



HOUSE OF COMMONS

## Home Affairs Committee

Oral evidence: [Migration and asylum](#), HC 197

Wednesday 8 June 2022

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Members present: Dame Diana Johnson (Chair); Ms Diane Abbott; Paula Barker; Tim Loughton; Stuart C McDonald; Matt Vickers

Questions 124 - 209

Witness

I: David Neal, Independent Chief Inspector of Borders and Immigration.



## Examination of witness

Witness: David Neal.

Q124 **Chair:** Good afternoon. This is the Home Affairs Select Committee, and we are very pleased today to have the independent chief inspector of borders and immigration, David Neal, with us to answer some questions. Mr Neal, you were with us a while ago, before you were formally appointed, for a pre-appointment hearing. We are very pleased that you are back with us today. You have been in post for 14 months now. I am sure that you will understand that we have quite a lot of questions to get through with you this afternoon, so we are very pleased to start a little early.

If I could just start the proceedings off, we know that immigration and borders has been one of the top issues for the Government. We know that the Home Secretary particularly is very focused on the issue of immigration and borders, so your role is very important. I wondered if you could just start by telling us how often you have been able to meet the Home Secretary since you were appointed in March 2021.

**David Neal:** I have not met the Home Secretary yet.

Q125 **Chair:** You have not met the Home Secretary yet.

**David Neal:** I have not, no.

Q126 **Chair:** Why is that? Why have you not met her?

**David Neal:** I do not know. I have asked to speak to her on a number of occasions. Pre-arranged meetings have been cancelled on maybe five or six occasions now. I have spoken to her once on the phone prior to being appointed.

Q127 **Chair:** I was looking back at the questions that you were asked at the pre-appointment hearing, and you were specifically asked about how you would see the relationship with the Home Office and with Ministers. I am just quoting you here. You said: "I would expect to have a regular cadence of meetings with Ministers, including the Home Secretary; I would be surprised if I didn't. Certainly, in the Ministry of Defence, I never had any difficulty at all with accessing senior officials or getting into Ministers' offices and discussing and briefing them on matters." This is a very different experience from the one you have had before when dealing with Ministers.

**David Neal:** It is. I am disappointed that I have not spoken to the Home Secretary. I am frustrated because I have things to offer from the position that I hold. I have, however, had good access with Ministers. I have had a regular series of meetings with Ministers and, on the one occasion that I have needed to, I have been able to get in quite quickly to speak to the Minister. I am happy with ministerial engagement but I am disappointed that I have not had the opportunity to speak to the Home Secretary. It is really important that my views and experience supplement the reports that we put before Parliament. There is a



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subjective assessment as well as the objective reports that we produce. It is really important that I am given the opportunity to be questioned and asked about what my views are.

**Q128 Chair:** The Committee will be very surprised that you have not had that direct access to the Home Secretary. You did also go on to say at the pre-appointment hearing that, if you were not able to have that meeting or meetings, or were not able to engage in the way that you wanted to, “I would seek to unlock the tension...I wouldn’t, at first push, seek to fight it. I would seek to understand it and use all the tools that I could muster to make sure we unlocked it, so that I could do my job in an independent way.” What are you doing to try to get that relationship going and to have those meetings?

**David Neal:** With the Home Secretary, to be honest, I have switched fire. I have written to her on a number of occasions. I have had a number of meetings cancelled. I am not sure that I can do any more in getting access to the Home Secretary. Clearly, there is a reason why I have not had that access. I have switched fire on to speaking with Ministers, and the relationship with Ministers is very good.

In that sense, I am happy that my voice is being heard with Ministers, and I am happy to be giving evidence in front of you today. I do have reasonable access, but I do not have access to the Home Secretary, which is a particular shame when you consider the number of Ministers who are involved in our business. With the addition of Lord Harrington, there are five or six Ministers directly involved in this in my immediate area of inspection, so it would make sense to me that that is drawn together by a single Minister. It is, after all, the person who I send my reports to.

**Q129 Chair:** Indeed. Just to be clear, you have met all the other Home Office Ministers who have responsibility in the areas that you cover.

**David Neal:** I have not met all the Home Office Ministers. I have not met Lord Harrington yet, but at the moment our inspection programme is not covering areas that he covers. We will be looking in our inspection programme at Afghanistan resettlement issues, so I would hope to meet Minister Maclean closer to the time. I have met the Security Minister and I have met Ministers Pursglove and Foster on a regular basis. I see those two as the principal Ministers. I am afraid that I have not met—he declined a meeting—Minister Stephen Barclay. I hope to meet him to better understand the co-ordination in relation to some of the small boats issues.

**Q130 Chair:** Did you say Stephen Barclay had declined a meeting? Is that what you said?

**David Neal:** Yes.

**Q131 Chair:** He has many hats that he wears. Which hat was he wearing in the capacity in which you were contacting him?



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**David Neal:** This was in the capacity of the small boats issue in relation to the inspection that we did over Christmas.

Q132 **Chair:** If I have this right, he is Chief of Staff to the Prime Minister.

**David Neal:** Yes.

Q133 **Chair:** But you were contacting him in his role in the Cabinet Office.

**David Neal:** Yes, in the co-ordination role that he had.

Q134 **Chair:** What you said was interesting, because David Bolt, your predecessor, had suggested that Ministers meet more regularly with his successor. Some Ministers are meeting you, but not the senior Minister.

**David Neal:** Correct. I feel, to be fair, well served by the two Ministers who I do speak to. Relationships are very strong. One of the Ministers has changed during my tenure, but we have been able to, I hope, establish a working relationship so that they can hear what I have to say. Like I say, I have been in a one-on-one meeting on one occasion.

Q135 **Chair:** Could I just ask you about the senior civil servants in the Home Office? What is the relationship like there? Are you able to meet those senior civil servants regularly?

**David Neal:** Relations with the directors general are very good. I have had access to all of the directors general who are the senior people working in the areas, which is really positive. I have met the permanent secretary once, remotely, and the second permanent secretary once.

Q136 **Chair:** Would you expect to meet the permanent secretary and the second permanent secretary more than once in 14 months?

**David Neal:** Certainly, within the Ministry of Defence, I regularly met the permanent secretary in previous jobs, but I focused on ministerial access and on DG access at the level to get things done. Again, rather like the Home Secretary, I have not focused on when the door has not been opened. I have just cracked on.

Q137 **Chair:** If I could just move on a little bit to what your experience has been over the 14 months with the Home Office generally and with the culture, how have you found that?

**David Neal:** I came in with not a great deal of knowledge of the Home Office, and I did not have any preconceptions about what it was going to be like. It is a big Department. It is a complex Department, for sure. I found that, in terms of its response to matters, there always seems to be a crisis going on. There always seems to be an event that is capturing the day, which is a challenge in terms of not getting access and in terms of the bandwidth. There is limited bandwidth from officials. I found that that constant crisis mode is not helpful.

