



HOUSE OF COMMONS

Home Affairs Committee

Oral evidence: Work of the Independent Chief
Inspector of Borders and Immigration - 15 11 23,
HC 126

Wednesday 15 November 2023

Ordered by the House of Commons to be published on 15 November 2023.

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Home Affairs Committee members present: Dame Diana Johnson (Chair); Tim Loughton; Alison Thewliss.

Joint Committee on Human Rights member present: Joanna Cherry.

Questions 1-57

Witnesses

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

Written evidence from witnesses:



Examination of witness

Witness: David Neal.

Q1 **Chair:** Good morning and welcome to the Home Affairs Committee. I want to apologise for the slight delay in starting the public session this morning. We were just listening to the decision of the Supreme Court on the Rwanda case, in which the Committee has taken a keen interest. Again, apologies, Mr Neal, for keeping you waiting.

This session is being held to hear the reflections of the Independent Chief Inspector of Borders and Immigration on his three-year tenure in that role, which will come to an end in March 2024. We particularly want to look at some of the recent inspections and reports. We are particularly mindful of the report on children in hotels, and we want to ask some questions about Manston.

First, I formally welcome you to the Committee. It is good to see you again. You have been in front of the Committee several times over the last few years, and we have always valued your willingness to come and give evidence, and explain what is going on and your view of things. I will start by asking you to reflect on your time as chief inspector. Can you give an overview, just to set the scene, of how things have been over the last three years?

David Neal: Thank you for asking me to come back. It is always good to be reinvited. It has been quite an incredible three years where we have seen a very small inspectorate of 31 people thrust right into the centre of public life, into an area that is very difficult to inspect and polarises opinion. Everyone seems to have a view. I hope that I have been able to come to an independent, impartial view and make sure that people are aware of that view, and I hope that we have been able to communicate that to people who want to hear it. That would be my first reflection.

My second reflection is on the change in the matters we have been dealing with. The small boats issue and asylum have dominated our inspection programme, so it has been quite tricky to maintain a balanced programme across other areas. We inspect the Border Force and Immigration Enforcement, for example, and they play a huge part in protecting the country. Perhaps we could have done more, with more, to be able to inspect those areas that are important to everyone's lives and the safety of everyone in the country. With the move towards increased asylum through small boats, there is a need for us to expand into understanding ECHR matters and inspect things that are right on the edge of our remit—children in hotels being a good example. The law and legislation need to catch up not only with the centrality of migration, borders and immigration issues, but with the oversight of that. There is a bit of catch-up that needs to be done by legislators.

It seems to be a frustration that I am running an inspectorate of 31 people for something that is on the front page of the papers almost every single



day of the week. We could do with strengthening that independent initiative and independent assurance. I think we have done a really solid job, and certainly our stakeholders say we are doing a really solid job on our oversight, but we could do more with more. There is a need for Parliament to catch up in terms of the powers, and certainly the resources, that it gives us to assure what goes on in the Home Office, which affects some of the most vulnerable people in our society.

Q2 Chair: That feeds into the fact that in Wendy Williams' review of the lessons learned from Windrush, she made a specific recommendation about a review of the inspectorate role, which was accepted. The Home Office was going to have that review; it said it was going to do it in September 2020. You welcomed that and thought it was positive, but it changed in January 2023 when the then Home Secretary confirmed that she had decided not to proceed with the review. Could you say something about what the Home Office said to you about that?

David Neal: I saw the Home Secretary in June, and I asked her about the review. I was told that there were sufficient assurance mechanisms within the Home Office and that the spirit of the review would be taken forward. Those weren't her exact words, but I came away thinking that there was something to follow. The first two years of my tenure were taken up expecting the change to come through the role and remit review. I think I gave evidence on that the last time I was in front of the Committee. That is hugely important regarding all the questions that the Committee has asked me before about what I have done to expand and push the legislation forward. There was a framework dangled in front of us, which was the role and remit review, but that has been pulled away. I think that leaves us in a position where a review of how we conduct our business is desperately needed.

Parliament needs to consider legislation on the publishing of reports because it continues to be a challenge. Publishing reports was mentioned by Wendy Williams as a recommendation. Parliament also needs to consider the accountability of Ministers for recommendations that we make. As we increasingly inspect areas that cross departmental boundaries, there may be a need to legislate to give us the ability to follow the evidence across those boundaries, which is significant. We need to be given the powers to examine commercial contracts more than we do. Then we could continue to get under the skin of what the legislation tasks us to inspect. The final point I would make is that there is a whole wish list of things we would like to take place.

It is a frustration that the framework for doing that, the role and remit review, has not delivered. That is a strategic failure on the part of the Home Office and I would love to see it resurrected. That will allow us to do what I think Parliament expects us to do. The final point I would make in terms of my tenure and when it finishes is that, had we a deputy—in law, for example—there would be less of a potential gap between one independent chief inspector and the subsequent independent chief inspector, which has the potential for being a real issue. It took 11 months to recruit me from the advert to getting into post with vetting challenges



HOUSE OF COMMONS

and things like that. Any gap in this area—particularly at a time when we’ve got Rwanda coming forward—is really important. I am not angling to be extended, by the way—I am just pointing out that it should not be this difficult. It should not be this difficult and it should not be on the chief inspector—it should be for others to make those decisions. We have seen the Independent Anti-Slavery Commissioner, for example, gapped for well over a year. That reduces oversight; it reduces the ability of independent voices to make legitimate points in the public realm.

Q3 Chair: We probably all have some questions on that final point.

You are the third chief inspector. The two previous chief inspectors both had their three-year term extended and served a second three-year term. Why do you think you have not been reappointed?

David Neal: You would have to ask the former Home Secretary, I’m afraid. It was a three-year appointment—in terms of the contract, I was always going to do three years. I think this should be a five-year appointment—perhaps this is something for the legislation. It takes a good 12 to 18 months to get your eye in—to really be able to contribute. I hope the evidence I will be able to give this Committee will demonstrate that I am right at the top of my game. I think to terminate it at the three-year point is not good.

Q4 Chair: How were you told?

David Neal: I was spoken to by the second permanent secretary, and a couple of days later it was followed up by a letter from the second permanent secretary.

Q5 Chair: So you have not really had any clear explanation?

David Neal: No.

Chair: I should have welcomed Joanna Cherry to our Committee. She is guesting today from the Joint Committee on Human Rights. Joanna, we will come to you next with a series of questions.

Q6 Joanna Cherry: Good morning. Again, I am sorry for keeping you waiting, but we could not resist watching the result of the Rwanda case in the UK Supreme Court.

I am interested in the outcome of your current inspections and findings. In October 2022, you published a report on the use of hotels for housing unaccompanied asylum-seeking children. Are you satisfied that there is clarity over who is legally responsible for unaccompanied asylum-seeking children who end up being placed in hotel accommodation?

