



# Secondary Legislation Scrutiny Committee

## Corrected oral evidence: Poor explanatory material accompanying Home Office immigration rules changes

Tuesday 28 October 2025

4 pm

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Members present: Lord Watson of Invergowrie (The Chair); Lord Bethell; Baroness Harris of Richmond; Lord Kerr of Kinlochard; Lord Pack; Baroness Ritchie of Downpatrick; Lord Russell of Liverpool.

Evidence Session No. 1

Heard in Public

Questions 1 - 6

### Witnesses

I: Mike Tapp MP, Parliamentary Under-Secretary of State for Migration and Citizenship; Dan Hobbs, Director-General, Migration and Borders Group, Home Office.

### USE OF THE TRANSCRIPT

1. This is a corrected transcript of evidence taken in public and webcast on [www.parliamentlive.tv](http://www.parliamentlive.tv).

## Examination of witnesses

Mike Tapp MP and Dan Hobbs.

Q1 **The Chair:** Good afternoon, Minister and Mr Hobbs. Thank you very much for coming here this afternoon. We are happy to welcome you and the rest of your team for this formal evidence-taking session. For those who are not aware, it will be on the record and it is being webcast live. A verbatim note is being taken and that will appear on the public record in printed form and on the parliamentary website.

I need to say that in the event of fire there will be a voice-activated alarm. Any bells that you hear are to do with Divisions. Should there be an incident, of course, we will follow the instructions of our clerk, Jen Mills. If a Division is called—and we are anticipating several in both Houses—the committee will follow the normal procedure and pause for roughly 10 minutes. We intend, as far as is possible, to add on time for each vote to our session, but obviously there are limits on that, which we appreciate.

I am also obliged at this stage to ask my fellow committee members whether there are any interests that they wish to declare for the benefit of the record. There being none, we shall move into the formal session.

As I say, welcome, Minister and Mr Hobbs. We are very pleased that you are able to be with us today. I should say that we may ask you at the end to provide any supplementary information to support your answers should we feel that is necessary. Again, it is normal procedure.

When the committee last had an evidence session with the Home Office—that was in March 2024, before my time as Chair of the committee—it was on the subject of the Home Office's failure to provide impact assessments. I have to say that I find it concerning and regrettable that we are here again, more than 18 months down the line, still talking about the same issue. It does seem that on immigration policy in particular we are not just seeing a failure to provide impact assessments but that there are other key aspects of the policy-making process that seem to be being missed, leading to an appearance of what we have termed—and we will be interested to hear your comment on it—policy by press release. Obviously, that is not anything that is official, but it seems to us sometimes that that is how it operates. A recent interim report that you may have had sight of had information highlighting the Home Office's poor performance with regard to explanatory material that it provides with its secondary legislation.

We appreciate that immigration is a complex and highly sensitive policy area, but I and the members believe that that makes it all the more important that potential changes are properly thought through and the reasoning set out so that the public and Parliament can see that. Minister, my first question is on this point. We have repeatedly emphasised the need for impact information to be published alongside Immigration Rules changes to ensure that Parliament can fulfil its role in scrutinising secondary legislation. How do you think that this role can be fulfilled

without proper information being provided to us?

**Mike Tapp:** Thank you, Chair, for the question and thank you all today. As a new Minister, I just want to stress that I truly believe the work you do is extremely important and these questions are valid. It is important that I do answer these today.

My understanding of impact assessments is that they are important to ensure that you, Parliament and, of course, the public fully understand the implications of the policies that we are putting through. When we are talking specifically about HC 997, which I know is the foundation of today, I just want to reassure you that as a part of the decision-making to produce the document and the legislation around that, there was thorough cross-department work with detailed modelling behind it to inform of the potential impacts across the board that that can have. This includes potential economic impacts.

One of the issues with this specific bit of legislation was that there are and were behavioural implications and assumptions made that were disagreed with and needed further research and further conversations to back up what the impact assessment would say. The reason that there was no impact assessment provided with the 1 July Statement on 997 was because there was still work to be done around some of those behavioural disagreements, employer behaviour and assumptions made. However, I must stress that this would not have changed the direction of travel that this legislation and the rules changes are sending us in. This Government have made a commitment to the public in our manifesto that the levels of migration that we have been experiencing, both legal and illegal, need to come down. For us, this is a vital bit of legislation to drive that change through. Saying that, I fully understand that it does make your life more difficult to properly scrutinise the legislation.

