter cases remain some of the most distressing and long-running cases. In recognition of this, support to victims and their families has been prioritised in recent years in order to ensure access to appropriate emotional and practical support.” The FCO’s written submission confirmed that it was planning to provide “better and clearer information for customers on local services, such as lawyers and legal aid”, as well as trying to identify pro bono legal advice providers overseas.⁹⁷

59. In January 2014, during a Parliamentary debate on services offered to people involved in cases of murder or manslaughter abroad (as victim or accused), the Minister announced that there would be a review of the services the FCO offered in such cases, and in July, Joanna Roper, Director of Consular Services, told the Committee that the FCO recognised

94 Q198

95 Q198

96 See, for example, SAMM Abroad (CON 23), and comments on the Foreign Affairs Committee, [Consular Services Web Forum: Assistance for individuals who encounter difficulties abroad](#), Jan–Feb 2014

97 Foreign and Commonwealth Office (CON 19) paras 79–83

that this “actually might be an area where we could be doing more” and that the review would report in autumn on “what we will be able to offer families in these particularly awful circumstances.”⁹⁸ Ms Roper confirmed that the MOU and its implementation would be considered as part of this review. The consultation period for the review has now closed and it was expected to be completed by the end of October 2014. **We welcome the FCO’s review of its services to families who have been affected by the murder or manslaughter of a relative overseas. The evidence we have received from families with cases throughout the last ten years shows that the review is long overdue. The review should address why repeated failures of communication and compassion have occurred, and should examine whether more staff or more training are required. The FCO should inform the Committee of the conclusions reached by its review and any policy changes or action subsequently undertaken.**

Victim Support National Homicide Service

60. In addition to the services the FCO provides itself, it has also established partnerships with NGOs and charities that can offer specialised support in the case of deaths abroad. One of the most substantial of these relationships is with Victim Support, to which the FCO provided £110,000 in funding this year. The FCO has an arrangement with Victim Support by which it refers families of British nationals who have been the victim of murder and manslaughter abroad, and Victim Support allocates them a named caseworker to give free, confidential help and practical support. The FCO told us that Victim Support’s help can include “travel costs, translation and interpreting services and repatriation costs.”⁹⁹ FCO officials also said that Victim Support could help arrange discount or even free air fares in some cases. This arrangement has only been in place since 2010, so some of the people who submitted evidence to us have not benefited from the NGO’s services.

61. We received limited and varied reports of the Victim Support service: some families told us it had been helpful, while others said that there had been inconsistent service and “serious deficiencies...that are wasting the FCO’s budget”¹⁰⁰, while others were not referred to them at all. During the roundtable, a number of our invitees said that it was an inconsistent and opaque service, from which some people received significant financial help for services such as translation while others paid their own way, and questioned how the FCO monitored the service. The FCO later told us that Victim Support report both quarterly and annually on the way that they had spent FCO funding.¹⁰¹

Assistance with funds

62. Many families struggle with the financial burden caused by the death of a loved one overseas. Repatriation of the body is usually covered by insurance, if the deceased had it. The FCO has taken steps to encourage British nationals to take out comprehensive travel

98 Q199

99 Foreign and Commonwealth Office ([CON 19](#)) para 80

100 Kim Spooner ([CON 18](#)) para 12

101 Foreign and Commonwealth Office ([CON 35](#))

insurance, such as its ‘Know Before You Go’ travel campaign. Research conducted for the FCO in June 2014 showed that 84% of British nationals travel with insurance.¹⁰² However, if the traveller did not have sufficient insurance, families are left with potential bills of thousands of pounds, and must make a swift decision about how best to handle the body. In more complex cases, funds for translation, investigation, legal fees, medical fees, and travel costs for attending trial often fall to the remaining family, who will not necessarily have the resources to cope.

63. Although it was not a focus of submissions or web forum comments, several commenters did call for the FCO to meet some of the costs for families that cannot afford to pay for repatriation or legal costs themselves.¹⁰³ Others have suggested that the FCO might provide loans.¹⁰⁴ The FCO has rejected these proposals, stating that it does not have the funding to do so. It has emphasised that its partners such as Victim Support and Missing Abroad are in a better position to assist with funding and can also secure travel deals or even free flights. These NGOs can also provide videoconference facilities to allow families to see and participate in trials without the need for travel, though we have received no evidence on whether families consider this to be an effective or adequate means of observing trials.¹⁰⁵ The FCO also told us that it was working to produce better information on the legal aid available in other countries.

64. We understand that the FCO cannot commit to fund repatriation, legal fees, translation etc. especially where adequate insurance would have covered costs. The FCO’s policy of working with partners who can provide funding where needed is sensible. However, more needs to be done to make the criteria and availability of third party funding more clear and consistent. When families must petition third party organisations for funding, it risks a situation in which the loudest voices will get the most funding, and a very inconsistent provision of help. The FCO provides funds to these bodies, so it is right that the public understand what they can and cannot expect from these organisations.

65. The FCO or its partners should look to implement a mechanism by which they can provide short-term loans to families who want to repatriate the body of a loved one, or travel to attend a court case abroad, as a compassionate response in difficult times. In light of its current poor performance in recouping discretionary loans, the FCO should include more robust recovery mechanisms in this scheme. Although we sympathise with British nationals who are forced to pursue legal cases abroad, due to the length and uncertainty of court cases, FCO loans should not be provided to cover legal fees.

102 Foreign and Commonwealth Office ([CON 36](#))

103 Foreign Affairs Committee, [Consular Services Web Forum: Assistance for individuals who encounter difficulties abroad](#)

104 HC Deb, 22 July 2014, [Col 1237](#)

105 HC Deb, 22 July 2014, [Col 1237](#)

Communication

66. Several submissions commented on the FCO's practice of conveying detailed information over the phone, which they said was not a reliable or helpful method when families are coping with bereavement. One commenter explained:

When members are recently bereaved many suffer from post-traumatic stress. They may call and ask a question but unless they write the question and answer down they may not remember what has been said when they put the phone down. They will also not know which questions they need to ask and many say the FCO will only give information related to questions asked. It would therefore be helpful if desk clerks could record questions asked and offer to e mail the questions and answers back to the caller so both have a record of what has been said. If they say they will find out information and call back it is vital for the victims' well-being the desk clerks do so at the time stated even if they have not managed to obtain the information needed.¹⁰⁶

It is not sensible to expect bereaved family members to remember detailed information conveyed by phone. It should be standard practice for consular staff dealing with any kind of death abroad for all calls to family members to be followed by an email or letter re-stating the information provided, for reference. This will have the added benefit for both FCO staff and families of ensuring that there is an accurate record of the contact and information given on each side.

A new central unit for murder and manslaughter cases

67. SAMM Abroad, a charity that provides telephone advice and peer support to people bereaved by homicide overseas, attributed many of the problems to the organisation of the FCO, and suggested that a specialised central unit for Murder and Manslaughter cases be created in the FCO. It stated:

Families bereaved by homicide whether it is in the UK or abroad need the following:

- a) accurate and timely information,
- b) delivered by well trained staff,
- c) who understand the needs of traumatically bereaved families.

The current FCO practice of putting families in contact with Desk Officers is failing. Whilst there are notable exceptions they are precisely that, exceptions.

