



Home Affairs Committee

Oral evidence: [The work of the Immigration Directorates 2015 Q3](#), HC 772

Tuesday 9 February 2016

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Members present: Keith Vaz (Chair); Victoria Atkins, James Berry, Mr David Burrowes, Nusrat Ghani, Mr Ranil Jayawardena, Tim Loughton, Stuart C. McDonald, Naz Shah, Mr Chuka Umunna, Mr David Winnick

Questions 1 – 242

Witness: **Stephen Shaw**, author of “Review into the Welfare in Detention of Vulnerable Persons”, gave evidence.

Q1 Chair: Can I bring the Committee to order and refer everyone present to the Register of Members’ Interests where the interests of members of the Committee are noted? Are there any additional elements that people wish to register? I want to remind the Committee that my wife is an immigration solicitor.

Mr Shaw, thank you very much for coming. This is part of our normal review of the activities of the Home Office. We have the Minister coming in later, so some of the evidence that you give may be put directly to him. Thank you for your very comprehensive report. You must be pleased that the Government have accepted, as they put it, the thrust of your recommendations. What do you think they mean by “thrust”?

Stephen Shaw: First of all, thank you very much for the invitation to meet with the Committee. Over the years I have been fortunate enough to conduct a number of reviews on behalf of Government and the default position of anybody in that position is that we wish for our recommendations to be implemented speedily and in full. I am conscious that in the House of Lords last week there was some criticism of the written ministerial statement in response to the report. Perhaps curiously, I do not share that criticism. I hope that the report commands respect as a serious and considered contribution and it seems to me that the Government’s approach has been and is considered and serious. Indeed, one of the underlying themes in the report has been an absence of a strategic approach to immigration detention. It seems to me that the Government’s response to my report is an indication that it intends to take such a strategic approach.

Q2 Chair: Yes, I am sure we are all delighted about that, especially you since they have accepted what you have said. I am concerned by the number of people who are detained and who are then subsequently removed. I think all of us, parliamentarians and the public, would expect that

those who are detained are detained because eventually we would like them to leave the country. The figures have shown in your report and in information that we have received from the Home Office that in Q1 2014 the percentage removed was 58% but it is now down to 40%. Why do you think there is such a big change over the last year or so?

Stephen Shaw: I am not sure I can answer that, but I was very concerned to discover, coming at this largely afresh, that at the time in the region of half the people we were detaining, if I may reverse the figures, were being released back into the community and there was quite a lot of repeat detention as a consequence. One of the areas that I look at in the report is the issue of case-working decision-making. It is again—

Q3 Chair: Yes, but the point of detaining is because people are not safe to be left in the community. They are locked up at the expense of the taxpayer.

Stephen Shaw: Absolutely.

Chair: What is the point of then releasing into the community rather than sending them out of the country?

Stephen Shaw: If somebody has been successful in their application for bail or a Home Office caseworker has determined that they should be released, then they will be released. I met a chap in one of the detention centres or removal centres that I visited who had been arrested the night before and was busy packing his clothes because he was being released the next day.

You can argue it in one of two ways. You must put this, obviously, to the Minister, but I suspect he would say that this shows that our procedures are pretty robust, that when somebody is detained unnecessarily, the procedures are such that we can get them out quickly. I was very concerned about what seemed to be a system that was failing in its overarching objective, which was exactly in the way that you put it. They are termed “removal centres” and the purpose of them is to ensure that somebody is successfully removed. They are not at the moment achieving that objective in 50%, or perhaps now 60%, of cases.

Q4 Chair: So it is a cause for concern to you?

Stephen Shaw: It should be a cause for concern from every perspective, really.

Chair: Yes, but you have written the report.

Stephen Shaw: My concern was about welfare, but for the taxpayer this is not a very good bargain.

Q5 Chair: What is the cost of keeping someone in detention?

Stephen Shaw: I am not sure I have the current figure. It was around £30,000 or something a year.

Chair: £30,000?

Stephen Shaw: Again, you would have to ask the Minister for the up-to-date figure.

Q6 Chair: We will, but you do not know that. Let me give you two quick other examples. A US Shakespearean academic, Dr Paul Hamilton, arrived in this country, did not have a visa, was going

to be sent back, but they kept him in detention for 10 days, even though he had an open return ticket and he wanted to leave. Is it your view, as someone who has done a huge amount of work in this area and looked at it very carefully, that if someone is in a position like that, that they are ready to go, they have their own return tickets, the taxpayer does not have to pay, they want to go back, there is no reason to keep them in the country, is there?

Stephen Shaw: Voluntary removal or voluntary return must be the objective in every case. I cannot comment on what the decision-making was in that particular instance, but I was concerned. As I say, a section of the report is concerned with trying to strengthen and improve the effectiveness of case-working decisions, both the decision to detain and subsequently in immigration reviews.

Q7 Chair: Your view is that if somebody wishes to return voluntarily, and has the capacity and the means to do so without the taxpayer having to pay, they should be allowed to go?

Stephen Shaw: Absolutely, and I have encountered a number of people—or I was told rather, I did not encounter them—from Albania whose protest was about the fact they wanted to go and there was no plane available to take them.

Q8 Chair: The High Court has just released a man called Andre Babbage, a Zimbabwean who has a string of criminal convictions, and they have said that he should be released into the community and should not be removed. What do you think of decisions of that kind where people whom the judge himself believes are going to commit more criminal offences are left to go into the community rather than put into detention?

Stephen Shaw: Again, I have to pass on the specific case because I do not know the details of that. The criminal casework presents the greatest problems. As I discovered, those who are longest in detention are almost exclusively those who are, in the rather ugly phrase, time-served foreign national offenders. I encountered, and indeed the report refers to, two men in Wormwood Scrubs who had been in detention for far longer than the prison sentence that they had served. Neither of them had made a bail application, which then fed into some of my concerns about the effectiveness of the review process and whether or not it is safe for somebody who has been in detention so long to remain in detention when they themselves have not felt able to make a bail application. But the decisions then of the courts would be a different matter.

Chair: Yes, because it is the decision of the courts we are concerned about with the number of foreign national prisoners. Of course, we will put this to the Minister when he comes in.

Q9 Mr David Burrowes: Thank you very much for your report. I was a member of the cross-party inquiry into immigration detention, so I welcome very much the report. Are you able to say which of the 64 recommendations you think pretty much the Government have to include in their broad thrust and which can wait for further review and, by the nature of their complexity, further consideration?

Stephen Shaw: I say somewhere in the report that I tried not to be unduly prescriptive, but I think the Government may take the view that 64 recommendations is prescription enough. In fact, I share the Government's view as to what the priorities should be here. I was going to say to the Chair that three principal areas are identified in the written ministerial statement. The first is those people who are most vulnerable, where the Government talks about developing an adults-at-risk approach to a whole group of people. It is a slightly different formulation from the one I

had. I was perhaps rather more conservative because I adopted the framework the Home Office currently uses. I think that is terribly important in terms of my review because I was critically concerned about those who were most vulnerable.

The second thing that the Government have said they are doing reflects the findings of my review and the separate inquiry or the separate review conducted by Professor Mary Bosworth, which is about both the incidence of mental health problems within the detention estate and the degree to which detention itself and the length of detention can exacerbate those problems. I have strongly welcomed the Government's further needs assessment with the NHS of what the level of mental health need is. I am not a mental health professional, but I was shocked by the level of need that I found on conducting the inquiry. I think it would be fair to say that when the NHS took responsibility for commissioning healthcare within immigration detention it may well have underestimated the degree of need. So, I welcome that. In a sense, I do share their priorities on this.

The third thing that the Government have said they are doing is this new approach to casework management. I think we need to see the detail of that, but those three things would meet many of the first-level requirements of the report. Other things, it is fair to say, either require agreement with other bodies, say with NOMS, or they require contractual changes or they may have resource implications that need to be fitted in with the rest.

Q10 Mr David Burrowes: Can I come to other areas? One of your recommendations was that the Home Office give further consideration to ways of strengthening the legal safeguards, and successive detention is something the all-party group picked up under this Committee as well. On the issues of length of detention and numbers, how would you see that recommendation being fulfilled? That is the first part of the question. The second part is that if you were to come back in 12 months and there had not been any change in relation to that part of your concerns, would you think that the Government need to do more?

Stephen Shaw: Yes, there is a limit to my equanimity about these things. I think that sort of period of time is a fair one both to see the detail of what has already been announced and to see the response to the remaining recommendations. I do think that that is about the right period; possibly even the autumn would be early enough for that.

Among other roles, I am the independent assessor of complaints for the Crown Prosecution Service and I am very aware that one must act within one's jurisdiction and one's terms of reference. I endeavoured to do so in this review. I did not think it was proper to solicit formal evidence on the time limit itself, whether it should be 28 days or, as Parliament had previously debated, 60 days, what the implications would be for the existing safeguards, whether there would be exceptions, how they would be policed, and so on. I did not do that. Do I hope that in taking forward the broad thrust of my report that the Government will look at strengthening the process of casework management, considering an independent element, looking at the timing of bail reviews and whether there should be some automaticity at some point, and how all of that might marry with a time limit? I do not take the view that a time limit is a panacea, particularly in respect of criminal casework. I do not take it as a panacea, nor do I think there is anything somehow unBritish about a time limit. Though the analogy is not perfect, we are very used to time limits in police custody and we are used to statutory time limits in the courts. There is nothing improper about that.

Q11 Stuart C. McDonald: Thank you very much, Mr Shaw. You have already mentioned how the Government have accepted the first of your three recommendations, which relates to the definition of vulnerable people and the broader definition and the fact that they will be covered by a presumption against detention. Do you have any idea how operation of that broader definition might affect the profile of those who are detained?

Stephen Shaw: I did not carry out a statistical analysis of that. I think the truth is that in terms of overall numbers, through a more robust approach to avoiding the detention and ensuring the release of those who are most vulnerable, you would be talking in either the high 10s or the low 100s of people. The things that would make the biggest impact on the population as a whole are detention decisions, the 50% or 60% to which the Chairman has referred, and the average length of detention as well. In my view those things would have a much greater impact on overall numbers. That is not a reason for not doing these things. That was why I was brought in to carry out the review. We want to ensure that those who are most at risk are not in detention and are not deteriorating as a consequence. In terms of would this in itself have a dramatic impact on the overall size of the population, my feeling is no, it would not and it is those other things to which I referred in my answer to Mr Burrowes that would have a greater impact.

Q12 Stuart C. McDonald: A small effect in terms of numbers but significant for the individuals themselves?

Stephen Shaw: Absolutely.

Q13 Stuart C. McDonald: Just to pick up on one further point in this regard, you recommended an absolute exclusion of detention of pregnant women, as I understand it.

Stephen Shaw: I did.

Stuart C. McDonald: That was not explicitly accepted by the Minister in his written statement so far as I could see. How important is it that there is that absolute exclusion?

Stephen Shaw: I felt it both in the undeniable impact on the woman and the unborn child of being in detention. I felt it in the statistics that I was able to gather, which showed that it was not possible to remove more than I think it was a dozen pregnant women during the course of the 2014 year. I do not know what it would have been last year. Of course, that argument has been strengthened, though the considerations are different, by the Prime Minister's remarks this week about the unacceptability of pregnant women or mums with young children being in prison. If that applies to those who have committed offences, it seems to me that it must apply all the more so to those who are detained having committed no offence.

Q14 Mr David Winnick: Can I begin, Mr Shaw, by thanking you—I am sure it is the view of other colleagues; it is certainly mine, having been a member of this Committee over a number of Parliaments—for your public service? It is certainly appreciated by us.

Rule 35 is the first thing I would like to ask you about. You were very critical of rule 35 whereby vulnerable people should not be held in detention. A letter we all received from Freedom from Torture thought perhaps your criticism was not sufficient and said that they are not criticising rule 35, they are all for it, very much so, but it is not being applied properly. Would you like to comment on that?

Stephen Shaw: I said that rule 35 was not working in the way in which the Home Office thought it would work because—and I think I used this phrase somewhere—it did not have confidence in

the processes that it itself had established. It did not regard the reports provided by immigration removal or doctors working within immigration removal centres as providing sufficiently independent evidence of torture. I took the view that if you have set up this system yet you are rejecting the vast bulk of rule 35 reports, then something has gone badly wrong. The Government in the past have said that what we really need to do is to train the caseworkers better, we need to train the GPs better in completing the reports, and I have no objection to any of that. It seemed to me that we need to think a little bit more boldly about this. Are there other people who the Government or the Home Office would have more confidence in if they were completing reports showing evidence of torture?

As elsewhere in the report, I am less concerned about the means than the end here. The end is that it is absolutely outrageous that somebody who has suffered torture at the hands of somebody abroad then is placed by us in detention with all the echoes of that previous incarceration and abuse that detention brings with it. I am relaxed as to the means, whether or not it is replacing rule 35 or having a wider body of doctors who could provide rule 35 reports, which is one of the ways I suggested we did it.

Q15 Mr David Winnick: There was a case, Mr Shaw, which obviously you know about, reported by HM Inspector of Immigration in 2013 whereby a Canadian man, 84 years old, had been put into detention and that should not have been the case according to what we heard about rule 35 being used. There were attempts to remove him and he was declared unfit to fly. Nevertheless, he was returned to detention and then this man, 84 years old, had been taken to hospital in handcuffs. He came back to the detention centre before a return visit to hospital and died five hours later. That case is known to you. It is a pretty bad example. It is an example, is it not, where rule 35 should have been used very differently?

Stephen Shaw: It is an example of a number of things. I am very familiar with the details of that appalling case, but it is also, among other things, an example that nobody else was willing to take responsibility for this man when he got off a plane from Canada, heading for Slovenia or wherever he said he had relatives. The whole idea of handcuffing a man of that age was particularly appalling.

Mr David Winnick: He had Alzheimer's as well.

Stephen Shaw: Indeed. He came off the plane, as I understand it, an extraordinarily confused man, probably not knowing what country he was in, and that whole story is an absolutely appalling one. My recommendations cannot guarantee that there could be no repetition of such events, but in talking about those who are particularly vulnerable I talk about the need for some sort of age limit that would say, "Sorry, these places are not suited to people in their 80s".

Q16 Mr David Winnick: Mr Shaw, you recognise, as we all do, that there has to be detention in such cases. There does not seem to be an alternative, however much one would wish. Do you think that having a better and more—if I use the expression—humane attitude to those who are clearly in difficulties, health wise, mentally and the rest, is likely to occur?

Stephen Shaw: As I say, I was encouraged by the fact that I was asked to conduct the review and I think the terms of reference were broad from the outset. I have indicated in my replies that to date—and I don't know what we might say in the autumn or 12 months from now—I am pleased by the reaction of the Government. Do I think this is possible? Yes, and I think you have two things perhaps working in its favour, leaving aside the moral and ethical arguments. The first is I have referred to things that the Prime Minister has been talking about in respect of the prison

service. I am sure those messages are heard by Home Office Ministers and officials as well. The second thing is that this is not remotely as expensive a system as the prison system, but nonetheless you have significant sums of public money involved. In my view, quite a lot of that public money could be better expended in ways that would keep people out of detention but also provide the certainty that the public demand that those who have no right to remain in this country do leave this country.

Q17 Nusrat Ghani: Mr Shaw, much of the evidence you have received was about healthcare, yet the number of formal complaints about healthcare is very low except for Yarl's Wood. How do you explain the difference in volume of complaints about healthcare at Yarl's Wood compared to all other detention centres?

Stephen Shaw: I am not sure I can answer that in quite that way, but let me tell you what I felt about Yarl's Wood. Mr Winnick was kind enough to refer to past lives. I have spent 35 years going into institutions of one kind or another. I had never encountered anything like what I encountered when I visited Yarl's Wood last year in terms of the—I think I used the word in the report—vehemence of what the detainees told me about healthcare provision, whether fairly or unfairly, but also the very level of demand that itself created huge pressures on healthcare provision.

There is a particular issue about women in detention and their healthcare needs. However, in the male institutions that I visited there was also significant unmet healthcare and mental healthcare need. It may be that the men were less likely to or less confident of complaining formally. The complaints procedures are terribly important, but they may not be the best index of what people really feel or the things that they think something should happen about. I think that Yarl's Wood or—perhaps we will put it in a different way—the detention of women presents some very specific acute healthcare needs that I hope I have done some good in drawing attention to. I would not want it understood, though, that healthcare needs do not apply to male detainees as well. They do, but are not expressed with the same vehemence.

Q18 Nusrat Ghani: A lot of it has been noted by the women refugees. They spoke about women who are pregnant in particular being denied access to maternity services. They also gave an example of one woman who had to wait three and a half hours for an ambulance while she was bleeding from a miscarriage. You have already noted that there should be absolute exclusion from detention for pregnant women. You have also noted that there should be exclusion from detention for victims of rape and other sexual or gender-based violence, including victims of FGM. How well do you think your recommendations have been received by the Government?

