



# Home Affairs Select Committee

## Oral evidence: Work of the Home Office: Windrush, HC 1186

Wednesday 8 March 2023

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

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### Witnesses

[I](#): Jacqueline McKenzie, Partner and Head of Immigration and Asylum Law, Leigh Day; and Caitlin Boswell, Policy and Advocacy Manager, Joint Council for the Welfare of Immigrants.

[II](#): David Neal, Independent Chief Inspector of Borders and Immigration.

[III](#): Wendy Williams CBE, HM Inspector of Constabulary and HM Inspector of Fire and Rescue Services at His Majesty's Inspectorate of Constabulary, Fire and Rescue Services.

[IV](#): The Lord Murray of Blidworth, Parliamentary Under-Secretary of State at Home Office; and Alex Hurst, Director of Transformation, The Home Office.



## Examination of witnesses

Witnesses: Jacqueline McKenzie and Caitlin Boswell.

*[This evidence was taken by video conference]*

**Chair:** Good morning, everybody. Welcome to the Home Affairs Select Committee. At this morning's session we want to look at a follow-up on the Windrush report that we produced a little while ago. In particular, we want to examine the Home Office's decision to no longer pursue three of the recommendations made by Wendy Williams in the "Windrush Lessons Learned Review". We are very keen to look at the impact on victims, communities and the ICIBI. We want to also have an opportunity to look at the Windrush compensation scheme. We had a visit to Sheffield last year to look at the administration of that scheme and we are interested to see how that is going.

We have four panels this morning who we are going to question. We are very pleased on our first panel to have Jacqueline McKenzie, who joined us on our visit to Sheffield last year, and Caitlin Boswell from the Joint Council for the Welfare of Immigrants. Jacqueline McKenzie is Partner and Head of Immigration and Asylum Law at Leigh Day and is appearing remotely. We are very pleased to have both of you with us today and we are going to start with some questions from Tim Loughton.

Q1 **Tim Loughton:** Thank you, and good morning to the panel. Can I ask Jacqueline first on the subject of one of the recommendations that was not taken up by the Government? That is appointment of a migrants' commissioner. Jacqueline, you tweeted that it was no surprise that the Home Secretary had dropped that recommendation. Why was it no surprise and why is it so important?

**Jacqueline McKenzie:** It is important because very many of the issues raised by Wendy Williams when she was conducting the "Windrush Lessons Learned Review"—and I was a member of the independent advisory group that worked with Wendy and saw the evidence very close up—suggest that another Windrush scandal of any sort, whether it is involving EU citizens or asylum seekers or Caribbean migrants, could be avoided if there was more flexibility in the scheme, if the Home Office was not so rigid in its approach to things like evidence and belief in what people are telling them, but also if there was a migrant voice, an advocate, somebody who could bring issues such as: how is it that old-age pensioners were turning up to the Home Office and saying, "I've been here since the 1960s and here's a school report from 1968 or 1972", there was nobody in the Home Office who would speak to them?

Unless they had lots of money to be able to avail themselves of an immigration lawyer or unless they had the wherewithal to find the



NGOs—and the cohort of people affected by the Windrush scandal are largely a very marginalised and vulnerable cohort within the Windrush generation. They are not the Windrush generation, they are a tiny cohort within it. They are very marginalised and socially excluded, mostly, from the people I have worked with—that is the fact—and would not have availed themselves. Whether they would avail themselves of a migrants' commissioner, I do not know. However, we think that it is quite important to have somebody. We have a Victims' Commissioner; we have a Children's Commissioner. The evidence is that those systems work, so long as they are properly advertised and people know they exist. If you know there is a Victims' Commissioner and you know—

**Q2 Tim Loughton:** On the basis that we have more commissioners or tsars—or whatever you want to call them—than you can shake a stick at, why were you not surprised that the Government were not prepared to appoint just another one? There was an inevitability in the quote that you gave. Why were you not surprised that the Government did say, "Fine, we'll go along with that. We've got lots of commissioners already. We know what they do and having another one won't make any difference"?

**Jacqueline McKenzie:** The commissioners are effective; I do not think that there are lots of them. There are a small number of commissioners and they do extremely effective work around victims, around children, around modern slavery and all sorts of issues. They are hugely important and they make a difference.

It is my view that the Home Office has not reconciled itself to the fact that it has done anything wrong, or even that it is even doing anything wrong in a whole myriad of issues, whether it is on deportation of asylum seekers, Windrush, EU citizens. It has not reached the point where it believes that it is doing anything wrong. Therefore, "We don't want anybody advocating rights. Why do these people need rights?" It is the same way that it is able to attack people like me who are lawyers in the most draconian of ways, putting us all at risk, because it does not believe that we are needed. The Home Office said, when it launched—

**Q3 Tim Loughton:** I am trying to get to why you said what you did, because I agree that there are commissioners who do a good job. I do not think that that is in dispute. The Government acknowledge that they do a good job. Many of those commissioners were not appointed on the back of the back of the Government admitting that it had messed up on something. Therefore, I do not understand why you thought it was inevitable that the Home Secretary—cognisant of having appointed commissioners in the past who she and her predecessors have acknowledged do a good job—never wanted a migrants' commissioner anyway. Why did you prejudge that?

**Jacqueline McKenzie:** I think that you do understand. I am totally convinced—I have been working on Windrush issues for five years. I have seen very little change in the attitudes that caused the Windrush scandal in the first place. The reason why I made that comment—not just in a



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tweet but it was quoted in the mainstream media—is because I genuinely do not believe that this Government want any more scrutiny on immigration and asylum. It is the sort of thing that does not play out well in some communities and they just do not want it.

I agree with you that commissioners, representing a whole myriad of issues, are effective, valuable and necessary, only if you believe the people who they are dealing with have rights and that those rights should be protected. I do not believe that the current Home Secretary believes that at all about migrants.

- Q4 **Tim Loughton:** Why can only a migrants' commissioner perform that job? There are countless organisations and high-profile individuals—you are one—who are helpfully speaking up for migrants and pointing out where the system is going wrong. There is no shortage of voices to do that. I am completely agnostic on whether the migrants' commissioner is the way ahead and is the only solution or not. As far as you are concerned, why is the migrants' commissioner, as recommended by Wendy Williams, the only way forward for the Home Office to show that it is serious that there is a problem and is doing something about that problem?

**Jacqueline McKenzie:** It does not matter what you call the person in the role, what the job title is. It is what the person is going to do, what level of access they will have to information and evidence and how seriously they will be taken. The Home Office is not going to take me seriously. It has not taken the NGO seriously. It is disregarding its own rules and policies, which is why it loses so many of its cases.

The whole point of having somebody, whether you call them a migrants' commissioner or a tsar or whatever, was that they would have either statutory provisions or some stake in the system and that a Home Secretary would have dialogued with them and listened to them.

Priti Patel, when she was Home Secretary, set up a stakeholder group. I was on it. It started off very well. The minute we started putting forward sensible solutions to some of the intractable positions on Windrush, she abandoned it. A new Home Secretary came in and said that she does not want anything like that. It is not going to listen to us. It does not matter whether I have a profile or not, it is not going to listen to me. It will have to listen to somebody who has that role as a formal role that it is required to engage with.

- Q5 **Tim Loughton:** Caitlin Boswell, do you agree and why is it so important that a migrants' commissioner is the way forward as the voice of migrants and greater scrutiny of the Home Office?

**Caitlin Boswell:** First, I would echo a lot of what Jacqueline has already said. I completely agree with her points that it is really important. A migrants' commissioner is someone who, for right or wrong, would be



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listened to more than charities, more than lawyers are, much more than migrant communities themselves.

The point that I want to extend on is: the reason that this is perhaps not surprising to Jacqueline or me or many others is that the decision not to introduce a migrants' commissioner is systematic of the wider lack of change that we have seen within the Home Office more broadly. It further damages what little trust remains from Windrush and migrant communities, and suggests that the Home Office is not interested in making those changes. It undermines the promise for meaningful engagement, scrutiny and accountability.

At JCWI we work with a group of people with lived experience of the immigration system who advise us. One key thing that this group spoke to us about is the feeling of a lack of accountability from the Home Office and a lack of trust that people will be treated fairly. This was already a strong feeling before this decision to scrap this commitment, compounded by the fact that none of the policies that led to Windrush in the first place have been removed. Abandoning these three commitments does confirm this.

**Q6 Tim Loughton:** Given that there were 30 recommendations Wendy Williams made and the Government have now accepted 27 of them net, which suggests that they are serious about taking forward a lot of what her report came up with, why those three, in particular the migrants' commissioner? Why do you put them in the top of those three slots that if the Government were serious on it, these three would have to be part of that bigger package?

**Caitlin Boswell:** All the recommendations made by Wendy Williams are important, but these three are particularly important for scrutiny of the Home Office and the ability to bring about real systematic change; particularly the role of the ICIBI and a migrants' commissioner, which would be able to introduce suggestions that would not just look at individual cases where things have gone wrong, but the wider systematic problems that allowed Windrush to happen in the first place.

I know that Suella Braverman has said that the Independent Examiner for Complaints would act as a replacement for the migrants' commissioner, but we are not convinced of this at all. The role of the IEC would be looking at individual cases and would not have the same wide reach to proactively engage with migrant communities. It would be more of a reactive role and would not be able to work as closely with the ICIBI.

**Q7 Tim Loughton:** It does not have enforcement powers.

**Caitlin Boswell:** Exactly.

**Tim Loughton:** Do you think it is important, like the Children's Commissioner has enforcement to access youth detention centres or whatever, that there should be comparable powers given to the migrants' commissioner?



**Caitlin Boswell:** Exactly. Your point on whether the migrants' commissioner is the only way that we can achieve change, the answer is no but it is an important way that we can achieve change.

Q8 **Stuart C McDonald:** To follow up, is there a broader concern, to put it bluntly, that the new Home Secretary is not interested in implementing Windrush? I stand to be corrected, but a quick search of *Hansard* suggests to me that since she became the Home Secretary she has used the word "Windrush" in one debate, and that was yesterday in the context of a new Bill.

Even in the way in which she updated Parliament about the scrapping of these recommendations, she did not turn up for an urgent question. Neither did the Immigration Minister; they sent along the Safeguarding Minister and then they ended up shoving out a written statement a couple of weeks later on a Thursday morning so nobody could ask a question. To me that rings all sorts of alarm bells. What is the feeling like in the community or among NGOs?

