

Home Affairs Committee

Oral evidence: Pre-appointment hearing: Independent Chief Inspector of Borders and Immigration, HC 1024

Tuesday 15 December 2020

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Members present: Yvette Cooper (Chair); Ms Diane Abbott; Simon Fell; Adam Holloway; Stuart C. McDonald.

Questions 1-47

Witness

I: David Neal, preferred candidate for the role of Independent Chief Inspector of Borders and Immigration.



Examination of witness

Witness: David Neal.

Q1 **Chair:** Welcome to the Home Affairs Committee's pre-appointment hearing with the Home Secretary's preferred candidate for the role of Independent Chief Inspector of Borders and Immigration. We welcome Mr David Neal before us this morning. Mr Neal, can you begin by telling us why you want to do this job?

David Neal: I left the Army in October last year. In my final interview with Mark Lancaster, who was Minister for the Armed Forces, he said I should look on the public appointments website for opportunities to retain my skills and transfer them into public life. I had been scanning the website and this job came along. I looked at the person specification and considered that I had a reasonable chance; I felt that I fitted all of the specification. We had bought a house just outside London and I was looking for a job in public service in London to reinvest what talents I have got back into public service.

Q2 **Chair:** You have presumably looked at some of the issues around the work of the immigration and borders inspectorate. What key issues strike you? What questions do you have in your mind approaching this job?

David Neal: Principally, that of the role of the inspector in terms of independence. As a military policeman, I have always worked in an independent manner, and I recognise that independent scrutiny is hugely important, particularly in controversial areas. Challenges in the military investigative system and the military detention system over the years have meant that I found myself right in the eye of the storm. I have been tested in terms of using my independence, and I think that is certainly something that I would bring to bear on some of the issues.

For example, the issues in the channel over the summer have been particularly challenging in terms of newspaper coverage, and I would liken the huge issue of Windrush to the Baha Mousa inquiry in the effect that I think it has had on the Home Office, and certainly on the people involved—it was an enormous issue. The third matter is the whole Brexit issue and the chaos that potentially looms in term of how we secure our borders. Underpinning all of that is the issue of security. Fundamentally, we need to make sure that we have control of the people who come into this country. Security underpins all of those issues.

Q3 **Chair:** Those are issues that you might look at, but do you have any sense of the underlying questions or purpose that this role should probe or fulfil?

David Neal: The effectiveness and efficiency of the process is important, as is the consistency of that process. It is akin to marking the homework—supposedly that is being done, but is it? The other issue is understanding through partners and this Committee the areas of concern that should be inspected and reported on. I read the newspapers and listen to the radio, so I am aware of the issues, but if I am selling myself, I am doing so more



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based on my experience and track record, and I think this is an area that could benefit from my oversight and involvement.

- Q4 **Chair:** You have come this far down the track in the application and recruitment process, so we are interested in whether you have reflected more on the nature of the job and the challenges associated with immigration and borders operations. Have you considered some of the difficulties, the questions and the underpinning problems that you might need to probe?

David Neal: I think the balance between secure borders versus our international obligations, and acting in accordance with international law, creates a tension. I come from Halifax, and if I spoke to my mother about this job, she wouldn't say that there are too many immigrants, but she would be concerned about immigration. I would be keen to ensure that my involvement in that process was even-handed, fair, open and transparent. I am not sure that I am quite getting your line of questioning; am I being a bit wishy-washy?

- Q5 **Chair:** The Home Office is a complex Department, shall we say. It has faced a whole series of different troubles along the way, and faces a very difficult job in the scale of its operations, and there are inherent conflicts in some of the things that it has to do. I am interested in whether you have reflected on that. Have you any starting thoughts and any big questions in your mind about what kinds of things the inspectorate should be doing, and what kinds of principles it should be pursuing?

David Neal: If there were a principle to pursue—this is not specific but more general—it would be a sort of desire to establish what the right question was and answer it, rather than merely answering the question right. Having read some of the reports that the inspectorate has produced, and therefore some of the direction that the endeavours have been pointed in, I am not clear in my own mind about the areas that I would seek to explore; some of it seems a little bitty. Lots of areas could be explored. There is a limited number of people in the team. I would like to understand what the right question is before embarking on too many bitty things rather than the big issues.

I have a concern that we could end up in a position with something like Windrush, where the inspectorate played a role but seems to have missed the big thing. There is a role to play. I hope that, if I am selected, I would not miss the big thing, and would be able to see the big picture and get involved in an inspection of the big picture.

- Q6 **Chair:** You are effectively saying that your pitch is about applying your skills and background to a new situation. If you were starting to approach an inspection into the border arrangements and their practicalities from 1 January, for example, what questions would you ask and what approach would you take?

David Neal: I would ask, one the one hand, "What are the rules?" On the other, I would ask, "Are the practices, processes and procedures abiding by the rules?" I would ask whether or not, and what, contingencies are in



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place if we find that the rules are not being kept to. I would establish whether the rules are clear or if anything needs to be clarified. I would be careful in how I reported those rules and careful that I brought that to the attention of the Department, so that we could have a discussion to understand what it was, what pressures we are under and what pressures they were facing.