David Neal: Well, I am clear—whether I am satisfied is perhaps a slightly different question. I am absolutely clear that the responsibility is with local authorities, not with the Home Office. Effectively, what the Home Office is doing is unlawful—I think Mr Justice Chamberlain made that remark on 27 July. It is unlawful. In our earlier report on children in hotels, we spoke out about unregistered children’s homes. The report that will hopefully be published quite soon will say exactly the same thing.



HOUSE OF COMMONS

Finally, how does that affect me? It means that independent oversight of those facilities falls between two stools: is it an Ofsted responsibility or an ICIBI responsibility? We are an immigration inspectorate. I am not sure that we necessarily have the appropriate expertise. I think we have done a really good job on both inspections, but I am not sure instinctively that we are the right people to be doing that. I think it should probably be done by Ofsted. We have done our inspections jointly with Ofsted; we have used their expertise to help us.

Q7 Joanna Cherry: What human rights concerns do you think arise from placing these unaccompanied children in hotels, particularly for extended periods of time?

David Neal: There is a potential article 3 challenge. I would like to say that the staff we have encountered in hotels have all been pointing in the right direction in doing the best they possibly can for the children and working in the best interests of the child, but they are not necessarily as professional as they could be—they are not the same people who would be giving the services to individuals in children's homes.

Q8 Joanna Cherry: Last week, the Joint Committee on Human Rights had an oral evidence session looking at this issue. We heard that these hotels lack safeguarding measures, do not have a structured framework to provide health and care services, do not have interpreters and do not have professionals who are perhaps alert to indicators of trafficking. Are these the sort of concerns that you noted? Do you have any other particular human rights concerns? You mentioned article 3.

David Neal: What we observed the first time we looked at the hotels was a best effort from the Home Office. It was a crisis response; it was a sticking plaster to deal with the position that was in front of it. What we have not seen, and we made this clear in our report and we make it clear in the report that is in at the moment, is an exit strategy, for example. We have not seen longer-term planning where some of the issues you just mentioned could be properly formalised. We have seen a response that is a sticking plaster, frankly. It needs to be a steady-state formalised response, and it has taken over two years for us to get to that position.

To illustrate that exact point, I received a letter from the second permanent secretary late last night. That letter—it is obviously a mitigation for our report that is waiting to come out—says, which is really telling, “given the recent court judgment”—that is, that the hotels are unlawful—“we have begun closing all of our UASC hotels.” The point being, “Well, we might have this in the future.” You could conceive of a time when this does happen, so there is no notion of perhaps planning for contingency or lessons identified or learned from what has gone on. There is potentially just a race for the door.

What we have seen on the ground—as I say, we are not experts, but we have reported in detail about some of the things that are going on—are just basic things done really poorly. DBS checks was one area that we saw. It does not take a human rights lawyer or an expert to identify that



HOUSE OF COMMONS

to work with young children, or any children, you need to be DBS checked, and people should not be living on the site who do not have a DBS check. That is what we saw on the first inspection. We have gone back and inspected, and what have we seen? We have seen really poor oversight in an area that we have highlighted in one report, and then the oversight goes back and is really poor at the end.

What do I mean by oversight? I mean the file in the hotel that contains the certificates. You can't quite read the certificates. They do not necessarily have the clear dates, and nothing has been digitised. What does this look like in terms of a basic bread-and-butter response from the Home Office? Poor. But I would say that the people working there are good people. They are working really hard, but they have not necessarily got the framework with which to deliver success in a safe environment for the children.

- Q9 **Joanna Cherry:** One of the other things we heard evidence about on the Joint Committee on Human Rights was episodes of children going missing from asylum hotel accommodation. Did you identify in your inspections and reports any reasons why children might be going missing? Do you have any recommendations for safeguards that should be put in place to stop children going missing from asylum accommodation?

David Neal: It was one of the areas that we put out of the scope of the first inspection, and our second inspection was a reinspection, so therefore we focused on those parameters. Missing children was not something that we particularly focused on. What I will say, however, is if you have an emerging framework of rules without necessarily the best professionals who are experienced in dealing with children there on site, it is not a surprise that people go missing, because they are not necessarily going to identify, for example, issues of trafficking or just the normal issues that would be experienced by people who work in children's homes.

- Q10 **Joanna Cherry:** Can I ask you about the conditions of facilities used to process asylum seekers more generally, including Manston? Do you believe that the UK's procedures and the conditions of these processing facilities are compliant with our human rights obligations?

David Neal: First of all, I had been asked by the previous Home Secretary to conduct an investigation into article 3 matters at Manston, so I will be cautious about what I will say, but I will answer your question. The second caveat, I suppose, is that these are areas that traditionally should be inspected by His Majesty's inspector of prisons. Having said both those things, my arm is firmly in the mangle for this, because we have been there several times and I have spoken to this Committee several times before, so I think it is right that the Home Secretary asked us to investigate, and right that I stay involved.

From what I saw, and as I have said before in evidence to this Committee, clearly the huge overcrowding that we saw at Manston back in October was dangerous and is something that the investigation will be able to get under the skin of. I have been back to Manston since, with an inspection in



HOUSE OF COMMONS

January and February this year, and I have subsequently been back on a visit towards the end of April. I can give an assurance to this Committee: the conditions we saw in Manston in late 2022 have not been remedied fully, but they are in nowhere near the same condition that they were in before. Had they been, I would have made sure that we made representations not only to the Home Office but to the wider public about it. I have received no forms of confidential intelligence; I have no feeds from anyone, as I did in 2022 about the conditions.

The biggest problem—the biggest question—that we found in the response to Manston was leadership. The leadership has been improved significantly, and with that, resources have come in. From the inspection we have done and the visit I have done, I am as confident as I can be that the Home Office has listened to what I have said and has responded in a reasonable fashion. I cannot say today whether or not there are article 3 breaches going on, for example, or whether or not there are challenges through article 8.

Q11 Joanna Cherry: Setting aside your pending investigation on article 3, are there any changes that you would recommend? We have seen an improvement in leadership—when we visited at the end of last year, we could see the start of that—but are there any other changes that you would recommend?

David Neal: It is going to sound really unglamorous, but the command and control—the grip of the operation and accountability of the operation—were really wanting when we first inspected. I think the Home Office has now remedied that. There are senior leaders who are accountable for what is going on. That is quite unglamorous, but that is how these things, in my experience, are remedied, and the accountability, responsibility and authority are beginning to be aligned. We have not inspected yet—it is in our programme for later in the year—because we have not had any indicators that it is in a bad way.

You might recall our first small boats report, which is the one that was suppressed, frankly, over five months before it was released. The Home Office accepted all our recommendations in that report without demur. There were four recommendations: the first related to security, the second to resourcing, the third to data and the fourth to vulnerability. Even on our return, we found that only the security one had been addressed. The resourcing had some way to go, because staff need to be recruited. I am talking about broadbrush here; I am not talking about experts in safeguarding and things like that.