**Caitlin Boswell:** I completely echo your feelings. I don't think that this Home Secretary has any intention or interest in trying to engage with Windrush communities or migrant communities. She has shown in her short time as Home Secretary what her true colours are with this. In her short period, as well as scrapping these three commitments, she has introduced another horrific anti-refugee law, which essentially puts a ban on asylum for some of the most vulnerable people coming to this country. She has pushed ahead with the abhorrent Rwanda plan and referred to migrants seeking safety here as an invasion.

We can see where her priorities lie, and they are definitely not with engaging with Windrush communities and trying to right the wrongs that led to this in the first place. If she had any real intention of that, she would have shown the real progress that has been made to allow some of those recommendations to be reached in a meaningful way.

**Jacqueline McKenzie:** A fundamental problem here is that there were 30 recommendations. Wendy Williams and her team met with hundreds of people. They went through thousands of documents, including historic documents, and came up with 30 recommendations that are a package. You cannot pick and choose. You cannot even weigh them to say that one is more important than the other. That is not what this is about. There were hundreds of recommendations, which came down to 30 important ones. They all carry equal weight.

There are two issues. The Home Secretary at the time, Priti Patel, said, "I endorse the report and I accept all 30 recommendations and they will be delivered". That is what should happen. The current Home Secretary should be held to that standard.

Secondly, and equally important, is the fact that there is absolutely no evidence of how the other 27 have been implemented. The Home Office



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keeps saying, “We’ve implemented most of the recommendations”. How? Where is the evidence? Where is the change? What has it done? Some of the recommendations are about culture and the organisation itself. It will take decades to impact or to make change. To keep saying, “We’ve done 27 and we’re not going to do these three because we don’t think they’re important” means that it is not taking the job very seriously and I am extremely worried.

As someone who is vested in this because I represent Leigh Day and previous to that hundreds of people affected by the Windrush scandal at all levels, whether they are still trying to get status documents or compensation or are even in a stage before that. I have a huge amount of evidence on how problematic Windrush remains. So much work went into getting recommendations that were not only going to benefit the victims of the Windrush scandal but all migrants. To hear that it has done some of these recommendations but not to hear, “How have you done it? What does that mean? What does it look like?” and for it to say, “We’re just going to discard these three” is totally unacceptable.

**Q9** **Stuart C McDonald:** In relation to some of the other recommendations, there was the recommendation in relation to reconciliation events, which was also ditched, what do you think of the Home Secretary’s view that there are other and more effective ways of engaging with those impacted?

**Jacqueline McKenzie:** That is an interesting recommendation, because I thought that it would be conducted in a very piecemeal way, a very superficial way, but the communities affected by the Windrush scandal absolutely want it. The whole idea of the review was predicated on—it is not an independent inquiry; it is not a statutory review—the fact that the Home Office and the British Government were going to right the wrongs.

It is almost like these discussions that we have about restorative and reparatory justice. First, you need to engage with the people who have been wronged. That is not the potentially 50,000 directly affected by the scandal, but their communities and people outside of their communities who work with them in different ways. To have those engagement events may well have been symbolic, but it was important. We took evidence from people who said that that would be important.

In the same way that people who are the descendants of victims of the enslavement trade or crimes against humanity or victims of the Holocaust, their descendants say that those apologies, these engagement sessions, these learning sessions are important. Which they are, particularly in this year where we are all going to be marking the 75th anniversary of the arrival of HMT Windrush.

I know that it is symbolic because I know that there were Caribbean people here for decades before that and certainly African people here for centuries before that. It is a symbolic moment. Just to say, “I’m not going to bother with that”, even if you had said, “I’ll do less of it”, but to



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say, "I'm not going to bother with that" to me sends a message that you hold those people affected and their wider communities in very, very low regard.

**Q10 Stuart C McDonald:** Thank you. Finally from me, Jacqueline, you have previously given us a lot of evidence in relation to the compensation scheme. Where are we now in relation to that? Are we still struggling along or what has to happen to improve what is going on?

**Jacqueline McKenzie:** Yes, we are still struggling. There are still inordinate delays. I have cases that have been outstanding for over 18 months. We still get a lot of decisions in the first instance that are then overturned after a review, which means that the case-working is very poor.

When we went to Sheffield with the Home Office Committee, the Home Office said that it did not have enough staff working on Windrush. However, it has found hundreds of members of staff. People needing support from Ukraine absolutely should get that support, but when you have managed to find the resources to stand up, as we saw, the call centre operation that was working on Ukraine—they were internal secondees—and in the next breath say, "We haven't got enough people to do Windrush. That's why we're having these delays". That tells me that you are not taking the victims of the Windrush scandal very seriously.

The system is slow. The decisions are very wrong. I gave evidence before about people who were stuck abroad, who could not come back for their children's weddings. They could not come back for the graduations of the first person in their family to go to university. How important are those things culturally in some communities? Those cases that I gave evidence on all those months ago are still in the system pending review. People are dying. The Home Office has over 100 estate claims. We all know of at least 30 people who have died. It is an elderly cohort and it should not be slow.

There are other more structural and technical problems around the calculations on loss of earnings, the failure to compensate pensions. There are a myriad of those that I do not have time to go into today, but the system is wanting. I recently called counsel together for a workshop and we are looking at whether this scheme is working and does it make sense to participate in it. We are even asking that question.

**Q11 Ms Abbott:** On the compensation scheme, because for victims of Windrush it is one of the most immediate issues, we recommended to the Home Office that everybody who was wrongly subjected to immigration enforcement measures, or were wrongly denied proof of their lawful status, should have a preliminary £10,000 impact-on-life award within two months. We also recommended that the Home Office should increase the general award tariff to the national living wage. We also recommended that the Home Office should guarantee access to legal assistance for all claimants who require it. Would you like to comment on





those?

**Jacqueline McKenzie:** Yes. Thanks to the Home Affairs Committee. You succeeded in getting some of those changes because the lowest tariff for impact on life, when I last gave evidence with Holly Stow from North Kensington Law Centre, was £250. Then we argued for the minimum tariff. We wondered what on earth would have impacted your life that would only be valued at £250, but that was the scheme as it was then. That went up to £10,000 almost days after the Home Affairs Committee heard evidence.

In terms of the £10,000 preliminary payment, that has been implemented and that was pretty much due to the work that your Committee did. However, it is not working well. A large number of people are being told, "We don't know if you're eligible yet so we're not going to pay it to you", when the evidence is stark as day that people are going to be eligible for compensation. It does not work well, but you managed to achieve that there would be preliminary payments of £10,000 and that this lowest tariff went from £250 up to £10,000. That happened, yes.

Q12 **Ms Abbott:** What about guaranteeing access to legal assistance?

**Jacqueline McKenzie:** There is none of that at all. The Home Office still says that people can make these complicated claims on their own, that they can make them without access to lawyers. As far as I am concerned, there is still a big issue with access to justice in the Windrush scandal. There is no other scheme where you have the tortfeasor managing the processing and doing so without equality of arms, so that the victims are either muddling along on their own or going to a series of organisations, who are doing an amazing job but they are not lawyers, or they have to come to lawyers and of course lawyers are charging. I think that the Home Office should be paying those fees on top of compensation.

It is problematic. Not only has it not provided legal assistance—it will say that it is digital, which is some sort of private corporation that it has given a contract to that gives people three hours of advice of advice over the phone or on Zoom. We have clients who have been through that process and that process is not an effective replacement. It is not an effective way of delivering this.

Another point about access to justice is, from the data available, you will know that there are 15,000 people who have been given status documents. Half of them are Europeans because Europeans are able to avail themselves of the Windrush scheme. In terms of the second biggest group who are affected—Caribbean people are predominantly affected by the Windrush scandal but so are West Africans and so are South Asians. Fewer than 1,000. In fact, I think it is even fewer than that. Forgive me for not having the figures in front of me but it was very small: 100-and-something Ghanaians and 500-and-something Nigerians.



We have seen loads and loads of refusals for Nigerians, who were wrongly kept out of the country and have not been allowed back. There is possibly some other discrimination or the Home Office does not understand the historic citizenship rules regarding those people, but why are those figures so low? Why has there been no promotion? Access to Justice is about making people aware of Windrush. I am always amazed that people have not heard of it but there are people who do not understand it. They do not understand that it relates to them. That is because the promotion of the scheme has been woeful. People outside the Caribbean community do not quite understand that they are Windrush. The Home Office needs to immediately do an important piece of work to address the imbalances in the data, have a look at why so many Nigerians and Ghanaians, in particular, are being affected.

Their pattern of migration was slightly different. They came here in the 1950s, 1960s and 1970s and studied and then could not get jobs because of racism. Black Caribbean people could not get jobs but they took more menial jobs, but West Africans with their degrees were not going to do that so they started moving backwards and forwards and backwards and forwards. Then they fell foul of the rule, the two-year rule, which excludes you, which they did not even know existed. Some of them rightfully have a claim to be able to come back and the Home Office is refusing those out of hand. It is something that I want to look at but the Home Office needs to examine it too.

**Q13 Ms Abbott:** Finally, one of the other things that we suggested was to have a genuinely independent review process, because one of the things that I have observed is that some of the victims of Windrush, because it was the Home Office that caused all their problems in the first place, are reluctant to go back to the Home Office to resolve their compensation problems. The question about an independent review system, what do you think about that?

**Jacqueline McKenzie:** In terms of independence, you are absolutely right. I made the point that it is the tortfeasor marking its own homework. It is a strange setup to start with. I was less keen on the idea of moving anything from the Home Office now because it has been five years. I think the Home Office needs to sort it out and get on with it. However, I have come around to the views that maybe the Home Office cannot deliver justice to the Windrush victims, certainly in terms of those who are outside the scheme, those who have not been made aware of how it operates or that it affects them because there is no proper access to justice, and also people who do not trust the Home Office.

I did my work by going into all sorts of social centres, centres of influence, church groups and betting shops and chicken shops and all sorts of places where I would find the community. That is how I worked in the beginning. People would say, "No, I'm not going there. I'm not going to the Home Office". Everybody knows somebody who has had some problem with the Home Office in their community. Either they have



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been deported or they have had some status stripped or they are on that awful 10-year route to settlement, having to spend thousands of pounds. There are so many problems.

There is folklore in the community. Some of it is factual and some of it is folklore. People just do not trust it. It did not help in the early days that the Home Office said that there would be no enforcement action taken against anybody who presented as Windrush, even if they were not. Then somebody got arrested, and it happened to be one of David Lammy's constituents, so that become public.