Stephen Shaw: At the moment, we are waiting to see the detail of the Government's plans for this adult-at-risk approach. It seems to me utterly unacceptable that pregnant women should be detained and however we may develop healthcare provision—and I hope that the second area of priority healthcare provision, especially mental healthcare provision, will be greatly improved in detention—it is simply impossible, inconceivable, to deliver care, whether it be maternal care or care for pregnant women or mental healthcare, that is equivalent to the very best in the community. The very nature of detention speaks against that.

Q19 Nusrat Ghani: Your report was produced on the same day as that of Kate Lampard for Serco in Yarl's Wood. Her report is very different to yours. It states that staff understood what constituted appropriate behaviour and there was not a hidden problem of serious misconduct, even

though a Channel 4 news broadcast had staff referring to detainees as caged animals. Can you discuss a little bit the contrasting reports that were published on the same day?

Stephen Shaw: I cannot speak for Ms Lampard, although I probably should declare an interest in that I occasionally have done work for Verita, which was the company that was commissioned by Serco to conduct that review. I can think back to inquiries that I conducted more than a decade ago following not dissimilar revelations of abusive, foul language, behaviours, attitudes on the part of some staff. There was a review I conducted at an institution now closed called Oakington, which I can speak about, but I also did a review at Yarl's Wood before it was burnt down, where again there were similar revelations in the newspapers and on television. What I discovered, and what I think Ms Lampard has discovered, is not that these things did not happen. Manifestly, what Channel 4 showed occurred. Was that representative of a wider culture? Probably not, and that is what she is saying. What I discovered—like I say, I must not speak for Ms Lampard—and what I said was that in order to avoid the development of people feeling free to express these views, and no doubt behaviours reflecting them as well, you needed very effective management, good leadership, independent oversight, proper whistle-blowing arrangements, and people feeling able to stand up to it.

Just to complete the point, it is not that these things have not occurred. I have investigated these things and I know they have occurred. They clearly occurred in Yarl's Wood. I think that what Ms Lampard was saying was that they were not representative of a wider staff culture.

Q20 Nusrat Ghani: When you went in and undertook your investigations, the women felt confident enough to share with you that their health needs were not being met and even further deepening concerns but they were not able to somehow speak to Kate Lampard about that. I think you are being very glowing about Ms Lampard's report. It contradicts your report produced on the same day.

Stephen Shaw: I can only speak for my report, not for hers. I met two very large groups of women detainees in Yarl's Wood and I do not believe I have ever experienced such strength of feeling in their view that their healthcare needs were not being met. That seemed to be backed up by what I saw with my own eyes in terms of numbers of women who were applying to healthcare—

Q21 Nusrat Ghani: Kate Lampard's review must be flawed if she was unable to access that information or acknowledge it.

Stephen Shaw: I can neither speak for her review nor compare her review with mine. Her terms of reference were very different.

Q22 Tim Loughton: Mr Shaw, sticking on healthcare, you have already alluded to the incidence of mental health problems. They feature in a lot of your recommendations, particularly around PTSD, the non-availability of CBT and talking therapies, and that people with serious mental illness should not be subject to immigration detention at all. What is your assessment of the incidence of mental illness among the people there compared to, first, the population at large and, secondly, a prison population and other detained populations?

Stephen Shaw: As I say, I am not a specialist in mental health. I found some severe psychotic illness with people either waiting to be transferred to outside mental hospitals or, in some cases, unable to be moved to outside psychiatric hospitals. Psychotic illness, certainly severe psychotic illness, is rare. Depressive illness and anxiety is extraordinarily common. Is it more common than in the population at large? Yes, much, much higher. Is it higher than in prisons? Well, I cannot

give you an authoritative answer to that. My gut feeling is that it is higher than in prisons but, of course, depressive illness is also high in the prison estate.

Q23 Tim Loughton: Do you think the environment is having a material effect on that? Do the people who are coming in have a greater propensity for mental illness conditions or are those mental illness conditions being inordinately exacerbated by the conditions in which they are being kept?

Stephen Shaw: I asked Mary Bosworth to look at this as part of the review, not just in this country but globally, and to do what I think is an incredibly powerful survey of the academic literature from a whole variety of academic disciplines that demonstrated, I think beyond any doubt, that the fact of detention is itself an element in exacerbating mental ill health and that the longer people are in detention, perhaps unsurprisingly, the greater the effect. It goes beyond my competence to say the extent to which that is physical conditions, understandable anxiety about loss of whatever life they have been enjoying in this country and the uncertainty about where they are returning to, uncertainty as to the length of their detention. I think from Mary Bosworth's review, as I say, it is beyond doubt that—

Chair: Yes. Mr Loughton?

Q24 Tim Loughton: The Government have acknowledged that and they are going to come back with a joint plan between the Department of Health, NHS and the Home Office in April hopefully. What do you think that plan needs to include? As you say, are not qualified, but you were clearly struck by the conditions there. Just very roughly, if it is to take anybody with a serious mental illness, which needs to be defined, out of the equation altogether, how many of those, what proportion of people do you think will be diverted from these centres altogether and what should such a package in addition to that include to make it more tolerable?

Stephen Shaw: The number of people fortunately with very serious psychotic illness who could be sectioned were they in the community is small. Again, the numbers will be—

Q25 Tim Loughton: That is your threshold, a section 32?

Stephen Shaw: That is not the only threshold, but in terms of those who could be sectioned I think the numbers there are quite small. What do I hope the package will bring? I think the NHS commissioning has already been a good thing for immigration detention. I hope that it will mean additional resource across the board for caring for people's mental health problems. The third thing that I hope will happen is that a wider range of treatment therapies, whether talking therapies, care suites or whatever, will also be available. Having said all that, neither in prison nor in immigration detention do I think you can establish the very best mental healthcare equivalent to that that we might anticipate in the community.

Q26 James Berry: Mr Shaw, last year the Government spent I think £6.4 million running a removal centre for families called the Cedars, which has very high-end facilities. As I understand it, that centre held 62 people, not all of whom were removed, and yet had a staff of 80, even when it was empty. You commented that this was a misdirection of public funds that could have been better used for other purposes. If you were the Minister, what would you do with the Cedars now?

Stephen Shaw: There are contractual issues, which is probably why that has not featured thus far in what the Government have said. At a time when the Home Office, as most Government

Departments, is facing a period of austerity, it seems to me an absolute outrage that so much money has been spent at Cedars. I also think this, and this may perhaps surprise you. It is perfectly true hardly anybody goes there and quite a lot of those are released back into the community. In fact, there is some repeat detention at Cedars as a consequence.

Q27 James Berry: It was empty on the two occasions you went there?

Stephen Shaw: There has been nobody there on the two occasions I was there. It is almost that you are taking a single mum living in probably not very good social housing somewhere, removing her to a country where her future is uncertain and putting her in these palatial facilities for two or three days, which she is bemused by and, therefore, makes no use of. It is almost an unkindness, not a kindness, to do it in that way.

Chair: Yes, thank you. I am sure Mr Berry will want to put that directly to the Minister in the descriptions that you gave them.

Q28 Victoria Atkins: Just one question, Mr Shaw. One of the studies you commissioned by Professor Mary Bosworth commented on how immigration detention works outside the United Kingdom. How does the UK compare and what lessons can we learn from other countries? It does not need to be a long answer because we have your report on this point.

Stephen Shaw: My short answer is that it was made very clear to me that the budget for my review did not include the ability to go and investigate in any depth what was happening elsewhere in the world. My answer, though, is that that would be a valuable exercise, perhaps all the more valuable a year on from when I was conducting my review, given the migration movements in Europe since that time. I am sure there is learning from other countries.

Q29 Victoria Atkins: Mr Shaw, you could pick up the phone and speak to your colleagues across the world, couldn't you? There must have been a budget for telephone calls and Skypes.

Stephen Shaw: Possibly so.

Victoria Atkins: Yes, so that is why I am asking. Are you saying that you did not look at this at all in your report?

Stephen Shaw: No, I focused on what was happening in this country.

Victoria Atkins: All right, thank you.

Q30 Chair: Thank you. Finally, Mr Jayawardena.

Mr Ranil Jayawardena: Thank you, Chairman, but in light of that answer my question will not be answered either, so thank you.

Chair: That is quick. Maybe we should ensure that you get a budget for telephone calls when you next do this.

Stephen Shaw: Possibly so.

Chair: We will call it the Atkins budget.

Stephen Shaw: The Atkins approach, yes, indeed.

Chair: Indeed, instead of the Atkins diet. Thank you, Mr Shaw, very much. You have given us food for thought. We will be putting some of these points to the Minister. If you would like to stay you are very welcome to stay.

Stephen Shaw: I probably will, yes. Thank you all very much indeed.

Examination of Witnesses

Witnesses: **Rt Hon James Brokenshire MP**, Minister for Immigration, **Mandie Campbell**, Director General, Immigration Enforcement Directorate, and **Sarah Rapson**, Director General, UK Visas and Immigration Directorate, gave evidence.

Q31 Chair: Minister, Ms Rapson, Ms Campbell, welcome back to our usual scrutiny of the work of the Home Office. Thank you for coming. I want to start with a couple of general points to you, Minister, before we go on specifically to asylum and immigration detention. The Prime Minister recently referred to those in Calais as “a bunch of migrants”. Do you share that description?

James Brokenshire: Mr Chairman, there is no doubt that we have a continuing challenge of large numbers of migrants in the area around Calais, Dunkirk, and around Coquelles as well. I think his comments were more to underline the challenges that we continue to face, the joint working that we have with the French Government, and the need to continue to resolve to protect the border and to see that those in need of humanitarian protection receive that at the earliest opportunity.

Q32 Chair: We will come on specifically to Calais, but I want to talk about the language of migration. It has become extremely harsh these days and you as the Minister for Immigration have always been extremely balanced and very careful with your words. Going back to those words, the description of people who are in humanitarian situations, do you think the description “a bunch of migrants” was acceptable? You have no problem with it?

James Brokenshire: I would not read into the phrase that the Prime Minister used. I think you can judge the Government and the Prime Minister by the actions that we take on the humanitarian protection that is provided, the 20,000 that we are resettling. I think you need to look at that and that gives you a strong sense of where the Prime Minister is and where the Government are.

Q33 Chair: So you are happy with this description?

James Brokenshire: I would not read anything into what the Prime Minister says. He is perfectly entitled to express his view in that way and that it is the actions that we look at as a Government rather than anything else.

Q34 Chair: But you are not saying you understand what he said and that you agree with what he said?

James Brokenshire: If you are saying, Mr Vaz, about the language the Prime Minister has used on that occasion, the Prime Minister is perfectly able to express himself in that way. It is rather his actions, his commitment, his real focus on dealing with this issue that underlines his commitment and our commitment as a Government.

Q35 Chair: We will be coming to that and all your strong commitments. Richard Harrington has been your co-Minister for the last few months and he is—as I said in the House yesterday—the first Immigration Minister to meet a target. Were you surprised that he was able to meet his target on Syrian refugees whereas the Home Office still has not met its target on net migration?

James Brokenshire: Mr Vaz, there are different challenges that we face as a Government. We have made our commitment in respect of resettling refugees; the 20,000 target that the Prime Minister has set for this Parliament, the 1,000 that we said we would resettle before Christmas. We have clearly met that and I am delighted that Richard Harrington and the team at the Home Office and across Government have worked hard. It has been a strong showing of partnership. Of course there is more that we have to do on the issue of net migration, which no doubt we may turn to, but it is a very positive sign and we still are focused on delivering on that bigger number and there is more work to be done.

Q36 Chair: Are we on target, because so far we have missed this target for the last six years? I know that when the Home Secretary came before the Committee on the last occasion she did say to that the reason why she did not meet the target was that she had to look over her shoulder at the coalition partner she had, but you have now had a year and a half without the coalition. Are you still on track to meet your target of net migration of the hundreds of thousands?

James Brokenshire: As I have said to this Committee in the past, our ambition remains to reduce net migration from the hundreds of thousands to the tens of thousands over the course of this Parliament. That ambition remains but I would not pretend to this Committee or to you, Mr Vaz, that that is straightforward. There are issues that we need to deal with in terms of the EU renegotiation, and equally other policy reforms that we want to bring forward around Tier 2 and reflecting on, for example, that skilled route, and the advice of the Migration Advisory Committee. But I can underline that the ambition absolutely remains to reduce net migration to those long-term sustainable numbers.

Q37 Chair: Let's look at an issue where you have acted very swiftly. When you heard that the contractors—G4S and Jomast—were painting the doors of asylum seekers red, you came before the House very swiftly and made a statement expressing your grave concern about this, and you initiated a review. Has that review been concluded and do you have the conclusions for this Committee?

James Brokenshire: I am grateful, Mr Vaz, for the opportunity to report back to this Committee. As I think I said at the time of my statement to Parliament, I was concerned by the issues that were highlighted in the reporting in *The Times* that in some way asylum seekers could be identified as a consequence of the colour of their door in Middlesbrough. We have completed the audit that I said would be undertaken and I am finalising arrangements to publish the response to that audit as well, but it is worth sharing with the Committee some high-level responses and reflections.

We inspected around 76 properties, which in total of those that had already been examined and scrutinised over the course of this financial year meant that we have inspected about 50% of the asylum accommodation in Middlesbrough. We obviously were concerned about the specific issue of whether there were complaints that had been highlighted in respect of red doors. As part of the audit we had discussions with a number of those who were receiving the asylum accommodation and interviewed around 60 asylum seekers. They expressed their experiences but the issue of red doors did not feature in the interviews that we conducted there. We also spoke to police as well to see whether there were any links to antisocial behaviour or

stigmatisation of asylum seekers and they did not report that there was. We obviously were concerned about the standard of accommodation and—

Q38 Chair: Sorry, on the red door issue, even G4S accept that the painting of these doors red—a predominant colour—was wrong and they started to repaint them. When Mr Monk came before this Committee two weeks ago we put to him your statement in the House and he said, “He doesn’t know what he is talking about”, basically that you had it wrong when you came before the House, that you were over-reacting to an article in the newspaper. Are you saying you got it wrong or are you saying there were circumstances that meant that these doors were predominantly painted a particular colour in order to identify asylum seekers?

James Brokenshire: The doors were painted a predominant colour. Our conclusion is that rather than that being a policy to identify it was simply a means of the contractor managing its maintenance by using that colour. Clearly, by the reports that we saw, there was concern as to whether that could then lead to stigmatisation or isolation. One of the clear recommendations that came from our audit is that housing providers should ensure that properties used to accommodate asylum seekers cannot be easily identified, either as a deliberate policy or inadvertently. Our assessment on this is that this was inadvertent, but the clear issue on being able to distinguish is not right and that is one of the conclusions and recommendations that we made.

Q39 Chair: That is extremely helpful. It would be unacceptable to have done it if it was done deliberately but your conclusion is that it was inadvertent. There was a predominant colour, which will now be removed, because there are many colours in the rainbow, as we pointed out when G4S came in.

James Brokenshire: That is right. Some social housing and other providers for maintenance purposes can use specific colours. Our concern here—as highlighted by the situation in Middlesbrough—was that that could lead to identification inadvertently and, therefore, it is right that we should have a clear policy underlining that there should not be a means of identification in that way. I would also point out, Mr Vaz, that one of the issues that our audit and inspection report also highlights is the need to ensure ongoing monitoring and assessment of the welfare and safety of asylum seekers and reminding those who are providing these sorts of services. Also from a Home Office perspective, the manner in which we inspect properties has been focused very heavily on the standard of accommodation. But the point that—

Chair: These are your own inspectors?

James Brokenshire: Correct.

Chair: Ms Rapson’s officials?

James Brokenshire: Correct. We have around a team of 17 that conducts these audits around the country. Around a third of all the asylum accommodation is inspected to see that it meets appropriate decent homes standards and those sorts of factors. But on the audit arrangements, our conclusion is that we should also do more to identify the responses from those who are in the accommodation itself so that if there are complaints we can act upon them more swiftly.

Q40 Chair: You also know of the concerns expressed by Members of Parliament, in particular Stephen Doughty from Cardiff, about the company called Clearsprings, who will be giving

evidence to us after you have finished. In that particular case asylum seekers were asked to wear wristbands. Once they had those wristbands they were served their food. This is a quote from one of the asylum seekers, "My time in Lynx House was one of the most horrible experiences in my life. I hated wearing the wristbands and sometimes refused to wear them and was then turned away from food. If we refused to wear the wristbands we were told we would be reported to the Home Office. On the road we had to walk down there was often heavy traffic. Sometimes drivers would see our wristbands, start honking their horns and shout out of the window, 'Go back to your country'." Do you accept, as the Immigration Minister, that it would be totally unacceptable for people to have to wear these wristbands in order to get food from one of your providers?