Desk Officers lack proper training in dealing with traumatised families. This can lead to families feeling a greater level of trauma after their contact with the FCO than before. There are frequent complaints that Desk Officers fail to keep families informed of developments or mishandle important information.¹⁰⁷

¹⁰⁶ Foreign Affairs Committee, [Consular Services Web Forum: Assistance for individuals who encounter difficulties abroad](#), Jan–Feb 2014, p 1

¹⁰⁷ SAMM Abroad ([CON 23](#)) para 9-10

It added that the consular desk officers move frequently, leading to extra burden for families who have to once again explain their case to the new officer, which it said “causes frustration, distress and leads to poor case management”, as well as a lack of institutional expertise and a disruption in key relationships with other agencies or governments.

68. SAMM Abroad’s proposed solution is:

A small, centralised unit within the FCO with specially trained staff to act as the principal point of contact for families. They would be responsible for dealing with Desk Officers and extracting the information for families. This would have the following advantages

- families would not be disrupted or traumatised by the movement of Desk Officers.
- liaison with other agencies would be more effective as staff would have immediate access to case files and other information.
- Developing FCO policy would be more effective as the unit would be able to observe recurrent issues and spot failings more immediately.
- The FCO’s institutional memory would be vastly increased. If information regarding local practices and services was captured in a central location it would provide immense benefit to families requiring support in the future.¹⁰⁸

This proposal was supported by a number of other submissions, including Kim Spooner, who wrote:

A dedicated **FCO Homicide Unit** would overcome many of the difficulties I have raised. A Desk Officer cannot be expected to be an expert in their country’s legal system and they cannot be “murder-ready” when this is after all a fairly rare occurrence. A small, central, expert, trained taskforce which is convened at the time of an overseas murder and which utilizes in-country connections would be a more efficient deployment of resources and would be more useful to families.¹⁰⁹

69. In January, the then Minister Mark Simmonds confirmed that the review would consider the proposal for a dedicated unit to provide support to bereaved families of British nationals murdered abroad.¹¹⁰ He was open-minded, but he did not make a commitment to the idea:

we shouldn’t rule anything out. We should certainly look at whether any central unit would provide a better service than is currently being provided. Having said that, we should not undermine the consular work in country, and the expertise that is developed there specifically by locally employed staff, as well as the important link to the consular experts back in the Foreign Office in London. There is sometimes—I have had individual constituent cases as well—a belief that we should and could

108 SAMM Abroad ([CON 23](#)) para 16

109 Kim Spooner ([CON 18](#)) para 12

110 HC Deb, 27 Jan 2014, [Col.427W](#)

interfere in other countries' judicial processes. Of course, we can't and shouldn't do that.¹¹¹

The FCO's standards for what it will provide to families coping with deaths abroad are applied inconsistently by consular desk staff and consuls in posts for whom such cases are a small part of their overall jobs. This results in some exemplary experiences and some poor ones for families who are already going through a deeply traumatic time. We do not suggest that this is the fault of uncaring staff, but rather inexperience in handling cases of bereavement, time pressures, other competing priorities, and potentially a lack of training. We find the case for a small central unit on deaths abroad, particularly murder and manslaughter cases, to be persuasive. A central unit providing support for families in the UK would support, rather than undermine, consular work in country, and we recommend that the FCO implement this proposal.

5 Detention abroad

70. Approximately 6,000 Britons are arrested each year, and at any one time more than 3,250 British nationals are in prison around the world.¹¹² Under the Vienna Convention on Consular Relations, states which detain British nationals should notify the British Embassy or consulate, and if requested, consular officers must be given access to those detainees “without delay”. In 2013, consular officers contacted 87% of British detainees within 24 hours of being notified of their detention.¹¹³ This places high demands on the Consular Service; the FCO states that arrests and detention of British nationals overseas constitute the greatest number of consular cases each year, and take up a substantial amount of consular time.¹¹⁴ The Consular Service also provides Prisoners Abroad, a charity that provides practical help to British prisoners overseas, with its largest amount of funding to one single organisation, amounting to £257,500 in 2013/14.

71. All of those who submitted evidence on detention abroad considered consular services to be crucial for British prisoners detained overseas. Fair Trials International (FTI) told us that prisoners abroad “are particularly vulnerable to violations of their basic rights, given the disadvantages they face as criminal defendants of foreign nationality.” It added that non-nationals were regularly disadvantaged because they often had no knowledge of the local language and legal system, no local support system, and “as a result, even tasks that may seem relatively straightforward for locals, such as finding a lawyer to assist with their cases, can be enormously challenging.” Consular services can therefore be a “lifeline”, helping British nationals overcome these disadvantages and protecting them from violations of their rights.¹¹⁵ The FCO told us that there have been infrequent “challenges” with regard to access to detainees, and where delays have been experienced, “we have made diplomatic representations to secure access”.¹¹⁶

Managing expectations

72. The support that the FCO can offer prisoners abroad is set out in ‘Support for British Nationals Abroad: A Guide’, as well as FCO booklets focused specifically on prisoners, titled: ‘In Prison Abroad’. A summary of the services that the FCO sets out in these guides is below.

112 Foreign and Commonwealth Office ([CON 19](#)) para 4

113 Foreign and Commonwealth Office, [Annual Report and Accounts 2013–14](#), July 2014, p.19

114 Information provided by the Foreign and Commonwealth Office, October 2014. See also Foreign and Commonwealth Office, *Consular Services Strategy 2010–13*

115 Fair Trials International ([CON 15](#)) paras 7–8. See also Prisoners Abroad ([CON 07](#)) para 6.

116 Foreign and Commonwealth Office ([CON 36](#))

- After an arrest the FCO can:
 - Contact the detainee in prison and visit, if he or she wants
 - Provide information about the local legal system, legal aid schemes, prosecution, remand, bail and appeal procedures
 - Provide lists of local lawyers and interpreters
 - Explain the local prison or remand system
 - Put the prisoner in touch with the prisoners welfare charity Prisoners Abroad
 - Tell the prisoner’s family and friends, if he or she wants, and pass messages

- In the longer term, the FCO can:
 - Visit in prison and keep in touch by telephone or letter.
 - Consider approaching local authorities if the prisoner is not treated in line with internationally accepted standards
 - Take up “any justified complaint” about ill-treatment, personal safety or discrimination, and ensure medical or dental problems are brought to the attention of the police or doctor
 - Pass money from family or friends
 - Explain how to transfer to prison in the UK.