People do not trust the scheme. We said at the beginning that it should have been an independent scheme. Also now, in terms of independence, the time has come, because of how problematic these questions about who is entitled to return, who is entitled to status documents—particularly from West Africa and South Asia—the questions about access to justice around funding and making it easy for people to identify the issues and make viable claims, because of all of that the time has come for us to call for an independent inquiry.

We have had the scandal. One of the things that I found interesting, when I sat as a member of the independent advisory group, was that so many of the problems were historic and multifaceted. You think, "If the Home Office is going to sort it out, let's just give it an opportunity to sort it out" because there is nobody who is there now who is responsible for it. A lot of it is ideologically driven so it has come from political parties anyway, let them sort it. They have had five years and they have failed to sort it out, so I think that we need an independent inquiry.

Q14 **Chair:** An independent inquiry. We were talking in our recommendation about having an arm's-length body to administer the compensation scheme. You are now saying that you want an independent inquiry into the whole of the Windrush scandal?

**Jacqueline McKenzie:** Both.

**Chair:** You want both, okay. Thank you very much to both of you for giving evidence this morning. That is helpful. We have the Minister coming at the end of the session. We will put a number of the points that you have raised directly to the Minister and ask for his comments, particularly about the operation of the Windrush compensation scheme. That is something that we do want to press him on. Thank you again for your time this morning.

### Examination of witness

Witness: David Neal.

Q15 **Chair:** We are very pleased to have on our second panel the Independent Chief Inspector of Borders and Immigration, David Neal, who has appeared before this Committee on two occasions since taking up his



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position. You are very welcome this morning. Paula Barker is going to start us off on the questioning.

**Paula Barker:** Good morning, Mr Neal, lovely to see you again. Fortunately you have more appearances before this Committee than the Home Secretary appears to have with you, or that was definitely the case in the past. Has that changed? In October you said to us that you had still not met with the previous Home Secretary. Has that changed?

**David Neal:** I have now met the Home Secretary.

Q16 **Paula Barker:** How did that meeting go?

**David Neal:** It was good. I was over 18 months into my appointment by that time, so I was relieved to get the opportunity to tell the Home Secretary what I thought my role was and to begin to establish a relationship with the Home Secretary, because the area is particularly busy. As I have said to this Committee before, the subject of assessment that I feel that I can give to support the objectivity of our reports is important.

Q17 **Paula Barker:** You did comment in the past on how you hoped that you could work with the Home Office to address the many issues that you face in your role. Now that you have met with the Home Secretary, what specific discussions have you had about how that can be a better synergy for a working relationship going forward?

**David Neal:** I met the Home Secretary once for an initial half-hour meeting, where I talked to her about the role and remit review and the hopes that I had for greater co-operative working with other similar inspectorates. It was very much a preliminary meeting. I had already met with Minister Jenrick and then I met with Minister Jenrick again a couple of weeks later to discuss a specific report.

As I have said to this Committee before, I am a public servant who is waiting for what the Government tell you that they are going to do in terms of implementing the Windrush recommendations. While I have made some changes to my organisation, I was waiting on the announcement. The announcement was made so now we are into a different territory. I have not spoken to either the Minister or the Home Secretary since the announcement was made but I have spoken to senior officials.

Q18 **Paula Barker:** During your meeting did you discuss at all whether or not you believe the Government are justified in their reasoning for not permitting the ICIBI to publish its own reports?

**David Neal:** I made it quite clear that I thought that publishing our reports was key to our independence. I made it absolutely crystal clear—and I made it to Minister Jenrick as well beforehand—that my assessment was, particularly with regards to the small boats report, that the Home



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Office had sat on that report. I made that absolutely crystal clear to both of them.

**Paula Barker:** No response?

**David Neal:** No, no response.

Q19 **Paula Barker:** What do you believe will be the impact for the ICIBI of the Home Office decision not to continue with Wendy Williams's recommendations to review your role and remit?

**David Neal:** The impact is twofold. Some of it is on the ICI but much of it should also be on the Home Office. It is a missed opportunity for the Home Office as much as it is for the ICIBI.

You will recall that Wendy Williams has revisited her written report and called the Home Office out for a slight distortion of the comprehensive implementation plan, which sought almost to put the blame on the ICIBI and that the role and remit review was somehow the ICIBI's responsibility. Wendy calls it out and is quite clear in saying that the onus for change and the feeling behind the recommendation was for change on the inspected body not on the inspectorate. She was quite clear in calling for greater powers specifically in relation to the publishing of reports and very clear in terms of accountability for recommendations.

The burden should not be on the inspectorate. The burden should be on the inspected body. The openness to scrutiny that, if implemented, potentially those recommendations could encourage would be a positive thing.

Q20 **Paula Barker:** How were you informed of the decision? Were you personally contacted or were you written to personally?

**David Neal:** I was not written to. I had read the releases, or the leaks, in the press and I was contacted by a senior official the day before it was announced. As I said, I have not had the opportunity to speak to the Home Secretary or to the Minister about it yet so I have had no real explanation as to why it has been dropped.

Q21 **Paula Barker:** Initially, apart from the senior official, you relied on leaks in the press?

**David Neal:** Yes.

**Paula Barker:** That is quite outstanding.

**David Neal:** It is terribly frustrating because, while the weight of the recommendations falls on the Home Office, I have an organisation to run and I have an inspection programme to deliver. Any improvement in that in terms of additional resources, in terms of performance, in terms of are we doing the right thing—it has been 2009 since the inspectorate has come in—so the ability to run a ruler over us an organisation is a really helpful thing.



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Q22 **Paula Barker:** In respect of that, have you personally written to the Home Secretary? I know that you have had this one half-hour meeting, but have you written to the Home Secretary with your concerns and put that on record?

**David Neal:** No. I have spoken to the senior sponsor within the Department. I made it absolutely clear and reinforced my position of where we were with exactly what our bill was. What it was that we were hoping to get from the implementation. The Department is absolutely clear. I have been requesting a meeting with Minister Jenrick on other matters from the start of February and, sadly, I have not been able to meet him yet for a month. However, No. 1 and No. 2 on that meeting is going to be the issue of role and remit so that I can better understand the Department's position, then we can take it forward. It has made the decision but how can we take forward improvements for the Home Office, most importantly, and myself as Independent Inspector?

Q23 **Paula Barker:** It is interesting that you have waited a month for the meeting with Minister Jenrick, because in the past you have said to this Committee that you have had good access to Ministers. Has that diminished since the new Home Secretary came into post and the ministerial changes have happened?

**David Neal:** It would be too early to come to a call. Certainly before Christmas, when I had a particular matter I needed to discuss with Minister Jenrick, I was given access. I have not been given access now, but, to be fair, I have not turned the volume up on that request. The Department is clear that I am disappointed with it. I am sure that we will meet in due course, so I cannot say that I am disappointed.

However, there is only one Minister now, one Immigration Minister, when there were two before and we had managed to have a reasonable cadence of meetings. It would be fair to say that access to Ministers could have been looked at in terms of an independent review of whether or not there is a routine of meetings. Access to the Home Secretary has been a perennial problem alongside things like the releasing of reports. That would have given me an opportunity to discuss those sorts of issues.

Q24 **Paula Barker:** Would it be fair of me to say that the difficulties that you have had in pinning down a meeting with the Home Secretary, and now Minister Jenrick, hampers you in your role?

**David Neal:** It does not help, because it is important that the Independent Inspector has the opportunity to face to face brief senior people who are responsible for the delivery of what it is that I am inspecting. It does not help, but I have said to the Committee before that I am not going to cry over this. I am going to get on with my job and focus on producing reports, getting inspectors out there and making recommendations.

Q25 **Paula Barker:** You welcomed the recommendation to create a migrants' commissioner because you believed that it was giving a voice to



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individuals in the system and it was a gap in your current work. Do you envisage another way that the intention of this recommendation could now be met?

**David Neal:** Right from taking over, in anticipation of the spirit of Wendy Williams's recommendation, I have got on with trying to mitigate some of there not being a migrants' commissioner. I have raised the profile considerably of the inspectorate, which makes us more visible so that people can come to us with experience of the system. I have improved the methodology of our inspection programme, the way that we now do small, medium and long reports so that we are not locked into a longer-term programme and, therefore, we can be responsive within the year to events.

I have restructured the organisation to give us an insight branch and an intelligence branch to support the main effort of the organisation, which is inspectors inspecting. I have increased the stakeholder forums, so trying to bridge that gap between the lived experience and communication into the centre, but not just in terms of people affected by the migration system, including education providers, including industry, including regional strategic migration partnership, to try to get as big a spread as we possibly can so that people can communicate with me and I can better inform my programme.

We have done modest outreach. I would like to say that I have done more, but we have done a modest amount of outreach right across the country with some of the communities that are affected by the policies that the Home Office brings in. However, having another person, having a senior person who was appointed to be able to do this, and co-operate in terms of the bridging programme, would be a valuable resource. I have said that from day one and I continue to say that.

Q26 **Paula Barker:** In her statement, the Home Secretary cites an Independent Examiner for Complaints and an independent adviser as external providers of scrutiny. You have touched on the fact that it would be helpful to have another arm. How would the sources of the scrutiny to the Home Office compare to that of a migrants' commissioner and your role? How would you see that working?

**David Neal:** Greater co-operation with a migrants' commissioner would be another input into me. I have met the Independent Complaints Examiner as well. That gives the opportunity for individuals to come forward with particular complaints. While I take individual bits of intelligence, the legislation prevents me from bringing forward individual complaints.

More broadly, the Home Office's outreach and the Home Office's listening to what is going on could be improved in many areas. Often when I visit locations and speak to people I am the first person who they have seen, and I am not even from the Home Office. It is interesting the previous evidence about seeing people from the Home Office—I am treated as



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someone from the Home Office and, in many respects, for vulnerable people I am just another agent of the state. We have to overcome that and quite quickly. In speaking to people you do get after it, but we still end up having to break down those barriers when we speak to people. Does that answer the question?

**Q27 Paula Barker:** Yes, it does. Thank you. The final question from me is in terms of reviewing the role of the ICIBI. You told us that the review was valuable but whether the resourcing and staffing levels were sufficient. Will you now undertake a review of this yourself?

**David Neal:** Absolutely. Now that we know that it is not going to take place, we will work with the Department. That was the purpose of the meeting. However, I do not want to get wrapped into writing papers to justify what we do. What we do is within legislation. I will make representations about, in my judgment, what additional resources we should have, and we will work together to get them. To be fair, for the Home Office we have made a couple of adjustments and bids have been knocked back for personnel, but recently we have also had a very, very modest additional increase to our structure. It is very limited but we will work together to try to get more.