James Brokenshire: I do accept that identifying asylum seekers in that way, where they could be stigmatised, is not right. I note that Clearsprings took immediate action to change that policy. From my investigations, the background to this was that a number of people were turning up at Lynx House and obtaining food. It was not possible to distinguish between those who were asylum seekers, who were entitled to it, and those who were not. Therefore, from an operational perspective, Clearsprings introduced this. It was introduced last May in full—

Q41 Chair: Even on an operational basis, it is very unBritish, is it not? It besmirches the reputation of our country. You and the Prime Minister speak eloquently of this country accepting asylum seekers. To identify them in this way publicly is unacceptable, is it not, whether for operational reasons or not.

James Brokenshire: The implications of this were not thought through and the broader policy implications of identifying asylum seekers as a consequence of that were not considered in the broader perspective. Therefore, it is right that that policy was changed forthwith and Clearsprings acted appropriately in so doing. We have reminded all of our providers and sought assurance that this is not adopted in any other establishment. We have had that confirmation back from our contractors. Also to underline that there should not be further practices that allow asylum seekers to be identified by the public, and wristbands obviously is a particular element in this.

Q42 Chair: Ms Rapson, Ministers of course rely on the recommendations of senior civil servants like yourself when signing contracts. COMPASS predates you, but on file you will see a letter from me, as Chair of the Committee in the last Parliament, warning the Home Secretary about putting all our eggs in one basket, relying on three big providers and then not being able to scrutinise them. Do you feel that there has been a lack of scrutiny about the way in which these big contractors have carried out Home Office contracts, which has given rise to these red doors, wristbands and all the other bits and pieces, that may have occurred inadvertently but are plainly wrong and unacceptable?

Sarah Rapson: The Minister is right in what he said about the specific arrangements for the red doors and the wristbands. There is no policy in the contracts or from any of my teams to say we are to set out deliberately to have people identified in that way. I can see for both of those examples how the suppliers have ended up with red doors and I see how they have ended up with using wristbands, but when you take a step back and you look at it, it is plainly wrong. I completely agree with the Minister on that.

Q43 Chair: But you have all these inspectors going around inspecting.

Sarah Rapson: We have 17 inspectors that go round and inspect once the commercial providers themselves have done their inspections. They are required, as part of the contract, to go to each property every month and also when somebody leaves or arrives at the property for the first

time. Our inspectors are, on top of that, making sure that their inspections are right. There is a monthly contract management board with each of the providers where we look at all of the performance, the performance against a range of KPIs of which there are nine or 10. On top of that there is an executive oversight board and I meet with the chief executives of all three companies regularly as well. So there is quite a lot of scrutiny on the contracts already.

Q44 Chair: But will there be more scrutiny now in view of what this has all thrown up?

Sarah Rapson: Yes. The Minister has said the lesson we take away is when we are doing our inspections we broaden the perspective of our inspectors to think also much more about the environmental context and community cohesion and the safety and security aspects. So, yes, we can do more to get better at it.

Q45 Chair: We have received a letter from the Mayor of Middlesbrough in which he says the council has not been in contact with the Home Office. It has just arrived with us today but he says the figure for asylum seekers in Middlesbrough is now one for every 18 residents in some areas, whereas the Government's figures should be one for every 200. He complains that there is little communication between the council and G4S and the Home Office.

Sarah Rapson: I am quite surprised to hear that.

Chair: We will let you have the letter.

Sarah Rapson: We will absolutely have a look at the letter. We work closely with all of the local authorities that we deal with that do have voluntary dispersal arrangements in place. We are very conscious that in Middlesbrough there is a breach of the one in 200 arrangement.

Q46 Chair: So you accept his figures even though you have not seen the letter?

Sarah Rapson: I accept it is over the one in 200 arrangement. It is a voluntary arrangement but that is what we aim to stay underneath. We have a plan in place to try to reduce those numbers as quickly as possible in the knowledge that the council would like us to do that.

Q47 Chair: He says, "We have little confidence that we have been consulted on all properties housing asylum seekers and no additional properties have been approved in the past two years since the council started to receive reliable information on the growing asylum population". Basically no one is talking to the council. Minister, the councils, the local authorities, are crucial, aren't they?

James Brokenshire: I am surprised, as Ms Rapson is, by that comment. Certainly we will pursue with the local council because the local council itself has a role in approving the accommodation that is used by our service providers for asylum accommodation. There is a joint arrangement that operates there. We recognise that the one in 200 threshold has been breached as a whole in Middlesbrough and we are working with the local authority on a plan to reduce that number down because that is important in fitting within the overall framework.

Q48 Chair: At this point in the proceedings if Mr Flynn was on the Committee he would ask you this question, so I will ask it, as it is his birthday today. There are many asylum seekers in Newport but there do not seem to be many in other parts of the country where Ministers happen to

be the local MPs. I will ask it out of respect for Mr Flynn: how many do you have in Old Bexley and Sidcup?

James Brokenshire: Old Bexley and Sidcup is not an asylum dispersal area.

Chair: So none?

James Brokenshire: To my knowledge we do not on that basis, but it is rather that we do have some asylum seekers and others who may have made appeals who are housed in some of the accommodation locally in Bexley. We are not a dispersal area but there are those arrangements that were agreed back in the last Labour Government on dispersal. Also it is worth highlighting—

Chair: That sounds like a big no to me. If I was Mr Flynn I would be getting very worked up at this point.

James Brokenshire: Mr Vaz, what we are dealing with is an agreement that was reached with 200 local authorities that are dispersal areas, recognising that in London and the south-east and Kent and other authorities, where we have unaccompanied asylum-seeking children, there are those specific and different challenges that do exist. But certainly we are looking to expand the number of local authorities involved in those dispersal areas.

Q49 Chair: So you are making a big and open offer, they can come to Bexley and Sidcup?

James Brokenshire: We are working with our dispersal providers in those areas that have been agreed to expand the number of local authorities, to ease with our strategic migration partnerships. That is the point, you have to do this in a considered regional way to ensure that you have the support and wraparound that is needed in respect of asylum seekers and the support that is there. I know Mr Flynn, as he is not here, would want to continue to press on this and we are working with the authorities to expand the number.

Chair: Luckily for you he is not, so I shall pass on to Stuart McDonald.

Q50 Stuart C. McDonald: Ms Rapson, the COMPASS contract, as I understand it, was signed in 2009 and commenced in 2012. Since then the number of asylum seekers being housed has grown considerably. We had G4S telling us that they now house around 17,000 when previously it had been 9,000. What is the Home Office doing to help them meet that demand and what steps can be taken to ensure that the resettlement of Syrian refugees is done in such a way that it does not make that task even harder?

Sarah Rapson: We work very closely with all the providers—all three including G4S—to support them with procuring additional properties. That is the first answer to the question: is there enough housing stock for the numbers of people that we need to accommodate? We will work with—as the Minister has just talked about—the strategic migration partnerships and local authorities, with G4S and others, to make sure that there is sufficient property across the UK. We need to continue to do that because there are some local authorities that do not participate, and we would like more local authorities to participate and that would ease the system.

The other thing we can do within UKVI is make sure that we are managing the workload sufficiently swiftly, because of course people are in accommodation while they are waiting for a claim to be assessed mostly. The quicker we can get through and make decisions on individual cases the better. We have been better at doing that over the past couple of years and people are moving through the accommodation much more swiftly than they were previously; it is double. It is helping

the providers to work with the local authorities to create more property capacity and also making sure that the operational system at the Home Office, when we are dealing with the case management, is running efficiently.

Q51 Stuart C. McDonald: Is there any thought given to where the Syrians that have been resettled here are placed so they are not making the challenge faced by these providers any greater?

Sarah Rapson: The Department has three competing pressures on accommodation: we have the asylum seekers that we were just talking about; we have the resettlement group, the 20,000 that we need to make sure are properly placed; and we have the unaccompanied asylum-seeking children. What we must make sure, from the Department's perspective, is that when we are having conversations with the local authorities we get the balance right between the accommodation for each of those three groups. It is important that the Department is presenting and talking to local authorities with one voice.

Q52 Stuart C. McDonald: You have spoken already about trying to widen the number of local authorities that take part in dispersals. Going back to the COMPASS contracts, where are you on coming to a decision about whether to extend them or not? Is that a decision that is due to be made soon?

Sarah Rapson: We are currently reviewing that decision. We do have the option of extending for an additional two years following the end of the contract in 2017. That is with our gift to be able to extend. We are currently reviewing whether we want to proceed with that, working with the Cabinet Office and other parts of the Home Office, like the Commercial Department.

Q53 Stuart C. McDonald: We have had the red door story, and we have had the red wristband story, but more importantly there was a Home Affairs report by this Committee in 2013 that raised concerns of the critical National Audit Office report in January 2014 about the contract. There was a scathing report by the Public Accounts Committee after that. Then when I speak to the Scottish Refugee Council I hear appalling concerns about rats, about rotten floorboards, racism even. Is it not time to have a full and very public review of this whole contract?

Sarah Rapson: The quality of the accommodation has improved since the beginning of the contract. When G4S and Serco—I think Clearsprings was a provider already—took on properties, the quality of some was poor. If you look at the level of service credits applied to those companies at the beginning of the contract, as it related to the quality of the accommodation, it was up at £6 million for that 2012-2013 period. This most recent year it is at £200,000. It is a lot less because the quality of the accommodation has genuinely improved. Some of the stock has been rolled off because it was not good enough at all, and some other companies have invested in some of the properties to improve them.

I am not saying that all the properties are fabulous but I am saying they are definitely better than they were when perhaps some of these inspections were not done towards the beginning of the contract. There is a definite commitment on the part of all three providers to make sure that the accommodation meets the required standards.

Q54 Stuart C. McDonald: You are arguing there has been an improvement but that is from a low base. Is there scope for a broader review of the three big contracts and ultimately consideration of whether or not we should go down an alternative approach and return perhaps to use of local authorities again?

Sarah Rapson: There is an extension that we are considering at the moment for an additional two years, but in 2019, if we have extended, if we decide at that point we will have to go back to the market, we will have to decide on what kind of model we want to move to going forward. I would imagine by then we will have said, “Well, some things work well and some things do not work well. Do we want to adjust the model?” We will start to think about that in the next period.

Q55 Stuart C. McDonald: We have heard already that you are hopefully going to broaden out things that inspectors take into account when they are considering properties and so on, which is welcome. I would question how 17 inspectors is sufficient and are we relying too much on these accommodation providers to self-inspect essentially? Secondly, despite the fact that all these stories emerge, the same providers tell us that they meet the KPIs and that they do not have complaints. That raises concerns about whether the KPIs are appropriate and also whether they have robust complaints procedures in place. Is that something you can look at as well?

Sarah Rapson: We do look at complaint levels quite regularly. In addition to what the suppliers tell us, we also receive information from Migrant Help, which is located in the initial accommodation centres, and they will let us know what our service users, the people waiting for their claim to be assessed, say. We also have our own complaints procedures, so people are able to make complaints in the way you would make complaints about any of our services across UK Visas and Immigration.

Q56 Mr Chuka Umunna: Just two further questions on your questions, Chair. I have to confess, Minister, I am very concerned about some of the language that is being used. I heard what you said in respect of the Prime Minister using the phrase that he did at Prime Minister’s Questions. I have noticed, as the Chair has, that you are usually quite temperate in your language. It is a shame that you were not able to follow the lead of the Minister of State in the Business Department, Anna Soubry, who said she would not necessarily have used the same language as the Prime Minister. I am just sad that you were not able to repeat that.

On this dispersal issue and the letter that we have received from the Deputy Mayor of Middlesbrough, if you are a person in Middlesbrough, who do you hold to account? Who ultimately is responsible for the way in which asylum seekers are dispersed across the UK? They have obviously gone above the threshold there. Who ultimately is responsible? You, G4S, the mayor; who do they look to?

James Brokenshire: In essence it is a joint arrangement between G4S, or the relevant contractor in the relevant area, in conjunction with the local authority and the Home Office. We, as the lead Government Department, clearly will work with local authorities. They are absolutely key. The strategic migration partnerships, which are organisations that represent the local authorities within a particular region, have an essential role in this. But certainly on the specific point that you raise on seeing that the numbers are reduced, that is something of concern to me. The one in 200 threshold was put in place for an appropriate reason—that there was not over-concentration in particular communities. We are working with local authorities, as well as with the providers, to expand out the base of local authorities that may not be participating in those regions.

Q57 Mr Chuka Umunna: Is not the truth of the matter, Minister, that in the end you are the directing authority in this? You are the ones who commission the contracts and, yes, you consult with the local authority but ultimately you are responsible. So if I was a resident in Middlesbrough it

is you I should be holding to account for this dispersal issue and the over-concentration of asylum seekers in one particular area?

James Brokenshire: We set the framework for the policy in the contracts and—

Mr Chuka Umunna: But you are the responsible person, aren't you?

James Brokenshire: —the individual providers will then determine where the accommodation is sourced and provided within the framework of the contract. We have set that framework, but equally we look to the providers to meet those obligations. Where they do not we will hold them to account. If it is on quality of provision then that is where the penalties and the contract that Ms Rapson has worked and referred to apply, and equally that is how the overall dispersal is framed.

In conjunction, it must be said that this is on the basis of agreements that were reached with all of those local authorities when the framework was set. You can point back to when these agreements were originally struck as to the local authorities that were participating in the relevant balance.

Q58 Mr Chuka Umunna: Can I just ask you on another issue that the Chair mentioned, and obviously we are going to be taking evidence shortly from them? The Chair talked about some of the problems with this contract in Cardiff and our colleague, Stephen Doughty, has raised many issues with that. In light of the issues that have been raised, and the fact that reportedly this company is under investigation from HMRC, and also in light of the fact that you are paying them a huge amount of money as the Home Office, do you think it is appropriate for this company to have awarded a 379% pay rise for our next witness in 2015? Does that sound right to you in light of the issues that have been raised and the fact that this is a company under investigation as to whether it has been properly paying taxes to the Exchequer?

James Brokenshire: The questions are the facts of that case—and I know that Clearsprings have disputed some of the facts that you have reflected—and you will be able to take direct evidence from them on the facts of this. On the specifics of the contract and the manner in which it has been run, I know that, for example, the other two providers have indicated to the Public Accounts Committee that they are not making money on these contracts. We judge that they are delivering on the quality of accommodation, that they have seen improvement, and they are offering value for money for the taxpayer and that is what—

Q59 Mr Chuka Umunna: But 379%, in light of all the issues the Chair has just quoted at you, does that not sound slightly barking to you?

James Brokenshire: Let us see what the facts of this are. As I say, while that has been presented as a fact, I know that it has been disputed by Clearsprings and we will see what the facts are.

Q60 Chair: Minister, as Mr Umunna has just said, the fact is that the salary of the chief executive is £947,000 a year.

James Brokenshire: As I understand it, Clearsprings dispute that.

Chair: We will get him to bring his tax return, his P45 or whatever.

James Brokenshire: I am sure that you will be able to ask him very directly on this.

Q61 Chair: But it is an awful lot of money; the point is it is quite a lot of money. I agree, witnesses have said to us that they are making a loss on Home Office contracts. We said to G4S, “Why are you doing it?” It seems to be kind of profile work for them, that they want to do this Home Office work at a loss, but we are concerned for the taxpayer. This is not the Public Accounts Committee, but we are concerned to make sure that the taxpayer gets value for money.

James Brokenshire: That is very much my focus on the COMPASS contracts and we believe they are delivering value for money.

Q62 Chair: In evidence to us, Mr Whitwam said that the number of asylum seekers in Middlesbrough was going down. In his evidence to us in an answer to Mr Umunna, question 108, he said, “In November, Middlesbrough did ask the Home Office and G4S to come before them. They presented their requirement for the numbers to be reduced and since that meeting on 20 November, by mutual consent, we have been reducing those numbers.” You are nodding, but in the letter of 5 February, the Mayor of Middlesbrough says the numbers have increased, not been reduced. Despite this, the number of asylum seekers in Middlesbrough has grown by over 130 during this period, so we would ask you to look at that. We do not expect you to have an answer now because you have not seen the letter, but please look at that variation.

James Brokenshire: Yes, I am very happy to look at that.

Chair: Thank you.

James Brokenshire: I would underline the plan that we have with G4S in Middlesbrough to see that those numbers are reduced, to get them down towards the 100 and 200 number.

Chair: Excellent. Mr Winnick has a point on dispersals.

Q63 Mr David Winnick: Very briefly, a point on a question. I would not have expected you to disengage or disagree with the Prime Minister’s vote, even Cabinet Ministers, but I have sufficient confidence in you, Minister, that you would not yourself have used the same expression as the Prime Minister. I do not want you to comment on that; there is no necessity.

I come back to the last point raised by the Chair about Middlesbrough and he quoted from the letter, which we only received today and the mayor sent you copies. Could you provide the Committee—obviously you cannot at the moment—with the number of asylum seekers in what would be seen, and in reports, as the most prosperous areas? If you take the most prosperous 75 constituencies in the United Kingdom, could we have a detailed breakdown of how many asylum seekers are in those places?

