

To: HMRC, Policy Correspondence Unit

12 August 2022

Dear Ms Hall,

The Impact of HM Revenue and Customs' withdrawal of GOV.UK Verify on non-British citizens

Thank you for [your reply of 28 June](#) to [our letter of 28 April 2022](#).

We welcome that you wrote that you were in discussions with DVLA and that UK driving licences should be added as an additional evidence source. In fact, we note that since July 2022, these have now been added.

However, many people (who were previously able to access HMRC and DWP online and are now unable to do so) will not be in possession of a driving licence at all. Many more will still have an EU driving licence. You may be aware that people with EU driving licences are informed by DVLA that they do not need to exchange their driving licence for a UK licence until they are 70 years old¹, and indeed even if they voluntarily choose to exchange their driving licence they can be discouraged by the warning that "It's taking longer than usual to process applications because of coronavirus"².

You write that GDS is developing a new mobile app that will allow a customer to use the camera on their device to check their identity against a single evidence source. However, unless we have misunderstood, this will not be applicable in the near future to those we represent, namely EU citizens and their family members, whose rights are protected by the EU-UK Withdrawal Agreement.

Similarly, the 'One Login for Government' system will not provide any relief in the near or medium term to those same people.

Indeed, we had understood from Government Digital Services (GDS) that there are no imminent plans to expand the identity checking to those with non-British/non-Irish citizenship.

We understand the need to balance accessibility of online services with data security and fraud deterrence. However, your answers to the questions in our 28 April letter do not give any reassurance that the impact on non-British citizens was taken into account before the withdrawal earlier this year of GOV.UK Verify from HMRC and DWP services.

When we asked (in Q1) about the replacement of the original Government Gateway with the new Government Gateway, you explained that no changes were made to HMRC's Identity Verification service. However, HMRC's original Government Gateway did not require proof of identity, it operated on the basis of signing up with a username and password, and being sent an activation code through the post^{3 4 5}. A

¹ <https://www.gov.uk/driving-nongb-licence/y/a-resident-of-great-britain/full-car-and-motorcycle/european-union-or-european-economic-area>

² <https://www.gov.uk/exchange-foreign-driving-licence>

³ See for example this archived page from 2014:

<https://web.archive.org/web/20140131074614/https://www.gov.uk/how-to-send-self-assessment-online/sign-up-for-an-online-account>

⁴

https://customs.hmrc.gov.uk/helpPortalWebApp/channelsHelp.portal?nfpb=true&pageLabel=pageGlossary_Term&propertyType=document&id=HMCE_PROD1_026300

⁵ https://www.youtube.com/watch?v=rz2P_l8dMd8

passport, British or otherwise, was not required. Our question therefore was on the change from the simple username/password system to using Identity Verification.

We asked what mitigation measures have been put in place to help people affected by the inability to access online services from HMRC and DWP, and your reply was *“Anyone who is unable to prove their identity online can contact us by alternate channels such as phone or webchat and complete the activity they need to with us.”*

In the appendix to this letter, we highlight a sample of conversations selected from across various areas of the HMRC Customer Forums⁶ to illustrate the replies that people receive from HMRC Admin accounts when they explain that they are unexpectedly shut out from their online accounts.

These show that the most common response from HMRC Admin to people who have lost access to their online accounts is:

Hi

If you are unable to verify with the questions using Government Gateway you will not be able to verify for the online account.

Thank you.

When asking for more substantial help, people are variously told to contact HMRC by telephone, or by using the buttons at the bottom of HMRC webpages labelled “Get help with this page” or similar. However, many report that various attempts to get help lead to frustrating dead-ends:

- Telephoning results in people being told to report online
- Use of the buttons results in being told that the problem is not a technical web problem and that they should use the phone instead
- An Online Service Complaints form⁷ cannot be filled in unless a help reference number is supplied, which cannot be obtained without using one of these phone / ‘Get help with this page’ links

Another issue mentioned on the forums, which has also been mentioned to us directly, is that people who are able to supply P60s or payslips are nevertheless not offered this choice of verification evidence.

Since our letter to you in April, we continue to receive reports from people who are struggling. One person told us: *“I’ve called the HMRC, tax office, state pensions office, landed at the HMRC online services help-desk at no prevail. Most of the staff seem to not even know about the change, and those who do, say “tough luck, there might be something coming soon but we don’t know when. Really?”* They were incredulous to be locked out of their access to online services in the UK for such important matters as tax and pensions, and concluded by saying *“It just seems so bizarre and out of place given everything is so digital nowadays.”*

Another person we spoke to at length explained how she is having to appeal a £600 fine from HMRC. She was unable to submit her self-assessment tax return online, so submitted a paper return instead. However, instead of a £100 fine for being up to three months late, she faced the much larger fine because the deadline for paper returns is three months earlier than online returns.

