

# Home Affairs Committee

Oral evidence: [Work of the Home Office](#), HC 625

Wednesday 22 September 2021

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Members present: Yvette Cooper (Chair); Ruth Edwards; Simon Fell; Andrew Gwynne; Dame Diana Johnson; Tim Loughton; Stuart C McDonald.

Questions 138 - 308

## Witnesses

I: Matthew Rycroft CBE, Permanent Secretary, Home Office; and Tricia Hayes CB, Second Permanent Secretary, Home Office.



## Examination of witnesses

Witnesses: Matthew Rycroft and Tricia Hayes.

Q138 **Chair:** Welcome to the evidence session for the Home Affairs Select Committee. We are very grateful to our witnesses this morning. We are taking evidence on the operation of the Home Office and we have with us Permanent Secretary Matthew Rycroft and the Second Permanent Secretary Patricia Hayes. Welcome to both of you. Tricia Hayes, welcome and congratulations on your appointment. It is very good to see both of you in person. Thank you for joining us today.

Can I begin with a brief question? We understand that Gareth Hill, Emma Haddad, Abi Tierney, Dan O'Mahoney and Dave Pennant were due to give evidence to the Nationalities and Borders Bill Committee yesterday. Why did they not?

**Matthew Rycroft:** It is very good to see you, Chair, and members of the Committee. It is great to be here in person and I am looking forward to this session.

The plans changed within the Home Office. Given that we have this opportunity and multiple others to talk about the Nationalities and Borders Bill, it is not automatic that officials would give evidence in the Committee that was meeting yesterday, so we decided to do it this way instead.

Q139 **Chair:** This is not the opportunity to give evidence on the Nationalities and Borders Bill. We may ask you some questions on it but we have a very different set, which is the operations of the Home Office. The Home Office put out a statement yesterday saying, "Senior Home Office officials are appearing before the Home Affairs Committee to give evidence to Parliament on the work of the Department, which includes the Nationalities and Borders Bill". Do you accept that it is completely inappropriate for the Home Office to use this Select Committee as its cover or reason for not giving evidence to a separate Bill Committee?

**Matthew Rycroft:** Not at all, and that is not what is happening. What is happening is that the Second Permanent Secretary and I are here to answer questions on any issue in relation to the working of the Home Office, which—as the statement you have just read out says—includes the Nationalities and Borders Bill, but it is totally up to you as a Committee which aspects of the Home Office's working you want to focus on today. This is one of the ways that parliamentarians are able to hold to account the Home Office, among many others.

Q140 **Chair:** Do you accept that this is not a substitute for the Home Office giving evidence to the Nationalities and Borders Bill Committee?

**Matthew Rycroft:** This is whatever you want to use it for, Chair.

**Chair:** Do you accept that it is not a substitute and we do not appreciate



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being used as a substitute?

**Matthew Rycroft:** I can hear that you do not appreciate being used as a substitute and I do not think, in the statement you read out, that we intended to imply that it was a substitute. What we are saying is that this was an opportunity this very week for members of Parliament to hold Home Office officials to account on that very issue and, indeed, on any others that you wish to choose.

Q141 **Chair:** You have not given a reason as to why all those officials pulled out from giving evidence to the Borders Bill.

**Matthew Rycroft:** The reason is that there was a change of mind in the Home Office about how best to approach that Committee.

**Chair:** Thank you. Can we go, then, to the first questions from Tim Loughton?

Q142 **Tim Loughton:** Home Secretary, how many asylum seekers were in hotel accommodation before the Afghan airlift?

**Matthew Rycroft:** Thanks for the question, Mr Loughton. I am sure Ms Hayes will want to come in on this sort of operational issue as well. Before Afghanistan, in round numbers, we had a peak of about 10,000 asylum seekers in hotels. As you will know, we had an operation—Operation Oak, as it was called—to reduce that number down to zero by the end of this calendar year. That was our intention at the time, given the desire of this Government to keep hotel accommodation to an absolute minimum, but at the same time to ensure that we fulfil our statutory obligation as a Department and ensure that there is accommodation for every single person who is claiming asylum in this country and who would otherwise be destitute.

That operation was moving in the right direction. I think the numbers had got down to be 7,000 and 8,000 before Afghanistan came along and we have had, as you know, an evacuation of 15,000 people, many of whom are now in hotel accommodation as short-term accommodation bridging from the managed quarantine service into the—

Q143 **Tim Loughton:** How many of the airlift of the Afghanistan citizens are in bridge hotel accommodation now?

**Matthew Rycroft:** Almost all of them are bridge hotel accommodation.

**Tim Loughton:** 15,000?

**Matthew Rycroft:** The 15,000 included the British nationals who were evacuated out of Afghanistan, so in round numbers it was about 7,000 Afghans.

Q144 **Tim Loughton:** Why do we have British nationals in hotel accommodation, given they would have gone through the quarantine period?



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**Matthew Rycroft:** We have not. I was saying that it is not the full 15,000 who were evacuated who were in hotel accommodation, because some of them are British nationals.

**Tim Loughton:** How many of those 15,000 are in hotel accommodation?

**Matthew Rycroft:** I think it is about 7,000.

Q145 **Tim Loughton:** 7,000. How many of those are children?

**Matthew Rycroft:** I am not sure we have that number.

**Tim Loughton:** You do not know how many of those are children?

**Matthew Rycroft:** I do not have it in front of me now. The Home Office knows that number and has it. In my head I had a number of 70 children in hotels and I am happy to look at the right page in a moment.

Q146 **Tim Loughton:** Are those 70 children who are unaccompanied or are they 70 children who may be with parents?

**Matthew Rycroft:** There were 70 unaccompanied children of whom 16 are under 16.

Q147 **Tim Loughton:** Where are those 70 unaccompanied children being housed at the moment?

**Matthew Rycroft:** They are being housed in particular hotels as part of the—

**Tim Loughton:** How many?

**Matthew Rycroft:** Seventy.

**Tim Loughton:** No, how many hotels are they spread across.

**Matthew Rycroft:** I see. I will have to write to you with that answer, Mr Loughton.

Q148 **Tim Loughton:** What arrangements were made with the host local authority before children were placed in hotels in their authority area?

**Matthew Rycroft:** As you know, we have an ongoing dialogue with local authorities through the strategic migration partnerships to ensure that as we hand over responsibility, whether for children or other asylum seekers, that there is accommodation and other wraparound support in place. What we are talking about here is the bridging accommodation, where the primary responsibility lies with the Home Office to find that accommodation and provide that support, but we have still had conversations and dialogue with each relevant local authority and others in that area.

Q149 **Tim Loughton:** Who is the safeguarding authority when a child is placed by the Home Office in a hotel?

**Matthew Rycroft:** It depends on the precise circumstances but, broadly speaking, for the period of time that we are talking about now—when it is



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bridging accommodation rather than longer-term accommodation—it is the Home Office.

Q150 **Tim Loughton:** Do you have safeguarding officers constantly on site in any hotels where there are unaccompanied asylum seekers—children?

**Matthew Rycroft:** Yes.

**Tim Loughton:** Are you sure about that?

**Matthew Rycroft:** We take our safeguarding obligations seriously and we fulfil them—

Q151 **Tim Loughton:** I am glad to hear that, but local authorities would not agree with that assessment. You have placed children in a hotel in Hove without the Brighton and Hove unitary authority knowing anything about it, and then expected it to act with its safeguarding hat on because you did not have safeguarding officers available to look after the children in that hotel, for example.

**Matthew Rycroft:** First, let's put this in context. There was an evacuation of 15,000 people in the most extraordinary of circumstances, literally saving lives of people in Afghanistan. At this end, with our Department of Health and Social Care colleagues, we managed the managed quarantine service, 10 days, and after that we have been working with local authorities. We are extremely grateful to that authority and indeed all others around the country that have stepped up. We encourage others to do so because there continues to be a shortage of offers and—

Q152 **Tim Loughton:** Permanent Secretary, with respect, that is not the point. The point is—and we heard this from Councillor Jamieson, the head of the LGA last week—we have heard it and I have heard it as a constituency MP, particularly one neighbouring a constituency where unaccompanied children have been placed without the local authority knowing anything about it. You said there is an ongoing dialogue with local authorities.

**Matthew Rycroft:** Absolutely.

**Tim Loughton:** There was no dialogue with that authority and others before you unilaterally placed unaccompanied children in inappropriate hotel accommodation. Do you admit that there has been a failure of communication with local authorities that you will quite rightly rely on to be the eyes and ears locally, and also to help with the dissemination and information of goods and ultimately for people finding permanent homes, that you have not been very good at talking to those local authorities, getting them on side and getting their help?

**Matthew Rycroft:** I absolutely accept that it was a flood of people coming into the system because of the evacuation and, therefore, the normal processes were stretched. I absolutely accept that on not every occasion will the Home Office have done everything that we would ideally have liked to have done in terms of consultation in advance. I absolutely accept that, but I do not accept that it was anything other than the very best effort of



a significant number of officials—over 300 officials—working absolutely as hard as they could with the best interests of those children in mind. If there were any failures of communication, I apologise for them on behalf of the Department but I do not think it is a failure.

**Tim Loughton:** We all appreciate how stretched the Home Office was, as was the Foreign Office and the MoD, in an extraordinary and an exceedingly well-executed airlift to get people to a place of safety. First, would you not acknowledge that it would be better to get everybody onside, better use of your officials' time to be liaising with local authorities, which are going to be a very important part of this process, and that for some reason you failed to do it? Secondly, 7,000 Afghanistan people are still in hotels, with no prospect and no information about when they are likely to be put in permanent accommodation. How many of those 7,000 do you expect to be still in hotels by Christmas, for example?

**Matthew Rycroft:** I will perhaps bring in the Second Permanent Secretary at that point.

**Tricia Hayes:** Thank you very much. Before I answer that question, may I just add a couple of words about the situation with local authorities and with the unaccompanied children? Just to give you reassurance about the terms on which unaccompanied children are in hotels and just to confirm the numbers: as of 16 September, across the whole of our hotel estate, we had 70 unaccompanied children. That is not just the Afghanistan cohort. That is the total number, of which 16 were under 16. To reassure you, we do have dedicated care workers who are in place for all those children 24/7 at every possible site. We also have a rota of social workers and nurses who are available at any time, but visit each of the hotels three times a week. Our overwhelming priority has been the welfare of the children and that has driven everything that we have done.

On the question of the trajectory out of hotel accommodation, I completely agree that it is essential that we have a strong partnership with local government in everything that we do in running the asylum system. The good news is that, since the Afghanistan repatriation, we have already secured strong partnership relationships with more than 100 local authorities that are actively looking for places, to find homes for families and for others. We would like to work with every local authority in the country and we would encourage them to come to us and for us to see what we can do together. While at the minute we cannot put a date on when we are going to get people out of hotels, we all want to do it as quickly as possible.

Q153 **Tim Loughton:** I entirely acknowledge that, of course, you want to be able to do this but, Second Permanent Secretary, do you not acknowledge and agree with Councillor Jamieson—who gave very clear evidence in front of this Committee last week—that the Home Office often does not share information or co-ordinate effectively with local councils? That has not happened. There are concerns, particularly about the safeguarding arrangements for those children. You have just mentioned social workers



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and safeguarding officers. Who employs them and who are they?

**Tricia Hayes:** They are employed through our contractors by us.

Q154 **Tim Loughton:** They are private companies providing social workers and safeguarding?