Chair: Not today, but if you could write to us.

James Brokenshire: I think it is important to understand that the arrangements on dispersal are structured on agreements that were reached under the previous Labour Government on those local authorities that would participate. I will certainly look—

Chair: Minister, I think Mr Winnick just wants factual information from you.

James Brokenshire: I am happy to provide that factual information on those authorities that are participating in the dispersal arrangements and see how best we can provide that information to you on those regions that are dispersal areas for asylum seekers.

Chair: Very helpful, thank you.

Q64 Mr David Winnick: Reference has been made repeatedly by you, and particularly by the Prime Minister in answer to Mr Flynn and others, that this was arranged under the previous Government. That does not alter the fact that presumably, since you have been in office, coalition or otherwise, since 2010, you would be negotiating with other authorities over this.

James Brokenshire: The point, Mr Winnick, is that this is on the basis of the COMPASS contracts that have certain regions in which asylum seekers will be housed, and therefore it is the COMPASS contract framework and that dispersal area that determines where asylum seekers are housed as part of the dispersal arrangements. That is why I make the points in the way that I do.

Chair: Thank you, very helpful.

Q65 Mr David Winnick: You will let us have that list?

James Brokenshire: Yes.

Q66 Nusrat Ghani: Minister, we took evidence from Mr Stephen Shaw earlier and you have said that you accept the broad thrust of the Shaw review. Which part of the report stopped you from saying you agreed with it in full and accepted its recommendations in full?

James Brokenshire: I think because this is a very complex arena and we are partway through a process. I have already indicated, through the written ministerial statement, our direction of approach on how we wish to adopt a new policy in respect of what we term as adults at risk, so to highlight those issues of vulnerability; equally to look at the way in which we handle cases, how we should be looking at more removal plans rather than detention plans, because ultimately we are detaining people for the purpose of removal and therefore to ensure that those themes are properly reflected in the whole stance. I think it is a significant and transformative approach that we are taking, but for those reasons we have accepted that we do support—and I commend Stephen Shaw for the work that he has done in providing that report to us—and we are still working through on some of the detailed issues, operational guidance and other matters, and equally to see further work that will be forthcoming on mental health and on other issues as well.

Q67 Nusrat Ghani: Minister, you may recall that I spoke at a Westminster Hall debate on pregnant women being held in detention centres. Mr Shaw said earlier on that it was utterly unacceptable for pregnant women to be detained. Is that some detail that you might be looking at and possibly reviewing at all?

James Brokenshire: I can certainly say that it is not right to detain pregnant women unless there are exceptional circumstances to show that there are issues on removal, for example, that there is an immediate removal or a forthcoming removal that means a period of detention may be appropriate to facilitate that or there are absconding risks or other public protection risks. That is at the heart of our adults-at-risk policy. We will be coming forward with more details of this shortly and I hope they will underline our approach on vulnerability issues, with pregnant women being one of the characteristics but there are others as well, where the clear presumption should be that detention is not appropriate. There may be circumstances where other factors are weighed against that, but it is underlining the clear process and having a gatekeeping mechanism for our officials to examine this and scrutiny attached to this to ensure that it is applied appropriately.

Q68 Nusrat Ghani: We referenced in the Westminster Hall debate the work that Women for Women Refugees have been undertaking and the fact that they highlighted a number of pregnant women are unable to access maternity care and even have issues when they are going into labour or having children in hospital later on. Will all the evidence that was put forward then be taken into account and will you be able to prioritise your focus on looking at pregnant women in detention?

James Brokenshire: We certainly are very focused on this issue of pregnant women and other forms of vulnerability or risk as well, mental health being another core part of it. I think it is very difficult to put in place a blanket exemption, for the reasons that I have outlined, but I can assure the Committee that we are examining this issue carefully in the development of the adults-at-risk policy and on the specifics. I know that from Yarl's Wood as well there are recommendations that flow through in relation to healthcare. There are links with the Bedfordshire Hospital on antenatal care, but it is about removal and only detaining someone who is vulnerable for that purpose and using other mechanisms outside of detention to see the removal takes place. In many ways, the reforms that we are bringing forward in the Immigration Act 2014 and the current Immigration Bill are precisely aimed at promoting departure rather than having to use detention and enforced removal.

Q69 Nusrat Ghani: If you undertake some of the recommendations from the Shaw review that you deem acceptable, how will that change the number of people in detention? How do you see that changing?

James Brokenshire: On the issue of those who are at risk, to use that terminology, I think that it will see a reduction in those who are at risk in detention and for reduced periods as well. We are examining as a part of broader work the whole issue of the immigration estate as part of the business planning processes that Immigration Enforcement and Ms Campbell's directorate are looking at. It is all part of these separate parts of work on mental health and reports that will be coming forward on that, on the adults-at-risk process, on our case-working elements, the gatekeeping and review mechanisms, as well as looking at the estate as a whole. I would underline to the Committee that it is not simply stopping at the responses of Stephen Shaw; this is ongoing work and we will be coming forward in the months ahead with more detail.

Q70 Mr Ranil Jayawardena: Minister, are you able to update the Committee on the latest figures for the proportion of detainees in detention facilities who are ultimately released into the community, as opposed to the proportion that are removed from the country?

James Brokenshire: I can certainly point to the overall removal numbers and the numbers that are in detention, because I think it is worth underlining that we have a detention estate of around 3,400, and at any one time around 3,000 people are in immigration removal centres, as compared to a reporting population of about 60,000.

Q71 Mr Ranil Jayawardena: But how many of those who are detained are ultimately released back into the community?

James Brokenshire: I think the current number, which has gone up, is around 54%. I will correct the Committee if that is an incorrect figure. I think it has gone up from around a third at one stage. I think, Ms Campbell, in the year ending September, 47% of detainees leaving detention were removed, 42% were granted some other form of admission and 10% were released on bail. Obviously what I want to see is those numbers going up. If people go into an immigration removal centre, it should be part of a removal plan. That is absolutely at the heart of some of the

processes and case-working issues that I have highlighted to this Committee. It is that figure that we do need to increase, but equally the overall numbers as well so that we are not seeing people having to go into immigration removal centres and they are making the decision to depart for themselves.

Q72 Mr Ranil Jayawardena: How much are the Government spending on detaining migrants who are ultimately released into the community?

James Brokenshire: Perhaps if I can come back to the Committee, because it may be that there are costs of support or other elements. For example, there may be an asylum claim that has been made, albeit that I would underline that the vast majority of people, particularly when you are looking beyond the 29-day period, are either those who are offenders or those who have committed some form of immigration offence. I think in contextualising who is in the immigration estate, it is important to underline that this is not about locking up large numbers of asylum seekers; it is about foreign national offenders and those who are not compliant.

Q73 Mr Ranil Jayawardena: One figure that has come to mind, further to questioning from Mr Berry, is that at Cedars last year almost £4 million was spent on detaining people who were ultimately released. They were detained in a place that is described by one Home Office whistleblower as being “better than Butlins”, as a place that they would go for a week’s holiday. Is this a good use of taxpayers’ money?

James Brokenshire: I think it is important to understand that Cedars is for pre-departure accommodation for families with children.

Q74 Mr Ranil Jayawardena: But 40% of those people were released into the community.

James Brokenshire: It is specifically for that purpose. We are examining the Cedars arrangements. Stephen Shaw himself has made a recommendation in his report that we are examining around that. Clearly we want to ensure that there is appropriate accommodation for children in those limited circumstances where detention operates, but that it is delivering value for money, which is the point that Stephen Shaw has underlined.

Q75 Chair: Minister, you were not in the room when Stephen Shaw gave evidence. He used the word “outrageous” about the expenditure on Cedars and he said it puts people in a false position where they think that the rest of their lives are going to be, in his words, “palatial”. They are palatial. I have been to Cedars to have a look and it is a wonderful place for people, but the point Mr Jayawardena is making is it is not providing value for money, £6 million and the numbers who go through, is it? We are not blaming you, because Cedars is not your responsibility and we know that the previous Deputy Prime Minister was very keen to see it opened. We are not having a go at him because he is not here, but the fact is that this Committee, Mr Jayawardena and Stephen Shaw have all said it is not providing value for money at the moment. Will you take that point, please?

James Brokenshire: I can assure this Committee that that is one of the recommendations of Mr Shaw’s report that we are most certainly looking at very closely, given the trenchant comments that he has clearly made to this Committee a few moments ago as well as in his report itself. It is about providing appropriate accommodation for children on departure, but equally ensuring that it is delivering value for money.

Q76 Mr Ranil Jayawardena: Thank you, Minister, and thank you, Chairman, for your intervention. I perhaps would continue in saying that you rightly, Minister, say “appropriate accommodation” but do you think it is appropriate for Her Majesty’s Government to be spending money on all sorts of luxuries that, frankly, hardworking families can ill-afford, things like widescreen televisions, Sky satellite channels, an internet cafe and basketball court onsite? Are these appropriate for taxpayer spending?

James Brokenshire: I think we need to look very carefully at our immigration removal centres on striking the balance of something that is not a prison, it is for someone to facilitate their departure from this country, and that we are providing appropriate accommodation, I hope for relatively short periods of time, to see that they are removed.

Q77 Mr Ranil Jayawardena: But, Minister, that is my question: is it appropriate for widescreen televisions and Sky channels to be provided to people in these centres when hardworking families can ill-afford them?

James Brokenshire: I think if you visit an immigration removal centre, you will see that they are not palatial environs at all.

Q78 Mr Ranil Jayawardena: Minister, with respect, I am asking for your judgment on whether this is an appropriate use of taxpayers’ money?

James Brokenshire: I think having immigration removal centres with some facilities to make the environment for those who are being removed from this country appropriate is an appropriate spending of money, but this should not be sugar-coated or excessive. We keep these issues under close review, while balancing off the desire to be fair to those who are being removed and doing that in an appropriate way, but that ultimately people with no leave to be in this country should be removed or should depart.

Q79 Mr Ranil Jayawardena: Thank you, Minister. I am encouraged to hear it will be kept under review and that is good to hear. May I make one final point on this? Stephen Shaw also said it was a misdirection of public funds and that is particularly so, I would argue, given that the Chief Inspector of Borders and Immigration, David Bolt, had previously said that this site was under-used. Are you keeping the whole of the contracts in the estate under review as well to make sure that the capacity is best used?

James Brokenshire: We are keeping the whole immigration estate under review. That is why I made the point that I did about the business planning that we are doing for Immigration Enforcement, on whether the aggregate number is the right number, and equally on reducing the length of stay, and whether the facilities remain appropriate in that context. We are giving a broad perspective to all of this, I can absolutely assure you, with value for money clearly being one of the key components.

Chair: Mandie Campbell, do not worry, we do have specific questions for you later on. We will be coming to enforcement.

Mandie Campbell: That is quite okay.

Q80 Mr David Burrowes: Looking at the enforcement business plan in that context, will it be announcing what you said in response to the Stephen Shaw report, which is that you expect the reforms and changes in legislation, policy and operational direction to lead to a reduction in the

numbers and in the duration of detention before removal? What kind of numbers do you anticipate to be the reduction and what kind of duration and reduction do you anticipate?

James Brokenshire: I am afraid I cannot share those details with you at this Committee, because that is still very much work that is being carried out. What I can say on timing perhaps on the number of the deliverables that I have referenced is that we intend to publish the adults-at-risk policy by May. In relation to case working, by the summer we want to have the gatekeeper mechanisms in place to approve decisions about who enters immigration detention and scrutinising the prospects of speed of removal. By the autumn we intend to have a new team building greater expertise on making detention decisions in respect of those covered by the adults-at-risk policy. By the end of the year we want the current system of detention reviews to be replaced by the removal assessments and reviews that I have set out. In addition to that, we are looking at the immigration estate in its totality, and therefore the balance of all of those issues together, and that is obviously something that is part of Immigration Enforcement's business planning process as we move forward in the coming months.

Q81 Mr David Burrowes: In that timescale you did not mention a response to recommendation 62, which is Mr Shaw's recommendation that the Home Office give further consideration into ways of strengthening the legal safeguards against excessive detention. Mr Shaw tentatively suggested autumn, if not 12 months, to be able to come up with additional safeguards. Would that be within your core thrust of agreeing the recommendations or is it a way outwith?

James Brokenshire: I would argue that the adults-at-risk policy is absolutely at the heart of this, as well as the mechanisms for regular review of the continued detention of someone based on the removal plan, because it is reversing it. It is almost looking at it from the other end of the telescope, not saying why we should detain somebody but where we are against that removal. That is why I suppose I have outlined it in the way that I have.

I should also highlight the fact that in March of this year there will be completion of the work on mental health and drawing on the expertise from the Centre for Mental Health and the more detailed mental health needs analysis in immigration removal centres as well. That is a further piece of work that is looking at the issues of vulnerability and how we can better support the people who are in our immigration removal centres with mental health conditions.

Q82 Mr David Burrowes: So that is not a rejection of recommendation 62?

James Brokenshire: I suppose what I am saying is that this is a complete shift and change in the way in which we are handling cases, the way in which we are looking at detention within the overall response around removal and how the case-working approach and the review process is about analysing whether people should still be in an immigration removal centre itself. An independent team from Immigration Enforcement would look at this, in other words having an external team for the day to day. That is about delivering on some of those key points.

Q83 Mr David Burrowes: In relation to the comments from Mr Jayawardena about IRCs, the Dover IRC inspection report referred to, "A recurring theme of our inspection was that Dover looked and felt like a prison. Dover is probably the last custodial facility in Britain that is still surrounded by a moat." Do I take it from your comments around not wanting to be prison-like, and indeed the comments of the Shaw review, that Dover IRC looking like a prison, being like a prison and smelling like a prison, with a moat, is a thing of the past?

James Brokenshire: Dover has closed as an IRC.

Q84 Mr David Burrowes: Yes. Do you expect that those prison-type or like establishments will be a thing of the past?

James Brokenshire: We are obviously looking at the estate in its entirety against the policies that I have outlined and the desire to see a more effective, efficient removal process. I would say it is in that balance of all the policies that we put in place to identify those who are vulnerable, at risk, with mental health issues and ensuring that the safeguarding mechanisms are absolutely there.

Q85 Chair: I will just clarify: there may be a vote at 4 o'clock. The official Opposition is abstaining. Are you planning to vote at 4 o'clock?

James Brokenshire: If there is a Division, I will have to vote.

Chair: You will vote, okay. Just so that I know how to deal with the business and members need to bear that in mind. On this, James Berry followed by Naz Shah, who will then do unaccompanied children at the same time. James Berry, you have a point on this.

Q86 James Berry: Nick Cohen, who is not a noted Conservative, wrote an article in *The Guardian* on Saturday entitled, "To help real refugees, be firm with economic migrants" and in that article he described a trip he had made to the so-called jungle camp in Calais and said that he did not find a single refugee from Assad there. Are you aware of the number or the proportion of people in the jungle camp at Calais who are Syrian refugees?

James Brokenshire: I think it is very difficult to give that assessment, not because I do not want to but because the situation changes quite markedly over weeks and months. I think it is worth underlining the work that the French Government have undertaken in setting up, for example, 94 what they call reflection centres to move out people from the camps. Based on the information the French Government have given us, about 2,500 people have been moved out. We know that, for example, in the camp at Dunkirk predominantly the largest nationality there is Iraqi Kurds, so there is a real mix of nationalities contained within each of the different areas around Calais as well as Dunkirk itself.

Chair: I will adjourn the Committee until we are quorate, until the Minister returns as obviously as you are the star attraction.

James Brokenshire: Thank you.

Sitting suspended for a Division in the House.

On resuming-

Q87 Chair: Could I resume the hearing? Mr Berry has taken us to Calais whereas in fact we should have gone to Bradford with Naz Shah first and then we will return to Calais.

Naz Shah: Minister, I have a couple of questions. One of them is a follow-on from Ms Ghani's question about pregnant women. There was an issue in Yarl's Wood with violence against women and the issue was not taken seriously. Has anyone ever been convicted of assault or sexual assaults against any immigrant women who have been detained?

James Brokenshire: There was a recent dismissal, I believe, of one individual from the IRC at Yarl's Wood. I believe that all of the outstanding police investigations have concluded and that no

further action has been taken, but obviously this whole issue is something that we keep under very close review. It is something that Serco have been very responsive to. They have commissioned the Kate Lampard review, which I am sure, Ms Shah, you will be familiar with. I think it is important to underline that significant changes and improvements have been implemented. For example, one of the concerns was around the way in which detainees were treated. The introduction of body-worn cameras has been a very important addition that has taken place, and we have seen an 11% increase in staffing levels since May of last year with a focus on recruiting more female operational staff, which is currently 55%. So it is a question of treating those in Yarl's Wood with dignity as part of the removal process. New specialist training in things such as safeguarding, human trafficking and mental health has been very much a part of the plan that Serco has been implementing at Yarl's Wood.