Data was inexcusably awful and remains inexcusably awful. I will give you an indication. When we went on 25 January, we wanted to know how many people were on the site on that day, and it was either 321 or 380. Even at this stage of the game, there is not the clarity on those low numbers. On the same day, 25 January, it was either 66 people who had been moved on or 70. When we talk about data, there are a couple of examples of how bad it is. There is some way to go, but I think the right



HOUSE OF COMMONS

people are in place, and I am significantly less concerned than I was this time last year.

- Q12 **Chair:** I am taken aback a little by those figures. So they were not able to tell you exactly how many people were at Manston. They could not give you an accurate figure for the number of people who had arrived—on small boats, I am assuming—and had been taken to Manston and were being processed.

David Neal: They could not. We could not get the clarity. Those were the two boundaries, so it was either one or the other. There was no clear picture—this is for the inspection. We published that in the report; it is quite clearly put in the report.

Imagine when it comes to the compound—I will give you a much more egregious example later in terms of asylum casework, where there are significantly more figures, and the figures are all over the shop. When I talk about data and one of the themes of the response from the Home Office, that is a prime example at the micro level. It should be basics; it should be bread and butter. I am confident that Duncan Capps and the team have now got a real grip on this, and I would be astonished if that was the case when we went back. The basics—how many people have we got in, how many people are moving on—should be fundamental for any detention institution.

- Q13 **Joanna Cherry:** It is a bit like what the Joint Committee on Human Rights heard last week. My colleague Alison Thewliss has explored the Home Office's inability or unwillingness to produce data in relation to the number of missing children.

David Neal: If you wish, I can give you another similar example.

Joanna Cherry: I would love to hear it. There is a systemic problem here with data.

David Neal: In terms of asylum casework—perhaps we will talk about the backlog—we are inspecting the backlog at the moment. It is a very detailed, in-depth report, but I can give you some of the headlines.

One of the data issues relates to the legacy WIP, which I know you are familiar with. On 29 October, the legacy WIP stood at 32,109, from a start point of 98,307, so they are approximately two thirds through the legacy WIP, with a third remaining. I would say that the third remaining are the difficult ones, because they have taken the easy pickings of the two thirds and we are into the difficult things.

If I may, Chair, I will read out what was said in the same letter I received last night before I came to the Committee, to mitigate some of the points I was going to make. This is the letter the second permanent secretary sent to me last night.

- Q14 **Chair:** It was sent to you last night, knowing you were coming here today, so you had the Home Office's views?



HOUSE OF COMMONS

David Neal: Of course. All the points are already in the letter, so it doesn't come as a huge surprise. In relation to that WIP, the letter says, "Between the end of November '22 and the end of August '23, the initial decision legacy asylum backlog had been reduced by over 35,000 cases." I would say it is over 35,000—I would say that it is 66,198, looking at my latest figures.¹ That is what happens when we ask how the Home Office is performing. It is the second permanent secretary sending me that letter. How do we expect human rights issues relating to how many people are detained to be dealt with properly if that is what happens from central Government?

Joanna Cherry: How do we expect any track to be kept of potentially missing unaccompanied children if people are unable to tell you how many people are in a facility at one time?

David Neal: Well, yes.

Joanna Cherry: I know my colleague wants to ask some questions about Brook House.

Q15 **Tim Loughton:** Is that letter going to be in the public record?

David Neal: I will send it to you. It is not classified, so there is no reason why it shouldn't be. I will send it at the end.

Chair: It might help us see what the Home Office are up to.

David Neal: I don't see any reason why I can't send that to you, Chair.

Chair: Thank you. Joanna, do you have some more questions?

Q16 **Joanna Cherry:** I will leave Brook House to Tim, but I just want to ask a couple of other questions. Have you visited any of the large-scale accommodation centres on barges? If so, what is your assessment of Home Office planning to ensure the safety of people accommodated there?

David Neal: I have. I have been to all the sites, and that will be the subject of our impending inspection into contingency asylum accommodation. We will be inspecting, and I think we will notify the Home Office towards the end of this month.

We will inspect the large sites in which there is a particular public interest. The only one that has people in it at the moment is Wethersfield. I have been to the barge twice. We will also look at hotels, because there are obviously still lots of hotels in use and they are of significant interest. Our stakeholders often alert us to issues with hotels. Finally, we will look at

¹ Following the evidence session, Mr Neal clarified that the Second Permanent Secretary's statement in his letter that the initial decision legacy asylum backlog had been reduced by over 35,000 cases between the end of November 2022 and the end of August 2023 was accurate, and that the point he had been seeking to make was that the letter had not cited more recent, and more relevant, figures showing that the backlog had been reduced by a much greater amount.



HOUSE OF COMMONS

some of the bigger sites, including Napier, and there is accommodation in Huddersfield coming online too. We will try to look at all four with an expanded team in order to get the report out before I leave my post, so that we can bring to the attention of the appropriate people what is going on in them.

In terms of human rights, I have over two and a half years of experience of these sites, starting at Napier Barracks in the first few weeks I was there. Some of the concerns I had at Napier related to article 8—for example, cover-from-view fencing to ensure the people living there were protected from prying eyes. I then followed that article 8 point through on every other site I have been to subsequently. At Scampton, for example, people were not aware of what article 8 was, so there is a real problem in terms of experience at the Home Office in understanding human rights issues.

There was an article 5 challenge, which you may be familiar with, at Napier Barracks in relation to covid. Article 5, obviously, is liberty. On the first occasion on which I visited the barge, which was in a prison compound—it had previously been HMP Weare—I raised the issue: “Are you covering off the article 5 challenges which will inevitably come?” There was real confusion about what article 5 was.

If I may, Chair, I will refer to the letter that I am going to send you. I alerted the Minister, when I spoke to the Minister on the 31st, that staff at the site at Portland, on the barge, were not sufficiently familiar with article 5 challenges. Bear in mind that there is an SCS, a senior civil servant, on the barge at the time when I am briefing him. The letter says: “There may have been some unfamiliarity with the term ‘Article 5’ and the challenges that may be submitted.” So there was an unfamiliarity from senior civil service staff, senior civil servants and contractors with Article 5 matters when there were people actually on the barge. I find that absolutely crazy, when you consider that in Napier I had already mentioned Article 5. They had a judicial review. There is a real issue about learning and lessons identified within the Home Office.

Q17 Joanna Cherry: Do the people on site running these facilities receive human rights training?

David Neal: Clearly not, because those are basic issues.