**Tricia Hayes:** They are managed through the contracts that we have for the wraparound service at the hotels.

Q155 **Tim Loughton:** There is a safeguarding qualified person on site 24/7 in hotels where there are unaccompanied child asylum seekers?

**Tricia Hayes:** We have a social care worker on site, a dedicated care worker, 24/7.

**Tim Loughton:** What is a dedicated care worker?

**Tricia Hayes:** I am not able to give you details of exactly what the qualifications are.

Q156 **Tim Loughton:** So they may not be qualified to be a safeguarding lead for unaccompanied children or any children?

**Tricia Hayes:** We are confident that they are people who have the right skills and behaviours to look after the children in hotels.

Q157 **Tim Loughton:** I am not reassured by that. Could we have the details of exactly who these people are, not the identity but that they are sufficiently qualified on safeguarding issues in particular? It is a specialist safeguarding role to be looking after unaccompanied Afghan asylum-seeking children who may not even speak English. Could we have the details of how those people have been recruited and that they are the right people?

**Tricia Hayes:** Of course. I am glad to give you that detail. Reverting to the question on local authorities, these were the most challenging of circumstances, but we have been speaking to local authorities at all levels, chief executives, on a daily basis over the last few weeks. We have set up a new forum for collective discussion with local government about how do we respond to these challenges in our system, strategically as well as operationally. There is no lack of intention or desire on our part to be great partners of local government through everything that we do on asylum.

**Matthew Rycroft:** If I could add one thing, Mr Loughton, we also have the new national transfer scheme for unaccompanied asylum-seeking children, which has just come into effect over the summer.

Q158 **Tim Loughton:** None of them have been transferred yet, have they?

**Matthew Rycroft:** They have. We have already gone twice around the rota. That is a scheme.

Q159 **Tim Loughton:** How many?

**Tricia Hayes:** Three hundred.





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**Tim Loughton:** Three hundred children so far but none of the Afghanistan children yet?

**Matthew Rycroft:** I think probably all of the Afghan children will still be in the bridging accommodation and this is for the step after that.

**Chair:** Thank you. Some further information on precisely how that is working, and who is employing them as well, would be extremely helpful to know. To follow up on that, on the issue about removing people from the bridging hotels into accommodation, I have been told that there are some local authorities that have accommodation already for Afghan families, but they are being told not to move people into them because there has to be a central system and process for the Home Office and it does not know yet when that is going to be ready. Is that correct?

**Tricia Hayes:** We would love to hear from them, Chair. If there are local authorities that have accommodation that may be suitable for some of the families—

Q160 **Chair:** I am told that they have already, that they have approached the Home Office and they have been told, “We’re not ready yet because we have to have our central system in place as to who should be prioritised and who should go where” and so on, and that that is not ready and will not be for a couple of months.

**Matthew Rycroft:** First, we are extremely grateful to all of the local authorities that have provided those sorts of offers. As the Second Permanent Secretary said, we would encourage others to do so as well. As you would expect—and in light of Mr Loughton’s questioning—I do not think you would expect us to transfer people before we have done a full assessment of who is best placed where. That needs to be done in the round holistically, in order to maximise the chances of making good matches of people going to places where they will be able to have the best possible chance of a successful resettlement. Yes, that is taking time. We would rather take our time and get this right, but we absolutely acknowledge the pressure from the Committee and from others to get on with it.

Q161 **Chair:** Do you know how long that is going to take? They have been told that there is no timetable for when the Home Office will have that system in place and that it could be another couple of months, which is obviously a long time—especially for families with children—to be in bridging hotels when there is accommodation ready and available for them.

**Tricia Hayes:** I would be very happy for us to engage with them directly. I am very clear that our principle in dealing with the responses will be what is in the best interests of the families. We will very happily follow up with individual local authorities. As the Permanent Secretary says, we have to have a system in place, but we will do whatever is right by the families.

Q162 **Chair:** Thank you, that will be very helpful. It will also be helpful for us to know how long it is going to be—if you could write further—because you





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have not given us a timetable. Is this a matter of a week, a month, a couple of months until you will have this system in place for deciding who goes where?

**Matthew Rycroft:** We will write to you with that detail, Chair, but please rest assured that among the principles that we will be operating by will be first, as the Second Permanent Secretary just said, ensuring that we do the best for each of the children and the families and others that we are talking about; secondly, that we minimise the length of time that anyone stays in a hotel; but thirdly, that we do not move people into other accommodation and then find that we need to move them again. That is why we need to do this holistically and take our time.

Q163 **Chair:** Is this a couple of weeks or a couple of months, ballpark?

**Matthew Rycroft:** I would hope that we would be able to get started with that process before the couple of months that the local authority that you quoted referred to, but clearly for some people it will take a lot longer than that. That is why we need to ensure that we do it in a sustained and holistic way.

**Chair:** I am quite concerned. If the issue is your assessment processes and your capacity as opposed to the availability of accommodation, that would cause considerable concern.

Q164 **Dame Diana Johnson:** I want to back up what Mr Loughton said about local authorities. I was interested in what Tricia Hayes said about wanting to be great partners with local authorities. You would be hard pressed to find a constituency MP who would describe the relationship with the Home Office as one of great partners, so there is a huge amount of work still to do.

I want to ask some questions about what has already been said about local councils that have stepped forward and offered to accommodate families and Afghan refugees. Could you explain to me what the spread is? I think you said 100 local authorities have already stepped forward. Can you explain where those local authorities are geographically? You will know that there is great concern that asylum seekers tend to be put into areas that are already some of the poorest areas in the country and tend not to be in the south-east. Could you explain to me where these 100 local authorities are, please?

**Tricia Hayes:** I do not have a list with me. I think they are spread around the country.

**Dame Diana Johnson:** Evenly?

**Tricia Hayes:** I would have to come back to you with that information on exactly where they are. We have a strong track record of working with many local authorities that we have had good, constructive relationships with on previous exercises, including the Syrian resettlement scheme. We are definitely going to rely on those partners as we deliver the new scheme.



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As I said before, we are very keen to find more partners and to get as many authorities as possible involved in this work.

While I have the floor, can I clarify an answer in relation to the timeframe for us to resettle families who are currently in hotels? The Committee should be pleased to know that there is no barrier as of today for families to start to be moved out of bridging accommodation where there are suitable properties available. Some local authorities have already come to us with properties and we have moved families out of bridging accommodation. I will definitely take away your challenge, Chair, of why that message is not getting through as clearly as it needs to, because we have some examples of families that we have already moved.

**Q165 Dame Diana Johnson:** I am a little surprised you are not able to give me any more information about where these local authorities are—the 100 that you have described that have stepped forward. Could we have that information as well? Is that available? Yes, okay.

You have already talked, Mr Rycroft, about capacity and about how this was extraordinary, what needed to be done in a very short space of time. Could you talk us through the staffing that is going to be required to manage the set-up of the Afghan citizens' resettlement scheme and about what your intention is? Are you moving staff into this area, are you recruiting, and if so how many more staff do you think you need?

**Matthew Rycroft:** Absolutely. As I mentioned, at the height of the evacuation, there were over 300 staff from across the Home Office supporting that cross-Government effort. I want to pay tribute to them and colleagues from FCDO, MoD and others who did such a brilliant job.

In terms of running the resettlement scheme, we are absolutely taking our cue, as the Second Permanent Secretary has already said, from the Syria resettlement scheme, which was highly successful and which had about 60 members of staff. We have a plan to get up to the same sort of number, 56 in fact, to deal with the Afghan scheme.

**Q166 Dame Diana Johnson:** Are they new members of staff?

**Matthew Rycroft:** Some of them will be being redeployed. As you know—and I have talked about this previously—we have a transformation programme in the Home Office, one of whose purposes is to create a cadre of caseworkers who are able more flexibly than at the moment to move from one scheme to another. On top of that, if we do need to hire additional staff, then we will do so. We are constantly doing that in terms of our asylum caseworkers. We will make sure that this scheme is suitably staffed with the right mix of people with decision-making and case-working experience, as well as newcomers.

**Q167 Dame Diana Johnson:** Just so I understand, 60 for the Syrian scheme. How many were the numbers there? How many were being processed there?



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**Matthew Rycroft:** It was the same. It was 20,000 over about five years, as I recall, and this one is 20,000 over the next few years.

Q168 **Dame Diana Johnson:** Do you think you can sort this out with 56? That is right, 56?

**Matthew Rycroft:** That is right, yes.

Q169 **Dame Diana Johnson:** Because the UNHCR has described the UK's Syrian resettlement scheme as a resounding success, what are the lessons that you have learned in the Home Office about what should be done and what should not be done in terms of transferring that knowledge into the Afghan resettlement scheme?

**Matthew Rycroft:** I am sure the Second Permanent Secretary will want to come in as well. Let me say a few things. First, we want this to be something that the whole country can be proud of. We achieved that objective in relation to Syria. The UK stands out as one of the countries around the whole world that has demonstrably been generous in our accommodation of Syrian refugees in recent years. We want to reach the same level in relation to Afghanistan. Despite the complexity and the rush of the evacuation, I think that we are on track to do that.

The offer that we have made—20,000 people, including 5,000 this year—is a very significant one; I would say at the top end of the international offers that I have heard. This needs to be a collective effort. This is not a UK-specific issue, this is a global issue. The first principle is to aim high and to do something through Operation Warm Welcome and the longer-term work that the country can be proud of.

Secondly, it is to do so in partnership with local authorities. I absolutely accept that we do not get that communication and engagement right every single time, particularly at times of crisis, but we are determined to aim high in that area and to become a Department that is known for engaging effectively and in a sustained and long-term way with local authorities through strategic migration partnerships and in other ways.

The third principle is that to get this right we need to take our time. Of course, we want to minimise the amount of time that any individual, whether they are a child, a family or a single adult, spends in hotel accommodation—of course we do. We also want to make sure that we get their long-term accommodation and other aspects of the offer right, in terms of advice on employment, advice on healthcare and all the other aspects that will make up successful resettlement. We have learned that this needs to be a cross-government and cross-sector effort.

**Tricia Hayes:** Can I add a further reflection on top of that? One of the advantages that we have going into this exercise is not just about the quantum of resource that we are able to put into it—which the Permanent Secretary has just described—it is that we have some of the same individuals in our team who have had the experience of setting up the Syrian scheme and are part of our incredibly committed and expert team



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of asylum leaders in the Home Office. We are able to directly benefit from their experiences because some of the same people are doing some of the same things.

Q170 **Chair:** Again to follow up, we took evidence on the implementation of the relocation scheme and the resettlement scheme. All the witnesses we heard from praised the hard-working and incredibly dedicated civil servants for the huge amount of work they were doing, so please pass on our thanks to them. All of them said that they thought that you were hugely overstretched, that you did not have the capacity to be able to do this and the day job, and that you needed to allocate more staff to work on both relocation and resettlement. Is that a fair assessment?

**Tricia Hayes:** We recognise the need to grow our asylum operation. That is something that we are involved in doing across all aspects of the team, from the work that is going into the resettlement scheme, through the management of the accommodation process, all the way through to the case-working operation, where we need to tackle the backlog of cases. We are actively recruiting into the asylum operations team and have been for several months.

The good news is that we are getting a lot of interest from people coming to join our team. We have had tens of thousands of people apply to come and work for us. We do accept that this is a part of our activity where we need to grow our numbers and we have a clear plan to do that over the next few months.