**The Chair:** Thank you for that. I noted down that you talked of behavioural disagreements and assumptions being made. That is slightly different from the response that your predecessor gave. I am sure you have seen her letter to me dated 21 July, when she highlighted the impact of changes to the healthcare routes being assessed with the Department of Health and Social Care. She talks of being unable to do so due to some complexities in finalising the relevant information. It may well be that both of these apply; I am not saying that they do not. The question is why the impact information has not been published. It seems to me to be still rather unclear. While I do not expect you to say what the information will include when it is published—obviously, it is not ready—can you give us some indication of when that is likely to be available? We are not in any way questioning the legislation and the purpose of the legislation. However, this has dragged on for a long time now and it would be helpful to have some clarification of what your and your officials' expectations of this are timewise.

**Mike Tapp:** Absolutely. One of the reasons that that reason was given by the previous Minister is because that is right as well. That feeds into the differences in how employers will react and some disagreements around

that. Just to reassure on that specific point before I come to the timeframes, there is a lot of work and I have made it a priority of mine within the first few weeks to meet the Department of Health and Social Care to ensure that the vacancies that are currently in place are filled by those who are displaced, where possible. There is a lot of work going on around that, but there are some slight disagreements, which are ironed out now, by the way, and that will be in the impact assessment. We will provide the impact assessment in due course and that will be produced by the end of this year. It is now going through the relevant sign-off processes, but it has been agreed.

**The Chair:** Thank you for that. I know that Lord Kerr has a point he wants to make in this area.

**Lord Kerr of Kinlochard:** I am worried, in a way, about the obverse problem, when an announcement creates uncertainty. I am thinking in particular about the five- or 10-year delay or waiting period that someone who has leave to remain has to go through before they can become eligible for citizenship. The announcement that it was moving from five years to 10 years did not make clear whether that applied retrospectively to those who came in when the rule was five years, understanding that they would be able to apply for citizenship after five years. Some of us are asking whether this is retrospective or not and we are not getting an answer yet. Can you give us an answer?

**Mike Tapp:** What I can say to you at this point is that that is the wide-ranging aim of that policy. That is currently at consultation and there will be more details in the next few weeks on that.

**Lord Kerr of Kinlochard:** It is still “watch this space”. We can watch this space but it is a bit hard on these people who came in on what they thought were clear rules. If you have been here for four and a half years, you might have thought you were about to become a citizen. You do not know now whether you have to wait a further five and a half years.

**Mike Tapp:** I understand that concern and that will be clarified in due course.

**Lord Russell of Liverpool:** You mentioned that the data underlying this SI had undergone, in your words, “detailed cross-departmental modelling”. My understanding of detailed cross-departmental modelling is that it would have built into it different types of behavioural assumptions, a bit like scenario planning. If it was working, you would come up with a range of possible outcomes and you would make a decision as to which was the most likely outcome, which is probably what you would publish in the impact assessment. You might also say there is a range either side, just to give as much of a feel as possible. I am a bit puzzled why that does not appear to have happened. However, the question I really want to ask is: what have you and the department learned from this episode that will give us confidence that this will not be repeated?

**Mike Tapp:** When I talk about the behavioural disagreements, that is a part of it and it is prioritising which are most likely, which are least likely, to ensure that we provide you with the most accurate information. I also must stress that, in talking about detailed analysis, there were other reports produced at the time; for example, the skilled worker evaluation, the student route evaluation, the graduate route evaluation, and a report on the HPI route. There was a lot of information out there. Granted it is not the full impact assessment but that is coming.

As you all appreciate, the Home Office has a wide range of top priority issues, from policing to violence against women and girls, immigration, and national security. It is a department that is always at the forefront of public consciousness. Often we have to move fast on issues that are impacting the public and it is important that we do so. You have my assurance that we would not put through legislation that we did not believe we had analysed the impact of effectively—without some tweaks around the edges, of course. The direction of travel that that policy takes will not change and would not have changed with the impact assessment not being finalised. There will be times when the Home Office has to move fast but, of course, getting the impact assessment out at the same time will always be a priority.

**Lord Russell of Liverpool:** Just as a follow-up, 20 years ago a member of your party, then the Secretary of State for the Home Office, John Reid, described the Home Office as being not fit for purpose. Indeed, your current boss has repeated exactly the same. Given the 20 years intervening, I think that makes my question—what has the Home Office learned from this particular process?—slightly more germane because it is 20 years and counting. How can we try to ensure that what has happened in this case does not happen again?