73. Once again, despite the guides, the FCO reports that many prisoners have unrealistic expectations about what the FCO can do.¹¹⁷ A number of the other submissions we received supported this: Bruno Min, of the charity Fair Trials International (FTI), told us that many individuals who contacted his organisation did indeed have unrealistic expectations: “Many say they simply expect the Foreign Office to intervene in their case and to take on the role of their lawyers.”¹¹⁸

74. Several submissions put this down to a need for better public communication by the FCO. Both FTI and Prisoners Abroad called for the FCO to provide better public information about its services.¹¹⁹ Prisoners Abroad added that families often did not know what the FCO was and how it was different from other government departments, and that the new Gov.uk website is difficult to navigate to find information about prisoners in detention overseas. FTI and Prisoners Abroad also both told us that the FCO’s public messaging was too negative, and needed to be “clearer about what it can do, rather than focusing on what it cannot do.”¹²⁰

117 Foreign and Commonwealth Office, *Consular Services Strategy 2010–13*, p.14

118 Q38

119 Fair Trials International ([CON 15](#)) paras 2 and 5; Prisoners Abroad ([CON 07](#)) para 6

120 Prisoners Abroad ([CON 07](#)) para 4

75. However, FTI was clear that while unrealistic expectations played a part in levels of dissatisfaction with the consular service for prisoners, the service itself was variable between posts and it had “in certain cases fallen below the legitimate expectations of British defendants.”¹²¹ The other submissions from major charities, including REDRESS, Reprieve and Prisoners Abroad, all voiced similar criticism about a lack of consistency, and said that the services provided by different consular offices and individual consular officials varied widely.¹²² Prisoners Abroad said when it had pointed out good examples to the FCO, “it has been suggested that staff are “over-servicing”.”¹²³ Bruno Min, of FTI, agreed that it was partly about personnel, but also “the politics and the foreign policy of the particular country—whether it is an ally, and so on. It is not consistent.”¹²⁴ **Consular services are immensely important to British prisoners abroad. It is troubling to have such consensus among our witnesses that the quality and type of FCO services available to prisoners vary from post to post.**

Visiting prisoners

76. According to the Vienna Convention on Consular Relations, the consulate has unique and defined rights to visit and provide assistance to their nationals when they are detained abroad. FTI described such visits as “the main form of consular assistance desired and expected by British citizens arrested abroad”. Much of the evidence we received was strongly in favour of prison visits, which were considered to be an important visible demonstration of support that could provide prisoners with protection. With over 6,000 Britons arrested each year, this is a significant challenge. In 2009, the UK changed its policy on visiting prisoners in the EU to limit its commitments. In the EU, Iceland, Liechtenstein, Canada, the US, Australia and New Zealand, the FCO’s consular officers only visit British prisoners once before sentencing, and thereafter only if there is a need.¹²⁵ FTI said that a 2009 FTI review “found the UK to be more reserving of direct contact with detainees than other countries.”¹²⁶

77. Several of our witnesses disagreed with the FCO’s approach. Both FTI and Prisoners Abroad questioned the FCO’s assumption that prisoners were not vulnerable in the EU. FTI said that it had “identified over 500 violations of the right to liberty and fair trial rights between 2007 and 2012, [which] demonstrates that these assumptions may be misplaced.” Prisoners Abroad was deeply concerned about deterioration of conditions, even in European countries,¹²⁷ and that the closures of consulates had “already resulted in a loss of support to prisoners, for example reduced visits or increased complications in receiving funds.” Reprieve complained that the service was inconsistent even outside the

121 Fair Trials International ([CON 15](#)), para 3

122 See, for example, Reprieve ([CON 17](#)) para 1.4; REDRESS ([CON 21](#)) para 47; and Prisoners Abroad ([CON 07](#)) paras 8–12. See also ([CON 05](#)).

123 Prisoners Abroad ([CON 07](#)) para 4

124 Q56

125 Fair Trials International ([CON 15](#)), para 22

126 Fair Trials International ([CON 15](#)) para 24

127 Prisoners Abroad ([CON 07](#)) para 5

EU, in countries where there were known to be problems. For example, it found that in the UAE “most prisoners were visited fairly promptly” by a consular official after they were detained, while in Pakistan “months can go by without contact.”¹²⁸ However, when we asked Bruno Min, of FTI, and Kevin Laue, of REDRESS, if there should be a defined, obligatory minimum frequency of prison visits (for example, twice a year) for detainees, they both preferred a more flexible, needs-based approach.¹²⁹

Lawyers lists and legal information

78. Finding a lawyer can be immensely challenging for British nationals in foreign, and especially foreign language, legal systems. The FCO provides lists of local lawyers in each country, but FTI and Reprieve both told us that they had received complaints from prisoners and their families that the information on the lists was “out of date, inaccurate and unhelpful”.¹³⁰ We have heard the same from families in the UK as part of this inquiry. The FCO has recognised the problem and has begun to take steps to address it: FTI was asked by the FCO to produce recommendations for improving the lists, and the FCO is now in the process of updating and improving its lists.

79. FTI, and Prisoners Abroad were also both critical of the FCO’s prisoner packs, which are distributed by the FCO to prisoners and which should provide basic information about the relevant county’s legal system and contain useful contacts such as local legal associations or prisoner welfare groups. FTI told us that the standard of these packs was variable:

there are some which contain little to no helpful information, even in countries there many British citizens are arrested every year. For example, the FCO does not at this time provide an adequate prisoner pack for persons arrested in the United States or Canada. The current pack, which serves both countries together, provides only an abridged version of the general FCO ‘In prison abroad’ publication without offering any specific information about the legal or prison systems of either country.¹³¹

FTI compares this with the Dutch Ministry of Foreign Affairs, which produces “commendable” country-specific, standardised and comprehensive prisoner packs.¹³² FTI told us that the FCO was reviewing its prisoner packs and moving toward using a standardised template. **We welcome the FCO’s commitment to update and improve its lists of lawyers and prisoner packs, which have been the subject of many complaints to this inquiry. The FCO should also consider ways in which it can co-operate with other European and Western partners who have already produced comprehensive guides to share this information and pool resources. In its response to this report, the FCO**

128 Reprieve ([CON 17](#)) para 3.1

129 Q52

130 Fair Trials International ([CON 15](#)) para 15

131 Fair Trials International ([CON 15](#)) para 19

132 Fair Trials International ([CON 15](#)) para 20

should provide a deadline by which it expects to have updated all of these documents and placed them on its website.

Torture allegations and FCO guidance

80. British nationals in detention abroad may be vulnerable to torture or cruel, inhuman or degrading treatment (CIDT), which is prohibited in international law and criminal under British law. For victims, UK consulate staff who have privileged access to visit detainees may be their only recourse to appeal for protection and assistance. In its written submission, REDRESS stated that the number of reports of alleged ill-treatment of British nationals abroad is increasing “rather sharply”, going from an average of 50 reports a year in 2005–10, to over 100 reports per year in 2012 (the latest available). It notes that this increase could be a function of improved record keeping, but states that “the scale of the problem is of continued concern.”¹³³ The FCO provided updated data showing that there were 142 reported allegations of mistreatment in 2012 and 95 reported allegations in 2013 by British detainees. It said that when detainees ask the FCO to raise their allegations with the authorities, the FCO does so, requesting a full and transparent investigation.¹³⁴

81. REDRESS, FTI and Reprieve all raised serious concerns about the FCO’s level of consular assistance toward its nationals who are at risk of, or who allege that they have experienced, mistreatment or torture. For example, FTI told us:

Despite the FCO’s commitment to work towards the prevention of torture , and to ‘take all allegations and/or concerns of torture and CIDT very seriously’ , Fair Trials is aware of several reports of the FCO’s failure to take appropriate action in response to allegations of torture or CIDT made by British citizens. [...] We have also encountered various complaints from British citizens who reported that they were disappointed with the level of support they received when trying to seek assistance for torture and mistreatment. One individual who was arrested in Turkey complained to us that the only advice given by consular officials after making complaints about his treatment was that he should not seek to have them raised formally, in case he is subject to repercussions.¹³⁵

REDRESS in particular had concerns about the FCO’s shortcomings in providing assistance, which it said had amounted to “systemic failures” in the past. In its 2012 report on consular support for terrorism suspects, REDRESS concluded that:

when consular assistance was most urgently required, it was frequently lacking, delayed or not provided. If and when there is a thorough and independent public inquiry into complicity allegations, it should also examine the role of UK consular officers who either willingly or at the behest of the security agencies failed in their duties.¹³⁶

133 REDRESS ([CON 21](#)) para 5

134 Foreign and Commonwealth Office ([CON 36](#))

135 Fair Trials International ([CON 15](#)) paras 27–28

136 REDRESS, [Tortured Abroad: The UK’s obligations to British Nationals and Residents](#), September 2012

82. These are certainly grave allegations, made by organisations that the FCO considers to be partners in providing support. We also received detailed submissions from two groups of three individuals who had been held in Dubai in 2012–13 and Pakistan in 2004–11 respectively, and who alleged that FCO officials had been aware of their allegations of torture but had not taken appropriate action. We invited one of those individuals, Karl Williams, to a roundtable to speak about his experiences in greater detail. He described how the consular officials in Dubai had failed to take a proper record of his friend's injuries, had not been sympathetic or compassionate, did not vigorously pursue their complaint with the Dubai authorities, and did not apply diplomatic pressure until the group went to the press.