Q171 **Chair:** Is that your existing plans to expand caseworkers or is this some additional plans in order to respond to the Afghanistan crisis?

**Tricia Hayes:** We have had a plan in place for a number of months. We are currently going through the exercise of revisiting that plan, just to test ourselves that the numbers that we were aiming for, over the course of this year and into next year, are going to be robust enough to deal with the additional pressures that we have in the system now.

**Matthew Rycroft:** If I could add one thing: recruitment is clearly an important part of this strategy, but it is not the only part. Training and retention and the offer to colleagues, so that they want to stay, is an important part of this. We are simplifying the system so that we can do parts of the decision making much, much more quickly than we have previously done. There is a very significant amount of automation ahead, using technology to improve our asylum system which, as the Home Secretary says, is broken and has been. There are lots of different aspects of this. The legislation going through the Nationalities and Borders Bill as well will seek to do part of that as well.

Q172 **Chair:** We want to come back to the issues around the backlog later on. Just to finish on the Afghanistan crisis response, we sent you some specific questions, some of which you do not have all of the information on. Do you have the information on the number of UK citizens who may be still in



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Afghanistan waiting for passports or other related papers?

**Matthew Rycroft:** I think we do, but we are just checking our data. Before using it publicly we need to do a bit of extra quality assurance. If it is all right, we will write as soon as we can after that with that. It is very helpful to have that question, thank you.

Q173 **Chair:** Similarly on the number of people still waiting with outstanding family reunion cases who are still in Afghanistan?

**Matthew Rycroft:** The same applies.

Q174 **Chair:** But there are people in those circumstances. You know that those cases exist?

**Matthew Rycroft:** There are a relatively small number of people in that category, yes.

Q175 **Chair:** Some of the cases that have been raised by MPs during the crisis are from constituents who have family in Afghanistan who are British citizens and, for example, were not able to get a passport for a baby in time in order to be able to get out as part of the evacuation. In those situations, it would be very helpful to know what the Home Office did to address those issues. In response to the family reunion, did you set up a particular unit or team to speed up any outstanding family reunion cases to get people out before the evacuation finished?

**Tricia Hayes:** Chair, if I could pick that one up. Since the evacuation finished, while, as the Permanent Secretary says, we are not able to provide numbers at the moment, I can assure you that our operational teams did start to give higher priority to passport applications coming from Afghanistan and that the pace at which those applications have been processed has accelerated considerably through the second half of August and into September. We will let you have further details on that after the meeting.

Q176 **Chair:** When did that acceleration process start?

**Tricia Hayes:** From the point of the evacuation.

**Chair:** It did not start earlier than that, knowing when the troops were going to leave?

**Tricia Hayes:** We had a number of applications already in the system and were processing them as quickly as we could, but we created a dedicated resource to do that after the evacuation happened.

**Chair:** After the evacuation finished or after it started?

**Tricia Hayes:** From the middle of August. The evacuation only lasted a smaller number of days, so we set up a team at the same time.

Q177 **Chair:** Given that everyone knew that the troops were withdrawing, it is hard to understand why you did not have accelerated processes in order to be able to help people who would need to leave, including UK citizens,



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but who might not have their papers, or family members of UK citizens who are entitled to be there. Why did you not anticipate the troops leaving being a key point that you needed to get cases completed by?

**Matthew Rycroft:** Chair, we did anticipate that and we are able to point to some very specific numbers of people who were helped precisely because of that prioritisation. We are also aware of very small number of people whom we were unable to help in time. That is the number that you have asked for and that we will write back to you on once we have done the quality assurance to be absolutely sure of the numbers.

Q178 **Chair:** It would be helpful to know, before the evacuation started, what was the average time people were waiting for their UK passports or family reunion cases from Afghanistan. If there was somebody who is a British citizen living here who has family, maybe a wife and children, who are in Afghanistan at the moment who would normally be entitled to come here and to get to safety under the family reunion rules, are they currently able to apply for family reunion?

**Matthew Rycroft:** Yes, they are able to apply.

Q179 **Chair:** How do they do so? Because the information that Victoria Atkins gave to Parliament, and the information in the published document, suggested that families in Afghanistan would not currently be able to apply for family reunion.

**Tricia Hayes:** Can I distinguish between two things here, Chair? One is the entitlements that people hold and the other is the practicalities that they face in trying to exercise those entitlements. For many cohorts of people who are still in Afghanistan, where we would like to be able to help them, we do face some practical barriers in working out how to do that, given that—as the Permanent Secretary said earlier—we no longer have a direct presence in the region. The issue that you are raising is one of practicalities rather than one of entitlement.

Q180 **Chair:** In theory, in law they are still entitled to but in practice they are being told they cannot apply, is that correct?

**Tricia Hayes:** The family reunion regime applies to people in Afghanistan. The entitlements are the same as the entitlements that apply in other places. The practical challenges of exercising those rules for people who are physically in Afghanistan are considerable.

Q181 **Chair:** The point is that you have not put in place any system to allow them to apply. They are being told that they cannot apply at all because, in order to start an application, they have to put in a biometrics and you do not have any system in place for them to do their biometrics before they even apply. Why can you not allow them to apply first and to complete all of their papers and then do their biometrics when they have papers, for example when they then get to a third country?

**Matthew Rycroft:** As you would expect, Chair, we have given that precise question a huge amount of thought and did so before, during and after the





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evacuation. There is a very clear answer, which is that the people of this country need to know that the security of this country is being maintained at all times. One of the ways of maintaining security is ensuring, when a biometric check is required, that that check is continuing even when very dramatic events happen around the world, such as the Taliban taking over Afghanistan. There is not—

**Q182 Chair:** That was not my question. My question was not should you lift biometric checks. My question was: can you accept an application that then the biometric checks need to be done before it is completed but not before the application even starts? Why can you not do the biometric checks in a third country—if people travel to a third country—having already completed the rest of the process?

**Matthew Rycroft:** We absolutely can. The point that I was going to come on to say is that some neighbouring countries of Afghanistan are not allowing people into Afghanistan if they require biometric checks in order to go on to a third country, in this case the UK. From a UK perspective, the plan that you have identified is a good one and is acceptable from our point of view, but, as a matter of practicality, it is not possible for those people to have crossed the Afghanistan border into a neighbouring country if the neighbouring country requires that guarantee that, whatever the biometric check throws up, that person will be coming into the UK, because that is not something that we can provide.

**Q183 Chair:** Have you looked at using the UN or the UNHCR as other ways to accept biometrics?

**Matthew Rycroft:** Absolutely, and we are already working very closely with the UN in terms of the resettlement programme. We have a long-standing relationship with them to do some of the practicalities with them as well as the resettlement proposals.

**Chair:** You could use them as a way to do biometrics for family reunion cases?

**Matthew Rycroft:** I do not think I can answer that question right now, but we need to make sure that the biometric checking is the UK checking.

**Q184 Chair:** Can I ask you to pursue that further and also to consider why it is that you have not pursued that as a route already? The reason I ask is that there are a lot of desperate UK citizens who have relatives in Afghanistan at the moment, who are at risk because they have their family here, and those are the cases that MPs are often raising on behalf of constituents. They are also often the people who may be most likely to end up in desperation, being exploited by people smugglers and people traffickers, if they try to find an alternative route to rejoin family if they do not have a safe legal route. Can I urge you to go back and look at that issue?

**Matthew Rycroft:** Absolutely, Chair, and our hearts go out to the people in that situation. We have done a huge amount to help many people, including, as I said, before and during the evacuation. We are very glad





that so many people were supported in that way. We also know that we were unable to provide that support to every single person who was entitled to it. Therefore, post-evacuation, we are seeking to come up with systems that allow as many of those as possible to pursue that route. It is not a question of eligibility; it is a question about practicality.

Q185 **Chair:** The Foreign Affairs Committee Chair has asked for there to be a single point of contact between the three Departments for ongoing cases. How far are you from being able to set that up?

**Matthew Rycroft:** We have that already. We have extremely close working that was forged in the heat of the evacuation that has continued since between the relevant Departments. Obviously, most of the decision-making responsibilities are for the Home Office, but we are absolutely dependent on our colleagues from the FCDO and MoD.

**Andrew Gwynne:** I would like to change the subject slightly to the asylum-holding accommodation, particularly Napier Barracks and Penally Camp. As a Committee, we visited Napier early in the summer recess and I have to say that I was not particularly convinced it was that Covid secure even then, something that was acknowledged by the health professionals working on site as well. Given that the High Court judgment stated that the bottom line—and those were the Court's words, "the bottom line"—is that the arrangements at Napier Barracks were contrary to the advice of Public Health England and did not even implement key aspects of the risk mitigation measures, which the Home Secretary apparently regarded as "desirable and feasible", why were those key aspects of risk mitigation measures, including measures not implemented?

**Matthew Rycroft:** That is a very important question, Mr Gwynne, and the answer is quite complicated depending on which period of time you are talking about. Are you talking about the period before the Court judgment or what has happened since?

**Andrew Gwynne:** Both. Clearly before the Court judgment is what galvanised the Court's view, but we have been since and I am not convinced that it is still Covid secure.

**Matthew Rycroft:** Let me break it up into different phases. Before the Court's judgment we had a lot of PHE advice on how to make different types of accommodation as Covid secure as practicable. We believed that we were taking all reasonable steps to fulfil that guidance at all times. The Court judgment, though, we absolutely accept. It found that there were inadequacies in our accommodation. Since then, we have made further improvements in terms of Covid security.

There is no such thing as a building that is 100% Covid secure. We have had cases in our Home Office headquarters and you have had cases in Parliament. That does not mean that the right protocols are not being set up and followed, it just means that there is an ongoing risk and that the purpose of engaging with public health colleagues is to manage that risk as best we can, but we know in all of these different buildings that we



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cannot reduce it down to zero. In Napier, we have taken further action since February, and even more action again since the Court judgment came out, in order to ensure that we are fulfilling the advice that Public Health England gives us.

**Q186 Andrew Gwynne:** But you did not follow the advice that the Home Secretary said in terms of the desirability and the feasibility. Were Ministers made aware that their wishes were not being implemented?

**Matthew Rycroft:** They were made aware of the challenges in relation to Covid at all times. They were proposing the feasibility of Napier as accommodation for asylum seekers in the first place, so they were well aware of the issues in relation to establishing that location and Penally. They were aware of the measures that the Home Office was taking, some of which were taking time and money in order to act on that advice.

**Q187 Andrew Gwynne:** The Home Secretary has given evidence to this Committee, as recently as July, that she was not made aware of the Public Health England advice. Why was that? Why did you think that it was not suitable to notify the Home Secretary of advice from a Government public health body?

**Matthew Rycroft:** I remember it well, as a co-witness of the Home Secretary at the time. There is a distinction that needs to be drawn: did the Home Secretary see a particular e-mail from a presumably relatively low or mid-ranking official in Public Health England to a mid-ranking official in the Home Office. No, she did not. Was she aware of the advice that was coming on how to ensure that Napier, and indeed other accommodation, could be Covid secure and was she being given assurances from the Department that we were taking reasonable steps to act on that advice? Yes.

**Q188 Andrew Gwynne:** Then it comes back to my original question that the Home Secretary said that there were desirable and feasible things that could be done that were not done. Why?

