



HM Passport  
Office



**General Register Office**

# Proper Officers Guide to Registration Services in England and Wales

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## Quick Reference Guide

Key Topic	Where to Look
Central Source of all Civil Registration information and guidance.	Registrars Website: <a href="https://gro-extranet.homeoffice.gov.uk/wp-login.php?">https://gro-extranet.homeoffice.gov.uk/wp-login.php?</a>  Accounts can be set up by contacting: GROLRs Engagement < <a href="mailto:grolrs.engagement@gro.gov.uk">grolrs.engagement@gro.gov.uk</a> >
General Register Office	Registrar General: Paragraph 1.1 – 1.8  Compliance & Performance Unit (CPU): Paragraphs 1.9; 5.7; 5.17; 6.17.
The Role and statutory responsibilities of the Proper Officer (PO).	Paragraphs 2.1 – 2.4; 1.17
Delegation of PO functions	Paragraph 2.5
Local Registration Service Organisation and delivery	The Code of Practice: Appendix A  The Registration Scheme (including changes): Paragraphs 3.1 - 3.11  Service Delivery Plans: Paragraphs 3.14 - 3.17  Customer Engagement Strategy: Paragraphs 5.8 – 5.10; Appendix B4  Accommodation: Paragraphs 3.21 – 3.24; Appendix C
Service Performance Standards and annual performance reporting	Paragraphs 3.45 – 3.46; 5.1 – 5.17; Appendix B.
Service Funding	Paragraphs 1.20 – 1.28
Business Continuity Planning	Paragraphs 3.42 – 3.46
Complaints	Paragraphs 3.47; 4.22 - 4.24
Registration Staff	Recruitment Disqualifications: Paragraphs 4.13 - 4.15.  Roles and Responsibilities: Paragraphs 4.6 – 4.12.  Skills and Training: Paragraphs 4.26 – 4.32.  Misconduct: Paragraphs 4.19 – 4.22; Appendix D.
Communication and Engagement - Key Forums	The National Panel for Registration (NPR): Paragraphs 1.11 – 1.15  Regional Registration Groups: Paragraphs 1.16 – 1.17.  Local Registration Services Association (LRSA): Paragraphs 1.18 - 1.19.
Certificate Stock Security	Paragraphs 6.14 – 6.18
Data Protection	Paragraphs 7.1 – 7.4
Freedom of Information	Paragraphs 7.5 - 7.7
General Data Protection Regulations (GDPR)	Paragraph 7.8
Digital Economy Act	Paragraph 7.13.

## Glossary and Abbreviations

APR	Annual Performance Report – An annual report to the Registrar General (RG) from the Local Authority
AR	Additional Registrar
Assurance Statement	A document signed by the Proper Officer confirming certain requirements by the RG are being met
BCP	Business Continuity Plan
Consolidated Payment	An annual payment received via GRO for the completion and issue to the bereaved of DWP death notification form BD8
CoP	Code of Practice
CP	Civil Partnership
CPD	Continuous Professional Development
CPU	Compliance and Performance Unit
Data Sharing Code of Practice	Guidance on how the discretionary data sharing powers contained in the Registration Service Act 1953 should be used by civil registration officials.
Deputy	A Deputy to a Registrar or Superintendent Registrar
DRG	Deputy Registrar General
District	The geographical area the local registration service operates within
DWP	Department for Work and Pensions
GPG	Good Practice Guidance
GRO	General Register Office
HMPO	Her Majesty's Passport Office
HO	Home Office
HOI	Home Office Immigration
ICE	Immigration, Compliance and Enforcement Team
ICO	Information Commissioner's Office
IT	Information Technology
KPI/T	Key Performance Indicator/Target
LA	Local Authority
L & D	Learning & Development
LRS	Local Registration Service
LRSA	The Local Registration Services Association
NAP	Nationally Accredited Programme for Registration Officers'
NPR	National Panel for Registration
PO	Proper Officer – person with statutory responsibility for the LA's registration service
PO Representative	Person appointed by the PO with delegated administrative authority for the LA's registration service
PPCF	Public Protection & Counter-fraud
Principal Officer	Principal Officers are Registrar of Births and Deaths (RBD), Superintendent Registrars (SR) and Additional Registrars (AR) who each hold specific statutory responsibilities
RA	Registration Authority (in relation to the delivery of Civil Partnerships)
RBD	Registrar of Births and Deaths
Registration District	The geographical area the local registration service operates within
Registration Scheme	A legal document outlining how the registration service is delivered
Repository	A secure/fireproof facility for the safe storage of deposited registers (registers which are completed)
RG	Registrar General is the Head of the General Register Office
RG's Licence	A special legal provision allowing a marriage or civil partnership to take place at very short notice in circumstances where one of the parties is seriously ill and is not expected to recover and cannot be moved to a place where the marriage could normally be solemnised.

RO	Register Office – Accommodation provided by a local authority at which registration services are provided
RON	Registration Online (IT system for the Registration Service)
Section 24 Reports (s24)	A document that is completed and sent to the Home Office when there is a suspicion of a sham marriage (Immigration and Asylum Act 1999)
Service Delivery Plan	A local authority published document and annex to the Scheme which sets out the arrangements and plans for the local delivery of the registration service
SR	Superintendent Registrar
Suspicious certificate application	An application for a certificate rendered suspicious because it meets one or more potential fraud indicators
TUO	Tell Us Once – reporting a birth or death to a number of government organisations in one go
UKVI	United Kingdom Visas and Immigration

# 1. Governance

## The Registrar General (RG)

1.1 Delivery of civil registration services in England and Wales is the joint responsibility of the Registrar General (RG) and local authorities (LAs). The RG is the Head of the General Register Office (GRO) which carries out his statutory functions as identified at paragraph 1.2. The GRO is part of Her Majesty's Passport Office (HMPO), a Directorate of the Home Office (HO). The RG is also the Director General of HMPO and United Kingdom Visas and Immigration (UKVI). Day to day oversight of the GRO and the registration service lies with the Deputy Registrar General (DRG).

1.2 The RG has responsibility for the administration of the Marriage and Registration Acts (the Births and Deaths Registration Act 1953; the Marriage Act 1949 and the Registration Service Act 1953) and for ensuring compliance with the related regulations and instructions.

1.3 The registration of civil partnerships in England and Wales is governed by the Civil Partnership Act 2004 and the Civil Partnership (Registration Provisions) Regulations 2005 made by the RG. The statutory duties and responsibilities for delivering the service for civil partnerships are placed upon Registration/Local Authorities, authorised persons and Civil Partnership Registrars. In 2014, the Marriage (Same Sex Couples) 2013 Act enabled civil partnerships to be converted to marriage and the Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019 introduced civil partnerships for opposite sex couples (December 2019) as well as powers to introduce a marriage schedule system (to be implemented in 2020). The Immigration and Asylum Act 1999 and the Immigration Act 2014 require all registration staff to report suspicions of a sham marriage/civil partnership and/or other offences to the appropriate authority.

1.5 It should be noted that the legislation above is not exhaustive and there are a number of Acts and regulations which impact the registration service. Moreover, the GRO continually seeks ways in which civil registration might be modernised and appropriate ways to achieve the legislative changes which would be necessary. It is possible that any legislation introduced in the future could impact the role and powers of the RG and those of local registration officials.

## The General Register Office (GRO)

1.6 The GRO works in partnership with LAs in supporting the delivery of the Local Registration Service (LRS). The various business units assist LAs in delivery of the service in various forms including:

- the provision of up-to-date guidance handbooks on the operational application and implementation of registration law.
- bespoke verbal advice on handbook interpretation and implementation
- the provision of blank certificate stock and forms
- service specific software – Registration on Line (RON)
- processing of corrections to register entries
- consideration of foreign divorces
- provision of quantitative and qualitative performance data to the LRS
- supports e-learning provision and training

1.7 The GRO also maintains the national archive of all birth, marriage and death registrations since 1837 and provides associated online and postal certificate services.

## Public Protection and Safeguarding

1.8 The GRO is committed to maintaining a high level of integrity and reliability across the LRS; to being uncompromising in its approach to public protection and to driving fraud out of registration. In the course of their duties registration staff are therefore obliged to report any suspicions they may have in relation to adult and child safeguarding issues; forced marriage or other suspected abuse. More information on this and the wider Public Protection and Counter-fraud (PPCF) framework within which the service operates is provided at Section 6.

