



Justice and Home Affairs Committee

Corrected oral evidence: Work of the Independent Chief Inspector of Borders and Immigration

Tuesday 24 June 2025

10.35 am

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Members present: Lord Foster of Bath (The Chair); Lord Bach; Baroness Buscombe; Baroness Cash; Lord Dubs; Lord Filkin; Lord Henley; Baroness Hughes of Stretford; Baroness Prashar.

Evidence Session No. 1

Heard in Public

Questions 1 – 12

Witness

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

USE OF THE TRANSCRIPT

1. This is a corrected transcript of evidence taken in public and webcast on www.parliamentlive.tv.

Examination of witness

David Bolt

Q1 Chair: Welcome, everybody, to this one-off session of the Lords' Justice and Home Affairs Committee. We are delighted to have with us David Bolt, the Independent Chief Inspector of Borders and Immigration, who will tell us in a second what the post is about and so on. Before we go any further, congratulations on your recent CBE, Mr Bolt. Would you be kind enough to introduce yourself and set out the post you currently hold?

David Bolt: I am the Independent Chief Inspector of Borders and Immigration. I am in that post on an interim basis and have been since June of last year. I was the independent chief inspector from 2015 to 2021, and I was then asked by the Home Office if I would return to the post in June to hold the fort while a process was put in place to recruit someone on a permanent basis. The initial contract was for six months. That was extended by a further four months, and then by a further three months. I am supposed to finish next week, but I have been told that it is likely to be extended for a further three months.

The process of appointing someone on a permanent basis has obviously been rather lengthier than anyone was expecting but, as the committee will know, a person has been identified as the Government's preferred candidate: John Tuckett. John has now been formally offered the post, and has accepted, but he is currently the Immigration Services Commissioner and that post cannot be left vacant. So until they can find someone to fill that post, he cannot move across to take on this one. He and I are hopeful that that will be done within the next three months, but hopefully much shorter than that.

The post was set up under the UK Borders Act 2007, following John Reid's comment about the Home Office not being fit for purpose in its dealings with borders and immigration. Its purpose is to monitor and report on those functions that come under the Home Secretary in relation to asylum, immigration, nationality and customs, and specifically to look at the performance of those functions, their efficiency and effectiveness, and to make recommendations for improvements.

The Chair: You monitor and report on those various areas. You write reports on performance and efficiency, and so on, but is any notice taken of them?

David Bolt: That is a good question. The picture is mixed. In general, I have made nearly 500 recommendations in the time that I have been chief inspector and interim chief inspector, and around three quarters of those have been accepted in full. The majority of the rest have been partially accepted; very few have been rejected outright.

Lord Henley: If they have been accepted, have they been adopted?

David Bolt: That is the rub; there is a difference between acceptance and implementation. What I found, and David Neal found when he was in post for the

three years in between me being in post before and now, is that implementation is often slow, sometimes partial, and sometimes does not happen at all. That is not always because of ill intent; sometimes something simply comes along, and another priority deflects the resources and efforts of the Home Office elsewhere. If the department is slow in implementing a recommendation, there is a greater chance that it will not happen.

The Chair: If we look at the totality of your recommendations, how many have actually been implemented as distinct from accepted?

David Bolt: The Home Office produces a monthly tracker which indicates the actions it has taken in relation to recommendations, and it closes recommendations when it believes it has implemented them as intended. We receive the tracker and the vast majority of recommendations that I have made since 2015 are now closed in that tracker. I hesitate because, until I have been back and looked at that area again, I am not sure I am willing to endorse the closure of recommendations on the basis of what the Home Office tells me. That is not because I mistrust it, but because there needs to be a proper process of scrutiny and examination to see that the recommendations have actually been implemented as intended. The answer to the question is that most recommendations, according to the Home Office, have been implemented.

Baroness Prashar: Is there a dialogue in between you making recommendations and putting in a report, and then following the tracker? Do you have a dialogue?

David Bolt: I have a regular dialogue with the directors-general in the Home Office. I also meet with Ministers, and I have a regular dialogue with the Second Permanent Secretary, who is the sponsor for the inspectorate; that covers a range of things. It has a forward-looking element to it in terms of work that is either current or planned, but we also discuss recommendations and things that have been monitored in the past.

Baroness Prashar: Would you say you are influential in their thinking?

David Bolt: There is a question here about who is responsible for implementation. It is not the responsibility of the inspectorate to implement the recommendations; that is not part of the role. So it has to be the department, and the Secretary of State has to take responsibility for implementation.

While I am interested and keen to ensure that if I have made a recommendation, some action has been taken, I am also keen to understand whether the recommendations have hit the mark. There is a question here about the effectiveness of the inspectorate and whether we are looking at the right things and making the right recommendations. I have an interest, but the responsibility for implementation has to sit with the department.

Q2 The Chair: I know we will come on to talk about reports that are written and the timing of the Government's response to them but, leaving that issue aside, are

there areas where you think the power of the chief inspector should be increased? If so, what are they?

David Bolt: There is a question here about the difference between an inspectorate and a regulatory body. I do not have any regulatory powers. I cannot sanction; I cannot require the department to do things. I can only point out issues and make recommendations. So unless one changed that dynamic and gave the inspectorate some regulatory power, I am not sure there is a powers issue to address.