Do I think the barge is a place of imprisonment? No, I don't. My point was much more subtle than that. My point was that it looks foreboding. The conditions inside the barge are pretty good; the conditions inside the barge are better than many hotels. I don't fear that, but I do fear that the Home Office have not necessarily got the appropriate skilled personnel to understand that the barge is sitting within a secure compound. You cannot leave the barge freely and go on to the dockside—quite rightly, to a degree, because it is dangerous—so you will be escorted. Having nine-to-five buses to escort people is insufficient. What you need is 24/7 cover, so that if you want to get up in the middle of the night and go for a walk, you can be transported to the gate and go for a walk.



HOUSE OF COMMONS

What troubles me, having made that point, is that it has not been picked up by the Home Office. In terms of thinking about defence, in the purest sense of thinking about how you would protect the Home Office from challenge, surely doing the right thing like that is relatively straightforward. At Wethersfield, having asked a similar question, it was really quite different: you had a contractor who was all over this and would have put in the vehicles to bring people out, in order that the charge of article 5 could not be brought by people.

It is a really mixed bag. I think it comes down to that strategic oversight and overview of converting lessons identified into lessons learned. These are not difficult things.

Q18 Joanna Cherry: Would it be fair to say that your inspections show a culture of insouciance about human rights within the Home Office?

David Neal: Certainly I am disappointed whenever I encounter things like this, and I bring them to attention through our reports.

You asked about whether people were trained. I think the turnover of staff and of leadership within the Home Office means that whenever you arrive somewhere, the staff have turned over and they have not necessarily got the skills to do this. You need professionals to be able to deal with this sort of thing.

Why does someone like me know so much about article 3 and article 8 challenges? Because for three and a half years in Afghanistan, I spent most of my time dealing with very similar challenges. These were people who allegedly—and some of them were convicted—were killing British servicemen in the conflict in Afghanistan, so a very senior military officer spent a lot of time getting into real detail about things to make sure that there was not going to be a challenge against us. That is what the Home Office needs, and that is what I said to the Minister the other day.

Q19 Joanna Cherry: If senior civil servants do not understand the human rights issues that are engaged in these facilities, there is a systemic failing on the part of the Home Office in relation to training senior people, never mind more junior people, about human rights.

David Neal: Instinctively I would say that that is correct.

Q20 Chair: There has been a huge turnover in senior civil servants at the top of the Home Office in the last few years, hasn't there?

David Neal: I think I am now on to the third second permanent secretary. Every DG, by the time I have left, will have changed. The only consistency is the permanent secretary.

Q21 Chair: So the permanent secretary is the only one. And Ministers, of course, have come and gone, shall we say—I think you must be on your third Home Secretary.

David Neal: The fifth, I think.

Chair: Oh, yes, of course. Sorry, I was forgetting: it's the fifth.



HOUSE OF COMMONS

David Neal: Which is really important. You will recall that the last time I gave evidence here, it was Secretary of State Shapps I was writing the letter to on Manston. The crisis at Manston was, I think, addressed through Minister Jenrick's intervention and the thorn was gripped. What is really important is who is responsible to whom for what, and who is accountable for what is going on. I sometimes feel like a lonely voice. I am the person who is inspecting these things; I am not the person who is responsible for delivering them.

Q22 **Alison Thewliss:** Thank you very much for coming to give evidence to us this morning, Mr Neal. It is incredibly interesting. You mentioned the issues around private providers, and you have talked about some of the inconsistencies in how they are operating different sites. I wonder whether, from your experience of inspecting these facilities over the years, you think it is appropriate for private providers to be in the system at all, given the inconsistencies, the profit motives and the ways in which they have been operating.

David Neal: This might be an unfashionable view, but I think that private providers absolutely have a part to play. If you go down that route—clearly that is the strategic direction of travel for the Home Office—you absolutely have to make sure that there is significant assurance of what the providers are dealing with. I think that too often the assurance is really light and is not necessarily based on the real world. They do not necessarily have the experience. There are a lot of people with policy experience, but what you need, in my experience, to make sure that people are delivering is really close supervision from people who know what they are doing, not staff who change regularly.

It is not for me to be for or against providers, but I do not think, for example, that you could have Border Force doing a whole operation. At Manston they had to bring in detainee custody officers from commercial providers. It is the holding to account of those providers that I think is key.

Q23 **Alison Thewliss:** Do you want to have the power to examine commercial contracts for that reason—to make sure that they are being properly implemented?

David Neal: Absolutely. I think that it would make a much richer report for Parliament if we were able to access all commercial contracts. It was something we encountered earlier during my tenure. We have mitigated that risk by working much more closely with the National Audit Office, for instance. On areas where we think we may look at contracts, we have worked with them so that they can perhaps inspect that area.

Q24 **Alison Thewliss:** I suppose it is difficult to answer this without being able to see those contracts, but do you get the impression that each of them is a bespoke contract and that they might be asking different things?

David Neal: I am sure that there are a multitude of contracts in the Home Office. Certainly, with the last contingency asylum accommodation, we did look at the AASC contract and what that was delivering.



HOUSE OF COMMONS

I don't know, but I would hope that the Home Office has some good contract staff who write proper contracts and can deliver value for money. I am not sure that it does: we have encountered on a number of occasions, in contingency asylum accommodation, sites being paid for by the bed. There was a particular place in London that had a capacity of 50; they were paying for about 400, but it was routinely housing something in the order of 280 or 290. They were paying massively over the odds, because it was under the operating capacity.

Exactly the same is potentially the case with the barge. You will be aware that the capacity is stated as being over 500, but actually the capacity is only relevant to the people who are in there and the conditions once those people are there. We have seen that the embarkation of people on the barge has been done sensibly, thankfully—the Home Office has not rushed to put people in—but if you are asking for my view of how many people the barge can hold in decent conditions, I think it has to be less than 500. Using my other comparison, you are probably looking at less than 300, but that is what we will be able to inspect, and that is what we will be able to come to a view on.

Q25 Alison Thewliss: It feels to me that commercial providers have very little by way of pushback against these contracts as well. If the Home Office says, "You have to double or triple people up," the providers cannot really challenge that even if they did not want to do it for the sake of their own staff or their own facilities and the maintenance of those.

David Neal: I don't know, is the answer. Certainly we do see the reality from the contractors, and it relates directly to the capacity. Every single person cannot be in a double room. For example, people snore, people are violent, people fall out, and people are from different backgrounds. For all of those reasons, you cannot have two people in every single room. It does make sense to be doubling up in some rooms, or even more—it does suit some people. Napier Barracks, for example, has multiple occupancy in barrack rooms, which I do not actually think is ideal—

Q26 Alison Thewliss: Well, when covid struck it, it absolutely went through the place like you wouldn't believe.

David Neal: Absolutely, but the lived experience—

Alison Thewliss: It is not good for infection control, for example.