Q7 Chair: You did not, in that set of questions, raise questions about different stakeholders and their experiences of what was happening. One of the big questions around Windrush was that the views of those who actually experienced the immigration system were never heard. You said that in your approach you want to be sensitive to experiences such as Windrush, but in that example about the border, you did not raise the experiences of people arriving in the country, or the experiences of importers and exporters, for example. Nor did you raise questions about staffing, people, internal management processes, operations or many of the other things that I would have thought you would ask questions about or approach.

The rules and whether there is compliance with them would clearly have been extremely important in the Military Police, but for the inspectorate, you are going to have deal with a whole series of wider questions. I am just interested in whether you are thinking more widely about the kinds of things that the inspectorate will have to ask about.

David Neal: I am probably giving you a pretty binary response; that is certainly not what I would have hoped. If I use the example of how we have dealt with detention in the detention setting, for example—as well as the rules, which I have just mentioned—we would always look at the lived experience of the people involved. We would conduct confidential interviews with the detainees to understand precisely how and what they were feeling. We would invite other partners in, such as the International Committee of the Red Cross, so that we could understand their perception of the situation. I imagine that I would continue very much in a similar vein. I would speak to the groups who represent some of the challenges that refugees and asylum seekers were facing. We would speak to those people and I would take their views in mind when producing my report.

If I have painted that picture, I am really sorry, because what I have always sought to do is to understand the situation. For me, it would be about understanding what was happening to people and the people aspect of it. It would be about understanding the pressures that were faced, for example, by Border Force officers and the day-to-day challenges they were facing, which might explain or add colour to what it was they were doing, why they weren't doing things, or why they were doing things in a certain way.

I would always seek to get under the skin of a problem and always seek to add colour. You are absolutely right; I didn't respond with the concern of the people, and it is absolutely about people. It is something that I should have mentioned. I was talking about process, and I am certain that it is much more than process.



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Certainly, when we have been dealing with issues of detainees, both military detainees and detainees overseas, we have always focused on what was happening to them and—I was going to say have a voice, but that is not quite what I meant—always made sure that what they had experienced and felt was absolutely represented in any of the inspection reports that we have conducted.

Q8 Stuart C. McDonald: Mr Neal, I just want to press you a little more on why this job in the field of immigration was of interest to you. You mentioned that you thought your skills perhaps matched what was being looked for, but was there anything in particular that made you want to work in this field of policy?

David Neal: I said before that I have been involved throughout my career with two things: security on one hand, and the protection of vulnerable people, of the weak and of victims on the other.

Chair: Can I just pause you for a second, Mr Neal. I think that Stuart is having some issues with the volume. Stuart, can you hear us clearly?

Stuart C. McDonald: Mr Neal sounds a little faint. If you could just speak up a little bit, that would be helpful.

Yvette Cooper: Sorry. Because of our issues with the microphone, can I ask you to speak a little bit louder so that Stuart can hear down the line.

David Neal: I hope it wasn't my flat northern vowels, Mr McDonald.

I have always recognised that I think I have an unusual skill, in that I have been able to represent some of the most vulnerable people, using the detention example, and been able to represent them impartially and to act as a balance against things that could potentially happen to them. I have always found that to be a fundamental part of my character and something I have always been able to do.

I have always been able—again I am talking about the past, but hopefully it will apply in the future—to engage with different parties to understand what the situation was. For example, I was involved with Reprieve, the prison rights organisation, much to the amazement of the Ministry of Defence, because it is not necessarily an organisation that you would immediately think would be assisting us. But their aims and our aims were very similar: we didn't want our detainees to degrade, and nor did they. I have always sought to understand and get alongside people who will be able to help, and people who will be able to help the vulnerable.

Q9 Stuart C. McDonald: You spoke a couple of times about a tension between security and international obligations. What do you mean by that? What is that tension that you are referring to?

David Neal: I have been involved with European convention on human rights issues over the years in terms of death, so article 2, and cruel, inhumane and degrading treatment—article 3. There is a natural conflict



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between being in the military and potentially killing people, and fundamental articles of international law, such as article 2 of the ECHR. We have had to walk that tightrope over the past few years. It is those two extremes. It is the security—we could just build a wall and close our borders, but we can't do that as an open country and because that would affect many people in this country of communities who are settled here.

Q10 Stuart C. McDonald: In relation to the work that you are doing, who do you think you are serving as the independent chief inspector? Who will benefit from the reports that you prepare?

David Neal: I think the Home Office and the Home Secretary will benefit. I think groups who are involved in immigration—third sector groups, for example—will benefit. I hope this Committee will benefit from the reports that are produced. The reports will be transparent and open, so I would hope they would be widely available and widely beneficial.

Q11 Stuart C. McDonald: Like a similar answer you gave earlier, you haven't mentioned the people who actually use the immigration system. Are they not to benefit from these reports?