**Mike Tapp:** The Home Office is a difficult department because it has those high-priority areas of work and operational work at the same time, which most departments simply do not have. I am six or seven weeks into this role and I am not going to pass judgment on my colleagues, who so far I have seen are working extremely hard, particularly in the area of my priority. However, there do need to be changes made in order to deliver and I will leave that to our very effective Home Secretary. I will repeat what I said before: it will always be a priority to ensure we do deliver an impact assessment at the same time as legislation being laid.

**The Chair:** I think that the point you make about being in post six or seven weeks is a valid one. Maybe I can slightly deflect Lord Russell's question to your official, Mr Hobson, who I do not know but I am assuming has been in post for more than six or seven weeks. Could you perhaps say what you think the lessons are that the Home Office needs to learn so that we do not have issues such as this arising with the Explanatory Memorandums and the impact assessments, which has been a bit of a pattern over the years?

**Dan Hobbs:** Thank you. I have been in post slightly longer than the Minister has. One of the challenges is that this is actually a cross-

government process. While the Home Office leads on the legislation and, as the Minister said, information was put before Ministers, there are a range of complex equities when you are dealing with migration. As we set out in the White Paper and the technical annexe to that where we put out the analysis, while we are trying to meet the Government's objective of reducing migration, we are also trying to work with the Government's growth objectives, the industrial strategy, the labour market strategy, and ensuring, in the case of the changes here, the health and social care sector. Those are a complex range and, as the Minister said, the behavioural impacts of those can be different and can be interpreted differently.

What we are doing as a department and through my other role, which is as parliamentary champion working with the parliamentary team, is making sure that we raise awareness of the rules and process around dealing with matters of Parliament, particularly around secondary legislation, and building that competence and capability within the department to ensure that we meet the democratic accountabilities that we have to Parliament and service those. We do take extremely seriously both the Explanatory Memorandums and the impact assessments and, in this case, as the Minister has suggested, there was a difference of opinion and views in terms of the scenarios and the behavioural impacts that has taken longer to work through than anticipated. There was a need to act in this circumstance to give certainty to those on that route and in order to avoid things such as a closing down sale or significant behaviour change that would undermine the wider objectives.

In terms of lessons learned, it is about ensuring that we build and continue to build the capability across the department and we continue to engage right across government to ensure that where we have these analytical challenges and as we are trying to meet a range of objectives through the Home Office's vehicle, which here was the secondary legislation on the Immigration Rules, that we are investing significant time and effort to make sure that we can meet the objectives of laying the EM with the impact assessment where it is required.

**Lord Russell of Liverpool:** I suggest that a priority might be to do everything you can to avoid uncertainty rather than to find yourselves unwittingly in a situation where you are actually creating or fuelling uncertainty, because that is not helpful.

**Dan Hobbs:** Yes. In terms of the changes, as the Minister said, between the White Paper in May and bringing forward the first set of rules in July, it was moving at pace to deliver those rule changes, which provided the certainty and avoided those unintended consequences. However, I take your point.

**The Chair:** Thank you. I will just say that when faced with Hobson's choice I managed to get it wrong, so I apologise to Mr Hobbs. Thank you for that response. We will now move on to the second question from Baroness Ritchie.

**Q2 Baroness Ritchie of Downpatrick:** Minister, in our most recent report on the refugee family reunion route we conveyed concern about policy-making by press release, to follow on from Lord Kerr's question. This echoed earlier concerns about the lack of appropriate steps in immigration policy-making, such as the frequent lack of consultation as well as impact information—hence our discussion today. Both HC 997 and HC 1298 were laid without prior consultation with affected parties and without that necessary impact information being finalised. Therefore, Minister, how can you be confident that you know what the effects will be and that therefore these are the right policies to put in place?

**Mike Tapp:** Thank you, Lady Ritchie, for your question. I am confident that the information that was available and the analysis that was conducted cross-government was robust enough to ensure that we understand the implications. Officials and Ministers worked cross-department, with the Treasury, the Department for Business and Trade and the Department of Health and Social Care to ensure that there was that broad range of impacts fully considered—alongside, by the way, the devolved Governments, too. There was a lot of underlying data to inform the decisions that were made. We did also publish the technical annexe to the White Paper, which contains some of that information.