## **The Compliance and Performance Unit (CPU)**

1.9 The GRO Compliance and Performance Unit (CPU) – a team of regionally based Compliance Officers and Senior Compliance Officers – are the field representatives of GRO. The unit's main function is to monitor individual LA performance against the Key Performance Targets (KPTs) and ensure that each has a credible plan in place to maintain and, where necessary, improve performance. The unit also provides support and advice on service delivery, shares best practice and conducts stock and office security checks to ensure LAs and registration staff are managing certificate and other secure stock effectively. Proper Officers (POs) (see paragraph 1.10) and service leaders should engage with their Compliance Officers and keep them abreast of local service developments, particularly any difficulties associated with service performance levels.

## **The Proper Officer (PO)**

1.10 The Registration Service Act 1953 places a duty on each LA to prepare a local "scheme" for the approval of the Chancellor of the Exchequer (see section 3), and to appoint a 'Proper Officer for Registration Matters'. A PO is appointed by the LA under the provisions of the Local Government Act 1972 (Schedule 29, s 251, Pt 2, para 41). POs must be accountable for and have oversight of the registration service and have overall responsibility for the delivery of the service. The post should be held by a senior officer in a position to make decisions and influence the provision of the LRS at all levels. Details of the role and responsibilities of the PO are set out at Chapter 2 of this Guide.

## **National Panel for Registration (NPR)**

1.11 The National Panel for Registration (NPR) is the LAs' forum to enable strategic dialogue between central and local government on issues that impact LA, registration and nationality functions. Its purpose is to lead and influence change to shape the development of national strategy and policies for the LRS. It does this by:

- leading strategic dialogue between local and central government, lobbying on issues that impact on the LRS;
- shaping the implementation of policy by providing the LRS and LA perspective and advising on opportunities and impacts;
- facilitating two-way communication between the NPR and the Regional Registration Groups to ensure that LRS is sighted on wider governmental change that will affect civil registration;
- supporting the local government agenda and representing the views of local authorities; and
- raising the national profile of registration services.
- Sponsoring a number of sub-groups such as the LRS User Group; the LRS Performance Working Group.

1.12 The NPR consists of one representative from each of ten regional groups across England and Wales (see paragraphs 1.16 to 1.17). Its Terms of Reference and contact details of the Chair and regional representatives can be found on the GRO Registrars website.

1.13 The GRO is represented on the NPR by the DRG and the Head of CPU and other senior officials as necessary. At least one senior official from GRO also attends each regional meeting (see paragraphs 1.16 to 1.17).

1.14 Other attendees to the NPR include representatives from different departments in the HO, e.g. UK Visas and Immigration (UKVI), Immigration Enforcement and other central government departments and agencies as required – e.g. Department for Work & Pensions (DWP), Ministry of Justice (MoJ), Government Equalities Office (GEO) and the Department of Health and Social Care (DHSC).

1.15 The NPR also publishes an annual Business Plan and Summary Report.

## **Regional Engagement**

1.16 For administrative purposes the 173 LAs which deliver civil registration services are split into ten regional groups across England and Wales, with all LAs in each region invited to attend quarterly



meetings which follow the NPR. The nominated regional representative on the NPR usually chairs the regional meeting.

1.17 Regional groups provide an essential communications conduit to and from the NPR and an opportunity to discuss prevailing matters of regional and national importance. They also play an important role in promoting service excellence by providing support and advice around performance monitoring and improvement, benchmarking and in encouraging good practice. It is vital that these meetings are attended by individuals with sufficient knowledge and authority to represent the views of LAs in both strategic and operational registration matters.

### **The Local Registration Services Association (LRSA)**

1.18 The LRSA represents and co-ordinates the interests of its member authorities on a national level. Its objectives are to assist and support LA management teams, enabling them to deliver efficient and effective registration services to their local communities, whilst continuing to develop service excellence and share best practice. This includes promoting and driving forward the National Qualification and organising conferences to enable better planning by tackling current and future issues. It acknowledges achievements with a series of annual awards (see also paragraph 4.30)

1.19 The LRSA has representation on the NPR and the National Training Group and works collaboratively with the NPR to achieve their common goals and in collaboration with the NPR tenders on behalf of the registration service. Further information can be found on the LRSA website: [www.lrsa.org.uk](http://www.lrsa.org.uk)

### **Funding and Income**

1.20 Financing of the registration service is currently reliant on funding from a combination of nationally set statutory fees, local fees, and the consolidated payment (an annual payment made to local authorities via GRO for the issue of DWP death notifications (BD8 forms)). There is also funding received by LAs in the form of the Revenue Support Grant (RSG) directly from central Government – the RSG is unhypothecated – it does not have a ring-fenced element related to registration services. The registration of births and deaths is free of charge to the general public.

### **Nationally Set Statutory Registration Fees**

1.21 Fees for certificates and for giving notice of marriage or civil partnership and for a registrar's attendance at a register office (RO) and certain other ceremonies are set nationally by Fees Order and agreed by Parliament.

### **Fees and Funding Working Group**

1.22 The GRO/NPR Fees and Funding Working Group has been established to develop a sustainable statutory funding model for the long term and identify additional fee raising powers where appropriate. The group has successfully overseen the introduction of statutory fees for some registration services which did not previously attract a fee and the development of a charging model for meeting data sharing requests under the Digital Economy Act (DEA) 2017. Most recently (2018) the group focused on reviewing core certificate fees and simplifying the fees structure to have a common charging approach across GRO and the LRS. This was implemented in February 2019.

### **Locally Set Registration Fees**

1.23 Marriage legislation grants LAs the power to set local fees for the approval of venues for the solemnization of marriages, the registration of civil partnerships and for the attendance of registration officers at ceremonies at those venues. LAs are empowered to set the level of fees for these which 'reasonably represent the costs' incurred in respect of considering the application and providing officers to attend marriages or civil partnerships. LAs are advised that local fee setting may be subject to public scrutiny and may be required to explain fee setting structures.

## Discretionary Services

1.24 Under the Wellbeing Powers of the Local Government Act 2003, LAs are able to provide additional, discretionary services (not provided for in statute) and to charge fees to recover the cost of providing them. These powers do not enable an LA to raise money or do anything which is prohibited, restricted or limited by statute. Accordingly, taking one financial year with another, the income from charges should not exceed the costs of provision. It is for each LA to satisfy itself that it has the powers to offer and charge for the delivery of any civil registration related discretionary services and that the mechanisms for setting charges are sufficiently robust to withstand internal and/or external challenge. Where such discretionary fees set are subject to challenge GRO will not be drawn in any circumstances to justifying or defending levels of fees fixed by LA's for the provision of non-statutory services. Moreover, LAs should ensure that all charges levied are transparent and communicated to customers and not confused with statutory services which attract statutory fees. See also Section 3 paragraph 3.37 to 3.41.

1.25 The Localism Act 2011 provides LAs with a 'General Power of Competence'. This allows authorities to act as individuals, and therefore allows them to charge for, and trade in services offered under the general power (in line with Section 93 and 95 of the Local Government Act 2003). Where there is a statutory duty to provide a service, LAs cannot trade in these, but they are able to recover their costs in providing associated discretionary services. More information on the Localism Act 2011 can be found here <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

## Value Added Tax

1.26 The statutory charges for registration services are set out in legislation and are outside the scope of VAT.

1.27 However, it is common for other discretionary services to be provided in isolation or, for example, as part of a ceremony package encompassing both statutory and non-statutory services. The latter should be treated under the normal business rules, which would typically charge VAT at the standard rate. Therefore the element of the final cost to the customer that relates to registration fees set out in legislation and agreed by Parliament should be treated as outside the scope, with the remainder of the cost charged to VAT as appropriate. They are treated as two separate supplies.

1.28 HM Revenue and Customs (HMRC) is currently working with LA members of the Chartered Institute of Public Finance and Accountancy (CIPFA) to develop further guidance on the application of VAT to non-statutory services.

## 2. Role of the Proper Officer (PO)

### Introduction

2.1 This section focuses on the legal powers and responsibilities of the role of the PO and should be read in conjunction with the Code of Practice for Local Registration Authorities in England and Wales (the CoP) (Appendix A) and the Good Practice and Performance Guidance (the GPG) (Appendix B). Together they provide a comprehensive guide to LA leaders on the delivery of local registration services in England and Wales.

### The Role of the PO

2.2 The PO has a vital role in providing leadership and strategic direction to the service and has specific responsibilities under the Marriage and Registration Acts and related regulations. They are also accountable for service performance against KPTs and for ensuring that a suitable performance plan is in place. Moreover they should ensure service compliance with the requirements of the Good Practice Guide and the PPCF Framework (Appendix B3); and that the LA discharges actions arising from periodic CPU certificate stock and security reviews (see paragraph 6.17).