David Neal: Yes—I should have responded with that as the first thing. People who have suffered in the system and people who have not, people who are making representations to correct where they may have been wronged—I suspect there are whole groups of people who would seek to use the report.

Q12 Stuart C. McDonald: Sum up the people who use the immigration system—who are we talking about here? What sort of folk might benefit from the reports that the independent chief inspector does?

David Neal: Anyone who is coming to this country on business, people who are coming for educational needs, people who are seeking to come to this country to join family members, people who are seeking to come to the country to avoid persecution—they are all examples of people who would use it.

Q13 Stuart C. McDonald: You have touched on issues of vulnerability and detention and so on, which of course are absolutely vital, but a lot of this is also about administration. You have not really spoken about that side of things—visa processes and delays and so on. Does that interest you?

David Neal: Well-run public administration is hugely important. It is not public administration; things running well in the military are things that I have been involved in the inspection of in the past. It is hugely important, if we are to make the best use of resources and do what it says on the tin. If we are going to allow people to come into the country, they need to understand how quickly they can do it and what the rules are, and that needs to be published and reviewed; it needs to be understood by all. Is my principal motivation for the job understanding administration? Understanding what the rules are and understanding how they are delivered by the Department is very important, and the holding to account of people to make sure they are doing the job right is equally important.



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Q14 Stuart C. McDonald: We can see how the skills from the Royal Military Police in carrying out investigations and so on might transfer across well. What skills do you think you might need to develop quickly to try to fit into this role, and what would you say are the main differences between what you have done previously and what you are hoping to do now?

David Neal: I think the differences are enormous. Understanding the Border Force, the Home Office and the environment that they work in is very different, but in the Army and the Military Police every few years you are faced with a new set of challenges, whether that is deploying to somewhere like Afghanistan or dealing with issues in the UK. I think I am pretty adaptable and open-minded, and I have a sound track record of being able to adapt to a different environment. It is a very different environment. The whole issue of immigration is very different from investigation, but I am keen to adapt, and I am sure I will be able to adapt. I hope that answers your question.

Q15 Stuart C. McDonald: I have a few shorter, sharper questions to finish with. Do you have any business or financial connections or other commitments that might give rise to any conflicts of interest in carrying out your duties as independent chief inspector?

David Neal: No. I sit on the national board for protective services of the Institute for Apprentices and Technical Education, which covers the Border Force. That is something I would look to stand down from in order to make sure that there is clear water between my appointment and what I have done in the past. I have done that for three and a half years now. This body covers the police, prisons and some of the military, so I would look to stand down.

Q16 Stuart C. McDonald: This will be a full-time role. Will you keep any other roles at the same time as doing your work as the independent chief inspector, or will this be your one and only commitment?

David Neal: My one and only commitment. I think I would continue to seek to mentor young people. I have been involved over the last few years in mentoring fast stream civil servants. I would hope to continue to do that, but that will be private and complementary to my work.

Q17 Stuart C. McDonald: Finally, in your consultancy role and in your current role, did you have any relationships with the Home Office or anyone who works there?

David Neal: No.

Stuart C. McDonald: Thank you very much.

Q18 Ms Abbott: Can I just ask our interviewee what he would say to people who might say that the Home Office has gone out of its way to shortlist someone with absolutely no knowledge of or background in immigration or nationality matters, and that you were shortlisted precisely because they think you will not prove a very challenging inspector?

David Neal: I cannot comment on the shortlisting process, but I can comment on my previous performance and future intended performance,



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in terms of my being independent. I have absolutely no fear or reservation whatsoever that my performance will be anything other than absolutely independent. Certainly, in my time in the military—probably the organisation that you would imagine will be one of the most hierarchical and most dependent upon people doing what they are told—I worked and acted in an independent manner over the last few years, and I have no reason to think that I would do anything other than that. I cannot comment on the process and how I was selected.

- Q19 **Ms Abbott:** You have made a point of saying how independent you would be, and that is commendable, but you have to know what you are being independent about. As I say, if you do not understand the sector and prior issues and what the most contentious issues are, however independent you are, you will not be terribly challenging. I notice that, in response to my colleague, Ms Cooper, when you were asked about issues, the first two things that came to your mind were security and something about people who think there are too many immigrants. Someone with a broader knowledge of migration, nationality and borders might have been able to provide a broader response, don't you think?

David Neal: I agree, and were you to ask me that question in a few months' time, I think my response would be completely different. It is challenging competing for a job while working full time. The specification, which was part of my arrival in front of this Committee, did not include an in-depth knowledge of the system. I am absolutely confident that in a few months' time I will be achingly aware of the issues, and if you ask me that question, I am sure I will give you a different response.

- Q20 **Ms Abbott:** You will be aware of the Windrush lessons learned review, and you will be aware that Wendy Williams suggested that the Government appoint a migrants' commissioner. Do you support that recommendation, and how would you see yourself working with the migrants' commissioner?