**Matthew Rycroft:** She was referring to the things that were done. As I say, all sorts of things were done at all of the different stages between September and November, when the advice changed, between November and January, between January and February, between February and now. At every stage there have been continual improvements, including some very significant changes to layout, to signage, to vaccinations, to testing; all sorts of different aspects that have gone on and are continuing to go on as the advice changes, as the pandemic changes, as the accommodation mix that we use changes.

**Q189 Andrew Gwynne:** Given that you have made changes, do you now accept that the measures that you took before February 2021 were wholly insufficient to make the dormitory accommodation at Napier Barracks safe?

**Matthew Rycroft:** I absolutely accept the court judgment and have acted on it since.



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**Andrew Gwynne:** You accept that Napier Barracks was not safe before 2021?

**Matthew Rycroft:** That is not what the Court judgment said. We accept the Court judgment.

Q190 **Chair:** The Court judgment said it was irrational to think that it was appropriate to keep the asylum seekers in that accommodation in the middle of a pandemic. Do you accept that?

**Matthew Rycroft:** We accept the Court judgment, absolutely.

**Chair:** You accept that it was irrational to pursue that accommodation in the middle of a pandemic?

**Matthew Rycroft:** We have talked about this many times before, Chair. I do not think there is anything new to say. We received differing PHE advice at different times. Quite rightly their advice changed because the pandemic was changing, the science about the pandemic was changing and they gave us all along advice on how best to make dormitory-style accommodation as Covid secure as possible. We believed that at every stage of that we were taking reasonable steps to fulfil that advice.

Q191 **Chair:** Do you accept now that you did not take reasonable steps?

**Matthew Rycroft:** We accept now that all of the steps that we took—which we took in good faith at the time in line with the guidance—were not enough to prevent that outbreak. We absolutely accept that, but I would draw a parallel with other buildings where there have also been outbreaks, even though, similarly, everyone in charge of those buildings was making their best possible efforts to make those buildings Covid secure as well.

Q192 **Chair:** Can you give another example of a building that had an outbreak of 200 cases as a result of putting people into dormitory accommodation?

**Matthew Rycroft:** I personally cannot but I am sure there are.

Q193 **Chair:** You are sure they exist? Are you seriously sure that they exist?

**Matthew Rycroft:** I am not sure that I am the right person—

Q194 **Chair:** Are there any other examples of any institution choosing to put people into dormitory accommodation of 14 people in a room and 28 people in a shared block that other organisations chose to do?

**Matthew Rycroft:** I cannot speak for other organisations, Chair. All I can say is that we received the advice from PHE. As you know, PHE gave advice on how to make that very type of accommodation as Covid secure as would be reasonable in those circumstances and it is that that we believed that we were taking reasonable steps to fulfil.

**Chair:** Okay. I want to pursue a bit further the advice that civil servants gave to the Home Secretary and gave to Ministers. The reason this is important is because Wendy Williams raised concerns and said: "Senior officials should ensure that Ministers have before them adequate and



appropriate information so as to enable them to make decisions both lawfully and effectively—Overly optimistic advice does not produce sound decision-making”. You were criticised in the Court judgment for not providing the full advice from PHE to the Home Secretary, in the submission dated 15 September, where it simply says: “Public health advice is that, to minimise risk of transmission, service users should be accommodated in single rooms with en suite facilities”. You do not provide them with the information that says, “PHE has said dormitories are not suitable”. Nor do you provide Ministers with the advice that PHE—and Public Health Wales, by the way—had recommended bubbles of six, nor do you provide the advice that local public health officials, including the local Kent public health officials, had been very clear that the dormitory accommodation went against their local Covid guidance as well.

None of that is in the papers that the Court saw, and it has criticised you for not providing that full advice and that full information to Ministers. Do you accept that you should have given Ministers a much broader picture of the public health risks of that accommodation?

**Matthew Rycroft:** I absolutely accept Wendy Williams’s big point, which is that the thing that happened, which allowed the Windrush scandal to happen, was that there was not a sufficient amount of internal challenge within the Home Office. There was not that openness that allowed people to raise a concern and for their voices to be heard by people who could then change the policy or the operation. That is the big, ringing message from Wendy Williams’s report, and it is what we are using as the burning platform to drive the transformation programme that the Home Secretary and I are jointly leading to ensure that a Windrush scandal never happens again.

In relation to Napier, as you would remember, back in September it was a fast-moving situation. The particular submission that you refer to may not have included all of the advice, but I recall a significant number of meetings, engagements and interactions between Ministers and officials where, I think it is fair to say, there was no shortage of very clear advice and evidence being given to Ministers about the pros and cons of any particular asylum accommodation.

Q195 **Chair:** So Ministers were told that public health officials, including Public Health England, thought that dormitories were not suitable?

**Matthew Rycroft:** I do not have it in front of me now exactly which e-mails and which submissions Ministers saw at the different times because, as I say, it changed at different stages between September and November and January. I am happy to write with a further response to that question if that would be helpful.

Q196 **Chair:** We have had a lot of letters on this already, which have rarely clarified things.

The reason this is such a concern is because Wendy Williams has raised this as a concern. We have seen in real time an example of a case where



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there was clearly a problem, where vulnerable people were put at risk, where 200 people then got Covid because the Home Office did not have proper arrangements in place, where it was obvious to everyone watching, including the series of senior doctors and medical groups that wrote to you in November, including this Committee, raising questions with you about it. It was obvious to everyone that dormitory accommodation was not going to be suitable in a pandemic and it appears that the Home Office just ignored that.

What we are trying to understand is: was that a failure of advice not being given to Ministers? Was that a failure of officials not taking issues seriously enough at a senior level? Was it a failure of you just not wanting to tell Ministers something that they did not want to hear or was it a failure of ministerial judgment?

**Matthew Rycroft:** First, no one in the Home Office ignored public health advice at any stage. It was absolutely part of the judgments that needed to be made at the time. I take you back to that time. It was a traumatic time for everyone, for the country, for the world. None of us were used to a pandemic and we were getting used to dealing with, in this case, asylum accommodation at a time when literally no one was leaving our accommodation, because we had ended the cessation of support, quite rightly, in order to provide continued support, and yet we were having people coming into that system every day.

We had a requirement for new accommodation very, very regularly and we had a clear requirement from our Ministers to look creatively and laterally at different types of accommodation so that it was not just more hotels. Of course, from a value-for-money perspective, that is important as well. We ensured that in the conversations about what sort of accommodation would be appropriate, all the factors were taken into account, including the public health ones.

Q197 **Chair:** The High Court judgment also says: "Little attention was paid at senior level to what was happening at the barracks until the events of mid to late January 2021 occurred", including there being nobody from any senior position in the Home Office visiting Napier Barracks. Why was that?

**Matthew Rycroft:** That was because, as is standard practice for our asylum accommodation, of the actual running of each individual building by a contractor, in the case of Napier, by Clearsprings Ready Homes.

Q198 **Chair:** In these circumstances, when you were doing something that was so unusual, so controversial and so contrary to public health advice, the inspectorate, the Court and so on have all made clear it was against public health advice, what you did.

**Matthew Rycroft:** Yes.

**Chair:** In those circumstances, why did you not at least have a senior official go down and check what was happening in practice?



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**Matthew Rycroft:** We did have multiple visits of a senior official, but what we did not have was a senior official based there. We changed that, of course, and in retrospect, in hindsight, we should have changed that sooner and it would have been good to have had her on site earlier than when she did move. I cannot remember exactly when she went. Clearly with the benefit of hindsight, yes, it would have been better if she had been based there rather than simply visiting there from an earlier date.

Q199 **Chair:** What visits did take place of senior officials, and did you talk to the officials who visited to check that their measures were in place?

**Matthew Rycroft:** I can write to you on the first question, and yes on the second question.

**Chair:** It would be helpful. Given that this has been particularly flagged in the Court judgment, it would be very helpful to know which senior officials and at what level did visit. In terms of the arrangements now, do you still have 14 people sharing a dormitory?

**Matthew Rycroft:** You have seen for yourself the accommodation. It is a residential block, subdivided but not with walls that go all the way to the ceiling. It is blocks of between 14 and 28. The total legal capacity, the maximum capacity, at the moment is 308 and the actual capacity yesterday was 285.

Q200 **Chair:** Are people still sharing a dormitory of 14 people?

**Matthew Rycroft:** They are still sharing accommodation but, as you saw for yourself, it is not a totally open dormitory. It is a residential block where there is privacy with walls and curtains, but the walls do not go all the way to the ceiling. That is why it counts as a dormitory but it is not what most people would think of as a dormitory.

Q201 **Chair:** I would think of it as a dormitory. The gaps between them are pretty flaky, separating the rooms. We saw rooms that did have spaces for up to 14 beds within a room, so my question to you is are you still making people sleep 14 to a room, even though the pandemic is not over and many of the people arriving on the site will not have been vaccinated?

**Matthew Rycroft:** It is not a single room but we do have people in those blocks in those numbers and they are being—

Q202 **Chair:** It is a single room. It has some dividers in it but it is a single room. Are you still keeping 14 people in as single people?

**Matthew Rycroft:** We are keeping 14 people in that accommodation and we are offering vaccinations very, very early on in their time. As I mentioned earlier, there is a whole testing regime as well as other mitigations that we have put in place in order to follow the PHE advice.

Q203 **Chair:** How many people at Napier currently have Covid?

**Matthew Rycroft:** Four.





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Q204 **Chair:** How long has the current outbreak been underway?

**Matthew Rycroft:** I do not think I can tell you that, but it is four people who are each within their 10 days of self-isolation. We have a space within Napier for those people to carry out the self-isolation within the rules.

Q205 **Chair:** Will all of those four people have been in communal accommodation before they were tested and diagnosed?

**Matthew Rycroft:** I cannot answer that question. I do not know if that is the case or not.

Q206 **Chair:** Should you not be able to answer that question? Given what happened previously and given the sensitivity around that, is this not something that you should be asking questions about?

**Matthew Rycroft:** I am absolutely sure that the people running Napier can answer that question and I will happily write to you with that.

Q207 **Chair:** How many people have had Covid at Napier since we last asked you that question?

**Matthew Rycroft:** I do not have that figure, do you, Tricia?

**Tricia Hayes:** I am not sure when you last asked the question, but since the beginning of August there have been five positive tests altogether.

**Chair:** Five positive tests of which four of them are still currently—

**Tricia Hayes:** Are currently self-isolating, yes.

**Chair:** That is contrary to some of the information that I have, so I would like you to clarify that.

**Tricia Hayes:** I am happy to check that.

Q208 **Chair:** How many cases have you had in total since the accommodation was reopened in April?

**Tricia Hayes:** I am afraid I do not have that information, but I am very happy to find it.

Q209 **Chair:** Is that not the kind of thing that you should be monitoring at senior level? You have already had an outbreak of 200 cases, you have had a very damning Court judgment that effectively said you put those people's health at risk, and you are not monitoring the number of Covid cases?

**Matthew Rycroft:** We are monitoring it. I personally am monitoring it. I just do not want to tell you what the number is in case it is wrong, but I know the order of magnitude of the number and I know that it is not large. If it were large, we would have it in front of us. It is a small number. Of course, any case is one case too many but it is a relatively small number and has been all the time. It has either been zero or a small number at every stage since April.





**Tricia Hayes:** Chair, to add to that, what we are doing is we are engaging extremely regularly with the contractors on site and we are taking a real-time interest in the practical measures that are being put in place that you will have seen on your visit, including the improved ventilation that is now in place on the site, as the Permanent Secretary said—the two blocks that have been put aside to support management of any outbreaks that do occur, the better signage, the better information that is available to people who are living there, the different range of opportunities that are now available to people for things that they can do in their leisure time, sports, the better facilities, the better medical and dentistry facilities. We take a huge interest in what is going on at Napier and that is a very high priority for us in the organisation.