2.3 The strategic role is to:

- oversee the delivery of an efficient and effective registration service for the local community;
- ensure the LA adheres to the CoP and takes all possible measures to meet national performance standards;
- champion registration services within the LA;
- safeguard the reputation of the registration service;
- provide reassurance to the RG in respect of the LRS Scheme;
- facilitate change through continuous improvement;
- set local priorities for registration services incorporating the LA's objectives and values;
- ensure Data Custodians and other officials hold and process information in accordance with the Registration Acts; the Data Protection Act and the General Data Protection Regulation;
- oversee the financial management of the registration service.

2.4 The PO cannot be a principal statutory registration officer (see Section 4 Paragraphs 4.7 - 4.8). This is precluded by Regulation 5 of the Registration of Births, Deaths and Marriages Regulations 1968 (SI 1968/2049). GRO advises that Regulation 5 should also be considered in respect of appointments to deputy posts and that it would also be inappropriate for the PO to be a Deputy Registrar.

### **PO's Representative and Administrative Responsibilities**

2.5 There are administrative responsibilities associated with service delivery. Oversight of these is often delegated to appropriate individuals within the LA such as a Registration Service Manager who usually acts as the nominated PO's Representative. These include.

- ensuring a current local registration scheme (see Section 3) is in place, including an up-to-date service delivery plan (SDP) and performance plan;
- the appointment of registration officers and deputies, ensuring that appropriate pre-employment checks are undertaken in accordance with LA procedures;
- notification of staffing changes to the GRO;
- the provision of an RO and other service points in accordance with the scheme;
- the associated maintenance of registration offices, including IT infrastructure;
- ensuring that access to the Registration Online system (RON) is restricted to authorised users in accordance with the RON security guide;
- ensuring safeguards around the management of certificate stock and security of registration records;
- providing the RG with a service Annual Performance Report (APR), *by 30<sup>th</sup> April each year*, which includes assurance around PPCF and a Customer Engagement Strategy (Appendices B3 and B4);
- ensuring a Business Continuity Plan (BCP) which is regularly reviewed, tested and updated is in place;
- the approval of venues for civil marriage and civil partnerships including the processing of applications; venue compliance with approval conditions, maintenance of a local register and notification of updates to the GRO;
- ensuring that local security systems and processes for the reconciliation of certificate stock; fees and services are sufficiently robust;
- compliment and complaint management and reputational risk management.

## **3. Registration Schemes and Local Service Delivery**

### **Introduction**

3.1 This chapter contains information on the elements of LA Registration Schemes including the CoP and requirements for local SDPs. It also outlines the obligations placed on LAs in respect of standards of Registration accommodation and local service delivery.

## The Registration Scheme

3.2 The Registration Service Act (RSA) 1953 requires that LAs must prepare a formal Registration Scheme for approval by the Secretary of State setting out the organisation of the LRS in their area. The Scheme forms the legal governance agreement between the RG and the LA.

3.3 All schemes incorporate as annexes the CoP and the local SDP (see paragraphs 3.12 to 3.13 and 3.14 to 3.17). Together they provide a national framework for service delivery, whilst also allowing the LA some scope to revise and update the SDP to reflect local changes and to more appropriately meet the needs of local communities. For example, the flexibility to revise or discontinue attendance at service delivery points (subject to proportionate consultation) and to adjust staffing levels in the light of service demand.

3.4 The Scheme document, including the CoP and the SDP *at the time the Scheme was established*, should be securely retained by the LA, as should each latest version of the SDP.

## Civil Partnerships and the Registration Scheme

3.5 The registration of civil partnerships in England and Wales is governed by the Civil Partnership Act 2004 and the Civil Partnership (Registration Provisions) Regulations 2005 and is the responsibility of the 'registration authority' – that being the County, London Borough, Metropolitan or Unitary LA. As the provisions sit outside the Registration Service Act (RSA) 1953, no specific provision is included in the Registration Scheme. However, the nature and similarities to marriage preliminaries and the provision of civil partnership registration should be recognised. With an option to provide a ceremonial aspect together with the administrative framework in which it operates, this function sits naturally within the delivery of other local registration services.

3.6 In respect of civil partnerships the LA may authorise and appoint:

- an 'authorised person' who is an employee or other individual, authorised to deal with the legal preliminaries to civil partnerships;
- a 'civil partnership registrar' who may be any individual designated by the registration authority for its administrative area. This person signs the civil partnership document (either a schedule or a RG's Licence) after the parties and witnesses at the civil registration and it is at this point that the civil partnership is formed;
- a civil partnership registrar does not have to be an employee of the LA.

3.7 The LA may appoint existing employees of the Registration Service or from within any department of the LA to these posts, and there is no requirement for 'deputy' officers, as defined in the Registration Acts.

3.8 The marriage (same sex couples) Act 2013 enables couples to convert their civil partnership into a marriage where the civil partnership was formed in England, Wales or overseas at British consulates or by British Armed Forces personnel overseas where the couple elected England and Wales as the relevant law. The process for this is described in the Conversion of Civil Partnerships into Marriage Handbook which is available on the Registrars Website. In June 2018 the Supreme Court ruled that the bar on opposite sex couples from entering a civil partnership was incompatible with their human rights. Subsequently GRO successfully supported Tim Loughton MP's Civil Partnerships, Marriages and Deaths (Registration etc) Bill through Parliament. The Bill received Royal Assent and became an Act on 25<sup>th</sup> March 2019 and in December of the same year, civil partnerships for opposite sex couples was introduced.

## Changes to the Registration Scheme

3.9 Where changes are proposed to service delivery the CPU Compliance Officer should be advised at an early stage. In accordance with best practice, the LA should also consult customers and staff using its public consultation process. The CPU Compliance Officer will represent the RG's requirements in the consultation process.

3.10 Most changes to the organisation or delivery of the service can be reflected in the Registration Scheme by the submission of a revised SDP to GRO. These include:

- changes to service accessibility (i.e. service points);
- changes to service availability or contact arrangements;
- change to the number of principal officer posts;
- registration office accommodation moves, and where it is proposed to relocate storage facilities for historic registers.

3.11 More significant changes such as to registration boundaries or the formulation of new local authorities require a fresh scheme to be agreed, signed and sealed. In such circumstances the LA(s) involved should liaise closely with the CPU Compliance Officer in respect of the process.

### **The Code of Practice (CoP)**

3.12 As part of the governance arrangements, LAs are required to commit to the CoP (Appendix A). The Code focuses on the strategic aspects of Registration Service delivery outlining the principal outputs of the registration service, the service delivery standards and principles to which LAs must adhere. Together with the underpinning and more operational GPG (Appendix B and see Section 7), it forms the national standards framework.

3.13 Whilst the CoP does not extend to certain statutory duties such as civil partnerships or citizenship ceremonies, LAs are recommended to adopt and apply common standards for all statutory, civil partnership and citizenship services, and may also wish to include discretionary services in their SDP.

### **The Service Delivery Plan (SDP)**

3.14 It is essential that each LA delivers a service in a way that meets its statutory obligations, enables the public to register life events *within statutory time limits set out in the Acts*, and meets the public's reasonable expectations in respect of other registration services. LAs should consult customers and other stakeholders in accordance with the local customer engagement strategy, to inform its SDP and ensure that, as far as financial and human resources permit, the service meets local needs and the aspirations of the LA for service development.

3.15 Moreover, LAs should consider how their service delivery model impacts on its ability to meet key statutory performance targets (see Section 7) In this respect the model for service delivery should take into account the requirements of the CoP (Appendix A) and the GPG (Appendix B).

3.16 The SDP should be a “living” document and, subject to LA corporate protocols, open for public scrutiny. The SDP also forms part of the LA's evidence on its customer engagement strategy and the extent to which service delivery coincides with customers' expectations. Accordingly, LAs are required to report on performance against SDPs as part of the Annual Performance Reporting process (see Section 7) and will periodically be asked to provide the latest version to GRO.

3.17 To meet the requirements of the Registration Service Act, the SDP, as part of the Scheme, must contain the prescribed elements listed below. The LA should ensure that these prescribed elements continue to be included in the current version of its SDP:

- a clear statement of the LA's commitment to deliver the registration service to national standards, as set out in the GPG;
- the number, names and boundaries of registration districts and sub-districts within the authority;
- the location of ROs, head offices and any additional service delivery points for each district (e.g. hospitals and local customer service points);
- the number of principal officer posts (Registrars and Superintendent Registrars) appointed within each district and sub-district;
- access and service availability times including, where they exist, emergency out of hours arrangements;
- details of the suggestions and complaints procedure for the registration service (e.g. corporate council process);

- a statement that a Business Continuity Plan is in place which is reviewed and tested on a regular basis.