David Neal: Absolutely. I understand that all the recommendations have been accepted by the Home Secretary. I am not aware that a migrants' commissioner has been appointed yet, but I am aware that one of those recommendations is to work alongside the migrants' commissioner, as well as to review the role and remit of the inspector, which I understand has been accepted as well. I would seek to work alongside all parties, and if someone has been appointed to represent the concerns and to work alongside me, I think that is a good thing, and the more formalised it is, the better.

- Q21 **Ms Abbott:** How do you see that working? Would you consult them beforehand? Would you ask them to review what your border staff are doing? Have you thought about how that would work in practice? It is not just a question of them being in one office and you in another, and you meet once a month. There has to be a practical *modus operandi*.

David Neal: I agree. The way that I have always operated in the past, and the way that I would seek to operate in future, is by understanding who the key stakeholders in the process are, and ensuring that we enter a



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dialogue and co-operate to understand the issues, which would then drive our inspection reports or inspection programme, for example.

On taking charge of the Military Police, I engaged with everyone I could—prosecutors, judges, or whoever it was—and they provided us with a clear way forward as to how we did our business. I have yet to understand exactly what the migrants' commissioner does, but yes, I would absolutely expect to work alongside him or her, and I would establish a routine series of meetings between me and them, as well as staff talks, to inform our daily work.

Q22 Ms Abbott: The Windrush lessons learned review also recommended changes to the role and remit of the ICIBI. Would you like to see any changes to the role and remit?

David Neal: I think it is too early to give a really good response to that. However, I scratch my head a little about the delay in releasing reports and understanding why that delay happens. I would have thought that the quicker we report on matters and those reports are released, the better it is for everyone. There is a danger, if a report is held, that things change and the recommendations are not necessarily accepted. That would be an area.

One of the things that I would seek to do if I were appointed would be the same as we have always done in military jobs, which is to conduct an estimate of what is taking place, understanding an analysis of the environment, and then making, from that analysis, a series of deductions that would inform my programme, strategy and plan.

Q23 Ms Abbott: Do you have any concerns about the review of the ICIBI that the Home Office has said it will launch?

David Neal: I do not have any concerns. I do not know exactly how the review will operate—I asked the question and was not given a clear answer. If the review said, "You are not independent," that would be a problem, but I do not imagine that it will say that. No, I do not have any concerns, but I do not have any particular knowledge of the direction of travel for that review.

Q24 Ms Abbott: I have a last couple of questions. In response to my colleagues, you said that the main issues that you wanted to raise in relation to your role were security and people's concern that there are too many immigrants. I noticed that you did not raise human rights. Do you think that any consideration of human rights issues has any bearing on what the borders and immigration inspectorate does?

David Neal: Absolutely. I think I responded about the sort of ECHR environment that characterised the last six or seven years in the Military Police. So yes, human rights are fundamental to everything that we do. How that directs what is in a report and how that drives a report is hugely important.

Q25 Ms Abbott: Finally, the Committee is aware that there are two outstanding JRs into the Royal Military Police, covering events that



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happened when you were at its head. Obviously we do not want to talk about anything before the courts, but we note that the Ministry of Defence told us that you do not know any of the detail. Do you think the public want a borders and immigration inspector who perhaps has more of a mastery of the detail than you appear to have shown in your last role?

David Neal: I am not sure how the two issues connect. My reluctance, or rather desire to expose the two ongoing JRs was in order to assist the Committee. I didn't want to put myself in a position where I was unable to articulate my achievements in the Military Police because that may potentially damage two ongoing JRs. In the past I have been held to account in judicial review on two occasions, where I have given evidence because of the work that we had done, and the evidence was publicly available. I was not found wanting, and nor was the organisation. I am sorry if I am being a little bit wishy-washy. My not understanding what the JRs are about is largely to do with the fact that I have been out of the Ministry of Defence for a considerable time. I am not sure that it would be appropriate for me to try to make a fist of something that I had not been called to give evidence on. I was trying to assist the Committee.

Ms Abbott: As I say, we on the Committee do not want to talk about anything that is before the courts. I just wanted to mention the two JRs because they are not completely immaterial to our consideration of your appointment.

Q26 **Simon Fell:** Your predecessors in this post have spoken about the sense that the postholder sometimes has difficulty getting access to Ministers and being heard by them. Does that concern you, and what would you do to change that relationship?

David Neal: It would concern me if, in a few months' time, I came to that conclusion. At the moment, I am not concerned. I would expect to have a regular cadence of meetings with Ministers, including the Home Secretary; I would be surprised if I didn't. Certainly, in the Ministry of Defence, I never had any difficulty at all with accessing senior officials or getting into Ministers' offices and discussing and briefing them on matters. I would be very surprised if that was one of my concerns in a few months' time.

Q27 **Simon Fell:** What will you be looking to achieve to make sure that your work carries sufficient weight with Ministers in the Home Office?