We felt and feel that we needed to take swift action to deliver these policies in order to bring down high net migration but also to deal with worker exploitation in the care sector. In my short period as Minister, I have conducted a number of operations with Immigration Enforcement and Border Force. You turn up to one of these car washes and you find people who are here on a care visa. That is the failing. They are now working illegally and being sucked into the black economy, which the public do not want to see. We also have to protect those who have been sold a lie.

The fact is that if we delayed this with the impact assessment because of the inconclusive elements within that, we could have exasperated that problem and seen a larger spike of people taking that route. That would make the problem even more difficult for us to combat than it is now. There are, of course, safeguards and transitional arrangements for those who are already here on those visas as well. I have full confidence that the analysis and the cross-party working that was conducted gave us a strong picture to ensure that any changes to the impact assessment would not change the direction of travel for this policy.

**Lord Pack:** Running through both that answer and your previous answer, if I understand correctly, is this idea that there is a difference between the level of knowledge and detail that is necessary to inform policy decision-making from that which is required to then sign off and publish the impact assessment. You can be, as it were, at an earlier stage of formulating a full understanding of the impact and therefore be confident that the policy is right even if you are not yet in a place to have an impact assessment alongside it. Could you unpack a little bit what the difference is in your mind as to those two different thresholds? Obviously, one potential counterpoint to what you have said is if the information is

good enough to decide, surely it should be good enough to publish. What is the distinction that you see between those two?

**Mike Tapp:** It is difficult to summarise that. Thank you for the question. If you are buying a car and the gearbox is dodgy, you are not going to buy it, but if it needs a new tyre, you will. That is what we are talking here. There are elements that needed further discussion and more analysis but they would not change the decision on the purchase, essentially.

**The Chair:** We will move to the next question from Lord Russell.

**Q3 Lord Russell of Liverpool:** I understand the complexities of trying to create policy when you are having to work across different departments. It is challenging enough trying to understand what each department does, let alone how they co-operate with one another. You will be aware that a report has recently been published and released to the *Times* on a review of the workings of the Home Office done in 2023 by Nick Timothy, a member not of your party, which is not necessarily terribly full of praise for the way the Home Office works. Specifically in this area, what was implied in what he found—and I would like to know your reaction to this—is that the report detailed mutual distrust between the Home Office and other departments, which hampered its ability in this case to enforce deportations. Home Office officials in turn presented its proposals to other departments as a fait accompli. There was an observation that the relationships between different departments—and I can understand that there might be issues—are not helping this.

The first question is: is this still the case? I would be very surprised in some areas if it is not. What is one doing about it to try to ensure that all departments understand the direction of travel the Government wish to go in and that they are not inadvertently impeding that direction of travel by problems between each other?

**Mike Tapp:** Thank you for the question. It is natural that each department has its own priorities, but what I have seen so far is that there is a thrust to work towards the Prime Minister's and this Government's priorities, with the Home Office, for example, bringing down net migration being understood cross-department. That is why with HC 997 and HC 1298 and other policy there is that write-round that goes to all departments to ensure that there is that full agreement, and there was on these policies.

We can use asylum accommodation, although it does not fall under my direct responsibility, and the cross-department work between the Ministry of Defence and the Home Office as a perfect example of how that works. Asylum accommodation is not natural turf for our friends at the MoD, but they are being extremely helpful on that. Another example I can give is with the health and social care visa and displacement combined with vacancies. The early work that I have done with Minister Kinnock, for example, has been collegiate and positive and working in the same direction.

I can only give my exposure to the departments and so far it has been very positive. Of course, I understand that there is likely to be butting of heads over long periods of time. The way to deal with that is through effective Ministers and diplomacy and working towards the same goal for the Government and for the country.

**The Chair:** Thank you, Minister. That is a Division in this House so we shall suspend proceedings for 10 minutes to allow Members to vote.

*Sitting suspended.*

**The Chair:** We will press on. I think that you had completed your answer to the final question, but I have an issue on that one as well. You talked about departments having to get together before the impact assessment can be signed off, and your predecessor said that in her letter to me. I wondered what process is there to knock heads together. In a sense, who has the final say? This is obviously causing delays. Who has the final word?