In terms of the culture, I have not seen all of the Home Office. What I have seen from the areas that I have seen—I have been extensively out on the ground and speaking to people at the delivery end of things—is



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that there are some extremely committed individuals. People have been open and candid. I have never had any problem getting people's views. I have never had problems accessing. I have never been limited in any way in terms of what I or my teams have needed to ask. In that sense, it is positive at the working level.

Q138 **Chair:** But I am right to say, am I not, that you are not given access to full details of commercial contracts? I was looking through the report on e-borders. You were told that you were not allowed to see the commercially sensitive documents around that.

**David Neal:** Correct. I am sure that you will ask about the role and remit review. That is one of the four priorities that I would have going into that review, because I have not encountered it in terms of commercial contracts. The inspection was ongoing and we completed it towards the end, so I have not faced that obstruction. My predecessor briefed me on it and he had a workaround with the second permanent secretary. If I were to experience that, I would have to deal with it on its merits, and I would hope that the relationships that I have established with Ministers and DGs in the first instance would unlock that.

We have had meetings with the commercial director in the Home Office to better understand whether there are workarounds or a way of satisfying all parties. I have sought to get a workable solution, but, ultimately, I am aware of what my predecessor said in terms of being restricted from getting access to contracts.

I have spoken to fellow inspectorates, and they are not necessarily in that position; they would probably have access. It is probably something that we would want to build into the role and remit review.

Does it affect my independence? Yes, it does affect my independence, because I should be able to go wherever I think is fit. I have not encountered it yet, so I have not addressed that issue.

Q139 **Ms Abbott:** Yesterday, a small group of us from the Committee went to visit the port of Dover and Western Jet Foil, which is the quayside, and we went to Manston, the processing centre. Before I go any further, can I just ask whether Manston is your responsibility in terms of inspection?

**David Neal:** All areas, as far as I am concerned, involved in asylum, nationality or borders are open to my inspection. There are specific provisions within the borders Act whereby Her Majesty's Inspectorate of Prisons is involved in statutory inspections of short-term holding facilities. In the sense of a formal inspection, Her Majesty's Inspector of Prisons, Charlie Taylor, would be responsible for that.

More broadly, yes, I am clearly very interested in Manston. I am clearly very interested in Western Jet Foil. We have done an inspection more broadly, but the detention bits of the process are Charlie Taylor's responsibility. We work very closely together and I have had a number of meetings with Charlie and spoken at HMIP's conference in order to better understand joint working and deliver a joint solution.



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You may recall that we worked together with Her Majesty's Inspector of Prisons on the Napier and Penally inspection—this was a year ago, just as I was coming in—in order that we could use their expertise to get a more accurate report. We would work together.

Q140 **Ms Abbott:** I wanted to move on and talk about the small boats crossing the channel issue, because that, in fact, was why we made those visits yesterday. In 2022, there have been 10,000 persons crossing the channel.

**David Neal:** So I understand, yes.

Q141 **Ms Abbott:** Has that gone up? I gained the impression yesterday that the numbers were going up. Is that your understanding?

**David Neal:** The numbers have gone up from where we were last year. You read in the media a prediction of maybe 65,000 this year, up from the 28,000 last year, so yes, numbers, in that sense, are potentially increasing significantly.

Q142 **Ms Abbott:** Is there any evidence that the Rwandan scheme that has been announced is having an effect on numbers?

**David Neal:** Not that I have encountered yet, no.

Q143 **Ms Abbott:** One of the things that I discussed when we were at Western Jet Foil was the idea, certainly in the Home Office, of trying to push these small boats back into French waters. I was interested in talking to one of the naval officers there, and he said that the armed forces were always against that. He said that there were a number of reasons. First, if you are a person in an unseaworthy boat in the middle of the sea, according to the law of the sea, you are a mariner in distress and they have to save you. That is all they can do. They cannot push your boat around. You are a mariner in distress, and the law of the sea relates to that. He also said that the danger of using Royal Navy ships to turn these small boats around is that people will drown. Finally, he said that, even if they were willing to do it, which they are not, and to take the risk of the people drowning, which they are not, if you stop these small boats and try to tell them that they should go back to France, they will just switch off their engines and sit there, and not go anywhere.

I have read more recently the Home Secretary saying that the idea of pushing back these small boats is not off the table. What is your understanding about where policy lies in relation to that?

**David Neal:** We have been involved with small boats. I have been, on a number of occasions, into those areas and I have been at sea as well at the start of my tenure to better understand the Border Force response. We have not yet inspected those pushback techniques. We have focused on different areas. The inspection report that is with the Home Secretary at the moment focuses on security at Tug Haven as was, or Western Jet Foil as now, and the vulnerability of migrants coming into those areas. We have not looked at pushback techniques. We have not looked at military involvement in the operation. I have spoken to General Cave,



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who is the Standing Joint Force commander, on a couple of occasions, and we did not discuss pushback techniques.

Q144 **Ms Abbott:** So as far as you are concerned, pushback is still on the table and still a possibility.

**David Neal:** It is not something that I have looked at.

Q145 **Ms Abbott:** Earlier in the year, the Prime Minister made a press announcement about small boats. He said that he was handing responsibility for tackling the migrant channel crossings to the Royal Navy. He went on to say that the Royal Navy will be tasked with identifying, intercepting and investigating all small boats.

I was there yesterday and I spoke to the Royal Navy people, and they said to me that the thing that they were doing is, when Border Force and maybe the coastguard take the people out of the small boats, they are towing the empty small boats back to Western Jet Foil, but they did not say anything about identifying, intercepting or investigating.

Are you able to explain what shape the identifying, intercepting and investigating takes? I did not hear anything about that when I was there.

**David Neal:** I am not. We have not looked at that area. When I was last down at Western Jet Foil, I saw military personnel. I did not speak to military personnel when I was down there. It has not been a focus of our inspection, so no, I cannot comment on that.

Q146 **Ms Abbott:** It seemed to me that there was this grandiose statement about what the Royal Navy would be doing and what it is not doing, but it seems to me that what the Royal Navy is doing is much narrower than the public might imagine from what the Prime Minister said. I understand that you have not discussed that at all.

The penultimate point that I wanted to make was about Rwanda. I just wanted to establish that the announcements and what is being said about Rwanda are that it is about people coming over in small boats and it is going to be just about single men. Is that your understanding?

**David Neal:** Yes, it is, but the position with the policy for Rwanda is something that is developing. It is not something that we have yet inspected. We would not necessarily commit to inspecting developing policy either. Yes, I have read those, and that is how I understand it to be.

**Ms Abbott:** But you do not know more than that.

**David Neal:** No, I do not.

Q147 **Ms Abbott:** My concern is that we are being told that it will be just single men off small boats, but there is no reason in principle why they cannot send women and families.

**David Neal:** That is a valid concern. As the policy develops, we will need to understand exactly whose inspection responsibility the Rwanda issue



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lies with, what our responsibilities are, what Her Majesty's Inspectorate of Prisons' responsibilities are, and what part we play in the overall plan.