That is never going to replace a proper independent review, a comprehensive review that can look at everything. Some of the issues wrapped in the spirit and the delivery of Wendy Williams's report, recommendations, for example, is a huge issue: what is accepted and what is not accepted and what is partially accepted. Should I be measured on the number of recommendations that I implement? No, I don't think that I should. It is a big issue that needs to be done in partnership.

**Q28 Paula Barker:** In the previous panel Jacqueline McKenzie said that the Home Office has said it has implemented most of the additional 27 recommendations, which was part of the 30, and three were discounted, as we already know. Jacqueline said that there has been little or no evidence to support that. What would your view of that be?

**David Neal:** We have not looked at the specifics of the Windrush recommendations, less 9 and 10 that particularly affect the delivery of my organisation. However, more generally, we constantly see recommendations that are not delivered. Some of them are accepted and delayed. I had a letter recently with recommendations from our agricultural visas' inspection, all of which were accepted but where was the delivery? This was a complaint from an industry organisation: where is the delivery and what is hanging around?

There is often a delay. Often we find recommendations that are partially accepted. Children in hotels inspection, for example. We put timelines against those recommendations. Three were partially accepted. Well, they were not really accepted. They were only partially accepted on the





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basis that we put timelines against them. We put timelines against them in order to be able to hold the Home Office to account.

It is a whole separate issue, recommendations. Since 2009 the Home Office has accepted something like 78% now of our recommendations. However, accepting does not mean delivery. We have said it before. In November 2021 our report recommended the reintroduction of the service standard for asylum casework. That was in November 2021. The report was written when the evidence was gathered, maybe in March or May 2021. Who knows, had there been a standard, had there been an accountable standard in November 2021, in a recommendation to the Inspector, perhaps we would not be in the position that we are now.

How effective am I being in terms of recommendations? I am making the recommendations; we are conducting the activity independently and then it is down to the Home Office whether it wants to implement.

**Q29 Paula Barker:** You have just said that since 2009 it has accepted about 78% of recommendations. What is the percentage for implementation?

**David Neal:** That is a good question, particularly in terms of Wendy's recommendation on tracking systemic issues. We have not been given an update since 2019 of the Home Office's overall response to all our recommendations in 2009, which is a massive weakness. How do we come up with a clear picture across the business areas of what recommendations have been done and what have not been done? The way we do it is we do it on a piecemeal basis. When we reinspect a particular area, we will look at the recommendations. We will work out whether they have been actioned or not, but we are not being communicated to by the Home Office.

**Q30 Chair:** We are going to move on but, on that point, I thought that there was a digital tool that had been talked about that would allow you to see what was happening to recommendations. Is that not correct?

**David Neal:** There is. There is a tool that has been brought in by the Home Office. We have a meeting on it next week.

**Chair:** It is not in operation at the moment for you?

**David Neal:** Not from my recommendations. We have not seen any output of it. Chair, may I make a correction, please? Lord Murray did write to me on 26 January to say that recommendation 10 was not happening. I was notified, I am sorry, in writing.

**Chair:** Thank you. I am going to come to Tim Loughton, Stuart McDonald and Diane Abbot.

**Q31 Tim Loughton:** Good to see you again, Mr Neal. Do you think that you are undervalued by the Home Office and the Home Office Ministers?

**David Neal:** It is too early to say with the new regime. I think that we could be effective, that is for sure, and part of that effectiveness is the



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ability to communicate what I experience on a regular basis to Ministers. We do that through reports, but a regular cadence of meetings would be the most productive way and that would add value.

**Q32 Tim Loughton:** To put it another way: do you think that you are being side-lined by the Home Office?

**David Neal:** It would be absolutely fair to say that the Home Office is not particularly keen on external scrutiny. I provide external scrutiny, so it does not deal with me with any particular enthusiasm.

**Q33 Tim Loughton:** Do you think that that is a common theme? We heard from the previous panel members that their view on why the three recommendations, or most of those three recommendations, were not adopted was because of an antipathy towards a greater scrutiny of the work the Home Office is doing in this area. Do you think that that is part of a theme?

**David Neal:** That would be fair, yes. That is what I have experienced in the two years since I have been there. I have been very reluctant to say and I am reluctant to answer your question there, Mr Loughton. I am really reluctant to say because it backs us into a corner, but two years down the line my view would be that if it cannot change itself, if it is not going to be open to scrutiny itself, we are going to have to go for legislative change to make that scrutiny if that is what Parliament wants.

**Q34 Tim Loughton:** It is very important what you say. We judge a certain reluctance to be as forthright as you might be and we had that before. However, the whole thrust of the Windrush report—apart from its specific recommendations—was the culture that prevails within the Home Office. A culture of not taking this seriously, not respecting the victims or migrants as human case studies rather than just numbers. If anything is to change, if scrutiny is to be better, if procedures are to be better, it has to start with the culture of the Home Office. That starts with the leadership of the Home Office as well, which has obviously gone through various manifestations.

Your scrutiny role, and particularly in the absence of the additional scrutiny role that a migrants' commissioner would bring is very important. If you are saying to us that you are being effectively obstructed in that scrutiny role, or that the work that you are able to do is not picked up and taken seriously by the Home Office, you are clearly not able to do your job properly. Is that a fair assessment of where you think you are now?

**David Neal:** "Obstruction" would be too strong because if there was obstruction I would tackle it. It does not act with the alacrity that you would hope. There is a definitely a reluctance on the part of the Home Office, and that is after two years. Am I obstructed? No, I am not obstructed but am I as effective as I could be? No, I am not.

**Q35 Tim Loughton:** You would like to be much more effective, clearly. You



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would like to have your reports responded to in a timely fashion, as they should be. You would like to be able to have regular meetings with the appropriate Ministers—if not the Home Secretary herself—to discuss your recommendations and how seriously they are taking them, and you would like to be able to properly monitor and publicise how your recommendations are turning into action or not and, if not, why.

**David Neal:** Absolutely. That would be exactly the sort of thing that we could have put to the role and remit review. I agree with your assessment that this is a matter for the Home Office. I cannot force the Home Office to do what it does not want to do. I can tell this Committee what I think.

Q36 **Tim Loughton:** You have hit the nail on the head. It is what the Home Office does not want to do that is part of the problem. Our role is to try to draw out an analysis of the problems like that and then tackle the Home Secretary and her Ministers head on to do that.

Briefly on the resourcing issue: how much have your resources for your office gone up since you became the Inspector?

**David Neal:** It will go up by about two people by the time we have we have recruited an individual, so very, very modest.

Q37 **Tim Loughton:** How many full-time-equivalent people do you have now?

**David Neal:** There will be in-year jiggery-pokery with the money, so it will probably be about 30 but we will probably have 32 working at full time for us.

Q38 **Tim Loughton:** Therefore, that is a 6% increase in headcount over the last few years, at a time when probably scrutiny of the border and immigration system has never been more needed because of everything that is going on.

**David Neal:** I could not agree more. That would be my broader point about the size of the increase of the Home Office. I have stayed for two years acting within my resources. You questioned me a couple of meetings ago on this exact point. I have done what I have always tried to do, which is work within the resources in a responsible way. However, looking at some of the figures within the Home Office in terms of growth, we worked out that since 2015 in the policy area it has increased by 184% and in the borders and immigration area some 57%. We are now at 30(2), which is hardly a significant increase.

One of the things that the role and remit review did provide us with was an opportunity to increase the size of the organisation. Then we could have a greater coverage of areas and we would continue to call out when we come across things that are wrong, and that role is hugely important.

Q39 **Tim Loughton:** The number of sites that you could inspect, like Manston, for example, did not exist when you first became the Inspector. There are a number of other sites, because of the channel boats issue, that now



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come under your remit so you have a much bigger constituency of things to inspect.

**David Neal:** Absolutely, but it is even a greater depth than that. The complexity of the visas and asylum system, not just the detention element of it, is much more complex. What we are seeing, with crises on crises, is a whack-a-mole approach, which means that elements are denuded in one area where a risk is taken to support another area. We see that again and again and we make sure that we report that. However, a Home Office that is running hot—as it would describe it—with moving people around from one location to another, means that there are gaps appearing all over.

Can I tell you that I have an assurance that I am identifying all those gaps? Absolutely not. However, when we inspect and when we see these areas, we often encounter that and we see that the explanation for the poor service often is because of Ukraine or because of Afghanistan or because of summer or half-term or whatever it might be.

Q40 **Chair:** In terms of workload, the Illegal Migration Bill, which was given its first reading yesterday in the Commons, have you had any discussion with the Home Office about how that would impact on your workload, whether there would be additional responsibilities that you would have to take up? Obviously, within that, there is a range of issues but one is around detention of larger numbers of people arriving on the small boats. Have you had any discussions?

**David Neal:** No, not yet. I have been briefed by the Home Office on the outline of what was happening. It was all news to me. The location of detention sites, for example, and the processes was all kept quiet.

Q41 **Stuart C McDonald:** Thank you, Mr Neal, for your evidence. One question from me. What happens now with the Windrush report and Wendy Williams's review? We have obviously had an unbelievably catastrophic event, extensive work goes into producing a report, all the recommendations were accepted and there is now a bit of pushback in terms of three. I fear that, not so much gathering dust, the report has been stuck in the bin by the current regime. I may be proved wrong in that.

The point is that at least the process of Wendy Williams's update kept that on the agenda. It kept pushing at the Home Office and pushing it along. What happens now? Whose role is it to keep making sure that the Home Office is taking that seriously? Is there a role for you in that or is that just too much?

**David Neal:** It is not too much. We have just submitted our proposed inspection programme for next year to the Home Secretary and it will be published in early April. Windrush is not one of the areas that we are inspecting, but we could. We do have the ability to do things in-year, so we could inspect within it. However, we are not doing it at the moment.



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Do I have a role in holding it to account in terms of Windrush? If the Home Office would like to give me a role, the Home Secretary could commission me to do something, and I would be perfectly happy to take that on, as long as there are additional resources. The risk is always, with a Home Secretary commission, that it displaces something else within the programme. We have many, many more issues on the long list of inspection topics than we have resources to be able to do it and to be able to do it well. We will be challenged and will be taken apart if our work is not accurate and is not absolutely evidence based, so it needs to be done properly.

**Q42 Ms Abbott:** To go back to the small boats briefly, you said earlier to the Committee that you were not consulted on it. You were told about it when it had been agreed. Do you think that it is realistic for you to have a role inspecting those migrants who will be in detention centres? I am mindful that, in theory, they will only be there for 28 days.