Q210 **Chair:** Have you shared those risk-management approaches with the NGOs that are operating on the site?

**Matthew Rycroft:** Yes. I am sure you saw for yourself. Certainly, when Tricia and I went we saw a strong working relationship between the NGOs on site, the Home Office officials based there and visiting there regularly, and Clearsprings, the contractor running the building. We are very grateful for the co-operation from the NGOs and the way that they have helped us improve the site further.

Q211 **Chair:** Do you have any information about the number of people who have contracted Covid while at Napier over the whole time that it has been there? What is the total number of people who have contracted Covid?

**Matthew Rycroft:** When we write to you with the number since April we will also give you the total number.

Q212 **Chair:** Have any of them ended up in hospital?

**Matthew Rycroft:** I had better check this but I am pretty sure the answer is no. There certainly was none earlier on in the year.

Q213 **Chair:** If you could check, that would be immensely helpful. If you could also provide greater clarity about what information was provided to the Home Secretary and, also, which senior officials visited and when, and why the High Court judgment was so critical about the lack of senior-level engagement and whether you accept that that shows that those Wendy Williams lessons had not been learned by the time the Napier Barracks was opened.

Q214 **Stuart C McDonald:** To go back to the issue of the asylum backlog if I may. First, the Committee would understand that Covid has had an impact on that but, even before the Covid crisis, it is fair to say that the asylum backlog was increasing exponentially, taking us back to the bad old days when people were talking about the Home Office not being fit for purpose. Before we go on to how you are addressing that, have you done an analysis of how that was allowed to happen and what caused that to happen?

**Matthew Rycroft:** Yes, we have and that is ongoing. I touched on some of this earlier, Mr McDonald, but in short it is not an exponential increase,



but it is a regular increase. On average it is 1,080 extra people coming into the system per month net. That is 1,080 more people coming into the system than have their initial decisions. That is a steady and large month-on-month increase, which as you say was happening before the pandemic.

**Q215 Stuart C McDonald:** What caused that to happen?

**Matthew Rycroft:** I think a combination of resourcing challenges, systems that have not had enough investment in terms of technology, and decision making, some of which has had an acceleration through the pandemic. For instance, having people able to do some caseworking remotely was not something that was deemed possible before the pandemic, but like other organisations the challenge of the pandemic has spurred us on to greater innovation and clearly there is further to go in terms of providing that technology, then thinking about streamlining the systems, thinking about different cohorts of people more speedily, those sorts of things, which are ongoing.

**Q216 Stuart C McDonald:** Turning to some of the things that you have touched on briefly in terms of how you fix this, you mentioned automation. Allowing people to work from home obviously sounds good, but automation in other senses sounds a little bit scary in the asylum system unless you say a little bit more about it, thinking about Wendy Williams and talk of looking at the face behind the case and so on. Can you guarantee that automation does not take that away?

**Matthew Rycroft:** Absolutely. We are a very long way away from the sort of problem that you are identifying, of having so much automation that there is no human involvement at all and therefore the risks of an algorithm giving the wrong answer. What we have now in the asylum system—even compared to other parts of the Home Office, such as the Passport Office—is significantly less automation than we could have. We are not talking about reducing the human part of decision making below an acceptable minimum; we are talking about increasing the streamlining and ensuring that we can spot the issues from all the cases so that a human can then deal with them speedily and more effectively. That is the sort of automation that we are talking about, just as we have already in the Passport Office, for instance.

**Q217 Stuart C McDonald:** Could you give me some examples of how that works?

**Matthew Rycroft:** It is very early days but, as part of our transformation programme spurred on by Wendy Williams, we are seeking to streamline our processes, to invest in data technology and automation, so there are three different strands of our transformation programme. I think it is too early to do anything other than whet the Committee's appetite, but when we are able to give you more detail we will come back to do so.

**Q218 Stuart C McDonald:** In terms of making sure you do not lose sight of the face behind the case: in the past it would be the person making the decision on an asylum claim that would have interviewed that person themselves.



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Is that the case now, or are there any plans to make sure that happens, that the person deciding somebody's asylum case interviews them face to face?

**Matthew Rycroft:** First, thank you very much for using the phrase "face behind the case". That is precisely the follow-up to Wendy Williams's set of very striking recommendations in this area. It is the name that we have given to the training that every caseworker in this area is having or has already had. It is a summary of an ethos, of a mindset, about how to engage with, in this case, asylum seekers. It is right across the board.

Q219 **Stuart C McDonald:** Is that the reality?

**Matthew Rycroft:** I think we are getting there, as I am sure Wendy Williams will discover for herself, when she comes back at the end of this month to start her look at how we have got on over the 18 months since her report. I very much hope that she will see some progress, but I am sure that she will think that we have gone nowhere far enough. I agree with that; that is my view as well. We are moving in the right direction, but this takes a long time.

Q220 **Stuart C McDonald:** On the specifics, does the person who makes an asylum decision interview the person they are making a decision about?

**Matthew Rycroft:** Yes. The thing that has changed in the pandemic is that those interviews have not always literally been face-to-face. We have allowed I think for the first time the technology to have the person applying in one place and the decision-maker doing the interview in another place.

Q221 **Stuart C McDonald:** Are you going to go back to face-to-face interviews?

**Matthew Rycroft:** I am sure we will end up with a mix, but I think we have proven that it is possible to do things at a distance, and there will clearly be some efficiency benefits in carrying on with that.

Q222 **Stuart C McDonald:** Engaging with NGOs and others about possible concerns in relation to remote?

**Matthew Rycroft:** Absolutely.

Q223 **Stuart C McDonald:** In relation to staff retention and so on, over several years there have been various stories emerging from the Home Office about cultures of bullying and targets, high staff turnover, especially in the asylum casework unit. How have you gone about addressing them?

**Tricia Hayes:** Can I pick that one up? One of the things that I have been lucky enough to do in my first 11 weeks in this role has been to have a number of sessions where I have met individual asylum caseworkers and listen to them about what it is like to do their jobs and what are the things that in my new role I could do to make their lives better.

The asylum transformation programme, which the Permanent Secretary was just describing, is being built on the back of their feedback, ensuring that they have the support that they need to take the decisions that they



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need to do; that they have somewhere to go when they are feeling concerned, so new safe places for them to escalate concerns without necessarily going through their line management structure; better training, partly the face behind the case training, which is ubiquitous in the Home Office now, but also a different model of professional skills training, which gives them the technical tools they need to do their job better.

This is very important to us because recruitment of asylum caseworkers is going to be very important, but retention of the ones that we have already is equally important. We are committed to making the employee experience of people who work in our asylum team as positive as possible, making sure that team is listened to and ensuring that they get the support they need, including safe escalation routes to take the decisions that they need to take.

**Q224 Stuart C McDonald:** Do things like the idea that they must make a certain number of decisions per day or per week exist, or does it still exist?

**Tricia Hayes:** We do not performance-manage asylum caseworkers against a numerical target. We want to be an efficient organisation, so we collect data on the productivity of our asylum caseworkers. That is important if we are going to be putting in place a transformation programme with some process automation. It is important for us to have a clear baseline against which we can measure what the impact of our future changes are going to be, but our asylum caseworkers are in no doubt that, more than anything, what we want from them is to take the right decisions, and the quality of the decision making is the No. 1 success factor for all our asylum operations.

**Q225 Stuart C McDonald:** How do you monitor their productivity and what changes have been made to that?

**Tricia Hayes:** I distinguish between data collection, transparency and target setting, so it is important for us to know what our people are doing so that we can understand the impact when we do put in place our transformation programme and we automate our processes. There are other bright ideas that are coming out of the discussions with the caseworkers themselves, around whether we can build additional specialisations to allow them to get greater knowledge in particular aspects of the asylum system, around the career progression model. We do need to be able to track what impact those changes have on the productivity of our team. That is very different from having a formal target-setting system that is more important than the quality of the decisions that are being taken.

**Q226 Stuart C McDonald:** Organisations like the Refugee Council and so on have put forward various suggestions about how you could at least speed up some cases—triaging, for example. If you take the example of Afghanis, because they are already in the system, is there a way to take them to one side? I don't think you need to wait for country guidance but, assuming country guidance says that these people are at risk on return, to accelerate



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those cases rather than making them wait for over a year to get to the front of the queue.

**Tricia Hayes:** To reassure you on the Afghanistan question specifically, we absolutely get that the context in Afghanistan now is completely different. For the sake of consistency and the quality of our decision making, we need to go through the step of updating our country guidance so that all our decision makers are clear what the ground rules are, but we are doing that as quickly as we possibly can.

Q227 **Stuart C McDonald:** More generally in terms of triage, is that something that the Home Office does or is it that you just join a queue and you have to wait and even if you come from a country where the success rate is 98% you may end up waiting 15 months for your claim to be assessed?

**Tricia Hayes:** We are open to a conversation from our NGO partners, from our own people, about ways in which we could make our system more effective. Some of the things that we are going to need to bear in mind are to make sure that, if we are treating the order in which we are considering cases differently, we are doing that in a way that is reasonable and fair, and that we are not having knock-on impacts on other people who are in the system who are being dealt with less quickly than they otherwise would. We do not want to do anything that compromises the integrity of the asylum system and we want to be confident that we understand any risks that we might be taking in doing that. Bearing those parameters in mind, I am up for a discussion about what the art of the possible is.

Q228 **Stuart C McDonald:** What does success look like, if you are back here in a year's time? We used to have a six-month target. It seems like ancient history now. What does success look like?

**Tricia Hayes:** I wish I could make you a commitment that, when I come back next year, we would have seen a dramatic downturn in the number of work-in-progress cases we have in the asylum system. I have to be straightforward and say that I think we have a bit of work to do before we get to that point, given the fact that we are still working through the implications of what we had to do during Covid, the new working methods we had to put in, of some of the new pressures that have come along, and the timeline for recruiting extra people into our teams, which will see numbers of extra caseworkers coming in. That process will not be complete until March of next year.

What I am anticipating is that the number of cases in our work in progress will continue to grow over the rest of this financial year. Hopefully, by the time I come back, if it is September next year, we will have started to see a downturn, but I am not going to promise that we will have made a dramatic difference by then.

Q229 **Stuart C McDonald:** You have been very candid about the fact that this will take time. Surely, in the interim, the Home Office must also look at how it supports those who must wait incredible lengths of time. Waiting over a year without the ability to work, with what I would regard as



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unacceptably low levels of support and so on, not only leads to great stress and anxiety for those individuals in the meantime, but if they have to wait that length of time, even if they are successful with their application, it makes integration into society a million times harder. Is the Home Office going to revisit things like the prohibition on work, the levels of support that people get and so on?

**Tricia Hayes:** We have no plans to revisit those parameters at the moment. At present, we are going to focus our attention on doing the best job that we can in managing the backlog. We will give people support, but we are not looking to change the terms and conditions right now.

**Stuart C McDonald:** I know that is a ministerial decision but I think that is tragic. I accept it is going to be tough to turn around the backlog, albeit it should not have arisen in the first place, certainly the pre-Covid backlog, but we must do so much more for those who are in the asylum system waiting 12 or 15 months, two years. It is just not acceptable.