You may be aware of our responsibilities in terms of reviewing the Government's or the Home Office's material in relation to Rwanda—the country policy and information notes that we have put out for tender. We routinely review notes that the court relies on to make asylum decisions. The Rwanda note was published on 9 May, and then we launched a tender to review that note soon afterwards. At the moment, that is the part that we are playing in the Rwanda issue. That could change.

**Q148 Ms Abbott:** What struck me at Manston was that, as was explained to me there, 80% of people who use the centre will be male, but there were some women there. I saw women there with very young children—four to six years old—and they are detained. When I asked the immigration people why we were detaining them, they said, "Sometimes women come with children who are not their children". The Metropolitan police do not detain four-year-olds. Why is the immigration service doing that?

**David Neal:** I have been in Western Jet Foil and the Kent Intake Unit, and Tug Haven as was, when there have been women and children being processed. It is a concern that we have, because of the vulnerability issues in relation to the mass of people coming across, that Immigration Enforcement and Border Force are giving the appropriate attention to vulnerability issues rather than just the numbers coming across.

You will see in the report that has gone to the Home Secretary, which is about to be published, that we have covered that in some detail. We have not gone as far as covering it in terms of Manston, because, when we have been to Manston, it has been developing, so I cannot give a view.

**Q149 Ms Abbott:** I just wanted to raise it because I found it very concerning. You have young children—I am not talking about adolescents, but young children—who have had that terrible crossing across the channel, and they are detained by men in uniforms.

**David Neal:** It is concerning. In September, I was on a familiarisation visit to the Kent Intake Unit and, as a result of that visit, which was not an inspection, I saw conditions that, in my judgment, with a reasonable level of experience of detention facilities overseas, were not acceptable. I wrote straightaway to the chief inspector of prisons, whose statutory duty it was to respond, copying in the Home Secretary, for that to be addressed. Subsequently, Her Majesty's Inspector of Prisons conducted an inspection of that area.

When children and vulnerable people are involved, of whatever gender, it is really important that we can filter, preserve, protect and understand, as opposed to just the mass of people and dealing with volumes. It is really important. That is the value that should be added from the state and, certainly, when we are inspecting, that is something that we look at.

**Q150 Ms Abbott:** Have your budget and staff resources kept pace with the increasing Home Office workload?





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**David Neal:** With the role and remit review on the cards, we can put in and discuss the whole issue of whether our budget and staffing levels are appropriate. Due to the fact that immigration and asylum are on the front page of almost every paper, every day of the year, maybe there should be an examination of whether we have sufficient resources to be able to do our job.

My assessment at the moment is that we are probably about as low as we can go. We are around about the 30 mark; that is 24 or 25 inspectors, very few support staff, a very small insight and research branch to better focus our inspection programme, and then myself. The view of the original chief inspector, John Vine, handing over to David Bolt, my predecessor, was that it was about as low as you could go to be an effective inspectorate, and that is probably my experience at the moment.

I do not want to make a shameless pitch for more resources, because it is for others to make the case, but I would bring your attention to a very interesting comparative study done in 2015 by the National Audit Office, which sought to compare the ICIBI directly with other similar inspectorates—Her Majesty's Inspectorates of Constabulary, Prisons and Probation, and the Crown Prosecution Service. In that report, there are direct comparisons in budgets, personnel and overall spend. It is a really interesting report, because it has not been actioned. There are interesting bits as well about oversight mechanisms, reporting mechanisms and how we do our business.

It is a shame that that has not been actioned, because that would give some great pointers to an increase. You would expect me to say this. I am an enthusiast and a glass half full person. If you gave us more resources, we could do more stuff and protect more people, and then hold the Home Office to account in a better way.

Q151 **Paula Barker:** When we visited Western Jet Foil yesterday, we discussed the issue of age profiling. There is a Border Force officer and a social worker present for the interview, and we were advised that it takes around half an hour to establish someone's age. After further questioning, it was found that the social worker could fundamentally disagree with the Border Force officer, but it is the Border Force officer who has the final say. I probed a bit further, and it was said that the social worker can submit a report, or has a part in the report, that says that they fundamentally disagree.

I just wondered whether, during your inspections, you have witnessed that process and whether you have any comments or observations on it. Should the role of a social worker carry more weight in that particular setting?

**David Neal:** We have not inspected specifically on age assessments. We could inspect. In the unpublished report, we have inspected aspects of vulnerability, and age assessment comes into that. There is a Supreme Court judgment from back in 2013 that talks about age assessment; it is



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AA v. the Home Secretary, July 2013. In that ruling, it talks about age assessment being difficult and challenging and, therefore, there is a need for "careful process". Whatever the response is, it needs to have careful process.

There is a real challenge in being able to do that when you are sat on the side of a dock when significant numbers are coming through. That needs particular training and education and appropriate resourcing to make sure that the risk is reduced and that careful process can take place.

We have not inspected it specifically. I would not want to comment on the tactical application of it, but yes, it is something that we are aware of and have encountered in the past. At Western Jet Foil, when we have seen age questioning of migrants coming ashore and being asked to point to how old they are on a piece of cardboard with the numbers 1 to 50 on it, we can probably do better than that. Hopefully, that answers your question.

Q152 **Chair:** Can I just be clear? There is a report in with the Home Secretary at the moment about the small boats crossings, which you expect to be published imminently. Is that correct?

**David Neal:** That is correct. If I had my own ability to self-publish reports, this Committee could have questioned me on that report and on another series of reports that are in with the Home Secretary. I would have been able to publish a further six.

Q153 **Chair:** So six are waiting to be published.

**David Neal:** There are six in the system, which you could have questioned me on.

Q154 **Chair:** When did the small boats one go in to the Home Secretary?

**David Neal:** It was 24 February.

Q155 **Chair:** The standard is eight weeks. That is what the standard should be for getting things back and published.

**David Neal:** That is the agreement. Against the agreement of eight weeks, it is not overdue, but the point that I would make is that I could publish that now, to give to the board. That eight-week limit is routinely breached. Out of the 12 reports that we have submitted to the Home Secretary and been responded to, only two have met the timeline, so 10 of the 12 have been outside the self-imposed eight-week limit.

I would suggest that, while eight weeks should be a workable timeline, with something like the small boats inspection, we committed to it outside of our inspection programme in response to intelligence and to our stakeholders' concerns. That is why we did it. We put a bigger team in there. We did it as rapidly as we could, balancing out accuracy. I would have thought that it is in the interests to get that report out as soon as possible. Certainly, that was the spirit that we reported when we conducted the inspection.



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**Chair:** There will be some points on that that Stuart McDonald will want to follow up on.

Q156 **Stuart C McDonald:** Thanks very much for your evidence, Mr Neal. That brings us to the review of your remit suggested by Wendy Williams. Can you just update us as to where we are at with that? There was an interesting newspaper story suggesting that, in actual fact, the review might lead to the abolition of your role, which is probably rather far-fetched, but where have got to in terms of that process?