**Mike Tapp:** It depends on the complexities that are being discussed, Chair. In this instance, the complexities around behavioural changes needed that extra analysis. In terms of this specific report, I think that I would be right in saying that it is the Home Office that has the final say on that, and then it goes to write-round. There are lots of different ways, of course, of dealing with complex problems where sometimes there may be different opinions. My experience is that the best way is to get people in the room. Often that is not possible to do but it depends on the level of complexity.

**The Chair:** That is fine. I had hoped you would say that. I just noticed that in your predecessor's letter she mentioned HM Treasury, which makes you think, well, who will have the final word? On a Home Office instrument that should be the case, so we are pleased to hear you say that.

We will move on to the next question now, which is question 4 from Baroness Harris.

**Q4 Baroness Harris of Richmond:** Good afternoon, Minister, and apologies for not being with you in person. I was particularly interested right at the beginning of your session with us this afternoon in your bleak analysis of the Home Office workload. I have always known that there was an awful lot of work that the Home Office has to do. Nevertheless, you have given us a bit of food for thought there.

My question is about skilled worker and care worker visas. We still have no information about the estimated impact of the changes to skilled worker and care worker visas in HC 997. All we have been given is the skeleton information provided in an annexe to the immigration White

Paper. How confident are you that the care sector will be able to recruit the numbers of staff following these changes, especially as we already know of the serious existing shortages?

**Mike Tapp:** Thank you, Lady Harris. On your first point, I just want to clarify that the Home Office's wide-ranging scope is not bleak, it is fantastic. I am enthused to be in the department: challenge after challenge.

On the skilled worker and care sectors specifically, there are ongoing challenges. I do not want to speak for the DHSC but there are 110,000 to 111,000 known vacancies in the sector. There are estimates of around 14,000 displaced as a result of the changes we are making. Of course, there will be more information in the impact assessment. The question I have, which I am sure we all have, is: those displaced, why are they not going into those vacancies? Without making any announcements too early—I will not do that here—there is hard work going on behind the scenes to make that more efficient and fill those spaces.

**Baroness Harris of Richmond:** When you say it is going on behind the scenes, are you talking with the other departments that will have to tell you exactly what impact you will have on this?

**Mike Tapp:** Yes, my Lady. I met Minister Kinnock just last week to discuss this important issue.

**Baroness Harris of Richmond:** And the outcome?

**Mike Tapp:** We have agreed some areas of research going forward.

**Baroness Harris of Richmond:** Which will take how long?

**Mike Tapp:** We have asked for that as soon as possible, but it is Minister Kinnock's responsibility to crack that whip.

**Baroness Harris of Richmond:** Finally, there is no additional information you can provide for us now, is there?

**Mike Tapp:** You are right, my Lady, at this point. The impact assessment is going through the formal clearance process now. It was really important that we came to the conclusions around those more complex areas before releasing that information because we would not want to give an inaccurate impact assessment. That is now going through the clearance process and you will have that by the end of this year.

**Baroness Harris of Richmond:** We know the vacancies. They are there for all to see. We want to know how they will be filled and how the Home Office will do this. It is simply that.

**Dan Hobbs:** I will add to the Minister's comments. There are transitional provisions that we introduced as we changed the health and social care route, which allows those people already on that route to continue to extend if they are in-country. There is also work that you will be aware of—and there was a Public Accounts Committee report on this—around

the sponsor abuse that we saw, and that led to a number of sponsors having their licences curtailed. We have worked with the health and social care sector—because that left a number of people without employment who had come on that sponsorship route—to match those people to some of those vacancies. There are regional centres that the Department of Health and Social Care has been working with to match those people who were found to be without a sponsor to a new sponsor as part of delivering the labour market that is needed for health and social care.

It is also the case that there were still 172,000 skilled worker visas, including health and social care, granted, so there is still a number of people who are coming through in-country and on that route. Students and those on the graduate route are also able to work unrestricted and we know that a number of those will work in health and social care. The route to working in health and social care is not just the health and social care work visa per se.

**Baroness Harris of Richmond:** Can I just ask a quick supplementary, Lord Chairman? The Ukrainians who are here, some of them have great skills but they are not allowed to work.

**Dan Hobbs:** Ukrainians are allowed to work. They have full work rights. They are unrestricted. They can work in health and social care. Any Ukrainian who is here lawfully, who came through the relocation schemes that we set up, has unrestricted work rights.