Q230 **Ruth Edwards:** Staying with the asylum backlog, what is the average amount of time it takes to decide an asylum case at the moment?

**Matthew Rycroft:** It is over a year.

Q231 **Ruth Edwards:** Over a year is the average? Golly, I was not expecting it to be quite that long.

**Matthew Rycroft:** It is going up because—as the Second Permanent Secretary and I were talking about—the number of people coming into the system is greater than the number of initial positions. We have a plan to change that around, which is what the Second Permanent Secretary was just alluding to, and we are seeking to reach a point where it is no longer going up by the end of this financial year and then starting to come down during the next financial year.

Q232 **Ruth Edwards:** Do you have any more definite projections for when you will have eliminated the backlog?

**Matthew Rycroft:** We do, but they are very much internal and I think they should probably stay that way.

Q233 **Ruth Edwards:** In terms of this move to more automation and new technology, what is the timeframe around that, if that helps speed up getting the backlog down?

**Matthew Rycroft:** Clearly, there is some further streamlining that can be done with existing technology and we are pursuing that at full tilt. What I was talking about for the longer term in answer to a previous question was that as we think about, for instance, our Spending Review, which is a topical issue at the moment, we are seeking to invest in future technology, including future automation that would allow future decision makers to have a greater set of tools at their disposal. It is a longer-term answer. It is not going to solve the very acute issue now, but I think it is a sensible and very high value-for-money investment for the longer term.





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Q234 **Ruth Edwards:** You mentioned that you were designing the asylum transformation programme on the back of feedback that you have been getting from your caseworkers. Could you tell me a bit more about that feedback?

**Tricia Hayes:** Absolutely. I have had feedback on such a variety of issues, including the induction programme for caseworkers, the specialisation route, career trajectories, the escalation route that I talked about. I think it has been a very valuable source of support and advice as we build the transformation programme. I think any transformation programme works best when it comes from its people and that is the approach that we are trying to take across everything that we are doing in the Home Office right now. Many of the things that we are doing practically to reconfigure the operational end of the asylum system are built on the foundations of the feedback we are hearing from our people.

Q235 **Ruth Edwards:** In terms of the biggest obstacles that they are identifying, the things that are causing cases to take so long, the blockages, what are the issues that they are identifying?

**Tricia Hayes:** The thing that our people are asking me for the most is to resolve the resourcing challenge. The No. 1 ask is more people, and I think that is why we are putting such a lot of effort into making sure that we retain the staff that we have, but also carrying out an accelerated recruitment programme.

Q236 **Ruth Edwards:** Are you aiming to recruit 1,000 caseworkers?

**Tricia Hayes:** Yes, we aim to have 1,000 caseworkers in post by the end of this financial year. As of today, we have about 600 in post.

Q237 **Ruth Edwards:** I know you have introduced specialist caseworkers. How has that helped the situation?

**Tricia Hayes:** I think that is just a very pragmatic measure that makes sure that a caseworker starts the process of considering a case with a background of knowledge about some of the circumstances that might influence the way that case is handled, whether that is around understanding what is going on in an individual country, or the characteristic of an individual cohort. I think it is just a very pragmatic and sensible way of making sure that our people can bring knowledge to the process of caseworking, rather than having to start every single one from scratch.

Q238 **Ruth Edwards:** Do they have different qualifications to begin with from normal caseworkers, or is this around training and specialising in a region or a country?

**Tricia Hayes:** Most of this is specialising post the initial qualification period. A lot of it is on-the-job training, rather than separate skills training.

**Matthew Rycroft:** We want people to be proud to work for the Home Office, and within the caseworking teams we want them to see a career





trajectory that gets them very senior within the caseworking world. It should not be a requirement for someone who is ambitious and wants to do more senior things to want to leave caseworking. Some people will, but it will be great if we could have within the caseworking function a route to seniority that would allow people to build up through the way that the Second Permanent Secretary is describing the sort of experience, skills, capability and ability to lead others that would then make that a great place to work.

**Q239 Ruth Edwards:** What is morale like within the team? I imagine that, if I was faced with a backlog of that scale and the time it would take to get it down, that would be very demoralising because no matter how hard you work you are only chipping away at what is a very sizeable problem.

**Tricia Hayes:** It is a tough job, for sure, and it is a very important job. Based on my engagement with caseworking teams, my experience is of people who are fantastically committed to what they are doing and want to do the very best job that they can and are very keen that we do what we said we were going to do of bringing some extra resource in to make that a bit easier.

**Matthew Rycroft:** We can tell every year numerically how people are feeling about working, because we have the People Survey, which is across the whole of the Civil Service, which you can see at a glance how the Home Office is doing and how the rest of the Civil Service is doing. I think it is fair to say that there are a number of morale challenges in the Home Office, which is why the Home Office and other large operational Departments tend to be towards the bottom of that particular league table. We are determined to improve that and not just recruit new people, but to give the people who are already working for this brilliant Department of State the sense of continual improvement and continual investment in them as individuals and give them something to be proud about.

**Q240 Ruth Edwards:** What is your retention in the asylum team like at the moment? What is your plan for rate of attrition?

**Tricia Hayes:** I am afraid I do not have that specific number to hand, but it is a lower retention rate than some of the other operational teams that we have in the Home Office. I am happy to share that information separately.

**Q241 Ruth Edwards:** If you could write to us, that would be great. It is great that you have recruited 600 new caseworkers but obviously the ones there already you want to keep in place.

**Matthew Rycroft:** Let us just be clear, the 600 is the total number of caseworkers, not new caseworkers.

**Q242 Ruth Edwards:** Sorry, yes, my mistake.

**Matthew Rycroft:** On the way up to 1,000.

**Q243 Ruth Edwards:** Yes. On the issue of asylum accommodation, if we leave



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aside those who are being housed under the ARAP scheme or other resettlement schemes, how many people do you have in asylum accommodation now and how many are you anticipating you will need in the next two years?

**Tricia Hayes:** As at the end of June the total number of people we had in support, in asylum accommodation, was just short of 63,000, of which just over 51,000 were in dispersal accommodation. That was end-of-June numbers. From our internal management information, we know that that number has increased since we published that data at the end of June and that the total is now probably nearer 64,000, of which around 13,000 are currently in hotels.

Q244 **Ruth Edwards:** In terms of having the accommodation needed available do you anticipate any challenges with that?

**Tricia Hayes:** This is a very challenging task for our team, for some of the reasons that we discussed earlier on in the session. The combined impact of continuing illegal arrivals in the country, plus the additional pressures on the hotel sector from the Afghanistan repatriation and working through the hotel industry to find safe places for those people to stay are big operational challenges. We have met them so far and we will continue to do so.

Q245 **Chair:** Presumably the longer the delays that you have the more costly it is for the Home Office?

**Tricia Hayes:** Yes, Chair. That is one of the reasons, in terms of the end-to-end system, why it is so important that we deliver on our transformation of the caseworking function, because that is the end point in the process.

Q246 **Chair:** What estimate do you have of the increase in budget that you are going to need to cope with this increase and any further increases as a result of the Nationality and Borders Bill?

**Matthew Rycroft:** For in-year costs we are in negotiation with the Treasury to receive all the additional funding that we need, first to make up for lack of income and, secondly, to go to particular additional costs when they have been Covid-related, and this has been very Covid-related given the pressures that we were talking about earlier. That is for this financial year. For next year onwards that is part of our Spending Review bid and the negotiation is only just underway, so I cannot do anything other than assure the Committee that we are making provision for what our estimates are of what we will need in this area.

Q247 **Chair:** Given that under the Nationality and Borders Bill, as I understand it, you will have to continue to provide asylum accommodation for those whose claims are not currently being assessed while there may be attempts to negotiate returns, even though the return treaties are not in place yet, what assessment have you made of the additional number of people who may need asylum accommodation as a result of the Nationality and Borders Bill?



**Matthew Rycroft:** There will be other consequences of that Bill, if and when it passes. As Government Ministers have made clear, one of the purposes of the Bill is to reduce the number of people coming into the country illegally in the first place, so that will have a reducing effect in addition to the increasing effect that you have identified.

Q248 **Chair:** You obviously have to contingency plan for all circumstances?

**Matthew Rycroft:** Absolutely.

Q249 **Chair:** That is a contested claim from Ministers about what the consequences will be. What is your assessment of the impact in terms of the number of people who might be subject to a holding position while returns are negotiated?

**Matthew Rycroft:** We have set some of that out in the equality impact assessment, which was published last week, and there is more evidence like that in the economic impact assessment, which the Home Secretary said will be published shortly.

Q250 **Chair:** What is the assessment of the number of additional people who might need asylum accommodation just because of that provision in the Bill?

**Matthew Rycroft:** I can see it is a very clear question, but the answer is incredibly complicated. It will depend on all sorts of different factors and how they interact with each other.

Q251 **Chair:** What is your central scenario? You must have done a central scenario projection?

**Matthew Rycroft:** We have, but there are lots of ways that that central scenario may not be correct.

Q252 **Chair:** Of course, and I am happy to also accept a range, your lower, upper range and central scenario. What would your range be or your central scenario? I do not mind which.

**Matthew Rycroft:** Rather than giving a figure now, I would prefer to write to the Committee with some background on that.

Q253 **Chair:** You do not have that information to be able to give to the Committee on the Nationality and Borders Bill, despite the fact that your officials have pulled out of the Nationality and Borders Bill evidence session yesterday, in lieu of you giving evidence today?

**Matthew Rycroft:** I note the fact that the impact assessment has not been published yet and I think it would be better to ensure that I write to the Committee with the detail that you have asked for.

Q254 **Chair:** Is that not in itself a problem, the lack of publication of an impact assessment, given what Wendy Williams has said about the need for the Home Office to be open about factual information and to provide proper assessments of the consequences?



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**Matthew Rycroft:** As I say, we have published the equality impact assessment, and we will publish what is called the impact assessment, the economic impact assessment, which will have evidence on this sort of issue. We will also be clear where there is no evidence. Quite often, as you know, Chair, when a Government are introducing new policies there is no evidence in raw numerical terms. What we need to do is to ensure that we operationalise the plans as effectively as possible, which is what we are preparing to do in relation to the Nationality and Borders Bill. Then, once those plans have begun to be operationalised, that we are very assiduous in our monitoring and evaluation of that newly-created evidence.

**Chair:** I think we would quite like you to have plans in place in advance of that.

Q255 **Simon Fell:** The Home Secretary recently wrote to the Committee and said that you were going to begin proactive data sharing again in pursuit of the Hostile and Compliant Environment policy. What improvements have you put in place around the data that you share and the processes for sharing, to ensure that we do not have any issues when this goes ahead?

**Matthew Rycroft:** This is about sharing Home Office data with other parts of the British Government, including the Department for Work and Pensions?

Q256 **Simon Fell:** Also externally, please.

**Matthew Rycroft:** We are taking those obligations very seriously. We are making sure that we are absolutely learning the lessons of Wendy Williams's review and ensuring that we have mechanisms in place to share the data that those other organisations need, but without creating any safeguarding or other issues.

Q257 **Simon Fell:** These support some of the provisions within the Immigration Acts 2014 and 2016, I believe, so this is sharing to banks, building societies, DVLA, and other agencies. Are your plans to reopen all those channels or are you narrowing down to just a certain few?

**Matthew Rycroft:** I do not have that information available, Mr Fell, but I will happily write to the Committee, just to be clear about which channels are being reopened and when.