David Neal: Yes, but the service users in Napier Barracks actually would rather be in Napier Barracks than some of the other sites, because they are with fellow countrymen in that case, the facilities are pretty good and food is pretty good. I know there are all sorts of challenges with it, but actually I think it is sensible to give the contractors the latitude to do what they think is right. Equally, it needs to be held to account by the Home Office in absolute detail with regards to each of the different sites; all of the sites are completely different.

Q27 Alison Thewliss: Moving on slightly to the accountability of some of these contracts, the Home Office's role and indeed your own role, the



HOUSE OF COMMONS

Bureau of Investigative Journalism carried out an investigation on seasonal workers recently. It claims that not only were conditions absolutely terrible for many of these seasonal workers—claiming mistreatment, discrimination, wage theft and the threat of being sent home—but the UK Government were in fact complicit in the exploitation of these workers by not inspecting and holding the contractors to account. Is that something you have found from any of the work you have done?

David Neal: Well, we did inspect the seasonal workers visa some time ago and reported on it. I gave evidence to Lords Horticultural Sector Committee about that report, and we gave some quotes to the journalists inquiring into that. We found that, and this is why I mention powers to follow the evidence, the Home Office's performance was: is it a yes or no issue for your visa? They say, "Yes, it's a grant of a visa. Thanks very much. Our work is done." Actually, there needs to be much more intrusive supervision of what is happening on the ground. We inspected facilities in Scotland—a fruit farm in Dundee—and in Worcestershire. On the ground, we found contractors who were there to make money but actually, in the two conditions we saw, were treating people well.

I am aware of there being really difficult situations where people are potentially exploited. Now, there is a DEFRA bit in there, isn't there? There is a Treasury bit in there, and there is a Home Office bit in there. If the Home Office's part to play within that is just yes or no—grant visa or not grant visa—and then it is not resourced to be able to be intrusive and check up on what is going on, then, yes, I think there is a real risk.

Q28 **Alison Thewliss:** The people working under those visas are pretty unlikely to make complaints, aren't they? They are very, very vulnerable. Are there sufficient safeguards in that system to protect this vulnerable group of people who are very liable to exploitation?

David Neal: I agree, and we are conducting an inspection into health and social care visas. At the moment, we are focusing on social care. We have just accompanied a series of immigration enforcements, because that was a separate inspection. I think we accompanied on six raids—actually raid is the wrong term—six visits, and on two of those there were seasonal people on seasonal worker visas who were not working on the same visas that they had been granted.

That report, which is not complete and is being drafted at the moment, will highlight a very similar issue of the Home Office's role in the granting of visas in an area where exploitation is potentially rife. We had an incredible number of submissions from interested parties on that visa, because clearly the country wants people in to plug gaps in the health system, and we have found that they are not necessarily being dealt with as fairly as they could be.

Q29 **Alison Thewliss:** You complained quite vociferously about redactions in the report that you did on Border Force insider threats. Can you tell us a wee bit more about your concerns and the appropriateness, or otherwise,



of redactions being made?

David Neal: I think that through the two and a half years I have been in post, I have been signposting to the Department what happens when we inspect something, what happens when the Home Secretary uses her powers, which she has in terms of national security redactions, and what happens when that redaction is potentially to something below the threshold of national security—something that might just embarrass the Home Office. I am not questioning the Home Office's power, but I am questioning the appropriate level of scrutiny and the light that can be shone on this very difficult area. There were five and a half pages of redactions to an insider threat report that we wrote. I am not at all satisfied that every single one of those redactions passed the national security threshold.

Other inspectorates have the power to make their own redactions; HMICFRS, for example, which inspects the National Crime Agency, can make its own redactions. That is a power that should be given to the ICIBI so it can behave responsibly as a public appointee and give the assurance that these things are not problematic. I would seek the support of the Committee on that. I do not know how the Committee would be able to see that report unredacted, and then come to a view, and give an assurance, that what is going on in this area is open to scrutiny.

Alison Thewliss: There is no particular role for the Intelligence Committee to look at that either. There is no direct reporting line to them. They would be the Committee in this House that would see unredacted things on a more regular basis.

David Neal: The redacted matters are official-sensitive redacted, so I am sure this Committee could see them.

Q30 **Alison Thewliss:** Finally, I want to ask about the Illegal Migration Act and the difficulties it may pose for people coming into the country, and for how they are accommodated once they arrive here. Do you have any particular views on what will happen to this cohort of people who have come in under the Act, and who have no recourse to claim asylum, or anything else?

David Neal: What concerns me about this area is the experience we have had through our inspection of adults at risk immigration detention, and how effectively and efficiently the Home Office deals with immigration detainees. I think the Chair mentioned Brook House—we are particularly concerned that the Home Office has not learned the lessons in this area. I went to see the Minister for a specific meeting before Christmas to tell him of my concerns in relation to immigration detention.

With the Act coming in—and notwithstanding decisions that may currently be being made by the Supreme Court—if there is an up arrow against immigration detention, for example, then we need to make sure there are well run facilities that are staffed by people who are well trained, who care and who can make sure people are held in compliant conditions. That is a



HOUSE OF COMMONS

worry, because what I have seen through three inspections of adults at risk is that we have some way to go in that regard.

Q31 Alison Thewliss: There will be this group of people in immigration limbo who are not entitled to anything. What is the reality of where they will be housed? Will they be housed?

David Neal: I don't know, it is not something that we have looked at. We have focused on immigration in detention in particular, not on people who are in limbo.

Q32 Chair: I want to take you back to something you said earlier about the legacy backlog, and the reduction in the numbers. Obviously, we welcome that, as a Committee. Can you say anything about this comment that half of the decisions being made on dealing with the legacy backlog are actually withdrawals? They are being treated as withdrawals by the Home Office—I think because people are not turning up to interviews or not making themselves available—so they are being taken off the backlog. Is that your understanding?

David Neal: That is one of the areas that will absolutely be covered in the report that we hope to have signed off before I leave. Yes, there will inevitably be a potential fixing of the figures. The allegation we have heard from some of our stakeholders is that it has been used to mask the figures. But that is a little bit of a side-line; I think the big-picture issues for addressing the asylum casework backlog involve recruitment. It is all in the detail, and that is why it is really important to read the report. The recruiting, for example, of 2,500 case workers has been achieved. But this Committee heard from Abi Tierney earlier in the year about the turnover, and the detailed churn of people. From April to August this year, there was a 36% churn.

Q33 Chair: Thirty-six per cent churn?

David Neal: Thirty-six per cent churn—that is what the report will say. Prior to that, 23%; prior to that, 45%. You might have achieved the top-end figure of 2,500, but you have 36% churn. Now, you heard in evidence from Abi that some of those people are promoted—yes, they are, but they are often promoted without the appropriate level of experience. So there is huge churn in this area, and I think that is important. In terms of recruitment, resources have been chucked at this. This is absolutely a main effort on the part of Downing Street, which is leaning over the Home Office to deliver this. So there are positives in terms of the recruitment, but challenges in the detail.