## **Access and Service Availability**

3.18 In respect of access to the service and to comply with the CoP the LA will need to:

- meet statutory service requirements;
- establish customer demand and preferences;
- complete and consider Equality Impact Assessments;
- develop and publish a SDP that reflects customers' requirements and reasonable expectations and the council's access to services/customer strategy, where appropriate;
- publish service delivery targets and results;
- assess service accessibility (including accommodation) requirements that reflect customer needs and delivery standards;
- provide registration services that are accessible and available to the public at reasonable times and within a reasonable travelling distance;
- ensure safe and secure custody of registers and other records;
- determine, publicise and provide an appropriate out of hours service.

3.19 It is important that any service delivery model meets reasonable customer expectations for the environment in which registration business is conducted. Moreover, customer confidentiality, the accuracy and integrity of registration data (including the Registration on Line (RON) system) must not be compromised. It is also of paramount importance that procedures and controls are put in place to safeguard supplies of blank certificate stock and other security forms and to remain vigilant to the threat of fraud and theft in and around the RO and other registration-related accommodation (e.g. outstations, approved venues). Further guidance on the principles governing how LAs should deliver Registration Services is provided at Appendix C Guiding Principles: Delivery Standards for the Registration Service in England and Wales.

3.20 An LA should consider whether there is a need to provide an 'out of hours' service – for example for death bed marriages/civil partnerships (RG Licences) and urgent burial orders to meet the needs of the local community. The cultural requirements in a locality may be supported by engagement and effective communication links in these communities. This is a sensitive and emotive area and the LA should consider potential reputational damage should delays occur in the absence of an 'out of hours' service.

## **Register Office (RO) Accommodation**

3.21 The LA is required to provide and maintain an RO which must be approved by the RG and which will enable the SR to fulfil the requirements of their statutory duties. It must include facilities for:

- the display of notices of marriage and civil partnership;
- the solemnising of marriage and the formation of civil partnership;
- public searching of register indexes;
- the safe keeping of deposited registers and for the public to obtain certificates;
- the secure storage and safe keeping of stock of secure forms and blank certificates and
- protect customer confidentiality in relation to record storage.

3.22 Should an LA be planning the relocation of all or part of an RO, it should engage with the CPU Compliance Officer at an early stage. This is to discuss requirements and to arrange to visit the proposed facilities prior to the granting of the formal approval required under Section 10 of the Registration Services Act 1953.

## **Wider Service Accommodation**

3.23 The LA also has a responsibility to provide, equip and maintain offices to meet the delivery targets in the CoP and offices for Registrars of Births and Deaths. In practice, these may be co-located with the RO, although there may be a number of offices or other 'service points' throughout a district depending on the local service requirements and geographical spread of the population. LAs often also give

consideration to delivery of registration services from locations with which there are service synergies such as hospitals and Children or Sure Start centres. These service points must be specified in the LA's SDP.

3.24 Consideration should be given to providing reasonable geographical access to service points, without an undue travelling burden to the customer, thereby facilitating timely registrations e.g. death registrations within the statutory five day timeline. This should be considered in line with resources available both in terms of staffing and financial burdens associated with accommodation. LAs should inform GRO via their CPU Compliance Officer when they are planning major organisational or operational changes or wish to discuss alternative service delivery models, where there may be a requirement to seek formal approval to a change to the Scheme.

### **Information Technology**

3.25 LAs must provide appropriate hardware, software and internet links to allow reliable access to the central national database – RON. There should also be an appropriate level of local technical support to ensure a high standard of systems availability locally. The Service Level Definition Document, available on the RON Section of the Registrars website, details the service level targets the HO Digital Data and Technology team observe whilst providing the system. Ongoing RON performance is monitored as part of the activities of the RON Governance Group which includes an NPR representative.

3.26 The GRO RON Support Team (Telephone 0300 1231837 options 2 then 4 then 2) is able to provide advice and guidance on any local changes – e.g. computer upgrades, changes to firewalls or printing packages that may affect the RON web-based application.

### **Confidentiality, Custody of Records and Storage of Security Forms/Certificates**

3.27 There is nothing in law requiring the registration of an event or the taking of a notice to be undertaken in a private office. However it is an offence to divulge birth or death information provided under the Population Statistics Acts and there are risks to confidentiality associated with registration business being conducted other than in a private interview room. As well as preserving customer confidentiality, there is a fundamental matter of whether the environment and associated facilities such as waiting areas are conducive to registration business and meet with reasonable public expectation.

3.28 Where the registration / notice are not being undertaken in a private room, there is likely to be a reduction in the level of customer privacy. There is a need to consider the customer experience, the risks of inadvertent disclosure of information obtained during the registration / notice and that of inaccurate registrations / notices resulting from customer responses being influenced by a lack of privacy or a noisy environment.

3.29 Further details are contained within the CoP (Appendix B) and Guiding Principles: Delivery Standards for the Registration Service in England and Wales (Appendix C).

3.30 All staff have a responsibility for the security of stock and registration records in line with the requirements of the PPCF Framework. In addition the SR has responsibility for all historic registers held in his or her custody, and is the Data Controller for the information contained in those registers. The storage arrangements should therefore not compromise the security of blank certificates, the confidentiality of the records or registration information, which should only ever be accessed and information released in accordance with statute.

3.31 The repository provided by the LA for the safe keeping of registers should be a self-contained unit in the form of a box; the walls, ceiling and floor of brick or concrete construction which would remain intact in the event of fire. Materials used in the construction of, and finishing of, the repository should be non-combustible. The security door and frame should be of metal construction with fire resistance for a minimum of two hours. The location should not be liable to *subsidence or flooding, and the repository should have no heating pipes or water pipes and no windows.*

3.32 However, it is recognised that the prescribed levels of protection for registration records can be achieved by other means. The PD5454 2012 standard – *Guide for the storage and exhibition of archival materials* - should be available from the LA archivist for guidance. Where it is not suitable and/or possible

to store registration records at the district RO, the LA should, in the first instance, engage with their CPU Compliance Officer to discuss possible temporary or permanent alternatives.

3.33 Regular Stock and Security reviews will be undertaken by the CPU in order to provide reassurance as to the standard of controls across the LRS. More details on good practice and how to mitigate risk associated with the security of registration records and stock are contained within the CPU PPCF Framework (see Appendix B3).

## **Citizenship**

3.34 Under the Nationality, Immigration and Asylum Act 2002, all applicants aged 18 years or over who are accepted for naturalisation or registration by the HO as a British Citizen, must take a citizenship oath (or affirmation) and pledge at a Citizenship Ceremony.

3.35 The provision of a Citizenship Ceremony, which is in line with HO guidance, must take place within three months of the new citizen being informed that their application has been successful.

3.36 A Citizenship Ceremony gives added significance to obtaining citizenship and provides the LA with an opportunity to welcome new citizens into the community and encourages participation in the democratic process. Ceremonies are also an excellent opportunity to promote the work of the LA and to share its vision for its locality.

## **Discretionary Services**

3.37 Whilst there is a legal responsibility to deliver registration services to the public, LAs are able to offer additional non-statutory services at a locally set fee within cost recovery principles (see also 1.24). Historically, these have ranged from products which enhance the registration journey to front-line services delivered on behalf of the HO.

### Non-statutory Services

3.38 Whilst these services have no statutory standing, many LAs have developed a range of services to celebrate key life events including:

- Welcoming (baby) ceremonies;
- Pre-wedding rehearsals;
- Renewal/reaffirmation of vows;
- Commitment ceremonies; and
- Civil funerals.

### Services on behalf of Central Government

3.39 The Local Registration Service also has a history of successfully delivering a number of discretionary products on behalf of the HO for a 'cost recovery' fee to the customer which was determined by the LA. These services were removed in late 2018, although a new service, the European Union Settlement Identification Verification Service (EUSS) was introduced in spring 2019 by around 80 LAs. The service enables EU citizens who do not have direct access to a HO App to confirm identity by using a 'Chip and Check' service.

3.40 The NPR remains committed to exploring opportunities for commercial products where there is a natural synergy with registration duties and which can be delivered on a full cost recovery basis. LAs are reminded of their core function with regards to statutory services and any discretionary services should not be offered to the detriment of statutory functions.