I have always felt that the UK Borders Act is well drawn, and it sets out the remit very clearly. I have taken a fairly expansive view of it and, if there has been a sense of boundaries, pushed against them. For example, over time the department has become more inclined to outsource functions to private companies. It does not explicitly say within the legislation that the chief inspector can inspect those functions, but I have taken the view that it has to be part of the chief inspector's remit, so I have looked at those issues. Where there is collaboration with other Government departments on issues, I have also looked at and pushed against those boundaries with the support, to be fair, of the Home Office.

The Chair: Finally, and then we will move on, you talked about the distinction between your role and that of a regulator. If you were advising the Government of the day or Parliament more generally, do you think there is a benefit in having a regulator in this post rather than a chief inspector, or with a chief inspector as part of the regulatory body?

David Bolt: You would have to think very hard about the resourcing of the inspectorate. We are tiny. I have a head count of 30 but, in fact, that is not affordable. I can afford about 25 staff. If I were a regulator, I would need to be across the department in a much more comprehensive way and that would require significantly greater resource.

Q3 Lord Bach: My first couple of questions are: what is your process for determining areas of inspection and are there any areas which you feel are neglected? You may come back to that in due course. The Border Security, Asylum and Immigration Bill is making its slow way through the House of Lords at the moment. Its committee stage begins this Thursday. The last of my preliminary questions is: have you had much concern with that Bill as it has been drafted, and is there anything you would like to tell us about it?

David Bolt: To answer that last question first, I have had no involvement in the development of the Bill. It does not very directly affect the function of the inspectorate. There are likely to be more Bills coming in relation to immigration, and it may well be that later Bills will look at the function of the inspectorate. Following the Windrush review by Wendy Williams, a recommendation was made to look at the role and remit of the inspectorate. That review of role and remit has not yet happened, but when it does it may result in some suggestions around legislation which may then find their way into a future Bill.

To come to your first question, the key to independence for the inspectorate is that the chief inspector chooses what areas to inspect, when and how to inspect them, and what questions to ask—so, how to go about the inspection process. To do that effectively, I have to listen to a range of people about the issues that are of concern to them. We have stakeholder arrangements and there are a range of forums, some of which are sectoral, such as an aviation forum where we talk to airport operators and airlines; a maritime forum where we talk to the equivalent in the maritime sector; a refugee and asylum forum where we talk to lots of bodies that are dealing daily with refugees and asylum seekers; and there is a business forum and an education forum. So there are structures where we meet with those groups probably two or three times a year. There are also informal sessions where I meet with people bilaterally and chat about the issues that are of concern to them.

As I said earlier, I meet with the directors-general in the Home Office on a regular basis, and with Ministers. As an inspectorate, we try to be across what is going on in the media. We try to do as much horizon scanning as possible. So it is a combination of all those things—trying to stay on top of what is of interest at that moment in terms of immigration and borders.

To give that some structure, when I was in the post before, I created a framework where, effectively, I tried to break the issue up into five themes: protecting the border; providing a service or services; enforcing or compliance; working with others; and learning. I constructed a three-year plan which set out all the issues the department was trying to deal with under those themes. I had two intentions. The first was to try to show the range of issues that the inspectorate was looking to cover, and to give the Home Office a heads up that we would be looking at these issues; and, hopefully, it would recognise an incentive to look at them itself and maybe make some improvements before the inspections took place. The second was to try to set out the range and breadth of the challenge, and to suggest to the Home Secretary that the inspectorate needed to be a bit larger in order to deal with it because, even with a three-year plan, we were not going to get across it all. The second part did not work: the resources have stayed the same since I first started and, in practice, have slightly reduced because, due to inflation, we cannot now afford the 30 staff.

That is the process. The legislation requires me to put a plan to the Secretary of State on an annual basis setting out what my intentions are. It is a consultation, it is not for approval, but I do it in a way that allows for dialogue. So if there is a suggestion from Ministers or the Secretary of State that they see something as a priority, I can try to accommodate that into the plan as well.

Lord Bach: I am not declaring an interest, but it is important you know that I have an amendment to the Bill we have referred to about legal aid. I am lucky to be supported by Baroness Prashar who sits here as well. My question is going to be about asylum, immigration and legal aid. I have looked carefully at the UK Borders Act 2007 which directs you to consider and make recommendations about a number of things. One is the treatment of claimants and applicants, and the other I

have noticed particularly is the handling of complaints.

Coming back to legal aid, and the need for it or otherwise by those who are held in prison or in other establishments, have you felt the need to have an inspection on whether the giving of legal aid, which is a right of all those who are in that position, is being carried out in an appropriate and proper way? Is it given to every detainee who perhaps does not speak English very well, or does not understand what they have to do? Have you contemplated having that, and what is your experience in that area?

David Bolt: I have not looked at it directly; I have looked at the support available to people who are in immigration detention or prison for immigration reasons. It is absolutely true that, without support and particularly legal support, many people who are held in detention struggle to engage with the process. It is extremely important that they receive the support they are entitled to. The provision of legal aid is a particular issue in terms of funding that support but, more generally, access to it needs to be as efficient as it can be and, at present, I do not think it is. A lot of people are in detention, and they do not know what they are entitled to and are often very confused and unable to engage effectively with the process.

Lord Bach: Should this not be looked at—and I am asking you as the chief inspector?

David Bolt: Yes. I have looked at aspects of it. I have not looked at points around legal aid specifically, but I have looked at providing appropriate support for people who are in detention and made recommendations. To be fair to the Home Office, it has put more staff into immigration removal centres to provide that type of support.