Q258 **Simon Fell:** I would appreciate that, thank you. Again, you may not have the answer to this one to hand, but, on the volume of data being shared, I am curious to know where you are on those metrics compared to the height of the data sharing in the Immigration Act 2014 levels. I suspect you do not have that answer.

**Matthew Rycroft:** I do not, but I will happily answer that question along with the other ones.

Q259 **Simon Fell:** We are building up a good collection of letters from you—thank you very much.

I will move on. When Wendy Williams came before the Committee she



talked about her recommendations for looking at the Hostile and Compliant Environment. She expressed a concern that the Home Office had not moved with either the detail or speed that she would have hoped following her review. I am curious as to your view on why she thinks that, and to hear your opinion on exactly what the Home Office has been doing and why those delays occurred.

**Matthew Rycroft:** The answer to that is Wendy Williams is coming back at the end of the month. She will spend a few months with us, talking no doubt to you and others with an interest as well, and then, by the second anniversary of her report—March of next year—she will come up with conclusions, not just on that issue but on all 30 recommendations, and I hope also on that big underlying issue that is not quite captured in any one recommendation but which goes to the heart of the need to transform the Home Office, to come up with this new culture of openness and so on. That is what she will be embarking on. She has not started that yet, and I do not want to put words into her mouth. It is her judgment as an independent person coming in, supported by the Home Office, but very much able to make her own conclusions from the evidence available, both from us and from anyone else with an interest.

Certainly, what I will be saying is that we are proud of the progress that we have made. Already we feel as though we have totally completed 11 recommendations and are on track to complete a further four by the end of this year, so half of the 30 will be finished by the end of this calendar year.

Of the other half, all have some form of complexity or long-term nature about them, including the one that you allude to, which requires ongoing work. We have made a start on all of them, so even on the other 15 we are tracking very regularly—including the Second Permanent Secretary and myself personally—so that we can see which ones are on or off track, which ones need more resource and so on. There should be no excuses for any that are off track because they have all had senior attention and resource behind them. However, some of them are just much harder to implement than others and some of them require a very long period of time.

Q260 **Simon Fell:** Going back to the data-sharing piece—and this may be another one for a letter—some of the checks and balances that appear to have been put in around this are the ability for individuals, for instance, if they believe their data is erroneously on a list, to report this to you. On that in particular, I am interested in the interplay between how quickly the Home Office would expect to react to a report like that. Because we are potentially talking about cessation of someone's bank accounts, the inability to rent a property, access NHS services, those sorts of things, so very serious. Also, what sort of metrics are you putting in as a Department to say that you have the necessary improvements and processes in place and how are you going to check that against Wendy Williams's review?

**Matthew Rycroft:** Yes, you are right, I will need to write with the detail, but the short version is, absolutely, we will only open channels for data



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sharing if we are sure that we have those systems in place. On the metrics point, we will clearly need metrics in order to monitor and evaluate how we are doing and I am happy to set out in detail how we plan to do that.

Q261 **Simon Fell:** Last question from me: going back to Stuart McDonald's point around putting a face behind the case, how are you tracking the training that has gone into that to outcomes and measuring the effectiveness of that training?

**Matthew Rycroft:** First, we are tracking the training, to make sure that every single person who is a caseworker or who in any other way would benefit from that training does that, and we are on track with that. Then, through the caseworking function that we have been building up, we will be monitoring that and ensuring that there is quality.

It goes back to what the Second Permanent Secretary was saying earlier, rather than having numeric targets, which would drive particular types of behaviour that we do not want to pursue, we clearly will track efficiency within the caseworking functions. We will mainly be interested in quality and ensuring that we have mechanisms in place for the managers of decision makers to oversee that and ensure that we are incentivising the best and encouraging those who have further to go to learn from the best.

Q262 **Simon Fell:** Recognising that it is not about metrics, it is not about the number of cases processed, I realise it is early days, but what impacts are you seeing through the channel because of this?

**Matthew Rycroft:** We are getting some energising and inspiring feedback from individuals who have noticed a difference. I am sure that has been true all along, including there have been some people who have had a very good experience all along. We will try to capture that for the Committee if we can and we are keen to accelerate that.

Q263 **Simon Fell:** Sorry, I did say last question but this one genuinely is. To Ruth Edwards's point about the backlog, clearly this will delay that process. You are applying more thought and care to individual cases. Do you have a feel for exactly how much this slows down the processing of an individual case?

**Tricia Hayes:** I am not sure I agree with the premise in that question. I am not sure I agree that it is going to be a more time-consuming process to carry out casework, deal with individuals' circumstances in a way that is humane and empathetic than to do it in a way that is not. I don't think we have, or would design into our efficiencies programme, any sense that there is some kind of time penalty associated with doing things better.

**Simon Fell:** I would call it a time bonus, but I accept your point.

**Chair:** We have a few follow-up questions now. Tim Loughton.

Q264 **Tim Loughton:** Permanent Secretary, can I ask how the pushbacks in the channel are going?





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**Matthew Rycroft:** You are referring to the new maritime tactic that Border Force Maritime have been preparing and trialling. They have not been deployed yet.

Q265 **Tim Loughton:** When are they going to start?

**Matthew Rycroft:** When all the circumstances are in place to allow them to be deployed in a safe and legal way.

Q266 **Tim Loughton:** What circumstances are they?

**Matthew Rycroft:** They are multiple, including weather, type of boat, and many other factors.

Q267 **Tim Loughton:** Can you give us some more detail? Are we going to see them in the next week, in the next month, in the next year, ever?

**Matthew Rycroft:** When we see them will depend on lots of different factors, so I cannot give a yes or no answer to that question.

Q268 **Tim Loughton:** Okay, but a little bit of detail would be helpful. The Home Secretary made a big play of this announcement a few weeks ago. It was met with some question marks about its legality and its practical effectiveness, and you have said it depends on a whole lot of circumstances. That has added absolutely no detail at all. Is this going to happen?

**Matthew Rycroft:** It will only happen if it can be done in a safe and legal way. That should not need saying but, just for the absolute avoidance of doubt, I want to say it and be very clear about it. In addition to that, it also requires decision makers to decide that it is available to be deployed if the circumstances are met. Then it requires the Border Force commanders to make judgments in the moment about whether the specific circumstances of a particular vessel, in particular weather conditions, in a particular part of the Channel, in particular relation to other vessels, whether they are British or French, and so on. That is why it is hard to give a definitive answer.

Q269 **Tim Loughton:** By the time all these multiple particulars have been decided, presumably the dinghy will have made it on to the beaches of Kent or Sussex at this stage. Are you saying that you have not yet ascertained whether this policy is legal?

**Matthew Rycroft:** No, I am not saying that.

Q270 **Tim Loughton:** Is this policy legal?

**Matthew Rycroft:** There is a legal base for this policy in certain circumstances, yes, and it is only in those circumstances that we would even consider deploying it and we will consider it in those circumstances.

Q271 **Tim Loughton:** What are those circumstances?

**Matthew Rycroft:** What I have just set out.





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Q272 **Tim Loughton:** What are the legal circumstances? You have not set out the legal circumstances.

**Chair:** What is the legal basis?

**Matthew Rycroft:** The legal basis is the advice from the Law Officers, on which there is a convention. I must not disclose it but I—

Q273 **Tim Loughton:** You must not disclose it?

**Matthew Rycroft:** I must not disclose the advice of the Law Officers to the Government.

Q274 **Tim Loughton:** No, but you can refer to the international maritime legal basis on which they think it would be legal for you to have pushbacks?

**Matthew Rycroft:** Absolutely, and they have identified a legal base on the basis of international and domestic law that in certain circumstances it will be legal.

Q275 **Tim Loughton:** Yes, and what is that?

**Tricia Hayes:** Could I possibly add a couple of reflections from a purely operational perspective?

Q276 **Tim Loughton:** I do not want reflections. Is this going to be legal or not? If it is not going to be legal, if you have not had robust advice if it is legal or not, then any amount of are the weather conditions right, is it safety, have they been trained properly, are completely academic unless you are going to operate this policy in a way that you know is not legal.

**Matthew Rycroft:** Excuse me, Mr Loughton. There is a legal basis to operate this policy in certain circumstances and the legality depends on the circumstances.

Q277 **Tim Loughton:** What are those circumstances?

**Tricia Hayes:** Sorry for interrupting, that was exactly the point that I was going to make, which is that—while I understand the frustration in the question—what we have is a set of operational protocols that are intended to manage and incentivise the illegal behaviour.

Q278 **Tim Loughton:** Incentivise the illegal behaviour?

**Tricia Hayes:** Sorry, the point I am trying to make very clumsily is that, if we were to sit in front of this Committee and set out in detail precisely the operational parameters that would drive the use of these tactics, that would be a perverse thing for us to do. Because sharing the precise set of operational standards, which the Permanent Secretary has referred to, would be a level of information that could shape the behaviour of people who are thinking about trying to cross the Channel. That is the last thing we want to do.

Q279 **Tim Loughton:** If you bring this into operation and a boat sinks as a result, you will be in front of this Committee and numerous other Committees



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explaining exactly that. I think I know the legal basis on which you can operate this, and we have had evidence in front of this Committee. What I do not know is whether you know what that legal basis is, and nothing I have heard so far suggests that you do know whether this is legal or not. Any nonsense of whether it is practical on a certain day, whether it is sunny enough, raining or whatever, is completely irrelevant, because you do not seem to know yet whether it is legal. If you are saying it is legal in certain circumstances, theoretically, you should be able to tell us those circumstances.

**Matthew Rycroft:** I am sorry, Mr Loughton. That is not a fair characterisation of what the Second Permanent Secretary or I said. What I said is that the legality depends on the circumstances. There is a legal base for this to be used in certain circumstances. We are not going to say any more than that—for the reasons the Second Permanent Secretary gave—about what more those circumstances are beyond what I have already said about weather, location of vessels and so on. There is a legal base and it will only be used on that legal basis.

Q280 **Chair:** Can you tell us which bits of the law, which bits of which laws?

**Matthew Rycroft:** Yes, I am happy to write to you with that, if that would be helpful.

Q281 **Tim Loughton:** Very roughly, in the last six months on the numbers that have come over—we have now reached 15,000, I forget how many boats—what proportion of those historical cases that have happened already, do you think you would now have the right circumstances, under your interpretation, to legally have done a pushback? Just a very rough ballpark.

**Matthew Rycroft:** A small proportion.

Q282 **Tim Loughton:** A small proportion is what? Is it 1%, 10%, 25%, 49%?

**Matthew Rycroft:** I am not going to give a number.

Q283 **Tim Loughton:** Is it nearer 1% than 49%?

**Matthew Rycroft:** Yes. I am not going to go further than that.

**Tim Loughton:** Why not?

**Matthew Rycroft:** I think we have made clear the reasons why not.

Q284 **Tim Loughton:** I am not clear on the reasons why not. I am not asking for specific details of every one that you would have been able to do it for or not. I am just asking, very roughly, to give us an impression as to whether this is a policy that is going to make a meaningful difference. If we are talking about less than 1% of boats might come within the parameters then, frankly, it is not going to make a lot of difference, is it?

**Matthew Rycroft:** I totally disagree with that assessment.

Q285 **Tim Loughton:** I think it is quite an accurate assessment. If it is going to affect less than 1% of the boats then, overall, it is not going to trouble the



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score as much, in terms of the numbers of boats coming across. That is just a statement of fact.