David Neal: I would seek to establish a relationship with Ministers and a good reputation with the people I needed to work alongside at the Home Office. I would seek to make sure that people who are representing the views of the community were confident in my ability and how I presented my facts—that my reports were, hopefully, judged independent, clear and shaped by reality. That is what I would hope.

Q28 **Simon Fell:** Part of this role is about challenge, and holding the Home Office and other institutions to account. That sometimes creates an awkward tension between those you are reporting to and those who you need to speak about and the processes you need to speak about. What



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have you done in your previous role from which you could draw and use to bolster that role, and that you hope to bring to this position?

David Neal: A certain level of emotional intelligence. I have presented bad news to Ministers on quite a few occasions. I have certainly not looked for a fight, but to make sure that people are warned and warmed up to things that we may have found that may create tension. Warming people up to the issue has often been the best approach, but equally important is establishing your reputation as someone who, ultimately, will report the bad news and speak truth to power. I imagine that that skill will be greatly in demand.

Q29 **Simon Fell:** I imagine it will. You have raised the issue experienced by previous postholders of reports that have either been bundled together or delayed significantly. Clearly, that is an issue. How would you seek to address it?

David Neal: Number one, there must be a review of the role and the remit of the role. I would expect previous practice to be considered during that review and I would hope that a clear outcome would arise from that review.

Our role as the inspectorate is to make sure that the recommendations are clear, succinct, achievable and deliverable; otherwise recommendations are only partially accepted or it leads to a lack of clarity. I hope we would ensure that reports were nice and clear and then, if they were not responded to on time or there was a delay or they were bundled together, we would be able to challenge the particular issue rather than having that obscured by them being handled as one. The cadence or routine of reports and how they are delivered and responded to is key to the work.

Q30 **Simon Fell:** I am quite interested in the nature of that challenge. Again, we have the tension where we have the political prerogative—I am putting words into mouths—to bury bad news or hide information that is not that favourable to the current system, whereas you are meant to be there to expose it. How would you seek to raise the profile of the findings of a report if Ministers appear determined to ensure they get the minimum publicity possible? What channels and avenues would you use to put some heat under them?

David Neal: It would be tempting to say that you go to the press, but that has not been in any of my background. I have always been able to arrive at a position where bad news was not buried. I think, if it was, it becomes a challenge to the independence of the position and means you would begin to lose credibility. If you are losing credibility—you cannot possibly operate like that. So I would seek to establish protocols and clear guidelines, and then I would hope that would get us to a position where reports were released and they were not buried. I have not had any experience where I have failed in that regard.

Ultimately, I would seek to write to Ministers and make representations. I am aware it is an issue, but I have not spoken to David Bolt, the incumbent, to understand the nuance of whether it is a problem and



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whether it will be a problem for me. I do not know at the moment, but it has never been a problem in the past and I do not see it being a problem in the future.

- Q31 **Simon Fell:** The reason I ask is because your predecessors have mentioned this and Wendy Williams mentioned it in her report. It would appear to be a continual issue for this post holder, so there needs to be that challenge there to ensure that issues are being surfaced.

Outside of these issues, what would you consider to be the main issues facing the independent chief inspector and his team going forwards?

David Neal: I cannot identify what the main issues are until I have conducted my analysis and understood. I think the key issues for the inspector are independence, access, resources, focusing on the right questions and being able to balance the views of all the parties in order to drive an inspection programme that produces a good product that holds Department and the border agency to account.

- Q32 **Chair:** I have a few further questions. I asked you earlier about what approach you would take if you were starting an inquiry into borders on 1 January. One of the inquiries that the inspectorate has in the schedule for next year is an inspection of e-gates. Can you give us a sense of what sort of principles you would bring to that and what your approach would be? Suppose you are on day one, and on day two you are supposed to start this inspection of e-gates. Obviously, without knowing the details, what questions would you be asking?

David Neal: I think we would publicise as much as we could that we were conducting this activity. I would seek to take the views of various parties, including the people running the gates—Border Force, or contractors, if they are involved—and people coming through the e-gates, to understand the experience of those people and whether the electronic passports are working correctly and to understand the views of the agencies that receive the information on the integrity of the information. I think I would seek to understand who the parties are and then seek to understand what the situation is.

- Q33 **Chair:** But if you had, say, five questions that you wanted to answer as part of the investigation or inquiry, what would those be? Or what would be the three questions that you would be trying to answer?

David Neal: Are they are they working? How should they work? What can we do together to make them work, perhaps?

- Q34 **Chair:** I have never thought much about e-gates, so I do not know much about them; we have not done an investigation into them. However, from thinking about them just literally in the last five minutes, I thought I would want to know whether they are working, in security terms, and telling us the information they want; whether the technology is consistent and reliable; what the user experience is, including passengers and airport operators; the wider economic impact; the staff experience of using them; whether they are actually delivering value for money; the risk and resilience involved in them, including whether they might



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suddenly go wrong because a fuse blows or something like that, and if so, what the resilience plans are and so on.