**David Neal:** I have given evidence before about my role and His Majesty's Inspector of Prisons' role. We have just completed an inspection of Manston. We are just writing it up at the moment for submission to the Home Secretary. The inspection activity on the ground was taken at the same time as His Majesty's Inspector of Prisons, so we are working at the same time. In the past we have worked together on these matters.

Certainly, the Home Secretary can commission me. There is a particular part of the Act that says that she can commission me to look at detention centres so she could do that. To do it effectively, if I was going to work singly, we would need to recruit a different type of staff to do it. My preferred option would be to work alongside His Majesty's Inspector of Prisons because it has the expertise.

It is important that it does not fall between the cracks between the two inspection organisations. You will recall last time I was here that being able to describe and being able to get into the public arena what was going on at Manston was critical to the changes that subsequently took place. If your inference is that that sort of thing could happen further down the line and do I have a role to play in that, yes, I do. Be assured that we will continue to inspect and continue to do the right thing.

**Q43 Ms Abbott:** However, you would have to wait for the Home Secretary to commission you to do that inspection?

**David Neal:** Not specifically. The way the Act is written, short-term holding facilities are His Majesty's Inspector of Prisons' responsibility. However, no one is stopping me from going along to detention facilities, in the same way as I did in October, and writing to the Home Secretary with what my view is. We will inspect—and it is on the programme next year—another small boats inspection report, some of which may well include some of the detention aspects of Manston, for example, and Western Jet Foil. We are inspecting two slightly different things.



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I hope that our two inspections will overlap and, if the Committee were to call us, we would be able to give a clear picture, for example, of what is going on at Manston. I do not feel precluded by it. Be assured that, if there is something going wrong in that area, it is something I will make sure I put my feet into and have a look at.

Q44 **Chair:** Thank you. How many reports are still outstanding with the Home Office? Are any of them over the agreed timeline for publication?

**David Neal:** Yes. Since I last briefed this Committee, 24 reports have been published during my timeline. Only one has been published on time. We have three reports in with the Home Secretary at the moment and we have six inspections ongoing.

Q45 **Chair:** Are the three that are with the Home Secretary within the timescale you have agreed for publication still or are they over?

**David Neal:** I will have to write to you, Chair. Certainly one of them could be. However, I suppose, in a way, the jury is out as to whether the new regime, the new Home Secretary and the new Minister, will be quicker at releasing reports in the eight-week period. Bear in mind that I do not suggest we need eight weeks. I suggest we should be able to release straight away on time rather than just eight weeks.

Q46 **Chair:** Yes, absolutely. We are keen to make sure that your reports are published in a timely manner. In particular, you said that you have a report you are writing at the moment about Manston.

**David Neal:** We are writing it up at the moment. We have concluded the Manston inspection, yes.

Q47 **Chair:** When do you expect that to be with the Home Secretary?

**David Neal:** In the next week or so or 10 days. My staff would not like me to be held to account but, yes, in the next week or 10 days. We will publish it on our website when that goes in as well so that there is visibility.

Q48 **Chair:** All right. The Committee has taken a particular interest in Manston and so we will be interested in what your report says. We should look for publication by the end of May at the latest.

**David Neal:** There will be a two-week factual accuracy process, but I would be astonished if there was a delay as long as there was for the last small boats report. This one, I expect, will be significantly quicker.

**Chair:** All right. We will look out for that. Thank you. Thank you again for coming along this morning and being so open with your views about how things are at the moment. We have the Minister coming, and we will certainly put some questions to the Minister about why the recommendation about your particular organisation has not been carried forward. Thank you again. I am sure we will see you in the future as well.



## Examination of witness

Witness: Wendy Williams.

Q49 **Chair:** Good morning. I would like to welcome Wendy Williams to the panel this morning. While you get settled, we have had two panels before you: one from a lawyer and an organisation that works with people who have made claims to the Windrush compensation scheme and were part of the Windrush scandal, and we have just heard from the Independent Inspector of Borders and Immigration, David Neal.

Wendy, would you like to explain your role in all of this? You have such an important role and we are pleased to hear from you today and to get your thoughts on what has happened recently. Do you want to say a little bit about your involvement? That would be helpful.

**Wendy Williams:** Yes, thank you, Chair, and thank you to the Committee for the invitation.

I was appointed as the Independent Adviser to the Windrush lessons learned review and completed my review in March 2020. The report was published. To the Department's credit, it announced that it was accepting all 30 of my recommendations. Then, in September of the same year, it published its comprehensive improvement plan. A year later, I was invited back to carry out a revisit and to report on the progress that had been made.

I can set out what my general findings were if that would assist the Committee. I found that the Windrush events occurred as a result of policy, operational and also organisational failures and that it was important for the Department to do three things. The first was to acknowledge and accept that it had been responsible for a profound institutional failure that had caused significant detriment to a cohort of British subjects who were well respected.

The second element was that it should open itself up to wider external scrutiny. The third was that it should acknowledge that a cultural change was required and it should recognise that when it implements public policy, no matter what the objective of that policy might be—because of course the Department is dealing with some of the most contentious areas of public policy—it should recognise that its policies are about people and should be rooted in humanity.

I made 30 recommendations. As I say, Chair, to the Department's credit, it accepted all 30 of my recommendations. At the time of my revisit, I found that the Department had made progress and I commended the Department for the work it had done, both in setting about improving its operations and also in respect of its comprehensive improvement plan, which was published in September 2020. That plan set out an intention not just to implement the letter of my recommendations but also the spirit of them.



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I commended that in March last year, but I did say that, while progress had been made in respect of many if not most of the recommendations, there were some significant areas where further improvement was required. In particular, I pointed to the recommendations, 10, 9 and 20, which related to wider external scrutiny. I did say at the time that the Department, a year ago, was not yet confident enough to be able to open itself up to wider external insight and scrutiny.

I also talked about the importance of training because, with a workforce of 38,000 people, it is utterly essential that the workforce is properly trained. I am pleased to see in the update that the Department has started to implement the training recommendations. Arguably, that could have been done sooner. Hopefully, Chair, that sets out the background.

**Chair:** That is incredibly helpful. Thank you for that. Stuart McDonald will ask some questions now.

Q50 **Stuart C McDonald:** Thank you, Chair. Thank you, Wendy. Focusing on the recent announcement that the Home Office would now not seek to implement three of the recommendations, 3, 9 and 10, what was your reaction to that and had there been any engagement with you or forewarning that this would happen?

**Wendy Williams:** Unsurprisingly, my reaction was one of disappointment. The Department had accepted all 30 of my recommendations and had set about implementing them. It had made more progress in some respects than in others, but the overall approach was to be commended.

In terms of the recommendations themselves, I see particularly 9 and 10 as essential to accompany recommendation 20. I will explain what I mean about that.

Recommendation 20 relates to the Independent Examiner of Complaints. It is, again, positive that the Department has appointed that particular individual. I understand from the update that the individual was appointed in October. That was nearly six months ago. Presumably, the Examiner is able to look at casework and to assess cases. I don't know how many complaints have been considered or what the overall findings are. Is the quality of casework improving or is it going in the opposite direction? But I saw that as one of three important recommendations.

The second related to recommendation 10, which relates to Mr Neal, and the third relates to the migrant's commissioner. I saw it as a three-legged stool, if I can put it that way. The Examiner of Complaints looks at casework and so, inevitably, it is looking at things retrospectively, whereas the Chief Inspector of Borders and Immigration and the migrant's commissioner would be able to assist the Department upstream and, therefore, would be able to promote improvements in policymaking and improvements in casework.





Q51 **Stuart C McDonald:** Had you been given any warning or had you had any sort of engagement or consultation before they, essentially, left you with your one-legged stool? Did the Home Office tell you that this was happening or give you any warning at all?

**Wendy Williams:** No.

Q52 **Stuart C McDonald:** Were you surprised? Your update report had already grumbled about a bit of foot-dragging in the appointment of the migrant's commissioner, for example. Were you surprised at all?

**Wendy Williams:** Yes, because, from the outset, the recommendations I made were designed to assist the Department in improving and in making progress and in receiving the best possible quality of advice, scrutiny, oversight and assistance. Yes, I was surprised.

Q53 **Stuart C McDonald:** You were not consulted at all or spoken to in advance of that announcement being made. You used the word "confidence" both in your update report and in your evidence this morning. Is it really an issue of confidence or is it a conscious political decision that this Department and those in charge of it do not want extra scrutiny on policy development?

**Wendy Williams:** I cannot answer for the Department's motivation. I can only speak to the Committee about the impact of my recommendations and the rationale behind them. The rationale was very much appreciative of the external environment and of the prevailing circumstances, but I considered that the Department would be strengthened by that additional and wider external scrutiny.

Q54 **Stuart C McDonald:** I am interested about why you thought it was a question of confidence rather than anything else.

**Wendy Williams:** It is difficult engaging in external scrutiny. It can be uncomfortable. That was the reason I used the word "confidence".

Q55 **Stuart C McDonald:** The one we have not spoken about as much so far is the recommendation in relation to face-to-face engagement. What are your thoughts on that, and what is your response to the Home Secretary's suggestion that there are more effective ways of engaging and that a reconciliation event is not required?

**Wendy Williams:** Undoubtedly, the Department has already embarked on quite a significant programme of outreach events. I praised the engagement hub. I praised the Windrush volunteers, who were members of the staff and members of the workforce who were committed to going out to their communities and talking about the work of the Department and also, more importantly, hearing from those who had suffered detriment and feeding that back to the centre.

That, however, is not the extent of recommendation 3. Recommendation 3 is intended for the most senior Ministers and officials to engage in reconciliation events. The reason for the recommendation was that, at



the time of my original review, those affected whom I spoke to said that they saw that as an essential prerequisite to their being able to draw a line under what had gone before and move on positively and, importantly, with a positive view of the Department.

That was in March of last year. A year later, it is fair to say that there were some who felt that the recommendations were made in 2020 and, for that particular one, time has moved on and so the benefits might have receded. They were in the minority, however, of those who were affected. The majority of people who were of that view were those who had not themselves been affected.

My position is that while I can see the rationale for the Department feeling that events, time and the pandemic have moved on, I was told that it was still considered an important recommendation.

**Q56** **Stuart C McDonald:** Thank you. Turning then to the role of the Chief Inspector, what was the rationale behind the suggested review of his remit and role and to what extent will the fact that your recommendations have been rejected now undermine the potential for that role's effectiveness?