⁶ <https://community.hmrc.gov.uk/customerforums/>

⁷ https://www.tax.service.gov.uk/shortforms/form/OSC_Individual

A charity from East Anglia contacted us to say *“We are having real issues with HMRC. Everything is online now, and Personal Tax Account is actually a great tool. It allows people to see and retrieve tax information about themselves, Tax Credits, NIC. If clients have it already set up, it is easier to get their employment history/NIC contributions, which can be used as evidence of residence for EUSS. However, after Brexit, it is near impossible to set up Personal Tax Account for people who do not have a British passport. The system asks for 2 of the following docs - UK passport, P60, driving licence. The alternative is to call HMRC and go through the confirmation of identity, which is a pain. HMRC never answers the phone and if they do, it takes absolutely ages. I think the system is discriminatory as it excludes anyone who is not British. I posted a complaint to HMRC. It does make people more vulnerable as they cannot get EUSS done without residence proof.”*

We would therefore like to restate and add to our questions as follows:

- Q1. Were any impact assessments carried out when HMRC changed from the mechanism involving User ID/password/activation code sent through the post, to the use of HMRC’s Identity Verification? If so, could we receive a copy of it?
- Q2. At what date do you estimate that non-British citizens, who were able to verify through Gov.UK Verify but are not able to verify through Government Gateway, can (re-)gain online access to their HMRC and DWP services?
- Q3. Will you review your deadline and fine policy for those who are prevented by HMRC from accessing online services, on account of not having a British passport? In particular:
 - a. Can those who want to use online services, but cannot due to the withdrawal of Gov.UK Verify, and are therefore forced to submit paper returns, benefit from the 31 January deadline rather than the three month earlier deadline of 31 October? (See <https://www.gov.uk/self-assessment-tax-returns/deadlines>)
 - b. Will you ensure that those who receive fines for late submission of a paper application form, are only fined from 31 January 2022 rather than from 31 October 2021, if they had previously been able to submit online tax returns but were this year unable to do so?
 - c. Will you ensure that those who receive fines for late submission of a paper application form for the next tax year, are only fined from 31 January 2023 rather than from 31 October 2022, if they had previously been able to submit online tax returns but are next year unable to do so?
 - d. Your ‘Reasonable excuses’ webpage (<https://www.gov.uk/tax-appeals/reasonable-excuses>) includes ‘**service issues with HM Revenue and Customs (HMRC) online services**’ as a reasonable excuse. However, this links to a page which suggests only general outages count as ‘service issues’ rather than the inability to pass verification. In fact, the page explicitly excludes “**you found the HMRC online system too difficult to use**” as a reasonable excuse. Can you confirm whether the inability to verify due to not having being able to use Gov.UK Verify, and not having a British passport constitutes a ‘reasonable excuse’ for late payment, and will you adapt your webpage to state this clearly?
 - e. If the answer is no on any of the above, how does the Government justify this discrimination?

Q4. In your response to Q10 of our letter, you write *“The evidence options offered to customers are based on the data held by HMRC and whether the customer holds a tax footprint for the specific tax regime. Notably customers are able to select two items from the following where they are available”,* and you include *“P60 or most recent payslips – dependent on the customer having a PAYE tax record with HMRC”* and *“Your Self Assessment tax return (in the last 3 years) - dependent on the customer having a self-assessment tax record with HMRC”*.

However we have seen reports where people do have a PAYE record, and do have previous self assessment tax returns, but are nevertheless not offered these two options. What are the circumstances in which this can happen?

Q5. Would an HMRC and/or a DWP representative agree to attend a webinar session hosted by us on the subject of HMRC and DWP online access? We would envisage that HMRC/DWP can explain the reasons for changes to the platform, alternative ways in which people can access information, and their vision for the years ahead, and at the same time hear the needs of EU citizens who are settled in the UK through a Q & A segment.

Kind regards,

Monique Hawkins

Policy and Research Officer, the3million

Appendix - threads from HMRC Forum

- Thread entitled “**Verify Identity Gov Gateway**”⁸:
 - This shows people struggling for the past two years to have their identity verified.
 - The thread includes HMRC Admin responses saying “*If you are unable to verify with the questions asked for the Government Gateway account, the only other option is to try Gov.uk verify. If you are unable to use this method you will not be able to verify for an online account.*”
 - On the 18 March 2022, an NHS worker with status under the EU Settlement Scheme submits a post to the Forum saying they are losing access to Gov.UK due to the HMRC decision to scrap Verify.UK, that they try to login with correct P60, Payslip and Credit information (which your letter explains in your answer to Q10 should work) but that the service does not allow them to log in.
 - He reports phoning two HMRC helplines - 0300 200 3600 and 0300 200 3300 since 8am that morning but that the lines are not being answered.
 - The HMRC Admin response is simply “*The only way to verify is by completing the questions online, if the system is not accepting your answers you will not be able to access the online account.*” Later HMRC Admin replies also refer people to a link⁹ giving details of telephone helplines.
 - From the 1st April 2022, the thread is inundated with non-British nationals unable to access HMRC online services.
 - One person asks in frustration “*To date all I have seen no trace of constructive solution for these people, just 'You can't use HMRC online services' or similar which is both discriminatory and contrary to wider public policy re: improving digital access to public services. When is a proper alternative going to be provided?*”, to which the answer from an HMRC Admin account is “*Hi If you are unable to verify with the questions using Government Gateway you will not be able to verify for the online account. Thank you.*”
 - The thread is interspersed with HMRC Admin accounts stating “*Hi There will be updates to the verification journey for Government Gateway during July. Thank you.*” These updates have turned out to be only the addition of UK Driving Licences.
 - One individual who is unable to verify says “*what happens now, I have spoken to 5 different departments and they keep passing me around*”, to which the answer from HMRC Admin is “*If you are unable to verify with the questions provided you won't be able to access the account. There will be changes to the process in July, and you may be able to verify following the updates.*”