Q88 Naz Shah: While you are talking about staffing, is the workforce reflective of the communities that they are serving? What is your percentage of BME officers at senior ranks in all these contracts, or is that part of your contract when you award these contracts?

James Brokenshire: I can only say that the numbers that I have are in relation to female staff at Yarl's Wood. I do not have, in information I have before the Committee today, a breakdown of whether there is further information about black and minority ethnic members of staff at Yarl's Wood but I will certainly take that away and see what further information can be provided.

Q89 Naz Shah: I would find that really helpful, thank you. Moving on then, can you please clarify what you have asked the UNHCR to do regarding unaccompanied children? I provided support for supported lodging to unaccompanied children from Afghanistan so I am very familiar with the issues with young people. I specifically want to know which countries. In terms of conflict regions, do you include Afghanistan or Sudan and what have you actually specified when you have talked about, "We are accepting so many children"? Can you be clear and specific on what you have asked for?

James Brokenshire: What we have asked the UNHCR to do—we are expecting them to come back in the next few weeks; this is not a long period of work that we are asking them to revert to us on—is to provide advice on issues where the circumstances of the child are so exceptional, where they have been separated and are unaccompanied, that means that resettlement to the UK would be appropriate. As I am sure you know, Ms Shah, the advice the UNHCR generally give is that it is in the best interest of the child to remain within region because of extended family. That is why we have asked them openly to examine what is appropriate in these circumstances. We have not been specific about areas of conflict, albeit that the infrastructure we have in place, for example around the vulnerable persons resettlement scheme, has been focused around Syria and the surrounding regions. So that is our starting point in relation to those discussions. I will be having a roundtable meeting on Thursday of this week with UNHCR, various other NGOs, and local authorities as well, to look at this issue of source, transit and the UK, because clearly we want to ensure that there is appropriate support for children who arrive under those arrangements?

Q90 Naz Shah: Do you think it is acceptable for us not to identify conflict regions? I supported young Afghani boys and you just said you do not have a definition or you have not specified that. Do you think it is okay not to?

James Brokenshire: At this stage we want to hear what the UNHCR has to say in terms of their assessment of likely numbers, what that means for particular regions, and seek their advice on what is appropriate. That is why we have not been overly specific albeit that, as I have indicated, I

think our starting point is to look at the region around Syria and then see what the UNHCR say beyond that.

Q91 Chair: Thank you. Let me just bring in Mandie Campbell before we go back to Calais because I do not want you to feel that we have invited you here not to ask you questions. Enforcement is obviously very serious. We will let the Minister deal with the policy issues, but in respect of the practicalities and the numbers, Judge Garnham decided to release Andre Babbage, the Zimbabwean citizen who had committed a string of offences, with the words that the judge thought that once he was let out he will offend again and abscond. How many people are affected by that kind of ruling?

Mandie Campbell: There are a number of people held within the immigration removals estate and within prisons who have completed the end of their prison sentence and we hold them in order to process their removal.

Q92 Chair: Yes, we know all that, but how many are affected by that ruling? This is a blow to the Government, is it not?

Mandie Campbell: Each case is considered on its individual merits—

Chair: Of course it is.

Mandie Campbell: —like all detention is considered on its individual merits.

Q93 Chair: Yes, but how many? Of course they are all considered on their merits.

Mandie Campbell: So we have not released anybody as a direct result of that court judgment, but we of course review everybody in detention to—

Q94 Chair: No, of course, we understand that. We have all been here a number of years. We know that you look at these things very carefully. How many are affected by the judgment of Mr Justice Garnham? How many do you hold in detention who have committed serious criminal offences or any criminal offences? Do we know such a figure?

Mandie Campbell: Yes, we do.

Q95 Chair: How many?

Mandie Campbell: We have around 950 foreign national offenders who are being detained in immigration conditions post completion of their custodial sentence.

Q96 Chair: Yes, so 950 people have been to prison, served their sentence, come out and are either ready to be removed or, if they go to court and they win their case, presumably they are going to be let out. Is that right?

Mandie Campbell: If they are successful in an appeal from within the UK then they would be released with conditions into the community. But with the Immigration Act 2014 we introduced the “deport first, appeal later” provisions and since those were introduced we have removed 2,600 foreign national offenders.

Q97 Chair: Yes, we will come on to them a little later but in respect of this judgment, you are saying that about 950—

Mandie Campbell: No, I am not saying that. Those 950 are a broad spectrum of people who have committed criminal offences from all sorts of nationalities and we are processing their removal. This particular case was a Zimbabwe national and there were particular circumstances in relation to his documentation that meant that we were not immediately able to remove him from the country. Those same circumstances do not apply to the 950—

Q98 Chair: No, of course, but it is a very useful piece of information, for which we are grateful, that you have 950 in detention. How many foreign national prisoners do we currently hold in our prisons?

Mandie Campbell: Overall in the prison estate?

Chair: Yes.

Mandie Campbell: I will have to come back to you with an exact figure but around 12,000, but those are people on remand—so have not yet been sentenced but they are held within a prison environment—and also those that are serving their prison sentences currently so are not eligible to be removed from the country. There are only just under 400 individuals held within the prison estate post completion of their sentence and those are held there because they are deemed, through risk assessment, to be too high risk to be allowed to be moved into an immigration removal centre.

Q99 Chair: Very interesting and very useful figures. In respect of the recent decision concerning the Moroccan national, not the policy—I will come to the Minister on the policy—just in terms of figures, are there many people due for deportation or removal who have children who are British nationals, they have given birth to children while they have been awaiting a decision of the courts or they have given birth to children since they arrived? Are there many in the same position as—I think it is—case CA?

Mandie Campbell: We have individuals in detention who have children in the United Kingdom and obviously if they have children then we take that into consideration, in particular whether they are sole carer for those children or whether they have maintained contact with those children. But it is part of—

Q100 Chair: Do we have figures as to how many? Before I go to the policy issue I am trying to get an estimate—

Mandie Campbell: I do not have those figures available at the moment.

Q101 Chair: Would you write to the Committee with the figures of those who have British citizen children who have been born having arrived in the UK who are in the same position as the Moroccan national who was allowed to stay by the courts.

Mandie Campbell: I will.

Q102 Chair: Minister, those two cases were obviously a blow because the Government lost those cases?

James Brokenshire: I would just say on the case of CS, we have not lost that case as yet. This is an opinion by the Advocate General to the court and so that limits me on what I am able to say in relation to the specifics of it. We are awaiting the final ruling from the European Court of Justice, and even then the UK domestic courts will remain the final arbiter on whether the individual in this case, on its facts, can be deported from the UK. So it is not fully determinative, even in relation to this individual, as to whether they can be removed or not. It is confined to what is known as the Zambrano arrangements, which is this issue in respect to children who enjoy the EU citizenship rights and their parent who does not.

Chair: Of course, as we all know.

James Brokenshire: But I think on this one clearly we are looking at what the final judgment may be and, equally, the tribunal may still determine that the facts of the case are such that the individual can still be removed.

Q103 Chair: Mandie Campbell, in respect of the number of complaints, a lot of my constituents—not a lot, about one a week—come in to complain about a spouse that they brought into the country and they feel that the marriage has broken down and they basically want them out. People who have breached immigration law are reported. Do you have any new figures for this Committee as to the number of complaints that are made to the enforcement section that result in removals from the country?

Mandie Campbell: I don't have those specific figures. I have figures of the number of people who make public allegations across a whole range of immigration matters.

Q104 Chair: How many people made allegations last year, for example?

Mandie Campbell: It is just under 80,000 in a 12-month period.

Q105 Chair: 80,000?

Mandie Campbell: 80,000 allegations, but of those allegations a significant proportion are found to be unable to be substantiated. A further portion we would follow up and obviously investigate. If there was very specific information about a potential abuse of the system then we would follow up and investigate that.

Q106 Chair: Of the 80,000—and you have given us the categories that follow that figure—how many are actually removed?

Mandie Campbell: I don't have a direct figure from that 80,000 because of course the investigations can take place—

Q107 Chair: Is it somewhere in the Home Office or do you just not have them?

Mandie Campbell: That information would not be collected in a way that would directly link it to the allegation.

Q108 Chair: Isn't that a problem if the public is being asked to report people who are breaking immigration law and they are willing to do so with the numbers of 80,000? Don't you think we ought to have the figures as to how many are subsequently removed?

Mandie Campbell: I can certainly write to the Committee with those numbers.

Q109 Chair: So you have the numbers?

Mandie Campbell: We have the number of people who we have concluded action against as a result of the allegations made. So approximately a third of the cases that are referred to us through public allegations cannot be pursued at all because—

Q110 Chair: No, I understand that but I think what the Committee is interested in, Parliament is interested in and the Prime Minister in particular is interested in, is how many are removed?

Mandie Campbell: I believe the figure as a total of the numbers referred to us is around 7% but I will write to the Committee with a figure.

Q111 Chair: That sounds very low, bearing in mind the very large number of allegations.

Mandie Campbell: I think it is comparable to allegations made to Crimestoppers in result of specific action taken as a result of public information received.

Q112 Chair: Do we write to the people who makes these allegations and tell them that the matter has been concluded? I have a number of constituents who come in and they say, “We have written to them months ago and they haven’t told us what has happened”.

Mandie Campbell: If a member of the public gives contact details to us and asks for us to contact them about the information, then we can follow that up with them. Very large numbers of people who give us information do so anonymously or do not wish to be contacted and so obviously we can’t follow those up.

Q113 Chair: If you could write to us. We will give you a list of points. I think finally, Minister, the Committee would probably want to visit the enforcement directorate at some stage this year, just to see how the system is working, because obviously we are very keen to make sure that those who break the rules of this country are removed swiftly and that the system is working as seamlessly as it should be. We will contact you about that in due course.

James Brokenshire: Thank you.

Chair: Do you have any estimates as to the number of illegal people who are currently in the United Kingdom?

James Brokenshire: No, there are no estimates that have been made in respect of that. I know over the years some have proffered figures but there are no estimates or forecasts that have been undertaken.

Q114 Chair: Ms Campbell, has there been a successor initiative to the buses that went around asking people to leave the country because they were overstaying their welcome? Has there been any other new initiatives to try to encourage people to go back if they have broken the law or overstayed?

Mandie Campbell: We have a number of initiatives to encourage people to depart the country. We have a voluntary return service, so if people wish to go home—

Q115 Chair: How many went back last year on the voluntary return service?

Mandie Campbell: In the rolling year to September I believe the number was around 12,000.

Q116 Chair: 12,000 people went voluntarily?

Mandie Campbell: Went with our assistance.

Q117 Chair: With our assistance into the cars and on to the plane or just generally?

Mandie Campbell: With our assistance. That might be help in securing a travel document, help securing a ticket, making sure that they—

Q118 Chair: But they did so without handcuffs? They got on the plane and off they went?

Mandie Campbell: They did so on a voluntary basis.

Q119 Chair: Is that an increase or a decrease on the year before?

Mandie Campbell: It is an increase of over 25% on the year before. To complement that service we have been working extensively now with community groups and faith groups, running immigration surgeries at the invitation of faith groups across the UK, a lot in London but also elsewhere. We are running now around 40 immigration surgeries each month in a variety of gurdwaras, in mosques, temples, churches, where people can go along without fear of being detained or apprehended—we give that assurance if people will come along to those surgeries—and they can talk to us about how they can make a dignified departure from the UK. We believe that is a contributor to why those numbers are increasing.

Chair: Excellent, thank you very much. We will now move back to Calais.

Q120 Tim Loughton: Can I ask you first, before I ask about the principle, how does a 10 year-old from Syria or Iraq or Afghanistan end up in the jungle in Calais?

James Brokenshire: That is a very good question. Part of this is through people trafficking and smuggling. Some of the information that we have received from Europol indicates that of those who have ended up in Europe, 90% had some element of trafficking or smuggling linked to them. So it is that journey that some young people will have undertaken.

Of the overall number of unaccompanied asylum-seeking children we see, around 60% fall more into the 16 or 17 year-old age bracket rather than the younger age categorisation that you have referenced, Mr Loughton. I think it is a question of no one journey being the same but clearly some organisation being linked to it.

Q121 Tim Loughton: On another subject—perhaps I could ask the officials before coming back on policy to the Minister— in the last few days the Prime Minister has said that a huge number of asylum seekers could come to Britain overnight because France would pull out of the current border arrangements in the aftermath of an EU exit. Can you confirm—and one word answers will do—that the juxtaposition arrangements are a result of the 2003 Le Touquet treaty and they have no status within the EU itself? Is that correct?

Chair: It is to you, Minister.

James Brokenshire: I thought he said to the officials.

Tim Loughton: No, no, it is not, it is to the officials.

Chair: Sorry, my apologies.

Tim Loughton: I want a one-word answer.

Chair: Who would that be? Sarah Rapson?

James Brokenshire: It is probably Sir Charles Montgomery who is not here, so perhaps if I can answer, Mr Loughton, if that would be appropriate. We obviously have bilateral agreements and we have—

Chair: I think he wanted a one-word answer.

James Brokenshire: So, yes, it is a bilateral agreement that is being undertaken.

Chair: Excellent.

Q122 Tim Loughton: With a one-word answer, could the officials tell me if that arrangement could be ended by the French or by us now?

Mandie Campbell: My understanding is that there is a period of notice that would be required to be given.

Q123 Tim Loughton: Right, but it could still end now? Likewise, if the referendum voted to stay, it could also be ended unilaterally by the French then, so therefore there is no connection with the referendum?

Mandie Campbell: My understanding is, yes, it could.

Q124 Tim Loughton: That is very useful. If there were to be an ending to the juxtapositions, it could be replaced with something like applying the Immigration (Carriers' Liability) Act that currently applies to flight operators flying people into the UK, where they would be fined if they were deemed not to be eligible to be able to be brought to the UK. Again, for the officials, just to say whether something like that could be applied?

Mandie Campbell: Again, this is not my area, border control is not my area of responsibility—

Chair: But enforcement is.

Mandie Campbell: Enforcement is once people are in the country, yes.

Q125 Chair: Yes, but I am sure you meet the border people, so if you could give us your views, that would be very helpful.

Mandie Campbell: So my view is a carriers' regime could be applied.

Q126 Tim Loughton: It could. That is fine, that is all I needed you to say. So, Minister, on that basis what on earth is the evidence on which the Prime Minister's statement was based?

James Brokenshire: I think, Mr Loughton, on the evidence that has been presented to this Committee. You will remember the Mayor of Calais sitting in this very chair just a few months ago underlining that she would like to see a change to the arrangements, to see an end to the juxtaposed controls.

Q127 Tim Loughton: Indeed, but can you answer me, though, does the Mayor of Calais, or one of her 14 deputies, have the power or authority to change those arrangements? Yes or no?

James Brokenshire: If I may, Mr Loughton, in answering your question, the point is the political environment that exists in France at the moment, with a French Government that has worked with us—and we have a very good relationship with Monsieur Cazeneuve on dealing with the problems in Calais—but recognising the political pressures that exist in France at the moment with the Mayor of Calais, indeed Xavier Bertrand who was elected in the Nord-Pas-de-Calais wanting to see the juxtaposed controls changed. The point the Prime Minister is simply making is the situation, as is, is one that we understand the context of, working closely with the French Government but the situation might change. That is the simple point, recognising the politics.

Chair: Very helpful.

Q128 Tim Loughton: That is a slightly longer answer to my question: do they have the power to do anything about it? No. You referenced the French Home Secretary, Bernard Cazeneuve who said that ending the border arrangements would result in a humanitarian disaster. That does not sound to me as though he, or the Government in France at the moment, is remotely inclined to change those arrangements. So on what basis could the Prime Minister have stated in such definitive terms that there will be a direct link between Brexit and mayhem at Calais resulting in people coming over to us, when even if the juxtaposition arrangements were abandoned there are other alternatives that could be equally, if not more, secure for people coming here?

James Brokenshire: The alternative that you are proffering, Mr Loughton, does not deal with the fundamentals that our juxtaposed arrangements have, which is the fact that we have our border force arrangements in northern France, which means that people can be turned back there without claiming asylum in the UK. You talk about a carriers' liability arrangement but that is too late at that point because they would already be within the UK and able to claim asylum. This dates back to the Sangatte arrangements in 2002 where the juxtaposed controls was a part of the treaties that then followed.

Again, I point to the political environment that we see in France at the moment with a number of political parties advocating very clearly that they would like to see an end to the juxtaposed controls. That is certainly not our view. The French Government have indicated that that is not their view, but the situation could change. Therefore, that sense of uncertainty is what the Prime Minister is pointing to and the impact if the juxtaposed controls were changed.

Q129 Tim Loughton: So it was a bit tenuous, wasn't it?

James Brokenshire: No, I think it is clearly reflective of the political environment in France with significant political challenge from various different political figures outside of the current Government advocating very firmly that they would like to scrap the juxtaposed controls. Our view is that that is not in the UK's interests or in France's interest, but ultimately that is a view that is being advanced in France.