3.41 A further service which can be offered on a discretionary basis by LAs and voluntarily used by customers is the Tell Us Once service. Participating LAs can enable customers to inform wider government departments and relevant departments within LAs of a death. There is no fee associated with this service.



## **Business Continuity Plans (BCP)**

3.42 Each LA should have in place continuity plans for the LRS in accordance with local corporate arrangements and requirements. It is recommended that the BCP is frequently reviewed and exercises conducted to ensure its relevance on at least an annual basis. Plans should include arrangements for:

- unavailability of registration certificates, forms or current registers;
- lack of access to buildings and deposited registers;
- how and when stakeholders are notified of changes or restrictions to accessing the service during a contingency incident;
- Information Technology (IT) systems failure, both local and national;
- supporting staff to remain proficient in undertaking registrations both manually and electronically;
- significant variations in service delivery e.g. a flu pandemic resulting in high volumes of deaths;
- plans and arrangements for dealing with severe weather conditions/non-attendance at ceremonies etc.; and
- ensuring policies and procedures are in place to deal with such events.

3.43 As part of their Business Continuity Planning, LAs should actively consider participating in regional Business Continuity initiatives and developing partnerships such as 'Mutual Aid' agreements with co-terminus authorities. In the event of a significant national incident such as flu pandemic national arrangements will be invoked and further guidance issued.

## **Local Service Delivery Issues and Risks**

3.44 In addition to normal BCP measures, it is imperative that LAs actively manage the risk of poor service delivery, advising GRO of any significant issues or risks faced by the LRS or authority, which may impact civil registration. These may include, but are not limited to:

- Significant and sustained under-performance against KPTs;
- Customer complaints and legal challenges (significant individual complaints or high volume);
- Adverse reputational concerns / media interest arising due to local service delivery or other issues;
- LA failure to comply with statutory Civil Registration requirements; and
- Corporate financial or other risk to service.
- Fraud or other investigations against staff related to their registration duties.

3.45 GRO has a responsibility to monitor the performance of each authority and will trigger its own contingency and escalation plans in the event of continued service delivery failings by an authority. These measures include, though are not limited to:

- Escalation of the identified issue to the PO and/or LA Chief Executive, seeking formal handling and recovery plans;
- Escalation to the RG for England and Wales, and HO Ministers;
- Advice to the Ministry of Housing Communities and Local Government (MHCLG), or Welsh Government on the service failing;
- Insertion of management or other resource into the failing service to assist/direct recovery plans; and
- Engagement with neighbouring LAs to assist with recovery plans.

3.46 In the first instance LA Service Managers should engage with the CPU Compliance Officer on any service failings, or under performance against KPTs. The CO will provide guidance or directive as required. They will determine whether any of GRO's escalation plans are required, which is likely to be, though not exclusively, where they consider the LA is not making adequate plans to address service failings.

## Complaints

3.47 Complaints regarding local service delivery should be dealt with in accordance with the local authorities' corporate complaints process. Any complaint received directly by GRO regarding a local service will be referred to the relevant PO for reply.

## 4. People

### Introduction

4.1 Registrars of Births and Deaths (RBDs) and SRs and their deputies, and any others that carry out ancillary statutory related administrative tasks and functions, are required by the Registration Service Act 1953 and the Statistics and Registration Service Act 2007 to be LA employees.

4.2 Registration officers as employees of the LA may also be appointed to perform the duties of authorised persons and civil partnership registrars under the Civil Partnership Act 2004 (see also paragraphs 3.5 – 3.8).

4.3 The requirement for registration officers to be LA employees is important when considering service delivery options such as joint-working arrangements with other LAs, potential outsourcing of services and occasional conducting of ceremonies by registrars from outside the authority.

4.4 It is important that when considering new service delivery models, POs consult immediately with their CPU Compliance Officer to ensure that there is a legal gateway for their proposal.

4.5 The RG makes regulations and issues instructions to be followed by registration officers in carrying out their statutory duties and has a responsibility to ensure that the provisions of the Registration Acts, the Civil Partnership Act, and any related regulations and instructions are being met. In that respect GRO has a responsibility to ensure all handbooks and guidance is clear and up to date and legally compliant with recent case law and judicial outcomes. Consideration of the legal liability of statutory officers in undertaking their duties is covered in more detail in paragraphs 4.6 and 4.7.

### Roles and Responsibilities

4.6 Whilst all registration staff, with the potential exception of civil partnership registrars (see paragraph 3.6), are LA employees, and subject to the LA's terms of employment, registration officers retain personal responsibility for carrying out duties assigned to them by the Marriage and Registration Acts and the associated regulations. It is important to emphasise that registration officers should be equipped with the relevant skills in order to carry out this important role: the collection of personal data, protecting the public and working within a statutory framework. In this respect the RG makes regulations and issues instructions on the procedures to be followed by registration officers whilst discharging their statutory duties. These are contained within the GRO Handbooks, and in periodic GRO circulars. All of these Handbooks together with training material are available on the GRO Registrars website. Details of specific statutory duties and the associated legislation are provided in the GPG: Statutory Standards (Appendix A1).

4.7 The Registration Acts provide for the appointment of principal and deputy registration officers. There is a minimum requirement for the appointment of at least one SR per registration district and one RBD per registration sub-district. The LA must ensure that GRO are advised of all principal officer and deputy appointments. Whilst it is recognised that some registration staff may have different contractual job titles and additional duties beyond registration, they are required to use their statutory designations, as outlined below, when undertaking registration duties.

4.8 Principal Officers are:

- SRs – responsible for duties connected with the preliminaries to marriage, the solemnisation of civil marriage ceremonies, conversion of civil partnership, the conducting of citizenship ceremonies and the custody of the district's historical registration records;
- Additional SRs (ASR) where there may be more than one SR in some districts:

- RBDs – responsible for the registration of all births, still-births and deaths occurring in their sub-district. All registration schemes provide for these officers to be registrars of marriage; also
- Additional Registrars (AR) - additional registrars of marriages.

4.9 All principal officers must have at least one deputy officer appointed to them. There is no limit to the number of deputies that may be appointed and their statutory designation will either be 'Deputy Superintendent Registrar' or 'Deputy Registrar'.

4.10 An SR may also be appointed as a Deputy Registrar, while a registrar may be appointed as deputy to the SR or to other registrars. A LA may look to multi-skill staff to enhance service provision and resilience.

4.11 POs have a duty to inform GRO of all registration appointments. A Staff Change template (see Registrars Website under Contacts/LRS Contacts) should be completed when there have been any staff changes (joiner/mover/leaver/change of name or email address) and forwarded to the Stock Audit Team ([stockaudit@gro.gov.uk](mailto:stockaudit@gro.gov.uk)).

4.12 Details of further responsibilities on registrars in relation to Data Protection and Information Governance are provided at Section 6.

### **Disqualifications**

4.13 When making a new appointment to any principal officer or deputy registration post, the LA should ensure that appropriate pre-employment checks are undertaken in accordance with LA procedures. The LA should also consider whether there may be any conflict of interest with any other employment or profession and must guard against potential conflicts and disqualifications from office. Where there is doubt the LA should undertake a risk assessment and seek appropriate advice from their Human Resources Department and GRO. For example, a medical practitioner, undertaker or other person involved in burial or cremation business should not be appointed to a registration post where the duties may include the registration of deaths.

4.14 Regulation 5 of the Registration of Births, Deaths and Marriages Regulations 1968 (SI 1968/2049) specifies the disqualifications for a registration officer. It should be noted that the disqualification imposed by the regulations are applicable at the time of appointment. Should a registration officer subsequently fall in to a disqualification criterion, the LA should seek advice from its Human Resources Department and from GRO.

4.15 Disqualifications include:

- an un-discharged bankrupt and/or a person to whom a moratorium period under a Debt Relief Order applies, or who is the subject of a Debt Relief Restrictions Order or an interim Debt Relief Restrictions Order;
- a person who is, or has been during the 12 months preceding the date on which the appointment is to take effect, a member of the council or of a committee of the council having duties in relation to the appointment of registration officers;
- an officer or servant, other than the clerk or deputy clerk, of a LA employed by them in the performance of duties relating to their functions as a burial authority;
- a person holding office as an authorised person, secretary (for marriages) of a synagogue or registering officer of the Society of Friends;
- a minister of religion, a medical practitioner, a midwife, an undertaker or other person concerned in a burial or cremation business, a person engaged in any business concerned with life insurance, or a person engaged in any other calling which would conflict with or prevent the proper performance of the duties of the office for which he is a candidate;
- as SR, if a Registrar;
- as Registrar, if a SR;
- as a Registrar if a Coroner.