⁸ <https://community.hmrc.gov.uk/customerforums/sa/c65d5c15-7f64-eb11-8fed-00155d975df7>

⁹ <https://www.gov.uk/government/organisations/hm-revenue-customs/contact/self-assessment-online-services-helpdesk>

- When someone asks what the July changes will entail, they receive the reply *“We do not have any details to share at this time regarding the changes.”*
 - Someone who has tried to find some mitigation to her situation of being unable to verify writes *“I have tried HMRC helpline, I have tried emailing the support and get help page, the page support and all tell me that is not a technical issue and keep calling them in an endless loop. There is no way. No paper forms, no walk in offices, no phone or online help... I am gonna be excluded from childcare hours for my daughter due to a lack of common sense in using more ways of proving who I am. Any suggestion please?”*
 - Someone else writes that the inability to access his online account is not just one of convenience, but one that carries severe consequences: *“I need access to my online account for my new job to verify my HMRC documents. If I am unable to open the HMRC account the potential employer will not be able to verify me and will cancel the job offer. I need help please.”*
 - Others are told that they will need to submit paper tax returns if they cannot access their online account. You will of course be aware that shorter deadlines are attached to paper tax returns (31 October) than to an online tax return (31 January, three months later)¹⁰. Late payment incurs penalties and interest payments, and this situation does not appear to be eligible as a ‘reasonable excuse’.
 - Others also report that the mitigation is insufficient, such as *“I suppose I'd be happy to just send a paper form, but I can't even access it. When I click I am brought back to my login page where I'm asked to VERIFY again. The phone support is completely useless: no matter what I declare to the computer that listens, it always thinks I would get all I need on the website and hangs up on me. There is no trace of any email to ask for support either. I think this is absolutely unbearable and as a tax payer. But for now I'd just be happy to complete this return and forget it until next year. How do I do it?”*
 - Many people are advised to use the “Get help with this page” or “Is there something wrong with this page” link at the bottom of HMRC’s webpages to contact the digital support team. However, people then report that when they do this, they get the response from the digital support team that being unable to verify is not a technical web issue.
- Thread entitled **“Personal tax account - EU nationals locked out”**¹¹:
 - Again, the catch-22 situation is highlighted about getting help: *“On calling them they say to email the technical (get help with this page). When emailing them, they say it is not a technical issue.”* They go on to describe that attempting to fill in the Online Service Complaints - Individual] form¹² one needs to obtain a reference number by phone, but when doing so they are told that this is not an online issue. This is therefore an online-telephone loop preventing people from getting help.

¹⁰ <https://www.gov.uk/self-assessment-tax-returns/deadlines>

¹¹ <https://community.hmrc.gov.uk/customerforums/pt/fd57b0ba-3dcd-ec11-bea1-00155d975a55>

¹² https://www.tax.service.gov.uk/shortforms/form/OSC_Individual

- Thread entitled “**Identity Verification Problem // UK resident, but non-UK citizen**”¹³:
 - Other people who are reporting the same issue, get the same response, that if they are unable to verify they will not be able to access the online account, and that some changes will be made later in the month which may provide additional ways to verify.
 - Another message from an HMRC Admin account on 18th July confirms that “*The option that was added was for UK Drivers License, there was not any other methods added.*”

- Thread entitled “**Registrations & Self-Assessment Website Revamp in July?**”¹⁴:
 - Someone describes what they now need to do, in the absence of being able to use the online service, saying their only options now are “*1) print out the physical form, send it to the HMRC and wait for UTR by post, or 2) contact helpdesk by phone once the above has been completed and equipped with the UTR , we can fill in a self-assessment form by hand and send by post.*”

¹³ <https://community.hmrc.gov.uk/customerforums/mtd/8feb8bc6-c9f8-ec11-b5cf-00155d9c6b71>

¹⁴ <https://community.hmrc.gov.uk/customerforums/sa/f23decf5-56fc-ec11-b5cf-00155d9c67ba>