Secondly, I think they will struggle to clear the legacy backlog by 13 December. I think it will be a challenge, and I have quoted some of the figures. It is that two thirds: one third. With a third of the cases left, it is the difficult cases that remain.

We saw the high grant rate initiative earlier in the year. I think it was a failure, although now they have learned their lesson from that and have been able to grant in a more abridged fashion. I think that will be more



HOUSE OF COMMONS

successful, so that will account for some of the more rapid decision making.

The elephant in the room is the flow cases. There will still be something of the order of 85,000 flow cases that are not being touched. Then there is the knock-on effect of the longer term challenges—appeals, immigration enforcement resources, the number of withdrawals and housing problems, which relate to Alison Thewliss’s point about where people end up in the system. Who is accountable for this? Every time I have appeared in front of this Committee, you have asked questions about it. There is a real elephant in the room. How have we got into this position and, equally importantly, how do we not get into this position again?

- Q34 **Tim Loughton:** Welcome back, Mr Neal. Can I just come back to that point about legacy claims, to get this absolutely clear? You said that the Government have recruited 2,500 caseworkers. Is that a net figure, if there is 36% churn? Is it an additional 2,500?

David Neal: I don’t want to swerve the question, but I would have to check. It will be in the report. I think they have achieved the 2,500. The figure I am working on is that churn rate from April to August. I think it will be plus—I think there will be 2,500 caseworkers there. I don’t think it is 2,500 minus 36%, but I will have to check.

- Q35 **Tim Loughton:** Okay, because it is quite an important difference if in fact the amount is not 2,500, but 1,700 or 1,800.

David Neal: I agree. The big point for me is that there are a lot of caseworkers and decision-making centres. We have inspected a whole series of them, and when the report is out we will be able to go into great detail. We have spoken to over 120 witnesses in relation to this. It will all be in the detail.

- Q36 **Tim Loughton:** Okay. When you came before, you spoke about the visit to one of the processing centres, where they had brought in quite a few innovations, so their productivity rate had gone up, and whether that could that be spread among the whole system. As far as you are concerned, not only are there more caseworkers—whether it is as many as the Government are claiming—but there is better practice throughout the system in speeding up claims.

David Neal: Well, more rapid claims. In December, there was an announcement to move from four decisions per decision maker and to triple it to a dozen. We have been told that it is 10 at the moment, so it is potentially moving in the right direction. Speed of decisions and productivity have improved. As I have said before, I agree that there are productivity measures that could be brought in, but the quality of decisions is key. Credit within this whole area: what we are seeing from the inspection is a gargantuan effort in these areas. They have done a really good job, but I think there was a misappreciation of how long it takes to set up a decision-making centre—how long it takes to set all these things up.



HOUSE OF COMMONS

Q37 Tim Loughton: The Chair made a really crucial point about withdrawals. Is it a question of claims having been processed, albeit not quite to the high-quality threshold that we might like, or is it that they have quietly been dropped? You say that some have—do you have a ballpark figure?

David Neal: No, I haven't. That level of detail will have to go into the report, sorry. Lots of stakeholders have told us about that. That is a real concern; there is a concern about the top-end figures.

Q38 Tim Loughton: Sure, but you will be able to get those figures?

David Neal: The Home Office have been very open with all the figures. I have given you the latest ones we have from the report. We would expect a refresh before the report comes out so that you have absolutely the latest figures available in the report.

Q39 Tim Loughton: Going back to the opening question, I think the Committee was a little surprised that you did not have your contract renewed. Just to be clear, did you make it clear that you were available for carrying on the job?

David Neal: I did.

Q40 Tim Loughton: Would you have liked to?

David Neal: I would love to carry on the job. I have a fantastic team of people. If I might, Chair, I will sing the praises of the team, which does a really good job. Every time we conduct a survey, we get really good responses. If I could just be indulgent for a second and share certain stakeholder survey responses from people this year, because it is important for the team: "The ICIBI inspection reports are incredibly well-researched and comprehensive"; "incredible knowledge available on any given subject"—that goes back to the children in hotels; "hugely adaptable"; "incredibly thorough". It is frustrating that the ICIBI product has never been stronger, as an organisation of 31 people—I am running an absolute dream team. Who would not want to stay with those people, shining a light on to really important areas of public life? It is a massively important role; it is every bit as important as my time as a brigadier in the Army. It is a hugely important role. I think we have got real credibility and real spirit.

I have stood in front of this Committee and I have been absolutely open from day one—maybe that is the reason I have not been reappointed. I have been absolutely direct with the Committee, and so have our reports. As you increase in confidence—I am sure you could track back and there would be someone who would be able to see that, once I really began to understand the areas that we are dealing with, the unfairness that we are encountering and, frankly, sometimes the ineptitude or the poor things that should not be found in public life. To be able to shine a light on those and be able to ultimately release those reports—whether they are delayed or not—is a hugely important role. So yes, I would want to stay.

Q41 Tim Loughton: I think the Committee would agree that we have always been impressed by the quality of the reports from your inspectorate. That



HOUSE OF COMMONS

is something we might not say about all of the inspectorate that we have oversight of.

Were you surprised that you were not reappointed? Is it just that you are too good?

David Neal: Very early on in this tour, a journalist friend said to me: "Be careful not to be too effective."

Q42 **Tim Loughton:** When you last came in, you were having a difficult relationship with the Home Office Ministers in particular. We were somewhat surprised that you had not had meetings with the Immigration Minister, let alone the Home Secretary, despite repeated requests and some pretty chunky stuff that it was important to have a face-to-face meeting about. Do you think that relationship has improved since your last appearance here? Have you had more access to Ministers?

David Neal: I have seen the Home Secretary—the previous Home Secretary—for a second time. That is considerably more than I saw Priti Patel. I think the access to Ministers has declined. I last saw Minister Jenrick on 31 October. Prior to that, I last saw him on 21 March. He was present when I spoke to the Home Secretary in June, but subsequently cancelled the routine meeting. So access to the Immigration Minister has not been good, in spite of the fact that I asked for an urgent meeting with the Minister after the barge incident, shall we say. That meeting was turned down, and then the scheduled meeting was also turned down. So it has not improved with Ministers at all.

Q43 **Tim Loughton:** Also, the timeliness of reports being published has not been improved. We discussed your capacity—not to mention your potential intent—to publish anyway. Have you taken further advice on whether you could do that? Whether or not you would wish to do that, have you become frustrated by the length of time and the amount of redaction that we have heard is taking place routinely?