One of the biggest issues—this really extends to the whole asylum process, whether people are in detention or not—which has become more acute due to the length of time people now have to wait before they get a decision, is that months and months go by when the individual does not know what is happening. No information is being provided about what is happening to a claim, and the uncertainty that creates, the inability to move forward because you do not know what is happening, is really the root cause of quite a lot of the well-being and mental health issues being created for people in that position.

The Chair: We talked at the beginning about your role and powers and have already touched on the issue of a regulator and so on, but we would like to unpack that in a bit more detail. My ears pricked up when you said in passing, “To be fair to the Home Office...” I know that Lord Dubs might pick this up later, but if we can unpack it a little more.

Q4 Baroness Prashar: Before we look at the difference between being a regulator and an inspector, it would be helpful to hear in what ways you work with other inspectorates, both within the Home Office and more widely—for example, Prisons and Probation.

David Bolt: With Probation, not at all. There is a question about whether or not there is some work that could be done with the HM Inspectorate of Probation, particularly on the management of foreign national offenders in the community. That is something the inspectorate could potentially look at, but I have not.

We have worked with Prisons. As you know from the legislation, conditions in immigration removal centres and prisons for foreign national offenders are a matter of inspection for the HM Inspectorate of Prisons. There is an overlapping of interests there. I have an interest in the management of individual cases of people who are in detention, and a particular interest, which we might come back to, in adults at risk in immigration detention and the implementation of that policy. However, the Inspectorate of Prisons looks at the prison estate and the immigration detention estate from the same perspective that it inspects prisons. We have worked with it; there is a dialogue with the Inspectorate of Prisons and there is a dialogue with the Inspectorate of Constabulary and Fire & Rescue Services. We have done some shadowing whereby staff have been exchanged to see how they operate.

The legislation allows for the chief inspector to work jointly with certain prescribed bodies and the Inspectorate of Prisons is included in that. When I was in post before, I invited the Inspectorate of Prisons to join me in an inspection of Penally Camp and Napier Barracks when they were first opened as sites for housing asylum seekers. I recognised at that point that part of the issue for any inspection would be the physical conditions of those establishments, and I did not feel that my inspectorate had the skill set to look at that.

So there is dialogue. We talk about our respective findings, our forward programmes and opportunities for some cross-training, but there is a problem in working jointly, in that our reporting arrangements are fundamentally different. That creates a challenge for how one would then issue any joint report. Those inspectorates can issue their own reports; I cannot. That is a constraint that creates a difficulty, and we would need to agree up front how that would be managed.

The Chair: Could you just explain that?

David Bolt: Going back to your point about powers, one of the powers I do not have is the power to publish my own reports. My reports are submitted to the Secretary of State, who then lays them before Parliament.

Baroness Prashar: What is the reason for that?

David Bolt: The Home Office would argue that that is what the legislation says.

Baroness Prashar: I know, but why does the legislation say that?

David Bolt: You have to go back to the creation of the inspectorate. The inspectorate was created to provide advice to the Secretary of State, and that is what the legislation sets out: that the chief inspector reports to the Secretary of

State, and the Secretary of State lays those reports before Parliament. That is how it is set out.

Going back into prehistory, the first chief inspector, John Vine, was allowed to publish his own reports initially and then in 2014 the Government decided that that was not the way they wanted to play it.

Baroness Prashar: It was too controversial.

David Bolt: So they took the power of publication away from the chief inspector and cited the legislation as the basis for that. Ever since, reports have been submitted to the Secretary of State, to lay them before Parliament. The other inspectorates publish their own reports.

Baroness Prashar: Are there any other significant differences, or parallels between the inspectorates, both locally and widely, which you would like to have?

David Bolt: I would love to have the budget of the Inspectorate of Constabulary; but in terms of powers, not really. I know that David Neal, when he was in post, was an advocate of the power to publish, and that John Vine would say the same thing. They both felt that that was an important power the chief inspector should have, and that it went to the issue of independence. I am less persuaded about that: the issue is whether the reports are published in a timely fashion.

When the power to publish was taken away from the inspectorate, the Minister committed in the House to publication within eight weeks, subject to both Houses sitting. That has seldom been the case. Many reports have taken much longer and, when they are delayed for a lengthy period, that does go to independence and transparency.

Since I have been back in post, one thing I have been focused on is trying to make sure that reports are published in a timely fashion. There have been six reports published since I have been back; five of them have been published within eight weeks. That was not what was typical, but long may it continue. If it continues, I would be content with the current arrangement because there is some power in laying the report and response simultaneously. That is what happens at the moment. The Government's response to the report and all recommendations are laid at the same time. For the Inspectorate of Constabulary it is 56 days, and the dislocation of the report and the response is not helpful. So there is a power in keeping those together, but it does rely on the Government publishing the report in good time.

Baroness Prashar: You mentioned the word independence. Do you feel you are independent, and how does that compare with the independence of other inspectorates?

David Bolt: Like I said, the key to independence is being able to choose what to inspect and how and when to inspect it. I have never felt constrained in that. There have been a couple of occasions in the past where the department has said, "Your

intention is to inspect this; we do not think the timing is right.” Twice I have listened to that, and both times I regretted it because the suggestion was that things were changing. However, the pace of change was fairly glacial. It would have been appropriate to carry out the inspection, and I have learned from that.

Baroness Prashar: Can we, finally, dwell a little on the difference between a regulator and an inspector. Can you unpack that a bit more so we can understand?

David Bolt: I cannot say that I am an expert on regulation, but my understanding is that, as a regulator, one has the powers to direct and sanction if whoever is being regulated fails to meet whatever the instructions are. It is a more directive—

Baroness Prashar: It has more teeth.