**Wendy Williams:** At the time of the review, I looked at the Chief Inspector's remit. As I am sure Mr Neal has told you, he is responsible for securing the efficiency and effectiveness of the Home Office through the consideration of evidence and also through independent inspection. When we looked at matters closely at the time, the Chief Inspector was not able to determine when his reports were published. Also, he was not able to determine the full scope of his inspection programme. For those reasons, I considered there should be a review of his remit because I see from his most recent report that reports have been prepared but have not yet been published. The Department could learn from those reports.

This goes to my point about the continuous improvement process that I see the Department needs to go through to embed the changes and demonstrate that it has significantly moved on. I am still of the view—Mr Neal might disagree with me—that the combination of strengthening his role with the Independent Examiner of Complaints and the migrant's commissioner collectively will support the Department in its improvement activities.

**Q57** **Stuart C McDonald:** That seems pretty consistent with what Mr Neal told us, in fairness.

Finally, given that you have only one leg of this three-legged stool—sorry to strain that metaphor even further—is there a danger about what happens now with all the work that has been done on the Windrush review and the progress report? Who now will be responsible for continuing to hold the Home Office's feet to the fire? This was a seminal piece of work on Home Office culture. I am worried now that there is a huge danger that, at best, it will gather dust and, at worst, it has already



been flung in the bin. What are your thoughts on the future of all that work and the prospect for making sure that it is still a significant influence on Home Office operations?

**Wendy Williams:** I have carried out the review and carried out the revisit. The Department has responded with enthusiasm in terms of my recommendations. Certainly, that was the case at the time of my revisit.

My view, Chair, is that the Department has already done a lot of the heavy lifting. It has looked to streamline and improve the way that it implements policy and the way that it deals with casework. It has done some work in terms of engaging externally so as to improve its operations.

However, there is the point that if it does not implement all of my recommendations—and, in particular, the two that relate to wider external scrutiny—all of that work could fall away. That would be an absolute tragedy not only for the Department but also for people like the Windrush cohort.

Q58 **Stuart C McDonald:** I suppose that is what I am getting at. It is fragile. It is fragile, for example, to a change of regime. You could point to the settled status scheme as an example of a policy that was developed in a way that, to my mind, seemed consistent with the recommendations of your report and how the Home Office should go about doing things: consultation with external stakeholders, listening to the complaints about the system and improving based on those complaints. Then you look at the policy that was announced yesterday. There was absolutely no engagement with anybody at all. It was announced on the Floor of the House.

Would you be willing to do another review? Should we have reviews of progress every three years at least?

**Wendy Williams:** Chair, my answer is that my preference would be no. The reason is that there has to be a stage when the Department is left to implement my recommendations and demonstrate by its actions, by its policies, by its casework, by the number of appeals that are disallowed and by the way that it engages with the wide range of stakeholders. There has to be a stage when the Department is left to implement and embed my recommendations. It is for others to provide that scrutiny and that oversight, like this Committee, if I may.

The Department does have the information now. It has the recommendations. It has the evidence base on which my recommendations were made. Any future reviews—and that is not to bind the hands of anyone who might come after me—will simply report on what I have already reported on. By its actions, the Department will demonstrate whether those improvements have, first, taken place and, second, taken root.



**Q59 Paula Barker:** Thank you, Ms Williams, for your evidence. I wanted to touch on something that Mr McDonald was talking about. You talked about the Department not having confidence in itself to have this additional external scrutiny. You talked about how potentially it is because it is difficult and uncomfortable.

I wondered whether you agree with me that, first, for every Government Department there should be the utmost transparency, regardless of whether it is difficult and uncomfortable. Specifically in terms of the Windrush generation and the families and individuals who have faced the most unimaginable treatment and hardship, do you agree that it further undermines those individuals and those families if that oversight and that scrutiny is not there?

Finally, as a nod to what Mr McDonald was saying about yesterday's announcement, if we do not have this external scrutiny, is the Home Office open to being able to do what they want when they want without that external scrutiny upon them and that further oversight?

**Wendy Williams:** Transparency is absolutely key. When I spoke to people who had been affected, at the time of the injustices they felt powerless and they felt that they did not have a voice. That was the rationale behind my recommendations that specifically related to wider external insight and scrutiny and the Department opening itself up to that. I remain of the view that the Department will be strengthened by having that wider degree of scrutiny.

I will give an example. At the time of the compliant environment policies and as the two Bills of 2013 and 2015 were going through Parliament, my first report sets out that external warning signs were given. You had the legal action group, which produced a document called "Chasing Status". You had the JCWI that produced a document called "Passport Please". I mention that because there were various checks and balances. If the Department had had regard to them, then arguably the scandal would have been both avoidable and certainly foreseeable.

My external scrutiny recommendations are grounded in that desire to support the Department as it implements what will be some of the most challenging areas of policy by having those checks and balances, having those external guard rails, so that it takes the best quality advice and can then implement policies effectively.

**Q60 Ms Abbott:** Did the Home Office consult with you before it announced that it was no longer pursuing three of your recommendations?

**Wendy Williams:** No, it did not.

**Q61 Ms Abbott:** Why do you think that it announced that?

**Wendy Williams:** I cannot speak to the thinking behind the decision. I can assist the Committee with my own rationale and, hopefully, I have done so this morning. I was not consulted. I was not privy to the discussions or the rationale behind the decisions that were made.



Q62 **Ms Abbott:** You recommended reviewing the remit and role of the ICIBI. How valuable do you consider this work?

**Wendy Williams:** The work of the Chief Inspector of Borders and Immigration is, of course, important. I am not saying that just because Mr Neal is sitting behind me but because, if one looks at the reports that he has published, he has identified areas where, yes, the Department might be doing well but also areas where the Department needs to improve. I considered that there was more that could be done to support the Department. One of those elements included strengthening his role.

Q63 **Ms Abbott:** Finally, what was sad about the way the Windrush generation was treated is that that was the generation, largely, who came here when there was complete freedom of movement. That was the generation who thought that they were British. It was partly because they thought they were British, and they came in when there was freedom of movement, that they did not keep up with the changes in immigration legislation because they simply did not think it applied to them.

What was so hurtful for that generation was not just the practical problems they had and the difficulties they encountered. It was this sense that something they had taken for granted was that they were actually British. It had a painful effect on them over and above anything practical like the compensation or whatever it was. Do you think the Home Office appreciated that?

**Wendy Williams:** I was fortunate enough to be able to interview hundreds of people who had been affected. That was a strong point that came through. There was a sense that that cohort did not just think they were British, with respect. They were. The Immigration Act—I cannot remember the year, I am afraid—made that clear. Their only difficulty was that they lacked documents to prove their status and official records were not kept.

One prevailing emotion that was expressed when I spoke to the hundreds of people who had been affected and who were willing to meet me was a feeling of hurt, because they had not just lost their homes, their jobs and access to public services, but they had also lost their sense of British identity.

One of the individuals spoken to was the subject of a case study and spoke of all of the memorabilia that she had kept over the years of the monarchs and the Royal Family. She said that she threw those away as a result of what had happened. I sought, in publishing my report, to tell those stories in the hope that the Department would appreciate the profound injustice that was done.

**Chair:** Thank you very much. Thank you for coming along today and giving your views about what has happened. That was helpful. We are pleased that the Minister is now with us and so we will be able to ask him



some questions about the points you have raised. Thank you very much.

### Examination of witnesses

Witnesses: Lord Murray of Blidworth and Alex Hurst.

Q64 **Chair:** Good morning, Minister. We are glad you are with us. I understand your parliamentary team may have given you an incorrect time to be here, but we were clear that it was 11.15 am. Apologies if there has been any misunderstanding from our side but it was 11.15 am.

**Lord Murray of Blidworth:** No. I can assure you, Chair, we have been watching eagerly. We knew when our time was coming.

Q65 **Chair:** You were late.

**Lord Murray of Blidworth:** No. We were in the building.

Q66 **Chair:** All right. We were expecting you at 11.15 am. Without further ado, can I welcome you to the Committee? You have an official with you as well. Would you like to introduce yourself?

**Alex Hurst:** I am Director for Transformation within the Home Office.

Q67 **Chair:** Thank you. I am sure you are aware that we have had a number of panels this morning. The overriding question I have for you is in light of the announcement by the Home Secretary in January about not moving forward with three of the recommendations from Wendy Williams' review. What exactly does the Home Office have on not being properly scrutinised and having external scrutiny? What is the problem?

**Lord Murray of Blidworth:** Thank you, Chair. Before I start on that, can I explain why I am here rather than any other Minister? The reason is that I am the Minister with oversight of the Windrush compensation scheme—

**Chair:** Yes, we are clear on that.

**Lord Murray of Blidworth:** —and the Windrush status scheme. In relation to the suggestion that the Department is somehow adverse to scrutiny, I am afraid I simply do not accept that characterisation. The decision to decline recommendations 9 and 10 was taken after careful consideration and on the advice of officials. The reason for that—

Q68 **Chair:** We have heard from Wendy Williams that there was no conversation with her about deciding not to carry forward what had been agreed. Priti Patel agreed that all 30 recommendations would be implemented. Everyone was working on that basis. What is the evidence that you did not want to carry on with those—



**Lord Murray of Blidworth:** With respect, Chair, the discussion that I referred to a moment ago was with officials and internally in the Department and—

**Chair:** Yes, but can you explain it to me?

**Lord Murray of Blidworth:** If I could have a moment, I will do that.

**Chair:** Okay. We do not have much time. It is 11.25 am and so we are keen to crack on.

**Lord Murray of Blidworth:** The Home Office is committed to the importance of scrutiny and, as you know, there is nothing unusual in the methods of scrutiny adopted for this Department. Indeed, you will be aware that recommendation 20 was implemented and we now have the Independent Examiner of Complaints. We also have the reviewer of the compensation scheme, Professor Martin Levermore, and we have—

**Chair:** We will come to that in a moment but, in terms of my question, perhaps you could answer that.

**Lord Murray of Blidworth:** Your question was what the scrutiny is on the Department. Clearly, the Home Department is regularly scrutinised by Parliament, as is entirely correct. We receive a large number of letters and questions from Members of Parliament and the good offices of this Committee. There can be no suggestion that there is any want of scrutiny of the Home Office. I am afraid that suggesting that failure to implement recommendations 9 and 10 means that the Home Office is evading scrutiny is a mistaken view.

Q69 **Chair:** Okay. I disagree with you completely on that. We had Wendy Williams tell us that her view was that there was a three-legged stool approach to effective scrutiny in the Home Office. That was what she concluded in the recommendations that she made in her review. The Independent Examiner of Complaints—you are right—we understand was appointed in October, looking at extending the remit and role of the Independent Chief Inspector of Borders and Immigration. That was one of her recommendations. The third one was the migrants' commissioner. She says that those three sit together as a three-legged stool. That is what you need to have effective scrutiny of the Home Office.