83. When we questioned the Minister about the FCO's record on handling torture allegations, he told us that the FCO took every allegation "extremely seriously" and added:

we have recently strengthened the processes for handling mistreatment and torture cases of British nationals reported overseas. We also focus on the three particular priority countries where there have been high numbers of reports, with some more serious than others. So we take a strategic approach that depends on the specifics of each individual case.¹³⁷

The FCO told us that it had repeatedly offered to meet Mr Williams following his return from the UAE, and it provided dates of its contact both directly and via Reprieve.¹³⁸

84. Despite its criticism, REDRESS was positive about the FCO's recognition of the problem, if not its past record:

Consular assistance for UK nationals in danger of torture/mistreatment abroad, or who are actually suffering such torture/mistreatment, is an aspect of consular services which requires special attention; the FCO has recognised this for several years and its revised Guidelines are but the latest effort it is making in these regards, which we welcome.¹³⁹

We are deeply concerned about the allegations we have received that the FCO has in some instances not responded adequately to protect and support those who said that they had been the victim of torture or ill-treatment. Any failure to support vulnerable nationals in such circumstances is deplorable. We recommend that the FCO launch an investigation into the allegations that have been raised during this inquiry, including identifying and interviewing staff involved, and that it present us with its findings, which we intend to review.

137 Q210

138 Information provided by the FCO [not published]

139 REDRESS ([CON 21](#)) para 3

New guidance

85. The FCO states that new guidelines were produced in December 2013 for FCO staff on “how to handle mistreatment and torture cases in order to help improve the awareness of our staff of how to respond to such cases.” These revised guidelines were welcomed by both REDRESS and FTI as a step forward (REDRESS contributed to their formulation). However, REDRESS argued that they should be published, and that “they must be properly and consistently implemented in practice in an accountable manner.” FTI agreed, and says that the FCO should “Review its current policies on torture allegations by consulting experts and civil society, and provide further training to consular staff”.

86. At our request, the FCO supplied both the old and new guidance to the Committee. The new guidance is considerably more detailed, and provides more nuanced advice for staff on what to do (and what not to do) when a British national shows signs of ill-treatment, or makes direct allegations of ill treatment. It places greater demands on the consular officer to do more to try to ensure that the prisoner is safe (for example, through a transfer to another prison, or to medical facilities); and to make more detailed records of injuries and meetings. The note also sets out a significantly wider range of action that can be taken to protest about the alleged mistreatment. The Guidance states that training is available on request, and the FCO told us that it had introduced workshops and was developing new e-learning on Torture and Mistreatment (among other issues). *We welcome the new guidance for consular staff on torture and mistreatment, which is a clear step forward. For the new guidance to be effective it should be accompanied by comprehensive training, and the FCO should set out how many staff have been trained on the new guidance so far, and in what countries. The FCO should also keep records of the number of complaints about alleged mistreatment it pursues with authorities abroad, and make these statistics available to the Committee and its NGO partners, in order to better assess the scale of the problem.*

87. *Publication of the guidance would enable victims and their families to have a more full understanding of what can be expected, but we understand that these are internal guidelines meant for FCO officers’ use. We recommend that the FCO produce a separate updated public document setting out what it can and cannot do in these cases, based on its revised internal guidance.*

Death penalty

88. As at February 2014, there were 13 British nationals under sentence of death, and more than 60 facing trial for offences that could attract the death penalty.¹⁴⁰ The FCO states that it makes representations and raise cases “at the appropriate level, including prime ministerial level”. It also refers cases to UK-based NGOs with which it has a working partnership, such as Reprieve. Reprieve told us that the last 20 years had seen “substantial improvements” in the delivery of consular services to British nationals facing execution.¹⁴¹

140 HC Deb, 11 February 2014, [col.532W](#)

141 Reprieve ([CON 17](#)) para 1.2

In particular, Reprieve welcomed the fact that consular officers attended the sentencing of any death penalty trial for their nationals, which it considered to be “extremely helpful”, though it encouraged consular officials to attend at an earlier stage in proceedings as well. Reprieve also encouraged greater intervention by consular staff at an early stage in proceedings. It noted that Mexico had achieved impressive results by energetically intervening on behalf of its nationals: in the 800 cases in which Mexico intervened, only 23 resulted in death sentences. Reprieve said the UK intervened to a lesser degree, but had secured significant success when it had done so, as Reprieve recorded that the UK had made written representations in over 15 cases and filed *Amicus curiae* (friend of the court) briefs in ten cases. It considered that these interventions were “very welcome and can be extremely powerful”.¹⁴²

89. The FCO has been criticised and challenged in court because of its refusal to provide financial assistance for the legal costs of British nationals who have been sentenced to death (or who are at risk of it). During our roundtable, we heard from one family member of a Briton who had been charged with the death penalty abroad, who powerfully expressed their acutely painful situation and feelings of helplessness. FTI argued that the FCO should reconsider its position, and argues that assistance provided by the FCO to death penalty cases falls below those of several other countries¹⁴³ which recognise that capital punishment is incompatible with international human rights standards.¹⁴⁴ Reprieve suggested that, given the very limited number of death penalty cases abroad, providing funding would be “a drop in the ocean compared to other issues of legal aid”¹⁴⁵ and that the UK’s refusal to provide funding contrasted with its international efforts to abolish the death penalty. It added that where funds were not available Reprieve made efforts to secure pro bono local counsel, but “this level of service is, of course, not adequate when an individual’s life is at stake.”¹⁴⁶ Reprieve strongly urged that the UK provide funding, and it also suggested that an alternative to direct UK funding would be to establish a mechanism within the EU or Council of Europe that would provide funding for legal counsel in death penalty cases. **There is a difficult balance to be struck when considering government support for death penalty cases. We were moved by the cases we heard. On one hand, such prisoners are among the most vulnerable of British nationals abroad, on the other, funding cases could mean that large amounts of public money go to a very small number of people. We do not recommend that the FCO singles out death penalty cases, many of which take years to reach a final judgment, for an open-ended commitment of funding. The FCO’s approach of providing consular support to the family, as well as funding and working with the specialist organisation Reprieve, is the right one.**

142 Reprieve ([CON 17](#)) para 3.12

143 Including Mexico, Germany and Spain

144 Fair Trials International ([CON 15](#)) paras 30–32

145 Correspondence from Reprieve, 28 July 2014 [not published]

146 Reprieve ([CON 17](#)) para 3.6

A “lack of proactivity”