Part of the reason I am pressing you on this is because it is perhaps surprising for somebody to be this far through an appointments process and still appear to know so little about the immigration and borders territory. I am therefore interested in whether that perhaps doesn't matter, because you come to the role with a fresh pair of eyes and will ask a set of probing questions, but at the moment you are not telling me what the probing questions would be. Let me give you another example that might be closer to some of the things that you have worked on before.

The Home Office is currently putting asylum seekers in Napier barracks as part of a sudden expansion in asylum accommodation it has undertaken, partly because, as the Minister told us yesterday in Parliament, as a result of covid, they are not moving people out of asylum accommodation. As people are arriving, they need additional accommodation, so they are using military barracks in Penally and Napier. A whole series of questions has been raised about whether that is appropriate and whether those conditions are appropriate and so on. If you were going to do a short, sharp investigation into Napier barracks, what kind of questions would you ask about that?

David Neal: I would ask about the separation of males and females and juveniles and adults and whether there was sufficient medical care. I would ask whether there was sufficient ability for people to: charge mobile phones; communicate with family members overseas; take legal advice; eat food that was culturally sensitive; be protected from the elements; and exist in a covid-proof environment. I would make sure that what was going on was being done safely, ensuring that people were protected from public view, that they had appropriate leisure activities, in order to make sure that their mental health was appropriate, and that they were briefed as regularly as possible to understand where they may be going, and that that briefing was as consistent as it could be. Those are the sorts of areas, and that would be the way I would approach it, given my military experience, focusing on their welfare, on whether things were right and on the legality of their being held there.

Q35 **Chair:** Interestingly, on that example, you had a whole series of further points that I had not written down after thinking about it off the top of my head. Part of why we are probing is that in areas where you have experience, your answers are much more detailed and thoughtful than in areas where you do not have experience. That is why some of our questions are almost asking you to reassure us that, in the areas in which you do not have experience, you will ask the right questions.

David Neal: Can I give two examples of areas where I did not have experience but then did get experience? Certainly, the Military Police have never traditionally been involved in detention; we were never involved, because that was done by the Military Provost Staff and the chain of command. From 2006—the first time we went into Afghanistan—I had to learn the discipline of detention and how to humanely keep detainees. I



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effectively had to educate myself from scratch to understand how the prison service works, what best practice was and what the rules were. I think that I achieved that to deliver, in places such as Afghanistan and Colchester, a safe and secure environment for our people. I did not have any tradition or history in that, but I went about researching it, understanding it and delivering on it, and that is how I hope to behave in the immigration arena.

The second example is sexual and gender-based violence. I was working in a NATO job for a few months before I took over the role as Provost Marshal in the Army. I spotted that there was an opportunity for our people to do some good when they were deployed overseas. Our organisation was 26% female, so we would often have female investigators with the military in places overseas where sexual and gender-based violence was taking place. We set about putting a training structure in place, engaging with academics and partners to deliver that on deployment and operations, and spreading it as widely as we could. I was the first male gender adviser in NATO, because that was the supporting structure that I felt was important for us to achieve what we needed to achieve. That is another area.

I started from a pretty low level of experience, learned about it, understood what the conditions were, and was able to deliver betterment for everyone, not least our people, who understood that they needed the tools to be able to address matters when they were overseas.

- Q36 **Chair:** You obviously have very considerable expertise in investigations with the Royal Military Police. I was just looking at your CV, which does not seem to have any experience of public challenge to institutions or organisations. Is that right, or are there any examples in which you have had to do public as opposed to private challenge?

David Neal: I have always had the ability to do public challenge. I have never needed to use it, as part of the independence of our investigations meant that, ultimately, we may need to go public on certain matters. I never needed to use that, either as a threat or a tool, to pursue investigations, because I had always been able to achieve what I needed to privately, through shaping. I have never had to do that.

In terms of publicity, although the military might seem to be a closed environment, we are very strong on our social media and on fusing the reservists to serving communities and the retired community. I was public on social media every day, which meant that I would be challenged if I was caught with my hands in my pockets or if my behaviour was open to scrutiny. I think that one of the characteristics of being in the Military Police is that in the military community, everyone looks at you all the time and everyone knows exactly who you are and what you are doing.

- Q37 **Chair:** In previous jobs that you have done, that has not been part of the role in the same way. In this job, you have to do public reports. What if you were doing that inspection of e-gates and found that there was a massive technology problem, or that something was not being dealt with



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or addressed, or you found that they were not properly addressing vulnerability or torture victims in Napier barracks, or whatever it may be? If your past experience and traditions have all been about making private rather than public challenges, are you going to put all those details in your public report?

David Neal: I have always accepted that the reports that I produced in the Military Police were open to legal scrutiny and public scrutiny. Almost everything that we have ever written is with an eye on public scrutiny. For example, if we were inspecting facilities in Afghanistan, I would expect those reports to end up in the courts at some point. There was always an eye on how it was that we were going to report. While they were not being published, they were being sent to Ministers and I expected them to be disclosed in the fullness of time.