## **Statutory and Wider Offences**

4.16 Registration officers are personally responsible for the performance of their duties as set out in the Acts and liable for any offences committed in respect of those duties, for example, knowingly and willfully omitting to register a marriage (which if found guilty is subject to a Level 3 punishment involving a fine or possible imprisonment) and registering a marriage known to be void (which if found guilty of felony would be liable to imprisonment for a term not exceeding 5 years).

4.17 Registration Officers are also responsible for safeguarding the personal data they hold and to which they have access. Any wilful data breaches by individual officers should be dealt with under the LA's Data Protection Code of Conduct (See Section 6).

4.18 These statutory offences are contained within the Registrars website (at Handbooks/ LGS 10).

### **Misconduct**

4.19 The LA has exclusive power for disciplinary matters affecting registration officers, including sole power of dismissal. Any alleged misconduct on the part of the officer will be a matter for the LA to investigate, and it should take account of the agreement in place between the RG and LAs on Disciplinary and Administrative Procedures (see Appendix D). This includes any failure in performance by a registration officer to apply the appropriate provisions of the Registration Acts, the Civil Partnership Act, regulations and instructions.

4.20 However the RG has an interest in alleged misconduct by a registration officer in the performance of his or her official duties and the LA should liaise with GRO on any such matter. Alleged misconduct may include but is not limited to irregular use of registration stock, refusal to carry out a statutory duty, disclosure of confidential information, any other breach of the provisions of the Registration Acts, the Civil Partnership Act, regulations and instructions.

### **Technical Misdemeanours**

4.21 Technical misdemeanours may also come to the attention of GRO from contact with the officer, the public, official visits by the CPU Compliance Officer, the RON system or returns to GRO. Where the RG identifies issues of such alleged misconduct by an officer he/she will liaise with the LA as appropriate.

### **Complaints about Registrars' Conduct**

4.22 Any complaint about the conduct of a registration officer in the course of their official duties is a matter for the LA in accordance with its corporate complaints process. Any complaint received directly by GRO regarding a registrar will be referred to the relevant PO for reply. The CPU Compliance Officer will be available to assist with any technical matters and in any local investigation of a complaint that concerns registration law and practice. Any complaints received by the LA about an officer's application of registration procedures, which involves the interpretation of official guidance should be notified to GRO as soon as possible.

### **Complaints about Registration Law**

4.23 GRO may receive complaints about registration law and advice provided to registration officers and LA on the interpretation of registration law. In the event of any complaint regarding the interpretation and the subsequent application of the law by a statutory officer GRO will ensure that the relevant statutory officer and LA is advised of the complaint at the earliest opportunity. Similarly, LAs should advise GRO of any such complaints which they receive directly.

### **Litigation**

4.24 The role of statutory officer may have significance in the event of any legal challenge on the implementation of legislation and policy. The LA may also be held financially accountable, for example, in a judicial review proceeding where there is misapplication or misinterpretation of the handbook or guidance from the GRO. In such circumstances GRO and the relevant LA will ensure appropriate communication is maintained where there is no potential conflict of interest.

## Reputation

4.25 GRO should be informed immediately of local incidents that are likely to attract local press interest or wider media coverage or otherwise have potential reputational risks. These include but are not limited to the formal reporting of any breaches of data security (See Section 6). Further advice can be found in 'Dealing with Media Requests: Guidance for Local Registration Services', which is available on the Registrars Website.

## Training and Development

4.26 The training and development of staff should be a key priority for LAs to ensure the accuracy of registrations, to minimise the risks of errors and to provide a quality service and to develop both new and existing staff's skills. It is important for registration officers to be highly proficient in registration practice and law, be customer-focused and ensure records and personal data are protected at all times.

4.27 Development of training material and strategy for the registration service is jointly 'owned' by the NPR and GRO and is underpinned by a National Training Group and a network of Regional Training Groups.

4.28 The purpose and aim of the National Training Group is to:

- promote, develop and share best practice for delivering training for quality and consistent registration services at practitioner level;
- promote appropriate participation in regional training groups from LAs (with the appropriate level of attendance);
- support colleagues in the LRS to deliver the National Accreditation Programme;
- respond to and influence changes in procedure and policy at national level, to work with and develop training material with key partners such as the GRO, UKVI etc.;
- work with the LRSA to promote and facilitate all aspects of registration service training to the regions

## National Accredited Programme for Registration Officers (NAP)

4.29 With support from the LRSA, the City and Guilds accredited programme for registration staff was launched in 2014 and is endorsed by the RG. 'The RG's Nationally Accredited Programme for Registration Officers' (NAP) consists of a comprehensive self-directed learning programme which is competency based. The programme can take up to two years to complete, requiring candidates to be assessed using a range of methods (e-learning, observed technical assessment, written answers, witness testimony and professional discussion). The programme is suitable for modern and progressive registration officers operating in a customer focussed environment and is appropriate for both new and existing/experienced staff who carry out the full range of registration activities. Although not mandatory a number of LAs are using the achievement of the qualification as a 'desirable' criterion in their recruitment selection process.

4.30 The full programme provides a holistic solution to ensuring that registration staff are not only technically skilled but also recognise and understand their wider role in the LA and their contribution to the wider PPCF agenda. However, elements of the programme (for example e-learning and technical assessment) can be carried out as development activities on a 'stand-alone' basis.

4.31 A toolkit of resources, including technical assessment templates and a number of e-learning modules are available on both the GRO Registrars and LRSA websites. These can be used both in respect of the NAP qualification and for wider training and performance management.

4.32 Additionally, LAs will wish to consider their own corporate training and development opportunities and ensure these are accessible to registration staff. In this respect a wide range of learning and development plans and models will be available to registration staff. Many LAs also have a range of mandatory training courses that require annual completion e.g. in relation to information governance, driver awareness training, 'Prevent' training etc.

## 5. Performance Management

### Introduction

5.1 The performance of the Registration Service is continually a matter of public focus and it is vital that POs and Registration Service Managers maintain performance and take measures to address any shortfalls against national standards, particularly statutory requirements in respect of the timeliness of registrations.

5.2 LAs are required to commit to delivering local services in accordance with the CoP (Appendix A) and to a set of national standards within the GPG (Appendix B). Moreover, there is a requirement to provide assurances to the RG in respect of PPCF and to have in place a Customer Engagement Strategy (CES).

### The National Standards Framework

5.3 The CoP and GPG provide the dual strategic and operational national standards framework for the Registration Service. The framework enables registration services to be shaped by local factors such as corporate council policies, demographics, customer demand and seasonality, yet be underpinned by measurable national standards.

5.4 The GPG supplements the CoP and provides the operational focus for its successful application. The detailed Statutory Standards and the Operational Service Delivery and Performance Standards it contains have been subject to national consultation and are endorsed by the NPR and GRO. All standards are designed to be capable of measurement and review, and LAs should conduct regular self-assessments.

5.5 Statutory requirements and national standards are intended to ensure that the public are able to fulfil their statutory responsibilities and registration officers and LAs comply with the associated legislation. Operational Service Delivery and Performance Standards provide examples of the way in which LAs can discharge key activities. However, they are neither exclusive nor exhaustive and LAs may well be able to meet some of the principles of the Guidance in alternative ways.

### Key Performance Targets (KPTs)

5.6 KPTs for the service are provided at table 1.

Table 1

<b>Registration timeliness</b> (national target)
Births - 98% registered within 42 days
Still births - 98% registered within 42 days
Deaths with MCCDs (no coronial involvement) - 90% registered within 5 days
<b>Availability of appointments</b> (national target 95%)
Births & declarations – 95% provided within 5 days
Still-births - 95% provided within 5 days within 2 days
Deaths & declarations - 95% provided within 5 days within 2 days
Notices for marriage and civil partnership - 95% provided within 5 days within 10 days

### LA Performance Monitoring

5.7 There is a requirement for local authorities to monitor performance against the KPTs; their local application of the GRO CPU PPCF Framework (see Appendix B3), and attainment against the wider elements of the GPG. Suggested monitoring methodology is provided in the GPG. To assist in this, GRO CPU provides LAs with a range of weekly/monthly/quarterly data in respect of the timeliness of registrations and on the volumes of suspicious certificate applications; suspected fraud and sham

marriage reports raised. This data is provided at LA, Regional and National levels to enable benchmarking. Registration Service Managers are encouraged to review performance data through Regional Meetings with a view to sharing good practice and facilitating service improvement.