David Bolt: More teeth, yes. An inspector does not have those powers; I can only make recommendations: that is the fundamental difference. It would change the dynamic with the department. In order to work as an inspector and to be successful, I have to be able to demonstrate to the department that our process is as thorough as it possibly can be, that the evidence is solid, and that the recommendations are logical and flow from the evidence. Therefore, it makes sense that that is what you should do. It is a power of process and persuasion. As a regulator, it is a different dynamic. You are not really in the business of persuading; you are more in the business of sanctioning if things are not being done the way that you require.

The Chair: We want to move on and look at one of the areas this committee has been examining, and which overlaps with your brief.

Q5 Lord Filkin: The committee is very interested in the rollout of the Electronic Travel Authorisation (ETA) and the UK’s preparations for the EU Entry/Exit System as both are relevant to our security and public convenience. We would like to hear at what point you think it would be appropriate to inspect the ETA, if you have not already done so, and how we will know how to measure success.

David Bolt: I will make a general point: my approach has been not to look to inspect plans and promises, but to look to inspect delivery. It is quite hard to inspect plans and promises and be able to add much value. Typically, I would want to look at something once it was in delivery to see how it was working, and whether it was delivering what it had set out to deliver. Obviously, the ETA has only recently been extended to EU citizens. Therefore, in terms of it being a full rollout, it is a relatively recent thing.

I have begun an inspection which is relevant to ETA. It deals with a particular aspect of it, which is the impact on the Border Force officer at the border; what their function is and how they will operate. This picks up on something the committee was concerned about in its previous consideration of this issue.

As there is more automation and pre-clearance of arrivals, the role of the Border Force officer at the primary control point changes. There is a question over what is effectively gained and lost. I know concern has been expressed about the skills of

those officers in identifying individuals who are coming through the border and may pose a threat or concern in some way, and how, if everything is automated, they will not have those opportunities.

We have begun an inspection of entry refusal at the border to see what is going on at the moment in terms of officer interventions, to try to understand how that might change with greater automation through the further use of e-gates, e-visas and all forms of automated clearances. We can look at that because it is in place and delivering at the moment, and we can give some consideration to how that might change as these things are developed.

Looking at the wider question, the inspectorate's interest, my interest, has been digitisation more generally and, particularly as the Home Office moves further towards digital identities, what that does in terms of potentially excluding groups of people who find it difficult to engage with those more automated arrangements. Also, when it comes to things like the border, what does that mean for the identification of vulnerable individuals who may be passing through and therefore may need some intervention for protection reasons? That becomes less possible with further automation of entry arrangements.

Lord Filkin: May I turn to success in a little more detail? Clearly, not having chaos at Dover would be a success and I am sure you are alert to that issue. Fundamentally, the new system is meant to try to screen out as many people as possible who are not of concern, while accepting it cannot necessarily identify all the people who ought to be of concern. Taking those two rather different cohorts, where do you think the risks are with the new systems? I said systems, plural, given that it relates to the European system as well.

David Bolt: As far as I understand the data, the number of people who are applying for ETA and being refused is very small. I do not know the detail of the screening arrangements the Home Office has in place, but it would seem that—this was largely the intention—the process for people to obtain an ETA is relatively straightforward. There is a question, and the inspectorate may want to look at this, as to what the process is for identifying whether there are individuals who pose some risk who should not be granted an ETA in the first place. Is that working effectively? The number who are being refused seems quite small at the moment.

Lord Filkin: That would imply that the criteria are rather soft, would it not?

David Bolt: That is how it would appear, but we have not looked at it in any detail. That would merit further examination at some point.

The Chair: On that point, one of the concerns we had was over the questions that were being asked in the first place. Do you share our concern that the questions asked are not likely to lead to many people being identified in the way you pointed out?

David Bolt: That is the case. I do not think the sorts of questions the committee identified as ones that should be included in the process ...

The Chair: I am sorry to interrupt, Lord Filkin. One of the issues I am trying to tease out, as was Baroness Prashar earlier, is the power of the chief inspector. Here you have a classic case: you have something newly introduced, and concerns have been raised, in this case by a committee of one of the Houses of Parliament, about the questions asked. You, as chief inspector, are publicly on record as saying that you too are concerned about those questions. What are you able to do about it?

David Bolt: Before saying that I was concerned about it, I would want to look at it in much more detail and at some particular cases. In the way in which the inspectorate operates, we would do a full inspection, seek documentary evidence, look at cases and try to make some judgment about whether this system was working effectively. If I then came to the view that there needed to be more probing questions, I could recommend that.

Lord Filkin: From what you have already said, and from what we have said, there is a prima facie case that the system is essentially an administrative rather than a security system. If the questions are obvious and anodyne, and the rejection rate or the call-in for further testing is very small, most people are passing through the system. It is just administration rather than security, is it not?

David Bolt: Yes, that is a fair assessment. I come back to what I was saying about the inspection we have started, looking at the work of the Border Force officer at the border. That is the point at which, if there is a concern, someone can intervene and prevent entry. I am looking at whether that system is working currently, and trying to understand what effect these changes will have on the work of the officers at the border in exercising that security function.

Lord Filkin: That is good to hear and, effectively, that gives us the basis, if we wish to do so, to make a fairly sharp comment about the system.

Lord Dubs: You said earlier that you did not look at systems until they were actually going—in other words, the theory. On the other hand, one concern about this is that it may happen very quickly. It was going to happen before the Olympics, then it was delayed; it has been delayed and delayed.