David Neal: Parking the redaction issue, on the fundamental issue of self-publishing of reports I received legal advice last summer that we could publish our report. The Home Office have got absolutely contrary advice. If I was to self-publish reports, we would be into a real conflict situation. I have consciously chosen—and I am the independent chief inspector—not to fight that fight, on two grounds. The first was because we did see an improvement in the publishing of reports. Just after Minister Jenrick's arrival, we saw three reports in particular just slightly over the eight-week agreed time. Now, actually, we would say that we should be able to publish on day zero, not at week eight, but never mind. One of those included the second report on small boats, so it had not been suppressed, but it was still slow. So, things were going well.

I spoke to all of the stakeholders that I could, personally, and explained my rationale as to why I was doing this and that, actually, I thought that it was better to be inside the tent, working with the Home Office, despite the limitations of the reports not being published on time, than to get into a fight with the Home Office, with all the distraction that that would mean to



HOUSE OF COMMONS

me personally, as I am the person who writes these quality reports, and to my staff. So, I have chosen consciously not to do that.

Now, when it comes to moving forwards, I asked Minister Jenrick, in the 31 October meeting, precisely why they were still sitting on reports after giving me personal assurances that they were going to do better. We are at the 16-week point for my 40 reports—16 weeks on average. That is twice the agreed amount, and frankly ridiculous compared with other inspectorates that can publish their own. Minister Jenrick's staff said that the reports were held up with the Home Secretary.

I therefore think that there is an opportunity with the new Home Secretary, who I have asked to meet, to be able to raise this issue again and, hopefully—but I think I know what you are going to say—the new Home Secretary will ensure that these reports are published on time, if they were held up with the previous Home Secretary. If that does not take place, I have a really important report—the one that you have questioned me on regarding asylum casework—and it could be that, in the new year, we press the test on that. However, I think that I have to discuss this with the new Home Secretary, make my position clear and make the continued disappointment at where we have been before clear. Then, let's see where we go.

I do not underestimate the risk that I am carrying—the personal risk that I am carrying—in terms of making a decision like this, which is why the legislation should be helping me out, rather than me having to carry that legal risk, and, frankly, potentially not being the chief inspector, which I do not think is where anyone would want to be, and certainly we would not be able to do the work that we are doing at the moment.

Q44 Tim Loughton: Thinking ahead, we have had some interesting exit interviews with inspectors and other senior officials in the past. Would you have any objection, in principle, to attending the Committee after 31 March next year?

David Neal: No, of course not. Look, I am a public servant; I have spent all my life in public service, and it just happens that this is a different role. I feel passionately about this area. I think that I am doing a good job, and these things do not rest; they shouldn't rest, and this is where we should be. So, no, I am very happy to come back.

Q45 Tim Loughton: You very helpfully invited the Committee to join you on an inspection, given that we tend to visit the same places, for us to get a better understanding of how you go about gathering the data for your reports. That was, rather bizarrely, rejected by the Home Office. I am not sure who was responsible for that decision. Do you know why that was, and did that surprise you?

David Neal: It surprised me because the Home Secretary, I think in the Committee, said that she didn't see any objection to it. So yes, it was a bit of a surprise. I certainly have no objection to it. The work that I do is transparent. What I am saying to you in the Committee today is exactly the same as what I say to the Home Office and to a multitude of



stakeholders, from trade unionists down to NGOs. It is the same message; it is straightforward; there is nothing hidden. So, I would be very happy for that to take place. The objection is not coming from me.

- Q46 **Tim Loughton:** Can I touch on Brook House? Obviously, we had quite a substantial report recently after quite a prolonged inquiry. After the publication of that report, you wrote that the Brook House issues mirror concerns that you have raised as chief inspector—that you were worried that the Home Office lacked the will to address them. Do you want to elaborate on that a bit more, and on your specific concerns about Brook House now?

David Neal: I will answer the question, but bear in mind that immigration detention is something that is inspected by His Majesty's inspectorate of prisons. Specifically, our adults at risk inspection was a commission from Sajid Javid back in 2019, I think, on the back of the two Shaw reports on immigration detention. The reason I wrote the article, funnily enough, goes back to a previous point you made in terms of access to the Minister—having access to the Minister before Christmas in a specific meeting to tell him of the concerns that were going to come out in the adults at risk inspection report. We specifically raised this as being a concern; I talked about the system being broken and said it is “not effective and will remain not effective”. This is a huge area of risk, particularly against the backdrop of the Illegal Migration Act coming in and an increase in immigration detention. He was potentially putting more people at risk into a system that was broken, so I felt quite strongly that he should be made aware of this, as I think any Minister would want to be.

As it was, a couple of weeks after that, the previous Home Secretary turned off our commission for what would have been our fourth adults at risk report. As we have published in our programme this year, we will do another adults at risk report, because it is a really sensitive and really difficult area, and the conditions within immigration detention are difficult.

The recommendations—perhaps you will want to ask about recommendations that are actioned or otherwise—are not being actioned. I talked to the Minister about the glacial pace of progress in relation to this. There is a feeling that everyone is gaming the system. Well, some people might be gaming the system, but not all of them. I can't tell, nor can the Minister and nor can staff, whether it is one or 100 people who are gaming the system, and within that number there are many people who will be traumatised by war, traumatised by exploitation or mentally ill, and they are in the system the same as anyone else.

There are real challenges, and Kate Eves published them in her report. She talked about recommendations that had not been actioned by the Home Office running like a “dark thread” through the report. On clarification with the Home Office, I looked at the number of recommendations that had not been actioned from three of our reports, and they have not been actioned. Reviews of the policy is one example. It was covid, and then it was NABA, and then it was the IMA. The net effect is that the processes and procedures that detention facilities, from my



HOUSE OF COMMONS

experience, run on have not been reviewed. That is a real problem, and it is a real problem going forward as immigration detention increases.

Q47 **Tim Loughton:** You do not inspect Brook House, but have you visited it?

David Neal: I am not sure I have visited Brook House. I have visited Harmondsworth and many of the others.

Q48 **Tim Loughton:** Would you? Obviously, there are a lot of implications for your remit, which is what is going into Brook House and what is coming out of it, effectively, not what happens there.

David Neal: When we do the scope for our fourth adults at risk inspection, which is in this year's programme, we will consider what we do and what is in the public interest, and it might be Brook House. I say that it is HMIP's responsibility, but you are absolutely right: what goes into the facility and what comes out of the facility are absolutely our interest, and that is why we focused on rule 35 processes in the last inspection. But it is not good. In terms of the contract between an independent chief inspector and Ministers, they should want to know when something is not good, and I am perfectly happy to say when it is not good.

Q49 **Tim Loughton:** Do you have a running tally of what percentage of your recommendations in your various reports have been actioned either in full or unsatisfactorily?