**David Neal:** In terms of the abolition, my staff read that story as well, and it is unsettling for them. For me, perhaps it is something that I had anticipated would come along. As far as the Wendy Williams recommendations are concerned, recommendation 10 and, equally importantly—perhaps, in some respects, more importantly—recommendation 9, which is the establishment of the migrants' commissioner, have both not been actioned. Every time I speak to Ministers and senior officials, I ask for an update on where we are.

I specifically asked Minister Pursglove at a meeting just a few weeks ago about the context of the rumour and where we were with the recommendations. He has not written back to me yet, but he pledged that he would write to me to inform me, because it is clearly unsettling and we have an important role.

Q157 **Stuart C McDonald:** Did you ask for reassurances specifically about that story with a Whitehall source?

**David Neal:** We discussed that. I did not ask for assurances, because the Minister did not know how that had come about. I asked about Wendy Williams's report, because it is a big deal. It is a big deal for parliamentarians, but it is a big deal for me, 14 months in. Coming into the job last March, I would clearly like to make changes. There are all sorts of ideas that I have. The medium-term answer to that is the role and remit review, of which there are terms of reference, which we will continue to work with the Department to develop.

It is out there, great. That is the answer. That is how we are going to do structural change. That is how we are going to be able to do a better job. It is really frustrating not to have that review actioned, particularly because the Home Secretary accepted all of the recommendations, and then we have seen, through the comprehensive improvement plan, when Wendy Williams came back, there was a question over the accuracy of the recommendation in relation to recommendation 10.

There was a little bit of warping, perhaps, of what it wanted to deliver, but it is essential. We have already been questioned in terms of growth of the inspectorate. There is no down arrow in Wendy's recommendation. There is a real need, and I recognise that there is a need just to run a ruler over where we are at. I am the third chief inspector, and there is lots of scope for improvement and accountability. There are big issues out there.

Q158 **Stuart C McDonald:** Let us imagine that you are the person doing the



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review of your own remit. You have mentioned a couple of things that you would like looked at already, such as access to commercial sensitive documents. I can imagine an asylum accommodation contract, for example, or all sorts of contracts that the Home Office uses, as well as control over the publication of reports. Are there other things that would be on your list of what you want to see change in terms of your remit?

**David Neal:** Yes, I think so. You have picked on the big two, but there is an issue that we have encountered. I have mentioned joint inspections with Her Majesty's Inspector of Prisons. We are also conducting a joint inspection with Her Majesty's Inspector of Constabulary this year, for the first time, and we have just worked with colleagues from Ofsted on our inspection, which has not been published yet, of children in hotels.

For me, fundamental to the medium-term expansion or coverage of the organisation is joint working, which needs to be done on a statutory basis. On a statutory basis, we can work with prisons and constabulary in a joint inspection mode, and with IOPC. Those are the bodies that we can work with, but there are others that we can just do voluntarily on a common law inspection basis, such as Ofsted. I am not sure that that is good enough. It should be on a statutory footing.

Q159 **Stuart C McDonald:** What difference would that make?

**David Neal:** It means that you are not doing things on mates' rates, for a start, which is not a sustainable position. Ofsted was terrific, but it means that you cannot have, for example, the joint badge at the top of the report. You cannot necessarily get under the skin of the issue, which is really important.

What it drives is recruiting the type of person that we may want to work with or employ. It means that, if it was in the criminal justice joint inspectorate framework, which is the currency that the National Audit Office report was in in 2015, there would be a statutory framework for a statutory inspection programme. We would have to publish, alongside those fellow inspectorates, what we were going to do in a joint way, which is the maturation of us as an inspectorate. Coming with that as well, it probably involves a title change into an HMI, because that is what the public understands. That would be a sensible area to move into. I have mentioned these proposals to Ministers as well.

Q160 **Stuart C McDonald:** We will go and read that report that you have mentioned. Just in terms of remit and a related question about where your scope for action starts and finishes, I see in your programme that one proposed action this year relates to seasonal agricultural workers or the agricultural sector.

There was a report that I read just this week from the Bureau of Investigative Journalism, talking about people being recruited from Nepal in particular, where they have been asked to pay fees of £3,000—things that really should not be happening. While an agricultural worker scheme is necessary, it is also open to abuse if it is not inspected thoroughly. What is your remit there? Where does the Gangmasters and Labour



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Abuse Authority have a remit? Where does it start and end?

**David Neal:** Like any new initiative—this is the first time—we do not know. I do not know and I cannot tell you where our remit begins and ends. We need to push the boundaries. In many of the inspections that we do, we just have to explore. I do not know.

Q161 **Stuart C McDonald:** Even in terms of extraterritoriality, because some of these bad practices are happening overseas rather than here. Again, I am not clear whether you have the ability to look into that.

**David Neal:** I am not sure that we have the ability to work overseas. It is exactly the same in terms of the question of Rwanda. Where does our jurisdiction lie? It probably lies in this country, but that does not stop us coming to a view of the overall system and being able to contribute that. For me, a significant issue there is cross-departmental working. If we were working across Ministries to do another inspection, that is drawing even more Ministers in, which makes it even more complex and makes it even more important for it all to be held together at the top.

I do not want to skirt the question, but I do want to make the case that these are complex, new areas that we are getting involved in, and they are important areas.

Q162 **Stuart C McDonald:** It would be very welcome to explore that subject. The last question from me is Wendy Williams's suggestion of a migrants' commissioner. What is your view of that and how would that dovetail with your own role?

**David Neal:** I am turning to the diagram in my notes, which is how we form our inspection programme. I only turn to the diagram because there are that many inputs to our inspection programme. The one missing link on my diagram is the migrants' commissioner, because that role has the potential of being an enormous voice for people who are touched by the process. At the moment, we mitigate that risk by our various fora, where we bring bodies that represent or can represent individuals who are in the system.

We plug the gap at the moment, but Wendy's suggestion that a migrants' commissioner can be there to represent those interests and inform our inspection programme is hugely important, because we have a number of inputs into that programme. I am describing my diagram; I am a pictures person. Ultimately, it is me who decides what is in the programme, but the migrants' commissioner and working closely with them is something that I would welcome. Let us hope that the migrants' commissioner is appointed very soon.

Q163 **Matt Vickers:** Since 2015, the ICIBI has repeatedly reviewed and made recommendations regarding the asylum casework system. Why have the metrics on quantity and quality of asylum decisions got worse?

**David Neal:** There is a \$64,000 question. I am not sure that I can tell you why it has got worse. Part of the issue is, for sure, the volume. If I was to plump for one issue, it would be slow decision making. Asylum



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casework has got worse. We are talking about double—110,000 is now the work in progress. Our inspection was some time ago, so I cannot say how current these are. Obstacles to it included a high attrition rate among staff, low morale among staff, old IT and the inability to move casework barriers. There was a whole series of factors that led to it, but slow decision making is probably the one.