Q38 Chair: That makes it sound as if you are being cautious about what goes into the reports. In this role, part of the role is public scrutiny. It is producing reports for the public, for the community and for everybody else to be able to see. I am not clear from what you are saying what your answer is to the challenge. Are you going to be keeping criticisms out of the public reports because your tradition is one of making private challenge rather than public challenge?

David Neal: No. Let me just make myself clear. The way that we approached observations in reports and recommendations was as if the report was published the next day. I expected them to go public the next day every time we published a report. I have not pulled any punches or sought to shape or delay a report because it hadn't been cleared with Ministers or hadn't been cleared with officials. I did what was right and I would hope that I would continue to do what was right no matter how challenging that was, if there is something wrong. I think that adds to the integrity of the appointment and the confidence in the appointment: if there is something wrong, I will report that something is wrong. I have a pretty good track record of always having done that and I would seek to do that in future.

I recognise that some of my answers have perhaps not been the most detailed and that I have struggled once or twice, but I absolutely feel confident that, when fully engaged in this area, I will be able to deliver exactly the same as I have done in the past, which is impartial and independent.

Q39 Chair: With this hypothetical technology nightmare that is going on with e-gates, for example, what if Home Office officials come back to you and say, "Look, we're sorting it, and it is on track, but it would be helpful if you didn't expose all the details, because this will cause us problems with our commercial contracts and so on, so can you tone things down?"?

David Neal: To respond to that properly, I genuinely would need to understand a little bit more about the scenario. I will give you a scenario in Afghanistan that is perhaps similar and that isn't subject to any legal challenge.



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We were sent out to Afghanistan at a particularly difficult time, with detainees in Afghan custody. Information came to us that noise disruptive techniques were being used with the detainees, and we were sent out to Afghanistan to get to the bottom of what this was. We arrived and it wasn't noise techniques—it was air conditioners.

It would perhaps have been unhelpful, at the time, to report that—even to let out that the allegation had been made that there were noise techniques—but that did not stop us reporting on exactly what we had seen. What we had seen was air conditioning units, and there was no doubt whatsoever that they were being used for the welfare of prisoners, not for any other ulterior motive. We brought that clarity. I wasn't going to not report on that, because it was important to do it independently.

Q40 Chair: Might that report have gone straight into the public domain or were there other safeguards that would have prevented that going into the public domain if it was going to cause problems?

David Neal: As far as I was concerned, that could end up in the public domain the next day—it could be leaked or it could be disclosed as a result of legal cases. We used to do training courses, and one of the organisations that engaged in training courses was Reprieve. They brought along classified documents that had been written just a few months before, that we were not even privy to, which had been declassified as the result of legal challenge. It wasn't one done by us, but they were able to say, "If you write an intemperate inspection report, this will mean that you can then be stymied further down the line."

I would expect and anticipate anything that was written down to be there the next day, and any chit-chat and loose sparks in advance of that could be held to account as well.

Q41 Chair: In that previous role, the kinds of inspections that you would have been doing were very much operating within a legal framework. If there were things that you did not pursue as part of the Royal Military Police, there could be legal challenges to you. If there were things that you covered up, there would be legal challenges to you. There was clearly a strong legal framework around what you needed to do and the way in which the MoD and other stakeholders and so on would need to respond to you.

This role is very different. Have you reflected on the way in which this role is different—the way you almost don't have the legal framework that provides the requirements and also the safeguards, almost, in terms of you being taken seriously or not, and so on? In this role, if the inspectorate doesn't put something in a report, that is not automatically going to raise a whole series of legal questions or challenges. If the inspectorate says something or doesn't say something, there is not automatically a set of legal questions that flow from that.

If the Home Office decides to ignore the inspectorate, there also isn't a whole series of legal challenges that flow from it in the same way. Have you reflected on the way in which the role of the inspectorate is different



from operating within such a legally prescribed environment?

David Neal: Yes. The legally prescribed environment in areas such as detention is not as clear cut—nowhere near as clear cut as you have perhaps painted it. It was very, very ambiguous, and actually, we were effectively setting our own standards and then enforcing our own standards. Particularly in terms of the tension between the minimal standard that the UK could provide, it was not a straight line. It was an objective standard.

So actually, the military, for example, would seek to drive down that standard where we would seek to drive it up. The rules weren't there—the rules were just a very small part of what it was that we were seeking to do. We were seeking to respond to almost a higher calling: is it fair? What would the International Committee of the Red Cross say, for example? Could we bring in other Departments to examine it? So I am not sure that I would necessarily agree that we worked within a legal framework all the time.

We had to decide—I decided through my personal involvement—how often we conducted inspections, for example. I could have not gone to conduct inspections and instead sidestepped the accountability, but I felt it was really important, having made an assessment and estimate of the environment. I concluded that it was important for my personal involvement to get involved in these areas. I could have not done that. That is what I would hope to do in this job as well: to understand and then to determine what my actions are going to be.