What with the continental system for people coming here and our system for people going there, the danger is that the chaos may be at the very beginning. Are you geared up to look into it right from the beginning, until it all calms down?

David Bolt: The risks, if you like, of potential chaos are probably well understood. As an inspectorate, I am not sure what we would be able to do to add any further insight or value to the concerns that were already expressed about the potential for that to happen. As a small inspectorate with a relatively limited capacity to look at things, I am not sure that would be the most effective thing for us to be focusing on.

The Chair: We are going to move on. I am sorry; we could pursue this for some

time. Lord Henley has a related question.

Q6 Lord Henley: What are the challenges of inspecting the borders in relation to the Common Travel Area?

David Bolt: The biggest problem is politics—sorry, I do not mean to be facetious. Whatever I might find or recommend around what could be done to improve security in terms of the Common Travel Area will come up against the politics of trying to make anything like that function, particularly in relation to cross-border travel from Ireland to Northern Ireland.

Lord Henley: You are not worried about other internal ones, say, the three Crown Dependencies?

David Bolt: The risks of people using the Common Travel Area in order to access the UK without going through the appropriate checks are pretty well understood. I do not think there is a question in terms of general understanding of what the risks and issues are. There is a question of understanding the scale of the problem, but that comes down to not really having any specific evidence of what is going on.

Lord Henley: Is it because that border is completely open?

David Bolt: Yes, because that border is essentially open. When Border Force has done its very occasional intensification exercises to see whether there is evidence of people who are looking to enter the UK or Great Britain without the appropriate clearances, it has identified that that is happening. On those few days when it has had those intensification exercises, it has identified some tens of people who have been coming into GB, having come through the Common Travel Area. However, its exercises to look at this are very periodic, and there is no comprehensive data to understand the scale of the problem.

Lord Henley: So the mere existence of it leaves a gap in our knowledge of the border. Are considerations about the Common Travel Area built into your decisions about inspections?

David Bolt: Yes, and I have had discussions about an inspection of the Common Travel Area ever since I was doing the job back in 2015. It has been something that we have considered doing but, because of the difficulty of getting hard data around what is really going on, it is actually quite a difficult thing to inspect. If there were to be an inspection, it would need to be something that both the UK and Irish Governments signed up to. It would have to be a joint venture involving other parties—other than just my inspectorate—in order to look at it effectively.

Lord Henley: For example, do you have an opposite number in the Republic?

David Bolt: Not a direct one, no.

Lord Henley: Am I right in thinking that in the Republic, they have concerns that it is happening to them?

David Bolt: Yes, indeed they do. There are concerns of movement in the other direction.

The Chair: I picked up your comment, “To be fair to the Home Office” a minute or two ago. Lord Dubs.

Q7 **Lord Dubs:** Let us be fair to the Home Office. You have had an involvement with the Home Office for quite a long time, given the number of times you have held the post. Has your relationship with the Home Office changed over that period? Have things altered or is it fairly static?

David Bolt: I have not noticed a great change, really. I have always approached the Home Office in an attempt to be supportive and helpful to what it is trying to achieve. There is a trust issue: does it trust that I, as an inspector, will be fair, look for evidence and use that in a way which is constructive and helpful to what the Home Office is trying to achieve? I hope that that is what it believes. That is and always has been my approach.

Occasionally, we rub each other up the wrong way and might disagree on issues. In general, however, I have found that it is possible—certainly at the most senior levels—to have a sensible dialogue.

Lord Dubs: Can I just follow on from that? The Home Office is a pretty large department that covers a range of issues. How do you feel about the responsibility for borders and immigration sitting within the Home Office? Is it the best place to have borders and immigration, or would there be somewhere else in government where the whole system would work better?

David Bolt: I am not sure where else you would put it. There is a question about how the Home Office operates with other government departments in relation to borders and immigration, and how the interests of other departments are taken on board when considering, for example, visa policies. So there is a question about collaboration between the Home Office and other departments. If you took the borders and immigration function out and put it somewhere else, there would still need to be those cross-departmental discussions and agreements about consideration of wider UK interests. I am not sure that would be served any better if it were elsewhere.

Probably what goes to your point is that the borders and immigration piece within the Home Office is vast. I have described it in the past as being not so much a system—it talks of itself as a system; it is the migration and borders system—but rather a series of sometimes not very well-connected functions. There are concerns about the consequences for others of certain actions and decisions in some parts of that system.

It has not yet been published, but I recently did an inspection on what we call contact management, which is how the department stays on top of who is in the UK and does not have leave to remain. Immigration Enforcement picks up the responsibility for the removal of those individuals. Talking to senior people in

Immigration Enforcement, they would say they very much feel that they are at the end of something, where decisions made in a different part of the department actually have an impact on them. It all ends up with Immigration Enforcement.

The issue for me is less about whether those functions should sit within the Home Office, and more about how they are better integrated. Quite a lot of the recommendations that I have made over time have been about trying to get parts of the department to speak to each other and to have better co-ordination within the department so that functions join up and there is transparency and visibility about different parts of what the department is doing. The size makes that difficult.

Lord Dubs: Do they listen to you?

David Bolt: They listen, but I do not know whether they are able to make the changes. It is really challenging. I have said several times that the bit of the Home Office that deals with borders and immigration does not have the capacity, or some of the capabilities it needs, to do everything that it needs to do well all the time. It gets dragged to things that are the priority or the crisis of the moment, and the consequence of resource being dragged to whatever that thing might be is that other areas are then more neglected.