I know that, when we did the inspection, there was an aspiration in the report to recruit 1,000 decision makers involved in the process. That has been slow to do. There are 850 at the moment, and that is over a year on. The ability to recruit, train and educate quality decision makers who can speed up the process is a problem, but I do not have the answer, I am afraid.

Q164 **Matt Vickers:** The inspection report states that senior managers are already aware of all the issues identified by the ICIBI. Why have improvements been so hard and slow to implement?

**David Neal:** Can that be the \$32,000 question? I mentioned the positivity of staff. Often, when we are in an inspection and we are debriefing staff, it is quite disappointing that the problems that we have identified are often well known by the staff and managers. It is not uncommon that the staff understand where the problems are. Part of the purpose of our report is to be able to put that staff view, with some significant authority when it is based on evidence, to the Home Secretary, so that there is an evidence base on which to make decisions.

Q165 **Matt Vickers:** The Home Office accepted all seven of your recommendations on contingency accommodation in hotels. Are you confident that the recommendations will be implemented?

**David Neal:** No, in the sense that the recommendation that related to working with the local community before a site was opened up was covered by my predecessor in the Napier and Penally inspection over a year ago. It was mentioned strongly there. In our hotel asylum inspection, we made a deliberate recommendation in terms of working with the community that a site was going to be opened in. Then we have seen the Home Office having to apologise for late engagement at Linton-on-Ouse, which is the first of the accommodation centres. In that regard, there is direct evidence that it has not been actioned, although that report, technically, was out just after that apology was made. Nevertheless, it had been in for some time, and the Home Office was aware of its recommendations.

Q166 **Matt Vickers:** The inspection of the chief caseworker unit found that secondments and emergency redeployments had significantly impacted the unit. Is that a widespread problem in the Home Office?

**David Neal:** Yes. I mentioned crisis mode in my opening remarks. One of the challenges that the Home Office has right across the Department is its ability to switch resources to the latest problem. On a couple of inspections, we have had to and have agreed to delay—and I am



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comfortable with that—because resources have been moved out of the particular area to deal with another area.

The ability to flex resources to the problem is hugely important for the Department. The ability to address the crisis as a steady-state activity, as is, again is a huge problem. When resources are taken from something like the chief caseworker unit, which was established in response to Windrush and has done some really good work, in order to respond to the Afghan crisis, which they were, I am not sure how you can necessarily measure the effectiveness of that unit, for example, because you could say that it would be a lot more effective had we only kept all the resources in play.

This is against the backdrop as well of difficulties filling positions and recruiting. It takes an age to get people into these jobs. We are often inspecting things where, on paper, there should be a full-time establishment of X, but it is taking some time to get in there.

Chair, could I just make a point? I was inaccurate about the timings of the small boats inspection. It is outside the eight-week agreement with the Home Office. It should have been published by 21 April, so it is six or seven weeks overdue as well. I just wanted to correct that.

**Chair:** The Committee will understand. We also have problems with getting responses from the Home Office within agreed timescales, so thank you for just clarifying that.

Q167 **Paula Barker:** On that, just before I ask the questions I had planned to ask you, you also said that there were five additional reports, as well as the small boats report, with the Home Secretary. In your appointment hearing, you said you wanted to ensure that the ICIBI does not miss the next big scandal. Is it possible, given the delays in these reports, that there could be the next big scandal?

**David Neal:** That is a good question. Having reflected on some of the answers that I gave at the hearing, I was perhaps searching for a silver bullet for some things. The reality is that this is a really complex area. I am absolutely confident that, before we have inspected something, just from our intelligence sources and our understanding of the area, where we are tracking a whole series of issues, we have a pretty good handle on as a team.

Like I say, we have changed our format in order to give ourselves a little bit more intelligence and awareness. I am confident that we know what is going on. I am confident then that we have a process, because we have now changed the process to introduce shorter inspections—shorter, medium and longer—which allows us then, for a modest commitment of resources, to get under the skin of an issue. If we had a weak signal, for example, we would not need to launch a full-blown inspection. We could just get ourselves out there and have a look, and then report to the Home Secretary.

We can never say never, but I am confident that we have a good handle on what is going on in the area. We have a very wide stakeholder base.



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We are reasonably well-connected and understand what is going on. We could never say never. If you recall from Wendy Williams's report, the ICIBI was one of the few legitimate bodies that, through the right to rent scheme, held up an action that could have been used by others to address some of the Windrush issues.

Q168 **Paula Barker:** My issue is whether, given the lack of meetings or interaction between you and the Home Secretary, and the fact that there are delays on a significant number of reports, the Home Secretary could miss something that could potentially be the next big scandal.

**David Neal:** Absolutely, and that is why it is really important to speak to the Home Secretary and to Ministers. I have tried to do things on a personal basis. I try not to Zoom. I try to get into the office to establish relationships, so that I can give you my assessment and my understanding of what the position is.

I am confident that, if we saw something in those reports, or if our stakeholders were to identify something in those reports, the fact that they are sitting with the Home Secretary, perhaps for longer than we need, is not fatal, because I am confident that, if we saw something, we would make that known and we would call it out. My predecessor published the interim findings, for example, of the Napier and Penally inspection on social media before it was published, in contravention of the agreement with the Home Office, and I would be absolutely prepared to do that. We have not come across that yet, but you never say never.

Q169 **Paula Barker:** I would like to concentrate on the country policy and information notes, if I may, which are referred to as CPINs. You just mentioned your predecessor, David Bolt, and his concern was around a lack of attention from senior leaders over the quality of CPINs. Do you share those concerns?

**David Neal:** I am aware that he had those concerns, and he produced a lot more than I have done so far. I spoke earlier this week to Professor Mike Collyer, who is the chair. I asked, directly in response to that, funnily enough, where we were, what his experience was and how it had developed since 2009. His view was that, yes, at the start it was not perfect. The phrase that he gave was that it was a problematic start.

As time has gone on, and certainly to the position that we are at now, the material that is produced by the Home Office is, and the individuals who we commission to review it are, academically sourced and referenced. If there is any opinion, it is sourced as well. I am content that we have a process that is reasonably mature, so it is a positive thing. It is a positive process and a good system in play, but I have done only a few reports. Let us see when Rwanda comes along, because that will be the most controversial one that we have looked at.

Q170 **Paula Barker:** That will be very interesting. We are all watching with interest. Why do you think that the ICIBI recommendations on CPINs have historically been most likely to be rejected?





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**David Neal:** There are two different directions coming at the whole thing as well. The Home Office is always keen to keep down some of the detail. Academics are never known for their brevity, so it may well be that we include a lot of historical data and a lot of background. We think that that is germane to the whole case, and there is sometimes a difference of opinion from the Home Office.

There is an issue of resources as well. We will often quote foreign language journals, for example, because often the researchers are not British or not English speakers. We will recommend that they look at these foreign language sources, and often it is a question of expense and resources as to why they do not do that.

It is all transparent. All of this is published on the website, so the to and fro between the Home Office's view and ours is exposed. In disclosure terms as well, when it goes to tribunals, it is all there. Those would probably be the chief two.