Q42 **Chair:** I see from your CV that one of the things you specifically highlighted is that you have a “willingness to speak truth to power and the ability to establish and sustain trust and credibility with senior officials.” You have put all of that in one sentence. What happens when the “willingness to speak truth to power” and “the ability to establish and sustain trust with senior officials” pull you in opposite directions?

David Neal: I am not sure that I have encountered that. I have always created an environment in which I will be honest and straightforward, and I will speak as I find. I have never encountered something where what I was saying was destroying trust or destroying relationships.

Chair: Okay. Welcome to the Home Office.

David Neal: As I said at the start, I have not experienced much of the Home Office. In a few months' time, ask me again, and I will perhaps be able to come to a view, but at the moment I am not nervous about that. I am a fresh pair of eyes, and I would hope to perform in the same way I have performed in the past.

Q43 **Chair:** To go back to your answer to one of Simon Fell's questions, about having never previously had any difficulty in getting meetings with Ministers where there might be, getting reports published or those sorts of circumstances, it is clear that some of your predecessors have had those difficulties. They have had difficulties with successive Ministers in



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having reports taken seriously, having reports published, having a weighty response to those reports, and in getting sufficient attention to the very serious things that they were raising, so that has happened. What can you say to reassure us about your ability to deal with those situations? Simply responding that you have not been in those situations before doesn't necessarily reassure us that once you are in those situations, and once those kinds of problems arise, you will be able to negotiate them.

David Neal: If that was the case and if I was struggling, I would be seeking to shape with senior officials to understand why we were struggling. I would seek to engage with this Committee, to alert it to the fact that I was struggling. I would seek to unlock the tension. I wouldn't, at first push, seek to fight it. I would seek to understand it and use all the tools that I could muster to make sure we unlocked it, so that I could do my job in an independent way.

Just because I haven't experienced that in the past does not mean that I have not considered it in previous jobs. I have been sufficiently persuasive to arrive at a position that it didn't compromise my independence or my integrity. I would anticipate doing that. It might be the case that, "Welcome to the Home Office", and it is way beyond my experience or just a particular thing. I would be surprised and disappointed if it was, but let's wait and see.

Q44 **Chair:** I suppose I am just putting to you that many other people have had very challenging experiences with the Home Office, through successive Governments, teams and Ministers. There have been a series of different reports, for example raising concerns about the culture in the Home Office, not least with Windrush most recently, but others as well.

They have huge challenges in terms of the scale of the different difficult and complex issues that they are having to wrestle with, and they have to manage huge numbers of people in doing so. Even where individuals have the best of intentions, the combined impact of the Home Office can raise difficulties and problems.

I will give you one more opportunity to reflect on what some of those challenges might be, what some of your predecessors have obviously experienced in dealing with those challenges, and where some of those tensions might lie, just to get a sense of your awareness of what those tensions might be, even if it is not clear how anybody resolves them or responds to them.

David Neal: I am aware that people describe the Home Office as a behemoth, and that as a Department it has a culture all of its own. I am not put off by that. People would have said similar things about the Ministry of Defence, yet I was able to navigate around that.

The answer is that I don't know. I have set foot in the Home Office, but I have spent more time in the Foreign Office. I have met lots of officials and I have sought to understand the environment. I have sought to navigate through the environment. I can only say really that I have always been



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able to do it in the past. Maybe it is the case that the Home Office is completely different, that it is so complex and there are so many tensions pulling it and pushing it in different ways. That will just mean that I have to work harder, to be clearer and to craft my recommendations in the best way that we possibly can.

I am not put off by how you have described it. In many respects, that is the challenge. It is a completely new environment to me, and let's see if I can be a success there.

Q45 **Chair:** Do any members of the Committee have any further follow-up questions that they would like to ask? We have Adam Holloway on the line on audio only, so if you are there do you want to ask any further questions, Adam? Okay, we will have one final question from me then. What do you think is the biggest mistake you could make in this job?

David Neal: Not listening to people and coming in with preconceptions. I don't have any preconceptions about what it is that I am facing. I think not listening to people, and not listening to people throughout my tenure, would be the biggest mistake I could make.

Q46 **Chair:** In 12 months' time, what one thing would you like to be able to say you have achieved?

David Neal: That I had identified and started to answer the right question, whatever that question is. That would be the biggest thing. I cannot tell you what that question is at the moment, and I wouldn't want to miss something. That is something I have always tried to do in the past.

Q47 **Chair:** Thank you. Mr Neal, is there anything else that you would like to add or to put on the record for us?

David Neal: No, just that it has been an enjoyable experience. I have been working full time since I left the military. I have been working hard and I have engaged in this process in a manner that I thought was appropriate. If I was reflecting, I would have sought to have done even more research on the system that I am going to be inspecting. I don't have any fear about that. If I am appointed, hopefully you will soon recognise that I am the right person for this job.

Chair: Thank you very much for your time, Mr Neal. We very much appreciate your time this morning.