90. All of those who contributed to our inquiry on detention issues called for a more proactive response by the FCO as it looks after the interests of its nationals in prisons around the world. Several organisations considered that the FCO was too concerned with limiting expectations¹⁴⁷ and did not take the initiative to help or protect prisoners.¹⁴⁸ Fair Trials international was particularly eager that the FCO should commit to identifying and intervening in cases where serious fair trial abuses are taking place. FTI acknowledges that, while the FCO cannot *interfere* in foreign legal proceedings, circumstances can sometimes call for an intervention:

Many British citizens each year are arrested in countries where even the most basic internationally recognised fair trial rights are routinely violated. Despite the FCO’s commitment to ensuring that British defendants are treated in line with international fair trial standards, the FCO only rarely raises concerns about individual cases, and this is normally attributable to pressure from MPs, civil society and the media, even where such breaches are very serious.¹⁴⁹

91. FTI told us that the FCO usually argued that its consular officials did not have the legal expertise to identify serious breaches, and that nationals were being treated in accordance with local laws. FTI questioned both of these arguments, proposing that the FCO should prioritise training for its officers, and that in many places even if nationals were being treated in accordance with local standards, these were still below internationally recognised rights, with which the FCO should encourage them to comply. **The FCO talks about the minimum services it can provide to prisoners, rather than doing the most it can to protect them. This policy does not align with its stated goal of focusing services on the most vulnerable. We recommend that the FCO prioritise fair trials rights training for its consular staff so that they can more intervene proactively, if necessary.**

92. Several submissions, including that of Reprieve and FTI, noted that the FCO was more likely to become proactive in a case if there was media coverage. Bruno Min, of FTI, told us:

At the moment, we find the approach being taken is rather inconsistent, in the sense that the Foreign Office will be more likely to make representations to foreign Governments where there is political backing and where there is some media coverage in a particular case. It should not really be like that. The level of assistance that the FCO provides should not depend on these factors. They should be in a position to be able to decide for themselves, where serious violations have taken place, what the appropriate action should be.¹⁵⁰

147 See, for example, REDRESS ([CON 21](#))

148 Prisoners Abroad ([CON 07](#)) para 11

149 Fair Trials International ([CON 15](#)) para 34

150 Q46

This point was echoed by Karl Williams, who told us that the FCO changed its approach once they had taken their case to the media. In some cases the FCO may have made a reasonable policy decision to pursue cases by private, diplomatic means, in the interest of the prisoner's welfare. We asked the FCO about allegations that there were political or diplomatic factors behind its decisions about when to apply diplomatic pressure, and asked how it made a judgment between individual cases and overall UK interests. The Minister responded that:

I do not think that those two things are incompatible. As I said a moment ago, I do not think we should be interfering in other countries' judicial processes, but we need to provide the relevant consular support to that individual who has been detained and signpost them to access the necessary legal advice to ensure that they get a free trial in the country they happen to be detained in. That is exactly what we do.¹⁵¹

93. Press interest should not affect the FCO's decision making, but we have repeatedly been informed that media interest generates a more active response from the FCO. If true, this is unacceptable, as decisions about protecting prisoners should be made on the needs of each case, rather than how many people are watching. If the FCO has in fact been working behind closed doors on the national's behalf, it must improve its communication with the prisoner and their family to make them aware of this.

6 Passport transfer and crisis 2014

Background

94. This year saw the end of a five-year transition in which the FCO passed all responsibility for issuing UK passports to Her Majesty's Passport Office (HMPO), an agency of the Home Office. Prior to 2009, almost all FCO posts overseas issued UK passports to UK nationals resident overseas. Between 2009 and 2011 this was consolidated into just seven Regional Passport Processing Centres, plus an office in Dublin. Responsibility for printing all passports then passed back to the UK, and the regional centres just processed applications, followed by a final stage from December 2012–2014 which saw a staged repatriation of all processing and decision-making to the UK. All seven of the regional centres are now closed and all overseas nationals now apply directly to HMPO for passports. The whole process was initially meant to be completed by March 2013 but was extended to March 2014.

95. The decision to consolidate and repatriate passport services flowed directly from reports by the National Audit Office and Public Accounts Committee in 2006 that recommended that passport services be consolidated under the Home Office to save the Government and passport holders money, as well as to improve security. In its written evidence to this inquiry, the FCO stated:

One of the key drivers for the transition of passport processing was to maintain and enhance the security of the passport process. Moving to print in the UK has removed the physical security risk of transporting and safekeeping blank passport stocks around the world.¹⁵²

96. By January 2014, HMPO processed 5.5 million passports a year. Overseas passport applications were expected to add an extra 350,000. The FCO remains responsible for emergency travel documents (ETDs), which are issued for limited periods (often single journeys) to enable travellers who have not got a passport to travel.

Completion of transfer and implications for overseas nationals

97. In its written evidence to this inquiry, submitted in January 2014, the FCO said that one of its “key aims” of its 2013–16 consular strategy was: “Transferring overseas passport production to HMPO in the UK by March 2014, establishing a consistent, secure, efficient and cost-effective service.”¹⁵³ The FCO achieved the handover around the time of the amended deadline. The FCO explained:

For most overseas customers, the timescales for passport applications remain the same: 4 weeks for renewals and 6 weeks for first time applicants. In some countries, this may take longer owing to the need for additional time required to complete

¹⁵² Foreign and Commonwealth Office ([CON 19](#)) para 166

¹⁵³ Foreign and Commonwealth Office ([CON 19](#)) para 16

checking procedures. An indication of delivery times on a country-by-country basis is available to applicants via the gov.uk website.¹⁵⁴

Also in March, the Government announced that, as a result of efficiency savings from the transfer to the Passport Office, the passport fee for customers applying for a UK passport from overseas would be reduced by 35%.¹⁵⁵ Prior to this, the fee for an adult passport application from overseas was £128, plus courier fees, compared to the fee for a customer in the UK, which was £72.50.

98. The transfer has also coincided with a new online application process by HMPO, launched in December 2013, in which the majority of customers can apply and pay for passports online. They then print off and sign a declaration form which they send along with photos and supporting documents to the UK.

99. The changes to the passport service were the focus of dozens of comments on our web forum. The overwhelming majority of comments were negative and considered that the service had deteriorated, with complaints focused on a major increase in the length of time it took to obtain a new passport, which left nationals without identification documents or the ability to travel for 4–6 weeks; the fact that it could no longer be submitted, checked and paid for at an FCO post; the expense and limitations to the courier system; the fact that consular staff were no longer able to provide help or advice; the difficulty for some older people in navigating the online system; and the extra expense (since addressed—see paragraph 97). Several also regretted the impression that a connection between expatriate nationals and the Embassy or Consulate had been lost, and that an important service that was highly valued by the expatriate community had been withdrawn.¹⁵⁶

154 Foreign and Commonwealth Office ([CON 19](#)) para 161

155 Fees for an adult passport dropped from £128 to £84; fees for a child's passport dropped from £81.50 to £53.00. See "*Reduction in passport fees for UK citizens overseas*", Foreign and Commonwealth Office press release, 17 March 2014. The fee reduction took effect on 7 April.

156 Foreign Affairs Committee, [Consular Services Web Forum: Assistance for individuals who encounter difficulties abroad](#), and [Routine consular services to British citizens who live/work abroad](#), Jan–Feb 2014

Some web forum comments on passports

“Having to send passport applications to another country to process was tedious but I understand the need to centralise services to save money. [...] Services were explained well in advance. Being charged more than in the UK was annoying.”