### **Customer Engagement Strategy (CES)**

5.8 As part of Customer Service Excellence (CSE), the Government wants services for all that are efficient, effective, excellent, equitable and empowering and with the citizen always and everywhere at the heart of service provision. To support this, each LA must have a documented Customer Engagement Strategy (CES) in place. LAs will be required to evidence their commitment to **CES** through the annual reporting process

5.9 The CES should seek to deliver two distinct outcomes:

- **Customers are able to influence key policies, strategies and service standards:** provide customers with the opportunity to comment on key policies, strategies and their experience of service standards. LRS to consider customer comments and incorporate their suggestions, where appropriate
- **Customer feedback is integral to service improvement:** ensure appropriate processes are in place to routinely obtain and analyse customer feedback on their experiences, and use this to influence and change service delivery where appropriate

5.10 Further details can be found in Appendix B4

### **Annual Reporting**

5.11 Individual LAs are required to report annually on their performance to GRO, enabling GRO to be sighted on the prevailing performance standards of individual LAs and of the service across England and Wales.

5.12 LAs are required to provide an Annual Performance Report (APR) to the RG by 30 April of each year for which a template is provided in advance. The report must contain the following aspects:

- specific achievement against customer waiting times;
- an indication of performance against the GPG (Statutory Standards and Operational Service Delivery and Performance Standards);
- an evidence-based assurance statement in respect of public protection and counter fraud;
- a documented Customer Engagement Strategy
- signed declaration by the PO

5.13 Notwithstanding the annual reporting process, LAs should engage with the CPU Compliance Officer regarding any anticipated, significant or prolonged difficulty in attaining national standards during the business year.

5.14 As part of the annual reporting process the Head of the CPU in conjunction with the chair of the NPR produce a joint report for the assurance of the RG. The report is shared with wider stakeholders such as the Chief Coroner and National Medical Examiner and is published on the Registrars website.

### **Performance Improvement Strategy and LRS Performance Working Group**

5.15 The delivery and ongoing development of the Performance Improvement Strategy for the service is overseen by a joint GRO and NPR LRS Performance Working Group (LRSPWG). The Group, with representative performance champions from each of the regions seeks to drive performance improvement across the service by:

- Championing performance improvement amongst the regional groups alongside GRO CPU compliance officers.
- Developing products and activities to support local authorities in focusing on and optimising performance improvement.

- Identifying ways to improve wider areas of LRS performance beyond Key Performance Target (KPT) attainment including but not confined to PPCF compliance; LRS Annual Performance Reporting; Stock & Security; Operational Efficiency and Value for Money; Customer Service.

5.16 The group has had real success in embedding a performance improvement culture across the LRS and ensured that its activities and products are of value. It has produced a range of tools and guidance to assist LAs in maintaining and, where appropriate, improving performance. These are available in the Performance section of the Registrars website.

### **Performance Plans and CPU Intervention**

5.17 CPU compliance officers have established Performance Plans with each LA and will assist LAs in optimising their performance monitoring and management processes in order to maintain or improve performance levels. It is important that individual local authorities engage meaningfully with this process and in the wider performance improvement agenda. Details of possible escalatory measures where an LA is significantly under-performing or failing to engage with the wider performance improvement culture are provided at paragraphs 3.44 to 3.46.

## **6. Public Protection and Counter-fraud (PPCF)**

### **Introduction**

6.1 As part of the HO, the GRO is committed to maintaining a high level of integrity and reliability across all of its products, services and the data which it holds. Civil Registration will be uncompromising in its approach to public protection and drive fraud out of registration, in particular supporting the HO's priorities of protection from terrorism, reducing crime and tackling immigration abuse, ensuring people feel safe in their homes and communities. For the LRS, this means contributing to this key HO objective by ensuring that the information held is accurate, secure and that adequate measures are in place to protect the public and to identify and report potential fraud.

6.2 In this respect, the LA is required to monitor and provide an evidence-based annual assurance statement on a range of registration activities. This is encapsulated in the PPCF Framework (Appendix B3). In addition, GRO will undertake a PPCF 'Health Check' review of a sample of local authorities to test assurance evidence.

### **The Public Protection and Counter Fraud (PPCF) Framework**

6.3 In summary, the PPCF Framework focuses on the following:

#### Statutory Obligations (Criteria 1 – 4)

6.4 It is of paramount importance that registration officers are proficient in understanding registration practice and law and that behaviours and attitudes should be focused on protecting the public.

6.5 LAs should ensure the integrity and accuracy of registrations and have in place suitable local quality assurance systems to ensure statutory compliance across the full range of registration activities. For example a birth should not be registered until formal notification of the event from the Health Authority has been received via RON or should be corroborated in the event of RON being unavailable.

6.6 GRO has sought to raise awareness of indicators of potential birth certificate application fraud and has provided the registration service with guidance and a reporting mechanism where fraudulent intent is suspected. Local leaders should ensure that all staff are aware and consistently apply the guidance. Staff should be aware of emerging trends (from GRO Fraud Alerts) and registration managers have a responsibility to ensure that GRO are notified of any suspicious activity.

6.7 LAs should ensure that all registration staff are aware of their responsibilities in relation to Safeguarding of Children and Adults. The Immigration Act 2014 provides the power for a registrar to report suspected child and adult abuse to their council/local safeguarding board. It is recommended



however that in the event that a registration officer has reasonable suspicion that a child or adult is being maltreated they should refer to their own LA guidance and or speak to their safeguarding team before making a report. Further guidance is also contained within the Managing Data Handbook Chapter 3 which is available of the Registrars Website.

6.8 Through the Immigration Act 2014 registration officers were given extended powers to report suspicions of immigration offences e.g. over stayers or illegal workers to the HO (Immigration) as well as suspicions of other offences to the relevant departments. As such, it is important that staff are fully aware of their role in identifying fraudulent activity across all registration disciplines and that processes are in place to report to the appropriate authority.

#### Service Models (Criteria 5)

6.9 It may be beneficial for LAs to seek partnership working with neighbouring authorities which realise economies of scale and financial savings. As such, it is important that when establishing these partnerships appropriate protocols are agreed which does not compromise the statutory delivery of registration services or diminish the ability to protect the public and identify fraud.

#### Sham Marriage (Criteria 6)

6.10 Registrars and SRs have a statutory responsibility to report to the HO any suspicions they may have that a marriage or civil partnership is being contracted to circumvent immigration control via Section 24 reports. The LA should monitor the levels of such reports to identify trends and as a potential indicator as to whether reporting obligations are being met.

#### Data Protection (Criteria 7)

6.11 The PPCF framework requirements in respect of data protection and information on wider information governance are provided at section 7.

#### Registration Online (RON) (Criteria 8)

6.12 RON is the system within which registrations and notices of marriage/civil partnerships are recorded. It is vitally important that the RON system's integrity and security are assured. LAs should ensure that the associated IT security systems and access protocols are sufficiently robust and that users are aware of individual responsibilities when utilising the system. A range of guidance in respect of RON security protocols has been issued by GRO and can be accessed on the Registrars website.

6.13 Registration service managers and local RON system administrators have a responsibility to ensure that access to the RON system for leavers and joiners to the registration service are appropriately managed and GRO guidance is followed.

#### Stock and Security (Criteria 9)

6.14 As a reminder of the requirements and associated good practice in respect of certificate stock, guidance - *Ensuring the Security of Certificate Stock: A Guide for Registration Staff* covering all aspects of ordering and receiving stock, secure storage and certificate usage is available in the Governance – Stock and Security Section of the Registrars website.

6.15 SRs and registrars are personally responsible and accountable for the blank certificates and other security documents in their custody, and must take appropriate measures to ensure their security in accordance with LA processes and controls. They must also provide the RG with an annual return of certificate usage and any stock in hand. Where a SR or registrar wishes a deputy to maintain or order stock and/or make returns on their behalf, such responsibility should be formally delegated. Moreover the personal accountability of delegated individuals should be fully understood and regular reminders provided to staff.

6.16 Certificate stock should be ordered during the designated order month using the template on the Registrars website and should replenish stocks to a level of 16 months anticipated usage. Upon delivery

by courier, stock should be provisionally checked, signed for, thereafter checked in detail and acknowledged in accordance with the Guide for Registration Staff.

6.17 It is essential that the LAs have robust local stock management and control systems in place. These should include clear audit trails as to the receipt, current whereabouts and usage of all stock. POs are also encouraged to include registration services in the programme of audit undertaken by the LA. CPU Compliance Officers also undertake checks which include assessing LA controls and processes for the safeguarding of registration security stock and information. In the event that certificate stock is found to be missing it should be reported immediately to the CPU Compliance Officer, the GRO Stock Audit Team and, where appropriate, the police.