**Matthew Rycroft:** I would have thought it would be obvious to the Committee. Let's say for the sake of argument that this applies to even 1% of cases. I am not saying that is the figure but, just for the sake of this bit of the conversation, let's just say it is 1% of cases. If the people in charge of the heinous policy of running criminal gangs making money out of other people's suffering, if they knew which 1% of cases the tactic was going to be employed under, they would avoid that 1% of occurrences.

Q286 **Tim Loughton:** It is going to happen anyway, isn't it? If you determine—

**Matthew Rycroft:** If they do not know which 1% then they will be unable to do so. That is why I am not going to say anything more. I would have thought that would be obvious to the Committee.

Q287 **Tim Loughton:** But it is going to become very clear, isn't it? For example, sensibly, if you can only do it legally against bigger boats that are more robust, because when a Border Force cutter comes up alongside at speed there is a strong chance that a small boat would capsize and then the passengers become the responsibility of the UK anyway, in which case you cannot do anything about pushing them back. Therefore, the minute it becomes clear that you are only using it against some of the bigger boats, which is the tactics that they switch to, very quickly the people traffickers will have more small boats knowing that you cannot operate against them. Realistically, this is not going to work is it?

**Matthew Rycroft:** I am very happy to have a conversation along these lines in private with the Committee, but I honestly do not think it is the right thing to do for the safety of the people that we are talking about, never mind for the security of our country, to have this sort of conversation in public.

**Tim Loughton:** I would love to have that conversation in private, Chair.

**Chair:** We will follow that up, thank you. Stuart McDonald.

Q288 **Stuart C McDonald:** Thanks. While we are on legal advice, under this Bill, if an asylum seeker arrives in the UK on one of the dinghies—it could be an Afghan interpreter for all we know—they will be guilty of a criminal offence punishable by up to four years of imprisonment. Is that accurate?

**Matthew Rycroft:** After the Bill has passed through the Houses of Parliament, yes.

Q289 **Stuart C McDonald:** So, even somebody like an Afghan interpreter—whose whereabouts have been disclosed or whose identify has been disclosed in the MoD cockup earlier this week—they would be guilty of a criminal offence, and no ifs and buts, in that legislation. How is that consistent with the refugee convention?

**Matthew Rycroft:** The Bill also includes provision for safe and legal routes. The person that you are talking about is entitled to a safe and legal



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route—the Afghanistan resettlement programme, ARAP, and of course we have the Afghan citizens’ resettlement scheme as well. That person does not need to go down that route. If we are in the case of the ACRS they can engage with UNHCR and other decision-makers about who to propose to come into that scheme and to be one of the 20,000. That is the way that scheme will be working. It will not require people to come here on a small boat. It is designed precisely to avoid people coming here through illegal routes.

**Q290 Stuart C McDonald:** None of that alters the fact that, if they are not very fortunate to be one of the tiny number in the grand scheme of things—a very welcome number—to be resettled or they cannot wait about for the ARAP scheme or access it, that person will be guilty of a criminal offence and subject to imprisonment of up to four years. You have not explained how that is consistent with the refugee convention.

**Matthew Rycroft:** It is consistent with the refugee convention. It would not be in the legislation if it were not.

**Q291 Stuart C McDonald:** I take it that is based on the legal advice of the Law Officers? One begins to think their credibility has been stretched. You must be aware that the UNHCR, and just about every other lawyer involved in this area, thinks that is an egregious breach of the refugee convention?

**Matthew Rycroft:** I think there are different views among lawyers on that question, but it would not be in the legislation if it were not compatible with the UK’s international obligations.

**Q292 Stuart C McDonald:** How feasible is this? What impact assessment have you done on the criminal justice system, that thousands of people are going to be prosecuted and put in prison every year simply for arriving on these shores to claim asylum?

**Matthew Rycroft:** There are two answers to that question. One is that we are seeking an increasingly joined-up approach to all issues across the criminal justice system, so that we make sure that there are no unintended consequences for one part of the system from decisions taken in other parts. We are doing this in full collaboration with our colleagues across that system.

The second answer is one I have given previously in a different context, but on the same sort of question, which is that one of the purposes of the legislation is of course to deter, to prevent, and so therefore to reduce the number of people coming in, in the first place.

**Q293 Stuart C McDonald:** Where is the evidence that that will happen?

**Matthew Rycroft:** As I say, some of it is in the impact assessment. It is not possible to have evidence for something that has not happened yet. We can point to other schemes in other countries and then we can operationalise this set of measures, once passed, and plan for that



operationalisation as we are doing now, and then monitor and evaluate the operationalisation when the time comes.

Q294 **Stuart C McDonald:** Finally, you also said to the Public Accounts Committee that the use of hotels and of other Government-owned accommodation, such as MoD sites, was going to be temporary and was simply there to deal with a surge in demand. That was just at the end of last year. What has happened in the meantime that it now seems to be a central part of Government policy to use Napier Barracks and similar sites for asylum accommodation going forward?

**Matthew Rycroft:** You are right that something has changed since I and others used that word. It is more longer-term than any of us imagined at that time, but it is still temporary in the sense that it is not a sustainable solution for evermore. I absolutely agree that something has changed and the length of time I previously had in mind is much longer now. We are now talking years rather than months.

Q295 **Stuart C McDonald:** Is it the intention to return to a model of dispersal accommodation?

**Matthew Rycroft:** Absolutely, but to think laterally about what types of accommodation could be in that model.

Q296 **Chair:** Some quick final questions. We had meant to ask you some more questions in writing on the Windrush compensation, but you did have an aim to conclude 90% of cases that had been submitted before the end of last year by the end of August. Has that target been met?

**Matthew Rycroft:** No, it has not. With regret, we have not met the 90% target, which was an internal target. We reached 66%, so this was the proportion—

Q297 **Chair:** It is a big gap.

**Matthew Rycroft:** I agree it is a big gap. It is not the 90% that we had aspired to. This is those people who had applied before the end of the last calendar year, and whether those would have been decided by the end of August. We do not have that, but we are moving in the right direction. As you know, we have put further resource into this very important scheme. We have simplified the scheme and we are continuing to work with every applicant to get them either a preliminary payment or eventually a full and final payment as soon as we can, with the aim of ensuring that they receive every aspect of compensation to which they are entitled.

Q298 **Chair:** Are you moving in the right direction? The number of claims receiving payment has decreased month on month between April and July.

**Matthew Rycroft:** We are. I agree that the total numbers have reduced in that time. That is because we are getting into the more complex ones. They increased significantly, I think in January, February, March and April. That is because, as you know, in January we made some changes to the system precisely to speed things up.



Q299 **Chair:** Do you accept that this is still failing the Windrush generation?

**Matthew Rycroft:** I accept it is still not as fast as we would like. I accept it is still more complex than ideal, but lives are complicated and many parts of people's lives have been touched by this scandal. We want to make sure that every single part of every single life that was touched by this scandal is compensated for, where that is justified and where the use of public money would be appropriate. We are on the side of the applicants getting the number up as high as possible, but we must do that in a way that this Committee, and your colleagues on the Public Accounts Committee and others, would see as good value for money and good use of public money. That is why it is taking longer.

Q300 **Chair:** We have raised concerns with you repeatedly about the complexity of the system, about the level of evidence being gathered and that your focus on the complexity and on all that detail and precision is adding to the delays for some very elderly people. How many people have now died waiting for compensation?

**Matthew Rycroft:** Sadly, 23 people have died since putting in an application and receiving a final decision. Our hearts go out to all of their family members. Of course, we are making sure that their estate receives the benefits to which they had applied and are entitled. We have them in mind as we seek to streamline the system, but it is complicated.

Q301 **Chair:** They have been wronged twice.

**Matthew Rycroft:** I totally agree, and we are determined to do as good a job as we can for the whole of that generation.

Q302 **Chair:** I would like to press you on accurate information on Covid cases at Napier Barracks. There were three new cases reported in the media on 12 August at Napier Barracks. If there are currently four cases, and others are saying that it is more than that, that is clearly more in total than the five since the beginning of August. It would be good to have accurate information.

**Matthew Rycroft:** It is definitely four now and we will write to you with a total number.

Q303 **Chair:** On the issue about senior visits, the precise points in the Court case that refer to the barracks fell within Mr Williams's remit from 1 October 2020. He apparently did not visit. The barracks fell within Mr Sean Palmer's remit when he became the defendant's director with overall responsibility on 30 November 2020. He did not visit until 5 March. Ms Creffield was brought in on 7 February 2021 and she visited for the first time on 26 February 2021. Again, why were there no senior visits to Napier Barracks when there was so much at stake?

**Matthew Rycroft:** There were other senior visits through that period and as I have already said I am happy to write with the full list.

Q304 **Chair:** Have you been to visit it?





**Matthew Rycroft:** I have.

Q305 **Chair:** When did you go?

**Matthew Rycroft:** I cannot remember the date. I cannot remember when I visited. It was definitely after the Covid outbreak, maybe in March. It was that sort of time.

Q306 **Chair:** The conclusion of the Court case was: "The decision to make use of the barracks entailed failing to apply fundamental aspects of the advice of PHE—not to use dormitory style accommodation but, if they did, to keep numbers down to six per dormitory which would then form a bubble—meant that the defendant failed to ensure 'a standard of living adequate for the health of the claimants'—It was also irrational, in itself, to depart from the advice of the government body charged with providing advice to the public on Covid safety".

That was the judgment of the Court case that was very damning against you, yet you are continuing to keep people in accommodation of 14 in dormitories, of 28 in shared units. That would appear to be a continued breach of the Court judgment. Are you setting the Department up for further liabilities and further court cases by continuing to ignore this damning judgment and keep people in dormitory accommodation while a Covid pandemic continues?

**Matthew Rycroft:** No.

Q307 **Chair:** Is it okay to keep people in dormitory accommodation of 14 while a Covid pandemic continues?

**Matthew Rycroft:** We are not ignoring the Court judgment. We have acted on the Court judgment. We have made changes. Even when the Court judgment came out, it was already out of date because the PHE advice had already changed. The PHE advice continues to change as the pandemic changes, as you know.

Q308 **Chair:** The local officials, as admitted in the Court case, continue to believe that the dormitories are not Covid-safe and should not be used, but you continue to ignore that local advice?

**Matthew Rycroft:** We continue to act on the advice that we have received, to take reasonable steps to give effect to that advice, to make sure that we provide accommodation that is as safe as is reasonably possible for people coming into this country who are claiming asylum.

I should add that, as you said earlier, people were vulnerable. I agree that they are vulnerable in the sense that they have just come across the channel in a small boat. Everyone in Napier is a single adult male and so, in health terms, there is probably less vulnerability among that cohort than there is among some other cohorts.

**Chair:** The issue is about the spread of a virus in a pandemic, so I hope for the sake of the taxpayer that you do not continue to violate the Court



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judgment, but I hope for the sake of people who are being put in a position where they must share accommodation with 14 other people overnight that you do not get further outbreaks of Covid as a result. You have obviously committed to provide us with a series of different things and different pieces of information, so it would be very helpful if you can follow up and provide that.

We are very grateful for your time this morning. We will be following up with Wendy Williams about some of the issues that we have picked up as part of both this evidence session, but also other inquiries about areas around senior advice, about advice to Ministers, but also about the wider culture of the Home Office and what issues it would be helpful for her to look at as well. Thank you very much for your evidence this morning. We appreciate it.