David Neal: We have. I reported previously that the Home Office has improved in this area. The Home Office has now gathered much of the data. There is a computer program that these are loaded on, and since June we get monthly updates on where we are with the recommendations. That is a positive. A lot of work has gone into it, and it is a really good thing, but 51% of my recommendations are closed, and 48% are open. What is a closed recommendation? We have seen before that where recommendations have been accepted and presumably closed, the only way we can determine is by scrutinising the updates and then building that into the intelligence picture for what we decide to look at for our inspection programme. We do find things that are closed and have moved on but have not been done well at all.

Q50 **Tim Loughton:** But "closed" does not mean accepted; it can mean responded to and rejected.

David Neal: Potentially. We have not gone back; it has only been in since June, and we are on to next year's programme. Often it means partially accepted. The increase of partially accepted matters is such that there needs to be a lot more work in this area. I have written in the annual report—which, funnily enough, has not been published yet—on precisely this matter. There is a risk of recommendations becoming a sport all of their own, and there is a risk that accepted does not mean implemented.

Q51 **Tim Loughton:** Do you have a published or publishable list of all those things from your report that have been, one, accepted in full; two, closed without having been accepted; three, part enacted but not to your satisfaction; and four, outstanding—the 49% or whatever? Is that



HOUSE OF COMMONS

something that is easily available for us to see?

David Neal: It is easily available from the Home Office. It is official-sensitive. Presumably we can't publish it, but it is official-sensitive. But yes, there is the data evidence.

Q52 **Tim Loughton:** So we could ask the Home Office for it?

David Neal: Absolutely. I think it is a good thing. It is a real positive thing and I give credit to the Home Office. But it is the detail, again. I don't want to be boring, but it is the detail of what it looks like on the ground. We see that again and again. These are not sweeping policy matters; it is detailed operational delivery that is really important. It is unglamorous, but it is really important.

Q53 **Tim Loughton:** It is important. The fear is that it is easy for the Minister to say, "We have dealt with 51% of all the recommendations and are working urgently on the rest." They are not going to say that of those 51%, with half of them they have only done part of the recommendation or adapted it or whatever. Only you can provide a comment on whether you think it has been properly accorded with your intentions or not. Do you not publish a comment on that list?

David Neal: We don't comment on the whole list; we do it when we revisit, and the first thing we do when we are scoping is we look at the recommendations in these areas and then we write that in our overall report. We could do more of that—provide a running commentary to hold the Home Office to account. The audit and risk assurance committee at the Home Office, for example, could call me forward to ask what I considered was progress within the overall response to recommendations. I think it is moving forward a little bit better, but there is some way to go.

The point you make is a point that we see again and again, which is measuring activity and not measuring effect. This Committee must see it when you ask the question and are told this, this and this, but what effect are they trying to create? Again, it smacks of answering the question right rather than answering the right question. We see that all the time, and I think it is really unfortunate.

Tim Loughton: Thank you. Can I suggest, Chair, that we request that information from the Home Office?

Q54 **Chair:** Yes, and I think we should also go back on the redaction point in the report and see if we can access that. We will certainly ask that.

Obviously, the Rwanda judgment has just come out, and it has found that the policy is unlawful. Obviously, I don't want you to comment necessarily on the judgment, because it has just come out, but could you say something about how that will impact on the inspections you will be carrying out and perhaps new areas that you might now want to look at again?

David Neal: I think we will have to see what that means and what that means for the direction of travel for the Home Office and the Government.



HOUSE OF COMMONS

Now the judgment is out, we can hopefully finally publish our Rwanda country information report, which had been held with the Home Office—albeit it had been disclosed to the court. We can bring that before the independent advisory group on country information; we can get it signed off and get it published. That is the first step. Then we can decide whether we are going to look at Rwanda again because it has been some time since we commissioned an academic to look into that area.

We would need to understand what the Home Office is going to do and then what priority we would place on inspecting in that area, compared with everything else that is in our programme. We have now extended—I briefed the Committee before—on our response to short, medium and large inspections. We now have spot inspections, specifically so we can go into areas with a very low footprint when it is really busy—so, queues in airports, Manston when it is particularly busy. We have a really low footprint, it is really not intrusive, and we can provide the Home Secretary with a formal report, which is what the Act requires of us, rather than having to give evidence to this Committee, for example, as we did last October. We have tried to formalise that with the Home Office. That would allow us to look at the early stages of any initiatives, for example, that the Home Office want to bring in in response to that.

Q55 Chair: Have you had any discussions with the Home Office about what plan B is, given that they lost the judgment today?

David Neal: No, none at all. I have a meeting tomorrow or the day after with Stuart Skeates, who is the director general responsible for it, but no, we haven't.

To be absolutely frank, Chair, the IMA is out there. There will be a decision made. Rwanda will go one way or t'other. There is plenty in our programme in the here and now for us to be inspecting and reporting on. That has been my focus and it will remain my focus until we can see the smoke clearing a little bit.

Q56 Chair: Right. What do you think the biggest challenge is for the Home Office at the moment?

David Neal: I think that maintaining objectivity, and I think there is a Windrush context to this as well, when pressure comes along, and fairness and understanding of human rights, and professionalising themselves, and making sure that when they are dealing with immigration detention, they are not sort of infected by the external politics, so they can act independently and impartially, and make good decisions. I think that is probably a particular challenge. You can only do that with training, with professionalism, with discussions and with openness, and I think that sometimes we see the need for improvements in all those areas. I wouldn't have thought that for soldiers in Afghanistan to be dealing in an entirely compliant way with detainees—it takes strong leadership to deliver that. And I think that's what's really required within the Home Office.

Q57 Chair: I'm rather taken aback when you say that the Home Office has to



HOUSE OF COMMONS

professionalise things like training. I mean, it is just a given that you would expect a Government Department like the Home Office to be professional and to have properly trained staff. It seems odd that that's where we're at.

David Neal: I couldn't agree more. And with the Home Office, I am also including Border Force, and the requirement for Border Force training and professionalism is significant. Alexander Downer reported last year on Border Force and there are so many things that need to be done in that area. There are 10,000 people who work within Border Force, and they need to be properly led, properly resourced and properly motivated. It really isn't good enough and there are a couple of inspections that are coming in down the line, where all I am reporting is the symptoms. And it doesn't fill me with any pleasure to be able to say, "Oh, we found this mistake, this mistake and this mistake. It's not very good."

Actually, it needs to be properly modernised and properly resourced, and it needs to properly protect our borders. And that is for everyone. That should be an absolute given. What keeps me up at night? Perhaps it is that. Perhaps it is that issue with who is protecting our borders. Is it being done to the best of our collective abilities? I'm not sure that it is; otherwise, we would see things that are running well.

Chair: Can I thank you very much for coming along today and being so frank with us? And perhaps your approach of being critical, trying to get change and setting out very clearly in your reports what changes are needed has resulted in your just having three years in post. I think that is a great pity, actually. But thank you again for your time. We might see you again in the new year for a post-exit interview. I think that would be very informative. Thank you very much indeed.