Q171 **Paula Barker:** As a final question, do you think it is acceptable for the Home Office to act as judge and jury in the review process in terms of CPINs?

**David Neal:** I am not a lawyer, but I am not sure that they do act as judge and jury. There is an independent process that gives a separate voice and an independent input into what the Home Office is producing. There is a to and fro over what goes in and what is used by the Home Office. It is for judges, lawyers and tribunals to assess the effectiveness of the whole thing.

It is a good system, it is good value for money and there is academic rigour to the whole process. It does not strike me, in my experience so far, as being something that is terribly political; it is something that is in the academic sphere, and we really add some good value. Bear in mind that the committee that reviews it is chaired by a professor. We have an immigration tribunal judge. UNHCR sits on it. We also have a number of NGOs and immigration lawyers, so we have quite a good group of people who make the assessment.

Q172 **Tim Loughton:** Apologies for not being here at the beginning of the session, so let me ask some general questions. Do you think that the immigration service is fit for purpose?

**David Neal:** It is not for me to judge whether it is fit for purpose.

Q173 **Tim Loughton:** It is entirely for you to judge. You inspect it.

**David Neal:** It is, and we inspect that through a series of individual inspection reports. I am not sure whether, overall, even 14 months in, I am in a position to make a judgment on its effectiveness. That is for others to decide, based on the reports that we produce. If I was to make a judgment, it would have the potential of being a distraction from our reports.

Q174 **Tim Loughton:** Why?



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**David Neal:** The polarised opinions in this area are significant. We have to be careful. I have to be careful to maintain my independence and not necessarily opine. I have to make sure that everything that we inspect is firmly based in evidence, and then is given to the Home Secretary and put into the public domain.

Q175 **Tim Loughton:** Do you think there will be a point at which, having spent more than 14 months in the job and having produced substantially more reports, you could come to a conclusion as to whether the whole service is fit for purpose or not, or are you going to concentrate only on the component parts of it?

**David Neal:** Coming into any job, you take the history of your predecessors and then make a determination as to how far change goes and what progress we make. In terms of whether our reports are impactful, there could come a time when I express a view, but I am not sure that I am there yet and I would need to understand exactly how damaging or otherwise that was. Some inspectorates, as you will be aware, have very different models from ours. ICIBI's has been based very much on following the legislation, conducting inspections, getting out there, making recommendations and putting those recommendations to the Home Secretary. Those are the fundamentals of how we have done our business previously.

Q176 **Tim Loughton:** We have had other inspectorates and chief inspectors in front of us with a range of experience and who have been prepared to express an opinion as to whether the underlying body that they are inspecting is up to scratch or not, rather than just limit themselves to the component parts. I just wondered why you thought your role is different and at what stage that judgment may be appropriate for you, based on the evidence that you have seen of inspecting the various component parts.

**David Neal:** Going back to the legislation, the other inspectorates have different legislation. There is a different legislative basis. My legislative basis is quite narrow. For example, I must make recommendations, so I inspect and make recommendations. There are others that have different legislative bases to operate in, and they have longer histories as well.

Q177 **Tim Loughton:** Looking at some of the levels of how many of your recommendations have been accepted, of which some are marginally over 50%—some are quite low and some are higher—would you be concerned if you were starting to find that, consistently, fewer than 50% of your recommendations were being taken up by the Home Office? Might that lead you to opine rather differently on whether your job was being taken seriously by the Home Office?

**David Neal:** The model for this inspectorate sees me conducting inspections and then making recommendations that go to the Home Secretary. Then it is up to parliamentarians to hold the Home Secretary or the Department to account. In her report, Wendy Williams specifically talks about those recommendations, and it is not for me to solve the



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recommendations. It is up to the Department to solve or deliver those recommendations and to be held to account.

**Q178 Tim Loughton:** But you surely have a view. If you are spending a lot of time inspecting, in detail, a certain part of the immigration and border service, and the Home Office, belatedly—as we hear they are with several reports, which is not untypical with the Home Office, as we have learned recently—is coming back and saying, “Well, thank you very much, Mr Neal. That is all very interesting, but we disagree with you on two thirds of the recommendations that you have made and we are not going to take them up”, how would that affect your capacity to continue in your job?

**David Neal:** It informs our subsequent inspection programme. If there are areas where we have made a recommendation that then have not been done, they are areas that we can go back to and revisit. Recommendations not being actioned ultimately affects the credibility of the process in the eyes of the public. It reduces trust. There is a question of independence.

I would not go back over my ability to operate, but I would go back to those fundamentals. Going back to the legislation, question number one here is about what I am being directed to do. I am being directed to inspect, to make recommendations and to put them in reports to the Home Secretary. It is then for the Home Secretary to be held to account by this Committee, for example, and by Parliament.

**Q179 Tim Loughton:** So your role is not to hold the Home Secretary to account.

**David Neal:** My role is to inspect and to make recommendations, having put them into the reports, and then for others to hold the Home Secretary to account. This Committee is one of those. Parliament ultimately holds the Home Secretary to account in this regard.

**Q180 Tim Loughton:** So rather than an inspector in the sense that we might think inspectors act, whether it be with the Home Office or in education or transport or whatever, you are really a research body.

**David Neal:** I would be sad to be described as a research body. I am an inspector who writes well-evidenced, quality reports that are then put in the public domain for others to hold the Home Secretary to account.

**Q181 Tim Loughton:** Why does that make you any different from an academic researcher then? What you have described is what professors do.

**David Neal:** I am not sure it is, because I am not sure if professors have legislation that covers what they are allowed to do and clear direction. If there is a desire, if there is a wish from Parliament to expand the terms of reference for the inspectorate, for example to come to a view as to the state of play and the state of nation at the end of the year, then that is for Parliament to decide and to change the law.

**Q182 Tim Loughton:** Would you welcome that?



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**David Neal:** As I said before, I run a good organisation. I have some well-connected stakeholders. We produce quality reports. We have a good handle on what is going on in the area. I would welcome any examination that has the potential to reinforce that good organisation that I run.

Q183 **Tim Loughton:** With the greatest respect, Mr Neal, it is very difficult to get a straight answer out of you on this. My concern is it appears to me that in your remit there are gaps, which is why I am perhaps being slightly fastidious about this. There are gaps within the immigration service over which you have no remit, be it on the transfer and removal centres or the escort process, which are an integral part of how the whole immigration services actually work.

You do not have oversight over the whole system. You only have oversight over certain component parts of it and you are just effectively doing a research study into how they are working and making some recommendations on how they might work better. You cannot say what should be done about the linking bits, which could be in some cases undermining some of those services that you are actually able to inspect. My concern is that your remit is not wide enough and that you need more teeth. Most inspectors would probably, if posed that question, say, "Yes, we would like more teeth", but you are not.

**David Neal:** I responded to that before you arrived, Mr Loughton, unfortunately. We did cover that earlier. In terms of the specific legislation that relates to short-term building facilities and transfer of detainees and removal of detainees, it is specified in the legislation that it is Her Majesty's Inspector of Prisons that does that.