Obviously, when small boats became the big issue all the focus went on to small boats. I wanted to be clear, if that is really where most of the effort is being focused, what are the things that are now not being considered and are being effectively deprioritised because that has become the priority? One reason that I looked at the functioning of the juxtaposed controls recently was to see whether there had been an impact on them because of the focus on small boats.

The Chair: Given the concerns you have just expressed about the ability of the Home Office to deal with multiple functions effectively, is that not a good case for rejigging the senior hierarchy within the Home Office to introduce a regulator, for example?

David Bolt: I have never been a big fan of reorganisation. It may create energy and provide a certain new focus or impetus for something but, in and of itself, I am not sure that it is something that I would necessarily advocate.

Q8 Lord Bach: This is a quick question. As announced in the spending review, it is the Government's intention to end the use of asylum hotels within this Parliament. What do you see as the challenges to achieving that aim?

David Bolt: Frankly, I do not think that it will be achieved. Clearly, the Government's focus is on reducing the asylum backlog; they have made that plain. I have just recently begun an inspection to look at asylum decision-making and decision quality within the asylum space because, over the past year or so, there has been a significant increase in the number of refusals. That has, in turn, led to an increase in the number of appeals, and so the numbers within the asylum system are not very tractable. They are very large numbers, and it is very hard to see how they are going

to be reduced significantly, even over the length of the Parliament. That is one problem.

A more fundamental issue is accommodation, or at least housing stock. There is simply not sufficient housing stock to be able to deal with the sorts of numbers that are in the system. The Home Office seems to be going in the direction of a different model with more localised responsibilities for the way in which support for asylum housing is going to be managed. Even if it goes down that route and gets local authorities more engaged in that process, it still comes down to the question of whether the housing stock is available to take on those sorts of numbers. It is really challenging.

Q9 **Baroness Buscombe:** Given that the Government say they have given priority to tackling people smuggling gangs and small boat crossings—including more investment in the Border Security Command—how is that investment going to be used? Thanks not to politicians and successive Governments but to the media and senior retired police officers, we know that these gangs operate with the powerful support of a domestic network operating—it seems—with alacrity in all our villages, towns and cities across and within the UK. Logic suggests that if this vital, evil link were wholeheartedly broken from within, that would assist Border Force in its role.

What is needed to bring about change and hopefully follow the logic? Is part of the problem that you have just alluded to at the Home Office the overall culture, rather than systems and people working in silos? Sorry, it is two separate questions in a sense, but I would particularly love your views on why we are not tackling what is already everywhere within the United Kingdom, supporting these evil smuggling gangs.

David Bolt: I am not sure whether the committee is aware, but before I became the independent chief inspector, I had worked for various organisations dealing with organised crime for about 10 years. I had responsibility for organised immigration crime in the Serious Organised Crime Agency back in the early 2000s.

When I came back into this role, I wrote to Ministers fairly early on and said that I was not convinced that “smashing the gangs” was the right way of thinking about things. It seemed to me that the challenge was to change the risk/reward ratio for those people who were involved in organised immigration crime. That was really quite a difficult thing to achieve because it is relatively low-cost, relatively low-risk for the perpetrators and highly profitable. I am not sure whether I feel very optimistic about the ability to smash the gangs. In any event, it seems to me that, with organised crime, the best you can do is deflect it to something else that you are less concerned about, rather than expect to eradicate it.

To your point about the functioning of this within the UK, there are other issues that also need to be brought into the conversation. On a number of occasions, we have looked at illegal working and how Immigration Enforcement has tried to bear down on that. You have to think about what it is that is attracting people to come to the UK and whether there is any capability of changing that dynamic. The availability of

illegal working is one issue that the Home Office has tried to focus on and close down as best it can, and it will continue to have to work very hard on that.

In terms of the operation of gangs within the UK, that really comes down more to the work with police forces and the NCA, neither of which are within my remit.

Baroness Buscombe: No, I appreciate that.

David Bolt: Although I clearly take an interest in the way in which the Home Office is working with those organisations in order to try to have an impact on these issues. I agree with you that there is more that needs to be done in relation to the UK end of this problem.

As I mentioned before, I am not a great fan of reorganisation but it can bring energy and impetus, and the new Border Security Command has done that in relation to this issue. The appointment of Martin Hewitt to that role last year has brought a focus to it. Martin and I have agreed that it will be timely for the inspectorate—although it will probably not be me—to look at how the Border Security Command is functioning sometime later this year to see whether it is in fact having the impact that it was created to have. But it is a very difficult issue.

I reported on small boats in 2018 when the numbers were very tiny. At the time, I said that I felt that at that point, the profile of those people who were coming across in small boats was primarily Iranian. Iranians made up something like 4% of the population of those people in northern France who were potentially looking to cross, and so the problem was obviously going to get significantly worse. I take no pleasure from the fact that it has, but it seems to me as though there was maybe an opportunity back then to do something that would be much more difficult now.

Baroness Buscombe: If it makes you feel any better, I remember a Ministry of Defence debate in about 2015 wherein I suggested that—with the loss of our last proper oversight of our borders from the air—people would find it easier and easier to come across on boats, given we had 22,000 miles of coastline, if you include all our islands, and I was pretty much laughed at: “This isn’t possible. It’s not going to happen”. So we are not very good at looking forward and thinking about what the potential is and what is easy for others who want to perpetrate our borders.

David Bolt: That comes back a little to my point about capacity. The difficulty for the Home Office in terms of dealing with future issues and risks with borders and immigration is that all its capacity is taken up dealing with the current crisis. There just really is not the ability, capacity or wherewithal to be thinking too much ahead about what might be a problem down the track.