Now you have pulled away two of those legs. I am not clear. You have not spoken to Wendy Williams. You have officials advising you on this. I am not clear what your explanation is for why you think just the one-legged stool is effective scrutiny when Wendy Williams has made it clear that the three sit together.

**Lord Murray of Blidworth:** With respect, Chair, you did not listen carefully to what Wendy Williams said. She said that the three recommendations within her report together, she thought, formed a piece. She did not say that that was the totality of the scrutiny of the Department—



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Q70 **Chair:** No, but she said it was important. I am asking you as a Minister in the Government, having initially under Priti Patel accepted the 30 recommendations, why you have chosen now to pull out those two, which seem to us as a Committee quite an important part of Wendy Williams' recommendations.

**Lord Murray of Blidworth:** The answer is clear. We have considered the best way of ensuring scrutiny of the Department and, in our view, with respect, we differed in those two regards from Wendy Williams.

Q71 **Chair:** Could you explain that to me, then? What are you doing now that you think provides that effective scrutiny?

**Lord Murray of Blidworth:** As I have already said, we have the Independent Examiner of Complaints. We have the role of the ICIBI in the relevant areas. As Ms Abbott elicited from David Neal, we have the reports of the Chief Inspector of Prisons in relation to detention facilities. We have the scrutiny provided by Parliament and by this Committee.

Q72 **Chair:** Why do you think Priti Patel accepted the recommendations in the first place?

**Lord Murray of Blidworth:** I cannot answer for the mindset of the former Home Secretary.

Q73 **Chair:** The Home Office agreed to accept the recommendations. The Government of which you are a member agreed to accept the recommendations. What has changed?

**Lord Murray of Blidworth:** There was a review, as we made clear in the written ministerial statement, and careful consideration within the Department. It was considered that those three recommendations of the 27 would not be taken forward. The reasons are clearly set out in the written ministerial statement.

Q74 **Chair:** Why? That is what we do not understand as a Committee.

**Lord Murray of Blidworth:** It is clear. If we look at the written ministerial statement and I take the Committee to it, the reasons are set out.

Q75 **Chair:** Tell us, then.

**Lord Murray of Blidworth:** First, on reconciliation events, on the balance of expert evidence received on how to approach this incredibly sensitive subject, the Home Secretary was persuaded that there were more effective ways of engaging with those impacted.

You heard Ms Williams agreeing with this, "The Department has undertaken a significant programme of face-to-face engagement with the communities impacted by the Windrush scandal—Surgeries were held in community halls and places such as churches, mosques and care homes, as and where the need was identified. The engagement events were held in most major cities across the UK and including regions such as the West





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Midlands, London and South West. The events were hosted by senior members of the Windrush programme and provided individuals with the opportunity to speak—about the impact the scandal had had on their and their family’s lives.”

I attended the Windrush National Organisation conference to speak to those affected—

Q76 **Chair:** Okay. Could you deal with the issues around the migrants’ commissioner and the Independent Inspector? Those are the ones that I asked you about.

**Lord Murray of Blidworth:** Certainly. Recommendations 9 and 10 related to the establishment of a migrants’ commissioner and, potentially, a review of the role of the ICIBI. The Home Secretary confirmed in the written ministerial statement that she is committed to the importance of scrutiny, both internal and external. The Home Office invited that challenge in a number of ways. In October 2022, the appointment of the Independent Examiner of Complaints was completed. That ensures that customers who are not satisfied with a final response to their complaints have an opportunity to take their complaint to an independent review, helping the Home Office to identify and learn wider lessons from complaints.

Q77 **Chair:** I am sorry. You are not explaining to me why the Home Secretary decided not to proceed with the migrants’ commissioner or with the role and remit of the inspectorate being expanded.

**Lord Murray of Blidworth:** As I say, the Home Secretary considered both the creation of the IEC and the appointment of Professor Martin Levermore, as the Independent Adviser to the scheme, and worked with the colleagues in the Windrush working group—

**Chair:** That is not answering the question.

**Lord Murray of Blidworth:** All of that, in the view of the Home Secretary, meant that it was inappropriate to continue with recommendations 9 and 10.

**Chair:** I am sorry. You are not explaining clearly why the decision was taken to—

**Lord Murray of Blidworth:** With respect, Chair, I am explaining and you are not wanting to hear the answer that I am providing.

**Chair:** With the greatest of respect, sir, I am asking you specific questions. I expect a Minister of the Crown to answer the questions that a Chair of a Select Committee puts to you.

**Lord Murray of Blidworth:** I have answered the question.

**Chair:** I will bring in other colleagues because I can see clearly you do not want to answer my questions. I will bring in Stuart McDonald and



then Diane Abbott.

Q78 **Stuart C McDonald:** If you were listening to Wendy Williams, she explained the three-legged approach. A migrants' commissioner would undertake a different function from the IEC, who has been appointed. It is good. We welcome that the IEC has been appointed. But the migrants' commissioner would be a different beast altogether. The appointment of one does not negate the need for the other. You have not explained that. It is not enough, in Wendy Williams' evidence, in her view, to say that the IEC is in place and that therefore we do not need a migrants' commissioner.

**Lord Murray of Blidworth:** I appreciate that that was the view that Ms Williams explained a moment ago, but we do not share that view. We regularly review the best way to deliver against the intent of her lessons learned review and we remain committed to the importance of scrutiny, both internal and external. As she identified, the culture of the Department needed a fundamental shift, bringing policy development and service delivery into contact with those who are impacted by it. We have aimed to achieve that.

Q79 **Stuart C McDonald:** Tell me about the role of the IEC and how you think that compensates for the lack of a migrants' commissioner.

**Lord Murray of Blidworth:** As I explained a moment ago, the role of the ICIBI is one of a number of external methods of scrutiny for the Department. It fits together as pieces of a jigsaw. There is, therefore, no need, in the view of the Home Secretary, for a migrants' commissioner.

Q80 **Stuart C McDonald:** But you are not explaining it. You are reading a script and telling us what the Home Secretary thinks. A migrants' commissioner is a different beast from somebody who handles individual complaints. It is a voice for a marginalised community that needs to be able to put pressure on the Home Secretary on pertinent issues. That is completely different from an IEC. I do not know if Alex Hurst has anything to add.

**Alex Hurst:** I was going to add a little bit on the role of the IEC. The IEC, as we said, is already in place and has started engagement with the Department on some of the complaints coming through. Those are on issues related both to individual cases but also to systemic issues. It provides some breadth of analysis and critique of what is coming through in terms of those complaints.

Q81 **Stuart C McDonald:** How far down the line did the Department get in scoping out what a migrants' commissioner would look like? It had gone quite far down that path.

**Alex Hurst:** There has been some scoping of that work and advice has been provided to Ministers.

Q82 **Stuart C McDonald:** What would it have looked like?



**Alex Hurst:** The advice?

**Stuart C McDonald:** Yes, if Lord Murray is happy for that to be shared.

**Lord Murray of Blidworth:** There is no purpose to be served in setting out what the options may have been. The decision was clearly made—

Q83 **Stuart C McDonald:** There is because we want to come to a view as to whether or not the IEC and parliamentarians' ability to write letters and ask questions is an adequate substitute for the lack of a commissioner. What had the Department envisaged and decided was not up to scratch?

**Lord Murray of Blidworth:** As I say, there was detailed consideration of all the recommendations made by Wendy Williams. As you will have seen from our extensive correspondence with this Committee, we have updated the Committee regularly about our implementation of these recommendations and the same will have happened in relation to the three recommendations that we have decided not to take forward. Internally there were investigations. I am afraid I do not have the details to hand today about what internal recommendations there might have been, but you would not expect those to be a matter of discussion in this Committee. These are internal Home Office processes.

**Chair:** The problem we have as a Committee is that the previous Home Secretary accepted all the recommendations. We are trying to drill down to understand why that acceptance by the Home Office changed, why something that seemed to be absolutely clear and committed to by the Home Office has subsequently changed. We are concerned because having this external scrutiny is such an important part of Wendy Williams' recommendations.

Q84 **Ms Abbott:** The thing that struck us the last time that we saw David Neal was that, up to that point, the Home Secretary had never met with him. Now we understand the Home Secretary has met with him but it was a brief meeting. Does the Home Secretary take the role of the ICIBI seriously?

**Lord Murray of Blidworth:** Absolutely.

Q85 **Ms Abbott:** Why did she not meet with him for so long if she took it seriously?

**Lord Murray of Blidworth:** I cannot speak for the management of the Home Secretary's diary but, clearly, a number of significant issues—

**Ms Abbott:** I am not asking you that. Come on. I am not asking you about the Home Secretary's diary.

**Lord Murray of Blidworth:** You were.

Q86 **Ms Diane Abbott:** You are the Minister. You are supposed to be able to speak to decisions by other Ministers. Why did it take so long? If she took it seriously, why did it take so long to meet her?



**Lord Murray of Blidworth:** As Mr Neal, frankly, said in his evidence, the fact that he has not had meetings with Ministers does not prevent him performing his functions. Clearly, it is a matter of managing both his diary and the Home Secretary's diary to facilitate a meeting. That is all it takes. As you can imagine, the work of the Home Secretary is extremely busy.

Q87 **Ms Abbott:** It is not about managing diaries. It is about how seriously the Home Secretary takes the role.

Let me move on. The campaigners around this issue say that the Home Office has still not effectively engaged with victims and their communities. I say to you—and you may not be aware of this—that the victims of the Windrush scandal are an ageing cohort. They are a cohort that is not particularly confident about engaging with authority. They are a generation that was shocked by the way they were treated. That is why they need a voice. To say that individuals can write or to say that individuals can take up their issues, you clearly do not understand the nature of the cohort that was so badly treated by the Windrush scandal.

**Lord Murray of Blidworth:** Ms Abbott, I am afraid I do not agree with that. The caseworkers and the team involved in the Windrush compensation scheme deeply understand these issues and work closely with applicants for the scheme.

I can tell you that the Department engages with impacted communities in several meaningful ways, which are intended to be as beneficial for those communities as possible. For example, senior Windrush officials have hosted over 200 public engagement and outreach events to raise awareness of the Windrush schemes and to provide opportunities for individuals to speak about the impact of the scandal on their lives.