“[...] the passport renewal service is Kafkaesque and causes your customers to get upset and scared. In the past three years I have had to assist two of my mother’s friends in getting their passport renewal documentation together. One of them was close to tears. Again congratulations on saving costs at the consular level, but you have a bunch of scared and bewildered customers who are only managing to renew their passports by depending on their computer literate friends and family. You should work on making this process more friendly and accessible. Certainly at the rates you currently charge for passport renewals you should be delivering a great service. When I have to hold a 70 year old woman by the hand and tell her it will be alright because she is terrified of getting something wrong and having to pay twice because of a typo or error in her application, then something in my humble opinion is very wrong with the service you are delivering on the passport front.”

“The main issue I and all expatriates have is the requirement to wait up to 2 months when replacing a passport. We're expected also to surrender our current passport and wait for another one. I'm pretty certain most other nationalities are able to at least keep their current passport until they have received their new one and continue a normal working life. The cost for doing this is also the highest possible compared to applying in the UK and there's little or no assistance embassies can give as it is all now done in the UK. It's almost like the current government holds British expatriates in contempt.”

“I can only compare the level of service I have experienced now compared with that in the past. Now I waited 3 weeks for a minor but expensive service to be completed, in the past I was able to have a passport renewed within 2 days! That was also expensive though—but at least the service was offered locally.”

“The big financial/time-lag problem for ex-pats in Portugal is that, in order to renew their passport, they are now obliged to do so via Madrid. This process is slow and the obligatory courier 'delivery' service is costly, often inconvenient and also unreliable. Please restore the passport renewal service at Lisbon and possibly the Algarve, where many UK retirees are living on much reduced incomes, due to economic conditions, loss of savings and inability to sell their home.”

“I live in France and have lived here for over six years. I have married a French woman and have two children, both are dual nationality. When originally applying for birth certificates and passports 7 and 5 years ago respectively, I had no problem contacting the embassy in Paris, however when renewing the eldest child’s passport a year ago, we were told that the service was going to be changed and now we will need to contact London directly to apply and not go through the embassy anymore. These sort of services for nationals living abroad are what help us still connect with the UK and it would be a shame to centralise everything, even though easier for London. The government has to also recognise the service that is given in the embassy is a personal one and is very much appreciated by the multitude of UK nationals.”

100. We asked former Ambassadors Sir Michael Arthur and Giles Paxman about the transfer. Sir Michael Arthur acknowledged that it was “unpopular” in Germany, where he had been ambassador, because the “gut reaction” of people used to renewing passports in Dusseldorf felt it was more difficult to do so by post. He commented: “Logically, it is not hugely different to do it in the UK than overseas, but it is not popular.” Giles Paxman, former Ambassador to Spain, agreed that people do not like change, but was optimistic:

I think what we have found, since we closed the regional passport issuing office in Madrid last June, is that people have adapted quite easily to the change. Indeed, quite a lot of the comments that we have had on the “Brits living in Spain” Facebook forum suggest that people are happy. The idea of doing something in a more online, electronic way is not something that shocks people once they sit down to think about it.¹⁵⁷

Giles Paxman also indicated that people had perhaps become used to unusually fast responses, telling us that when passports were previously processed in Madrid, his team “performed to very high standards; in some ways, they probably exceeded the standards that had been laid down.”¹⁵⁸

101. Issuing passports was one of the most visible aspects of the FCO’s work, and our predecessor Committees scrutinised the arrangements for the repatriation of passports and warned repeatedly of the reputational risks for the FCO if the service was to deteriorate. In 2009, the Committee called for the transfer to be “carefully managed to ensure that neither the quality nor the scope of the existing services are compromised and that the FCO’s reputation is not damaged.”¹⁵⁹ In 2010, the FCO told the Committee that it anticipated “substantial long-term savings as a result of rationalisation, as well as improved customer service and greater consistency across the network.”¹⁶⁰ The Committee again raised concerns about the potential risk to the level of service provided to British nationals and the reputational risk for the FCO. It also noted that the transfer was taking place at a time when stricter security requirements could make obtaining passports slower and more difficult. It said that the situation would require provision of clear information to the public.¹⁶¹

102. We do not question the security and cost efficiency rationale for the move to repatriate passports to the UK and end the process of issuing them abroad. However, it has been unpopular among expatriates, and the FCO has failed to make clear the benefits of the new system or to address its drawbacks. The reduction in the price of passports applications from overseas offers expatriates a chance to share in the benefits of the efficiency savings, and is warmly welcomed.

157 Q121

158 Q123

159 Foreign Affairs Committee, Second Report of Session 2008–09, [Foreign and Commonwealth Office Annual Report 2007–08](#), HC 195, para 109

160 Foreign Affairs Committee, Fifth Report of Session 2009–10, [Foreign and Commonwealth Office Annual Report 2008–09](#), HC 145, para 312

161 Foreign Affairs Committee, Fifth Report of Session 2009–10, [Foreign and Commonwealth Office Annual Report 2008–09](#), HC 145, para 313

103. The length of time expatriates abroad must wait for passports may not have increased significantly in comparison to last year, but in many places it has substantially increased in comparison to five or ten years ago, when expatriates could apply at the embassy and have their passports renewed within days. The 4-6 week wait is also very long in comparison to the 72 hour service offered in the UK. Greater flexibility in offering Emergency Travel Documents does not wholly compensate for this. We agree that 4–6 weeks is a long time to be without a passport or identification while living in a foreign country. ***The Government should offer expatriates an express service option, which would attract a premium price, as in the UK, or the possibility of keeping their passport while waiting for a new one to be issued, by submitting a certified copy of the passport instead.***

Passport crisis

104. In May 2014, just six weeks after the completion of the transfer from FCO to HMPO, reports emerged that passport applications were experiencing long delays. The problems peaked in June, when HMPO had nearly 550,000 applications in process, and lengthy delays continued throughout much of the summer. The delays were blamed on “unprecedented” levels of demand. There was public outrage at the problems, which came at a time when many Brits were preparing to travel.¹⁶²

105. The Home Affairs Committee published a report in September 2014 that found that delays for processing passports from overseas, a function that had previously been done by the FCO, were “particularly poor”, noting that “More than 17 of every 20 overseas applications had been delayed since the beginning of April 2014”. The report showed data from one week in June that showed only 11.4% of straightforward passport applications from overseas had been processed within 15 days, compared with a target of 99.75%.¹⁶³ It stated that since the start of the current financial year, only 13% of applications from overseas were dealt with within the three week target. The Home Affairs Committee concluded that it had been a mistake to repatriate the issuing of overseas passports, and called on the Government to bring HM Passport Office under the direct authority of the Home Office, which it has since done. The Home Affairs Committee also concluded that the management of the transfer had been poorly handled, noting that the FCO and HMPO provided contradictory answers about the need for further improvement. It also considered that the transfer was poorly-timed, being completed in April, at the start of the busiest travel season.¹⁶⁴

106. At the height of the problems, the FCO and Home Office agreed measures to manage demand and delays. The FCO began to provide a 12-month extension to passports overseas, as well as issuing emergency travel documents to children for the first time. Data