The Chair: Can I pick up one other area that you have also had involvement in and done a report on: *An inspection of the immigration system as it relates to social care sector*? There has continued to be a great deal of evidence gathered by a range of bodies that would indicate that workers on employer-sponsored routes—such as the Health and Care Worker visa—are being subjected to exploitative and unlawful

practices. That is still going on. I suppose my question is, having done a report and had it published at the same time as the Government's response, what is the follow-up that takes place in relation to the work and reports that have been done previously on the boats, Border Force and so on?

David Bolt: Back in 2014, the National Audit Office did a comparative study of inspectorates where it looked at the criminal justice inspectorates and my inspectorate, and one issue that it raised was around follow-up. In 2016, I introduced reinspections as a way of going back over previous recommendations to see what had actually been done, and so we now routinely try to have a reinspection programme as well as new inspections. It has morphed a little over time so that, rather than looking only at a series of previous recommendations, I try to build the reinspections into a new inspection. That is a way of going back and testing, in effect, whether a previous recommendation has been implemented and whether there has been any improvement. That is the principal way of doing it.

With the care sector inspection, that is certainly something that the inspectorate will come back to at some point; if not specifically that sector alone, the whole employer route and particularly the compliance arrangements around that.

The Chair: Lord Bach already made reference to legislation that is before the House. My concern is this: here we have a report from you and a growing and continual collection of data that rather implies the problem still exists. There is the opportunity within legislation to do something about it. One follow-up is not just about reinspecting to see whether the problem has gone away—been dealt with or not—but there is certainly an opportunity to actually deal with it. It is important to look at whether it is appropriate for the inspectorate to be advising Government in relation to the legislation it has an opportunity to influence—because it is its legislation—and whether these problems could be addressed within it.

David Bolt: My view on the implementation of recommendations and the things that the department commits to doing in order to implement recommendations and make improvements is that it is for committees such as this and the Home Affairs Committee effectively to hold the Secretary of State to account for the implementation of those things. There may be more that could be done to join up the work of the inspectorate with the work of Parliament and committees to have the ability to challenge Secretaries of State, Ministers and senior officials about what they have in fact delivered. For inspectorates to do that on their own, as it were, I am not sure how I would be able to have sufficient clout or influence to be able to achieve that, even if I had some sort of regulatory powers. Through Parliament and committees, however, that is possible.

The Chair: That is very useful food for thought for us. Almost immediately, one thinks that the tracking system that you described earlier could be a vehicle for doing this if it appeared more regularly and covered implementation as well as acceptance or whatever. That is for this committee, and perhaps we can have a conversation with you later on. We have talked a bit about the Home Office, and we

will continue to talk about different bits of it. Baroness Cash.

- Q10** **Baroness Cash:** Chief inspector, I would love to ask you about data and data collection. Quite a few things we have talked about touched on what is being monitored and collected. What is your perspective on the data collection within your specific areas, but also in the Home Office overall?

David Bolt: Almost every inspection—actually every inspection—we will criticise the quality of the data that is available. We will typically ask for a set of data in relation to whatever the inspection topic is, and I always look at the request for the data that we are asking for and think, “I would need this data if I were a manager in this area and trying to make decisions, whether they are operational decisions or strategic decisions”. We do not ask for ridiculous things; we ask for what we think managers and senior officials would require. Almost always, it is deficient. It either has gaps in it, or there are errors or anomalies between the iterations when we examine it. So there is a real problem with the quality of the data across the immigration and borders piece.

It comes back to something slightly different. I know there is a lot of criticism of IT systems, and the fact that the IT is not really functional in terms of delivering what is required by the department. That is true, but it comes down to record-keeping. There is an issue about whether the creation of proper, effective, accurate records of actions and decisions is good enough. It does not feel to me as though there is enough focus on the creation of the official record to support the data that is then generated from it. The data and IT are poor, but the approach to creation of records is also poor.

Baroness Cash: To just follow up on that: presumably the joining up of different data pieces is also poor because it is going to be impacted by the base sets.

David Bolt: Yes, that is true. The ability to read across from one set of data to another is quite poor.

- Q11** **The Chair:** We are coming to the end. I will ask Lord Henley to ask a final question in a moment. We are not quite sure when you are going to finish your role—you are not sure either—but you will have done a fair two stints in that role. It would be quite helpful if you could give us your wider reflections on your period of time in office and your hopes for your successor and what he might be doing.

David Bolt: When I left the job the last time, in my valedictory annual report, I pointed out what I thought were some key issues that had come through the 80 or so inspections that I had done during that particular stint. I have mentioned some already, but they were essentially long-standing systemic problems. Although we might look at a particular function or area, there were issues about that area and its efficiency and effectiveness that were in fact common across lots of functions.

The capacity question that I have mentioned is key. Lots of areas within the department struggle with the volumes that they have to deal with and their

capacity to deal with the work: both the human capacity—the staff—but also the IT support that they have in order to carry out those particular functions.

There is a capabilities question as well. It is most stark, I suppose, in the issue of general maritime that I have recently looked at: the threat around the coast in relation to the arrivals of all sorts of unscheduled and small maritime traffic. There is a capability question in terms of the Border Force fleet, which is currently well beyond its sell-by date and needs replacement. So there are some capabilities questions as well as capacity questions, which underpin some of the department's issues.