**Tim Loughton:** I understand.

**David Neal:** What I have said is that I would encourage continued joint inspections with Her Majesty's Inspector of Prisons in order to be able to do exactly as you have just said: to be able to cover those seams. While it relates directly to detention, it is equally important in how the border is secured, for example, in terms of organised crime. The overlap and seam between the National Crime Agency, for example, and Border Force is one that needs to be examined as well. Therefore, I would seek to work alongside Her Majesty's Inspector of Constabulary to deliver exactly what you are saying.

We are significantly more than a research body and, if you asked the Home Office, it would consider that we had significantly more teeth than a research body. Of course, I would love more resources, because I think I am a capable guy and I know that I run a capable team. If there are more resources and if there are people who have those powers to, on our behalf, inform the role and remit review, for example, for a better examination and more resource, then great, I have no problem with that.

I am not calling today for more resources. I am hoping that the role and remit review, which Wendy Williams recommended and the Home



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Secretary accepted, will come along and all of these issues can be debated and we can move on.

**Q184 Tim Loughton:** You may regret in retrospect having gone on record to say you are not calling for more resources in the future. I have one final thing, which links on to what Paula Barker was asking about earlier: Rwanda and this whole grey area about what your remit is on the Rwanda scheme. Surely, in order to be able to inspect the whole system properly, it needs to be an end-to-end remit that you have. Clearly, what happens to people that you are responsible for inspecting at some point in the system in the UK geographically, be it in Rwanda or whatever other scheme, is highly relevant on the upstream activities, which you have a remit for.

Would you not say, just in the grey area at the moment, that you would like that grey area to be clarified so that you would have remit to get on a plane and turn up unannounced at one of the centres that is likely to be deployed for immigrants in this country being transferred to Rwanda? Would that not make your job more complete?

**David Neal:** I am satisfied at the moment that, with joint co-operation with Her Majesty's Inspector of Prisons, we do cover the end-to-end process and that we have the ability to inspect where we need to inspect. We are not inspecting in the extraterritoriality issue that Mr McDonald mentioned earlier. Are we going to get legislation to be able to operate in Rwanda? I am not sure we are. The memorandum of understanding talks about a monitoring committee that is being appointed over there. Even with a huge wish list, I am not sure that we could compel the Rwandans to give us oversight of where people work, for example. Let us see how it develops. At the moment, I do not see there is a particular pressure.

**Q185 Tim Loughton:** It would not require legislation. Indeed, legislation in the UK would be irrelevant because it is down to the Rwandans as to what happens on Rwandan territory, other than what is covered under the memorandum of understanding being signed between the Home Office and the Rwandan Government. I am guessing that you have not already, but if you felt it would be helpful, would you feel able to lobby the Home Secretary to include within that MoU a remit for your position to be recognised, to have various access powers or whatever, on Rwandan territory? That would be as part of that deal being agreed between the Home Office and Rwanda, which does not require primary or secondary legislation, in this House anyway.

**David Neal:** I have not lobbied for that yet. I am not sure I am at that stage that I would feel that I need to lobby. I would need to speak to the Inspectorate of Prisons to see how that developed. No, I am not sure.

**Q186 Tim Loughton:** You say you are not in a position yet. It would be too late once the MoU is formalised, beyond the details.

**David Neal:** The MoU is in play now. As far as I understand, it is formalised.

**Q187 Tim Loughton:** An initial MoU has been signed, but then these



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monitoring bodies that are being set up are yet to be identified and manned. That is potentially the window of opportunity for you to say there should be a representative from your inspectorate who perhaps sits on that or has access under the remit of that monitoring committee. If you do not do it now, then it will be too late, surely. I just wonder why you have not proactively said, "We think we need to have a role in this".

**David Neal:** It is not something we have done before. It involves detainees, so the responsibility for the detail is HMIP's.

Q188 **Tim Loughton:** They will not be detainees when they are settled in Rwanda.

**David Neal:** No, not when they are settled in Rwanda but when they are being transported from the UK to Rwanda, potentially they are detainees. There will be no appetite on the part of HMIP—I cannot speak for him—to be conducting inspections beyond that. I am not sure I would have a role in Rwanda to be inspecting facilities. Would it be under the legislation of the Nationality and Borders Act, for example?

Q189 **Tim Loughton:** It cannot be legislation, because we have no remit over what happens on Rwandan sovereign territory other than what commercial agreements we have come up with between our Government and the Rwandan Government, which, as we understand it so far, does not require primary or secondary legislation.

**David Neal:** I do not know at the moment.

Q190 **Paula Barker:** You talked about it never having been done before. Migrants have never been sent to another country before in the context that we are looking at. I am sorry to labour this point but I have to agree with Tim Loughton on this. I just wonder why you would not want your department to be part of the monitoring committee. It is not saying that you have overall responsibility, but even in terms of having oversight as part of that monitoring body, I just wonder why you would not want to be part of that.

**David Neal:** I have mentioned a couple of times the statutory basis for our activity. If we did not have that statutory basis, would there be a potential of compromising my independence? Because we do not necessarily have the powers, would I be able to report? Would I be able to have free access for everything in Rwanda in order to be able to produce a report and go wherever I needed to? I do not know.

Q191 **Chair:** Has there been any discussion with you at all from the Home Office about this new policy development? Obviously, it is a major immigration policy change. It has had a lot of publicity. I know you have not met with the Home Secretary. With the permanent secretary, has there been any discussion with you about what this would mean for your responsibilities or powers?

**David Neal:** No.

Q192 **Chair:** Nobody has ever talked to you about Rwanda and what this would



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mean. Your approach to this is looking very clearly just at your statutory responsibilities as currently laid out in the law. That is your approach.

**David Neal:** Yes.

Q193 **Chair:** On reflection, having been questioned by my colleagues, do you think now that perhaps this is something that the inspectorate needs to reconsider?

**David Neal:** We would need to do more work before taking a position on that, because clearly we have a programme. We have a published programme. We have the ability to respond with additional capacity within the programme to in-year developments. Perhaps this is something that we would seek to respond to. We would need to have further discussions with other parties, perhaps, but it is not something I have been briefed on or engaged with by the Home Office.

Q194 **Chair:** They have not briefed you or engaged with you on it.

**David Neal:** No.

Q195 **Chair:** Can I just ask you a couple of other questions? I wanted to follow up on this issue about recommendations. You inspect. You make the recommendations. You are saying you are not then accountable for what happens, but do you actually track how many of your recommendations are being implemented, so you know that action is taken? When I was reading the reports, the Home Office often says, "Yes, we accept this", but then I am not clear that it has actually done anything about it other than just saying, "We accept it".

**David Neal:** Yes, absolutely. Until 2019, the Home Office on a quarterly basis updated the recommendations. They had a large spreadsheet with all the recommendations. That stopped in 2019. We have not had an update on the progress of the recommendations. How we address that is when, in the early stages of an inspection in a process, we will pull the previous inspections into that area, look at the recommendations and then, in terms of the scope, we will ask for an update and evidence from the Home Office as to whether it has actioned the recommendations as part of that inspection process. Then we can go back and report in our overall reinspection report.