162 See, for example, “[Passport delays: 'We've been held to ransom'](#)”, BBC News Online, 11 June 2014; “[Passport backlog: photographs of stacked application files stoke row over delays](#)”, Guardian, 11 June 2014; “[30,000 passport backlog hits first-time applicants](#)”, The Times, 14 June 2014

163 Home Affairs Committee, Fourth Report of session 2014–15, [Her Majesty's Passport Office: delays in processing applications](#), HC 238

164 Home Affairs Committee, Fourth Report of session 2014–15, [Her Majesty's Passport Office: delays in processing applications](#), HC 238, para 77

from that time shows that the provision of Emergency Travel Documents (ETDs) rocketed by over 3,000:

Total ETDs issued May-June 2013 & 2014

	2013	2014
May	2565	3932
June	2895	5235
Totals	5460	9166

Source: Foreign and Commonwealth Office¹⁶⁵

ETDs issued to overseas residents with full validity passport applications pending, May-June 2013 & 2014

	2013	2014
May	293	1354
June	250	1964
Totals	543	3318

Source: Foreign and Commonwealth Office¹⁶⁶

Since the cost of producing ETDs is greater than the price nationals pay, there is a case for the FCO to reclaim the cost of Emergency Travel Documents issued as a substitute for replacement passports from the HM Passport Office.

107. We asked the Minister and officials about the passport delays, and were told that “The response to the backlog is for HMPO to answer on.” The Minister explained that: “at no point during the handover did HMPO fail to meet the targets. Therefore, no alarm bells went off in the FCO before the handover took place.” When we asked if they felt there had been reputational damage to the FCO, the Minister said:

No. I think that the effective way that the FCO responded in providing the additional measures to assist HMPO puts the FCO in a very positive light. We were not saying it was nothing to do with us any more, but rolling our sleeves up, getting stuck in and helping HMPO deliver what everybody who is applying for a new passport wants to see.¹⁶⁷

Joanna Roper added that within days of the Home Office’s announcement of the delays and special measures, the FCO was taking 2,000 extra calls a day arranging appointments, and had distributed the extension stamps and trained staff to use them, which she said as “pretty fast moving”.¹⁶⁸ *The transfer and subsequent problems in passport processing for*

165 Foreign and Commonwealth Office ([CON 29](#))

166 Foreign and Commonwealth Office ([CON 29](#))

167 Q166

168 Ibid.

overseas nationals has caused reputational damage to the FCO. The speed with which the Passport Service ran into trouble just six weeks after the final transfer of responsibility from the FCO to HM Passport Office strongly suggests that planning was not properly done. The emergency measures were well-implemented, but should not have been necessary. The FCO should request that HM Passport Office reimburse any costs resulting from the increase in Emergency Travel Documents and other measures that the FCO took this summer.

7 Complaints handling

108. Of the submissions received from the public on their personal experience of consular services, approximately 90% were negative or complaints. We acknowledge that this does not reflect broad experience of consular services as it is from a self-selecting group. However, we note that a number of them refer to dissatisfaction not only with the service received, but the response they received when they tried to lodge a complaint. One individual spoke of a “culture of closing ranks” while another said that complaints about a particular staff member were ignored by senior personnel.

109. The FCO has a high satisfaction rate of 80% based on its surveys, but acknowledges that this is not a reliable number as the response rate to those surveys is so low (2%). This is because users of FCO services must be motivated enough to go online to find the response form. The FCO told us it is moving toward a model that would use an external provider to automatically email users a feedback form, which should give a more accurate result. Based only on the number of complaints and ‘compliments’, the FCO also does well, this table (provided by the FCO) shows positive reviews far outweighing negative ones since 2012.¹⁶⁹

Complaints and Compliments received by the FCO 2010-2014

Year	Compliments	Complaints
2010	693	1165 (of which 1005 related to passport, visa, nationality or non-consular issues)
2011	346	395
2012	683	248
2013	771	206
2014 (up to July)*	704	166
Total	3197	2180

*Centralised recording of complaints and compliments was introduced in February 2014

Source: Foreign and Commonwealth Office¹⁷⁰

A further positive sign is that the FCO has rarely been the subject of investigation by the Ombudsman. However, in a recent and unusual case, the FCO was strongly criticised for its response to a British national who had been the victim of a sexual assault in Egypt in 2011 during the revolution. The Ombudsman found that the FCO had failed to provide adequate consular support at the time, and had failed to handle her complaint in an open and accountable way. The Ombudsman particularly highlighted the FCO’s “defensive approach to complaint handling”. The FCO told us that the case had led to “structural changes” to its complaints handling procedures:

¹⁶⁹ Foreign and Commonwealth Office ([CON 35](#))

¹⁷⁰ Foreign and Commonwealth Office ([CON 35](#))

guidance has been re-written and expanded to ensure consistency, improved quality assurance and better management information. This includes continuing to establish a culture where our response to complaints demonstrates that we have carefully considered the impact on the customer, takes responsibility where services could have been delivered better and includes actions which results in improvements.¹⁷¹

110. Since December 2013, the FCO has employed “an expert within the customer insight field” to develop a more comprehensive programme for gathering data, and has also centralised its complaint handling from February 2014, to ensure more consistency of reporting and follow up, and so themes and repetitions in complaints are identified by management.¹⁷² It has committed “to achieving a customer satisfaction rating of at least 80% in financial year 2014/15 that is statistically valid based on a representative sample of customers.”¹⁷³ ***The Committee will continue to monitor consular complaints handling and the FCO should include its customer satisfaction statistics in its annual reports.***

171 Foreign and Commonwealth Office ([CON 19](#)) para 188

172 Foreign and Commonwealth Office ([CON 35](#))

173 Foreign and Commonwealth Office ([CON 35](#))

8 Overall approach to consular services

Consular work is a very personal business. It touches the lives of British citizens in difficult and sometimes extreme circumstances. It is the only way most people come into contact with the Foreign Office, and it is one of our main responsibilities as a Department.

— William Hague, then Foreign Secretary, 4 April 2012.¹⁷⁴

Conclusion

111. We are satisfied that the Consular Service is one of the FCO's top priorities in reality, as well as on paper, and that considerable thought and creativity has gone into the delivery of improved consular services. **The FCO has made major improvements to its consular service over the last eight years, with sensible and effective innovations such as the call centres, the crisis centre, and the reduction in notarial services.**

112. In making these improvements, consular staff have experienced major changes to the way in which they work and significant reductions to the consular team, which can have an effect on morale. The officials we met in Spain and London were impressive and dedicated professionals, and it is important to ensure that both locally engaged and UK-based staff are engaged with the process and see benefits for themselves in their own work. **We consider that the organisational changes have been generally well-handled, but further changes, particularly further reductions in staff or consulates, risk damaging morale.**

113. The general public often has unrealistic expectations about the FCO's services, as demonstrated by the examples of trivial and ludicrous requests made to the Consular Service.¹⁷⁵ It is understandable and right that the FCO wants to lower expectations and ensure British nationals understand what it can and cannot do for them, and to ask British nationals to be responsible and well-prepared. As the Foreign Secretary observed in 2012, "An effective consular service does not mean a nanny state."¹⁷⁶ **British nationals must share the responsibility for their own safety and security abroad. The FCO's public messaging campaigns to improve understanding of its services, and what British nationals can legitimately expect from such services, are a sensible measure.**