Q130 Tim Loughton: Theoretically if there was a Brexit then it could be the policy of a future Government, if it reflected the political climate of the time, as you say, to deport all Frenchmen to France?

James Brokenshire: Sorry, Mr Loughton, for France to deport Frenchmen?

Tim Loughton: No, for us to deport Frenchmen to France. It is as equally tenuous as the Prime Minister saying that a lot of people from Calais would instantly come over here.

James Brokenshire: No, I don't agree with that at all. I think if you were to analyse what is happening in France at the moment and listen to, for example, what Peter Ricketts, who was our French Ambassador, underlined, there is a very strong political dialogue at the moment about scrapping our juxtaposed controls in France. The French Government have not—

Q131 Tim Loughton: That is before a referendum.

James Brokenshire: It is, and therefore the situation might then change even further if there were a situation where the UK was no longer in the EU.

Q132 Tim Loughton: But if that political climate is there now, why would it change so much if this country voted to come out of the EU altogether? What is the link, is the point I am making?

James Brokenshire: I think because of the relationship between our countries as two EU member states and if there were a change in that environment. With all of the investment that the French Government have made in securing and maintaining the juxtaposed controls, with a 60% uplift of the law enforcement that the French authorities have maintained in and around Calais, they are placing that investment in a relationship based on stability and certainty of being in the EU.

Q133 Tim Loughton: A bilateral one?

James Brokenshire: But within the EU and that broader framework. I think that is the point here on why the Prime Minister was pointing to the political pressure in France at the moment and understanding where we are now and how that might change if that were to alter.

Q134 Chair: Thank you. Politics aside, and there is going to be a lot of politics in these discussions, factually Mr Loughton is correct that this is a matter between Britain and France. I have great respect for Peter Ricketts, I think he is one of the great diplomats in the history of this country and he knows a lot about this subject, but the fact is very clear that this is something between Britain and France.

James Brokenshire: As I think I have already indicated, it is a bilateral agreement but it has to be viewed within a broader framework and it is that political context that is important.

Chair: I think so, but Mr Loughton was asking about the fact.

Q135 Mr Chuka Umunna: My question was very much on the ground that was covered by Mr Loughton quite vigorously just now. I followed the discussion with the Deputy Mayor of Calais yesterday on BBC news where he said that in his view if we left the European Union then these accords would fall away, but Mr Loughton is correct that he is not a member of the French Government.

A simple yes or no answer will suffice, but does the Minister recall the French Interior Minister, Bernard Cazeneuve, who—as Mr Loughton correctly identified—is responsible for these issues saying in October of last year that, “There might be a risk that if Britain left the EU after the referendum Le Touquet accords may not be maintained”?

James Brokenshire: Yes.

Q136 Mr Chuka Umunna: And just a simple yes or no answer, does he also recall Mr Cazeneuve talking about countermeasures being implemented against the United Kingdom in respect of the operation of these Le Touquet accords in the event that we left the European Union?

James Brokenshire: If I may expand, Mr Umunna?

Mr Chuka Umunna: By all means.

Chair: Very briefly; we are very short of time.

James Brokenshire: I will be brief. I think both Governments recognise the huge benefits that come to both countries from the juxtaposed arrangements. Indeed, it is part of the very clear plan that we have on not only controlling our border but also stemming the flow of more migrants coming to northern France. I know, and I think this comes back to the point I made to Mr Loughton on the political pressures of having—

Chair: Yes. Mr Umunna.

Q137 Mr Chuka Umunna: Just two further questions and this goes to my second question, and I am sure Mr Loughton will be listening very carefully to this question. Is it not the case that with things currently as they are we have the best of both worlds? We have the benefits of our continued membership while also having the opt-out from being part of the Schengen area, which enables us to control our borders in a way we may otherwise not be able to.

Chair: With a reminder that this is not the Foreign Affairs Select Committee. A quick yes or no is fine.

James Brokenshire: I am quite sure that in the weeks and months ahead there will be further opportunity for this Committee to debate and discuss EU views, where there may be contrary views in this Committee as there will be across the country.

Mr Chuka Umunna: Minister, I asked for a simple yes or no answer to my question.

James Brokenshire: I think we benefit but it is important that that is part of a renegotiated arrangement, which is why the events of the coming weeks are so important on securing the renegotiation and we have not reached that yet.

Q138 Mr Chuka Umunna: Thank you. My final question, Minister. I do not know whether Mr Loughton cites Norway and Switzerland as nice models to follow, but is it not the case that Norway and Switzerland, non EU member states, have higher immigration per head from the EU to their countries than we do?

James Brokenshire: You may be right on the figures, I cannot confirm that.

Mr Chuka Umunna: Maybe I will ask you to write to the Committee to confirm that.

Chair: Maybe we can Google it.

James Brokenshire: Clearly we see pressures on immigration as very significant and it is why it a core part of the Prime Minister’s renegotiation.

Mr Chuka Umunna: Yes, of course, you are quite right.

Q139 Chair: We must move on, but another question on Calais, which is the violence in the camps. I know you have not visited recently but other Members have, the Leader of the Opposition and others. The situation is getting very tense in Calais and people are under enormous pressure. The authorities there are doing a great job. I know that you have been over many times to deal with the security situation, but at the end of the day the people who end up in Calais all want to come to the United Kingdom. The larger that encampment gets, the bigger the pressure on the border and the more risks they will take in order to come to the UK.

Not a yes/no answer but a brief answer: what are we doing to try to convince the French that they actually need to disband the camp and to ensure that people are treated well in France so they do not need to come to the United Kingdom?

James Brokenshire: The French Government have established, and I think I referenced this earlier on, there are now 94 centres away from Calais where people are able to receive support and also to claim asylum and see their cases advanced. We are advised that around 2,500 people have moved away from the camps around Calais and Dunkirk. The French Government have taken steps to seek to reduce the numbers. There are obviously pressures there.

Q140 Chair: What is the current number in Calais? I was told it was 7,000.

James Brokenshire: I have seen that number. The French Government have indicated it may be slightly lower than that.

Q141 Chair: To roughly what? What are the French Government saying?

James Brokenshire: It would be somewhere in the region of 5,000 to 7,000 and we see a range of different numbers.

Chair: That is an increase of 3,000 since the Mayor came to this Committee.

James Brokenshire: There were increases in the autumn and I think it is important to recognise that. That is why the work is so important that the French Government have taken to move people away, and identify those who are victims of trafficking, the specific support that we are providing as well on better identification to see that children and women who have been abused are supported. But it is that joint working that we continue to do with the French Government and why that movement of 2,500 people is really significant.

Chair: Indeed, it is an increase. Mr McDonald on Mediterranean migration.

Q142 Stuart C. McDonald: One final question on Calais from me then I will move to the Mediterranean. We hear positive things about the steps that the French are taking, but a couple of weeks ago the asylum tribunal—and it is not often I say this about the asylum tribunal—made a very welcome decision about allowing three or four children and one vulnerable adult into the United Kingdom so that their asylum claims could be processed here where they have family and family support. Why not respect the principle behind that ruling and proactively find out who else has sufficient ties with the United Kingdom? It makes simple common sense for them to be in this country rather than in France. We did have a 15 year-old Afghan die in the back of a lorry trying to get here because he was that determined to come here to be with his sister while he was making his asylum application.

James Brokenshire: We support the Dublin family reunion arrangements. As part of the announcement that I made around 10 days ago, DfID is providing support for Greece and in transit to better identify children who may benefit from the Dublin arrangements and be reunified with a family across the EU, because it is reunification on that basis that I think it is appropriate to support. What we are concerned about in this judgment is that it seems to go outside of the Dublin framework. It seems to be asserting provisions in relation to article 8 that we do not think are appropriate and that is why we are appealing that judgment.

Q143 Stuart C. McDonald: So you are continuing to appeal the principle behind the judgment then?

James Brokenshire: Yes, we are.

Chair: A very quick question on Mediterranean migration.

Q144 Stuart C. McDonald: In January, 244 migrants died in the Mediterranean, which is three times as many as in January of last year. As I understand it, UK vessels have rescued about 12,000 in total from the Mediterranean and Médecins Sans Frontières have saved about double that in eight months. Is there more that the UK can be doing in search and rescue in the Mediterranean?

James Brokenshire: We have a vessel, the VOS Grace, that is currently down off the Aegean, or in the Aegean. At the end of this month it will be relocating to the waters off Libya as part of Operation Triton. We are keeping our support to Frontex and that search and rescue operation under close review. I would update the Committee that the figure that I now have on UK assets on search and rescue have saved over 13,500 lives to date. It is part of that support that we are giving, as well as support in countries like Greece on asylum processing and the experts that we send out through the European Asylum and Support Office. We are keeping this under review, but I think VOS Grace, with its Border Force, Royal Marine and other officers from MoD medics, is doing an incredible job. I understand VOS Grace to date has been involved in the rescue of 4,748 people on its own and I pay tribute to the incredible work they are doing.

Chair: Thank you. Let us move on to visas for non-EU spouses.

Q145 Mr David Burrowes: How much leadership are we showing on providing expert support in relation to processing and screening to avoid the treacherous routes across Europe from Middle East hotspots? We show great leadership in terms of international aid but it seems everyone who visits there, including colleagues who go to Greece and elsewhere, say it is crying out for international co-operation, as well as European co-operation, and leadership to ensure that we get the administrative side of it right and process properly and screen people to ensure that they are not making their way, not least up to Calais?

James Brokenshire: We are in bilateral discussions with the Greek Government and others in terms of the support that can be provided. So it is not simply looking at this from a European framework, albeit that the mechanism from the European Asylum Support Office and Frontex is important in that context, to provide that co-ordination, to get, for example, fingerprints into the European database for processing immigration, to be able to assert the Dublin convention, and indeed also to be able to assist on things like reunification issues as well.

What they call the hotspots initiative is one that we strongly endorse and support, which is about providing that very direct assistance. We are redoubling our efforts to see what more we can do, in conjunction with other governments as well, to support Greece and other countries that are

on the frontline in getting better processing, better identification and, therefore, better assistance on the frontline when people are arriving.

Q146 Mr Ranil Jayawardena: Minister, one of the issues that has emerged in the EU renegotiations is that residents of EU countries do not need to reach a minimum income threshold in order to bring a non-EU spouse into the United Kingdom. What options are being considered as part of the negotiation process to close that loophole?

James Brokenshire: It is interesting because I think this is a point I recall being asked in this Committee—

Chair: A recommendation of this Committee.

James Brokenshire: —several months back when I expressed my frustration that there was this distinction as a consequence of EU judgments that was drawn around this. The draft documentation that has been produced by the Commission does propose a new directive to complement the existing pre-movement directive that would reverse European Court of Justice judgments that allow legal migrants to live in the EU and marry an EU national. It would also prevent some of those issues of subverting our controls in relation to non-EU citizens simply by virtue of the fact that they have married an EU citizen. That is precisely what the proposal advanced by the Commission is intended to address.

Q147 Mr Ranil Jayawardena: David Goodhart, who you may know heads Policy Exchange's Immigration and Integration Unit, believes that Britain has historically taken an overly liberal line towards spousal visas and that this has been a bar to the integration of some migrants within British society. It plays to this session of the Committee but also to some of our other work. To what extent do you share this belief and what can be done to make sure that the approach we take does not deter from integration?

James Brokenshire: I think there are two elements: first, on integration and the minimum income threshold, the £18,600, which means that someone who comes here should not be a burden on the taxpayer and how that is set, but also the language requirement as well. Since introducing those additional requirements, the number of spousal visas has fallen by around a third, about 30%, and I think it is important that language in particular is tested so that someone arriving has the best opportunity to integrate and live a fulfilling life here in the UK.

Q148 Stuart C. McDonald: One critical aspect is the fact that you cannot take any account at all of potential spousal earnings. I have a constituent whose wife had been in the UK and earned £20,000 under another type of visa. She is now in Taiwan, can't get in and no account could be taken of the fact that she clearly would be able to support herself. Is that something that the Government would look at again? I think your predecessor hinted at it at some point.

James Brokenshire: I would say that we did look at this very carefully. We had advice from the Migration Advisory Committee on setting the threshold and the manner in which it should be set. This matter has obviously been upheld by the courts and on that basis we have no present intention to review the policy.

Q149 Naz Shah: Minister, I have huge concerns because the majority of my casework in Bradford West is around constituencies, around immigration, and we are above the 60% mark. The Migration Observatory of Oxford University calculated that 41% of British citizens would not meet the threshold that you have set. We also have estimates of 15,000 children being kept apart from

families because of this threshold that you have put in. My struggle, and I would really like your views on this, is that on one hand this Government expect people to live in absolute, abject poverty in some cases in terms of benefits for sanctions and so on, yet when it comes to migration, in terms of Bradford I do not feel you have taken the geographical context of poverty, jobs, unemployment, educational attainment. Most people do not have a chance to meet these criteria, so I would say it is discriminatory, particularly when you have EU nationals who do not have to demonstrate links.

James Brokenshire: These questions and the monetary thresholds have been tested by the court and have not been upheld and I clearly would disagree with your characterisation on the welfare support. We are seeing more jobs being created through apprenticeships, giving more young people the opportunity to make more of their lives through skills and the chance we are giving them through that mechanism. Therefore, we judge that the family settlement groups and the £18,600 threshold is appropriate, as well as the language requirements, and we think it is a policy that is working.

Q150 Victoria Atkins: On asylum applications, a very good effort was made through UK Visas throughout 2014 that saw the number of initial decisions on new asylum applications go from 3,600 in Q1 2014 to more than 12,600 in Q4 2014, but there was a drop off after March 2015. Can you explain that?

James Brokenshire: I think in part—and Ms Rapson no doubt will be able to follow up on any further detail on this—that was because of dealing with the historic cases. We set ourselves the challenge of getting all the outstanding cases up to determination and then moving into a service standard where straightforward cases have an initial determination within six months. There was work to get into that service standard and we have now been maintaining that service standard of asylum applications, where they are straightforward, being decided within six months and that is the intent behind the policy.

Sarah Rapson: I would add to that by referring to the Chief Inspector's report into asylum over the last few weeks where he talks about the fact that we did clear the backlog of older work that we said to this Committee we would do by March of last year, which is why there is a complete tail-down of the volumes. Since then we have maintained all straightforward cases being completed within six months of our receiving them and our commitment is to keep up to date with all new cases and, of course, as we have seen, intake is also rising.

Q151 Victoria Atkins: What are the reasons for the increase in new asylum applications from Q3 2015? Is it the Syrian conflict or does it go beyond that?

James Brokenshire: It is a mixture and we are seeing an increase in asylum numbers. That is a mixture of those who may arrive here and claim asylum, those who we pick up through enforcement visits and then they claim asylum at that point, as well as others who perhaps have come to the end of their visas and claim asylum at that point.

We see a broad mix of cases, but I think it is informed by some of the ongoing migration crisis. That is why we are vigilant as to displacement from, for example, northern France, the organised immigration crime that can sit behind this of facilitating people into this country and why, for example, I will be having further discussions with the Dutch and the Belgians on how the position may evolve and being very vigilant against displacement away from France to other ports in northern Europe.

Q152 Victoria Atkins: I know from my career before being here that there has been a history of cases appearing before the court and Home Office counsel just not being there. For whatever reason, they have not been instructed and then the applicant wins without having the Home Office case put against them. Has that improved?

Sarah Rapson: One of the measures that we use is the representation rate for our presenting officers being at court and that is up at 90% at the moment, so we are there to make the case.

Q153 Chair: Thank you. Time is very short so I will write to you about ETS and the progress that has been made in dealing with those that have legitimately been caught in the system and those who have obviously been acting in a fraudulent way, because time does not allow us to do it.

Ms Rapson, again we are very pleased at the way customer service has been dealt with. You promised before this Committee on numerous occasions—and I think you have appeared eight times since you became the Director—that you would improve customer service but there are still cases where there is a delay, especially in the legacy cases, in getting replies. Although the replies are coming back quicker, they do not give us the answers and people then come back to the surgeries and we have to write again. There is no question that the account management system is working but the problem is the detail contained in those letters means we have to write again. Do you understand the point I am making?

Sarah Rapson: Yes, I understand the point. We are turning around our responses to MPs' letters and also complaints, and it is 95% within 20 days. We are turning it around. We also do a lot of work to improve the quality of the letters that you and others receive. I think there is a difference depending on the nature of the case that is being asked about. If it is about a case that is a recent application then we will be turning them round in service standard. You are probably talking about cases that are very old and people have had a number of decisions over a period of time. We have done quite a lot of work to make decisions on huge volumes of those but there are still some areas where we have yet to get ahead of the game. But we have plans to do so, so I think you will continue to see improvements in dealing with some of the older cases that will then come through in our responses.