6.18 Certificates and registers held at Registered Buildings (Places of Worship) should be monitored through the submission of Certified Quarterly Returns and anomalies investigated to ensure there is no undue risk to records and certificate stock.

#### Fraud (Criteria 10)

6.19 There should be appropriate evidence available for the LA to demonstrate adherence to the PPCF Framework and that fraud is identified, reported and taken very seriously. There should be evidence that staff have been provided with the tools and training to identify, record and refer suspicions of fraud offences in respect of registration and internal fraud to GRO and the Police.

#### Other (Criteria 11)

6.20 Safeguards should be in place surrounding Citizenship Ceremonies; LA staff should be provided with sufficient training on how to inform HO if any doubt arises as to the identity of participants. LA recruitment protocols should also be followed in the appointment of registration personnel.

## 7. Data Protection and Information Governance

### **General**

7.1 Expert information on data protection responsibilities can be found at Information Commissioner's Office Website: <https://ico.org.uk/>. This section details the responsibilities of registration officers and local authorities in a registration context. Further information can also be found in the GRO Managing Data Handbook (MDH) which is available in the Handbook section of the Registrars website.

7.2 LAs and individuals are responsible for ensuring that appropriate and proportionate measures are taken to protect the personal information they hold. This applies to registration information held in registers as well as electronically and to other personal information held (e.g. within appointment diary systems) or handled (e.g. local conversations, telephone calls). It is important that the LA ensures staff are sufficiently trained and supported in relation to data protection assurance and that consideration is given to mandatory staff participation. Moreover, Registration Staff should familiarise themselves with the MDH and refer to it when dealing with requests for information.

### **Transmission of Registration Information**

7.3 A secure network such as GOV.uk (where available) should be used to transmit information to GRO, Coroners and other stakeholders in line with guidance contained in the MDH.

### **Sharing of Registration Information**

7.4 Registration information may only be shared if there is a specific legal gateway to do so. As part of their statutory duties registration officers are required by law to collect certain particulars which may be shared elsewhere (the most frequently used arrangements are detailed in the MDH). In certain circumstances, registration information may be shared for the prevention, detection or prosecution of a crime, although advice should be sought from GRO in specific cases. It is vital that data is protected and shared in accordance with the law so, again, it is important that staff understand their responsibilities in

this respect. Similarly, POs should pay due regard to confidentiality in accordance with the Registration Acts should they acquire any information from registration officers during the course of their duties - for example, if conducting an investigation into the conduct of a registration officer.

## **Freedom of Information**

7.5 The Freedom of Information Act 2000 gives a general right of access to all types of recorded information held by public authorities. However, a registration officer is not a public authority and is therefore not subject to the provisions of the Act. This also applies to anyone who is carrying out their statutory duties or holding information on their behalf (but note that the provisions do apply to civil partnership information, where the statutory duty is placed on the LA and not on the individual officer).

7.6 If a request is made to registration officers for information relating to births, deaths, marriages etc., Registration Officers should be advised to contact their line manager and then the GRO Policy team - GROPolicy@gro.gov.uk. Requests for information relating to local issues such as reports, minutes of meetings surrounding policy decisions and procedures should be referred to their line manager and the LA Freedom of Information Officer.

7.7 No registration officer may divulge information acquired in the course of his/her duties, apart from where the legislation allows or in accordance with the instructions in the Handbooks for Registration Officers or from the staff of the RG.

## **The General Data Protection Regulation (GDPR)**

7.8 The GDPR is an EU regulation which took effect in the United Kingdom in May 2018. In addition, the Data Protection Act 2018 made further provision in respect of how the GDPR applies in this country and repealed the Data Protection Act 1998. The legislation should be read together and is collectively referred to as the data protection legislation. Many of the concepts and principles of the 2018 act are the same as those in the previous Data Protection Act and in the main registration officers should process personal data in accordance with the guidance in the MDH which details new or enhanced requirements arising from the 2018 legislation.

### **Data Controllers**

7.9 A data controller is the person who determines the purposes and means of the processing of personal data. The data controller is responsible for ensuring that data protection principles (as outlined in the GDPR) are applied to all personal data for which they are responsible.

7.10 The data controller for birth, death and marriage information is the SR, other than where the information is held by a registrar, in which case the registrar is the data controller. In addition to registration data, registration officers may also be data controllers, or joint data controllers, for their personal information – e.g. certificate application data. The data controller for civil partnership information is the local authority. The RG is also a data controller for birth, death, marriage and civil partnership information. The SR is required to register with the Information Commissioner's Office (ICO) as data controller for birth, death and marriage information.

### **Privacy Notices**

7.11 The rights of individuals under the GDPR are generally the same as under the Data Protection Act 1998. However, the GDPR is more specific about the information organisations need to provide to people about how their personal data is handled and this needs to be provided in a way that is easy to access, read and understand. It is the data controller's responsibility to ensure this is done in each case. Data subjects must be informed of certain information including:

- The legal basis for processing their data
- Their rights in relation to the processing of their data
- Who the data controller is
- How their data will be held and for how long
- Who their data will be shared with

- How to gain access to it
- Their right to complain to the Information Commissioner's Office (ICO) if they think their data isn't being handled properly

7.12 Many LAs discharge their responsibilities through the publication of a privacy notice. An example of a privacy notice is provided in the MDH. However LAs should carefully consider how privacy information is communicated. The expectation is for individuals to be informed of privacy information at the time the personal data is first collected or processed. For example, when an informant attends to register a birth they should be informed where to find the privacy notice. Additionally, they could be directed to the privacy notice on the website when booking an appointment, or through postal correspondence. The Information Commissioner's Office (ICO) recommends a 'layered' approach, for example, by providing a shortened version covering key points at first contact which points to where the full privacy notice can be found.

### **Digital Economy Act (DEA) 2017**

7.13 The DEA 2017 inserted a new Section 19AA into the Registration Services Act 1953 which enables civil registration information to be shared between civil registration officials and specified public authorities on a discretionary basis, where it will assist them in fulfilling their functions. The data sharing powers are underpinned by the Civil Registration Data Sharing Code of Practice which was approved by Parliament in July 2018 (see Paragraph 7.13). At the same time new fee regulations, The Civil Registration Fees (Data Sharing) Regulations 2018 were made to enable a fee to be charged for the sharing of data under the powers on a cost recovery basis.

### **Civil Registration Data Sharing Code of Practice**

7.14 The Code is available on the Registrars website and GOV.uk and explains how the discretionary powers contained in the Registration Service Act 1953 should be used by civil registration officials when sharing registration information with other civil registration officials; and with specified public authorities for the purpose of enabling the recipient to exercise one or more of their functions. In addition, it provides civil registration officials with guidance on procedures that need to be followed when considering requests to disclose registration information. This includes details about the application process, decision-making process and governance procedures.

7.15 The Code should be read alongside the Information Commissioner's data sharing code of practice which provides guidance on how to ensure personal data is shared in a way that is lawful, proportionate and compatible with data protection legislation. The Code should also be read in conjunction with procedural guidance that civil registration officials already follow when sharing information. This will ensure that responsibilities for sharing information are defined, controlled and managed at the right level.

### **Data-sharing Register**

7.16 As part of the Government's commitment to ensure transparency around the use of the DEA powers there is a requirement for information contained in data sharing agreements to be captured in a publicly available register. The register is maintained by Government Digital Services (GDS). GRO acts as the custodian of the register for both the RG and the LRS. Chapter MD7 of the MDH includes details of the register, including a template to record the required information and guidance notes for completion. Completed templates should be sent to GRO Fraud and Disclosure Unit for onward submission to GDS. Where it is considered that inclusion in the register would put the policy objectives of sharing the information at risk e.g. to assist criminal investigations or are in the interests of national security, advice should be sought from GRO Fraud and Disclosure Unit.

# Appendices

## **Appendix A: Code of Practice for Local Registration Authorities in England and Wales:**



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A - Code of Practice f

## **Appendix B: Good Practice Guide and Performance Management:**

- B1: Good Practice Guide: Statutory Standards
- B2: Good Practice Guide: Operational Service Delivery and Performance Standards
- B3: Public Protection and Counter-fraud Assurance Framework
- B4: Customer Engagement Strategy Assurance Framework



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B - Performance Manag

## **Appendix C: Guiding Principles: Delivery Standards for the Registration Service in England and Wales**



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C - Guiding Principles

## **Appendix D: Registrar General and Local Authorities: Disciplinary and Administrative Procedures**



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D - Disciplinary and A