Grassroots and community organisations know their communities best, which is why we launched the £500,000 Windrush community fund. This funding enables those organisations to support the Department in engaging with communities in a way that has the most positive impact. Senior officials regularly host and attend forums with external stakeholders from Windrush communities, such as the Windrush National Organisation and our Windrush community fund organisations, which provide feedback and scrutiny on our engagement and communication efforts. Needless to say, we have also, rightly, paid or offered more than £65.91 million in compensation to the people affected.

Q88 **Ms Abbott:** You do not understand what I am saying. I am saying it is not enough for individuals to engage with you. We met the caseworkers and they all seemed nice but they did not have a real grasp of the issues involved. Not a single one of them came from the communities that are affected.

Let me ask you again. It is all very well to meet with people and it is all very well to say your caseworkers are on top of this. Given what was problematic about the culture in the Home Office that led to the scandal



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in the first place, do you understand why these communities might need a completely independent commissioner standing back from the Home Office to speak up for them?

**Alex Hurst:** Yes, I might talk about two things, first around communications with these communities impacted by the Windrush scandal and then the culture within the Home Office.

I completely recognise what you say about how individuals who have suffered unacceptably because of decisions made within the Home Office around Windrush may have reduced confidence in engaging with the organisation. We have tried to deal with that in the communications campaigns that we have undertaken in the past few years but first to raise awareness of the compensation scheme and the ability to resolve issues of status and then to find other organisations for whom, as the Minister has said, we have provided funding where they have more credibility and connections within those communities to share that information.

On culture, I want to say a few things. I know we are talking here in terms of external scrutiny, but culture goes much wider than that. You have raised, for example, the caseworkers. We provide a range of training with staff across the Home Office, including caseworkers. That covers an improved knowledge of the history of the Windrush generation, how we work with and serve diverse communities, how we provide within the caseworker space e-learning and further campaigns around providing that face behind the case to improve that engagement with the individuals. It is a combination of providing signposting and improving confidence within the communities to come forward so that they can make their compensation claims and improving that service.

Q89 **Chair:** Okay. I am quite conscious of time. When we visited Sheffield, you had 117 caseworkers in post. You were talking about going up to 154 caseworkers. How many caseworkers do you have now?

**Lord Murray of Blidworth:** There are 124 at present, 154 by the end of quarter two of 2024—

**Chair:** Sorry. There are 124 now and you are getting 154 by when?

**Lord Murray of Blidworth:** The end of this quarter.

**Chair:** The end of this quarter, 2023?

**Lord Murray of Blidworth:** Yes. More resources are being surged into this team, but we have reached a threshold where we think we will have the right number of caseworkers to deal with the issues in the scheme.

Q90 **Chair:** We heard from the evidence this morning about how slow everything still is and how people have to wait far longer than they should. We heard that 30 people had died during the course of their applications. There were 100 estates that were still waiting for claims to



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be determined. Do you think you are at the right level of caseworkers?

**Lord Murray of Blidworth:** Let me explain. The work in progress for the Windrush compensation scheme is different to the work in progress for, say, the Passport Office or a visa application. The reason for that is that when a person makes an application to the scheme, it is an engaging process with the caseworker and the applicant because they need to provide quite a lot of different types of information.

**Chair:** We visited in Sheffield. We are fully aware of the process that has to be gone through.

**Lord Murray of Blidworth:** You will also be aware that other third parties are involved, local authorities, employers. The Home Office has no control over the speed at which those bodies provide information—

Q91 **Chair:** It is everybody else's fault? It is not the Home Office's fault?

**Lord Murray of Blidworth:** That is not what I am saying. I am saying that this is not one of those areas of civil service work where you can look at the work in progress and attribute that to administrative delay by the caseworkers. It simply is not. Our caseworkers work extremely hard on these cases—

Q92 **Chair:** No one is disputing that. We are concerned about the long delays that people have to wait for—

**Lord Murray of Blidworth:** So are we.

**Chair:** —and we are also concerned that the lawyer we heard from first thing this morning was even questioning whether it was worth participating in the scheme because of the long delays and the bureaucracy. She was questioning that.

**Lord Murray of Blidworth:** Needless to say, I do not agree with her. It is important that those who suffered as a result of Windrush get all the compensation to which they are entitled. Various changes were made in August last year to expand the categories of claims. You may be aware of this—

Q93 **Chair:** A number of our recommendations were accepted by the Home Office from our Windrush report.

I will come back to Stuart McDonald, but can I ask you a question about the issue of non-Caribbean claimants, who have not come forward in sufficient numbers? That is the view of many. They are mainly West African and South Asian, particularly people from Ghana and Nigeria. What do you have to say about that?

**Lord Murray of Blidworth:** Clearly, I agree that there is a potential untapped source of applications. The Windrush compensation scheme is working on communications in an attempt to increase—

Q94 **Chair:** It is not doing very well, is it?



**Lord Murray of Blidworth:** It is difficult. I know that work is underway. I do not agree that it is not doing particularly well. It is a matter of engagement and promotion—

Q95 **Chair:** You have been at it for a number of years. Perhaps we can get something in writing from you to explain what you will do to deal with this issue.

**Lord Murray of Blidworth:** I can provide you with some statistics, which I have been provided with. There have been 41 Windrush compensation scheme claimants from Ghana and 104 from Nigeria. Of the status grants, 151 have been from Ghana and 434 from Nigeria. By comparison, there were 361 compensation scheme claims from Jamaica and 3,353 Jamaican nationals granted documentation under the Windrush scheme.

Q96 **Stuart C McDonald:** Returning to the issue of the migrants' commissioner and the Independent Examiner for Complaints, this is how Priti Patel described the migrants' commissioner's role. She said, "I recognise the value it will add by providing a voice for migrants, supporting policy development and operational activity through the facilitation of feedback".

Clearly, if we could agree, that is not what the IEC will do. Is that fair to say? That is a completely different role.

**Lord Murray of Blidworth:** The role of the IEC is to deal with individual complaints.

**Stuart C McDonald:** Yes, exactly, and so a different thing from what Priti Patel was describing a migrants' commissioner would be.

**Alex Hurst:** Some of that function is, though, provided by the ICIBI.

Q97 **Stuart C McDonald:** Some of that, but the ICIBI is quite clear that the migrants' commissioner would also do something different from what he does, and that is exactly what his evidence was as well.

I am trying to ask who now will do that job. How is this "voice for migrants, supporting policy development and operational activity through the facilitation of feedback" to be done instead?

**Lord Murray of Blidworth:** As I said at the beginning, the view was taken after careful consideration that the role was not needed and that the same levels of scrutiny were achieved by the other methods.

Q98 **Stuart C McDonald:** Yes, by letters and questions and so on, but that takes us exactly back to what Wendy Williams said in her original review, which was that the Home Office did not listen to others and views were ignored. In actual fact, stakeholder engagement was comprised of meetings with NGOs where the NGOs were basically told what was going to happen rather than being asked for views and being able to feed into development, a defensive culture and so on. As I said earlier, you could



see little bits of Windrush lessons learned in how the EU settlement scheme was operated, but if you look at policy development going into the Bill announced yesterday, there was absolutely none of it.

What sort of feedback and policy development was there with external stakeholders in relation to yesterday's policy announcement?

**Lord Murray of Blidworth:** Clearly, yesterday's policy announcement was to address the emergency that is developing in relation to illegal entry into the United Kingdom. In terms of the change in culture within the Department, of course everybody who has been working on the process is entirely aware of the Windrush scandal and what needs to be done to avoid—

Q99 **Stuart C McDonald:** Yes, but what engagement was there with anybody outside the Home Office or the Government?

**Lord Murray of Blidworth:** Clearly, it was a matter for policy development within the Department and engagement across the Government, but it was not a situation that required extensive engagement with third-party—

Q100 **Stuart C McDonald:** It is because it is rewriting refugee laws. Maybe an organisation like the United Nations High Commissioner for Refugees and maybe NGOs that deal with victims of modern slavery because you are rewriting modern slavery laws should have been engaged with. You are saying it did not have to happen. You have basically ripped up the Windrush report in that one answer.

**Lord Murray of Blidworth:** I simply do not agree with you, Mr McDonald. I am sorry.

Q101 **Stuart C McDonald:** You just said you do not need to bother engaging with anybody.

**Lord Murray of Blidworth:** No. In relation to the crisis in the Channel, there can be no parallels drawn with the situation that gave rise to the Windrush scandal.

**Stuart C McDonald:** That is not the point—

**Chair:** That is not the question, actually. With the greatest of respect, this is not a court of law. You are here as a Minister to answer questions about what your Government is doing. That, clearly, is a bit of an issue for you in that you are not able to do that effectively before this Select Committee of the House of Commons.

Q102 **Paula Barker:** Wendy Williams suggested that the reason recommendations 9 and 10 were dropped is that the Department was not confident enough to open itself up to wider scrutiny.

I am interested to hear whether you agree with that comment and, if you do, what is being done to address the lack of confidence in the Home Office? To be honest, after the session today, why should members of the





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general public have confidence in the Home Office and why should members of this Committee have confidence in the Home Office?

**Lord Murray of Blidworth:** To deal with the first part of your question, Ms Barker, I can assure you that the decision not to implement recommendations 9 and 10 was not borne of any want of confidence by the Home Office. We are confident that we are exposed to a great deal of scrutiny and that scrutiny is correct, justified and entirely right and proper.

For that reason, I can answer the second part of your question, which is whether the public and this Committee should have confidence in the Home Office. Unequivocally, the answer is yes.

Q103 **Paula Barker:** Respectfully, I disagree with that. Also, there is a fine line between confidence and arrogance. Mr McDonald's view of the Bill, which was brought before the House yesterday, suggests an arrogance within the Home Department that it does not need to consult with outside organisations or indeed the judiciary.

**Lord Murray of Blidworth:** Ms Barker, obviously, we are not going to agree. I do not want to comment on the extent to which there has been any consultation with the judiciary. That goes to an internal Government consultation. I am afraid that you and I will have to differ on that point.

**Chair:** All right. Minister, can I put to you my opening question about what problem the Home Office has with being scrutinised? You have not in your contribution this morning made me feel any differently about whether the Home Office has a major problem about effective scrutiny. It has a problem.

It having been accepted by the previous Home Secretary, you have not been able to explain to us properly why that decision was taken. I feel disappointed that you have not been able to set out the case for the Government making such an important decision. Many people will be watching these proceedings and wanting to hear the answers.

That is a regrettable state of affairs for the Home Office and that does not bode well for going forward with the other recommendations that Wendy Williams has put forward. I note that Wendy Williams said that there was a great deal of progress but much more still to be done. It is a sorry state of affairs.

Thank you for attending this morning. We will be in correspondence with the Home Office further from this hearing. Thank you.