Chair: Absolutely. We like to hear things are improving. Thank you for coming in. Minister, I think we will have to schedule more time for you next time since there is so much interest in your subject. Mandie Campbell, please do not feel left out. We do regard enforcement as being one of the most important areas of Home Office work so we will come prepared next time for even more questions to you. Thank you very much.

Examination of Witness

Witness: **James Vyvyan-Robinson**, Managing Director, Clearsprings Group, gave evidence.

Q154 Chair: Mr Vyvyan-Robinson, thank you very much for coming. My apologies for keeping you waiting. We had the Minister before us and the sessions with the Immigration Minister are always much longer than we anticipated and we had a vote in the middle. But we are very grateful to you. I know that you were in South Africa and you have just returned so thank you for coming.

Can I clarify a couple of points about figures so we are clear what we are talking about? The reported value of contracts between the Home Office and yourselves is currently at £289 million over a 10-year period. That is a contract for Wales and the south-west for £119 million and a

contract for London and the south-east for £170 million. Is that correct, first of all, so we know that we are dealing with the right figures?

James Vyvyan-Robinson: Let me just check that for you.

Chair: It would be very helpful.

James Vyvyan-Robinson: In total it is about £140 million for a five-year contract. Obviously we have the opportunity, the Government have the opportunity to extend those to two years.

Chair: You need to speak up, I am afraid. We cannot quite hear you. It is on but you just need to be a little louder. The acoustics are not brilliant here.

James Vyvyan-Robinson: We have a five-year contract currently. That is worth approximately £140 million for both regions. We have two regions: one is Wales and one is London and the south-east.

Q155 Chair: Since this is a matter of public discussion and the Minister has asked us to put this directly to you because he says that you will dispute a number of these points, your current salary is £960,000 a year. Last year it was £200,470 and that is an increase of 379%. We are just trying to give you the opportunity of putting this on the record.

James Vyvyan-Robinson: I am very pleased to be here to do that. Those numbers are incorrect. The report that was in the press was looking at our 2014-15 accounts and comparing those against the previous year. In your audited accounts you have to record the highest paid director. In the previous year that was me with the number you have just mentioned.

Chair: Yes, £200,470.

James Vyvyan-Robinson: That was my basic salary, my bonus, my car, medical and so on, so my full remuneration package. In the 2014-15 accounts I was not the highest paid director, our chairman was, and so there was a comparison of apples and pears.

Q156 Chair: Is Mr Randle Slatter the chairman?

James Vyvyan-Robinson: No.

Chair: Who is the chairman?

James Vyvyan-Robinson: Graham King.

Q157 Chair: His salary was what?

James Vyvyan-Robinson: As you say, £960,000.

Q158 Chair: What is your current salary?

James Vyvyan-Robinson: My current basic salary is £146,000.

Q159 Chair: So, you have had a pay cut, have you?

James Vyvyan-Robinson: No, because that figure includes my full remuneration package.

Q160 Chair: Has that gone up or down in the last year?

James Vyvyan-Robinson: My basic salary increased by 2%. The rest of it stayed the same.

Q161 Chair: I have just received the KPI performance by region from the National Audit Office. Your company was reported less in terms of complaints than either G4S or Serco. In fact, looking at these figures you have quite a good record for the number of defects as far as housing is concerned. Is that right?

James Vyvyan-Robinson: That is correct. We have had no service credits applied to us for the duration of the contract so far, something that we are very proud of. If we have defects, we respond to them within the contractual timescales.

Q162 Chair: In terms of the various companies that make up CS Homes, the current name, I think, is Clearsprings Ready Homes; is that right? Was that previously called Clearsprings and is it owned by a holding company called Clearsprings (Management) and they are all connected?

James Vyvyan-Robinson: They are all connected. I will just clarify that for you.

Chair: Please.

James Vyvyan-Robinson: As I think some of you may be aware, Clearsprings has been managing these asylum contracts since 2000, so for 15 or 16 years. Over that time we have diversified and we now have four companies within the Clearsprings Group. They all fall within Clearsprings (Management) Limited, which is the holding company. Clearsprings Ready Homes is the company within that group that manages the asylum contracts and one other local authority housing contract.

Q163 Chair: You have been very clear and thank you for putting all that on the record in a very straightforward way. What concerns this Committee and Members of the House of Commons, including one of the local MPs, Stephen Doughty, who has raised this matter in Parliament, first of all is the issue of the wristbands that you insisted that asylum seekers wore in order to get food.

You have seen the national press. I just want to put to you a comment by one of the residents. "If we refused to wear the wristbands we were told we would be reported to the Home Office. Some staff implemented this policy in a more drastic way than others. I made a complaint about the wristband to Clearsprings but nothing was done. We had to walk from the accommodation about 10 minutes away to Lynx House to get food and sometimes when we were walking down people saw our wristbands."

You have served your country with great distinction, I understand. Do you understand how unBritish it is to put an item on a person who is supposed to be being helped by our country, which has a very proud record of asylum, identifying them as people were identified in an earlier, darker age? Do you accept that it was wrong to put wristbands on these people and do you apologise for doing so?

James Vyvyan-Robinson: Can I answer the first point, first of all, about the complaint? We have had no complaints. We initiated the wristband process for obvious reasons, to make sure that we were able to provide the food to the people who deserved it and not to those people who didn't. We have had no complaints from service users at all between May and when this press activity happened. In November we were advised or we had a discussion with the voluntary sector who

operate with us in the IA in Cardiff, who suggested we should change it. We were then looking for an alternative to bring in to replace it when the press interest happened.

Q164 Chair: How do you think the press discovered it before you did?

James Vyvyan-Robinson: I have no idea.

Q165 Chair: If you have a company that has inspectors and managers, maybe they will not complain to you because you are such a senior figure. I found that asylum seekers are very reluctant to complain because they fear what is going to happen to them, but obviously a lot of people knew about this and were concerned. That is why it got to a journalist, isn't it?

James Vyvyan-Robinson: Obviously somebody told the journalist. I am not sure who that was. We had no prior warning of that. Obviously, once we did and it became a risk and, of course, as soon as it hit the press and all eyes were on the Lynx Hotel, it then became a very high visibility issue.

Q166 Chair: We would still have asylum seekers in your houses and under your aegis with wristbands on them identifying them, had it not hit the press?

James Vyvyan-Robinson: I very much doubt it because we were looking for a longer-term solution.

Q167 Chair: But you accept that putting these wristbands on was wrong, which is the second part of my question, that it unfairly identified the asylum seekers and it was the wrong thing to do to asylum seekers?

James Vyvyan-Robinson: I would accept that there were consequences that we were unaware of.

Q168 Chair: Do you not accept that it was wrong to do so, with hindsight? Hindsight is a wonderful gift; even politicians wish we had it constantly with us. These are serious matters—

James Vyvyan-Robinson: Yes, of course.

Chair:—and people may not have told you that they have been identified in this way, but if you have people walking around with identification it is pretty awful, isn't it? You would not like the fact that you were walking around with a wristband because you happened to be someone who earned over £200,000 a year with your package. You would not like that, would you?

James Vyvyan-Robinson: I am not going to defend the wristband process. We realise now there is a better way of doing it and that is what we are implementing.

Q169 Chair: Is it a good opportunity to apologise to those you have singled out in this way?

James Vyvyan-Robinson: If we have upset anybody and we have caused any issues with people being picked out or abused or in any way harmed then, yes, I would apologise.

Q170 Chair: Thank you. There are other issues concerning overcrowding, dirty rooms, the control of premises, men entering the rooms of women without consent in your homes. They are not picked up in the key performance indicators because you have a better record than G4S and

Serco, a much better record than those two companies. Are you conscious now that these complaints are coming forward or did you know about them before?

James Vyvyan-Robinson: We have a continuous process of reviewing our properties, both types. Our dispersal accommodation, which is the normal houses that people get put into after they have been through the initial accommodation, and our initial accommodation is reviewed by ourselves but also by the local authority, by our partners in UKVI and so on. As far as Cardiff is concerned, we do have a high throughput of individuals, so there is wear and tear and we spend an awful lot of money applying whatever needs to be done to make sure those standards are maintained. It just so happens that in Cardiff we were in the process of refurbishing the building anyway. What we have done is brought forward that process to speed it up; most of it is decorative work.

Q171 Chair: Can you tell the Committee how many people who are your clients were in hotels today or yesterday?

James Vyvyan-Robinson: I can tell you exactly. As of this morning, it was 314.

Q172 Chair: Out of how many?

James Vyvyan-Robinson: In total?

Chair: Yes.

James Vyvyan-Robinson: 6,500.

Q173 Chair: 6,500, and why do you put them in hotels? Is it a lack of accommodation?

James Vyvyan-Robinson: It is a lack of initial accommodation or a lack of dispersal accommodation.

Q174 Chair: On the issue of hotels versus any other accommodation, there were complaints that those who are in hotels are in hotels that also have paying clients. Obviously, we are paying as the taxpayer for the asylum seekers.

James Vyvyan-Robinson: Yes.

Chair: There are disputes between the paying customers of the hotel and people who are there because they are asylum seekers. Are you aware of that?

James Vyvyan-Robinson: I am aware that we arrange with the hotel group or individual hotels for a particular supply of meals. It does not necessarily mean they are going to get the same meals as paying guests. For example, if someone is complaining they are not getting the à la carte menu, that may well be the case.

Q175 Chair: Due to the pressure on housing of asylum seekers, would you prefer to occupy the hotels completely rather than partially? If there are paying customers going to a hotel—and one of them is the Europa in west London—there are going to be concerns, aren't there, by the paying guests as well as by the asylum seekers? Would it not be better just to take over the whole of the accommodation?

James Vyvyan-Robinson: It would be better but obviously we would have to be prepared, and UKVI would have to be prepared, to pay for the whole hotel. Unfortunately, with the fluctuation

of volumes—and until last year and this year, we have not had a need for hotels. It has been a direct result of the uplift in volume over the last couple of summers.

Chair: Thank you. We are grateful for the apology you have just given to those who have been affected by what has happened. A lot of people have been affected and are very concerned, so thank you for that.

Q176 Mr David Winnick: Can I clarify the position over the chair of the company, Graham King; is he a fulltime chair?

James Vyvyan-Robinson: He is a fulltime chairman.

Q177 Mr David Winnick: It is not in dispute that the salary increase that the press said that you were going to receive or had received has gone to Mr Graham King?

James Vyvyan-Robinson: That is correct. He was paid £960,000 during that year. However, the reason why that happened—and this is where the tax debate question came in—was that it was the tax approach to a director's loan that he had that he paid back to the company and was taxed as income to him.

Q178 Mr David Winnick: I have noted the explanation, but at the end of it all it is £960,000 a year as chair, isn't it?

James Vyvyan-Robinson: In that particular year, yes. Obviously the previous year he was paid less than me.

Q179 Mr David Winnick: You said, if I have the figures correct, that in the current year you are receiving £146,000.

James Vyvyan-Robinson: That is my basic salary.

Q180 Mr David Winnick: Basic? What does it mean when you top it up?

James Vyvyan-Robinson: It is around £200,000, if you include my car and my medical insurance.

Mr David Winnick: If you give a figure that would be very useful.

James Vyvyan-Robinson: £200,000. I think we have covered that.

Q181 Mr David Winnick: Yes. Who founded this company, Clearsprings?

James Vyvyan-Robinson: Graham King.

Q182 Mr David Winnick: How long have you been employed?

James Vyvyan-Robinson: 10 years.

Q183 Mr David Winnick: Is that the employment that you took when you left the army?

James Vyvyan-Robinson: No.

Q184 Mr David Winnick: The Chair has rightly referred to your army service in Northern Ireland. We have details of that. When did you leave the army?

James Vyvyan-Robinson: 1989.

Q185 Mr David Winnick: 1989, and when did you become involved in Clearsprings?

James Vyvyan-Robinson: 10 years ago.

Q186 Mr David Winnick: What would you say to the accusation that particularly, it would appear, the chair of the company, Graham King and to some extent yourself, have become pretty prosperous, in his case one would say rich, as a result of asylum seekers?

James Vyvyan-Robinson: I would contest it.

Mr David Winnick: Why?

James Vyvyan-Robinson: In the case of Graham King, the actual amount of his salary that was allocated to and paid for by the contracts was £134,000. The remainder was paid by the decision of the shareholders from other funds.

Q187 Mr David Winnick: Clearsprings is not a non-profit organisation?

James Vyvyan-Robinson: No.

Mr David Winnick: It is a business?

James Vyvyan-Robinson: Absolutely.

Mr David Winnick: The whole purpose of the business, is it not, is to provide, on the basis of contracts from the Home Office, accommodation for asylum seekers?

James Vyvyan-Robinson: Correct.

Q188 Mr David Winnick: To the extent that you have had a very profitable contract, the salary that you receive on the basis of what you have told us is far higher, extremely; indeed it exceeds the salary of the Prime Minister, let alone Mr King's salary, so—

James Vyvyan-Robinson: I think the Prime Minister gets rather more fringe benefits than I do.

Mr David Winnick: Yes.

Chair: Order. We are not here to discuss the Prime Minister's benefits.

Q189 Mr David Winnick: Anyway, it is far in excess of the Prime Minister's, but I do not see why you would say that it is a false accusation that the two of you, the most senior people in the company, have become prosperous as a result of asylum seekers.

James Vyvyan-Robinson: I think the issue here is: is it a profitable contract? What my chairman has used to pay himself is entirely up to him.

Mr David Winnick: And you have both done very well out of it.

James Vyvyan-Robinson: Well, I get paid £146,000 a year. If that is considered doing well out of it, then fine.

Q190 Mr David Winnick: HMRC is apparently conducting an inquiry into the tax affairs of the company. Is that currently the position?

Chair: Sorry, order, I don't think we can deal with issues that are currently under investigation by an agency.

James Vyvyan-Robinson: There are none, just to put that one to bed.

Chair: Oh, right.

James Vyvyan-Robinson: There are no tax liabilities. We do not owe any more tax. All the tax that we were required to pay has been paid, and it was not really an investigation. It was a discussion we were having with HMRC about how we should treat the director's loan that I just referred to.

Chair: Thank you.

Q191 Mr David Winnick: The Chair has referred to the identification of asylum seekers, and you have been frank enough to say that clearly it was a mistake. Am I right, that it should not have happened? Would you accept any other criticism that has been made by a number of people about your company?

James Vyvyan-Robinson: Such as?

Mr David Winnick: There are aspects of the way that, although better than accommodation provided by others, nevertheless it is not as good as it should be.

James Vyvyan-Robinson: No, I would not take any criticism in that respect.

Chair: Would you be kind enough to let us have a synopsis of the complaints that have been made against Clearsprings? Other contractors have done the same and it will give the Committee an understanding of precisely what people have been complaining about and how they are being dealt with.

Q192 Mr David Winnick: You do accept that there have been complaints?

James Vyvyan-Robinson: Yes, there certainly have been. We have had—

Mr David Winnick: You gave the impression that you had never even heard of complaints against your company. You have been frank so far—

James Vyvyan-Robinson: Well, you said accusations.

Mr David Winnick: I do think there are accusations and, if so, it is unfortunate. All I am seeking is information.

James Vyvyan-Robinson: Yes, of course.

Q193 Chair: Mr Vyvyan-Robinson, do you have a ballpark number of complaints for us now and perhaps write to us later?

James Vyvyan-Robinson: Yes. In the last six months we have had 19 complaints.

Q194 Chair: 19, and you have 6,000 residents?

James Vyvyan-Robinson: 6,500 people.

Q195 Tim Loughton: Mr Vyvyan-Robinson, can we come back to the wristband issue?

James Vyvyan-Robinson: Yes.

Tim Loughton: That practice is now ended?

James Vyvyan-Robinson: Correct.

Tim Loughton: Soon after it was exposed in the press, effectively?

James Vyvyan-Robinson: Correct.

Q196 Tim Loughton: You said that, on advice from the Refugee Council, or whoever it was, that you were considering changing it anyway.

James Vyvyan-Robinson: Correct.

Q197 Tim Loughton: What have you replaced it with?

James Vyvyan-Robinson: We are in the process of replacing it with a card.

Tim Loughton: A smart card?

James Vyvyan-Robinson: It is not an identity card. It is a smart card that gets loaded with three meals.

Q198 Tim Loughton: I would think that is much more accurate than somebody who has a wristband who could come back with the same wristband and come back with the same wristband, so a smart card is a smarter idea all round.

James Vyvyan-Robinson: Yes, it will be hopefully better.

Q199 Tim Loughton: Why have you been able to transfer to that new system very quickly and yet you were spending some months thinking about changing an inappropriate system?

James Vyvyan-Robinson: We have not transferred to it yet. We are in the process of doing it.