**Baroness Harris of Richmond:** Okay, fine. Thank you very much.

**The Chair:** Thank you, Mr Hobbs, for making that point about the sponsors. I was going to mention that. I was on a committee last year in this House that looked at the Modern Slavery Act 2015 and the lessons to be learned from the first 10 years. In the care sector the sponsorship issue was a big one. The Minister referred earlier to those here under that scheme as sometimes working in places such as car washes. Anything that will ensure that sponsors are held more to account I think would be helpful in dealing with some of the recruitment shortages that Baroness Harris referred to. Thank you.

Are there any further questions on this aspect of HC 997? If not, we will move on to the next one with Lord Kerr: refugee family reunion.

**Q5 Lord Kerr of Kinlochard:** We would like to have a word about refugee family reunion. When you laid your statutory instrument at the beginning of September suspending refugee family reunion, it had instant effect and there was no IA attached to it. We asked questions and we were told that the suspension was only temporary, that people might like to defer their applications for a short time and that you did intend to reopen the route. Then at the beginning of October the Prime Minister announced that there would be a fundamental change whereby migrants would no longer automatically be given reunion rights. We are now puzzled. We see some inconsistency between the presentations made to us at the beginning of September and what the Prime Minister said at the beginning of October.

If automatic rights are no longer there, in what sense will the route reopen?

**Mike Tapp:** Thank you, Lord Kerr. This is about looking at the wording and breaking down, I think, those two statements. My understanding here is that the first statement said that we are pausing, which is correct, and the Prime Minister has said that entitlements to reunion will change. For me, that does not contradict. What we are saying is: the route pauses, it will reopen, and there will be changes. All those statements can be true and not contradict at the same time.

**Lord Kerr of Kinlochard:** The route will be reopened?

**Mike Tapp:** The route will reopen but there will be changes made to it. In the meantime, there is Appendix FM that can still be used for families to apply but with stricter conditions to be met.

**Lord Kerr of Kinlochard:** There is some sort of review going on. Can you tell us about that? Will it determine what changes will be made when the route reopens?

**Mike Tapp:** Absolutely. The thorough review is ongoing and that will be announced in spring next year with the full details.

**Lord Kerr of Kinlochard:** That means that the refugee family reunion will not be reopened before the spring?

**Mike Tapp:** It will remain paused but there are ways of applying through the Appendix FM. It is not that those with family wanting to come here cannot apply, but they have to meet those stricter conditions such as language and salary. I assume that is right to say.

**Lord Kerr of Kinlochard:** The answer to my question is yes, refugee family reunion will not reopen before the spring?

**Mike Tapp:** That is correct.

**Lord Kerr of Kinlochard:** Thank you.

**The Chair:** Minister, I do not quite understand how the two positions can be consistent. I think that some of us thought that a pause would mean just that and then it would restart as it was. You have explained that it will restart as something different. I understand that. However, the Prime Minister seemed to be saying that the route would close and that family reunion would no longer automatically apply. I do not understand how these two are consistent. I know that the Prime Minister says what the Prime Minister thinks is appropriate, but can you not understand how the committee—and others, I would say, beyond the committee—would find those two to be inconsistent? Yet you and, in fact, an answer that our advisers had from Home Office officials say that they are not. We are still scratching our heads over that, I have to say.

**Mike Tapp:** Thank you, Chair. The second statement by the Prime Minister states that the entitlements to family reunion will change. That is

not to say that a pause has not taken place and that that pause will end. For me, that is not inconsistent, it is just more detail.

**The Chair:** Thank you, Minister. We will move on to the next question, which is from Lord Pack.

Q6

**Lord Pack:** As a relatively new member of the committee, in a sense I am in a slightly similar position to you, Minister, in that there is clearly some history of this committee being concerned about the quality of explanatory material produced by your department. I wonder whether a good starting point would be to ask what you understand the role of the explanatory material for secondary legislation to be.

**Mike Tapp:** Thank you for the question. It is important because there are experts across many different fields within the Home Office and, of course, as Minister you cannot be an expert in everything. The note is there to ensure that there is more detail and analysis to inform decisions. There is a process that I go through, working closely with the team, to ensure that if I have questions, which I do, often, in this short period of time, I will ask those questions and ensure that I get the answers to fully satisfy myself that I have all the information.

**Lord Pack:** When you say informed decisions, I wonder whether I can dig into that a little bit. Certainly, my impression quite often with explanatory memos is that they are written for people outside the department or departments and that decisions will have therefore been taken based on other material. When you are talking about the explanatory memo in forming decisions, you mean as in informing decisions that, say, this committee or other committees or Parliament then take, is that right?