Q196 **Chair:** Why did they stop in 2019?

**David Neal:** I am sorry, but you would have to ask the Home Office. I do not know why. I have asked on a number of occasions. I suspect they will say it is down to resources as to why they have not given us that information.

Q197 **Chair:** I know you are saying that you go back and look at previous reports to see, when you are going to reinspect, what the recommendations were. Do you have a running checklist generally of recommendations you have made to the Home Office? Do you keep that?

**David Neal:** Yes. Since the inception, we can tell you what has been accepted, not accepted and partially accepted. As has been pointed out



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today, there are recommendations that are accepted but then are not actually pursued. In fact, this situation is a moveable feast in terms of an accepted recommendation. It is quite a blunt tool. Again, that blunt tool is in the legislation. There are other ways potentially, in terms of how we would influence and shape, that may be outside of recommendations. That is perhaps something we would want to discuss in the role and remit review.

Q198 **Chair:** Can I just also be clear with you in terms of the small boats report? You said that did not cover the involvement of the military. That was not something that you looked at.

**David Neal:** That is correct.

Q199 **Chair:** In a future report, you could choose to look at the role of the military around small boats if you wanted to.

**David Neal:** Yes, absolutely. When I spoke to General Cave a few weeks ago, I suggested that the Army Inspector, for example, could be a partner in terms of any future inspection. Yes, we would see. That would be a good example of why legislation could be changed to bring in others to assist in our inspections.

Q200 **Chair:** On my reckoning, the small boats report is 14 weeks overdue. You have made reference to your predecessor taking action to publish a report when the Home Office had not done. He went on social media and published it. How long would you wait before you might consider publishing the small boats report?

**David Neal:** I do not know is the answer. I have to deal with it on a case-by-case basis. For this report, having been to Western Jet Foil a few weeks ago, it was clear that many of the recommendations were being progressed. I cannot say why it has not been released. I took a decision not to release it on social media. My predecessor did that once. It is certainly an option that I have.

Q201 **Chair:** My final question is about what keeps you up at night in terms of immigration and border control. What is the big issue?

**David Neal:** It is a very good question. I sleep quite well, sadly.

Q202 **Chair:** I was just about to say this to you. Your silence would suggest that you sleep like a baby.

**David Neal:** I am really sorry. My staff will kill me for even mentioning this, because I did mention this at an all-staff briefing. This is an evidence session; I should not really be saying this, should I? We had an all-staff briefing and they said, "What keeps you up at night?" I said, "I have always slept really well, all the way through my military service". I have always been able to compartmentalise professional and personal, so I have always been able to sleep quite well.

**Chair:** I am not letting you get away with that.

**Tim Loughton:** What causes you most stress? What raises your blood





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pressure?

Q203 **Chair:** In your pre-appointment hearing, you talked about what you would want to achieve in the first couple of years, because you want to find out the question to ask. What is the big question that you have found over the last 14 months that you need to address?

**David Neal:** The leadership in the Home Office would be the big one. If there is one thing, that is the big issue. Why? Because the ability to respond and to flex resources, for example, comes down to leadership at the front-end level, in a port. The ability to move personnel from one priority to another is essential, and therefore the ability to make best use of resources is hugely important. At the strategic level, having the right leaders in place in order to run, command and lead these organisations is hugely important.

I have found that, from moving from the military into this arena, it is very different. There are temporary people in these positions rather than permanent people. It has been a surprise. What keeps me awake at night? It is the fact that Border Force has 10,000 people, Immigration Enforcement has 4,000, and leadership within those areas could be better. The response for the country needs to be better. It is very different from how it is in the military.

Q204 **Chair:** Leadership is also about political leadership. Is there an issue there?

**David Neal:** I mean leadership in general. All leadership is important. Coming from the military, you lead every day and you lead your staff all the time. It is a surprise that is not to be found everywhere.

Q205 **Paula Barker:** I have just a couple of points of clarity. I wrote down a note as you were speaking earlier, saying that you hold the Home Office to account. Can you tell us how you do that? I am conscious that you cannot get to speak to the Home Secretary and there are reports overdue. How are you actually holding the Home Office to account, Mr Neal?

**David Neal:** The principal method is by our reports. Sorry to labour the point, but we write reports. We put reports into the public arena. The reports are responded to by the Home Office. They are there for everyone to read. That is how we hold the Home Office to account. Could we do it in a different way? Yes, we could do it in a different way.

Q206 **Paula Barker:** What is the different way?

**David Neal:** We are not a regulator. For example, we could be given regulatory powers. Parliament could decide that. Wendy Williams points to this in her report, in terms of ministerial accountability for answering recommendations. We could be in a position where Parliament decided the Home Secretary must publish within a certain period, or we could be in a position where the chief inspector publishes his own reports. It is too early in my tenure, perhaps, for me to press the nuclear button, but it is always out there. I am satisfied in my first year that we hold the



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Department to account, principally by putting those reports in the public domain.

Q207 **Chair:** When do you expect the review to be published? Have they given you any idea?

**David Neal:** We are almost a year over, so we are two years down range, which is sad. They have recruited a reviewer. I do not know. I have asked the Minister. I have not had a response, so I do not know.

Q208 **Paula Barker:** What does pressing the nuclear option entail? What does that look like?

**David Neal:** Again, I suspect that means expanding on publishing of reports. I suspect it looks at legal opinions of whether we can challenge the publishing of reports off our own bat. I suspect it means going out there and publishing, doing similar to what my predecessor did in terms of publishing reports.

Q209 **Paula Barker:** That brings me seamlessly on to my final question. If you would indulge me, you said that there are five additional reports outstanding that are currently with the Home Secretary. Could you tell us what the subject matter is of those reports and how far over they are?

**David Neal:** I can. We publish on social media when those reports go into the Home Secretary, so all of that is trackable and accountable.

Looking at the Home Office's figures or the Home Office's data, it is the immigration system as it relates to the higher education sector, which was submitted to the Home Secretary on 21 April; the Home Office's processing of family visas, which was submitted on 20 May; the small boats report, which we have already covered; a reinspection of the Napier barracks, because we have gone back and inspected 12 months on the Napier barracks—that was in on 21 April; a quick inspection of juxtaposed controls over in Europe, which went in on 19 May; and GPS electronic monitoring of foreign national offenders, which went in on 5 May. We have a further four inspections that are taking place at the moment.

**Chair:** We will keep an eye on whether you get your responses to those within eight weeks. Can I thank you very much for coming along to answer our questions this afternoon? You are 14 months in. I am sure we will want to hear from you again in the next year or so to see how things are going. We very much hope you will get that meeting with the Home Secretary. That is probably an important meeting for you to have. Thank you very much for your time this afternoon. We have appreciated it.

**David Neal:** Thank you for inviting me.