Q200 Tim Loughton: My concern would be the seriousness with which you were considering the inappropriateness of having a wristband system when you have been able to, under pressure, having been exposed for an inappropriate action, now move swiftly across or are in the process of moving swiftly across to something that is perfectly straightforward and should have been done in the first place and you should have been able to do without the pressure of the newspaper article. Is that a fair—

James Vyvyan-Robinson: I understand your point but in May when we implemented the wristband process we thought it was okay. I thought it was okay; my staff thought it was okay; the people who were inspecting us thought it was okay.

Q201 Tim Loughton: Yet to most of the outside world clearly it was not okay but it did not occur to you at the time.

James Vyvyan-Robinson: The service users did not complain about it and no one did for six months.

Q202 Tim Loughton: But as we have ascertained, the ability of service users to complain because they may fear the consequences is what might have limited the number of complaints, and I think you will acknowledge that.

James Vyvyan-Robinson: Yes. What I have said is that, in retrospect, it has generated some unforeseen consequences that we did not consider at the beginning. We are happy to change it and we have changed it. We are implementing a new process. It is fair to say that we don't operate the Cardiff or our London initial accommodation in isolation. We have visits from the Migration Partnership, the police, health, education, a variety of agencies and stakeholders, and we take advice from these people and work with them.

Q203 Tim Loughton: Without wanting to trawl all over the figures that Mr Winnick has already raised and to which you have given very accurate answers, the newspaper article claimed that Clearsprings Ready Homes, which is the division that is dealing with the activity we are talking about, had a gross profit of—and I presume it is in the year of 2013-14, if not the subsequent year. I don't know when your year ended.

James Vyvyan-Robinson: 2014-15.

Tim Loughton: Of 2014-15, okay. It was £2.95 million on a turnover of £28.7 million; is that right?

James Vyvyan-Robinson: No, it is not right.

Tim Loughton: Do you want to put us right on that one?

James Vyvyan-Robinson: I can tell you exactly what—Ready Homes profit for the tax year 2014-15 was £741,000, if I can just round it up.

Q204 Tim Loughton: Is that a gross profit or a net profit?

James Vyvyan-Robinson: That was a net profit; these are before tax.

Q205 Tim Loughton: What was the gross profit?

James Vyvyan-Robinson: I don't have that figure with me.

Tim Loughton: On a turnover of—

James Vyvyan-Robinson: £28.7 million, 2.6%.

Tim Loughton: So the figure I gave you was the gross profit, so it could be close to that gross profit, can you just—

James Vyvyan-Robinson: It could be, but gross profit obviously is not real profit.

Tim Loughton: Exactly my point. The point I am trying to ascertain is that this is still a profitable contract for you.

James Vyvyan-Robinson: It is profitable to the tune of 2.6%, so, yes, it is.

Q206 Tim Loughton: What margins would you anticipate getting on net profitability when you took on the contract and have those margins been declining or increasing?

James Vyvyan-Robinson: Declining.

Q207 Tim Loughton: How did you start the contract? What sort of margins and what margins did you pitch? Presumably, you had to give some financial figures when you pitched for those contracts in the first place.

James Vyvyan-Robinson: Yes, it fluctuates. Obviously we are talking about accounts 2014-15. Very shortly we will be publishing our latest accounts. For a Government contract like this, one would hope to generate between 3% and 5%.

Tim Loughton: Have you ever generated that?

James Vyvyan-Robinson: No.

Q208 Tim Loughton: Are you taking measures to try to get back to those margins that you thought you were going to be able to enjoy?

James Vyvyan-Robinson: It is extremely difficult when the vast majority of your costs are based on accommodation, for example, rent and things associated with property.

Q209 Tim Loughton: Which is all rent. You don't own any of this; it is not your own estate?

James Vyvyan-Robinson: We own a small amount but the vast majority is private sector.

Tim Loughton: You are entirely subject to the charges in the private sector and the availability of it and—

James Vyvyan-Robinson: Rental market, absolutely. As everybody knows, the rental market at the moment is going sky high.

Q210 Tim Loughton: Yes. That is very helpful, just to try to put that into perspective. You boast about your CSR record on your website and you say you have an achievement of 71% through the official Home Office CSR assessment tool, and I am not entirely sure how that works. Yet when I search on your website for what your CSR involves, I can't find any information, including on the page marked CSR. What is your CSR of which you are so proud?

James Vyvyan-Robinson: I would be very happy to send you the details and we have an extensive CSR policy linked to the behaviour of our people, what our people do, how we behave, how we communicate, how we treat our resources and so on.

Q211 Tim Loughton: What proportion of your turnover is accounted for by your CSR policy at 71%, would you say as an estimate?

James Vyvyan-Robinson: It is more than 71%; now I would say 85%.

Tim Loughton: What proportion, because you are spending more money or it is because everybody is going green or whatever?

James Vyvyan-Robinson: A large proportion is going green, yes.

Q212 Chair: I assume they were red wristbands, or what colour were they?

James Vyvyan-Robinson: They varied.

Q213 Chair: You said to Mr Loughton that the people inspecting you knew that you had instituted this system and said nothing. Was that the Home Office?

James Vyvyan-Robinson: Yes.

Chair: Home Office inspectors knew you were instituting this process?

James Vyvyan-Robinson: We instituted it and then we told them that we had instituted it.

Q214 Chair: Did anyone say to you that this was wrong or it was inappropriate or it will cause problems or it was discriminatory?

James Vyvyan-Robinson: No. As I said, for the first six months up until November—more than six months—there were no complaints issues raised.

Chair: From the Home Office, I am talking about the Home Office here.

James Vyvyan-Robinson: Just to be clear, the Home Office inspects us on a weekly, if not more, basis.

Q215 Chair: You have Home Office inspectors coming to your homes on a weekly basis?

James Vyvyan-Robinson: Sorry, I am talking about the Cardiff IA here. Yes, the Home Office visits us on a regular basis. If you are talking about a full inspection, then clearly that is more infrequent.

Q216 Chair: A visit on a regular basis is a Home Office official coming to look at the homes?

James Vyvyan-Robinson: Into the IA, yes.

Q217 Chair: They made no objection to these bands being put on.

James Vyvyan-Robinson: No.

Q218 Mr Chuka Umunna: I am absolutely flabbergasted, Mr Vyvyan-Robinson, about this wristband issue. I cannot, for the life of me, understand how anyone of the company, never mind your inspectors, could have not just hesitated before introducing a policy of making people wear wristbands like this. It very much has the whiff of treating people, not as if they are human beings but as if they are things, a number to be managed. How could you not have known that this would have been totally inappropriate? I don't understand it.

James Vyvyan-Robinson: I am not defending it.

Mr Chuka Umunna: I know you are not defending it. I want to understand how you could not have seen that it was a problem in the first place. It seems to me you have come to this Committee today and shrugged your shoulders and said, "Yes, we got it wrong, let's move on", but I can't understand how you could have made this mistake in the first place. What worries me about it is if that is the mentality in your company, what is your general approach to the people you are supposed to be looking after here?

James Vyvyan-Robinson: If we had thought the wristbands would cause the furore that they had done, I am sure that we would not have implemented it.

Q219 Mr Chuka Umunna: My point is, you should never have implemented it in the first place. It does not matter about media furore about it; how could you not have seen that this is wrong?

James Vyvyan-Robinson: Sorry, do you want me to answer that?

Mr Chuka Umunna: It is a question.

James Vyvyan-Robinson: Sorry, I thought it was rhetorical. Wristbands are a widely used way of monitoring people's food on holidays and so on, where lots of people wear wristbands.

Mr Chuka Umunna: With respect, these people were not on holiday.

James Vyvyan-Robinson: Correct, but they are eating food and it was a way of monitoring their food.

Q220 Mr Chuka Umunna: That is utterly appalling. Let me come to my second question. You have admitted that there were problems with the wristband and generally there have been issues with regard to delivery on your obligations. I understand that you have plans now to expand your facilities in Cardiff to relieve the overcrowding; is that right? Am I right in that?

James Vyvyan-Robinson: We are always looking to expand our facilities in Cardiff, yes.

Q221 Mr Chuka Umunna: Are you doing that because of the row and the public pressure or are you doing that because you would have done it in any event?

James Vyvyan-Robinson: We are doing it because we would have done it in any event to reduce our reliance on hotels.

Q222 Mr Chuka Umunna: This takes me to the central point I want to take up with you. The Chair very usefully asked you questions about the profit margin here. We realise that you have been subject to a fair degree of focus by *The Daily Mail* and other papers but to the outside world this entire thing looks like a bit of a racket and you have been accused of profiteering. We have had other people giving evidence to us in relation to the provision of accommodation in the north-east, but it looks like profiteering at the expense of the Exchequer and profiteering from people who are desperate and fleeing a perilous situation. Given the profit margins are, in some respects, quite small, my question to you is: when these contracts come up to be bid for and you tender for these things, given that you are seemingly struggling somewhat and not necessarily getting a large margin, can one have proper competition for these contracts without people, in the end, putting in a better bid than you on cost but in so doing ultimately ending up in a situation where they are providing a very poor service because they are having to cut corners and cut costs? The nub of the issue is: do you think we are getting a good deal from contracting out in this way in this area, where you are saying you are not making much money and yet not giving the best service? Is the market working?

James Vyvyan-Robinson: I don't think I have said that we don't give the best service. We give a compliant service.

Mr Chuka Umunna: Yes, but we have seen all the processes and other companies—

James Vyvyan-Robinson: We give a service that is contractually required of us to deliver. We do that and I am proud to say that we have not failed that and we have not been penalised for not doing it. We are able to do that and make a very slim profit. We have been through numerous iterations of these contracts on numerous occasions now because we have been in this business

for 15 years. On every occasion, as is the norm, every generation of contract, margins are squeezed. In the previous contract our prices were cut by up to 30%.

Q223 Mr Chuka Umunna: But doesn't that mean that in the end, as these margins continue to get squeezed, in order to win the contract you have to sail quite close to the wind in delivering what we need, what society needs and what you need and being accountable to your shareholders and having to deliver a profit? Is it not the case that the two are so close to each other—

James Vyvyan-Robinson: There is a commercial challenge but the major driver on these contracts is the price of accommodation, and I am talking about rental costs. Rent and the cost of the property itself, utilities, other taxes and so on is 60% to 70% of our cost base. If we are reliant on rented property and the rental market increases, then it is going to make it extremely difficult to stick with the prices that we currently offer.

Mr Chuka Umunna: Thank you very much.

Q224 Stuart C. McDonald: Mr Vyvyan-Robinson, in terms of the wristbands, you say there were no complaints from service users and it was not picked up by inspectors either.

James Vyvyan-Robinson: No one made any comments to me about the wristbands until the voluntary sector raised it in November.

Q225 Stuart C. McDonald: Okay. On the other issue about overcrowding that resulted in beds being removed from Lynx House and a complaint from the fire service, as I understand it, had any of the service users at Lynx House complained about the overcrowding?

James Vyvyan-Robinson: Not that I am aware of.

Stuart C. McDonald: Could you check that for us?

James Vyvyan-Robinson: Yes.

Stuart C. McDonald: Not today, but write to us.

James Vyvyan-Robinson: Yes. Can I just say that we use this word "overcrowding", which sounds like it is illegal. At no point did we put an illegal number of people in a room.

Q226 Stuart C. McDonald: It was 11 people in one room that I think the fire service made a complaint to the local authority about. Is that correct?

James Vyvyan-Robinson: That was correct.

Q227 Stuart C. McDonald: Was that picked up in inspection? Had the Home Office inspectors picked up on the problems with overcrowding?

James Vyvyan-Robinson: No.

Q228 Stuart C. McDonald: No, okay. You have referred to 19 complaints out of 6,500 residents and so on, and this sounds very similar to what happened in Middlesbrough as well. Either you have hit upon producing a service that is a miracle and should be rolled out across the country or there might be something wrong with the complaints procedure. What is the complaints procedure for people using the accommodation?

James Vyvyan-Robinson: There are a number of ways that people can complain. Obviously all of them are written or verbal or through the voluntary sector, because you are quite right, sometimes individuals don't want to complain to the people that are looking after them. We encourage the voluntary sector and other agencies to take complaints for us. They are then logged and fed back to us so we can respond to them.

Q229 Stuart C. McDonald: Do you meet regularly with the voluntary organisations?

James Vyvyan-Robinson: Yes, we do.

Q230 Stuart C. McDonald: Which voluntary organisations do you meet with most often?

James Vyvyan-Robinson: The Red Cross, WRC, Welsh Refugee Council, a plethora of voluntary organisations that help us.

Q231 Stuart C. McDonald: You have referred to the tight margins that you are operating under thanks to rising property costs. Have these declining margins impacted upon decisions that you have made in terms of maybe investing in property or investing in equipment?

James Vyvyan-Robinson: No. To be honest with you, the contract is very tight in terms of what we have to deliver so it would be very difficult to do that and we certainly would not want to do that. It is a constant challenge.

Q232 Stuart C. McDonald: Finally, you referred earlier to pay arrangements and several bonuses that you received. Are any of your bonuses or the bonuses paid to your staff linked to performance under the contract?

James Vyvyan-Robinson: Yes.

Q233 Stuart C. McDonald: How is that done? Is it KPIs?

James Vyvyan-Robinson: Everybody has a set of KPIs and those who receive bonuses—not everybody does—are marked against those KPIs. If they achieve their KPIs and if they are eligible, then they will receive a bonus.

Q234 Stuart C. McDonald: Do those KPIs come from the Home Office contract directly?

James Vyvyan-Robinson: Most of them are linked to the SOR, the statement of requirements, or to other operational factors.

Stuart C. McDonald: Thank you very much.

Q235 Chair: In respect of what you have said about the dispersal of asylum seekers, what relationship do you have with the local authorities in the areas where you carry out these contracts? They presumably are critical to the success of getting people rehoused.

James Vyvyan-Robinson: Absolutely. We have very good and mature relationships. Obviously we have been operating in most of these areas for 15 years so we know the individuals and the areas extremely well.

Q236 Chair: Would you support more local authorities being involved? We have heard from the Minister that there were 200 that have signed up. You would not object to even more of them joining the schemes, would you?

James Vyvyan-Robinson: I would be hugely grateful if more of them would.

Q237 Chair: Mr Vyvyan-Robinson, you have come at very short notice to this Committee—we are grateful for that—and you have made an apology to those who have been affected by this, but I am unconvinced by the view that yourself, the management and the Home Office went along with this process without alarm bells having been rung. I wonder whether the way in which you manage your company, the types of people you have there and the backgrounds of these people need to be looked at. For example, as far as diversity is concerned, do you have any women or ethnic minorities on your board?

James Vyvyan-Robinson: No.

Q238 Chair: Do you have any women or ethnic minorities sitting in senior management in your company?

James Vyvyan-Robinson: We have women. We have no ethnic minorities currently in Ready Homes. We do in other companies within the group.

Q239 Chair: Do you think this is something that you need to look at, bearing in mind the fact that all 6,000 of your clients are from ethnic minority communities, I assume? It might be better to make your organisation more responsive and understand more clearly their concerns.

James Vyvyan-Robinson: To put any concerns at rest, we have an equal opportunities policy just like most companies have. A good proportion of our employees at the grassroots level, our local managers and housing managers, come from an ethnic background. Many are service users who have been given leave to remain and joined the business. We have a good mix of people operating across the company. I feel confident that we have. In terms of female local managers, we have about 40%.

Q240 Chair: At the end of the day, members of this Committee and I feel that treating asylum seekers in this way, putting bands on them and identifying them publicly, was shameful and you are absolutely right to bring that practice to an end. What worries us is that the Home Office was aware of this when it happened and that your company would have continued to do this other than the fact that the press have now become involved.

Although you have come here in good faith and we are grateful, and you have answered all our questions in an open and transparent way, we are very disturbed by what we have heard. We hope that you look at all your other practices again to make sure that they do not discriminate in the shameful way that these bands discriminated against asylum seekers, who are extremely vulnerable in a new country and who have come to our country in order to escape persecution. There is an added responsibility on people like you, in receipt of a lot of Government funding, to make sure that they are cared for.

James Vyvyan-Robinson: Can I give you and the Committee my reassurance, as the person in charge of the company, that we will absolutely do that? I feel that we have. This has been an example where perhaps things happened that we were not expecting and I regret that, but over

the last 15 years we have always put the care of our service users right at the very front of what we do. We take the care of those individuals extremely seriously.

Q241 Chair: In answer to Mr Umunna, you suggested that wearing a wristband is something that people do when they go on holiday. It is just not the same as wearing a wristband in order to get food to eat. It is not the same as going on holiday.

James Vyvyan-Robinson: I accept that. Maybe that was the initial thought process behind it. We have changed it. We have got rid of it and we will be applying something that does not have that.

Q242 Chair: Mr McDonald has written to me and suggested this Committee look at the COMPASS contract in more detail later this year. It may well be the case that we will ask you to come back to discuss these matters further and we will continue to monitor the situation.

James Vyvyan-Robinson: I am more than happy to do that.

Chair: Thank you very much for coming today.