**Mike Tapp:** You are right. There are numerous meetings behind the scenes as well. I think that I have probably had six or seven meetings today around different policy discussions. There is a lot of underlying work behind the decisions that are made there.

**Lord Pack:** What steps are taken to ensure that the information in the explanatory memos is accurate? What is the process that you go through as a Minister who is putting their name to it? I must admit that I sometimes find it a little bit surprising when reading through an explanatory memo to think, "Did the Minister not think of asking this or that?" But I appreciate that you probably have a very large pile of paperwork to work through each day. What is the process that you go through to ensure that that standard is appropriate to put your name to?

**Mike Tapp:** It is not taking it on face value and ensuring that the supporting materials to back up what has been given to you are provided. From what I have seen so far, it has been, but there may well be gaps in the future to investigate, essentially, and get those answers.

**Lord Pack:** How do you see your role fitting with that of the senior responsible officer for secondary legislation in that process?

**Mike Tapp:** Working very closely together—Ruth and I work together very closely. If there are specific questions I have, Ruth is always there for me to ask them. If it is legal or policy questions, she will be in attendance at those meetings. That support is fantastic.

**Lord Pack:** If I can just add one other question that follows from that, I wonder whether part of the issue sometimes is that you as a Minister who has been closely involved in the policy-making process naturally will see the issues with a different level of knowledge and from a different perspective from, say, the audience for the explanatory memo. Do you find that that is a tension that is a problem at times and maybe helps explain some of the issues that we as a committee run into when we look at those memos?

**Mike Tapp:** It is not something I have noted but I trust your word that that may well be the case. If the committee would like to write to me with that in mind, then I can look with that lens on when I am viewing this in future.

**The Chair:** Thank you, Minister. I realise that there is a vote in the other place just now, so we shall suspend the sitting for 10 minutes if we need that. We do not have a lot more questions to put to you but we would like you to come back, if that is all right, after you have voted.

**Mike Tapp:** Thank you, Chair. I will rush through the voting Lobby.

*Sitting suspended.*

**The Chair:** Thank you, Minister, that is a very quick turnaround, which we appreciate. Once you have your breath back, we will return to the question on the ministerial role and explanatory material that Lord Pack put. Lord Kerr has a supplementary along those lines.

**Lord Kerr of Kinlochard:** I want to be very boring, and I can do this very easily. I was a bureaucrat and I love tables. I do not suppose your early reading, Minister, included the interim report on the work of this committee, but it includes a fascinating league table, which shows that the Home Office does provide us with more work than any other department—more statutory instruments than any other department. The worrying thing is that the Home Office is very clear at the top of the table for SIs provided with inadequate supporting information. Our job reporting to the House is made much easier if there is proper information provided. Your officials are very good when committee staff contact them because there is no impact assessment or it says something that does not seem to be quite enough or is puzzling. They are very good. However, the fact is that the Home Office does top the league table, after all that process, for still not having provided, in the view of the committee, sufficient information.

I think that it is in everybody's interest that the Home Office should do better. Lord Hanson does a wonderful job in this House, but he is up day and night defending propositions that sometimes are there controversially on the Floor of the House because they have not been sufficiently explained. Sometimes, of course, they would be on the Floor of the House anyway because they are controversial for other reasons. I think that it would be very good, Minister, if you could try to get inside the Home Office just a slight adjustment of the priority to be attached to getting out the information in support of the statutory instrument. I understand that sometimes you need to get out the statutory instruments very quickly; in which case, it may be a matter of a day or two before you can produce an explanatory document. I understand that. It will not apply in all cases but it must apply in some. It would make our lives in this committee easier, and much more importantly it would make the job of the House easier, and it would make the Home Office's job easier in the longer term, if there was slightly more priority attached to getting the supporting information out. That is the advice of a boring old former Permanent Secretary.

**Mike Tapp:** Thank you, Lord Kerr. It is sound advice and absolutely taken on board. I reassure the committee that providing the impact assessments and all the underlying information that is required is always a top priority. As we have spoken about previously, in the wide range of operational matters and important work that the Home Office has to do, there will be times when the process needs to be condensed and an impact assessment may take some time, potentially months. Some decisions cannot be held up for the reason of national security or public expectations. That is not to say that you are wrong. You are right in that it should always be a priority and I will take that forward in my role as Minister.