I just mentioned the creation and maintenance of accurate and retrievable records. In some ways, you could trace back some issues around Windrush to the problems around a corporate record that you can rely on, and not having the notion of how important it is to have that corporate record to support corporate memory. The difficulty with corporate memory is the turnover of both Ministers and senior officials, in that if you do not have the record to rely on, you are in difficulty.

Quality assurance or management is a real issue and I have come back to this quite hard in recent reports. The whole approach to decision quality and assuring decision quality is just not good enough, particularly where you have quality assurance regimes that are post event, so decisions are issued and served on individuals, and the quality assurance then takes place afterwards. It may be helpful to the department to some extent, but it does not serve the people.

We have talked about generating reliable management information to inform policies and strategies, and having the right IT.

Another particular problem for the Home Office is communication. We have talked a little about internal communication, but its ability to communicate clearly with its stakeholders—or, as it likes to describe them, its customers—is very constrained. Perhaps understandably, the department has felt under the cosh a bit over time, and so perhaps that has made it feel more defensive than it probably should be. I feel, however, that it needs to be more front-footed in terms of communicating about its intentions and plans. That has been part of the issue, for example, with local authorities around asylum accommodation. It has not been sufficiently upfront about what it is intending and engaging with other parties at an early enough stage to have a proper dialogue about things. Those are some underpinning issues that I have seen in the time that I was doing this before, and sadly continue to see now.

The Chair: If you listed all those in shorthand, they would say something like, “The department is fragmented and works in siloed sections. It is good at crisis management, but less good at forward planning, probably because of inadequate capacity—both in terms of IT and people—possibly because of the capability of the staff where there are shortfalls in expertise in specific areas; there is inadequate data, record-keeping, collation of it and making it retrievable; and poor communications, both internally and externally”. I could go on, and that is just picking up what you have just said about the department in the last two or three

minutes. Should we be concerned?

David Bolt: I think you are concerned, and you certainly should be. It is appropriate that you hold the department to account.

The Chair: That also means that somebody like you—who has spent a lot of time producing a very large number of reports over a long period—surely needs to be given more clout so that notice is taken of what you are recommending. If that clout means that perhaps the committee can help in some way, that leads me nicely on to our final question from Lord Henley.

Q12 **Lord Henley:** Just before I put that final question, can I just say that, after 30 years in and out of Government, the one bit I would really want to endorse from your last statement is that my experience of loss of corporate memory within every department—I do not particularly know about the Home Office; I only served there once—is that it is a very sad loss and leads to bad decision-making. Anyway, what I really want to ask you about is whether you have any advice for us about possible future work for the committee, but in particular how we can support and complement the work of your successor at the inspectorate.

David Bolt: On that point, I feel that I could and should have done more to be closer to committees—the Home Affairs Committee and this committee—in terms of thinking about the forward programme and how that could coincide with some inquiries and interests that committees have. If we take the model of the National Audit Office and the Public Accounts Committee and the closeness of those two in terms of being able to support one another, that is something that we could maybe work on more so that there is better follow-up, if you like, through committees to inspection findings. That is perhaps something for my successor to work on.

In terms of things for the committee to think about, I gave some thought to this in thinking about your other interests. The question of immigration detention is something that you should maybe be taking an interest in. Last year, when I came back to this post, I raised the issue of the adults at risk in detention policy with the Secretary of State. My inspectorate has looked at this three times. I was originally commissioned by Sajid Javid to do an annual review of the adults at risk in detention policy. I did it twice, and then there was a further review.

It is the one area where it stands out in terms of the number of recommendations that have not been fully accepted or indeed have been rejected. In the autumn, I wrote to the Secretary of State and said, “I think this is something that we should look at again, but I don’t want to waste my time. I don’t want this to be a nugatory piece of work if in fact the recommendations are not going to be accepted”.

There is something here for the committee to think about in terms of that particular policy, but detention more generally. I imagine that that would then allow you to engage the HM Inspectorate of Prisons as well, and maybe there would then be the opportunity for some more joint thinking about that.

The Chair: That is enormously helpful. We are about to do a short inquiry into the

issue of tagging. We are very conscious that one area that some Members were keen to look at—digital ID—has now been picked up by the Home Affairs Committee in the Commons, which you would probably support it doing. We have an opportunity to look at issues like that, and I have no doubt our secretariat will be in touch for rather more details, helping us scope out a possible inquiry.

David Bolt: Chair, sorry to interrupt you, but just to say that there is a report with the Secretary of State at the moment that should be published before recess, in which there is a recommendation around tagging, so you might want to look out for that.

The Chair: That is very helpful.

Baroness Prashar: Can I go back to the question of asylum and decision-making? There is another issue, which is about speeding up the processing of asylum applications. Apart from resources, is it an area that requires attention? Have you looked at that?

David Bolt: We have an inspection at the moment that is looking at that. I had a meeting with the Secretary of State back in December, and she raised with me the question of speeding up the decision-making process, and a concern about what that might mean for the quality of decisions. It is on her radar that that could be a potential issue. We are now looking at it to see whether in fact there has been any sort of change in decision quality as a consequence of trying to speed things up.

The Chair: We have come to the end of our time. We are enormously grateful. You have been very open, frank and helpful to the committee. Thank you very much, not only for telling us what you have done, but also for making suggestions for what we should be doing, which is particularly helpful and we are very grateful for that. We do not know how long you are going to be in post, so we may meet again for whatever reason as a committee but, in the event we do not, thank you not only for coming today but for all the work you have done in your two stints in the post. We wish you all the very best for the future. Thank you very much indeed for coming.