114. The FCO's aspiration to be the 'best consular service in the world' by 2016 is ultimately an impossible goal to measure, but it is fine as an expression of commitment to improve. The consular management team engaged with our inquiry fully and were clearly seeking ways to improve the delivery of the consular service. The succession of consular strategies since 2007 indicates that considerable resources are directed toward strategic

174 Speech by the Foreign Secretary, the Rt Hon William Hague MP, [Looking after our own: strengthening Britain's consular diplomacy](#), 4 April 2012, Foreign and Commonwealth Office, London

175 See, for example, "*British Consulate: We're not directory enquiries*", Foreign and Commonwealth Office [press release](#), 10 November 2011

176 Speech by the Foreign Secretary, the Rt Hon William Hague MP, [Looking after our own: strengthening Britain's consular diplomacy](#), 4 April 2012, Foreign and Commonwealth Office, London

change and professionalization of the service. This is important, given that our evidence shows that there is still inconsistency in practice from post to post and individual to individual. It was disappointing to hear that what one charity considered to be good practice was dismissed as 'over-delivery'. In the same light, we sympathise with Reprieve and Prisoners Abroad, who regretted that the FCO no longer uses the term 'protection', and instead offers 'assistance'. In this, the FCO risks going too far away from its unique role: it is not an organisation like any other that offers assistance to its customers: it is the Government's consular service that provides support and protection to British nationals abroad. **Setting clear core levels of service has undoubtedly brought improvement, and benefits can already be clearly seen, though the FCO should continue to ensure that inconsistencies and problems are identified and addressed. Nonetheless, as the Consular Directorate proceeds in implementing changes, it is important not to dehumanise and minimise the service in the pursuit of professionalisation or excessive cost-cutting. The FCO provides vital services with limited resources when nationals are suffering under difficult circumstances. To many, it is a lifeline and a comfort in times of great need. It should rightly be proud of its work.**

Formal Minutes

Tuesday 4 November 2014

Members present:

Sir Richard Ottaway, in the Chair

Mr John Baron

Sir Menzies Campbell

Ann Clwyd

Mike Gapes

Sandra Osborne

Mr Frank Roy

Draft Report (*Support for British nationals abroad: The Consular Service*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 14 read and agreed to.

Paragraph 15 read.

Amendment proposed, in line 13, to leave out “It” and insert “The Committee remains unclear how the realisation of this goal could be assessed, though the FCO”.—(*Ann Clwyd*.)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 1

Ann Clwyd

Noes, 1

Sir Menzies Campbell

Whereupon the Chairman declared himself with the Noes.

Question accordingly negatived.

An Amendment made.

Paragraph, as amended, agreed to.

Paragraphs 16 to 28 read and agreed to.

Paragraph 29 read, amended and agreed to.

Paragraph 30 read and agreed to.

Paragraph 31 read, amended and agreed to.

Paragraphs 32 to 35 read and agreed to.

Paragraph 36 read, amended and agreed to.

Paragraphs 37 to 51 read and agreed to.

Paragraph 52 read, amended and agreed to.

Paragraphs 53 and 54 read and agreed to.

Paragraph 55 read, amended and agreed to.

Paragraphs 56 to 88 read and agreed to.

Paragraph 89 read.

Amendment proposed, in line 24, to add at end “**in most cases. In exceptional cases, however, the FCO should consider the appropriateness of further assistance**”.—(*Ann Clwyd.*)

Question, That the Amendment be made, put and negatived.

Paragraph agreed to.

Paragraphs 90 to 98 read and agreed to.

Paragraph 99 read, amended and agreed to.

Paragraphs 100 to 112 read and agreed to.

Paragraph 113 read, amended and agreed to.

Paragraph 114 read, amended and agreed to.

Summary read, amended and agreed to.

Resolved, That the Report be the Fifth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That written evidence be reported to the House for publication on the internet:

FCO (Mark Simmonds MP), letter of 24 July 2014 (CON 29), part of the submission

FCO (Joanna Roper), letter and annexes of 27 June 2014 (CON 30), part of the submission

FCO (Sir Simon Fraser), letter of 18 December 2013 (CON 31)

FCO (Hugh Robertson MP), letter of 24 January 2014 (CON 32)

FCO (Ross Allen, Head of Consular Assistance Department), letter of 29 May 2014 (CON 33)

FCO (James Duddridge MP), letter and annexes of 15 September 2014 (CON 35), part of the submission

FCO (email) of 21 October 2014 (CON 36), part of the submission

Julie Love (CON 37)

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Monday 10 November at 3.15 pm

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the Committee's inquiry page at [FCO consular services - UK Parliament](#).

Tuesday 4 February 2014

Page

Mark Tanzer, Chief Executive, ABTA

[Q1–22](#)

Kevin Laue, Legal Adviser, REDRESS, and **Bruno Min**, Assistant Co-ordinator, Fair Trials International

[Q23–56](#)

Eve Henderson, Director and Co-founder, Support After Murder and Manslaughter Abroad

[Q57–90](#)

Tuesday 25 February 2014

Sir Michael Arthur KCMG, former British Ambassador to Germany and former High Commissioner to India, and **Giles Paxman CMG LVO**, former British Ambassador to Spain and Mexico

[Q91–138](#)

Tuesday 1 July 2014

Mark Simmonds MP, Parliamentary Under-Secretary of State, FCO, **Joanna Roper**, Director, Consular Services, FCO and **Susan Caldwell**, Head, Strategy and Network Department, FCO

[Q139–220](#)

Published written evidence

The following written evidence was received and can be viewed on the Committee's inquiry web page at [FCO consular services - UK Parliament](#) CON numbers are generated by the evidence processing system and so may not be complete.

- 1 ABTA ([CON0025](#))
- 2 Barry Robertson ([CON0010](#))
- 3 Ellen Powers ([CON0008](#))
- 4 Fair Trials International ([CON0015](#))
- 5 Foreign and Commonwealth Office ([CON0019](#))
- 6 Foreign and Commonwealth Office ([CON0020](#))
- 7 Foreign and Commonwealth Office ([CON0026](#))
- 8 Foreign and Commonwealth Office ([CON0029](#))
- 9 Foreign and Commonwealth Office ([CON0030](#))
- 10 Foreign and Commonwealth Office ([CON0031](#))
- 11 Foreign and Commonwealth Office ([CON0032](#))
- 12 Foreign and Commonwealth Office ([CON0033](#))
- 13 Foreign and Commonwealth Office ([CON0035](#))
- 14 Foreign and Commonwealth Office ([CON0036](#))
- 15 Grant Cameron, Karl Williams and Suneet Jeerh ([CON0013](#))
- 16 Igor Merheim-Eyre ([CON0016](#))
- 17 Julie and Les Sheppard ([CON0027](#))
- 18 Julie Love ([CON0037](#))
- 19 Kim Spooner ([CON0018](#))
- 20 M R Firth ([CON0001](#))
- 21 MAMMA ([CON0028](#))
- 22 Naheem Hussain, Fazal Hussain and Rehan Zaman ([CON0012](#))
- 23 Name not published ([CON0005](#))
- 24 Name not published ([CON0009](#))
- 25 Prisoners Abroad ([CON0007](#))
- 26 Reprieve ([CON0017](#))
- 27 Robert Missen ([CON0014](#))
- 28 Sir Richard Gozney ([CON0024](#))
- 29 Support After Murder & Manslaughter Abroad ([CON0023](#))
- 30 The Redress Trust (Redress) ([CON0021](#))