**The Chair:** Lord Bethell has a question.

**Lord Bethell:** I was going to reinforce Lord Kerr's point. Having been a Whip in five departments, including the Home Office, and having stood at the Dispatch Box defending Home Office points myself, I am aware that the ability of the Home Office to reply promptly, thoughtfully and completely to information requests is probably the weakest across the Whitehall estate. I would just urge the Minister to focus on this because I think that it would help the business of the Home Office in the House of Lords and maybe in the House of Commons as well if it could just be a little bit more transparent and a bit more prompt and a little bit more thoughtful about the way it shares its details. I am really just building on Lord Kerr's point.

**Mike Tapp:** Thank you, Lord Bethell. I take that on board. I think that it is worth noting that we are laying a lot of legislation and it is less than 5% of that that has become problematic for you. It is the nature of the business within the Home Office that it is fast-moving with lots of requirements. However, I certainly take what you have said on board.

**The Chair:** Lord Russell has a further question.

**Lord Russell of Liverpool:** Lord Kerr asked almost exactly the question I wanted to. What I was thinking of is: let us say you want a hip replacement or a knee replacement. You would normally try to find a surgeon who does as many operations as possible. If you follow that analogy, if you were looking for best practice in the preparation of statutory instruments, you would probably look at the department that produces more statutory instruments than any other. A question for you to go away and reflect on is, in theory, one would hope and expect that you would be near the top of the list for best practice because you are doing it so often—despite the complexity, and I understand that occasionally politics means that decisions have to be taken very quickly. Despite that, the sheer volume that you are undertaking, I would hope, would lead to a culture of continuous improvement, whereas at the moment it does seem to have plateaued slightly. I think that the committee would be extremely grateful if somehow continuous improvement could make a difference in the right direction.

**Mike Tapp:** Thank you. I take that on board.

**Dan Hobbs:** As I said earlier, we have a programme of parliamentary awareness and you are right, we strive to do better. I think that our stats this Parliament so far are better than previously. Of the 81, four were called out, so it is about 5%. Previously, we were 6.7%. Notwithstanding that we need to do better, we take on board your feedback and we are making progress.

**Lord Russell of Liverpool:** The only other point is if you look at the ones that have caused issues, they are almost all in specific policy areas that are particularly sensitive and in which there is enormous political and public interest. In a sense, you can identify which are the areas that may cause problems, so perhaps they require a bit more attention to detail and preparation than is evidenced by what has happened in the last couple of years.

**The Chair:** Thank you. Lord Kerr has asked to be excused. He did make a point of saying that he felt that the points he made had been taken on board by you and he was grateful for that.

I have one final point. It is going back to the refugee family reunion scheme. We talked about the inconsistency of the review under way and the Prime Minister's statement. You have said that the route will open with differences. I think that was something that was always understood. It was paused for a reason, not just so it could continue as it was. I think that is reasonable. The Prime Minister's statement seems to be saying that the route that in the past has been unconditional and did not involve any cost will now be neither of those things, which is a fairly fundamental change. It will not be the same route. Is it not the case that the outcome of the review has to some significant extent been pre-empted?

**Mike Tapp:** I think that we need to wait until spring when the full review is completed before we go into any more detail on that, Chair.

**The Chair:** Okay. There is nothing more you can say on that. I understand that. On Lord Russell's point, in June I met your colleague Lord Hanson and the senior responsible officer for the Home Office and we went through some of the issues with Home Office performance. We did feel that those points were taken on board and certainly we get a very real sense that Lord Hanson is looking to improve it. I have to say—it sounds patronising and I do not mean it that way—that I get that impression from you as well and that is something that we very much look forward to in the months ahead. I am very grateful to you and Mr Hobbs for giving evidence today. It has been an interesting and illuminating session. We will, as is normal, send you and the department a copy of the transcript so that any errors or amendments can be made before it is published.

I want to say in closing that when my predecessor, Lord Hunt, chaired the last evidence session last March he did express the committee's frustration at the poor explanatory material being received from the Home Office. I cannot avoid saying that despite the change of government there has not been a noticeable improvement. We have heard from you and Mr Hobbs today about changes that you are planning to make and we very much look forward to those coming to fruition in the months ahead. Needless to say, we will be watching that very closely.

Thanks again to both of you and your broader team for being here today. With that, I will now draw this public session to a close.